

Beverlin transfers to position with Intermountain Region

By Blue Mountain Eagle

Steve Beverlin, forest supervisor on the Malheur National Forest, has accepted the position of Director of Natural Resources for the Intermountain Region in Ogden, Utah.

He reports to his new position on Jan. 20, according to a Forest Service press release. Craig Trulock, deputy forest supervisor on the Rogue-River Siskiyou National Forest, will con-

tinue as acting forest supervisor on the Malheur.

Beverlin joined the Pacific Northwest Region in 2012 as the deputy forest supervisor on the Malheur. He was selected as the supervisor in 2014. During his six plus years on the Malheur, Beverlin has overseen higher timber harvests, private sector jobs created and investments in forest and watershed treatments — all under a collaborative approach working alongside partners and commu-



Steve Beverlin

nity members. Before coming to the Malheur, he served in various capacities for the Forest Service including district ranger on the San Juan National Forest in Colorado and the Regional Rangeland Program lead for the Rocky Mountain Region.

"I am very proud of the Malheur National Forest

staff and all that we have been able to accomplish since 2012," Beverlin said. "I have confidence they will continue this essential work that has contributed so much to the health of the forest and local communities. The collaborative approach in Grant and Harney counties is a national model for how to work together to implement forest-wide restoration."

Trulock has been with the Forest Service for over 28 years. While on the Rogue-River Siskiyou National

Forest, he prioritized strengthening the collaborative partnership between the forest, community leaders, partners and stakeholders.

"I am very excited to be here on the Malheur working with the local communities and providing leadership to the dedicated staff," Trulock said. "I want folks to understand that the collective efforts and the on-the-ground accomplishments that have been set in motion will continue as we move forward."

Trulock's early career included positions in timber and planning in Idaho, Montana and Alaska. He served as the Pinedale District ranger on the Bridger-Teton National Forest in Wyoming beginning in 2002.

From 2007 to 2014 he was a district ranger on the Nez Perce-Clearwater National Forest in Idaho.

While there the forest increased its timber target by 50 percent with extensive use of stewardship contracts.

Ranchers see biological opinion as ultimatum

By MATUESZ PERKOWSKI
EO Media Group

Though the U.S. Forest Service didn't say so outright, Matt McElligott and other ranchers who graze cattle in Oregon's Malheur National Forest believed they'd been given an ultimatum.

Either bow to the agency's demands, or lose their grazing rights and suffer financially.

The timing seemed to send a message, McElligott said. The ranchers were given less than a week to comment on the 335-page biological opinion that would govern grazing in the national forest for the next four years.

In the days he had to read the document, McElligott said he found reasons to be alarmed that grazing restrictions would increase, but his back was against the wall.

The Forest Service released the document for ranchers to review in late May, when some would ordinarily have already turned out cattle onto forest grazing allotments. But unless the biological opinion for the Mid-Columbia steelhead — a fish population protected under the Endangered Species Act — was finalized, there could be no grazing.

No choice

"If I'd objected, they'd just have put the brakes on it. Nobody would have gone out to graze," McElligott said.

"If you guys want to turn out," he inferred, "you just have to accept this."

Seven months later, having endured one grazing season under the biological opinion, McElligott isn't optimistic about next year.

Because the Forest Service determined that some ranchers were out of compliance with the plan in 2018, certain repeat violations on those same grazing allotments in 2019 could trigger the need for yet another biological opinion — and with it, further restrictions on the number of cattle that can be turned out and where they can graze.

Ranchers turn out more than 24,000 cow-calf pairs a year between June and mid-October on 111 allotments in the 1.7 million-acre national forest, about 90 percent of which is grazed. The Forest Service estimates grazing generates roughly \$200,000 in fees for the federal government and approximately \$7.7 million in labor income, which is farm revenues after expenses.

Dissatisfaction with the current biological opinion, which governs grazing from 2018 until 2022, already runs deep among ranchers in the area, with some considering a lawsuit against the federal government over the doc-

ument's scientific validity, McElligott said.

McElligott and others say they hoped the Trump administration, with its emphasis on deregulation, would be more "reasonable" regarding grazing policy. Two years in, however, they say there's little evidence of that in the biological opinion.

'Embedded bureaucracy'

That's probably because the deregulation message can have trouble filtering through multiple layers of federal government, said Rep. Greg Walden, R-Oregon, whose congressional district includes the national forest.

"This administration is not doing as much as many of us thought it would on the national forests and grazing," he said. "Driving change through the embedded bureaucracy is very difficult."

Walden noted the biological opinion is based on a lot of work that occurred before President Trump came into office, setting a foundation that's tough to budge.

If the political route is slow-moving, the legal route isn't necessarily any faster.

Lawsuits over grazing in the Malheur National Forest are nothing new. Complaints have been filed over the years by environmentalists who claim the government's biological opinions insufficiently protected the threatened fish species. One case over bull trout was finally thrown out this year after 15 years of litigation, but the decision is now under appeal.

The potential for court battles highlights the complexity federal agencies face when analyzing the effects of grazing on riparian habitats.

In basic terms, the Forest Service develops management plans for regulating grazing to avoid harming fish protected under the Endangered Species Act.

Those plans are then submitted to the National Marine Fisheries Service, which issues a biological opinion determining whether the species or their habitat will be jeopardized by the proposed activity.

The steelhead population within the tributaries of the John Day River is estimated at roughly 4,500 to 20,000 fish, depending on the year, according to the Forest Service.

In the past, when the agency found the grazing plans were "not likely to jeopardize" steelhead as long as restrictions were fol-



Mateusz Perkowski/Capital Press /Capital Press

Ranchers Ken Holliday, left, and Loren Stout discuss grazing restrictions in Oregon's Malheur National Forest associated with a new biological opinion for threatened steelhead.

lowed, environmental activists claimed they were arbitrarily lenient.

Now, ranchers believe those regulations are arbitrarily excessive.

'You're demonized'

"The problem is the science they used to build this goddamn document," said Loren Stout, a rancher in the area.

For example, federal agencies have developed their environmental data about steelhead populations by studying areas where fish are unlikely to travel, such as upstream of multiple "check dams" installed by the Forest Service to slow water flow, Stout said.

Though ranchers aren't responsible for the problem, grazing cattle nonetheless get the blame, he said.

"If you go against their agenda, you're demonized," he said.

Ken Holliday, another area rancher, said the biological opinion is just one element in a broader pattern of mismanagement within the national forest.

For example, riparian fences prized by federal agencies for keeping cattle out of creeks can actually backfire, he said.

A fence across one creek got clogged with scraps of wood and other debris, which accumulated and eventually burst through the structure, severely damaging the stream bank, he said.

Efforts to slow down streams can cause them to become overgrown with sod, whereas steelhead need fine gravel in which to lay their eggs, Holliday said. "What this is, is science gone wrong."

Some restrictions within the biological opinion haven't been scientifically validated but are based on decades-old conjectures

heavy machinery when conducting in-stream restoration work. Amy Unthank, natural resources and planning officer with the Forest Service, said the agency is aware of complaints about a double standard in regard to restoration work.

However, using heavy equipment to create "analog beaver dams" and rebuild stream channels is a one-time impact to the riparian area from which it quickly recovers — unlike an impact that occurs year after year, she said. As for tensions about bank alteration, Unthank said they're largely a matter of stricter enforcement rather than stricter standards — the benchmarks haven't changed from the previous biological opinion.

Unthank said the standards in the biological opinion are based in science, with some measures of impact serving as a proxy of actual "take" — killing or harming — of fish or their habitat.

There has been an uptick in "non-compliance" letters to ranchers, though that doesn't necessarily mean the frequency of violations has risen, Unthank said.

Rather, the agency is trying to live up to its forest plan standards and Endangered Species Act commitments at the behest of the National Marine Fisheries Service and U.S. Fish and Wildlife Service, which consult on threatened and endangered species in the forest, she said.

"You guys have an uneven record of enforcing the range policy," Unthank said, summarizing the two agencies' concerns about the Forest Service. Another issue is stubble height, or the length of grass. Along riparian areas it must be no shorter than 6 inches at the end of the season, she said. That's more

stringent than the previous plan, which allowed stubble height as low as 4 inches in some cases, but it's still lower than the 6 to 8 inches the consulting agencies had pushed for, Unthank said.

The short amount of time that ranchers had to review the biological opinion was a result of the complexity of putting the document together with a limited number of staffers, she said.

Hard choice

"Do you really want to review it, ranchers, or do you want to go out and graze, was the hard choice it came down to," she said.

If the ranchers were permitted to graze their cattle without a biological opinion, they'd have no protection for "incidental take," or harming, of threatened fish, leaving them vulnerable to environmental lawsuits, said Dale Bambrick, who heads the Columbia Basin NMFS branch of the National Oceanic and Atmospheric Administration.

While NMFS often gets blamed for more stringent restrictions in the biological opinion, the agency merely approved proposals submitted by the U.S. Forest Service, Bambrick said.

In some respects, such as stubble height and the allowable number of "redds" — fish egg nests — that can be trampled, the new document is actually fairly liberal in favor of grazing, Bambrick said. The previous biological opinion allowed two redds to be trampled, while the current one allows for three.

In the future, NMFS hopes to coordinate with ranchers and the Forest Service more closely to avoid such a drawn-out process for the biological opinion, he said.

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