

Pacific Rainforest Wildlife Guardians

PUBLIC COMMENT ON 2010 ANNUAL OPERATIONS PLANS

Douglas County

March 31, 2009

EXIT 80 THIN -

This is a direct assault on the Swamp Gas spotted owls that would directly take adults by allowing Great Horned Owls access to the nest tree. It is intentional take of fledglings by allowing access of these predators, crows, and other cervids into the fledging area. It proposes to build a road and skidding routes right up to the nest tree as was done at Riptide Timber Sale.

They call this attempted take a pilot project. What it is an illegal incidental take permit without NEPA process granted under the table by USF&W. They will not get away with this kind of nest flush, site damage and predation take again. It would remove suitable habitat at the nest tree site, damaging the micro-climate needed for chick survival, shelter, and fledgling roosting trees, and cause the nest to be abandoned or invaded by predators. The sale prescription must be changed to meet the requirements stated by ODF&W, removing all plans for yarding, construction, and cutting within 1/4 mile of the nest site.
Douglas County

TYEES PURDYFOL -

Cumulative effects of clear-cutting in 5 Spotted Owl circles were never considered. Only effects on 5 pairs were considered, not their offspring. There may be well over 15 threatened owls effected, not 5. Connectivity was mentioned, but not between all of the circles. Too little information is given. A map of circles and habitat types might be necessary to make an informed comment.

Overlapping circles are not considered when calculating risk and habitat loss. Overlaps are connectivity. The math is incorrect. In a circle of 2 owls where it overlaps a circle of 2 other owls, the loss of suitable habitat in the overlap must be decreased by double, not as if the circles were separate, because there are 2 circles in that spot, not 1.

There is no mention of cumulative effects on migration to suitable habitat outside of the circles or to other circles. Neither is there considered the overwhelming isolation amidst a wasteland as far as the eye can see.

There is no mention of effects upon juvenile and single owls that would prevent them

temporarily, or in the future, from safely socializing and traveling freely among the 5 circles and circles nearby and being able to forage as well as they had before the sale.

Small clear-cuts are good as long as they are not within the .7 mile core. Clear-cuts attract corvids who can attack fledglings and Great Horned Owls that can kill adults, too. This contributes to potential take within the fledgling area. Clear-cuts are routinely sprayed with herbicide that can harm the owls for up to a mile from drift. Herbicide also reduces bio-diversity in their habitat, and poisoned prey that can be fed to chicks. This is potential harm and attempted take.

The Department and USF&W are still living in the 1990s, as if there were no new threats of extirpation, parasites, disease, barred owls, increased isolation, or increased interbreeding that has narrowed the gene pool, as if there was still as much connectivity and suitable habitat left across Oregon as there was then, and as if there were still as many Northern Spotted owls as there was then. This is gross negligence. The science is badly and negligently out of date. USF&W refuses to update the requirements of the agreement in order to prevent extinction unless they are successfully sued. This is, gross negligence on the part of USF&W. The Department and board realize this and are in complicity with take with USF&W.

Area 4 must be dropped from the sale to prevent potential take. It is in a high wind area, so thinning could cause blow down. Also, the loss of ridge top wind buffer and increased venturi effect on the .7 mile core by a clearcut on the other side of the ridge top would increase the risk of blow down in the core. The slope of the ridgeline is irrelevant. Spotted owls cross ridge lines and so do predators. It's Marbled Murrelets that don't usually cross ridge lines. Any assumption of safety was in error.

Retention of soil suitable for growing forest crops is not considered, instead, every unit of this sale would suffer severe collapse of soils, removing high risk areas from future production. This is negligent forest management that robs the county and state of future revenue. The possibility of selective logging or thinning of high risk sites using steep slope specialists like is done in Tillamook forest should be looked into. We are always hearing about not having enough acreage to log, but then we let the steep slopes slide off the mountainsides lost forever from clearcutting. The ensuing debris flows would pollute the waters of the state causing take of threatened Coastal Coho Salmon eggs by silt suffocation. Such steep slopes bear little promise for regeneration as is required by the FPA. To clear-cut high risk areas violates the restocking requirement and therefore is even unlawful under the department's own laws.

There is nothing acceptable about this sale and I ask that it be cancelled, possibly working less harmful areas and techniques into a different sale in the future.

This sale has an exemplary prescription. It should be used as a guide for sales in other districts. There are 2 problems with it however:

1. The prescription closest to the activity center (Area 3) is less adequate than in the other sale areas. This must be fixed to decrease stress on an already threatened species.

2. It is even more important that Area 3 be of the same light thin, maximum downed and snags left as in area 1 and 2. No clear-cuts should exceed 15 acres, but there could be more patch cuts of 5 or 10 acres to make up the difference. The reason it is so important to leave a light footprint is because the department has unfairly laid the burden of survival of these birds on private land owners, gambling with their future existence. The department and BLM neither one have enough acreage to hand over to fate to take any suitable habitat or canopy out of use by the owls. To do so could be complicity in take, a federal crime.

As it is, this sale has an 82 acre clear-cut in an insufficient number of acres on government land to prevent the extirpation of the Woods Creek Spotted Owls. The department and USF&W both bear responsibility to not contribute to the risk of take without a permit and would be held accountable if this threat is not corrected.

It should be easy enough to make Area 3 suitable for use by spotted owls shortly after harvest is completed instead of not for a long time as it is designed now. To do that, the clear-cut must be broken into 6-5 acre patch-cuts and reduce the heavy thin to a light thin.

**Sincerely,
M.D.**



Oregon

Theodore R. Kulongoski, Governor

Department of Forestry

Grants Pass Unit
5375 Monument Dr
Grants Pass, OR 97526
(541) 474-3152
FAX (541) 474-3158
<http://www.odf.state.or.us>



"STEWARDSHIP IN FORESTRY"

June 8, 2009

M: D:
Pacific Rainforest Wildlife Guardians

Thank you for your recent comments on the State Forest 2010 Annual Operations Plan (AOP). The following is the ODF response to your comments concerning the Exit 80 Thin of the Southwest Oregon District 2010 AOP.

"This is a direct assault on the Swamp Gas spotted owls that would directly take adults by allowing Great Horned Owls access to the nest tree. It is intentional take of fledglings by allowing access of these predators, crows, and other cervids into the fledging area. It proposes to build a road and skidding routes right up to the nest tree as was done at Riptide Timber Sale."

ODF has monitored and will continue to monitor each spotted owl site to determine nesting status. Owls using the Swamp Gas activity center have used multiple nest trees on private and federal ownerships since 1997 that are outside the sale area. The preliminary biological assessment was written with the latest information available at the time for the current activity center, and it has been shared with the US Fish and Wildlife Service (US FWS). The final biological assessment will be written prior to the final sale design, and will reflect the most recent data on the owls, address any concerns raised by US FWS, and describe any recommended modifications that may be necessary to minimize the risk of take to spotted owls.

The sale will not have skidding roads in close proximity to the activity center. The proposed spur road is near the top of the ridge 800 feet from the nest tree. The nest tree is in the lower portion of the slope. When and if ODF builds this road, it will not be during the breeding season or while this particular nest site is active.

"They call this attempted take a pilot project. What it is an illegal incidental take permit without NEPA process granted under the table by USF&W. They will not get away with this kind of nest flush, site damage and predation take again."

Oregon Department of Forestry and the US FWS worked together to develop ODF spotted owl policy and the pilot project. The pilot project is an innovative approach that utilizes the best available science to rate habitat availability and specific thinning prescriptions to maintain habitat suitability.

It would remove suitable habitat at the nest tree site, damaging the micro-climate needed for chick survival, shelter, and fledgling roosting trees, and cause the nest to be abandoned or invaded by predators.

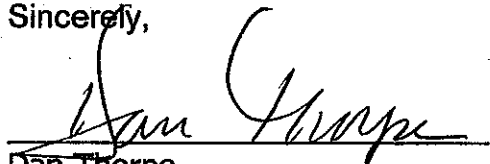
ODF is not removing suitable habitat within the sale area nor is it altering habitat at the nest tree on private land. The harvesting operation is on the other side of the ridge and on a different slope from the nest tree site. The microclimate at the nest tree site will not be changed since the nest tree and surrounding conifer plantation is on private ownership. This is a thinning sale that will not downgrade habitat. Spotted owl habitat will be retained and enhanced through snag creation, increased down wood, and creation of small openings that benefit the owl and its prey. The sale will also reduce the risk of a catastrophic wildfire; wildfires have destroyed habitat and nests in recent years in southern Oregon.

The sale prescription must be changed to meet the requirements stated by ODFW, removing all plans for yarding, construction, and cutting within 1/4 mile of the nest site. Douglas County"

ODF shares each biologic assessment with the US FWS and ODFW. ODF has and will consider modifying operations based on their comments. Owl habitat is protected through modification of prescriptions and/or seasonal restrictions within ¼ mile of active nest sites.

This letter also commented on the North Woods Creek Thin, a 2009 AOP sale. The district appreciates your comments, however, the comment period for the 2009 AOP has expired.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Thorpe", written over a horizontal line.

Dan Thorpe,
Southwest Oregon District Forester