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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10 **SACRAMENTO DIVISION**

11 PACIFIC RIVERS COUNCIL,)
12)
Plaintiff,)
13)
vs.)
14)
UNITED STATES FOREST SERVICE; MARK)
15 REY, in his official capacity as Under Secretary)
of Agriculture; DALE BOSWORTH, in his)
16 capacity as Chief of the United States Forest)
Service; BERNARD WEINGARDT, in his)
17 official capacity as Regional Forester, Region 5,)
United States Forest Service,)
18)
Defendants.)

19)
QUINCY LIBRARY GROUP, an unincorporated)
20 citizens group, and PLUMAS COUNTY,)
21)
Proposed Intervenors)
22)

Case No. CIV. S-05-0953
MCE/GGH
DECLARATION OF
JOHN SHEEHAN

I, John Sheehan declare:

1 1. I am John Sheehan, a resident of Quincy, Plumas County in the Northern Sierra
2 Nevada since 1978. My family and I live, work and recreate in the Sierra Nevada. I am a
3 founding member of the Quincy Library Group and have been on the steering committee of the
4 QLG for 12 years.

5 2. Between 1984-1992, I was the Executive Director of Plumas County Community
6 Development Commission (CDC), a California public agency whose Board is the Plumas
7 County Board of Supervisors. While at CDC, I was involved in housing development, housing
8 rehabilitation, sewer/water development, senior housing and business development, primarily
9 for low and moderate-income persons. Some of the work at CDC included stream restoration
10 activities.

11 3. Beginning in 1992, I became Executive Director of Plumas Corporation, a private
12 non-profit group [federal 501(c)(3)]. The Plumas Corporation was established by local
13 residents in 1983 to improve the local economy, which had an annual unemployment rate at
14 that time of 15 %. Similar non-profit economic development organizations exist in counties
15 and cities throughout the country. Plumas Corporation's job (from the By-Laws) is:

16 The function of the corporation shall be to promote economic vitality by assisting
17 growth and development of business activities for the common good and general
18 well-being of Plumas County. Economic vitality is the process by which county
communities and businesses create and retain jobs, and reinvest wealth through
the economy, community, and natural resources.

19 4. Plumas Corporation carries out a variety of programs in four functional areas:

- 20 • general economic development (e.g. business counseling and loan packaging),
- 21 • tourism promotion (Plumas Corporation administers the County Visitors Bureau),
- 22 • stream restoration (through administrative services to the Feather River Coordinated
23 Resource Management Group) and
- 24 • wildfire safety (through administrative services to the Plumas County Fire Safe Council).

1 The majority of the activities carried out by Plumas Corporation have been in the natural resource
2 area such as the stream restoration and fire safe projects. This is not the usual role of economic
3 development organizations.

4 5. This role has seemed appropriate in Plumas County since 70 % of the county is
5 administered by the national forests and 20 % more is either private timberland or agricultural
6 meadows. Plumas has 20,000+ in population and there are 50+ acres for each person in the county.
7 I believe that the real and enduring values in this county are in the lakes, rivers and mountains. The
8 challenge is to be the stewards of those values.

9 **Early and Ongoing Cooperative Stream Restoration Related to the Quincy Library**
10 **Group Watershed Component of the Pilot Project**

11 6. Plumas Corporation and Plumas County began actively promoting and carrying out
12 stream restoration activities twenty years ago. In 1985 (as discussed in my attached paper:
13 *Erosion Control Practice in Plumas County 1985-1989*, Exhibit I), the first interagency
14 organizational meetings and structure came about and the resultant project (Red Clover Creek
15 Demonstration Project) was constructed. The dozen entities (public, private, local state and
16 federal) that pooled their financial and human assets to carry out the mile-long restoration
17 project (see page six of the paper) realized the newly found benefits of a cooperative effort on
18 the Feather River. As director of the CDC at the time, I understood the immediate economic
19 effect of the project in terms of jobs as well as significant environmental planning and analysis
20 activity.

21 7. The early efforts resulted in the formation of the ongoing Feather River Coordinated
22 Resource Management Group (CRM), administered by Plumas Corporation. Twenty- three
23 entities now participate in the continuing CRM projects (through an ongoing Memorandum of
24 Agreement), including the United States Forest Service, to pool resources on projects of mutual

1 benefit. More information is at www.feather-river-crm.org. Such early efforts by the CRM
2 established in my mind (and in others) that open, cooperative efforts could resolve natural
3 resource issues across jurisdictions and landscapes. The successes of the CRM over time have
4 proven the effectiveness of a locally driven, multi-agency effort that respectfully includes all
5 the landowners (such as the Forest Service and private landowners), all the regulatory entities
6 (such as the Army Corps of Engineers), all the funding agencies (such as Department of Water
7 Resources) and representative environmental organizations (e.g. Trout Unlimited). These
8 entities plan, fund, monitor, evaluate and maintain a countywide suite of restored stream
9 systems and future restoration needs on both public and private land. There is, to my
10 knowledge, no other comparable watershed restoration program in the State of California. The
11 Feather River watershed program has been repeatedly recognized for excellence by federal,
12 state, and local agencies and scientific institutions as a national leader in watershed restoration
13 and aquatic habitat improvement.

14 **The Forest Challenge and QLG**

15 8. I joined the Quincy Library Group soon after the original agreement was adopted in
16 August of 1993. I helped craft the prologue in the published QLG Community Stability
17 Proposal (November 1993). This proposal became the basis of the Herger-Feinstein Quincy
18 Library Group Forest Recovery Act of 1998 (HFQLG Act). The concepts promulgated by
19 QLG in the proposal and Act include:

- 20 • "...to protect fisheries and watershed health a network of riparian habitats and a
21 watershed restoration program must be established...",
- 22 • that "the Desired Future Condition is an all-age, multi-story, fire resilient forest
23 approximating pre-settlement conditions," and

- that “riparian system protections during timber harvest activities will be provided by the Scientific Analysis Team’s (SAT) guidelines.”

These ideas were absolutely attuned to my beliefs and experience on what was needed for watershed improvement in the local forests.

9. As director of the county economic development organization, I was also aware of the important role held by the “primary sector” jobs at the local lumber mills and in harvesting the forest. I believe then and now that QLG holds the promise of the “productive harmony” between the environment and economy envisaged in the National Environmental Policy Act.

Validation from the Scientists

10. The ideas and programs of the CRM and QLG have been discussed in detail in various scientific documents, environmental analyses and agency reports since the 1980s. The Forest Service developed the “Technical Fuels Report” in 1995 for the QLG area national forests that called for and mapped the development of a “Defensible Fuel Profile Zone” (DFPZ) and “Community Defense Zone” strategy as important first steps in the QLG area.

11. The 1996 “Sierra Nevada Ecosystem Report” to Congress contained numerous chapters in which independent scientists reviewed natural and human conditions in the Sierra. The attached *Status of the Sierra Nevada-Summary* (Exhibit III, p.4) describes “institutional incapacities” caused by “fragmented control of ecosystems” and “detachment between those who control ecosystems and communities who depend upon and care for them” as well as “absence of exchange mechanisms”. Lofty phrases for sure but, I believe, perfectly accurate descriptions of the then-existing institutional inadequacies. SNEP scientists like William Stewart (see attached *Economic Assessment of the Ecosystem* in Volume III, (Exhibit IV)) portrayed the size of the Feather River flows as twice those of other Sierran Rivers (p.993), related how the Feather also contains more hydroelectric capacity and value than the other

1 Sierran rivers (pages 1001 and 1012), recounted the overwhelming resource value of the
2 Sierra's water and explains how little or none of the economic returns to the users are returned
3 to the resource (pages 1056 and 1057). The attached Skinner and Weatherspoon paper in
4 SNEP (*Landscape Level Strategies for Forest Fuel Management* - Exhibit VI) encouraged the
5 full implementation of the DFPZ concept in the Sierra.

6 12. Dr. Jonathan Kusel, a resident of Plumas County and a nationally recognized expert
7 on Forest Communities (see attached *Coordinated Resource Management* in Volume III-
8 Exhibit V) reviewed the history of the Feather River CRM and describes how it serves as an
9 institutional mechanism that uses "enlightened self-interest" to accomplish tasks (p 1067).

10 13. QLG and the CRM continued to be involved in various scientific analyses that
11 reviewed the environmental and institutional bases of the QLG activities. I compiled the
12 *Quincy Library Group -Synopses of Related Reports, The Law and Scientific Papers* in 2000 in
13 order to keep track of the various reports addressing the QLG/CRM watershed and forest
14 management approaches. Noteworthy papers that try to look in a more comprehensive way
15 (water *and* forests) include the attached *Regional Scale Analysis of Water Yield* by Oak Ridge
16 National Laboratory (Exhibit II), which modeled QLG *type* forest treatments effect on water
17 supply, and the *Bioenergy and Watershed Restoration* (Exhibit VII) again by Oak Ridge and
18 the Forest Service's Rocky Mountain Research Station and me (as coauthor).

19 **Integration of Watersheds within the HFQLG Act**

20 14. Since the QLG Act became law in 1998 and the QLG EIS was adopted in 1999, the
21 USFS has incorporated both vegetation management (forest thinning, logging, prescribed
22 burning) and watershed/stream restoration into the annual Plan of Work. From the first report
23 to Congress in early 2000, the agency has discussed the full range of projects accomplished and
24 underway. See (<http://www.qlg.org/pub/act/rpt2congr/fy99/rpt2congr99.pdf>).

County and State Fire Safe Councils

15. Another significant institutional development in Plumas County and elsewhere in the state has been the growth of the Fire Safe Councils, including the Plumas County Fire Safe Council, incorporated as a 501(c)(3) organization in 1998. Plumas Corporation provides administrative services for this entity, which now has forest restoration projects on 2,500 acres in and around a dozen communities in the county (see www.plumasfiresafe.org). The Council works directly with residents, the County, QLG, the local volunteer fire departments, State Department of Forestry and the U.S. Forest Service to integrate projects and planning in order to reduce the threat of catastrophic fire to local communities. Significant developments in the last year are adoption of the *County Communities Wildfire Plan* as well as the *Assessment and Strategy* that is fully integrated with U.S. Forest Service activities and HFQLG projects. These plans call on the Forest Service to work both in the Wildland Urban Interface (on USFS lands) as well as in the broader forest to provide in-depth protection to people and wildlife habitat.

Plumas Watershed Forum

16. These expansive activities by different entities (CRM, Fire Safe Council, U.S. Forest Service, and Plumas County) have developed the foundation needed to bridge the gap described in SNEP as “detachment between those who control ecosystems and communities who depend upon and care for them.” This bridging is being accomplished through the Plumas Watershed Forum. This is a new institution developed in 2004 between Plumas County, the Department of Water Resources and the State Water Project users (such as Metropolitan Water District and Orange County Water District). The Forum plans and funds local watershed and forest restoration projects, and the parties have developed a strategy that includes:

- improved retention of water for augmented base-flow storage on streams
- improved water quality and stream-bank protection

- improved upland vegetation management and
- improved groundwater retention in major aquifers.

17. These overarching concepts and on the ground activities, in conjunction with the Forest Service’s HFQLG pilot project, have finally provided the basis for a fully integrated watershed and forest restoration strategy in Plumas County. The 2004 Framework decision (2004 ROD) was the first time that all of the Plumas County restoration strategies were available with the full funding necessary to do the job. Enjoining the 2004 Framework and starting over with forest planning for the sixth time in the last 12 years will delay the important integration of all these programs and delay recovery of both the forest and watersheds of the Northern Sierra Nevada mountain range.

Integrated Resource Planning in the QLG Area

18. Plumas County, the United States Forest Service, and their partners have recently developed an “Integrated Regional Water Management Plan” to qualify for California bond funding for watershed and forest restoration and rehabilitation. The IRWM Plan has been adopted through a memorandum of understanding executed in 2005 by the County of Plumas, the Plumas National Forest, the Sierra Valley Groundwater Management District, and the Plumas County Flood Control and Water Conservation District (collectively, the “IRWM Partners”).

19. The IRWM Partners are the agencies with statutory authority for land and water management for nearly all of the Upper Feather River watershed. Plumas County encompasses three-quarters of the watershed area, and it is the lead agency for this proposal. The United States Forest Service manages approximately 75% of the Plumas County land area for the people of the United States.

1 20. The IRWM Plan and the submitted projects represent an approach within the Upper
2 Feather River Watershed which should produce information and results that translate into
3 benefits to both the watershed and to those within the communities of interest downstream.
4 The importance of the IRWM Plan and these projects is also significant due to the landscape
5 where they are to be carried out – the Sierra Nevada Mountain Range – and their location
6 within the Feather River Watershed, upstream from the State Water Project’s largest storage
7 facility, which provides water for over 22 million Californians. The interrelationship between
8 land use practices and surface and groundwater quality and supply is nowhere as clear to
9 Californians as it is within the Feather River Watershed.

10 21. The IRWM Plan has eight components that Plumas County and the Forest Service plan
11 on implementing with their partners:

12 **A. Plumas National Forest Water Quality Improvement Project.** This project will
13 include stream restoration and erosion control at various priority sites throughout the
14 Plumas National Forest to improve water quality and water quantity and to lower water
15 temperatures.

16 **B. Last Chance Creek Watershed Restoration Project - Phase II.** This project will
17 focus on restoring the final upper reaches of Last Chance Creek to re-establish natural
18 watershed functions and to improve water quality and water quantity and to lower water
19 temperatures.

20 **C. Quincy Wetlands Treatment Project.** This project will implement the creation of
21 wetlands to expand the tertiary wastewater treatment capacity for the economically
22 disadvantaged town of Quincy.

1 **D. Sierra Valley Well Inventory and Capping Project.** This project will prevent
2 groundwater contamination and improve water quality by conducting a well inventory
3 and capping project in Sierra Valley.

4 **E. Sierra Valley Integrated Water Management Project.** This project will implement
5 grazing practices and perform restoration work on the Feather River Land Trust's
6 Maddalena Ranch in Sierra Valley. These management practices will produce direct
7 water quality and groundwater recharge benefits, as well as ecosystem benefits. In
8 addition, this project will be used educationally as a management model for other
9 landowners.

10 **F. Genesee Valley Integrated Water Management Project.** This project will improve
11 irrigation practices and grazing management on the Feather River Land Trust's Heart K
12 Ranch in Genesee Valley. The project will provide direct water temperature, water
13 quality, and water quantity benefits through a comprehensive series of actions. In
14 addition, this project will be used educationally as a management model for other
15 landowners.

16 **G. The Upper Middle Fork Project.** This project will utilize land management and water
17 resources management integration to implement a monitoring and modeling program on
18 the Middle Fork Feather River in Sierra Valley. The integrated approach will produce
19 improved water quality and water supply reliability. In addition, the institutional
20 partnering of the County of Plumas and the Sierra Valley Groundwater Management
21 District will result in integrated land and water management decision-making, based on
22 jointly gathered data and common resource management goals and objectives.

