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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

CASCADIA WILDLANDS PROJECT,
LEAGUE OF WILDERNESS DEFENDERS -
BLUE MOUNTAINS BIODIVERSITY
PROJECT, OREGON CHAPTER OF THE
SIERRA CLUB,

Civ. Case No. 07-6147-AA

FIRST DECLARATION OF ASANTE
RIVERWIND

Plaintiffs,

vs.

WILLIAM ANTHONY, in his capacity as
District Ranger of the Sisters Ranger District
of the Deschutes National Forest; UNITED
STATES FOREST SERVICE, an
administrative agency of the United States
Department of Agriculture,

Defendants.

I, Asante Riverwind, do hereby declare and say:

1. I presently work as the Eastern Oregon Forest Organizer for the Oregon Chapter Sierra Club, a nonprofit organization working to educate about, protect, and restore natural ecosystems, including the forests of eastern and central Oregon, which are the focus of my work.

2. I am very familiar with the forest ecosystems of the region, having co-founded the non-profit Blue Mountains Biodiversity Project in 1991, and worked as its co-director and then consultant until January of 2006, at which time I began similar work with the Sierra Club in the region. Over the past 16 years I have extensively hiked and surveyed the forests of this region, taught volunteer interns and interested citizens about forest ecology, given talks at universities, public forums, and events, and participated in the public process concerning the management of public lands throughout the region.

3. Over the past several months I have been to the area known as the Black Crater Fire. I am familiar with the Black Crater Decision Memo and the proposal to post-fire log the area, having met with Deschutes National Forest staff working on this project, and having written comments and the appeal for both the Oregon Chapter Sierra Club and the Blue Mountains Biodiversity Project regarding the Black Crater project. I have hiked, surveyed, and photo documented all eight of the Black Crater project units, as well as adjacent surrounding forests, documenting the condition of the landscape, and some of the wildlife species utilizing the area. Surveys were attended by various volunteers, as well as solo trips of my own.

4. I took photos during my surveys of the Black Crater project area and compiled them into two displays, the first containing photos taken in October 2006, January 2007 and April 2007, referred to as Exhibit 1; and the second display taken in July 2007, referred to as Exhibit 2.

5. The photos in the above two displays are exemplary of different ecological concerns, and representative of hundreds of survey photos that I took during this period.

6. The photos depict the actual fire mosaic patterns in the project units and immediately adjacent areas along arbitrarily drawn unit boundaries. The photos document the project area's overall moderate mixed severity mosaic fire impacts – noting surviving trees (both old growth and young trees), needles, cones, and fine fuel branches retained on many of the trees; abundant fallen needles, seed cones, tree branches and limbs across the forest floor – indicative of a moderate rather than a high severity burn. High severity fires typically burn with high intensity throughout the forest canopy, consuming needles, seed cones, and fine limb fuels. While there are localized small areas within the Black Crater project units that burned at higher intensity, these are surrounded by and intermixed within an overall moderate severity fire pattern within and adjacent to the units themselves.

7. The photos depict some of the wildlife found in the project area. The surveys documented numerous wildlife species utilizing the area. Among these are Oregon State sensitive listed, and USFS regional species of concern, black-backed and white headed woodpeckers. Black-backed woodpeckers are abundant throughout the burned LSR units, preferring these areas to young unburned and partially burned adjacent stands that had regenerated after past clear cut logging, where they are absent as these do not provide needed late-successional interior forest habitat that is found within the project's units. During a recent survey in unit 1, I discovered a black-backed nest tree in the unit. Prior surveys noted a white-headed woodpecker in unit 1 also. I found fledging woodpeckers in unit 2, and noted a pileated woodpecker in unit 1 flying towards unit 2 (pileated woodpeckers are a USFS regional species of concern). Black-backed and other woodpeckers, as well as a host of diverse native and neo-

tropical migrant bird species have been found foraging throughout all 8 units visited during successive surveys. During a recent June survey with naturalist and noted birder Marilyn Miller, we found olive-sided flycatchers, a brown creeper, a pileated woodpecker, a pair of western tanagers, and many other avian species present in sale units during this spring nesting and rearing period. During one of these surveys, I flushed a northern goshawk out and it was spotted by Marilyn in an old growth RCHA below the project's unit 6 area. Through my surveys I also noted other wildlife present, including owl small mammal prey species such as chipmunks, squirrels, and small rodents. I identified these animals through visual sightings as well as by identifying tracks, scat, and foraging evidence. Small mammals are known to help spread cones and tree seeds, and this is evident throughout the area. I also noted rabbits, deer, black bear, coyote, and bobcat – the latter three by tracks and foraging signs. Wildlife presence and postfire stand structure indicate that the area is still functioning as late successional interior forest habitat, and still provides viable LSR habitat for spotted owls. If the area is logged, a host of diverse interior forest dependent species would suffer habitat loss and probable harm.

8. The photos document the ongoing effects of erosion and sedimentation. Surveys after recent heavy rains found sheet and channel flows throughout area units, and noted rilling and sediment loss and flows. As the photos show, I observed how the standing snags, live trees, and fallen logs were playing a significant role in lessening the impacts of rain and prior snowmelt caused erosion and sedimentation. I understand and have observed how snags, both fallen and standing, help stabilize forest soils, minimizing sediment loss and erosion, allowing tree seedlings and native forest vegetation to take root and become established. If the area is logged, I believe there would be little forest structure remaining to prevent widespread erosion and sedimentation across the area. All 8 project units are located in mountainous terrain on

slopes, benches, ridges and hills above Trout Creek, and include ephemeral seasonal tributaries to Trout Creek. If logged as planned, both short and long-term erosion and sedimentation would increase in the area's watershed, resulting from logging operations and the long-term loss of LSR snag structure. I believe that redband trout, a sensitive-listed aquatic species with habitat in Trout Creek below the project units, would be adversely impacted by this planned logging project, as resulting erosion, sedimentation, and increased peak flows would degrade and impair their habitat, in both the short and long-term. Based on the existing scientific literature, I understand that the retention of large snags is essential to reducing erosive harms to aquatic habitat in the area.

9. Additionally, the photos show seasonally drying soils that are susceptible to becoming sediment laden airborne dusts. The photos show a "dust devil" spinning sediments airborne in solar exposed former forest soils on clearcut industry lands adjacent to units 8 and 7. The photos also show dust wafting across the forest near unit 3, rising from sediment dust-laden dirt roads after disturbance by a passenger vehicle. Logging trucks and equipment will not only send far greater sediment dusts in the air from their use of area roads, but will disturb soils across logged units, resulting in widespread airborne sediments, erosion, and solar exposure such as that which recurrently causes dust devils as documented in the photos. If the project is allowed to proceed, I am concerned that a large percentage of sediment laden dust may be deposited into the area's aquatic systems, compounding ongoing erosion and aquatic degradation.

10. The photos also show numerous new tree seedlings and emerging postfire forest vegetation across the forest floor in the project's 8 units. I am familiar with recent scientific studies from Oregon State University by Donato et al in SCIENCE that shows the detrimental effects of logging, including the resulting loss of naturally regenerating tree seedlings genetically

adapted to the project area. The planned logging and soil disturbance would set this area further back from recovery, disrupting and harming natural regeneration in process.

11. The photos document the project's units which are marked as "leave tree" units meaning all trees not marked with orange paint can be logged. Green trees are supposedly not to be cut, per contractual specifications. During surveys, I noted quite a number of large old growth trees that have needles, but due to perspective in often dense forest, it was very difficult to ascertain if some of these trees had green needles and were therefore alive, or brown needles and were most likely dead. Many of the trees in Black Crater's units retain needles, as much of the area burned at moderate severity. Many of these trees were killed by fire effects on their boles and root systems, and have brown needles, while others survived with varying levels of green needle retention. Most of these questionable trees (difficult to determine if they are alive or dead) were not marked to leave, making it likely that some live trees with limited green needles could be felled, compounding the old growth tree mortality levels in the area with the additional loss of live surviving old growth trees due to logging.

12. As the photos show, the project area contains many large old growth snags, and potentially some still alive old growth trees (as per above) that would be felled and lost to logging, that would otherwise be likely to persist as standing snags (or in the case of live trees as surviving old growth) for extended indefinite periods of time, up to 50 or more years depending upon the seasonal variables of wind and weather, and the natural variables of location, internal growth structure, whether the upper bole breaks and falls first (broken top standing snags often persist for decades), and other complex interwoven determining factors, etc. Additionally, once the large snags fall they persist in the forest ecosystem for many additional decades, providing wildlife habitat (including essential habitat for owl prey species), as well as stability

and nutrients for soils. I have seen how downed logs help slow and stop sediment runoff, retain moisture in their decaying wood fibers, and are host habitat for fungi and microbial species essential for forest ecological functioning over time. I believe that logging the area would remove most of the large standing snags and future downed large logs necessary for wildlife and ecological recovery of this postfire ecosystem, as noted by scientific research reports addressing management of postfire forest environments.

13. As the photos show, the project area contains numerous large snags and late successional forest structural conditions that would be lost to logging. Based on my years of experience surveying forest ecosystems, I believe that a significant number of these large diameter snags would likely persist on the landscape for many decades. While, predicting the number of large old growth snags per acre likely to persist may be a difficult task, I believe that retaining large late successional snags will best ensure naturally sufficient numbers of long-standing snags over time. This can best be accomplished by adhering to LSR habitat provisions, Northwest Forest Plan spotted owl population recovery goals, postfire scientific research showing that spotted owls continue to utilize even severely burned LSR habitat, survey evidence that the area is overall a moderate mixed severity mosaic burn, scientific research on the habitat needs of cavity nesting species in old growth and postfire late successional forests, and scientific recommendations regarding ecologically-sound postfire management, etc.

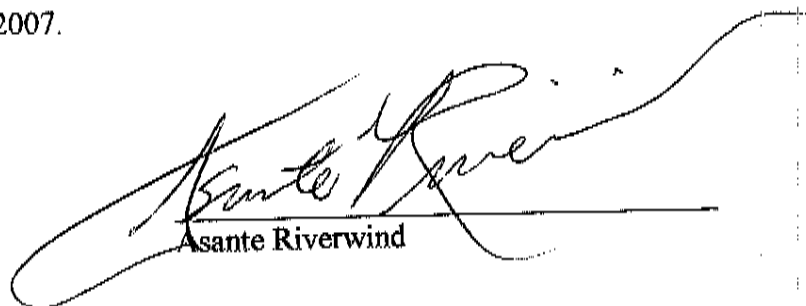
14. The proposed logging – which would remove most of the old growth snags in the project area – will ensure that very few, if any, snags will continue persist over time. While the agency plans to leave 3 large and 3 medium diameter snags per acre, absent other surrounding standing large snags, I am concerned that these snags will be predisposed to the effects of

windthrow, soil movement, and weather, and as such are unlikely to persist as long as large snags in unlogged postfire forest stands.

15. On April 11, 2007, I discussed the issue of spotted owl habitat within the Black Crater logging project area with Monte Gregg, the Sisters RD wildlife biologist who authored the BE. This conversation occurred during a collaborative field trip with Monte Gregg to the Glaze Meadows project area, during the appeal period of the Black Crater logging project. Monte Gregg specifically stated that he may have misinterpreted Ms. Bond's study conclusions when representing those conclusions in the BE to state that spotted owls do not use the LSR as habitat after the fire. Monte Gregg agreed to review Ms. Bond's report. At no point did Monte Gregg state that the Forest Service really meant to refer to a study by Gaines or any other. Marilyn and Craig Miller were both present and participated in this conversation. Later, in the appeal resolution meeting on April 24, 2007, the Forest Service failed to state that the reference was to a study other than Ms. Bond's, though this issue was among those discussed. In sum, both the Forest Service and its employee Monte Gregg confirmed that the Forest Service's statement in the Black Crater BE intended to refer to the Bond study.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of July, 2007.



Asante Riverwind