

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 DR. DENNIS C. ODION
IN SUPPORT OF APPELLANTS' URGENT MOTION
FOR INJUNCTION PENDING APPEAL

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I, Dr. Dennis C. Odion, declare as follows:

1. In my professional capacity as an expert in fire ecology and vegetation science, I was asked by the plaintiffs in this case to evaluate the effects of the Meadow Valley Project. I provided two previous declarations because of my interests in community service and in encouraging the use of sound scientific principles in public land management. Here I provide a third declaration for this Court's consideration in evaluating the potential harm that could result from allowing this project to proceed without full analysis of the impacts of the prescriptions of this project on the future fire risk in the project area.

2. As described in the previous declarations I submitted, the left over slash from the proposed harvesting of trees, when left untreated, can lead to increased fire hazards. Likewise the creation of slash and treatment through burning has its own set of impacts to the environment as well. As such the leftover slash from the logging of the Meadow Valley Project is a key consideration. It is my understanding that the Forest Service now concedes that the trees between 20-30" in diameter at breast height (dbh) will not be transported whole from where they are cut, but instead, all branches below 41 feet will be lopped and left on site. This is in addition to the branches that break off from the trees when they are felled (i.e., cut).

3. In addition, the current pre-logging levels of fuel on the ground is said, by the Forest Service, to already be a significant fire hazard due to 10 tons per acre of fine (i.e., combustible) surface fuel. There are many branches below 41 feet on conifers 20-30" dbh in the Meadow Valley Project area. I personally viewed such trees during my visit to the project area. In addition, I live in an area forested by the same conifers as found in the Meadow Valley area and as a general matter conifers of this size typically have branches (live and dead) which often extend to within 10-12 feet or less of the forest floor. Given this fact, the logging of trees this size and the limbing of the first 41 feet of the trunk of these trees will add considerable combustible fuel to the already significant amounts found in the project area. The Meadow Valley decision allows for this slash, along with the pre-existing fuel, to remain for 5-7 years in the areas designated as "fuel-breaks" or DFPZs and indefinitely in group selection (1-2 acre clear-cut) units. Moreover, the larger trees (20-30" dbh) which are the focus of the logging of the group selection units and the DFPZs in the Defense Zone (the areas within ¼ mile of the Meadow Valley community) generate the most slash debris. As such, the Meadow Valley project as currently designed has the potential to exacerbate the fire risk to the community and hinder suppression activities around the community if it is allowed to proceed.

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

DATED: May ____, 2005

DENNIS C. ODION, Ph.D.