



United States Department of the Interior

FISH AND WILDLIFE SERVICE
911 NE 11th Avenue
Portland, Oregon 97232-4181



In Reply Refer to:
FWS/R1/ES

Cynthia Sandeno, Acting Forest Supervisor
c/o Meg Trebon
Methow Valley Ranger District
24 W. Chewuch Rd
Winthrop, Washington 98862

Re: Midnight Restoration Project Draft Environmental Assessment and Forest Plan/Northwest Forest Plan Amendments, Okanogan-Wenatchee National Forest, Methow Valley Ranger District

Dear Ms. Sandeno:

Thank you for the opportunity to comment on the draft Environmental Assessment (EA) prepared for the Midnight Restoration Project (Project) by the Okanogan-Wenatchee National Forest (Forest). We, the U.S. Fish and Wildlife Service (Service), received notice of the comment period through our subscription to automatic electronic notices on April 15, 2024. The Project has the potential to impact species listed under the Endangered Species Act; the northern spotted owl (*Strix occidentalis caurina*) and the bull trout (*Salvelinus confluentus*) from identified timber harvest prescriptions, fuel reduction treatments, and road management practices that do not appear to align with the current Northwest Forest Plan (NWFP) standards and guidelines. The NWFP standards and guidelines were intended as measures to conserve the habitats of the northern spotted owl and the bull trout, among other species.

The Project's approach could result in significant environmental consequences, including substantial adverse effects on listed species. As stated by our 1999 Streamlining Agreement, "[w]here an amendment...may affect a listed/proposed species, the action agency should reinstate consultation on the existing plan and provide new information about the proposed amendments" (1999 Streamlining Agreement, page II-E-2). Neither of our agencies are able to fully consider the effects of such broad amendments at a project level while our teams are also working through a separate approach to amend the NWFP at the program level. If program-level modifications are essential to the Project, we suggest the Forest return this project to early consultation collaborative planning with the Service until after the current Mature and Old Growth Amendment process and the current NWFP amendment process conclude and can inform design aspects at the project level.

PACIFIC REGION 1

IDAHO, OREGON*, WASHINGTON,
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*PARTIAL

We understand the urgency of implementing projects to reduce the wildfire risks on the landscape. If this project must be implemented sooner than the proposed NWFP amendment would support, we recommend the project be planned under the current standards and guidelines.

Given the potential substantial impacts to species from this project proposal, including the northern spotted owl and bull trout, we recommend the U.S. Forest Service (USFS) revise the proposal to be consistent with the NWFP, or prepare an environmental impact statement to address the significant impacts to fish and wildlife species. Several months ago, Service and Forest staff engaged in collaborative discussion on the proposed Midnight Restoration Project during early ESA Section 7 coordination. We recommend that the Forest review the comments the Service provided during that process to ensure the Project is designed to be consistent with the standards and guidelines of the NWFP as doing so will enable timely implementation of the Project on the Forest.

We recommend that staff use our established collaborative planning process through Level 1 for project design, conservation measures, and effects of the Midnight Restoration Project. These procedures allow us to fulfill the mutual responsibilities of our agencies to reduce wildfire risk while conserving species and meeting the standards and guidelines of the NWFP. If you have any questions, or would like to participate in further coordination, please contact Marty Acker, Assistant Field Supervisor for our Ecological Services team in Washington at martin_acker@fws.gov. The Service is supportive of USFS' wildfire crisis response and committed to supporting our mutual Level 1 staff as they continue to work through collaborative project refinement.

Sincerely,

Kate Norman
Assistant Regional Director