Cascadia Wildlands
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Comments on the Coos District 2013 Annual Operations Plan for the Elliott State Forest

Please consider the following comments from Cascadia Wildlands, Oregon Wild and Klamath Siskiyou Wildlands Center on the 2013 Annual Operation Plans for the Elliott State Forest.

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1. Monitoring:

The new Elliott Forest Management Plan (FMP) requires monitoring. It says:

> "The FMP must be implemented using a scientifically-based, systematically structured approach that tests and monitors management plan assumptions, predictions, and actions, and then uses the information to improve management plans or practices."[1]

Since the required monitoring plan is not yet complete, the ODF should not advertise any sales under the new FMP until it is. The draft 2013 AOP states (page 19) the entire FMP monitoring plan "is expected to be completed by the end of calendar year 2012". That is just 29 days from now on June 30, 2012. We also heard that only a draft would be completed by August 1, 2012, with a final monitoring plan even further in the future.

[1] Elliott State Forest Forest Management Plan (FMP) 2011. page 7-2.

No timber sales based on the 2011 FMP should be advertised without an adequate monitoring plan being implemented. The AOP promises:

> "The plan will describe the general monitoring issues that are anticipated to be addressed; provide a framework to aid prioritizing and developing specific monitoring projects to assess the effectiveness of the management strategies; guide development of annual operations plans to support monitoring projects; and describe funding mechanisms and how available funding will be prioritized among projects."[2]

The 2013 Annual Operation Plan (AOP) itself refers to monitoring of various aspects of the plan. What monitoring plan is being used for these references? For instance, in the overview for Timber Harvest Operations, (page 6), the AOP claims stream will be protected because "During active operations a variety of methods will be used to prevent sediment from entering live streams. These methods include…. monitoring… during times of heavy rainfall". Under Road Maintenance (page 13), ODF will monitor cut and fill slopes "for any changes that could result in damage". Where are these monitoring plans described?

The 2013 AOP also says (page 21) that the "Timber Team" is "heavily involved in… threatened / endangered species monitoring and surveying." It appears to be a conflict of interest to have the "timber team" involved in T&E species monitoring. What kind of biological survey training does the Timber Team have to allow them to do T&E species monitoring? Also, please send us the T&E species monitoring plan that they work under.

The 2013 AOP refers to the **use of "adaptive management"** on page 19. The Adaptive Management strategy is described in the 2011 FMP and is identical to the 2008 draft HCP adaptive management guidelines. Oregon's *Independent Multidisciplinary Science Team* (IMST) state this adaptive management plan is inadequate because it "does not provide an actual strategy for monitoring, evaluation, and implementation"[3]. They are "not confident that an adequate baseline exists for ODF to be able to detect environmental changes in the forest." Because of these past problems, it is important for ODF to wait on their 2013 timber sale program until the final, and hopefully more adequate monitoring program is in place. After all, the new Elliott FMP promises:

> "As new information becomes available, the ODF will review and analyze its applicability to the management of the Elliott State Forest. Management of the Elliott State Forest will be adapted in light of the best available scientific knowledge."[4]

New information is already available, such as the increase in barred owls from the 2011 NSO density survey.

The other new information is that ODF plans to use 51-year-old forests as suitable nesting habitat for NSOs (see section 4 for more on this). The ODF should monitor those 51-year-old forests to see if this assumption is correct.

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[2] Coos District 2013 AOP. page 19.
[3] IMST Review. 2010. page 6.
[4] Elliott Draft FMP. 2011. page 3-3.

2. Marbled Murrelets:

The 2013 timber sale program is harming marbled murrelets. Some of the proposed timber sales will clearcut adjacent to occupied habitat, and could themselves be occupied, including:

- Goody Gumdrop: western boundary adjoins the Goody Ridge MMMA
- Goody Two Shoes: Area 1 and 2 adjoining the tiny, 20 acre Little Scholfield MMMA and Area 1 adjoining the Goody Ridge MMMA;
- Jitterbug Johnson: borders the tiny 16 ac Middle Robert MMMA;
- Johnsons Jungle: Area 3 near the 20 AC Little Bob MMMA;
- Salander Fish: Area 1 adjoins Knife Forks MMMA;
- Sullivan Slug: Area 1, east boundary adjacent to Kentucky Ridge MMMA.

MMMAs, like the 16-acre Middle Robert MMMA, do not protect the occupied site because they contain virtually no interior habitat. They facilitate predation of the nest, the number-one cause of murrelet nest failure. Also, since the ODF never identified exactly where that murrelet nest was, the designation of just 16 acres has no assurance it actually includes the nest tree. Sales that adjoin tiny MMMAs must be dropped until this issue can be addressed.

The Marbled Murrelet Operational Policy: Tiny MMMAs violate the State Forests Division Operational Policy on Marbled Murrelets,[5] designed to "avoid direct take of marbled murrelets, and minimize the risk of any potential take incidental to management practices…" (1.1.1.0).

The Operational Policy requires: "In marbled murrelet occupied sites, *maintain habitat suitable* for successful nesting." (1.1.2.2). MMMAs that are too small, with most acres in edges prone to predation, with virtually no safe interior habitat, are not "habitat suitable for successful nesting." The small MMMAs also do not comply with section 3.16:

> "Design a marbled murrelet management area to maintain habitat suitable for successful nesting around occupied sites prior to operating in the vicinity of such sites…"[6].

Predation from corvids is due to a lack of interior forests and is the most common reason for murrelet nest failures. If the ODF insists there is sufficient interior habitat in MMMAs that are being clearcut next to, then the ODF should disclose exactly how many acres of interior habitat are within each MMMA. The ODF has never done this, despite our repeated requests. Please disclose the interior-acre numbers now for the MMMAs being impacted by the 2013 AOP.

The ODF used to retain 200 acres around each murrelet nest site when establishing MMMAs:

[5] Marbled Murrelet Operational Policies #1.1.0. Revision 1.2. July 19, 2010. Oregon State Forests Division Operational Policy.
[6] Marbled Murrelet Operational Policies #1.1.0. Revision 1.2. July 19, 2010. Page 3

> "Two hundred acres would be used as a guideline for the designation of an MMMA. This acreage was determined using the acreage required to maintain some interior forest condition as a basis, and then adding a buffer. If the available stands within the 0.5 mile radius do little to contribute to the protection objective, for example, a 100 acre stand of suitable habitat surrounded by young forests and clearcuts, the protection area could be smaller than 200 acres. In other cases, stand types, topography, observed patterns of the birds, or other factors could dictate a larger area for protection."[7]

The ODF should explain why they have changed from 200 acres for a MMMA, to a minimum of 16 acres, including both interior forest habitat and a buffer within those 16 acres. What policy or fact prompted this change? Is it scientifically defensible? Please send us this information in electronic form if possible, to the Cascadia Wildlands email address shown at the end of these comments.

The current MM Operational Policies require the ODF to "Document and retain decisions" for various activities required in the Operational Policies. We would like a copy of the "document and retain" documents and decisions from the following sections:
* 3.4 are decisions to waive survey requirements,
* 3.14 are decisions related to the annual review of survey results,
* 3.17 are decisions and materials regarding MMMA designations,
* 8.1 lists Area Biologist decisions to be documented and retained,
* 8.3 lists District Forester decisions that must be documented,
* 8.9 lists Unit Forester decisions to be documented,
* 8.4 states the MMMA documentation is maintained by the Staff Biologist

Please send this information to the Cascadia Wildlands email or street address shown at the end of these comments. The Guidance requires the information to be digital, so please send them electronically, either to the mailing address on a CD, or the email address.

The Marbled Murrelet Guidance: Tiny MMMAs also violate the State Forests Division, Marbled Murrelet Guidance Document,[8] which says (page 15):

> "The MMMA also should include a buffer to the likely nesting habitat (see 1.1.G1.5.1) where appropriate. The purpose of the buffer is to maintain the integrity of the occupied stand from windthrow or other environmental disturbances, as well as to provide protection from potential predation. Several studies have noted a relationship between the distance from an edge and nest success. Researchers have found that nests located further from stand edges (at least 170 feet or 50 m from the edge) are more successful than those located closer to stand edges, and that **nests 150 m (500 feet) from a stand edge were successful** or failed from reasons other than predation (Raphael et al. 2002)."

[7] Elliott State Forest Environmental Assessment for the HCP. USFWS. ODF. Page II-20
[8] State Forest Division, ODF. Marbled Murrelet Guidance. July 2010. page 15.

The ODF should confirm that murrelet nests in MMMAs adjoining 2013 timber sales are 500 feet or more from a MMMA edge. Please send that information to Cascadia Wildlands. Again, electronic information will be adequate.

The ODF has a web page detailing a MMMA monitoring program: http://www.oregon.gov/ODF/STATE_FORESTS/Marbled_Murrelet_Management_Area_Habitat_Monitoring.shtml.

Last year we asked the ODF "How is this program progressing?" The response was that it's not progressing because of budget cuts. The ODF should update their website to tell the truth, and not claim that you are doing something you are not. It appears that you did, however, collect some data before the budget cuts. Please send us the data conclusions, or even the raw data if there are no conclusions. Please send it to the Cascadia Wildlands email address at the end of these comments.

3. Salmon

As we traveled the Elliott in the spring of 2012, we saw a large number of new, large landslides initiated in past clearcuts. Every landslide is upstream from a salmon bearing stream. For instance, there were several landslides in the clearcuts around the North Buck timber sale near road 2470, delivering sediment into the Millicoma River. There was a big debris flow that delivered into Mill Creek from the NE corner of the Elliott.

There was a particularly nasty landslide/debris flow above 2300 that delivered mud into Trout Creek. The ODF should look to see where it originated… perhaps the Beartooth, Dry Moby, or even the Trout Mouth timber sales. Perhaps the landslide on road 2300 originated from road building in the Johnson Trout sale. Area III of that sale seems to be the right location, and the "Slope Stability" part of the Johnson Trout AOP report says, for Area III, "Road location and construction hazard and risk is judged **high**."[9] Indeed, for that area, two new roads were built over five headwater forks of the stream where this year's slide into Trout Creek could have originated.

The ODF should document these landslides and look to see what went wrong and where your assumptions were in error. Hopefully the ODF doesn't intend for these landslides to happen and agrees these events are not good for salmon. While these landslides and debris flows might deliver a tree or two to a creek (if the trees are not stopped by a road), they deliver far more fish-killing sediment to salmon streams (sediments can cross a road easier than a tree).

In the 2013 proposed sales, 14 out of 16 timber sales have "High Landslide Hazard Location" determinations. Is there anything the ODF has learned from past landslides to help prevent them in these 14 timber sales? If any monitoring and conclusions exist, please include a reference to it in the final AOP. We are interested in any monitoring showing ODF's assumptions of landslides and debris flows are correct (not the rip-stream study concerning water temperature). If ODF's responses there is no monitoring because

[9] Johnson Trout AOP. ODF. 07-15-02. Page 3. Emphasis theirs.

of no budget, the ODF must stop logging on high-landslide hazard locations. When large numbers of landslides occur in one season, and ODF cannot document what went wrong because of budget constraints, Adaptive Management is not possible.

The 2013 AOP will use the ESF FMP riparian strategy, which includes the same riparian strategy that the 2010 Independent Multidisciplinary Science Team (IMST), and the National Marine Fisheries Service (NMFS) found to harm salmon.

We have already submitted to ODF the detailed descriptions of the problems the IMST found on the very same strategy used in the 2013 AOP. For instance, the Science Team found that ODF's stream protection strategies to be "a convoluted series of assumptions and inferences, potentially rendering the approach subject to compounded errors or weaknesses of induction."[10] Concerning unstable, landslide prone soils common to the Elliott, the IMST found that ODF failed to "describe in detail how it plans to evaluate the risk of landslide, debris flows and harvest induced soil erosion to fish…"[11] They found that ODF's conclusion of landslide risk "could be potentially misleading."[12] Where ODF found the increased risk of landslide to be 2%, the Science Team found it to be 40%!

We hope that the final AOP will address these landslide issues to help protect salmon in, and downstream from the Elliott State Forest.

4. Spotted Owls:

The USFWS has recently proposed much of the Elliott State Forest to be designated as Critical Habitat for the northern spotted owl (NSO). Especially in Critical Habitat, ODF must follow the Oregon NSO Operational Policies. It's goal is to "Minimize the potential for management activities to negative impact the occupancy or reproduction of active northern spotted owl sites."[13] The 2013 AOP fails to do that.

For instance, the sales Beyond Benson, Disappearing Dean, Jack-O-Lantern Johns, Jitterbug Johnson and Johnson Jungle all have Biological Assessments (BAs) that describes how ODF will decimate the home range of the Upper Roberts Creek Activity Center [14] (within the former long-rotation basins that the ODF had promised to protect for 60 years).

In 2011 the Upper Roberts Creek owls received a new Activity Center and a new pair status. While this is fantastic news for that owl on the Elliott, it is devastating for the ODF to renege on their promise to protect this area for a full 60 years and then immediately propose to clearcut 5 timber sales, 262 acres of nesting habitat, within the owls home range.

[10] Independent Multidisciplinary Science Team (IMST) Review. 2010. page 14. Emphasis ours.
[11] IMST Review. 2010. page 20.
[12] IMST Review. 2010. page 22.
[13] Northern Spotted Owl Operational Policies. Oregon State Forests Division. 1-3-12. page 1.
[14] Biological Assessment for the five timber sales. March 15, 2012. Coos District. ODF. page 3.

The 262 acres to be clearcut are close to, or over 130 years old. It appears the ODF will harm this owl by leaving forests over 51 years old, and maybe younger. ODFs Biological Assessment says:

> "Spotted owls are known to nest in stands as young as 60-80-years-old on forest lands that have **suitable nesting structures**… For the purposes of this discussion, suitable spotted owl habitat is considered to be stands at least **51 years old** from inventory data, younger stands that have known owl use, stands that appear to be suitable habitat from structural inventory data including the use of 2008 LiDAR data or an assessment of aerial photographs (taken in 2011) and/or ground verification in 2012."[15]

The ODF never disclosed the condition of the 51-years-old forests being called suitable nesting habitat. When we reviewed the new 2011 FMP, we had assumed that suitable nesting habitat would meet the definition of Advanced Structure in the Elliott's Forest Management Plan, defined as the following:[16]

> • 8 or more live trees per acre at least 32 inches in diameter;
> • At least 6 snags per acre, 2 of which must be at least 24 inches in diameter; the remaining 4 must be at least 12 inches in diameter;
> • A total of 3,000 to 4,500 cubic feet of downed logs in all decay classes 1 through 5; or 600 to 900 cubic feet per acre of sound downed logs in decay classes 1 or 2;
> • At least one large remnant tree per five acres;
> • Multiple tree species, including shade-tolerant species; some trees with defects or decadence; and diverse understory vegetation."

The ODF should be very clear, especially since there is no monitoring plan for the Elliott… Do the 51-year-old forests, or whatever forests being left for the owl, meet this definition of Advanced Structure?

The Behind Benson Biological Assessment discusses the other 2013 timber sales, over 130 years old, that will be clearcut around one owl site:

> "There are also 4 other sales in the planned 2013 AOP which will remove suitable habitat within the Upper Roberts Creek 1.5 mile circle. The Disappearing Dean, Jack-o-Lantern Johns, Jitterbug Johnson and Johnsons Jungle sales will remove 209 acres of suitable habitat within the 1.5 mile circle. If the sale acres and acres in the 2013 plan are removed, 1986 acres (44%) of suitable habitat are available within 1.5 miles of the activity center."[17]

The ODF must disclose the nature of the 44% habitat left for this owl. Is it Advanced Structure, as defined in the FMP? Also, is the 44% in a block, or is it broken up into unusable small patches?

We are disappointed that even the Wildlife Biologist for the Elliott fails to protect these owls, and instead offers a caution that protects nothing:

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[15] Biological Assessment for Behind Benson, and all other sales with a BA in 2012. Emphasis ours.
[16] Elliott State Forest FMP 2011. Page 5-9 (PDF page 209).
[17] Elliott State Forest FMP 2011. Page 5-9.

> "I would caution that much more harvest within the 0.7 and 1.5 mile Upper Roberts Creek circle, will further reduce the amount of available habitat to levels very close to policy requirements. As this site is new and was recently upgraded to pair status unknown, disturbance and further habitat removal activities near the AC may have negative impacts in the short term."[18]

The first full year after abandoning the NSO HCP, the ODF is logging to within a feather of the owl's life. The BAs "biological risk" assessment is "low… of negatively affecting the occupancy and productivity of the Upper Roberts Creek spotted owl site". But that risk assessment makes no sense when leaving the bare minimum. Especially with the warning, this risk should be rated higher.

The ODF is not complying with Oregon's NSO's Operational Policies. That policy requires the ODF to maintain "at least 70 acres of the *best* available suitable owl habitat"[19] around the Upper Roberts Creek owl site. The ODF fails to disclose where these 70 acres are. The Operational Policies also require ODF to "Avoid any harvest activity which results in less than 500 acres of suitable habitat within a 0.7 mile radius (1000 acres) of a nest site and/or activity center."[20] Where are these 500 acres? Finally, the ODF is required to "Avoid any harvest activity which results in coverage by suitable owl habitat less than 40% for a circle with a radius centered on a nest site…. 1.5 mile circle of 1809 acres."[21] The ODF claims that the Upper Roberts Creek owl will have 44% suitable owl habitat over 51 years old. Where is the 44%?

The ODF should make all this information public so that we can be assured the ODF is following the regulations. Please disclose this information before any final decisions are being made. The ODF should not keep this information secret. This is public land and the public should be able to track your logic.

Secret assessments: In the past the ODF has insisted that the public cannot see even the general (not specific) location of NSO activity centers. This secrecy means the public cannot track the ODF's conclusions and findings in BAs or in AOPs. The ODF is the *only* public agency that insists on working in secret. In contrast, both the BLM and the Forest Service are above-board on the general location of owl sites in relation to proposed timber sale units. Last year I sent Jim Young a page out of a BLM EA for a timber sale within the home range of spotted owls, showing how the BLM shared this information with the public. I asked that the ODF do the same so that we can track the ODF's decisions on logging near owl nests. ODF never responded.

This secrecy restricts us from tracking ODF claims they are following the state's ESA act, or the NSO Operational Policies. Instead, the ODF should drop the back-room discussions and fully disclose the data behind their decisions.

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[18] Elliott State Forest FMP Final Plan November 2011. Page 5-9.
[19] Northern Spotted Owl Operational Policies. Oregon State Forests Division. 1-3-12. Page 3.
[20] Northern Spotted Owl Operational Policies. Oregon State Forests Division. 1-3-12. Page 3.
[21] Northern Spotted Owl Operational Policies. Oregon State Forests Division. 1-3-12. Page 3.

The NSO Operational Policies states that the ODF must "Hold in confidence site-specific information (draft SFP Policy #**)[sic]."[22] Is that a mis-print? In any case, please send the SFP Policy to us. I repeat, we are not asking for site-specific information – just the general location of the owl site in the middle of the 1.5 mile home range.

NSO Recovery Plan[23]**:** While the Elliott's FMP claims the ODF will follow the 2011 USFWS NSO Recovery Plan for the spotted owl[24], this AOP fails to do so. The recovery plan states:

> "Given the continued decline of the species, the apparent increase in severity of the threat from barred owls, and information indicating a recent loss of genetic diversity for the species, we recommend conserving occupied sites and unoccupied, high-value spotted owl habitat on **State** and private lands wherever possible. This recommendation is primarily driven by the concern associated with displacement of spotted owls by barred owls, the need to retain good quality habitat to allow for displaced or recruited spotted owls to reoccupy such habitat, and the need to retain a spotted owl distribution across the range where Federal lands are lacking."[25]

Removing 140 year old forests, leaving 51 year old forests in occupied sites does not comply with this part of the recovery plan. In fact, the ODF could be inviting the barred in to compete with the Upper Roberts Creek owl pair. If that occurs, the ODF can clearcut even more of its habitat, but we hope that is not ODF's motivation. If it is, the ODF should make that clear.

The 2013 AOP do not comply with Recovery Action 10[26]of the Recovery Plan:

> When planning management activities, Federal **and non-federal land managers** should work with the Service to prioritize known and historic spotted owl sites for conservation and/or maintenance of existing levels of habitat.

The Elliott's 2013 AOP failed to describe if the state worked with the USFWS. For instance, did the USFWS review the Biological Assessments? If so, which sites were prioritized for conservation and maintenance of *existing* levels of habitat? The 2013 plan for the Upper Roberts Creek owl is to reduce its suitable habitat from 100% down to 44%. This does not appear to comply with Recovery Action 10.

The Recovery Plan continues:

> The site conservation priorities for reproductive status are:
> · Known sites with reproductive pairs;
> · Known sites with pairs;
> · Known sites with resident singles; and
> · Historic sites with reproductive pairs, pairs, and resident singles, respectively.
> … The priority for site condition is sites currently with >40% in the provincial home range (*e.g.*, 1.3 mile radius) and >50% habitat within the core home range

[22] Northern Spotted Owl Operational Policies. Oregon State Forests Division. 1-3-12. Page 4.
[23] Revised Recovery Plan for the Northern Spotted Owl. US Fish and Wildlife Service. 6-2011.
[24] Elliott 2011 FMP. 3-13.
[25] Revised Recovery Plan for NSO. USFWS. 6-2011. page III-51.
[26] Revised Recovery Plan for the NSO. USFWS. 6-2011. page III-43.

(*e.g.*, 0.5 mile radius).

The Upper Roberts Creek owl site, and other sites, fits these priorities. The 2013 AOP failed to describe how Recovery Action 10 was considered.

The 2013 AOP also failed to describe how **Recovery Action 19**[27] was considered. It requires a scientific evaluation of the Elliott's contribution to spotted owl recovery.

> Recovery Action 19: The Service will request the cooperation of Oregon Department of Forestry in a scientific evaluation of: (1) the potential role of State and private lands in Oregon to contribute to spotted owl recovery; and (2) the effectiveness of current Oregon Forest Practices in conserving spotted owl habitat and meeting the recovery goals identified in this Revised Recovery Plan. Based on this scientific evaluation, the Service will work with the Oregon Department of Forestry… to provide specific recommendations for how best to address spotted owl conservation needs on Oregon's non-federal lands.[28]

This recommendation also asks for "coordination between the Oregon Department of Forestry and the Service to receive routine summaries of forest operations"[29]. Did this happen for the 2013 AOP? If so, please send us the USFWS response and communications while coordinating on this plan. Please send electronic correspondence to our email address shown at the end of these comments.

The NSO Recovery Plan's **Recovery Action 32**[30] recommends structurally complex forests on non-federal lands to be maintained and restored. We saw some structurally complex forests, especially in South Beaver Tail and Behind Benson. How is the ODF applying this recommendation?

Especially since the Elliott is proposed critical habitat for the spotted, it is important for the ODF to be clear about how it intends to comply with the spotted owl recovery plan

5. Individual sale comments:

South Beaver Tail sale: Areas 1, 2 and 3, are adjacent to the Bowl Bound Beaver Timber sale on the west side, and above Beaver Creek on the north side. There is virtually no buffer with the Bowl Bound Beaver sale, and a still-young clearcut between South Beaver Tail and Beaver Creek. This appears to violate the 120-acre opening of the Oregon Forest Practices Act.

The South Beaver Sale has areas that are called high landslide hazard locations (HLHL). Area 1 and Area 4 are identified as having "a high likelihood of direct delivery of wood to a Type N stream."[31] The sale adjoining Area 1, Bowl Bound Beaver, experienced a landslide soon after it was clearcut, which deposited tons of sediment directly into Beaver

[27] Revised Recovery Plan for the NSO. USFWS. 6-2011. Page III-58.
[28] Revised Recovery Plan for the NSO. June 2011. Page III-58.
[29] Revised Recovery Plan for the NSO. June 2011. Page III-58.
[30] Revised Recovery Plan for the NSO.6-2011. Page III-67.
[31] South Beaver Tail AOP page 7.

Creek. When we pointed this out to the ODF, the ODF responded that this was good because of a tree that was deposited into the creek. The ODF failed to recognize that the sediment was far more damaging than the tree was helpful.

The ODF is now poised to do the same mis-management with South Beaver Sale, and other HLHL sales. (see section 2 above for more on HLHL sales). The South Beaver Tail AOP claims, "This sale will be a source for the fish log stockpile replenishment for future in-stream restoration projects".[32] The ODF fails to recognize that preventing harm in the first place is much more valuable than mitigating harm.

South Beaver Unique Habitat: Area 4 of South Beaver timber sale has a large boulder field just north of road 2300. These house-sized, moss-covered boulders are scattered among big, old trees. This is a unique habitat on the Elliott that should be protected. There is also a long and tall (about 200' tall) cliff, with little caves and crevices. This rock face should also be protected from logging. The protection should be large enough to protect the wet-moss habitat on the cliff. That means no logging from road 2300 to the cliff face should occur so that drying wind and other edge-impacts do not occur.

Habitat Conservancy Areas: When the ODF abandoned the Elliott HCP last year, the ODF also abandoned the 6,961 acres of Habitat Conservancy Areas (HCAs) that were a part of that HCP. These reserves were described in the 1995 HCP as areas that "will serve to provide stable habitat areas through time for associated species."[33] We are disappointed that the ODF is now clearcutting these important areas in the very first year after abandoning the HCP. The Beaver Tail timber sale, Area 1, clearcuts about 70 acres of the Beaver Creek HCA. Other sales could also clearcut within HCAs, but since the AOP was silent on this issue, we are not sure which ones.

The ODF had promised to permanently protect the HCAs "for T&E species and overall biodiversity within each management basin."[34] "These areas will…. provide refugia for the biodiversity that is inherent in late successional forests…."[35] "The HCAs have been designed specifically to protect sensitive wildlife habitat areas…"[36] "Areas that have a high present value for spotted owls… are protected as habitat conservancy areas…"[37] Apparently Beaver Tail Area 1 meets these requirements. The ODF should not be so quick to eliminate this important habitat. The AOP should have disclosed how many former reserves are being clearcut this year, and the IP should have disclosed how many reserves the ODF plans on clearcutting in a decade.

Jackhammer Johnson sale: It is unclear on the AOP map for this sale why there are "no harvest" areas inside the unit boundaries, when the boundaries could have been drawn to exclude them. Please explain this.

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[32] South Beaver Tail AOP page 7.
[33] Elliott State Forest Habitat Conservation Plan. (ESF HCP) ODF. 1995. page IV-14, 15.
[34] ESF HCP. 1995. Page III-14.
[35] ESF HCP. 1995. Page IV-4.
[36] ESF HCP. 1995. Page IV-31.
[37] ESF HCP. 1995. Page IV-33.

Sales with new roads proposed: The 9th circuit court has determined that ODF now needs to apply for a Clean Water Act permit under the National Pollutant Discharge Elimination System (NPDES) for all new roads on the Elliott, and for on-going approval of OHV use of the river system. Logging road operators (including local governments controlling logging roads) are required to apply to U.S. EPA for permits. This court ruling was in response to damaging logging roads in Oregon's Tillamook State Forest, so it clearly applies to the Elliott State Forest also.

Road ditches, culverts, and channels collect and discharges runoff that drains into nearby rivers. The sediment "adversely affects fish… by smothering eggs, reducing oxygen levels, interfering with feeding, and burying insects that provide food", Judge William Fletcher wrote in the opinion.

The ODF cannot approve the 2013 AOP until those permits have been granted. The permit is also required for every OHV trail next to and into creeks and rivers that ODF continues to allow to exist.

6. Herbicides

The 2013 AOP authorizes[38]:
* 535 acres of aerial chemical site preparation (pg. 13), aerial spraying Glyphosate and Imazaphyr (Table 9);
* 410 acres of vegetation management using hack & squirt with Arsenal, Garlon-4, and 2,4-D.
* 100 acres of Noxious Weed Control, using unnamed chemicals and prison crews.

The 2011 Elliott FMP requires the use of Integrated Pest Management" (IPM) to "reduce… unwanted vegetation to economically and socially tolerable levels."[39] Prevention is the first part of IPM. The ODF should consider ways to prevent unwanted vegetation instead of immediately and often spraying.

For Site Preparation and Vegetation Management, ODF is almost exclusively using chemical solutions. This is a destructive practice to any fish or wildlife (or inmate) that comes in contact with the spray.

Concerning roadside spraying, which, we assume, is either part of the 410 acres of vegetation management or the 100 acres of noxious weed control… The ODF should be more careful in protecting forest visitors from roadside spraying. Twice we have had the spray truck pass us and both times we were outside our vehicles. The lead car did not warn us or ask us to get in our vehicles. We only realized we were about to be sprayed at the last minute and jumped out of the way of being directly sprayed.

Instead, the ODF should put up signs on roads and areas that have been recently sprayed to make sure people or their pets are not allowed into those areas. The ODF should not

[38] Coos District AOP page 13 and 14.
[39] Elliott 2011 FMP. A-10.

wait for an accident to happen with herbicide spraying before precautions are taken.

Last year we commented on a study completed on citizens living north of the Elliott, near industrial forest land that is sprayed like the Elliott is sprayed. We wrote:

> "On April 29, 2011 people living in a Coast Range community… testified to the Board of Forestry. Their homes were near industrial forests being sprayed with the same chemicals as used by ODF on the Elliott. Twenty-one of them had had their urine professionally tested, and all of them, including the children, tested positive for significant levels of 2,4-D and atrazine in their bodies.[40] ... Samples from the residents were taken during the winter before spring spraying began, and some residents submitted a second sample after helicopter spraying occurred near their homes. The second samples showed an increased amount of the herbicides.
>
> Day Owen, for example, showed a 31 percent increase in the amount of 2,4-D and a 129 percent increase in the amount of atrazine in his urine between the first and second tests. His neighbor Eron King had a 54 percent increase in 2,4-D and a 163 percent increase in atrazine between the two tests. Her two sons also tested positive for the weed killers."

The ODF responded to our comments by pointing to a 2000 study showing herbicides used in aerial applications were not detected in streams. However, ODF's 12 years old study never tested the urine of people or wildlife living adjacent to sprayed areas. In fact, ODF never tested air quality and the amount of pesticide drift at all. If the ODF is so sure that there is no pesticide drift during spray, or volatilization after spraying, the ODF should support their assumptions with air-quality monitoring.

Tree Protection: The AOP states, page 14, that "1,305 acres of mountain beaver trapping is planned at a cost $45,675". That is a lot of money to kill wildlife that has rightful a place in the Elliott's ecology. Other agencies never do this and they have successful regeneration. Recently the ODF told us that about 3,000 mountain beavers are killed annually to protect 500 acres of clearcuts. Now, with increased harvest, we assume up to 5,000 mountain beavers will be killed to support the 2013 AOP. Correct?

The Elliott's FMP and IP also allows the ODF to kill bears who might eat the inner bark of some trees, and kill American beavers that threaten to gnaw on trees in plantations close to streams. The ODF failed to enumerate how many bears and/or stream beavers could be killed this year to protect industrial tree plantations. Please provide that information in your response.

7. Recreation

OHV use: The ODF fails to recognize there is off highway vehicle (OHV, including ATV) use on the Elliott, and thus fails to mitigate or try to prevent any of the damages caused by OHVs. Page 26, Table 8 of the 2013 AOP actually states there are 0 (ZERO)

[40] Eugene Register Guard. 4-30-11. http://www.registerguard.com/web/newslocalnews/26188139-41/barr-board-residents-herbicides-state.html.csp

miles of non-motorized trails on the Elliott. Clearly, this is an error. Hasn't the ODF seen the mud baths built by OHVs off of road 8100 and other areas of the Elliott?

There are hundreds of miles of user-created OHV trails crisscrossing the Elliott. Additionally, there are OHV fords across salmon-bearing streams. While some fords have a cement ramp, others do not. Last year people watched as a pick-up truck tried to cross the Millicoma River, in the area of the OHV campground on road 8100. It got stuck. All the oil and grease had plenty of time to wash off the bottom of the truck and impact water quality downstream.

Recreational Facilities: Table 8 in the 2013 AOP, detailing recreation costs, shows that ODF spends $5,000 a year on road maintenance of undeveloped camping spots and refuse removal.

We have seen the huge garbage dumps along the Millicoma River finally cleaned up in recent years. However, sanitation in these well used recreation areas remains a serious problem. The dispersed camping areas (along the 9000 and 8000 roads and one off 2300) are dangerous for families to use because of the lack of sanitation facilities. Evidence of fresh human waste is everywhere.

The ODF should describe where the $5,000 would be used this year. We hope the ODF will consider installing at least one pit toilet. A few more in the next few years will go a long way to providing clean and safe public camping conditions. Until the sanitation issue is addressed, the ODF should at least put up warning signs, before someone gets seriously sick. The ODF has closed motorized access to the undeveloped camping areas on the Millicoma River along the 8100 road. This should free up some recreation funds to provide a pit toilet, or two, in other areas.

8. Carbon

The Elliott's Implementation Plan (IP) page 16 says:

> "As responsible stewards of Oregon's forests, we will pay attention to greenhouse gas-related effects of our operations to the best of our ability. However, we currently do not have the resources to conduct detailed analyses of all of our operations."

But the ODF *does* have the necessary resources. The ODF can use a tiny percent of the Elliott's income to do a carbon analysis, as required. "As responsible stewards of Oregon's forests", ODF must pay attention to, not ignore the greenhouse gas impacts of annual operations.

The Elliott's 10 year Implementation Plan (IP) promises to "Establish baselines and calculate both long-term and intermediate outcomes for carbon storage based forest management strategies;" and promises to "Determine net effect of management activities on carbon stocks."[41] The Elliott FMP also requires the ODF to "calculate both long-term and intermediate outcomes for carbon storage based forest management strategies.

[41] Elliott IP. 56 and Oregon Global Warming Commission's —Interim Roadmap to 2020".

Determine net effect of management activities on carbon stocks."[42] This AOP failed to comply with those requirements or even to mention the word carbon.

The **Oregon State's Interim Roadmap to 2020** recommends that the ODF "include net impact on Oregon's carbon account" in *all* "timber management planning and public forest transactions (e.g. timber sales)"[43]. That includes the Annual Operation Planning. It makes more sense to follow this recommendation during this stage instead of the individual timber sale stage. But since the AOP didn't mention carbon, it appears the ODF is committed to do it at the individual timber sale level. The ODF cannot say they do not have the resources to implement this, as it is simply a mathematical calculation, just one of hundreds of calculations the ODF does to sell timber.

In a September 28, 2010 memo to Cascadia Wildlands, Jim Young estimated that the Elliott would loose 78,011 metric tonns of carbon by clearcutting 549 acres of mature forest and some thinning. This year the ODF is going to clearcut 805 acres (32% more) and some thinning. That means the carbon lost would be about 78,011 + 32% (25,000). Therefore the carbon lost to the atmosphere from this year's logging would be about 103,000 tonnes. Does this sound about right?

One important reason for calculating carbon loss is so considerations can be made to reduce carbon loss/gain. The ODF assumes only a carbon gain, but without simple annual calculations, the ODF cannot monitor their assumptions. Assumptions can never be trusted without monitoring.

9. Swiss Needle Cast

According to http://sncc.forestry.oregonstate.edu/survey-maps, Swiss Needle Cast only impacted the Elliott moderately, or not at all, in 2009. Just two years later, the 2011 SNC surveys found numerous severe incidences of SNC in the Elliott.

There is little in the AOP, IP or FMP to adequately address this problem. The AOP simply said that ODF would deal with SNC by planting "a greater diversity of species."[44] However, page 14 tells us that 70% of the replanted trees would be Douglas fir. That will still allow for significant problems with SNC. The resulting plantations could easily degrade due to SNC and future income will decline dramatically. This would have the additional impact of causing the ODF's carbon projections for the Elliott to be in error.

In Conclusion:

This concludes are comments on the 2013 AOPs for the Elliott State Forest. The ODF must eliminate all clearcutting in spotted owl and murrelet habitat until the problems identified in these comments are addressed.

[42] ESF 2011 FMP. Page 5-44.
[43] ESF 2011 FMP D-19.
[44] Coos District 2013 AOP page 8.

Requested information: We have requested some additional information throughout these comments. Following is a summary and page number of our request:

* T&E Monitoring Plan used by the Timber Team (page 2);
* Interior-acres for the MMMAs next to proposed 2013 sales (page 3);
* Reasons for changing from 200 acre MMMAs to tiny MMMAs (page 4);
* "Document and retain decisions" required by murrelet operational policy (page 4);
* MMMA monitoring data (page 5);
* Landslide monitoring data (page 5;
* Acres of habitat required by the NSO Operational Policy (page 8);
* The "draft SFP Policy #**" [sic] referred to in NSO Operational policy (page 9);
* NSO Recovery Plan discussions with the USFWS (page 10);
* Beaver and Bear numbers killed, or expected to be killed (page 13)

Additional Information Request: The AOP fails to include the cost of the Coos District administrative expenses (such as salaries and office expenses) to implement the AOP in Tables 4, 6, and 8. (There are two table 6's. We include both of them in this request). How much is this cost?

Thank you for considering these comments in your final decision on the 2013 AOP.

Sincerely

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