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

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

Plaintiffs,

Case No. CV '08 -- 576 - BR

v.

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

**PAT RYAN, Field Manager, Malheur
Resource Area, BLM, DAVE HENDERSON,
Vale District Manager, BLM, BUREAU OF
LAND MANAGEMENT, and UNITED
STATES DEPARTMENT OF THE
INTERIOR,**

Defendants.

(Environmental Matter)

NATURE OF ACTION

1. This action seeks judicial relief ordering Defendants to comply with the requirements of the National Environmental Policy Act ("NEPA"), 42 U.S.C. §§ 4321-61, and

the Federal Land Policy and Management Act (“FLPMA”), 43 U.S.C. §§ 1701–84, with respect to the Bureau of Land Management’s (“BLM”) management of public lands within a 237,000-acre administrative unit called the North Fork Malheur Geographic Management Area (“NFMGMA”), located in the Blue Mountains of eastern Oregon.

2. BLM determined that current domestic livestock grazing within the 120,000-acres of public lands within the NFMGMA is causing degradation to natural resources and failures to meet applicable ecological standards. Almost two-thirds of the area was found to not meet standards due to current livestock grazing, and 71% of streams in the area are considered “not properly functioning.”

3. In an attempt to reverse this continuing degradation, BLM adopted several final management decisions in 2007 and 2008. The decisions renew several 10-year term grazing permits and authorize structural and other range projects throughout the NFMGMA. The grazing decisions re-authorize a grazing scheme that is virtually identical to the one BLM concluded is causing adverse impacts to the area. The range projects include reconstruction of dozens of water developments; construction of several miles of new barbed-wire fences and over a mile of new water pipeline; and upland vegetation “treatment” involving clearing native juniper and other vegetation on tens of thousands of acres of public land.

4. In reality, BLM’s decisions will further degrade these damaged lands and have been adopted in violation of NEPA and FLPMA. First, BLM refused to fully consider the impacts of these projects on wilderness resource values. Instead, the agency relied on outdated and inaccurate information collected in the 1970s and 1980s, and refused to properly evaluate contrary information contained within a detailed citizen wilderness inventory report submitted to BLM on February 6, 2004 by plaintiff Oregon Natural Desert Association (“ONDA”). ONDA’s

report shows that more than 60,000 acres of public land within and surrounding the project area contain significant, heretofore undocumented wilderness values, as defined by federal law and BLM's own, long-standing interpretation of that law.

5. BLM also violated NEPA by failing to conduct an adequate analysis of the direct, indirect and cumulative impacts of the project on imperiled sagebrush obligate species such as Greater sage grouse and pygmy rabbit. Instead, the agency's NEPA document is conclusory and contains virtually no analysis of the cumulative effects of the projects planned on sagebrush obligate species and no recent data on populations and trends of the sensitive wildlife species suffering under the current grazing regime.

6. BLM also violated NEPA by not preparing an environmental impact statement ("EIS"), which is required for any major federal action significant affecting the quality of the human environment. Instead, BLM published an environmental assessment ("EA") and Finding of No Significant Impact ("FONSI") for the project—even while admitting in the EA that the projects would cause many impacts to imperiled sagebrush obligate species such as sage grouse.

7. Plaintiffs have been injured by BLM's refusal or failure to comply with these statutory and regulatory obligations. Construction and re-construction of a significant rangeland infrastructure, and significantly overhauling the native vegetation of this landscape, will adversely impact wilderness values, fish and wildlife habitat, and watershed resources. Likewise, allowing continued livestock grazing at the same or increased levels will adversely affect these resources. BLM's final decisions are arbitrary, capricious, and not in accordance with NEPA and FLPMA, and will result in significant adverse environmental impacts, some of which may be long-term or irreversible in nature.

JURISDICTION AND VENUE

8. Jurisdiction is proper in this Court under 28 U.S.C. § 1331 because this action arises under the laws of the United States, including NEPA, 42 U.S.C. §§ 4321–61, FLPMA, 43 U.S.C. §§ 1701–1784, the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 701 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the Equal Access to Justice Act, 28 U.S.C. § 2412 *et seq.* An actual, justiciable controversy exists between the parties, and the requested relief is therefore proper under 28 U.S.C. §§ 2201–2202 and 5 U.S.C. § 701–06.

9. Venue is proper in this Court under 28 U.S.C. § 1391 because all or a substantial part of the events or omissions giving rise to the claims herein occurred within this judicial district, Defendants reside in this district, and the public lands and resources and agency records in question are located in this district.

10. The federal government has waived sovereign immunity in this action pursuant to 5 U.S.C. § 702.

PARTIES

11. Plaintiff OREGON NATURAL DESERT ASSOCIATION (“ONDA”) is an Oregon non-profit public interest organization of more than 1,000 members. It has offices in Bend and Portland, Oregon. ONDA’s mission is to protect, defend, and restore forever, the health of Oregon’s native deserts. ONDA actively participates in BLM and Department of the Interior proceedings and decisions concerning the management of public lands in eastern Oregon. ONDA brings this action on its own behalf and on behalf of its members and staff, many of whom regularly enjoy and will continue to enjoy the public lands that are the subject of the final agency decisions challenged in this action, for educational, recreational, spiritual, and

scientific activities. ONDA also has been active in monitoring both ecological conditions and wilderness values in the Vale District BLM's Malheur Resource Area.

12. Plaintiff WESTERN WATERSHEDS PROJECT ("WWP") is a non-profit membership organization based in Hailey, Idaho, with offices also in Montana, Wyoming, Utah and California, which is dedicated to protecting and conserving the public lands and natural resources of watersheds in the American West. WWP, as an organization and on behalf of its 1,200-plus members, is concerned with and active in seeking to protect and improve the wildlife, riparian areas, water quality, fisheries, and other natural resources and ecological values of watersheds throughout the West, including southeast Oregon. WWP is also active in monitoring ecological conditions in the Vale District BLM's Malheur Resource Area; in reviewing and commenting upon agency grazing and other resource decisions, including those at issue here; and in publicizing the adverse ecological effects of grazing in this region.

13. ONDA, WWP and their members use and enjoy the waters, public lands, and natural resources throughout the NFMGMA for recreational, scientific, spiritual, educational, aesthetic, and other purposes. Plaintiffs and their members enjoy fishing, hiking, camping, hunting, bird watching, study, contemplation, photography, and other activities in and around the waters and public lands throughout the planning area. Plaintiffs and their members also participate in information gathering and dissemination, education and public outreach, commenting upon proposed agency actions, and other activities relating to BLM's management and administration of these public lands.

14. BLM's failure or refusal to comply with federal laws and regulations directly affects ONDA's and WWP's interests. The interests of ONDA, WWP and their members have been and will continue to be injured and harmed by BLM's actions and/or inactions as

complained of herein. Unless the relief prayed for herein is granted, Plaintiffs and their members will continue to suffer on-going and irreparable harm and injury to their interests.

15. Defendant PAT RYAN is sued solely in his official capacity as Field Manager for the Malheur Resource Area of the Vale District of the Bureau of Land Management. The Field Manager is the BLM official responsible for authorizing the NFMGMA projects and grazing permit renewals, and has principal authority for the actions and inactions alleged herein.

16. Defendant DAVID HENDERSON is sued solely in his official capacity as District Manager for the Vale District of the Bureau of Land Management, in which the Malheur Resource Area is located. Mr. HENDERSON is the one of the BLM officials responsible for authorizing and overseeing the NFMGMA projects and grazing permit renewals, and has principal authority for the actions and inactions alleged herein.

17. Defendant UNITED STATES BUREAU OF LAND MANAGEMENT (“BLM”) is an agency or instrumentality of the United States, and is charged with managing the public lands and resources of the Vale District, Malheur Resource Area, in accordance and compliance with federal laws and regulations.

18. Defendant UNITED STATES DEPARTMENT OF THE INTERIOR is an executive branch department of the United States and is charged with managing the public lands and resources, including those at issue in this action, in accordance and in compliance with federal laws and regulations. This includes the responsibility for overseeing and directing how its components and agencies implement those federal laws and regulations. The Bureau of Land Management is an agency of the United States situated within the Department of the Interior.

STATEMENT OF FACTS

19. The North Fork Malheur Geographic Management Area encompasses 237,556 acres in an isolated portion of eastern Oregon, due west of Vale, along the North Fork Malheur River. The area is a patchwork of private and public land divided into 19 grazing allotments, with BLM managing over 120,000 acres of the area. It features many outstanding environmental and natural resource values. The North Fork Malheur River contains bull trout, which are listed as “threatened” under the Endangered Species Act (“ESA”). BLM has designated the North Fork Malheur River as suitable for “Wild” classification under the National Wild and Scenic Rivers Act of 1968. The area also contains two Areas of Critical Environmental Concern (“ACECs”)—Castle Rock and North Fork Malheur River—which BLM has designated to protect and prevent irreparable damage to important resource values, including fish and wildlife habitat. The area also contains significant archaeological resources.

20. The NFMGMA also contains remarkable wilderness values. It encompasses the 6,200 acre Castle Rock Wilderness Study Area (“WSA”) and about 1,100 acres of the Beaver Dam Creek WSA. The NFMGMA also contains three areas, covering more than 60,000 acres, found to contain wilderness characteristics in a citizen inventory conducted by ONDA, pursuant to BLM’s own wilderness inventory protocol. These are the Lake Ridge Proposed WSA, Cottonwood Proposed WSA and the Proposed Beaver Dam Creek WSA Addition. ONDA first documented its inventory data and recommendations to BLM in a *Wilderness Inventory Report and Recommendation* for the Vale District, submitted to BLM on February 6, 2004.

21. In addition to bull trout, the NFMGMA is home to inland native redband trout, a BLM special status fish species; Greater sage grouse and pygmy rabbit, species currently under review by the U.S. Fish and Wildlife Service for listing under the ESA; Columbia spotted frog, a

Candidate for listing under the ESA; and countless other significant plant and animal species, including Rocky Mountain elk, sage thrasher, sage sparrow, Northern sagebrush lizard, and desert horned lizard.

22. The governing land use plan, the Southeastern Oregon Resource Management Plan (“SEORMP”), directs BLM to manage the public land within the NFMGMA to maintain, restore or enhance populations and habitats of special status species.

23. Upland wildlife habitat conditions in the NFMGMA currently are poor. The NFMGMA EA states that important sagebrush steppe wildlife habitat components are not well distributed spatially across the GMA area, that the structure and composition of plant species in the GMA are insufficient to sustain healthy, reproducing communities of wildlife, and that, with only some exceptions, the structure and continuity of sagebrush communities, species composition and structure of forested habitats is lacking for wildlife.

24. BLM’s Special Status Species Manual requires BLM to manage sensitive species, at a minimum, in the same manner as a species listed as a candidate for listing under the Endangered Species Act. This includes developing strategies designed for conservation, ensuring that BLM activities affecting habitat are carried out in a manner that is consistent with objectives for managing those species, and monitoring to determine whether those objectives are being met.

25. BLM admits in the EA that the proposed livestock grazing, range management projects and vegetation management projects are expected to create serious adverse impacts on sagebrush obligate species such as sage grouse. However, it concludes, without explanation, that the project’s impacts are consistent with all SEORMP requirements.

26. In 1995, the Department of the Interior adopted the Federal Rangeland Health (“FRH”) regulations, 43 C.F.R. 4180 *et seq.*, pursuant to FLPMA. The FRH regulations establish

fundamental ecological criteria for the management of livestock grazing on BLM public lands. These criteria relate to water quality, riparian habitat, watershed conditions, and species habitat.

27. The FRH regulations require BLM to assess ecological conditions on the public lands, and then make a determination whether specific rangeland health standards are, or are not, being met in those areas. If standards are not being met, and BLM determines that existing grazing management or levels of grazing use are significant causal factors for the failure, the FRH regulations expressly require BLM to implement grazing management changes on those lands no later than the start of the next grazing season.

28. To fulfill its FRH regulations obligations, BLM's Vale District, in the SEORMP, divided the district's Malheur Resource Area into Geographic Management Areas ("GMAs"). It then assigned each GMA a priority for FRH assessment and evaluation. BLM ranked GMA priorities according to issues of concern such as the presence of riparian habitat, wilderness study areas, wild and scenic river corridors, and important fish and wildlife species. Based on these issues of concern and known grazing problems, BLM selected the North Fork Malheur GMA as its second most important GMA (out of nine total) in the Malheur Resource Area.

29. The NFMGMA consists of 19 grazing allotments administered by BLM. Each allotment is further divided into pastures, which allows BLM to authorize (or not authorize) grazing on certain portions of each allotment at different times and levels of use throughout the grazing season and from one season to the next.

30. In 2003, pursuant to FLPMA's land use planning requirements, BLM adopted the Southeastern Oregon Resource Management Plan, which governs BLM's management of about 4.6 million acres of public land in BLM's Vale District. This includes lands within the Malheur Resource Area. The lands within the NFMGMA lie entirely within the SEORMP planning area.

31. Under the SEORMP, BLM uses the GMA process to manage a wide variety of resources, including soils and vegetation, fish and wildlife species and their habitats, and other resources.

32. Starting in 2000, BLM initiated the Standards and Guidelines (“S&Gs”) assessment process for the NFMGMA. The final assessment report, issued on December 10, 2004, documents widespread and severe violations of S&Gs throughout the NFMGMA, many of which were determined to be caused by current livestock grazing. The evaluation concludes that upland sites in 45 pastures, totaling 78,878 acres of public land, do not meet the S&Gs due to current livestock grazing—almost two-thirds of the public land in the NFMGMA. Only 29% of riparian areas are in proper functioning condition, meaning 71% are not functioning or are “functioning at risk.” A full 28% are either functioning at risk with a downward trend or nonfunctioning.

33. In 2004, BLM sought public comment and initiated a NEPA planning process aimed at addressing these widespread violations. ONDA submitted scoping comments on January 21, 2005.

34. In April 2006, BLM issued a draft environmental assessment, which described actions proposed to remedy the S&G violations.

35. ONDA and WWP submitted detailed comments, dated June 22, 2006, on the draft EA. ONDA and WWP raised substantial questions as to whether the NFMGMA projects would significantly impact the human environment, including via impacts to wilderness, watersheds, soils, vegetation, fish and wildlife populations and habitat, and other resource values on the public lands. ONDA and WWP asked BLM, among other things, to consider in its environmental analysis impacts to the significant wilderness values present throughout the project area,

including the detailed and new wilderness inventory information that ONDA had provided to BLM in 2004.

36. In September 2007, BLM issued a final revised EA, analyzing the environmental impacts of reissuing the grazing permits for the allotments within the NFMGMA, constructing or reconstructing dozens of range projects within the NFMGMA, and implementing an aggressive vegetation management program (including cutting, burning or chemically treating tens of thousands of acres of vegetation including native juniper trees throughout the area). Although the EA indicates that the grazing, burning, fencing, and other range projects authorized in the final decisions are likely to cause grave impacts to sensitive resources within the NFMGMA, BLM issued a FONSI concluding that the project will have no significant effect on the human environment. This conclusion contradicts numerous other sections in the EA acknowledging serious environmental effects from the projects, such as degraded wildlife habitat from new sources of grazing concentration, and increased sage grouse mortality from new fences. There is no quantitative analysis of these impacts.

37. In the same document, BLM issued a Decision Record for the vegetation management elements of the proposed action that was analyzed in the NFMGMA EA. The vegetation management Decision Record authorizes an immense program of “vegetative treatments” that would significantly change the basic ecological and natural character of the area. It proposes juniper “treatment”—that is, removal or other eradication of native juniper trees throughout the project area—on as much as 84,000 acres of public land throughout the project area. It also authorizes “mowing” of up to 130 acres; burning, spraying and seeding of several hundred more acres; and “treatment” of aspen and mountain mahogany on an undisclosed number of acres.

38. This non-grazing portion of BLM's decision was subject to administrative appeal pursuant to BLM's planning regulations. In October 2007, ONDA and WWP appealed that Decision Record to the Department of the Interior's Board of Land Appeals ("IBLA"). The IBLA denied that appeal. Under the Department's appeals regulations, BLM at that point was free to implement the vegetation management Decision Record. ONDA and WWP have exhausted their administrative remedies as to the vegetation treatment decisions.

39. At the same time that it issued the vegetation management Decision Record, BLM also issued 15 Proposed Grazing Decisions, which were then subject to administrative protest pursuant to BLM's grazing regulations. Of those, six were not protested by any parties, and became "final" under BLM's grazing regulations. Those are not challenged here. After resolving various protests on nine of the proposed decisions, BLM issued nine Final Grazing Decisions on February 1, 2008. At this point, those nine grazing decisions were subject to administrative appeal to an Administrative Law Judge ("ALJ") situated within the Department of the Interior's Office of Hearings and Appeals.

40. By letter dated March 7, 2008, ONDA and WWP administratively appealed eight of the nine Field Manager's Final Grazing Decisions issued on February 1, 2008. ONDA and WWP also sought to stay implementation of those final decisions pending the ALJ's review of the claims on the merits. See 43 C.F.R. §§ 4.21, 4.471.

41. The eight Final Grazing Decisions appealed, which are the same grazing decisions at issue in this action, are for: Allotment #6 (allotment # 10204, operator # 3603151); Agency Mountain Allotment (allotment # 00161, operator # 3603119); Calf Creek Allotment (allotment # 00162, operator # 3603430); Calf Creek Allotment (allotment # 00612, operator # 3603154); Beulah Reservoir Allotment (allotment # 10217, operator # 3603431); DeArmond-Murphy

Allotment (allotment # 10206, operator # 3603102); Whitley Canyon Allotment (allotment # 10216, operator # 3601545); and Whitley Canyon, Castle Rock, and Ironside Mountain West Allotments (allotment ## 10216, 10211 & 00112, operator # 3601553).

42. The challenged Final Grazing Decisions reissue 10-year grazing permits. Although they ostensibly institute new grazing systems, the grazing decisions largely leave existing permitted numbers and stocking rates in place. In other words, they authorize grazing at or above levels that BLM had already determined were causing widespread violations of ecological rangeland health standards, including degradation of upland vegetation communities, wildlife habitat, riparian vegetation, stream banks, and sensitive plant species. The challenged grazing decisions also authorize reconstruction of dozens of water developments on public land, and construction of over a mile of new pipeline as well as several miles of new barbed-wire fences across this high desert landscape. According to BLM, the grazing decisions authorize a “very complex” scheme of grazing rotations. BLM hopes this, combined with new utilization standards highly uncertain to achieve results, as well as reliance on new or reconstructed structural range projects, will alleviate the widespread ecological violations first documented several years ago.

43. On April 18, 2008, an ALJ in the Office of Hearings and Appeals issued an order denying the petition for stay. Under the Department’s appeals regulations, BLM at that point was free to implement the challenged NFMGMA Final Grazing Decisions. ONDA and WWP have exhausted their administrative remedies as to the grazing decisions.

44. On May 12, 2008, having exhausted its administrative remedies, ONDA and WWP voluntarily dismissed their administrative appeal and now file suit in federal district court.

45. On information and belief, BLM intends to imminently commence construction and other implementation of some or all of the range projects authorized by the agency’s final decision to adopt the preferred alternative in the NFMGMA EA, and intends to continue such

implementation throughout the remainder of 2008. This includes projects within areas inventoried by ONDA and found to possess BLM- and statutorily-defined wilderness characteristics. BLM has allowed livestock grazing to recommence in some of these areas as early as March 1, 2008. Implementation of some or all of these projects, as well as renewed grazing in areas already found to be in violation of ecological standards, will adversely impact, possibly irreparably, wilderness, fish and wildlife habitat, and other values on these public lands.

FIRST CLAIM FOR RELIEF
VIOLATIONS OF NEPA

46. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

47. The First Claim for Relief challenges defendants' violation of the National Environmental Policy Act, 42 U.S.C. §§ 4321 *et seq.*, and NEPA's implementing regulations, in failing to prepare an environmental impact statement prior to issuing the challenged grazing and vegetation management decisions for the NFMGMA, and in failing to undertake a thorough, objective and timely assessment of the environmental implications of the new grazing and vegetation management regimes implemented within the planning area. This claim is brought pursuant to the judicial review provisions of the APA, 5 U.S.C. § 706.

48. NEPA requires that federal agencies undertake a thorough and public analysis of the environmental consequences of proposed federal actions. Agencies must prepare a detailed EIS for all major federal actions significantly affecting "the quality of the human environment." 42 U.S.C. § 4332(2)(C). A NEPA document must undertake site specific and cumulative impacts analysis of the likely environmental consequences of proposed actions. 40 C.F.R. §§ 1508.7, 15087.8, 1508.25(a)(2). Agencies must consider "significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts." *Id.* § 1509(c)(1)(ii). A FONSI may be issued only where the proposed action will not have a

significant effect on the human environment and for which an EIS is therefore is not required. Id.
§ 1508.13.

49. To satisfy NEPA's procedural requirements, an agency must demonstrate it has taken a "hard look" at the environmental consequences of the proposed action.

50. Defendants violated NEPA and federal regulations in multiple respects through issuance of the challenged grazing and vegetation management decisions, including:

- a. Adopting the challenged decisions without first preparing an EIS addressing the proposed actions, and instead electing to prepare only an EA/FONSI;
- b. Adopting the challenged decisions without taking the requisite "hard look" at all the significant and potential environmental impacts of the proposed actions, including impacts to wilderness resource values and to sagebrush obligate species and their habitat; and
- c. Adopting the challenged decisions without considering the direct, indirect and cumulative impacts of the proposed actions.

51. Accordingly, defendants' final decisions are arbitrary, capricious, an abuse of discretion, and not in accordance with the National Environmental Policy Act, and therefore are actionable pursuant to the APA, 5 U.S.C. § 706(2)(A).

SECOND CLAIM FOR RELIEF
VIOLATIONS OF FLPMA

52. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

53. The Second Claim for Relief challenges defendants' violation of the Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 *et seq.*, and its implementing regulations, with

respect to the challenged grazing and vegetation management decisions for the NFMGMA. This claim is brought pursuant to the judicial review provisions of the APA, 5 U.S.C. § 706.

54. FLPMA governs BLM's management of the federal public lands. Under FLPMA, BLM "shall manage the public lands under principles of multiple use and sustained yield." 43 U.S.C. §1732(a). To accomplish this, BLM "shall . . . take any action necessary to prevent unnecessary or undue degradation of the [public] lands." Id. § 1732(b). BLM also must "prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values (including, but not limited to, outdoor recreation and scenic values)." Id. § 1711(a). The "inventory shall be kept current so as to reflect changes in condition and to identify new and emerging resource and other values." Id.

55. Defendants violated FLPMA and federal regulations through issuance of the challenged grazing and vegetation management decisions, because: those decisions rely on outdated and/or inaccurate information for wilderness resource values; and defendants have not collected or updated relevant information on wilderness resource values and/or have not conducted field inventory work or other analysis necessary to determine whether the public lands identified by ONDA as having outstanding wilderness values, indeed possess such values. Defendants therefore have not properly balanced wilderness against other multiple-use resource values on the public lands. BLM's final decisions therefore may cause unnecessary or undue degradation and permanent impairment of public lands and resources, in violation of FLPMA.

56. Accordingly, defendants' final decisions are arbitrary, capricious, an abuse of discretion, and not in accordance with the Federal Land Policy and Management Act, and therefore are actionable pursuant to the APA, 5 U.S.C. § 706(2)(A).

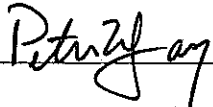
PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court grant the following relief:

- A. Order, declare, and adjudge that Defendants' adoption of the final decisions pursuant to the NFMGMA EA is unlawful under and in violation of NEPA and FLPMA;
- B. Issue an injunction barring Defendants from implementing or further implementing any and all construction or other ground-disturbing activity as part of the NFMGMA EA projects, unless and until such time as Defendants have completed a lawful environmental analysis that complies with the requirements of NEPA and FLPMA;
- C. Issue an order setting aside the final decisions, and ordering Defendants to prepare an EIS or other new or revised NEPA document in compliance with the requirements of NEPA;
- D. Issue appropriate mitigating relief, if any, including an order enjoining or reducing livestock grazing to ameliorate violations of applicable ecological standards, impacts to wilderness, sagebrush habitat and other values, and/or violations of NEPA and FLPMA;
- E. Award Plaintiffs their reasonable costs, litigation expenses, and attorney's fees associated with this litigation as provided by the Equal Access to Justice Act, 28 U.S.C. § 2412 *et seq.*, and all other applicable authorities; and
- F. Grant such other further relief as the Court deems just and proper.

DATED this 13th day of May, 2008.

Respectfully submitted,



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Oregon Natural Desert Association

Of Attorneys for Plaintiff