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

OREGON NATURAL DESERT ASS’N et al. Case No. 03-CV-1017-JE

Plaintiffs,

v.

DECLARATION OF KATHLEEN FITE

BUREAU OF LAND MANAGEMENT et al.

Defendants.

I, KATHLEEN FITE, state and declare as follows:

1. My name is Kathleen Fite, and I reside in Boise, ID. The following matters are personally known to me, and if called as a witness I would and could truthfully testify thereto.
2. I am Biodiversity Director of Plaintiff Western Watersheds Project (“WWP”), and

was previously employed by the Committee for the High Desert. I am also a member of Plaintiffs Oregon Natural Desert Association, Western Watersheds Project and the Committee for the High Desert.

3. WWP is an Idaho non-profit membership organization dedicated to protecting and conserving the public lands and natural resources of watersheds in the American West. WWP has over 1200 members, including many members who live in Oregon.

4. WWP, as an organization and on behalf of its members, is active in seeking to protect and improve the riparian areas, water quality, fisheries, wildlife, and other natural resources and ecological values of western watersheds. WWP and its members have actively participated in agency proceedings concerning BLM's management of the public lands in southeast Oregon, including by filing comments and participating in the development and preparation of the BLM's Southeast Oregon Resource Management Plan ("SEORMP"). I and other WWP members have also met with and spoken by telephone with BLM staff regarding the SEORMP and its implementation. In addition, WWP members have undertaken numerous visits to the public lands throughout the SEORMP planning area and the rest of the BLM's Vale District for purposes including recreational or aesthetic use and enjoyment of the area; scientific study; wilderness inventory; and observation of livestock grazing impacts on the natural systems of the sagebrush-steppe ecoregion.

5. WWP has participated at each step of the way during the SEORMP planning process and I personally have aided in drafting and reviewing written comments to the BLM on the various drafts of the RMP.

6. Many of the riparian areas of Vale District which I have visited reflect severe degradation from livestock grazing. Cattle concentrate on riparian areas, even in moderate

temperature periods. Woody riparian vegetation along stream segments accessible to livestock grazing is very often heavily impacted by both trampling and grazing activity of livestock. Raw stream banks are eroding and collapsing into streams.

7. Many springs, seeps, and wet meadows have been seriously degraded by livestock. They have been trampled and hummocked, are head-cutting and eroding. There is often abundant livestock waste in the water and on the margins. These include springs, seeps and wet meadows ranging from Bully Creek to Spring Mountain near the Idaho-Oregon border, to the Louse Canyon GMA area and the Trout Creek Mountains to the south and west.

8. Springs, seeps, and wet meadow areas provide essential habitat and water sources for many species of native wildlife, and are recognized as very important to sage grouse brood rearing as they provide succulent forbs and insects required by young birds (Connelly et. al. 2000, Federal Register 2004 69, 77, p. 21486). Numerous springs, seeps and wet meadows across the Vale District show evidence of desiccation, hummocking, head-cutting, erosion, loss of wetland plants and invasion of upland species, and shrinkage in area caused by livestock impacts. Not only have livestock grazing and trampling impacts resulted in serious damage to springs, seeps, and wet meadows, BLM has constructed numerous livestock “range developments” (pipelines, wells, watering troughs, etc.) that dig into springs and divert water. These developments have altered or decreased surface flows, with associated loss of the ability to support riparian vegetation.

9. Many riparian areas along flowing streams such as in the Malheur watershed that are accessible to livestock are largely devoid of healthy riparian shrub communities. Raw and bare banks erode and slough into the water, contributing large amounts of sediment to the stream. In riparian areas such as these, as well as in now-intermittent streams such as Jack Creek

and Jackson Creek, the development of herbaceous mesic or riparian vegetation necessary to trap sediment and begin accretion processes is sharply constrained. The potential to support much more developed woody riparian and herbaceous vegetation (willows, roses, rushes) in stream systems is revealed in canyon areas inaccessible to livestock and in exclosures. I have observed livestock-inaccessible ungrazed areas in the West Little Owyhee canyon, exclosures in the Trout Creek Mountains and Bully Creek areas, and in many situations in southwestern Idaho. When I worked for the Idaho Department of Fish and Game during the 1990s, one of my tasks was to provide recommendations on construction of livestock exclosures to BLM, as well as to monitor the progress of vegetation recovery inside newly constructed exclosures. It is obvious that livestock grazing has thus caused or contributed to the elimination of the native riparian vegetation in the Vale District. These serious problems and degradation caused by livestock to riparian systems are well described in the scientific literature (Cheney et al. 1990, Belsky et al. 1999).

10. Ephemeral and intermittent drainages, many located in areas of very erodible soils, are suffering significant harmful impacts from livestock grazing and trampling in the West Little Owyhee and Tent Creek watersheds, for example. During spring runoff or thunderstorm events, intermittent drainages carry large flows of water, sediments and debris. Healthy herbaceous cover, microbotic crusts, and ground cover are critical to the health and condition of the uplands that deliver runoff and sediment to these drainages. Scientific studies have found significant reductions in runoff and sediment yield in watersheds related to livestock grazing changes (Lusby 1979).

11. Redband trout, a BLM special status species, occur in several stream systems in the Vale District. These fish are in particular jeopardy. In many instances, habitat connectivity

has been lost between upper portions of watersheds and the rest of the watershed. Water temperatures are elevated due to lack of cooling shade from willows and other riparian vegetation. Pools and woody debris are limited. Substantial improvement is necessary to restore adequate fisheries habitat.

12. The Columbia spotted frog, a federal candidate species, is known to occur in the riparian habitats in the Vale District, and is dependent on healthy riparian habitats. Plus, its fragile egg masses may be disturbed by livestock use of shallow waters.

13. Threatened Lahontan cutthroat trout occur in the Trout Creek Mountains, and their habitats still suffer impacts from livestock grazing in headwaters, at water gaps, and along unprotected stream segments. Impacts include destabilized streambanks and erosion, with sediment movement into Lahontan cutthroat aquatic habitats.

14. While riparian areas have been severely degraded by livestock grazing in the Vale District, upland vegetation and soils have been extraordinarily impacted. Large portions of the upland sagebrush-steppe plant communities have been previously altered by massive treatments including burning, herbiciding, disking, riling and other methods used for removal of sagebrush vegetation, undertaken in efforts to promote livestock grazing in the area. These “treatments” have a myriad of harmful effects to native species (Braun et. al. 1977, Braun 1998, Donahue 1999, Welch and Criddle 2003; Federal Register 2003, Vol. 68, pp. 10400, 10404; Federal Register 2004, Vol. 69. pp. 21487–21488. The SEORMP never identifies the lands that have been altered, nor evaluates their current condition.

15. As part of this landscape-level treatment, vast areas of the Vale District have been seeded with exotic (non-native) species, especially crested wheatgrass. This practice of seeding exotics continues to this day following wildfires. Much of this exotic seeding has been

accompanied by the construction of new fences, drilling of wells and construction of lengthy pipelines and other livestock facilities. Many of these seedings lack sagebrush and other native shrubs, and have depauperate forb components. Plus, in many areas, such as the Louse Canyon GMA and Jackies Butte, grazing pressure under high stocking rates, drought and other factors has resulted in death of much of the seeded crested wheatgrass that is supposed to be providing livestock forage. Exotic seeded species such as crested wheatgrass are of limited palatability to native wildlife most of the year.

16. Nearly all Vale BLM wild lands are grazed, with resultant alteration of species composition and structure, and disruption of ecosystem functioning (Fleischner 1994). Sagebrush plant communities, often complexly interspersed across the landscape, comprise the dominant vegetation type across the Vale District. There is now widespread recognition of the spiraling loss, fragmentation and endangerment of sagebrush habitats (Ricketts et al. 1999, Knick et al. 2003). A conservation assessment of North American ecoregions found the Snake/Columbia Shrub Steppe bioregionally Outstanding and Endangered, “requiring protection of remaining habitat and extensive restoration” with “large, intact, **though degraded** areas remain[ing] in southwestern Idaho, southeastern Oregon, and northwestern Nevada” (Ricketts et. al. 1999). Sagebrush cover still dominates many areas, but degradation caused by livestock sets the stage for irreversible changes.

17. Characterized by bunchgrasses, forbs and shrubs with soil interspaces of microbiotic crusts, the sagebrush-steppe ecosystem did not evolve with herds of large, hoofed ungulates (Mack and Thompson 1982). The current vegetation community originated in the Pleistocene (within the past 12,000 years or so), with little grazing by large native herbivores, and bison scarce in the intermountain region. Native bunchgrasses are weakened and killed by

the chronic effects of livestock grazing, excessive use levels, and grazing during harmful periods of the year (Mack and Thompson 1982, Anderson 1991). Microbiotic crusts that fix nitrogen, protect against erosion and help exclude weeds are harmed or destroyed by livestock trampling (Belnap 1995).

18. As a result, alien annual cheatgrass and other weeds invade depleted understories and clog the now bare soil interspaces. Cheatgrass produces continuous fine fuels so fires flash across the landscape. Larger areas burn more frequently and uniformly, and few unburned patches remain. This phenomenon accelerates, with conversion to annual grassland the end result (Whisenant 1991). As remaining habitat patches become smaller, species disappear. As fires become larger, more uniform and more frequent, the landscape changes from a species-rich matrix to a species-poor matrix dominated by exotic, annual species (Whisenant 1991). Plant communities set on this trajectory with repeated disturbance cross thresholds from which they can not recover, and restoration is extremely difficult, if possible at all (Billings 1994, Knick et al. 2003). Conversion of native sagebrush ecosystems to simplistic annual grasslands results in a lack not only of native vertebrates but also invertebrates essential for the operation of the ecosystem including energy flow, water cycling and nutrient balance (Billings 1994).

19. These processes are underway today in Vale BLM lands, with livestock pulverizing microbiotic crusts, and grazing bunchgrasses to levels far too low. The levels of grazing and public lands authorized for grazing in the SEORMP only extends and perpetuates this damage. Weeds invade zones of livestock disturbance (Pyke 1999, Belsky and Gelbard 2000) plus livestock act as vectors of weed seed dispersal, transporting seeds in fur, mud, and dung (Belsky and Gelbard 2000). Fragmentation of habitat critical for the persistence of native wildlife like sage grouse and special status species of migratory songbirds proceeds at multiple

levels—while a veneer of sagebrush may remain, livestock have removed or simplified critical habitat components, and altered the understory. For example, sagebrush broken and battered by livestock loses the structural complexity of overhead cover required by the pygmy rabbit (Katzner and Parker 1997).

20. BLM has long known about the large distribution and potential for expansion of cheatgrass in several western states, including Oregon Vale District BLM lands (Pellant and Hall 1992). In addition, the Interior Columbia Basin Ecosystem Management Project (ICBEMP) recognized the serious threats posed by cheatgrass, medusahead and other weeds, and identified “Areas Susceptible to Potential Exotic Weed Expansion” in maps that identified almost the entire Vale BLM District lands as susceptible (USDA 1996). ICBEMP provided much documentation of ecological problems plaguing the native biota of eastern Oregon, especially sagebrush-dependent species (Saab and Rich 1997, Wisdom et. al. 2000).

21. Synergistic and cumulative impacts of disturbance—livestock grazing, fire and other human disturbance—wreak ecological havoc, and cause sagebrush lands to be converted to exotic monocultures of cheatgrass or medusahead (BLM/IDARNG 1996, Knick et. al. 2003). These same processes are recognized to be leading to the demise of shrub-steppe in the Snake River Birds of Prey National Conservation Area (SRBOPA) in southwestern Idaho, and are underway throughout much of the lower and middle elevation lands of the adjacent Vale BLM lands. This is vividly seen in portions of the lower Owyhee River country, portions of the Jackies Butte Allotment, and immediately adjacent to Vale, Oregon where the BLM Vale District Office administrative office is located. Populations of rare plants like Mulford’s milkvetch, subject to multiple disturbances by livestock and fire and subsequent weed invasions, are blinking out.

22. The SEORMP fails to assess these chronic effects of ongoing grazing and existing

livestock projects and fails to address harmful impacts of current and future management actions that primarily perpetuate the status quo. Livestock facilities and management activities cause new and expanded disturbance. Fences and livestock facilities concentrate livestock, allowing more uniform degradation and new zones of heavy disturbance and other ecological problems (Freilich 2003). Livestock water developments dig into the heart of wild land springs, disrupt stratigraphy, remove water and may cause springs to dry up. Pipelines ripped outward across the sagebrush extend chronic grazing degradation and weeds into remnant islands of sagebrush nearest to pristine conditions. Upland water troughs fed by pipelines become sources of intense disturbance, with impacts radiating outward over several kilometers. Salt placed to lure cattle away from water ensures new zones of intense disturbance and weed invasion. Roding grows with ranching activities. Roads pioneered to salt sites, pipeline routes and fence lines become conduits for weed spread (Gelbard and Belnap 2003), and are travel corridors for nest predators (Braun 1998, Freilich 2003). Fences fragment habitat, provide elevated perches for nest predators and are physical barriers that may kill or injure birds (Federal Register 2004 Vol. 69, p. 21490).

23. In my visits to the Louse Canyon GMA area, Bully Creek LAMP area, Succor Creek area, Malheur River watershed and other Vale BLM Lands, I have witnessed these effects—decrepit, non-functioning upland troughs and pipelines, large zones of white top and other weeds surrounding upland water troughs and emanating outward into sagebrush communities, springs largely de-watered after “development”, with remaining flows trampled into muddy mires by livestock, and depletion of bunchgrasses, forbs and microbiotic crusts resulting in cheatgrass dominance of the understory. The grazing decisions made (or avoided) in the SEORMP perpetuate these problems by allowing status quo levels and areas of grazing.

24. The sage grouse is the well-studied emblematic bird of the sagebrush sea – an indicator, umbrella and flagship species of sagebrush ecosystems. Sage grouse may move over vast land areas encompassing hundreds of kilometers in the course of a year between wintering, lek, nesting and brood rearing habitats (Connelly et al. 2000). Livestock devour grass cover needed to conceal nests; desiccate and shrink springs and wet meadows; eliminate forbs and associated insects eaten by chicks; and cause weed spread (Connelly et al. 2003, Hockett 2003, Federal Register 2004 69, 77 21488-21489, 21491).

25. The pygmy rabbit weighs only one pound, and can fit in the palm of a large human hand. It digs burrows in deeper soil sagebrush sites, which serve as protection from predators and thermal cover. Once found across 8 western states, the pygmy rabbit is now restricted to small, isolated areas. The Columbia Basin/Washington Distinct Population Segment was listed as an endangered species in 2003. It has been petitioned for ESA listing across the rest of its range. Livestock physically damage shrubs and reduce the structural complexity of sagebrush cover required by the pygmy rabbit (Katzner and Parker 1997), collapse burrows including shallow natal burrows, and decrease nutrient content of grasses that comprise part of its summer diet (Federal Register 2003, Vol. 68, pp. 10400, 10404, 10405, 10408).

26. The declines in sagebrush-dependent migratory birds, many of them now BLM special status species, are also well recognized (Saab and Rich 1997, Paige and Ritter 1999). As sagebrush habitats are altered at the landscape level and become more fragmented, bird species drop out of the community—even though pockets of otherwise suitable habitat remain (Knick et al. 2003). The presence and temporal persistence of shrubland-obligate species (sage sparrows, Brewer’s sparrows, and sage thrashers) is associated with increased size of shrub patches and homogeneity (unfragmented nature) of the environment (Knick and Rotenberry 1995, USDI

BLM/ IDARNG 1996).

27. Despite the large-scale treatment and wildfires that have occurred in the past, the SEORMP proposes massive new alteration of 30,000 acres a year through prescribed fire. Livestock grazing is a major and continuing cause in altered fire cycles in western juniper communities, with understory depletion and loss leading to juniper expansion (Belsky 1996, Belsky and Blumenthal 1997). Cheatgrass and medusahead are now invading burned and grazed juniper sites in the Owyhee Canyonlands. Yet, BLM plans to continue grazing the very same number of livestock on lands that it proposes to treat with fire. Lands can not begin to be mended, let alone restored, until livestock grazing damage is ameliorated.

28. The SEORMP places overwhelming emphasis on preserving the livestock grazing status quo, and provides no clear direction for protection or enhancement of damaged plant and animal communities. It contains no assessment of the current ecological condition of the vast majority of Vale District BLM lands, or their current suitability for livestock grazing, and other information which is essential for development of multiple use management strategies and protection of public lands from undue degradation. There are no clear cut standards of livestock use and there is no certainty what actions Vale BLM will actually take to arrest degradation and begin to heal damaged lands. “Adaptive management” is applied as a catch-all strategy, with no assurance or certainty that necessary and science-based actions will occur.

29. BLM did not take a “hard look” at an adequate range of alternatives. It failed to analyze any alternatives that considered inclusion of more than 3,280 acres of roadless lands outside of Wilderness Study Areas for WSA status; only examined one alternative that reduced livestock grazing (other than the No Grazing Alternative) while assessing 4 alternatives that considered, identically, 420,854 AUMs and that contemplated little if any change in AUM

numbers over the entire life of the plan; and in 5 of 7 alternatives, considered only 40–60,000 acres as not allocated to grazing. In all but one alternative examined, Vale BLM assessed leaving over one quarter of the land area completely open to OHV use and chose an alternative that allows OHVs to run roughshod over 2.6 million acres—more than one half of the District—completely abdicating the agency’s duty to protect resource values and minimize conflicts with other uses. In contrast, on contiguous Idaho BLM lands in a shared ecosystem, the 1999 Owyhee RMP ROD examined no action alternatives that left more than 192 acres “Open” to OHV use across its 1.3 million acres of public lands.

30. BLM ignored the cumulative and synergistic effects of OHV use and livestock grazing. OHVs, like livestock, both create zones of disturbance that provide ideal sites for weed invasion, and also transport weed seeds from place to place in mud on tire treads. OHV trails up steep hills erode and become permanent scars in this arid landscape where soil formation and recovery processes are exceedingly slow. OHVs run over and break off sagebrush and other shrubs that provide essential nesting and other habitat for native birds. Motorized use disturbs and displaces wintering big game species and other wildlife like sage grouse, causing stress or even mortality if animals are displaced to sub-optimal habitats. OHVs driven across flowing streams damage banks, causing erosion and sediment increase. When driven in the bottom of intermittent drainages and dry washes, they smash vegetation and destabilize soils, and thus increase sediment produced in rain or snow runoff events. Plus, there is increasing concern about accidental ignition of wild land fire by OHVs traveling cross-country. Allowing these two overlapping disturbances (livestock grazing and “Open” OHV Use) to occur everywhere across over half the wild land area of the Vale District is a ticket for ecological disaster.

31. The BLM’s refusal to comply with numerous provisions of federal environmental

laws is causing continued harm to my interests and the interests of WWP's members who use and enjoy the public lands in the SEORMP planning area. WWP, as an organization and on behalf of its members, will suffer irreparable harm in several respects if the BLM is not required to amend the unlawful decisions and procedures that have compromised the SEORMP planning process. This includes:

- BLM's decision to authorize status quo grazing practices without assessing the suitability of the public lands for grazing, as well as BLM's failure to determine whether these lands remain "chiefly valuable" for grazing pursuant to the Taylor Grazing Act. BLM failed to determine which lands were currently suitable for livestock grazing, instead constructing its stocking rates and alternatives apparently out of thin air. BLM did not study the current condition of these lands—lack of forage caused by chronic depletion, loss of forage caused by overstocking of exotic seedings where crested wheatgrass and other species have died out, steep or rocky lands where it is unfeasible to graze cattle, and failed livestock projects that are supposed to be the basis for use of areas remote from water (for example, in the Louse Canyon GMA where entire pipeline systems with many troughs are non-functional, and even a windmill that is supposed to supply cattle water lies on its side). Plus, BLM relies on status quo grazing in areas where grazing may jeopardize important biological resources—such as near sage grouse leks (where most nesting occurs), in rare plant habitats known to be very vulnerable to exotic species spread, and other such areas without determining relative values.
- BLM's failure to make an informed multiple use assessment of grazing in relation to other valid uses of the public lands. BLM failed to conduct studies and assess information necessary to make an informed multiple use assessment of grazing in relation to other uses

of public lands such as wildlife viewing, hiking and camping. Growing human populations in the Treasure Valley of Southwest Idaho and extending into the Ontario, Oregon area are resulting in rapidly increasing recreational uses of the public lands. Growth is predicted to continue well into the future. Yet, BLM over the life of the plan proposes only minor changes in livestock grazing, the overwhelmingly dominant land use over nearly all Vale BLM lands. BLM did not adequately consider the harms it causes to native plant and animal communities (as described above in this Declaration), and as shown by current ecological science. Native plant and animal communities and clean water are important to many recreational users, and their use and enjoyment is the basis for much of the public's use of these lands.

- BLM's failure to ensure authorized grazing practices, levels and acreages will not cause "unnecessary or undue degradation" or "permanent impairment" of the public lands. BLM has failed to ensure that authorized grazing practices, uncertain management actions done under the haze of "adaptive management," and levels and acreages grazed will not cause "unnecessary or undue degradation" or "permanent impairment" of the public lands. BLM's chosen Alternative maintains the exact same number of AUMs (420,854) as was previously authorized, despite overwhelming scientific evidence of the harms that this stocking rate is causing and with no consideration of depletion of lands, effects of recurrent or long-term drought, widespread exotic species invasions (such as white top throughout most of the lower and middle elevation Malheur River watershed, sagebrush die-offs, the needs of special status species (such as sagebrush and tall residual grass cover required for sage grouse for successful nesting) or threatened and endangered species. Plus, BLM allows for only very small changes in AUM numbers over the entire life of the plan (+/-10 %). BLM

never assesses any alternative focused on restoration of lands damaged by wide-scale past vegetative manipulation and chronic livestock impacts.

- BLM's failure to satisfy its obligation to conduct a continuing inventory of the public lands and their resources (including wilderness values on the public lands). BLM has failed to conduct necessary baseline studies and inventories for special status species habitats and populations across Vale BLM lands, and has largely reviewed information in existing databases. BLM has failed to provide any information whatsoever on the acreage and condition of lands subject to massive treatment to produce livestock forage, or on land areas which have been converted to cheatgrass-monocultures and where cheatgrass now dominates the understory, setting the stage for irreversible and landscape-level changes.
- BLM's failure to evaluate the condition of the lands completely open to OHV use, subject to soil erosion, weed spread and disturbance of many species of native wildlife such as sage grouse, pygmy rabbit, mule deer and antelope during critical wintering, nesting, fawning, birthing or other periods.

32. These failures leave millions of acres of public land vulnerable to continued grazing abuse, off-road vehicle damage, the spread of invasive weeds and the concomitant fragmentation and loss of habitat and ecosystem function for important high desert species

33. I go to Wilderness to seek silence, solitude and beauty in a natural landscape. The essence of this naturalness is the presence of native plants and animals. BLM's refusal to inventory and consider Wilderness in the SEORMP injures my interests and WWP's interests in vibrant wild lands ecosystems and wild landscapes where natural processes are unfettered by human intrusion. BLM's extremely limited analysis of livestock grazing's effects on existing WSAs and other public lands in the Vale District with wilderness values also damages these interests.

34. Alarming, the SEORMP's authorization of status quo stocking rates and other grazing practices that cause significant ongoing harm—and in the case of sagebrush uplands, the unraveling of ecosystem processes as cheatgrass and weeds invade, including across WSAs and other roadless lands—poses the prospect of WSAs and other wild lands becoming a biological void, with monocultures of cheatgrass and silent springtimes devoid of native bird song. Such lands can not be considered natural or untrammelled.

35. Because of the BLM's refusal to comply with its various statutory mandates, the natural resources of these public lands thus will continue to suffer degradation and irreparable harm from continued overgrazing.

36. WWP as an organization, and I personally, have been very active over the past decade in participation in BLM land use planning, and enforcement of federal environmental laws, with respect to the public lands covered by the SEORMP. This involvement includes involvement in wilderness inventory efforts and as a plaintiff in the Owyhee Wild and Scenic River litigation, Bully Creek LAMP litigation, and Louse Creek GMA litigation.

37. With Mike Medberry of American Lands Alliance, I developed the 1999 Idaho Citizens Wilderness Inventory, which included neighboring Idaho wild lands adjacent to non-WSA wilderness-suitable Oregon lands. Tracts of roadless wild lands span state boundaries.

38. In the wild and scenic rivers litigation, cattle were found to be harming the Outstandingly Remarkable Values of the WSR corridor, and were ordered removed by the court. While livestock were removed from the river corridor, an extensive and damaging network of livestock projects was constructed in the uplands so as to extend livestock use. I have visited these new projects, and found migratory birds drowned in livestock water troughs, zones of extensive disturbance and visual scars from pipeline construction, large areas of bare soil primed

for weed invasion around new facilities, and fences that mar the visual setting and intrinsic beauty of the high desert landscape, where even rock fence jacks/corners may be visible for miles.

39. With Gene Bray of WWP, I conducted field visits to the Bully Creek LAMP (“Landscape Area Management Plan”) area, which lies entirely within the SEORMP planning area, and observed extensive degradation from grazing, progressive weed invasion (annual grasses and white top), and unmaintained livestock facilities. Despite intensive efforts spanning several years in development and now implementation of the plan, degradation continues and even meager standards of livestock use such as stubble heights under the management plan that continued high stocking rates and relied on new livestock facilities, continue to be violated.

40. In March of 2004, WWP, along with the Oregon Natural Desert Association, filed a lawsuit against the BLM’s Vale District, Jordan Resource Area, alleging that it has failed to implement the Federal Rangeland Health regulations. This lawsuit is described in more detail in the Declaration of Bill Marlett. The lawsuit complains about the BLM’s failure to implement the regulations in the Louse Canyon GMA and throughout the rest of the Jordan Resource Area, all of which lie within the SEORMP planning area. I have made many field visits to the Louse Canyon GMA lands over the past decade, and observed extensive on-the-ground impacts of livestock grazing, the failure of decrepit and non-functional livestock facilities, and a profound lack of livestock management oversight.

41. I have also recently prepared a series of grazing appeals over allotment-level livestock grazing decisions in neighboring Idaho BLM lands. Many involve livestock permittees and/or herds that spend part of the year on contiguous Vale BLM lands in the Owyhee River watershed. I also filed an unsuccessful appeal of a prescribed fire project in the Trout Creek

Mountains, where part of BLM's aims were to kill sagebrush to make it easier for cattle to walk away from water sources and thus extend grazing use.

42. WWP and myself were deeply involved in providing field and scientific data for federal court litigation that stopped a proposal by APHIS/Wildlife Services to kill sage grouse predators over six broad areas of southern Idaho, including the Cow Creek-Succor Creek area right next to the Oregon border. Sage grouse move between states here, and improving sage grouse habitat, not trapping, poisoning and otherwise removing native mammalian and avian predators of sage grouse is of primary importance to ensure healthy sage grouse populations.

43. Through these and other impacts, WWP and its members, including myself, will suffer irreparable harm from interference with our recreational, scientific, aesthetic, and spiritual use and enjoyment of the public lands and resources within the SEORMP planning area. These uses and enjoyment of these public lands already have been adversely affected by the devastation caused by livestock grazing, OHV Use, vegetation treatments including misused wild land fire projects in the area, and the BLM's failure to maintain a continuing inventory of the resources and values present on these public lands. I, along with WWP and its members, plan to continue my recreational, scientific, aesthetic and spiritual use and enjoyment of the public lands throughout the SEORMP planning area in the future. Specifically, I plan to hike, backpack and enjoy wildlife like sage grouse in the West Little Owyhee watershed, hike along the scenic Owyhee River canyon rimrock country between Three Forks and Rome, explore the roadless country near Tent Creek, enjoy the colorful volcanic ash deposits and rare plant habitats of the Succor Creek-Leslie Gulch area, and visit aspen groves of Bully Creek and many other places that I have enjoyed over the past two decades. The BLM's refusal to comply with the procedures set out in NEPA and FLPMA prevents any process of recovery from starting, harms Plaintiffs

and their members in their interests, and ensures that continued severe livestock degradation and ignorance of the resources BLM is supposed to manage, will continue to harm our use and enjoyment of the region. The court rulings and remedy requested by Plaintiffs in this litigation would address Plaintiffs' and my concerns with, and harms from, the final adopted SEORMP.

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 8th day of July, 2004.

s/ Kathleen Fite

Kathleen Fite

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