



# Watersheds Messenger

Vol. II, No. 2

Fall 1995

*Protecting and restoring school endowment watersheds.*

*Increasing returns for the school children of Idaho.*

## Why We Will Prevail

*by Jon Marvel, IWP President*

Idaho Watersheds Project seeks to increase returns for the school endowments of Idaho while achieving substantial improvements in riparian conditions on grazing leases. While our efforts have been repeatedly thwarted by the current politics surrounding public land management, I believe that it is just a matter of time before the special privileges granted to livestock operators fall by the wayside. I believe this for several reasons: first, IWP is offering to pay more money to the school endowment fund both through bidding and through offers to pay more per AUM; second, IWP has proposed a new category of lease called the Habitat Conservation Lease which would return three times what is now received from grazing leases; and third, the trust responsibilities of the Land Board clearly include managing for the long term health of the endowment resource which includes water quality and stream and plant community health. Any one of these things can and probably will result in court

ordered changes to the current system of privilege for traditional ranching practices. While IWP is forced to deal with the peculiarities of current law in order to lay the ground work for court action, the fundamental issue of special protection for one group at the expense of the school children of Idaho will ultimately determine why public land ranchers will be forced to compete for these leases. Of course, the timing of our victory is not easily predictable. Courts must act and the negative state of the politics of the Land Board and the Idaho Legislature may persist for many years. Some signs of weakness on the other side are already clear: the Land Board has recognized the importance of riparian management by requiring it on some leases, and regional lands department personnel are clearly defensive about current conditions. (Please see the Gooding Office letter in this newsletter.) Quite simply, our position is a strong one which will prevail. 🐾

## Public Seeks A Voice In State Lands Management

*by Laird Lucas, Attorney, Land and Water Fund of the Rockies, Boise*

Idaho presently has some 2.5 million acres of state lands which it holds in trust for the public schools, under the management of the State Land Board and the Department of Lands. The public uses these state lands for hunting, fishing, hiking, camping, birdwatching and many other forms of recreation. Many of these lands provide critical habitat for wildlife, including such endangered species as grizzly bear and woodland caribou.

But while they are deeply important to the people of Idaho, the public has no voice or control in how these lands are managed. Unlike federal lands in Idaho - which often surround these state lands - there is no requirement for public notice and comment, no administrative appeal, and no court review available. Thus, when the Land Board decides to clear-cut state lands - as it has done extensively in northern Idaho - or when it allows further grazing on

heavily degraded range lands, the public's interest in how those lands are managed is completely excluded.

Several Idaho groups are trying to change this sorry situation. Idaho Watersheds Project (IWP), Selkirk-Priest Basin Association (SPBA), and Committee for Idaho's High Desert (CIHD) - often represented by the Land and Water Fund of the Rockies - have brought different legal cases in the past two years seeking to force the Land Board to pay attention to broader public interests in the sustainable, long-term management of endowment lands. Those cases may be starting to make a difference.

The first case was brought by SPBA, challenging a timber sale in the Trapper Creek drainage near Priest Lake. The area has been heavily logged in the past, suffering extensive erosion, sedimentation, loss of habitat,

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and other problems. Nevertheless, the Department of Lands approved the sale without considering the cumulative impacts it would have on top of the past logging and road construction. When SPBA tried to sue to block the sale, the court threw out the case, ruling that SPBA lacked "standing" to bring any legal claims.

In an important decision issued this summer, the Idaho Supreme Court reversed that decision in part, holding that SPBA could go to trial on its claims that the sale would violate the public trust doctrine, by obstructing and harming Trapper Creek. Particularly when combined with another recent Idaho Supreme Court decision, which recognizes that all water rights in Idaho are held subject to the public trust doctrine, this opens an important door for allowing the public to challenge state land management practices.

Another related case, which is still pending, was brought by SPBA over a timber sale in the Caribou Creek drainage east of Priest Lake. Here, SPBA and the LAW Fund are asking the Court to recognize what has long been established in the federal courts - that public recreational uses of an area give citizens a basis for challenging environmentally destructive timber sales. That case is presently being briefed, and likely will not be decided until next year.

Readers are probably familiar with how IWP is

trying to use market forces and the Land Board's own auction procedures to break the monopoly that grazing interests have on state range lands. Because the Land Board has proven unwilling to let high bidders prevail, we have had to go to court. IWP presently has the Ingram case pending in the Idaho Supreme Court, which presents the question of whether a rancher even has to bid at a lease auction in order to win a state grazing lease. A related case now pending in Boise, brought by CIHD, challenges the Land Board's blatant favoritism to Simplot and its failure to follow its own rules and regulations in conducting "conflict auctions" for grazing leases which CIHD sought to acquire.

In addition, IWP and the LAW Fund will likely be challenging the constitutionality of the recent "anti-Marvel" bill, passed by the Idaho legislature last spring. That bill mandates that the Land Board refuse to take grazing lease applications from anyone who is not an active rancher, and it would allow the Land Board to award grazing leases not to the highest bidder, but based on factors like maintaining the ranching industry. The "anti-Marvel" bill appears plainly unconstitutional, because it allows the Land Board to avoid managing state endowment lands based for the highest returns it can earn, as it is required to do under the Idaho constitution. 



## **Watersheds Messenger**

*Editor: Jon Marvel*

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**Officers and Directors of Idaho Watersheds Project:**  
**Jon Marvel** ~ President • **Linn Kincannon** ~ Vice President  
**Lynne Stone** ~ Secretary • **Don Johnson**

### *Mission Statement*

Idaho Watersheds Project, Inc. was founded in September 1993 to acquire, protect, and restore Idaho public school endowment lands which have been degraded by livestock abuse, to improve returns to the school endowment fund, and to raise public consciousness regarding the importance of our shared public lands and waters as well as the animals and plants which depend on them.

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*Seldom in history have so many been so thoroughly brainwashed by so few. The truth of the matter is: No industry or human activity on earth has destroyed or altered more of nature than the livestock industry. The slow-talking cowboy and his docile cows ... are the center of a monstrous myth, a part of Americana that rests on concocted imagery and fabrication -- an enormous falsehood based on profound ignorance.*

— from **Sacred Cows at the Public Trough** by Denzel and Nancy Ferguson (Ferguson 1983)

## Bull Creek

by Y.B. Chat

I watch a Cooper's hawk haunt the yellow willows on Bull Creek. The hawk glides low level. With skulking flight, it skillfully uses the dense cover, trying to gain a second of surprise on an unwary songbird. The songbirds who had been foraging in small loose groups fling themselves into the innermost parts of the dense willows. None are taken.

Consider why the Cooper's hawk was hunting where it was - in the thickest patch of cover, where both prey and predator are on good footing. Ecologists recognize (what native Americans undoubtedly knew millennia ago - albeit in different terms) that vegetative structure increases bird species diversity = the more complicated the plant community, the more critters can make a living there. On Bull Creek, the most structurally diverse plant cover persists in rocky areas scarcely accessible to livestock.

Bull Creek may well be one of the least visited drainages in Idaho. It is a tributary to Sheep Creek in the Bruneau drainage. Its forks originate in beautiful high aspen and sagebrush country near the Nevada Border. They flow through rugged plateaus - where beaver dams are built of the most abundant material - rocks. The beavers do throw in a few willows and sedges for good measure. The two forks emerge from these narrow hills and come together in a broad degraded meadow. Then the stream continues for a few miles in rather open accessible canyons and meadows.

Idaho Watersheds Project applied for a grazing lease on 860 acres on Bull Creek. The state lands covers about 3.5 stream miles. Upstream, it starts in an opening in a small canyon where an old plank bridge, long unusable, crosses the 9 foot wide, shallow creek. The upstream boundary is adjacent to private land. But here, as in many state parcels, no fence separates state from private - and the state land is used and abused just as the private is. In the first couple of miles, a number of fence lines cross the stream.

A true canyon develops downstream towards Sheep Creek as rock outcroppings become bigger and slopes steeper. The Cooper's hawk was hunting in the deepening canyon. For the palatable yellow willows, the rocks here offer protection from livestock - the chance to be a big bush or small tree, to have a canopy which can

actually touch other trees and to grow in something resembling a plant community - a place that song sparrows or even yellow-breasted chats (our largest warbler) can nest. Yellow willows (*Salix lutea*) are a characteristic willow of Owyhee and Bruneau river drainages; they **are** eagerly devoured by livestock. The most commonly seen growth form resembles a mushroom with no foliage remaining on the many stems below cow neck stretch level with a cap of leaf foliage spreading



**Poor width to depth ratios and the lack of appropriate woody species.  
Bull Creek, Owyhee County**

out above. Seedlings are often abundant, but they are destined to remain few-stemmed and stunted until finally giving up the ghost by succumbing to loss of foliage and woody tissue.

Here, where the canyon is rocky enough to restrict livestock movement, is a glimpse into the pre-settlement condition of thousands of miles of Idaho desert streams. These glimpses are very important, because they tell us what to insist on in the face of exploitative users and land managers who refuse to change unsustainable practices. It doesn't take a college education to notice continuous green woody cover, nest sites for songbirds, shade and cool water to provide the thermal cushion that redband trout require. Redband trout, fast disappearing in Owyhee drainages, are barely hanging on in Sheep Creek. Bull Creek should have trout but doesn't. Even this species, our native salmonid most adapted to the summer warmth of canyon country streams, cannot

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## Denial of Redband Trout Petition De Facto Repeal of the Endangered Species Act?

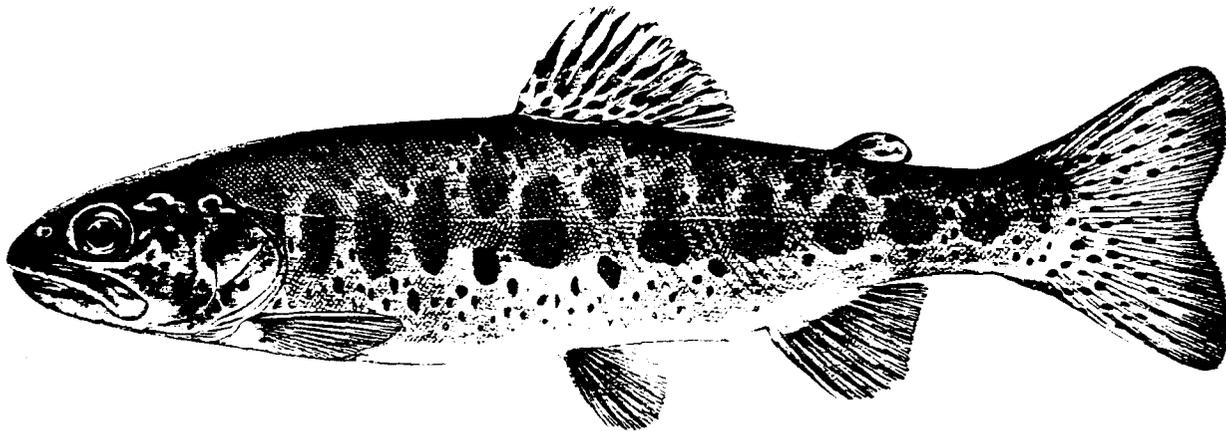
by Dr. D. W. Johnson, Fisheries Scientist, Buhl, Idaho

The U.S. Fish and Wildlife Service (USFWS) has denied the petition to list the desert redband trout (RBT) under the Endangered Species Act (ESA), concluding that the information presented did not indicate that these trout constituted a distinct population segment of the species *Oncorhynchus mykiss gibbsi*. They were unwilling to recognize genetic differences between surviving steelhead, Kamloops trout, desert, and mountain stream redband trout populations. The proposed taxonomic system to lump all these populations under a single subspecies, *O.m. gairdneri*, (Behnke 1992) was accepted by the USFWS. The suggestions to recognize distinct subspecies from each geographic area (Berg 1987) and the proposal to classify the RBT as a unique subspecies (Currens 1993) were not acknowledged. The use of *O.m. gibbsi* by the USFWS, the U.S. Forest Service and BLM in a list of species of special concern (sensitive, candidate, priority) compiled by the Idaho Department of Fish and Game (1994) has now been disregarded by USFWS. The development of genetic information to differentiate the desert redband trout from other interior populations of *Oncorhynchus mykiss* subspecies was suggested to be the responsibility of those who petition to list, rather than that of the agency charged with their protection.

A complete description of the USFWS finding (Federal Register, 27 Sept. 95) authored by the USFWS Boise Office, reported no information to indicate that the desert redband trout was distinct nor to warrant listing.

The USFWS Supervisor of the Snake River Basin Office agreed with the petition that these trout have evolved unique adaptations to their harsh aquatic habitat and "that the protection of its evolutionary variation is important to the subspecies" (correspondence 28 Sept. 95). A news release from the USFWS Region 1 Office (27 Sept. 95) concluded that degradation of streamside habitat and decreased stream flows from irrigation withdrawals were thought to threaten the species. USFWS personnel appear to be suffering from political concerns that ESA action may threaten their careers and therefore they did not conclude in their official findings what they should acknowledge, as biologists, to be the status of desert redband trout - unique and threatened. Anyone who wishes to further substantiate that status should review the petition co-submitted by Idaho Watersheds Project.

Altered (improved) grazing management procedures hold the greatest promise, perhaps the only hope, for survival of the desert redband trout. Idaho Department of Fish and Game surveys resulted in recommendations to (1) geographically expand the inventory, (2) monitor riparian forage utilization, and (3) establish large, closely monitored, riparian livestock exclosures. Idaho Watersheds Project supports the implementation of those recommendations; they should be an essential part of any redband trout recovery plan and be promoted by the USFWS. 



**REDBAND TROUT**  
*Oncorhynchus mykiss* ssp.  
Joseph R. Tomelleri

## Trying to Improve the Southeast Idaho Stream Environment

by Dick Scully

I thought restoration of riparian habitat would be a cinch once a few landowners agreed to allow fences along their stream corridors to keep cattle away from stream banks. Unfortunately, jumping that hurdle was just the beginning.

Fences cost a lot of money, from a minimum of 50¢ to \$1.00 per foot for electric, near \$1.50 per foot for five strand barbed wire and over \$7.00 per foot for treated post and rails. And that is for only one side of the stream. If cattle can reach the stream from either side, and they usually can, then the price of fencing a stream is double the above figures. If an agency or conservation group asks permission to fence riparian areas to benefit fish, wildlife, and water quality, and the landowner agrees, he generally does not want to give up any more land than necessary to keep livestock from the stream. That means you may have to follow the stream meanders, rather than running the fence in a straight line. This increases the fence length and even more importantly, it increases the number of turning points. Turning points must be strengthened with "H-braces" which require additional fence posts and labor. And the construction project doesn't end with the fence. Now that cattle are excluded from the stream, you need to provide them another watering source. That could be a watering gap in the fence which is an extension of the fence out into the stream at one or more locations, or develop a water source away from the stream pipe water from them to troughs. The cost of the fence project goes up and up!

You may be able to build riparian fences cheaper with well-intended volunteer labor, but without expert supervision, the fence may look good to the untrained eye, but after the volunteers return to the city, with warm fuzzy-feelings of satisfaction of a job well done, the cows may quickly demolish the fence and the riparian lands behind it. Long term benefits can only be achieved with high quality fence materials and construction. Fences must be built to equal or usually better standards than the landowner himself would build, because unlike the landowner, the conservation group or agency that pays for the fence will not be near the fence on a daily basis to mend it and run cows out when needed.

You can be sure that the cattle will test your project, especially when they see the lush green grass near the protected creek and of course when they are thirsty and their only other source of water is in a trough half mile back up the hot, dry hillside. If you asked the landowner for permission to put up the fence rather than the other way around, he is not likely to feel an obligation to get his cows out from behind your fence each time he sees cattle there. He didn't see any need for the fence in

the first place. When somebody finally notifies you that cows have been living along the "protected" stream banks for several days, much damage may already be done.

Once cattle get through a riparian corridor fence, they seldom get back out on their own. The only thing worse on a riparian area than having no protective fences when cattle are present, is to have fences which cattle get through. The only place cows can then graze and walk is exactly where you do not want them. Under these circumstances, a small number of cows, for just a few days, can cause a tremendous amount of damage.

Where can an agency or a conservation group get the large sums of money needed for riparian fence projects? Government and private grants are the most likely sources. The Division of Environmental Quality provides Clean Water Act grants and State Agricultural Water Quality Project grants; the Soil Conservation Commission provides Rangeland Development grants to restore areas affected by livestock grazing; and the Fish and Game Department provides Challenge Grants for a variety of projects that benefit fish and wildlife. Clean Water Act grants can be quite large, sometimes exceeding \$100,000. Both the Soil Conservation Commission and Fish and Game grants are generally less than \$10,000. All of these government grants require a match of from 25% to 50% by some other group, either the landowner, conservation group or other agency. In other words the grant issuing agencies want partners. They want someone else to have a vested interest in the project. Without this there may be little incentive for long term project maintenance. The "match" does not necessarily have to be in the form of hard cash. It can be labor, materials, equipment used in fence construction, monitoring of project benefits, etc.

Private corporations may become partners if they believe the project will benefit their employees or the local community. Conservation groups such as Trout Unlimited, Fish America also provide grants if the project has widespread support and promises substantial benefit for fisheries resources.

Obtaining grant money is not guaranteed, even if your project is perceived to be very beneficial. There are many more projects looking for funding than there is available money. For the best chance of getting grant funds, well researched and well written proposals must be submitted in a timely manner and according to each particular funding sources format. Proposals should contain details of the expected benefits, letters of support from throughout the community, a written agreement with the landowner, a demonstration of how the match money,

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labor, etc. will be obtained and a time schedule for project completion and benefit monitoring.

Reflecting on the past and looking toward the future, I am reluctant now to go knocking on doors seeking permission to fence riparian areas unless it is for a stream section with exceptional fish and wildlife potential. And even then it is essential that the fence be built stout and secure, and that frequent fence checking and maintenance must be guaranteed by conservation groups or agencies. On the positive side, I also see that more ranchers now want to diversify their operations and wish to enhance fish and wildlife resources as well as produce livestock. No matter what the conditions of the project, I feel a little more accepting now of occasional setbacks, such as when a few cattle do get in behind what

appears to be a bullet proof fence for a short while. I believe that more and more landowners and the general public are becoming aware of the benefits of riparian and stream habitat management and with persistence from those pursuing such goals, fish, wildlife and water quality will continue to improve.

***Dick Scully is the Southeast region fishery manager for the Idaho Department of Fish and Game and member of the American Fisheries Society. He has worked with landowners, conservation groups and sister agencies on southeast Idaho riparian fencing projects over the past five years on the Portneuf and Blackfoot rivers and on Marsh, St. Charles, Preuss, Dry and Giraffe creeks.*** 

## **New Lease Applications**

Idaho Watersheds Project filed for 2 1,000 acres of expiring school endowment grazing leases by the June 30th deadline. These applications are designed to provide a variety of ways to test the new law regarding “qualified applicants” for these leases (Idaho Code: 58-3 10B). Land Board hearings should be held by early December. The applications with some thoughts about each are as follows:

### **Moose Creek:**

Consisting of 4,200 acres with 373 AUMs in Latah County near the town of Bovill. This lease includes most of the Moose Creek watershed which has its share of problems with cows. Because of the application of IWP, the previous leaseholder, the Clearwater Potlatch Timber Protective Association (CPTPA), was unable to reapply for this and the remainder of its 112,000 acre lease in Clearwater and Latah Counties because as a state supported agency it would not be able to bid against IWP. As a consequence, there is no existing leaseholder and most of the new law will not apply to the applications within the former CPTPA lease. IWP has had support for this and other north Idaho applications from local residents in Bovill and Elk River because of the importance of these lands for recreation, hunting and fishing. Moose Creek is also potential anadromous fish habitat as there are steelhead in the Potlatch river watershed.

### **Purdue and Nat Brown Creeks**

2,480 acres with 177 AUMs also located near Bovill, Purdue Creek has suffered from past logging impacts and an abandoned narrow gauge railway bed; it also suffers from localized severe cow abuse.

### **Shattuck and Squaw Creeks**

6,346 acres with 200 AUMs located just west of Elk River in Cleat-water County. This portion of the

CPTPA lease has been vacant for four years. Four applications have been filed including IWP's. One of the other applications is by a neighboring property owner wishing to prevent cows from being returned to the lease which is adjacent to her conifer seedling plantation.

### **San Felipe Leases**

Comprising 1,920 acres with 165 AUMs on three square mile parcels in Custer County. These leases have been held by William Hewlett and David Packard within the San Felipe Allotment. This allotment was the subject of a front page story in the New York Times this summer which accurately described the ongoing abuse of riparian areas by the San Felipe Ranch. Two of these leases include a mile each of Road Creek, an anadromous brood stream tributary to the East Fork of the Salmon River. IWP will argue that Hewlett and Packard are not qualified applicants under the new law because they have **never** met the conditions of a management plan (which has changed frequently in its requirements) on the 97,000 acre allotment.

### **Ice House Creek**

**This** is a completely fenced lease of 960 acres with 450 AUMs in Fremont County on a tributary of Island Park Reservoir. The present leaseholder won the lease at auction over a former holder 20 years ago and defended the lease in another auction 10 years ago. There is no management plan, and there are some problems with streambank stability and the lack of woody vegetation.

### **Blaine County Leases**

There are four leases located on the West Fork of Kelly Creek, Poison and Little Poison Creeks, Quigley Creek, and Dry Creek (“they don’t call it dry creek for nothing”!) These amount to about 2,200 acres with about

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**210** AUMs. All of these creeks have the usual erosion, riparian and water quality problems typical of heavily grazed southern Idaho Creeks.

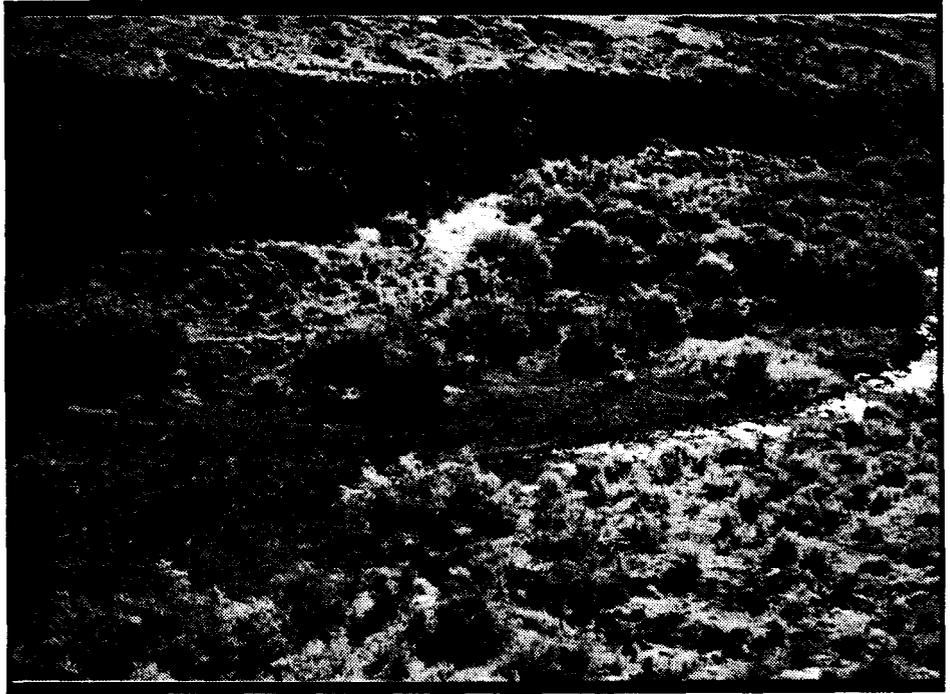
## Owyhee County Lease Applications

Four separate applications including three and a half miles of Bull Creek, portions of Mary's Creek and Sheep Creek, and one lease with large segments (almost a mile each) of Pole Creek and Cat Creek are included in 2,500 acres with 300 AUMs on the West Fork of the Bruneau watershed. These leases all have been held by J.R. Simplot (please see Bull Creek article in this newsletter).

## McKinney Creek

This lease in Camas County has 280 acres with 63 AUMs and is the subject of the letter included in this newsletter (with names deleted to protect the guilty) from the Department of Lands to the leaseholder regarding what he should do this year to avoid unpleasant consequences. (Please see page 9)

In addition there are several other conflict applications for leases which are of interest to IWP. A



*Overgrazed riparian area on Mary's Creek on state lease.  
Owyhee County*

lease west of Hailey of 360 acres has been contested by the adjacent property owner tired of having to fence cows off of her property, and Jon Marvel has applied for three leases under the name of his Golden Marmot Farm to see what other tests of being a qualified applicant might vex the Land Board. 🐾

## Custom and Culture in the Rural West

This photo was taken on Deer Creek, a tributary of Buck Creek, which flows into the West Fork of the Jarbidge River on October 16, 1995. Both Deer Creek and Buck Creek are located on the Buck Creek Allotment which is permitted to J.R. Simplot and his Buck Creek Ranch. Livestock had been due to be removed from the allotment the day before this photo was taken. These bulls must be enjoying camping out in a nice spot free from vexatious vegetation. Notice the well stabilized banks and healthy streamside vegetation. No **wonder** public lands ranchers refer to themselves as the original environmentalists, the stewards of the range. Be sure and visit a beautiful mountain stream on your public lands soon!



*Deer Creek, Elko County*

# News Briefs

## **Buck Creek Allotment, Jarbidge Ranger District**

At the end of September IWP filed an appeal of the issuance of a ten year term grazing permit on the Buck Creek Allotment on the Humboldt National Forest. This allotment is permitted to J.R. Simplot's Buck Creek Ranch. There are seven creeks on this allotment providing habitat for the redband trout, all of which are part of the Jarbidge/Bruneau watershed in Idaho. The allotment itself is located in Elko County, Nevada. With the help of **Ted Zukoski** of the Land and Water Fund of the Rockies in Boulder, IWP hopes to use this case as a test for Forest Service failure to comply with two important federal statutes: the National Environmental Policy Act of 1970 and the National Forest Management Act of 1976. Thanks to **Don Johnson** for spending a day going through the whole Buck Creek file in Buhl and another day on the allotment tour. Call **Jon Marvel** for more information: (208) 788-2290.

## **Grant Received from The Brainerd Foundation**

IWP has been the fortunate recipient of a substantial one year grant from The Brainerd Foundation of Seattle which will support our Idaho school endowment project legal initiative. Thanks is due to **Jim Owens** of The Brainerd Foundation for his advice and support, and a member and volunteer, **Barbara Dargatz**, who wrote the excellent grant application.

## **Expanded Media Coverage**

IWP has received a great deal of media coverage since the Spring Watersheds Messenger. A front page story in the Chicago Tribune in May and an article in the New York Times in July resulted in wire service articles in dozens of regional newspapers including the Seattle Times, Tulsa World, Boston Globe, the Arizona Republic in Phoenix, and other dailies in Atlanta, Denver, Salt Lake City, Colorado Springs, and San Diego. Education Week, which reaches 60,000 educators across the country, ran a front page story in June as well. ABC Evening News with Peter Jennings also came and filmed a segment on IWP at the Poison Creek school lands in Blaine County in July. The British magazine, The Economist, is planning to run a story soon.

## **Sheridan Golden Eagle Ranch Appeal**

In June the Sheridan Golden Eagle Ranch of Rexburg withdrew its appeal of the auction for a portion of Sheridan Creek in Clark County which the ranch won in March 1995! The ranch had argued before the Land Board that it was coerced into bidding \$13,550 (70 times

its previous annual lease rent) at the auction and that the Board should give the money back and award the ranch the lease. The Land Board clearly indicated it would not support the ranch's appeal and tabled the matter thus giving the ranch a chance to withdraw the appeal and avoid public embarrassment. IWP would like to thank **Ted Chu, Ralph Maughan, Dauchy Migel, Jay Valcarce, Kendra Hoffman-Kinghorn, Terri Bergmeier, Gerald Jayne, Doug Nilson** and **C.P. John Traugher** who all wrote to the Land Board corroborating the lack of a gun to the head of ranch manager, Steve Hart, at the auction in Idaho Falls!

## **Ingram Lake Creek Lease Appeal**

IWP's appeal to the Idaho Supreme Court has finished all briefing and is awaiting the scheduling of oral argument. That proceeding and a decision is not expected until the spring of 1996. Readers will recall the two major points of our appeal: that under law and the Constitution of Idaho a person who does not bid at an auction disposing of a lease cannot receive that lease; and that the Land Board is in violation of the Idaho Administrative Procedure Act by issuing orders without following legally mandated procedure. Stay tuned.

## **News from New Mexico**

Forest Guardians of Santa Fe made written sealed high bids for several New Mexico school land leases in September. However, under rules there, the ranchers were able to match those bids and keep their leases. By doing so, the ranchers will be paying 2-3 times as much for each leasehold. Forest Guardians is considering legal action to force New Mexico to hold open auctions.

## **School Endowment Land Management Under Attack In Arizona**

The Arizona Center for Law in the Public Interest has filed suit in Phoenix to force the Arizona Land Department to increase grazing fees (now set at \$1.53 per AUM) and to hold public auctions of leases. Dennis Wells, Deputy Land Commissioner, was quoted as saying "Ranch management will be **more difficult**" if the suit succeeds!

## **Thank You to the Following Members and Supporters for Extra Volunteer or Financial Help:**

To **Jan Edelstein** of Hailey, **Ginger Harmon** of Ketchum, **Keith Wright** of Poteau, Oklahoma, and **Tom Pringle** of Eugene for very generous contributions; to **Herb Beattie** of Tulsa for his financial support and his exceptional help in promoting IWP to our new midwestern

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members; to **Mark Solomon** for help with Latah County school land information; to **Dick Scully** and **Ralph Maughan** for the excellent tour of exclosures on the Portneuf River and Marsh Creek in Bannock County; to **Gene E. Bray** of Meridian for starting work on IWP's World Wide Web Home page; and to **Robert Brassfield** of Lava Hot Springs (unless stray ligers have eaten him up) who gave up a day of work to inspect and provide expert advice on the condition of Ice House Creek in Fremont County as a representative of IWP on a tour organized by the Idaho Falls Post-Register this summer.

### Membership Dues

As an all volunteer organization IWP has not had the staff time to follow up on annual membership dues payments. Many of your receiving this newsletter may have joined in 1994 and have not renewed your membership in 1995. We will have a more organized reminder for members soon, but until then please send in your 1995 dues (please see the membership form on the last page for amounts) as soon as possible. All dues are based on the calendar year regardless of when they are received.

### Board Meeting News

In May the IWP Board of Directors authorized two new Board positions and filled one with **Dr. Don Johnson** of Buhl, a biologist and fisheries expert. The second opening should be filled soon. Some changes to the Bylaws were made regarding Board authority and the establishment of a quorum for purposes of convening subsequent annual meetings.

### Giving Opportunities for IWP Expanded with Ida-GO!

Federal employees can now support IWP in the Combined Federal Campaign payroll deduction pledgebook. Please designate Community Shares/Ida-GO! as your charity of choice and IWP will benefit. Ida-GO! is a new nonprofit fund raising entity which supports Idaho Watersheds Project and fourteen other Idaho non-profits. State employees must ask specifically for Community Shares/Ida-GO! to designate under the State Campaign system. Call Jon for more information (208) 788-2290, and Don't Hesitate to Designate!



## Our Public Servants

*One group of employees, usually the range management staff could be seen, coffee cup in hand, emulating ranchers. The signs included rodeo belt buckles, western shirts complete with a can of Copenhagen in the pocket, well-worn cowboy boots, and twangy western accents. The caricature was startling, and the similarity to the rancher impressive. However, one difference was in attitude; in the presence of an influential rancher, the BLM cowboy was deferential. The rancher was aloof and superior.*

-- Bernard Shanks, *This Land Is Your Land* (Shanks 1984)



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STANLEY F. HAMILTON - DIRECTOR

August 8, 1995

I was looking at McKinney Creek north of Gooding today. This land is within your state grazing lease under the Sawtooth Grazing Association. I want to express my gratitude to you for the way it looks so far.

As you probably know the Idaho Watersheds Project, Inc., Jonathan Marvel, President has filed an application to lease it this year. The Land Board will be making a decision soon whether to accept or deny the applications. Their decision will be based in part on how well the present lessee is taking care of the land.

Your case will be strengthened by maintaining the riparian zone along McKinney Creek in the best condition possible. Therefore, would it be possible to move the about 20 pairs I saw in there to another area of the allotment? The Land Board may be inspecting the ground prior to making its decision so it would behoove you to maintain some regrowth on the meadows each year. Even if they do decide in your favor, I can assure you it will be under the condition that the riparian zone be kept in an improving condition.

I know you to be a responsible cattleman having a good land management ethic, so it is with this in mind that I make this request. Please feel free to contact me if you have any questions or need any help with the riding.

Sincerely,

Sr. Resource Manager

c: Sawtooth Grazing Assoc.  
c/o Harry LeMoyne

KEEP IDAHO GREEN  
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER

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tolerate the harsh hot, murky and algae coated environment that irresponsible livestock grazing has given it.

Something very surprising happened on Bull Creek this year. While walking in the state land, I quickly realized that unlike other times I had seen it, the riparian area had not been heavily grazed this season. Parts between fences had not been grazed at all, and other places were moderately impacted - not every sedge or rush was eaten into the ground and shoots of young willows were actually unbrowsed. There was not a single rogue heifer nor 30 stray cows to be seen, any public lands visitor is familiar with these wild elusive animals that linger on after they're supposed to be long gone - and no 2,000 pound bull in long-term storage was churning up the bottom.

What could have brought about this change? Recall that the legislature changed the deadline for application for state land leases from September 30 to June 30, so that Land Board members could visit contested parcels during nice weather. Far better from the ranchers' point of view to leave a contested leasehold stream ungrazed than to risk cow shock by Land Board members on a summer tour. It also helps avoid unpleasant photographs or water test results from being submitted at Land Board hearings later this year.

So here we have it - responsible grazing for one season. I'm convinced this was only because of fear of scrutiny resulting from Idaho Watersheds conflict application bid on the grazing lease. This pressure resulted in a change in behavior. One season's respite from heavy grazing is not a major victory. The important point is that it only came about through pressure and fear of scrutiny. To get responsibility from obstreperous and stubborn livestock interests, you can't give them, as the legislature did, freedom from conflict bids and then expect good grazing practices. The publicity surrounding upcoming debate in front of the Land Board on this issue is what has driven the brief change on Bull Creek. If the "no conflict bid unless you're a cowboy" policy holds, the incentive for even this small bit of good behavior will be gone.

A close look at the plants of Bull Creek reveals that a remarkable resiliency remains. Imagine what could happen with 10 year's rest - or even 10 years of responsible grazing. Continuous willow, currant and rose cover. Raucous squawks, whistles and chortles of yellow-breasted chats in June. Cool water, stabilizing banks. The dark flash of a trout darting into an overhung pool for cover. If we keep up the pressure and public scrutiny, the cowboys' stranglehold on public lands will break. Streams like Bull Creek will have a chance. 

## 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 tax deductible annual membership:

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

Name \_\_\_\_\_ Address \_\_\_\_\_

Phone \_\_\_\_\_ Mail to: Idaho Watersheds Project, Box 1602, Hailey, ID 83333

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