



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Oregon Fish and Wildlife Office  
2600 SE 98<sup>th</sup> Avenue, Suite 100  
Portland, Oregon 97266  
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OCT 12 2016

Scott Folk, President  
Scott Timber Company  
3084 NE Porter Street  
P.O. Box 1088  
Roseburg, Oregon 97470

Dear Mr. Folk,

We are sending this letter to offer the technical assistance of the U.S. Fish and Wildlife Service in conserving species listed under the Federal Endangered Species Act (ESA) that occur on lands owned by Scott Timber Company. Specifically, we offer this assistance regarding the approximately 355-acre parcel of land that has been commonly referred to as the Benson Ridge tract in Coos County acquired by Scott Timber from the Oregon Department of State Lands in 2014.

We understand, based upon a notification of operations provided to the Oregon Department of Forestry, that you intend to harvest approximately 50 acres within this tract located in T23S, R12W, section 13. The stand to be harvested, and other timber stands within the tract, are over 100 years old and contain characteristics that support nesting structures (e.g., moss covered limbs, witches brooms, or limb debris collections) for the federally listed as threatened marbled murrelet (*Brachyramphus marmoratus*).

Harvest of mature stands within the tract could affect the quantity and quality of habitat available to marbled murrelets. We would like to offer you our technical assistance in determining how future forest management activities within the Benson Ridge tract may affect marbled murrelets, and, if appropriate, to discuss options to either avoid potential harm to this species or to obtain an incidental take permit under section 10(a)(1)(B) of the Endangered Species Act through the development of a Habitat Conservation Plan. Avoidance or impact minimization measures could include alternate prescriptions involving commercial thinning or making adjustments to the areas to be harvested. An incidental take permit would be required if likely harm through loss of marbled murrelet habitat as a result of logging operations is unavoidable.

The above described options should allow for Scott Timber to proceed with forest management activities that would appropriately address the potential harm to marbled murrelets. Please contact us at your earliest convenience since we understand that your notice of harvest operations

indicates that you would like to soon move forward with timber harvest within the tract. If you have any questions please contact Jody Caicco at 503-231-6179.

Sincerely,

A handwritten signature in blue ink that reads "Paul Henson". The signature is written in a cursive style with a large initial "P" and a long, sweeping underline.

Paul Henson, Ph.D.  
State Supervisor

cc: Oregon Department of Forestry, Salem, OR  
Oregon Division of State Lands, Salem, OR  
Office of Law Enforcement, Wilsonville, OR



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Reply To: 8503.2005(14)  
TS Number: 14-665

JUN 09 2014

Liz Dent  
Division Chief  
State Forests Division  
Oregon Department of Forestry

Dear Ms. Dent,

This letter is in response to your May 23, 2014, letter regarding your query of how the U.S. Fish and Wildlife Service (Service) would approach evaluating marbled murrelet (*Brachyramphus marmoratus*) survey information provided from sources outside of the Oregon Department of Forestry division surveys. Conducting surveys for marbled murrelets is the primary means to determine whether or not the species may occupy a forest stand. Under the Endangered Species Act, the standard for evaluating and assessing effects to listed species is to utilize the best scientific and commercial data available, and the Service is obligated to consider all relevant information available about the issue at hand.

The Service often receives and considers a variety of information from many different sources. We recognize there could be an appearance of conflict of interest in the results of marbled murrelet surveys to determine occupancy, and that any third party submitting data may be perceived as having a potential for observer bias if they oppose or favor a particular course of action. Therefore, the Service agrees with you that using certified, experienced professional surveyors such as reputable wildlife survey contractors, is the preferred method to get the least likely biased data and results. Given the low detectability of marbled murrelets, coupled with the potential for an appearance of a conflict of interest if parties engaged in the survey efforts are also potential litigants with the State, we recommend all outside parties utilize credible and certified wildlife professionals to conduct surveys wherever possible, especially where a real or perceived conflict of interest may exist. If survey results are then subject to challenge, at least the potential for a conflict has been removed or reduced and the public can have greater confidence there are not conflicts in decisions made by the State. We acknowledge that the Oregon Department of Forestry has an established survey program for marbled murrelets using qualified professional contractors.

Although the following links to Federal policy pertain primarily to scientific peer review process, they may serve as a useful reference to help reduce the potential for real or perceived conflicts of

interest in the collection and interpretation of scientific information that is used in making government decisions:

[www.fws.gov/informationquality/topics/InformationQualityGuidelinesrevised6\\_6\\_12.pdf](http://www.fws.gov/informationquality/topics/InformationQualityGuidelinesrevised6_6_12.pdf)  
[www.whitehouse.gov/sites/default/files/omb/memoranda/fy2005/m05-03.pdf](http://www.whitehouse.gov/sites/default/files/omb/memoranda/fy2005/m05-03.pdf)

Thank you for your interest in our views on the matter. Please contact Jody Caicco, of my staff at 503-231-6179 if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Paul Henson". The signature is written in a cursive style with a large, looping initial "P".

Paul Henson, Ph.D.  
State Supervisor