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SIERRA NEVADA FOREST PROTECTION
CAMPAIGN, *et al.*,

Plaintiffs,

v.

MARK REY, in his official capacity as Under
Secretary of Agriculture, *et al.*,

Defendants,

and

TUOLUMNE COUNTY ALLIANCE FOR
RESOURCES & ENVIRONMENT, *et al.*;
CALIFORNIA SKI INDUSTRY ASS'N; and
QUINCY LIBRARY GROUP, *et al.*,

Defendant-Intervenors.

Case No: CIV-S-05-0205 MCE/GGH

Related Cases: CIV-S-05-0211 MCE/GGH
CIV-S-05-0905 MCE/GGH
CIV-S-05-0953 MCE/GGH

SIERRA NEVADA FOREST PROTECTION
CAMPAIGN, *ET AL.*'S STATEMENT OF
UNDISPUTED FACTS

1 **INTRODUCTION**

2 Pursuant to Civil Local Rule 56-260(a) and the Court’s October 26, 2005 Order Re: Briefing
3 Schedule, plaintiffs Sierra Nevada Forest Protection Campaign, *et al.* (collectively, the “Campaign”),
4 submit the following statement of undisputed facts in support of their Motion for Summary
5 Judgment filed on September 9, 2005.

6 With a few exceptions noted below, the following undisputed facts are taken directly from
7 documents contained in the two separate administrative records filed by federal defendants in this
8 case on May 2, 2005. The following citation formats are used throughout this statement:

- 9 • Hard copy documents in the 8-volume record entitled “Sierra Nevada Forest Plan
10 Amendment FEIS and SEIS, Pacific Southwest Region” are cited as “SNFPA,” followed by
11 the Bates-stamp number.
- 12 • Hard copy documents in the 10-volume record entitled “Sierra Nevada Forest Plan
13 Amendment FEIS and SEIS, Pacific Southwest Region – Basin Project, Plumas National
14 Forest” are cited as “BASIN,” followed by the Bates-stamp number.
- 15 • The January 12, 2001 Final Environmental Impact Statement for the Sierra Nevada Forest
16 Plan Amendment (“FEIS”) is located on a compact disk found at SNFPA 956. It is cited as
17 “FEIS Vol. #, Ch. #, pt # at #.”
- 18 • The 1997 Sierra Nevada Ecosystem Project (“SNEP”) Report is located on a compact disk
19 found at SNFPA 1670. It is cited as “SNEP Vol. #, Ch. # at #.”
- 20 • Bates-stamped documents on the compact disks titled “CD #SEIS 1” through “CD #SEIS 7,”
21 found at SNFPA 4338-4350, are cited as “SEIS,” followed by the compact disk number and
22 the Bates-stamp number (*e.g.*, SEIS 2 at 250).

23 **UNDISPUTED FACTS**

24 **The Collapse of Old Forest Ecosystems in the Sierra Nevada**

25 1. The Sierra Nevada is the largest mountain range in the contiguous United States.
26 FEIS Vol. 2, Ch. 3, pt 2 at 32.

27 2. At mid-elevations, the Sierra Nevada is shrouded in forests of Douglas fir, ponderosa
28

1 pine, and other conifers. FEIS Vol. 2, Ch. 3, pt 3.1 at 73-74.

2 3. Left undisturbed by logging, clearing, or catastrophic fire, these forests develop over
3 time the structural complexity and biodiversity that characterize “late successional” or “old” forests.
4 SNEP Vol. I, Ch. 6 at 94.

5 4. Large old trees and snags and fallen logs derived from large old trees “are the most
6 consistently present and arguably the most important structural element that characterizes old
7 forests.” FEIS Vol. 2, Ch. 3, pt 3.2 at 113.

8 5. Historically, old forest conditions existed throughout as much as 90 percent of the
9 mid-elevation coniferous forest in the Sierra Nevada. FEIS Vol. 2, Ch. 3, pt 3.2 at 149.

10 6. “[T]imber harvest has removed trees, snags, and logs, especially of larger diameters,
11 simplifying forest structure,” and “denser and less diverse stands have been purposely created
12 following harvest to accelerate timber production.” SNEP Vol. I, Ch. 6 at 94. “This dense in-
13 growth lacks the structural and ecological diversity of naturally disturbed forests and is vulnerable to
14 high intensity, stand-destroying fire.” *Id.*

15 7. “Timber harvest, through its effects on forest structure, local microclimate, and fuel
16 accumulation, has increased fire severity more than any other recent human activity.” SNEP Vol. I,
17 Ch. 4 at 62.

18 8. “Old forests are one of the most altered ecosystems in the Sierra Nevada, and they
19 have declined in quality, quantity, and distribution.” FEIS Vol. 4 at E-47.

20 9. As little as seven percent of the Sierra Nevada’s mid-elevation forest is currently in
21 old forest conditions, and most is located in national parks. SNEP Vol. I, Ch. 6 at 95. National
22 forests in the Sierra currently contain as little as two percent old forest. FEIS Vol. 2, Ch. 3, pt 3.2 at
23 149.

24 **The California Spotted Owl, the Pacific Fisher, and the American Marten**

25 10. “Late successional forests provide habitat attributes selected by California spotted
26 owls, including large trees, high canopy closure, multi-layered canopies, snags, and logs.” SNFPA
27 1890.

28 11. Forest stands suitable for owl nesting and roosting have “trees in the canopy

1 averaging at least 24 inches in [diameter]” and “at least 70 percent total canopy cover.” FEIS Vol. 3,
2 Ch. 3, pt 4.4 at 73.

3 12. Forest stands suitable for owl foraging have “trees in the canopy averaging at least 11
4 inches in [diameter]” and “at least 40 percent canopy cover.” *Id.* at 72-73.

5 13. Forest stands with less than 50 percent canopy cover are “only marginally” suitable
6 for owl foraging. *Id.* at 72-73.

7 14. In general, statistical methods used to estimate California spotted owl population
8 trends “show a declining trend in populations.” SNFPA 3214.

9 15. The Fish & Wildlife Service recently determined that the California spotted owl may
10 warrant listing under the Endangered Species Act. 70 Fed. Reg. 35607 (June 21, 2005).

11 16. Pacific fishers “are habitat specialists associated with mature and late-successional
12 forests with an abundance of large trees, snags and logs, conifers and oaks with broken tops and
13 cavities, coarse woody-debris, multiple canopy layers, high canopy closure, and few openings.”
14 SNFPA 447.

15 17. A recent study of fisher habitat in the southern Sierra found that the majority of the
16 forest stands within fisher home ranges have at least 60 percent canopy cover. FEIS Vol. 3, Ch. 3, pt
17 4.4 at 11.

18 18. “Fishers in the Sierra Nevada currently appear to occupy less than half of their
19 historic range,” and they are “absent from their former range for a distance of almost 240 miles in
20 the central and northern Sierra, from Yosemite National Park northward.” FEIS Vol. 3, Ch. 3, pt 4.4
21 at 4.

22 19. The Fish & Wildlife Service regards the remaining southern Sierra Nevada fisher
23 population as “essential for the survival and recovery” of the species. SNFPA 00449-50.

24 20. The southern Sierra Nevada fisher population is “the population with the highest
25 potential to re-colonize the central and northern Sierra Nevada.” *Id.*

26 21. “Range expansion to previously occupied habitat, reestablishment of connectivity
27 with California’s northwestern subpopulations, and future reintroduction efforts . . . all depend on a
28 robust southern Sierra Nevada population.” *Id.*

1 22. The Fish & Wildlife Service concluded in 2004 that the Pacific fisher warrants listing
2 under the Endangered Species Act. 69 Fed. Reg. 18770 (Apr. 8, 2004).

3 23. “Given the current low density of fishers in the Sierra Nevada . . . the loss of even a
4 small number of individuals . . . could significantly impact the population.” FEIS Vol. 3, Ch. 3, pt
5 4.4 at 9.

6 24. “Martens prefer coniferous forest habitat with large diameter trees and snags, large
7 down logs, moderate-to-high canopy closure, and an interspersed of riparian areas and meadows.”
8 FEIS Vol. 3, Ch. 3, pt 4.4 at 19.

9 25. “The combination of relatively low, natural population sizes and association with
10 habitat that is vulnerable to additional losses (old-forest conifer ecosystems) makes martens
11 particularly vulnerable to activities that decrease canopy closure or remove large-diameter standing
12 and downed material from forest lands.” SNFPA 1748-49.

13 26. Marten distribution in the northern Sierra has been significantly reduced, particularly
14 outside of national parks and wilderness areas. BASIN 675.

15 27. The apparent absence of martens from a significant portion of their historic range in
16 the northern Sierra is a cause for substantial concern, increasing the likelihood that remaining marten
17 populations will become isolated and extirpated. *Id.*

18 **The History of Inconsistent Management Under the Original Sierra Nevada Forest Plans**

19 28. The Sierra Nevada’s eleven national forests encompass over 11.5 million acres –
20 about 40 percent of the entire Sierra Nevada region. FEIS Vol. 2, Ch. 3, pt 3.1 at 12, 49.

21 29. Forest Supervisors adopted forest plans for each of the Sierra Nevada national forests
22 in the 1980s and early 1990s. Around that same time, the Regional Forester identified California
23 spotted owls, Pacific fishers, and American martens as sensitive species.

24 30. “Some original forest plans . . . had management provisions pertaining to forest
25 carnivores, specifically the fisher and marten, while other plans did not specifically address forest
26 carnivores.” FEIS Vol. 1, Ch. 2 at 77.

27 31. The original forest plans designated a network of spotted owl habitat areas
28 (“SOHAs”) to protect habitat for the California spotted owl, but management within SOHAs was

1 largely left up to the local district rangers. *Id.*

2 32. In 1990, an interagency team of scientists concluded that the SOHA strategy for
3 managing northern spotted owl habitat in the Pacific Northwest had resulted in “a lack of consistent,
4 comprehensive management planning based on the biological requirements of spotted owls” and
5 amounted to a “prescription for extinction.” SNFPA 1316.

6 33. Based on the interagency team’s report, a United States District judge in Seattle
7 enjoined the Forest Service from awarding any timber sales in the Pacific Northwest and ordered the
8 agency to submit “revised standards and guidelines to ensure the northern spotted owl’s viability.”
9 *Seattle Audubon Soc. v. Evans*, 771 F. Supp. 1081, 1096 (W.D. Wash. 1991).

10 34. In the early 1990s, the Forest Service formed a scientific committee to study the
11 SOHA strategy as it related to California spotted owls and recommend necessary changes. SNFPA
12 1316.

13 35. The California spotted owl committee published its assessment, usually referred to as
14 the CASPO Report, in July 1992. SNFPA 1010.

15 36. The CASPO Report found that “key elements of spotted owl nest and roost stands,
16 under current [forest plans], will decline sharply over most of the Sierra Nevada in the next few
17 decades” and concluded, “a SOHA strategy is not a workable strategy to assure long-term
18 maintenance of spotted owls.” SNFPA 1028, 1032.

19 37. The CASPO Report recommended that the Forest Service supplement the existing
20 SOHA strategy with interim management guidelines to protect California spotted owls pending the
21 development of a comprehensive strategy capable of maintaining viability over the long term.
22 SNFPA 1037.

23 38. In particular, the CASPO Report recommended that the Forest Service establish 300-
24 acre Protected Activity Centers (“PACs”) around all known California spotted owl nest sites and
25 prohibit logging within these areas, prohibit logging of trees over 30 inches in diameter in all habitat
26 suitable for owl nesting and foraging, and prohibit logging that would reduce canopy cover below 40
27 percent in habitat preferred by owls for nesting. SNFPA 1037-40.

28 39. The interim CASPO guidelines “were developed to provide a strategy to maintain

1 population viability for the owl over the short term. They were not intended to provide for long-term
2 viability.” BASIN 1168.

3 40. According to their principal author, Dr. Verner, the interim guidelines “fail[] to
4 provide a long-term management solution for the California spotted owl and do[] not ensure that a
5 sufficient amount of suitable nesting and foraging habitat would exist within the home ranges of
6 spotted owls to support replacement-rate reproduction across the landscape.” SNFPA 988, Doc. 650
7 at 4.

8 41. The Forest Service has stated, “the [interim] guidelines permit the manipulation, and
9 partial degradation, of suitable owl habitat. Specifically, the interim . . . guidelines permit timber
10 harvesting that reduces the quality of suitable nesting and foraging habitat.” BASIN 1408.

11 42. The Fish & Wildlife Service has stated, “[the interim guidelines] allowed degradation
12 of suitable nesting and roosting habitat by allowing timber harvest . . . to reduce canopy cover to 40
13 percent in timber types selected by owls and below 40 percent in other types used by owls.” SNFPA
14 1908.

15 **The Dawn of Ecosystem-Based Management in the Sierra Nevada**

16 43. In early 1993, the Forest Service amended the Sierra Nevada forest plans to include
17 the interim CASPO guidelines. SNFPA 1298.

18 44. Two months later, the Forest Service announced its intent to prepare an
19 environmental impact statement for amendments that would “establish standards and guidelines for
20 maintaining viable populations of California spotted owls.” 58 Fed. Reg. 14554 (Mar. 18, 1993).

21 45. Over fiscal years 1993, 1994, and 1995, Congress appropriated for the Forest Service
22 almost \$7 million to fund the Sierra Nevada Ecosystem Project (“SNEP”). SNFPA 1670.

23 46. SNEP involved more than 100 scientists from universities, public agencies, and the
24 private sector and was intended to provide Congress with a comprehensive and objective assessment
25 of the entire Sierra Nevada. SNFPA 1645.

26 47. “SNEP developed a number of strategies to address problems found in the
27 assessments.” SNFPA 1660.

28 48. “SNEP analyzed six strategies to counter the major declines in high-quality late

1 successional forests [*i.e.*, old forests] and to enhance forest late successional conditions throughout
2 middle elevation conifer forests of the Sierra.” SNFPA 1661. All six strategies were similar in that
3 they rejected the Forest Service’s traditional forest-by-forest approach to management in favor of a
4 coordinated, ecosystem based approach. SNEP Vol. I, Ch. 6 at 101.

5 49. One strategy developed in considerable detail proposed a range-wide network of
6 “areas of late successional emphasis” (“ALSEs”) that would encompass and connect existing old
7 forest stands. *Id.*

8 50. “Management of ALSEs would emphasize treatments to maintain, enhance, and
9 protect high-quality late successional conditions. Active management within ALSEs is anticipated
10 in at least some areas, with prescribed fire being the primary tool. Mechanical fuel treatment (timber
11 harvest) could be allowed if limited in intensity and extent so as to maintain conditions as near
12 natural as possible.” *Id.*

13 51. According to SNEP, “[t]he strength of the ALSE strategy . . . is that it clearly
14 delineates a spatially explicit range-wide strategy for retaining late successional forest conditions.”
15 *Id.* at 102.

16 52. The SNEP team submitted its findings and recommendations to Congress in June
17 1996.

18 53. In fall 1996, the Secretary of Agriculture halted the release of the Forest Service’s
19 draft proposal for long-term management of the California spotted owl and formed a Federal
20 Advisory Committee to review the draft “and make recommendations on how the [draft] integrates
21 the information recently published in [SNEP] with the forest planning alternatives.” 61 Fed. Reg.
22 59400 (Nov. 22, 1996).

23 54. The Federal Advisory Committee published the results of its review in December
24 1997.¹

25 55. The Federal Advisory Committee concluded that the Forest Service’s draft proposal
26

27 ¹ Federal Defendants have agreed to supplement the administrative records in this case to include the
28 Federal Advisory Committee (“FAC”) Report. It is available online at
<http://www.fs.fed.us/outernet/pnw/owl.htm>.

1 “did not incorporate much of the information produced by the SNEP” and was generally inadequate,
2 both as a California spotted owl habitat management plan and as a broader ecosystem management
3 plan. FAC Report at Ch. 2.

4 56. The Federal Advisory Committee criticized the Forest Service’s decision to make the
5 draft proposal “a descriptive document” rather than “a set of prescriptions.” *Id.* at Ch. 3.

6 57. The Federal Advisory Committee wrote, “it is very difficult and in some cases
7 impossible to determine what specific resource management actions will occur, how the landscape
8 will look, or which measures will be used to determine the consistency and quality of
9 implementation. This problem is directly related to the lack of standards and guidelines or other
10 specific direction.” *Id.*

11 58. The Federal Advisory Committee recommended that the Forest Service revise the
12 draft to “provide tangible performance measures somewhere in the document . . . either through the
13 addition of more specific standards and guidelines or through the display of measures in the
14 monitoring plan that more specifically focus performance in relation to the goals.” *Id.*

15 59. In 1998, the Forest Service shelved its draft proposal and began a new planning
16 process it called the Sierra Nevada Framework for Conservation and Collaboration. 63 Fed. Reg.
17 64452 (Nov. 20, 1998).

18 60. In its Notice of Intent to prepare an environmental impact statement (“EIS”) for the
19 Framework, the Forest Service stated, “Given the science that recently emerged concerning issues
20 that go beyond the individual forest and ownership boundaries, there is an urgent need to amend the
21 [forest] plans to reflect this new information and achieve range-wide consistency.” *Id.*

22 61. The Forest Service announced its intent to amend all eleven Sierra Nevada forest
23 plans “to improve forest management direction for five broad problem areas: (1) conservation of old
24 forest ecosystems, (2) conservation of aquatic, riparian, and meadow ecosystems, (3) increased risk
25 of fire and fuels buildup, (4) introduction of noxious weeds; and (5) sustaining hardwood forests.”
26 *Id.* at 64453. In so doing, the Forest Service promised to “develop both processes and management
27 standards and guidelines for the California spotted owl, and forest carnivores to be integrated with
28 strategies for old forests, aquatic ecosystems, and fire and fuel.” *Id.* at 64455.

1 **The 2001 Framework**

2 62. On January 12, 2001, Regional Forester Bradley Powell issued his record of decision
3 for the Sierra Nevada Framework forest plan amendment (the “2001 Framework”). SNFPA 224,
4 283.

5 63. To address the five problem areas identified by the Forest Service in 1998, the 2001
6 Framework began by establishing a network of land allocations across all eleven Sierra Nevada
7 national forests. SNFPA 309.

8 64. Each land allocation was described by its own set of “desired future conditions,”
9 which established management goals. SNFPA 236-39.

10 65. Many of the land allocations included in the 2001 Framework formed the basis of the
11 conservation strategy for old forest ecosystems and associated species such as California spotted
12 owls, fishers, and martens. SNFPA 288.

13 66. The 2001 Framework established a network of “old forest emphasis areas,” modeled
14 after the areas of late successional emphasis recommended by the SNEP scientists, across about 40
15 percent of all national forest land in the Sierra Nevada. SNFPA 290. Old forest emphasis areas
16 were delineated to encompass the largest remaining old forest stands, and their goal was to “provide
17 a network of large, relatively contiguous landscapes distributed across the Sierra Nevada where old
18 forest conditions and associated ecological processes predominate.” SNFPA 236.

19 67. The 2001 Framework established an “urban wildland intermix,” which extended 1½
20 miles from homes and businesses in the Sierra Nevada and consisted of two zones: an inner ¼ mile
21 “defense” zone and an outer 1¼ mile “threat” zone. SNFPA 297. The goal of the urban wildland
22 intermix was to “provide a buffer between developed areas and wildlands” sufficient to “protect
23 human communities from wildland fires as well as minimize the spread of fires that might originate
24 in urban areas.” SNFPA 237.

25 68. The 2001 Framework established California spotted owl “protected activity centers”
26 (“PACs”), described as the best 300 acres of owl habitat surrounding each known nest, SNFPA 320,
27 and “home range core areas” surrounding each PAC, which varied in size from 600 to 2,400 acres
28 depending on their location in the Sierra Nevada. SNFPA 330. The goal of both PACs and home

1 range core areas was to promote successful owl reproduction by protecting the habitat closest to
2 established nests. SNFPA 267-68.

3 69. The 2001 Framework established a “southern Sierra fisher conservation area” in
4 Sierra and Sequoia national forests, which encompassed the fisher’s remaining known occupied
5 range. SNFPA 332. The goal of this land allocation was to support “a core or reservoir [fisher]
6 subpopulation that expands northward to re-establish connection with the west coast
7 metapopulation.” SNFPA 236.

8 70. The 2001 Framework established a “general forest” land allocation, which was
9 comprised of lands outside of the other land allocations. SNFPA 236. Management of general
10 forests was intended to increase the density of large old trees and the continuity and distribution of
11 old forests across the landscape. SNFPA 236-37.

12 71. The 2001 Framework also established specific standards and guidelines that scientists
13 judged necessary to ensure that management within each forest would be consistent with the
14 attainment of those goals. SNFPA 309.

15 72. Some of the 2001 Framework’s standards and guidelines applied forest-wide across
16 all land allocations. SNFPA 312.

17 73. The 2001 Framework also prescribed unique standards and guidelines to particular
18 land allocations. SNFPA 320.

19 74. The 2001 Framework’s conservation strategy and standards and guidelines for old
20 forests and associated species applied to all eleven national forests in the Sierra Nevada, including
21 those portions of Lassen, Plumas and Tahoe national forests subject to the Herger-Feinstein Quincy
22 Library Group Forest Recovery (“QLG”) Act, Pub. L. 105-277, Div. A, § 101(e) [Title IV, § 401],
23 Oct. 21, 1998, 112 Stat. 2681-305 (16 U.S.C. § 2104 note).

24 75. The QLG Act directs the Forest Service to conduct a logging pilot project to
25 demonstrate the effectiveness of fuel-breaks and individual tree and group selection logging in
26 preventing wildfire, but only “to the extent consistent with applicable Federal law and the standards
27 and guidelines for the conservation of the California spotted owl as set forth in the [interim CASPO
28 guidelines] or the subsequently issued guidelines, whichever are in effect.” *Id.* at § 401(c)(3).

1 76. In 1999, the Forest Service prepared a biological evaluation for implementation of the
2 QLG Act in which it stated, “Alternative 2 would reduce the amount of California spotted owl . . .
3 nesting habitat by 7% over the life of the pilot project, and reduce the amount of foraging habitat by
4 8.5%. Such reductions in suitable habitat would decrease the number of owl home ranges with more
5 than 50% suitable habitat by 11% over the term of the project.” BASIN 1324.

6 77. In 1999, the Forest Service concluded, “such impacts to owl habitat could pose a
7 serious threat to the viability of the owl in the planning area, thereby making the implementation of
8 Alternative 2 inconsistent with the National Forest Management Act and its implementing
9 regulations.” BASIN 1324.

10 78. In its comments on the draft QLG EIS in 1999, the Fish & Wildlife Service advised
11 the Forest Service, “The [Fish & Wildlife] Service believes the implementation of alternative 2
12 poses a significant threat to the long-term viability of the California spotted owl, Pacific fisher, and
13 American marten due to the loss, degradation, and fragmentation of suitable habitat.” BASIN 1098.

14 79. “In order to minimize the threat to the viability of the owl in the planning area,” the
15 Forest Service determined in 1999 that it was “necessary to add mitigation, beyond the minimum
16 CASPO interim guideline[s].” BASIN 1324.

17 80. The Record of Decision for implementation of the QLG Act stated, “[a]t the site-
18 specific project level, defensible fuel profile zones [*i.e.*, fuelbreaks], group selection harvest areas,
19 and individual tree selection harvest areas will be designed and implemented to completely avoid
20 suitable California spotted owl habitat, including nesting habitat and foraging habitat.” BASIN
21 1408.

22 81. Regional Forester Powell concluded in 2001 that “the entire level of management
23 activity specified in the [QLG Act] cannot be implemented without degrading owl habitat [and]
24 increasing risk to owl viability.” SNFPA 279.

25 82. The Forest Service designated management indicator species (“MIS”) for the Sierra
26 Nevada planning area in Appendix E of the final EIS (“FEIS”) that accompanied the 2001
27 Framework. FEIS Vol. 4 at E-64-66, 76, 98-100.

1 **The Decision to Review the 2001 Framework**

2 83. On December 31, 2001, a new Regional Forester, Jack Blackwell, instructed a team
3 of six staff with no background in ecology to “initiate a broad review of the elements of and basis for
4 the [2001 Framework].” SEIS 1 at 698.

5 84. Among other things, Blackwell directed the review team to “re-evaluate the [2001
6 Framework] for possibilities of more flexibility in aggressive fuels treatments while still providing
7 appropriate short-term and long-term protection for wildlife and other resource values.” SEIS 1 at
8 700.

9 85. In February 2003, the Framework review team provided the country’s leading
10 California spotted owl scientists with a draft proposal for changes to the 2001 Framework to permit
11 more aggressive fuel treatments. SEIS 1 at 197.

12 86. The review team proposed allowing logging of large trees up to 30 inches in diameter
13 within old forest emphasis areas, spotted owl home range core areas, general forest areas, and the
14 urban wildland intermix. SEIS 1 at 217-18.

15 87. The 2001 Framework allowed logging of trees up to 30 inches in diameter only
16 within the ¼-mile defense zone of the urban wildland intermix, and it imposed a 12- or 20-inch
17 diameter limit in other land allocations. SNFPA 333, 315.

18 88. On February 22, 2003, the owl scientists advised Regional Forester Blackwell, “*we*
19 *do not support the proposal.*” BASIN 250 (emphasis in original). They explained:

20 It is a substantial (if not radical) departure from the [2001 Framework], and it is not
21 clear to us that the [2001 Framework] is incompatible with all of the objectives
22 aspired to in both the [2001 Framework] and the proposal. Further, the proposal is
23 the application of untested hypotheses, assumptions, or modeling (without estimates
24 of uncertainty) which imposes a highly artificial forest structure or management
25 activities on the Sierran landscape.

26 *Id.*

27 89. In March 2003, the Framework review team released a final report in which it
28 recommended that the Forest Service adopt its proposed changes to the 2001 Framework’s standards
and guidelines for the owl, along with a host of additional changes. SNFPA 1914.

90. On April 7, 2003, the Forest Service announced its intent to prepare a supplemental

1 environmental impact statement (“SEIS”) analyzing the review team’s proposals. SEIS 1 at 1034.

2 91. The Forest Service’s draft SEIS (“DSEIS”) acknowledged, “[t]he CASPO interim
3 guidelines were designed to maintain owl habitat elements most at risk for a short period of time;
4 they were not designed, nor intended, to increase effectiveness of suitable habitat by protecting and
5 concentrating high quality habitat.” SEIS 6 at 198-99.

6 92. In response to the Forest Service’s DSEIS, Dr. Verner, the lead author of the CASPO
7 Report and a retired Forest Service biologist, wrote:

8 I see little evidence that the various concerns and suggestions brought forth by the
9 owl scientists are reflected in the draft. In terms of my expertise, the question before
10 me relates strictly to whether or not implementation of the draft, as presently written,
11 may lead to a trend toward listing the California spotted owl. It’s my professional
12 opinion that it may do so. Consequently, I cannot support the DSEIS in its present
13 form.

14 BASIN 338.

15 93. In comments on the DSEIS, other owl scientists stated, “the proposed changes to the
16 Sierra Framework will contribute to the decline of the California spotted owl, strengthening the need
17 to list the subspecies under the [Endangered Species Act],” BASIN 189, “the DSEIS fails to meet the
18 legal requirements of the NFMA and the professional requirements of responsible stewardship,”
19 BASIN 186, and “the proposed action is likely to adversely affect spotted owls in their habitat in the
20 Sierra Nevada as well as increase the likelihood that the California spotted owl will be listed as a
21 threatened species under the Endangered Species Act.” BASIN 285.

22 94. Not a single owl scientist supported the Forest Service’s proposal in the DSEIS.

23 95. Dr. Reginald Barrett, the Goertz Distinguished Professor of Wildlife Management at
24 U.C. Berkeley, advised the Forest Service that the proposed changes to the 2001 Framework “would
25 significantly weaken protection for old forests and forest carnivores throughout the Sierra Nevada.”
26 He explained:

27 [T]he proposed plan would threaten the viability of the southern fisher population,
28 thereby threatening the imperiled fisher population throughout California, Oregon,
and Washington and contributing to a trend towards federal listing under the
Endangered Species Act. Similarly, by greatly increasing the amount and intensity of
logging in the northern Sierra, the proposed plan would threaten the viability of the
American marten in that area, potentially leading to local extirpation and further
reduction in the marten’s current distribution.

1 BASIN 174.

2 96. In comments on the DSEIS, other forest carnivore experts stated, “the proposal . . .
3 would further threaten the precarious status of the fisher in the Sierra Nevada, contributing to the
4 present trend towards extinction,” BASIN 283, and “[the proposal] can reasonably be foreseen to
5 bring the fisher closer to extinction in the Pacific states.” BASIN 236.

6 97. Not a single forest carnivore expert supported the Forest Service’s proposal in the
7 DSEIS.

8 98. In its comments to the Forest Service, the U.S. Fish & Wildlife stated:

9 We have concerns about projected declines in owl habitat under [the proposal],
10 especially declines in preferred nesting habitat within the first 20 years of
11 implementation. Treatment to the forest-wide standards and guidelines for fuels
12 treatments would increase uncertainty that the amount and quality of habitat available
13 will be enough to provide for viable owl populations.

14 SNFPA 3922. The Fish & Wildlife Service’s comments included the following quote: “the lack of a
15 well-coordinated, biologically based management plan, applied consistently throughout the range of
16 spotted owls [] is unacceptable and contributes to a high risk that spotted owls will be extirpated
17 from significant parts of their range.” SNFPA 3924.

18 99. In its comments on the DSEIS, the U.S. Environmental Protection Agency advised
19 the Forest Service that the proposed changes “appear inconsistent with the underlying [2001
20 Framework] purpose and need to address fuels, restore old forest habitat, and prevent listings of old
21 forest-dependent species.” SNFPA 3911.

22 100. In its comments on the DSEIS, the Forest Service’s Washington D.C. office of
23 Watershed, Fish Wildlife, Air and Rare Plants stated:

24 Collectively, these standards in [the proposal] provide less owl habitat conservation
25 than the [interim CASPO guidelines] in effect since 1993. It is also over this same
26 period that [four] demographic studies and census studies have documented owl
27 population declines. One can only conclude that standards in [the proposal] are a
28 prescription for continued owl population declines.

SNFPA 2477.

101. In early fall of 2003, the Forest Service’s science consistency review teams submitted
their reports on the DSEIS.

102. The first team, tasked with assessing those portions of the draft that did not pertain to

1 the California spotted owl, “generally agreed that the DSEIS was difficult to read,” and “some
2 opined that it was difficult to determine whether consistency with available science was able to be
3 evaluated.” SNFPA 2487.

4 103. Members of the first team stated, “there is so much lacking and the organization is so
5 difficult to follow that I have felt like I have been spinning my wheels in trying to accomplish
6 anything on this,” SNFPA 2533, and “[l]arge sections contain no reference to primary scientific
7 literature, and it is difficult as a reviewer to determine whether the generalizations offered are
8 supported by credible data.” SNFPA 2549

9 104. “Several reviewers commented on specific concerns associated with the element of
10 fisher and marten ecology and responses of those species to management.” SNFPA 2490. One
11 reviewer stated, “I did not find the analysis of potential impacts on rare forest carnivores of the
12 greatly modified standards and guidelines . . . complete or convincing.” SNFPA 2550.

13 105. The California spotted owl science consistency review team’s report stated,
14 “[o]verall, we believe the documents . . . could be presented more clearly,” SNFPA 2581, “[t]he
15 effects of the [proposed] prescription are difficult to quantify or interpret,” SNFPA 2581, “[t]he
16 effects analysis is confusing and potentially misleading,” SNFPA 2582, and “[c]ertain portions of
17 these documents include speculations that have no scientific evidence presented in support of the
18 assertions.” SNFPA 2583.

19 106. The owl science consistency review team stated:

20 [The proposal] likely incurs greater risk to owl persistence because of: (1) potential to
21 treat more PACs []; (2) canopy cover reduction in PACs (3) more aggressive
22 vegetation treatments compared to [the 2001 Framework] (lower canopy cover
23 retention, increased harvest of mid-sized trees < 30 [inches in diameter]; (4) full
24 implementation of the [Quincy Library Group pilot project]; and (5) unquantified
25 amounts of forest health treatments.

26 SNFPA 2587.

27 107. One member of the science consistency review team stated:

28 The [DSEIS] clearly has a different philosophy of risk, uncertainty and resource
management from the [2001 Framework]. Where the [2001 Framework] was
conservative regarding management and sensitive species, the [DSEIS] uses a few
recent studies (highly selective — not a comprehensive suite of studies relevant to
management of Sierra Nevada ecosystems) as well as a set of social, economic, and
political considerations to justify a much more aggressive approach to fuel

1 management and an easing of standards and guidelines to incorporate more local
2 decision authority.

3 SNFPA 2554. Another member stated, “Most of the changes I see in the [DSEIS] are changes in
4 management practices that reflect a different philosophy than the [2001 Framework], rather than a
5 differing interpretation of scientific information. In particular, the [DSEIS] accepts more risk.”

6 SNFPA 2530

7 108. One science consistency reviewer stated:

8 While I am generally supportive of giving local managers latitude in carrying out fuels
9 treatments, I am afraid that flexibility in local resource management has a high
10 probability of leading to further decline of many of these species. Almost all sensitive
11 species issues need to be addressed on a regional scale, and species management must
12 be coordinated across ranger districts and national forest boundaries.

13 SNFPA 2526.

14 109. The science consistency teams stated, “the justification to proceed with actions that
15 pose greater risks rides, in part, on a commitment to learn from subsequent management actions on
16 those topics and at a rate that will appreciably inform subsequent decisions,” SNFPA 2606, and
17 “[t]he [DSEIS] clearly acknowledges that a more aggressive fuels strategy, with its associated
18 increase in uncertainties for sensitive species and habitats, as well as the easing of standards and
19 guides to allow for more local decision authority, necessitates a comprehensive adaptive
20 management approach and an even greater commitment of resources to adaptive management than
21 the [2001 Framework].” SNFPA 2554.

22 110. One of the reviewers on the science consistency review team stated: “The only way
23 that this level of uncertainty [under the 2004 Framework] can be addressed is through adaptive
24 management, and I’m afraid that [Forest Service] culture is not ready to embrace this approach
25 seriously yet.” SNFPA 2528.

26 111. One science consistency reviewer stated:

27 Although the broad components of an adaptive management approach are identified
28 (*e.g.*, implementation monitoring, cause and effect research etc.) and the elements of a
comprehensive adaptive management approach are presented . . . the specifics of this
monitoring program are not well developed. What exactly is to be monitored? What
monitoring results and thresholds will trigger changes in management? Who will
determine these thresholds? Who will do this monitoring and how will it be funded?

SNFPA 2557.

1 112. Other science consistency reviewers stated, “[the DSEIS] fails to call for the
2 monitoring and adaptive management (or I can’t find it) that would be necessary to discover effects
3 in a timely fashion should they be found to be unsatisfactory,” SNFPA 2531, “[t]he DSEIS does not
4 address the design issues for adaptive management adequately,” SNFPA 2551, and “[c]urrently, the
5 adaptive management program is not defined and there is scientific uncertainty regarding whether or
6 not a valid program will be developed to accompany the greater risk perceived with [the proposal].”
7 SNFPA 2587.

8 113. The science consistency teams recommended:

9 Anything the planning team can do to more precisely state how monitoring and/or
10 research will be done and how treatments will be modified in response to monitoring
11 will be appropriate and will bolster the rationale for taking an adaptive management
12 approach to this whole management decision.

13 SNFPA 2606-07.

14 114. During the public comment period on the DSEIS, public agencies and scientists
15 identified alternatives to the proposed alternative.

16 115. The Environmental Protection Agency suggested that the Forest Service implement
17 the 2004 Framework “with a smaller diameter limit on tree removal and a less stringent limit (versus
18 elimination of restrictions) on group selection treatments in the [QLG] pilot project area.” SNFPA
19 3912.

20 116. Owl scientists proposed an adaptive management alternative that would apply to a
21 much smaller area. BASIN 251.

22 117. The California Resources Agency urged consideration of an alternative that would
23 change particular standards and guidelines, as well as alternatives focused on adaptive management
24 and alternative funding mechanisms. SNFPA 3817-22.

25 118. The State of California’s Attorney General’s Office also suggested a number of
26 alternatives in their comments on the proposal. SNFPA 3772.

27 **The 2004 Framework**

28 119. On January 30, 2004, Regional Forester Blackwell adopted a new forest plan
amendment (the “2004 Framework”) that replaces the 2001 Framework decision “in its entirety.”

1 SNFPA 3005.

2 120. The 2004 Framework prescribes essentially the same standards and guidelines that
3 were proposed in the DSEIS.

4 121. With the exception of spotted owl protected activity centers that are outside of the
5 Urban Wildland Intermix, SNFPA 3050, the 2004 Framework allows logging of large trees up to 30
6 inches in diameter that leaves just 40 percent canopy cover or less throughout the entire Sierra
7 Nevada region. SNFPA 3040-41.

8 122. The 2004 Framework calls for full implementation of the QLG pilot project. SNFPA
9 3001.

10 123. According to the Final SEIS (“FSEIS”) that accompanies the 2004 Framework,
11 implementation of the 2004 Framework will result in an over fivefold increase in logging across the
12 Sierra Nevada in the first two decades. SNFPA 3389.

13 124. The Forest Service re-adopted Appendix E from the 2001 FEIS when it approved the
14 2004 Framework. SNFPA 3060.

15 125. In adopting the 2004 Framework, the Forest Service stated that it “evaluate[d] new
16 information available since the adoption of the [2001 Framework].” SNFPA 3237-38.

17 126. The 2004 Framework FSEIS states that population data still exists only “for some of
18 the species considered in the analysis” and is “generally lacking” for management indicator species
19 (“MIS”). SNFPA 3242. The FSEIS states that there are “insufficient data” for six species including
20 the northern goshawk, northern oriole, Lincoln’s sparrow, great gray owl, red-naped sapsucker, and
21 willow flycatcher. SNFPA 3241.

22 127. The FSEIS analyzes two alternatives in detail: “S1” (the “no-action” alternative of
23 retaining the 2001 Framework) and “S2” (the 2004 Framework).

24 128. The DSEIS included a third alternative, “S3,” but the Forest Service dropped
25 alternative S3 in the FSEIS.

26 129. In the Record of Decision for the 2004 Framework, the Regional Forester stated:

27 One key finding in the science consistency review [for the DSEIS] was that there is a
28 degree of uncertainty in a number of areas, especially related to the relationship
between management activities [under the 2004 Framework] and their effects on

1 wildlife habitat and populations. A strong recommendation in that report was to use
2 an adaptive management approach to move forward with some level of management
coupled with experimentation and learning.

3 SNFPA 3002.

4 130. The 2004 Framework does not identify “triggers” or “milestones” at various
5 geographic scales for species and ecosystem conditions and acceptable ranges of variation from
6 those triggers or milestones that would inform the public and decision makers of the need for course
7 corrections.

8 131. The Forest Service has identified management triggers and milestones as a “key”
9 component of adaptive management. FEIS Vol. 1, Ch. 2 at 30.

10 132. In the Record of Decision for the 2004 Framework, the Regional Forester stated:

11 It sounds good to say that we can create a feedback loop that will inform us about
12 when to stop or modify activities that are showing signs of adverse impact, or are
13 taking us off the path of these stated goals for desired conditions, but, in reality,
knowing when and how to respond to trigger points is difficult.

14 SNFPA 3002.

15 133. “Rather than add a lot more to existing obligations,” the Regional Forester opted to
16 continue with existing monitoring and directed a team “to complete an assessment of the cost of
17 initiating” new work. SNFPA 3002-03.

18 134. In the FSEIS for the 2004 Framework, the Forest Service stated, “[t]o date, there are
19 few examples of scientifically credible large-scale multi-resource monitoring plans that have been
20 developed, implemented, and validated. . . . application of adaptive management to large, complex
21 resource management problems has relatively few proven results.” SNFPA 3139-40.

22 135. Scientists have advised the Forest Service, “[i]t’s easy to say be more flexible, use
23 adaptive management, but it really is expensive and not easy to do,” SEIS 1 at 295, and “[a]daptive
24 management needs to begin before the project – it needs to be a process not an add-on.” SNFPA
25 2433.

26 136. Scientists who reviewed the 2004 Framework have advised the Forest Service,
27 “where is adaptive management in all of this? Have you really adopted the recommendations of the
28 science consistency team for adaptive management? I see little evidence that this is the case,”

1 BASIN 906, “the concept of adaptive management is mentioned but there is no firm commitment to
2 its implementation and full funding and no discussion of what it should entail,” BASIN 807, and
3 “adaptive management is *not* integrated into the current decision; the [2004 Framework] stops short
4 of a commitment to any specific adaptive management.” BASIN 687.

5 137. After the Regional Forester adopted the 2004 Framework, Dr. Verner advised him:

6 We owl scientists were convened at your request on three occasions to share with you
7 and your team our professional judgments about habitat associations of spotted owls
8 in the Sierra Nevada. In spite of our oft-repeated concerns that many of the proposed
9 standards and guidelines would tend to move forest conditions to a marginal status, or
10 worse, for the owl I see little, if any change in a positive direction from the DSEIS to
11 the FSEIS.

12 BASIN 904.

13 138. After the Regional Forester adopted the 2004 Framework, owl scientists advised the
14 Forest Service, “there is no new information that would warrant changing the earlier conclusion that
15 full implementation of the [QLG] project would threaten the owl’s viability in the planning area,”
16 BASIN 827, “[p]erhaps one of the most poorly justified components of the [2004 Framework] is the
17 allowance for harvesting trees up to 30 inches [in] diameter,” BASIN 808, “20-30 inch trees
18 constitute an important component of spotted owl habitat and that removing significant numbers of
19 these trees could have a negative effect on spotted owl population viability,” BASIN 824, “the [2004
20 Framework] allows canopy removal down to 40% [despite evidence] that 50% canopy closure may
21 be a critical threshold,” BASIN 688, “[a]t three separate meetings with [the Framework review team]
22 and other scientists studying owls in California for more than a decade, we cautioned the Forest
23 Service to avoid removing too much canopy cover from forest stands used by spotted owls for
24 foraging, roosting, and nesting,” BASIN 688, and “the significant reductions in canopy cover
25 allowed under [the 2004 Framework] . . . will have negative impacts on viability.” BASIN 830.

26 139. Dr. Reginald Barrett advised Regional Forester Blackwell in April of 2004:

27 [T]he new plan will allow logging to remove medium-large trees, reduce canopy
28 cover, and remove large snags and logs to levels below those utilized by fisher for
denning and resting. Moreover, the FSEIS cites no research, and I am aware of none,
to support the assertion that areas logged pursuant to the new standards and
guidelines ‘should provide suitable habitat for fisher population expansion.’ To the
contrary, the likely impact of the new plan will be to degrade suitable fisher habitat,
contributing to habitat fragmentation and reducing the likelihood that the fisher
population will be able to expand to the central and northern Sierra Nevada.

1 BASIN 671.

2 140. Dr. Barrett also stated:

3 [T]he proposal to fully implement the QLG plan will significantly reduce the
4 likelihood of the fisher's recolonization of the northern Sierra, which is essential to
5 restoring connectivity of the fisher population in California and in the Pacific states.
6 . . . I agree [with the Fish & Wildlife Service's] conclusions, and am aware of no new
7 information that would change the Fish and Wildlife Service's finding that full
8 implementation of the QLG project, as authorized by the new decision, would
9 threaten the fisher's viability in the Sierra Nevada.

7 BASIN 671, and:

8 I have previously reviewed the QLG plan and concluded that the QLG plan may
9 cause significant adverse impacts to the American marten and would threaten the
10 viability of marten populations in eastside and red fir forests. To the best of my
11 knowledge, there is no new information that would change these conclusions.

11 BASIN 675 (citations omitted).

12 141. After Regional Forester Blackwell adopted the 2004 Framework, forest carnivore
13 experts advised the Forest Service, "[t]he new plan would weaken the critical elements of fisher
14 denning and resting habitat by allowing removal of medium and large trees, reduction in canopy
15 cover, simplification of multi-storied canopies, and reduction of large snags and down logs."

16 BASIN 794.

17 142. Marten scientists have advised the Forest Service that implementation of the 2004
18 Framework "would further degrade marten habitat in the northern Sierra, leading to a significant risk
19 of adverse impacts to marten reproduction, survival, and occupancy of the area." BASIN 791.

20 143. About two months after Regional Forester Blackwell adopted the 2004 Framework,
21 the Fish & Wildlife Service found that the Pacific fisher warrants protection under the Endangered
22 Species Act. 69 Fed. Reg. 18770 (Apr. 8, 2004).

23 144. The Fish & Wildlife Service recognized, "[t]he [2004 Framework] includes standards
24 and guidelines which apply to fishers." *Id.* at 18782. However, the agency determined that those
25 standards and guidelines "would provide little protection to fishers or their habitat." *Id.* at 18782.

26 145. The Fish & Wildlife Service concluded, "existing regulatory mechanisms are not
27 sufficient to protect the [California spotted owl] as a whole from the acknowledged habitat
28 pressures." 69 Fed. Reg. at 18789.

1 **The 2004 Framework Appeals Decision**

2 146. In his November 18, 2004 appeals decision for the 2004 Framework, Forest Service
3 Chief, Dale Bosworth, stated:

4 I find that managing habitat to maintain viable populations of the California spotted
5 owl, the Pacific fisher, and American marten can only be assured by using subsequent
6 site-specific evaluations and the adaptive management and monitoring strategy. The
7 strategy emerges as a centerpiece of the decision.

8 SNFPA 4076-77. He continued: “[w]hile the initial steps of the adaptive management and
9 monitoring strategy is [sic] outlined through the questions and hypotheses in the [final] SEIS, the
10 Regional Forester must communicate more fully how he intends to address these questions.”
11 SNFPA 4077.

12 147. Chief Bosworth instructed Regional Forester Blackwell “to fully develop and provide
13 me with the adaptive management and monitoring component of [the 2004 Framework] within 6
14 months of this decision, clarifying how the timing of treatments and the feedback and adjustment
15 loops will occur.” SNFPA 4005.

16 148. The Forest Service has yet to adopt an adaptive management strategy for the 2004
17 Framework per the Chief’s instructions.

18 149. In 2003, the Fish & Wildlife Service determined that listing the California spotted
19 owl under the Endangered Species Act was not warranted due, in large measure, to the protections
20 afforded by the 2001 Framework. SNFPA 1884,1900-10.

21 150. On June 21, 2005, the Fish & Wildlife Service announced that the California spotted
22 owl may warrant listing under the Endangered Species Act. 70 Fed. Reg. 35607.

23 151. In its June 21, 2005 finding, the Fish & Wildlife stated:

24 A number of changes have taken place during the last two years that may affect
25 California spotted owl habitat and effect corresponding changes in California spotted
26 owl populations. These include: revisions to the 2001 [Framework] in the 2004
27 [Framework].

28 70 Fed. Reg. at 35612.

152. The Fish & Wildlife Service concluded, “these changes constitute substantial
information that the threatened destruction, modification, or curtailment of the species’ habitat or
range may be a factor that threatens the continued existence of the [species].” *Id.*

1 **The Basin Group Selection Project**

2 153. On August 25, 2004, the Forest Supervisor for the Plumas National Forest approved
3 the Basin Group Selection Project (“Basin project”) on 38,893 acres of Plumas National Forest
4 southwest of the town of Quincy. BASIN 3642.

5 154. The purpose of the Basin project is to “implement group selection as directed in the
6 [QLG] Act” and “implement direction in the [2004 Framework] for [individual tree selection].”)
7 SNFPA 3672-73.

8 155. The Basin project calls for 800 one-to-two-acre group selection cuts totaling 1,215
9 acres, in which all trees less than 30 inches will be removed, as well as logging of about 80 acres of
10 individual trees less than 30 inches in diameter. BASIN 3643.

11 156. The Basin project will impact many sensitive species, including the California spotted
12 owl, Pacific fisher, and American marten. BASIN 3521.

13 157. Management Indicator Species (“MIS”) designated in the Plumas forest plan include
14 the goshawk, bald eagle, golden eagle, peregrine falcon, prairie falcon, California spotted owl,
15 Canada goose, woodpeckers, deer, gray squirrel, and marten. BASIN 2917 at 3-40.

16 158. The 2001 Framework amended the Plumas forest plan with Appendix E, which
17 identifies the species noted above and many additional species as MIS for which population
18 inventories are required. FEIS Vol. 4 at E-64-66, 76-77, 98-100.

19 159. Group selection logging under the Basin project will render unsuitable 943 acres of
20 California spotted owl nesting habitat and 247 acres of foraging habitat, including 405 acres that fall
21 within spotted owl home range core areas. BASIN 3571.

22 160. The Basin project will log over 400 acres of habitat used as a movement corridor by
23 forest carnivores such as fishers and martens. BASIN 3575.

24 161. The Forest Service prepared an environmental assessment (“EA”) for the Basin
25 project and concluded that the project would not have a significant impact on these species. BASIN
26 3643.

27 162. The Basin project EA was never circulated for public comment, in either draft or final
28 form.

1 163. On November 24, 2004, Regional Forester Blackwell denied the Campaign's
2 administrative appeal of the Basin project and authorized its implementation. BASIN 2906.

3 164. Numerous other logging projects implementing the QLG pilot project and/or the 2004
4 Framework have been approved or are in the process of approval.

5 165. On April 16, 2004, the Forest Service issued a final decision approving the Meadow
6 Valley project on the Plumas National Forest. The Meadow Valley project will construct
7 approximately 1,347 acres of group selections, 4,000 acres of individual tree selections, and 6,600
8 acres of defensible fuel profile zones.

9 166. On August 20, 2004, the Forest Service issued a final decision approving the North
10 49 project on the Lassen National Forest. The North 49 project will construct approximately 12,165
11 acres of defensible fuel profile zones, 3,660 acres of individual tree selection harvests, and 1,500
12 acres of group selections.

13 167. On September 20, 2005 the Forest Service issued a final decision approving the
14 Creeks Forest Health Recovery project on the Lassen National Forest. The Creeks project will
15 construct approximately 5,905 acres of defensible fuel profile zones, 1,245 acres of group selections,
16 and 3,285 acres of area thinning.

17 168. On September 23, 2005 the Forest Service issued a final decision approving the
18 Watdog project in Plumas National Forest. The Watdog project will construct approximately 4,021
19 acres of defensible fuel profile zones and 231 acres of group selections.

20 169. On August 9, 2005, the Forest Service issued a final decision approving the Empire
21 Project on Plumas National Forest. The Empire project will construct approximately 6,636 acres of
22 fuel treatments including defensible fuel profile zones, 1,226 acres of group selections and 2,370
23 acres of individual tree selection.

24 170. Additional logging projects implementing both the QLG pilot project and/or the 2004
25 Framework have been approved or are in the planning process.

26 **The Giant Sequoia National Monument**

27 171. The Forest Service adopted the Giant Sequoia National Monument ("GSNM")
28 management plan in December 2003.

