



Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

East Region

107 20th St.

La Grande, Oregon 97850

(541) 963-2138

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Umatilla National Forest Supervisor's Office
Attn: Blue Mountains Forest Plan Revision
72510 Coyote Road,
Pendleton, OR 97801

RE: Comments on The Blue Mountains Forest Plan Revision

This letter is to provide formal comments from the Oregon Department of Fish and Wildlife (ODFW) on the Preliminary Draft Proposed Malheur, Umatilla, and Wallowa-Whitman National Forest Land Management Plans (Draft Plan). The U.S. Forest Service (USFS) is responsible for the stewardship of these three National Forests, which support fish and wildlife populations by providing unique and specialized habitats as well as hunting, fishing and wildlife viewing access across 4.9 million acres. The planning process for the Blue Mountains Forest Plan Revision has been ongoing since 2004, and ODFW appreciates the opportunity afforded to the State of Oregon to participate in the various iterations and phases of revision. While ODFW has specific concerns and requests related to the Revised Blue Mountains Forest Plans, ODFW is supportive of completing the revision process.

The landscape has changed drastically in the Blue Mountains since the planning process began in 2004, with the impacts of a warming and drying climate, and associated increase in size and severity of wildfire. We support the increase in active forest management outlined in the draft plan and the acknowledgement of the import role the forests play for surrounding communities, and the public who use the forest. With the drastic landscape-level changes, it is important to understand how USFS intends to manage and monitor the forests over the next 35 years. While we appreciate the brevity of the draft plan, the lack of detail leaves uncertainty for what future management looks like. That uncertainty is amplified by recent rescinding of the Roadless Rule, anticipated rescinding of the National Travel Management Rule and related recent direction memos from the Region Forester and Forest Supervisors.

The following are ODFW's specific comments about the Revised Blue Mountain Forest Plans:

- 1. State Coordination:** The relationship between the State of Oregon and USFS is critical, while ODFW is responsible for managing fish and wildlife and USFS is responsible for managing the habitat they depend on. The Draft Plan should acknowledge and prioritize the role that USFS plays in

helping ODFW protect and enhance fish and wildlife, and their habitat for use and enjoyment by present and future generations. ODFW encourages incorporation and coordination with relevant Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR), and associated management plans in the Revised Blue Mountain Forest Plans.

- a. **Fish Passage:** ODFW could not find reference to Oregon Fish Passage Laws (ORS 509.580 through 509.910 and OAR 635 Division 412). Each crossing of a stream or waterbody containing, or historically containing, native migratory fish could trigger Oregon fish passage laws that require ODFW engagement and approval. Trigger events include installation of structures of relevance to fish passage (e.g., culverts, artificial obstructions), major replacement or upgrade work, a fundamental change in permit status (e.g. new water right, renewed hydroelectric license), or abandonment of an artificial obstruction. Further details concerning triggers can be requested from ODFW. The approval includes ODFW review of stream crossings or site-specific details pertaining to stream crossing method, design, timing, location, and placement details. The goal of these fish passage laws is to ensure the stream crossing designs are compliant with ODFW fish passage design criteria, and fish passage is unobstructed.
 - ODFW recommends that language in the guidelines (MA3A-RMA-GDL .09) specify that new, replacement stream-crossing structures will be consistent with ODFW fish passage laws and that unintended passage barriers, such as low-tech restoration structures, be addressed with project-level coordination with local ODFW staff.
- b. **Habitat Mitigation:** ODFW works with regulatory and planning agencies, land management agencies, private developers, operators, public interest groups, and the public to implement the Fish and Wildlife Habitat Mitigation Policy (OAR Chapter 635, Division 415) which sets guidelines to avoid, minimize or mitigate the impact from a development action on fish and wildlife habitat.
 - ODFW recommends that the Forest Plan include guidelines (FW-MEG-GDL) that ensure development of mineral, energy, or geology projects avoid and minimize impacts to all fish and wildlife habitats, and that mitigation occur for unavoidable impacts.
- c. **Oregon State Wildlife Action Plan:** State Wildlife Action Plans (SWAP) are federally required strategic plans to guide proactive conservation to prevent species from becoming endangered. The Oregon State Wildlife Action Plan (formerly known as the Oregon Conservation Strategy) identifies Species of Greatest Conservation Need (SGCN), key conservation issues, key habitats, and recommended conservation and management actions. It is noteworthy that the federal government mandates the development of this plan but does not integrate the plan's recommended actions or priority species into federal land management plans. Specific comments regarding these topics are included below.
 - Species of Greatest Conservation Need: ODFW recommends that SGCN that occur in these forests be included on the Preliminary Species of Conservation Concern List (Appendix C). Additionally, ODFW recommends the removal of species that are not identified as SGCN in the Blue Mountains Ecoregion, and that species that are not associated with forest habitats, such as the pygmy rabbit, be removed from the list.
 - Invasive Species: Invasive species, particularly invasive annual grasses, are prevalent on lower elevation areas and canyon grasslands. Invasive plants continue to cause changes in vegetative communities and loss of wildlife habitat and forage, and area a serious threat to the Blue Mountains National Forests. The objective to treat 3-4,000 acres of each forest annually

for terrestrial and aquatic invasive species (FW-INV-OBJ) is not sufficient to achieve the stated desired conditions in which these species are absent or occur in small areas (FW-INV-DC). ODFW recommends that the objectives for treatment be based on the existing extent of invasive species presence and that specific criteria for monitoring be incorporated into management approaches (FW-INV-MAPR)

- Flowing Water and Riparian Habitats: High concentrations of livestock in or near streams can degrade water quality and riparian habitats. Standards and Guidelines (MA3A-RMA-STD & GDL) for riparian management areas should include language encouraging off-site watering or exclusion of livestock from riparian areas to reduce excessive nutrient input and bacteria. Management approaches (MA3A-RM-MAPR) should include explicit criteria and timelines for how adjusting livestock grazing pressure will be accomplished to meet desired conditions (FW-WTR-DC, MA3M-RM-DC), and when active restoration actions, such as riparian area fencing will be applied. Virtual fence technology should be acknowledged and encouraged in the plan.

d. **Oregon Wildlife Corridor Action Plan:** The purpose of this recently completed Plan is to provide state and federal management agencies, conservation groups, transportation planners, and the general public with the information necessary to ensure that wildlife connectivity is being accounted for and incorporated into the planning and implementation of development, resource extraction, habitat management, and other initiatives that may impact wildlife movement in Oregon.

- ODFW recommends that Landscape Patterns and Connectivity Objectives (FW-CON-OBJ) prioritize the removal or modification of existing fencing within Priority Wildlife Connectivity Areas identified in the Oregon Wildlife Corridor Action Plan. ODFW acknowledges the challenges of inventorying fencing across the landscape, but the current per-decade Objectives (FW-CON-OBJ) for fence removal and improvement is insufficient to address the need across the forests to improve connectivity. ODFW encourages Objectives that are based on a percentage of fences that need to be modified or removed annually to meet a goal of 100% wildlife-friendly fencing by a specified date. Obtaining these objectives will require coordination between the Forest Service, grazing permittees, adjacent landowners, state agencies, and conservation groups.
- ODFW supports the inclusion of wildlife friendly specifications for fencing reconstruction, replacement, or modification, and further recommends that the use of new technologies, such as virtual fencing, be included in Management Approaches (FW-CON-MAPR) for improving wildlife connectivity.
- ODFW appreciates the Management Approaches (FW-CON-MAPR) including collaboration with state agencies and additionally recommends that Priority Wildlife Connectivity Areas delineated within the Oregon Wildlife Corridor Action Plan be incorporated into project planning to maintain, restore, and improve connectivity across the Blue Mountains.

e. **Mule Deer Management Plan:** Mule deer populations are in decline, and recent research points to declining nutrition on summer range as a primary cause. The majority of mule deer summer range occurs on federally managed lands and forest management practices have a substantial effect on forage availability for mule deer. Protection and management of these summer ranges is needed to reduce continued mule deer population declines. In forested systems, mule deer habitat use is associated with moderate canopy cover (30-40%), closer to forest edges and streams, on

low to moderate slopes. Mule deer also show selection for foraging in riparian areas or wet meadows where shrubs and forbs are abundant. This preference for wet meadows and riparian habitats, can lead to potential exploitation competition between mule deer and domestic livestock.

- Given the important social and ecological role of this species, ODFW recommends the Draft Plan highlight mule deer as a species of importance and include desired conditions and management approaches that promote species abundance.
- ODFW recommends that specific vegetation management projects designed to maintain or enhance mule deer habitat be considered (FW-SPDIV-MAPR) to meet the desired conditions that provide for viable mule deer populations (FW-SPDIV-DC).
- Cattle diets in overgrazed areas and during drought or late summer periods include increased amounts of shrubs and livestock grazing seasonality and stocking rates can negatively affect mule deer populations, particularly in areas where fawning occurs. ODFW recommends that the impacts to mule deer forage are considered when monitoring grazing allotments, and that the Desired Condition .08 (FW-RNG-DC) and Guidelines .05 & .07 (FW-RNG-GDL) be used to improve fawning habitat and forage quality for mule deer.

2. Land Management Plan

- a. The first page of the Draft Plan states that site-specific designation of roads, trails, and motorized areas is outside the scope of forest planning and is addressed in a National Forest travel plan created as part of the National Forest Travel Plan (36 CFR part 212). For over 15 years, USFS has stated that following passage of the Draft Plan there will be a separate process to identify how motorized vehicle use will be managed on the forests. It is ODFW's understanding that this motorized vehicle use planning process will not occur on the Wallowa-Whitman and Malheur National Forest, and there is uncertainty if the National Forest Service Travel Management Rule will exist in the future. ODFW is supportive of regulated motorized access to public lands, and a policy that allows unrestricted vehicle use, essentially, "if you can get your motorized vehicle there, you can go there" is not sustainable, it does not support the backcountry desired conditions (FW-REC-DC, FW-RECBICA-DC) identified in the draft plan, and does not allow for managing impacts on species and habitats.
 - ODFW recommends that the Draft Plan include a desired future condition that maintains public access throughout the forest but establishes a system for regulating the mechanism used for access (e.g. foot, horse, ATV, full-sized truck, etc.).
 - ODFW recommends the Draft Plan include reference to the success and importance of the ODFW/USFS Cooperative Travel Management Areas; most of which have been in place for many decades.

3. Specific Wildlife Topics

- a. **Hunting:** Hunting represents the highest recreational use of the Blue Mountains forests and plays an important cultural, economic and ecological role. The Draft Plan should acknowledge the significance and importance of hunting, and the USFS role in providing habitat and security to keep game species available on public land.
 - Management Approaches in the Draft Plan should reference consistency with Executive Order 13443 when discussing forest management actions that may affect hunting and fishing opportunities on the Blue Mountain National Forests.

- b. Elk Habitat:** Elk are the iconic species across the three Bule Mountain Forests, holding deep cultural, economic, and ecological significance. ODFW recognizes the importance of supporting a broad distribution of elk on public lands, as outlined in the Revised Forest Plan desired condition (FW-SPDIV-DC), which emphasizes improving elk forage through vegetation management. Management actions on public lands have a direct influence on the distribution and abundance of elk, often affecting neighboring private lands. There has been a noticeable shift of elk populations from public to private lands, complicating public hunting opportunities and ODFW's management objectives. A major influence in retaining elk on public lands is the availability of secure habitat that offers both forage and security. Research shows that areas of elk security are those that are greater than ½ mile from open motorized route and at least 250 acres in size. Recent regulatory decisions are anticipated to significantly decrease elk security on national forest lands. The Draft Plan should incorporate targeted actions that enhance both forage and security, reduce disturbance, and prioritize elk habitat management.
- The Blue Mountains Intergovernmental Council developed a Desired Future Condition related to elk: "The desired condition is that habitat is managed to provide a balance of adequate nutritional resources, cover, and human disturbance regimes that encourage elk to remain on public lands." This agreed to language should not only be referenced in Appendix B, but it should also be stated as a desired condition (FW-SPDIV-DC) in the Draft Plan.
 - Given the uncertainty of security, the Revised Forest Plan should include a standard of no net loss of elk security from present conditions.
 - Given the uncertainty of long-term elk security, the Draft Plan should include a Guideline which specifies targets for providing elk security. Guidelines should encourage elk to reside on public lands, maintaining public access to elk and decreasing economic impact to private lands.
 - The Draft Plan should acknowledge the landscape scale issue of elk distribution (public vs. private land) in the Blue Mountains, the critical role USFS lands play in maintaining public access to elk on public land, and an objective of USFS being involved in regional solutions to distribution issues.
 - As stated on page 21 of the Revised Forest Plan, the 2012 National Planning Rule requires the use of best available science. The Forest Plan should acknowledge and reference the research completed at USFS Starkey Experimental Forest related to elk security.
- c. Bighorn Sheep and Disease Risk:** ODFW recommends that bighorn sheep management approaches (FW-SPRSK-MAPR) include a measure of time, in particular .06: The reporting of bighorn sheep observed near active sheep allotments to the state wildlife agency should occur as soon as discovered.
- d. Wolves:** ODFW would like to work with USFS to provide improved language for this section of the Draft Plan. Wolf/livestock conflict is an important issue for both wolf managers and livestock producers on the forests. Conservation and management of wolves, and support of economically viable livestock operations takes collaboration and communication between wolf managers, livestock producers and federal land managers. The Draft Plan should reflect the importance of those relationships.

- 4. Monitoring Program and Focal Species:** ODFW recommends the inclusion of Draft Ecological systems and Focal Species in the Draft Plan so that stakeholders have opportunity to provide input on the proposed ecological systems and focal species.

5. **Forest Plan Objectives:** ODFW is underwhelmed by some of numerical objectives identified in the draft plan – such as targets for miles of fence removed per decade, acres of aspen and meadows restored per decade, and wildlife related projects per decade.
6. **Access to Public Land:** ODFW is concerned that many roads that have been used for decades to access national forests lands do not have sufficient easements or other legal mechanisms that guarantee access into perpetuity through private land. The Land Ownership section of the Forest Plan should have stronger language and objectives related to reviewing road access.
7. **Inventoried Roadless Areas (IRA):** Existing roadless areas provide a significant portion of the elk security habitat on the Blue Mountain Forests. The IRA section (MA2A) should include a Standard of no net loss of elk security habitat within previously designated IRAs. This guideline should not preclude active forest management activities in IRAs.
8. **Starkey Experimental Forest and Range (EXFOR):** As stated in the draft plan, Starkey is the primary field location for scientific study of the effects of deer, elk, and cattle on ecosystems. Starkey is also the location of comprehensive research on the impacts of disturbance on elk distribution. ODFW recommends a Desired Future Condition incorporating this information to inform management actions and regulations on national forest lands.

We appreciate the opportunity to comment on the Revised Blue Mountain Forest Plans and look forward to continued collaboration to ensure that Oregon's forests remain healthy, resilient, and well-managed for future generations.

Sincerely,



Nick Myatt

East Region Manager, Oregon Department of Fish and Wildlife