



# Oregon

Theodore R. Kulongoski, Governor

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"STEWARDSHIP IN FORESTRY"

May 30, 2007

RE: 2008 Public Comment Responses

Dear Francis, et. al.,

Thank you for your comments on the Coos Districts 2008 Sale Plan. Our responses to your comments are imbedded within your letter. Our responses are indented and have a different font for clarity. Many of your comments are similar to previous years, in these situations we have used responses similar to those you have seen in the past. When we have obtained new information we have included this new information in our response. We have also provided the location of electronic links to help with your monitoring questions.

Your letter with our imbedded response will be posted on ODF's website on July 1, 2007. If you need further information on the website please contact Roger Welty, the planning specialist at 1-503-945-7258.

Sincerely,

Norma Kline  
Timber Management Unit Forester



March 30, 2007

State Forests Program  
Oregon Department of Forestry, Attn: Roger Welty  
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Emailed to Roger Welty: rwelty@odf.state.or.us

**2008 Annual Operation Plan comments  
for the Coos District, Elliott State Forest**

To Whom It Concerns:

Please consider the following comments on the Fiscal Year 2008 Annual Operation Plan (AOP) for the Elliott State Forest from Umpqua Watersheds, Inc., Oregon Wild, Center for Biological Diversity, Coast Range Association, Cascadia Wildlands Project, and Audubon Society of Portland. The Elliott State Forest contains the oldest forests, and it supports more wildlife dependent on mature forests, than any other 93,000-acre block of Oregon state land. The Elliott also contains the Common School Fund forest lands. These two valuable resources have been reconciled in the 1995 Elliott State Forest Habitat Conservation Plan.

The concerns we have for the 2008 AOP include clearcut harvests on High Landslide Hazard Locations (HLHL), exceeding annual harvest goals, new roads, cumulative watershed effects, as well as some site specific concerns for individual timber sales.

Please consider these comments before your final decision, and please inform us of your final decision as well as any changes proposed in the draft plans.

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## 1. Landslide Problems in the Elliott

Of the eleven sales previewed for the 2008 Annual Operation Plan (AOP), six<sup>1</sup> are on High Landslide Hazard Locations<sup>2</sup> (HLHL). Three more sales<sup>3</sup> are probably HLHL, but the pre-operations report was unclear. This means all but one of the proposed timber sales has a high potential for landslides accelerated by clearcut harvesting and roadbuilding. In these comments, we will discuss past HLHL sales that have resulted in landslides, and ask the Oregon Department of Forestry (ODF) to learn from these past mistakes to reduce future sources of fish-killing sediment to streams and loss of top soil.

The ODF gives too much credit for wood delivered to streams from landslides, and too little concern for the excessive sediment from landslides. For each of the 2008 HLHL sales, the pre-operations report describes which streams would be effected by the landslide, and says something like this for each of the sales: “Deliverability of wood via debris flows or torrents is likely for landslides originating in the units.”<sup>4</sup> But what the pre-op report *fails* to describe is the deliverability of fish-killing sediment via debris flows or torrents. For the ODF to talk about the success of the one or two pieces of wood that could enter the streams after a landslide out of a clearcut, but fail to talk about all the mud and fine sediment also entering the streams, is avoiding the real issue. The streams might benefit from large wood, but the streams already have too much mud and sediment, and the abundant delivery of this material is detrimental to watershed functions. Also, the wood that is delivered is far less than under natural conditions, where the hill slopes are not clearcut.

We have been monitoring the Elliott sales long enough that we can now document a number of landslides coming from specific timber sales, and refer back to the pre-operations reports for those sales. What appears to be happening is that the ODF admits the sale will cause a landslide, but just does not think loss of topsoil, or delivery of sediment to streams, is a significant issue. We disagree. We believe landslides caused by logging and road building *are* a significant issue that the ODF should be tracking, monitoring, and implementing Adaptive Management to decrease the rate of failures.

When we pointed out the landslide problems in last year’s AOP comments, the ODF responded: “Although dramatic in appearance, landslides (debris flows) affect a very small percentage of the forest; actual soil loss is minimal.”<sup>5</sup> In this year’s response, could the ODF present data to back up this claim? The Elliott’s Watershed Analysis has several studies and data on the landslides resulting from the 1996 storm event<sup>6</sup>, but does not study or document the number of landslides from just ordinary storm events. This implies that the ODF believes damaging landslides only occur during 100 year storm events. We

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<sup>1</sup> Larson Ck 2, Panther Headwaters 3, N. Buck, Umpcoos Ridge 2, Howell About, Dean Mountain Overlook.

<sup>2</sup> Defined as in the Tyee Core Area uniform slopes greater than 75% and/or planform concave slopes greater than 65%.

<sup>3</sup> Fishing Cougar, Piledup Marlow No. 2, and Young Marlow.

<sup>4</sup> This quote comes from the Larson Creek pre-op report, page 5.

<sup>5</sup> 07\_AOP\_PublicComments\_Coos.pdf. Response to Public Comments for 07 AOPs. page 8.

<sup>6</sup> Watershed Analysis studies of landslides on the Elliott include those listed on page 6-9, such as the Noble Creek study and Elk Creek inventory. These were in response to the 1996 storm event. We could find no studies or inventories of normal-year events of landslides caused by AOP management activities.

could not find data or studies in the Watershed Analysis on landslides in recently clearcut units, other than to say they occurred up to 2 times more often than on non-clearcut slopes.<sup>7</sup>

Recognizing that landslides occur in many of the timber sales in average-year storm events, could help determine why they occur, so that adaptive management can correct the problem.

Also last year, in response to our landslide concerns, the ODF responded that:

“Road related debris flows occur from old sidecast construction. Best management road mitigations have made a significant decrease in the number and magnitude of debris flows occurring from new roads compared to older roads...”<sup>8</sup>

This year, could the ODF please present their data to back up this claim? Most of the landslides that we feature below come from new roads, built since 2002<sup>9</sup>.

We would like to see the 2008 sale proposals modified so the stability problems in the following examples of Elliott timber sales are not repeated. Pictures of these examples can be seen in attachment 1<sup>10</sup>:

#### Cedar Glenn

The picture (taken March 2007) shows a new spur road in Area I, with a landslide spilling off its side for about 150 feet down slope. Loss of top soil is a detriment to forest health and the ability to regrow robust forests over multiple rotations. Fine sediment has (or will eventually) wash into Cedar Creek, which is fish bearing starting in the southern part of the sale. The Pre-Operations report said:

“...the sale areas do not appear to have slopes which meet criteria for designation as a high landslide hazard slopes, with the apparent exception of the inner gorge landform present above Cedar Creek in Area 1.... A minor amount of road construction is planned and is limited to ridge crest locations.”<sup>11</sup>

The ODF should determine why this slide happened off this brand new road so that landslides from new roads planned in the 2008 AOP can be reduced.

#### Bowl Bound Beaver

This sale was clearcut just this winter. After heavy winter rains, a long debris flow occurred that delivered fine sediments directly into Beaver Creek, a medium size fish bearing stream. While a small amount of large wood was delivered, a large amount of unneeded and fish-killing sediment was also delivered. The slide was likely caused by

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<sup>7</sup> ESF Watershed Analysis. 2003. “Another human-related source of fine and course sediment in streams is that derived from landslides within recent clearcuts. Field studies in the Oregon Coast Range indicate that the frequency of shallow landslides on very steep slopes is about 1.5 to 2.0 times greater in recent clearcuts than in mature stands.” Page 11-4.

<sup>8</sup> 07\_AOP\_PublicComments\_Coos.pdf. page 8.

<sup>9</sup> For instance, see Cedar Glen.

<sup>10</sup> Attachment 1 to these comments. Pictures of the described landslides.

<sup>11</sup> Cedar Glenn Pre-Operations Report. 1-22-03. Page 4.

more water entering soils faster, after the loss of the canopy.

The ODF seemed to guess this slide would happen in the pre-operations report, but appears to just accept these consequences:

“The lower one-half to one-third of the slopes in the sale area meet criteria for classification as high landslide hazard locations.... The three Type N streams in these basins are likely to deliver material to Type F Beaver Creek, and deposit at their confluences with the mainstem.”<sup>12</sup>

Virtually no mitigation was proposed to prevent the slide, logging ensued, and the landslide occurred. The ODF simply pointed to the small number of trees that also came down and implied this was a good thing.<sup>13</sup> There is no recognition of the damaging effects of sediment into fish bearing streams, or that fact that far fewer wood was delivered than would have come from the old forest. This debris flow could continue to deliver sediment to Beaver Creek for years, yet no more mature trees will also be available. Also, the trees that were left in the draw were very small compared to the large trees that could have been left, but were put on a log truck instead.

#### Mill Pond Overlook

This slide likely happened in 2004, soon after the sale was clearcut. A newer debris flow re-initiated at the bottom of the slide and could be a chronic source of sediment into a tributary to the Millicoma River, a large fish-bearing stream. The pre-operations report says:

“Portions of the sale area are on high risk slopes. There may be high risk sites in the headwalls of certain small drainages in the sale area.... However, no road construction is planned on any potential high risk sites. To protect the site, single and suspension cable yarding will be required.”<sup>14</sup>

The minor mitigation offered did not prevent this terrible slide, which is hundreds of feet long and continues to lose top soil. Could the ODF confirm this is the Mill Pond sale, and determine the cause of this landslide?

#### Elkhorn Ridge #6

The landslide seen on the left (north) side of the unit is significantly large, and could have happened this winter. If this is Elkhorn Ridge, the sale sold August 2006. If this is another sale, the slide is still just as big. The Elkhorn Ridge pre-operations report said:

“Portions of the sale area have slopes meeting criteria for classification as high landslide hazard locations, particularly the north aspect slopes directly above the channel. A debris flow originating on these slopes is not likely to form a channelized debris flow. However a debris flow originating in the east fork of the tributary is likely to form a canalized debris flow. Channel geometry is conducive for debris flow transport, with terminal deposition likely occurring near the area of channel convergence, upstream from the beginning of surveyed fish use. To minimize yarding

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<sup>12</sup> Bowl Bound Beaver Pre-Operations Report. 12-28-04. Page 6.

<sup>13</sup> Email from John Seward, ODF's geo-tech specialist, 3-23-07, forwarded to me from Greg Kreimeyer on 3-26-07. John writes: “Abundant large wood in deposition area. Also picture showing extent of standing trees left high in the basin along the “potential” path, some of which were incorporated into the debris flow.”

<sup>14</sup> Mill Pond Overlook Pre-Operations Report. 6-7-02. Page 3.

impacts on the slopes, single end suspension cable yarding will be required.”<sup>15</sup>

Could the ODF confirm this landslide did come out of the Elkhorn Ridge sale and determine the cause of the landslide? If a channelized debris flow occurred, how far did it go – did it make it to the fish bearing portion of the tributary?

In the 2008 AOP sales, the ODF is using the exact same management prescriptions that are known to cause landslides, resulting in far more fine sediment in streams than what is healthy. For instance, Larson Creek, an important fish-bearing stream, has the two-unit Larson Creek timber sale straddling the stream. The Larson Creek sale pre-operation report says:

“Area 1 debris torrent source areas: There appear to be two very small basins on the north aspect slope which have steep, convergent topography and are likely source areas which have deliverability to Larson Creek. There are two areas of convergent topography in the south-east corner of the unit which are likely source areas with deliverability to the tributary and Larson Creek. Steep uniform slopes on the west aspect slope are likely source areas for the tributary with deliverability to Larson Creek. Area 2 debris flow source areas: Slopes in the unit would likely deliver wood material to Larson Creek via debris flow.”<sup>16</sup>

In this example, as in all 10 HLHL sales, there is virtually no mitigation to help prevent a landslide. As a result, Larson Creek could experience the same fate as Beaver Creek from the landslide from Bowl Bound Beaver.

We viewed the Bowl Bound Beaver sale and associated debris flow during a recent field trip with ODF. The ODF pointed to the two trees that were delivered to the stream and claimed this debris flow enhanced fish habitat. What was not immediately visible to our position high up on the road was the tons of sediment that was also delivered to the stream. The ODF fails to recognize that the sediment delivered is far more damaging than the two trees are enhancing to fish habitat.<sup>17</sup> If the debris flow in BBB were “natural”, it would have delivered far more than two trees, far bigger trees, and far less fish-killing fine sediment. Most significantly, naturally occurring landslides would happen much less than in clearcuts<sup>18</sup> or from road building.

If the ODF wants to restore wood in the streams, put it in. You don’t need to encourage landslides to achieve that goal.

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<sup>15</sup> Elkhorn Ridge No. 6 Pre-Operations Report. 12-27-04. Page 6.

<sup>16</sup> Larson Creek #2 FY 2007 [sic] AOP. 1-17-2007.

<sup>17</sup> At times, even the Elliott Watershed Analysis fails to recognize the relevance of fine sediments, vs the relevance of a small amounts of wood that comes from clearcuts. “The negative aspects of an increase in fine sediments caused by a short-term increase in landslides from clearcut units are offset, to some extent, by the benefits to fish because landslides transport gravel and large wood into fish-bearing streams...” ESF Watershed Analysis. 2003. Page 11-4.

<sup>18</sup> ESF Watershed Analysis. 2003. “Another human-related source of fine and coarse sediment in streams is that derived from landslides within recent clearcuts. Field studies in the Oregon Coast Range indicate that the frequency of shallow landslides on very steep slopes is about 1.5 to 2.0 times greater in recent clearcuts than in mature stands.” Page 11-4.

In addition to the excess sediment making it's way down to fish-bearing streams, landslides cause loss of valuable top soils. Forest soils are complex, and healthy forest soils contribute to the ability to harvest multiple rotations in accordance with the FMP. When the top soil slides away, the ODF is reducing the ability of future forests to be as productive in these areas. It is also illegal for the ODF to allow harvesting where there is a high degree of certainty a landslide will occur. The Forest Management Plan requires: "During harvest, protect soils and streams."<sup>19</sup>

### Monitoring

If the ODF monitored soil displacement after clearcut logging, the ODF would have the opportunity to do Adaptive Management. The ODF should learn from past mistakes and change management prescriptions on High Landslide Hazard Locations, such as using something other than clearcut prescriptions. At the very least, the ODF should monitor the which silvicultural prescriptions trigger landslides. Yet there is no monitoring or data collection of the effects of management on soil stability. This should change, at least so adaptive management can be included in the new forest management plans.

Last year we asked if the ODF kept track of how many management-induced landslides occur in the Elliott. The response was that the monitoring results were in the Watershed Analysis. We could not find it there. Could the ODF be more specific on where the information is. As we stated above, the only landslide monitoring we found in the watershed analysis was on landslides from the 1996 storm event, not on Forest Plan management events.

Last year we also asked about the Forest Plan requirement to monitor resources whose "results will be summarized annually."<sup>20</sup> We did not receive an answer. To monitor "water quality" the ODF must do an annual "Landslide survey by source (roads, operation units, undisturbed areas)."<sup>21</sup> Have you complied with this monitoring requirement and done the annual survey for landslides? If so, please send us the report.

*ODF developed a set of aquatic/riparian strategies during the Northwest and Southwest State Forests planning process that used the most current science available and considered all streamside functions. ODF believes that the current strategies in the plan, as implemented on the timber sales, provide a high level of protection for coho and other aquatic life that may be downstream. One element of this strategy involves leaving buffer trees on stream channels, including trees left along small, seasonal, non fish-bearing streams. These buffer trees serve as potential instream log recruitment, shading for water temperature and amphibian habitat, as well as stand structure into the next rotation.*

*The following quotes summarizes background information that helped form the base for our aquatic riparian strategy:*

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<sup>19</sup> 1995 Elliott State Forest Management Plan. V-38

<sup>20</sup> Elliott State Forest Management Plan. 1993. IX-2.

<sup>21</sup> Elliott State Forest Management Plan. 1993. IX-5.

*Influence of debris flows and log jams on the location of pools and alluvial channel reaches, Oregon Coast Range David R. Montgomery Tamara M. Massong Suzanne C.S. Hawley Department of Earth and Space Sciences, University of Washington, Seattle, Washington 98195, USA*

*"Landslides are an important sediment transport process and ecological disturbance agent in mountain environments. In forested mountain drainage basins, debris flows scour steep headwater channels and deliver both sediment and wood debris to downstream channels, often creating log jams where they deposit. Log jams formed by deposition of debris flows, local recruitment of large logs from streamside forests, or recruitment of fluvially transported wood from upstream sources can store large amounts of sediment and increase the frequency and/or depth of pools through local bed scour (Keller and Swanson, 1976; Keller and Tally, 1979; Lisle, 1986; Andrus et al., 1988; Robison and Beschta, 1990; Swanston, 1991; Nakamura and Swanson, 1993; Abbe and Montgomery, 1996; Montgomery et al., 1995, 1996; Beechie and Sibley, 1997). Although the direct and indirect effects of debris flows can adversely impact salmonids (Everest and Meehan, 1981; Lamberti et al., 1991; Johnson and Jones, 2000), debris-flow deposited log jams also have been recognized as habitat-forming agents (Everest and Meehan, 1981; Reeves et al., 1995; Hogan et al., 1998).*

*The ecological disturbance regime of mountain channels incorporates the frequency of debris-flow initiation, the extent of the downslope scour of valley bottoms, the distance debris flows travel before they deposit, and the characteristics of those deposits and their associated impacts on stream habitat."*

*Additionally, from page 2-44 and 2-45 of the January 2006 ESF Management Plan:*

*Research and monitoring, including the ODF landslide study, "Storm Impacts and Landslides of 1996" (Robison et al., 1999), has documented that small Type N streams in steep terrain contribute significant amounts of large-diameter wood (greater than 24 inches) to fish-use streams. It has also been established that the lack of large wood in stream systems can be a contributing factor to the degradation of fish habitat Reeves et al. (2003) studied the sources of large wood in Cummins Creek, a fourth-order watershed in the Oregon Coast Range. They found that 65 percent of the number of pieces and 46 percent of the estimated volume of wood originated from upstream sources delivered by landslides or debris flows more than 300 feet from the channel. The remainder of the wood originated in streamside sources immediately adjacent to the channel. Wood from upstream areas constituted the majority of wood found between the bank-full channel width and below the surface level of water at bank-full flow. Reeves et al. (2003) also state that 25 percent of the wood was in aggregates (log-jams), which were formed mostly from wood originating in the upstream areas.*

*Landslide effects may be either on site or off site (downslope). On-site effects generally are limited to the landslide initiation site. Often, the soil has been completely removed at the initiation site, causing a loss of soil productivity. Off-site effects include changes to stream channel morphology, and riparian vegetation, and redistribution of stream bed materials. Water quality may be temporarily degraded, as suspended sediments and bedloads increase. Landslides generally have short-term negative effects on fish habitat. Over the long term, inputs of LWD and gravel are an important mechanism to sustain and improve fish habitat (Everest and Meehan 1981). The goal of the geotechnical program in the Elliott State Forest is to minimize landslides induced by forest management practices.*

*Page 2-46*

*Management practices that reduce soil disturbance are prescribed for harvest units with high landslide hazard locations. High landslide hazard locations are identified in the annual operations planning process, and the risk to downslope resources from a landslide is evaluated. Foresters in the Elliott are trained in high landslide hazard location identification. The geotechnical specialists participate in the annual operations planning process, and are available to review operations where slope stability is a concern. Harvest practices in the Elliott are conducted with the intent of minimizing site disturbance, and providing a source of large wood in potential debris torrent tracks for aquatic habitat.*

*Page 4-38*

*Seasonal Potential Debris Flow Track Reaches—The physical setting and characteristics of these streams indicates a high probability of large wood delivery to downstream fish-bearing waters in the event of slope failure. The morphology of these channels is conducive to transporting large wood during debris flows. The presence of high landslide hazard locations near these channels indicates a potential that debris flow events could occur. During these events, it is assumed that vegetation retained along the debris flow track will either reduce the energy of the event and cause the materials to become temporarily stored within the channel, or become entrained within the debris wedge for delivery to downstream reaches. Management should focus on maintaining vegetation that has a high probability of interacting with debris flows along this track. The emphasis should be on maintaining large trees that can provide the functional habitat-forming elements of these natural disturbance events.*

*The Bowl Bound Beaver slide you reference is a good example of the application of ODF aquatic riparian strategy. This slide originated at the headwall upslope from a perennial channel during a high rainfall event in December 2006. This perennial channel had a 60-70 foot buffer on each side containing 107 conifer trees ranging up to 36 inches in diameter. The slide carried some buffer trees*

*down into the type F Beaver creek. The majority of the buffer trees remain standing and will serve the purposes described above as well as serve as additional mature recruitment into the type F Beaver Creek.*

*Summaries of monitoring conducted on the Elliott State forest can be found in Chapter 6, in the 2003 Elliott State Forest Watershed Assessment. The 2006 Forest Management Plan addresses a strategy for Adaptive management, of which monitoring is an important element. The specific monitoring plan that you request will be incorporated into the Habitat Conservation Plan, this will involve the concepts of Implementation, Effectiveness, and Validation monitoring.*

*Additional monitoring of riparian areas pre and post harvest has been conducted by ODF's Private Forests section on the Elliott. To review this study and results to date please go to the ODF Website and use the following links: Private Forests>Research and Monitoring>Monitoring Projects>Riparian Function and Stream Temperature.*

#### *Response to Specific Slide Questions:*

*Cedar Glen: The spur road depicted in the picture taken March 2007 does not show a new spur road. This was an existing spur re-opened for use during the timber sale. This slide was deposited on a bench, no movement is predicted into Cedar Creek.*

*Mill Pond Overlook: This slide appears to have originated on an old spur below the spur used to log the Mill pond overlook sale. It occurred in the winter 05/06.*

*Elkhorn Ridge #6: The slide depicted in the picture occurred on the Elkhorn Ridge #5 timber sale, not the Elkhorn Ridge #6 which had not been harvested at the time of this photograph. This slide is most likely the result of historic sidecast.*

## **2. Cumulative Watershed Effects**

Neither the Elliott Watershed Analysis nor the 2008 AOP considers cumulative watershed effects. Timber sales are being planned close to, or adjacent to, recent clearcuts. Cumulative effects of forest openings that have not hydrologically recovered,<sup>22</sup> should be considered more seriously to help eliminate peak flows and other detrimental watershed effects.

The Elliott Forest Management Plan implies this has been done with “Block Plans”, a level of planning between the Forest Plan and the AOPs.

“Block plans are medium-range plans for areas of 10,000 to 15,000 acres. Block plans display locations of timber sales and silvicultural activities planned for the next five

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<sup>22</sup> NMFS considers plantations less than 25 years old to not be hydrologically recovered and thus contributing to detrimental watershed effects.

to ten years. They provide a means of prioritizing the activities that will be carried out in annual operations plans.... Block plans are reviewed by ODFW biologists, who provide advice on how fish and wildlife populations are impacted by the timing, quantity, and nature of the proposed activities.”<sup>23</sup>

“The Department of Forestry addresses water quality at two points in the process of planning timber sales. 1. Block plans — These medium-range plans determine the timing, spacing, and size of timber harvest units. The **cumulative effects of harvesting can impact water quality and stream flow within a watershed**. Block plans ensure that only a limited portion of each watershed will be clearcut at any one time.”<sup>24</sup>

“Block plans deal with the timing and spatial arrangement of timber sales.”<sup>25</sup>

Even though the Elliott Forest Management Plan acknowledges that the “cumulative effects of harvesting can impact water quality and stream flow within a watershed”<sup>26</sup>, the AOPs never mention the Block Plans, and we have never seen them. Please send us the Block Plans. If this is the method to consider cumulative effects, Block Plans should be discussed in the AOPs. Individual sale plans only mention how much of the watershed is in early, mid, or late seral stages to consider cumulative effects to wildlife. They never consider cumulative effects of recent clearcut openings on other environmental effects, such as “water quality and stream flow”. Some examples of sales that contribute to cumulative effects include the following:

Fishing Cougar is adjacent to Fish Cougar Divide, a 2006 sale. Fishing Cougar<sup>27</sup> is proposed at 71 clearcut acres. It is literally surrounded by Fish Cougar Divide, 241 acres of clearcuts. The combined 312 acres adjoin other, only slightly older clearcuts. In the end, there could be over 400 acres recently clearcut. The Pre-Operations report should have disclosed the cumulative effects with this sale.

North Buck timber sale is immediately adjacent to Joe Buck timber sale, clearcut in 2006. Joe Buck clearcut 30 acres and North Buck is proposed to cut 57 acres, for a total of 87 acres at the top of this watershed, and facing two other close sales that were recently (or are being) clearcut.

Additionally, both North Buck and Joe Buck are both adjacent to the Joe Buck Marbled Murrelet Management Area (MMMA). Some of this MMMA is young plantations, while all the mature timber around it is being clearcut. The ODF should have considered the cumulative effects to this MMMA, such as increased predation on MM nests. Also, how much of this MMMA is in young plantations? From our viewpoint, it looked like a large section of it was much younger than the adjoining old forests proposed for clearcutting.

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<sup>23</sup> Elliott State Forest Management Plan. 1993. Page I-18.

<sup>24</sup> Elliott State Forest Management Plan. 1993. Page III-17

<sup>25</sup> Elliott State Forest Management Plan. 1993. Page III-68.

<sup>26</sup> Elliott State Forest Management Plan. 1993. Page III-17

<sup>27</sup> See picture, attachment 2.

Larson Creek adjoins the recently clearcut Sullivan Ridge #4 sale, clearcut around 2003. This 63 acre sale, immediately south of the 47 acre Larson Creek proposed sale brings the cumulative watershed effect to 110 acres, right above a fish bearing stream.

The Panther Headwaters No. 3 proposed clearcut is just a quarter mile south of the Top Panther sale that was clearcut in 2005. Only a young plantation separates them. Both the Panther sales are 61 acres, for a total of 122 acre forest opening in Panther Creek.

Piledup Marlow No. 2 is immediately adjacent to (northeast of) Piledriver, a 31 acre sale clearcut in 2004 or 2005, both with new road building. Since Pileup Marlow is a 92 acre clearcut, the total clearcut opening will come to 123 acres – over the 120 OFPA limitation. Even if it is just 4 acres less, the cumulative clearcut opening and new roadbuilding, just above Marlow Creek, will affect water quality in Marlow Creek. The Piledup Marlow pre-operations report says one of the objectives of this sale is to connect a ridgetop road to help reduce haul traffic from the Marlow Creek road. But the ODF never considered if the cumulative watershed effects from clearcut openings could be worse for Marlow Creek than extra haul traffic on a road along Marlow Creek.

The ODF cannot continue to pile timber sales adjacent to each other without considering cumulative watershed effects, especially since the Elliott Forest Management Plan says “the cumulative effects of harvesting can impact water quality and stream flow within a watershed.”<sup>28</sup>

*ODF discontinued the use of Block Plans on the Elliott at the time the 1995 HCP was implemented. The Elliott is currently managed under the basin planning approach as described in the 1995 HCP. The basins are modified under the new management plan so that they are better aligned with the fifth field hydrologic boundaries, and will improve the ability to monitor and practice adaptive management on a watershed basis. The 2003 Elliott State Forest Watershed Analysis has a comprehensive discussion of the effects of forest management on a watershed level. Planning on the Elliott State Forest complies with the Forest Practices Act in terms of clearcut size and greenup. The timing and amount of clearcut harvesting in a basin is constrained by the HCP requirements for owl nesting and/or dispersal habitat, as well as marbled murrelet take-avoidance constraints.*

### **3. Individual Sale comments**

Members of Umpqua Watersheds looked at most of the forests proposed for timber sales under the 2008 AOP. The following are some observations we made:

#### Panther Headwaters No. 3

There could be trees that fall under ODFs definition of old growth near the ridgetop near the north end of the sale<sup>29</sup>. One tree was 64” dbh, and another 53” dbh. Both trees appear

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<sup>28</sup> Elliott State Forest Management Plan. 1993. Page III-17.

<sup>29</sup> See pictures, attachment 2.

to have been established before 1830, falling into the district policy of “Reserving remnant old-growth trees, trees originating prior to the year 1830.”<sup>30</sup>. According to ODF policy, this area should be excluded from the timber sale proposal.

*Large trees in the Elliott are not necessarily old growth. If a tree exhibits old growth characteristics, and is not adjacent to a landing, they are marked as GTR. The trees in Panther Headwaters No. 3 will be examined as in all other sale units to determine presence of residual old growth.*

#### Big Salander

According to the map, portions of this sale are within “Scenic Production”, probably because the sale can be seen from Loon Lake. Scenic Production includes areas that “need harvest modifications to protect or enhance scenic values.”<sup>31</sup> The Pre-operations Report failed to describe how this land would conform to the Elliott FMP for Scenic Production: “Operations planned on lands designated as Scenic Production in the land use plan will be reviewed to determine if protective measures are needed to reduce the visual impact of the operation or to shorten the duration of the visual impact”<sup>32</sup>

This sale adjoins the South Umpcoos MMMA. The Pre-Operations report failed to disclose impacts to the MMMA, such as new roads that could be built through the reserve. This sale also bisects mature forests that adjoin the MMMA. This impact could increase predation by bringing the early seral edge closer to all potential nesting sites in the MMMA. It also appears that the forests being cut in the southern part of the unit, the part that adjoins the MMMA, is better murrelet habitat than the forests in the adjoining MMMA. The ODF should reconsider this sale.

*The location of residual trees to meet the scenic production classification will be determined during sale planning after the final landing location is determined.*

*The South Umpcoos MMMA was delineated to protect the most suitable murrelet nesting habitat. This unit selection complies with the murrelet requirements in the HCP.*

#### Umpcoos Ridge No. 2 timber sale.

From the end of road 7142, just past the proposed Umpcoos Ridge No. 2 sale, are young plantations with similar aspect and soil types as the Umpcoos proposal. These plantations are not doing as well as ODF expected. The ODF should consider if these problems would also become the problems of the proposed sale.

In the plantations, there are large areas of Douglas firs with a yellow tinge – they are chlorotic. It appears to be swiss-needle cast. The plantations also have rocky soils and several small landslides. Likewise, Umpcoos Ridge 2 has similar soils. The ODF can

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<sup>30</sup> Coos 2008 AOP summary. 1/17/07. Page 6.

<sup>31</sup> Elliott State Forest Management Plan. 1993. Page III-52.

<sup>32</sup> Elliott State Forest Management Plan. 1993. Page V-69

easily predict that landslides will be triggered, producing more sediment and less wood to Ludar creek than under natural conditions. See section 1 for more on this problem.

Umpcoos is in Basin 1, with a 160 year target harvest age and a requirement to retain a minimum of 50% of the basin in nesting, roosting, and foraging habitat (NRF). After this harvest, only 2647 acres of NRF will be retained, out of a minimum requirement of 2576 acres.<sup>33</sup> That leaves only 71 acres in NRF habitat above the minimum requirement. This is a very narrow margin, allowing virtually no errors in determining what is NRF habitat in the basin, or the quality of that habitat. Could you please tell us, how much of the NRF habitat is “in-growth” since 1995? Is the in-growth quality habitat for nesting?

The pre-operations report says that of the 2647 acres in NRF habitat, 1,684 acres are in RMAs, HCAs or other conservancy acres. Are all of these 1,684 acres late-serial habitat? Are any early or mid-serial? If so, they cannot be counted as NRF habitat.

*The NRF accounting in this basin is correct, there is no requirement in the HCP to leave acreage above the minimum requirement.*

#### Dean Mountain Lookout Thin

This sale is in Basin 4, a longer rotation watershed. Instead of clearcutting this young stand, perpetuating an even age plantation, now is a good time to introduce diversity into the future forests. Under the current HCP, the ODF will not be able to clearcut Nesting, Roosting and Foraging (NRF) habitat in this basin for years to come, and only then, depending on the quality of in-growth.

The ODF can improve the quality of that in-growth in the future by changing the prescription of Dean Mountain from a virtual clearcut, to leaving just a few more trees per acre. **The volume can be made up by thinning more of the adjoining stand to the south**, between roads 5050 and 5000. This stand was already thinned, but, it wouldn't hurt to take another 25% of the trees. Taking more trees from the stand south of 5050 will also improve the quality of the future in-growth.

In the recently thinned stand to the south, between roads 5050 and 5000, some trees were left with less than 15-20% green crown. These trees will be quickly overtopped by more robust trees. The ODF could thin these trees with a low crown ratio. Occasionally, a more co-dominant tree could also be taken, to thin down to a clumpy 50 or 60 trees per acre.

Studies have shown that some of the coast range old growth developed from low-density early seral stands. The Roseburg BLM is thinning managed plantations in wildlife reserves down to as low as 50 trees per acre, using variable density thinning, leaving some trees open grown on purpose so they can develop thick horizontal limbs for future marbled murrelet habitat.

The current proposal for the Dean Mountain Lookout is to leave 5.5 trees per acre, including snag recruitment, plus another tree or two for down log recruitment. This

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<sup>33</sup> Umpcoos Ridge 2 2008 AOP Pre-operations report. Draft 1/17/07. Page 5.

would total about 7 trees per acre, left standing or on the ground. The ODF should consider a way to leave an additional 18 trees per acre, in clumps, well distributed through the unit. Leaving 25 to 30 trees per acre would speed up this area exhibiting late seral structure by several decades. The ODF can simply thin a little more out of the stand to the south so that the projected volume remains the same, which will have the added benefit of a higher quality late-seral stand in this area in the future.

The down logs that ODF is proposing to leave on the ground should be left standing. Like the snags, they are too small to contribute to wildlife needs for any length of time. If left standing, they could grow larger over the next 5 years or so. At that time, they could be assessed for felling if blow down did not occur elsewhere in the unit. The ODF was excused from the snag creation by the USFWS because the trees were too small. The same deal could be brokered on down logs.

Species composition: When we visited this stand we saw minor species, including Sitka spruce and red cedar. Both of these species should be protected from logging, or logging damage, by painting them as retention trees. Also, we saw a large holly tree. This non-indigenous, and potentially invasive species should be designated to be cut.

By leaving more retention trees, distributed throughout the Dean Mountain sale, the ODF could use none, or less herbicides, and thus retain some hardwood species like myrtlewood, which would contribute to a future understory of late seral structure.

*The Dean Mountain Lookout sale does not constitute NRF habitat that is needed to maintain the minimum required NRF, and is not needed for future NRF. This sale is surplus to our needs for T&E habitat. The adjacent thinned stands that you refer to are monitored for thinning under our current basin management strategy. We currently do not have plans to take stands down to extremely low stocking levels due to the need to balance structure and volume production. Minor species will be selected for GTR retention when possible depending on their location and distribution within the sale. Minor species will not be left in excess of the GTR target or in areas that impede logging.*

#### **4. Wildlife Habitat Focus**

The FMP uses a term “Wildlife Habitat Focus” while the Pre-Operation reports on individual sales uses “Wildlife Emphasis” to describe the sales with the wildlife habitat focus. Two sales in the FY 2008 AOP are designated as wildlife emphasis, North Buck and Big Salander timber sales.

The Wildlife Habitat Focus sales leave about 5 trees per acre, instead of the 3 trees per acre. “Wildlife emphasis” is to provide “some habitat and structure... for species that prefer older forests”<sup>34</sup>. We are unclear on what wildlife, that prefers older forests, can actually use the extra two trees per acre being left for them. Neither spotted owls, nor

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<sup>34</sup> ES FMP page V-37 and Coos 2008 AOP summary 1/17/07. Page 5.

marbled murrelet can use stands with only 5 overstory trees per acre. They would not survive predation by species that use early seral forests, such as corvids or other owls. Could the ODF enumerate which wildlife, that prefers older forests, is expected to use these extra trees? If there are none, then you must leave more trees per acre to achieve your stated goal.

*The objective of the wildlife emphasis sales is to leave additional down wood, GTR, and snags that will provide for structure into the next rotation and are destined to be part of the structure of the next stand.*

## **5. Accuracy of Pre-operation reports.**

If the ODF is asking the public for comments on the pre-operations reports, it is assumed that the pre-operations reports have a strong basis in what will eventually be implemented. As we review the 2008 Annual Operation Plan, and prepare meaningful comments, what assurances do we have that the ODF will not significantly change the proposals after public comments, marbled murrelet surveys and agency consultations are over?

We have found that proposals we comment on are often significantly changed in the final contract maps – changed in ways that degrade the environment, and at a time when we have no opportunity to comment on the changes. What is the point of asking the public and agencies to comment on a proposal, if the proposals are significantly changed after comments?

For example, the ODF is well aware of our outrage over the Bowl Bound Beaver timber sale, which fragmented (cut in two) a mature forest, containing at one end a Marbled Murrelet Management Area (MMMA), and at the other, a Habitat Conservation Area (HCA) for the Northern Spotted. Not only was this fragmentation not disclosed in the pre-operations report (because the ODF has a non-standard definition of “fragment”), but also a new road was not disclosed.

After we submitted our comments, after this sale was consulted on, and after the murrelet surveys were done, the ODF decided to build a new road on a steep sidehill, right through the Marbled Murrelet Management Area! We only knew about this by looking at the sale advertisement maps. It was too late then to ask ODF to reconsider. When we complained, the ODF said there was no regulation prohibiting last-minute, previously undisclosed new roads for logging purposes, through either Habitat Conservation Areas or MMMA's.

If the ODF had disclosed the logging road placement in the pre-operations report, we could have submitted comments on this terrible road, with 20' tall cutbanks, that severed off a piece of the MMMA so it can never again be used by a murrelet for nesting or for protection.

There is a place on your website for information on changes in Annual Operation Plans<sup>35</sup>. If you could not notify the commenting public directly, why didn't you at least post the changes to Bowl Bound Beaver there? Instead, it appeared you did a last-minute deal to put in a new road through the marbled murrelet reserve. Your operations should be more transparent, especially when informing the public through your web site is virtually no extra work.

*The ODF does have a location to post modifications to the presale reports. Some modifications have more of an impact than others. In the future we will post changes that are considered major modifications to the web site. These would include deletions of entire sale units, roads located in MMMA's or HCA's, additions of entire sale units.*

## 6. Draft vs Final Sale Plans

This year we noticed that the **Lone Deer** contract had been changed from that proposed in the pre-operations report. Area IV was expanded to include both sides of road 7100 south of the unit. We attempted to drive on road 7100 this month. We couldn't because the road was too muddy in Area IV, even for our all-wheel drive Subaru Forester. There was virtually no gravel left on the road with deep muddy ruts, even though the sale was "designed for harvest during the dry season."<sup>36</sup> Was this a contract violation, or a last minute contract change?

*The portion of the road that you mention was a landing location for this unit. This area had become soft due to wet weather, the rock surface was soft, but the subgrade was not impacted. Yarding operations on this unit is complete and the purchaser is in the process of completing the final unit closeout requirements which includes grading the rock surface and providing additional rock to return the road to optimum condition. The muddy ruts you mention were not contributing sediment into waters of the state.*

This year we also noticed that **West Fork Headlands timber sale** did not include sale markings on the ground for Area III, as designated on the pre-operations report. We checked the sale advertisement and it also excluded Area III. In its place was "Daggett Headwaters Marbled Murrelet Management Area". When and how was the ODF going to officially disclose this change to the public who submitted AOP comments? When was this MMMA established, how big is it, and what areas does it cover? How much of that area is late-seral forests? We also noticed from the timber sale map that the northern portion of Area II, the young stand that was to be clearcut, was dropped from the sale advertisement. Why was this?

*The Daggett Headwaters Marbled Murrelet Management Area is 21 acres of approximately 125 year old timber. It was created during the murrelet surveys for*

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<sup>35</sup> [http://egov.oregon.gov/ODF/STATE\\_FORESTS/2007\\_Modifications\\_to\\_Annual\\_Operations\\_Plans.shtml](http://egov.oregon.gov/ODF/STATE_FORESTS/2007_Modifications_to_Annual_Operations_Plans.shtml)

<sup>36</sup> Lone Deer Notice of Timber Sale. Notice of auction 8-17-05. Page 2, "Seasonal Restrictions Apply".

*the West Fork Headlands timber sale. The young stand, in the northern portion of the timber sale that you reference, was dropped from the sale due to expensive and difficult landing construction. A more cost effective logging plan is to include it with the neighboring unit, when that unit is ready for harvest, bringing all the trees to a centralized landing. The changes to this timber sale constitutes a major modification, which is posted on the ODF website under the modifications to the 2007 AOP section.*

Concerning the **Fish Cougar Divide** pre-operations report for the **Cougar Divided** timber sale (Area 4 of the pre-op report was renamed Area 1 of the Cougar Divided sale).... In the pre-operations report, Area 4 had no existing road and no new road shown on the western half of the unit. So when we toured the Elliott with ODF, I was surprised when we were taken to that area to see an example of new road building. A look at the sale advertisement maps shows an “existing road” (not “new construction”) had been added to the unit map, in the area of the new road (points A to B).

What happened here? A new road was built with no disclosure in the Pre-operations report. However, the new road was shown as a purchaser maintained “existing road” for bidding purposes. Did ODF build the road into this unit?

*The road referenced in the western portion of Cougar Divided is an existing road that was improved during the contract. The presale document for Cougar Divided states that “New landings and short access spurs may be constructed in Areas 1 and 2. Final locations will be determined during the sale preparation process.” This does not constitute a modification to the AOP. On the tour this road was mistakenly identified as new construction.*

The same situation exists with Area 2 (Fish Divided advertisement and Fish Cougar Divide pre-op report). The pre-operations report shows no existing or planned new road on the north corner of Area 2. Yet the sale advertisement shows an existing road, and on the ground, a new road was built (point L to M). What exactly is happening here?

*The road referenced in the north corner of Fish Divided is new construction. The presale document for Fish Divided also states that “New landings and short access spurs may be constructed in Areas 1 and 2. Final locations will be determined during the sale preparation process.” This does not constitute a modification to the AOP.*

It would help if the ODF made an annual “final decision” on the pre-operation reports, and notified the interested public of the final decision. We have never received any notifications from ODF about an AOP Final Decision or changes on proposals. We can only guess what the decisions have been by looking at the sale advertisements. Last year we asked for previous sales that were eliminated due to the marbled murrelet surveys, but we received no response. We are making that request again, now. Government should be transparent, especially since the ODF has invited the public to be involved.

Other districts post their modifications and changes to the website referenced above. Why can't the Coos District?

The 2008 AOP Summary says “Because of the uncertainties due to second year surveys for the uncleared sales, the final regeneration harvest acres in this sale plan are not known at this time.”<sup>37</sup> How then, is the public informed when the final plan is known? If you post the final plans on your web site, we could not find them. For instance, we looked under the 2006 AOPs at <[http://www.oregon.gov/ODF/STATE\\_FORESTS/2006\\_AOP.shtml#Coos\\_District\\_\\_Elliott\\_State\\_Forest\\_](http://www.oregon.gov/ODF/STATE_FORESTS/2006_AOP.shtml#Coos_District__Elliott_State_Forest_)>

We downloaded the “Approval Memo”, but that document never told us that Bowl Bound Beaver had been changed to build a new road right through the murrelet reserve. It also never told us which sales had been dropped due to T&E species surveys. When and how do you inform the public of your final AOP plans?

*In our response to your comments last year we stated that “Sales were not eliminated in either the 2005 or 2006 fiscal year plans due to Marbled Murrelet surveys. The results of the 2007 surveys will not be finalized until late fall. This information will be available to the public in December by calling the District Office.” The ODF does have a location to post modifications to the presale reports. Some modifications have more of an impact than others. In the future we will post changes that are considered major modifications to the web site. These would include deletions of entire sale units, roads located in MMMA's or HCA's, additions of entire sale units.*

## **7. Annual Harvest Targets are too high**

The 2008 AOP explains why the proposed harvest exceeds the Forest Plan Harvest Objectives by 66 acres – to make up for a shortfall in previous years. “The primary reason for the shortfall was the discovery of a large number of stands occupied by murrelets”<sup>38</sup>. Since the Incidental Take Permit (ITP) for murrelets expired in 2001, each proposed sale needs to be surveyed for nesting murrelets. Not surprisingly, murrelets are found in some sales because the Elliott is a coastal forest with now-rare blocks of old forests, surrounded by young, private land, plantations. Basically, the murrelets have no place else to go.

The ODF should not make up this lost volume because the Habitat Conservation Plan assumed the annual volume would be reduced when the marbled murrelet HCP/ITP expired in October 2001. The annual targets the ODF is trying to meet were made assuming the incidental take permit (ITP) for murrelets continued, which it did not.

The EA for the HCP says for decades 2 through 10: **“Annual Timber Harvest Volume... Assumes an ITP is obtained for... marbled murrelet habitat beyond**

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<sup>37</sup> Coos 2008 AOP Summary. 1/17/07. Page 7.

<sup>38</sup> Coos 2008 AOP Summary. 1/17/07. Page 4.

2001.<sup>39</sup>“ Since this didn’t happen, it *is* hard to keep up with the targets. The 2008 AOP summary documents how the district fell behind since 2002.

This assumption in the EA, incorporated into the HCP, means the ODF has no right playing “catch-up” to a harvest target that will be impossible to meet in an ecologically sustainable way.

#### EA Assumptions Are a Part of the HCP and ITP

When we mentioned this problem in last year’s AOP comments, the district responded that the Environmental Assessment for the HCP, “does not constitute an agreement with the federal services.”<sup>40</sup> Yes it does! The Biological Opinion for the HCP says that it “**is based on information provided in the... Environmental Assessment (EA)** (USDI 1995), for the proposed action.”<sup>41</sup> That is the same EA that set the annual timber harvest goals (that the ODF is using today) based on the assumption an ITP for murrelets is extended beyond 2001.<sup>42</sup> Clearly, it is not appropriate to use those harvest goals if that assumption is wrong.

The HCP also clearly embraces the assumptions and findings of the EA. “The habitat conservation plan is accompanied by an Environmental Assessment (EA). The EA informs the public about the environmental analysis done in developing the HCP and applying for the incidental take permit. It describes alternative methods for managing northern spotted owls, marbled murrelets, and their habitat, on the Elliott State Forest. It also describes what the environmental effects of each alternative would be. The preferred alternative is the basis for the habitat conservation plan. **The EA will be used by the USFWS to determine if issuance of the incidental take permit** would result in significant effects to the human environment.”<sup>43</sup>

If the ODF has a different agreement with the USFW, please describe it. As far as we can tell, the agreement between the USFW and the ODF is based on the HCP, the Incidental Take Permit and the Biological Opinion, all of which are based on information and alternatives considered in the EA. The EAs chosen alternative bases the annual timber harvest goals on the assumption that an ITP is obtained for murrelets beyond 2001.<sup>44</sup>

Since the ODF doesn’t have an ITP for marbled murrelets, the surveys that have been done instead have justifiability caused a problem in meeting the target harvest volume. The surveys are what the ODF should be going by – not an artificial harvest target that is not based in any reality or considered in any authorizing document.

The ODF claims that the environmental assessment “does not constitute an agreement

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<sup>39</sup> ESF EA for the HCP. USDI Fish and Wildlife Service. 1995. page III & IV-73. Table III & IV-15.

<sup>40</sup> 07\_AOP\_PublicComments\_Coos.pdf. page 14.

<sup>41</sup> Biological Opinion on the Proposed Issuance of an Incidental Take Permit for Northern Spotted Owls and Marbled Murrelets to the Oregon Department of Forestry on the Elliott State Forest, coos and Douglas Counties, Oregon. USDI Fish and Wildlife Service, Oregon State Office. October 2, 1995.

<sup>42</sup> ESF EA for the HCP. USDI Fish and Wildlife Service. 1995. page III & IV-73. Table III & IV-15.

<sup>43</sup> Elliott HCP. 1995. Page I-1

<sup>44</sup> ESF EA for the HCP. USDI Fish and Wildlife Service. 1995. page III & IV-73. Table III & IV-15.

with the federal services” so the EAs information on harvest targets can be discounted. We disagree. The ITP, the BO, and the HCP *are* the agreement with the federal services. Those documents embrace the documentation and assumptions of the EA, which bases the harvest goals after 2001 on the assumption the ITP continues and individual sale surveys would not have to be done. The HCP reinforces its reliance on the EA assumptions when it says: “The EA has detailed information on the effects of the alternatives, including the amount of potential incidental take of owls and murrelets. Alternative A is the preferred alternative, and the basis for the conservation strategy.”<sup>45</sup> “The Habitat Conservation Plan for the Elliott State Forest, which must be prepared for an incidental take permit, will be supported by a NEPA-required environmental assessment.”<sup>46</sup>

Since the HCP embraces the information in the EA, and the EA target volumes post 2001 are based on the assumptions that a murrelet ITP would continue, clearly **the harvest targets since 2001 has been too high**. Instead of playing catch-up, the 2008 AOP should drop all sales in murrelet habitat to replace the excess target volume harvested the last 4 years. In FY 2005 the so-called harvest target was exceeded by 151 acres. In FY 2006 it was exceeded by 15 acres, and could be exceeded by 23 acres in FY 2007.<sup>47</sup> If it is exceeded by 66 acres in 2008, this is a total of 255 acres of over cutting. This could be made up by dropping all proposed sales in 2008 that are over 100 years old.

Playing “catch-up” means having to log more than what has been determined as sustainable for protecting endangered species. Playing catch-up means that the rules have to be bent to log sales like Bowl Bound Beaver. This sale violated the HCP requirements to: “defer stands that meet the following criteria as long as suitable substitute areas are available. ... Stands closest to high quality marbled murrelet potential nesting habitat, northern spotted owl activity centers, and HCAs.”<sup>48</sup> In spite of this requirement, **Bowl Bound Beaver was situated immediately adjacent to, and in-between, the Beaver Creek Habitat Conservation Area (HCA) and the Trout Mouth Marbled Murrelet Management Area (MMMA)**. Bowl Bound Beaver also fragmented (cut in two) a continuous mature forest, when the HCP forbid fragmenting mature forests<sup>49</sup>. And the biggest insult was that a new road was built right through the MMMA to access the sale.

When we complained about these violations, Jim Young responded: “There are limited opportunities for sale areas because of the many constraints that we deal with in our planning process.”<sup>50</sup>

There are limited opportunities because the ODF is illegally trying to meet a target that was set for a murrelet ITP. “Annual Timber Harvest Volume... Assumes an ITP is

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<sup>45</sup> Elliott HCP page III-11

<sup>46</sup> Elliott HCP page J-10

<sup>47</sup> Coos 2008 AOP Summary. 1-17-07 page 4.

<sup>48</sup> Elliott HCP. IV-41

<sup>49</sup> “Timber harvest will be planned to minimize fragmentation” (HCP IV-36). “Reduce fragmentation within the forest.” (HCP IV-2) “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.” (HCP IV-41).

<sup>50</sup> Email from Jim Young 5-15-06

obtained for... marbled murrelet habitat beyond 2001.”<sup>51</sup> This assumption was wrong, and the target should have been changed in 2001.

*The Environmental Assessment does state that it assumes that a murrelet HCP will be obtained for the period after October 2001. However the HCP, and Incidental Take Permit make it very clear that this is not a legal requirement of the owl HCP. Under part 11 of the Incidental Take Permit (ITP), CONDITIONS AND AUTHORIZATIONS, part G clarifies which documents are contractual :*

*“G. The authorization granted by this permit is subject to full and complete compliance with, and implementation of, the Habitat Conservation Plan (HCP) and Implementation Agreement (IA), executed by the permittee and the Service. The permit, HCP, and IA are binding upon the permittee, its officers, employees, agents, and contractors.”*

*If the Environmental Assessment were a contractual obligation it would have been included in the above statement. Part 11E of the ITP clearly states the duration of the owl HCP and makes it clear that obtaining a murrelet HCP for the period after October 3, 2001 is not a requirement to keeping the owl HCP in force:*

*“E. The permittee, their employees, agents, and contractors, are authorized to incidentally take all northern spotted owls (Strix occidentalis caurina) associated with approximately 22,000 acres of suitable spotted owl habitat as a result of otherwise lawful timber harvest activities, as described in the permittee’s application and supporting documents, and as conditioned herein. This authorization expires on October 3, 2055.”*

*No where in the HCP, IA, or ITP is it stated that keeping the owl HCP in force is contingent upon obtaining a murrelet ITP/HCP for the period after the termination of the murrelet ITP/HCP on October 3, 2001. The owl HCP/ITP is clearly a stand alone agreement. The harvest levels in the current AOP and past AOP’s are in compliance with the owl ITP/HCP. Your statement that “...ODF is illegally trying to meet a target that was set for a murrelet ITP...” is in error.*

Without an ITP, harvest levels are unpredictable.

The ODF is not justified in trying to meet an inappropriate target. The HCP says: “Alternatives A-D all assume that an Incidental Take Permit would be issued by USFWS. Management activities such as harvesting would therefore occur at predictable times and places.”<sup>52</sup> So when the murrelet ITP was lost, so was the predictability. You will never know when a mature stand, in a forest just a few miles from the Pacific Ocean, will

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<sup>51</sup> ESF EA for the HCP. USDI Fish and Wildlife Service. 1995. page III & IV-73. Table III & IV-15.

<sup>52</sup> Elliott HCP page III-23.

shelter a nesting marbled murrelet. The ODF does not have an ITP, and thus there cannot be a firm target volume or predictability.

*When the murrelet HCP terminated our annual clearcut harvest acreage remained the same because it is set by the owl HCP/ITP. Due to the variability of stand volumes, harvest volumes and values are variable from year to year. The Coos District annual clearcut acreage target of 510 acres is appropriate and in complete compliance with our FMP/HCP/ITP/IA.*

The ODF has no authority to meet an arbitrary target volume for 2002 through 2008. The ODF has used an incorrect assumption to over-harvest since 2002, trying to meet an unattainable and illegal target volume. The “Annual Timber Harvest Volume... assumes an ITP is obtained for... marbled murrelet habitat beyond 2001.”<sup>53</sup> Since this is not the case, the ODF has no volume to catch up.

*You are correct that Coos District has no authority to meet an arbitrary volume target. Instead, the district has authority to meet a fixed annual/decadal clearcut acreage objective of 510 acres/year and 5100 acres for decade 2. Our acreage accomplishments for the period in question are well documented in our AOP's and are appropriate and in complete compliance with our FMP/HCP/ITP/IA.*

#### Over-estimations?

Another reason stated in the AOP summary for falling behind was “an overestimation of net acres in the sale plans.”<sup>54</sup> This occurred in 2000 and 2001, when there was a murrelet ITP, so no murrelet surveys were done for these years. Instead, the ODF over estimated net acres by 101 acres<sup>55</sup>, in just two years! How did this happen? Is it continuing to happen today, but with numbers buffered by murrelet surveys? It is important not to blame problems on an endangered species when they have enough of their own problems as it is.

#### Hardwood Clearcuts

The 2008 AOP summary says that the HCP Annual Objective includes 20 acres of Hardwood Clearcut.<sup>56</sup> Yet in last-years response to our comments the ODF said: “The Management plan does not have a hardwood target for the second decade.”<sup>57</sup> While there was a 20 acre hardwood clearcut target for the 1<sup>st</sup> decade, the Elliott cannot add on 20 acres to the 510 acres in the second decade. You didn't do it in 2007, why add 20 acres in 2008? In response to our comments last year, the ODF implied that during the first decade, the 459 acres clearcut acres calculated per year for the first decade included both the 20 acres of hardwood, and 439 acres of conifer clearcut.<sup>58</sup> The second decade target is

<sup>53</sup> ESF EA for the HCP. USDI Fish and Wildlife Service. 1995. page III & IV-73. Table III & IV-15.

<sup>54</sup> Coos 2008 AOP Summary 1-17-07. Page 4.

<sup>55</sup> Coos 2008 AOP Summary 1-17-07. Page 4. In FY 2000, 35 acres were over estimated, and in FY 2001, 71 acres were over estimated.

<sup>56</sup> Coos 2008 AOP summary. 1/17/07. Page 4.

<sup>57</sup> 07\_AOP\_PublicComments\_Coos.pdf. page 12.

<sup>58</sup> Elliott State Forest Management Plan. December 1993. Page VI-44 table VI-12. “Clearcut Conifer Acres” for alternative 6 is 439 acres.

set at 510 acres. When the district continues to log hardwood, it is included in the 510 acres. Why has the district added 20 acres of hardwood clearcut in the summary?

*The hardwood reporting section in the 2008 AOP summary will be deleted, it was included in error.*

## **8. Roads**

The district is proposing to build 2 miles of new roads for the FY 2008 timber sales. For a forest that already has an average of 6 miles of roads for every square mile, 2 more miles is a lot, especially considering the landslides that historically come from the roads on the Elliott. The 2008 AOP summary defends the high-occurrence of road related landslides by saying the roads will have an office review by an ODF geotech specialist, and “the geotech will make site-specific road and engineering recommendations for practices to achieve resource and economic goals for the forest...”<sup>59</sup> Has the geotech specialist ever recommended to not build a road to prevent a landslide? If the numbers of road-related landslides, even from new roads, has never been reduced by a “geotech specialist”, what is the purpose of the office review?

Are landslides, like what came from the Cedar Glenn or Elkhorn Ridge sales, expected by the geotech specialist but allowed to happen to meet the economic goals? Or instead, are those landslides considered a mistake? If they are mistakes, what kind of Adaptive Management is being done to correct this? Adaptive management to reduce landslide effects from roads would be especially important when the ODF builds new roads through wildlife reserves, such as the Marbled Murrelet Management Areas and Habitat Conservation Areas, as was done last in year in the Bowl Bound Beaver timber sale.

*As mentioned previously, the slides from Cedar Glenn and Elkhorn Ridge timber sales were from older road systems. Road systems built prior to the 1970's were often built without endhauling material to stable locations, material was sidecast to the edges. Although our goal is to determine the presence of old sidecast that could cause a slide and clean them up during new activity, these areas are not always easy to detect. The majority of road related slides you see are from this legacy of sidecast road construction. Current road construction practices on steep slopes involve the endhaul of material to a stable location. The construction of 2 miles roads in this AOP is considered minimal.*

Road Construction and non-native vegetation: The 2008 AOP Summary says that “Project work that results in exposing bare soil will receive an application of grass seed during the first seeding season... A proven mix of grass seed referred to as coastal erosion mix is used.”<sup>60</sup> Are these native grasses? If not, the non-native grasses could become a permanent feature on the Elliott, spread into the forest ecosystems and displace native vegetation. If the ODF is planning to continue building new roads through

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<sup>59</sup> Coos 2008 AOP summary. 1/17/07. Page 9.

<sup>60</sup> Coos 2008 AOP summary. 1/17/07. Page 10.

MMMA or HCA as was done in Bowl Bound Beaver, the use of non-native seeds could be even worse.

*The grass mixture is supplied by ODFW. It does not consist of a native mix. ODF shares your concern and will be investigating the source of native grass seed.*

Road Closure/Vacation: The ODF has stated they will close 6.19 miles of existing roads<sup>61</sup>. The location of these roads is not clear. The Forest Roads Summary does not include a column for closure. It is also unclear on the method of closure. The ODF should be clear on if they will just be gated, or replanted with conifers. The ODF should discuss if the roads are being closed because they have been identified as a top priority for watershed restoration, such as in the watershed analysis.

*The roads to be closed are those associated with timber sales. These roads are short landing spurs. The most common method of closing is to construct a couple deep parallel ditches with a mound of dirt between them (tank trap). These roads are not being vacated and so won't have trees planted in them. Necessary road maintenance (water-bars etc) will be completed before they are closed. This section of the AOP will be changed to clarify the intent of our road closure activities.*

Unsurfaced roads: The AOP summary says unsurfaced roads “will be closed to traffic, with the exception of ATV’s”<sup>62</sup>. This doesn’t make sense. ATVs are more damaging to watershed values than any other vehicles. ATV’s have had a significant detrimental impact on soils and water, including soil erosion and compaction, excessive trash, wildlife harassment etc. While traveling through the Elliott, one can see many old roads and trails opened by recreational ATV use. ATV users made a trail that goes right through the mouth of Trout Creek at its confluence with the West Fork Millicoma River. They also go, unregulated, into the Millicoma River north of road 2300. The ODF allows ATV use anywhere, anytime, on the Elliott, and the use is growing.

Another problem with closing unsurfaced roads is that it doesn’t always happen. For instance, the unsurfaced spur into the Sullivan Ridge timber sale was never closed, and now it is running mud downhill onto the 3170 road. This sale was finished years ago, yet the unsurfaced spurs remain open to all vehicles, and campers. There are piles of trash at the end of the spur into Sullivan Ridge.

As for the recreation management summary of the AOP, the ODF missed naming motorized recreation. Instead, the ODF claims that “The recreation that does occur is mostly confined to hunting, fishing camping, and picnicking.”<sup>63</sup> The ODF should begin to acknowledge and include motorized recreation (such as ATVs and other recreational driving).

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<sup>61</sup> Coos 2008 AOP summary. 1/17/07. Page 9.

<sup>62</sup> Coos 2008 AOP summary. 1/17/07. Page 10.

<sup>63</sup> Coos 2008 AOP summary. 1/17/07. Page 113.

## 9. Recreation

In every AOP summary since the FMP was implemented, the ODF states they will spend \$5,000 on recreation facilities, including the 2008 AOP. The money is spent on “Day Use Areas”. Since 1993, about \$75,000 has been spent on Day Use Areas.

Unfortunately, the Summary does not describe how this money is spent. We asked the district last year, and they responded that most of the money was spent developing the horsecamp at Elkhorn Ranch, but the 2007 dollars were spent to maintain access roads to undeveloped campsites throughout the Forest. Why doesn't the Annual Operation Plans ever describe the Recreation plans for the current year?

What monies are used to clean up trash? We visited the camping spots along the Millicoma River, north of road 2300, and were shocked to find dumped TV sets, mattresses, beer cans and broken glass everywhere<sup>64</sup>. Sanitation problems were evident. There were no picnic tables. There was also quite a bit of riparian damage due to unregulated recreation. There were fire pits every 20 feet, no parking barriers to guide vehicles, no vegetation left on the banks of the Millicoma River in many of the camping spots, signs of ATV use on the banks and into the river, etc.

The description of the recreation activities in the AOP summary (page 13) is simply a repeat every year, with no site specific information or plans about the current year. Because there is no recreation plan, and because there is no accountability for the \$75,000 already spent on recreation on the Elliott, resource damage is occurring, and recreation opportunities are severely degraded. Instead, the AOP's should include a real plan for that year's recreation budget, including waste control and stream bank protections.

In this year's recreation budget, we see an extra \$1,000 for “trailheads”. Great! For years we have been asking for hiking trails on the Elliott. Unfortunately, the AOP summary doesn't tell us where the trailheads are being planned. Since this is the public comment time for the Annual Operation Plan, and a trailhead is being funded, for the first time ever, we would like to provide comments on whatever the plan is. Could you please tell us what this years plan is. In future years, please include recreation plans with all the other annual plans available for public comments.

*We'll begin including a very brief narrative of planned recreation work. We will plan to use some type of barrier to protect stream banks from recreation traffic in the Elkhorn ranch area and cleanup the trash. A trail is in the planning stages for the Millicoma Interpretive Center.*

## 10. Climate Change

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<sup>64</sup> The letter and pictures mailed to the Coos District on 1-8-07, are attachment 3 to these comments.

There is increasing concern about global climate change and both the impacts of climate change on forests and the possible role of forests in storing carbon to ameliorate climate change. This new information on Climate Change was not considered in the 1995 Elliott Habitat Conservation Plan, so it should now be considered in the individual pre-operation reports, as well as in the new proposed HCP.

Retaining older forests and conserving biodiversity are two of the smartest things we can do to mitigate and adapt to climate change, but the 2008 AOP does just the opposite. Older forests on the Elliott have significant ecological inertia and are relatively well suited to resist climate change.

Older forests harbor a higher diversity of species that could help the ecosystems of the future adapt to climate change. Stand level species diversity and recruitment of diverse species into aging stands helps forests maintain a more favorable ratio of photosynthesis to respiration (i.e. the stand-scale ratio of leaf area to sapwood) as they mature. Biodiversity also represents the complete library of possible ecosystem adaptations to climate change, so biodiversity enhances future “degrees of freedom” for responding to climate change.

Older forests sequester significant amounts of carbon and help keep it out of the atmosphere. Increased logging of these older forests will (a) replace high-inertia forests with young trees that are far more vulnerable to climate stress, (b) release massive amounts of stored carbon into the atmosphere from forest soils, from sawdust in the forest and at the mill, from slash disposal, from warmer microclimate that accelerates rates of respiration and decomposition, and from wood products that are short-lived compared to the carbon stored in both live and dead trees in old forests, and (c) logging older forest reduces biodiversity which reduces the ability of the forest to store carbon and hinders the forests ability to respond to climate change. The ODF must account for these issues. See the prepared by Oregon Wild concerning “Forests, Carbon and Global Warming”.<sup>65</sup>

*ODF addresses this issue by maintaining state forest in forest uses, consistent wit the 2003 Forestry Program for Oregon.*

## **Conclusion**

This concludes our 2008 Annual Operation Plan comments for the Elliott State Forest. Please tell us when you post a response to our comments on your web site.

We have a final request for monitoring reports. The Elliott Forest Management Plan states that “resource monitoring will be done by Coos District personnel and results will be summarized annually”.<sup>66</sup> Earlier we asked for the annual summaries on the landslide

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<sup>65</sup> [http://www.oregonwild.org/oregon\\_forests/old\\_growth\\_protection/forests-global-warming/Oregon%20Wild%20Report%20on%20forests%2C%20carbon%2C%20and%20global%20warming%2C%20ver.%201.1.doc/view](http://www.oregonwild.org/oregon_forests/old_growth_protection/forests-global-warming/Oregon%20Wild%20Report%20on%20forests%2C%20carbon%2C%20and%20global%20warming%2C%20ver.%201.1.doc/view)

<sup>66</sup> Elliott State Forest Management Plan. 1993. IX-2.

surveys. Actually, we would like to see the complete annual summaries for the monitoring. This list is on pages IX-3 through IX-5 of the FMP. Please send them to us electronically, if possible. Last year we also asked for these reports, but received no response.

Throughout these comments we have asked for other documents. Whenever possible, please send us an electronic version rather than a hard copy. For your convenience, the following is a list of those requests and the page number the requests were made on:

- Page 6: There is a monitoring component in the FMP for “Water Quality” that requires an annual summary of “Landslide survey by source (roads, operation units, undisturbed areas).”<sup>67</sup> Please send us those monitoring reports.

*Summaries of monitoring conducted on the Elliott State forest can be found in Chapter 6, in the 2003 Elliott State Forest Watershed Assessment. The 2006 Forest Management Plan addresses a strategy for Adaptive management, of which monitoring is an important element. The specific monitoring plan that you request will be incorporated into the Habitat Conservation Plan, this will involve the concepts of Implementation, Effectiveness, and Validation monitoring. Annual landslide reports are not available for the Elliott. When a storm results in significant landslides we normally inform our geotech specialist of them and their location, but they are not reported systematically. An in depth monitoring and research project was done in the Elk Creek drainage and in Double Barrell creek drainage to assess landslides triggered by the November 1996 storm. The results are available at ODF's website in the Private Forests section by following these links: Research and Monitoring>Monitoring Projects>Landslides>Storm Impacts and Landslides of 1996.*

- Page 7: Please send of the relevant Block Plans for the Elliott.

*ODF discontinued the use of Block Plans on the Elliott at the time the 1995 HCP was implemented.*

- Page 12: There is a place on your website for information on changes in Annual Operation Plans<sup>68</sup>. If you do not use this web site, what other ways do you use to inform the public of changes to the draft AOP?

*The ODF does have a location to post major modifications to the AOPs. Some modifications have more of an impact than others. In the future we will post changes that are considered major modifications to the web site. These would include deletions of entire sale units, roads located in MMMA's or HCA's, additions of entire sale units.*

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<sup>67</sup> Elliott State Forest Management Plan. 1993. IX-5.

<sup>68</sup> [http://egov.oregon.gov/ODF/STATE\\_FORESTS/2007\\_Modifications\\_to\\_Annual\\_Operations\\_Plans.shtml](http://egov.oregon.gov/ODF/STATE_FORESTS/2007_Modifications_to_Annual_Operations_Plans.shtml)

- Page 13: Please send us a list of proposed sales that were eliminated due to the marbled murrelet surveys.

*This information is part of the major modification summary posted on ODFs website.*

- Page 19: Please send us information on the recreation plan for this year, including where the \$5,000 allocation for day use areas will be used and where the new trailhead is planned.

*For the 2008 fiscal year the Elliott does not have \$5000 specifically budgeted for recreation. The AOP summary table will be edited to reflect this.*

Please send this information to Umpqua Watersheds, Inc (address and email below). Thank you for your response.

Sincerely

Francis E.  
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