

DOCKET No. 05-15921

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SIERRA NEVADA FOREST PROTECTION CAMPAIGN, *et al.*,
Plaintiffs-Appellants,

v.

UNITED STATES FOREST SERVICE, *et al.*,
Defendants-Appellees,

and

QUINCY LIBRARY GROUP, *et al.*,
Intervenors-Defendants-Appellees.

On Appeal From a Judgment of the United States District Court
for the Eastern District of California
Civ. S-04-2023 MCE/GGH

DECLARATION OF MONICA L. BOND
IN SUPPORT OF APPELLANTS' URGENT MOTION
FOR INJUNCTION PENDING APPEAL

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I, Monica L. Bond, hereby declare as follows:

1. I am a wildlife biologist with expertise in spotted owl ecology. I hold a B.A. degree in Biology from Duke University (May 1992) and an M.S. degree in Wildlife Science from Oregon State University's Department of Fisheries and Wildlife (December 1998). Since March 2000, I have been a certified Associate Wildlife Biologist with the Wildlife Society. I am currently employed as a biologist with the Center for Biological Diversity. From April 1999 until December 2001, I was a research fellow on a long-term California spotted owl demography study in the northern Eldorado and southern Tahoe National Forests. I have captured and banded dozens of adult and juvenile California spotted owls and monitored more than 50 owl nest and roost stands during three field seasons. I am also the primary author of two peer-reviewed publications on spotted owls and a co-author of one peer-reviewed publication on residual trees and wildlife associations.

2. I am submitting this declaration in support of Plaintiffs' Urgent Motion for Injunction Pending Appeal because in my expert opinion I believe, for the reasons stated below, that the Meadow Valley Project may irreparably harm the California spotted owl population in the immediate area and beyond.

3. The Meadow Valley Project proposes to allow approximately 6,400 acres of logging, including removal of trees up to 30 inches in diameter in many

units. Treatments will be completed over a period of four to five years, from May or June through November of each year. The forest components being removed by this logging project — multi-story canopies, high canopy cover, medium and large trees and snags — are all essential elements of suitable spotted owl habitat.

4. The Meadow Valley analysis area supports at least 30 known 1,000-acre California spotted owl Home Range Core Areas (“HRCAs”) and corresponding biological home ranges. HRCAs have been established throughout the Sierra Nevada following research indicating that spotted owls conducted 60 to 70 percent of their breeding season activities in a concentrated core section of suitable habitat (Bingham and Noon 1997). The HRCA represents approximately 20 percent of the much larger total home range actually used by California spotted owls for foraging, and 30 to 40 percent of an owl’s breeding season activity occurs outside of a designated HRCA.

5. Biological home ranges for California spotted owls during breeding season in mixed conifer forests, similar to those found in the Meadow Valley area, averaged 4,569 acres on the Tahoe National Forest and 4,759 acres on the Eldorado National Forest (Zabel, *et al.* 1992 at page 154). While home ranges on the Plumas National Forest have not been similarly studied, it is reasonable to assume that the average breeding season biological home range within Plumas National Forest is at least 4,700 acres because home range sizes have been found to

be larger in the northern Sierra Nevada than in the central Sierra Nevada (Zabel, *et al.* 1992 at page 154).

6. On September 9, 2004, I toured some of the proposed logging units in the Meadow Valley Project site. As detailed in my declaration in support of Plaintiffs' Motion for Summary Judgment, which was submitted to and accepted by the district court, my trip to the Meadow Valley Project area confirmed that many of the units targeted for logging are in late successional forest and are currently high-quality suitable spotted owl habitat. The proposed logging in these areas would remove or severely degrade suitable habitat, rendering it unsuitable for spotted owl use.

7. After reviewing the Meadow Valley documents and visiting the site, I concluded that the major impacts of the Meadow Valley Project on the California spotted owl are likely to be a severe reduction of foraging habitat and a substantial reduction of suitable nesting habitat, as well as reductions in habitat for the owl's primary prey species such as northern flying squirrels and dusky-footed woodrats. This will adversely impact not only resident owls and their offspring but also non-territorial owls utilizing matrix lands within the Project analysis area.

8. I understand that logging of the Meadow Valley Project might begin as early as mid-to-late June, 2005. Unfortunately, this timing directly coincides with the fledgling stage for California spotted owls. According to Verner, *et al.*

(1992 at pages 63-64), the peak period of owl fledging occurs from about June 12 to June 26 in conifer forests of the Sierra Nevada. The fledgling stage occurs after the young leave the nest (when they are about 34 to 36 days old) and before they become independent of their parents.

9. Young fledglings are weak fliers and often fall to the ground, where they may spend several days before they can either fly or climb to a higher perch, rendering them particularly vulnerable to harm. About one week after fledging, the young can fly clumsily between trees but still remain relatively near the nest. The young owls become stronger fliers around the middle of July (depending on when they fledged) but continue to receive food from the parents until about mid-September.

10. Logging activity in the Meadow Valley Project area is likely to directly impact use of habitats by spotted owls. Meiman, *et al.* (2003) conducted a radio-telemetry study of the effects of timber harvest on an adult male spotted owl in Oregon — the first published data on the direct impacts of logging on spotted owls. The authors reported that, following a commercial thinning timber harvest outside of a 70-acre core area but within 70 meters of its nest trees, the owl shifted its breeding home range to exclude the southern portion of the harvest unit boundary. In addition, the owl's core use area shifted away from the thinned area in general, significantly reducing its use of thinned habitats during and after

harvest, and the non-breeding home range was significantly expanded following harvest.

11. In other words, logging makes it necessary for the owl to fly further than it normally would for foraging and other purposes. This has an adverse impact on owls. As Meiman, *et al.* noted, “short-term changes in behavior patterns that require resident owls to expend more energy by maintaining larger home ranges and traveling greater distances to forage may reduce survival, productivity, and occupancy at that site.” Thus spotted owls may be harmed by the necessity to travel greater distances to forage in order to avoid active logging in their HRCAs during breeding season.¹

12. Logging such as that allowed by the Meadow Valley Project within the home ranges of spotted owls anytime prior to September could cause serious immediate harm to fledgling owlets by impairing the ability of parents to forage efficiently. Furthermore, reduction of suitable habitat following the implementation of the Meadow Valley Project could have serious long-term impacts on the California spotted owl population within the Project site — particularly when considered cumulatively with other nearby logging projects which similarly remove and degrade suitable spotted owl habitat. Given that

¹ Limited Operating Periods place no restrictions on logging in those portions of HRCAs and biological home ranges that are more than 0.25 mile from known spotted owl nest sites, despite the fact that the average home range extends more than 1.5 miles from each nest site.

Blakesley, *et al.* (2001) reported that the territorial population of California spotted owls in the Lassen study area near the Meadow Valley Project site had declined at an average of 9 percent per year from 1990 to 1999, any timber harvest within spotted owl habitat should proceed only with extreme caution.

13. In light of the impacts of logging in owl habitat, it is not surprising that California spotted owls in the Sierra Nevada have continued to decline throughout the past decade. The effects of the Meadow Valley Project, especially when analyzed in conjunction with those of foreseeable nearby projects such as the Basin Group Selection Project and the Empire Vegetation Management Project, could significantly affect spotted owl viability in this region.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED: May _____, 2005

MONICA L. BOND

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