

March 8, 2002

To:
Coos District, Oregon Department of Forestry
63612 Fifth Road
Coos Bay, OR 97420

Emailed to:
jane.hope @ state.or.us.

RE: Elliott State Forest FY 2003 Timber Sale Plan

Please consider these comments from Umpqua Watersheds before making a final decision on your Fiscal Year 2003 harvest plan for the Elliott State Forest. We are concerned with the protecting and restoring environmental quality of public resources, including watersheds, fish and forests, in the Umpqua, Coos and Coquille watershed basins.

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1. Clearcutting on High Landslide-Risk sites

The FY 2003 timber sales are concentrated in high landslide risk areas. This should be changed. Of the 5 sales that have been cleared for the FY 2003 sale plan (Camp Creek, Footlog Combo, Fish Headwaters, Schumacher Ridge and Larson Headwaters), all five are within the unstable Tyee Core Area. All five have slopes in excess of 70%. All five have “high landslide hazard locations”. All five have a “High Probability” that a slope failure will enter a channel, and four out of the five have a “High Probability” of that a slope failure will “become a channelized debris flow”.

If there were houses under these sales, the threat to human life would make these clearcuts illegal. The State of Oregon should also be concerned with killing fish. For instance, the Camp Creek sale plan states that “landslides occurring in the headwalls would likely deliver to reaches of suspected fish-bearing streams below.”¹ Yet no offer is made to thin instead of clearcut, or otherwise significantly reduce the risk from occurring. These “high risk” sale proposals must be withdrawn because “...there are no provisions to avoid logging or road construction on high-risk sites. This is a serious deficiency in the Rules, because landslides can add significant amounts of fine sediment to streams and can result in increased direct mortality to salmon through burial of redds and eggs.”²

The Elliott State Forest is not the best choice of forests to do clearcut intensive forest management for the school trust fund since it is one of the most landslide prone forests managed by ODF. The common school fund should not have to take these risks now that the “secure rural schools” act has been implemented. For its duration, the most landslide prone areas under ODF management should be deferred from harvest.

The Elliott State Forest had “regions that were observed to have the highest rates of landslides and debris torrents from the November 1996 storm.”³ Areas of the Elliott State Forest had the highest number of landslides of any of the 8 landslide study areas in the State of Oregon. Of 509 landslides studied, the Elliott had over 159 landslides that affected streams.⁴ The Scottsburg area of the Elliott State Forest had the second highest number of landslides that went into streams, 89.⁵ This is Mill Creek, right where ODF now proposes to clearcut the Camp Creek timber sale, where the sale plan documents high risk to a fish bearing stream.

The landslide study documents that one of the largest slides in the Scottsburg study area is immediately adjacent to Area 1 in the proposed Camp Creek timber sale. Right across the road from where the high risk would likely deliver clearcut sediment into fish-bearing streams, a landslide already has already occurred into Mill Creek.

ODF’s own study indicates that “for the most landslide prone landscapes”, such as proposed in the 2003 timber harvest plans, “there is a 75 percent chance that recently

¹ Camp Creek FY 2004 Pre-Operations Report. page 3.

² National Marine Fisheries Service (NMFS). position paper on Oregon Forest Practices Act. May, 1996.

³ ODF Storm Impacts and Landslides of 1996: Final Report. June 1999. page 15.

⁴ ODF Storm Impacts report. page 49.

⁵ ODF Storm Impacts report. page 81.

clearcut areas will have greater landslide erosion or density as compared to mature forest stands after a very large storm.”⁶ Camp Creek is in the Scottsburg study area which “has the greatest relative increase in landslide density in the 0 to 9-year age class” of any area studied. Additionally, “Scottsburg is also the only study area to have greater landslide densities in both the 10 to 30 and 31 to 100-year age classes, as compared to the 100-year plus age class.”⁷

To continue with clearcutting on these exact same high-risk slopes, even after the landslide study, is insane.

2. Small streams need protection

The FY 2003 timber sale plans leave a 0-foot tree buffer next to small non-fish bearing streams. For instance, in the Footlog Combo sale, “Buffers are not required along the seasonal type N streams under the current HCP”, so no buffers were given the “small, non-fish bearing tributaries flowing within and adjacent to the sale area.”⁸ No buffers are required under the current HCP because there is no HCP for endangered fish in the Elliott. The lack of an HCP and the lack of streamside buffers is illegal. All streams, even intermittent streams, should be buffered with uncut trees.

Sediment from ground disturbing activities washing into these streams because of no buffers will wash downstream to fish habitat when it rains. “Since there is no requirement to retain riparian trees along small Type N streams, the Rules are not likely to provide either streambank protection (reinforcement of banks by tree root systems) or sufficient long-term recruitment of LWD [large woody debris] to store fine sediment and prevent it from routing directly to downstream fish-bearing streams.... The lack of a long-term ability to recruit large wood in small non-fish-bearing streams places the important sediment storage function of these headwater channels at risk. The timing, rate, and amounts of sediment delivered to fish habitats are greatly influenced by LWD in small streams providing upstream sediment storage capacity ”⁹

National Marine Fisheries Service (NMFS) recommended changes to Oregon’s Forest Practices Act in February 1998 to protect Coho salmon, which resides downstream from the Elliott Forest proposed 2003 sales. NMFS recommended riparian buffers on all streams with buffers in the coast range of 150-200 feet on fish-use streams, 100-135 feet on perennial nonfish-use streams, and 50-100 feet on intermittent nonfish-use streams.¹⁰ NMFS also recommended prohibiting forest practices on landslide-prone locations with a high or medium potential for delivery to streams, such as all the proposed FY 2003 timber sales. The Elliott Forest FY 2003 sales must fully protect endangered salmon by buffering small streams and deferring harvest on high-risk areas.

⁶ ODF Storm Impacts report. page 64.

⁷ ODF Storm Impacts report. page 72.

⁸ FY 2002 Pre-Operations Report. Footlog Combo timber sale. page 2.

⁹ NMFS position paper on Oregon Forest Practices Act. May, 1996.

¹⁰ NMFS. *A Draft Proposal Concerning Oregon Forest Practices* at 67 (Feb. 17, 1998).

3. Declining Owls

The ODF cannot log Northern Spotted Owl (NSO) habitat on the Elliott State Forest (ESF) in FY 2003 because the Elliott's Habitat Conservation Plan (HCP) for owls is not being followed, as required by the Endangered Species Act.

The HCP requires the Elliott to support 26 owls¹¹ (defined as 13 pairs in the HCP EA). But the 2/18/2002 HCP review states that there are currently only 7 pairs supported.¹² This is only half the owls that should be supported. The state of Oregon is seriously out of compliance with their HCP and cannot log any NSO habitat until this is fixed.

The FY 2003 timber sale program proposes to clearcut another 50 acres of Northern Spotted Owl habitat, all coastal forests between 100 and 145 years old. This is not allowed under the current HCP. ODF should not cut any Northern Spotted Owl habitat until the alarming decline in owls, above HCP allowances, is reconciled.

Page IV-14 of the 1995 HCP states that there are 69 owls in the Elliott State Forest.¹³ After 60 years of logging mature forests, ODF was expected to take (kill) 43 owls, leaving only 26 owls to begin a recovery in 2055. But already the Elliott cannot sustain even half of what was expected in 60 years. And it is depending on immigration of owls, not their own habitat, to even sustain the current low numbers. "...immigration into the area should contribute to population stability. However, the declining trends in density and adult survival over this five year period are cause for concern in this study area."¹⁴ This was a finding of the 5-year "comprehensive review" required by the HCP.¹⁵ The HCP must be adjusted based on this review, before FY 2003 timber sales are finalized.

4. HCP 5-year review is not adequate

The HCP was not reviewed as required. The HCP states that "a comprehensive review of the habitat conservation plan and incidental take permit conditions be conducted at the end of the first five years. The basis of the review will be: 1) for owls, to decide if changes are needed as a result of new information on the species, conservation needs and goals, and recovery plan information..."¹⁶

Obviously, if the owl pairs are only half what they are supposed to be after 5 years of a 60 year plan, the review must recommend changes needed as a result of this new information on the species. The department cannot simply conclude that logging can continue as planned under the HCP.

¹¹ Elliott State Forest Habitat Conservation Plan (HCP). ODF Coos District. May 1995. IV-14.

¹² Comprehensive 5-year Review of the HCP. 2/18/02. page 6.

¹³ HCP IV-14.

¹⁴ Comprehensive 5-year Review of the HCP. 2/18/02. page 7.

¹⁵ HCP IV-10.

¹⁶ HCP IV-46.

Also, ODF did not review the HCP, as required. Instead it concentrated its “5-year review” on the spotted owl research report of 2000. For instance, the HCP documented that in 1993 there were 69 owls with home ranges in part or in total on the Elliott State Forest. The 5-year review does not look at these 69 owls to see where they have gone. Instead it states there were only 13 pairs (26 owls) on the forest in 1993 because the research reported this number, not the HCP.

If the 5-year review documents 26 owls in 1993 while the HCP documents 69 owls in 1993, there appears to be a discrepancy in the data. When I asked the ODF biologist (author of the 5-year review) about this, she responded that she didn’t review the 1995 HCP data, only the owl study data of 2000.

The HCP started out with 69 owls in 1993 and the HCP requires that the 5-year review examine the fate of the 69 owls as “the basis of the review”. Instead, a new history was written documenting only 13 pairs (26 owls) in 1993 and not mentioning the other 43 owls¹⁷ on the Elliott in 1993. That’s a lot of owls not pairing up. The 5-year review should be appended with the review of the HCP data, as required.

Another problem with the 5-year review is that it used 1998 data and wasn’t published until February 2002. That is almost 7 years after the 1995 HCP, and 3 years after the last data was collected on owls -- an untimely report with old information. If there were only 7 owl pairs supported on the Elliott in 1998, when it must support 13 pairs over 60 years, and it supported 26 pairs in 1993, how many owls remain in 2002? Clearly, the 5-year review, due two years ago, must answer these important questions before any logging in owl habitat can continue in FY 2003.

5. Current Timber Sale Proposals

The 7-year NSO study completed in 2000 (the basis of the 5-year review) demonstrates there are serious problems with the 1995 HCP assumptions. Between 1993 and 1998 the total number of NSO territories decreased by 48%, the number of pair sites decreased by 54%¹⁸ and density of owls declined by 57%.¹⁹ It warns that “the declining adult survival rates are of concern, and these rates must stabilize over time for the population to be stationary... the declining trend in density and adult survival are cause for concern....”²⁰ The FY 2003 timber harvest plan does not take this decline seriously.

For instance, the **Lone Surprise timber sale** contains 42 acres of 128 year old forests, valuable owl habitat right in the Salander Creek NSO home range in section 26 and 27²¹ (T23s R10w). The Salander Creek owl is the most valuable and productive owl on the entire Elliott State Forest. The NSO study recommended that a Habitat Conservation

¹⁷ 69 owls minus 26 owls equals 43 owls.

¹⁸ Northern Spotted Owl (NSO) Research on Oregon Department of Forestry Lands. July 18, 2000. Appendix A. page 25.

¹⁹ NSO Research on Oregon Department of Forestry Lands. July 18, 2000. Appendix A. page 1.

²⁰ NSO Research on Oregon Department of Forestry Lands. July 18, 2000. Appendix A. page 26.

²¹ NSO Research on ODF lands. 7/18/00. Appendix B. page 29.

Area (HCA) protect it. But before these recommendations can be acted on, the 2003 harvest plan proposes to clearcut in the home range.

The HCP age maps show the area now called the Lone Surprise timber sale units. It shows they are supposed to be 155 years old in 2024, not clearcut in 2003.²² Since Lone Surprise wasn't scheduled to be clearcut until sometime after 2024, the timber sale plan should disclose why it's being rushed through now. Since the NSO study recommended ODF not cut the Salander Creek NSO home range, and the HCP assumed ODF would not cut it until after 2024, you must withdraw the Lone Surprise sale from FY 2003 clearcuts.

The same problem appears to plague the **Fish Headwaters timber sale**. It will be clearcut now even though the HCP 2024 map shows it developing nicely into 155 year-old spotted owl habitat. We didn't examine every sale on the 2024 HCP map, so this could be a pervasive problem with more FY 2003 sales.

The **Camp Creek timber sale** will cut mature timber immediately adjoining the mapped home range of the Mill Creek owls.²³ Though the harvest units are a quarter mile from the activity center, the logging and aerial spraying of herbicides could seriously disturb the owl, disrupting nesting, especially with spraying of herbicides during the nesting season. Not only is the aerial herbicide application noisy, chemicals drifting in air currents or absorbed by NSO prey species could be detrimental to egg development or the health of young NSO chicks.

The owl HCP 5-year review found that Habitat Conservation Areas (HCA) reserved for owls were not correctly positioned over the spotted owl core areas. It sites the Mill Creek owls as one of the problem areas. "The Footlog Creek HCA includes 14% of the Lower Mill male core use area and 9% of the Lower Mill female core use area."²⁴ The review states it was a mistake for the HCP to not protect spotted owl core areas in the HCAs. Clearcutting mature forests so close to the Mill Creek owls should be deferred at least until a core area is defined for this site.

The **Howell Ridge #3 timber sale** will clearcut 145 year old timber, some of the oldest on the Elliott, immediately adjoining the home range of Salander Creek NSO home range in section 28.²⁵ Since the Salander Creek NSO is the most productive on the forest, and one of the least protected, the Howell Ridge timber sale should be deferred until the HCA problem sited in the 5-year review can be corrected.

²² HCP. Second map after page IV-21. "Elliott State Forest Development Through Time 2024". The Lone Surprise units in unit in T23sR10w, sections 26 and 27 are shown to be between age 96-155.

²³ NSO Research on ODF lands. 7/18/00. Appendix B. page 29.

²⁴ Comprehensive 5-year Review of the HCP. 2/18/02. page 18.

²⁵ NSO Research on ODF lands. 7/18/00. Appendix B. page 29.

6. The FY 2003 proposals do not consider recommendations of either the 2000 NSO study or the 5-year HCP review.

Both the Lone Surprise and Howell Ridge timber sales will cut next to and within the home ranges of spotted owls in the **Salander Creek Site** (cutting is proposed about 2 miles south of Salander Creek). Salander Creek was identified in the HCP 5-year review as one of the most productive Owl sites on the Elliott State Forest,²⁶ and recommended no cutting in this area, especially since it was mistakenly was not included in a HCA reserve.

Recommendations from the 2000 NSO study was to not harvest in core areas, defined as “areas within the home range that received higher use than other areas.”²⁷ The timber sale plan documents do not identify the core areas of the owl’s home sites being logged next to. The ODF must know where the core areas are before logging.

The 2000 NSO study also recommends that the owls in the Elliott can be helped in the planning and development of habitat at the reforestation stage of silviculture. This includes establishing low initial tree densities, reducing practices that promote stand homogeneity, including not spraying hardwoods. The FY 2003 harvest plan incorporates none of these recommendations by determining to use herbicides on everything and restocking with 85% Douglas fir seedlings.

Other recommendations include preserving areas of older forest (such as the 145 year old forest to be clearcut in the Howell Ridge timber sale), high use areas, and mature and old forest used by spotted owls.²⁸ The 440 acres or regeneration harvests violates these recommendations. Another recommendation was to find and maintain connectivity between NSO sites.²⁹ The FY 2003 harvest plan does not address the connectivity between sites, or if important corridors will be clearcut. The FY 2003 harvest plan reflects the HCP’s lack of “a site-specific approach to conservation of spotted owls”,³⁰ and the declining number of owls reflects this problem documented in the 5-year review.

7. Diseases

***Phytophthora laterali*, *Phytophthora ramorum* and *Phaeocryptopus gaeumannii*:** Port Orford Cedar Root Rot, Sudden Oak Death and Swiss Needle Cast

The 2003 timber sale plans fail to inform the public how the state plans to prevent the spread of these three diseases, either new to the area or a new problem to the area since the stands were regenerated in the mid 1800’s, since the Forest Management Plan in 1990, and since the Habitat Conservation Plan in 1995. This should be corrected to adequately protect not only the State owned forest, but also the adjoining BLM and private lands.

²⁶ Comprehensive 5-year Review of the HCP. 2/18/02. page 17, 18, 25.

²⁷ NSO Research on ODF lands. 7/18/00. Appendix B. page 46.

²⁸ Comprehensive 5 year Review of the HCP. 2/18/02. page 18.

²⁹ Comprehensive 5 year Review of the HCP. 2/18/02. page 19.

³⁰ Comprehensive 5 year Review of the HCP. 2/18/02. page 19.

Port Orford Cedar Root Rot

Currently, Port Orford Cedar exists in the southern areas of the Elliott, and Pacific yew exists throughout the Elliott. Both these species can be effected by *Phytophthora lateralis*, especially if wintertime hauling is allowed in watersheds with these species. Wintertime haul spreads the rot disease because of the transportation of mud on workers, vehicles and logging equipment.

Even limiting wintertime hauling or road sanitizing may not be adequate protections for Pacific Yew, an important tree species for the biodiversity of the Elliott State Forest. For the adjoining Coos-Bay BLM, the protections in place for years have been found inadequate. The most recent Coos-Bay BLM's RMP review says: "Port-Orford cedar root rot disease management language in the Coos Bay RMP was recently found to be inadequate.... District staff should consider changing language in the RMP concerning the management of Port-Orford cedar Root Rot disease to state unambiguously that BLM is to control the spread of the disease as well as mitigate its damages. Another option is to make the commitment to control the spread of the disease through Watershed Analysis on a case-by-case basis."³¹

If the BLM is attempting to protect Port Orford Cedar and Pacific Yew on adjoining land, it would be helpful if the Elliott State Forest did also.

Sudden Oak Death³²

The state foresters must take into consideration new information concerning Sudden Oak Death (SOD, *Phytophthora ramorumi*). SOD is a newly introduced disease that has devastated coastal oak communities in California, and was discovered last year on Coos-Bay BLM land in Southern Oregon. It affects many plant species that are in the Elliott State Forest, including Madrone trees, Rhododendron and Huckleberry shrubs, as well as Oak Trees. Wintertime hauling proposed for the 2003 timber sales could spread SOD in the watershed. Please fully analyze this new information before implementing the projects.

Swiss Needle Cast

The 2003 timber harvest plans did not take into account the new information on Swiss Needle Cast since the 1995 Habitat Conservation Plan (HCP). The HCP evaluated the number of current plantations that would develop into owl habitat within the next 60 years. The 2003 harvest plan is based on this analysis.

But this analysis could be very wrong considering the new information about a native disease that has taken a turn for the worst in the last few years, since the signing of the HCP. "Reduction in tree growth caused by Swiss needle cast, especially if sustained, not only will reduce yields, but also will affect our ability to manipulate stands into desired structures and compositions. Presently, hundreds of thousands of acres of Douglas-fir in

³¹ Supporting Document for the Coos Bay District 3rd Year [1998] Evaluation. July 31st, 2001. pg 45.

³² See <http://www.suddenoakdeath.org/> for more information.

coastal northwest Oregon are growing well below rates expected for the site. If the poor growth continues, yield expectations and harvest levels will need adjustment.”³³

A threefold increase was noticed within 24 miles from the ocean between 1996 and 1997. No adjustments have been made for this, either in the 1995 HCP, the 1990 HMP, or the 2003 harvest plan. The harvest plan calls for restocking with 85% Douglas fir (except for Larson Headwaters), even though Douglas fir plantations are most susceptible. The harvest plan evaluates “insect and disease problems” only for the current, native stand, not for surrounding plantations.

The Coos district wrote: “At the present, the greatest single factor of influence for changing silvicultural practices is the presence of Swiss needle cast on portions of the forest. Although we do not have the high infection levels as other coastal districts, we have seen a yearly increase in both the levels of infection and in the size of the area infected.”³⁴ Yet it is not apparent in the 2003 harvest plan what the “changing silvicultural practices” are.

The Coos District wrote: “During the last year concerns about forest health led to visits to verify the presence of Swiss needle cast on the South coast. Visits by the Service Forester and the Department's forest pathologist confirmed a moderate Swiss needle cast infestation in the area.”³⁵ The infestation has increased significantly since the HMP or HCP. The 2003 harvest plan must be modified to reflect these concerns about Swiss Needle Cast.

8. Herbicides

Every 2003 timber sale is dependent on herbicide spraying for reforestation. ODF should reconsider their dependence on this unclean, expensive and unnecessary technique that could harm wildlife and salmon. The federal agencies gave up spraying a decade ago, and they are doing fine without it. The Elliott should recognize the many studies³⁶ that show how herbicides in the watershed harm salmon.

9. Monetary Costs

The plan summary states that these sales “have a high volume and value because of the size of the wood and volume per acre. The estimated gross revenue for this plan is \$11.8 million. Project costs are estimated at about \$.29 million with a net revenue of about \$10.79 million.”³⁷ This cost estimate should be refined. It does not include the cost the probable landslides will have on the soil, water, fish, and future tree-stocks since all 5

³³ <http://www.odf.state.or.us/fa/fh/snc98/snctxt.htm>

³⁴ http://www.odf.state.or.us/coosbay/Annual%20Reports/Annual_rep2000/Annual_rpt_7.htm

³⁵ http://www.odf.state.or.us/coosbay/Annual%20Reports/Annual_rep2000/Annual_rpt_9.htm

³⁶ For instance, see “Diminishing Returns: Salmon Decline and Pesticides”, Richard Ewing, 2/99. <http://www.pond.net/~fish1ifr/salpest.pdf>.

³⁷ Coos District Fiscal Year 2003 Annual Operations Plan Summary. page 3.

sales each have a high probability of landslides. Because of the high-risk logging and leaving 0-foot buffers on small streams, the ODF should factor in a portion of the cost of the governor's Salmon Restoration Plan. Also, the monetary profits to the state estimated by ODF should be reduced by the reduced tax revenues from lost fishing jobs on the Oregon coast after "landslides occurring in the headwalls" of the Camp Creek clearcut delivers sediment "to reaches of suspected fish-bearing streams below."³⁸

Conclusion

Thank you for considering these comments before selling the FY 2003 clearcut timber harvest units on the Elliott State Forest. This forest is critical to the protection of wildlife dependent on coastal forests, such as Marbled Murrelets, Spotted Owls and Coho Salmon. It has sustained clearcuts for industrial forestry since before the 1930's. It is time to pause doing regeneration harvests to let the forest heal itself so that in the future it can once again sustain Oregonians with abundant wildlife, clean water, a sustainable supply of wood products and revenue.

Sincerely,

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³⁸ Camp Creek FY 2004 Pre-Operations Report. page 3.