

Good Morning,

I am Linda Johnston, 10518 E Five Rivers Rd., Tidewater OR 97390

The topic I wish to address is Prindel Creek Farms events and the impact they have on the rest of the Five Rivers community. I work with the Alsea Watershed Council so have experience with environmental concerns and understand the difference between true restoration efforts and hot air and false words.

There are many areas of distress: traffic, noise, road accidents, vagrancy, theft, but I will focus on two of them – environmental impact and fire.

The Prindel Creek folks say they love the environment, that these events are a way of showing urbanites the beauty of the woods, how to live with the natural world. However, the majority of their large events degrade the environment. The footprint of cars leaking oil and fuel while parked within 20 feet of the river, the noise generated by the bands and amplified music, until all hours of the night. Marbled murrelet is a threatened species and this area is critical habitat. (see attached) A sustained loud noise of 10-15 minutes can be associated with nest failure. Scientists have established a connection between human presence in marbled murrelet territory and predation of marbled murrelet chicks by Stellar jays, crows and ravens, lured by food scraps left in situations like Prindel Creek.

The Upper Five Rivers area is considered high quality habitat for Coho salmon. This is expressed in the Five Rivers Landscape Management Plan (USFS). Prindel Creek is an important piece in a restoration project currently being considered for funding by OWEB. During events the stream is used for bathing and other activities that contaminate the water, potentially causing harm to fish and other water species, although the folks at Prindel Creek will deny it. Pictures and advertising on various websites of vendors for Prindel Creek reflect this. We have spent many years and millions of dollars in an effort to improve Oregon's habitat for fish and wildlife. To allow an increasingly degrading footprint to continue like these events at Prindel Creek runs contrary to the Oregon Plan.

Fire – oh my, do they ever use fire. Pictures are included showing some very frightening scenes, especially of all the sparks flying into the fir trees surrounding the “burn” field. During the fire season, during a Lane County burn ban, during an

ODF Western Forest burn ban, during all the TV and radio news talking about fire danger. Yet they continue to burn, allowed to do so by ODF and the State Fire Marshal. This is unconscionable, an act of reckless disregard (an act of proceeding to do something with a conscious awareness of danger, while ignoring any potential consequences of so doing.)

The state fire marshal report dated July 02 2013 is attached. In it are several conditions that have been ignored by Prindel Creek.

"There will be no fireworks used on the site." Fireworks were used in last Saturday night's burn. See pictures.

"The area will be wetted down 30 min before the fire is to begin." How does this prevent sparks from flying into the trees and neighboring dry brush?

"If the wind speed exceeds 10 mph and it is not raining the fire will be cancelled." The fire marshal representative stated the owner will check on-line for wind speeds in the area. How does anyone verify that he does? The owners at Prindel Creek have shown a reckless disregard for truth.

"Require the annual permit for the campfire from Oregon Department of Forestry." We have been told no permit was required. How can this be?

There is more, much, much more to this situation, however time is limited. Perhaps if gatherings in Lane County come under discussion, the ability of the site to support them as well as the impact to the neighborhood will be considered.

We in the Five Rivers community would like to put an end to these events before they destroy our way of life, perhaps permanently.

July 23 2013



Mountain Loop Conservancy Fact Sheet:

Marbled Murrelet *Brachyramphus marmoratus*

Range: From Sakhalin Island to Kamchatka on the Asian side of the Pacific Ocean and from Alaska's Kodiak Island south to central California on the North American side of the Pacific.



Identification: This robin-sized seabird measures 9-10.5 inches (24-27 cm) in length. They have a short neck, rounded body, pointy bill and a short tail. In breeding plumage, marbled Murrelets are dark brown above and mottled or "marbled" brown and white on their undersides. In winter, they are dark brown above and mostly white on their undersides and on their shoulders. The undersides of their wings are dark brown. A dark partial collar is visible in their winter plumage. Young birds are dark brown above and white below with light mottling. Their call is a series of loud, high *Kree* notes.

Unique characteristics: This seabird was discovered over 200 years ago but its breeding habits were a mystery until the 1960's. At that time, a Siberian ornithologist found a nest in a huge tree in Kamchatka. A nest was located in the Santa Cruz Mountains of California in 1974. While most seabirds nest close to shore, marbled murrelets are known to nest as far as 50 miles (80 Marbled murrelet www.HamerEnvironmental.com © km) inland from the ocean.

Habitat Needs and Life History: This small seabird spends most of its time at sea within about 1-3 miles (2-5 km) of shore. They can be seen in bays and sounds and occasionally on rivers and lakes within 12 miles (20 km) of the ocean. Marbled murrelets are generally found singly, in pairs, or in small groups. In flight, this bird has a low, zigzagging flight pattern. Its small, stubby wings enable it to "fly" underwater like a penguin. They dive to depths up to 98 feet (30 m) and feed on fishes, crustaceans, and mollusks.

The breeding season for marbled murrelets begins in March or April. The birds move to mature/old growth forests in May. Most nest sites have been located 29-52 miles (47-84 km) inland but nests have been located as far as 61 miles (102 km) from the ocean. The nest is located in a mature tree and consists of a shallow, moss or lichen-lined depression 120-150 feet (37-46 m) above ground level. Nests are located on large, horizontal limbs or in "witch brooms" created by dwarf mistletoe infections. The female murrelet lays a single egg. Both parents incubate the egg in 24-hour shifts over a 30-day period. Murrelets minimize movement when on the nest and rely on that, and their cryptic coloration, to avoid predators. Parents visit and feed the nestling 2-4 times daily. Most feeding occurs at night or around dusk or dawn. Young birds fledge in 27-40 days and begin to appear in coastal areas in early summer months. Marbled murrelets may live as long as 25 years. "Witch broom" formations in a mature Douglas-fir tree



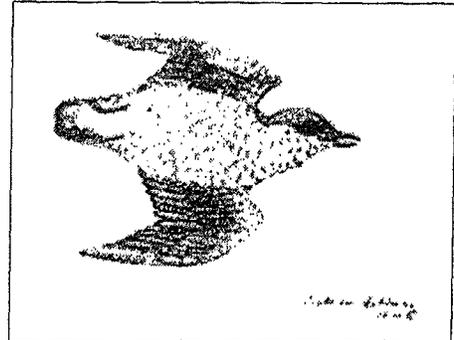
Status and Conservation: Population numbers of marbled murrelets are very rapidly declining worldwide. In parts of Washington, Oregon, and California, Murrelets are rare or uncommon where they were once abundant in the early 1900's. They are listed as a "threatened" species in Canada and the United States. They are threatened at the state level in Washington, Oregon, and California. Threatened species are likely to become endangered if unfavorable factors affecting the species and their habitat are not managed. Marbled murrelets are threatened due to several factors. These include:

Loss of nesting habitat – Nesting birds are dependent on finding large trees in mature forests for nest sites. Timber harvesting of prime murrelet habitat has decreased their ability to find adequate nest sites. Where logging or other disturbances occur, "edges" form. Predation by ravens, crows, and Steller's jays increases in edge habitats. Nesting becomes more concentrated in the remaining islands of habitat and predation is higher in those areas.

Changes to marine environment – Fish farming facilities can adversely affect marbled murrelets. They can become entangled in nets, displaced from traditional feeding areas, have their food source contaminated with antibiotics and antifoulants, and have the water polluted with decomposing fish food and excrement. Climate change and overfishing by humans has caused a change in prey availability. If there is not enough of the right kind of prey, murrelets do not build as many nests and/or abandon established nests.

Gill nets – Marbled murrelets are vulnerable to drowning in gill nets in some parts of their range. Gill net mortality is highest north of Oregon.

Oil pollution and energy developments – Since murrelets tend to concentrate in areas near shore, they are vulnerable to both chronic pollution from sea vessel traffic and catastrophic oil spills. The 1989 Exxon Valdez oil spill in Alaska killed an estimated 12-15,000 marbled murrelets. As new energy sources are developed, such as wind and tidal power, there will be impacts on murrelets.



Reproductive rate – Murrelets lay one egg per pair per season so they are more fragile than species with higher reproductive rates.

Noise – Marbled murrelets can be affected by noise in both marine and terrestrial environments. They are extremely sensitive to underwater noise such as detonations and pile driving. In terrestrial environments, they are sensitive to prolonged noise (lasting longer than 10-15 minutes) near nest sites. Noise can be associated with nest failure.

Interesting Facts: Only 29 nests of this secretive bird have been located in Washington State. Marbled murrelet populations in the U.S. are declining at a rate of 4-7 % per year. The U.S. Fish and Wildlife Service may increase their protection by listing them as 'endangered' in the future.

Sources:

Canadian Wildlife Service and Canadian Wildlife Federation. "Marbled Murrelet." *Hinterland Who's Who*. Her Majesty the Queen in Right of Canada, represented by the Minister of the Environment, 1991. Web: 9 Jun 2010. <<http://www.hww.ca/hww2.asp?id=55&cid=7>>.

Hamer, Thomas. Hamer Environmental LP. June 2010. Personal communication.

Hebert, P.N and R.T. Golightly. 2006. Movements, nesting, and response to anthropogenic disturbance of marbled murrelets (*Brachyramphus marmoratus*) in Redwood National and State Parks, California. May 2006. California Department of Fish and Game, Habitat Conservation Planning Branch Species Conservation and Recovery Program Report: 2006-02. California Department of Transportation Report Number: F/CA/IR-2006/04. 321 pp.

National Geographic. 2006. *National Geographic Field Guide to Birds of North America*. 5th Edition. National Geographic. Washington, D.C. Edited by Jon L. Dunn & Jonathan Alderfer.

NatureServe. "Brachyramphus marmoratus - (Gmelin, 1789)." *NatureServe Explorer: An online encyclopedia of Life*. Version 7.1. NatureServe, October 2009. Web: 9 Jun 2010. <<http://www.natureserve.org/explorer/servlet/NatureServe?searchName=Brachyramphus+marmoratus>>.

Udvardy, Miklos D.F. 1977. *The Audubon Field Guide to North American Birds – Western Region*. Alfred A. Knopf, New York.

U.S. Fish and Wildlife Service. 2009. Marbled Murrelet (*Brachyramphus marmoratus*): 5-Year Review. U.S. Fish and Wildlife Service. Washington Fish and Wildlife Office. June 12, 2009. Lacey, WA. 108 pp.

Washington State Department of Natural Resources. Conserving Marbled Murrelet Habitat in Washington's States Forests. FS-08-218.

Prepared by Siobhan Sullivan for the Mountain Loop Conservancy June 2010 ©

Marbled murrelet photo by www.HamerEnvironmental.com © Douglas-fir photo and murrelet illustration by Siobhan Sullivan © This fact sheet was made possible by a grant from The Mountaineers Foundation, Seattle, WA.

17.95 Critical habitat—fish and wildlife.

* * * * *

(b) Birds.

* * * * *

Marbled Murrelet (*Brachyramphus marmoratus*)

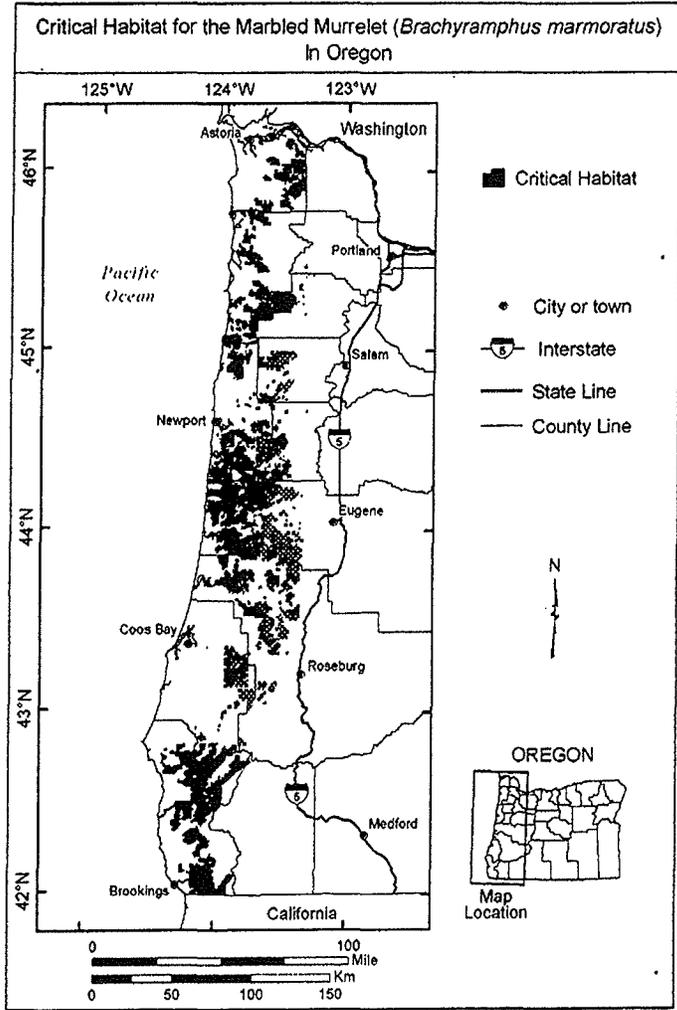
* * * * *

3. A description of the critical habitat units follows. Where a critical habitat unit includes Federal lands within the boundaries of a Late Successional Reserve (LSR) established by the Northwest Forest Plan, the areas included within the LSR boundaries as they existed on May 24, 1996, remain

designated as critical habitat. Critical habitat units do not include non-Federal lands covered by a legally operative incidental take permit for marbled murrelets issued under section 10(a) of the Act.

* * * * *

BILLING CODE 4310-55-P



* * * * *

✓ Steller's jays (*Cyanocitta stelleri*) and common ravens (*Corvus corax*) prey on marbled murrelet eggs and nestlings.^[7]

Marbled Murrelets and humans

The Marbled Murrelet is considered globally endangered,^[1] with some evidence of decline across its range over the last few decades. The biggest threat to the marbled murrelet was long considered to be loss of nesting habitat (old-growth and mature forests) to logging. Additional factors including high predation rates due to human disturbances and climate-driven changes in ocean conditions are also considered important now.

Scientists at Redwood National Park have established a connection between human presence in marbled murrelet territory and corvid predation of marbled murrelet chicks. Corvid populations, such as Steller's jays, crows, and ravens, are expanding into old-growth forests. Lured by food scraps left by campers and hikers, with increased access aggravated by the patchwork forests created by industrial logging, corvids more frequently discover marbled murrelet nests in areas where these predator species were not previously found.

The populations in Washington, Oregon and California were listed as threatened in 1992 by the U.S. Fish and Wildlife Service due to concerns about loss of nesting habitat, entanglement in fishing gear and oil spills. The Canadian population was declared "nationally threatened" in 1990. The status of Alaskan populations are currently under review. The species became a flagship species in efforts to prevent the logging of old-growth forests along the Pacific coast from California to Alaska.

References

ⓘ This article incorporates public domain material from the United States Department of Agriculture document "Brachyramphus marmoratus" (<http://www.fs.fed.us/database/feis/animals/bird/brma/all.html>).

- [^] ^a ^b BirdLife International (2012). "Brachyramphus marmoratus" (<http://www.iucnredlist.org/apps/redlist/details/106003309>). *IUCN Red List of Threatened Species. Version 2012.1*. International Union for Conservation of Nature. Retrieved 16 July 2012.
- [^] ^a ^b ^c ^d ^e ^f ^g ^h ⁱ ^j ^k ^l ^m ⁿ "Status of the marbled murrelet in North America: with special emphasis on populations in California, Oregon, and Washington" (<http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA322715&Location=U2&doc=GetTRDoc.pdf>). *Biological Report* (Washington, DC: U.S. Department of the Interior, Fish and Wildlife Service) **88** (30). Unknown parameter |Marshall, David B..year= ignored (help)
- [^] ^a ^b ^c ^d ^e ^f ^g ^h ⁱ ^j "Determination of threatened status for the Washington, Oregon, and California population of the marbled murrelet". *Oregon Birds* **18** (4): 120–121. 1992.
- [^] Paton, Peter W. C.; Ralph, C. John (1990). "Distribution of the marbled murrelet at inland sites in California" (<http://gis.fs.fed.us/psw/publications/paton/paton2.PDF>). *Northwestern Naturalist* **71** (3): 72–84. doi:10.2307/3536775 (<http://dx.doi.org/10.2307%2F3536775>).
- [^] ^a ^b ^c ^d ^e ^f Marshall, David B. (1989). The marbled murrelet. Audubon Wildlife Report, pp. 435–455
- [^] ^a ^b ^c Carter, Harry R.; Sealy, Spencer G. (1986). "Year-round use of coastal lakes by marbled murrelets". *Condor* **88** (4): 473–477. doi:10.2307/1368273 (<http://dx.doi.org/10.2307%2F1368273>). JSTOR 1368273 (<http://www.jstor.org/stable/1368273>).



State of Oregon
 Office of State Fire Marshal
 4760 Portland Road NE, Salem, Oregon 97305-1760

FIRE AND LIFE SAFETY INSPECTION

Notice and Order of Correction

KLD1307021000

Inspection Reinspection Other
 Inspection Date: July 2, 2013
 Page 1 of 1
 Number of Inspections this Report: 1

Business Name and Address	Principal Occupancy Type	County
Prindel Creek Farm	A-5	Lane
95508 Five Rivers Rd		Fire Dept
Tidewater OR 97390		Unprotected, Lane
(541) 528-3330		Property Owner
Responsible Person		Prindel Creek Farm Inc
Daniel Dillon		

The State Fire Marshal is authorized to enforce laws and rules pertaining to fire and life safety in accordance with Oregon Revised Statutes, Chapters 476, 479, and 480. Entry and inspection of the building(s) or premises was made in accordance with ORS 476.070/150. Failure to correct the following fire safety deficiencies may result in legal action as defined under ORS 479.170. You have the right to appeal this order (ORS 479.180). To initiate an appeal contact the individual who issued this order.

Finding	Deficiency(s) Requiring Correction and/or Action	Compliance Date	Date Abated
---------	--	-----------------	-------------

On July 2, 2013, Matt Mackey, Western Lane ODF and I conducted a site visit at Prindel Creek Farm. We went on a tour of the property with Mr. Dillion.

The following items were discussed and agreed upon-

For any events the second pump will be set up in the back of a truck or on a trailer and be ready to use if the need arises.

There will be no more fireworks used on the site.

For the burning of the effigy- add language regarding the following to the Fire Management Plan-

- The pump will be started and hose charged before the fire starts
- The area will be wetted down 30 mins before the fire is to begin
- If the wind speed exceeds 10 mph and it is not raining the fire will be cancelled

I have also read through the list of items requested to be in the Conditional Use Permit from the neighbors and Lincoln County folks. The following one I would say to add my vote to-

- Prohibition against fireworks
- The medical station
- Schedule of events to both Sheriffs Offices (Lincoln and Lane), Yachats Rural Fire District and I would also add Oregon Department of Forestry, Western Lane District, Veneta Office.
- Require the annual permit for the campfire from Oregon Department of Forestry.

Presented to: _____ DSFM: Kristina Deschaine (541) 726-2572
 Mailed to: _____

Distribution: Owner/Occupant OSFM File Deputy Fire Dept Agency Other

Key to Photos

(All taken at Prindel Creek shortly after midnight, 07/21/13)

1. Moment of ignition of burn structure, smoke trail of ignition flare visible to left of structure. Photo by Mike Morgan, 07/21/13.
2. A few seconds later, structure fully engulfed in flame, fireworks begin erupting from structure. Photo by Mona Linstromberg, 07/21/13.
3. Fireworks continuing from burning structure. Photo by Alan Ayres, 07/21/13.
4. Smoke and sparks rising high above 120-foot fir tree some 60 feet from the fire. Photo by Alan Ayres, 07/21/13.



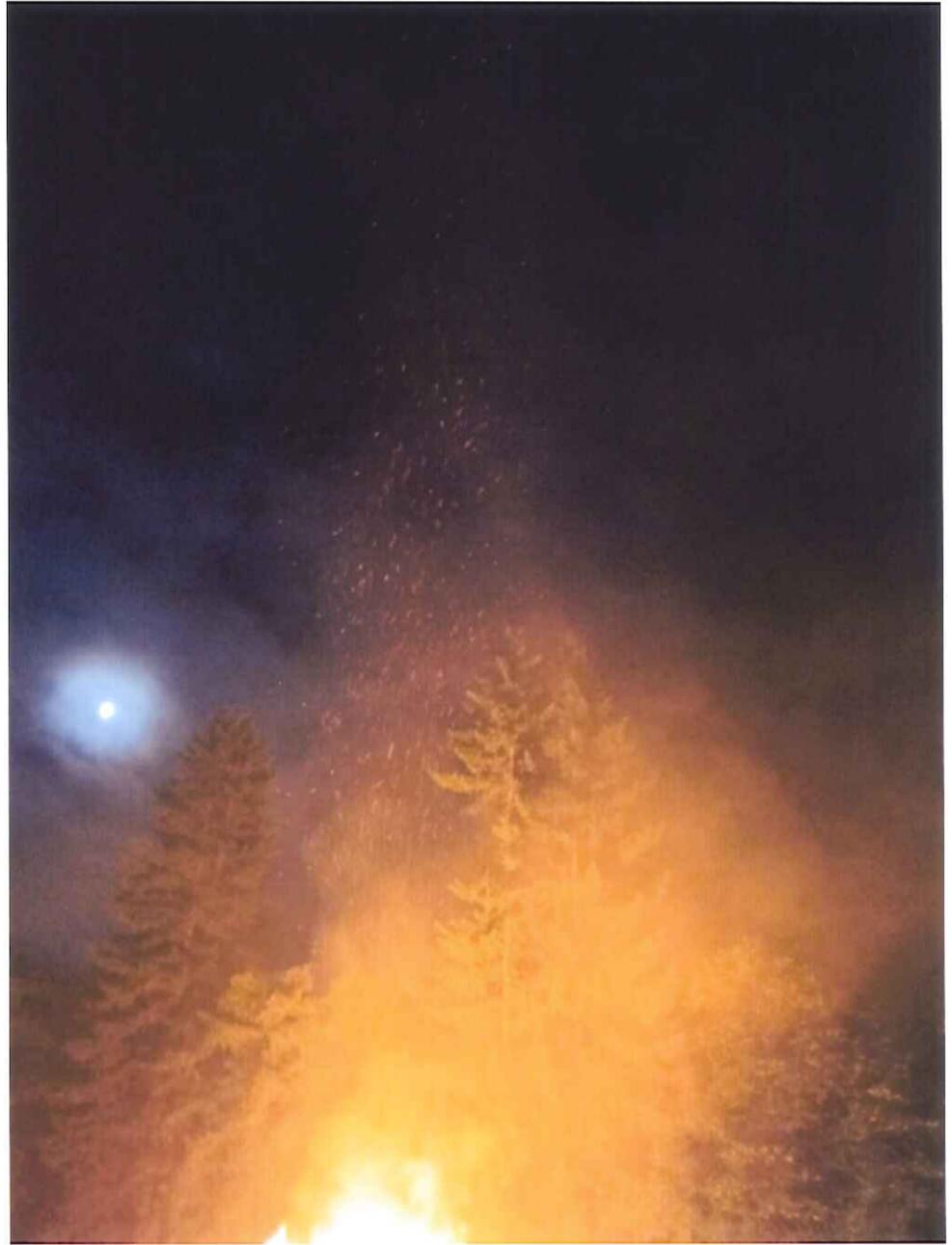
1.



2.



3



4