

**THE OWYHEE INITIATIVE: A COLLABORATIVE ASSAULT
ON PUBLIC LANDS AND ENVIRONMENTAL LAWS**

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Martin Litton on collaboration: *“It comes from wanting to deceive the public”*.

“Why do we need an Owyhee Initiative Web site? As a record. If this happens, we want to make it clear that we tried to tell them the consequences, and asked them to stop, and they wouldn’t listen”. Erik Ryberg

“The Cattle Kingdom did more damage to the West than anything else in all its economy of liquidation. As a mythology it will do even worse damage hereafter”. Bernard DeVoto, “The Anxious West”

THE OWYHEE INITIATIVE: A COLLABORATIVE ASSAULT ON PUBLIC LANDS AND ENVIRONMENTAL LAWS

In Idaho now, three things are underway that will set significant new precedents. These are the Owyhee Initiative (OI), the Federal Lands Task Force, and elements of the Boulder-White Cloud (BWC) proposal. All have components that undermine public processes and the environmental laws that protect public lands. Each represents part of a broad effort by commodity interests and the politicians that support them to erode and fragment the public land commons.

This paper primarily focuses on the Owyhee Initiative (OI), and deft maneuvers of Sagebrush Rebel/Wise Use/County Supremacy advocates and right-wing politicians to backdoor an agenda of local control of public lands into mainstream acceptance. It examines the Owyhee Initiative and collaboration in the context of: Past efforts by local interests to grab control of public lands; The embrace of collaboration by enemies of the environment; The Quincy Library Group collaboration that opened the door to increased logging and special processes for local interests; A conjured-up “gridlock” crisis, coupled with the rise of collaboration to relax laws; The sacrifice of public lands and/or processes to attain Wilderness designation, i.e. “quid pro quo” Wilderness deals; Harmful new precedents for the Wilderness Act and all public lands being set by the Owyhee Initiative and its ilk; and The Idaho Federal Lands Task Force proposal to increase state and local control of federal lands, with parallels to the Owyhee Initiative.

What Sagebrush Rebel, Wise Users, County Supremacy advocates and commodity interests could not achieve by confrontation or open public process is being given to them by conservation groups through the use of collaboration. The aim of Owyhee County and ranching interests in the Owyhee Initiative is to alter public processes and weaken environmental protections to give local interests unparalleled influence and power over all lands in Owyhee County. The Wilderness Society (TWS), Sierra Club (SC) and Idaho Conservation League (ICL) are on the brink of conceding to their desires, and helping to set new precedents in advancing this anti-environmental agenda. The Wise Users have learned to use Wilderness acres as a bargaining tool to get what they desire on public lands.

Collaborative efforts like the Owyhee Initiative that weaken the powers of the federal government and increase local control are strongly supported by the Bush administration,

which has expressed support for the Owyhee collaboration. Legal scholars have used the term “devolution” to describe decentralization of federal powers and oversight. Collaboration is one of the key strategies being employed in the current “devolution revolution”, aimed at dismembering public lands processes, and eviscerating environmental laws.

An overview of the Owyhee Initiative collaboration is available at two Web sites: www.owyheeinitiative.com contains information about controversial precedents of the OI, and links to news articles, e-mails and activist perspectives. www.owyheeinitiative.org is the official web site of the OI supporters, and contains descriptions of some parts of the proposal.

SOME HISTORICAL CONTEXT OF ASSAULTS BY STATE AND LOCAL INTERESTS ON PUBLIC LANDS

The “Get Out and Give Us More Money” Mentality of the West’s Commodity Interests

The Owyhee Initiative and Federal Land Task Force efforts underway in Idaho aim to loosen federal control of public land and environmental regulation, and increase control and power of local interests. Local interests, particularly stockmen, have long lusted to take control of the public domain lands of the West. Bernard DeVoto’s great *Harper’s* essays on past western land grab efforts sear into present relevancy. First compiled in *The Easy Chair*, they describe a series of assaults on public lands by commodity interests during the Eisenhower administration of the late 1940s and early 1950s. They are now newly available in the compilation *The Western Paradox, A Conservation Reader*. “The West Against Itself”, “Sacred Cows and the Public Lands”, “Statesmen on the Lam”, “Two-Gun Desmond Is Back”, “The Sturdy Corporate Homesteader”, “Heading for the Last Roundup” and other seminal DeVoto essays describe local control efforts in the West – efforts with resounding similarities to the Owyhee Initiative, the Idaho Federal Lands Task Force, and collaborative processes, regulation changes and new laws being trumpeted by the Bush administration’s Interior Department and Forest Service officials.

DeVoto emphasizes a split in the western psyche – Westerners, while claiming to be fierce individualists, demand federal subsidies. The “practices, values and delusions” of the West, demand more and more subsidies – but seek to avoid regulation. The Western attitude towards the federal government is “**get out and give us more money**”, where “a dream of economic liberation is dependent upon continuous, continually increasing federal subsidies – subsidies which it also insists shall be without safeguard or regulation”. “The humble sheepwalker” and “the bronzed horseman” cattle rancher are the “front for other less savory elements” who denounce the idea that “the people should own the water power forests”. DeVoto exposed a 1947 bill to transfer public lands to the states “on the fully justified assumption that if there should be a state government not wholly compliant to the desires of stockgrowers, **it could be pressured into compliance. The intention is to free them from all regulation except as the stockgrowers might impose upon themselves**”, Then, “from the states, the public lands are to be transferred

to private ownership”. See also http://www.lib.duke.edu/forest/usfscoll/policy/States'_Rights/1946_Robertson_bill.html .

DeVoto also writes of an attempt to breach National Park policy in favor of local interests, and presciently predicts that **similar onslaughts on the public lands “will be repeated many times, and the West intends to win”**. Some of the very same Forest Service lands that are proposed for state and local control in the Twin Falls/Cassia Trust project of the Idaho Federal Lands Task Force were threatened with removal from Forest Service jurisdiction in DeVoto’s day. “These tracts compose the Minidoka and Caribou Forests in Idaho, all the Forests in Nevada ...”. Old maps of Forest Service lands near Twin Falls in what is now the southern division of the Sawtooth Forest bear the name “Minidoka Bird Sanctuary”.

Stockmen’s efforts to put themselves above environmental laws, as in the Owyhee Initiative, are nothing new. Public awareness has been critical in beating back these efforts in the past. DeVoto observed “... **the regulations immediately to be got rid of are those by which the government has been trying to prevent overgrazing of the public range. Cattlemen and sheepmen ... want to shovel most of the West into its rivers**”. They desire to “turn the public range over to private ownership, or even private management, and within a generation the range would be exhausted beyond hope of repair ... the steady deterioration of the watersheds and the slow destruction of the wealth go on all the time”. “**A few groups of western interests, so small numerically as to constitute a minute fraction of the West, are hellbent on destroying the West**”. They skillfully manipulate public sentiment, under the guise of “individualism”, to get federal financial support without federal regulation. **Only federal intervention has “preserved those resources from locally owned liquidation by the West itself”**. It is only federal intervention – retaining the public lands, and retaining environmental laws that regulate their abuse by ranchers, loggers and miners - that has prevented the liquidation or destruction of western public lands.

Today, some conservationists are willingly conceding to present-day assaults on public lands in exchange for meager Wilderness designations.

Sagebrush Rebels Roil the Scene, But Decide They Want the Subsidies

Robert F. Kennedy Jr. eloquently summarizes the Bush administration’s war on the environment, and provides background on the significance of the anti-environmental efforts of the Sagebrush Rebellion and Wise Use movement in *Rolling Stone* 2003 “Crimes Against Nature” <http://rollingstone.com/features/nationalaffairs/featuregen.asp?pid=2154> . In 1980, Ronald Reagan declared that he was a Sagebrush Rebel. This was a “**major turning point of the anti-environmental movement**”. Money from big polluters, like Joseph Coors, organized the sagebrush rebellion. Its anti-environmental rhetoric took hold in Western communities, and spawned the Wise Use movement, as “dark populists” fronting for industry gained prominence. But, as DeVoto had seen, variant strains of this

dark populism have long been present in the West, with stockmen as fronts for larger extractive interests, with the goal of controlling federal lands.

The Sagebrush Rebels cried “states rights”, and urged transfer of large amounts of federal land to states, with ultimate privatization likely to follow. Idaho outdoor writer Ted Trueblood, in “They’re Fixin’ To Steal Your Land” and other writing helped galvanize opposition.

Ralph Maughan and Douglas Nilson in “What’s Old and New About the Wise Use Movement” (1993) discuss the recurrence of reactionary Western land revolts, including Wise Use <http://nwcitizen.com/publicgood/reports/maughan.htm> (best link may be through CLEAR Web site). “Internal discussions at James Watt’s Interior fed the fear of privatization ... as much as 35-million acres might be sold under the Administrations’ ‘Asset Management Program’. Reality began to sink into the Rebels. While some advocated disposal of federal land, most realized this was not in their interest, as the federal lands system provides ranchers many of the privileges of ownership (doing largely what they want) while paying extremely low grazing fees along with project, predator-killing and other subsidies. **It was actually environmental initiatives of the 1960s and 1970s that “threatened to destroy the comfortable relationship between commodity users of the public lands and the federal bureaucracy”**. This is what the Sagebrush Rebels were reacting to, as Wise Use arose. Western ideology incorporates ideational features of 19th century liberalism (laissez-faire capitalism) with cultural characteristics of the imagined (violent, macho) old West, yet subsidies sustain the culture.

Libertarian Carl Hess in “The West at War with Itself” describes “the West’s aristocratic elite—the romantic and mythical cowboys and ranchers whose social, political, and economic standing make them **heirs apparent to plantation aristocracy** that ruled the South from Jefferson to Lee” <http://reason.com/9506/hess.jun.shtml> . He debunks the myth of the wild and independent West, instead it is “a legend bought and paid for with national taxpayer dollars”, “**the men and women who now lead the western rebellion against big government, and who openly defy federal authority ... have built their empires on federal protection and federal dollars**”. “The mother of all public lands grazing subsidies is the federal appropriations that Congress started handing out to public-land ranchers in the late 1940s to placate western anger”.

Hess provides the disastrous Vale Project as a prime example of massive federal subsidies and rancher welfare. Degraded and overstocked Vale Oregon BLM lands were scheduled for deep cuts in cattle numbers. To avoid this, ranchers, politicians and BLM “persuaded Congress to pay for a **massive range restoration program**” from 1963 to 1985, and spent \$56 million, just over \$300,000 per rancher, or \$75 an acre (in 1992 dollars). The Vale Project was an ecological disaster – destroying vast sagebrush wild lands through fire, herbiciding, plowing and planting exotic species like crested wheatgrass. By 1994, the project had unraveled, relentless grazing had depleted even exotic seedings, and Vale ranchers were getting \$35,000 to \$50,000 in emergency feed checks.

Some of the public lands ranchers who will benefit the most from the OI are **the very same ranchers who received the massive public lands grazing subsidy and taxpayer largesse of the Vale Project**. In fact, many of the most regulation-defiant Owyhee County ranchers also graze cattle on Vale BLM lands just across the state line.

As Maughan and Nilson, and Hess, all recognize, public lands ranchers don't really want to lose the subsidies that surround federal ownership of land.

Wise Use: Philosophy, Evolution, Metastasis

In the 1990's, reports by the watchdog Clearinghouse on Environmental Advocacy and Research (CLEAR) provided excellent tracking of anti-environmental Wise Use activities. Unfortunately, this mostly ended in the late 90s. Since then, collaboration and consensus have become some of the most common words out of the mouths of politicians committed to carrying out the Wise Use agenda. The term "Wise Use" has recently slipped out of common parlance. This is not because proponents have changed their views, or agenda. Locals wedded to the Wise Use agenda are becoming blooded "collaborationists". Efforts to gain control of public lands and gut or eliminate environmental laws continue unabated, and in the OI are gaining momentum through collaboration.

Like the Sagebrush Rebels, the Wise Use movement has been financed by Western big polluters and extractive interests that benefit from weakening or killing laws regulating pollution or their "access" to rob the resources of the public lands for private profit. The first Wise Use conference was held in 1988. A review of information and Web links on Wise Use is available at the CLEAR Web site <http://www.clearproject.org/links.html> . The W.J. McCabe Chapter (Minnesota) of the Izaak Walton League of America web site also contains links to many excellent postings on Wise Use. <http://pws.chartermi.net/~duluthikes/wiseuse.htm>. The site summarizes Wise Use: "In general the movement believes that **the government should not own the land**, that private property rights need not recognize responsibilities to the common good or environment, that **the authority of counties is equal to that of the state and federal government**, and that **environmental laws, and those people that support them (and agencies that implement them) are the cause of all rural job insecurity**". While purporting to represent the interests of the common people "the Wise Use philosophy would drive us toward a feudal system where only the wealthy or those who own the land would be able to enjoy ... America's resources ... [like] public lands are a favorite target". **It is because of public ownership of wildlife and fish, and of large public holdings of land, that the average American can afford to hunt, fish, view wildlife, but "this would not be the case if the Wise Use movement had its way"**.

"The Wise Use movement has been **carefully coordinated by right-wing ideologues and powerful business interests** which stand to profit from elimination of environmental and labor regulations". To admit those ties, "would weaken their façade of

a spontaneous movement”. http://www.ewg.org/pub/home/clear/on_wise/horizons.html . William Kevin Burke, in “The Wise Use Movement: Right-Wing Anti-Environmentalism”, <http://www.publiceye.org/magazine/wiseuse.html> describes the duplicitous and opportunistic tactics of early Wise Users. Wise Users borrow from many sources, and “use a bewildering range of subterfuges” to mask their agenda”. The term itself “was appropriated from the moderate conservationist tradition”. Western Wise Users tend to be freedom-loving, right-wing libertarians”, yet work tirelessly to “protect subsidies for ranchers, miners and loggers”. They have been most successful in rural areas in the West, as **“American industry has never dared advocate total war on the environment – but its defiant ‘rugged individualist’ frontmen can”**. In 1993, WU was forming links with anti-gays and religious activists. In 1995, Burke concluded that the movement was becoming “more vociferous and sophisticated”.

Ron Arnold wrote its “bible” *The Wise Use Agenda*, which called Wise Use “the new environmentalism”, and “a bridge, a connecting point” between industry and the environmental movement. http://www.ewg.org/pub/home/clear/on_wise/horizons.html . Most Wise Use groups claim to represent “balance” in the arena of environmental disputes”. “Both Arnold and Gottlieb [Ron Gottlieb, another Wise Use founder] have well documented ties to Reverend Sun Myung Moon’s right-wing political operations. Leaders were also well tied to a network of right-wing think tanks and foundations funded with Coors money. “Even in the West, the naked promotion of industry interests that characterized **the original Wise Use agenda is giving way to a more subtle, pro-industry, anti-people strategy dressed in the patriotic sounding rhetoric of property rights**”. “**Helen Chenoweth**, an Idaho-based advocate of Wise Use ‘home rule’ strategy (which **claims that counties can supersede federal authority** in local land-use planning), said that she had traveled to 44 states in the last year promoting home rule ... and that Ron Arnold and Alan Gottlieb were heroes”.
http://www.ewg.org/pub/home/clear/on_wise/horizons.html

Outdoorsman Ted Williams has written about Sagebrush Rebel/County Supremacy antics and the Wise Use movement. In the late 90s, Williams noted what the possible political demise of Wise Use in “Wither Wise Use” (link at W.J. McCabe Web site). Regarding founders Ron Arnold, who coined the duplicitous term Wise Use, and Alan Gottlieb: “they yell and lie and play dirty tricks”. They failed in the 94th Congress (1996 and Newt Gingrich), because the movement was young and politically immature. As the in-your-face tactics of the Wise Use movement, including physical assaults on federal employees and shouting largely failed, they went down to defeat, chided even by Gingrich. Williams observes **the “County Supremacy” movement is “pretty much indistinguishable from WU and, in many cases, metastasizing from it”**. Yet, when Williams asked CLEAR’S Dan Barry about the fate of the movement, Barry replied: “To conclude that the WU movement is going away because its agenda failed this time is a huge leap of logic”.... “Wise Use is down but not out. There are a lot of signs that it is **getting serious about developing political maturity ...**”.

Some attention-grabbing Sagebrush Rebel/Wise Users remain visible. Grant Gerber tries to stay in the public eye using the Jarbidge road antics. Wayne Hage visibly pursues

water right claims on federal lands and appears seemingly above most of the fray. However, Stewards of the Range and other groups closely allied to Hage are actively pursuing his agenda – his role is just less visible. Some Wise Users now have cushy and influential jobs in the Bush administration. Maughan and Nilson’s paper on Wise Use <http://nwcitizen.com/publicgood/reports/maughan.htm> concluded that “the best prospects for Wise Use are for a national victory for the Republican Party in 1996 ...”, presaging the ascendance of the Wise Users and their agenda with Bush. Behind the scenes, other low key Wise Users have been diligently working in more subtle ways. The changes in public lands management and policy that they could not hope to readily achieve in the open (even under Bush), or by direct confrontation and brashness, are now being legitimized and quietly backdoored in, and heaped with praise. Through the adroit use of “collaboration” and “consensus” groups and terminology, they are on the path of achieving Wise Use ends on public lands.

Stewards of the Range: A Wise Use Group and Home to Fred Grant, Head of the Owyhee Initiative

Stewards of the Range is an Idaho-based Wise Use group founded in 1994 by Wayne Hage's daughter Margaret Hage Gabbard Byfield. Well-known Sagebrush Rebel Wayne Hage was Executive Director of the Free Enterprise Legal Defense Fund, a sponsor of the first Wise Use conference.

Stewards legal advisor, Board member and premiere writer is Fred Kelly Grant. Grant is the chairman and head of the OI. Grant is also the legal advisor to Owyhee County. The posh office of Stewards of the Range is located in Meridian, Idaho, with property rights books prominently displayed in cherrywood cabinets. It is the frequent scene of OI committee meetings. Red Lodge Clearing House, a collaboration cheerleading group, gives the Stewards of the Range street address as the OI contact address <http://www.redlodgeclearinghouse.org/stories/owyhee.html> . Stewards “immediate purpose is to restore respect, and a full measure of protection, for the property rights understood by the framers and ratifiers of the constitution” ... Stewards has a database of individuals, media personnel and Congressional contacts ...”. <http://www.stewardsoftherange.org/litigation/litigation-com.htm> .

Appendix A describes some details of the complex and intertwined array of Wise Use and right wing groups behind Stewards and its legal advisor, Board member, writer and Owyhee Initiative head, Fred Grant. The American Land Foundation (ALF) is a Wise Use funding arm, intertwined and even intermarried with Stewards of the Range. ALF and Stewards pooled their efforts to create a Wise Use information and action network non-profit called *Liberty Matters*. The *Liberty Matters* Board is mostly the leadership of Stewards and ALF. **“One of the most critical elements of the *Liberty Matters Project*... is its strong affiliation with the Competitive Free Enterprise Institute and the Heritage Foundation. www.libertymatters.org .**

The Smooth Transition of Wise Users to Coordination and Then Collaboration: Fred Grant, Chairman Initiative, Shows a Path

One future path of Wise Use, as it gained political maturity, is seen in the approach of Stewards of the Range's Fred Grant. Grant's manifesto on County assertion of power is an article "Can County Planning Help You" www.libertymatters.org/new_page_49.htm (co-author Carolyn Carey). **"Throughout the western states, there is resistance to the ever expanding bureaucratic assault on private property rights and interest.** That resistance takes many forms, most of them centered on the County organization of government. Some of the forms of resistance express militancy, some express a supremacy of county government, some claim ownership of federal lands in the name of the States rather than the federal government, and **some are based on the insistence that the federal management agencies coordinate with and involve local government in the planning of use for federal lands"**. The article describes the Owyhee County and Modoc County Plans, where: "The governing boards ... of the counties appointed Land Use Committees to serve as representatives of the boards in the federal agency planning process". County Plans "provide a positive guide by which **the County can insist upon coordination by the federal agencies of planning activities and management decisions.** Grant asserts the coordination is mandated by federal statutes which govern the actions of management agencies". Grant cites several statutes, including portions of BLM regulations, FLPMA, NEPA and the ESA, that Counties can use to assert these rights.

This charts a path for the Wise Users in their quest to gain greater local control of public lands, weaken environmental protections and increase abuse by commodity interests, while having the federal government foot the bill. Counties can rely on "Federal statutory and regulatory mandates of coordination" to gain new power and bully their views into federal agency processes. Grant and Carey conclude: **"All of us who believe in the Principles drafted in Philadelphia during that hot summer in 1787 must continue to resist the bureaucratic-extremist assault on those principles."** This is part of what the OI legislation, and all its apparatus is being set up to do. When the OI is examined through this lens: The OI is getting legislation written specifically for a County. This legislation will give the County new ways and new powers to resist the federal government's "bureaucratic-extremist assault" – i.e. laws and public processes that control and regulate public lands livestock grazing. These are the same federal shackles that Larry Craig, Mike Crapo and the Bush administration understand can be effectively broken through the use of collaboration (as discussed later).

Owyhee County under Grant's guidance has used "coordination" as a tool to bludgeon BLM into bending to the County's view. For example, Owyhee County is now a "cooperating agency" in the development of the new BLM Bruneau Land Use plan, with special power to weigh in on, and object to, planning direction or wording that it does not like, before the public gets the information. The County has interjected an aggressive livestock-industry bias into the RMP process since its inception – from wordsmithing and diluting goals and objectives to trying to exclude public comment at planning meetings.

As described by Maughan and Nilson in 1993, Wise Users attempted to expand their appeal, and emulated environmentalists to counter influential effects of NEPA, “wise use tacticians are insisting on economic/community impacts or property right impact statements for environmental (and land use planning) policies likely to induce adjustments in human activities. Paralleling wilderness and park reserves, Wise users propose logging and grazing reserves”.

Wise Users like Grant nowadays have progressed to the next and more dangerous step, and learned to form their version of stacked "collaborative" groups, for which they get immense praise, and then proceed to “work the system”, in order to eventually dismember the system. They can pressure agencies to do projects that serve local commodity interests, and provide a gateway to tax dollars subsidies for projects. Some other examples of Wise Use collaborative groups are brewing: Betsy McFarlan (former Director of the Nevada Cattlemen’s Association) is head of the Eastern Nevada Landscape Coalition; Leta Collord (formerly with People for the West) is head of the Northeast Nevada Stewardship Group).

Now, Wise Users are much less visible under this rubric, but they have not gone away. Groups like Stewards of the Range, right wing politicians, and political appointees who have ascended to heights in the Bush administration are diligently carrying out the agenda. They have latched on to the perfect strategy to chop away at the public lands commons through use of their controlled and exclusionary brand of collaboration and consensus processes. Plus, Wise Users have now astutely figured out that some conservationists will concede almost anything to obtain a wilderness designation. The allure of Wilderness is the bait, and some conservationists are biting.

Fred Grant, as head of the OI, has not changed, or forsaken the fight against “a bureaucratic-extremist assault” of federal control and regulation. To the contrary, he and Stewards of the Range have continued to promote the Wise Use agenda up until the present. See summary of Grant writings in Appendix A. Grant’s extremist views on CARA, ICBEMP, invasive species, water rights, the ESA and many other positions are laid out in a series of article for the Stewards publication *Cornerstone*, and in the writings of *Liberty Matters*, a linked Wise Use organization.

Stewards and Grant are carrying out the Sagebrush Rebel/Wise Use/County Supremacy agenda of Wayne Hage and Helen Chenoweth. In fact, a *High Country News (HCN)* article on the OI describes a 2003 Owyhee Cattlemen’s meeting attended by Helen Chenoweth where Owyhee ranchers **all supported the OI**. (HCN December 9, 2003 “Riding the Middle Path”. Chenoweth’s smiling presence at this meeting strategically signals the OI’s legitimacy as a way of fulfilling the agenda of Sagebrush Rebels and County Supremacists. As described below, through the OI, enemies of the public lands are on the verge of achieving a victory for local control of magnificent public wild lands by livestock interests.

BACKGROUND AND STRUCTURE OF THE OWYHEE INITIATIVE

Two events overtly set the stage for the OI. First was successful conservationist litigation in *Western Watersheds Project v. Hahn* that resulted in BLM undertaking change in livestock grazing practices in western Owyhee County. Second was a proposal for designation of a 2.7 million acre National Monument in the Idaho portion of the Owyhee Canyonlands in late 2000.

Bedrock Principles and End Game for OI Collaboration Have Been Unwavering and Ironclad

Right wing political leaders savvy to how collaboration could be used by Owyhee County to achieve its goals of increasing local control, preserving ranching and preventing any future Monument designation had communicated this to the County Commissioners and Grant by early 2001. A February 14, 2001 *Owyhee Avalanche* article “County asks Crapo to Continue Support in Canyonlands Issue” followed the failure of Clinton Secretary of Interior Bruce Babbitt to designate a National Monument in the Owyhee Canyonlands. The article states the commissioners “plan to stay on top of the issue”. The County had sent a letter to Crapo asking for help. This letter railed against environmental groups. The *Avalanche* article expressed the County’s concern about use of “cooperative solutions”, so collaboration as a strategy for the County to get its way, including preventing future Monument-level protection and grazing changes, had already been broached. Plus, the County and Grant had certainly been aware of the Idaho Federal Lands Task Force proposals for greater local control, and their use of collaborative or consensus groups as a way to weaken federal oversight (described later, and in Appendix B).

Between February and August 2001, Owyhee County was persuaded that they had much to gain through collaboration. Malleable conservationist groups, willing to give the County what it desired, were lined up to participate. TNC was involved in orchestrating the effort and spinning it in palatable terms.

The bedrock principles and end game of the OI have been unwavering since its inception. These were laid out in an initial 2001 OI Press Release by the County. The only question has been the Wilderness Study Area (WSA) acreage and Wild and Scenic River (WSR) segments to be designated, or conversely, the number of acres of WSAs to be released, and suitable WSR segments to be passed over.

Owyhee County announced the OI in a July 2001 News Release, and this is what it required:

“Commissioners began work on the Owyhee Initiative in February, having decided that **the conflicts brought on by continuing litigation regarding federal land use, species listing, and research must be resolved**, the Board began discussions with The Nature Conservancy, landowners and recreation users. Their effort to seek some joint principles of land use resulted in the Owyhee Initiative ...”. “We have said from the beginning that **the protection of livestock grazing as an economic use is not negotiable. Neither is the full protection of water rights. And neither is the fact that we won’t include Jon Marvel and his supporters who oppose grazing on federal lands in the discussion.**

We have made it clear to the Nature Conservancy and to all others that **these matters are not open for discussion**" (Owyhee County OI Press Release 2001).

On August 1, 2001 the *Avalanche* quoted Grant on the announcement of the OI: **"Groups with the prime purpose to end grazing, prevent research and sanction the Endangered Species Act will not be involved in the discussions of the working group"**. Lou Lunte, TNC's Director of Conservation, and OI rep, is quoted in the next paragraph as saying: **"The Nature Conservancy strongly supports the Owyhee Commission's efforts to form a working group of stakeholders to craft proposals to address the critical issues facing this landscape"**.

From the start, the OI "collaborative" process was sharply constrained and limited by the County's non-negotiables, economic use of public lands for livestock grazing was supreme, water rights would be fully protected, and anyone who might speak about ecological harms caused by livestock was not allowed. OI conservationists parrot the County and aim to fulfill its agenda: "All of the groups ... have made **a commitment to seek resolutions of the issues that threaten the County's cultural heritage** ... A viable package [OI] has to include ... **some ongoing cooperative public land management structure** that may include research and projects ... **as well as economic sustainability"**. ICL "News and Resources" www.wildidaho.org/news/initiative.html .

Throughout, the organizations involved in the OI collaboration have glossed over or ignored a broad array of concerns voiced by conservationists from across the country. The primary changes made have been dropping a \$500 fee that ranchers wanted to use to limit non-ranchers use of a Science Review process, and to perhaps jettison a Citizens Advisory board that was to advise the elite OI Board of Directors.

In a July 30, 2003 *Owyhee Avalanche*, Stewards of the Range and Owyhee County's Fred Grant describes the OI bringing about: "the resolution of long-standing land use conflicts"..." **I believe that the package ... will assure against any future attempts to create a monument ... It will serve well for the protection of the traditional ranching economy of the County"**.

Conservationists are conceding to an assault on the public land commons of the Owyhee by engaging in brokering a largely pre-ordained deal, with the exact boundaries of fractured wilderness and other special designation to be quibbled over. Any Owyhee wilderness that may be designated as well as all other public lands in the County – indeed private lands too - will come under the purview of the Board of Directors and OI legislative provisions. The Board and other apparatus will provide the County and ranchers a platform for exerting increased control over, and interference with, public lands management and environmental laws. The legislated OI structure will also be a mechanism to acquire more taxpayer subsidies to carry out this agenda, including self-serving ranching pseudo-science and destructive livestock projects that will impinge on and destroy Owyhee wild lands.

Components of the OI: Structure and Apparatus

The Owyhee Initiative is about much more than wilderness, which is the bait. In reality, wilderness is only a small part of what is being played out here. The components of the OI are slated to be:

* **Board of Directors.** “The Board will **oversee**, on an advisory basis, and **monitor administration and implementation** of the OI”. (Landowner and County Proposal February 2003, TWS Web site <http://www.wilderness.org/WhereWeWork/Idaho/WR99-Owyhee.cfm>, OI Web site January 2004 www.owyheeinitiative.org . “The Board shall **oversee and monitor administration and implementation** of the OI. It’s duties shall include, but not be limited to, recommending priorities for projects and programs identified to fulfill the purposes of the OI, seek funding for those projects and programs, recommend procedures and guidance on implementation of the projects to the BLM and other agencies ...” (OI Draft 6 legislative language). This Draft was disavowed, but never disproven, by OI proponents, whose Web site now uses many of the same phrases and language.

The OI Board of Directors is planned as an elite group, an Overlord Board with permanent membership comprised almost entirely of non-profit corporations and special interest and business groups. It will wield power over all Owyhee public and private lands. In fact, OI Owyhee Cattlemen Rep Chad Gibson bluntly told the BLM’s Lower Snake River District Resource Advisory Council (RAC) that “**The Board will be King**”. The Board will have powers to “weigh in” on all public lands issues in the County – from wilderness to wind farms to wood cutting. Around 3.8 million acres of public land will be subject to increased local control and interference from the Board. As the OI is to cover all lands, including private, it will exert influence and power, in unspecified ways, over the entire 5 million acres of the County.

TNC was deeply involved in events leading up to the 2001 announcement of the OI, and remains so to the present. TNC, like Gibson, makes clear that the Board will have power and will exercise it. TNC’s October 2002 Aridlands Grazing Network Workshop #4 states: “The charter of the Owyhee Landscape Stewardship Council [now termed Board of Directors] will be included in a legislative package **along with standards of grazing on federal land in the landscape**, and wilderness and other special designations. The Council is expected to supersede the current Owyhee Initiative Working Group, and to function as a **multi-party collaborative land and resource management body**”. TNC describes the Board as a **management body**.

Likewise, ICL’s McCarthy makes it clear that the group will have special powers. “McCarthy said that the goals of the environmentalists have changed over time to include an interest in **promoting a long-term stewardship group after legislation is passed ... we need to look at some kind of long-term cooperative stewardship council or group**”. *The Arbiter*, February 10, 2003. The term “stewardship” is commonly used for local groups that seek increased commodity extraction with little or no accountability.

* **Advisory Council.** A group of “diverse interests” to “**advise the Board of Directors**” (TWS Web site). “The groups have also initially agreed to the creation of a long-term advisory council” (OI Web site January 2004). “There is created the Owyhee Advisory Council ... to serve as advisor to the Owyhee Initiative Board” (Landowner and County Proposal February 2003), “The Advisory Council shall serve as advisor to the Owyhee Initiative Board of Directors” Draft 6.

There is now talk of dropping this council, perhaps to limit scrutiny of the activities of the Board of Directors, or perhaps due to the absurdity of having yet another board in the mix.

* **Peer Science Review Process.** “In order to equitably achieve the purposes of the OI there is created a process by which proposed actions by the BLM may be peer reviewed by resource management specialists” (Landowner and County Proposal Feb. 2003). “In order to achieve important purposes of the OI, there will be created a process by which a scientific peer review shall be conducted on the scientific tenants [sic] used by BLM ...”, and the U of I shall be in charge (Draft 6). “In order to equitably achieve the purposes of the OI, a process will be established to provide for peer-review of certain proposed actions by the BLM by resource management specialists” (TWS Web site, OI Web site January 2004).

Ranchers seek this review by livestock-friendly persons vetted through the U of I. They want taxpayers to fund a review of BLM grazing decisions that they hope can be used to undermine BLM’s management decisions changing livestock grazing practices. Ranchers plan to use this process to stymie management that limits grazing damage.

* **Conservation and Research Center.** “There is created the Owyhee Initiative Conservation and Research Center which shall be operated **under the direction of the Owyhee Initiative Board of Directors** in coordination with the land grant University of Idaho”(Landowner and County Proposal February 2003). “**Under the direction of the OI Board of Directors** and in cooperation with partners, **the center will develop, fund and implement the OI landscape-scale program, and coordinate, review, recommend conservation and research activities**” (TWS Web site, OI Web site January 2004).

* **Wilderness and Wild and Scenic Rivers.** “Legislation will **resolve the status of Wilderness Study Areas (WSAs)** by designating some wilderness and **releasing others** to multiple use management. Significant wilderness and wild and scenic rivers will be protected through this process (TWS Web site, OI Web site January 2004). Both the Landowner and County proposal of February 2003 and Draft 6 include a long discussion including **release of WSAs**. OI wilderness will include around 15% of the total public lands to be overseen and impacted by the OI Board of Directors.

* **Travel and Recreation.** “The BLM will complete and enforce transportation plans for public lands in Owyhee County. The transportation plans will include a multiple use trail system that will provide a range of recreational opportunities and experiences for all

users. Off-highway vehicles, will be limited to designated routes and trails through the public planning process. The vast majority of Owyhee County will be closed to cross-country motorized vehicle use” (OI Web site January 2004).

This OI web information largely sums up BLM processes that have already occurred in the Owyhee (see 1999 Owyhee RMP) and are being implemented, or for which planning is underway (Bruneau RMP planning), with or without OI legislation. Misleading information about a minor County concession on RS 2477 will be discussed later.

Components of the OI are little-changed since the structure was laid down by the County in a February 2003 Landowner and County proposal. The February 2003 *Arbiter* article already shows ICL’s McCarthy supporting a **stewardship group**. Wilderness is only one part, and affects only around 15% of the public lands that will be subject to the OI. There has been no wavering in the County’s bedrock principles of the OI that were established in 2001. The only thing really in doubt has been the exact boundaries of special designations - how many WSAs are to be released and “shaved”, and acres of other wild roadless lands to be cast aside.

An accounting of the true Wilderness acreage that conservation organizations know exists in the Owyhee has evaporated from Web sites and public discussion. Besides mention of potential Wilderness acres on the Web and in a few news articles, an open and public campaign to publicize and promote designation of the Wilderness-worthy acreage of the Owyhees never materialized, so there is little public awareness of how little potential Owyhee wilderness is being considered in the OI.

The OI Board of Directors Will Hold and Exercise Power: The Board Will Be King!

The Boards of the OI have been promoted as innocuous, as “advisory” only. See OI Web site “Frequently asked Questions”: “The Board of Directors is *advisory only*, with no authority to dictate management actions to BLM”. “Why does there need to be an OI Board of Directors? ... **to formally continue a collaborative approach** to problem solving ... (OI Web site “Frequently Asked Questions”). However, the collaborative “**overseeing**” and “**monitoring**”, terms repeatedly used by all OI participants – rancher and conservationist alike – make it clear that the Board will wield influence and exercise power over public lands. How have conservation interests fared in the Steens, which has a more open “advisory” council, the Steens Mountain Advisory Council (SMAC)? Poorly may be too generous a description (as described later “Trouble in Paradise”). Comparison between the OI and the Steens shows that Steens legislation established only one arm, the SMAC, whereas the OI will have several appendages, all under the Board of Directors. Unlike the OI Board of Directors, the SMAC is open, similar to the BLM Resource Advisory Council, with time-specific slots for representatives of various interests. The SMAC does not have legislatively mandated membership of corporations and specific special interest organizations, and is subject to the Federal Advisory Committee Act (FACA) and thus much more transparent to the public than what is planned for the Owyhee.

The OI will interject a new level of interference with public process by establishment of a permanent elite Board of Directors comprised solely of the 10 “founder” groups of the OI, most of whom are corporate entities (albeit nonprofits), or special interest groups and business groups. The planned Board membership, which is comprised of the same people active in **the OI collaborative group is:**

Owyhee Borderlands Trust (Ted Hoffman), Owyhee Cattleman’s Association (Chad Gibson), Owyhee County (Inez Jaca), eastern County ranchers/NRCS (Cindy Bachman), ICL (John McCarthy), TWS (Craig Gehrke), TNC (Lou Lunte), Sierra Club (Roger Singer), Idaho Outfitters and Guides Association (Grant Simonds), People for the Owyhees (Sandra Mitchell, motorized recreation).

In fall 2003 Chad Gibson (consultant for cattlemen and county interests) and John McCarthy (ICL) gave a presentation on the OI to the Lower Snake BLM RAC. RAC members asked many questions, and pointed out that the RAC already could provide the services and functions of the OI Boards and Science Review. It could conduct scientific reviews if asked, so there was no need for the OI apparatus. When questioned about the role of all the OI Boards and arms, and redundancy with the BLM RAC, and asked who would really be in charge, Gibson responded: “The Board will be King”.

The OI Board of Directors will **monitor** and **oversee** the OI, and **direct** the conservation and research center and other parts of the OI. It may engage in, and promote actions from which several of its members and/or member groups gain financially, as described below. The OI Board will control the direction and nature of research, weigh in projects, and could work to secure and disburse funds related to monitoring, overseeing and implementing the OI. The “Advisory Board”, now perhaps jettisoned, was perhaps a token effort to place a veneer of public participation as the OI Board wields its power and influence. The OI apparatus will create a web of interference with public lands processes, and public involvement in public lands issues, and have the ability to oversee, weigh in on, direct, and shape policy, management actions, NEPA processes and research projects.

THE OI’S CONFLICTED NETWORK OF NON-PROFIT CORPORATIONS AND SPECIAL INTERESTS

Several people and organizations involved in the OI “collaboration” have overlapping and incestuous interests. These same parties are slated to have permanent legislated positions on the OI Board of Directors.

Owyhee Borderlands Trust – A Rancher Land Bank

The Owyhee Borderlands Trust (OBT) is a 501 c 3 nonprofit “formed by local ranchers interested in partnering with the Conservancy on range restoration projects, and grassbank development” (TNC Aridlands Grazing Network: Homework Assignment #3, Developing Measures of Success at Multiple Scales for the 45 Ranch and the Owyhee Canyonlands). The OI collaborative process “sponsored by Owyhee County Commissioners” is an attempt “to resolve natural resource disputes and management

needs for nearly **5 million acres** of Owyhee County ...”. Diagrams show a strategy for OBT in the Canyonlands, with OBT involved in 150,000-300,000 acres, and the Initiative covering 5 million acres. TNC “Three Scales of Strategies” tnc-ecommanagement.org/images/strategies_owyhee.pdf lists **OBT “Strategies” to: Jointly own/operate grassbanks; Vegetation treatments; Prescribed fire, Grazing management; Easement purchase; and grant program.** The OI’s “**anticipated products**” are described as “federal legislation, creation of a science advisory committee, establishment of grassbanks, development of Weed Management Areas, special designations and incentives for conservation”.

Who runs the Owyhee Borderlands Trust? It is comprised of familiar names of the OI group. It was incorporated on April 26, 2000. OI head Fred Grant is its registered agent. Inez Jaca and Ted Hoffman are original incorporators, along with Tom Hook, Brenda Richards, Dennis Stanford, Randall Collins, Tim Lowry (see several Grant *Cornerstone* water rights articles) and other ranchers. Several of the OBT ranchers regularly violate grazing standards on Owyhee streams.

OBT’s July 12, 2000, Articles of Amendment allow it to take and hold by “bequest, devise, gift, grant, purchase, lease, or otherwise, any property, real or personal, tangible or intangible, ... without limitation as amount or value, and to sell, convey or otherwise dispose of any such property ...”. In 2001 and 2002, Ted Hoffman is listed as an OBT Director. Inez Jaca is its Treasurer and on the Board of Directors. In 2003, Directors names were omitted from the annual report to the Idaho Secretary of State, but Jaca remains listed as Treasurer, with Grant as Registered Agent. Hoffman is slated to be the OBT rep. on the OI Board of Directors, and Jaca is slated to be the County rep.

The establishment of the OBT in 2000, with TNC’s assistance, shows that some moves were well underway prior to the unveiling of the OI to increase control of lands in Owyhee County for greater rancher welfare - such as acquiring or leasing lands for grassbanks.

TNC in the Owyhee: Weeds as a Cash Cow, Livestock Projects and Leveraging Grazing Studies

Studying weeds or landscapes for “research” or “health” purposes can garner big federal grants for TNC, especially if the study perpetuates livestock commodity uses or involves habitat manipulation. Large amounts of federal funding, with relaxed environmental controls and regulation, are available for “fuels reduction” and vegetation projects, falsely dubbed “restoration”, especially through “collaborative” processes. See letter of Scarlett and Watson http://www.hcn.org/servlets/hcn.Letter?issue_id=266 . New legislation from the current Congress and policy changes of the Bush White House are providing more ways to tap into this funding.

When asked about details of the OI Science and Research arm at a July 2003 OI Environmental Leader meeting in Boise, ICL’s McCarthy provided no real information, and responded noncommittally that **TNC was handling it.** TNC has drawn up proposals

and posted several documents on the Internet that illuminate the workings of the OI Science and Research arm and TNC's plans that will lead to its own organizational aggrandizement through weed and grazing study, land treatments and land maneuvers.

A paper, "TNC Conceptual Proposal for Owyhees Landscape" (Draft), was widely circulated along with the County's Press Release announcing the OI in 2001. This repeats Owyhee County's TNC-spun goal: "The initiative goal is to develop and implement a landscape-level program in Owyhee county that preserves the natural processes that create and maintain a functioning, un-fragmented landscape supporting and sustaining a flourishing community of human, plant and animal life, that provides for economic stability by **preserving livestock grazing as an economically viable use**, and that provides for the protection of cultural resources".

TNC proposes a "**pilot project**" within the Great Basin Restoration Initiative, establishment of a landscape restoration project, through operation of a community-based nonprofit: "... [an] **example is the ENLC [Eastern Nevada Landscape Coalition]**, whose function is to forge partnerships, conduct fundraising, establish broad-based goals and objectives, determine best science approaches, offer technical assistance, prioritize and coordinate projects and landscape teams, contract for restoration work, and provide communications". TNC claims this "builds on the Owyhee Initiative Work group", with areas of emphasis being restoration – juniper management and others, weed prevention and control, fire management, identifies and coordinates research and restoration for species of concern (sage grouse, redband trout, etc), research to develop management techniques, science and planning – inventory, mapping, modeling, establishing "desired future conditions and monitoring techniques", and developing criteria or prioritizing research and restoration projects, fostering economic activities that support the work ...". TNC discusses plans to open a project office, a citizens advisory committee, perhaps the same as the subcommittee of the non-profit board, and a science panel.

TNC's example for the Owyhee is the Eastern Nevada Landscape Coalition (ENLC). The ENLC collaborative group is based on Ely BLM lands, which encompass 12 million acres. Its Chair is the former Director of the Nevada Cattlemen's Association, Betsy MacFarlan, who is married to a local BLM employee. The ENLC has been angling for several years to lay its hands on large amounts of federal funding for vegetation manipulation/"restoration" and research purposes friendly to livestock interests. In fact, in 2002, WWP, CHD and American Lands Alliance filed a lawsuit in federal court that exposed two mammoth boondoggle federal fire fund projects that ENLC and Ely BLM were about to pull off. The Ely and Mount Wilson Urban Interface Projects would have cost taxpayers **\$10 million dollars or more**. BLM was to pass federal funding through the hands of the ENLC. **Contractors would grind up trees across 50 square miles of pinyon and juniper wild lands, mostly distant from any human habitation, into heaps of wood chips to be left covering the ground – to protect the "urban interface"**. As a result of this lawsuit, BLM brought in a national team of fire experts to examine the project areas. BLM's own fire experts found no need for the massive treatment. They recommended realistic, drastically scaled back actions that indeed focused on the interface with habitation. The opinion of experts, and not locals wanting to

squander tax dollars and kill trees to grow more cow grass, became the basis for settlement of the litigation. The project shrunk to less than 15% of the previous acreage! The \$10,000,000 or more of the original plan was to have been filtered through the ENLC. Thus, TNC's example for the Canyonlands, is a collaborative group structure/mechanism to enrich local interests and commodity producers, while eroding the function and power of BLM.

Grassbanking in the OI is detailed by TNC, under an apparently trademarked name "**Owyhee Project Grassbank®**", to "provide alternative forage to ranchers who voluntarily participate in ecosystem restoration or research projects, when such projects require livestock to be moved off the treatment lands". **It would be "owned and operated by a non-profit entity – e.g. Owyhee Borderlands Trust"**. The OBT, which TNC helped set up (and which involves Grant, Jaca, and Hoffman) would develop a business plan; monitor; hold conservation easements; provide technical assistance for ecological enhancement; and consist of one or more parcels of private lands and associated grazing allotments; and will seek funding. "The Grassbank operator will be compensated for economic value of Grassbank use through approved conservation projects providing benefits of at least equivalent value or fees", with "access on grassbank lands provided for research and monitoring, habitat improvement projects, and compatible recreational uses". Funds for the grassbank operation will come from a variety of sources "fees paid by the user, federal state and private grants, private donations". Grassbanks will be "strategically located", and will be established "to support multiple restoration/research projects". Links to TNC Web postings at the Aridlands site also show TNC wants to "leverage" grazing studies it undertakes in the Owyhee to other lands it grazes.

TNC prepared a plan for an "Owyhee Weed Prevention & Control Project". See "Owyhee Weed Project - An Action Plan for the Owyhee Initiative (through Owyhee Canyonlands, Arid Lands Workshop #4 link). The Plan regurgitates the County goal for the OI, adding: "Centerpieces to the current proposal are creation of a science and restoration center (Owyhee Landscape Stewardship Council) and resolution of the status of WSAs". "The Owyhee Weed Project could become a model for weed prevention across the West ...". ... "[a] collaborative, cross-jurisdictional control program with strong local government and landowner involvement. The "**Key parties**" to this effort, listed by TNC here include the "OI Work Group" as well as "range consultants ... **Wayne Burkhardt, Steve Leonard, Chad Gibson, Dave Franzen**". TNC Aridlands Workshop #4 describes a legislative package that will also "include standards for grazing on federal land".

TNC also states: "It is important to note that establishment of a council will only happen if it is **part of a package that also designates some wilderness and releases some WSAs**". TNC also lists "**monitoring of wilderness and implementing wilderness projects**"; and its oversight would include "County projects identified in original proposal convening the work group, including research/restoration, grass banks, and sage grouse research areas". "Issues associated with wilderness designation can be framed by a statement from the Owyhee Cattlemen about wilderness: '**All designated wilderness**

areas will continue to have the landscape integrity and function monitored (range health, condition, trend) and authorizing legislation will provide for management actions necessary to preserve and protect the integrity of the landscape and its function’.”

If the OI is going to undertake the County’s brand of “restoration” and “monitoring”, there will be extensive “treatments” aimed at killing woody vegetation – both juniper and sagebrush, with significant fragmentation and disturbance of wildlife habitats and ecosystems. In fact, when asked at the fall RAC meeting just what the OI Science Center would do, OI Cattlemen Rep Chad Gibson replied “juniper treatment”, i.e. large-scale juniper-killing projects that ranchers have always desired, under the guise of restoration, in the hopes of increased livestock forage and more cattle grazing. Grassbanks will be provided as a further subsidy to ranchers as areas to graze cattle while burned, cut over or herbicided lands are “rested” from livestock use for minimal periods of time.

TNC also states: “Environmental groups want wilderness and wild and scenic river designations and do not want other issues to interfere with those designations. **If ranchers need something then the environmentalists may support it if they can exchange it for more wilderness**”. This means that OI conservationists may concede to rancher desires that harm native ecosystems and biodiversity, in order to gain more wilderness acres.

Restoration and Ecosystems, Owyhee County Style

Underneath flowery talk about “ecosystem” processes, and “restoration” in OI Press releases and TNC documents, lies the reality that standard vegetation manipulation that kills or removes woody vegetation to increase cattle forage is falsely being called “restoration”. Until recently, Grant, Gibson and ranchers have railed against even the suggestion of “ecosystems” and other phrases that are now being bantered about. What has changed? The Stewards Wise Users became savvy to the fact that they could adapt scientific terms *du jour* to their advantage, to cloak and gain funding for activities that are the same old range “treatment” projects. Calling a “juniper eradication project” a landscape “restoration” project gains widespread acceptance, and opens the door for abundant federal funding of projects dubbed hazardous fuels treatment/restoration. OI “monitoring” of projects through the Board, Science Center, or consultants will allow self-serving data collection to color the results.

Livestock Degradation of Owyhee Wild Lands

There is no question that livestock grazing is significantly degrading Owyhee County wild lands. In *WWP v. Hahn*, the Ninth Circuit Court found that livestock grazing was causing irreparable harm to the “life-giving waters of the Owyhee”. Aggressive invasive exotic weeds are exploding in zones of livestock or fire disturbance. **As a result of this litigation by WWP and CHD, BLM is undertaking detailed grazing analysis of Owyhee allotments, and had begun to reduce livestock numbers and change grazing**

practices. These are precisely the changes that the ranchers plan to kill through the outcome of the OI collaboration process.

Many Owyhee ranchers continue to defy standards of use put in place by BLM to protect streams and sagebrush and juniper wild lands. They do not want BLM to enforce laws, and are using the OI process to try to gain protection from complying with new minimal environmental protections. Ranchers who defy the federal government the most tend to be those who abuse public lands the most. For example, in “County Supremacy – Just Another Wise Use Ruse”, Ted Williams describes his visit to a Nevada public lands allotment where Wayne Hage’s cattle were finally kicked off: **“throughout Hage’s allotment ... I encountered hideous erosion ... hoof-hardened earth that shed rain like oiled canvas, and blown-out carcasses of trout streams whose dry channels were 20 feet across and 15 feet deep”** http://pws.chartermi.net~duluthikes/wu_tw_county.htm. This description can be applied to Owyhee streams, grazed by Hage’s disciples who resist grazing controls. These same Owyhee ranchers are agreeing unanimously to the OI (see December 8, 2003 *High Country News*) because they understand that the OI apparatus is designed to preserve ranching, weaken BLM and shut out the public. In Idaho, it is common practice for the worst public lands ranchers, who are usually strong advocates of county supremacy, to get help from right-wing politicians to shield them from BLM enforcement of grazing controls.

Consultants Proposed By TNC for OI Implementation Are Enemies of the Environment

The Bush administration has placed staunch friends of the livestock industry in management positions in Idaho BLM. These Bush managers have used taxpayer dollars to hire expensive range consultants closely allied with the livestock industry. TNC’s “key parties”, to the OI include livestock consultants Dr. Wayne Burkhardt and Steve Elmore of Ranges West, which is Burkhardt’s consulting firm. Ranges West has received **two \$100,000 dollar contracts** from Idaho BLM. The second contract was awarded non-competitively, perhaps as an extension of the first. When Bush BLM oversight and resistance to openly providing the public with information on these consultants is taken into account, the public is spending at least a quarter million dollars to hire allies of the livestock industry whose primary role is to weaken BLM controls on ranchers and allow continued environmental destruction of Owyhee streams and uplands by livestock.

Burkhardt’s theories on livestock grazing (livestock grazing by cattle in the shrub-steppe ecosystem is beneficial and merely mimics grazing by Pleistocene megafauna) have been widely discredited, and have met with much criticism by peer reviewers. A Burkhardt paper on herbivory and grazing that was prepared for ICBEMP was lambasted by peer reviewers Dr. Elizabeth Painter and Dr. Charles Kay. Dr. Painter found that Burkhardt presented biased and inadequate information, and ignored and substantial literature on negative impacts of livestock grazing that was contradictory to his views. His strategies were speculative and inappropriate. She warns against basing management decision on Burkhardt’s myths. Likewise, peer reviewer Dr. Kay stated: **“I certainly would not base any management decisions ...on the author’s assumptions”**.

Unfortunately, the University of Idaho has sycophantically reprinted and promoted Burkhardt's report nearly verbatim in a Technical Bulletin. This provides a taste of the spurious livestock industry myth-based "science" we can expect from a University of Idaho Owyhee "research" center as overseen by an OI Board of Directors.

The Bush BLM is attempting to hide information from the public on the activities of Ranges West. CHD has submitted two separate FOIA requests on their activities, and is now suing BLM for "redacting", or blacking out, and withholding information. BLM has even redacted the names of the grazing allotments where Ranges West has been involved!

Imagine now what happens as the OI Board of Directors, the Science Center, TNC, and/or the OBT – uses funds from "Healthy Forests Initiative"/fuels reduction grants/stewardship contracting sources, and hires Ranges West. There will be no transparency. The methods of the Bush administration stranglehold on Idaho BLM will continue permanently in Owyhee County through a structure cemented by the outcome of OI legislation.

Chad Gibson, another consultant named by TNC, will sit on the OI Board of Directors as the Cattlemen's rep, and may vote on projects where he may later be used as a paid consultant. It will be extremely difficult for the public to get information on use of funds, quality control, and any accountability. Cronyism will abound.

TNC Practices Now Under National Scrutiny May Be Replicated in the OI – Conflicts, Corporations, and Ignoring Science for Financial Gain

A series of May 2003 *Washington Post* articles by David Ottaway and Joe Stephens exposed a complicated array of questionable practices by TNC, the world's wealthiest environmental organization, and "a corporate juggernaut" www.washingtonpost.com. In May 4, 2003 "Big Green – Inside the Nature Conservancy", the *Post* describes TNC practices. TNC has: invested in for-profit businesses; sold use of its logo for questionable purposes; engages in incestuous financial transactions with its board, trustees and supporters; fails to take positions on environmental issues; has allowed business in 'under the tent'; and has **strayed from use of 'best available science'**. " **'Science is not understood or supported by senior managers and state directors'** ". In 2002, TNC received \$105 million in government consulting fees and other payments.

TNC Director McCormick is striving to increase the power of Non-Governmental Organizations (NGOs), saying that **in the next century NGOs will be the most influential organizations on the planet, and "I believe the Nature Conservancy will set that pattern"**. An avenue for TNC to pursue its aggrandizement is to become entangled with other corporations, including big polluters, as well as major oil and chemical companies like Dow Chemical which owns Union Carbide. Now, " 'Opponents of the Conservancy's approach argue that corporations have seized control of charity from within' "

TNC has formed partnerships with logging companies, arguing that this results in better logging practices. However, environmentalists believe that such “**greenwashing**” gives logging corporations cover and a public relations boost, and allows them to “pull the wool over the public’s eyes”. TNC Boards are rife with conflicts at national and state levels.

TNC has a long history of harmful grazing practices on western ranches that it owns and operates. See photos and discussions in *Welfare Ranching: The Subsidized Destruction of the American West*, edited by George Wuerthner and Mollie Matteson. TNC tries to portray its pro-grazing activities as “green”. As discussed in the *Washington Post* series, it has marketed “Conservation Beef”, claiming purchase will ‘save western landscapes for future generations”, but there is no evidence that responsible grazing practices were followed in rancher “stewardship plans”. The Consumers Union believes Conservation Beef has a conflict of interest. **It both creates the guidelines and benefits from them.** *Washington Post*, May 5, 2003, “The Beef about the Brand”.

In the OI, TNC is not using “best available science” in its support for preserving ranching. Instead, it plans to use weed and grazing study as a “cash cow” and avenue to large government grants for organizational aggrandizement. **Generous funding of model weed projects in the Owyhee, in which TNC will play a significant role, is certainly also in the best interest of its corporate allies like herbicide producer Dow Chemical.**

McCormick’s desire for TNC to set a pattern for NGO influence illuminates the OI Board, Science Center and other apparatus. Owyhee County and TNC will pull off quite a coup with enactment of legislation that mandates a conflict-riddled oversight and monitoring board comprised of NGOs and special interests that who will pursue the unfinished business of the OI, including preserving ranching as well as land deals to do so. The legislated non-FACA OI Board of Directors will have permanent seats for TNC and five other NGOs, plus the special interest and business groups of the Cattlemen’s Association and People for the Owyhees.

BLM has already provided TNC with a foretaste of the federal land largesse that could flow from the OI. In 2000, **BLM lands near Boise worth \$432,000 were traded to TNC, which then promptly sold them for development, in order for BLM to acquire a conservation easement on TNC’s very small (around 240 acres) patch of private land at the 45 Ranch.** TNC came to own this inholding, its foothold in the Owyhee country, in a round about way. During the Andrus Bombing Range proposal of the early 1990s, a split Bombing Range would have been built in the heart of the Owyhee, with the southern part in the remote YP Desert near the South Fork of the Owyhee River. Seizing an opportunity, a bighorn sheep advocate purchased the 45 Ranch at sheriff’s sale, to be better positioned to oppose the YP part of the split Bombing Range. Later, TNC was approached to take the ranch off his hands.

After obtaining the 45 Ranch, TNC maneuvered (with help from a recently retired BLM employee who immediately went to work for TNC) to get BLM to acquire a conservation easement to continue public access on long-driven roads across the South Fork Owyhee

River and a river float site, and to maintain the ranching character of the very small private parcel, just in case housing development threatened. (Note: the 45 Ranch is one of the most remote ranches in the US, and, even if it was not owned by TNC, was **not threatened with development**). The easement did not affect the 65,000 acres of public lands associated with the “45” allotment. Additionally, a third residence, perhaps for use in a guest ranch-type operation, can be built on TNC’s private land under the terms of the BLM easement.

TNC grazed the 65,000 acre 45 allotment for several years, during which time its lessee violated numerous grazing regulations, took a bulldozer in the South Fork Owyhee River, was fined for livestock trespass by BLM, illegally placed water haul tanks right next to the bighorn sheep Area of Critical Environmental Concern, and otherwise abused public lands and wildlife habitats. Finally, due to unabated livestock damage to fragile sagebrush lands in the public lands allotment by TNC’s lessee, BLM shortened the period of public lands use. It became impossible to keep the cattle confined to the small private TNC parcel in winter months, as required by the new BLM decision. As a result, the public lands of the 45 allotment have not been grazed for a couple of years.

Land deals are a specialty of TNC. The *Washington Post* news series found many irregularities in TNC land deals. Land deals associated with, or stemming from, the OI remain largely unknown. It is very likely that large trade or disposal actions involving public lands will follow enactment of OI legislation. See later discussion.

OI Apparatus Will Not Be Subject to FACA, Increasing Potential for Secrecy, Cronyism and Corruption

An internal April 2003 OI update by John McCarthy states: “...the Board of Directors will continue the work of the Owyhee Initiative. It will have no statutory powers to administer public lands, and **will not operate as a sanctioned, federal advisory committee** under the Federal Advisory Committee Act, or FACA. It will be composed of representatives of the same 10 groups involved in the OI and is intended to provide institutional memory for the intent and the direction of the legislation, while **working on unfinished business**”.

The intermingled and conflicted OI arms will be involved in seeking and spending federal taxpayer dollars, and “weighing in” on public lands activities, including oversight of contracts, grants and private funds that may involve private interests and consultants. If public funds and activities pass through an OI arm to a group such as the Owyhee Borderlands Trust or TNC, tracking and accountability will be difficult. Business can be conducted largely behind a veil of secrecy.

The OI Will Enscorge Corporations, Special Interest and Business Groups in Permanent Positions of Power Overseeing Owyhee Lands

There will be six nonprofit corporations on the OI Overlord Board. These will be: TNC, ICL, TWS, Sierra Club, Owyhee Borderlands Trust (Ted Hoffman, and select ranchers

with Grant as agent), and the Idaho Outfitter's and Guides Association (a business-centered non-profit); two special interest groups - People for the Owyhees and the Owyhee Cattlemen's Association; and a rancher rep with indirect ties to billionaire public lands grazer J.R. Simplot's operation. The nonprofits are promoting passage of legislation that includes their organizations as a permanent part of the framework laid out in the legislative package. In the case of TNC and OBT, they will sit on a board that oversees activities that may benefit their organization financially, and in the case of OBT, their individual Board members.

Here is some background and discussion of OI players, along with some conflicts or overlaps of interest:

Inez Jaca and Cindy Bachman are wives of ranchers who hold public lands grazing permits in Owyhee County. These ranchers may gain financially from projects that result in pro-grazing manipulation or OI interference with grazing management. Frank Bachman (Cindy's husband who has also been an active OI participant) had been a long-time high level manager at the J.R. Simplot cattle feedlot near Grand View. Though no longer working there, he continues to be associated in activities with the Simplot ag-conglomerate (such as an effort underway to split grazing on a public lands allotment in Jarbidge BLM lands between Bachman and Simplot operations). **J.R. Simplot, the nation's largest public lands grazer, will be the largest beneficiary of Owyhee Initiative rancher preservation programs.** Simplot runs cattle on around one million acres of Owyhee wild lands, including several WSAs. Large portions of WSAs (and suitable WSR segments) grazed by Simplot in the Bruneau-Jarbidge are slated to be released to new project development under the OI.

Inez Jaca and Ted Hoffman are officers of the Owyhee Borderlands Trust, and Fred Grant is its Registered Agent. TNC helped establish the OBT and has big plans for it. TNC documents diagram a proposal for the Trust to control 150,000-300,000 acres in Owyhee County as part of the OI. The OBT's planned rep Ted Hoffman has a history of "dirty tricks". Along with Jim Yost and a Bruneau rancher, Hoffman in the mid 90s tried to steal the name of the Committee for Idaho's High Desert, and use it for deceptive purposes, including testifying in favor of the Bombing Range. Defendants including Hoffman were found liable for federal trademark infringement by the district court for attempting to take the name of an environmental group for anti-environmental purposes. The Ninth Circuit appeals court affirmed in a decision calling the defendants' tactics "**greenscamming**". *Committee for Idaho's High Desert v. Yost et al.*, 881 Supp. 1457 (D.Id.1995), aff'd 92 F.3d 814 (9th Cir.1996).

Chad Gibson is a consultant for Owyhee county who routinely pressures BLM to accommodate the desires of Owyhee ranchers, has prepared legal declarations opposing BLM grazing changes to protect streams and water quality, and who is currently involved with helping ranchers, along with Ranges West, in cutting settlement deals of rancher appeals of BLM decisions. These settlement deals strip environmental protections for clean water and wildlife habitats. Gibson could obtain contracts to perform livestock industry-biased monitoring and other activities relating to the OI. TNC has already

proposed Gibson's name as a consultant to be used in the OI, along with Ranges West's Burkhardt and Elmore.

TNC routinely seeks federal funds and grants for a wide range of projects – including weeds, ecosystem “study”, landscape planning, etc., and also engages in complicated real estate transactions including land exchanges. TNC has received significant funding in Idaho to study weeds [http://nature.org/where we work/north america/states/idaho/science/art8545.html](http://nature.org/where%20we%20work/north%20america/states/idaho/science/art8545.html) , and sees the OI as a mechanism to gain a lot more funding. TNC is heavily focused on promoting “sustainable” ranching as well as “studying” grazing and “leveraging” grazing studies, despite overwhelming scientific evidence of the harm of livestock grazing to arid western lands. See <http://www.tnc-ecomangement.org/Aridlands/CLCaseStudies> and other TNC grazing links.

TNC and OBT may benefit financially from funding that they promote and pursue through the OI Board. Connections exist between TNC and conservation groups, with current TNC employees involved in Owyhee County having marriage or former work alliances with ICL. Special interest groups will be free to push their intertwined agendas on the public's lands. Individual rancher members of the OBT Board may benefit financially from actions that the OI Board of Directors weighs in on. What precedents are being set by non-profit corporations when they pursue legislation that provides their organization with a permanent seat on the OI Board of Directors? What is to stop future public lands bills from giving the Heritage Foundation, or the for-profit Potlatch, a permanent seat on a similar Board? Sierra Club, ICL and TWS will be able to say nothing about it, as they have promoted and actively sought the exact same thing for themselves in the OI.

The stated goal of the OI is to preserve livestock grazing. Weed study of grazed lands would be a perpetual “cash cow” of federal funding for TNC and range consultants – tracking, mapping and monitoring weeds spread by cattle. Current ecological science irrefutably demonstrates that livestock are a primary cause of weed invasion and spread in sagebrush ecosystems. Cattle create zones of disturbance which provide ideal sites for weed invasion. They transport seeds in fur, dung, and mud on hooves. See Belsky and Gelbard 2000, available at www.onda.org, for an extensive review of the role of livestock grazing in weed invasions in the arid West. In the OI, TNC's support of livestock grazing cannot be viewed as based on current or best available science, but instead as an avenue to ensure itself a major funding flow. TNC has been involved with agriculture and cattle interests in supporting the Larry Craig version of a weed bill (S. 198) that would hand weed funding over to local and state interests (and of course TNC hopes for its share for “weed study” funds from this). <http://www.naco.org/cnews/2002/02-09-02/Articles/06Weeds.html> , and TNC Press Release March 1, 2002. “Conservancy Supports Harmful Nonnative Weed Act”.

An August 6, 2003 e-mail by TNC's Will Whelan responded briefly to a request for information on the OI Science and Research arm. Whelan states: “The center would be operated as a continuing collaborative effort of the OI Board of Directors with an advisory committee. It would generate ideas, review proposals, and seek funding for

broadly supported science and conservation projects”. Its activities would include landscape monitoring, **projects needed to implement any provisions of the wilderness**, “a cost effective weed control and prevention program”, fire management, “species conservation/habitat restoration”, recreation and access, cultural resources.

The series of *Washington Post* exposes of financial irregularities and conflicts of interest in May 2003 revealed many highly questionable TNC activities, including practices involving grants and contracts from nonprofits such as the National Fish and Wildlife Foundation, the National Forest Foundation, and the National Park Foundation. Fallout from this resulted in Congressional scrutiny. See “Nature Conservancy Faces Panel Review”, *Washington Post* July 17, 2003 www.washingtonpost.com . TNC activities are being investigated by a Senate committee.

Now, IRS live-in monitors are planning to move into the headquarters of TNC to investigate financial dealings, including buying property and selling it to trustees at bargain basement prices, with the trustees then making large tax-deductible donations to the conservancy. Peter Dobkin Hall, of Harvard University’s Hauser Center for Nonprofit Organizations, described his review of TNC tax documents “It stunned me ... **It’s not exactly what I’d call a transparent organization ... I couldn’t find out a damn thing about them. It was a brick wall**”. See “IRS to Audit Nature Conservancy from Inside” January 17, 2004 *Washington Post* www.washingtonpost.com.

The OI Boards represent a tangle of overlapping and conflicting interests, with individual members and corporations positioned to receive financial gain from actions and projects promoted by OI Boards and arms. Several organizations and individuals involved in the OI stand to gain financially from undertaking “restoration” and other activities under the purview of the OI Boards and various arms.

Consensus and collaborative groups convened around public lands issues are typically rife with conflicts of interest. Andy Kerr, in “Consensus Groups Can Deplete Democracy”, states: “These groups usually include special interests that are benefiting greatly from the status quo and have little desire to change ... each special interest comes to the table seeking to protect their own special interest ... Membership in such committees always includes individuals with a direct financial conflict of interest. Ethically, one should not participate in decision-making bodies that are considering matters in which one has a financial stake. Where government officials rely on such committees and rubber stamp the results, participation by special interests with a conflict of interest is corrupting.

<http://www.andykerr.net/ChietainCols/Col39.html>.

THE WIDE EMBRACE OF COLLABORATION BY ENEMIES OF THE ENVIRONMENT

Larry Craig's "Collaborative Consensus" and Mike Crapo's "Collaborative Land Management" – A Way to Backdoor the Wise Use Agenda into the Mainstream

Members of Idaho's Congressional delegation have become ardent champions of collaboration and consensus. Does this represent a sudden sea change, or some kind of conservation revelation, from a Congressional Delegation that places the interests of

commodity producers on public land paramount in all of their actions? Not at all. Craig and Crapo have realized that they can set up collaborative processes with strict sideboards, stack the collaborative group with assertive local and commodity interests and pliant conservationists, dangle a bait in front of conservationists, and use the group to undermine public lands, processes and environmental laws. Anti-environment right wing Republicans who are carrying out the Wise Use agenda have realized that they can use wilderness bait as a "tool" to gain major concessions from environmentalists, and to set ever-bolder new precedents that weaken environmental controls and the public interest in public lands.

Crapo's Website <http://crapo.senate.gov/issues/issues.htm> elaborates on "**collaborative land management**". Crapo claims that "... highly centralized government regulation ... too frequently places the myriad environmental, recreational, and resource values of our public lands in direct opposition to each other. **Proper and effective stewardship of our public lands will arise not from federal dictates, but from locally led collaboration among public land managers and Idahoans who enjoy and depend on public lands.** I am confident that such community-based decisions can produce consensus-based solutions ...".

Larry Craig lays this out more straightforwardly than does Mike Crapo. Crapo is slicker and smoother, and says he is listening to concerns, yet has the same anti-environmental agenda and voting record as Larry Craig. See League of Conservation Voters tabulation in 2001 and 2002, with both Craig and Crapo having the same ratings.

In "A Western Point of View" in *The American Sound* Fall 2003 http://johnboehner.house.gov/americansound/index_main.html, Larry Craig brands the collaborative group assault on federal lands and environmental protection "**collaborative conservation**". He asserts: "the long struggle over public access to our lands has left many with battle fatigue ... we need a new approach to solving natural resource conflicts ... we should adopt the strategies of some local activists". "I believe collaborative conservation includes the following: **We must discard the doctrine of national communities of interest** ... where decisionmakers are selected from national organizations, **and return to a doctrine of local community interest**". He endorses "collaborative conservation" as the way of the future. Craig's essay is classic Wise Use rhetoric softened, and cloaked in appealing terms – of seeking ecological balance and environmental solutions – with "access" as code for unfettered entry by commodity interests.

Larry Craig got turned on to collaborative conservation years ago. In 2000, he issued a Press Release. "A New Vision: Collaborative Conservation" Larry Craig. February 11, 2000. http://craig.senate.gov/releases/COLpost_access2000.htm, that contains many phrases and concepts identical to *The American Sound* essay above. The aim is: "to restore federal lands to the public", by "working to bridge differences. To find a common solution ... in a phrase, to **join us in collaborative conservation**". Craig praises the Quincy Library Group, and notes legislation that he and Diane Feinstein jointly introduced "to try this concept and open the door for others to explore a Quincy Library solution of their own". The federal government "**desperately needs reform** ... to manage better, and reverse the shameful condition of our national parks. It must not allow the [Clinton] administrations' restrictive approach of preservation management to trump what would otherwise be environmentally sound activities and be used to shut out local people who have to live with the consequences of federal decisions ... It must also end another federal doctrine, dominant use, which is in danger of igniting another Sagebrush Rebellion ... we must get back to multiple use ... **We must discard the doctrine of national communities of interest, where decisionmakers are selected from national organizations, and return to a doctrine of local community interest.** We should not allow federal bureaucracies and national organizations to upset the fragile process of local consensus-making".

On January 7, 2000, Larry Craig announced "Access 2000", a conference on "Working together to preserve public access to public lands", describing current federal land ownership in Idaho, and how it was infringing on "the rights to the millions of acres of forests, mountains, rivers, and lakes ... the result is the unraveling of arguments over land-use being hammered out in courtrooms and in bureaucratic offices across the nation ... In an effort to **start a collaborative process to solve many land-access arguments**, I have joined the Center for the New West to host Access 2000 ... [to] bring land users to the table ...". Alliance for the West, which sponsored this collaboration conference, is Larry Craig's Political Action Committee (PAC). See *Earthvision Reports* 1/25/00: "The Center for the New West and Alliance for the West invite you to attend Access, 2000". Craig's PAC is discussed in a *Washington Post* article of May 16, 1999. "A New Conduit Created for Soft Money", profiling influential members of Congress who have created leadership PACs using soft money, including Larry Craig's Alliance for the West which "hopes to bring Republican presidential candidates to the West and 'educate' them about western issues."

A November 2, 2003 *Idaho Statesman* article entitled "It's Time for Mike Crapo to Spread his Wings" reveals that Larry Craig, through his Alliance for the West PAC, has contributed \$277,000 to GOP candidates since 1998. Crapo's new "leadership" PAC, Freedom Fund, will likely benefit George Nethercutt in challenging Democratic Senator Patty Murray. Popkey states: "Freedom Fund signals a blossoming of the capable Crapo's ambition", after being in Craig's shadow, he is spreading his wings. Jim McClure is quoted as saying Crapo is the right type to lead: "He's not flamboyant ... you're not threatening anybody, you're not pushing anybody, you're not embarrassing anybody. They can count on you to listen and give a thoughtful response". Popkey continues: "**Crapo votes like Craig, but has more potential appeal to the center** because of his

moderate temperament, quiet intelligence, and growing record as a conciliator, including **his current work on water and wilderness**".

Crapo's PAC is an attempt to curry influence, and gain his entry into the Senate Republican leadership. The softer-appearing Crapo is in a way more dangerous than Craig, because while he listens thoughtfully, he votes for and promotes legislation to harm the environment. **The OI process is giving Crapo "green" cover**, as it acts to fulfill the Wise Use goal of ascendance of local control, weakening federal agencies and environmental laws, and protection of commodity interests.

Crapo serves on the Board of the University of Montana's "Center for the Rocky Mountain West", whose "Public Lands Initiative" is described at <http://www.crmw.org/Our%Work.asp?p+PublicLands> . The Center's initiative promotes **"collaborative governance structures and other mechanisms to provide regulatory flexibility"**. The Center's site lists the following: "The forest options group has proposed implementation of **pilot projects**"; "Idaho Federal Lands Task Force has recommended development of pilot projects to test new approaches to federal land management; the Valles Calderas project with a "diverse, nine-member Board of Trustees"; the U.S. Institute for Environmental Conflict Resolution in a request from Senators including Crapo proposing **pilot projects "designed to test improvements in NEPA through collaborative processes addressing federal lands and natural resource management"** that resulted in a booklet "Reclaiming NEPA's Potential". It also discusses a November 2001 House subcommittee on Forests and Forest Health presentation by Daniel Kemmis on "issues of governance of the public lands" that led to a hearing on "Conflicting Laws and Regulations – Gridlock on the National Forests".

Also, elected and appointed officials love advisory committees or consensus groups, because it allows them to duck responsibility, conveniently positioning themselves "in the middle" between opposing interests. "While we elect politicians to vote, if an issue is at all controversial, they seek to avoid voting ...". <http://www.andykerr.net/ChieftainCols/Col39.html> . By stacking collaborative groups with pliant conservationists and staunch commodity interests, politicians can get the outcome they desire.

In the OI, instead of having to a large-scale head-on assaults on public laws and processes to prop up a constituency of scofflaw public lands ranchers in the Owyhee Canyonlands, the collaborative/consensus process with a goal of preserving ranching allows Crapo to "greenwash" dream-come-true legislation for the ranchers, gain accolades for his work on "wilderness" and "compromise", thus further elevating his appeal and political career.

Pressures Brought to Bear by Crapo and His Constituency

Idaho's Congressional delegation shows no hesitancy to allow special interests to hold Wilderness negotiations hostage in order to bring environmental groups who might stray too far into forbidden ideological/legal territory into line. In "Wilderness on Backburner Following Lawsuit Threat," *Idaho Mountain Express* reported that Lindsay Slater (aide to

Mike Simpson who is in charge of the Boulder-White Cloud proposal) described BWC as “in a hold pattern”. This was brought about by unrelated conflicts over water use in the Snake River. Four conservation groups (National Wildlife Federation, American Rivers, Idaho Rivers United and ICL) had sent a 60 day notice letter of intent to sue the Bureau of Recreation over Snake River water flows critical to salmon survival. This letter provoked the wrath of powerful Idaho irrigators. Crapo urged the conservation groups to withdraw from any legal suit, and to negotiate with water users. Irrigators urged Custer (BWC) and Owyhee County to cut off wilderness discussions. ICL’s Johnson described talks that ensued as “collaborative”. Custer County cut off BWC Wilderness talks. Owyhee County continued, as many Owyhee ranchers are minimal irrigators, holding only small patches of irrigated private lands, and would be little-impacted by a salmon water flow suit. Three of the groups interested in salmon survival have withdrawn from the talks. Now, only ICL remains collaborating.

Irrigators are a much larger and vastly more important economic component of Idaho agriculture than the hand full of Owyhee County and BWC public lands ranchers. The **fewer than 1500 public lands ranchers in all of Idaho** contribute very little economically compared to irr-ag. It must be noted that the interests of irrigators are counter to those of Owyhee public lands ranchers. Public lands livestock grazing decreases water flows to downstream irrigators. It causes springs to dry up, stream flows to diminish, livestock-eroded soils plug reservoirs, livestock wastes pollute waters, and ranchers are trying to grab control of water rights on headwater sources under grazing regulation changes and state water rights processes.

Crapo legislative aides now carry the collaboration terminology to absurd lengths, talking about “setting collaborative tables”. See www.idahostatesman.com/Search/story.asp?id+59114 .

After National Wildlife Federation, American Rivers and Idaho Rivers United left talks, Crapo Chief of Staff Hoehne is quoted as saying “eventually ... the competing groups will return to a table set by Crapo for collaborative discussions”.

Mike Crapo is using wilderness to greenwash his efforts to dismantle federal control. He is firm in his belief that centralized government regulation must go. **“Proper and effective stewardship of our public lands will arise not from federal dictates, but from locally led collaboration ...”** <http://crapo.senate.gov/issues/issues.htm> . Crapo, like Larry Craig, wants to weaken federal protections on public lands, and hand control over to local interests. In many ways, Crapo is more dangerous than Craig, as he comes across as a nice guy, while working to eviscerate environmental protections.

From the start of the OI, Crapo has talked about “consensus”, and whatever the OI group comes up with is what he will do in OI legislation. Yet, the outcome of the OI has been largely pre-ordained. The County laid down bedrock principles with strict sideboards. A stacked collaborative group was convened. The County gets the final say-so on any proposed legislation, and then passes it on to Crapo’s staff to finalize. Grant and the County have been in control from the beginning. The OI’s Boards and other components are designed to further County interests. County-ordained strictures have been faithfully

regurgitated by OI conservationists every step of the way – see TWS Web site The Owyhee Initiative and the Future of the Owyhee-Bruneau Canyonlands [www.wilderness.org/WhereWe Work/IdahoWR99-Owyhee.cfm](http://www.wilderness.org/WhereWeWork/IdahoWR99-Owyhee.cfm), and December 2003 OI Website. Little of the OI's outcome, except the exact acreage of special designations, and areas to be released (WSAs, WSRs) has been in doubt from the start of the process.

Collaboration as Embraced by Other Enemies of the Environment

Collaboration and consensus have now been embraced by all manner of environmental villains. Mere mention of the words gains unquestioning accolades from the press and the public. Use of the term “collaboration” greenwashes and legitimizes efforts to put public lands in local hands dominated by commodity interests.

Mark Rey has gotten the collaborative religion. See Journalist Andy Ryan's article entitled “Mark Rey: Chainsaw Politics” *Seattle Weekly* December 11, 2002. www.seattleweekly.com/features/0250/news-ryan.shtml. Rey was the nation's pre-eminent timber lobbyist, a Republican Staffer (for Larry Craig) and likely author of the *Salvage Rider*. He has been called the “great Satan”, as reviled as James Watt, and “the high priest of stump worship ... He never met a tree he wouldn't cut.” Quoting Bill Arthur of the Sierra Club. Rey is now Bush's Under Secretary of Agriculture. Rey lauds consensus and collaboration as ways to “break the gridlock”. “The ray of hope in the woods these days, Mark Rey says, is **a growing consensus between industry and some environmental groups that could break the gridlock and increase the timber harvest from our public lands**”.

Ryan also describes the rift in the environmental community caused by some groups in the Pacific Northwest sacrificing late successional reserves and trying to cut a deal with Rey to log them, how this undermines groups who take a strong position, and how it has driven a wedge that the Bush administration can capitalize on. “If Rey can show that some environmentalists are willing to sit down and work a deal with industry, he and others who support higher logging levels can more easily marginalize the rest of the environmental community”.

In a January 2002 interview in *The Forestry Source*, “The Source Interview: Talking with Mark Rey” http://www.safnet.org/archive/102_rey_interview.cfm, Rey states: “... of late I've become a proponent of people coming to work together locally to bridge their differences to form a basis for **proceeding in a collaborative fashion**. I think that local communities of interest that exist today in a good part of the country are as diverse and representative ... as the interest groups ... within the Beltway. The advantage they have over us here inside the Beltway is that they can visualize what they are talking about ...”.

The theme of collaboration and consensus continue in the 4/30/2003, “Statement of Mark Rey, Rebecca Watson, Dale Bosworth, and Roussopoulos concerning ‘The President's Healthy Forests Initiative’ to the House Ag. Committee”. The Western Governors' Association “reached consensus on a 10-Year Comprehensive Strategy Implementation Plan to reduce fire risks to communities and the environment”. Pombo introduced a

resolution supported by the House. Bush's Healthy Forests Initiative is: "consistent with the belief that public land policies need to be based on common sense and common ground", and dealing with a "dense, unhealthy condition of federal forests and rangelands by giving federal managers the tools they need ... The Healthy Forests Initiative will help implement core components of the 10-Year Comprehensive Strategy Implementation Plan, enhancing and facilitating the work and collaboration agreed to in those documents ... and will guide the restoration of healthy, viable ecosystems". In choosing top project priorities, "**we would select projects through collaborative processes**, consistent with the 10-Year Comprehensive Strategy Implementation Plan". Bush's HFI: "directs the Interior and Ag secretaries, together with CEQ, to: "**improve procedures for collaborative selection and implementation of fuels treatments and forest and rangeland restoration projects**; reduce ... overlapping environmental reviews ... weigh short-term risks against long-term benefits, and address NEPA, etc. Later, on 7/22/2003, Mark Rey testified before the Committee on Energy and Natural Resources on the "Healthy Forests Restoration Act", "The Collaborative Forest Health Act" and the Community and Forest Protection Act. These days, collaboration even window-dresses the title of legislation.

The support of Helen Chenoweth and Larry Craig for collaboration gelled publicly around the Quincy Library Group, as they saw that the QLG collaboration could bring about more logging on national forests. Helen Chenoweth, along with Wally Herger, held an oversight hearing on: Herger-Feinstein Quincy Library Group Forest Recovery Act in 1999, because it was being implemented too slowly.

http://commdocs.house.gov/committees/resources/hii62242.000/hii62242_0.htm .

In the hearing, Congressman Chenoweth gushed over a plan that "worked for the ecologic [sic] integrity of the forest and the species that rely on the forest, including the human species". The plan seeks to "facilitate the ecological balance of the forest" and "provide an economic balance in the rural timber communities". She compliments the QLG for focusing "on the realization that something had to be done to remove the gridlock that has prevented responsible forest management for the last 15 years, the members of the QLG set aside their differences and worked together to develop **local, consensus-driven solutions**".

The Bush administration is a firm supporter of collaboration. Two of Gale Norton's powerful undersecretaries of the Interior, **Rebecca Watson and Lynn Scarlett, laud collaboration in a letter to HCN regarding the Owyhee Initiative**, http://www.hcn.org/servlets/hcn.Letter?issue_id=266. Both women are staunch enemies of the environment. Lynn Scarlett was President and a long-time associate of the Reason Foundation, a 'leading voice for individual liberty, economic freedom, and dynamic market-based public policies ... **we support the rule of law, private property, and limited government**'. CLEAR describes: "Lynn Scarlett has rarely met a regulation she likes", extending from air pollution to nutrition labeling. A long-time friend of Gale Norton, and a Board member of the Thoreau Institute, which "advocates as part of its Free Market agenda, **pricing members of the public out of certain wilderness experiences**". Scarlett has opposed mandatory curb recycling and federal involvement in daycare, supported corporate ads in schools, opposed nutritional labeling and opposed

pesticide restrictions. Ms. Scarlett views environmentalism as anti-democratic: “environmentalism is a coherent ideology that rivals Marxism in its challenge to the liberal view of government as protector of individual rights ...many modern environmentalists adhere to Progressive era elitism and liberal egalitarianism ...” http://www.clearproject.org/reports_scarlett.html .

Rebecca Watson, now Assistant Interior Secretary for Lands and Minerals Management, worked for an industry law firm that tried to weaken the same environmental standards she now is supposed to uphold. A letter by dozens of environmental groups describes her work in supporting arsenic pollution of water; authoring a paper detailing industry strategies for defeating citizens initiatives in response to a Montana effort to require mining companies to remove carcinogens and toxins from mine discharges; representing opponents of the Missouri Breaks Monument; and challenging citizen use of streams. <http://www.foe.org/camps/eco/interior/watsonletter.html> . “Throughout her work in the private sector, Ms. Watson has consistently worked to undermine public health and environmental laws”. See also <http://greenyes.grn.org/2001/12/msg00003.html> . She “worked for the industry to allow millions of gallons of arsenic tainted water to be released into Landers Fork and Blackfoot Rivers”, and has been a lobbyist working to weaken environmental laws and public health protections.

The support of Mark Rey, Rebecca Watson, Lynn Scarlett and other prominent figures in the Bush administration for collaboration further demonstrates that right-wing and Wise Use advocates understand its potential to radically change public lands to benefit local control and commodity interests. Larry Craig is a devout believer in “collaborative conservation” to achieve “access” (Wise Use code for unfettered commodity extraction access to public lands). Collaboration was up and running as a right-wing term and strategy well before the Bush administration. Wise Use advocate Helen Chenoweth was so eager to move the agenda forward that she offered a legislative amendment to provide riparian logging buffers for Quincy. Shouldn’t this be a wake-up call to large conservation groups that are condoning, participating in, and legitimizing its use in the Owyhee and elsewhere?

Quincy Library Group Shifts Process and Power to Benefit Commodity Interests

The Quincy Library Group (QLG) is vaunted by proponents of collaboration, local control and increased commodity production on public lands. A report, “The Quincy Library Group and Collaborative Planning within U.S. National Forests” by Charles Davis and M. Dawn King provides an overview of the QLG collaborative group <http://www.qlg.org/pub/Perspectives/daviskingcasestudy.htm> . QLG, begun in 1993, is “an effort to institutionalize a collaborative decisionmaking process”. Regular agency processes use public comment. The QLG is different “because **the planning effort undertaken by a single group of stakeholders is viewed by lawmakers as broadly representative ... on one level this is an elitist perspective that subordinates the concerns offered by non-QLG citizens**”. While the project itself requires public input, it exemplifies a process that ‘directly bind[s]’ policymaking by non-governmental representatives’ by incorporating QLG projects within existing forest management plans.

The QLG is accorded special status by [sic, of?] a private group that has been delegated a form of public authority”.

The QLG began meeting in the early 90s “to seek a middle ground between the wise use and conservation of natural resources”. This led to agreement on a management plan for national forests including “restoration” activities, as “**a precedent for subsequent collaborative arrangements** involving federal or state natural resource agencies and communities that are directly affected by resource management decisions” and “negotiations involving an array of stakeholders”. The QLG approach affects other managerial values associated with agency decisions. QLG’s impetus was dissatisfaction with ESA land use “restrictions”, and “the threat of forest fires for personal safety and the protection of jobs”. It was emphasized that “**activities under the plan must comply with all federal environmental law**”.

The Forest Service did not adopt the QLG collaborative plan, so the collaborative group did an end-run around them, and went to Congress and got a legislative fix. The legislation was initially supported by all the California delegation, (passing the House 429-1) but then its bad precedents and policies were exposed (despite the QLG’s lofty talk about ecosystems, it significantly increased logging). Senator Barbara Boxer and others ultimately opposed the legislation. Larry Craig and Helen Chenoweth championed it. The Herger-Feinstein QLG Forest Recovery Act was passed in 1998, “a bill that has united property rights advocates and the greenest of legislators”. Failure to speedily implement Quincy provisions prompted a Chenoweth-Herger oversight hearing in 1999.

The QLG proposal introduced controversial components of subsequent “forest health” legislation – cutting trees for remote fuel breaks, group selection of trees, and others. “The QLG Plan is a policy experiment that carries public participation and collaborative decision-making a few steps further than existing public policies. Instead of input that falls within the realm of “advise and recommend”, it allows participants to develop projects that the FS is obliged to accept if the proposed activities can be accommodated within the existing plan without violating laws or regulations. **It is a form of shared governance that elevates QLG members to the rank of junior partner.** The QLG is one of several groups nationwide that are depicted as “grass-roots ecosystem management”.

The QLG changed environmental process. Other innovations included “stewardship”, which “define[s] an enduring, reciprocal relationship between people and the natural environment; in this case between communities and the forests that sustain them”, and “stewardship contracting”. Contracts invest funds in “activities that nurture or maintain natural resources as well as experimental approaches to resource management”, and funds can be “reinvested”. “Reinvestment” focuses on “the need for restoration ... and community-based advocates seek greater flexibility in the use of funding options”. The QLG plan also included monitoring.

The Davis and King report briefly discusses the evolution of public hearings, participation and processes, as well as environmental laws on public lands, stating:

“federal judges are considered more likely to decide on the basis of environmental requirements” ... “emergence and subsequent use of citizen participation procedures (including litigation) by environmental groups” made the Forest Service “adopt an expanded view of multiple use decisionmaking that limited agency discretion”. Unfortunately, this history of citizen participation in public process and environmental protection through potential use of litigation is precisely what the QLG collaboration attempts to break down and shatter.

Here is what some environmentalists said about the results of QLG collaboration:

* The QLG Act increased logging. See *Orion* September 8, 1999, “Quincy Logging Act Will Increase Logging”.
<http://orion.csuchico.edu/Pages/vol43issues3/dimensions/d.1.quincyact.html> . “...According to many environmentalists, the bill brings danger to animals, habitats and drinking water throughout northern California”. Activist Helen Ost of the Lassen Forest Preservation Group said: “the actual decision was made to make the logging industry happy”. Logging was to be doubled for five years.

“Groups Criticize Quincy Forest Plan” ENN: Environmental News Network, August 9, 1999. Congress adopted the ... Act, despite opposition from more than 140 environmental groups”. The Act directs the Forest Service to implement the QLG plan, which mandates increased logging in some areas, including spotted owl habitat, while protecting others. “According to the **Wilderness Society**, full-scale implementation of the current plan could cause serious environmental damage and is in violation of existing environmental laws”. The QLG Plan “fails ecological sustainability tests ... [it] **will lead to unrealistic expectations for inflated logging levels and further degrade the ecosystem**”, said the **Wilderness Society** in a Press Release ... it fails to protect all roadless areas”.

Sierra Club's *The Planet* newsletter 1997, Vol. 4, no. 9 sounds an alarm about Quincy in “‘Local Control’ a Smokescreen for Logging” by Delbert Williams.
<http://www.sierraclub.org/planet/199711/delbert.asp> . Nearly every word of this newsletter – if one substitutes logging for grazing – could be written about the OI. “‘Local control’ may sound eco-friendly, but the Quincy Library Group in Northern California proved that ‘local’ is a matter of definition, and that, at least in this case, **‘control’ is maintained by anti-environmental forces hiding behind the smokescreen of a green process** ... Herger’s bill represents one of the greatest threats to public lands since the Reagan administration and the salvage-logging rider ... most alarming is the precedent being set for local control ... already the idea is being heralded as the model solution to any public-lands controversy ... this is an idea that threatens to subvert management decisions nationwide because it is being championed as the wave of the future. Actually, it rides a wave of the past ... In 1995, the anti-environment 104th Congress outraged many Americans. Lawmakers ran for cover – green cover. Herger’s bill has thus provided cover not only for him but the 105th Congress, and for some of the most rabid anti-environment lawmakers in U.S. history”.

The purpose of the OI is to preserve ranching. A major purpose of the OI's "unfinished business", and the raison d'être for the OI Board of Directors and other apparatus is to implement the OI, monitor and oversee, and preserve ranching. The QLG plan dramatically increased logging in the name of forest health. In the OI, we can expect ranching parallels to the QLG logging outcome.

Enlibra – Minor Variation on the Collaboration Deception Theme

Controversial Bush EPA Director and former Utah Governor Mike Leavitt has been a champion of Enlibra, a term/concept that has been endorsed by the Western Governor's Association (WGA). "Enlibra is the name of a set of principles for protecting air, land, water. The principles have proven effective in resolving environmental and natural resource disputes in a more inclusive manner. The word Enlibra was coined by the Western Governors to symbolize balance and stewardship", and approved in 1998, <http://westgov.org/wga/initiatives/enlibra/default.htm> .

Among the WGA "Enlibra principles" are: "national standards, neighborhood solutions"; "collaboration not polarization"; "reward results, not programs"; "science for facts, process for priorities"; "markets before mandates"; "change a heart, change a nation", "recognition of benefits and costs"; "solutions transcend political boundaries". It "Recognize[s] the need for a variety of tools beyond regulation ... Enlibra is not a process. Enlibra is a philosophy. It calls for "greater participation and collaboration in decisionmaking".

Unfortunately, Enlibran Leavitt has not acted as any of friend of the environment. See letter of September 9, 2003 by local and national conservation groups "RE: Nomination of Governor Michael Leavitt to be administrator of the United States Environmental Protection Agency". The letter details serious concerns about Leavitt's awful environmental record as Governor of Utah. He fired a Division of Wildlife Resources employee who fined a Leavitt family fish farm for violations that brought whirling disease to Utah; has a lax enforcement record –Utah tied for last place in enforcing the CWA; Leavitt's DEQ failed to press mega-polluter MagCorp to reduce its pollution and end illegal dumping; and has downplayed mercury releases saying "in reality it is not pollution". Utah has the second highest toxic releases in the nation; power plants increased their emissions under Leavitt; Utah has poor air quality; and Utah water quality monitoring is 1/3 the national average. He supported construction of the Legacy Highway project through the Great Salt Lake marshes.

Leavitt has a track record of eliminating protections for public lands. In 2003, he "struck a back room deal with the Bush administration to open six million acres of public lands in Utah that were eligible for designation as wilderness areas to oil and gas well drilling, mining and OHV use" – and set a national precedent. He also consummated a secret deal that could allow Utah to bulldoze highways over paths and trails on public lands. He has a record of using secret negotiations to undermine environmental protection, and "making crucially important environmental policy decisions without regard for open processes and public involvement". Groups who sent the letter include: Earthjustice, National Audubon

Society, Campaign for America's Wilderness, Friends of the Earth, SUWA, NRDC, others.

See also White House Watch "A Brief Synopsis of Utah Governor Michael O. Leavitt's Anti-Environmental Record" www.earthjustice.org/policy/profiles/display.html?ID+1027
"Leavitt's Enlibra is Called Hot Air"

<http://deseretnews.com/dn/view/0,1249,380014571,00.html>

Environmental Media Services, and Profile of Michael Leavitt: Michael O. Leavitt's actions as Governor of Utah raise serious concerns over how he would lead the U.S. EPA if confirmed" www.ems.org/leavitt/env_integrity_background.html

Collaboration: A Wise Use Tool for Local Control and Evisceration of Environmental Laws Extolled by the Bush Administration

A recent letter to *HCN* by Bush administration Assistant Secretaries of the Interior Rebecca Watson and Lynn Scarlett proclaims the Bush administration's support of collaboration http://www.hcn.org/servlets/hcn.Letter?issue_id=266 Their letter responded to the *HCN* December 8, 2003 OI article "Riding the Middle Path". The writer of the *HCN* article had not really understood what was going on, and had naively assumed that the Bush administration would oppose collaboration and the OI-style local control and *quid pro quid* wilderness. The context, underpinnings and precedents surrounding the OI Wilderness deal are such that the Bush administration, in actuality, loves it.

Indeed, an October 31, 2001 *Owyhee Avalanche* article "Assistant Secretary Scarlett Visits Owyhee County" reveals the Bush administration's long infatuation with the OI. The article states: "**The Owyhee Initiative had a chance to shine** during a visit from Assistant Secretary of the Interior Lynn Scarlett ...". Scarlett met and toured Owyhee lands with the Initiative group. They toured a burn, extolled by Fred Grant on the tour for "the regrowth", and looked at a potential grassbank, where "the intent is to provide forage for a rancher when there is a need to divert use from a federal land grazing allotment". **Scarlett "said she was very excited about the cooperative efforts of the OI"**. The OI group is described as "**hoping to develop a consensus that would bring an end to years of litigation over cultural resources [grazing], species conservation, recreation use and wilderness study areas**".

"Assistant Secretary Scarlett said this project was right in line with the vision of the administration". She is also quoted as saying: "If for the last several decades a lot of decision making has been driven by conflict and litigation, what we're trying to do is identify those examples ... where folks have managed to overcome that conflict-laden approach". Scarlett describes preserving ranching, and "she's aware that the interface of the large amount of public land vs. private land is a huge issue or Owyhee County". She describes a move to **greater collaboration between public agencies and the private sector, and the need to get away from litigation using cooperative solutions. "We [Bush Interior Department] serve the people, not the other way around"**. Owyhee

Commissioner Salove approves, and his expression of optimism for “**treatments of the land**” concludes the *Avalanche* article.

Watson and Scarlett’s 2004 *HCN* letter on the Owyhee Initiative hastened to correct the author’s statement that the Bush administration does not support collaboration, and stresses that it does. “**The article errs in its characterization of how the Bush Administration greets collaborative efforts and wilderness protection ... our [Bush Interior’s] cooperative conservation grants have climbed from around \$350 million in 2001 to \$431 million in 2004.** We have launched three new programs tailored to **enhancing private stewardship and cooperative conservation**”. They also boast about the Bush BLM revising land management guidance to enhance “**cooperative conservation**”. Yet, any reading of BLM’s proposed grazing regulation changes shows that the **only** “cooperation” the Bush BLM of Norton, Watson and Scarlett is interested in is cooperation with livestock commodity interests, with management controls on grazing to be gutted.

The federal government provides funding for projects developed by collaboration, seminars on collaboration, and through various programs, grants and other mechanisms. See also http://www.ntc.blm.gov/partner/PB_nepa.html , describing “**place-based NEPA: Linking Communities to Process**”, which includes “describe what ‘cooperating agency status means and how to apply in planning and NEPA’ (shades of Fred Grant!)”, and “set the stage for a collaborative community approach to planning”. Collaborative groups and collaboration advocacy and cheerleading non-profits like the Red Lodge Clearing House have arisen to help promote the evisceration of federal power.

Since the end product of collaboration as practiced in the rural West is weakening of federal government control and federal laws that protect our land and water – by promoting and funding Wise Use-style collaboration, the federal government is funding the evisceration of its own powers. It is capitulating to the classic western mentality described in DeVoto: Get out, but give us the money. An attitude and term used by some elements of the Mormon culture, “bleeding the beast”, i.e. use any mechanisms you can, including deceit, to take funds or deceive the government, also describes this long-rooted western attitude. This philosophy is described by Jon Krakauer in the recent *Under the Banner of Heaven*.

“Collaborative conservation” is a nonconfrontational way to backdoor the Sagebrush Rebel/Wise Use/County Supremacy agenda into mainstream acceptability. It is brilliant – and is the perfect tool to drive a wedge between environmentalists, Bush or no Bush. It all started at least a decade ago with Quincy. Consensus and collaboration invoke warm, fuzzy feelings in the public mind and editorial boards. The strategic use of its terms gains unquestioning acceptance of assaults on public lands that would be rapidly shot down if they were done in other ways. Using the word “consensus” or “collaboration”, no matter what their repercussions or context, wins accolades from the press.

Gridlock: Conjuring Up A Crisis, Spawning Collaboration

The term “gridlock” came into repeated usage by Idaho’s right-wing Republicans in the late 1990s. Friends of the Clearwater recalls its use by loggers in northern Idaho in the early 1990s. Jack Ward Thomas fretted over gridlock in front of conservative audiences in the mid-90s. The concept of gridlock did not gain prominence in the Clinton administration, but collaboration, billed as a “solution” to gridlock, seeped into public lands debates. Part of collaboration’s palatability is that it allows politicians and agency heads to avoid the appearance of making hard decisions themselves.

The rise of “consensus collaboration” was preceded by, and then coupled with, a constant loud refrain of lamentations over the “gridlock” on public lands. Gridlock was said to be caused by environmental regulations like NEPA or NFMA, or any thing that slowed down or hindered exploitation of public lands. “Breaking the gridlock” became a repeated theme of “policy centers”, associated with western universities and/or commodity interests. Conferences were held, speeches were given by a hand-picked group willing to cry gridlock and “analysis paralysis” and malign a “crazy quilt” of environmental laws and processes. It was proclaimed that “gridlock” was thwarting every manner of resource extraction on public lands. To loosen the iron arm of federal regulations and decisionmaking, “local, collaborative groups” needed to be formed to agree to policies (usually self-serving to local interests) and then have federal agencies fulfill their policy desires. In the late 90s, laws began to be enacted that legitimized weakening the public interest and federal oversight and control of public lands, and that made possible easier flows of funding to fulfill the desires of local interests.

Collaboration, more local control and loosening of environmental laws was showcased, and branded as “good”. For example, a series of Andrus Policy Center reports laments how a morass of federal legislation tangles and binds land management, destabilizes communities, and crimps sorely needed “active” management of public lands. Reports complain about burdensome federal regulations like NEPA and the ESA, and find that the “tangled web” of laws and regulations cries out for “new approaches to land management and the need to **decentralize land policy and decisionmaking**. This all will, in its view, “restore” ecosystems. The Andrus Center even bills its own reports as the product of “consensus”, albeit rigged through assembling a handpicked group that will say exactly what you want them to say – and voila - the Idaho version of “consensus” and “collaboration” emerge. The Andrus Center’s *Policy after Politics* reports on a 2000 conference of former and current western governors, where “policy objectives” include “public land policy and its implementation should be decentralized whenever feasible”, and it emphasized delegated decision-making authority. “Decisions made through collaboration work best”. Andrus Center reports, *Policy After Politics*, and *The Future of Our Public Lands*. Andrus Center fellow Dr. John Freemuth is an ardent backer of collaboration. See “Collaboration, Pilot Projects and Consensus”.

<http://www.headwatersnews.org/p.022002.html> . Daniel Kemmis at the Center for the Rocky Mountain West, which sponsors *Headwaters News*, is another policy center champion of dismantling environmental laws like NEPA through collaboration. See *Missoula Independent* February 19, 2004 “Means to an End”.
<http://www.missoulanews.com/News/News.asp?no=2177> .

“Gridlock” on public lands was promoted through endless repetition by commodity interests and their supporters. It was spotlighted and vetted through western Policy Center sessions, where carefully selected speakers lamented public lands “gridlock”, and proclaimed that only way to break “gridlock” was increased local control and collaboration. Papers on collaboration as a tool to breaking the chains of the imagined gridlock were prepared. Media reports began using the term. In Idaho, the conjured up “gridlock” crisis was being legitimized as the Federal Lands Task Force report (discussed later) was developing.

The same process appears to have been repeated in several western states, centered around policy centers and Governors meetings. Media pundits were invited, flowery media pieces followed, and the media was conditioned to rave about any and all collaborative processes that would break the gridlock, allow local decisionmaking, and solve complicated or contentious issues.

Gridlock was pounded by repetition into the public lands vocabulary on a national level. The House Resources subcommittee held an oversight hearing on “process gridlock” entitled “Summary of Oversight Hearing on Process Gridlock on the National Forests” on June 12, 2002. Dale Bosworth presented a Forest Service task force report: “The report has a long history, report on conflicting laws was first initiated in 1995 during Jack Ward Thomas’ tenure ... the higher-ups in the Clinton administration rejected the report”. In 2001, Dale Bosworth moved to update the report and to examine NEPA, NFMA, ESA, MUSYA, CWA, CAA, NHPA and FACA. The report listed “management inefficiencies” which Bosworth emphasized could be solved by “working together in a community-based collaborative approach”.

Larry Craig and Mike Crapo, reports and conferences ginned up at various local policy centers, spokeswomen of the Bush administration, and all manner of environmental blackguards ranging from Mark Rey to Helen Chenoweth now promote loosening federal control through collaboration. Their aim is to gut the laws and processes that protect the West’s streams, deserts and mountains. The 21st century assault on the public lands commons is the same as that in DeVoto’s day, only now it is being played out, at least in part, under collaborative cover. This is what the current “collaboration” drive is all about. Using nonconfrontational tactics, with pliant conservationist players, they can backdoor the Sagebrush Rebel/Wise Use agenda into a legal framework, diminish public processes, aid the ascendance of control of public lands by and for local interests, and sidestep legal controls.

In order to gain some localized blend of wilderness “protection” in the Owyhee Canyonlands – albeit a wilderness “overseen” and “monitored” by an elite Board of corporate and special interests, and entangled in a new system of specially tailored oversight on all public lands in Owyhee County, conservationists are on the brink of cutting a collaborative deal to legitimize the agenda of the Sagebrush Rebels, Wise Users, Larry Craig, Mike Crapo and the Bush administration.

IMPLICATIONS OF THE OWYHEE INITIATIVE AND COLLABORATION FOR PUBLIC LANDS, BIODIVERSITY, AND WILDERNESS

When the Velvet Gloves Come Off

Any one who has dealt seriously with public lands ranching in Owyhee County, or any place in the West, has encountered the bullying and no holds barred tactics of public lands ranchers when they are crossed. Owyhee County and its ranchers are long-time experts at these tactics – ask any BLM employee who has tried to change grazing.

After the ink is dried on the legislation, and the honeymoon is over, the rancher's velvet gloves will come off. The veneer of cooperation will peel away, and hardball tactics begin. This is especially the case in the OI, because all the “weed study”, “restoration”, etc. means large amounts of federal and other funding for local interests to increase their financial gain from public lands. Positioned to profit are several OI Board members or member groups. All public lands activities will be under the purview of the OI apparatus, and run through the conflict-of-interest riddled Overlord Board of Directors.

Even the local Owyhee County Sage Grouse Working Group serves as an example where dissent is little tolerated, and dissenters have been asked not to participate. When Russ Heughins (Idaho Bird Hunters, Idaho Wildlife Federation) repeatedly questioned bias shown by the group, he was asked to leave. There is no doubt that such tactics will be used by the County and ranchers against dissenters after the OI legislation is passed, and the rancher's legislative aims have been achieved. Anybody who stands in the way of the desires of the Owyhee cattlemen gets badgered, bullied and all political stops are pulled out.

Owyhee ranchers have a long history of going over the heads of BLM employees trying to do their jobs. Ranchers use politicians, like Larry Craig and Mike Crapo, to achieve their ends. Owyhee County and its ranchers are well known for harsh tactics in getting their way. Through political pressures exerted by Idaho's Congressional delegation, BLM employees who have tried to make grazing changes to protect lands and waters have been shifted to onerous or undesired jobs. These employees include Jay Carlson, Martha Hahn, Bill Reimers and others.

A January 8, 2004 *Idaho Statesman* article “Group angry with BLM for move to Marsing” summarizes some of their nasty tactics. Bush BLM managers are placating Owyhee ranchers by placing a BLM management office in the backwater Owyhee County town of Marsing. **“This move is a political payback to a very few, but very connected Owyhee ranchers who want revenge against BLM range staff”**, PEER ED Jeff Ruch. “Tensions between the BLM and some Owyhee County officials has been high in the face of grazing restrictions in the arid country. **Hostility from Owyhee County officials dead-set against the federal government** has caused BLM staff to request a safety review to address their concerns about assaults and lack of cooperation by local authorities ... The affected employees believe that, rather than a neutral reorganization, **this move is a targeted payback designed to force them to resign or prematurely**

retire". Current Owyhee sheriff Aman has said "he did not believe BLM rangers had authority to make arrests, and even threatened to use his arresting powers on rangers who violate the civil rights of local residents". See also PEER press release "BLM Playing Million Dollar Game of Musical Chairs" <http://peer.org/press/417.html> .

Following suit with the Owyhee ranchers, OI conservationists have shown little tolerance of dissent – persons who have spoken out against it have experienced repeated efforts by others to silence them, and stifle opposition.

Successful litigation in the Owyhee Canyonlands has met with ranchers going directly to Larry Craig to overturn court decisions that rein in livestock abuses – for example, in 2003 Larry Craig attached a Rider to a larger bill that allowed BLM to give ranchers extra grazing use without NEPA in Jarbidge BLM lands.

Mike Crapo has repeatedly interfered with ESA listing of a rare plant, slickspot peppergrass. He squelched a USFWS effort to list slickspot peppergrass under the ESA two years ago. Livestock grazing and trampling in the Owyhees destroys and causes weed invasion of the unique habitats of this endemic Idaho plant. Efforts by Crapo and other Idaho politicians continue to thwart and interfere with protection for this plant.

In 2002, Idaho Congressman Butch Otter (Chenoweth's successor and Simplot's ex-son-in-law) proposed legislation to create an artificial deadline for Congressional action on WSAs, with any WSA not designated as Wilderness within 10 years to be released. This move appears orchestrated by Idaho's Congressional delegation to put pressure on conservation groups (or give them an excuse?) to settle for meager wilderness in the Owyhee and BWC. ICL commented on Otter's bill: "Conservationists oppose this effort because removal from WSA status would allow management for activities (such as road building) that would preclude future designation as wilderness". http://www.wildidaho.org/news/2002_6_06_press_php . Why, then, is it ok for ICL to broker a deal releasing significant WSAs in both the Owyhees and Boulder-White Clouds to "management activities" such as road building and bulldozed livestock pipelines?

Wilderness and the Public Land Commons of the Owyhee

There is much more to the OI than Wilderness. Wilderness is only one, in some ways minor, part. Even its management will be ensnared in the various OI Boards and apparatus. Wilderness in the many places in the West, and especially Owyhee County, extends far beyond that of lands officially designated as Wilderness under the Wilderness Act, and of the limited land areas that BLM couldn't find excuses to discard as wilderness-suitable, and which eventually became WSAs in a process over 20 years old. Conservationists West-wide have long known that BLM's flawed wilderness inventory cast aside suitable lands using every imaginable excuse. BLM focused overwhelmingly on the rockiest and most rugged lands least suitable for new livestock developments. Vast areas were slashed from consideration by BLM as WSAs for spurious reasons. A common BLM artifice in the Canyonlands was claiming that "lack of visitor screening" in sagebrush on the plateaus made the land unsuitable for wilderness consideration.

Today, many of these rejected lands in the Owyhee still remain little roaded and undeveloped, and qualify for Wilderness protection. In fact, recent Sierra Club inventories in the Idaho Owyhee Canyonlands, now hidden from public view and discussion, found **1.6 million acres of wilderness-suitable lands.**

Sadly, OI proponents are willing to eagerly deal away protections of both WSA lands that dedicated conservationists have fought over 20 years to protect, as well as hopes for future protection of nearly a million acres of other wilderness-worthy lands in the Idaho Owyhee. ICL's McCarthy states: "We're close to protecting the most wilderness-worthy stuff." *Salt Lake Tribune* June 17, 2003 "Preserve-Grazing Swap Sought" <http://www.sltrib.com/2003/Jun/06172003/utah/66811.asp?display=print> . The OI will **release approximately 200,000 acres of BLM WSAs** – WSAs that conservationists have fought more than 20 years to defend.

The Wilderness Act addresses signs of scarring of land by humans, and protects against most new development and scarring. Wilderness boundaries typically follow lines of existing development. Unfortunately, the Act does not protect ecosystems from harmful livestock impacts. Unnatural, large-scale ecosystem disturbance by exotic livestock, livestock facilities and their maintenance including by mechanical means, i.e., status quo livestock grazing practices, are grandfathered into Wilderness under the Act.

Designated Wilderness has become the holy grail sought by conservationists. Groups pursuing it now receive large amounts of funding. See "The New Wilderness Land Grab" *Outside Magazine* September 1999 describing a **PEW Foundation goal of 50 million acres of additional wilderness, and committing \$20 million a year** to this purpose. This is a laudable goal, but raises significant questions – at what costs to other public lands, and at what costs to the Wilderness Act itself? Should non-wilderness public lands be sacrificed to achieve PEW's goal? Is Wilderness worth more than biodiversity? Have some large conservation organizations decided that a Wilderness Designation is worth so much more than other public lands that public lands and laws can be sacrificed to achieve it? This is what is now occurring in several places in the West.

Unfortunately, the Wise Use enemies of conservation have learned that Wilderness designations are greatly coveted. They are now using Wilderness as a tool to gain local control, enrich local interests and obtain other precedent-setting concessions, while weakening and undermining nearly a century of federal protections for vast areas of public lands. Owyhee County has made it clear from the beginning that the OI is about sustaining ranching, and a livestock-centric "ecosystem", and is not about biodiversity protection. Each new Wilderness proposal in the Interior West seems designed to set some new and different bad precedent.

Lands in the scattershot parcels of OI-proposed wilderness are the cherry-picked big rocky canyons, and the least threatened of all Owyhee lands. The wilderness and wildness of the Canyonlands extend far beyond that in the area that would be officially designated as OI wilderness. It also is continuous with wild Oregon and Nevada lands. It includes little-roaded, empty beautiful wild lands critical to sage grouse, migratory birds

and biodiversity, as well as large parts of the great public lands commons that just are not rugged enough to have repelled all human roading and livestock developments.

Loss of wildness in the vast areas of Owyhee public lands will stem from the many non-wilderness provisions, new livestock subsidies and pro-grazing intent of the OI. Representatives of OI conservation groups, are determining the future hold of the livestock industry on all Owyhee public lands, and are ignoring addressing its impacts.

It is a bedrock principle of the OI that the local “culture”, that of subsidized public lands cattle grazing, will be **preserved**. All the OI environmental groups have parroted the County’s call for sustaining and preserving public lands ranching. Preservation, of course, means promoting the myths of self-importance of the livestock industry, as well as increasingly subsidizing a hand full of public lands ranchers, a number of whom actually live in Oregon, as well as **billionaire J.R. Simplot, who grazes cattle on over 25% of the BLM lands in Owyhee County!** Lands grazed by Simplot include BLM WSA areas slated for release in the OI, non-WSA wilderness-suitable lands and suitable WSR segments omitted from the OI where ranchers are rumored to be seeking “hard release”.

The cost of the OI to wild places, biodiversity, untrammled landscapes and solitude in the broader public lands commons, including other OI-discarded wilderness-worthy lands, has never been weighed.

Wilderness designation has long been treated as a state-level issue – and designations do not transcend states. In the Owyhee Canyonlands, the sagebrush-steppe ecosystem, and even several of the WSAs, sprawl across state lines into Nevada and Oregon. Any Wilderness outcome in Idaho will have ramifications for future wilderness processes in neighboring states. Each new bad precedent of the last *quid pro quo* Wilderness bill can be used as examples by commodity interests to their advantage in future Wilderness negotiations.

Environmentalists who oppose the OI have been repeatedly told by its proponents: “you can always designate more wilderness after this”. It is clear that this is not what the County intends. The County, with phrases imitated by OI conservation participants, gives no indication that this will occur, as they “**resolve**” **the status of WSAs**. The County has made it clear from the beginning that no bill will move that does not have their blessing. The County seeks assurance of subsidized livestock grazing as a primary use of Owyhee wild lands. If ICL, TWS and Sierra Club are going to deal on legislation that preserves ranching and public lands livestock grazing, release WSAs, and pass over a million acres of other wilderness-suitable Owyhee lands, then it is their responsibility to be open and honest about the costs of their actions, including fracturing of roadless undesignated wild lands through new livestock developments and treatments that will stem from the OI.

There is continued resistance by large environmental organizations to even have a discussion about the suitability of livestock grazing in wilderness. See letter of Jon Marvel to HCN http://www.hcn.org/servlets/hcn.Letter?issue_id=266. Ecological

concerns about livestock grazing in wilderness are routinely downplayed, minimized, and ignored. Yet, unless you have that discussion, how can you condone a process that increases control of public lands – including wilderness – for preservation of commodity production by local livestock interests?

Wilderness At Any Cost?

Conservationists who oppose the OI have been repeatedly told that we just don't understand how politics works, that we are firebrands, near-lunatics, and that in Idaho, you have to be realistic if you want to designate wilderness. Saying yes to Owyhee County means wilderness, so God damn it! – Shut up about everything else. The boards are mere fluff, they will be advisory only, they won't wield any power, ranchers won't be able to outvote our bloc, etc.

Instead, it is the conservationists engaged in the OI, lured by the County's wilderness bait and hoped-for resultant prestige, funding and "ins" with Idaho politicians, who do not understand, or perhaps do not want to look at, the implications of the precedents they are setting, and the aftermath of the legislation.

Larry Craig and Mike Crapo want to dismantle federal control and process in favor of local control and interests, while at the same time maximizing taxpayer subsidies handed over to the same local interests. Their entire political careers demonstrate this. The OI is providing a vehicle for this to be achieved on close to 4 million acres of public wild lands. A wilderness prize of cherry-picked scattershot parcels (less than one-third of Wilderness suitable Owyhee lands, and less than 15% of the entire public land area that will be affected by the OI) is being dangled by ranchers in front of pliant conservationists in order to achieve this. In exchange, ICL, TWS and Sierra Club are guaranteeing preservation of the livestock industry, and its desires for subsidized landscape-level manipulation, livestock facilities, self-promoting "research", a process to undermine BLM grazing changes, and special powers to weigh in on and influence all public land actions over a vast land area.

OI Supporters Mask the Limited Economic Importance of Public Lands Ranching in Owyhee County

Public lands ranchers, long buoyed by convoluted calculations from a support network of ag economists based at western land grant universities, vastly inflate the economic importance of their public lands ranching activity. Unfortunately, OI conservationists continue this trend. They pander to the demand by Owyhee County to preserve public lands ranching and bolster the mirage that ranching is the lifeblood of the county by presenting economic statistics that mix public lands ranching in with all agricultural activities in Owyhee County. In reality, there are fewer than 150 public lands ranchers who reside in the County, and most employ very few, if any, hired help. Ranchers pay minuscule property taxes on their limited private lands – compared to the average town dweller. A few years ago, the County's property tax rate for privately owned ag grazing land was around 15 cents an acre per year.

OI proponents, despite having good economists on staff (TWS), never provide any information on the actual economic value of public lands ranching in Owyhee County. Nor do they present information on the current costs of subsidized public lands ranching in Owyhee County to American taxpayers. They also ignore the cost to taxpayers of the rancher preservation programs that will stem from the OI. Vegetation treatment and rancher-serving science run through TNC and the U of I is poised to become even a bigger drain on taxpayers. At the same time, the federal government will have weakened oversight and control of activities that are carried out in spending rancher preservation funds.

TWS's Owyhee Economics Report is accessed from a link at www.wilderness.org. TWS analysis describes how jobs in all of ag in the County have decreased from 43% of Total Personal Income in 1970 to 24% in 2000 (with ranching jobs submerged in all of ag.), and then disconnectedly proclaims: "One option for protecting working ranches from sprawling development are conservation easements that allow ranching families to retain ownership of their property, while substantially lowering income and property taxes. Yet, ranches in Owyhee County are not threatened by "sprawling development" or subdivisions. The "sprawl" that is occurring in Owyhee County is on private land areas on or near the Snake River Plain. These degraded and depleted lands have extremely little value at all for grazing, with hundreds of acres often required to support one cow over the course of a year. Current ramshackle development goes largely unregulated by the same County Commissioners so ardently pursuing the OI to perpetuate the myths of the livestock industry.

Owyhee County is one of the poorest counties in Idaho (very poorest in 1995). Its 2000 population was 10,644; per capita income of \$16,955, vs. state - \$23,727, and national - \$29,469, majority of jobs are in wage and salary, with services and professional jobs providing the most new jobs. There are only 1200 jobs in farm and ag in the whole County, the vast majority of which are tied to irrigated agriculture and crop production and not public lands ranching. The minor impact of public lands livestock grazing on the vast majority of Owyhee County residents is shown in BLM's analysis of the economic impacts of grazing in the 1.3 million acres of public lands in the Owyhee Field Office. See Owyhee PRMP at S-4, "Total Industry Impact Owyhee County". The current situation is Alternative A, and the proposed action, which BLM has been trying to implement in the face of fierce rancher resistance, is Alternative E. This Alternative, which includes modest protections for some streams, is predicted by BLM to **result in one less job** than the status quo. The Owyhee Field Office includes approximately 1/3 of the County's public land. Clearly, public lands ranching does not make or break Owyhee County, no matter what illusions of importance the County Commissioners and ranching aristocracy may be trying to foist on the public and gullible OI conservation groups.

Yet, OI legislation will serve to preserve this aristocracy of ranchers and their mythology, as well as pour new subsidies into ranching as a dominant land use. It will ensconce a small clique of people who profit from ranching on the Board of Directors, while

ignoring current science on the ecological harms caused by livestock grazing, and the minor role of public lands grazing in the County.

OI Harm to Biological Systems

The OI furthers the agenda of livestock interests in the County, through the Overlord Board of Directors, Science Center and “peer” review of all BLM actions. Yet, the OI proponents have never addressed its ecological consequences - to native plant communities and declining native species like sage grouse, pygmy rabbit, loggerhead shrike, redband trout and Columbia spotted frog. Habitats and populations of these species are threatened by WSA release, vegetation manipulation, new livestock developments, grazing “research” and other activities carried out to preserve ranching.

Fred Grant and Chad Gibson have made it clear that they intend, through the OI, to ensure a National Monument can never be designated in the future. Their discussion of OI “science” focuses on extensive treatment of vegetation and livestock projects. This will ensure that wildness, wilderness qualities and the wild land ecosystem will be fractured, fragmented and destroyed. There is no question that a livestock industry assault on released WSAs and other Owyhee wild areas will ensue, to the detriment of native plants and animals.

The OI will unleash tremendous harm on the wild places of the Owyhee Canyonlands. Foremost of the harms that will be done by the OI are ecological harms, The OI canyon-focused wilderness includes relatively little of the Owyhee lands critical to sage grouse. In fact, it releases significant WSA plateau lands that are critical to sage grouse survival. The wildest juniper lands now in WSAs will likewise be released to assured vegetation manipulation projects dubbed “research” or “restoration” and new livestock developments, vetted through the University of Idaho and TNC “science”. The entire public land area will be subject to the Board and livestock-centered “research”.

OI proponents only dismiss these concerns by saying: “These guys [ranchers] are on the way out, anyway”. This shallow answer is a head-in-the-sand approach that ignores current ecological science, and the fragility of sagebrush-steppe ecosystems in the face of irreversible weed invasions that are spreading in the wake of livestock grazing - right now and every day that cattle grazing continues – and with every new livestock project that is constructed - throughout the Owyhee Canyonlands. It also ignores the fact that the OI will give the ranchers the mechanisms and project subsidies they need to extend and prolong their damaging occupancy of Owyhee County wild lands. It ignores impacts that new habitat fragmentation from livestock projects, including in released WSAs, will have on besieged sage grouse populations and other populations of native wildlife.

As wild lands and wildlife habitats are riven by projects, and ongoing grazing disturbance continues to spread exotic weeds to which there is no solution – no matter how much money is poured into TNC “studies” and County herbicide application – the wild lands and wildlife habitats of the Owyhee will be destroyed. Conservationists, in pursuing the

OI, will have given the livestock industry the tools it seeks to destroy the vast majority of the lands for uses other than livestock grazing.

OI Harm to the Wilderness Act

In Idaho right now, conservationists are legitimizing (and may soon be legislating) parts of the Wise Use agenda, in exchange for Wilderness. This is a perversion of the Wilderness Act – using it to weaken protections for other public lands.

Acres of Designated Wilderness have become a bargaining chip used by ranching interests to trade for precedent-setting concessions that make new inroads into environmental laws and public processes. Helping to fuel this is funders who focus on producing Wilderness acres, at the expense of myriad other public lands issues, including lands of the West that face a ticking clock of irreversible biological loss as grazing harms progress, and are focused on acres of wilderness produced. See *Outside Magazine*, September 1999, describing large-scale funding behind this effort. This has in some ways resulted in a Wilderness production business, which is promoting a haste to enact Wilderness entangled in legislation that sets harmful public lands precedents and erodes long-established protections.

Under the OI, a precedent of designation of a cherry-picked, scattershot array of parcels as “Wilderness”, through a collaborative process that firmly places preserving ranching as a dominant land use, will be set. Establishing a permanently empowered OI Board of Directors will increase County/rancher control and interference in public processes and laws in all lands, including the Wilderness. It sets more new bad precedents, and further lowers the bar of federal control and protection in future wilderness negotiations. In the OI, a federal statute will be written by Crapo that will give the County new ways to exercise county supremacy and cattlemen power while amassing new taxpayer handouts. “What happens in one Wilderness Area in the National Wilderness Preservation System affects existing as well as present Wilderness areas, even though legislation or regulatory actions are worded to avoid doing so”, Sierra Club, Wild Planet Strategy Team, discussion of the OI.

There has been speculation that a Wilderness designation in Idaho could be showcased by the Bush administration in an election year as a pro-environment action. It would be fitting if Bush claimed OI legislation as an environmental success stories. The craven pursuit of wilderness at any cost does a great disservice to the Wilderness Act, and the public lands that belong to all Americans. It diminishes the Wilderness Act.

Idaho Conservation Group Strives to Complement Conservative Values

In Idaho, the state’s largest conservation organization has made part of its recent agenda courting the “R”s. ICL Director Rick Johnson, in a May 2003 fundraising letter describes ICL involvement in the OI: “Our goal is to **protect both a landscape and a way of life** [ranching]”. In “The Price of Leadership”, summer 2003 *Idaho Conservationist* newsletter, Johnson describes the OI and BWC processes, that both are “breaking new

ground”, require “creativity and vision”, and “leadership”, and “the courage to get to yes”. “Moving a conservation agenda in conservative Idaho is extremely difficult” in part because political leadership is absent. “So rather than wait for leadership, Idaho conservationists must provide it” by talking to people we have fought with. Johnson also claims: “**Conservation can complement Idaho’s conservative values**, be it in the Owyhees or White Clouds”.

First, ICL has not fought with Owyhee County ranchers – they have steered far clear, maintaining invisibility in grazing decisions in the County. Second, ICL has never examined the implications - both political and ecological – of their negotiating actions and what they are giving away in either Wilderness deal. If it did so, ICL would come face to face with the reality that for scattershot wilderness in the Owyhee (where only around 15% of the public lands impacted by the OI will be designated as wilderness, and 200,000 acres (40%) of the meager OI Wilderness would be within one mile of a road), it was helping set up a structure to undermine environmental controls on **all** public lands (the remaining 85% of the affected lands as well as the 15% wilderness parcels). ICL has not shown that, in committing to preserve ranching, it is pursuing a “conservation agenda” in the Owyhee. Third, having the courage to “get to yes” by agreeing to a deal that undermines the public interest, environmental laws and ecological values of all Owyhee public lands is not “courageous” – it is an environmental sell out of major proportions.

The Idaho “conservative values” that Johnson is capitulating to are those of the Wise Use movement, of increasing local control of public lands, erosion of the powers of the federal government, and weakening environmental protections. They are the values of Larry Craig, Mike Crapo, Helen Chenoweth, Fred Grant, Stewards of the Range, Bill Myers, and Bush administration.

In an ICL 2003 “News and Resource” posting about the OI <http://www.wildidaho.org/news/initiative.html> ICL states: “An *Idaho Statesman* story ... summed up the effort pretty well, paraphrasing the group chairman, Fred Grant, saying that **the only way ranchers facing reductions in their herds and continued legal assaults can survive is to go to Congress for help. The only way to get that help is to resolve conflicts over land protection**”. In exchange for wilderness, OI conservation groups are helping ranchers escape legal responsibility for their grazing abuses. Years of ICL pursuing conservative conservation on public lands issues has only lowered the bar, and fostered a willingness to bargain away public land policies and processes.

Why are conservationists about to hand Wise Use interests their dream come true in the Owyhee? Idaho conservationists have long had very little political power. Yet, there seems to be a lust to be close to power, to feel like you have access to those in power.

And forests trump sagebrush. If the OI involved big tall trees (and not just thousand year old junipers), there would be a broad national debate and hue and cry about what was transpiring – witness the Quincy Library Group. However, because the OI is “merely” about 3.8 million acres of publicly owned livestock-damaged and endangered sagebrush-

steppe habitat, large conservation organizations are on the brink of conceding to rancher desires for a fundamental shift of power on all public lands in Owyhee County, without ever having to publicly assess the consequences of their actions. On top of this, prestige and funding flows follow groups who attain wilderness designations.

Rancher's End Game: The OI As a Way to Prevent Future Owyhee Monument or Wilderness Designation

Livestock consultant Chad Gibson is the OI point man in negotiating wilderness deals and provisions of the OI with ranchers. He is praised by ICL's McCarthy in the December 2003 *HCN* article "Riding the Middle Ground". Here's what Gibson has said about the OI: "**Another goal is to make sure nobody goes back to Congress asking to add more land to wilderness**". Gibson describes Owyhee county's strategy: "**One practical side of going through Congress with this is that it makes it less likely these groups can get more. Our goal, and that of Congress right now, is to solve the problem, not have someone coming back asking for more, dumping the same problem on the lawmakers doorstep**". February 19, 2003, *Capital Press*.

Also in February 19, 2003 *Capital Press*, Gibson explains the rancher project outcome of the OI: "We want to be sure **the language in that legislation allows us to continue appropriate management and properly managed grazing**. Properly managed grazing includes grazing systems that would accomplish management objectives and **new range improvement**".

The County and ranchers ardently opposed designation of a Monument in the Owyhee Canyonlands. Fred Grant (*Owyhee Avalanche* July 30, 2003) declared: "I believe that the package [OI], which is nearing completion, will provide a proposal which will **assure against future attempts to create a monument, [and] locking up most of the County**", and "**It will serve well for the protection of the traditional ranching economy of the County**".

The question that must be asked of ICL, TWS and SC (all of whom in 2001 supported designation of a 2.7 million acre Monument in the Owyhee Canyonlands) is: Why are Grant and livestock interests so cocksure of themselves, and what will the OI allow them to do the land to prevent any future Monument designation? As a primary purpose of the OI is keep ranching going, what will be done to the land in the name of sustaining the ranching lifestyle?

How could Owyhee County and the cattlemen achieve their goals? By constructing new livestock projects and conducting vegetation manipulation under the guise of research, and thus thoroughly fragmenting and destroying wild landscapes. By privatizing lands in key locations for grassbanking and other rancher purposes through the OBT. By getting special legislative language that enshrines preservation and protection of ranching as the law of the land.

What ICL, TWS and Sierra Club Have Said About Preserving Ranching

The goal of the OI since its inception has been to further subsidize and preserve ranching. Here is some of what ICL, TWS, Sierra Club and the Press have said about this:

“What is the Owyhee Initiative? It is a collaborative process designed to write legislation to develop and put into place a landscape program in Owyhee County that preserves and restores a functioning natural system and **provides for economic stability by keeping livestock grazing viable.**” OI Website December 2003.

“The Sierra Club is promoting large areas of protected wilderness, but Singer said the group wants to leave room for ranchers to continue grazing cattle”. **‘We’ve absolutely agreed that ranching will continue in the Owyhees just as it does today’**, he said. **“The Sierra Club does not oppose grazing on public lands “**, *Idaho Press Tribune* April 23, 2002.

“Who set it up? **“The Owyhee County Board of Commissioners. Why? The threat of a Clinton Monument, and “lawsuits threaten to force many ranchers out of business”.** OI Website December 2003.

An *Idaho Statesman* article of July 12, 2003, by Rocky Barker (who has written several pieces championing the OI) includes:

“Ranchers, environmentalists, recreationists and local officials are close to a deal to preserve the Owyhee Canyonlands, **keep ranchers in business** and restore damaged range”. It describes the panel “appointed by Owyhee County’s Board of Commissioners”, and the process that would assure that Owyhee County ranchers get the last word: **“If the panel strikes a deal, it will be sent to the Owyhee Commission for approval. The commission would forward it to Congress.** See also “What happens next? “If the panel strikes a deal, **it will be sent to the Owyhee Commissioners for approval.** They will send it on to Sen. Mike Crapo”, OI Website December 2003. This is the same process for BWC, which must be vetted by Custer County, then go to Simpson. See *Idaho Mountain Express* articles.

The OI As a Way to Insulate Livestock Interests from Environmental Laws

Grant boasted in a July 30, 2003 *Owyhee Avalanche* article “Initiative Group Finalizing Proposal”, “The resolution of the long standing land use conflicts involves settlement, “ Grant told the commissioners. “And settlement means neither side of the issues gets everything it wants. Each side must give some in order to gain the elements important to their interest. **The ranching interests seek settlement, through the Initiative, in order to protect against repeated lawsuits in which hundreds of thousands of dollars have been wasted, and in order to prevent continued arbitrary grazing restrictions, which threaten continued ranching operations”.**

So, at the point where the OI group was “finalizing” its proposal, Grant considered environmental lawsuits to be “wasting” hundreds of thousands of dollars, and grazing restrictions upheld by a federal court on damaged Owyhee lands and streams to be “arbitrary”. Recent Owyhee BLM grazing decisions contain thorough and voluminous supporting documentation of the ecological harm being caused by livestock to Owyhee streams and uplands. Grant’s statement reflects the continued rancher defiance of controls on livestock use, and blindness to the irreparable harm that livestock are causing. Grant and the Owyhee ranchers have paid no attention to the Ninth Circuit Court of Appeals decision in *WWP v. Hahn* that found that livestock were indeed harming Owyhee public lands, including its “lifegiving waters”.

The OI conservation groups, by participating in the OI, where a foremost goal is to preserve public lands ranching as a way of life in the Owyhees, have conceded to overlook the ecological harms caused by livestock grazing, and to ignore honest assessment of how their actions, including giving ranchers a legislated structure, mandate and mechanisms for funding, will continue or accelerate ecological degradation and fragmentation of the Owyhee. OI proponents, from TNC and its “weed study” to ICL McCarthy’s sweeping assurances that all is goodness and light, have ignored the serious harm that livestock are doing to the Owyhee country right now, and disdained organizations that have worked to protect and heal damaged lands.

The disdain displayed by OI groups for those who have worked hard to improve Owyhee wildlife habitats and streams is shown in a statement by Craig Gehrke’s (TWS): “They’ve have been players in the Owyhee for a long time, and no one could expect that the ranchers would want to sit down and talk with them . . . **they’ve made their own bed, now they can go lie in it**”. “Riding the Middle Path”, Robyn Morrison, *High Country News*, 12/9/03. “They” in Gehrke’s statement is WWP, CHD, and other groups who have worked for enforcement of environmental laws and who take an active role in current BLM public processes related to changing livestock grazing management. TWS, ICL and SC have undertaken no legal actions to protect Owyhee lands from grazing, and are now largely invisible in nearly all BLM decisionmaking processes focused on livestock grazing changes in the Owyhees – dozens in the last year alone.

Andy Kerr <http://www.andykerr.net/ChietainsCols/Col39.html> describes the use of consensus groups by commodity interests to stall and avoid changing harmful practices. Litigation leads to the use of a group to try to duck compliance with environmental laws. **“Consensus groups can work in certain limited situations, say for a group of climbers seeking an agreeable route to ascend a peak. It will not work when some want to save the forest and some want to cut it”**. Unfortunately, the Wise Users have figured out that pliant conservationists (who are not very interested in saving the sagebrush sea and juniper wild lands of the Owyhee from the irreversible ecological harm caused by livestock grazing), will sell out public lands for a recreational-based designation.

Over One Million Acres of Owyhee Wilderness Have Vanished from the Wilderness Debate

The 1999 Idaho Citizens Wilderness Proposal included **1.3** million acres of wilderness-suitable lands in the Owyhee Canyonlands, including approximately 700,000 acres of BLM WSAs. The proposal work was done by the Committee for the High Desert and American Lands Alliance. Then, Sierra Club, TWS and ICL endorsed the proposal. At the time, CHD and ALA believed that increased on-the-ground inventories would find even more than 1.3 million acres in the Owyhee as wilderness-worthy.

“Conservation groups, including the Idaho Conservation League, The Nature Conservancy and the Wilderness Society, want to protect **1.3 million acres as wilderness**. *Idaho Statesman* April 24, 2002. Another Earth Day-related article states: “The conservation groups – which include the Idaho Conservation League, The Nature Conservancy and the Wilderness society - presented their plan for protecting **1.3 million acres as wilderness**”. *Idaho Press Tribune*, April 23, 2002.

In a summer 2003 posting on ICL’s Website, earlier found at www.wildidaho.org/news/initiative.html, ICL claimed: “**The 1999 Citizens Wilderness proposal is now 1.6 million acres, after more inventories by the Sierra Club**”. Unfortunately, that portion of the News and Resources posting has now been removed, and replaced by a near-verbatim posting that fails to mention any potential Owyhee Wilderness acreage.

The collaborative process will designate **around 500,000 acres as OI overseen Wilderness**, and release all or part of several WSAs that include critical sage grouse and other wildlife habitats, and intricate and beautiful canyons. It slices off parts of WSAs, termed “shavings” by ICL’s McCarthy, in order to allow ranchers to construct more projects right next to the Wilderness it will designate. It ignores impacts to over 1 million acres of wilderness-suitable lands no longer mentioned in the debate, and which are to be subject to new livestock development and manipulation for the benefit of preserving ranching. The January 2004 OI Web site stated: “There will be plenty of access opportunities for the public to the designated wilderness areas. **Under the current wilderness proposal, more than 200,000 acres of wilderness will be only one mile from a road**”. (!!!) This firmly demonstrates the fragmented, stringer wilderness that the OI will produce.

Note: In late 2001, Idaho Outfitters and Guides Association, representing business interests, produced their own wilderness proposal that included less than 300,000 acres. At the time, it was generally known that this was a “straw man”, and would be used as a basis for claiming that any proposal designation exceeding IOGA’s acreage was a success. In the OI meeting in the Stewards office that I attended in 2003, IOGA’s rep was influentially determining where roads into OI wilderness would end – not out in wind-blown sagebrush - but further into the wilderness with more sheltered campsites for guided bighorn sheep hunters to be set up.

The County’s RS 2477 Ruse

Following news coverage of surfacing concerns about the OI and its implications in Olsen's *Salt Lake Tribune* articles, discussion of the OI exploded. E-mails flew back and forth. Heated e-mail exchanges resulted in OI proponents (ICL, TWS, Sierra Club) holding an "environmental leaders" meeting on the OI in July. Attendees were shown oversize papers hung on the wall, with OI provisions written on them. The provisions were largely a condensation of the disavowed Draft 6 OI legislative language. Despite repeated requests, the OI groups refused to provide attendees with copies of the information. At this meeting, and in separate discussions, OI proponents were trumpeting a score they had made: Owyhee County, as a result of OI negotiations, had agreed to give up its claims to RS 2477 rights-of-way in any wilderness designated. This was portrayed as a major score by ICL, TWS and SC, and a major concession by the County.

As it turns out, this was not a huge concession by the County at all. Instead, it seems to be an example of the County and livestock interests negotiating in bad faith, and trying to pull the wool over naïve conservationists eyes. Owyhee County had already relinquished its claims to all but the most major roads in the County over 50 years ago, in 1948. This abandonment covered all roads inside the land areas that later became WSAs. In fact, just before the July meeting, in June of 2003, the County Commissioners had used the 1948 right-of-way relinquishment when they voted to deny public access across private lands on a well-used road, the Reynolds or Democrat road, despite records showing that the road had been a major travel artery to the 1800s mining town of Silver City.

The June 2003 Owyhee County Commission Findings include the following: In 1948, Idaho law provided that the abandonment of county roads could be accomplished by ordinance. Counties were mandated to abandon unnecessary roads. "On May 10, 1948, the Owyhee County Commissioners ... enacted 'County Road and Highway Ordinance No.1', abandoning as 'unnecessary to the public convenience' all roads not reported back by Commissioners within thirty days to be 'necessary to the public convenience'. That ordinance was published in the *Owyhee Chronicle*, on June 3, 1948. "On June 14, 1948, the Commissioners completed the road abandonment process. "Whereas, as a correction of this condition, the County Commissioners ... resolved and declared that all county roads in Owyhee County be abandoned and voided ..." and listed only those roads to be retained. The Reynolds Creek road was included in the May 1948 abandonment ordinance.

In the mid-90s, keeping up with the County Supremacy mindset, Owyhee County hastily filed a bundle of topographic maps covering all of the County, with a cover note claiming every road and cow trail on the maps as an RS2477 right-of-way. The County knows these later filings were slipshod. The 1948 abandonment places these later filings on shaky legal ground if the County attempts to assert them, and the County knows that.

Fred Grant and OI ranchers were deeply involved in the June 2003 County Commission decision that the Reynolds Creek road was not a public road. Landowners seeking to make the road private, and thus bar the public if they chose to, were Elias and Inez Jaca (OI negotiator slated to be OBT rep on OI Board), Hook Family Partnerships (Tom Hook, President of the OBT rancher land bank) and Seven High Ranch (Hoaglands,

initial founder of OBT land bank). Fred Grant, OI head, reviews Owyhee County's legal actions. Also fully in-the-know were the People for the Owyhees (Sandra Mitchell OI Participant), as her motorized advocacy group had opposed the road closure.

What was ballyhooed by OI conservationists as a large concession by the County that they would abandon RS 2477 roads, was not a very big concession at all. Since this was brought to their attention, OI proponents have not said much about their RS 2477 score. Nor have they acknowledged Jon Marvel's suggestion that any RS2477 provision should prohibit all future claims.

How Will the OI Effect Motorized/OHV Use Compared to BLM Processes Underway?

The OI group's Web site refers to BLM completing and enforcing transportation plans for public lands in Owyhee County, with OHVs limited to designated routes and trails through the public planning process. OI web information largely sums up BLM processes that have already occurred in the Owyhee (in the 1999 Owyhee RMP) and are being implemented, or for which planning is underway (Bruneau RMP planning), with or without OI legislation. These processes are occurring right now, without the OI.

There has been discussion of OI legislation including provisions for funding and perhaps extra powers for the Owyhee County Sheriff to enforce travel regulations. This could result in very selective law enforcement by a much-politicized County agency. Expanding responsibilities or powers of the Sheriff feeds into the County Supremacy mindset. Owyhee Sheriff Aman already runs law enforcement in the County pretty much as his own private domain. For example, he has forbidden a particular BLM law enforcement officer from working on public lands in the County. The January 8, 2004 *Idaho Statesman* article "Group Angry with BLM for Move to Marsing" describes hostility from Owyhee County officials against BLM, and lack of cooperation by local authorities.

Some believe that the OI will result in increased motorized recreation. The July 23, 2003 edition of the *Owyhee Avalanche* included a guest opinion from a member of the influential Skinner ranching family showing how **the OI will mean "more acres available for snowmobiles and OHVs, not less" because the released WSAs will be opened to motorized use!**

And, according to the OI group's own Web site, 200,000 acres of the OI Wilderness will be within a mile of a road.

There is no doubt that OHVs are damaging fragile Owyhee lands. The areas where the problem is the greatest are on the Owyhee Front and other lands outside any of the Wilderness that will be designated in the OI. If OI conservation groups are so concerned about OHV problems, they could undertake legal actions against BLM to enforce land protection, like SUWA has done in Utah. They could also put legal pressure on BLM to

follow the Interim Management policy in WSAs – instead of acting to strip released WSAs of existing interim protections.

Land Exchanges, Water Language and Mining Withdrawals Remain Mysteries

Despite many repeated requests for details and legislative language of the OI, little has been provided. In summer 2003, OI Draft 6 legislative language (see www.owyheeinitiative.com) was leaked by a concerned party, and some Draft 6 details appeared in a news article by writer Ken Olsen in the *Salt Lake Tribune*. “Deal in works to transfer public land to county in Idaho”.

www.sltrib.com/2003/Jun/06232003/utah/68813.asp. *The Salt Lake Tribune* then wrote an editorial criticizing elements of the proposal.

OI conservation groups immediately denied the Draft, claiming it was the County’s language, and maligned the writer of the article. Yet, at the same time that ICL, TWS and SC were denying the Draft 6 language as current (July 2003), the *Owyhee Avalanche* was describing the very elements of Draft 6 language that the conservation groups were distancing themselves from as they criticized Olsen’s writing. In a July 30, 2003 article entitled “The Owyhee Initiative Includes”, the *Avalanche* wrote that the OI package contained: “**The option for public lands ranchers to swap grazing leases or other public land for cash**”, and “**The option for landowners adjacent to wilderness to trade access for cash**”. This same edition, **published after Olsen’s articles**, also included a piece entitled “Initiative Group Finalizing Proposal”. Note: The *Owyhee Avalanche* is closely allied with the Commissioners and others who control the County, and is privy to inside details on County doings. Its editor Aman is a close relative of the current Sheriff.

This illustrates why open and wide debate of details of complicated proposals for wilderness or other special designations is essential. If grazing lease swaps for land was part of the proposal, and all signs point to it having been so, then early public airing and editorial outrage got it removed.

Only hazy details on how the OI might deal with water rights have been provided, and the OI groups have only broadly discussed water rights in the context of Wilderness or WSRs. The January 2004 OI Web site sheds scant light on water issues: “The effect of wilderness designation on water rights depends on the specific language ... Even if legislation provides for specific water rights, the effective date would be the date of the legislation ... Therefore no effects on existing uses of current water rights would occur”. There has been no public discussion of water rights on the context of non-WSA or WSR lands, despite water rights being a major obsession of Grant and the Owyhee ranchers.

Contention over WSR water rights details is rumored to currently be one of the factors holding up finalization of the OI.

There has been no discussion of mining withdrawals accompanying Wilderness in the OI.

Details of Land Trades Accompanying or in the Aftermath of the OI Remain Unexplained

OI groups have stated that some land trades would be part of the legislation. An April Summary of the OI by McCarthy relates: There are now two identified potential opportunities for purchase or land trades. The nature and extent of land exchanges accompanying the OI, or certain to follow, has never been fully and openly discussed.

State land trades have been a contentious issue involved with, or in the aftermath of, special land designations. There is not much state land left in what would be the scattershot OI Wilderness. Over a decade ago, **BLM, believing it was a no-brainer that all WSA lands in the Owyhee would become Wilderness one day, had traded state sections out of many of the Owyhee WSAs.** Regrettably the deal the OI conservation groups are cutting will release WSAs where BLM had long ago conducted trades believing designation inevitable.

In spring 2003, OI proponents said that a state land trade would accompany the OI, and there were 3 or 4 blocks of BLM land under consideration for state acquisition. Then, ICL's McCarthy said that the state had decided that what it actually wanted to do was to trade out of all lands in Owyhee County.

An April 2003 OI summary by McCarthy elaborated: "The State ... would like to trade out all scattered state sections throughout the county, for equal value lands in Owyhee County. The state would like to see a package of land trades be broader than the state lands adjacent to or surrounded by any new Wilderness ... there are about 100,000 acres of blocked-up state lands, and about 158,000 acres of scattered lands. The land trades are **potentially so complicated that not all would be done at once** ... any trade would require NEPA ... Legislation might include authorizing language and appropriation requests for studies, without a pre-determined conclusion".

Future actions of the Board of Directors, which includes TNC and OBT, may promote, orchestrate or oversee land trades, including the mammoth land trade (s) that would result if the state exchanged or blocked up all of its Owyhee lands. It is likely that TNC would play a role in such a complicated deal. They, along with Clearwater Land Exchange, have been intimately involved in a land exchange process in the Cascade/Four Rivers Field Office in trading Lower Snake River BLM lands north of the Snake River for much smaller parcels of private lands owned by wealthy interests like Simplot and the Little family. It has long been known that what the state of Idaho typically desires in land trades is not the low-value and poor quality grazing lands of Owyhee County, but BLM northern Idaho timber or other higher value lands instead. Unless, of course, there are plans in the Owyhee to later turn newly blocked-up state lands over to Owyhee Borderlands Trust, the rancher land bank, and perhaps then privatize them through the state? It is interesting to note that TNC, which helped create the rancher land bank OBT, in various Web postings describes OBT (who is Fred Grant, Inez Jaca, Ted Hoffman, other ranchers) as involved in 150,000 to 300,000 acres in the Canyonlands, figures which correspond to the state land acreage in Owyhee County.

There has been no public clarification of the land exchange issue to this day. The reference to land exchanges on the OI Web site is: “Landowners have the right to access their property, even if it is bounded by a wilderness area. Where state-owned land is completely surrounded by Wilderness, such owner shall be given such rights as may be necessary to assure adequate access or the land shall be exchanged for federally owned land in the same state of approximately equal value”.

Lindsay Slater’s View: We Think Stand-Alone Wilderness is Done

In an *Idaho Mountain Express* article August 6-12, 2003 “Recent Designations Provide Models for BWC Negotiations”, Mike Simpson’s Chief of Staff Lindsay Slater who was a key player in the Steens legislation while working for Oregon Congressman Greg Walden stated, “**We think stand-alone wilderness is done ... The trend seems to be towards legislation based on compromise among various interests**”. Slater is a former director of the Oregon Cattlemen’s Legal Center, and was its interim ED.

The *Salt Lake Tribune* article, “Deal in works to transfer public land to county in Idaho”. www.sltrib.com/2003/Jun/06232003/utah/68813.asp, states “**Disposing of federally managed public land as a *quid pro quo* for Congressionally designated wilderness was pioneered in Oregon and Nevada over the past three years. Now it’s going to become the rule, predicts Lindsay Slater**”.

The *Idaho Mountain Express* article of August 6-12, 2003 “Recent Designations Provide Models for BWC Negotiations” explains: “Wilderness designations in the 21st century are taking on a new guise that appears to be an attempt at tempering progressive idealism with **conservative realism**”. The article describes two recent models, the “ ... 170,000 acre Steens Mountain Wilderness, where ranch owners were paid for properties within the designated area and then given public land elsewhere on which to rebuild”. In Nevada, 450,000 acres of Wilderness in 17 tracts surrounding Las Vegas were designated, but **183,000 acres were opened for private and municipal development. Wilderness advocates had originally asked for 4.1 million acres, but pared it down by 10 times to make it more palatable to wilderness opponents.** The disposal land (183,000 acres) was given to the state to sell. “It’s the Nevada legislation that appears to have captured Slater’s imagination” in relation to the Boulder-White Clouds.

ICL’s BWC Wilderness proposal includes 500,000 acres. Yet the maximum likely Wilderness acreage, oft-repeated by Slater, who holds all the cards, is 250,000 acres, with certain release of parts of (or entire) BLM WSAs. A major new precedent that has been put forth by Slater and the Custer County Commissioners in a BWC Wilderness Bill is the transfer of public land to Custer County for sale and disposal or economic development. It extends beyond that of an earlier Nevada bill where public land was transferred to the state for disposal. Janine Blaeloch of Western Land Exchange Project has written: “This idea has huge ramifications, not the least of which is **the concept of essentially re-opening the frontier by using the public domain as a social policy tool**”.

and as a palliative for socio-economic problems in rural areas. As a matter of public land policy alone, this proposal is dangerous”.

Steve Kelly, in *The Networker* describes TNC and ICL’s efforts to deal away lands in the Boulder-White Clouds, including lands within the Northern Rockies Ecosystem Protection Act (NREPA) proposal. BWC Wilderness designation would include only 250,000 of 500,000 acres; and land would be sold to finance economic development for Custer County. “When considering all the costs and benefits, the Custer County/Boulder White Clouds deal stinks, setting in motion a bad precedent that undermines the public’s right to a meaningful participation process, and the continuous ongoing effort to pass NREPA, the present and future of wilderness ecosystem legislation”.

What Slater seems to mean by compromise in Idaho is getting some much-reduced Wilderness in exchange for setting new bad precedents for public lands and Wilderness. In BWC the precedent is opening up the frontier by handing publicly owned land over to the County to sell for profit. In the OI, one of the precedents is setting up a permanent elite Board of non-profit corporations, special interests and business groups, along with “science” and other apparatus to preserve ranching and enable local control while undermining environmental regulation and public land processes.

Release of some WSAs will accompany both the OI, and any BWC legislation that is likely to be acceptable to Slater. ICL Kincannon e-mail to Fite re: BWC WSAs describes Slater’s desire to release some portions, or all, of BWC WSAs. There are over 100,000 acres in three BLM WSAs in BWC lands (the large and beautiful Corral-Horse Basin WSA, Jerry Peak and Jerry Peak West).

“One of the best things I learned is that we need to cross every t and dot every i, and **make sure we leave very little ambiguity for others to interpret, either in lawsuits or by agency officials**”. Slater also seems to be saying that bullet-proof wilderness legislation will prevent litigation by environmental interests seeking to enforce laws – like NEPA and grazing regulations that provide environmental protection on the public lands.

A February 24, 2004 *Las Vegas Sun* story “In Plan LV Taps Into Lincoln County Water” <http://www.lasvegassun.com/sunbin/stories/text/2004/feb/24/516408528.html> describes another major Wilderness bill brewing behind closed doors. It includes rights-of-way to facilitate pipelines to be developed by Vidler Water and Lincoln County which would deplete wild lands springs and aquifers to pipe water to Las Vegas, disposes of 80,000 acres of public land, and cuts other sweetheart deals for well-connected special interests and developers. Here again, some conservation groups are setting harmful new precedents and sacrificing vast areas of public lands and irreplaceable values in seeking a Wilderness designation on primarily the most rugged and least threatened lands. Wilderness is being used to get giant concessions for local interests, well-connected corporations and cronies of politicians.

As conservation groups continue pursuit of Wilderness at seemingly Any Cost to other public lands, and which sets significant new precedents, they are helping Slater and western politicians to kill stand-alone wilderness.

Large-Scale Differences Exist Between the Steens Act and the OI

The Steens Act established only one apparatus or structure, the Steens Mountain Advisory Council or SMAC (Steens Act D, Sec. 131). Individual SMAC members serve three year terms, and organizations represented can change over time. The SMAC slots are: a private landowner, two grazing permittees, a fish and recreation rep, a tribal rep, two environmental reps (one must be local), a dispersed recreation rep, a permit holder (rec?), a motorized recreation rep, a horse interest rep, and statewide interests.

Thus, there is only one board or apparatus in the Steens – with a broader representation of interest groups. The composition of the SMAC changes, with different entities within the range of interest groups appointed. It does not ordain membership by any particular corporation or special interest organization. It does not establish a permanent elite Overlord Board. The SMAC is chartered under FACA, and thus has more transparency and public openness than any proposed OI Board or apparatus.

The Steens Act covers a much smaller land area than the OI. Steens Acreage: 425,550 acres of lands (public and private) vs. OI: 5,000,000 acres of lands (public and private) in the County, including nearly 3.8 million acres of public lands. **The OI will cover over 8 times as much public land as the Steens Act.** The OI's vast land area will greatly increase contention and dispute, as is now occurring in the SMAC.

In the SMAC, BLM does science as usual. There is no structure set up for oversight of BLM decisions, as in the OI's Science Review Panel. There is no ordained "Science and Research Center" tied to TNC and a western land grant college, and TNC, with its far-ranging designs on projects and funding. The Steens Act did establish a "Wildlands Juniper Management Area". As in the Owyhee, ranchers want to kill junipers, but it has no elaborate legislated research and oversight structure.

Significant differences in the Wilderness component of the Steens Act compared to the OI include:

* **Steens Act Did Not Release WSAs** "any wilderness study area, or portion of wilderness study area, but not included in the Wilderness Area, shall remain a wilderness study area ..." Steens Act vs. OI, which will authorize release of all or part of several WSAs.

* **Steens Act designated 170,000 acres of Wilderness, in 425,550 acres.** Thus, 40% of the total land area covered by the Act is Wilderness, vs. OI, (10% of all land covered, < 15% of public land covered would be Wilderness);

* **Steens Act designated 100,000 acres of cow-free Wilderness vs. OI – 30,000 acres (?).** At least one Owyhee rancher wants to be bought out as soon as possible, OI or no OI.

* **Steens Act designated larger blocks of Wilderness,** not scattered parcels like the OI.

A very controversial element of the Steens was the large acreage of land exchanges. There were large blocks of private land at scenic higher elevations, and these were exchanged for less scenic but biologically important lands at lower elevations. Ranchers were also compensated for land. In the OI, the issue of land exchanges has been shrouded in uncertainty and confusion. Large land exchanges are expected to follow in its aftermath.

The stakes are much greater in the Owyhee. Vastly greater areas of public lands are involved – lands that will be subject to local control and interference for a handful of commodity interests.

Trouble in Paradise: Innocuous Board and Legislative Language Are Being Used as Anti-Wilderness Weapons by Ranchers in the Steens

The Steens Mountain Advisory Cooperative Management and Protection Act (Steens Act) included a Steens Mountain Advisory Council (SMAC). The SMAC has been described as a forerunner to some provisions of the OI. However, it differs greatly. In Oregon, a state with a much friendlier Congressional delegation, and legislation with much more limited oversight apparatus (the SMAC) and entanglements, there are significant problems and strife resulting from the advisory board and legislative language covering public lands and wilderness. “When environmentalists are close to gaining more wilderness after such diligent effort, it’s tempting to see such innovations as innocuous, but they are not”. **“If anybody on the other side of the table is insisting on something dramatic, that’s never been done before, I’d run for the hills”**, Jerry Sutherland, Steens statewide environmental rep on the SMAC. “Conservationists Warn Against Owyhee Deal. *Salt Lake Tribune* www.sltrib.com/2003/Jul/07132003/utah/75065.asp . “Out on the ground ‘these innovations can become a wild cannon’ ... ‘you never know where the ball is going to land’ “.

In an e-mail to the Owyhee discussion list, Sutherland states: “From the perspective of having served on the Steens Mountain Advisory Council (SMAC) for the last 18 months (and that is the only position I am speaking from here) I urge OI negotiators to **steer clear of many of the innovations introduced by the Steens Act, and to look upon the Board of Directors, Owyhee Advisory Council, Science Review Process, and Conservation Research Center with much trepidation**”. In the SMAC, **conservationists are “struggling to hold on to many aspects of the Steens Mountain Wilderness Area. We are faced with ending up with Wilderness in name only”**. Four local landowners form a solid voting bloc and push their view of cooperation, historical use, economic viability, and other “Objectives” of the Steens Act. They invoke the Steens Act in harangues, and interpret its intent to serve their commodity or business interest. **The locals use the Advisory Board as a platform to push for management concessions counter to Wilderness values**. Despite all the BLM’s Wilderness guidance, and implementation and management procedures – on-the-ground implementation depends on BLM’s interpretation. “With that [interpretation] being influenced by the authors ... tremendous pressures” are brought to bear by ranchers on the local BLM

office. BLM is eventually worn down by pressures, and caves in to rancher desires. The same bullying and pressuring tactics have long been displayed and perfected by Owyhee County ranchers, who are also experts at using political connections to get their own way. See, for example, January 8, 2004 *Idaho Statesman*.

In the OI e-mail, Sutherland describes Idaho Congressman Mike Simpson (lead on BWC) claiming that the Wilderness Act was created to solve problems. Sutherland points out: **“What I hear in this is that our opponents have figured out that we all see Wilderness as the holy grail of designations and are using that to serve their own purposes, which are counter to ours”**. Perils surround a special Board that can be used as a springboard for ranchers to get their own way.

This warning is repeated in a *Salt Lake Tribune* article “Conservationists Warn Against Owyhee Deal”. www.sltrib.com/2003/Jul/07132003/utah/75065 . “It’s easy to assume things are innocuous. Assume the worst case scenario...**Any time you try something new, you run a risk – and if the area contains Wilderness, you run the risk of weakening the Wilderness character of the lands, and weakening the NWPS”**, quoting Jerry Sutherland.

Veteran Western Conservationists Warn against Boards, Collaborative Processes for Complex Public Lands Issues, and Dangerous Precedents for the Wilderness Act and Public Lands

Many veteran conservationists have warned strongly against boards and collaborative processes to decide public lands issues and wilderness.

Martin Litton called to thank Jon Marvel, George Wuerthner and myself following the appearance of the OI *HCN* article and publication of our subsequent letters of concern about the shallow coverage. He talked of his own experiences - seeing livestock tearing up meadows and wild lands, and spreading weeds. When I asked Martin his thoughts on the rise of collaboration on public lands, he said: “It’s the same on the forests. **They do it to deceive the public.**”

Gary MacFarland, Friends of the Clearwater Director, expressed an array of concerns to ICL’s McCarthy in an e-mail:

- Collaborative process. “Collaborative processes are not public processes for public lands They are processes by interests and are, by nature, mostly private rather than public. Public decision-making is substituted for private deal cutting and that also helps legitimize public land privatization ... **It has been my experience that collaborative processes are used on public lands to legitimize a failure of agencies and/or private commodity interests to follow the law”**.
- Board of Directors and Scientific Review Team. “These, in my mind, may be the worst problems in the legislation. If the advisory boards have no real power or formal authority under FACA, then why create them? **What this legislation creates is the worst of all worlds where the committees have de facto, not legal, management**

authority and no public accountability. It is a way to de-legitimize public lands management. While I have serious concerns with BLM, the way to fix it is not to create some de facto board of private interests. **If conservationists accept these boards and committees, we are buying into privatization schemes.** In fact, the email post that updated the Owyhee Initiative in April said as much regarding the committees, ‘Private funding will also be necessary as the senator has expressed a combination of private and public funding that would make approps more successful’. That is the first step to privatization”.

Additionally, in an article in the Alliance for the Wild Rockies newsletter *The Networker*, MacFarland explains: “ Public lands are just that ... public lands. **Special committees like this [the OI Boards] turn public interest into special interests and de-legitimize public processes and public land by substituting the normal open public processes with elite committees”.**

Regarding the BWC land disposal to Custer County, MacFarland terms it a “bad idea”, and warns: “ ... the great Idaho conservationist Ted Trueblood was the catalyst over twenty years ago that defeated the sagebrush rebellion, a horrible scheme that would have stolen public lands from the American people and given them to state governments for transfer eventually to corporate and private interests”.

John Carter, Western Watersheds Project Utah Director, and member of the Sierra Club Grazing Committee, prepared a paper “Owyhee Initiative: Synopsis of Concerns”, that summarized 50-100 pages of summer 2003 e-mail discussion of the OI. His findings include:

- The Board of Directors and Science Team will require some private funding, and thus will be **an initial step to privatization.** The U of I will see this as an opportunity to receive large research dollars for landscape-scale manipulations (such as those in the Vale District).
- “The BOD and SRT will add **an unnecessary and bureaucratic layer that will further encumber the already inefficient BLM process at addressing grazing and will almost certainly compromise the efforts of those organizations who are addressing the issue”.**

Carter presents a chart on the extravagant subsidies provided by the Vale project to ranchers, as an illustration of what the OI will unleash. He also points out that Sierra Club Grazing Policy states “Commercial grazing is not appropriate on Federal Public lands except where it is shown by science that some grazing is needed to achieve ecological objectives”.

The OI promotes continued grazing almost everywhere in the Owyhee Canyonlands, yet nowhere in the Owyhee Canyonlands has it been shown that grazing is needed to promote any ecological objectives.

WWP Director Jon Marvel, at the 2003 BLM RAC meeting where Chad Gibson proclaimed “The Board will Be King” stated: “What’s to stop every County in the West from wanting their own version of the Owyhee Initiative – Lemhi County, Catron County, all of them?”

In a January 21, 2004 letter to *HCN* Marvel writes: “It is **irresponsible** for supporters of the Owyhee Initiative and *HCN* to claim that the values enumerated in the Wilderness Act will be protected in Owyhee County by **designating 500,000 acres of wilderness in exchange for special privileges for the precise users who continue to degrade the natural condition of the lands with their livestock**”.

Erik Ryberg of Payette Forest Watch, in an Owyhee group e-mail exchange with ICL’s McCarthy, warns: “ **You are getting played** ... You owe it to the landscape, to us, and to future Idahoans to **step back and take a long, sober look at why and where this thing might go, what the motives of your opponents are**”.

More than 30 environmental groups from across the country have sent a letter to the Boards of Directors of ICL, TWS and SC expressing strong concerns about the short and long term implications of both the OI and the BWC. A *Salt Lake Tribune* article “Conservationists Warn Against Owyhee Deal” www.sltrib.com/2003/Jul/07132003/utah/75065 describes the letter: “The creation of special interest boards with de facto authority only moves land management further beyond the reach of the public”.

Significant problems and precedents of the OI laid out in the group letter, assembled by Janine Blaeloch of Western Land Exchange, include:

The process by which the OI is being negotiated includes lands in which everybody holds an interest, not just the negotiators; OI proponents deny Draft 6 legislative language - while failing to produce any concrete language; bad OI precedents for Wilderness management and implications to the Wilderness Act; release of WSAs; “shaving” of WSAs; cherry-picking the most visually impressive areas as Wilderness; the OI will set livestock developments and vegetation manipulation projects in motion that will permanently scar released WSAs and other significant roadless lands; lands critical to biodiversity are not included in the proposal; possible special grazing language; and other concerns. Letter is posted at www.owyheeinitiative.com .

Regarding the OI structure of Boards and Scientific Review Team: “Using legislation to pre-select specific membership of the Board of Directors strikes us as very presumptive and clearly undemocratic ... The committees gain some *de facto* management authority but offer no accountability ... While their role ostensibly would only be “advisory”, the reality is that such boards have access to information and opportunities for input well before the public does ... The creation of special interest boards with *de facto* authority only moves land management further beyond the reach of the public”. Regarding the Science Review: “ ... **a special committee with the potential to review each decision**

of this type significantly weakens decision-making authority from the public entities and invests real power in private interests”.

Craig Axford of the Utah Environmental Congress (UEC), in *Salt Lake Tribune* “Conservationists Warn against Owyhee Deal” www.sltrib.com/2003/Jul/07132003/utah/75065, states: “Striking these types of deals undermines efforts by grassroots organizations around the country to pass strong wilderness legislation that protects watersheds and valuable wildlife habitat.

George Nickas, Director of Wilderness Watch in Missoula, describes the approach of setting new precedents in the OI as dangerous. *Salt Lake Tribune*, “Preserve-Grazing Swap Sought” <http://www.sltrib.com/2003/Jun/06172003/utah/6681.asp?display=print> terms this a **dangerous approach**. “If, for the sake of expediency, we make exceptions in wilderness bills, we make it harder to preserve the character of these wild places forever ... **Cheap wilderness is just that ...easier to get and easier to lose**”. Nickas’s response was stimulated by a preceding assertion justifying setting new precedents in the entanglements of the OI. ICL’s Johnson had said: “A precedent is something that happens that is bad ... creativity is something that happens that is good”.

Brett Nelson of the Idaho Green Party writes: “In reality, it [the Owyhee Initiative] is a **giveaway of this public treasure to wealthy ranchers, allowing them to maintain their subsidized lifestyle** while simultaneously damaging the land through overgrazing and shortsighted range management ideas such as Juniper burning and Grassbanking ... the largest beneficiary of Owyhees welfare ranching is none other than J.R. Simplot”. <http://www.idahogreens.org/Greenweb/Issues/OwyheeInitiative.html>

Writer and wild lands aficionado Lee Mercer mused on implications of the OI: “John Muir’s ghost was recently seen under the considerable shade of a pre-Columbian old-growth juniper above Pole Creek. He was eating a tempeh sandwich, and looking south towards the Trout Creeks. A tear slowly rolled down his eyes at the thought of these junipers being destroyed **just so J.R. Simplot can take an extra trip to the bank**”. May 2002, “Owyhee Initiative Update” *Green Seed*.

OI supporters claim that it is only deviants, far outside the mainstream, who oppose the OI proposal. This is not correct. A December 2003 Idaho Wildlife Federation (IWF) Press Release opposed OI provisions, and voiced many concerns. In the Release headlined “Owyhee Initiative Fails Wildlife, Wilderness Protection, Public Involvement in Public Land – Proposal is Wilderness in Name, But Not in Practice”, IWF President Cherie Barton states: “In a nutshell, this **Owyhee Initiative gives undue influence over the management of federal public land to county government**”, continuing: “the proposal is not based on sound ecological principles and is a bad deal for hunters, game and non-game wildlife conservation, and public land advocates”.

IWF Issues Coordinator Russ Heughins observes: “By releasing WSAs to multiple use the proposal removes protection for areas with high wildlife values that are currently protected by WSA management”. Heughins terms the OI a step backward in restoring

damaged lands. Plus, “Even more frightening, if grazing regulations proposed by the Bush administration are adopted, under this initiative ranchers would then OWN these structures on public lands”, referring to new range projects stemming from the OI, including projects built in released WSAs.

The Idaho Wildlife Federation can not be considered “radical”. It is Idaho’s oldest conservation organization, and represents diverse wildlife interests. Importantly, active IWF members have a long-term perspective forged from many years of on-the-ground experience in Owyhee County and dealing with Owyhee ranchers. They understand, and have seen firsthand, livestock grazing impacts there, as well as the tactics of the cattlemen.

The Federal Lands Task Force Proposal Foreshadows OI Methods of Dismantling Public Lands Protections

The Federal Lands Task Force (FLTF or Task Force) proposal is a scheme developed by the state of Idaho to loosen federal control of 11 million acres of primarily Forest Service and some BLM lands in Idaho. State and local control and commodity production would be elevated. It is hyped as a way to “break the gridlock”. Controversial Bush Interior Department Solicitor Bill Myers was deeply involved with development and promotion of the Federal Lands Task Force projects in Idaho. Myers resigned as Interior Department Solicitor in 2003 as an investigation into his possible illegal activities was underway. Following Myer’s resignation, Bush at Larry Craig’s suggestion promptly nominated Myers to the Ninth Circuit Court of Appeals. See Earthjustice “Policy and Legislation” White House Watch William Geary Myers III; www.earthjustice.org/policy/profiles/display.html and “Judging the Environment: Examining Lifetime Political Appointees” http://www.earthjustice.org/policy/judicial/commentary/myers_commentary.html , quoting a *Hartford Advocate* editorial: “Two more reasons Bush has to go: ‘The revolving doors at his Interior Department ... go round and round and **in comes the dirt; out go the ethics**’”. Myers resigned as Interior Solicitor amid an internal investigation into his conduct. He “was an ex-lobbyist who continued meeting with former clients from the cattle and mining industries ... [he] allowed Interior to give illegal favors to a Wyoming rancher. Environmental groups nationwide have signed a letter opposing his nomination. He has publicly opposed Roadless conservation, wolf re-introduction, grazing fee reforms and bison slaughter adjacent to Yellowstone www.earthjustice.org/policy/profiles/display.html?ID=1005 .

Even the *Idaho Statesman* (May 24, 2003) editorialized on Myers nomination to the Ninth Circuit, stating “he has a reputation of being pro-ranching, pro-grazing and being shaky on the environment”. A previous *Statesman* editorial (Nov. 22, 2002) lambasted Myers for his remarks at a Nevada Cattlemen’s Association meeting “he promised to ease Clinton-era restrictions on livestock grazing, repeated ... pledges [Bush’s] to roll back environmental reviews, and suggested the ESA is too broadly applied ... and said ‘we should not be using the Endangered Species Act ... as a land management tool’”. A February 13, 2004 *New York Times* editorial “An Enemy of the Environment” describes

Myers' "extreme views on the environment, his hard-edged ideological approach to the law and his close ties to industry".

The Task Force proposals in the report "**Breaking the Gridlock**" were prepared under Myers guidance prior to his becoming Bush's Interior Solicitor. It describes five pilot projects in its assault on Idaho's public lands. Each of the five projects would involve a Board, or multiple Boards, and variously involve "**collaboration**" or **group management oversight**. Myers led this effort that "produced a report that calls for **experimenting with new ways to manage large chunks of mostly U.S. Forest Service land in Idaho**. The federal government would still own the land, and the Forest Service would be in charge of it. However, **local groups would set policies and goals**" (*Idaho Statesman* April 1, 2001).

Provisions of the Task Force proposals, devised with Bill Myers at the helm, bear striking similarities to the OI, and it is an obvious model used by Crapo, Owyhee County, TNC and others in framing the OI collaboration. Ironically, the report and its "pilot projects" were thoroughly ridiculed and lambasted by ICL and TWS in 2001, the same year that these groups chose to pursue the Owyhee Initiative. Here's what OI proponents ICL and TWS said about the Task Force:

"ICL believes there are more effective ways to make changes than to overturn existing environmental laws and to appoint exclusive advisory boards". John McCarthy, ICL, February 13, 2001 Idaho Land Board Final Minutes.

"We quit the Task Force ... because it was never representative of all interests and because it ignored real natural resource management problems ... **There was also never acknowledgment of problems created by intensive management of federal lands for logging and grazing, often at the expense of water quality and wildlife habitat**" ICL "News and Resources" February, 13, 2001, quoting John McCarthy.

"This [the Task Force] is just another attempt by local, county and state politicians to lock out the public from management decisions affecting public lands in Idaho". Craig Gehrke, TWS. He also complains about new environmental laws. ICL "News and Resources" February 13, 2001.

McCarthy states that **ICL resigned because of a lack of representation from many groups**. Plus, there would be **new environmental laws for management, it is large in scale, and there is a lack of public involvement**: "**ICL believes there are more effective ways to make changes than to overturn existing environmental laws and to appoint exclusive advisory boards**". February 13, 2001 Land Board Final Minutes.

In the February 13, 2001 Land Board minutes, TWS Gehrke voices opposition because **TWS "believes that the foundation of the Task Force is wrong, and it will, in fact, take Idaho's national forests back to a time when the public lands were perceived as largely existing for those who live next to them"**. He states that the Task Force wants to

take away the right and privilege of those living elsewhere to express a management voice.

In a 2003 *Idaho Statesman* article on Myers nomination, McCarthy is quoted in on the Task Force, “It was a very shoddy piece of work ... **It didn’t provide any scientific background for its claims**”. <http://www.mindfully.org/Heritage/William-Myers-Interior.htm> .

Here’s what the state of Idaho said about the Task Force: “Working Group Recommends Innovative Approaches to Break Gridlock on Federal Lands in Idaho”, Press Release of December 17, 2000, with contacts including Chairman Bill Myers. The report is a “four year effort to create an **experimental, innovative, and cooperative land management approach to some public lands**”. It resulted from a 1996 recommendation of the Idaho Land Board, following an Idaho Legislature “memorial” for establishment of pilot projects that “**hold promise for breaking years of legal and regulatory gridlock that have paralyzed resource decisionmaking**”. “Implementation of the pilot projects will require adoption of federal legislation - yet in no way will affect ownership of federal land in Idaho”. Myers said: “For too long gridlock has been the word that best describes environmental management in Idaho ... the conflict has been bad for real property and real people”. Working group recommendations were based on: extensive local public involvement; a balanced, workable ecosystem-based management approach that follows every environmental statute, partnership with agencies (BLM, FS) and no state, local or private ownership takeover of federal lands.

The Idaho Department of Lands (IDL) Web site <http://www2.state.id.us/lands/LandBoardlrf.htm> provides links to Task Force reports and associated documents, including the above Land Board Minutes. See Appendix B for a summary of some OI-relevant content.

Some Task Force projects are currently rearing their head. A December 17, 2003 Twin Falls *Times-News* article “Environmentalists, Ranchers Mix on Lands Issue” describes the recent hiring of Buzz Fawcett and Bob Maynard of Perkins Coie by the state of Idaho as consultants to implement Task Force projects and “**bring more state influence into management of federal lands**”. A local Sierra Clubber is quoted as supporting a “**collaborative process with all stakeholders at the table**”, falling into line with the designs of the state. Fawcett, obviously schooled in collaboration-speak states: “We can **set the table** for this community to solve the problem”.

One reason that the County and ranchers have insisted on the various OI Boards and arms is so that they can use these as a forum to direct, interfere with or taint public processes, and to put added pressure on BLM from both below and above. This is how the Steens SMAC is being used by ranchers, despite conservationist involvement.

Examination of the Task Force report sheds light on the other, more alarming reasons why the ranchers demand the OI structure, including the Science Research Center. It is both a structure to use to exert influence and power to weaken management and

regulations, as well as a structure to plug new or future legislation and powers into. This all will provide mechanisms to acquire “pilot project”, healthy forests, “restoration”, “collaborative project” funds flowing from the Bush administration and from new laws, and then use these to preserve ranching on Owyhee public lands.

This all will erode federal power and oversight on public lands. BLM functions, like monitoring of livestock grazing or vegetation “health”, can be taken away from the BLM and placed in livestock-friendlier hands.

An arid lands “range treatment” version of Stewardship Contracting can operate through OI arms in some form, as long as BLM or local contractors perform ever-lesened NEPA requirements. See, for example Bush’s Healthy Forests Initiative, or a recent Bush Biomass MOU. The next tweaking of environmental laws to give the OI group new powers is just a Crapo or Craig legislative rider away. Continued assaults on NEPA requirements will likely lessen environmental review, or Idaho’s willing Congressional delegation can provide specially tailored “streamlining” provisions. BLM can be made a permanent servant of the OI and its Board, processing minimal NEPA, increasingly contracted out to commodity friendly consultants (a la the current controversial Steens EIS fiasco, where a mining consultant was hired to prepare the new overarching Steens Land Management Plan). See <http://www.onda.org/projects/steens/SteensMiningFiasco.html> for numerous articles on this debacle.

At any point in the future, if pesky hurdles to implementation and preservation of the ranching culture surface, they can be readily dealt with. Idaho's delegation has shown no hesitation to use legislative riders to advance the desires of the Owyhee cattlemen to avoid accountability and regulation. In fall 2003, a Larry Craig rider authorized Temporary Non-Renewable Use (TNR), for extra AUMs above those on the rancher grazing permits in the Jarbidge Field Office, without any environmental review under NEPA. This was a response to a successful CHD and WWP lawsuit, *Committee for the High Desert v. Guerrero*. Ranchers were thus freed from environmental review of TNR grazing use in the eastern portion of Owyhee County, which includes WSA lands grazed by billionaire J.R. Simplot as well as the politically-connected Brackett family.

Other, seemingly unrelated legislation, can help out, too. For example, a Weed Bill, the Noxious Weed Control Act (jointly promoted by TNC and Idaho and Oregon Cattlemen in a 2002 Press Release) is on Larry Craig’s 2004 legislative agenda. This Bill would provide funding to state and local governments, and weeds can become a big cash cow for the County and TNC, with funds run through the OI apparatus. Cattle and new projects will generate plenty of weeds to study.

A Clearwater Bill, modeled after a Task Force Project, was introduced by Butch Otter in 2002, and so far has languished. It is, however, instructive to read the Clearwater wording, and substitute the Owyhee Board of Directors “overseeing” and “monitoring” implementation and projects. See Appendix B. All is claimed to be fully within the framework of existing environmental laws.

Once Owyhee County and ranchers get the OI apparatus in place, i.e. establish what in reality will be an alternative management structure – it will be impossible to stop the harmful projects and undertakings that will ensue.

Why Has This Report Been Prepared?

This report has been prepared because I, and many others, believe the Owyhee Initiative and other efforts underway will set new precedents of harmful local and/or elite control of public lands. It covers enough ground that there is bound to be something in it that upsets almost every reader. Hopefully, it will spark a broader and more open debate about the implications of, and motives for, collaboration on public lands, cause scrutiny of the precedents that will be set by the OI, BWC and other pending Wilderness proposals in the Interior West, and raise awareness of the consequences of a near-craven pursuit of Wilderness at all Costs to public lands as a whole. As conservation groups, including those whose mission is supposed to be protection of America's Wilderness-worthy lands, agree to "quid pro quo" deals that harm other public lands, or seek elite Boards to oversee Wilderness, the Wilderness Act is being cheapened and undermined.

Most important, for all public lands in the West, is scrutiny of the blanket and unquestioning acceptance of the goodness of anything dubbed "collaboration" or "consensus". In conducting Internet research on this paper, it was alarming to find that seldom a discouraging word is ever uttered about collaboration – despite all manner of enemies of the environment, ranging from the Bush Interior Department to Mark Rey to Larry Craig, openly loving it.

Perhaps, the next time *HCN* covers a wilderness bill with entanglements for public lands, or praises a collaborative group wanting to unleash large-scale vegetation projects on wild lands, at least some negative consequences will be discussed.

Those now lauding and promoting "**the radical center**", may realize that they have been hornswoggled. In reality, they are supporting a center taken over by interests pursuing a hard core right wing Wise Use agenda. **The center they so admire is indeed "radical", setting radical precedents of gutting laws and assaulting the public interest in public lands.** This "radical center" is undermining, breaking apart, eroding and fragmenting nearly a century of public lands protections.

The collaborative **quid pro cud** deal that ICL, TWS and Sierra Club are brokering in the Owyhee sets terrible precedents for Wilderness and all public domain lands!

Katie Fite
Biodiversity Director
Western Watersheds Project
February 27, 2004

APPENDIX A

American Land Foundation: A Wise Use Funding Arm Intertwined and Intermarried with Stewards of the Range and *Liberty Matters*

The American Land Foundation (ALF) was originally the Farm Credit Property Rights Foundation. It is interwoven with Stewards of the Range. ALF “has rapidly become one of the most important coordinating and funding organizations in the ‘wise use’ movement” CLEAR Resources <http://www.ewg.org/pub/home/clear/players/ALF.html> . It “developed from a concept on the ‘wise use’ wish list, to a planning committee comprised of the leadership of the ‘wise use’ movement ... to a 501 © 3 foundation”. It provides grants to other Wise Use groups, and intended “to become a premiere funding organization”. The Property Rights Task Force, whose members included Wayne Hage, formulated plans to combine efforts with foundation funds to “protect property rights in the courts and Congress”, and ALF emerged. Early funders included the Farm Credit Bank of Texas, which loans money to farmers and ranchers. The Federal Land Bank Association helped establish ALF. “The Farm Credit Bank system clearly has a major financial stake in the efforts of the wise use movement to relax or eliminate environmental regulation that increase the costs of business for agricultural producers”. Letters and testimony in the 90s, reveal a link between Wise Use and banks – due to enormous bank loans to agricultural interests. ALF chair Dail in 1994 testified that the Farm Credit Bank system had outstanding loans of \$54 billion to 600,000 member borrowers in 1995. Byfield wrote that in 5 southern states including Texas there were 52,000 borrowers “who have pledged almost 20,000,000 acres of private property as collateral for loans” in 1995. <http://www.ewg.org/pub/home/clear/players/AL.html> .

Undertakings of Stewards and ALF are interwoven. “The American Land Foundation located in Austin, Texas and Stewards of the Range based in Boise, Idaho **pooled their efforts to launch *Liberty Matters***, a Wise Use action alert”. <http://www.libertymatters.org/aboutus.htm> .

Dan Byfield has been President/Director of ALF since its inception, and has also been on the Board of Directors (vice president) of Stewards of the Range for several years. He is on the Steward’s litigation committee. Stewards has been a grant recipient of ALF. Margaret Hage Gabbard, Director as well as registered agent of Stewards of the Range, now has the last name Byfield. She is on the Board of both ALF and the joint Stewards-ALF Wise Use action alert *Liberty Matters*. www.libertymatters.org .

CLEAR describes Byfield, Gabbard and Howard “coordinating Wise Use opposition to the ‘American Heritage Rivers Initiative’ that the Clinton administration is pushing

through” http://www.ewg.org/pub/home/clear/view/CV_Vol4_No9.html. Byfield gave a speech to Texas Farm Bureau in April 2002, decrying assaults on private property <http://www.txfb.org/TexasAgriculture/2002/040502rally.htm> . He said: “It’s like 9-11 ... You know, you realize that when someone comes after you ... what’s wonderful about America, what’s wonderful about landowners in particular ... is they fight back”. Byfield had just discussed efforts in Texas to stop designation of critical habitat for the black-capped vireo and golden-cheeked warbler, and by Fish and Wildlife Service to expand a national wildlife refuge.

***Liberty Matters*, Founded by Stewards and ALF, Promotes Wise Use Actions and Is Tied to the Heritage Foundation and Competitive Free Enterprise Institute**

Liberty Matters, an action alert of the Wise Use movement, was started in 1996 as part of the Alliance for America’s FAX network. Writing and subjects of *Liberty Matters* appear strikingly similar to that of Stewards *Cornerstone* publication (described below), and *LM* mimics (or is?) the Stewards writing of Fred Grant.

According to a CLEAR profile of *Liberty Matters*, “**Founding members of *Liberty Matters* are veteran organizers of the Wise Use Movement. All three maintain their own organizations in Idaho, New York, and Texas.**

http://www.clearproject.org/reports_lm.html. LM Website: www.libertymatters.org .

Founding members were: David Howard “co-founder and president of the Alliance for America and editor of the Land Rights Letter (the legal arm of Wise Use leader Ron Arnold’s Center for Defense of Free Enterprise)”. Margaret Gabbard “founded the Boise, ID-based Stewards of the Range”; Dan Byfield “former legislative director of the Texas Farm Bureau Federation and current founder and president of the American Land Foundation” http://www.clearproject.org/reports_lm.html . The current Board of *LM* includes Dan Byfield, President, Margaret Byfield (Hage Gabbard) Vice President, Marty McElhaney, Secretary (past president of Idaho Cattle Women, former legislative chairman for American National Cattle Women and legislative chair for Texas Cattlewomen). Below are samples of *LM* “Action Alerts” and other writings:

Liberty Matters July 1998 “An American Original: Wayne Hage” (interview).

“Throughout American history, men of great character have risen to the cause of liberty, sacrificing their personal safety to ensure liberty for generations to come”. Hage is quoted as saying a constitutional crisis exists, and “Until we get government back in control, nobody’s property is safe”. Hage describes environmentalists: “The environmental agenda flies in the face of common law ... the environmental movement has worked over time to destroy and undermine the very precepts of government”.

Liberty Matters “Property and War” by Wayne Hage. Hage’s views of history and private property supremacy: “By the nineteen sixties ... private property confiscation had come into its own under the banner of environmentalism”; “the environmental movement performs the function of transferring land and natural resources from private interests to government ownership”; “resource agencies of the federal government have become tools

of the environmental movement; “the environmental movement performs the function of transferring land and natural resources from private interests to government ownership and control under the guise of protecting the environment”; and “a totalitarian form of government is premised on government ownership of wealth”.

Liberty Matters Action Alert. Nov. 18, 2002 “S. 990 - Son of CARA Returns! Under Cover of Darkness” http://www.libertymatters.org/actionalerts/actionalert_11_18_02.htm The alert mirrors Grant, and could well be written by him. CARA will make it possible for more ESA listings, “increase the government’s ability to seize and condemn property” and “give money to environmental groups to help run landowners off their land”. Also, *Liberty Matters* Action Alert. July 23, 2001. “CARA vote Wednesday”. http://www.libertymatters.org/actionalerts/action_alert_7_23_01.htm . “Private property is CARA’s target”; “states encouraged to condemn”; inholdings at risk”; “endangered species act strengthened”; “water rights threatened”; “separation of powers violated”.

www.libertymatters.org/new_page_49.htm is the link to the previously summarized article on county control by Grant and Carey.

LM has a strong affiliation with the Competitive Free Enterprise Institute and the Heritage Foundation. As *LM* itself states:
“*LM* was created when two national organizations combined efforts to form a service organization connecting grassroots America with public policy institutions and lawmakers to effect legislative and political change”.
<http://www.libertymatters.org/aboutus.htm>. *LM* “closes the gaps with grassroots communication ... coordinates programs with conservative think-tanks, public interest law firms, grassroots organizations, members of Congress, and other individuals ...”.
The FAX network, and info network, that feed small media outlets. **“One of the most critical elements of the *Liberty Matters* project, however, is its strong affiliation with major think-tanks such as the Competitive Free Enterprise Institute and the Heritage Foundation”.**

In the intertwined organizations of ALF, *LM* and Stewards, the Wise Users set about to gain funding to work within the laws that structure public lands processes, use these laws as a platform to elevate local property rights/county supremacy interests and use them against the federal government – all the while assiduously working to change and dismantle laws that protect the environment and the public lands, in the hope of eventual privatization or unfettered commodity production “access”.

Fred Kelly Grant is chairman, organizer and architect of the Owyhee Initiative collaboration. Grant is a long-time associate of Stewards. Annual reports filed with the Idaho SOS show that in 2001 and 2002, Grant served on the Stewards Board as “Litigation Chairman” with Helen Chenoweth, Margaret Gabbard as Sec/Treas and Registered Agent, Dan Byfield as Vice President, and Frank Duran as President. In 2003, Grant remains on the Stewards Board, and Chairman and Policy Director of the Stewards Litigation Committee. He blends effortlessly between Stewards and *Liberty Matters*.

Stewards *Cornerstone* articles, authored by Grant, are indistinguishable in style and tone from the *LM* alerts and articles.

Grant, in his capacity as legal advisor for Owyhee County, has long been recognized as a county supremacy advocate, and a bullier of the BLM. Grant has also been the registered agent of the Owyhee Borderlands Trust since its inception.

OI Head Fred Grant's Unflinching Wise Use Agenda Is Shown In His Writings

OI Chairman Fred Grant's writings lead the current charge of the County supremacy agenda of Wayne Hage, Helen Chenoweth, Stewards of the Range, *Liberty Matters* and ALF. Grant consistently rails against CARA, ICBEMP, the ESA, and is obsessed with water rights as a way to gain control of public lands – a la Hage. Grant teaches other Wise Users how to bring federal agencies closer to County domination. Most are available on the Web, however one has to subscribe to Stewards to access Grant's writings of the past 3 years.

Can County Planning Help You? http://www.libertymatters.org/new_page_49.htm .This article on County planning lays out a path for Counties to dig in, and use consultation requirements to pressure agencies to yield to their desires.

CARA – the Unraveling of a Free Nation.

www.paragonpowerhouse.org/fred_kelly_grant.htm . Grant rails against funding that would have increased Land and Water Conservation Fund dollars, claiming CARA provisions condemned private property, and eroded private property “rights”. There are several Grant diatribes against CARA on the Web, and others (no author attributed) in Grant's style that are likely his work.

House Passes CARA: “I am the Alpha Wolf” Cries Young.

http://www.landrights.org/ubbs/ultimatebb.cgi?ubb=get_topic&f=3&t=000031

“ ... the House of Representatives passed CARA ... the most devious attack on private property ever unleashed in this country”.

A Federal Web of Environmental Control.

www.stewardsoftherange.org/libertymatters/fall97/lmj-fall97-9.htm

Grant condemns ICBEMP and wicked federal employees: “The Clinton administration, with total disregard for the Philadelphia document known as the United States Constitution, is now implementing the Eastside and Upper Columbia River Basin Ecosystem Projects”, encompassing over 75 million acres of land ...engulfing all of Idaho”. “To the current administration, constitutional limitations appear meaningless”. “Planned ecosystems are so expansive, and the driving land use control concept is so restrictive to human use that the process appears analogous to the wilderness corridors proposed by the Wildlands Project supported by the United Nations Environment Project”. Grant describes ICBEMP's horrid impacts on private property and extractive

uses of public lands, its scurrilous assault on water rights, decries its reference to instream flows, and much else, especially the adverse impacts of its regulation of private property. As support, he cites warnings by Congressman Chenoweth, and Allan Fitzsimmons of Balanced Resource Solutions that ICBEMP would expand “federal control of the use of privately owned land and lead to increased restrictions on the use of the nations’ public lands for economic purposes”. He also quotes a Sheep Industry spokesman who claims that if the ICBEMP ecosystem concept is implemented, “a centralized government will have the authority to intrude into almost every aspect of American life”. Note: Fitzsimmons is now the Bush Administration’s inexperienced “Wildland Fuels Coordinator” now charged with implementing the HFI. Friends Of the Earth summarizes many concerns, including that Fitzsimmons does not believe in the concept of an ecosystem, and views such management efforts as opportunities for new federal controls that infringe on property rights and economic activity
<http://www.foe.org/camps/leg/current/fitzsim.html>.

Invasive Species Executive Order (Feb. 2, 1999).

<http://www.libertymatters.org/invspecies-grantarticle.htm> . Grant lambastes President Clinton’s Invasive Species EO as “another attack on private property rights... cloaked in a policy of protecting ecosystems ... the EO allows [agencies] to establish a management plan”. Instead, Grant wants “a commitment of necessary funds” to state and local parties. Note: This is what Larry Craig’s Weed Bill, the Noxious Weed Control Act (supported by TNC and Cattlemen’s Associations) now aims to do. He continues: “The same is true of every problem”. Grant compares the possible outcome of the Clinton weed plan in the EO to the heinous “corridors” identified by the Wildlands Project, and believes it opens the door to further federal interference with and control of private property”. Grant asks: “Does anyone doubt that the purpose of such Plan and its identification, monitoring, and interdiction processes is to further restrict natural resource and agricultural uses and to further enhance the left wing attack on private property rights”? Grant also decries the EO’s “encourage[ment] of ‘international cooperation in fighting invasive species’. Does anyone doubt that this simply creates another avenue through which the leftist concept of Gore One-Worldism can be imposed ...”?

National Monument Proposal Would Lock-Up 2.7 Million Acres. Range Magazine. Fred Kelly Grant and Chad Gibson. www.tysknews.com/Depts/Environment/lock-up.htm

Grant and Gibson rail against a National Monument Proposal to protect the public lands of Owyhee County. “Once again, a western county and its citizens are threatened with Presidential designation of a National Monument”. Grant and Gibson describe the harm of Monument designation to roads, private property and water rights; and the Monument proposal’s “indictments” of multiple use – like cattle grazing. Monument status will “lock down the land and restrict uses to the point of elimination”.

House Testimony on ICBEMP by Grant and Gibson to Chenoweth Committee.

Grant page 143: “... I resent the fact that these 20 agencies following the refusal of the U.S. Senate to ratify the Biodiversity Treaty, entered into agreements to bring about the

same result [through ICBEMP] by evading the authority of Congress ...” when they require a certain degree of clean water on Federal land, what are they going to do about the private land that sits next to it?”. Grant rants at length about the federal government filing water rights claims in the Snake River Basin adjudication, and “they have not done a takings implication assessment.... they are trampling all over the Fifth amendment”.

Water Rights. <http://www.stewardsoftherange.org/cornerstone/mar2003/csmar03-2.asp>
Several Grant articles on water are strung out over several years, as Grant has worked to gain ranchers water rights – a la Hage – as a way to gain control of public lands. Lowrys are permittees in the infamous Cliffs allotment in the Owyhee Canyonlands, where scofflaw ranchers have long resisted complying with even minimum grazing standards, including court-ordered protective interim measures for redband trout streams.

Federal Data Quality Act. A Tool for Landowners. *Cornerstone.* March 2003.
<http://stewardsoftherange.org/cornerstone/mar2003/csmar03-5.asp>

Grant and Lois Hart state: “In the eternal struggle to resist out-of-control federal regulators, a new super hero has emerged” [the Data Quality Act]. The article describes the evils of the Idaho BLM’s “Sage Grouse Management Framework”, which it terms “roundly criticized by scientists, ranchers, grazing associations and local government effected [sic] economically and culturally by proposed reductions”. Owyhee County, Grant at the helm, has used the Data Quality Act threaten Idaho BLM over sage grouse guidelines to protect sage grouse habitat, warning that if BLM adopts the guidelines, the County and all permittees will file complaints, and “encourage such actions throughout the west. Congress has given us the tools to challenge the agencies, and those tools should be put to use”. The article uses as an example of the Act’s effectiveness a complaint by the Kansas Corn Growers Association against EPA that “challenge[d] the dissemination of a scientific study suggesting atrazine ... has endocrine-disrupting effects on frogs” .:

Stewards Fall 2003 Conference Summary

<http://www.stewardsoftherange.org/cornerstone/oct2003/csoc03-1.htm> describes Steward’s and Grant’s agenda being put into play. “Stewards President, Frank Duran, will report on the significant progress his South Dakota county is making in developing a county plan that protects property rights and is already thwarting the listing of the prairie dog as an endangered species Over the past five years several counties have been implementing the unique planning approach taught by Fred Grant ...”. Wayne Hage was billed as a 2003 conference speaker.

There is no indication at all that Fred Grant has changed his world view through participation in the OI. Instead, an anti-environmental, anti-federal government, private property rights Wise Use agenda is being greenwashed with the use of terms like ecosystem.

APPENDIX B

Federal Lands Task Force Parallels to the OI

The Idaho Department of Lands Web site <http://www2.state.id.us/lands/LandBoardlftf.htm> provides links to Task Force reports and associated documents, and describes the Idaho Land Board “mandated by the legislature” to forge a **close, cooperative relationship** between the state and the Forest Service. The Task Force was appointed “to analyze alternative methods of federal land management”. The three models for undertaking the Task Force version of “ecosystem-based management” were collaborative, cooperative, and trust models, in five pilot projects:

- Central Idaho Ecosystem Trust. Uses a “trust law” management framework, and the project goal is to “to restore vegetation to desired ecological conditions, while meeting social needs”.
- Clearwater Basin Stewardship Collaboration. Goal is a collaborative group of stakeholders to accomplish restoration of elk habitat consistent with “social objectives and historical conditions”.
- Priest Lake Basin Cooperative. Goal is to “restore and enhance ecological conditions and to improve resource management for wildlife, recreation and balanced economic uses”.
- St. Joe Ecosystem Stewardship Project. Uses “stewardship” contract approach to “restore and enhance ecological conditions”.
- Twin Falls/Cassia Trust. Based on a “trust management approach aimed at sustainable economic activity and enhanced ecological conditions”.

In the St. Joe, stewardship contracting would be used on all resource management activities, through a "**Local Advisory Committee**" and an "Investment Project Advisory Committee" that would “**oversee and monitor**” **all resource management activities**. In the "Stewardship Contract Law" of 1998, Congress authorized a number of stewardship projects through a FY 99 appropriations bill, and “exempted them [stewardship contracting projects] from other laws that would have impeded their implementation". "The combination of stewardship contracts and service contracts pave the way to complete ecosystem work needed on the St. Joe".

A detailed description of the Twin Falls/Cassia "Resource Enhancement Trust" which includes both Forest Service and BLM lands, is found in Appendix J of the Report. Its goal is to "**provide sustainable use and enhancement of local ecological assets while balancing established and emerging cultures**" and to **establish a Trust**. Trustees would represent various interests. Public input and involvement in resource management

decisions would occur through a "**Local Steering Committee**" representing a "**collaborative group of interests**". Functional objectives include: involve the public, streamline decisionmaking, base management on formalized plans, stabilize agency budgets, stabilize communities. "The collaborative group will solicit and consider public input". It also would use local contractors.

OI legislation will set up a structure and apparatus similar to, or an amalgam of, the various Task Force project models. Efforts and power to influence federal agency actions, undertake projects and acquire funding will originate from or move through this structure. BLM or "local contractors" will write supporting EAs, resulting in livestock-friendly projects that destroy Owyhee wild lands. Additional legislation to accommodate the OI, and relax regulations may occur at any time after passage of initial OI legislation. Not all of this has to happen in the initial legislation, as getting a structure set up is what counts. Listed below are some Task Force and OI parallels. Structural and language similarities abound.

* Language subterfuges. Just as the Task Force's use of "restore and enhance ecological conditions" translates as "log public lands to the max", the ranchers definition of "restore and enhance ecological conditions" in the OI is to render public lands suitable for the maximum number of privately owned livestock, i.e. "get the cud out". In the FLTF and OI, the term "ecosystem" is adopted by commodity interests who are not at all interested in natural ecosystems, but who employ the term to further private exploitation of public lands = a logging ecosystem, or a grazing ecosystem.

* A structure is set up to influence or supplant agency processes. All FLTF proposals include at least one or more boards, and they will variously "**oversee and monitor**" the project. This is identical wording to OI conservationists description of the Board of Directors. A central board or group will direct implementation of both the OI and various Task Force proposals.

* Elevating local interests, loosening of Federal Control. The goal of all Task Force proposals is to elevate state and local interests and weaken environmental processes and laws on public lands. A goal of the OI is to preserve ranching, and elevate local (county) interests, devolving control of public lands to the lowest possible level. Both processes would result in a devolution of the power of the federal government, and thus the voice of the public and environmental regulation.

* Science and monitoring distanced from federal agencies. The OI Overlord Board will **monitor** and oversee, as would Task Force Boards. The Cassia project discusses contracting monitoring. TNC describes use of livestock industry consultants in the OI.

* Trust. The trust structure of the some Task Force projects is paralleled in the OI by the OBT rancher land back corporation that TNC helped Fred Grant, Inez Jaca, Ted Hoffman and others to establish. The "land bank" Trust will be given a permanent seat on the OI Board of Directors, and is planned by TNC to influence or control large acreages.

* Collaboration/group processes. Collaboration and group processes are mechanisms in both the Task Force and OI that will allow local interests to gain new powers and control and cut out the public.

* "It Won't Change Any Laws". This mantra is repeated by the Task Force and the OI, and proponents of just about every collaborative process. The OI legislation will establish

a structure that allows it to plug into other recent legislation that provide mechanisms for project funding and weakening of environmental processes. The OI legislation will be a new law that sets up a framework for OI Boards and apparatus to operate under, and wield power through, that can be used to enhance local control and further subsidize and preserve public lands ranching. Once the OI structure is established, new legal provisions and riders can be written by Craig or Crapo at any time to accommodate the OI Board's desires. The Task Force would require a new law, and would plug into existing laws that relax controls, as in Stewardship Contracting.

- * Lack of Transparency. The OI Board of Directors and other apparatus are not described as chartered under FACA. ACA and other mechanisms for transparency are unclear in Task Force projects.

- * Special privileges and access to information. In both processes, Boards or arms will be privy to agency information and able to weigh in on processes and issues before the public has a chance. This will alter or skew agency decisionmaking processes. Note: After repeated requests, I attended an OI subgroup meeting in the posh Stewards of the Range office in summer 2003, where ICL's McCarthy's ground rule was that I not allowed to participate, as he said I had shown no interest. At this meeting, there was a discussion of BLM upgrading a road to the Owyhee River – an issue that has to this day not been brought before the public. At the meeting, ICL's McCarthy asked the group: **“Do we want to weigh in on this?”**. The OI group is already acting as if it has special powers and privilege.

- * Failure by proponents to address harmful precedents and ecological consequences of actions that would ensue. Both the Task Force and OI proponents ignore the bad precedents and ecological harms that will result from elements of their proposals, claiming only goodness and light as results. Both hide the ecological damage that will be caused by activities they will promote. The OI places preservation of ranching and ranching culture paramount, just as the Task Force elevates the interests of commodity production – primarily logging, and emphasizes more local control.

- * Exclusion of alternative or opposing views. In the case of the Task Force, ICL and TWS complained repeatedly that their concerns were ignored, and representation was unbalanced. Now, in the OI, they themselves are ignoring the concerns of veteran conservationists from across the nation, and participating in a process that ignores the harms of livestock grazing.

Some of the slippery descriptions of the Task Force Projects lay out what is essentially streamlining NEPA so that projects can occur. Now, with the recent Bush policy changes and new federal laws like the HFI, NEPA requirements have already been pre-weakened and “streamlined” for manipulation projects that would occur in the OI context. A fact sheet “Questions and Answers About the Federal Lands Task Force Working Group” responds to the question “Aren't these recommendations just a way to “end run” environmental laws or even perhaps assume ownership of federal lands in Idaho?”. Response: **“Absolutely not”**.

Charter Forests: Proposal to Privatize the Public Domain

Mark Rey describes the Bush administration's support for "establishing 'charter forests' by transferring authority of some national forests from the U.S. Forest Service to local 'trusts' consisting largely of 'user groups' ". See "Charter Forests: Privatizing the Public Domain" *Business Journal* , by Bill Willers

<http://www.bizjournals.com/milwaukee/stories/2002/04/15/editorial4.html> . **"This Charter Forest Plan to 'decentralize' management harks back to the Sagebrush Rebellion of the 1970s, an organized attempt by industry and local governments to wrest control of public lands from the federal government"**. "Again local authority is a key piece of the strategy to transfer control of the people's lands from the larger government to industrial interests". The article draws a parallel between the Recreation Fee Demonstration (Fee Demo) program that requires citizens to pay to use park and hike on federal public land. While Fee Demo was to be temporary, it "is a permanent part of the Bush administration budget". The author observes **"Situations that an informed public would not tolerate if they were introduced suddenly are successful if advanced stepwise"**.

The Charter Forests proposal mirrors elements of the Federal Lands Task Force proposal.

Otter Clearwater Bill Similarities to the OI

Congressional Record. February 13, 2003.

"In 1996 ... Idaho established a Federal Lands Task Force to design potential pilot projects on federal lands ... identified a broken decision-making process ... The Clearwater Basin Project Act implements concepts and addresses needs identified in the Clearwater Basin Collaborative Project ... described in "Breaking the Gridlock". The aims of the original Clearwater Project and the Act are to provide a better mechanism to address critical resource issues concerning the Clearwater and Nez Perce national forests ... legislation provides an up-to-date, reasonable and realistic approach to implementing a pilot project on national forest lands ... The Act facilitates forest management through consensus-building procedures to expedite identification, scheduling, and implementation of specific high-priority stewardship activities ... provides a working test of innovative collaborative management, **fully within the framework of existing environmental laws**". "The legislation requires the Secretary of Agriculture to establish the Clearwater Advisory Panel (CAP), a collaborative group comprised of a broad spectrum of stakeholders ... The CAP is to work with the Forest Service, other agencies and the public to consider and recommend specific high priority forest stewardship activities to implement ... This Act does not bypass existing environmental legislation. Rather, it requires the Forest Service and other federal agencies to complete NEPA and other consultation ...for each proposed schedule of activities within one year ... after scoping..." the Forest supervisor "is required to ... issue a decision within 30 days regarding whether to approve the schedule recommended by the CAP. ... The Act also provides additional authority for stewardship and other contracting to prepare and carry out activities recommended and approved for priority implementation.

Afterthought:

The first two definitions of the verb “collaborate” in the dictionary are: 1) “To work jointly with others especially in an intellectual endeavor”; and 2) “To cooperate with or willingly assist an enemy of one’s country or an occupying force”. “**Collaborationism**” is “**the advocacy or practice of collaboration with an enemy**”. If the current trend of collaboration on public lands continues, perhaps later versions of Webster’s will also add “or public lands” to the end of the second definition. Or, perhaps those who treasure public lands should really be speaking of “**collaborationism**”, and not “collaboration” in discussions of current collaborative efforts like the OI that are occurring on public lands in the West. Source: *Webster’s New Collegiate Dictionary* 1973.

Note on Web links. I have primarily typed in the links that appear at the bottom of print-outs of Web articles, and have hard copies of much of the information in this report. Some links might not work exactly as shown in this document, but sources can mostly be retrieved with a little effort – unless they have been removed from the Internet.

Note on bolding – This is an effort to make this long document more readable, and does not reflect emphasis in original sources.