

**Hells Canyon Preservation Council,
Oregon Chapter Sierra Club, &
League Of Wilderness Defenders – Blue Mountains Biodiversity Project**

**Appeal of the
Umatilla National Forest
Walla Walla Ranger District
Cobbler Timber Sale and Fuels Reduction Project**

**Appeal Exhibits A and C-I through C-V
July 2, 2009**

Appeal Deciding Officer,
Mary Wagner, Regional Forester,
USDA Forest Service,
ATTN: Appeals Office,

This notice is being sent via electronic e-mail as a courtesy, as postal mail timelines can be lengthy. The above listed Appellant organizations are sending these two revised Appeal Exhibits (Exhibit A and Exhibit C, I through V) via certified return receipt post mail (on July 6, 2009) to add to our Appeal and Appeal Exhibits of the Cobbler Timber Sale and Fuels Reduction Project, Walla Walla Ranger District, Umatilla National Forest. The full appeal text and appeal exhibit cover sheet of which was sent electronically on July 2, 2009, and also sent in full that same day via certified return receipt postal mail as a paper copy along with appeal exhibits of photos, surveys, science, and legal exhibits in a mix of CDs and paper copies. Due to computer technical problems, the two CDs sent via postal mail on July 2 may not have all appellant exhibits. As such we have revised and reformatted the two CD exhibits, and are sending these before the legal close of the appeal period via certified return receipt mail, July 6, 2009 (as the appeal period ended during the holiday weekend, close of the next business day is the legal appeal period deadline). As stated at the conclusion of our appeal, Appellant organizations look forward to discussing our significant appeal issues, including the exhibits which augment the appeal documentation of the many substantive ecological, scientific, and legal issues with the Cobbler Timber Sale and Fuels Reduction Project (Cobbler Project). If you've any questions or clarifications, please contact us directly, thank you.

Sincerely,
For the Natural Heritage of Us All,

A handwritten signature in black ink that reads "Asante Riverwind". The signature is written in a cursive style and is positioned above a horizontal line.

Asante Riverwind, Eastern Forest Organizer
Oregon Chapter Sierra Club
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and for:



Karen Coulter, Director
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And for:



s/ Jennifer R. Schwartz
Staff Attorney/Campaign Director
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**Appeal of the
Umatilla National Forest
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**Appeal Exhibits (sent July 2, 2009)
& Revised Exhibits (sent July 6, 2009)**

Exhibit A: Photos from surveys of the Cobbler Project units and surrounding forest areas, sent as a group of 6 photo CDs. An additional revised Exhibit A photo CD was sent July 6, 2009, to be added to the previously sent Exhibit A CDs (sent via certified return receipt mail on July 2, 2009).

Exhibit B: Completed survey forms of Cobbler Project units and surrounding area forests (sent as paper copies via certified return receipt mail on July 2, 2009).

Exhibit C: a CD compilation of applicable scientific research, reports, judicial caselaw, and conservation issues; the revised CD sent July 6, 2009 contains all CD Exhibit C files (C-I through C-V), and can augment or replace the previously sent CD if files therein are missing (which were sent via certified return receipt mail on July 2, 2009):

Exhibit C I: CD compilation of applicable scientific research, reports, judicial caselaw, and conservation issues:

I. Fire Thinning Science Volume I *Contents:*

1. Effects of Fire and Post-fire Salvage Logging on Avian Communities in Conifer-dominated Forests of the Western United States (Kotliar, 2002)
2. Fire on the Mountain: Birds and Burns in the Rocky Mountains (Kotliar, 2005).
The collective influence of fire and human activities on the landscape influences avian community structure and dynamics.
3. The Effects of Postfire Salvage Logging on Cavity-Nesting Birds (Hutto & Gallo, 2006).
4. Appeal from the United States District Court: Appeal the district court's denial of preliminary injunction to halt the implementation of several United States Forest Service post-fire logging sales in the Umatilla National Forest.

5. Fire, Fuels and restoration of ponderosa pine-Douglas fir forests in the Rocky Mountains, USA (Baker et al, 2005).
A restoration model based on low-severity fire modeling, focusing on thinning and prescribed burning to restore historical forest structure.
6. Be careful what you wish for: the legacy of Smokey Bear (Donovan & Brown, 2007).
An alternate approach to wildfire management.
7. Postfire management on forested public lands on the western United States (Beschta et al, 2004).
8. Overstory and understory development in thinned and under-planted Oregon Coast Range Douglas fir stands. (Chan, et al, 2006).
9. Postfire logging hinders regeneration and increases fire risk (Donato, et al, 2006)
10. Postfire logging hinders regeneration and increases fire risk (Donato, et al, 2006)
11. Postfire impacts on forests and wildlife (Hutto, 2005)
12. Executive Summary: Interim protection for late successional forests, fisheries and watersheds (1993).
13. Study: Reforestation rich after fires: looking at the aftermath of wildfires in the forests of southwestern Oregon and Northern California (Barnard, 2007).
14. Fire regime considerations: Key issues in fire regime research for fuels management and ecological restoration (Veblen, 2003).
15. Forest Dreams, forest nightmares: An ecological and economic look at the Blue Mountains and the changes that have taken place since settlement (Langdon, 1995).
16. Preemptive and salvage harvesting of New England forests: When doing nothing is a viable alternative, (Foster & Orwig, 2006).
17. Changes in downed woody material and forest structures after prescribed fire in ponderosa pine forests, analyze changes in downed woody material and forest structure (trees and snags) measured within one year after prescribed fire treatments completed in Arizona and New Mexico in order to see effects on wildlife populations and their habitat (Saab).

18. Toward meaningful snag-management guidelines for postfire salvage logging in North American conifer forests. Effects of postfire logging on black-backed woodpecker and cavity nesting birds (Hutto, 2006).
19. Birds in the black: *Through following avian wildlife, a UM scientist has discovered that burned forests play a critical role in the health and diversity of the Western landscape* (Jamison, 2005).
20. Research Article: A landscape model quantifies error in reconstructing fire history from scars. *Errors in reconstruction may lead to a misunderstanding of the role of fire or incorrect restoration prescriptions. Here, a stochastic landscape model is used to quantitatively assess the accuracy of a commonly used statistic* (2005).
21. Logging to control insects: The science and myths behind managing forest insect “pests”. (Black, the Xerces Society for Invertebrate Conservation, Portland, Oregon, 2005).
22. Neo-tropical migrant and native birds: The impacts of timber logging on neo-tropical migrant and native birds.
23. Fire severity in conifer forests of the Sierra Nevada, California (Odion & Hanson, 2006).
A study of both spatial and temporal patterns of contemporary fires in the Sierra Nevada Mountains, California and how they are linked to species diversity.
24. Fire ecology of Ponderosa Pine and the rebuilding of fire-resilient Ponderosa Pine Ecosystems (Fitzgerald, 2005).
25. Research Proposal: Post fire management of snag forest habitat in the Sierra Nevada, (Hanson, 2006).
Investigation of the association of three woodpecker species with four habitat strata following fire in the Sierra Nevada, assessment whether one species in particular, the Black-backed Woodpecker, may generally be restricted to forest recently burned at high severity (“snag forest habitat”). Also investigates the factors that best explain post-fire conifer mortality, and thus the creation of snag forest habitat, as well as the extent

of natural conifer regeneration in snag forest patches that are left unmanaged following severe fire.

26. Scorched forests best left alone, study finds. Biscuit salvage – Logging after the fire killed seedlings and added tinder, research by an OSU-led team says. (Milstein, 2006, Oregonian).
27. Summary Report – Winter habitat use by Spotted Owls on BLM within the boundaries of the Timbered Rock fire (Andrews & Anthony, OCFWRU, DFW, OSU, 2004).
28. Short-term effects of wildfires on spotted owl survival, site fidelity, mate fidelity, and reproductive success (Bond et al, 2002).
29. Associations between forest fire and Mexican Spotted Owls, (Jennes et al, 2004).
30. Stress (Waring, OSU, 2004)

A brief analysis of the kinds of tolerance and avoidance mechanisms that trees evolved to withstand specific stresses.
31. Studies to find danger to forests in thinning without burning (Robbins, New York Times, 2006).

Missoula, Montana – Thinning forests without also burning accumulated brush and deadwood may increase forest fire damage rather than reduce it, researchers at the Forest Service reported in two recent studies.
32. Thinning and nitrogen fertilization in a Grand Fir stand infested with Western Spruce Budworm. Part IV: An ecosystem management perspective (Waring, 1992).

Allowing pine forests to be replaced with fir through fire protection and selective logging has increased the nitrogen demand beyond that readily supplied in the ponderosa pine/true fir type. Fertilizing with one application of nitrogen at the time of an insect outbreak may reduce mortality and associated fire hazard through a period of up to 5 years.
33. United States Court of Appeals – Oregon Natural Resources vs. Timber Products.
34. Assessment of site index and forest growth capacity across the Pacific and Inland Northwest U.S.A. with a MODIS satellite-derived vegetation index (Waring et al, 2006).

Foresters, scientists, and policy makers would benefit if region-wide maps of potential forest productivity were available at decadal intervals to record changes, seek causes, and plan for the future.

35. The watershed impacts of forest treatments to reduce fuels and modify fire behavior (Rhodes, 2007). (Pacific Rivers Council)

This report examines the effects on watersheds and aquatic resources from forest fuel reduction treatments aimed at modifying wildland fire behavior on public lands.

Exhibit C II: Fire & Forest Science Vol. II Contents:

- Wildfire Charcoal and Soil Processes, Thomas H. DeLuca et al
- Contributions of Pinus Ponderosa Charcoal to Soil Chemical and Physical Properties, Christopher M. Briggs in Briggs, Breiner, Graham, 9 May 2005.
- Chemical composition of forest floor and consequences for nutrient availability after wildfire and harvesting in the boreal forest, E. Thiffault¹, K. D. Hannam², S. A. Quideau², D. Paré¹, N. Bélanger³, S.-W. Oh⁴ and A. D. Munson⁵, March 2008.
- Nitrogen mineralization and phenol accumulation along a fire chronosequence in northern Sweden, Zhanna Yermakov^{1,2} and David E. Rothstein¹, May 2006.
- Changes in understory composition following catastrophic windthrow and salvage logging in a subalpine forest ecosystem, Cristina M. Rumbaitis del Rio, 2006
- Contributions of Pinus Ponderosa Charcoal to Soil Chemical and Physical Properties, Christopher Briggs, 2005.
- Biochar: A Soil Amendment that Combats Global Warming and Improves Agricultural Sustainability and Environmental Impacts, recent report compilation of scientific research.
- Communication on BioChar and its implications for forest and societal management, and role in ongoing climatic change.
- Biogeochemical Consequences of Wind and Salvage Logging Disturbances in a Spruce-Fir Forest Ecosystem, C.M. Rumbaitis-del Rio and C.A. Wessman.
- And Several Additional New Studies also....

Exhibit C III: Neotropical Migrant & Native Birds research.

Exhibit C IV: “Forests, Fires, Resilience & Restoration” Sierra Club Presentation.

Exhibit C V: Forest Ecological Science and Legal. Vol. III

- Obama Order on Scientific Integrity (also within the text of the appeal);
- Avifaunal Response to Fire..., N. Kotliar et al, 2007;
- Oregon Biodiversity in a Changing Climate, J. Lawler et al, 2008;
- Public land, timber harvests, and climate mitigation: quantifying carbon sequestration potential on US public timberlands, Depro et al, 2007;
- Testimony before the House Subcommittee on National Parks, Forests, and Public Lands... M. Harmon PhD, March 3, 2009;
- Forest fuel reduction alters fire severity and long term carbon storage in three Pacific Northwest ecosystems. S. Mitchell, M. Harmon, K. O’Connell;
- 50 Year Trend in June Temperature, 1951-2006, E. OR, E. CA, ID, S.W. MT, NV, UT, W. WY;
- Olympic Forest Coalition vs. USFS, Case #CO7-5344 RBL, 5-09-08;
- Impacts of timber harvesting on organic matter..., M.F. Jurgensen, 1996;
- Citizens for Better Forestry et al vs. USDA et al, Case # C 08-1927 CW, 6-30-09;
- Surveying the NEPA and the Emerging Issues of Climate Change,...., J. Mendelson III;
- Court Rulings on Climate Change...;
- Fire Ecology in Rocky Mountain Landscapes, W. Baker 2009;
- Historical and Anticipated Changes in Forest Ecosystems of the Inland West of the US, W. Covington et al, 1994;
- Aspen Regeneration in the Blue Mountains of NE Oregon, D. Shirley & V. Erickson, 2001;
- Mountain Pine Beetle Issues in the Western US, G. Wuerthner, 2009;
- Implementation of National Fire Plan Treatments Near the Wildland Urban Interface in the Western US, T. Schoennagel et al, 2009;
- Beetle Infested Forests Are Not “Destroyed”, M. Rocca & W. Romme, 2009;
- Changes in Native and Non-Native Fish Assemblages and Habitat Following Wildfire (MT), C. Sestrich, 2005;
- The European Spruce Bark Beetle – From Pest to Keystone Species, J. Muller et al, 2007;
- Bark Beetle Outbreaks and Regeneration, M. Jonasova & K. Prach, 2004;

Exhibit D: Cobbler Project unit map and map of inventoried roadless, wilderness, and Walla Walla District lands in and surrounding the Cobbler Project (sent as a paper copy via certified return receipt mail on July 2, 2009).