
Elliott State Forest Management Plan Public Comments Reponses: December 2005

Topic <i>Wildlife</i>

Sub-topic**Scope** **FMP**

Comment Number -125922731

On page S-9, it is asserted that the forest will be managed to "meet state and federal Endangered Species Acts while fulfilling the State Land Board's responsibilities under the Oregon Constitution and Board of Forestry's statutory responsibilities." Unfortunately, one must question whether the Board has in fact properly exercised its role as trustee over these lands. When one examines the HCP and other strategies to manage for endangered or threatened species, it appears the Board has not taken the time to rigorously delve into the science of the spotted owl and marbeled murrelet.

As Douglas County commented in 1995 on the prior plan and HCP, the scientific justification for the spotted owl and marbeled murrelet were questionable (See attached) .Ten years later the same questions must be asked and in fact time has demonstrated that the assumptions in the listing of both the spotted owl and murrelet are not valid.

For example, the spotted owl is repeatedly stated to be an old growth dependent species, yet the age stands of the Elliott are clearly not old growth. The stands are in fact 100 to 130 years old (1-6) whereas old growth is considered to appear at 175 to 250 years of age (A-13) .Given the numbers of spotted owls on the Elliott one must examine the life history in more detail to determine whether some management scheme other than old growth set asides is warranted. Simply put, the Elliott demonstrates too many exceptions to the general life history rules relative to spotted owl biology to warrant much scientific confidence in these general concepts.

Response

Though there is disagreement on the assumptions that went into the listing decisions for the owl and murrelet, they are in fact currently listed. Oregon Department of Forestry's responsibility in this regard, as it is for other forest landowners, is to manage the forest in compliance with the federal Endangered Species Act. Under the federal ESA, this can be accomplished by avoiding "take", or through an approved HCP that allows "incidental take" in exchange for minimizing and mitigating for this incidental take. The Land Board has directed the Department of Forestry to develop a multi-species HCP to comply with the federal ESA. A multi-species HCP for the Elliott is expected to provide the greatest long-term benefit to citizens of Oregon by facilitating a sustainable even-flow harvest of timber, and by providing management certainty. In the proposed plan some areas are designated as conservation areas because owls or murrelets are using these areas. These areas are not considered to be permanent, but they are expected to remain in place for the length of the plan. Even so, monitoring and adaptive management is provided for in the plan so changes to the plan's strategies, including the conservation area strategy, may be made as new information and knowledge is gained.

Elliott State Forest Management Plan Public Comments Responses: December 2005

Comment Number 33

Would like to see emphasize fish and wildlife management versus timber.

Response

The constitutional mandate for Common School Forest Lands requires the State Land Board to use the lands to obtain the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management. According to a 1992 Oregon Attorney General opinion, this means that the land must be used to benefit schools and maximize revenue to the Common School Fund over the long term. Accordingly, the draft plan seeks to produce revenue through harvesting of forest products, while maintaining and developing desirable fish and wildlife habitats and biological diversity. The draft strategies were developed by a multi-disciplinary team that includes wildlife biologists, and are intended to balance ecological and economic goals.

Comment Number 80

I firmly believe that we need to preserve our public lands, in particular our state forest, for both fish and wildlife and future generations. Please consider species habitat, watershed, protection and recreation when making decisions about our state forest.

Response

These values were considered in the planning process and are reflected in the plan. The constitutional mandate for Common School Forest Lands requires the State Land Board to use the lands to obtain the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management. According to a 1992 Oregon Attorney General opinion, this means that the land must be used to benefit schools and maximize revenue to the Common School Fund over the long term. Accordingly, the draft plan seeks to produce revenue through harvesting of forest products, while maintaining and developing desirable fish and wildlife habitats and biological diversity. The draft strategies were developed by a multi-disciplinary team that includes wildlife biologists, and are intended to balance ecological and economic goals.

Comment Number 91

Please adopt a plan that will fully protect marbled murrelets. Maintaining sufficient habitat for murrelets within the Elliott State Forest is very important, and this species is too vulnerable to allow any more "takes" of birds. The priority for managing the Elliott should not be logging, but rather a balanced approach that gives genuine consideration to habitat and species in need of habitat protection, such as murrelets, spotted owls, eagles, and wildlife in general. Please do not exploit this forest by yielding to logging interest pressure.

Response

The constitutional mandate for Common School Forest Lands requires the State Land Board to use the lands to obtain the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management. According to a 1992 Oregon Attorney General opinion, this means that the land must be used to benefit schools and maximize revenue to the Common School Fund over the long term. Accordingly, the draft plan seeks to produce revenue through harvesting of forest products, while maintaining and developing desirable fish and wildlife habitats and biological diversity. The draft strategies were developed by a multi-disciplinary team that includes wildlife biologists, and are intended to balance ecological and economic goals.

Elliott State Forest Management Plan Public Comments Responses: December 2005

Comment Number 121

Please protect the Elliott's threatened owl pairs and their young and the declining marbled murrelets with improved management practices, not more harmful clearcuts of old native forests.

As the Elliott is a solid block of healthy public forests in an area of private land it provides that rare habitat and is the only hope for the Northern Spotted Owls, Marbled Murrelets and Coho Salmon trying to stay alive between the widely spaced federal reserves. Most of the land surrounding the Elliot is like the 200,000 acre Weyerhaeuser Millicoma tree farm adjacent to it. That naturally recovered 140-year-old mature forests stand with 200 feet tall trees over 2 feet in diameter must be preserved and protected for all of us--humans, birds, and fish. The Elliott State Forest should not cut any more nesting habitat for the Spotted Owl or Marbled Murrelet. Recent regional surveys have found these two birds in more danger of extinction than ever before.

Response

The location of owls, murrelets and the habitat they are using was taken into account in the proposed plan. Strategies are in place in the plan to protect that habitat and develop a better landscape arrangement of habitat that will help support owls and murrelets.

The constitutional mandate for Common School Forest Lands requires the State Land Board to use the lands to obtain the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management. According to a 1992 Oregon Attorney General opinion, this means that the land must be used to benefit schools and maximize revenue to the Common School Fund over the long term. Accordingly, the draft plan seeks to produce revenue through harvesting of forest products, while maintaining and developing desirable fish and wildlife habitats and biological diversity. The draft strategies were developed by a multi-disciplinary team that includes wildlife biologists, and are intended to balance ecological and economic goals.

Elliott State Forest Management Plan Public Comments Reponses: December 2005

Comment Number 173

New in the 2005 plans is the proposal to kill bears that could cause damage to plantations. "Black bears may forage on conifer trees in the spring... Control methods include... snaring individual problem bears." This means that if bear damage is found, an attractant is put out to attract any and all bears in the area to a trap. Any bears caught in the snare, whether it was the offending bear or not, is shot. The bear's cub, which often waits with the trapped mother, is also shot. Snares are only checked every few days (or couple of weeks?), so a bear and the cub could be traumatized in the traps for days.

The ODF should remove this from the new plans. Killing bears in this way, especially on public land, is inhumane, unfair, and not necessary. The 2005 plans even talk about providing bear habitat and attracting bears to the Elliott by providing legacy components. The ODF should not actively support bear habitat, and then kill the bears for the minor damage they do.

Bears rarely damage so many trees that the high density tree plantations can't fully recover. If a small opening is created in the dense tree plantation, this can only be good for wildlife.

The old HCP and FMP did not allow this practice. If bear killing remains in the new plans, the ODF must justify it with some statistics on how much bear damage actually occurs on the Elliott. The ODF should also divulge how many bears and cubs have already been attracted to snares and shot on the Elliott.

The 2005 FMP/HCP justify killing bears by referring to the Oregon Department of Forest Pest Management Report (July 2001). This study failed to show substantial bear damage in the Coast Range. ODF surveyed 6.4 million acres and mapped 1,835 of polygons with "Bear Damage". "[T]he area represented by polygons containing bear-damaged trees is 19,369 acres" This is only a tiny fraction (.3%) of the 6.4 million acres surveyed. And only a small portion of trees within the 19,369 acres was damaged. Each polygon averages 38 acres, and the vast majority of polygons with bear damage had less than 5 trees damaged in the 38 acres. Therefore the actual acres of damage appear to be minute.

The ODF study says that "We estimate that in the survey area... bears damage about 55,161 trees per year." Of those, 35%, or 19,350 trees died. Out of 6.4 million acres and billions of trees, 19,350 bear-killed trees are an incredibly small percentage. Damage by bears is also mitigated by time. If a tree dies in a tree-plantation, the trees around it are able to grow faster and fill in the available space. Over a 10-20 year period, the loss of revenue from a damaged tree is mitigated by this in-growth.

Because there is no evidence that bear damage to tree plantations is significant, the new plans should remove the allowance to kill suspect bears, with their cubs.

Response

Bear damage on the Elliott has not been significant enough to require the use of control methods, but other areas in the Coast Range have had significant damage in certain areas. For the Elliott, damage caused by bears will be evaluated to determine if the resulting stand conditions are consistent with the management objectives for the area. Thresholds will be established to determine the cumulative effects of past, present and future bear damage on meeting the desired future condition for an area. Only after these thresholds are exceeded will any type of action be taken. Methods for controlling black bear damage are beyond the scope of this FMP. Methods for controlling black bear damage are governed by ORS 498.012, and will be handled on a case-by-case basis.

Elliott State Forest Management Plan Public Comments Reponses: December 2005

Scope

HCP

Comment Number 81

We remain concerned about the decision to develop a multispecies HCP for the Elliott. As stated before, the federal agencies, NOAA Fisheries and US Fish and Wildlife Service have a dismal track record in cooperatively developing such plans on a timely basis with anyone either in the private or public sector. Secondly, this plan is designed to cover species that are not presently listed under the ESA such as the Coho Salmon and species whose listed status may change, such as the Marbled Murrelet, because it is no longer recognized as a distinct population segment (the original reason for the listing). Given the uncertainty of the status of these two species it seems obvious to us that the Department should be looking at more creative ways to deal with wildlife issues rather than a multispecies HCP.

Response

It is because of the continued uncertainty in regard to listing status that a multi-species HCP may be desirable. An HCP is one way to comply with the federal Endangered Species Act (ESA). ODF believes that a multi-species HCP will provide the greatest long-term benefit for the people of Oregon through management certainty. The strategies in the plan are designed to meet the constitutional mandate to maximize revenue to the Common School Fund, and to obtain an approved HCP to comply with the federal ESA. Before the proposed HCP is approved, the State Land Board and Board of Forestry will make a business decision on how well the new plan meets their fiduciary responsibilities.

Comment Number 205

HCP unnecessary, HCP should be the last option.

-Intensive-Full Yield Alternative

-No HCP-Simple Take Avoidance Alternative

-No HCP-Proposed Draft FMP with Take Avoidance Alternative

Response

The Land Board and Board of Forestry have been briefed on these types of options and more information will be provided for them before their decision on the HCP in early 2007. The Boards will use this information to decide how well the proposed HCP will meet legal mandates.

Elliott State Forest Management Plan Public Comments Reponses: December 2005

Sub-topic Conservation Areas

Scope FMP

Comment Number 35

You can not save habitat/forest by creating islands (conservation area).

Response

The Conservation Areas are not islands, but are rather one component of a strategy for providing habitats and connectivity between habitats for species using advanced structure habitats. Advanced structure habitats will be present on the landscape at a level of 30-60 percent in each management basin, including Conservation Areas, as well as outside of Conservation Areas and providing connectivity between Conservation Areas and other advanced structure on the landscape.

Response

The Conservation Areas are not islands, but are rather one component of a strategy for providing habitats and connectivity between habitats for species using advanced structure habitats. Advanced structure habitats will be present on the landscape at a level of 30-60 percent in each management basin, including Conservation Areas, as well as outside of Conservation Areas and providing connectivity between Conservation Areas and other advanced structure on the landscape.

Comment Number 61

Will there be connectivity of advance structure between Threatened and Endangered species cores within and between basins?

Response

From FMP 5-18-5-19 (Sustainable Ecosystem Management Strategy 2):

Landscape connectivity and structural complexity across the Elliott State Forest can be achieved with landscape level goals for stand complexity and structural components outside of the conservation areas, coupled with a logical landscape design developed during implementation planning.

In management basins with relatively high levels of advanced structure, connectivity is likely to be provided for many species by a greater amount of this habitat type. However, where advanced structure stand targets are relatively low, the arrangement of advanced structure patches becomes more important.

The following considerations provide guidance relative to providing habitat connectivity within and among management basins.

- Maintain and develop advanced structure in locations that provide connectivity among patches of advanced structure in a basin.
- Place some advanced structure patches near drainage divides to enhance species movements between management basins.

Each basin will have a different amount and placement of conservation areas, advanced habitat patches, riparian corridors, and other unique habitat areas.

Each of these areas can maximize its contribution to overall wildlife diversity when considered in relation to other similar habitat within the basin as well as in relation to similar habitat within adjacent basins.

Elliott State Forest Management Plan Public Comments Responses: December 2005

Comment Number 116

On a positive note, the Sierra Club does permanent support reserves for fish and wildlife and water quality. Protection of stream side buffers, known nesting sites of T&E species, and scenic areas (Loon Lake and the Umpqua River) will provide about 25,225 acres of "Conservation Areas". Unfortunately, about 10,225 acres of that was clearcut before 1995, so there are only in fact 15,000 acres of Advanced Structure in the conservation areas – whereas some 23,500 acres will be cut under the proposed plan. Also problematic is that at least two of these conservation area T&E nesting sites have been overtaken by that moved the NSO pairs out, highlighting a further threat from continued fragmentation of existing Advanced forest structure.

Response

Although Conservation Areas do not currently consist of 100% advanced structure stands, these areas were designed around sites occupied by northern spotted owls and marbled murrelets, and therefore it is believed that the habitat is important to these species, even if it does not meet our definition of advanced structure at this time. We believe and modeling projects that within 50 years all of the stands within Conservation Areas will have developed into Advanced Structure. Although some advanced structure stands outside of Conservation Areas will be harvested, other stands of Advanced Structure and Intermediate Structure will be thinned to develop additional Advanced Structure on the forest over time.

Information about barred owls was taken into account when designed T&E core areas. In areas where we knew barred owls had taken up residency, the T&E core area was designed around where the most recent spotted owl use was known. It is unclear at this time what the long term effects of barred owls will be on spotted owl populations and on individual spotted owl sites. We have used the best information available to us at this time and are assuming that areas once used by spotted owls for successful nesting could be used again in the future for this purpose if the barred owls move out. Clearly, monitoring and adaptive management of this situation will be the key to being successful.

Elliott State Forest Management Plan Public Comments Reponses: December 2005

Comment Number 145

Habitat Conservation Areas for NSO's are the same in the new FMP and HCP as they were in the old plans, even though the 5-year review for the 1995 HCP determined they should be relocated:

"The five HCAs that contain active spotted owl nest sites or activity centers are not configured to contain the core use areas for the sites where this area has been identified... In particular, the two sites noted as being important to the Elliott population because of their demonstrated ability to contribute new individuals into the spotted owl populations, Roberts Creek and Salander Creek, are not included in any HCAs."

I asked Coos District Forester, Jim Young, "Was adaptive management implemented to correct this problem?" He responded: "This information is being considered in development of the revised FMP/HCP." But the new plans are not addressing this problem. The HCAs have not been corrected to include the five nest core areas left out.

The 5-year review emphasizes this problem over and over again: "...delineation of HCAs is not entirely consistent with known spotted owl core areas. Of the 15 core areas, only 6 are wholly or partially within HCAs... only a few of the HCAs include areas known to receive high use by active spotted owl pairs. In particular, the lack of HCAs including the core use areas of Roberts Creek and Salander Creek may result in lack of adequate protection to maintain these highly productive sites... "Under the HCP, there is no specific protection for Roberts Creek or Salander Creek owl sites." "In particular, the two sites noted as being important to the Elliott population because of their demonstrated ability to contribute.

new individuals into the spotted owl populations, Roberts Creek and Salander Creek, are not included in any HCAs." Please address this problem in the next FMP/HCP draft.

Response

In the revision of the FMP, we designated Conservation Areas which will replace the HCAs under the old FMP. The T&E core areas were specifically designed to protect known spotted owl and marbled murrelet nesting sites. We used the latest available information in designating these areas, including telemetry information from the northern spotted owl research study and survey information from the 2003 northern spotted owl survey and from marbled murrelet surveys. There are 15 T&E cores designed around known spotted owl use. Specifically, the Roberts Creek and Salander Creek T&E cores were made larger than other northern spotted owl cores because these 2 sites had been identified through the research as important sites contributing to northern spotted owl productivity on the Elliott State Forest. The core area for Roberts Creek is 783 acres and that for Salander Creek is 529 acres. The median size of T&E cores for spotted owls is 250-300 acres. In situations where we had telemetry information on northern spotted owl, we endeavored to include the most used parts of their home ranges into the T&E cores areas. In some instances barred owls were shown to be using these areas during the 2003 survey, and in these situations we chose to shift the location of the T&E core area closer to where the known spotted owl use was in that year.

Elliott State Forest Management Plan Public Comments Reponses: December 2005

Comment Number 151

The management activities that are allowed within conservation areas have the potential to adversely impact marbled murrelets. Thus, these activities should be reconsidered.

Response

We believe the activities allowed to occur within Conservation Areas:

vehicle traffic on forest roads, wildfire suppression and control, road maintenance, minimal road construction, harvest unit guylines or tailholds, stream rehabilitation work, stream survey work, and animal survey work. Removal of trees or snags for safety reasons may also occur in some circumstances, such as when a dead tree is leaning over a forest road. In addition, management activities that further the purpose of the conservation area may be allowed in some areas, such as management to attain mature forest conditions along streams.

have a low likelihood of adversely affecting marbled murrelets or other listed species. However, these activities will be undertaken either by applying appropriate take avoidance measures to avoid harm or harassment to listed species, or under an incidental take permit which allows these low risk activities to occur.

Comment Number 153

Stream side buffers, known nesting sites of T&E species, scenic areas (i.e., Loon Lake and the Umpqua River), unstable soils and public safety exclusion areas, gives wildlife about 25,225 acres of "Conservation Areas", the only permanent reserves on the Elliott. Unfortunately, about 10,225 acres of the reserves were clearcut before 1995, so there are only 15,000 acres of advanced structure in the conservation areas. The ODF should consider not logging any more NRF habitat until the Conservation Areas have fully recovered from past clearcutting.

Response

Conservation areas are counted as advanced structure by virtue of their current condition, use by owls or murrelets, contribution to the habitata needs of other species, and by their persistence on the landscape. T&E core areas which are a portion of conservation areas were selected primarily because of their use by owls and murrelets. Avoiding harvest of potential NRF habitat outside conservation areas would not meet the constitutional mandate to maximize revenue to the Common School Fund.

Elliott State Forest Management Plan Public Comments Reponses: December 2005

Comment Number 158

For catastrophic disturbances affecting mature forests in reserves: “an older complex-structure stand could be selected as a replacement for this reserve and allowed to develop into old growth. There also would be great ecological and research value in retaining the burned reserve in its natural state, without salvaging.”

The ODF should also refrain from replanting disturbed Conservation Areas that have scattered live trees remaining. This would allow nature’s diversity to create a patchy, uneven aged, multiple species forest, preferred by old-growth dependent wildlife.

Response

Conservation areas are designed and designated for certain purposes. They are not permanent reserves in the sense that the commenter uses. In the event of a disturbance event such as wind or fire, ODF will evaluate how well the conservation area is functioning and what management measures, if any, need to be taken to return the conservation area's function in a timely manner. This includes salvage harvest and replanting.

Comment Number 159

Salvage of other forest areas: Even if a natural disturbance occurred in an area of the forest not designated as a conservation area, salvage should be limited so that erosion and further damage of soils does not occur. If it is a fire event, ODF should consider leaving 50% of the burned trees for the reasons science has determined in the two Beschta Reports.

Response

Disturbance events outside conservation areas will be evaluated and appropriate management applied. This includes salvage harvest and replanting. Legacy components such as snags, green trees and down wood as described in the FMP strategies will be left in the harvest area.

Elliott State Forest Management Plan Public Comments Responses: December 2005

Comment Number 184

The exceptions to management activities within conservation are some of the most damaging practices: vehicle traffic, wildfire suppression and control, road maintenance, and construction. ODF should reconsider its decision to allow these activities within the conservation areas in order for the conservation areas to fulfill their purpose. In addition, all proposed management activities must be subject to public notice and comment. Moreover, ODF must seek specific permission from the Services to undertake any management activity in a conservation area so that the federal agencies can make a site-specific finding that the proposed management activity will not impair the ability of the conservation area to fulfill its purposes. Furthermore, T & E cores should not only include occupied habitat, but suitable habitat as well. The NSO and marbled murrelet populations are in such distress that all remaining suitable habitat should be maintained. Thus, all of the ESF should be surveyed in order to accurately identify T & E cores, and old growth stands should be considered T & E cores, even if unoccupied because this type of habitat is rare and must be left standing to ensure the viability of the NSO and marbled murrelet.

Response

We have chosen to allow certain activities related to management of the forest but that have a minimal impact on habitat to occur in Conservation Areas. These activities will not occur without either an incidental take permit or application of appropriate take avoidance measures for listed species.

T&E core areas include both occupied and suitable habitat. However, not all suitable habitat on the Elliott is included in T&E core areas. Other Conservation Areas include additional suitable habitat. All stands of 20 acres or larger that are considered to be old-growth (175 years old as of 2004) are included in Conservation Areas and will be left standing.

Comment Number 196

Federal land management has chosen a precautionary model as its guide to meeting its objectives. Creating static boundaries for wilderness areas, riparian areas and designated habitat for specific wildlife species has not proven to be effective at recovering threatened and endangered species. Such management strategies have totally ignored the economic consequences on local communities. The Elliott State Forest has an opportunity to initiate a plan that includes habitat and wildlife concerns while meeting its mission for the Common School Fund.

Response

We agree with your comment about meeting habitat and wildlife concerns while meeting the mission for the Common School Fund. We believe the plan meets the constitutional mandate to maximize revenue to the Common School Fund and provides for an appropriate balance of economic, social and environmental benefits from the forest.

Comment Number 206

Fewer Conservation Areas to protect wildlife habitat, the total acreage of proposed conservation areas (advanced structure) is unwarranted.

Response

ODF believes the proposed conservation areas are what will be needed to obtain an approved HCP. ODF believes a multi-species HCP will provide the greatest benefit to the citizens of Oregon by providing a sustainable, dependable timber harvest and management certainty.

Elliott State Forest Management Plan Public Comments Reponses: December 2005

Sub-topic Fish

Scope HCP

Comment Number 215

Assumption of No Direct Take of Aquatic Species is not Tenable for Amphibians and requires more analysis to be defensible for fish

The implication that unlisted amphibian species will not suffer direct take is unsupportable, but requires analysis regardless of whether there “are currently no incidental take level or guidelines defines for these species.” DHCP at 1-5. The fact that no take avoidance guidelines have been developed is irrelevant in the face of an HCP process that requires impacts to species (i.e. take) to be assessed and quantified.

Given the fact that red-legged frogs breed in streams and non-larval individuals are known to wander at least 300 feet from water, it is foreseeable that timber harvest both inside and outside riparian areas and associated activities will cause direct take of frogs. The same goes for the headwater associates, the tailed frog and the southern torrent salamander, which are old-growth associated, stream breeding and highly sensitive to temperature increases and sedimentation of cobbles.

We note that at 9-8 the Department concedes that some red-legged frogs may be killed from harvest outside RMAs, indicating that some direct take. It is not clear why harvest inside RMAs wouldn't lead to the same result.

The draft plan more clearly states at 1-4 that no “direct take” of fish is anticipated. Such a finding assumes that the proposed riparian buffers, limitations on equipment, road standards and the “risk based” approach to landslide hazard areas will not result in any direct mortality of individual fishes. This assumption deserves a more detailed rationale, particularly with regard to harvest and yarning along smaller Type N streams in proximity to fish-bearing waters.

Response

Direct mortality of fish could potentially be expected from activities occurring in-stream in areas where and when fish are present. Direct mortality of fish is not expected to be associated with harvest and yarding activities. All fish streams and large/medium non-fish streams will have no harvest, no ground based equipment operation, and full suspension required during cable yarding within 25 ft of the stream bank. Small perennial non-fish streams will have no harvest or ground-based equipment operation within 25 ft of the streambank for the first 500 feet above the confluence with a fish bearing stream. These types of HCP effects will be analyzed in the EIS.

Elliott State Forest Management Plan Public Comments Responses: December 2005

Sub-topic Marbled Murrelet

Scope HCP

Comment Number 48

Murrelet disturbance policies exceed protocol for Federals pacific seabirds. This is unnecessary (occupied sites in stands).

Response

The strategy in the HCP for avoiding disturbance is consistent with ODF policies that were developed in consultation with the federal services.

Comment Number 147

The draft HCP allows for too great a loss of marbled murrelet habitat. Under the new plan, any marbled murrelet sites discovered after 2004 will not be protected⁸⁵, even though 60%⁸⁶ of the best murrelet habitat on the Elliott is outside of conservation areas and available for clearcutting. 1,000 acres of murrelet habitat can be clearcut each decade. Murrelet sites discovered as a result of surveys for 2005, 2006 and 2007 sales apparently can be cut down after the new HCP is implemented. These are inadequate protections for one of the most important sites for the marbled murrelet on the entire Oregon coast.

The timber sale surveys that have discovered the current murrelets sites, resulting in conservation areas, were done on some of the Elliott's poorest murrelet habitat. "... the Elliott is a murrelet-rich environment and murrelets are found even on about 25 percent of timber sales proposed in "poor" murrelet habitat." That leaves most of the best murrelet unprotected by the new plans. It is not a good conservation strategy to protect the poorest habitat while allowing the best habitat to be clearcut.

With some of the best murrelet habitat being proposed for cutting under the new plans, the habitat remaining has no guarantees it can harbor and protect murrelet nests. On the Elliott, murrelets select large conifer trees that average 55" dbh for nesting. Yet what ODF claims will protect murrelets on the Elliott is the "advanced structure" that is required on 40% of the Elliott. Unfortunately, the definition of advanced structure is that the predominate tree is over 18" no where near 55" used by the murrelet. The ODF presents so scientific evidence that murrelets can thrive without significant predation in recovered clearcuts 65 years old. (See section 1 above).

Response

ODF believes that over the permit period there will be at least as much in-growth of murrelet habitat as will be harvested. This will be tested through monitoring of stand development.

Comment Number 148

Elliott marbled murrelet research: The 1995 Elliott HCP included a 6 year incidental take permit for marbled murrelets because "little was known about the murrelet at that time. As such, part of the HCP strategy called for ODF to fund research on the murrelet that could be used to guide the development of long-term conservation, and support an extended ITP for the species." ODF spent \$500,000 in the first 5 years of the current HCP on a murrelet research program. By now the ODF should have some published data. Where is it? It should be in the FMP appendix, and be referred to.

Response

Murrelet research on State Forest Land is used and referred to in the HCP. See Nelson, S.K., and A.K. Wilson. 2002. in Appendix B.

Elliott State Forest Management Plan Public Comments Reponses: December 2005

Comment Number 149

Critical Habitat for murrelets: Since the original HCP, critical habitat was designated for marbled murrelets. The 1996 final rule designating critical habitat for the murrelet included all of the Elliott State Forest lands. The murrelet recovery plan says: "Any lands within critical habitat that are covered by a legally-operative incidental take permit for marbled murrelets, based on an approved Habitat Conservation Plan that addresses conservation of the marbled murrelet, are excluded from critical habitat while the permit is active." This means that in 2001, when the HCP for marbled murrelets on the Elliott expired, the Elliott reverted to critical habitat. The ODF failed to disclose this in the draft FMP/HCP plans.

Response

This type of response about the HCP and its effects will be handled through the EIS process.

Comment Number 150

The 1997 Marbled Murrelet Recovery Plan says: "Maintenance of suitable and occupied marbled murrelet nesting habitat in the Elliott State Forest... is an essential component for the stabilization and recovery of the marbled murrelet."⁹⁶ "Essential nesting habitats that occur on forest lands under non-Federal management include...the Elliott State Forest.... These areas are critical for maintaining the distribution of suitable habitat."⁹⁷ This doesn't comport with the ODF plan to clearcut 1,000 acres of some of the best marbled murrelet habitat on the coast every decade.

The draft HCP says that not all potential marbled murrelet habitat on the ESF has been surveyed. THE SERVICES should require that all potential habitat be surveyed so that the public and the agency know the full extent to which take will affect the murrelet as a result of implementation of the proposed FMP.

Response

This type of comment about the HCP and its effects will be handled through the EIS process.

Elliott State Forest Management Plan Public Comments Responses: December 2005

Comment Number 152

The ODF failed to fully consider the status review for the marbled murrelet, completed in March 2004. It predicts continued murrelet population declines in Oregon due to loss of nesting habitat from logging and urbanization and that murrelets may disappear from all of their native Pacific Northwest range, including the Elliott, within 100 years. The Washington, Oregon, and California murrelet population is a genetically Distinct Population Segment (DPS) from the murrelet populations that are faring better in Alaska. The report concludes: "It is unrealistic to expect that the species will recover before there is significant improvement in the amount and distribution of suitable nesting habitat." This indicates it is not prudent for the ODF to clearcut 1,000 acres of some of the best murrelet habitat every decade.

There must be additional protections for newly discovered marbled murrelet sites, other than the imposition of seasonal restrictions. Seasonal restrictions will not mitigate for the loss of regular nest sites. Marbled murrelets display extreme nest fidelity and it is likely that their reproductive success diminishes greatly if their regular nesting sites are disturbed.

The discussion concerning the potential impacts to marbled murrelets must be expanded upon. The Recovery Plan for the marbled murrelet clearly requires that potentially suitable habitat must be retained in order to recover the species.

Response

This type of comment about the effects of the HCP will be handled through the EIS process.

Elliott State Forest Management Plan Public Comments Reponses: December 2005

Sub-topic Northern Spotted Owl

Scope FMP

Elliott State Forest Management Plan Public Comments Responses: December 2005

Comment Number 146

Errors in draft plans: The new plans being developed for the Elliott have blatantly wrong information on populations of northern spotted owls. Before the ODF can make informed decisions, the information must be corrected.

For instance, the Implementation Plan and FMP said that over the 5 years of the Elliott's NSO study (1993-1998), "there was an apparent loss of territories..." and "the rate of population change remained relative steady. This is wrong! The study referred to concluded that, between 1993 and 1998, the total number of NSO territories decreased by 48% and the number of pair sites decreased by 54%. "Crude density also declined between 1993 and 1996 with a 62% decrease in the number of territories/km² and a 57% decrease in the number of owls/km²." The study warned that "the declining adult survival rates are of concern, and these rates must stabilize over time for the population to be stationary... the declining trend in density and adult survival are cause for concern..."

The FMP and IP falsely claimed there was only an "apparent loss" of territories, when there is overwhelming evidence there was a 48% decrease in territories; and falsely claimed there is a steady population when the number of owls declined by 57%. Even ODF's own 5-year review of the HCP says NSOs "significantly declined" between 1993 and 1998. The drastic decline in numbers of NSO cannot be ignored. The final HCP, FMP and IP must be corrected.

The 1995 HCP promises must be kept. The northern spotted owls on the Elliott have declined significantly since the 1995 HCP, when there were 69 owls on, or partially on, the Elliott. The state of Oregon promised that habitat for 26 northern spotted owls will be protected through 2055.⁷⁰ The 2005 draft IP, HCP and FMP must not protect any less than what Oregon has promised to protect. Yet the 2005 draft plans appear to be allowing the Elliott to maintain only the 10 pairs and 3 resident singles⁷¹ (23 owls) left on the Elliott. The 2005 plans do not increase protections for NSO to assure 26 owls will be protected, but decrease protections. In fact, the new HCP doesn't actually require that any number of owls actually be present on the Elliott.

The new HCP should not allow further destruction of NSO habitat unless 26 owls are actually using the habitat the HCP claims they can use.

The new 2005 HCP must encourage an increase of NSOs, from 10, back up to at least 13 pairs, and must maintain at least this number for the life of the HCP. The mean home

Range size on the Elliott for a northern spotted owl is 2,735 acres. Therefore, 26 owls would need 71,110 acres of nesting, roosting and foraging habitat.

The draft HCP says: "The ideas, objectives, and strategies of this plan must begin with the forest lands as they are now."⁷³ No. This HCP is a modification to the current HCP, not a new HCP, so the baseline must begin at 1995.

The 2003 owl survey found less owls than the draft HCP claims. The 2003 survey found 11 pairs and 2 resident singles. This includes the 14 pairs the draft HCP listed on page 6-6, except the following:

** Upper Mill Creek pair. The 2003 survey says the Upper Mill Creek pair is the Tom Fool Pair⁷⁴. The ODF can't count this pair twice.*

** Fourmile Creek pair. The 2003 survey says the Fourmile Creek pair is on private land.⁷⁵ The ODF can't support NSOs on adjoining private land.*

Elliott State Forest Management Plan Public Comments Responses: December 2005

** Palouse Creek Pair. The 2003 survey says the Palouse Creek pair is no pair at all. It's only a resident single.⁷⁶ The ODF can't count a resident single as a pair. The total we count is 11 pairs and 2 resident singles, or 24 owls and 13 activity centers. However, the 2003 survey actually says: "Based on the more rigorous protocol for demographic studies, there were 10 active pair sites and three resident-single sites (two with pair status unknown) for a total of 13 activity centers."⁷⁷ This is because at least one site had only 1 response from a pair, instead of 2, as the protocol requires⁷⁸. We are unsure which pairs the protocol for demographic studies would call a resident single instead. This information should be disclosed and considered in the next FMP/HCP draft.*

Instead of 10 or 11 pairs, the ODF claims the 2003 NSO survey on the Elliott found "Twenty-five owls at 13 activity centers (12 pairs and one single owl)."⁷⁹ And more mysteriously, the 2005 draft HCP claims the 2003 survey shows there are 14 owl pairs and one resident single.⁸⁰ The HCP can't start out with the wrong numbers. Could ODF please supply us with a list, naming which specific owls are being counted as pairs and resident singles in the ODF's count of 12 pairs, vs. the 2003 study's count of 10 pairs.

None of the NSO's on the Elliott nested in 2003. This is alarming information. There should be another survey in 2006 before finalizing the HCP to determine if the inability to nest on the Elliott is consistent over multiple years.

The Elliott is critical for owl survival in the area. The USFW determined that populations of fewer than 20 potentially reproductive pairs are at an increased risk of local extinction. Habitat reserves that can support 20 or more pairs should be spaced no more than 12 miles apart because 2/3rd of all juvenile dispersal distances were 12 miles or less. Reserves with small populations should be no more than 7 miles apart.

The federal reserves around the Elliott are smaller than what would support 20 pairs, and therefore, depend on the Elliott to supplement this critical habitat link.

In 1995 the USFW determined that: "in the short term, the situation [near the Elliott] is particularly acute because the owl populations in the reserves are depressed due to the limited amount and fragmented nature of the habitat within the reserves." The effective population sizes in the reserves around the Elliott were expected to fall to 12 pairs and 10 pairs. (#33 southeast of the Elliott and #34 east of the Elliott). This makes the Elliott State Forest even more critical for protecting owls to allow their continued existence in the area of concern.

In 1995, roughly half of the known owls in the Oregon Coast Range province were south of highway 3883 in the vicinity of the Elliott. The ODF must consider how maintaining owls at only 10 pairs will affect the regional landscape. The current HCP says:

"The Elliott State Forest and Late Successional Reserve RO265, immediately north of the Elliott, provide a critical link within the Oregon Coast Range Province, connecting populations north and south of State Highway 38. ... Regrowth of forests in Coast Range LSRs, and hence, demographic contribution, will not begin to occur for several decades. In the meantime, contributions to the provincial owl population by the Elliott will be very beneficial. Populations within the Klamath and West Cascades Provinces are more stable, and restocking of coastal LSRs will be enhanced by immigration from these."

"...Effective 1995, Weyerhaeuser Corporation has entered into an HCP with the USFWS to manage its 209,000 acre Millicoma Tree Farm, adjacent to the Elliott, as habitat conducive for dispersal of spotted owls.... The Millicoma Tree Farm and the Elliott State Forest form the major linkage between three LSRs that will be critical in

Elliott State Forest Management Plan Public Comments Responses: December 2005

facilitating intra-and inter-provincial movement, and restocking of suitable, potentially vacant, habitat that will be developing in the LSRs.”

This regional importance of the Elliott State Forest should be more fully considered in the draft plans.

There is only protection of occupied NSO sites within the T&E cores. There must be additional protection of newly discovered sites. It is highly likely that many of the occupied sites that are protected will be taken over by barred owls, a scientific reality that only highlights the need to protect newly discovered sites in additional conservation areas

(see section 5 below for more on this).

Seasonal restrictions should be applied outside of the conservation areas in the suitable and newly discovered habitat. The section discussing the potential impacts on NSO from the implementation of the HCP/FMP must be expanded. For example, how much habitat will be lost? What are the localized impacts? Regional impacts? Species-wide impacts?

Response

We disagree that the information in the FMP, Appendix F, contains errors with respect to studies conducted on the Elliott State Forest. Specifically,

The FMP, Appendix F, states the following:

In two related measurements of density, the number of owls per square kilometer and territories per square kilometer significantly declined during the course of the study, from 0.106 owls per square kilometer and 0.055 territories per square kilometer in 1993 to 0.061 owls per square kilometer and 0.034 territories per square kilometer in 1996, the last year in which all suitable habitat in the Elliott State Forest was surveyed. The number of female young produced per female spotted owl over the course of the study was 0.30 (CI equals 0.21 to 0.39), which is similar to the mean fecundity calculated in other demographic study areas, while the number of young produced per female that produced at least one young was fairly constant over the course of the study, with a mean of 1.53. Young were produced on the Elliott State Forest every year of the study, exhibiting more stable annual productivity than in other study areas. Adult survival rates on the Elliott State Forest appeared to be declining over the course of the study. The mean overall adult survival rate was estimated to be 0.85 (CI equals 0.77 to 0.90), similar to rates found on other studies, and juvenile survival rates were higher than rates found on most other studies, averaging 0.54 (CI equals 0.34 to 0.72). Annual rate of population change was 0.972 (CI equals 0.890 to 1.054), slightly higher than the mean estimate from several other studies (Franklin et al. 1999). Because the confidence intervals on the estimate include 1.0, we cannot definitively say whether the population is declining, staying the same, or increasing.

Because owl sites on the Elliott State Forest are not isolated from one another or from adjacent populations, immigration into the area should contribute to population stability. However, the declining trends in density and adult survival over this 5-year period are cause for concern in this study area.

This information is consistent with what is reported in:

Anthony, R. G., M. C. Hansen, K. Swindle, and A. M. Ellingson. 2000a. Demographic Characteristics of Northern Spotted Owls on Lands Managed by the Oregon Department of Forestry. Final Research Report. Submitted to Oregon Department of Forestry, Salem, OR. Oregon Cooperative Fish and Wildlife Research Unit, Oregon State University, Department of Fisheries and Wildlife, Corvallis, OR.

Elliott State Forest Management Plan Public Comments Reponses: December 2005

Scope

HCP

Comment Number 92

I was opposed to the decision to clearcut vital habitat of the Northern Spotted Owl in the Elliott which was granted to the Oregon Department of Forestry in 1995. Forty three (43) Northern Spotted Owls were left homeless and probably perished. The deal was to protect enough habitat for another 26 owls to continue to live on the Elliott and this was to continue for over a 60 year time period. Can we never keep a promise. Now, just ten years down the road and ODF want to log into this HCP and eliminate more of the habitat reserved for this and other endangered wildlife.

Is it true that ODF has not heard that Global Climate Change or Global Warming is threatening our NW forests with drought, disease and perhaps hurricane size windstorms? Scientists are saying that the most prudent path to the future in our forests is to protect the remaining old growth for a variety of reasons: Genetic diversity within the native old growth or mature forests will provide better chances for adaptation to changing climate; the moisture retention in a mature or old growth forest is becoming increasingly important to watersheds as we move into more extremely dry seasons; climate change is creating stress on wildlife as well as the flora and therefore the need to protect vital functioning habitat becomes all the more critical for survival and maintaining a semblance of balance.

The Oregon Department of Forestry primary responsibility is to protect the public forests for the people. The revenue derived from the sale of logs cannot replace the loss of these other values. We cannot continue to rob the future for today.

ODF should never consider clearcut logging as "advanced structure" thinning. Preparing "advanced structure" projects should only be considered if the habitat is actually being used as nesting for spotted owls or murrelets.

Response

The issues that the commentor brings up were considered in the planning process. The constitutional mandate for Common School Forest Lands requires the State Land Board to use the lands to obtain the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management. According to a 1992 Oregon Attorney General opinion, this means that the land must be used to benefit schools and maximize revenue to the Common School Fund over the long term. Accordingly, the draft plan seeks to produce revenue through harvesting of forest products, while maintaining and developing desirable fish and wildlife habitats and biological diversity. The draft strategies were developed by a multi-disciplinary team that includes wildlife biologists, and are intended to balance ecological and economic goals.

Elliott State Forest Management Plan Public Comments Responses: December 2005

Comment Number 154

Also problematic is that at some of these conservation areas are spotted owl nesting sites that have been overtaken by barred owls. This has already happened on at least two Habitat Conservation Areas on the Elliott, as documented in the 2003 NSO survey:

• Upper Mill Creek site: “No spotted owls were found at this site for the rest of the season, and a male barred owl occupied this site after that.” The draft 2005 HCP has guaranteed a protected Conservation Area of 121 acres around this barred owl site. • Roberts Creek site: “An aggressive male barred owl occupied the historic Roberts Creek AC.” The draft 2005 HCP has guaranteed a protected Conservation Area of 783 acres around this barred owl site. At least 8 historic Spotted Owl sites on the Elliott are threatened with Barred Owls: “Barred owls (*Strix varia*) were detected at eight spotted owl sites...” These eight sites, Alder, Benson, Bickford, Johnson, Murphy, Roberts, Tom Fool, and Upper Mill Creek, totaling about 1,801,104 acres of Conservation Areas, could be protecting barred owls instead of spotted owls. This is 26% of the 6,837 HCAs set aside to protect the northern spotted owls. There is abundant data that the barred owl incursion will continue and increase.

The draft HCP will not fully protect any advanced structure forests outside of the Conservation Areas. This is problematic for spotted owls that have to move out of their historic site. The barred owls occupying the historic owl sites could become one of the best protected species on the Elliott. The HCP says:

“There is no special protection of newly discovered [NSO] sites. It is possible for spotted owls that are nesting outside of designated T&E cores or other Conservation Areas to have habitat reduced to a point where they are not sustained at any given point in time. In addition, these new sites could be disturbed by nearby management activities. Habitat important during the nesting period could be removed or modified, affecting the success of the nesting.” Considering the movement of NSOs due to the influx of barred owls, the HCP should be modified to protect any additional areas of the Forest that a NSO moves into, at least until the barred owl phenomenon and the effects on the NSO, are better understood. Clearcutting new NSO sites could preclude future options for saving this endangered species from extinction.

Response

This type of comment about the effects of the HCP will be addressed through the EIS process.

Elliott State Forest Management Plan Public Comments Responses: December 2005

Sub-topic Wildlife

Scope FMP

Comment Number 17

Have there been any studies of how these proposed management practices will effect owl habitat (has anyone taken a plantation grown it into owl habitat)?

Response

NCASI has been looking at the question of how thinning practices affect habitat for northern spotted owls. This study is still in progress (ODF has been a participant in this study). Since it does take time for habitat to develop, with or without management, we have not yet had the opportunity to follow development of plantations which have been managed to achieve the characteristics of spotted owl habitat. However, Nierenberg and Tappeiner (2000) looked at the characteristics of spotted owl habitat on the Elliott and on state forest lands in the North Coast, and have proposed prescriptions to develop these characteristics in managed stands. Andrews et al (2005) also have proposed silvicultural approaches to developing spotted owl habitat from young plantations.

See the following:

Irwin, L. L., and D. F. Rock. 2002. Adaptive management monitoring of northern spotted owls: interim report and addendum to stud plan. Unpubl. Rept., National Council for Air and Stream Improvement.

Tappeiner, J., T. Nierenberg, J. Bailey, and N. Poage. 2000. Characterizing northern spotted owl habitat on state forest lands in the Oregon Coast Range. Appendix C in Glenn, E., R. Anthony, A. Ellingson, J. Tappeiner, T. Nierenberg. Summary of northern spotted owl research on Oregon Department of Forestry Lands in the Coast Range. Unpubl. Report, Oregon Cooperative Fish and Wildlife Research Unit, Corvallis, Oregon.

Andrews, L. S., J. P. Perkins, et al. (2005). "Silvicultural approaches to develop northern spotted owl nesting sites, Central Coast ranges, Oregon." *Western Journal of Applied Forestry* 20(1): 13-27.

Elliott State Forest Management Plan Public Comments Reponses: December 2005

Comment Number 79

The Elliot State Forest provides some of the last and best present and future habitat for diminishing salmonid species as well as hundreds of other imperiled species including indicators like the marbled murrelet and Northern spotted owl in the Umpqua and Coos rivers drainages.

I have travelled through the Elliot and the terrain is extremely steep and rugged. The logging of the past has left many scars on steep slopes. The "newer" logging is slightly less damaging but still does not reflect truly sustainable logging practices that conserve diminishing natural resources like top soils, riparian areas, native forest stands, salmonid habitat, and big game refuge.

On the behalf of the 2,500 members of the Many Rivers Group Sierra Club of Coos, Lane, and Douglas Counties, we would support increased restoration (road obliteration, old plantation thinning to native species structure, stream structures,) and wider riparian buffers for all classes of streams without any increase in native forest volume cut.

We do not support any Management Plan that would increase timber volume cut in the Elliot State Forest or any public state forest lands. We therefore request that a new management plan reflect the forest conservation management described above.

Response

Oregon's constitution mandates that Common School Land (over 90% of the lands managed by the Coos District) must be used to obtain the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management. This means using the land to benefit schools and maximize revenue to the Common School Fund over the long term. To accomplish these goals, the strategies in the draft plan are meant to produce dependable timber volume and revenues over the long term, while also providing resource protection for wildlife, fish, and other forest values.

Comment Number 124

The new management plans for the Elliott State Forest should consider the regional situation. Owls have to fly around and interact with other owls, and the only other protection nearby is some BLM land. The BLM wrote that owls on federal land needed the Elliott State Forest because of the large private acreage in the area affording no habitat. It is important for the Elliott to reserve enough acres to do this.

Response

The plan considers the Elliott's place in the regional landscape and provides a level of nesting, roosting and foraging habitat for owls, as well as dispersal habitat.

Elliott State Forest Management Plan Public Comments Reponses: December 2005

Comment Number 127

Forage Seeding

ODFW recommends implementing and evaluating a forage seeding program on some component of the Elliott State Forest following regeneration harvests to improve big game habitat. Big game reside throughout the Elliott State Forest, and forage in regeneration harvest areas. Forage seeding can provide an alternate source of browse, which can reduce pressure on tree seedlings. ODFW offers to partner with ODF and others in the development of this program.

Improving big game forage conditions on the Elliott State Forest can benefit neighboring landowners suffering damage from big game. ODFW receives annual complaints from several neighboring private landowners about big game herds moving from the Elliott State Forest to forage on private pastures. Improving forage conditions on the Elliott State Forest may serve to keep big game off adjacent private lands, thus reducing big game damage on private lands.

Forage seeding can provide an additional benefit by combating invasive weeds (incorporate into an Integrated Pest Management process, page 5-24).

Response

Cooperative forage seeding on clearcut units has been done in the past with ODFW providing the seed and helicopter time. This work was done during a period when more clearcut units were burned than is the case now. According to ODFW at the time, units that were burned provided the best seedbeds and the highest success rate. An unburned unit or portion of unit that had a lot of exposed soil could also be successfully seeded. During the last several years that we cooperatively seeded units with ODFW a mix of legumes only was used. The reason for this was to use a crop that didn't cause significant competition with new plantations. A couple factors that probably caused the forage seeding program to cease was the reduction in slash burning and the increase in the use of skyline logging systems.

Comment Number 134

In 1995 the ODF promised to protect habitat for 26 owls, HCP, over a 60 year period.

Now, just 20 years later, the promise is threatened to be broken for the sake of the financial interests of a few. I realize that many people do not understand the value of preserving the never before logged mature forests and certainly don't understand the biological need to protect habitat for potted owls or murrelets. I'm sure you are aware of the promise and that the habitat is already insufficient to support 26 owls.

Response

Protection of occupied owl and murrelet habitat was a key consideration during development of the proposed plan. Research, surveys and information about owls and murrelets were used in designating conservation areas, or T&E cores, that were primarily identified because of use by owls and murrelets. The legal mandate for Common School Lands such as the Elliott is to maximize revenue to the Common School Fund.

Elliott State Forest Management Plan Public Comments Reponses: December 2005

Scope

HCP

Comment Number 51

Different restrictions in owl areas versus marbled murrelet areas. Clarify consistency.

Response

If the reviewer is referring to restrictions on disturbance to nesting animals, there are different restrictions because the biology of the species is different and the restrictions are specific to species. I am not sure how to "clarify consistency," but if the reviewer wants to provide more information on their concern, that is welcome.

Comment Number 56

If barred owls take up residence in a conservation area (former spotted owl nest site), will you continue to protect the barred owl?

Response

The T&E core areas are based on the location of spotted owls or marbled murrelets and are in set locations. However, we know that spotted owls change their activity areas over time, although we do not fully understand all of the reasons that they do this. A pair of spotted owls may change their activity area in response to barred owls moving into the area. It is also possible that spotted owls could move back into the area if the barred owls are no longer occupying it. Because of these uncertainties, the T&E core areas will not change over time as spotted owls move. The assumption is that the habitat remains suitable for spotted owl nesting and could be reoccupied. The adaptive management approach of the FMP could result in changes to the T&E core locations over time if this is determined to be important to achieving the goals of the FMP.

Elliott State Forest Management Plan Public Comments Reponses: December 2005

Comment Number 93

ODF must not "take" any murrelets in the best habitat left on the central Oregon coast . This endangered sea-bird is no joking matter. The survival of this bird matters to me.

The 1995 HCP allowed the "taking" of murrelets, but that permit expired after 6 years, so today, the ODF must do the no-take protocol for murrelets, which means surveying each timber sale for two years.

ODF must keep the promise made in 1995 to provide habitat sufficient to sustain 26 Northern Spotted Owls. Scientists report that there are not even 26 owls left anymore, so ODF has already logged too much.

ODF must realize the threat of the barred owl and do everything in its power to fully protect the Northern Spotted Owl habitat which exists in the Elliott forest.

I have seen the areas where ODF has declared it poor murrelet habitat. I was surprised by the evidence that revealed murrelets were found on about 25% of the timber sales proposed in these "poor" murrelet habitat areas. (Oregon CSF Lands Mangement Status Update. John H. Beuter Umpqua-Tualatin, Inc. 3-31-03)

This becomes a critical issue as ODF is pursuing a course of logging without surveying for murrelets. ODF must not "take" any murrelets or spotted owls and they need to do thorough surveying.

ODF should remove their request to clearcut up to 1,000 acres of murrelet habitat per decade. This request stuns me. It is so wrong thinking. Does ODF think nothing of the future?

Why is it that any murrelet nests found as a result of the 2004 through 2007 timber sale program, "will not be designated as conservation areas and will be available for management activities".....such as cleacutting and herbicide spraying? This makes absolutely no sense.

As far as the Northern Spotted Owl is concerned, ODF must keep their 1995 promise to provide habitat sufficient to sustain 26 owls. If there are not 26 owls, ODF should not throw up their hands as say that the deal is off. Instead they should work to provide enough habitat so the owl population can increase to this number. Tell me why the revised plan calls for increasing clearcut logging inside the NSO habitat?

Why is ODF proposing to increase the number of acres per year for clearcut logging when the evidence that degraded and unusable habitat is lowering the numbers of endangered species able to survive under these conditions? Reason would dictate that less acres should be allowed, not more. The current program averages 460 acres of clearcut each year. The new program will allow up to 850 acres to be clearcut annually. Also, the ODF should do a new owl survey on the Elliott in 2006 to make sure the new HCP has accurate information.

The explanation that old clearcuts will become the habitat of tomorrow doesn't fly because the habitat required now is being lost faster than the clearcut sites can recover. It is also not fully agreed upon that clearcut areas can ever fully replace native uncut forests. With the threat of new diseases, a monoculture silvicultural program and other threats from global warming and new predation by barred owls, every bit of mature forest habitat needs to be placed in permanent reserves.

Why would it even be necessary to say:

The ODF should not log new spotted owl nesting sites while protecting barred owls that invade historic spotted owl sites. Instead, all spotted owl habitat should be fully protected on the Elliott, at least until we know more about the barred owl invasion.

Elliott State Forest Management Plan Public Comments Reponses: December 2005

Response

Murrelets - Murrelet-occupied sites are protected in the plan through their designation as conservation areas. Under an HCP - one way of complying with the federal ESA - ODF believes that any take of marbled murrelet habitat will be mitigated for by an improved landscape design, protection of currently occupied sites in conservation areas, strategies that avoid disturbance of nesting murrelets, and by growing an amount of murrelet habitat which is equivalent to the habitat harvested over the term of the HCP.

Owls - Elliott-specific research and information on owls was used in designing the landscape strategies for the proposed plan. Conservation areas were designated that protect areas currently being used by owls. ODF believes that protection of these sites coupled with an improved landscape design and maintaining between 40 and 60 percent of the forest in advanced structure will provide habitat for the northern spotted owl.

In addition the plan's strategies will provide more flexibility and enable ODF to meet the constitutional mandate to maximize revenue to the Common School Fund over the long-term, using sound techniques of land management.

Comment Number 185

The draft HCP states that ODF will retain existing snags "where operationally feasible." This caveat should be eliminated given the importance of existing stands to many species of wildlife. Snag retention is of the utmost importance and should not be brushed aside for general "operational feasibility." In addition the snag retention requirement of at least three snags/acre greater than or equal to 15 inches dbh is simply insufficient.

Response

The caveat "where operationally feasible" is essential. Safety is a critical part of every forest operation. It is illegal for a logger or road builder to leave snags that endanger workers. It is very important that ODF not include language in any of its plans or timber sale contracts that could be interpreted by timber sale purchasers or contractors as requiring them to leave danger trees in units they're operating. ODF must make it clear to Purchasers/contractors that snags and trees that are a hazard to their workers can be felled. If they left danger trees due to verbiage in our FMP or timber sale contract, a worker could be killed or seriously injured, and the state would be liable.

Elliott State Forest Management Plan Public Comments Responses: December 2005

Comment Number 214

Avoidance of Regional Extirpation is not the Legally or Biologically Appropriate Standard for Acceptable Impacts on Amphibian Populations

The ESA requires that unlisted species be treated “as if” they were listed. This means that the same analytical rigor must be applied to these species, including but not limited to the equivalent of “jeopardy” analysis.

The draft HCP implies the application of an inappropriate decision standard for allowable impacts to covered amphibian populations. For example, at page 9-6 the draft plan notes that the anticipated levels of incidental harm or harassment to headwater amphibians is “not likely to eliminate regional populations of the species or imperil the recovery of these species in the wild.” The same statement is repeated with regard to red-legged frogs at 9-8.

Avoidance of regional extinction is not the legally or biologically appropriate standard here.

First, it is not clear what a “regional” population is. Secondly, jeopardy is generally understood to require more than avoiding the total extinction of species at the “species” level, hence the development and use of concepts like distinct population segments and ESUs for salmonids. The appropriate population unit to consider in analyzing impacts to amphibians must be established in light of the species limited dispersal ability and the extent of current habitat fragmentation.

Response

These types of HCP effects will be analyzed in the EIS.

Scope IP

Comment Number 97

ODF should immediately drop the Salander Top sale. This sale should be dropped because it is near a Northern Spotted Owl (NSO) core area. The only information I could find regarding NSO's in the area was from Umpqua Watersheds (UW). According to UW (who has volunteers that are NSO Biologists) the Salander Top Sale is in Native forest that the Salander Creek owl pair uses. UW also said that this owl area was left out of the HCP.

This is especially troubling since the NSO population in the Elliot has dropped from 26 pairs when the HCP was adopted to 11 pairs in 2003 (the most recent year I could find).

Response

Comments on specific sales are outside the scope of the proposed FMP.

In the proposed HCP, the Salander Creek owl pair were included in a conservation area.