

# Lawsuit renews attack on grazing in Oregon national forest

By MATEUSZ PERKOWSKI  
Capital Press



Capital Press Photo, File

**Environmental groups are targeting grazing in the Fremont-Winema National Forest.**

Environmentalists are continuing their legal battle against grazing in Oregon's Fremont-Winema National Forest with a lawsuit over federal management of a 170,000-acre livestock allotment.

The complaint filed by Concerned Friends of the Winema and four other environmental groups marks the fourth case in roughly a decade alleging violations of federal statutes in the Antelope allotment. Environmental groups won more than \$340,000 in litigation costs for two of those earlier cases.

In the most recent lawsuit, the U.S. Forest Service is accused of unlawfully approving a 10-year grazing permit for the allotment despite "irreparable harm" to the threatened Oregon spotted frog and wetland plants and mollusks.

"Rather than protect these special resources, the Forest Service has continued to authorize livestock grazing on the allotment that its own monitoring and experts acknowledge is causing chronic damage and unacceptable impacts to these

riparian areas and species," the complaint said. "Mitigation measures — such as fences and water troughs — have not been effective at preventing cattle from harming the sensitive species and their habitat."

A representative of the Forest Service said the agency doesn't comment on pending litigation and *Capital Press* was unable to reach an attorney who has represented affected ranchers in the past.

Last year, a "biological opinion" conducted by the U.S. Fish and Wildlife Service concluded that grazing plans for the allotment are unlikely to jeopardize the frog or adversely affect its critical habitat, as long as cer-

tain conditions are followed.

Because the plans only allow for "moderate" levels of grazing and require fencing and gates to shield Oregon spotted frogs from livestock during sensitive periods of low water, the effects on the species are expected to be insignificant, the report said.

"Therefore, since riparian system function will be maintained or improved, and since water quality and quantity will be maintained, and given Oregon spotted frogs are dependent upon riparian and aquatic systems, we expect that habitat function for Oregon spotted frogs would not change," according to the agency.

However, the recent law-

suit alleges that grazing will be expanded into "exponentially more sensitive riparian areas" that were previously closed to livestock, which wasn't properly analyzed in the Forest Service's environmental analysis of the plans.

For example, the agency will permit grazing in Oregon spotted frog habitat to increase from 27 acres to 525 acres without adequately explaining how it will "discourage" grazing during vulnerable seasons, the complaint said.

These and other problems violate the National Forest Management Act, National Environmental Protection Act and the Endangered Species Act, according to the complaint.

The plaintiffs want a federal judge to overturn the Forest Service's grazing plans and prohibit livestock from the allotment until the agency complies with those federal laws.

Earlier this year, a federal judge dissolved an injunction against grazing in the Chemult Pasture — a major portion of the Antelope allotment — after finding the Forest Service sufficiently supported its conclusion that Oregon spotted frogs won't be harmed.

## Looters hit Lewis and Clark National Historical Park

By KATIE FRANKOWICZ  
The Daily Astorian

The National Park Service is investigating the looting of an archaeological site at Lewis and Clark National Historical Park.

Investigators say artifacts were dug up and taken near the Netul River Trail on the south end of the park sometime near the end of March.

Superintendent Jon Burpee could not provide details about what might have been taken since the crime is still under investigation, but he said items at the site may be up to 100 years old.

"(The site) doesn't necessarily, at least from our knowledge, extend any further back than that," Burpee said. "A lot of items were ones that were essentially dumped there over time, but it's another layer of the overall history of the site and still very important to us."

"It has us on a more heightened stance for all of the archaeological sites we know about in the park," he added.

The looters disturbed around 1½ dump trucks worth of soil. They also impacted an area that is home to a rare salt marsh

plant community that is so uncommon it is considered "imperiled" in Oregon, according to Carla Cole, the natural resource project manager at Lewis and Clark.

The National Park Service's investigative branch said evidence suggests metal detectors were used to locate artifacts and dig nine other holes.

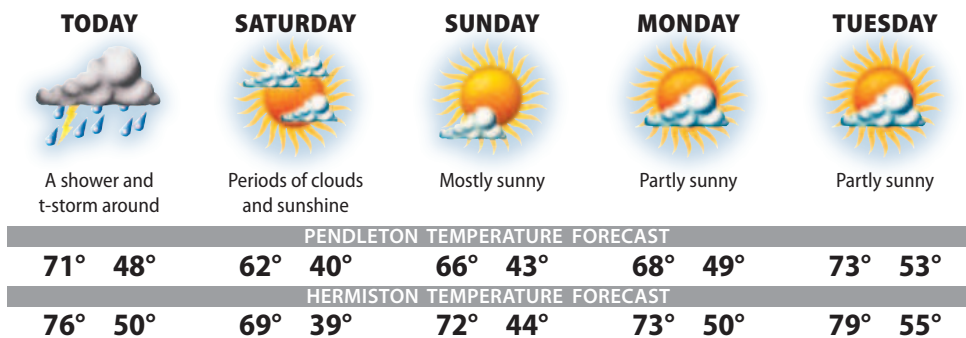
"Archaeologists make a great effort to record the context from which artifacts are recovered to better understand their use and disposition and the wider historical picture," Rachel Stokeld, a cultural resource specialist at the park, said in a statement.

"All this important information is now lost because of this illegal excavation."

Though the park has seen evidence of digging in the past — most recently about a year ago — the looting off the Netul River Trail is the most serious crime to happen at the park since the theft of a bronze statue of Sacagawea and her baby, Jean Baptiste Charbonneau, in 2008.

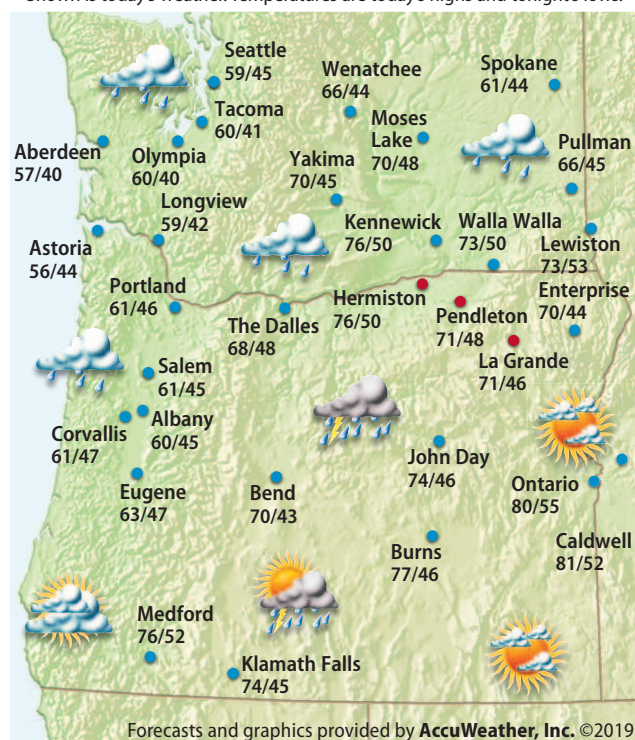
Four people were implicated in that crime. The statue, which cost around \$20,000, turned up at a scrap metal yard in central Oregon, hacked into pieces.

## Forecast for Pendleton Area



## OREGON FORECAST

Shown is today's weather. Temperatures are today's highs and tonight's lows.



## ALMANAC

**PENDLETON** through 3 p.m. yest.

TEMP.	HIGH	LOW
Yesterday	75°	42°
Normals	63°	39°
Records	88° (1910)	23° (1909)

**PRECIPITATION**

24 hours ending 3 p.m.	0.00"
Month to date	1.30"
Normal month to date	0.73"
Year to date	7.38"
Last year to date	5.08"
Normal year to date	4.69"

**HERMISTON** through 3 p.m. yest.

TEMP.	HIGH	LOW
Yesterday	78°	43°
Normals	65°	40°
Records	87° (1939)	21° (1964)

**PRECIPITATION**

24 hours ending 3 p.m.	0.00"
Month to date	0.22"
Normal month to date	0.47"
Year to date	3.81"
Last year to date	3.93"
Normal year to date	3.58"

**WINDS** (in mph)

	Today	Sat.
Boardman	W 7-14	NNE 6-12
Pendleton	W 7-14	NNW 7-14

**SUN AND MOON**

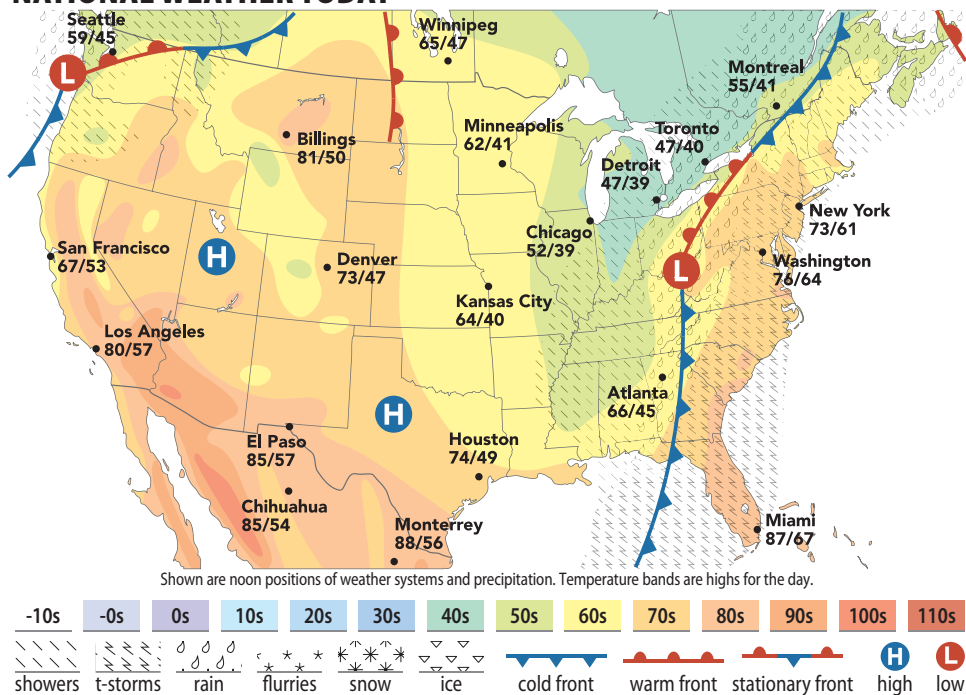
Sunrise today	6:03 a.m.
Sunset tonight	7:46 p.m.
Moonrise today	8:18 p.m.
Moonset today	6:37 a.m.

Full Last New First  
Apr 19 Apr 26 May 4 May 11

## NATIONAL EXTREMES

Yesterday's National Extremes: (for the 48 contiguous states)  
High 98° in Thermal, Calif. Low 12° in Bodie State Park, Calif.

## NATIONAL WEATHER TODAY



## Court finds part of juvenile sentencing law unconstitutional

PORTLAND (AP) — The Oregon Court of Appeals has ruled that the state is violating the U.S. Constitution when it sentences juvenile offenders to life in prison without considering their youth.

The court in its 2-1 ruling Wednesday found that the state is in conflict with the Eighth Amendment when juveniles convicted of aggravated murder are sentenced without taking into account that youth offenders are developmentally different than adults convicted of the same crime, Oregon Public Broadcasting reported.

"We conclude that the imposition of life imprisonment on juvenile offenders

without individualized considerations of youth by the sentencing court, is unconstitutional under the Eighth Amendment," Judge Bronson James wrote for the majority.

The ruling stems from the case of Justin Link, who was convicted of aggravated murder for the March 2001 death of Barbara Thomas. She was killed near Redmond, Oregon, by her teenage son and four of his friends, including Link.

Link was sentenced to a mandatory minimum of 30 years in prison. He was given the possibility of applying for parole after serving the mandatory minimum sentence.

The appeals court has

vacated that sentence. Link is set to be resentenced.

The ruling is part of an effort to bring the state in line with a 2012 decision by the U.S. Supreme Court, which ruled it is unconstitutional to sentence juveniles to life in prison without the possibility of parole if that is the only option available to judges or juries.

For juveniles convicted of aggravated murder, the state currently has two options: life without the possibility of parole, or a minimum sentence of 30 years in prison. On the minimum sentence, defendants have to prove they will be rehabilitated to eventually get the possibility of parole.

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