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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

OREGON NATURAL DESERT ASS’N et al., Case No. 03-CV-213-KI

Plaintiffs,

v.

UNITED STATES FOREST SERV. et al.,

Defendants,

and

ROBERTSON RANCH et al.,

Intervenor-Defendants,

and

OREGON CATTLEMEN’S ASS’N,

Intervenor-Defendants.

**DECLARATION OF
LINDA DRISKILL**

I, LINDA DRISKILL declare and state as follows:

1. I am Linda Driskill, a lifetime resident of Grant County, Oregon and an active member of the Oregon Natural Desert Association for over a decade. My academic background includes a degree in social science from Oregon State University and a Master's degree in public health/demography from Tulane University.

2. My work experience includes many years abroad working for employers such as Harvard University on their demographic project at the Albert Schweitzer Hospital in Haiti and the University of North Carolina with their Population Laboratory in Rabat, Morocco.

3. More recent work experience has been with the U.S. Forest Service as a seasonal employee in fire, silviculture, wildlife, reforestation, and data input.

4. My partner, Frazier Nichol, and I provide leadership for the Grant County Conservationists. This all-volunteer group has been active in Grant County for 26 years. Our work has been varied and in the early years was mostly reactive, dealing with such issues as timber sales, land use planning, mining, noxious weeds, off-road vehicles, roadless area protection, fire salvage, prescribed and natural fire advocacy and participating in the Interior Columbia Basin Ecosystem Management Project. The past five years, we have committed to proactive work by focusing efforts on the upcoming Blue Mountain Province Forest Plan and including a Forest Service-driven Collaborative Conservation Biology Alternative. This would represent a significant change of direction for forest management, in one alternative at least, from an anthropocentric approach to a biocentric one, by focusing on the recovery of biodiversity. (Biocentrism considers human beings as one species in a community of species.)

5. We advocate for beaver and bull trout as the "keystone" species in the restoration of critical aquatic and riparian habitat and have recently formed a Community Beaver Response

Team, which works to solve beaver-human conflicts by, for example, caging trees vulnerable to beaver, installing “beaver bafflers” in front of culverts, using pond-leveling devices and relocation of problem beaver if no solution can be found to resolve a conflict.

6. My personal interest in monitoring riparian habitat conditions is directly related to beaver and fish habitat improvement. I have worked as a seasonal employee for the Malheur National Forest for 27 years and am familiar with forest management challenges. I have been a conservation activist for the same period of time and participate regularly in providing comments regarding land management decisions as well as spending time with agency employees. As a long-time student of conservation biology and focal species such as beaver, I believe that I have a grasp on what constitutes poor, good and excellent riparian habitat. I spend many hours during the summer season walking, looking, thinking about and photographing riparian conditions on the Malheur National Forest. My summer residence is located between the Wild and Scenic Malheur River and the Wild and Scenic North Fork of the Malheur. These Rivers are often the targets of my monitoring efforts as well as just for the pleasure of walking their trails.

7. My interest in grazing issues became more acute with the inauguration in 1994 of The Keystone Project of the Grant County Conservationists (GCC), which is dedicated to restoration of beaver populations. This involves recognizing the role of beaver in improving aquatic habitat by storing groundwater, providing flood protection, rebuilding wetlands and wildlife habitat, and so forth. Poor management of grazing allotments is preventing the reestablishment of this important species and the recovery of aquatic and riparian habitats in general. I have been monitoring the allotments on the Wild and Scenic Malheur River and Wild and Scenic North Fork of the Malheur River and their watersheds for most of the past decade. I visit and revisit key streams (especially where there are beaver) and write a lot of letters detailing

my observations to the federal and state managing agencies, including the Forest Service. The Malheur National Forest staff has in the past been willing to occasionally visit with me areas of particular concern, but seem to be unwilling to go beyond “being concerned,” to concrete credible action that reduces degradation such as limiting herd size.

8. Key tributaries which could be restored by reestablishing beaver habitat in allotments along the WSRs are: Bluebucket Creek (Bluebucket Allotment); Frazier Creek (in Star Glade); Flag, Bear, Crane and Station Creeks (Flag Prairie Allotment); Cottonwood and Skagway Creeks (Ott Allotment); and Bear Creek (North Fork Allotment). My photos and experience over the years have convinced me that the long-term benefits of the usual management options such as rotation systems, fencing, shortening the seasons, etc., are nil. The elimination of grazing altogether; slowly reducing herd sizes until management objectives (such as vegetation and water quality recovery) can be met; or the segregation of sensitive riparian areas are options which need to be seriously considered.

9. GCC last year acquired a GPS unit to make our monitoring efforts more credible and repeatable. My files include pictures, field notes, FOIA information, official U.S. Forest Service monitoring records (for comparison), biological opinions, and similar information.

10. Healthy river corridors are important to humans who are looking to the rivers for wild and scenic qualities for their own (and future generations’) enrichment and enjoyment. Others of us are working for biodiversity and healthy aquatic habitat and would like to see key focal species such as beaver and bull trout populations restored. This can only be accomplished at the watershed level. Bull trout are having a difficult time in these rivers because of high stream temperatures in the tributaries flowing into the rivers. Beaver are absent from the river corridors

because they are basically absent in the watershed due to lack of habitat caused by over grazing by domestic livestock. Wild ungulates also have to compete with livestock.

11. It is my opinion that many of the streams flowing into the wild and scenic river corridors in the allotments listed above, should be providing cold, clean water to these designated, very special rivers, but are instead in a state of aquatic collapse due to excessive livestock use. Cut and trampled banks are common. Floodplains are filled with non-aquatic plants such as sagebrush and juniper. Beaver are barely eking out an existence in a few places. Streams are too warm and the headwaters no longer function for water storage and the release of late season flows. Plants that should be indicators of healthy conditions (such as willows, aspen, and bitterbrush) often can only survive in big wire cages. A plant in a cage is not effective in restoring habitat. Such “caging” and fencing of remnant hardwoods would appear to violate PACFISH-INFISH requirements that grazing use levels on shrubs (hardwoods) be closely monitored so as to indicate when grazing has surpassed the limits of acceptable use.

12. It is my opinion that grazing is incompatible with protecting and enhancing the values of the river corridors. All of the wild and scenic river corridor allotments seem overstocked with regard to the carrying capacity of the land, streams and rivers. I have observed that cattle and sheep, no matter how few hours or days at a time they are on the river, go after young shrubs and hardwoods within their reach, thus preventing reestablishment of these critical species.

13. I often see “trespass cattle” in visits to various allotments (including Star Glade, Flag Prairie, and Ott) along the corridors and have come to the conclusion this unauthorized use is one of the most successful strategies of the commercial livestock industry in their use of public lands. Since, for all practical purposes, there are no penalties, it works very much to their

advantage. Especially popular is leaving the bulls behind on the rivers and streams at the end of the official grazing period. These are animals that can weigh nearly a ton and consume their weight in forage each month.

14. My impression of grazing management on the Malheur National Forest is that there is no real willpower, and hence no precedent, to enforce grazing standards and guidelines on the Forest. This is accentuated by the singular devotion of the USFS range employees to their profession (and keeping full grazing privileges on public lands). These employees however, are also few in numbers and have enormous acreages to cover. Budget restraints are legion. Ranchers are powerful people commanding the respect and support of Congress and many constituencies, such as hunters. They are some of the last Americans to have a strong sense of place, appreciate their outdoor and highly independent lifestyle and are willing to fight hard to keep it. Locally, they firmly believe that they have personal property rights to all grazing allotments. Their concern is primarily one of survival and legacy rather than biodiversity and healthy properly functioning ecosystems.

15. Attached to this declaration as Attachment 1 are photographs I took in 2001 and 2002, documenting riparian conditions and the impacts of livestock grazing on these wild and scenic river corridors. The photos, dates and locations, and my captions accompanying them, are accurate, true and correct to the best of my knowledge.

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Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED this 19 day of March 2004.

Linda Driskill

Linda Driskill

DECLARATION OF LINDA DRISKILL