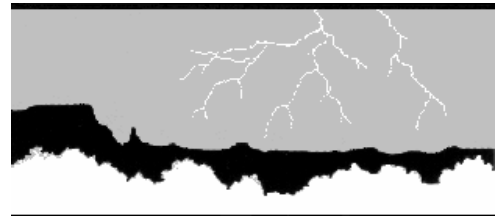


# NEWS

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**CONTACT:** Bill Marlett (541) 610-3822 (cell)



Oregon Natural Desert Association

*To Protect, Defend, and Restore Forever,  
Oregon's Native Deserts*

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## **Conservation groups challenge Forest Service grazing without water quality compliance**

PORTLAND, Ore. — The Oregon Natural Desert Association (ONDA) and six other conservation organizations filed suit in federal court today against the U.S. Forest Service over the agency's issuance of grazing permits that do not certify that state water quality standards will be met. The lawsuit claims that under the Clean Water Act, the agency may only issue a permit if the State of Oregon first certifies that the permitted activity will comply with standards for water temperature and other criteria.

In this case, the conservationists have challenged the Forest Service's issuance of a permit to graze livestock along the Middle Fork John Day River, a world-class river hosting the largest refuge of all wild steelhead remaining in the Columbia Basin. The conservationists claim that decades of overgrazing have caused reduced streamside shade, widened stream channels, and increased sedimentation. These in turn result in stream temperatures too high for cold-water loving native trout.

"Our ultimate goal is to recover steelhead to levels in the John Day so they can once again be a central social, cultural and economic asset to people in the basin and to all Oregonians," said ONDA executive director Bill Marlett. "To recover the steelhead, we need to first recover their habitat."

Under the Clean Water Act, before issuing a permit for any activity that may cause water pollution, the Forest Service must receive from the state "certification" that the authorized activity will comply with the state's water quality standards.

In the mid-1990s, conservationists won on this same issue, only for the decision to be reversed by the Ninth Circuit Court of Appeals. But according to the organizations, a May 2006 Supreme Court decision has called into question the Ninth Circuit's 1998 decision.

"Broadly reading the terms in the Clean Water Act according to their plain, ordinary meanings, the Supreme Court's latest interpretation of the term 'discharge' supports the lower court's original decision," said ONDA attorney Mac Lacy.

ONDA is joined by co-plaintiffs Western Watersheds Project, Northwest Environmental Defense Center, Center for Biological Diversity, Oregon Wild, Forest Guardians and Friends of Living Oregon Waters.