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Mike Korn  
Bureau of Land Management  
Field Manager  
Swiftwater Field Office  
Roseburg District of the BLM  
June 27, 2019

Dear Mike Korn:

Please accept these brief comments from Umpqua Watersheds, Inc. (UW) on the Dead Man's Folley (DMF) Harvest Plan EA, **DOI-BLM-ORWA-R040-2017-0002-EA**.

In UW's original (5/26/2017) and in its additional (4/05/2019) Scoping Comments for DMF, we offered the following observation:

*"In reviewing the vicinity map for this proposal, provided by your office, realizing that its management prescriptions are somewhat preliminary, UW cannot help but note the contextual management condition of the intervening private holdings thereon. In nearly every instance, the public land sections proposed for regen. (LITA) by the Dead Man's Folley Harvest Plan EA, are adjoining or proximate to recent private industrial clear cuts and/or young monoculture plantations."*

While UW fully endorses this and all of the views and references contained in those original comments, it can only observe that now, more than two years later, contextual conditions overall on this analysis area have only deteriorated, environmentally speaking. On pages 5 and 6, following, we again offer two views of DMF, the first taken from Google Earth, the second, from the ODF FERNS web site. Do note, on the later, the presence of blue outlines. These are indicative of additional, private industrial extractive and related activities, thereon.

We read the following in the DMF EA: *"The cumulative effect of private land actions includes the consideration of private lands for those resources whose analysis area is beyond the timber sale units.*

*The assumptions for industrial timber lands that are utilized primarily for timber production. Harvest location and scheduling on privately managed industrial forest lands is proprietary information therefore, throughout this analysis the BLM assumed late-seral forest stands on private land have been converted to early- or mid-seral conditions. It is also assumed large industrial owners would continue to manage their lands primarily for timber production on a rotation of 40 to 65 years based on observed trends. The BLM assumes intensive timber management on private lands would include the use of herbicides for control of competing vegetation, resulting in highly simplified vegetative communities. It is assumed that industrial forest managers would follow the Oregon Forest Practices Act and other such requirements (PRMP/FEIS, p. 168, 340)"<sup>1</sup>*

The above statement says plenty about the obviously poor habitat conditions for NSO, MAMU and most other living things on the adjoining and proximate private industrial timberlands on this analysis area. It is indicative of all of the suite of deleterious ecological impacts we have listed over and over again in UW's various NEPA submissions to RBBLM. (E.G., UW's DMF Additional Scoping Comments, pg.6).

Then this: "*The Oregon Forest Practices Act requires protection of a 70-acre area around occupied nest sites, but does not provide any protection or conservation of other surrounding habitat on private lands (OFRI 2016). The BLM assumes harvest activities on private timber lands would disrupt nesting northern spotted owls and reduce available habitat, rendering some core areas and/or home ranges unable to support northern spotted owl life functions. However, some forest industry stands that have reached 40 years of age may provide dispersal conditions within northern spotted owl home ranges until they are harvested.*"<sup>2</sup> EA pg. 49 But, not to worry, says BLM, we will be implementing BMPs and PDFs on public lands, to hell with environmental conditions just over the property line!

(E.g.: time and again, one reads in BLM documents about such BMPs as noise reductions during the nesting seasons of the NSO and MAMU. What of the intense noise generated at any time of the year by these private industrial clear cutting operations? It doesn't take much imagination to intuit the impact heavy equipment like feller bunchers, with their insanely loud and far carrying decibel levels, or poorly muffled diesel engines, not to mention screaming chain saws, have on sensitive species trying to establish nests, raise and fledge young. Will BLM or USFWS act to avoid this kind of hazard, by way of fulfilling its obligations under the 1937 O&C Act and the ESA? Hmmm?) To wit: "*Noise, human intrusion, and mechanical movement may cause some form of disruption or disturbance to the normal behavioral patterns of nesting northern spotted owls. The disruption threshold is the distance activities occurring during the critical breeding period that could disrupt the normal behavior pattern of an individual or breeding pair (i.e., flushing from a nest or cause a feeding attempt to fail) (USDI FWS 2004).*"<sup>3</sup> Ya think?!

## **ALTERNATIVE 2 VIS A VIS NSO PERSISTENCE/RECOVERY**

We read further in the EA: "*Available science suggests that as the amount of NRF habitat in a northern spotted owl's home range decreases, so does site occupancy, reproduction, and survival (Bart and Forsman 1992, Bart 1995, Forsman et al. 2005). Thomas et al. (1990), Bart and Forsman (1992), Bart (1995), Olson et al. 2004, and Dugger et al. (2005) suggest that when northern spotted owl home*

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1 DMF EA, Pg. 24

2 Ibid., pg. 49

3 Ibid., pg. 84

*ranges are comprised of less than 40 to 60 percent NRF habitat, they were more likely to have lower occupancy and fitness as cited in the BO for the NCO RMP/ROD (USDI FWS 2016, p. 58). In addition, results of Dugger et al. (2005) and Olson et al. (2004) suggest that younger stands do not necessarily contribute to overall habitat-fitness.*

*The amount of NRF habitat considered necessary to maintain northern spotted owl life functions within a 1.5 mile home range radius is 1,810 acres (40 percent of the total home range acres) (Thomas et al. 1990 and Courtney et al. 2004). In this analysis, "habitat-limited" means that the provincial home range has less than 40 percent NRF habitat available."<sup>4</sup>*

How very many formerly occupied NSO core areas are now "*habitat-limited*" due, to a significant extent, to the sustained and myopic application of the Sustained Yield management paradigm across all ownerships in the decades preceding adoption of the Northwest Forest Plan; continuing down to the present on the intervening private industrial timberlands of the O&C checkerboard, including, of course, the watersheds comprising the DMF Analysis Area?

And: "*The harvest of unoccupied spotted owl habitat would not affect any currently nesting or territorial spotted owls. However, it does have the potential to reduce the probability of occupancy of these sites by spotted owls in the future (USDI FWS 2016, p.583) because habitat available for nesting and foraging activities would be reduced. The PRMP/FEIS analyzed effects to the northern spotted owl population at the geographic range and smaller scales based on habitat availability and suitability and is incorporated here by reference (PRMP/FEIS, pp. 1777-1792). The BLM concluded that 325 home ranges overlapped HLB lands and that over the next 50 years these sites would be impacted to some degree by timber harvest, resulting in a reduction of numbers, reproduction, and distribution of spotted owls due to loss of habitat. Therefore, the effects to unoccupied northern spotted owl sites within the analysis area are within the scope of the PRMP/FEIS.*" (Emphasis UW)<sup>5</sup>

Given the miserable NSO reproduction rates for this and most other density study areas in Western Oregon, the "*... scope of the PRMP/FEIS*" clearly falls far short of what is required for the persistence, let alone the eventual recovery of the NSO! Should this reproduction condition continue, this portion of the vaunted and frequently "tiered to" PRMP/FEIS may well be judged worthless by the interested public.

And: "*Cumulative effects under Alternative 2 would remove up to 15 acres (1.5 percent) and 16 acres (1.6 percent) of NRF from two unoccupied home ranges, North Martin and North Martin II, respectively. The cumulative loss of NRF habitat would further reduce the habitat-fitness of these home ranges and their ability to support northern spotted owls.*" (Emphasis UW)<sup>6</sup>

And: "*Cumulative impacts due to past, reasonably foreseeable, and the proposed actions would affect eight unoccupied home ranges. Loss of dispersal-only habitat would reduce the amount of habitat available to facilitate movement between stands of NRF habitat within these home ranges.*" (Emphasis UW)<sup>7</sup> So much for continued dispersal opportunities, when one carefully considers that these losses are absolutely **CUMULATIVE** to the gross disruptions to connectivity represented by private industrial clear cuts on the intervening timberlands.

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4 DMF EA, Pg. 35

5 Ibid., Pg. 40

6 Ibid., Pg. 47

7 Ibid., Pg. 47

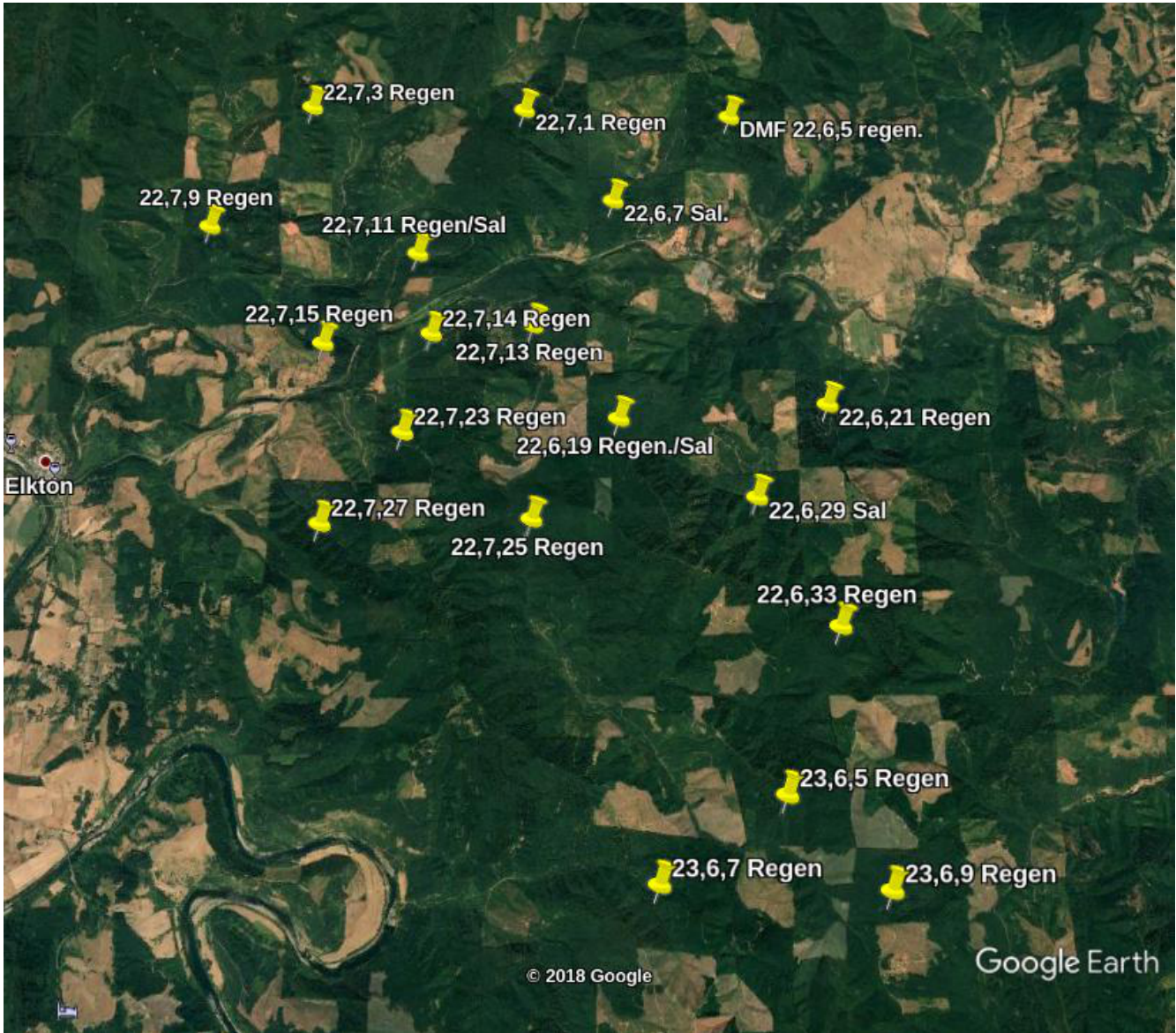
Yet more encouraging news for the beleaguered NSO and those citizens, who recognize that habitat that is good for the Spotted Owl is also good for myriad other creatures and natural functions, across the board: "*Under the proposed action, regeneration harvest of 200 acres of NRF under Alternative 2 would remove PCE 2 and PCE 3 within critical habitat for the northern spotted owl. Canopy cover, amount of large conifers, basal area, and incidence of trees with deformities would be reduced below levels necessary to sustain nesting northern spotted owls following timber harvest. In addition, stand-level canopy cover would fall below 40 percent in the 200 acres of NRF, a value widely used as a dispersal function recommended minimum (Thomas et al. 1990).*"<sup>8</sup> EA pg. 83

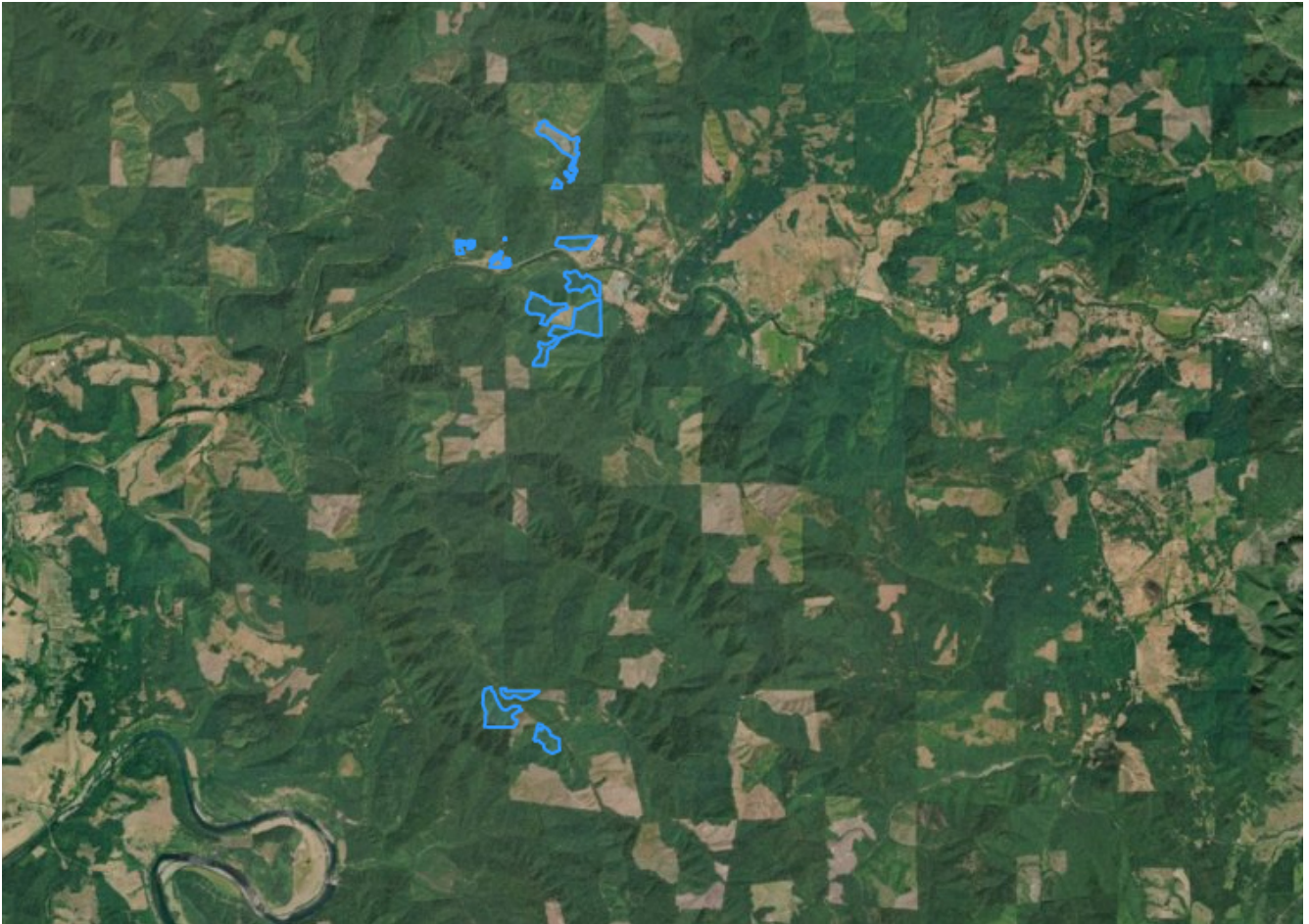
Finally: "*The FEIS for the RMPs for Western Oregon described the effect of harvest on designated critical habitat for the northern spotted and concluded that the PRMP would meet the recovery goals and long-term ecosystem restoration and conservation needs for the northern spotted owl (USDI BLM 2016, pp. 931-998). That discussion is incorporated here by reference. Because the Deadman's Folley Harvest Plan is within the scope of the EIS, this issue was not analyzed in detail. **The Deadman's Folley Harvest Plan would not preclude or appreciably reduce northern spotted owl movement between watersheds, between critical habitat units, or within the Physiographic Province.*** (Emphasis UW)<sup>9</sup> Given the aerial views included in these comments, as well as the above excerpts from the DMF and other EAs we have seen, we can think of no better comment than the time-tested interjection: "**BALONEY!**"

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8 Ibid., Pg. 83

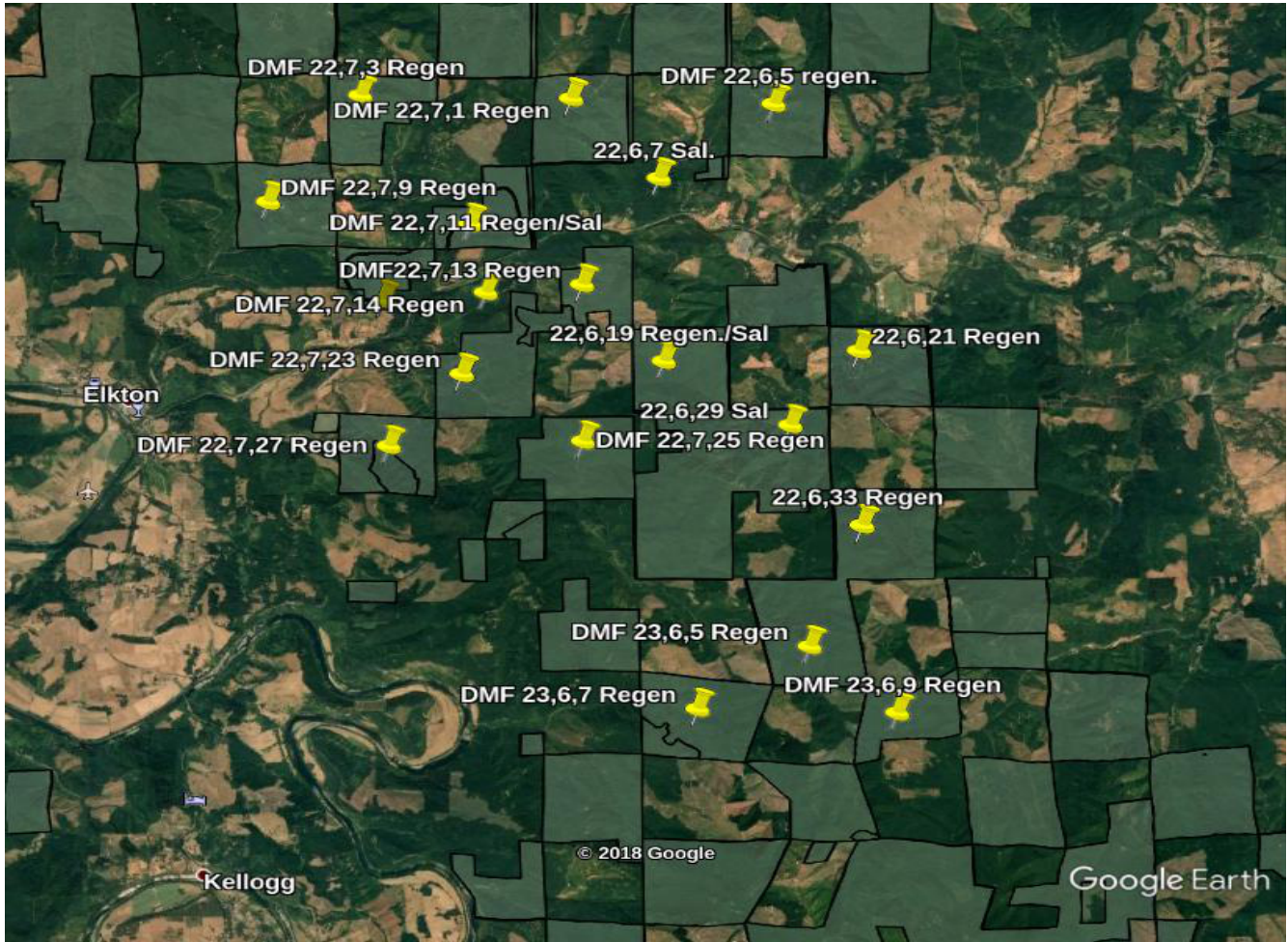
9 DMF EA, Pg. 84



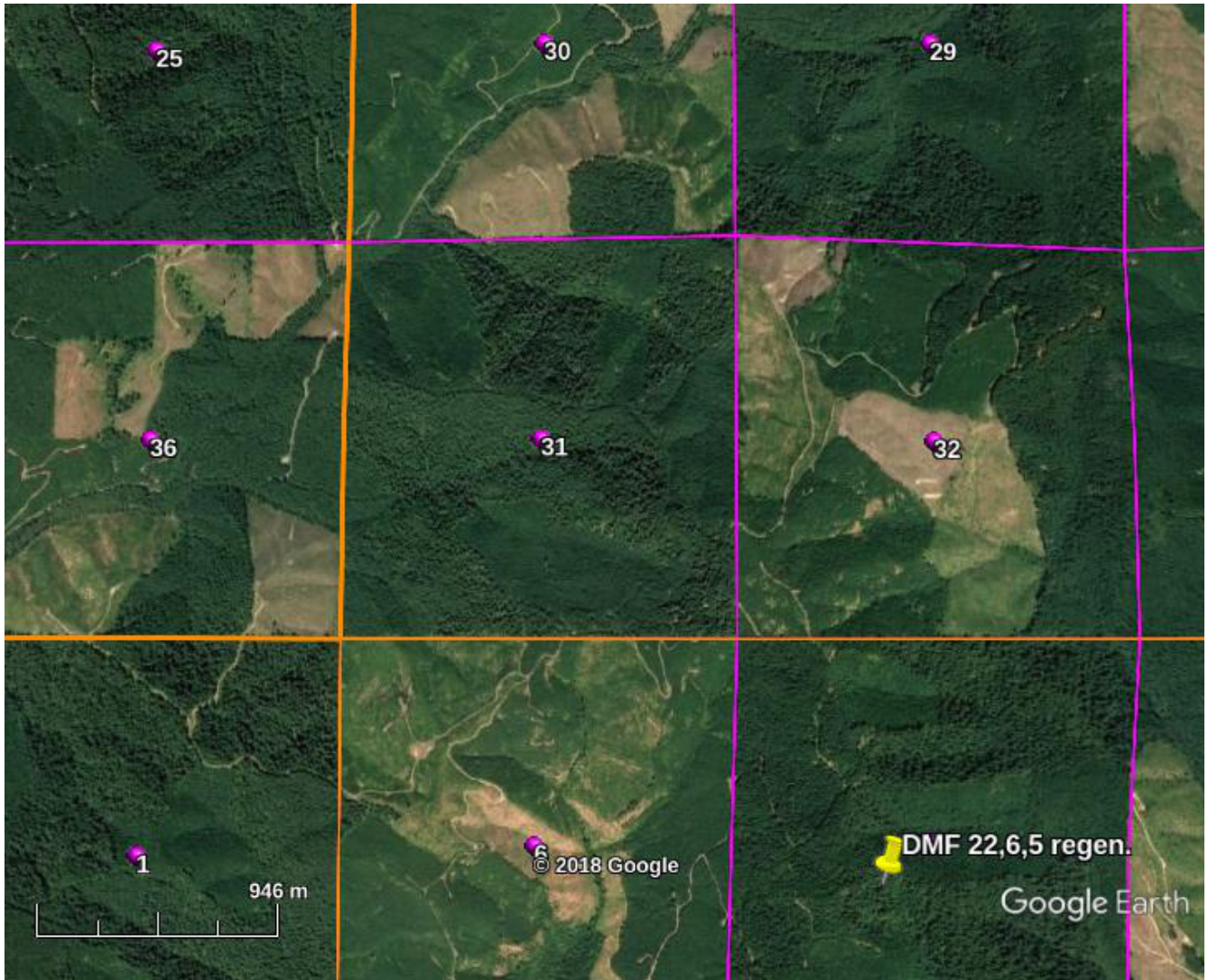


For apparently needed emphasis, UW repeats the question it asked, in its additional Scoping Comments for DMF, of RBBLM's wildlife biologists, fisheries scientists, hydrologists et al: does this analysis area look anything like a healthy collection of watersheds? Will detrimental ecological impacts from the addition of numerous public land regens, adding their relatively large canopy openings to those already extant on adjoining and proximate private industrial lands, along with those proposed (outlined in blue), be anything if not **CUMULATIVE**, directly, indirectly and/or in any manner that the Swift Water Field Office would care to characterize them?

Below, is the Google Earth View of Deadman's Folley, with NSO Critical Habitat Overlay, which was included in our additional Scoping Comments. UW, again, notes that several proposed DMF extractive units are located within critical habitat sections, and that **no** NSO critical habitat is located on the intervening private lands. Thus, as a practical matter, conservation of the NSO, as much as for MAMU and other imperiled species, whether ESA listed or not, falls almost entirely to the discretion of the BLM. (Needless to say, this condition is not dissimilar to the issue of county government funding, chronically depleted summer streamflow, carbon sequestration/release etc.)



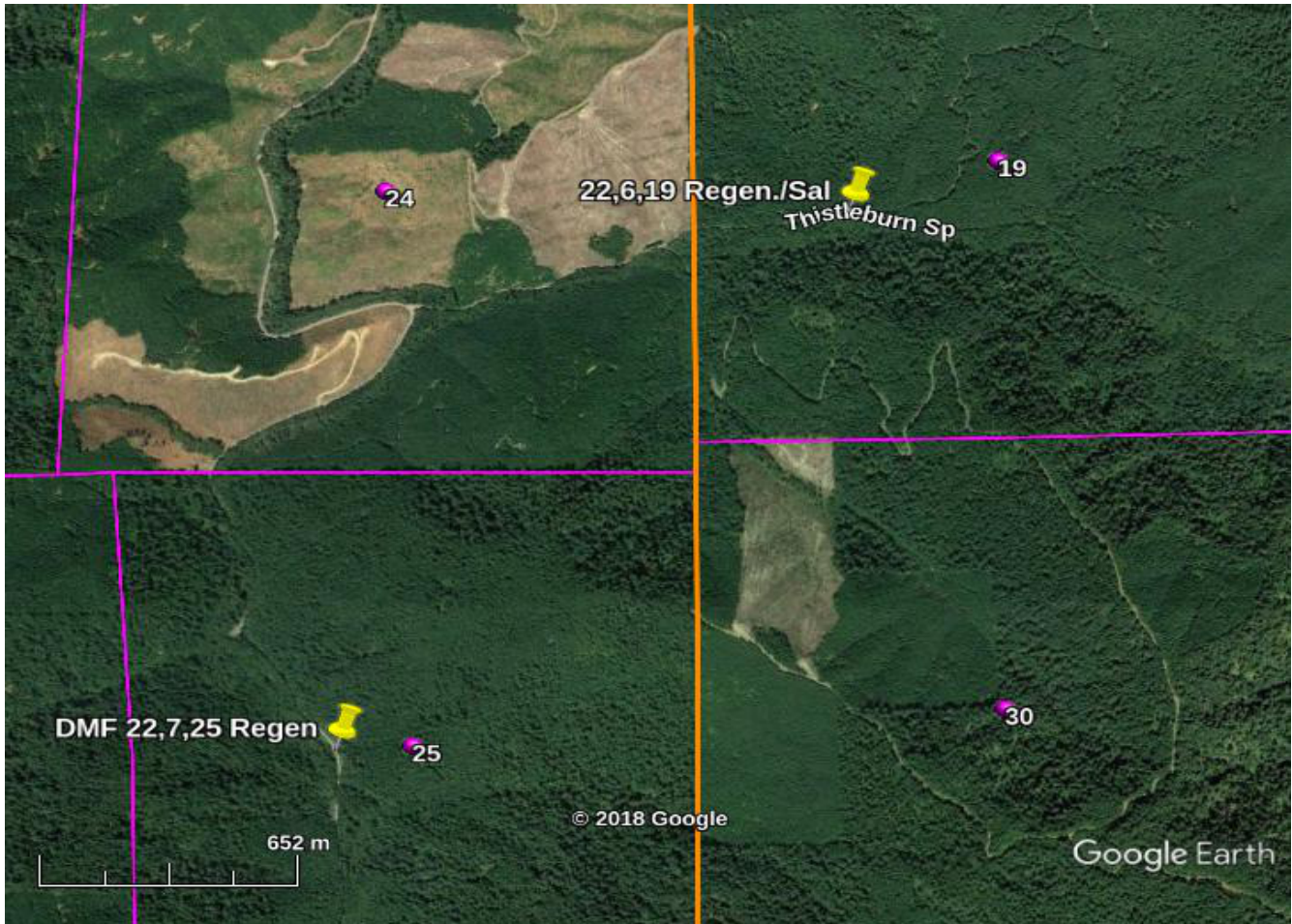
Below, is a Google Earth Screen shot from 2018. It shows the approximate location (on 22-6-31) of the occupied NSO site, north west of DMF Unit 22-6-5A. Note the several recent clear cuts and/or young monoculture Douglas Fir plantations to the north, south, east and west. Table E-4, Appendix E, indicates that 1.1 acres of NRF and 62 acres of Dispersal habitat may be removed as part of Deadman's



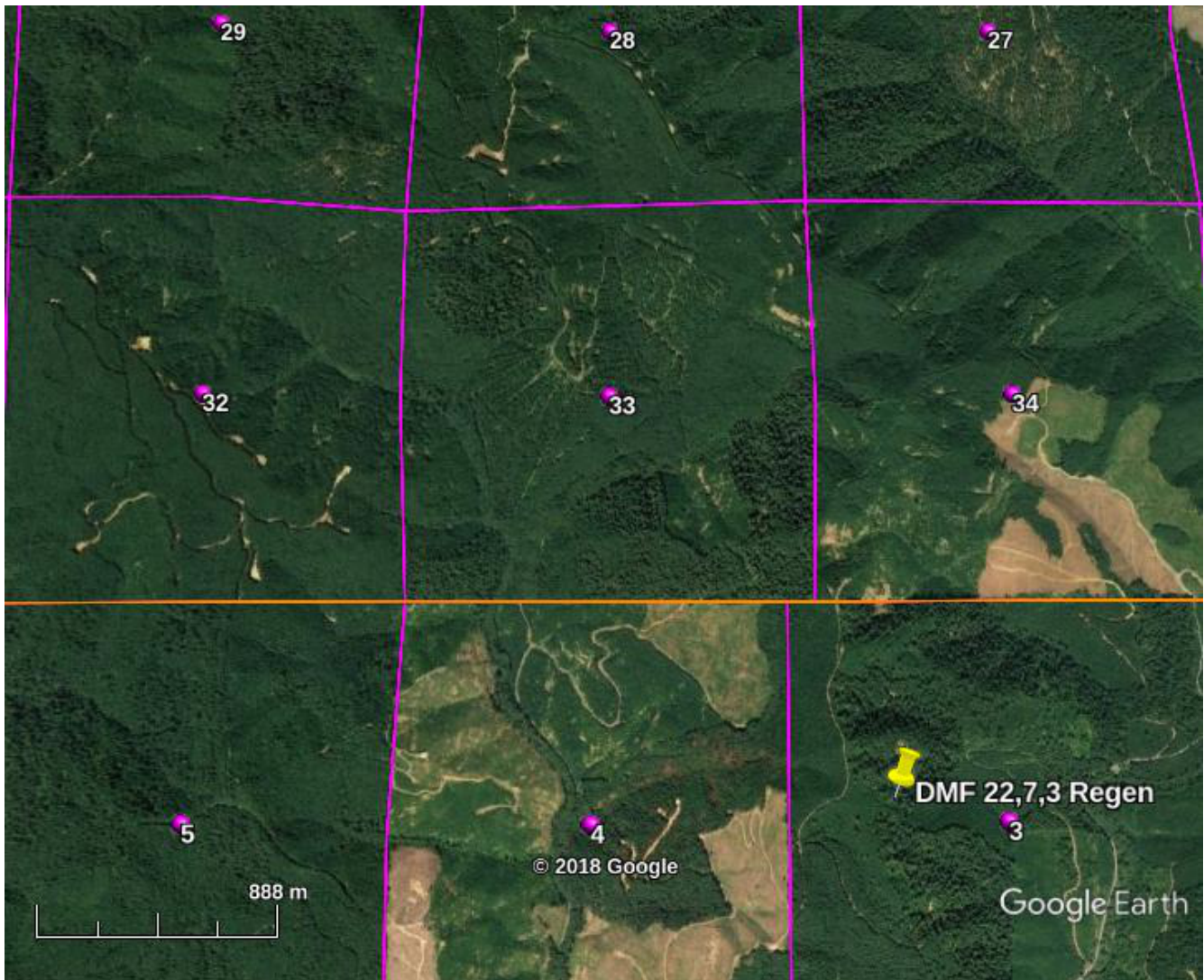
Folley extractive activities.



The Google Earth screen shot directly below shows an overview of the Thistleburn occupied NSO site, whose approximate location is near the intersection of 22-6-19 & 30, and 22-7-24 & 25, or 0.3 miles south east of DMF Units 22-6-19C & D. Note the recent clear cuts and/or young monoculture plantations on 22-7-24 and 22-6-30. (Of course, who can say when still more clear cut openings with their attendant edge effects etc. will be constructed on these private industrial holdings?) In addition, DMF regens are proposed for 22-7-25. Meanwhile, Table E-4, Appendix E tells us that **5.6** acres of NRF and some **261** acres of Dispersal Habitat will be removed in the course of DMF activities.



The Google Earth screen shot directly below shows the approximate location of the West Little Tom Folley occupied NSO site, which we are told lies about 1.1 miles north west of DMF Unit 22-7-3A. UW notes the recent clear cuts and/or monoculture plantations on 22-7-4 and 21-7-34. Since 21-7-28 and 21-7-32 are also private industrial timberlands, one can reasonably expect more large clear cuts, monoculture fiber farms and their attendant practices to be imposed here. Again, these will be in addition to those created as part of the DMF EA, the impacts to listed species, low summer flow, carbon release etc. of the latter unquestionably **CUMULATIVE** to the several detrimental environmental impacts flowing from extractive activities on these adjoining and proximate private industrial holdings.



(For further NSO comments, please see UW's additional Scoping Comments, pages 4, 5, 6 and 7. )

## Other Considerations

For an indication of UW's positions vis a vis such critical areas of concern as the historic and current management context of these watersheds, chronic low summer flow, carbon sequestration/climate change, roads etc. please see UW's Protest of the Styx and Stones Timber Sale. However, regarding the issue highlighted by the Perry-Jones 2017 Special Paper, which strongly inferred a chronically depleted summer flow regime wherever 50% or more of the primary old-growth/mature forest in a given catchment has been liquidated and replaced with Douglas Fir plantations, we read the following in the DMF EA: "*Low flow analysis, unlike peak flow analysis, has no threshold or linear envelope curve (Grant et al. 2008, p.35) to facilitate comparison of proposed BLM harvest treatments and study results. It is also not possible to directly compare the results in Perry and Jones (2016) with Federal forest management because the BLM does not clearcut entire catchments of 130+ year old forest\*<sup>10</sup>. It is too simplistic to say that treatment designs on BLM-managed land in Douglas-fir dominated forests across the Pacific Northwest experience low flow surplus for 15 years, low flow deficit from 15 to 130 years, and low flow recovery after 130 years. **This simplistic accounting is more plausible for private industrial timberlands that are managed on a 40-year rotation with dense reforestation. Periods of surplus and deficit alternate in time and space on private holdings across subwatersheds, but stands never return to a state of low flow hydrologic recovery. Contrast this with BLM management where VRH occurs in stands older than 40, and Riparian Reserves and other retained portions of the stand reduce low flow changes and alter the trajectory of low flow hydrologic recovery.***" (Emphasis UW)<sup>11</sup>

In the emboldened portion of the above EA excerpt, we clearly see the BLM adhering, in so many words, to the oft-repeated claim UW has made in various of its NEPA submissions to the agency. Namely that "*The 'BLM is attempting to use the presently degraded low summer flow, chronic in our estimation, as the base line from which to gauge the impact of its management proposals.*" And, as we have previously noted, this view has been clearly expressed by Coos Bay BLM. To wit: "*Clearcutting most of a young stand on private, 40 years for example, would produce low flow surplus relative to the 40 year old stand and a much older stand, 130 years for example, due to reductions in interception and evapotranspiration. As the clearcut "matures" to rotation age (40 years for example) it may undergo little to no low flow deficit relative to the previous young forest of vigorously growing trees, but it would exhibit low flow deficit relative to the historical low flow condition at rotation age. Private, therefore, cycles between low flow surplus for a few years post-harvest and current low flow conditions (low flow deficit inferred from Perry and Jones' analyses of clearcutting 130+ year old forests).*"<sup>12</sup>

Sincerely,

Joseph Patrick Quinn  
Volunteer Conservation Chair,

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10 **Yes, but the intervening private industrial does, with a vengeance!**

11 DMF EA, Pg. 102

12 Upper Rock Creek EA, App. B, Pp. 101, 102