



by PEER in the case of *California Forestry Assoc. v. Bosworth*, filed in the District Court for the District of Columbia.

2. PEER is a national non-profit membership organization that promotes environmental ethics and government accountability. PEER works on behalf of State and Federal agency resource professionals to effect fundamental change in the way their agencies conduct the public's business. Informing the administration, Congress, state officials, media and the public about substantive environmental issues of concern to PEER members is one of PEER's core objectives.

3. Public employees are a unique force working for environmental enforcement. In the ever-changing tide of political leadership, these front-line employees stand as defenders of the public interest within their agencies and as the first line of defense against the exploitation and pollution of our environment. Their unmatched technical knowledge, long-term service and proven experiences make these professionals a credible voice for meaningful reform, and important contributors to our bank of ecological awareness.

4. PEER has field offices operating in several states, and the national capital network continues to grow at a rapid pace. PEER's California field office opened in May of 1998 to work with state and federal environmental employees. California PEER has several hundred members, the largest of any PEER state membership.

5. I have served as California Field Office Coordinator since January 2000. In my capacity as Field Office Coordinator my duties include serving as a public outlet to concerns by state and federal resource professionals, who are unable to voice those concerns personally without jeopardizing their employment. I have a longstanding history working on Sierra Nevada forestry issues, both prior to and during my tenure as PEER's California Coordinator, including

years of involvement in the development of the January 2001 Sierra Nevada Forest Plan Amendment (the “2001 Framework”), off-road vehicle management, timber sales and fuels projects. PEER’s involvement in the development of the 2001 Framework furthered its commitment to ensuring that America’s public resources are responsibly managed, and that PEER members’ environmental concerns are heard.

6. PEER’s California Field Office is located directly adjacent to the Eldorado National Forest, one of the Sierra Nevada forests affected by the 2001 Framework and the 2004 proposed amendments to the 2001 Framework (the “2004 Framework”). I live just outside Georgetown, one of the communities purportedly to be protected by the 2001 and 2004 Frameworks, and have lived here for over 20 years. I own 20 acres of prime timber-growing land adjacent to the Eldorado National Forest, and am intimately familiar with fire and fuels as they affect forests. On my own land, I have concentrated on removing brush and thinning smaller trees, and have first-hand knowledge of the resilience of larger trees to fire.

7. I have seen the results of fuels reduction projects, both positive and negative and believe I have sufficient experience and firsthand knowledge to recognize the difference. My many conversations with Forest Service employees confirm my own experiences regarding the fire resiliency of large trees. As a Sierra Nevada resident and occupant of PEER’s California Field Office, I fear that the 2004 Framework places my home and office at greater fire risk rather than less. I believe that the 2001 Framework offered maximum fire protection while still protecting wildlife habitat.

8. As a representative of PEER, I have spent hundreds of hours in Sierra Nevada Forests observing wildlife, participating in the design of wildlife studies and working to obtain grant money from various agencies for wildlife studies. These include studies on spotted owls,

Pacific fisher and American marten, mule deer, as well as vertebrate assemblages and programmatic monitoring to determine impacts on species variety and density. I have helped to organize several outings in the Sierra Nevada for diverse interests to observe wildlife for purposes of scientific study. I once sat in a tiny, cramped blind for 4 hours observing a Northern goshawk nest. These activities were undertaken in support of the interests of wildlife and the biologists who seek to protect them.

9. Individual PEER members use the 11 California National Forests affected by the 2004 Framework for a variety of activities that are adversely affected by the type of logging proposed by the 2004 Framework. For example, PEER members engage in hiking, camping, bird watching, fishing, botany and wildlife observation. Our members have spent cumulatively thousands of hours enjoying and/or working in Sierra forests. The logging proposed by the 2004 Framework would change the character of the forests in which our members recreate from diverse landscapes filled with a variety of wildlife, large trees, shaded trails and clean streams, to sterile landscapes devoid of large trees or the wildlife that depends on them. Because forest-related recreation is largely based on the enjoyment of vegetation and wildlife, PEER's members' recreation would be negatively impacted.

10. In addition, many members are resource professionals who have dedicated their lives to ensuring that wildlife species are protected throughout their ranges in the Sierra Nevada. Many of the species about which these resource professionals are concerned are species dependent on late seral stage forests. The logging of larger trees that will take place under the 2004 Framework threatens the viability of species such as the Pacific fisher, American marten and California spotted owls. These members describe the 2004 Framework as implementing a known impact to late seral stage dependent wildlife species, based on a highly speculative

assumption that removal of large trees reduces fire risk to that same habitat. There is also concern that these timber sales will result in the spread and/or introduction of noxious weeds.

11. The interests of these PEER members will be seriously damaged if the 2004 Framework is allowed to be implemented.

12. Because the 2004 Framework, in order to accomplish its stated goal of fire prevention, would necessitate the constant elimination of brush and low-growing vegetation, browse and cover species that provide habitat for early-successional species would be impacted, as well as habitat for late seral species. This would have a negative impact on the entire range of Sierra Nevada wildlife and damage the interests of our members and staff who dedicate their lives to the protection of wildlife and wildlife habitat.

13. The 2001 Sierra Nevada Framework afforded more substantial protections against the elimination of large trees than the proposed 2004 Framework. Invalidating that 2001 Framework, as the California Forestry Association seeks to do in this case, would cause an increase in logging and destruction of wildlife habitat. The elimination of the 2001 Framework's restrictions on the destruction of wildlife, vegetation, and wildlife habitat would harm PEER members' interests even more severely than the 2004 Framework. As I explained above, PEER members participate in forest-related recreation, and their enjoyment of those activities would be reduced if vegetation and wildlife are less plentiful. Lifting the 2001 Framework's limits on logging would also threaten the viability of wildlife species to whose protection many PEER members are committed. Increased logging and destruction of growth would also harm the habitat of certain wildlife species, thereby harming the interests of the PEER members and staff who have dedicated their lives to protecting wildlife and wildlife habitat.

14. Since PEER's purpose is to help our members succeed with their own mission of protecting public trust resources, implementation of the 2004 Framework would significantly damage our organization, as it would prevent our members from meeting those responsibilities. In addition, many Forest Service employees who are PEER members are damaged as a result of what they call their "professional embarrassment" by their association with a plan that has little or no scientific justification.

15. PEER had a significant role in the development of the 2001 Framework. PEER members include resource professionals involved in the development of 2001 Framework. I personally attended public meetings held by the Forest Service to hear public testimony on the 2001 Framework.

16. Forest Service employees and PEER members tell me that the Regional Forester had an "open door policy" towards timber industry representatives during the re-writing of the 2001 Framework (to create the 2004 Framework), while environmental interests were allowed a single, two-hour meeting to discuss the changes.

17. Because there were no meetings at which public comment was solicited regarding the 2004 amendments — and PEER was not invited to any of the private meetings the Regional Forester had regarding changes to the plan — I had virtually no opportunity to comment on those changes until the 2004 Framework was adopted. I did attend an informational workshop in Amador County held by a Congressional Natural Resources sub-committee, at which there was a discussion of the plan. That discussion was dominated by Congressmen Doolittle and Pombo, who attacked the plan as not allowing sufficient logging. No public testimony was taken.

18. PEER participated in the administrative appeal of the 2004 Framework along with other environmental organizations. That appeal raised numerous issues, including how the

increased logging allowed under the 2004 Framework would adversely affect old forests in the Sierra Nevada, including harming many sensitive species such as the California spotted owl, Pacific fisher and American marten. On November 18, 2004, the Chief denied PEER's administrative appeal in all respects. On December 28, 2004, which is after the California Forestry Association filed its initial complaint in this lawsuit, the Under Secretary of Agriculture (Defendant Rey), announced that he would undertake a discretionary review of the 2004 Framework Record of Decision pursuant to 36 C.F.R. § 217.17. Defendant Rey did not overturn the 2004 Framework Record of Decision within the prescribed time period for concluding his discretionary review.

19. The 2004 Framework substantially weakens the 2001 Framework's protection for old forests and associated species. Compared to the 2001 Framework, the 2004 Framework allows larger trees to be logged (up to 30" diameter in most land allocations) and allows greater reductions in canopy cover (to 40 percent and less in spotted owl habitat). The 2004 Framework eliminates all the legally binding standards and guidelines that were included in the 2001 Framework to protect "old forest emphasis areas" and spotted owl "home range core areas," and allows such areas to be logged pursuant to the weaker guidelines for general forest areas. Leading scientists, including researchers on the California spotted owl, Pacific fisher and American marten, submitted comments criticizing the 2004 Framework and concluding that implementation of the new plan is likely to reduce the population viability of these species and to contribute to the need for their listing under the Endangered Species Act.

20. It is also my understanding that internal Forest Service reviews were also highly critical of the 2004 Framework. Forest Service employees tell me that the data on which the Plan Amendment is based were misused. The Regional Forester's assertion that the 2001

Framework was not workable is untrue; in fact, some forests were beginning to implement it. The real objection of the Administration to the 2001 Framework was that it was too expensive, and the 2004 Framework overcomes those objections by allowing the cutting of larger, more marketable trees, despite the long-term impact to wildlife. I know of resource professionals who were either removed from the team because they would not agree with the need to cut larger trees, or who left the team on their own accord to preserve their own scientific integrity. Forest Service employees describe the Regional Forester as "vindictive" in his treatment of such employees. One such former Forest Service employee and PEER member now finds potential contract employers are being told not to hire him.

I hereby declare under penalty of perjury that the foregoing is true and correct. Executed in Sacramento, California, this 16th day of February, 2005.

*Karen Schambach*

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