



Oregon

Kate Brown, Governor

Department of Fish and Wildlife
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November 30, 2022

Coos County Planning Division
225 N. Adams St.
Coquille, OR 97423

RE: Coos County HBCU-22-001

Dear Coos County Planning Commission,

The Oregon Department of Fish and Wildlife (department) appreciates the opportunity to submit comment on the Hearing Body Condition Use application 22-001, for a proposed golf course with accessory uses on approximately 300 acres. The department's interest is with Oregon's wildlife, which is the property of the state,¹ and the state's Wildlife Policy that wildlife shall be managed to prevent serious depletion of any indigenous species and to provide the optimum recreational and aesthetic benefits for present and future generations of the citizens of Oregon.² The department only recently became aware of this proposal and therefore has had insufficient time to completely review the application materials to provide a comprehensive review ahead of the hearing scheduled for December 1, 2022.

In accordance with the department's mission and Fish and Wildlife Habitat Mitigation Policy (OAR 635-415), staff submit the following preliminary comments and recommendations in relation to this proposal. Please include these comments for the record.

- It is unclear if surveys have been conducted to assess what wildlife species may be present on the property. Given the type of habitat, location, and scale of the project, the department recommends wildlife surveys be conducted to identify more specific recommendations for avoidance, minimization, and mitigation measures. Should the applicant hire a biologist to conduct surveys, the department would be willing to provide technical guidance on methods and timing.

¹ ORS 498.002.

² ORS 496.012.

- The siting location immediately abuts, and shares similar habitat characteristics with, proposed critical habitat for the federally listed coastal distinct population segment of pacific marten (*Martes caurina*, federal status: Threatened). Selection criteria³ used by the United States Fish and Wildlife Service (USFWS) to determine critical habitat suggest that there is a high likelihood of use by this species in the Bandon Dunes Natural Area. There are also known use areas immediately adjacent to the project area for other listed species. As such, the department suggests the county and/or applicant reach out to USFWS for guidance on minimizing impacts and to inquire on the potential need for an Incidental Take permit.
- Twomile creek is listed by the Oregon Department of State Lands as Essential Salmon Habitat for Fall chinook, winter steelhead, and coho. If there are any new stream crossings (e.g. culvert installations) associated with this project compliance with Oregon’s fish passage laws (ORS 509.585 – ORS 509.910) is required.
 - All new and replaced stream crossings need to meet or exceed state of Oregon Fish Passage guidelines as defined under OAR 635-412; which specifies that stream crossings should be equal to or greater than Active Channel Width (ACW).
 - If there is any planned in-stream work (such as culvert replacement or bridge installation) associated with this project, it is advised that the applicant adheres to the Oregon Guidelines for Timing of In-Water Work for the associated stream. The instream work period for Twomile Creek is July 15th-September 30th.
- Per the County Comprehensive Plan, a 50 foot or greater riparian buffer is the recommended standard to protect stream habitats. Given the significant low stream flows and increased water temperatures that many watersheds in southwest Oregon have been experiencing, it is of great importance to Oregon’s fish populations that protection of riparian buffers are maintained and supported. The department would be interested in reviewing any plans for work within a riparian area and can provide guidance on habitat improvements and minimization of detrimental impacts within riparian buffers.
- The department recommends additional details on management plans for water use and methods to reduce impacts to water quality.
- There are additional indirect effects associated with the placement of a golf course at this location, including:
 - The proposed area is adjacent to productive western snowy plover (*Charadrius nivosus nivosus*, state and federal status: Threatened) habitat and a habitat restoration area for the species. Increased public traffic during the sensitive nesting season may potentially decrease nesting success. Relatedly, garbage generated in areas of human activity has been shown to contribute to increased attraction of natural predators of plovers such as crows, ravens, and other natural prey species for the non-native red fox. Red fox will also be attracted to the area with the creation of a series of open meadow environments interspersed with taller grass cover (like a Scottish Links course).
 - There is typically little tolerance for waterfowl and big game on golf courses and actions to exclude or haze these species can cause detrimental

³ <https://www.federalregister.gov/documents/2021/10/25/2021-22994/angered-and-threatened-wildlife-and-plants-designation-of-critical-habitat-for-the-coastal>

impacts to these species and surrounding properties. Migrating birds are expending large amounts of biological resources on their journey and may be attracted to ideal conditions artificially created by the golf course and adjacent cranberry bogs. The management practices of the greens typically create attractive, nutrient rich forage that attracts big game species. The soil disturbance on the green can cause significant damage depending on the big game species. Surrounding agriculture properties may experience additional wildlife conflict, as these practices can also create attractive conditions.

- Additionally, the increased human presence in combination with highly desirable forage often leads to habituation of game species, which ultimately can create unsafe conditions for both humans and the habituated animal.
- Based on the department's cursory review of the application, it appears that a water right will be required. However, the applicant should be aware that the department will be required, as part of the Oregon Water Resources Department (OWRD) process, to review new proposed uses of water (including groundwater which has a potential substantial interference with surface water) that may result in detrimental impacts to sensitive, threatened, or endangered fish. If the department's assessment reveals flow within the impacted reach are or are assumed to be entirely or partially below those essential to support the biological needs of fish, wildlife, or habitats and/or the proposed use will otherwise impact habitat recommendations to OWRD may reflect that assessment indicating that the proposed use may diminish physical habitat and alter the flow regime to which fish and wildlife are naturally adapted. These changes would be considered to negatively affect fish/wildlife distribution, productivity, and abundance. In these instances, where further reduction in flow or alteration of habitat from a proposed water use would impair or be detrimental to fish, wildlife, and/or their habitat mitigation may be required. The department recommends that the applicant contacts OWRD for more information on the water right permitting process.

The department encourages pre-planning coordination for projects that may affect fish, wildlife and their habitats. Given the limited time the department has had to review the application materials, the department recommends additional collaboration with the applicant to discuss and address the concerns and recommendations raised in this letter.

If there are any questions related to the department's comments, or the County and/or applicant would like to coordinate further with the department regarding the proposal, please contact me at 541-464-2399 or amy.e.darr@odfw.oregon.gov. Thank you for your consideration of the department's comments regarding Oregon's fish, wildlife, and habitats.

Sincerely,



Amy E. Darr
Regional Habitat Biologist
Oregon Department of Fish and Wildlife

