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*Local Counsel for Plaintiffs*  
*The Wilderness Society, et al.*

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 PEOPLE OF THE STATE OF CALIFORNIA, ) Case No. 05-03508-EDL related to  
4 et al., )  
5 Plaintiffs, )  
6 v. )  
7 UNITED STATES DEPARTMENT OF )  
8 AGRICULTURE, et al., )  
9 Defendants. )

10 THE WILDERNESS SOCIETY, et al., ) Case No. 05-04038-EDL  
11 Plaintiffs, )  
12 v. )  
13 UNITED STATES FOREST SERVICE, et al., )  
14 Defendants. )  
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16  
17 **DECLARATION OF IRENE ALEXAKOS**

18  
19 I, Irene Alexakos, declare as follows:

- 20 1. I have been an active member of the Sierra Club for 25 years. I am also a member of the  
21 Center for Biological Diversity, the Wilderness Society, Sitka Conservation Society,  
22 Defenders of Wildlife, and Greenpeace.
- 23 2. For the past twenty-one years I have lived in Southeast Alaska. My home is in Haines,  
24 Alaska. My address is P.O. Box 727, Haines, AK 99827.
- 25 3. In 1997, I spent a month kayaking around Kuiu Island. Threemile Arm was not my  
26 favorite part of the trip, because it is ringed by a road and some old clearcuts. I prefer  
27

1 pristine places. Nevertheless, I spent four to five days there. As I always do on  
2 kayak/canoe trips, I frequently got out of my boat and hiked up into the old growth.  
3 Among other places, I explored Hiller Cove, near the site of the proposed Threemile  
4 Timber Sale.

- 5 4. I plan to take a trip around Kuiu Island and return to Threemile Arm and Hiller Cove this  
6 summer. My trip will be three weeks long. I expect to go back every few years for as  
7 long as I am able.
- 8 5. I am very disheartened that there is a timber sale proposed for the area northeast of Hiller  
9 Cove. It would make the trip I have planned this year much less enjoyable. Imagining  
10 new clearcuts in this place saddens me, because they will damage the watershed and the  
11 ecosystem. They are unattractive to look at or spend time in. I enjoy seeing wildlife. I  
12 know that cutting more old growth will destroy habitat. I fear for the future of the  
13 watersheds, the salmon streams, and ecosystem.
- 14 6. The proposed new roads are quite disheartening. There are already plenty of roads in the  
15 Tongass and other national forests. We should be preserving the few roadless areas we  
16 have left, certainly not building any new roads or logging in roadless areas.
- 17 7. I have seen log transfer facilities (LTFs) like the one planned for the north side of  
18 Threemile Arm. Building an LTF there would destroy the area for wildlife and for  
19 people who visit the area by kayak or canoe. LTFs take up a lot of space and are difficult  
20 to paddle around. It is hard to avoid the logs and other debris that float in your way.  
21 Often the water is polluted with an oil sheen left by the log processing machinery. An  
22 LTF is a conspicuous industrial site on an otherwise forested shoreline. This would  
23 damage Threemile Arm and make it far less pleasant to spend time there.  
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- 1 8. All of the roadless areas of the Tongass are important to me. Over the last twenty years  
2 these are the areas that draw me. To hike and paddle, to watch wildlife and admire the  
3 landscape. I have spent time in many of them and plan to continue to do so.
- 4 9. I lived on Gravina Island in 1995 . While I lived there, I paddled all around the island. I  
5 also had a small motorboat at the time and explored many of the coves and bays around  
6 the island, including Seal Cove and Phocena Bay. Although I no longer live on Gravina,  
7 I continue to visit every few years to paddle the waters and walk the land.
- 8
- 9 10. Like the proposed timber sale on Threemile Arm, the proposed timber sale on Gravina  
10 Island upsets me for many reasons: It would destroy habitat and further reduce  
11 subsistence options. Trees play a major role in offsetting global warming as well. Given  
12 that most of the forests on earth have been destroyed, it is of vital importance to protect  
13 those that remain.
- 14
- 15 11. Some of the areas where logging is proposed are near the coves and bays, like Seal Cove  
16 and Phocena Bay, where I enjoy kayaking and canoeing. My trips would be far less  
17 enjoyable if the timber sale goes forward, because it will take a huge aesthetic toll on the  
18 area. I enjoy paddling partly because of the beauty of areas like Gravina Island, but  
19 clearcuts and roads take away from that beauty and would therefore make my future trips  
20 around Gravina Island less pleasurable.
- 21
- 22 12. Seeing clearcuts, roads, and LTFs also frustrates me as a taxpayer, because the use of our  
23 monies for these purposes is so wasteful and destructive. The federal deficit is a very  
24 serious problem. To spend even more money on the Tongass timber program only  
25 exacerbates the it. It is unwise and short-sighted.
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I declare under penalty of perjury that the foregoing is true and correct.

DATE: 2/14/06

Irene Alexakos  
Irene Alexakos

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10 THE WILDERNESS SOCIETY, et al., ) Case No. 05-04038-EDL  
11 Plaintiffs, )  
12 v. ) DECLARATION OF MICHAEL  
13 UNITED STATES FOREST SERVICE, et al., ) ANDERSON  
14 Defendants. )  
15

16  
17 I, MICHAEL ANDERSON, state and declare as follows:

18 1. I am a Senior Resource Analyst for The Wilderness Society’s Pacific Northwest  
19 Regional Office in Seattle, Washington. I have a Bachelor of Arts degree from Yale University  
20 and a law degree from the University of Oregon. For the past 21 years I have worked for The  
21 Wilderness Society primarily on national forest legal and policy matters. In addition to being  
22 Senior Resource Analyst, I am a member of The Wilderness Society.

23  
24 2. The Wilderness Society (“TWS”) is a non-profit interest membership  
25 organization founded in 1935, with its headquarters in Washington, D.C. and with approximately  
26 200,000 members nationwide. TWS’s California/Nevada Regional Office is located in San  
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1 Francisco, California. TWS has approximately 33,000 members in California, and  
2 approximately 11,000 in its Northwest Region. TWS is dedicated to protecting a national  
3 network of wild lands and fostering an American land ethic. TWS works to ensure the wise  
4 management and protection of America's public lands, including our national forests, grasslands,  
5 parks, refuges, and lands administered by the Bureau of Land Management. It fulfills its mission  
6 through education, analysis, and advocacy.

7  
8 3. TWS has a long-standing interest and close involvement with the administration  
9 of forests managed by the Forest Service. Many of TWS's members visit these public lands  
10 regularly to pursue various forms of recreation and to watch and learn about wildlife and  
11 wildlands.

12 4. TWS has engaged in a broad range of activities on behalf of protecting and  
13 restoring the ecological integrity of our public lands. Utilizing administrative processes,  
14 lobbying, public education and legal action, TWS and its members have historically been  
15 involved in protecting Forest Service and BLM lands throughout the country, including  
16 commenting on a broad range of management activities such as timber sales, mining, and road  
17 building and selectively filing administrative appeals when necessary.

18  
19 5. For nearly 70 years, TWS has worked to protect the wilderness character of public  
20 lands. This work included preparing and issuing reports on the status of the National Forest  
21 System, testifying before Congress, and communicating our concerns to our membership and the  
22 general public.

23  
24 6. TWS was particularly involved with the promulgation of the 2001 Roadless Rule  
25 and the subsequent defense of the Rule in court. Specifically, TWS:



- 1 • Submitted scoping comments on the Forest Service’s Notice of Intent to prepare  
2 an Environmental Impact Statement (EIS) for the Roadless Rule, testified at  
3 public meetings, and educated its members and the public about the Roadless  
4 Rule through mailings, newspaper advertisements, and the internet, urging them  
5 to participate in the scoping process;
- 6 • Reviewed Forest Service documents related to development of Roadless Rule  
7 options, and conducted research and produced publications about roadless areas  
8 and forest health, recreational access, and economic impacts, which publications  
9 we furnished to members of the public and media;
- 10 • Submitted comments on the Draft EIS for the Roadless Rule, testified at public  
11 meetings, and educated its members and the public about the proposed Roadless  
12 Rule through brochures, newspaper advertisements, the internet, and media  
13 interviews and briefings, again urging public participation in the planning  
14 process;
- 15 • Submitted comments on the Final EIS and proposed final Roadless Rule,  
16 including analyses of Forest Service documents relating to the possible impacts of  
17 the proposal; and
- 18 • Intervened as a defendant in all seven of the lawsuits challenging the Roadless  
19 Rule.  
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23 7. TWS has also been very involved in the rulemaking process for the Roadless  
24 Repeal. For example, TWS submitted comments on the Advance Notice of Proposed  
25 Rulemaking in 2001 and on the Proposed Rule in 2004. TWS also urged its members and  
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1 supporters to comment on the Roadless Repeal through mailings and its website  
2 (www.wilderness.org).

3 8. For more than 30 years, I have personally used and enjoyed many national forests  
4 for hiking, backpacking, camping, cross-country skiing, and other recreational activities, as well  
5 as field trips associated with my work. In 1978, I published a book, Umpqua Wilderness Trails:  
6 A Hiker's Guide to Diamond-Thielsen, Boulder Creek, and Rogue-Umpqua Divide in the  
7 Umpqua National Forest, which was based on my extensive use and study of trails and roadless  
8 areas in the Umpqua National Forest during the 1970s. I hiked and backpacked on several  
9 hundred miles of the Pacific Crest Trail through several national forests in Washington and  
10 Oregon during the 1980s. During the past decade, I have taken my family camping in  
11 Washington national forests on numerous occasions, as well as taken many hikes by myself and  
12 with friends. I intend to continue using these and other national forests in the future.

13  
14 9. I, like many other TWS members, use and enjoy national forest roadless areas  
15 protected by the Forest Service's Roadless Rule. I value these areas for their relatively  
16 undisturbed character, their scenic beauty, and the opportunities they offer to experience and  
17 observe wildlife species and other natural elements of wildland settings.

18  
19 10. I have personally visited roadless areas in national forests in Washington, Oregon,  
20 California, Alaska, Idaho, Montana, Wyoming, Michigan, Georgia, and Virginia. For example,  
21 last week I snowshoed in a roadless area in Washington's Mount Baker-Snoqualmie National  
22 Forest. One area I have hiked in – the Sky Lakes B Roadless Area (also know as Pelican Butte)  
23 in Oregon's Winema National Forest – has been seriously threatened by a proposed downhill ski  
24 development, but the Roadless Rule's prohibition on road construction would effectively  
25 preclude such development. I have also visited the South Kalmiopsis Roadless Area on  
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1 Oregon's Siskiyou National Forest, which is currently threatened by salvage logging as part of  
2 the Biscuit Fire Recovery Project and which also would be protected by the Roadless Rule. My  
3 next visit to a roadless area will likely be to the Deadhorse Rim Roadless Area on Oregon's  
4 Fremont National Forest this spring.

5 11. The 2005 repeal of the Roadless Rule and its public land protections will harm  
6 TWS's work protecting and preserving the land's unspoiled areas of our nation's public forests.  
7 We have lost a valuable tool. The establishment of a voluntary, state-by-state petition process  
8 through the 2005 repeal also harms TWS's interest in ensuring consistent protection and  
9 management of all national forest roadless areas. Making individual states responsible for  
10 roadless area protection will inevitably result in different public involvement processes and  
11 roadless area management direction in different states. For instance, roadless areas in Idaho may  
12 receive less protection than adjacent areas in Montana. Also, TWS members who care about  
13 roadless areas will be unable to participate in the state petition processes except for the state in  
14 which they happen to reside.  
15

16 12. The repeal of the Roadless Rule personally harms me as well. Without the  
17 Roadless Rule, our national forests will suffer further impairment, directly impacting my  
18 enjoyment of wild places and wilderness. In addition, the 2005 repeal will harm the ability of  
19 future generations to experience the many recreational, spiritual, and other values that roadless  
20 areas provide.  
21

22 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
23 and correct. Executed this 14<sup>th</sup> day of February, 2006, at Seattle, Washington.  
24

25  
26   
27 MICHAEL ANDERSON  
28

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28 DECLARATION OF DAVID BAYLES

Case Nos. 05-03508-EDL and 05-04038-EDL - 1 -

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1 UNITED STATES DISTRICT COURT  
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7 UNITED STATES DEPARTMENT OF )  
8 AGRICULTURE, et al., )  
9 Defendants. )

10 THE WILDERNESS SOCIETY, et al., ) Case No. 05-04038-EDL  
11 Plaintiffs, )  
12 v. ) DECLARATION OF DAVID BAYLES  
13 UNITED STATES FOREST SERVICE, et al., )  
14 Defendants. )  
15

16  
17 I, DAVID BAYLES, state and declare as follows:

18 1. I am the Executive Director of Pacific Rivers Council (PRC), a non-profit  
19 organization dedicated to the conservation of rivers, their watersheds, and the native species that  
20 depend on them. I have been on the staff of PRC since 1988, the Conservation Director since  
21 1995, and the Executive Director since 2001. Headquartered in Eugene, Oregon, and with  
22 offices in Portland, Oregon, and Polson, Montana, PRC has over 750 members nationwide, most  
23 of who reside in the western United States.  
24

25 2. Under my direction, PRC has done extensive work for many years documenting  
26 the importance of roadless and nearly roadless areas to the conservation of sensitive fish species,  
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1 with conspicuous attention to National Forest Roadless Areas. Much of our work consists of  
2 bringing sound scientific information to bear in public policy contexts. The conservation of the  
3 last remaining high quality habitat areas for fish – which consist, by in large, of National Forest  
4 roadless and nearly roadless areas – are a centerpiece of our mission. PRC has been among the  
5 leading groups in the country drawing attention to the extensive scientific work documenting the  
6 adverse affects of roadbuilding on sensitive ecosystems, and drawing attention to the biological  
7 importance of National Forest roadless areas.  
8

9 3. PRC enlisted the support of the scientific community to assess and describe the  
10 ecological importance of road removal as a critical adjunct to the roadless policy as originally  
11 drafted. That effort resulted in a letter signed by more than 30 scientists nationwide, including  
12 the president and past president of the Society for Conservation Biology, which we submitted to  
13 President Clinton. We distributed the letter to advocates and elected officials. We prepared  
14 official comment on the policy based on the input of the scientists.  
15

16 4. PRC prepared an analysis of the roads policy including its relationship to the  
17 roadless policy, and developed a letter to the Clinton administration, which was co-signed by  
18 over 80 conservation organizations across the nation.

19 5. PRC prepared two editions of a briefing book on the Forest Service’s revision of  
20 road-building policies. The book contained seven sections: introduction, policy  
21 recommendations, a detailed analysis of the Forest Service’s proposed roads policy (including its  
22 relationship to the roadless policy), an analysis of the current status of Forest Service roads, an  
23 analysis of the ecological effects of roads, and the relevant federal register notices. PRC  
24 produced hundreds of copies of the book, and distributed them widely to elected officials, agency  
25 representatives, conservation groups, and the public.  
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1           6.       PRC reprinted and circulated an important scientific paper by Drs. Stephen  
2 Trombulack and Christopher A. Frissell on the ecological effects of roads in order to strengthen  
3 public understanding of the scientific soundness of the Forest Service’s Roadless Area rule-  
4 making, and to garner public and political support for strong, permanent protections for National  
5 Forest roadless areas.

6           7.       PRC created and maintained a special section of our website devoted to the  
7 roadless policy. In it we linked both to scientific information as to the biological significance of  
8 roadless area protection, and in addition linked to both other conservation groups and to the  
9 federal agencies to facilitate comment on the policy.

10           8.       In 2001, PRC co-produced a report titled “Imperiled Western Trout and the  
11 Importance of Roadless Areas.” This report examined the distribution of healthier remaining  
12 populations of eight native trout species in the West and showed that roadless areas provide a  
13 refuge for the strongest surviving populations of native trout. PRC also has been involved in  
14 mapping high aquatic value areas throughout the western United States, including California,  
15 Washington, Idaho, Montana, and Wyoming; these mapping exercises have shown time and  
16 again the important role that roadless areas play in the conservation of freshwater ecosystems.

17           9.       PRC has been involved in the development of the Roadless Area Conservation  
18 Rule and its repeal, including commenting on both the rule and its repeal, and intervening in  
19 lawsuits to defend the Roadless Rule. This extensive series of legal actions in several states has  
20 required a considerable commitment of resources from both board and staff, over a time period  
21 now approaching six years

22           10.       A national rule protecting roadless areas is an essential part of the conservation of  
23 a number of sensitive trout and closely related species: state by state protection will not be  
24

1 adequate because the species dependent on roadless protection cross state lines. Bull Trout  
2 (*salvelinus confluentus*) for example, a species on which we have done extensive work, is  
3 associated with roadless areas at least in Oregon, Washington, Idaho, and Montana. Inconsistent,  
4 state by state roadless area protection will not be sufficient for this species, along with other  
5 similarly sensitive fishes.

6         11. I, and other PRC members, use and enjoy the areas once protected by the Forest  
7 Service's Roadless Area Conservation Rule. I personally have fished and rafted backcountry in  
8 Oregon, Idaho, and Montana, along the Lower Main Salmon, and in the Headwaters of the  
9 Snake, in the John Day, Owyhee, and Grande Ronde drainages in and bordering areas that were  
10 once protected by the Forest Service's Roadless Area Conservation Rule. This is a lifelong  
11 pattern: I have camped in national forests in and adjacent to roadless areas since 1949. I don't  
12 intend to stop.


13         12. Most recently I have hiked and collected stream observations in the smaller  
14 roadless areas on the central Oregon coast. A photograph of me in one of these patches adorns  
15 the back cover of my recent book: "Notes on a Shared Landscape." I chose to use this portrait  
16 because it symbolizes the importance these places have to me.

17         13. As a lifelong trout fisherman, it has been my experience that the quality of fishing  
18 for native species strongly increases the farther you walk away from any road. Both as a  
19 scientific observation and a personal one, I am certain that a continuing pattern of roadbuilding  
20 into roadless areas threatens the irreplaceable living resources that I and our organization work  
21 tirelessly to protect. If roadbuilding, logging, mining, and other habitat degrading activities are  
22 allowed to continue, my fishing and other use of National Forest roadless areas will be seriously  
23 and permanently impaired.



1 I declare, under penalty of perjury, that the foregoing is true and correct, to the best of my  
2 knowledge, information, and belief.

3 Executed this 20th day of February, 2006, in Carmel , California.

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6 DAVID BAYLES

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15

16  
17 **DECLARATION OF DAVID BEEBE**

18 I, David Beebe, declare as follows:

- 19
- 20 1. I am a member of The Wilderness Society, Sierra Club, Greenpeace, and Defenders of  
21 Wildlife.
  - 22 2. I reside at USS 2480, Lot 2, within the City of Kupreanof, on the island of Kupreanof in  
23 central Southeast Alaska. My mailing address is P.O. Box 148, Petersburg, AK 99833.
  - 24 3. I have been a self-employed fisherman for the past 20 years and currently own and  
25 operate the F/V Jerry O. My principal means of living is fishing a 300 pot limited entry  
26 permit for Dungeness crab. I fish Dungeness crab during the four months (two months in  
27 the summer and two months in the fall) that it is open. I have been commercial crab

1 fishing principally in ADF&G statistical area 105-32 (which includes Threemile Arm),  
2 and area 105-31 (immediately to the south), consistently for the last 10 years, and plan to  
3 continue crab fishing in those areas in the future.

4 4. I hunt Sitka Blacktail deer every year in the Threemile Arm area in the fall portion of my  
5 Dungeness crab fishing. I hunt in the roadless area north and east of Hiller Cove, within  
6 three miles of the shore of Threemile Arm. Many of the proposed harvest units in the  
7 Threemile timber sale are in the area where I hunt. The proposed timber sales will disrupt  
8 the natural habitat of the deer that I hunt. I believe that the continued clearcutting of high  
9 quality deer winter range degrades my deer hunting opportunities. I plan to continue to  
10 hunt in this area in the future, and this logging will hurt my chances of getting a deer in  
11 the coming seasons.

12 5. Some of the most productive crab habitat in Threemile Arm is where the arm narrows.  
13 This is near the proposed Log Transfer Facility, and to the north and west of the proposed  
14 LTF (further up the arm). The proposed LTF site is in a shallow and narrow (less than  
15 one half mile in width) portion of the arm. I am extremely worried that the construction  
16 and operation of the LTF will destroy the crab habitat in the area and will make parts of  
17 Threemile Arm inaccessible. Even with a “travel corridor” from the proposed LTF, the  
18 operations will certainly destroy some of the most productive crab habitat in Threemile  
19 Arm. I currently fish for crab in that exact area, I plan to do so in the future, and I will be  
20 harmed if this activity goes forward.

21 6. I routinely encounter the existing logging roads when hunting for deer near Threemile  
22 Arm. These roads harm my ability to hunt and my enjoyment of the area while hunting.  
23 The alteration of the habitat favors wolves, which prey on deer. Also, logging roads allow  
24 other hunters to use motorized vehicles. This increased traffic disturbs the solitude I  
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1           enjoy while on Kuiu Island and increases competition for the deer. I avoid the roads and  
2           try to hunt in roadless areas.

3           7. I am a videographer and I often use Threemile Arm for purposes of nature videography. I  
4           often go on shore to make my videos. I hope to supplement my fishing with making  
5           videos to educate the public about the environment, and eventually transition into that  
6           field. This proposed activity will spoil the Threemile Arm area for this purpose. I value  
7           pristine, unfragmented areas, and I want to portray these areas on film. The activity and  
8           noise of logging, and the resulting changed scenery, threaten my personal enjoyment of  
9           the area while I am filming, and make it more difficult for me to compose the videos of  
10          pristine wilderness that I want to make. I plan to continue to make videos of the  
11          Threemile Arm area. If the proposed activity goes forward, it will displace me from the  
12          Hiller Cove area.

13          8. It is very disturbing to see an area of pristine wilderness become an industrial zone. I  
14          used to fish and spend time near Bucareli Bay, just south of Craig. Recent logging has  
15          ringed the area with roads, clearcuts and activity. I have literally pulled my gear out of  
16          there because I could not stand it. I do not want the same thing to happen to Threemile  
17          Arm.

18          9. My fishing keeps me fairly well distributed across Southeast Alaska, and I have spent  
19          time in many other roadless areas of the Tongass as well. When I am in an area in my  
20          fishing boat, I almost always have a kayak or canoe and an inflatable boat on board. I  
21          always take the opportunity to go on shore to hike, hunt, photograph, and gather wild  
22          herbs. Some of the areas I have spent the most time in are on Prince of Wales Island  
23          (specifically, Sea Otter Sound, Nossuk Bay, Salt Lake Bay, Tonowek Passage, Tonowek  
24          Narrows, Bob's Place, Shakan Bay, and Devil Fish Bay), Baranof and Chicagof Islands  
25          (Hoonah Sound, Tanakee Inlet, and Kelp Bay), and Kuiu Island (Reid Bay, Alvin Bay,  
26          and Kelp Bay).

1 No Name Bay, Conclusion Island, Seclusion Harbor, Port Camden, Kiku Islands, and  
2 Bay of Pillars).

3 10. Prince of Wales island has phenomenal cultural resources waiting to be discovered. It  
4 has high densities of cedar trees, and it is difficult to go into the woods and not find  
5 evidence that cedar bark has been stripped from the trees. Cedar bark was central to  
6 Tlingit and Haida for clothing. Cedar was used for houses, art, countless everyday items,  
7 and canoes. They stripped the bark and even harvested planks from the trees, without  
8 killing the trees, through a sustainable approach that could serve as a model for timber  
9 harvest today. We could benefit greatly from maintaining the example to study.

10 11. I have also hunted, kayaked, photographed, and fished in the area of Port Houghton, Cape  
11 Hanshaw, Sanborn Canal, and Farragut Bay. Thomas Bay has been a recurring subject in  
12 the many videos I have taken on numerous glacier journeys over the years.

13 12. The Lindenberg Peninsula is literally my backyard. I have taken excursions for all  
14 manner of activities in the roadless areas of Lindenberg Peninsula, ranging from foraging  
15 for wild herbs and berry picking to hiking, hunting, bird watching, sport fishing, wildlife  
16 photography, skiing, showshoeing, kayaking, canoeing, and camping. And one of my  
17 favorite activities, tree climbing. The rainforest canopies contain an amazing diversity of  
18 animals and plants and climbing into the canopy is an incredible exercise in discovery.  
19 The more logging that happens in roadless areas, the less canopy there is to explore.

20 13. On other trips, I have guided kayaking and camping excursions both with clientele and  
21 with friends and family in Duncan Canal, and specifically in the Castle Creek area. I  
22 have also guided trips in Mitkof Island near Ideal Cove, on Kupreanof near Fivemile  
23 Creek, and in the areas of Rocky Pass and El Capitan. I intend to return to all of these  
24 areas in the foreseeable future unless the landscape becomes irrevocably altered by  
25 roading and clearcutting.  
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1 14. As a commercial fisherman, I depend on intact ecosystem dynamics and it is important to  
2 me that a full diversity of understory species and a full range of animal species dependant  
3 on old growth be maintained. These characteristics are compromised with roads and  
4 logging.

5 15. As an aspiring videographer, I prefer to film pristine areas. The aesthetic character of the  
6 roadless areas of the Tongass is an exquisite natural beauty that is stunning to behold.  
7 The complex mosaics of plant communities and the full diversity of plant and animal life  
8 creates a subjective response in viewers that is the result of being in the presence of such  
9 a dynamic, complex, rich, and abundant landscape.

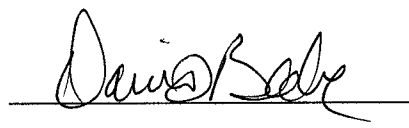
10 16. I grew up in a Navy family and have seen a lot of North America and the world as a  
11 result. I have an intimate awareness of what landscape looks like when it is used up, and  
12 to me, the landscape in the roadless areas of the Tongass shows all the signs of an intact  
13 area still evolving in its natural course. It is one of the more spiritually inspiring  
14 landscapes on the planet, and all of that would be destroyed with logging and roads.

15 17. This landscape is, for me, an essential element to the relationships with friends and  
16 family and all visitors to southeast Alaska. I have watched friends and family, or other  
17 visitors I have run into, respond to the landscape, and there is an undeniable process that  
18 clearly becomes a lifechanging event to them and becomes a relationship-building  
19 experience for me. The interdependence of a panoply of plant and animal species  
20 thriving in an intact temperate rainforest ecosystem represents, to me, one of the finest  
21 examples for our culture to not only value but to use as a model for how our communities  
22 and individuals within those communities form relationships and react to each other. In  
23 the roadless areas that I have explored, we have an irreplaceable spiritual and cultural  
24 resource that will be irrevocably damaged with continued logging and roading.  
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I declare under penalty of perjury that the foregoing information is true and correct.

Date: 15 FEBRUARY 06



David Beebe



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10 THE WILDERNESS SOCIETY, et al., ) Case No. 05-04038-EDL  
11 Plaintiffs, )  
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13 UNITED STATES FOREST SERVICE, et al., )  
14 Defendants. )  
15

16  
17 **DECLARATION OF CORRIE BOSMAN**

- 18 1. I am the Conservation Director of Sitka Conservation Society. Organized in 1967, SCS  
19 works to conserve the natural environment of the Tongass National Forest and to protect  
20 Sitka's quality of life. SCS has a membership of approximately 500. Among its many  
21 activities, SCS offers a monthly natural history education series for the public, and  
22 operates the Tongass Timber information Center and a GIS computer mapping facility.  
23  
24 2. SCS informs its members about activities and decisions concerning the Tongass,  
25 advocates for changes in forest laws and policies, and encourages participation in the  
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1 public process. SCS works to conserve the natural environment in the Tongass,  
2 particularly in and around Sitka.

3 3. Of utmost importance to SCS is the protection of the remaining roadless areas in the  
4 Tongass. SCS members seek roadless areas for many purposes including fishing,  
5 hunting, gathering of wild edibles, boating, hiking, beach combing, photography, and  
6 birdwatching. Above all, it is the general sense of peace and tranquility that feeds the  
7 spirit and souls of our members.

8 4. Remaining wild forests serve several important public values: they are sources of  
9 outstanding recreation, unique fish and wildlife habitat, and our cleanest drinking water.  
10 Roadbuilding and logging have profound visual impacts and destroy the forest's  
11 wilderness values. Their economic value as subsistence and recreational assets far  
12 outweigh their value for timber production.

13 5. We believe the Forest Service has a responsibility to protect these special places as an  
14 enduring legacy for future generations. The roadless rule protects the interests and ideals  
15 of SCS members and we have participated extensively in the administrative process in  
16 support of the rule. We submitted comments in support of the roadless rule when it was  
17 initially proposed and adopted, and later submitted comments opposing its repeal. SCS  
18 remains committed to the protection of the remaining roadless areas in the Tongass.

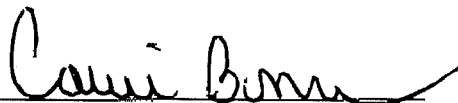
19 6. The Forest Service has posted a five-year timber sale schedule, dated November 10,  
20 2005, on its website for the Tongass at [http://www.fs.fed.us/r10/ro/policy-](http://www.fs.fed.us/r10/ro/policy-reports/documents/FY06_TNF_5_Year_Sale_Plan_Final_w_Signature.xls)  
21 [reports/documents/FY06\\_TNF\\_5\\_Year\\_Sale\\_Plan\\_Final\\_w\\_Signature.xls](http://www.fs.fed.us/r10/ro/policy-reports/documents/FY06_TNF_5_Year_Sale_Plan_Final_w_Signature.xls). A copy is  
22 attached to this declaration. I have reviewed the schedule to identify the Timber projects  
23 located in roadless areas. I have excluded those timber projects that were  
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1 "grandfathered" by the 2001 Roadless Rule. See 66 Fed. Reg. 3244, 3273 (Jan. 12, 2001)  
 2 (then codified at 36 C.F.R. § 294.14(d)). As indicated on the schedule, the Forest Service  
 3 has already signed Records of Decision for the Threemile and Emerald Bay projects. The  
 4 following scheduled timber projects are in roadless areas and were not grandfathered:

5	<u>Sale Name</u>	<u>Decision Date</u>	<u>Volume (MMbf)</u>	<u>Percent Roadless</u>
7	Threemile	April 2004	20	72
8	Emerald Bay	September 2005	16	100
9	Scratchings	March 2006	26	31
10	Kuiu	May 2006	34	11
11	Gravina	June 2006	36	100
12	Logjam	February 2007	25	40
13	Big John/Central Kupreanof	May 2007	35	60
14	Klam	June 2007	25	36
15	Navy	FY 2007	50	90
16	Iyoutug	November 2007	60	75
17	Kosciusko	December 2007	5	25
18	Staney	March 2008	17	35
19	Dry Bay	October 2008	10	100
20	Big Boy	June 2008	16	41
21	Moira	June 2008	56	100
22	Highbush	FY 2008	5	50
23	Saw Ridge	June 2009	8	80
24	Crittenden	FY 2009	30	100
25	Woronkofski	FY 2009	10	95
26	NE Baranof	November 2009	15	91
27	Bayport	2009	30	45
28	Bohemia Towers	2009	10	90
	Kizhuchia	November 2010	6	80
	Central Mitkof	2010	8	36

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

24 Date: 2/22/2010

24   
 25 Corrie Bosman, Conservation Director  
 26 Sitka Conservation Society

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9 Defendants. )

10 THE WILDERNESS SOCIETY, et al., ) Case No. 05-04038-EDL  
11 Plaintiffs, )  
12 v. ) DECLARATION OF MARGARET C.  
13 UNITED STATES FOREST SERVICE, et al., ) FULLER  
14 Defendants. )  
15

16  
17 I, MARGARET C. FULLER, declare and state as follows:

18 1. I am a resident of Weiser, Idaho and a member of the Idaho Conservation League  
19 (ICL), an independent, non-profit organization dedicated to the conservation of Idaho's natural  
20 resources. I have been a member of ICL since the mid-1980's. I have lived in Idaho since 1957.

21 2. I am a 1956 graduate of Stanford University, with a Bachelors of Arts in Biology.  
22 My husband, Wayne Fuller, and I have five grown children, and five grandchildren.

23 3. I am a freelance writer, lecturer, and the author of seven books. I have hiked over  
24 5,500 miles on Idaho trails in roadless areas, wilderness areas, and other public lands and have  
25 given approximately 240 slide lectures on Idaho's mountains. Three of my books are on natural  
26  
27

1 history, and four are Idaho hiking guidebooks. The best known of these books is Trails of the  
2 Sawtooth and White Cloud Mountains, first published in 1979, which an expanded and updated  
3 4<sup>th</sup> edition was published in 2005. The other three guidebooks have been kept up to date as well.  
4 I am the author of the only guidebook to the Frank Church – River of No Return Wilderness.  
5 The total number of trails covered in detail in my four guidebooks is 437. I have hiked all these  
6 trails and routes myself, except for 35 that a co-author hiked for the eastern Idaho book.

7  
8 4. I have won several awards and honors. I won first place in the Payette Lakes  
9 Land Trust essay contest in January 2006. In October 2003, I was featured on an Outdoor Idaho  
10 program, Never Say Quit II. I was awarded the Woman of Today and Tomorrow award, for the  
11 outdoors, Silver Sage Girl Scout Council in 1998. I was elected to membership in the Society of  
12 Women Geographers, an international organization, in 1996. Northwest Outdoor Writers  
13 Association awarded me first place in the book category for my book Forest Fires in 1992. The  
14 Idaho Trails Council gave me the Achievement Award in 1991. My first three hiking  
15 guidebooks were endorsed by the Idaho Centennial Commission as Centennial books in 1990.  
16 The Idaho Writer’s League awarded me the Writer of the Year Award in 1982.

17  
18 5. Each summer my children and grandchildren gather at our cabin in the Sawtooth  
19 Valley. My husband built the outside shell of the cabin with the help of a carpenter and our  
20 oldest son in 1968. The whole family worked to finish the inside of it, which took 23 years.  
21 During the summer of 2005, 22 members of my extended family hiked together in the Boulder-  
22 White Cloud Roadless Area. Each year we spend several days in roadless areas in the vicinity of  
23 the cabin as well as several days in the Sawtooth and Frank Church wildernesses. The areas we  
24 frequent include the Boulder-White Clouds, Pioneer Mountains, and the Smokey Mountains  
25 roadless areas.  
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1           6.       In addition to areas that we visit while spending time at our family cabin, I have  
2 hiked in at least 40 other roadless areas around the state. They include the Snowbank, Red  
3 Mountain, Rainbow, Borah Peak, Rapid River, Patrick Butte, Secesh, Needles, Lemhi Range,  
4 Copper Basin, Garns Mountain, Cache Peak, Selkirk, Italian Peaks, and Worm Creek roadless  
5 areas. I have color slides of all 40 areas if photographs are needed to document their character  
6 and world-class scenery. Idaho's roadless areas are just as beautiful as any of the formally  
7 designated wildernesses anywhere in the United States.  
8

9           7.       Roadless areas are important for the economic, recreational, and educational  
10 future of the state of Idaho. They attract people to live here and bring their companies here.  
11 They also attract tourists, who are an important source of income for Idahoans. Roadless areas  
12 are vital for the recreation, family bonding, and spiritual renewal of many Idahoans, including  
13 me and my children and grandchildren. Idaho is growing the second fastest of any state in the  
14 nation. The population of the Treasure Valley (area around Boise) has doubled in the last 15  
15 years. Where are all these people going to find trails to hike, mountain bike, or ride horseback if  
16 we don't keep all our roadless areas roadless?  
17

18           8.       I intend to return to my favorite roadless areas and visit new ones in the future.  
19 During the summer of 2006, I plan to visit the Boulder-White Clouds Roadless Area to observe  
20 the effects of the 2005 Valley Road Fire on the ecology of the White Clouds and to visit the  
21 Pioneer Mountains Roadless Area for an extended family camping and day-hiking trip.  
22

23           9.       I would like to give as an example of what roadless areas mean to me and my  
24 family the llama trip in the White Clouds that Wayne and I took with our three sons and their  
25 families. Neal's children, Chris and Sierra, were then only five and three, but they both walked  
26 the whole way to Born Lakes and back, a round trip of eight miles. The elevation gain on the  
27  
28



1 way in was 1,000 feet and on the way out 500 feet, and the highest elevation was 9,800 feet. If a  
2 five year old and a three year old can walk that far, we do not need any roads in roadless areas  
3 for recreation access.

4 10. At the top of the pass on the way in, Chris looked across the canyon at a chalk-  
5 white double peak and asked, "Why is there so much snow?" His dad said, "That's not snow.  
6 It's rock." "It is?" Chris spent a minute or so staring at the white mountain with an expression  
7 of awe. If we had been able to drive over that pass, we probably wouldn't have stopped long  
8 enough for Chris to notice the strange rock.

9  
10 11. On that trip, Chris also took great pleasure in helping his grandpa and I gather  
11 what he called "prickly wood" for the evening's campfire. (Prickly wood was small dead  
12 branches with the twigs still on them.) At a roaded campground, his grandpa would just have  
13 split kindling with an axe. Gathering the kindling made Chris feel he was a vital part of our  
14 group. That kind of experience can be gained only in roadless areas.

15  
16 12. I visit Idaho's national forest roadless areas for their remoteness, solitude, peace,  
17 silence, unmarked scenic beauty, and to hand down to my grandchildren the values of wild land.  
18 I also depend on roadless areas for scientific study and research for my natural history books.  
19 When I wrote my book on forest fires, I visited roadless areas to observe the ecology of fire and  
20 how wildfire was fought without vehicles. When I wrote my book on wild berries, I visited  
21 roadless areas to study the berry plants I was writing about and to photograph both the berry  
22 blossoms and the ripe berries. All the qualities for which I use roadless areas depend on their  
23 having no roads and the Forest Service protection of those qualities.  
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11 Plaintiffs, )  
12 v. ) DECLARATION OF DOUG HEIKEN  
13 UNITED STATES FOREST SERVICE, et al., )  
14 Defendants. )  
15

16  
17 I, DOUG HEIKEN, state and declare as follows:

18 1. I live and work in Eugene, Oregon and am employed full-time as the Western  
19 Oregon Field Representative for the Oregon Natural Resources Council Fund (ONRC). I have  
20 been continuously involved with ONRC as a volunteer or paid staff since 1990, and I am  
21 currently a member in good standing of ONRC. ONRC is a registered 501(c)(3) non-profit  
22 corporation with offices in Portland, Eugene, Bend, and Ashland, Oregon. ONRC has  
23 approximately 5,500 members throughout the State of Oregon and the Pacific Northwest.

24  
25 2. ONRC's mission is to protect and restore Oregon's wild lands, wildlife, and  
26 waters. ONRC's scope of interest includes the "greater Oregon ecosystem" which includes the  
27

1 entire watersheds that Oregon is part of, and all the habitat that Oregon fish and wildlife use,  
2 including roadless areas in Idaho, California, and Washington. Our goals include restoring  
3 Oregon's forest and aquatic ecosystems to a naturally-functioning state that includes a full  
4 complement of native species. Our campaigns include protecting Oregon's pristine wild lands;  
5 protecting Oregon's remaining old growth forests and roadless areas; restoring the fish and  
6 wildlife habitat in the Klamath basin; and protecting critical municipal watersheds.

7  
8 3. To advance ONRC's goals, I work directly with local citizens and citizen groups  
9 to incorporate environmental concerns into statewide, region wide, and nationwide programs.  
10 ONRC members and staff engage in public education, research, and advocacy before political,  
11 administrative, and judicial bodies.

12 4. ONRC publishes Wild Oregon, a quarterly newsletter to members as well as  
13 "Action Dispatch," a shorter outline of our action issues. Both are available in electronic form  
14 on our website, maintained at <http://www.onrc.org>. Throughout the year, ONRC conducts day  
15 hikes and occasionally overnight camping trips throughout Oregon's National Forest and  
16 Wilderness areas to encourage our members to become familiar with the land that we are trying  
17 to protect and preserve. Each summer ONRC sponsors "Wilderness Week" to celebrate and  
18 enjoy the recreational, scenic, spiritual, scientific, habitat, and water quality values that are  
19 provided by Oregon's wild forests.

20  
21 5. ONRC has worked to protect roadless areas, through education as well as  
22 advocacy before Congress, state legislatures, federal agencies, and the courts for over 30 years.  
23 ONRC was instrumental in persuading Congress to create and enact the Endangered American  
24 Wilderness Act and the Oregon Wilderness Act, which together protect more than 1.2 million  
25 acres of Oregon's most threatened wild lands. ONRC has organized citizen volunteers and staff  
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1 to comprehensively inventory the boundaries and unique values of forested roadless areas  
2 throughout the state of Oregon. We have also advocated federal recognition of the values of  
3 roadless areas through forest plan standards and guidelines for all thirteen National Forests in  
4 Oregon as well as many other National Forests around the country.

5 6. ONRC has engaged in project level review and advocacy to protect roadless areas  
6 from the effects of logging, road building, mining, and other ground-disturbing activity. ONRC  
7 has initiated successful litigation to protect roadless areas and the values they harbor. Our  
8 roadless area inventory and scientific compendium are unique and powerful tools for ONRC's  
9 advocacy for protection of roadless areas.  
10

11 7. ONRC actively participated in the development of the 2001 Roadless Rule and in  
12 opposition to the 2005 Roadless Repeal. ONRC devoted substantial time, effort, and resources  
13 to supporting the Forest Service's Roadless Area Conservation Rule-making and encouraging the  
14 Forest Service to adopt a rule providing strong, long-term protection for National Forest  
15 Roadless Areas. In particular, ONRC  
16

17 a. Worked with the media and sent out mailings to publicize the dates and  
18 locations of the dozens of formal hearings held by the Forest Service regarding the rule-  
19 making, and spoken at those hearings to educate the public and voice support for strong,  
20 lasting National Forest Roadless Areas protection;

21 b. Conducted extensive educational efforts, through phone calls, meetings,  
22 publications, and newsletters, regarding the rule-making process and the immense  
23 ecological value of National Forest Roadless Areas. Each person on staff at ONRC  
24 worked to engage our membership to participate in the formal rule-making process; and  
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1           c.       Participated in the Heritage Forests Campaign to educate the public in the  
2 value of roadless areas and advocate the strengthening of the Forest Service's various  
3 proposals for interim and permanent protection of Roadless Areas. In furtherance of  
4 those goals, Heritage Forests Campaign encouraged citizen participation in the National  
5 Environmental Policy Act and the administrative rule-making process, met with  
6 legislators and administrative staff, and opposed road-building, logging, and other  
7 destructive activities in roadless areas.  
8

9           8.       ONRC filed and helped facilitate comments by thousands of Oregonians and  
10 others who support the 2001 Roadless Rule and oppose the Roadless Repeal. ONRC has also  
11 worked with numerous elected officials who share a concern for the values inherent in roadless  
12 areas – clean drinking water, habitat for imperiled species as well as fish and game pursued for  
13 sport, vibrant old-growth, resilient ecological communities, diverse recreational opportunities,  
14 and stunning vistas.  
15

16           9.       ONRC members regularly participate in activities such as hiking, camping,  
17 backpacking, wildlife observation, cross-country skiing, fishing, nature photography, swimming,  
18 and river and lake boating throughout Oregon and, where possible, use and enjoy roadless areas.  
19 ONRC regularly sponsors and leads hikes and other outings to help its members and the general  
20 public enjoy roadless areas.  
21

22           10.      I have personally visited many inventoried roadless areas in Oregon and around  
23 the west and plan to visit more. I have visited roadless areas in Oregon, Washington, Alaska,  
24 Montana, Idaho, New Mexico, and California. Some of my favorite roadless areas in Oregon  
25 include those in and around Chucksney Mountain, Hardesty Mountain, Moose Creek, Waldo  
26 Lake, Oregon Dunes, South Kalmiopsis, North Kalmiopsis, Yamsey Mountain, Mount Bailey,  
27  
28

1 Columbia River Gorge, Kangaroo, and Bunchgrass Ridge. I have also visited roadless areas near  
2 Ketchikan, Alaska; near Missoula, Montana; near Silver City, New Mexico; and near Happy  
3 Camp, California.

4 11. I enjoy using the roadless forests in Oregon, Washington, California and around  
5 the west for hiking, camping, swimming, and nature observation, and I have a deep and long-  
6 standing interest the conservation of our last remaining wild public lands and the ecosystems  
7 they harbor. In exploring roadless areas I have come to love and appreciate birds, wildflowers,  
8 fungi, geology, and many other valuable features of roadless areas. Because of the nature of my  
9 job and the pleasure I get from the outdoors, I plan to continue hiking and camping the roadless  
10 forests of the west.  
11

12 12. My interests and those of ONRC have been seriously harmed by the repeal of the  
13 Roadless Rule. Areas that I visit and where I enjoy the solitude of nature (both in Oregon and  
14 across the west) are now more at-risk from logging, roadbuilding, and other development threats.  
15 Certain timber sales located in inventoried roadless areas were stopped by the roadless rule (such  
16 as the Moose Subwatershed Project on the Willamette National Forest) and now those barriers  
17 are lifted and those projects could move forward.  
18

19 13. If the Roadless Repeal is set aside by the court, my interests would be served  
20 because in the course of complying with law, the federal government will be forced to more  
21 carefully consider my interests. After considering all the impacts, alternatives, and public  
22 comments, and the effects on threatened and endangered species, the federal decision-maker may  
23 in fact adopt my and ONRC's view about the need to protect roadless areas in Oregon and across  
24 the west.  
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1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
2 and correct. Executed this 15<sup>th</sup> day of February, 2006, at Eugene, Oregon.

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6 DOUG HEIKEN

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1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 PEOPLE OF THE STATE OF CALIFORNIA, ) Case No. 05-03508-EDL related to  
4 et al., )  
5 Plaintiffs, )  
6 v. )  
7 UNITED STATES DEPARTMENT OF )  
8 AGRICULTURE, et al., )  
9 Defendants. )

10 THE WILDERNESS SOCIETY, et al., ) Case No. 05-04038-EDL  
11 Plaintiffs, )  
12 v. ) DECLARATION OF RYAN HENSON  
13 UNITED STATES FOREST SERVICE, et al., )  
14 Defendants. )  
15

16  
17 I, RYAN HENSON, state and declare as follows:

18 1. I am the Policy Director for the California Wilderness Coalition (CWC) based in  
19 Shasta, California. I have a Bachelor of Arts degree in History and Political Science from the  
20 University of California, Davis. For the past 12 years I have worked for the CWC primarily on  
21 United States Forest Service (USFS), Bureau of Land Management (BLM), and National Park  
22 Service (NPS) conservation matters. I am also a member of the CWC and the Sierra Club.  
23

24 2. The CWC is a non-profit organization incorporated under the laws of the State of  
25 California with its central office in Oakland, California, and field offices in Eureka, Riverside,  
26 and Shasta. CWC has more than 5,000 members and more than 200 member organizations and  
27

1 business sponsors. The CWC protects the natural landscapes that make California unique –  
2 providing clean air and water, a home to wildlife, and a place for recreation and spiritual  
3 renewal.

4 3. CWC has a long-standing interest and close involvement with the administration  
5 of forests managed by the USFS. Many of CWC's members visit these public lands regularly to  
6 pursue various forms of recreation and to watch and learn about wildlife and wildlands.

7  
8 4. CWC has engaged in a broad range of activities on behalf of protecting and  
9 restoring the ecological integrity of our public lands. Utilizing administrative processes,  
10 lobbying, public education, grassroots organizing, and legal action, CWC and its members have  
11 historically been involved in protecting USFS, NPS, and BLM lands throughout California,  
12 including commenting on a broad range of management activities such as timber sales, mining,  
13 and road building.

14  
15 5. For 30 years, CWC has worked to protect the wilderness character of public  
16 lands. This work included grassroots organizing in support of wilderness protection legislation,  
17 defending threatened USFS and BLM wild areas by submitting comments and engaging in  
18 administrative appeal processes, preparing and issuing reports on the status of California's public  
19 lands, lobbying Congress, and communicating our concerns to our membership and the general  
20 public.

21  
22 6. CWC was particularly involved with the promulgation of the 2001 Roadless Rule.  
23 Specifically, CWC (1) submitted scoping comments on the USFS' Notice of Intent to prepare an  
24 Environmental Impact Statement (EIS) for the Roadless Rule, testified at public meetings, and  
25 educated its members and the public about the Roadless Rule through mailings and the internet,  
26 urging them to participate in the scoping process; (2) reviewed USFS documents related to  
27  
28

1 development of Roadless Rule options, and conducted research and produced publications about  
2 roadless areas and forest health, recreational access, and economic impacts, which publications  
3 we furnished to members of the public and media; (3) submitted comments on the Draft EIS for  
4 the Roadless Rule, testified at public meetings, and educated its members and the public about  
5 the proposed Roadless Rule through mailings, the internet, and media interviews and briefings,  
6 again urging public participation in the planning process; and (4) submitted comments on the  
7 Final EIS and proposed final Roadless Rule, including analyses of USFS documents relating to  
8 the possible impacts of the proposal.  
9

10 7. CWC has also been very involved in the rulemaking process for the repeal of the  
11 Roadless Rule. For example, CWC submitted comments on the Advance Notice of Proposed  
12 Rulemaking in 2001 and on the Proposed Rule in 2004. CWC also urged its members and  
13 supporters to oppose the repeal of the Roadless Rule through mailings, electronic mail, and our  
14 website (www.calwild.org).  
15

16 8. For more than 20 years, I have personally used and enjoyed many national forests  
17 for hiking, backpacking, camping, canoeing, bird watching, and other recreational activities, as  
18 well as field trips associated with my work. In fact, since I grew up in Mendocino County with  
19 parents who often took our family hunting, camping, or fishing in the nearby Mendocino  
20 National Forest, I have actually been visiting some roadless areas since I was a child. In 1998, I  
21 co-authored a book, California's Vanishing Forests: Two Decades of Destruction, which detailed  
22 how USFS roadless areas had been managed between 1979 and 1998. I spent countless hours  
23 studying agency maps and other documents and scrutinizing aerial photographs to determine that  
24 California lost 680,000 acres of national forest roadless areas (an area almost the size of  
25 Yosemite National Park) to logging, off-road vehicle use, and other activities during those  
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1 nineteen years.

2 9. I also coordinated the Citizens Wilderness Inventory that used dozens of  
3 volunteers, paid staff, and others to survey and map California's seven million acres of  
4 remaining unprotected national forest, national park, and BLM wilderness-quality lands.

5 10. I have hiked, backpacked, canoed, birdwatched, or camped in 19 of California's  
6 20 national forests, including the Six Rivers, Mendocino, Shasta-Trinity, Rogue River-Siskiyou,  
7 Klamath, Lake Tahoe Basin Management Unit, Modoc, Plumas, Lassen, Tahoe, Eldorado,  
8 Sierra, Inyo, Humboldt-Toiyabe, Los Padres, Sequoia, Angeles, Cleveland, and San Bernardino.  
9 I hope to visit the Stanislaus, the remaining forest, soon while continuing to visit the others in the  
10 future.

11 11. I, like many other CWC members, use and enjoy national forest roadless areas  
12 once protected by the USFS' Roadless Rule. I value these areas for their relatively undisturbed  
13 character, their scenic beauty, and the opportunities they offer to experience and observe wildlife  
14 species and other natural elements of wildland settings.

15 16  
17 12. I have personally visited dozens of roadless areas in the California national forests  
18 mentioned above. For example, in the Klamath, Six Rivers, Shasta-Trinity, and Mendocino  
19 National Forests alone I have visited the Snoozer, Russian, Grider, Siskiyou, Kangaroo, Snow  
20 Mountain, Wilderness Contiguous, Deer Mountain, Thomes Creek, Elk Creek, Thatcher,  
21 Grindstone, Reister Canyon, Big Butte-Shinbone, Black Butte, Skeleton Glade, Briscoe,  
22 Underwood, Board Camp, Mount Lassic, Castle Crags, Mount Shasta, Bonanza King,  
23 Chinquapin, East Fork, Murphy Glade, Mount Eddy, West Girard, and South Fork roadless  
24 areas. Many of the roadless area areas I have visited have been threatened by development that  
25 would have been prohibited by the Roadless Rule.  
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1           13.     My visit to the Raymond Peak Roadless Area in the Humboldt-Toiyabe National  
2 Forest in 1993 was particularly interesting for me. I knew from history that as a result of mining,  
3 urban growth, and railroad construction that California and Nevada had lost the vast majority of  
4 the unique “eastside pine” old-growth forest that had once dominated the eastern Sierra and  
5 eastern Cascades from Bishop north to Alturas by the 1960s. I was determined to find a pristine  
6 grove of eastside pine ancient forest to get a sense of what the eastern Sierra was once like. The  
7 Raymond Peak Roadless Area seemed like the perfect place because its steep slopes had  
8 prevented loggers, miners, and others from disturbing the area. The roadless area rose steeply  
9 southward from Highway 88/89 in the West Fork Carson River canyon. My goal was to reach an  
10 old-growth grove I had spotted with aerial photographs. The soil was so steep and slippery that  
11 in many places I had to literally crawl up the mountain. Small, seasonal creeks formed little falls  
12 and cascades as they plummeted toward the West Fork Carson River below. Once I reached the  
13 old-growth grove, the slope became more gentle since the ancient trees occupied a series of step-  
14 like terraces. In the warm summer sun, the bark of the wide, gnarled Jeffrey and Washoe pines  
15 shone a brilliant orange, and they exuded a wonderful scent that was a mixture of pineapple and  
16 vanilla. As I walked through the grove I heard several male blue grouse making their deep and  
17 distinctive “whoomp, whoomp, whoomp” calls. In time I saw a few female blue grouse who  
18 froze when they saw me, relying on their camouflage and utter stillness for safety even though I  
19 was only a few feet away and could clearly see them. After spending several hours in the grove,  
20 I started back down toward the highway, gripping tree branches to keep from plummeting down  
21 the steep slope. While I was saddened to think that 98% of these magnificent eastside pine  
22 forests were now gone, I was grateful that a few wild places like the Raymond Peak Roadless  
23 Area still sheltered critical remnants that could serve as the seedbeds of ecological recovery. The  
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1 portion of the roadless area I visited that day could potentially be logged without the protection  
2 of the Roadless Rule.

3 14. This summer I plan to continue visiting California's roadless areas. One of my  
4 particular favorites is the Skeleton Glade Roadless Area in the Mendocino National Forest which  
5 I visit at least twice a year. The area is composed of low-elevation ancient forests, grasslands,  
6 chaparral, and oak woodlands lying just north of the Snow Mountain Wilderness, and it contains  
7 a 10-mile stretch of the spectacular Eel River canyon with its deep pools and waterfalls. Bald  
8 eagles, osprey, and an abundant rainbow trout population use the stream extensively. Ancient  
9 forests of black oak, Douglas fir, ponderosa pine, live oak, and incense cedar provide important  
10 habitat for old-growth dependent species. The Bloody Rock Trail offers a fairly short and  
11 moderate hike to the Eel River through flower-dappled meadows, while the Cold Creek Trail  
12 crosses the river and continues another 5.5 miles one-way to the lip of the Central Valley to the  
13 east (the trail was once a Native American trade route between the Central Valley and the Eel  
14 River watershed). The gentle beauty of this outstanding wild area belies a tragic past. Bloody  
15 Rock, an enormous reddish prominence that rises steeply above the Eel River, was the site of a  
16 dramatic battle between the Yuki Tribe and settlers. The battle ended with the Yuki warriors  
17 plunging off the face of the rock to their deaths to avoid capture. Unfortunately, the Skeleton  
18 Glade Roadless Area could potentially be logged and roaded without the protection of the  
19 Roadless Conservation Rule.  
20  
21

22 15. The 2005 repeal of the Roadless Rule and its public land protections will harm  
23 CWC's work protecting and preserving California's national forest wild areas. The repeal of the  
24 Roadless Rule personally harms me as well, because so many of the wild areas I have visited and  
25 plan to visit in the future are now gravely threatened. Without the Roadless Rule, our national  
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1 forests will suffer further impairment, directly impacting my enjoyment of wild places and  
2 wilderness. In addition, the 2005 repeal will harm the ability of future generations to experience  
3 the many recreational, spiritual, and other values that roadless areas provide, including some of  
4 the wonderful things I have seen and look forward to experiencing again in the future.

5         16. In my 12 years with the CWC I have reviewed many National Environmental  
6 Policy Act documents prepared by the Forest Service and other agencies. My examination of  
7 these documents has often focused on the management of Forest Service roadless areas. The  
8 results of my analyses have been used as the basis for several administrative appeals and  
9 lawsuits.  
10

11         17. To determine how the Forest Service will manage southern California's roadless  
12 areas, I carefully reviewed Table 541 on pages 168-170 of the United States Department of  
13 Agriculture-United States Forest Service's Final Environmental Impact Statement, Volume 2  
14 (Appendices), Land Management Plans, Angeles National Forest, Cleveland National Forest,  
15 Los Padres National Forest, San Bernardino National Forest (September 2005) to see which land  
16 use zones each inventoried roadless area is divided into. I have attached as Exhibit A a copy of  
17 the relevant portion of this document.  
18

19         18. To determine what is allowed in each land use zone, I reviewed the United States  
20 Department of Agriculture-United States Forest Service's Land Management Plan Part 2 for the  
21 Angeles, Cleveland, Los Padres, and San Bernardino National Forests. These pages are attached  
22 as Exhibit B (Angeles National Forest Strategy pages 7-10), Exhibit C (Cleveland National  
23 Forest Strategy pages 2-9), Exhibit D (Los Padres National Forest Strategy pages 2-10), and  
24 Exhibit E (San Bernardino National Forest Strategy pages 2-12).  
25

26         19. From my analysis, I determined that a total of 942,128 acres in Southern  
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1 California's four national forests are open to road construction under the new plans. This is in  
2 contrast to the 680,000 acres open to road construction under the previous Angeles, Cleveland,  
3 Los Padres, and San Bernardino National Forest land management plans as described in  
4 Appendix A of the Draft Environmental Impact Statement for the Roadless Rule. That document  
5 is available at [http://roadless.fs.fed.us/documents/feis/data/sheets/acres/appendix\\_forest\\_acres.html](http://roadless.fs.fed.us/documents/feis/data/sheets/acres/appendix_forest_acres.html); the  
6 relevant portion is also attached as Exhibit F.

7  
8 20. In 1988 I had the pleasure of visiting some of the affected southern California  
9 roadless areas. I hiked the Pacific Crest National Scenic Trail through the Angeles National  
10 Forest, and I passed through or quite near the Sheep Mountain, Pyramid Peak, Magic Mountain,  
11 Tule, and Fish Canyon Roadless Areas. As someone who was born and raised in northwestern  
12 California, I was surprised at the size and grandeur of some of the southern old-growth forests I  
13 saw, particularly in the portion of the Sheep Mountain Roadless Area between Highway 2 and  
14 the Sheep Mountain Wilderness. Sadly, this portion of the Sheep Mountain Roadless Area is  
15 open to road construction under the new Angeles National Forest Land Management Plan, as  
16 shown on the map at  
17

18 [http://www.fs.fed.us/r5/scfpr/projects/lmp/images/maps/ira/anf\\_ira2005\\_103105.pdf](http://www.fs.fed.us/r5/scfpr/projects/lmp/images/maps/ira/anf_ira2005_103105.pdf)

19 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
20 and correct. Executed this 17 day of February, 2006 at Shasta, California.

21  
22  
23   
24 RYAN HENSON

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1  
2 UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 PEOPLE OF THE STATE OF CALIFORNIA, ) Case No. 05-03508-EDL related to  
4 et al., )  
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9 Defendants. )

10 THE WILDERNESS SOCIETY, et al., ) Case No. 05-04038-EDL  
11 Plaintiffs, )  
12 v. )  
13 UNITED STATES FOREST SERVICE, et al., )  
14 Defendants. )  
15

16  
17 **DECLARATION OF MARV HOYT**

18 I, Marv Hoyt, declare as follows:

19 1. I am Idaho Director, and a member, of the Greater Yellowstone Coalition  
20 (“GYC”). GYC is a conservation organization dedicated to protecting and restoring Yellowstone  
21 National Park and surrounding lands in Idaho, Montana and Wyoming, an area known as the  
22 Greater Yellowstone Ecosystem. Formed in 1983, GYC is a non-profit corporation and has more  
23 than 13,000 members who regularly use and enjoy the federal public lands in this region.

24 2. National Forest roadless areas, and the wildlife and clean water that we enjoy  
25 because of them, are a centerpiece of GYC’s conservation mission. The Greater Yellowstone  
26  
27

1 Ecosystem (“GYE”) contains all or portions of the Caribou-Targhee, Beaverhead-Deerlodge,  
2 Gallatin, Shoshone, Custer, and Bridger-Teton National Forests. GYC is a leading advocate for  
3 the protection of National Forest roadless areas in the Greater Yellowstone Ecosystem, and has  
4 been for many years. Yellowstone National Park is shielded by a buffer of National Forest land  
5 that includes both congressionally designated wilderness areas and other equally wild areas that  
6 enjoy no congressional protection but have been identified as inventoried roadless areas.  
7  
8 Protection of all this roadless land is crucial for the perpetuation of the Greater Yellowstone  
9 Ecosystem’s populations of spectacular wildlife, including elk and moose and such rare species  
10 as grizzly bears, lynx, wolves, and wolverines.

11 3. GYC’s efforts to secure protection of the Greater Yellowstone Ecosystem’s  
12 roadless areas include:

13 (a) Protecting the roadless core of the Gallatin Range and the roadless/wildlife  
14 areas of the Madison Range, both in Montana, in the late 1980s. GYC, along with The  
15 Wilderness Society, proposed a land exchange to clear up the checkerboard private ownership in  
16 the Gallatin and Madison Ranges. The Gallatin Range had over 35,000 acres of private  
17 inholdings in the roadless core and the Madison Range had about 6,000 acres of roadless land.  
18 GYC worked with county, city and state officials, and many conservation and sporting  
19 organizations to successfully pass a bill through Congress in 1993 that secured the private lands  
20 in the Gallatin roadless area. GYC, with our conservation partners, continued to work on  
21 protecting roadless areas in the Gallatin Range through the mid-1990s, culminating in 1997 with  
22 the passage of another bill through Congress, known as the Gallatin II Exchange, which secured  
23 the remainder of the checkerboard lands in the Madison Range. As part of the Gallatin II  
24 Exchange that became law in 1997, Congress approved the use of timber sale receipts to help  
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1 acquire private lands in the Taylor Fork. We also were successful in having language included  
2 in the Gallatin II Exchange legislation that directed the Forest Service not to include any roadless  
3 lands in its timber program.

4 (b) From 1983 to 1988, GYC worked to protect roadless lands by inclusion of  
5 many of those roadless lands in several wilderness bills passed by Congress. GYC was part of a  
6 large conservation coalition that successfully promoted passage of the 1984 Wyoming Wilderness  
7 Act that included significant acreage within the Greater Yellowstone Ecosystem; a wilderness bill  
8 for the Lee Metcalf Wilderness in the Madison Range in Montana in 1983 that protected the Taylor-  
9 Hilgard and Spanish Peaks roadless areas as Wilderness; and we worked on several unsuccessful  
10 Montana wilderness bills that would have protected the Reef, Republic, Absaroka Additions,  
11 Cowboys Heaven and Gallatin Range roadless areas as Wilderness.

13 (c) GYC published "Sustaining Greater Yellowstone, a Blueprint for the  
14 Future," in 1994. Roadless area within the GYE were specifically identified for protection based on  
15 their values to the fish and wildlife of Greater Yellowstone.

17 (d) In 1999, GYC commissioned a scientific assessment of Greater Yellowstone  
18 by Conservation Sciences, Inc. that had, as one of its core findings, a recommendation to focus on  
19 protecting the remaining roadless lands in Greater Yellowstone, as they are the largest concentration  
20 of roadless lands in the lower-48 states. Protecting these lands will help sustain large carnivore  
21 populations such as the grizzly bear. Thus GYC's work to protect species such as the grizzly  
22 focuses on protecting the roadless lands on the national forests from further development. In  
23 addition GYC has advocated for the protection of roadless land in Montana through various  
24 planning processes such as the Beaverhead-Deerlodge National Forest EIS, forest plan and projects  
25 and Gallatin National Forest travel plan and projects. Throughout these processes GYC works with  
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1 coalition partners, with our membership and the public to ensure Montana's roadless lands are  
2 maintained and protected.

3 (e) In addition to keeping our members and the public informed through our  
4 newsletter, website, alerts, and a fact sheet, presentations were made at  
5 Bozeman/Belgrade/Livingston, Montana, area schools to government and science classes, as well as  
6 all-school talks. These have been ongoing for three to four years and continue today. Two separate  
7 talks were made to Montana State University classes, in Bozeman, Montana, and presentations were  
8 made in conjunction with the State Department and the Montana Center for International Visitors to  
9 foreign visitors.  
10

11 4. GYC has participated extensively in the public process of National Forest  
12 roadless area management for more than two decades. GYC has assisted in the review and  
13 analysis of roadless areas and management of such areas during the development and revision of  
14 each of the Greater Yellowstone Ecosystem National Forests' Land and Resource Management  
15 Plans ("Forest Plans").  
16

17 5. GYC has appealed Forest Plans for the Targhee (1997) and Caribou (2003)  
18 National Forests in order, among other things, to seek greater protection for these Forests'  
19 roadless lands. GYC has filed numerous administrative appeals of timber sales that would have  
20 encroached into roadless areas. Examples of timber sales appealed include the Box Canyon  
21 Timber Sale in the Bear Creek roadless area in 2000 (Targhee National Forest); three appeals of  
22 the Bailey Creek Timber Sale scheduled for the Soda Point roadless area in 1995, 1996, and  
23 1997(Caribou National Forest); the Double Cabin timber sale near Dubois, WY (Shoshone  
24 National Forest); the Manning/South Fork Sage Creek Timber Sale in the Sage Creek roadless  
25 area in 1997 (Caribou National Forest); Cathedral Cliffs Timber Sale in the early 1990s  
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1 (Shoshone National Forest); the Dick Creek Timber Sale in the Dick Creek roadless area in 2002  
2 (Shoshone National Forest); and the Gravel Bar timber sale in the Sunlight Basin in the 02048  
3 roadless area (also known as the Sulphur Creek roadless area) in the mid-1990s (Shoshone  
4 National Forest). In the case of the Manning Creek/South Fork Sage Creek Timber Sale, the  
5 Caribou National Forest withdrew the decision to log in the Sage Creek roadless area ten days  
6 after GYC filed its administrative appeal. GYC prevailed in its three administrative appeals of  
7 the Bailey Creek Timber Sale, which would have permitted logging in the Soda Point roadless  
8 area. GYC has also been successful in convincing the Forest Service to remove proposed cutting  
9 units in roadless areas from a number of proposed timber sales before the projects proceeded.  
10 Examples of those instances include the Bacons Creek/Brown Canyon Timber Sale planned for  
11 the Stump Peak roadless area in 1995 (Caribou National Forest); the Birch Creek/Worm Creek  
12 Timber Sale scheduled for the Station Creek roadless Area in 1997 (Caribou National Forest);  
13 the Copenhagen Canyon Timber Sale scheduled for the Liberty Creek roadless area in 1997  
14 (Caribou National Forest); the Mariah Salvage Timber Sale planned in part for the Worm Creek  
15 roadless area in 1998 (Caribou National Forest); the Mahogany Creek Timber Sale planned for  
16 the Garns Mountain roadless area in 2001 (Targhee National Forest); the Carter Mountain  
17 Timber sale planned for the South Fork roadless area in 2003 (Shoshone National Forest); and  
18 the North Fork Vegetation Management Project planned for the Sleeping Giant, Wapiti Valley  
19 North, and Wapiti Valley South roadless areas in 2005.

22           6.       When the U.S. Forest Service in the late 1990s announced its intention to  
23 promulgate a regulation to protect inventoried roadless areas in the National Forest System, GYC  
24 devoted substantial time and resources to advocate for strong protection of the Greater  
25 Yellowstone Ecosystem's roadless areas. These efforts include, but are not limited to:  
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1 (a) GYC staff and members attending and testifying at many of the more than  
2 100 public scoping meetings and public meetings during the comment period for the  
3 environmental impact statement on the Roadless Area Conservation Rule held in Idaho,  
4 Wyoming, and Montana in 1999 and 2000;

5 (b) Educating our members and the public as to the benefits of the proposed  
6 rule through articles in GYC's quarterly Newsletter in Spring 2000, Summer 2000, and Fall  
7 2000; placing opinion pieces in various regional newspapers; mailings that included information  
8 on the proposed rule; and literature drops at households throughout the area;

9 (c) In 1999 GYC commissioned and published research by Dr. Rob Van Kirk  
10 that led to the conclusion that native fish populations were strongest within roadless areas and  
11 Congressionally protected areas of the GYE;

12 (d) GYC was a founding member in 1999 of the Montana Roadless Working  
13 Group, a coalition of Montana families, hunters, anglers, business owners and conservationists  
14 working to protect Montana's roadless lands. The Working Group was formed in response to the  
15 Roadless Rule proposal. GYC continues to serve on the steering committee of the Working  
16 Group;  
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19 (e) GYC provided detailed comments on the EIS for the Roadless Area  
20 Conservation Rule, specifically detailing the values for fish, wildlife, clean water, and recreation  
21 that are provided by roadless areas in the Greater Yellowstone Ecosystem.  
22

23 7. When the Forest Service proposed a new regulation to repeal the Roadless Area  
24 Conservation Rule in 2004, GYC was equally active in opposing this effort. In contrast to the  
25 public process surrounding the promulgation of the Roadless Area Conservation Rule, the public  
26 process by which the Forest Service undertook to repeal and replace that rule did not involve any  
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1 public hearings or an environmental impact statement and related public comment process.

2 Nevertheless, GYC vigorously advocated against any weakening of the Roadless Area

3 Conservation Rule, including but not limited to:

4 (a) Sending alerts and information to our 13,000 members so that they could  
5 write comments opposing the Administration's attempt to repeal the rule;

6 (b) Providing additional information to our members and the public to help  
7 them write comments opposing repeal of the Roadless Rule through articles in our Winter,  
8 Spring and Summer 2001 newsletter;

9 (c) GYC also wrote detailed comments opposing repeal of the Roadless Rule;

10 (d) Finally, GYC joined with other conservation organizations and state  
11 governments in challenging the repeal of the Roadless Rule in the above-captioned case.  
12

13 8. I and other GYC members use and enjoy the Greater Yellowstone Ecosystem's  
14 National Forest roadless areas to ski, hike, backpack, view wildlife, hunt, fish, take pleasure in  
15 the solitude, and for spiritual renewal, including areas that were protected by the Roadless Area  
16 Conservation Rule but left unprotected as a result of the repeal of that rule. In particular, over  
17 the past three years I have floated to and camped along the banks of the Snake River in the Garns  
18 Mountain roadless area, hunted forest grouse with my pointer Sam in the Oxford Peak and  
19 Elkhorn Mountain roadless areas, fished for native Yellowstone cutthroat trout in the Stump  
20 Peak roadless area, hiked in the Sage Creek roadless areas with my family and friends, and  
21 hunted deer and elk in the Caribou City and Sage Creek roadless areas. One of my most vivid  
22 and notable experiences took place while hiking with a friend in the Sage Creek roadless areas in  
23 October 2004. Along the banks of Deer Creek we discovered a set of wolf tracks. Since it had  
24 rained and snowed just days earlier, we knew the tracks were recently made, just days or perhaps  
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1 hours before.

2 9. I intend to return to the Greater Yellowstone Ecosystem's National Forest  
3 roadless areas in the future, and to visit those National Forest roadless areas that I have not yet  
4 explored. In particular, I intend to hunt elk (if I draw the required permit) in the fall of 2006 in  
5 Gannet Spring Creek roadless area (Caribou National Forest), to celebrate the 4<sup>th</sup> of July by  
6 hiking and climbing with friends to the top of Meade Peak in the Meade Peak roadless area  
7 (Caribou National Forest), to fish for Bonneville cutthroat trout in the Mt. Naomi and Station  
8 Creek roadless areas (Caribou National Forest), and to hunt forest grouse in the fall of 2006 in  
9 the Bear Creek, Pole Creek, and Poker Peak roadless areas (Targhee National Forest).  
10

11 10. I visit the National Forest roadless areas to enjoy those areas' quiet, take in their  
12 pristine natural splendor, observe their abundant wildlife, and take advantage of the solitude  
13 afforded by their remoteness. All of those qualities depend upon those areas' roadless character,  
14 and the Forest Service's protection of those qualities. Without that protection, my enjoyment of  
15 those areas will be seriously harmed. If roads and/or logging operations were to intrude upon the  
16 Greater Yellowstone Ecosystem's roadless areas, the experience for which I seek out those areas  
17 would be permanently and irretrievably lost.  
18

19 11. The Forest Service's repeal of the Roadless Area Conservation Rule has already  
20 injured my and GYC's interest in preserving the National Forest roadless areas of the Greater  
21 Yellowstone Ecosystem, and threatens to cause more such injury in the near future, as a result of  
22 completed development and threatened additional development in the Sage Creek inventoried  
23 roadless area in the Caribou-Targhee National Forest. The Forest Service has authorized a  
24 mining company to construct roads in the Sage Creek roadless area to explore for phosphate  
25 resources, and now is proposing to authorize expansion of phosphate mining into this area. As a  
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1 member and staff of GYC, I have been extensively involved in opposing this project, as follows:

2 (a) On April 13, 2005, on behalf of GYC and other parties, I filed an  
3 administrative appeal of the Decision Notice/Finding of No Significant Impact by Caribou-  
4 Targhee National Forest Supervisor Jerry Reese regarding the Simplot Exploration project,  
5 which provided for road construction and reconstruction in the Sage Creek roadless area to allow  
6 a mining company to explore for phosphate resources. The appeal was, in part, based on that  
7 project's noncompliance with the Roadless Rule for U.S. National Forests.  
8

9 (b) On May 26, 2005, the Regional Appeal Deciding Officer of the U.S.  
10 Forest Service affirmed the decision of the Forest Supervisor and denied my appeal. Exhibit A  
11 hereto is a true and correct copy of the Appeal Decision. The Forest Service's response to  
12 GYC's Roadless Rule allegations is contained at p. 7 (Appeal Issue 8).

13 (c) Exhibit B hereto is a true and correct copy of a Bureau of Land  
14 Management public notice (dated May 25, 2005) regarding the Simplot Exploration project as it  
15 appeared in the *Caribou County Sun* newspaper.  
16

17 (d) On September 8, 2005, I flew over the Sage Creek inventoried roadless  
18 area in a single-engine Cessna aircraft at an elevation of approximately 3,000 feet above the  
19 ground. I have flown over the project area on three previous occasions, including twice before in  
20 2005. The first of those previous 2005 flights was on April 11, 2005. The second flight was on  
21 July 28, 2005. In addition to flying over the Sage Creek roadless area at low elevations I have  
22 hiked into the area on numerous occasions between 2003 and 2005. Exhibit C is a photograph I  
23 took on September 8, 2005, of roads constructed as part of the Simplot Exploration Project. The  
24 project involved construction of almost three miles of new roads across the Sage Creek  
25 inventoried roadless area.  
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7 UNITED STATES DEPARTMENT OF )  
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9 Defendants. )

10 THE WILDERNESS SOCIETY, et al., ) Case No. 05-04038-EDL  
11 Plaintiffs, )  
12 v. )  
13 UNITED STATES FOREST SERVICE, et al., )  
14 Defendants. )  
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16  
17 **DECLARATION OF MARCEL LAPERRIERE**

18  
19 I, Marcel LaPerriere, declare as follows:

- 20 1. I am a member of the Sitka Conservation Society and Greenpeace.  
21 2. I moved to Sitka about two and half years ago. My mailing address is P.O. Box 645,  
22 Sitka, Alaska 99835. Before moving to Sitka, I lived in Ketchikan for twenty-two years.  
23 3. While I lived in Ketchikan, I spent a lot of time on Gravina Island. In fact, I would say it  
24 was pretty rare that a month would go by when I didn't go out to Gravina at least once.  
25 4. I have sailed around Gravina many times, explored the bays and inlets by skiff, scuba  
26 dived near the island, and hiked and snowshoed all over the island. I also love caving,  
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1 and have explored many of the caves around the island. About the only place on Gravina  
2 that I have not been is to the top of the Poppets. Gravina is so close to Ketchikan that,  
3 while we lived in Ketchikan, we even took an inflatable boat over to the island to picnic  
4 or hike sometimes.

5 5. Although I no longer live as close to Gravina, I still have friends in Ketchikan and  
6 sometimes visit them and go to Gravina. Gravina is a beautiful island. I have been in and  
7 around Phocena Bay before, but there are some caves near Phocena Bay that I have not  
8 yet explored and I intend to go back and explore them. Besides, I still need to get to the  
9 top of the Poppets, so I will definitely return to visit Gravina again.

10 6. I am familiar with the proposed timber sale on Gravina Island. Areas with logging or  
11 roads have a lot less appeal, both for anchoring my boat and for recreating in general. I  
12 have anchored in Blank Inlet and Bostwick Inlet, as well as many of the bays around  
13 Gravina in the past, but I prefer areas that are pristine.

14 7. Some of the logging sites will be near Phocena Bay, which is where some of the caves I  
15 still need to explore are located. If that logging happens, then when I return to explore  
16 the caves or to hike on the island, the area will have lost much of what I enjoy about it—  
17 the solitude, the beauty, the majesty, the serenity of being untouched and undeveloped.

18 8. Although I have been around and even hiked on logging roads before, I prefer wilderness.  
19 Even a well-traveled trail is sometimes too populated for my taste, as I really enjoy more  
20 of a wilderness experience. For me, a wilderness experience is experiencing a pristine  
21 forest, enjoying the solitude and majesty of the trees, and the serenity of knowing it has  
22 not been touched by man. I appreciate the importance of the habitat for animals, and in  
23 many areas, for subsistence use.  
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1 9. I have done some logging in the past, and understand the importance of logging, but I  
2 believe we have to use our resources wisely and not throw them away without any  
3 thought for the future as we are doing now. In the past, I have been involved in public  
4 hearings and meetings to oppose timber sales. I have also volunteered with the Forest  
5 Service to help with karst and cave location for timber harvest proposals.

6 10. I have two very young grandchildren who are already learning how important wilderness  
7 and nature are. They already like hiking, even if that just means sitting on grandpa's  
8 shoulders and I hope that they will have a chance to enjoy the same untouched  
9 wilderness, on Gravina and elsewhere, that I have enjoyed.

10 11. My wife and I have sailed all over southeast Alaska. Although we have not spent as  
11 much time on the boat over the last couple of years because we have been busy building a  
12 house and playing with our new grandchildren, we used to take at least two or three  
13 weeks a year to sail full time. Sometimes we spent up to twelve weeks a year sailing.  
14 We still sail as often as we can, and we will continue to sail as often as we can. I have  
15 been to and know every major island in southeast Alaska, as well as a lot of islands that  
16 most people don't even know exist. I have volunteered with the Forest Service  
17 frequently (almost every weekend for many years), and have seen a lot of areas by  
18 floatplanes and different types of boats as well.

19 12. I am particularly familiar with the Cleveland Peninsula, and I have also spent a lot of  
20 time on Revilla Island, where I hiked and studied karst. The karst in southeast Alaska,  
21 especially some of the karst on Revilla Island, is unique, and we should be preserving it,  
22 not destroying it.  
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1 13. Many of the areas I have explored and enjoyed in the past have been cut up with logging  
2 and roads. At this point, the Forest Service has lots of roads, and needs to take care of the  
3 roads that already exist before building any new roads.

4 14. Hiking and sailing and recreating are just more fun when they're in the wilderness.

5 Logging activity and roads take away from the solitude and the beauty and the experience  
6 as a whole. I intend to keep exploring and enjoying southeast Alaska as long as I am able  
7 to do so, and I hope that the areas I like best will still be untouched for me to explore.  
8

9  
10 I declare under penalty of perjury that the foregoing information is true and correct.

11  
12 Date: Feb. 16-06

13   
14 Marcel LaPerriere

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13 UNITED STATES FOREST SERVICE, et al., )  
14 Defendants. )  
15

16 **DECLARATION OF ERIK MOLVAR**

17 I, Erik Molvar, declare as follows:

18 1. I have been the Executive Director of Biodiversity Conservation Alliance (BCA)  
19 since February of 2005, and I have been a staff member of the organization since September of  
20 2000. I have been a member of BCA since May of 2000.

21 2. BCA is a nonprofit conservation organization dedicated to protecting wildlife and  
22 wild places in Wyoming and surrounding states. BCA has approximately 250 members, mostly  
23 in Wyoming. Roadless Area protection is a key issue for our membership.

24 3. A great deal of BCA's conservation advocacy is focused on the protection of  
25 Forest Service roadless areas. BCA's efforts to protect National Forest Roadless Areas in  
26 Wyoming and South Dakota include:  
27

1 a. During the development of land and resource management plans for the Medicine  
2 Bow, Black Hills, and Bighorn National Forests and Thunder Basin National Grassland,  
3 BCA drafted comments or joined comments advocating for the protection of roadless  
4 areas. For the Medicine Bow and Black Hills National Forests, BCA drafted  
5 conservation alternatives for the EIS process, in which Roadless Area protection was a  
6 central feature;

7 b. In 2001 and 2002, BCA conducted intensive field inventories of vehicular impacts  
8 in the Roadless Areas of the Medicine Bow National Forest, and has shared this  
9 information with the Forest Service to further Roadless Area protection;

10 c. I, and other BCA members and staff, have regularly spoken to various members  
11 of the media, agency officials, and federal legislators, in support of strong and long-  
12 lasting protection of the remaining unprotected roadless lands on National Forests in  
13 Wyoming and South Dakota;

14 d. I, and other BCA staff, have led public outings and university field trips in  
15 Roadless Areas such as the Middle Fork, Big Sandstone, and Snowy Range Roadless  
16 Areas of the Medicine Bow National Forest;

17 e. In November of 2001, BCA co-authored a report titled, "Imperiled Western Trout  
18 and the Importance of Roadless Areas," documenting the significance of roadless habitats  
19 to rare native trout.

20 4. During the administrative rule-making and National Environmental Policy Act  
21 processes by which the Forest Service's Roadless Area Conservation Rule was developed, BCA  
22 joined comments supporting protection of all roadless areas through the Roadless Area  
23 Conservation Rule.

24 5. During comment periods for the withdrawal of the Roadless Rule, BCA joined  
25 comments opposing the erosion of protections under the Roadless Area Conservation Rule  
26 (RACR). BCA also urged our membership to comment on the proposed withdrawal of the  
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1 Roadless Rule, and communicated our concerns about the repeal of the Roadless Rule through  
2 the media.

3 6. I and other BCA staff have met with the Governor of Wyoming to discuss the  
4 need for strong roadless area protections, both before and after the repeal of RACR.

5 7. The Forest Service is currently in the process of authorizing several timber  
6 projects that would degrade the qualities of Inventoried Roadless Areas without any assurances  
7 that they would comply with the protective measures of the Roadless Area Conservation Rule.  
8 These projects include the Big Springs Bugs and Pitchtube Palace projects on the Kemmerer  
9 Ranger District of the Bridger-Teton National Forest, which authorize logging within the Nugent  
10 Park – Ham’s Fork and Lake Alice – Commissary Ridge Inventoried Roadless Areas. In  
11 addition, the Forest Service recently approved a Forest Plan for the Bighorn National Forest  
12 which would allow activities incompatible with maintaining roadless qualities on 85% of the  
13 officially identified roadless lands on the Forest. BCA submitted or signed onto comments to  
14 defend roadless lands for the aforementioned projects and plans.

15 8. I, and other BCA members, use and enjoy the National Forest Roadless Areas  
16 protected by the Forest Service’s Roadless Area Conservation Rule, including those in Wyoming  
17 and South Dakota. Over the past twenty-one years I have visited many of the National Forest  
18 Roadless Areas in Wyoming, South Dakota, Montana, Washington, Idaho, and Alaska, both for  
19 my personal enjoyment and in connection with my duties for BCA. I have visited these National  
20 Forest Roadless Areas to enjoy the sense of solitude and opportunities for exploration and scenic  
21 viewing that they provide, to view their bountiful wildlife, gather berries, backpack, fish, hunt  
22 for big game, and take photographs. Over the last six years, I have used National Forest  
23 Roadless Areas to introduce my children to the beauty of these undeveloped areas.

24 9. I am the author of thirteen backcountry guidebooks. The following titles feature  
25 trails or destinations in Forest Service Roadless Areas: *Alaska on Foot: Wilderness Techniques*  
26 *for the Far North; Hiking Montana’s Bob Marshall Wilderness; Hiking Wyoming’s Cloud Peak*  
27 *Wilderness; Hiking Olympic National Park; Hiking the North Cascades; Hiking Arizona’s*  
28

1 *Cactus Country; Wild Wyoming; Hiking Colorado's Maroon Bells – Snowmass Wilderness; and*  
2 *Hiking Zion and Bryce Canyon National Parks.* One of my titles, *Wild Wyoming*, was  
3 specifically focused on roadless areas on both Forest Service and Bureau of Land Management  
4 lands, and 32 of the 63 areas featured in the book are Forest Service Roadless Areas in whole or  
5 in part. I currently receive a significant proportion of my annual income from royalties derived  
6 from these books, and this economic benefit is dependent in part on the continued persistence of  
7 Forest Service Roadless Areas in their pristine and natural state.

8       10. I have hiked, hunted, and/or camped in each of the following roadless areas in  
9 Wyoming National Forests: the Middle Fork, Little Snake, Huston Park Addition, Encampment  
10 River Addition, Illinois Creek, Pennock Mountain, Rock Creek, Snowy Range, Campbell Lake,  
11 Libby Flats, Sheep Mountain, Savage Run Addition, Platte River Addition, and Laramie Peak  
12 Roadless Areas on the Medicine Bow National Forest; the Duck Creek, Cow Creek Buttes, and  
13 Miller Hills Roadless Areas on the Thunder Basin National Grassland; the Little Horn, Cloud  
14 Peak Addition, Medicine Lodge, Devils Canyon, Hazelton Peaks, Tongue Canyon, and Rock  
15 Creek Roadless Areas on the Bighorn National Forest; the Southern Wyoming Range,  
16 Commissary Ridge, Salt River Range, Mount Leidy, Bridger Addition, Grayback Ridge and  
17 Palisades Roadless Areas on the Bridger-Teton National Forest.

18       11. In the future I plan to revisit most if not all of these areas, most importantly to  
19 give my children an opportunity to experience the beauty of Wyoming's last remaining wild  
20 places. This coming summer I and my children plan to visit the Snowy Range and Libby Flats  
21 Roadless Areas as well as Roadless Areas in Colorado and Washington.

22       12. My enjoyment of Roadless lands is predicated on their wild and pristine qualities,  
23 their outstanding and undisturbed wildlife habitats, their pure water, their natural appearance and  
24 natural soundscape, their solitude and distance from human intrusions, and their beautiful  
25 scenery. All of these attributes are degraded or destroyed by the intrusion of roads and  
26 commercial activities, and my future enjoyment of these lands would be irretrievably harmed by  
27

1 the loss or degradation of the aforementioned qualities in the National Forest Roadless Areas that  
2 I visit or plan to visit.

3 I swear under penalty of perjury that the foregoing is true and correct. Executed this 21<sup>st</sup>  
4 day of February, 2006, in Laramie, Wyoming.

5   
6 Erik Molvar

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10 THE WILDERNESS SOCIETY, et al., ) Case No. 05-04038-EDL  
11 Plaintiffs, )  
12 v. ) DECLARATION OF JONATHAN  
13 UNITED STATES FOREST SERVICE, et al., ) OPPENHEIMER  
14 Defendants. )  
15

16  
17 I, JONATHAN OPPENHEIMER, declare and state as follows:

18 1. I am a resident of Boise, Idaho. I am employed as a Conservation Associate of  
19 the Idaho Conservation League (ICL), a non-profit organization dedicated to the conservation of  
20 Idaho's natural resources. I have been a member of ICL since 2002, a staff member since 2002,  
21 and Conservation Associate since 2004.

22 2. I am a graduate of the University of Montana School of Forestry with a Bachelors  
23 of Science in Resource Conservation.

24 3. National Forest roadless areas, and the resources that depend upon them, are  
25 centerpieces of ICL's conservation mission. ICL is a leading advocate for the protection of  
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1 National Forest roadless areas in Idaho, and has been for many years. In 1997, ICL's Board of  
2 Directors adopted a policy formally opposing any further road-building or logging on roadless  
3 National Forest lands, a policy ICL has pursued through public, legislative, and legal means.

4 4. ICL's efforts to secure the protection of Idaho's National Forest roadless areas  
5 include presentations at schools, public meetings, civic gatherings, and environmental group  
6 conferences; testimony before, and presentations to, Congress and the U.S. Forest Service;  
7 publications, including maps, and an Idaho Wilderness Directory; and regular commentary in the  
8 Idaho and national media on the importance and value of National Forest roadless area  
9 protections. ICL leads hiking programs every summer in southwest and central Idaho, taking  
10 participants into Idaho's National Forest Roadless Areas; ICL hikers visited at least five roadless  
11 areas last year.

13 5. ICL has participated extensively in the public process on National Forest  
14 Roadless Area management since before the Roadless Area Review and Evaluation analyses  
15 (RARE I & II) of the 1970's. ICL has assisted in the review and analysis of roadless area  
16 boundaries during the development and revision of each of Idaho's National Forests' Land and  
17 Resource Management Plans ("Forest Plans").

19 6. ICL has appealed Forest Plans for the Boise, Payette, Clearwater, and Idaho  
20 Panhandle National Forests in order to acquire protection for those Forests' roadless lands. ICL  
21 brought lawsuits challenging the Clearwater and Payette Forest Plans, based, in part, upon those  
22 Plans' inadequate protection of roadless areas; those lawsuits led to court-approved settlements  
23 that provided greater protection of those roadless areas.

25 7. In 1993, ICL produced an inventory of all proposed timber sales in National  
26 Forest roadless areas scheduled over the next five years in Idaho. ICL updated that inventory in  
27

1 1997 and 1999, using it to draw media and public attention to the treatment of Idaho's roadless  
2 areas under the various Forest Plans, and the threat that logging and development pose to those  
3 areas.

4 8. Since the Forest Service's publication of the Forest Service's Notice of Intent to  
5 Prepare an Environmental Impact Statement regarding protection of National Forest roadless  
6 areas in October 1999, ICL devoted substantial time and resources to advocate strong protection  
7 of Idaho's National Forest roadless areas. Those efforts include, but are not limited to:

- 8 • ICL members, staff, and/or Directors attended and spoke at most, if not all,  
9 hearings and meetings conducted by the U.S. Forest Service in Idaho in December  
10 1999. I have personal knowledge of ICL staff, members, and/or directors  
11 attending and speaking in support of strong, long-term roadless area protection at  
12 hearings in Coeur d'Alene, Orofino, Grangeville, McCall, Boise, Twin Falls,  
13 Ketchum, Challis, and Idaho Falls. ICL mailed information regarding the  
14 Roadless Initiative hearings to 8,500 members of assorted conservation groups in  
15 Idaho, encouraging the recipients to attend the hearings and comment on the  
16 proposal.  
17
- 18 • ICL staff appeared on radio, television, and in newspapers to support the Forest  
19 Service's decision to protect National Forest roadless areas, and to encourage the  
20 Forest Service to provide the strongest possible such protections. As part of that  
21 media effort, ICL staff appeared in the High Country News, the Oregonian, the  
22 Idaho Statesman, the Twin Falls Times News, the Boise Weekly, PAX 55/Twin  
23 Falls, statewide Idaho Public Television, the Emmett Messenger, the Idaho Falls  
24 Post Register, and the Lewiston Tribune. Other ICL staff, members, and directors  
25  
26  
27  
28

1           voiced support for the Forest Service’s rule-making in the Spokesman Review,  
2           Spokane television, the Wood River Journal, the Mountain Express, KSKI-  
3           Ketchum, and other media.

- 4           • ICL members, staff, and directors participated in assorted meetings and fora to  
5           explain and garner support for the Forest Service’s roadless area protection rule-  
6           making. For example, ICL staff spoke at a forum on the Roadless Initiative at the  
7           Idaho Outfitters and Guides Association annual meeting in January 2000, and  
8           ICL’s Director, Rick Johnson, spoke at a Wilderness conference in December in  
9           Sun Valley on roadless area protection.

10           9.       Following the Forest Service’s release of its Draft Environmental Impact  
11           Statement and Proposed Rule protecting National Forest roadless areas, in May 2000, ICL  
12           continued to participate in the administrative process in order to strengthen public and agency  
13           support for Roadless Area protections, and to advocate stronger protections than those articulated  
14           in the Proposed Rule published in May 2000. For example:

- 15           • ICL ran articles supporting the Forest Service’s Roadless rule-making process in  
16           its newsletter and on its website;
- 17           • ICL took out advertisements in Idaho newspapers and on Idaho radio supporting  
18           the Forest Service’s protection of roadless areas and provided guest opinions for  
19           Idaho newspapers;
- 20           • ICL sent out three special mailings, and organized a series of four “phone banks”  
21           at which ICL volunteers made personal calls, in order to encourage ICL and other  
22           conservation groups’ members to voice their support for the protection of  
23           National Forest roadless areas;

- 1 • ICL printed and distributed posters in area coffee shops to garner public support
- 2 for the Forest Service’s rule-making to protect National Forest roadless areas;
- 3 • ICL set out information tables at Idaho businesses and schools, and at Forest
- 4 Service hearings on the Roadless Area Conservation Rule, supporting the Forest
- 5 Service’s rule-making to protect National Forest roadless areas;
- 6 • ICL organized a rally at which the public could express their support for the
- 7 Forest Service’s protection of National Forest roadless areas, and for the Forest
- 8 Service’s Roadless Area Conservation Rule-Making; and,
- 9 • ICL hosted a panel discussion of the Forest Service’s Roadless Area Conservation
- 10 Rule-Making at ICL’s Wild Idaho! Conference.
- 11

12 10. In November, 2004, ICL submitted comments on the repeal and replacement of  
13 the Roadless Area Conservation Rule by the Bush Administration. I also authored a letter in  
14 September 2004 to the Chief of the Forest Service requesting an extension of the comment  
15 deadline for the 2004 proposal.

17 11. During 2005, along with other ICL staff, I initiated and managed an Adopt-a-  
18 Roadless-Area Program for the Idaho Conservation League. This program was designed to give  
19 Idahoans the opportunity to identify specific roadless areas in Idaho, to encourage them to visit  
20 the areas, and to provide them with necessary tools to advocate for the protection of those areas  
21 as part of the state petition process. Over 50 individuals “adopted” roadless areas in Idaho and  
22 took part in the program to raise awareness about the threats to roadless areas.

24 12. In June, 2005, Idaho Governor Dirk Kempthorne announced that he would submit  
25 a petition to the Secretary of Agriculture, under the repeal and replacement of the Roadless Rule.  
26 Governor Kempthorne laid out a process whereby County Commissioners from around the state  
27

1 would gather input through public meetings, hearings, and comments. The stated intent of the  
2 process was to identify existing roadless area management, as specified in existing Land and  
3 Resource Management Plans (Forest Plans), and to suggest potential changes to Forest Plan  
4 direction as it related to roadless area management.

5 13. Meetings, sponsored by county commissioners, have been held throughout the  
6 state of Idaho, beginning in August 2005, and continuing through February 2006. Along with  
7 other ICL staff, I monitored these meetings, attended meetings throughout the state, and alerted  
8 ICL members and colleague groups about the meetings. I developed an email list to share  
9 information about meetings, media reports, and policy developments with regards to the Idaho  
10 state roadless process. I wrote several articles, email alerts, and other documents to educate ICL  
11 members and others about the state process.  
12

13 14. In July 2005, a lawyer, working on behalf of the Idaho Governor's office  
14 developed a comment form for counties to solicit public comment on roadless areas. I worked  
15 with members and colleague groups to disseminate this form, and also identified which counties  
16 were using the form (or an alternative form) to solicit public comment. I tracked the comment  
17 deadlines for each of the counties participating in the process. Both the comment forms (specific  
18 to the counties, as well as the comment deadlines were posted on the ICL website at  
19 [www.wildidaho.org/update.php](http://www.wildidaho.org/update.php).  
20

21 15. Beginning in October 2005, I worked with other ICL staff to submit comments on  
22 behalf of our 9,000 members on each roadless area in the state of Idaho. These comments were  
23 submitted to each of the counties participating in this process, and totaled more than 1,000 pages  
24 of comments.  
25

26 16. In the process of tracking the state process, county recommendations, and other  
27  
28

1 developments, I discovered a potential conflict of interest with regards to the review of public  
2 comments submitted to the county commissioners around the state. An industry lobbying group  
3 with board members representing extractive industries who are currently developing roads into  
4 roadless areas won the contract to summarize public comments on the roadless issue. Due to the  
5 specific economic conflicts which this brought forth, I worked with members of the press,  
6 including newspaper, radio, and television to highlight the potential abuses associated with this  
7 arrangement.  
8

9 17. I continue to monitor the state petition process, hold meetings with state officials  
10 and speak on a regular basis with county officials around the state. I have worked to educate the  
11 public about the state roadless process through presentations, public meetings, and other  
12 methods. I work with members of the media to educate Idahoans about roadless issues.

13 18. ICL staff and members use and enjoy Idaho's National Forest roadless areas to  
14 backpack, ski, hike, hunt, fish, and through other modes of recreation and/or study. In particular,  
15 throughout the spring, summer, and fall of each year I spend weekends hiking through Idaho's  
16 rugged National Forest roadless backcountry. In the past, I have spent time with my family  
17 hiking in Idaho's Needles, Meadow Creek, Goldbug Ridge, Pot Mountain, Hoodoo, Bighorn-  
18 Weitas, Caton Lake, North Fork Spruce – White Sand and Lochsa Face roadless areas. Last year  
19 I visited the Rainbow, Long Canyon, House Mountain, Mt. Heinen, Breadwinner, Sheep Creek,  
20 and Lost Man Creek Roadless Areas.  
21

22 19. I plan to return to those areas in the future, and to visit other National Forest  
23 roadless areas which I have not yet explored. Specifically during the summer of 2006, I intend  
24 to visit the Mallard-Larkins Roadless Area, which borders the Clearwater and Idaho Panhandle  
25 National Forests.  
26  
27  
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3 PEOPLE OF THE STATE OF CALIFORNIA, ) Case No. 05-03508-EDL related to  
4 et al., )  
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7 UNITED STATES DEPARTMENT OF )  
8 AGRICULTURE, et al., )  
9 Defendants. )

10 THE WILDERNESS SOCIETY, et al., ) Case No. 05-04038-EDL  
11 Plaintiffs, )  
12 v. )  
13 UNITED STATES FOREST SERVICE, et al., )  
14 Defendants. )  
15

16  
17 **DECLARATION OF MIKE SALLEE**

18 I, Mike Sallee, declare as follows:

- 19 1. I am a member of the National Audubon Society and the Sierra Club.  
20 2. I have lived on the north end of Gravina Island for the past fifty years. My mailing  
21 address is P.O. Box 7603, Ketchikan, AK 99901.  
22 3. My mother started a homestead on Gravina Island in 1956 and I have lived here since I  
23 was nine years old. I still share ownership of the homestead and plan to live on Gravina  
24 for the rest of my life.  
25  
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- 1 4. Gravina Island is rural in nature with limited development. Most of the lots where people  
2 live are concentrated on the Tongass Narrows–Ketchikan side of the island. There is  
3 only one road that goes back into the interior of the island, and otherwise the interior is  
4 pretty much a refuge for wildlife because not many human predators get in there.
- 5 5. I have hunted for deer on the island for personal subsistence, and occasionally get logs  
6 off the beaches for firewood. In the subtidal areas, I harvest sea cucumbers, sea urchins  
7 and sample geoducks as well. I intend to continue this use of Gravina Island.
- 8 6. I have hiked in many parts of Gravina Island, end to end, side to side, and most of the  
9 beaches on the perimeter. Just a couple of years ago, I hiked from the airport over  
10 California Ridge to Vallenar Bay. Although it is a fairly remote area, I ran across the  
11 flagging for some of the proposed timber sales along the way.
- 12 7. For a couple of summers, I participated in a culture camp near Bostwick Inlet that was  
13 sponsored by the Tongass Conservation Society. The area is fairly pristine, but there is a  
14 lot of use in that part of the island for deer hunting, crabbing, goose tongue and cedar  
15 bark gathering, halibut and salmon fishing, and other subsistence uses.
- 16 8. I was also near Bostwick with Greenpeace a couple of years ago when there was a fish  
17 die off in Bostwick Creek. Because of high stream temperatures, there was low oxygen  
18 in the stream and many of the fish died. Logging would increase this effect.
- 19 9. I intend to continue to go back to Bostwick Inlet and the areas near the inlet for hiking,  
20 deer hunting, and beach combing.
- 21 10. I have also spent time in Seal Cove, southeast of Bostwick Inlet. At one point, in the early  
22 seventies, I worked in Seal Cove doing mining exploration. Now, I do some beach  
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1 combing and salvage in Seal Cove, although I do not spend much time in the uplands  
2 there.

3 11. I am very concerned about logging and roads on Gravina and I have commented on the  
4 state's area plans and all of the logging proposals for Gravina Island. Punching a road  
5 into the island would change it radically and encroach on habitat. Even if the Forest  
6 Service tries to close roads after the logging, it will give people easier access to the  
7 interior of the island and destroy the solitude and the undeveloped nature of the island  
8 that is so important to me and others like myself who have used the area for subsistence.  
9

10 12. My family has a logging background; my brother was a career-logger before he  
11 developed dementia, and I have been dependant on income from logging. I have a  
12 sawmill and sometimes gather salvage timber, but I have also written comments opposing  
13 the Forest Service's logging plans in many cases. I am not opposed to all logging, but I  
14 am opposed to logging and roads on Gravina and in other areas like Gravina where easier  
15 access and development would spoil the area.  
16

17 13. Almost every other large island in southeast Alaska has been roaded and clear cut quite  
18 extensively. As I have said in comments many times, I think that, if nothing else,  
19 Gravina should be left as a scientific control to observe the natural, unaltered island  
20 landscape.  
21

22 14. Logging and roads will affect the whole island. The interior of the island, like the area  
23 near the California Ridge where I came across the flagging for planned timber sales, will  
24 no longer be a refuge for wildlife if there is logging. When this refuge is gone, it will  
25 affect wildlife populations on the entire island. Because I do a lot of deer hunting on the  
26  
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28

1 island, I am concerned that logging and roads will affect my hunting opportunities, and  
2 subsistence uses for all subsistence users.

3 15. I also enjoy the solitude of the island, and that solitude will be compromised if there is  
4 logging.

5 16. There are many beautiful viewsheds on the island, including near where the timber sales  
6 are planned. These viewsheds will be compromised with logging and roads. I don't  
7 know how to put a dollar value on these beautiful views, and maybe there is no way to do  
8 that, but the powers that be seem to forget about that and just go for the dollar signs.  
9

10 17. I have also used roadless areas elsewhere, especially in the Cleveland Peninsula. I use  
11 areas of the Cleveland Peninsula for recreation, for hunting (subsistence personal use),  
12 subsistence fishing, and for salvage timber on some of the beaches, and I intend to  
13 continue to use those areas as well.  
14

15  
16 I declare under penalty of perjury that the foregoing is true and correct.

17  
18 3-10-06

19 Date

Michael Sallee

20 Mike Sallee  
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26  
27  
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7 UNITED STATES DEPARTMENT OF )  
8 AGRICULTURE, et al., )  
9 Defendants. )

10 THE WILDERNESS SOCIETY, et al., ) Case No. 05-04038-EDL  
11 Plaintiffs, )  
12 v. ) DECLARATION OF CARL SIECHERT  
13 UNITED STATES FOREST SERVICE, et al., )  
14 Defendants. )  
15

16  
17 I, CARL SIECHERT, state and declare as follows:

18 1. My name is Carl Siechert, and I am a member of The Wilderness Society. I have  
19 been a member for about 24 years.

20 2. Although I belong to other environmental organizations, including the Sierra Club  
21 and the Nature Conservancy, The Wilderness Society has always held my greatest interest (and  
22 garnered my greatest support) because of its emphasis on protection of wilderness on United  
23 States Forest Service lands and its science-based approach to wilderness evaluation and  
24 protection. I have had a life-long appreciation for wild forest lands, ever since my brother-in-law  
25 introduced me to backpacking at age 10, in what is now the John Muir Wilderness on the Inyo  
26  
27  
28



1 National Forest.

2 3. One of my greatest joys is hiking and climbing in national forests. I have climbed  
3 many mountains in California, including Sugarloaf Mountain, Deer Mountain, Shay Mountain,  
4 Ingham Peak, and Circle Mountain (all on the San Bernardino National Forest); Sawtooth  
5 Mountain, Josephine Peak, Strawberry Peak, Mt. Lawlor, San Gabriel Peak, Mt. Disappointment,  
6 Mt. Deception, Will Thrall Peak, Pallett Mountain, Mt. Williamson, and Mt. Lewis on the  
7 Angeles National Forest; Cannell Peak on the Sequoia National Forest. (In fact, I met my wife  
8 on a Sierra Club-sponsored hike to Will Thrall Peak and Pallett Mountain, giving me a lifelong  
9 reminder of another benefit of roadless areas on the forest: meeting someone who shares my love  
10 of hiking in wild places.)

12 4. All of the aforementioned peaks are in inventoried roadless areas. I have also  
13 climbed many southern California peaks that are not in roadless areas, and the difference in  
14 enjoyment is remarkable. The feeling of accomplishment from climbing a roadless peak (even  
15 one with a trail leading to the top) is much greater than walking (or driving) a road to the  
16 summit. And upon reaching the summit, a commanding view of wild forest lands is far more  
17 heartwarming than seeing a network of roads.

19 5. Other southern California dayhikes include a recent trip down Bear Canyon in  
20 Angeles National Forest, as well as numerous hikes in the upper Arroyo Seco area.

21 6. I've also recently backpacked in the Sierras, including entry to Ansel Adams  
22 Wilderness from the roadless area to the south on the Sierra National Forest; Pacific Crest Trail  
23 from Desolation Wilderness to Hwy 50 and between Hwy 50 and Hwy 88 in the Lake Tahoe  
24 Basin Management Unit and Eldorado National Forest; and Pacific Crest Trail from Hwy 49 to  
25 Granite Chief Wilderness on the Tahoe National Forest. Many of my favorite lifetime memories  
26  
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28

1 are from these backpacking trips into the wilderness with my best friends.

2 7. My thru-hike of the Pacific Crest Trail from Mexico to Canada in 1977 took me  
3 through many, many of the now-inventoried roadless areas. The contrast between those areas  
4 and other areas of national forest land was dramatic, to say the least. Much of the hike was near  
5 or through logged-over areas of the forest, where the terrain was torn up, the trees were largely  
6 reduced to stumps, the streams were laden with silt, and animals were virtually nonexistent.  
7 When we would get into roadless areas, it was a completely different experience: beautiful  
8 postcard views, abundant wildlife, clean water, and quiet solitude. This is what kept us going for  
9 five-and-one-half months on the trail.  
10

11 8. Although many of my favorite hiking areas are in remote areas of California, it is  
12 particularly important to me that roadless protection extends to urban forests, such as the  
13 Angeles National Forest and San Bernardino National Forest. These areas border a metropolis of  
14 15 million people, many of whom have practically no other opportunity to see wild forests.  
15 Preserving these areas for recreational use is an educational, therapeutic benefit that can be  
16 enjoyed by all. As undeveloped tracts in the rapidly expanding urban areas are bulldozed, the  
17 only remaining area with a near-wild character is on Forest Service land. Sadly, it is my  
18 understanding that these two forests, along with the Cleveland and Los Padres National Forests,  
19 are planning to protect fewer roadless acres in the future – acres that would have been protected  
20 under the Roadless Rule.  
21

22 9. I plan to continue to hike and climb in California's roadless areas this summer and  
23 long into the future. It is a centerpiece of my life and my family's life. Without doubt, the best  
24 tonic for a fast-paced work life is time in the wilds; the hard "work" of hiking is pure enjoyment.  
25 I have been harmed by the removal of roadless area protections by the Forest Service, and I hope  
26  
27  
28

1 that those protections will someday be reinstated.

2 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
3 and correct. Executed this 22 day of February, 2006 in Pasadena, California.

4  
5   
6 CARL SIECHERT

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11 Plaintiffs, )  
12 v. )  
13 UNITED STATES FOREST SERVICE, et al., )  
14 Defendants. )  
15

16  
17 **DECLARATION OF SUZANNE STONE**

18 I, Suzanne Stone, declare as follows:

19 1. I have been a regional representative for Defenders of Wildlife (hereinafter  
20 “Defenders”) since January 1999. I am also a member of Defenders. I have worked on  
21 conservation issues and projects in Idaho since 1988.

22 2. Defenders of Wildlife is a 501(c)(3) nonprofit organization founded in 1947 with  
23 more than 480,000 members and supporters nationwide. Defenders is dedicated to the protection  
24 and restoration of native wild animals and plants in their natural communities. We focus our  
25 programs on the accelerating rate of species extinction and associated loss of biological diversity,  
26 and habitat alteration and destruction. Our programs encourage conservation of entire  
27 ecosystems and interconnected habitats while protecting predators that serve as “umbrella”

1 species for ecosystem health. Roads, logging, and related development and extractive activities  
2 fragment and degrade ecosystems, and have significant negative impacts on the biodiversity,  
3 wildlife, and habitat that Defenders seeks to protect. Roadless forests serve as a refuge for many  
4 wildlife species from poachers, predators, competitors, diseases and fungi associated with roads.  
5 Maintaining the remaining roadless areas on our national forests is very important to sustaining  
6 the ecosystems they encompass, and the species that depend on them, and therefore to  
7 Defenders' mission. For these reasons, Defenders of Wildlife was an active participant in the  
8 creation of the Forest Service Roadless Area Conservation Rule promulgated by the Department  
9 of Agriculture under President Clinton (hereinafter "Roadless Rule").

10 3. Defenders has long been an advocate for policies that lead to less degradation of  
11 roadless areas, and greater protection for them, such as a reduction in federal funding for road  
12 construction and logging projects in roadless areas. Since the Forest Service's publication of its  
13 Notice of Intent to Prepare an Environmental Impact Statement regarding management of  
14 National Forest Roadless Areas in October 1999, Defenders has devoted substantial time and  
15 resources to urge maintenance of the remaining roadless areas on our national forests through the  
16 administrative rulemaking and associated National Environmental Policy Act procedures  
17 undertaken to develop the Roadless Rule. These efforts include, but are not limited to, the  
18 following:

19 a. Defenders analyzed and submitted comments on all publicized versions of the  
20 proposed rule available for public comment, including the Draft Environmental Impact  
21 Statement and Final Environmental Impact Statement;

22 b. Defenders provided information on the values and importance of roadless areas  
23 and the Roadless Rule to our members and supporters through our mail, email networks and  
24 magazine. Through the same channels, we urged our members and supporters to comment on  
25 the proposed Roadless Rule in favor of maintaining roadless areas. We sent a mailing to all of  
26 our members encouraging them to comment in favor of maintaining roadless areas in the  
27 Roadless rule. We sent multiple email messages to the same effect to our Defenders "E-  
28

1 Activism” network of more than 375,000 recipients. The Summer, 2000 edition of Defenders  
2 Magazine, which is mailed to more than 430,000 addresses, included a major story entitled “The  
3 Roadless Initiative” and a tear-out post card to use for commenting on the proposed Roadless  
4 Rule. Defenders members and staff attended and spoke at hearings and meetings conducted by  
5 the U.S. Forest Service on the proposed Roadless Rule throughout the country;

6 c. Defenders undertook media efforts on our own and in cooperation with other  
7 organizations to publicize the values and importance of roadless forests and encourage their  
8 protection through the Roadless Rule. These media efforts included press releases and paid print  
9 advertising; and

10 d. Defenders staff lobbied Congress and the Administration in support of roadless  
11 area protection through the Roadless Rule.

12 4. Defenders has been an equally strong advocate in opposition to the Forest Service’s  
13 subsequent plan to repeal and replace the Roadless Rule, including, but not limited to, the  
14 following:

15 a. Defenders urged members of Congress to cosponsor legislation introduced by  
16 Rep. Jay Inslee (D-WA) that would codify the Clinton roadless rule. Defenders lobbied  
17 members’ offices directly with meetings and phone calls;

18 b. The executive directors of Defenders and other environmental organizations sent  
19 a letter to several state governors and attorneys general urging them to join litigation filed by the  
20 states of California, Oregon and New Mexico challenging the repeal of the Roadless Rule;

21 c. Defenders joined an effort to gain signatures to a petition requesting that the  
22 administration promulgate a new federal regulation reinstating the Roadless Rule. More than  
23 15,000 of Defenders’ members signed the petition, helping to bring the total to over a quarter of  
24 a million. The petition was posted as an action item on our web Wildlife Action Center, and  
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1 included in our Wildlife E-News letter to our entire membership; and

2 d. Defenders submitted comments to the U.S. Forest Service opposing any  
3 weakening of the Roadless Rule.  
4

5 5. I, and other Defenders members, use and enjoy the National Forest Roadless Areas  
6 protected by the Forest Service's Roadless Rule, including those in Idaho. Over the past twenty  
7 years I have visited many of Idaho's National Forest Roadless Areas and also many of the roaded  
8 areas in connection with my employment duties for Defenders of Wildlife and other  
9 organizations and for personal enjoyment. Having experience with both types of areas I can  
10 evaluate their value to me and my family. Idaho's National Forest Roadless Areas are uniquely  
11 serene and largely uncontaminated by mining, clearcuts, and overgrazing commonly found in  
12 roaded areas. The roadless areas offer better refuge for wildlife, and my family and I enjoy a  
13 much deeper quality of experiencing nature without many modern disturbances. With so few  
14 roadless areas left in our nation, these few remaining areas are invaluable to my family and me,  
15 to other Defenders members, and to current and future generations.  
16

17 6. In particular, I have visited the French Creek Roadless Area and portions of the  
18 Johnson Creek drainage encompassed within roadless areas, both in central Idaho's Payette  
19 National Forest. I've also conducted wildlife field surveys in many of the roaded forest lands  
20 over the last decade and witnessed the damage of roads themselves and constant access to some  
21 of these areas. Last summer, I traveled to a remote section of the Boise National Forest seeking  
22 a secluded area for several days of camping and solitude. While I was over 30 miles from any  
23 paved roads, there was almost constant disturbance from people on ATVs that were noisily  
24 charging up and down the Forest Service's roads. Only roadless areas offer a sanctuary from  
25 these kind of disturbances for people and wildlife alike. I have been working to change the focus  
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1 of the U.S. government to restoring the areas which have been damaged by abusive practices and  
2 allowing only environmentally sustainable uses for them in the future.

3 7. In the future I plan to visit more roadless areas with my children. After recent travel  
4 in Europe I realize how even more rare these areas are throughout much of the world and hope to  
5 share them with my family as often as possible as a major benefit to living in Idaho. I am and  
6 have been negatively affected by the Forest Service's past management of Idaho's National  
7 Forest Roadless Areas, and by the Forest Service's repeal of the Roadless Rule.  
8

9 I declare, under penalty of perjury, that the foregoing is true and correct. Executed this  
10 23 day of February, 2006, in Boise, Idaho.

11  
12   
13 \_\_\_\_\_  
14 Suzanne Stone

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1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 PEOPLE OF THE STATE OF CALIFORNIA, ) Case No. 05-03508-EDL related to  
4 et al., )  
5 Plaintiffs, )  
6 v. )  
7 UNITED STATES DEPARTMENT OF )  
8 AGRICULTURE, et al., )  
9 Defendants. )

10 THE WILDERNESS SOCIETY, et al., ) Case No. 05-04038-EDL  
11 Plaintiffs, )  
12 v. ) DECLARATION OF BARBARA  
13 UNITED STATES FOREST SERVICE, et al., ) ULLIAN  
14 Defendants. )  
15

16  
17 I, BARBARA ULLIAN, state and declare as follows:

18 1. I am a member and staff member of Siskiyou Regional Education Project. I offer  
19 this declaration to explain my use and enjoyment of the roadless areas in Rogue River-Siskiyou  
20 National Forests and, in particular, the roadless areas around the Biscuit Fire area, and to explain  
21 how my interests will be harmed by the repeal the Roadless Area Conversation Rule and also by  
22 post-fire logging proposed by the Biscuit logging project in Inventoried Roadless Areas  
23 including, but not limited to, the South Kalmiopsis Roadless Area, the third largest inventoried  
24 roadless area in the Northwest, and the nearby Squaw Mountain and North Kalmiopsis Roadless  
25 Areas.  
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1           2.       I have lived in southwest Oregon since 1947. In the 1950s, our family spent  
2 summer weekends at a cabin on what is now the Scenic River Area of the beautiful National  
3 Wild and Scenic Illinois River. This section of the Illinois runs between the North and South  
4 Kalmiopsis and Squaw Mountain Roadless Areas. Though I didn't know the area by this name,  
5 our cabin was directly across the river from the South Kalmiopsis. I accompanied my father as  
6 he fished for the Illinois River's famous wild steelhead trout on the edges of these two roadless  
7 areas – their wild forests and steep slopes forming the direct watershed of this spectacular river.  
8

9           3.       Initially, our family just enjoyed the beautiful scenery, solitude, and remoteness  
10 provided by the roadless watersheds surrounding our summer retreat. It wasn't until the 1970's  
11 that my sister and I first began penetrating their vastness and set about discovering and hiking  
12 every trail or abandoned mining road we could find. We soon grew to love every inch of the  
13 South Kalmiopsis, with its sweeping, 360 degree views of wild country, fascinating botanical  
14 and geological diversity, deep primeval forests, and the ancient bonsaied Jeffrey pine found on  
15 its serpentine barrens and ridges.  
16

17           4.       In the late 1980s, I was one of the first women to row a raft down the Wild  
18 section of the Illinois River where I first saw the confluence of Silver, Indigo, and Lawson  
19 Creeks with the Illinois River as they tumbled out of the wild watersheds of the North  
20 Kalmiopsis Roadless Area. The water of the Illinois as it flowed through these vast roadless and  
21 wilderness areas was crystal clear. Large trout were plainly visible in the smooth tongues of the  
22 rapids.  
23

24           5.       In the fall of 1987, I first visited the upland areas of the North Kalmiopsis  
25 Roadless Area with a Forest Service employee soon after the Silver Fire was declared controlled.  
26 I visited, photographed, and camped in the North Kalmiopsis Roadless Area part of the Silver  
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1 Fire area as many times as I could until it was logged in late 1988 and 1989. Later I hiked and  
2 visited parts of the North Kalmiopsis which had not been logged, including the inner gorge of the  
3 beautiful Silver Creek, where I saw my first northern spotted owl and where gnarled Port Orford  
4 cedar grew from almost perpendicular rock walls above the creek's crystal clear waters.

5 Photographs of these amazing cedar have been published in botanical journals.

6           6.       Also in the late 1980's, the Chetco Rim trail that runs between Onion Camp and  
7 Chetco Pass through the South Kalmiopsis became a regular favorite with friends and family –  
8 my visits, in all seasons and all kinds of weather, too numerous to be counted. This trail (#1124)  
9 runs along the divide between the watershed of the National Wild & Scenic Chetco and Illinois  
10 Rivers. While the trail is described as one of the most scenic in the Siskiyou Mountains, it runs  
11 along timber sale units authorized by the Biscuit Project. If these roadless area sales are  
12 implemented, it would ruin the wild, timeless nature and beauty of this important recreation route  
13 and the surrounding country.  
14

15           7.       In 1990, I began working to protect the Siskiyou roadless areas from 18 timber  
16 sales proposed by the 1989 Siskiyou National Forest Plan and joined the Siskiyou Regional  
17 Education Project as a part-time staff member. For three years I worked intensely on one of the  
18 proposed sales known as Canyon that included parts of the South Kalmiopsis Roadless Area. I  
19 hiked much of the Canyon Timber Sale planning area both on my own and with the Siskiyou  
20 National Forest interdisciplinary team assigned to the timber sale and attended planning  
21 meetings. I also worked on other timber sales being proposed in the North Kalmiopsis Roadless  
22 Area.  
23

24           8.       In the 1990s I spent many hours hiking into, photographing, and learning about  
25 the forests in and around the Babyfoot Lake Botanical Area and Onion Camp – both native  
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1 roadless forests and ones on the edge of the roadless area that had been logged. The Canyon  
2 timber sale was stopped by a lawsuit focused on logging in old-growth forests, and I worked  
3 long hours during the Northwest Forest Planning process, providing information to the Forest  
4 Service about important areas of roadless forests within the Siskiyou National Forests roadless  
5 areas that were not included in the Late-Successional Reserve System and why these wild  
6 watersheds were so important to the nationally outstanding fish and water quality values of the  
7 Wild and Scenic Rivers that flowed through them. The Record of Decision for the Northwest  
8 Forest Plan included most Siskiyou Roadless Areas in the Plan's Late-Successional (Old-  
9 Growth) Forest Reserve and Key Watershed systems.

11 9. Also in the early 1990's I provided photographs and written information during  
12 the Forest Service's inventory process that determined five streams – all in Biscuit Fire Area  
13 Inventoried Roadless Areas – were eligible to become National Wild and Scenic Rivers. I  
14 guided the Forest Service's Wild and Scenic River's coordinator into remote parts of two of the  
15 streams in the South Kalmiopsis Roadless Area.

17 10. Over the years my appreciation and love for the Siskiyou's roadless areas and the  
18 wild rivers that flow through them has grown. I've returned again and again to photograph, hike,  
19 and enjoy the views, solitude, beauty, and uniqueness of these special landscapes, both on my  
20 own and with family and friends, and I will continue to visit, hike, photograph, and enjoy this  
21 area for years to come.

23 11. On the evening of Friday, July 26, 2002, my sister and I drove to Fiddler  
24 Mountain on the edge of the South Kalmiopsis Roadless Area and watched fire burn up the  
25 Illinois River Canyon in the North Kalmiopsis. I followed the progress of the Biscuit Fire,  
26 talking to fire information officers and getting information on the fire from other sources. For  
27

1 many days during the summer of 2002, I collected information on the fire from press releases,  
2 talking to fire information personnel and from media sources and wrote regular email updates  
3 about the Biscuit Fire, sending them out to the Siskiyou Project's nationwide email list. Other  
4 individuals asked to receive the updates because of their personal nature and details about the  
5 landscape affected by the fire.

6       12. I first drove into the Biscuit Fire area on a visitor's pass to visit with a longtime  
7 friend who lives near where our old cabin was on the National Wild and Scenic Illinois River.  
8 The forests were still smoldering, and a pall of smoke obscured the long views along the Illinois  
9 River into the North and South Kalmiopsis and Squaw Mountain Roadless Areas. Still, to my  
10 artists' eye, the River Canyon and surrounding wild landscapes were still beautiful and not  
11 "devastated" as portrayed in the media.

12       13. I drove into the Babyfoot Lake, Fiddler Mountain area as soon as the Biscuit Fire  
13 area was open to the public in the fall of 2002, before the snow fell, and saw for the first time the  
14 effects of the fire on the area I'd known so well for so many years. While there were surprising  
15 amounts of green forest, the larger landscape of the North and South Kalmiopsis, once vibrant  
16 green, "appeared" devastated – gray with ash and charred vegetation. Despite the dramatic  
17 change, however, the essence of the ancient land remained – big, spacious and wild – raising  
18 goose bumps on my arms having nothing to do with chill winds.

19       14. In August of 2003, in the 30 days between my knee replacement surgeries, I put  
20 aside my resolve to never drive the old 4-wheel-drive Chetco Pass mining road, because I wanted  
21 to see up close and personal how this part of the North and South Kalmiopsis Roadless Area  
22 fared in the fire. I was happy to see that some of the ancient Port Orford cedar in this watershed  
23 survived. The seeds from these cedar hold the genetic code, developed over thousands of years,  
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1 for surviving in rugged and diverse micro-sites of the South Kalmiopsis. And in areas of where  
2 the Biscuit fire burned with 100 percent canopy mortality, a wonderful diversity of shrubs had  
3 grown to shelter the rocky soils and the seedlings that would sprout under them. These included  
4 wild azalea, California coffee berry, red huckleberry, California bay laurel, madrone,  
5 rhododendron, and many more.

6 15. To me the roadless areas of the Siskiyou are no less beautiful after the Biscuit  
7 Fire than Yellowstone National Park after the 1988 fires that burned through it. I've returned  
8 many times since to the Biscuit Fire Area and the South Kalmiopsis, Illinois Canyon, and Squaw  
9 Mountain. With two new knees, I've hiked further and further into the South Kalmiopsis on the  
10 Chetco Rim trail. I've watched Jeffrey pine, Douglas fir, Knobcone, and sugar pine seedlings  
11 sprout and grow in places where after the first year there was no apparent sign of life in the burnt  
12 soils. The native bunch grasses of the serpentine ridges and lower elevation savannas have  
13 flourished. The wildflower bloom has been phenomenal. It's been fascinating to watch the  
14 landscape green and be born anew in a process new to me but certainly not to this ancient  
15 landscape and its 40 million year old community of life. The grief I initially felt at what I  
16 perceived to be the devastation of a place I loved and knew intimately has been replaced with  
17 one of wonder and thanksgiving for the opportunity to witness and to experience viscerally the  
18 spectacle of rebirth of one of the most diverse and unique landscapes in this nation.

19 16. The joy, however, has been tempered by the implementation of the Biscuit  
20 Project's Fiddler timber sale in 2005 and the desolation it left in its wake in this part of the  
21 Briggs Late-Successional Reserve and the old Canyon planning area. While the fire may have  
22 initially killed many trees, their legacy remained. These snag forests shaded the forest floor,  
23 ameliorating temperatures, and breaking the force of driving rains. They provided habitat for  
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1 songbirds, grouse, woodpeckers, and numerous other critters and music to the ears as they  
2 interrupted both summer breezes and winter winds. Their progeny, genetically diverse and  
3 adapted over thousands of years to specific sites, soils, and climatic conditions, were sprouting  
4 from the forest floor and taking hold when the logging began. Unlike the fire, the Fiddler timber  
5 sale logging, clearcutting and the slash burning that followed, left behind true desolation, waste,  
6 and a greatly impoverished landscape.

7  
8 17. My assessment of the impacts of the logging are based in part on my direct  
9 observations, but also on the collection and analysis of data and conclusions drawn by  
10 researchers from Oregon State University working in the same area. My assessment of the  
11 impacts of logging is also based on observing over the years places in this same area logged in  
12 the 1970's and 1980's and treated in the same harsh way as during the Fiddler timber sale.

13 18. Not only have I directly witnessed and experienced the impacts on areas that were  
14 proposed for logging in the Fiddler timber sale, I also witness impacts of logging, roads, and  
15 landing construction during this sale in areas that were supposed to be protected, including the  
16 Babyfoot Lake Botanical Area (essentially a roadless extension of the South Kalmiopsis) and of  
17 Riparian Reserves. When I first discovered (in August 2005) that about 17 acres of the Botanical  
18 Area had been logged during the Fiddler timber sale, I was heartsick. Walking from the true  
19 devastation of the logged part of the Botanical Area into the unlogged snag forest provides an  
20 instant and invaluable confirmation of the concerns raised by top forest ecologists about the  
21 impacts of post-fire logging on natural regeneration, long term forest health, and biological  
22 diversity. The unlogged forest was rich with berries, vanilla leaf, bear grass (a member of the  
23 lily family), and new conifer seedlings – some almost 12 inches tall – unlike the clearcut forest  
24 I'd just walked through.  
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1           19.     The 2005 Fiddler timber sale provides direct evidence of how logging would  
2 impact the Roadless Areas proposed for logging in the Biscuit Project if the Project's Roadless  
3 Record of Decision is implemented. Although no logging has yet begun, the Biscuit Inventoried  
4 Roadless Area Record of Decision (at pages R-2, R-4) authorizes 194 million board feet of  
5 timber to be cut, sold, and removed from 8,174 acres of inventoried roadless areas. I've attached  
6 the Biscuit Roadless Record of Decision to this declaration as Exhibit A. The Forest Service's  
7 excuse for violating the then-existing Roadless Rule was that the Rule "has been enjoined in  
8 federal court." Biscuit Final Environmental Impact Statement at III-330 (excerpt attached as  
9 Exhibit B). Now that the Roadless Rule has been repealed, I fear the Forest Service will soon  
10 allow this destructive logging to occur in the roadless areas of the Biscuit Project.  
11

12           20.     As I did during the Northwest Forest Planning process, I participated fully in the  
13 Forest Service's process to develop and analyze the effects of the Roadless Rule both as an  
14 individual and representing the Siskiyou Project. Beginning in 1999, the Siskiyou Project  
15 submitted substantive comments during scoping for the Roadless Rule Environmental Impact  
16 Statement and on the Draft and Final Environmental Impact Statements. I also attended and  
17 testified at public meetings. In 2004, I submitted comments for Siskiyou Project on the proposed  
18 repeal of the Roadless Rule. In 2003 and 2004, Siskiyou Project submitted substantive, site-  
19 specific, and extensive comments on the Biscuit Project's decision to log 8,174 acres of  
20 Inventoried Roadless Areas, including in the North and South Kalmiopsis Roadless Areas and  
21 filed an administrative appeal of the Biscuit Roadless Area Record of Decision. (That appeal  
22 was deemed denied.)  
23  
24

25           21.     The roadless areas of the Siskiyou National Forest have become more, not less,  
26 fascinating in the wake of the Biscuit Fire. With family and friends and on my own, I plan to  
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28

1 continue to swim in the crystal clear waters of the streams and rivers flowing through these  
2 roadless areas and hike their trails and sit on their edges and watch the sun set across ridge after  
3 wild ridge to the Pacific Ocean. I plan to continue to document their evolution following the fire  
4 through photographs, video, and journals. It is a once in a life-time opportunity to witness the  
5 process of natural recovery of a wild and diverse landscape – that is – unless the parts of the  
6 North and South Kalmiopsis or other roadless areas most accessible to me are logged as part of  
7 the Biscuit Project. These roadless areas are a central part of my life and my family's life. Their  
8 logging, as authorized by the Biscuit Project, would significantly diminish our experience and  
9 use of these wild landscapes we've known and enjoyed for almost a half century. We are rooted  
10 here, and I will return again and again.

11  
12 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
13 and correct. Executed this 22nd day of February, 2006, at Grants Pass, Oregon.

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17 BARBARA ULLIAN

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DECLARATION OF BARBARA ULLIAN  
Case Nos. 05-03508-EDL and 05-04038-EDL - 10 -

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1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 PEOPLE OF THE STATE OF CALIFORNIA, ) Case No. 05-03508-EDL related to  
4 et al., )  
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6 v. )  
7 UNITED STATES DEPARTMENT OF )  
8 AGRICULTURE, et al., )  
9 Defendants. )

10 THE WILDERNESS SOCIETY, et al., ) Case No. 05-04038-EDL  
11 Plaintiffs, )  
12 v. ) DECLARATION OF DAVID WERTZ  
13 UNITED STATES FOREST SERVICE, et al., )  
14 Defendants. )  
15

16  
17 I, DAVID WERTZ, state and declare as follows:

18 1. I am the Science and Conservation Director for Conservation NW (formerly  
19 Northwest Ecosystem Alliance). My responsibilities include legal and scientific oversight of  
20 Forest Service projects and activities in Washington on the Gifford Pinchot, Olympic, Mount  
21 Baker-Snoqualmie, Wenatchee, Okanogan, and Colville National Forests. I am also a  
22 Conservation NW member.

23  
24 2. Conservation NW is a 501(c)(3) non-profit conservation organization  
25 incorporated under the laws of Washington State, with its principal place of business in  
26 Bellingham, Washington and offices in Seattle, Spokane, and Republic. Conservation NW and  
27

1 our more than 6,000 members are dedicated to the protection and restoration of wildlands and  
2 endangered and threatened species in Washington and southern British Columbia.

3 3. Conservation NW members are generally active in the outdoors, and I know of  
4 many that regularly visit our national forests in the Pacific Northwest for a range of activities  
5 including hiking, camping, cross county and back country skiing, backpacking, wildlife  
6 observation, hunting, fishing, nature photography, and boating. Many of our members also have  
7 a strong interest in protecting roadless areas.

8  
9 4. Conservation NW engages in a host of efforts to achieve our goals, including  
10 public outreach and education, collaboration with diverse stakeholders, conservation advocacy,  
11 conservation financing, and field surveys. Conservation NW carries out research and works with  
12 scientists, environmental activists, policymakers, and the general public to protect biological  
13 diversity and ecological integrity on public lands. We have also been involved in administrative  
14 appeals and litigation to achieve our goals.

15  
16 5. Conservation NW worked to protect Washington's remaining roadless areas  
17 before the 2001 Roadless Conservation Rule was established, and since its repeal, through  
18 community outreach, lobbying elected representatives, and critiquing Forest Service roadless  
19 area projects. In particular, Conservation NW has organized numerous public educational events  
20 such as field trips to roadless areas, published newsletter articles and contributed to news stories  
21 about roadless areas, posted maps of Washington's roadless areas on our website, helped solicit  
22 public input and involvement in policy deliberations involving roadless areas, and filed lawsuits  
23 to protect roadless areas from development.

24  
25 6. Conservation NW's interests, and the interests of its members, in roadless area  
26 protection have been harmed by the repeal of the Roadless Rule. Conservation NW is first  
27

1 harmed because roadless areas may now be developed. Second, because these areas are no  
2 longer protected from most road-building and logging under the Roadless Rule, Conservation  
3 NW will be forced to work at the individual forest and project level to ensure that roadless areas  
4 are protected. Without the nationwide protection of roadless areas, boundaries that are artificial  
5 to the natural world (national forest boundaries, state boundaries) may mean that some areas are  
6 protected, while similar or identical adjoining or nearby areas are not. We have lost an important  
7 tool for protecting some of our last, pristine public lands.

8  
9 7. Over the last 12 years, I have reviewed projects and forest conditions on the  
10 Gifford Pinchot, Olympic, and Mount Baker-Snoqualmie National Forests. I have a deep and  
11 long-standing interest in protecting roadless areas in Washington State.

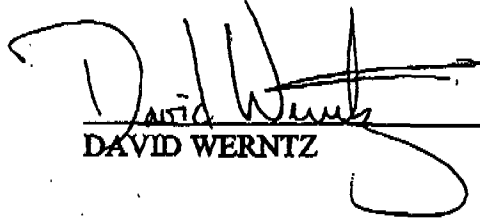
12 8. I routinely use and enjoy public forests in Washington and plan to keep doing so  
13 in the future. In particular, I have interests in forest ecology and management, rare plant and  
14 animal identification, animal tracking, research and observation of wildlife/habitat relationships,  
15 and conservation of wildlife habitat. I enjoy hiking, backcountry skiing, studying wildlife,  
16 climbing mountains, and camping in the forests and roadless areas of Washington.

17  
18 9. Last November, I spent the afternoon telemark skiing in the Mt. Baker Roadless  
19 Area, North Block, in Mt. Baker-Snoqualmie National Forest. In mid- January, I spent three  
20 days backcountry skiing in the Bald Snow Roadless Area on the Colville National Forest. As  
21 soon as the snow melts out, I plan to spend up to a week camping, fishing, observing wildlife,  
22 and climbing mountains in the Sawtooth Roadless Area on the Okanogan National Forest.

23  
24 10. Spending time outdoors in Washington's roadless areas helps me keep my life  
25 balanced, offers personal and physical challenges not available elsewhere, and provides quiet  
26 solitude for contemplation and reflection. Without the overarching protections of the Roadless  
27

1 Rule, these areas could be developed in the future. My personal and professional interests in  
2 wild areas, wildlife, wilderness, and roadless areas have been harmed by the repeal of the  
3 Roadless Rule.

4 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
5 and correct. Executed this 22<sup>nd</sup> day of February, 2006, at Bellingham, Washington.

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DAVID WERTZ