

DESERT RAMBLINGS

THE NEWSLETTER OF THE OREGON NATURAL DESERT ASSOCIATION

SUMMER 2005 EDITION VOLUME 18, NO. 2

FROM THE OUTBACK

One step back as BLM implements grazing rules

“Resolved, that none of us know, or care to know, anything about grasses, native or otherwise, outside the fact that for the present there are lots of them, the best on record, and we are after getting the most out of them while they last.”

— RESOLUTION OF A WEST TEXAS
CATTLEMEN’S ORGANIZATION, 1898

By Bill Marlett

Over two years in the making, the Bush administration had planned to implement its revised grazing rules this month affecting 160 million acres of public lands across the West. As stated by BLM Director Kathleen Clarke from the get-go, the new rules were intended to improve relations with the livestock industry. At the last minute, however, Clarke put the rules on hold pending a revised environmental analysis because of a flood of bad press and a lawsuit filed before the rules were issued.

Two now-retired BLM biologists who worked on the new rules received national press coverage when they blew the whistle on BLM for rewriting portions of their assessments of

see **GRAZING** page 11

PULLING BARBED WIRE FENCES VOLUNTEERS IN ACTION



PHOTO: ERIN BARNHOLDT

Volunteers take a break during a Steens Wilderness fence pull: Brian McCall, Ralph Mathis, David and Diane Eddleston, Lacy Turner, Sampson and Rocky.

Sore muscles, happy hearts in the Steens

By David Eddleston, Volunteer

From where I lay, under a juniper that was several hundreds of years old, I was able to discern, with microscopic clearness, every flaking piece of bark on its spreading branches. I glimpsed through its ancient canopy the arching blue sky of the Steens Wilderness, stretching from the high and boastful indented ridgeline to the east, sweeping over the rolling flanks of the mountains, overhead to the west, a fitting cover to one of the most beautiful and serene parts of Oregon.

The silence almost intruded; it was broken at heartbeat moments, by the cry of an eagle, secure in the remoteness and wilderness. Three faraway patches of snow, like the eyes of a giant spider, gazed down from the steep and encompassing web of the green foothills.

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- ONDA intern Tyler Archie discovers there is nothing like firsthand experience when learning about wilderness. Page 9.
- “Inspiration” drove up in a pickup truck, writes volunteer Lacy Turner of her Hart Mountain fence-pulling experience. Page 12.



By Craig Miller, President

Oregon Natural Desert Association is actively pursuing a wide variety of tactics aimed at protecting Oregon's priceless natural heritage. Despite the daunting obstacles encountered at every turn, ONDA continues to thrive. Undoubtedly one of our most valuable assets is our rapidly expanding base of volunteers.

Our volunteer opportunities in 2005 will total more than 15 organized trips aimed at providing protection for wildlife, restoration of native habitat, and documentation of de facto wilderness. Volunteers have also provided web site upgrades and maintenance, calendar creation, file sorting, field monitoring, and tabling at events. By the end of this year, more than 200 dedicated volunteers will have devoted countless hours of service on ONDA's behalf.

Ask any volunteer—the work may be hard at times, but it is fun, rewarding, and full of camaraderie. Look forward to expanding volunteer opportunities in the coming days, including youth and child-friendly trips. We hope you will join us.



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Desert Ramblings

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**ONDA exists
to protect, defend, and restore forever
the health of Oregon's native deserts.**

Support the National Landscape Conservation System

By Tracy Bowerman, ONDA John Day Wild Salmon Coordinator

In June, I braved the summer heat in Washington, D.C., to lobby Congress for support of the National Landscape Conservation System, or NLCS. The NLCS is comprised of national conservation areas, national monuments, wild and scenic rivers, national scenic and historic trails, wilderness areas and wilderness study areas managed by the BLM, spanning 26 million acres of land in 12 western states.

The goal of the NLCS is to protect entire landscapes, not just isolated tracts of land, so that current visitors and future generations can experience the cultural and natural history of the West in a wilderness context. The NLCS encompasses well-known places such as the Missouri Breaks National Monument through which Lewis and Clark traveled and the Escalante-Grand Staircase National Monument; it also includes wild lands such as the Badlands and Spring Basin Wilderness Study Areas right here in Central Oregon.

In June 2005, the National Trust for Historic Preservation (www.nationaltrust.org) listed the entire National Landscape Conservation System as one of America's 11 Most Endangered Historic Places. Such a designation will hopefully raise public awareness of the NLCS and help protect it from the threats it faces, which include lack of funding, unauthorized off-road vehicle use, and expanding development. Grazing and energy development can also compromise the integrity of historic structures and natural landscapes.

In Washington, D.C., I joined approximately 50 people representing various conservation groups from around the West to celebrate the fifth anniversary of the NLCS. We discussed how to raise awareness of the NLCS and protect the future of the system. We spoke with various members of congress, informing them about the importance of the NLCS, and asking them to sign a congressional letter of support for the system.

I met with a representative for each member of Oregon's delegation to lobby for wilderness designation of our local wild gems: Badlands WSA and Spring Basin WSA. While most of Oregon's congressmen signed the letter of support for the NLCS, and all showed genuine concern for the state of our public lands, the National Landscape Conservation System needs further support. The BLM budget continues to shrink and ONDA continues to work on protecting the Badlands and Spring Basin through Wilderness designation. Ultimately, Congress and other decision-makers need to hear from their constituents.



This photograph taken in the Steens Mountain Wilderness by photographer Bruce Jackson, was chosen as one of the winning photographs in the National Landscape Conservation System photo contest in June. To see more winning photos and learn more about the NLCS, visit the website: www.discovernlcs.org

Please take action to protect the NLCS and Oregon's remarkable wild lands and rivers by demanding that Interior Secretary Gale Norton ensure that conservation of the NLCS is a top priority for the BLM. Please ask Secretary Norton to:

- Work with the president and Congress to fully fund critical conservation needs in the National Landscape Conservation System, including cultural site research and protection, water quality and species monitoring, road closures and restoration, and law enforcement staff.
- Promote the system's special values – wildness, species diversity and protection, opportunities for primitive recreation, and scientific research.

Contact Secretary Gale Norton:

gale_norton@ios.doi.gov or 202.208.3100

'Badlands Bluegrass Blowout' scheduled for October 16

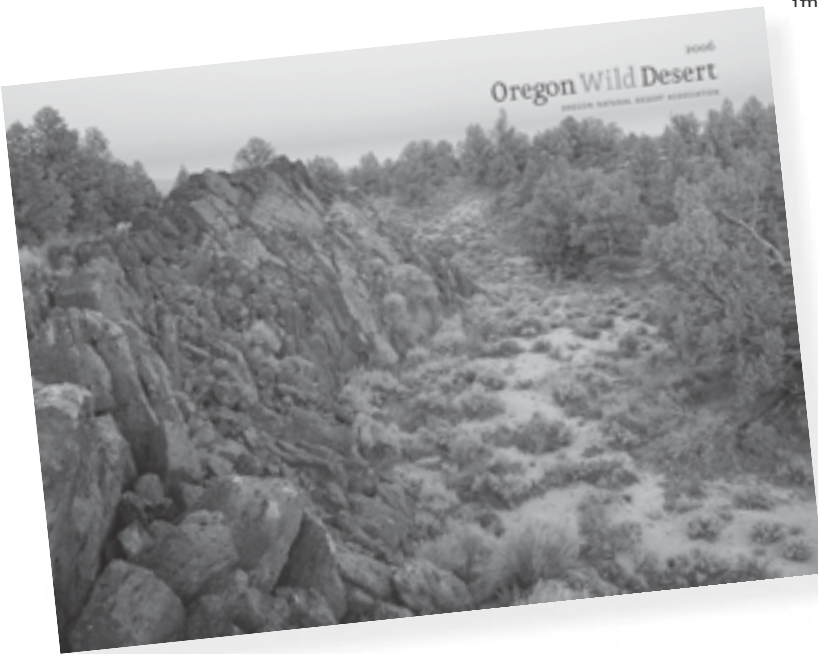


Quincy Street will perform at ONDA's first-ever bluegrass event.

Join us Sunday, October 16th at Aspen Hall in Shevlin Park for the first annual "Badlands Bluegrass Blowout." Bring your dancing shoes to celebrate Oregon's high desert with ONDA and listen to great bluegrass bands such as Blackstrap, Quincy Street, and Back from the Dead.

Fun for the whole family! There will be plenty of activities for children and families, and a variety of delicious food and beverages on site. Green Energy Transportation will be there to provide an environmentally friendly transportation alternative to-and-from Shevlin Park – stay tuned for shuttle pick up information. Festivities begin at 2 p.m. and continue into evening. Tickets go on sale in September. For information visit our website at www.onda.org/events or contact Kelly O'Brien at 541.330.2638 or kobrien@onda.org.

ONDA prepares to unveil Oregon Wild Desert 2006 calendar



The 2006 Oregon Wild Desert calendar will again feature two inspiring color photos from desert destinations for each month of the year.

ONDA extends a heart felt thank you to all of you who submitted images for next year's Oregon Wild Desert calendar. It was wonderful to see that so many people get out and enjoy the beauty of Oregon's high desert. For ONDA, the calendar is just about celebrating a community of desert enthusiasts and their art, as it is to feature the wild and most ecologically significant areas in Oregon's high desert. It is through these images that we hope to inspire people to explore and learn more about Oregon's desert, and to join us in helping to preserve it.

The 2005 calendar was a huge success! It has served as an invaluable outreach tool. Many people learned of ONDA and that the Oregon desert holds for the first time through the calendar. Stores throughout Bend were proud to display and sell the calendar, creating a strong sense of community. This year we lucked into a screaming deal. We are able to print a full-sized wall calendar (12 in. x 9 in.) for the price of last year's standard size. We are very excited to be able to print these inspiring photographs in a larger format this year.

As a kickoff for the 2006 calendar and to thank its sponsors, we invite you to Mirror Pond Gallery in Bend for the Art Crawl and First Friday in Bend. A section of the

gallery is reserved to hang each one of this year's monthly images. We hope you will be able to join us in celebrating all the artists and volunteers that have made the 2006 calendar possible. The gallery is located at 875 NW Brooks Street in downtown Bend. The gallery phone number is 541.317.9324; email is mpg@artscentral.org.

To order a calendar now, visit our website – www.onda.org – or see the Market Place section of this newsletter.



OREGON NATURAL DESERT ASSOCIATION FUN FACT: **COMMON NIGHTHAWK** (CHORDEILES MINOR)

- Of all migrating birds, this is the latest species to arrive in Oregon – near the end of May to early June.
- They spend their winters in South America and have one of the longest migration paths of any North American bird.
- Male mating behavior includes a steep dive ending with an abrupt swoop upwards, creating a “booming” sound.
- They often hunt for insects in flocks, sometimes with as many as 100–300 individuals.
- Erratic, bat-like flight behavior has earned it the nickname of “bullbat”.



PHOTOS: CRAIG MILLER

Oregon adopts wolf management plan, but Legislature ducks enabling bill

By Brett Brownscombe

In February, the Oregon Fish & Wildlife Commission adopted Oregon's first-ever Wolf Conservation and Management Plan, a visionary document that reverses entrenched policies of wolf intolerance, charts a path for wolf recovery across the state, and addresses potential management difficulties related to livestock.

Hells Canyon Preservation Council worked with a diverse state-appointed advisory group to produce this plan through a year-long consensus process. More recently, we negotiated agreement on a bill in the Oregon Legislature aimed at shoring-up political support needed to fully implement the plan, without sacrificing wolf recovery and conservation values. Despite agreement between HCP, Defenders of Wildlife, the Oregon Farm Bureau, Oregon Sheep Growers and Oregon Hunters Association, the Legislature refused to even bring this bill to a vote in the House Agriculture and Natural Resources Committee due largely to extremist pressure the Oregon Cattlemen's Association put on two key committee Republicans, including Bend's Rep. Chuck Burley.

The Legislature's failure to advance a wolf plan and related legislation that enjoyed previously unimaginable support across diverse constituencies can be regarded, at its worst, as a symbolic anti-wolf gesture from the highest level of state government as well as an arrogant slap to the face of consensus-based, citizen advisory committee efforts. At best, the Legislature has once again shirked its responsibility as a body elected to resolve the tough issues facing Oregonians, sheepishly avoiding action on another difficult but important issue in favor of the politically timid route. Rather than embrace consensus and move forward on an extremely difficult issue, the Legislature has severed a rare agreement between uncommon bedfellows and rekindled a controversy.

Because the failed legislation would have benefited livestock interests more than wolf protection interests (e.g., the bill would have created a compensation program for wolf-related livestock losses and conflict risk reduction techniques, as well as limited take authority where wolves are in the act of attacking stock), its defeat is more an example of the cattlemen falling on their own sword than a crushing defeat of wolf conservation. The result, however, leaves the Oregon Wolf Plan incomplete.

The Oregon Fish & Wildlife Commission will review the plan in the coming months to determine whether to leave it as is or rescind it because the Legislature failed to enable three plan elements mostly benefiting livestock interests. The cattlemen will push for the latter; we'll have to fight for the former. Meanwhile, wolves continue to move from Idaho into the Hells Canyon-Wallowa and Blue Mountain ecosystems of northeast Oregon.

(Brett Brownscombe is the conservation director / attorney for Hells Canyon Preservation Council. Contact him at: 541.963.3950 or brett@hellscanyon.org the HCP website is www.hellscanyon.org)



PHOTO: SUSAN LAVERTY

ONDA CALENDAR OF EVENTS

Friday, October 7

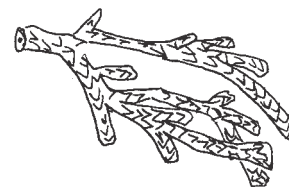
- Oregon Wild Desert Calendar Kick-off Party and Showing, Mirror Pond Gallery, Bend, Oregon.

Saturday, October 15

- Badlands Work Party; Badlands Wilderness Study Area, all day.

Sunday, October 16

- Badlands Bluegrass Blowout at Shevlin Park's Aspen Hall in Bend. Starts at 2 p.m.



You can help protect Spring Basin as wilderness



PHOTO: BRUCE JACKSON



Spring Basin Wilderness Study Area.

The proposed Spring Basin Wilderness Area, encompassing nearly 9,000 acres along the spectacular Wild & Scenic John Day River, is composed of rolling hills of sagebrush, bluebunch wheatgrass, and vibrant wildflower displays coupled with dramatic spires of colorful clay outcroppings.

This special place is also home to many candidate and endangered species, such as the northern bald eagle, yellow-hairy Indian paintbrush, and transparent milk vetch, while several archaeological sites, including a pithouse village and associated pictographs, remind us of another time and culture.

Let's work together to conserve this unique area by designating it as wilderness.

Call, write or email your senators or representatives and urge them to protect Spring Basin as wilderness. A few minutes of your time can make a difference. If you have questions about ONDA's efforts to protect this area, you can contact Chris at cegetson@onda.org or 541.330.2638.

Contact your lawmakers and urge them to protect Spring Basin as Wilderness

Senator Ron Wyden

230 Dirksen Senate Office Building
Washington, DC 20510-3703
tel: 202.224.5244
fax: 202.228.2717
email: www.wyden.senate.gov/contact/

Rep. Greg Walden (2nd District)

1210 Longworth House Office Building
Washington, DC 20515
tel: 202.225.6730
fax: 202.225.5774
email: www.walden.house.gov/contactgreg

Rep. Peter DeFazio (4th District)

2134 Rayburn House Office Building
Washington DC, 20515
tel: 202.225.6416
fax: 202.225.0032
email: www.defazio.house.gov/emailme.shtml

Senator Gordon Smith

404 Russell Building
Washington, DC 20510-3704
Phone: 202.224.3753
Fax 202.228.3997
email: www.gsmith.senate.gov/webform.htm

Rep. Earl Blumenauer (3rd District)

2446 Rayburn House Office Building
Washington, DC 20515
tel: 202.225.4811
fax: 202.225.8941
email: www.blumenauer.house.gov/about/Contact.shtml

Rep. Darlene Hooley (5th District)

2430 Rayburn House Office Building
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fax: 202.225.5699
email: www.house.gov/hooley/zipauth2.htm

Rep. David Wu (1st District)

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Washington, D.C. 20515
tel: 202.225.0855
fax: 202.225.9497
email: www.house.gov/wu/contact.html



STEENS MOUNTAIN WILDERNESS
BARBED WIRE FENCE PULL



Volunteers Brian McCall, Ralph Mathis, David and Diane Eddleston, Lacy Turner, Sampson and Rocky.

STEENS from page 1

I was beautifully weary, and content for the moment, just to lie there with my companions in the cool shade.

The resting time was just after lunch of PowerBars and cool mountain spring water, backpacked from our base camp, two miles away, reached through the aroma of sage and tall green rushes flanking the tiny but generous stream, where our tents punctuated the grey and the green of the vegetation.

From our resting place, the soul-filling beauty contrasted with the ugliness of the snaking and jagged coils of barbed wire and the steel fence posts, some still standing, many, hopefully, laid down for the last time, not to be used again to divide and despoil.

We were volunteers all, with The Oregon Natural Desert Association, resting there on our second day of removing barbed wire and posts, rolling and coiling and stacking these symbols of man and of an era that had come to an end with the creation of the Steens Wilderness.

Two days ago, we had backpacked in some 11 miles, fording once a knee-deep and gently running river and crossing twice streams that ran through ravines and lush mountain pastures. Twice we had walked up the slope to the straight and narrow slash of fence line that scarred the ground.

And now our task – two days of fence pulling – was just about complete. While our bodies had sometimes felt the physical demands, our minds were strengthened by the exhilaration of time well spent, of repairing the spoilage of humans, and of giving some of the wilderness back to the Steens.

We arose from the spreading shade, Erin, our calm, peaceful and helpful guide from ONDA, and Lacy, Ralph, Brian, Diana and myself – accompanied by Rocky and Sampson, our four-legged friends – for our final wind of roll and coil, pull and stack, then walked eastwards, back along the empty fence line from which we had wrestled the steel and the barbs. Our boots raised tiny dust clouds and brushed the blossoms of snow bush and bright lupines, as we headed toward the ridge lines of the Steens, lit by the westerling sun.

The spiritual bonding I felt for this wilderness and our human and four-legged companions over the last few days increased with each step.

For our final night, the night before July 4th, our celebrations were the star-spread heavens and I was able to discern, with microscopic clearness, the phantom glides of satellites across the skies.



PHOTOS: ERIN BARNHOLDT

The fruit of our volunteers' labor: barbed wire and fence poles that will never again restrict wildlife.

The environmental

road

by Tyler Archie,

Environmentalists are in a tight spot. Locally, campaign could be better off. Wilderness support writing letters, as legislation wilts in Washing

“Environmentalism is Dead,” the headlines announce

The harsh political climate for wilderness legislation was clear 3,000 miles east of Oregon at Washington & Lee University in Lexington, Va. where, through the Paul A. Knight Fellowship, Washington & Lee endeavors to deliver fresh bodies to the ONDA cause. For the third year running, students from Washington & Lee were assigned to inventory wilderness in the Oregon backcountry. But in this third year, a 2003 Utah court settlement still threatens to derail the whole inventory process for political reasons.

Environmentalists are in a tight spot, not only politically, but quite literally, if you consider the predicament of ONDA's two summer interns, Francisco Mejia and myself. Twenty-six miles from paved road – where AAA doesn't and won't go – Francisco and I have unearthed a vast, unexplored field of desert mud while documenting 'ways' on a wilderness inventory trip. With confidence we claim a battle-tested 1984 Suburban as our research vehicle. Dare spit in the eye of a tiger, desert mud?

With our rig in 4-low, we try to barrel through and are unequivocally denied.

Well, we were driving a pretty tough Suburban until this naturally occurring oxymoron – mud in the desert? – derailed us. No 4x4 power, no shovel, no winch, no amount of ONDA litigation is available. We are unprepared. A real grassroots effort will be required to “free the Suburban” and “save the ONDA interns.”

So we start off yanking on sagebrush, hoping to use its branches as traction under muddy tires. For miles we traveled rocky roads, but there's no rock in this sun-baked lakebed – just sagebrush, and this plant is impregnable, unyielding to our efforts. The hands suffer first. Mine begin

to wear like cracked leather.

We reverse to build up momentum. Quickly try to barrel through the mud and are definitely denied.

Back to basics. First we prodded the mud with our clean shoes to test it. It takes a crowbar to break the suction of this mud. We're shirts-off now, underneath the car pulling mud from the drive shaft. If we can't go through it, might as well move the mud manually.

So with more clearance, our rig in 4-low, we again reverse to build up momentum and try to barrel through the mud. Denied again.

More desperate and running out of water, we clamp the snow chains on the tires and prepare for another charge. For a fourth time in as many tries we are defeated. Worse than when we started; the hole is getting deeper.

Later that summer, Francisco and I, along with ONDA vet Alex Hickok, will find ourselves in another fix that is similarly surprising for what we found and where we found it.

While inventorying land north of Burns we suffer a flat at the farthest reaches of the area. We are off the map, descending down a basalt rim on a 4x4 track that, according to one of our maps, shouldn't exist, when our front right tire explodes. We change the flat quickly in the heat and check our maps for the quickest way out of the area, which turns out to be the BLM 'road' south along the river to Burns.

Our reluctance to travel without a spare after the flat tire dates back to a time when confidence was shaken in the Suburban.

We expect to go through private land along the river.

“It was the lesser of two evils,” he will say later. As it turns out, it indicates lurking danger and a vigilante private

We consult our maps to find private land between us and the river. In the confusion, we find a way to determine boundary level – unless locked up and

alike. So when we come to the river, we get out to, essentially, a dead end. We got a flat tire a few miles out. We would let us through

“Call the cops,” he says. – “Unless you can make it, where you came from

In his agitated state, the man was free to speak. He had a captive audience.

He actually agreed to let us go to land management to discuss our lifestyle. “It's all about working together on all levels. We'll have police to show up and

This land was his. The fishermen consistent with the cowboy way of life was the son he lived behind the door. This particular pro

less traveled

summer intern

the Badlands
ers tire of
ton.

ce.

two evils," the Harney County Sheriff
turns out, not only do ONDA maps not
ert mud, but our maps also don't point
land owners.
aps and find different amounts of pri-
s and Burns along this BLM road. Add-
we have yet to encounter a systematic
undaries for private land on the ground
or posted private. No two gates are

to a homestead with a locked gate, I
y, ask for help – "Sir, excuse me, but we
miles back and I was wondering if you
your gate."
yells to his wife, staring me down now
ake it to the other side of my property
n before the police get here."
te, stomping and huffing shirtless, the
ak his mind until the police arrived. He
ce after all.

l with ONDA's causes, from sage grouse
, but found politics antithetical to his
ut money," he lamented. "Why can't we
this?" he wondered, waiting for the
d arrest us.

life's work, and random hunters and
ly wandered onto it. He talked as if the
ere being threatened. There was a rea-
this locked gate. Of course, the answer
oblem was for me to go buy a lock

see ROAD page10





“...what grows in the desert, grows strong in the desert.”

ROAD from page 9

for his back gate while we waited for police and then post it properly with signs. As long as his road has BLM status, the public would try it. Even locked and posted, though, it is conceivable that people might stop and ask him for help at some point.

Our criminal trespassing charges are still pending.

While we wait for the Suburban's motor to cool down for a fifth try, Francisco and I don't talk. We haven't in awhile.

We pull more sage and dig deeper along the drive shaft for a final go. One more time, sweetness.

Gas floods the engine like adrenaline and we're off, fighting the rut, rushing back and forth from reverse to first gear into reverse back into first until we edge towards that dry patch and slowing down, ah, a back wheel grabs traction.

And ... free! High five! Low five! Oh, you've still got your good stuff, Suburban.

Ah, the fruits of our labor, but heading back to the highway something is clearly wrong. The truck's transmission is going out one gear at a time. Fifth, then fourth, then third, then second, until we're only left with first gear and reverse with 20 miles to go.

Not to be denied, I calibrate the amount of steering wheel movement required to turn the truck in reverse using the side mirror. When the sun begins to set – seven hours after this ordeal began – it becomes impossible to see out the window and a new system is devised where I sit on the window's edge, my torso outside the vehicle, hands still

on the steering wheel, while Francisco works the accelerator and break. Twelve miles in reverse and the engine overheats as night falls. Eight miles to the highway. We are out of water, covered in dry mud and not ready to quit, but the situation dictates we sit tight for the night.

At this point, “lucky” should not be an adjective attached to our situation, but it so happens that we both brought bikes to use while inventorying. Compared to the day before, the next morning's bike ride is a joy. Afterwards we sit on the side of the highway content even as drivers ignore our outstretched thumbs, and when we do get picked up, we make small talk with Tom the truck driver. A bottle of water at the gas station in Riley changes my quality of completely.

My thirst, my respect for that environment, what grows in the desert, grows strong in the desert.

You have to learn about wilderness on its own terms. Inventory offers honest, hard desert work, which we, as interns, couldn't hope to prepare for. Public land does not exist in Virginia, or anywhere on the East coast as it does in Oregon. We could lift weights, train our thirsts and pore over Edward Abbey, but understanding the public land debate – how the land defines the people and their politics – requires first hand experience with the land.

Otherwise, you're just left fighting over keys to a locked gate.



ONDA's interns on a wilderness inventory trip: Francisco Mejia, Alex Hickok, Tyler Archie.

GRAZING from page 1

the rule's impacts to fish and wildlife. This meddling in the management of our public lands by appointees in the Bush administration is another example of science taking a back seat to politics.

Good on her word, the proposed rules rolled back some of the progress made under the Clinton's 1995 grazing reform. One of the worst ideas would drop the requirement that BLM managers make immediate changes to grazing abuse based on field observations of land health. Using the justification that it would help alleviate any potential burden on ranchers, the new rule would allow BLM managers (except in the most extreme cases) to postpone needed corrections for two years. Worse, BLM managers would have to phase-in changes over five years if proposed reductions in livestock grazing would exceed 10% (interesting to note that the rules don't talk about phasing in increases in grazing).

So yes, the proposed rules (if and when they are published) will certainly make it easier to be in the cattle business on public lands (which isn't saying much given the economics of public lands grazing), but they do so at the expense of fish and wildlife habitat and water quality.

On the flip side, the new rules did make one minor concession that ONDA and others had requested BLM consider in its rulemaking: support collaboration in the form of conservation groups buying grazing permits from ranchers on a willing-seller, willing-buyer basis. We didn't get that, but the new rule will allow ranchers (or anyone holding a grazing permit) to take unlimited non-use of their grazing permit for any reason (though it must be requested every year).

This would allow some conservation groups and conservation-minded ranchers who hold grazing permits to take non-use (i.e., not graze their livestock) indefinitely in order to accelerate land health. Previously, grazing permittees were bound to the antiquated "use it or lose it" mentality regarding non-use of grazing permits unless ordered otherwise by the BLM. For example, if a rancher wanted to help recover habitat or protect sage grouse or redband trout (by not grazing cattle), they were forced to graze their cows or permanently risk losing their grazing privileges on public lands.

Not to play political favorites, the 1995 grazing rules promulgated under the Clinton administration were a modest "two steps forward," and the new 2005 Bush rules are "one step back." But let there be no mistake, we are still shuffling deck chairs on the Titanic. Public lands grazing has proven to be unsustainable since the West Texas cattlemen's resolution proclaimed their indifference over 100 years ago, and remains a massive drain on our natural security. There are always exceptions to such sweeping proclamations, and in some cases amazing personal effort by individual ranchers to safeguard our public lands for future generations. But at a cost to American taxpayers of \$500 million a year, it is an institution whose days are numbered. Public support of rural economies is vital, but let's not do it by draining the vitality from our public lands. Real grazing reform will embrace change, realign public support towards restoration, and begin the arduous task of healing the damage wrought by a lifestyle out of sync with its landscape.

No Cow Left Behind

Far more insidious than BLM's new rules, however, is the end-around by Congress to completely exempt the Forest Service from enforcing federal conservation law. Congress passed Section 339 of the FY 2005 Consolidated Appropriations Act, which provides that

certain decisions to authorize livestock grazing on public lands shall be "categorical excluded" from documentation in environmental assessment and environmental impact statements under the National Environmental Policy Act (NEPA).

The full text follows:

SEC. 339. For fiscal years 2005 through 2007, a decision made by the Secretary of Agriculture to authorize grazing on an allotment shall be categorically excluded from documentation in an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if: (1) the decision continues current grazing management; (2) monitoring indicates that current grazing management is meeting, or satisfactorily moving toward, objectives in the land and resource management plan, as determined by the Secretary; and (3) the decision is consistent with agency policy concerning extraordinary circumstances. The total number of allotments that may be categorically excluded under this section may not exceed 900.

This is the classic "camel's nose" under the tent flap. While the caveats in this legislation are logical, based on ONDA's five years of experience trying to get the Malheur National Forest (home to listed steelhead, bull trout and gray wolves) in Oregon's Blue Mountains to obey the law, we would conclude that the Forest Service is notorious for inadequate or no monitoring, and stretching the truth to cover-up for lack of progress.

The idea for undermining one of America's bedrock conservation laws can be found in an April 7, 2003 letter from seven western Republican senators, including Oregon Senator Gordon Smith, to the Council on Environmental Quality, asking the Council to consider a "categorical exclusion" of federal grazing permits from federal law. In short, the senators were requesting an exemption for ranchers from public review of the negative impacts caused by livestock grazing to water quality, soils, plants and fish and wildlife habitat on public lands.

Why would they do this? The answer is in BLM's own environmental impact statement accompanying their 1995 grazing regulations (I would cite the new EIS, but it appears that data may have been tampered with) where the BLM states that 43% of uplands were in "non-functioning" ecological condition or were "functioning at risk," and that 48% of stream-side areas were likewise dysfunctional.

If you were in the cattle business, wouldn't it be nice to avoid those pesky federal laws that require the BLM and Forest Service to keep your cows from polluting streams or degrading fish and wildlife habitat on the public's land?

While the apparent rationale behind the grazing rider makes sense (Congress won't give the Forest Service the money to do their jobs), the response by Congress underscores a complete lack of accountability, if not indifference, regarding livestock grazing on public lands. If the government can't properly police our public lands against abusive ranchers, you'd expect a cease and desist order putting a hold on livestock grazing until it can. But don't hold your breath: change on the range comes one funeral at a time.

What if we start deferring public scrutiny of cyanide heap-leach gold mining or oil and gas drilling on our public lands? Clearly, this "no cow left behind" policy of Congress is politically motivated, makes the BLM and Forest Service (including ranchers) unaccountable for their actions, and simply puts our public lands at further risk.

Inspiration drove up

“In the legends of the saints and the prophets, either a desert or a mountain is pretty sure to figure. I am reminded of something which a certain kind of person is rather prone to forget— that there are other creatures in the world beside himself.”

JOSEPH WOOD KRUTCH, *THE DESERT YEAR*

By Lacy Turner, volunteer



It was pretty clear the first morning this wasn't going to be anything like the fawns-frolicking-through-wildflowers fence pulls I'd read about in the newsletter. The white stuff on my truck was a drift of tiny hail balls. Snow was blowing in for real up on the ridge top. Ten desert rats huddled together under the blue outdoor canopy. The customary barbed-wire safety briefing came with ominous new bits – the warning signs of hypothermia and “barbed-wire is hell on raingear.”

Freezing rain tends to keep one on the move. We popped out hooks and stays, pumped out posts in record time. I worked in front of the big tractor, helping to take full spools of barbed-wire off and get the new twists started. I took a surprise fall into muddy hole, and drowned my boots.

We threw in our bolt cutters mid-afternoon and drove back to the Civilian Conservation Corps campground. A group traveled up to the hot springs, but I dove into double sleeping bags in the back of the truck, and listened to the wind shaking my rig. I watched as a tent pulled free of its moorings and flew past my window. By the time I'd chased the tent down, the blue canopy had fallen to its knees. I was considering the comforts of a Lakeview hotel room when inspiration rolled up the drive in the form of Jim Yoakum and his dog Mocha. “So who's he?” I asked.

We moved into the warmth of the old CCC building for dinner, where this desert neophyte learned that Jim Yoakum is the world's preeminent pronghorn biologist. He wrote the definitive book on the species: *Pronghorn: Ecology and Management*. Jim was the BLM's first wildlife biologist and he's been studying pronghorn in the Hart Mountain area since 1954 (the length of my entire life).

You likely know all about Jim, and wonder why I'm dithering on. Well, I just keep thinking what a gift he gave me: To forget about soaked boots and slimy clothes, and focus on the whole point of pulling that fence in frightful weather – pronghorn antelope. Jim told us that taking the cows and the fences off the refuge is working. There were more antelope on Hart Mountain last year than at any other time in the history of the refuge.

Jim's theories of pronghorn recovery are being borne out on Hart Mountain. Now I'm sure it's way more complicated than this, but here's my English major's version: With livestock off the refuge for

more than 10 years, an expanded menu of plants has sprouted up for antelope to eat, especially the forbs. When mama pronghorn has lots of nutritious forbs to choose from, she has the good health and enough milk to support her two fauns. Jim stayed at the table for a long round of questions. Like my “What's a forb?” (a broadleaf plant). For the price of a brownie he'd answer a few more.

For our second day of fence pulling the high desert did its big trick of storms marching through in the distance but never quite landing on our heads. It snowed and then sunned on the high ridges all day. Jim hiked up the hill with a tall wooden staff, like a prophet for the pronghorn and said, “Nice day for a picnic.”

That evening Jim told us stories about the old days. Some about pronghorn, like the dog that chased a faun down and guarded it patiently. Some about other critters; Rufus the bobcat who became a movie star. The menagerie of baby animals he raised – pronghorn, deer, marmot, porcupine, jack rabbit, cottontails – that no one else quite knew what to do with. He'd tell us another story for a piece of homemade chocolate cake.

I was awake in my truck for a long time that night thinking what a fine primordial warmth there is in sitting around a fire (OK, indoors around a smelly lantern but the *feeling* was there) listening to a man telling stories of his life well lived and fondly remembered. And I wondered if my ancestors were all stirred-up from stories like Jim's when they scratched drawings of animals on the walls of their caves.



Jim Yoakum

Malheur escapes on narrow jurisdictional ground

By Mac Lacy

On June 3, 2005, federal District Judge Robert E. Jones denied ONDA's motion for summary judgment, dismissing ONDA's lawsuit against the Forest Service targeting damaging grazing along the Malheur and North Fork Malheur wild and scenic rivers. The court's order was based primarily on its conclusion that the Forest Service's annual operating instructions ("AOIs") are not "final agency actions" challengeable pursuant to the Administrative Procedure Act (APA). Because NEPA, the Wild and Scenic Rivers Act, and the National Forest Management Act do not provide a private right of action, a plaintiff must sue under the APA, which allows a court to review final agency action. The Supreme Court has defined two conditions that must be satisfied for an agency action to be "final agency action": the action must (1) mark the "consummation" of the agency's decision-making process, and not be merely tentative or interlocutory; and (2) be one by which "rights or obligations have been determined" or from which "legal consequences will flow."

A year ago, Judge King had denied the Forest Service's motion to dismiss this case, ruling that AOIs are indeed final agency actions subject to the court's review. However, Judge Jones, to whom the case was transferred in January, concluded that an AOI is not final agency action because, in his opinion, an AOI merely implements final decisions already made previously (e.g., in term grazing permits or Forest Plan)—that is, it "implements obligations established in final agency decisions."

The court also denied ONDA's "failure to act" alternative claims based on the Supreme Court's *SUWA* decision from last summer, which directed that a plaintiff may only challenge an agency's failure to act when it involves a "discrete" agency action the agency is "required to take." Thus, the duty to "protect and enhance" wild and scenic river corridors is not, in the court's opinion, a "discrete" duty: like the wilderness nonimpairment duty at issue in *SUWA*, this duty is "mandatory as to the object to be achieved, but it leaves the [agency] a great deal of discretion in deciding how to achieve it." Finally, the court ruled that recent congressional appropriations riders have foreclosed the court's ability to enter any relief for ONDA's claim regarding the Forest Service's failure to perform NEPA analyses for its grazing authorizations.

On June 20, 2005, in the Murderers Creek/Blue Mountain allotments case involving steelhead habitat in the Middle Fork and Upper John Day basins, Judge Haggerty followed Judge Jones' lead, also denying ONDA's motion for summary judgment and dismissing the case.

ONDA promptly filed notices of appeal with the Ninth Circuit in both cases. The appeals likely will be consolidated and handled as a single appeal before the Ninth Circuit. ONDA believes the courts' legal analyses are flawed and is hopeful the Ninth Circuit will reverse these two district court decisions. However, that potential reversal will not come quickly: from the time a notice of appeal is filed, a Ninth Circuit appeal generally takes one to two years to run its course.

While ONDA works its way through the appeals process, it will

continue to use its other legal tools to address ongoing grazing damage and to protect salmonid habitat in the John Day basin in particular—including focusing more closely on the ESA consultation process. In late-May, ONDA sent to the Forest Service a 60-day notice of intent to sue under the Endangered Species Act. The notice alleges that the agency is in violation of ESA sections 7(d) and 9 by authorizing grazing without a biological opinion and its accompanying incidental take statement. Section 7(d) prevents the Forest Service from making any "irreversible or irretrievable commitment of resources" prior to completion of consultation that "has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures." Section 9 makes it unlawful for any person to "take" any listed species within the United States. The "take" prohibition includes "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering."

Despite the fact that the Forest Service narrowly escaped censure on a jurisdictional hook this spring, the agency has authorized grazing once again this year prior to the completion of consultation and issuance of biological opinions from the U.S. Fish & Wildlife Service and NOAA Fisheries. Thus, if ONDA cannot successfully challenge the Forest Service's grazing authorizations which result in direct ecological damage, we will consider directing our challenges one step further back in the process by challenging this flawed consultation process and the resulting status quo "no jeopardy" opinions issued each and every year.

BLM wilderness inventory issue update

On July 22, 2005, a federal district judge in Portland affirmed a magistrate judge's recommendation to dismiss ONDA's case against the BLM in the Southeast Oregon RMP ("SEORMP") case. One of the major claims in this case concerns the BLM's continuing duty to inventory for and consider in the land use planning process wilderness values on the public lands. ONDA likely will appeal this decision to the Ninth Circuit. In the meantime, as noted in the last *Desert Ramblings*, ONDA continues to challenge site-specific actions where the BLM proposes to do things like build fences, pipelines and other "range improvements," or engage in "vegetation manipulation," without considering the impacts of those projects on wilderness values and without fully considering the wilderness inventory information and recommendations ONDA has provided to the agency. ONDA has explicitly raised this issue in a number of currently pending protests and appeals and expects preliminary decisions from the Interior Board of Land Appeals later this summer.





Alex Hickok

Alex Hickok

You could say Alex Hickok is familiar with the ONDA lifestyle. With a mother, father and sister having served ONDA in different capacities, Alex is continuing the tradition as a wilderness intern for summer '05. In fact, it has been rumored that Alex was born in the back of ONDA's inventory Suburban, which was donated after years of service in the Hickok family. Fishing the rivers of Oregon brought Alex to the Oregon backcountry and now he looks forward to exploring the juniper hills and sage flats of the desert. A dedicated student, Alex is looking forward to his junior year Lewis and Clark College in Portland during the school year.



Francisco Javier Mejia

Francisco Javier Mejia

Francisco Javier Mejia is from Quito, Ecuador and recently graduated from Washington & Lee University in Lexington, Virginia. An economics/politics double major, he was involved with several extracurricular activities while at Washington & Lee. Francisco led two trips in the Appalachian Trail as part of the freshman pre-orientation program at his university. He was also part of the Outing Club, MUN Club, the Student Alliance for International Learning, the Computing Helpdesk and Club Soccer. Francisco enjoys outdoor activities such as rock climbing, canoeing, hiking, mountain biking and getting stranded in the middle of the desert. He faces up to a year in jail and \$5000 in fines for trespassing on private property while inventorying Oregon's desert.



Tyler Archie

Tyler Archie

Tyler Archie, a recent graduate from Washington & Lee University, comes to us all the way from Kinston, North Carolina. He is one of the two Washington & Lee summer interns sponsored by the A. Paul Knight Memorial Program in Conservation, and has been working mostly in the field finishing ONDA's final round of Wilderness Inventory. Tyler spent his time at Washington & Lee studying journalism, playing football, and attending fraternity functions. Previous summer jobs include guiding for a whitewater canoeing outfit and camp counselor for a boys' camp in rural Vermont. Currently, while not slaving away in the ONDA office or getting stuck in mud in the middle of nowhere, Tyler is looking for a full-time journalism job.



Jennifer Schwartz

Jennifer Schwartz

Jennifer Schwartz joins ONDA this summer as a legal intern in the Portland Field Office. She will be a third-year law student at Northwestern School of Law of Lewis & Clark College this fall, and was awarded a stipend from NWSL's Public Interest Law Project to work for ONDA. Jennifer's love for the desert landscape stems from growing up in Tucson, Arizona. Her work this summer has focused on aiding in several of ONDA's ongoing lawsuits, researching endangered species issues, and preparing for future legal actions.

Thank you, Paul Ferro

From time to time, extra assistance by contract employment is necessary to keep ONDA's programs moving along smoothly. Paul Ferro has graciously lent his help for GIS mapping and field work at some of the most crucial moments to our Wilderness Inventory projects. Paul recently began a full-time position with BendBroadband, so his spare time with ONDA will be limited. The ONDA staff extends their appreciation to Paul. We wish you the best, and hope you visit us often!



Oregon Wild Desert calendar

2006 Oregon Wild Desert calendar. (see article on Page 4 for details.) Price includes shipping. \$15.

Clothing

ONDA T-shirts. White, sage and neutral. with logo. Specific size (M, L, XL).

short sleeve \$12

long sleeve \$15

Item Description	Size	Quantity	Price	Total
Add 10% shipping				
Total				

Yes! I Support the Oregon Natural Desert Association

Contribution:

- \$35 Horned Lizard
- \$60 Pygmy Rabbit
- \$100 Sage Grouse
- \$250 Pronghorn
- \$1000 Gray Wolf (lifetime)
- \$ _____

Name _____

Address _____

City _____ State _____ ZIP _____

My gift is:

- Special contribution
- New membership
- Membership renewal

Monthly Giving Option

Automatic bank deductions are an easy and helpful way to give. Deductions from your account may be stopped at any time by simply contacting ONDA.

Please enclose a voided check, deposit slip, or credit card number. Monthly deduction amount: _____

Business Membership

- \$100 (Business member).

For only \$100 in annual dues your business can help ONDA to protect special places in Oregon's high desert. With your membership, we will list your business' name on our website, along with a link to your business, an annual listing in our newsletter, special invitations to ONDA-sponsored events and all of the other many benefits of ONDA membership. Join as an ONDA business member today.

Charge my credit card

VISA MasterCard Card number: _____ Expires: _____

Add my name to the SageNet (ONDA's Action Alert listserve)

Email address _____

Mail this form with check (or voided check, deposit slip, or credit card number for automatic withdrawals) to: ONDA, 16 NW Kansas, Bend, OR 97701

Leave a legacy! Remember ONDA in your will

Leaving a gift to ONDA in your will, or a charitable bequest is a meaningful way to pass on your compassion for Oregon's high desert. Additionally, such gifts are not subject to federal or estate taxes and there is no limit on the size of your deduction.

A charitable bequest specifies a sum of money or percentage of the estate, or a particular asset, to be given to a charitable organization, such as ONDA in your will. Gifts can be made outright at the time of your death or after you make provisions for your spouse or other loved ones.

There are several different types of charitable bequests, which we would be happy to discuss with you. For more information about bequests to ONDA, write, call or e-mail Kelly O'Brien: 541.330.2638 or kobrien@onda.org.

Wheels for Wilderness

Get rid of your old "wheels" and help ONDA's efforts to secure more wilderness in Oregon's high deserts!

Please consider donating your vehicle(s) to ONDA to be assessed at market value. The car will be sold at auction, and ONDA will receive the proceeds from the sale. You, in turn, will receive a beneficial tax deduction. The better the condition of the car means a higher donation to support ONDA's efforts.

If you have any questions about the "Wheels for Wilderness" program or would like to donate your vehicle, please contact Kelly O'Brien at 541.330.2638 or kobrien@onda.org.

Help wanted: a successor to Big Ben

If you have been on any of ONDA's volunteer trips, you have no doubt met Big Ben, our beloved 1985 Suburban. Ben was generously donated to ONDA to luxuriously transport staff and volunteers (and all our stuff) down the most rugged roads on countless inventory trips and fence pulls. Ben has been through a lot this summer (see Page 8) and we are realizing that the time may be near for us to find a new field vehicle.

What a great way for your rig to retire, traveling the roads of Oregon's outback! If you have a truck or high clearance vehicle in good running condition ONDA will put it to good use. For more details, call our office at 541.330.2638 or email Kelly O'Brien at kobrien@onda.org



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