

2006 AOP Public Comments and Responses

Coos District

Current Stand Summary

COMMENT: All the Pre-Operation Reports state that every “timber sale is second-growth Douglas-fir...”. The term second-growth is applied to 150 year old native forests regenerated after the 1868 fire, as well as to plantations created by clearcutting old-growth that escaped the fire. We believe the latter is the appropriate definition. The term “second-growth” should not be applied to native, unmanaged forests that regenerated from the 1868 fire. The Elliott’s HCP uses the term “second growth” three times, always applied to a “managed forest”. The Coos District should align their definition of second growth to that of your HCP.

RESPONSE: As used on the westside over the last 40 years plus, second growth was any natural stand that wasn’t bonafide old growth. Plantations should more correctly be called third growth. The pre-sale documents will be corrected accordingly to refer to plantations as third growth.

Desired Future Condition

COMMENT: At the Oregon Board of Forestry meeting last year in Coos Bay the ODF said they would no longer be cutting any old-growth on the Elliott. However, I did not see this safeguard for remnant old-growth trees or groves in either the pre-operations report, nor in the 2006 AOP summary. There could be an occasional old-growth tree in some of the units. For instance, Map 9.4 in the watershed analysis indicates there is old-growth in the **Salander Top** timber sale in section 13. This 2005 sale was auctioned after the announcement you would no longer cut old-growth, yet the AOP for Salander Top did not promise to reserve old-growth.

RESPONSE: Reserving remnant old-growth trees is a district policy. Care is taken to walk through the units and mark the residual old-growth as green tree retention. The only exception to this policy is if an old-growth tree is located where it impedes operability and causes a hazardous situation. A statement clarifying the District Procedures will be included in the AOP summary document. Salander Top was a 2005 sale, no old-growth trees were designated for harvest in this unit.

COMMENT: In **Mill Creek Bridge**, near it’s eastern boundary we saw an old growth tree that could have been included in the sale area, or it could have been across the line on BLM land. Since this sale is in a plantation created by logging old-growth (not by the fire), there could be residual old-growth trees scattered within the unit. The same could be true for **Locked Marlow**, clearcut in 1930, or other plantations in the 2006 AOPs.

RESPONSE: The Mill Creek Bridge unit is adjacent to a BLM late successional reserve stand. In the initial reconnaissance of the sale, there were no old growth trees found in the interior of the unit. If after the property line is surveyed, old growth trees are found on the ODF side, they will be reserved as green tree retention, provided that they do not impede operability or create a hazard. There are no known old growth trees in the Locked Marlow sale, but if any are discovered during sale prep, they will be marked as green tree retention, provided that they do not impede operability or create a hazard.

COMMENT: To promote ODF's intentions, there should be a clause in all Pre-Operation reports that any residual old-growth trees in units will be retained. The AOPs should specify that remnant old-growth trees will be reserved from harvest and efforts will be made to protect them from operational damage, like use as rub trees or tail-hold trees.

RESPONSE: Reserving remnant old-growth trees is a district policy. Care is taken to walk through the units and mark the residual old-growth as green tree retention. The only exception to this policy is if an old-growth tree is located where it impedes operability and causes a hazardous situation. If individual old growth trees are known about, we will provide that information in the pre-sale reports. Nonetheless, as mentioned above, old growth trees found during the layout process will be reserved from cutting if possible.

COMMENT: "Old Growth" should be defined as 156 years old and up, because that is how the Elliott's HCP defines old growth, "Late successional forest — A mature and/or old growth forest stand. Typical characteristics are moderate to high canopy closure; a multi-layered, multispecies canopy dominated by large overstory trees; numerous large snags; and abundant large woody debris (such as fallen trees) on the ground. In this document, [old growth] refers to stands 156 years or older (160 year age class and up)"

RESPONSE: The referenced statement in the management plan is as follows: "The Elliott has not contained a significant amount of old growth forest since the Coos Bay Fire of 1868. Only 420 acres (0.4%) are 155 years or older." According to the management plan, a 155+ year stand is considered late successional and may or may not have old growth characteristics. The current HCP and Management Plan does not restrict the cutting of old growth, although it is current district policy to retain trees originating prior to the year 1830.

Proposed Management Prescription

COMMENT: Young plantations on the Elliott must be thinned, not clearcut. The Forest Management Plan (FMP) and Habitat Conservation Plan (HCP) for the Elliott State Forest does not allow young plantations to be clearcut like the rotation cycle practiced on private lands.

RESPONSE: Several plantation stands are scheduled for clearcutting because the Elliott currently has an unbalanced age distribution, approximately 45% of the forest is in stands 0-55 years in age and about 46% of the forest is in stands 85-145 years in age, leaving a gap in the 55 to 85 year range. This imbalance in age classes has produced a surplus of stands in the 36 to 45 year age class during the second decade of the FMP/HCP. These stands are surplus because they aren't needed to produce the requisite owl habitat required by the HCP. To produce a sustainable, even flow of timber, these age classes need to be better distributed over time. These surplus stands have been identified as clearcut units to achieve this goal. There is no plan to continuously follow one 40-year rotation with another short rotation. That is, ODF does not anticipate a succession of such clearcuts for any one area. While the HCP does not speak to this issue directly, it does not limit accomplishing this objective. The HCP does specifically prohibit clearcutting in Habitat Conservation Areas and in riparian reserves. It also prohibits any clearcutting that would cause a basin to drop below its owl habitat targets or clearcutting that would increase the amount of time it takes to reach these targets. It does not prohibit clearcutting a 40 year old plantation as long as the clearcutting is in compliance with the HCP.

COMMENT: Greater protections are required on the Elliott by thinning plantations until the culmination of mean annual increment.

RESPONSE: The HCP does not require that stands be thinned until the culmination of mean annual increment. The main criteria used for assessing our fulfillment of the owl HCP and owl ITP is our maintenance of the minimum nesting, roosting and foraging habitat and dispersal acres.

COMMENT: The Elliott FMP and HCP have an annual objective of 500 acres of “Conifer Partial Cut”. The 2006 AOP plan is for 0 acres of “Conifer Partial Cut”. Missing the HCP’s annual objective completely is not allowed without reconsulting. It is also not allowed under administrative rules. “Administrative rules prevent districts from adopting recommendations inconsistent with the forest management plans and implementation plans”. If the FMP objective is to thin 500 acres, thinning 0 acres is not consistent with the FMP.

RESPONSE: There is a myriad of reasons the district is not planning thinning: gap in need, and future uncertainty in the new plan. Stand health will not be adversely affected. Thinning needs will be evaluated on a yearly basis. As thinning is needed and appropriate in future sale plans, we will plan and conduct it.

COMMENT: Short-rotation forestry is not appropriate in Common School Fund Land. The constitutional requirement for the Elliott State Forest is to maximize revenue, not net present value (NPV). The land management strategy employed must maximize cash flow to the Common School Fund. It is within the investment strategy of the Common School Fund itself that the goal of optimal return is then satisfied. Optimal return (NPV) is not a burden of the Common School Fund lands. Therefore, no reason exists to shorten rotations from current lengths. Maximum cash to the Common School Fund occurs from rotations length near or beyond culmination of mean annual increment.

RESPONSE: The rationale for clearcutting younger age class stands is to produce a sustainable, even flow of timber by distributing the age classes over time. Under current State Land Board policy, Common School Forest Lands are to be managed primarily to produce a sustainable, even-flow harvest of timber, subject to economic, environmental and regulatory considerations. See the Department of State Lands 1995 Asset Management Plan. (<http://statelands.dsl.state.or.us/amp.pdf>).

COMMENT: Fish Cougar Divide has one unit that is 108 acres, Area 2, just 12 acres short of the Oregon Forest Practices limit of 120 acres. If there is a recent clearcut near the border of Area 2, it will likely exceed the legal size for clearcut openings.

RESPONSE: Fish Cougar Divide does not violate the 120 acre Oregon Forest Practices green-up limit. Area 2 is a 91 acre unit, and does not have adjacent green-up issues.

COMMENT: Harvest Levels for 2006 are too high. The 2006 AOP Summary states the Elliott's Annual Objective for clearcuts is 510 acres, while the 2006 AOP target is 525 acres. The Coos District states the extra 15 acres of clearcutting is to catch up to past years of not meeting the objective. This is the second year in a row the Coos District has exceeded their clear-cutting target. In FY 2005 it was exceeded by 142 acres. ODF argues that it is meeting the average target acres and volume for the Elliott's HCP and FMP. But that target was made assuming there was an incidental take permit (ITP) for Marbled Murrelets past 2001. ODF is not allowed to make that up now, since there is still no ITP for Marbled Murrelets. The target volume must be lowered for years 2001 through 2006 to reflect the fact that since 2001 there has been no MM ITP.

RESPONSE: The Incidental Take Permit (ITP) for owls has a 60 year duration, the ITP for Marbled Murrelets had a 6 year duration. With the expiration of the Marbled Murrelet ITP, ODF implements take avoidance strategies for the marbled murrelet while complying with the ITP for northern spotted owls. The main criteria used for assessing our fulfillment of the owl HCP and owl ITP is our maintenance of the minimum nesting, roosting and foraging habitat and dispersal acres. Harvest of these acres is reported in our annual HCP monitoring report to the USFW. The Elliott is in compliance with our agreed upon NRF and dispersal levels.

COMMENT: The Fish Cougar Divide Sale is too large for small mills to purchase due to production capabilities.

RESPONSE: Fish Cougar Divide will be split into 2 sales, Fish Divided and Cougar Divided.

T & E Species Considerations

COMMENT: The best Owl habitat on the Elliott must be deferred from clearcutting. The 2006 AOPs have proposed some of the best owl habitat on the Elliott for clearcutting. The Habitat Conservation Plan requires that ODF defer clearcutting these acres until there is nothing else left to cut. Fish Cougar Divide will clearcut 306 acres of forests up to 136 years old. Bowl Bound Beaver will clearcut 70 acres of 124 year old forests, and Trout Head will clearcut 60 acres of forests 122 years old. Clearcutting these three sales now is not in accordance with the Elliott's HCP for timber sale planning.

RESPONSE: The main criteria used for assessing our fulfillment of the HCP and Incidental Take Permit is our maintenance of the minimum nesting, roosting and foraging habitat (NRF) and dispersal acres. Harvest of these acres is reported in our annual HCP monitoring report to the USFW. The Elliott is in compliance with our agreed upon NRF and dispersal levels. The Fish Cougar Divide, Bowl Bound Beaver and Trout Head timber sales all comply with the HCP.

COMMENT: The Elliott's HCP requires that the ODF defer harvest on the **Fish Cougar Divide, Bowl Bound Beaver and Trout Head** sales. The 1995 HCP allowed an Incidental Take Permit (ITP) of 43 owls over 60 years and expected 26 owls to be supported "over 60 years". Then the results of a 1998 survey (with the results released in a 2000 study) showed the number of owl territories on the Elliott decreased by 48% (from 26 in 1993 to 12 in 1998) and the number of pair sites decreased by 54% (from 13 in 1993 to 7 in 1998). Only half the owls that should have been supported over 60 years remained after 5 years. In a 2003 study, zero northern spotted owls successfully nested, and for the first time, barred owls were documented on the forest. Barred owls were found at eight spotted owl sites. Half of those sites no longer have spotted owls.

RESPONSE: The 2003 density study shows that the owl population in the Elliott is nearly identical to the population in 1996, which was the first full year under the HCP. In 2003, there were 12 active pair sites and a resident single for a total of 13 activity centers and 25 owls. In 1996 there were 13 activity centers and 23 owls. In response to the comment that not one pair of owls nested in the summer of 2003, this was true for much of the region. Spotted owls have various cycles in nesting and breeding success. In accordance with the HCP, we continue to maintain the habitat levels required. The Elliott is in compliance with its Habitat Conservation Plan (HCP) and incidental take permit (ITP) for the Northern spotted owl. The HCP requires mitigation and minimization measures that maintain and enhance essential habitat features for spotted owl. Habitat in the long rotation basins, as well as in Reserves provides an important basis for mitigation for the spotted owl. Because of these mitigation measures the ITP allows us to harvest mature timber as prescribed by our harvest schedule. In terms of the comments regarding barred owls, it is still unknown what long term effects the barred owls will have on the Elliott spotted owls. Once, again, the Elliott will continue to maintain the required habitat percentages. The Fish Cougar Divide, Bowl Bound Beaver and Trout Head timber sales were reviewed by the Southern Area wildlife biologist in the field and data reviewed in the office.

COMMENT: The ODF should consider in the AOPs new information from the U.S. Fish and Wildlife service status review of the Northern Spotted Owl. Spotted owl numbers have fallen by nearly a quarter in sections of Oregon's coast near the Elliott State Forest. To save the remaining owls on the Elliott State Forest, the best habitat for the spotted owls, outside of Habitat Conservation Areas, must be deferred from harvest.

RESPONSE: 2004 spotted owl protocol surveys on State Lands, near the Elliott State Forest, indicated that Southwest Oregon had a good juvenile production year. In the Grants Pass district, of monitored spotted owl sites, 8 pairs fledged 14 juveniles. In the Western Lane District, 7 pairs fledged 10 juveniles.

COMMENT: When clearcutting mature forests on the Elliott, the Coos District cannot claim that HCAs will protect the owl population. ODF's own 5-year review of the HCP illustrates that "delineation of HCAs is not entirely consistent with known spotted owl core areas. Of the 15 core areas, only 6 are wholly or partially within HCAs... only a few of the HCAs include areas known to receive high use by active spotted owl pairs. In particular, the lack of HCAs including the core use areas of Roberts Creek and Salander Creek may result in lack of adequate protection to maintain these highly productive sites..." The review continues: "...the HCP does not take a site-specific approach to conservation of spotted owls, with the exception of the 70 acre core areas, which were retired after five years, and seasonal restrictions on owl nest sites. Under the HCP, there is no specific protection for **Roberts Creek** or **Salander Creek** owl sites."

RESPONSE: The Elliott is in compliance with its Habitat Conservation Plan (HCP) and incidental take permit (ITP for the Northern spotted owl. The HCP requires mitigation and minimization measures that maintain and enhance essential habitat features for spotted owl. Habitat in the long rotation basins, as well as in reserves provides an important basis for mitigation for the spotted owl. Because of these mitigation measures the ITP enables us to harvest mature timber in accordance with the HCP. One of the primary concepts of the HCP is that ODF maintain and develop habitat over time, and does not address maintenance of specific owls. The HCP does not require NRF habitat outside existing reserves in Basin 15. The NSO study addressed in your comment is a separate study used by the Area and Salem staff biologists in reviewing the sale plans, and in developing strategies for a revised Forest Management Plan (FMP) and HCP. The Roberts and Salander sites are being taken into consideration in the new revised FMP/HCP.

COMMENT: The **Bowl Bound Beaver** sale will clearcut 70 acres of 124 year old forests that are a connection between the Trout Mouth Marbled Murrelet Management Area (MMMA) on its west boundary, and the Beaver Creek Habitat Conservation Area (HCA) on its east boundary. These two areas of protected older forests are connected by the Bowl Bound Beaver timber sale. Clearcutting here will increase habitat fragmentation. The Pre-Operations Report says, "The sale areas are isolated residual stands or are located on the edge of a contiguous block of mature timber and does not increase fragmentation of interior habitat".[1] This is incorrect. There is a clearcut adjoining Bowl Bound Beaver on its south side, but the north side is the stream buffer, the west side is the Trout Mouth MMMA, and the east side is the Beaver Creek HCA. Bowl Bound Beaver is neither isolated nor on the edge of mature timber.

RESPONSE: The Bowl Bound Beaver sale does not take a "cookie cutter" segment out of a block of mature forest. It is located adjacent to an existing clearcut.

COMMENT: **Trout Head** timber sale proposal, Area III is within in the home range of the Johnson Creek Owl. The Pre-Operations Report failed to mention this. It is important information since the HCP requires stands with spotted owl occupancy to be deferred. Even though this stand is in an 80-year rotation watershed, there are other requirements of the HCP to be considered. In the 2003 owl study on the Elliott, the Johnson Creek female was found in the southern part of the core area, the location of the Trout Head sale. This unit must be dropped.

RESPONSE: The Trout Head timber sale was reviewed by the Southern Area wildlife biologist in the field and data reviewed in the office. Monitored telemetry points do not fall within the timber sale. The Elliott is in compliance with its Habitat Conservation Plan (HCP) and incidental take permit (ITP for the Northern spotted owl. The HCP requires mitigation and minimization measures that maintain and enhance essential habitat features for spotted owl. Habitat in the long rotation basins, as well as in reserves provides an important basis for mitigation for the spotted owl. Because of these mitigation measures the ITP enables us to harvest mature timber in accordance with the HCP. One of the primary concepts of the HCP is that ODF maintain and develop habitat over time, and does not address maintenance of specific owls. The HCP does not require NRF habitat outside existing reserves in Basin 11 (where the Trout Head timber sale is located).

COMMENT: **Bowl Bound Beaver** – Places a clear-cut adjacent to a HCP reserve area. This would open the canopy to predators and hot drying winds in breeding and shelter take of nestlings and fledgings of Spotted Owls of the reserve and Marbled Murrelets of Trout Mouth MMMA. Blow down likely would occur placing a solid wall in unobstructed exposure to high winds of coastal storms. Consequent take of reserve habitat would violate the HCP Incidental Take Permit agreement. This sale could be changed to a maximum 50% thin of smaller trees which would create a wind throw, micro-climate and predator buffer. We recommend this change or cancellation of the sale.

RESPONSE: HCA and MMMA areas were designated to provide habitat protection for both spotted owl cores and murrelet sites.

COMMENT: **Mill Creek Bridge** – Clear-cutting adjacent to a Spotted Owl circle is intentional take, not the purpose of their ITP. Clearcutting within less than 400 feet of Marbled Murrelet Habitat would harm nesting moss growth and micro-climate that prevents chick dehydration. Adverse modification near a nest site could cause adults to abandon the nest. Murrelets don't find some other nest, rather stop breeding altogether. This is all shelter and breeding take.

RESPONSE: The statement concerning the Marbled Murrelet Habitat does not apply to the Mill Creek Bridge #2 timber sale, this timber sale does not fall within a Marbled Murrelet Management Area. Also, even though legally we have no obligation under the HCP, we did leave a portion of the old owl 70 acre core outside the harvest boundary N of the NE corner of the sale. This sale was reviewed by the southern area biologist.

COMMENT: The new Elliott State Forest Management Plan is illegal. There is no ITP for Marbled Murrelets.

RESPONSE: With the expiration of the Marbled Murrelet Incidental Take Permit (ITP), ODF implements take avoidance strategies for the marbled murrelet while complying with the ITP for northern spotted owls. The main criteria used for assessing our fulfillment of the owl HCP and owl ITP is our maintenance of the minimum nesting, roosting and foraging habitat (NRF) and dispersal acres. Harvest of these acres is reported in our annual HCP monitoring report to the USFW. The Elliott is in compliance with our agreed upon NRF and dispersal levels.

COMMENT: In the Elliott State Forest, Marbled murrelets nest within 35 to 50 feet from streams and springs most often. Logging riparians is take of Marbled Murrelet nesting and migration habitat, dehydrating chicks and degrading nest moss growth in breeding and shelter take. Streams must have closed canopies their entire length.

RESPONSE: ODF developed a set of aquatic/riparian strategies during the Northwest 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 provide a high level of protection for coho and other aquatic life that may be downstream. Fish bearing streams referenced, have a minimum of a 100 foot buffer (HCP minimum), which is widened in places with additional green tree retention. Marbled Murrelet Management areas (MMMA's) have been created to protect occupied murrelet sites. Approximately 9900 acres are in Elliott MMMA's.

T & E Fish Considerations

COMMENT: Aquatic Habitat must have greater protections. Aquatic habitats in the Elliott's 2006 AOPs are not sufficiently protected from the effects of cumulative clearcut harvest openings. For instance, some timber sales were proposed directly across a stream from recent clearcuts. **Trout Head**, Area II, was directly on the other side of Trout Creek from **Dry Moby**, currently being yarded. **Bowl Bound Beaver** was immediately across Beaver Creek from the **Lower Beaver** sale, clearcut in 2004. These fish bearing streams have as little as 75 feet buffer each side, for a total of 150 feet wide strip of forest between the clearcuts, except for yarding corridors.

RESPONSE: ODF developed a set of aquatic/riparian strategies during the Northwest 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 Dry Moby sale and planned for the Bowl Bound Beaver and Trout Head sales, provide a high level of protection for coho and other aquatic life that may be downstream. The fish bearing streams referenced, have a minimum of a 100 foot buffer (HCP minimum), which is widened in places with additional green tree retention. The Dry Moby timber sale, which was planned under the NW aquatic strategy has approximately 150 foot buffer on Trout Creek.

COMMENT: Unstable slopes should not be clearcut. The Elliott 2006 AOPs documented problems with clearcut harvesting on unstable slopes. The Elliott State Forest contains some of the most unstable slopes in Oregon, the “Tyee Core Area”. Most the proposed sales are also in “high landslide hazard locations”. At least four of the sales have unstable slope problems so serious they could affect fish habitat. **Trout Head, Mill Creek Bridge #2, Fish Cougar Divide, Bowl Bound Beaver.**

RESPONSE: All ODF timber sales are consistent with ODF's salmon protection policy, to insure compliance with the federal Endangered Species Act. The Trout Head, Mill Creek Bridge #2, Fish Cougar Divide, and Bowl Bound Beaver sale areas have been reviewed by the Area Geotech for recommendations which minimize harvest impacts.

COMMENT: To address the landslide problem, ODF proposes to retain at least 10 trees per acre within 100 feet of non-fish bearing streams that could deliver land slides to fish-bearing streams. However, this mitigation fails to address the excess sediment delivery to streams that harms fish and destroys spawning habitat. Also, there is no lower diameter limit on the retained trees, allowing trees to be left that are of limited or no use as in-stream habitat.

RESPONSE: ODF believes that the current strategies in the plan provide a high level of protection for coho and other aquatic life that may be downstream. Over time, monitoring and research will indicate the extent to which the assumptions underlying the strategies are correct, and if the strategies are accomplishing their intended purpose. With modern harvest techniques and stream protection measures, clearcuts in the Pacific Northwest rarely produce sediment that enters waterways. The interception rates of coastal Oregon soils exceed rainfall rates, generally precluding overland flow of sediment from clearcuts. The riparian strategy specifies that all trees retained to meet riparian management standards will be dominant or co-dominant trees if available.

COMMENT: The Elliott State Forest 2003 Watershed Analysis appears to disagree with NMFS and accepted research. It says that research “indicates that increases in peak flows due to clearcut harvest and road building are minor”. Therefore, there are “no recommended actions or monitoring suggestions on the issue of peak flow increases from timber harvest and road construction...” However, until this research can be peer reviewed, the ODF should include a watershed scale effect summary of cumulative effects in pre-operation reports that at least documents the percent of the watershed under 15 years old.

RESPONSE: The research cited in the Watershed Analysis is largely peer reviewed and represents a body of work that supports the indicated statement. Adams and Ringer, 1994 in "The Effects of Timber Harvesting and Forest Roads on Water Quantity and Quality in the Pacific Northwest: Summary and Annotated Bibliography" examined published research on this topic. The authors conclude "...research has shown insignificant, positive, negative, and combined effects that were greatly influenced by the specific location, treatments, and duration of study." Planned harvesting and road building operations on the ESF will occur on a very limited number of acres within the context of the land base.

COMMENT: Unauthorized ATV trails on the Elliott State Forest have caused problems in aquatic resources in the past. In spite of this, the 2006 AOP summary states: “All of the roads that fall under this operations plan that are not surfaced will be closed to traffic, with the exception of ATV'S...” Neither the Elliott’s Forest Management Plan nor the Habitat Conservation Plan authorize unregulated ATV use on the forest.

RESPONSE: ATV access is provided to allow ODF personnel access to units for follow-up management. If we have a potential problem on a creek bottom area, we typically put in a full spanning tank trap to block ATV access. Individual pre-sale documents will be updated with this information.

COMMENT: Mill Creek Bridge – It is of high risk areas for landslides that would directly enter Mill Creek and could kill somebody either directly or in a sudden debris torrent downstream. Fishermen frequent the banks of Mill Creek. It would likely slide across the road and possibly kill people there and would also slide into Sock Creek in a debris flow. Logging this sale is a complete violation of Oregon’s Greatest Permanent Value law and Rule, polluting waters of the state is a public nuisances, too.

RESPONSE: This area has been reviewed by the Area Geotech, potential debris flows originating from slopes within the sale area do not pose a significant public safety risk as determined by the Oregon Forest Practices Act. Potential debris flow track reach standards will be implemented.

Water Quality protection is mandated by both federal and state laws. The Oregon Forest Practices rules are approved as sufficient to implement water quality standards under the federal Clean Water Act. The Aquatic and Riparian Standards described in Appendix J of the Northwest Management Plan will be applied when posting the stream buffers in the 2006 sale plan. These standards will meet or exceed the Oregon Forest Practice Rules.

Recreation Resources

COMMENT: **Mill Creek Bridge #2** sale clearcuts in a scenic region next to the Loon Lake recreation areas. It also clearcuts right over a dispersed campground. The Pre-operations report found that clearcutting over the dispersed campground is not a conflict with dispersed recreation. This is an unreasonable conclusion. The dispersed campground is private, pretty, enclosed by trees, with a place to park a car and a fire-ring. Clearcutting the trees in the camp is definitely a conflict to continued camping here. In the spirit of multiple use, the ODF should leave a healthy buffer of trees around the campsite – or at least only thin the trees in the vicinity. The Pre-Operation report also claims that by clearcutting, hunting will be enhanced, thus enhancing recreation. The pre-operations report failed to consider that this unit is adjacent to a paved road with all the Loon Lake recreation traffic. Increased deer populations could increase collisions with vehicles.

RESPONSE: 91% of the Elliott is in the common school land ownership, the mandate for this ownership does not emphasize recreation use. According to a 1992 opinion of Oregon’s Attorney General, the “greatest benefit for the people” standard requires the State Land Board to use the lands for schools and the production of income for the Common School Fund. Nonetheless, we plan to leave a cluster of the required green tree retention trees surrounding the dispersed campground. This will be made clear in the pre-sale document.

COMMENT: The 2006 AOP summary states that the Coos District is participating with a group of cooperating agencies and landowners named the Coos Regional Trails Partnership to develop a plan for building trails. How long has this partnership been in effect? We have always encouraged you to designate hiking trails on the Elliott. Is it getting closer to happening?

RESPONSE: ODF has been involved with the Coos Regional Trails Partnership since 2002. A variety of possibilities have been explored, but the rugged terrain of the Elliott has proved difficult. As mentioned earlier, 91% of the Elliott is in the common school land ownership, the mandate for this ownership does not emphasize recreation use. According to a 1992 opinion of Oregon's Attorney General, the "greatest benefit for the people" standard requires the State Land Board to use the lands for schools and the production of income for the Common School Fund. Trail building is not a high priority for the district, but as opportunities arise, they will be explored.

COMMENT: **Mill Creek Bridge** – This sale is near a popular campground and would spoil recreational enjoyment.

RESPONSE: A portion of the sale is scenic production, timber production is the primary use. Green tree retention will be left, where operationally feasible, on high visibility slopes to minimize visual impact to the campground.

Other Resource Considerations

COMMENT: **Fish Cougar Divide** also has some unique habitat that should be protected from clearcut harvest and herbicides. North of road 7640 that goes through Area 2, near the western boundary of the unit, there is a vertical rock wall that is over 50 feet tall. The vegetation living in the crevices and on the surface of this impressive rock wall could also be unique. The trees in front of the rock face are large, almost hiding the wall, and sheltering it from the elements. There are several rock faces with unique habitats scattered around the Elliott Forest, but not so many that some shouldn't be protected. Please consider sparing this unique and special place from clearcutting and herbicide spray with a buffer to shade and protect it, both above and below the rock wall, extending to road 7640.

RESPONSE: This rock wall does indeed have unique qualities. ODF will leave a 30 foot buffer of leave trees around this wall.

COMMENT: Herbicides use should be reduced. The ODF has proposed aerial spraying Aresenal, Garlon or Accord (glyphosate) herbicides on 90% of the clearcuts, or on about 450 acres. The Elliott has never monitored the effects of this herbicide spraying on non-target species, such as fish and birds. All herbicide spraying should be stopped until the ODF can assure its safety. The adjoining BLM lands are not treated with herbicides, and they have successful reforestation of regeneration harvests.

RESPONSE: Herbicide application averages about 550 acres per year or about 0.6% of the forest land base. Herbicides are only used where it makes economic sense to help establish new fast-growing stands of trees. All herbicide applications are in accordance with Forest Practice Act and the label requirements. In reference to the monitoring comment, please refer to the Oregon Department of Forestry: Aerial Pesticide Application Monitoring Final Report: Technical Report 7, March 20. This study concluded that forest practice rules are effective at protecting water quality during aerial herbicide application.

COMMENT: If the ODF does not discontinue or reduce the use of pesticides, the ODF should be especially careful when forcing people, such as prisoners, to work with herbicides, or work in units that have had an herbicide application.

RESPONSE: Herbicide application will be in compliance with the Forest Practice Act and the application label. The department follows all OR- OSHA regulations for protection of workers.

COMMENT: The 2006 AOP summary states “Coos District practices integrated pest management and uses means other than herbicides when appropriate such as mechanical release (i.e. chainsaws).” Yet every pre-operations report, for all 8 sale proposals, uses herbicides. Not one “uses means other than herbicides”. Since the district claims IPM is being used, the district should explain how IPM is used. Integrated Pest Management (IPM) is more than just using various treatments for unwanted vegetation. It is also a philosophy of how to avoid unwanted vegetation to begin with. For instance, thinning instead of clearcutting provides shade that inhibits some species of unwanted brush, so thinning could be a component of the district’s IPM program. Another example of IPM would be the requirement for logging equipment to be washed before entering the Elliott Forest, to cleanse off invasive weed seeds and pathogens. Since the BLM requires this, there are washing stations easily available in the area and the operators are used to it. If the Coos District implemented the same policy, less herbicide would be necessary on landings and roadsides.

RESPONSE: Since we began the implementation of the current FMP, to help meet the goal of biodiversity and to provide forage for big game, we’ve had an annual goal of burning about 10-15% of each years clearcut acreage in lieu of using herbicides for site prep. In addition, in the management of roadside vegetation we don’t routinely spray all vegetation. Instead, only target vegetation is treated because we don’t want to treat beneficial roadside vegetation that can help filter ditchwater and also can reduce the seeding in of species that reduce visibility. A general statement on this will be included in the text of the AOP Summary rather than in each timber sales Pre Sale Report.

COMMENT: Are districts conscious of noxious weeds?

RESPONSE: The districts noxious weed strategy will be addressed in the AOP summary document.

Other Issues

COMMENT: The mgmt plan illegally allows the state to pollute the waters of the state by logging riparian areas. Pollution of the waters of the state by heat and siltation are contrary to state and federal laws. If ODF proceeds with this illegal plan to log riparian buffers, they will no doubt be sued.

RESPONSE: Water Quality protection is mandated by both federal and state laws. The Oregon Forest Practices rules are approved as sufficient to implement water quality standards under the federal Clean Water Act. The Aquatic and Riparian Standards described in Appendix J of the Northwest Management Plan will be applied when posting the stream buffers in the 2006 sale plan. These standards will meet or exceed the Oregon Forest Practice Rules.