State of Washington
DEPARTMENT OF FISH AND WILDLIFE REGION TWO
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May 15, 2024

Okanogan-Wenatchee National Forest
Methow Valley Ranger District
c/o Meg Trebon, Midnight Restoration Project Leader
24 West Chewuch Road
Winthrop, WA 98862

Dear Meg,

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT FOR USFS MIDNIGHT RESTORATION PROJECT

On April 15, 2024, the Washington Department of Fish and Wildlife (WDFW) received notice from the Okanogan -Wenatchee National Forest Methow Valley Ranger District that it is accepting comments regarding the proposal referenced above. WDFW's interest in this project is based on our agency's mandate to perpetuate fish, wildlife, and their habitat (Regulatory Code of Washington (RCW) 77.04.012). We reviewed the project proposal for potential impacts to fish, wildlife, and their habitats, as well as possible impacts to recreational opportunities, according to our mission; we appreciate the opportunity to offer these comments.

WDFW supports conducting restoration on the forest to move it towards a more historic range of variability, recognizing that catastrophic fire has played a large role in reshaping habitats. WDFW prefers alternative 2 of the proposed project over the no action alternative 1 that would result in no hazard fuel reduction or ecological treatments. However, we would like to see some additional considerations added to the proposal to ensure the project does not have adverse impacts on certain species.

Aquatics

The project area holds critical spawning habitat for ESA listed species: Upper Columbia River Spring-run Chinook, Upper Columbia River steelhead, and Columbia River bull trout. Although ultimately, the project will result in a benefit for aquatic species, particularly from the proposed road closures and decommissioning, there could be negative construction impacts. WDFW recommends all work adjacent to waterbodies, when feasible, be constructed in the specified in-water work window for the associated water body if there is potential for delivery of sediment to surface waters. However, we recognize this may not work for the entire project. We recommend the Final Environmental Assessment describe road construction Best Management Practices that will be used during the project to protect adjacent surface waters. The Midnight Restoration Project Draft Aquatic Resource Specialist Report states "Any project treatments requiring in-water work would conduct it during the designated instream work window, which falls during the low flow period and outside of spawning and redd timing" (p.28). We recommend that the

USFS clarify in the Final Environmental Assessment if falling hazard trees into adjacent surface waters will be done during the in-water work window.

Wildlife

Western Gray Squirrel
Western Gray Squirrel was uplisted from Washington State threatened to Washington State endangered in 2023. In the Midnight Restoration Project Draft Wildlife Resource Specialist Report western gray squirrel was listed in Table 2: Wildlife Resources Considered but Not Analyzed in Detail (p.10) because the project is "consistent with recommendations for this species". WDFW Priority Habitat and Species (PHS) on the Web Map (https://wdfw.wa.gov/species-habitats/at-risk/phs/maps), a source of Best Available Science, shows multiple occurrences of western gray squirrels within the Midnight project area. Although, WDFW agrees that overall Alternative 2 would benefit this species, WDFW offers the following recommendations to help protect nesting sites for western gray squirrels. To reduce removal of mistletoe brooms that are often used as nesting and resting structures for squirrels but still reduce ladder fuel, WDFW recommends limiting removal of mistletoe brooms to the lower third of the tree (Stuart et al., 2018). Additionally, instead of using the Hawksworth rating system (rating of 2 and higher for removal) proposed in every treatment type that removes all trees with high level of infection, WDFW recommends retaining trees with high levels of infection that provide good wildlife habitat (i.e., infected trees with large broom structures) and remove all trees with any infection from adjacent stands to decrease the rate of spread within areas that are known to have western gray squirrel occurrences.

Lastly, WDFW asks that the project area be thoroughly surveyed prior to implementation for western gray squirrel nests. In WDFW's current version of PHS Management recommendations, if nests are identified, we recommend a buffer of 15 meters (50 feet) radius to protect canopy connectivity should be implemented to guard the nest tree and retain escape routes for the squirrel. This buffer should be expanded to 120 meters (400 feet) during the natal nesting season (March 1st to August 31st) to reduce exposure to pregnant females and newly weaned young to potential harm (Linders et al., 2010). WDFW is in the process of updating our management recommendations. Instead of a set buffer, our recommendation will be to maintain canopy connection by retaining clumps of 3-5 trees around each nest tree to maintain an interconnected canopy between clusters of nests and provide for nest concealment, escape cover, protection, and microclimate regulation. This would allow for some canopy thinning, with the expectation that the canopy will close in the future. The critical issue with this updated guidance is making sure the operators follow this updated treatment objective.

Golden Eagle
WDFW designated golden eagles as a candidate for listing in Washington State. On page B-8 of the Midnight Restoration Project Draft Wildlife Resource Specialist Report states "Alternative 2 of the Midnight Restoration Project complies with the Bald and Golden Eagle Protection Act because there are no known nesting, communal roosting, or foraging areas within the project area." However, WDFW PHS on the Web Map shows that the Midnight project is adjacent to a documented (2013) golden eagle breeding area on WDFW land so it is likely the project area

may include golden eagle nesting, roosting, or foraging area. Golden eagle populations appear to be limited by the availability of undisturbed nest sites, and human activities have been shown to cause breeding failure (Kochert and Steenhof, 2002). WDFW recommends the USFS survey for golden eagle nests through the project area prior to implementation, especially along cliff ledges and rocky outcrops. If any nests are found, maintain a buffer of at least 1000 meters (~3280 feet) with no human disturbance to avoid disturbing nesting eagles from February 15 to July 15 (Spaul and Health, 2017; Larsen et al., 2004).

Northern Spotted Owl
In Appendix A of the Draft Environmental Assessment of the Midnight Restoration project, 2 snags per acre and 3 downed logs per acre are a requirement for all designations of forest plan old growth, late-successional reserves, and riparian reserve treatments. WDFW recommends increasing snag and downed log retention, which are the most important. In areas where snag density is insufficient, WDFW recommends creation of snags to ensure these habitat requirements are sufficient for Northern Spotted Owls as laid out in Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl (USDA and USDI, 1994).We recommend, similar to our comments for western gray squirrel, retaining trees with high levels of mistletoe infection for northern spotted owl habitat. Increasing snags and downed logs would also co-benefit western gray squirrel, marten, white headed woodpecker, Townsend's big-ear bat, cavity nesting ducks and other cavity nesters (Rodrick & Milner, 1991).

Lynx
Ridgetops are very important travel corridors for many wildlife species, including lynx, therefore designing these corridors to not inhibit lynx movements is important (Stinson, 2001). Shaded fuel breaks or similar stand structures that retain plenty of trees are more appropriate than clearcuts in these locations. Fuel reduction treatments in snowshoe hare and lynx habitat that could result in less than 40% horizontal cover or 180 trees per acre stand density, as recommended by the USFWS Lynx Conservation Assessment and Strategy, should be carefully evaluated. On page 28 of the Midnight Restoration Project Draft Wildlife Resource Specialist Report states “Direct effects to lynx habitat would come from the LSR New Fuelbreak Thin prescription (25.4 acres of suitable lynx habitat), which would result in a loss of lynx habitat for as long as the shaded fuelbreak is maintained. Tree cover would be reduced to 20-30 trees per acre of the largest trees available and understory ladder fuels would be removed, causing a loss in habitat for lynx and their primary prey, snowshoe hare.”

We recommend providing more information regarding plans for long-term maintenance of the shaded fuelbreaks that overlap with Lynx Management Zones, and careful consideration of the stand dynamics in the areas adjacent to the shaded fuel break to minimize the impact of this loss of habitat at the landscape scale. WDFW offers these considerations to support recovery of forest ecosystems for lynx and snowshoe hare to be addressed in the final EA.

- In stands adjacent to shaded fuelbreaks, at the stand/unit scale, design thinning treatment to include skips, clumps, and gaps; consider fine-scale details to provide heterogeneity post-treatment.

- Retain ~20-25% of brush piles post-treatment to provide escape/security cover for snowshoe hare.
- Develop long-term maintenance plans with consideration for maximizing snowshoe hare habitat and resilience for adjacent, more mature stands that provide travel corridors and denning habitat for lynx.
- Consider post-thinning vegetative response and snowshoe hare densities within adjacent stands to the shaded fuelbreaks with the of goal maximizing snowshoe hare densities and lynx access to prey.

Alternative 2 aims to reduce the extent of loss of suitable lynx habitat to 25.4 acres and lower the probability of high-severity wildfires moving into lynx habitat through the proposed thinning and fuel reduction treatments on dry, non-lynx habit forest stands. WDFW agrees that this approach will improve the long-term resilience of lynx habitat to stand-replacing wildfire. We recommend designing stands below 4,000 feet to get fires to return to the ground and reduce intensity before they get to ridges or move into lynx habitat.

Thank you for the opportunity to comment on the Draft Environmental Assessment for the USFS Midnight Restoration Project. WDFW recommends Alternative 2, with the above recommendations, be considered for the Final Environmental Assessment. WDFW staff are available to provide technical assistance to you and the applicant. If you have any questions, please contact me at 509-570-2354 or Mallory.Hirschler@dfw.wa.gov.

Sincerely,

Mallory Hirschler
WDFW Region 2 Habitat Biologist

Cc: Carmen Andonaegui – Regional Habitat Program Manager, Region 2, WDFW
Amanda Barg – Assistant Regional Habitat Program Manager, Region 2, WDFW
Brandon Austin – Forest Habitats Section Manager, Habitat Program, WDFW

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