

Christopher D. Boyd
Prosecuting Attorney
Adams County Prosecutor's Office
P.O. Box 604
Council, ID 83612
Telephone: (208) 253-4141
Fax: (208) 498-9721
cboyd@co.adams.id.us

Lawson E. Fite (Ore. Bar #055573), *Pro Hac Vice Pending*
American Forest Resource Council
700 N.E. Multnomah, Suite 320
Portland, Oregon 97232
Telephone: (503) 222-9505
Fax: (503) 222-3255
lfite@amforest.org

Attorneys for Proposed Defendant-Intervenors

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO
SOUTHERN DIVISION

ALLIANCE FOR THE WILD ROCKIES; *et al.*,

Plaintiffs,

v.

UNITED STATES FOREST SERVICE, *et al.*,

Defendants,

and

ADAMS COUNTY, a political subdivision of the State of Idaho, and PAYETTE FOREST COALITION, an unincorporated Idaho association,

Proposed Defendant-Intervenors.

No. 1:19-cv-00445-BLW

DECLARATION OF JOHN ROBISON

I, John Robison, declare:

1. I make this declaration based on my personal knowledge. I am over the age of 18, and if called as a witness, could and would competently testify as follows.

2. I am employed as the Public Lands Director for Idaho Conservation League (ICL). I am a graduate of Bowdoin College, where I earned a BA in Biology; the Teton Science School's year-long Professional Residency in Environmental Education; and the University of Vermont's Field Naturalist Program where I earned a MS in Botany.

3. ICL is a member of the Payette Forest Coalition (PFC) and I serve on the Coalition as ICL's representative.

4. ICL is Idaho's largest state-based non-profit conservation organization. ICL works to protect Idaho's clean water, wilderness and quality of life.

5. ICL actively participates in six different collaborative efforts in Idaho focused on designing forest and watershed restoration projects. One of the common goals for these collaboratives is to help develop and support restoration projects that make forests and watersheds more resistant to disturbance events such as uncharacteristic wildfires and more resilient in recovering from such disturbance events. The collaboratives largely focus on issues and areas within a "zone of agreement" where diverse interests have found common ground. Participants agree that decades of fire suppression, past timber harvests focused on removing large trees and overly dense road networks have decreased the overall health of forests and watersheds as compared to the preferred forest health conditions exhibited by forest units that experience fewer human impacts. This zone of agreement is a set of shared principles that build trust and allow collaborative participants to interact productively together despite their differing interests. Collaborative groups are one way ICL works to build bridges with local communities

and businesses, other conservation groups and partners in state and federal agencies, as we look for partnerships to restore Idaho's forests and watersheds.

6. The purpose of this declaration is to give background to the Court on why ICL is part of the Payette Forest Coalition and supports the Lost Creek Boulder Creek project. In my view, the PFC has all the elements of a successful collaborative process.

7. When I first started at ICL 18 years ago, we were in the waning days of the timber wars over old growth clearcuts and the like. Changing economics and improving environmental safeguards in the 2000s, including the issuance of the Idaho Roadless Rule, largely stopped the logging of old growth in remote Idaho areas.

8. While changes in economics, public pressure and public policy reduced the amount of new old growth logging, there was still a significant need to repair past damages. For example, the Forest Service was left with a backlog of legacy issues such as high densities of roads that continue to bleed sediment into streams and culverts that block fish passage.

9. At the same time, the Forest Service's decades-long direction to suppress all fires led to higher densities than normal of brush and small trees in lower elevation forests, which were historically adapted to high frequency, low intensity fires which cleared away shrubs and smaller trees. When these unnaturally dense forests eventually burn, the intensity, severity and scale can be uncharacteristic and have adverse ecological effects on the remaining large legacy trees and on watersheds. This video presentation by wildfire expert Paul Hessberg provides a general overview of the issue: <https://www.youtube.com/watch?v=edDZNkm8Mas>.

10. Some timber mills tried to adapt by upgrading their equipment to process the small- and medium-sized trees, in a way they could profitably continue to log in the roaded front country without cutting pristine areas. Despite this shift, the Forest Service still lagged in putting

forward proposals on a meaningful economic or ecological scale to address watershed conditions, reduce unnatural fuel loads in previously logged areas and provide employment opportunities in a new “restoration” economy.

11. Over the last decade, various collaborative groups formed in different parts of the West to try to figure out a zone of agreement for forest restoration projects that have meaningful ecological, economic and social benefits and that avoid the mistakes of the past. The idea is that conservationists, loggers and other stakeholders work together to make joint recommendations to the Forest Service, in order to get the Forest Service started off on the right foot and help the agency avoid pitfalls. As a result, the Forest Service wouldn't be forced to sell, fix or defend a finalized project without sufficient stakeholders support. Instead, the project would have meaningful ecological, economic and social benefits with support from a broad range of stakeholders.

12. The PFC formed in 2009 and decided to focus on five main issues: wildfire (return fire to the landscape as an ecosystem process while improving the ability to manage wildfire and protect surrounding communities); wildlife (improve habitat for terrestrial and aquatic species, as appropriate by need); watersheds (improve water quality and watershed health); recreation (enhance the road and trail network to support access for resource management, outdoor recreation, and public safety); and restoration economics (recommend actions which are financially responsible and contribute to the economic vitality of adjacent communities). Typically when the PFC supports a project, no single set of stakeholders gets everything they want, but the outcome on the ground is much better than any one interest could accomplish by itself.

13. To date, the Payette National Forest has signed three Records of Decision on landscape-sized integrated restoration projects with the active engagement of the Payette Forest Coalition. Mill Creek-Council Mountain was the first decision signed. Mill Creek-Council Mountain and the third decision, Middle Fork Weiser River, received objections but these objections were resolved or dismissed and no litigation was filed. Lost Creek-Boulder Creek was the second project and has been litigated.

14. The members of the Payette Forest Coalition have shared goals, including healthy watersheds where problematic roads have been resurfaced or relocated, culverts are right-sized to allow for aquatic organism passage, and the remaining large trees are no longer surrounded by dense thickets of unnatural ladder fuels. In a departure from historic logging practices, the small and medium sized trees are targeted for non-commercial and commercial harvest and the larger diameter trees are retained, because of their ecological significance. I was on a PFC field trip to the Fourth Rock timber sale that was a component of the Lost Creek-Boulder Creek Project. Trees were already marked as “take” or “leave” trees. I recall seeing several small Grand fir trees surrounding a large diameter Douglas fir tree. I was pleased to see the ladder trees were marked for removal and the Doug fir was marked as a “leave” tree, exactly as I would have done had I been on the marking crew.

15. The winning argument in the plaintiffs’ first lawsuit was that the Lost Creek-Boulder Creek Project improperly focused on restoration activities that allowed for more natural wildfires (MPC 5.1) instead of following the Forest Plan and generating greater economic returns with more traditional logging practices targeting these larger trees (MPC 5.2). I don’t really believe that the plaintiffs were truly seeking a return to old-school logging practices. Historically, timber sales were not ecologically-informed and often had negative consequences

on wildlife and watersheds. Environmental advocacy organizations, including ICL in some cases, successfully advocated (and litigated), to stop these ecologically unsustainable forest timber sales. The plaintiffs in this case are apparently viewing the Lost Creek-Boulder Creek Project through a similar historic lens even though the work proposed is quite different from my perspective. By making the argument that the Forest Service wasn't following the Forest Plan to focus on the removal of large diameter trees in areas where the Plan emphasizes timber production then the entire project would be stopped, including the commercial timber harvest component they are concerned about. This strategy worked when the Ninth Circuit court enjoined the project based on this apparent management inconsistency.

16. At some point, a wildfire is going to burn in these already disturbed and previously logged areas whether the project is implemented or not. My belief is that with the authorized thinning, prescribed burning, and road decommissioning, the burned forest will look very much as it should: a mosaic of large surviving trees with fire scars at the base along with patches of dead trees that make good homes for wildlife, and streams that receive a flush of nutrients, fresh woody debris and new spawning gravel to form good fish habitat.

17. Without the thinning, prescribed burning and road decommissioning, there will be an increased likelihood of a higher intensity fire than would naturally be found, with corresponding increases of tree mortality, including the loss of more of the old growth trees that could have otherwise survived. Higher fire intensity will cause more damage to the forest canopy and soils. And, higher road densities will lead to more blowouts and mass wasting events than would naturally occur, increasing sedimentation of streams on a larger area. Instead of one or two drainages being affected as could occur with a more natural mosaic burn, large numbers of drainages could experience debris flow events and some local populations of bull trout could be

extirpated. Without properly sized culverts, surviving bull trout won't be able to recolonize streams once they recover. While trees will eventually grow back, some of the remaining unique components of the ecosystem (legacy trees, white headed woodpeckers, bull trout) might be lost for a very long time. This is why I agree that there is a strong argument for doing some thoughtful active restoration in the area (including commercial thinning and prescribed burning) rather than a passive restoration approach that would not address the fundamental ecological issues.

18. If the Forest Service were proposing a project with temporary road construction and commercial logging in an Inventoried Roadless Area where the forest and watershed health were already in proper functioning condition, where the Forest Plan had placed an emphasis on passive restoration and maintenance, where forest health and community protection issues could be managed with prescribed fire or wildland fire use, I would not be supportive of such a project.

19. Another formative experience for me was seeing the effects of the 2018 Mesa Fire in areas that had been treated and untreated as part of the Mill Creek-Council Mountain Project which was the first project the PFC worked on. The Mesa Fire started on private property in extreme fire conditions. When the Mesa Fire first hit the National Forest boundary, it was a high intensity, high severity fire with 100% tree mortality. The needles of the trees were not incinerated but were "frozen" in place, indicating the direction of strong winds blowing the flame front. I was expecting that the first stop was just a glimpse of things to come and that the farther uphill we went, the fire severity and intensity would increase, as is most often the case. I was surprised to see how the thinning and prescribed fires helped diffuse the fire's energy and the result was a more ecologically appropriate mosaic of high, medium, low severity burns, along with patches that remained unburned. In retrospect, additional prescribed burning would have

been beneficial, but the overall outcome on the landscape was successful in achieving both restoration goals, economic, environmental and other collaborative goals. The PFC is applying some of the lessons learned from the Mesa Fire and the Mill Creek-Council Mountain Project to future projects.

20. Collaboratives sometimes are the target of criticism from the extremes on the spectrum of public opinion and the PFC is no exception. I have heard criticisms from advocates who are opposed to all commercial logging. I have also heard criticism from the opposing viewpoint, i.e. stakeholders who oppose any road closures for any reason. There are also advocates who encourage state seizure, transfer and/or privatization of public lands, including National Forests, who appear to feel that successful collaborative efforts undermine their arguments.

21. I recognize that not everyone has the capacity to participate in collaboratives and that these groups are not intended to replace important public processes. These are public lands and the Forest Service still has to follow the full National Environmental Policy Act, seek out public participation and respond to comments from all stakeholders. But we believe that under the right circumstances, working collaboratively can lead to better results for all stakeholders and help the Forest Service craft better proposals, and will result in improved public land management, which will benefit everyone, including the forest itself.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3rd day of April, 2020 at Boise, Idaho.

A handwritten signature in black ink, reading "John Robison". The signature is written in a cursive style with a large, looping initial "J".

JOHN ROBISON