

# MEETING SUMMARY

## WESTERN OREGON STATE FORESTS HCP STEERING COMMITTEE MEETING

Tuesday, March 29, 2021, 9:00 am – 11:00 am

*By Webinar and Teleconference Only*

### PARTICIPANTS

**Steering Committee:** Paul Henson (USFWS), Kim Kratz (NOAA Fisheries), Kate Wells (NOAA Fisheries), Leah Feldon (DEQ), Kevin Blakely (ODFW), Bill Ryan (DSL), Dan Edge (OSU), Mike Wilson (ODF), Kate Skinner (ODF)

**Technical Consultants:** Melissa Klungle, David Zippin, and Jordan Mayor (ICF)

**Guests:** Deb Bartley and Lydia Dadd (ICF), Sarah Reich and Shivangi Jain (ECONorthwest)

**Facilitation Team:** Sylvia Ciborowski and Ellen Palmquist (Kearns & West), Cindy Kolomechuk (ODF)

### WELCOME AND AGENDA REVIEW

Sylvia Ciborowski, Kearns & West, reviewed the agenda which included: 1) Welcome and Agenda Review, 2) Agency Updates and Stakeholder Engagement, 3) Habitat Conservation Plan (HCP) Scoping Team (ST) Update, 4) National Environmental Policy Act (NEPA) Process Update, 5) Draft Environmental Impact Statement (DEIS) Presentation, 6) May 10 Special Board of Forestry Meeting, 7) Update on the Forest Management Plan (FMP) Process, 7) Steering Committee (SC) Direction to ST, and 8) Approach Going Forward, Next Steps, and Summary.

Kate Skinner, ODF, thanked the SC for their work getting the Public Draft HCP ready for release and thanked the Services for their work getting the DEIS released. Kate let everyone know that she will be stepping back as Interim State Forest Division Chief in the next month.

### AGENCY UPDATES AND STAKEHOLDER ENGAGEMENT

SC members provided the following updates relevant to the Western Oregon HCP process:

- **ODF:** Thanked Paul Henson for bringing awareness to the HCP and other efforts in Oregon. ODF has seen an uptick in media interest for the HCP with articles from Oregon Public Broadcasting and the Oregon Chronicle and press release that the Center of Biological Diversity released.
- **USFWS:** 1) USFWS received a request for an extension from [OFIC](#) of the public comment period. 2) The new agency Director and the Deputy State of Interior went out

in the field with Paul Henson and reviewed the three HCP efforts. The group stopped to look at different levels of timber management. This project is on the national radar and USFWS represented it as an Oregon trifecta. As the project moves through Department of Interior there may be some briefings that need to occur and USFWS may reach out to ODF for these discussions. They are excited about the three projects and especially ODF's Western Oregon HCP.

- **NOAA Fisheries:** NOAA Fisheries is aware of the request for an extension of the comment period and will meet internally to discuss this.
- **DEQ:** DEQ is working on an agency request budget and will have more of an update to share at future meetings.
- **DSL:** 1) DSL is having conversations about whether the agency should be a co-permittee on the HCP and has a meeting with ODF to resolve this, do not anticipate this causing schedule issues. 2) The Elliott State Research Forest was authorized and is moving forward. The project also received money to decouple it from the common school fund. DEQ is continuing work on the Forest Management Plan that is tightly linked to the research work and is looking at various sources of funding for staff and equipment for the research forest. The NEPA process will start soon.
- **ODFW:** 1) ODFW is trying to get engaged and up to date with what came out of the Private Forest Accord. 2) ODFW starts the external advisory budget process on Thursday 3/31. 3) The annual wolf report goes to the Commission in April. ODFW has not seen a final number, but it looks like Oregon will not see an increase; the population will stay steady.
- **OSU:** No updates.
- **ICF:** No updates.

***Sylvia Ciborowski shared an update on public and stakeholder engagement:***

- The Public Meeting for the DEIS and HCP is scheduled for April 6
- The FTLAC Meeting on April 29 will include a presentation on the DEIS and the HCP to members for input
- ODF is holding a Special Board of Forestry Meeting May 10 for ICF to present the DEIS outcomes

## **HCP SCOPING TEAM UPDATE**

Cindy Kolomechuk, ODF, shared that the Public Draft HCP was released in March. Feedback from the ST will be used to continue to refine the HCP. This includes clarifications to the conservation strategies, alignment on implementation, and process pieces including how ODF will engage with the Services on adaptive management and what land transference could look like in the future. Cindy shared that ODF has tracked major changes in the Key Changes document.

### Key Changes Document

Melissa Klungle, ICF, shared the Key Changes document with the SC and noted that the document was last shared in September 2021. Updates include changes that came out of feedback on operations and conversations with the ST.

Melissa shared that ODF is having ongoing conversations with NOAA Fisheries and USFWS to identify areas of the HCP where clarity can be added. In upcoming ST meetings, ODF will spend time talking about items that resulted from these reviews including updates to the forest matrix language, equipment restriction zones, fish passage design, and adaptive management. While the HCP is out for public review, ODF will continue working with the ST to clarify language.

## **DISCUSSION**

**Question:** Are the management activities for pace and scale related to timber management?

- **Melissa Klungle:** ODF has less control over when harvest occurs once the acres are sold to a contractor. Changing to the measurement of pace and scale in the HCP to be based on acres sold provide ODF with a metric they can more easily control.

## **NEPA PROCESS UPDATE**

Kate Wells, NOAA Fisheries, shared that the Federal Register Notice announcing the availability of the HCP and DEIS for public comment was released in March. NOAA Fisheries will hold a public meeting and provide a presentation on the HCP and the DEIS. Individuals may register ahead of time to provide comment and will be provided with three minutes of speaking time. Kate noted that NOAA Fisheries intended to issue a joint Federal Notice with USFWS, but this was not possible due to review processes within each organization. NOAA Fisheries published their Notice and USFWS anticipates publishing their Notice shortly. Ideally, the USFWS comment period will be covered within NOAA Fisheries' comment period for the DEIS. Kate noted that the statutory timeline for public comment is 45 days and NOAA Fisheries has provided for a 60-day comment period which is longer than what is required.

Kate shared that under the new NEPA regulations, the timeline to develop an EIS is two years. The timeline began when the Notice of Intent (NOI) was published on March 8, 2021. The Record of Decision (ROD) must be signed by March 8, 2023. Kate noted that not meeting the timeline is not an option; NOAA Fisheries does not issue extensions for an HCP EIS.

ODF added on to the NEPA update, noting that ODF supports any decision NOAA Fisheries makes regarding extension of public comment period. ODF has an internal timeline and is aiming to bring a highlight of public comments on the DEIS to the Board of Forestry (BOF) in September. The Final EIS will be published in January and the ROD will be signed in February. This provides the team very little timeline flexibility.

ODF is holding a Forest Trust Lands Advisory Committee (FTLAC) meeting April 29. The meeting will include a customized presentation on the DEIS. The FTLAC will have an additional opportunity to engage at the May 10 Board of Forestry meeting.

## **DISCUSSION**

- **Question:** Does a request for public comment extension need to go through regulations.gov or can it be sent directly to the Services via email?
- **NOAA Fisheries:** Because it is not a substantive comment on the analysis itself it may not need to be logged into regulations.gov. NOAA Fisheries will look into this and confirm.

**Comment:** Recommend making the BOF aware of time constraints and the situation.

- **Mike Wilson:** The BOF could issue a statement at the May 10 meeting noting the importance of continuing along the timeline.

## DEIS PRESENTATION

Sylvia Ciborowski introduced Deb Bartley, ICF, and noted that a suggestion to create a frequently asked questions document (FAQ) about the DEIS was raised in a prior meeting. The SC meeting is a good opportunity to consider what could be part of the FAQ.

Deb shared the DEIS presentation and noted that the full presentation will include introductory slides, an overview of the HCP, and an overview of the DEIS. Sarah Reich from ECONorthwest will share the economic slides during the public meeting.

## Discussion

**Question:** In what ways is the 50-year permit term alternative different from the 70-year permit term in the proposed alternative?

- **Deb Bartley:** The effects of the alternative would be the same as the proposed action, but the check-in point would occur sooner. There are three options after the 50-year permit term ends: 1) return to take avoidance (No Action), 2) extend the HCP, and 3) a new HCP or other unknown mechanism is put into play.

**Comment:** Question about what model runs were done for the various alternatives. It would be helpful to point out any unique model runs in the presentation. Want to confirm that multiple model runs were not completed to identify multiple timber management solutions.

- **Deb Bartley:** The forest model was run for alternatives 3 and 5.

**Comment:** The presentation has improved and was responsive to prior comments.

**Question:** Has ODF heard from tribes or other interests related to non-timber forest resource issues or forest management?

- **Cindy Kolomechuk:** ODF has heard expressions from the BOF about not adequately evaluating the ecosystem services. This is something that ODF tried to improve on in the comparative analysis. ODF will complete additional modeling after the FMP is complete that looks at outcomes from the FMP and HCP as the plans are implemented together. ODF is having conversations with EcoTrust because they have experience with this type of modeling.

SC members recommended including the following information in the DEIS presentation or potential FAQ document:

- Why is the agency not considering an alternative that maximizes conservation?
  - The agency is not legally required to find an alternative that maximizes conservation. ODF is looking for a solution that addresses competing needs for the lands including economic, recreation, and conservation interests.
  - The preferred alternative helps ODF meet the business needs of the agency and balances multiple interests.
  - The HCP considers species recovery, economics, climate change, and puts ODF in a better adaptive position moving forward in addition to balancing interests.
  - It's up to the applicant to develop their HCP. In this case, USFWS and NOAA Fisheries engaged in an iterative way to help develop the HCP. This assistance helps make sure things are compatible with long-term conservation goals for the species. The applicant then figures out how to make it work. ODF had enough flexibility to meet species needs and economic goals.
- Why is the agency not considering an alternative that maximizes timber harvest?
  - The answer is the same as above, just flipped.
- What are the tradeoffs between one approach and another?
  - ODF still concluded that this approach represents the goals of the ESA and the state in the management of these lands.
- This is about the species and the habitat. DEQ has worked hard with ODF to try and help make the HCP something that will also help ODF to comply with environmental regulations on these lands. Having an HCP doesn't remove other important safeguards that exist for the protection of habitat and waters; there are other protections and laws that will need to be followed.

## **MAY 10 SPECIAL BOF MEETING**

Mike Wilson, ODF, shared the agenda for the May 10 Special BOF Meeting. The meeting will include a DEIS presentation to the BOF, and opportunity for the BOF to ask the Services and NEPA Team questions about the DEIS, and a facilitated conversation between the BOF and FTLAC. ODF is working to send questions to FTLAC ahead of time to facilitate productive dialogue during the FTLAC and BOF discussion. Kearns & West is facilitating the conversation.

### **Discussion**

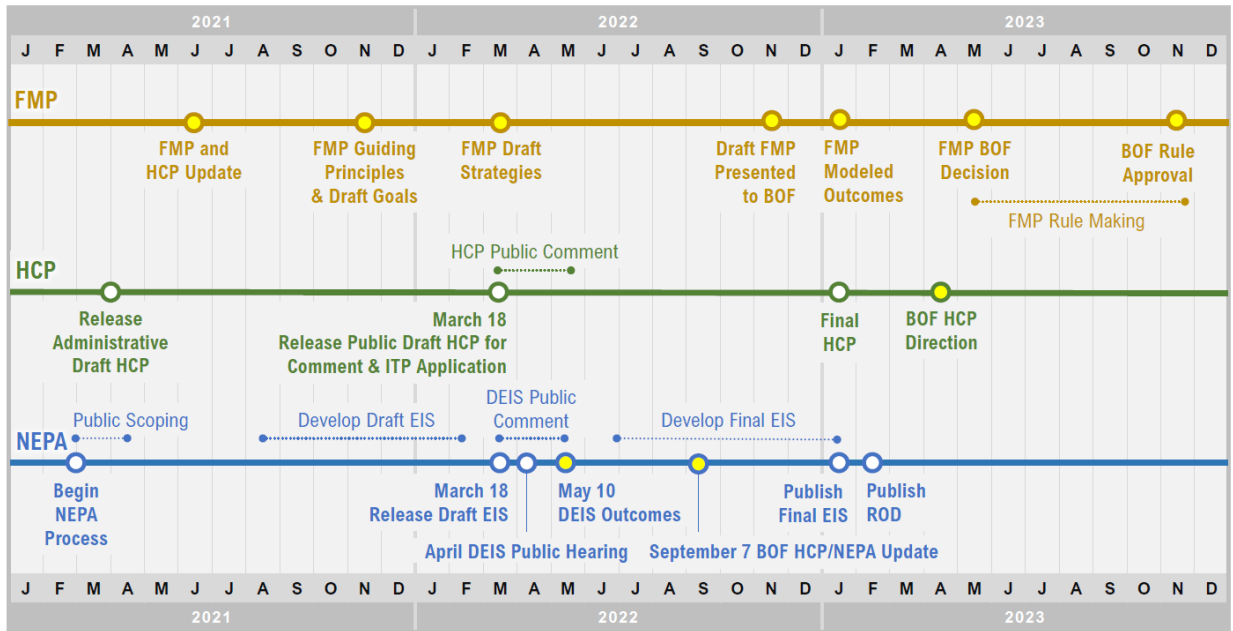
**Question:** Will this be a remote or in-person meeting? Will it be open to the public?

- **ODF:** The meeting will be in-person. There will be no live public comment period, but written comment will be accepted. ODF anticipates that any public meeting held after

May 1st will be open to the public, subject to statewide guidance. Safety measures will be put in place as needed.

## UPDATE ON THE FMP PROCESS

Working FMP – HCP – NEPA Timeline



Mike Wilson provided an update on the FMP and shared the project timeline. Mike thanked the Services for their support with the goals and strategies. ODF is working on the management approach, adaptive management, asset management guidelines, and implementation guidelines. These items will be shared with the State Partners for review. ODF is also working with Klaus Puttman to help characterize the forest and determine an adaptive capacity framework.

### STEERING COMMITTEE DIRECTION TO SCOPING TEAM

Sylvia Ciborowski asked the SC if there was any direction for the ST. The SC did not provide any specific direction.

### APPROACH GOING FORWARD, NEXT STEPS, AND SUMMARY

Sylvia Ciborowski reviewed upcoming meetings:

- Tuesday, April 5 9-11am – HCP Scoping Team Meeting
- Tuesday, May 3 9-11am – HCP Scoping Team Meeting
- Tuesday, May 24 9-11am – HCP Steering Committee Meeting

Sylvia encouraged SC members to work with ST counterparts offline and thanked everyone for attending.