



M Watersheds MESSENGER

Vol. XV, No. 2

Fall 2008



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Not a Good Place for Cows

by Greta Anderson

One might be hard pressed to think of a less appropriate place for livestock grazing, but that hasn't stopped the BLM from letting cows roam on the Sonoran Desert National Monument year after year. Despite the sheer and obvious incompatibility of the fragile desert environment with the hammering of hooves, management on the monument has continued to favor the four-legged locusts.

In fact, the BLM has continued to use the monument as a cheap feedlot despite the extra protections that the establishing Presidential Proclamation afforded this special place. This particular Proclamation singled out the unique, ungrazed portions of the Monument and called for similar protections to extend across the entire 486,149 acres:

"The rich diversity, density, and distribution of plants in the Sand Tank Mountains area of the monument is especially striking and can be attributed to the management regime in place since the area was withdrawn for military purposes in 1941. In particular, while some public access to the area is allowed, no livestock grazing has occurred for nearly 50 years. To extend the extraordinary diversity and overall ecological health of the Sand Tanks Mountains

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Western Watersheds Project: Working to protect and restore western watersheds and wildlife through education, public policy initiatives and litigation.

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*Prickly Pear Cactus
in Bloom
photo©BLM*

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area, land adjacent and with biological resources similar to the area withdrawn for military purposes should be subject to a similar management regime to the fullest extent possible."

The Proclamation went on to specify that grazing on nearly half of the monument should be permanently ended when the permits expired, a process that is currently underway with just two more allotments terming out in 2009. But, the Proclamation left livestock grazing on the northern portion of the monument subject to a "Compatibility Determination" which directed the BLM to continue grazing only if the agency determined that it was compatible with protecting the objects the monument was designated to protect, including "An extraordinary array of biological, scientific, and historic resources" and imperiled species such as desert bighorn sheep, Sonoran pronghorn, Sonoran desert tortoise, and many other birds, reptiles, and plants. The BLM has commissioned studies which show livestock are degrading soils, reducing plant diversity, increasing weeds and non-native plants, and damaging wildlife habitat, but it continues to allow

cows on the monument because it hasn't produced a formal determination. Instead, it renewed some grazing permits until 2015.

In August, with help from Laurie Rule at Advocates for the West, WWP filed a lawsuit challenging BLM's mismanagement of this unique area. The lawsuit claims that the BLM has unduly delayed reaching a compatibility determination and has failed to act upon what it knows to be true already- that livestock are having a detrimental effect on the monument resources. The lawsuit also claims that the BLM has improperly renewed grazing permits without having first determined compatibility, which is contrary to the direction of the Proclamation. We expect to prevail, and we hope that someday the whole of the monument can boast a livestock-free status. The "extraordinary array of biological, scientific, and historic resources," deserves it.

***Greta Anderson is WWP's Arizona Director.
She lives in Tucson.***



*Desert Tortoise
photo©BLM*

Watersheds Messenger is published periodically by
Western Watersheds Project
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Making a Bequest to Western Watersheds Project

by Jon Marvel

Western Watersheds Project has long been a beneficiary of contributions from individuals with vision and dedication to our cause.

It is our hope that bequests will add to the support of wilderness, watersheds and the plants and wildlife that call them home. After you have provided for the security of loved ones, and have considered the full range of philanthropic commitments, we respectfully ask that you consider how WWP might fit into your estate plans.

There are various ways to structure a bequest to WWP. Among these options are:

- **A Specific Bequest**, in which you give WWP a specified dollar amount or specified assets, such as securities, real estate, or tangible personal property.
- **A Residual Bequest**, in which you give WWP all or a percentage of the remainder of your estate after specific amounts bequeathed to other beneficiaries are distributed and estate-related expenses are paid.
- **A Contingent Bequest**, which provides for WWP upon the occurrence of a certain event — if, for example your primary beneficiary does not survive you.
- **A Testamentary Trust**, in which you establish a trust through your will, and beneficiaries receive income for life or a term of years, and, at the end

of the trust term, WWP receives the remainder.

You can bequeath various types of assets to WWP, including:

- Cash or securities
- Retirement assets (from an IRA, 401(k), 403(b), Keogh, taxsheltered annuity, qualified pension or profit-sharing plan)
- Life insurance policies
- Interests in real estate (such as a residence)
- Tangible personal property (such as works of art or antiques)

When leaving retirement assets and life insurance policies to WWP, you must designate WWP as a beneficiary with your plan/policy administrator.

If your bequest consists of interests in real estate or tangible personal property, we strongly encourage you to discuss your gift with WWP during your lifetime to ensure that your wishes and objectives can be fulfilled. If you choose, WWP will assist your attorney or financial adviser in drafting a bequest.

A bequest to WWP is deductible for federal estate tax purposes, and there is no limit on the amount of the charitable deduction. In addition, bequests generally are not subject to state inheritance or estate taxes.

A bequest to WWP can be made by creating a new will, adding a codicil to your existing will, or naming WWP as a beneficiary of a retirement plan, life insurance policy, or revocable trust. If you are interested in exploring one of these options, please call us at (208)788-2290.



Your bequest will help provide valuable training opportunities like this September 2008 Cokeville, Wyoming WWP Stream Monitoring Training Session: From Left to right: Jon Marvel, Nick Bright, Summer Nelson, Tom Woodbury, Beth Pearson, Bob Edwards, David Stilwill, Wendi Bell & John Carter.

photo©WWP



Is Ranching Sustainable?

by George Wuerthner

I hear often from livestock proponents that ranching is an economically sustainable use of western rangelands. Unfortunately many interested in conservation also believe this myth, and it has unfortunate public policy implications. As University of Montana economist

Tom Power has noted, most people have a rear view mirror of their local and regional economies. They almost never know what is happening in the present and their ability to predict the future is even less accurate.

Ranching is doomed in the West by rising land values. Ranching, like all agriculture, persists on marginal land—lands that can't provide a higher monetary return doing something else—usually real estate development. When land prices rise to the point that one cannot reasonably be expected to return sufficient profit to pay a mortgage on such property running cows, growing wheat or whatever, it signals the end of that industry—even though it may take a long time for the industry to completely disappear from the regional landscape. It is this long lingering death that fools people into believing ranching is sustainable.

With regards to ranching in the West, land values have already marginalized the industry. Few are buying ranches in the West to raise cows, or at least to make a profit raising cows. Today's ranch purchaser is usually an amenity buyer who is more interested in seeing elk and catching trout than returning a profit from a livestock operation. For instance, one recent study of ranching in the Greater Yellowstone Ecosystem found that most new ranch owners had earned their fortunes in other business endeavors. The ranch was a vacation home—a trophy to signal success—rather than a viable livestock operation. In many cases, if a cattle operation persists, it's a tax write off rather than a source of income. Traditional ranching in the West is on life support and dying.

This was brought home to me a number of years ago when I was on a tour of a ranch along Montana's Rocky Mountain Front. The rancher, who I'll call Bob, had grown up on the ranch which his grandfather had homesteaded. His Dad inherited the ranch and passed it on to Bob. The fact that that three generations of Bob's family had lived on the land was "proof" of its sustainability—or at least that is what Bob claimed.

However as we spent the day together Bob indirectly offered much evidence to suggest that ranching was not economically and socially sustainable, even as he asserted over and over again about how sustainable ranching was.

The first hint that ranching might not be sustainable occurred when we visited a bluff overlooking the river that flowed through the center of the ranch. Bob told of

how when his Dad was a kid there had been six families living in that river valley, but the low productivity meant one needed a huge spread of land to just break even on ranching. The homesteads were simply too small to support an economically viable ranching operation. Gradually each family gave up ranching and sold their property to Bob's grandfather and later his Dad so that today, where once there were seven families living along this stretch of river beneath the mountain front, there was only one—Bob's.



Later we were discussing his youth, and Bob told us how he used to ride a horse to the local schoolhouse three miles down the road from the ranch. Today the school is closed due to declining enrollment (all those families that left the valley and other nearby valleys were no longer sending their kids to the local school). Bob's kids had to ride an hour or more on a bus to get to the nearest school. Bob lamented how he felt badly for his kids who couldn't participate in a lot of school extra curriculum activities, like after school sports teams, because they had to get on the bus to get home. If they didn't ride the bus home, it meant Bob and his wife would have to pick them up—a two hour round trip from the ranch—something they just wouldn't do very often. His kids felt socially isolated and were not happy living on the ranch.

But it wasn't only his kids who were socially isolated. Bob's wife longed to move into Great Falls. She hated driving more than an hour just to shop for groceries. As the only "wife" living in that isolated valley, she also missed having social contact with other women.

In addition to the closure of the school, there was a decline in other essential services. Without a lot of ranches to support a large animal vet, Bob had to depend on a veterinarian who lived a long distance from his ranch and had only infrequent visits. The same thing applied to medical help. When Bob was a kid, there was a country doctor who attended to the needs of all the far flung ranching families, but with fewer families, Bob's family often had to drive into Great Falls to attend to even simple medical needs.

Bob then confided that even though the ranch he inherited was formed from the "bones" of six other

homesteads, it still wasn't really large enough to run the number of cattle he really needed to succeed financially. With three kids that he was hoping would go off to college, his ranch, though considered a good sized spread by Montana standards, still could not produce enough income to pay for things considered essential by today's standards, like a college education for his kids. Paying for college, much less braces for teeth, computers, and other "necessities" of today's family expectations was not something that his grandfather and father had to factor into the family budget.

But unlike his grandfather or even his father, Bob could not expand the ranch by buying additional lands. Land values had risen due to demand for amenity ranches and prices were now far above what any one could reasonably pay back raising livestock. Bob was "stuck" in time with a ranch suitable for a 1950 lifestyle with expectations and financial obligations of a 21st century lifestyle. And because it was a long ways from the ranch to a sizeable town where other employment options were available, Bob's wife couldn't take on a job to provide a second income—which is how most traditional ranchers are surviving at all these days.

To make matters worse from Bob's perspective, he increasingly had to make minor changes in his ranch operations due to environmental concerns. For instance, in the past he could drain the river to feed his thirty hayfields. Today, there are endangered fish in the river, and he is under pressure to reduce his water usage. Of course, one could suggest that if Bob really internalized all the environmental costs of his livestock operation he wouldn't be in business another day, but times change slowly and he has only had to make some minor adjustments to appease environmental regulators. Even these minor new costs were hurting what was really a marginal economic operation. In the past, he could externalize all these costs on to society and the land's wildlife, but today people are increasingly saying they wanted Bob to pay the real cost of raising cows in the arid West, and these "new" costs are cutting into his bottom line.

It's been a few years since I was on Bob's ranch although I ran into him recently at another event. When I inquired how things were going with the family, he told me that his wife had moved into Great Falls with

the kids so they could attend high school and participate in things like after school sports. With a second house mortgage to support in the city, and those college tuitions to pay, Bob found it increasingly difficult to make the ranch financially solvent. At first Bob's wife and kids would come out to the ranch on weekends and in the summer, but over time, these visits became fewer and farther apart. Eventually Bob's wife met another man in Great Falls whom she married. Recently Bob sold his "sustainable" ranch to an amenity buyer. He remained on the ranch as its manager.

Bob is still insisting that ranching is sustainable—though he is now the ranch manager instead of the ranch owner. The new owner is more interested in elk and trout than cows. Bob still gets to play cowboy running some cows, though far less than in his Daddy's day, but it's not cows that are supporting the ranch, rather money earned elsewhere in the economy. Bob will probably go to his grave thinking that ranching is sustainable, but his circumstances suggest otherwise.

What Bob described to me was all the reasons why ranching was not sustainable. They are economic as well as social. They are being repeated over and over throughout the West. Unlike the gold placer deposits that disappear quickly, and, with it a mining town, ranching is dying a slow death, cut by cut. It's terminally ill; it's just taking a long time to die. This fools people into believing that there's a future for ranching.

This has major public policy implications. Many people resist land use planning and zoning because they believe there is an alternative—namely that ranching will protect open space. But in a region with rising land values, counting on ranching to preserve open space is a fool's game. If people are genuinely interested in preserving open space, important wildlife habitat, and public access to the land, they are going to have to bite the bullet and buy it—either with conservation easements or outright fee purchase. That is the only way to preserve what we have now into the future.

George Wuerthner, co-editor of "Welfare Ranching: The Subsidized Destruction of the American West," is a Western Watersheds Project Advisory Board member who lives in Richmond, Vermont.



After the end of Public Lands Grazing, the West can become vibrant habitat once more. Photo©Katie Fite



Remembering my First Time

by Dr. Steve Herman

This is a tale of youth and naiveté, set not far past the middle of the last century.

The year was 1962, and the place was the Glass Mountain Range in Inyo National Forest, south of Mono Lake in eastern California, not far from Yosemite National Park.

I was working for the University of California Department of Biological Control (long ago snuffed out by the pesticide industry), and my boss was studying a fascinating native forest insect, the Lodgepole Pine Needleminer. There were two populations of this insect. The one in Yosemite had been discovered by John Muir around 1900, and the other was the one I was helping study.

My boss was interested in the insect natural enemies of this “defoliator”, and much of my work involved collecting tiny parasitic wasps from various elevations in pines, helping to identify them, and following the progress of the moths. But I had been allowed to initiate a study of the birds that ate these moths. The larvae were inactive in the winter, and hidden in the needles. Mountain Chickadees and Cassin’s Finches were especially fond of this food source, and I collected these birds from time to time to look in their tummies for needleminer larvae. The country was beautiful, deserted because there wasn’t any place to “recreate” there, and full of remnant wildness.

The core of my bird work was a set of paired nest box plots, one on an “infested” site, the other in an area not colonized by the moth. During the winter on snowshoes I surveyed and laid out a pattern that had 100 boxes on each plot, a hundred yards apart in a grid.

During the nesting season (the elevation in that part of the Glass Mountain

Range is around 8000 feet) I walked from box to box, and followed nesting events in the boxes. Most of the nesters were Mountain Chickadees, and my hypothesis was that there would be more and more successful nesting on the “infested” plot.

What has this to do with Public Lands grazing? I’m getting to that.

I made friends with a couple of the Basque shepherders in the area in the course of my work. When I mist-netted birds to band I often interacted with these interesting guys because I banded birds mostly at springs –springs often used by their sheep.

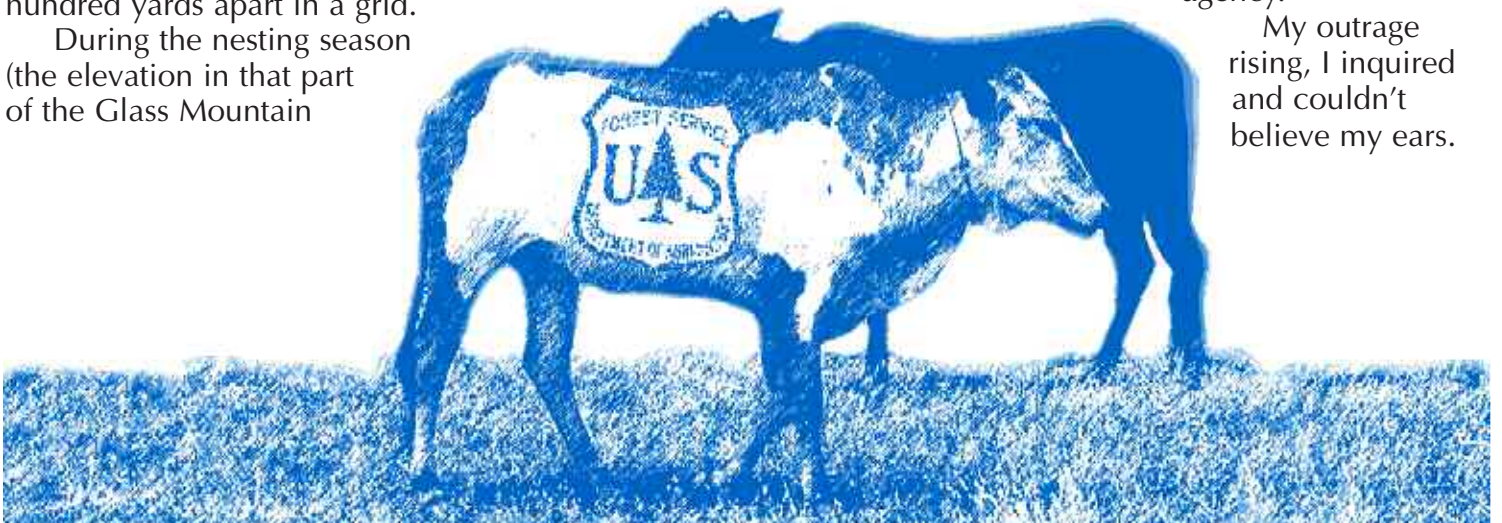
Early in the nesting season on the moth-free plot I encountered a number of bird boxes that had been smashed, and I had reason to believe that their destruction was associated with the shepherders. I raised the issue with my friends and the problem ended. That’s the end of that grazing story.

However, a significant amount of cattle grazing took place in the meadows of the forest. I think I was vaguely conscious of this fact, but I had been raised fishing with my dad in areas grazed by cattle, and was probably numb to the inappropriateness of the practice.

All that ended one day when I encountered a crew putting up a fence obviously meant to be part of the grazing scheme. It was my interest in the destruction of my bird houses that precipitated my interest in grazing, and I stopped to chat with these few guys near my campsite on one of the grazed meadows.

Imagine my amazement, astonishment, and offense when I noticed that the vehicles associated with this operation carried the logo of the United States Forest Service on their doors! Egad, what’s this? As I edged closer it became clear that the workers were uniformed as employees of the same agency.

My outrage rising, I inquired and couldn’t believe my ears.



My idealism had not yet yielded to cynicism, and I'm sure I was convinced that I had uncovered a major scandal. A scandal because my conversation had not included any detail about the convoluted arrangement by which this sort of thing was made legal.

The District Ranger's office was the better part of an hour away in Lee Vining at the eastern base of Tioga Pass, and I got there as quickly as I could. I can remember my rage building as I drove the beautiful route to town.

The District Ranger was one Jack Reveal, and my boss was made to interact with him to be allowed to do research on "his" Forest. I knew him only casually, and that in days when "Forest Ranger" evoked visions of Mark Trail.

I don't remember the extent of the conversation, but I do know that I was confrontational and loud, and the detail that I do recall vividly is me standing very straight in front of his desk with him sitting behind it, and saying, "What interests me is the extent to which a public servant is willing to go to serve private interests!" This said with a little volume under it, I'm sure.

I stomped off, pounded down the Ranger Station stairs, and returned to my birds and my camp, perhaps convinced that I had struck a blow for fairness in a democracy.

It was a few days later that I made a routine call to my boss in Berkeley to report progress and receive instructions.

I got only one instruction: "Get into Ranger Reveal's office immediately and apologize fully or you're fired."

I'd like to report that I stood on principle and refused to do that, but that is not what I did. I can't remember the apology, but certainly I tendered it.

I loved that place, loved that work and I loved my birds. I kept doing that work and related stuff even after my boss was fired for opposing the use of insecticides against the needleminer in Yosemite National Park (a major supporter of that nonsense was the Sierra Club).

So I launched on a career that included birds as a major part and opposition to public lands grazing as a parallel passion.

Steve Herman, a WWP Advisory Board Member, has a Phd. in Zoology and is a retired faculty member of Evergreen State College. He lives in Yelm, Washington.

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Nothing Grows There...

by Katie Fite

For a decade I have watched and complained as hordes of domestic sheep are annually run across melting snowbank areas in the Jarbidge country of the northern Humboldt-Toiyabe Forest. Untold thousands (millions?) of hoofprints compact and pock soils, and destroy newly emerging plants.

Such damaging practices are well-known in the earlier range literature to denude, erode, gully, generally dry up and desertify headwaters.

In the arid West moisture dictates all. Prevailing winter winds blow snow across sagebrush plateaus and ridges. At the leeward edge, below rimrocks and upper slopes, this drifted snow accumulates in packed drifts. It persists into summer, slowly melting. The melting drifts can support diverse native plant communities. While grasses in the surrounding sagebrush uplands are already tan and dry, spring in the snow pocket comes in late July or even August. Rivulets of cool melt water feed stream networks.

Laxly controlled sheep (and cattle) turned out on this "range" gravitate towards headwater snow pockets. The damage to soils and plants that this causes is forgotten by the current crop of agency range conservationists. Some of the agencies would say the earth is flat if the ranchers wanted them to. Agencies go to extraordinary means to cover up and deny the obvious effects of livestock grazing on the public's land and water --- and now to the atmosphere as well. Increasingly, science shows the devastating contribution of livestock to global warming. It's not only the methane, with many times the global warming effect of CO2, it's also the effects of livestock grazing and trampling on the land making grazed areas hotter and drier - i. e. desertification of public lands.

This May, I asked the Forest Service if sheep were again to be turned out on top of the melting snow pocket gullies in the Jarbidge. The reply was: "We've told you, nothing grows there. Besides, the sheep don't go there anyway."

I decided it was time to end this willful agency ignorance once and for all. So I asked an experienced sedimentation geologist to come take a look. Don and Joyce Clarke graciously obliged. The photos show what we found.

Startling remnant emerald green ferns ... Ferns, tough enough plants to have survived since the days of the dinosaurs, and other perennial native plants. From sedges to asters to lupines to aspen newly emerging from under snow being ground into dirt ... sheep manure polluting the very headwater snowmelt runoff. Instead of freshets of cold pure snowmelt water, we see muddy bacteria-laden murk with soils barren, baking hot to the touch and gaping gullies.

In the 21st century, with the planet facing growing water shortages and the peril of climate change - isn't it time to end this public lands grazing madness and wanton destruction once and for all.

***Katie Fite is WWP's Biodiversity Director.
She lives in Boise, Idaho.***



*Sheep devastate entire areas, here leaving their "calling card" on late spring snow
photo©Katie Fite*



Ferns grow in an area protected from grazing, so what could be. photo©Katie Fite





how



*The ground, trampled and barren, loses topsoil.
photo©Katie Fite*



*Sheep-trampled Ferns.
photo©Katie Fite*



*Ultimately, grazed lands cause gullying and destruction further downstream
photo©Katie Fite*

WWP would like to thank
Don and Joyce Clarke
for their tireless efforts in support of
Western Watersheds Project and
the environment.



Uncertain Fate for Idaho's Greater Sage-Grouse Looms on the Horizon

by Ethan Asher

The western United States is an area that is rapidly growing largely because it is a desirable location to live and it serves as an appetizing location for energy companies to place large-scale wind farms, oil drills, and other energy producing facilities. For these two reasons, wildlife conservation has been put on the back burner as the current political environment has enabled out of control space and energy development contrary to the preservation of wildlife and wild places.

Many Wyoming public landscapes are now being decimated by an increasing presence of oil drills and pumps. The change has been so dramatic as to cause a number of environmental woes spurring governmental agencies to begin acknowledging the need for conservation.

In the state of Idaho, critical attention is needed to protect many of our public landscapes from a similar fate. The Brown's Bench area south of Twin Falls is just such an example. This magnificent landscape is in danger of being permanently altered due to the "desirable" wind resources blowing over the plateaus. Currently, "China Mountain" is in the sights of Renewable Energy Systems (RES), a large multinational energy conglomerate hell-bent on erecting a large-scale wind farm that would span a projected area of 30,700 acres, barely crossing into Nevada. The roads, transmission lines, blades, and related infrastructure development would be devastating to the remaining wildlife habitat.

In July, the director of the Magic Valley region for the Idaho Department of Fish and Game (IDFG) made public his concern about the China Mountain wind project and its negative effect to wildlife habitat in the state. The concern so chafed at the profit-motive many Livestock good ol' boys in the state legislature stand to gain should development proceed that they contacted the director of the Department. Within a month of his voiced concern the regional director lost his job.

Despite private lands not far north from Brown's Bench being a perfect alternative given suitably high winds, abandoned agriculture following failed large-scale irrigation schemes, and the ecologically marginal aftermath of overgrazing, fire and cheatgrass, RES and its local Livestock politicians insist on the public land of Brown's Bench.

Although this project is to be developed in Idaho's backyard, the power harvested would be transmitted across Nevada keeping Las Vegas casinos lit 24 hours a day with cheap, "green" energy. Because the development dips ever-so-slightly into Nevada, those few turbines touching the border grant the utility compliance with Nevada state regulations and incentives designed to increase production of "renewable energy" in the state. Unfortunately, the prospects of this energy as "renewable" is not so enticing if you are a sage grouse, a pygmy rabbit, or the unique and diminishing landscape where they live.

Several species stand to lose if this project is implemented, especially sage-grouse. Browns Bench is a critically important landscape because of its intact wildlife habitat with healthy sage-grouse populations. Other landscapes with similar attributes have long since been altered for agriculture, livestock use, and energy development.

Fortunately, Western Watersheds Project is committed to the wildlife and wild landscapes upon which they depend. Renewable energy schemes such as the China Mountain wind project that pose a threat to imperiled species and landscapes are hardly "green" energy.

Ultimately, the best way to thwart these threats is by listing sage grouse under the Endangered Species Act.

It has been my mission this summer to begin gathering information and asking questions directed at agency officials in order to develop leverage in the battle for protecting Browns Bench and even more importantly, the greater sage-grouse.

***Ethan Asher is Western Watersheds Project's 2008 Summer Intern
A Boise, Idaho resident, he is currently attending Furman University in Greenville, SC.***



***Brown's Bench, Idaho
photo©Ethan Asher***



Struggling Upstream: Bull Trout on the Payette National Forest

By Debra K. Ellers

Bull trout (*Salvelinus confluentus*) are the piscine “canary in the coal mine” when it comes to climate change. Requiring the coldest water of all salmonids, bull trout are seldom found in streams where temperatures exceed 59-64 degrees F. In the warming Intermountain West, keeping streams cold is paramount to protecting bull trout from extinction.

Besides cold water, bull trout need complex habitat, such as large woody debris in streams, undercut and stable banks, deep pools, clean gravel beds for spawning and unblocked migration corridors. Over a century of human disturbance, including logging, road-building, off-road vehicle usage, irrigation and livestock grazing, have harmed bull trout by degrading their habitat. Cattle in particular do many things bad for bull trout, including trampling banks and streams, sending sediments into their watery home, polluting water with urine and manure, and eating streamside vegetation, removing shade and allowing water to heat.

Dwindling bull trout populations led the U.S. Fish and Wildlife Service (USFWS) to list the species as “threatened” in 1998 under the Endangered Species List. Since this listing, federal agencies are supposed to conduct land management activities on public lands in ways that protect bull trout. However, most land management agencies’ focus seems not to be on keeping pristine habitat or restoring degraded areas to allow bull trout to recover. Instead, the agencies spend thousands of employee hours and generate hundreds of pages of bureaucratic mumble-jumble seeking to continue logging, grazing and other degrading activities, while these native fish barely hang on.

Conditions on the Payette National Forest in the mountainous region west of Cascade and southwest of McCall, Idaho, (locally referred to as the “West Mountains”), illustrate the serious challenges facing bull trout on our public lands. Isolated populations of bull trout currently exist in this region’s headwaters of the Weiser River, one of Idaho’s most degraded rivers. Two groups of resident bull trout are found in this watershed, one in the East Fork of the Weiser River, along with its tributaries Dewey and Lewey Creeks, and another in the Little Weiser River and its tributaries, Anderson and Sheep Creeks. Latest estimates for these populations is 1,000 to 2,000 individuals each, with 1,000 being the minimum number many biologists



accept as allowing bull trout populations to survive long term.

These streams are located on two large cattle allotments in the Payette National Forest, Council Mountain—about 83,000 acres in size—and Indian Mountain—about 87,000 acres in size. Both allotments have similar topography and climate, with elevations reaching to around 7,000-8,000 feet, steep terrain topped with rolling open ridges and meadows and typically dry, warm weather in the summer. The Payette National Forest presently allows thousands of cattle to graze on both allotments. This year’s grazing instructions for Council Mountain authorized ten permittees to turn out over 1100 cow-calf pairs from June 20 through October 15, and for Indian Mountain, eleven permittees to turn out over 1700 cow-calf pairs from July 1 through October 15. Bull trout spawning season is August 15 through November 15, cattle are around during much of this critical time.

Trying to keep cattle out of bull trout spawning areas, the Payette has come up with an elaborate streamside fencing scheme (paid for with taxpayer money, of course). Solar-powered electric fences—totaling about 6 miles in the East Fork Weiser watershed and 5 miles in the Little Weiser watershed—are strung around designated spawning areas. These electric fences have debatable effectiveness—Forest Service monitoring records show that the fences aren’t charged at times.

More critically, cattle trespassing into the closed spawning areas have been documented over several seasons, even when the fences are charged.

Additionally, this fencing scheme still lets cattle in part of the streams, as some gaps between fences are left to allow cattle access to drinking water, and tributaries above spawning areas are unfenced. So, even if cattle stay out of the exclosures, they trample these upstream unfenced areas and continue to eat streamside vegetation—warming the water temperatures and adding sedimentation and pollution—all detrimental to spawning and rearing areas downstream.

In a 2007 Biological Assessment (BA) prepared for USFWS to address grazing activities on the Council and Indian Mountain allotments, among many other land-disturbing activities, the Payette NF dismisses the significance of cattle presence in bull trout areas giving excuses such as “the degree to which livestock may be affecting stream shading is unknown” and “photo monitoring points along the exclosures did not reveal any obvious impacts from the cattle intrusions.” The Payette Forest admits that many of the factors making up bull trout habitat are functioning “at risk” or “at unacceptable risk,” but at this point proposes to carry on business as usual and continue grazing these heavily stocked allotments unchanged in stocking levels or seasons.



“Business as usual” doesn’t cut it to keep these few bull trout alive in this part of the world. The Western Idaho office is actively pressuring the Payette NF for grazing management changes to help bull trout survive. The common-sense approach from the public’s and bull trout’s points of view is to remove any livestock from the vicinity of the bull trout migration and spawning areas on both the Council Mountain and Indian Mountain allotments. This approach would affect only a small percentage of these massive acreages, and not rely on artificial and unreliable mechanisms such as electric fencing to keep cattle out of the streams.

Bull trout have lived for thousands of years in the Weiser River headwaters and are a unique part of our natural heritage. The Western Idaho office of WWP does not intend to allow this magnificent native fish to disappear from our public lands on the Payette National Forest, and will fight to save it through all legal means. Stay tuned for our next step.

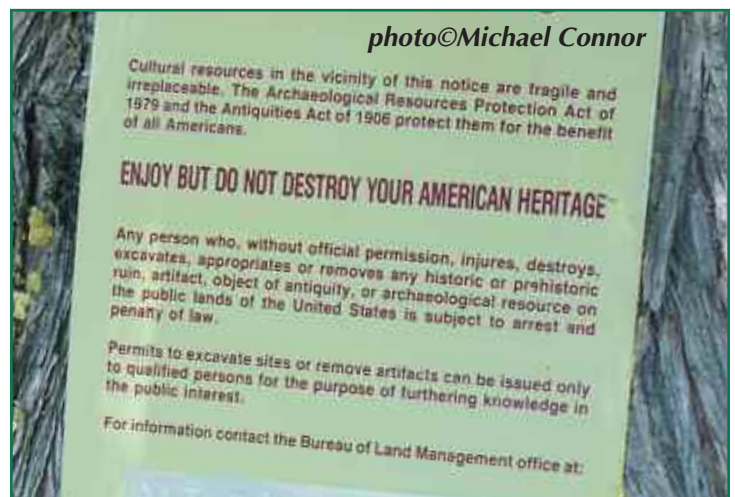
Debra Ellers is WWP’s Western Idaho Director. She lives near McCall, Idaho.



WWP Gets Cows Yanked from Yankee Jim

by Michael J. Connor

On July 25, 2008 the Bureau of Land Management’s Alturas Field Office was forced to remove cattle from the beautiful and important Yankee Jim Area of Critical Environmental Concern (ACEC) following double-header appeals from Western Watersheds Project’s California Office. Western Watersheds Project is demanding that the BLM complete the full environmental review as required by law and that BLM work to save the area’s cultural and wildlife resources in line with the Field Office’s own resource management plan.



Yankee Jim Ranch was designated as an ACEC in April 2008 but the BLM ignored that fact when it issued its multiple decisions to authorize cattle grazing this summer. The Yankee Jim ACEC includes a number of significant historic and pre-historic sites. The pre-historic remains consist of over 90 sites in the meadow and upland areas. According to BLM reports cattle have been trampling, trailing and dispersing artifacts, pawing and digging, and even wallowing on these sites. These disturbances have escalated in recent years. The ACEC is also important wildlife habitat for sage grouse, sandhill cranes, waterfowl, and hosts one of the largest pronghorn herds in California. It includes unique riparian habitats including the only “fen” found in the BLM’s Alturas Resource Area.

Yankee Jim Monkey Business

This spring, the BLM’s Alturas Field Office embarked on a spree of questionable and under-the-table behavior that showed scant regard for the law, or

the public interest, or Yankee Jim's unique natural and cultural resources.

On April 29, the BLM's Alturas Field Office renewed a grazing permit for Yankee Jim based on a claim that it was "categorically exempt" (CX) from NEPA (National Environmental Policy Act) analysis. WWP filed a Freedom Of Information Act request for more documents including all recent grazing permits from the BLM and filed an appeal of the decision on May 28. BLM immediately backed down, and on June 16 filed a motion to vacate and to withdraw their decision to authorize a ten-year grazing permit on Yankee Jim allotment and to authorize grazing under an annual agreement. As we pointed out to the Judge, that agreement had been signed on May 14, 2008 without any NEPA or public involvement what-so-ever. On June 20, Judge Sweitzer allowed the Alturas Field Office to withdraw their decision to authorize a ten-year grazing permit on Yankee Jim allotment.

That same day, we filed an appeal of the May 14, 2008 grazing decision with a petition for stay. On July 10, the Judge denied the petition for stay on the grounds that even if he granted the stay grazing would continue under the terms of the decision being appealed until he decides the case! The next day we filed a motion to the Judge asking for summary judgment in the case since BLM had clearly failed to meet its obligations under FLPMA or NEPA. In an unusual twist, the Field Office Manager had to file his own response to our motion on July 18 – the BLM's Solicitor did not represent him!

On July 23, Judge Sweitzer ruled on the case in Western Watersheds Project's favor and for the second time in 2 months struck down a grazing decision for Yankee Jim. Stating that "The BLM's response does not show that it complied with NEPA" and "The logic of BLM's argument is difficult to fathom" the judge set aside the BLM Alturas Field Office May 14, 2008 agreement.

That same day, the Field Manager sent a letter to the permittee vacating his decision and ordered the cattle off Yankee Jim by July 25. Bizarrely, that letter also vacated a third grazing decision he had made (dated June 25, 2008) that we had never heard of!

WWP at Yankee Jim

The Yankee Jim Ranch is a small allotment consisting of only 1,500 acres but the entire site is designated as an ACEC and the area provides a lush oasis on the edge of a severe volcanic tableland. Despite all this, the BLM had proposed to permit livestock grazing on the allotment without even the most basic environmental analysis.

Yankee Jim only came into public ownership in 1990 after it had been seized by the DEA in a meth-lab bust. There is no long history of public grazing on this site and it isn't acceptable for BLM to green-light grazing projects in such special places.

The BLM was required by law to analyze the impacts of livestock grazing and to develop mitigation measures. The Yankee Jim ACEC is a national register-eligible treasure with irreplaceable cultural resources that are being irretrievably damaged by livestock. The BLM should have considered alternatives to the destruction of this culturally and ecologically important site, including ending grazing completely.

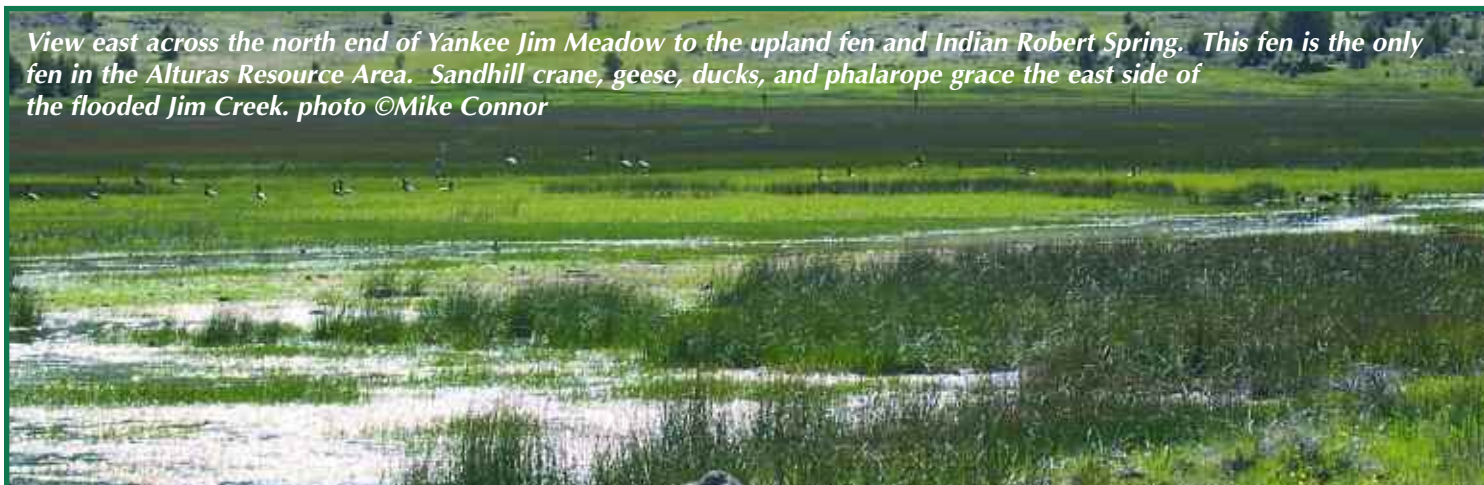
WWP has got the cows off Yankee Jim this year. We will be keeping a close watch to make sure that no livestock are released there again without a full environmental review.

For more information about WWP's California program and copies of the Yankee Jim Orders, please visit the WWP website at

www.westernwatersheds.org/wwpinfo/califO.shtml.

Dr. Michael J. Conner is WWP's California Director. He lives in Reseda, CA

View east across the north end of Yankee Jim Meadow to the upland fen and Indian Robert Spring. This fen is the only fen in the Alturas Resource Area. Sandhill crane, geese, ducks, and phalarope grace the east side of the flooded Jim Creek. photo ©Mike Connor





**Biting Back:
A Victory in Wyoming**
by Jonathan Ratner

News has just come in from the Office of Hearings and Appeals (OHA) that Judge Harvey C. Sweitzer agreed with us and has overturned grazing decisions covering over 800,000 acres in southwest Wyoming, stretching from just east of Evanston to just west of Green River and from Kemmerer all the way to Flaming Gorge. The judge chastised the BLM for its failure to comply with the law and shredded each of the arguments put forth by the BLM and the permittees in this case. This ruling forces the BLM to go back and do their analyses over again.

It's great to be biting back after a lot of barking. Most of our office hours are spent providing current science, analysis and critique to the agencies to help them make informed decisions, which in their arrogance they repeatedly ignore. This input though, lays the foundation for litigation such as this, which unfortunately is often necessary because of the agencies ideology-based land management that has to reject anything that runs counter to their 'get out the cut' mentality.

We hope they use this judicial slap to implement the protections that sage grouse and other sensitive species need, because if not we will be there at their heels as the watchdog of our public lands.

Elk Feedlots – Perfect Petri Dish for Mad Elk Disease

Western Wyoming is the only area of the country with a massive government-run elk feeding program. This system of 21 feedlots, as well as the National Elk Refuge, was developed in the early 20th century at the demand of the livestock industry to keep wildlife off of winter range and private lands, but as predicted by

Murphy's Law, are at the center of the Greater Yellowstone Ecosystem's brucellosis brouhaha because when wildlife are treated like livestock, problems are sure to arise.

In this case, brucellosis, an exotic disease transmitted to wildlife from European livestock, is now transferring back to livestock, due to the high levels of brucellosis caused by the unnaturally densely packed wildlife that occur on these feedlots. The problems caused by brucellosis are miniscule compared to the imminent threat of Chronic Wasting Disease (CWD), the elk form of Mad Cow Disease, entering these feedlots. CWD is a highly infectious prion disease with a 100% mortality rate.

Currently, CWD is in low levels in free-ranging wildlife in the eastern 2/3's of Wyoming and other states, but once one infected animal spends the winter on one of these feedlots the die-off of the GYE's elk population will be massive. Because these prions remain infectious in the soil for years or decades there will be a permanent source of further die-offs.

In spite of this well-known threat, the Forest Service has just issued a decision to continue the elk feedlots for another 20 years. Here again, the spineless agency with its head buried in the sand is taking the easy route to avoid ruffling the feathers of the livestock industry. Here again we will have to use the courts to try to knock some sense into a malfeasant agency that puts the interests of a tiny few before the great good of the whole.

We, of course, have dozens of other issues that we are working on here in Wyoming and would love to provide further information about them. Contact me with your questions, concerns or any resources you would like to share at Wyoming@WesternWatersheds.org.

*Jonathan Ratner is Wyoming Director of WWP.
He lives in Pinedale, Wyoming.*

WWP extends special thanks to the following supporters, each of whom contributed \$100 or more to our efforts since the last newsletter. This generous assistance helps to preserve and restore habitat for many species.

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WWP Blog Now Online

For a look at a more irreverent and personal take on public lands, watersheds, and wildlife issues by a few dedicated WWP authors, WWP invites readers to check out the WWP Blog: <http://wwpblog.com>. Comments are always welcome or join in as an authorized author by contacting WWP: wwp@westernwatersheds.org.



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^ Year after year, the BLM allows cattle to roam the Sonoran Desert National Monument despite the sheer and obvious incompatibility with the fragile desert environment.