

STAFF REPORT

Agenda Item No.:	1
Work Plan:	State Forests
Topic:	State Forests Management
Presentation Title:	State Forests Management Planning
Date of Presentation:	February 15, 2023
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CONTEXT

The Draft Habitat Conservation Plan (HCP) is a continuation of work at the direction of the Board of Forestry (Board) to pursue programmatic solutions to Endangered Species Act (ESA) compliance and stability of harvest levels over a long-term planning horizon. The State Forests Division (Division) has had a Strategic Initiative for improvements to ESA compliance beginning in 2015, and the work to develop an HCP began in earnest with the application of a grant to support development of the HCP in March 2017. The Board directed the Division to move forward with the HCP project in November 2017.

In October 2020, the Board directed the Division to complete the National Environmental Policy Act (NEPA) process for a possible HCP for Western Oregon State Forests as a method to comply with the ESA, while allowing for operational certainty over a 70-year permit term. NOAA Fisheries – the NEPA Lead Agency – in coordination with the US Fish and Wildlife Service (USFWS) completed the first phase of the NEPA process (Public Scoping) in spring 2021. NOAA Fisheries and USFWS (Services) launched the second phase by publishing the Notice of Availability of the Draft Environmental Impact Statement (DEIS) and the Public Draft HCP in the *Federal Register*, dated March 18, 2022.

The federal NEPA process and associated EIS (including any changes due to public comment or modifications to the HCP) are the responsibility of the federal agencies. ODF provides support in this process to help clarify current practices and the commitments in the HCP, and provide data requested by the federal agencies; however, ODF may not make changes to the EIS. As the applicant, ODF is responsible for producing an HCP that has a high probability of meeting incidental take permit issuance criteria.

In May 2022, the Board held a special meeting to receive more information on the DEIS and work directly with the Services to get clarity on the intent, methodology, and outcomes of the analysis. The meeting also included a facilitated discussion between the Forest Trust Land Advisory Committee (FTLAC) and the Board of Forestry. The Division invited the public to provide written testimony to the Board of Forestry on this topic.

Current Status

The Services are in the process of preparing their Biological Opinions and the Final Environmental Impact Statement (FEIS), which will include a description of the public review and comment period and a summary of updates between draft and FEIS. The Notice of Availability of the FEIS and final HCP is expected to be published in the *Federal Register* in June 2023. Publication launches a 30-day waiting period during which comments may be submitted on the FEIS. These comments will be reviewed by the Services, but no response is required. The agency decision document (Record of Decision or ROD) will be published after this 30-day period and prior to the permit decision (July 2023). The Division will request Board direction to implement the HCP and Incidental Take Permits in September 2023.

The Division has worked collaboratively with the Services and State agencies (Department of Fish and Wildlife, Department of Environmental Quality, and Department of State Lands) for over five years to integrate a diversity of technical and policy expertise to develop the HCP conservation actions designed to protect covered species. In addition to this collaborative process, the Division has implemented a transparent and inclusive public engagement process to integrate a diversity of perspectives in the HCP. Because of this rigorous and inclusive process, the Division is confident that the HCP is a sound approach to ESA compliance. The HCP will provide high-quality habitat and durable conservation commitments for the covered species and ensures operational certainty with regard to ESA compliance and stability for management activities over the 70-year permit term.

RECOMMENDATION

Information only.

NEXT STEPS

Over the next several months, the Division will:

- Complete the NEPA process in July 2023.
- Receive Board direction on whether to implement the HCP and the terms of the Incidental Take Permits in September 2023.
- Continue engaging with our state and federal partner agencies, as well as, the Tribes, county partners, interested stakeholders and members of the public on the HCP and draft FMP and Implementation Plan development projects.

ATTACHMENT

1. Working HCP – NEPA Timeline

Working HCP – NEPA Timeline

● BOF Presentation / Decision

