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6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 7 **IN AND FOR THE COUNTY OF MENDOCINO**

8 **GREENWOOD WATERSHED ASSOCIATION**

9 Petitioner,

10 vs.

11 **CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION, and**
 12 **DOES I thru X**

13 Respondents

14 **MENDOCINO REDWOOD COMPANY, and**
 15 **DOES XI thru XX**

16 Real Parties in Interest

Unlimited Civil

No. SC UK CVPT 0185331

11 **DECLARATION OF ALLEN COOPERRIDER IN SUPPORT OF**
 12 **MOTION FOR PRELIMINARY INJUNCTION**

Date: 6/1/2001
 Time: 9:30
 Dept. E

17 I, Allen Cooperrider, declare:

- 18 1. The facts stated in this declaration are of my own personal knowledge except those
 19 stated upon information and belief and as to those, I believe them to be true. If called upon to
 20 testify, I could and would competently testify thereto.
- 21 2. I am a resident and landowner near Comptche, California.
- 22 3. I have a Ph.D. in zoology from the College of Forestry at Syracuse University and have
 23 worked for over 30 years as a wildlife biologist, most recently for the U.S. Fish and Wildlife
 24 Service.

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1 4. I am author, co-author, or contributor to several books on wildlife and wildlife habitat,
2 including an upcoming book on redwood forest ecology and management.

3 5. I am a Certified Wildlife Biologist under the program of the Wildlife Society, the
4 society of wildlife professionals. I am a member of Friend of Daugherty Creek and Upper Big
5 River, which is affiliated with the Redwood Coast Watersheds Alliance.

6 6. As a consultant, I reviewed the terrestrial wildlife portion of the proposed Sustained
7 Yield Plans (SYPs) for Louisiana Pacific (LP) in northern California. Mendocino Redwood
8 Company (MRC) purchased the LP ownership in Mendocino County in 1998, consisting of
9 approximately 220,000 acres (about 20% of the forested acreage in the county) including the
10 Greenwood Creek watershed, which contains the THP 357 area.

11 7. I have walked areas of the Greenwood Creek watershed and other forests in MRC
12 ownership on invited visits with LP and MRC. I have reviewed THP 357 and associated
13 documents.

14 8. ~~These~~ These forest lands have been overlogged by a succession of owners over many decades,
15 with consequent severe degradation of fish and wildlife habitat, and loss of biodiversity. In my
16 professional opinion, the cumulative impacts assessment of THP 357 is seriously flawed. It
17 contains serious errors, omissions and misleading statements regarding species federally listed
18 as threatened with extinction.

19 9. The most obvious instance of misleading information is old surveys presented in the
20 THP claiming to show that no Coho are present in Greenwood Creek (AR p. 58-59). The
21 public presented stronger and more recent evidence that Coho are present, to which CDF
22 responded in the Official Responses (OR) by citing and discussing recent, year 2000 fish
23 survey data that the logging company had provided to CDF after the close of the public
24 comment period. (AR p. 335).

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1 10. ~~L.P.~~ Sustained Yield Plan, WWA 84-Greenwood Creek states the following: "Coho
 2 Salmon are known to reside in the streams of WWA 84, where L-P has established 6 fish
 3 distribution sampling sites (Map 8). The literature review conducted for the SYP yielded
 4 information indicating that coho populations are present within the Upper and Lower
 5 Greenwood Creek planning watersheds" (SYP 95-003, WWA 84, 2.1.4 Fisheries p. 8)
 6 The forester ignores this and three other sources that are positive for coho salmon, and that
 7 were cited by the public in public comment letters.

8 11. Similarly, CDF permitted the forester to assert the non-presence of northern spotted
 9 owls, marbled murrelets, raptors and other bird, fish, amphibian or terrestrial species that will
 10 be impacted by the proposed logging--all with inadequate information and almost no survey
 11 data. In the OR CDF asserts that some of these surveys will be done in the future and argues
 12 for the lack of necessity of others. (AR 338-342)

13 12. An additional fundamental flaw in THP 357 is the failure of the cumulative impact
 14 assessment to assess the incremental impacts of multiple logging plans over time in the
 15 Greenwood Creek Watershed. The description of future plans in the THP is devoid of details
 16 necessary to assess potential effects. MRC abandoned its watershed specific Sustained Yield
 17 Plan process for the general, speculative ownership wide projections of an Option A document.
 18 With no details on future plans, it is not possible to conduct valid and meaningful cumulative
 19 impacts analysis.

20 13. Another serious flaw of cumulative impacts analysis is the failure to discuss the benefits
 21 of extensive fish habitat restoration work that was conducted in and near the THP area, by the
 22 local watershed group, in 1995-98. The alternatives analysis section of the THP fails to
 23 evaluate the alternative of delaying logging in this restoration project area until threatened
 24 species have had the opportunity to reestablish their populations. (AR 26-31).

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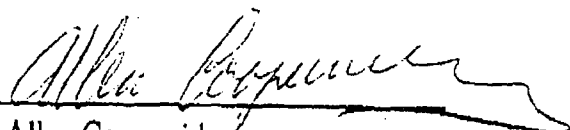
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1 14. The restoration work included efforts to reduce fine sediments in Greenwood Creek by
 2 reducing sources of erosion from dirt roads, repairing stream banks and installing a flatcar
 3 bridge over the main stem of Greenwood Creek to replace a failing culvert. Though the
 4 restoration work is not mentioned in THP 357, the restoration project bridge is located at Map
 5 point A at AR page 23, and other erosion control structures were installed on the logging haul
 6 road (between Map points A and B).

7 15. The THP proposes to use the restoration work site, the bridge and adjacent roads, for
 8 logging. The restoration work is not mentioned or discussed in the THP, nor is there any
 9 assessment of the relative benefits of the restoration work versus the potential harm of logging
 10 operations.

11 16. The marbled murrelet, northern spotted owl, and other threatened species, require
 12 dense, mature old growth redwood forest, containing big tall trees with thick branches for
 13 nesting habitat. Greenwood Creek and other forests in this county have been stripped of nearly
 14 all such habitat. The fundamental question is, as species such as the marbled murrelet near
 15 extinction, will we permit their ultimate demise to be treated as accomplished fact, and reduce
 16 the discussion to mere presence/absence--in which absence means less concern for habitat
 17 protection? Or will we enforce the laws that say these species can not be extinguished, and
 18 require more habitat protection and restoration?

19
 20 I declare under penalty of perjury that the foregoing is true and correct of my own knowledge
 21 and if called upon to do so, I would and could competently testify thereto, and that this
 22 declaration was executed this 2 day of ^{May}~~April~~, 2001, in Ukiah (town),
 23 California (state).

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 25 
 Allen Cooperrider

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