

Agenda Item No.:	9
Work Plan:	State Forests Work Plan
Topic:	Western Oregon State Forests Draft Habitat Conservation Plan
Presentation Title:	Chair’s Proposed Resolution
Date of Presentation:	September 7, 2023
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SUMMARY

This report has been prepared by Oregon Department of Forestry (ODF) staff to provide context, background, and other details pertaining to a proposed resolution by the Chair of the Board of Forestry.

The Board will discuss a proposed resolution to direct ODF staff to modify the draft Western Oregon State Forests Habitat Conservation Plan (HCP) as represented by Alternative 2, “Proposed Action” in the draft Environmental Impact Statement and then move forward to finalize the HCP process.

CONTEXT

The Board has expressed concerns over potential outcomes associated with the draft HCP.

BACKGROUND

At the direction of the Board of Forestry, ODF has been developing a draft HCP since 2018. In October 2020, the Board directed staff to enter into the National Environmental Policy Act (NEPA) process to finalize the HCP, based on a comparative analysis that assessed the risk of implementing an HCP versus continuing under a survey and manage approach to avoid “taking” of species listed under the federal Endangered Species Act.

As work toward a final draft of the HCP continued, it was necessary to revise district Implementation Plans (IPs) to ensure continuity under the current FMP while being prepared to implement the anticipated Incidental Take Permits (ITPs). These IPs were intended to span a 2-year period during which time a new Forest Management Plan (FMP) that aligned with the HCP would be adopted.

Annual Harvest Objectives under the revised IPs were 19% - 27% lower than the average long-term harvest estimate for the draft HCP presented in the October 2020 comparative analysis, based on a review by field staff that found a number of issues including per-acre timber volumes that did not match cruise and cutout data from similar stands. The reduced harvest levels for the 2-year revised IPs have created doubt among Board members as to whether or not the draft HCP will result in long-term harvest outcomes reported in the comparative analysis.

Staff is continuing to model a range of outcomes for the draft FMP, which is underpinned by the draft HCP. Staff has been working diligently to improve the performance of both growth and yield, and activity scheduling within the model. This has delayed timelines, due to the complexity of the improvements and staff and contractor capacity. These modeled outcomes are not expected until this fall, with an anticipated presentation to the Board at a special meeting in December.

The Board has discussed the draft HCP multiple times over the past several years and received a large volume of testimony from the Forest Trust Lands Advisory Committee and other county partners, stakeholders, and the public.

The Board has also been advised, to the best of ODF and Department of Justice knowledge and ability, on the risks to the HCP process overall, including the possibility that changes to the HCP could require beginning the NEPA process again or that ITP issuance could require additional terms and conditions.

RECOMMENDATION

The Board Chair recommends the Board adopts the following proposed resolution:

The Board supports ODF's efforts to obtain an HCP for the lands it manages and appreciates the holistic and thoughtful approach that staff has taken in the design of the draft HCP.

The Board acknowledges that the draft HCP is a key business decision that allows ODF to continue to operate on state forestlands in light of current and future species listings under the federal Endangered Species Act.

The Board does not desire to incur undue risk to the HCP process thus far.

The Board also desires to increase potential timber harvest outcomes under the HCP by potentially increasing HCAs in areas where harvest operations may be more difficult in the future and commensurately decreasing areas currently designated in HCAs in order to continue to help support local government services and communities.

The Board acknowledges that additional modeling and analysis is still being done to better estimate available harvest under a range of harvest scenarios for the draft FMP.

The Board understands that there are many factors involved, but wants to ensure that it has as much flexibility as possible in setting performance targets under a new FMP, including long-term performance outcomes.

The Board directs staff to modify the draft HCP with the intent to increase potential timber harvest outcomes as specifically described here:

1. The Board understands that these changes will be minor in the overall context of the draft HCP, with the aim of being well within the bounding alternatives of the draft EIS and still having a high likelihood of resulting in the issuance of Incidental Take Permits.
2. It is expected that these changes will likely come from modification of draft Habitat Conservation Area (HCA) boundaries that remove operable ground from draft HCAs, but also incorporate other areas of inoperable ground that still contain observations of covered species or their habitat. To the extent possible, staff should strive to achieve “no net loss” of HCAs within any HCP geographic area.
3. Conservation actions directly tied to aquatics will not be changed, including, but not limited to, Riparian Conservation Areas (RCAs), steep slopes, and road and trail standards within RCAs.
4. Any and all modifications made by staff will constitute the draft of the HCP that will progress into the final phase of the NEPA process and be used to finalize Biological Opinions issued by the federal services. There is no need for staff to return to the Board for further direction.
5. If and when Incidental Take Permits are issued to ODF, the Board will meet to decide whether or not to direct the State Forester to implement the HCP and Incidental Take Permits.

NEXT STEPS

If the Board does not approve the proposed resolution, staff will continue the current process to work towards a final HCP and issuance of ITPs.

If the Board approves the proposed resolution, staff will continue to work towards a final HCP and issuance of ITPs, with the following process:

- Staff would work to identify HCA modifications that would follow Board direction and still have a high likelihood of resulting in issuances of Incidental Take Permits for the 17 covered species.
- Staff would propose the modifications to the rest of the HCP Scoping Team (USFWS, NMFS, ODFW, DEQ, DSL, OSU).
- The HCP Scoping Team (including ODF) would identify and resolve potential issues with the modifications and associated mitigation, if necessary.
- ODF would conduct any additional modeling or analysis deemed necessary by the services to support finalization of the Environmental Impact Statement and Biological Opinions.
- ODF would submit the final draft of the HCP to complete the NEPA process and Biological Opinions, and issuance of Incidental Take Permits.