



Watersheds Messenger

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Fall 1994

Protecting and restoring school endowment watersheds.

Increasing returns for-the schoolchildren of Idaho.

Idaho Watersheds Project Files on Expiring Leases

By the September 30 filing deadline for submitting applications for expiring school endowment leases, Idaho Watersheds Project (IWP) submitted applications for 7 expiring leases. Each of the applications was made on lands with degraded watersheds and riparian areas. Since the original applications were made, the Idaho Department of Lands (DOL) has required that several of the applications be amended to provide for so-called manageable units. While IWP disagrees with some of the designations of manageable units as well as the cost basis for several of the leases, the Project has amended some of its original applications in order to have a better opportunity to successfully bid for leases. In two cases the lease applications have been dropped altogether because of the cost of acquiring improvements (mainly fencing) already in place on the leases or for reasons of problematic access to the lease. The original applications were for the following streams, amended or dropped applications are also described:

Sheridan Creek

IWP filed on 2 miles of Sheridan Creek in Clark County. This stream is a tributary of Island Park Reservoir and is severely degraded by abusive livestock mismanagement. This application has been amended to one mile of Sheridan Creek primarily to avoid paying for unnecessary fencing on an adjacent section and to reduce IWP's cost for a greatly increased lease fee put into effect this year by the Department of Lands. Another rancher has also filed on this lease in addition to the present leaseholder. The lease is currently held by Roger Ferguson of Rexburg Idaho. An auction for this lease is planned December 9 in Idaho Falls at 1:30 PM.

Henry's Lake Outlet Stream

This lease filing covered over one mile of this premier fishing stream adjacent to the main highway to

Yellowstone National Park in Fremont County. Damaged by livestock and by dispersed camping, this stream represented an excellent candidate for an easily accessible demonstration project. Unfortunately, in this case the DOL required an application amendment which would have included a much larger area at much higher cost to IWP especially for unwanted fencing. The IWP Board reluctantly has dropped this lease application. IWP is hopeful that The Nature Conservancy which owns the Flying R Ranch immediately downstream will work to acquire a conservation management plan for this stream section. There was also another rancher conflicting this lease.

Cedar Creek

IWP filed for one mile of Cedar Creek which is located in the Blackfoot Mountains about 20 miles south of Idaho Falls in Bingham County. The DOL analysis of this lease described it as one of the most damaged riparian areas in Eastern Idaho. IWP applied for this lease knowing that public access could only be assured from the air by helicopter because of private lands blocking road access. IWP has now decided to drop this lease application because of the access problem. The DOL is finally instituting a management plan for this lease which may improve on the ground conditions, however, IWP regrets not being able to pursue this severely damaged watershed.

Clover Creek (East Fork of the Bruneau River)

This filing is for 640 acres which is already fenced and which includes over a mile of Clover Creek (also known as the East Fork of the Bruneau). This is an excellent location for demonstrating riparian recovery. It is especially important because it is adjacent to some of the most degraded riparian lands that exist on BLM lands. Since the fence is already in place no further construction will be required to protect this section if IWP is successful

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in the auction. This lease is currently held by J. R. Simplot. The auction is scheduled for November 22 in Gooding, Idaho at 2:00 PM.

House Creek

This small lease of 160 acres includes 500 yards of House Creek which is on the Environmental Protection Agency's list of streams failing to meet Idaho's water quality standards. IWP took water samples here which showed total coliform counts 90 times the permitted level for total coliform bacteria. The stream banks are badly eroded, and the current leaseholder is in the habit of burning willows annually. There is a heavy thistle infestation as well. IWP was joined in applying for this lease by the Committee for Idaho's High Desert. The current leaseholder is George Swan of Rogerson, Idaho. The auction is scheduled for November 29th at 2:00 P.M. in Gooding, Idaho.



House Creek - cut banks, no hydric species and degraded water quality

Danskin Lease (including Case Creek, Crown Creek, Syrup Creek)

Original WWP filed for about 1500 acres of

Crown and Case Creeks within the large Danskin Allotment. The DOL has required that the application be amended to cover the whole lease because it is under a management plan. IWP has chosen to do so and has amended its application for the whole 8000 acres of this lease. The riparian areas on this lease are truly ravaged by neglect and livestock abuse. Two other ranchers have conflicted the current leaseholder who is Lloyd Law of Grandview,

Idaho. At this writing the auction (which will be in Boise) has not been scheduled.

Chimney Creek

Located in western Camas County this lease of 520 acres includes about half a mile of Chimney Creek. This watershed is an important example of degraded conditions within a conifer forest caused by livestock. The lease is currently held by John Faulkner of Gooding, Idaho, and will be auctioned on November 30 at 2:00 P.M. in Gooding.

Idaho Land Board Terminates Ron Lawrence Lease

In October the Land Board finally canceled the 7000 acre lease formally held by Washington County rancher Ron Lawrence. Mr. Lawrence refused to sign a very modest management plan for the last 10 months, and after two extensions of time granted by the Board, the lease has finally been terminated for failure to perform. It is Idaho Watersheds Project opinion that the coddling of rancher Lawrence is just another symptom of the special treatment public lands ranchers receive at the expense of the school children of Idaho. IWP is glad the message finally got across to the Board. It is, of course, unlikely that the new Land Board headed by Governor-elect Batt will be anything but a retrograde movement in public lands management for Idaho. IWP hopes to help educate the new members of the Board: Arm Fox, Al Lance, and Phil Ban, but I certainly won't hold my breath.

committee for Idaho's High Desert Files On 4 Expiring Leases

In September the Committee for Idaho's High Desert (CII-ID) became the second environmental group to apply for State grazing leases with the intention of protecting riparian areas from livestock. The leases CIHD is seeking to gain are located in the Battle Creek area of central Owyhee County and contain damaged but recoverable riparian and stream zones. CIHD also joined with Idaho Watersheds Project in applying for the expiring lease on House Creek in Twin Falls County held by Swan Land and Livestock.



Watersheds Messenger

Editor: Jon Marvel

Watersheds Messenger is published quarterly for members, friends, and supporters of Idaho Watersheds Project. Changes of address, renewals, new subscriptions, undelivered copies, and ideas for articles should be sent to IWP, P.O. Box 1602, Hailey, Idaho 83333.

Officers of Idaho Watersheds Project:

Jon Marvel - President • Linn Kincannon - Vice President • Lynne Stone - Secretary

IDAHO WATERSHED PROJECT SEEKS TO BID ON STATE GRAZING LEASES IN ISLAND PARK VICINITY

(by *Ralph Maughan* - reprinted from *Eastern Idaho Sierra Club Newsletter* by permission)

On Sunday, September 18, I accompanied Jon Marvel of Idaho Watersheds Project (IWP) to examine the condition of expiring grazing leases on Idaho State ("school") Lands in the area from Dubois eastward to Henry's Lake along the base of the Centennial Mountain (the Idaho - Montana border). This is my assessment.

History of IWP

Please recall that IWP seeks to outbid livestock interests for ten-year leases on Idaho state lands. If the bid is successful, IWP will retire the lease from livestock grazing for a ten-year period (although IWP will pay the state the same amount as if the land were grazed, about \$5.00 per AUM).

Last year before the Lund Board and the state legislature

Last year IWP successfully bid for a 640 acre lease on Lake Creek, SW of Challis. The lease was held by a millionaire rancher. Unfortunately IWP's success was overturned when the Idaho State Land Board rejected the bid and returned the lease to the Ingram ranch. The reversal came when, at the next meeting of the Board, it was confronted with a room full of ranchers. IWP is suing the Land Board in state court over the reversal.

Shortly thereafter, the state legislature passed a law preventing anyone from bidding against ranchers, but Governor Andrus vetoed it. Andrus had been the lone Land Board member voting against reversing IWP's successful bid.

IWP is looking to bid on a larger number of leases this fall.



Sheridan Creek - IWP expert Ralph Maughan giving thumbs down for state lease at Sheridan Creek fenceline division.

The history and present use of Idaho state "school" lands

The state's "school lands" were granted to Idaho in 1890 to generate revenue for the public schools. Last year they returned a net of about 30 thousand to the schools from grazing fees. This is less than 1/1000 of the schools' Idaho budget. Despite the provision in the Idaho Constitution that these lands will be used to generate revenue to the public schools, these lands have been almost privatized, the only difference being that grazing lessees have most of the privileges of ownership but bear few of the burdens (such as paying taxes or worrying about their upkeep).

Condition of state lands in the Island Park area

We fully expected to see some bad conditions on the state lands, but we were totally unprepared for the condition of Sheridan Creek and the Henry's Lake outlet.

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Volunteer Help Critical to Idaho Watersheds Project

Idaho Watersheds Project could not function without the help of volunteers. Some of the most helpful in the last five months include Steve Jakubowicz of Boise, Janet O'Crowley of Pocatello, Ralph Maughan of Pocatello, Don Johnson of Buhl, 2 anonymous, and our attorney, Debra Kronenberg of Ketchum who has donated hundreds of hours on legal work which will carry IWP to victory at the Supreme Court of Idaho. Thanks to all of you. IWP also extends its thanks to the hundreds of contributors who have helped make our efforts possible. Without your financial support IWP could not even consider bidding at auction for school endowment land leases. Thank you all. 🐾

Sheridan Creek

Sheridan Creek is a large stream draining from the middle reaches of the Centennial Mountains and running southward, eventually into Island Park Reservoir. On the **Targhee** National Forest, it is clear mountain stream, but on one large state lease it is s degraded by **livestock that all trees, willows, sedges and in many places all** vegetation, has disappeared from its eroded and caving banks. An adjacent state lease, however, show grasses, sedges and some willows. Each leaseholder does exactly what he/she wants on their leases and runs as many livestock as they choose for as long as they want each Year

Henry's Lake Outlet

Henry's Lake Outlet (along with Big Springs in Island Park) is the headwaters of Henry's Fork of the 'Snake River, the fabled fishing stream.

Marvel had been informed in writing by the Idaho Dept. of Lands that the state leases in the area were in good condition. We fully expected this to be so given their ecological importance, the attention of anglers and their proximity to millions of sight-seeing tourists each year In fact the Nature Conservancy just spent several million dollars to buy a ranch that includes much of Henry's Lake Flat in order to reduce grazing and fence the ranch portion of Henry's Lake Outlet.

The state lease we examined was adjacent to Nature Conservancy property and upstream (adjacent to the Highway to West Yellowstone). Contrary to what the Dept. of Lands wrote, the grass was clipped to the ground level, the bank of Henry's Lake Outlet was eroded to a dust bank, and cow pies were the most numerous feature on the ground.

The state of Idaho probably received about **\$2000** in fees for this damage. We speculated how much the lease would bring as a state park emphasizing a restored fishery instead - \$50,000 a year? **\$100,000?**


The Camas Meadows

We examined the **Camas Meadows** near **Kilgore**. Most of this is private land, once a vast wetland of many small **streams**, springs, willows and thousands of moose. Now the willows are dead, dying, or badly clipped by cows. The meadow is dry except for a few steam *Of* s murky water oozing between muddy, **unvegetated** banks, cow pies and urine. There are a few state leases present. These could offer hope for some small restoration.


The Desertification of the top of the Snake River Plain

The country we looked at is the highest part of the Snake River Plain, where it joins the Rocky Mountains. It should be one of the most biologically diverse areas in Idaho. Sagebrush, grassland, aspen park land, lodgepole pine and Douglas fir forests all meet in a place of (formerly) thousands of springs forming wet meadows and scores of small creeks.

Now the small streams are dry, the larger ones are lined with dying aspen (cows eat the new aspen shoots). Where all the aspen have dies, the streams **are** grossly widened. warmed, and muddied with the willows and even all vegetation disappearing.

The way things are is not a necessary sacrifice for our economic well being. This environmental destruction degrades the birthright of every Idahoan. It starves the school fund to provide decreasing benefits to a few politically powerful livestock interests. 

Idaho Watersheds Project Proposes Petition to List the Redband Trout


Idaho Watersheds Project is acting as the catalyst in proposing to petition the United States Fish and Wildlife Service to list the Inland **Redband** Trout (*Onchorhynchus mykiss gibsii*) as endangered under the Endangered Species **Act**. The **area** of listing is requested to be the Snake River drainage above **Brownlee** Reservoir and below Shoshone Falls. IWP is fortunate to have the assistance of Dr. Don Johnson of Buhl, Idaho, a fisheries biologist, in preparing the proposed petition. As of this writing, IWP will be joined in filing this petition by the Idaho **Conservation** League, The Committee for Idaho's High Desert, the Oregon Natural Desert Association, Oregon Natural Resources Council, Sawtooth Group of the Sierra Club, Toiyabe Chapter of the Sierra Club, the Idaho Sportsman's Coalition, and several other pending cosponsors. This listin petition is just one more way to help bring about the changes needed on our public lands to insure clean water, diverse and healthy wildlife and plant communities, and functioning streams a our legacy to our children_ Readers interested in receiving a copy of the petition should contact IWP 

Article Review

by: *Jon Marvel*

Ecological Costs of Livestock Grazing in Western North America, by Thomas Fleischner published in the September 1994 edition of ***Conservation Biology***.

This overview of the scientific literature regarding livestock use of western lands is an excellent introduction to the evidence showing the long term consequences of this form of land use. Topics addressed include loss of **biodiversity**, lowering of population densities for a wide variety of taxa, disruption of ecosystem functions, change in the physical characteristics of both terrestrial and aquatic habitats, the magnification of ecological costs in riparian areas because of concentration of use by livestock, and the traditional methodology of range science (sic) which is laden with economic assumptions favoring this kind of resource use.

Idaho Watersheds Project has a limited number of copies of this paper and will gladly provide them to interested readers. 

Join Us

Yes, I'd like to protect and restore Idaho's School Endowment Lands.

I'd like to join Idaho Watersheds Project. Enclosed is my annual membership:

Individual: .. \$15.00 Family: \$25.00
Living Lightly: \$7.00 Lifetime: \$500.00

I'd like to contribute more. Enclosed is my tax deductible contribution for \$ _____.

I would like to volunteer to help: _____

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IWP Notes

Idaho Watersheds Project files for Riparian Overlay Leases

Introducing an innovative way to protect watershed values, Idaho Watersheds Project (IWP) has proposed to the Department of Lands (DOL) that special leases be issued to IWP which would overlay existing grazing leases. These leases would enable IWP to protect the streams and their watershed and riparian values without the cost of acquiring a whole lease. These overlay leases would also avoid the conflict auction method of acquiring leases, and so might prove to be less contentious. The Land Board will consider IWP's applications at its regular December meeting (the 13th). IWP has requested Riparian Overlay Leases on parts of Sheridan Creek in Clark County, on Miner Creek in Bingham County, and on a portion of Clover Creek in Owyhee County adjacent to Wmter Camp. IWP is also recommending that these leases if authorized permit IWP to establish riparian utilization standards in lieu of fencing as a way to protect the streams. IWP is hopeful that this idea can be expanded to many miles of streams. The concept has been warmly welcomed by Governor Andrus.

Idaho Watersheds Project Receives 501(c)(3) status from the I.R.S.

In June of this year the Internal Revenue Service granted IWP's request for tax exempt status. This designation assures all contributors and members of IWP that their donations and fees are fully tax-deductible under the law.

Idaho Watersheds Project receives a Challenge Grant

In October 1994 Idaho Watersheds Project received a \$5,000. anonymous challenge grant offering to match dollar for dollar all contributions up to \$5,000. IWP encourages all readers to help us receive this full amount by contributing your tax-deductible contribution before January 1, 1995.

Oregon Land Board Approves Bidding for Leases


In July, Oregon's Land Board approved rules which will permit conservation groups to bid for and acquire grazing leases and stop grazing them.

News of the Watersheds Project


In July High Country News of Paonia, Colorado carried a front page story describing the work of IWP in helping to bring change to the state school endowment lands of the Western states. The casual way these lands are administered in virtually all the western states was thoroughly covered along with the efforts of IWP, the Oregon Natural Desert Association, and others to bring change to these lands which will benefit not only the environment but also the beneficiaries of these lands: the schoolchildren of the west. IWP will send a copy of this article to those who request it.

Jon Marvel of Idaho Watersheds Project was selected by Governor Andrus to serve as one of Idaho's three representatives on the National Grazing Fee Advisory Committee in early August. This Committee made up of 30 westerners generally advised both the Departments of the Interior and of Agriculture that an incentive fee rebate of any kind is not a suitable choice to achieve improvement in the condition of western public lands. This advice may not be observed in the curious world of Washington DC. where friends of public land abusers like our own Larry Craig insist on special privilege for public land ranchers.

All three members of the Watersheds Project Board of Directors testified at the Senate Range Reform hearing in Twin falls in July. Linn Kincannon, Lynne Stone and Jon Marvel cataloged some of the worst problems on our public lands not the least being the implicit threat of violence carried by many supporters of the status quo against those who dare to question current land management policies.

At the end of September, Jon Marvel participated as a panelist representing citizen activists in the opening round table of the Watersheds Expo '94 in Bellevue, Washington. This convention was attended by over 1000 people actively involved in watershed protection. One impression that is very clear gained from this conference is the woeful state of watershed protection in Idaho as compared to our neighboring states to the west. Surely, it is not too much to ask for clean water, healthy wildlife habitat, and functioning streams on all Idaho's watersheds, and yet this simple idea is treated like a pox by those in a position to do something about it. It will be interesting to see just how regressive the newly elected Land Board will choose to be when confronted with these issues in 1995. More Court action seems assured. 

District Court Rules Against Idaho Watersheds Project

In a disappointing decision, Idaho Fifth District Court Judge James May ruled at the end of October that the Land Board was within its discretion in awarding a grazing lease to a rancher who did not bid in an auction won by Idaho Watersheds Project last January 28th in Idaho Falls. Idaho Watersheds Project will be appealing this decision to the Idaho Supreme Court. IWP is especially unsettled because Judge May literally made up legal justification for his decision in stating that Will Ingram, the rancher, had in effect provided a bid by his having held the lease for the previous ten years. The two most important parts of IWP's case, those of procedural failures of the Land Board and the awarding of a lease to someone who refused to bid at an auction for that lease were not addressed except in a dismissive way by the District Judge. While IWP never expected our effort to be an easy one, the casual way in which substantive issues have been ignored in this decision calls into question the integrity of our judicial system. IWP would be pleased to provide interested readers with a copy of the decision or other elements of this case. 

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