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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-1017-JE

Plaintiffs,

v.

DECLARATION OF BILL MARLETT

BUREAU OF LAND MANAGEMENT et al.

Defendants.

I, BILL MARLETT, state and declare as follows:

1. My name is Bill Marlett and I reside in Bend, Oregon. The following matters are personally known to me, and if called as a witness I would and could truthfully testify thereto.

2. I am the executive director of Plaintiff Oregon Natural Desert Association

DECLARATION OF BILL MARLETT

(“ONDA”). I am also a member of ONDA.

3. ONDA is an Oregon non-profit membership organization dedicated to protecting and conserving the high desert lands of Oregon. ONDA has over 1,400 members, most of whom live in Oregon.

4. ONDA, 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 Oregon’s High Desert. ONDA and its members have actively participated in agency proceedings concerning BLM’s management of the public lands within the BLM’s Vale District and specifically within the Southeast Oregon RMP (“SEORMP”) planning area. ONDA’s participation has included submitting comments and participating in discussions with the BLM relating to the SEORMP planning process. In addition, ONDA members, including myself, have visited the SEORMP planning area and other public lands throughout 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. ONDA is an “interested public” on BLM grazing allotments in the SEORMP planning area and elsewhere throughout the Vale District, and as such the BLM is required to provide ONDA with notice of all management proposals and actions on the allotments. ONDA has participated at each step of the way during the SEORMP planning process and I personally have aided in drafting and reviewing ONDA’s written comments to the BLM on the various drafts of the RMP, as well as ONDA’s protest of the proposed SEORMP.

6. In my experience, and as the final SEORMP confirms, the BLM has failed to effectively regulate livestock grazing in the planning area and the Vale District in any

meaningful respect over the past decades. Many of the allotments have no management plans at all; and those that do are plainly inadequate to protect valuable public resources, such as riparian areas, water quality, fisheries, wildlife, and aesthetics. I believe that the SEORMP process is a critical step in instituting effective BLM management and oversight of livestock grazing and other resource uses in the area. However, I firmly believe the final decisions and standards (or lack thereof) in the SEORMP do not go far enough in revising livestock grazing management to protect these resources. The SEORMP authorizes essentially status quo grazing, which will negatively impact my personal enjoyment of these lands by diminishing fish and wildlife values and reducing the biological richness of the landscape.

7. The BLM's refusal to comply with numerous provisions of federal environmental laws is causing continued harm to my interests and the interests of ONDA's members who use and enjoy the public lands in the SEORMP planning area. ONDA, 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.

8. This includes the agency's decision to authorize status quo grazing practices without conducting an assessment of the suitability of these public lands for grazing, without determining whether these lands remain "chiefly valuable" for grazing pursuant to the Taylor Grazing Act, without making an informed multiple use assessment of grazing in relation to other valid uses of these public lands, and without ensuring that authorized grazing practices, levels and acreages will not cause "unnecessary or undue degradation" or "permanent impairment" of the public lands. Further, the BLM's failure to satisfy its obligation to conduct a continuing inventory of the public lands and their resources—most notably wilderness values on the public lands—leaves literally

millions of acres of public land vulnerable to continued grazing abuse, off-road vehicle damage, the spread of invasive weeds and the concomitant loss of habitat and ecosystem function for important desert species. With respect to wilderness resource values, the losses are generally irrevocable. The importance of protecting the wilderness quality of these lands is critical to my personal and the public's emotional and spiritual well-being. The on-going abuse of these lands by BLM-authorized grazing has and will continue to lead to a deterioration of ecological integrity in the landscape, which is an essential wilderness value BLM is obligated to protect for present and future generations.

9. In general, the natural resources of these public lands will certainly continue to suffer degradation and irreparable harm of many sorts from continued overgrazing, including continued reduction or elimination of riparian vegetation; bank trampling and sloughing, causing soil erosion and sedimentation into streams and springs; elevated water temperatures; fecal contamination of water sources; degradation and elimination of fisheries habitat, with consequent adverse impacts on fish populations; excessive soil erosion in both uplands and riparian areas; further degradation of native aspen groves, and prevention of aspen recruitment and regeneration; loss of wildlife habitat, including critical sage grouse habitat; declining numbers of fish, wildlife, bird, and other species; loss of microbiotic crusts; declining rare plant populations; increasing invasion of weedy exotic plant species; accelerated fire regimes, and other types of harm.

10. I have floated the Owyhee River downstream of Rome to the Owyhee Reservoir on several occasions and plan to float the river again in the future. As part of these float trips, I have hiked on much of the lands adjacent to the Owyhee River. Further, I have driven though much of the upper Owyhee watershed in the vicinity of Three Forks and Louse Canyon.

11. ONDA as an organization, and I personally, have been very active over the past

fifteen years 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 the Owyhee Wild and Scenic Rivers litigation, an exhaustive wilderness inventory project, and a Federal Rangeland Health regulations lawsuit over the BLM's management of the Louse Canyon Geographic Management Area.

12. I have had an extensive history with this area through the Owyhee Wild Rivers management planning process and subsequent litigation. I was personally involved with all aspects of initiating and overseeing the administrative protest and subsequent litigation of the final Wild and Scenic River Plan. I continue to be involved in the aftermath of that litigation, which involves the BLM's annual submission to the district court of status reports detailing the agency's progress (or lack thereof) in developing a comprehensive river management plan that will adequately assess and address the effects of grazing in the wild river corridors.

13. Last year, ONDA completed an inventory of wilderness values on lands throughout the Owyhee Canyonlands of southeast Oregon, which lies within the SEORMP planning area. Over the course of about a year, ONDA staff and volunteers spent thousands of hours documenting wilderness values and characteristics on lands throughout the Vale District. In total, ONDA inventoried over 2.2 million acres of public land and has recommended 42 new wilderness study areas ("WSAs") or wilderness areas of environmental concern ("ACECs") totaling more than 1.3 million acres almost entirely within the Vale District.¹ All of these WSAs or wilderness ACECs lie for the most part within the SEORMP planning area. The public lands within the SEORMP planning area that ONDA has identified as having wilderness characteristics are un-roaded, primarily affected by the forces of nature, and provide outstanding opportunities for solitude and

¹ ONDA's Owyhee Canyonlands Wilderness Inventory Report is available on ONDA's website at: www.onda.org/projects/owyhee/index.html#OwyheeInventory.

primitive recreation. ONDA's inventory and assessment process concluded with a formal wilderness inventory report and recommendations, submitted to the BLM on February 6, 2004. Per BLM's manual, ONDA included detailed maps, narratives, and photos for each of the 42 proposed WSAs or wilderness ACECs. From our assessment, it is apparent that the BLM's past failure to protect these public lands from the impacts of livestock grazing adversely limits the ability of public lands to be considered for future consideration as wilderness by Congress. If the BLM does not implement the FRH regulations and the necessary changes to grazing management in these sensitive areas, the possibility for wilderness designation on these public lands may be lost forever.

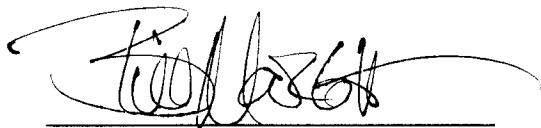
14. In March of 2004, ONDA filed a lawsuit against the BLM's Vale District, Jordan Resource Area, alleging that it has failed to implement the Federal Rangeland Health regulations. These regulations require the BLM to assess grazing allotments to determine whether ecologically-based Standards & Guidelines are being satisfied. If they are not, and current grazing is the cause of the failure, the BLM must make grazing changes before the start of the next grazing season. The Vale District uses a "Geographic Management Area" (GMA) process to conduct its assessments, grouping multiple allotments into each GMA. ONDA has complained that the BLM has not even completed a single GMA process since these regulations were adopted nearly a decade ago and that the BLM has unlawfully relied on "interim" grazing measures in the Louse Canyon GMA since determining back in 2001 that standards were not being met in that area because of current grazing practices. The LCGMA lies entirely within the area of the SEORMP. Related to this lawsuit, the SEORMP seems to rely very heavily on postponing many types of management actions, including important inventory and monitoring actions, to the GMA process.

15. Through these and other impacts, ONDA and its members, including myself, will suffer irreparable harm from interference with their 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 in the area and the BLM's failure to maintain a continuing inventory of the resources and values present on these public lands the agency is charged with managing. I, along with ONDA 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. The BLM's refusal to comply with the procedures set out in NEPA, and its refusal to manage these lands for multiple uses instead of the primary, overriding use of livestock grazing, 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 the 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 1st day of July, 2004.

A handwritten signature in black ink, appearing to read "Bill Marlett", written over a horizontal line.

Bill Marlett