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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

**OREGON NATURAL RESOURCES
COUNCIL ACTION, OREGON NATURAL
RESOURCES COUNCIL FUND,
AMERICAN LANDS ALLIANCE, BARK,
and CASCADIA WILDLANDS PROJECT,**
Plaintiffs,

v.

UNITED STATES FOREST SERVICE, Ann
Veneman, Secretary, U.S. Department of
Agriculture, **RICHARD FERRARO,** Deputy
Regional Forester, U.S. Forest Service,
Defendants,

**STARFIRE LUMBER CO., ENGLE
INVESTORS, INC., and AMERICAN
FOREST RESOURCE COUNCIL,**

Defendant-Intervenors.

Civil No. 03-613-KI

**FEDERAL DEFENDANT'S
STATUS REPORT**

INTRODUCTION

By Order of this Court dated August 11, 2004, "The United States Forest Service is directed to file a Status Report by October 15, 2004." Docket 209.

The Federal Defendant had requested by motion filed August 4, 2004, as follows:

Pursuant to Federal Rule of Civil Procedure 6(b)(1) and Local Rule 7.1, Defendants hereby move for a stay of proceedings in the above-captioned action and a remand to the Forest Service to enable it to address various issues relating to allegations of new information submitted to the agency during its preparation of the Supplemental Environmental Assessments (SEAs) that Plaintiffs challenge by their pending summary judgment motion. *** [A] stay and attendant remand will furnish an opportunity for the Forest Service to consider the specific items of alleged new information raised during the public comment period on the draft SEAs as well as any other items of new information that may warrant consideration in light of the Court's recent clarification.

This Court granted the Federal Defendant's motion on August 12, 2004. Docket 209.

STATUS

The Forest Service is presently engaged in the process of investigating claims of "new information" since the decisions were made for the 5 projects that are the subject of this litigation — Solo, Borg, Pryor, Clark, and Straw Devil.

The investigation continues. The Forest Service intends to complete the investigation and prepare a final report on whether the "new information" is significant. If the final report is not completed within 60 days, the Forest Service will file another status report by December 15, 2004.

The status reported here is based on the attached Declarations of Mike Redmond on the Mt. Hood National Forest and Neal Forrester on the Willamette National Forest.

CONCLUSION

The Forest Service is investigating the claims of "new information" that may be relevant to these projects. The Federal Defendant will follow this report with another status report in 60 days, on or before December 15, 2004.

Dated this 15th day of October, 2004.

Respectfully submitted,

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Civil No. 03-613-KI

**DECLARATION OF
MIKE REDMOND**

I DECLARE PURSUANT TO 28 U.S.C §1746, AS FOLLOWS:

1. My name is Mike Redmond. I am the Environmental Coordinator on the Mt. Hood National Forest. I have been the Environmental Coordinator since 1991. I am familiar with preparation of the Solo and Borg Environmental Assessments and Supplemental Environmental Assessments (SEAs).

2. The Forest is using an interdisciplinary approach to investigate the claims of new information that were brought to the Forest Service in comments received by the Forest Service on the SEAs for Solo and Borg and in the Second Amended Complaint and Third Amended Complaint filed by Plaintiffs in this litigation.

3. The investigation began in late August 2004, and is presently ongoing. A review has been completed of all comments received on the Solo and Borg SEAs. Comments have been identified that allege "new information" that was not considered in the SEAs for these projects. A review has been completed of allegations of "new information" in the Second Amended Complaint and Third Amended Complaint.

4. There are no preliminary or interim reports. The Forest intends to complete the investigation, and prepare a final report including a determination whether the alleged "new information" is relevant and significant.

5. I declare under penalty of perjury that I believe the foregoing is true and correct. Dated this 15th day of October, 2004.

MIKE REDMOND
Environmental Coordinator
Mt. Hood National Forest
USDA Forest Service
Pacific Northwest Region

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Civil No. 03-613-KI

**DECLARATION OF
NEAL FORRESTER**

I DECLARE PURSUANT TO 28 U.S.C §1746, AS FOLLOWS:

1. My name is Neal Forrester. I am the Forest Planner and Environmental Coordinator on the Willamette National Forest. I have been the Forest Planner on the Willamette NF since 1988 and the Environmental Coordinator since 1998. I am familiar with preparation of the Clark, Straw Devil, and Pryor Environmental Assessments and Supplemental Environmental Assessments (SEAs).

2. The Forest is using an interdisciplinary approach to investigate the claims of new information that were brought to the Forest Service in comments received by the Forest Service on the SEAs for Pryor, Clark, and Straw Devil and in the Second Amended Complaint and Third Amended Complaint filed by Plaintiffs in this litigation.

3. The investigation began in late August 2004, and is presently ongoing. A review has been completed of all comments received on the Pryor, Clark, and Straw Devil SEAs. Comments have been identified that allege "new information" that was not considered in the SEAs for these projects. A review has been completed of allegations of "new information" in the Second Amended Complaint and Third Amended Complaint.

4. There are no preliminary or interim reports. The Forest intends to complete the investigation, and prepare a final report including a determination whether the alleged "new information" is relevant and significant.

5. I declare under penalty of perjury that I believe the foregoing is true and correct. Dated this 15th day of October, 2004.

NEAL FORRESTER
Forest Planner and Environmental Coordinator
Willamette National Forest
USDA Forest Service
Pacific Northwest Region

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have made service of the foregoing **FEDERAL DEFENDANT'S STATUS REPORT, DECLARATION OF MIKE REDMOND,** and **DECLARATION OF NEAL FORRESTER** on the parties to this action by causing a true copy to be sent via U.S. mail, enclosed in an envelope with postage pre-paid, at Portland, Oregon, this 15th day of October 2004, to each of the following counsel of record:

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