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State Forests Planning Specialist

Oregon Department of Forestry, 2600 State Street, OR 97310

Emailed to: [ODFStateForestsComments@odf.state.or.us](mailto:ODFStateForestsComments@odf.state.or.us) and [Jim.W.Young@state.or.us](mailto:Jim.W.Young@state.or.us)

**Public Comments on the Elliott State Forest Management Plans**, including the 10-year Implementation Plan, and the Forest Land Management Classification maps, from Cascadia Wildlands, Oregon Wild, Center for Biological Diversity, and Klamath Siskiyou Wildlands Center.

Key Issues Include: There is no monitoring plan, thus it is impossible to do Adaptive Management. The definition of Advanced Structure is weak, it includes younger forests than any other state forest. No trees over 24" are ever required in Advanced Structure and it can be severely fragmented into 5 or 20-acre blocks. Riparian protections have been found inadequate by every scientist who has evaluated them, from the NMFS to Oregon's own IMST. High Landslide locations are still allowed to be clearcut above private property and fish habitat. Federal agencies are already agreed on the 1995 HCP. There is no legal reason to break those 60-year promises and replace it with a controversial increase in clearcutting, especially at a time of low market demand.

## Table of Contents

1. Monitoring and Adaptive Management .....	2
2. Advanced Structure .....	4
3. Marbled Murrelets.....	6
4. Spotted Owls .....	8
5. Levels of Clearcutting .....	10
Including Short Rotation Forestry and Killing Wildlife.	
6. Levels of Thinning .....	12
7. Riparian Protections .....	13
8. Carbon .....	17
9. Recreation.....	20
10. Forest Land Management Classification Maps .....	21
11. Management Basin 1-13.....	23
12. Management Basin 14: Scattered Tracts.....	27
Including: South Slough and Winchester Bay	
13. Public Notifications and Neighboring Land.....	30
14. Clearcutting High Landslide Hazard Locations above private property ..	31
15. Back-room deals should stop .....	32
16. Units with public safety problems should not be sold.....	33
17. Common school fund .....	34
Conclusion and Contact Information .....	35

## 1. Monitoring and Adaptive Management:

The Implementation Plan (IP) makes claims the ODF will accomplish sustainable logging and restoration, manage responsible recreation and protect endangered species. But every single promise is suspect if there is no monitoring program, or associated adaptive management if things do not go as promised.

The IP cannot look to the Forest Management Plan (at least not the current draft) for a monitoring plan or determining what key resources to monitor. It 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>1</sup>

This IP failed to do what the FMP is requiring. There is no monitoring plan in the IP. It does not describe general issues, there is no framework to prioritize projects, there is no guide for AOPs to support monitoring, and there is no description of funding mechanisms or how funding will be prioritized among projects. Nothing that the FMP claims would be in this IP is there. It appears that ODF is starting out with the Elliott’s very first IP not complying with the very first FMP. This means that, right out the door, the sales cut 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.

The IP does state that it “recognizes the need for adaptive approaches to management in which the outcomes of management actions are measured...”<sup>2</sup> However, the IP does not list what actions will be measured, how often they will be monitored, and if there is a budget for monitoring.

Instead, the IP states it will form a committee that will consider if and what monitoring might be done in the future. The IP says that following approval of this Implementation Plan a monitoring plan will be developed – later<sup>3</sup>. Why later? The ODF had been working on a new plan for 10 years. If ODF has not gotten around to developing a monitoring plan by now, how much longer does ODF suspect it will take? No timeline is mentioned. Will it be developed before the IP begins implementation in 1/1/12?

The IP describes a **collaborative process with “interested parties”** that will develop a monitoring plan, sometime in the future. We disagree with this process. Instead of a collaborative process, monitoring plans should be developed on sound scientific monitoring principles. In fact, the FMP requires a scientific process, NOT a collaboration

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<sup>1</sup> Elliott 2011 draft Forest Management Plan. page ES 22 and 7-8.

<sup>2</sup> Elliott 2011 draft IP. page V.

<sup>3</sup> Elliott 2011 draft IP page 56.

process. It says:

“The FMP must be implemented using a scientifically-based, systematically structured approach that tests and monitors management plan assumptions, predictions, and actions, and then uses the information to improve management plans or practices.”<sup>4</sup>

If collaboration is used instead, it means any final monitoring plan will be consistent with the weakest common denominator of the “interested parties”. It means the public has no assurance an effective monitoring plan will be developed. The ODF has never developed a monitoring plan collaboratively before, why start now? This procrastination on developing a monitoring plan makes the ODF appear inefficient and incompetent to be able to fully develop a FMP and IP. Perhaps the State Land Board should contract with a more efficient and effective group to manage the Elliott State Forest.

The IP fails to describe what **kind of monitoring plan** the “collaborative process” will develop – if it will be an implementation, effectiveness or validation monitoring plan. The existing 1993 FMP, currently in use on the Elliott, describes this:

“Monitoring can be divided into the following three elements: implementation, effectiveness, and validation/research. Implementation monitoring addresses whether the management direction was implemented as specified; effectiveness monitoring tests whether the actions have the desired effect; and validation/research monitoring tests the critical assumptions used in building the plan.”<sup>5</sup>

The ODF should explain why it is not possible to simply continue with the existing monitoring plan. Chapter IV of the entire 1993 FMP is dedicated to monitoring. For instance, the ODF must monitor Recreation assumptions by doing a “Survey of recreation user numbers and activities, every three years.”<sup>6</sup> Has the ODF even done its existing monitoring requirements? If so, all results should be posted on the Elliott web page.

Monitoring should be a component of the Forest Management Plan, not the Implementation Plan, as monitoring is a long-term commitment, not susceptible to changes every decade. This is where it was placed for all other FMPs for all other Oregon state forests. The ODF should explain why only the Elliott FMP has no monitoring plan, with only a potential future plan in the IP, but not FMP.

The IP puts the responsibility for **funding monitoring** in the lap of the “collaborative group of interested parties”<sup>7</sup>. This is not where it belongs. The State of Oregon should take full responsibility for the cost of monitoring projects, especially projects that net the state millions of dollars annually. With the high return on logging the Elliott’s bigger trees, the state **MUST** reserve money for monitoring. Without monitoring of logging, there should be no logging.

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<sup>4</sup> Elliott 2011 draft Forest Management Plan. page 7-2.

<sup>5</sup> 1993 Elliott FMP. Page III-31.

<sup>6</sup> 1993 Elliott FMP. Page IX-5. Has the ODF actually done this? If so, we would like to see some of the more recent monitoring reports.

<sup>7</sup> 2011 draft IP. page 56. The collaborative group will develop a plan that will “Describe funding mechanisms...”

The draft 2010 FMP actually said there was no budget at all for monitoring, which means it likely won't happen. Therefore it is disingenuous for the IP to claim it will happen. The 2010 draft FMP admitted that all funding for monitoring "has been terminated"<sup>8</sup> due to budget constraints. ODF then changed the 2011 FMP to read that funding for monitoring "was greatly reduced".

The ODF should be honest about monitoring, if it will happen or not, if it will be paid for, or not. Word games should stop. Instead, tell the truth. It is unfair to the public to claim adaptive management will occur if there is no monitoring.

## **2. Advanced Structure**

The ODF's definition of Advanced Structure is weak and implies that small, young forests can provide the same ecosystem services for wildlife as older forests. The IP allows the Elliott to be reduced down to 30% Advanced Structure – potentially 30% younger forests while older forests are clearcut.

The ODF is using Advanced Structure to implement the "Take-Avoidance" strategy. Advanced Structure will have to be used by old-growth dependent species. Therefore, the ODF must be clear on what Advanced Structure will really be, and how its percent cover on the Elliott will be counted and monitored.

The IP defines only three structures, Early, Intermediate, and Advanced structure. Early covers forests up to 15 years old<sup>9</sup>. Intermediate is generally from 15 to 60 years old (a range of 45 years). Advanced Structure is "older stands aged from 60 to over 140 years old",<sup>10</sup> a range of 80 years.

Because Advanced Structure has a range of about 80 years, and Intermittent Structure only half that, many stands now called Intermediate Structure under the HCP could suddenly be blessed with being Advanced Structure, allowing older forests to be clearcut. By having so many young forests being called Advanced Structure, the ODF is giving themselves permission to clearcut the oldest forests – 140 years old, while calling the remaining 60 years forests Advanced Structure.

This anomaly can also be seen by comparing Table 10 in the IP (existing condition 2010) with Table IV-1 in the 1995 HCP (existing condition 1995). Both tables claim the current condition is 43% older forests on the Elliott, even though they are 16 years apart. The IP says it is 43% in Advanced Structure in 2010, and Table IV-1 says it is 43% in forests over 80 years old in 1995.

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<sup>8</sup> Elliott draft FMP. Nov. 2010. page 6-4.

<sup>9</sup> ODF Summary Comparison of the ESF 2011 FMP to the 1995 CHP. July 2011. (since this document was posted on the Elliott web site just days before the close of the FMP, we assume your intent was for it's use during the IP comments.

<sup>10</sup> ODF Summary Comparison of the ESF 2011 FMP to the 1995 CHP. July 2011.

The forests clearcut by the ODF over the last 16 years have, for the most part, been on the east and south part of the Elliott where the biggest, oldest forests were. After 16 years of clearcutting some of the oldest forests, how can there still be 43% “Advanced Structure” on the Elliott? In-growth certainly cannot account for that figure, especially in-growth called Advanced Structure that can support old-growth dependent species.

Over the last 16 years, the Elliott clearcut about 7,710<sup>11</sup> acres, or about 8% of the Elliott. Why hasn't the current condition of Advanced Structure (or forests over 80 years old) gone down 8%? Is the ODF counting forests that were 45 years old in 1995, as Advanced Structure today? Is the ODF counting any managed plantations as Advanced Structure? Please be clear if this is the case.

If these younger forests are being mapped as Advanced Structure, who has monitored that designation, and who will monitor the designation of in-growth in the future? In other words, the IP should describe what process is in place to determine when in-growth is counted as Advanced Structure, and how that process is monitored.

Another problem with the IP's definition of Advanced Structure is that it allows very small stands to be counted... 5 acres here, 2 acres there, 15 acres over there. These tiny stands of older trees cannot function as older forests for wildlife protections. They are all edge effects. Their micro-climate acts as an early seral habitat. There is no restriction at all in the IP for severely fragmenting older forest habitat.

The IP defines Advanced Structure as stands with “at least 20 trees per acre of 18 inches or larger DBH (diameter breast height) and 100 feet or more in height. At least ten of those are at least 24 inches DBH”<sup>12</sup>. That's it – only ten trees per acre over 24” DBH is the biggest trees have to get in the Elliott. Anthony et al. (2000) found that on average, stands used by owl for nesting and foraging had 50-55 trees per acre with an average DBH of 24 inches. But to be called Advanced Structure on the Elliott, Owls could only get 10 TPA.

### **Elliott's Advanced Structure vs. the rest of Oregon state forests:**

Instead of the three structures on the Elliott, all the other Oregon state forests implement five structures: Regeneration, Closed Single Canopy, Understory, Layered, and Older Forest Structure<sup>13</sup>. Simplifying ‘structure’ definitions simplifies forests and reduce protections for older forests and the wildlife that depend on them.

In the rest of Oregon state forests, “Stand Type 4 – Layered”, in the middle of the stand trajectories, has the same definitions as the Elliott's loftiest structure, “advanced structure”, dominated by trees only 18” DBH. The Elliott's does not have a defined the next step, “Stand Type 5 Older Forest Structure” with at least 8 TPA 32” DBH and measurable specifications for snags and down wood<sup>14</sup>. 32” trees are never required in

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<sup>11</sup> See Table 2, 2012 AOP Final Summary. Page 5. 459 acres a year for 10 years is 4,590 acres and 520 acres a year for 6 years is 3,120 for a total of 7,710 acres, or 8% of the Elliott.

<sup>12</sup> 2011 draft IP. page 22.

<sup>13</sup> Northwest Or. St. Forests Management Plan (NW Oregon FMP). Final Plan. 1/2001. Pgs 4-13 - 4-17.

<sup>14</sup> Final Plan Jan. 2001 Resource Management Concepts and Strategies. Page 4-17.

most of Elliott's forests.

Elliott's definition of Advanced Structure is even weaker than what ODF defines "Mature Forest Condition" on the Elliott. Mature forests are defined as: "a mature age (80 to 100 years or greater), this equals 40 to 45 conifer trees 32 inches in DBH per acre."<sup>15</sup> Why is Advanced Structure so much weaker than Mature?

The only place on the Elliott that must be in a "Mature Forest Condition" with 32" trees is next to fish-bearing streams. While coho could be provided big trees, spotted owls and murrelets get tiny trees the Elliott's upland.

Even the ODF's modified HCP of 2008, also slated to log 40 mmbf a year, had a more reasonable definition of Advanced Structure by including 32" DBH trees. What is wrong with the IP that the ODF has to be so stingy with the size and number of big trees to be left?

**Natural Diversity:** The IP claims that three stand structures on the Elliott "are designed to emulate the diversity of stand types historically associated with conifer forests in the Oregon Coast Range."<sup>16</sup> This was the same claim made in the 2008 DEIS, yet that draft plan required older Advanced Structure, 500 acre blocks, and trees up to 32" DBH. Both that plan, and this weaker one, can't both emulate natural diversity.

The current HCP requires some of the **forests to be over 156 years** old because it recognizes this is far better habitat for wildlife. From 1995 to 2005 the forests on the Elliott over 156 years old increased, by design.<sup>17</sup> The HCP says: "The 156+ stands provide higher quality habitat for spotted owls and marbled murrelets because of the expected increase in structural diversity and nesting opportunities."<sup>18</sup> Yet this IP/FMP will require none of this higher quality habitat – none. It appears that the higher quality habitat can be clearcut and replaced with a 60 year old forest called Advanced Structure.

In fact, the HCP would not even call forests over 80 years old a "Late Successional Forest". That term was reserved for forests over 156 years old or older.<sup>19</sup> Yet the 2011 draft FMP/IP's claim that 60-year old "Advanced Structure" will function the same.

### 3. Marbled Murrelets

Currently, Marbled Murrelet Management Areas average 209 acres in size<sup>20</sup>. We assume this means that future MMMA's developed in response to murrelets found in future surveys would also be 209 acres in size. Is this a correct assumption? Please be clear on this, as recent MMMA's have been much smaller than 209 acres. Which trend will

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<sup>15</sup> Elliott 2011 draft Forest Management Plan. page 5-25.

<sup>16</sup> Elliott 2011 draft Forest Management Plan. page C-2.

<sup>17</sup> 1995 HCP. page S-8.

<sup>18</sup> 1995 HCP. page S-8.

<sup>19</sup> 1995 HCP. page III-13.

<sup>20</sup> 2011 draft IP. page 8, footnote 1, and page 14.

continue in the next 10 years?

During the last few years on the Elliott, new MMMAs have been 20 to 50 acres, falling far short of the average MMMAs. Will the ODF continue with these small MMMAs, or continue with the average (which already averages in the tiny new MMMAs, making original MMMA averages much bigger). Please discuss your rationale for small MMMAs, if you plan to continue doing little MMMAs, and what science backs up this strategy as being effective in protecting marbled murrelets.

As we have discussed in previous comments, we feel small MMMAs provide too little interior habitat and cause too many edge impacts. The draft FMP says of MMMAs; “conservation areas will range in size, **most will be large enough to maintain interior habitat conditions**”<sup>21</sup>.

Why is the word “most” in there? Why not all? How will ODF know that “most” MMMAs will have adequate interior habitat. Acres of interior habitat in conservation areas must be tracked, and any MMMA that is lacking in adequate interior habitat must be expanded. The IP 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>22</sup>

The IP should discuss how the ODF will comply with this requirement and share these decisions with the public.

**Define “Avoid”:** The IP makes a promise that “Harvest units will be planned to avoid... Marbled Murrelet Management Areas...”<sup>23</sup> The IP should explain what this means. The current HCP has the same promise, yet ODF has interpreted it to mean new logging roads could be built directly through the middle of MMMAs, severing off segments that are too small to support a nest. Is this still ODF’s intention? Given ODF’s past actions doesn’t fit the common usage of “avoid” the IP should be clearer about what the word “avoid” really allows going forward.

Page 25 of the IP clearly prohibits “partial cutting” of Advanced Structure in MMMA’s. But it does not prohibit clearcutting in the MMMAs. Why not?

**New information** released just this month about Marbled Murrelets should be considered by this IP and even by the FMP<sup>24</sup>. The USFS Pacific Northwest Research Station released “Status and Trend of Nesting Habitat for the Marbled Murrelet”<sup>25</sup>. The authors found

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<sup>21</sup> Elliott 2011 draft Forest Management Plan. page 4-25.

<sup>22</sup> MM Operational Policies. Number 1.1.0. Effective Date: July 19, 2010. Revision 1.2. page 3.

<sup>23</sup> 1011 draft IP. page V.

<sup>24</sup> While the public comments for the FMP are over, this new information is in time for ODF to consider it in the final draft of the FMP.

<sup>25</sup> [http://www.fs.fed.us/pnw/pubs/pnw\\_gtr848.pdf](http://www.fs.fed.us/pnw/pubs/pnw_gtr848.pdf)

that, for Marbled Murrelets:

“Over all lands, we observed a net loss of about 7 percent of higher suitability potential nesting habitat from the baseline period to 2006/07.... we estimate a loss of about 13 percent of the higher suitability habitat present at baseline, over this same period. ... timber harvest is the primary cause of loss on nonfederal lands. We also found that murrelet population size is strongly and positively correlated with amount of nesting habitat, suggesting that **conservation of remaining nesting habitat and restoration of currently unsuitable habitat is key to murrelet recovery.**”<sup>26</sup>

The IP and FMP should seriously consider this finding, and consider conserving the remaining nesting habitat for murrelets. It is *key* to murrelet recovery.

#### 4. Spotted Owls

The IP is not clear **what Take Avoidance Policy will be used** for spotted owls. We have been unable to find one for the Elliott. There is one for other state forests that specifically exclude the Elliott, but not one for the Elliott. If ODF is planning to modify the Tillamook State Forest *Take Avoidance Strategy* to include the Elliott in the future, that should have been done before this public comment period is over, so we can see what the entire IP and FMP plans are based on.

In 2011, after the 2010 Spotted Owl surveys, the ODF modified some timber sales that impacted owls. For instance, the Millicoma Cougar and Millicoma Meander timber sales were greatly reduced because of spotted owl finds. We had assumed the protection given to these owls would be similar to the protection given under the Take-Avoidance discussed in the FMP and IP.

So we are confused on why the Millicoma Between timber sale (aka South Marlow Switch unit 5) was clearcut in 2011, after the 2010 Spotted Owl surveys documented a pair present within the 1.5 mile activity center. It is the **Marlow Ridge spotted owl site**. The 2010 ESF NSO Study says: "In 2010, a pair was heard at night, and an un-banded female was found during the day. The site received pair status....". Yet, in July 2011, the ODF allowed part of activity center to be clearcut. We asked for a Biological Assessment, but apparently there is none. The ODF should explain how this owl site was protected, or not, by whatever Take Avoidance policy is being used, and how clearcutting was then allowed within the owls' activity center.

The IP, page 23 states, “adjustment of harvest units and sale plans is an inherent part of the Take Avoidance strategy...”. Is Millicoma Between sale, clearcutting in the Marlow Ridge spotted owl activity site, an example of that strategy?

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<sup>26</sup> Raphael, Martin G.; Falxa, Gary A.; Dugger, Katie M.; Galleher, Beth M.; Lynch, Deanna; Miller, Sherri L.; Nelson, S. Kim; Young, Richard D. 2011. Northwest Forest Plan—the first 15 years (1994–2008): **status and trend of nesting habitat for the marbled murrelet**. Gen. Tech. Rep. PNW-GTR-848. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 52 p.



It is problematic that the Take-Avoidance Strategy for the Elliott has never been disclosed by ODF. The one sent to us by ODF earlier; “State Forests Operational Policy” (6-30-08), is the one that covers other state forests but specifically excludes the Elliott. For other forests, different measurements apply for different areas. It is impossible to tell which parts of this policy will be applied to the Elliott. The ODF should make this clear, and then allow further public comments once we are told what ODF’s intentions are for taking spotted owls.

We will take a guess as to what ODF might use for the Elliott’s Take Avoidance Strategy. Page 8 of the IP, footnote 2, gives us some ideas. Please confirm is the following paragraph is correct.

An Owl Circle (or activity center) is 1.5 mile radius, including a core (a 600 meter radius) and the inner .7 mile radius circle<sup>27</sup>. The level of cutting allowed within each part depends on the “State Forests Operational Policy”<sup>28</sup>. If there is an Operational Policy that footnote 2 on page 8 is referring to, it should have been included in an appendix to the IP. Any documents referenced by the IP, where specifications are not included in the IP or FMP, should be available for the public to read. We have complained before about the NSO Operational Policy not applying to the Elliott, but ODF still refuses to supply us with a relevant Take-Avoidance strategy. Instead, the Elliott’s first IP simply refers to a NSO State Forests Program Operational Policy, as if one actually exists for the Elliott.

Lets assume that ODF creates an operation policy for NSOs in the Elliott that is identical to the operational policy for the Tillamook, and lets assume this is what footnote 2, page 8, is referring to. It appears the following description is what the ODF would have to follow on the Elliott. Please be clear in your response if the procedures listed below are correct:

- a) ODF must survey all suitable habitat before logging<sup>29</sup>, which is defined as any stand with an average QDBH over 11 inches<sup>30</sup>. When a spotted owl is found, a 600 meter radius must be left as the inner core.<sup>31</sup> No logging is allowed in the inner core.<sup>32</sup> If a spotted owl is not found three years in a row (for instance, if a barred owl moves the spotted owl away) the ODF may clearcut the inner core.<sup>33</sup>
- b) If the spotted owl manages to hang onto it’s inner core, the .7 mile radius of an owl site must maintain 500 acres of suitable owl habitat. 1,906 acres of suitable habitat must be maintained within 1.5 miles of the nest site, or, within the 1.5 mile Owl Circle, at least 40% suitable owl habitat must be maintained.<sup>34</sup>

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<sup>27</sup> 2011 draft IP. page 8, footnote 2.

<sup>28</sup> 2011 draft IP. Page 8, footnote 2.

<sup>29</sup> State Forests Program Operational Policies. NSO. June 30, 2008. 3.4.1

<sup>30</sup> 7.17 Suitable habitat defined.

<sup>31</sup> State Forests Program Operational Policies. NSO. June 30, 2008 3.18.1

<sup>32</sup> State Forests Program Operational Policies. NSO. June 30, 2008.3.18.2

<sup>33</sup> State Forests Program Operational Policies. NSO. June 30, 2008.3.18.3 “Maintain all core use areas unless the site is determined to be historic.” The IP should have estimated how many spotted owl circles would be eliminated in this manner within the next 10 years. It is very relevant public information.

<sup>34</sup> State Forests Program Operational Policies. NSO. June 30, 2008. 3.18.6

If this description of the take-avoidance strategy<sup>35</sup> for the Elliott is not correct, the ODF should clearly state what it is instead.

Whatever it is, the IP should direct the ODF to disclose information to the public on how specific individual owls are being protected when ODF decides to log close to an owl site. For instance, if the ODF clearcuts within the 1.5 or .7 mile radius of an owl site, the Pre-Operation Plan for that clearcut should clearly document where the 500 acres are being maintained and where the 1,906 acres are being maintained. The ODF should also disclose if higher quality habitat is being clearcut than is being maintained. The ODF should not hide this information from public oversight, especially without a monitoring plan. The Elliott should take these decisions out from behind closed doors, to a process that is more transparent. The current lack of transparency on Take-Avoidance, combined with past actions by ODF that could cause take, creates an impression that ODF is trying to avoid accountability.

Both the FMP and IP failed to mention the barred owl, how they move spotted owls around, and how they provide great opportunities for ODF to clearcut historic sites. Instead of ignoring the problem, the FMP and the IP should discuss the problem.

Instead of clearcutting historic sites, as the Oregon Take-Avoidance policy apparently allows, the ODF should follow the recently released recommendations of the USFWS NSO Recovery Plan, which specifically asks Oregon state to not clearcut historic sites<sup>36</sup>.

## 5. Estimating Level of Clearcutting.

**The draft IP estimated 850 acres could be clearcut every year, for the next ten years. How was this finding made?** What Take-Avoidance strategy did ODF base this on? As discussed above, there is no public Take-Avoidance strategy that does not exclude the Elliott.

The 850-acre estimation was also done without knowing the results of the 2<sup>nd</sup> year survey results for spotted owls (being done summer 2011), or the level of murrelets that will be protected in the future. Because of this lack of knowledge, the ODF should not set any timber target for the Elliott, and make clear that any **volume estimations are just estimations**, based on an unknown future of complying with the Endangered Species Act.

The IP doesn't restrict clearcutting to any annual volume or acres. While an "average yearly harvest of 40 million-board-feet per year is anticipated"<sup>37</sup> the IP does not limit cutting to 40 mmbf a year. The IP says that up to 1,000 acres can be clearcut yearly, it doesn't limit it to 1,000 acres a year. This IP seems to allow ODF to clearcut 5,000 acres

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<sup>35</sup> State Forests Program Operational Policies. NSO. June 30, 2008. 3.20

<sup>36</sup> USFWS NSO Revised Recovery Plan. 2011. RA 10. Also see page 3 of our 8-1-11 draft FMP comments.

<sup>37</sup> 2011 draft IP. page V.

and sell hundreds of mmbf a year if ODF feels like that would make the most money.

Instead, the final IP should clearly restrict the upper level of harvest, and allow no or little logging to occur if the market is poor. The ODF should not sell public assets for half price because of market fluctuations. This doesn't serve ODF's fiscal or environmental mandates.

**What is the current condition?** The IP failed to describe how much of the existing owl circles will be available for clearcutting over the next 10 years, and how many of the existing Habitat Conservation Areas (HCAs) can be clearcut.

HCAs: After the spotted owl surveys are done this year, the ODF would only have one more year of surveys to do before knowing how many acres of existing Habitat Conservation Areas (HCAs) could be clearcut. The IP should have specifically told us more about existing HCAs, and which ones are on the edge of losing their protective status. Currently, none of the 13 HCAs can be logged under any circumstance. But under the new plan we suspect most of the HCPs would be available for clearcutting over the next 10 years. The IP should have disclosed how many acres this is.

Owl Circles: 64,285 acres of the Elliott is within "Owl Circles".<sup>38</sup> That is 67% of the total acres in the IP – over two thirds. Clearly, the ODF is planning on clearcutting a large number of acres within Owl Circles. It is disingenuous for the ODF to not disclose that figure in the IP. The IP failed to disclose the percent of suitable habitat within the owls circles that can be clearcut, nor not. This data is known now, and the IP should have disclosed it to the public

**Short Rotation Forestry:** The IP never indicated if the ODF would begin to clearcut young plantations, and if so, down to what age? The IP does indicate that some stands will be "scheduled for early clearcutting"<sup>39</sup>, making clear that some short rotation forestry will occur.

Currently the ODF, for the most part, only clearcuts forests over 80 years old. The IP does not disclose if this is about to change. If so, the ODF should consider that Short Rotation Forestry is bad for the forests and wildlife of the Elliott.

Short rotations has have implications for forest integrity, wildlife, and carbon storage by increasing disturbance and simplifying forest structure and composition. Shortened rotations moves the forest further from its historic range of variability.<sup>40</sup> It precludes forest development from achieving a full range of seral conditions. Shortening rotations doubles soil disturbance from felling and yarding, increases road usage across streams, increases watershed disturbance from forest openings, and doubles pesticide use in watersheds. Short rotations increase carbon pollution<sup>41</sup> (see Carbon comments, below).

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<sup>38</sup> 2011 draft IP. table 10, page 27.

<sup>39</sup> 2011 draft IP. page 24.

<sup>40</sup> [http://www.coastrange.org/reports/f&s\\_frame.htm](http://www.coastrange.org/reports/f&s_frame.htm)

<sup>41</sup> Science Daily. 7-3-09. Pacific Northwest Forests Could Store More Carbon, Help Address Greenhouse Issues. <http://www.earth-stream.com/outpage.php?s=18&id=181109>

The IP should be clear on how many of the 850 acres of clearcutting is expected to come from young plantations.

**Killing Wildlife:** We are concerned that increasing the level of clearcutting will increase the level of killing native wildlife on the Elliott. The IP failed to address this issue – how much killing will occur, what will instigate killings, and how will the level of wildlife killings be monitored. Please add this information to the next IP draft.

Currently, 3,000 **mountain beavers** are trapped and killed every year to accommodate 500 acres of clearcutting<sup>42</sup>. We assume this will increase proportionally to the increased acres of clearcutting.

New in this IP/FMP is the allowance to trap and kill **black bears**. Under the current 1995 HCP, ODF does not kill black bears that damage plantation trees. Under this IP/FMP, this practice has been added. “Control methods include... trapping individual problem bears.”<sup>43</sup> Adult bears and their cubs are attracted to the cambium in younger trees in plantations. Trapping means any bear in the vicinity of damaged trees could be caught, not necessarily the bear that did the damage. A bear cub will not leave the trapped mother. Standard practice is that 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. If bears are killed, the ODF should monitor how many bears and cubs are killed, describe their condition when found in traps, and disclose the monitoring results.

Also new (we assume it’s new) is the killing of **aquatic beavers** if they harm a tree plantation<sup>44</sup>. Relocating will be “considered”, but only considered. It appears likely any aquatic beaver that threatens a tree in a tree plantation will be killed. The next draft of the IP should be clear on how great that threat has to be, and what method of killing will be employed. The IP should also be clear on how the numbers of killed aquatic beavers will be monitored and disclosed, and how many aquatic beavers remain after the killing.

## 6. Levels of Thinning

The IP states that commercial thinning will average about 250 acres per year. The IP should be more detailed and upfront about thinning opportunities. The current HCP requires about 400 acres of thinning every year, but ODF has not done any thinning for many years. Each year the excuse for not thinning is that sales will not sell in low market conditions. For instance, the 2012 AOP found that:

“Due to the poor economy, which makes it difficult to sell small diameter thinning sales, there are no young thinning sales planned in the 2012 sale plan.”<sup>45</sup>

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<sup>42</sup> ODF response to 2011 AOP comments.

<sup>43</sup> Elliott 2011 draft Forest Management Plan. Appendix C-11.

<sup>44</sup> 2011 draft IP. page 61.

<sup>45</sup> Coos District 2012 Annual Operating Plan. 2/23/11. Page 9.

The IP should have been clear; will ODF only do 250 acres of thinning in years of better economy, or will ODF do some thinning every year, averaging 250 acres per year? The adjoining BLM sells nothing but plantation thinning, and they make adequate money on those sales. The ODF has done no thinning on the Elliott over the past five years, therefore overstocked plantations are not being treated. The IP should have explained how and when plantation thinning will actually occur, or not.

According to ODF Deputy Chief, State Forests Division, Mike Cafferata, the ODF can thin 2,400 acres each year for 10 years before the current backlog of thinning would run out. That would net about \$1,000,000 per year for the Common School Fund<sup>46</sup>, or \$10 million dollars over the life of this IP. That is a lot of thinning that needs to be done. While thinning doesn't net as much money as regeneration harvest, it is an important forestry practice nonetheless, it will net significant money, and should be done.

The ODF should not just clearcut young stands instead. The ODF should have a monitoring program that monitors ODF's commitment to thinning 250 acres of plantations every year, and do adaptive management if this promise is not met.

## 7. Riparian Protections

Many of the Elliott's timber sales occurs on **High Landslide Hazard Locations** (HLHLs). The IP should have discussed the mitigations that will be used for timber sales in these locations. Yes, we know ODF claims that a few landslides "deliver large wood" to streams and are good for fish. However, ODF fails to discuss the large amount of sediment that is also delivered to streams as harmful to fish and fails to track how many landslides occur on HLHLs after clearcutting, and whether they did indeed deliver large wood to streams, or not. Because ODF depends on claims that mitigation prevents landslides, and landslides-are-good-for-fish theories, the ODF should monitor their track record. How many landslides have occurred within a decade or two after clearcutting on HLHLs, and of those, how good were they? We have observed numerous landslides on the slopes of Elliott clearcuts over our years of monitoring, but ODF has not been able to provide actual data on slope failures or their consequences.

This IP cannot continue for another 10 years claiming landslides don't happen, but if they do they are good, without monitoring the outcomes of that assumption. Even the Independent Science Team (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>47</sup> That Science Team also found that ODF's conclusion of landslide risk "could be potentially misleading."<sup>48</sup> Where ODF found the increased risk of landslide to be 2%, the Science Team found it to be 40%!

Question: Table 10 gives the "Riparian Acres" for each basin. How many feet away from

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<sup>46</sup> Email from Mike Cafferata to Josh Laughlin, 6-3-11.

<sup>47</sup> Independent Multidisciplinary Science Team (IMST) Review. 2010. page 20.

<sup>48</sup> IMST Review. 2010. page 22.

streams, and how far along streams, are being included in this figure? Is it the no-cut buffer acres described in Table 5-6 in the draft FMP, or does it also include the partial cut buffers described for Type F and other streams? In the 2008 DEIS for the Elliott, there were 10,419 acres within riparian management areas<sup>49</sup>. However, even though ODF has said this IP/FMP has the exact same strategy, there are now 11,810 Riparian acres<sup>50</sup>. Why the difference? Are there additional protections in this IP?

We are concerned that the IP will be implementing the exact same riparian buffers and riparian strategy that the 2010 Independent Multidisciplinary Science Team (IMST) found to be faulty in ODF's analysis, and that National Marine Fisheries Service (NMFS) also found to harm salmon on the Elliott, including the federally-protected Oregon coast coho.

The NMFS found ODF's Riparian Strategies insufficient to protect 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>51</sup> Specifically, NMFS cited stream temperature increases and a lack of wood delivery to streams as the biggest problems harming salmon.

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

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. The ODF should provide relevant, *recent* studies – studies that have not since been refuted. Since the top federal scientists in the NMFS disagrees with what the ODF was calling science-based, Oregon State hired the Independent Multidisciplinary Science Team (IMST) to further review ODF's strategies, but the IMST could not endorse these strategy either.

Mysteriously, the draft 2011 IP/FMP references the 1999 Independent Multidisciplinary Science Team report, and ignores this much more recent and relevant 2010 IMST Review.

In response to our comments on the IMST's critical report on ODF's Riparian Strategies, the ODF stated the 2010 IMST report evaluated the 2008 Elliott DEIS, not the draft IP/FMP, and therefore, "No changes are necessary in the FMP. The IMST report and recommendations will be considered when embarking on *future* analyses of FMP strategies."<sup>52</sup>

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<sup>49</sup> Elliott 2008 draft HCP EIS page 5-40.

<sup>50</sup> 2011 draft IP. Table 10.

<sup>51</sup> Letter from NMFS, July 21, 2009, to Jim Young, Coos District Forester, "RE: Elliott State Forest Habitat Conservation Plan."

<sup>52</sup> ODF's response to public comments on Draft 2010 ESFMP. March 16, 2011. page 14.

Why would the ODF refuse to consider the IMST report in *this* IP/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 IP. ODF should respond to the IMST criticisms in detail.**

The IMST (2010 report on this riparian strategy) found it is impossible 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 Science Team found that "there is significant uncertainty" in the methods used in the riparian strategy – the one used in this IP/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>53</sup> The science team "believes that there are numerous uncertainties" in ODF's riparian strategies.

They found that the riparian strategy used in this IP/FMP, is not based on the best available science: "The draft HCP and DEIS authors cited references that were not available for review... Others reported on research from regions very dissimilar to the Oregon Coast Range."<sup>54</sup> The ODF should disclose any legitimate references they have found since this review.

The Science Team found that ODF's "conclusions are professional conjecture and not based on research..."<sup>55</sup> They found the riparian strategy 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>56</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>57</sup> If the buffer widths are questionable, the ODF should have assured the protection of salmon by increasing harvest buffers.

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<sup>53</sup> IMST Review. 2010. page 5-6.

<sup>54</sup> IMST Review. 2010. page 7.

<sup>55</sup> IMST Review. 2010. page 19.

<sup>56</sup> IMST Review. 2010. page 8.

<sup>57</sup> IMST Review. 2010. page 9, citing Anderson et al. 2007 page 265.

The Science Team further described ODF's calculation of stream temperature to "be a problematic approach" and "may be weak"<sup>58</sup>. They found that "The analysis of the Proposed Action is not straightforward and its conclusions are not rigorously developed or tested" and not "widely used in Oregon"<sup>59</sup>.

However this same faulty analysis is used again by ODF in the 2011 draft IP/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 into 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>60</sup>

In spite of this finding, the new draft IP/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.

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) be calculated before or after herbicide spraying?

The Science Team found ODF's stream protection strategies to be "**a convoluted series of assumptions and inferences, potentially rendering the approach subject to compounded errors or weaknesses of induction.**"<sup>61</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>62</sup>. The IP says that ODF will do 250 acres of thinning a year, and much of this could be in the Inner Zone.

The Science Team found models that show a "150-foot unmanaged buffer was required to have sufficient shade"<sup>63</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>64</sup>

**Adaptive Management is not adequate.** Adaptive Management and monitoring is weaker in this IP/FMP than the 2008 plan the IMST evaluated. In 2008, there was some money for monitoring. Now, there is virtually no monitoring money and no monitoring

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<sup>58</sup> IMST Review. 2010. pages 11 and 12.

<sup>59</sup> IMST Review. 2010 page 12.

<sup>60</sup> IMST Review. 2010. page 13.

<sup>61</sup> IMST Review. 2010. page 14. Emphasis ours.

<sup>62</sup> IMST Review. 2010. page 16.

<sup>63</sup> IMST Review. 2010. page 16.

<sup>64</sup> IMST Review. 2010. page 16. Citing February 5, 2009 memo from Peter Leinenbach (USEPA, Seattle, WA) to Teresa Kubo (USEPA, Portland, OR)



plan (for more on monitoring, see point #1 above). But even the stronger 2008 monitoring plan, the Science Team found inadequate: “the document only refers to adaptive management but does not provide an actual strategy for monitoring, evaluation, and implementation”.<sup>65</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 ODF should address the concerns that were raised by the IMST 2010 report, which was done at the State’s request and at taxpayer expense.

### **Other Riparian Concerns:**

**Stream buffer widths** are not a set size. The IP is implementing the 2011 draft FMP, which 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>66</sup>

**The minimum RMA width should be unchangeable.** The RMA should be able to be expanded to include potentially unstable slopes, but not reduced. Especially without any monitoring plan, the silviculturist should not be allowed to reduce RMA widths at will.

## **8. Carbon**

The IP failed to describe how the ODF would manage the Carbon resources on the Elliott over the next 10 years. While the IP admits that Carbon is an important resource in this area of the Coast Range, it says:

“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 greenhouse gases, including carbon dioxide, 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 analyses of all of our operations.”<sup>67</sup>

The ODF doesn’t have the resources? ODF makes millions of dollars every year from clearcutting the highest carbon sinks in the world. How much more money will it take to “pay attention to greenhouse gas-related effects of our operations”. The ODF did it for

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<sup>65</sup> IMST Review. 2010. page 6.

<sup>66</sup> Elliott 2011 draft Forest Management Plan. page 5-24.

<sup>67</sup> 2011 draft IP. page 16.

the 2011 AOP. How expensive was that? Please discuss the financial aspect of this since it is being used as an excuse for not measuring the carbon impacts of ODF's logging operations.

The FMP Implementation chapter failed to discuss carbon at all, so the IP must address how Carbon Resources will be measured, monitored and implemented in each AOP. In the very near future, carbon credits will be a lucrative business. The IP needs to address this issue so that ODF is prepared to make good money when this occurs, and to comply with the ODF's requirement to supply the "greatest benefit for the people" standard.

According to a 1992 opinion of Oregon's Attorney General, the "greatest benefit for the people" standard requires the State Land Board to use the lands for schools and the production of income for the Common School Fund. The resources of the lands are not limited to those such as timber that are *currently* recognized as revenue generators. ODF and the Land Board should consider other resources, such as "plant materials" (carbon) that may offer revenue for the fund. **In addition, the Land Board may take management actions that reduce present income if these actions are intended to maximize income over the long term.**<sup>68</sup> In other words, the ODF could do less clearcutting now in order to earn more carbon-credit income in the future.

The biggest omission in the IP was a commitment to measure carbon gain/losses in Annual Operating Plans. It is important to know this information, not only so that ODF can measure our annual carbon footprint and consider ways to reduce our carbon footprint, but to also consider how to make money. 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. Lack of data will also make it more difficult to enter the carbon credit market in the future.

At the very least, the ODF should continue with the commitment to measure carbon impacts as was done in the 2011 AOP. 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<sup>69</sup>. That was a good start in understanding the impacts of the Elliott forest management on carbon resources. Now the IP must bring this forward into the next decade.

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 IP must implement these goals. But the IP failed to determine an accounting method, or how the IP would contribute to the Oregon Strategy. Since the implementation of these

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<sup>68</sup> 1995 HCP, page 1-2

<sup>69</sup> Letter from ODF to Cascadia Wildlands, September 8, 2010.

goals were not included in the FMP, the IP should speak to it. Otherwise, the carbon goals are simply empty words.

**Oregon's Global Warming Commission** published "Interim Roadmap to 2020."<sup>70</sup> The three recommendations for the ODF include:

1. "Establish a carbon inventory for all Oregon forests. This will require a 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 IP should have "established baselines" for carbon storage goals, including the difference in carbon storage for each silvicultural prescription defined in the IP, such as thinning vs. clearcutting vs. reserves. If not now, when will this goal be implemented? And why the delay?

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

When is the ODF going to plan how to implement this goal? It wasn't in the FMP, so it should be in the IP.

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 FMP/IP state the Elliott will increase carbon storage over time because of all the past clearcuts now growing, the ODF has not committed to monitoring or measuring it over time. 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 and use of petrochemical herbicides and fertilizers. The ODF should include carbon lost through fossil fuel burning in all accounting methods.

If the ODF considers itself to be exempt from the recommendations of this State sponsored report and from the State's overall climate strategy and goals, this should be explained in the IP.

The importance of the Elliott for mitigating climate change cannot be understated. The Fish and Wildlife Service agrees carbon resources are an important component of the Spotted Owl Recovery Plan, particularly on 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

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<sup>70</sup> State of Oregon, October 2010:  
[http://www.oregon.gov/ENERGY/GBLWRM/docs/OGWC\\_2011\\_Leg\\_Report.pdf?ga=t](http://www.oregon.gov/ENERGY/GBLWRM/docs/OGWC_2011_Leg_Report.pdf?ga=t)

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>71</sup>

Because the carbon resource on the Elliott is so important, the ODF must expand its carbon analysis in the next draft of the IP, and include a net impact on Oregon’s carbon account in every AOP.

## 9. Recreation

**Concerning quiet recreation, i.e. hiking trails:** The Elliott has no hiking trails -- none. The ODF claims that lack of facilities is what the public wants. We find this hard to believe. The ODF should back up that claim with some recent polling or other evidence (under the current HCP, the ODF must poll the public on recreation every 3 years. We assume you have complied with this. Make public your latest poll to back up your recreation claims in the IP/FMP). In fact, from our experience of leading hikes in the Elliott, the public would very much value a hiking trail system on the Elliott. For years the ODF promised this was coming – in every AOP for a decade – but it never happened, and finally, ODF stopped mentioning it. The ODF gets \$5,000 budget for recreation yearly. There is little to show for it, after 16 years of the HCP. Not one mile of hiking trail has been built. Not one trash can has been put out. Not one public toilet exists in the campgrounds. There are no picnic tables, no developed campsites, no fire-rings, trash is never picked up, and unsanitary conditions in the camping areas are dangerous. What has the ODF done with the \$80,000 in funds for recreation over the last 16 years? The IP should explain this current condition, account for past funds and describe how it will change over the next 10 years.

**Concerning Off Highway Vehicle (OHV) recreation:** This is a growing activity in the Elliott, with growing environmental impacts. Currently the ODF has not recognized or attempted to control or mitigate this activity. Even this IP failed to adequately address the growing Off Highway Vehicle (OHV) problem in the Elliott. The IP does say the “forest will be managed to minimize adverse impacts.”<sup>72</sup> Neither the FMP nor the IP describes how this will be done. Without an implementation plan, it is difficult to monitor if ODF’s claims of minimizing OHV adverse impacts really happens. In our monitoring we have not witnessed any mitigation activity.

The IP mentions that “all-terrain vehicles” are allowed on “existing roads, many of which have been blocked off to regular vehicle activity”.<sup>73</sup> The ODF has blinders on when it comes to OHVs use *off of* existing roads, and directly into the river and across streams and through wet areas. Off road OHV use is a popular form of recreation on the Elliott. The IP should recognize this so it can be controlled and monitored so it does not result in

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<sup>71</sup> Revised Recovery Plan for the NSO. FWS. June 28, 2011. page III-10.

<sup>72</sup> 2011 draft IP. page 29.

<sup>73</sup> 2011 draft IP. page 17.

degraded resources.

We have notified ODF of OHV problems, such as areas along the Millicoma River with denuded river banks, and play areas with mud baths in MMAs. We have sent ODF pictures of OHVs driving up and down the middle of the Millicoma River in modified pick-ups, called rock crawlers, going right through spawning beds. ODF's initial response to that complaint was "it's a public forest, people can do what they want". While later the ODF promised to notify law enforcement, it was too late to enforce regulations protecting state land from OHV degradations. After our notifications of these problems, the ODF appeared to do nothing.

Currently, OHV's are not managed at all, and plenty of adverse impacts occur. The OHV recreation is expected to continue to increase. If no management is currently done (and if there is, please explain it, as it is not mentioned in the current FMP), how will it begin, and most importantly, how will it be monitored. For instance, will ODF put up signs forbidding OHV access to the river?

There is no specific monitoring plan proposed for recreation. The budget for any monitoring is "severely restricted"<sup>74</sup> Will monitoring OHV impacts be included in that monitoring plan. Most importantly, will your claim that the Elliott "will be managed to minimize adverse impacts" of recreation be monitored?

## **10. Forest Land Management Classification Maps**

The ODF is asking for our comments on these maps. But the ODF provided no background information on what the Forest Land Management Classification Maps will be used for and what exactly the role the public plays in providing comments on these maps. The maps are a very tiny scale, have no identifying map features such as township, range, sections. The ODF should also have described the modeling done to produce these maps, at least in the appendix.

### **Existing and Expected Outcome Maps:**

The ODF failed to provide a map of the "current condition". While there is a map of that name, it has 13 management basins, not the current condition which is 17 management basins. This makes it difficult for the public to compare the existing condition with what ODF wants to do in the future. In fact, it should be ODF that does that comparison for the public.

There is no way for the public to be able to accurately compare what the existing management basins will experience in the new FMP vs. the existing HCP. Since this is the Elliott's first Implementation Plan, the ODF should have told us how many of the existing management basins would experience how much harvest in the next 10 years. It is particular important for us to know how heavily the long-rotation basins will be logged. Please describe this.

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<sup>74</sup> 2011 draft FMP. Page 7-8.

The “Expected Outcome” for the main Elliott State Forest has dark green blobs labeled “Advanced 10 Year”. That is a pretty cryptic legend for the public to understand. Is this the existing Advanced Structure that is not logged in the next 10 years? Or does it also represent existing intermediate stands that will become Advanced Structure? Please make this clear.

All the other parts of the Elliott map, all colored white, is indicated in the Legend as “Other”. **Other what?** For another example, look at the Cow Creek parcel. Under the Existing Condition, it is mostly intermediate age stands. Under the Expected outcome, it is mostly “Other”. Other what? Does this indicate ODF will clearcut all the younger forests in the Cow Creek parcel? Please make this legend more clear. Why doesn’t this map include the same items as the Existing Condition map, such as stands that are expected to be intermediate and early structure in 10 years?

On the “Expected Outcome” map, I can see areas that are mapped to be “Advanced 10 Year” that are currently sold or being clearcut. For instance, the Millicoma Between sale is still shown as Advanced Structure in 10 years. This begs the question; how accurate are these maps? Didn’t the ODF do modeling to produce them? If so, how did a 2010 proposed sale appear as advanced structures in 10 years? It seems the ODF has the capability to produce more meaningful and more accurate maps. Is this the same quality of data available to land managers within the agency? If so, how are they able to make informed decisions? If not, then the public should have access to the same data used by ODF staff.

What we would like to see is a map of where the ODF expects to cut the existing Advanced Structure over the next 10 years. We would also like to see the existing condition of HCAs and how ODF expects them to look in 10 years. Please include a map of this.

#### **Stewardship Classifications Maps:**

These maps show us the areas designated as “Special” and “Focused”. However, the IP is not clear on how these two separate areas will be managed differently. The different “management strategy”<sup>75</sup> is not specifically described in the IP or the FMP. Many of the Special areas are off-limits to logging, but not all. Most confusing is how much of the “Focused” areas can be logged.

The area marked as “Wildlife Habitat” appear to be marking the 64,285 acres of “Owl Acres”<sup>76</sup>. But the legend is not Owl Circles or Owl Acres. If not Owl Circles, what are they? It is difficult to comment on maps that do not refer back to the management plans.

The maps show us purple for Special and a brown for Focused. The IP’s discussions of each management basin describes some of the “special” areas, but “Focused” is not

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<sup>75</sup> 2011 draft IP. page 8.

<sup>76</sup> 2011 draft IP. Table 10.

discussed for each basin, however “Special” is. Why not? It would help the public understand the maps better if “focused” were better defined, described and identified.

Concerning the “Special” areas marked on the Stewardship Classification maps in purple... we can’t line up which purple area on the map which special areas talked about in the Management Basin descriptions. For instance, the designated special areas of MMMA’s are listed and named in the IP, but not named on the map.

Some of the sub-basin descriptions include Key Resources. None of these are identified on the maps. For instance, in Sub Basin 14, the IP describes “Significant wetlands in South Slough tract”<sup>77</sup>. But looking at the Stewardship Classification map for South Slough, with a legend for “Aquatic and Riparian”, it shows the South Slough has little or no aquatic and riparian resources. The map certainly doesn’t show “significant wetlands”. Why not?

One problem is that the scale for the South Slough map is very tiny. Turn the page to the Cow Creek Tract, and the scale is much larger. Why, for such an important place as the South Slough, would the scale be tiny? (See more South Slough comments below).

The Biological Subclassification map has orange blobs, identified in the legend as “Plants”. What does that mean? With only 9 of these on the entire Elliott, what type of plants are they? Are they the location of old growth forests? If so, doesn’t the legend say so? A far more helpful map would have been the approximate locations of what the ODF considers existing Advanced Structure.

Concerning the Plant map, the IP says that ODF will determine if listed plant species “occur, or are likely to occur on lands where management activity is planned.”<sup>78</sup> Has ODF done plant surveys on any timber sales? Does a trained botanist do the determination? Do some of the orange blobs on the map indicate rare plants found in timber sale surveys? If ODF will just begin doing plant surveys now, how will this be monitored?

If the ODF wants true public oversight and intelligent feedback for maps during the implementation of the IP, the ODF should supply more information in the legends, better legends, named places, a usable scale and references back to the management plan.

## 11. Management Basins 1-13

Part of management basins 1, 8 and 12, and all management basins 2, 3, 4, 5, 6, and 7 include the **Long-Rotation Basins** of the current plan. To fully understand the most profound change between the existing HCP and the proposed FMP/IP, the IP should have disclosed how much of the previously protected long-rotation basins would be clearcut in the next decade. Please disclose this in the final plan. How many acres could potentially

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<sup>77</sup> 2011 draft IP. page 53.

<sup>78</sup> 2011 draft IP. page 32.

be clearcut here. Could all 850 acres per year come from these reserves? If not, about how much will be removed from the existing reserves.

Comparing the basins brings up some confusing issues, mainly in the measurements of how **much Advanced Structure is left**. For those basins that are almost exactly the same in both the HCP and the FMP, basins 4, 5, 6, and 7, the comparison of Advanced Structure doesn't add up.

Take, for instance, Basin 4. In 1995 41% of that basin was in advanced structure (and more, because the 41% is only forests over 80 years old, not over 60 years old). In 2011, Basin 4 has 31% Advanced Structure. After 16 years of not clearcutting mature forests in Basin 4, after 16 years of in-growth, why does it have 10% LESS Advanced Structure? Basin 5 has 9% less Advanced Structure, Basin 6 has 8% less, and basin 7 has 13% less Advanced Structure.

How did it happen, that in long-rotation watershed basins (the ones we can directly compare) that had 16 years of no mature forest clearcuts, suddenly have so much less Advanced Structure than in 1995? True, we are comparing forests over 80 years old with a Structure Definition. But virtually all forests over 80 years old on the Elliott, and even some forests over 60 years old, meet that definition of Advanced Structure. Therefore, why is there so much less advanced structure in the long-rotation watershed basins? The short-rotation basins are not as easy to compare because the watershed boundaries have changed, but not in basins 4, 5, 6 and 7.

The IP should explain how Advanced Structure could have reduced over time in the mature forests of the Long-Rotation basins, and how this unexpected loss of structure will be mitigated to meet Advanced Structure goals across the Elliott going forward.

**Other information that should be included in the IP:**

Owl circles cover 64,238 acres,<sup>79</sup> much of the Elliott. In some basins, like Basin 1, owl circles cover the entire basin. Using a Take-Avoidance strategy, the ODF is allowed to do some logging within Owl Circles, depending on what percentage has already been logged. The ODF knows what that is for each owl circle. The IP lists Key Resources and acres in Owl Circles for each basin.

What is missing is **how much of those owl circles in each basin are available for further clearcutting**. Public funds generated this information. It should have been made available to the public in the IP.

The ODF also knows how many of those owl circles are now considered "historic" sites. If the ODF does not follow USFWS recommendation RA 10<sup>80</sup>, ODF will clearcut these historic sites, preventing future recovery of the spotted owl on the Elliott. The IP should have given us some sense of how many of the historic owl centers are available for clearcutting.

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<sup>79</sup> 2011 draft IP. table 10.

<sup>80</sup> USFWS NSO Recovery Plan Recovery Action 10, to protect historic sites.



Since the ODF will likely have no, or only a weak monitoring plan for the IP, it is more important than ever for the public to have this information so that oversight can be provided by the public and to bring the decision making out from the back-room, into the light of publicly available information.

The IP fails to tell the public how much of each management basin is available for clearcutting – the acres outside of conservation areas. The IP should have told us both the acres of Advanced Structure (or spotted owl/murrelet habitat) that is available for clearcutting, as well as acres of young plantations the ODF feels are available for clearcutting. Please include that information in the next Table 10, or someplace in the management basin descriptions.

**Mill Creek Basin 1:**

The proposed IP says that Basin 1, Mill Creek, is 5,349 acres. According to Table 10, those 5,349 acres contain 8,426 acres of MMMAs, Owl Circles, Steep, and Riparian Acres. I understand those conservation areas are at times double counted, but it doesn't seem like there is enough land left to clearcut. Table 10 of the IP failed to include the acres that are available for intensive timber management (and for thinning). Please include that in the final IP.

**Charlotte Luder, Basin 2:** This basin roughly equals the HCP Basin 2, a long-rotation basin that is protected under the current HCP with a 240-year rotation age. It is difficult to tell how this existing condition is proposed to be changed under the new FMP, as the boundaries are a little different, but both the IP and the HCP basins are just over 6,000 acres.

The IP states that “portions of Charlotte Creek and Luder Creek are considered to be high-quality streams and provide opportunities for in-stream habitat restoration.” Why are there opportunities for restoration if this stream has been in a reserve for the last 16 years? Does the IP consider the opportunities for restoration will occur after the new clearcuts begin to occur?

**Basin 3, Dean Johanneson:** Basin 3 is still a long-rotation basin protected from logging under the current HCP with a 240-year rotation age. Because of the minor boundary differences, it is difficult to tell how the existing condition is proposed to be changed under the new IP/FMP. The IP should have done this comparison so the public and decision makers don't have to guess.

The IP states that major drainages in this basin, Dean and Johanneson Creeks “are candidates for future restoration opportunities”.<sup>81</sup> Since no clearcuts have occurred here for several decades, the restoration opportunities appear to be after the clearcuts proposed in the next 10 years. The IP should instead avoid the need for restoration and protect existing water quality by not taking actions that would degrade creeks to begin with.

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<sup>81</sup> 2011 draft IP. page 41.

**Basin 4 – Scholfield Creek:** This basin is almost identical to Basin 4 in the current HCP. In 1995 Basin 4 had 41% Advanced Structure. Now, 16 years later, it has only 31% Advanced Structure. How can this be? It is impossible to lose 10% advanced structure because basin has been a long-rotation watershed basin that has had no mature forests clearcut in 16 years. Explain how advanced structure was lost.

**Basin 5 – Big Creek:** This basin is also almost identical to Basin 5 in the current HCP. This was one of the most protective basins in the HCP, protecting owls in a long-rotation watershed. The IP claims the “harvest opportunities” in basin 5 is “high” –the highest rating of any basin.

The IP states that Key Resources in Basin 5 include three owl sites: Alder Creek, Murphy Creek, and Noble Creek. However, the latest NSO Survey in 2010 found the Alder Creek site had “barred owls detected near this site”.<sup>82</sup> The Survey found barred owls at Murphy Creek also.<sup>83</sup> The ODF knows they will likely clearcut these historic owl sites within the 10-year IP. Is Basin 5 the Highest Priority to clearcut because of these opportunities provided by the move-in of the barred owl? The IP should be clear about this.

To turn Basin 5, one of the best wildlife habitats in the Elliott, and up to now one of the most protected wildlife reserves of the Elliott, into the highest priority for clearcutting, is highly objectionable.

**Basin 7 – Johnson Creek:** Two home sites are within one-half mile of the ESF, which will be impacted by potential landslides, herbicide drift and water flow changes due to clearcuts. This is also within the Tenmile watershed, feeding an important estuary, supporting fishing, farming, and aquatic wildlife. Impacts of forest practices flow downstream. It is disingenuous for the IP to only look at resources within the ESF, and not where your intensive forest management impacts downstream resources.

Because this basin has been protected from logging over the last 16 years, the water flowing from it has the highest quality on the Elliott.

“Within the Elliott State Forest, the Tenmile Basin has the highest quality pool habitats and is the only region that meets ODFW habitat benchmark. Limited amounts of large wood in stream channels contributed to the low pool area and complexity outside the Tenmile Basin.”<sup>84</sup>

Now is no time to start to degrade this watershed by clearcutting and removing large wood that would otherwise contribute to stream water quality, or for adding herbicides into the watershed.

### **Basin 8, Palouse Larson**

Some of Basin 8 was a long-rotation watershed under the existing plan. The IP should have described the current condition, and how the IP will change it. The IP says a Key Resource Consideration is the Palouse Creek NSO pair site. However, ODF knows this is

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<sup>82</sup> 2010 NSO Survey. page 8.

<sup>83</sup> 2010 NSO Survey. page 21.

<sup>84</sup> Elliott 2011 draft Forest Management Plan. page 2-34.

a historic site they can clearcut (at least it will be an official historic site after one more year of surveys). The 2010 surveys found the Palouse NSO pair site: “No more spotted owls were detected at this site in 2003. There were no responses in 2010. Barred owls were heard in 2010.”<sup>85</sup> Will this lead to prioritized clearcutting of this historic owl site?

**Basin 11, Millicoma Elk.** The southwestern part of this basin in the IP is the same as Basin 17 in the 1995 HCP, a protected long-rotation basin protecting wildlife in the Elk Creek area. Therefore, the western part of this basin has had no clearcuts of mature forests in the last 16 years.

The IP identifies this as moderate priority for clearcuts. The Elk River and the West Fork Millicoma River are important river systems in the Elliott. The FMP only requires a 100 foot buffer on these rivers for clearcuts. Clearly, this is inadequate. Basin 11 should have greater protections for its important resources.

**Basin 12, Trout Deer:**

The critically important Millicoma River runs right through the middle of this basin, and has been the site of extensive clearcuts in the last few years. The eastern part of this basin was part of the long-rotation basin 17 in the current plan.

Murrelets especially like the large trees along the Millicoma. This area is also the highest recreation use on the Elliott. This area should receive a high level of protection. Instead, it is the highest priority for clearcutting in the new IP.

The IP states there are no plans for improving the Elkhorn Ranch Camp Area. This camp area has been taken over by OHV recreationists. Basin 12 is the most abused basin by OHV recreation. The IP failed to mention this. See our recreation comments in section 9 above.

The Elkhorn Ranch Camp Area is right in the middle of the Elkhorn Ranch MMMA. Camping areas attract corvids because of human trash (and this area has a lot of human trash and waste). Corvids are also a main predator of murrelet nests. It is incompatible to have a campground in the middle of a murrelet reserve, and will assure the murrelets will not survive. If elimination of murrelets on this site is not ODF’s intention, but just an oversight, then this should be corrected now, with this 10-year IP. Either move the camp, or move the MMMA to an adequate location.

**12. Basin 14, Scattered Tracts:**

This basin includes the Winchester Bay tract, a beautiful spruce forest adjacent to the Umpqua Lighthouse State Park. The IP should make clear these lands will not be clearcut, but sold instead, to be included within the State Park.

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<sup>85</sup> NSO 2010 Survey. page 22.

Basin 14 also includes the lands within the administrative boundary and adjacent to **the South Slough National Estuarine Research Reserve** (SSNERR or the Reserve).

The South Slough National Estuarine Research Reserve is a special place in Oregon. It is unfortunate that ODF owns common school fund lands within the Reserve. The ODF should sell these lands to the SSNERR, as they are critical for the health of the South Slough ecosystem. ODF has already tried to clearcut some of these lands in the 2010 AOP, but backed down due to public pressure. It's not going to get any easier to clearcut them later. The IP should clearly state its intentions for the Reserve.

The IP failed to include under "Key Resources" for Basin 14 all of this important Reserve. Only the "Significant wetlands in South Slough tract" was included, and not the upland forests that feed the wetlands, or that this is a National Estuarine Reserve.

The SSNERR already has a timber management plan, finalized in 2009. It does not allow clearcutting, restricts herbicide use in the estuaries watershed and the killing of estuary wildlife<sup>86</sup>, all things the ODF recently tried to do, and would try to do again. There is no good reason to over-ride the Department of State Land funded Reserve forest plan.

ODF stated in 2010 that their "desired future condition" for the Reserves upland forests is "an intermediate stand structure", meant to keep forests perpetually young with optimum monetary value. This is the opposite of the desired future condition of the Reserve's forest plan for these very same areas. The Reserves desired future condition is to restore native ecosystem functions and late-seral forests, protecting the estuary and downhill water quality. Clearly, these lands do not fit into the ODF's 10-year Implementation Plan. Instead, ODF should just sell these lands to the Reserve.

If not, the IP must address these conflicting Desired Future Conditions. The State of Oregon has spent millions of dollars in working toward the Reserve's desired future condition. In clearcutting these lands, the ODF would earn for the state only a tiny percent of what DSL is spending on the Reserve's forest plan and cause damage that would cost more money to mitigate. With ODF's logging plan there could be increased herbicide damage, increased ATV trespassing, increased water-runoff, and maybe even increased erosion, so later the Reserve will have to spend more money in restoration. It doesn't make sense for the state to be restoring the estuary reserve with one hand, and degrading it with the other, using dueling Desired-Future-Conditions, all at taxpayer expense..

Because ODF will only clearcut (or at best thin for the purpose of increasing monetary value of a future clearcut), ODF must do things like kill wildlife<sup>87</sup>. Killing wildlife for the sake of timber production, inside the Reserve meant to protect wildlife, should not be allowed. Mountain Beavers will be killed, black bear will be killed, and aquatic beavers

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<sup>86</sup> The 2011 draft FMP allows ODF to kill black bears and mountain beavers to accomplish intensive forestry.

<sup>87</sup> 2010 AOP Summary and Tables.pdf. ODF. page 13. The last proposal to clearcut here documented the killing of mountain beavers. The 2011 FMP says that now Bears need to be controlled in plantations and aquatic beavers must be killed if they threaten a plantation tree. Draft FMP 2011. Appendix C-11.

will be killed when they use the tree plantations.<sup>88</sup> The process of killing these native wildlife will cause other wildlife species to be killed.<sup>89</sup> The Reserve is reserved for the entire ecosystem, including the mammals ODF proposes to kill to accomplish intensive forest management

The SSNERR is a 4800+ acre protected area located within the South Slough watershed in Coos Bay that includes approximately 4,000 acres of coastal upland and riparian habitats. ODF's plans for clearcutting inside the Reserve and in the watersheds of the Reserve, undermines the work and planning that has been put into the SSNERR Upland Forest Management Plan.<sup>90</sup> This plan says:

“The desired future conditions that guide planned management activities will replicate the functions that produced what are now considered to be late successional or old growth forests. These functions have been compromised, in some cases severely, by 150 years of human intervention in the region.”<sup>91</sup>

ODF's proposal will retard the ability of the Reserve to reach the desired future condition. The Reserve's restoration plan states:

“For more than ten years staff at the Reserve have been among the leaders in the Pacific Northwest contributing to coastal watershed stewardship and science through restoration, research, and educational activities addressing key tidal wetland and lower watershed habitats. The Reserve is now in the planning stages of applying that restoration, adaptive management and research framework (supported in part by GWEB/OWEB restoration and monitoring grants) to the management and restoration of degraded coastal forest and upper watershed riparian habitats in the Reserve.... By directing activities upslope the Reserve plans to test and demonstrate holistic approaches to coastal habitat management and restoration at a sub-basin level...”<sup>92</sup>

This is in contrast to the IP's plan to clearcut<sup>93</sup>, the Reserve's forest restoration plan has thoughtful suggestions of how to protect and enhance these forests. For instance, the Reserve's plan says:

“Removing any stems from these stands will likely cause heavy wind damage. Rather than attempting to achieve the desired stand structure with one extractive entry, repeated girdling should be done to reduce competition while maintaining some windfirmness. Weaker stems should be girdled and left standing, with multiple entries over many years, to improve the stability of the stand. Underplanting and some large woody debris creation could be done in conjunction with this.”<sup>94</sup>

The Reserve's restoration plan also describes other restoration thinning techniques, such as “Strip and Gap thinning treatment”, or “Selective thinning”<sup>95</sup>. In contrast, the ODF

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<sup>88</sup> 2011 draft IP. page 61. Stream beavers will be “removed” when they pose a risk to tree plantations.

<sup>89</sup> <http://www.extension.org/faq/1083>.

<sup>90</sup> SSNERR Upland Habitat Restoration Plan, March 2009. Forest Coordinator. 541 888 2581 ext 329.

<sup>91</sup> SSNERR Upland Habitat Restoration Plan. March 2009. Page 13.

<sup>92</sup> SSNERR Upland Habitat Restoration Plan. March 2009. page 8.

<sup>93</sup> 2011 draft IP. page 53. “The majority of harvest opportunities during this planning period will be regeneration harvests.”

<sup>94</sup> SSNERR Upland Habitat Restoration Plan. March 2009. page 50.

<sup>95</sup> SSNERR Upland Habitat Restoration Plan. March 2009. page 51.

plan has none of these considerations, because the ODF goal is not restoration, it is only money.

The Reserve's forest restoration plan expressed the hopes that:

“Where possible, partnerships with adjacent landowners will be developed to include in the project the upper portions of those sub basins outside Reserve control.”<sup>96</sup>

The IP should have addressed this outreach, and agreed to help restore the Reserve, outside of the Reserve's control, but within ODF's control.

The Reserve's forest restoration plan states:

“Habitat restoration is a Reserve wide goal, from ridge top to wetlands.... a watershed scale approach will be taken in regard to restoring the natural processes...”<sup>97</sup>

The IP is opposed to these goals. The IP should not ruin this place with ODF's goals, and instead, should sell all ODF land within the watershed to the Reserve

It is also interesting to note that the Reserve's forest restoration plan documents that Swiss Needle Cast is a big problem in the plantations within the reserve<sup>98</sup>. By contrast, the IP said there is no problem with Swiss Needle Cast. The IP should correct this error.

Refer to our 2010 AOP comments for more issues with clearcutting within the Reserve, such as the problem with ATVs, the high value of quiet recreation, the many scenic hiking trails developed, the ecosystem services of a healthy estuary providing for the fishing industry, etc.

The IP should clearly state that the ODF will fully protect the Estuary, including the upland forests, and that ODF will honor the Reserve's own forest management plan. The best thing ODF could do is to give these forests to the Reserve to manage.

### **13. Public Notifications and Neighboring Land**

The IP failed to describe how public notifications would occur for Annual Operation Plans and how the ODF plans to treat adjoining private landowners. Basins numbers 3, 4, 5, 7, and 8 have home sites within ½ mile outside of the forest<sup>99</sup>. The IP brushed off impacts to these people because they do not have registered domestic water sources on the Elliott itself.

Instead, the IP should consider that any herbicide sprayed in these basins will make it's way downhill through air or water to the domestic water sources just outside the forest boundary. Even though water intake sites are outside the forest boundary, the water comes from the Elliott. Impacts to these citizens' domestic water sources should be considered in any clearcutting or herbicide spraying.

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<sup>96</sup> SSNERR Upland Habitat Restoration Plan. March 2009. page 8.

<sup>97</sup> SSNERR Upland Habitat Restoration Plan. March 2009. page 9.

<sup>98</sup> SSNERR Upland Habitat Restoration Plan. March 2009. page 27.

<sup>99</sup> 2011 draft IP. pages 40, 41, 42, 44, 45.

There are other private landowners immediate adjacent to the Elliott, with home sites perhaps a little further than ½ mile. The IP should commit to protecting the private lands adjoining the Elliott from landslides, peak water flows and herbicide drift.

**The IP should have a meaningful and relevant public commenting process** for each annual operating plan. For instance, the BLM maintains an email listserv for interested parties for commenting opportunities. The ODF should consider doing the same thing for AOPs. Whatever process there is, it should be described in the IP, and be included in the monitoring program to see if the public process is meaningful and implemented as described.

Recently an adjoining landowner to the Elliott complained that ODF never told her of the plans to clearcut next to her property. The ODF's official position (stated to the local radio station) was that there was a public comment opportunity on the sale 2 years previous. This was a ridiculous response. If the public never new about the opportunity to comment, it is not much of an opportunity.

At the least, adjoining landowners should be directly notified by ODF about plans for clearcutting, herbicide spraying, or performing some other operation next to their property. It is something that is traditionally done by large industrial timber companies. The ODF should also. The IP should require it to be done, and it should be monitored to see of it is done.

#### **14. Clearcutting High-landslide hazard locations above other people's property.**

It's bad enough that ODF clearcuts high-landslide hazard locations (HLHL) on our public lands, but it is worse to potentially cause a landslide above someone else's property, especially families and non-industrial land owners. Clearcutting increases the rate and volume of landslides<sup>100</sup>. Take, for example, the Millicoma Between sale that adjoins private land, and found to be a High Landslide Hazard Location. The ODF stated in the Millicoma Between Pre-Operations Report:

“Most of the unit meets criteria for classification as high landslide hazard locations.... There appear to be two channels capable of channelized debris flow delivery to the small Type N, which forms the east boundary of the unit. This is a Potential Debris Flow Track Reach. Aerial photo examination and field reconnaissance show a debris flow deposit in the West Fork Millicoma at the mouth of this basin. Large wood delivered to the West Fork will likely be mobilized during high peak flows.<sup>101</sup>

The Potential Debris Flow Track leads into and through a family's private property. The debris flow that already deposited in the West Fork Millicoma was from the ODF clearcut next to this sale, that slide through the family's property in 1996. ODF tries to claim landslides are good for fish by stating that “Large Wood” will be delivered to the

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<sup>100</sup> ODF study 1998

<sup>101</sup> 2010 AOP Millicoma Between Pre Operations Report.

West Fork during peak flows – but that large wood and associated landslide will travel through the family’s property to the West Fork that is also on their property. The family was so concerned after logging started, they tried to talk to the purchaser. In response, the ODF sent police and threatened their arrest.

Instead of threatening to arrest private landowners who are concerned about the ODF clearcutting High Landslide Hazard Locations above their properties, the ODF should instead modify the sales to not threaten adjoining homeowners.

It’s not acceptable for ODF to make plans about landslides on adjoining property, especially without directly notifying affected landowners that they can comment on this, and then also translating the AOP slang into plain English for ordinary citizens to understand. The current draft of the IP does not address impacts to adjoining landowners. It should. The ODF should never clearcut above a person’s private property in a high landslide hazard location.

### **15. Back-room deals have the appearance of corruption.**

The Millicoma-Between timber sale was a trade for another, more dangerous landslide hazard above private property. It was traded for Area 1 of the South Marlow Switch sale, also in a HLHL location. But there, the landslide could kill the people by hitting a house<sup>102</sup>. Since the Oregon Forest Practices Act forbids state and industrial forest managers to elevate landslide hazards that could kill people, the ODF traded that unit for one that would just ruin people’s land but not threaten to kill them. This was a callous choice that ODF made, behind closed doors, without even talking to the families involved about their choices or decisions concerning their properties. The IP should include some restrictions so something like this does not happen again.

This IP should restrict secret, back-room trades, like the one described above. In the trade described above, the ODF traded 35 acres of a 99 year old stand (some of it was 35 years old) with an average DBH of 17” (some of it was 11”)<sup>103</sup>. The purchaser gave up that unit, and instead, received the Millicoma Between sale (now called South Marlow Switch Area 5). The purchaser received 44 acres<sup>104</sup> of a 122 year old forest with an average DBH of 22”<sup>105</sup>. Giving the purchaser an older, larger forest, with more acres, for a smaller, younger forest, doesn’t seem fair to the public. This back-room, non-competitive negotiated deal gives an appearance of corruption.

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<sup>102</sup> Letter from ODF to Francis Eatherington. August 12, 2011. When asked if Millicoma Between was less of a landslide risk to private land than the unit in South Marlow Switch it was traded for, ODF responded: “*The South Marlow Switch V unit (what you refer to as the Millicoma Between unit) is not restricted under the Oregon Department of Forestry Forest Practice Administration Rules and Forest Practice Act, Chapter 629, Division 623, Shallow, Rapidly Moving Landslides and Public Safety.*” That part of the OFPA deals with logging restrictions for landslides that could run over people’s homes, verses landslides that just damage property.

<sup>103</sup> 2007 AOP South Marlow Switch Pre Operations Report. Page 2 table 2.

<sup>104</sup> The same unit was later called 39 acres. It is unknown when and how the acreage changed from the pre-op report.

<sup>105</sup> 2010 AOP Millicoma Between Annual Operations Report. Page 1. Table 2.



When I questioned ODF about this, the state responded that the unit the ODF took back from the purchaser, (Area 1, the unit that might kill people) was recruited, ODF found it had grown in a few years, from 17” (some 11”) to an average of 22”. But the ODF also admitted that Millicoma-Between was NOT recruited. The 2007 measurements were used. I asked – why would ODF recruit one unit in the trade, but not the other. I’ve not yet had a response.

The ODF also admitted they estimated the purchaser got at least 251 mbf MORE timber<sup>106</sup> in the trade, even without the complete recruit. I asked why the purchaser didn’t have to pay for this extra volume. I’ve not yet had a response. All this has the appearance of corruption. The ODF doesn’t have to operate this way.

The IP should guide the ODF to be transparent in their trades and deals to avoid the appearance of corruption. The ODF threatened to charge money in the future if the public wants to see the negotiated deal information again.<sup>107</sup> But these trades should be public information at no cost. The ODF has a web page dedicated to contract modifications<sup>108</sup>. Why wasn’t this trade posted there? The IP should state clearly that these types of deals must be taken out of the back room, and into the light of public disclosure. And this should be monitored.

## **16. Units that could kill people should not be sold**

The final question the IP should address from this whole incident, is **why was Area 1 of the South Marlow Switch even sold when logging it could kill the people below?** Why wasn’t this landslide hazard caught in the Pre Operations process? Why wasn’t it caught during the sale preparation and advertisement time? Why was it sold, and then just before it was clearcut, deemed to not comply with Oregon Department of Forestry Forest Practice Administration Rules and Forest Practice Act, Chapter 629, Division 623, Shallow, Rapidly Moving Landslides and Public Safety. That was a pretty close call. In the future, these problems must be caught before the dangerous unit is sold.

The IP should determine when and how this process went wrong, and address ways to correct it in the future. Whatever the IP comes up with, it should be monitored to see if it is actually done.

The IP states: “Harvest units will be planned to avoid... slopes affected by public safety considerations”<sup>109</sup>. The IP should put some teeth behind this promise explaining how ODF accidentally sold these units in the recent past, and how this problem will be really be avoided in the future.

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<sup>106</sup> Email from Rod Nichols, 8-15-11: “The estimated volume of the deleted portion of Area I is 1352 MBF, the estimated volume of Area V is 1603 MBF”.

<sup>107</sup> Email from Rod Nichols to Francis Eatherington. 8-15-11.

<sup>108</sup> [http://www.oregon.gov/ODF/STATE\\_FORESTS/2007\\_Modifications\\_to\\_Annual\\_Operations\\_Plans.shtml](http://www.oregon.gov/ODF/STATE_FORESTS/2007_Modifications_to_Annual_Operations_Plans.shtml)

<sup>109</sup> 2011 Draft IP. page V.

## 17. Common School Fund mandates

The ODF embarked on a new planning process for the Elliott after the Marbled Murrelet ITP expired, in the belief that too much of the forest would become MMMA reserves. However, the federal agencies would never agree with the level of increased clearcutting that ODF wanted. Therefore, the ODF abandoned the HCP, and is back to a Take-Avoidance for murrelets. The existing Take-Avoidance policy that ODF found problematic in 2002 would not change under this IP/FMP. Therefore, there is no real reason to change plans, or at least not the original reason to change plans. Did ODF just want to increase logging, and was using a Murrelet ITP as an excuse? It appears so.

The IP states: “After a ten-year planning process, the ODF, Department of State Lands (DSL), USFWS and the National Marine Fisheries Service were unable to agree to a HCP that would be consistent with the CSFL mandate and meet the federal issuance criteria for ITPs”.

**This statement is not correct**, and should be clarified in the final IP. The ODF and DSL agreed with the USFWS and the NMFS when developing and implementing the 1995 HCP, the plan the Elliott is currently run under. The DSL even agreed that that HCP met the CSFL mandate, and met the federal issuance criteria for ITPs. Clearly, there *is* a plan that everyone agreed to. The ODF must remove the statement that there was no agreement, and instead explain why the plan that everyone agreed to is being thrown out. If logging levels met the CSFL mandate in 1995, the same levels clearly meet the mandate now, especially since the demand for logs is even lower now than in 1995. The CSFL mandate does NOT require the ODF to squander our natural resources in times of low-demand.

The 1995 HCP says that its incidental take permit (for 43 owls) 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>110</sup>

“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>111</sup>

The ODF must explain to the public why this plan, that the USFWS agreed to and the NMFS did not object to, does not meet legal mandates and trust obligations now. The ODF should at least be honest, and admit there *IS* a plan that USFWS agrees to, and take out the statement in the IP that there is not.

There is no logical reason for breaking the 60-year promises made in the 1995 HCP – promises made in exchange for “taking” (or killing) 43 spotted owls. Now that those owls

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<sup>110</sup> Elliott 1995 HCP. page I-2.

<sup>111</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.

are gone, it is unfair to back out on Oregon's long-term commitments – commitments to grow some of the forests to over 156 years old<sup>112</sup>, commitments to not clearcut in the long-rotation basins<sup>113</sup>, and other long term promises.<sup>114</sup>

### **Conclusion:**

Originally the ODF was asking for public comments on the IP and the FMP during the same commenting period. The ODF recently decided to have two separate comment times, when it makes more sense to combine these comments.

If the ODF believes a comment on the IP should have been raised for the FMP, the ODF should still consider it a relevant comment for the relevant document, even though it might have come during the wrong commenting period. The ODF must not throw out FMP comments just because they were submitted in the IP comment time. For other state forests, the ODF does not require the public to be able to tell the difference on what comment is relevant to which level of planning. The ODF should not require that on the Elliott State Forest either.

Francis Eatherington  
Cascadia Wildlands  
P.O. Box 10455, Eugene Oregon, 97440  
541-643-1309 francis at cascwild .org

George Sexton  
Klamath Siskiyou Wildlands Center  
PO Box 102, Ashland, OR 97520  
gs at kswild .org

Noah Greenwald, M.S.  
Center for Biological Diversity  
PO Box 11374, Portland, OR 97211  
ngreenwald at biologicaldiversity .org

Doug Heiken  
Oregon Wild  
PO Box 11648, Eugene OR 97440  
dh at oregonwild .org

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<sup>112</sup> 1995 HCP, S-8.

<sup>113</sup> Elliott 1995 HCP I-IV.

<sup>114</sup> See our FMP comments, 8-1-11. Page 7.