Oregon
Kate Brown, Governor

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US Forest Service
North Umpqua Ranger District
Attn: Kaitlin Tidwell
18782 North Umpqua Hwy
Glide, OR 97443

Re: Archie Creek Roadside Danger Tree Mitigation Project

The Oregon Department of Fish and Wildlife (department, ODFW) appreciates the opportunity to provide input into the United States Forest Service-Umpqua National Forest's (USFS) Archie Creek Roadside Danger Tree Mitigation Project Notice of Proposed Action and Preliminary Effects Analysis (PEA). The department appreciates the efforts of the USFS to provide safe and enjoyable access to public lands for recreational users. ODFW is charged under ORS 496.012 with the management of Oregon's fish and wildlife resources but does not have direct regulatory authority over their habitat. Therefore, ODFW relies on collaborative relationships with other agencies, organizations, and private landowners to manage the habitats that are critical for sustaining healthy fish and wildlife populations. To this aim, the department makes the following comments and recommendations recognizing the USFS's needs to balance natural resource protections with human safety, fuels reductions, infrastructure, and transportation network concerns.

Fish Effects

- Presence of Oregon Coast coho may need to be re-assessed along lower reaches of streams such as Fall Creek, Fairview Creek, Bogus Creek, Williams Creek where riparian actions or culvert work may take place. According to the department's fish distribution map, the department assumes these streams are coho habitat.

- The department agrees that there is potential for short term effects related to sedimentation release from tree removal activities and road maintenance actions. As outlined in the PEA and through email communication on 9/26/2022, adhering to In-water Work Period guidance as planned will help reduce the risk to salmonid species within and adjacent to the project area.

- The PEA recognizes that burned trees within riparian areas are providing some, though minimal, shade to associated streams. Where feasible for safety purposes, consider leaving unburned and burned trees within Riparian Reserves to the maximum federal basal area along streams occupied by salmonids. Stream and riparian associated amphibians within the greater project area such as clouded salamander, red-legged frog, and pacific giant salamander will also benefit from retaining shade providing structures in Riparian Reserves.

- Should replanting within a Riparian Reserve be necessary due to project actions, the department recommends a 50/50 mixture of native hardwoods (e.g. red alder) and conifers within 50 ft of fish bearing and salmon, steelhead, bull trout (SSBT) streams.

Wildlife Effects

- Snags and trees with cavities provide important habitat for cavity-nesting and excavating species. Retention of these tree structures to the fullest extent possible within the project area is recommended. Oregon Conservation Strategy (OCS) species likely occurring in the project area that would benefit from retention of wildlife trees include black-backed woodpecker, ringtail, great grey owl, olive-sided flycatcher, northern spotted owl, and Townsend's big eared bat. While salvage activities may affect the density of these features in the project area, ODFW anticipates that high densities of snags occurring elsewhere in the middle North Umpqua River watershed will continue to provide habitat for these species.

- Project design features (PDFs) in the PEA address actions that will be taken to protect land nesting birds and pollinators, with recognition of the potential for disturbance to primary cavity excavators such as woodpeckers. The PEA does not provide information pertaining to timing of actions in relation to cavity nesting birds or minimizing potential for incidental take. Plans to ensure compliance with Migratory Bird Treaty Act should be in place in relation to active nest disturbances.

- This project will occur in habitat suitable for, and in proximity to, known distribution of foothill yellow-legged frogs. Consideration of PDFs to minimize impacts to this species would improve the quality of the effects analysis. Methods in place to minimize sedimentation and operational restrictions within the riparian areas of perennial streams should reduce risk to juvenile frogs if they occur within the project area.

- Salvage activities have the potential to affect habitat connectivity in severely burned areas where substantial tree removal will occur. Strategic retention of cover near roadways will improve habitat connectivity for birds, small mammals, and other wildlife that rely on post-burn habitat features. Consider retention near natural wildlife travel corridors and crossings, where conditions will not interfere with safe vehicle travel and driver visibility.

- Several proposed treatments occur in the Umpqua Headwaters Conservation Opportunity Area (https://oregonconservationstrategy.org/conservation-opportunity-area/umpqua-headwaters/). Conservation priorities for the department in this area include protecting headwater streams and improving nesting habitat for northwestern

pond turtle. Roadsides are often preferentially selected as nesting areas for turtles due to proximity to aquatic features and open, sunny banks created by road construction. Given the elevated risk of impact to nesting areas of this species near roads, the department would recommend consideration of effects to this sensitive species during the EA process. Populations of this species are known to occur within a ½ mile of the proposed treatment area.

Road Maintenance

- The scoping notice references replacing and installing new culverts. The department recommends that all culverts that are installed on streams that contain native migratory fish comply with Oregon's fish passage laws (ORS 509.585 – ORS 509.910).
    - All new and replaced stream crossings need to meet or exceed state of Oregon Fish Passage guidelines as defined under OAR 635-412; which specifies that stream crossings should be equal to or greater than Active Channel Width (ACW).

- Project design features in Appendix A-7.8 state that "Where fish are present during culvert replacement of removal, fish will be relocated to nearby undisturbed fish habitat before project work begins." The department would appreciate notification of situations where this may need to occur, and early notification is preferred if technical assistance or guidance is requested.
    - Per OAR 635-044-0430, rescue/salvage of fish or take of fish from waters of Oregon, require a permit from ODFW prior to activity and fish salvage must be conducted by an authorized person. Rescue/salvage authorization or scientific take permit information is available at: https://dfw.state.or.us/fish/license_permits_apps/index.asp and ODFW suggests applying for the authorization 4-6 weeks before activity.

- If the need to salvage and relocate protected wildlife occurs, prior notification to regional ODFW staff is requested.

- Minimize side-casting of soils when cleaning old roads. Haul to geologically stable ground.

- Several treatment roads, including those proposed for commercial harvest, are within big game wintering habitat. The fires have improved opportunity for early seral forage development across much of the burned landscape, a valuable nutritional resource for big game and several small mammal and bird species. Consider future, strategically selected seasonal road closures so that big game may continue to benefit from the post-fire habitat within the wintering habitat areas.

Invasive Species

There are several preventative measures outlined in the project design features to reduce potential for infestation of invasive vegetation. The Oregon Conservation Strategy identifies invasive species as a key conservation issue with potential to adversely impact wildlife of conservation concern, so the department is supportive of proactive measures

to mitigate threats from invasive species. However, the design features do not include planned management actions if prevention measures are unsuccessful. Post-project monitoring and a response plan, especially for areas adjacent to known infestations would improve the effectiveness of PDFs to reduce risks and limit financial and ecological costs associated with invasive species.

Thank you for the opportunity to provide these comments and recommendations. ODFW is committed to finding collaborative solutions to avoid and/or minimize impacts to fish, wildlife, and habitat resources of the state. Please contact me at amy.e.darr@odfw.oregon.gov with any questions or if you need further clarification on ODFW's comments and recommendations.

Sincerely,

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