**5/15/24**

**Concerns re the Wildlife Specialist Report. Note that some comments also apply to other Specialist Reports. In those latter cases the comment is clarifies which Report it applies to.**

* Draft WL report has no FS WL Biologist signature. Prepared by Stantec – does not meet FS policy that WL BE documents be prepared and/or signed off by a journey-level **USFS** biologist (per FS requirements). **This comment also applies to all the other Specialist Reports, including but not limited to the portions of the Aquatics Report concerning the draft ESA determinations for effects on ESA-listed fish.**
* There is inadequate description of existing habitat/vegetation conditions in the Planning Area (PA), e.g., number of acres by forest type, such as ponderosa pine, lodgepole pine, montane mixed conifer, mixed Engelmann spruce/subalpine fir, etc.). Consequently, it is impossible to understand the effects analysis and conclusions, which cannot be reasonably evaluated. Thei estimates of lynx habitat and NSO habitat for example, are miniscule out of the 55,000 acre PA, but figures in the report show 4 NSO activity centers and a substantial amount of lynx habitat. These seem in conflict and I question that there habitat acres estimates are reliable or credible. If it is because most of the habitat has been burned by high-severity fire (Table 5, p.25 – shows about 33,000 acres of wildfire within the PA) and is not currently suitable forest habitat for NSO lynx, marten, then this is poorly explained or presented.
* Also, did I miss it, or is there no project description that states how many acres of what type of treatment will occur where in this report, nor is the Vegetation Specialist Report referred to find that information.
* **This is probably the most confusing, hard-to-follow Wildlife report I have ever reviewed.**
* Pg. 4, Introduction – Need #4 is not related to Wildlife in any way.
* Pg. 11, Table 2 - Cascade red fox – states uses high-elevation forest and “little habitat present in planning area (PA)” and “most of area too low to support species”. This makes no sense to exclude this species, but include lynx for analysis, which uses similar high-elevation forest habitat. Additionally, “most” does not mean “all”. If there is suitable habitat in the PA, the species needs to be analyzed for effects, no matter how little or minor in scope they may be. Same comment for some of the other species they decided were not worthy of full analysis without even an effect determination.
* Pg. 11, gray flycatcher – while the project may improve habitat as stated, clearly there will be impacts during thinning and broadcast burning to nesting flycatchers. Cannot say No Impact. Needs analysis because there will be impacts to this species and habitat.
* Pg. 19 – No Action statements claim would have negative effect to species and habitats because would retain suitable habitat and current conditions (that is not a negative impact), but theorizes that without treatment, there is a higher likelihood of high-severity fire impacting the habitat. This is speculative and assumes that fuels treatments will prevent or modify substantially large fires and their habitat impacts. This is not supported by literature that indicates that large fires are driven primarily by severe weather (especially wind) during which fire suppression activities are ineffective and often halted and these fires typically burn through prior fuels treatment areas.
* Pg. 43, Preliminary effect determinations for TE species – It is the FS biologist responsibility to make effect determinations (under their signature) via FS BE policy and then submit the BA to USFWS for consultation.
* NSO determination should be LAA. It is stated that the project would be substantially degrading the alleged small amount of NSO habitat in the Project area (belied by presence of 4 known NSO activity centers) and even removing some habitat by proposed heavy tree cutting treatments. How can this only be a NLAA, which is defined as “impacts not measurable” or “highly unlikely to occur” by USFWS definition for NLAA. The Wildlife Report states that impacts are very measurable, of substantial impact, and highly likely to occur by the proposed thinning.
* Pg 36 -37 – note the OWNF is proposing project specific amendments to the LRMP for 5 standards. This means they are not following the forest plan standards for this project, and are carving out a project-specific exception. I do think the thermal cover amendment is legitimate because they correctly note that more recent literature has shown that elk and deer don’t have a need for thermal cover as was commonly thought before.
* Table 11, p.41 – this alternatives comparison shows almost no change in “acres of habitat” for several forest associated species. However, this belies the fact that they repeatedly state that the thinning will reduce the habitat quality on many more acres for several species, than the acres I guess that they are showing as being removed as being suitable from the treatments.
* It is unclear why there is a section in the Wildlife Report on how the project meets the project needs/objectives – this is not relevant to a wildlife effects analysis report but is rather the topic NEPA EA discussion. This smacks of “lobbying” for the project, just as the claim that the no alternative/no treatment will lead to more habitat being burned by wildfire than with treatment. Which is speculative, especially with so much of the landscape already being “treated” by wildfire, which will likely be the biggest control on future wildfires in the area.
* Recent drone video (see North Cascades Conservation Council May 2024 email of re post-logging conditions for the Twisp Restoration Project and/or the Mission Project) that shows that the post-project canopy cover provides no suitable NSO habitat, even for dispersal. This drone photography shows canopy retention far lower that what the Wildlife Report for the Midnight project states will occur post-project. Typically, NSO nesting/roosting habitat is defined as greater than 60% canopy cover with generally larger and/or old tree size class, with foraging habitat less dense (above 40% canopy cover) and can include smaller tree size class. Even dispersal habitat might be defined by 40% or more, just of smaller size class of overstory trees.

**In summary**, this Wildlife Specialist Report is inadequate in detail, analysis, and justification for the draft ESA determinations it lists. **This is also true for the Aquatics Specialist Report**.

Barry Gall