

Ramblings

DESERT RAMBLINGS

THE NEWSLETTER OF THE OREGON NATURAL DESERT ASSOCIATION
SUMMER 2006 EDITION VOLUME 19, NO. 2

FROM THE
OUTBACK

Cows Or Condos: A Red Herring Emerges

By Bill Marlett

This past July, Rep. Walden, chairman of the House Forests Subcommittee, held a hearing in Washington, D.C., to begin a dialogue on the so-called Healthy Grazing Initiative (HGI). The stated purpose behind the proposed legislation is to stem the loss of and fragmentation of open space lands in the West. In short, as we lose ranchers and their ranches, we lose something unique that defines the West.

ONDA agrees with Rep. Walden that we need to protect open space in the West. But we fear the open space mantra will be used by some in the livestock industry as a Trojan Horse to legislate actions making it "easier" for public lands ranchers to stay in business (e.g., by exempting ranchers from complying with the Endangered Species Act and other safeguards meant to protect our public lands) and/or to reduce the legal obligations of federal land managers to protect our natural heritage.

The take-home message from the hearing is that Rep. Walden believes federal land managers are burdened with an ever-

see **OUTBACK** page 10

A PHOTO ESSAY FROM
BULLY CREEK



The Clover Creek Watershed Rail Canyon Allotment seen in 2004 (top) and 2005 (bottom). Watersheds will recover from livestock grazing damage, but it takes years and constant monitoring.

Measuring Progress

Reprinted from the Western Watersheds Project 'Messenger'

Western Watersheds Project's Involvement In Eastern Oregon Leads to Real Wildlife Habitat Benefits On Public Lands (with one exception!)

Western Watersheds Project has been involved with correcting BLM mismanagement of public lands in Malheur County for a number of years, recent changes brought about by that involvement, in cooperation with our sister organization in Oregon, the Oregon Natural Desert Association, has resulted in some real improvement across a landscape of almost 300,000 acres in the Bully Creek watershed located northwest of Vale, Oregon in Malheur County.

The BLM's Bully Creek Landscape Management Plan (LAMP) of 2000 that was helped into existence by a lawsuit by WWP, includes specific grazing management requirements that have provided significant

see **BULLY CREEK** page 9

WILDERNESS VICTORY ON BEATYS BUTTE

A U.S. Magistrate Judge has issued a decision protecting, for the time being, significant wilderness resources in and around the East and West Gulches on Beatys Butte in southeastern Oregon. Details, page 8.

IN THIS ISSUE

- ONDA's Oregon Wild Desert 2007 calendar, featuring spectacular photographs of the High Desert, will be available in October. Ordering information in Market Place, Page 15.
- ONDA urges activism to win Wilderness protection for Spring Basin. Page 6.
- From an ONDA member, a letter to a famous psychologist on the occasion of a visit to Hart Mountain. Literary Corner, Page 12.



By Durlin Hickok, President

ONDA Board – Staff Retreat

The Annual ONDA Retreat this year was held at the Trout Creek Campground on the Deschutes River over the weekend of April 29-30. All staff and board members were in attendance as well as two of our Advisory Board members, George Schunk and Bill Weiler.

The beautiful setting and weather provided the backdrop for a very productive meeting. Time on Saturday was spent with staff reports and a review of the work plan and goals for 2006. Proposed strategies for Spring Basin and Badlands wilderness designation were the main discussion topics on Sunday. A special thanks was given to Phil Conti who has provided five years of outstanding service as Chair of the Finance and to Helen Harbin who will capably assume this role.

In addition to the work accomplished, the retreat provided an important opportunity for developing new friendships, informal board and staff interaction and a renewed commitment to the goals of ONDA.



ONDA OREGON NATURAL
DESERT ASSOCIATION

BEND OFFICE

16 NW Kansas Street
Bend, OR 97701
541.330.2638
541.385.3370 fax

STAFF

Bill Marlett
Executive Director
Erin Barnholdt
Outreach Coordinator
Tracy Bowerman
John Day Coordinator
Peter Hickok
Membership Coordinator
Craig Miller
GIS Specialist
Kelly O'Brien
Development Director

PORTLAND OFFICE

917 SW Oak Street, Suite 408
Portland, OR 97205
503.525.0193

STAFF

Mac Lacy
Staff Attorney
Kristin Ruether
Staff Attorney

AT LARGE

Dana Nehl
Bookkeeper
Stephanie Parent
Legal Counsel
George Wuerthner
Staff Ecologist

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

BOARD OF DIRECTORS

Durlin Hickok
*Bend and Seattle
President*
John Sterling
*Bend
Vice President*
Phil Conti
*Portland
Treasurer*
Helen Harbin
*Bend
Secretary*
Lisa Brown
Portland
Lee Christie
Hood River
Alice Elshoff
Frenchglen
Dave Funk
Eugene
Greg Holmes
Grants Pass
Craig Miller
Bend
Kirk Richardson
Portland
Jana Rygas
Eugene

ADVISORY COUNCIL

Bob Beschta
Corvallis
Ron Cronin
Portland
Jeff Debonis
Hood River
Steve Herman, PH.D.
Olympia, Wash.
Andy Kerr
Ashland
William Kittredge
Missoula, Mont.
Gilly Lyons
Washington, D.C.
Reed Noss
Orlando, Fla.
Al St. John
Bend
George Schunk
Portland
Kelly Smith
Bend
Dick Vanderschaef
Portland
Dan Van Vactor
Bend
Bill Weiler
Lyle, Wash.

DESERT RAMBLINGS

August 17, 2006
Published three times annually
(spring, summer and winter)
Oregon Natural Desert Association
16 NW Kansas Street
Bend OR 97701
Volume 19, No. 2

Erin Barnholdt
Editor
Thomas Osborne
Design and Layout

*Paper used to print this edition of
Desert Ramblings is 100 percent
recycled and 30 percent post-
consumer waste. The paper was
produced in a process meeting the
PCF (process chlorine free) standard
as described by the organization
Environmental Defense.*



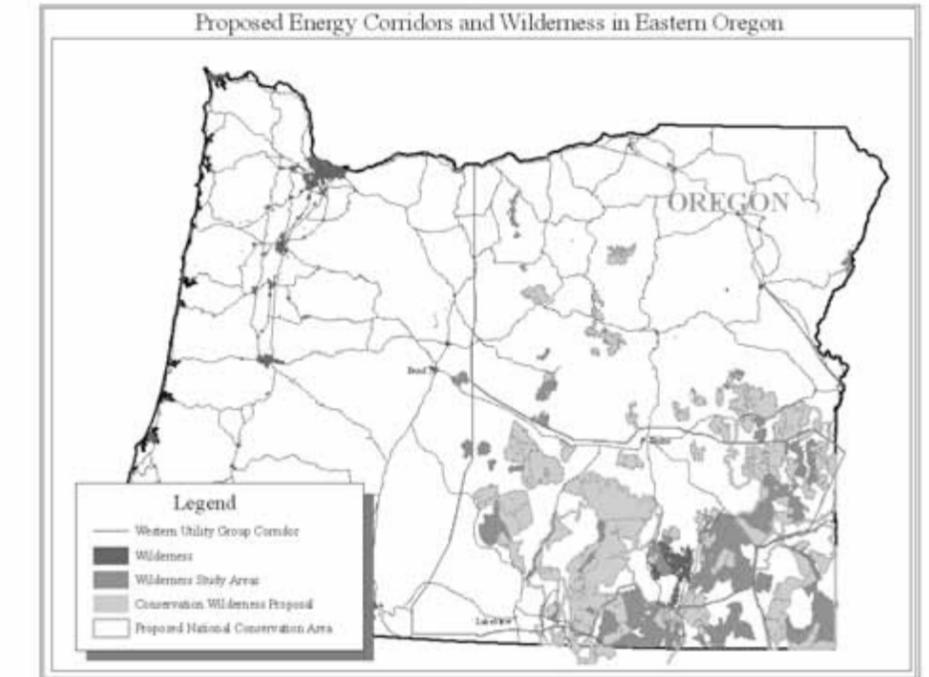
Proposed 'Energy Corridors' Would Mar High Desert

By Kristin Ruether

The federal government is moving to designate energy corridors on public lands across the west, on a fast-track timeline. Several agencies are planning the corridors pursuant to the Energy Policy Act of 2005, which directed federal agencies to promptly designate corridors for oil, gas and hydrogen pipelines, and electricity transmission and distribution facilities on federal lands. The act then requires the agencies to expedite applications for construction of pipelines and other facilities.

The first proposed map of the energy corridors was released in fall of 2005. One of the proposed corridors would have sliced through southeastern Oregon, bisecting several Wilderness Study Areas (WSAs), several ONDA-proposed WSAs, an ONDA-proposed Pronghorn Area of Critical Environmental Concern that would connect Hart and Sheldon Wildlife Refuges, and an ONDA-proposed Sage Grouse National Conservation Area. ONDA raised these concerns in comments.

In a small victory, the federal agencies appeared to take some of ONDA's concerns to heart. A subsequent map released this summer now avoids bisecting the affected WSAs. However, it still bisects two ONDA-proposed WSAs (Hart Mountain and Spauld-



ing) and ONDA's proposed Pronghorn ACEC and Sage Grouse NCA.

ONDA still opposes the designation of these corridors because they could lead to many impacts on the desert and its wilderness values, from fuel spills and exotic weed

invasions to visual impacts and unnatural predator perches from utility poles. To learn more about the corridors, read ONDA's comments on our website's resource library or visit the project website at <http://corridoreis.anl.gov/>.

Wind Test Sites Planned For Proposed WSAs Near Steens

By Natasha Bellis, ONDA legal intern

This spring, Horizon Wind Energy submitted an application to the BLM to construct and access four temporary meteorological poles designed to test wind energy potential across BLM lands just south of Steens Mountain. Horizon will test weather conditions for one to three years, then use the data collected from these sites to determine whether to pursue the development of more large-scale wind power projects in the area.

The proposed sites for the meteorological poles are located within ONDA's proposed Babe's Canyon, Bear Dog Springs and Mahogany Rim Wilderness Study Areas (WSAs). Hence, any resulting large-scale wind farm project would have detrimental effects on the wilderness characteristics of these areas, not the least of which include impacts from the construction of roads and footprints of development activities, habitat fragmentation, wildlife casualties and noxious weed proliferation.

Even taking the test sites out of proposed WSAs would not alleviate all negative impacts. Standing between 164-197 feet tall, the me-

teorological poles used by Horizon are "guyed," meaning that they are supported with wire ropes that extend about 100 feet out from the pole in four directions. While Horizon's proposal does propose to mitigate wildlife collisions by flagging the lower portion of these wires, current studies have found that guy wires are the single most important risk factor with respect to bird collisions and meteorological poles. Combined with the poles' placement in sage grouse habitat, the potential for avian collisions are high.

ONDA's comments to the BLM addressing these and other concerns went ignored as the Right of Way (ROW) application was approved this summer. ONDA remains opposed to the construction of test sites in its proposed WSAs and will continue to actively participate in the development of this project.



Rimrock Society: Leave A Legacy Of Wilderness

Join ONDA in leaving a legacy of desert wilderness in Oregon for generations to come.

Become a member of ONDA's Rimrock Society.

By joining ONDA's Rimrock Society, you are helping ensure the future of desert wildlands in Oregon and ONDA's long-term sustainability. The Rimrock Society honors donors who have made a commitment to ONDA's longevity with a gift of \$1,000 or more (Annual Member), or with a planned gift (Legacy Group).

With your membership you will receive invitations to special membership events as well as recognition in our newsletter and at

events. Your Society membership is a gesture of leadership so others can follow your example.

We would be happy to assist you in planning a gift that meets both your interests and the goals of ONDA. For more information on how to remember ONDA in your estate plans or other lasting gifts, please complete the reply card on the back page of this newsletter or contact Kelly O'Brien directly at:

kobrien@onda.org, 16 NW Kansas Ave., Bend, OR 97701 (541) 330-2638 www.onda.org

Remembering John Neeling, A Champion Of Wilderness



John Neeling, on top of Wildhorse Canyon. Neeling spent most of his career working in recreation and wilderness for the Forest Service. He had been nominated for an award by the National Landscape Conservation System for his work in the Steens.

By Erin Barnholdt

It is with deep sorrow that we announce the passing of John Neeling, prior Burns BLM Wilderness Specialist.

ONDA had been working closely with John on the Steens Wilderness Plan and barbed wire fence removals for several years. Always quick with a smile, an easy-going attitude and deeply rooted in wilderness values, John was a gem to work with.

The only comfort that comes with his passing is that John truly lived each day. I had the pleasure of hiking 22 miles with John out in the Steens last summer. As the day ended I found myself wanting to live my life like John had his, chock full of adventure. He shared with me stories of when he was a smokejumper in Missoula, a Peace Corps member in Ecuador, a backcountry wilderness ranger, countless kayaking and mountain bike adventures, and travels around the world. He would light up the most when he talked about his wife, Trish. As Lee McConnell, Burns BLM Range Technician, says, "John pretty near used up a full tank of gas".

John's passion for exploring and recreating in nature is what drove him to protect it. He spent most of his career working in recreation and wilderness for the U.S. Forest Service in Oregon, New Mexico, Montana, Nevada, Utah and Arizona (the Umatilla, Carson, Lolo, Toiyabe, Ashley, Kaibab and Tonto Forests) and the Bureau of Land Management in Oregon (Burns District). He was also a national Leave No Trace coordinator while on the Kaibab NF. He had recently moved to Klamath Falls as the Fremont-Winema National Forests' Community Development Specialist. His legacy is one of service to our public lands, to the National Landscape Conservation System (NLCS) as a whole, and the Steens Mountain Wilderness in particular.

In honor of the tremendous work he did on Steens Mountain, he has been nominated as Outstanding Employee for NLCS.

As I spend my summers removing barbed wire fence in the Steens, I am reminded of John's stories, his dedication to all things wild and the way I hope to live my life – appreciating each day.

Memorial donations may be made to the American Heart Association, or Klamath Rails to Trails Group (funds to be collected by OSU Klamath County Extension, 3328 Vandenberg Ave., Klamath Falls, OR 97603).

Nine Irons, Palm Trees, And Junipers



Badlands Wilderness Study Area, east of Bend.

PHOTO: BRUCE JACKSON

By Colin Zook, ONDA intern

Well folks, it has been over a decade since ONDA and others first floated the idea of a Badlands Wilderness Area. In that time, despite thousands of signatures, postcards, editorials, faxes, emails, and phone calls, the Badlands still lack Wilderness protection. But since a decade is a nice, round length of time, now is as good a time as ever to take a look at some of the current barriers to Badlands Wilderness designation.

1. The name – From a marketing standpoint, the Badlands are in need of some serious re-branding. "Badlands" fail to be a compelling destination in today's competitive market for tourist dollars. ONDA is currently taking suggestions. The name "Badlands Rock" also lacks a certain luster. I propose "Mount Badlands," or "Badlands Peak." More strategically, we should consider selling the naming rights. We could really flex some political muscle with: "The Badlands: brought to you by Wal-Mart." Factoid #1: The name "Badlands" was coined in the 1920s to refer to the inhospitable soil and terrain.

2. The terrain – Central Oregon's savvy developers are of course aware of the unique recreational opportunities available in the Badlands, particularly as a golf course (a form of primitive recreation, no doubt). The sand, rock outcroppings, grottos, inflated lava, and pressures ridges would provide an ideal location for the newest destination resort's celebrity designed golf course. The Badlands are a "just add water" (and lots of it) golfing opportunity. Factoid #2: The Badlands rock formations are an excellent example of "inflated

lava," which occurs in only a few places around the world.

3. The location – In the same thread, with destination resorts popping up left and right, it is only a matter of time before another one erupts right out of Badlands Volcano, complete with golf course, pool, club, and celebrity chef. Expect the new resort to have a tropical theme, as palm trees would do quite well in the sandy soil amid the Hawaiian-like lava flows. Factoid #3: Badlands Volcano is a shield volcano. Highway 20 runs directly over the summit of the volcano.

4. The vegetation – The Badlands blend in too well with the surrounding area. With the recent concern about juniper encroachment, the Badlands are just another place where the junipers have taken over. Forget for a moment that the Badlands are part of the largest juniper (*Juniperus occidentalis*) forest in the world and are home to some of the oldest junipers in the United States. Of course, it is just desert out there. It's easy to believe there's nothing special about the Badlands. Except for the wildflowers and the native grasses. Oh, and the ferns growing on the shaded walls of Castle Rock. And the expanses of "desert crust" (also known as cryptobiotic soil) still protecting the soil. Except for all this, the Badlands are just another expanse of juniper and sagebrush. Factoid #4: Some of the Badlands ancient junipers are well over 1000 years old.

Fortunately (or unfortunately), the real barriers to Badlands wilderness designation are a little less absurd and a lot more real. But with concerned citizens' continued action and support, the Badlands may well become Oregon's newest Wilderness area.

ONDA's Campaign To Bring Wilderness Protection To

Spring Basin

Many thanks to everyone who wrote letters to Senators, mailed our postcards, called Congressional offices, and rallied around support for Spring Basin this year! Members of Congress have heard your voices, and we have successfully raised the profile of Spring Basin. But our work is far from over. ▶



PHOTO: ERIN BARNHOLDT

With a Mt. Hood bill introduced in the House, we need to capitalize on the increased attention given to Oregon Wilderness and continue to let Representative Walden and Senators Wyden and Smith know we want Wilderness designation for Spring Basin.

What you can do:

1. Mail the postcard enclosed in this newsletter to the member of Congress of your choice at the address below. If you previously received postcards from us in the mail and haven't already mailed them, please do so now! (Please put 39-cent postage on them and don't forget to sign the cards and address them to members of Congress.)
2. Call your members of Congress today, and ask them to protect Spring Basin with Wilderness designation:
 - Sen. Gordon Smith: (202.224.3753) 404 Russell Senate Building, Washington, D.C., 20510
 - Sen. Ron Wyden: (202.224.5244) 230 Dirksen Senate Building, Washington, D.C., 20510
 - Rep. Greg Walden: (202.225.6730) 1210 Longworth Building, Washington, D.C., 20510
3. Visit our web site to send an electronic fax:
www.onda.org/takeaction/SpringBasinFax.html
4. In your calls and letters to Representative Walden, be sure to thank him for his work on Mt. Hood wilderness legislation, and urge him to be a leader for Spring Basin as well.

Like so many places in Oregon's high desert outback, Spring Basin is a little-known area filled with small secrets and hidden treasures. The velvety blue flower of a mariposa lily is so much more startling to come across in the dry, sandy soil of the desert than on a verdant forest floor. And the spring that gives Spring Basin its name creates a lush oasis of rushes, yellow monkeyflower, and water birch that provides a refuge for birds like Townsend's Solitaires and Western Bluebirds amid the arid landscape of juniper and bunchgrass. Please act now to help protect Spring Basin's many treasures.



Gov. Kulongoski Seeks Public Comment On Roadless Rule

ONDA recently joined the Oregon Wildlands Alliance, a coalition of businesses, conservation groups, scientists, and outdoor recreationists formed to support roadless lands on Oregon's National Forests. The need for such action arose last year when the Bush administration repealed the 2001 Roadless Area Conservation Rule. The Roadless Rule was designed to protect 58.5 million acres of National Forest Land – including 2 million acres here in Oregon – from most commercial development in order to preserve the last undeveloped forestlands as habitat for wildlife, a haven for recreation, and a heritage for future generations. The Bush administration removed this protection and substituted a complex process where individual governors must petition the Forest Service to restore protections for

roadless forest lands in their states.

Fortunately for those of us in Oregon, Gov. Ted Kulongoski has announced a plan to submit a petition to the Forest Service asking for protection of Oregon roadless forest lands and has joined governors from California, New Mexico, and Washington to sue the Bush administration in an effort to block its rollback of the Roadless Rule.

Gov. Kulongoski is currently seeking public comment on the roadless petition. Please see the governor's web site, www.governor.oregon.gov for the comment form. For more information about the Roadless Area Conservation Rule and protecting roadless lands in Oregon, check out the Oregon Wildlands Alliance web site, www.oregonroadless.org.



PHOTO: BRENT FENTRY



PHOTO: TRACY BOWERMAN

Judge Faults BLM For Failing To Protect Beatys Butte



PHOTOS: STU GARRET

After a wildfire in 2000, cows were removed from Beatys Butte's East and West Gulches, allowing the land to rest and regrow (above). Several years later, grazing resumed at previous levels and the land has been devastated again (below).



By Mac Lacy

In April 2006, U.S. Magistrate Judge Donald C. Ashmanskas ruled that the BLM violated the National Environmental Policy Act ("NEPA") when the agency adopted a rangeland project decision without considering the environmental consequences of its decision on the wilderness resource. Aside from its nationally-significant implications for conservation of wilderness values on the public lands, the decision also protects, for the time being, significant wilderness resources in and around the East and West Gulches on Beatys Butte in southeastern Oregon.

The court arrived at its conclusion based on its finding that "no significant wilderness analysis was done for the East-West Gulch Projects [Environmental Assessment]" and that "the only wilderness inventory performed by the BLM took place in 1992." In fact, the last time the BLM performed any actual on-the-ground wilderness inventory within the East-West Gulch Projects planning area was 1980. In 1992, the BLM issued a "Wilderness Study Report" for Oregon in which the agency made what it now argues were final wilderness recommendations based on a "one-time inventory review."

According to the court, the BLM had "a responsibility to provide accurate information regarding any changes to the wilderness characteristics in the East-West Gulch before the EA was issued." Judge Ashmanskas summarized his findings as follows:

The court finds BLM did not meet its obligation under NEPA simply by reviewing and critiquing ONDA's work product. It was obligated under NEPA to consider whether there were changes in or additions to the wilderness values within the East-West Gulch, and whether the proposed action in that area might negatively impact those wilderness values, if they exist. The court finds BLM did not meet that obligation by relying on the one-time inventory review conducted in 1992. Such reliance is not consistent with its statutory obligation to engage in a continuing inventory so as to be current on changing conditions and wilderness values. 43 U.S.C. § 1711(a).

Therefore, concluded the court, the "BLM's issuance of the East-West Gulch Projects EA and the accompanying Finding of No [Significant] Impact (FONSI) in the absence of current information on wilderness values was arbitrary and capricious, and, therefore, was in violation of NEPA and the [Administrative Procedure Act]."

Judge Ashmanskas's "Findings and Recommendation" is now under advisement with an Article III judge, who will render a final judgment on the case in the coming months. The BLM has objected to Judge Ashmanskas's NEPA ruling. ONDA has urged the court to uphold the ruling and also to rule that the court's findings also mean the BLM violated the Federal Land Policy and Management Act's "multiple use" and "unnecessary or undue degradation" provisions.

If upheld, this decision will return the BLM to where it was in 2001, when it issued a handbook describing its wilderness inventory obligations and setting out a protocol that the public could use to perform its own inventories. Employing dozens of dedicated volunteers, ONDA followed that BLM protocol in inventorying millions of acres of public lands over the past four years. ONDA's final inventory reports include maps identifying the boundaries of each

see **BEATYS BUTTE** page 9

BEATYS BUTTE from page 8

area in question, annotated road and photo logs with GPS locations cued to the maps, thousands of photographs, and narratives analyzing each inventory unit under the BLM's own definition of wilderness characteristics. Importantly, the reports document how ONDA's information is new and/or differs from the information in the 1970s- and 80s-era inventories conducted by the BLM regarding wilderness values for each area.

As a result of this victory, the BLM has agreed not only to hold off on the Gulch projects until a final decision is rendered, but also to hold off on similar projects slated to occur within other ONDA-inventory wilderness areas under litigation. This includes a fencing project along a scenic ridgeline blanketed in old-growth juniper on Juniper Mountain, which lies about 35 miles northwest of Hart Mountain. As with the East-West Gulch projects, the BLM refused to consider ONDA's wilderness inventory information when it made its Juniper Mountain decision.



PHOTO: CHRIS EGERTSON

An ONDA wilderness inventory volunteer photographs the unique features of the Spaulding proposed WSA addition.



LEFT: This photo taken on September 26, 2003 shows a grazing utilization cage located in the South Fork of Bully Creek in the Willow Basin allotment. Utilization cages like this are placed to show what the natural production of grasses and broad-leaf plants would be if livestock were not present. This useful information enables the BLM to measure the utilization by livestock of available forage. In this case the livestock use is extreme and far exceeds the permitted level of 50% use of forage by livestock. **RIGHT:** The photo taken at the same utilization cage location on September 19, 2005 shows almost identical extreme levels of livestock grazing which emphasizes that this rancher has not been able to improve his management. The BLM will close this area to livestock grazing in 2006.

BULLY CREEK from page 1

improvement to three livestock grazing allotments. In 2005, thanks in part to a pacesetter cooperative agreement between the Vale Office of the BLM and WWP and ONDA and with very generous funding provided by WWP Board Member Gene Bray, the BLM was able to hire sufficient staff to monitor compliance with the LAMP. This photo essay documents over several years improvements in vegetation and landscape health of two allotments in the Bully Creek watershed: the Rail Canyon Allotment and the Willow Basin Allotment. The photos show changes over time at the same location, as noted, for each photo.

These photos of the Willow Basin allotment in the Bully Creek watershed shows what happens when a rancher is unwilling to conform

to basic management requirements and flouts the efforts of the BLM and conservation groups to improve conditions for wildlife habitat and riparian zones. In order to finally achieve their management goals the Vale BLM plans to rest these very areas on the Willow Basin allotment for an extended period starting in 2006.

WWP would like to extend a special thanks for these initial but important improvements in the health of the Bully Creek watershed to WWP Board member Gene Bray, WWP Biodiversity Director, Katie and Jim Shake of Parma, Idaho who have volunteered uncounted hours to improve the management of livestock across the public lands of southeastern Oregon.

RED HERRING from page 1

increasing amount of paperwork and bureaucracy that keeps them from doing their jobs. Further, this increase in paperwork apparently results in reduced grazing levels, which affects the pocketbooks of ranchers who are then forced to consider offers to sell their ranch to persons who may not carry on the ranching tradition, which in turn is deleterious to local Western economies.

How more paperwork results in fewer cows on public lands was not made clear at the hearing, but one can reasonably assume that federal agencies are being held more accountable for upholding America's conservation laws to protect imperiled fish and wildlife habitat on public lands. With few exceptions, this typically results in fewer cows on public lands.

And while it may be obvious, let's be clear: Public lands are not threatened by development (though they are already threatened by thousands and thousands of miles of roads, barbed-wire fences, and water pipelines, all for the benefit of public lands ranchers). The question is: how do we maintain open space on private land?

Though Rep. Walden's reference to federal land managing agencies suggests public land ranchers are key to protecting open space in the West, only one in five ranchers in the West have grazing privileges on public lands. Clearly, we need to think beyond public land ranchers if we are to comprehensively address the open space issue.

There will be more to come in the next session of Congress, but I do want to address some pertinent questions raised at the hearing.

Does an increase in paperwork equate to a loss of open space?

No. Targeting bureaucracy and paperwork as the problem is a red herring drawing attention away from the simple fact that the BLM and Forest Service are having a tough time doing what Congress has asked them to do. Exacerbating their job is the fact Congress has been reducing the budgets for the BLM and Forest Service over the years, so we have fewer biologists dealing with a growing responsibility. If Congress doesn't like the federal laws to protect America's public lands from livestock grazing on public lands, it's Congress' prerogative to exempt the agencies (or livestock permittees) from having to follow the rules. And while some in the livestock industry might like that approach, it's not fair. A better solution would be to restore the budgets of the BLM and Forest Service so they have the needed staff to get the job done right.

Part of ONDA's job is to hold government agencies accountable. As such, it seems appropriate to explain why we take federal agencies to court and put to rest the notion that paperwork and bureaucracy (resulting from litigation) are a primary culprit for the loss of open space in the West.

Over the years, Congress has passed laws requiring federal agencies to protect endangered species, wild and scenic rivers, water

quality and fish and wildlife habitat on our public lands. The BLM and Forest Service are mandated to apply those laws in a way that balances conflicting uses. Sometimes they do a good job, sometimes they don't. With increasing accountability coupled with shrinking budgets, more often than not the agencies are having a hard time getting the job done. Underlying their dilemma is the fact that most ranchers want to maximize their economic return from grazing their livestock on public lands (i.e., the more cows the better). In short, ranchers usually resist the BLM or Forest Service when they are told to reduce their grazing numbers (say, because cows are damaging habitat on a steelhead spawning stream).

ONDA's role is to help ensure that the conservation laws passed by Congress are implemented. We positively think the agencies can do a good job, but we don't trust the BLM and Forest Service to operate unchecked given the pressures the livestock industry is noted for exerting on the agencies and members of Congress.

The underlying and more vexing issue is that ranching on public land in the arid West is a marginal economic activity that comes at a high price, both to taxpayers' and the environment. Many public lands ranches lose money. Some by design, some by default. And if the federal government didn't subsidize them, most would have folded years ago. At the same time, many public land ranches continue because the owner desires the lifestyle or other non-monetary benefits (say hunting) that the ranch provides. Regardless of which group the rancher falls in to, once the owner chooses to forgo the losses or benefits associated with ranching, he or she has a legitimate right to sell if there is demand, or even subdivide (assuming no regulation to prevent it).

If ranches can maintain open space, does that mean they are protecting other values?

While ranching operations can maintain open space, they generally don't protect water quality or wildlife habitat. Vast areas of public lands without any significant development potential (e.g., SE Oregon) still suffer from poor water quality, invasive weeds, and a dearth of native flora and fauna, suggesting that current land uses (primarily ranching) are not in synch with the conservation of these values. That said, there are always exceptions where private lands are managed primarily, or at least partially, for wildlife and watershed values, especially where the owner doesn't have an economic need to make money off the operation.

Will public lands ranchers safeguard public values?

Ranchers love open space, clean water and wildlife as much as the next person, but it is naive to presume that a public land rancher eking out a marginal income will manage their ranch for public values if it undermines their vital economic interests. In other words, we can't assume the short-term goals of a ranch owner to coincide with the long-term goals of the public. Moreover, as the landowner ages, his or her desires and needs will necessarily change over time.

If it is truly important to the public to maintain open space, protect water quality and preserve wildlife habitat on private ranch lands, then we either have to pay for it or regulate it. (Though even in states like Oregon that have good land use planning, ranchers can easily divide and sell their base ranch.)

Can't we simply buy all private ranch lands to protect them?

No. Purchasing ecologically unique private lands to add to the public domain is a partial fix, but we can't afford to buy all private lands



If Congress doesn't like the federal laws to protect America's public lands from livestock grazing on public lands, it's Congress' prerogative to exempt the agencies (or livestock permittees) from having to follow the rules. And while some in the livestock industry might like that approach, it's not fair. A better solution would be to restore the budgets of the BLM and Forest Service so they have the needed staff to get the job done right.

to preserve open space. But we can do more. For example, the state of Florida is spending \$400 million a year to purchase land, and plans eventually to protect over 50 percent of the state's total acreage as natural area reserves.

Government agencies and land trusts have purchased non-development easements to preclude development on private lands, or conservation easements that require the land to be managed for wildlife habitat, open space, and public recreation. But easements are questionable investments of public or private funds. Aside from long-term monitoring issues, there is the cost. By the time the public has agreed to pay for a conservation easement, development pressure on a particular property may have increased where the easement costs 80 percent or more of the fair market value of the purchase price of the parcel, and the land is still subject to the whims of the private landowner.

Should we increase current federal subsidies to entice ranchers to keep ranching?

Most government subsidies to ranching come with few or no strings attached. They help perpetuate economically marginal operations, but only as long as landowners perceive themselves to be solvent or healthy enough to continue the ranching lifestyle.⁷ When the perceptions of the rancher change (e.g., due to age, drought, or other circumstances), subsidies may be inadequate to allow, much less require, the ranch from being sold.

Irrespective of past subsidies, once existing contracts with the government expire, most private ranch land can be sold and/or subdivided and developed (subject to local land use plans if they exist). In the few cases where penalties are imposed, they are grossly outweighed by the profits from selling.

In the specific case of federal grazing permits, the permit value is minuscule compared to the development or recreational value of most private lands. We could let ranchers graze for free on public lands and it would have little impact on their decision to sell the ranch.

So what is causing the loss of open space in the West?

Sale of ranches is driven by demand for land, not the supply. The population of the West is growing. When I moved to Bend 20 years ago, the population was 14,000. Today it's 70,000 and ballooning.

Where ranching is not profitable, development is not a foregone conclusion. Vast areas of eastern Oregon are not profitable for ranching, but likewise there is no pressure to develop the land either. But when development pressures come to bear, generally no amount of generous government subsidies can forestall the "threat." When profitable row crop and orchard operations in Oregon's Willamette Valley are plowed under for subdivisions, how can marginal cattle operations in the arid West survive?

There are no easy fixes. A growing segment of the public wants to own a piece of our Western heritage and it's overwhelming a limited supply of land. What I do know is that any proposed legislation that attempts to protect open space by weakening America's conservation laws (to make life easier to be in the public lands ranching business) will ultimately fail.

NOTES

1. A recent GAO report found that in 2004, the Forest Service and BLM spent \$132.5 million to run their grazing programs, and collected \$17.5 million in fees, for a net loss of \$115 million.
2. A study of public and private lands ranchers in Utah found that nearly one-third of ranchers approaching retirement hope to sell their property to land developers. Peterson, R. and D. L. Coppock. 2001. Economics and demographics constrain investment in Utah private grazing lands. J. Range Manage. 54: 106-114. The potential profits from development combined with the increasing age of those surveyed affect their decision to sell their property – not necessarily their ability or inability to maintain a viable livestock operation on public or private lands.



A LETTER TO

Carl Jung

C. G. Jung
Bollingen Tower
Switzerland

Dear Herr Doctor,

I hope you will forgive this intrusion from a stranger, but you and your theories about the collective unconscious have rarely left my mind since a visit to a petroglyph site in eastern Oregon, near the Hart Mountain Antelope Refuge.

I suspect you have received thousands of letters from “kindred souls” and may have even looked forward to the release, with your death in 1961, from Jungian devotees around the world. However, I really must write and inform you that the boulders we camped among were covered with figures that surely originated in the archetypes you traced in dreams and myths. Indeed, one cannot help but wonder if the shamans who engraved these figures had not put your theories to practical use thousands of years before the words *Jungian* and *psychology* appeared together. The Shadow in particular may have been more accessible to these native people. I refer here to your statement that knowledge “removes us more and more from the mythic world in which we were once at home by right of birth.”

My friend and I camped in this remote spot for the same reason you retreated to your tower, because “solitude is a fount of healing.” Excuse my presumption, but I thought you might enjoy this shoreline during a wet spring. While Hart Lake is not a bit like your Lake Maggiore, the desert lake’s flooded new channels were edged with green and brimming with birdlife. You might find the same synchronicity here that you found between your theories and Pueblo Indian art when you visited New Mexico in the 1920s.

Horned creatures true-to-life and fanciful gambol across the basalt boulders above the lake. Horns on humanoid figures seem to represent the tribal shamans on their shape-shifting trips. Among the many series on the smooth rock faces, archers share space with a shaman turning into a walking star and a trio of antelope leaps over a shaman with stars for hands; their horns brush the sun as it is pulled through the sky by stick-figure men.

I could not help but speculate whether the shamans who carved the designs were, like you, listening to the messages of an inner guide. Could their guide, like your Philemon, have told them to act out their dramas in the starry skies? I know that you did a bit of stone carving yourself, a carving of Bollingen Tower that you called *Philemon’s Shrine*. So you will appreciate the fact that once the characters were indelibly on the rock, the natives believed they were joined by spirits, making each boulder a variety of shrine.

I am not sure how to close this gracefully, so I will simply state that you are gone but not forgotten, and wish all the best to you and Phil.

Yours very sincerely,

Lacy Turner



ONDA Files Endangered Species Act Suit Over Malheur National Forest Grazing

In July 2006, ONDA filed a lawsuit challenging grazing management on the Malheur National Forest. This action targets the agencies responsible for ensuring that the Forest’s grazing complies with the Endangered Species Act (“ESA”) – the National Marine Fisheries Service (“NMFS”) and the U.S. Fish and Wildlife Service (“FWS”).

The Endangered Species Act requires the Malheur National Forest and other federal agencies to ensure their actions do not “jeopardize” steelhead trout and bull trout, both listed as threatened under the Act. The grazing authorized throughout much of the Forest has seriously degraded fish habitat in many ways. As but one example, when cattle have access to spawning streams, they frequently trample and destroy redds (spawning nests made by fish).

Under the Act, NMFS and FWS must each determine, via a document known as a biological opinion (“BiOp”), whether the grazing proposed by the Forest Service is likely to “adversely affect” a listed species’ critical habitat or “jeopardize the continued existence” of a listed species. If a BiOp finds an action is not likely to do so, it must provide terms for the Forest Service to follow to minimize the impact.

For many years, NMFS’s and FWS’s BiOps have found that the Forest’s grazing will not jeopardize the listed fish. These determinations have relied on the Forest Service’s assurances of implementation of several terms, such as extensive monitoring and compliance with the riparian fish habitat protection plans known as PACFISH and INFISH. However, the Forest Service chronically has not complied with these terms – calling into question the validity of the BiOps’ conclusions. ONDA’s lawsuit challenges this reliance on the Forest Service’s assurances to meet the key terms, which is contrary to law requiring that such terms be reasonably certain to occur.

Several other challenged defects in the BiOps include the wildlife agencies’ failure to accurately analyze and quantify the impacts of the grazing on the listed fish. The case was assigned to Judge Garr M. King and will be briefed this fall.

Steens WSA Threatened By Reservoirs

ONDA recently discovered that the BLM is considering constructing over a dozen reservoirs for cattle within the South Steens Wilderness Study Area (“WSA”), at the request of the Roaring Springs Ranch. This WSA is on Steens Mountain’s west face, south of the South Steens Mountain Loop Road and west of and adjacent to the Donner und Blitzen River. Of course, this type of cattle development has absolutely no place in a WSA.

The reservoirs proposal grew out of a 2006 BLM proposal to build a fence along the Donner und Blitzen River. This is a rare fence proposal that ONDA supports, because it is necessary to halt repeated cattle trespass into the cow-free Donner und Blitzen Wild and Scenic River corridor. In fact, ONDA has been asking BLM to build this fence for years. The corridor’s cow-free status was a hard-fought accomplishment, the result of a long legal battle in the mid-1990s end-



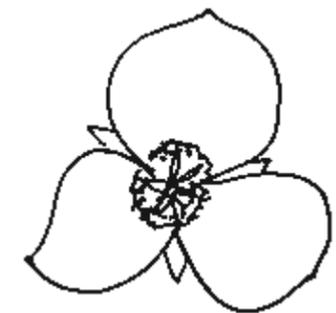
PHOTO: ONDA

When cattle have access to spawning streams, they frequently trample and destroy redds along with sensitive riparian vegetation.

ing with a court injunction prohibiting cattle in the corridor. The Steens Act in 2000 then confirmed the cow-free status by placing the corridor in the cow-free wilderness area.

Roaring Spring Ranch opposes the fence proposal, because the fence would prevent its cattle from using the cow-free river. The ranch administratively appealed the fence decision. Unbeknownst to ONDA, the BLM and the ranch reached a settlement agreement whereby the BLM agreed to consider building the reservoirs for the ranch as water “replacement.”

Upon learning about that agreement, ONDA moved to intervene in the administrative appeal and is working to overturn the settlement and ensure that the fence is built expeditiously (as is required by the court injunction) in order to protect the Wild and Scenic River corridor.





Natasha Bellis

Welcome Natasha Bellis, Legal Intern

Natasha Bellis joins ONDA this summer as a legal intern in the Portland Field Office. Growing up in the Great Basin desert of Wyoming and Utah, Natasha is familiar with the complex issues facing Oregon's desert ecosystem and its protection has inspired her in pursuing a career in environmental law. She will be a second year law student at Lewis and Clark Law School this fall and although she was awarded a stipend from the law school's Public Interest Law Project to work for ONDA this summer, she hopes to continue to contribute to their amazing legal efforts long after the stipend is gone!



Cisley Wingate

Farewell Cisley Wingate, GIS Staffer

Over the past year Cisley Wingate has served as part-time staff on our Geographic Information System (GIS) program. Cisley's skills were exceptional, so it didn't take long for her to be awarded a full-time position at a local GIS company. Cisley has agreed to be available to help us out from time to time as needed. Thank you, Cisley, for your many hours of dedicated service for ONDA. Keep in touch!



Colin Zook

Welcome Colin Zook, Intern

Our summer intern, Colin Zook, is doing his best to fill the hole left by last year's interns. A senior at the University of Oregon double-majoring in Public Policy and Mathematics, Colin hails from Powell Butte, just one long bike ride from the ONDA office. He spent the previous few summers screwing hinges onto doorframes. Ask him about it sometime. When he's not running errands and making cappuccinos for the staff, he enjoys biking, running, skiing, and burritos. He's a bit of a softie though, and is partial to matching sweatsuits, Barry Manilow, and long moonlit walks on the beach.



MEMORIALS
THANK YOU

In Memory Of Peter Hanson

ONDA would like to thank Lindy Hanson for her generous donation in memory of Peter Hanson.



Oregon Wild Desert Calendar

The ONDA Market Place is pleased to offer the 2007 edition of the Oregon Wild Desert Calendar – 12 inches x 9 inches in size and featuring two outstanding desert photos for each month of the year.

Photographers who contributed work to this calendar are: Greg Burke, Thomas Chamberlain, Mark Chidlaw, Jim Davis, Scott Erickson, Mike Henetz, Bruce Jackson, John Lasseter, Ben Moon, Mike Pajunas, Al St. John and John Vito.

Calendars will be available in October. Price includes shipping, \$15.

Clothing

ONDA T-shirts. White, sage and neutral with logo. When ordering, specify size.
 Women's short sleeve (S, M, L) \$15
 Men's short sleeve (M, L, XL) \$15
 Long sleeve (M, L, XL) \$18
 Long-sleeve shirts are not available in sage.



Item Description (for apparel, please specify men's or women's)	Size	Quantity	Price	Total
Add 10% shipping (except calendars)				
Total				

JOIN ONDA

Help defend Oregon's wild places by becoming a member of ONDA. To join, use the membership envelope inside this newsletter, contact our office at 541.330.2638, or visit www.onda.org



GO FOR A JOY RIDE.

DONATE YOUR OLD CAR TO A GOOD CAUSE: THE ENVIRONMENT

When you donate your old car to the Oregon Natural Desert Association's cars for conservation program, you receive a tax deduction and experience the joy of knowing that you've helped ONDA's effort to restore, defend and protect Oregon's native deserts. Like to know more? Contact Peter Hickok at phickok@onda.org or 541.330.2638



Oregon Natural Desert Association
16 NW Kansas Bend, Oregon 97701
onda.org | 541.330.2638

Oregon Natural Desert Association

RIMROCK SOCIETY

By joining ONDA's Rimrock Society, Legacy Group, you are helping ensure ONDA's long-term sustainability and the future of desert wildlands in Oregon.

- Yes, I want to learn more about how I can leave an enduring legacy to ONDA.
- I have already established a planned gift for ONDA. Please enroll me in the Rimrock Society, Legacy Group.

NAME

ADDRESS

PHONE/EMAIL

Clip and mail to: Kelly O'Brien, Oregon Natural Desert Association, 16 NW Kansas Ave., Bend, OR 97701



Oregon Natural Desert Association
16 NW Kansas Street
Bend, Oregon 97701

tel 541.330.2638
www.onda.org

Nonprofit org

US Postage

PAID

Bend OR

Permit No 473