

May 30, 2023

Sent via email:
Columbia County
Land Development Services
230 Strand Street
St. Helens, OR 97051

RE: Columbia County PA 22-02 and TA 22-02 (Proposed Limited Water Resource Protection Program)

Dear Commissioners Magruder, Smith and Garrett:

The Oregon Department of Fish and Wildlife (ODFW) appreciates the opportunity to review the proposed amendments to the Columbia County (County) Comprehensive Plan and Zoning Ordinance for Articles VIII Fish and Wildlife Habitat, IX Natural Areas, and X Water Resources as provided in the May 24, 2023 Staff Report. ODFW understands that the County is trying to reduce some of the challenges associated with the existing wetland overlay zone, while trying to find a balance for resource protection of riparian and wetland habitat.

It is the policy of the state of Oregon to manage wildlife to prevent serious depletion of indigenous species and to provide the optimum recreational and aesthetic benefits for present and future generations of the citizens of this state. In accordance with this policy and our mission, ODFW offers the following comments and recommendations for submittal in the record for the Board of County Commissioner Hearing on May 31, 2023.

The May 24, 2023 Staff Report states that ODFW no longer has concerns with the proposed amendments for a limited protections program. However, ODFW continues to recommend protections for non-fish bearing streams and wetlands. Such protections will enhance fish bearing waters that may be downstream and these protections will better address the loss of habitat protection for other wildlife such as furbearer, waterfowl and nongame wildlife that rely on the existing wetland and riparian corridor overlays. ODFW previously submitted comments on August 1, 2022, and March 17, 2023, which emphasized the important functions and values that riparian and wetland habitats provide for fish and wildlife. Riparian zones are the dynamic interface between land and flowing water and an integral component to healthy fish and wildlife populations. Healthy riparian vegetation protects banks from erosion, influences in-channel aquatic habitats, maintains favorable water temperature for fish through shading, filters runoff, and provides nutrients to support terrestrial and aquatic life. Columbia County streams include thousands of river miles of habitat for native migratory fish, including those that are state and federally listed as sensitive, threatened or endangered. ODFW appreciates the County's efforts to maintain the safe-harbor riparian buffers for fish-bearing streams.

Recommend protections for wildlife habitat dependent on the existing riparian and wetland overlays:

The Staff Report identifies that five of the seven fish and wildlife habitat categories identified in the Comprehensive Plan depend in part on the existing Riparian Corridor and Wetlands overlays (Chapters

1170 and 1180), and that the County has relied in part on these existing overlays to provide habitat protections for significant fish and wildlife habitats. Columbia County chose to protect some wildlife habitat through the existing overlays, given that the wildlife that depend on wetlands and riparian habitat are not solely found near fish-bearing streams. Furthermore, conflicting uses for fish-bearing streams, such as removal of riparian vegetation and habitat conversion also affect terrestrial wildlife species.

The Staff Report acknowledges that this proposal reduces habitat protections for fish and wildlife species (only 16% protected), removes protections for non-fish bearing streams, removes wetland protections outside of urban growth boundaries and those wetlands connected to a riparian corridor. ODFW does not agree with the ESEE Analysis which concludes that the proposed Riparian Corridor Overlay Zone provides an appropriate level of local protection for fish and wildlife habitat because it is limited to just fish-bearing streams.

The Staff Report states the proposed program will have a marginal adverse impact on fish and wildlife habitat, and that potential impacts would be mitigated by state and federal programs related to endangered species, water quality, fish and wildlife habitat preservation, and wetland fill and removal. While ODFW acknowledges the regulatory oversight provided in state and federal wetland programs, the County should not rely solely on those programs to address the impacts to wetland and riparian habitat. For example, the Department of State Lands regulates wetlands and waters, but they do not regulate the upland areas, such as riparian corridors, that are critical for wildlife. ODFW is charged with the protection and enhancement of fish and wildlife species but has limited regulatory authority over the habitat on which wildlife depend. Therefore, ODFW relies on private and public partnerships, as well as local and state compliance with the statewide land use planning goals to conserve natural resources and consider potential impacts from land use decisions. Most of Columbia County land is privately owned and these lands play a critical role in the protection of fish and wildlife habitat. ODFW relies on local government's comprehensive plans and the implementation of thoughtful ordinances that consider natural resources and protect wetland and riparian habitats which wildlife depend on.

Recommend retaining at least a 25' riparian buffer for non-fish bearing streams: ODFW understands the County is proposing to remove the 25' riparian buffer for non-fish bearing streams. ODFW estimates that this decision will remove protection on approximately 1,440 stream miles (see Figure 1 below). This is more than half of the stream miles in Columbia County. These non-fish bearing streams often flow directly into and greatly impact the quality of fish bearing streams and wetlands. It is important to acknowledge the critical functions and values that riparian habitats can provide on non-fish bearing streams, which includes serving as critical migration corridors for birds, amphibians, reptiles, mammals, and other wildlife. The proposed program retains a policy for the County to *“Cooperate with the Oregon Department of Fish and Wildlife to better identify sensitive habitat areas for fish and wildlife and adopt implementing measures for their protection.”* If the County is interested in pursuing the identification of significant non-fish bearing streams through the standard ESEE process, ODFW can provide technical assistance in evaluating which non-fish bearing streams may be most significant for riparian buffers to protect wildlife habitat (e.g., wildlife migration corridors). ODFW recommends retaining at least a 25' buffer, which may include some additional flexibility as proposed in the new ordinance. Non-fish bearing streams flow into and directly affect the water quality of our fish bearing streams. If a riparian buffer is not maintained, we can expect a resulting increase in sediment, water temperature, and a decrease in macroinvertebrates.

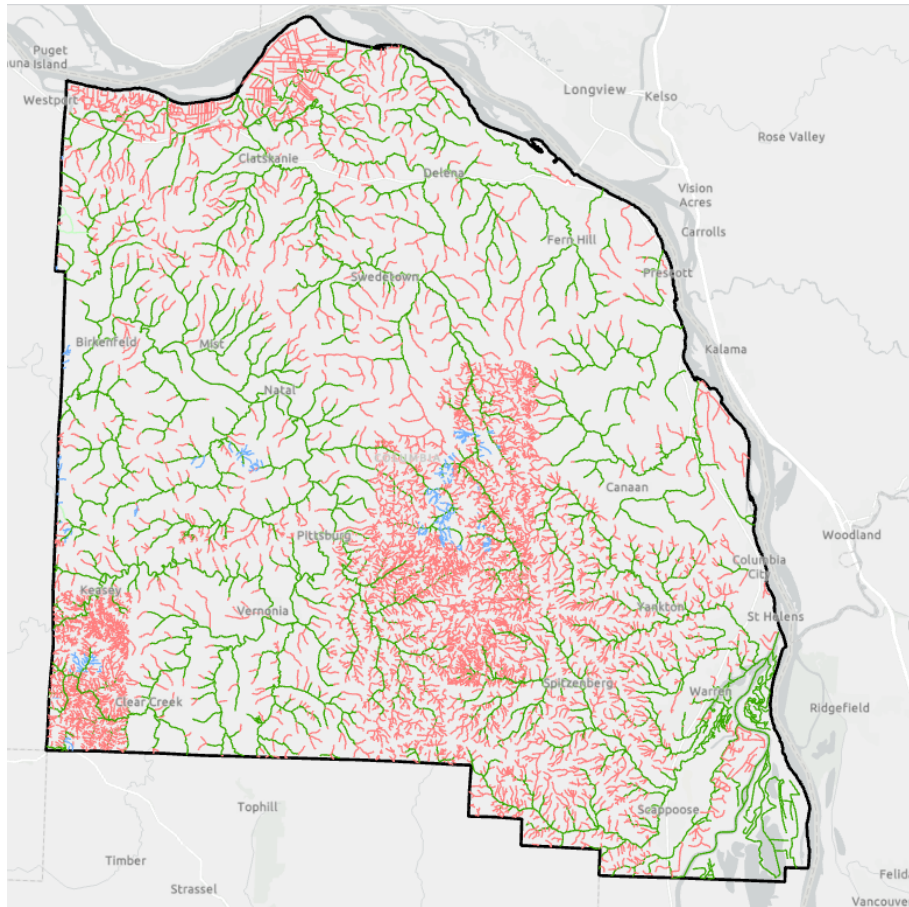


Fig 1. ODF Fish presence layers in Columbia County, Oregon: Green segments are fish bearing streams and red segments are non- fish bearing streams. ODFW calculated the miles of fish presence to be 977.6, miles of non-fish bearing: 1,441, miles of unknown: 28.4.

Recommend utilizing the most recent fish distribution data: ODFW appreciates the inclusion of the Oregon Fish Habitat Distribution Data, which is the best available data to document fish presence. The staff report dated March 24, 2023 references data from January 13, 2023 but more recent fish distribution data is available dated April 27, 2023. You can access the Oregon Fish Distribution Data here: <https://nrimp.dfw.state.or.us/NRIMP/default.aspx?pn=fishdistdata> ODFW recommends the inclusion of the April 27, 2023 fish distribution layers to apply the appropriate riparian buffer protections. On page 212 under 3. *Inventory and Significance* the County notes that the Columbia River is the only river over 1000 annual CFS, however, historical records show that the Clatskanie¹ and the Multnomah Channel also exceed 1000 annual CFS and should be included in the list.

On page 213 of the G5 Water Resources Staff Report (pg 53 of the document), it states that areas along *fish-bearing* rivers, streams, sloughs, lakes, and other water bodies in Columbia County serve a number of purposes, however, all streams and water bodies, whether they are fish-bearing or not serve a number of ecosystem services.

¹ https://waterdata.usgs.gov/nwis/inventory/?site_no=14247000

On page 217 Policy #12, we recommend retaining the existing language and removing “consistent with the Forest Practices Act. Minimizing the removal of trees and other native vegetation is recommended for both forested and non-forested land that may not be covered under the Forest Practices Act.

We appreciate the opportunity to comment and look forward to working with the County on this plan. Please contact me with any questions.

Sincerely,

Ariana Scipioni

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