

**To:** Laura Damm[laura.damm@sol.doi.gov]  
**Cc:** Brian Perron[brian.perron@sol.doi.gov]  
**From:** Gillespie, Stuart (ENRD)  
**Sent:** 2017-02-27T11:41:20-05:00  
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**Subject:** RE: Intervention  
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[DENVER-#568462-v1-Murphy Co Motion to Intervene.PDF](#)  
[DENVER-#568429-v1-CSNM ECF 6 Memo in support of mot to intervene.PDF](#)  
[DENVER-#568428-v1-CSNM ECF 5 Motion to intervene.PDF](#)

Brian and Laura –

I have attached the motions to intervene filed on Friday in both of the monument cases. I was instructed by my management to reserve Federal Defendants' right to oppose intervention after the motion was filed, if needed. Please let me know if you have any questions.

Stu

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**From:** Laura Damm [mailto:laura.damm@sol.doi.gov]  
**Sent:** Friday, February 24, 2017 12:06 PM  
**To:** Gillespie, Stuart (ENRD) <SGillespie@ENRD.USDOJ.GOV>  
**Cc:** Brian Perron <brian.perron@sol.doi.gov>  
**Subject:** Intervention

Hi Stu, we just got cleared to take "no position" on intervention. If you haven't reached out to Kristin yet, can you please let her know we take no position on their motion.

Thanks.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION OF O&C COUNTIES,

Plaintiff,

v.

DONALD J. TRUMP, UNITED STATES OF  
AMERICA, KEVIN HAUGRUD, and BUREAU  
OF LAND MANAGEMENT,

Defendants,

and

SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD, and  
THE WILDERNESS SOCIETY,

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-0280-RJL

**MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE**



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## INTRODUCTION AND BACKGROUND

Soda Mountain Wilderness Council, Klamath-Siskiyou Wildlands Center, Oregon Wild, and The Wilderness Society (collectively “applicants”) seek to intervene as defendants in this challenge to the expansion of the Cascade-Siskiyou National Monument. The applicants have been centrally involved in the creation and expansion of the Monument; additionally, the applicants have participated in previous lawsuits concerning this relatively small, yet vital, area of federally owned land in southwest Oregon.

While the focus of the controversy has shifted, this case continues a long-running battle over protection of federally owned forests in southwest Oregon known as the Oregon and California Lands (“O&C lands”). As President Obama explained in Proclamation 9564, *Boundary Enlargement of the Cascade-Siskiyou National Monument*:

The ancient Siskiyou and Klamath Mountains meet the volcanic Cascade Mountains near the border of California and Oregon, creating an intersection of three ecoregions in Jackson and Klamath Counties in Oregon and Siskiyou County in California. Towering rock peaks covered in alpine forests rise above mixed woodlands, open glades, dense chaparral, meadows filled with stunning wildflowers, and swiftly-flowing streams....

The Cascade-Siskiyou landscape is formed by the convergence of the Klamath, the Siskiyou, and the Cascade mountain ranges. The Siskiyou Mountains, which contain Oregon’s oldest rocks dating to 425 million years, have an east-west orientation that connects the newer Cascade Mountains with the ancient Klamath Mountains. The tectonic action that formed the Klamath and Siskiyou Mountains occurred over 130 million years ago, while the Cascades were formed by more recent volcanism. The Rogue Valley foothills contain Eocene and Miocene formations of black andesite lava along with younger High Cascade olivine basalt. In the Grizzly Peak area, the 25 million-year geologic history includes basaltic lava flows known as the Roxy Formation, along with the formation of a large strato-volcano, Mount Grizzly. Old Baldy, another extinct volcanic cone, rises above the surrounding forest in the far northeast of the expansion area.

Cascade-Siskiyou’s biodiversity, which provides habitat for a dazzling array of species, is internationally recognized and has been studied extensively by ecologists, evolutionary biologists, botanists, entomologists, and wildlife biologists. Ranging from high slopes of Shasta red fir to lower elevations with Douglas fir, ponderosa pine, incense cedar, and oak savannas, the topography and

elevation gradient of the area has helped create stunningly diverse ecosystems. From ancient and mixed-aged conifer and hardwood forests to chaparral, oak woodlands, wet meadows, shrublands, fens, and open native perennial grasslands, the landscape harbors extraordinarily varied and diverse plant communities.

Proclamation No. 9564, 82 Fed. Reg 6,145 (Jan. 12, 2017). It is this extraordinary place that applicants seek to preserve and protect.

The O&C lands were originally part of the federal estate but were granted to the railroads in the late 1860s to facilitate the construction of a north/south rail line through western California and Oregon. When the railroads violated the land grants, the lands reverted into federal ownership, and Congress eventually passed the Oregon and California Lands Act of 1937, 43 U.S.C. § 181a, *et seq.* (“O&C Act”) to guide the management of the lands. In the Act, Congress sought to put an end to wasteful and destructive logging practices that clear-cut large forested areas for short-term economic gain without safeguarding the “capital” of the reverted lands: the forest, the rivers, and other resources provided by the forested landscape. The O&C Act instituted a conservation ethic, making it the first federal statute to impose multiple uses and sustained-yield constraints on timber cutting.

Yet the O&C Act is not the only federal law applicable to these lands, as the federal courts have held ever since its enactment. Indeed, various courts have concluded multiple times that other federal environmental laws, including the National Environmental Policy Act (“NEPA”) and the Endangered Species Act (“ESA”), apply with equal force to the O&C lands. *See Lane Cty. Audubon Soc’y v. Jamison*, 958 F.2d 290 (9th Cir. 1992) (holding the ESA applicable to O&C lands managed by the BLM, and compelling protection of listed species forest habitat); *Portland Audubon Soc’y v. Babbitt*, 998 F.2d 705 (9th Cir. 1993) (holding that there was no unavoidable conflict between the O&C Act and an injunction stopping old-growth logging pending compliance with NEPA, even though the O&C Act’s timber targets (stated as

minimums) could not be met under the injunction); *Seattle Audubon Soc'y v. Lyons*, 871 F. Supp. 1291, 1314 (W.D. Wash. 1994) (appeal history omitted) (holding that the Northwest Forest Plan did not violate the O&C Act, and that “management under the [O&C Act] must look not only to annual timber production but also to protecting watersheds, contributing to economic stability, and providing recreational facilities”). These judicial opinions follow nearly 80 years of legal interpretations and policy statements from the Department of the Interior and the Bureau of Land Management regarding the multiple-use nature of the O&C lands, and the authority and discretion to manage these lands for any number of conservation objectives, even at the expense of timber production.

Given that the courts and others have held NEPA, the ESA, and other laws applicable to the O&C lands, there is little legal authority to suggest that the Antiquities Act of 1906 – which gives the President authority to designate national monuments in order to protect objects of historic or scientific interest – is not similarly applicable to the O&C lands. *Cameron v. United States*, 252 U.S. 450 (1920) (confirming the President’s authority under the Antiquities Act to designate national monuments); *Cappaert v. United States*, 426 U.S. 128 (1976) (same); *Tulare Cty. v. Bush*, 306 F.3d 1138 (D.C. Cir. 2002) (same); *Mountain States Legal Found. v. Bush*, 306 F.3d 1132 (D.C. Cir. 2002) (same).

Applicants respectfully ask this Court for leave to intervene on behalf of federal defendants. Applicants have a long and committed history of involvement with the Cascade-Siskiyou National Monument and O&C lands in southwest Oregon. As explained below, Applicants fully satisfy the standard for intervention as of right under Rule 24(a) of the Federal Rules of Civil Procedure. In the alternative, Applicants satisfy the standard for permissive intervention under Rule 24(b).

### APPLICANTS

The defendant-intervenor-applicants have played an active role in advocating for the designation and expansion of the Cascade-Siskiyou National Monument (“Monument”) and the appropriate management of the O&C lands for decades, and each applicant has a strong interest in the outcome of this case. Applicants and their members have been moving forces behind protection and preservation of the Monument since its original designation. Similarly, applicants and their members have been in the forefront of protecting old-growth forests and the fish and wildlife that rely on them through habitat restoration, participation in the administrative process, litigation, and public education; these natural resources and the benefits they provide society are among the “objects” protected by Proclamation 9564, which expanded the Monument.

Each applicant has a particular interest in the O&C lands at issue in the expanded Cascade-Siskiyou National Monument. Applicants have members who reside near, visit, or otherwise use and enjoy the original and expanded Monument lands, as well as other O&C lands, in a variety of ways, including recreation, hunting and fishing, wildlife viewing and education, and aesthetic and spiritual enjoyment. The past, present, and future enjoyment of these benefits by applicants and their members will be irreparably harmed by plaintiffs’ requests for relief. *See generally* Declarations of Lori Cooper, Nada Culver, Alexander Harris, Matt Keller, Jennifer Maitke, Jeanine Moy, Michael Parker, George Sexton, Joseph Vaile, and Dave Willis, filed concurrently.

Soda Mountain Wilderness Council (“Soda Mountain”) is a non-profit organization incorporated in Oregon with an office near Ashland, Oregon. Willis Decl. ¶ 2. Soda Mountain has approximately 325 members and mails to about ten times that many addresses, with most members and addressees concentrated in southern Oregon and some in northwestern California and elsewhere in the United States. Cooper Decl. ¶ 2. Soda Mountain is dedicated to protecting



and restoring wildlands and the outstanding biodiversity and important biological connectivity where the botanically significant Siskiyou Mountains join the southern Cascade Range in southwest Oregon and northwest California. Soda Mountain monitors federal public land activities to ensure that management complies with relevant federal laws, including environmental laws. Soda Mountain also proposes designations that would better protect the area. Willis Decl. ¶ 3. Soda Mountain has a specific interest in the O&C lands managed by the BLM in southwest Oregon. Soda Mountain monitors Medford and Klamath Falls Resource Area BLM projects on O&C lands in the general Cascade-Siskiyou connectivity area, and Soda Mountain educated the public and elected officials, wrote comments, and otherwise advocated for the designation of the Monument and for its expansion. *Id.* ¶¶ 6-20.

Klamath-Siskiyou Wildlands Center (“KS Wild”) is a non-profit organization incorporated in Oregon with offices in Ashland, Oregon. Sexton Decl. ¶ 2; Vaile Decl. ¶ 2. KS Wild has approximately 3,000 members, with most members concentrated in southern Oregon and northern California. KS Wild is dedicated to preserving the unique biological diversity of the Klamath-Siskiyou region in southwest Oregon and northwest California. KS Wild monitors federal public lands to ensure that management activities comply with relevant federal laws, including environmental laws. *Id.* KS Wild has a specific interest in the O&C lands managed by the BLM in southwest Oregon. Moy Decl. ¶ 2. KS Wild monitors all Medford and Klamath Falls Resource Area BLM projects on O&C lands, and the organization educated the public and elected officials, wrote comments, and otherwise advocated for the designation of the Monument and for its expansion. Sexton Decl. ¶ 24; Vaile Decl. ¶ 8.

Oregon Wild is a non-profit corporation organized under the laws of the State of Oregon. Oregon Wild is headquartered in Portland, Oregon, with field offices in Eugene and Bend.

Oregon Wild's mission is to protect and restore Oregon's wild lands, wildlife, and water as an enduring legacy. Harris Decl. ¶ 1. Oregon Wild and its members advocated for expansion of the Cascade-Siskiyou National Monument, and Oregon Wild members regularly use and enjoy the Monument. *Id.* ¶¶ 6-7.

The Wilderness Society ("TWS") is a non-profit national membership organization that works to protect wilderness and to inspire Americans to care for their wild places. Founded in 1935, TWS is headquartered in Washington, D.C. with over 300,000 members nationwide. TWS uses public education, scientific analysis, and advocacy to work towards its mission. Approximately 43,000 of the 300,000 members reside in Oregon, California, and Washington. Culver Decl. ¶ 3. TWS has a long-standing interest in the BLM's National Landscape Conservation System (National Conservation Lands), including management of national monuments. TWS actively engaged in both protecting the resources of the Monument since its creation, and supporting the need for expansion of the Monument. *Id.* ¶¶ 6-7.

Because each applicant meets the four requirements for intervention as of right as defendants under Fed. R. Civ. P. 24(a) or, alternatively, the broad standard for permissive intervention under Rule 24(b), applicants respectfully request the Court for leave to intervene as defendants in this case.

#### ARGUMENT

Protection of the lands that make up the Cascade-Siskiyou National Monument is at the core of the missions of each of the intervention applicants. The applicants have expended a considerable amount of time and resources to advance the original and expanded Monument designation. The applicants have been involved for years in the protection of O&C lands in general; indeed, the D.C. Circuit Court of Appeals has already held that two of the intervenor-applicants – Klamath-Siskiyou Wildlands Center and Oregon Wild – met the standards for

intervention as of right in a similar claim concerning the interpretation of the O&C Act.

*Klamath-Siskiyou Wildlands Ctr. v. Salazar*, No. 11-5236 (D.C. Cir. Dec. 14, 2011). Under the intervention standards discussed below, applicants' motion should be granted.

I. APPLICANTS ARE ENTITLED TO INTERVENE AS OF RIGHT.

The Federal Rules of Civil Procedure provide the following:

Upon timely application anyone shall be permitted to intervene in an action . . . when the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

Fed. R. Civ. P. 24(a). This Court uses a four-part test to evaluate motions to intervene: "(1) the application to intervene must be timely; (2) the applicant must demonstrate a legally protected interest in the action; (3) the action must threaten to impair that interest; and (4) no party to the action can be an adequate representative of the applicant's interests." *SEC v. Prudential Sec. Inc.*, 136 F.3d 153, 156 (D.C. Cir. 1998). Practical considerations guide courts in applying this test. *See* Fed. R. Civ. P. 24, advisory committee's note. While "the D.C. Circuit has taken a liberal approach to intervention," *Wilderness Society v. Babbitt*, 104 F. Supp. 2d 10, 18 (D.D.C. 2000), in this Circuit, applicants must demonstrate Article III standing. *Mova Pharmaceutical Corp. v. Shalala*, 140 F.3d 1060, 1074 (D.C. Cir. 1998). In the present case, applicants satisfy each of the elements for intervention under Rule 24(a).

A. Applicants' Motion for Intervention Is Timely.

In determining whether an intervention motion is timely, this Court should consider "all the circumstances, especially weighing the factors of time elapsed since the inception of the suit, the purpose for which intervention is sought, the need for intervention as a means of preserving the applicant's rights, and the probability of prejudice to those already parties in the case."

*United States v. British American Tobacco Australia Serv.*, 437 F.3d 1235, 1238 (D.C. Cir. 2006) (quoting *United States v. American Tel. & Tel. Co.*, 642 F.2d 1285, 1295 (D.C. Cir. 1980)).

Applicants' motion to intervene is timely because the present case is in its very early stages. Plaintiff Association of O&C Counties ("AOCC") filed its complaint on February 13, 2017, and this motion to intervene was filed less than 2 weeks later. *Cf. County of San Miguel, Colo. v. MacDonald*, 244 F.R.D. 36, 38, 46 (D.D.C. 2007) (granting motion to intervene filed more than 90 days after the complaint). No answer or motion has yet been filed; no merits issue of any kind, much less a core issue, has yet been scheduled, briefed, or decided; and applicants' participation will not delay any deadline set by this Court. *Cf. Appleton v. FDA*, 310 F. Supp. 2d 194, 195, 197 (D.D.C. 2004) (intervention timely when sought after the answer, and within two months of notification of suit).

Granting this motion to intervene would not prejudice any party. Applicants seek intervention, as discussed below and in the attached declarations, to protect their members' interests and preserve the Monument expansion. If intervention is granted, applicants will comply with all court-ordered briefing schedules to serve the interest of efficiency. To further facilitate the timely resolution of this case, applicants have lodged their answer to the complaint with the motion to intervene (Exh. A). Counsel for applicants contacted counsel for plaintiffs and federal defendants to ascertain their positions on this motion; counsel for plaintiffs was unable to provide a position prior to filing; counsel for federal defendants stated that federal defendants take no position on the motion to intervene at this time, but reserve their right to take a position after filing. Granting applicants' motion to intervene will not delay the course of this litigation nor prejudice any party in the case; this motion to intervene is timely.

**B. Applicants and their Members Have Legally Protected Interests at Stake.**

Rule 24(a) requires an applicant for intervention to possess an interest relating to the

property or transaction that is the subject matter of the litigation. This “interest test” is not a rigid standard; rather, it is “a practical guide to disposing of lawsuits by involving as many apparently concerned persons as is compatible with efficiency and due process.” *Nuesse v. Camp*, 385 F.2d 694, 700 (D.C. Cir. 1967); *see also Friends of Animals v. Kempthorne*, 452 F. Supp. 2d 64, 69 (D.D.C. 2006).

Here, applicants are conservation organizations with the missions of promoting the protection of public lands in Oregon, with a particular emphasis on the protection and management of not only the O&C lands, but the Cascade-Siskiyou National Monument in particular. *See, e.g.*, Sexton Decl. ¶ 2 (“Our members are interested in and support KS Wild’s work to protect the forests and watersheds of the Klamath-Siskiyou region for their botanical, recreational, scientific, hydrological and aesthetic values. The Klamath-Siskiyou region includes much of the public lands in southern Oregon and northern California that serve as the watersheds for the Klamath River and Rogue River. Collectively these public lands provide some of the cleanest water and most biologically diverse forests in North America. Lands within the Cascade-Siskiyou National Monument are key to KS Wild’s mission to protect biodiversity at the local and regional scale.”); Moy Decl. ¶¶ 5-9 (describing past and future public education programs in the Monument); Willis Decl. ¶ 3 (Soda Mountain “has been the lead organization in advocating for both the June 2000 original Monument and the January 2017 Monument expansion.”); Culver Decl. ¶ 7 (“TWS and I personally have been actively engaged in both protecting the resources of the Cascade-Siskiyou National Monument since its creation, and supporting the need for expansion of the Monument.”).

If AOCC’s prayer for relief is granted, applicants would suffer an injury-in-fact due to the loss of protection for the Monument lands. *See* Sexton Decl. ¶ 26; Vaile Decl. ¶¶ 18-19;

Willis Decl. ¶¶ 21-28; Cooper Decl. ¶¶ 4-7; Parker Decl. ¶¶ 3 (“As a research ecologist with 35 years’ experience, 23+ years within and around what is now the Cascade-Siskiyou National Monument, I am deeply concerned that any alterations to the Monument boundaries that reduce its overall area will significantly compromise the ecological integrity of this region and negatively impact the objects of scientific interest the Monument was originally established to protect: its globally-significant biodiversity.”); *Friends of the Earth Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.*, 528 U.S. 167, 183 (2000) (“[E]nvironmental plaintiffs adequately allege injury in fact when they aver that they use the affected area and are persons ‘for whom the aesthetic and recreational values of the area will be lessened’ by the challenged activity.” (citations omitted)). Such injury would be redressed through applicants’ participation in this case, where applicants intend to explain the harm AOCC’s request could cause to the environment and to the law, which could help prevent AOCC’s request for relief from being granted. In addition, the *stare decisis* effect of a ruling in AOCC’s favor could cause harm to applicants’ interests in protection of O&C lands. *See Nuesse v. Camp*, 385 F.2d at 702.

C. If Successful, AOCC’s Action Would Impair Applicants’ Interests.

An applicant for intervention as of right must be “so situated that the disposition of the action *may* as a practical matter impair or impede the applicant’s ability to protect that interest.” Fed. R. Civ. P. 24(a) (emphasis added). Applying this impairment requirement, the Court should “look[] to the ‘practical consequences’ of denying intervention....” *Fund for Animals v. Norton*, 322 F.3d 728, 735 (D.C. Cir. 2003). Such an inquiry “‘is not limited to consequences of a strictly legal nature.’” *Forest Conservation Council v. United States Forest Serv.*, 66 F.3d 1489, 1498 (9th Cir 1995) (quoting *Natural Res. Def. Council v. Nuclear Regulatory Comm’n*, 578 F.2d 1341, 1345 (10th Cir. 1978)).

In this suit, AOCC seeks a court order that Proclamation 9564 violates the O&C Act and

therefore the Antiquities Act; it seeks to enjoin and vacate the Proclamation to the extent that it includes O&C lands. Such a result would not only irreparably harm applicants' interests by frustrating years of effort applicants have spent working to first designate, and then expand, the Monument, but also would undermine the missions of applicants' organizations that seek to protect the natural resources on the O&C lands within the Monument. *See, e.g., Natural Res. Def. Council v. EPA*, 99 F.R.D. 607, 609 (D.D.C. 1983) (granting intervention as of right to industry groups in a FACA case that could "nullify" the group's efforts); *see also* Cooper Decl. ¶ 7 ("Altering the boundaries of the Monument would also have dire effects on [Soda Mountain's] ability to meet its organizational mission."). Furthermore, if AOCC succeeds in securing its desired legal interpretation of the O&C Act, such a ruling could affect other O&C lands in Oregon. *See, e.g.,* Sexton, Vaile, Willis Declarations.

Courts have found sufficient impairment to sustain intervention for conservation groups in suits such as this. *See, e.g., Idaho Farm Bureau Fed'n v. Babbitt*, 58 F.3d 1392, 1398 (9th Cir. 1995) (decision to remove species from endangered species list impairs conservation groups' interest in preservation); *Sagebrush Rebellion v. Watt*, 713 F.2d 525, 528 (9th Cir. 1983) ("An adverse decision in this suit would impair the society's interest in the preservation of birds and their habitats"); *Douglas Timber Operators v. Salazar*, No. 09-1704-JR (D.D.C. 2009) (granting intervention to conservation group that challenged agency action plaintiffs sought to reinstate). Because applicants are so situated that the disposition of this action may, as a practical matter, impair their ability to protect their interests in publically owned O&C lands, applicants plainly satisfy Rule 24(a)'s impairment-of-interest requirement.

D. Applicants' Interests May Not Be Adequately Represented by Defendants.

Finally, an applicant for intervention as a matter of right must show that its interests may not be adequately represented by the existing parties to the litigation. This requirement is "not

onerous” and is satisfied if the applicant shows that the representation of its interests “may be” inadequate. *Fund for Animals v. Norton*, 322 F.3d at 735 (quoting *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n.10 (1972)); *Crossroads Grassroots Policy Strategies v. FEC*, 788 F.3d 312, 317-18 (D.C. Cir. 2015) (explaining that the existence of different governmental and private interests supports intervention) (citation omitted); *Dimond v. District of Columbia*, 792 F.2d 179, 192 (D.C. Cir. 1986). Indeed, a petitioner “ordinarily should be allowed to intervene unless it is clear that the party will provide adequate representation for the absentee[.]” *Fund for Animals*, 322 F.3d at 735 (quoting *United States v. American Tel. & Tel. Co.*, 642 F.2d 1285, 1293 (D.C.Cir.1980)). The D.C. Circuit has “often concluded that governmental entities do not adequately represent the interest of aspiring intervenors.” *Fund for Animals*, 322 F.3d at 736 (citing *Natural Res. Def. Council v. Costle*, 561 F.2d 904, 912-13 (D.C. Cir. 1977)); *Smuck v. Hobson*, 408 F.2d 175, 181 (D.C. Cir. 1989); see also *Friends of Animals*, 452 F. Supp. 2d 64. None of the current parties adequately represents applicants’ interests in this matter.

AOCC’s interests are directly adverse to those of applicants. AOCC seeks to vacate and enjoin the Monument expansion, while applicants have advocated for the Monument and its recent expansion. AOCC simply does not represent applicants’ interests.

The federal defendants’ interests may also be adverse to those of applicants. See *People for the Ethical Treatment of Animals v. Babbitt*, 151 F.R.D. 6 (D.D.C. 1993) (government’s mandate to design and enforce an entire regulatory system precludes it from adequately representing one party’s interest in it); *Dimond*, 792 F.2d at 192-93 (finding an agency “would be shirking its duty were it to advance [an individual’s] narrower interest at the expense of its representation of the general public interest”). Moreover, the federal government’s frequent reluctance to adequately protect the O&C lands—including by entering settlement agreements to



increase timber production on these lands—particularly following changes in political administration, highlights the risk that federal defendants may not adequately represent applicants’ interests. *See, e.g., AFRC v. Clarke*, No. 94-1031-TPJ (D.D.C. 2003) (BLM settled timber industry suit, agreeing to revise its resource management plans in western Oregon); *Western Council of Industrial Workers v. Secretary of Interior*, No. 02-6100-AA (D. Or.) (FWS settled timber industry suit over owl protected status and designated critical habitat). Further, “[a]lthough there may be a partial congruence of interests, that does not guarantee the adequacy of representation.” *Fund for Animals*, 322 F.3d at 736-37 (granting intervention where federal defendant and movant’s interests “might diverge during the course of litigation”).

In recognition of potentially divergent public and private concerns, this Court “ha[s] often concluded that governmental entities do not adequately represent the interests of aspiring intervenors.” *Fund for Animals*, 322 F.3d at 736. This Court regularly grants motions to intervene by these nonprofit conservation organizations in similar suits against the federal government brought to remove or weaken procedural or substantive protections for the environment. Given that this lawsuit comes at a time of a presidential administration transition, particularly to a defendant President and federal agency leadership who did not participate in the review and expansion of the Monument, there will not be a consistent environmentally focused party present in this case at all times to protect applicants’ interests unless the applicants themselves are allowed to intervene. Accordingly, given the minimal showing necessary to find inadequate representation, the Court should grant applicants’ motion to intervene as of right.

## II. ALTERNATIVELY, APPLICANTS SATISFY THE STANDARD FOR PERMISSIVE INTERVENTION.

As detailed above, applicants meet the requirements for intervention as of right under Rule 24(a). However, if this Court denies intervention as of right, applicants request the Court

for leave to intervene under Rule 24(b). Permissive intervention is appropriate when an applicant's timely defense "shares a question of law or fact in common with the underlying action and if the intervention will not unduly delay or prejudice the rights of the original parties." *Acree v. Republic of Iraq*, 370 F.3d 41, 49 (D.C. Cir. 2004) (citing Fed. R. Civ. P. 24(b)).

Applicants merit, at minimum, permissive intervention. First, as demonstrated above, the case is at a preliminary stage; no significant milestones have yet occurred in this case, and applicants' motion is timely. Applicants do not bring new claims. Instead, they intend to oppose the claim and requests for relief made by AOCC in this action and to offer defensive arguments, all of which necessarily share questions of law and fact in common with the central issues in this case. Applicants' intention to file joint briefs further demonstrates that they will cause no prejudice or undue delay to the parties. If intervention is granted, applicants intend to support the efficient adjudication of the case.

Applicants seek intervention to ensure that this Court is presented with a key perspective on the issues involved in this case that may aid the Court's review, particularly in view of the Presidential Administration transition. Applicants have gained particular knowledge and expertise about the O&C Act and the O&C lands from their decades-long engagement on land management issues and litigation affecting the areas located in the Monument, and from their advocacy that has been central to the designation and expansion of the Monument. These organizations also seek to participate in this litigation in part because they have made organizational commitments to protect the Cascade-Siskiyou area where the Monument is located into the future, as described in the attached declarations. Applicants have deep experience with the O&C Act, perspective and experience that would ground their targeted briefing, and that would complement the Government's defense. *Cf. Natural Res. Def. Council*

*v. Costle*, 561 F.2d 904, 912-13 (D.C. Cir. 1977) (granting intervention for movant to protect its own interests and where it “may also be likely to serve as a vigorous and helpful supplement to EPA’s defense”).

Applicants have a significant interest in the use and enjoyment of the O&C lands, and other public forests, located within the Monument and beyond. Applicants also have an interest in a valid interpretation of the requirements and limits of the O&C Act. Given the importance of the issues involved in this case, the stake applicants have in the protection of the Monument, and the early stage of the litigation, the Court should allow permissive intervention.

### III. APPLICANTS HAVE STANDING TO INTERVENE AS DEFENDANTS.

Applicants also have Article III standing. Applicants meet this standard for reasons already discussed and further elaborated below. Standing requires a showing of: (1) injury in fact; (2) a causal relationship between the injury and the challenged action, such that the injury can be fairly traced to the challenged action; and (3) the likelihood that a favorable decision will redress the injury. *Sierra Club v. EPA*, 755 F.3d 968, 975-76 (D.C. Cir. 2014); *Natural Res. Def. Council v. EPA*, 489 F.3d 1364, 1370 (D.C. Cir. 2007) (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992)). Standing for at least one applicant supports a grant of intervention to all co-applicants filing together. *See, e.g., Military Toxics Project v. EPA*, 146 F.3d 948, 954 (D.C. Cir. 1998) (granting intervention to all co-applicants based on a finding for one named intervenor-applicant).

Applicants have associational standing. Under this standard, an association “must demonstrate that at least one member would have standing under Article III to sue in his or her own right, that the interests it seeks to protect are germane to its purposes, and that neither the claim asserted nor the relief requested requires that an individual member participate in the lawsuit.” *Natural Res. Def. Council v. EPA*, 489 F.3d 1364, 1370 (D.C. Cir. 2007) (citing *Hunt*

*v. Wash. State Apple Adver. Comm'n*, 432 U.S. 333, 342-43 (1977)). For reasons similar to those demonstrated above showing that applicants and their members satisfy the standard to intervene of right, applicants' members have Article III standing in their own right. *Cf. Fund for Animals*, 322 F.3d at 735 (standing and an "interest" under Rule 24(a)(2) are coextensive).

Applicants' members have concrete recreational, aesthetic, and professional interests in the streams, forests, land, wildlife, and other "objects" protected by Proclamation 9564 as discussed above and in the attached declarations. *See, e.g.*, Willis Decl. ¶¶ 29-39; Vaile Decl. ¶¶ 4-6; Sexton Decl. ¶¶ 28-33; Parker Decl. ¶¶ 6-9; Cooper Decl. ¶ 5. Applicants' members use and enjoy waters, forests, wildlife, and natural areas that the Proclamation protects and that will likely be harmed if AOCC succeeds in its efforts to enjoin and vacate the Proclamation, or succeeds in its legal argument that the O&C Act precludes application of the Antiquities Act to the O&C lands. *See Crossroads*, 788 F.3d at 317-18 (allowing intervention to prevent injury where "unfavorable decision would remove the party's benefit" and where "a plaintiff seeks relief, which, if granted, would injure the prospective intervenor"). If AOCC receives the relief requested, it will diminish applicants' members' ability to use and enjoy the expanded Cascade-Siskiyou National Monument, and the resulting injuries to their interests are sufficient to establish applicants' standing. *Cf. NRDC*, 489 F.3d at 1371 (finding standing where organization's members "use or live in areas affected" by the action at issue "and are persons for whom the aesthetic and recreational values of the area" would be lessened as a result of the action) (quotations omitted). Protecting these interests is both germane and an important part of applicants' organizational missions. *See, e.g.*, Sexton Decl. ¶ 26; Willis Decl. ¶ 28; Keller Decl. ¶ 3; Culver Decl. ¶ 8-12.

In addition to and independent from associational standing, applicants have

organizational standing in their own right, separate and apart from their members, due to their concrete, institutional interests in the subject matter of this action, the harm AOCC's suit causes or is likely to cause to applicants' interests, and this Court's authority to redress this harm by denying relief to AOCC. *Cf. Friends of Animals v. Salazar*, 626 F. Supp. 2d 102, 113 (D.D.C. 2009) ("A plaintiff suffers an organizational injury if the alleged violation 'perceptibly impair[s]' its ability to carry out its activities.") (citing cases). As part of their core missions, applicants expend resources and engage in frequent activities to gather information on, to educate the public about, and to protect the interests of their members regarding conservation of the region, which includes the Cascade-Siskiyou National Monument. If the focal point of this advocacy—the natural resources or "objects" now protected by an expanded Monument—is eliminated as AOCC requests, it would irreparably compromise applicants' missions. Applicants seek to avoid the harm to their organizations' ability to fulfill their core missions that diminishment or elimination of the Cascade-Siskiyou National Monument would cause.

In sum, because a ruling in favor of AOCC would eliminate statutory protection for the historic and scientific objects within the Cascade-Siskiyou National Monument, and would sanction an interpretation of the O&C Act that AOCC believes precludes application of the Antiquities Act to O&C lands, applicants have standing as well as the requisite interest in intervening as defendants in the present case. *See, e.g., Crossroads*, 788 F.3d at 317-18.

#### CONCLUSION

For the reasons set forth above, Soda Mountain Wilderness Council, Klamath-Siskiyou Wildlands Center, Oregon Wild, and The Wilderness Society request that the Court grant them

intervention as of right or, in the alternative, permissive intervention. Applicants have lodged their proposed answer with the motion to intervene.

Respectfully submitted this 24th day of February, 2017.

/s/ Patti A. Goldman

Patti A. Goldman, DCB # 398565  
Kristen L. Boyles, WSBA # 23806  
(Pending Pro Hac Vice Admission)  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
Telephone: (206) 343-7340  
pgoldman@earthjustice.org  
kboyles@earthjustice.org

Susan Jane M. Brown, OSB #054607  
(Pending Pro Hac Vice Admission)  
Western Environmental Law Center  
4107 NE Couch Street  
Portland, Oregon 97232  
(503) 914-1323

*Attorneys for Defendant-Intervenor-Applicants*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing *MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE* with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record and all registered participants.

/s/ Patti A. Goldman  
Patti A. Goldman

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION OF O&C COUNTIES,

Plaintiff,

v.

DONALD J. TRUMP, UNITED STATES OF  
AMERICA, KEVIN HAUGRUD, and BUREAU  
OF LAND MANAGEMENT,

Defendants,

and

SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD, and  
THE WILDERNESS SOCIETY,

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-0280-RJL

**DECLARATION OF ALEXANDER HARRIS**

I, ALEXANDER HARRIS, declare and state as follows:

1. My name is Alexander Harris, I reside in Portland, Oregon, and I am a full-time staff member and member in good standing of Oregon Wild. I am familiar with and support Oregon Wild's mission to protect and restore Oregon's wildlands, wildlife and water.

2. I have used and enjoyed the natural areas within the Cascade-Siskiyou National



Monument expansion for my entire life, and for that reason it is very important to me that President Obama's expansion of the Monument is upheld.

3. I grew up 2 miles outside of Ashland (2101 Dead Indian Memorial Road), which is about a mile from the border of the expanded Monument. Growing up at the foot of Grizzly Peak, I had innumerable experiences hiking, camping, and appreciating wildlife in the Cascade hills to the north of my home, which are now permanently protected as a National Monument. My first outdoor experiences were on public land on and adjacent to Grizzly Peak, and these experiences taught me invaluable lessons about myself. Indeed, these meaningful experiences in my early life motivated me to pursue a career as a conservationist.

4. The land and animals within the expansion also hold immense sentimental value to me, my wife, and my family. To celebrate this special place, my wife and I were married there amongst the Western Red Cedars and Ponderosa Pines on June 27, 2015 at Willow-Witt Ranch (658 Shale City Road - within the expanded Monument). My siblings and I all grew up admiring the sheer beauty of the mountain peaks, rushing streams, burned and recovering forests, and colorful mountain meadows within the expansion. I want to be able to bring my kids, nieces, and nephews to this significant place in future decades to teach them about my family history, which is intimately interwoven with the history of the landscape.

5. Without the protections granted by the Monument, however, these special places within the expansion could be subject to various types of degradation, and a fundamental part of my family history will be compromised. The prospect of losing this area to private development prompted me to reach out to my congressional representatives asking for their support of the proposed expansion.

6. Oregon Wild also advocated for the expansion by sending out numerous member

communications that generated many hundreds of emails and letters to congressional representatives. Our efforts proved successful when the President used his authority under the Antiquities Act to permanently protect this special and unique region for generations to come.

7. Currently, I use and enjoy the Cascade-Siskiyou National Monument almost every time I visit Southern Oregon, which is regularly. My most recent visit on February 18, 2017, entailed snowshoeing in the southern portion of the expansion, just north of Hwy 66 along the Pacific Crest Trail, and watching special species of birds.

8. In future years, I plan to continue going back to experience and enjoy the protected natural areas within the expanded Monument. The places in particular that I look forward to returning to the most are Grizzly Peak, Little Hyatt Lake, Keene Creek, Greensprings Mountain, the Pacific Crest Trail north of Hwy 66, and areas along Shale City Road, the Keno Access Road, and Old Hyatt Prairie Road. I am also especially fond of the specific species of flora within the expansion, including ponderosa pines, western red cedars, and the colorful wildflowers in Grizzly Peak's burned areas. This area is also known for providing prime habitat for some of my favorite fauna species such as grey wolves, black bears, pileated woodpeckers, bobcats, Northern Spotted Owls, and Great Gray Owls.

9. My interests and those of Oregon Wild will be irreparably harmed if President Obama's proclamation expanding the Cascade-Siskiyou National Monument is overturned by this lawsuit. The proclamation increases protection for the scenic, recreational, and ecological values I have enjoyed, currently enjoy, and plan to enjoy in the future. Without the added protection of the National Monument designation, there is likely to be more logging and grazing in the area, which will not only result in degraded ecological values, but will also result in diminished recreational experiences.

10. For example, when I return to the special places of my youth, I will see stumps instead of the healthy stands of large trees; when I hike through the mountain meadows that used to produce vetch and multi-colored wildflowers, I will instead see degraded soil and invasive weeds; and when I birdwatch and listen for the calls of my favorite avian species, I will instead hear the sounds of industrial logging and off-road vehicles. Indeed, I have had all of these negative experiences associated degraded landscapes in other parts of Oregon that have not been protected as National Monuments, and I would suffer greatly if this fate were to fall upon the areas within the expanded Monument.

11. My interests and those of Oregon Wild would be protected if President Obama's recent proclamation is upheld by the court, because the presidential authority under the Antiquities Act to designate areas of historical or ecological significance would be upheld and respected. This would not only ensure permanent protection of the Cascade-Siskiyou National Monument, but also ensure that, when appropriate, future presidents can use the authority granted by the Antiquities Act to make similar designations. To undermine this authority is also to undermine the opportunities of future generations to experience ecologically significant places such as the Cascade-Siskiyou National Monument.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 23rd day of February, 2017, in Portland, Oregon.

/s/ Alexander Harris

ALEXANDER HARRIS

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing *Declaration of Alexander Harris* with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record and all registered participants.

/s/ Patti A. Goldman  
Patti A. Goldman

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION OF O&C COUNTIES,

Plaintiff,

v.

DONALD J. TRUMP, UNITED STATES OF  
AMERICA, KEVIN HAUGRUD, and BUREAU  
OF LAND MANAGEMENT,

Defendants,

and

SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD, and  
THE WILDERNESS SOCIETY,

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-0280-RJL

**DECLARATION OF DAVE WILLIS**

I, DAVE WILLIS, declare and state as follows:

1. I serve as the board chair of the Soda Mountain Wilderness Council (“SMWC”), and I am a regular member as well. For over three dozen years, since well before the Cascade-Siskiyou National Monument (hereafter “Monument”) was originally established in June 2000, I

have resided on private land adjacent to the original Monument and near to the expanded Monument.

2. SMWC is a non-profit corporation organized under the laws of Oregon. SMWC is a 501(c)(3) tax exempt, public interest conservation organization based in the Ashland, Oregon, area. SMWC's organizational mission is to protect wildlands and conserve the outstanding biological diversity and important ecological processes in southwestern Oregon and northern California in the general area where the Siskiyou Mountains join the southern Cascade Range.

3. Via our many conservation efforts over the years, some of which are noted below, SMWC has been the lead organization in advocating for both the June 2000 original Monument and the January 2017 Monument expansion. SMWC and its members have been steadily and deeply involved in Bureau of Land Management ("BLM") planning efforts in the Monument area for decades, including commenting on, protesting, and appealing proposed BLM management activities that would degrade the area's environment. SMWC has also proposed local BLM administrative and other designations in what is now the Monument and the recent Monument expansion area that would improve the area's environment, including proposals for a Green Springs Mountain Wild Area (2013), Rogue Valley Foothills Area of Critical Environmental Concern (2015), and also proposing "Scenic" Wild and Scenic Rivers status eligibility for Jenny Creek and Spring Creeks (2008).

4. As a charter board member (1984), volunteer, consultant, and paid SMWC employee, I have personally been involved in all these SMWC conservation efforts, culminating most recently in the Monument expansion needed to safeguard the positive environmental contributions of SMWC's prior conservation efforts for this ecologically unique and strategic

area. (After the original Monument was established in June 2000, what had generally been called the “Soda Mountain” area came to be more generally known as the “Monument” area.)

5. In January 1983, before SMWC began in 1984, I attended and spoke at Medford BLM’s scoping meeting as part of BLM’s statewide Oregon Wilderness Review process, requesting a larger Soda Mountain Wilderness Study Area (WSA) in order to better protect the biological and wilderness values BLM had identified for the WSA.

6. In 1985, after the SMWC was formed – and as a SMWC board member – I attended and spoke for the Soda Mountain area at Medford BLM’s public hearing on their statewide Wilderness DEIS. In 1987, I attended and similarly spoke at Medford BLM’s statewide Wilderness SDEIS hearing. I and SMWC actively recruited SMWC members and others to attend, testify, and submit written comments for these 1985 and 1987 BLM hearings.

7. For both the 1985 and 1987 hearings, I and SMWC urged protection beyond the WSA for BLM land that eventually and variously became part of the original Monument, the designated Soda Mountain Wilderness, and the recent Monument expansion.

8. In August 1987, I coordinated and led a horseback and hiking trip into the Soda Mountain WSA for BLM’s State Director, four other BLM staff, and four SMWC members.

9. At the end of this trip, and at SMWC’s invitation, we were met by ~50 citizens, including many SMWC members, who urged the BLM state director to recommend the Soda Mountain WSA to Congress for Wilderness designation. The BLM did so after this trip.

10. During the 1990s, SMWC continued to advocate for protection of what is now the Monument area, including:

- Producing a ~30-minute video for public television called Soda Mountain: A Living Legacy.

- Building public support for a ~160-acre land exchange between Boise Cascade and BLM on the Pacific Crest Trail in the Pilot Rock area that was finally accomplished in 2000.
- Working for the best possible outcome for the area in the Northwest Forest Plan that resulted in BLM's "Cascade-Siskiyou Ecological Emphasis Area" (CSEEA) designation in Medford BLM's 1995 RMP via language directing special protection in the 1994 Northwest Forest Plan ROD.
- Successfully opposing a BLM commercial use permit for a "Team Dual Dogs of Southern California, Inc." dirt-bike motorcycle event in the new CSEEA.
- Submitting public comments on BLM's Draft EA for their recently acquired ~1,200-acre former Box O Ranch property along Jenny Creek – after helping to build public support for BLM's acquisition.
- Acquiring ~75 acres of private land adjacent to BLM's Scotch Creek Research Natural Area (RNA) and donating that land to BLM in 1999 for inclusion in the RNA, and donating that land to BLM in late October 1999.
- Taking Medford BLM's Ashland Resource Area Manager on four horseback trips to help him understand why SMWC's Wilderness proposal was larger than BLM's WSA.
- Taking Medford BLM's CSEEA planner on horseback trips into the CSEEA to enable him to write a more informed plan by seeing backcountry not accessible by motor vehicle.
- Commissioning and submitting to BLM a study by professional hydrologists detailing hydrological damage from the construction-design and wet-weather vehicle use of the former Schoheim Road (actually a 4WD jeep trail) and its built and user-created jeep trail spurs – and taking Medford BLM's Ashland Resource Area ecologist on a horseback trip along the length of the Schoheim. Pursuant to the study recommendations, BLM seasonally closed this



road system, permanently closing some spurs. The Schoheim was closed year-round by name, except for emergency and authorized administrative use, in the 2000 Monument proclamation. And it was permanently closed to all motorized and mechanized use by the 2009 Wilderness designation, after which BLM has carried out restoration work (removing culverts, restoring stream crossings, etc.).

11. All of these efforts and more involved SMWC newsletters to members/others and/or SMWC-led public hikes and/or travel to DC to speak with administration officials and/or public communication via local press and/or collaboration with scientists and/or other allies to achieve better protection for land that is now part of the original Monument and/or Soda Mountain Wilderness and/or expanded Monument: all of the types of activities associated with advocating for the protection of a specific place. I was directly immersed in all these, and more, conservation efforts.

12. SMWC engaged BLM's CSEEA scoping process with submitted comments and SMWC's newsletters began urging national monument designation for the larger CSEEA area in 1999.

13. As part of this advocacy, and on behalf of SMWC:

- I travelled to DC to urge Administration officials to support a "Soda Mountain National Monument."

- With scientists, I helped give a presentation to DOI officials who visited Medford in August 1999.

- I participated in Secretary Babbitt's short stakeholder hike on the Pacific Crest Trail near Pilot Rock in late October 1999 in which he announced that, "The year 2000 will be a year of decision for the Soda Mountain area."

· I participated in the roundtable stakeholder discussion at Medford BLM on February 14, 2000, to consider Monument status for the area that Secretary Babbitt convened with Rep. Greg Walden and BLM State Director Elaine Zielinski.

· I participated in the mid-March 2000 video teleconference stakeholder discussion convened by Secretary Babbitt in Medford to consider Monument designation possibilities and the CSEEA Draft EA on which SMWC had submitted public comments.

14. Some of my efforts on behalf of SMWC are described in various news clippings included as Exhibit A to my declaration.

15. After the Cascade-Siskiyou National Monument (CSNM) was established in June 2000, some of SMWC's conservation efforts included:

· Organizing and submitting multi-group public comments on BLM's 2002 Draft, 2005 Final, and Record of Decision 2008 CSNM management plan EIS documents.

· SMWC administratively appealed BLM's ROD to the IBLA for insufficient road closures because of an inordinate road density in the Monument that fragmented habitat and increased erosion. The mutual settlement agreement required BLM to complete a Transportation Management Plan by September 2013. BLM has yet to complete this plan.

· SMWC negotiated for four years with Monument area grazing lessees toward "buyout" and permanent retirement of their BLM grazing leases – the mechanism for which was accomplished through legislation Congress passed in 2009 that also designated the Soda Mountain Wilderness in the Monument's southern backcountry. So far, ~66,000 acres of BLM grazing leases in the original and expanded Monument have been retired via SMWC paying ranchers to donate their leases to BLM for retirement. Still-active BLM grazing leases named in the legislation as functionally eligible for voluntary buyout are in the Monument expansion area.

- Engaging BLM's management planning process for the Soda Mountain Wilderness by commenting at every step of the NEPA process.

- Fundraising for The Pacific Forest Trust (PFT) to assist them in purchasing Monument inholdings that BLM has since acquired as internal additions to the Monument. Collaborating with PFT and The Conservation Fund on acquisition and transfer to BLM of the ~13,000+ acres of Monument inholdings BLM added to the Monument by late 2015.

16. I was directly involved in all the SMWC efforts above and more.

17. In 2010, SMWC – with allies – began engaging BLM's planning process for BLM's Sampson Cove and Cottonwood timber sales in part of what is now the recent monument expansion area. This involved commenting at each stage of the NEPA process, including eventual protests and litigation that went from District Court in Medford to the Ninth Circuit Court of Appeals on each timber sale. When local scientists produced an April 2011 report urging that these timber sale areas and more be added to the Monument, SMWC's concerns about the degradation these two timber sales represented were intensified. I was personally involved throughout SMWC's engagement in commenting on, protesting, and litigating these timber sales, the planning areas for both of which are now part of the expanded Monument.

18. In addition to efforts to prevent BLM timber sale degradation of potential Monument expansion areas, SMWC began urging SMWC members and others to ask public officials to support Monument expansion. As part of this effort, SMWC published newsletters and featured scientists urging Monument expansion at meetings for SMWC members and others. On behalf of SMWC and toward Monument expansion:

- For many years I have scheduled scientist hike leaders for and SMWC has sponsored dozens of hikes into potential Monument expansion areas for members of the public to

learn about potential Monument expansion areas first-hand.

- During May 2011, February 2012, September 2015, and April 2016 I traveled to DC to urge public officials to support a Monument expansion.

- In 2015 and 2016 I recruited Monument expansion support letters from private landowners in the potential expansion area representing over 14,000 acres.

- In 2015 and 2016 I recruited Monument expansion support letters from over a dozen area conservation groups.

- In 2015 I took the president of the Ashland Chamber of Commerce and an Ashland City Council member on a horseback trip into a potential Monument expansion area. I also took a second Ashland City Council member on the same trip separately in 2015.

- I joined scientists in briefing the Ashland City Council at a publicly-noticed June 1, 2015, city council study session – presenting the Council with a draft resolution supporting Monument expansion which they unanimously passed in revised form at their regular council meeting on June 15, 2015.

- I recruited Monument expansion support letters from the Oregon state legislators in whose districts the original Monument was located: Rep. Peter Buckley (July 2015) and Sen. Alan Bates (August 2015). After Sen. Bates' untimely passing, I recruited a support letter from his successor, Sen. Kevin Talbert (October 2015).

- Urging them to ask the president to expand the Monument, I took different staff members of Oregon's U.S. senators on different trips into potential Monument expansion areas, including during and also before November 2015, April 2016, July 2016, and October 13 and 14.

- With SOU biologist Michael Parker, I briefed the Talent Chamber of Commerce board on Monument expansion in late July 2016, asking them to support expansion (which they

did on August 1, 2016).

- At their regular August 17, 2016, meeting Dr. Parker and I publicly presented a request for the Talent City Council to endorse Monument expansion. They passed a unanimous resolution in support.

- I arranged a September 1, 2016, meeting for myself, Dr. Jack Williams (aquatic biologist), Dr. Pepper Trail (ornithologist), Ashland City Councilor Pam Marsh, and Talent City Councilor Daniel Wise with Medford Mail Tribune reporter Mark Freeman to talk with him about Monument expansion. Mr. Freeman published an article on September 5.

- I spoke on behalf of myself and SMWC in support of Monument expansion at all four public hearings concerning Monument expansion in late 2016: October 14 in Ashland, October 27 in Medford, November 1 in Klamath Falls, and November 17 in Yreka. On behalf of SMWC, I also recruited many others to attend and speak in support of Monument expansion at these hearings via newsletters and emails.

- With Jack Williams and Pam Marsh, I had in-person meetings with the Portland Oregonian and Eugene Register-Guard editorial boards on October 25, 2016.

- After he spoke in support of Monument expansion at 2016's October 14 and November 1 public hearings, I helped recruit a November 11 Monument expansion support letter from the Chairman of The Klamath Tribes.

- I briefed two of Governor Kate Brown's staff on Monument expansion, seeking a support letter from her, which she wrote on November 21, 2016.

19. A collection of these letters of support from elected officials and other decision makers for the Monument expansion is attached to my declaration as Exhibit B.

20. Documents noting scientific support for the Monument's expansion are attached to my declaration as Exhibit C.

21. I, SMWC, and SMWC's members would suffer harm and injury if the Monument expansion were revoked or reduced. Revocation or reduction of the Monument would diminish the fruits of our many and long conservation labors, resulting in harm to watersheds, lands, native species, ecosystems, quiet recreational opportunities, and a more diversified and long-term sustainable local economy. Such past and chronic harm has been mitigated by the recent Monument expansion with hope for progressive BLM management of the expanded Monument as mandated by the expansion proclamation. As described further below referencing scientists' conclusions, the Monument expansion is necessary to more adequately protect the original Monument and all SMWC efforts that led to the original Monument.

22. I and SMWC's members regularly and variously use, enjoy, recreate on, and study public lands throughout the original June 2000 Monument and January 2017 Monument expansion area. I and other members of SMWC regularly and variously visit and enjoy the area for educational, recreational, and scientific activities, including hiking, camping, photography, horseback riding, cross-country skiing, snowshoeing, observing wildlife, hunting, fishing, botanizing, scientific research, other forms of outdoor education, and the satisfaction and benefit of quiet solitude in remaining and rare less-developed and less-degraded wildlands that are remarkably biodiverse. I and SMWC's members intend to continue to use, enjoy, recreate on, and study these lands in the future.

23. Proclamation 7318 calls the original Monument "...an ecological wonder, with biological diversity unmatched in the Cascade Range. This rich enclave of natural resources is a biological crossroads – the interface of the Cascade, Klamath, and Siskiyou ecoregions, in an

area of unique geology, biology, climate, and topography.” The proclamation further states that “The monument is home to a spectacular diversity of rare and beautiful species of plants and animals, whose survival in the region depends upon its continued ecological integrity.” I and SMWC members value and work to improve the relative ecological integrity of this area. We have worked for decades here to “Protect the best and restore the rest.” The ecologically strategic Cascade-Siskiyou biological corridor has been an unraveling thread. We have worked for decades to slow and reverse the unraveling of this crucial connectivity thread and restore it (as much as is possible) to its former strength as an ecological connectivity cable. Revoking or reducing the Monument expansion would harm both the biological connectivity function of this area and our longstanding efforts to restore it.

24. As a resident of the area for decades, it is clear to me and SMWC members that “ecological integrity” had not been a BLM priority for much of this biodiverse and important Cascade-Siskiyou biological corridor until some of the area became the original Monument, “...set apart and reserved...,” according to Proclamation 7318, “...for the purpose of protecting...” the Monument’s proclamation-described “objects;” i.e., its native species and natural features.

25. I and many SMWC members are aware of the April 2011 report by “a diverse group of scientists with considerable experience in the [Monument] and surrounding regions” (cf. Frost et al. Cascade-Siskiyou National Monument Boundary Study: Identification of Priority Areas for Monument Expansion (2011)) and their conclusion that – because of increasing population pressures, unhelpful management on adjacent lands, and climate change – “monument expansion is required to safeguard persistence of the Objects of Interest that the monument was established to protect.” This report concluded that an even larger area than that

included in the 2017 expansion is required to truly adequately protect the Objects in the Monument. I and SMWC members share the concern of the fifteen scientists authoring the 2011 report. This 2011 report is attached to my declaration as Exhibit D. Many of us are also aware of the report's endorsement by seventy additional scientists in May 2015 (see Exhibit C).

26. Nevertheless, despite the fact that the January 2017 Monument expansion is smaller than recommended by scientists, I and SMWC members were heartened by the increased protection for the area represented by Proclamation 9564's provision for "...vital habitat connectivity, watershed protection, and landscape-scale resilience for the area's critically important natural resources."

27. Not only do we value the increased protection for the land, water, species, and ecological functions and processes the Monument expansion provides, but also we value the "rewilding" effect the Monument's expansion will have on lands that are recovering from past mismanagement and poor treatment. Protected western Oregon BLM wildlands are a rare commodity that I and SMWC members value highly.

28. I and SMWC's members appreciate how the Monument expansion will contribute to a more diverse and long-term sustainable local economy via the recreation benefits the Monument expansion facilitates. In addition to the many ecological benefits provided by the Monument, I and SMWC members are aware that facilitating more quiet recreation, and the economic benefits from this recreation, is a primary reason why the mayors, city councils, and chamber boards of Ashland and Talent (the two closest towns to the Monument) and other elected officials supported its expansion. I and SMWC members are aware that studies by Headwaters Economics and others indicate that local communities near protected public lands fare better economically than communities close to public lands with less protection. I, SMWC



members, and succeeding generations will benefit from a more diverse, long-term sustainable local economy. We and future generations would be incrementally economically harmed – by a less diversified and less sustainable economy – to the degree the Monument expansion is revoked or reduced as Plaintiffs’ litigation requests.

29. I first visited the rocky outcrop on the ridge east of Grizzly Peak that some call Newell’s Knob in the spring of 2010 when we were looking at nearby units of BLM’s proposed Sampson Cove timber sale. I was inspired by the impressive view west to the upper Bear Creek Valley, south to Pilot Rock and Mount Shasta, and east to the caldera of the Mountain Lakes Wilderness. Seeing the original Monument further south of there to the south and knowing it was on a path to ecological recovery was satisfying. But when I first clambered up that rocky promontory, I was most worried about the old-growth trees in the timber sale unit I had been through immediately to the northwest that BLM had marked for logging.

30. I have been to the top of Newell’s Knob several times since the Sampson Cove timber sale was stopped in court, including bringing a senate aide there last July 26. (He told me he was impressed by the view, too.) I am encouraged knowing those old trees, now in the expanded Monument, will not become part of another timber sale. It pains me to think that, if the Monument expansion was revoked or reduced, the view from Newell’s Knob would eventually include a lot of fresh stumps, scarred ground, compacted soil, and introduced weeds representing more environmental degradation where there had once been hope of restoration.

31. I most recently visited the top of Vulture Rock with aquatic biologist Dr. Michael Parker and National Association of Science Writer Dr. Julia Rosen on November 14, 2016, for her Undark magazine article published January 13, 2017 (<http://undark.org/article/obama-cascade-siskiyou-biodiversity-connectivity/>). Vulture Rock is a mini-mountain-climb-talus-

scramble on BLM land now in the expanded Monument south of Old Baldy in the headwaters of Jenny Creek. It offers an impressive view, too – including, if you know what to look for, evidence of little pika rock-rabbits in the boulders on the way up. We could see from Mount McLoughlin to the north to Mount Shasta to the south and a lot more all around.

32. Unfortunately, we could also see that most of the upper Jenny Creek watershed has been severely degraded by industrial logging on private lands. But the higher lands above are mostly less heavily logged (so far) BLM lands with Jenny Creek tributary headwaters now protected by the expanded Monument. Jenny Creek needs cold, clean water for the unique Jenny Creek redband trout and Jenny Creek sucker fish. Protecting Jenny Creek tributary headwaters helps those species. And scientists say, as Dr. Rosen noted in her Undark article, that the high ridge to the southeast, Surveyor Mountain and Buck Mountain, provides important higher-elevation refugia up to which species who need to can migrate in a warming climate.

33. In late 2016 BLM proposed the Leek Peek timber sale in the Jenny Creek headwaters on the south end of Surveyor Mountain and west side of Buck Mountain – places I have also visited. Buck Mountain did not make it into the expanded Monument. A fair bit of Surveyor Mountain is now in the expanded Monument – including some, but not all, of BLM's Leek Peak timber sale, which proposed a lot of "regeneration" (a.k.a. functional clearcut) logging. When I think of the industrial timber lands that have been turned into a proverbial fiber farms on private lands in the upper Jenny Creek watershed, and when I think of what BLM's Leek Peek timber sale has planned for the part of the watershed that is not in the expanded Monument, the tragedy of what would happen if the rest of Surveyor Mountain was removed from the expanded Monument is tragically discouraging to me.

34. I have visited the Little Hyatt old-growth groves and Sampson Rim area west of Little Hyatt Lake – now in the expanded Monument – many times, most recently on November 14, 2016. It is a bittersweet experience. On the one hand the groves are a classic remnant of what mid-elevation Cascade forests once were. On the other hand, they are too much of a remnant because there is so little of these intact forests left. BLM's Cottonwood timber sale sought to build a new logging road across a riparian reserve (a buffer around aquatic features) to access these remnant roadless groves for commercial logging. That would have made this special place – literally cathedral-like – less of a remnant and more like the rest of surrounding BLM land that is variously degraded to one degree or another.

35. Our efforts to stop BLM's Cottonwood timber sale failed except to prevent the new road into these groves. BLM then included them in a Late-Successional Reserve land use allocation in their 2016 Western Oregon Plan Revision. But they are part of the ~40,000 O&C acres that plaintiffs claim should be excluded from the Monument and logged – which apparently means that plaintiffs think more than just the Monument expansion should be reversed by their interpretation of the O&C Act.

36. I have guided many people into these remnant old-growth groves. As Robert Service wrote in *Spell of the Yukon*:

*"I've stood in some mighty-mouthed hollow  
That's plumb full of hush to the brim  
And watched the big dusky sun wallow  
In crimson and gold and grow dim  
'Til the moon set the pearly peaks gleaming  
And the stars tumbled out neck and crop  
And we thought that we surely were dreaming  
With the peace of the world piled on top."*

37. The thought of these groves being removed from the Monument expansion – and perhaps, as plaintiffs contend, commercially roaded and logged – is a far from peaceful feeling

for me and any SMWC member who has visited this place apart, which even the recent Medford District BLM Ashland Resource Area Manager on an early November 2010 field trip (when we showed it to him) called “...the finest forest...” he’d “...seen anywhere on the Medford District” – before he went ahead and still planned to road and log it.

38. I and SMWC’s members would variously sustain injury to our interests – and to ourselves personally as part of this place – if any of the Monument expansion was revoked because revocation or reduction of the Monument expansion would result in reduced protections for lands and waters that are important to safeguard the area’s biodiversity and also its ecological function as an important biological connectivity corridor. We value the Monument expansion’s contributions to our area’s ecological resilience and long-term, sustainable economic health for deeply felt physical, emotional, moral, and spiritual reasons.

39. To speak more personally, I have lived most of my sixty-plus-years in Oregon – and I have watched Oregon’s forests and wild places and the species that depend on them be further and further diminished by relentless human consumption. My personal faith derives from a book the composite introduction of which tells me that humans are to use their unique power to care for and keep (“serve and guard” in the original) species we did not create and cannot replace. Further, this book’s story strangely tells me that because humans inevitably use their power otherwise, the Creator became a human who washed the feet of his creation in order to redeem it all. I do not pretend to understand this story or represent it well. But, in a very real and personal sense, my decades of work to protect and restore what is now called the Cascade-Siskiyou National Monument area has been and still is my all too human spiritual quest to point toward that unfathomable redemption in both the wreckage and remains of this very special and still threatened part of the world. To revoke or reduce the recent protection this landscape has

been given by this very small and token Monument expansion would be the opposite of redemption.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 23<sup>rd</sup> day of February, 2017, at Medford, Oregon.

/s/ Dave Willis  
DAVE WILLIS

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing *Declaration of Dave Willis* with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record and all registered participants.

/s/ Patti A. Goldman  
Patti A. Goldman

Case No. 1:17-cv-0280-RJL

# **EXHIBIT A**

Case No. 1:17-cv-0280-RJL

***Medford Mail Tribune***77<sup>th</sup> Year, No. 251 Medford/Jackson County, Oregon – Friday, January 7, 1983**Ideas vary on managing BLM wilderness study areas**

By Dick Jewett, Mail Tribune Senior Staff Writer

The Bureau of Land Management would be defeating its purpose if it designated the 5,410 acre Soda Mountain study area as wilderness, Medford resident Earl Knight told BLM representatives Thursday night.

Dave Willis, of the Pinehurst area, suggested that the BLM rehabilitate land to its wilderness state and designate even more land wilderness.

And Dick Felgenhour, district forester for the Industrial Forestry Association, suggested that the BLM could sell or trade the 302 acre Mountain Lakes study area.

Discussion of wilderness issues and alternatives at the Medford meeting ranged from the practical to the philosophical as the BLM sought comment on how 26 wilderness study areas in Oregon, most of them within the eastern part of the state, should be managed.

The Soda Mountain and Mountain Lakes areas are in the BLM's Medford District.

The meeting, one of 14 being held around the state this month, was conducted by Joe Ross, a district environmental specialist.

The session was geared toward helping the BLM prepare an environmental impact statement on wilderness suitability of wilderness study areas.

The EIS is to be completed in 1984. Preliminary recommendations have been formulated for 59 areas.

Knight said he feels that wilderness designation for the Soda Mountain acreage would preclude entry into the area by elderly people and families with young children because jeep trails would be locked out.

"We're fighting over scraps," countered Willis. "We need a third designation more wilderness. Knock out the power lines and jeep trails."

Oregon BLM officials have established four alternatives they believe should cover the range of options for each study area. They are "all wilderness," "enhanced wilderness," "partial wilderness" and "no wilderness, no action."

Two sets of alternatives are being considered, one for individual study areas and one for all areas statewide.

John Smith, secretary manager for Southern Oregon Timber Industries, said the statewide EIS should list a preferred alternative.

Kurt Herzog, of Grants Pass, commended the BLM for the enhanced wilderness alternative under which manageability would be helped by such means as closing deadend roads, and acquisition of privately owned holdings and merger with adjacent study areas.

BLM representatives said they have discussed with U.S Forest Service officials a land trade alternative that would incorporate the Mountain Lakes area into the adjacent Forest Service administered Mountain Lakes Wilderness.

An alternative proposed for Soda Mountain is management for fire hazard reduction and recreation enhancement.

Howard Mitchell, a Medford Corp. forester, asked, "Should BLM policy be modified to allow buffer zones around wilderness areas?"

Joe Knotts, chairman of the Rogue Group Sierra Club, said full management costs under each alternative should be considered. He said management for wilderness allows a variety of uses in an area.

The BLM is accepting written comments until Feb. 4.



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## Discrimination suit against Medco

## Hogan orders retroactive seniority

Federal Magistrate Michael Hogan ruled Thursday that the Medford Corp. plywood plant discriminated against Laurie Iacolucci because of her sex and that as a result she lost seniority rights.

In her lawsuit filed against Medco in February, Ms. Iacolucci alleged that a man hired the same day as her (Feb. 18, 1980) was allowed to start work earlier. The earlier starting date gave him seniority and allowed him to outbid Ms. Iacolucci on a more desirable and more profitable job, she contended.

Hogan ordered Medco to give Ms. Iacolucci, 33, retroactive seniority to coincide with the man's, and to pay her what she would have earned had she gotten the promotion instead of him. Ms. Iacolucci's attorney and Medco attorneys agreed to calculate the amount, expected to be several hundred dollars.

Hogan also ordered Medco to pay Ms. Iacolucci's attorney fees.

In her lawsuit, Ms. Iacolucci also alleged unequal treatment on the job because of her sex. Hogan said he couldn't find a preponderance of evidence to show unequal treatment.

He said that if it occurred, it stopped two years ago after Ms. Iacolucci met with Medco officials to air her complaints. She still works for Medco.

Ms. Iacolucci also claimed she suffered retaliation after filing the complaint against Medco. Hogan said she failed to prove retaliation.

In ruling that Medco discriminated against Ms. Iacolucci, Hogan said he believes the corporation has made tremendous efforts and has been highly successful in its attempts to end discrimination.

## Hannum sets city's '83 tone

The New Year officially began for Medford Thursday when Mayor Lou Hannum and City Council members John Hallett, Nancy Kaniewski, Cliff Hinds and Mel Winkelman took oaths of office.

Following the noon swearing-in session, Hannum made a brief opening statement to set the tone for what he hopes will be a prosperous and productive year in city government.

"The city of Medford has reached a sound financial base, which gives us the opportunity to move forward," Hannum said. "We are in the business of providing services that make it possible to live in an urban setting in a healthy and enjoyable way."

Hannum said he now is speaking with various civic groups in Medford seeking better communication and cooperation toward making the city a better place to live.

He said he will be available to the public in his City Hall office from 9 a.m. to noon on Tues-

days and Thursdays, or by appointment.

During the evening session, the council elected Councilwoman Lindsay Berryman council president for 1983. Ms. Kaniewski was elected vice president.

The council filled vacancies on city boards and commissions. The appointments included:

— Planning Commission: Caprice Moran to an unexpired term with two years remaining, and Adalberto O'Reilly, William C. Peterson and David Thompson to three-year terms.

— Citizens Budget Committee: David Arrasmith, Bill Carlson, Mackie Joe McCartney and Ronald Smith to three-year terms and Clarence Underwood to a two-year term.

— Water Commission: John Kado Jr. to a five-year term.

— Park Development Commission: Edwin Bingham, Noel Davis and Patricia Smith to three-year terms.

— Downtown Parking Commission: Mike Benke, Mike Gilligan and Fred Robinson Jr. to three-year terms (one vacancy remains).

— Municipal Court judge pro tem: Michael Arant and Raymond Smith.

— Athletic Commission: Ben Fagone, Steve Horton, Terry Johnson, Dr. Bruce Taylor and Fred Spiegelberg to one-year terms.

## 111 acres left in CP boundary

After a joint hearing Thursday night, the Medford City Council and the Jackson County commissioners agreed that an ordinance should be prepared to delete 111 acres from the Medford urban growth boundary.

The area between Medford and Central Point on the west side of Table Rock Road was claimed in both cities' urban growth boundaries. It should remain in the Central Point boundary, the officials said.

growth boundary) to the Long Pine-Foothill limited service area.

The designation serves notice that the area is subject to development restrictions and paves the way for supply of city water service to the area, planning officials said.

The City Council held three other hearings after the county commissioners departed, and at the request of the city Architectural Commission, ordered preparation of an ordi-

nance to delete the area objected to the zone change from single family residential, 10,000-square-foot minimum, to single family residential, 8,000-square-foot minimum.

The council also deferred action on proposed vacation of a 130-foot section of Western Avenue where it intersects with West McAndrews Road after receiving a petition opposing the vacation signed by about

# SATURDAY SPECIALS!

JUNIOR

# Canceled checks burn in air crash

By MICHELE LaBOUNTY  
Mail Tribune Staff Writer

U.S. National Bank customers in southern Oregon might receive their statements a little later than usual because of a fiery plane crash Wednesday night near Portland.

An as yet unknown number of canceled checks and non-negotiable securities from bank branches in Jackson and Josephine counties and in the Klamath Falls and Lakeview areas went up in flames or were lost in the wind when the bank courier plane slammed into Rocky Butte, bank spokeswoman Kellee Kneeland said today from Portland.

No cash was on board the plane, Ms. Kneeland said.

The pilot of the single-engine aircraft, Stephen Keyes, 39, Portland, died in the crash, Portland police said. He flew for AAR-Western Airways Inc., an air courier service based at Troutdale Airport. No one else was on the plane, police said.

Ms. Kneeland said the canceled checks and other documents had been recorded on microfilm before they were given to the courier for delivery to the bank's Proof Center in Portland. Checks and other documents are processed at the center before going out in customers' monthly statements, she said.

Documents are routinely put on microfilm in case of accidents such as Wednesday's crash, she said.

"People don't need to worry. We will

reconstruct (the records) as quickly as possible," Ms. Kneeland said. "We don't anticipate any long delays."

Bank employees in Portland spent several hours Thursday searching for checks and other bank documents at the crash site, Ms. Kneeland said.

The plane went down in rainy weather at about 9 p.m. Wednesday, narrowly missing several homes in northeast Portland. The National Transportation and Safety Board and the Federal Aviation Administration have not determined why the crash occurred, officials said.

Portland police detective David Simpson said the plane was "totally demolished." The wreckage was left intact pending arrival of the FAA.

The tail section of the Cessna Centurion

came to rest about 200 feet up the steep hill, with the crumpled fuselage farther up the poison oak-covered slope. The area is across Interstate 205 from Rocky Butte Jail.

A resident of the neighborhood, Gladys Wayman, said she was brushing her teeth when she heard a "big bam." She and her husband ran out to their deck, where they could see the fire on the steep hillside.

"We could see the flames — the fumes went right through our house," she said. "It was very scary."

David Needham, another area resident, saw the plane before the crash and said "it was flying ridiculously low," although he heard it overhead and "there didn't seem to be any problem with the engine."

## Medford Mail Tribune

A Pulitzer Award Newspaper

77th Year, No. 251 66 Pages, 4 Sections

Medford/Jackson County, Oregon — Friday, January 7, 1983

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25 Cents

### rate still 10.8

ployment rate held steady at 10.8 per cent. The Labor Department said employment wiped out an inventory of workers. Most recent jobless Oregon was 12.5 percent, and for 1.0 percent.

### is Briefs

#### sa volcano erupts again

(UPI) — Kilauea Volcano erupted and civil defense officials planned to determine if there was any rate of deflation at Kilauea's summit meaning more underground molten being pumped down into the east rift zone. Options have occurred off and on.

#### es area may blow next

ES, Calif. (UPI) — The remote area of the High Sierra trembled with and geologists looked for signs of a volcanic eruption. The area has been shaking the region since a set off burglar alarms, collapsed and emptied store shelves. Quakes in the area, the U.S. Geological Survey issued a notice saying the volcanic eruption.

#### off fire in fuel tanks

(UPI) — A massive explosion that tore states ripped through three holding 3.3 millions of gasoline, killing one man and smashing buildings, officials said. The explosion occurred in the 12:15 a.m. at Avenue Texaco storage facility. Officials said they were checking for missing. The fuel distribution facility, which is about 5 miles away, still burning 12 hours after the explosion. The flames hundreds of feet into the air, and smoke over a wide area. The fire did not burn itself out.

#### mb to new highs

The Dow Jones and other stock prices climbed to new highs in the first trading session of the new year. Analysts said the economy is recovering from a recession, and the industrial average, which surged all-time closing high of 1,070.92 on Jan. 13, 1982, to 1,084.44 at 2 p.m. EST.

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MT photo by Scott DeMuey

### A hug for Rhonda

Phoenix High School senior Rhonda Fowler gets a hug from Phoenix Elementary School Principal Jim Buck. Rhonda broke down in tears today when Phoenix Elementary students told her they are going to raise \$200 for the Wheels for Rhonda fund drive. Phoenix High students started the \$1-

200 drive — which already has exceeded its goal — to purchase a "cycle-chair" so Rhonda, who is a special education aide at Phoenix elementary, will be able to get around town and to school on her own. She has had cerebral palsy since birth. For an earlier story, see Page 5A.

### Marine staff favors no additional Upper Rogue rules

SALEM — The state Marine Board staff will recommend to the board that no additional boat rules be put into effect on the upper Rogue River at this time.

There are rules in place that should prevent

meeting at 9 a.m. next Wednesday at its headquarters at 3000 Market St. in Salem.

Advocates of further restriction say they want to preserve the present fishing, drift boating and rafting uses of the river.

### Industry split

## Some truckers plan strike soon

WASHINGTON (UPI) — The nation's independent truckers called a strike today for Jan. 31 to protest the new, higher fuel tax and sharply escalated truck fees contained in the just-signed gasoline tax hike law.

"It will last as long as Congress wants it to," Mike Parkhurst, president of the Independent Truckers Association, said at a news conference. The association represents mostly small long-haul truck owners and operators who quite often carry agricultural products.

The announcement touched off a dispute within the trucking industry. The American Truckers Association, which represents 15,000 to 16,000 big trucking firms, opposes the strike.

"We're not supporting it (the strike) at all," Bob Reese, the ATA legislative representative, said. He said the ATA would try to get a change in the law before the highway user fees increase July 1, 1984. The increase in the gasoline and diesel fuel tax takes effect April 1.

Parkhurst said the ITA represents about 100,000 trucks that carry 80 percent to 90 percent of the nation's food, half of the steel produced and trucked in this country and 90 percent of the household goods.

Parkhurst said the higher fuel tax alone would cost each opera-

tor another \$100 monthly, and the entire industry would be paying taxes, including higher user fees and state taxes, "equivalent to 10 times the entire trucking industry's 1982 profits."

"It's just too much," said Parkhurst.

In a statement distributed to reporters, the independent truckers laid out demands for no tax increases at all, retention of new weight and length limits contained in the new law, a 65 mph speed limit and no federal funds for radar units.

The truckers earlier pledged a strike if President Reagan signed into law the legislation that will raise \$5.5 billion a year, with 80 percent earmarked for highways and the rest for mass transit.

On April 1, the federal excise levy on gasoline will rise 5 cents a gallon, to 9 cents. The tax is forecast by the administration to cost the average motorist \$30 a year.

The funds will be used to complete the interstate highway system and make repairs and improvements on roads, bridges and mass transit systems.

In addition to boosting the tax on gasoline and diesel fuel, the new law also raises sales taxes on trucks, tires and truck parts, and boosts truck fees.

## Task force proposes no big changes in SAIF

SALEM (UPI) — A legislative task force looking into the activities of the State Accident Insurance Fund Corp. has recommended no major changes in the system.

It did so despite being told by the secretary of state that workers' compensation in Oregon is a failure.

The task force, operating on a bare quorum, failed to take a stand on whether to maintain SAIF as an independent public corporation, bring it back as a state agency or dissolve all SAIF's ties with state government.

Earlier, Secretary of State Norma Paulus presented her office's management performance audit of SAIF to the legislature. She said, "After five years of looking into all the different aspects of

set up to look at SAIF and workers' compensation in Oregon.

Any recommendations for the task force were to go to the House and Senate labor committees during the next Legislature which convenes Monday.

The only recommendation the task force sent along to the 1983 session was that lawmakers take a look at the size of the SAIF surplus and the dividend formulas.

SAIF became a controversial issue last September when legislators, with Gov. Vic Atiyeh's backing, transferred \$81 million from SAIF's surplus to the state treasury to help balance the state budget.

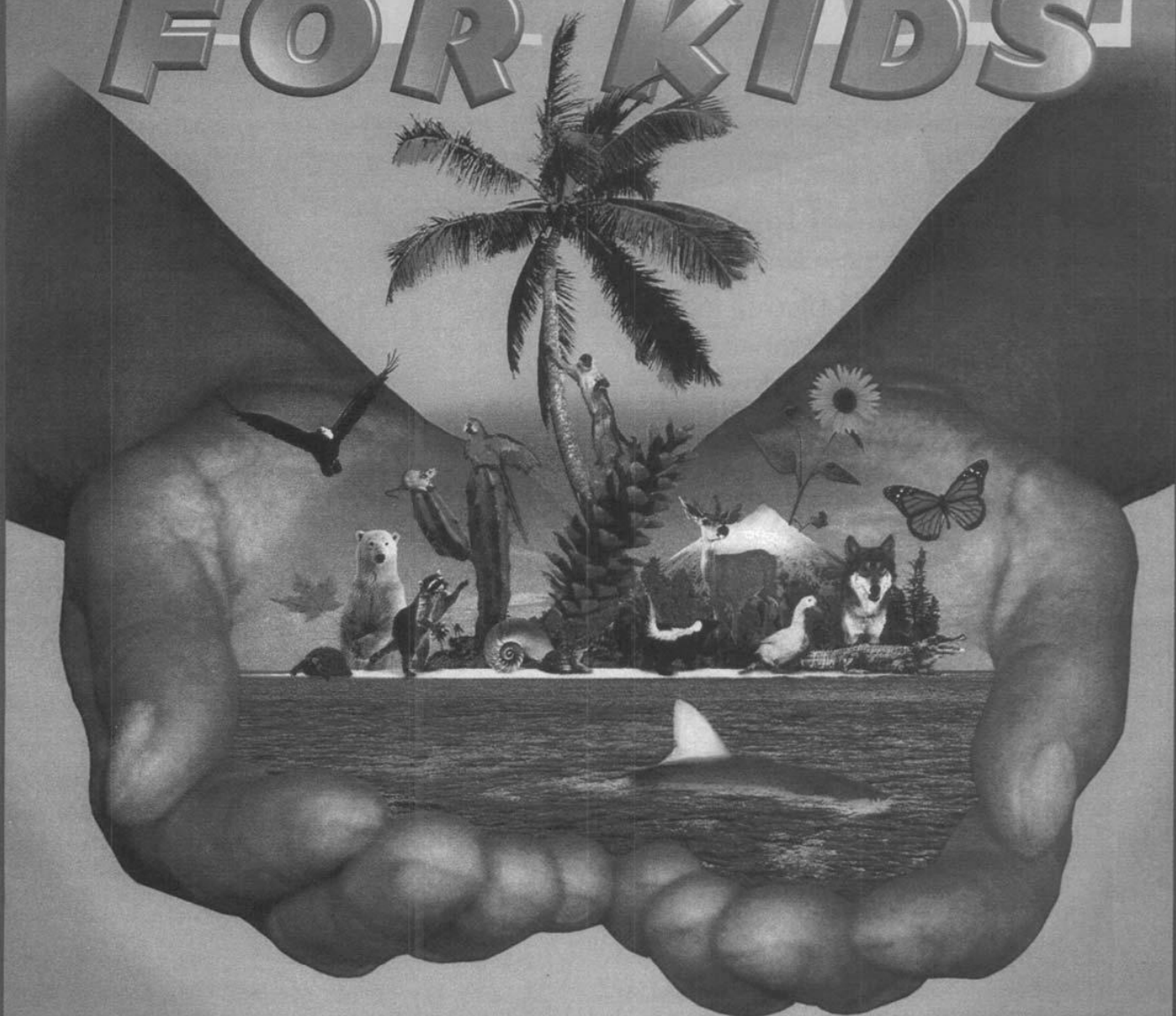
SAIF officials opposed the move and later, Chuck Gill, general president of the Oregon Federation of Labor Unions, said, "We're not resigning."

Mrs. Paulus, in presenting her

DOI-2021-08 00196

S p e c i a l I s s u e

# TIME FOR KIDS



## Precious Places

All across America, heroes for the planet fight to save our natural treasures.



# A Lost World in the Wilderness

Dave Willis is at home in the wildlands he aims to preserve



OUR HORSES HAVE EDGED DOWN a hillside through a creek, and are making their way back up the other side, winding back and forth past Douglas fir trees and ponderosa pines, stepping over fallen branches and rocks.

As we reach the hilltop, we see exactly why Dave Willis is fighting to save this land. To our left, through the golden twilight, is snow-topped Mount Shasta, 50 miles to the south in California. Spread out between the mountain and us is a patchwork of canyons, hills, trees, rocky cliffs and twisting creeks.

These wildlands surround Soda Mountain in southern Oregon. They are part of a larger area named for the Klamath and Siskiyou mountains. The Klamath-Siskiyou region is a rare intersection of forest, mountains and their valleys, and high desert, where thousands of species of plants and animals live. The World Wildlife Fund has called the region a "lost world" of biology. Many species here, including certain freshwater mussels and rare lilies, are found nowhere else on earth.

But the grizzly bears and bighorn sheep and gray wolves that used to live here are gone. And many plants and animals that now live here—such as the northern spotted owl and chinook salmon—are threatened with extinction.

Who's harming the Klamath-Siskiyou region? Ranchers have their cows grazing throughout the area, which hurts native plants. People in off-road four-wheel-drive vehicles and motorcycles roar through parts of the wilderness, churning up existing dirt paths and creating new ones. These trailblazers destroy the plants that live near their paths and make life tough for the animals that

rely on the plants for food. It starts a chain reaction that can affect an entire ecosystem.

## A SOFT SPOT FOR SODA MOUNTAIN

Hiking with his dog Mojo, Dave Willis talks about the region with a mixture of awe for the land and frustration with the way people are treating it. For more than half his life, 46-year-old Willis has helped campers and hikers discover the wonders of nature.

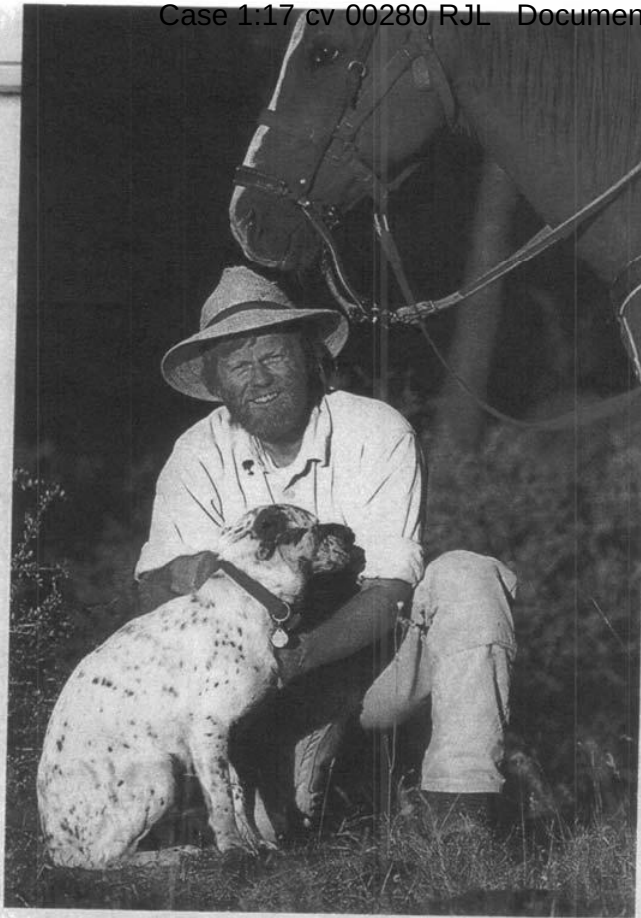
Since moving to the Soda Mountain area in the early 1980s, Willis has worked to keep at least part of this area wild. He heads a local organization called the Soda Mountain Wilderness Council. He spends much of his time raising money, writing letters, attending meetings and making phone calls to try to get the government to protect these rich wildlands.



The endangered northern spotted owl hoots in the Klamath-Siskiyou forests.

California's Mount Shasta seen from the Klamath-Siskiyou area's Agate Flats

HEADLINE TYPE AND LETTER O: PEPPER TRAIL—COURTESY OF SODA MOUNTAIN WILDERNESS COUNCIL; OWL INSET: GERRY ELLIS—ENP IMAGES



Dave Willis pets Mojo as Cinnamon checks out the view.



## ONE WILD LIFE

Willis' passion for the outdoors was born early. As a kid he backpacked and fished in Oregon's Cascade Mountains. His passion has defined his life in many ways, not all of them joyful. He suffered frostbite during an attempt to climb Alaska's Mount McKinley when he was 23. Both of his

hands and parts of both feet were amputated. But Willis seems barely affected by the amputations. As he hikes or rides his horse through the Soda Mountain area, he is completely focused on saving the land he loves.

Already Willis has had some success in his campaign to save the Klamath-Siskiyou region. The government has protected part of the land, and is considering giving special protection to an even larger chunk of it. Knowing that leaders in Washington are listening and responding to his message is very satisfying to Willis. "A big part of what it is to be human is to care for the earth we share with the rest of creation," he says.

The Oregon wildlands he loved as a child were preserved by people he never knew. Willis hopes that he can help do the same for tomorrow's kids: "That would make a big part of my life worth living." —By Todd Murphy/  
*Soda Mountain*

Turning part of the Klamath-Siskiyou region into a federally protected wilderness area could save it from humans and cattle. Dirt roads would be closed, and the land around them returned to a more natural state.

"We've lost so much wilderness," Willis says, as he sits under a tree with Mojo and looks across a canyon at Pilot Rock, a giant cliff rising more than a mile into the air. "We have to get some back."



BRUCE BOCCARD—COURTESY OF SODA MOUNTAIN WILDERNESS COUNCIL

# The Sunday Oregonian

PORTLAND, OREGON \$3.00

OREGON'S NEWSPAPER SINCE 1850 ★ NORTHWEST FINAL

MARCH 12, 2000

E4 ■ ■

## Editorial



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### Loading dock for the ark

*Teeming with rare plants and animal life, Oregon's Soda Mountain warrants protection as a national monument*

Oregon's Soda Mountain area should be named one of America's new national monuments.

This land, 70,000 acres on the southern border of Oregon and spilling into California, deserves the status, the protection, of a national treasure.

U.S. Interior Secretary Bruce Babbitt soon will decide whether to recommend to President Clinton that he use his authority under the 1906 Antiquities Act to designate Soda Mountain as a monument. An announcement could come as soon as next month.

If that happens, as it should, Oregonians ought to cheer the long-overdue step to more thoroughly protect one of their state's unique landscapes.

The Soda Mountain area is a still-wild land of rare plants, at least 100 species of butterflies and a winter haven for deer and other wildlife. Scientists say the Soda Mountain area is a land bridge linking the Cascade and Siskiyou mountains. They describe it as a "knot," an exceedingly rare and critical place where mountains, canyons and grasslands all come together.

It isn't a visually stunning place, in the same sense as the Grand Canyon, or the jagged peaks of the Olympics, or even Oregon's Crater Lake. Soda Mountain is special, not spectacular.

It should have national protection not because it would be a terrific place for families to bring their kids and tool around on paved roads and look at half-tamed elk, geysers or lava flows.

It should be a monument because it is one of the most ecologically diverse places in North America. And that alone

is worth preserving, even if it means putting new limits on cattle grazing, or requiring off-road vehicle riders to use some of the other thousands of miles of roads and trails in Southern Oregon.

Soda Mountain raises few of the difficult issues surrounding the proposal to create a Steens Mountain monument. This is a far smaller plan — 70,000 acres compared to 1.2 million acres on and around the Steens — that would affect far fewer private landowners. Nearly all of the Soda Mountain area already is in public hands, and the only four ranchers who run cattle there seem willing to accept a government buyout of their grazing leases.

The federal Bureau of Land Management has made a sincere effort to preserve the Soda Mountain area. The BLM released Friday a commendable proposal that would further limit logging, grazing and off-road use of the area.

Yet this local protection is not enough to ensure the future of an area of national ecological significance. Eventually, the core of the Soda Mountain area ought to be federally protected wilderness. That would require congressional action — something more likely once the land wins monument status.

Dave Willis, a leader of the Soda Mountain Wilderness Council, which has pressed for more protections for the region for many years, describes the Siskiyou as the Noah's ark of botanical diversity in the West. Soda Mountain, Willis says, is "the loading dock for the ark."

Soda Mountain is one of Oregon's special places. It should be one of the nation's national monuments.

DOI-2021-08 00200



THE OREGONIAN ♦ SATURDAY, JUNE 10, 2000

# Soda Mountain devotion pays off

*Dave Willis has fought tirelessly for a national monument designation for the diverse wilderness area*

By **MICHELLE COLE**  
THE OREGONIAN

Sometimes the land itself makes the most persuasive argument.

That's why for the past 17 years, Dave Willis has taken more people than he can count into the Douglas fir, incense cedar and mountain mahogany forests covering an area known for its highest peak, Soda Mountain. Willis guides his guests over grass-covered hillsides, offering them the sight of Pilot Rock, a giant volcanic tower, and the sounds of waterfalls rushing down steep, hidden canyons.

In a way, Willis' efforts to protect an area that will be known as the Cascade-Siskiyou National Monument are fitting for a man with a master's degree in theology. "I think God wants us to care about all creation," said Willis, 47.

Now that President Clinton has declared 52,000 acres on and near Soda Mountain a national monument, Willis plans to "take a nap and do my taxes."

Then he'll go back to the work he began in 1983: making sure the federal government understands that Soda Mountain's wild lands are worth protecting. He also will lobby to expand those protections to include more of the Siskiyou region.

It was only after Willis and others with the Soda Mountain Wilderness Council took Bill

Luscher, the former Oregon director of the U.S. Bureau of Land Management, out on horseback in 1987 that more than 5,000 acres in the Soda Mountain area's core were designated a wilderness study area. When Luscher finished the trip, he said, "If Soda Mountain's not wilderness, nothing's wilderness."

Willis' unceasing efforts brought Soda Mountain national monument protection, said Pepper Trail, conservation co-chairman for the Rogue Valley Audubon Society.

Others also advanced the cause, of course.

Willis has carried on for Bruce Boccad, founder of the Soda Mountain Wilderness Council, who died in 1987 while in his early 30s. The council's second chairman, Marc Prevost, died early this year at 46.

## "Chairman's curse"

During candid moments, Willis jokes darkly about the "chairman's curse" because he now wears the title. But he's also a survivor.

In 1976, Willis lost his fingers and most of his feet to frostbite during a climb to the top of Alaska's Mount McKinley. The harrowing story unfolded just 300 feet below McKinley's summit.

But Willis would rather talk about Soda Mountain. For those who won't or can't go to the mountain, Willis will take the mountain to them, lugging a slide show, including the projector and screen.

"I have to respect his tenacity," said David Lexow, who has lobbied against federal monument designation on behalf of motorcycle riders and others who enjoy motorized recreation in the back country. Still, Lexow complains that Willis "doesn't understand the ramifications of his actions."

Willis sees it differently. Bulldozers, chain saws, cattle and off-road vehicles don't belong in what is considered one of North America's most ecologically diverse landscapes, he said.

Rich Dreihobl, the Bureau of Land Management's field manager in Ashland, said he's never met anyone like Willis in his 27-year career in resource management. "A lot of folks on my staff and people in the district say, 'What a pain ... he is. But man, he's sharp.'"

Willis won't take no for an answer, Dreihobl said. "And what he does takes a lot of energy. Making phone calls. Writing letters. Making trips. He's just devoted to it."



**DAVE WILLIS**

*Gives tours of Soda Mountain*

After 11 years as a volunteer to the Soda Mountain Wilderness Council, Willis convinced the board to designate him paid staff a few years ago. He promised he'd raise the money to cover his salary.

"There was just too much to do," said Willis, who has put in 50- to 60-hour weeks for the past year.

## Lives simply in trailer

Today the operation runs on a \$60,000 annual budget fueled by foundation grants and individual contributions. Willis, a bachelor, lives simply in a 1950s trailer. He is one of 11 adults and three children who live in Lincoln, a former logging town in the low mountains east of Ashland.

From the remote site, Willis watches over the land he's spent most of his career trying to protect.

"He doesn't miss anything that happens up there," Trail said.

And the monument designation doesn't mean he's seen the last of Willis, Dreihobl said. "Oh, heavens, no."

The BLM and the California Fish and Game Department still control 9,434 acres just over the California border that Willis and other conservationists want protected within a Soda Mountain monument.

"Trust me, he'll be after it," Dreihobl said. "He doesn't give up."

Case No. 1:17-cv-0280-RJL

## **EXHIBIT B**

Case No. 1:17-cv-0280-RJL



Brian L. Almquist  
155 Susan Lane  
Ashland, Oregon

May 28, 2015

Mayor John Stromberg and the Ashland City Council  
20 East Main Street  
Ashland, OR 97520

Dear Mayor and Council Members:

I wholeheartedly urge you to support expansion of the Cascade-Siskiyou National Monument.

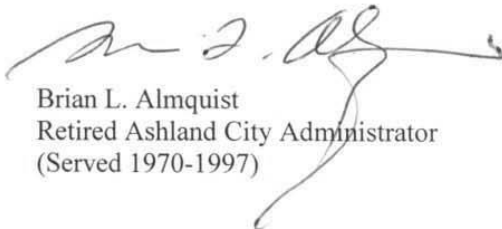
It's been my pleasure to witness and participate in the City of Ashland's consistent support for protecting lands south and east of Ashland several times, since the city council first supported designation of the Soda Mountain Wilderness Council's proposal to congressionally designate well over 30,000 acres of Wilderness in 1985. Though the California portion of the Wilderness proposal has not yet been designated, further familiarity with the area after 1985 revealed ecological values on lands not suitable for Wilderness outside the Wilderness proposal that led to the June 2000 establishment of the 53,000 acre Cascade-Siskiyou National Monument. The Monument is now over 62,000 acres due to BLM acquisitions of private timberland in-holdings from willing sellers. In 2009, about 24,000 acres of the Monument's backcountry became the Soda Mountain Wilderness. I believe both the Monument and its backcountry Wilderness are significant Ashland assets.

I'm familiar with the local scientists' April 2011 report recommending Monument expansion. But one does not need scientific expertise to note the "un-ecological" shape of the current boundaries of our country's only national monument established to protect biodiversity. Nor is scientific expertise needed to perceive the advantages of an expanded Monument for protecting Ashland's viewshed; providing increased recreational opportunities for our citizens and visitors; and enhancing our city's economy and quality of life. We are indeed blessed to have such a national amenity in our municipal backyard – even if it is still a work in progress, which the council can again assist with their continued support.

A real opportunity to expand the boundaries of the Cascade-Siskiyou National Monument does not present itself often. Having our Ashland elected officials endorse the protection of more of the mountains and foothills around Ashland, would be of great benefit in securing approval of an expanded boundary. Such a move would provide a lasting legacy, and enhance the benefits it provides to our city and the region.

Again, I urge you to formally support the expansion of the Cascade-Siskiyou Nat'l. Monument.

Sincerely,



Brian L. Almquist  
Retired Ashland City Administrator  
(Served 1970-1997)



June 11, 2015

Mayor John Stromberg and the Ashland City Council  
20 East Main  
Ashland, OR 97520

Dear Mayor and Council Members:

The Ashland Chamber of Commerce Board of Directors voted unanimously at the June 11, 2015 Board meeting to support the City resolution for the expansion of the Cascade Siskiyou National Monument.

We appreciate the leadership of the Ashland City Council since 1985 in support of the protection of land in the Cascade Siskiyou Monument area and believe a further expansion of these boundaries to be in the best interest of our citizens and visitors. The Monument provides unique recreational opportunities as well as scenic vistas for our community.

The Chamber appreciates the scientific evidence and analysis that will occur when designating the new boundaries. We believe quality of life afforded to our residents and businesses are further enhanced by the expansion of this area.

Thank you for your leadership and I encourage you on behalf of the Ashland Chamber Board of Directors to formally support this expansion through the resolution.

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy Bernard", with a large, stylized flourish at the end.

**Cindy Bernard**, President

**Ashland Chamber of Commerce and Visitor & Convention Bureau**

PO Box 1360 • Ashland OR 97520 • 110 East Main St. • PO Box 1360 • Ashland OR 97520 • (541) 482 3486 • Fax (541) 482 2350

**ashlandchamber.com**

DOI-2021-08 00204

**PETER BUCKLEY**  
State Representative  
District 5



**HOUSE OF REPRESENTATIVES**

July 6, 2015

**SUPPORT FOR EXPANDING THE CASCADE-SISKIYOU NATIONAL MONUMENT**

To Whom It May Concern:

With enthusiasm, I endorse expansion of the Cascade-Siskiyou National Monument, all of which is in my district.

Many scientists, the board of the Ashland Chamber of Commerce, and the City of Ashland have collectively noted the ecological, recreational, scenic, and economic benefits of the Cascade-Siskiyou National Monument. My local district is privileged to be home to such a national resource.

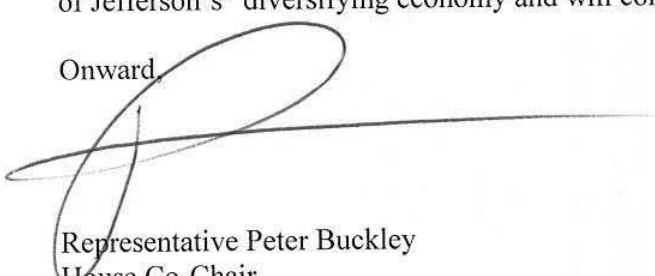
The same scientists have noted the ecological need to expand the Monument due to habitats fragmented by the Monument's currently constrained boundaries, the need for adaptive resilience in the face of climate change, and increased commodity and development pressures in the Monument's surrounding area.

In their own Monument expansion recommendations, the Ashland Chamber of Commerce board and Ashland City Council have noted the significant economic and quality-of-life contributions the Monument's recreational and scenic resources make to the area's citizens and visitors.

As former city administrator Brian Almquist wrote the Ashland mayor and city council on May 28 in his own letter urging Monument expansion, "Ashland is blessed to have a national amenity in its municipal backyard – even if it is still a work in progress..."

I encourage federal decision-makers to expand the Cascade-Siskiyou National Monument with "eco-logical" boundaries attuned to best science that also benefit my district's and the region's quiet recreational and scenic resources. An expanded Monument is right in step with the "State of Jefferson's" diversifying economy and will contribute to the well-being of my constituents.

Onward,

  
Representative Peter Buckley  
House Co-Chair  
Joint Committee on Ways & Means  
Oregon House of Representatives

**Dr. Alan Bates**  
**Oregon State Senator**  
District 3  
Southern Oregon



sen.alanbates@state.or.us  
phone: 503.986.1703  
900 Court St. NE  
Salem, Oregon 97301

OREGON STATE LEGISLATURE

August 3, 2015

**ENDORISING CASCADE-SISKIYOU NATIONAL MONUMENT EXPANSION**

To Whom It May Concern:

Living and fishing in southern Oregon, I know firsthand the significance of the wilderness areas in the region. It is one of the many reasons I am proud to represent Senate District 3. The unique biodiversity was formally recognized and protected in June of 2000, with the formation of the Cascade-Siskiyou National Monument. Fifteen years later, it has proved to be an ecological and economic gift that keeps on giving. Today, I write to endorse expanding the Monument.

In endorsing the expansion, I join 85 scientists (and counting), the Ashland Chamber of Commerce board, the City of Ashland, and my colleague Representative Peter Buckley, whose Oregon legislative district also includes the Cascade-Siskiyou National Monument.

I am convinced the Monument plays a key role in protecting our region's distinctive biodiversity and important biological connectivity between the globally significant Siskiyou Mountains and southern Cascade Range. Scientists report the current Monument boundaries are inadequate to safeguard long-term what the Monument was established to protect. The expansion could correct this and preserve the original intent of the Monument and the efforts made thus far.

The Ashland City Council and Chamber of Commerce have expressed that the Monument contributes to our region's economic diversity – that “green is gold.” The Cascade-Siskiyou National Monument fits thematically with Ashland's tourism and higher-education based economy, with our region's growing reputation for natural values, and also with our region's urgent need for continued economic diversification.

In drawing any expanded Cascade-Siskiyou National Monument boundaries, I urge federal decision-makers to consider the best ecological criteria possible as well as protection of scenic resources and provision for traditional quiet recreation. I feel this will protect the unique natural resources and support our rural economy.

I ask you, please expand the Cascade-Siskiyou National Monument. Thank you for your time and consideration.

In Health,

State Senator Alan C. Bates, D.O.

June 29, 2016

CITY OF  
ASHLAND

Secretary Sally Jewell  
Department of the Interior  
1849 "C" Street, NW  
Washington, DC 20240

Dear Secretary Jewell,

I write to ask your timely support for expanding the Cascade-Siskiyou National Monument – and to offer my assistance toward that end.

Because of increasing development pressures and the effects of climate change, scientists recommend that the Cascade-Siskiyou National Monument be expanded to safeguard into the future the outstanding biodiversity the Monument was established to protect. Last year the Ashland City Council unanimously passed a resolution endorsing Monument expansion that urged *"national and elected officials to use the best ecological criteria in considering the Monument's present and future needs – as well as considering recreational and scenic resources – as they determine appropriate expanded boundaries for the Cascade-Siskiyou National Monument"* (Resolution No. 2015-22, attached).

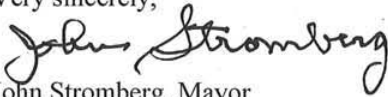
The economic and ecological benefits of the Monument to our city and region's quality of life are why the Ashland Chamber of Commerce Board of Directors unanimously asked us to support Monument expansion in their June 11 (2015) letter to myself and the Council – and why our local state legislators, Representative Peter Buckley and Senator Alan Bates, are also on record supporting Monument expansion. Our recent resolution is consistent with the City of Ashland's support for protection of national public lands in the Monument area since 1985 as noted in our Resolution 2001-19 (also attached). These resolutions underscore strong local support for protecting the Monument and its economic contribution to our economy.

As our former long-time city administrator, Brian Almquist, wrote us about the Cascade-Siskiyou National Monument last May, *"We are indeed blessed to have such a national amenity in our municipal backyard – even if it is still a work in progress which the council can again assist with their continued support."*

As the current national administration draws to a close, so does the current window of opportunity for Cascade-Siskiyou Monument expansion. I urge you to not let this opportunity slip away. If a public meeting to consider Monument expansion becomes a possibility, please know that I am willing to host such a meeting myself at a mutually workable time and/or make city facilities available for such a gathering.

Again, Ashland's local business leaders, elected officials, and (I am sure) the vast majority of our local citizens value and treasure our local public lands. We urge you to support expansion of the Cascade-Siskiyou National Monument using the best available ecological criteria, while also considering recreational opportunities and scenic resources. Current and succeeding generations will only thank you more and more with time.

Very sincerely,



John Stromberg, Mayor

attachment

OFFICE OF THE MAYOR  
20 East Main Street  
Ashland, Oregon 97520  
www.ashland.or.us

Tel: 541-488-6002  
Fax: 541-488-5311  
TTY: 800-735-2900



DOI-2021-08 00207

**RESOLUTION NO. 2015-22****A RESOLUTION ENDORSING  
CASCADE-SISKIYOU NATIONAL MONUMENT EXPANSION****RECITALS:**

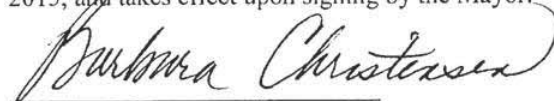
- A. The Ashland City Council has, since 1985, consistently supported protection of land in the Cascade-Siskiyou National Monument area.
- B. In 2001, the Ashland City Council unanimously resolved to affirm the June 9, 2000 Cascade-Siskiyou National Monument proclamation as written, request the immediate release of the Medford BLM Draft Management Plan for the Monument, and request that funding be made available for the final plan.
- C. The Council found in its 2001 resolution that the Monument contributes substantially to Ashland's economy, enjoys broad support from Ashland citizens, businesses, and area residents and provides "richness of recreational opportunities and scenic vistas for the citizens of Ashland."
- D. In April 2011, a diverse group of scientists recommended expansion of Monument boundaries to safeguard the area's unique biological values. The scientists found current Monument boundaries to be inadequate because of: fragmented habitats (including incomplete watersheds); the need for more complete environmental gradients to increase resilience in the face of significant climatic change; and increasing development and land use pressures on adjoining lands that, if unabated, could undermine long-term persistence of the Monument's biological resources. In 2015 many other professional scientists (locally and nationally) have also endorsed the ecological need to expand Monument boundaries.

**THE CITY OF ASHLAND RESOLVES AS FOLLOWS:**

SECTION 1. The boundaries of the Cascade-Siskiyou National Monument should be expanded.

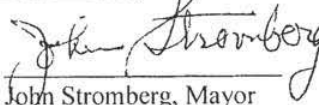
SECTION 2. We urge national elected officials to use the best available ecological criteria in considering the Monument's present and future needs – as well as considering recreational opportunities and scenic resources – as they determine appropriate expanded boundaries for the Cascade-Siskiyou National Monument.

This resolution was duly PASSED and ADOPTED this 16 day of June, 2015, and takes effect upon signing by the Mayor.

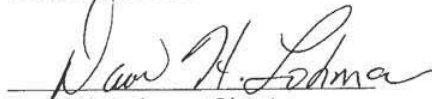


Barbara Christensen, City Recorder

SIGNED and APPROVED this 18 day of June, 2015.

  
John Stromberg, Mayor

Reviewed as to form:

  
David H. Lohman, City Attorney

**RESOLUTION NO. 2001- 19****A RESOLUTION ENDORSING CASCADE-SISKIYOU NATIONAL MONUMENT****RECITALS**


- A. The Ashland City Council has exhibited consistent support for the protection of land in the Cascade-Siskiyou National Monument by voting unanimously to write letters endorsing protection of the lands in the Soda Mountain Wilderness Area proposal, to support a land swap in the proposal area between BLM and Boise Cascade to prevent a clearcut, and to request that a power line not be installed across the area (June and December 1985, September 1993 and January 1994);
- B. Conservative calculations suggest that the impact of the Cascade-Siskiyou National Monument will enrich Ashland's economy by up to \$5,200,000 a year;
- C. 121 Ashland area businesses and thousands of citizens signed on to a Medford Mail Tribune April 8, 2001 full-page advertisement showing appreciation for the Cascade-Siskiyou National Monument;
- D. A poll conducted by the Ashland Daily Tidings from May 18-25, 2001 showed 89% of the responding readers favored either expanding or maintaining the current Cascade-Siskiyou National Monument as it currently is configured;
- E. The Cascade-Siskiyou National Monument will ensure an ongoing richness of recreational opportunities and scenic vistas for the citizens of Ashland,

**THE CITY COUNCIL OF THE CITY OF ASHLAND RESOLVES AS FOLLOWS:**


SECTION 1. We endorse the June 9, 2000 proclamation as written for the Cascade-Siskiyou National Monument.

SECTION 2. We request the immediate release of the Medford BLM Draft Management Plan and that funding be made available to implement the final plan.

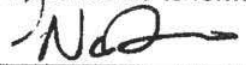
This resolution was read by title only in accordance with the Ashland Municipal Code 2.04.090 duly PASSED and ADOPTED this 19th day of JUNE, 2001.

  
~~Barbara Christensen~~, City Recorder  
 MICHELLE COLE, ASSISTANT TO THE RECORDER

SIGNED and APPROVED this 20th day of JUNE, 2001

  
 Alan W. DeBoer, Mayor

Reviewed as to form:

  
 Paul Nolte, City Attorney





## City of Talent

Office of the Mayor

110 E. Main Street, P.O. Box 445, Talent, OR 97540

Telephone: (541) 535-1566 Fax: (541) 535-7423

E-mail: [mayor@cityoftalent.org](mailto:mayor@cityoftalent.org)

August 31, 2016

Secretary Sally Jewell  
Department of the Interior  
1849 "C" Street, NW  
Washington, DC 20240

Dear Secretary Jewell,

I write to ask your timely support for expanding the Cascade-Siskiyou National Monument – and encourage you or your staff to come to Oregon soon to hold a public meeting toward that end.

Because of increasing development pressures and the effects of climate change, scientists recommend that the Cascade-Siskiyou National Monument be expanded to safeguard into the future the outstanding biodiversity the Monument was established to protect. This month the Talent City Council unanimously passed a resolution endorsing Monument expansion that urged *"national elected officials to use the best ecological criteria in considering the Monument's present and future needs – as well as considering quiet recreational opportunities and scenic resources – as they determine appropriate expanded boundaries for the Monument"* (Resolution No. 16-949-R, attached).

The economic and ecological benefits of the Monument to our city and region's quality of life are why the City Council and myself, as Mayor are joining the Talent Chamber Board of Directors in unanimous support of the Monument expansion as in the Chamber board's August 1 (2016) letter to us (attached) – and why neighboring Ashland's City Council, Mayor, Chamber board, and our local Oregon state legislators, Representative Peter Buckley and Senator Alan Bates (the latter of whom died unexpectedly on August 5, 2016), are also on record supporting Monument expansion. The Talent Chamber board wrote us that that they *"...believe a further science-based expansion of the Monument boundaries to be in the best interest of our environment, our citizens, and our visitors. The Monument provides unique recreational and educational opportunities as well as scenic vistas which will benefit our business climate, economy, and quality of life here in talent, and all of Southern Oregon."*

As the current national administration draws to a close, so does the current window of opportunity for Cascade-Siskiyou Monument expansion. I urge you to not let this opportunity slip away. Oregon's U.S. Senators Ron Wyden and Jeff Merkley have recently written you with encouragement to *"...come to Oregon and hold a public meeting and consider expanding the*

*"If you're looking for Talent, you've come to the right place"*

*boundaries of the Monument.*" I affirm their invitation. It is critical to us that you come to Oregon to hold a public meeting considering Cascade-Siskiyou National Monument boundary expansion before this window closes. Southern Oregon University likely has the most appropriate venue for such a meeting closest to the Monument itself.

Talent's local business leaders, elected officials, and (I am sure) the vast majority of our local citizen's value and treasure our local public lands. We urge you to support expansion of the Cascade-Siskiyou National Monument using the best available ecological criteria, while also considering recreational opportunities and scenic resources. Current and succeeding generations will only thank you more and more with time. I hope to see you or your staff here soon.

Very gratefully,

A handwritten signature in cursive script, appearing to read "Darby Stricker".

Darby Stricker, Mayor

*"If you're looking for Talent, you've come to the right place"*

**RESOLUTION NO. 16-949-R**

**A RESOLUTION ENDORSING EXPANSION OF  
THE CASCADE-SISKIYOU NATIONAL MONUMENT**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TALENT, OREGON.

WHEREAS, the City of Talent supports environmental quality of life concerns and actions in and near its environs locally and regionally; and

WHEREAS, in April 2011 and May 2015, a diverse group of scientists recommended expansion of Cascade-Siskiyou National Monument boundaries to safeguard the area's unique biological values, finding the current boundaries of the Monument to be inadequate because of: fragmented habitats (including incomplete watersheds), the need for more complete environmental gradients to increase resilience in the face of significant climate change, and increasing pressures from development on adjoining lands that, if unabated, could undermine long term persistence of the Monument's biological resources; and

WHEREAS, the Talent Chamber Board of Directors voted unanimously at their July 21, 2016 board meeting that Cascade-Siskiyou National Monument expansion would be in the best interest of our environment, our citizens, and our visitors by benefitting our business climate, economy, and quality of life, and requested in an August 1 letter that the Mayor and Council of the City of Talent adopt a resolution supporting science-based Monument expansion.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TALENT THAT:

The City of Talent supports expansion of the boundaries of the Cascade-Siskiyou National Monument and urges national elected officials to use the best ecological criteria in considering the Monument's present and future needs – as well as considering quiet recreational opportunities and scenic resources – as they determine appropriate expanded boundaries for the Monument.

Duly enacted by the City Council in open session on August 17, 2016 by the following vote:

AYES: 6      NAYS: 0      ABSTAIN: 0      ABSENT: 0

  
\_\_\_\_\_  
Melissa Huhtala/City Recorder and Custodian of City records



August 01, 2016

Mayor Darby Stricker,  
110 E Main Street  
Talent, OR 97540

Dear Mayor and Council Members:

The Talent Chamber Board of Directors voted unanimously at the July 21, 2016 Board meeting to request the City of Talent to adopt a resolution for the expansion of the Cascade-Siskiyou National Monument.

We appreciate the leadership role of the Talent City Council and request a resolution that stands in alignment with conservations efforts in our region. We believe a further science-based expansion of the Monument boundaries to be in the best interest of our environment, our citizens and our visitors. The Monument provides unique recreational and educational opportunities as well as scenic vistas which will benefit our business climate, economy and quality of life here in Talent, and all of Southern Oregon.

The Chamber appreciates the scientific evidence and analysis that already exists and the increased opportunity for research and sustainability that will occur when designating the new boundaries.

Thank you for your consideration and I encourage you on behalf of the Talent Chamber Board of Directors to formally support this expansion through the resolution.

Sincerely,

A handwritten signature in black ink, appearing to read "Gretchen Hartrick", is written over a horizontal line.

Gretchen Hartrick  
President

**Talent Chamber**

206 E. Main Street / P. O. Box 11 Talent, OR 97540-0011 541.535.3837 [president@talentchamber.org](mailto:president@talentchamber.org)

Tuesday, August 23, 2016

Case 1:17 cv 00280 RJL Document 6-4 Filed 02/24/17 Page 14 of 18

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August 23, 2016 | A17

## COUNCIL CORNER

# The monument should grow

By Pam Marsh

**W**e all know we live in a special place. Sometimes it takes an act of good government to help us realize the truly unusual nature of our landscape.

In June 2000, with the authority Congress gave presidents starting with Teddy Roosevelt, President Bill Clinton issued a proclamation establishing the Cascade-Siskiyou National Monument, and placed 53,000 acres of publicly owned land to the south and east of Ashland within its boundaries.

With monument status, the forest around my home in the Greensprings took on new meaning. We'd always appreciated these woods, but monument designation gave us a different vocabulary and a new understanding of our surroundings. The presidential proclamation described the monument as "an ecological wonder" created by the "interface of the Cascade, Klamath and Siskiyou ecoregions, in an area of unique geology, biology, climate and topography."

"Unique" is often over-used, but I soon learned it applies in this case. Cascade-Siskiyou is the only national monument established to protect biodiversity. It turns out that the intersection of multiple mountain ranges here produces a very rich flora and fauna. This spectacular variety of plant and animal species and close association of ecological communities is found nowhere else. It is also home to treasured natural landmarks, including Pilot Rock and Soda Mountain.

In the 16 years since designation, the monument has become a hiking mecca and a living laboratory for school children. It has also become a focus of significant biological study that has affirmed the area's special qualities — and its vulnerability.

A diverse group of scientists with experience in monument fieldwork has been warning that existing boundaries are insufficient to protect monument biodiversity, particularly in the face of climate change. The group has proposed an expansion into adjacent and nearby public lands that will allow critters and plants to move to different habitats and higher elevations in order to adjust to rising temperatures, changing rainfall patterns and general climate shifts.

Proposed expansion areas could extend as far northwest as Grizzly Peak, south to lower elevations below Pilot Rock and Soda Mountain and northeast to cold headwater streams of Jenny Creek. Ideally, specific acreage would be determined by ecosystem needs, and not by artificial political boundaries.

Here in Ashland, we appreciate the intrinsic, aesthetic value of our local wild areas. We are also beginning to understand the potential recreational and economic opportunities offered by an expanded monument.

The Bureau of Land Management manages the Cascade-Siskiyou National Monument with the overriding goal of protecting and restoring the area's ecological values. Privately held lands within outer monument boundaries are unaffected by the

designation and continue to be governed by county land-use rules. But the protected, federally owned acreage remains, as it should, open to the public for varied users including hikers, nature-lovers, hunters and horseback riders.

Expansion could protect our viewshed, grow our outdoor recreation opportunities and give us yet another means to entice visitors to come to town, and then stay awhile longer. A community that can boast of both a Shakespeare festival and a national monument has something for everyone.

Recognizing the need to protect the ecological sensitivity of our region as well as the potential recreational and economic benefits, Ashland's City Council and Chamber of Commerce board, as well as Talent's City Council and Chamber board, have all unanimously endorsed monument expansion.

Now we need President Obama to step up. Just as the original monument came through presidential proclamation, expansion would likely require executive action. Sixteen presidents, beginning with TR and including the current officeholder, have used the federal Antiquities Act as a powerful conservation tool to protect historical sites and scientifically important areas as national monuments.

President Obama still has five more months in office. A science-based expansion of the Cascade-Siskiyou National Monument could be one of his last, best acts.

— Pam Marsh is a member of the Ashland City Council. DOI-2021-08 00215

**OREGON STATE SENATE**

October 30, 2016

**ENDORSING CASCADE-SISKIYOU NATIONAL MONUMENT EXPANSION**

To Whom It May Concern:

Although I regret the tragic circumstances that have me succeeding the late Senator Alan Bates in representing Senate District 3, I do not hesitate to continue the on-the-record support for expansion of the Cascade-Siskiyou National Monument. The unique biodiversity of the area was formally recognized and some of it protected as the original Monument in June of 2000. Sixteen years later, the Monument has proved to be an economic and ecological gift that keeps on giving.

In endorsing expansion, I join 85 scientists (and counting), Oregon's U.S. Senators Ron Wyden and Jeff Merkley, the Ashland and Talent Chamber of Commerce boards, the Ashland and Talent City Councils and their respective mayors, as well as my colleague representative Peter Buckley, whose Oregon legislative district also includes the Cascade-Siskiyou National Monument.

I am convinced the Monument plays a key role in protecting our region's distinctive biodiversity and important biological connectivity between the globally significant Siskiyou Mountains and southern Cascade Range. Scientists report the current Monument boundaries are inadequate to safeguard long-term what the Monument was established to protect. The expansion could correct this and preserve the original intent of the Monument and the efforts made thus far.

The Ashland and Talent City Councils and Chamber of Commerce boards have expressed that the Monument contributes to our region's economic diversity – that "green is gold." The Cascade-Siskiyou National Monument fits thematically with our south valley's primary tourism and higher-education based economy, with southwestern Oregon's growing reputation for natural values, and also with our region's urgent need for economic diversification.

In drawing any expanded Cascade-Siskiyou National Monument boundaries, I urge federal decision-makers to consider the best ecological criteria possible as well as scenic resources and provision for traditional quiet recreation. I feel this will protect the unique natural resources and support our rural economy.

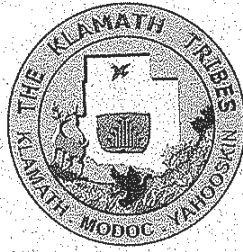
I ask you, please expand the Cascade-Siskiyou National Monument. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Talbert", is written over a light blue horizontal line.

Senator Kevin S. Talbert  
District 3, Oregon State Senate





November 17, 2016

## The Klamath Tribes

Senator Jeff Merkley  
PO Box 14172  
Portland, OR 97293

Dear Senator Merkley:

This letter is to provide the Klamath Tribes' formal support for the proposed Cascade-Siskiyou National Monument Expansion. As you are aware, I provided verbal support at recent hearings in Ashland and Klamath Falls, Oregon.

The current and proposed expanded area of the Cascade-Siskiyou National Monument lies entirely within the recognized aboriginal territory of the Klamath Tribes (Klamath, Modoc and Yahooskin Paiute). Our people have significant historic and current ties to and of uses this area. It is the position of the Klamath Tribes that the proposed expansion would better provide for and protect our current traditional, religious, cultural uses, values and interests. In addition, expanding the Monument as proposed is critical to provide for more appropriate watershed scale management necessary to maintaining and enhancing the unique, diverse ecological values of the area as was originally intended through the initial National Monument designation.

As you know, the Klamath Tribes is very interested in and committed to restoring anadromous fish to the Upper Klamath River Basin, and to protecting and restoring resident species. Maintaining and improving the health and water quality of tributary streams to the Klamath River, such as Jenny Creek, is vital to future anadromous fish restoration efforts and to provide for future viability of the unique species that currently inhabit the streams. Species of particular concern are the Jenny Creek redband trout and Jenny Creek suckers.

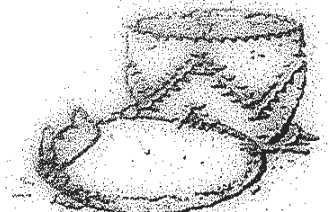
It is our understanding that management emphasis of the expanded area will be of the same intent and purpose of the current Monument area, and that there will be appropriate revision of the current management plan to address the expansion and other management issues. To ensure that interests of the Klamath and affected Indian Tribes are appropriately considered and addressed in the plan revision process, and during future management policy and project planning and development, it will be important that affected tribes are consulted and policies and procedures providing for appropriate tribal consultation and decision making are developed and incorporated into the plan.

We thank you very much for the opportunity to provide comment and support for expansion of the Cascade-Siskiyou National Monument, and commend you for your proposal to take this bold and needed action to protect and provide for the diverse ecological values and uses of this unique and important area.

Respectfully,

Don Gentry, Chairman  
The Klamath Tribes

501 Chiloquin Blvd. - P.O. Box 436 - Chiloquin, Oregon 97624  
(541) 783-2219 - Fax (541) 783-2029





KATE BROWN  
Governor

November 21, 2016

The Honorable Sally Jewell  
Secretary  
U.S. Department of the Interior  
1849 C Street NW  
Washington, D.C. 20240

Dear Secretary Jewell:

Thank you for your steadfast support for America's iconic landscapes. I appreciate your agency's continued interest in one of Oregon's natural icons – the Cascade-Siskiyou National Monument – and the effort made in convening a community discussion around expansion. As Oregon's Governor, I lend my support to your efforts and want to convey my desire to enhance this Oregon wonder through a thoughtful expansion of its boundaries.

Since President Clinton's dedication of the Cascade-Siskiyou National Monument in 2000, community leaders and interested parties have worked diligently to protect and enhance the monument's diverse natural, geological, and historic resources; which include a spectacular variety of rare plants and animals. This work must continue as the unique and vibrant ecological wonders of Cascade-Siskiyou face increasing challenges from a changing climate. Expansion is critical to continued ecological integrity, which has made the monument a destination.

When opportunities like a prudent Cascade-Siskiyou National Monument expansion present themselves, we owe it to future generations to embrace them for history shows they are fleeting. The unfortunate reality of Congressional obstruction and inaction has indefinitely stalled many worthy and broadly supported public land protection bills. Prime examples in Oregon include the Devil's Staircase wilderness bill (2009) and the Wild Rogue wilderness expansion (2011). Despite strong local support, these proposals and others have languished since their introduction.

Expanding the Cascade-Siskiyou National Monument meets many of the factors I consider important in public land discussions. While state governors do not have a dispositive role in federal land decisions, I appreciate the Obama Administration's dedication to soliciting local input. It is important to consider proposed expansions and new designations in the context of their specific circumstances. Among the reasons I support a thoughtful Cascade-Siskiyou expansion:

- It augments an existing public land designation. The Cascade-Siskiyou National Monument has been successful in attracting community and federal support, demonstrating its value locally and among the national monument network.





The Honorable Sally Jewell  
November 21, 2016  
Page 2

- The identified need informed by scientific analysis of current and future landscape-level ecosystem health. The formation of the original monument set out why the unique values found at the intersection of the Cascade, Siskiyou, and Klamath mountain ranges needed greater protections. Analysis from 2011 onward highlights the scientific support for increased monument resilience amid considerable pressures.
- The level of public engagement and evidence of an inclusive process. Local community conversations about expanding the monument have been on-going for many years, culminating with robust local meetings in recent months.
- The degree of private ownership within the proposal and private landowner support. The proposed expansion map minimizes the impact to private inholdings. Many private landowners in the expansion have been included in expansion discussions and expressed their support.

This combination of factors strongly supports the proposed expansion. However, key issues remain to be addressed should the monument be expanded. Primary among them is the issue of local access, a common refrain at the recent community meetings. If the monument is expanded, I will follow the public process on access closely and advocate for reasonable resolution to accustomed uses. In addition to access, I will also be invested in the discussions regarding fire management, grazing, and timber harvest issues in an expanded monument management plan. Finally, the monument has long lacked a dedicated manager and sufficient staff and resources to enhance the ecological values as well as visitor and recreational opportunities. With the inclusion of many more miles of the Pacific Crest Trail, it is even more incumbent that adequate staff and resources be allocated to the monument to build on existing outdoor recreation opportunities for the benefit of local communities and businesses. I will continue to urge the administration address these concerns, and for our congressional delegation to advocate for sufficient funding.

Time is of particular importance as we enter the final weeks of the Obama administration. My office and state agency staff stand ready to assist our federal partners as they evaluate the proposal. I am confident there is sufficient time and determination to complete this expansion for the benefit of Oregon, the region, and the nation. As a champion of preserving our most iconic public lands, I am excited about the opportunity to enhance the unique and valuable wonders of Cascade-Siskiyou National Monument.

Sincerely,



Governor Kate Brown

kb:dj

Cc:  
Senator Ron Wyden  
Senator Jeff Merkley  
Representative Earl Blumenauer  
Representative Suzanne Bonamici  
Representative Peter DeFazio  
Representative Kurt Schrader  
Representative Greg Walden

Case No. 1:17-cv-0280-RJL

# **EXHIBIT C**

Case No. 1:17-cv-0280-RJL



Pilot Rock in the Cascade-Siskiyou National Monument. Credit: Ashland Daily Photo

## **RE: Recommended Expansion of the Cascade-Siskiyou National Monument**

To Whom It May Concern,

May 28, 2015

As scientists with extensive professional experience related to terrestrial and aquatic ecosystems in the Pacific Northwest, we write to express our full support for expansion of the Cascade-Siskiyou National Monument (hereafter "Monument"). The existing Monument is located in southwest Oregon on the California border.

Established by presidential proclamation in June 2000, the Monument is unique among the BLM's National Conservation Lands in that it was established specifically to preserve an area of "remarkable biological diversity." Sitting at the crossroads of four distinct ecoregions and encompassing a wide range of topography, climate and geology, the greater Cascade-Siskiyou landscape is widely recognized as one of the most biologically diverse places in North America. The Monument proclamation describes it as an "ecological wonder" that is "home to a spectacular variety of rare and beautiful species of plants and animals, whose survival in this region depends upon its continued ecological integrity".<sup>1</sup>

While we applaud the initial creation of the Monument as a means to conserve this area's treasure trove of biological resources, scenic beauty and recreational values, we are concerned that existing Monument boundaries are insufficient to assure persistence of the many biological "Objects of Interest" that the Monument was established to protect. As summarized in a 2011 scientific report on this topic<sup>2</sup>, there are several important reasons why existing boundaries are unlikely to sustain the ecological integrity of this area:

---

<sup>1</sup> US Dept. of Interior. 2000. Presidential proclamation 7318 establishing the Cascade Siskiyou National Monument, Oregon. June 9, 2000. Washington, D.C.

<sup>2</sup> Frost, E., D. Odion, P. Trail, J. Williams, J. Alexander, B. Barr, R. Brock, D. DellaSala, P. Hosten, S. Jessup, F. Lang, M. Parker, J. Rossa, D. Sarr and D. Southworth. 2011. Cascade Siskiyou National Monument Boundary Study: Identification of Priority Areas for Monument Expansion. 14 pp.

- Many special-status plant and animal populations referenced in the Monument's proclamation, as well as high quality examples of the area's unique plant communities, remain outside existing boundaries, where they are vulnerable to incompatible management;
- Some existing boundaries have no ecological basis (e.g., the Oregon-California state line, incomplete watersheds), which over time, may compromise the integrity of the Monument;
- Climate change in the region is altering the ranges of plants and animals that are the focal points for conservation, in some cases pushing them outside of currently protected areas<sup>3</sup>;
- The human population of southwest Oregon is growing rapidly. As a result, more areas immediately adjacent to the Monument are facing increased development or intensive land use pressures (e.g., logging, residential expansion, water diversions) that are likely to undermine long-term persistence of the Monument's biological resources.

Without additional conservation investment, available scientific evidence suggests that some of the most valuable biological resources both within and immediately adjacent to the Monument are at high risk of irreversible degradation and loss.

Given these significant and overarching concerns, it is our professional opinion that expansion of the Monument is necessary for the area's extraordinary values to be sustained over the long term. Specifically, we endorse including five carefully selected areas of adjoining BLM and other public lands within the Monument, as recommended by the scientists' 2011 boundary report and detailed in an updated summary of these areas.<sup>4</sup> Proposed additions described in this report:

- were identified using an interdisciplinary, science-based process;
- contain many biological "Objects of Interest" that were highlighted in the Monument proclamation;
- play a vital role in maintaining ecological integrity of the landscape the Monument was established to protect, and;
- improve habitat connectivity with nearby federal lands, a factor that is critical for sustaining populations of wide-ranging species.

Perhaps most importantly, expansion of the Monument to include these proposed additions will significantly increase the ability of native plants and animals to adapt to a changing climate, an issue that was not considered when initial Monument boundaries were created, but that will become critical to biodiversity conservation in the coming decades.

<sup>3</sup> Olson, D.M., D.A. DellaSala, R.F. Noss, J. R. Strittholt, J. Kaas, M. E. Koopman, and T.F. Allnutt. 2012. Climate change refugia for biodiversity in the Klamath Siskiyou ecoregion. *Natural Areas Journal* 32:65-74.

<sup>4</sup> Frost, E.J. and P. Trail. 2015. A Summary of Ecological Values in Proposed Additions to the Cascade Siskiyou National Monument. Unpublished report available from Soda Mountain Wilderness Council, Ashland, OR.

As professional scientists who value and understand the many benefits of biological diversity and ecological health, we appreciate the opportunity to offer our recommendations for the future of the Cascade-Siskiyou National Monument and urge decision-makers to expand the boundaries of the Monument so that it can successfully achieve the proclamation's stated goal of protecting the area's outstanding biological resources for present and future generations.

Sincerely,

**Scientists that Contributed to the 2011 Cascade-Siskiyou Monument Boundary Study**<sup>\*</sup>

<sup>\*</sup>affiliations for identification purposes only

Pepper Trail, Ph.D., Ornithologist  
Ashland, OR

Dennis Odion, Ph.D., Vegetation Ecologist  
Southern Oregon University, Ashland, OR

Jack Williams, Ph.D., Chief Scientist  
Trout Unlimited, Medford, OR

Evan Frost, M.Sc., Conservation Biologist  
Wildwood Consulting, Ashland, OR

Steve Jessup, Ph.D., Botanist  
Southern Oregon University, Ashland, OR

Darlene Southworth, Ph.D., Professor (Emeritus), Department of Biology  
Southern Oregon University, Ashland, OR

Frank Lang, Ph.D., Professor (Emeritus), Department of Biology  
Southern Oregon University, Ashland, OR

Richard Brock, M.Sc., Senior Botanist  
Siskiyou BioSurvey LLC, Ashland, OR

Paul Hosten, Ph.D., Terrestrial Ecologist  
Kualapu'u, HI

Dominick DellaSala, Ph.D., Chief Scientist  
Geos Institute, Ashland, OR

Michael Parker, Ph.D., Aquatic Ecologist, Department of Biology  
Southern Oregon University, Ashland, OR

Daniel Sarr, Ph.D., Ecologist  
Flagstaff, AZ

Scott Hoffman Black, M.Sc., Ecologist and Executive Director  
Xerces Society, Portland, OR

Jeannine Rossa, M.Sc., Aquatic Ecologist  
Ecolink Consulting, Kualapu'u, HI

Brian Barr, M.Sc., Fisheries Biologist  
Gold Hill, OR

**Additional Scientists in Support of Cascade-Siskiyou Monument Expansion**<sup>\*</sup>

<sup>\*</sup>affiliations for identification purposes only

David A. Perry, Ph.D., Professor (Emeritus)  
Department of Forest Science  
Oregon State University, Corvallis, OR

Gary Tabor, Ph.D., Conservation Scientist  
Center for Large Landscape Conservation  
Bozeman, MT

Arthur J. Boucot, Ph.D.  
Distinguished Professor of Geology  
Oregon State University, Corvallis, OR

Jack W. Sites, Jr., Ph.D.  
Professor of Biology/Curator of Herpetology  
Brigham Young University, Provo, Utah

Calvin Maginel, M.Sc. (candidate)  
Department of Natural Resources  
University of Missouri, Columbia, MO

Thomas Rooney, Ph.D., Professor  
Department of Biological Sciences  
Wright State University, Dayton, OH

Gary Roemer, Ph.D., Professor  
Dept. of Fish, Wildlife &  
Conservation Ecology  
NM State University, Las Cruces, NM

William D. Anderson, Jr., Ph.D.  
Professor (Emeritus), Marine Biology  
College of Charleston, Charleston, SC

Ke Chung Kim, Ph. D., Professor (Emeritus)  
and Former Director, Center for Biodiversity  
Research, Pennsylvania State University  
University Park, PA

Jay Lininger, M.Sc., Senior Scientist  
Center for Biological Diversity  
Ashland, OR

Vicky Meretsky, Ph.D.  
Professor of Conservation Biology  
Indiana University, Bloomington, IN

Michael J. Vandeman, Ph.D.  
Conservation Biologist  
San Francisco Bay Area, CA

George Wuerthner, M.Sc., Senior Scientist  
Foundation for Deep Ecology  
San Francisco, CA

Mitchell M. Johns, Ph.D.  
Professor of Soil Science  
California State University-Chico  
Chico, CA

Melissa Savage, Ph.D., Associate Professor  
(Emeritus), Department of Geography  
University of California, Los Angeles, CA

James H. Marden, Ph.D.  
Professor, Department of Biology  
Penn State University, University Park, PA

Sandra Mardonovich, M.Sc.(candidate)  
Department of Botany  
Miami University, Oxford, OH

D. Scott Samuels Ph.D.  
Professor of Biological Sciences  
University of Montana, Missoula, MT

Peter Bahls M.Sc., Fisheries Biologist  
Northwest Watershed Institute  
Port Townsend, WA

Peter B. Moyle, Ph.D., Distinguished  
Professor, Dept. of Wildlife, Fish, &  
Conservation Biology  
University of California, Davis, CA

Wayne D. Spencer, Ph.D., Director of  
Conservation Assessment, Conservation  
Biology Institute, San Diego, CA

Paul Schaeffer, Ph.D., Associate Professor  
Department of Biology  
Miami University, Oxford, OH

F. Stuart Chapin III, Ph.D., Professor  
(Emeritus), Department of Biology  
University of Alaska, Fairbanks, AK

Stephen G. Weller, Ph.D., Professor  
Dept. of Ecology and Evolutionary Biology  
University of California-Irvine, Irvine, CA

Vicki Tripoli, Ph.D., Biologist  
Moorpark, CA

Douglas J. Frederick, Ph.D., Professor  
Dept. of Forestry & Environment Sciences  
North Carolina State Univ., Raleigh, NC

Gary K. Meffe, Ph.D., Adjunct Professor  
Dept. of Wildlife Ecology & Conservation  
University of Florida, Gainesville, FL

Bitty Roy, Ph.D., Professor, Department of  
Biology / Smithsonian Research Associate  
University of Oregon, Eugene, OR

Don Waller, Ph.D., John T. Curtis Professor  
of Botany and Environmental Studies  
University of Wisconsin, Madison, WI

Gustav Paulay, Ph.D., Professor  
Department of Zoology  
University of Florida, Gainesville, FL

Richard O. Bierregaard, Ph.D., Research  
Associate, Academy of Natural Sciences  
Drexel University, Philadelphia, PA

Matthew Rubino, M.Sc., Conservation  
Biologist, Dept. of Applied Ecology  
North Carolina State University Raleigh, NC

Robin Salter, Ph.D.  
Associate Professor of Biology  
Oberlin College, Oberlin, OH

Dina Roberts, Ph.D., Professor  
Department of Biology  
The Evergreen State College, Olympia, WA

Rachel E. Golden, M.Sc., Department of  
Environmental Science and Public Policy  
George Mason University, Arlington, VA

Phil Myers, Ph.D., Professor (Emeritus)  
Dept. of Ecology and Evolutionary Biology  
University of Michigan, Ann Arbor, MI

Peter F. Brussard, Ph.D., Professor  
(Emeritus), Department of Biology  
University of Nevada, Reno, NV

Jesse Ford, Ph.D., Professor  
Department of Fisheries and Wildlife  
Oregon State University, Corvallis, OR

Craig W. Benkman, Ph.D., Professor  
Department of Zoology and Physiology  
University of Wyoming, Laramie, WY

Malcolm K. Cleaveland, Ph.D., Professor  
(Emeritus), Department of Geosciences  
University of Arkansas, Fayetteville, AR

Rick Van de Poll, Ph.D., Principal  
Ecosystem Management Consultants  
Center Sandwich, NH

Glenn R. Stewart, Ph.D., Professor  
(Emeritus), Biological Sciences Department  
California State Polytechnic University  
Pomona, CA

Bruce G. Baldwin, Ph.D., Professor  
Department of Integrative Biology  
University of California, Berkeley, CA

David Janos, Ph.D., Professor  
Department of Biology and Cooper Fellow  
University of Miami, Coral Gables, FL

Robert Michael Pyle, Ph.D.  
Lepidopterist and Founder  
The Xerces Society, Portland, OR

Jon Rhodes, Ph.D.  
Hydrologist  
Planeto Azul Hydrology, Portland, OR

Jon Evans, Ph.D.  
Professor of Biology  
The University of the South, Sewanee, TN

Erik Jules, Ph.D., Professor  
Department of Biological Sciences  
Humboldt State University, Arcata, CA

Daphne Stone, Ph.D., Botanist  
Biodiversity Research Collective  
Eugene, OR

Trygve Steen, Ph.D., Professor  
Department of Environmental Studies  
Portland State University, Portland, OR

Jason Clark, M.S.  
Senior Botanist  
Siskiyou BioSurvey LLC, Ashland, OR

David Olson, Ph.D.  
Conservation Earth Consulting and  
Biodiversity & Wildlife Solutions,  
Washington, DC

Craig C. Downer, Ph.D.  
Wildlife Ecologist  
Andean Tapir Fund, Minden, NV

Robert L. Beschta, Ph.D., Professor  
(Emeritus), Forest Ecosystems and Society  
Oregon State University, Corvallis, OR

Dennis Murphy, Ph.D.  
Adjunct Research Professor  
University of Nevada, Reno

Thomas Michael Power, Ph.D.  
Professor (Emeritus), Dept. of Economics  
The University of Montana, Missoula, MT

Reed F. Noss, Ph.D.  
Provost's Distinguished Research Professor  
Department of Biology  
University of Central Florida, Orlando, FL

Rowan J. Baker, MS  
Independent Environmental Consultant  
Portland, OR

David J. Berg, Ph.D.  
Professor, Department of Biology  
Miami University, Oxford OH

Raymond A. Saumure, Ph.D.  
Herpetologist and Director  
WildFauna, Las Vegas, NV



Karen Stone, Ph.D., Professor  
Department of Biology  
Southern Oregon University, Ashland, OR

Douglas A. Miller, Ph.D., Professor  
Department of Geography  
Penn State University, University Park, PA

William Bridgeland, Ph.D.  
Wildlife Biologist  
Bandon, OR

Susan Harrison, Ph.D., Professor  
Dept. of Environmental Science & Policy  
University of California, Davis, CA

Gordon H. Orians, Ph.D., Professor  
(Emeritus), Department of Biology  
University of Washington, Seattle, WA

Frito Dolisca, Ph.D.  
Forest Resource Policy and Conservation  
Orange, NJ

Stephen C. Trombulak, Ph.D., Professor  
Department of Biology  
Middlebury College, Middlebury, VT

Sam Rich, M.Sc.  
Conservation Land Manager  
Wild Restoration LLC, Seattle, WA

Barry R. Noon, Ph.D., Professor  
Dept. of Wildlife & Conservation Biology  
Colorado State University, Fort Collins, CO

Jeff Wells, Ph.D., Senior Scientist  
Boreal Songbird Initiative  
Seattle, WA

## **Protecting the Cascade-Siskiyou National Monument from Climate Change: The Ecological Need for Monument Expansion**

Prepared by Pepper Trail Ph.D. and Evan J. Frost, M.Sc.  
for the Soda Mountain Wilderness Council, Ashland, OR



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## Protecting the Cascade-Siskiyou National Monument from Climate Change: The Ecological Need for Monument Expansion

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### Executive Summary

The Cascade-Siskiyou National Monument (hereafter Monument) was established to protect a spectacular concentration of species and natural communities that occur at the crossroads of the Siskiyou, Cascades and Great Basin ecoregions. Since its establishment in 2000, the Monument has been constrained by politically-drawn boundaries that do not adequately protect the area's watersheds or full complement of species and habitats. Moreover, it is now apparent that existing boundaries will not be sufficient to maintain the Monument's ecological integrity in the face of climate change. Regional climate models indicate that coming decades will bring warmer temperatures, reduced snowpack, and increased fire frequency. In order to improve the resilience of the Monument's ecosystems and adaptation of species to these profound changes, expansion of the Monument is required. An interdisciplinary group of scientists has identified and recommended five Monument expansion areas, as briefly summarized in this report. This expansion will increase both the resilience and adaptation of the Monument's biota to likely climate change effects -- specifically by increasing habitat connectivity within the greater Cascade-Siskiyou landscape, protecting a greater elevation range and diversity of environmental settings, and increasing the size of special-status plant and animal populations so that they will be more likely to successfully adapt to the uncertain conditions of the future.

*"With towering fir forests, sunlit oak groves, wildflower-strewn meadows, and steep canyons, the Cascade-Siskiyou National Monument is an ecological wonder...home to a spectacular variety of rare and beautiful species of plants and animals, whose survival in this region depends upon its continued ecological integrity."*

-- Presidential Proclamation 7318, June 9, 2000

*"The Soda Mountain area is more than just botanically interesting; it is an important link for [species] migration, dispersion, and the process of evolution in the Northwest."*

-- Tom Atzet Ph.D., former SW Oregon Area Ecologist, USFS  
Letter to Soda Mountain Wilderness Council, March 22, 1994

*"The Monument's continued diversity depends upon the degree to which landscape-level ecological processes can continue to function...Many species are dependent upon large blocks of forest habitat for dispersal and long-term migration. Habitat fragmentation and the loss of connectivity threaten the biological integrity of the Cascade-Siskiyou National Monument in the short term."*

-- Cascade-Siskiyou National Monument Resource Management Plan  
Medford District BLM, 2008

**Cover photo:** Upper Jenny Creek Falls in the proposed Klamath River Ridges addition to the Cascade-Siskiyou National Monument. Photo credit: Pepper Trail.



Pilot Rock in the Cascade-Siskiyou National Monument. Credit: Ashland Daily Photo

### **The Cascade-Siskiyou National Monument: America's Biodiversity Jewel**

President Clinton established the ~52,000 acre Cascade-Siskiyou National Monument (hereafter Monument) in southwest Oregon along the California border in June 2000. *The Monument is unique in that it is the first and only national monument established explicitly to protect an area of outstanding biological diversity.* The area's biodiversity is most prominently reflected in the great variety of plant and animal species, natural communities and ecosystem types that are found within this relatively small area.

At the species level, the Monument is known to support more than 3,500 different plants and animals -- an extraordinarily high number for an area of this size (USDI 2008). In addition, a significant subset of these species are recognized by state and federal agencies as rare or imperiled, and a few endemics are found nowhere else on earth. This outstanding richness of species has in turn given rise to unique assemblages of flora and fauna. Northern Spotted Owls, flying squirrels, giant salamanders and Pacific yew trees typical of the moist Northwest Coast live almost side-by-side with "Eastside" or Great Basin species such as kangaroo rats, sagebrush lizards, Canyon Wrens and tall sagebrush.

The Monument's high diversity of species in turn mirrors the wide array of habitat types found in this landscape, ranging from high desert grasslands and Mediterranean-like chaparral and oak savannah to lush conifer forests and wet mountain meadows. Although quite distinct and typically separated by significant distances, many of these natural communities are found in close proximity here. Local, sometimes extreme, changes in elevation, slope, aspect, soils and climate, together with natural disturbances such as fire, all interact in synergistic ways to create the complex, fine-scaled patterning of vegetation that is the hallmark of the Monument landscape.

Much of the Monument's outstanding biodiversity is attributable to its geographic location at the meeting point of three distinct ecoregions -- the Siskiyou Mountains (a subregion of the larger Klamath Mountains), the Cascade Range and, to the east, the Great Basin (Thorson et al. 2006). These large ecoregions are characterized by major differences in geology, climate, terrain and biogeography. Each contributes its own special assemblage of organisms and ecological processes to the greater Monument landscape. *As a result of this biological crossroads phenomena, the Monument area is often referred to as an ecological "melting pot" or mixing zone that is unique in western North America* (Olson et al. 2012, USDI 2008, ODFW 2006, Vander Schaaf et al. 2004).

The Monument is also known for its important water resources, which not only support a great diversity of aquatic species, but also fresh drinking water supplies for human communities in southern Oregon. The

principal watershed, Jenny Creek, has been identified by BLM as one of the most biologically diverse places in Oregon (USDI 1995), was designated a Tier I Key Watershed by the Northwest Forest Plan and supports a number of rare and/or imperiled aquatic species, including the Jenny Creek redband trout. Several perennial streams originating in the Monument also flow south into California's Klamath River and provide cold, high-quality water for salmon restoration efforts there.

Also of major importance is the role the Monument plays in contributing to the ecological and evolutionary integrity of the Klamath Mountains ecoregion (located both in southwest Oregon and northwest California). Sometimes referred to as the "Galapagos of North America," the Klamath Mountains have one of the highest levels of species diversity and endemism in the U.S. and are widely recognized as an area of global importance for biodiversity conservation (DellaSala et al. 1999, Wagner 1997). Because the Monument lies at the intersection and connects forested habitats in the Siskiyou Mountains with those in the Cascades, it acts as a natural land bridge that facilitates the flow of plants and animals between these ecoregions. This land bridge function was previously recognized by former Forest Service southwest Oregon Area Ecologist Dr. Tom Atzet: **"The Soda Mountain area is more than just botanically interesting; it is an important link for [species] migration, dispersion, and the process of evolution in the Northwest"** (Letter to Soda Mountain Wilderness Council, March 22, 1994).

The establishment of the Cascade-Siskiyou National Monument recognized the area's unusually high concentration of native species and plant communities, as well as the natural ecological processes that create and maintain this diversity. The presidential proclamation identifies a number of specific species, communities and other biological objects of interest found in the Monument area:

*The monument is home to a spectacular variety of rare and beautiful species of plants and animals, whose survival depends upon its continued ecological integrity. Plant communities present a rich mosaic of grass and shrublands, Garry and California black oak woodlands, juniper scrublands, mixed conifer and white fir forests, and wet meadows. Stream bottoms support broad-leaf deciduous riparian trees and shrubs. Special plant communities include rosaceous chaparral and oak-juniper woodlands. The monument also contains many rare and endemic plants, such as Greene's Mariposa lily, Gentner's fritillary, and Bellinger's meadowfoam (USDI 2000).*

The proclamation provides the principal management direction for the Monument and clearly prescribes that the BLM manage the area "for the purpose of protecting the objects identified." **Although important individually, it is the interrelationship of these biological objects in the context of natural ecological processes that has created this outstandingly diverse ecosystem.** As stated in BLM's 2008 Resource Management Plan for the area, "The Monument's continued diversity depends upon the degree to which landscape-level ecological processes can continue to function." Therefore, the overall vision for management of the Monument is to protect, maintain, restore or enhance the biological objects of interest and the natural ecological processes that sustain them.

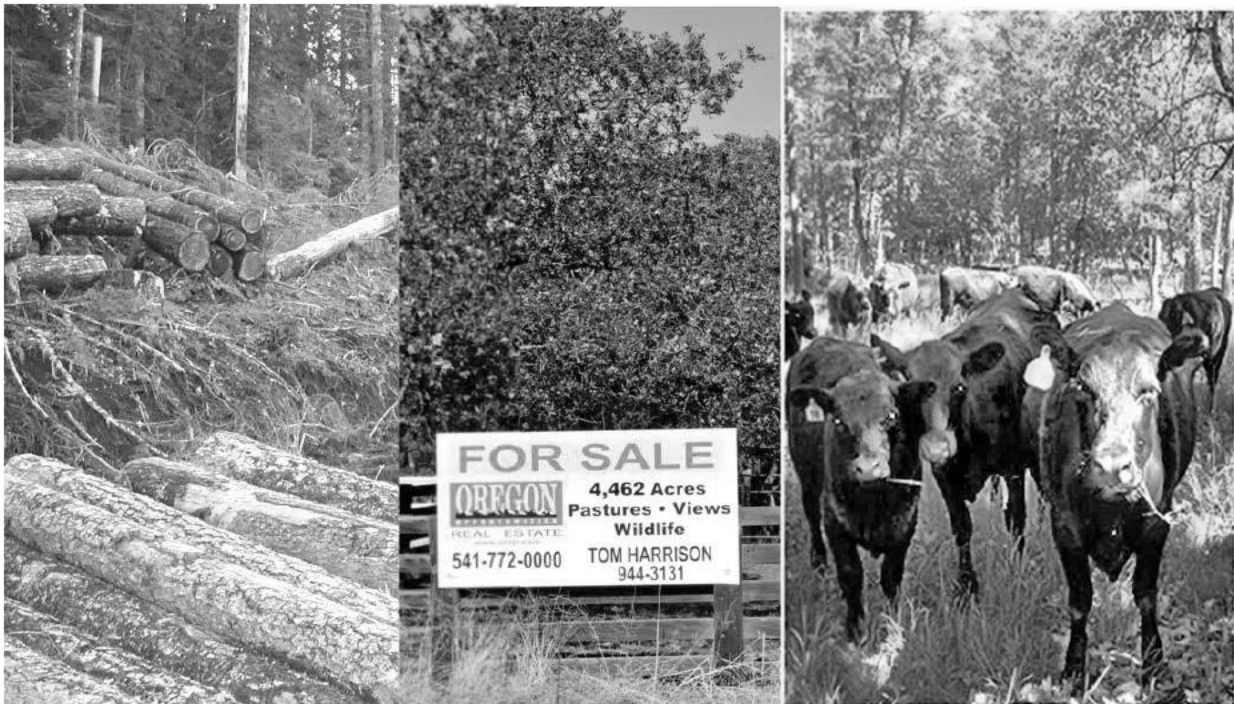
### **The Existing National Monument Is Too Small to Achieve Conservation Goals**

Under the provisions of the Antiquities Act, the Monument's original boundaries were defined as encompassing "...the smallest area compatible with the proper care and management of the objects to be protected" (USDI 2000). At the time it was established, the Cascade-Siskiyou Monument was comprised of approximately 52,000 acres of federal land, which has since grown to over 65,000 acres by public acquisition of private land from willing sellers within the Monument's outer boundaries. This is a relatively small acreage to protect this area's spectacular biodiversity. Consider, for example, that the average home range of a single mountain lion is more than 150,000 acres (Neal et al. 1987).



The Monument's original boundaries were drawn without regard for a number of ecological criteria important to the optimal design of protected areas. For example, the Oregon-California state line was designated as the southern limit of the Monument. This boundary resulted in the exclusion of the lower reaches of all the Monument's south-flowing streams. Similarly, the northern and western borders of the Monument followed administrative land use designations (i.e., including "Late Successional Reserve" but excluding many "Matrix" lands under the Northwest Forest Plan), rather than watershed breaks or other ecologically-informed boundaries. As a result, the Monument's biological values remain vulnerable to adverse impacts from incompatible management on adjacent lands.

In 2011, a diverse group of scientists with considerable experience in the greater Cascade-Siskiyou landscape evaluated whether current boundaries are sufficient to protect the area's unique biological resources into the future (Frost et al. 2011). The authors concluded that *"Monument expansion is required to safeguard persistence of the [biological] Objects of Interest the Monument was established to protect."* In their report, they highlighted four primary reasons why current Monument boundaries are insufficient to achieve long-term conservation goals: 1) inadequate protection of many special-status plant and animal populations referenced in the Proclamation; 2) lack of ecological basis for existing boundaries (e.g. the Oregon-California border); 3) increased development in areas adjacent to the Monument; and, perhaps most importantly, 4) climate change.



In their 2011 report, scientists cited incompatible management on adjacent lands as a significant threat to the ecological integrity of the Cascade-Siskiyou National Monument, including (from left to right): commercial logging, residential development on private lands and livestock grazing. Photo credits: Evan Frost and Brett Chedzoy (right).

### Climate Change in the Greater Cascade-Siskiyou Landscape

*At the time of the Monument's creation in 2000, climate change was not "on the radar" of federal land management agencies,* even though Congressional hearings on climate change had been held as far back as 1981. The Monument proclamation makes no mention of climate change as a threat or management

concern, and – more remarkably – climate change is not mentioned even once in the Monument's 2008 Resource Management Plan (USDI 2008). It was not until late 2009 that Interior Secretary Ken Salazar issued an order instituting a program on climate adaptation in the Department of the Interior (USDI 2009). To this day, there are no BLM documents that acknowledge the likely impact of climate change on the unique biological resources the Cascade-Siskiyou National Monument was established to protect.

Despite BLM's lack of attention, detailed and sobering projections are available concerning the impacts of climate change on the Cascade-Siskiyou National Monument. In 2008, the Climate Leadership Initiative of the University of Oregon and the National Center for Conservation Science and Policy released *Preparing for Climate Change in the Rogue River Basin of Southwest Oregon* (Doppelt et al. 2008). This publication was followed two years later by *Preparing for Climate Change in the Klamath Basin* (Barr et al. 2010). Most of the current Monument lies in the western headwaters of the Klamath Basin. The Monument's western edge includes the upper reaches of Emigrant Creek, a Rogue Basin tributary. [The fact that the Monument bridges these two major and ecologically distinct river systems is one reason the area is so extraordinarily biodiverse.] The Rogue and Klamath River Basin climate change reports together cover the entire Cascade-Siskiyou National Monument area.

Using carbon dioxide emission scenarios developed by the Intergovernmental Panel on Climate Change (IPCC), these reports down-scaled three widely-accepted global climate models and applied them to southwest Oregon and northwest California. While the authors did not single out and specifically analyze the Cascade-Siskiyou National Monument, their predictions, as summarized below, indicate that *climatic changes are likely to drastically affect the biological resources and values the Monument was established to protect.*

### **Summary of Predicted Climate Changes for the Rogue and Upper Klamath River Basins**

#### **Temperature**

- Annual average temperatures will increase 1-3° F by 2040 and 4-8° F by 2080.
- Summer temperatures may increase dramatically, averaging 7 to 15° F warmer by 2080.
- Winter temperatures may average an increase of 3 to 8° by 2080.

#### **Precipitation and Snowpack**

- Total precipitation may remain roughly similar to historical levels, but...
- Rising temperatures will cause more precipitation to fall as rain, rather than snow.
- Snow accumulation will decline 25-75% by 2040, and may virtually disappear by 2080.

#### **Fires and Floods**

- Drastically increased wildfire is predicted for the region by most of the climate models.
- More severe storm events, higher runoff events, and increased flooding are likely.
- Both wet and dry cycles are likely to last longer and be more extreme.

#### **Vegetation Patterns**

- Temperature increases and changes in precipitation patterns will lead to changes in vegetation, with wildfire and disease acting as catalysts. Details are difficult to predict, but...
- Expansion of oaks and other hardwoods at the expense of conifer forests is likely in the Rogue Basin. Lower elevations in the Upper Klamath Basin may see expansion of grasslands into areas now covered with sagebrush and juniper, while middle elevations may see a reduction of conifer forests.

Since these reports were written, evidence for climate change has become more obvious year by year. The latest IPCC report is unequivocal -- climate change is under way. As the report states, "Human influence on the climate system is clear, and recent anthropogenic emissions of greenhouse gases are the highest in history. Recent climate changes have had widespread impacts on human and natural systems... since the 1950s, many of the observed changes are unprecedented over decades to millennia" (Intergovernmental Panel on Climate Change 2014).

Although the ultimate magnitude of climate change is unknown – and will depend on human responses to this crisis – its impacts will continue to gain strength in the coming decades due to the inertia of the atmospheric system. Federal agencies charged with managing lands for conservation must adjust to this reality, making long-term plans using the best scientific projections of future climate, while also allowing for uncertainty.

There is now a large scientific literature recommending the most effective strategies to conserve biodiversity in protected areas in the face of climate change (e.g. Schmitz et al. 2015, Krosby et al. 2010, Dugelby 2009, Brown 2008, Hannah 2008, Hannah et al. 2007, Hannah and Hansen 2004, Peters 1992). Specifically, *consensus has emerged around the need for enhancing habitat connectivity and protecting relatively large, elevationally and topographically diverse landscapes, which often will require the strategic expansion of existing reserves*. While a review of this literature is beyond the scope of this report, here are a few representative statements:

*"Additional protected areas will likely be needed [due to climate change], as well as connectivity to allow species to move between areas...Protected areas that contain greater diversity of topography and soils and include greater range of elevation will be more likely to continue to provide habitat for species of concern" (Brown 2008).*

*"Expanding the protected area system to encompass large, complex landscapes is a key climate adaptation action ...These [current and proposed protected areas] should support complex terrains, pronounced environmental gradients, multiple microclimates, and diverse biophysical conditions to provide opportunities for biota to shift and adjust even if we are uncertain about the distribution and magnitude of climate change" (DellaSala et al. 2012).*

*"Ultimately, effective conservation of biodiversity in the face of climate disruption will require that we no longer think of biodiversity protection as providing representation of a static, two-dimensional pattern of vegetation types. We must instead envision a mosaic of vegetation associations shifting in time and then design networks of protected areas that conserve the processes of this change as well as the present patterns of biodiversity" (Dugelby 2009).*

### **Protecting the Cascade-Siskiyou National Monument in the Face of Climate Change**

The two key aspects of ecosystem response to climate change are resilience and adaptation. The United Nations Environmental Program Convention on Biological Diversity (Thompson et al. 2009) defines these terms as follows:

**Resilience:** The capacity of an ecosystem to return to the pre-condition state following a perturbation, including maintaining its essential characteristics: taxonomic composition, structures, ecosystem functions, and process rates.

**Adaptation:** Adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities.



**Increasing the size of the Cascade-Siskiyou National Monument is the most effective action that can be taken to increase resilience and opportunities for adaptation in the face of climate change.** Benefits of expanding the Monument include:

- Protection of habitats across a wider range of elevations and landforms, providing an intact continuum of habitats ranging from valley-bottom oak/grasslands to montane conifer forests (resilience and adaptation);
- More habitat connectivity within and across landscapes, allowing for more effective species dispersal and gene flow (both resilience and adaptation);
- Larger population sizes of special-status plant and animal species, resulting in lower likelihood of extinction (resilience) and greater genetic variability (adaptation);
- Increased protection for wide-ranging apex predators such as mountain lion, Pacific fisher, gray wolf and Golden Eagle, whose presence is vital for ecological health (resilience);
- Inclusion of complete watersheds – from the headwaters to the mouth – for the south-flowing Klamath River tributary streams of the Monument (resilience); and
- Expansion of the portion of the Monument located within the Rogue River watershed, bringing additional microclimates and species associations under protection (resilience and adaptation).

In May 2015, a description of Monument expansion areas as initially recommended in the 2011 scientists' report was completed (Frost and Trail 2015; see attached map). Here we summarize each of the five proposed Monument additions and how they increase resilience and adaptation of the area's biological resources to climate change effects.

**Rogue Valley Foothills:** This area extends along the western edge of the Cascades Plateau westward and downslope almost to the shores of Emigrant Lake on the Bear Creek Valley floor. This area includes several important Rogue Basin streams (Sampson, Cattle, Cove and Frog Creeks), as well as currently unprotected headwaters of Keene Creek in the Klamath River watershed. The valley bottom and lower foothill settings support relatively intact, high quality examples of oak savannah, mixed woodlands and native perennial grasslands -- critically threatened habitats that are also under intense development pressure throughout the region (ODFW 2006).

The current Monument covers an elevation range of approximately 3,300 feet, with the lowest elevation at the California border (approx. 2,850 feet elevation). The proposed Rogue Foothills addition includes significant areas at lower elevations, down to less than 2,300 feet elevation. Including these lower elevation lands, plus the higher elevations around ~6,500' Surveyor Mountain in the Johnson and Fall Creeks addition (see below), would result in a total elevational range of 4,240 feet for the Monument. This expansion represents a more than 20% increase in elevations captured within the Monument, substantially enhancing the area's potential resilience and adaptation in the face of climate change.

**Grizzly Peak:** Extending north from the Rogue Valley Foothills, the proposed Grizzly Peak addition includes more Rogue Basin streams (notably Walker Creek) as well as the 5,920 foot summit of Grizzly Peak, the highest mountain on the Bear Creek Valley's eastern skyline. The area is characterized by a rich mosaic of plant communities, including mixed oak woodlands, as well as the recovering burn area of the 2002 Antelope Fire. Of particular significance in relation to climate change is the presence of over 40 documented special-status plant populations, including species that approach their southern (mountain tall bugbane), western (Warner Mountains sulphur flower) and northern (California globe mallow, Klamath gooseberry, Merriam's alumroot and yellow star-tulip) range limits. Species at their range limits are of critical conservation interest in this time of climate change, as their expansion or contraction will have a strong influence on species viability and distribution.

Landscape views of proposed expansion areas illustrating high topographic, microclimatic and elevational diversity -- key factors for increasing ecological resilience in the face of climate change. Top: Rogue Valley Foothills, middle: Klamath River Ridges, bottom: Johnson and Fall Creeks (from 6,545' Surveyor Mountain). Photo credits: Dave Willis and Klamath County Museum (bottom).







Examples of wildlife species whose local populations would benefit from increased habitat connectivity resulting from Monument expansion, becoming more adaptive to climate change. Left: Great Gray Owl, middle: American marten, right: gray wolf. Photo credits (left to right): Josh Hull, John Marriott and Harry Bosen.

**Southern Cascades:** This area of gently sloping ridges and broad valleys to the north of the present Monument would significantly increase the extent of higher elevation conifer forests. Stands of late-successional and old-growth forest provide critical habitat for a number of wildlife species identified in the Monument proclamation, including Northern Spotted Owl (federally Threatened), Northern Goshawk, American marten and Pacific fisher (federally proposed Threatened). Interspersed within this primarily forested unit are a network of low to moderate gradient streams, montane meadows, wetlands and perennial springs. The majority of these lands fall within the Monument's primary watershed, Jenny Creek. Increased protection here would help restore natural water flows and aquatic habitat conditions throughout the Jenny Creek basin, which is recognized by the BLM as "one of the most biologically diverse watersheds in the state" of Oregon (USDI 1995).

The Southern Cascades addition also provides important connectivity with adjacent habitats of the Rogue River-Siskiyou National Forest to the north, which facilitates seasonal movements and dispersal for wide-ranging species. Notable in this regard is the yearly migratory movement of black-tailed deer from the east side of the Cascades to winter in the southern portion of the Monument, an ecological phenomenon singled out in the Monument's proclamation. A dramatic recent development is the use of both the Southern Cascades and Johnson and Fall Creek expansion areas by gray wolves, which are re-establishing themselves in the southern Oregon Cascades (ODFW 2015).

**Johnson and Fall Creeks:** This proposed Monument addition is comprised of BLM lands located within two ecologically important watersheds that lie east of the existing Monument. The largest of these is Johnson Creek, a primary headwater stream that flows into Jenny Creek several miles below Howard Prairie Reservoir. Fall Creek, a stream in the south end of the area, flows in a southerly direction and crosses the Oregon-California state line approximately one mile east of Jenny Creek. The area's upper elevations, including the 6,565-foot summit of Surveyor Mountain (the highest point in the proposed expanded Monument), are covered with montane conifer forests. These forests provide habitat for American marten, Pacific fisher, Northern Spotted Owl and Great Gray Owl, and are home to an "Area of Known Wolf Activity," designated last year by the Oregon Department of Fish and Wildlife (ODFW 2014).



Key habitats in proposed Monument additions that are poorly represented within existing boundaries. Left: riparian deciduous forest (lower Jenny Creek) in the Klamath River Ridges, middle: oak savannah and right: native perennial grassland in Rogue Valley Foothills addition. Photo credits: Pepper Trail (left, right) and Evan Frost (middle).

In the northern section, portions of Johnson Creek provide important spawning habitat for native redband trout and the endemic Jenny Creek sucker, as well as declining amphibian species like the Cascades frog. Protection of lands in Johnson Creek would create a more effective, ecologically-based (watershed) boundary resulting in improved water quality and hydrologic functioning in the main stem of Jenny Creek located downstream. The area's lower southern elevations include springs supporting multiple populations of rare and locally endemic freshwater snail species, as well as foothill yellow-legged frogs (BLM sensitive).

**Klamath River Ridges:** This proposed expansion area includes BLM parcels and other public lands that extend from the current Monument boundary at the Oregon-California state line south toward the Klamath River, both above and below Iron Gate Dam. Just as the Rogue Foothills addition would provide protection for an intact elevational and ecological gradient of Rogue Basin habitats, the Klamath River Ridges would provide protections for a corresponding gradient of Klamath Basin habitats. The landscape is characterized by steep, dissected terrain and a relatively dry, continental-influenced climate, extending upslope toward the cooler conifer forests of the Cascades.

Lands within the Klamath River Ridges unit have remained relatively undisturbed and unroaded, providing vital winter range for large herds of black-tailed deer that gather here from a wide swath of the southern Cascades and Klamath Basin. An outstanding diversity of butterflies, birds and small mammals can also be found in this area, including species that approach the western limit of their range from Oregon's Eastern Cascades and Great Basin ecoregions (e.g., Prairie Falcon and Canyon Wren).

As is the case with Jenny Creek in the Johnson and Fall Creeks addition above, a portion of Jenny Creek within this proposed addition also provides essential habitat for three endemic, special-status fishes (the Jenny Creek redband trout, speckled dace and Jenny Creek sucker) that have long been isolated above large, scenic waterfalls. The lower reaches of Jenny, Hutton, Slide, Scotch, Camp and Fall Creeks -- currently excluded from the Monument by the California state line -- flow southward through this

expansion area from their headwaters in or near the Monument. These high quality streams are lined with riparian woodlands that provide key habitats for Neotropical migrant birds as well as nesting Bald Eagles, river otter and beaver.

### **Conclusion: Climate Change Underlines the Need for Monument Expansion**

No issue facing the BLM's system of National Conservation Lands is more challenging than climate change. The scientific reality of climate change is undisputed, and its severe impacts on ecosystem processes, ecological communities, and species distributions appear inescapable. However, we should not pretend that we have the ability to predict these effects in detail. The makeup of future plant and animal communities may be quite different from any with which we are familiar today. Indeed, some ecologists are using the term "climate disruption" rather than climate change, and positing a "no-analog future" in which species distributions are scrambled in ways we cannot anticipate (Schmitz et al. 2015, Wiens et al. 2011, Stralberg et al. 2009). In this current situation, *the most prudent course of action is to preserve the widest possible set of options promoting climate resilience and adaptation for existing protected areas.*

Climate modeling clearly indicates that the Cascade-Siskiyou National Monument will experience warmer temperatures, reduced snowpack, and increased wildfire risk in the coming decades. It follows that increased protection for both higher elevations and entire watersheds is needed to assure adequate water flows to protect the Monument's diverse aquatic biota. *Increasing the range of elevations within the Monument would improve ecological resilience as well as habitat connectivity, thereby increasing the chances of species finding suitable habitat in the face of changing conditions.* Similarly, increasing the size of the Monument would protect a wider suite of species, communities and microclimates, thereby increasing the Monument's ability to conserve the outstanding biodiversity celebrated in the proclamation. And expanding the Monument's area would increase population sizes of the specific plant and animal species the Monument was established to protect, helping to ensure their long-term survival.

*The five expansion areas proposed here would preserve the widest set of ecological options to sustain the Cascade-Siskiyou National Monument in the face of a changing climate.* Proposed additions extend north, south, east, and west from the current Monument. Additions expand into both higher and lower elevations, significantly increasing the Monument's elevational range as well as microclimatic, topographic and habitat diversity. They encompass increased protection for a range of habitats in both the Rogue and Klamath Basin watersheds. They reach out to include populations of species at their range limits, which are critical "first responders" to climate change.

If expanded as proposed here, the Cascade-Siskiyou National Monument will be less than 130,000 acres -- certainly a compact and efficient area of federal land to set aside for the protection of an "ecological wonder," with "unique geology, biology, climate, and topography." This relatively small conservation investment would realize the promise of the proclamation by expanding the Monument to include the lands required to secure its continued ecological integrity -- now and into the uncertain future.

### **References**

- Barr, B.R, M.E. Koopman, C.D. Williams, S.J. Vynne, R. Hamilton and B. Doppelt. 2010. Preparing for climate change in the Klamath Basin. Prepared by National Center for Conservation Science and Policy and Climate Leadership Institute/University of Oregon. Available online at: [http://www.geosinstitute.org/images/stories/pdfs/Publications/ClimateWise/KlamathBasinCFFReport Final Long 20100901.pdf](http://www.geosinstitute.org/images/stories/pdfs/Publications/ClimateWise/KlamathBasinCFFReport%20Final%20Long%2020100901.pdf)
- Brown, R.T. 2008. The implications of climate change for conservation, restoration and management of national forest lands. Prepared by Defenders of Wildlife, Portland, OR. Available online at:



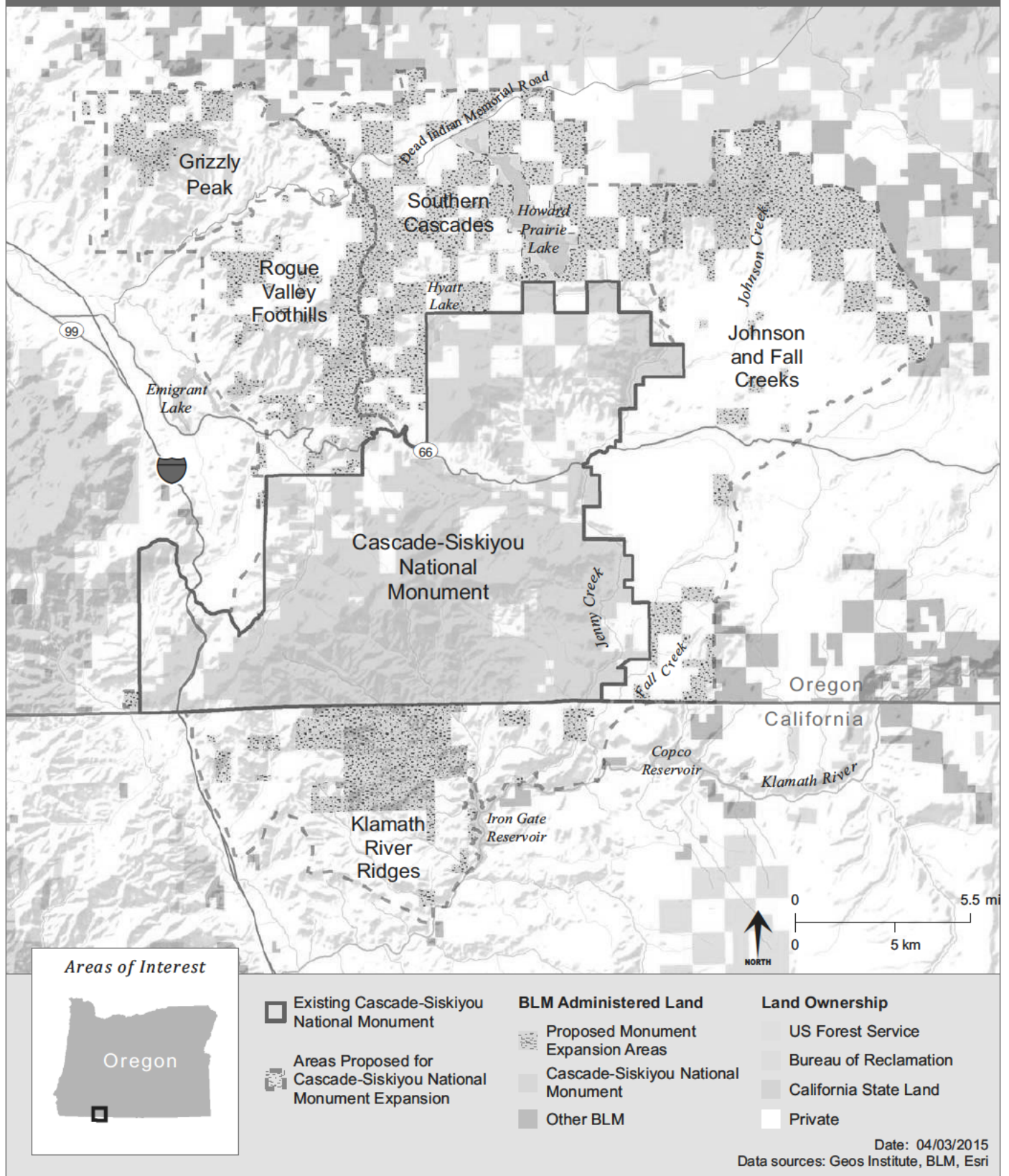
- [http://www.defenders.org/sites/default/files/publications/implications of climate change for conservation restoration and management of national forest lands.pdf](http://www.defenders.org/sites/default/files/publications/implications%20of%20climate%20change%20for%20conservation%20restoration%20and%20management%20of%20national%20forest%20lands.pdf)
- DellaSala, D. A., D. Olson, J.R. Strittholt, R.F. Noss, J. Kass, M.E. Koopman and T. Allnutt. 2012. Climate change refugia for biodiversity in the Klamath-Siskiyou Ecoregion. *Natural Areas Journal* 32(1):65-74.
- DellaSala D.A., S.B. Reid, T.J. Frest, J.R. Strittholt and D.M. Olson. 1999. A global perspective on the biodiversity of the Klamath-Siskiyou ecoregion. *Natural Areas Journal* 19: 300-319.
- Doppelt, B., R. Hamilton, C.D. Williams and M. Koopman. 2008. Preparing for climate change in the Rogue River Basin of southwest Oregon: Stressors, risks and recommendations for increasing resilience and resistance in human, built, economic and natural systems. Prepared by Climate Leadership Institute, National Center for Conservation Science and Policy and MAPSS Team, US Forest Service Pacific Northwest Research Station. Available online at: [http://static1.1.sqspcdn.com/static/f/551504/6420096/1270513041073/ROGUE+WS\\_FINAL.pdf?token=Mx%2BE3eX7BzABtl%2Fc9JxqMS2DRo%3D](http://static1.1.sqspcdn.com/static/f/551504/6420096/1270513041073/ROGUE+WS_FINAL.pdf?token=Mx%2BE3eX7BzABtl%2Fc9JxqMS2DRo%3D)
- Dugelby, B.L. 2009. Climate disruption and connectivity: A strategy for nature protection. Prepared for the Wildlands Network, Titusville, FL. Available online at: [http://www.wildcalifornia.org/wp-content/uploads/2014/07/Climate-Paper\\_Full\\_FINAL-1.pdf](http://www.wildcalifornia.org/wp-content/uploads/2014/07/Climate-Paper_Full_FINAL-1.pdf)
- Frost, E.J. and P. Trail. 2015. A summary of ecological values in proposed additions to the Cascade-Siskiyou National Monument. Prepared for Soda Mountain Wilderness Council, Ashland, OR.
- Frost, E.J., D. Odion, P. Trail, J. Williams, J. Alexander, B. Barr, R. Brock, D. DellaSala, P. Hosten, S. Jessup, F. Lang, M. Parker, J. Rossa, D. Sarr and D. Southworth. 2011. Cascade-Siskiyou National Monument Boundary Study: Identification of priority areas for Monument expansion. 14 pp. Submitted to Medford BLM by the Soda Mountain Wilderness Council, Ashland, OR.
- Hannah, L. 2008. Protected Areas and Climate Change. *Annals of the New York Academy of Sciences*. 1134: 202-212.
- Hannah, L., G. Midgley, S. Andelman, M. Araujo, G. Hughes, E. Martinez-Meyer, R. Pearson and P. Williams. 2007. Protected area needs in a changing climate. *Frontiers in Ecology* 5: 131- 138.
- Hannah, L. and L.Hansen. 2004. Designing landscapes and seascapes for change. In: T.E. Lovejoy and L. Hannah, eds. *Climate Change and Biodiversity*. New Haven, CT: Yale University Press.
- Intergovernmental Panel on Climate Change. 2014. Climate Change 2014: Synthesis Report. Available online at: <http://www.ipcc.ch/report/ar5/syr/>
- Krosby, M., J. Tewksbury, N.M. Haddad, and J. Hoekstra. 2010. Ecological connectivity for a changing climate. *Conservation Biology* 24(6): 1686-1689.
- Neal, D.L., G.N. Steger and R.C. Bertram. 1987. Mountain lions: Preliminary findings on home-range use and density in the central Sierra Nevada. USDA Forest Service Pacific Southwest Forest and Range Research Station, Research Note PSW-392. Berkeley, CA.



- Olson, D.M., D.A. DellaSala, R.F. Noss, J.R. Strittholt, J. Kaas, M.E. Koopman and T.F. Allnut. 2012. Climate change refugia for biodiversity in the Klamath-Siskiyou ecoregion. *Natural Areas Journal* 32: 65-74.
- Oregon Department of Fish and Wildlife. 2015. Oregon wolf conservation and management. 2014 annual report. Salem, OR. Available online at: [http://www.dfw.state.or.us/agency/commission/minutes/15/03\\_march/Exhibit%20D\\_Attachment%202\\_Staff%20Report%202014%20Oregon%20Wolf%20Conservation%20and%20Management%20Report.pdf](http://www.dfw.state.or.us/agency/commission/minutes/15/03_march/Exhibit%20D_Attachment%202_Staff%20Report%202014%20Oregon%20Wolf%20Conservation%20and%20Management%20Report.pdf)
- Oregon Department of Fish and Wildlife. 2014. Area of Known Wolf Activity. Available online at: <http://www.dfw.state.or.us/Wolves/AKWA/keno.asp>
- Oregon Department of Fish and Wildlife. 2006. Oregon Conservation Strategy. Oregon Dept. Fish and Wildlife, Salem, OR.
- Peters, R. L. 1992. Conservation of biological diversity in the face of climate change. In: R. L. Peters and T. E. Lovejoy, eds. *Global Warming and Biological Diversity*. Yale University Press, New Haven, CT.
- Schmitz, O.J., J.J. Lawler, P. Beier, C. Groves, G. Knight, D.A. Boyce Jr., J. Bulluck, K.M. Johnston, M.L. Klein, K. Muller, D.J. Pierce, W.R. Singleton, J.R. Strittholt, D.M. Theobald, S.C. Trombulak and A. Trainor. 2015. Conserving biodiversity: Practical guidance about climate change adaptation approaches in support of land-use planning. *Natural Areas Journal* 35(1): 190-203.
- Stralberg, D., D. Jongsomjit, C. A. Howell, M. A. Snyder, J. D. Alexander, J. A. Wiens, and T. L. Root. 2009. Reshuffling of species with climate disruption: a no-analog future for California birds? *PLoS ONE* 4:e6825. Available online at: [http://www.pointblue.org/uploads/assets/pubbriefs/prbopubbrief\\_resuffling\\_stralberg.pdf](http://www.pointblue.org/uploads/assets/pubbriefs/prbopubbrief_resuffling_stralberg.pdf)
- Thompson, I., B. Mackey, S. McNulty, A. Moessler. 2009. *Forest Resilience, Biodiversity, and Climate Change. A synthesis of the biodiversity/resilience/stability relationship in forest ecosystems*. Secretariat of the Convention on Biological Diversity, Montreal. Technical Series No. 43, 67 pages.
- Thorson, T.D.; Bryce, S.A.; Lammers, D.A. et al. 2003. Ecoregions of Oregon (color poster with interactive map, descriptive text, summary tables, and photographs). United States Geological Survey, Reston, VA. Available online at: [ftp://ftp.epa.gov/wed/ecoregions/or/or\\_front.pdf](ftp://ftp.epa.gov/wed/ecoregions/or/or_front.pdf)
- U.S. Department of Interior. 2009. *Addressing the Impacts of Climate Change on America's Water, Land and Other Natural and Cultural Resources*. Order No. 3289. Washington, DC: U.S. Department of the Interior, Secretary of the Interior. September 14, 2009. Available online at: <http://elips.doi.gov/ELIPS/0/doc/437/Page1.aspx>
- U.S. Department of Interior. 2008. Cascade-Siskiyou National Monument Record of Decision/Resource Management Plan. Bureau of Land Management, Medford District, Medford, OR. BLM/OR/WA/PT-08/018+1792.
- U.S. Department of Interior. 2000. Presidential proclamation 7318 establishing the Cascade-Siskiyou National Monument, Oregon. June 9, 2000. Washington, D.C.
- U.S. Department of Interior. 1995. *Jenny Creek Watershed Assessment and Analysis*, Medford District BLM, Medford, OR. 191 pp.
- Vander Schaaf, D., M. Schindel, D. Borgias, C. Mayer, D. Tolman, G. Kittel, J. Kagan, T. Keeler-Wolf, L. Serpa, J. Hak, K. Popper. 2004. *Klamath Mountains Ecoregional Conservation Assessment*. The Nature Conservancy. Portland, OR.
- Wagner D.H. 1997. Klamath-Siskiyou region, California and Oregon, USA. In: Davis S.D., Heywood V.H., Herrera-MacBryde O., Villa-Lobos J. and Hamilton A.C. (eds), *Centres of Plant Diversity, the Americas*. Vol. 3. World Wide Fund for Nature and IUCN (World Conservation Union), New York, New York, USA, pp. 74-76.
- Wiens, J.A., N. E. Seavy, and D. Jongsomjit. 2011. Protected areas in climate space: What will the future bring? *Biological Conservation* 144: 2119–2125.

# Proposed Expansion of the Cascade-Siskiyou National Monument

Based on Scientific Report, Frost et al. 2011<sup>2</sup>



<sup>2</sup>Frost, E., D. Odion, P. Trail, J. Williams, J. Alexander, B. Barr, R. Brock, D. DellaSala, P. Hosten, S. Jessup, F. Lang, M. Parker, J. Rossa, D. Sarr and D. Southworth. 2011. Cascade-Siskiyou National Monument Boundary Study: Identification of Priority Areas for Monument Expansion. 14 pp. including maps and appendices.



## **The Ecological Need to Expand the Cascade-Siskiyou National Monument Part II: Evidence from Landscape-scale Conservation Assessments**

Prepared by Evan Frost, M.Sc., Pepper Trail, Ph.D. and Dennis Odion, Ph.D.  
for the Soda Mountain Wilderness Council, Ashland, OR



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## The Ecological Need to Expand the Cascade-Siskiyou National Monument Part II: Evidence from Landscape-scale Conservation Assessments

Evan Frost, M.Sc., Pepper Trail, Ph.D. and Dennis Odion, Ph.D.

February 2016



Pilot Rock in the Cascade-Siskiyou National Monument. Photo credit: Ashland Daily Photo

### Executive Summary

The Cascade-Siskiyou National Monument (hereafter Monument) in southwestern Oregon was established in 2000 by President Clinton with the primary goal of protecting this area's outstanding collection of species and ecosystems. In 2011, an interdisciplinary group of scientists with considerable experience in this region evaluated the Monument's boundaries and, in light of various increasing threats, concluded that *"Monument expansion is required to safeguard persistence of the [biological] Objects of Interest the Monument was established to protect."* Initial recommendations presented in this 2011 assessment were subsequently developed into a specific proposal to expand the Monument by including BLM lands within five ecologically distinct areas -- the Rogue Valley Foothills, Grizzly Peak, Southern Cascades, Klamath River Ridges and Johnson/Fall Creeks (see Figure 1).

***This document briefly compares the scientists' expansion proposal for the Cascade-Siskiyou National Monument (noted above) with the results of five independent, landscape-scale conservation assessments completed since 2000.*** These assessments were carried out by various organizations and government agencies in an attempt to identify lands that are most essential for conserving the region's outstanding biological diversity. As summarized in this report, ***there is considerable overlap between areas of high conservation value identified by these landscape-scale assessments and proposed Monument expansion areas.*** Areas of overlap are particularly significant, given that assessments were conducted independently utilizing different data and methods of prioritization. Collectively, these findings provide substantial support for scientists' more recent recommendations to expand the Monument.

**Cover photos:** Top left: Old-growth ponderosa pine in the proposed Southern Cascades addition to the Cascade-Siskiyou National Monument, credit: Evan Frost. Top right: Segment of Jenny Creek proposed for addition to the Cascade-Siskiyou Monument, credit: Ken Crocker. Middle left: Flammulated Owl, one of the Monument area's many rare, special-status species, credit: Jerry Oldenettel. Middle right: Field assessment of Monument area lands, credit: Pacific Forest Trust. Bottom: Hiker in a portion of the proposed Rogue Valley Foothills expansion area, credit: Pepper Trail.

## **Introduction - Conservation Assessments Provide New Information Regarding Cascade-Siskiyou National Monument and Surrounding Lands.**

President Clinton established the ~53,000 acre Cascade-Siskiyou National Monument (hereafter Monument) in southwestern Oregon along the California border in June 2000. Located at the crossroads of the Cascades, Klamath-Siskiyou and Great Basin ecoregions, the Monument is unique as the first and only national monument established explicitly to protect an area of outstanding biological diversity. Since the Monument was established almost 16 years ago, several landscape-scale scientific assessments have been completed by various agencies and organizations in an attempt to determine which lands and waters are key to conserving the region's outstanding biological diversity. *Although these assessments utilized different approaches and methods, in each case, areas of high conservation value were identified in close proximity to but outside the Monument's existing boundaries.*

In 2011, an interdisciplinary group of scientists with considerable experience in the greater Cascade-Siskiyou landscape evaluated whether current Monument boundaries are sufficient to protect the area's unique biological resources, as identified in the Monument proclamation.<sup>i</sup> The authors concluded that ***"Monument expansion is required to safeguard persistence of the [biological] Objects of Interest the Monument was established to protect."*** Building on this 2011 report, a science-based proposal for expanding the Monument has been developed that recommends increased protection for BLM lands within five ecologically distinct areas -- the Rogue Valley Foothills, Grizzly Peak, Southern Cascades, Klamath River Ridges and Johnson/Fall Creeks (see Figure 1).<sup>ii</sup> In May 2015, over 85 professional scientists with expertise in conservation biology and natural resource management wrote a letter endorsing this Monument expansion proposal.<sup>iii</sup>

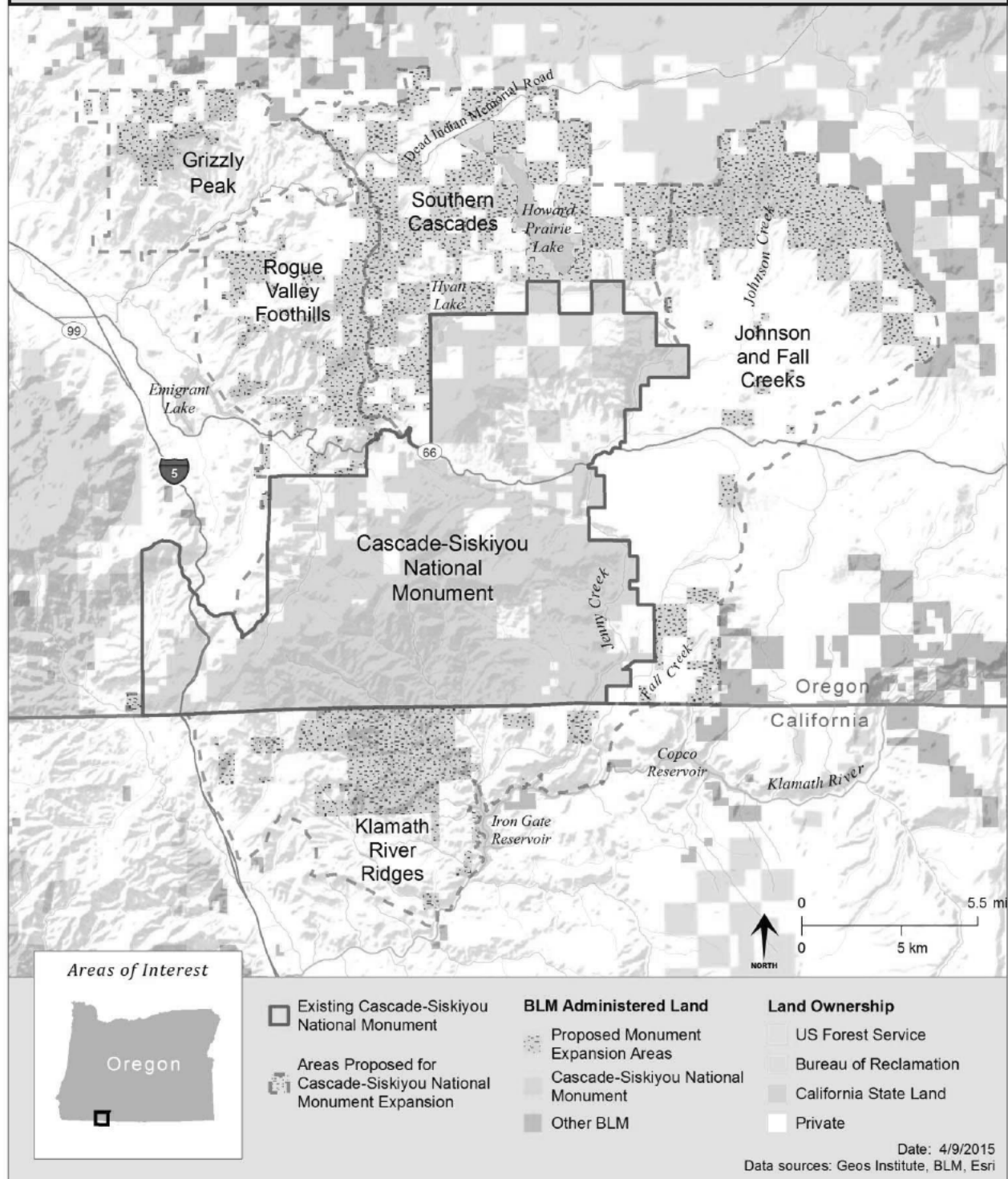
This document briefly compares the scientists' expansion proposal for the Cascade-Siskiyou National Monument (as noted above) with the results of five independent, landscape-scale conservation assessments completed since 2000. For each assessment, this discussion will briefly summarize objectives and methodology, and identify overlap between areas of high conservation value and proposed Monument additions. ***Since the findings from these landscape-scale assessments were not available at the time the Monument was originally established, they represent new information*** that is relevant to any discussion of proposed Monument expansion and how public lands in the greater Cascade-Siskiyou landscape should be best managed in the future.

### **1 - 2. Ecoregional Conservation Assessments for the Cascades and Klamath Mountains conducted by The Nature Conservancy, 2004 and 2007.**

Significant overlap exists between proposed Monument expansion areas and Priority Conservation Areas identified by The Nature Conservancy's (TNC) ecoregional assessments for the Klamath Mountains and Oregon Cascades, completed in 2004<sup>iv</sup> and 2007<sup>v</sup>, respectively. The primary objective of TNC's two broad-scale assessments was to identify a specific network (or portfolio) of lands and waters that, if adequately protected, have the highest probability of ensuring the continued persistence of the full range of each ecoregion's biodiversity. Using a data-driven analysis combining coarse and fine-filter approaches, TNC identified lands most important to conserving biodiversity as Priority Conservation Areas. Priority Conservation Areas were found to exhibit the highest biodiversity scores because they contain conservation targets (e.g., at-risk species and natural communities), a large amount of a single target (in terms of population size or area), and/or support a high number of different targets.



**Figure 1.** Scientists' recommended expansion of the Cascade-Siskiyou National Monument, showing locations of five proposed additions -- Klamath River Ridges, Johnson/Fall Creeks, Southern Cascades, Rogue Valley Foothills and Grizzly Peak. Based on Frost et al. 2011<sup>2</sup>.



<sup>2</sup>Frost, E., D. Odion, P. Trail, J. Williams, J. Alexander, B. Barr, R. Brock, D. DellaSala, P. Hosten, S. Jessup, F. Lang, M. Parker, J. Rossa, D. Sarr and D. Southworth. 2011. Cascade-Siskiyou National Monument Boundary Study: Identification of Priority Areas for Monument Expansion. 14 pp. including maps and appendices.

TNC's proposed network of Priority Conservation Areas represents a scientifically-informed vision for where the native species and community types of each ecoregion (including those identified generally and specifically by the Cascade-Siskiyou Monument's proclamation as biological Objects of Interest in the Monument area) can be conserved most effectively. In total, four Priority Conservation Areas were identified that contain lands included within the current proposal for expansion of the Cascade-Siskiyou National Monument, as summarized below in **Table 1** (see Figure 2 for mapped locations):

<b>TNC Priority Conservation Area (size, acres)</b>	<b>Overlap with Proposed Cascade-Siskiyou Monument Expansion Areas *</b>	<b>Relative Conservation Priority / and Vulnerability Scores</b>
Soda Mountain / Jenny Creek (106,934 acres)	Includes entire existing Cascade-Siskiyou Monument plus adjacent lands in the RVF, SC, KRR and JFC additions.*	Very high conservation priority / High vulnerability
Walker Creek (18,134 acres)	Includes lands in the RVF and GP additions.*	Very high conservation priority / Very high vulnerability
Antelope Creek (6,354 acres)	Southern portion of unit includes lands in the GP addition.*	Very high conservation priority / High vulnerability
Little Butte Creek (93,491 acres)	Southern portion of unit includes lands in the SC addition.*	High conservation priority / High vulnerability

\* Abbreviations for proposed Monument additions: RVF = Rogue Valley Foothills, SC = Southern Cascades, KRR = Klamath River Ridges, JFC = Johnson/Fall Creeks, GP = Grizzly Peak

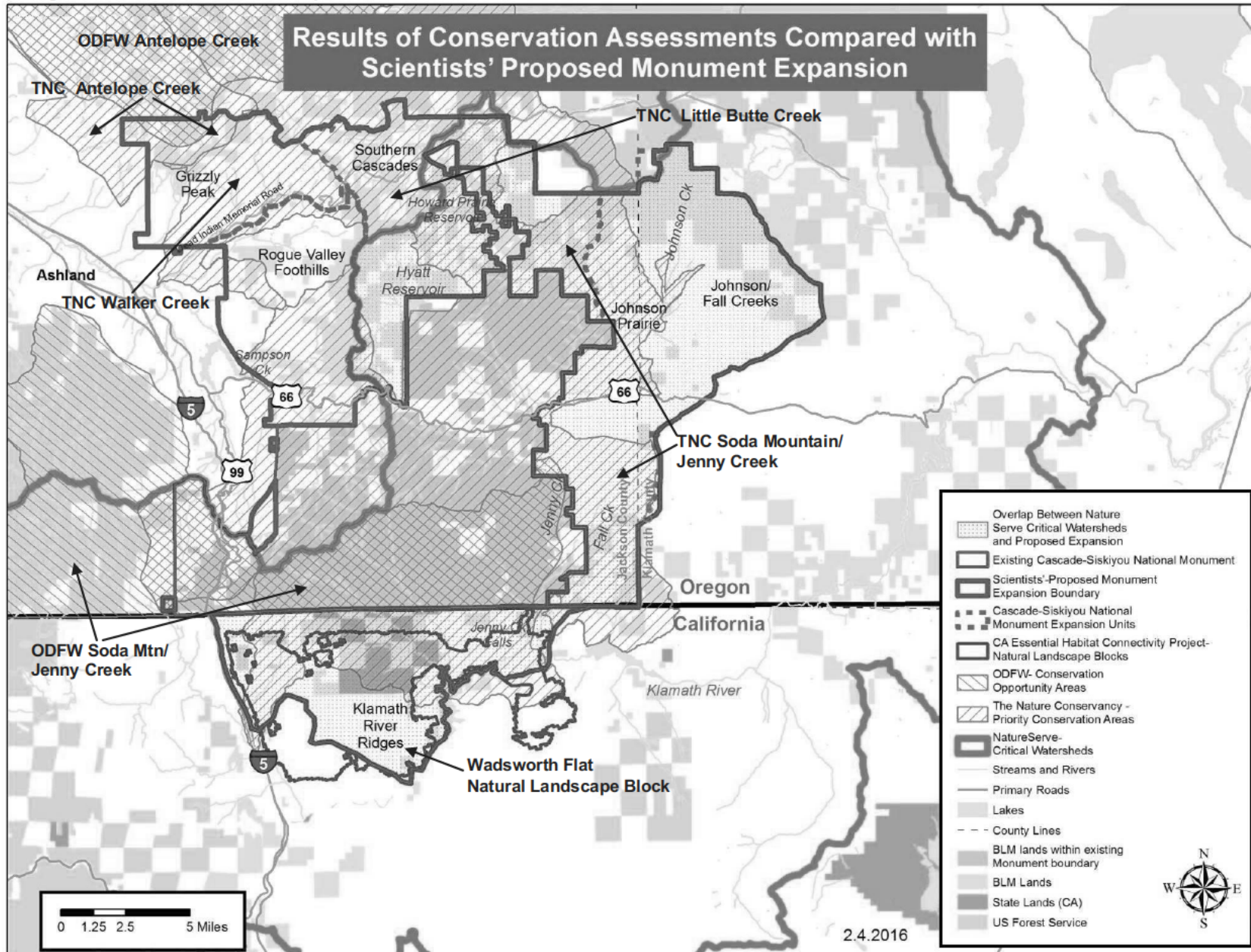
In addition to identifying Priority Conservation Areas, TNC's ecoregional assessments evaluated the relative conservation importance among Priority Conservation Areas using a set of criteria for measuring biodiversity values (irreplaceability) as well as the degree of threat to habitat degradation and loss (vulnerability). All four of the Priority Conservation Areas in proposed Monument expansion areas were assigned the two highest conservation priority and vulnerability scores of "very high" or "high" (see Table 1 above). **The more irreplaceable and vulnerable a natural area is thought to be -- as is the case with these five proposed Monument additions -- the greater the urgency for conservation action.**

### **3. The Oregon Conservation Strategy -- Oregon Department of Fish and Wildlife, 2005.**

The Oregon Conservation Strategy<sup>vi</sup> was developed by the Oregon Department of Fish and Wildlife with the help of a diverse coalition of scientists, conservation groups, extension services and representatives from agriculture, forestry and range management. The Oregon Conservation Strategy is intended to be a state-wide blueprint for fish, wildlife and habitat conservation. It helps organizations prioritize where to work by identifying specific Conservation Opportunity Areas that represent the most important locations for conservation actions in the state. Conservation actions include land acquisition through purchases or easements, restoration, species recovery work and other conservation-based management. Conservation Opportunity Areas were developed to guide voluntary actions and help focus investments in specific areas to increase the likelihood of long-term conservation success at the ecoregional scale.

The Oregon Conservation Strategy is in the final stages of a 10-year revision process, the final product is expected to be available some time in 2016. In the meantime, the 2006 Oregon Conservation Strategy identified two Conservation Opportunity Areas in the vicinity of the Cascade-Siskiyou National Monument (Figure 2). The Soda Mountain/Jenny Creek Conservation Opportunity Area is located mostly within the existing Monument but also includes a portion of the proposed Johnson and

**Figure 2.** Areas of high conservation value identified by five landscape-scale assessments compared with Scientists' proposed expansion of the Cascade-Siskiyou National Monument.





Fall Creeks addition. Further north, the proposed Grizzly Peak Monument addition overlaps with the Antelope Creek Conservation Opportunity Area. Both of these areas were prioritized by ODFW for conservation primarily because they contain key habitats that in turn support a high diversity of terrestrial and aquatic species (see photos below).



Riparian forests, oak woodlands and native grasslands -- three of the highest priority habitats for conservation identified by the Oregon Department of Fish and Wildlife, also recognized as biological "Objects of Interest" in the Monument proclamation. High quality examples of these habitats are located within ODFW's Conservation Opportunity Areas also proposed as additions to the Cascade-Siskiyou National Monument. Photo credits: Pepper Trail (left, right) and Evan Frost (middle).

#### 4. Critical Watersheds for Conserving Freshwater Biodiversity – NatureServe, 2000.

Aquatic biodiversity is an often overlooked but extremely important part of our natural heritage. Freshwater dependent animals, such as fish, amphibians, mollusks and other aquatic invertebrates, are the most vulnerable species in the nation as measured by the proportion at risk. Using data from natural heritage programs in Oregon and California, an assessment conducted by NatureServe<sup>vii-viii</sup> prioritized watersheds based on rarity and endemism of their existing freshwater fish and other aquatic species. Watersheds with high numbers of restricted-range and rare aquatic species receive relatively high scores, whereas watersheds with low numbers of rare and/or restricted-range aquatic species receive relatively low scores. Scores are calculated at the USGS HUC-8 watershed scale.

NatureServe's analysis of imperiled aquatic species provides a picture of biodiversity "hot spots" that represent concentrations of limited-range species and points to locations that are essentially "irreplaceable," thus presenting conservation opportunities that are found in very few other places. This data layer can be used to help focus attention on specific watersheds whose aquatic biodiversity makes them high-priority candidates for protection and restoration efforts.

In southwestern Oregon and northwestern California, NatureServe identified the Mid-Klamath River watershed and tributaries as a "*Critical Watershed for the Conservation of Freshwater Biodiversity*." This watershed is recognized for having a number of rare, imperiled and endemic aquatic species, such as Jenny Creek redband trout, Jenny Creek sucker and speckled dace. The Mid-Klamath River Critical

Watershed includes lands in three proposed additions to the Cascade-Siskiyou National Monument (Figure 2). Jenny Creek, the primary watershed in the greater Monument landscape, is located within the Mid-Klamath, and includes all of the proposed Klamath River Ridges and Johnson/Fall Creeks Monument additions. In addition, the majority of lands within the proposed Southern Cascades Monument expansion area drain into Howard Prairie and Hyatt Lake Reservoirs, both of which also fall within the Mid-Klamath critical watershed.

### **5. California Essential Habitat Connectivity Project -- California Department of Fish and Game and California Department of Transportation, 2010.**

The California Department of Fish and Game (now California Department of Fish and Wildlife) and California Department of Transportation commissioned the California Essential Habitat Connectivity Project<sup>ix</sup> because a functional network of connected wildlands is essential to the continued support of California's diverse natural communities in the face of human development and climate change. The primary product of this interdisciplinary assessment is a state-wide map that depicts large, relatively natural habitat blocks that support native biodiversity (Natural Landscape Blocks) and areas essential for ecological connectivity between them (Essential Connectivity Areas).

Essential Connectivity Areas were defined in this assessment as portions of the landscape that most effectively connect Natural Landscape Blocks and represent the lowest relative resistance or "least cost" to a wide variety of ecological movements and flows (e.g. species migration, dispersal and gene flow). In general, the swath of land with the lowest "cost" to species movements is the "least cost" corridor that most effectively connects Natural Landscape Blocks. The resulting landscape network is considered critically important for maintaining native species, natural communities, and ecological processes throughout California. The maps that accompany the assessment are broad in scale, not based on the needs of any particular species, and focus on a finite number of areas that are likely most important for maintaining ecological integrity and connectivity.

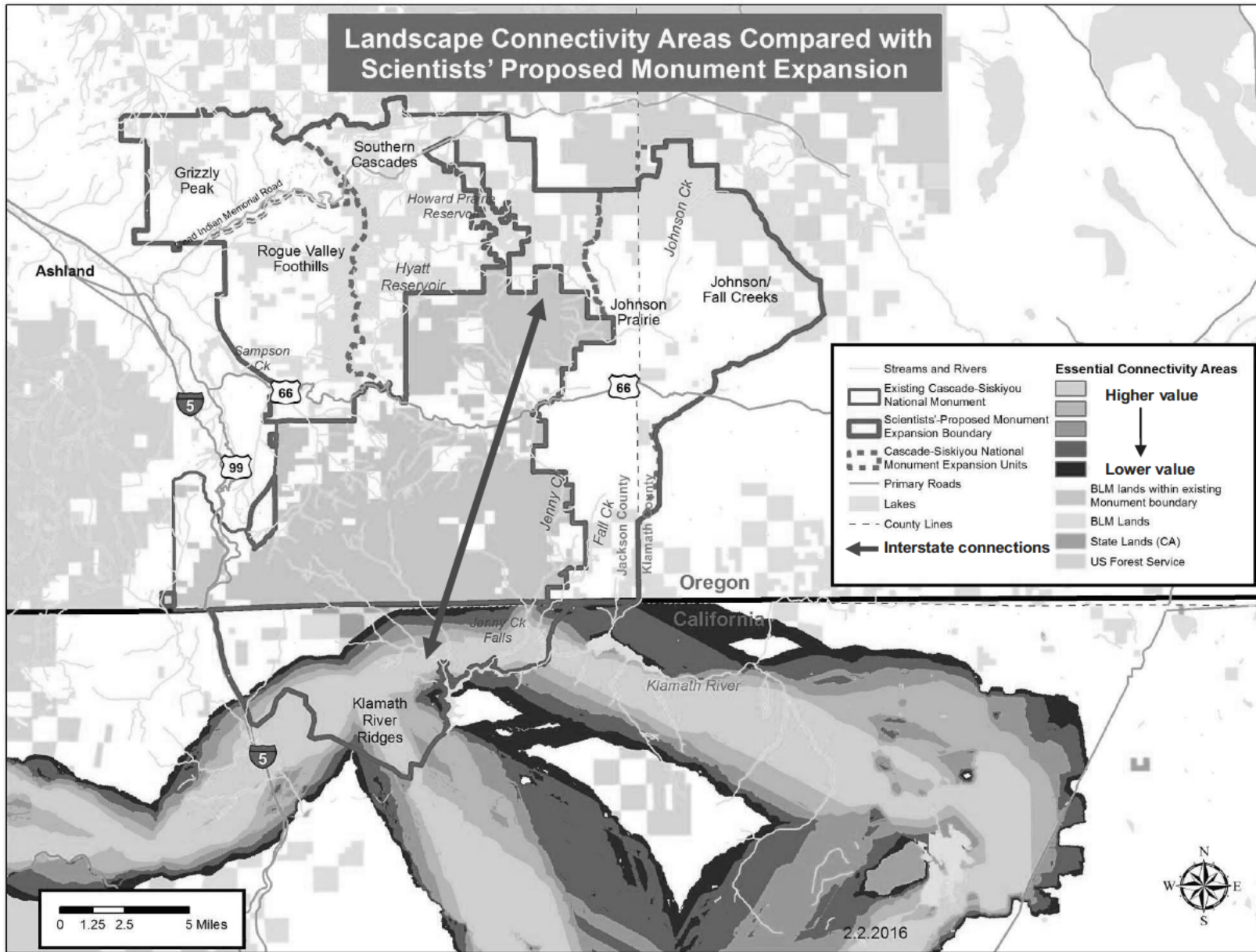
The California Essential Connectivity report identified all lands within the proposed Klamath River Ridges addition to the Cascade-Siskiyou National Monument as a Natural Landscape Block, which the authors named Wadsworth Flat (total area = 26,560 acres). Essential Connectivity Areas were identified emanating in four directions from Wadsworth Flat, including north of the California-Oregon border to the existing Cascade-Siskiyou Monument and beyond to the proposed Southern Cascades expansion area (see Figure 3). Other Essential Connectivity Areas connect Wadsworth Flat with Natural Landscape Blocks in the Klamath Mountains (west), California Cascades (south) and Modoc Plateau (east). Since this assessment did not evaluate lands outside of California, the conservation values of potential Monument expansion areas in Oregon were not specifically addressed.

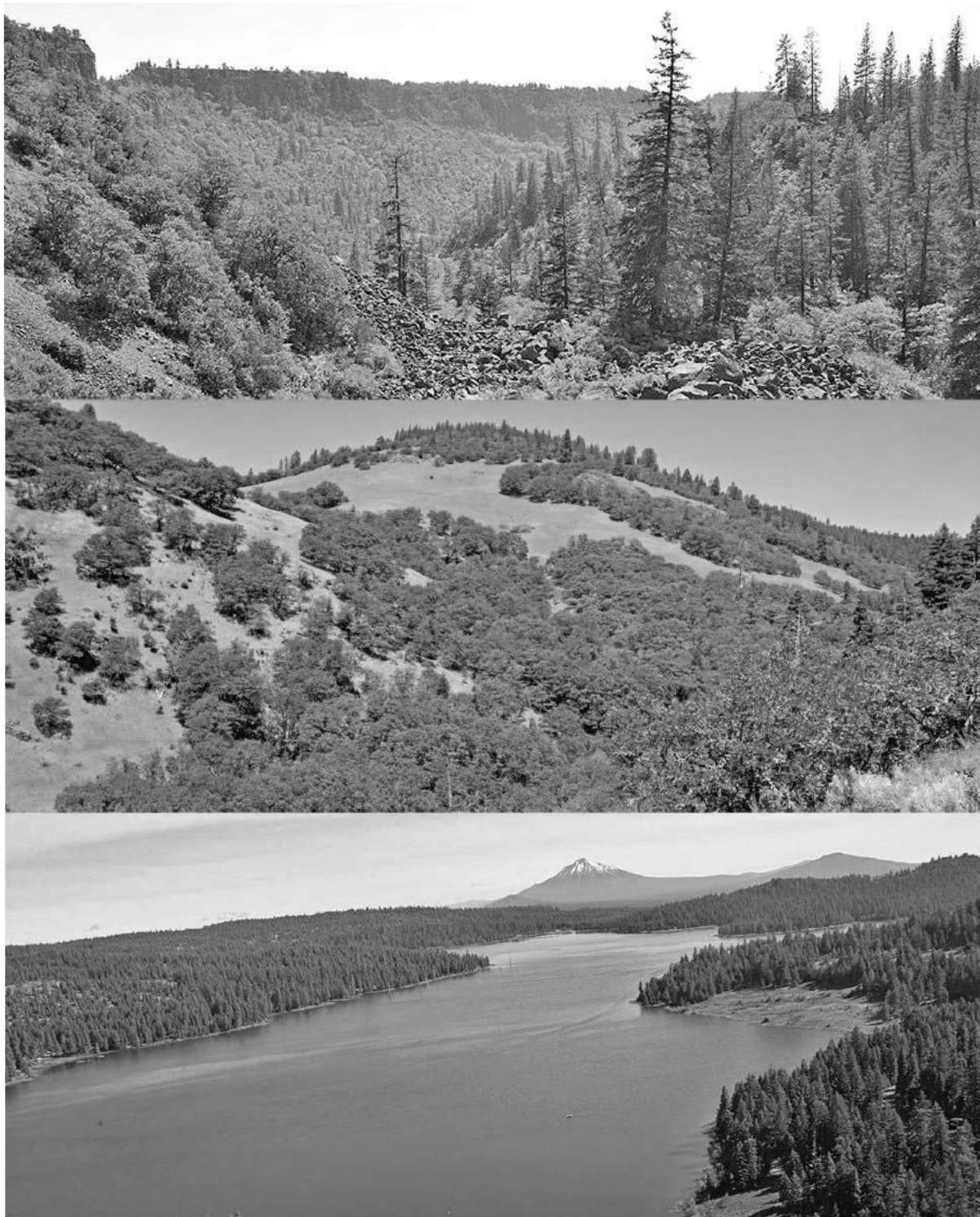
### **Conclusion -- Five Independent Conservation Assessments Provide Substantial Scientific Support for Expanding the Cascade-Siskiyou National Monument.**

Since the Cascade-Siskiyou National Monument was established in June 2000, much scientific analysis relevant to conservation planning has been completed in southwestern Oregon and northwestern California. As summarized in this brief review, results of five large-scale ecological assessments all identify areas of outstanding or critical conservation value that are located immediately adjacent to the existing Monument. High conservation values in these areas are often associated with the occurrence of imperiled species and natural communities that were previously identified as biological "Objects of Interest" in the Monument's proclamation. Of the five Monument additions proposed by an interdisciplinary group of scientists,<sup>ii</sup> among the assessments, all or portions



**Figure 3.** Essential Connectivity Areas for conservation identified by the California Department of Fish and Game in relation to proposed expansion of the Cascade-Siskiyou National Monument.





Representative images of three high priority conservation areas identified by landscape-scale conservation assessments and also proposed as Cascade-Siskiyou National Monument expansion areas -- Klamath River Ridges (top), Rogue Valley Foothills (middle) and Southern Cascades (bottom). Photo credits: Pepper Trail (top), Evan Frost (middle) and John Craig / BLM (bottom).

of the Southern Cascades, Johnson/Fall Creeks and Klamath River Ridges were identified most frequently as exhibiting high conservation values (see Table 2).

**Table 2.** Summary of overlap between priority conservation areas identified by landscape-scale conservation assessments and five proposed additions to the Cascade-Siskiyou National Monument.

Conservation Assessment	Proposed Additions to the Cascade-Siskiyou National Monument				
	Rogue Valley Foothills	Southern Cascades	Grizzly Peak	Johnson/Fall Creeks	Klamath River Ridges
TNC - Cascades	X	X	X	X	
TNC - Klamath Mountains	X			X	X
ODFW - OR Conservation Strategy			X	X	
NatureServe - Critical Watersheds		X		X	X
CDFG - CA Essential Habitat Connectivity	n/a	(X)*	n/a	n/a	X
TOTALS	2	2(3)	2	4	3

\* prioritization is inferred from report's map showing importance of interstate connectivity extending north of the existing Monument.

n/a - not applicable because this state-wide assessment across California did not specifically evaluate lands in Oregon.

Areas of agreement between various landscape assessments are particularly noteworthy, given that they were conducted independently, emphasized differing spatial scales, and utilized different data and methods of prioritization. Many of the public lands identified as supporting high conservation values are currently subject to management activities (e.g. logging, road construction) that are likely to result in the degradation or loss of these values over time. ***Collectively, these findings provide substantial scientific support for recent recommendations to expand the Monument.***<sup>i-iii</sup> Expansion of Monument boundaries to include the five areas highlighted in this report will provide the increased levels of protection many scientists believe are necessary to safeguard the variety of rare species and other biological "Objects of Interest" identified in the proclamation, as well as increase resilience of the Monument to climate change and other threats.<sup>x</sup>

Sixteen years ago, the proclamation of the Cascade-Siskiyou National Monument was a welcome first step toward protecting this treasure trove of natural diversity and scenic beauty. Now it is time to fully and permanently realize the promise of the proclamation by expanding the Monument to include all the lands with high conservation value necessary to secure its continued ecological integrity. Such action represents a relatively small investment in terms of public land management, but will ensure that the Monument -- with its "towering fir forests, sunlit oak groves, wildflower-strewn meadows, and steep canyons" -- remains forever the 'biodiversity crown jewel' of the BLM's National Conservation Lands and a vital remnant of America's diminishing natural heritage.

## Endnotes

<sup>i</sup> Frost, E., D. Odion, P. Trail, J. Williams, J. Alexander, B. Barr, R. Brock, D. DellaSala, P. Hosten, S. Jessup, F. Lang, M. Parker, J. Rossa, D. Sarr and D. Southworth. 2011. Cascade-Siskiyou National Monument Boundary Study: Identification of Priority Areas for Monument Expansion. 14 pp.

<sup>ii</sup> Frost, E. and P. Trail. 2015. A summary of ecological values in proposed additions to the Cascade-Siskiyou National Monument. Unpublished report available from Soda Mountain Wilderness Council, Ashland, OR.



- iii Open letter recommending expansion of the Cascade-Siskiyou National Monument, signed by 85 scientists, including contributors to the 2011 Monument boundary study. May 28, 2015.
- iv Vander Schaaf, D., M. Schindel, D. Borgias, C. Mayer, D. Tolman, G. Kittel, J. Kagan, T. Keeler-Wolf, L. Serpa, J. Hak and K. Popper. 2004. Klamath Mountains Ecoregional Conservation Assessment. The Nature Conservancy. Portland, OR.
- v Popper, K., G. Wilhere, M. Schindel, D. VanderSchaaf, P. Skidmore, G. Stroud, J. Crandall, J. Kagan, R. Crawford, G. Kittel, J. Azerrad and L. Bach. 2007. The East Cascades - Modoc Plateau and West Cascades Ecoregional Assessments. Prepared by The Nature Conservancy and the Washington Department of Fish and Wildlife with support from the Oregon Natural Heritage Information Center, Washington Heritage Program, and NatureServe. The Nature Conservancy, Portland, OR.
- vi Oregon Department of Fish and Wildlife 2005. The Oregon Conservation Strategy. Oregon Dept. of Fish and Wildlife. Salem, OR. Available online at: <http://www.dfw.state.or.us/conservationstrategy.asp>
- vii Master, L.L., S.R. Flack and B.A. Stein, eds. 1998. Rivers of Life: Critical Watersheds for Protecting Freshwater Biodiversity. The Nature Conservancy, Arlington, VA.
- viii Stein B.A., L.S. Kutner and J.S. Adams, editors. 2000. Precious Heritage: The Status of Biodiversity in the United States. Oxford University Press. New York, NY.
- ix Spencer, W.D., P. Beier, K. Penrod, K. Winters, C. Paulman, H. Rustigian-Romsos, J. Strittholt, M. Parisi and A. Pettler. 2010. California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration. Sacramento, CA.
- x Trail, P. and E. Frost. 2015. Protecting the Cascade-Siskiyou National Monument from climate change: The ecological need for Monument expansion. Unpublished report available from Soda Mountain Wilderness Council, Ashland, OR. 14 pp.

Upper Jenny Creek Falls in the proposed Klamath River Ridges addition to the Cascade-Siskiyou National Monument.  
Photo credit: Pepper Trail



Case No. 1:17-cv-0280-RJL

# **EXHIBIT D**

Case No. 1:17-cv-0280-RJL

## Interim Report

### **Cascade-Siskiyou National Monument Boundary Study Identification of Priority Areas for Monument Expansion**

April 28, 2011



Rogue Valley foothills, upper Sampson Creek watershed. This diverse ecotonal region is one of three priority areas identified for addition to the Cascade-Siskiyou National Monument. Photo by Pepper Trail.

#### Steering Committee:\*

Evan Frost, M.S., Wildwood Consulting / Dennis Odion, Ph.D., Southern Oregon University / Pepper Trail, Ph.D., US Fish & Wildlife Service / Jack Williams, Ph.D., Trout Unlimited

Contributors:\* John Alexander, M.S., Klamath Bird Observatory / Brian Barr, M.S., Geos Institute / Richard Brock, Siskiyou BioSurvey / Dominick DellaSala, Ph.D., Geos Institute / Paul Hosten, Ph.D., Terrestrial Ecologist / Steve Jessup, Ph.D., Southern Oregon University / Frank Lang, Ph.D., Southern Oregon University / Michael Parker, Ph.D., Southern Oregon University / Jeannine Rossa, M.S., Ecolink Consulting/ Daniel Sarr, Ph.D., National Park Service / Darlene Southworth, Ph.D., Southern Oregon University

Reviewers:\* Robert Anthony, Ph.D., Oregon State University / Carlos Carroll, Ph.D., Klamath Center for Conservation Research / Scott Hoffman Black, Xerces Society

\* Agency and university affiliations are listed for identification purposes only. This study has no formal affiliation with any government agency or public university.

### **Executive Summary**

The Cascade-Siskiyou National Monument (CSNM) in southwestern Oregon was established by presidential proclamation in 2000 to protect an area of outstanding biological diversity located at the convergence of four distinct ecoregions. The monument proclamation identified a number of biological “Objects of Interest” as the focal points for protection, including unique vegetation communities and rare plant and animal species. At the time of establishment, the monument’s boundaries were stated to be “the smallest area compatible with the proper care and management” of these biological resources.

In late 2010, a diverse group of scientists with considerable experience in the CSNM and surrounding regions concluded that a scientific re-evaluation of the monument’s boundaries was needed to safeguard long-term protection of the area’s unique biological values. This conclusion was based on the following concerns:

- Some of the Objects of Interest described in the monument proclamation have significant portions of their habitat located outside of the existing boundaries;
- Most existing boundaries are clearly not ecological (e.g. the OR-CA state line), compromising the ecological integrity of the monument;
- The need for increased resilience in the face of significant, long-term climatic changes that are now underway; and
- Areas adjacent to the CSNM are facing increased development or intensive land-use pressures (e.g. logging, residential expansion, water diversions) that, if unabated, could undermine long-term persistence of the monument’s biological resources.

To conduct an initial review of the adequacy of the existing monument boundaries, a multi-disciplinary scientific working group met on January 29, 2011 in Ashland, Oregon. Participants were divided into four subgroups focused on Vegetation, Terrestrial Wildlife, Aquatic Resources, and Ecosystem Processes. Working independently, all subgroups concluded that monument expansion is required to safeguard persistence of the Objects of Interest that the monument was established to protect. In particular, participating scientists were concerned by:

- inadequate protection of complete ecological gradients, essential for climate change resilience;
- the lack of conformity of current boundaries with watersheds, threatening aquatic diversity and hydrological functions; and
- incomplete linkages with the four ecoregions that create the CSNM’s spectacular biodiversity.

Three broad priority areas for monument expansion were identified. These are designated as “Rogue Valley Foothills to Plateau,” “Johnson Prairie-Fall Creek,” and “Klamath River Ridges.” Expansion of the monument in these areas would greatly enhance resilience of the biological Objects of Interest to climate change. There was also broad agreement that additional steps should be taken to maintain and, where necessary, restore functional connectivity of the monument with public lands in adjacent landscapes. Maintaining these landscape-scale connections is critical to the monument’s long-term ecological integrity and will assist movements of the native biota in response to climate change.

## **Introduction**

The Cascade-Siskiyou National Monument (CSNM) in southwestern Oregon was established by presidential proclamation in 2000 and is part of the BLM's National Landscape Conservation System (NLCS 2010). Unique among the nation's existing national monuments, the CSNM was created, in the words of its proclamation, to preserve an area of "remarkable biological diversity" (see Appendix A, CSNM Proclamation). The monument is located at the convergence of four distinct ecoregions: Great Basin, Southern Cascades, Oregon and California Interior Valleys, and Siskiyou Mountains. Along with varied topography, climate, and geology, this confluence creates one of North America's biologically richest landscapes, "an ecological wonder" that is "home to a spectacular variety of rare and beautiful species of plants and animals, whose survival in this region depends upon its continued ecological integrity" (Appendix A).

The monument proclamation specifically identified a number of biological "Objects of Interest" as the focal points for protection (Frost and Odion 2002; Appendix A). These include outstanding landscape features such as the connection from the Cascades to Siskiyou, as well as "a rich mosaic" of vegetation communities and "an exceptional range" of wildlife populations of regional significance (Appendix A). Also identified as Objects of Interest were butterfly diversity and abundance, and rare taxa such as the Jenny Creek redband trout and Greene's mariposa lily.

In keeping with Section 2 of the Antiquities Act, the proclamation stated that the CSNM's 52,947 acres was "the smallest area compatible with the proper care and management" of the numerous Objects of Interest. However, by late 2010, a diverse group of biological scientists with considerable experience in the region suggested that the "smallest area compatible" decision warranted a more rigorous scientific evaluation. This need for scientific re-evaluation of monument boundaries was based on the following concerns:

- Some of the Objects of Interest described in the monument proclamation have significant portions of their habitat located outside of the existing boundaries;
- At least some existing boundaries are not ecological (e.g. the OR-CA state line), compromising the biological integrity of the monument;
- The need for increased resilience in adapting to long-term climatic changes that are now underway; and
- Areas adjacent to the monument are facing increased development or intensive land use pressures (e.g. logging, residential expansion, water diversions) that, if unabated, could undermine long-term persistence of the monument's biological resources.

## **Methods**

To conduct an initial evaluation of the existing boundaries of the CSNM, a multidisciplinary scientific working group met on January 29, 2011 in Ashland, Oregon. The members of this group, listed on page 1, have broad knowledge of the greater Cascade-Siskiyou landscape, as well as extensive research experience in the monument itself. The basic questions addressed by the group were twofold:



- Are the current boundaries and specific lands included within the monument sufficient to allow for long-term protection of all Objects of Interest for which the monument was created?
- If not, what modifications might be required in order to reduce risk of diminishment or loss of Objects of Interest?

A structured workshop process was used to conduct discussions, collect information, and elicit knowledge as well as professional judgments from participants. Based on primary areas of expertise, attendees were assigned to one of four technical subgroups: Vegetation, Terrestrial Wildlife, Aquatic Resources, and Ecosystem Processes. The subgroups were provided with a variety of maps, scientific reports, BLM documents and other supporting materials pertaining to the monument and surrounding landscape, as well as copies of the monument proclamation.

Five specific questions were addressed by each of the subgroups:

- 1) Are the monument's Objects of Interest adequately protected by the existing boundaries? That is, are the existing boundaries likely to sustain ecological integrity and the various Objects of Interest over time?
- 2) Are there key habitats, species occurrences, or important Objects of Interest in proximity to but outside the existing CSNM boundary?
- 3) In your professional judgment, what boundary adjustments would make Objects of Interest more resilient to climate change?
- 4) Are there other significant threats to Objects of Interest that were not considered at the time of monument designation?
- 5) If areas currently outside the monument are needed to increase resilience and/or protection of Objects of Interest, what would be the highest priorities for inclusion?

## **Results**

As recognized in the proclamation language for the Cascade-Siskiyou National Monument (Appendix A), much of the area's outstanding biodiversity and ecological importance is attributable to the convergence of four distinct ecoregions. Working group participants agreed that the existing monument boundary captures the core of this biological crossroads. However, all four subgroups independently concluded that existing CSNM boundaries are unlikely to safeguard the monument's suite of Objects of Interest from future decline or loss. A number of different reasons were given as to why current monument boundaries are insufficient:

- Climate change will likely alter plant and animal species ranges, in some cases pushing Objects of Interest into habitats outside of the area currently protected by monument designation (Carroll et al. 2010, DellaSala et al. 2010, Stralberg et al. 2009);

- Many important special status plant and animal populations, as well as high quality examples of the area's unique plant community mosaic, remain outside of existing monument boundaries;
- The current monument boundary does not align with watersheds, precluding protection of water quality and the natural hydrological, biological and disturbance processes of the area's streams;
- Key areas that functionally link the monument to adjacent landscapes, including the Siskiyou Crest and High Cascades, are currently not being managed for conservation. This places at risk the ecological flows necessary to sustain biological connectivity; and
- Existing monument boundaries do not protect the full range of physical diversity (e.g. elevation, topography, aspect) and environmental gradients (e.g. climate) present in the greater Cascade-Siskiyou landscape. Such gradients are essential for creating and maintaining the area's biodiversity, and for providing resilience in the face of climate change.

While uncertainties inevitably remain about the magnitude and impact of climatic change in our region, there is clear evidence that significant changes in environmental conditions are already underway (Barr et al. 2010, Doppelt et al. 2008, Luce and Holden 2009). These changes threaten the effectiveness of isolated protected areas for conserving biodiversity, including the CSNM (Halpin 1997). One of the most effective ways to mitigate the effects of climate change is to focus on maintaining and, if possible, increasing resilience of ecosystems (Carroll et al. 2010, DellaSala et al. 2010, NABCI 2010). In accordance with this overarching goal, the working groups identified the following means to enhance resilience of the biological resources in the monument:

- Reduce anthropogenic management stressors in and around the monument, including livestock grazing, commercial logging, road construction, off-highway vehicles and other ground-disturbing activities. These create habitat fragmentation, disturb wildlife populations, threaten water quality, adversely affect native vegetation, and encourage the spread of non-native weeds;
- Undertake aggressive science-based management of non-native weeds, particularly those invasive species that are not yet firmly established in the Cascade-Siskiyou landscape;
- Maintain and enhance functional ecological connectivity across environmental gradients in the Cascade-Siskiyou landscape. These gradients include elevation, aspect, longitude (east to west), soil moisture and riparian corridors. Particular focus should be on increasing protections for the gradient from open grasslands at lower elevations to montane conifer forest, because field observations indicate this ecotone makes a disproportionate contribution to the area's biodiversity;

- Provide increased protection and conservation-based management of areas that strategically connect the monument core to adjacent landscapes (e.g. Siskiyou Mountains to the west, Cascadian forests to the north, Klamath River canyon to the south and east);
- Maintain and, where possible, restore the natural hydrologic regime in streams and creeks that are essential for sustaining the aquatic biota and providing a “sufficient quantity of water” as called for by the monument proclamation (Appendix A); and
- Identify those elements of the monument’s biodiversity that are most at risk due to climate change, and prioritize protection of additional areas to reduce their vulnerability. For example, survey and protect areas that may act as important microrefugia for native species dependent on cool and moist conditions (DellaSala et al. 2010, Dobrowski 2010).
- Design and implement a biological monitoring program for the CSNM that effectively tracks the status of a wide array of monument Objects of Interest and the ecosystem processes upon which they depend. This monitoring effort should be integrated with ongoing regional monitoring efforts (e.g. Alexander et al. 2004, Sarr et al. 2007) and make use of compatible monitoring protocols.

### **Recommended Monument Additions**

Strong consensus emerged at the workshop about specific focal areas in the greater Cascade-Siskiyou landscape that warrant priority consideration as monument additions. These areas, selected independently by each of the four subgroups for their Objects of Interest (Table 1), are shown in Figure 1 and briefly described here:

Rogue Valley Foothills to Plateau. This topographically diverse area extends from lower elevation foothills bordering the Bear Creek Valley upslope to mountain promontories along the Western Cascades Plateau, including Grizzly Peak (5,920 ft.) and Table Mountain (6,125 ft). Also included are several important streams that descend off the plateau, such as Sampson, Cattle, Cove, Frog and upper Keene Creeks (the latter is the primary tributary of Jenny Creek). Vegetation in this area is diverse, including the full range of plant communities celebrated by the monument proclamation: “a rich mosaic of grass and shrublands, Oregon white and California black oak woodlands, juniper scablands, mixed conifer and white fir forests, and wet meadows.” Particularly under-represented within the current monument boundaries are grassland and oak savannah habitats that are home to Western Meadowlark and Western Bluebird, both singled out for mention in the proclamation.

Johnson Prairie – Fall Creek. This area is most representative of the Southern Cascades ecoregion and is characterized by moderately sloping mountains and broad valleys with extensive wet meadows. With an elevational range of 3,500 to 6,000 feet, vegetation is predominantly mixed conifer forests of ponderosa pine, sugar pine, incense-cedar, white fir and Douglas-fir. These mixed conifer forests provide habitat for such Objects of Interest as the Flammulated Owl and Pygmy Nuthatch. Patches of late-successional and old-growth forest remain on public lands and provide important habitat connectivity with the High Cascades for a diversity of wildlife, including Northern Spotted Owl, Northern Goshawk and American marten. Numerous low to moderate gradient streams are associated with an extensive complex of

montane meadows, wetlands and springs. These provide vital and insufficiently-protected habitat for many Objects of Interest singled out in the monument proclamation, including butterflies, amphibians, freshwater snails, and native fish species. The Jenny Creek sucker utilizes the spring flows in Johnson Creek for spawning. Redband trout also occur in Johnson Creek.

Klamath River Ridges. This area is characterized by moderately steep, dissected terrain and a dry, continental climate. Elevation varies from 2,400 feet near the Klamath River in Siskiyou County, CA to 3,700 feet on higher ridges along the Oregon-California state line. The lower reaches of Hutton, Slide, Scotch, Camp, Jenny and Fall Creeks flow south toward the Klamath River (mostly into non-flowing reservoir portions) from their headwaters in or near the CSNM. Vegetation is diverse and varies dramatically with slope, aspect, and elevation. Higher altitudes and north-facing slopes generally support ponderosa pine and white oak-juniper forests, while lower elevations and south-facing slopes are covered in a mosaic of oak-juniper woodland, chaparral and grassland communities. These communities, some of which are included in California's Horseshoe Ranch Wildlife Management Area, are vital winter range for deer populations that gather here from a wide swath of the southern Cascades and Klamath Basin. Several unique vegetation types identified as monument Objects of Interest (e.g. rosaceous chaparral, juniper scablands) occur here.

#### Landscape Connectivity.

Maintaining and, where necessary, restoring connectivity at the watershed scale was identified as an important goal by workshop participants. Although isolated fragments of high-quality habitat may have conservation value, protecting whole watersheds is widely recognized as the most effective strategy to ensure the long-term persistence of native species and aquatic ecosystem integrity (Doppelt et al. 1993, Henjum et al. 1994, Moyle and Sato 1991). Existing boundaries of the CSNM do not align with watershed breaks (e.g. OR-CA state line), which dramatically increases threats to aquatic Objects of Interest arising from adjacent land uses.

Several working groups also highlighted the importance of maintaining functional connectivity of upland habitats in the existing monument with public lands in adjacent landscapes. Specifically, natural areas located immediately to the west of the monument connect with the Siskiyou Mountains, those to the north with the High Cascades, and those to the east and south with the Klamath River Canyon (see Figure 1). Maintaining these landscape-scale connections is critical to the monument's long-term ecological integrity and will better allow for movements of the native biota in response to climate change. A stronger focus on conservation-based management of adjoining federal lands would greatly help to sustain landscape connectivity into the future.

#### **Next Steps**

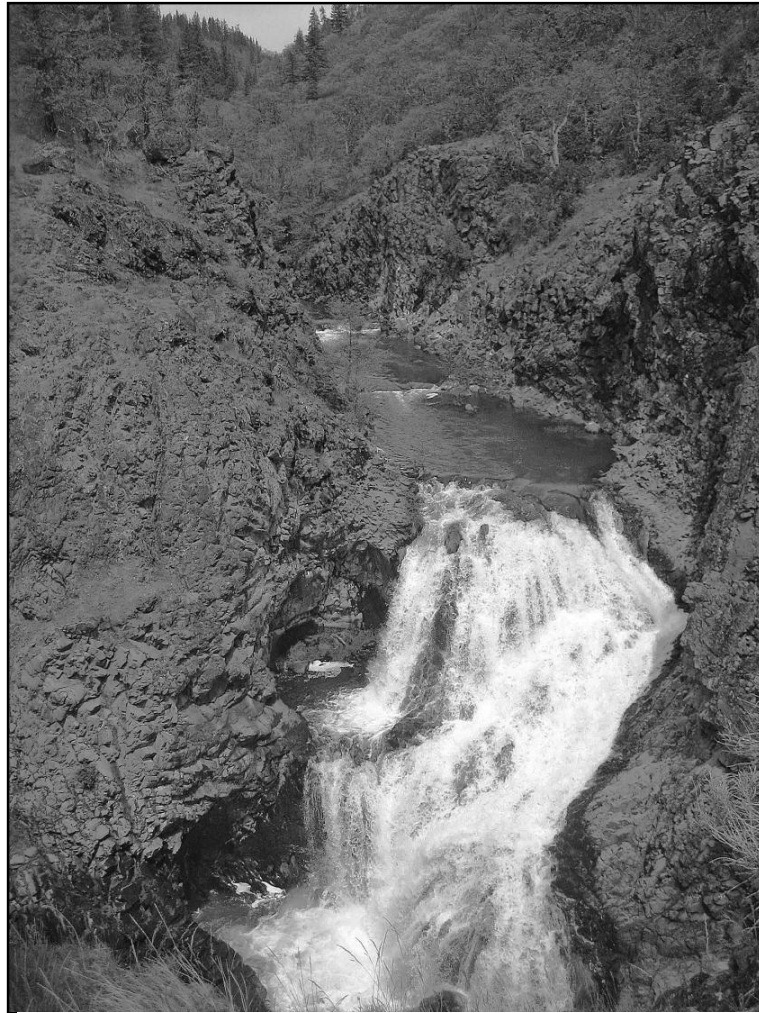
This interim report highlights the importance of expanding the Cascade-Siskiyou National Monument in order to preserve the unique biodiversity and connectivity functions that the monument was established to protect. Going forward, the science working group will consider further analyses and work products, which may include more detailed review and documentation

of published, unpublished, and “gray” literature; proposals for more extensive spatial analysis and field surveys in priority expansion areas identified to date; and a peer-reviewed publication.

### **Literature Cited**

- Alexander, J.D., C.J. Ralph, K. Hollinger, and B. Hogoboom. 2004. Using a wide-scale landbird monitoring network to determine landbird distribution and productivity in the Klamath Bioregion. Pp. 33-41 in: K.L. Mergenthaler, J.E. Williams, and E.J. Jules, eds. Proceedings of the Second Conference on Klamath-Siskiyou Ecology. Siskiyou Field Institute, Cave Junction, OR.
- Barr, B.R., M.E. Koopman, C.D. Williams, S.J. Vynne, G.R. Hamilton, R.E. Doppelt. 2010. Preparing for climate change in the Klamath Basin. National Center for Conservation Science & Policy, Ashland, OR, and Climate Leadership Initiative, Institute for Sustainable Environment, University of Oregon.
- Carroll, C., J.R. Dunk, A. Moilanen. 2010. Optimizing resiliency of reserve networks to climate change: multispecies conservation planning in the Pacific Northwest. *Global Change Biology* 16:891-904.
- DellaSala, D.A., D. Olson, J.R. Strittholt, R.F. Noss, J. Kass, M.E. Koopman and T. Allnutt. 2010. Conservation action for climate change in the Klamath-Siskiyou ecoregion. Geos Institute, Ashland, OR.
- Dobrowski, S.Z. 2010. A climatic basis for microrefugia: The influence of terrain on climate. *Global Change Biology* (doi: 10.1111/j.1365-- 2486.2010.02263.x) 14 p.
- Doppelt, B., M. Scurlock, C. Frissell and J.R. Karr. 1993. Entering the Watershed: A new approach to saving America’s river ecosystems. The Pacific Rivers Council and Island Press, Washington, D.C.
- Doppelt, B., R. Hamilton, C. Deacon Williams and M. Koopman. 2008. Preparing for climate change in the Rogue River Basin of southwest Oregon: Stressors, risks, and recommendations for increasing resilience and resistance in human, built, economic and natural systems. Climate Leadership Initiative, Institute for Sustainable Environment University of Oregon, and National Center for Conservation Science & Policy, Ashland, OR.
- Frost, E.J. and D.C. Odion, eds. 2002. Protecting Objects of Scientific Interest in the Cascade-Siskiyou National Monument: Status, Threats and Management Recommendations. 118 pp. Unpublished report to World Wildlife Fund, Klamath-Siskiyou Regional Program, Ashland, OR.
- Halpin, P.N. 1997. Global climate change and natural-area protection: Management responses and research directions. *Ecological Applications* 7:828-843.
- Henjum, M.G., J.R. Karr, D.L. Bottom, D.A. Perry, J.C. Bednarz, S.G. Wright, S.A. Beckwitt and E. Beckwitt. 1994. Interim protection for late-successional forests, fisheries and watersheds: National Forests east of the Cascades crest, Oregon and Washington. *The Wildlife Society Technical Review* 94-2.
- Luce, C. H., and Z. A. Holden. 2009. Declining annual streamflow distributions in the Pacific Northwest, 1948-2006. *Geophysical Research Letters* 36:L16401, doi:10.1029/2009GL039407.
- Moyle, P.B. and G.M. Sato. 1991. On the design of preserves to protect native fishes. Pp. 155-169 in: W.L. Minckley and J.E. Deacon, eds. *Battle Against Extinction: Native Fish*

- Management in the American West. University of Arizona Press, Tucson, AZ.
- NABCI (North American Bird Conservation Initiative, U.S. Committee). 2010. The state of the birds 2010 report on climate change, United States of America. U.S. Department of Interior, Washington, D.C. <http://www.stateofthebirds.org/>.
- National Landscape Conservation System. 2010. Background description and further information at: [http://www.blm.gov/wo/st/en/prog/blm\\_special\\_areas/NLCS.html](http://www.blm.gov/wo/st/en/prog/blm_special_areas/NLCS.html).
- Sarr, D.A., D.C. Odion, S.R. Mohren, E.E. Perry, R.L. Hoffman, L.K. Bridy and A.A. Merton. 2007. Klamath Network Vital Signs Monitoring Plan. Natural Resource Report, NPS/KLMN/ NRR - 2007/016. USDOI National Park Service, Klamath Network Inventory and Monitoring Program, Ashland, OR.
- Stralberg, D., D. Jongsomjit, C.A. Howell, M.A. Snyder, J.D. Alexander, J.A. Wiens and T.L. Root. 2009. Re-shuffling of species with climate disruption: A no-analog future for California birds? PLoS One 4 (9).



Upper falls, lower Jenny Creek, located in the Klamath River Ridges priority expansion area for the Cascade-Siskiyou National Monument. Photo by Dennis Odion.

Figure 1. Map of Cascade-Siskiyou National Monument and general locations of three focal areas for potential monument expansion (arcs) and landscape connectivity zones (arrows) identified by science working group.

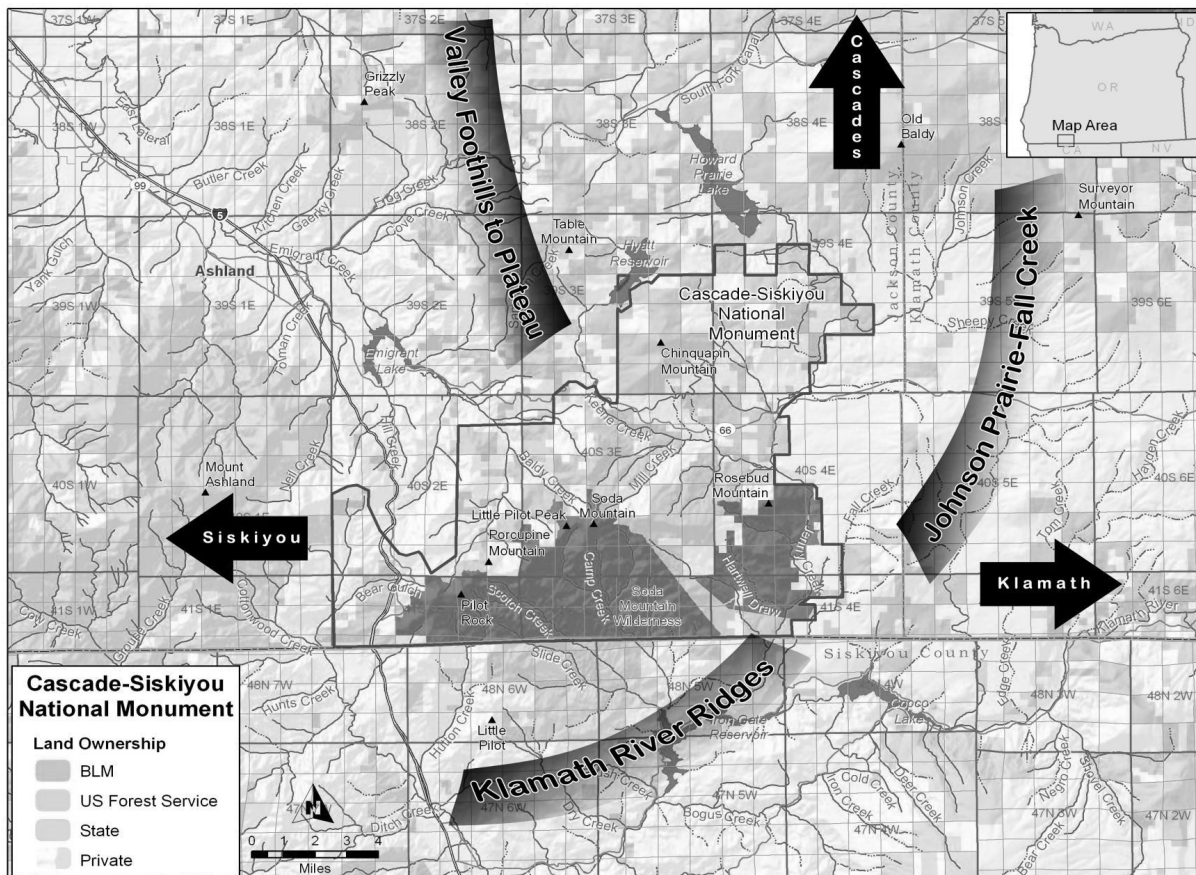


Table 1. Summary of significant conservation values associated with monument Objects of Interest for three focal areas identified by science working group as high priorities for monument expansion.

Focal Area	Aquatics and Fisheries	Terrestrial Wildlife	Vegetation	Ecosystem Processes
Rogue Valley Foothills to Plateau	<p>Increased protection of upper Keene Creek would help restore watershed integrity and natural flows in Jenny Creek basin.</p> <p>Several streams provide important habitat for rare and endemic springsnail species.</p>	<p>Late-successional forests along plateau provide important habitat for old growth forest birds, including Northern Spotted Owl and Northern Goshawk.</p> <p>Oak woodland mosaic supports a high diversity of butterflies, birds and small mammals.</p> <p>Supports populations of the rare Mardon skipper butterfly.</p>	<p>Intact, high quality examples of oak woodland / grassland / conifer mosaic at Table Mountain, Grizzly Peak area and throughout Sampson / Cattle Creek watersheds.</p> <p>Numerous occurrences of special status plant populations.</p>	<p>This diverse ecotone confers resilience and allows for elevational movements of plant and animal species in response to climate change.</p>
Johnson Prairie and Fall Creek	<p>Increased protection of Johnson Prairie would help restore natural flows and watershed integrity in the Jenny Creek basin.</p> <p>Johnson Creek provides important habitat for Jenny Creek sucker and redband trout.</p> <p>Fall Creek supports multiple populations of rare springsnail species, and is an important contributor of cold water to the Klamath River.</p>	<p>Extensive meadow, grassland and wetland habitats are a hotspot of butterfly, bird and mammal diversity.</p> <p>Acts as north-south corridor for wide-ranging mammals including migrating deer.</p> <p>Area supports populations of rare spotted frog, American marten and Great Gray Owl.</p> <p>Fall Creek supports rare foothill yellow-legged frogs.</p>	<p>Forests here may act as local refugia for cool / moisture-loving elements of the monument's native flora.</p>	<p>Johnson Creek improves hydrologic functioning in Jenny Creek watershed.</p> <p>Provides connectivity of late-successional forests to the High Cascades, facilitating plant and animal migrations.</p>
Klamath River Ridges	<p>Natural falls along lower Jenny Creek help maintain genetic purity of native redband trout and Jenny Creek sucker.</p>	<p>Critical deer winter range.</p> <p>Includes important habitats for a diversity of butterflies, birds and small mammals.</p> <p>Riparian corridors along lower stream reaches are key migration and dispersal corridors for Neotropical migrant birds as well as Great Basin-associated reptiles and small mammals.</p>	<p>Enhances the monument's largest elevational gradient up to 6,100' Soda Mountain.</p> <p>Contains low-elevation native grasslands and other rare community types identified as monument Objects of Interest.</p> <p>Acts as source point for the Great Basin influence in the monument's flora.</p> <p>Riparian corridors provide north-south connectivity for cool / mesic flora.</p>	<p>Increases capacity for allowing more natural fire regimes, hydrologic processes and wildlife migration.</p> <p>Captures entire watersheds as management units.</p> <p>Confers resilience and allows for elevational movements of plant and animal species in response to climate change.</p>



Interim Report, Cascade-Siskiyou National Monument Boundary Study, April 28, 2011

**Appendix A: U.S. Dept of Interior 2000. Presidential proclamation 7318 establishing the Cascade-Siskiyou National Monument, Oregon. June 9, 2000. Washington, D.C.**

**ESTABLISHMENT OF THE CASCADE-SISKIYOU NATIONAL MONUMENT**

**BY THE PRESIDENT OF THE UNITED STATES OF AMERICA  
A PROCLAMATION**

With towering fir forests, sunlit oak groves, wildflower-strewn meadows, and steep canyons, the Cascade-Siskiyou National Monument is an ecological wonder, with biological diversity unmatched in the Cascade Range. This rich enclave of natural resources is a biological crossroads – the interface of the Cascade, Klamath, and Siskiyou ecoregions, in an area of unique geology, biology, climate, and topography.

The monument is home to a spectacular variety of rare and beautiful species of plants and animals, whose survival in this region depends upon its continued ecological integrity. Plant communities present a rich mosaic of grass and shrublands, Garry and California black oak woodlands, juniper scablands, mixed conifer and white fir forests, and wet meadows. Stream bottoms support broad-leaf deciduous riparian trees and shrubs. Special plant communities include rosaceous chaparral and oak-juniper woodlands. The monument also contains many rare and endemic plants, such as Greene's Mariposa lily, Gentner's fritillary, and Bellinger's meadowfoam.

The monument supports an exceptional range of fauna, including one of the highest diversities of butterfly species in the United States. The Jenny Creek portion of the monument is a significant center of freshwater snail diversity, and is home to three endemic fish species, including a long-isolated stock of redband trout. The monument contains important populations of small mammals, reptile and amphibian species, and ungulates, including important winter habitat for deer. It also contains old growth habitat crucial to the threatened Northern spotted owl and numerous other bird species such as the western bluebird, the western meadowlark, the pileated woodpecker, the flammulated owl and the pygmy nuthatch.

The monument's geology contributes substantially to its spectacular biological diversity. The majority of the monument is within the Cascade Mountain Range. The western edge of the monument lies within the older Klamath Mountain geologic province. The dynamic plate tectonics of the area, and the mixing of igneous, metamorphic, and sedimentary geological formations, have resulted in diverse lithologies and soils. Along with periods of geological isolation and a range of environmental conditions, the complex geologic history of the area has been instrumental in producing the diverse vegetative and biological richness seen today.

One of the most striking features of the Western Cascades in this area is Pilot Rock, located near the southern boundary of the monument. The rock is a volcanic plug, a remnant of a feeder vent left after a volcano eroded away, leaving an out-standing example of the inside of a volcano. Pilot Rock has sheer, vertical basalt faces up to 400 feet above the talus slope at its base, with classic columnar jointing created by the cooling of its andesite composition.

The Siskiyou Pass in the southwest corner of the monument contains portions of the Oregon/California Trail, the region's main north/south travel route first established by Native

Americans in prehistoric times, and used by Peter Skene Ogden in his 1827 exploration for the Hudson's Bay Company.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Cascade-Siskiyou National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Cascade-Siskiyou National Monument for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the United States within the boundaries of the area described on the map entitled "Cascade-Siskiyou National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 52,000 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

There is hereby reserved, as of the date of this proclamation and subject to valid existing rights, a quantity of water sufficient to fulfill the purposes for which this monument is established. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation.

The commercial harvest of timber or other vegetative material is prohibited, except when part of an authorized science-based ecological restoration project aimed at meeting protection and old growth enhancement objectives. Any such project must be consistent with the purposes of this proclamation. No portion of the monument shall be considered to be suited for timber production, and no part of the monument shall be used in a calculation or provision of a sustained yield of timber. Removal of trees from within the monument area may take place only if clearly needed for ecological restoration and maintenance or public safety.

For the purpose of protecting the objects identified above, the Secretary of the Interior shall prohibit all motorized and mechanized vehicle use off road and shall close the Schoheim Road, except for emergency or authorized administrative purposes.

Lands and interests in lands within the monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities (including, where applicable, the Act of August 28, 1937, as amended (43 U.S.C. 1181a-1181j)), to implement the purposes of this proclamation.

The Secretary of the Interior shall prepare, within 3 years of this date, a management plan for this monument, and shall promulgate such regulations for its management as he deems appropriate. The management plan shall include appropriate transportation planning that addresses the actions, including road closures or travel restrictions, necessary to protect the objects identified in this proclamation.

The Secretary of the Interior shall study the impacts of livestock grazing on the objects of biological interest in the monument with specific attention to sustaining the natural ecosystem dynamics. Existing authorized permits or leases may continue with appropriate terms and conditions under existing laws and regulations. Should grazing be found incompatible with protecting the objects of biological interest, the Secretary shall retire the grazing allotments pursuant to the processes of applicable law. Should grazing permits or leases be relinquished by existing holders, the Secretary shall not reallocate the forage available under such permits or for livestock grazing purposes unless the Secretary specifically finds, pending the outcome of the study, that such reallocation will advance the purposes of the proclamation.

The establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Oregon with respect to fish and wildlife management.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of June, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.

WILLIAM J. CLINTON

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION OF O&C COUNTIES,

Plaintiff,

v.

DONALD J. TRUMP, UNITED STATES OF  
AMERICA, KEVIN HAUGRUD, and BUREAU  
OF LAND MANAGEMENT,

Defendants,

and

SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD, and  
THE WILDERNESS SOCIETY,

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-0280-RJL

**DECLARATION OF GEORGE SEXTON**

I, GEORGE SEXTON, declare and state as follows:

1. I am the Conservation Director of the Klamath Siskiyou Wildlands Center (“KS Wild”), and I have worked for KS Wild since 2002. I reside in Jackson County, Oregon. I am also a member of KS Wild and the Soda Mountain Wilderness Council.

2. KS Wild has approximately 3,000 members. Our members are interested in and

support KS Wild's work to protect the forests and watersheds of the Klamath-Siskiyou region for their botanical, recreational, scientific, hydrological and aesthetic values. The Klamath-Siskiyou region includes much of the public lands in southern Oregon and northern California that serve as the watersheds for the Klamath River and Rogue River. Collectively these public lands provide some of the cleanest water and most biologically diverse forests in North America. Lands within the Cascade-Siskiyou National Monument are key to KS Wild's mission to protect biodiversity at the local and regional scale.

3. I often hike, camp, photograph, and explore the forest ecosystems administered by the Bureau of Land Management (BLM) within the Cascade-Siskiyou National Monument.

4. I have definite plans to spend considerable time in the future using and enjoying native forests on public lands within the Cascade-Siskiyou National Monument. I have visited and continue to visit these forests to appreciate the native biodiversity and remarkable natural beauty of public lands within the Monument. On Saturday January 14, 2017, I led a KS Wild snowshoe hike into the Monument for the public. I enjoy and utilize the Monument in every season of the year and anticipate looking for rare wildflowers with my family in the coming spring months.

5. As an avid hiker, conservationist and naturalist, I have spent considerable time exploring and enjoying the remaining intact mature natural forests in the Cascade-Siskiyou National Monument. These forests are particularly important to me because of the "checkerboard" land ownership pattern in the area which has resulted in industrial timber industry clearcuts on thousands of acres of forests that are not held in public ownership. Outside of the Monument, the BLM often targets the remaining mature forest stands for logging which further reduces the ability of the landscape to provide watershed and terrestrial forest values that

are professionally and personally important to me.

6. In the course of my duties as Conservation Director for KS Wild over the past fifteen years, I have closely followed the timber sale program in southwest Oregon.

7. During that time the BLM has regularly offered timber sales throughout southwest Oregon on all land use allocations, including numerous commercial timber sales located in matrix, late-successional reserve, and riparian reserve land use allocations.

8. It is my understanding that the Cascade Siskiyou National Monument overlays less than 1% of the Oregon and California Lands Act commercial timber base for the BLM in western Oregon.

9. As the Conservation Director for KS Wild, I am currently in receipt of a December 1, 2016 correspondence from timber planners in the BLM Klamath Falls Resource Area consisting of the “scoping” letter for the Leek Peak timber sale in the headwaters of the Jenny Creek watershed; this letter is attached as Exhibit A to this declaration. The scoping letter expresses the intent of the BLM to “regenerate” or clear cut 466 acres of native mature forests within and adjacent to the newly established boundaries of the Cascade-Siskiyou National Monument. The BLM’s proposed regeneration harvesting would result in the removal of up to 95% of the trees within logging units. These logging units would then be replanted with dense young even-age tree plantations, which the Klamath Falls BLM timber planners acknowledge will greatly increase fire hazard on those sites for approximately 30 years.

10. In 2016, KS Wild submitted scoping comments to the BLM concerning the Leek Peak timber sale located on BLM public lands within the expanded Cascade-Siskiyou National Monument.

11. According to the BLM’s web page, which is included as a screenshot in Exhibit C

to this declaration, the BLM has placed on hold the portions of the Leek Peak timber sale that are within the new expansion area. However, it is clear from the scoping notice that in the absence of the Monument, the BLM intends to “regenerate” biologically diverse mature forest stands that will result in harm to the wildlife, waterways, and other ecological “objects” that are now protected by the Proclamation. If that were to happen, my use and enjoyment of these lands would be irreparably harmed.

12. Should the BLM conduct “regeneration” logging that increases fire hazard in and adjacent to the Cascade-Siskiyou National Monument, the interests of KS Wild and our members would be significantly harmed in the short and long term.

13. My interests, and the interests of KS Wild and our members, are enhanced, rather than harmed, when the BLM manages public forestlands within the Cascade-Siskiyou National Monument to maintain and enhance biological diversity.

14. Our interests are harmed when the BLM increases forest fire hazard through “regeneration” logging that removes native forests and replaces them with small-diameter flammable tree farms.

15. Our interests are harmed when the BLM builds new logging roads through watersheds and forests that have been identified as important to the unique biodiversity of the Monument. These roads fragment habitat, introduce sediment into streams, introduce invasive weeds, compact soils, and remove forest canopy that interferes with my ability to experience these areas and the biodiversity that they otherwise provide.

16. KS Wild has a long history of involvement in land management planning affecting the public lands and O&C lands within and adjacent to the Cascade-Siskiyou National Monument.



17. In 2008, KS Wild submitted comments to the BLM concerning the Western Oregon Plan Revisions Draft Environmental Impact Statement that involved BLM that involvement BLM interpretation and implementation of the O&C Act.

18. In 2008, KS Wild submitted scoping comments to the BLM concerning the Cascade-Siskiyou National Monument Hazardous Fuels Reduction Project.

19. In 2009, KS Wild and other conservation organizations joined litigation challenging BLM's Western Oregon Plan Revisions in federal district court. *See Oregon Wild v. Shepard*, No. 09-0060-PK (D. Or.). Among other concerns, this litigation alleged that the BLM had failed to adequately protect aquatic and terrestrial natural resources on O&C lands, including within the expanded Cascade-Siskiyou National Monument. This litigation terminated when the Obama Administration agreed to undertake a second round of planning, which BLM initiated in 2010.

20. In 2013, in my capacity as Conservation Director for KS Wild, I reviewed the O&C Lands Report prepared for Oregon Governor John Kitzhaber in which the management and future of O&C forests was discussed and analyzed. The Governor's effort was part of a larger regional/national effort to increase timber harvest on O&C lands. As one of the few grassroots or local groups involved in and knowledgeable about O&C lands issues, our engagement in the Governor's work provided a critical voice in this debate.

21. In 2014, KS Wild submitted comments to the BLM concerning the Howard Timber Sale located within the boundaries of the expanded Cascade-Siskiyou National Monument. Our technical comments objected to the removal of large-diameter fire-resilient trees and the reduction of forest canopy cover that benefits biodiversity and wildlife. The aquatic and terrestrial biodiversity we sought to retain is one of the "objects" protected by the Monument

expansion.

22. In 2015, KS Wild submitted comments to the BLM concerning the South Fork Little Butte Timber Sale that is located within the boundaries of the expanded Cascade-Siskiyou National Monument.

23. In 2016, KS Wild submitted comments to the BLM concerning the Draft Transportation Management Plan and Environmental Assessment for the Cascade-Siskiyou National Monument.

24. In 2016, in my capacity as Conservation Director for KS Wild, I attended hearings on the expansion of the Cascade-Siskiyou National Monument in Ashland and Medford, Oregon, in Jackson County. In my testimony, I explained that the BLM's regeneration logging techniques increases the fire hazard in the logged area and compromises ecological biodiversity that is of value to our members and the public.

25. In 2016, KS Wild filed litigation in Oregon District Court concerning the BLM's implementation of its 2016 Resource Management Plans and involved BLM's interpretation and implementation of the O&C Act. That litigation is now underway. *See Pacific Rivers et al. v. BLM*, 16-cv-01598-TC (complaint for declaratory and injunctive relief) (filed Aug. 8, 2016).

26. KS Wild has a long history of involvement in the lands at issue in this litigation; indeed, part of KS Wild's organizational mission is to advocate for the protection of these lands and the objects of historic and scientific interest located within the Monument area. If the Plaintiffs in this litigation are successful, these public lands may no longer enjoy the protections that the monument designation provide, which would irreparably impair KS Wild's ability to implement its mission. In addition, an adverse outcome would harm me personally and professionally, as the conservation of these lands – which I value – would be dramatically

impaired, if not eliminated entirely.

27. I declare that the photos described infra and provided in Exhibit B to my declaration are true and accurate representations of what I observed in the photographs on the dates indicated.

28. Photo Number 1 illustrates myself and my dog Zola enjoying and using ecological objects of interest consisting of meadow habitat and oak woodlands in BLM lands located in Siskiyou County within the expanded Cascade-Siskiyou National Monument. This photo was taken on February 27, 2016.

29. Photo Number 2 illustrates myself and my dog Zola enjoying and using ecological objects of interest consisting of meadow habitat in BLM lands located in Siskiyou County within the expanded Cascade-Siskiyou National Monument. This photo was taken on February 27, 2016.

30. Photo Number 3 illustrates winter photography recreation during my use of ecological objects of interest consisting of intact old-growth forest habitat located in Jackson County within the Cascade-Siskiyou National Monument. This photo was taken on January 27, 2017.

31. Photo Number 4 illustrates winter photography during my use of ecological objects of interest in Jackson County consisting of fire-resilient old-growth Douglas-fir conifer of the type that benefit wildlife and watershed values of importance to KS Wild and our members within the Cascade-Siskiyou National Monument. This photo was taken on January 27, 2017.

32. Photo Number 5 illustrates my continued use and enjoyment of geological objects of interest located in Jackson County within the Cascade-Siskiyou National Monument. This

photo was taken on January 27, 2017.

33. Photos Number 6 and 7 illustrate my use and enjoyment of botanical objects of interest located within Jackson County within the Cascade-Siskiyou National Monument. These two photos were taken on May 22, 2016.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23<sup>rd</sup> day of February, 2017, at Jackson County, Oregon.

/s/ George Sexton  
GEORGE SEXTON

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing *Declaration of George Sexton* with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record and all registered participants.

/s/ Patti A. Goldman  
Patti A. Goldman

Case No. 1:17-cv-0280-RJL

# **EXHIBIT A**

Case No. 1:17-cv-0280-RJL



## United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
 Klamath Falls Resource Area  
 2795 Anderson Avenue, Building 25  
 Klamath Falls, Oregon 97603 7891  
 Phone: (541) 883 6916 | Fax: (541) 884 2097



December 1, 2016

IN REPLY REFER TO:  
 1790 (ORL040)

### To All Interested Citizens:

#### Public Scoping Input – Leek Peak Project

The Klamath Falls Resource Area (KFRA) is seeking public scoping comments on the Leek Peak Project. The Leek Peak Project Area totals 4,621 acres (including 3,589 acres of BLM lands) with treatments proposed on approximately 1,806 acres of BLM lands. Integrated vegetation treatments include uneven-aged silvicultural prescriptions, regeneration harvest, hazardous fuels reduction, aspen restoration, and meadow restoration.

The Leek Peak Project is in the same vicinity as the previously proposed 2013 Walter's Glade and 2015 Summit Projects, but those EAs were never completed. In addition, approximately 224 acres that were analyzed in the 2016 Jigsaw EA will be included in the Leek Peak Project Area since a decision record was not issued for those acres. The Leek Peak EA will be in conformance with the 2016 Southwestern Oregon Record of Decision and Resource Management Plan (2016 RMP) and the associated new land use allocations (LUAs).

Leek Peak treatments are proposed on the following approximate acres: 1,663 acres of Harvest Land Base (HLB); 40 acres of Riparian Reserves (RR); and 103 acres of District Designated Reserves (DDR) Non-Forest (74% of these DDR Non-Forest acres (77 acres) are roads). Further detail is shown in Table 1: Treatments by LUA and in Appendix A, Table 2: Summary of 2016 RMP Objectives by LUA. It is possible that some of the 2016 RMP LUAs such as DDR Non-Forest and RR may be corrected after field review.

#### Northern Spotted Owl Habitat

Approximately 572 acres of the project area are located within Designated Critical Habitat for the Northern Spotted Owl (NSO) and proposed management actions will be designed to be consistent with the NSO Critical Habitat Rule (USFWS 2012) and the Recovery Plan (USFWS 2011) for the NSO.

In addition, the 2016 RMP (p. 121) provides specific management direction regarding NSO: *"Do not authorize timber sales that would cause the incidental take of northern spotted owl territorial pairs or resident singles from timber harvest until implementation of a barred owl management program consistent with the assumptions contained in the Biological Opinion on the RMP has begun."* The Leek Peak EA and subsequent decision record(s) will include project design features (PDFs) to ensure that silvicultural prescriptions are modified or timber sale units are dropped as necessary to avoid incidental take.

### Purpose & Need for Action

The purpose of this project is to implement objectives in the 2016 RMP, which include the following:

- Manage forest stands to achieve continual timber production that can be sustained through a balance of growth and harvest (RMP p. 62).
- Offer for sale the declared Allowable Sale Quantity (ASQ) of timber (RMP p. 62).
- Support the persistence and resilience of natural communities including those associated with...meadows and wetlands (RMP p. 106).

### Need

There is a need for timber that the proposed action would generate in order to contribute toward KFRA's declared annual ASQ target of 6 million board feet (MMBF). This project is expected to provide the volume needed for fiscal years 2017 and 2018 ASQ target. According to KFRA's 10-year timber sale plan, foregoing maximized harvest of these stands now would likely result in the inability to meet KFRA's decadal ASQ and a lost opportunity to utilize timber resources that are less valuable for NSO habitat, compared to the remaining lands KFRA has available for timber harvest.

### Proposed Treatments

The following treatments have been identified as part of the proposed action for this EA and are shown on the attached map and in Table 1 by LUA. When referring to the map, any timber sale areas will be treated according to their corresponding LUA management direction (described in Table 2 in Appendix A):

**Table 1. Proposed Treatments (in acres) by Land Use Allocation in Leek Peak Project Area**

LUA Treatments	DDR Non-Forest	RR	UTA	LITA	MITA	Total (acres)
Uneven-aged Timber Harvest	52	20	589			661
Regeneration Harvest				399	68	466
Thinning <20"DBH	27	8	445	65	97	641
Hazardous Fuels Treatments				399	68	466
Aspen Restoration	2	1	2			5
Meadow Restoration	22	11				33
<b>Total (acres)</b>	<b>103*</b>	<b>40</b>	<b>1035</b>	<b>464</b>	<b>164</b>	<b>1806</b>

\*Out of these 103 acres, 77 acres (or 74% of the DDR-Non-Forest) are roads.

- **Timber Harvest** - As part of the proposed action, approximately 1,663 acres would be harvested using uneven-aged silvicultural prescriptions and regeneration harvest prescriptions. Manual and mechanical harvesting methods would be used to cut and remove designated timber. Portions of these areas may be planted with conifers where applicable.
- **Hazardous fuels treatments** - Underburning is proposed on approximately 466 acres of regeneration harvest areas to reduce fuels. Stands would be evaluated following harvest to determine if underburning is necessary.



- **Riparian Reserves** - Approximately 20 acres of thinning and 8 acres of understory thinning is proposed in outer zone riparian reserves (both moist and dry) in Class III subwatersheds using manual or mechanical harvesting methods.
- **Aspen Restoration** - Approximately 5 acres of aspen restoration is proposed. In these areas, conifers of all size classes will be cut and removed from aspen areas using manual or mechanical harvesting methods. In some cases where manual harvesting methods are used and material is left behind and piled, these piles would be burned.
- **Meadow restoration**- Approximately 33 acres of meadow restoration is proposed. Conifers will be cut using manual and mechanical methods. Stands would be evaluated following harvest to determine if material left on site needs to be piled and burned.
- **Road Management** - Approximately 1 mile of temporary road construction is proposed. The condition of the road system would be improved as needed for forest product removal. Some previously closed roads would be reopened for the duration of the sale(s) and re-closed when the sale(s) are finished.

**Comments Requested**

The BLM is asking for your help in identifying issues and concerns that you may have regarding the proposed Leek Peak Project described above. We are seeking your comments to assist in developing alternatives to the proposed actions.

**Please submit your comments by January 3, 2017** to be most effective in BLM's planning schedule. To submit issues or questions about the proposed treatments, I encourage you to submit them via email at the following address: BLM OR KF Mail@blm.gov and identify your comments as being for the "Leek Peak EA." If you desire to send a letter via regular mail, please use the address in our letterhead, ATTN: Field Manager.

Once an Environmental Assessment has been prepared, the public will be notified again and will have an opportunity to review and provide comments on the proposed action and analysis.

NOTE: Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Sincerely,

/s/ Terry Austin, acting for

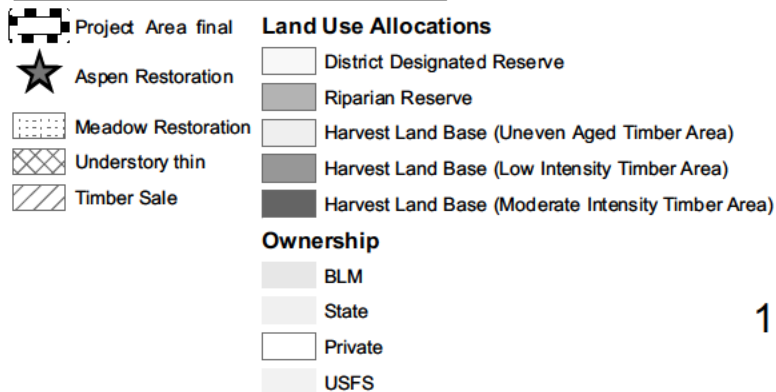
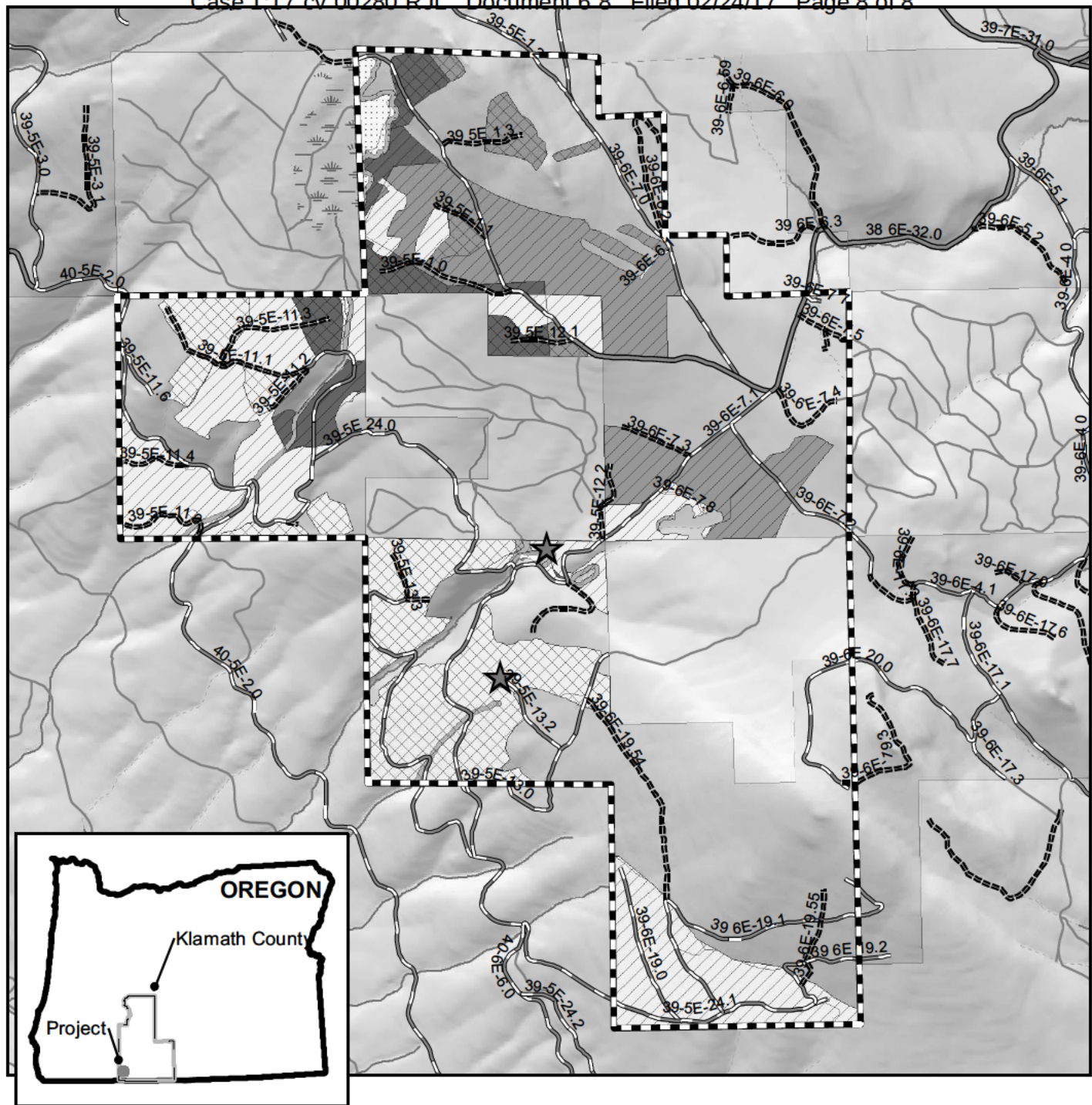
Donald J. Holmstrom  
Field Manager

**APPENDIX A****Table 2. Summary of 2016 RMP Mgmt. Objectives/Direction by LUA in Leek Peak Project Area**

Land Use Allocation	Approx. acres in project area	Management Objectives/Direction from 2016 RMP	Page numbers in RMP
<b>Harvest Land Base (HLB)</b>	See below for HLB- MITA HLB- LITA HLB- UTA	Manage forest stands to achieve continual timber production that can be sustained through a balance of growth and harvest. Offer for sale the declared Allowable Sale Quantity of timber.	pp.62-64
<b>MITA (HLB – Moderate Intensity Timber Area)</b>	164 acres	<p>Conduct regeneration harvest for any of the following reasons:</p> <ul style="list-style-type: none"> <li>▪ Produce timber to contribute to the attainment of the declared Allowable Sale Quantity.</li> <li>▪</li> </ul> <p>In each regeneration harvest unit, retain <b>5–15 percent</b> of pre-harvest stand basal area in live trees. Retain trees in a variety of spatial patterns, including aggregated groups and individual trees. Include among retained trees all trees that are both <math>\geq 40</math>" DBH and that the BLM identifies were established prior to 1850, except where falling is necessary for safety or operational reasons and no alternative harvesting method is economically viable or practically feasible.</p> <p>After regeneration harvest, use natural or artificial regeneration or both to reforest a mixture of species appropriate to the site to a stand-level average of at least <b>150 trees per acre</b> within 5 years of harvest.</p> <p>Conduct commercial thinning for any of the following reasons:</p> <ul style="list-style-type: none"> <li>▪ Produce timber to contribute to the attainment of the declared Allowable Sale Quantity (ASQ).</li> </ul> <p>Maintain stand densities through commercial thinning to promote stand vigor and health, as specified below:</p> <ul style="list-style-type: none"> <li>▪ Conduct thinning to result in stand average relative density <b>between 25 percent and 45 percent</b> after harvest.</li> <li>▪ Leave untreated areas (skips) and create group selection openings to provide structural complexity in the post-treatment stand. Leave at least <b>5 percent</b> of the planned harvest unit in untreated areas. Do not exceed <b>10 percent</b> of the planned harvest unit in group selection openings.</li> </ul>	pp. 66-67

Land Use Allocation	Approx. acres in project area	Management Objectives/Direction from 2016 RMP	Page numbers in RMP
LITA (HLB – Low Intensity Timber Area)	464 acres	<p>Conduct regeneration harvest for any of the following reasons:</p> <ul style="list-style-type: none"> <li>Produce timber to contribute to the attainment of the declared Allowable Sale Quantity.</li> </ul> <p>In each regeneration harvest unit, retain <b>15–30 percent</b> of pre-harvest stand basal area in live trees. Retain trees in a variety of spatial patterns, including aggregated groups and individual trees. Include among retained trees all trees that are both <math>\geq 40"</math> DBH and that the BLM identifies were established prior to 1850, except where falling is necessary for safety or operational reasons and no alternative harvesting method is economically viable or practically feasible. After regeneration harvest, use natural or artificial regeneration or both to reforest a mixture of species appropriate to the site to a stand-level average of at least <b>130 trees per acre</b> within 5 years of harvest.</p> <p>Conduct commercial thinning for any of the following reasons:</p> <ul style="list-style-type: none"> <li>Produce timber to contribute to attainment of the declared ASQ.</li> </ul> <p>Maintain stand densities through commercial thinning to promote stand vigor and health, as specified below:</p> <ul style="list-style-type: none"> <li>Conduct thinning to result in stand average relative density <b>between 25 percent and 45 percent</b> after harvest.</li> <li>Leave untreated areas (skips) and create group selection openings to provide structural complexity in the post-treatment stand. Leave at least <b>5 percent</b> of the planned harvest unit in untreated areas. Do not exceed <b>10 percent</b> of the planned harvest unit in group selection openings.</li> </ul>	pp. 64-65
UTA (HLB – Uneven-aged Timber Area)	1,035 acres	<p>Increase diversity of stocking levels and size classes within and among the stands.</p> <p>Utilize integrated vegetation management in designing and implementing treatments.</p> <p>Conduct integrated vegetation management for any of the following reasons:</p> <ul style="list-style-type: none"> <li>Produce timber to contribute to the attainment of the declared Allowable Sale Quantity.</li> <li>Promote the development and retention of large, open grown trees and multi-cohort stands.</li> </ul> <p>In forest stands <math>\geq 10</math> acres treated with selection harvest or commercial thinning, harvest to result in stand average relative density <b>between 20 percent and 45 percent</b> after harvest.</p> <ul style="list-style-type: none"> <li>Do not create group selection openings more than <b>4 acres</b> in size.</li> <li>Do not create group selection openings on more than <b>30 percent</b> of the stand area.</li> <li>Leave untreated areas (skips) on at least <b>10 percent</b> of the stand area.</li> </ul>	pp. 67-70

Land Use Allocation	Approx. acres in project area	Management Objectives/Direction from 2016 RMP	Page numbers in RMP
Riparian Reserves Dry (RRD) Outer zone	23 acres	<b>Outer Zone (120 feet to one site-potential tree height)</b>  Thin stands as needed to promote the development of large, open grown trees, develop layered canopies and multi-cohort stands, develop diverse understory plant communities, and allow for hardwood vigor and persistence.	pp. 81,86
Riparian Reserves Moist (RRM) Outer zone	17 acres	Apply silvicultural treatments to increase diversity of riparian species and develop structurally-complex stands. Maintain at least 30 percent canopy cover and 60 trees per acre expressed as an average at the scale of the portion of the harvest unit within the Riparian Reserve.  Merchantable timber from thinning and other silvicultural treatments may be made available for sale.	
District-Designated Reserve (DDR) TPCC (Timber Production Capability Classification) Non-Forest	103 acres	Note: Approximately 77 acres (74%) of the 105 acres of District Designated Reserves (DDR) TPCC Non-Forest in the Leek Peak Project Area are roads.  <b>District-Designated Reserves</b> Management Objectives Maintain the values and resources for which the BLM has reserved these areas from sustained-yield timber production.  Management Direction Manage constructed facilities and infrastructure, such as seed orchards, roads**, communication sites, buildings, quarries, and maintenance yards, 16 as needed for the purposes for which the BLM constructed them.  **While road corridors are District-Designated Reserves, roads are adjacent to other land use allocations. Management of roads may require actions within adjacent land use allocations, and therefore other land use allocations include management direction pertaining to road management actions.  <b>District-Designated Reserve – Timber Production Capability Classification</b> Apply silvicultural or fuels treatments, including prescribed fire, that restore or maintain community-level structural characteristics, promote desired species composition, and emulate ecological conditions produced by historic fire regimes, in areas identified as unsuitable for sustained-yield timber production through the Timber Production Capability Classification system. Designate additional lands as District-Designated Reserve Timber Production Capability Classification through updates to the Timber Production Capability Classification system and remove those lands from the Harvest Land Base when examinations indicate that those lands meet the criteria for reservation. Un-designate lands as District-Designated Reserve Timber Production Capability Classification and return those lands to the Harvest Land Base through updates to the Timber Production Capability Classification system when examinations indicate that those lands do not meet the criteria for reservation.	pp. 54-57



## Leek Peak EA Scoping Map

**Klamath Falls Resource Area**  
**Lakeview District - Bureau of Land Management**  
 2795 Anderson Ave. #25  
 Klamath Falls, Oregon 97603  
 (541) 883-6916



1:36,000



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

MXD P:\lak\kfr\LD TEAM NEPA\Leek Peak\Products\Scoping Map 161121.mxd  
 Prepared By: m1campbe  
 Current Date: 11/2/2016 08:11:43 AM

DOI-2021-08 00286



Case No. 1:17-cv-0280-RJL

# **EXHIBIT B**

Case No. 1:17-cv-0280-RJL



Photo 1



Photo 2





Photo 3



Photo 4



Photo 5



Photo 6



Photo 7

Case No. 1:17-cv-0280-RJL

# **EXHIBIT C**

Case No. 1:17-cv-0280-RJL



2/22/2017

Case 1:17 cv 00280-RJE Document 6-10 Filed 02/24/17 Page 2 of 2

U.S. DEPARTMENT OF THE INTERIOR **BUREAU OF LAND MANAGEMENT**

ePlanning

**DOI-BLM-ORWA-L040-2017-0006-EA (Leek Peak )**

&gt; NEPA Register &gt; DOI-BLM-ORWA-L040-2017-0006-EA &gt; Home

**Project Search:**☐ Find Whole Words Only[Home](#)[Documents](#)[Contact Information](#)[How to get Involved](#)[Meetings](#)[Maps](#)[Data](#)[Links](#)[FAQs](#)**Home****Leek Peak Project****Leek Peak Project - on hold**

Scoping Comment Period ended January 31, 2017.

The Leek Peak Project Area totals 4,621 acres (including 3,589 acres of BLM lands) with treatments proposed on approximately 1,806 acres of BLM lands. Integrated vegetation treatments include uneven-aged silvicultural prescriptions, regeneration harvest, hazardous fuels reduction, aspen restoration, and meadow restoration.

**Click on the "Documents" Tab (on the left, below "Home") to view the Leek Peak Scoping Letter.**

**Last Updated:****02/09/2017 15:43:13 MST**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION OF O&C COUNTIES,

Plaintiff,

v.

DONALD J. TRUMP, UNITED STATES OF  
AMERICA, KEVIN HAUGRUD, and BUREAU  
OF LAND MANAGEMENT,

Defendants,

and

SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD, and  
THE WILDERNESS SOCIETY,

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-0280-RJL

**DECLARATION OF JEANINE MOY**

I, JEANINE MOY, declare and state as follows:

1. I am the Outreach Director for the Klamath Siskiyou Wildlands Center (“KS Wild”), and I have worked for KS Wild since 2014. I reside in Jackson County, Oregon.
2. KS Wild has approximately 3,000 members. Our members are interested in and support KS Wild’s work to protect the forests and watersheds of the Klamath-Siskiyou region for



their botanical, recreational, scientific, hydrological, aesthetic, and ecosystem service values. The Klamath-Siskiyou region straddles the Oregon California border, and extends north to Roseburg Oregon, and south near Redding, California. It is an area of extraordinary biodiversity, and KS Wild's mission is to protect and restore wild nature in the Klamath-Siskiyou Mountains. We promote science-based land and water conservation through policy and community action.

3. Prior to working with KS Wild, I was a graduate student at Southern Oregon University, and completed a Masters of Science Degree in Environmental Education in 2011. As part of my graduate requirements, I worked collaboratively with my cohort of 12 other graduate students to develop and produce place-based science education programming for a few hundred Rogue Valley elementary students - a program that continues to this day. During this "Fall in the Field" Program, youth students gained knowledge (free of charge) about basic ecology, scientific methods, natural history, geology, and also had an opportunity to gain the holistic benefits of outdoor experience in a local natural space.

4. I have, and continue to, thrive by studying the extremely high biodiversity and numerous rare species found in the Cascade-Siskiyou National Monument. During my time as a graduate student (2010-2011) I took field courses with professors at Southern Oregon University to study geology, rare plants, trees, lichens, fungi, amphibians, reptiles, within and adjacent to the original Cascade-Siskiyou National Monument. I surveyed for egg masses of *Rana pretiosa*, the Oregon Spotted Frog (which was later listed as endangered under the federal Endangered Species Act) during the spring of 2011 at Parsnip Lakes with Professor Michael Parker of SOU. I have attended events with the Friends of the Cascade-Siskiyou National Monument including the Community Research Forum (2011, 2015) and 2016 Fungi Bioblitz, a citizen science program.

5. I often birdwatch, mushroom hunt, botanize, hike, cross-country ski, horseback-

ride, photograph, rock climb, observe dragonflies and butterflies, do biological illustration and landscape painting, and explore the meadows and forests administered by the Bureau of Land Management within the Cascade-Siskiyou National Monument. I have been visiting the public lands in the Cascade-Siskiyou area since 2010.

6. In my capacity as an employee of KS Wild over the last three years (2014-present), I have led numerous public education and stewardship engagement programs in and adjacent to the original Cascade-Siskiyou National Monument including an interpretive natural history walk on the Greensprings Summit loop trail (2014), a wildflower walk on the Pacific Crest Trail and Hobart Bluff in collaboration with the Native Plant Society of Oregon Siskiyou Chapter (2016), a birdwatching walk and Earth Day Celebration at the Greensprings Summit loop trail and Greensprings Inn and Cabins in collaboration with the Native Plant Society of Oregon, Siskiyou Chapter and Rogue Valley Audubon Society, and Friends of the a Cascade-Siskiyou National Monument (2016), and invasive star-thistle pulls at the Mariposa Botanical Preserve in collaboration with the Medford BLM and Native Plant Society of Oregon (2015, 2016).

7. In my capacity as Outreach Director for KS Wild, I plan to lead a wildlife tracking workshop with our partnering organization Coyote Trails School of Nature on March 11. If the weather allows, the workshop is planned on public land in the Monument expansion area, near Grizzly Peak.

8. In my capacity as Outreach Director for KS Wild, I am planning for our 3rd annual collaborative KS Wild and Native Plant Society of Oregon, Siskiyou Chapters' volunteer stewardship event in late May or early June 2017 in the Mariposa Botanical Preserve of the Cascade-Siskiyou National Monument.

9. In my capacity as Outreach Director for KS Wild, I am planning for our 3rd annual collaborative KS Wild and Native Plant Society of Oregon, Siskiyou Chapters' public event and hike to take place at Grizzly Peak in August 2017 in the Monument expansion area.

10. In 2016, in my capacity as Outreach Director for KS Wild, I attended Cascade-Siskiyou National Monument hearings regarding Monument expansion in Ashland and Medford Oregon, Jackson County and Klamath Falls, Klamath County, Oregon.

11. If the Monument expansion were to be nullified, I would be harmed because the lack of a Monument will mean an emphasis on resource extraction rather than conservation of the objects of biological interest. I am concerned that without the recreational and conservation emphasis of the Monument designation, there would be an emphasis from federal land managers on timber extraction. I am concerned that this would harm the conservation of rare plants and animals along with the recreational infrastructure.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23<sup>rd</sup> day of February, 2017, at Jackson County, Oregon.

/s/ Jeanine Moy

JEANINE MOY

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing  
*Declaration of Jeanine Moy* with the Clerk of the Court using the CM/ECF system, which will  
send notification of this filing to the attorneys of record and all registered participants.

/s/ Patti A. Goldman  
Patti A. Goldman

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION OF O&C COUNTIES,

Plaintiff,

v.

DONALD J. TRUMP, UNITED STATES OF  
AMERICA, KEVIN HAUGRUD, and BUREAU  
OF LAND MANAGEMENT,

Defendants,

and

SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD, and  
THE WILDERNESS SOCIETY,

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-0280-RJL

**DECLARATION OF JENNIFER MIATKE**

I, JENNIFER MIATKE, declare and state as follows:

1. My name is Jennifer Miatke. I am a resident of Ashland, Oregon and a property owner inside the Cascade-Siskiyou National Monument. I am also a member of SMWC and a periodic volunteer for SMWC. I work full time as a mental health counselor at Addictions Recovery Center in Medford, Oregon. I am a mother of two teenage girls, both of whom were

born inside the then recently-declared Monument. I am among the many citizens who have gotten to know and care about this beautiful and biodiverse land around us, seeing and experiencing its inherent values on multiple levels. These citizens, myself included, have for years made up the groundswell of support for the Cascade-Siskiyou National Monument and its recent expansion.

2. Along with my daughters, now 13 and 16, I attended two public hearings in the fall of 2016, one in Ashland and one in Medford, to show support for Monument expansion. As timber and other commodity interest groups now rally again to oppose the newly expanded Monument, I am reminded of the 2001 hearing in White City, Oregon, which was called to discuss the proposal to repeal or weaken the new Monument, at which I spoke with my then four-month old daughter on my hip. I remember speaking from my heart as a new mother: “Please don’t take away what we’ve worked so hard for, what I see (and still see) as among the most important legacies we can leave our children and grandchildren: expansive wild places and thriving ecosystems.”

3. It was only a few months after the White City hearing in 2001 that I received a call from my neighbor telling me to turn on the news. Two planes had just crashed into the Twin Towers. I will never forget the powerlessness I felt as I wondered about my little girl’s future. What kind of world would she inherit? Since that time the issue of climate change has come to the fore as an urgent concern for all who consider the risk that global warming poses to our own future, and much more that of our children and grandchildren. While I am not a scientist, I am grateful to the many scientists that have made it their lives’ work to study the biodiversity of the Cascade-Siskiyou region, and observe the risk climate change brings to this landscape (which includes us). Their studies show with wide-ranging consensus that the original Monument’s

boundaries were not big enough to accomplish what the proclamation intended, especially in a steadily warming climate. All forms of wildlife will need space to move and migrate in elevation as temperatures warm.

4. I feel strongly about what I stand to lose along with my children and neighbors and fellow humans should the Monument expansion be weakened or rescinded. We stand to lose our local, hands-on opportunity to help save one of the most biodiverse regions in North America, which includes protecting forests that use up carbon dioxide and emit oxygen, and which harbor unique and sensitive species and other wildlife we would be lonely and diminished without. Add to the list clean, cold water, clean air, and places I can explore with my girls, visit to restore my mind and spirit, and recreate in—and I stand to lose much that comprises my quality of life as a resident of southern Oregon; my peace of mind as a mother; and the strong connection with life that is part of being a human creature.

5. Every year my two brothers, who live in North Carolina, come to visit their sister in Oregon—not just because they want to see me; they want to experience the beauty and wildness of our landscapes. They want to explore my “neighborhood” and climb peaks like Vulture Rock, which we hiked up to on their last visit on a windy day, and which is now part of our expanded Monument. From the top we viewed Mt. Shasta to the south, Mt. McLoughlin to the north, and the sweep of forest blanket on Surveyor Mountain in the Jenny Creek watershed. You don’t get views like that in North Carolina. They could see plainly, southerners though they are, the difference between swaths of private industrial timberlands (timber plantations) in the lower watershed and BLM forests that were more intact—a significant portion of which we could stand to lose in planned timber sales if our Monument and its protections are weakened or destroyed. My brothers voted for Donald Trump in the November election; but they did not vote

for degraded landscapes, the disappearance of species, and a sadder world for our children.

They, along with me, can feel the peace of a living, breathing forest. Their imaginations love the idea that wolves have places to migrate and raise their young. Their faith is strengthened by the beauty they can walk in, see all around them, and hear in the wind through the tall pines and firs. If timber interests and counties succeed in peeling back the layer of protections that Monument proclamation hopefully provides, where will I take my brothers? What will I show them? I risk losing, increment by increment, this place I have embraced as home on many levels, the place that represents hope for my daughters, the refuge that reminds me I am not alone, and the strange and beautiful attraction that keeps my brothers coming back to visit their sister.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24<sup>th</sup> day of February, 2017, at Ashland, Oregon.

/s/ Jennifer Miatke

JENNIFER MIATKE



**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing  
*Declaration of Jennifer Miatke* with the Clerk of the Court using the CM/ECF system, which  
will send notification of this filing to the attorneys of record and all registered participants.

/s/ Patti A. Goldman  
Patti A. Goldman

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION OF O&C COUNTIES,

Plaintiff,

v.

DONALD J. TRUMP, UNITED STATES OF  
AMERICA, KEVIN HAUGRUD, and BUREAU  
OF LAND MANAGEMENT,

Defendants,

and

SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD, and  
THE WILDERNESS SOCIETY,

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-0280-RJL

**DECLARATION OF JOSEPH VAILE**

I, JOSEPH VAILE, declare and state as follows:

1. I am the Executive Director of the Klamath Siskiyou Wildlands Center (“KS Wild”), and I have worked for KS Wild since 2000. I reside in Jackson County, Oregon. I am also a member of KS Wild.
2. KS Wild has approximately 3,000 members. Our members are interested in and

support KS Wild's work to protect the forests and rivers of the Klamath-Siskiyou region for their botanical, recreational, scientific, hydrological and aesthetic values. The Klamath-Siskiyou region straddles the Oregon California border, and extends north to Roseburg Oregon, and south near Redding California. It is an area of extraordinary biological diversity, and KS Wild's mission is to protect and restore wild nature in the Klamath-Siskiyou Mountains. We promote science-based land and water conservation through policy and community action. We support active management where needed on public lands, including in-stream restoration, hazardous fuels reduction, and road stormproofing.

3. Prior to working with KS Wild, I was a wildlife technician with the Medford District Bureau of Land Management (BLM) for two seasons (1997 and 1998) where I surveyed for rare and at-risk wildlife species, including great grey owl, Del Norte salamander, goshawk, and other wildlife species, some of which only occur in southern Oregon.

4. I often hike, sightsee, photograph, rock climb, and explore the trails, meadows, and forests administered by the BLM within the Cascade-Siskiyou National Monument. I have been visiting the public lands in the Cascade-Siskiyou area since before the Monument was established in 2000. I continue to learn more about the rich array of species in this region and in the Cascade-Siskiyou National Monument.

5. I have definite plans to spend considerable time in the future using and enjoying forests, streams, and meadows on public lands within the Cascade-Siskiyou National Monument. I plan to hike in the Monument this spring to Hobart Bluff and Pilot Rock, as well as Grizzly Peak in the expansion area.

6. I also plan to take my family on outings in the Monument in the summer of 2017. I am closely acquainted with many private residents adjacent to the Monument, including the

owners of the Greensprings Inn and Cabins, immediately adjacent to the Monument. On June 19, 2016, I took my family took an outing to the Greensprings Inn and Cabins, which is about a twenty-minute drive from our home. We ate breakfast at the Inn and went hiking on the Pacific Crest Trail in the Monument and in the Monument expansion area. We enjoyed the trip with our two small children and plan to return next summer.

7. I have also been hiking in the Monument expansion area on many other occasions, including the Grizzly Peak loop, Moon Prairie, and along sections of the Pacific Crest Trail.

8. KS Wild and our members and partners have a definite interest in the Cascade-Siskiyou National Monument and expansion area. KS Wild and our members are enhanced when the BLM manages public forestlands within the Cascade-Siskiyou National Monument for the protection of the objects of biological interest. KS Wild members use and enjoy this area, and they seek to view, hear, and photograph the rich array of species in the Monument. KS Wild members support science-based forest management that is a part of the Monument proclamation.

9. KS Wild leads hikes in the Monument and expansion area, and has offered presentations about the Cascade-Siskiyou National Monument objects of biological interest. On Saturday June 27, 2015, KS Wild led a hike to the Mariposa Lily Preserve in the Cascade-Siskiyou National Monument.

10. On June 23, 2016, KS Wild partnered with the Friends of Cascade-Siskiyou National Monument, Southern Oregon Native Plant Society, and the BLM to collaboratively organize and lead a Hike and Learn within the Mariposa Lily Botanical Area. With volunteers, we removed Yellow Star Thistle, an invasive introduced plant that can potentially displace the rare lilies that only occur in and near the Cascade-Siskiyou National Monument.

11. KS Wild is planning to lead a wildlife-tracking workshop with our partnering organization Coyote Trails on March 11, 2017. If the weather allows, the workshop is planned on public land in the Monument expansion area, near Grizzly Peak.

12. In late 2016, in my capacity as Executive Director for KS Wild, I attended Cascade-Siskiyou National Monument expansion hearings in Ashland, and Medford Oregon, Jackson County and Klamath Falls Oregon, Klamath County. I testified at both the Medford and Klamath Falls hearings along with other staff and members of KS Wild.

13. KS Wild also has a long history of involvement in land management planning affecting the public lands and O&C lands within and adjacent to the Cascade-Siskiyou National Monument.

14. In 2008, KS Wild submitted comments to the BLM concerning the Western Oregon Plan Revisions Draft Environmental Impact Statement that involved BLM that involvement BLM interpretation and implementation of the O&C Act.

15. On September 10, 2009, as a part of my professional duties as then Campaign Coordinator for KS Wild, I was quoted in the Ashland Daily Tidings about the timber industry litigation against the withdrawal of the Western Oregon Plan Revisions on BLM O&C lands in western Oregon.

16. On November 12, 2013, as a part of my professional duties as Executive Director of KS Wild, I was quoted on Jefferson Public Radio regarding Senator Ron Wyden's proposal for all western Oregon BLM O&C lands.

17. In 2016, KS Wild filed litigation in Oregon District Court concerning the BLM's implementation of its 2016 Resource Management Plans that involved BLM interpretation and implementation of the O&C Act. That litigation is now underway. *See Pacific Rivers et al. v.*

*BLM*, 16-cv-01598-TC (complaint for declaratory and injunctive relief) (filed Aug. 8, 2016).

18. I am concerned that if the public lands in the Monument were managed primarily for timber production, the recreational, ecological, and scenic values of the Monument would suffer. Many of the lands adjacent to the Monument are owned and managed by private industrial timber owners, and those lands are not as accessible to the public and to KS Wild members nor do they provide scenic and recreational values that are provided on the Cascade-Siskiyou National Monument.

19. I am also concerned that if the plaintiffs prevail, habitat for species, geological features, natural scenery, and the objects of biological interest would be lost in Cascade-Siskiyou National Monument and in the expansion area as those lands would become subjected to extractive activities, including industrial timber management, mining, and other development pressures. This would irreparably impair my use and enjoyment of the Monument.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 23<sup>rd</sup> day of February, 2017, at Jackson County, Oregon.

/s/ Joseph Vaile  
JOSEPH VAILE

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing  
*Declaration of Joseph Vaile* with the Clerk of the Court using the CM/ECF system, which will  
send notification of this filing to the attorneys of record and all registered participants.

/s/ Patti A. Goldman  
Patti A. Goldman

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION OF O&C COUNTIES,

Plaintiff,

v.

DONALD J. TRUMP, UNITED STATES OF  
AMERICA, KEVIN HAUGRUD, and BUREAU  
OF LAND MANAGEMENT,

Defendants,

and

SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD, and  
THE WILDERNESS SOCIETY,

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-0280-RJL

**DECLARATION OF LORI COOPER**

I, LORI COOPER, declare and state as follows:

1. I am on the Board of Directors for the Soda Mountain Wilderness Council  
("SMWC"), and I am a member as well. I have been on SMWC's Board of Directors since 1996.  
I reside in Jacksonville, Oregon.

2. SMWC is a non-profit, public interest organization with approximately 325



members concentrated in southwestern Oregon and northern California, although we mail our regular newsletter to hundreds of additional people. SMWC maintains an office in Ashland, Oregon. SMWC is dedicated to preserving and protecting the unique biological diversity of the Cascade-Siskiyou National Monument and lands surrounding the Monument in southwest Oregon and northwest California. This area is recognized as one of the world's "biological hotspots" for its unique concentration of endemic plants, its extreme conifer diversity, and its relatively intact natural ecosystem.

3. SMWC is active in educating the public about the biological importance of this region and encouraging our members to engage with both the natural ecosystem and the decisions that affect land management in the area. SMWC sends out periodic newsletters and alerts, and educates its members and the public about the threats to its continued existence. SMWC also sponsors hikes in this unique area.

4. I visit public lands in the Cascade-Siskiyou National Monument as often as I can. I am particularly fond of visiting lands in the Cascade-Siskiyou National Monument known as the "Box O Ranch" as well as many areas added to the Monument by President Obama in January 1, 2017, such as the Little Hyatt old growth groves, Sampson Rim, and the Horseshoe Ranch Wildlife Area and Scotch and Slide Creeks. I visited the Monument on June 5, 2016, prior to attending SMWC's Annual Meeting at Buckhorn Springs Resort. I bird watched and observed plants and other wildlife on public lands within the Monument on my way to and from Buckhorn Springs Resort. On September 3, 2016, my family and I and a group of friends hiked on the Pilot Rock trail and climbed to the top of Pilot Rock. Pilot Rock is in the Monument. On September 25, 2016, my 12 year old daughter and I spent several hours riding horses in the Monument in the Porcupine Gap, Babbitt Gap, and Porcupine Meadow areas.

5. I am deeply interested in conserving the outstanding diversity and ecological integrity of the Cascade-Siskiyou National Monument. In my free time, I enjoy hiking, hunting, bird watching, backpacking, camping, mountain biking, botanizing, and generally connecting with nature on lands within the Monument. It has brought me great personal satisfaction to observe sandhill cranes, pileated woodpeckers, lazuli buntings, red-tailed hawks, garter snakes, and redband trout on lands and waters within the Monument. I plan to spend considerable time throughout the remainder of my life using and enjoying the public lands of the Monument, including the areas added to the Monument by President Obama in January 2017, for many years. I have definite plans to visit the Monument in the coming weeks, months, and years in order to appreciate its unique and incredible biological diversity. I plan to visit the Monument in March 2017 to cross country ski, and am planning hiking, camping, and bird watching trips in the Monument at least once every month throughout the remainder of 2017. My interests and those of SMWC will be seriously harmed if plaintiffs prevail on their claims in this case. A decision from the Court that diminishes the protections of the Monument would harm the biological diversity of the area. Diminishing the protections of the Monument threatens the areas that I visit and enjoy.

6. If plaintiffs prevail in this case, lands contained within the Monument expansion areas will be managed more intensively and harmfully than the lands included in the boundaries of the original Monument proclamation declared in 2000. Plaintiffs' claim that the O&C Act requires the Secretary of Interior to manage the lands within the Monument expansion area for permanent timber production. If the Court grants plaintiffs' requested remedy based on their legal theory, the Presidential proclamation expanding the Monument area may be rescinded and the BLM may cut timber in areas that were protected under the Antiquities Act for their unique

biological diversity, historic significance, and scientific importance. This level of timber harvest would be unsustainable, harmful to the forest and aquatic ecosystems on these forest lands (therefore harming the biodiversity of the area), and would harm my interest, and the interest of SMWC, in protecting these forests and watersheds, and the many unique animals and plants which need these areas to remain intact in order to thrive and survive.

7. I am committed to conservation of the Cascade-Siskiyou National Monument's biodiversity and restoration of the watersheds from degradation caused by road building and logging. Altering the boundaries of the Monument would also have dire effects on SMWC's ability to meet its organizational mission.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23<sup>rd</sup> day of February, 2017, at Jacksonville, Oregon.

/s/ Lori Cooper

LORI COOPER

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing *Declaration of Lori Cooper* with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record and all registered participants.

/s/ Patti A. Goldman  
Patti A. Goldman

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION OF O&C COUNTIES,

Plaintiff,

v.

DONALD J. TRUMP, UNITED STATES OF  
AMERICA, KEVIN HAUGRUD, and BUREAU  
OF LAND MANAGEMENT,

Defendants,

and

SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD, and  
THE WILDERNESS SOCIETY,

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-0280-RJL

**DECLARATION OF MATT KELLER**

I, MATT KELLER, declare as follows:

1. I reside in Durango, Colorado. I have personal knowledge of each of the facts set forth below. I submit this declaration on behalf of myself and The Wilderness Society (TWS).

2. From 2014 through 2016, I served as the National Monuments Campaign Director for The Wilderness Society. In this role, I led TWS efforts to support designation of new

national monuments. My current title is Senior Director, Conservation. I am also a member of TWS.

3. TWS has a long-standing interest in designating wild lands for permanent protection, through legislative and executive action. TWS engages frequently in campaigns to seek protection for public lands, including as wilderness, national monuments and national conservation areas. I, personally, have led and participated in many such efforts at TWS including national monument campaigns for the San Gabriels, California Desert and Berryessa Snow Mountain in California, Rio Grande del Norte and Organ Mountains Desert Peaks in New Mexico, Gold Butte in Nevada and Katahdin Woods and Waters in Maine among several others. I worked with TWS staff and our partners to provide strategic guidance and campaign management among other responsibilities.

4. TWS also has a long-standing interest in the BLM's National Landscape Conservation System (National Conservation Lands), including management of national monuments, and supported the Omnibus Public Land Management Act of 2009, which codified BLM's National Conservation Lands and its purpose to "conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations."

5. TWS members and staff enjoy a myriad of recreation opportunities on public lands, including hiking, biking, nature-viewing, photography, hunting, fishing, birdwatching and quiet contemplation in the solitude offered by wild places. Founded in 1935, our mission is to protect wilderness and inspire Americans to care for our wild places. We have more than 500,000 members and supporters around the West, including approximately 15,000 in Oregon and 80,000 in California. TWS has a continuing interest in ensuring the permanent protection of

wild public lands, including national monuments.

6. For my own uses of public lands, I seek out and prefer to use those federal public lands that are more wild for hiking, biking, hunting, fishing and skiing, such as national monuments and including Cascade-Siskiyou National Monument.

7. TWS and I personally have been actively engaged in expanding the Cascade-Siskiyou National Monument to better protect the Monument objects identified in the Monument Proclamation. Since those values extend beyond the initial Monument boundaries, the expansion is vital to ensure protection of those values.

8. As part of efforts to support expansion of the Monument, I, personally and on behalf of TWS, have:

- a. Helped to develop documentation supporting the values of a potential national monument expansion;
- b. Prepared materials for and attended meetings in 2015 and 2016 with local, congressional and administrative officials about the proposed monument expansion;
- c. Participated in weekly calls with Soda Mountain Wilderness Council and KS Wild staff, developing outreach and communications strategies;
- d. Prepared materials, conducted outreach to TWS members and coordinated a phone bank to encourage community members to attend a public meeting about the expansion.

9. In addition, I personally attended the public meeting hosted by Senator Merkley in October 2016, to discuss expansion of the Monument.

10. I have visited the Cascade-Siskiyou National Monument including the lands within the expanded boundaries, where I hiked and explored and observed Monument objects and witnessed the wide array of ecosystems represented in the area that are indicative of its

immense biodiversity and potential resilience to climate change. The most recent visit occurred in October 2016 and I also hiked a section of the Pacific Crest Trail in the area in the summer of 1999 while living in Oregon for a year.

11. In addition, I expect to return to visit the expanded Monument on a regular basis. I have family in Oregon, which will also make return trips more convenient. I have a trip planned for the last week of March, 2017, and if the weather permits, I intend to visit the Jenny Creek area.

12. The expansion of the Monument addresses the intent of the original Monument Proclamation to protect the biological diversity and connectivity of these lands. The expansion is vital to protecting Monument objects, both within the original Monument and in the expansion area. Wildlife and plants that are highlighted in the Proclamation extend beyond the original boundaries and are at risk from the smaller boundaries and pressures on the surrounding lands.

13. If the additional lands are not managed as part of the Monument, then the Monument objects will continue to be harmed by activities on surrounding lands, impacting the interests of TWS and its members in protecting and enjoying the Monument. For instance, the increased timber production likely to occur on these lands if the Plaintiffs in this case are successful would harm the Monument objects on those lands and in other affected parts of the Monument, which would interfere with appreciating those objects. Lands that are unprotected from overdevelopment associated with timber production lack the feeling of solitude, have unnatural infrastructure, more roads, invasive species, and other human developments that tend to mar the landscape, fragment and degrade wildlife habitat, and generally detract from an experience of the areas in a remote and unspoiled state.

14. Leaving the lands at issue in this case unprotected would substantially interfere



with other uses of the land, including my and TWS members' use and enjoyment of the lands by disturbing stream beds, degrading both aquatic and terrestrial wildlife habitats and spoiling the scenic, aesthetic, and recreational resources of the area that I have, and will, use and enjoy. My and TWS members' health, recreational, scientific, spiritual, educational, aesthetic, informational, and other interests would be directly affected and harmed by any repeal of these lands in the Monument.

15. Similarly, the industrial activities associated with timber production will interfere with and undermine enjoying the wild character and wildlife in the Monument and opportunities for hunting, fishing and camping. TWS has a substantial interest in the outcome of this legal challenge. I greatly value the objects of historic and scientific interest in this area, particularly its unique biodiversity and opportunities for outdoor recreation. Development or extractive use of this area would greatly harm my and other TWS members' ability to enjoy this unique area and would represent a significant loss of a resource that belongs to all Americans.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23<sup>rd</sup> day of February, 2017, at Durango, Colorado.

/s/ Matt Keller

MATT KELLER

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing *Declaration of Matt Keller* with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record and all registered participants.

/s/ Patti A. Goldman  
Patti A. Goldman

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION OF O&C COUNTIES,

Plaintiff,

v.

DONALD J. TRUMP, UNITED STATES OF  
AMERICA, KEVIN HAUGRUD, and BUREAU  
OF LAND MANAGEMENT,

Defendants,

and

SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD, and  
THE WILDERNESS SOCIETY,

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-0280-RJL

**DECLARATION OF MICHAEL PARKER**

I, MICHAEL PARKER, declare and state as follows:

1. I am a scientist and educator with a PhD in Ecology from the University of California, Davis (1992). I reside in Ashland, Oregon, where I am professor of biology and chair of the biology program at Southern Oregon University (SOU). I have been a faculty member at SOU since 1994 and have conducted ecological research and taught a variety of field courses

throughout the Klamath-Siskiyou ecoregion including areas within and surrounding the Cascade-Siskiyou National Monument. My curriculum vitae is attached to my declaration as Exhibit A.

2. I am also a member of the Soda Mountain Wilderness Council and Klamath-Siskiyou Wildlands Center.

3. As a research ecologist with 35 years' experience, 23+ years within and around what is now the Cascade-Siskiyou National Monument (Monument), I am deeply concerned that any alterations to the Monument boundaries that reduce its overall area will significantly compromise the ecological integrity of this region and negatively impact the objects of scientific interest the Monument was originally established to protect: its globally-significant biodiversity. The Monument is an ecological crossroads at the intersection of two mountain ranges and convergence of four distinct ecoregions, resulting in ecological diversity that is remarkable for such a relatively small area. I was among a multi-disciplinary group of scientists, all with extensive research experience in the region, which in 2011 conducted an assessment of original Monument boundaries. We concluded that in the face of increasing development pressures from an expanding human population within the region and increasing effects of climate instability, the existing boundaries were becoming inadequate to maintain ecological integrity and protect biodiversity. Our conclusions led to a strong grassroots effort that garnered considerable regional support and the backing of scientists across the country and led to the proposal to expand Monument boundaries.

4. A copy of our report is included as Exhibit D to the declaration of my friend and colleague, Dave Willis, filed in support of intervention in this case.

5. I teach university courses in ecology, natural history, fisheries, herpetology, conservation biology, and environmental ethics. Areas within and around the Monument are my

classroom and laboratory. Multiple times throughout each year I take students to habitats within the Monument to learn about the ecological communities and processes that determine their distribution. Students learn to develop and apply techniques used to measure environmental variables, make observations, and draw scientifically supported conclusions about natural resources, factors that regulate them, and approaches for conserving and restoring them. Our field season will begin this year in early March, when we visit the Monument to conduct annual amphibian breeding surveys. On 13-14 May, students in my herpetology class will lead citizen scientists on the first comprehensive survey of reptiles and amphibians at multiple sites throughout the Monument.

6. Having such a natural laboratory within striking distance of our regional university is invaluable in the education and training of the next generations of scientists, conservationists, and informed citizens. Recent discoveries of regionally significant wildlife populations illustrate the importance of conserving habitats, and the value of having these habitats available for exploration and teaching. It was students in my herpetology class who in April 2003 discovered a population of the recently federally-listed Oregon spotted frog and who have worked with me to monitor this population over the past 15 years. Our work is contributing to efforts to recover the species. Our recent discovery, in May 2016, of Pika populations among high elevation ridge top habitats within recently expanded areas of the Monument are providing an opportunity for students to study the relationships between climate variation and the persistence of this indicator species. Students in our Mammalogy class will conduct a detailed study of Pika distribution and abundance beginning this spring term. Again, having these habitats protected within the Monument is providing opportunities for discovery and making meaningful contributions to science.

7. I am a father of two daughters who have grown up hiking, camping, and exploring public lands throughout our region, specifically within and around the Monument. We have spent countless days hiking sections of the Pacific Crest Trail through the Monument, exploring high elevation forests, wetland meadows and streams, scrambling to the tops of peaks like Vulture Rock, Buck Peak, and the ridgeline of Surveyor Mountain, fishing for native redband trout in Jenny Creek and tributaries of the Klamath River, and birding and observing wildlife across the Monument's range of diverse habitats.

8. Particularly memorable recent trips include a hike into lower Jenny Creek canyon to observe and photograph Jenny Creek falls with my eldest daughter in early May 2015, a trip to climb Vulture Rock to observe Pikas and take in the expansive views of the southern Cascades with my youngest daughter on 12 June 2016, and a holiday snowshoe trip into the forests of the recently expanded northern portion of the Monument this past December 2016. We plan return visits to Jenny Creek and Vulture Rock and to explore wetlands and forests along Surveyor Mountain this coming spring and summer. I am concerned that I, my children, and future generations will lose opportunities for these types of experiences if protection of these natural features is reduced through alteration of monument boundaries.

9. My interests, as a scientist and educator, along with the interests of my fellow members of the Soda Mountain Wilderness Council and KS Wild, my students (past, present and future), and citizens at large, will be harmed by any efforts to reduce protections of the objects of scientific interest for which the Monument was originally established and recently expanded. It is my understanding that the Plaintiffs in this case seek to reduce the size of the recently-expanded Monument based on their belief that logging must take precedence on some of these lands. In my opinion, this would be disastrous for the historic and scientific objects currently

protected by the Monument designation, because those objects – such as the rare botanical diversity, wildlife corridors, and stunning views – are necessarily compromised by consumptive activities such as logging and road building. Should the Monument’s protections be reduced as a result of the litigation, my personal and professional interests in experiencing and learning from these areas in their natural state would be irreparably harmed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23<sup>rd</sup> day of February, 2017, at Ashland, Oregon.

/s/ Michael Parker

MICHAEL PARKER

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing *Declaration of Michael Parker* with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record and all registered participants.

/s/ Patti A. Goldman  
Patti A. Goldman



Case No. 1:17-cv-0280-RJL

# **EXHIBIT A**

Case No. 1:17-cv-0280-RJL

## **Michael S. Parker**

Department of Biology  
Southern Oregon University  
1250 Siskiyou Blvd.  
Ashland, OR 97520  
(541) 552-6749  
parker@sou.edu

### Education:

PhD (Ecology), University of California, Davis, 1992. Emphasis in Limnology and Aquatic Ecology. Dissertation: Feeding Ecology of Larvae of the Pacific Giant Salamander (*Dicamptodon tenebrosus*) and Their Role as Top Predator in a Headwater Stream Food Web.  
M.S. (Biological Sciences), University of Nevada, Las Vegas, 1985. Emphasis Aquatic Biology. Thesis: Effects of Substrate Composition and the Distribution of Particulate Organic Matter on Macroinvertebrate Community Organization in Pine Creek, Nevada.  
B.S. (Biology), Southern Oregon State College, 1981.

### Professional Experience:

Chair, Department of Biology, Southern Oregon University, 2011-Present  
Professor, Department of Biology, Southern Oregon University, 2004-Present  
Associate Professor, Department of Biology, Southern Oregon University, 1998-2004.  
Assistant Professor, Department of Biology, Southern Oregon University, 1994-98.  
Lecturer, Environmental Science, Policy and Management, University of California, Berkeley, 1993.  
Lecturer, Biological Sciences, California State University, Sacramento, 1993.  
Research Scientist, Marine Science Institute, University of California, Santa Barbara, 1992-94.  
Research Associate, Department of Integrative Biology, University of California, Berkeley, 1991-94.  
Research Assistant, Land, Air, and Water Resources, University of California, Davis, 1986-91.  
Post-graduate Researcher, Land, Air and Water Resources, University of California, Davis, 1985-86.  
Teaching Assistant, Land, Air and Water Resources, University of California, Davis, 1985-1991.  
Biological Technician, Fisheries, U.S. Fish & Wildlife Service, Reno Field Station, 1983-84.  
Research Assistant, U.S. Environmental Protection Agency-University of Nevada, Las Vegas Cooperative Research Laboratory, 1982-1983.

### Research Areas:

Aquatic food webs and the role of disturbance in their structure and function.  
Conservation of aquatic environments, particularly seasonal wetlands and desert springs.  
River ecology and conservation.  
Ecology of western U.S. native fishes and amphibians.  
Impacts of invasive aquatic species and strategies to manage them.

### Courses Taught:

Freshwater Ecology/Limnology; Fish & Fisheries; Ecology; Conservation Biology;  
Vertebrate Natural History; Comparative Vertebrate Anatomy; Principles of Biology;  
Environmental Ethics; Natural Resource Management; Herpetology.

### Professional Affiliations:

Ecological Society of America, American Fisheries Society, Society for Freshwater Science, American Institute of Biological Sciences, Society for Conservation Biology, International Society of Limnology, Society of Northwestern Vertebrate Biology, Oregon Lakes Association, Desert Fishes Council, Jefferson Fish Society.

#### Honorary Societies:

Sigma-Xi Scientific Research Society (Associate Member 1984; Member 1994)  
Phi Kappa Phi  
Beta Beta Beta

#### Awards:

Lifetime Achievement Award for Mentorship and Teaching, Society for Northwestern Vertebrate Biology	2015
Excellence in Education Award Alumni Award, Southern Oregon University	2014
Finalist, Best Student Paper Award, American Society for Limnology and Oceanography and Ecological Society of America Joint Annual meeting	1992

#### Other Professional Activities:

City of Ashland, Wildlife Advisory Committee (Ad hoc)	2009-present
Cascade-Siskiyou National Monument, Scientific Advisory & Monitoring Team	2008-2012
Associate Editor, Northwestern Naturalist	2007-present
Science Advisory Panel, GEOS Institute	2006-present
Steering Committee (founding member), Jefferson Fish Society	2004-present
President, Southern Oregon Chapter, Sigma-Xi	2012-2013
Vice President, Southern Oregon Chapter, Sigma-Xi	2010-2011
Southern Nevada Springs Recovery Implementation Team, U.S. Fish & Wildlife Service, Southern Nevada Field Office	2004-2013
Advisory Board, City of Ashland Parks and Recreation, North Mountain Park and Natural Area	2002-present
Board of Directors (Secretary), The Jefferson Center	2006-2008
Ecology & Environmental Sciences Section Chair, American Association for the Advancement of Science (Pacific Division)	2002-2010
Technical Advisory Committee, Vernal Pool Working Group, Rogue Valley Council of Governments	2006-2008
Devils Hole Pupfish Recovery Team, U.S. Fish & Wildlife Service, Southern Nevada Field Office	2003-2009
Board of Directors, Oregon Lakes Association	1998-2003
Coordinator, Oregon Lake Watch Program (S. Oregon)	1998-2001
Chair, Local Arrangement Committee, Oregon Lakes Association	1999
Chair, Local Arrangements Committee, Society for NW Vertebrate Biology	1998
Southern Oregon Aquatic Vegetation Advisory Committee, Talent Irrigation District and U.S. Bureau of Reclamation	1997-2000
President, Southern Oregon Chapter, Sigma Xi	1997-1998
Vice President, Southern Oregon Chapter, Sigma Xi	1995-1997

Secretary, Southern Oregon Chapter, Sigma-Xi	2005-2006
Scholarship Committee, Oregon Chapter, American Fisheries Society	1995-2004
Literature Review Committee, North American Benthological Society	1989-2002

## Institutional Service (Southern Oregon University)

Chair, Department of Biology	2011-present
Science Hall Renovation Committee	2012-present
Chair, Evolutionary Biologist Search Committee	2011-2012
University Planning Committee member	2011-2012
APSOU Board member	2011-2013
Search Committee, SOU Provost	2007-2008
School of Sciences, Science III Planning Committee	2007-2008
Search Committee (Chair), Environmental Studies Director	2006-2007
Faculty Senate, at-large Senator	2005-2008
Advancement and Alignment Advisory Committee (Chair)	2002-2005
School of Sciences Personnel Committee	2002-2008
Institutional Animal Care and Use Committee	1997-present
University Planning Committee (Chair, 2001-2002)	1998-2001
School of Sciences Scholarship Committee	1994-2000
Faculty Senate (Hearings Committee)	1996-1998
Graduate Council (Chair, 1997-98)	1995-1998
Department of Biology Personnel Committee (Chair, 1995-97; 2001-02)	1994-97; 1999-2002

## Research Grants and Contracts:

1994-1998	Disturbance and the Dynamics of River Food Webs. National Science Foundation, Division of Environmental Biology, Ecology Panel. \$85,000 (\$54,700 to SOU; the remainder to U.C. Santa Barbara)
1995	Research Experience for Undergraduates supplemental award. National Science Foundation. \$5,000
1995-1997	Food Habits of Lost River and Shortnose Suckers and Distribution of Benthic Invertebrates in Clear Lake, CA. Biological Service. \$9,800
1997- 2000	Ecology, Status, and Dynamics of Ash Meadows Naucoridae. U.S. Geological Survey, Biological Resources Division. \$8,900
1997-1998	Aquatic Vegetation and Water Quality in Oak Street Diversion Canal. Talent Irrigation District and Bureau of Reclamation. \$10,681
1997-1998	Physical Characteristics of Talent Lateral Irrigation Canal. Rogue Valley Council of Governments. \$1,500
1997-1998	Agate Desert Vernal Pool Invertebrates. Natural Heritage Program, The Nature Conservancy. \$1,898
1998-1999	Alternatives for Aquatic Weed Control in Irrigation Canals. Oregon Department of Agriculture. \$10,000
1998-1999	Citizen Lake Watch Program. Oregon Dept. of Environmental Quality and Portland University. \$14,893
1999-2000	Survey of aquatic communities in streams of the Cascade-Siskiyou Ecological Emphasis Area. Medford District BLM. \$2,500
1999-2000	Investigation of grazing macroinvertebrates in Jenny Creek. Medford District BLM. \$2,500

1999-2000	Pilot study to investigate use of grass carp for control of aquatic vegetation in irrigation canals. Talent Irrigation District. \$12,454
2000	Effects of Blue Ledge Mine on macroinvertebrates and amphibians in Joe and Elliott Creeks, Siskiyou National Forest. U.S.D.A. Forest Service, Siskiyou National Forest. \$1,570
2001	Effects of Blue Ledge Mine on macroinvertebrates and amphibians in Joe and Elliott Creeks, Siskiyou National Forest. U.S.D.A. Forest Service, Siskiyou National Forest. \$1,469
2000-2001	Use of otolith microstructure to determine age and growth in Devils Hole Pupfish. U.S. Geological Survey, Biological Resources Division. \$7,498
2000-2001	Citizen Lake Watch Program and Invasive Species Monitoring. Oregon Watershed Enhancement Board (in collaboration with Portland State University). \$9,000
2001-Present	Long-term cooperative agreement for research and monitoring at the Ash Meadows National Wildlife Refuge, including Devils Hole and spring systems throughout southern Nevada. U.S. Fish and Wildlife Service, Southern Nevada Field Office. \$60,000 (\$10,00 in 2001-02; \$20,000 in 2002-03; \$30,000 in 2003-04).
2001-2002.	Instructional Equipment for Biology field courses: Year I (in collaboration with Drs. K. Stone, S. Janes, C. Oswald, and C. Welden) Professional Development Grant, Southern Oregon University/APSOU. \$5,887
2002-2003	Instructional Equipment for Biology field courses: Year II (in collaboration with Dr. K. Stone). Professional Development Grant, Southern Oregon University/APSOU. \$2,495
2002-2003	Jenny Creek sucker spawning and larval distribution. Medford District, BLM. \$7,030
2003-2005	Distribution of introduced fish and native amphibians in lakes and wetlands of Lassen National Park. U.S. National Park Service \$55,000.
2004-2006	Phase II of Jenny Creek larval sucker study. Medford District BLM. \$13,000
2006-2011	Ash Meadows Naucorid and Devils Hole Pupfish research and recovery. Cooperative Agreement, U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office. \$25,000
2011-2016	Cascade-Siskiyou National Monument aquatic resource inventory. National Landscape Conservation System, U.S. Bureau of Land Management (in collaboration with Eric Dinger, Klamath Network, NPS). \$11,000

#### Publications:

Karam, A. P, **M.S. Parker**, and L. T. Lyons. 2012. Ecological comparison of three artificial refuges for Devils Hole pupfish. North American Journal of Fisheries Management. 32: 224-238.

**Parker, M. S.**, D. L. Perkins, and G. G. Scoppettone. Feeding habits of endangered Lost River and shortnose suckers from Clear Lake Reservoir, California. In Revision, Western North American Naturalist.

**Parker, M. S.** and E. R. Parker. 2011. *Thamnophis atratus hydrophilus* (Oregon Garter Snake) diet. Herpetological Review. 42(3): 445-446.

**Parker, M. S.**, H.H. Welsh, Jr., and D. Sarr. 2010. Distribution of introduced fishes and their effects on high elevation lake communities in Lassen Volcanic National Park, CA. Verh. Int. Verein. Limnol. 30(9): 1397-1401.

**Parker, M. S.** 2008. Comparison of limnological characteristics and distribution and abundance of littoral macroinvertebrates and zooplankton in fish-bearing and fishless lakes of Lassen

- Volcanic National Park. National Resources Technical Report NPS/KLMN/NRTR-2008. 35pp.
- Power, M. E., **M. S. Parker**, and W. E. Dietrich. 2008. Seasonal reassembly of river food webs under a Mediterranean hydrologic regime: Floods, droughts and impacts of fish. *Ecological Monographs*. 78(2): 263-282.
- Power, M.E., W. E. Rainey, **M.S. Parker**, J. L. Sabo, A. Smyth, S. Khandwala, J.C. Finlay, F.C. McNeely, K. Marsee, and C. Anderson. 2004. River to watershed subsidies in an old-growth conifer forest. Pp. 217-240. In: G.A. Polis M.E. Power and G. Huxel. (eds.) *Food Webs in Landscapes*. University of Chicago Press.
- Parker, M. S.**, M. E. Power, and J. T. Wootton. 2002. Effects of substrate composition, streambed stability, and sediment supply on survival and trophic role of a dominant stream grazer. *Verh. Int. Verein. Limnol.* 28: 238-241.
- Parker, M. S.** 2002. Aquatic environments and associated fauna. Pp. 69-75. In D. C. Odion and E. J. Frost (eds.). *Protecting Objects of Scientific Interest in the Cascade-Siskiyou National Monument: Status, Threats, and Management Recommendations*. World Wildlife Fund, Ashland, OR.
- Marks, J. C., M. E. Power, and **M. S. Parker**. 2000. Flood disturbance, algal productivity, and inter-annual variation in food chain length. *Oikos*. 90(1): 20-27.
- Sytsma, M. D. and **M. S. Parker**. 1999. Aquatic vegetation in irrigation canals: a guide to integrated management. Oregon Center for Lakes and Reservoirs. 51 pp.
- Parker, M. S.** and M. E. Power. 1997. Effect of stream flow regulation and absence of scouring floods on trophic transfer of biomass to fish in northern California rivers. Technical Completion Report, University of California Water Resources Center, UCAL-WRC-W-825. 32 pp.
- Power, M.E, S. J. Kupferberg, G. W. Minshall, M. C. Molles, and **M. S. Parker**. 1997. Sustaining western aquatic food webs. Pp. 45-61. In: G. W. Minshall (ed). *Proceedings of the Aquatic Ecosystem Symposium*. Western Water Policy Review Advisory Commission. Springfield, VA. 87pp.
- Wootton, J. T., **M. S. Parker**, and M. E. Power. 1996. Effects of disturbance on river food webs. *Science*. 273: 1558-1561.
- Power, M. E., **M. S. Parker**, and J. T. Wootton. 1995. Disturbance and food chain length in rivers. Pp. 286-297. In: G. A. Polis and K. O. Winemiller (eds.). *Food Webs: Integration of Patterns and Dynamics*. Chapman and Hall, NY.
- Parker, M. S.** 1994. Feeding ecology of stream-dwelling Pacific giant salamander larvae (*Dicamptodon tenebrosus*). *Copeia*. 1994(3): 705-718.
- Parker, M. S.** 1993. Predation by Pacific giant salamander larvae on juvenile steelhead trout. *Northwestern Naturalist*. 74(1): 17-21.
- Parker, M. S.** 1993. Size-selective predation on benthic macroinvertebrates by stream-dwelling salamander larvae. *Archiv fur Hydrobiologie*. 128(3): 385-400.
- Parker, M. S.** 1993. Opportunistic predation by a Great Blue Heron on an American Dipper. *The Wilson Bulletin*. 105(4): 698-700.
- Power, M. E., J. C. Marks, and **M. S. Parker**. 1992. Variation in vulnerability of prey to different predators: community-level consequences. *Ecology*. 73(6): 2218-2223.
- Parker, M. S.** and A. W. Knight. 1992. Aquatic invertebrates inhabiting saline evaporation ponds in the southern San Joaquin Valley, California. *Bulletin of the Southern California Academy of Science*. 91(2): 43-51.
- Parker, M. S.** 1991. Relationship between cover availability and larval Pacific giant salamander density. *Journal of Herpetology*. 25(3): 255-258.

- Castleberry, D. T., J. E. Williams, G. M. Sato, T. E. Hopkins, A. E. Brasher, and **M. S. Parker**. 1990. Status and management of Shoshone pupfish, *Cyprinodon nevadensis shoshone* (Cyprinodontidae), at Shoshone Spring, Inyo County, California. Bulletin of the Southern California Academy of Science. 89(1): 19-25.
- Parker, M. S.** 1989. Effects of substrate composition on detritus accumulation and macroinvertebrate distribution in a southern Nevada desert stream. Southwestern Naturalist. 34(3): 181-187.

Selected Technical Reports:

- Parker, M. S. 2009. Status of Oregon spotted frog (*Rana pretiosa*) at the Parsnip Lakes, Cascade-Siskiyou National Monument. Final Report to U.S. Bureau of Land Management, Medford District Office. 18 pp.
- Parker, M. S. and S. Goodchild. 2008. Management plan for Ash meadows Naucorids. Final Report, U. S. Fish and Wildlife Service, Southern Nevada. 35pp.
- Parker, M. S. 2008. Plan for reintroduction of Ash Meadows Naucorid (*Ambrysus amargosus*) into springs within the Point-of-Rocks spring complex. Final Report, Ash Meadows National Wildlife Refuge. 9 pp.
- Rossa, J. M. and M. S. Parker. 2007. Population characteristics of Jenny Creek Suckers (*Catostomus rimiculus*): Age-size relationships, age distribution, apparent densities, and management implications. Technical Report, U.S. Bureau of Land Management, Cascade-Siskiyou National Monument. 38 pp.
- Parker, M. S. and J. K. Call. 2006. Investigations of Jenny Creek Sucker (*Catostomus rimiculus*) age, growth, and spawning. Final Report, U.S. Bureau of Land Management, Medford District Office. 22 pp.
- Parker, M. S. and Ruhl, D. 2005. Distribution of larval Jenny Creek suckers (*Catostomus rimiculus*) indicate distribution of spawning and rearing habitats within the upper Jenny Creek watershed. Final Report, U. S. Bureau of Land Management, Medford District Office. 16 pp.
- Parker, M. S., A. P. Karam, D. Ruhl, J. Rossa. 2004. Absence of larval drift by Jenny Creek Suckers: Implications for the use of drift sampling in assessing spawning and rearing habitat requirements. Final Report, U.S. Bureau of Land Management, Medford District Office. 12pp.
- Parker, M. S., J. G. Abbas, G. G. Scopettone. 2002. Investigation of otolith microstructure in Devils Hole Pupfish (*Cyprinodon diabolis*) and feasibility for age and growth analysis. U.S. Geological Survey, Western Fisheries Research Center. 29 pp.
- Parker, M. S. 2001. Survey of benthic macroinvertebrates to assess effects of the Blue Ledge Mine on aquatic biota of Joe and Elliott Creeks, NW California. Final Report, U.S. Forest Service, Rogue River National Forest. 6 pp.
- Parker, M. S. 2000. Ecological investigation of two naucorid species (*Ambrysus amargosus* and *A. relictus*) endemic to thermal springs of the Ash Meadows National Wildlife Refuge. Final Report, U. S. Department of Interior, Fish and Wildlife Service, Southern Nevada Field Office, Las Vegas, NV. 54 pp.
- Parker, M. S. 2000. Distribution and abundance of grazing macroinvertebrates in Jenny Creek, and potential influences on food availability to fish. Final Report, U. S. Department of Interior, Bureau of Land Management, Medford District Office, Medford, OR. 20 pp.
- Parker, M. S. 1999. Aquatic surveys of seven streams within the Cascade-Siskiyou Ecological Emphasis Area. Final Report, U. S. Department of Interior, Bureau of Land Management, Medford District Office, Medford, OR. 25 pp.

- Parker, M. S. et al. 1999. Effects of Oak Street diversion fish screen return on migrating salmonids. Final Report, Talent Irrigation District and Oregon Dept. of Fish and Wildlife Fish Passage Task Force. 6 pp.
- Parker, M. S. and M. D. Sytsma. 1999. Use of Grass Carp to control nuisance vegetation in southern Oregon Irrigation Canals. Final Report, Talent Irrigation District, Talent, OR. 10 pp.
- Parker, M. S. and M. D. Sytsma. 1998. Aquatic vegetation management in southern Oregon Irrigation canals. Phase II: Evaluation of techniques to prevent and reduce plant growth. Final Report, Oregon Department of Agriculture, Salem, OR. 28 pp.
- Parker, M. S., G. G. Scoppettone, M. B. Nielsen. 1998. Distribution and relative abundance of benthic macroinvertebrates along the Muddy River, Nevada. Final Report, National Biological Service, Reno Field Station. 14 pp.
- Parker, M. S., K. Thorpe, B. Thorpe. 1998. Limnological Investigation of five southern Oregon Reservoirs. In: Citizen Lake Watch Annual Report, Portland State University. 24 pp.
- Sytsma, M. D. and M. S. Parker. 1997. Aquatic vegetation management in southern Oregon Irrigation canals. Final Report, Talent Irrigation District and U. S. Bureau of Reclamation. 75 pp.
- Messer, D. F., C. L. Donaldson, M. S. Parker, A. W. Knight. 1994. Effects of clear-cut logging practices on benthic communities of the North Fork Caspar Creek watershed, Jackson State Demonstration Forest. Land, Air and Water Resources Paper # 100024, University of California, Davis. 75 pp.
- Parker, M. S. and A. W. Knight. 1989. Biological characterization of agricultural drainage evaporation ponds. Water Science and Engineering Papers #4521. University of California, Davis. 52 pp.
- Maier, K. A. R., M. S. Parker, A. W. Knight. 1988. Environmental tolerances of organisms common to farm evaporation ponds: an annotated bibliography. Water Science and Engineering Papers #4520. University of California, Davis. 72 pp.

#### Summary of Conferences with Presented Papers:

Society for Theoretical and Applied Limnology, Triennial Congress; (Melbourne, Aust., 2001; Montreal, Quebec 2007).

North American Benthological Society, Annual Meetings, 1989, 1991, 1992, 1993, 1994, 1996, 2010, 2014

American Society of Limnology and Oceanography, Annual Meeting, 1992

Ecological Society of America, Annual Meetings, 1990, 1992, 1994, 1999, 2012

American Society of Ichthyologists and Herpetologists, Annual Meeting, 1990, 2010

American Fisheries Society (Cal-Neva and Oregon Chapters), 1990, 1999, 2005, 2006

Desert Fishes Council, Annual Meetings, 1995, 1997, 2000, 2003, 2005, 2006, 2009

Society for NW Vertebrate Biology, Annual Meetings, 1996, 1999, 2003, 2009, 2011, 2012, 2015

Oregon Lakes Association, 1999, 2001, 2015

Geological Society of America, 2004

George Wright Society, 2009, 2013

Northwest Science Association, 2017



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION OF O&C COUNTIES,

Plaintiff,

v.

DONALD J. TRUMP, UNITED STATES OF  
AMERICA, KEVIN HAUGRUD, and BUREAU  
OF LAND MANAGEMENT,

Defendants,

and

SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD, and  
THE WILDERNESS SOCIETY,

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-0280-RJL

**DECLARATION OF NADA CULVER**

I, NADA CULVER, declare as follows:

1. I reside in Evergreen, Colorado. I have personal knowledge of each of the facts set forth below. I submit this declaration on behalf of myself and The Wilderness Society (TWS).

2. I am currently the Senior Director for Agency Policy and Planning at The

Wilderness Society, working in Denver, Colorado. I am also a member of TWS. At TWS, I oversee the BLM Action Center and National Forest Action Center; these teams are focused on engaging the public in planning and management of our public lands and advocating for responsible management.

3. TWS members and staff enjoy a myriad of recreation opportunities on public lands, including hiking, biking, nature-viewing, photography, hunting, fishing, birdwatching and quiet contemplation in the solitude offered by wild places. Founded in 1935, our mission is to protect wilderness and inspire Americans to care for our wild places. We have more than 500,000 members and supporters around the West, including approximately 15,000 in Oregon and 80,000 in California. TWS has a continuing interest in ensuring the protection of wildlands, including national monuments, under the jurisdiction of the BLM.

4. For my own uses of public lands, I seek out and prefer to use those federal public lands that are more wild, such as national monuments and including Cascade-Siskiyou National Monument, for hiking, backpacking, camping and wildlife watching. I am familiar with the natural beauty and solitude of wilderness-quality lands in Oregon and California, including the Cascade-Siskiyou National Monument. I have also witnessed the negative impacts that development activities have on wilderness-quality landscapes if they are left unprotected.

5. TWS has a long-standing interest in the management of Bureau of Land Management (BLM) across the West, including in Oregon, and engages frequently in the decision-making processes for land use planning and project proposals that could potentially affect wilderness-quality lands, wildlife habitat, and other natural resources managed by the BLM, as well as the health, safety and quality of life of surrounding communities.

6. TWS also has a long-standing interest in the BLM's National Landscape

Conservation System (National Conservation Lands), including management of national monuments. Since the creation of the National Conservation Lands in 2000, TWS has worked to support this important aspect of BLM's multiple use mandate. TWS has issued thorough assessments of the National Conservation Lands every five years since its inception – in 2005, 2010 and 2015.

**The Wilderness Society's Engagement in Protecting the Cascade-Siskiyou National Monument, Including in Expanding the Monument**

7. TWS and I personally have been actively engaged in both protecting the resources of the Cascade-Siskiyou National Monument since its creation, and supporting the need for expansion of the Monument. I have been the lead staff person for TWS for writing comments and advocating for the protection and expansion of the Monument, including through the following actions:

- a. TWS wrote and submitted a joint protest of the Proposed Monument Management Plan and extensive comments in March, 2005.
- b. I attended and spoke at an even celebrating the sixth anniversary of the designation of the Monument in November, 2006, which also included spending time in the Monument hiking, taking in scenic vistas and learning about the biology, wildlife and other Monument objects of interest while celebrating the protections the Monument provides to the lands and waters of this unique and ecologically important area.
- c. On behalf of TWS, Soda Mountain Wilderness Council, Klamath-Siskiyou Wildlands Project, and Center for Biological Diversity TWS wrote and submitted an administrative appeal to the Interior Board of Land Appeals (IBLA) challenging the travel plan for the Monument included in the Record of Decisions in September, 2008. This challenge was based on the inadequacy of the travel plan to fulfill the agency's obligation to protect Monument

objects. TWS and other parties entered into a settlement with the BLM in October, 2009, which led to the BLM committing to create an updated travel plan.

d. TWS wrote and submitted joint scoping comments on the Determination of Compatibility of Current Livestock Grazing Practices with Protecting the Objects of Biological Interest in the Cascade-Siskiyou National Monument in September, 2008, noting the likelihood of incompatibility of current grazing practices with the requirement to protect Monument objects.

e. TWS wrote and submitted joint comments on the Sampson Cove Forest Management Project in August 2010, and an administrative protest in September, 2010, focused on the impacts of proposed logging to lands within the area of potential expansion for the Cascade-Siskiyou National Monument.

f. TWS wrote and submitted joint comments on the Cottonwood Forest Management Project in August, 2011, and an administrative protest in September, 2011, focused on the impacts of proposed logging to lands within the area of potential expansion for the Cascade-Siskiyou National Monument.

g. TWS wrote and submitted joint comments on the Soda Mountain Communications Site Management Plan in August, 2010, and October, 2011, focused on the need to protect Monument objects and wilderness values.

h. TWS wrote and submitted joint comments on the BLM's Western Oregon Plan Revision focused on the impacts from the management of surrounding lands on the Monument and impacts of the plan revisions on values in the potential expansion areas for the Monument, including the need for protection of lands with wilderness characteristics and a proposed Rogue Valley Foothills Area of Critical Environmental Concern (ACEC), now part of

the Monument through the expansion. Scoping comments were submitted in July, 2012, the ACEC proposal was submitted in June, 2015, and comments on the draft plan were submitted in August, 2015.

i. TWS wrote and submitted joint comments on the updated travel plan for the Monument, including scoping comments in April, 2012, comments on the draft environmental assessment in August, 2016, and additional comments during a supplemental comment period in November, 2016.

j. TWS joined legal challenges to BLM's Western Oregon Plan Revisions in 2008 and 2016.

k. TWS issued three reports on the State of the National Conservations Lands in 2005, 2010 and 2015, all of which highlighted Cascade-Siskiyou National Monument and the importance of management that prioritized protection of Monument objects.

**Harm from Interference with the Expansion of the Cascade-Siskiyou National Monument**

8. The expansion of the Monument addresses the intent of the original Monument Proclamation to protect the biological diversity and connectivity of these lands. The expansion is vital to protecting Monument objects, both within the original Monument and in the expansion area. Wildlife and plants that are highlighted in the Proclamation extend beyond the original boundaries and are at risk from the smaller boundaries and pressures on the surrounding lands.

9. If the additional lands are not managed as part of the Monument, then the Monument objects will continue to be harmed by activities on surrounding lands, impacting my interests, as well as those of TWS and its members, in protecting the biological values of the Monument and enjoying the Monument.

10. For my recreational, aesthetic and other uses of public lands, I and other TWS

members and staff seek out and prefer to use those federal public land that are more wild; in other words, those lands that are not burdened by development associated with logging, such as roads, invasive species, unnatural structures and other human developments that tend to mar the landscape, fragment and degrade wildlife habitat, and generally detract from an experience of the areas in a remote and unspoiled state.

11. If this part the Monument is unprotected, uses related to more development would substantially interfere with other uses of the land, including my and TWS members' use and enjoyment of the lands by disturbing stream beds, degrading both aquatic and terrestrial wildlife habitats and spoiling the scenic, aesthetic, and recreational resources of the area that I have, and will, use and enjoy. My health, recreational, scientific, spiritual, educational, aesthetic, informational, and other interests would be directly affected and harmed by any development of on these lands.

12. TWS also has an interest in the protection of the Monument as part of BLM's National Conservation Lands. Undermining the protection of the expanded Monument and Monument objects will harm the interest of TWS and its members in ensuring that the BLM's National Conservation Lands are managed to prioritize protection of the values for which they were designated; in this situation, the expanded Monument is most consistent with the mission of the National Conservation Lands and with the mission of The Wilderness Society.

13. Through the many years I have spent working to protect the Cascade-Siskiyou National Monument, to make sure its irreplaceable biological resources are protected, including through the needed expansion of its boundaries, I have become deeply invested in the conservation of this landscape. Seeing it harmed through interference with the recent Monument Proclamation would be devastating.

14. I, on behalf of TWS, and TWS members participated throughout the many planning and management processes applicable to the Cascade-Siskiyou National Monument and the lands that were subsequently included in the expansion of the Monument. I, on behalf of TWS, as well as TWS members work to ensure our public lands are managed to conserve wildlands and wildlife, including through engaging in land use planning efforts. As an organization and on behalf of its individual members, including myself, TWS has a substantial interest in the outcome of this legal challenge.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 23<sup>rd</sup> day of February, 2017, at Evergreen, Colorado.

/s/ Nada Culver

NADA CULVER

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing  
*DECLARATION OF NADA CULVER* with the Clerk of the Court using the CM/ECF system,  
which will send notification of this filing to the attorneys of record and all registered participants.

/s/ Patti A. Goldman  
Patti A. Goldman



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION OF O&C COUNTIES,

Plaintiff,

v.

DONALD J. TRUMP, UNITED STATES OF  
AMERICA, KEVIN HAUGRUD, and BUREAU  
OF LAND MANAGEMENT,

Defendants,

and

SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH SISKIYOU  
WILDLANDS CENTER, OREGON WILD, and  
THE WILDERNESS SOCIETY,

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-0280-RJL

**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Fed. R. Civ. P. 7.1 and LCvR 7.1, I, the undersigned, counsel of record for Defendants-Intervenors Soda Mountain Wilderness Council, Klamath-Siskiyou Wildlands Center, Oregon Wild, and The Wilderness Society, certify that to the best of my knowledge and belief, these organizations have no parent companies, subsidiaries, or affiliates which have any outstanding securities in the hands of the public. These representations are made in order that

judges of this Court may determine the need for recusal.

Dated: February 24, 2017

Respectfully submitted,

/s/ Patti A. Goldman

Patti A. Goldman, DCB # 398565  
Kristen L. Boyles, WSBA # 23806  
(Pending Pro Hac Vice Admission)  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
Telephone: (206) 343-7340  
pgoldman@earthjustice.org  
kboyles@earthjustice.org

Susan Jane M. Brown, OSB #054607  
(Pending Pro Hac Vice Admission)  
Western Environmental Law Center  
4107 NE Couch Street  
Portland, Oregon 97232  
(503) 914-1323

*Attorneys for Defendant-Intervenor-Applicants*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing *Corporate Disclosure Statement* with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record and all registered participants.

/s/ Patti A. Goldman  
Patti A. Goldman

SUSAN JANE M. BROWN (OSB #054607)  
Western Environmental Law Center  
4107 N.E. Couch Street  
Portland, OR 97232  
(503) 914-1323 | Phone  
(541) 485-2457 | Fax  
brown@westernlaw.org

KRISTEN L. BOYLES (WSB #23806)  
*(Pending Pro Hac Vice Admission)*  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340 | Phone  
(206) 343-1526 | Fax  
kboyles@earthjustice.org

*Attorneys for Defendant-Intervenor-Applicants*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

**MURPHY COMPANY, and MURPHY  
TIMBER INVESTMENTS, LLC**

Plaintiffs,

v.

**DONALD J. TRUMP, KEVIN HAUGRUD,  
U.S. DEPARTMENT OF INTERIOR, and  
BUREAU OF LAND MANAGEMENT,**

Defendants,

and

**SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD,  
and THE WILDERNESS SOCIETY,**

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-00285-CL

**MOTION TO INTERVENE AND  
MEMORANDUM OF POINTS AND  
AUTHORITIES**

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### **MOTION**

Soda Mountain Wilderness Council, Klamath-Siskiyou Wildlands Center, Oregon Wild, and The Wilderness Society (collectively “applicants”) move to intervene as of right as defendants in the above-titled action under Federal Rule of Civil Procedure 24(a). In the alternative, Applicants move for permissive intervention as defendants under Federal Rule of Civil Procedure 24(b). Counsel for defendant-intervenor-applicants conferred in good faith with counsel for plaintiffs Murphy Company and Murphy Timber Investments, LLC (“Murphy Timber”) and federal defendants prior to filing this motion. Murphy Timber does not oppose the motion; counsel for federal defendants stated that federal defendants take no position on the motion to intervene at this time, but reserve their right to take a position after filing.

In support of this motion, Applicants refer the Court to the following Memorandum of Points and Authorities and the Declarations of Declarations of Lori Cooper, Nada Culver, Alexander Harris, Matt Keller, Jennifer Maitke, Jeanine Moy, Michael Parker, George Sexton, Joseph Vaile, and Dave Willis, filed concurrently. Applicants have also concurrently filed a Proposed Answer pursuant to Federal Rule of Civil Procedure 24(c).

### **MEMORANDUM OF POINTS AND AUTHORITIES**

Soda Mountain Wilderness Council, Klamath-Siskiyou Wildlands Center, Oregon Wild, and The Wilderness Society (collectively “applicants”) seek to intervene as defendants in this challenge to the expansion of the Cascade-Siskiyou National Monument. The defendant-intervenor-applicants have been centrally involved in the creation and expansion of the Monument; additionally, the applicants have participated in previous lawsuits concerning this relatively small, yet vital, area of federally owned land in southwest Oregon.

While the focus of the controversy has shifted, this case continues a long-running battle over protection of federally owned forests in southwest Oregon known as the Oregon and

California Lands (“O&C lands”). As President Obama explained in Proclamation 9564,

*Boundary Enlargement of the Cascade-Siskiyou National Monument:*

The ancient Siskiyou and Klamath Mountains meet the volcanic Cascade Mountains near the border of California and Oregon, creating an intersection of three ecoregions in Jackson and Klamath Counties in Oregon and Siskiyou County in California. Towering rock peaks covered in alpine forests rise above mixed woodlands, open glades, dense chaparral, meadows filled with stunning wildflowers, and swiftly-flowing streams....

The Cascade-Siskiyou landscape is formed by the convergence of the Klamath, the Siskiyou, and the Cascade mountain ranges. The Siskiyou Mountains, which contain Oregon’s oldest rocks dating to 425 million years, have an east-west orientation that connects the newer Cascade Mountains with the ancient Klamath Mountains. The tectonic action that formed the Klamath and Siskiyou Mountains occurred over 130 million years ago, while the Cascades were formed by more recent volcanism. The Rogue Valley foothills contain Eocene and Miocene formations of black andesite lava along with younger High Cascade olivine basalt. In the Grizzly Peak area, the 25 million-year geologic history includes basaltic lava flows known as the Roxy Formation, along with the formation of a large strato-volcano, Mount Grizzly. Old Baldy, another extinct volcanic cone, rises above the surrounding forest in the far northeast of the expansion area.

Cascade-Siskiyou’s biodiversity, which provides habitat for a dazzling array of species, is internationally recognized and has been studied extensively by ecologists, evolutionary biologists, botanists, entomologists, and wildlife biologists. Ranging from high slopes of Shasta red fir to lower elevations with Douglas fir, ponderosa pine, incense cedar, and oak savannas, the topography and elevation gradient of the area has helped create stunningly diverse ecosystems. From ancient and mixed-aged conifer and hardwood forests to chaparral, oak woodlands, wet meadows, shrublands, fens, and open native perennial grasslands, the landscape harbors extraordinarily varied and diverse plant communities.

Proclamation No. 9564, 82 Fed. Reg 6,145 (Jan. 12, 2017). It is this extraordinary place that applicants seek to preserve and protect.

The O&C lands were originally part of the federal estate but were granted to the railroads in the late 1860s to facilitate the construction of a north/south rail line through western California and Oregon. When the railroads violated the land grants, the lands reverted into federal ownership, and Congress eventually passed the Oregon and California Lands Act of 1937, 43 U.S.C. § 1181a, *et seq.* (“O&C Act”) to guide the management of the lands. In the Act,

Congress sought to put an end to wasteful and destructive logging practices that clear-cut large forested areas for short-term economic gain without safeguarding the “capital” of the revested lands: the forest, the rivers, and other resources provided by the forested landscape. The O&C Act instituted a conservation ethic, making it the first federal statute to impose multiple uses and sustained-yield constraints on timber cutting.

Yet the O&C Act is not the only federal law applicable to these lands, as the federal courts have held ever since its enactment. Indeed, various courts have concluded multiple times that other federal environmental laws, including the National Environmental Policy Act (“NEPA”) and the Endangered Species Act (“ESA”), apply with equal force to the O&C lands. *See Lane Cty. Audubon Soc’y v. Jamison*, 958 F.2d 290 (9th Cir. 1992) (holding the ESA applicable to O&C lands managed by the BLM, and compelling protection of listed species forest habitat); *Portland Audubon Soc’y v. Babbitt*, 998 F.2d 705 (9th Cir. 1993) (holding that there was no unavoidable conflict between the O&C Act and an injunction stopping old-growth logging pending compliance with NEPA, even though the O&C Act’s timber targets (stated as minimums) could not be met under the injunction); *Seattle Audubon Soc’y v. Lyons*, 871 F. Supp. 1291, 1314 (W.D. Wash. 1994) (appeal history omitted) (holding that the Northwest Forest Plan did not violate the O&C Act, and that “management under the [O&C Act] must look not only to annual timber production but also to protecting watersheds, contributing to economic stability, and providing recreational facilities”). These judicial opinions follow nearly 80 years of legal interpretations and policy statements from the Department of the Interior and the Bureau of Land Management regarding the multiple-use nature of the O&C lands, and the authority and discretion to manage these lands for any number of conservation objectives, even at the expense of timber production.

Given that the courts and others have held NEPA, the ESA, and other laws applicable to the O&C lands, there is little legal authority to suggest that the Antiquities Act of 1906 – which gives the President authority to designate national monuments in order to protect objects of historic or scientific interest – is not similarly applicable to the O&C lands. *Cameron v. United States*, 252 U.S. 450 (1920) (confirming the President’s authority under the Antiquities Act to designate national monuments); *Cappaert v. United States*, 426 U.S. 128 (1976) (same); *Tulare Cty. v. Bush*, 306 F.3d 1138 (D.C. Cir. 2002) (same); *Mountain States Legal Found. v. Bush*, 306 F.3d 1132 (D.C. Cir. 2002) (same).

Applicants respectfully ask this Court for leave to intervene on behalf of federal defendants. Applicants have a long and committed history of involvement with the Cascade-Siskiyou National Monument and O&C lands in southwest Oregon. As explained below, Applicants fully satisfy the standard for intervention as of right under Rule 24(a) of the Federal Rules of Civil Procedure. In the alternative, Applicants satisfy the standard for permissive intervention under Rule 24(b).

#### APPLICANTS

The defendant-intervenor-applicants have played an active role in advocating for the designation and expansion of the Cascade-Siskiyou National Monument (“Monument”) and the appropriate management of the O&C lands for decades, and each applicant has a strong interest in the outcome of this case. Applicants and their members have been moving forces behind protection and preservation of the Monument since its original designation. Similarly, applicants and their members have been in the forefront of protecting old-growth forests and the fish and wildlife that rely on them through habitat restoration, participation in the administrative process, litigation, and public education; these natural resources and the benefits they provide society are among the “objects” protected by Proclamation 9564, which expanded the Monument.

Each applicant has a particular interest in the O&C lands at issue in the expanded Cascade-Siskiyou National Monument. Applicants have members who reside near, visit, or otherwise use and enjoy the original and expanded Monument lands, as well as other O&C lands, in a variety of ways, including recreation, hunting and fishing, wildlife viewing and education, and aesthetic and spiritual enjoyment. The past, present, and future enjoyment of these benefits by applicants and their members will be irreparably harmed by plaintiffs' requests for relief. See generally Declarations of Lori Cooper, Nada Culver, Alexander Harris, Matt Keller, Jennifer Maitke, Jeanine Moy, Michael Parker, George Sexton, Joseph Vaile, and Dave Willis, filed concurrently.

Soda Mountain Wilderness Council ("Soda Mountain") is a non-profit organization incorporated in Oregon with an office near Ashland, Oregon. Willis Decl. ¶ 2. Soda Mountain has approximately 325 members and mails to about ten times that many addresses, with most members and addressees concentrated in southern Oregon and some in northwestern California and elsewhere in the United States. Cooper Decl. ¶ 2. Soda Mountain is dedicated to protecting and restoring wildlands and the outstanding biodiversity and important biological connectivity where the botanically significant Siskiyou Mountains join the southern Cascade Range in southwest Oregon and northwest California. Soda Mountain monitors federal public land activities to ensure that management complies with relevant federal laws, including environmental laws. Soda Mountain also proposes designations that would better protect the area. Willis Decl. ¶ 3. Soda Mountain has a specific interest in the O&C lands managed by the BLM in southwest Oregon. Soda Mountain monitors Medford and Klamath Falls Resource Area BLM projects on O&C lands in the general Cascade-Siskiyou connectivity area, and Soda Mountain educated the public and elected officials, wrote comments, and otherwise advocated

for the designation of the Monument and for its expansion. *Id.* ¶¶ 6-20.

Klamath-Siskiyou Wildlands Center (“KS Wild”) is a non-profit organization incorporated in Oregon with offices in Ashland, Oregon. Sexton Decl. ¶ 2; Vaile Decl. ¶ 2. KS Wild has approximately 3,000 members, with most members concentrated in southern Oregon and northern California. KS Wild is dedicated to preserving the unique biological diversity of the Klamath-Siskiyou region in southwest Oregon and northwest California. KS Wild monitors federal public lands to ensure that management activities comply with relevant federal laws, including environmental laws. *Id.* KS Wild has a specific interest in the O&C lands managed by the BLM in southwest Oregon. Moy Decl. ¶ 2. KS Wild monitors all Medford and Klamath Falls Resource Area BLM projects on O&C lands, and the organization educated the public and elected officials, wrote comments, and otherwise advocated for the designation of the Monument and for its expansion. Sexton Decl. ¶ 24; Vaile Decl. ¶ 8.

Oregon Wild is a non-profit corporation organized under the laws of the State of Oregon. Oregon Wild is headquartered in Portland, Oregon, with field offices in Eugene and Bend. Oregon Wild’s mission is to protect and restore Oregon’s wild lands, wildlife, and water as an enduring legacy. Harris Decl. ¶ 1. Oregon Wild and its members advocated for expansion of the Cascade-Siskiyou National Monument, and Oregon Wild members regularly use and enjoy the Monument. *Id.* ¶¶ 6-7.

The Wilderness Society (“TWS”) is a non-profit national membership organization that works to protect wilderness and to inspire Americans to care for their wild places. Founded in 1935, TWS is headquartered in Washington, D.C. with over 300,000 members nationwide. TWS uses public education, scientific analysis, and advocacy to work towards its mission. Approximately 43,000 of the 300,000 members reside in Oregon, California, and Washington.

Culver Decl. ¶ 3. TWS has a long-standing interest in the BLM's National Landscape Conservation System (National Conservation Lands), including management of national monuments. TWS actively engaged in both protecting the resources of the Monument since its creation, and supporting the need for expansion of the Monument. *Id.* ¶¶ 6-7.

### ARGUMENT

Protection of the lands that make up the Cascade-Siskiyou National Monument is at the core of the missions of each of the intervention applicants. Each of the applicants has expended a considerable amount of time and resources to advance the original and expanded Monument designation. The applicants have been involved for years in the protection of O&C lands in general, and in the protection of the lands within the original Monument and its expanded area in particular. Under the intervention standards discussed below, intervenor-applicants' motion should be granted.

#### I. APPLICANTS ARE ENTITLED TO INTERVENE AS OF RIGHT.

The Federal Rules of Civil Procedure provide the following:

Upon timely application anyone shall be permitted to intervene in an action . . . when the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

Fed. R. Civ. P. 24(a). The Ninth Circuit and its district courts use a four-part test to evaluate motions to intervene: "(1) the intervention application is timely; (2) the applicant has a significant protectable interest relating to the property or transaction that is the subject of the action; (3) the disposition of the action may, as a practical matter, impair or impede the applicant's ability to protect its interest; and (4) the existing parties may not adequately represent the applicant's interest." *Prete v. Bradbury*, 438 F.3d 949, 954 (9th Cir.2006) (internal quotation

marks and citation omitted); *Citizens for Balanced Use v. Montana Wilderness Ass'n*, 647 F.3d 893, 897 (9th Cir. 2011). Moreover, “while an applicant seeking to intervene has the burden to show that these four elements are met, the requirements are broadly interpreted in favor of intervention.” *Prete*, 438 F.3d at 954. “In addition to mandating broad construction, our review is guided primarily by practical considerations, not technical distinctions.” *Southwest Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 818 (9th Cir. 2001). In the present case, applicants satisfy each of the elements for intervention under Rule 24(a).

A. Applicants’ Motion for Intervention Is Timely.

In determining whether an intervention motion is timely, this Court should consider three factors: “1) the stage of the proceeding at which an applicant seeks to intervene; 2) the prejudice to other parties; and 3) the reason for and length of the delay.” *County of Orange v. Air California*, 799 F.2d 535, 537 (9th Cir. 1986), *cert. denied*, 480 U.S. 946 (1987). In this case, applicants’ motion to intervene is timely because the present case is in its very early stages. Murphy Timber filed its complaint on February 17, 2017; this motion to intervene was filed less than two weeks later. No answer or motion has yet been filed; no merits issue of any kind, much less a core issue, has yet been scheduled, briefed, or decided; and applicants’ participation would not delay any deadline set by this Court.

Granting this motion to intervene would not prejudice any party. Applicants seek intervention, as discussed below and in the attached declarations, to protect their members’ interests and preserve the Monument expansion. If intervention is granted, applicants will comply with all court-ordered briefing schedules to serve the interest of efficiency. To further facilitate the timely resolution of this case, applicants have lodged their answer to the complaint with the motion to intervene (Exh. A). Counsel for applicants contacted counsel for plaintiffs and federal defendants to ascertain their positions on this motion. Plaintiffs do not oppose



intervention, and federal defendants take no position on the motion to intervene at this time, but reserve their right to take a position after filing. Granting applicants' motion to intervene will not delay the course of this litigation nor prejudice any party in the case; this motion to intervene is timely.

**B. Applicants and their Members Have Legally Protected Interests at Stake.**

Rule 24(a) requires an applicant for intervention to possess an interest relating to the property or transaction that is the subject matter of the litigation. "Whether an applicant for intervention as of right demonstrates sufficient interest in an action is a practical, threshold inquiry, and no specific legal or equitable interest need be established." *Montana Wilderness Ass'n*, 647 F.3d at 897 (internal quotations omitted). Furthermore, "to demonstrate a significant protectable interest, an applicant must establish that the interest is protectable under some law and that there is a relationship between the legally protected interest and the claims at issue." *Id.*

Here, applicants are conservation organizations with the missions of promoting the protection of public lands in Oregon, with a particular emphasis on the protection and management of not only the O&C lands, but the Cascade-Siskiyou National Monument in particular. *See, e.g.*, Sexton Decl. ¶ 2 ("Our members are interested in and support KS Wild's work to protect the forests and watersheds of the Klamath-Siskiyou region for their botanical, recreational, scientific, hydrological and aesthetic values. The Klamath-Siskiyou region includes much of the public lands in southern Oregon and northern California that serve as the watersheds for the Klamath River and Rogue River. Collectively these public lands provide some of the cleanest water and most biologically diverse forests in North America. Lands within the Cascade-Siskiyou National Monument are key to KS Wild's mission to protect biodiversity at the local and regional scale."); Moy Decl. ¶¶ 5-9 (describing past and future public education programs in the Monument); Willis Decl. ¶ 3 (Soda Mountain "has been the lead organization in

advocating for both the June 2000 original Monument and the January 2017 Monument expansion.”); Culver Decl. ¶ 7 (“TWS and I personally have been actively engaged in both protecting the resources of the Cascade-Siskiyou National Monument since its creation, and supporting the need for expansion of the Monument.”).

If Murphy Timber’s prayer for relief is granted, applicants would suffer an injury-in-fact due to the loss of protection for the Monument lands. *See* Sexton Decl. ¶ 26; Vaile Decl. ¶¶ 18-19; Willis Decl. ¶¶ 21-28; Cooper Decl. ¶¶ 4-7; Parker Decl. ¶¶ 3 (“As a research ecologist with 35 years’ experience, 23+ years within and around what is now the Cascade-Siskiyou National Monument, I am deeply concerned that any alterations to the Monument boundaries that reduce its overall area will significantly compromise the ecological integrity of this region and negatively impact the objects of scientific interest the Monument was originally established to protect: its globally-significant biodiversity.”); *Friends of the Earth Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.*, 528 U.S. 167, 183 (2000) (“[E]nvironmental plaintiffs adequately allege injury in fact when they aver that they use the affected area and are persons ‘for whom the aesthetic and recreational values of the area will be lessened’ by the challenged activity” (citations omitted)). Such injury would be redressed through applicants’ participation in this case, where applicants intend to explain the harm Murphy Timber’s request could cause to the environment and to the law, which could help prevent Murphy Timber’s request for relief from being granted. In addition, the *stare decisis* effect of a ruling in Murphy Timber’s favor could cause harm to applicants’ interests in protection of O&C lands and the Monument. *United States v. Oregon*, 839 F.2d 635, 638 (9th Cir. 1988) (“Intervention may be required when considerations of *stare decisis* indicate that an applicant’s interest will be practically impaired”); *Greene v. United States*, 996 F.2d 973, 977 (9th Cir. 1993).

C. If Successful, Murphy Timber's Action Would Impair Applicants' Interests.

An applicant for intervention as of right must be “so situated that the disposition of the action *may* as a practical matter impair or impede the applicant’s ability to protect that interest.” Fed. R. Civ. P. 24(a) (emphasis added). Applying this impairment requirement, the Ninth Circuit has explained that “if an absentee would be substantially affected in a practical sense by the determination made in an action, he should, as a general rule, be entitled to intervene.” *Berg*, 268 F.3d at 822 (internal quotations omitted). This inquiry “‘is not limited to consequences of a strictly legal nature.’” *Forest Conservation Council v. United States Forest Serv.*, 66 F.3d 1489, 1498 (9th Cir 1995) (quoting *Natural Res. Def. Council v. Nuclear Regulatory Comm’n*, 578 F.2d 1341, 1345 (10th Cir. 1978)).

In this suit, AOCC seeks a court order that Proclamation 9564 violates the O&C Act and therefore the Antiquities Act; it seeks to enjoin and vacate the Proclamation to the extent that it includes O&C lands. Such a result would not only irreparably harm applicants’ interests by frustrating years of effort applicants have spent working to first designate, and then expand, the Monument, but also would undermine the missions of applicants’ organizations that seek to protect the natural resources on the O&C lands within the Monument. *See, e.g., Natural Res. Def. Council v. EPA*, 99 F.R.D. 607, 609 (D.D.C. 1983) (granting intervention as of right to industry groups in a FACA case that could “nullify” the group’s efforts); *see also* Cooper Decl. ¶ 7 (“Altering the boundaries of the Monument would also have dire effects on [Soda Mountain’s] ability to meet its organizational mission.”). Furthermore, if AOCC succeeds in securing its desired legal interpretation of the O&C Act, such a ruling could affect other O&C lands in Oregon. *See, e.g.,* Sexton, Vaile, Willis Declarations.

Courts have found sufficient impairment to sustain intervention for conservation groups in suits such as this. *See, e.g., Idaho Farm Bureau Fed’n v. Babbitt*, 58 F.3d 1392, 1398 (9th

Cir. 1995) (decision to remove species from endangered species list impairs conservation groups' interest in preservation); *Sagebrush Rebellion v. Watt*, 713 F.2d 525, 528 (9th Cir. 1983) ("An adverse decision in this suit would impair the society's interest in the preservation of birds and their habitats"). Because applicants are so situated that the disposition of this action may, as a practical matter, impair their ability to protect their interests in publically owned O&C lands, applicants satisfy Rule 24(a)'s impairment-of-interest requirement.

D. Applicants' Interests May Not Be Adequately Represented by Defendants.

Finally, an applicant for intervention as a matter of right must show that its interests may not be adequately represented by the existing parties to the litigation. An "applicant-Intervenor's burden in showing inadequate representation is minimal: it is sufficient to show that representation *may* be inadequate." *Forest Conservation Council v. U.S. Forest Serv.*, 66 F.3d 1489, 1498 (9th Cir. 1995) (emphasis in original), *abrogated in part on other grounds by Wilderness Soc'y v. U.S. Forest Serv.*, 630 F.3d 1173 (9th Cir. 2011); *see also, Crossroads Grassroots Policy Strategies v. FEC*, 788 F.3d 312, 317-18 (D.C. Cir. 2015) (explaining that the existence of different governmental and private interests supports intervention) (citation omitted). "A proposed intervenor is adequately represented if "(1) the interests of the existing parties are such that they would undoubtedly make all of the non-party's arguments; (2) the existing parties are capable of and willing to make such arguments; and (3) the non-party would offer no necessary element to the proceeding that existing parties would neglect." *Southwest Ctr. for Biological Diversity v. Babbitt*, 150 F.3d 1152, 1153-54 (9th Cir. 1998). Because none of the current parties adequately represents applicants' interests in this matter, intervention of right is appropriate.

Murphy Timber's interests are directly adverse to those of applicants. Murphy Timber seeks to vacate and enjoin the Monument expansion, while applicants advocated for the

Monument and its recent expansion. Murphy Timber simply does not represent applicants' interests.

The federal defendants' interests may also be adverse to those of applicants. *See People for the Ethical Treatment of Animals v. Babbitt*, 151 F.R.D. 6 (D.D.C. 1993) (government's mandate to design and enforce an entire regulatory system precludes it from adequately representing one party's interest in it); *Dimond v. D.C.*, 792 F.2d 179, 192-93 (D.C. Cir. 1986) (finding an agency "would be shirking its duty were it to advance [an individual's] narrower interest at the expense of its representation of the general public interest"). Moreover, the federal government's frequent reluctance to adequately protect the O&C lands—including by entering settlement agreements to increase timber production on these lands—particularly following changes in political administration, highlights the risk that federal defendants may not adequately represent applicants' interests. *See, e.g., AFRC v. Clarke*, No. 94-1031-TPJ (D.D.C. 2003) (BLM settled timber industry suit, agreeing to revise its resource management plans in western Oregon); *Western Council of Industrial Workers v. Secretary of Interior*, No. 02-6100-AA (D. Or.) (FWS settled timber industry suit over owl protected status and designated critical habitat). Further, "[a]lthough there may be a partial congruence of interests, that does not guarantee the adequacy of representation." *Fund For Animals, Inc. v. Norton*, 322 F.3d 728, 736-37 (D.C. Cir. 2003) (granting intervention where federal defendant and movant's interests "might diverge during the course of litigation" and noting that that court "has often concluded that governmental entities do not adequately represent the interests of aspiring intervenors"); *see also Berg*, 268 F.3d at 816-17 (accord).

This Court regularly grants motions to intervene by nonprofit conservation organizations in similar suits against the federal government brought to remove or weaken procedural or

substantive protections for the environment. Given that this lawsuit comes at a time of a presidential administration transition, particularly to a defendant President and federal agency leadership who did not participate in the review and expansion of the Monument, there will not be a consistent environmentally focused party present in this case at all times to protect applicants' interests unless the applicants themselves are allowed to intervene. Accordingly, given the minimal showing necessary to find inadequate representation, the Court should grant applicants' motion to intervene as of right as defendants.

II. ALTERNATIVELY, APPLICANTS SATISFY THE STANDARD FOR PERMISSIVE INTERVENTION.

As detailed above, applicants meet the requirements for intervention as of right under Rule 24(a). However, if this Court denies intervention as of right, applicants request the Court for leave to intervene under Rule 24(b). "All that is necessary for permissive intervention is that Intervenor's claim or defense and the main action have a question of law or fact in common." *Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1108 (9th Cir. 2002) (quoting Rule 24(b)) (internal quotations omitted), *abrogated on other grounds by Wilderness Soc'y v. U.S. Forest Serv.*, 630 F.3d 1173 (9th Cir. 2011).

Applicants merit, at minimum, permissive intervention. First, as demonstrated above, the case is at a preliminary stage; no significant milestones have yet occurred in this case, and applicants' motion is timely. Applicants do not bring new claims. Instead, they intend to oppose the claim and requests for relief made by Murphy Timber in this action and to offer defensive arguments, all of which necessarily share questions of law and fact in common with the central issues in this case. Applicants' intention to file joint briefs further demonstrates that they will cause no prejudice or undue delay to the parties. If intervention is granted, applicants intend to support the efficient adjudication of the case.

Applicants seek intervention to ensure that this Court is presented with a key perspective on the issues involved in this case that may aid the Court's review, particularly in view of the Presidential Administration transition. Applicants have gained particular knowledge and expertise about the O&C Act and the O&C lands from their decades-long engagement on land management issues and litigation affecting the areas located in the Monument, and from their advocacy that has been central to the designation and expansion of the Monument. These organizations also seek to participate in this litigation in part because they have made organizational commitments to protect the Cascade-Siskiyou area where the Monument is located into the future, as described in the attached declarations. Applicants have deep experience with the O&C Act, perspective and experience that would ground their targeted briefing, and that would complement the Government's defense. *Cf. Natural Res. Def. Council v. Costle*, 561 F.2d 904, 912-13 (D.C. Cir. 1977) (granting intervention for movant to protect its own interests and where it "may also be likely to serve as a vigorous and helpful supplement to EPA's defense").

Applicants have a significant interest in the use and enjoyment of the O&C lands, and other public forests, located within the Monument and beyond. Applicants also have an interest in a valid interpretation of the requirements and limits of the O&C Act. Given the importance of the issues involved in this case, the stake applicants have in the protection of the Monument, and the early stage of the litigation, the Court should allow permissive intervention.

#### CONCLUSION

"Resolution of this case will decidedly affect Applicants' legally protectable interests and there is sufficient doubt about the adequacy of representation to warrant intervention." *Sw. Ctr. for Biological Diversity*, 268 F.3d at 824 (internal quotation marks omitted). For the reasons set forth above, Soda Mountain Wilderness Council, Klamath-Siskiyou Wildlands Center, Oregon

Wild, and The Wilderness Society request that the Court grant them intervention as of right or, in the alternative, permissive intervention.

Dated: February 24, 2017

Respectfully submitted,

/s/ Susan Jane M. Brown

SUSAN JANE M. BROWN (OSB #054607)  
Western Environmental Law Center  
4107 N.E. Couch Street  
Portland, OR 97232  
(503) 914-1323 | Phone  
(541) 485-2457 | Fax  
brown@westernlaw.org

KRISTEN L. BOYLES (WSB #23806)  
(Pending Pro Hac Vice Admission)  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340 | Phone  
(206) 343-1526 | Fax  
kboyles@earthjustice.org

*Attorneys for Defendant-Intervenor-Applicants*



**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing *MOTION TO INTERVENE AND MEMORANDUM OF POINTS AND AUTHORITIES* with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record and all registered participants, including the following:

Michael E. Haglund  
Julie A. Weis  
Haglund Kelley LLP  
200 SW Market Street  
Suite 1777  
Portland, OR 97201  
Phone: (503) 225-0777  
Email: haglund@hk-law.com  
jweis@hk-law.com

*Attorneys for Plaintiff*

Stuart Gillespie  
U.S. Department of Justice  
Environment and Natural Resources Division  
999 18th Street  
South Terrace, Suite 370  
Denver, CO 80202  
Phone: (303) 844-1390  
Email: Stuart.Gillespie@usdoj.gov

*Attorney for Defendants*

/s/ Susan Jane M. Brown  
Susan Jane M. Brown

# **EXHIBIT A**

SUSAN JANE M. BROWN (OSB #054607)  
Western Environmental Law Center  
4107 N.E. Couch Street  
Portland, OR 97232  
(503) 914-1323 | Phone  
(541) 485-2457 | Fax  
brown@westernlaw.org

KRISTEN L. BOYLES (WSB #23806)  
*(Pending Pro Hac Vice Admission)*  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340 | Phone  
(206) 343-1526 | Fax  
kboyles@earthjustice.org

*Attorneys for Defendant-Intervenor-Applicants*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

**MURPHY COMPANY, and MURPHY  
TIMBER INVESTMENTS, LLC**

Plaintiffs,

v.

**DONALD J. TRUMP, KEVIN HAUGRUD,  
U.S. DEPARTMENT OF INTERIOR, and  
BUREAU OF LAND MANAGEMENT,**

Defendants,

and

**SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD,  
and THE WILDERNESS SOCIETY,**

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-00285-CL

**ANSWER OF DEFENDANT-  
INTERVENORS SODA MOUNTAIN  
WILDERNESS COUNCIL, *ET AL.*, TO  
COMPLAINT**

On February 17, 2017, Murphy Company and Murphy Timber Investments, LLC (“Murphy Timber”) filed a Complaint in this action for declaratory and injunctive relief alleging a violation of law by President Donald J. Trump, the Department of the Interior, and the Bureau of Land Management. Defendant-intervenors Soda Mountain Wilderness Council, Klamath-Siskiyou Wildlands Center, Oregon Wild, and The Wilderness Society have intervened in this matter. Pursuant to Federal Rule of Civil Procedure 24(c), defendant-intervenors submit this Answer. The numbered paragraphs in this Answer correspond to those contained in Murphy Timber’s Complaint.

### **INTRODUCTION**

1. Paragraph 1 of the Complaint characterizes Murphy Timber’s case and contains legal conclusions to which no response is required. While the first two sentences contain factual information, defendant-intervenors deny the remaining sentences.

2. The allegations in the first sentence of paragraph 2 purport to characterize the Oregon and California Railroad Grant Lands Act of 1937 (“O&C Act”), which is the best evidence of its contents. Any allegations contrary to its plain language and meaning are denied. The allegations in the second sentence are denied.

### **JURISDICTION AND VENUE**

3. Defendant-intervenors admit that jurisdiction and venue is proper.

### **PARTIES**

4. Defendant-intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations.

5. Defendant-intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations.

6. Admit.

**THE O&C ACT OF 1937 RESTRICTS USE OF O&C LANDS  
TO TIMBER PRODUCTION**

7. The allegations in paragraph 7 purport to characterize the O&C Act which is the best evidence of its contents. Any allegations contrary to its plain language and meaning are denied.

8. The characterization and interpretation of the Ninth Circuit Court of Appeals case law discussed in paragraph 8 is denied.

**O&C LANDS DESIGNATED BY CONGRES FOR TIMBER PRODUCTION ARE  
EXEMPT FROM RESERVATION UNDER THE ANTIQUITIES ACT**

9. Defendant-intervenors admit that the Office of the Solicitor issued an opinion in 1940; that document is the best evidence of its contents. Any allegations contrary to its plain language and meaning are denied; defendant-intervenors also aver that this presentation of O&C Act interpretation and application is incomplete and therefore further deny.

10. Defendant-intervenors admit that the Office of the Solicitor issued an opinion in 1940; that document is the best evidence of its contents. Any allegations contrary to its plain language and meaning are denied; defendant-intervenors also aver that this presentation of O&C Act interpretation and application is incomplete and therefore further deny.

**FIRST CLAIM FOR RELIEF**

11. No answer required.

12. Defendant-intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in the first, second, and third sentences. The allegations in the fourth sentence are denied.

13. Defendant-intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in the first sentence. The allegations in the second sentence are denied. Defendant-intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in the third sentence. The allegations in the fourth sentence are denied.

14. Defendant-intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations.

15. Defendant-intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in the first and second sentences. The allegations in the third sentence are denied.

16. Deny.

17. The allegations in paragraph 17 purport to characterize the O&C Act which is the best evidence of its contents. Any allegations contrary to its plain language and meaning are denied.

18. Deny; the allegations in paragraph 18 mischaracterize Proclamation 9564, the O&C Act, Ninth Circuit precedent, and the several opinions issued by the Office of the Solicitor for the Department of the Interior.

19. Deny.

#### **PRAYER FOR RELIEF**

The remainder of Murphy Timber's Complaint constitutes its requests for relief to which no response is required. Defendant-intervenors aver that plaintiff is not entitled to relief on the First Claim for Relief, and the Court should dismiss that claim with prejudice.

**GENERAL DENIAL**

Defendant-intervenors deny any allegations of the Complaint, whether express or implied, that are not expressly admitted or qualified in this Answer.

**AFFIRMATIVE DEFENSES**

1. Plaintiffs fail to state a claim upon which relief may be granted.

\* \* \*

Defendant-intervenors deny that plaintiff is entitled to the relief prayed for, or to any relief whatsoever, and request that this action be dismissed with prejudice, that judgment be entered for defendant-intervenors, that the Court grant defendant-intervenors their costs of suit, and that the Court order such other and further relief as the Court may allow.

Dated: February 24, 2017

Respectfully submitted,

/s/ Susan Jane M. Brown

SUSAN JANE M. BROWN (OSB #054607)

Western Environmental Law Center

4107 N.E. Couch Street

Portland, OR 97232

(503) 914-1323 | Phone

(541) 485-2457 | Fax

brown@westernlaw.org

KRISTEN L. BOYLES (WSB #23806)

*(Pending Pro Hac Vice Admission)*

Earthjustice

705 Second Avenue, Suite 203

Seattle, WA 98104

(206) 343-7340 | Phone

(206) 343-1526 | Fax

kboyles@earthjustice.org

*Attorneys for Defendant-Intervenor-Applicants*

### **CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing  
*[PROPOSED] Answer of Defendant-Intervenors Soda Mountain Wilderness Council, et al., To*  
*Complaint* with the Clerk of the Court using the CM/ECF system, which will send notification of  
this filing to the attorneys of record and all registered participants, including the following:

Michael E. Haglund  
Julie A. Weis  
Haglund Kelley LLP  
200 SW Market Street  
Suite 1777  
Portland, OR 97201  
Phone: (503) 225-0777  
Email: haglund@hk-law.com  
jweis@hk-law.com

*Attorneys for Plaintiff*

Stuart Gillespie  
U.S. Department of Justice  
Environment and Natural Resources Division  
999 18th Street  
South Terrace, Suite 370  
Denver, CO 80202  
Phone: (303) 844-1390  
Email: Stuart.Gillespie@usdoj.gov

*Attorney for Defendants*

/s/ Susan Jane M. Brown  
Susan Jane M. Brown



SUSAN JANE M. BROWN (OSB #054607)  
Western Environmental Law Center  
4107 N.E. Couch Street  
Portland, OR 97232  
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*(Pending Pro Hac Vice Admission)*  
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kboyles@earthjustice.org

*Attorneys for Defendant-Intervenor-Applicants*

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**MURPHY COMPANY, and MURPHY  
TIMBER INVESTMENTS, LLC**

Plaintiffs,

v.

**DONALD J. TRUMP, KEVIN HAUGRUD,  
U.S. DEPARTMENT OF INTERIOR, and  
BUREAU OF LAND MANAGEMENT,**

Defendants,

and

**SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD,  
and THE WILDERNESS SOCIETY,**

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-00285-CL

**CORPORATE DISCLOSURE  
STATEMENT**

Pursuant to Fed. R. Civ. P. 7.1 and Local Rule 7.1, Defendant-Intervenor-Applicants Soda Mountain Wilderness Council, Klamath-Siskiyou Wildlands Center, Oregon Wild, and The Wilderness Society, through their undersigned counsel, hereby state that they have not issued shares to the public and have no affiliates, parent companies, or subsidiaries issuing shares to the public.

Dated: February 24, 2017

Respectfully submitted,

/s/ Susan Jane M. Brown

SUSAN JANE M. BROWN (OSB #054607)  
Western Environmental Law Center  
4107 N.E. Couch Street  
Portland, OR 97232  
(503) 914-1323 | Phone  
(541) 485-2457 | Fax  
brown@westernlaw.org

KRISTEN L. BOYLES (WSB #23806)  
(Pending Pro Hac Vice Admission)  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340 | Phone  
(206) 343-1526 | Fax  
kboyles@earthjustice.org

*Attorneys for Defendant-Intervenor-Applicants*

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I hereby certify that on February 24, 2017, I electronically filed the foregoing *Corporate Disclosure Statement* with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record and all registered participants, including the following:

Michael E. Haglund  
Julie A. Weis  
Haglund Kelley LLP  
200 SW Market Street  
Suite 1777  
Portland, OR 97201  
Phone: (503) 225-0777  
Email: haglund@hk-law.com  
jweis@hk-law.com

*Attorneys for Plaintiff*

Stuart Gillespie  
U.S. Department of Justice  
Environment and Natural Resources Division  
999 18th Street  
South Terrace, Suite 370  
Denver, CO 80202  
Phone: (303) 844-1390  
Email: Stuart.Gillespie@usdoj.gov

*Attorney for Defendants*

/s/ Susan Jane M. Brown

Susan Jane M. Brown

SUSAN JANE M. BROWN (OSB #054607)  
Western Environmental Law Center  
4107 N.E. Couch Street  
Portland, OR 97232  
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Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340 | Phone  
(206) 343-1526 | Fax  
kboyles@earthjustice.org

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COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD,  
and THE WILDERNESS SOCIETY,**

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-00285-CL

**[PROPOSED] ORDER GRANTING  
DEFENDANT-INTERVENOR-  
APPLICANTS' MOTION TO  
INTERVENE**

This matter having come before the Court on defendant-intervenor-applicants' ("applicants") motion to intervene, and the Court having considered all relevant motions, memoranda, and supporting documents, and good cause having been shown, orders that applicants' motion for [as of right] / [permissive] intervention is GRANTED. The clerk of this Court is directed to file applicants' answer, which applicants lodged with their motion.

DATED this                      day of                      , 2017.

THE HONORABLE MAGISTRATE JUDGE  
MARK D. CLARKE  
United States District Court Magistrate

Presented by:

/s/ Susan Jane M. Brown  
SUSAN JANE M. BROWN (OSB #054607)  
Western Environmental Law Center  
4107 N.E. Couch Street  
Portland, OR 97232  
(503) 914-1323 | Phone  
(541) 485-2457 | Fax  
brown@westernlaw.org

KRISTEN L. BOYLES (WSB #23806)  
(Pending Pro Hac Vice Admission)  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340 | Phone  
(206) 343-1526 | Fax  
kboyles@earthjustice.org

*Attorneys for Defendant-Intervenor-Applicants*

SUSAN JANE M. BROWN (OSB #054607)  
Western Environmental Law Center  
4107 N.E. Couch Street  
Portland, OR 97232  
(503) 914-1323 | Phone  
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KRISTEN L. BOYLES (WSB #23806)  
*(Pending Pro Hac Vice Admission)*  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340 | Phone  
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WILDLANDS CENTER, OREGON WILD,  
and THE WILDERNESS SOCIETY,**

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-00285-CL

**DECLARATION OF DAVE WILLIS In  
Support Of Motion To Intervene**

I, DAVE WILLIS, declare and state as follows:

1. I serve as the board chair of the Soda Mountain Wilderness Council (“SMWC”), and I am a regular member as well. For over three dozen years, since well before the Cascade-Siskiyou National Monument (hereafter “Monument”) was originally established in June 2000, I have resided on private land adjacent to the original Monument and near to the expanded Monument.

2. SMWC is a non-profit corporation organized under the laws of Oregon. SMWC is a 501(c)(3) tax exempt, public interest conservation organization based in the Ashland, Oregon, area. SMWC's organizational mission is to protect wildlands and conserve the outstanding biological diversity and important ecological processes in southwestern Oregon and northern California in the general area where the Siskiyou Mountains join the southern Cascade Range.

3. Via our many conservation efforts over the years, some of which are noted below, SMWC has been the lead organization in advocating for both the June 2000 original Monument and the January 2017 Monument expansion. SMWC and its members have been steadily and deeply involved in Bureau of Land Management (“BLM”) planning efforts in the Monument area for decades, including commenting on, protesting, and appealing proposed BLM management activities that would degrade the area’s environment. SMWC has also proposed local BLM administrative and other designations in what is now the Monument and the recent Monument expansion area that would improve the area’s environment, including proposals for a Green Springs Mountain Wild Area (2013), Rogue Valley Foothills Area of Critical Environmental Concern (2015), and also proposing “Scenic” Wild and Scenic Rivers status eligibility for Jenny Creek and Spring Creeks (2008).

4. As a charter board member (1984), volunteer, consultant, and paid SMWC employee, I have personally been involved in all these SMWC conservation efforts, culminating most recently in the Monument expansion needed to safeguard the positive environmental contributions of SMWC's prior conservation efforts for this ecologically unique and strategic area. (After the original Monument was established in June 2000, what had generally been called the "Soda Mountain" area came to be more generally known as the "Monument" area.)

5. In January 1983, before SMWC began in 1984, I attended and spoke at Medford BLM's scoping meeting as part of BLM's statewide Oregon Wilderness Review process, requesting a larger Soda Mountain Wilderness Study Area (WSA) in order to better protect the biological and wilderness values BLM had identified for the WSA.

6. In 1985, after the SMWC was formed – and as a SMWC board member – I attended and spoke for the Soda Mountain area at Medford BLM's public hearing on their statewide Wilderness DEIS. In 1987, I attended and similarly spoke at Medford BLM's statewide Wilderness SDEIS hearing. I and SMWC actively recruited SMWC members and others to attend, testify, and submit written comments for these 1985 and 1987 BLM hearings.

7. For both the 1985 and 1987 hearings, I and SMWC urged protection beyond the WSA for BLM land that eventually and variously became part of the original Monument, the designated Soda Mountain Wilderness, and the recent Monument expansion.

8. In August 1987, I coordinated and led a horseback and hiking trip into the Soda Mountain WSA for BLM's State Director, four other BLM staff, and four SMWC members.

9. At the end of this trip, and at SMWC's invitation, we were met by ~50 citizens, including many SMWC members, who urged the BLM state director to recommend the Soda Mountain WSA to Congress for Wilderness designation. The BLM did so after this trip.



10. During the 1990s, SMWC continued to advocate for protection of what is now the Monument area, including:

- Producing a ~30-minute video for public television called Soda Mountain: A Living Legacy.
- Building public support for a ~160-acre land exchange between Boise Cascade and BLM on the Pacific Crest Trail in the Pilot Rock area that was finally accomplished in 2000.
- Working for the best possible outcome for the area in the Northwest Forest Plan that resulted in BLM's "Cascade-Siskiyou Ecological Emphasis Area" (CSEEA) designation in Medford BLM's 1995 RMP via language directing special protection in the 1994 Northwest Forest Plan ROD.
- Successfully opposing a BLM commercial use permit for a "Team Dual Dogs of Southern California, Inc." dirt-bike motorcycle event in the new CSEEA.
- Submitting public comments on BLM's Draft EA for their recently acquired ~1,200-acre former Box O Ranch property along Jenny Creek – after helping to build public support for BLM's acquisition.
- Acquiring ~75 acres of private land adjacent to BLM's Scotch Creek Research Natural Area (RNA) and donating that land to BLM in 1999 for inclusion in the RNA, and donating that land to BLM in late October 1999.
- Taking Medford BLM's Ashland Resource Area Manager on four horseback trips to help him understand why SMWC's Wilderness proposal was larger than BLM's WSA.
- Taking Medford BLM's CSEEA planner on horseback trips into the CSEEA to enable him to write a more informed plan by seeing backcountry not accessible by motor vehicle.
- Commissioning and submitting to BLM a study by professional hydrologists

detailing hydrological damage from the construction-design and wet-weather vehicle use of the former Schoheim Road (actually a 4WD jeep trail) and its built and user-created jeep trail spurs – and taking Medford BLM’s Ashland Resource Area ecologist on a horseback trip along the length of the Schoheim. Pursuant to the study recommendations, BLM seasonally closed this road system, permanently closing some spurs. The Schoheim was closed year-round by name, except for emergency and authorized administrative use, in the 2000 Monument proclamation. And it was permanently closed to all motorized and mechanized use by the 2009 Wilderness designation, after which BLM has carried out restoration work (removing culverts, restoring stream crossings, etc.).

11. All of these efforts and more involved SMWC newsletters to members/others and/or SMWC-led public hikes and/or travel to DC to speak with administration officials and/or public communication via local press and/or collaboration with scientists and/or other allies to achieve better protection for land that is now part of the original Monument and/or Soda Mountain Wilderness and/or expanded Monument: all of the types of activities associated with advocating for the protection of a specific place. I was directly immersed in all these, and more, conservation efforts.

12. SMWC engaged BLM’s CSEEA scoping process with submitted comments and SMWC’s newsletters began urging national monument designation for the larger CSEEA area in 1999.

13. As part of this advocacy, and on behalf of SMWC:

- I travelled to DC to urge Administration officials to support a “Soda Mountain National Monument.”

- With scientists, I helped give a presentation to DOI officials who visited Medford

in August 1999.

- I participated in Secretary Babbitt's short stakeholder hike on the Pacific Crest Trail near Pilot Rock in late October 1999 in which he announced that, "The year 2000 will be a year of decision for the Soda Mountain area."

- I participated in the roundtable stakeholder discussion at Medford BLM on February 14, 2000, to consider Monument status for the area that Secretary Babbitt convened with Rep. Greg Walden and BLM State Director Elaine Zielinski.

- I participated in the mid-March 2000 video teleconference stakeholder discussion convened by Secretary Babbitt in Medford to consider Monument designation possibilities and the CSEEA Draft EA on which SMWC had submitted public comments.

14. Some of my efforts on behalf of SMWC are described in various news clippings included as Exhibit A to my declaration.

15. After the Cascade-Siskiyou National Monument (CSNM) was established in June 2000, some of SMWC's conservation efforts included:

- Organizing and submitting multi-group public comments on BLM's 2002 Draft, 2005 Final, and Record of Decision 2008 CSNM management plan EIS documents.

- SMWC administratively appealed BLM's ROD to the IBLA for insufficient road closures because of an inordinate road density in the Monument that fragmented habitat and increased erosion. The mutual settlement agreement required BLM to complete a Transportation Management Plan by September 2013. BLM has yet to complete this plan.

- SMWC negotiated for four years with Monument area grazing lessees toward "buyout" and permanent retirement of their BLM grazing leases – the mechanism for which was accomplished through legislation Congress passed in 2009 that also designated the Soda

Mountain Wilderness in the Monument's southern backcountry. So far, ~66,000 acres of BLM grazing leases in the original and expanded Monument have been retired via SMWC paying ranchers to donate their leases to BLM for retirement. Still-active BLM grazing leases named in the legislation as functionally eligible for voluntary buyout are in the Monument expansion area.

- Engaging BLM's management planning process for the Soda Mountain Wilderness by commenting at every step of the NEPA process.

- Fundraising for The Pacific Forest Trust (PFT) to assist them in purchasing Monument inholdings that BLM has since acquired as internal additions to the Monument. Collaborating with PFT and The Conservation Fund on acquisition and transfer to BLM of the ~13,000+ acres of Monument inholdings BLM added to the Monument by late 2015.

16. I was directly involved in all the SMWC efforts above and more.

17. In 2010, SMWC – with allies – began engaging BLM's planning process for BLM's Sampson Cove and Cottonwood timber sales in part of what is now the recent monument expansion area. This involved commenting at each stage of the NEPA process, including eventual protests and litigation that went from District Court in Medford to the Ninth Circuit Court of Appeals on each timber sale. When local scientists produced an April 2011 report urging that these timber sale areas and more be added to the Monument, SMWC's concerns about the degradation these two timber sales represented were intensified. I was personally involved throughout SMWC's engagement in commenting on, protesting, and litigating these timber sales, the planning areas for both of which are now part of the expanded Monument.

18. In addition to efforts to prevent BLM timber sale degradation of potential Monument expansion areas, SMWC began urging SMWC members and others to ask public officials to support Monument expansion. As part of this effort, SMWC published newsletters

and featured scientists urging Monument expansion at meetings for SMWC members and others.

On behalf of SMWC and toward Monument expansion:

- For many years I have scheduled scientist hike leaders for and SMWC has sponsored dozens of hikes into potential Monument expansion areas for members of the public to learn about potential Monument expansion areas first-hand.

- During May 2011, February 2012, September 2015, and April 2016 I traveled to DC to urge public officials to support a Monument expansion.

- In 2015 and 2016 I recruited Monument expansion support letters from private landowners in the potential expansion area representing over 14,000 acres.

- In 2015 and 2016 I recruited Monument expansion support letters from over a dozen area conservation groups.

- In 2015 I took the president of the Ashland Chamber of Commerce and an Ashland City Council member on a horseback trip into a potential Monument expansion area. I also took a second Ashland City Council member on the same trip separately in 2015.

- I joined scientists in briefing the Ashland City Council at a publicly-noticed June 1, 2015, city council study session – presenting the Council with a draft resolution supporting Monument expansion which they unanimously passed in revised form at their regular council meeting on June 15, 2015.

- I recruited Monument expansion support letters from the Oregon state legislators in whose districts the original Monument was located: Rep. Peter Buckley (July 2015) and Sen. Alan Bates (August 2015). After Sen. Bates' untimely passing, I recruited a support letter from his successor, Sen. Kevin Talbert (October 2015).

- Urging them to ask the president to expand the Monument, I took different staff

members of Oregon's U.S. senators on different trips into potential Monument expansion areas, including during and also before November 2015, April 2016, July 2016, and October 13 and 14.

- With SOU biologist Michael Parker, I briefed the Talent Chamber of Commerce board on Monument expansion in late July 2016, asking them to support expansion (which they did on August 1, 2016).

- At their regular August 17, 2016, meeting Dr. Parker and I publicly presented a request for the Talent City Council to endorse Monument expansion. They passed a unanimous resolution in support.

- I arranged a September 1, 2016, meeting for myself, Dr. Jack Williams (aquatic biologist), Dr. Pepper Trail (ornithologist), Ashland City Councilor Pam Marsh, and Talent City Councilor Daniel Wise with Medford Mail Tribune reporter Mark Freeman to talk with him about Monument expansion. Mr. Freeman published an article on September 5.

- I spoke on behalf of myself and SMWC in support of Monument expansion at all four public hearings concerning Monument expansion in late 2016: October 14 in Ashland, October 27 in Medford, November 1 in Klamath Falls, and November 17 in Yreka. On behalf of SMWC, I also recruited many others to attend and speak in support of Monument expansion at these hearings via newsletters and emails.

- With Jack Williams and Pam Marsh, I had in-person meetings with the Portland Oregonian and Eugene Register-Guard editorial boards on October 25, 2016.

- After he spoke in support of Monument expansion at 2016's October 14 and November 1 public hearings, I helped recruit a November 11 Monument expansion support letter from the Chairman of The Klamath Tribes.

- I briefed two of Governor Kate Brown's staff on Monument expansion, seeking a

support letter from her, which she wrote on November 21, 2016.

19. A collection of these letters of support from elected officials and other decision makers for the Monument expansion is attached to my declaration as Exhibit B.

20. Documents noting scientific support for the Monument's expansion are attached to my declaration as Exhibit C.

21. I, SMWC, and SMWC's members would suffer harm and injury if the Monument expansion were revoked or reduced. Revocation or reduction of the Monument would diminish the fruits of our many and long conservation labors, resulting in harm to watersheds, lands, native species, ecosystems, quiet recreational opportunities, and a more diversified and long-term sustainable local economy. Such past and chronic harm has been mitigated by the recent Monument expansion with hope for progressive BLM management of the expanded Monument as mandated by the expansion proclamation. As described further below referencing scientists' conclusions, the Monument expansion is necessary to more adequately protect the original Monument and all SMWC efforts that led to the original Monument.

22. I and SMWC's members regularly and variously use, enjoy, recreate on, and study public lands throughout the original June 2000 Monument and January 2017 Monument expansion area. I and other members of SMWC regularly and variously visit and enjoy the area for educational, recreational, and scientific activities, including hiking, camping, photography, horseback riding, cross-country skiing, snowshoeing, observing wildlife, hunting, fishing, botanizing, scientific research, other forms of outdoor education, and the satisfaction and benefit of quiet solitude in remaining and rare less-developed and less-degraded wildlands that are remarkably biodiverse. I and SMWC's members intend to continue to use, enjoy, recreate on, and study these lands in the future.

23. Proclamation 7318 calls the original Monument “...an ecological wonder, with biological diversity unmatched in the Cascade Range. This rich enclave of natural resources is a biological crossroads – the interface of the Cascade, Klamath, and Siskiyou ecoregions, in an area of unique geology, biology, climate, and topography.” The proclamation further states that “The monument is home to a spectacular diversity of rare and beautiful species of plants and animals, whose survival in the region depends upon its continued ecological integrity.” I and SMWC members value and work to improve the relative ecological integrity of this area. We have worked for decades here to “Protect the best and restore the rest.” The ecologically strategic Cascade-Siskiyou biological corridor has been an unraveling thread. We have worked for decades to slow and reverse the unraveling of this crucial connectivity thread and restore it (as much as is possible) to its former strength as an ecological connectivity cable. Revoking or reducing the Monument expansion would harm both the biological connectivity function of this area and our longstanding efforts to restore it.

24. As a resident of the area for decades, it is clear to me and SMWC members that “ecological integrity” had not been a BLM priority for much of this biodiverse and important Cascade-Siskiyou biological corridor until some of the area became the original Monument, “...set apart and reserved...,” according to Proclamation 7318, “...for the purpose of protecting...” the Monument’s proclamation-described “objects;” i.e., its native species and natural features.

25. I and many SMWC members are aware of the April 2011 report by “a diverse group of scientists with considerable experience in the [Monument] and surrounding regions” (cf. Frost et al. Cascade-Siskiyou National Monument Boundary Study: Identification of Priority Areas for Monument Expansion (2011)) and their conclusion that – because of increasing



population pressures, unhelpful management on adjacent lands, and climate change – “monument expansion is required to safeguard persistence of the Objects of Interest that the monument was established to protect.” This report concluded that an even larger area than that included in the 2017 expansion is required to truly adequately protect the Objects in the Monument. I and SMWC members share the concern of the fifteen scientists authoring the 2011 report. This 2011 report is attached to my declaration as Exhibit D. Many of us are also aware of the report’s endorsement by seventy additional scientists in May 2015 (see Exhibit C).

26. Nevertheless, despite the fact that the January 2017 Monument expansion is smaller than recommended by scientists, I and SMWC members were heartened by the increased protection for the area represented by Proclamation 9564’s provision for “...vital habitat connectivity, watershed protection, and landscape-scale resilience for the area’s critically important natural resources.”

27. Not only do we value the increased protection for the land, water, species, and ecological functions and processes the Monument expansion provides, but also we value the “rewilding” effect the Monument’s expansion will have on lands that are recovering from past mismanagement and poor treatment. Protected western Oregon BLM wildlands are a rare commodity that I and SMWC members value highly.

28. I and SMWC’s members appreciate how the Monument expansion will contribute to a more diverse and long-term sustainable local economy via the recreation benefits the Monument expansion facilitates. In addition to the many ecological benefits provided by the Monument, I and SMWC members are aware that facilitating more quiet recreation, and the economic benefits from this recreation, is a primary reason why the mayors, city councils, and chamber boards of Ashland and Talent (the two closest towns to the Monument) and other

elected officials supported its expansion. I and SMWC members are aware that studies by Headwaters Economics and others indicate that local communities near protected public lands fare better economically than communities close to public lands with less protection. I, SMWC members, and succeeding generations will benefit from a more diverse, long-term sustainable local economy. We and future generations would be incrementally economically harmed – by a less diversified and less sustainable economy – to the degree the Monument expansion is revoked or reduced as Plaintiffs’ litigation requests.

29. I first visited the rocky outcrop on the ridge east of Grizzly Peak that some call Newell’s Knob in the spring of 2010 when we were looking at nearby units of BLM’s proposed Sampson Cove timber sale. I was inspired by the impressive view west to the upper Bear Creek Valley, south to Pilot Rock and Mount Shasta, and east to the caldera of the Mountain Lakes Wilderness. Seeing the original Monument further south of there to the south and knowing it was on a path to ecological recovery was satisfying. But when I first clambered up that rocky promontory, I was most worried about the old-growth trees in the timber sale unit I had been through immediately to the northwest that BLM had marked for logging.

30. I have been to the top of Newell’s Knob several times since the Sampson Cove timber sale was stopped in court, including bringing a senate aide there last July 26. (He told me he was impressed by the view, too.) I am encouraged knowing those old trees, now in the expanded Monument, will not become part of another timber sale. It pains me to think that, if the Monument expansion was revoked or reduced, the view from Newell’s Knob would eventually include a lot of fresh stumps, scarred ground, compacted soil, and introduced weeds representing more environmental degradation where there had once been hope of restoration.

31. I most recently visited the top of Vulture Rock with aquatic biologist Dr. Michael

Parker and National Association of Science Writer Dr. Julia Rosen on November 14, 2016, for her Undark magazine article published January 13, 2017 (<http://undark.org/article/obama-cascade-siskiyou-biodiversity-connectivity/>). Vulture Rock is a mini-mountain-climb-talus-scramble on BLM land now in the expanded Monument south of Old Baldy in the headwaters of Jenny Creek. It offers an impressive view, too – including, if you know what to look for, evidence of little pika rock-rabbits in the boulders on the way up. We could see from Mount McLoughlin to the north to Mount Shasta to the south and a lot more all around.

32. Unfortunately, we could also see that most of the upper Jenny Creek watershed has been severely degraded by industrial logging on private lands. But the higher lands above are mostly less heavily logged (so far) BLM lands with Jenny Creek tributary headwaters now protected by the expanded Monument. Jenny Creek needs cold, clean water for the unique Jenny Creek redband trout and Jenny Creek sucker fish. Protecting Jenny Creek tributary headwaters helps those species. And scientists say, as Dr. Rosen noted in her Undark article, that the high ridge to the southeast, Surveyor Mountain and Buck Mountain, provides important higher-elevation refugia up to which species who need to can migrate in a warming climate.

33. In late 2016 BLM proposed the Leek Peek timber sale in the Jenny Creek headwaters on the south end of Surveyor Mountain and west side of Buck Mountain – places I have also visited. Buck Mountain did not make it into the expanded Monument. A fair bit of Surveyor Mountain is now in the expanded Monument – including some, but not all, of BLM's Leek Peak timber sale, which proposed a lot of "regeneration" (a.k.a. functional clearcut) logging. When I think of the industrial timber lands that have been turned into a proverbial fiber farms on private lands in the upper Jenny Creek watershed, and when I think of what BLM's Leek Peek timber sale has planned for the part of the watershed that is not in the expanded

Monument, the tragedy of what would happen if the rest of Surveyor Mountain was removed from the expanded Monument is tragically discouraging to me.

34. I have visited the Little Hyatt old-growth groves and Sampson Rim area west of Little Hyatt Lake – now in the expanded Monument – many times, most recently on November 14, 2016. It is a bittersweet experience. On the one hand the groves are a classic remnant of what mid-elevation Cascade forests once were. On the other hand, they are too much of a remnant because there is so little of these intact forests left. BLM's Cottonwood timber sale sought to build a new logging road across a riparian reserve (a buffer around aquatic features) to access these remnant roadless groves for commercial logging. That would have made this special place – literally cathedral-like – less of a remnant and more like the rest of surrounding BLM land that is variously degraded to one degree or another.

35. Our efforts to stop BLM's Cottonwood timber sale failed except to prevent the new road into these groves. BLM then included them in a Late-Successional Reserve land use allocation in their 2016 Western Oregon Plan Revision. But they are part of the ~40,000 O&C acres that plaintiffs claim should be excluded from the Monument and logged – which apparently means that plaintiffs think more than just the Monument expansion should be reversed by their interpretation of the O&C Act.

36. I have guided many people into these remnant old-growth groves. As Robert Service wrote in *Spell of the Yukon*:

*"I've stood in some mighty-mouthed hollow  
That's plumb full of hush to the brim  
And watched the big dusky sun wallow  
In crimson and gold and grow dim  
'Til the moon set the pearly peaks gleaming  
And the stars tumbled out neck and crop  
And we thought that we surely were dreaming  
With the peace of the world piled on top."*

37. The thought of these groves being removed from the Monument expansion – and perhaps, as plaintiffs contend, commercially roaded and logged – is a far from peaceful feeling for me and any SMWC member who has visited this place apart, which even the recent Medford District BLM Ashland Resource Area Manager on an early November 2010 field trip (when we showed it to him) called “...the finest forest...” he’d “...seen anywhere on the Medford District” – before he went ahead and still planned to road and log it.

38. I and SMWC’s members would variously sustain injury to our interests – and to ourselves personally as part of this place – if any of the Monument expansion was revoked because revocation or reduction of the Monument expansion would result in reduced protections for lands and waters that are important to safeguard the area’s biodiversity and also its ecological function as an important biological connectivity corridor. We value the Monument expansion’s contributions to our area’s ecological resilience and long-term, sustainable economic health for deeply felt physical, emotional, moral, and spiritual reasons.

39. To speak more personally, I have lived most of my sixty-plus-years in Oregon – and I have watched Oregon’s forests and wild places and the species that depend on them be further and further diminished by relentless human consumption. My personal faith derives from a book the composite introduction of which tells me that humans are to use their unique power to care for and keep (“serve and guard” in the original) species we did not create and cannot replace. Further, this book’s story strangely tells me that because humans inevitably use their power otherwise, the Creator became a human who washed the feet of his creation in order to redeem it all. I do not pretend to understand this story or represent it well. But, in a very real and personal sense, my decades of work to protect and restore what is now called the Cascade-Siskiyou National Monument area has been and still is my all too human spiritual quest to point

toward that unfathomable redemption in both the wreckage and remains of this very special and still threatened part of the world. To revoke or reduce the recent protection this landscape has been given by this very small and token Monument expansion would be the opposite of redemption.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 23<sup>rd</sup> day of February, 2017, at Medford, Oregon.

/s/ Dave Willis  
DAVE WILLIS

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing  
*Declaration of Dave Willis In Support of Motion to Intervene* with the Clerk of the Court using  
the CM/ECF system, which will send notification of this filing to the attorneys of record and all  
registered participants, including the following:

Michael E. Haglund  
Julie A. Weis  
Haglund Kelley LLP  
200 SW Market Street  
Suite 1777  
Portland, OR 97201  
Phone: (503) 225-0777  
Email: haglund@hk-law.com  
jweis@hk-law.com

*Attorneys for Plaintiff*

Stuart Gillespie  
U.S. Department of Justice  
Environment and Natural Resources Division  
999 18th Street  
South Terrace, Suite 370  
Denver, CO 80202  
Phone: (303) 844-1390  
Email: Stuart.Gillespie@usdoj.gov

*Attorney for Defendants*

/s/ Susan Jane M. Brown  
Susan Jane M. Brown

# **EXHIBIT A**



***Medford Mail Tribune***

77<sup>th</sup> Year, No. 251 Medford/Jackson County, Oregon – Friday, January 7, 1983

**Ideas vary on managing BLM wilderness study areas**

By Dick Jewett, Mail Tribune Senior Staff Writer

The Bureau of Land Management would be defeating its purpose if it designated the 5,410 acre Soda Mountain study area as wilderness, Medford resident Earl Knight told BLM representatives Thursday night.

Dave Willis, of the Pinehurst area, suggested that the BLM rehabilitate land to its wilderness state and designate even more land wilderness.

And Dick Felgenhour, district forester for the Industrial Forestry Association, suggested that the BLM could sell or trade the 302 acre Mountain Lakes study area.

Discussion of wilderness issues and alternatives at the Medford meeting ranged from the practical to the philosophical as the BLM sought comment on how 26 wilderness study areas in Oregon, most of them within the eastern part of the state, should be managed.

The Soda Mountain and Mountain Lakes areas are in the BLM's Medford District.

The meeting, one of 14 being held around the state this month, was conducted by Joe Ross, a district environmental specialist.

The session was geared toward helping the BLM prepare an environmental impact statement on wilderness suitability of wilderness study areas.

The EIS is to be completed in 1984. Preliminary recommendations have been formulated for 59 areas.

Knight said he feels that wilderness designation for the Soda Mountain acreage would preclude entry into the area by elderly people and families with young children because jeep trails would be locked out.

"We're fighting over scraps," countered Willis. "We need a third designation more wilderness. Knock out the power lines and jeep trails."

Oregon BLM officials have established four alternatives they believe should cover the range of options for each study area. They are "all wilderness," "enhanced wilderness," "partial wilderness" and "no wilderness, no action."

Two sets of alternatives are being considered, one for individual study areas and one for all areas statewide.

John Smith, secretary manager for Southern Oregon Timber Industries, said the statewide EIS should list a preferred alternative.

Kurt Herzog, of Grants Pass, commended the BLM for the enhanced wilderness alternative under which manageability would be helped by such means as closing deadend roads, and acquisition of privately owned holdings and merger with adjacent study areas.

BLM representatives said they have discussed with U.S Forest Service officials a land trade alternative that would incorporate the Mountain Lakes area into the adjacent Forest Service administered Mountain Lakes Wilderness.

An alternative proposed for Soda Mountain is management for fire hazard reduction and recreation enhancement.

Howard Mitchell, a Medford Corp. forester, asked, "Should BLM policy be modified to allow buffer zones around wilderness areas?"

Joe Knotts, chairman of the Rogue Group Sierra Club, said full management costs under each alternative should be considered. He said management for wilderness allows a variety of uses in an area.

The BLM is accepting written comments until Feb. 4.

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Mail Tribune Senior Staff Writer

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## Discrimination suit against Medco

## Hogan orders retroactive seniority

Federal Magistrate Michael Hogan ruled Thursday that the Medford Corp. plywood plant discriminated against Laurie Iacolucci because of her sex and that as a result she lost seniority rights.

In her lawsuit filed against Medco in February, Ms. Iacolucci alleged that a man hired the same day as her (Feb. 18, 1980) was allowed to start work earlier. The earlier starting date gave him seniority and allowed him to outbid Ms. Iacolucci on a more desirable and more profitable job, she contended.

Hogan ordered Medco to give Ms. Iacolucci, 33, retroactive seniority to coincide with the man's, and to pay her what she would have earned had she gotten the promotion instead of him. Ms. Iacolucci's attorney and Medco attorneys agreed to calculate the amount, expected to be several hundred dollars.

Hogan also ordered Medco to pay Ms. Iacolucci's attorney fees.

In her lawsuit, Ms. Iacolucci also alleged unequal treatment on the job because of her sex. Hogan said he couldn't find a preponderance of evidence to show unequal treatment.

He said that if it occurred, it stopped two years ago after Ms. Iacolucci met with Medco officials to air her complaints. She still works for Medco.

Ms. Iacolucci also claimed she suffered retaliation after filing the complaint against Medco. Hogan said she failed to prove retaliation.

In ruling that Medco discriminated against Ms. Iacolucci, Hogan said he believes the corporation has made tremendous efforts and has been highly successful in its attempts to end discrimination.

## Hannum sets city's '83 tone

The New Year officially began for Medford Thursday when Mayor Lou Hannum and City Council members John Hallett, Nancy Kaniewski, Cliff Hinds and Mel Winkelman took oaths of office.

Following the noon swearing-in session, Hannum made a brief opening statement to set the tone for what he hopes will be a prosperous and productive year in city government.

"The city of Medford has reached a sound financial base, which gives us the opportunity to move forward," Hannum said. "We are in the business of providing services that make it possible to live in an urban setting in a healthy and enjoyable way."

Hannum said he now is speaking with various civic groups in Medford seeking better communication and cooperation toward making the city a better place to live.

He said he will be available to the public in his City Hall office from 9 a.m. to noon on Tues-

days and Thursdays, or by appointment.

During the evening session, the council elected Councilwoman Lindsay Berryman council president for 1983. Ms. Kaniewski was elected vice president.

The council filled vacancies on city boards and commissions. The appointments included:

— Planning Commission: Caprice Moran to an unexpired term with two years remaining, and Adalberto O'Reilly, William C. Peterson and David Thompson to three-year terms.

— Citizens Budget Committee: David Arrasmith, Bill Carlson, Mackie Joe McCartney and Ronald Smith to three-year terms and Clarence Underwood to a two-year term.

— Water Commission: John Kado Jr. to a five-year term.

— Park Development Commission: Edwin Bingham, Noel Davis and Patricia Smith to three-year terms.

— Downtown Parking Commission: Mike Benke, Mike Gilligan and Fred Robinson Jr. to three-year terms (one vacancy remains).

— Municipal Court judge pro tem: Michael Arant and Raymond Smith.

— Athletic Commission: Ben Fagone, Steve Horton, Terry Johnson, Dr. Bruce Taylor and Fred Spiegelberg to one-year terms.

## 111 acres left in CP boundary

After a joint hearing Thursday night, the Medford City Council and the Jackson County commissioners agreed that an ordinance should be prepared to delete 111 acres from the Medford urban growth boundary.

The area between Medford and Central Point on the west side of Table Rock Road was claimed in both cities' urban growth boundaries. It should remain in the Central Point boundary, the officials said.

growth boundary) to the Long Pine-Foothill limited service area.

The designation serves notice that the area is subject to development restrictions and paves the way for supply of city water service to the area, planning officials said.

The City Council held three other hearings after the county commissioners departed, and at the request of the city Architectural Commission, ordered preparation of an ordi-

nance to object to the zone change from single family residential, 10,000-square-foot minimum, to single family residential, 8,000-square-foot minimum.

The council also deferred action on proposed vacation of a 130-foot section of Western Avenue where it intersects with West McAndrews Road after receiving a petition opposing the vacation signed by about

# SATURDAY SPECIALS!

JUNIOR

# Canceled checks burn in air crash

By MICHELE LaBOUNTY  
Mail Tribune Staff Writer

U.S. National Bank customers in southern Oregon might receive their statements a little later than usual because of a fiery plane crash Wednesday night near Portland.

An as yet unknown number of canceled checks and non-negotiable securities from bank branches in Jackson and Josephine counties and in the Klamath Falls and Lakeview areas went up in flames or were lost in the wind when the bank courier plane slammed into Rocky Butte, bank spokeswoman Kellee Kneeland said today from Portland.

No cash was on board the plane, Ms. Kneeland said.

The pilot of the single-engine aircraft, Stephen Keyes, 39, Portland, died in the crash, Portland police said. He flew for AAR-Western Skyways Inc., an air courier service based at Troutdale Airport. No one else was on the plane, police said.

Ms. Kneeland said the canceled checks and other documents had been recorded on microfilm before they were given to the courier for delivery to the bank's Proof Center in Portland. Checks and other documents are processed at the center before going out in customers' monthly statements, she said.

Documents are routinely put on microfilm in case of accidents such as Wednesday's crash, she said.

"People don't need to worry. We will

reconstruct (the records) as quickly as possible," Ms. Kneeland said. "We don't anticipate any long delays."

Bank employees in Portland spent several hours Thursday searching for checks and other bank documents at the crash site, Ms. Kneeland said.

The plane went down in rainy weather at about 9 p.m. Wednesday, narrowly missing several homes in northeast Portland. The National Transportation and Safety Board and the Federal Aviation Administration have not determined why the crash occurred, officials said.

Portland police detective David Simpson said the plane was "totally demolished." The wreckage was left intact pending arrival of the FAA.

The tail section of the Cessna Centurion

came to rest about 200 feet up the steep hill, with the crumpled fuselage farther up the poison oak-covered slope. The area is across Interstate 205 from Rocky Butte Jail.

A resident of the neighborhood, Gladys Wayman, said she was brushing her teeth when she heard a "big bam." She and her husband ran out to their deck, where they could see the fire on the steep hillside.

"We could see the flames — the fumes went right through our house," she said. "It was very scary."

David Needham, another area resident, saw the plane before the crash and said "it was flying ridiculously low," although he heard it overhead and "there didn't seem to be any problem with the engine."

## Medford Mail Tribune

A Pulitzer Award Newspaper

77th Year, No. 251 66 Pages, 4 Sections

Medford/Jackson County, Oregon — Friday, January 7, 1983

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Medford Mail Tribune Co.

25 Cents

### rate still 10.8

ployment rate held steady at 10.8 per cent. The Labor Department said employment wiped out an inventory of workers. Most recent jobless Oregon was 12.5 percent, and for 1.0 percent.

### is Briefs

#### sa volcano erupts again

(UPI) — Kilauea Volcano erupted and civil defense officials planned to determine if there was any rate of deflation at Kilauea's summit meaning more underground molten lava being pumped down into the east rift zone. Options have occurred off and on.

#### es area may blow next

ES, Calif. (UPI) — The remote area of the High Sierra trembled with and geologists looked for signs of a volcanic eruption. The area has been shaking the region since a set off burglar alarms, collapsed and emptied store shelves. Quakes in the area, the U.S. Geological Survey issued a notice saying the volcanic eruption.

#### off fire in fuel tanks

(UPI) — A massive explosion that ripped through three holding 3.3 millions of gasoline tanks, killing one man and smashing others, officials said. The explosion occurred in the 12:15 a.m. at Avenue Texaco storage facility. Officials said they were checking for missing. The fuel distribution facility, which is about 5 miles away, is still burning 12 hours after the explosion. Hundreds of feet into the air flames hundreds of feet into the air smoke over a wide area. The fire did not burn itself out.

#### mb to new highs

The Dow Jones and other stock indices climbed to new highs in the first trading session of the new year. Analysts said the economy is recovering from a recession, and the industrial average, which surged to an all-time closing high of 1,070.92, is expected to reach 1,100 by the end of the year.

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MT photo by Scott DeMuey

### A hug for Rhonda

Phoenix High School senior Rhonda Fowler gets a hug from Phoenix Elementary School Principal Jim Buck. Rhonda broke down in tears today when Phoenix Elementary students told her they are going to raise \$200 for the Wheels for Rhonda fund drive. Phoenix High students started the \$1-

200 drive — which already has exceeded its goal — to purchase a "cycle-chair" so Rhonda, who is a special education aide at Phoenix elementary, will be able to get around town and to school on her own. She has had cerebral palsy since birth. For an earlier story, see Page 5A.

### Marine staff favors no additional Upper Rogue rules

SALEM — The state Marine Board staff will recommend to the board that no additional boat rules be put into effect on the upper Rogue River at this time.

There are rules in place that should prevent

meeting at 9 a.m. next Wednesday at its headquarters at 3000 Market St. in Salem.

Advocates of further restriction say they want to preserve the present fishing, drift boating and rafting uses of the river.

### Industry split

## Some truckers plan strike soon

WASHINGTON (UPI) — The nation's independent truckers called a strike today for Jan. 31 to protest the new, higher fuel tax and sharply escalated truck fees contained in the just-signed gasoline tax hike law.

"It will last as long as Congress wants it to," Mike Parkhurst, president of the Independent Truckers Association, said at a news conference. The association represents mostly small long-haul truck owners and operators who quite often carry agricultural products.

The announcement touched off a dispute within the trucking industry. The American Truckers Association, which represents 15,000 to 16,000 big trucking firms, opposes the strike.

"We're not supporting it (the strike) at all," Bob Reese, the ATA legislative representative, said. He said the ATA would try to get a change in the law before the highway user fees increase July 1, 1984. The increase in the gasoline and diesel fuel tax takes effect April 1.

Parkhurst said the ITA represents about 100,000 trucks that carry 80 percent to 90 percent of the nation's food, half of the steel produced and trucked in this country and 90 percent of the household goods.

Parkhurst said the higher fuel tax alone would cost each opera-

tor another \$100 monthly, and the entire industry would be paying taxes, including higher user fees and state taxes, "equivalent to 10 times the entire trucking industry's 1982 profits."

"It's just too much," said Parkhurst.

In a statement distributed to reporters, the independent truckers laid out demands for no tax increases at all, retention of new weight and length limits contained in the new law, a 65 mph speed limit and no federal funds for radar units.

The truckers earlier pledged a strike if President Reagan signed into law the legislation that will raise \$5.5 billion a year, with 80 percent earmarked for highways and the rest for mass transit.

On April 1, the federal excise levy on gasoline will rise 5 cents a gallon, to 9 cents. The tax is forecast by the administration to cost the average motorist \$30 a year.

The funds will be used to complete the interstate highway system and make repairs and improvements on roads, bridges and mass transit systems.

In addition to boosting the tax on gasoline and diesel fuel, the new law also raises sales taxes on trucks, tires and truck parts, and boosts truck fees.

## Task force proposes no big changes in SAIF

SALEM (UPI) — A legislative task force looking into the activities of the State Accident Insurance Fund Corp. has recommended no major changes in the system.

It did so despite being told by the secretary of state that workers' compensation in Oregon is a failure.

The task force, operating on a bare quorum, failed to take a stand on whether to maintain SAIF as an independent public corporation, bring it back as a state agency or dissolve all SAIF's ties with state government.

Earlier, Secretary of State Norma Paulus presented her office's management performance audit of SAIF to the legislature. She said, "After five years of looking into all the different aspects of

set up to look at SAIF and workers' compensation in Oregon.

Any recommendations for the task force were to go to the House and Senate labor committees during the next Legislature which convenes Monday.

The only recommendation the task force sent along to the 1983 session was that lawmakers take a look at the size of the SAIF surplus and the dividend formulas.

SAIF became a controversial issue last September when legislators, with Gov. Vic Atiyeh's backing, transferred \$81 million from SAIF's surplus to the state treasury to help balance the state budget.

SAIF officials opposed the move and later, Chuck Gill, general manager, resigned.

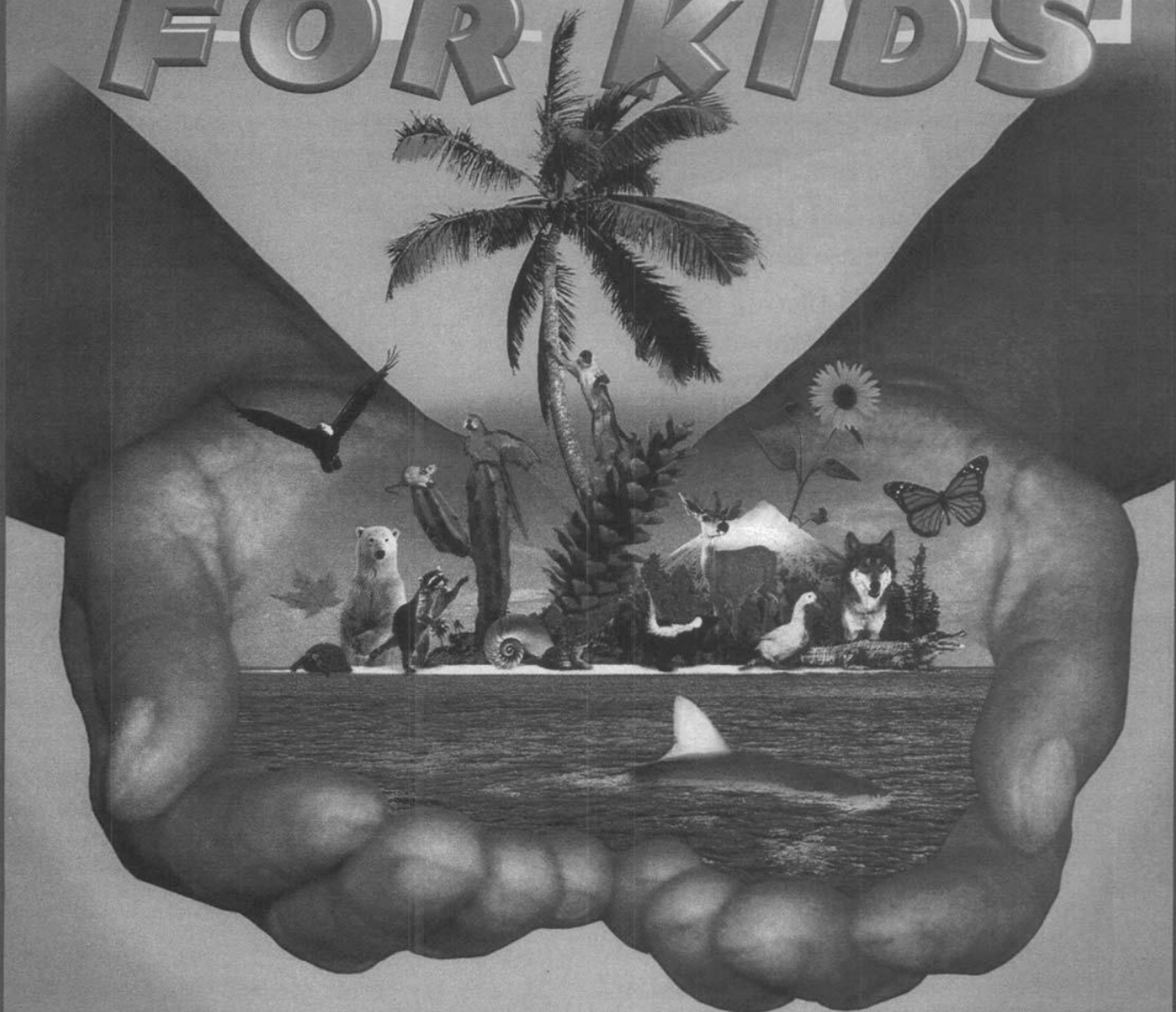
Mrs. Paulus, in presenting her

DOI-2021-08 00404



S p e c i a l I s s u e F a l l 1 9 9 9

# TIME FOR KIDS



## Precious Places

All across America, heroes for the planet fight to save our natural treasures.

# A Lost World in the Wilderness

Dave Willis is at home in the wildlands he aims to preserve



OUR HORSES HAVE EDGED DOWN a hillside through a creek, and are making their way back up the other side, winding back and forth past Douglas fir trees and ponderosa pines, stepping over fallen branches and rocks.

As we reach the hilltop, we see exactly why Dave Willis is fighting to save this land. To our left, through the golden twilight, is snow-topped Mount Shasta, 50 miles to the south in California. Spread out between the mountain and us is a patchwork of canyons, hills, trees, rocky cliffs and twisting creeks.

These wildlands surround Soda Mountain in southern Oregon. They are part of a larger area named for the Klamath and Siskiyou mountains. The Klamath-Siskiyou region is a rare intersection of forest, mountains and their valleys, and high desert, where thousands of species of plants and animals live. The World Wildlife Fund has called the region a "lost world" of biology. Many species here, including certain freshwater mussels and rare lilies, are found nowhere else on earth.

But the grizzly bears and bighorn sheep and gray wolves that used to live here are gone. And many plants and animals that now live here—such as the northern spotted owl and chinook salmon—are threatened with extinction.

Who's harming the Klamath-Siskiyou region? Ranchers have their cows grazing throughout the area, which hurts native plants. People in off-road four-wheel-drive vehicles and motorcycles roar through parts of the wilderness, churning up existing dirt paths and creating new ones. These trailblazers destroy the plants that live near their paths and make life tough for the animals that

rely on the plants for food. It starts a chain reaction that can affect an entire ecosystem.

## A SOFT SPOT FOR SODA MOUNTAIN

Hiking with his dog Mojo, Dave Willis talks about the region with a mixture of awe for the land and frustration with the way people are treating it. For more than half his life, 46-year-old Willis has helped campers and hikers discover the wonders of nature.

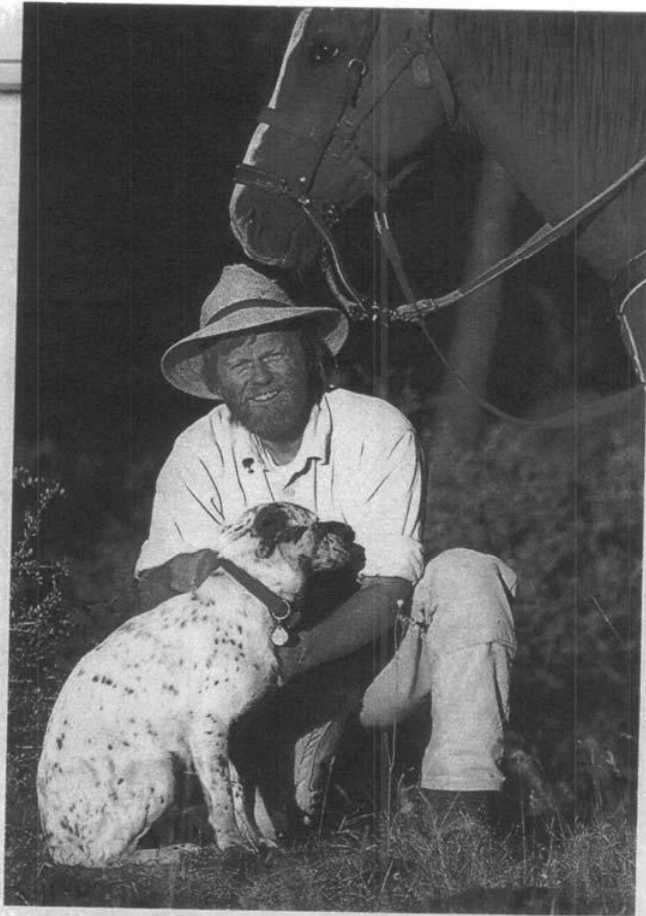
Since moving to the Soda Mountain area in the early 1980s, Willis has worked to keep at least part of this area wild. He heads a local organization called the Soda Mountain Wilderness Council. He spends much of his time raising money, writing letters, attending meetings and making phone calls to try to get the government to protect these rich wildlands.



The endangered northern spotted owl hoots in the Klamath-Siskiyou forests.

California's Mount Shasta seen from the Klamath-Siskiyou area's Agate Flats

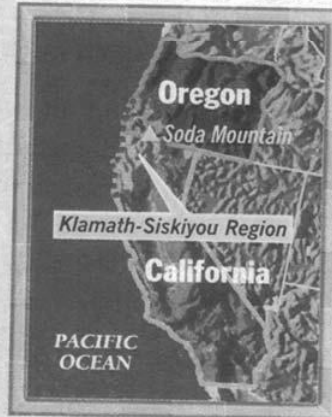
HEADLINE TYPE AND LETTER O: PEPPER TRAIL—COURTESY OF SODA MOUNTAIN WILDERNESS COUNCIL; OWL INSET: GERRY ELLIS—ENP IMAGES



Turning part of the Klamath-Siskiyou region into a federally protected wilderness area could save it from humans and cattle. Dirt roads would be closed, and the land around them returned to a more natural state.

"We've lost so much wilderness," Willis says, as he sits under a tree with Mojo and looks across a canyon at Pilot Rock, a giant cliff rising more than a mile into the air. "We have to get some back."

Dave Willis pets Mojo as Cinnamon checks out the view.



## ONE WILD LIFE

Willis' passion for the outdoors was born early. As a kid he backpacked and fished in Oregon's Cascade Mountains. His passion has defined his life in many ways, not all of them joyful. He suffered frostbite during an attempt to climb Alaska's Mount McKinley when he was 23. Both of his

hands and parts of both feet were amputated. But Willis seems barely affected by the amputations. As he hikes or rides his horse through the Soda Mountain area, he is completely focused on saving the land he loves.

Already Willis has had some success in his campaign to save the Klamath-Siskiyou region. The government has protected part of the land, and is considering giving special protection to an even larger chunk of it. Knowing that leaders in Washington are listening and responding to his message is very satisfying to Willis. "A big part of what it is to be human is to care for the earth we share with the rest of creation," he says.

The Oregon wildlands he loved as a child were preserved by people he never knew. Willis hopes that he can help do the same for tomorrow's kids: "That would make a big part of my life worth living." —By Todd Murphy/  
*Soda Mountain*



BRUCE BOCCARD—COURTESY OF SODA MOUNTAIN WILDERNESS COUNCIL



# The Sunday Oregonian

PORTLAND, OREGON \$1.50

OREGON'S NEWSPAPER SINCE 1850 ★ NORTHWEST FINAL

MARCH 12, 2000

## Editorial

<b>The Sunday Oregonian</b> <small>Founded Dec. 4, 1850. Established as a daily Feb. 4, 1861. The Sunday Oregonian established Dec. 4, 1881.</small>		<b>FRED A. STICKEL</b> , Publisher	
<b>PATRICK F. STICKEL</b> President	<b>SANDRA M. ROWE</b> Editor	<b>DENNIS L. ATKIN</b> Advertising Director	<b>PETER K. BHATIA</b> Executive Editor
<b>KEVIN DENNY</b> Circulation Director	<b>ROBERT J. CALDWELL</b> Editorial Page Editor		

### Loading dock for the ark

*Teeming with rare plants and animal life, Oregon's Soda Mountain warrants protection as a national monument*

Oregon's Soda Mountain area should be named one of America's new national monuments.

This land, 70,000 acres on the southern border of Oregon and spilling into California, deserves the status, the protection, of a national treasure.

U.S. Interior Secretary Bruce Babbitt soon will decide whether to recommend to President Clinton that he use his authority under the 1906 Antiquities Act to designate Soda Mountain as a monument. An announcement could come as soon as next month.

If that happens, as it should, Oregonians ought to cheer the long-overdue step to more thoroughly protect one of their state's unique landscapes.

The Soda Mountain area is a still-wild land of rare plants, at least 100 species of butterflies and a winter haven for deer and other wildlife. Scientists say the Soda Mountain area is a land bridge linking the Cascade and Siskiyou mountains. They describe it as a "knot," an exceedingly rare and critical place where mountains, canyons and grasslands all come together.

It isn't a visually stunning place, in the same sense as the Grand Canyon, or the jagged peaks of the Olympics, or even Oregon's Crater Lake. Soda Mountain is special, not spectacular.

It should have national protection not because it would be a terrific place for families to bring their kids and tool around on paved roads and look at half-tamed elk, geysers or lava flows.

It should be a monument because it is one of the most ecologically diverse places in North America. And that alone

is worth preserving, even if it means putting new limits on cattle grazing, or requiring off-road vehicle riders to use some of the other thousands of miles of roads and trails in Southern Oregon.

Soda Mountain raises few of the difficult issues surrounding the proposal to create a Steens Mountain monument. This is a far smaller plan — 70,000 acres compared to 1.2 million acres on and around the Steens — that would affect far fewer private landowners. Nearly all of the Soda Mountain area already is in public hands, and the only four ranchers who run cattle there seem willing to accept a government buyout of their grazing leases.

The federal Bureau of Land Management has made a sincere effort to preserve the Soda Mountain area. The BLM released Friday a commendable proposal that would further limit logging, grazing and off-road use of the area.

Yet this local protection is not enough to ensure the future of an area of national ecological significance. Eventually, the core of the Soda Mountain area ought to be federally protected wilderness. That would require congressional action — something more likely once the land wins monument status.

Dave Willis, a leader of the Soda Mountain Wilderness Council, which has pressed for more protections for the region for many years, describes the Siskiyou as the Noah's ark of botanical diversity in the West. Soda Mountain, Willis says, is "the loading dock for the ark."

Soda Mountain is one of Oregon's special places. It should be one of the nation's national monuments.

DOI-2021-08 00408

THE OREGONIAN ♦ SATURDAY, JUNE 10, 2000

# Soda Mountain devotion pays off

*Dave Willis has fought tirelessly for a national monument designation for the diverse wilderness area*

By **MICHELLE COLE**  
THE OREGONIAN

Sometimes the land itself makes the most persuasive argument.

That's why for the past 17 years, Dave Willis has taken more people than he can count into the Douglas fir, incense cedar and mountain mahogany forests covering an area known for its highest peak, Soda Mountain. Willis guides his guests over grass-covered hillsides, offering them the sight of Pilot Rock, a giant volcanic tower, and the sounds of waterfalls rushing down steep, hidden canyons.

In a way, Willis' efforts to protect an area that will be known as the Cascade-Siskiyou National Monument are fitting for a man with a master's degree in theology. "I think God wants us to care about all creation," said Willis, 47.

Now that President Clinton has declared 52,000 acres on and near Soda Mountain a national monument, Willis plans to "take a nap and do my taxes."

Then he'll go back to the work he began in 1983: making sure the federal government understands that Soda Mountain's wild lands are worth protecting. He also will lobby to expand those protections to include more of the Siskiyou region.

It was only after Willis and others with the Soda Mountain Wilderness Council took Bill

Luscher, the former Oregon director of the U.S. Bureau of Land Management, out on horseback in 1987 that more than 5,000 acres in the Soda Mountain area's core were designated a wilderness study area. When Luscher finished the trip, he said, "If Soda Mountain's not wilderness, nothing's wilderness."

Willis' unceasing efforts brought Soda Mountain national monument protection, said Pepper Trail, conservation co-chairman for the Rogue Valley Audubon Society.

Others also advanced the cause, of course.

Willis has carried on for Bruce Boccad, founder of the Soda Mountain Wilderness Council, who died in 1987 while in his early 30s. The council's second chairman, Marc Prevost, died early this year at 46.

## "Chairman's curse"

During candid moments, Willis jokes darkly about the "chairman's curse" because he now wears the title. But he's also a survivor.

In 1976, Willis lost his fingers and most of his feet to frostbite during a climb to the top of Alaska's Mount McKinley. The harrowing story unfolded just 300 feet below McKinley's summit.

But Willis would rather talk about Soda Mountain. For those who won't or can't go to the mountain, Willis will take the mountain to them, lugging a slide show, including the projector and screen.

"I have to respect his tenacity," said David Lexow, who has lobbied against federal monument designation on behalf of motorcycle riders and others who enjoy motorized recreation in the back country. Still, Lexow complains that Willis "doesn't understand the ramifications of his actions."

Willis sees it differently. Bulldozers, chain saws, cattle and off-road vehicles don't belong in what is considered one of North America's most ecologically diverse landscapes, he said.

Rich Dreihobl, the Bureau of Land Management's field manager in Ashland, said he's never met anyone like Willis in his 27-year career in resource management. "A lot of folks on my staff and people in the district say, 'What a pain ... he is. But man, he's sharp.'"

Willis won't take no for an answer, Dreihobl said. "And what he does takes a lot of energy. Making phone calls. Writing letters. Making trips. He's just devoted to it."



**DAVE WILLIS**

*Gives tours of Soda Mountain*

After 11 years as a volunteer to the Soda Mountain Wilderness Council, Willis convinced the board to designate him paid staff a few years ago. He promised he'd raise the money to cover his salary.

"There was just too much to do," said Willis, who has put in 50- to 60-hour weeks for the past year.

## Lives simply in trailer

Today the operation runs on a \$60,000 annual budget fueled by foundation grants and individual contributions. Willis, a bachelor, lives simply in a 1950s trailer. He is one of 11 adults and three children who live in Lincoln, a former logging town in the low mountains east of Ashland.

From the remote site, Willis watches over the land he's spent most of his career trying to protect.

"He doesn't miss anything that happens up there," Trail said.

And the monument designation doesn't mean he's seen the last of Willis, Dreihobl said. "Oh, heavens, no."

The BLM and the California Fish and Game Department still control 9,434 acres just over the California border that Willis and other conservationists want protected within a Soda Mountain monument.

"Trust me, he'll be after it," Dreihobl said. "He doesn't give up."



## **EXHIBIT B**

*Cascade Wilderness*

Brian L. Almquist  
155 Susan Lane  
Ashland, Oregon

May 28, 2015

Mayor John Stromberg and the Ashland City Council  
20 East Main Street  
Ashland, OR 97520

Dear Mayor and Council Members:

I wholeheartedly urge you to support expansion of the Cascade-Siskiyou National Monument.

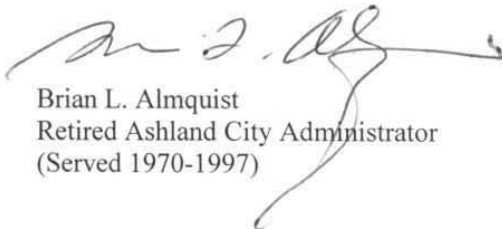
It's been my pleasure to witness and participate in the City of Ashland's consistent support for protecting lands south and east of Ashland several times, since the city council first supported designation of the Soda Mountain Wilderness Council's proposal to congressionally designate well over 30,000 acres of Wilderness in 1985. Though the California portion of the Wilderness proposal has not yet been designated, further familiarity with the area after 1985 revealed ecological values on lands not suitable for Wilderness outside the Wilderness proposal that led to the June 2000 establishment of the 53,000 acre Cascade-Siskiyou National Monument. The Monument is now over 62,000 acres due to BLM acquisitions of private timberland in-holdings from willing sellers. In 2009, about 24,000 acres of the Monument's backcountry became the Soda Mountain Wilderness. I believe both the Monument and its backcountry Wilderness are significant Ashland assets.

I'm familiar with the local scientists' April 2011 report recommending Monument expansion. But one does not need scientific expertise to note the "un-ecological" shape of the current boundaries of our country's only national monument established to protect biodiversity. Nor is scientific expertise needed to perceive the advantages of an expanded Monument for protecting Ashland's viewshed; providing increased recreational opportunities for our citizens and visitors; and enhancing our city's economy and quality of life. We are indeed blessed to have such a national amenity in our municipal backyard – even if it is still a work in progress, which the council can again assist with their continued support.

A real opportunity to expand the boundaries of the Cascade-Siskiyou National Monument does not present itself often. Having our Ashland elected officials endorse the protection of more of the mountains and foothills around Ashland, would be of great benefit in securing approval of an expanded boundary. Such a move would provide a lasting legacy, and enhance the benefits it provides to our city and the region.

Again, I urge you to formally support the expansion of the Cascade-Siskiyou Nat'l. Monument.

Sincerely,



Brian L. Almquist  
Retired Ashland City Administrator  
(Served 1970-1997)



June 11, 2015

Mayor John Stromberg and the Ashland City Council  
20 East Main  
Ashland, OR 97520

Dear Mayor and Council Members:

The Ashland Chamber of Commerce Board of Directors voted unanimously at the June 11, 2015 Board meeting to support the City resolution for the expansion of the Cascade Siskiyou National Monument.

We appreciate the leadership of the Ashland City Council since 1985 in support of the protection of land in the Cascade Siskiyou Monument area and believe a further expansion of these boundaries to be in the best interest of our citizens and visitors. The Monument provides unique recreational opportunities as well as scenic vistas for our community.

The Chamber appreciates the scientific evidence and analysis that will occur when designating the new boundaries. We believe quality of life afforded to our residents and businesses are further enhanced by the expansion of this area.

Thank you for your leadership and I encourage you on behalf of the Ashland Chamber Board of Directors to formally support this expansion through the resolution.

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy Bernard", with a stylized flourish at the end.

**Cindy Bernard**, President

**Ashland Chamber of Commerce and Visitor & Convention Bureau**

PO Box 1360 • Ashland OR 97520 • 110 East Main St. • PO Box 1360 • Ashland OR 97520 • (541) 482 3486 • Fax (541) 482 2350

**ashlandchamber.com**

DOI-2021-08 00412

**PETER BUCKLEY**  
State Representative  
District 5



**HOUSE OF REPRESENTATIVES**

July 6, 2015

**SUPPORT FOR EXPANDING THE CASCADE-SISKIYOU NATIONAL MONUMENT**

To Whom It May Concern:

With enthusiasm, I endorse expansion of the Cascade-Siskiyou National Monument, all of which is in my district.

Many scientists, the board of the Ashland Chamber of Commerce, and the City of Ashland have collectively noted the ecological, recreational, scenic, and economic benefits of the Cascade-Siskiyou National Monument. My local district is privileged to be home to such a national resource.

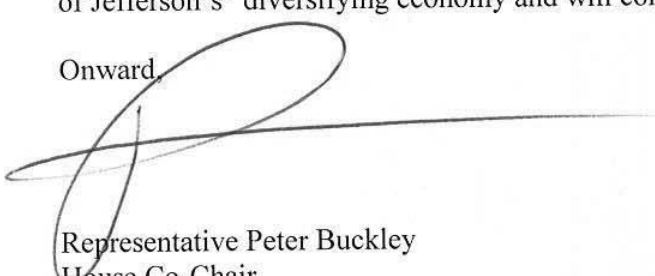
The same scientists have noted the ecological need to expand the Monument due to habitats fragmented by the Monument's currently constrained boundaries, the need for adaptive resilience in the face of climate change, and increased commodity and development pressures in the Monument's surrounding area.

In their own Monument expansion recommendations, the Ashland Chamber of Commerce board and Ashland City Council have noted the significant economic and quality-of-life contributions the Monument's recreational and scenic resources make to the area's citizens and visitors.

As former city administrator Brian Almquist wrote the Ashland mayor and city council on May 28 in his own letter urging Monument expansion, "Ashland is blessed to have a national amenity in its municipal backyard – even if it is still a work in progress..."

I encourage federal decision-makers to expand the Cascade-Siskiyou National Monument with "eco-logical" boundaries attuned to best science that also benefit my district's and the region's quiet recreational and scenic resources. An expanded Monument is right in step with the "State of Jefferson's" diversifying economy and will contribute to the well-being of my constituents.

Onward,

  
Representative Peter Buckley  
House Co-Chair  
Joint Committee on Ways & Means  
Oregon House of Representatives

**Dr. Alan Bates**  
**Oregon State Senator**  
District 3  
Southern Oregon



sen.alanbates@state.or.us  
phone: 503.986.1703  
900 Court St. NE  
Salem, Oregon 97301

OREGON STATE LEGISLATURE

August 3, 2015

**ENDORISING CASCADE-SISKIYOU NATIONAL MONUMENT EXPANSION**

To Whom It May Concern:

Living and fishing in southern Oregon, I know firsthand the significance of the wilderness areas in the region. It is one of the many reasons I am proud to represent Senate District 3. The unique biodiversity was formally recognized and protected in June of 2000, with the formation of the Cascade-Siskiyou National Monument. Fifteen years later, it has proved to be an ecological and economic gift that keeps on giving. Today, I write to endorse expanding the Monument.

In endorsing the expansion, I join 85 scientists (and counting), the Ashland Chamber of Commerce board, the City of Ashland, and my colleague Representative Peter Buckley, whose Oregon legislative district also includes the Cascade-Siskiyou National Monument.

I am convinced the Monument plays a key role in protecting our region's distinctive biodiversity and important biological connectivity between the globally significant Siskiyou Mountains and southern Cascade Range. Scientists report the current Monument boundaries are inadequate to safeguard long-term what the Monument was established to protect. The expansion could correct this and preserve the original intent of the Monument and the efforts made thus far.

The Ashland City Council and Chamber of Commerce have expressed that the Monument contributes to our region's economic diversity – that "green is gold." The Cascade-Siskiyou National Monument fits thematically with Ashland's tourism and higher-education based economy, with our region's growing reputation for natural values, and also with our region's urgent need for continued economic diversification.

In drawing any expanded Cascade-Siskiyou National Monument boundaries, I urge federal decision-makers to consider the best ecological criteria possible as well as protection of scenic resources and provision for traditional quiet recreation. I feel this will protect the unique natural resources and support our rural economy.

I ask you, please expand the Cascade-Siskiyou National Monument. Thank you for your time and consideration.

In Health,

State Senator Alan C. Bates, D.O.

June 29, 2016

CITY OF  
ASHLAND

Secretary Sally Jewell  
Department of the Interior  
1849 "C" Street, NW  
Washington, DC 20240

Dear Secretary Jewell,

I write to ask your timely support for expanding the Cascade-Siskiyou National Monument – and to offer my assistance toward that end.

Because of increasing development pressures and the effects of climate change, scientists recommend that the Cascade-Siskiyou National Monument be expanded to safeguard into the future the outstanding biodiversity the Monument was established to protect. Last year the Ashland City Council unanimously passed a resolution endorsing Monument expansion that urged *"national and elected officials to use the best ecological criteria in considering the Monument's present and future needs – as well as considering recreational and scenic resources – as they determine appropriate expanded boundaries for the Cascade-Siskiyou National Monument"* (Resolution No. 2015-22, attached).

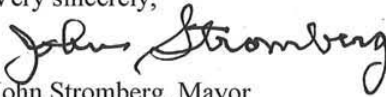
The economic and ecological benefits of the Monument to our city and region's quality of life are why the Ashland Chamber of Commerce Board of Directors unanimously asked us to support Monument expansion in their June 11 (2015) letter to myself and the Council – and why our local state legislators, Representative Peter Buckley and Senator Alan Bates, are also on record supporting Monument expansion. Our recent resolution is consistent with the City of Ashland's support for protection of national public lands in the Monument area since 1985 as noted in our Resolution 2001-19 (also attached). These resolutions underscore strong local support for protecting the Monument and its economic contribution to our economy.

As our former long-time city administrator, Brian Almquist, wrote us about the Cascade-Siskiyou National Monument last May, *"We are indeed blessed to have such a national amenity in our municipal backyard – even if it is still a work in progress which the council can again assist with their continued support."*

As the current national administration draws to a close, so does the current window of opportunity for Cascade-Siskiyou Monument expansion. I urge you to not let this opportunity slip away. If a public meeting to consider Monument expansion becomes a possibility, please know that I am willing to host such a meeting myself at a mutually workable time and/or make city facilities available for such a gathering.

Again, Ashland's local business leaders, elected officials, and (I am sure) the vast majority of our local citizens value and treasure our local public lands. We urge you to support expansion of the Cascade-Siskiyou National Monument using the best available ecological criteria, while also considering recreational opportunities and scenic resources. Current and succeeding generations will only thank you more and more with time.

Very sincerely,



John Stromberg, Mayor

attachment

OFFICE OF THE MAYOR  
20 East Main Street  
Ashland, Oregon 97520  
www.ashland.or.us

Tel: 541-488-6002  
Fax: 541-488-5311  
TTY: 800-735-2900



DOI-2021-08 00415

**RESOLUTION NO. 2015-22****A RESOLUTION ENDORSING  
CASCADE-SISKIYOU NATIONAL MONUMENT EXPANSION****RECITALS:**

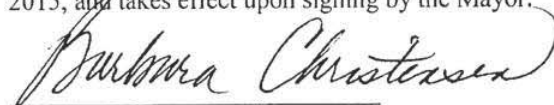
- A. The Ashland City Council has, since 1985, consistently supported protection of land in the Cascade-Siskiyou National Monument area.
- B. In 2001, the Ashland City Council unanimously resolved to affirm the June 9, 2000 Cascade-Siskiyou National Monument proclamation as written, request the immediate release of the Medford BLM Draft Management Plan for the Monument, and request that funding be made available for the final plan.
- C. The Council found in its 2001 resolution that the Monument contributes substantially to Ashland's economy, enjoys broad support from Ashland citizens, businesses, and area residents and provides "richness of recreational opportunities and scenic vistas for the citizens of Ashland."
- D. In April 2011, a diverse group of scientists recommended expansion of Monument boundaries to safeguard the area's unique biological values. The scientists found current Monument boundaries to be inadequate because of: fragmented habitats (including incomplete watersheds); the need for more complete environmental gradients to increase resilience in the face of significant climatic change; and increasing development and land use pressures on adjoining lands that, if unabated, could undermine long-term persistence of the Monument's biological resources. In 2015 many other professional scientists (locally and nationally) have also endorsed the ecological need to expand Monument boundaries.

**THE CITY OF ASHLAND RESOLVES AS FOLLOWS:**

SECTION 1. The boundaries of the Cascade-Siskiyou National Monument should be expanded.

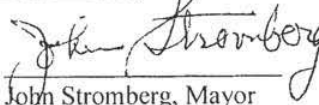
SECTION 2. We urge national elected officials to use the best available ecological criteria in considering the Monument's present and future needs – as well as considering recreational opportunities and scenic resources – as they determine appropriate expanded boundaries for the Cascade-Siskiyou National Monument.

This resolution was duly PASSED and ADOPTED this 16 day of June, 2015, and takes effect upon signing by the Mayor.

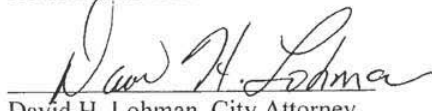


Barbara Christensen, City Recorder

SIGNED and APPROVED this 18 day of June, 2015.

  
John Stromberg, Mayor

Reviewed as to form:

  
David H. Lohman, City Attorney



**RESOLUTION NO. 2001- 19****A RESOLUTION ENDORSING CASCADE-SISKIYOU NATIONAL MONUMENT****RECITALS**

- A. The Ashland City Council has exhibited consistent support for the protection of land in the Cascade-Siskiyou National Monument by voting unanimously to write letters endorsing protection of the lands in the Soda Mountain Wilderness Area proposal, to support a land swap in the proposal area between BLM and Boise Cascade to prevent a clearcut, and to request that a power line not be installed across the area (June and December 1985, September 1993 and January 1994);
- B. Conservative calculations suggest that the impact of the Cascade-Siskiyou National Monument will enrich Ashland's economy by up to \$5,200,000 a year;
- C. 121 Ashland area businesses and thousands of citizens signed on to a Medford Mail Tribune April 8, 2001 full-page advertisement showing appreciation for the Cascade-Siskiyou National Monument;
- D. A poll conducted by the Ashland Daily Tidings from May 18-25, 2001 showed 89% of the responding readers favored either expanding or maintaining the current Cascade-Siskiyou National Monument as it currently is configured;
- E. The Cascade-Siskiyou National Monument will ensure an ongoing richness of recreational opportunities and scenic vistas for the citizens of Ashland,

**THE CITY COUNCIL OF THE CITY OF ASHLAND RESOLVES AS FOLLOWS:**

SECTION 1. We endorse the June 9, 2000 proclamation as written for the Cascade-Siskiyou National Monument.

SECTION 2. We request the immediate release of the Medford BLM Draft Management Plan and that funding be made available to implement the final plan.

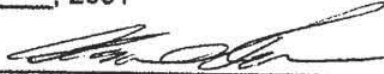
This resolution was read by title only in accordance with the Ashland Municipal Code 2.04.090 duly PASSED and ADOPTED this 19th day of JUNE, 2001.



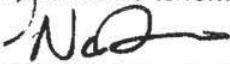
~~Barbara Christensen~~, City Recorder

MICHELLE COLE, ASSISTANT TO THE RECORDER

SIGNED and APPROVED this 20th day of JUNE, 2001

  
Alan W. DeBoer, Mayor

Reviewed as to form:

  
Paul Nolte, City Attorney



## City of Talent

Office of the Mayor

110 E. Main Street, P.O. Box 445, Talent, OR 97540  
Telephone: (541) 535-1566 Fax: (541) 535-7423  
E-mail: [mayor@cityoftalent.org](mailto:mayor@cityoftalent.org)

August 31, 2016

Secretary Sally Jewell  
Department of the Interior  
1849 "C" Street, NW  
Washington, DC 20240

Dear Secretary Jewell,

I write to ask your timely support for expanding the Cascade-Siskiyou National Monument – and encourage you or your staff to come to Oregon soon to hold a public meeting toward that end.

Because of increasing development pressures and the effects of climate change, scientists recommend that the Cascade-Siskiyou National Monument be expanded to safeguard into the future the outstanding biodiversity the Monument was established to protect. This month the Talent City Council unanimously passed a resolution endorsing Monument expansion that urged “national elected officials to use the best ecological criteria in considering the Monument’s present and future needs – as well as considering quiet recreational opportunities and scenic resources – as they determine appropriate expanded boundaries for the Monument” (Resolution No. 16-949-R, attached).

The economic and ecological benefits of the Monument to our city and region’s quality of life are why the City Council and myself, as Mayor are joining the Talent Chamber Board of Directors in unanimous support of the Monument expansion as in the Chamber board’s August 1 (2016) letter to us (attached) – and why neighboring Ashland’s City Council, Mayor, Chamber board, and our local Oregon state legislators, Representative Peter Buckley and Senator Alan Bates (the latter of whom died unexpectedly on August 5, 2016), are also on record supporting Monument expansion. The Talent Chamber board wrote us that that they “...believe a further science-based expansion of the Monument boundaries to be in the best interest of our environment, our citizens, and our visitors. The Monument provides unique recreational and educational opportunities as well as scenic vistas which will benefit our business climate, economy, and quality of life here in talent, and all of Southern Oregon.”

As the current national administration draws to a close, so does the current window of opportunity for Cascade-Siskiyou Monument expansion. I urge you to not let this opportunity slip away. Oregon’s U.S. Senators Ron Wyden and Jeff Merkley have recently written you with encouragement to “...come to Oregon and hold a public meeting and consider expanding the

*“If you’re looking for Talent, you’ve come to the right place”*

*boundaries of the Monument.*" I affirm their invitation. It is critical to us that you come to Oregon to hold a public meeting considering Cascade-Siskiyou National Monument boundary expansion before this window closes. Southern Oregon University likely has the most appropriate venue for such a meeting closest to the Monument itself.

Talent's local business leaders, elected officials, and (I am sure) the vast majority of our local citizen's value and treasure our local public lands. We urge you to support expansion of the Cascade-Siskiyou National Monument using the best available ecological criteria, while also considering recreational opportunities and scenic resources. Current and succeeding generations will only thank you more and more with time. I hope to see you or your staff here soon.

Very gratefully,

A handwritten signature in cursive script, reading "Darby Stricker". The signature is fluid and elegant, with a long, sweeping underline.

Darby Stricker, Mayor

*"If you're looking for Talent, you've come to the right place"*

**RESOLUTION NO. 16-949-R****A RESOLUTION ENDORSING EXPANSION OF  
THE CASCADE-SISKIYOU NATIONAL MONUMENT**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TALENT, OREGON.

WHEREAS, the City of Talent supports environmental quality of life concerns and actions in and near its environs locally and regionally; and

WHEREAS, in April 2011 and May 2015, a diverse group of scientists recommended expansion of Cascade-Siskiyou National Monument boundaries to safeguard the area's unique biological values, finding the current boundaries of the Monument to be inadequate because of: fragmented habitats (including incomplete watersheds), the need for more complete environmental gradients to increase resilience in the face of significant climate change, and increasing pressures from development on adjoining lands that, if unabated, could undermine long term persistence of the Monument's biological resources; and

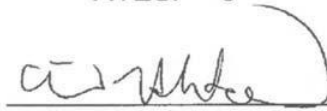
WHEREAS, the Talent Chamber Board of Directors voted unanimously at their July 21, 2016 board meeting that Cascade-Siskiyou National Monument expansion would be in the best interest of our environment, our citizens, and our visitors by benefitting our business climate, economy, and quality of life, and requested in an August 1 letter that the Mayor and Council of the City of Talent adopt a resolution supporting science-based Monument expansion.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TALENT THAT:

The City of Talent supports expansion of the boundaries of the Cascade-Siskiyou National Monument and urges national elected officials to use the best ecological criteria in considering the Monument's present and future needs – as well as considering quiet recreational opportunities and scenic resources – as they determine appropriate expanded boundaries for the Monument.

Duly enacted by the City Council in open session on August 17, 2016 by the following vote:

AYES: 6      NAYS: 0      ABSTAIN: 0      ABSENT: 0



Melissa Huhtala/City Recorder and Custodian of City records



August 01, 2016

Mayor Darby Stricker,  
110 E Main Street  
Talent, OR 97540

Dear Mayor and Council Members:

The Talent Chamber Board of Directors voted unanimously at the July 21, 2016 Board meeting to request the City of Talent to adopt a resolution for the expansion of the Cascade-Siskiyou National Monument.

We appreciate the leadership role of the Talent City Council and request a resolution that stands in alignment with conservation efforts in our region. We believe a further science-based expansion of the Monument boundaries to be in the best interest of our environment, our citizens and our visitors. The Monument provides unique recreational and educational opportunities as well as scenic vistas which will benefit our business climate, economy and quality of life here in Talent, and all of Southern Oregon.

The Chamber appreciates the scientific evidence and analysis that already exists and the increased opportunity for research and sustainability that will occur when designating the new boundaries.

Thank you for your consideration and I encourage you on behalf of the Talent Chamber Board of Directors to formally support this expansion through the resolution.

Sincerely,

A handwritten signature in black ink, appearing to read "Gretchen Hartrick", is written over a horizontal line.

Gretchen Hartrick  
President

**Talent Chamber**

206 E. Main Street / P. O. Box 11 Talent, OR 97540-0011 541.535.3837 [president@talentchamber.org](mailto:president@talentchamber.org)

Tuesday, August 23, 2016

285 CL Document 5 5 Filed 02/24/17

Page 14 of 18

# ASHLAND DAILY TIDINGS

DailyTidings.com | Serving Ashland since 1876 | 75 cents

August 23, 2016 | A17

## COUNCIL CORNER

# The monument should grow

By Pam Marsh

We all know we live in a special place. Sometimes it takes an act of good government to help us realize the truly unusual nature of our landscape.

In June 2000, with the authority Congress gave presidents starting with Teddy Roosevelt, President Bill Clinton issued a proclamation establishing the Cascade-Siskiyou National Monument, and placed 53,000 acres of publicly owned land to the south and east of Ashland within its boundaries.

With monument status, the forest around my home in the Greensprings took on new meaning. We'd always appreciated these woods, but monument designation gave us a different vocabulary and a new understanding of our surroundings. The presidential proclamation described the monument as "an ecological wonder" created by the "interface of the Cascade, Klamath and Siskiyou ecoregions, in an area of unique geology, biology, climate and topography."

"Unique" is often over-used, but I soon learned it applies in this case. Cascade-Siskiyou is the only national monument established to protect biodiversity. It turns out that the intersection of multiple mountain ranges here produces a very rich flora and fauna. This spectacular variety of plant and animal species and close association of ecological communities is found nowhere else. It is also home to treasured natural landmarks, including Pilot Rock and Soda Mountain.

In the 16 years since designation, the monument has become a hiking mecca and a living laboratory for school children. It has also become a focus of significant biological study that has affirmed the area's special qualities — and its vulnerability.

A diverse group of scientists with experience in monument fieldwork has been warning that existing boundaries are insufficient to protect monument biodiversity, particularly in the face of climate change. The group has proposed an expansion into adjacent and nearby public lands that will allow critters and plants to move to different habitats and higher elevations in order to adjust to rising temperatures, changing rainfall patterns and general climate shifts.

Proposed expansion areas could extend as far northwest as Grizzly Peak, south to lower elevations below Pilot Rock and Soda Mountain and northeast to cold headwater streams of Jenny Creek. Ideally, specific acreage would be determined by ecosystem needs, and not by artificial political boundaries.

Here in Ashland, we appreciate the intrinsic, aesthetic value of our local wild areas. We are also beginning to understand the potential recreational and economic opportunities offered by an expanded monument.

The Bureau of Land Management manages the Cascade-Siskiyou National Monument with the overriding goal of protecting and restoring the area's ecological values. Privately held lands within outer monument boundaries are unaffected by the

designation and continue to be governed by county land-use rules. But the protected, federally owned acreage remains, as it should, open to the public for varied users including hikers, nature-lovers, hunters and horseback riders.

Expansion could protect our viewshed, grow our outdoor recreation opportunities and give us yet another means to entice visitors to come to town, and then stay awhile longer. A community that can boast of both a Shakespeare festival and a national monument has something for everyone.

Recognizing the need to protect the ecological sensitivity of our region as well as the potential recreational and economic benefits, Ashland's City Council and Chamber of Commerce board, as well as Talent's City Council and Chamber board, have all unanimously endorsed monument expansion.

Now we need President Obama to step up. Just as the original monument came through presidential proclamation, expansion would likely require executive action. Sixteen presidents, beginning with TR and including the current officeholder, have used the federal Antiquities Act as a powerful conservation tool to protect historical sites and scientifically important areas as national monuments.

President Obama still has five more months in office. A science-based expansion of the Cascade-Siskiyou National Monument could be one of his last, best acts.

— Pam Marsh is a member of the Ashland City Council. DOI-2021-08 00423



**OREGON STATE SENATE**

October 30, 2016

**ENDORISING CASCADE-SISKIYOU NATIONAL MONUMENT EXPANSION**

To Whom It May Concern:

Although I regret the tragic circumstances that have me succeeding the late Senator Alan Bates in representing Senate District 3, I do not hesitate to continue the on-the-record support for expansion of the Cascade-Siskiyou National Monument. The unique biodiversity of the area was formally recognized and some of it protected as the original Monument in June of 2000. Sixteen years later, the Monument has proved to be an economic and ecological gift that keeps on giving.

In endorsing expansion, I join 85 scientists (and counting), Oregon's U.S. Senators Ron Wyden and Jeff Merkley, the Ashland and Talent Chamber of Commerce boards, the Ashland and Talent City Councils and their respective mayors, as well as my colleague representative Peter Buckley, whose Oregon legislative district also includes the Cascade-Siskiyou National Monument.

I am convinced the Monument plays a key role in protecting our region's distinctive biodiversity and important biological connectivity between the globally significant Siskiyou Mountains and southern Cascade Range. Scientists report the current Monument boundaries are inadequate to safeguard long-term what the Monument was established to protect. The expansion could correct this and preserve the original intent of the Monument and the efforts made thus far.

The Ashland and Talent City Councils and Chamber of Commerce boards have expressed that the Monument contributes to our region's economic diversity – that "green is gold." The Cascade-Siskiyou National Monument fits thematically with our south valley's primary tourism and higher-education based economy, with southwestern Oregon's growing reputation for natural values, and also with our region's urgent need for economic diversification.

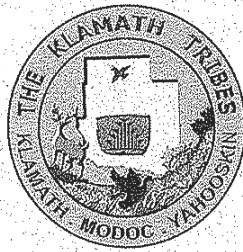
In drawing any expanded Cascade-Siskiyou National Monument boundaries, I urge federal decision-makers to consider the best ecological criteria possible as well as scenic resources and provision for traditional quiet recreation. I feel this will protect the unique natural resources and support our rural economy.

I ask you, please expand the Cascade-Siskiyou National Monument. Thank you for your time and consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kevin S. Talbert", written over a light blue horizontal line.

Senator Kevin S. Talbert  
District 3, Oregon State Senate



November 17, 2016

## The Klamath Tribes

Senator Jeff Merkley  
PO Box 14172  
Portland, OR 97293

Dear Senator Merkley:

This letter is to provide the Klamath Tribes' formal support for the proposed Cascade-Siskiyou National Monument Expansion. As you are aware, I provided verbal support at recent hearings in Ashland and Klamath Falls, Oregon.

The current and proposed expanded area of the Cascade-Siskiyou National Monument lies entirely within the recognized aboriginal territory of the Klamath Tribes (Klamath, Modoc and Yahooskin Paiute). Our people have significant historic and current ties to and of uses this area. It is the position of the Klamath Tribes that the proposed expansion would better provide for and protect our current traditional, religious, cultural uses, values and interests. In addition, expanding the Monument as proposed is critical to provide for more appropriate watershed scale management necessary to maintaining and enhancing the unique, diverse ecological values of the area as was originally intended through the initial National Monument designation.

As you know, the Klamath Tribes is very interested in and committed to restoring anadromous fish to the Upper Klamath River Basin, and to protecting and restoring resident species. Maintaining and improving the health and water quality of tributary streams to the Klamath River, such as Jenny Creek, is vital to future anadromous fish restoration efforts and to provide for future viability of the unique species that currently inhabit the streams. Species of particular concern are the Jenny Creek redband trout and Jenny Creek suckers.

It is our understanding that management emphasis of the expanded area will be of the same intent and purpose of the current Monument area, and that there will be appropriate revision of the current management plan to address the expansion and other management issues. To ensure that interests of the Klamath and affected Indian Tribes are appropriately considered and addressed in the plan revision process, and during future management policy and project planning and development, it will be important that affected tribes are consulted and policies and procedures providing for appropriate tribal consultation and decision making are developed and incorporated into the plan.

We thank you very much for the opportunity to provide comment and support for expansion of the Cascade-Siskiyou National Monument, and commend you for your proposal to take this bold and needed action to protect and provide for the diverse ecological values and uses of this unique and important area.

Respectfully,

Don Gentry, Chairman  
The Klamath Tribes

501 Chiloquin Blvd. - P.O. Box 436 - Chiloquin, Oregon 97624  
(541) 783-2219 - Fax (541) 783-2029







KATE BROWN  
Governor

November 21, 2016

The Honorable Sally Jewell  
Secretary  
U.S. Department of the Interior  
1849 C Street NW  
Washington, D.C. 20240

Dear Secretary Jewell:

Thank you for your steadfast support for America's iconic landscapes. I appreciate your agency's continued interest in one of Oregon's natural icons – the Cascade-Siskiyou National Monument – and the effort made in convening a community discussion around expansion. As Oregon's Governor, I lend my support to your efforts and want to convey my desire to enhance this Oregon wonder through a thoughtful expansion of its boundaries.

Since President Clinton's dedication of the Cascade-Siskiyou National Monument in 2000, community leaders and interested parties have worked diligently to protect and enhance the monument's diverse natural, geological, and historic resources; which include a spectacular variety of rare plants and animals. This work must continue as the unique and vibrant ecological wonders of Cascade-Siskiyou face increasing challenges from a changing climate. Expansion is critical to continued ecological integrity, which has made the monument a destination.

When opportunities like a prudent Cascade-Siskiyou National Monument expansion present themselves, we owe it to future generations to embrace them for history shows they are fleeting. The unfortunate reality of Congressional obstruction and inaction has indefinitely stalled many worthy and broadly supported public land protection bills. Prime examples in Oregon include the Devil's Staircase wilderness bill (2009) and the Wild Rogue wilderness expansion (2011). Despite strong local support, these proposals and others have languished since their introduction.

Expanding the Cascade-Siskiyou National Monument meets many of the factors I consider important in public land discussions. While state governors do not have a dispositive role in federal land decisions, I appreciate the Obama Administration's dedication to soliciting local input. It is important to consider proposed expansions and new designations in the context of their specific circumstances. Among the reasons I support a thoughtful Cascade-Siskiyou expansion:

- It augments an existing public land designation. The Cascade-Siskiyou National Monument has been successful in attracting community and federal support, demonstrating its value locally and among the national monument network.



The Honorable Sally Jewell  
November 21, 2016  
Page 2

- The identified need informed by scientific analysis of current and future landscape-level ecosystem health. The formation of the original monument set out why the unique values found at the intersection of the Cascade, Siskiyou, and Klamath mountain ranges needed greater protections. Analysis from 2011 onward highlights the scientific support for increased monument resilience amid considerable pressures.
- The level of public engagement and evidence of an inclusive process. Local community conversations about expanding the monument have been on-going for many years, culminating with robust local meetings in recent months.
- The degree of private ownership within the proposal and private landowner support. The proposed expansion map minimizes the impact to private inholdings. Many private landowners in the expansion have been included in expansion discussions and expressed their support.

This combination of factors strongly supports the proposed expansion. However, key issues remain to be addressed should the monument be expanded. Primary among them is the issue of local access, a common refrain at the recent community meetings. If the monument is expanded, I will follow the public process on access closely and advocate for reasonable resolution to accustomed uses. In addition to access, I will also be invested in the discussions regarding fire management, grazing, and timber harvest issues in an expanded monument management plan. Finally, the monument has long lacked a dedicated manager and sufficient staff and resources to enhance the ecological values as well as visitor and recreational opportunities. With the inclusion of many more miles of the Pacific Crest Trail, it is even more incumbent that adequate staff and resources be allocated to the monument to build on existing outdoor recreation opportunities for the benefit of local communities and businesses. I will continue to urge the administration address these concerns, and for our congressional delegation to advocate for sufficient funding.

Time is of particular importance as we enter the final weeks of the Obama administration. My office and state agency staff stand ready to assist our federal partners as they evaluate the proposal. I am confident there is sufficient time and determination to complete this expansion for the benefit of Oregon, the region, and the nation. As a champion of preserving our most iconic public lands, I am excited about the opportunity to enhance the unique and valuable wonders of Cascade-Siskiyou National Monument.

Sincerely,



Governor Kate Brown

kb:dj

Cc:  
Senator Ron Wyden  
Senator Jeff Merkley  
Representative Earl Blumenauer  
Representative Suzanne Bonamici  
Representative Peter DeFazio  
Representative Kurt Schrader  
Representative Greg Walden

# **EXHIBIT C**



Pilot Rock in the Cascade-Siskiyou National Monument. Credit: Ashland Daily Photo

## **RE: Recommended Expansion of the Cascade-Siskiyou National Monument**

To Whom It May Concern,

May 28, 2015

As scientists with extensive professional experience related to terrestrial and aquatic ecosystems in the Pacific Northwest, we write to express our full support for expansion of the Cascade-Siskiyou National Monument (hereafter "Monument"). The existing Monument is located in southwest Oregon on the California border.

Established by presidential proclamation in June 2000, the Monument is unique among the BLM's National Conservation Lands in that it was established specifically to preserve an area of "remarkable biological diversity." Sitting at the crossroads of four distinct ecoregions and encompassing a wide range of topography, climate and geology, the greater Cascade-Siskiyou landscape is widely recognized as one of the most biologically diverse places in North America. The Monument proclamation describes it as an "ecological wonder" that is "home to a spectacular variety of rare and beautiful species of plants and animals, whose survival in this region depends upon its continued ecological integrity".<sup>1</sup>

While we applaud the initial creation of the Monument as a means to conserve this area's treasure trove of biological resources, scenic beauty and recreational values, we are concerned that existing Monument boundaries are insufficient to assure persistence of the many biological "Objects of Interest" that the Monument was established to protect. As summarized in a 2011 scientific report on this topic<sup>2</sup>, there are several important reasons why existing boundaries are unlikely to sustain the ecological integrity of this area:

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<sup>1</sup> US Dept. of Interior. 2000. Presidential proclamation 7318 establishing the Cascade Siskiyou National Monument, Oregon. June 9, 2000. Washington, D.C.

<sup>2</sup> Frost, E., D. Odion, P. Trail, J. Williams, J. Alexander, B. Barr, R. Brock, D. DellaSala, P. Hosten, S. Jessup, F. Lang, M. Parker, J. Rossa, D. Sarr and D. Southworth. 2011. Cascade Siskiyou National Monument Boundary Study: Identification of Priority Areas for Monument Expansion. 14 pp.

- Many special-status plant and animal populations referenced in the Monument's proclamation, as well as high quality examples of the area's unique plant communities, remain outside existing boundaries, where they are vulnerable to incompatible management;
- Some existing boundaries have no ecological basis (e.g., the Oregon-California state line, incomplete watersheds), which over time, may compromise the integrity of the Monument;
- Climate change in the region is altering the ranges of plants and animals that are the focal points for conservation, in some cases pushing them outside of currently protected areas<sup>3</sup>;
- The human population of southwest Oregon is growing rapidly. As a result, more areas immediately adjacent to the Monument are facing increased development or intensive land use pressures (e.g., logging, residential expansion, water diversions) that are likely to undermine long-term persistence of the Monument's biological resources.

Without additional conservation investment, available scientific evidence suggests that some of the most valuable biological resources both within and immediately adjacent to the Monument are at high risk of irreversible degradation and loss.

Given these significant and overarching concerns, it is our professional opinion that expansion of the Monument is necessary for the area's extraordinary values to be sustained over the long term. Specifically, we endorse including five carefully selected areas of adjoining BLM and other public lands within the Monument, as recommended by the scientists' 2011 boundary report and detailed in an updated summary of these areas.<sup>4</sup> Proposed additions described in this report:

- were identified using an interdisciplinary, science-based process;
- contain many biological "Objects of Interest" that were highlighted in the Monument proclamation;
- play a vital role in maintaining ecological integrity of the landscape the Monument was established to protect, and;
- improve habitat connectivity with nearby federal lands, a factor that is critical for sustaining populations of wide-ranging species.

Perhaps most importantly, expansion of the Monument to include these proposed additions will significantly increase the ability of native plants and animals to adapt to a changing climate, an issue that was not considered when initial Monument boundaries were created, but that will become critical to biodiversity conservation in the coming decades.

<sup>3</sup> Olson, D.M., D.A. DellaSala, R.F. Noss, J. R. Strittholt, J. Kaas, M. E. Koopman, and T.F. Allnutt. 2012. Climate change refugia for biodiversity in the Klamath Siskiyou ecoregion. *Natural Areas Journal* 32:65-74.

<sup>4</sup> Frost, E.J. and P. Trail. 2015. A Summary of Ecological Values in Proposed Additions to the Cascade Siskiyou National Monument. Unpublished report available from Soda Mountain Wilderness Council, Ashland, OR.

As professional scientists who value and understand the many benefits of biological diversity and ecological health, we appreciate the opportunity to offer our recommendations for the future of the Cascade-Siskiyou National Monument and urge decision-makers to expand the boundaries of the Monument so that it can successfully achieve the proclamation's stated goal of protecting the area's outstanding biological resources for present and future generations.

Sincerely,

**Scientists that Contributed to the 2011 Cascade-Siskiyou Monument Boundary Study**<sup>\*</sup>

<sup>\*</sup>affiliations for identification purposes only

Pepper Trail, Ph.D., Ornithologist  
Ashland, OR

Dennis Odion, Ph.D., Vegetation Ecologist  
Southern Oregon University, Ashland, OR

Jack Williams, Ph.D., Chief Scientist  
Trout Unlimited, Medford, OR

Evan Frost, M.Sc., Conservation Biologist  
Wildwood Consulting, Ashland, OR

Steve Jessup, Ph.D., Botanist  
Southern Oregon University, Ashland, OR

Darlene Southworth, Ph.D., Professor (Emeritus), Department of Biology  
Southern Oregon University, Ashland, OR

Frank Lang, Ph.D., Professor (Emeritus), Department of Biology  
Southern Oregon University, Ashland, OR

Richard Brock, M.Sc., Senior Botanist  
Siskiyou BioSurvey LLC, Ashland, OR

Paul Hosten, Ph.D., Terrestrial Ecologist  
Kualapu'u, HI

Dominick DellaSala, Ph.D., Chief Scientist  
Geos Institute, Ashland, OR

Michael Parker, Ph.D., Aquatic Ecologist, Department of Biology  
Southern Oregon University, Ashland, OR

Daniel Sarr, Ph.D., Ecologist  
Flagstaff, AZ

Scott Hoffman Black, M.Sc., Ecologist and Executive Director  
Xerces Society, Portland, OR

Jeannine Rossa, M.Sc., Aquatic Ecologist  
Ecolink Consulting, Kualapu'u, HI

Brian Barr, M.Sc., Fisheries Biologist  
Gold Hill, OR

**Additional Scientists in Support of Cascade-Siskiyou Monument Expansion**<sup>\*</sup>

<sup>\*</sup>affiliations for identification purposes only

David A. Perry, Ph.D., Professor (Emeritus)  
Department of Forest Science  
Oregon State University, Corvallis, OR

Gary Tabor, Ph.D., Conservation Scientist  
Center for Large Landscape Conservation  
Bozeman, MT

Arthur J. Boucot, Ph.D.  
Distinguished Professor of Geology  
Oregon State University, Corvallis, OR

Jack W. Sites, Jr., Ph.D.  
Professor of Biology/Curator of Herpetology  
Brigham Young University, Provo, Utah

Calvin Maginel, M.Sc. (candidate)  
Department of Natural Resources  
University of Missouri, Columbia, MO

Thomas Rooney, Ph.D., Professor  
Department of Biological Sciences  
Wright State University, Dayton, OH

Gary Roemer, Ph.D., Professor  
Dept. of Fish, Wildlife &  
Conservation Ecology  
NM State University, Las Cruces, NM

William D. Anderson, Jr., Ph.D.  
Professor (Emeritus), Marine Biology  
College of Charleston, Charleston, SC

Ke Chung Kim, Ph. D., Professor (Emeritus)  
and Former Director, Center for Biodiversity  
Research, Pennsylvania State University  
University Park, PA

Jay Lininger, M.Sc., Senior Scientist  
Center for Biological Diversity  
Ashland, OR

Vicky Meretsky, Ph.D.  
Professor of Conservation Biology  
Indiana University, Bloomington, IN

Michael J. Vandeman, Ph.D.  
Conservation Biologist  
San Francisco Bay Area, CA

George Wuerthner, M.Sc., Senior Scientist  
Foundation for Deep Ecology  
San Francisco, CA

Mitchell M. Johns, Ph.D.  
Professor of Soil Science  
California State University-Chico  
Chico, CA

Melissa Savage, Ph.D., Associate Professor  
(Emeritus), Department of Geography  
University of California, Los Angeles, CA

James H. Marden, Ph.D.  
Professor, Department of Biology  
Penn State University, University Park, PA

Sandra Mardonovich, M.Sc.(candidate)  
Department of Botany  
Miami University, Oxford, OH

D. Scott Samuels Ph.D.  
Professor of Biological Sciences  
University of Montana, Missoula, MT

Peter Bahls M.Sc., Fisheries Biologist  
Northwest Watershed Institute  
Port Townsend, WA

Peter B. Moyle, Ph.D., Distinguished  
Professor, Dept. of Wildlife, Fish, &  
Conservation Biology  
University of California, Davis, CA

Wayne D. Spencer, Ph.D., Director of  
Conservation Assessment, Conservation  
Biology Institute, San Diego, CA

Paul Schaeffer, Ph.D., Associate Professor  
Department of Biology  
Miami University, Oxford, OH

F. Stuart Chapin III, Ph.D., Professor  
(Emeritus), Department of Biology  
University of Alaska, Fairbanks, AK

Stephen G. Weller, Ph.D., Professor  
Dept. of Ecology and Evolutionary Biology  
University of California-Irvine, Irvine, CA

Vicki Tripoli, Ph.D., Biologist  
Moorpark, CA

Douglas J. Frederick, Ph.D., Professor  
Dept. of Forestry & Environment Sciences  
North Carolina State Univ., Raleigh, NC

Gary K. Meffe, Ph.D., Adjunct Professor  
Dept. of Wildlife Ecology & Conservation  
University of Florida, Gainesville, FL

Bitty Roy, Ph.D., Professor, Department of  
Biology / Smithsonian Research Associate  
University of Oregon, Eugene, OR

Don Waller, Ph.D., John T. Curtis Professor  
of Botany and Environmental Studies  
University of Wisconsin, Madison, WI

Gustav Paulay, Ph.D., Professor  
Department of Zoology  
University of Florida, Gainesville, FL

Richard O. Bierregaard, Ph.D., Research  
Associate, Academy of Natural Sciences  
Drexel University, Philadelphia, PA

Matthew Rubino, M.Sc., Conservation  
Biologist, Dept. of Applied Ecology  
North Carolina State University Raleigh, NC

Robin Salter, Ph.D.  
Associate Professor of Biology  
Oberlin College, Oberlin, OH

Dina Roberts, Ph.D., Professor  
Department of Biology  
The Evergreen State College, Olympia, WA

Rachel E. Golden, M.Sc., Department of  
Environmental Science and Public Policy  
George Mason University, Arlington, VA

Phil Myers, Ph.D., Professor (Emeritus)  
Dept. of Ecology and Evolutionary Biology  
University of Michigan, Ann Arbor, MI

Peter F. Brussard, Ph.D., Professor  
(Emeritus), Department of Biology  
University of Nevada, Reno, NV

Jesse Ford, Ph.D., Professor  
Department of Fisheries and Wildlife  
Oregon State University, Corvallis, OR



Craig W. Benkman, Ph.D., Professor  
Department of Zoology and Physiology  
University of Wyoming, Laramie, WY

Malcolm K. Cleaveland, Ph.D., Professor  
(Emeritus), Department of Geosciences  
University of Arkansas, Fayetteville, AR

Rick Van de Poll, Ph.D., Principal  
Ecosystem Management Consultants  
Center Sandwich, NH

Glenn R. Stewart, Ph.D., Professor  
(Emeritus), Biological Sciences Department  
California State Polytechnic University  
Pomona, CA

Bruce G. Baldwin, Ph.D., Professor  
Department of Integrative Biology  
University of California, Berkeley, CA

David Janos, Ph.D., Professor  
Department of Biology and Cooper Fellow  
University of Miami, Coral Gables, FL

Robert Michael Pyle, Ph.D.  
Lepidopterist and Founder  
The Xerces Society, Portland, OR

Jon Rhodes, Ph.D.  
Hydrologist  
Planeto Azul Hydrology, Portland, OR

Jon Evans, Ph.D.  
Professor of Biology  
The University of the South, Sewanee, TN

Erik Jules, Ph.D., Professor  
Department of Biological Sciences  
Humboldt State University, Arcata, CA

Daphne Stone, Ph.D., Botanist  
Biodiversity Research Collective  
Eugene, OR

Trygve Steen, Ph.D., Professor  
Department of Environmental Studies  
Portland State University, Portland, OR

Jason Clark, M.S.  
Senior Botanist  
Siskiyou BioSurvey LLC, Ashland, OR

David Olson, Ph.D.  
Conservation Earth Consulting and  
Biodiversity & Wildlife Solutions,  
Washington, DC

Craig C. Downer, Ph.D.  
Wildlife Ecologist  
Andean Tapir Fund, Minden, NV

Robert L. Beschta, Ph.D., Professor  
(Emeritus), Forest Ecosystems and Society  
Oregon State University, Corvallis, OR

Dennis Murphy, Ph.D.  
Adjunct Research Professor  
University of Nevada, Reno

Thomas Michael Power, Ph.D.  
Professor (Emeritus), Dept. of Economics  
The University of Montana, Missoula, MT

Reed F. Noss, Ph.D.  
Provost's Distinguished Research Professor  
Department of Biology  
University of Central Florida, Orlando, FL

Rowan J. Baker, MS  
Independent Environmental Consultant  
Portland, OR

David J. Berg, Ph.D.  
Professor, Department of Biology  
Miami University, Oxford OH

Raymond A. Saumure, Ph.D.  
Herpetologist and Director  
WildFauna, Las Vegas, NV

Karen Stone, Ph.D., Professor  
Department of Biology  
Southern Oregon University, Ashland, OR

Douglas A. Miller, Ph.D., Professor  
Department of Geography  
Penn State University, University Park, PA

William Bridgeland, Ph.D.  
Wildlife Biologist  
Bandon, OR

Susan Harrison, Ph.D., Professor  
Dept. of Environmental Science & Policy  
University of California, Davis, CA

Gordon H. Orians, Ph.D., Professor  
(Emeritus), Department of Biology  
University of Washington, Seattle, WA

Frito Dolisca, Ph.D.  
Forest Resource Policy and Conservation  
Orange, NJ

Stephen C. Trombulak, Ph.D., Professor  
Department of Biology  
Middlebury College, Middlebury, VT

Sam Rich, M.Sc.  
Conservation Land Manager  
Wild Restoration LLC, Seattle, WA

Barry R. Noon, Ph.D., Professor  
Dept. of Wildlife & Conservation Biology  
Colorado State University, Fort Collins, CO

Jeff Wells, Ph.D., Senior Scientist  
Boreal Songbird Initiative  
Seattle, WA

## **Protecting the Cascade-Siskiyou National Monument from Climate Change: The Ecological Need for Monument Expansion**

Prepared by Pepper Trail Ph.D. and Evan J. Frost, M.Sc.  
for the Soda Mountain Wilderness Council, Ashland, OR



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## Protecting the Cascade-Siskiyou National Monument from Climate Change: The Ecological Need for Monument Expansion

Pepper Trail Ph.D. and Evan J. Frost, M.Sc.

September 2015

### Executive Summary

The Cascade-Siskiyou National Monument (hereafter Monument) was established to protect a spectacular concentration of species and natural communities that occur at the crossroads of the Siskiyou, Cascades and Great Basin ecoregions. Since its establishment in 2000, the Monument has been constrained by politically-drawn boundaries that do not adequately protect the area's watersheds or full complement of species and habitats. Moreover, it is now apparent that existing boundaries will not be sufficient to maintain the Monument's ecological integrity in the face of climate change. Regional climate models indicate that coming decades will bring warmer temperatures, reduced snowpack, and increased fire frequency. In order to improve the resilience of the Monument's ecosystems and adaptation of species to these profound changes, expansion of the Monument is required. An interdisciplinary group of scientists has identified and recommended five Monument expansion areas, as briefly summarized in this report. This expansion will increase both the resilience and adaptation of the Monument's biota to likely climate change effects -- specifically by increasing habitat connectivity within the greater Cascade-Siskiyou landscape, protecting a greater elevation range and diversity of environmental settings, and increasing the size of special-status plant and animal populations so that they will be more likely to successfully adapt to the uncertain conditions of the future.

*"With towering fir forests, sunlit oak groves, wildflower-strewn meadows, and steep canyons, the Cascade-Siskiyou National Monument is an ecological wonder...home to a spectacular variety of rare and beautiful species of plants and animals, whose survival in this region depends upon its continued ecological integrity."*

-- Presidential Proclamation 7318, June 9, 2000

*"The Soda Mountain area is more than just botanically interesting; it is an important link for [species] migration, dispersion, and the process of evolution in the Northwest."*

-- Tom Atzet Ph.D., former SW Oregon Area Ecologist, USFS  
Letter to Soda Mountain Wilderness Council, March 22, 1994

*"The Monument's continued diversity depends upon the degree to which landscape-level ecological processes can continue to function...Many species are dependent upon large blocks of forest habitat for dispersal and long-term migration. Habitat fragmentation and the loss of connectivity threaten the biological integrity of the Cascade-Siskiyou National Monument in the short term."*

-- Cascade-Siskiyou National Monument Resource Management Plan  
Medford District BLM, 2008

**Cover photo:** Upper Jenny Creek Falls in the proposed Klamath River Ridges addition to the Cascade-Siskiyou National Monument. Photo credit: Pepper Trail.



Pilot Rock in the Cascade-Siskiyou National Monument. Credit: Ashland Daily Photo

### **The Cascade-Siskiyou National Monument: America's Biodiversity Jewel**

President Clinton established the ~52,000 acre Cascade-Siskiyou National Monument (hereafter Monument) in southwest Oregon along the California border in June 2000. **The Monument is unique in that it is the first and only national monument established explicitly to protect an area of outstanding biological diversity.** The area's biodiversity is most prominently reflected in the great variety of plant and animal species, natural communities and ecosystem types that are found within this relatively small area.

At the species level, the Monument is known to support more than 3,500 different plants and animals -- an extraordinarily high number for an area of this size (USDI 2008). In addition, a significant subset of these species are recognized by state and federal agencies as rare or imperiled, and a few endemics are found nowhere else on earth. This outstanding richness of species has in turn given rise to unique assemblages of flora and fauna. Northern Spotted Owls, flying squirrels, giant salamanders and Pacific yew trees typical of the moist Northwest Coast live almost side-by-side with "Eastside" or Great Basin species such as kangaroo rats, sagebrush lizards, Canyon Wrens and tall sagebrush.

The Monument's high diversity of species in turn mirrors the wide array of habitat types found in this landscape, ranging from high desert grasslands and Mediterranean-like chaparral and oak savannah to lush conifer forests and wet mountain meadows. Although quite distinct and typically separated by significant distances, many of these natural communities are found in close proximity here. Local, sometimes extreme, changes in elevation, slope, aspect, soils and climate, together with natural disturbances such as fire, all interact in synergistic ways to create the complex, fine-scaled patterning of vegetation that is the hallmark of the Monument landscape.

Much of the Monument's outstanding biodiversity is attributable to its geographic location at the meeting point of three distinct ecoregions -- the Siskiyou Mountains (a subregion of the larger Klamath Mountains), the Cascade Range and, to the east, the Great Basin (Thorson et al. 2006). These large ecoregions are characterized by major differences in geology, climate, terrain and biogeography. Each contributes its own special assemblage of organisms and ecological processes to the greater Monument landscape. **As a result of this biological crossroads phenomena, the Monument area is often referred to as an ecological "melting pot" or mixing zone that is unique in western North America** (Olson et al. 2012, USDI 2008, ODFW 2006, Vander Schaaf et al. 2004).

The Monument is also known for its important water resources, which not only support a great diversity of aquatic species, but also fresh drinking water supplies for human communities in southern Oregon. The

principal watershed, Jenny Creek, has been identified by BLM as one of the most biologically diverse places in Oregon (USDI 1995), was designated a Tier I Key Watershed by the Northwest Forest Plan and supports a number of rare and/or imperiled aquatic species, including the Jenny Creek redband trout. Several perennial streams originating in the Monument also flow south into California's Klamath River and provide cold, high-quality water for salmon restoration efforts there.

Also of major importance is the role the Monument plays in contributing to the ecological and evolutionary integrity of the Klamath Mountains ecoregion (located both in southwest Oregon and northwest California). Sometimes referred to as the "Galapagos of North America," the Klamath Mountains have one of the highest levels of species diversity and endemism in the U.S. and are widely recognized as an area of global importance for biodiversity conservation (DellaSala et al. 1999, Wagner 1997). Because the Monument lies at the intersection and connects forested habitats in the Siskiyou Mountains with those in the Cascades, it acts as a natural land bridge that facilitates the flow of plants and animals between these ecoregions. This land bridge function was previously recognized by former Forest Service southwest Oregon Area Ecologist Dr. Tom Atzet: **"The Soda Mountain area is more than just botanically interesting; it is an important link for [species] migration, dispersion, and the process of evolution in the Northwest"** (Letter to Soda Mountain Wilderness Council, March 22, 1994).

The establishment of the Cascade-Siskiyou National Monument recognized the area's unusually high concentration of native species and plant communities, as well as the natural ecological processes that create and maintain this diversity. The presidential proclamation identifies a number of specific species, communities and other biological objects of interest found in the Monument area:

*The monument is home to a spectacular variety of rare and beautiful species of plants and animals, whose survival depends upon its continued ecological integrity. Plant communities present a rich mosaic of grass and shrublands, Garry and California black oak woodlands, juniper scrublands, mixed conifer and white fir forests, and wet meadows. Stream bottoms support broad-leaf deciduous riparian trees and shrubs. Special plant communities include rosaceous chaparral and oak-juniper woodlands. The monument also contains many rare and endemic plants, such as Greene's Mariposa lily, Gentner's fritillary, and Bellinger's meadowfoam (USDI 2000).*

The proclamation provides the principal management direction for the Monument and clearly prescribes that the BLM manage the area "for the purpose of protecting the objects identified." **Although important individually, it is the interrelationship of these biological objects in the context of natural ecological processes that has created this outstandingly diverse ecosystem.** As stated in BLM's 2008 Resource Management Plan for the area, "The Monument's continued diversity depends upon the degree to which landscape-level ecological processes can continue to function." Therefore, the overall vision for management of the Monument is to protect, maintain, restore or enhance the biological objects of interest and the natural ecological processes that sustain them.

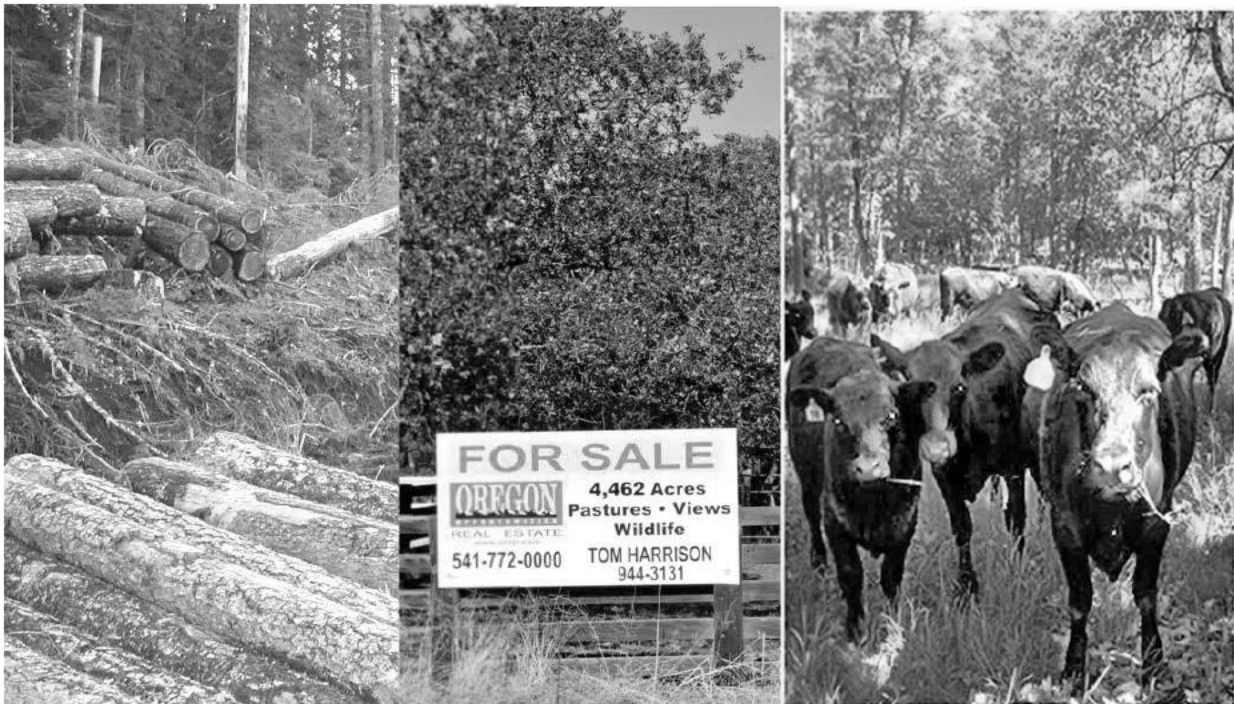
### **The Existing National Monument Is Too Small to Achieve Conservation Goals**

Under the provisions of the Antiquities Act, the Monument's original boundaries were defined as encompassing "...the smallest area compatible with the proper care and management of the objects to be protected" (USDI 2000). At the time it was established, the Cascade-Siskiyou Monument was comprised of approximately 52,000 acres of federal land, which has since grown to over 65,000 acres by public acquisition of private land from willing sellers within the Monument's outer boundaries. This is a relatively small acreage to protect this area's spectacular biodiversity. Consider, for example, that the average home range of a single mountain lion is more than 150,000 acres (Neal et al. 1987).



The Monument's original boundaries were drawn without regard for a number of ecological criteria important to the optimal design of protected areas. For example, the Oregon-California state line was designated as the southern limit of the Monument. This boundary resulted in the exclusion of the lower reaches of all the Monument's south-flowing streams. Similarly, the northern and western borders of the Monument followed administrative land use designations (i.e., including "Late Successional Reserve" but excluding many "Matrix" lands under the Northwest Forest Plan), rather than watershed breaks or other ecologically-informed boundaries. As a result, the Monument's biological values remain vulnerable to adverse impacts from incompatible management on adjacent lands.

In 2011, a diverse group of scientists with considerable experience in the greater Cascade-Siskiyou landscape evaluated whether current boundaries are sufficient to protect the area's unique biological resources into the future (Frost et al. 2011). The authors concluded that *"Monument expansion is required to safeguard persistence of the [biological] Objects of Interest the Monument was established to protect."* In their report, they highlighted four primary reasons why current Monument boundaries are insufficient to achieve long-term conservation goals: 1) inadequate protection of many special-status plant and animal populations referenced in the Proclamation; 2) lack of ecological basis for existing boundaries (e.g. the Oregon-California border); 3) increased development in areas adjacent to the Monument; and, perhaps most importantly, 4) climate change.



In their 2011 report, scientists cited incompatible management on adjacent lands as a significant threat to the ecological integrity of the Cascade-Siskiyou National Monument, including (from left to right): commercial logging, residential development on private lands and livestock grazing. Photo credits: Evan Frost and Brett Chedzoy (right).

### Climate Change in the Greater Cascade-Siskiyou Landscape

*At the time of the Monument's creation in 2000, climate change was not "on the radar" of federal land management agencies,* even though Congressional hearings on climate change had been held as far back as 1981. The Monument proclamation makes no mention of climate change as a threat or management

concern, and – more remarkably – climate change is not mentioned even once in the Monument's 2008 Resource Management Plan (USDI 2008). It was not until late 2009 that Interior Secretary Ken Salazar issued an order instituting a program on climate adaptation in the Department of the Interior (USDI 2009). To this day, there are no BLM documents that acknowledge the likely impact of climate change on the unique biological resources the Cascade-Siskiyou National Monument was established to protect.

Despite BLM's lack of attention, detailed and sobering projections are available concerning the impacts of climate change on the Cascade-Siskiyou National Monument. In 2008, the Climate Leadership Initiative of the University of Oregon and the National Center for Conservation Science and Policy released *Preparing for Climate Change in the Rogue River Basin of Southwest Oregon* (Doppelt et al. 2008). This publication was followed two years later by *Preparing for Climate Change in the Klamath Basin* (Barr et al. 2010). Most of the current Monument lies in the western headwaters of the Klamath Basin. The Monument's western edge includes the upper reaches of Emigrant Creek, a Rogue Basin tributary. [The fact that the Monument bridges these two major and ecologically distinct river systems is one reason the area is so extraordinarily biodiverse.] The Rogue and Klamath River Basin climate change reports together cover the entire Cascade-Siskiyou National Monument area.

Using carbon dioxide emission scenarios developed by the Intergovernmental Panel on Climate Change (IPCC), these reports down-scaled three widely-accepted global climate models and applied them to southwest Oregon and northwest California. While the authors did not single out and specifically analyze the Cascade-Siskiyou National Monument, their predictions, as summarized below, indicate that *climatic changes are likely to drastically affect the biological resources and values the Monument was established to protect.*

### **Summary of Predicted Climate Changes for the Rogue and Upper Klamath River Basins**

#### **Temperature**

- Annual average temperatures will increase 1-3° F by 2040 and 4-8° F by 2080.
- Summer temperatures may increase dramatically, averaging 7 to 15° F warmer by 2080.
- Winter temperatures may average an increase of 3 to 8° by 2080.

#### **Precipitation and Snowpack**

- Total precipitation may remain roughly similar to historical levels, but...
- Rising temperatures will cause more precipitation to fall as rain, rather than snow.
- Snow accumulation will decline 25-75% by 2040, and may virtually disappear by 2080.

#### **Fires and Floods**

- Drastically increased wildfire is predicted for the region by most of the climate models.
- More severe storm events, higher runoff events, and increased flooding are likely.
- Both wet and dry cycles are likely to last longer and be more extreme.

#### **Vegetation Patterns**

- Temperature increases and changes in precipitation patterns will lead to changes in vegetation, with wildfire and disease acting as catalysts. Details are difficult to predict, but...
- Expansion of oaks and other hardwoods at the expense of conifer forests is likely in the Rogue Basin. Lower elevations in the Upper Klamath Basin may see expansion of grasslands into areas now covered with sagebrush and juniper, while middle elevations may see a reduction of conifer forests.



Since these reports were written, evidence for climate change has become more obvious year by year. The latest IPCC report is unequivocal -- climate change is under way. As the report states, "Human influence on the climate system is clear, and recent anthropogenic emissions of greenhouse gases are the highest in history. Recent climate changes have had widespread impacts on human and natural systems... since the 1950s, many of the observed changes are unprecedented over decades to millennia" (Intergovernmental Panel on Climate Change 2014).

Although the ultimate magnitude of climate change is unknown – and will depend on human responses to this crisis – its impacts will continue to gain strength in the coming decades due to the inertia of the atmospheric system. Federal agencies charged with managing lands for conservation must adjust to this reality, making long-term plans using the best scientific projections of future climate, while also allowing for uncertainty.

There is now a large scientific literature recommending the most effective strategies to conserve biodiversity in protected areas in the face of climate change (e.g. Schmitz et al. 2015, Krosby et al. 2010, Dugelby 2009, Brown 2008, Hannah 2008, Hannah et al. 2007, Hannah and Hansen 2004, Peters 1992). Specifically, consensus has emerged around the need for enhancing habitat connectivity and protecting relatively large, elevationally and topographically diverse landscapes, which often will require the strategic expansion of existing reserves. While a review of this literature is beyond the scope of this report, here are a few representative statements:

*"Additional protected areas will likely be needed [due to climate change], as well as connectivity to allow species to move between areas...Protected areas that contain greater diversity of topography and soils and include greater range of elevation will be more likely to continue to provide habitat for species of concern" (Brown 2008).*

*"Expanding the protected area system to encompass large, complex landscapes is a key climate adaptation action ...These [current and proposed protected areas] should support complex terrains, pronounced environmental gradients, multiple microclimates, and diverse biophysical conditions to provide opportunities for biota to shift and adjust even if we are uncertain about the distribution and magnitude of climate change" (DellaSala et al. 2012).*

*"Ultimately, effective conservation of biodiversity in the face of climate disruption will require that we no longer think of biodiversity protection as providing representation of a static, two-dimensional pattern of vegetation types. We must instead envision a mosaic of vegetation associations shifting in time and then design networks of protected areas that conserve the processes of this change as well as the present patterns of biodiversity" (Dugelby 2009).*

### **Protecting the Cascade-Siskiyou National Monument in the Face of Climate Change**

The two key aspects of ecosystem response to climate change are resilience and adaptation. The United Nations Environmental Program Convention on Biological Diversity (Thompson et al. 2009) defines these terms as follows:

**Resilience:** The capacity of an ecosystem to return to the pre-condition state following a perturbation, including maintaining its essential characteristics: taxonomic composition, structures, ecosystem functions, and process rates.

**Adaptation:** Adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities.

**Increasing the size of the Cascade-Siskiyou National Monument is the most effective action that can be taken to increase resilience and opportunities for adaptation in the face of climate change.** Benefits of expanding the Monument include:

- Protection of habitats across a wider range of elevations and landforms, providing an intact continuum of habitats ranging from valley-bottom oak/grasslands to montane conifer forests (resilience and adaptation);
- More habitat connectivity within and across landscapes, allowing for more effective species dispersal and gene flow (both resilience and adaptation);
- Larger population sizes of special-status plant and animal species, resulting in lower likelihood of extinction (resilience) and greater genetic variability (adaptation);
- Increased protection for wide-ranging apex predators such as mountain lion, Pacific fisher, gray wolf and Golden Eagle, whose presence is vital for ecological health (resilience);
- Inclusion of complete watersheds – from the headwaters to the mouth – for the south-flowing Klamath River tributary streams of the Monument (resilience); and
- Expansion of the portion of the Monument located within the Rogue River watershed, bringing additional microclimates and species associations under protection (resilience and adaptation).

In May 2015, a description of Monument expansion areas as initially recommended in the 2011 scientists' report was completed (Frost and Trail 2015; see attached map). Here we summarize each of the five proposed Monument additions and how they increase resilience and adaptation of the area's biological resources to climate change effects.

**Rogue Valley Foothills:** This area extends along the western edge of the Cascades Plateau westward and downslope almost to the shores of Emigrant Lake on the Bear Creek Valley floor. This area includes several important Rogue Basin streams (Sampson, Cattle, Cove and Frog Creeks), as well as currently unprotected headwaters of Keene Creek in the Klamath River watershed. The valley bottom and lower foothill settings support relatively intact, high quality examples of oak savannah, mixed woodlands and native perennial grasslands -- critically threatened habitats that are also under intense development pressure throughout the region (ODFW 2006).

The current Monument covers an elevation range of approximately 3,300 feet, with the lowest elevation at the California border (approx. 2,850 feet elevation). The proposed Rogue Foothills addition includes significant areas at lower elevations, down to less than 2,300 feet elevation. Including these lower elevation lands, plus the higher elevations around ~6,500' Surveyor Mountain in the Johnson and Fall Creeks addition (see below), would result in a total elevational range of 4,240 feet for the Monument. This expansion represents a more than 20% increase in elevations captured within the Monument, substantially enhancing the area's potential resilience and adaptation in the face of climate change.

**Grizzly Peak:** Extending north from the Rogue Valley Foothills, the proposed Grizzly Peak addition includes more Rogue Basin streams (notably Walker Creek) as well as the 5,920 foot summit of Grizzly Peak, the highest mountain on the Bear Creek Valley's eastern skyline. The area is characterized by a rich mosaic of plant communities, including mixed oak woodlands, as well as the recovering burn area of the 2002 Antelope Fire. Of particular significance in relation to climate change is the presence of over 40 documented special-status plant populations, including species that approach their southern (mountain tall bugbane), western (Warner Mountains sulphur flower) and northern (California globe mallow, Klamath gooseberry, Merriam's alumroot and yellow star-tulip) range limits. Species at their range limits are of critical conservation interest in this time of climate change, as their expansion or contraction will have a strong influence on species viability and distribution.

Landscape views of proposed expansion areas illustrating high topographic, microclimatic and elevational diversity -- key factors for increasing ecological resilience in the face of climate change. Top: Rogue Valley Foothills, middle: Klamath River Ridges, bottom: Johnson and Fall Creeks (from 6,545' Surveyor Mountain). Photo credits: Dave Willis and Klamath County Museum (bottom).







Examples of wildlife species whose local populations would benefit from increased habitat connectivity resulting from Monument expansion, becoming more adaptive to climate change. Left: Great Gray Owl, middle: American marten, right: gray wolf. Photo credits (left to right): Josh Hull, John Marriott and Harry Bosen.

**Southern Cascades:** This area of gently sloping ridges and broad valleys to the north of the present Monument would significantly increase the extent of higher elevation conifer forests. Stands of late-successional and old-growth forest provide critical habitat for a number of wildlife species identified in the Monument proclamation, including Northern Spotted Owl (federally Threatened), Northern Goshawk, American marten and Pacific fisher (federally proposed Threatened). Interspersed within this primarily forested unit are a network of low to moderate gradient streams, montane meadows, wetlands and perennial springs. The majority of these lands fall within the Monument's primary watershed, Jenny Creek. Increased protection here would help restore natural water flows and aquatic habitat conditions throughout the Jenny Creek basin, which is recognized by the BLM as "one of the most biologically diverse watersheds in the state" of Oregon (USDI 1995).

The Southern Cascades addition also provides important connectivity with adjacent habitats of the Rogue River-Siskiyou National Forest to the north, which facilitates seasonal movements and dispersal for wide-ranging species. Notable in this regard is the yearly migratory movement of black-tailed deer from the east side of the Cascades to winter in the southern portion of the Monument, an ecological phenomenon singled out in the Monument's proclamation. A dramatic recent development is the use of both the Southern Cascades and Johnson and Fall Creek expansion areas by gray wolves, which are re-establishing themselves in the southern Oregon Cascades (ODFW 2015).

**Johnson and Fall Creeks:** This proposed Monument addition is comprised of BLM lands located within two ecologically important watersheds that lie east of the existing Monument. The largest of these is Johnson Creek, a primary headwater stream that flows into Jenny Creek several miles below Howard Prairie Reservoir. Fall Creek, a stream in the south end of the area, flows in a southerly direction and crosses the Oregon-California state line approximately one mile east of Jenny Creek. The area's upper elevations, including the 6,565-foot summit of Surveyor Mountain (the highest point in the proposed expanded Monument), are covered with montane conifer forests. These forests provide habitat for American marten, Pacific fisher, Northern Spotted Owl and Great Gray Owl, and are home to an "Area of Known Wolf Activity," designated last year by the Oregon Department of Fish and Wildlife (ODFW 2014).



Key habitats in proposed Monument additions that are poorly represented within existing boundaries. Left: riparian deciduous forest (lower Jenny Creek) in the Klamath River Ridges, middle: oak savannah and right: native perennial grassland in Rogue Valley Foothills addition. Photo credits: Pepper Trail (left, right) and Evan Frost (middle).

In the northern section, portions of Johnson Creek provide important spawning habitat for native redband trout and the endemic Jenny Creek sucker, as well as declining amphibian species like the Cascades frog. Protection of lands in Johnson Creek would create a more effective, ecologically-based (watershed) boundary resulting in improved water quality and hydrologic functioning in the main stem of Jenny Creek located downstream. The area's lower southern elevations include springs supporting multiple populations of rare and locally endemic freshwater snail species, as well as foothill yellow-legged frogs (BLM sensitive).

**Klamath River Ridges:** This proposed expansion area includes BLM parcels and other public lands that extend from the current Monument boundary at the Oregon-California state line south toward the Klamath River, both above and below Iron Gate Dam. Just as the Rogue Foothills addition would provide protection for an intact elevational and ecological gradient of Rogue Basin habitats, the Klamath River Ridges would provide protections for a corresponding gradient of Klamath Basin habitats. The landscape is characterized by steep, dissected terrain and a relatively dry, continental-influenced climate, extending upslope toward the cooler conifer forests of the Cascades.

Lands within the Klamath River Ridges unit have remained relatively undisturbed and unroaded, providing vital winter range for large herds of black-tailed deer that gather here from a wide swath of the southern Cascades and Klamath Basin. An outstanding diversity of butterflies, birds and small mammals can also be found in this area, including species that approach the western limit of their range from Oregon's Eastern Cascades and Great Basin ecoregions (e.g., Prairie Falcon and Canyon Wren).

As is the case with Jenny Creek in the Johnson and Fall Creeks addition above, a portion of Jenny Creek within this proposed addition also provides essential habitat for three endemic, special-status fishes (the Jenny Creek redband trout, speckled dace and Jenny Creek sucker) that have long been isolated above large, scenic waterfalls. The lower reaches of Jenny, Hutton, Slide, Scotch, Camp and Fall Creeks -- currently excluded from the Monument by the California state line -- flow southward through this

expansion area from their headwaters in or near the Monument. These high quality streams are lined with riparian woodlands that provide key habitats for Neotropical migrant birds as well as nesting Bald Eagles, river otter and beaver.

### **Conclusion: Climate Change Underlines the Need for Monument Expansion**

No issue facing the BLM's system of National Conservation Lands is more challenging than climate change. The scientific reality of climate change is undisputed, and its severe impacts on ecosystem processes, ecological communities, and species distributions appear inescapable. However, we should not pretend that we have the ability to predict these effects in detail. The makeup of future plant and animal communities may be quite different from any with which we are familiar today. Indeed, some ecologists are using the term "climate disruption" rather than climate change, and positing a "no-analog future" in which species distributions are scrambled in ways we cannot anticipate (Schmitz et al. 2015, Wiens et al. 2011, Stralberg et al. 2009). In this current situation, *the most prudent course of action is to preserve the widest possible set of options promoting climate resilience and adaptation for existing protected areas.*

Climate modeling clearly indicates that the Cascade-Siskiyou National Monument will experience warmer temperatures, reduced snowpack, and increased wildfire risk in the coming decades. It follows that increased protection for both higher elevations and entire watersheds is needed to assure adequate water flows to protect the Monument's diverse aquatic biota. *Increasing the range of elevations within the Monument would improve ecological resilience as well as habitat connectivity, thereby increasing the chances of species finding suitable habitat in the face of changing conditions.* Similarly, increasing the size of the Monument would protect a wider suite of species, communities and microclimates, thereby increasing the Monument's ability to conserve the outstanding biodiversity celebrated in the proclamation. And expanding the Monument's area would increase population sizes of the specific plant and animal species the Monument was established to protect, helping to ensure their long-term survival.

*The five expansion areas proposed here would preserve the widest set of ecological options to sustain the Cascade-Siskiyou National Monument in the face of a changing climate.* Proposed additions extend north, south, east, and west from the current Monument. Additions expand into both higher and lower elevations, significantly increasing the Monument's elevational range as well as microclimatic, topographic and habitat diversity. They encompass increased protection for a range of habitats in both the Rogue and Klamath Basin watersheds. They reach out to include populations of species at their range limits, which are critical "first responders" to climate change.

If expanded as proposed here, the Cascade-Siskiyou National Monument will be less than 130,000 acres -- certainly a compact and efficient area of federal land to set aside for the protection of an "ecological wonder," with "unique geology, biology, climate, and topography." This relatively small conservation investment would realize the promise of the proclamation by expanding the Monument to include the lands required to secure its continued ecological integrity -- now and into the uncertain future.

### **References**

- Barr, B.R, M.E. Koopman, C.D. Williams, S.J. Vynne, R. Hamilton and B. Doppelt. 2010. Preparing for climate change in the Klamath Basin. Prepared by National Center for Conservation Science and Policy and Climate Leadership Institute/University of Oregon. Available online at: [http://www.geosinstitute.org/images/stories/pdfs/Publications/ClimateWise/KlamathBasinCFFReport Final Long 20100901.pdf](http://www.geosinstitute.org/images/stories/pdfs/Publications/ClimateWise/KlamathBasinCFFReport%20Final%20Long%2020100901.pdf)
- Brown, R.T. 2008. The implications of climate change for conservation, restoration and management of national forest lands. Prepared by Defenders of Wildlife, Portland, OR. Available online at:



- [http://www.defenders.org/sites/default/files/publications/implications of climate change for conservation restoration and management of national forest lands.pdf](http://www.defenders.org/sites/default/files/publications/implications%20of%20climate%20change%20for%20conservation%20restoration%20and%20management%20of%20national%20forest%20lands.pdf)
- DellaSala, D. A., D. Olson, J.R. Strittholt, R.F. Noss, J. Kass, M.E. Koopman and T. Allnutt. 2012. Climate change refugia for biodiversity in the Klamath-Siskiyou Ecoregion. *Natural Areas Journal* 32(1):65-74.
- DellaSala D.A., S.B. Reid, T.J. Frest, J.R. Strittholt and D.M. Olson. 1999. A global perspective on the biodiversity of the Klamath-Siskiyou ecoregion. *Natural Areas Journal* 19: 300-319.
- Doppelt, B., R. Hamilton, C.D. Williams and M. Koopman. 2008. Preparing for climate change in the Rogue River Basin of southwest Oregon: Stressors, risks and recommendations for increasing resilience and resistance in human, built, economic and natural systems. Prepared by Climate Leadership Institute, National Center for Conservation Science and Policy and MAPSS Team, US Forest Service Pacific Northwest Research Station. Available online at: [http://static1.1.sqspcdn.com/static/f/551504/6420096/1270513041073/ROGUE+WS\\_FINAL.pdf?token=Mx%2BE3eX7BzABtl%2Fc9JxqMS2DRo%3D](http://static1.1.sqspcdn.com/static/f/551504/6420096/1270513041073/ROGUE+WS_FINAL.pdf?token=Mx%2BE3eX7BzABtl%2Fc9JxqMS2DRo%3D)
- Dugelby, B.L. 2009. Climate disruption and connectivity: A strategy for nature protection. Prepared for the Wildlands Network, Titusville, FL. Available online at: [http://www.wildcalifornia.org/wp-content/uploads/2014/07/Climate-Paper\\_Full\\_FINAL-1.pdf](http://www.wildcalifornia.org/wp-content/uploads/2014/07/Climate-Paper_Full_FINAL-1.pdf)
- Frost, E.J. and P. Trail. 2015. A summary of ecological values in proposed additions to the Cascade-Siskiyou National Monument. Prepared for Soda Mountain Wilderness Council, Ashland, OR.
- Frost, E.J., D. Odion, P. Trail, J. Williams, J. Alexander, B. Barr, R. Brock, D. DellaSala, P. Hosten, S. Jessup, F. Lang, M. Parker, J. Rossa, D. Sarr and D. Southworth. 2011. Cascade-Siskiyou National Monument Boundary Study: Identification of priority areas for Monument expansion. 14 pp. Submitted to Medford BLM by the Soda Mountain Wilderness Council, Ashland, OR.
- Hannah, L. 2008. Protected Areas and Climate Change. *Annals of the New York Academy of Sciences*. 1134: 202-212.
- Hannah, L., G. Midgley, S. Andelman, M. Araujo, G. Hughes, E. Martinez-Meyer, R. Pearson and P. Williams. 2007. Protected area needs in a changing climate. *Frontiers in Ecology* 5: 131- 138.
- Hannah, L. and L.Hansen. 2004. Designing landscapes and seascapes for change. In: T.E. Lovejoy and L. Hannah, eds. *Climate Change and Biodiversity*. New Haven, CT: Yale University Press.
- Intergovernmental Panel on Climate Change. 2014. Climate Change 2014: Synthesis Report. Available online at: <http://www.ipcc.ch/report/ar5/syr/>
- Krosby, M., J. Tewksbury, N.M. Haddad, and J. Hoekstra. 2010. Ecological connectivity for a changing climate. *Conservation Biology* 24(6): 1686-1689.
- Neal, D.L., G.N. Steger and R.C. Bertram. 1987. Mountain lions: Preliminary findings on home-range use and density in the central Sierra Nevada. USDA Forest Service Pacific Southwest Forest and Range Research Station, Research Note PSW-392. Berkeley, CA.

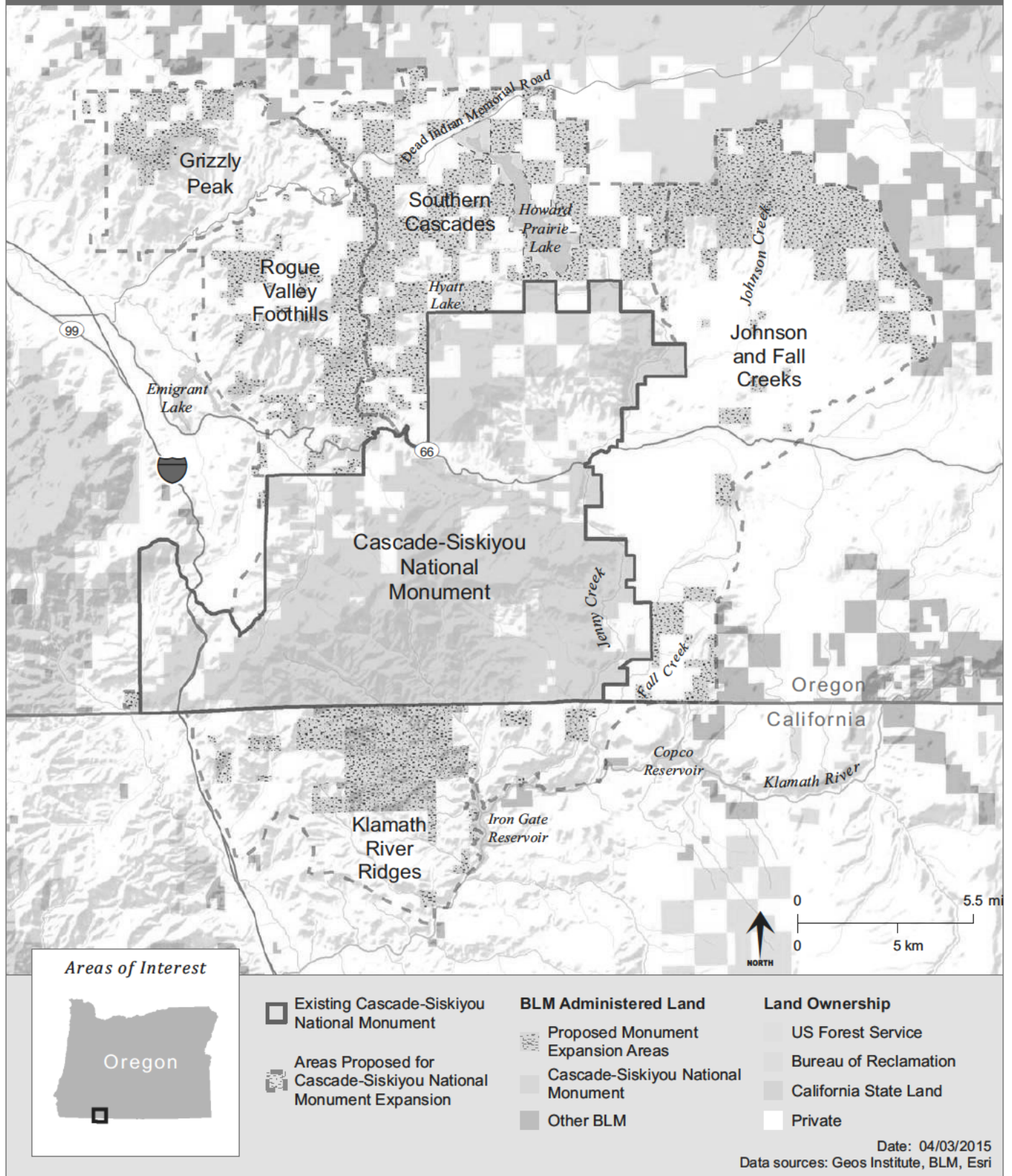


- Olson, D.M., D.A. DellaSala, R.F. Noss, J.R. Strittholt, J. Kaas, M.E. Koopman and T.F. Allnut. 2012. Climate change refugia for biodiversity in the Klamath-Siskiyou ecoregion. *Natural Areas Journal* 32: 65-74.
- Oregon Department of Fish and Wildlife. 2015. Oregon wolf conservation and management. 2014 annual report. Salem, OR. Available online at: [http://www.dfw.state.or.us/agency/commission/minutes/15/03\\_march/Exhibit%20D\\_Attachment%202\\_Staff%20Report%202014%20Oregon%20Wolf%20Conservation%20and%20Management%20Report.pdf](http://www.dfw.state.or.us/agency/commission/minutes/15/03_march/Exhibit%20D_Attachment%202_Staff%20Report%202014%20Oregon%20Wolf%20Conservation%20and%20Management%20Report.pdf)
- Oregon Department of Fish and Wildlife. 2014. Area of Known Wolf Activity. Available online at: <http://www.dfw.state.or.us/Wolves/AKWA/keno.asp>
- Oregon Department of Fish and Wildlife. 2006. Oregon Conservation Strategy. Oregon Dept. Fish and Wildlife, Salem, OR.
- Peters, R. L. 1992. Conservation of biological diversity in the face of climate change. In: R. L. Peters and T. E. Lovejoy, eds. *Global Warming and Biological Diversity*. Yale University Press, New Haven, CT.
- Schmitz, O.J., J.J. Lawler, P. Beier, C. Groves, G. Knight, D.A. Boyce Jr., J. Bulluck, K.M. Johnston, M.L. Klein, K. Muller, D.J. Pierce, W.R. Singleton, J.R. Strittholt, D.M. Theobald, S.C. Trombulak and A. Trainor. 2015. Conserving biodiversity: Practical guidance about climate change adaptation approaches in support of land-use planning. *Natural Areas Journal* 35(1): 190-203.
- Stralberg, D., D. Jongsomjit, C. A. Howell, M. A. Snyder, J. D. Alexander, J. A. Wiens, and T. L. Root. 2009. Reshuffling of species with climate disruption: a no-analog future for California birds? *PLoS ONE* 4:e6825. Available online at: [http://www.pointblue.org/uploads/assets/pubbriefs/prbopubbrief\\_resuffling\\_stralberg.pdf](http://www.pointblue.org/uploads/assets/pubbriefs/prbopubbrief_resuffling_stralberg.pdf)
- Thompson, I., B. Mackey, S. McNulty, A. Moessler. 2009. *Forest Resilience, Biodiversity, and Climate Change. A synthesis of the biodiversity/resilience/stability relationship in forest ecosystems*. Secretariat of the Convention on Biological Diversity, Montreal. Technical Series No. 43, 67 pages.
- Thorson, T.D.; Bryce, S.A.; Lammers, D.A. et al. 2003. Ecoregions of Oregon (color poster with interactive map, descriptive text, summary tables, and photographs). United States Geological Survey, Reston, VA. Available online at: [ftp://ftp.epa.gov/wed/ecoregions/or/or\\_front.pdf](ftp://ftp.epa.gov/wed/ecoregions/or/or_front.pdf)
- U.S. Department of Interior. 2009. *Addressing the Impacts of Climate Change on America's Water, Land and Other Natural and Cultural Resources*. Order No. 3289. Washington, DC: U.S. Department of the Interior, Secretary of the Interior. September 14, 2009. Available online at: <http://elips.doi.gov/ELIPS/0/doc/437/Page1.aspx>
- U.S. Department of Interior. 2008. Cascade-Siskiyou National Monument Record of Decision/Resource Management Plan. Bureau of Land Management, Medford District, Medford, OR. BLM/OR/WA/PT-08/018+1792.
- U.S. Department of Interior. 2000. Presidential proclamation 7318 establishing the Cascade-Siskiyou National Monument, Oregon. June 9, 2000. Washington, D.C.
- U.S. Department of Interior. 1995. *Jenny Creek Watershed Assessment and Analysis*, Medford District BLM, Medford, OR. 191 pp.
- Vander Schaaf, D., M. Schindel, D. Borgias, C. Mayer, D. Tolman, G. Kittel, J. Kagan, T. Keeler-Wolf, L. Serpa, J. Hak, K. Popper. 2004. *Klamath Mountains Ecoregional Conservation Assessment*. The Nature Conservancy. Portland, OR.
- Wagner D.H. 1997. Klamath-Siskiyou region, California and Oregon, USA. In: Davis S.D., Heywood V.H., Herrera-MacBryde O., Villa-Lobos J. and Hamilton A.C. (eds), *Centres of Plant Diversity, the Americas*. Vol. 3. World Wide Fund for Nature and IUCN (World Conservation Union), New York, New York, USA, pp. 74-76.
- Wiens, J.A., N. E. Seavy, and D. Jongsomjit. 2011. Protected areas in climate space: What will the future bring? *Biological Conservation* 144: 2119–2125.



# Proposed Expansion of the Cascade-Siskiyou National Monument

Based on Scientific Report, Frost et al. 2011<sup>2</sup>



<sup>2</sup>Frost, E., D. Odion, P. Trail, J. Williams, J. Alexander, B. Barr, R. Brock, D. DellaSala, P. Hosten, S. Jessup, F. Lang, M. Parker, J. Rossa, D. Sarr and D. Southworth. 2011. Cascade-Siskiyou National Monument Boundary Study: Identification of Priority Areas for Monument Expansion. 14 pp. including maps and appendices.



## **The Ecological Need to Expand the Cascade-Siskiyou National Monument Part II: Evidence from Landscape-scale Conservation Assessments**

Prepared by Evan Frost, M.Sc., Pepper Trail, Ph.D. and Dennis Odion, Ph.D.  
for the Soda Mountain Wilderness Council, Ashland, OR



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## The Ecological Need to Expand the Cascade-Siskiyou National Monument Part II: Evidence from Landscape-scale Conservation Assessments

Evan Frost, M.Sc., Pepper Trail, Ph.D. and Dennis Odion, Ph.D.

February 2016



Pilot Rock in the Cascade-Siskiyou National Monument. Photo credit: Ashland Daily Photo

### Executive Summary

The Cascade-Siskiyou National Monument (hereafter Monument) in southwestern Oregon was established in 2000 by President Clinton with the primary goal of protecting this area's outstanding collection of species and ecosystems. In 2011, an interdisciplinary group of scientists with considerable experience in this region evaluated the Monument's boundaries and, in light of various increasing threats, concluded that *"Monument expansion is required to safeguard persistence of the [biological] Objects of Interest the Monument was established to protect."* Initial recommendations presented in this 2011 assessment were subsequently developed into a specific proposal to expand the Monument by including BLM lands within five ecologically distinct areas -- the Rogue Valley Foothills, Grizzly Peak, Southern Cascades, Klamath River Ridges and Johnson/Fall Creeks (see Figure 1).

***This document briefly compares the scientists' expansion proposal for the Cascade-Siskiyou National Monument (noted above) with the results of five independent, landscape-scale conservation assessments completed since 2000.*** These assessments were carried out by various organizations and government agencies in an attempt to identify lands that are most essential for conserving the region's outstanding biological diversity. As summarized in this report, ***there is considerable overlap between areas of high conservation value identified by these landscape-scale assessments and proposed Monument expansion areas.*** Areas of overlap are particularly significant, given that assessments were conducted independently utilizing different data and methods of prioritization. Collectively, these findings provide substantial support for scientists' more recent recommendations to expand the Monument.

**Cover photos:** Top left: Old-growth ponderosa pine in the proposed Southern Cascades addition to the Cascade-Siskiyou National Monument, credit: Evan Frost. Top right: Segment of Jenny Creek proposed for addition to the Cascade-Siskiyou Monument, credit: Ken Crocker. Middle left: Flammulated Owl, one of the Monument area's many rare, special-status species, credit: Jerry Oldenettel. Middle right: Field assessment of Monument area lands, credit: Pacific Forest Trust. Bottom: Hiker in a portion of the proposed Rogue Valley Foothills expansion area, credit: Pepper Trail.

## **Introduction - Conservation Assessments Provide New Information Regarding Cascade-Siskiyou National Monument and Surrounding Lands.**

President Clinton established the ~53,000 acre Cascade-Siskiyou National Monument (hereafter Monument) in southwestern Oregon along the California border in June 2000. Located at the crossroads of the Cascades, Klamath-Siskiyou and Great Basin ecoregions, the Monument is unique as the first and only national monument established explicitly to protect an area of outstanding biological diversity. Since the Monument was established almost 16 years ago, several landscape-scale scientific assessments have been completed by various agencies and organizations in an attempt to determine which lands and waters are key to conserving the region's outstanding biological diversity. *Although these assessments utilized different approaches and methods, in each case, areas of high conservation value were identified in close proximity to but outside the Monument's existing boundaries.*

In 2011, an interdisciplinary group of scientists with considerable experience in the greater Cascade-Siskiyou landscape evaluated whether current Monument boundaries are sufficient to protect the area's unique biological resources, as identified in the Monument proclamation.<sup>i</sup> The authors concluded that ***"Monument expansion is required to safeguard persistence of the [biological] Objects of Interest the Monument was established to protect."*** Building on this 2011 report, a science-based proposal for expanding the Monument has been developed that recommends increased protection for BLM lands within five ecologically distinct areas -- the Rogue Valley Foothills, Grizzly Peak, Southern Cascades, Klamath River Ridges and Johnson/Fall Creeks (see Figure 1).<sup>ii</sup> In May 2015, over 85 professional scientists with expertise in conservation biology and natural resource management wrote a letter endorsing this Monument expansion proposal.<sup>iii</sup>

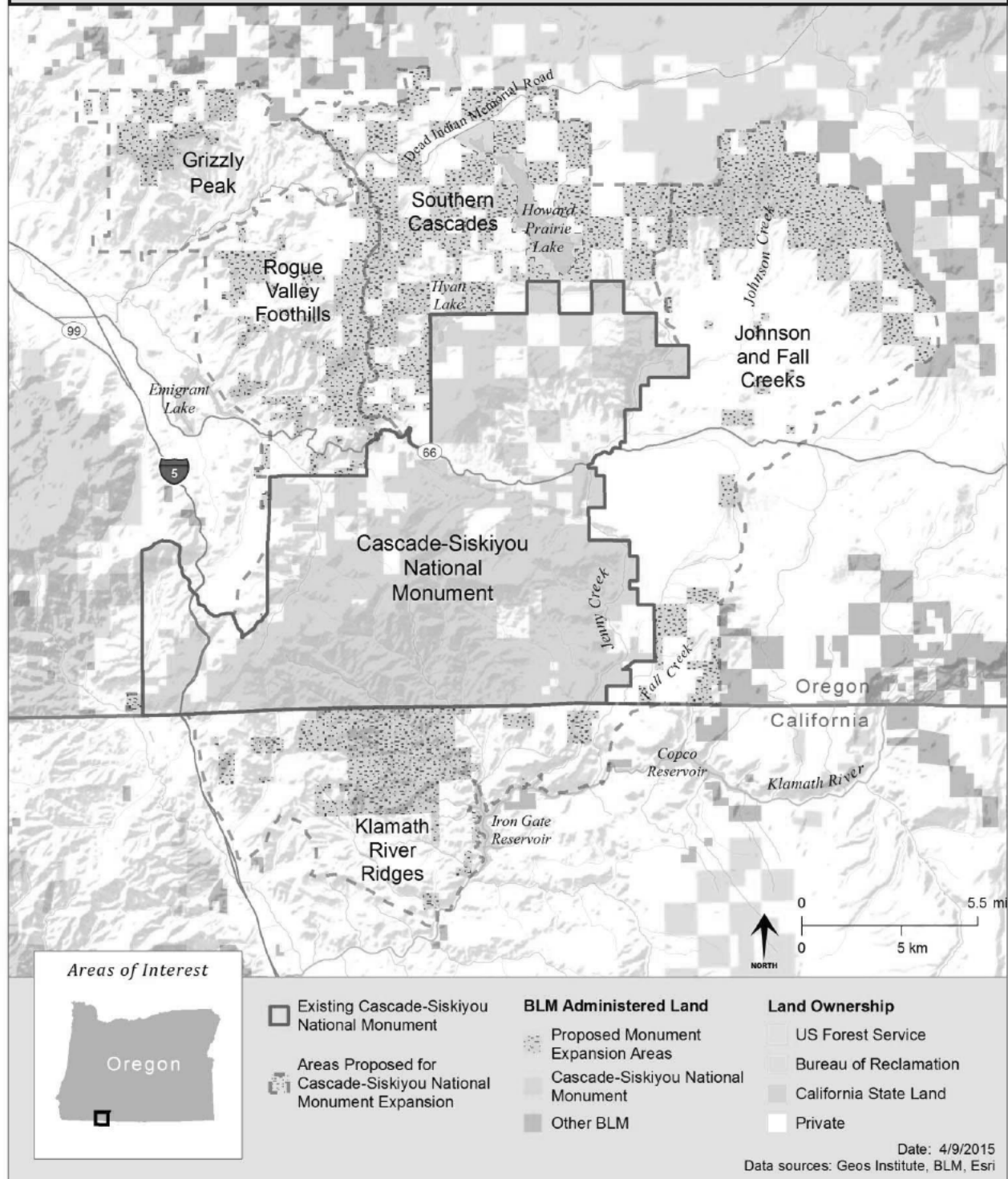
This document briefly compares the scientists' expansion proposal for the Cascade-Siskiyou National Monument (as noted above) with the results of five independent, landscape-scale conservation assessments completed since 2000. For each assessment, this discussion will briefly summarize objectives and methodology, and identify overlap between areas of high conservation value and proposed Monument additions. ***Since the findings from these landscape-scale assessments were not available at the time the Monument was originally established, they represent new information*** that is relevant to any discussion of proposed Monument expansion and how public lands in the greater Cascade-Siskiyou landscape should be best managed in the future.

### **1 - 2. Ecoregional Conservation Assessments for the Cascades and Klamath Mountains conducted by The Nature Conservancy, 2004 and 2007.**

Significant overlap exists between proposed Monument expansion areas and Priority Conservation Areas identified by The Nature Conservancy's (TNC) ecoregional assessments for the Klamath Mountains and Oregon Cascades, completed in 2004<sup>iv</sup> and 2007<sup>v</sup>, respectively. The primary objective of TNC's two broad-scale assessments was to identify a specific network (or portfolio) of lands and waters that, if adequately protected, have the highest probability of ensuring the continued persistence of the full range of each ecoregion's biodiversity. Using a data-driven analysis combining coarse and fine-filter approaches, TNC identified lands most important to conserving biodiversity as Priority Conservation Areas. Priority Conservation Areas were found to exhibit the highest biodiversity scores because they contain conservation targets (e.g., at-risk species and natural communities), a large amount of a single target (in terms of population size or area), and/or support a high number of different targets.



**Figure 1.** Scientists' recommended expansion of the Cascade-Siskiyou National Monument, showing locations of five proposed additions -- Klamath River Ridges, Johnson/Fall Creeks, Southern Cascades, Rogue Valley Foothills and Grizzly Peak. Based on Frost et al. 2011<sup>2</sup>.



<sup>2</sup>Frost, E., D. Odion, P. Trail, J. Williams, J. Alexander, B. Barr, R. Brock, D. DellaSala, P. Hosten, S. Jessup, F. Lang, M. Parker, J. Rossa, D. Sarr and D. Southworth. 2011. Cascade-Siskiyou National Monument Boundary Study: Identification of Priority Areas for Monument Expansion. 14 pp. including maps and appendices.

TNC's proposed network of Priority Conservation Areas represents a scientifically-informed vision for where the native species and community types of each ecoregion (including those identified generally and specifically by the Cascade-Siskiyou Monument's proclamation as biological Objects of Interest in the Monument area) can be conserved most effectively. In total, four Priority Conservation Areas were identified that contain lands included within the current proposal for expansion of the Cascade-Siskiyou National Monument, as summarized below in **Table 1** (see Figure 2 for mapped locations):

<b>TNC Priority Conservation Area (size, acres)</b>	<b>Overlap with Proposed Cascade-Siskiyou Monument Expansion Areas *</b>	<b>Relative Conservation Priority / and Vulnerability Scores</b>
Soda Mountain / Jenny Creek (106,934 acres)	Includes entire existing Cascade-Siskiyou Monument plus adjacent lands in the RVF, SC, KRR and JFC additions.*	Very high conservation priority / High vulnerability
Walker Creek (18,134 acres)	Includes lands in the RVF and GP additions.*	Very high conservation priority / Very high vulnerability
Antelope Creek (6,354 acres)	Southern portion of unit includes lands in the GP addition.*	Very high conservation priority / High vulnerability
Little Butte Creek (93,491 acres)	Southern portion of unit includes lands in the SC addition.*	High conservation priority / High vulnerability

\* Abbreviations for proposed Monument additions: RVF = Rogue Valley Foothills, SC = Southern Cascades, KRR = Klamath River Ridges, JFC = Johnson/Fall Creeks, GP = Grizzly Peak

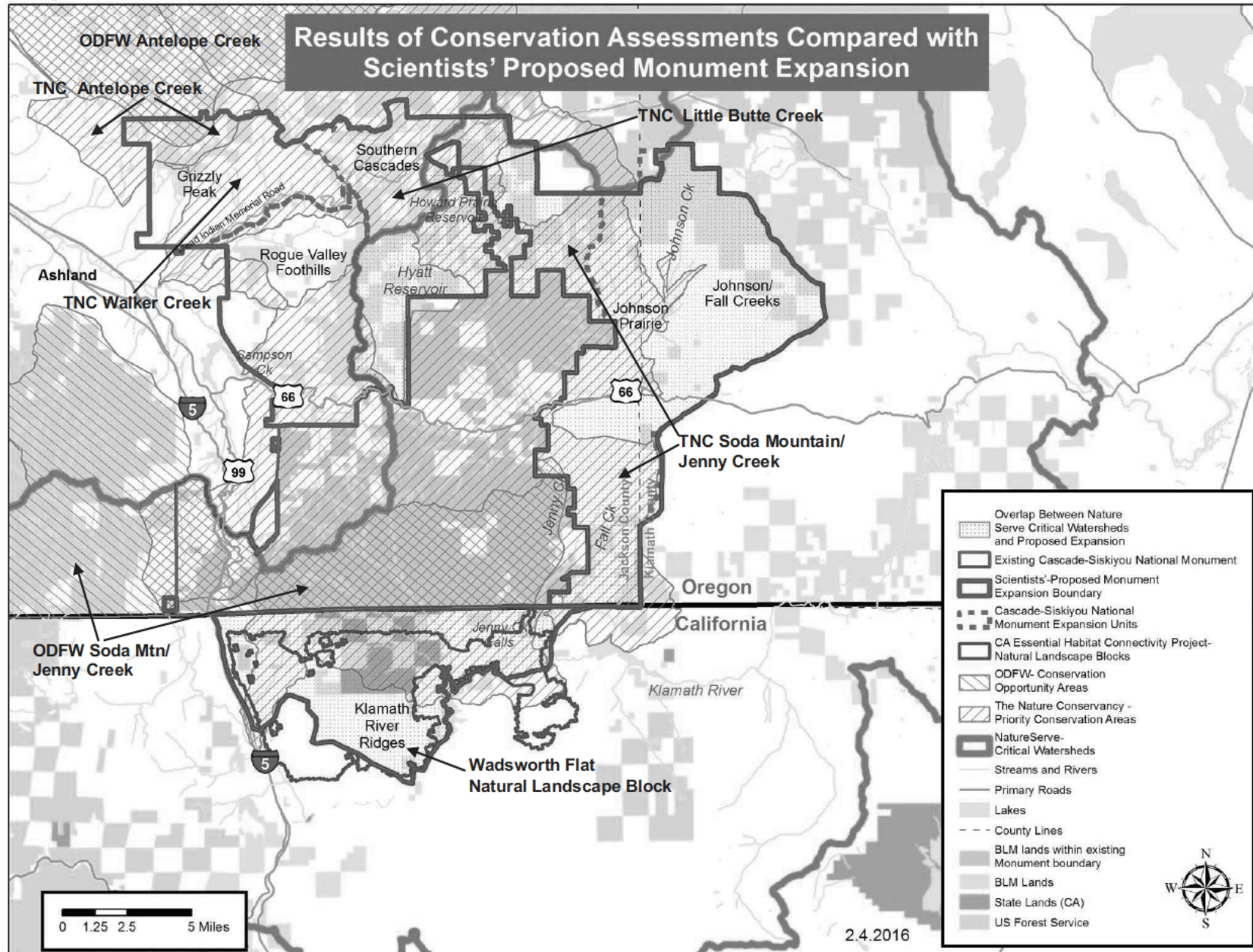
In addition to identifying Priority Conservation Areas, TNC's ecoregional assessments evaluated the relative conservation importance among Priority Conservation Areas using a set of criteria for measuring biodiversity values (irreplaceability) as well as the degree of threat to habitat degradation and loss (vulnerability). All four of the Priority Conservation Areas in proposed Monument expansion areas were assigned the two highest conservation priority and vulnerability scores of "very high" or "high" (see Table 1 above). **The more irreplaceable and vulnerable a natural area is thought to be -- as is the case with these five proposed Monument additions -- the greater the urgency for conservation action.**

### **3. The Oregon Conservation Strategy -- Oregon Department of Fish and Wildlife, 2005.**

The Oregon Conservation Strategy<sup>vi</sup> was developed by the Oregon Department of Fish and Wildlife with the help of a diverse coalition of scientists, conservation groups, extension services and representatives from agriculture, forestry and range management. The Oregon Conservation Strategy is intended to be a state-wide blueprint for fish, wildlife and habitat conservation. It helps organizations prioritize where to work by identifying specific Conservation Opportunity Areas that represent the most important locations for conservation actions in the state. Conservation actions include land acquisition through purchases or easements, restoration, species recovery work and other conservation-based management. Conservation Opportunity Areas were developed to guide voluntary actions and help focus investments in specific areas to increase the likelihood of long-term conservation success at the ecoregional scale.

The Oregon Conservation Strategy is in the final stages of a 10-year revision process, the final product is expected to be available some time in 2016. In the meantime, the 2006 Oregon Conservation Strategy identified two Conservation Opportunity Areas in the vicinity of the Cascade-Siskiyou National Monument (Figure 2). The Soda Mountain/Jenny Creek Conservation Opportunity Area is located mostly within the existing Monument but also includes a portion of the proposed Johnson and

**Figure 2.** Areas of high conservation value identified by five landscape-scale assessments compared with Scientists' proposed expansion of the Cascade-Siskiyou National Monument.





Fall Creeks addition. Further north, the proposed Grizzly Peak Monument addition overlaps with the Antelope Creek Conservation Opportunity Area. Both of these areas were prioritized by ODFW for conservation primarily because they contain key habitats that in turn support a high diversity of terrestrial and aquatic species (see photos below).



Riparian forests, oak woodlands and native grasslands -- three of the highest priority habitats for conservation identified by the Oregon Department of Fish and Wildlife, also recognized as biological "Objects of Interest" in the Monument proclamation. High quality examples of these habitats are located within ODFW's Conservation Opportunity Areas also proposed as additions to the Cascade-Siskiyou National Monument. Photo credits: Pepper Trail (left, right) and Evan Frost (middle).

#### **4. Critical Watersheds for Conserving Freshwater Biodiversity – NatureServe, 2000.**

Aquatic biodiversity is an often overlooked but extremely important part of our natural heritage. Freshwater dependent animals, such as fish, amphibians, mollusks and other aquatic invertebrates, are the most vulnerable species in the nation as measured by the proportion at risk. Using data from natural heritage programs in Oregon and California, an assessment conducted by NatureServe<sup>vii-viii</sup> prioritized watersheds based on rarity and endemism of their existing freshwater fish and other aquatic species. Watersheds with high numbers of restricted-range and rare aquatic species receive relatively high scores, whereas watersheds with low numbers of rare and/or restricted-range aquatic species receive relatively low scores. Scores are calculated at the USGS HUC-8 watershed scale.

NatureServe's analysis of imperiled aquatic species provides a picture of biodiversity "hot spots" that represent concentrations of limited-range species and points to locations that are essentially "irreplaceable," thus presenting conservation opportunities that are found in very few other places. This data layer can be used to help focus attention on specific watersheds whose aquatic biodiversity makes them high-priority candidates for protection and restoration efforts.

In southwestern Oregon and northwestern California, NatureServe identified the Mid-Klamath River watershed and tributaries as a "*Critical Watershed for the Conservation of Freshwater Biodiversity*." This watershed is recognized for having a number of rare, imperiled and endemic aquatic species, such as Jenny Creek redband trout, Jenny Creek sucker and speckled dace. The Mid-Klamath River Critical



Watershed includes lands in three proposed additions to the Cascade-Siskiyou National Monument (Figure 2). Jenny Creek, the primary watershed in the greater Monument landscape, is located within the Mid-Klamath, and includes all of the proposed Klamath River Ridges and Johnson/Fall Creeks Monument additions. In addition, the majority of lands within the proposed Southern Cascades Monument expansion area drain into Howard Prairie and Hyatt Lake Reservoirs, both of which also fall within the Mid-Klamath critical watershed.

### **5. California Essential Habitat Connectivity Project -- California Department of Fish and Game and California Department of Transportation, 2010.**

The California Department of Fish and Game (now California Department of Fish and Wildlife) and California Department of Transportation commissioned the California Essential Habitat Connectivity Project<sup>ix</sup> because a functional network of connected wildlands is essential to the continued support of California's diverse natural communities in the face of human development and climate change. The primary product of this interdisciplinary assessment is a state-wide map that depicts large, relatively natural habitat blocks that support native biodiversity (Natural Landscape Blocks) and areas essential for ecological connectivity between them (Essential Connectivity Areas).

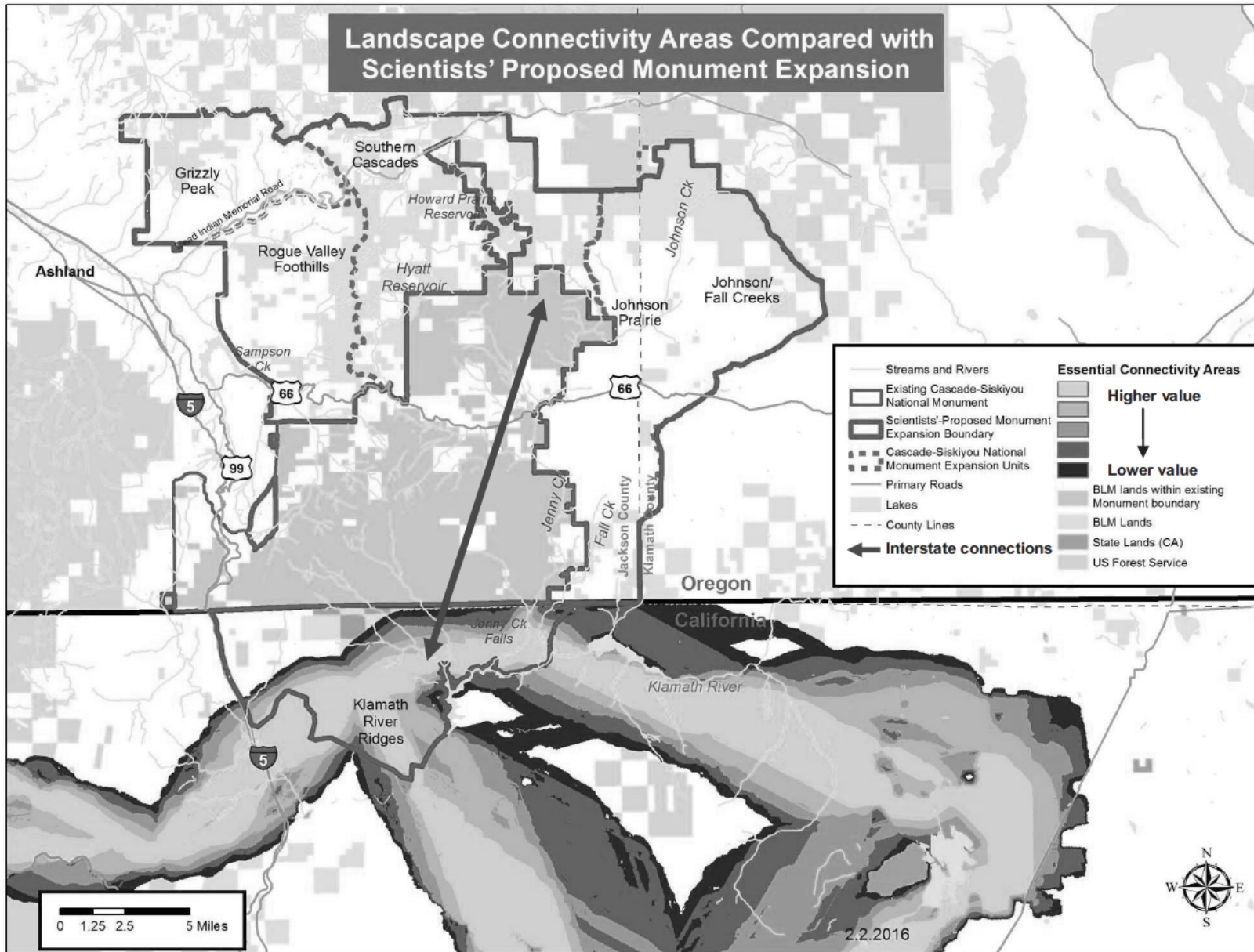
Essential Connectivity Areas were defined in this assessment as portions of the landscape that most effectively connect Natural Landscape Blocks and represent the lowest relative resistance or "least cost" to a wide variety of ecological movements and flows (e.g. species migration, dispersal and gene flow). In general, the swath of land with the lowest "cost" to species movements is the "least cost" corridor that most effectively connects Natural Landscape Blocks. The resulting landscape network is considered critically important for maintaining native species, natural communities, and ecological processes throughout California. The maps that accompany the assessment are broad in scale, not based on the needs of any particular species, and focus on a finite number of areas that are likely most important for maintaining ecological integrity and connectivity.

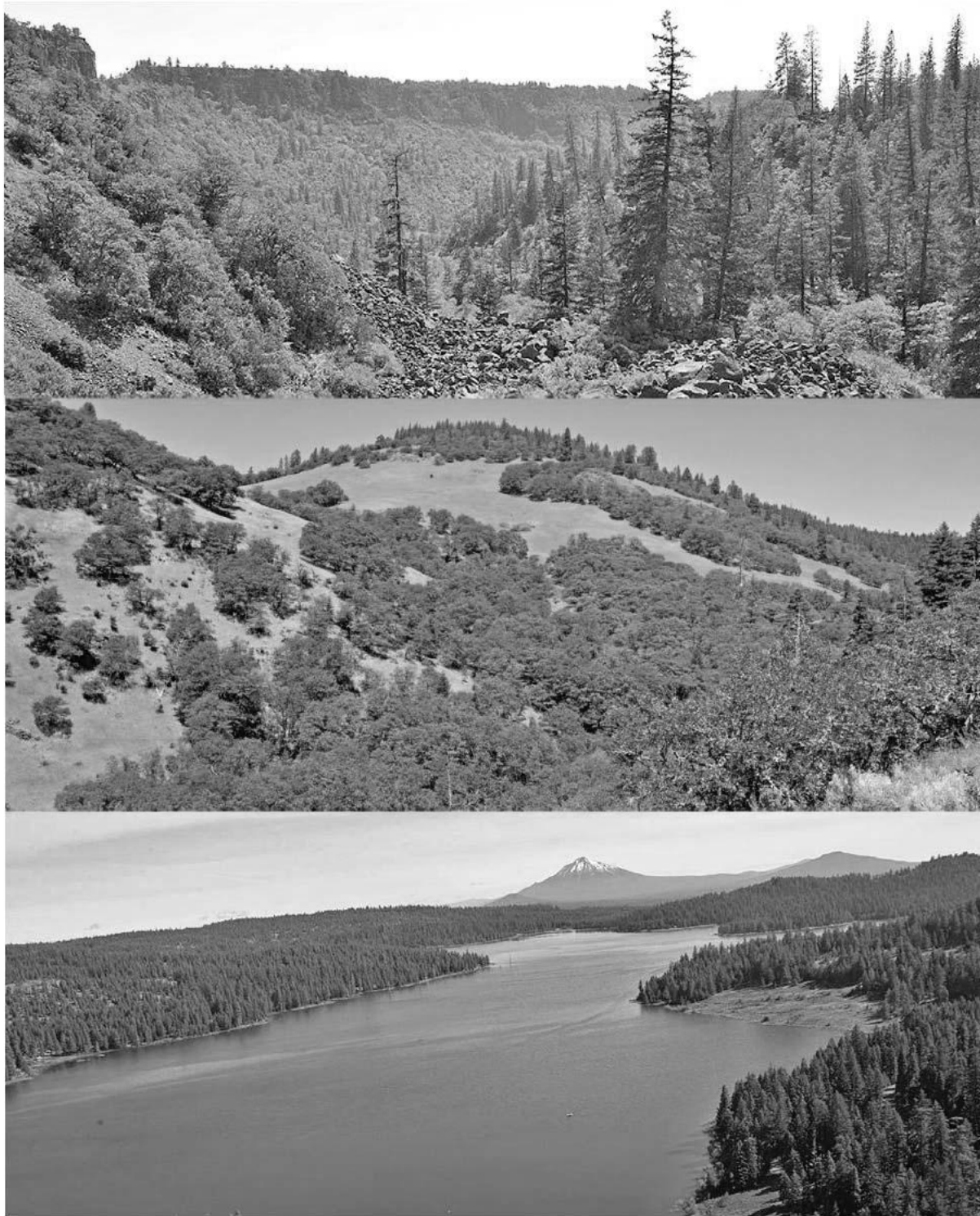
The California Essential Connectivity report identified all lands within the proposed Klamath River Ridges addition to the Cascade-Siskiyou National Monument as a Natural Landscape Block, which the authors named Wadsworth Flat (total area = 26,560 acres). Essential Connectivity Areas were identified emanating in four directions from Wadsworth Flat, including north of the California-Oregon border to the existing Cascade-Siskiyou Monument and beyond to the proposed Southern Cascades expansion area (see Figure 3). Other Essential Connectivity Areas connect Wadsworth Flat with Natural Landscape Blocks in the Klamath Mountains (west), California Cascades (south) and Modoc Plateau (east). Since this assessment did not evaluate lands outside of California, the conservation values of potential Monument expansion areas in Oregon were not specifically addressed.

### **Conclusion -- Five Independent Conservation Assessments Provide Substantial Scientific Support for Expanding the Cascade-Siskiyou National Monument.**

Since the Cascade-Siskiyou National Monument was established in June 2000, much scientific analysis relevant to conservation planning has been completed in southwestern Oregon and northwestern California. As summarized in this brief review, results of five large-scale ecological assessments all identify areas of outstanding or critical conservation value that are located immediately adjacent to the existing Monument. High conservation values in these areas are often associated with the occurrence of imperiled species and natural communities that were previously identified as biological "Objects of Interest" in the Monument's proclamation. Of the five Monument additions proposed by an interdisciplinary group of scientists,<sup>ii</sup> among the assessments, all or portions

**Figure 3.** Essential Connectivity Areas for conservation identified by the California Department of Fish and Game in relation to proposed expansion of the Cascade-Siskiyou National Monument.





Representative images of three high priority conservation areas identified by landscape-scale conservation assessments and also proposed as Cascade-Siskiyou National Monument expansion areas -- Klamath River Ridges (top), Rogue Valley Foothills (middle) and Southern Cascades (bottom). Photo credits: Pepper Trail (top), Evan Frost (middle) and John Craig / BLM (bottom).



of the Southern Cascades, Johnson/Fall Creeks and Klamath River Ridges were identified most frequently as exhibiting high conservation values (see Table 2).

**Table 2.** Summary of overlap between priority conservation areas identified by landscape-scale conservation assessments and five proposed additions to the Cascade-Siskiyou National Monument.

Conservation Assessment	Proposed Additions to the Cascade-Siskiyou National Monument				
	Rogue Valley Foothills	Southern Cascades	Grizzly Peak	Johnson/Fall Creeks	Klamath River Ridges
TNC - Cascades	X	X	X	X	
TNC - Klamath Mountains	X			X	X
ODFW - OR Conservation Strategy			X	X	
NatureServe - Critical Watersheds		X		X	X
CDFG - CA Essential Habitat Connectivity	n/a	(X)*	n/a	n/a	X
TOTALS	2	2(3)	2	4	3

\* prioritization is inferred from report's map showing importance of interstate connectivity extending north of the existing Monument.

n/a - not applicable because this state-wide assessment across California did not specifically evaluate lands in Oregon.

Areas of agreement between various landscape assessments are particularly noteworthy, given that they were conducted independently, emphasized differing spatial scales, and utilized different data and methods of prioritization. Many of the public lands identified as supporting high conservation values are currently subject to management activities (e.g. logging, road construction) that are likely to result in the degradation or loss of these values over time. ***Collectively, these findings provide substantial scientific support for recent recommendations to expand the Monument.***<sup>i-iii</sup> Expansion of Monument boundaries to include the five areas highlighted in this report will provide the increased levels of protection many scientists believe are necessary to safeguard the variety of rare species and other biological "Objects of Interest" identified in the proclamation, as well as increase resilience of the Monument to climate change and other threats.<sup>x</sup>

Sixteen years ago, the proclamation of the Cascade-Siskiyou National Monument was a welcome first step toward protecting this treasure trove of natural diversity and scenic beauty. Now it is time to fully and permanently realize the promise of the proclamation by expanding the Monument to include all the lands with high conservation value necessary to secure its continued ecological integrity. Such action represents a relatively small investment in terms of public land management, but will ensure that the Monument -- with its "towering fir forests, sunlit oak groves, wildflower-strewn meadows, and steep canyons" -- remains forever the 'biodiversity crown jewel' of the BLM's National Conservation Lands and a vital remnant of America's diminishing natural heritage.

## Endnotes

<sup>i</sup> Frost, E., D. Odion, P. Trail, J. Williams, J. Alexander, B. Barr, R. Brock, D. DellaSala, P. Hosten, S. Jessup, F. Lang, M. Parker, J. Rossa, D. Sarr and D. Southworth. 2011. Cascade-Siskiyou National Monument Boundary Study: Identification of Priority Areas for Monument Expansion. 14 pp.

<sup>ii</sup> Frost, E. and P. Trail. 2015. A summary of ecological values in proposed additions to the Cascade-Siskiyou National Monument. Unpublished report available from Soda Mountain Wilderness Council, Ashland, OR.

- iii Open letter recommending expansion of the Cascade-Siskiyou National Monument, signed by 85 scientists, including contributors to the 2011 Monument boundary study. May 28, 2015.
- iv Vander Schaaf, D., M. Schindel, D. Borgias, C. Mayer, D. Tolman, G. Kittel, J. Kagan, T. Keeler-Wolf, L. Serpa, J. Hak and K. Popper. 2004. Klamath Mountains Ecoregional Conservation Assessment. The Nature Conservancy. Portland, OR.
- v Popper, K., G. Wilhere, M. Schindel, D. VanderSchaaf, P. Skidmore, G. Stroud, J. Crandall, J. Kagan, R. Crawford, G. Kittel, J. Azerrad and L. Bach. 2007. The East Cascades - Modoc Plateau and West Cascades Ecoregional Assessments. Prepared by The Nature Conservancy and the Washington Department of Fish and Wildlife with support from the Oregon Natural Heritage Information Center, Washington Heritage Program, and NatureServe. The Nature Conservancy, Portland, OR.
- vi Oregon Department of Fish and Wildlife 2005. The Oregon Conservation Strategy. Oregon Dept. of Fish and Wildlife. Salem, OR. Available online at: <http://www.dfw.state.or.us/conservationstrategy.asp>
- vii Master, L.L., S.R. Flack and B.A. Stein, eds. 1998. Rivers of Life: Critical Watersheds for Protecting Freshwater Biodiversity. The Nature Conservancy, Arlington, VA.
- viii Stein B.A., L.S. Kutner and J.S. Adams, editors. 2000. Precious Heritage: The Status of Biodiversity in the United States. Oxford University Press. New York, NY.
- ix Spencer, W.D., P. Beier, K. Penrod, K. Winters, C. Paulman, H. Rustigian-Romsos, J. Strittholt, M. Parisi and A. Pettler. 2010. California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration. Sacramento, CA.
- x Trail, P. and E. Frost. 2015. Protecting the Cascade-Siskiyou National Monument from climate change: The ecological need for Monument expansion. Unpublished report available from Soda Mountain Wilderness Council, Ashland, OR. 14 pp.

Upper Jenny Creek Falls in the proposed Klamath River Ridges addition to the Cascade-Siskiyou National Monument.  
Photo credit: Pepper Trail



# **EXHIBIT D**

## Interim Report

### **Cascade-Siskiyou National Monument Boundary Study Identification of Priority Areas for Monument Expansion**

April 28, 2011



Rogue Valley foothills, upper Sampson Creek watershed. This diverse ecotonal region is one of three priority areas identified for addition to the Cascade-Siskiyou National Monument. Photo by Pepper Trail.

#### Steering Committee:\*

Evan Frost, M.S., Wildwood Consulting / Dennis Odion, Ph.D., Southern Oregon University / Pepper Trail, Ph.D., US Fish & Wildlife Service / Jack Williams, Ph.D., Trout Unlimited

Contributors:\* John Alexander, M.S., Klamath Bird Observatory / Brian Barr, M.S., Geos Institute / Richard Brock, Siskiyou BioSurvey / Dominick DellaSala, Ph.D., Geos Institute / Paul Hosten, Ph.D., Terrestrial Ecologist / Steve Jessup, Ph.D., Southern Oregon University / Frank Lang, Ph.D., Southern Oregon University / Michael Parker, Ph.D., Southern Oregon University / Jeannine Rossa, M.S., Ecolink Consulting/ Daniel Sarr, Ph.D., National Park Service / Darlene Southworth, Ph.D., Southern Oregon University

Reviewers:\* Robert Anthony, Ph.D., Oregon State University / Carlos Carroll, Ph.D., Klamath Center for Conservation Research / Scott Hoffman Black, Xerces Society

\* Agency and university affiliations are listed for identification purposes only. This study has no formal affiliation with any government agency or public university.

Interim Report, Cascade-Siskiyou National Monument Boundary Study, April 28, 2011

### **Executive Summary**

The Cascade-Siskiyou National Monument (CSNM) in southwestern Oregon was established by presidential proclamation in 2000 to protect an area of outstanding biological diversity located at the convergence of four distinct ecoregions. The monument proclamation identified a number of biological “Objects of Interest” as the focal points for protection, including unique vegetation communities and rare plant and animal species. At the time of establishment, the monument’s boundaries were stated to be “the smallest area compatible with the proper care and management” of these biological resources.

In late 2010, a diverse group of scientists with considerable experience in the CSNM and surrounding regions concluded that a scientific re-evaluation of the monument’s boundaries was needed to safeguard long-term protection of the area’s unique biological values. This conclusion was based on the following concerns:

- Some of the Objects of Interest described in the monument proclamation have significant portions of their habitat located outside of the existing boundaries;
- Most existing boundaries are clearly not ecological (e.g. the OR-CA state line), compromising the ecological integrity of the monument;
- The need for increased resilience in the face of significant, long-term climatic changes that are now underway; and
- Areas adjacent to the CSNM are facing increased development or intensive land-use pressures (e.g. logging, residential expansion, water diversions) that, if unabated, could undermine long-term persistence of the monument’s biological resources.

To conduct an initial review of the adequacy of the existing monument boundaries, a multi-disciplinary scientific working group met on January 29, 2011 in Ashland, Oregon. Participants were divided into four subgroups focused on Vegetation, Terrestrial Wildlife, Aquatic Resources, and Ecosystem Processes. Working independently, all subgroups concluded that monument expansion is required to safeguard persistence of the Objects of Interest that the monument was established to protect. In particular, participating scientists were concerned by:

- inadequate protection of complete ecological gradients, essential for climate change resilience;
- the lack of conformity of current boundaries with watersheds, threatening aquatic diversity and hydrological functions; and
- incomplete linkages with the four ecoregions that create the CSNM’s spectacular biodiversity.

Three broad priority areas for monument expansion were identified. These are designated as “Rogue Valley Foothills to Plateau,” “Johnson Prairie-Fall Creek,” and “Klamath River Ridges.” Expansion of the monument in these areas would greatly enhance resilience of the biological Objects of Interest to climate change. There was also broad agreement that additional steps should be taken to maintain and, where necessary, restore functional connectivity of the monument with public lands in adjacent landscapes. Maintaining these landscape-scale connections is critical to the monument’s long-term ecological integrity and will assist movements of the native biota in response to climate change.



## **Introduction**

The Cascade-Siskiyou National Monument (CSNM) in southwestern Oregon was established by presidential proclamation in 2000 and is part of the BLM's National Landscape Conservation System (NLCS 2010). Unique among the nation's existing national monuments, the CSNM was created, in the words of its proclamation, to preserve an area of "remarkable biological diversity" (see Appendix A, CSNM Proclamation). The monument is located at the convergence of four distinct ecoregions: Great Basin, Southern Cascades, Oregon and California Interior Valleys, and Siskiyou Mountains. Along with varied topography, climate, and geology, this confluence creates one of North America's biologically richest landscapes, "an ecological wonder" that is "home to a spectacular variety of rare and beautiful species of plants and animals, whose survival in this region depends upon its continued ecological integrity" (Appendix A).

The monument proclamation specifically identified a number of biological "Objects of Interest" as the focal points for protection (Frost and Odion 2002; Appendix A). These include outstanding landscape features such as the connection from the Cascades to Siskiyou, as well as "a rich mosaic" of vegetation communities and "an exceptional range" of wildlife populations of regional significance (Appendix A). Also identified as Objects of Interest were butterfly diversity and abundance, and rare taxa such as the Jenny Creek redband trout and Greene's mariposa lily.

In keeping with Section 2 of the Antiquities Act, the proclamation stated that the CSNM's 52,947 acres was "the smallest area compatible with the proper care and management" of the numerous Objects of Interest. However, by late 2010, a diverse group of biological scientists with considerable experience in the region suggested that the "smallest area compatible" decision warranted a more rigorous scientific evaluation. This need for scientific re-evaluation of monument boundaries was based on the following concerns:

- Some of the Objects of Interest described in the monument proclamation have significant portions of their habitat located outside of the existing boundaries;
- At least some existing boundaries are not ecological (e.g. the OR-CA state line), compromising the biological integrity of the monument;
- The need for increased resilience in adapting to long-term climatic changes that are now underway; and
- Areas adjacent to the monument are facing increased development or intensive land use pressures (e.g. logging, residential expansion, water diversions) that, if unabated, could undermine long-term persistence of the monument's biological resources.

## **Methods**

To conduct an initial evaluation of the existing boundaries of the CSNM, a multidisciplinary scientific working group met on January 29, 2011 in Ashland, Oregon. The members of this group, listed on page 1, have broad knowledge of the greater Cascade-Siskiyou landscape, as well as extensive research experience in the monument itself. The basic questions addressed by the group were twofold:

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- Are the current boundaries and specific lands included within the monument sufficient to allow for long-term protection of all Objects of Interest for which the monument was created?
- If not, what modifications might be required in order to reduce risk of diminishment or loss of Objects of Interest?

A structured workshop process was used to conduct discussions, collect information, and elicit knowledge as well as professional judgments from participants. Based on primary areas of expertise, attendees were assigned to one of four technical subgroups: Vegetation, Terrestrial Wildlife, Aquatic Resources, and Ecosystem Processes. The subgroups were provided with a variety of maps, scientific reports, BLM documents and other supporting materials pertaining to the monument and surrounding landscape, as well as copies of the monument proclamation.

Five specific questions were addressed by each of the subgroups:

- 1) Are the monument's Objects of Interest adequately protected by the existing boundaries? That is, are the existing boundaries likely to sustain ecological integrity and the various Objects of Interest over time?
- 2) Are there key habitats, species occurrences, or important Objects of Interest in proximity to but outside the existing CSNM boundary?
- 3) In your professional judgment, what boundary adjustments would make Objects of Interest more resilient to climate change?
- 4) Are there other significant threats to Objects of Interest that were not considered at the time of monument designation?
- 5) If areas currently outside the monument are needed to increase resilience and/or protection of Objects of Interest, what would be the highest priorities for inclusion?

## **Results**

As recognized in the proclamation language for the Cascade-Siskiyou National Monument (Appendix A), much of the area's outstanding biodiversity and ecological importance is attributable to the convergence of four distinct ecoregions. Working group participants agreed that the existing monument boundary captures the core of this biological crossroads. However, all four subgroups independently concluded that existing CSNM boundaries are unlikely to safeguard the monument's suite of Objects of Interest from future decline or loss. A number of different reasons were given as to why current monument boundaries are insufficient:

- Climate change will likely alter plant and animal species ranges, in some cases pushing Objects of Interest into habitats outside of the area currently protected by monument designation (Carroll et al. 2010, DellaSala et al. 2010, Stralberg et al. 2009);

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- Many important special status plant and animal populations, as well as high quality examples of the area's unique plant community mosaic, remain outside of existing monument boundaries;
- The current monument boundary does not align with watersheds, precluding protection of water quality and the natural hydrological, biological and disturbance processes of the area's streams;
- Key areas that functionally link the monument to adjacent landscapes, including the Siskiyou Crest and High Cascades, are currently not being managed for conservation. This places at risk the ecological flows necessary to sustain biological connectivity; and
- Existing monument boundaries do not protect the full range of physical diversity (e.g. elevation, topography, aspect) and environmental gradients (e.g. climate) present in the greater Cascade-Siskiyou landscape. Such gradients are essential for creating and maintaining the area's biodiversity, and for providing resilience in the face of climate change.

While uncertainties inevitably remain about the magnitude and impact of climatic change in our region, there is clear evidence that significant changes in environmental conditions are already underway (Barr et al. 2010, Doppelt et al. 2008, Luce and Holden 2009). These changes threaten the effectiveness of isolated protected areas for conserving biodiversity, including the CSNM (Halpin 1997). One of the most effective ways to mitigate the effects of climate change is to focus on maintaining and, if possible, increasing resilience of ecosystems (Carroll et al. 2010, DellaSala et al. 2010, NABCI 2010). In accordance with this overarching goal, the working groups identified the following means to enhance resilience of the biological resources in the monument:

- Reduce anthropogenic management stressors in and around the monument, including livestock grazing, commercial logging, road construction, off-highway vehicles and other ground-disturbing activities. These create habitat fragmentation, disturb wildlife populations, threaten water quality, adversely affect native vegetation, and encourage the spread of non-native weeds;
- Undertake aggressive science-based management of non-native weeds, particularly those invasive species that are not yet firmly established in the Cascade-Siskiyou landscape;
- Maintain and enhance functional ecological connectivity across environmental gradients in the Cascade-Siskiyou landscape. These gradients include elevation, aspect, longitude (east to west), soil moisture and riparian corridors. Particular focus should be on increasing protections for the gradient from open grasslands at lower elevations to montane conifer forest, because field observations indicate this ecotone makes a disproportionate contribution to the area's biodiversity;

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- Provide increased protection and conservation-based management of areas that strategically connect the monument core to adjacent landscapes (e.g. Siskiyou Mountains to the west, Cascadian forests to the north, Klamath River canyon to the south and east);
- Maintain and, where possible, restore the natural hydrologic regime in streams and creeks that are essential for sustaining the aquatic biota and providing a “sufficient quantity of water” as called for by the monument proclamation (Appendix A); and
- Identify those elements of the monument’s biodiversity that are most at risk due to climate change, and prioritize protection of additional areas to reduce their vulnerability. For example, survey and protect areas that may act as important microrefugia for native species dependent on cool and moist conditions (DellaSala et al. 2010, Dobrowski 2010).
- Design and implement a biological monitoring program for the CSNM that effectively tracks the status of a wide array of monument Objects of Interest and the ecosystem processes upon which they depend. This monitoring effort should be integrated with ongoing regional monitoring efforts (e.g. Alexander et al. 2004, Sarr et al. 2007) and make use of compatible monitoring protocols.

### **Recommended Monument Additions**

Strong consensus emerged at the workshop about specific focal areas in the greater Cascade-Siskiyou landscape that warrant priority consideration as monument additions. These areas, selected independently by each of the four subgroups for their Objects of Interest (Table 1), are shown in Figure 1 and briefly described here:

Rogue Valley Foothills to Plateau. This topographically diverse area extends from lower elevation foothills bordering the Bear Creek Valley upslope to mountain promontories along the Western Cascades Plateau, including Grizzly Peak (5,920 ft.) and Table Mountain (6,125 ft). Also included are several important streams that descend off the plateau, such as Sampson, Cattle, Cove, Frog and upper Keene Creeks (the latter is the primary tributary of Jenny Creek). Vegetation in this area is diverse, including the full range of plant communities celebrated by the monument proclamation: “a rich mosaic of grass and shrublands, Oregon white and California black oak woodlands, juniper scablands, mixed conifer and white fir forests, and wet meadows.” Particularly under-represented within the current monument boundaries are grassland and oak savannah habitats that are home to Western Meadowlark and Western Bluebird, both singled out for mention in the proclamation.

Johnson Prairie – Fall Creek. This area is most representative of the Southern Cascades ecoregion and is characterized by moderately sloping mountains and broad valleys with extensive wet meadows. With an elevational range of 3,500 to 6,000 feet, vegetation is predominantly mixed conifer forests of ponderosa pine, sugar pine, incense-cedar, white fir and Douglas-fir. These mixed conifer forests provide habitat for such Objects of Interest as the Flammulated Owl and Pygmy Nuthatch. Patches of late-successional and old-growth forest remain on public lands and provide important habitat connectivity with the High Cascades for a diversity of wildlife, including Northern Spotted Owl, Northern Goshawk and American marten. Numerous low to moderate gradient streams are associated with an extensive complex of

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montane meadows, wetlands and springs. These provide vital and insufficiently-protected habitat for many Objects of Interest singled out in the monument proclamation, including butterflies, amphibians, freshwater snails, and native fish species. The Jenny Creek sucker utilizes the spring flows in Johnson Creek for spawning. Redband trout also occur in Johnson Creek.

Klamath River Ridges. This area is characterized by moderately steep, dissected terrain and a dry, continental climate. Elevation varies from 2,400 feet near the Klamath River in Siskiyou County, CA to 3,700 feet on higher ridges along the Oregon-California state line. The lower reaches of Hutton, Slide, Scotch, Camp, Jenny and Fall Creeks flow south toward the Klamath River (mostly into non-flowing reservoir portions) from their headwaters in or near the CSNM. Vegetation is diverse and varies dramatically with slope, aspect, and elevation. Higher altitudes and north-facing slopes generally support ponderosa pine and white oak-juniper forests, while lower elevations and south-facing slopes are covered in a mosaic of oak-juniper woodland, chaparral and grassland communities. These communities, some of which are included in California's Horseshoe Ranch Wildlife Management Area, are vital winter range for deer populations that gather here from a wide swath of the southern Cascades and Klamath Basin. Several unique vegetation types identified as monument Objects of Interest (e.g. rosaceous chaparral, juniper scablands) occur here.

#### Landscape Connectivity.

Maintaining and, where necessary, restoring connectivity at the watershed scale was identified as an important goal by workshop participants. Although isolated fragments of high-quality habitat may have conservation value, protecting whole watersheds is widely recognized as the most effective strategy to ensure the long-term persistence of native species and aquatic ecosystem integrity (Doppelt et al. 1993, Henjum et al. 1994, Moyle and Sato 1991). Existing boundaries of the CSNM do not align with watershed breaks (e.g. OR-CA state line), which dramatically increases threats to aquatic Objects of Interest arising from adjacent land uses.

Several working groups also highlighted the importance of maintaining functional connectivity of upland habitats in the existing monument with public lands in adjacent landscapes. Specifically, natural areas located immediately to the west of the monument connect with the Siskiyou Mountains, those to the north with the High Cascades, and those to the east and south with the Klamath River Canyon (see Figure 1). Maintaining these landscape-scale connections is critical to the monument's long-term ecological integrity and will better allow for movements of the native biota in response to climate change. A stronger focus on conservation-based management of adjoining federal lands would greatly help to sustain landscape connectivity into the future.

#### **Next Steps**

This interim report highlights the importance of expanding the Cascade-Siskiyou National Monument in order to preserve the unique biodiversity and connectivity functions that the monument was established to protect. Going forward, the science working group will consider further analyses and work products, which may include more detailed review and documentation

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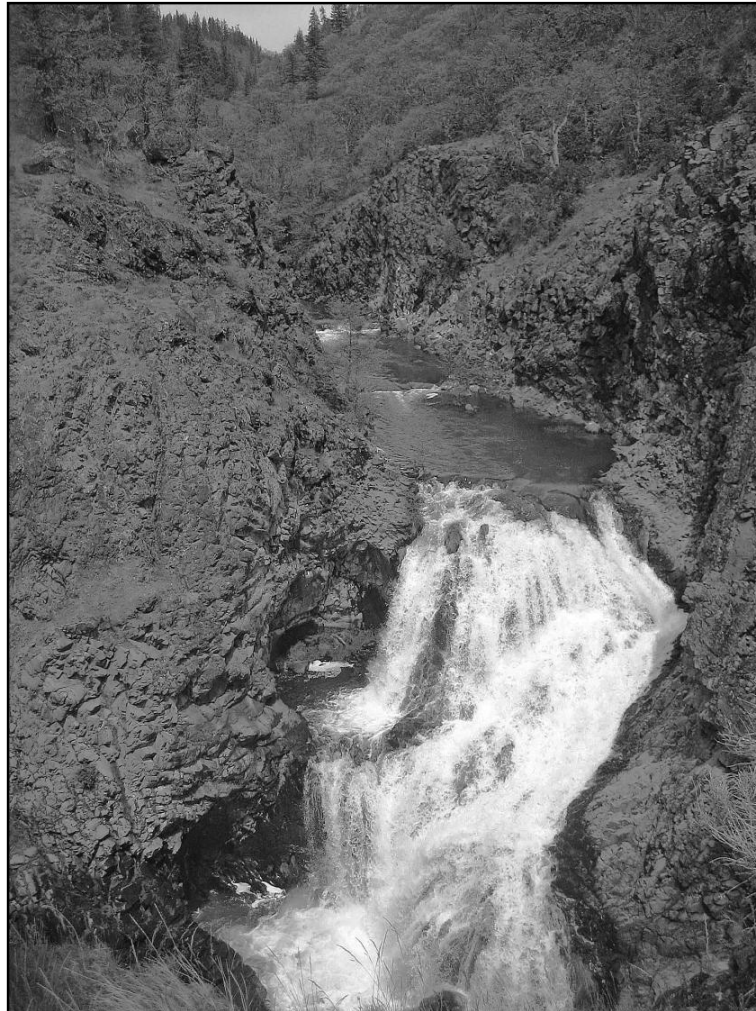
of published, unpublished, and “gray” literature; proposals for more extensive spatial analysis and field surveys in priority expansion areas identified to date; and a peer-reviewed publication.

### **Literature Cited**

- Alexander, J.D., C.J. Ralph, K. Hollinger, and B. Hogoboom. 2004. Using a wide-scale landbird monitoring network to determine landbird distribution and productivity in the Klamath Bioregion. Pp. 33-41 in: K.L. Mergenthaler, J.E. Williams, and E.J. Jules, eds. Proceedings of the Second Conference on Klamath-Siskiyou Ecology. Siskiyou Field Institute, Cave Junction, OR.
- Barr, B.R., M.E. Koopman, C.D. Williams, S.J. Vynne, G.R. Hamilton, R.E. Doppelt. 2010. Preparing for climate change in the Klamath Basin. National Center for Conservation Science & Policy, Ashland, OR, and Climate Leadership Initiative, Institute for Sustainable Environment, University of Oregon.
- Carroll, C., J.R. Dunk, A. Moilanen. 2010. Optimizing resiliency of reserve networks to climate change: multispecies conservation planning in the Pacific Northwest. *Global Change Biology* 16:891-904.
- DellaSala, D.A., D. Olson, J.R. Strittholt, R.F. Noss, J. Kass, M.E. Koopman and T. Allnutt. 2010. Conservation action for climate change in the Klamath-Siskiyou ecoregion. Geos Institute, Ashland, OR.
- Dobrowski, S.Z. 2010. A climatic basis for microrefugia: The influence of terrain on climate. *Global Change Biology* (doi: 10.1111/j.1365-- 2486.2010.02263.x) 14 p.
- Doppelt, B., M. Scurlock, C. Frissell and J.R. Karr. 1993. Entering the Watershed: A new approach to saving America’s river ecosystems. The Pacific Rivers Council and Island Press, Washington, D.C.
- Doppelt, B., R. Hamilton, C. Deacon Williams and M. Koopman. 2008. Preparing for climate change in the Rogue River Basin of southwest Oregon: Stressors, risks, and recommendations for increasing resilience and resistance in human, built, economic and natural systems. Climate Leadership Initiative, Institute for Sustainable Environment University of Oregon, and National Center for Conservation Science & Policy, Ashland, OR.
- Frost, E.J. and D.C. Odion, eds. 2002. Protecting Objects of Scientific Interest in the Cascade-Siskiyou National Monument: Status, Threats and Management Recommendations. 118 pp. Unpublished report to World Wildlife Fund, Klamath-Siskiyou Regional Program, Ashland, OR.
- Halpin, P.N. 1997. Global climate change and natural-area protection: Management responses and research directions. *Ecological Applications* 7:828-843.
- Henjum, M.G., J.R. Karr, D.L. Bottom, D.A. Perry, J.C. Bednarz, S.G. Wright, S.A. Beckwitt and E. Beckwitt. 1994. Interim protection for late-successional forests, fisheries and watersheds: National Forests east of the Cascades crest, Oregon and Washington. *The Wildlife Society Technical Review* 94-2.
- Luce, C. H., and Z. A. Holden. 2009. Declining annual streamflow distributions in the Pacific Northwest, 1948-2006. *Geophysical Research Letters* 36:L16401, doi:10.1029/2009GL039407.
- Moyle, P.B. and G.M. Sato. 1991. On the design of preserves to protect native fishes. Pp. 155-169 in: W.L. Minckley and J.E. Deacon, eds. *Battle Against Extinction: Native Fish*

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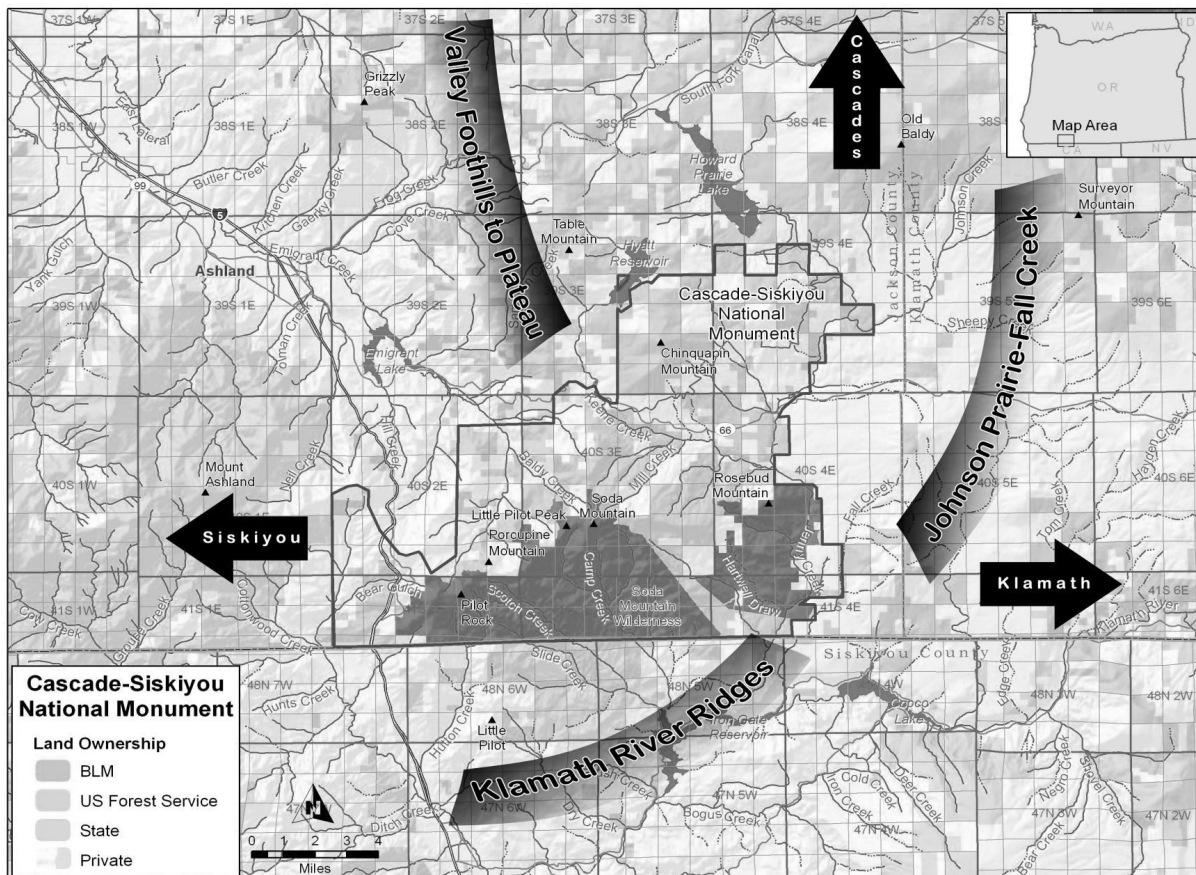
- Management in the American West. University of Arizona Press, Tucson, AZ.
- NABCI (North American Bird Conservation Initiative, U.S. Committee). 2010. The state of the birds 2010 report on climate change, United States of America. U.S. Department of Interior, Washington, D.C. <http://www.stateofthebirds.org/>.
- National Landscape Conservation System. 2010. Background description and further information at: [http://www.blm.gov/wo/st/en/prog/blm\\_special\\_areas/NLCS.html](http://www.blm.gov/wo/st/en/prog/blm_special_areas/NLCS.html).
- Sarr, D.A., D.C. Odion, S.R. Mohren, E.E. Perry, R.L. Hoffman, L.K. Bridy and A.A. Merton. 2007. Klamath Network Vital Signs Monitoring Plan. Natural Resource Report, NPS/KLMN/ NRR - 2007/016. USDO National Park Service, Klamath Network Inventory and Monitoring Program, Ashland, OR.
- Stralberg, D., D. Jongsomjit, C.A. Howell, M.A. Snyder, J.D. Alexander, J.A. Wiens and T.L. Root. 2009. Re-shuffling of species with climate disruption: A no-analog future for California birds? PLoS One 4 (9).



Upper falls, lower Jenny Creek, located in the Klamath River Ridges priority expansion area for the Cascade-Siskiyou National Monument. Photo by Dennis Odion.

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Figure 1. Map of Cascade-Siskiyou National Monument and general locations of three focal areas for potential monument expansion (arcs) and landscape connectivity zones (arrows) identified by science working group.





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Table 1. Summary of significant conservation values associated with monument Objects of Interest for three focal areas identified by science working group as high priorities for monument expansion.

Focal Area	Aquatics and Fisheries	Terrestrial Wildlife	Vegetation	Ecosystem Processes
Rogue Valley Foothills to Plateau	<p>Increased protection of upper Keene Creek would help restore watershed integrity and natural flows in Jenny Creek basin.</p> <p>Several streams provide important habitat for rare and endemic springsnail species.</p>	<p>Late-successional forests along plateau provide important habitat for old growth forest birds, including Northern Spotted Owl and Northern Goshawk.</p> <p>Oak woodland mosaic supports a high diversity of butterflies, birds and small mammals.</p> <p>Supports populations of the rare Mardon skipper butterfly.</p>	<p>Intact, high quality examples of oak woodland / grassland / conifer mosaic at Table Mountain, Grizzly Peak area and throughout Sampson / Cattle Creek watersheds.</p> <p>Numerous occurrences of special status plant populations.</p>	<p>This diverse ecotone confers resilience and allows for elevational movements of plant and animal species in response to climate change.</p>
Johnson Prairie and Fall Creek	<p>Increased protection of Johnson Prairie would help restore natural flows and watershed integrity in the Jenny Creek basin.</p> <p>Johnson Creek provides important habitat for Jenny Creek sucker and redband trout.</p> <p>Fall Creek supports multiple populations of rare springsnail species, and is an important contributor of cold water to the Klamath River.</p>	<p>Extensive meadow, grassland and wetland habitats are a hotspot of butterfly, bird and mammal diversity.</p> <p>Acts as north-south corridor for wide-ranging mammals including migrating deer.</p> <p>Area supports populations of rare spotted frog, American marten and Great Gray Owl.</p> <p>Fall Creek supports rare foothill yellow-legged frogs.</p>	<p>Forests here may act as local refugia for cool / moisture-loving elements of the monument's native flora.</p>	<p>Johnson Creek improves hydrologic functioning in Jenny Creek watershed.</p> <p>Provides connectivity of late-successional forests to the High Cascades, facilitating plant and animal migrations.</p>
Klamath River Ridges	<p>Natural falls along lower Jenny Creek help maintain genetic purity of native redband trout and Jenny Creek sucker.</p>	<p>Critical deer winter range.</p> <p>Includes important habitats for a diversity of butterflies, birds and small mammals.</p> <p>Riparian corridors along lower stream reaches are key migration and dispersal corridors for Neotropical migrant birds as well as Great Basin-associated reptiles and small mammals.</p>	<p>Enhances the monument's largest elevational gradient up to 6,100' Soda Mountain.</p> <p>Contains low-elevation native grasslands and other rare community types identified as monument Objects of Interest.</p> <p>Acts as source point for the Great Basin influence in the monument's flora.</p> <p>Riparian corridors provide north-south connectivity for cool / mesic flora.</p>	<p>Increases capacity for allowing more natural fire regimes, hydrologic processes and wildlife migration.</p> <p>Captures entire watersheds as management units.</p> <p>Confers resilience and allows for elevational movements of plant and animal species in response to climate change.</p>

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**Appendix A: U.S. Dept of Interior 2000. Presidential proclamation 7318 establishing the Cascade-Siskiyou National Monument, Oregon. June 9, 2000. Washington, D.C.**

**ESTABLISHMENT OF THE CASCADE-SISKIYOU NATIONAL MONUMENT**

**BY THE PRESIDENT OF THE UNITED STATES OF AMERICA  
A PROCLAMATION**

With towering fir forests, sunlit oak groves, wildflower-strewn meadows, and steep canyons, the Cascade-Siskiyou National Monument is an ecological wonder, with biological diversity unmatched in the Cascade Range. This rich enclave of natural resources is a biological crossroads – the interface of the Cascade, Klamath, and Siskiyou ecoregions, in an area of unique geology, biology, climate, and topography.

The monument is home to a spectacular variety of rare and beautiful species of plants and animals, whose survival in this region depends upon its continued ecological integrity. Plant communities present a rich mosaic of grass and shrublands, Garry and California black oak woodlands, juniper scablands, mixed conifer and white fir forests, and wet meadows. Stream bottoms support broad-leaf deciduous riparian trees and shrubs. Special plant communities include rosaceous chaparral and oak-juniper woodlands. The monument also contains many rare and endemic plants, such as Greene's Mariposa lily, Gentner's fritillary, and Bellinger's meadowfoam.

The monument supports an exceptional range of fauna, including one of the highest diversities of butterfly species in the United States. The Jenny Creek portion of the monument is a significant center of freshwater snail diversity, and is home to three endemic fish species, including a long-isolated stock of redband trout. The monument contains important populations of small mammals, reptile and amphibian species, and ungulates, including important winter habitat for deer. It also contains old growth habitat crucial to the threatened Northern spotted owl and numerous other bird species such as the western bluebird, the western meadowlark, the pileated woodpecker, the flammulated owl and the pygmy nuthatch.

The monument's geology contributes substantially to its spectacular biological diversity. The majority of the monument is within the Cascade Mountain Range. The western edge of the monument lies within the older Klamath Mountain geologic province. The dynamic plate tectonics of the area, and the mixing of igneous, metamorphic, and sedimentary geological formations, have resulted in diverse lithologies and soils. Along with periods of geological isolation and a range of environmental conditions, the complex geologic history of the area has been instrumental in producing the diverse vegetative and biological richness seen today.

One of the most striking features of the Western Cascades in this area is Pilot Rock, located near the southern boundary of the monument. The rock is a volcanic plug, a remnant of a feeder vent left after a volcano eroded away, leaving an out-standing example of the inside of a volcano. Pilot Rock has sheer, vertical basalt faces up to 400 feet above the talus slope at its base, with classic columnar jointing created by the cooling of its andesite composition.

The Siskiyou Pass in the southwest corner of the monument contains portions of the Oregon/California Trail, the region's main north/south travel route first established by Native

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Americans in prehistoric times, and used by Peter Skene Ogden in his 1827 exploration for the Hudson's Bay Company.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Cascade-Siskiyou National Monument:

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Cascade-Siskiyou National Monument for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the United States within the boundaries of the area described on the map entitled "Cascade-Siskiyou National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 52,000 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

There is hereby reserved, as of the date of this proclamation and subject to valid existing rights, a quantity of water sufficient to fulfill the purposes for which this monument is established. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation.

The commercial harvest of timber or other vegetative material is prohibited, except when part of an authorized science-based ecological restoration project aimed at meeting protection and old growth enhancement objectives. Any such project must be consistent with the purposes of this proclamation. No portion of the monument shall be considered to be suited for timber production, and no part of the monument shall be used in a calculation or provision of a sustained yield of timber. Removal of trees from within the monument area may take place only if clearly needed for ecological restoration and maintenance or public safety.

For the purpose of protecting the objects identified above, the Secretary of the Interior shall prohibit all motorized and mechanized vehicle use off road and shall close the Schoheim Road, except for emergency or authorized administrative purposes.

Lands and interests in lands within the monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

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The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities (including, where applicable, the Act of August 28, 1937, as amended (43 U.S.C. 1181a-1181j)), to implement the purposes of this proclamation.

The Secretary of the Interior shall prepare, within 3 years of this date, a management plan for this monument, and shall promulgate such regulations for its management as he deems appropriate. The management plan shall include appropriate transportation planning that addresses the actions, including road closures or travel restrictions, necessary to protect the objects identified in this proclamation.

The Secretary of the Interior shall study the impacts of livestock grazing on the objects of biological interest in the monument with specific attention to sustaining the natural ecosystem dynamics. Existing authorized permits or leases may continue with appropriate terms and conditions under existing laws and regulations. Should grazing be found incompatible with protecting the objects of biological interest, the Secretary shall retire the grazing allotments pursuant to the processes of applicable law. Should grazing permits or leases be relinquished by existing holders, the Secretary shall not reallocate the forage available under such permits or for livestock grazing purposes unless the Secretary specifically finds, pending the outcome of the study, that such reallocation will advance the purposes of the proclamation.

The establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Oregon with respect to fish and wildlife management.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of June, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.

WILLIAM J. CLINTON

SUSAN JANE M. BROWN (OSB #054607)  
Western Environmental Law Center  
4107 N.E. Couch Street  
Portland, OR 97232  
(503) 914-1323 | Phone  
(541) 485-2457 | Fax  
brown@westernlaw.org

KRISTEN L. BOYLES (WSB #23806)  
*(Pending Pro Hac Vice Admission)*  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340 | Phone  
(206) 343-1526 | Fax  
kboyles@earthjustice.org

*Attorneys for Defendant-Intervenor-Applicants*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

**MURPHY COMPANY, and MURPHY  
TIMBER INVESTMENTS, LLC**

Plaintiffs,

v.

**DONALD J. TRUMP, KEVIN HAUGRUD,  
U.S. DEPARTMENT OF INTERIOR, and  
BUREAU OF LAND MANAGEMENT,**

Defendants,

and

**SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD,  
and THE WILDERNESS SOCIETY,**

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-00285-CL

**DECLARATION OF GEORGE  
SEXTON In Support Of Motion To  
Intervene**

I, GEORGE SEXTON, declare and state as follows:

1. I am the Conservation Director of the Klamath Siskiyou Wildlands Center (“KS Wild”), and I have worked for KS Wild since 2002. I reside in Jackson County, Oregon. I am also a member of KS Wild and the Soda Mountain Wilderness Council.
2. KS Wild has approximately 3,000 members. Our members are interested in and support KS Wild’s work to protect the forests and watersheds of the Klamath-Siskiyou region for their botanical, recreational, scientific, hydrological and aesthetic values. The Klamath-Siskiyou region includes much of the public lands in southern Oregon and northern California that serve as the watersheds for the Klamath River and Rogue River. Collectively these public lands provide some of the cleanest water and most biologically diverse forests in North America. Lands within the Cascade-Siskiyou National Monument are key to KS Wild’s mission to protect biodiversity at the local and regional scale.
3. I often hike, camp, photograph, and explore the forest ecosystems administered by the Bureau of Land Management (BLM) within the Cascade-Siskiyou National Monument.
4. I have definite plans to spend considerable time in the future using and enjoying native forests on public lands within the Cascade-Siskiyou National Monument. I have visited and continue to visit these forests to appreciate the native biodiversity and remarkable natural beauty of public lands within the Monument. On Saturday January 14, 2017, I led a KS Wild snowshoe hike into the Monument for the public. I enjoy and utilize the Monument in every season of the year and anticipate looking for rare wildflowers with my family in the coming spring months.
5. As an avid hiker, conservationist and naturalist, I have spent considerable time exploring and enjoying the remaining intact mature natural forests in the Cascade-Siskiyou

National Monument. These forests are particularly important to me because of the “checkerboard” land ownership pattern in the area which has resulted in industrial timber industry clearcuts on thousands of acres of forests that are not held in public ownership. Outside of the Monument, the BLM often targets the remaining mature forest stands for logging which further reduces the ability of the landscape to provide watershed and terrestrial forest values that are professionally and personally important to me.

6. In the course of my duties as Conservation Director for KS Wild over the past fifteen years, I have closely followed the timber sale program in southwest Oregon.

7. During that time the BLM has regularly offered timber sales throughout southwest Oregon on all land use allocations, including numerous commercial timber sales located in matrix, late-successional reserve, and riparian reserve land use allocations.

8. It is my understanding that the Cascade Siskiyou National Monument overlays less than 1% of the Oregon and California Lands Act commercial timber base for the BLM in western Oregon.

9. As the Conservation Director for KS Wild, I am currently in receipt of a December 1, 2016 correspondence from timber planners in the BLM Klamath Falls Resource Area consisting of the “scoping” letter for the Leek Peak timber sale in the headwaters of the Jenny Creek watershed; this letter is attached as Exhibit A to this declaration. The scoping letter expresses the intent of the BLM to “regenerate” or clear cut 466 acres of native mature forests within and adjacent to the newly established boundaries of the Cascade-Siskiyou National Monument. The BLM’s proposed regeneration harvesting would result in the removal of up to 95% of the trees within logging units. These logging units would then be replanted with dense young even-age tree plantations, which the Klamath Falls BLM timber planners acknowledge

will greatly increase fire hazard on those sites for approximately 30 years.

10. In 2016, KS Wild submitted scoping comments to the BLM concerning the Leek Peak timber sale located on BLM public lands within the expanded Cascade-Siskiyou National Monument.

11. According to the BLM's web page, which is included as a screenshot in Exhibit C to this declaration, the BLM has placed on hold the portions of the Leek Peak timber sale that are within the new expansion area. However, it is clear from the scoping notice that in the absence of the Monument, the BLM intends to "regenerate" biologically diverse mature forest stands that will result in harm to the wildlife, waterways, and other ecological "objects" that are now protected by the Proclamation. If that were to happen, my use and enjoyment of these lands would be irreparably harmed.

12. Should the BLM conduct "regeneration" logging that increases fire hazard in and adjacent to the Cascade-Siskiyou National Monument, the interests of KS Wild and our members would be significantly harmed in the short and long term.

13. My interests, and the interests of KS Wild and our members, are enhanced, rather than harmed, when the BLM manages public forestlands within the Cascade-Siskiyou National Monument to maintain and enhance biological diversity.

14. Our interests are harmed when the BLM increases forest fire hazard through "regeneration" logging that removes native forests and replaces them with small-diameter flammable tree farms.

15. Our interests are harmed when the BLM builds new logging roads through watersheds and forests that have been identified as important to the unique biodiversity of the Monument. These roads fragment habitat, introduce sediment into streams, introduce invasive



weeds, compact soils, and remove forest canopy that interferes with my ability to experience these areas and the biodiversity that they otherwise provide.

16. KS Wild has a long history of involvement in land management planning affecting the public lands and O&C lands within and adjacent to the Cascade-Siskiyou National Monument.

17. In 2008, KS Wild submitted comments to the BLM concerning the Western Oregon Plan Revisions Draft Environmental Impact Statement that involved BLM that involvement BLM interpretation and implementation of the O&C Act.

18. In 2008, KS Wild submitted scoping comments to the BLM concerning the Cascade-Siskiyou National Monument Hazardous Fuels Reduction Project.

19. In 2009, KS Wild and other conservation organizations joined litigation challenging BLM's Western Oregon Plan Revisions in federal district court. *See Oregon Wild v. Shepard*, No. 09-0060-PK (D. Or.). Among other concerns, this litigation alleged that the BLM had failed to adequately protect aquatic and terrestrial natural resources on O&C lands, including within the expanded Cascade-Siskiyou National Monument. This litigation terminated when the Obama Administration agreed to undertake a second round of planning, which BLM initiated in 2010.

20. In 2013, in my capacity as Conservation Director for KS Wild, I reviewed the O&C Lands Report prepared for Oregon Governor John Kitzhaber in which the management and future of O&C forests was discussed and analyzed. The Governor's effort was part of a larger regional/national effort to increase timber harvest on O&C lands. As one of the few grassroots or local groups involved in and knowledgeable about O&C lands issues, our engagement in the Governor's work provided a critical voice in this debate.

21. In 2014, KS Wild submitted comments to the BLM concerning the Howard Timber Sale located within the boundaries of the expanded Cascade-Siskiyou National Monument. Our technical comments objected to the removal of large-diameter fire-resilient trees and the reduction of forest canopy cover that benefits biodiversity and wildlife. The aquatic and terrestrial biodiversity we sought to retain is one of the “objects” protected by the Monument expansion.

22. In 2015, KS Wild submitted comments to the BLM concerning the South Fork Little Butte Timber Sale that is located within the boundaries of the expanded Cascade-Siskiyou National Monument.

23. In 2016, KS Wild submitted comments to the BLM concerning the Draft Transportation Management Plan and Environmental Assessment for the Cascade-Siskiyou National Monument.

24. In 2016, in my capacity as Conservation Director for KS Wild, I attended hearings on the expansion of the Cascade-Siskiyou National Monument in Ashland and Medford, Oregon, in Jackson County. In my testimony, I explained that the BLM’s regeneration logging techniques increases the fire hazard in the logged area and compromises ecological biodiversity that is of value to our members and the public.

25. In 2016, KS Wild filed litigation in Oregon District Court concerning the BLM’s implementation of its 2016 Resource Management Plans and involved BLM’s interpretation and implementation of the O&C Act. That litigation is now underway. *See Pacific Rivers et al. v. BLM*, 16-cv-01598-TC (complaint for declaratory and injunctive relief) (filed Aug. 8, 2016).

26. KS Wild has a long history of involvement in the lands at issue in this litigation; indeed, part of KS Wild’s organizational mission is to advocate for the protection of these lands

and the objects of historic and scientific interest located within the Monument area. If the Plaintiffs in this litigation are successful, these public lands may no longer enjoy the protections that the monument designation provide, which would irreparably impair KS Wild's ability to implement its mission. In addition, an adverse outcome would harm me personally and professionally, as the conservation of these lands – which I value – would be dramatically impaired, if not eliminated entirely.

27. I declare that the photos described infra and provided in Exhibit B to my declaration are true and accurate representations of what I observed in the photographs on the dates indicated.

28. Photo Number 1 illustrates myself and my dog Zola enjoying and using ecological objects of interest consisting of meadow habitat and oak woodlands in BLM lands located in Siskiyou County within the expanded Cascade-Siskiyou National Monument. This photo was taken on February 27, 2016.

29. Photo Number 2 illustrates myself and my dog Zola enjoying and using ecological objects of interest consisting of meadow habitat in BLM lands located in Siskiyou County within the expanded Cascade-Siskiyou National Monument. This photo was taken on February 27, 2016.

30. Photo Number 3 illustrates winter photography recreation during my use of ecological objects of interest consisting of intact old-growth forest habitat located in Jackson County within the Cascade-Siskiyou National Monument. This photo was taken on January 27, 2017.

31. Photo Number 4 illustrates winter photography during my use of ecological objects of interest in Jackson County consisting of fire-resilient old-growth Douglas-fir conifer

of the type that benefit wildlife and watershed values of importance to KS Wild and our members within the Cascade-Siskiyou National Monument. This photo was taken on January 27, 2017.

32. Photo Number 5 illustrates my continued use and enjoyment of geological objects of interest located in Jackson County within the Cascade-Siskiyou National Monument. This photo was taken on January 27, 2017.

33. Photos Number 6 and 7 illustrate my use and enjoyment of botanical objects of interest located within Jackson County within the Cascade-Siskiyou National Monument. These two photos were taken on May 22, 2016.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23<sup>rd</sup> day of February, 2017, at Jackson County, Oregon.

/s/ George Sexton  
GEORGE SEXTON

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing  
*Declaration of George Sexton In Support of Motion to Intervene* with the Clerk of the Court  
using the CM/ECF system, which will send notification of this filing to the attorneys of record  
and all registered participants, including the following:

Michael E. Haglund  
Julie A. Weis  
Haglund Kelley LLP  
200 SW Market Street  
Suite 1777  
Portland, OR 97201  
Phone: (503) 225-0777  
Email: haglund@hk-law.com  
jweis@hk-law.com

*Attorneys for Plaintiff*

Stuart Gillespie  
U.S. Department of Justice  
Environment and Natural Resources Division  
999 18th Street  
South Terrace, Suite 370  
Denver, CO 80202  
Phone: (303) 844-1390  
Email: Stuart.Gillespie@usdoj.gov

*Attorney for Defendants*

/s/ Susan Jane M. Brown  
Susan Jane M. Brown

# **EXHIBIT A**



## United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Klamath Falls Resource Area  
2795 Anderson Avenue, Building 25  
Klamath Falls, Oregon 97603 7891  
Phone: (541) 883 6916 | Fax: (541) 884 2097



December 1, 2016

IN REPLY REFER TO:  
1790 (ORL040)

### To All Interested Citizens:

#### Public Scoping Input – Leek Peak Project

The Klamath Falls Resource Area (KFRA) is seeking public scoping comments on the Leek Peak Project. The Leek Peak Project Area totals 4,621 acres (including 3,589 acres of BLM lands) with treatments proposed on approximately 1,806 acres of BLM lands. Integrated vegetation treatments include uneven-aged silvicultural prescriptions, regeneration harvest, hazardous fuels reduction, aspen restoration, and meadow restoration.

The Leek Peak Project is in the same vicinity as the previously proposed 2013 Walter's Glade and 2015 Summit Projects, but those EAs were never completed. In addition, approximately 224 acres that were analyzed in the 2016 Jigsaw EA will be included in the Leek Peak Project Area since a decision record was not issued for those acres. The Leek Peak EA will be in conformance with the 2016 Southwestern Oregon Record of Decision and Resource Management Plan (2016 RMP) and the associated new land use allocations (LUAs).

Leek Peak treatments are proposed on the following approximate acres: 1,663 acres of Harvest Land Base (HLB); 40 acres of Riparian Reserves (RR); and 103 acres of District Designated Reserves (DDR) Non-Forest (74% of these DDR Non-Forest acres (77 acres) are roads). Further detail is shown in Table 1: Treatments by LUA and in Appendix A, Table 2: Summary of 2016 RMP Objectives by LUA. It is possible that some of the 2016 RMP LUAs such as DDR Non-Forest and RR may be corrected after field review.

#### Northern Spotted Owl Habitat

Approximately 572 acres of the project area are located within Designated Critical Habitat for the Northern Spotted Owl (NSO) and proposed management actions will be designed to be consistent with the NSO Critical Habitat Rule (USFWS 2012) and the Recovery Plan (USFWS 2011) for the NSO.

In addition, the 2016 RMP (p. 121) provides specific management direction regarding NSO: *"Do not authorize timber sales that would cause the incidental take of northern spotted owl territorial pairs or resident singles from timber harvest until implementation of a barred owl management program consistent with the assumptions contained in the Biological Opinion on the RMP has begun."* The Leek Peak EA and subsequent decision record(s) will include project design features (PDFs) to ensure that silvicultural prescriptions are modified or timber sale units are dropped as necessary to avoid incidental take.

### Purpose & Need for Action

The purpose of this project is to implement objectives in the 2016 RMP, which include the following:

- Manage forest stands to achieve continual timber production that can be sustained through a balance of growth and harvest (RMP p. 62).
- Offer for sale the declared Allowable Sale Quantity (ASQ) of timber (RMP p. 62).
- Support the persistence and resilience of natural communities including those associated with...meadows and wetlands (RMP p. 106).

### Need

There is a need for timber that the proposed action would generate in order to contribute toward KFRA's declared annual ASQ target of 6 million board feet (MMBF). This project is expected to provide the volume needed for fiscal years 2017 and 2018 ASQ target. According to KFRA's 10-year timber sale plan, foregoing maximized harvest of these stands now would likely result in the inability to meet KFRA's decadal ASQ and a lost opportunity to utilize timber resources that are less valuable for NSO habitat, compared to the remaining lands KFRA has available for timber harvest.

### Proposed Treatments

The following treatments have been identified as part of the proposed action for this EA and are shown on the attached map and in Table 1 by LUA. When referring to the map, any timber sale areas will be treated according to their corresponding LUA management direction (described in Table 2 in Appendix A):

**Table 1. Proposed Treatments (in acres) by Land Use Allocation in Leek Peak Project Area**

LUA Treatments	DDR Non-Forest	RR	UTA	LITA	MITA	Total (acres)
Uneven-aged Timber Harvest	52	20	589			661
Regeneration Harvest				399	68	466
Thinning <20"DBH	27	8	445	65	97	641
Hazardous Fuels Treatments				399	68	466
Aspen Restoration	2	1	2			5
Meadow Restoration	22	11				33
<b>Total (acres)</b>	<b>103*</b>	<b>40</b>	<b>1035</b>	<b>464</b>	<b>164</b>	<b>1806</b>

\*Out of these 103 acres, 77 acres (or 74% of the DDR-Non-Forest) are roads.

- **Timber Harvest** - As part of the proposed action, approximately 1,663 acres would be harvested using uneven-aged silvicultural prescriptions and regeneration harvest prescriptions. Manual and mechanical harvesting methods would be used to cut and remove designated timber. Portions of these areas may be planted with conifers where applicable.
- **Hazardous fuels treatments** - Underburning is proposed on approximately 466 acres of regeneration harvest areas to reduce fuels. Stands would be evaluated following harvest to determine if underburning is necessary.



- **Riparian Reserves** - Approximately 20 acres of thinning and 8 acres of understory thinning is proposed in outer zone riparian reserves (both moist and dry) in Class III subwatersheds using manual or mechanical harvesting methods.
- **Aspen Restoration** - Approximately 5 acres of aspen restoration is proposed. In these areas, conifers of all size classes will be cut and removed from aspen areas using manual or mechanical harvesting methods. In some cases where manual harvesting methods are used and material is left behind and piled, these piles would be burned.
- **Meadow restoration**- Approximately 33 acres of meadow restoration is proposed. Conifers will be cut using manual and mechanical methods. Stands would be evaluated following harvest to determine if material left on site needs to be piled and burned.
- **Road Management** - Approximately 1 mile of temporary road construction is proposed. The condition of the road system would be improved as needed for forest product removal. Some previously closed roads would be reopened for the duration of the sale(s) and re-closed when the sale(s) are finished.

### **Comments Requested**

The BLM is asking for your help in identifying issues and concerns that you may have regarding the proposed Leek Peak Project described above. We are seeking your comments to assist in developing alternatives to the proposed actions.

**Please submit your comments by January 3, 2017** to be most effective in BLM's planning schedule. To submit issues or questions about the proposed treatments, I encourage you to submit them via email at the following address: BLM OR KF Mail@blm.gov and identify your comments as being for the "Leek Peak EA." If you desire to send a letter via regular mail, please use the address in our letterhead, ATTN: Field Manager.

Once an Environmental Assessment has been prepared, the public will be notified again and will have an opportunity to review and provide comments on the proposed action and analysis.

NOTE: Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Sincerely,

/s/ *Terry Austin*, acting for

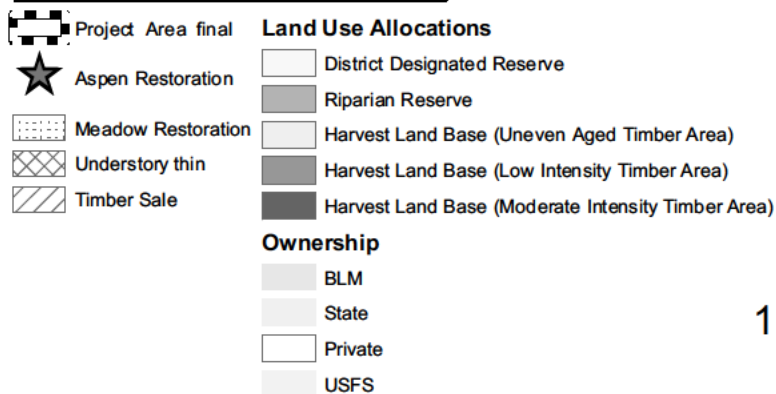
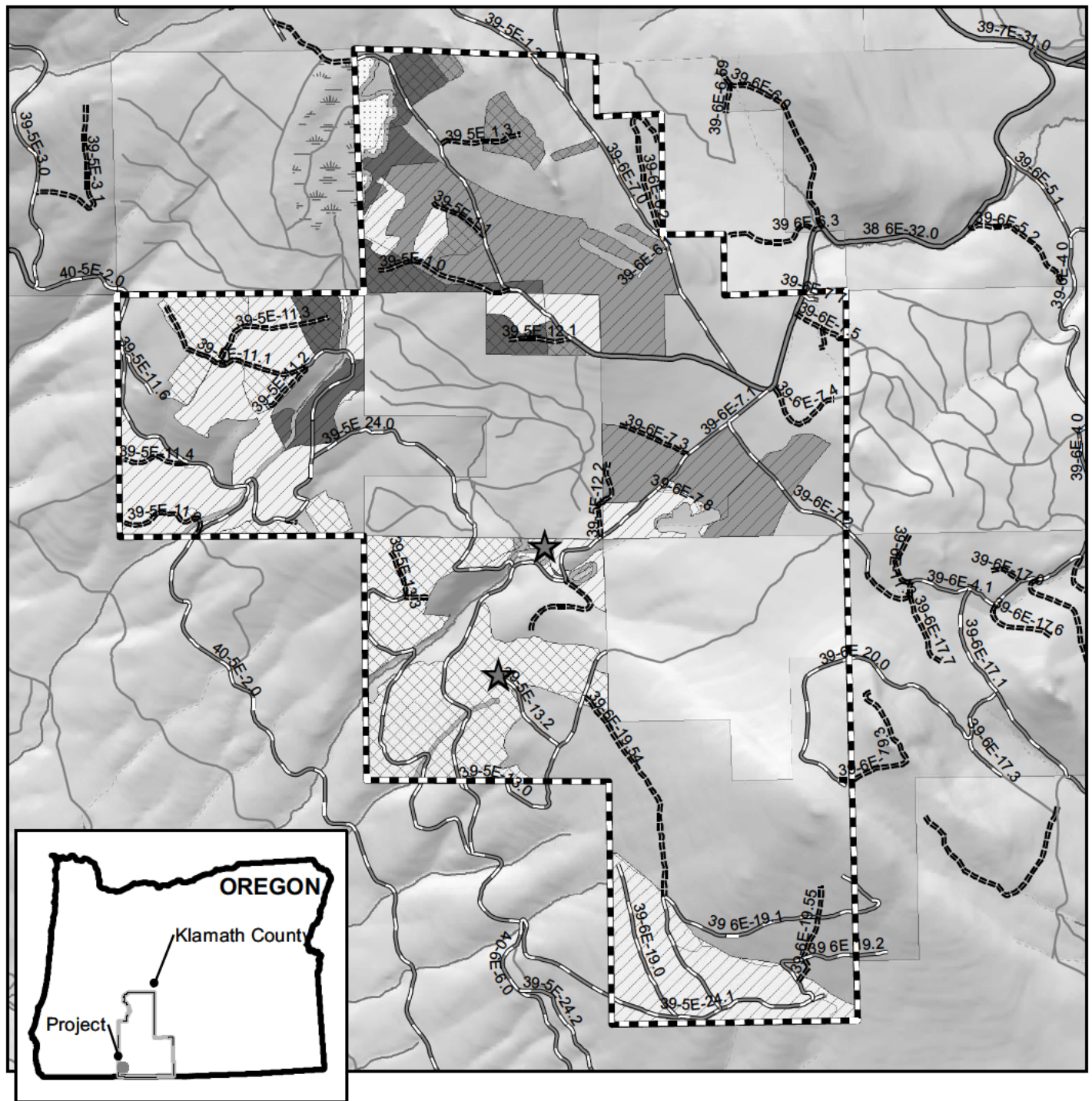
Donald J. Holmstrom  
Field Manager

**APPENDIX A****Table 2. Summary of 2016 RMP Mgmt. Objectives/Direction by LUA in Leek Peak Project Area**

Land Use Allocation	Approx. acres in project area	Management Objectives/Direction from 2016 RMP	Page numbers in RMP
<b>Harvest Land Base (HLB)</b>	See below for HLB- MITA HLB- LITA HLB- UTA	Manage forest stands to achieve continual timber production that can be sustained through a balance of growth and harvest. Offer for sale the declared Allowable Sale Quantity of timber.	pp.62-64
<b>MITA (HLB – Moderate Intensity Timber Area)</b>	164 acres	<p>Conduct regeneration harvest for any of the following reasons:</p> <ul style="list-style-type: none"> <li>Produce timber to contribute to the attainment of the declared Allowable Sale Quantity.</li> </ul> <p>In each regeneration harvest unit, retain <b>5–15 percent</b> of pre-harvest stand basal area in live trees. Retain trees in a variety of spatial patterns, including aggregated groups and individual trees. Include among retained trees all trees that are both <math>\geq 40</math>" DBH and that the BLM identifies were established prior to 1850, except where falling is necessary for safety or operational reasons and no alternative harvesting method is economically viable or practically feasible.</p> <p>After regeneration harvest, use natural or artificial regeneration or both to reforest a mixture of species appropriate to the site to a stand-level average of at least <b>150 trees per acre</b> within 5 years of harvest.</p> <p>Conduct commercial thinning for any of the following reasons:</p> <ul style="list-style-type: none"> <li>Produce timber to contribute to the attainment of the declared Allowable Sale Quantity (ASQ).</li> </ul> <p>Maintain stand densities through commercial thinning to promote stand vigor and health, as specified below:</p> <ul style="list-style-type: none"> <li>Conduct thinning to result in stand average relative density <b>between 25 percent and 45 percent</b> after harvest.</li> <li>Leave untreated areas (skips) and create group selection openings to provide structural complexity in the post-treatment stand. Leave at least <b>5 percent</b> of the planned harvest unit in untreated areas. Do not exceed <b>10 percent</b> of the planned harvest unit in group selection openings.</li> </ul>	pp. 66-67

Land Use Allocation	Approx. acres in project area	Management Objectives/Direction from 2016 RMP	Page numbers in RMP
<b>LITA</b> (HLB – Low Intensity Timber Area)	464 acres	<p>Conduct regeneration harvest for any of the following reasons:</p> <ul style="list-style-type: none"> <li>Produce timber to contribute to the attainment of the declared Allowable Sale Quantity.</li> </ul> <p>In each regeneration harvest unit, retain <b>15–30 percent</b> of pre-harvest stand basal area in live trees. Retain trees in a variety of spatial patterns, including aggregated groups and individual trees. Include among retained trees all trees that are both <math>\geq 40"</math> DBH and that the BLM identifies were established prior to 1850, except where falling is necessary for safety or operational reasons and no alternative harvesting method is economically viable or practically feasible. After regeneration harvest, use natural or artificial regeneration or both to reforest a mixture of species appropriate to the site to a stand-level average of at least <b>130 trees per acre</b> within 5 years of harvest.</p> <p>Conduct commercial thinning for any of the following reasons:</p> <ul style="list-style-type: none"> <li>Produce timber to contribute to attainment of the declared ASQ.</li> </ul> <p>Maintain stand densities through commercial thinning to promote stand vigor and health, as specified below:</p> <ul style="list-style-type: none"> <li>Conduct thinning to result in stand average relative density <b>between 25 percent and 45 percent</b> after harvest.</li> <li>Leave untreated areas (skips) and create group selection openings to provide structural complexity in the post-treatment stand. Leave at least <b>5 percent</b> of the planned harvest unit in untreated areas. Do not exceed <b>10 percent</b> of the planned harvest unit in group selection openings.</li> </ul>	pp. 64-65
<b>UTA</b> (HLB – Uneven-aged Timber Area)	1,035 acres	<p>Increase diversity of stocking levels and size classes within and among the stands.</p> <p>Utilize integrated vegetation management in designing and implementing treatments.</p> <p>Conduct integrated vegetation management for any of the following reasons:</p> <ul style="list-style-type: none"> <li>Produce timber to contribute to the attainment of the declared Allowable Sale Quantity.</li> <li>Promote the development and retention of large, open grown trees and multi-cohort stands.</li> </ul> <p>In forest stands <math>\geq 10</math> acres treated with selection harvest or commercial thinning, harvest to result in stand average relative density between <b>20 percent and 45 percent</b> after harvest.</p> <ul style="list-style-type: none"> <li>Do not create group selection openings more than <b>4 acres</b> in size.</li> <li>Do not create group selection openings on more than <b>30 percent</b> of the stand area.</li> <li>Leave untreated areas (skips) on at least <b>10 percent</b> of the stand area.</li> </ul>	pp. 67-70

Land Use Allocation	Approx. acres in project area	Management Objectives/Direction from 2016 RMP	Page numbers in RMP
Riparian Reserves Dry (RRD) Outer zone	23 acres	<b>Outer Zone (120 feet to one site-potential tree height)</b>  Thin stands as needed to promote the development of large, open grown trees, develop layered canopies and multi-cohort stands, develop diverse understory plant communities, and allow for hardwood vigor and persistence.	pp. 81,86
Riparian Reserves Moist (RRM) Outer zone	17 acres	Apply silvicultural treatments to increase diversity of riparian species and develop structurally-complex stands. Maintain at least 30 percent canopy cover and 60 trees per acre expressed as an average at the scale of the portion of the harvest unit within the Riparian Reserve.  Merchantable timber from thinning and other silvicultural treatments may be made available for sale.	
District-Designated Reserve (DDR) TPCC (Timber Production Capability Classification) Non-Forest	103 acres	Note: Approximately 77 acres (74%) of the 105 acres of District Designated Reserves (DDR) TPCC Non-Forest in the Leek Peak Project Area are roads.  <b>District-Designated Reserves</b> Management Objectives Maintain the values and resources for which the BLM has reserved these areas from sustained-yield timber production.  Management Direction Manage constructed facilities and infrastructure, such as seed orchards, roads**, communication sites, buildings, quarries, and maintenance yards, 16 as needed for the purposes for which the BLM constructed them.  **While road corridors are District-Designated Reserves, roads are adjacent to other land use allocations. Management of roads may require actions within adjacent land use allocations, and therefore other land use allocations include management direction pertaining to road management actions.  <b>District-Designated Reserve – Timber Production Capability Classification</b> Apply silvicultural or fuels treatments, including prescribed fire, that restore or maintain community-level structural characteristics, promote desired species composition, and emulate ecological conditions produced by historic fire regimes, in areas identified as unsuitable for sustained-yield timber production through the Timber Production Capability Classification system. Designate additional lands as District-Designated Reserve Timber Production Capability Classification through updates to the Timber Production Capability Classification system and remove those lands from the Harvest Land Base when examinations indicate that those lands meet the criteria for reservation. Un-designate lands as District-Designated Reserve Timber Production Capability Classification and return those lands to the Harvest Land Base through updates to the Timber Production Capability Classification system when examinations indicate that those lands do not meet the criteria for reservation.	pp. 54-57



## Leek Peak EA Scoping Map

**Klamath Falls Resource Area**  
**Lakeview District - Bureau of Land Management**  
 2795 Anderson Ave. #25  
 Klamath Falls, Oregon 97603  
 (541) 883-6916



1:36,000



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

MXD P:\ak\kfa\LD TEAM NEPA\Leek Peak\Products\Scoping Map 161121.mxd  
 Prepared By: m1campbe  
 Current Date: 11/2/2016 08:11:43 AM

DOI-2021-08 00494



# **EXHIBIT B**



Photo 1



Photo 2





Photo 3



Photo 4



Photo 5



Photo 6



Photo 7

# **EXHIBIT C**



2/22/2017

Case 1:17 cv 00285 CL Document 5-11 Filed 02/24/17 Page 2 of 2  
Oregon/Washington Klamath Falls FO DOI BLM ORWA L040 2017 0006 EAU.S. DEPARTMENT OF THE INTERIOR **BUREAU OF LAND MANAGEMENT**

ePlanning

**DOI-BLM-ORWA-L040-2017-0006-EA (Leek Peak )**

&gt; NEPA Register &gt; DOI-BLM-ORWA-L040-2017-0006-EA &gt; Home

**Project Search:****Go**☐ Find Whole Words Only**Home****Documents****Contact Information****How to get Involved****Meetings****Maps****Data****Links****FAQs****Home****Leek Peak Project****Leek Peak Project - on hold**

Scoping Comment Period ended January 31, 2017.

The Leek Peak Project Area totals 4,621 acres (including 3,589 acres of BLM lands) with treatments proposed on approximately 1,806 acres of BLM lands. Integrated vegetation treatments include uneven-aged silvicultural prescriptions, regeneration harvest, hazardous fuels reduction, aspen restoration, and meadow restoration.

**Click on the "Documents" Tab (on the left, below "Home") to view the Leek Peak Scoping Letter.**

**Last Updated:****02/09/2017 15:43:13 MST**

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SUSAN JANE M. BROWN (OSB #054607)  
Western Environmental Law Center  
4107 N.E. Couch Street  
Portland, OR 97232  
(503) 914-1323 | Phone  
(541) 485-2457 | Fax  
brown@westernlaw.org

KRISTEN L. BOYLES (WSB #23806)  
*(Pending Pro Hac Vice Admission)*  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340 | Phone  
(206) 343-1526 | Fax  
kboyles@earthjustice.org

*Attorneys for Defendant-Intervenor-Applicants*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

**MURPHY COMPANY, and MURPHY  
TIMBER INVESTMENTS, LLC**

Plaintiffs,

v.

**DONALD J. TRUMP, KEVIN HAUGRUD,  
U.S. DEPARTMENT OF INTERIOR, and  
BUREAU OF LAND MANAGEMENT,**

Defendants,

and

**SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD,  
and THE WILDERNESS SOCIETY,**

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-00285-CL

**DECLARATION OF JOSEPH VAILE In  
Support Of Motion To Intervene**



I, JOSEPH VAILE, declare and state as follows:

1. I am the Executive Director of the Klamath Siskiyou Wildlands Center (“KS Wild”), and I have worked for KS Wild since 2000. I reside in Jackson County, Oregon. I am also a member of KS Wild.
2. KS Wild has approximately 3,000 members. Our members are interested in and support KS Wild’s work to protect the forests and rivers of the Klamath-Siskiyou region for their botanical, recreational, scientific, hydrological and aesthetic values. The Klamath-Siskiyou region straddles the Oregon California border, and extends north to Roseburg Oregon, and south near Redding California. It is an area of extraordinary biological diversity, and KS Wild’s mission is to protect and restore wild nature in the Klamath-Siskiyou Mountains. We promote science-based land and water conservation through policy and community action. We support active management where needed on public lands, including in-stream restoration, hazardous fuels reduction, and road stormproofing.
3. Prior to working with KS Wild, I was a wildlife technician with the Medford District Bureau of Land Management (BLM) for two seasons (1997 and 1998) where I surveyed for rare and at-risk wildlife species, including great grey owl, Del Norte salamander, goshawk, and other wildlife species, some of which only occur in southern Oregon.
4. I often hike, sightsee, photograph, rock climb, and explore the trails, meadows, and forests administered by the BLM within the Cascade-Siskiyou National Monument. I have been visiting the public lands in the Cascade-Siskiyou area since before the Monument was established in 2000. I continue to learn more about the rich array of species in this region and in the Cascade-Siskiyou National Monument.
5. I have definite plans to spend considerable time in the future using and enjoying

forests, streams, and meadows on public lands within the Cascade-Siskiyou National Monument. I plan to hike in the Monument this spring to Hobart Bluff and Pilot Rock, as well as Grizzly Peak in the expansion area.

6. I also plan to take my family on outings in the Monument in the summer of 2017. I am closely acquainted with many private residents adjacent to the Monument, including the owners of the Greensprings Inn and Cabins, immediately adjacent to the Monument. On June 19, 2016, I took my family took an outing to the Greensprings Inn and Cabins, which is about a twenty-minute drive from our home. We ate breakfast at the Inn and went hiking on the Pacific Crest Trail in the Monument and in the Monument expansion area. We enjoyed the trip with our two small children and plan to return next summer.

7. I have also been hiking in the Monument expansion area on many other occasions, including the Grizzly Peak loop, Moon Prairie, and along sections of the Pacific Crest Trail.

8. KS Wild and our members and partners have a definite interest in the Cascade-Siskiyou National Monument and expansion area. KS Wild and our members are enhanced when the BLM manages public forestlands within the Cascade-Siskiyou National Monument for the protection of the objects of biological interest. KS Wild members use and enjoy this area, and they seek to view, hear, and photograph the rich array of species in the Monument. KS Wild members support science-based forest management that is a part of the Monument proclamation.

9. KS Wild leads hikes in the Monument and expansion area, and has offered presentations about the Cascade-Siskiyou National Monument objects of biological interest. On Saturday June 27, 2015, KS Wild led a hike to the Mariposa Lily Preserve in the Cascade-Siskiyou National Monument.

10. On June 23, 2016, KS Wild partnered with the Friends of Cascade-Siskiyou National Monument, Southern Oregon Native Plant Society, and the BLM to collaboratively organize and lead a Hike and Learn within the Mariposa Lily Botanical Area. With volunteers, we removed Yellow Star Thistle, an invasive introduced plant that can potentially displace the rare lilies that only occur in and near the Cascade-Siskiyou National Monument.

11. KS Wild is planning to lead a wildlife-tracking workshop with our partnering organization Coyote Trails on March 11, 2017. If the weather allows, the workshop is planned on public land in the Monument expansion area, near Grizzly Peak.

12. In late 2016, in my capacity as Executive Director for KS Wild, I attended Cascade-Siskiyou National Monument expansion hearings in Ashland, and Medford Oregon, Jackson County and Klamath Falls Oregon, Klamath County. I testified at both the Medford and Klamath Falls hearings along with other staff and members of KS Wild.

13. KS Wild also has a long history of involvement in land management planning affecting the public lands and O&C lands within and adjacent to the Cascade-Siskiyou National Monument.

14. In 2008, KS Wild submitted comments to the BLM concerning the Western Oregon Plan Revisions Draft Environmental Impact Statement that involved BLM that involvement BLM interpretation and implementation of the O&C Act.

15. On September 10, 2009, as a part of my professional duties as then Campaign Coordinator for KS Wild, I was quoted in the Ashland Daily Tidings about the timber industry litigation against the withdrawal of the Western Oregon Plan Revisions on BLM O&C lands in western Oregon.

16. On November 12, 2013, as a part of my professional duties as Executive Director

of KS Wild, I was quoted on Jefferson Public Radio regarding Senator Ron Wyden's proposal for all western Oregon BLM O&C lands.

17. In 2016, KS Wild filed litigation in Oregon District Court concerning the BLM's implementation of its 2016 Resource Management Plans that involved BLM interpretation and implementation of the O&C Act. That litigation is now underway. *See Pacific Rivers et al. v. BLM*, 16-cv-01598-TC (complaint for declaratory and injunctive relief) (filed Aug. 8, 2016).

18. I am concerned that if the public lands in the Monument were managed primarily for timber production, the recreational, ecological, and scenic values of the Monument would suffer. Many of the lands adjacent to the Monument are owned and managed by private industrial timber owners, and those lands are not as accessible to the public and to KS Wild members nor do they provide scenic and recreational values that are provided on the Cascade-Siskiyou National Monument.

19. I am also concerned that if the plaintiffs prevail, habitat for species, geological features, natural scenery, and the objects of biological interest would be lost in Cascade-Siskiyou National Monument and in the expansion area as those lands would become subjected to extractive activities, including industrial timber management, mining, and other development pressures. This would irreparably impair my use and enjoyment of the Monument.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 23<sup>rd</sup> day of February, 2017, at Jackson County, Oregon.

/s/ Joseph Vaile

JOSEPH VAILE

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing  
*Declaration of Joseph Vaile In Support of Motion to Intervene* with the Clerk of the Court using  
the CM/ECF system, which will send notification of this filing to the attorneys of record and all  
registered participants, including the following:

Michael E. Haglund  
Julie A. Weis  
Haglund Kelley LLP  
200 SW Market Street  
Suite 1777  
Portland, OR 97201  
Phone: (503) 225-0777  
Email: haglund@hk-law.com  
jweis@hk-law.com

*Attorneys for Plaintiff*

Stuart Gillespie  
U.S. Department of Justice  
Environment and Natural Resources Division  
999 18th Street  
South Terrace, Suite 370  
Denver, CO 80202  
Phone: (303) 844-1390  
Email: Stuart.Gillespie@usdoj.gov

*Attorney for Defendants*

/s/ Susan Jane M. Brown

Susan Jane M. Brown

SUSAN JANE M. BROWN (OSB #054607)  
Western Environmental Law Center  
4107 N.E. Couch Street  
Portland, OR 97232  
(503) 914-1323 | Phone  
(541) 485-2457 | Fax  
brown@westernlaw.org

KRISTEN L. BOYLES (WSB #23806)  
*(Pending Pro Hac Vice Admission)*  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340 | Phone  
(206) 343-1526 | Fax  
kboyles@earthjustice.org

*Attorneys for Defendant-Intervenor-Applicants*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

**MURPHY COMPANY, and MURPHY  
TIMBER INVESTMENTS, LLC**

Plaintiffs,

v.

**DONALD J. TRUMP, KEVIN HAUGRUD,  
U.S. DEPARTMENT OF INTERIOR, and  
BUREAU OF LAND MANAGEMENT,**

Defendants,

and

**SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD,  
and THE WILDERNESS SOCIETY,**

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-00285-CL

**DECLARATION OF JEANINE MOY In  
Support Of Motion To Intervene**

I, JEANINE MOY, declare and state as follows:

1. I am the Outreach Director for the Klamath Siskiyou Wildlands Center (“KS Wild”), and I have worked for KS Wild since 2014. I reside in Jackson County, Oregon.
2. KS Wild has approximately 3,000 members. Our members are interested in and support KS Wild’s work to protect the forests and watersheds of the Klamath-Siskiyou region for their botanical, recreational, scientific, hydrological, aesthetic, and ecosystem service values. The Klamath-Siskiyou region straddles the Oregon California border, and extends north to Roseburg Oregon, and south near Redding, California. It is an area of extraordinary biodiversity, and KS Wild’s mission is to protect and restore wild nature in the Klamath-Siskiyou Mountains. We promote science-based land and water conservation through policy and community action.
3. Prior to working with KS Wild, I was a graduate student at Southern Oregon University, and completed a Masters of Science Degree in Environmental Education in 2011. As part of my graduate requirements, I worked collaboratively with my cohort of 12 other graduate students to develop and produce place-based science education programming for a few hundred Rogue Valley elementary students - a program that continues to this day. During this “Fall in the Field” Program, youth students gained knowledge (free of charge) about basic ecology, scientific methods, natural history, geology, and also had an opportunity to gain the holistic benefits of outdoor experience in a local natural space.
4. I have, and continue to, thrive by studying the extremely high biodiversity and numerous rare species found in the Cascade-Siskiyou National Monument. During my time as a graduate student (2010-2011) I took field courses with professors at Southern Oregon University to study geology, rare plants, trees, lichens, fungi, amphibians, reptiles, within and adjacent to the original Cascade-Siskiyou National Monument. I surveyed for egg masses of *Rana pretiosa*,

the Oregon Spotted Frog (which was later listed as endangered under the federal Endangered Species Act) during the spring of 2011 at Parsnip Lakes with Professor Michael Parker of SOU. I have attended events with the Friends of the Cascade-Siskiyou National Monument including the Community Research Forum (2011, 2015) and 2016 Fungi Bioblitz, a citizen science program.

5. I often birdwatch, mushroom hunt, botanize, hike, cross-country ski, horseback-ride, photograph, rock climb, observe dragonflies and butterflies, do biological illustration and landscape painting, and explore the meadows and forests administered by the Bureau of Land Management within the Cascade-Siskiyou National Monument. I have been visiting the public lands in the Cascade-Siskiyou area since 2010.

6. In my capacity as an employee of KS Wild over the last three years (2014-present), I have led numerous public education and stewardship engagement programs in and adjacent to the original Cascade-Siskiyou National Monument including an interpretive natural history walk on the Greensprings Summit loop trail (2014), a wildflower walk on the Pacific Crest Trail and Hobart Bluff in collaboration with the Native Plant Society of Oregon Siskiyou Chapter (2016), a birdwatching walk and Earth Day Celebration at the Greensprings Summit loop trail and Greensprings Inn and Cabins in collaboration with the Native Plant Society of Oregon, Siskiyou Chapter and Rogue Valley Audubon Society, and Friends of the a Cascade-Siskiyou National Monument (2016), and invasive star-thistle pulls at the Mariposa Botanical Preserve in collaboration with the Medford BLM and Native Plant Society of Oregon (2015, 2016).

7. In my capacity as Outreach Director for KS Wild, I plan to lead a wildlife tracking workshop with our partnering organization Coyote Trails School of Nature on March 11. If the weather allows, the workshop is planned on public land in the Monument expansion



area, near Grizzly Peak.

8. In my capacity as Outreach Director for KS Wild, I am planning for our 3rd annual collaborative KS Wild and Native Plant Society of Oregon, Siskiyou Chapters' volunteer stewardship event in late May or early June 2017 in the Mariposa Botanical Preserve of the Cascade-Siskiyou National Monument.

9. In my capacity as Outreach Director for KS Wild, I am planning for our 3rd annual collaborative KS Wild and Native Plant Society of Oregon, Siskiyou Chapters' public event and hike to take place at Grizzly Peak in August 2017 in the Monument expansion area.

10. In 2016, in my capacity as Outreach Director for KS Wild, I attended Cascade-Siskiyou National Monument hearings regarding Monument expansion in Ashland and Medford Oregon, Jackson County and Klamath Falls, Klamath County, Oregon.

11. If the Monument expansion were to be nullified, I would be harmed because the lack of a Monument will mean an emphasis on resource extraction rather than conservation of the objects of biological interest. I am concerned that without the recreational and conservation emphasis of the Monument designation, there would be an emphasis from federal land managers on timber extraction. I am concerned that this would harm the conservation of rare plants and animals along with the recreational infrastructure.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23<sup>rd</sup> day of February, 2017, at Jackson County, Oregon.

/s/ Jeanine Moy

JEANINE MOY

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing  
*Declaration of Jeanine Moy In Support of Motion to Intervene* with the Clerk of the Court using  
the CM/ECF system, which will send notification of this filing to the attorneys of record and all  
registered participants, including the following:

Michael E. Haglund  
Julie A. Weis  
Haglund Kelley LLP  
200 SW Market Street  
Suite 1777  
Portland, OR 97201  
Phone: (503) 225-0777  
Email: haglund@hk-law.com  
jweis@hk-law.com

*Attorneys for Plaintiff*

Stuart Gillespie  
U.S. Department of Justice  
Environment and Natural Resources Division  
999 18th Street  
South Terrace, Suite 370  
Denver, CO 80202  
Phone: (303) 844-1390  
Email: Stuart.Gillespie@usdoj.gov

*Attorney for Defendants*

/s/ Susan Jane M. Brown  
Susan Jane M. Brown

SUSAN JANE M. BROWN (OSB #054607)  
Western Environmental Law Center  
4107 N.E. Couch Street  
Portland, OR 97232  
(503) 914-1323 | Phone  
(541) 485-2457 | Fax  
brown@westernlaw.org

KRISTEN L. BOYLES (WSB #23806)  
*(Pending Pro Hac Vice Admission)*  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340 | Phone  
(206) 343-1526 | Fax  
kboyles@earthjustice.org

*Attorneys for Defendant-Intervenor-Applicants*

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U.S. DEPARTMENT OF INTERIOR, and  
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Defendants,

and

**SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD,  
and THE WILDERNESS SOCIETY,**

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-00285-CL

**DECLARATION OF JENNIFER  
MAITKE In Support Of Motion To  
Intervene**

I, JENNIFER MIATKE, declare and state as follows:

1. My name is Jennifer Miatke. I am a resident of Ashland, Oregon and a property owner inside the Cascade-Siskiyou National Monument. I am also a member of SMWC and a periodic volunteer for SMWC. I work full time as a mental health counselor at Addictions Recovery Center in Medford, Oregon. I am a mother of two teenage girls, both of whom were born inside the then recently-declared Monument. I am among the many citizens who have gotten to know and care about this beautiful and biodiverse land around us, seeing and experiencing its inherent values on multiple levels. These citizens, myself included, have for years made up the groundswell of support for the Cascade-Siskiyou National Monument and its recent expansion.

2. Along with my daughters, now 13 and 16, I attended two public hearings in the fall of 2016, one in Ashland and one in Medford, to show support for Monument expansion. As timber and other commodity interest groups now rally again to oppose the newly expanded Monument, I am reminded of the 2001 hearing in White City, Oregon, which was called to discuss the proposal to repeal or weaken the new Monument, at which I spoke with my then four-month old daughter on my hip. I remember speaking from my heart as a new mother: "Please don't take away what we've worked so hard for, what I see (and still see) as among the most important legacies we can leave our children and grandchildren: expansive wild places and thriving ecosystems."

3. It was only a few months after the White City hearing in 2001 that I received a call from my neighbor telling me to turn on the news. Two planes had just crashed into the Twin Towers. I will never forget the powerlessness I felt as I wondered about my little girl's future. What kind of world would she inherit? Since that time the issue of climate change has come to

the fore as an urgent concern for all who consider the risk that global warming poses to our own future, and much more that of our children and grandchildren. While I am not a scientist, I am grateful to the many scientists that have made it their lives' work to study the biodiversity of the Cascade-Siskiyou region, and observe the risk climate change brings to this landscape (which includes us). Their studies show with wide-ranging consensus that the original Monument's boundaries were not big enough to accomplish what the proclamation intended, especially in a steadily warming climate. All forms of wildlife will need space to move and migrate in elevation as temperatures warm.

4. I feel strongly about what I stand to lose along with my children and neighbors and fellow humans should the Monument expansion be weakened or rescinded. We stand to lose our local, hands-on opportunity to help save one of the most biodiverse regions in North America, which includes protecting forests that use up carbon dioxide and emit oxygen, and which harbor unique and sensitive species and other wildlife we would be lonely and diminished without. Add to the list clean, cold water, clean air, and places I can explore with my girls, visit to restore my mind and spirit, and recreate in—and I stand to lose much that comprises my quality of life as a resident of southern Oregon; my peace of mind as a mother; and the strong connection with life that is part of being a human creature.

5. Every year my two brothers, who live in North Carolina, come to visit their sister in Oregon—not just because they want to see me; they want to experience the beauty and wildness of our landscapes. They want to explore my “neighborhood” and climb peaks like Vulture Rock, which we hiked up to on their last visit on a windy day, and which is now part of our expanded Monument. From the top we viewed Mt. Shasta to the south, Mt. McLoughlin to the north, and the sweep of forest blanket on Surveyor Mountain in the Jenny Creek watershed.

You don't get views like that in North Carolina. They could see plainly, southerners though they are, the difference between swaths of private industrial timberlands (timber plantations) in the lower watershed and BLM forests that were more intact—a significant portion of which we could stand to lose in planned timber sales if our Monument and its protections are weakened or destroyed. My brothers voted for Donald Trump in the November election; but they did not vote for degraded landscapes, the disappearance of species, and a sadder world for our children. They, along with me, can feel the peace of a living, breathing forest. Their imaginations love the idea that wolves have places to migrate and raise their young. Their faith is strengthened by the beauty they can walk in, see all around them, and hear in the wind through the tall pines and firs. If timber interests and counties succeed in peeling back the layer of protections that Monument proclamation hopefully provides, where will I take my brothers? What will I show them? I risk losing, increment by increment, this place I have embraced as home on many levels, the place that represents hope for my daughters, the refuge that reminds me I am not alone, and the strange and beautiful attraction that keeps my brothers coming back to visit their sister.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 24<sup>th</sup> day of February, 2017, at Ashland, Oregon.

/s/ Jennifer Miatke

JENNIFER MIATKE

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing  
*Declaration of Jennifer Maitke In Support of Motion to Intervene* with the Clerk of the Court  
using the CM/ECF system, which will send notification of this filing to the attorneys of record  
and all registered participants, including the following:

Michael E. Haglund  
Julie A. Weis  
Haglund Kelley LLP  
200 SW Market Street  
Suite 1777  
Portland, OR 97201  
Phone: (503) 225-0777  
Email: haglund@hk-law.com  
jweis@hk-law.com

*Attorneys for Plaintiff*

Stuart Gillespie  
U.S. Department of Justice  
Environment and Natural Resources Division  
999 18th Street  
South Terrace, Suite 370  
Denver, CO 80202  
Phone: (303) 844-1390  
Email: Stuart.Gillespie@usdoj.gov

*Attorney for Defendants*

/s/ Susan Jane M. Brown  
Susan Jane M. Brown

SUSAN JANE M. BROWN (OSB #054607)  
Western Environmental Law Center  
4107 N.E. Couch Street  
Portland, OR 97232  
(503) 914-1323 | Phone  
(541) 485-2457 | Fax  
brown@westernlaw.org

KRISTEN L. BOYLES (WSB #23806)  
*(Pending Pro Hac Vice Admission)*  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340 | Phone  
(206) 343-1526 | Fax  
kboyles@earthjustice.org

*Attorneys for Defendant-Intervenor-Applicants*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

**MURPHY COMPANY, and MURPHY  
TIMBER INVESTMENTS, LLC**

Plaintiffs,

v.

**DONALD J. TRUMP, KEVIN HAUGRUD,  
U.S. DEPARTMENT OF INTERIOR, and  
BUREAU OF LAND MANAGEMENT,**

Defendants,

and

**SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD,  
and THE WILDERNESS SOCIETY,**

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-00285-CL

**DECLARATION OF LORI COOPER In  
Support Of Motion To Intervene**



I, LORI COOPER, declare and state as follows:

1. I am on the Board of Directors for the Soda Mountain Wilderness Council (“SMWC”), and I am a member as well. I have been on SMWC’s Board of Directors since 1996. I reside in Jacksonville, Oregon.

2. SMWC is a non-profit, public interest organization with approximately 325 members concentrated in southwestern Oregon and northern California, although we mail our regular newsletter to hundreds of additional people. SMWC maintains an office in Ashland, Oregon. SMWC is dedicated to preserving and protecting the unique biological diversity of the Cascade-Siskiyou National Monument and lands surrounding the Monument in southwest Oregon and northwest California. This area is recognized as one of the world’s “biological hotspots” for its unique concentration of endemic plants, its extreme conifer diversity, and its relatively intact natural ecosystem.

3. SMWC is active in educating the public about the biological importance of this region and encouraging our members to engage with both the natural ecosystem and the decisions that affect land management in the area. SMWC sends out periodic newsletters and alerts, and educates its members and the public about the threats to its continued existence. SMWC also sponsors hikes in this unique area.

4. I visit public lands in the Cascade-Siskiyou National Monument as often as I can. I am particularly fond of visiting lands in the Cascade-Siskiyou National Monument known as the “Box O Ranch” as well as many areas added to the Monument by President Obama in January 1, 2017, such as the Little Hyatt old growth groves, Sampson Rim, and the Horseshoe Ranch Wildlife Area and Scotch and Slide Creeks. I visited the Monument on June 5, 2016, prior to attending SMWC’s Annual Meeting at Buckhorn Springs Resort. I bird watched and

observed plants and other wildlife on public lands within the Monument on my way to and from Buckhorn Springs Resort. On September 3, 2016, my family and I and a group of friends hiked on the Pilot Rock trail and climbed to the top of Pilot Rock. Pilot Rock is in the Monument. On September 25, 2016, my 12 year old daughter and I spent several hours riding horses in the Monument in the Porcupine Gap, Babbitt Gap, and Porcupine Meadow areas.

5. I am deeply interested in conserving the outstanding diversity and ecological integrity of the Cascade-Siskiyou National Monument. In my free time, I enjoy hiking, hunting, bird watching, backpacking, camping, mountain biking, botanizing, and generally connecting with nature on lands within the Monument. It has brought me great personal satisfaction to observe sandhill cranes, pileated woodpeckers, lazuli buntings, red-tailed hawks, garter snakes, and redband trout on lands and waters within the Monument. I plan to spend considerable time throughout the remainder of my life using and enjoying the public lands of the Monument, including the areas added to the Monument by President Obama in January 2017, for many years. I have definite plans to visit the Monument in the coming weeks, months, and years in order to appreciate its unique and incredible biological diversity. I plan to visit the Monument in March 2017 to cross country ski, and am planning hiking, camping, and bird watching trips in the Monument at least once every month throughout the remainder of 2017. My interests and those of SMWC will be seriously harmed if plaintiffs prevail on their claims in this case. A decision from the Court that diminishes the protections of the Monument would harm the biological diversity of the area. Diminishing the protections of the Monument threatens the areas that I visit and enjoy.

6. If plaintiffs prevail in this case, lands contained within the Monument expansion areas will be managed more intensively and harmfully than the lands included in the boundaries

of the original Monument proclamation declared in 2000. Plaintiffs' claim that the O&C Act requires the Secretary of Interior to manage the lands within the Monument expansion area for permanent timber production. If the Court grants plaintiffs' requested remedy based on their legal theory, the Presidential proclamation expanding the Monument area may be rescinded and the BLM may cut timber in areas that were protected under the Antiquities Act for their unique biological diversity, historic significance, and scientific importance. This level of timber harvest would be unsustainable, harmful to the forest and aquatic ecosystems on these forest lands (therefore harming the biodiversity of the area), and would harm my interest, and the interest of SMWC, in protecting these forests and watersheds, and the many unique animals and plants which need these areas to remain intact in order to thrive and survive.

7. I am committed to conservation of the Cascade-Siskiyou National Monument's biodiversity and restoration of the watersheds from degradation caused by road building and logging. Altering the boundaries of the Monument would also have dire effects on SMWC's ability to meet its organizational mission.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 23<sup>rd</sup> day of February, 2017, at Jacksonville, Oregon.

/s/ Lori Cooper  
LORI COOPER

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing  
*Declaration of Lori Cooper In Support of Motion to Intervene* with the Clerk of the Court using  
the CM/ECF system, which will send notification of this filing to the attorneys of record and all  
registered participants, including the following:

Michael E. Haglund  
Julie A. Weis  
Haglund Kelley LLP  
200 SW Market Street  
Suite 1777  
Portland, OR 97201  
Phone: (503) 225-0777  
Email: haglund@hk-law.com  
jweis@hk-law.com

*Attorneys for Plaintiff*

Stuart Gillespie  
U.S. Department of Justice  
Environment and Natural Resources Division  
999 18th Street  
South Terrace, Suite 370  
Denver, CO 80202  
Phone: (303) 844-1390  
Email: Stuart.Gillespie@usdoj.gov

*Attorney for Defendants*

/s/ Susan Jane M. Brown  
Susan Jane M. Brown

SUSAN JANE M. BROWN (OSB #054607)  
Western Environmental Law Center  
4107 N.E. Couch Street  
Portland, OR 97232  
(503) 914-1323 | Phone  
(541) 485-2457 | Fax  
brown@westernlaw.org

KRISTEN L. BOYLES (WSB #23806)  
*(Pending Pro Hac Vice Admission)*  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340 | Phone  
(206) 343-1526 | Fax  
kboyles@earthjustice.org

*Attorneys for Defendant-Intervenor-Applicants*

IN THE UNITED STATES DISTRICT COURT  
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MEDFORD DIVISION

**MURPHY COMPANY, and MURPHY  
TIMBER INVESTMENTS, LLC**

Plaintiffs,

v.

**DONALD J. TRUMP, KEVIN HAUGRUD,  
U.S. DEPARTMENT OF INTERIOR, and  
BUREAU OF LAND MANAGEMENT,**

Defendants,

and

**SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD,  
and THE WILDERNESS SOCIETY,**

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-00285-CL

**DECLARATION OF ALEXANDER  
HARRIS In Support Of Motion To  
Intervene**

I, ALEXANDER HARRIS, declare and state as follows:

1. My name is Alexander Harris, I reside in Portland, Oregon, and I am a full-time staff member and member in good standing of Oregon Wild. I am familiar with and support Oregon Wild's mission to protect and restore Oregon's wildlands, wildlife and water.

2. I have used and enjoyed the natural areas within the Cascade-Siskiyou National Monument expansion for my entire life, and for that reason it is very important to me that President Obama's expansion of the Monument is upheld.

3. I grew up 2 miles outside of Ashland (2101 Dead Indian Memorial Road), which is about a mile from the border of the expanded Monument. Growing up at the foot of Grizzly Peak, I had innumerable experiences hiking, camping, and appreciating wildlife in the Cascade hills to the north of my home, which are now permanently protected as a National Monument. My first outdoor experiences were on public land on and adjacent to Grizzly Peak, and these experiences taught me invaluable lessons about myself. Indeed, these meaningful experiences in my early life motivated me to pursue a career as a conservationist.

4. The land and animals within the expansion also hold immense sentimental value to me, my wife, and my family. To celebrate this special place, my wife and I were married there amongst the Western Red Cedars and Ponderosa Pines on June 27, 2015 at Willow-Witt Ranch (658 Shale City Road - within the expanded Monument). My siblings and I all grew up admiring the sheer beauty of the mountain peaks, rushing streams, burned and recovering forests, and colorful mountain meadows within the expansion. I want to be able to bring my kids, nieces, and nephews to this significant place in future decades to teach them about my family history, which is intimately interwoven with the history of the landscape.

5. Without the protections granted by the Monument, however, these special places within the expansion could be subject to various types of degradation, and a fundamental part of my family history will be compromised. The prospect of losing this area to private development prompted me to reach out to my congressional representatives asking for their support of the proposed expansion.

6. Oregon Wild also advocated for the expansion by sending out numerous member communications that generated many hundreds of emails and letters to congressional representatives. Our efforts proved successful when the President used his authority under the Antiquities Act to permanently protect this special and unique region for generations to come.

7. Currently, I use and enjoy the Cascade-Siskiyou National Monument almost every time I visit Southern Oregon, which is regularly. My most recent visit on February 18, 2017, entailed snowshoeing in the southern portion of the expansion, just north of Hwy 66 along the Pacific Crest Trail, and watching special species of birds.

8. In future years, I plan to continue going back to experience and enjoy the protected natural areas within the expanded Monument. The places in particular that I look forward to returning to the most are Grizzly Peak, Little Hyatt Lake, Keene Creek, Greensprings Mountain, the Pacific Crest Trail north of Hwy 66, and areas along Shale City Road, the Keno Access Road, and Old Hyatt Prairie Road. I am also especially fond of the specific species of flora within the expansion, including ponderosa pines, western red cedars, and the colorful wildflowers in Grizzly Peak's burned areas. This area is also known for providing prime habitat for some of my favorite fauna species such as grey wolves, black bears, pileated woodpeckers, bobcats, Northern Spotted Owls, and Great Gray Owls.

9. My interests and those of Oregon Wild will be irreparably harmed if President Obama's proclamation expanding the Cascade-Siskiyou National Monument is overturned by this lawsuit. The proclamation increases protection for the scenic, recreational, and ecological values I have enjoyed, currently enjoy, and plan to enjoy in the future. Without the added protection of the National Monument designation, there is likely to be more logging and grazing in the area, which will not only result in degraded ecological values, but will also result in diminished recreational experiences.

10. For example, when I return to the special places of my youth, I will see stumps instead of the healthy stands of large trees; when I hike through the mountain meadows that used to produce vetch and multi-colored wildflowers, I will instead see degraded soil and invasive weeds; and when I birdwatch and listen for the calls of my favorite avian species, I will instead hear the sounds of industrial logging and off-road vehicles. Indeed, I have had all of these negative experiences associated degraded landscapes in other parts of Oregon that have not been protected as National Monuments, and I would suffer greatly if this fate were to fall upon the areas within the expanded Monument.

11. My interests and those of Oregon Wild would be protected if President Obama's recent proclamation is upheld by the court, because the presidential authority under the Antiquities Act to designate areas of historical or ecological significance would be upheld and respected. This would not only ensure permanent protection of the Cascade-Siskiyou National Monument, but also ensure that, when appropriate, future presidents can use the authority granted by the Antiquities Act to make similar designations. To undermine this authority is also to undermine the opportunities of future generations to experience ecologically significant places such as the Cascade-Siskiyou National Monument.



I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 23rd day of February, 2017, in Portland, Oregon.

/s/ Alexander Harris

ALEXANDER HARRIS

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing  
*Declaration of Alexander Harris In Support of Motion to Intervene* with the Clerk of the Court  
using the CM/ECF system, which will send notification of this filing to the attorneys of record  
and all registered participants, including the following:

Michael E. Haglund  
Julie A. Weis  
Haglund Kelley LLP  
200 SW Market Street  
Suite 1777  
Portland, OR 97201  
Phone: (503) 225-0777  
Email: haglund@hk-law.com  
jweis@hk-law.com

*Attorneys for Plaintiff*

Stuart Gillespie  
U.S. Department of Justice  
Environment and Natural Resources Division  
999 18th Street  
South Terrace, Suite 370  
Denver, CO 80202  
Phone: (303) 844-1390  
Email: Stuart.Gillespie@usdoj.gov

*Attorney for Defendants*

/s/ Susan Jane M. Brown  
Susan Jane M. Brown

SUSAN JANE M. BROWN (OSB #054607)  
Western Environmental Law Center  
4107 N.E. Couch Street  
Portland, OR 97232  
(503) 914-1323 | Phone  
(541) 485-2457 | Fax  
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Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
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(206) 343-1526 | Fax  
kboyles@earthjustice.org

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Defendants,

and

**SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD,  
and THE WILDERNESS SOCIETY,**

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-00285-CL

**DECLARATION OF MICHAEL  
PARKER In Support Of Motion To  
Intervene**

I, MICHAEL PARKER, declare and state as follows:

1. I am a scientist and educator with a PhD in Ecology from the University of California, Davis (1992). I reside in Ashland, Oregon, where I am professor of biology and chair of the biology program at Southern Oregon University (SOU). I have been a faculty member at SOU since 1994 and have conducted ecological research and taught a variety of field courses throughout the Klamath-Siskiyou ecoregion including areas within and surrounding the Cascade-Siskiyou National Monument. My curriculum vitae is attached to my declaration as Exhibit A.

2. I am also a member of the Soda Mountain Wilderness Council and Klamath-Siskiyou Wildlands Center.

3. As a research ecologist with 35 years' experience, 23+ years within and around what is now the Cascade-Siskiyou National Monument (Monument), I am deeply concerned that any alterations to the Monument boundaries that reduce its overall area will significantly compromise the ecological integrity of this region and negatively impact the objects of scientific interest the Monument was originally established to protect: its globally-significant biodiversity. The Monument is an ecological crossroads at the intersection of two mountain ranges and convergence of four distinct ecoregions, resulting in ecological diversity that is remarkable for such a relatively small area. I was among a multi-disciplinary group of scientists, all with extensive research experience in the region, which in 2011 conducted an assessment of original Monument boundaries. We concluded that in the face of increasing development pressures from an expanding human population within the region and increasing effects of climate instability, the existing boundaries were becoming inadequate to maintain ecological integrity and protect biodiversity. Our conclusions led to a strong grassroots effort that garnered considerable regional support and the backing of scientists across the country and led to the proposal to

expand Monument boundaries.

4. A copy of our report is included as Exhibit D to the declaration of my friend and colleague, Dave Willis, filed in support of intervention in this case.

5. I teach university courses in ecology, natural history, fisheries, herpetology, conservation biology, and environmental ethics. Areas within and around the Monument are my classroom and laboratory. Multiple times throughout each year I take students to habitats within the Monument to learn about the ecological communities and processes that determine their distribution. Students learn to develop and apply techniques used to measure environmental variables, make observations, and draw scientifically supported conclusions about natural resources, factors that regulate them, and approaches for conserving and restoring them. Our field season will begin this year in early March, when we visit the Monument to conduct annual amphibian breeding surveys. On 13-14 May, students in my herpetology class will lead citizen scientists on the first comprehensive survey of reptiles and amphibians at multiple sites throughout the Monument.

6. Having such a natural laboratory within striking distance of our regional university is invaluable in the education and training of the next generations of scientists, conservationists, and informed citizens. Recent discoveries of regionally significant wildlife populations illustrate the importance of conserving habitats, and the value of having these habitats available for exploration and teaching. It was students in my herpetology class who in April 2003 discovered a population of the recently federally-listed Oregon spotted frog and who have worked with me to monitor this population over the past 15 years. Our work is contributing to efforts to recover the species. Our recent discovery, in May 2016, of Pika populations among high elevation ridge top habitats within recently expanded areas of the Monument are providing

an opportunity for students to study the relationships between climate variation and the persistence of this indicator species. Students in our Mammalogy class will conduct a detailed study of Pika distribution and abundance beginning this spring term. Again, having these habitats protected within the Monument is providing opportunities for discovery and making meaningful contributions to science.

7. I am a father of two daughters who have grown up hiking, camping, and exploring public lands throughout our region, specifically within and around the Monument. We have spent countless days hiking sections of the Pacific Crest Trail through the Monument, exploring high elevation forests, wetland meadows and streams, scrambling to the tops of peaks like Vulture Rock, Buck Peak, and the ridgeline of Surveyor Mountain, fishing for native redband trout in Jenny Creek and tributaries of the Klamath River, and birding and observing wildlife across the Monument's range of diverse habitats.

8. Particularly memorable recent trips include a hike into lower Jenny Creek canyon to observe and photograph Jenny Creek falls with my eldest daughter in early May 2015, a trip to climb Vulture Rock to observe Pikas and take in the expansive views of the southern Cascades with my youngest daughter on 12 June 2016, and a holiday snowshoe trip into the forests of the recently expanded northern portion of the Monument this past December 2016. We plan return visits to Jenny Creek and Vulture Rock and to explore wetlands and forests along Surveyor Mountain this coming spring and summer. I am concerned that I, my children, and future generations will lose opportunities for these types of experiences if protection of these natural features is reduced through alteration of monument boundaries.

9. My interests, as a scientist and educator, along with the interests of my fellow members of the Soda Mountain Wilderness Council and KS Wild, my students (past, present and

future), and citizens at large, will be harmed by any efforts to reduce protections of the objects of scientific interest for which the Monument was originally established and recently expanded. It is my understanding that the Plaintiffs in this case seek to reduce the size of the recently-expanded Monument based on their belief that logging must take precedence on some of these lands. In my opinion, this would be disastrous for the historic and scientific objects currently protected by the Monument designation, because those objects – such as the rare botanical diversity, wildlife corridors, and stunning views – are necessarily compromised by consumptive activities such as logging and road building. Should the Monument’s protections be reduced as a result of the litigation, my personal and professional interests in experiencing and learning from these areas in their natural state would be irreparably harmed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23<sup>rd</sup> day of February, 2017, at Ashland, Oregon.

/s/ Michael Parker

MICHAEL PARKER

### **CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing  
*Declaration of Michael Parker In Support of Motion to Intervene* with the Clerk of the Court  
using the CM/ECF system, which will send notification of this filing to the attorneys of record  
and all registered participants, including the following:

Michael E. Haglund  
Julie A. Weis  
Haglund Kelley LLP  
200 SW Market Street  
Suite 1777  
Portland, OR 97201  
Phone: (503) 225-0777  
Email: haglund@hk-law.com  
jweis@hk-law.com

*Attorneys for Plaintiff*

Stuart Gillespie  
U.S. Department of Justice  
Environment and Natural Resources Division  
999 18th Street  
South Terrace, Suite 370  
Denver, CO 80202  
Phone: (303) 844-1390  
Email: Stuart.Gillespie@usdoj.gov

*Attorney for Defendants*

/s/ Susan Jane M. Brown

Susan Jane M. Brown



# **EXHIBIT A**

**Michael S. Parker**

Department of Biology  
 Southern Oregon University  
 1250 Siskiyou Blvd.  
 Ashland, OR 97520  
 (541) 552-6749  
 parker@sou.edu

**Education:**

PhD (Ecology), University of California, Davis, 1992. Emphasis in Limnology and Aquatic Ecology. Dissertation: Feeding Ecology of Larvae of the Pacific Giant Salamander (*Dicamptodon tenebrosus*) and Their Role as Top Predator in a Headwater Stream Food Web.  
 M.S. (Biological Sciences), University of Nevada, Las Vegas, 1985. Emphasis Aquatic Biology. Thesis: Effects of Substrate Composition and the Distribution of Particulate Organic Matter on Macroinvertebrate Community Organization in Pine Creek, Nevada.  
 B.S. (Biology), Southern Oregon State College, 1981.

**Professional Experience:**

Chair, Department of Biology, Southern Oregon University, 2011-Present  
 Professor, Department of Biology, Southern Oregon University, 2004-Present  
 Associate Professor, Department of Biology, Southern Oregon University, 1998-2004.  
 Assistant Professor, Department of Biology, Southern Oregon University, 1994-98.  
 Lecturer, Environmental Science, Policy and Management, University of California, Berkeley, 1993.  
 Lecturer, Biological Sciences, California State University, Sacramento, 1993.  
 Research Scientist, Marine Science Institute, University of California, Santa Barbara, 1992-94.  
 Research Associate, Department of Integrative Biology, University of California, Berkeley, 1991-94.  
 Research Assistant, Land, Air, and Water Resources, University of California, Davis, 1986-91.  
 Post-graduate Researcher, Land, Air and Water Resources, University of California, Davis, 1985-86.  
 Teaching Assistant, Land, Air and Water Resources, University of California, Davis, 1985-1991.  
 Biological Technician, Fisheries, U.S. Fish & Wildlife Service, Reno Field Station, 1983-84.  
 Research Assistant, U.S. Environmental Protection Agency-University of Nevada, Las Vegas Cooperative Research Laboratory, 1982-1983.

**Research Areas:**

Aquatic food webs and the role of disturbance in their structure and function.  
 Conservation of aquatic environments, particularly seasonal wetlands and desert springs.  
 River ecology and conservation.  
 Ecology of western U.S. native fishes and amphibians.  
 Impacts of invasive aquatic species and strategies to manage them.

**Courses Taught:**

Freshwater Ecology/Limnology; Fish & Fisheries; Ecology; Conservation Biology;  
 Vertebrate Natural History; Comparative Vertebrate Anatomy; Principles of Biology;  
 Environmental Ethics; Natural Resource Management; Herpetology.

**Professional Affiliations:**

Ecological Society of America, American Fisheries Society, Society for Freshwater Science, American Institute of Biological Sciences, Society for Conservation Biology, International Society of Limnology, Society of Northwestern Vertebrate Biology, Oregon Lakes Association, Desert Fishes Council, Jefferson Fish Society.

#### Honorary Societies:

Sigma-Xi Scientific Research Society (Associate Member 1984; Member 1994)  
Phi Kappa Phi  
Beta Beta Beta

#### Awards:

Lifetime Achievement Award for Mentorship and Teaching, Society for Northwestern Vertebrate Biology	2015
Excellence in Education Award Alumni Award, Southern Oregon University	2014
Finalist, Best Student Paper Award, American Society for Limnology and Oceanography and Ecological Society of America Joint Annual meeting	1992

#### Other Professional Activities:

City of Ashland, Wildlife Advisory Committee (Ad hoc)	2009-present
Cascade-Siskiyou National Monument, Scientific Advisory & Monitoring Team	2008-2012
Associate Editor, Northwestern Naturalist	2007-present
Science Advisory Panel, GEOS Institute	2006-present
Steering Committee (founding member), Jefferson Fish Society	2004-present
President, Southern Oregon Chapter, Sigma-Xi	2012-2013
Vice President, Southern Oregon Chapter, Sigma-Xi	2010-2011
Southern Nevada Springs Recovery Implementation Team, U.S. Fish & Wildlife Service, Southern Nevada Field Office	2004-2013
Advisory Board, City of Ashland Parks and Recreation, North Mountain Park and Natural Area	2002-present
Board of Directors (Secretary), The Jefferson Center	2006-2008
Ecology & Environmental Sciences Section Chair, American Association for the Advancement of Science (Pacific Division)	2002-2010
Technical Advisory Committee, Vernal Pool Working Group, Rogue Valley Council of Governments	2006-2008
Devils Hole Pupfish Recovery Team, U.S. Fish & Wildlife Service, Southern Nevada Field Office	2003-2009
Board of Directors, Oregon Lakes Association	1998-2003
Coordinator, Oregon Lake Watch Program (S. Oregon)	1998-2001
Chair, Local Arrangement Committee, Oregon Lakes Association	1999
Chair, Local Arrangements Committee, Society for NW Vertebrate Biology	1998
Southern Oregon Aquatic Vegetation Advisory Committee, Talent Irrigation District and U.S. Bureau of Reclamation	1997-2000
President, Southern Oregon Chapter, Sigma Xi	1997-1998
Vice President, Southern Oregon Chapter, Sigma Xi	1995-1997

Secretary, Southern Oregon Chapter, Sigma-Xi	2005-2006
Scholarship Committee, Oregon Chapter, American Fisheries Society	1995-2004
Literature Review Committee, North American Benthological Society	1989-2002

## Institutional Service (Southern Oregon University)

Chair, Department of Biology	2011-present
Science Hall Renovation Committee	2012-present
Chair, Evolutionary Biologist Search Committee	2011-2012
University Planning Committee member	2011-2012
APSOU Board member	2011-2013
Search Committee, SOU Provost	2007-2008
School of Sciences, Science III Planning Committee	2007-2008
Search Committee (Chair), Environmental Studies Director	2006-2007
Faculty Senate, at-large Senator	2005-2008
Advancement and Alignment Advisory Committee (Chair)	2002-2005
School of Sciences Personnel Committee	2002-2008
Institutional Animal Care and Use Committee	1997-present
University Planning Committee (Chair, 2001-2002)	1998-2001
School of Sciences Scholarship Committee	1994-2000
Faculty Senate (Hearings Committee)	1996-1998
Graduate Council (Chair, 1997-98)	1995-1998
Department of Biology Personnel Committee (Chair, 1995-97; 2001-02)	1994-97; 1999-2002

## Research Grants and Contracts:

1994-1998	Disturbance and the Dynamics of River Food Webs. National Science Foundation, Division of Environmental Biology, Ecology Panel. \$85,000 (\$54,700 to SOU; the remainder to U.C. Santa Barbara)
1995	Research Experience for Undergraduates supplemental award. National Science Foundation. \$5,000
1995-1997	Food Habits of Lost River and Shortnose Suckers and Distribution of Benthic Invertebrates in Clear Lake, CA. Biological Service. \$9,800
1997- 2000	Ecology, Status, and Dynamics of Ash Meadows Naucoridae. U.S. Geological Survey, Biological Resources Division. \$8,900
1997-1998	Aquatic Vegetation and Water Quality in Oak Street Diversion Canal. Talent Irrigation District and Bureau of Reclamation. \$10,681
1997-1998	Physical Characteristics of Talent Lateral Irrigation Canal. Rogue Valley Council of Governments. \$1,500
1997-1998	Agate Desert Vernal Pool Invertebrates. Natural Heritage Program, The Nature Conservancy. \$1,898
1998-1999	Alternatives for Aquatic Weed Control in Irrigation Canals. Oregon Department of Agriculture. \$10,000
1998-1999	Citizen Lake Watch Program. Oregon Dept. of Environmental Quality and Portland University. \$14,893
1999-2000	Survey of aquatic communities in streams of the Cascade-Siskiyou Ecological Emphasis Area. Medford District BLM. \$2,500
1999-2000	Investigation of grazing macroinvertebrates in Jenny Creek. Medford District BLM. \$2,500

- 1999-2000 Pilot study to investigate use of grass carp for control of aquatic vegetation in irrigation canals. Talent Irrigation District. \$12,454
- 2000 Effects of Blue Ledge Mine on macroinvertebrates and amphibians in Joe and Elliott Creeks, Siskiyou National Forest. U.S.D.A. Forest Service, Siskiyou National Forest. \$1,570
- 2001 Effects of Blue Ledge Mine on macroinvertebrates and amphibians in Joe and Elliott Creeks, Siskiyou National Forest. U.S.D.A. Forest Service, Siskiyou National Forest. \$1,469
- 2000-2001 Use of otolith microstructure to determine age and growth in Devils Hole Pupfish. U.S. Geological Survey, Biological Resources Division. \$7,498
- 2000-2001 Citizen Lake Watch Program and Invasive Species Monitoring. Oregon Watershed Enhancement Board (in collaboration with Portland State University). \$9,000
- 2001-Present Long-term cooperative agreement for research and monitoring at the Ash Meadows National Wildlife Refuge, including Devils Hole and spring systems throughout southern Nevada. U.S. Fish and Wildlife Service, Southern Nevada Field Office. \$60,000 (\$10,00 in 2001-02; \$20,000 in 2002-03; \$30,000 in 2003-04).
- 2001-2002. Instructional Equipment for Biology field courses: Year I (in collaboration with Drs. K. Stone, S. Janes, C. Oswald, and C. Welden) Professional Development Grant, Southern Oregon University/APSOU. \$5,887
- 2002-2003 Instructional Equipment for Biology field courses: Year II (in collaboration with Dr. K. Stone). Professional Development Grant, Southern Oregon University/APSOU. \$2,495
- 2002-2003 Jenny Creek sucker spawning and larval distribution. Medford District, BLM. \$7,030
- 2003-2005 Distribution of introduced fish and native amphibians in lakes and wetlands of Lassen National Park. U.S. National Park Service \$55,000.
- 2004-2006 Phase II of Jenny Creek larval sucker study. Medford District BLM. \$13,000
- 2006-2011 Ash Meadows Naucorid and Devils Hole Pupfish research and recovery. Cooperative Agreement, U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office. \$25,000
- 2011-2016 Cascade-Siskiyou National Monument aquatic resource inventory. National Landscape Conservation System, U.S. Bureau of Land Management (in collaboration with Eric Dinger, Klamath Network, NPS). \$11,000

#### Publications:

- Karam, A. P, **M.S. Parker**, and L. T. Lyons. 2012. Ecological comparison of three artificial refuges for Devils Hole pupfish. North American Journal of Fisheries Management. 32: 224-238.
- Parker, M. S.**, D. L. Perkins, and G. G. Scoppettone. Feeding habits of endangered Lost River and shortnose suckers from Clear Lake Reservoir, California. In Revision, Western North American Naturalist.
- Parker, M. S.** and E. R. Parker. 2011. *Thamnophis atratus hydrophilus* (Oregon Garter Snake) diet. Herpetological Review. 42(3): 445-446.
- Parker, M. S.**, H.H. Welsh, Jr., and D. Sarr. 2010. Distribution of introduced fishes and their effects on high elevation lake communities in Lassen Volcanic National Park, CA. Verh. Int. Verein. Limnol. 30(9): 1397-1401.
- Parker, M. S.** 2008. Comparison of limnological characteristics and distribution and abundance of littoral macroinvertebrates and zooplankton in fish-bearing and fishless lakes of Lassen

- Volcanic National Park. National Resources Technical Report NPS/KLMN/NRTR-2008. 35pp.
- Power, M. E., **M. S. Parker**, and W. E. Dietrich. 2008. Seasonal reassembly of river food webs under a Mediterranean hydrologic regime: Floods, droughts and impacts of fish. *Ecological Monographs*. 78(2): 263-282.
- Power, M.E., W. E. Rainey, **M.S. Parker**, J. L. Sabo, A. Smyth, S. Khandwala, J.C. Finlay, F.C. McNeely, K. Marsee, and C. Anderson. 2004. River to watershed subsidies in an old-growth conifer forest. Pp. 217-240. In: G.A. Polis M.E. Power and G. Huxel. (eds.) *Food Webs in Landscapes*. University of Chicago Press.
- Parker, M. S.**, M. E. Power, and J. T. Wootton. 2002. Effects of substrate composition, streambed stability, and sediment supply on survival and trophic role of a dominant stream grazer. *Verh. Int. Verein. Limnol.* 28: 238-241.
- Parker, M. S.** 2002. Aquatic environments and associated fauna. Pp. 69-75. In D. C. Odion and E. J. Frost (eds.). *Protecting Objects of Scientific Interest in the Cascade-Siskiyou National Monument: Status, Threats, and Management Recommendations*. World Wildlife Fund, Ashland, OR.
- Marks, J. C., M. E. Power, and **M. S. Parker**. 2000. Flood disturbance, algal productivity, and inter-annual variation in food chain length. *Oikos*. 90(1): 20-27.
- Sytsma, M. D. and **M. S. Parker**. 1999. Aquatic vegetation in irrigation canals: a guide to integrated management. Oregon Center for Lakes and Reservoirs. 51 pp.
- Parker, M. S.** and M. E. Power. 1997. Effect of stream flow regulation and absence of scouring floods on trophic transfer of biomass to fish in northern California rivers. Technical Completion Report, University of California Water Resources Center, UCAL-WRC-W-825. 32 pp.
- Power, M.E, S. J. Kupferberg, G. W. Minshall, M. C. Molles, and **M. S. Parker**. 1997. Sustaining western aquatic food webs. Pp. 45-61. In: G. W. Minshall (ed). *Proceedings of the Aquatic Ecosystem Symposium*. Western Water Policy Review Advisory Commission. Springfield, VA. 87pp.
- Wootton, J. T., **M. S. Parker**, and M. E. Power. 1996. Effects of disturbance on river food webs. *Science*. 273: 1558-1561.
- Power, M. E., **M. S. Parker**, and J. T. Wootton. 1995. Disturbance and food chain length in rivers. Pp. 286-297. In: G. A. Polis and K. O. Winemiller (eds.). *Food Webs: Integration of Patterns and Dynamics*. Chapman and Hall, NY.
- Parker, M. S.** 1994. Feeding ecology of stream-dwelling Pacific giant salamander larvae (*Dicamptodon tenebrosus*). *Copeia*. 1994(3): 705-718.
- Parker, M. S.** 1993. Predation by Pacific giant salamander larvae on juvenile steelhead trout. *Northwestern Naturalist*. 74(1): 17-21.
- Parker, M. S.** 1993. Size-selective predation on benthic macroinvertebrates by stream-dwelling salamander larvae. *Archiv fur Hydrobiologie*. 128(3): 385-400.
- Parker, M. S.** 1993. Opportunistic predation by a Great Blue Heron on an American Dipper. *The Wilson Bulletin*. 105(4): 698-700.
- Power, M. E., J. C. Marks, and **M. S. Parker**. 1992. Variation in vulnerability of prey to different predators: community-level consequences. *Ecology*. 73(6): 2218-2223.
- Parker, M. S.** and A. W. Knight. 1992. Aquatic invertebrates inhabiting saline evaporation ponds in the southern San Joaquin Valley, California. *Bulletin of the Southern California Academy of Science*. 91(2): 43-51.
- Parker, M. S.** 1991. Relationship between cover availability and larval Pacific giant salamander density. *Journal of Herpetology*. 25(3): 255-258.

- Castleberry, D. T., J. E. Williams, G. M. Sato, T. E. Hopkins, A. E. Brasher, and **M. S. Parker**. 1990. Status and management of Shoshone pupfish, *Cyprinodon nevadensis shoshone* (Cyprinodontidae), at Shoshone Spring, Inyo County, California. Bulletin of the Southern California Academy of Science. 89(1): 19-25.
- Parker, M. S.** 1989. Effects of substrate composition on detritus accumulation and macroinvertebrate distribution in a southern Nevada desert stream. Southwestern Naturalist. 34(3): 181-187.

Selected Technical Reports:

- Parker, M. S. 2009. Status of Oregon spotted frog (*Rana pretiosa*) at the Parsnip Lakes, Cascade-Siskiyou National Monument. Final Report to U.S. Bureau of Land Management, Medford District Office. 18 pp.
- Parker, M. S. and S. Goodchild. 2008. Management plan for Ash meadows Naucorids. Final Report, U. S. Fish and Wildlife Service, Southern Nevada. 35pp.
- Parker, M. S. 2008. Plan for reintroduction of Ash Meadows Naucorid (*Ambrysus amargosus*) into springs within the Point-of-Rocks spring complex. Final Report, Ash Meadows National Wildlife Refuge. 9 pp.
- Rossa, J. M. and M. S. Parker. 2007. Population characteristics of Jenny Creek Suckers (*Catostomus rimiculus*): Age-size relationships, age distribution, apparent densities, and management implications. Technical Report, U.S. Bureau of Land Management, Cascade-Siskiyou National Monument. 38 pp.
- Parker, M. S. and J. K. Call. 2006. Investigations of Jenny Creek Sucker (*Catostomus rimiculus*) age, growth, and spawning. Final Report, U.S. Bureau of Land Management, Medford District Office. 22 pp.
- Parker, M. S. and Ruhl, D. 2005. Distribution of larval Jenny Creek suckers (*Catostomus rimiculus*) indicate distribution of spawning and rearing habitats within the upper Jenny Creek watershed. Final Report, U. S. Bureau of Land Management, Medford District Office. 16 pp.
- Parker, M. S., A. P. Karam, D. Ruhl, J. Rossa. 2004. Absence of larval drift by Jenny Creek Suckers: Implications for the use of drift sampling in assessing spawning and rearing habitat requirements. Final Report, U.S. Bureau of Land Management, Medford District Office. 12pp.
- Parker, M. S., J. G. Abbas, G. G. Scopettone. 2002. Investigation of otolith microstructure in Devils Hole Pupfish (*Cyprinodon diabolis*) and feasibility for age and growth analysis. U.S. Geological Survey, Western Fisheries Research Center. 29 pp.
- Parker, M. S. 2001. Survey of benthic macroinvertebrates to assess effects of the Blue Ledge Mine on aquatic biota of Joe and Elliott Creeks, NW California. Final Report, U.S. Forest Service, Rogue River National Forest. 6 pp.
- Parker, M. S. 2000. Ecological investigation of two naucorid species (*Ambrysus amargosus* and *A. relictus*) endemic to thermal springs of the Ash Meadows National Wildlife Refuge. Final Report, U. S. Department of Interior, Fish and Wildlife Service, Southern Nevada Field Office, Las Vegas, NV. 54 pp.
- Parker, M. S. 2000. Distribution and abundance of grazing macroinvertebrates in Jenny Creek, and potential influences on food availability to fish. Final Report, U. S. Department of Interior, Bureau of Land Management, Medford District Office, Medford, OR. 20 pp.
- Parker, M. S. 1999. Aquatic surveys of seven streams within the Cascade-Siskiyou Ecological Emphasis Area. Final Report, U. S. Department of Interior, Bureau of Land Management, Medford District Office, Medford, OR. 25 pp.

- Parker, M. S. et al. 1999. Effects of Oak Street diversion fish screen return on migrating salmonids. Final Report, Talent Irrigation District and Oregon Dept. of Fish and Wildlife Fish Passage Task Force. 6 pp.
- Parker, M. S. and M. D. Sytsma. 1999. Use of Grass Carp to control nuisance vegetation in southern Oregon Irrigation Canals. Final Report, Talent Irrigation District, Talent, OR. 10 pp.
- Parker, M. S. and M. D. Sytsma. 1998. Aquatic vegetation management in southern Oregon Irrigation canals. Phase II: Evaluation of techniques to prevent and reduce plant growth. Final Report, Oregon Department of Agriculture, Salem, OR. 28 pp.
- Parker, M. S., G. G. Scoppettone, M. B. Nielsen. 1998. Distribution and relative abundance of benthic macroinvertebrates along the Muddy River, Nevada. Final Report, National Biological Service, Reno Field Station. 14 pp.
- Parker, M. S., K. Thorpe, B. Thorpe. 1998. Limnological Investigation of five southern Oregon Reservoirs. In: Citizen Lake Watch Annual Report, Portland State University. 24 pp.
- Sytsma, M. D. and M. S. Parker. 1997. Aquatic vegetation management in southern Oregon Irrigation canals. Final Report, Talent Irrigation District and U. S. Bureau of Reclamation. 75 pp.
- Messer, D. F., C. L. Donaldson, M. S. Parker, A. W. Knight. 1994. Effects of clear-cut logging practices on benthic communities of the North Fork Caspar Creek watershed, Jackson State Demonstration Forest. Land, Air and Water Resources Paper # 100024, University of California, Davis. 75 pp.
- Parker, M. S. and A. W. Knight. 1989. Biological characterization of agricultural drainage evaporation ponds. Water Science and Engineering Papers #4521. University of California, Davis. 52 pp.
- Maier, K. A. R., M. S. Parker, A. W. Knight. 1988. Environmental tolerances of organisms common to farm evaporation ponds: an annotated bibliography. Water Science and Engineering Papers #4520. University of California, Davis. 72 pp.

#### Summary of Conferences with Presented Papers:

Society for Theoretical and Applied Limnology, Triennial Congress; (Melbourne, Aust., 2001; Montreal, Quebec 2007).

North American Benthological Society, Annual Meetings, 1989, 1991, 1992, 1993, 1994, 1996, 2010, 2014

American Society of Limnology and Oceanography, Annual Meeting, 1992

Ecological Society of America, Annual Meetings, 1990, 1992, 1994, 1999, 2012

American Society of Ichthyologists and Herpetologists, Annual Meeting, 1990, 2010

American Fisheries Society (Cal-Neva and Oregon Chapters), 1990, 1999, 2005, 2006

Desert Fishes Council, Annual Meetings, 1995, 1997, 2000, 2003, 2005, 2006, 2009

Society for NW Vertebrate Biology, Annual Meetings, 1996, 1999, 2003, 2009, 2011, 2012, 2015

Oregon Lakes Association, 1999, 2001, 2015

Geological Society of America, 2004

George Wright Society, 2009, 2013

Northwest Science Association, 2017



SUSAN JANE M. BROWN (OSB #054607)  
Western Environmental Law Center  
4107 N.E. Couch Street  
Portland, OR 97232  
(503) 914-1323 | Phone  
(541) 485-2457 | Fax  
brown@westernlaw.org

KRISTEN L. BOYLES (WSB #23806)  
*(Pending Pro Hac Vice Admission)*  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340 | Phone  
(206) 343-1526 | Fax  
kboyles@earthjustice.org

*Attorneys for Defendant-Intervenor-Applicants*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

**MURPHY COMPANY, and MURPHY  
TIMBER INVESTMENTS, LLC**

Plaintiffs,

v.

**DONALD J. TRUMP, KEVIN HAUGRUD,  
U.S. DEPARTMENT OF INTERIOR, and  
BUREAU OF LAND MANAGEMENT,**

Defendants,

and

**SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD,  
and THE WILDERNESS SOCIETY,**

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-00285-CL

**DECLARATION OF NADA CULVER In  
Support Of Motion To Intervene**

I, NADA CULVER, declare as follows:

1. I reside in Evergreen, Colorado. I have personal knowledge of each of the facts set forth below. I submit this declaration on behalf of myself and The Wilderness Society (TWS).
2. I am currently the Senior Director for Agency Policy and Planning at The Wilderness Society, working in Denver, Colorado. I am also a member of TWS. At TWS, I oversee the BLM Action Center and National Forest Action Center; these teams are focused on engaging the public in planning and management of our public lands and advocating for responsible management.
3. TWS members and staff enjoy a myriad of recreation opportunities on public lands, including hiking, biking, nature-viewing, photography, hunting, fishing, birdwatching and quiet contemplation in the solitude offered by wild places. Founded in 1935, our mission is to protect wilderness and inspire Americans to care for our wild places. We have more than 500,000 members and supporters around the West, including approximately 15,000 in Oregon and 80,000 in California. TWS has a continuing interest in ensuring the protection of wildlands, including national monuments, under the jurisdiction of the BLM.
4. For my own uses of public lands, I seek out and prefer to use those federal public lands that are more wild, such as national monuments and including Cascade-Siskiyou National Monument, for hiking, backpacking, camping and wildlife watching. I am familiar with the natural beauty and solitude of wilderness-quality lands in Oregon and California, including the Cascade-Siskiyou National Monument. I have also witnessed the negative impacts that development activities have on wilderness-quality landscapes if they are left unprotected.
5. TWS has a long-standing interest in the management of Bureau of Land

Management (BLM) across the West, including in Oregon, and engages frequently in the decision-making processes for land use planning and project proposals that could potentially affect wilderness-quality lands, wildlife habitat, and other natural resources managed by the BLM, as well as the health, safety and quality of life of surrounding communities.

6. TWS also has a long-standing interest in the BLM's National Landscape Conservation System (National Conservation Lands), including management of national monuments. Since the creation of the National Conservation Lands in 2000, TWS has worked to support this important aspect of BLM's multiple use mandate. TWS has issued thorough assessments of the National Conservation Lands every five years since its inception – in 2005, 2010 and 2015.

**The Wilderness Society's Engagement in Protecting the Cascade-Siskiyou National Monument, Including in Expanding the Monument**

7. TWS and I personally have been actively engaged in both protecting the resources of the Cascade-Siskiyou National Monument since its creation, and supporting the need for expansion of the Monument. I have been the lead staff person for TWS for writing comments and advocating for the protection and expansion of the Monument, including through the following actions:

a. TWS wrote and submitted a joint protest of the Proposed Monument Management Plan and extensive comments in March, 2005.

b. I attended and spoke at an even celebrating the sixth anniversary of the designation of the Monument in November, 2006, which also included spending time in the Monument hiking, taking in scenic vistas and learning about the biology, wildlife and other Monument objects of interest while celebrating the protections the Monument provides to the lands and waters of this unique and ecologically important area.

c. On behalf of TWS, Soda Mountain Wilderness Council, Klamath-Siskiyou Wildlands Project, and Center for Biological Diversity TWS wrote and submitted an administrative appeal to the Interior Board of Land Appeals (IBLA) challenging the travel plan for the Monument included in the Record of Decisions in September, 2008. This challenge was based on the inadequacy of the travel plan to fulfill the agency's obligation to protect Monument objects. TWS and other parties entered into a settlement with the BLM in October, 2009, which led to the BLM committing to create an updated travel plan.

d. TWS wrote and submitted joint scoping comments on the Determination of Compatibility of Current Livestock Grazing Practices with Protecting the Objects of Biological Interest in the Cascade-Siskiyou National Monument in September, 2008, noting the likelihood of incompatibility of current grazing practices with the requirement to protect Monument objects.

e. TWS wrote and submitted joint comments on the Sampson Cove Forest Management Project in August 2010, and an administrative protest in September, 2010, focused on the impacts of proposed logging to lands within the area of potential expansion for the Cascade-Siskiyou National Monument.

f. TWS wrote and submitted joint comments on the Cottonwood Forest Management Project in August, 2011, and an administrative protest in September, 2011, focused on the impacts of proposed logging to lands within the area of potential expansion for the Cascade-Siskiyou National Monument.

g. TWS wrote and submitted joint comments on the Soda Mountain Communications Site Management Plan in August, 2010, and October, 2011, focused on the need to protect Monument objects and wilderness values.

h. TWS wrote and submitted joint comments on the BLM's Western Oregon Plan Revision focused on the impacts from the management of surrounding lands on the Monument and impacts of the plan revisions on values in the potential expansion areas for the Monument, including the need for protection of lands with wilderness characteristics and a proposed Rogue Valley Foothills Area of Critical Environmental Concern (ACEC), now part of the Monument through the expansion. Scoping comments were submitted in July, 2012, the ACEC proposal was submitted in June, 2015, and comments on the draft plan were submitted in August, 2015.

i. TWS wrote and submitted joint comments on the updated travel plan for the Monument, including scoping comments in April, 2012, comments on the draft environmental assessment in August, 2016, and additional comments during a supplemental comment period in November, 2016.

j. TWS joined legal challenges to BLM's Western Oregon Plan Revisions in 2008 and 2016.

k. TWS issued three reports on the State of the National Conservations Lands in 2005, 2010 and 2015, all of which highlighted Cascade-Siskiyou National Monument and the importance of management that prioritized protection of Monument objects.

#### **Harm from Interference with the Expansion of the Cascade-Siskiyou National Monument**

8. The expansion of the Monument addresses the intent of the original Monument Proclamation to protect the biological diversity and connectivity of these lands. The expansion is vital to protecting Monument objects, both within the original Monument and in the expansion area. Wildlife and plants that are highlighted in the Proclamation extend beyond the original boundaries and are at risk from the smaller boundaries and pressures on the surrounding lands.

9. If the additional lands are not managed as part of the Monument, then the Monument objects will continue to be harmed by activities on surrounding lands, impacting my interests, as well as those of TWS and its members, in protecting the biological values of the Monument and enjoying the Monument.

10. For my recreational, aesthetic and other uses of public lands, I and other TWS members and staff seek out and prefer to use those federal public land that are more wild; in other words, those lands that are not burdened by development associated with logging, such as roads, invasive species, unnatural structures and other human developments that tend to mar the landscape, fragment and degrade wildlife habitat, and generally detract from an experience of the areas in a remote and unspoiled state.

11. If this part the Monument is unprotected, uses related to more development would substantially interfere with other uses of the land, including my and TWS members' use and enjoyment of the lands by disturbing stream beds, degrading both aquatic and terrestrial wildlife habitats and spoiling the scenic, aesthetic, and recreational resources of the area that I have, and will, use and enjoy. My health, recreational, scientific, spiritual, educational, aesthetic, informational, and other interests would be directly affected and harmed by any development of on these lands.

12. TWS also has an interest in the protection of the Monument as part of BLM's National Conservation Lands. Undermining the protection of the expanded Monument and Monument objects will harm the interest of TWS and its members in ensuring that the BLM's National Conservation Lands are managed to prioritize protection of the values for which they were designated; in this situation, the expanded Monument is most consistent with the mission of the National Conservation Lands and with the mission of The Wilderness Society.

13. Through the many years I have spent working to protect the Cascade-Siskiyou National Monument, to make sure its irreplaceable biological resources are protected, including through the needed expansion of its boundaries, I have become deeply invested in the conservation of this landscape. Seeing it harmed through interference with the recent Monument Proclamation would be devastating.

14. I, on behalf of TWS, and TWS members participated throughout the many planning and management processes applicable to the Cascade-Siskiyou National Monument and the lands that were subsequently included in the expansion of the Monument. I, on behalf of TWS, as well as TWS members work to ensure our public lands are managed to conserve wildlands and wildlife, including through engaging in land use planning efforts. As an organization and on behalf of its individual members, including myself, TWS has a substantial interest in the outcome of this legal challenge.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 23<sup>rd</sup> day of February, 2017, at Evergreen, Colorado.

/s/ Nada Culver

NADA CULVER

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing  
*Declaration of Nada Culver In Support of Motion to Intervene* with the Clerk of the Court using  
the CM/ECF system, which will send notification of this filing to the attorneys of record and all  
registered participants, including the following:

Michael E. Haglund  
Julie A. Weis  
Haglund Kelley LLP  
200 SW Market Street  
Suite 1777  
Portland, OR 97201  
Phone: (503) 225-0777  
Email: haglund@hk-law.com  
jweis@hk-law.com

*Attorneys for Plaintiff*

Stuart Gillespie  
U.S. Department of Justice  
Environment and Natural Resources Division  
999 18th Street  
South Terrace, Suite 370  
Denver, CO 80202  
Phone: (303) 844-1390  
Email: Stuart.Gillespie@usdoj.gov

*Attorney for Defendants*

/s/ Susan Jane M. Brown

Susan Jane M. Brown



SUSAN JANE M. BROWN (OSB #054607)  
Western Environmental Law Center  
4107 N.E. Couch Street  
Portland, OR 97232  
(503) 914-1323 | Phone  
(541) 485-2457 | Fax  
brown@westernlaw.org

KRISTEN L. BOYLES (WSB #23806)  
*(Pending Pro Hac Vice Admission)*  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340 | Phone  
(206) 343-1526 | Fax  
kboyles@earthjustice.org

*Attorneys for Defendant-Intervenor-Applicants*

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**DONALD J. TRUMP, KEVIN HAUGRUD,  
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**SODA MOUNTAIN WILDERNESS  
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WILDLANDS CENTER, OREGON WILD,  
and THE WILDERNESS SOCIETY,**

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-00285-CL

**DECLARATION OF MATT KELLER In  
Support Of Motion To Intervene**

I, MATT KELLER, declare as follows:

1. I reside in Durango, Colorado. I have personal knowledge of each of the facts set forth below. I submit this declaration on behalf of myself and The Wilderness Society (TWS).

2. From 2014 through 2016, I served as the National Monuments Campaign Director for The Wilderness Society. In this role, I led TWS efforts to support designation of new national monuments. My current title is Senior Director, Conservation. I am also a member of TWS.

3. TWS has a long-standing interest in designating wild lands for permanent protection, through legislative and executive action. TWS engages frequently in campaigns to seek protection for public lands, including as wilderness, national monuments and national conservation areas. I, personally, have led and participated in many such efforts at TWS including national monument campaigns for the San Gabriels, California Desert and Berryessa Snow Mountain in California, Rio Grande del Norte and Organ Mountains Desert Peaks in New Mexico, Gold Butte in Nevada and Katahdin Woods and Waters in Maine among several others. I worked with TWS staff and our partners to provide strategic guidance and campaign management among other responsibilities.

4. TWS also has a long-standing interest in the BLM's National Landscape Conservation System (National Conservation Lands), including management of national monuments, and supported the Omnibus Public Land Management Act of 2009, which codified BLM's National Conservation Lands and its purpose to "conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations."

5. TWS members and staff enjoy a myriad of recreation opportunities on public

lands, including hiking, biking, nature-viewing, photography, hunting, fishing, birdwatching and quiet contemplation in the solitude offered by wild places. Founded in 1935, our mission is to protect wilderness and inspire Americans to care for our wild places. We have more than 500,000 members and supporters around the West, including approximately 15,000 in Oregon and 80,000 in California. TWS has a continuing interest in ensuring the permanent protection of wild public lands, including national monuments.

6. For my own uses of public lands, I seek out and prefer to use those federal public lands that are more wild for hiking, biking, hunting, fishing and skiing, such as national monuments and including Cascade-Siskiyou National Monument.

7. TWS and I personally have been actively engaged in expanding the Cascade-Siskiyou National Monument to better protect the Monument objects identified in the Monument Proclamation. Since those values extend beyond the initial Monument boundaries, the expansion is vital to ensure protection of those values.

8. As part of efforts to support expansion of the Monument, I, personally and on behalf of TWS, have:

- a. Helped to develop documentation supporting the values of a potential national monument expansion;
- b. Prepared materials for and attended meetings in 2015 and 2016 with local, congressional and administrative officials about the proposed monument expansion;
- c. Participated in weekly calls with Soda Mountain Wilderness Council and KS Wild staff, developing outreach and communications strategies;
- d. Prepared materials, conducted outreach to TWS members and coordinated a phone bank to encourage community members to attend a public meeting about the expansion.

9. In addition, I personally attended the public meeting hosted by Senator Merkley in October 2016, to discuss expansion of the Monument.

10. I have visited the Cascade-Siskiyou National Monument including the lands within the expanded boundaries, where I hiked and explored and observed Monument objects and witnessed the wide array of ecosystems represented in the area that are indicative of its immense biodiversity and potential resilience to climate change. The most recent visit occurred in October 2016 and I also hiked a section of the Pacific Crest Trail in the area in the summer of 1999 while living in Oregon for a year.

11. In addition, I expect to return to visit the expanded Monument on a regular basis. I have family in Oregon, which will also make return trips more convenient. I have a trip planned for the last week of March, 2017, and if the weather permits, I intend to visit the Jenny Creek area.

12. The expansion of the Monument addresses the intent of the original Monument Proclamation to protect the biological diversity and connectivity of these lands. The expansion is vital to protecting Monument objects, both within the original Monument and in the expansion area. Wildlife and plants that are highlighted in the Proclamation extend beyond the original boundaries and are at risk from the smaller boundaries and pressures on the surrounding lands.

13. If the additional lands are not managed as part of the Monument, then the Monument objects will continue to be harmed by activities on surrounding lands, impacting the interests of TWS and its members in protecting and enjoying the Monument. For instance, the increased timber production likely to occur on these lands if the Plaintiffs in this case are successful would harm the Monument objects on those lands and in other affected parts of the Monument, which would interfere with appreciating those objects. Lands that are unprotected

from overdevelopment associated with timber production lack the feeling of solitude, have unnatural infrastructure, more roads, invasive species, and other human developments that tend to mar the landscape, fragment and degrade wildlife habitat, and generally detract from an experience of the areas in a remote and unspoiled state.

14. Leaving the lands at issue in this case unprotected would substantially interfere with other uses of the land, including my and TWS members' use and enjoyment of the lands by disturbing stream beds, degrading both aquatic and terrestrial wildlife habitats and spoiling the scenic, aesthetic, and recreational resources of the area that I have, and will, use and enjoy. My and TWS members' health, recreational, scientific, spiritual, educational, aesthetic, informational, and other interests would be directly affected and harmed by any repeal of these lands in the Monument.

15. Similarly, the industrial activities associated with timber production will interfere with and undermine enjoying the wild character and wildlife in the Monument and opportunities for hunting, fishing and camping. TWS has a substantial interest in the outcome of this legal challenge. I greatly value the objects of historic and scientific interest in this area, particularly its unique biodiversity and opportunities for outdoor recreation. Development or extractive use of this area would greatly harm my and other TWS members' ability to enjoy this unique area and would represent a significant loss of a resource that belongs to all Americans.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23<sup>rd</sup> day of February, 2017, at Durango, Colorado.

/s/ Matt Keller

MATT KELLER

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing  
*Declaration of Matt Keller In Support of Motion to Intervene* with the Clerk of the Court using  
the CM/ECF system, which will send notification of this filing to the attorneys of record and all  
registered participants, including the following:

Michael E. Haglund  
Julie A. Weis  
Haglund Kelley LLP  
200 SW Market Street  
Suite 1777  
Portland, OR 97201  
Phone: (503) 225-0777  
Email: haglund@hk-law.com  
jweis@hk-law.com

*Attorneys for Plaintiff*

Stuart Gillespie  
U.S. Department of Justice  
Environment and Natural Resources Division  
999 18th Street  
South Terrace, Suite 370  
Denver, CO 80202  
Phone: (303) 844-1390  
Email: Stuart.Gillespie@usdoj.gov

*Attorney for Defendants*

/s/ Susan Jane M. Brown

Susan Jane M. Brown

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION OF O&C COUNTIES,

Plaintiff,

v.

DONALD J. TRUMP, UNITED STATES OF  
AMERICA, KEVIN HAUGRUD, and BUREAU  
OF LAND MANAGEMENT,

Defendants,

and

SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH-SISKIYOU  
WILDLANDS CENTER, OREGON WILD, and  
THE WILDERNESS SOCIETY,

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-0280-RJL

**DEFENDANT-INTERVENOR-APPLICANTS' MOTION TO INTERVENE**

Pursuant to Federal Rule of Civil Procedure 24(a), defendant-intervenor-applicants Soda Mountain Wilderness Council, Klamath-Siskiyou Wildlands Center, Oregon Wild, and The Wilderness Society respectfully move this Court for leave to intervene as of right in the above-captioned action. In the alternative, applicants move for permissive intervention pursuant to Federal Rule of Civil Procedure 24(b). Pursuant to LCvR7(m), counsel for applicants has

conferred with counsel for the parties. Counsel for plaintiffs Association of O&C Counties (“AOCC”), was unable to provide a position on intervention prior to filing. Counsel for federal defendants Donald J. Trump, United States of America, Kevin Haugrud, and Bureau of Land Management stated that federal defendants take no position on the motion to intervene at this time, but reserve their right to take a position after filing. Pursuant to LCvR7(j), applicants lodge with this motion applicants’ answer (Exhibit A).

Dated: February 24, 2017

Respectfully submitted,

/s/ Patti A. Goldman

Patti A. Goldman, DCB # 398565  
 Kristen L. Boyles, WSBA # 23806  
*(Pending Pro Hac Vice Admission)*  
 Earthjustice  
 705 Second Avenue, Suite 203  
 Seattle, WA 98104  
 Telephone: (206) 343-7340  
 pgoldman@earthjustice.org  
 kboyles@earthjustice.org

Susan Jane M. Brown, OSB #054607  
*(Pending Pro Hac Vice Admission)*  
 Western Environmental Law Center  
 4107 NE Couch Street  
 Portland, Oregon 97232  
 (503) 914-1323

*Attorneys for Defendant-Intervenor-Applicants*



**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing *DEFENDANT-INTERVENOR-APPLICANTS' MOTION TO INTERVENE* with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record and all registered participants.

/s/ Patti A. Goldman  
Patti A. Goldman

Case No. 1:17-cv-0280-RJL

# **EXHIBIT A**

Case No. 1:17-cv-0280-RJL

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION OF O&C COUNTIES,

Plaintiff,

v.

DONALD J. TRUMP, UNITED STATES OF  
AMERICA, KEVIN HAUGRUD, and BUREAU  
OF LAND MANAGEMENT,

Defendants,

and

SODA MOUNTAIN WILDERNESS  
COUNCIL, KLAMATH SISKIYOU  
WILDLANDS CENTER, OREGON WILD, and  
THE WILDERNESS SOCIETY,

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-0280-RJL

**ANSWER OF DEFENDANT-INTERVENORS SODA MOUNTAIN WILDERNESS  
COUNCIL, *ET AL.*, TO COMPLAINT**

On February 13, 2017, the Association of O&C Counties (“AOCC”) filed a Complaint in this action alleging a violation of law by President Donald J. Trump, the Department of the Interior, and the Bureau of Land Management. Defendant-intervenors Soda Mountain Wilderness Council, Klamath-Siskiyou Wildlands Center, Oregon Wild, and The Wilderness Society have intervened in this matter. Pursuant to Federal Rule of Civil Procedure 24(c),

defendant-intervenors submit this Answer. The numbered paragraphs in this Answer correspond to those contained in AOCC's Complaint.

## **COMPLAINT**

No answer required.

### **I. INTRODUCTION**

1. Paragraph 1 of the Complaint characterizes AOCC's case and contains legal conclusions to which no response is required. While the first two sentences contain factual information, defendant-intervenors deny the remaining sentences.

2. The allegations in paragraph 2 purport to characterize the Oregon and California Railroad Grant Lands Act of 1937 ("O&C Act"), which is the best evidence of its contents. Any allegations contrary to its plain language and meaning are denied.

3. Deny.

### **II. JURISDICTION AND VENUE**

4. Defendant-intervenors admit the jurisdiction is proper.

5. Defendant-intervenors admit that venue is proper in this district, but assert that venue would be more relevant in the District of Oregon, where the lands at issue are; where the plaintiff resides; and where a similar challenge has also been filed.

### **III. PARTIES**

#### **A. Plaintiff Association of O&C Counties**

6. Defendant-intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations.

7. Deny.

8. Deny.

9. Deny.

**B. Defendants**

10. Admit.

**IV. BACKGROUND ALLEGATIONS**

**A. The Antiquities Act of 1906**

11. The allegations in paragraph 11 purport to characterize the Antiquities Act of 1906, which is the best evidence of its contents. Any allegations contrary to its plain language and meaning are denied.

**B. The O&C Act of 1937**

12. The allegations in paragraph 12 purport to characterize the O&C Act which is the best evidence of its contents. Any allegations contrary to its plain language and meaning are denied.

13. The allegations in paragraph 13 purport to characterize the O&C Act and other documents concerning the legislative history of the O&C Act, which are the best evidence of their contents. Any allegations contrary to their plain language and meaning are denied.

14. The allegations in paragraph 14 purport to characterize the O&C Act and other documents concerning the legislative history of the O&C Act, which are the best evidence of their contents. Any allegations contrary to their plain language and meaning are denied.

15. The allegations in paragraph 15 purport to characterize the Chamberlain-Ferris Revestment Act, which is the best evidence of its contents. Any allegations contrary to its plain language and meaning are denied.

16. The allegations in paragraph 16 purport to characterize the O&C Act and other documents concerning the legislative history of the O&C Act, which are the best evidence of their contents. Any allegations contrary to their plain language and meaning are denied.

17. The allegations in paragraph 17 purport to characterize the O&C Act, which is the best evidence of its contents. Any allegations contrary to its plain language and meaning are denied. The characterization and interpretation of the case law discussed in footnote 1 is denied.

18. The allegations in paragraph 18 purport to characterize the O&C Act, which is the best evidence of its contents. Any allegations contrary to its plain language and meaning are denied.

19. The allegations in paragraph 19 purport to characterize the O&C Act and other documents concerning the legislative history of the O&C Act, which are the best evidence of their contents. Any allegations contrary to their plain language and meaning are denied.

20. The allegations in paragraph 20 purport to characterize the O&C Act and other documents concerning the legislative history of the O&C Act, which are the best evidence of their contents. Any allegations contrary to their plain language and meaning are denied.

**C. Implementation of the O&C Act.**

21. The allegations in paragraph 21 purport to characterize the O&C Act and other documents concerning the subsequent history and interpretation of the O&C Act, which are the best evidence of their contents. Any allegations contrary to their plain language and meaning are denied; defendant-intervenors also aver that this presentation of O&C Act interpretation and application is incomplete and therefore further deny.

22. The allegations in paragraph 22 purport to characterize the O&C Act and other documents concerning the subsequent history and interpretation of the O&C Act, which are the

best evidence of their contents. Any allegations contrary to their plain language and meaning are denied; defendant-intervenors also aver that this presentation of O&C Act interpretation and application is incomplete and therefore further deny.

23. Defendant-intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations.

**D. The United States Previously Determined That O&C Lands Cannot be Reserved Under the Antiquities Act.**

24. Admit.

25. Defendant-intervenors admit that the Office of the Solicitor issued an opinion in 1940; that document is the best evidence of its contents. Any allegations contrary to its plain language and meaning are denied; defendant-intervenors also aver that this presentation of O&C Act interpretation and application is incomplete and therefore further deny.

26. The allegations in paragraph 26 purport to characterize Solicitor's Opinion M 30506, which is the best evidence of its contents. Any allegations contrary to its plain language and meaning are denied; defendant-intervenors also aver that this presentation of O&C Act interpretation and application is incomplete and therefore further deny.

27. The allegations in paragraph 26 purport to characterize Solicitor's Opinion M 30506, which is the best evidence of its contents. Any allegations contrary to its plain language and meaning are denied; defendant-intervenors also aver that this presentation of O&C Act interpretation and application is incomplete and therefore further deny.

28. The allegations in paragraph 26 purport to characterize Solicitor's Opinion M 30506, which is the best evidence of its contents. Any allegations contrary to its plain language and meaning are denied; defendant-intervenors also aver that this presentation of O&C Act interpretation and application is incomplete and therefore further deny.

29. Admit first sentence. Deny remaining sentences.

30. Admit first sentence. Deny remaining sentences.

**E. The Cascade-Siskiyou National Monument**

31. Admit.

32. Admit.

33. Admit first sentence. Deny second sentence.

**F. President Obama Acts to Expand the Cascade-Siskiyou National Monument to Include O&C Lands Despite the United States' Own Prior Determination That O&C Lands Cannot be Reserved Under the Antiquities Act.**

34. As the complaint cites to no source for this information, defendant-intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations.

35. Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations.

36. Admit.

37. Admit. Defendant-intervenors note that the Federal Register notice is the best evidence of its contents, and any allegations contrary to its plain language and meaning are denied.

38. Admit. Defendant-intervenors further note that Proclamation 9564 is the best evidence of its contents, and any allegations contrary to its plain language and meaning are denied

39. Deny.

40. Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations.

41. Deny.



### **FIRST CLAIM FOR RELIEF**

#### **Proclamation 9564 Violates The O&C Act and Exceeds Presidential Authority Under the Antiquities Act by Reserving O&C Lands from Timber Production**

- 42. No answer required.
- 43. Deny.
- 44. Deny.
- 45. Deny.
- 46. Deny.

### **PRAYER FOR RELIEF**

The remainder of AOCC's Complaint constitutes its requests for relief to which no response is required. Defendant-intervenors aver that plaintiff is not entitled to relief on the First Claim for Relief, and the Court should dismiss that claim with prejudice.

### **GENERAL DENIAL**

Defendant-intervenors deny any allegations of the Complaint, whether express or implied, that are not expressly admitted or qualified in this Answer.

### **AFFIRMATIVE DEFENSES**

- 1. Plaintiffs fail to state a claim upon which relief may be granted.
- 2. Venue may be more appropriate in another district.

\* \* \*

Defendant-intervenors deny that plaintiff is entitled to the relief prayed for, or to any relief whatsoever, and request that this action be dismissed with prejudice, that judgment be entered for defendant-intervenors, that the Court grant defendant-intervenors their costs of suit,

and that the Court order such other and further relief as the Court may allow.

Dated: February 24, 2017

Respectfully submitted,

/s/ Patti A. Goldman

Patti A. Goldman, DCB # 398565  
Kristen L. Boyles, WSBA # 23806  
(Pending Pro Hac Vice Admission)  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
Telephone: (206) 343-7340  
pgoldman@earthjustice.org  
kboyles@earthjustice.org

Susan Jane M. Brown, OSB #054607  
(Pending Pro Hac Vice Admission)  
Western Environmental Law Center  
4107 NE Couch Street  
Portland, Oregon 97232  
(503) 914-1323

*Attorneys for Defendant-Intervenor-Applicants*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2017, I electronically filed the foregoing  
*[PROPOSED] Answer of Defendant-Intervenors Soda Mountain Wilderness Council, et al., To  
Complaint* with the Clerk of the Court using the CM/ECF system, which will send notification of  
this filing to the attorneys of record and all registered participants, including the following:

Per Ramfjord  
760 SW Ninth Avenue, Suite 3000  
Portland, OR 97205  
Phone: (503) 294-9257  
Email: per.ramfjord@stoel.com

*Attorney for Plaintiff*

Stuart Gillespie  
U.S. Department of Justice  
Environment and Natural Resources Division  
999 18th Street  
South Terrace, Suite 370  
Denver, CO 80202  
Phone: (303) 844-1390  
Email: Stuart.Gillespie@usdoj.gov

*Attorney for Defendants*

/s/ Patti A. Goldman  
Patti A. Goldman

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION OF O&C COUNTIES,

Plaintiff,

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DONALD J. TRUMP, UNITED STATES OF  
AMERICA, KEVIN HAUGRUD, and BUREAU  
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SODA MOUNTAIN WILDERNESS  
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THE WILDERNESS SOCIETY,

Defendant-Intervenor-  
Applicants.

Case No. 1:17-cv-0280-RJL

**[PROPOSED] ORDER GRANTING DEFENDANT-INTERVENOR-  
APPLICANTS' MOTION TO INTERVENE**

THIS MATTER having come before the Court on defendant-intervenor-applicants' ("applicants") motion to intervene, and the Court having considered all relevant motions, memoranda, and supporting documents, and good cause having been shown, ORDERS that applicants' motion for [as of right] / [permissive] intervention is GRANTED. The clerk of this

Court is directed to file applicants' answer, which applicants lodged with their motion.

DATED this            day of            , 2017.

THE HONORABLE RICHARD J. LEON  
United States District Court Judge

Presented by:

PATTI GOLDMAN (DCB #398565)  
KRISTEN L. BOYLES (WSB #23806)  
*(Pending Pro Hac Vice Admission)*  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340 | Phone  
(206) 343-1526 | Fax  
pgoldman@earthjustice.org  
kboyles@earthjustice.org

SUSAN JANE M. BROWN (OSB #054607)  
*(Pending Pro Hac Vice Admission)*  
Western Environmental Law Center  
4107 N.E. Couch Street  
Portland, OR 97232  
(503) 914-1323 | Phone  
(541) 485-2457 | Fax  
brown@westernlaw.org

*Attorneys for Defendant-Intervenor-Applicants*