

January 8, 2007

Mailed to: Lee Folliard  
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CC: Jim Young  
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**RE: Additional Scoping on the Elliott State Forest DEIS for the Habitat Conservation Plan**

To whom it concerns:

We submitted scoping comments on the Elliott State Forest Habitat Conservation Plan Environmental Impact Statement on June 23, 2005. Since then, we have become aware of three other issues that should be addressed in the EIS. We have heard that the DEIS has been postponed to spring of 2007, so there is sufficient time to address these additional concerns.

The three issues included in this letter are:

1. Marbled Murrelet Conservation Areas,
2. Forest Fragmentation and
3. Recreation.

Concerning the first two issues: In 2006 the Oregon Department of Forest (ODF) sold the Bowl Bound Beaver (BBB) timber sale on the Elliott. This sale made us aware that the 1995 HCP interpretations for limiting forest fragmentation and protecting Marbled Murrelet Management Areas (MMMA) from road building were either inadequate, or were being misinterpreted by the ODF. Therefore, we would like the new EIS/HCP to be clear on these issues.

**1. New roads in the MMMA:**

The Trout Mouth Marbled Murrelet Management Area borders the BBB sale on its west side. In the pre-operations report, the sale description did not disclose the need to build a new road through the MMMA to access a sale unit. However, in the sale advertisement maps, ODF changed the sale proposal so that a new logging road was to be built through the Trout Mouth MMMA. Several acres were cut off from the MMMA by the road. Those acres, in addition to the edge effects of the new road, degraded dozens of acres in the MMMA so severely that marbled murrelets can never use them for nesting again. The new road also extended edge effects into the mature forest so that corvid predators can have easier access to nesting platforms in the center of the MMMA. When we wrote to

Jim Young<sup>1</sup> about this problem, he responded: “All provisions of the 1995 owl HCP were considered during the planning process.”<sup>2</sup>

The EIS for the new HCP will include protections for marbled murrelets by preserving some of the MMMA’s. The EIS should be very clear if building new roads through MMMA’s, or any other conservation area, would continue to be allowed, and if so, to what extent. For instance, will new roads be allowed to cut conservation areas in half, or only allowed around edges of conservation areas?

The EIS should also be clear if new roads would be allowed in all types of conservation areas, or just in some types of conservation areas. For instance, will new roads be allowed in scenic areas, NSO core areas, MMMA’s, steep and unstable areas protected from logging, etc.?

If roads through conservation areas will be allowed, the EIS must consider the environmental effects of new roads, such as increased predation, increased disturbance, increased harassment, increased soil erosion, less trees, etc. If new roads are allowed in conservation areas on very steep slopes, as is the case in the Trout Head MMMA, the EIS should consider the additional effects of pushing soil, stumps and rocks over the edge, damaging trees down hill, and increasing the edge effect into the MMMA, as well as the permanent effects of tall cutbanks, over steepened benches and all other environmental problems caused by roads on steep sidehills.

In general, we were surprised that the ODF interpreted the 1995 HCP and FMP to allow new road building through the MMMA’s, especially when it was never disclosed in the pre-operations report for the sale, and no murrelet surveys were done on the part of the MMMA being degraded. The new EIS/HCP should correct this interpretation of the old HCP.

## **2. Forest Fragmentation**

The Bowl Bound Timber Sale also fragmented a block of mature forest. We wrote to Jim Young that the Bowl Bound Beaver Timber Sale was in violation of the 1995 NSO HCP and the Forest Management Plan (FMP) because it cut the mature forest connecting the Trout Mouth MMMA and the Beaver Creek HCA:<sup>3</sup>

Bowl Bound Beaver will fragment (cut in two) this continuous mature forest. Additionally, the new road being built through MMMA to access the sale fragments the MMMA even more. The HCP does not allow this fragmentation. It requires that “Timber harvest will be planned to minimize fragmentation” (IV-36). In fact, one of the main objectives of the Elliott Forest Plan is to “Reduce fragmentation within the forest.” (IV-2). HCP page IV-41 says:

“Harvest units will be located to minimize fragmentation of larger blocks of mature forest. As an example, units will be located on the edge of fragmented blocks, rather than in the middle of suitable habitat.”

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<sup>1</sup> email on 5-11-06

<sup>2</sup> email on 5-16-06

<sup>3</sup> email on 5-11-06

Bowl Bound Beaver is located in the middle, not on the edge, of a continuous block of mature forest. Your definition, “cookie-cutter” is not applicable to the requirements of the HCP to locate units on edges, instead of in the middle of suitable habitat for the Northern Spotted Owl.

Your definition of fragmenting, “cookie-cutter”, is not the definition in the Elliott Forest Management Plan (FMP). It says fragmentation is:

“The spatial arrangement of successional stages across the landscape as the result of disturbance; often used to refer specifically to the process of reducing the size and connectivity of late successional or old growth forests.” (FMP III-23)

Bowl Bound Beaver reduces the size and connectivity of late successional forests. It is not allowed by either the HCP or the FMP, which requires that you “Minimize fragmentation wherever possible.” (FMP III-31). The FMP also says (V-28):

“Harvest units would be located to minimize fragmentation of larger blocks of mature forest, to the extent feasible. Units could be located on the edge of a block, for example, rather than in the middle.”

It is clear that the Bowl Bound Beaver is in the middle of a block of mature forest, and not allowed, especially without an explanation in the Pre-Operations Report of what was feasible. Instead, the Pre-Operations Report erroneously claimed that Bowl Bound Beaver is “located on the edge of a contiguous block of mature timber and does not increase fragmentation of interior habitat.” (2006 AOP VIII) The HCP for Murrelets and Owls documents why fragmentation will undermine the adjoining HCP and MMMA. Page II-13 says:

“Some biologists regard fragmentation of nesting habitat as a threat because it may lead to increased predation. Unpublished data in Oregon show that approximately 70% of murrelet nests fail, and of these, nearly half fail because of predation (Nelson 1993c). Predators include the common crow, Steller’s jay, common raven, and great horned owl (Nelson 1991, 1992, 1993c, Naslund et al. in press). These species commonly use forest edges.”

HCP page IV-44 says:

“... some biologists are concerned that predatory birds common to fragmented forest habitats are taking substantial numbers of young murrelets. The goal of the Elliott State Forest Habitat Conservation Plan is to minimize the risk of take of murrelets and to enhance and preserve high quality habitat.”

The HCP says ...

“When habitat is fragmented, or scattered in small pieces across the landscape, it is less valuable to owls and murrelets. Habitat that is blocked-up in larger patches, or more continuous, is more valuable to these two species.” (IV-21)

Your incidental take permit does not allow you to fragment suitable habitat. It says (IV-51): “Measures to Minimize and Mitigate Possible Incidental Take... Reduce habitat fragmentation through the location of individual timber sales.”

It appears that the 1995 HCP and FMP did not allow a continuous stand of mature forest to be cut in half and fragmented. But Jim Young responded that this sale complied with the 1995 HCP. The ODF interpreted “fragmentation” as occurring only when a timber sale was surrounded by mature forest, so that the logging unit would result in mature forests completely surrounding the unit on all sides. The ODF insisted that fragmentation did not refer to cutting mature forest stands in half if there were existing clearcuts bordering any part of the sale.

The new EIS should clear this up this misinterpretation. If nothing else, put a definition of fragmentation in the glossary. If the environmental effects of fragmentation include the

edge effects of corvid predation on murrelets nests, the definition of fragmentation must include any increase in the edges of mature forests, especially if a mature forest is cut in half by a timber sale.

### **3. Recreation:**

Our 2005 scoping comments asked for recreation impacts to be carefully considered in the DEIS. We again ask for the environmental impacts of recreation to be carefully considered, including the amount of money budgeted for recreation, and priorities for spending recreation money. Without careful planning, recreation can cause significant environmental damage that the EIS must consider.

In a recent visit to the Elliott State Forest, we visited popular recreation sites along the Millicoma River, north of road 2300. This is the area where the ODF spends \$5,000 annually on recreation facilities. For instance, the 2007 Recreation Management Summary documents ODF will spend \$5,000 on “Day Use Facilities”.<sup>4</sup> Spending \$5,000 yearly since the 1993 FMP, results in \$70,000 spent for recreation facilities on the Elliott. However, we were dismayed at the state of the environment in these recreation areas. The DEIS should describe the existing state of recreation areas, and how these areas will, or will not change under the new plan.

In our recent visit, we did not find even one picnic table, not one trash receptacle, and no designated primitive toilets. The well-used camping areas were anywhere a vehicle can drive close to the river. There were no traffic control devices to designate parking or limit vegetation damage. There was nothing to keep campsites, ATV riding, and vehicles from directly impacting any of the banks along the Millicoma River. As a result, we saw riverbanks denuded of vegetation and at risk from erosion during high water. Human waste and the abundant trash we saw can also enter the river during high water.

Instead of any infrastructure or signs to help organize campers, we saw fire pits filled with broken glass and rusty tin cans. We saw several mattresses, rotting, with springs showing. We even saw a large television set lying within 30 feet of the river. The EIS should consider this existing condition and what impacts the components inside a TV have on the environment when it is washed into the river, or what impacts glass can have on other campers, especially those with children. Other hazardous materials could also be dumped or left in this area, where chaos prevails.

The EIS should consider if the \$5,000 annual budget for recreation is too small. It was the amount designated in 1993. It has never been increased in 14 years, even though recreation has increased, and the cost of managing recreation has increased.

The EIS should consider how the recreation budget is prioritized so that environmental impacts from recreation can be accurately assessed.

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<sup>4</sup> 2007 AOP Recreation Management Summary

Thank you for considering these issues, Recreation, Forest Fragmentation, and Roads in conservation areas, in the EIS for the Habitat Conservation Plan for the Elliott State Forest.

Sincerely

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**Pictures accompanying Jan. 2007 scoping comments.**

All pictures were taken in the Elliott on December 8, 2006

**Right:** New road recently built in Trout Mouth MMMA to facilitate logging the Bowl Bound Beaver timber sale. Trees left in top of picture were cut off from rest of MMMA. The new EIS should address if this kind of management will continue to be allowed in all conservation areas.



**Lower pictures:** Recreation areas next to Millicoma River include frequent fire-rings containing glass and tin cans, dumps containing TVs and rotting mattresses, and who knows what else.

Note, there are no picnic tables, no parking guides, no riparian vegetation protections. The EIS must consider the environmental impacts from this kind of recreation management.

