

Ramblings

DESERT RAMBLINGS

THE NEWSLETTER OF THE OREGON NATURAL DESERT ASSOCIATION

SPRING 2007 EDITION VOLUME 20, NO. 1

FROM THE
OUTBACK

An ONDA Priority: Expanding Wilderness In Pronghorn, Grouse Country

Hart Mountain pronghorn.

By Bill Marlett, ONDA Executive Director

One of ONDA's highest program priorities is to expand protection of the vast sweep of landscape surrounding the Hart Mountain National Antelope Refuge¹, Hart Mountain, and Sheldon Wildlife Refuge just across the border in Nevada, represent the largest cow-free landscape (over 800,000 acres) in the Great Basin, and as such, are an ecological delight.

The signature wildlife species of both refuges are, of course, the pronghorn, which have made an excellent (though not unexpected) recovery in population numbers (see chart at right) since termination of domestic livestock grazing in 1991. In fact, 2006 was the best year ever with over 2,700 pronghorn counted. The drastic change in management direction (there had been 4,000 cows on the refuge in years past) was instigated by the then new refuge manager, Barry Reiswig, who saw that change was desperately needed; and helped along by professional refuge staff and the top pronghorn biologist in the country, Jim Yoakum. Adding the necessary legal backstop was

see **OUTBACK** page 10

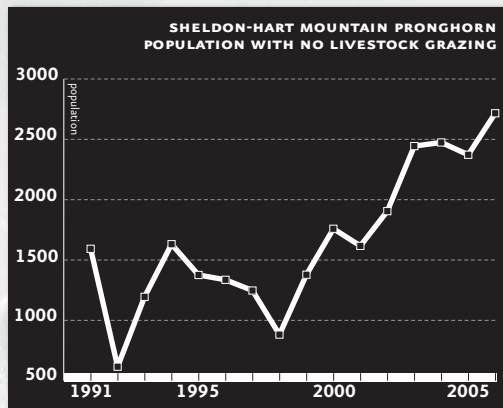


PHOTO: GREG BURKE

IN THIS ISSUE

ONDA invites you to experience the beauty and rugged nature of Oregon's high desert by going on a wilderness restoration trip this season. For schedule and details, see page 4.

ONDA invites all desert photographers to submit photos for consideration for the 2008 Oregon Wild Desert Calendar. For details and the deadline, see page 15.

The gray wolf of the Northern Rockies faces a new threat: a proposal to remove it from the endangered species list. The deadline for signaling opposition is May 9, see page 9.

Thanks To All

Durlin E Hickok, President

It has been another terrific year at ONDA with many successes in our programs as you can see throughout this issue. Membership has been a special focus with over 100 new members added this last year bringing our total membership to just over 1,000. In addition, there are now nearly 40 Central Oregon Business Members who have recognized the connection between the health Oregon's High Desert and health of our local economy.

Thanks to all of you for another successful year!



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Court Finds John Day Basin Grazing Plans Violate Endangered Species Act

By Kristin Ruether, Staff Attorney

On April 17, 2007, ONDA received a significant court victory when an Oregon federal court declared that the grazing plan for the Malheur National Forest violated the Endangered Species Act.

Last year, ONDA and the Center for Biological Diversity challenged the Biological Opinions (“BiOps”) issued by the federal agencies responsible for overseeing endangered species. The BiOps direct what standards the Forest Service must follow to prevent jeopardizing threatened or endangered fish – in this case, steelhead and bull trout. The Malheur National Forest contains tributaries of the John Day River, a world-class river hosting one of the largest refuges of all wild steelhead remaining in the Columbia Basin.

The court issued a stinging indictment of the grazing program. It first criticized the government’s failure to evaluate impacts to the steelhead’s potential for recovery resulting from the grazing’s degradation of designated steelhead “critical habitat.” Recognizing that endangered species can’t survive if the places where they live are destroyed, the Endangered Species Act includes strong provisions to protect such habitat. The court stated that the government had “failed to evaluate whether short-term habitat degradation caused

each grazing season will reduce the steelhead’s ability to survive and recover,” in light of “overwhelming evidence of habitat degradation” from livestock grazing.

The court next overturned the steelhead BiOps’ determination that the grazing would not jeopardize the survival of the steelhead, because the BiOps do not consider the effects of grazing on the status of the species.

The decision also criticizes the failure of the Forest Service to monitor whether the grazing program provides for natural recovery, the history of noncompliance with grazing standards, and the BiOps’ “vague statements about what, if any, administrative corrective action will be taken against noncompliant permittees” – all long-standing concerns of ONDA’s.

This victory is important because it is a strong indictment of the Malheur National Forest’s grazing program as a whole. It remains to be seen how the Forest Service will respond to the decision in issuing its plans for the 2007 grazing season. ONDA is hopeful that the decision will inspire the agencies to reduce grazing near critical fish habitat and allow meaningful recovery to begin.

ONDA Sues To Defend BLM Decision To Rest Bully Creek

By Kristin Ruether, Staff Attorney

ONDA and Western Watersheds Project took the Department of the Interior to federal court this spring over the management of Bully Creek. In a highly unusual situation, ONDA and WWP entered the fray to *defend* a commendable decision made by BLM to rest a badly overgrazed pasture from grazing in 2007, on this beleaguered tributary of the Malheur River (on BLM’s Vale District).

Astute readers of Desert Ramblings will recall a photo essay published here in the Summer 2006 issue celebrating the impressive improvement that some areas of the Bully Creek watershed made after five years of implementation of BLM’s groundbreaking Bully Creek Landscape Area Management Project (“LAMP”). The LAMP put into place new, more restrictive grazing standards, and was the result of years of hard work on the part of ONDA and WWP members.

However, BLM’s five-year assessment showed that one allotment – the Willow Basin allotment – had made virtually no progress since the LAMP was put into place. In one pasture in particular, the 11,000 acre Bully Creek Pasture, BLM recorded violations of its indicators for at least six years in a row, and admitted the riparian areas were in an alarming “downward” trend due to livestock.

BLM gave the permittee one last chance to comply with standards in 2006, to no avail. The permittee’s livestock trespassed upon the pasture before the scheduled grazing season, resulting in BLM’s discovery that standards were violated – some in a dramatic fashion – after only ten days of authorized grazing.

BLM finally reached its breaking point in October 2006, and issued a Final Decision ordering immediate livestock removal and

closing the pasture completely in 2007. The well-reasoned decision chronicles the violations BLM recorded over the past five years and explains how the closure is needed to meet the requirements of the Fundamentals of Rangeland Health regulations and the LAMP.

The permittee appealed this closure decision to an administrative law judge (“ALJ”) within the Interior Board of Land Appeals. We were very surprised this winter when the ALJ issued a “stay” of BLM’s closure decision – in effect permitting grazing to continue unabated in 2007. The ALJ made several serious legal errors, including putting an unreasonably high burden of proof on BLM to defend its decision, and affording great weight to the permittee’s range consultant, who alleged that BLM’s monitoring was faulty.

We determined that the only way to prevent irreparable harm from occurring yet again in Bully Creek Pasture in 2007 was to ask a federal judge to uphold BLM’s decision. We asked the court for an injunction to halt the expected spring livestock turnout, and hope this will permit recovery to finally begin on Bully Creek Pasture this year.





PHOTO © BEN MOON

ONDA volunteers at work on Hart Mountain.

Go Wild This Summer! Become An Onda Volunteer In The Field

ONDA invites you to get to know your desert. A rewarding way to explore the beauty and ruggedness of Oregon's High Desert is by volunteering on a restoration trip. This spring through fall, ONDA is leading restoration trips in the Steens Mountain Wilderness, Hart Mountain National Antelope Refuge, Pine Creek Conservation Area, the Badlands and Sutton Mountain Wilderness Study Area. The trips range from multi-day backpacking trips to single day educational hikes, working on removing barbed wire fence, monitoring sage grouse leks, closing roads and more. To learn more about each trip and to sign up, visit the volunteer section of our website, www.onda.org. Space is limited. We hope you'll join us.

2007 RESTORATION TRIPS

April 25-28	Sage Grouse Lek Monitoring, Hart Mountain National Antelope Refuge
May 4-7	John Day River Float and Fence Pull
May 19	Badlands WSA Road Closure
May 26	Educational Hike, Badlands wsa
June 13-16	Steens Mountain Wilderness Fence Pull, Ankle/Mud Creek
June 16	Educational Hike, Badlands WSA
June 23	Badlands WSA Road Closure
July 18-22	Steens Mountain Wilderness Fence Pull, Ankle/Mud Creek
Aug. 9-12	Steens Mountain Wilderness Fence Pull, Lower Wildhorse Canyon
Aug. 11	Educational Hike, Badlands WSA
Aug. 22-26	Hart Mountain Fence Pull
Sept. 10-14	Steens Mountain Wilderness Fence Pull, Ankle/Mud Creek
Sept. 22	Sutton Mountain WSA Fence Pull

Join ONDA On An Owyhee River Float Trip, May 15-19

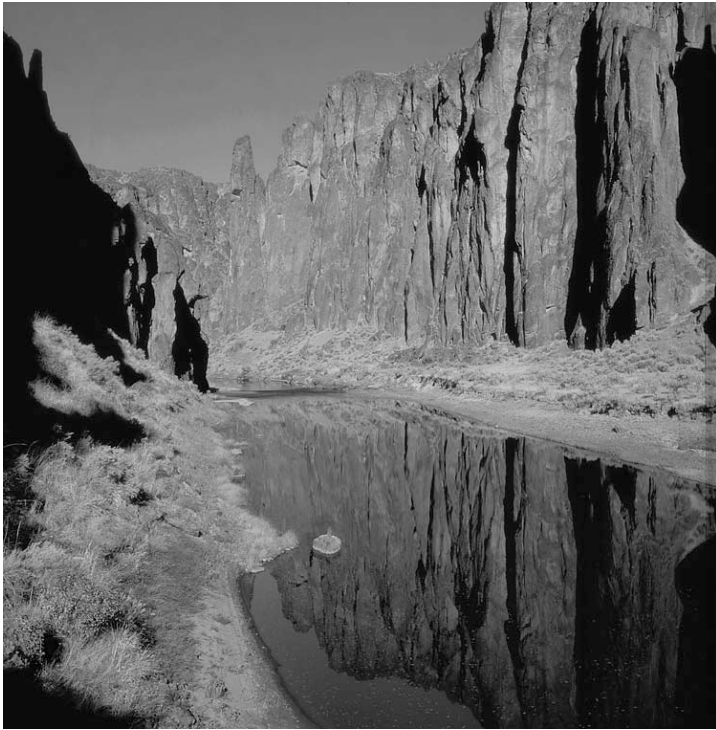


PHOTO: GARY TEPHER

Reflections, Owyhee Canyon

The Wild and Scenic Owyhee River is a place of rare and unique beauty. The Owyhee Canyonlands make up one of the largest contiguous wildland areas in the U.S. It is the Big West where the sky is nearly endless and only hawks break the solitude. ONDA has been working to protect this special place and we would like you to join us for a trip of a lifetime.

We will begin our trip on Tuesday, May 15th, from the Rome Launch site and float until Saturday, May 19th, where we will take out at Birch Creek Ranch. The trip cost includes five days of delicious meals, experienced guides, dry bags and additional rafting gear for those who need it.

Along the way, we will have the opportunity to engage in small restoration projects to reduce the impact on the river and preserve the area for future generations. We will also have ample time for hiking, exploring, and learning about this unique landscape.

Our outfitter has been guiding on the Owyhee for over a decade and is dedicated to preserving the Owyhee River Canyon. For more information on trip logistics visit www.rafttheowyhee.com or call Owyhee River Expeditions 1-866-GO-RAFTN.

TRIP COST

- \$850 for ONDA members
- \$950 for non-members

REGISTRATION

- For registration information, please contact Kelly O'Brien at (541) 330-2638 or kobrien@onda.org.
- Please register by April 30th

160 Racers Run The Horse Butte Trail In A Benefit For ONDA

No fooling, on April 1st over 160 people ran the Horse Butte 10 Mile Trail Run put on by Foot Zone. Foot Zone is a small, thriving running store in downtown Bend that is committed to making a difference in the community. This is the third year in a row that the store has organized this race and generously donated all of the proceeds to ONDA.

The setting is appropriate. Just 15 miles east of Bend, Horse Butte is open sagebrush country with views of the Cascades, protected as part of Deschutes National Forest. Runners snaked their way through 10 miles of single track trails in the first trail run of the season.

ONDA would like to extend a sincere thank you to the owner and employees of Foot Zone, the volunteers that helped before, during and after the race, and to the many runners that ran for ONDA. The money raised from this race will help fund our efforts in the field, protecting Oregon's high deserts for everyone.



In a benefit for ONDA, trail runners head up Horse Butte on April 1.

ONDA's New Lifetime Members

To thank our most generous supporters, we have created a new ONDA Lifetime Membership to recognize the people who have made ONDA the amazing organization it is today. Lifetime Members have shown their commitment to the protection of Oregon's High Desert by each giving a total of over \$1,000. Their generosity has provided a lifetime of support and deserves a lifetime of recognition! Thank you to all of our Lifetime Members:

Al Urquhart	Gary and Sharon Kish	Lynn and Lawrence Krupa
Alan Locklear and Marie Valleroy	George and Nadine Reynolds	Marcia Sigler
Alice and Cal Elshoff	Gordon and Kay Baker	Mark Monroe
Allen and Twylah Johnson	Hank and Deborah Noble	Mary Garrard
Andrea Vargo and Ed Mcnamara	Hank Holmes MD	Mary Lou Soscia
Andrew B Crosby	Harry F Brevoort	Meg Campbell
Andy Kerr and Nancy Peterson	Harry H and Eleanor Wagner	Mike and Deb Daunhauer
Anne and John Richen	Helen Harbin	Mr. & Mrs. Jack and Lois Barry
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Barbara Bowerman	Jack and Susan Crosby	Norbert and Christine Leupold
Barbara Mendius	James Scott	Patrick Conner
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Bill and Sara Tattam	Jean Parker	Phil and Melinda Conti
Bob Amundson	Jerome and Mary Fulton	Richard and Elizabeth Marantz
Bob Phillips	Jim and Dory Delp	Richard L Hay
Carol Dodson Jacquet	Jim and Nadine Harrang	Rick and Mary Donahoe
Carolyn Eckel	Jim Davis	Robert and Sandra Buscher
Charlaine and Robert Beschta	Jim Dixon	Robert Artman
Charles and Reida Kimmel	John and Betsy Messer	Robert Benedict and Laura Niles
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Craig and Marilyn Miller	John and Joan Casey	Robert Jensen
Craig Bradle and M.e. Deckelmann	John and Phyllis Reynolds	Robert Sims
Dan Van Vactor	John Casey	Roger and Ann Worthington
Daniele Mckay and John Nangle	John Cunningham	Ronald Schaaf
Dave and Duane Funk	John J. Kaib, MD and Sharold Barr Kaib	Ruth Robinson
Dave and Kendra Summers	John M Sherman	Sandra Deveny
Dave Olson	John Marks	Scott Becker
Dave Werntz	John Mckay and Barbara Tyler	Scott Bolton and Trudi Traister
David Johns	John Vitas and Pat Towle	Scott Murray
David Zimmerman	Jon Cain	Sid and Louise Henderson
Debbie Kennedy	Joseph Hessler and Ruthann Maguire	Stan and Sue Shepardson
Del and Lu-nita Hawkins	Josephine and Peter Von Hippel	Stephen Pruch
Diane and Rick Rupp	Justin Liversidge and Martha Church	Stu and Hilary Garrett
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Frances Stevenson	Lee Belknap	Wayne and Cathy Salvo
Frank and Joanne Cleland	Lee Christie and Tom Keffer	William Percy and Amy Schoener
Frank Szczygiel	Lee Hickok and Sharon Loomis	Win Francis
Fred Sawyer	Leslie Johnson	

“Having seen over the years that ONDA is committed to protecting, defending and restoring Oregon’s wondrous desert lands for as long as it takes, we hope our gift will help even after we are gone and inspire others to pledge their support as well.”

— ALICE & CAL ELSHOFF



Investing In Oregon’s High Desert Wilderness For Everyone

Alice and Cal Elshoff have been ONDA donors since our founding in the late 1980’s. Over the years, they provided steady support to help ONDA work to achieve our mission. After giving for several years, Alice and Cal decided that they wanted to give something that would have a larger impact, for ONDA and for future generations of Oregonians. That is when they decided to join ONDA’s Rimrock Legacy Society and make a planned gift to benefit ONDA. With this gift, Alice and Cal provided ONDA with the financial stability to plan for the future of Oregon’s native deserts and the health of our organization.

If you love the vast open spaces and solitude of Oregon’s High Desert and wish for it to last for generations to come, join Alice and Cal in leaving an enduring legacy for Oregon’s native deserts. A gift to consider is a bequest through you will or living trust. Bequests are a vital and continuing resource that strengthens ONDA’s ability to preserve our natural heritage for the future.

If you are considering including ONDA in your estate plan please contact the ONDA office. We would be happy to assist you in planning a gift that meets both your interest and ONDA’s long-term goals. For more information on how you can make a lasting gift to ONDA, please complete the card to the right or contact Kelly O’Brien at (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

The Case Against Public Lands Livestock Production

By George Wuerthner, Staff Ecologist

The public lands of the United States are part of the “commons” – lands that are held in trust by the government and to be managed for the long term benefit of all current and even future citizens. Yet one human activity affects more of that public domain than any other – commercial livestock production. Livestock production occurs on nearly 90% of all BLM lands, 69% of all Forest Service lands, and even quite a number of national parks, national wildlife refuges, as well as state and county lands. Over 300 million acres in total, or an area as large as all the eastern seaboard states put together from Maine to Florida, with Missouri thrown in as well. Despite this huge amount of land devoted to this activity, public lands only provide 2-3% of the forage consumed by domestic livestock nationally.

And while the profits from this commercial activity go to private individuals, the public commons are degraded and public values are compromised. We suffer these losses so a small minority of citizens can maintain a “death-style” not a lifestyle. Death style because there is no way to produce livestock in the arid West without a multitude of negative impacts including soil erosion and compaction, water pollution, fencing of open space, the spread of exotic weeds, spread of disease from domestic animals to wildlife, changes in plant community structure, interruption of natural nutrient cycles, disruption of natural fire regimes, degradation of riparian zones, destruction of “pests” like prairie dogs and predators like wolves and the nearly uniform domestication of our public lands with fencing, water tanks, pipelines, and other infrastructure designed to make our public lands better stock yards for the benefit of a very small sub-set of society – public lands ranchers.

To understand how much our public lands are compromised by the presence of domestic livestock, let’s look at the issue of wolf restoration across the West. My goal as an ecologist and advocate for public lands is to see the restoration of the ecological influence of wolf predation to the landscape. I do not believe that we should limit our vision to accepting a few “token” wolf packs here and there as some kind of museum pieces in a few national parks as adequate. I want to restore an ecological process – that wolves perform – that is the influence of a top down predator. And there is absolutely no biological reason why wolves should not, and can not be restored throughout nearly all of their native range in the West but for one obstacle – livestock.

Despite the supposed “success” of wolf restoration in the northern Rockies, a closer analysis demonstrates that the only place where packs consistently survive without having their social structure disrupted by trapping and shooting or having entire packs wiped out are those wolves whose territories are found in livestock free areas like Yellowstone or the Central Idaho wilderness. On public lands leased for grazing livestock is not only given equal footing as the public’s predators, but priority right. If a wolf kills a cow on public lands, it’s usually going to wind up a dead wolf.

Even the so called “predator friendly” livestock operations are impacting wolves in three critical ways. The first is forage competition. There is no free lunch. Every blade of grass going into a

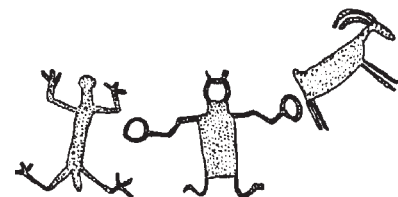
If wolves can't be restored without constantly being harassed, radio-collared, moved, shot, and managed to death on our public lands, than tell me where can wolves be permitted to just be wolves?

domestic animal is that much less available for native species from voles to elk to consume. There are very few places in the West where native ungulates like bighorn sheep, deer, and elk are at their true biological carrying capacity because the bulk of forage is allotted to domestic livestock. Less elk, deer, pronghorn antelope, bighorn, and even bison, means that is that much less prey is available to sustain wolves.

But the mere presence of livestock affects wolves in other ways as well. Many wild species like elk are socially displaced by livestock. In other words, when cows are moved onto an allotment, the elk move someplace else. Again there is no free lunch. If these wild animals are being displaced from what would otherwise be suitable habitat to them they are being negatively affected.

Finally, while not well known by most of the public, state Fish and Game Departments often hold elk, deer, and other wild ungulate to “social” carrying capacity, not biological limits, to appease ranchers. So political pressure from ranchers not only limits the potential population of our native predators, but in many areas, our other native wildlife as well.

There are plenty of other reasons besides the restoration of wolves to remove livestock from the public lands, but restoration of wolf predation as a viable ecological process across the West is reason enough for me. If wolves can't be restored without constantly being harassed, radio-collared, moved, shot, and managed to death on our public lands, than tell me where can wolves be permitted to just be wolves? In my view, my public lands do not exist for the commercial private profit of any individual or group, and certainly not an activity that so degrades, compromises, and negatively impacts what I believe the public lands should be doing – providing a home for native wildlife free from undue manipulation and harassment. As long as domestic livestock are on those lands, our public lands will never be providing their full potential as a public “commons.”



Gray Wolf Faces Loss Of Endangered Species Protection



Gray wolf.

ONDA FILE

Just as gray wolf populations in the Northern Rockies have begun to rebound from near-extinction, they face a new threat to their survival.

Several decades ago, gray wolves were ruthlessly hunted, trapped, and poisoned by state and federal authorities who considered them a nuisance, and a threat to livestock. Protections they receive under the Endangered Species Act and careful reintroductions to their former range have enabled them to inch their way back.

But now, the U.S. Fish and Wildlife Service has proposed to remove the gray wolf from the endangered species list in the Northern Rockies, including Montana, Idaho, Wyoming, Oregon, Washington, and Utah. The proposal hasn't yet been finalized, so in order to keep protections for the gray wolf in the Northern Rockies, please send in your comments. Public comments will be accepted only until May 9th.

If these critical protections are removed, the fledgling population of gray wolves in these states will be at the mercy of state governments that have made no secret of their desire to resume widespread wolf extermination campaigns. In January of 2007, Idaho Governor C.L. "Butch" Otter declared that once wolves are de-listed, his state plans to kill all but 100 of the animals living there today.

ACTION: Strongly urge the U.S. Fish and Wildlife Service to keep essential protections in places for wolves by sending your comments before the **May 9th deadline**. Oppose the Fish & Wildlife Service's misguided plan to remove the gray wolf of the Northern Rockies from the Endangered Species List.

Comments can be electronically mailed to NRMGrayWolf@fws.gov or mailed to U.S. Fish and Wildlife Service, Wolf Delisting, 585 Shepard Way, Helena, MT 59601.

For more information on Northern Rocky Mountain gray wolf, visit <http://www.fws.gov/mountain-prairie/species/mammals/wolf/> and the press room section of ONDA's website, www.onda.org.

ONDA Attorney Speaks At Conference

In March, Senior Staff Attorney Mac Lacy spoke at the 25th Annual Public Interest Environmental Law Conference ("PIELC") about ONDA's wilderness victory on Beatys Butte. Mac was joined by Steve Bloch of the Southern Utah Wilderness Alliance ("SUWA") and Bob Randall of Western Resource Advocates. The panelists examined recent ONDA and SUWA court decisions requiring BLM to consider both agency and citizen-generated wilderness inventory information, and how those decisions might be used in future grazing, oil and gas leasing, and other contexts.

Staff Attorney Kristin Ruether spoke on a PIELC panel titled, "Grazing Litigation to Protect Trout Habitat." Kristin focused on ONDA's legal challenge to NOAA Fisheries' and the U.S. Fish & Wildlife Service's Endangered Species Act biological opinions concerning Malheur National Forest grazing operations. She was joined by Stephanie Parent, managing attorney at the Pacific Environmental Advocacy Center, and Jon Rhodes, a conservation hydrologist with Planeto Azul Hydrology and scientific expert in many of ONDA's cases concerning grazing's impacts to fish habitat.

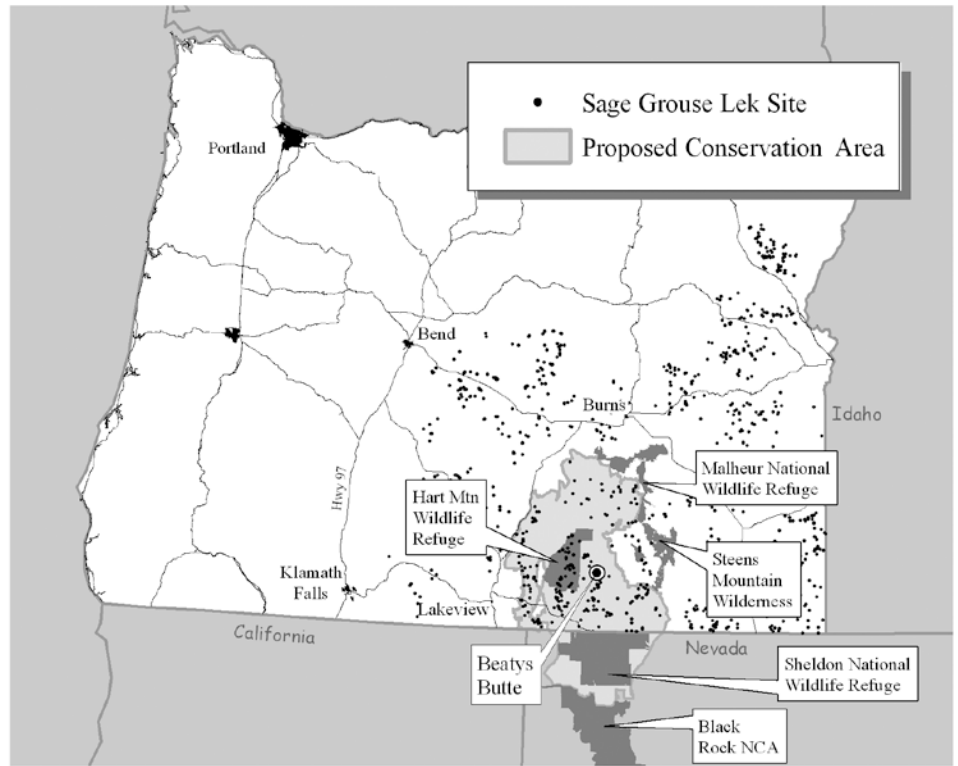
The PIELC is a world-renowned conference that brings together activists, attorneys, students, scientists, and community members to share their expertise and insights.

Greater Sage-Grouse.



PHOTO: GREG BURKE

Adult and young pronghorn at Hart Mountain.



MAP: CRAIG MILLER

OUTBACK from page 1

a lawsuit filed by ONDA and The Wilderness Society, challenging the Fish and Wildlife Service's management of the refuge, which up to that point in time, catered to providing forage for domestic livestock, in direct violation of the vision outlined in the President Franklin Roosevelt's proclamation creating the refuge in 1934 (amended in 1936).

In legal action taken by ONDA to protect the larger ecosystem surrounding Hart Mountain, federal Judge Hogan will be making a decision on a lawsuit ONDA filed against the BLM over their management of public lands surrounding Hart Mountain Refuge in the Lakeview District within the next few months. This is a tough case for ONDA since the BLM is allowed far more flexibility (too much, in our opinion) than the Fish and Wildlife Service (which manages Hart and Sheldon Refuges) in how they protect the Greater Sage-Grouse and other native wildlife against the adverse impacts of livestock grazing.

One of the core issues in our lawsuit (which you can download from ONDA's website) and a central issue to ONDA's mission, is the firm belief that BLM has an on-going duty to maintain an up-to-date inventory of wilderness-quality lands under its care. We have met with some success in the courts as you can see from the Winter '06 legal docket, and between Judge Hogan and Judge Aiken. Aiken will be making a similar decision on our Steens lawsuit involving the same issues and we expect further progress will be made.

While we expect to eventually prevail on this issue, and are making good progress in the interim, let us never forget that it was the Bush administration that put us in the unfortunate position of having to challenge the BLM in court. At the end of the Clinton administration, BLM developed their Wilderness inventory handbook to help citizens provide BLM documentation of new information regarding wilderness values on public lands. In fact, ONDA staff and

our hardy crew of volunteers have been using this handbook for the past six years in preparing our own up-to-date wilderness inventory. Not known as big fans of Wilderness protection, the Bush administration saw an opening to dispense with the new Wilderness inventory handbook when it settled a court case with the state of Utah over its BLM wilderness inventory. The effect of that settlement, signed by then Interior Secretary Gale Norton, was sweeping and immediate. Along with other conservation groups across the West, ONDA has ever since been stalwart in our efforts to reinstate the handbook, which has been a cornerstone in most of ONDA's litigation against the BLM.

To understand why ONDA believes the Wilderness handbook is critical to protecting future Wilderness areas (and conversely, why the Bush administration wanted to do away with it), and why ONDA has been litigating all of BLM's management plans, one need only look at ONDA's current inventory of unprotected Wilderness. Over the past six years, ONDA has inventoried all public lands under BLM management (about 14 million acres in Oregon's High Desert) and has identified nearly 8 million acres of land having wilderness characteristics. Compare that to BLM's outdated (early 80's) wilderness inventory of 2.6 million acres. The nearly 5 million acre difference, if granted Wilderness Study Area (WSA) status through BLM's on-going planning process, could be placed off limits to further development, including oil and gas leasing, mining and expanded livestock-related developments (more wells, water pipelines and fences), at least until Congress took action to either designate the area as Wilderness, or otherwise released the WSA lands from further consideration.

On a related legal action in the Lakeview District, ONDA's lawsuit against BLM over its poor management of Beatys Butte (see map) has resulted in some success on the wilderness and grazing front. Immediately south of Hart Mountain Refuge, Beatys Butte is an amazing



Rainbow over Beatys Butte.

PHOTO: CRAIG MILLER

oasis of biodiversity in the larger landscape proposed for protection.

For years, conservationists have been looking to expand the protection provided by the Hart-Sheldon Refuge to encompass most of the core biological landscape needed by pronghorn, and equally important, Greater Sage-Grouse (see map on page 10).

Given that the greater Hart Mountain landscape represents some of the last, best sage grouse habitat in the entire West (with one of the highest density of leks, or mating areas, in the West), one option is to give BLM special direction for managing this landscape as a Sage Grouse National Conservation Area.

Or, taking a cue from President Roosevelt, our next president can demonstrate leadership and vision via a proclamation expanding the refuge boundaries to encompass the proposed conservation area.

To date, ONDA has made a concerted effort to secure formal recognition of this precious landscape. Along with 21 other conservation groups, ONDA petitioned the BLM in 1998 to designate over 1 million acres between Hart and Sheldon Refuges as a “Pronghorn Area of Critical Environmental Concern.” While BLM rejected the request, they recognized the rich biological heritage encompassed in the proposal (you can download the ACEC petition from ONDA’s website and BLM’s response from its website).

Regardless of the eventual outcome, this vast sweep of the sagebrush sea is a key ecological stronghold in the Great Basin deserving national protection as a core action in any strategy to recover threatened sage grouse populations across the West.

Deep Interest in Beatys Butte

As described in the Legal Docket on Page 13, Beatys Butte has played a prominent role in ONDA’s wilderness program over the past eighteen months. In late-2005, ONDA sued BLM to challenge an extensive rangeland project the agency had proposed to build in and around the East and West gulches, Beatys Butte’s summit. To remedy serious grazing damage in the gulches, BLM proposed to build more than 20 miles of pipelines and new barbed-wire fences, along with two miles of new road. (To BLM’s credit, it proposed to remove and rehabilitate a couple miles of road within East Gulch.)

In order to protect Beatys Butte’s outstanding wilderness opportunities and regionally significant sagebrush steppe wildlife habitat, ONDA challenged the decision. Among its claims, ONDA alleged the projects were unlawful because BLM had refused to consider the impacts of the projects on wilderness values – specifically, those values documented in ONDA’s 121,000-acre Spaulding Proposed WSA Addition.

The district court agreed with ONDA, ruling BLM had acted unlawfully when it authorized the projects by relying on outdated and inaccurate wilderness inventory information (BLM’s original inventories, conducted in the 1970s). The court then enjoined BLM from further construction as well as from use of already constructed projects under the illegal decision. Now, BLM must prepare a new environmental assessment, taking into account wilderness values before it decides how (or whether) to move forward with these projects.

1. The proclamation designating the Hart Mountain National Antelope Refuge uses the word “antelope” even though true antelope are only found in the Old World (Africa). Pronghorn “antelope,” on the other hand, are part of our natural Western heritage. Their original range was larger than the American bison, and some estimate the pronghorn population before European settlement at between 40–50 million animals.

The Poet In The Desert: An Excerpt

PHOTO: JIM DAVIS

Winter bunchgrass, Spring Basin Wilderness Study Area.

By Charles Erskine Scott Wood

Behold the signs of the Desert:
A buzzard afloat on airy seas,
Alone, between two infinities,
As I am alone between two infinities;
A juniper-tree on a rocky hillside,
Dark signal, calling from afar off,
That the weary may rest in shade;
A monastery for the flocks of little birds
Which hurry by night across the barrenness
And hide happily in the heat of the day;
A basaltic-cliff, embroidered with lichens,
Illumined by the sun, orange and yellow,
The work of a great painter,
Careless in the splash of his brush.
In its shadow lie timid antelope,
Which flit through the sage and are gone;
But, nevertheless, become loving unto love.
An ocean of sage-brush which dimly breaks
Against a purple coast too far away;
White alkali-flats, shimmering as
A mirage of beautiful blue lakes,
Constantly retreating.
The mirage paints rivers on the sky.
With cool and willowy banks;
The thirsty ears can almost hear
The lapping of the waters,

But they flee away mockingly,
Leaving the thirsty to perish.

The flowers bloom in the Desert joyously,
Careless whether they be seen, or praised.
They do not weary themselves with questioning,
But blossom unto life perfectly,
And unto death perfectly,
Leaving nothing unsaid.
They spread a voluptuous carpet for the feet of the Wind
And to the frolic Breezes which lightly overleap them,
They fragrantly whisper:
"Stay a moment, Brother; plunder us of our passion.
"Our day is short, but our beauty everlasting."

Court Enjoins Rangeland Projects On Beatys Butte

On Dec. 12, 2006, Judge Michael Mosman issued an order granting nearly all of the relief requested by ONDA in this successful wilderness case dealing with an extensive set of proposed rangeland projects in the East and West Gulches. The Court's order: (1) vacated BLM's unlawful decision; and (2) enjoined BLM from further construction of the projects, including enjoining the agency from further use of already-built facilities (including roads, pipelines, watering troughs, and storage tanks) until BLM has completed (i) a current inventory to determine the wilderness values in the area, and (ii) a new environmental assessment ("EA") taking into account the current inventory information. The court also ordered that BLM maintain already constructed projects "sufficiently to avoid environmental injury pending completion of a lawful EA or a decision to abandon the Projects."

The order caps off a successful case and sets a high bar for future BLM rangeland and other projects impacting citizen-inventoried areas with wilderness values. It also lends further strength to our wilderness claims in other current cases, including those dealing with an even bigger rangeland project in and around Louse Canyon in the West Little Owyhee canyonlands, and the Lakeview, Andrews-Steens, and Southeast Oregon Resource Management Plans.

This also sets the stage for "phase two" of ONDA's wilderness litigation: moving from the question of whether BLM must analyze impacts to wilderness resource values, to the question of how the agency does this.

In February, BLM issued for public comment a "revised" East-West Gulch Projects EA virtually identical to the unlawful EA. The revised EA contains an appendix analyzing wilderness values in ONDA's Spaulding Proposed WSA Addition. Rather than analyze the proposed area as a whole, the EA looks at five BLM subunits carried over from the original 1980 inventory. With little analysis, BLM claims those subunits remain divided by roads, thereby justifying analyzing wilderness characteristics within each subunit independently. The appendix contains little to no express analysis of ONDA's report, a significant portion of which is dedicated to showing that those routes do not meet BLM's definition of "roads" and therefore the larger proposed area is indeed "roadless."

ONDA filed an administrative protest of BLM's proposed decision in March. Beatys Butte will continue to be an important test case for determining the scope of BLM's duty to inventory for, consider, and manage for wilderness resource values on the public lands.

ONDA Protest Halts Oil And Gas Drilling

As a result of a protest filed by ONDA, BLM's Oregon State Office announced that it had decided to withdraw 122 of 151 proposed oil and gas leases from BLM's quarterly auction in March. The challenged leases were all located on public land in the rugged and scenic backcountry of Malheur County. The basis of the ONDA administrative protest was that the BLM failed to consider the environmental impacts of oil and gas drilling on these wilderness-quality desert lands. Oil and gas drilling can create serious envi-

ronmental consequences, including construction of access roads and drill pads, which can diminish wilderness values and recreation opportunities, destroy cultural resources, cause long-term damage to fragile desert soils, and fragment wildlife habitat.

ONDA Files Notice Of Clean Water Act Violations

In February, ONDA and six other conservation groups sent the Forest Service a 60-day notice of intent to sue for violations of the Clean Water Act. ONDA alleges the Forest Service violated the CWA when the agency issued a permit to graze livestock without first receiving certification from the State of Oregon that the grazing will comply with all applicable water quality requirements. The notice targets the Lower Middle Fork Allotment, which straddles the Middle Fork John Day River on the Malheur National Forest.

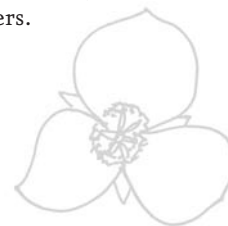
The Middle Fork and its tributaries suffer from severe water quality problems, including extremely high stream temperatures, caused in part by grazing adjacent to the river and its tributaries. These degraded conditions impact the native steelhead, bull trout, and Chinook salmon that use these streams for key spawning, rearing, and migratory habitat.

Section 401 of the CWA requires that anyone applying for a federal permit for any activity that "may" result in a "discharge" into certain waters of the United States must obtain "certification" from the state that the activity will not violate water quality standards. In 1994, ONDA sued the Forest Service for issuing a permit to graze the Malheur National Forest's Camp Creek Allotment without first obtaining a § 401 state certification.

The district court agreed with us that because the term "discharge" is defined as including, but not limited to, "point source" releases (e.g., end-of-pipe type releases), it must include releases from "nonpoint" sources as well. Thus, the term "discharge" encompassed nonpoint source pollution such as runoff from grazing. The Ninth Circuit overturned that decision, holding that the term "discharge" is limited to discharges from point sources.

In May 2006, however, the Supreme Court unanimously held, in a case called *S.D. Warren Co. v. Maine Bd. of Env'tl. Protection*, that because a hydroelectric dam raises a potential for a discharge, § 401 is triggered and state certification is required for the federal license. The Court's broad reading, under its ordinary meaning, of the term "discharge" in § 401, calls into question the Ninth Circuit's holding in *ONDA v. Dombeck* and lends support to Judge Haggerty's original lower court ruling in our favor.

The groups joining ONDA in this effort are Western Watersheds Project, Northwest Environmental Defense Center, Oregon Wild, Center for Biological Diversity, Forest Guardians, and Friends of Oregon's Living Waters.





Tracy Bowerman

Bon Voyage To Tracy Bowerman

John Day River Coordinator Tracy Bowerman will be leaving ONDA to continue her academic training at Utah State University in Logan where she has been accepted into a Master's program to pursue a degree in aquatic ecology. Before she takes off for Utah, Tracy will be studying juvenile life history of bull trout populations on the Walla Walla River and tributaries to the Umatilla and North Fork John Day Rivers.

We are grateful for the contributions Tracy has made to advance habitat protection for listed steelhead in the John Day, and where she aptly carried the torch on our continuing efforts to secure permanent protection of the Spring Basin Wilderness. Tracy made many lasting friendships and connections for ONDA in the John Day basin over the the last two years. And most recently provided BLM with recommendations for new wilderness quality lands and wild and scenic river additions in the current John Day management planning process.

We wish Tracy the best in her studies and look forward to her eventual return to Oregon!

Farewell Greg Holmes, Board Member

We are sorry that Greg Holmes will be leaving the ONDA board. ONDA's success over the last six years can be partially attributed to Greg's contributions the organization. He has provided great leadership and served with distinction as the chair of the operations committee for many years. We will miss Greg, but know that we will continue on our association with him in other ways.



Greg Holmes

Thank You, Webmaster Molly Connors

Talk about ready for anything, Molly Connors is always up for a challenge. Be it climbing mountains, kayaking class V rapids, running marathons, volunteering on ONDA's fence pulls or uploading and designing ONDA's old website, Molly has done it all – with grace.

Trying to keep up with the ever-changing technology, we have overhauled our website and now make our web changes in-house. This frees Molly to take vacations and spend long days on the slopes without having to check her email for one of our five-starred requests.

A website is the electronic face of an organization. Molly, thank you for making us look good for so many years. Your web skills have been an unbelievable contribution. Thank you.



Molly Connors

Thank You, Legal Helpers

ONDA thanks the following attorneys who have contributed their time and expertise by handling or co-counseling a number of ONDA's ongoing legal actions over the past five years: Stephanie Parent (Pacific Environmental Advocacy Center), Laird Lucas (Advocates for the West), Dave Becker (Pacific Environmental Advocacy Center, now with Western Resource Advocates), and J.D. Brown (Crag Law Center).

Current ONDA Job Posting

We are looking for a full-time **John Day Field Coordinator**.

The John Day Field Coordinator must be a self starter to who is ready to take charge of our John Day Salmon Project. The applicant must be an experienced, energetic person who is prepared to coordinate all of our activities in the John Day Basin. The John Day Field Coordinator will organize collaborative efforts between all stakeholders including federal agencies, tribes, private landowners and other NGOs. The focus of the position is to secure Wilderness designation for unprotected federal lands and reduce impacts of domestic livestock grazing on wild salmon and steelhead habitat.

For more information on this position, visit our website at onda.org, and click on 'Job Opportunities' in the 'Get Involved' section.

MARKET PLACE

The ONDA Market Place is pleased to offer ONDA T-shirts in 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	
			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

May 22 Is Deadline For 2008 'Desert Wilderness' Calendar



The 2007 ONDA calendar

We are happily taking submissions for the 2008 'Desert Wild-lands' calendar.

The calendar is our greatest outreach tool. Many Oregonians have no idea what desert treasures are to be found east of the Cascades.

Our calendar serves to educate people about these magnificent areas and inspire them to join our

efforts to protect them. The 2008 calendar will be the fourth calendar published by ONDA.

We encourage you to send in your favorite desert photos that meet the requirements listed below. Submission deadline is June 1.

Priority areas:

1. Badlands WSA
2. Spring Basin WSA
3. South Fork of the Crooked River WSA
4. Owyhee Canyonlands
5. Sutton Mountain/Pat's Cabin/Painted Hills/Sand Mountain
6. Sagebrush Sea—Diablo Mountain, Hart Mountain
7. John Day River

For the entire list of desired image areas, please visit our website, onda.org.

Submission details:

Please submit no more than 20 of your best desert images.

Transparencies: 35mm, 2.25, 6x7 or 4x5

Digital: minimum of 36 mb or 9 x12 inches at 300 DPI on CD, in-

clude printed proof sheet(s) with 2-in. x 3-in. thumbnail images.

Please send large-scale landscape images (which may include people as small elements) for the large (9 x 12) full page sheets, and smaller scale (details of flowers, wildlife, etc.) for the inset images on the calendar grid. All images produced full page will be horizontal. Verticals and horizontals will be used for the small grid images. Please submit accordingly. Calendar photos will be printed in CMYK, having a smaller color gamut than the RGB most of us are used to working in. Therefore, please be very conservative with saturation increases, and avoid sharpening on the files you submit.

Be sure that a description of each photograph is provided, either on the photograph itself, or on a separate sheet with corresponding numbers. Please include a self-address-stamped envelope with your submission to ensure proper protection and return of your images.

Mail directly to:

ONDA
c/o Erin Barnholdt
16 NW Kansas
Bend, OR 97701

Questions? Call (541) 330-2638.

Thank you to current and past photographers that have generously volunteered their images and time to make this calendar a success.



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



www.onda.org

A New ONDA.org Website

We've made the leap into the 21st century, at least when it comes to our website. During the winter months we (okay, mostly Pete Hickok, our membership coordinator and go-to tech guy) were feverishly cutting, pasting, writing and designing our new website. We want **onda.org** to be one of the easiest ways for you to learn more about us and to get involved. We still have some growing pains to go through, so we would love to hear your feedback, good or bad. If you are having a hard time finding your way, please give us a call and let us know. We want this to be a useful, creative and straightforward tool. We hope you like it.



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