

Feds face suit over RDA records

By MATEUSZ PERKOWSKI
Capital Press

EUGENE — Federal land managers are facing a lawsuit alleging they've violated the Freedom of Information Act by failing to timely release documents about the controversial River Democracy Act.

Nearly 4,700 miles of rivers and streams in Oregon would be federally designated as "wild and scenic" under the bill, which critics fear would restrict logging and grazing, among other activities.

The legislation was introduced by Oregon Sens. Ron Wyden and Jeff Merkley, who claim the bill would shield property rights from adverse effects while tripling the number of river miles with "wild and scenic" protections in the state. Federal land managers testified about the bill before a congressional subcommittee last year, which prompted a FOIA request from the Western Resources Legal Center, a legal education nonprofit.

"To date, we have not been provided with any information and therefore resorted to legal recourse under the Freedom of Information Act," said Caroline Lobdell, the organization's executive director.

"The public should not have to wait for the proposed permanent designations to occur before they are allowed to understand the legislation," she said in an email.

Testimony at the hearing indicated government officials have an "enhanced understanding of the process, basis, and potential impacts" of adding waterways to the Wild and Scenic River System, according to the legal center's lawsuit.

For example, the testimony included information about how many river miles and surrounding acres managed by the U.S.

Forest Service and U.S. Bureau of Land Management would be affected by the bill.

The hearing revealed that government officials "spent significant time analyzing" the legislation's "effect and methods of enforcement," including the need to develop "comprehensive river management plans" that guide how it would be implemented, according to the legal center.

The legal center wants to access that information to better explain the River Democracy Act to the public and its constituents, such as farmers and ranchers, who may "rely on public lands for their livelihood."

In late October and early November of 2021, the center submitted FOIA requests for records pertaining to the River Democracy Act, including congressional communications related to the hearing.

No determinations regarding the FOIA requests have yet been made by the Forest Service, the Bureau of Land Management or their government overseers — the USDA and Interior Department — even though legally mandated deadlines have passed, the complaint said.

In light of the "months-long delay" and "lack of communication," the plaintiff believes the government "seeks to hide records from the public" regarding its interpretation of the bill, the complaint said.

The federal agencies had not yet responded to requests for comment about the lawsuit as of press time.

The River Democracy Act has "significant implications" for managing roughly 3 million acres of "fire prone forests" in the state, and it stands to reason that government officials testified "based on information, data, and analysis provided to them," Lobdell said.

Court upholds grazing allotment

By MATEUSZ PERKOWSKI
Capital Press

EUGENE — U.S. District Judge Michael McShane has dismissed a lawsuit filed by environmental advocates who claimed the U.S. Forest Service unlawfully authorized grazing in the 165,000-acre Antelope Allotment of the Fremont-Winema National Forest.

"The Forest Service made a rational decision when it decided on a course of action that included continued grazing in the Antelope Allotment," McShane said.

The most recent grazing plans for the allotment opened up more land for grazing to encourage cattle to disperse instead of congregating in areas inhabited by the threatened Oregon spotted frog.

The Concerned Friends of the Winema and four other environmental nonprofits filed a federal lawsuit in 2019 alleging the agency's grazing plans were "unsupported and irrational" in violation of the Endangered Species Act, National Environmental Policy Act and National Forest Management Act.

The judge has now rejected all those arguments, ruling that the government adequately analyzed livestock impacts on the threatened Oregon spotted frog in light of climate change and other stressors.

The effects of climate change were front and center during oral arguments between the environmental plaintiffs and the Forest Service in May.

McShane has now disagreed with allegations that climate change was ignored in the "BiOp," or biological opinion, that examined



Mateusz Perkowski/Capital Press, File

Cattle graze in an Oregon national forest in this Capital Press file photo. A judge has rejected a lawsuit that opposed grazing on 165,000 acres of national forest land in Southeast Oregon.

whether grazing would jeopardize the spotted frog's existence under the Endangered Species Act.

The BiOp recognized that drought was "probably the most severe threat" to the population of frogs in Jack Creek, which runs through the allotment, and that historic population losses may potentially be attributed to climate change and invasive species, the judge said.

As to the specific future effect of climate change on the species, the plaintiffs "failed to point to any study" that federal officials should have consulted, he said. The absence of research on this subject led the government to conclude that any predictions would be "uncertain."

"As no studies at the time examined the effects of climate change on the Oregon spotted frog, any further discussion by the agency on this issue would have been speculative," McShane said.

Even so, the govern-

ment took a "hard look" at past weather data as well as "future expected trends of increased average temperatures, reduced snowpack, and other effects of climate change" in an environmental study required by NEPA, the judge said.

Aside from climate change, this "final environmental impact statement," or FEIS, also complied with the legal requirements of the National Forest Management Act, the judge said.

"The Forest Service adequately assessed the viability of Oregon spotted frog, sensitive plants, mollusks, and other sensitive species in the FEIS and expert botany report, ultimately finding that the new grazing framework would not impair these species' viability," McShane said.

Contrary to the lawsuit's claims, the government did not disregard the national forest plan's goals improve conditions in riparian areas,

including wetlands and moist meadows, the judge said.

"Plaintiffs' argument plainly ignores the agency's findings that the grazing plan will result in 'greater periods of forage recovery as well as reduced impacts to soils associated with trampling,' and 'more efficient use of resources and a greater likelihood of population recovery' as compared to the status quo," he said.

The environmental groups argued there's no "scientific or practical support" for the most recent grazing plan allowing livestock onto 20,000 additional acres of the allotment, but the judge rejected this claim.

"The administrative record contains sufficient support for the Forest Service to rationally predict that better dispersal, and therefore decreased impacts, will occur under the new grazing management plan as compared to status quo grazing," he said.

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Hello Grant County,
Welcome New Members
We would like to welcome our newest Chamber Members: Prairie City RV Park and Frontier Childcare Resource and Referral. Remember, all Chamber members have a page on the Chamber's website - www.gcoregonlive.com. Check them out!

Election Results
Dave Driscoll was re-elected to the Grant County Chamber Board of Directors at our June Board meeting. There were no other nominations. Dave will serve for a term of two years. Our officers for the next year will be: Sherrie Rininger - President, Taci Philbrook - President-Elect, and Sally Knowles - Vice President. The Board of Directors with remaining terms are: Jerry Franklin, Bruce Ward, Greg Armstrong, Amber Wright, Harsh Patel and Kelly Workman.

No Host Luncheons Will Resume
We are excited to announce that we are going to have our No-Host Luncheons following our board meetings again starting July 21st. Our Guest speakers will be Megan Brandsma and Laci Wheeler from Frontier Childcare Resource and Referral. We will be holding our meeting at the John Day Golf Club. Our business meeting starts at 10:30 am and the luncheon will follow at noon. The menu for lunch is Chicken Cordon Bleu with some salad options, drinks and dessert. The cost is \$15 per person. Salad only will be \$5. We would like those planning to eat lunch to RSVP by Friday, July 15th so we can let them know how many to expect. Please call us at 541-575-1547 or email me at - gadmin@gcoregonlive.com. We hope to see you there!

Cycle Oregon - Ride the Painted Hills - September 11 - 17
Cycle Oregon will be here before we know it. We are busy trying to prepare for this awesome event. We want to make sure to show them a big Grant County welcome! They will be spending time in three of our communities and the event will bring a lot of people to our county. So, let's get ready! John Day, Monument and Dayville are looking forward to meeting a lot of great cyclists, and Cycle Oregon is excited to be coming here!

Digital Sign
We are very pleased with our new digital sign! We have been hearing a lot of positive comments about it.

Our Volunteers are Fantastic!
We would like to give a shout out to our volunteers. They do a fantastic job and we are so grateful to have them! Thank you Dorman Gregory, Karen Jacobs, Jim Soupir, Sherry Feiger, Chuck Wilson, Nicki Cohoe, Suzette De Cew, and Elaine Husted! We appreciate all you do for us!

Enjoy the summer!
Tammy Bremner, Executive Director

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