

Wednesday, March 31, 2003

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**Public Comments from Umpqua Watersheds and American Lands
on the Coos District ODF Draft 2004 Annual Operating Plans**

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Dear Jim Young,

Please consider our comments when making a decision on the FY 2004 timber sales. In summary, we encourage you to stop clearcutting Northern Spotted Owl (NSO) or Marbled Murrelet (MM) nesting habitat, or above Coastal Coho Salmon habitat. Your current Forest Management Plan (FMP) and Habitat Conservation Plan (HCP) do not adequately protect viable populations of these threatened species, and it could be awhile before new plans are functional. Please do not clearcut on steep, unstable slopes. Consider thinning young plantations instead.

1. Clearcutting on High Landslide-Risk sites

The FY 2004 timber sales all include High Landslide Hazard Locations (HLHL), clearcutting in the Tye Core Area on slopes exceeding 65%. The Pre-Operations Reports for each HLHL sale should have been more clear on the effects of this risk. The ODF should conclude that, due to the proximity of the threatened Coastal Coho Salmon, no clearcut harvesting should be done on HLHLs. Instead, some areas proposed for logging are so steep and unstable that if a human house was downslope, clearcutting would be prohibited. Of the 12 sales that are proposed for clearcutting in the FY 2004 sale plan, all 12 have “High Landslide Hazard Locations”.

The 12 HLHL sale proposals must be withdrawn because they violate the Endangered Species Act for Coho Salmon. Agencies, such as the National Marine Fisheries Service (NMFS) have pointed out that a problem with the Oregon Forest Practices Act is: “...there are no provisions to avoid logging ... on high-risk sites. This is a serious deficiency in the [OFPA] 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.”¹ Since the Elliott State Forest has no Habitat Conservation Plan for Coho Salmon, no take of habitat is allowed, including habitat degraded by excessive silt from landslides.

The Elliott State Forest is inherently unstable. The Forest had “regions that were observed to have the highest rates of landslides and debris torrents from the November 1996 storm.”² 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 alone had over 159 landslides that affected streams³, over 30%. ODF’s own study indicates that “for the most landslide prone landscapes”, such as proposed in the 2004 timber harvest plans, “there is a 75 percent chance that recently clearcut areas will have greater landslide erosion or density as compared to mature forest stands after a very large storm.”⁴ To continue with clearcutting on these high-risk slopes above Coastal Coho habitat, even after the landslide study, makes no sense and violates the ESA.

This year extra trees are being left on small upslope streams in accordance with the Northwest Oregon State Forests Management Plan. But how many additional trees will be left is unclear. It is also unclear if these trees are being left because ODF believes that clearcutting is increasing the possibility of a channelized debris flow. If so, leaving a few trees is not adequate mitigation. These few trees will not come close to adding a sufficient amount of dead wood to fish habitat downstream after a management influenced landslide occurs in the headwaters. The ODF should not have to mitigate the effects of clearcutting as a substitute for preventing habitat degradation in the first place. If ODF disagrees, there should be some discussion of this in the plans.

¹ National Marine Fisheries Service (NMFS). Position paper on Oregon Forest Practices Act. May, 1996. http://www.umpqua-watersheds.org/local/nmfs_on_ofpa.html

² ODF Storm Impacts and Landslides of 1996: Final Report. June 1999. page 15.

³ ODF Storm Impacts report. page 49.

⁴ ODF Storm Impacts report. page 64.

Missing Geotechnical Reviews

Instead, less information is forthcoming. In the FY 2003 timber sale plans, the public was told the probability of the landslide entering a channel and the probability of the landslide becoming a channelized debris flow. In FY 2003, that information was startling, showing over 90% of the sales with a rating of “high” for these two factors.

This year the FY 2004 timber sale pre-operations reports do not tell us the “high”, “medium”, or “low” probability of the landslide entering a channel or becoming a channelized debris flow, only that there are High Landslide Hazard Locations. The locations are only loosely described on some reports, and not at all on others.

I (Francis Eatherington) asked Greg Kreimeyer (Coos District ODF) for a copy of the “Geo-technical Office Review” that each of the Elliott FY '04 clearcut sales had received (according to the pre-op report. But I was told that the “Office Review” referred to in the pre-operations report was not in writing. There is no “office review” report available for the public. Even the High Landslide Hazard Locations (HLHL) were not available to ODF. This is because John Seward identified which portions of the proposed units had slopes that meet the criteria for classification as HLHL, but Mr. Seward did not note the location on a map, either for himself or for ODF.⁵

Apparently John Seward identified which "Debris flow prone channels will receive additional riparian vegetation retention" (i.e., the Cedar Glenn Pre-Op Report). But again, Greg Kreimeyer said he did not note their locations on a map, so there is no location in writing for either the public or ODF to see.

Astonishingly, Greg said that even the ODF office did not know which channels were identified as likely debris-flow-prone, only which sales could contain these types of channels. There is no "Geo-technical Office Review" in writing that either John Seward or ODF has, other than the brief overview that John Seward inserted in the pre-operation reports under section IX.

This blind approach, keeping both ODF and the public in the dark as to the level of risk for a landslide entering a channel or becoming a channelized debris flow, is against State Forest Management Policy. The state directive on “Annual Operations Planning” requires the complete Geotechnical Review be in writing and in the files for the timber sales.⁶:

K.Area and Program Resource Specialists will help develop and review draft district documents and provide written comments on issues related to their respective areas of expertise and how the AOP contributes to meeting the landscape strategies outline in the FMPs and IPs. Resource specialists may include Geotechnical and Forest Engineers,

⁵ Francis Eatherington emailed Greg Kreimeyer a confirmation of this March 14 phone call on March 17, 2003, and asked him to correct any mis-information.

⁶ State Forest Management, Annual Operations Planning. revised 9/02. page 7. Greg Kreimeyer emailed this directive to Francis Eatherington for information on how much a timber sale can change before a new Pre-Operation Report has to be written. But it also contained this other relevant information.

L. Area and Program Resource Specialists will provide timely written review comments for their respective disciplines.

M Written review comments from Department resource specialists and review comments from outside the Department will be maintained in the file for that AOP and provided to the District Forester along with the final AOP that is considered for approval.

Not following this policy could make matters even worse for endangered fish habitat on the Elliott. How can the ODF even plan what the sale volume is, if it is not known where additional riparian vegetation retention will be required, or how many streams it will be required on? To lower the level of information available to ODF and the public makes no sense. The Pre-Operations reports should have included information and analysis of the where the unstable locations are and the probabilities landslides would enter a channel or become a channelized debris flow. There is a little discussion about mitigating road building and maintenance on high hazard locations, but nothing about clearcut harvesting on unstable slopes. Without this information, there is no opportunity to evaluate the risk from logging or safety measures that can be taken (such as thinning instead of clearcutting high risk sites). Without this analysis, there is no opportunity to significantly reduce the landslides from occurring.

We understand that in the future there will be a written Geotechnical Office Review, before the sales are advertised. Could you please tell us when a written report is available for each sale, and could you please send us a copy. Thank you.

2. Threatened Coastal Coho Salmon requires bigger buffers

The 1993 Elliott State Forest Management Plan (FMP) promises:

“Additional riparian protection may be needed if coho salmon or other fish stocks are listed as threatened or endangered. If listing does occur, the Department of Forestry will immediately implement any additional protection measures needed. These would be developed with input from the Department of Fish and Wildlife, and would include consideration of riparian strategy 1. Watershed analysis would be used as a basis for determining long-term needed protection measures.”⁷

Three years later, in 1996, the Umpqua Cutthroat Trout was listed as Endangered. Currently the Coastal Coho Salmon is listed as threatened under the Endangered Species Act since August of 1998. It appears that all timber sales since 1996 have not complied with the above quoted requirement of the Elliott Forest Management Plan. Since the listing of endangered salmon, the Elliott’s timber sales did not change at all from Riparian Strategy 2 (the chosen Riparian Strategy) to Riparian Strategy 1, as promised. The ODF must immediately change this, and begin to implement Riparian Strategy 1, which requires wider no-harvest buffers, including a no-harvest 50 foot RMA buffer on non-fish-bearing intermittent streams.

⁷ Elliott State Forest Management Plan. V-25

Timber sales continued to clearcut and herbicide spray right across small streams, and leave buffers too small on larger streams. The lack of any buffer on small streams (also allowed by the Oregon Forest Practices Act), prompted the National Marine Fisheries Service (NMFS) to recommend changes to Oregon's Forest Practices Act in February 1998 to protect Coho salmon, which resides downstream from all of the Elliott's 04 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.⁸ NMFS also recommended prohibiting forest practices on landslide-prone locations with a high or medium potential for delivery to streams, such as in FY 2004 sales.

But even the smaller protections of the promised Riparian Strategy 1 never kicked in. Riparian Strategy 1 requires at least 75 feet Riparian Management Area (RMA) on non-fish bearing perennial streams (as opposed to the 50 feet in the current Riparian Strategy 2). Riparian Strategy 1 requires at least a 100 foot RMA on Fish Bearing intermittent streams, as opposed to the current RMA of 75 feet. Perhaps most importantly, Riparian Strategy 1 requires a 50 foot RMA on non-fish-bearing intermittent streams, instead of the zero-foot tree buffer practiced up to this year.⁹

This year ODF does make some improvements. But the changes being made this year do not come close to the changes promised in the Elliott FMP. We are not getting Riparian Strategy 1. Instead, we get the "RMA standards of the Northwest Oregon State Forests Management Plan."¹⁰ As explained to me in an email from Jim Young: "The main difference in applying the NW State Forests a/r strategies will be the addition of some leave trees along seasonal non fish-bearing streams. The existing HCP does not require leave trees in these areas."¹¹ The amount of trees left depends on if the stream is or is not a debris flow potential.

There are two problems with this:

- 1) The ODF doesn't know which streams are a debris flow potential, as detailed in section 1 above;
- 2) This is still less than half the buffer required under Riparian Strategy 1, promised by the Elliott FMP if salmon became protected under the ESA.

The managers of the Elliott State Forest need to explain why Riparian Strategy 1 has never been implemented, as promised.

⁸ NMFS. *A Draft Proposal Concerning Oregon Forest Practices* at 67 (Feb. 17, 1998).

⁹ Riparian Strategies 1 and 2 are on pages V-34 and V-35 of the Elliott State FMP.

¹⁰ FY 2004 timber sales Pre Operations Reports, section VII.

¹¹ Email from Jim Young to Francis Eatherington, March 7, 2003.

3. Northern Spotted Owl

The Northern Spotted Owl depends on older forests in the Elliott for its survival, especially since the Weyerhaeuser Millicoma Tree Farm and other private land surround the Elliott on three sides. The Weyerhaeuser Owl HCP protects only dispersal habitat (young forests) because the Elliott (and some nearby BLM land) was available to provide the older forests needed for nesting habitat.

This section of our comments will discuss the alarming decline in the Northern Spotted Owl (NSO) population on the Elliott, recommendations from various ODF studies on the Elliott to alleviate the problem, and how well the proposed FY 2004 timber sales follow these recommendations.

a. Declining Owls

A five year study of Owls on the Elliott, with study results available July 2000, documents that “The small size of the population, declining adult survival, and declining annual rate of population change are all factors of concern”.¹² “[N]umber of territories... declined at ESF over the duration of the study.”¹³ “Declining trends in survival, crude density, and rate of population change over the course of the study remain areas of concern.”¹⁴ “On the Elliott Study area, total number of territories located decreased by 48%, and density of owls/km² declined by 57%.”¹⁵

The study documents that the number of nesting owl pairs was virtually cut in half in only 5 years. “On the Elliott there were a total of 26 territories in 1993. Of these 26 sites there were 13 pairs, 6 resident single males, 1 resident single female, 1 pair status unknown, and 5 status unknown sites.... There was an overall decrease in the number of territories found over the course of this study. In 1998 we located 12 total sites and of those, 7 were pairs.”¹⁶

Though management of the Elliott is not the smoking-gun cause of the decline, there is a decline none-the-less. We emphasize this because there has been some denial of the decline recently from Jim Brown (see details below). But the Elliott owl study clearly documents that “Overall there was a decrease in the number of territories found on the Elliott over the course of the study. Between 1993 and 1998, the number of territories decreased by 48% and number of pair sites decreased by 54%. Crude density also declined between 1993 and 1996 (years when density was estimated) with a 62% decrease in the number of territories/km² and a 57% decrease in the number of owls/km².”¹⁷

¹² Northern Spotted Owl Research on ODF Lands in the Coast Range. July 18, 2000. Glenn et al. page 12.

¹³ NSO Research on ODF Lands. page 15.

¹⁴ NSO Research on ODF Lands. page 29.

¹⁵ NSO Research on ODF Lands. Appendix A. Demographic characteristics. page 1.

¹⁶ NSO Research on ODF Lands. Appendix A. Demographic characteristics. page 8.

¹⁷ NSO Research on ODF Lands. Appendix A. Demographic characteristics. page 25.

Even the Elliott HCP 5-year review concurs that “the declining trends in density and adult survival are cause for concern...”¹⁸ The decrease in the number of Spotted Owl pair sites during the study from 13 to only 7 is especially alarming because the Habitat Conservation Plan (HCP) for Spotted Owls assumed that after 60 years of logging, there would be 26 pairs supported on the Elliott, and there is less than that after only 5 years.

The ODF must stop clearcutting the best Owl habitat left on the Elliott (see below for details) at least until the new HCP can address this problem. The ODF is overstepping the Incidental Take Permit they are currently working under. The current HCP for Owls requires the Elliott to support 26 owls¹⁹ (defined as 13 pairs in the HCP EA). But the HCP 5-year review states that there are currently only 7 pairs supported.²⁰ This is half the owls that should be supported. The state of Oregon is seriously out of compliance with their current HCP and should not log any NSO habitat until this is fixed. At the least, the ODF could not log the very best habitat available now, before this problem is addressed in the new Forest Management Plan (FMP) and HCP now being revised.

To put the decline in perspective, the HCP states that there were 69 owls in (or partially on) the Elliott State Forest in 1995 (from a 1993 survey).²¹ After 60 years of logging mature forests, the ODF was expected to take (kill) 43 owls, leaving only 26 owls (or about 13 pairs) to begin a recovery in 2055. But already the Elliott cannot sustain even half of what was expected in 60 years. It is depending on immigration of owls from nearby BLM old-growth, 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.”²² There is no question that the owl population is in serious decline on the Elliott. The cause is likely a combination of Elliott and nearby private land logging. But nonetheless, the next few years of management on the Elliott must address the problem.

b. Recommendations of the ODF NSO study and 5-year HCP review.

1. Protect the Best Habitat Now.

One of the most common recommendations of the study on the Elliott is to protect the best owl nesting habitat remaining, especially since the land set aside as owl reserves (Habitat Conservation Areas, or HCA) by the Elliott’s HCP, using 1993 data, misplaced where the best owl habitat was.²³ Recommendations include preserving areas of older forest (such as the 145 year old forest to be clearcut in the Cedar Glenn or Howell Ridge timber sales), high use areas (such as the Lone Surprise timber sale), and mature and old

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

¹⁹ Elliott State Forest Habitat Conservation Plan (HCP). ODF Coos District. May 1995. IV-14.

²⁰ Comprehensive 5-year Review of the HCP. 2/18/02. page 6.

²¹ HCP IV-14.

²² Comprehensive 5-year Review of the HCP. 2/18/02. page 7.

²³ Comprehensive 5-year Review of the HCP. 2/18/02. page 18. “...only a few of the HCAs include areas known to receive high use by active spotted owl pairs. In particular, the lack of HCAs including the core use areas of Roberts Creek and Salander Creek may result in lack of adequate protection to maintain these highly productive sites.”

forest used by spotted owls.²⁴ The 500 acres of regeneration harvests proposed by ODF for FY 2004 does not take these recommendations into consideration.

In February of 2002, **the Salander Creek owl site** was identified as one of the most productive owl sites on the Elliott State Forest,²⁵ but was unprotected in a short-rotation watershed basin. The scientist recommended that no cutting be proposed in this area because it was mistakenly not included in a Habitat Conservation Area (HCA) reserve. The 5 year study confirms that “Preserving the most productive spotted owl territories and maintaining connectivity among spotted owl sites on ESF and on adjacent lands may help stabilize the population and increase the number of productive owl pairs at ESF.”²⁶

But in spite of these sensible recommendations, both the **FY 2003 and the FY 2004 timber sales log in and next to the Salander Creek Site**. In fact, between 4 sales over these two years, 240 acres²⁷ of the very oldest and best nesting Owl habitat could be clearcut in the south east portion of the Elliott in and around the Salander Creek Owl Site.

The Cedar Glenn sale will cut next to and within the home ranges of spotted owls in the Salander Creek Site. Cedar Glenn units are proposed about 1 mile south of Salander Creek, and within the bubble occupied by the Salander Creek Owl.²⁸ Another 2004 sale, Cedar Top, is right next to the occupied bubble. In addition two FY 2003 sales proposed last year also clearcut in these owl sighting locations, Lone Surprise and Howell Ridge. Lone Surprise even has a rare and vitally important residual old-growth forest component (pre 1868 fire). Cedar Glenn and Howell Ridge are virtually the oldest post fire forests on the Elliott at 145 years.

2. More Logging in and near Owl Core Areas:

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.”²⁹ But “Earlier this year the **“4200 Wedges Timber Sale”** was advertised as a new 2003 sale.³⁰ It somehow escaped the pre-operations report that were made available for public comments earlier in the year (see reason 8 below, for more on this). The ODF decided to clearcut in one of the longest rotation basins that the Owl HCP forbids clearcutting in. With no explanation, **the 4200 Wedges Timber Sale clearcut within the heart of the Benson Creek Spotted Owl Site**, completely ignoring the recommendations of the NSO study not to harvest in core areas. It also clearcut the exact site that the Murphy Creek female spotted owl was observed in during the 5 year ESF Spotted Owl Study.³¹

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

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

²⁶ NSO Research on ODF Lands. page 29.

²⁷ Cedar Glenn 76 acres; Cedar Top 36 acres; Lone Surprise 56 acres; Howell Ridge 71 acres.

²⁸ As shown on the map on page 29 of Appendix B “Final Research Report”, of the Northern Spotted Owl Research on Oregon Department of Forestry Lands. July 18, 2000.

²⁹ NSO Research on ODF lands. 7/18/00. Appendix B. page 46.

³⁰ Advertised on September 18, 2002. Regeneration harvest of 7 acres, 327 mbf, average DBH 24”, up to DBH 55”.

³¹ NSO Research on ODF Lands. Appendix B. Home Range and habitat use. Page 39. See Start star for September 1997. This is exactly in Area II in the 4200 Wedges Timber Sale.

It appears that the 4200 Wedges Timber Sale clearcut one of the most protected and best used places on the Elliott for Spotted Owls last year, logging trees up to 50" DBH. We have repeatedly asked for an explanation of the Owl HCP allowed this. Though we have called the ODF, submitted the question in writing, and presented this issue to the Board of Forestry, no one has an explanation. I even called Kevin Maurice from the ODFW, and all he can say is that it appears to have been a mistake. Explanations were given for how the Marbled Murrelet surveys were bypassed, but no explanations are available for how the Owl HCP was so blatantly violated. Could you please explain it in response to these comments?

And it gets worse. A revised FY 2003 AOP Summary that included the new 4200 Wedges sale said: "All planned regeneration harvest units are located in the 80-year rotation basins".³² Wrong. This sale was in a 240-year rotation basin, not 80-year.

One excuse of why this sale was needed came out of an ODF memo: "improve access to about 50 acres of ODF timber."³³ Why would ODF want to improve access to "timber" in a 240-year rotation basin they can't log and is in the heart of an important spotted owl core area?

The reason we are detailing the events of this FY 2003 timber sale in the FY 2004 sale comments is because 1) We weren't allowed to comment on it last year, 2) It must not happen again in the FY 2004 sales, and 3) We would still like an explanation from ODF on why this happened.

3. Identifying cores and connections:

A recommendation of the HCP review was to find and maintain connectivity between NSO sites.³⁴ The FY 2004 harvest plan does not address the connectivity between sites, or if important corridors will be clearcut. The FY 2004 harvest plan reflects a problem with the HCP, as identified in its 5-year review -- it lacks "a site-specific approach to conservation of spotted owls",³⁵ as shown in the declining number of owls.

The 2004 timber sale plan documents should have, but did not, identify the connections between core areas, or even the owl core areas themselves (as it did the Marbled Murrelet Management Areas). In addition to the recommendations not to log connections to core areas or within Owl core areas, the ODF should consider in each sales Pre Operations report, the quality of habitat in the nearby core area, how much has been previously clearcut, and how long before the core area can fully protective of the owls. Sales such as Cedar Glenn and Lone Surprise should not be clearcut of Northern Spotted Owl nesting habitat, even in the short rotation basins, until the nearby core areas are recovered from past clearcutting.

³² Coos District FY 2003 AOP Summary. Revised 7/12/02. page 3.

³³ Summary of modifications to the FY 2003 AOP since its approval. From Greg Kreimeyer, ADF to James Young, District Forester. 9/6/02.

³⁴ Comprehensive 5 year Review of the HCP. 2/18/02. page 19.

³⁵ Comprehensive 5 year Review of the HCP. 2/18/02. page 19.

c. Addressing the problem of declining owls:

The 5-year study identified the owl decline problem. But the ODF foresters have not only failed to follow its recommendations to address the problem, the foresters have even gone so far as to deny there is a problem with rapidly declining owl populations on the Elliott.

In a tour of the Elliott State Forest I (Francis Eatherington) was on in November 2002 with Jim Brown and various public interests, a timber industry representative asked Jim Brown how the owl populations were doing on the Elliott. To my surprise, Jim responded they are doing "just fine" -- there was no decline and no problems. I emailed Kevin Maurice, from the USFWS in charge of monitoring the Elliott HCP, and asked if Mr. Brown was right. Kevin wrote back: "Jim is apparently not up to date on the status of spotted owls on the Elliott... The population decline is alarming..."³⁶

Though the cause of the decline has not been determined to be due exclusively to the logging on the Elliott State Forest, the fact remains that the population of Owls on the Elliott State Forest is in rapid decline and forest management on the Elliott should help solve the problem.

What will be difficult to correct is the mis-information in the minds of the timber industry representatives on that tour who now think that everything is just fine on the Elliott. It is important to educate the public and the past state forester or others in the ODF that there is a problem of owl decline on the Elliott.

It makes no sense to cut the very best habitat now, before assessing how to address this problem. Considering the alarming decline of Owls on the Elliott, the ODF should defer harvest in the best of the Owl habitats, at least until after a new Forest Management Plan and Habitat Conservation Plan is finalized. If logged before, the cumulative effect of clearcutting Cedar Glenn, Cedar Top, Howell Ridge and Lone Surprise could have unpredictable results on further owl decline. Though these sales are in a short rotation watershed basin, these old forests must be reconsidered in light of the recommendations of the HCP 5-year review and NSP study on the Elliott.

The declining owl situation, and the scientific recommendations to address it, should be described and considered in each year's AOPs until the new HCP and FMP is finalized. This would help to prevent any irrevocable damage to natural resources, as well as help to educate the public and ODF officials on the declining Owl situation.

We understand that a new Owl survey is being conducted this summer on the Elliott. It doesn't make sense to finalize the 2004 timber sales until the results of this study are in.

³⁶ Email from Kevin Maurice to Francis Eatherington. 11/27/02.

4. Marbled Murrelets

Marbled Murrelets are another good reason to not clearcut the biggest and best of the short-rotation forests first, especially before the new HCP that will include a strategy for protecting Murrelets. The Elliott has no current HCP for Marbled Murrelets, so the ODF does two years of surveys for each sale. So many Murrelets have been found on the Elliott, areas not planned for cutting for 20 years are being proposed this year.

The Elliott should be seen for what is, the best and largest block of older forests on the Oregon coast available to the Murrelet. It is virtually all they have left.

Several of the proposed sales are within 1/4 mile of a Marbled Murrelet Management Area (MMMA), and at least 3 sales share a common boundary with a MMMA, such as Cedar Glenn, Top Panther, and Joe Buck. This is an apparent violation of the Elliott Forest Management Plan, which requires that “when stands are prioritized for harvest, stands that meet the following criteria would be scheduled first:... Stands farthest away from murrelet-occupied stands...”³⁷

Especially if the FMP priorities are being violated, the Pre-Operations Report should tell us how much of the MMMA includes suitable nesting Marbled Murrelet habitat. If the MMMA contains plantations and other unsuitable habitat, ODF should not be clearcutting adjoining good habitat until the MMMA recovers.

For instance, the Joe Buck, Top Panther and Cedar Glenn timber sale proposals will clearcut some of the best and oldest native forests on the Elliott. Top Panther and Cedar Glenn units virtually encircle about half of their respective MMMA boundary. For the Cedar Glenn MMMA, we noticed that a large portion of it was not only in young tree plantations, but also had a thinning sale in progress within its boundary.

Cumulatively, this seems to be a heavy blow to the Marbled Murrelet Management Areas. The ODF should consider how well the MMMA's are functioning before clearcutting and herbicide spraying adjacent Murrelet habitat.

The Pre Operations report should have described the residual effect of spraying herbicides, along with herbicide drift, on the MMMA's themselves. Over half of the FY 2004 regeneration harvest sales (7 out of 12) will clearcut and herbicide spray within 1/4 miles of a MMMA, with three of those sales clearcutting right along the MMMA boundary. Herbicide spraying occurs in the spring, just before MMMA nesting season. Herbicide spraying is applied aerially, and herbicide drift is known to occur. The ODF should examine if the Murrelets encounter herbicide residue and what effect these powerful chemicals could have on them or their chicks.

This could be just one of the negative effects to the Marbled Murrelet flying into their little set-aside islands to raise their chicks. There could be others due to the FY 2004

³⁷ Elliott State FMP. page V-28.

timber sale proposals so close to the MMAs. For instance, Marbled Murrelet predation is more common in little islands of habitat as opposed to interior habitat.³⁸

The Elliott is the best of what the Murrelets have, and lucky for them, it's public land. If we can't protect the public's resources on public land, where can we protect it? If the Elliott is Common School Fund Land to be managed in the best interest of children, then let the children have the best of the original native forests supporting endangered wildlife to increase their management options in the future.

5. Roads and ATVs

The ODF never explained in the Pre-Operation Reports how building an additional 3 miles of new logging roads for the FY 2004 timber sales will enhance, or degrade endangered fish or wildlife habitat. In the future, ODF should consider helicopter yarding instead of building new roads.

Though the new roads are not in RMAs, they still influence the hydrology of the watershed. NMFS considers anything above 2 miles of road per square mile to degrade the watershed for endangered fish. The Elliott has closer to 7 miles of road per square mile, and with this HCP, three more miles of roads will have to be maintained.

Many of the new roads are being left open for unrestricted ATV or ORV use. Some of the new roads are very close to spotted owl or marbled murrelet sites. The ODF should restrict this disturbance, especially during nesting season, to not harm the endangered birds. At the least, the ODF should regulate ATV use to limit the noise and erosion impacts to designated areas of the forest. The current FMP has no recreation plan controlling the growing use of ATVs, and each new road that is built, or each old road that is closed, expands their playground. Instead, ATVs should be regulated to certain places, with rules on where new off road trails can or cannot be built.

6. Pesticides

Some of the chemicals that will be used to control brush in clearcut units is Arsenal, Garlon-4 and Accord (glyphosate).³⁹ Some of these herbicides have a history of long persistence in the environment. The ODF should assess the effects of these pesticides on non-target plant species, such as vegetation in the mature forests adjoining the sales. The ODF should also assess the effects of these pesticides on downstream fish habitat. It has been found that some pesticides will inhibit the transformation of salmon from a fresh to salt water system.

³⁸ Comprehensive 5 year Review of the HCP. 2/18/02. page 15, 21. "...interior habitat is important to minimize edge effects such as predation."

³⁹ Coos District 2004 AOP Draft 02/10/03. page 9.

Every 2004 timber sale clearcut is dependent on herbicide spraying for reforestation. The 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 studies⁴⁰ that show how herbicides in the watershed harm salmon.

7. Swiss Needle Cast

The ODF should not clearcut harvest next to regeneration stands that have Swiss Needle Cast (SNC) problems, such as Cedar Glenn and Cedar Top, until the disease is more understood and a plan to prevent its spread into new plantations is proven effective. Sales in areas with SNC infections should be disclosed in their Pre-operations report and a different mix of reforestation species should be prescribed..

Instead, the Pre-Operations reports for all proposed clearcuts, SNC or not, state they will be replanted with 85% Douglas fir. We saw large areas of off-colored tree plantations adjoining new proposals to clearcut native, mature forests resistant to the disease. Converting mature forests into highly vulnerable SNC plantations is unsafe and illogical.

The Coos District AOP simply states that “ODF’s primary long-range plan to deal with SNC is to plant a greater diversity of species in the fogbelt portion of the Elliott that is affected most by SNC.”⁴¹ This does not address the SNC in the eastern part of the forest, not considered the “fogbelt”. Instead, a greater diversity of species should be planted in the eastern part of the forest in units next to SNC infected plantations.

8. Modifications in the 2004 sale plans

Last year the ODF added new timber sales to the 2003 sale plans without any public notice or comments. For instance, the 4200 Wedges timber sale clearcut spotted owl nesting habitat in basin 6, in a Spotted Owl Core area and a 240-year rotation basin that had not met its owl habitat goals (see reason 3.b.2 above for more on this). It clearcut trees up to 50” DBH within the heart of the home range of the Benson Creek Owl Site.

Another change in the 2003 sale plans was in the Fish Headwaters sale. We commented on the sale location, a new road, and its environmental impacts. But when the sale was advertised, several acres, a new road, and new landings were added to the south east corner, never disclosed to the public in the Pre-Operations Report. The sale was originally judged a “high” probability of a slope failure to enter a channel, but a “low” probability to become a channelized debris flow because of the road locations. If those road locations changed, perhaps the probability of a channelized debris flow increased.

⁴⁰ For instance, see “Diminishing Returns: Salmon Decline and Pesticides”, Richard Ewing, 2/99. <http://www.pond.net/~fish1ifr/salpest.pdf>.

⁴¹ Coos District FY 2003 AOP Summary. Revised 7/12/02. page 6.

Why ODF would ask the public for comments, and then implement actions we never commented on. We have taken significant efforts to look at this year's FY 2004 proposed timber sales and to write meaningful comments. What good is our input if you just add sales or significantly change sales after our comments, without public notification?

When we inquired about the 4200 Wedges sale, it was suggested there be a public process for making last minute changes to the timber sales. This still needs to be done. You have provided some direction, but considering how the major changes in 2003 AOPs made it through with no public notification, this direction needs to be clearer.

Your web site⁴² says:

Modifications - Occasionally AOPs need to be modified after approval, due to new information, changes in budget levels, or unforeseen circumstances. Modifications that significantly change the character of the operation are reviewed by appropriate resource specialists, and approved by the district forester. Input from resource specialists, agency administrators, and the public comments received during the official comment period, are considered by the district forester before approving modifications to AOPs.

Your Annual Operations Planning Policy⁴³ defines what changes can be made to the Operating Plans before a new Operating Plan must be reviewed. It gives examples of "Modifications that significantly change the character of the operation" as:

1. Changes to any operation (timber sales) where the acreage is plus or minus 20% of the original plan (documentation below 20% will occur when the operation is sent to Salem for processing).
2. Any operation (timber sales) that is deleted or added or changed in form (e.g. thinning to regeneration harvest).
3. Any operation where the threatened and endangered (T&E) species status changes. Any changes to unit boundaries must be checked with Area or Program Biologist to determine whether T&E species status has been altered.
4. Any operation where roads or projects change such as: Adding/deleting a stream crossing; Change in stream status from type N to type F; Adding/deleting road locations involving slopes over 50%; Adding/deleting _ mi. or more of new road construction or significant re-construction...

According to these examples, modifications made to the 2003 timber sales, such as adding a new sale (4200 wedges), and a new road and landings (Fish Headwaters) should have prompted new or revised Pre Operations Reports. What needs to be added to the policy is that new or revised Pre Operations Reports should be posted on your web site,

⁴² http://www.odf.state.or.us/DIVISIONS/management/state_forests/AOP.asp

⁴³ revised 9/02.

and we should be notified of its availability so that we could send in comments or questions on it. If the public is involved at any level, they must be involved in major modifications also.

9. Thinning

The ODF should explain why only 95 acres are being thinned, when the plan calls for 500 acres of “Conifer Partial Cut” per year.⁴⁴ The Annual Operating Plan states: “The ESF MP indicates that about 500 acres of young commercial thinning will be accomplished each year. This 500 acres was based on a rough estimate of how much ground would be ready for its first commercial thinning each year for the first decade of the ESF MP.”⁴⁵ But no explanation is given on why this year the thinning goal has not been met, while the clearcut harvest goal is exceeded. This seems backwards. It would be more environmentally prudent to thin young forests than to clearcut the best mature forest habitats available.

While thinning young stands, the prescription to clearcut group selections “to help promote a multi-layer canopy structure”⁴⁶ is perplexing. Most of these units adjoin other clearcuts, with a small amount of older forests in the area. Wouldn't you want to refrain from clearcutting a nearby mature forest, such as the Howell Ridge timber sale, to promote a multi-layer canopy structure? Clearcutting holes in past clearcuts will not get you there.

10. Unclear Terminology:

What does Wildlife Habitat Focus, or Wildlife Emphasis option mean? We could not find a definition in either in the FMP or the HCP. For instance, Cedar Glenn “will be prepared under the Wildlife Emphasis Option of the Elliott Management Plan”. Cedar Top will also be Wildlife Emphasis, while Fish Knife #2 is a “Wildlife Habitat Focus”. Please point out where these terms are defined. It apparently increases green tree retention, but by how much? For what purpose were these sales chosen for Wildlife Emphasis or Wildlife Habitat? What species is being targeted, and why were these stands chosen and others not?

Also, concerning the Sullivan Headwaters Pre-Operations Report: Map C shows both areas of the sale to be within a “Murrelet Disturbance Boundary”, Sullivan Headwaters. Yet section VII, says “The sale is not within a quarter mile of a Marbled Murrelet Management Area so no seasonal restrictions will be necessary.” Is this a mistake?

⁴⁴ Coos District 2004 AOP Draft 02/10/03. page 4. Table 1.

⁴⁵ Coos District 2004 AOP Draft 02/10/03. page 5.

⁴⁶ Such as in Sixteen Loon Thinning. See Section XIII, page 6.

In Conclusion

The Elliott State Forest FY 2004 Annual Operating Plan should be postponed until after the new Forest Management Plan and Habitat Conservation Plan are finalized. This would allow more current plans to be implemented earlier.

No clearcutting of Marbled Murrelet or Spotted Owl nesting habitat should be planned until the new Spotted Owl survey is complete this summer. If the number of owls are still below the number the 1995 Habitat Conservation Plan assumed would be maintained over time, no further clearcutting of mature forests should be allowed until the Owl numbers have recovered. The ODF should thin young stands more than clearcut old stands. Riparian Strategy 1 should immediately be implemented for all stream side buffers.

Thank you for considering these comments in your final decisions.

Sincerely,

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