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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

LEAGUE OF WILDERNESS DEFENDERS-)
BLUE MOUNTAINS BIODIVERSITY PROJECT,)
an Oregon non-profit corporation, CASCADIA)
WILDLANDS PROJECT, an Oregon non-profit)
corporation, SIERRA CLUB, a California non-)
profit corporation,)

Plaintiffs,)

v.)

LESLIE A.C. WELDON, in her capacity as Forest)
Supervisor of the Deschutes National Forest,)
UNITED STATES FOREST SERVICE, an)
administrative agency of the United States)
Department of Agriculture,)

Defendants.)

Civ. Case No. 07-6283-HO

PLAINTIFFS' MOTION
FOR PRELIMINARY
INJUNCTION ON
PLAINTIFFS' CLAIMS
1, 3 AND 5

**EXPEDITED HEARING
REQUESTED**

**ORAL ARGUMENT
REQUESTED**

Plaintiffs, through undersigned counsel, hereby request a Preliminary Injunction on Plaintiff's Complaint Claims 1, 3 and 5 in the above-captioned case. Plaintiffs have been informed that logging activities commenced in Unit 6 on Friday, October 5, 2007, and in Unit 1 on Wednesday, October 10, 2007, logging is scheduled to begin in Unit 5 on October 19, 2007, and a timber sale auction for the additional units totaling 782 acres, including units in the LSR, CHU and NRF habitat, is scheduled for mid-December 2007.

Counsel for Plaintiffs has contacted Brian Toth, counsel for the Defendants, in a good faith effort to resolve the dispute. See LR 7.1.a.1.A. The questions to be decided by the motion are as follows:

1. Did the Forest Service violate the National Forest Management Act by authorizing logging in the Davis Late-Successional Reserve of large-diameter mature and old-growth trees that currently provide suitable habitat to the spotted owl and other species?
2. Did the Forest Service violate the National Environmental Policy Act by failing to disclose opposing scientific opinion that counsels against the Forest Service's decision to log large-diameter trees as a way to reduce fire risk?
3. Did the Forest Service violate the National Environmental Policy Act by failing to consider and disclose the cumulative impacts of past, present and reasonably foreseeable future actions?

Plaintiffs seek a preliminary injunction tailored to the harm that is threatened by this project pending a full hearing on the merits. Plaintiffs have carefully tailored this relief to allow certain project activities to proceed while providing Plaintiffs' temporary relief that maintains the status quo and avoids irreparable harm from the implementation of Defendants' Five Buttes

Project. The following relief protects these public resources on the Deschutes National Forest pending a resolution of the merits of this case:

a. In units of Spotted Owl NRF habitat, all activities should be preliminarily enjoined; these units include: 5, 74, 75, 80, 85, 135, 345, 380, 385, 410, 415, 430, 435, 475, 505, 525, 550, 570, 620, 650, 670, 690, 695, and 790;

b. In units that are partially comprised of Spotted Owl NRF habitat, all activities in the NRF habitat portions should be preliminarily enjoined, and activities in the remaining portions should be limited to thinning to 12" dbh; these units include: 226, 227, 420, 520, 671, 675, 677, 679, 692, 693, 691, and 810;

c. In units of high-quality, old-growth ponderosa pine that can serve as connective habitat between the buttes, all activities should be limited to thinning to 12" dbh; these units include: 76, 370, 371, 460, 676, 678, 765, and 811; and

d. In units of mature, large structure for Spotted Owl and Management Indicator Species in and around Spotted Owl habitat, all activities should be limited to thinning to 16" dbh; these units include: 65, 72, 120, and 155.

This motion is supported by Plaintiffs' Memorandum in Support of Motion for Preliminary Injunction and Plaintiffs' Declarations and Exhibits 1 through 11 herewith.

Respectfully submitted and dated this 22nd day of October, 2007.

/s/ Ann B. Kneeland

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