

# MEETING SUMMARY

## WESTERN OREGON STATE FORESTS HCP STEERING COMMITTEE MEETING

Tuesday, April 25, 2023, 12:00 pm – 2:00 pm

*By Webinar and Teleconference Only*

### PARTICIPANTS

**Steering Committee:** Mike Wilson (ODF), Ron Zilli (ODF), Craig Rowland (USFWS), Kessina Lee (USFWS), Joe Zisa (USFWS), Kim Kratz (NOAA Fisheries), Kate Wells (NOAA Fisheries), Bernadette Graham Hudson (ODFW), Bill Ryan (DSL)

**Technical Consultants:** Jordan Mayor (ICF)

**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 Updates, 3) Small Group Meeting Report Out, 4) Habitat Conservation Plan (HCP) Scoping Team (ST) Report Out, 5) Steering Committee (SC) Direction to ST, and 6) Approach Going Forward, Next Steps, and Summary.

Mike Wilson, ODF, welcomed SC members and opened the meeting.

### AGENCY UPDATES AND STAKEHOLDER ENGAGEMENT

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

- **USFWS:** No updates.
- **NOAA Fisheries:** NOAA Fisheries hired Jennifer Quan as the new Regional Administrator for the West Coast Region.
- **DSL:** DSL is in the process of revising the schedule for the delivery of the Elliott HCP and FMP. SB161 is going through a hearing in the house to change the deadline from July to December 2023. DSL is also in the process of addressing marbled murrelet conservation measures in the Elliott HCP and is considering what these changes mean for aquatics.
- **ODFW:** The Oregon Fish and Wildlife Commission reviewed and approved ten state agency plans for the marbled murrelet. This is the first time this has been done under the

state Endangered Species Act. ODFW looks forward to coordinating with state agencies around marbled murrelet work moving forward.

- **ODF:** 1) ODF shared appreciation for ODFW's support with the marbled murrelet plans. 2) The revised implementation plans (IPs) were approved by the State Forester and posted to ODF's website. 2) ODF is working on modeling for the HCP under the new FMP. The new modeling will help the Board of Forestry (BOF) better understand harvest under the HCP. The Services are also waiting on modeling data to see what types of adjustments may be needed for the Environmental Impact Statement (EIS) and Biological Opinions (BiOps), if any. Initial information for the Services is anticipated for June and additional modeling will be available later in the summer. Modeling results will be presented to the BOF in November, tentatively. 3) The Governor's Office received a letter from the Republican Caucus and the Coastal Caucus. The Governor recognized their concerns and provided support for continuing with the HCP. The Governor also shared interest in finding financial solutions for the counties and ODF. 4) April is the 5-year anniversary of the Western Oregon HCP. ODF thanked the SC for their commitment to the process.
  - **Question:** What modeling scenarios is ODF going to run?
    - **Mike Wilson:** ODF is conducting model runs for the production area (the area outside of conservation areas). ODF will run maximum even flow volume scenarios and a net present value departure scenario similar to the modeling done for the HCP. Additional scenarios will likely focus on carbon.
  - **Question:** What are the potential impacts of BOF decisions on the FMP and HCP at their future meeting?
    - **Mike Wilson:** The HCP provides the sideboards for the BOF decisions. As modeling results come out, the BOF will have a better understanding of the maximum amount of timber that can be expected under the HCP. If the BOF does not think that the modeled outcomes meet expectations, they may provide direction to complete additional work on the HCP. It is not clear yet whether BOF decisions would impact or require changes to the Final EIS or BiOps.

## **SMALL GROUP MEETING REPORT OUT**

Cindy Kolomechuk, ODF, shared that a meeting was held in March with ODF, the Services, and their solicitors. The purpose of the meeting was to understand concerns around specific HCP topics and to seek alignment or a path forward. Topics included:

- Coverage of new activities – The group discussed the process for modifying covered activities and adding new activities. If during HCP implementation ODF wishes to modify the way activities are implemented or to seek coverage of a new activity under the HCP, a proposal would go to the Services for consideration and they would determine if any changes to the HCP or Incidental Take Permits (ITPs) are needed. No language changes were made, and the group reached alignment on this topic.

- Dispute resolution process – A sentence in section 8.8 was removed and the group reached alignment on this topic.
- Monitoring and reporting and triggers for adaptive management – ODF met individually with the Services over the past month to discuss issues related to monitoring and reporting. The full group will meet in the coming months to further discuss monitoring, reporting, and adaptive management. Any language changes will be shared with the ST.
- Land acquisition and permit amendments – The HCP includes a larger plan area and a smaller permit area. Over time, ODF may acquire or trade land. After discussion with the solicitors, it's clear that changes to the permit area may require initiation of the NEPA process. Depending on the scope and scale of the change, this may include anything from a categorical exclusion in NEPA to a supplemental environmental analysis. The solicitors are continuing to work on developing process language around the scale of change that might trigger different NEPA processes. ODF will share the results of these conversations at the next ST meeting.
- Reciprocal right-of-way agreements – ODF has reciprocal right-of-way agreements with BLM. The solicitors are reviewing the agreements and identifying which are nondiscretionary.

## Discussion

**Question:** Is ODF planning for specific land exchanges?

- **Ron Zilli:** ODF does not have any land exchanges in process or to be executed soon. The HCP language serves as a placeholder for potential future exchanges over the 70-year permit term.

**Question:** Would ODF be bound by the design criteria for the BLM right-of-way agreements?

- **Cindy Kolomechuk:** The solicitors are looking at the agreements to understand any potential impacts to the HCP. They are interested in whether the permits are discretionary or non-discretionary.

**Comment:** Interest in hearing the outcomes of the land acquisition and permit amendments topic, and reciprocal right-of-way agreements topic.

## HCP ST REPORT OUT

Jordan Mayor, ICF, shared that ODF is continuing to make changes to the HCP for clarity and consistency. Topics that will be covered with the ST include:

- Downed wood – ODF is continuing to work with USFWS on downed wood reporting.
- Wet weather hauling – ODF is continuing to work with NOAA Fisheries on language for reporting on wet weather hauling events. ODF is working on the process to be more consistent with tracking and reporting for wet weather events.

- Minor edits to harvest-related language – Jordan shared that minor edits were made to harvest related language. ODF reached alignment on these topics during small group meetings with the Services.
  - In Chapter 3, the Services agreed to remove table 3.2.1 showing historic harvest. The table was useful for context when developing the HCP but is not necessary for the Final HCP.
  - Minor updates were made to Chapter 5 Effects Analysis related to watershed harvesting, including the addition of the word “potential”.
  - In Chapter 6, ODF clarified that activities would be reported out for timber harvest.

Cindy Kolomechuk shared that ODF send out a red lined version of the HCP to the Services to see tracked changes over time. The draft HCP will not be shared with others in accordance with the Administrative Procedures Act. The Final HCP will be released with the Final EIS and Record of Decision (ROD).

## **STEERING COMMITTEE DIRECTION TO SCOPING TEAM**

Sylvia Ciborowski noted that if there’s anything you’re hearing from the ST counterparts to share during SC meetings. Sylvia Ciborowski asked the SC if they had any direction for the ST. The SC did not provide any direction.

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

Sylvia Ciborowski shared that the next SC meeting is Tuesday, June 27.

Mike Wilson thanked everyone for their participation and commitment to the process.