

next to it could be privately-owned. If a timber company wants to access the "square" it owns, it has to cross through a different square to get there.

That's why Lone Rock and the BLM say they adhere to the O&C Logging Road Right-of-Way Agreement set up in the 1960s to allow landowners this type of access. In this case, Lone Rock plans to begin logging trees to construct a 1,440-foot-long road through the Swiftwater area managed by the BLM, in order to start a logging project on its own land.

Barbara Machado, the BLM Swiftwater field manager, said the right-of-way framework is a key component in being able to effectively access and manage both public and private forestlands in the checkerboard.

"It is important that the BLM upholds the legal rights of adjacent landowners to access their lands according to the agreements that are in place, as we expect private to provide access for the management of public lands in the O&C," Machado said.

Cheyne Roszbach, a spokesman for the Roseburg BLM, said Lone Rock will need to pay the BLM fair market value for the timber it logs to make way for the road. Luther said the BLM will follow the same process and procedures in determining the volume and value of the timber that it does with other timber sales.

Eatherington said she questioned if the price will really be fair, as it will be negotiated without the public's knowledge.

#### BUILDING THE ROAD

Plans for the proposed road will include an area for trucks to turn around.

"The road starts from an area where two to three roads meet, where trucks could turn around," Eatherington said. "That adds to the appearance that this is just a timber grab and not necessary for Lone Rock Timber to access their unit."

Joseph Patrick Quinn of Camas Valley, the vice president of conservation group Umpqua Watersheds, added he expects Lone Rock to extract much more in terms of timber value from the road and truck turnaround than it will from the timberland the company is trying to access.

Luther said his company's business model does not include buying federal timber when it can avoid it, as it no longer operates a mill.

Quinn said he thinks there is a lack of transparency regarding the proposed logging.

Quinn said it doesn't make any sense why the BLM would allow Lone Rock to log a number of very large, precious trees during owl nesting season, and he said the road is unnecessarily wide.

According to the Luther, the road construction engineering and procedures follow the best available science and management practices to minimize impacts to the forest's ecosystem, and to minimize soil erosion, degradation to water quality and other resources.

"The clearing limits, which define the trees that need to be cut in order to construct the road, are as narrow as possible to build a safe and stable road," Luther said. "This is the same practice we apply to any road construction project."

#### WILDLIFE REVIEW

The right-of-way agreement allows BLM staff to survey the proposed road area to mark any trees they're concerned about, or to provide recommendations to the road builders. While the review contains no concerns regarding archeology, botany,



MICHAEL SULLIVAN/NEWS-REVIEW PHOTOS

Lone Rock Logging Manager Brennan Garreits gestures towards an area where a proposed road would fork from the main road to run through a section of Bureau of Land Management land that lies between two sections of land owned by Lone Rock Timber Management Company in the Susan Creek area east of Idlewild Park on Friday.



A posted marker shows the border for one side of a proposed roadway to be built on Bureau of Land Management land that lies between two sections of land owned by Lone Rock Timber Management Company in the Susan Creek area east of Idlewild Park on Friday.

fisheries, fuels, hydrology or recreation, staff member Angie Worthing did note some concerns about wildlife.

Worthing suggested that in order to avoid removing suitable habitat structures and/or nest trees for the spotted owl, Lone Rock should avoid logging large trees with broken tops, cavities, large limbs or nest platforms. She also recommended the company leave behind large snags or large downed wood for habitat, and flagged three Douglas firs with pink "wildlife" flagging, indicating they should not be cut.

Worthing also recommended the company implement seasonal restrictions during the owls' breeding season from March 1 to Sept. 30. Roszbach said Lone Rock can begin construction at any time during the dry season, May 15 to Oct. 15, but it was allowed to start as early as this week.

Luther said the trees marked by the BLM wildlife biologist contain no current or previous nest for any species of concern. He declined to say when the company will begin logging and road construction, due to what he said is the conservation groups' "past behavior of tree siting, vandalizing equipment or driving spikes in trees with the intention of hurting people." Eatherington said she talked with a representative of the U.S. Fish and Wildlife Service, who told her private timber companies are legally required

to consult with the service when they impact spotted owl habitat, but the agency does not enforce that requirement. She said when she asked him to enforce it this time, the representative replied he would discuss it at a meeting in Portland on Monday.

Quinn said he doesn't think the right-of-way agreement should trump the Endangered Species Act and other protections for species like the spotted owl.

"We have judicial evidence the Ninth Circuit Court of Appeals declared the 1872 Mining Act, for example, does not trump the Endangered Species Act," Quinn said.

#### POSSIBLE OBJECTIONS

Roszbach said the road construction is a non-discretionary action, meaning the BLM is very limited in what it can object to when a landowner wants to build a road.

According to the agreement, approved by the federal government on March 30, 1966, the BLM may object to the proposed construction only if it is not the most direct route to the landowner's property, the road would interfere with existing facilities or improvements, or create excessive erosion.

"We determined none of those three fit in this situation, so that's where Lone Rock gets the clearance to go ahead with that road segment," Roszbach said. Other reciprocal right-of-way

agreements may include the option for other objections, such as "an existing road is available and suitable for removal of timber tributary to the proposed road," or if the construction "may affect a species listed as 'threatened or endangered' under the Endangered Species Act," but this particular agreement does not include those options.

#### FACEBOOK ACTIVISM

Christopher Pond of Dillard created a Facebook page called Rare Old Growth Public Forests Threatened By BLM, which shows photos of old growth trees in the proposed area.

Pond said he created the page because he believes what BLM and Lone Rock are doing is brazen.

"Lone Rock could easily cut the patch they desire to cut with men and chainsaws, but they require this road through BLM to specifically allow one machine to do all the work," Pond said. "That's less jobs and more profit."

According to Roszbach, Lone Rock needs to build a new road in order to get a mechanical feller to the unit, and an existing road to the unit that was built about decades ago would not be sufficient.

"Your public lands are being handed away behind closed doors without your say so, and regardless of protest," a post on the Facebook page reads.

Luther said the page uses deceptive statements and half-truths to elicit strong emotional responses from the public.

"In this case they claim that BLM has embarked on a 'back-room deal with Lone Rock Timber to log ancient forests,' when the truth of the matter is that Lone Rock Timber has the legal right under our reciprocal right-of-way agreement with the BLM to construct the road to gain access to our property," Luther said, adding some of the trees in the posted photos are outside of the proposed logging area.

In response to claims that the road will run through the center of an old-grove grove, Luther said the road is designed to avoid large trees where possible, and the surrounding forest contains hundreds of other trees of similar types and sizes.

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