

# Desert Ramblings

the newsletter of the  
oregon  
Natural Desert  
association



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Volume 10, Number 1



MAITREYA

Snowdrapes the Pueblo Mountains and Cottonwood Canyon.

## ONDA wins grazing suit

*Judge: "Non-point" pollution must be regulated*

By Carrie Stilwell

In September, ONDA achieved a resounding victory for the desert and clean water in the federal District Court of Oregon when Judge Ancer L. Haggerty handed down a landmark decision under the federal Clean Water Act (CWA). As a result, the Forest Service can no longer issue grazing permits unless the rancher first obtains certification from the state that the grazing will not violate state water quality standards. Although the CWA has always required such certification for other sources of pollution on federal lands (such as dam construction), this is the first time a court has ruled that the law applies to cattle grazing and other "non-point" sources of pollution.

"This is a victory for state rights," said Mike Axline of the Western Environmental Law Center, which represented ONDA in the suit. "It gives the state a lot more leverage in places where grazing is going to cause problems."

### Background

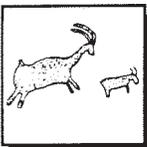
In 1994, ONDA, other conservation and fishing organizations, and the Confederated Tribes of Warm Springs sued the Forest Service for issuing a permit for the Camp Creek Grazing Allotment on the Malheur National Forest. The lawsuit alleged that the agency violated Sec. 401 of the CWA when it failed to require that the applicant for the permit (a local rancher in this case) obtain certification

## The fallout from Measure 38

*Clean Stream Initiative served as a catalyst for agreement to clean up polluted streams*

What a year! While the ramifications of Measure 38 have not fully unfolded, we can confidently say that despite losing at the polls, it was a huge success.

Our primary objective with the Measure 38 campaign was to move the issue of abusive livestock grazing and its impact on clean water and salmon to the front burner of Oregon politics. Prior to Measure 38, no significant progress on this issue had occurred in the State Legislature or in the courts, and the problem was unknown to most Oregonians.



### FROM THE OUTBACK

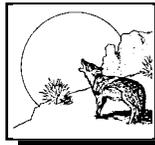
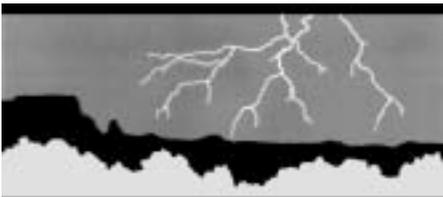
by Bill Marlett

Not only did we achieve our goal, we forced the livestock industry out of denial and moved Gov. Kitzhaber to persuade the Oregon

Cattlemen's Association and the Oregon Farm Bureau to back his alternative to Measure 38, the "Healthy Streams Partnership." If funded by the 1997 Legislature, the governor's plan will create 38 new watershed staff positions to prepare clean-up plans for Oregon's polluted streams, and provide \$15 million a year to help implement the plans—a big step in the right direction (see pg. 6-7 for details).

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# FROM THE DEN

by Alice Elshoff

## A winter 's pause

The desert now enters winter, the dormant season. On Steens Mountain and other lofty places, snow storms stockpile what will become spring snowmelt, vital waters that will feed the critical desert streams and basin lakes.

We too may rest, if only briefly, after a vigorous year of campaigning for Measure 38. Our thanks to the staff and numerous volunteers who put in countless hours. Your efforts pushed the grazing issue to the forefront of public awareness and fostered a climate which prompted an agreement between the governor and the livestock industry to clean up streams (see articles pg. 1 and 5).

Leaving our Board of Directors after years of dedicated service is **Lynn Premsehaar**. As our secretary, she not only kept up with the current duties, but found time to review ONDA's earliest, longhand minutes and type them into readable form. Her cheerful and dedicated presence will certainly be missed.

**Denzel Ferguson**, one of the esteemed elders of Oregon desert conservation, is stepping down from our Advisory Council. Denzel worked on the Measure 38 Campaign, speaking out, writing letters and serving as an inspiration to many. Thank you, Denzel. 



# ANNOUNCEMENTS

### Evening with Nature: An educational series

**JANUARY 15—"It's a Jungle Out There!"** This program features internationally-known artist Rod Frederick. Enjoy slides of South America and Africa at the Central Oregon Environmental Center, 16 NW Kansas in Bend. Refreshments at 6:30 pm, program at 7 pm.

**FEBRUARY 19—"Of Birds and Streams and Ecosystem Dreams: Ecological Restoration in the Intermountain West"** is the topic of a talk by David Dobkin, an authority on birds and ecosystems of the western United States and director of the High Desert Ecological Research Institute. At the Central Oregon Environmental Center, 16 NW Kansas, Bend. Refreshments at 6:30 pm, program at 7 pm.

### Attention bibliographers

We are skipping the use of Vol. 9, No 4 and labeling this issue Vol. 10, No. 1, so that our volume numbers correspond to the calendar year. Please adjust your catalog systems accordingly.

### State Legislature convenes

**January '97**—The Oregon State Legislature is back in session! Keep your eyes and ears peeled for ways to make your voice heard in Salem. Turn to pg. 7 to learn how you can help protect our desert streams by pressing for important environmental legislation.

### Desert Conference XIX

**April 24-27, 1997**

The 19th Annual High Desert Conference will be held at Malheur Field Station, 30 miles south of Burns, Oregon. It's that time of year again, when our thoughts turn to the Blitzen Valley and the Greasewood Room! Please gather with us as we celebrate the High Desert with field trips, slide shows, live music, and great company (including thousands of migrating birds!). Brock Evans, of the National Audubon Society and songwriter/photographer Walkin' Jim Stoltz are among the presenters. Watch for more information in the coming months.

### Oregon Natural Desert Association

16NW Kansas, Bend, OR 97701

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### Mission

*The purpose of the Oregon Natural Desert Association is to promote the preservation, protection and rehabilitation of Oregon's arid-land environment and to educate the general population on the values of preserving the natural arid-land environment.*

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# ONDA wins Clean Water Act suit

*Non-point pollution from grazing on federal lands to be regulated*



AU.S. District Court ruled that pollution from cattle grazing on federal lands is regulated under the federal Clean Water Act. In this photo presented as evidence in the lawsuit, the banks of the Middle Fork of the John Day River are eroding into the stream, causing sedimentation.



A cow-trampled seep (or slow-flowing spring) is fouled by cow manure. The polluted water drains into the Middle Fork of the John Day. Both photos show areas within the Camp Creek Grazing Allotment.

CONTINUED FROM PAGE 1

from the State of Oregon that the grazing would not degrade water quality.

Denzel Ferguson, noted author and biologist, lives along the Middle Fork of the John Day River, which traverses the Camp Creek allotment. He has witnessed firsthand the impacts that overgrazing has had on fish, wildlife, and water quality on Camp Creek. In the lawsuit, Denzel testified to compacted soil, unstable banks, erosion, flooding, sedimentation, wide channels and high water temperatures, as well as cows wading, defecating, and urinating in the river and its tributaries. His expert testimony and other evidence left no doubt in the Court's mind

that grazing is a source of pollution.

The Forest Service actually agreed that cattle grazing is a non-point source of pollution in Oregon's rivers and streams, but argued that Congress did not intend Sec. 401 to apply to non-point sources. ONDA believed otherwise and Judge Haggerty agreed, stating:

*The plaintiffs offered undisputed evidence that cattle grazing on the Camp Creek allotment...not only may result in pollution, but has resulted in pollution of both Camp Creek and the Middle Fork of the John Day River. This court finds that pollution caused by cattle grazing constitutes a "discharge into navigable waters" within the meaning of Section 401 of the Clean Water Act.*

## Westwide ramifications

The ramifications of this court ruling are tremendous. First, the decision gives state agencies throughout the West (such as the Oregon Department of Environmental Quality), the authority to ensure that grazing, roadbuilding, logging, mining and other activities on federal lands do not degrade water quality.

Second, the ruling affects all federal lands—not just those in Oregon. Federal lands make up nearly half of the land base

in the West. Most water pollution on federal lands is from "nonpoint" sources, including grazing, logging and mining. By contrast, only "point" sources, like a pipe discharging industrial or sewage wastes, were regulated before this ruling. The broad application of this ruling could improve stream water quality throughout the West.

## Outlook

The Forest Service has not yet decided whether to appeal the District Court's decision to the Ninth Circuit Court of Appeals in San Francisco. Anti-environmentalists in Congress could try to gut the Clean Water Act by exempting grazing, logging and mining from the legal definition of non-point pollution.

Meanwhile, the states will have their hands full evaluating the impact of grazing, road building, and timber cutting permits on water quality standards. State water quality agencies may cite lack of staff, and "waive" their right to certify federal land activities.

ONDA will do everything it can to assist the Oregon Department of Environmental Quality to develop a workable approach to the certification of grazing permits. Our task is to make sure that states have the political will to use this power effectively. 

**T**he ruling affects all federal lands—not just those in Oregon—and may eventually extend to logging and mining activities, as well as livestock grazing.

# Fallout from Measure 38

CONTINUED FROM PAGE 1

## Other positive results

In the end, Measure 38 educated thousands of people about the ecological damage caused by livestock, providing a base of informed, and hopefully, active citizens who will continue to support reform of the livestock industry. Without a doubt, Measure 38 became one of the most heated election issues in newspapers across the state. The *Bend Bulletin* even published a cease and desist order to its readers wishing to comment on it.

And in spite of the big-spending campaign by our opposition, over 400,000 Oregonians still voted for Measure 38. Those voters are a solid core upon which to build another campaign should the governor's plan fail to produce tangible results in the upcoming legislative session.

## The early lead

Six weeks before the election, a KATU/*Oregonian* poll showed Measure 38 ahead by a 52% to 33% margin. What happened? As with most ballot measures, the margin of support slipped as election day neared. In our case, three events contributed to the flip-flop.

First, Gov. Kitzhaber opposed Measure 38. From day one he undermined our efforts, and, just five days before the election, newspapers carried front-page coverage of the governor urging Oregonians to vote "No" on Measure 38. He argued that a "deal" with the livestock industry on his "Healthy Stream Partnership" would be forthcoming after the election and suggested approval of Measure 38 would jeopardize his negotiations.

Given his high public approval rating, and the fact that practically every politician and candidate in the state followed his lead, the governor's opposition to Measure 38 proved deadly. His position, amplified by all the major papers in the state, carried enormous weight and was the primary reason for the initiative's defeat.

**M**easure 38 moved Gov. Kitzhaber to persuade the livestock industry to back his "Healthy Streams Partnership."

Second, Measure 38's opponents outspent us by more than ten to one on media. Anti-Measure 38 forces touted the governor's opposition to the initiative and misled voters with ads suggesting the measure would require all streams to be fenced, impeding wildlife and banning access. Despite initial plans to take our case onto television, we fell short of our funding goal and as a consequence, could not show voters our footage of cows defecating in denuded salmon streams.



ERIC SCHULZ

Cleaning up streams that have been damaged and polluted by livestock will help troubled fish populations rebound.

Finally, there was the *Oregonian*'s front page hysteria over one of Measure 38's chief petitioners' "slaying" of eleven cows that had trespassed onto his land near John Day. The campaign condemned the incident and immediately dropped the chief petitioner. Still, the hyped-up newspaper coverage, as well as the event itself, definitely hurt us with voters.

In retrospect, of the things we had control over, there are few things we would have done differently. And on balance, we did a pretty damn good job. Everyone who participated should rightfully feel proud of our accomplishment.

## What next?

The governor is now seeking support for his Healthy Streams Partnership from the Legislature. Without funding, the Kitzhaber's plan is dead in the water. Measure 38 didn't require any new public funding to make it work because it was based on the principle that the polluter should pay. In contrast, the governor's plan relies primarily on grants to the livestock industry to help them stop polluting. But because Kitzhaber's plan may be the only tangible legacy of Measure 38, ONDA will help the governor in the legislature to make his plan work.

We will try to propose alternatives to the governor's proposal to pay for the partnership with a beverage bottle tax. Why should a 10-year-old kid who buys a can of soda pay the ranchers' cost of fencing their cows out of our streams? At minimum, the livestock industry ought to help pay to stop their own pollution. In any case, restoring endangered salmon runs and removing livestock from sensitive streamside areas is our goal; how we get there is open for discussion. For now, we must take what we can get and move on.

If the legislature fails to commit the funding to the Healthy Streams Partnership, we may have no choice but to return to the voters with the son of 38 in 1998. But let's hope that the livestock industry will support the governor's partnership. If they need four good reasons, here they are: 1) their reputation is on the line, 2) it's going to cost them a million bucks to fight the son of 38, 3) we'll be better prepared next time, and 4) they'll have no excuses for inadequate progress on water quality. One way or the other, we will have clean streams in Oregon. 

# Volunteers: Vital force behind Clean Stream Initiative

By Ashley Henry

You've read how the Oregon Clean Stream Initiative, Measure 38, was instrumental in generating an agreement to clean up Oregon's waterways. But you may not have heard how so many people created that success. Throughout the year, volunteers combined forces to achieve a grassroots phenomenon. While space doesn't permit us to list the thousands of people who offered their time and energy, we'd like to recognize a few exceptional folks.

In **Southern Oregon**, Evie Strauss coordinated the work of area volunteers, like Rik Jensen and John Hurd. George Hutchinson, Myra Irwin, Hank Rogers and Bob Hunter helped explain the measure to newspaper editorial boards.

In **Eugene**, Elaine Rees, Marriner Orum, Carrie Stilwell, Dale Deason, Len Hockley, Jane Beckwith, Dana Baldwin, John Howell, Heather Henderson and others helped distribute campaign materials to key precincts. Holly Knight, Tom Williams and Dave Funk helped organize a host of participants to make a big splash with our 30-foot salmon float in the Eugene Celebration Parade. Mike and Chris Helm hosted a fundraiser party along with Duane and Dave Funk, and Bob Bumstead met with newspaper reporters and editors.

The **Bend** office was blessed with the able assistance of Cope Willis, Nancy Ellen Locke, Jon Cain, Matt Holmes, Nancy Ridings, Karen Theodore, Kim Killingsworth, Jane Fowler, John Neilson and Debra Burke. Mike Sequeira offered his graphic design skills for newsletters and postcards. Alice Elshoff gave presentations to local groups.

Many thanks go to Nick Otting, Dana Lytjen and Sara Baker of **Corvallis** for their coordination of literature drops. Homer Campbell, Craig Lacy and Thomas Gilg did a fantastic job at Corvallis-area debates.

Karen Sjogren, Ginny Kaplan, Greg Stiles, Michael Carrigan, Jim Conley and Jim Keesey of **Salem** deserve a round of applause for their canvassing efforts. Mark and Molly Weiprecht hosted a fundraiser houseparty. Also in Salem, Paul Martinsen and Margaret Stephens helped distribute lawn signs.

Finally in **Portland**, Fred Sawyer helped with canvassing coordination. Ross Fitzgerald was the fearless driver of the Clean Streamliner van. Chris Blodgett offered his gorgeous 30-foot salmon float to the campaign. Etienne Scott set up our Web page on the Internet and helped with media relations. Jim Myron did more for the campaign than could possibly be listed. Joy Belsky gave presentations and telephoned donors. Other outstanding volunteers include Jerry Hanson, Glenn Johndahl, Wayne Carter, Diane Valentine, John Frewing, Janet Johnson, Robin Woolman and Zephyr Moore.

Thanks to all the many volunteers who made the Clean Stream Campaign happen. We couldn't have done it without you. Scores of others helped in a variety of ways, and we appreciate each and every one of you.



ELAINE REES



ELAINE REES

For the Measure 38 entry in the Eugene Celebration parade, Marriner Orum (top) came as a riparian tree and Ethen Perkins (middle) posed as an aquatic insect endangered by the loss of healthy streams.



ELAINE REES

Kim Smith helps out at an educational booth for Measure 38.

Governor Kitzhaber's

# HEALTHY STREAMS PARTNERSHIP

*Measure 38 pushes  
livestock industry to table*

By Jim Myron of Oregon Trout

As a direct result of the effort invested in the Oregon Clean Stream Initiative, Measure 38, the livestock industry in November agreed to support Gov. John Kitzhaber's "Healthy Streams Partnership," a plan to clean up Oregon's polluted streams.

The heart of the agreement is the livestock industry's pledge to support the governor's budget request for 38 additional staff at the Oregon Department of Environmental Quality (DEQ) and the Oregon Department of Agriculture (ODA).

The DEQ staff will develop "Total Maximum Daily Load plans" (TMDLs).<sup>\*</sup> The additional ODA staff will draft the water quality management plans that are required under Senate Bill 1010, passed in 1993. Without new staff, it would take *over a century* to develop the water quality plans essential to protecting our waterways. Another essential plan element which the industry has pledged to support is a \$25 million biennial fund for watershed improvement projects.

**I**t remains to be seen whether the 1997 Oregon Legislature will provide the funds necessary to implement the agreement, estimated at \$30 million per biennium.

## Legislative funding critical

It remains to be seen whether the 1997 Oregon Legislature will provide the funds necessary to implement the agreement, estimated at \$30 million per biennium. It's also unclear whether the public and the wider environmental community will support what amounts to a

<sup>\*</sup> "TMDLs describe the maximum amount of pollutants from pipes and surface runoff sources, including natural background, that may enter the river or stream without violating water quality standards."

—From Oregon Dept. of Environmental Quality.



ELAINE REES

North Fork of the Crooked River, as it leaves the forest and enters the desert.

public bailout of the livestock industry's pollution problem. State funds would pay for the stream clean-up effort. Although existing provisions under SB 1010 allow the ODA to assess landowner fees to pay for program implementation, the agency so far has been unwilling to consider imposing fees.

The livestock industry remains convinced that the public should pay the entire cost of cleaning up polluted waterways, even when the pollution results directly from the mismanagement of privately owned livestock.

Livestock industry representatives have yet to actually *sign* the agreement. If the industry fails to live up to its oral commitments made in the Healthy Streams Partnership, or if the legislature fails to provide the funding required to implement the plan, it may be necessary to return to the voters with another initiative in 1998 to address the problem. That decision will be made over the next six months as the legislature struggles with the issue of clean water in Oregon.

*See box on facing page for excerpts of the main principles and agreements of the Governor's Healthy Streams Partnership.*

## THE HEALTHY STREAMS PARTNERSHIP

### Principles

- Although there have recently been significant voluntary programs undertaken to improve stream health, many of Oregon's streams do not meet the state's water quality standards.
- Failure of the state of Oregon to address water quality issues will result in the U.S. Environmental Protection Agency becoming responsible for water quality management in Oregon.
- Attainment of proper functioning condition is a primary element in achieving water quality standards associated with non-point source pollution.
- The state cannot effectively implement Oregon's laws to address the water quality problems facing the state with current staffing and funding resources.
- In order to enhance Oregon's watersheds over the long term, the state must consistently invest in watershed restoration.
- The Governor and the parties will reach out to the legislative leadership to make this approach work.

### Agreements

#### *Water Quality Management Plans*

- Water quality management area plans for agricultural areas designated under Senate Bill 1010 for the stream segments on the 1996 303(d) list will be adopted by the Board of Agriculture by July of 2001. Watersheds with listed and/or candidate species will be given special consideration.
- Total Maximum Daily Load requirements will be completed by July of 2007. Prioritization of the basins to work on will be completed by January 1997.

#### *Enforcement*

- An agricultural water quality management area plan must be completed before enforcement action is taken under SB 1010. Landowners shall also be notified and given reasonable opportunity to respond.
- The parties agree to cooperate with the Department of Agriculture in developing administrative rules that specify a procedure for the public to notify the agency and trigger an investigation and appropriate enforcement action where a violation of an adopted plan is demonstrated.

### *Funding & Implementation*

- The parties agree to support the Governor's legislative initiative to fund agency budgets necessary to implement the program outlined in this agreement.
- The parties agree to work with the legislature to secure a dedicated fund providing \$20 to \$35 million per biennium for watershed improvement programs emphasizing projects designed to achieve water quality standards.
- All parties agree to work in good faith to secure the funding and implement the approach established in this agreement.
- All parties agree to work together over the next year on the implementation of this cooperative partnership to improve water quality in Oregon.

*Excerpted from Governor John A. Kitzhaber's "Healthy Streams Partnership: Principles and Agreements."*

## Pressure needed on State Legislature

*Sign up for ONDA's "CLEAN STREAM NET"*

*By Gilly Lyons*

With the November elections fading from memory, it's time to turn our attention to Salem, where our state legislators will spend the next six months drafting, discussing, and voting on bills.

During the next six months, ONDA staff and members will monitor the state legislature, with special attention to its decisions related to stream water quality. We'll track closely legislative activity pertaining to Gov. Kitzhaber's "Healthy Streams Partnership," which evolved as an alternative to Measure 38. If implemented, the Partnership could achieve many of Measure 38's goals.

But the Healthy Streams Partnership will accomplish nothing if legislators refuse to fund it—and funding for the \$30 million plan is uncertain at best. The Republicans, who retained control over both the House and Senate, may balk at committing the necessary funds, and many lawmakers in both parties

may be eager to place the issue of livestock-caused water pollution on the back burner.

That's why it is critical that ONDA members and others who care about clean water and healthy salmon runs keep the heat on the legislature. Your visits, calls, letters, faxes, and e-mail messages to your lawmakers will be crucial toward progress on cleaning up and restoring desert streams.

ONDA is a member of the *Oregon Conservation Network* (OCN), which consists of 70 conservation groups that cooperate to monitor the state legislature. The OCN provides its member groups with up-to-date information from the State Capitol. As an OCN affiliate, ONDA will help coordinate a phone-tree and e-mail list to alert members at key moments when we need to pressure our legislators to protect desert streams and lands.

**Please add your name to the CLEAN STREAM NET for the 1997 State Legislature. Check the appropriate box on the form on pg. 11. Return it to ONDA, 16 NW Kansas, Bend, OR 97701. Or call ONDA: 541-330-2638.**

# Hiking Steens Mountain with Maitreya

By Jim Tarter

This past August my sister Karen and I drove from Eugene to Steens Mountain for a weekend field trip at Fish Lake. We'd been told that somebody from ONDA would be there who knew the area well—but we couldn't have known how well until we met Maitreya, who spent the evening chatting with us about the mountain.

The Paiutes of the area called the mountain Ehnah, or "Father,"

he said. He spoke of its unique and sacred character and how its integrity is endangered by the 30,000-plus head of cattle that graze everywhere, even in riparian areas and on the alpine tundra. He said he supported national park status for the mountain because, even though it could bring more people, they would cause less damage to the streams and tundra than cattle.

The next day I discovered why Maitreya sees Steens Mountain as a sacred place—and saw for myself the damage cattle are doing to this fragile ecosystem.

We started early, driving up from Fish Lake, past Whorehouse Meadow and along a spectacular view of Little Blitzen Gorge. Along the way we saw 30 head of cattle lounging right next to a creek bed and munching on the blooming alpine tundra. Further on we stopped at the Kiger Gorge overlook for the view. Curiously, the BLM has designated this area a "Research Natural Area" (bikes or motorized vehicles are prohibited), yet a herd of cows were churning to mud the meadow just below the cirque.

Still, we enjoyed many wildflowers: asters, paintbrush, daisies, desert buckwheat, buttercups, and a native Steens Mountain thistle. A little further up the road we drank in the expansive views from the Steens' vast east face to the desert far below, stretching to blue infinity.

Just above Wildhorse Lake, we set out on foot, enjoying the stark alpine land-



Jim, Karen, and Maitreya on the summit of Steens Mountain, with the Alvord Desert behind them a mile below the steepest slope of the fault-block formation.

scape, where the bones of the land are clear, and each living thing has its own importance and integrity. Yarrow, mountain bluebird and redtail hawk were all around us. Rockhopping down to the lake, we entered a riot of lush wildflowers, bees and butterflies. It was like the fields outside Oz! Though I wasn't tired, I could have lain down and slept there for hours.

We hiked downhill along a creek, spotting bighorn sheep tracks among the monkey flowers. We crossed Little Wildhorse Basin and, picking our way through glacial moraines, came to some mysterious unidentified ferns (desert ferns?). Then we turned directly south and headed uphill toward our real destination: Ankle Mountain.

As we gained altitude, we scared up three big mule deer that had been sleeping among the rocks, gentians and lupines. Four curious redtails escorted us to the high ridge west of Ankle Mountain's summit. Here, we stopped for lunch and enjoyed a panoramic view over the South Steens Plateau and beyond—all the way to Nevada's Pine Forest Range.

The return trip took us past the cirque at the head of Little Indian Gorge, over the ridge to Big Indian Gorge, and up the canyon wall along an old shepherd's trail. Once on the flat tundra, we followed rock cairns eastward to the parking area, completing what was absolutely the greatest day hike of my life.

The overwhelming and cumulative effect of spending a long day wandering among the vast spaces and lush alpine tundra of Steens Mountain cannot be captured in words. Go. See for yourself, and you'll understand why this wilderness should remain wild. There is no place in the entire American West like this one. I see now why Maitreya calls it sacred—and why we must take responsibility for the fate of the Steens.

Yarrow, mountain bluebird and redtail hawk were all around us. Rockhopping down to the lake, we entered a riot of lush wildflowers, bees and butterflies.



## High Desert

By Elizabeth Claman

In my mind's eye I see the campsite near Table Rock where my friend and I spent time. The dust is a creamy pale sienna in the sunset glow, and from it the buckwheat flowers, sagebrush, and juniper trees grow with the kind of vigor that makes each one unique. Here, there is no lodgepole regularity, but instead the writhing individuality of trees and scrub and rock pushed and pulled by adversity: extremes of heat and cold, abrupt rains, long droughts. The colors of this landscape are deceptively pastel—the delicate buckwheat yellow and white, dusty sage green, the deeper, more sulfured hue of the junipers with their silvery trunks and gnarled branches, sifting the fragile warmth from the evening sky, which stays golden pink, even as the full moon rises, gleaming through the topmost branches. Most striking of all in my memory though are those gnarled branches themselves, the twisting whorls of wood gone wild, speaking their gestures, each in some unpredictable manner, like no one and nothing else. They are beautiful without a touch of facile prettiness. They are beautiful in the way that I will be as I grow old.

From *Each in Her Own Way: Women Writing on the Menopause*, edited by Elizabeth Claman, Queen of Swords Press (Eugene, OR, ), 1994.



ELAINE REES

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"Here, there is no lodgepole regularity, but instead the writhing individuality of trees and scrub and rock pushed and pulled by adversity: extremes of heat and cold, abrupt rains, long droughts."

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## Livestock Grazing Act dies in House

The “compromise” version of the Public Rangelands Management Act (S. 1459) died in the House of Representatives in late September without coming to a vote. The bill made a few cosmetic changes to the environmentally disastrous Senate-passed version of the bill, and was backed by Speaker Newt Gingrich (R-GA), Rep. Sherwood Boehlert (R-NY), and some western Republican members.

Gingrich announced in August that passing the grazing bill was one of his top priorities in September. But S. 1459—which would have shut the public out of grassland management decisions—lacked support from enough Democrats and moderate Republicans, and was fiercely opposed by members of the conservation, recreation, and sporting communities.

Many thanks to ONDA members and others who urged their legislators to oppose this misguided legislation, and to Rep. Peter DeFazio (D-OR) for working toward its defeat.

The 105th Congress was inaugurated in early January. Another incarnation of S. 1459 is likely to be introduced soon. In fact, Sen. Larry Craig (R-ID) has proposed a comprehensive bill that would reduce or eliminate existing environmental safeguards and public participation and give logging, mining and grazing interests broad power over public lands. The prospects for this legislation are unclear, but it would devastate public lands. We will provide updates in future issues.

*Source: EnviroAction (Oct. 1996) published by National Wildlife Federation.*

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## Our gratitude...

ONDA would like to recognize the following foundations for their generous support over the past six months:

Columbia River Bioregion Campaign  
The Lazar Foundation  
Patagonia, Inc.  
REI/National Rivers Coalition.

Many thanks to these foundations for assisting us in our work!



From the shores of Lake Abert. Tiny brine shrimp provides sustenance for many species of birds that use the basin lake.

ELAINE REES

## Lake Abert's brine shrimp harvest

Trent Seager is a wildlife ecologist and devoted fan of Lake Abert. When he learned that the Oregon Department of Fish and Wildlife (ODFW) was considering authorizing a brine shrimp egg harvest from the lake to the tune of 60,000 pounds per permittee, he thought something smelled fishy. After a little research, Seager discovered that the ODFW's proposed approval of such a large-scale harvest was not based on sound science and could actually devastate the salt lake's brine shrimp population. These tiny creatures (near the bottom of the food chain) provide crucial sustenance for migrating birds which stop at Lake Abert.

Seager and others created the Lake Abert Council (of which ONDA is a member), and took their concerns to the Developmental Fisheries Board (DFB), which makes management recommendations to Oregon Fish & Wildlife Commission. After hearing from Lake Abert Council's representatives, the fisheries board decided that the brine shrimp egg harvest should not occur. Further, the fisheries board will recommend to the Fish & Wildlife Commission that *adult* brine shrimp harvesting be limited to only two permittees collecting smaller quantities of shrimp.

Thanks to Trent Seager and the Lake Abert Council for helping safeguard Lake Abert, Oregon's largest Pleistocene lake.

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# M ARKETPLACE

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## **BLM Plans EIS for Beaty Butte Allotment**

The Lakeview District BLM has announced plans to prepare an Environmental Impact Statement (EIS) for the Beaty Butte Grazing Allotment. Traditionally, the agency has issued less thorough Environmental Assessments, documents that only minimally address the environmental effects of extractive use, so this decision represents a positive step.

Interestingly, ONDA requested the preparation of a full EIS for the Beaty Butte Allotment four years ago as a part of its legal action against the BLM for issuing a grazing permit to a new permittee without notifying or consulting other affected parties. Even though we won the suit, neither an EIS or a stay against grazing was required by the court, and the BLM has continued to allow grazing while holding the required consultations.

The Beaty Butte Allotment encompasses the entire pronghorn antelope migration corridor connecting the Hart Mt. and Sheldon National Antelope Refuges, an area that is being considered for jurisdictional exchange with the U.S. Fish and Wildlife Service (an alternative which the EIS will address). It

also contains prime habitat for sage grouse, ferruginous hawk, and white-tailed jackrabbit, species whose populations are declining in Oregon and other parts of their range.

The Draft EIS is scheduled to be released in late January 1997, followed by a 60-day comment period. BLM anticipates completing the Final EIS in late April—an accelerated time frame for such a detailed document.

### ***Letters needed now!***

Please write the Lakeview District BLM. Thank them for deciding to prepare an EIS and urge them to:

- 1) Delay preparation of the Final EIS to allow time to incorporate new scientific information from the Interior Columbia Basin Ecosystem Management Project when it is completed,
- 2) Include an alternative to manage the entire allotment as a cow-free migration corridor between the Hart Mt. and Sheldon Wildlife Refuges, and
- 3) Assess the suitability of these public lands for grazing as required by the Multiple Use Sustained Yield Act.

### ***Send letters to:***

Scott Florence, Area Manager  
Lakeview Resource Area  
Lakeview District BLM  
P.O. Box 151  
Lakeview, OR 97630