

April 29, 2008

Oregon Board of Forestry comments
From Francis Eatherington, Umpqua Watersheds, Inc.

RE: Elliott State Forest Habitat Conservation Plan for Northern Spotted Owls

The Elliott State Forest is 93,000 acres on the Oregon coast, near Reedsport and Coos Bay. The Elliott is a unique state forest because it contains the oldest trees of any of Oregon's state forests. Over half of the Elliott has never before been logged and contains mature forests that the Oregon Department of Forestry has documented as critically important to endangered species, such as the northern spotted owl.

The Elliott State Forest is currently operating under a 1995 Habitat Conservation Plan for spotted owls.

I am here today because I am concerned that this plan fails to take into account the influx of barred owls into the Elliott. In a study done in 2003, barred owls were found within the Conservation Areas set aside for the spotted owls. Displaced spotted owls could be nesting within the mature and old growth forests proposed for clearcutting under the Annual Operation Plans.

Therefore, the Oregon Department of Forestry should suspend all logging in spotted owl habitat until this information is considered.

The 1995 HCP's Biological Opinion for the spotted owl says:

"... reinitiation of formal consultation is required... if new information ... may affect listed species or critical habitat in a manner or to an extent not considered in this biological opinion..."¹

Surveys for spotted owls were done in the Elliott in 1993, 1998, and 2003. In the 2003 surveys, for the first time, barred owls were documented in the Elliott. Barred owls had taken over two of the spotted owl's Conservation Areas, and 8 historic spotted owl sites were threatened with barred owls close by.

Now, five years later, the barred owl situation is likely far worse. It is time to assess the situation before any more spotted owl nesting habitat is logged. We cannot wait for the new HCP because some of the very best owl habitat on the entire Elliott State Forest is proposed for clearcutting under current annual operation plans. Before these plans are implemented further, we should see if spotted owls displaced by barred owls are nesting in logging units.

¹ Biological Opinion ... for NSOs... to the ODF on the Elliott State Forest. 10-2-1995. USFWS. Page 18.

More Information:

The Conservation Plan: The spotted owl Habitat Conservation Plan for the Elliott relies on long-rotation watershed basins², and Habitat Conservation Areas (HCA), to protect 13 pairs of owls for 60 years. It is because of this conservation strategy that the ODF has the authority to clearcut 500 to 700 acres annually, much of which contain spotted owl nesting habitat. However, all mature forests on the Elliott, including forests in HCAs and long-rotation basins, could no longer provide habitat for the northern spotted owl, as assumed by the HCP. In 2003, the ODF documented that barred owls were beginning to displace spotted owls. Five years later the situation is undoubtedly worse.

This is new information that must be considered, as required by the spotted owl Habitat Conservation Plan and Incidental Take Permit, before any more mature forests are clearcut under the authority of that plan and permit.

The NSO Conservation Plan states: "Management basins with rotation lengths of 160, 200, and 240 years will emphasize the... [c]reation of late successional forest conditions recognized as important for spotted owl NRF habitat."³ This is no longer true because barred owls have moved into that habitat, so it is no longer available to spotted owls.

The HCP says: "Northern spotted owl reserves would be established that would include 9 owl pair sites. Reserve boundaries would be ...expanded to reflect new information on owls and forest stands."⁴ Again, this is no longer true. Spotted owl nesting sites that were set aside as conservation areas have been overtaken by barred owls. Since the 1995 HCP never considered the impacts of barred owls, this new information must be considered before any more spotted owl nesting habitat is clearcut.

Barred owls: Five years ago, barred owls had taken over at least two Habitat Conservation Areas on the Elliott, as documented in the 2003 NSO survey:

- **Upper Mill Creek site:** "No spotted owls were found at this site for the rest of the season, and a male barred owl occupied this site after that."⁵ The 2003 survey says the Upper Mill Creek pair is the Tom Fool Pair.⁶ The ODF decided that the Upper Mill Creek pair moved to the Tom Fool site "after being displaced by the barred owl". So not only is the Tom Fool pair lost, the Mill Creek site is also lost to barred owls.
- **Roberts Creek site:** The ODF determined that "An aggressive male barred owl occupied the historic Roberts Creek AC."⁷

² The preferred (and chosen) alternative "would provide T&E reserves through HCAs and long rotation basins". 1995 HCP page III-14. "Nine long rotation basins (basins 1, 2, 3, 4, 5, 6, 7, 8, 17) will be managed to provide habitat levels for [northern spotted] owls at 50% or more..." (IV-14)

³ 1995 NSO HCP page IV-30

⁴ 1995 NSO HCP page 16

⁵ 2003 NSO survey. Page 24.

⁶ Draft 2005 HCP page F-18 and 2003 Survey Report page 24: "About the same time this spotted owl pair disappeared, the very nearby Tom Fool pair was detected. At the AC meeting, it was decided that the Upper Mill Creek pair moved to the Tom Fool site after being displaced by the barred owl.... (see Tom Fool site for more information)."

⁷ 2003 NSO survey. Page 21.

In 2003, 8 historic Spotted Owl sites on the Elliott are threatened with Barred Owls: “Barred owls (*Strix varia*) were detected at eight spotted owl sites...”⁸ These eight sites, **Alder, Benson, Bickford, Johnson, Murphy, Roberts, Tom Fool, and Upper Mill Creek**, totaling about 1,801⁹ acres of Conservation Areas that could be protecting barred owls instead of spotted owls. This is 26% of the 6,837 HCAs set aside to protect the northern spotted owls. After five years, the situation is likely worse.

The ODF is required by the HCP to do timely monitoring and surveys. “It will be necessary to monitor owl populations, habitat development, and levels of timber production over time.”¹⁰ The ODF is in violation of their Incidental Take Permit by failing to monitor the barred owl situation that ODF knows is growing and threatening the current and proposed new conservation areas.

When protecting endangered species, the Elliott HCP and ITP is full of requirements to consider new information:

* “If new information determines that current efforts are inadequate, then modifications to the plan can be effectively implemented as soon as the information becomes available.”¹¹

* “An adaptive management approach will be used, adjusting prescriptions and strategies in response to new information.”¹²

* “The Department is committed to an ongoing monitoring and research program, with adaptive management used to incorporate new information as it becomes available.”¹³

The ODF has to live up to its promises and commitments. A new survey must be done before any more timber sales in owl habitat are cut.

The last population survey in 2003 demonstrated that the spotted owl population was doing poorly – no spotted owls were nesting and barred owls were moving into their nesting sites. Waiting 5 years, while cutting NSO nesting habitat as fast as possible, is not upholding either the spirit or letter of the HCP monitoring and adaptive management requirements.

If ODF assumes all suitable habitat in the long-rotation basins and HCAs are actually available for spotted owls, then the goal of protecting existing spotted owls, and protecting 13 pairs spotted owls over the long term¹⁴, will not be met because the barred owl will be occupying some of the habitat intended for spotted owls. If the ODF doesn't live up to the HCP's requirement to monitor the situation and adjust to the new information, spotted owls on the Elliott could become extirpated.

⁸ 2003 NSO survey. Page 6.

⁹ Includes acres given in Table 6-1 on page 6-6 of the 2005 HCP: Alder's 475 acres, Benson's 145 acres, Johnson's 215 acres, Roberts's 783 acres, Tom Fool's 62 acres, and Upper Mill Creek's 121 acres.

¹⁰ 2005 HCP page IV-42

¹¹ 2005 HCP page IV-37

¹² 2005 HCP page IV-42

¹³ 2005 HCP page J-8

¹⁴ 2005 HCP ITP page IV-14.

A poor spotted owl population on the Elliott means the Elliott's assumed contribution to conservation at the regional level is not met. Private lands and BLM LSRs that have previously been clearcut surround the Elliott. The HCP documents that the Elliott is critical for spotted owls in this region:

* "Regrowth of forests in Coast Range LSRs... will not begin to occur for several decades. In the meantime, contributions to the provincial owl population by the Elliott will be very beneficial."

* "It is especially important to maintain dispersal linkages, such as the Elliott, between LSRs and potential source populations."

* "The Elliott State Forest will provide a transition over time between these areas, by maintaining some quality habitat for nesting and survival, and by providing habitat that allows spotted owls and marbled murrelets to move from lesser quality habitat on private lands to higher quality habitat on federal lands."¹⁵

None of this critical spotted owl contribution from the Elliott can happen if the spotted owls are extirpated from the Elliott because of barred owls moving spotted owls into unprotected areas that the ODF clearcuts.

In conclusion: The ODF must suspend all logging of spotted owl habitat immediately until reconsultation is completed for the current 1995 HCP. Waiting for the new HCP is not adequate because too many acres of spotted owl habitat could be clearcut before then, potentially effecting owls that should have been protected in conservation areas. Also, the latest public draft of the new HCP was in 2005, and even it did not address barred owls.

Thank you for the opportunity to comment.

Francis Eatherington
Umpqua Wild Project
886 Raven Lane, Roseburg, OR 97470

4541-643-1309
francis@umpquawild.org

¹⁵ 2005 HCP page IV-3.