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Thank you for your careful consideration of these comments on the Elliott Forest Management Plan from Cascadia Wildlands on behalf of Klamath Siskiyou Wildlands Center, Oregon Wild, Center for Biological Diversity and Audubon Society of Portland.

In summary:

The Forest Management Plan was not clear on the State's intention to follow the recommendations of the June 2011 Revised Spotted Owl Recovery Plan.

The Forest Management Plan increases logging to a level that will further endanger threatened wildlife. It fails to keep the 60-year commitments and promises of the 1995 HCP. For instance, it reduces older forests on the Elliott by half, from 64% down to 30%.

There is no monitoring component, ensuring the entire adaptive management strategy will fail. Carbon resources are also poorly protected or monitored, with no implementation plan for the carbon resource goals.

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## 1. Spotted Owl Recovery Plan

The latest revision of the Northern Spotted Owl Recovery Plan was released in June 2011. The April 2011 Elliott FMP had the September 2010 draft Recovery Plan to help the state determine if it will or will not comply with recovery recommendations for non-federal lands. In response to public comments, ODF said: “ODF believes that management under the revised FMP for the Elliott State Forest will support many aspects of the RP [NSO Recovery Plan], as currently written. ODF will review the final RP when it is released.”<sup>1</sup>

It was released a month ago, plenty of time for ODF to review it before the Final Elliott FMP is written. The 2010 FMP draft (12-2010) was not clear on the state’s intentions. Now that the final Recovery Plan is released, **ODF should comply with the Recovery Plan’s recommendations for non-federal lands.**

When I asked the state’s intentions at the Roseburg public hearing for the Elliott’s FMP, I was told that the state will comply with a no-take strategy for the Spotted Owl. However, a no-take strategy is very different from the recommendations for non-federal lands in the NSO Recovery Plan.

It is extremely detrimental to the spotted owl for the State of Oregon to disregard recovery recommendations, and will make the spotted owl much more difficult to protect, or recover.

The April 2011 draft of the Elliott FMP states (page 3-13)

“Consider management plans and overarching planning documents of other agencies when managing for fish and wildlife (e.g., Oregon Coast Coho Conservation Plan, Oregon Conservation Strategy, ESA recovery plans).”

A promise to “consider” the NSO Recovery Plan is different than a promise to “comply with” the recovery plan. The ODF must be clear and transparent: Will ODF only “consider” recovery plans, or will ODF actually comply with recovery plans? The final FMP should clearly state that the state will comply with the Northern Spotted Owl Recovery Plan, or should clearly state that the Elliott FMP will not comply with spotted owl recovery goals.

The NSO 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

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<sup>1</sup> ODF Staff Analysis and Response to Public Comments to the Draft 2010 Elliott State Management Plan. March 16, 2011. Page 6.

distribution across the range where Federal lands are lacking.”<sup>2</sup>

The Recommendations that are specifically applicable to the state are Recovery Action 10, 19, and 32.

**Recovery Action 10** requires spotted owl sites and high value habitat to be protected. High value habitat is defined as “Habitat that is important for maintaining spotted owls on landscapes. Includes areas meeting definition of high-quality habitat, but also areas with current and historic use by spotted owls that may not meet the definition of high-quality habitat.”<sup>3</sup>

Specifically, the NSO Recovery Plan says this about Recovery Action 10:

Recovery Action 10 - Conserve spotted owl sites and high value spotted owl habitat to provide additional demographic support to the spotted owl population.<sup>4</sup> ...we recommend the following process be followed.

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 prioritization factors to consider are reproductive status and site condition.

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 (*e.g.*, 0.5 mile radius). This prioritization provides a guide to evaluate the relative impacts of management actions, and conservation of sites that provide the most support to spotted owl demography.

**The Final Elliott FMP must state if ODF intends to comply with Recovery Action 10 or not.** If ODF intends to comply, the final FMP should list the site conditions of all known and historic sites.

**Recovery Action 19** requires (page III-58) a scientific evaluation of state forestland’s (like the Elliott State Forest) 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

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<sup>2</sup> Revised Recovery Plan for the Northern Spotted Owl. US Fish and Wildlife Service. 6-2011. page III-51.

<sup>3</sup> Revised Recovery Plan for the NSO. USFWS, 6-2011. USFWS. page G2.

<sup>4</sup> Revised Recovery Plan for the NSO. USFWS. 6-2011.. page III-43.

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 and other individual stakeholders to provide specific recommendations for how best to address spotted owl conservation needs on Oregon's non-federal lands.<sup>5</sup>

This recommendation also asks for "coordination between the Oregon Department of Forestry and the Service to receive routine summaries of forest operations"<sup>6</sup>. The Elliott FMP should be clear on ODF's commitment to coordinate with federal agencies on spotted owl recovery.

Currently, the ODF refuses to disclose logging impacts to owl sites in AOPs or IPs by refusing to disclose where the ½ mile core areas are. In contrast, the BLM has mapped the owl core areas on federal lands and makes that information public. When a BLM timber sale is proposed, the BLM discloses the location of owl circles in relation to sale units so the public can rest assured the owls are protected. By doing so, the BLM has never compromised the safety of a spotted owl site, the excuse ODF uses to hide this information.

Unlike the BLM, the ODF is very secretive and elusive about the location of spotted owl core areas in relation to logging units. The ODF is so secretive they won't even disclose the owl site locations to the US Fish and Wildlife Service (FWS). The FWS says:

"...due to issues related to confidentiality, the Department of Forestry has been reluctant to share harvest locations within proximity of known spotted owl sites with Federal agencies interested in addressing potential harvest impacts"<sup>7</sup>

This level of secrecy fosters distrust of the ODF. ODF should be more transparent with these public resources, at least as transparent as the BLM. ODF should comply with Recovery Action 19 and work with the USFWS. Additionally, the ODF should be transparent with the public and fully disclose how proposed logging units impact owl sites.

**Recovery Action 32** recommends structurally complex forests on non-federal lands to be maintained and restored.

Recovery Action 32: Because spotted owl recovery requires well distributed, older and more structurally complex multi-layered conifer forests on Federal and non-federal lands across its range, land managers should work with the Service as described below to maintain and restore such habitat while allowing for other threats, such as fire and insects, to be addressed by restoration management actions. These high-quality spotted owl habitat stands are characterized as having large diameter trees, high amounts of canopy cover, and decadence components such as broken-topped live trees, mistletoe, cavities,

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<sup>5</sup> Revised Recovery Plan for the NSO. June 2011. Page III-58.

<sup>6</sup> Revised Recovery Plan for the NSO. June 2011. Page III-58.

<sup>7</sup> 2010 draft NSO Recovery Plan for the NSO. FWS. page 63.

large snags, and fallen trees.<sup>8</sup>

... Protecting these forests should provide spotted owls high-quality refugia habitat from the negative competitive interactions with barred owls that are likely occurring where the two species' home ranges overlap. Maintaining or restoring these forests should allow time to determine both the competitive effects of barred owls on spotted owls and the effectiveness of barred owl removal measures. Forest stands or patches meeting the described conditions are a subset of NRF habitat and actual stand conditions vary across the range. These stands or patches may be relatively small but important in a local area, may not be easily discernable using remote sensing techniques, and likely require project-level analysis and field verification to identify.

The NSO Recovery plan defines High-Quality Habitat as “Older, multi-layered structurally complex forests that are characterized as having large diameter trees, high amounts of canopy cover, and decadence components such as broken-topped live trees, mistletoe, cavities, large snags, and fallen trees.”<sup>9</sup>

The definition of “structurally complex” forests that should be protected in Recovery Action 32 is similar to the definition of “advanced structure” in the Elliott FMP:

“Advanced Structure ... is generally characterized by a relatively open overstory, with significant understory development. Vigorous herbaceous and shrub communities combine with tree crowns to create multiple canopy layers. Tree crowns and shrubs create a complex vertical structure from the forest floor to the tops of the tallest trees. Some advanced structure stands have large trees; multiple, deep canopy layers; substantial amounts of coarse woody debris; large snags; and other structures typically associated with older forests.”<sup>10</sup>

“Advanced Structure” is further defined in the Elliott FMP as:

“Trees 18 inches DBH or greater are predominant in the overstory, and trees are 100 feet or taller. Advanced structure stands have at least 20 trees per acre of 18 inches or larger DBH and 100 feet or more in height, and at least 10 of these trees are at least 24 inches DBH. Understory trees average 30 feet in height.”<sup>11</sup>

This advanced structure habitat should be protected as recommended by the NSO Recovery Plan, Recovery Action 32.

Recovery Action 32 is intended to mitigate the growth of the barred owl population, something that is occurring with alarming speed on the Elliott State Forest. Yet the draft FMP does not mention barred owls. Does the state have a plan to protect owl sites from barred owls? How will the state mitigate for barred owls? If it isn't Recovery Action 32, what is it? If it is nothing, the ODF should then admit there is no mitigation for the barred

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<sup>8</sup> Revised Recovery Plan for the NSO.6-2011. Page III-67.

<sup>9</sup> Revised Recovery Plan for the NSO. 6-2011. Glossary 2.

<sup>10</sup> Elliott draft Forest Management Plan. ODF. April 2011. page 38.

<sup>11</sup> Elliott draft FMP 2011. page 5-9.

in the Elliott, which means the take-avoidance strategy would result in no (0) acres of spotted owl habitat conserved in the long term.

**The ODF should be clear if the Elliott FMP will follow this recommendation of the Spotted Owl Recovery Plan, or not.** If ODF does not intend to comply with Recovery Action 32, how much advanced structure will be clearcut instead of protected? This information should be disclosed in the FMP.

## 2. Other Endangered Species Issues

In the 2008 HCP, both the NMFS and the FWS thought 40 mmbf was too much volume to adequately protect endangered species (in other words, logging at this level would violate the federal Endangered Species Act). This FMP draft failed to discuss why ODF is pursuing this likely illegal volume anyway, or even more. If scientists in NFMS and FWS are being disregarded, **what science is ODF using to that shows 40 mmbf is not too much volume and therefore resulting in take of federally protected species?**

The 2010 FMP failed to mention barred owls at all, as if they have nothing to do with the Elliott's plan to protect endangered species. Our 2010 FMP comments ask why there was no strategy to address the growing barred owl problem on the Elliott. ODF failed to respond to that comment, and no changes were made to the 2011 draft FMP. The ODF claims the Elliott FMP will protect spotted owls. But any plan to protect spotted owls that doesn't even mention barred owls is weak.

According to the 2003 NSO survey, barred owls were detected at eight spotted owl sites including two sites that appear to have failed likely in part because of barred owls<sup>12</sup>. In 2010, there were 35<sup>13</sup> barred owls at spotted owl activity centers, and likely more throughout the forest. Barred owls increased by 300% in just 8 years. Science shows where barred owls increase, spotted owl populations quickly decline.

The draft FMP failed to discuss which of the original spotted owl conservation areas are currently occupied by barred owls, and if these conservation areas can be clearcut under the first or second Implementation Plan.

Total acres of owl circles (1.5 mile radius around existing and historic owl sites) on the Elliott is 64,285 acres<sup>14</sup>. The FMP fails to disclose how many of the 64,285 acres are immediately available for clearcutting once the new FMP is adopted, due to barred owl displacement of spotted owls. Please address this issue and disclose the acres of owl circles that ODF considers available for clearcutting.

Another issue: the FMP allows too much activity in conservation areas to consider any of them fully protected (FMP page 12). For instance, road building is allowed through any

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<sup>12</sup> NSO Surveys on the ESF. 2003. Prepared for ODF by Kingfisher Ecological.

<sup>13</sup> NSO Surveys on the ESF. 2010. Prepared for ODF by Kingfisher Ecological. page 7.

<sup>14</sup> Draft 2011 Implementation Plan for the Elliott. Page 37.

MMMA or Owl Circle The largest and oldest of trees in a conservation area could be cut down to provide guyline anchors. And, as described below, the entire conservation area could be clearcut if the spotted or marbled murrelet is harassed so much, it leaves.

### 3. Broken Promises

In the 1995 Habitat Conservation Plan (HCP) the Oregon Department of Forestry made a 60-year commitment to grow additional spotted owl habitat, as well as protect 26 existing owls, in exchange for “taking” 43 owls<sup>15</sup>. After only 15 years, all of those 43 owls are gone. In exchange for taking those owls, the ODF should be protecting and growing NRF habitat for the remainder of the 60-year commitment. But instead, the ODF is backing out of their commitments and tossing responsibility to the wind.

The ODF response to our 2010 FMP comments did not address this comment. When we later asked for confirmation that ODF agrees they are breaking their promises, ODF responded:

“The Implementation Agreement of the 1995 HCP allows for either party - USFWS or ODF – to terminate the HCP with 30 days notice. Once the HCP is terminated the provisions of the HCP and the associated Incidental Take Permit would no longer apply.<sup>16</sup>”

In other words, ODF *is* breaking their promises since the Incidental Take Permit (ITP) allows it. Just because the ITP allows the 60-year commitments to be broken (after the 43 spotted owls are taken) doesn't mean it is the right thing to do.

The ODF should be upfront with the public by explicitly stating your intent to break your 60-year commitment. Using the “constitutional mandate for CSF lands” as an excuse for breaking your promises cannot be used because you (ODF and SLB) already agreed the 1995 HCP met that mandate. There has been no amendment of the constitution increasing your obligation.

Some of the promises made in the 1995 HCP that you apparently intend to break include:

- a. Protection of long-rotation basins;
- b. Acres of forests over 80 years and over 156 years old;
- c. Permanent reserves.

#### **a. Protection of long-rotation basins:**

The ODF promised that long-rotation basins would be protected for the remaining owls with a 160 to 240 year rotation age. The first place the ODF intends log under the new FMP is in these long-rotation basins<sup>17</sup>. The ODF should be clear on how many acres of long-rotation basins will be clearcut under the first implementation plan, and not leave it to the public to do the math.

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<sup>15</sup> Elliott 1995 HCP S-7 and IV-14.

<sup>16</sup> ODF Response to Follow-up Questions. April 12, 2011. page 2.

<sup>17</sup> Draft 2011 Implementation Plan for the Elliott.

The 1995 HCP had 17 basins. ODF has changed this to 14 basins for the new plans, moving watershed boundaries. Therefore, it is difficult for the public to figure out exactly how the long-rotation basins will be impacted under the new plan and new watershed boundaries. The ODF should be honest about what the state's plans are, and come right out and say how many acres will be clearcut.

The 1995 HCP requires:

“As seven basins (basins 3, 4, 5, 6, 7, 8, 17) are already below the desired NRF habitat levels, no further harvest of stands in the 80 year age class and older will occur in those basins in the short-term. Basin 8 will have 94 acres harvested in decade 3. Two additional basins (1, 2) are slightly above the desired NRF habitat levels, and only a small amount of harvest will occur short-term in those basins.”<sup>18</sup>

In exchange for this promise, the ODF was allowed to clearcut the biggest and best spotted owl habitat in the eastern and southern part of the Elliott. “...existing NRF habitat in the seven shorter rotation basins will be harvested and rapidly become unsuitable for owls and murrelets.”<sup>19</sup> This is exactly what ODF did, taking their allowed 43 spotted owls. But now, after the heyday of logging the biggest trees and best habitat, the ODF is unwilling to protect what they promised. The ODF should make this very clear by admitting what they are doing.

The 1995 HCP assumed the murrelet habitat in long-rotation basins would increase to 28,373<sup>20</sup> acres over 60 years, but now, under the new draft FMP, all 28,373 acres could be clearcut. Even established MMMAs could be clearcut if murrelets take a break, for whatever reason, from nesting in those locations.

#### **b. Acres of forests over 80 years and over 156 years old:**

In our 2010 FMP comments, we noted that under the 1995 HCP, ODF promised that 64% of the forest would be in late-successional condition (defined as forests over 80 years old)<sup>21</sup>, where as the 2011 draft FMP only requires 30% to be in Advanced Structure (defined as forests over 60 years old). That means the FMP has only half as many older forests, and the older forests it does have can be 20 years younger than what is considered old in the HCP.

In response, the ODF said that the 1995 HCP only provided for 43% of the Elliott, not 64%, to be over 80 years old. Apparently, ODF believes the HCP 64% statement to be a typo. However, the HCP's 64% is pretty clear:

“When the strategy is fully implemented, a total of 51,158 acres, or **55%** of the Elliott, will be in late successional forest **as a result of the long rotations**. The Elliott will also have 8,089 acres of reserves within short rotation basins. The total for all late successional forest on the Elliott will be 59,247 acres, or 64% of the forest, when the strategy is fully implemented.”<sup>22</sup>

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<sup>18</sup> Elliott 1995 HCP I-IV.

<sup>19</sup> Elliott 1995 HCP I-IV.

<sup>20</sup> Elliott 1995 HCP IV-31.

<sup>21</sup> Elliott 1995 HCP IV-30.

<sup>22</sup> Elliott 1995 HCP IV-30.

The ODF also responded that the 1995 HCP “should have stated that 55% of the forest will be in long-rotation basins”.<sup>23</sup> But that is exactly what the 1995 HCP *did* say, that 55% is in long-rotation basins (see bolded part of the above quote). 55%, plus reserves in the short rotation basins, total 64% of the Elliott in a late-successional forest.

Our 2010 FMP comments also noted that under the 1995 HCP, 29% of Elliott’s forests would be over 156 years old<sup>24</sup>, but 0% is required under the 2010 draft FMP. These older forests (almost twice as old as the draft FMP requires) are critical to the survival of endangered species.

ODF did not respond to this comment. Please respond publicly to this issue. Instead of silence, the ODF should publicly enumerate these broken promises.

### **c. Permanent reserves:**

Under the 1995 HCP, permanent reserves were required.

“Reserve areas located across the forest will be managed for late successional habitat. The reserve areas include both the 21 HCAs, totaling 6,961 acres, and the additional riparian and special use reserves, totaling another 11,099 acres. These areas will serve to provide stable habitat areas through time for associated species. In addition, approximately 5,320 acres are within Marbled Murrelet Management Areas -- of these acres, about 1,010 are estimated to be within the reserves already described.”<sup>25</sup>

That makes at least 22,370 acres of permanent reserves, plus the MMMAs designated since 1995. Most of those acres lack permanent protection under the 2011 draft FMP. The ODF should be clear that it is their intent to clearcut most of these reserves, especially the HCAs after they are not used by spotted owls for a few years. Clearcutting these reserves will prevent owls or murrelets from using them in the future.

The ODF failed to respond to this in our 2010 FMP comments. Instead of silence, the ODF should be clear that this is your intention – clearcutting the HCAs. Of course, if ODF were to follow the recommendations of the Spotted Owl recovery plan, these areas would not be clearcut. Instead of being silent on these issues, **the ODF should publicly disclose their intentions to clearcut endangered species reserves.**

The only protections that remain permanently would be some of the riparian reserves, which are too narrow to afford good interior forest habitat endangered birds need. Other than these riparian reserves, the draft FMP gives no acres at all of permanent reserves. When an endangered bird doesn’t use their assigned habitat for a couple of years, that habitat could be clearcut. Afterwards it will be managed continuously as a young forest, never to be allowed to become old again.

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<sup>23</sup> ODF Response to Follow-up Questions. April 12, 2011. Page 3.

<sup>24</sup> 1995 HCP, S-8.

<sup>25</sup> Elliott 1995 HCP. page IV-14, 15.

In 1998 there were only 19 spotted owls on the Elliott<sup>26</sup>. When we expressed alarm at this low number, the ODF responded they just have to have sufficient older habitat at year 60. The ODF owes it to the public, to Oregon's school children, and to species teetering on the brink of extinction to keep this promise. In exchange for logging big, old trees, ODF committed to protecting Management Basins, Reserve Areas, and Forest Development Over Time<sup>27</sup>. None of these three strategies is carried over into the 2011 FMP.

#### 4. Marbled Murrelets

The Coos District ODF study on the Marbled Murrelets found that ODF should consider "... maintaining all occupied sites and other older-aged forests for recruitment habitat, and creating new habitat in areas adjacent to existing murrelet nesting habitat. This would not only allow for the creation of larger blocks of murrelet habitat but also provide buffers to existing nesting areas and potentially allow murrelets to expand into the newly created habitat."<sup>28</sup>

It doesn't appear this recommendation is used in the FMP. Why not? We asked this question in our 2010 FMP comments, and the ODF failed to respond. Instead of just remaining silent, the ODF should clearly state they have no intention, or they do intend, to follow this recommendation.

In recent years the ODF has found several murrelets in proposed timber sales, and dropped those sales, as they should have. Unfortunately, those sales return with as little as one acre carved out for murrelets, along with an adjoining tiny Marbled Murrelet Management Area (MMMA) of only a few acres.

The draft FMPs failed to discuss this strategy, if it would continue, and if it even adequately protects the murrelet. In our assessment, these new MMMA's are too small to protect the occupied site because they contain virtually no interior habitat, allowing predation of the nest, the number-one cause of murrelet nest failure.

Predation from corvids, due to a lack of interior forests, is the #1 reason for murrelet nest failures. If the ODF insists there is sufficient interior habitat in the new MMMA's, surrounded by clearcuts, then the ODF should disclose exactly how many acres of interior habitat are within each MMMA.

When we asked ODF to tell us the acres in interior habitat in MMMA's under the current HCP, ODF responded that they don't know – they don't track that. However, the draft FMP says "conservation areas will range in size, **most will be large enough to maintain interior habitat conditions**"<sup>29</sup>.

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<sup>26</sup> NSO Surveys on the ESF. 2010. Prepared for ODF by Kingfisher Ecological. page 24. page 7.

<sup>27</sup> Elliott 1995 HCP. page IV-15, 16.

<sup>28</sup> Final Report. Marbled Murrelet Habitat Characteristics on State Lands in Western Oregon. Nelson and Wilson. OSU, 2002. Submitted to ODF and ODFW. Page vii.

<sup>29</sup> Elliott draft FMP 2011. Page 4-25.

Most? Why not all? What is the point of having some conservation areas that do not have adequate interior habitat, putting the protected bird at risk? And how will ODF know that “most”, but not all conservation areas will have adequate interior habitat if ODF does not track that? If ODF doesn’t know how many acres of interior habitat there are currently, why would they know it for the FMA?

Clearly, acres of interior habitat in conservation areas must be tracked, and any MMMA that is lacking in adequate interior habitat must be expanded.

The new FMP should commit to public disclosure of MMMA’s interior acres in relation to acres influenced by edge effects that translate to increased corvid predation.

The **State Forests Program Operational Policy** requires (3.17) that ODF:

“Document and retain decisions and related materials regarding MMMA designation consistent with this procedure 1.1.P4. The District Forester will approve the MMMA design, and communicate these decisions to the Area and Program Directors.”<sup>30</sup>

The FMP should discuss if the ODF will fully comply with this requirement and share these decisions with the public.

## **5. Riparian Strategies Are Inadequate.**

We are concerned that the Oregon Department of Forestry has offered the exact same riparian buffers and riparian strategy that the 2010 Independent Multidisciplinary Science Team (IMST) found to be faulty, and that National Marine Fisheries Service (NMFS) also found to harm salmon, including the federally-protected Oregon coast coho.

### **The NMFS found ODF’s Riparian Strategies insufficient to protect salmon.**

The Riparian Management Strategies in the 2010 draft FMP are virtually identical to those proposed in the Elliott’s 2008 draft HCP. The National Marine Fisheries Service (NMFS) found the Elliott’s 2008 draft HCP strategies to be so grossly inadequate in protecting fish that they refused to give ODF an incidental take permit for coho salmon.

NMFS found that they were “unable to conclude the strategies would meet the conservation needs of our trust resources and provide for the survival and recovery of Oregon Coast (OC) coho salmon”.<sup>31</sup> Specifically, NMFS cited stream temperature increases and a lack of wood delivery to streams as the biggest problems harming salmon. There are 10,419 acres within riparian management areas<sup>32</sup> (stream bank and inner RMA zone, not counting outer RMA zone).

If the NMFS believed that ODF’s proposed riparian management was so bad they would not provide for the survival of coho salmon, then ODF should change the strategy. **Why**

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<sup>30</sup> MM Operational Policies. Number 1.1.0. Effective Date: July 19, 2010. Revision 1.2. page 3.

<sup>31</sup> Letter from NMFS, July 21, 2009, to Jim Young, Coos District Forester, “RE: Elliott State Forest Habitat Conservation Plan.”

<sup>32</sup> Elliott 2008 draft HCP EIS page 5-40.

**is the ODF insisting on a strategy that science does not support, yet claiming this is a science-based strategy?**

We asked ODF: if the NMFS scientists found the riparian strategies insufficient, what other scientific evaluations are ODF using instead? After all, ODF insists this is a science-based plan. In response, the ODF referred us to studies from 1967 and 1970 to apparently prove NMFS wrong and ODF right. Clearly, these outdated studies cannot justify disregarding opinions of the top federal scientists in the NMFS. That is why Oregon hired the Independent Multidisciplinary Science Team (IMST), but the IMST was not pleased with ODF's strategy either.

**The IMST Report also gave the Riparian Management Strategy poor grades.**

Mysteriously, the draft 2010 FMP references the 1999 Independent Multidisciplinary Science Team report, and ignores the much more recent and relevant 2010 IMST Review. We pointed this out, but the 2011 FMP draft also failed to include the 2010 IMST Review. It's not even in Appendix B, References.

In response to our comments on the 2010 IMST report (repeated below), the ODF stated the 2010 IMST report evaluated the 2008 Elliott DEIS, not the draft FMP, and therefore, "No changes necessary in the FMP. The IMST report and recommendations will be considered when embarking on *future* analyses of FMP strategies."<sup>33</sup>

Why would the ODF refuse to consider the IMST report in *this* FMP draft; why only consider it in *future* FMPs? Because of ODF's confusing response, we re-asked ODF: are the riparian management strategies in this FMP exactly the same as the 2008 DEIS? ODF responded:

"You are correct. There is no difference in the FMP and HCP riparian strategies".

**Since there is no difference between this FMP riparian strategy, and the 2008 riparian strategy the IMST report focused on, the IMST report is very relevant to this FMP. ODF should respond to the IMST criticisms in detail.**

But the ODF insisted to us: "When you reference the IMST criticism of the 2008 Draft HCP, you are actually referencing criticisms of the DEIS analysis, not criticisms of the HCP/FMP strategies." But the analysis and strategies are exactly alike! ODF needs to stop playing games and respond to IMST's criticisms of their reserve strategies.

In 2009, the ODF asked the IMST for help in responding to NMFS's poor review of the Elliott's 2008 draft HCP. However, the IMST 2010 report instead agreed with the NMFS. They found it is impossible for the ODF's strategy in the 2008 Draft HCP (the exact same strategy as in the 2011 draft FMP) to "conclude with certainty that the goals of the draft HCP would actually be met, or that monitoring and adaptive management are sufficient to make course corrections when necessary." The ODF should explain then, in light of this report, why no changes in that inadequate strategy have been offered. The ODF should publicly address this issue. Silence is not an acceptable response.

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<sup>33</sup> ODF's response to public comments on Draft 2010 ESFMP. March 16, 2011. page 14.

The Science Team found that “there is significant uncertainty” in the methods used in the 2008 draft HCP (identical to methods used in the 2011 FMP). The Science Team found that ODF was “over-optimistic” in “proposed management actions will be funded, implemented, monitored, and will result in achieving desired future conditions in aquatic and riparian ecosystems on the Elliott State Forest.”<sup>34</sup> The science team “believes that there are numerous uncertainties” in ODF’s riparian strategies. **If both the IMST and NMFS find fault with ODF’s riparian strategies, why are these being duplicated in the 2011 draft Elliott FMP?**

The Scientific Team found that the riparian strategy (the same strategy used in the 2011 draft FMP), is not based on the best available science:

“The draft HCP and DEIS authors cited references that were not available for review. Workshop abstracts were cited that did not include sufficient detail to determine the applicability of the research to DEIS analysis. Some were not listed in the reference list and their applicability to the DEIS could not be determined. Others reported on research from regions very dissimilar to the Oregon Coast Range and the applicability of these to the draft HCP or to the DEIS analyses was not established by the documents’ authors. ... Appendix A lists references that we did check as part of the IMST’s overall review and could not confirm”<sup>35</sup>

We could not find any improvement based on this criticism. The ODF should disclose any legitimate references they have found since this scathing scientific review.

The Science Team found that ODF’s “conclusions are professional conjecture and not based on research...”<sup>36</sup> **Has the ODF found any research on which to base its conclusions?** If so, does the IMST agree it is legitimate research?

**Increased stream temperatures** harm salmon. The Scientific Team found the riparian strategy used in the 2011 draft FMP would likely harm salmon due to increased stream temperatures from excessively small stream buffers. The ODF gives too much “credence to studies that support narrower buffers. However these references are not applicable to forest conditions in the Oregon Coast Range”<sup>37</sup>, such as the study from the eucalyptus forests in Tasmania. Instead, ODF should have used the Density Management Study (Anderson et al. 2007) that concluded, “The effectiveness of narrow, streamside retention buffers in moderating stream microclimate from harvest effects is questionable”.<sup>38</sup> If the buffer widths are questionable, the ODF should have assured the protection of salmon by increasing harvest buffers.

The Science Team further described ODF’s calculation of stream temperature to “be a problematic approach” and “may be weak”.<sup>39</sup> They found that “The analysis of the

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<sup>34</sup> Independent Multidisciplinary Science Team (IMST) Review. 2010. page 5-6.

<sup>35</sup> IMST Review. 2010. page 7.

<sup>36</sup> IMST Review. 2010. page 19.

<sup>37</sup> IMST Review. 2010. page 8.

<sup>38</sup> IMST Review. 2010. page 9, citing Anderson et al. 2007 page 265.

<sup>39</sup> IMST Review. 2010. pages 11 and 12.

Proposed Action is not straightforward and its conclusions are not rigorously developed or tested” and not “widely used in Oregon”.<sup>40</sup>

This same faulty analysis is used in the 2011 draft FMP. The IMST says: “The analysis does not explicitly account for the real extent of... harvesting effects in riparian management areas, which may significantly influence stream temperature....”

Even for non-fish bearing streams (Type N) that feed fish streams, the Science Team found an abundance of scientific problems with ODF’s assumptions. “First, there is debate about the use of 80% canopy cover as a target for shade. Second, it is problematic to generalize that waters warmed by upstream exposure by harvest will cool simply by being shaded downstream.”<sup>41</sup>

In spite of this finding, the new draft FMP still only provides for a 25’ no-cut buffer on perennial Type N streams, and 0’ stream-side buffer on seasonal streams. Only on the perennial Type N streams will ODF leave 80% shade on just 500’ before fish-bearing streams, exactly what the IMST found to be wholly inadequate. ODF’s response to public comments never addressed these specific issues.

Additionally, the already-inadequate shade left after harvest includes hardwoods. The ODF kills all hardwoods with herbicides after logging. Will the 80% shade (which itself has been found insufficient) will be calculated before or after herbicide spraying? The ODF should respond to this question.

The Science Team found ODF’s stream protection strategies (the same as the 2010 FMP) to be “**a convoluted series of assumptions and inferences, potentially rendering the approach subject to compounded errors or weaknesses of induction.**”<sup>42</sup> The science team found that “the effects of thinnings in the Inner Zone appear to have been simply ‘assumed away’ with no supporting analysis.”<sup>43</sup> The ODF should have done a better job with the draft FMP, but it appears to have the exact same problems.

The Science Team found models that show a “150-foot unmanaged buffer was required to have sufficient shade”<sup>44</sup> to protect salmon in cool waters, and that in the Elliott, “shade levels in managed areas could remain below desired future conditions for decades.”<sup>45</sup>

**Large wood recruitment** is important to protect salmon, yet the Science Team found the strategies used in the Elliott to “have scientific shortcomings”<sup>46</sup>. The ODF used studies that were unpublished, not available, and not relevant to the Pacific Northwest.

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<sup>40</sup> IMST Review. 2010 page 12.

<sup>41</sup> IMST Review. 2010. page 13.

<sup>42</sup> IMST Review. 2010. page 14. Emphasis ours.

<sup>43</sup> IMST Review. 2010. page 16.

<sup>44</sup> IMST Review. 2010. page 16.

<sup>45</sup> IMST Review. 2010. page 16. Citing February 5, 2009 memo from Peter Leinenbach (USEPA, Seattle, WA) to Teresa Kubo (USEPA, Portland, OR)

<sup>46</sup> IMST Review. 2010. page 16.

The Elliott Watershed Analysis is problematic because it had not “undergone scientific review” and there is “insufficient evidence available to support” the ODF’s conclusions in the 2008 draft HCP for adequate large wood recruitment. The 2008 HCP also “uses two sources of wood decay rates for the modeling scenarios that are not applicable to instream wood on the Elliott.” The 2011 draft FMP suffers from the same scientific flaws. ODF’s response to public comments never specifically addressed these IMST issues regarding large wood recruitment.

**Soils:** The Elliott State Forest is one of the most landslide-prone forests in the Pacific Northwest because it is within in the Tyee Soil Type. The ODF found in previous studies that landslides here are twice as likely to occur from management activities, such as clearcuts, and many more times as likely due to road impacts.<sup>47</sup> But the 2008 draft HCP (and the 2011 FMP) paint a rosy ‘no-problem’ picture. The IMST found that ODF fails to “describe in detail how it plans to evaluate the risk of landslide, debris flows and harvest induced soil erosion to fish...”<sup>48</sup>

The ODF responded to landslide comments by saying when it is a matter of public safety, they establish no-harvest buffers. If it is a matter of endangered fish, landslides are good because they deliver large wood to streams.<sup>49</sup> However, the ODF never responded to the IMST issue of sediment also delivered to streams – sediment far above historic, natural levels.

The IMST had little faith in ODF’s use of adaptive management to govern the management of soils and slope stability. They found problems with soils and landslide risks similar to problems with stream shade and down wood analysis: “No citations were presented to support conclusions” and no peer-reviewed literature was used.<sup>50</sup> Even worse, the Science Team found that ODF’s conclusion of landslide risk “could be potentially misleading.”<sup>51</sup> Where ODF found the increased risk of landslide to be 2%, the Science Team found it to be 40%!

**Buffer Widths and Roads:** For adequate buffer widths to protect streams, the Science Team thought that “more analysis from scientific literature is required. We can find little evidence to support DEIS conclusions...”<sup>52</sup> The 2011 draft FMP requires the same widths, but still without the additional analysis the IMST thought should be included.

For the ODF’s analysis on forest roads, the Science Team “once again found a lack of hard data or analysis to support the findings of the DEIS”<sup>53</sup>, which is the same analysis in the 2011 FMP we are now commenting on.

The Science Team:

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<sup>47</sup> Storm Impacts and Landslides of 1996. Robison et al., 1999.

<sup>48</sup> IMST Review. 2010. page 20.

<sup>49</sup> Response to public comments on the Draft 2010 ESFMP. March 16, 2011. page 14.

<sup>50</sup> IMST Review. 2010. page 22.

<sup>51</sup> IMST Review. 2010. page 22.

<sup>52</sup> IMST Review. 2010. page 23.

<sup>53</sup> IMST Review. 2010. page 23.

“...observes that there are no data or characterization of the sediment inputs and hydrologic effects from new roads. This means we cannot determine the amount of mitigation needed to address any adverse effects on fish and their habitats and therefore we cannot judge whether or not existing best management practices are sufficient to mitigate impacts.”<sup>54</sup>

The ODF should specifically address this problem in the next draft FMP.

**Adaptive Management is not adequate.** The proposed 2011 draft FMP points to “adaptive management” as their safe-guard. However, the 2011 draft FMP is virtually identical in substance to the 2008 draft HCP adaptive management guidelines. The Science Team found those guidelines inadequate: “the document only refers to adaptive management but does not provide an actual strategy for monitoring, evaluation, and implementation”<sup>55</sup>. The science team found that ODF’s Adaptive Management Planning “represent weak points in ODF’s ability to make a strong case that the draft HCP will lead to improved riparian and aquatic ecosystem conditions” and “there is no mechanism or monitoring plan”. The science team concluded that they are “not confident that an adequate baseline exists for ODF to be able to detect environmental changes in the forest.”

The Science Team suggests ways to actually make Adaptive Management work, such as a description of how trends will be tracked, and identification of endpoints to determine when Adaptive Management will kick in. The Adaptive Management planning for the 2011 draft FMP includes even fewer monitoring assurances. We discuss more problems with the Adaptive Management Strategy below in Reason 8.

### **Other Riparian Concerns:**

**Stream buffer widths** are not a set size. The 2011 draft FMP says:

“RMA widths are intended to be averages applied over the length of a management site. The actual extent of a specific RMA can be varied to tailor vegetation retention to site specific conditions, or to address special resource considerations. For example, an RMA boundary may be expanded where a potentially unstable slope adjacent to a stream could deliver materials to the stream.”<sup>56</sup>

The minimum RMA width should be unchangeable, except in the instance when it needs to be expanded to include potentially unstable slopes. What if the silviculturist determined that such a wide RMA was not needed? Can he/she reduce it at will? Will a fisheries biologist be required to approve the reduction? Will the reason for the reduction be made available to the public? ODF’s response to our comments addressed none of these questions. Instead, ODF used the example of where a riparian buffer could be expanded. ODF has not denied that riparian buffers can or will be reduced without explanation.

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<sup>54</sup> IMST Review. 2010. page 24.

<sup>55</sup> IMST Review. 2010. page 6.

<sup>56</sup> Elliott draft FMP 2011. page 5-24.

**Hardwood conversion** is condoned by the 2011 draft FMP<sup>57</sup> with no protections for native hardwood forests. ODF could clearcut native hardwood forests right up to stream banks. Even if a 25' no-harvest buffer is applied, it is still drastic to clearcut large areas so close to streams. Hardwood conversion should be restricted to upland areas outside of RMAs. Streams often have chronic disturbances, which promotes prolific red-alder stands. This is a natural process near streams in the Elliott. The ODF should not be allowed to clearcut these natural stands, as the 2011 draft FMP currently does. In response to our 2010 FMP comments on this, the ODF was silent. Please respond to this issue by providing protections for native hardwood forests sustained by chronic disturbances.

## 6. Carbon Resources

Carbon resources on the Elliott State Forest is a critically important topic. The Carbon discussion in the 2011 draft FMP outlined worthy goals, but then failed to describe how those goals would be implemented or how ODF would know when those goals were met. The FMP Implementation chapter failed to discuss carbon at all.

The biggest omission was a commitment to measure carbon gain/losses in Annual Operating Plans, or at least in the Implementation Plan. It is important to know this information so that ODF can measure our carbon footprint and consider ways to reduce our carbon footprint. It is impossible to reduce our carbon footprint if we don't know what it is to begin with. It is also impossible and dishonest to brag about carbon sequestration if there is no measuring or monitoring of carbon resources.

At the very least, the ODF should continue with the commitment to measure carbon impacts as was done in the 2011 AOP. It appears ODF is now claiming they cannot afford to measure carbon impacts. With our planet warming and climate changing rapidly, ODF cannot afford NOT to measure carbon impacts.

In the 2011 AOP, the Elliott successfully outlined a sensible carbon measurement method and concluded that one year's logging on the Elliott would release 78,000 metric tons of carbon into the atmosphere. That was a good start in understanding the impacts of the Elliott forest management on carbon resources. But in response to a request to do it again in the 2012 AOP, the ODF stated that:

“Currently, there are no legal requirements that direct the State Land Board to manage for carbon in addition to the other legal mandates. However, ODF recognizes the increasing importance of green house gases, including carbon, and their potential effects on climate and the environment. 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 analysis of all of our operations.”<sup>58</sup>

This same paragraph is repeated in the Elliott draft IP.

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<sup>57</sup> Elliott draft FMP 2011. page 5-35.

<sup>58</sup> Public Comment Responses. ODF. July 8, 2011. page 8.

ODF refused to measure carbon impacts in the 2012 AOP, claiming they did not have the “resources”. What resources are missing? Money? A measuring technique? The ODF should be specific about what resources are preventing this important analysis, and should aggressively pursue whatever resources are necessary to measure carbon impacts.

If the ODF can estimate MBF of timber, growth yields, cost/benefit analysis, etc., surely the ODF can afford to measure carbon gain/losses. The dire implications of climate change make carbon analyses critical. ODF should not entertain any logging plan or management decision without considering and disclosing the carbon impacts. Regardless of ODF’s legal disclosure requirements or priorities for spending planning resources, ODF has a moral obligation to current and future generations to analyze carbon and disclose carbon impacts.

### **What does the 2011 draft FMP say about Carbon Resources?**

Twice, the Executive Summary of the 2011 draft FMP says: “Carbon goals are being developed and will be incorporated in the Final Elliott Forest Management Plan, which will be available for public comment May 2011.”<sup>59</sup> ODF should correct those typos in the next draft.

The 2011 draft FMP did discuss the global significance of carbon in the Elliott:

“...carbon storage in many unmanaged landscapes is not at equilibrium, but rather is increasing (Luyssaert et al., 2008). A recent study in the Pacific Northwest has shown that the potential to store additional carbon in Pacific Northwest forests is among the highest in the world because much of the area has forests that are long-lived and maintain relatively high productivity and biomass for decades to centuries (Hudiburg et al., 2009).”<sup>60</sup>

The FMP then discusses the complete carbon inventory in the Elliott, estimated to be about 24,500,450 metric tonnes of CO<sub>2</sub> equivalent. This is the inventory after half of the Elliott has been clearcut – this is what’s left. If no more clearcuts were to occur on the Elliott, the carbon inventory would almost double in just 40 years, up to 46.6 million metric tonnes of CO<sub>2</sub>e by 2050<sup>61</sup>.

Clearcutting 35 to 40 mmbf would keep “approximately 60 percent of the maximum carbon storage possible in the forest by 2050”.<sup>62</sup>

Is ODF saying that clearcutting 35 mmbf for the next 40 years will cause approximately 40% of the carbon stored in the Elliott to be released into the atmosphere? If the carbon-released figure is not 40%, what is it? The FMP only talks about what carbon is being stored, it never speaks to what carbon is lost to the atmosphere through forest management. Carbon lost is as important a figure as carbon gained. How much carbon is lost through clearcutting 40 mmbf annually should have been clearly stated. Carbon lost

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<sup>59</sup> Elliott draft FMP 2011. page ES 11 and ES 20.

<sup>60</sup> Elliott draft FMP 2011. page 2-18.

<sup>61</sup> Elliott draft FMP 2011. page 2-18.

<sup>62</sup> Elliott draft FMP 2011. page 2-18.

through thinning is a different number, and knowing this would have made a good comparison for the decision makers and the public to understand how resources are being managed.

If ODF thinned managed plantations instead of clearcutting, most of the carbon stores on the Elliott would remain and grow into the 46.6 million metric tonnes of carbon dioxide equivalent, “an amount that is equivalent to approximately 68.5 percent of the annual emissions of greenhouse gases for the entire state in 2007.”<sup>63</sup> That alone would mitigate over 68 percent of Oregon’s entire carbon emissions! ODF and the SLB should seriously consider the potential of the Elliott to offset the state’s carbon emissions and help Oregon become carbon neutral.

If ODF reduced the harvest level to 30 mmbf, instead of insisting on 40 mmbf, that would save an amount of carbon equal to the annual carbon emissions of 10,000 cars each year.<sup>64</sup> The ODF should seriously consider this. 30 MMBF would be in the range where a HCP would be possible, so in addition to carbon mitigation for 10,000 cars, far more permanent reserves and wildlife would benefit also. Insisting on those last 10 mmbf just doesn’t make sense when considering what could be saved by 30 mmbf, especially in this low-demand economy.

These figures show how important the Elliott could be for carbon storage, and the huge carbon losses from clearcutting. The FMP justifies this loss by saying:

“Because of their ability to take up and store carbon dioxide, trees and forests may play a role in mitigating climate change. However, strategies to optimize carbon storage may compete with other objectives of forest management, such as conservation of biological diversity, maintenance of wildlife habitat, water, forest products, and recreation.”<sup>65</sup>

**Since when did carbon storage compete with biological diversity, maintenance of wildlife habitat or clean water??** This untrue and unsubstantiated claim must be removed in the final FMP, or be backed up with some scientific evidence if any such thing exists.

In reality, increasing carbon storage also enhances biological diversity and wildlife habitat. Early-seral wildlife habitat is abundant in the Coast Range area of the Elliott. Late-seral habitat is rare, and it is late-seral habitat that is best for carbon storage and also for biological diversity, wildlife habitat and clean water. What competes with carbon storage are clearcuts and short-sighted, profit-driven management. It is preposterous and dishonest to claim that forest thinning, recreation, and clean water compete with carbon resources. The ODF *must* remove this claim from the FMP.

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<sup>63</sup> Carbon Analysis of the Proposed Forest Management Regimes on the Elliott State Forest. Davies et al. 2011. page 3.

<sup>64</sup> Carbon Analysis of the Proposed Forest Management Regimes on the Elliott State Forest. Davies et al. 2011. page 5.

<sup>65</sup> Elliott draft FMP 2011. page 2-42.

### **Carbon Goals and Implementation:**

The Elliott draft FMP says the carbon goals are:

- \* “Assess policy implementation of management of carbon uptake and storage”;
- \* “Maintain overtime a current accounting of carbon stored on the Elliott State Forest”,
- \* “Contribute to the statewide goals of the “Oregon Strategy for Greenhouse Gas Reductions”.

The first goal, to assess policy implementation regarding carbon, is unclear. ODF should explain what it means. For the other two goals, the FMP does not describe how they will be implemented, especially without measuring the annual carbon impacts from forest management. How will the carbon stored on the Elliott be accounted for? What accounting method will be used? How will ODF know how much carbon reduction has been accomplished from different types of forest management? How will ODF know if these goals have been met?

Neither the IP nor the AOP have the answers. The IP simply says ODF cannot afford to keep track of carbon resources: “we currently do not have the resources to conduct detailed analysis of all of our operations.”<sup>66</sup> If the goal is to contribute to carbon reduction and maintain accounting of carbon stored (or lost) on the Elliott, how will that goal be implemented if ODF does not have the resources to do the analysis?

Chapter 5 of the draft FMP, Resource Management Strategies, doesn’t have the answer. It simply repeats the goals: To establish a carbon inventory, and determine net effect of management activities on carbon stocks.<sup>67</sup> Fine, but still no word on how ODF plans to implement these goals, such as what measuring techniques will be employed.

Chapter 6, Implementation, is where we should find the answer to how ODF will reach the carbon goals. But it’s not there either. In fact, Chapter 6, Implementation, has NO INFORMATION AT ALL about implementing the goals for carbon measurements. Implementation should have discussed how ODF is going to establish an ongoing carbon inventory and how ODF will determine net effect of management activities on carbon stocks. Chapter 6, Implementation, just drops the whole subject. Clearly, this must be fixed in the final FMP.

The only discussion of carbon in chapter 6 is under the heading of “Forest Products”, where the FMP mentions how much money could be made by selling carbon offsets. Not only did the FMP fail to describe the implementation of carbon measurements, the FMP fails to disclose how much money will be saved by mitigating climate change in the future from the Elliott’s Forest Products.

**Oregon’s Global Warming Commission** published “Interim Roadmap to 2020.” The three recommendations for the ODF include:

1. Establish a carbon inventory for all Oregon forests. This will require a

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<sup>66</sup> Public Comment Responses. ODF. July 8, 2011. page 8.

<sup>67</sup> Elliott draft FMP 2011. page 5-44

collaborative effort to define and develop an agreed-upon approach for developing *and maintaining* a carbon inventory system. Based on these data, establish baselines and both long-term and intermediate goals for carbon storage that account for different forest types and ownerships, including overall storage gains in public forests.

The Elliott's Forest Management Plan should have discussed developing and maintaining a carbon inventory system. ODF should explain why this recommendation has not been implemented.

2. All timber management planning and public forest transactions (e.g. timber sales, offset sales) should include net impact on Oregon's carbon account.

Timber management planning includes this FMP, the IP and the AOP. All three levels should include an estimate of the net impact – losses and gains – in carbon from forest management. The ODF did it once, for the 2011 AOP, but for the 2012 AOP ODF claims they didn't have enough money. The FMP should require this carbon analysis for IPs and AOPs, or the FMP should describe what additional financial resources are needed to comply with the commission's directions.

3. "Oregon State forestlands should be managed to increase carbon stores over time, consistent with ecosystem values and yield of durable forest products".

While the Elliott will increase carbon over time because of all the past clearcuts now growing, the Elliott should also be managed to lose as little carbon as possible over time.

In summary, **clearcutting the most valuable carbon stores in the world releases vast amounts of carbon into the atmosphere.** The ODF should measure their carbon release and evaluate ways to reduce carbon losses. This analysis of carbon losses should be disclosed along with analysis of carbon stored.

In our 2010 draft FMP comments, we suggested ways to measure the carbon footprint associated with fossil fuel use, such as petroleum products burned by logging equipment and log trucks. The ODF should include carbon lost through fossil fuel burning in all accounting methods.

The importance of the Elliott for mitigating climate change cannot be understated. The FWS agrees carbon resources are an important component of the Spotted Owl Recovery Plan, particular the Elliott. They state:

"The highest densities of forest biomass carbon storage in North America occur in the conifer forests of the Pacific Northwest (Sundquist et al. 2009, Keith et al. 2010). Older forests with longer rotations may be more effective at sequestering carbon than younger, more intensively managed tree plantations (Schulze et al. 2000, Luysaert 2008)... Preliminary research funded by the Service indicates that forests in Oregon have tremendous potential for carbon sequestration on **state forest lands in the**

**Coast Range** (Davies et al. 2011), and nearby lands likely have similar potential.”<sup>68</sup>

Because the carbon resource on the Elliott is so important, the ODF must expand its carbon analysis in the next draft of the FMP. In particular, the ODF must include Carbon in the Implementation chapter and describe specifically how carbon goals will be met, monitored and measured.

## 7. Other Differences Between HCP and FMP

In section 3 above, we describe differences between the 1995 HCP and the 2010 FMP, such as protection of long-rotation basins, acres of forests over 80 and 156 years old, and larger permanent reserves. These differences were enumerated in the “Summary Comparison” information, comparing the 2011 FMP with the 1995 HCP.

Other differences in the draft FMP were not included in the comparison sheet, but should have been. When we raised this issue in the last round of comments, the ODF ignored our concerns. The additional wildlife protections afforded in the HCP but eliminated in the FMP include:

**Green Tree Retention:** The 1995 HCP requires three or more trees per acre to be left standing (HCP IV-39-40). Additional trees over 20” DBH are retained for snag creation. The draft FMP requires only two green tree retentions (2011 FMP 5-16). The ODF should explain the reason for this reduction. Additional trees for snags are not required at all in the new plan if the average DBH of the unit is less than 20 inches.

Currently, three retention trees are required in each and every regeneration harvest unit. In the new plan, the ODF will retain 33% less, and perhaps an even greater reduction in some units. There only has to be an average of two trees per acre left. It is unclear if this average must be met yearly or every decade. In essence, this allows ODF to retain additional smaller trees in younger units, and fewer big trees in a unit with more valuable timber. Averaging retention trees over multiple units and years undermines the purpose of retention trees, and should not be allowed in the next FMP draft.

**Rotation Age:** The 1995 HCP plan uses rotation ages from 80 to 240 years. The 2011 FMP has no lower limit to rotation age, thus allowing the environmentally-devastating short-rotation forestry practiced on private industrial forestlands. Short rotation forestry, such as clearcutting every 30 or 40 years instead of 80 years, is highly dependent on petroleum-based herbicides and fertilizers, is harder on soil resources, and is far more damaging to wildlife. The FMP should require the ODF to not clearcut any stands that have not reached the age of *Culmination of Mean Annual Increment*.

**Stand Structure:** The draft FMP requires only 30% of the Elliott to be in advanced structure, and that the Elliott never exceeds 50% advanced structure at any one time.<sup>69</sup>

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<sup>68</sup> Revised Recovery Plan for the NSO. FWS. June 28, 2011. page III-10.

<sup>69</sup> Elliott draft FMP 2011. page 5-10.

This is far less advanced structure than the current HCP requires, 64%<sup>70</sup>. It is also less than what the 2008 draft HCP required, 40%.<sup>71</sup> In other words, this is the lowest advanced structure of any plan ODF has previously conceived. If the ODF were to keep the Elliott at only 30% advanced structure, as allowed under the draft FMP, that is less than half of what the Elliott would retain in advanced structure under the current plan, 64%. Also, that 64% advanced structure in the 1995 HCP is defined as forests over 156 years old; far older and bigger than the 60-year-old draft FMP advanced structure.

The requirement for advanced structure under the 2011 draft FMP is 30 to 50%. But if there is a choice, why would the ODF ever choose anything above 30%? Wouldn't the ODF claim their mandate to maximize revenue on the Elliott precludes anything above the minimum required, 30%, to be in advanced structure? The FMP should, at minimum, specify under what conditions the 50% level would be maintained.

**Herbicide Application:** Under the current, 1995 HCP, ODF sprays herbicides prolifically. Aerial spraying is conducted over every clearcut. Road-side spraying is performed regularly. In addition to hundreds of acres being sprayed with herbicides yearly, the ODF kills thousands of Mountain Beavers, who are forced to eat their least desirable food, tree seedlings, after all their other food sources are killed by herbicides.

Under the new plan, an Integrated Pest Management (IPM) Process has been added. "IPM techniques may include the use of natural predators and parasites, genetically resistant hosts, environmental modifications, and, when appropriate, chemical pesticides or herbicides."<sup>72</sup> On page 5-20 of the draft FMP are 10 steps to be implemented in the IMP decision-making process. The ODF should monitor these steps closely and disclose to the public how much herbicide use or beaver trapping is actually reduced under the new IPM plan. ODF failed to respond to this suggestion we made on the 2010 FMP. Please confirm that you will monitor IPM use and describe the monitoring procedures.

**Fertilization:** Under the current plan, ODF sprays abundant nitrogen fertilizer over all three watersheds in the Elliott. The addition of nitrogen in these ecosystems has detrimental impacts on water quality because it promotes algae growth. Under the new plan, the ODF will continue to spread an astounding 200 pounds per acre of nitrogen in urea. The draft FMP plan failed to consider the negative impacts from this chemical, including the cumulative impacts of algae growth downstream, the carbon impact of using jet-fuel in helicopters to spread a fossil-fuel based fertilizer, even over small headwater streams that have no riparian buffer left after the clearcut.

**Killing Bears:** Under the current 1995 HCP, ODF does not kill black bears that damage plantation trees. Under the FMP, this practice has been added. "Control methods include... trapping individual problem bears."<sup>73</sup> The ODF should reconsider this. Adult bears and their cubs are attracted to plantations because the cambium is easier to get to. Trapping

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<sup>70</sup> Elliott 1995 HCP. Page IV-30. "The total for all late successional forest on the Elliott will be 59,247 acres, or 64% of the forest, when the strategy is fully implemented."

<sup>71</sup> Elliott 2008 draft HCP. page 506.

<sup>72</sup> Elliott draft FMP 2011. page 4-32.

<sup>73</sup> Elliott draft FMP 2011. Appendix C-11.

means any bear in the vicinity of damaged trees could be caught, not necessarily the bear that did the damage. The bear's cub will not leave the trapped mother. Standard practice is that traps could not be checked for two days, and when they are, both the mother and the cub are killed, not relocated. Bears have coexisted on the Elliott and caused minimal plantation damage for the last 60 years. It has never been a high economic loss before. The ODF should just continue to let them be.

## **8. Adaptive Management and Monitoring**

The Adaptive Management strategy used in the past on the Elliott was never successful in the phase, so we have concerns that the future Adaptive Management strategy could be the same.

In the 15 years of the 1995 HCP, Adaptive Management was never completed once, even though there were plenty of opportunities. The Adaptive Management approach outlined in draft FMP could be just as ineffective and also allow adaptive management opportunities to slip by.

We note that the Independent Multidisciplinary Science Team (IMST) report<sup>74</sup> also enumerated the potential failures of ODFs Adaptive Management program for the 2008 DEIS HCP. The ODF has not identified any differences between the Adaptive Management in the 2008 DIES/HCP and the 2011 draft FMP. If there are differences, the ODF should note them. But for now, the IMST criticisms appear to fully apply to the 2011 FMP. The IMST report says, for instance:

\* "if the predicted results of the Proposed Action do not occur, there is no clear plan for monitoring trends, or for changing course if it found to be necessary to do so."<sup>75</sup>

\* "...the document only refers to adaptive management but does not provide an actual strategy for monitoring, evaluation, and implementation."<sup>76</sup>

We agree with these criticisms as applied to the draft FMP. The draft FMP says:

"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."<sup>77</sup>

Why then, in the development of this FMP, was the 2010 IMST Review not considered in riparian strategies? (See section x above).

If Adaptive Management is ever fully implemented, there are two possible outcomes – the ODF must log less, or they could log more. In one case, where adaptive management will allow more logging, it IS likely to be implemented. The 2010 draft FMP states:

"When large-scale disturbance events occur, such as severe fire or insect and disease outbreaks, conservation areas will be evaluated through an adaptive management

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<sup>74</sup> IMST report. 10-6-2010. Review of the Draft ESF HCP and DEIS: The proposed Issuance of an ITP for the ESF HCP. August 2008 drafts. As we noted, there is no difference in the draft HCP and the draft FMP.

<sup>75</sup> IMST report. 10-6-2010. Page 3

<sup>76</sup> IMST report. 10-6-2010. Page 6.

<sup>77</sup> Elliott Draft FMP. 2011. page 3-3.

process to determine if they can still function for their intended purpose. Active management, including salvage, may be applied if the evaluation indicates that the conservation area is no longer serving its original purpose.”<sup>78</sup>

It seems that there is far less probability that Adaptive Management would be implemented that required less logging. Adaptive Management has been a part of Elliott management plans for decades, but it has never once been implemented. Without a trigger point defined, without an earnest desire to monitor and change, the ODF will simply continue with never implementing any adaptive management, especially if it results in a lower harvest level.

Chapter 6 of the 2010 draft FMP 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.”<sup>79</sup>

Since the Science Team already found the Riparian Strategies used in this FMP inadequate, and that did not trigger adaptive management, when will adaptive management kick in so that “a scientifically based” system can be used instead? If Adaptive Management can’t be used at this stage, it likely can’t be used later when timber volume and profits become entrenched by the 2011 FMP.

The FMP highlights 4 planning levels at which change maybe proposed, and the first is the FMP level. This FMP refers to itself as the first level. Therefore, this is the time to make changes based on adaptive management considering the scientific consensus of the NMFS and the IMST that the FMP riparian strategies are inadequate. The FWS has also weighed in on the draft 2008 and found the 40-mmbf HCP target as inadequate for protecting endangered birds.

The other planning levels, the District IP level and the AOP level, we have had experience with, and where there has been opportunity for adaptive management, the state has not used it. It is, after all, voluntary, and when reduced timber outputs could result, it is likely it will never be used.

Another problem is that the base-line of environment factors are not being established, so it is difficult to monitor impacts and implement adaptive management when necessary. For instance, barred owls have been in the forest since at least 2003, yet the draft FMP does not recognize that they exist – they are never mentioned once. There is no prevision to monitor their impact on spotted owls and thus no opportunity to implement any adaptive management. Even the initial findings of barred owls in 2003 did not trigger adaptive management.

Over the 15 years of the old HCP, which included adaptive management, not one cycle of

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<sup>78</sup> Elliott draft FMP 2011. page 5-12.

<sup>79</sup> Elliott draft FMP 2011. page 7-2.

adaptive management was ever completed<sup>80</sup>, in spite of urgent issues and clear opportunities. The ODF should explain how this FMP adaptive management strategy is different.

Our 2010 FMP comments (beginning on page 23) gave seven examples of missed opportunities for adaptive management. The ODF response to public comments ignored our comments completely. We encourage ODF to re-read the seven examples and to respond on how this will (or will not) be different in the new FMP.

Since none of the 7 examples caused the ODF to use Adaptive Management in the past, how can the public expect ODF to respond to any changes under the new FMP Adaptive Management?

**The draft FMP provides for inadequate monitoring.** Monitoring is the first step in Adaptive Management. Without monitoring, no adaptive management is possible. However, it is apparent that monitoring is not being funded. The FMP lists “implementation priorities” because “funding may be limited”. The lists of priorities shows that “monitoring” comes in dead last.<sup>81</sup> Since we all know the budget IS limited, doesn’t this assure us that no monitoring will be done? The ODF should respond to this issue. The ODF should confirm that, if the budget is limited, timber sales would continue and monitoring (and adaptive management) would cease.

The 2010 draft FMP later admitted that all funding for monitoring “has been terminated”<sup>82</sup> due to budget constraints. When we raised this issue in our 2010 FMP comments, ODF changed the 2011 FMP to read that funding for monitoring “was greatly reduced”. What is the difference between terminated and greatly reduced? The ODF should respond to this question with a budget for monitoring that shows ideal monitoring funds vs. greatly reduced monitoring funds.

It still appears that the FMP starts out with no monitoring, which means no adaptive management. It is deceptive of the ODF to include pages and pages of how adaptive management will be done through monitoring, and then inform us that, by the way, monitoring is the lowest priority in our budget and currently there is no funding for monitoring, and it may not be reinstated.

Page 7-2, the 2011 FMP states that “Adaptive management involves... Monitoring key response indicators.” However, **the FMP doesn’t list the key response indicators**. The term is not in the glossary either. We made this same comment on the 2010 FMP, but the ODF did not respond to it, or change the 2011 FMP. There is still no list of key response indicators and no definition in the glossary.

The 2011 draft FMP does add some monitoring information that was not in the 2010

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<sup>80</sup> At a Roseburg HCP scoping meeting in September, 2005, the Coos District wildlife biologist admitted that in the last decade of implementing Adaptive Management on the ESF, the circle had never been completed.

<sup>81</sup> Elliott draft FMP 2011. page 6-2.

<sup>82</sup> Elliott draft FMP. Nov. 2010. page 6-4.

draft. The 2011 FMP says:

“For the Elliott State Forest, a monitoring plan will be developed and included in the 10-year Implementation Plan. 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.”<sup>83</sup>

The 10-year Implementation Plan (IP) is out for public comments, and it does not include what the FMP claims it includes on monitoring. The IP does NOT “describe the general monitoring issues”, or “provide a framework” for monitoring. It doesn’t do anything the FMP claims it does. Instead, the IP might do these things in the future.<sup>84</sup> This means that, right out the door, the sales sold in 2012, will not have any monitoring issues identified, no baselines identified, and no potential for any adaptive management if things don’t go the way ODF plans.

In summary, the FMP admits monitoring is not funded, yet bases adaptive management on the unfunded monitoring. The FMP claims the IP will include a list of key indicators to be monitored, but the IP does not do that. This doublespeak must be eliminated in the final FMP. The ODF should commit that if monitoring is not done, then logging activities must cease.

## 9. CSFLs and Revenue

The 2011 draft FMP claims it is needed to meet ODF’s Common School Land Fund (CSLF) mandate to generate revenue.<sup>85</sup> However, the ODF has never explained why the current 1995 HCP fails to meet that mandate, when it used to. When the 1995 HCP was adopted, ODF felt it met the mandate. If the HCP met the constitutional mandate for CSFL in 1995, why doesn’t it meet the mandate now? The 2011 draft FMP never makes clear that the current plan also meets that mandate. The ODF should be clear, **increased logging is not necessary to meet that mandate**. Or, the ODF should make clear why the 1995 HCP no-longer meets that mandate when it once did.

The 1995 HCP says that it met CSFL mandates. “The permit is the most efficient and effective way for the Department of Forestry to meet both the federal ESA requirements and its statutory responsibilities to the State of Oregon.”<sup>86</sup> The 1995 HCP states: “While meeting these goals, Alternative A manages the forest in a manner that **meets legal mandates and trust obligations**. It would maintain timber harvest for the first decade of the permit at about 28 million board feet per year....”<sup>87</sup>

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<sup>83</sup> Elliott draft FMP 2011. page ES 22 and 7-8.

<sup>84</sup> Coos District IP 2011 final. page 56.

<sup>85</sup> Elliott draft FMP 2011. page ES-5.

<sup>86</sup> Elliott 1995 HCP. page I-2.

<sup>87</sup> Elliott 1995 HCP. III-25. The 2010 draft FMP confirms on page 2-71 that harvest under the 1995 HCP was 28 mmbf. However, page ES-9 appears to have a typo, as it says 25 MMBF was the average.

What has changed to now make the very same HCP not meet the CSFL mandate? We've asked this question before and received no answer<sup>88</sup>. If 28 MMBF a year met the legal mandates and trust obligations in 1995, why is 45 mmbf needed now to meet those same obligations?

The new FMP is peppered with claims that logging on the Elliott State Forest produces income for the Common School Funds. What the public should be told is what percentage of the Oregon's school budget comes from logging revenue on the Elliott? Also, the public should be told what percent of Elliott revenue goes to the Common School Funds, versus other expenses, such as maintaining the ODF office in Coos Bay.

This analysis is necessary to consider if clearcutting endangered species habitat is really worth it, in the long run. If those numbers were disclosed to the public, we would likely find that .01%<sup>89</sup> of Oregon's school budgets are from the Elliott, and that far more than 50% of the revenue from the Elliott goes to staff costs and other overhead.

### **10. Take Avoidance Strategy:**

Our 2010 FMP comments asked the ODF why the Take Avoidance strategy used before the 1995 HCP allowed only 18 mmbf of logging a year<sup>90</sup>, and why the same Take Avoidance strategy now allows 40 or 45 mmbf a year.

ODF responded:

“Density surveys of the northern spotted owl on the ESF conducted in 2010 showed there is a similar amount of owl activity centers as in 1996 and 2003 when comparable surveys were conducted. In 1996 there were 13 activity centers and 23 owls; in 2003 there were 13 activity centers and 25 owls; and in 2010 there were 19 activity centers and 29 owls. Density surveys are also being conducted in 2011.”<sup>91</sup>

This is the first time we have heard that ODF plans to abandon the 1995 HCP, using a 1996 NSO survey as the base-line, not the 1993 NSO survey the 1995 HCP was based on. Please explain why ODF is using the 1996 survey, and if this survey was to protocol. Please send us the data for this NSO survey.

The ODF also failed to answer our basic question. Why does the same no-take strategy result in such different levels of logging in 1994 vs. 2012?

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<sup>88</sup> In a follow-up email to ODF, we re-asked that question. In a March 2011 response, ODF addressed the question, but never answered it. The response simply gave us a history of the CSFLs. We know that history. We want to know why 28 mmbf meet the constitutional mandate in 1995, but not in 2011.

<sup>89</sup> In FY 2009, \$9 million was generated from the Elliott, giving a \$6.4 million contribution to the \$5.8 billion CSF. The remaining \$2.7 million went to overhead. \$6.4 million is .01% of \$5.8 billion.

<sup>90</sup> Coos District Implementation Plan. Draft August 2005. Page 12: “During the six-year period from 1991 through 1996, the volume harvested on the ESF was heavily influenced by the northern spotted owl, which was federally listed as threatened in 1990, and the marbled murrelet, also listed as threatened in 1992. The average annual volume harvested during this period was 17.74 million board feet (MMBF).”

<sup>91</sup> ODF Response to Follow-up Questions. April 12, 2011. page 1.

The ODF included in their answer how much growth is modeled on the Elliott annually: 75 mmbf per year “and that harvest could be sustainable at about 40 mmbf per year while protecting habitat for owls, murrelets, coho salmon and other native species.”<sup>92</sup> It is unclear on if ODF’s answer, to why take-avoidance volume in 1994 is lower than 2012, is because your modeling program is different, or modeling conclusions are different? The final FMP, or ODF’s response to these comments, should be very clear on why the take-avoidance strategy is so different in different years in the same forest.

Our 2010 draft comments complained that “Take Avoidance” was not defined in the FMP, and it was not even in the glossary. Any “Take Avoidance” policies or principles or definitions written elsewhere were not referenced. There is no teeth in “take avoidance” unless ODF defines it, or references definitions.

While a broad description of “Take Avoidance” is outlined on page 4-9, no specific information is referenced. Our 2010 FMP comments said:

The ODF should be clear on what is the take-avoidance strategy for the Elliott. For instance, what if a marbled murrelet nest is found empty, how soon can it be clearcut? What about a so-called abandoned spotted owl site? How long do the birds have to come back before that habitat is clearcut? These strategies should have been disclosed for the public to comment on.

Please answer these questions and include a detail of the current Take-Avoidance policy in the final FMP, even if only as an appendix.

## **11. Jobs and Economics**

The FMP claims that an increase in logging in the Elliott will increase local jobs. The FMP makes the assumption that increased logging will partially solve the jobless recession recovery. But the HCP is failing to look at the whole picture. If Oregon wanted to increase local forestry and mill jobs, Oregon would address the recent huge spike in exporting raw logs overseas, by putting some constraints on exporting our local jobs.

The Pacific Northwest Research Station announced May 21 that for the first quarter of 2011, West Coast softwood timber exports were up 50.5 percent from the first quarter of 2010. Log exports from Oregon and Washington totaled 379.5 million board feet. Logs and lumber went primarily to China and Japan as well as to Taiwan, Indonesia and South Korea, exporting mill jobs with them.

The huge spike in raw-log exporting is taking many, many more mill jobs than what will be gained by increasing clearcuts in the Elliott.

The FMP also failed to discuss our depressed local log market. Since Elliott logs cannot be exported, there is little local demand for lumber now. We are in a deep recession with no new housing starts. The FMP should have evaluated if it is worth it to sell our logs at dirt-cheap prices, cheaper than what they sold for decades ago, sacrificing carbon in the

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<sup>92</sup> ODF Response to Follow-up Questions. April 12, 2011 page 1.

highest carbon sink in the world, sacrificing habitat for endangered species, killing bears and mountain beavers, spraying herbicides, sacrificing clean water – when no one wants these logs anyway? It is just not worth sacrificing the Elliott, especially when our school children will need all these non-timber resources in their lifetimes.

## **Conclusion**

It is important for the state of Oregon to follow the recommendations of the USFWS in the Recovery Plan for the spotted owl, especially the recommendations focused on state lands. Because the Elliott has a problem with barred owls, and because the Recovery Plan addresses this problem, the ODF must follow the recommendations to protect spotted owls on state lands. If not, ODF's take-avoidance strategy would seem to be a strategy to eliminate spotted owls on the Elliott.

The ODF has failed to make a commitment to monitoring. The draft FMP claims the Implementation Plan will develop the monitoring plan, but the IP pushes monitoring requirements to some future committee, still working with no budget. In light of this problem, the Final FMP should drop all empty promises about Adaptive Management, and simply tell the truth – adaptive management has never happened before on the Elliott, and it's not likely to happen in the future.

There are also empty promises for protecting carbon resources. The goals for carbon were missing from the implementation chapter. Simply saying carbon resources will be protected and monitored is not good enough without a discussion on how it will be done.

Sincerely

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