

From: Save Our ecoSystems, inc (SOS), 776 C Avenue, Lake Oswego Oregon 97034

To: Edward W. Shepard, State Director
Bureau of Land Management
P.O. Box 2965
Portland Oregon 97208-2965

and the Interior Board of Land Appeals,
Office of Hearings and Appeals
801 North Quincy St.
Arlington Virginia 22203

and Regional Solicitor, US Dept of the Interior,
Pacific Northwest Region
805 SW Broadway, No 600
Portland Oregon 97205-3346

Notice of Appeal

Save Our ecoSystems inc, (SOS), a non profit organization in the state of Oregon, working for the environment, hereby requests administrative review of the October 1, 2010 Decision of Edward W Shepard, State Director, Bureau of Land Management, to implement the proposed plan, Alternative 4, in the Final Environmental Impact Statement (FEIS)Vegetation Treatments Using Herbicides on BLM Lands in Oregon, decided October 1, 2010..

We contend that this decision is a serious error, which we will explain in greater detail in our Statement of Reasons, to follow the filing of this notice within 30 days. We will also deliberate on why we are making a motion for a Temporary Restraining Order, pending the outcome of this appeal for justice, in the conviction that going forward with this plan would seriously and irreparably harm the health of our citizens and their environment.

For example, the Bureau plans to use two carcinogenic herbicides, bromicil and diuron. Cancer kills more children under the age of 15 than any other disease according to the American Cancer Society statistics for 2009, which predicted that 10,730 US children would be diagnosed with cancer this year.The use of carcinogens in the environment would lead to a further rise in the already dramatically rising cancer rate, some of the cases resulting in death--an irreparable event. Herbicides can lodge in breast fat and the milk ducts, where they are surely associated with breast cancer and endangerment of the feeding infant at the very top of the food chain.

Some of the Other Reasons, to be explored in our forthcoming Statement of Reasons, along with references, are:

1. The federal government by its agency, the Bureau of Land Management (BLM), would violate the Waters of the State of Oregon and its lands, by contaminating them with toxic chemicals. This would violate us, the people of Oregon, and all other organisms in our environment, since all waters run together in the hydrologic cycle, and all forms of life (from underground fungi and bacteria up through eagles, polar bears, and humans) rely upon water for their lives and all stand to be affected, harmed, and/or killed by toxic chemicals. This would also create conflict between states' rights and those of the federal government.

2. Citizens of this state, and especially my organization Save Our ecoSystems inc. (SOS) have fought these herbicide programs since the 1970's, through public education, extensive Comments, Administrative Appeals, and lawsuits. We have a long record of consistent dedication to the environment of Oregon. We believe we have adequate standing to challenge this plan. In *Save Our Ecosystems v Clark*, 747F2nd, the Ninth Circuit Court of Appeals decided in our favor on January 27 1984, saying that "The entire spraying programs of both agencies should be halted until they comply with NEPA." Since we won that battle, the BLM is now shifting its focus from silvaculture to weeds. That does not obviate the very serious threat to health and environment that can be, and is, caused by the use of the chemicals we then protested, and continue to protest.

3. I did not sign the Mediated Agreements. It was signed by Mary O'Brien for Northwest Coalition for Alternatives to Pesticides (NCAP) and Paul Merrell in May 1989. In this Agreement, NCAP and Paul Merrell gave up their right to sue the USFS. I am not an active member of NCAP, and my SOS lawsuit did not challenge the USFS, but rather the BLM. Therefore I assume that the SOS injunction is still viable. And I believe that the BLM statement in their FEIS, indicating that they have to deal with NCAP in order to lift the injunction, is in error.

As well, Phyllis Cribby of Southern Oregon Citizens Against Toxic Sprays (SOCATS) obtained an injunction just prior to the SOS lawsuit, and that injunction should still be viable. There may well be several others.

4. Regarding my Comments on the BLM Draft EIS, I asked some questions about the costs of the proposed plan. I find no response in the FEIS to these very important questions. With unemployment at such high levels, I suggested an alternative to the "chemical fix." In my Comments I suggested that, as an agency of the federal government, the BLM could be developing jobs in the environment--patterned after the Civilian Conservation Corps (CCC) in the 1930's. This program provided jobs to young men who helped build our National Parks, with one fifth of their salaries going to their often desperate unemployed families. The young men learned hard work, got fed and sheltered, and helped their families.

Even in the 21st century, plants can be pulled by the root! Chemicals might wilt and/or mutate them--but they often come back anyway. A small corps of men and women could repeatedly check the area making sure the job was done. They could target only the specified plant instead of endangering whole areas and whole ecosystems.

I want to know the relative cost of such a program compared to the high total cost of the planned program of eradication--including all the employees, documents, chemicals, machinery, helicopters, the inevitable lawsuits, in addition to the heavy environmental and health costs and any other costs not listed here.

5. "Mitigation Mythology." I will challenge the concept of mitigation, such as buffer zones, in the light of current whole ecosystem concepts. What affects water, air and land, affects everything dependent upon them.

6. Likewise, every plant that goes extinct takes all the species solely dependent upon it into extinction with it.

7. We are told by scientists that we are in the sixth era of mass extinctions, with about 20,000 species going extinct per year. The BLM proposed plan would add to this catastrophe by attempting to eradicate hundreds of plants and decreasing our already shrinking biodiversity. This is a moral error, or more like a crime against life itself! The fabric of life is woven of millions of living strands. To pull out any one of them affects the whole fabric.

8. I asked the BLM in my Comments how many of the plants they plan to eradicate are healing plants, with known or as yet unknown healing properties? I find no answer to this in the FEIS. This is another error of omission.

9. As mentioned, cancer would probably be increased by the use of carcinogens in the environment. See opening paragraph of this Notice.

I will send in my Statement of Reasons, detailing many other errors and citizen objections to the BLM proposed plan; and I will send more information about all of these objections.

I beg you to do the right thing--for the environment, for Oregon, and for yourself--since none of us is immune to the terrible things that toxic chemicals can do.

for the earth,
Barbara Kelley, Director
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