

Peter M. Lacy (“Mac”) (OSB # 01322)
Kristin F. Ruether (OSB # 05368)
Oregon Natural Desert Association
917 SW Oak Street, Suite 408
Portland, OR 97205
(503) 525-0193
lacy@onda.org
kruether@onda.org

Attorneys for Plaintiffs

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

**OREGON NATURAL DESERT ASS’N and
WESTERN WATERSHEDS PROJECT,**

Plaintiffs,

Case No. 06-1311-MO

v.

CAROLYN FREEBORN, Field Manager, Jordan
Resource Area, BLM, **DAVE HENDERSON**,
Vale District Manager, BLM, **BUREAU OF
LAND MANAGEMENT**, and **UNITED STATES
DEPARTMENT OF THE INTERIOR**,

Defendants.

**NOTICE OF WITHDRAWAL OF
PLAINTIFFS’ MOTION FOR
TEMPORARY RESTRAINING ORDER**

On Wednesday, September 20, 2006, Plaintiffs Oregon Natural Desert Association (“ONDA”) and Western Watersheds Project (“WWP”) filed a Motion for Temporary Restraining Order (Dkt # 4), in the above-captioned action. Following the filing of that motion, and in response to Plaintiffs’ counsel’s inquiries, counsel for Defendants Carolyn Freeborn *et al.* have informed Plaintiffs that the Bureau of Land Management (“BLM”) agrees not to “move forward with or authorize construction of the Tent Creek Cow Camp Pipeline and the South Tent Creek Pasture Division Fence until such time next spring that conditions are suitable for construction.” See Attach. 1 (letter from Plaintiffs’ counsel to Defendants’ counsel) & Attach. 2 (emails

indicating Defendants' agreement not to pursue the projects sought by Plaintiffs to be enjoined); see also Marlett Decl. (Dkt # 5) at Attach. 2 (map of authorized projects showing projects overlapping with Proposed Wilderness Study Areas and/or Proposed Wilderness Study Area Additions). Based on Defendants' representations, ONDA and WWP hereby withdraw their Motion for Temporary Restraining Order. Plaintiffs respectfully reserve the right to reinstate or re-file this or a similar motion for preliminary injunctive relief should circumstances change, or if the Court has not yet been able to issue a ruling on the merits of Plaintiffs' claims before the BLM re-commences on-the-ground activities next spring.

DATED this 21st day of September, 2006.

Respectfully Submitted,

s/ Peter M. Lacy

Peter M. Lacy (OSB # 01322)
Oregon Natural Desert Association

Of Attorneys for Plaintiff