

ANALYSIS

Department of Fish and Wildlife

Elliott State Research Forest Habitat Conservation Plan

Analyst: Katie Bannikov

Request: Approve the submission of a federal grant application to the U.S. Fish and Wildlife Service, through the Endangered Species Act Section 6 - Cooperative Endangered Species Conservation Fund, in the amount of \$395,000 for Elliott State Research Forest Habitat Conservation Plan survey work and amendments.

Analysis: Habitat Conservation Plan (HCP) Planning Assistance Grants, available through the U.S. Fish and Wildlife Service (USFWS) Cooperative Endangered Species Conservation Fund, provide federal financial assistance to states and territories to support the development, renewal, or amendment of habitat conservation plans, with the requirement that state fish and wildlife agencies serve as the applicant.

The Oregon Department of Fish and Wildlife (ODFW) seeks approval to apply on behalf the Department of State Lands (DSL). If approved, and awarded, funding will be passed through to DSL for work on the Elliott State Research Forest (ESRF) HCP. The objectives in the grant proposal include: 1) preparation of a survey plan to conduct baseline surveys of the western pond turtle and the western ridged mussel within the ESRF; 2) amendments to the ESRF HCP to include the western pond turtle and western ridged mussel as covered species; and 3) prepare supplemental National Environmental Policy Act (NEPA) documentation as required to support the HCP amendments.

The current ESRF HCP is pending final federal approvals and covers three federally endangered species: 1) northern spotted owl; 2) marbled murrelet; and 3) Oregon coast coho salmon. Without taking action to add the two additional species into the ESRF HCP, future timber harvest and ESRF operations may be negatively impacted. Additionally, based on where the current HCP is in the review and approval process, completing this work now will leverage existing working relationships and expertise to implement amendments.

The USFWS application deadline is March 14, 2025, with award announcements expected by May 30, 2025. There is a three-year period of performance for planning assistance grants and a 25% cost share requirement, which DSL plans to meet through in-kind existing staff match funded by Common School Fund revenues. If awarded, ODFW may need to return to the Legislature for expenditure authority to pass the funds to DSL.

Recommendation: The Legislative Fiscal Office recommends approval of the request.

Department of Fish and Wildlife Filimoehala

Request: Authorization to apply for a grant of \$296,250 for updates and amendments to the Habitat Conservation Plan for the Elliott State Research Forest from the U.S. Fish and Wildlife Service Endangered Species Act Section 6.

Recommendation: Approve the request.

Discussion: The Department of Fish and Wildlife (ODFW) is requesting authorization to apply for a grant from the U.S. Fish and Wildlife Service under the Endangered Species Act to make updates and amendments to the Habitat Conversation Plan (HCP) in the Elliott State Research Forest (ESRF). ESRF is managed by the Department of State Lands (DSL). The current HCP covers the northern spotted owl, the marbled murrelet, and the Oregon coast coho salmon. The grant would support work to include the western pond turtle and western ridged mussel into the HCP to provide regulatory assurances for future timber harvests. ODFW plans to pass through funding to DSL to implement the grant.

The grant requires a 25 percent match that would be met through in-kind staff contributions from DSL staff. The grant application is due March 14, 2025. If awarded, ODFW will make a request for Federal Funds expenditure limitation to pass funding through to DSL.



Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

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February 26, 2025

The Honorable Senator Katie Lieber, Co-Chair
The Honorable Representative Tawna Sanchez, Co-Chair
Joint Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, OR 97301



Dear Co-Chairpersons:

Nature of the Request

Oregon Department of Fish and Wildlife (ODFW) requests approval to apply for an Endangered Species Act Section 6 - Cooperative Endangered Species Conservation Fund (Conservation Planning Assistance Grant) in the amount of \$296,250 federal funding from the U.S. Fish and Wildlife Service (USFWS).

The purpose of this federal grant application is to advance work by the Oregon Department of State Lands (DSL) to update or amend its Habitat Conservation Plan (HCP) for the Elliott State Research Forest by adding coverage for two additional species currently proposed for listing under the Endangered Species Act. Updating or amending the HCP to include these additional species will provide wildlife conservation benefits as well as regulatory assurance that DSL can continue habitat restoration, timber harvesting, and related activities on the Elliott State Research Forest.

Background

This funding opportunity is provided through the USFWS Endangered Species Act Section 6 - Cooperative Endangered Species Conservation Fund. The opportunity requires that state fish and wildlife agencies serve as the applicant. If this request is approved and the grant is awarded, funding will be passed through to Oregon Department of State Lands (DSL) for advancement of project work and related tasks set forth in the grant application.

The grant proposal requests \$296,250 in federal funds to update the final or amend the approved Habitat Conservation Plan (HCP) for the Elliott State Research Forest by adding coverage for two additional species currently proposed for listing under the Endangered Species Act. State proposals must contribute a minimum non-Federal match of 25 percent of the total program costs. The non-federal match for this grant proposal will come from DSL in the form of staff in-kind work on the HCP and the proposed updates or amendment as well as funding for contracted services from technical service providers working on the same. The minimum required non-federal match for this project is \$98,750, and DSL anticipates that its staff in-kind and contracted service contributions will meet at least this amount and likely more over the course of the proposed grant term. DSL will track these match contributions and account for them accordingly. This grant will not require any additional FTE at DSL.

Endangered Species Act (ESA) litigation in 2013 has resulted in timber harvest shutdown, conflict, and transformation of the Elliott State Forest. As part of efforts to transition the forest to the Elliott State Research Forest (ESRF), the State resolved to ensure ESA compliance and permitting of active management, including timber harvest, through an HCP. DSL's current ESRF HCP is pending final decisions by the federal agencies charged with implementing the ESA and the National Environmental Policy Act (NEPA). The HCP currently covers three federally listed species: the northern spotted owl, the marbled murrelet, and the Oregon coast coho salmon. This federal grant application's proposed approach would add two additional species to the ESRF HCP's coverage: western pond turtle (*Actinemys marmorata*) and western ridged mussel (*Gonidea angulata*). This will in turn provide regulatory assurances important to future timber harvest and other ESRF operational activities as well as conservation benefits for these two species, which are proposed or likely to be listed under the ESA and likely occur within the ESRF.

If no action is taken to cover these two additional species under the ESRF HCP, timber harvest and other ESRF operations may be hindered. On the other hand, working to ascertain the presence or extent of these species on the ESRF and adding them to the HCP now will take advantage of the knowledge (e.g., forest habitat, species, management and conservation approaches), working relationships, and momentum associated with the current HCP's development and ensure that updating or amending the HCP can be done efficiently. This approach advances ODFW's mission related to the conservation of native fish and wildlife species and their habitat, as well as DSL's goals related to the creation and competent management of a functioning ESRF that provides multiple public values.

Agency Action

The application deadline with USFWS is March 14, 2025. Notification of award to the agency is expected by May 30, 2025. If ODFW is awarded this grant, work by DSL using these grant funds is anticipated to start in the fall of 2025 and continue through fall 2028. If grant funding is awarded, ODFW anticipates making a future request for federal funds expenditure limitation to pass through funding to DSL.

Action Requested

ODFW requests approval to submit a federal grant application in the amount of \$296,250 to the U.S. Fish and Wildlife Service Endangered Species Act Section 6 - Cooperative Endangered Species Conservation Fund.

Legislation Affected

None

Sincerely,

A handwritten signature in blue ink, appearing to read "Debbie Colbert", is written over a light blue horizontal line.

Debbie Colbert
Director