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Of Attorneys for Defendants

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

OREGON NATURAL DESERT ASS'N,

Case No. 06-443-KI

Plaintiff,

v.

SETTLEMENT AGREEMENT

THOMAS E. RASMUSSEN, Field Manager,
Lakeview Resource Area, **SHIRLEY**
GAMMON, District Manager, Lakeview
District BLM, **GALE A. NORTON**, Secretary,
U.S. Department of the Interior, **BUREAU OF**
LAND MANAGEMENT, and U.S.
DEPARTMENT OF THE INTERIOR,

Defendants.

SETTLEMENT AGREEMENT

Plaintiff Oregon Natural Desert Association (“Plaintiff”) and Defendants U.S. Department of the Interior *et al.* (“Defendants”), by and through their undersigned attorneys, hereby say as follows:

WHEREAS, Plaintiff filed this action on March 30, 2006, alleging that Defendants have violated the National Environmental Policy Act, Federal Land Policy and Management Act, and Administrative Procedure Act regarding grazing management on the Juniper Mountain Allotment of the Bureau of Land Management (“BLM”) Lakeview District; and

WHEREAS, Defendants filed their Answer to said Complaint on June 2, 2006, denying Plaintiff’s claims in all material respects; and

WHEREAS, counsel for the parties have been pursuing settlement options to avoid further litigation of this matter, and the parties have now reached a compromise settlement to resolve all Plaintiff’s claims herein;

NOW THEREFORE, the parties hereby AGREE AS FOLLOWS:

1. On May 4, 2006, the BLM issued a letter announcing its intention to rescind the Notice of Proposed Decision dated April 7, 2005 (“April 2005 Proposed Decision”) and the Finding of No Significant Impact dated February 25, 2005 (“February 2005 FONSI”) for the Horseshoe Pasture Division Fence. The BLM considers that letter to have rescinded the April 2005 Proposed Decision and February 2005 FONSI. The BLM agrees that it will not go forward with the April 2005 Proposed Decision or implement any decision based on the February 2005 FONSI.
2. The BLM is in the process of beginning to prepare a new or revised Environmental Assessment for the Juniper Mountain Allotment (“new or revised EA”). The new or

revised EA will address the finding in the Rangeland Health Standards Assessment for the Juniper Mountain Allotment that the Horseshoe Pasture is not meeting Standard 2 of the 1997 Oregon and Washington Standards and Guidelines for Livestock Grazing Management (hereafter "Standards and Guidelines") and will also examine a long-term grazing strategy for the Allotment. In the new or revised EA, the BLM shall consider ONDA's wilderness inventory report and allow the public, including ONDA, to comment on such new or revised EA, before making its decision. In the new or revised EA, the BLM agrees to consider the environmental consequences of proposed actions on the Juniper Mountain Allotment on any wilderness resource found by the BLM to be present.


3. The new or revised EA shall fully consider alternatives, in lieu of constructing a fence, to (1) significantly reduce grazing levels on the Juniper Mountain Allotment every year; (2) fully rest the Juniper Mountain Allotment every other year; and (3) increase herding. The BLM may consider or analyze any other alternatives in addition to these three alternatives.
4. In any new Final Decision based on the new or revised EA, the BLM reserves the right to select any alternative or combination of alternatives considered in the new or revised EA. ONDA reserves the right to challenge any new or revised EA, FONSI, Notice of Proposed Decision, and Final Decision on any basis allowed by law.
5. Consistent with its interim grazing strategy for the Allotment, the BLM will not authorize grazing of the Horseshoe Pasture in 2007. The BLM shall complete the new or revised EA and issue a Final Decision that sets out a long-term strategy for Horseshoe Pasture to address the Pasture's failure to meet Standard 2 of the Standards and Guidelines no later

than December 31, 2007. The BLM's obligations under this paragraph terminate upon the issuance of the Final Decision in compliance with the terms of this paragraph, notwithstanding any subsequent appeal of that Final Decision or stay of that Final Decision.

6. The BLM and ONDA shall schedule and conduct a field review of ONDA's wilderness inventory report and recommendations on the Juniper Mountain Allotment, which shall take place on the Allotment. The BLM retains final decision making authority on all matters related to inventory and wilderness resource characteristics pursuant to the Federal Land Policy and Management Act.
7. The BLM agrees to pay ONDA its reasonable attorney fees and costs associated with its litigation of this matter, in the amount of \$7,000. The BLM will, within seven days of signing of this Agreement, initiate the process to complete payment of these funds and provide documentation (via a letter, fax, or email) regarding the initiation of that process. Payment of the settlement amount will be made electronically via direct deposit in the amount of \$7,000.00, made payable to Plaintiff Oregon Natural Desert Association. ONDA's attorneys will confirm that settlement proceeds are distributed to ONDA.
8. Upon execution of this Agreement by both Parties, ONDA shall, within seven days, file a motion seeking dismissal of the above-captioned action. If the above-captioned action is not dismissed by the Court, then BLM need not meet the terms of this agreement.
9. The terms of this Agreement shall become effective upon the Parties' signing of the Agreement.

IT IS SO AGREED.

FOR PLAINTIFF

 _____ DATED 8/15/06

Kristin F. Ruether (OSB # 05368)
Oregon Natural Desert Association

Of Attorneys for Plaintiff

FOR DEFENDANTS

 _____ DATED August 25, 2006

Stephen Odell, OSB # 90353

Of Attorneys for the Defendants