



# Watersheds Messenger

Vol. III, No. 1

Spring 1996

*Protecting and restoring school endowment watersheds.*

*Increasing returns for the school children of Idaho.*

## Expanding the Mission of Idaho Watersheds Project

by Jon Marvel, IWP Board President

In the last six months Idaho Watersheds Project has significantly expanded its efforts to effect change in public policy on public lands in Idaho and on lands in adjacent states like Nevada and Oregon which include Idaho watersheds such as the Bruneau and Owyhee river systems. These efforts involve public domain lands managed by the Bureau of Land Management, national forests and grasslands managed by the Forest Service, National Wildlife Refuge lands managed by the U.S. Fish and Wildlife Service as well as school endowment lands. On May 31, 1996 the Board of Idaho Watersheds Project will consider officially expanding the mission of IWP to include working to effect positive change in livestock use of all of these lands in addition to our original goal of protecting and restoring Idaho's school endowment lands used for livestock.

Part of the reason for this proposed expansion of our mission is the extraordinary resistance to our efforts to bring change to the management of school endowment lands. This resistance is partially made possible by the archaic management on larger adjacent public lands owned by all Americans and managed through the United States government agencies. In order to bring change to all public lands ranching, Idaho Watersheds Project needs to be able to act assertively for change on all our shared public lands. Our actions need to be innovative and persistent in order to help break down the status-quo abuse created mostly by the myths surrounding public lands ranching.

With these thoughts in mind, Idaho Watersheds Project has already established itself as an "interested public" on hundreds of grazing allotments on BLM lands in Idaho, Oregon, and Nevada amounting to over 8,000,000 acres. With this legal status under the new BLM regulations in effect since August 1995, IWP is in a position to protest and appeal all decisions on these allotments which do not adequately take into account recreational, hunting, fishing, wildlife, watershed, and water quality values. As we grow, IWP will be

initiating water quality monitoring on streams across Idaho and on Idaho watersheds in Nevada and Oregon as well as monitoring of compliance with grazing management plans where they exist. When our data shows failure to meet water quality standards or existing management requirements, we will bring it to the attention of the agency responsible; and if they choose not to act, we will not hesitate to take legal action, if possible, to change their minds.

One of the ongoing problems in bringing change to public lands ranching management is a perception on the part of agency managers that the general public does not care if cattle and sheep are polluting water, **destroying streams**, and degrading wildlife habitat on public lands, while their often wealthy owners are receiving huge subsidies (estimated at as much as \$500,000,000 per year) provided by politicians who like to wear cowboy hats.

Idaho Watersheds Project seeks to change that perception. One way we may choose to do so is to propose an initiative petition in the next two years similar to the Oregon Clean Streams Initiative currently seeking ballot status in Oregon. This initiative would eliminate livestock use along streams which are water-quality limited (i.e. polluted) over a ten year phaseout period. Such an initiative as well as other legal and public relations actions can help change both public and agency perceptions. Given sufficient funding, IWP is interested in media campaigns to show the general public the actual conditions of thousands of miles of creeks on public and private lands which have been degraded by livestock. Relatively modest funding levels could bring public land mismanagement into citizen's living rooms in ways never done before.

Idaho Watersheds Project asks all members and supporters to let us know your thoughts on this expansion of our work to accelerate positive change in the management of public lands ranching.

## Notice of Annual Meeting

The annual meeting of Idaho Watersheds Project, Inc. will be held on Friday, May 31, 1996 at noon at 16 West Croy Street, Suite N, Hailey, Idaho. All members are invited to attend the meeting. Immediately following the annual meeting the five member Board will meet in regular session to elect officers and to conduct any business brought before it. The current members of the Board are Jon Marvel, President and Treasurer; Linn Kincannon, Vice-President; Barbara Dargatz, Secretary; Katie Fite; and Don Johnson.

## First IWP Case Is Heard by the Idaho Supreme Court

by *Debra Kronenberg, Attorney at Law*

IWP filed its first application for a section of school land in September **1993**. That application was for a section in the Herd Creek Allotment, which had a severely degraded riparian area. The prior lessee, William Ingram, also filed an application to renew his lease. Idaho's **Constitution** requires that state lands be disposed of at public auction, so an auction for the right to hold the lease was held in January 1994. Jon Marvel, on behalf of IWP, opened the bidding at the auction at \$30.00. Rather than place a bid Mr. Ingram stated, "\$30.00 is too much - we are not bidding." Mr. Ingram then promptly appealed the auction results to the Land Board, which granted the lease to him at its February 1994 meeting.

IWP filed a legal action in the District Court claiming that the Land Board had violated Idaho's Constitution by issuing the lease to an application who had not bid at the public auction, IWP also claimed that the Land Board violated the constitutional requirement that it exercise its powers "under such regulations as may be prescribed by law" by conducting its meeting and making decisions under Robert's Rules of Order rather than under the due process procedural rules of the Idaho Administrative procedure Act. The District Court ruled in favor of the Land Board finding that the Board had the discretion to award a lease for school land to someone who had appeared at an auction but not placed at bid. The District Court also found that the Land Board **could conduct its meetings as it saw fit**.

**Following the District Court's ruling, IWP filed an appeal with the Idaho Supreme Court. The oral argument for that appeal before the Idaho Supreme Court occurred on April 12, 1996.**

**IWP argued in the briefs submitted to the Supreme**

Court and in oral argument, that, once there has been an auction, the Land Board did not have the discretion, under the Constitution, the statutes, and the prior decisions of the Court, to grant a lease of school land to someone who has not placed an actual bid. In making this argument IWP relied upon the precedent set in 1921 by *East Side Blaine County Livestock Association v. State Board of Land Commissioners*, where the Court held that the "dominant purpose" of the auction requirement was "that the state shall receive the greatest possible amount for the lease of the school lands for the benefit of school funds." A person's mere presence at an auction could not, therefore, satisfy the requirement for a true competitive bid at a public auction.

At oral argument the Supreme Court appeared to seriously question the Land Board's contention that a real bid was not required. The Court also did not seem impressed with the Land Board's position that it did not have to comply with the provisions of the Idaho Administrative Procedure Act. It remains to be seen, however, how the Court will actually rule in its written decision.

As counsel for IWP in this matter, I remain quite hopeful that the Idaho Supreme Court will find (1) that real, and not sham, auctions are required when there is more than one applicant for a lease for school land, (2) that the **Land Board does not have unlimited discretion and that it must adhere to the requirements of the Constitution, the statutes, and the Court's prior decisions when it makes decisions as to who shall lease school lands, and (3) that the Land Board is, under Idaho law, and administrative agency and as such must comply with the minimum due process procedural requirements of the Idaho Administrative Procedure Act.**

## A Special Thanks To ...

... **the following people who have provided** substantial financial support to Idaho Watersheds Project since the Fall of 1995:

Ralph and Shirley Shapiro of Los Angeles and Blaine County; Harold C. Price of Laguna Beach and Blaine County; Loren Blossom and Susan Swearingen of Idaho Falls; Fredrick, Hannah, and Madeleine Kunkle of Jersey City, New Jersey; Ken and Annie Jackson of Sandpoint; Ben Schepps and Helen Stone of Hailey; Kelley Weston of Hailey; Dick Kolbrenner of Hailer, Pete and Melissa Delisser of Blaine County; and four anonymous.

... and to Barbara Dargatz of Hailey for her exceptional grant writing skills on our behalf; to Jim Owens of The Brainerd Foundation for his help and advice on potential funding sources; to Jim Olson of Emmett for taking two days to represent Idaho Watersheds Project on the planning tours of the Rocking-M Ranch easements in Washington County this Spring; to Bill Heath of Boise for his support and encouragement; to Gene E. Bray, Ken Kellogg, Steve Duke, and Mr. and Mrs. Liven Peterson **for attending recent Land Board meetings and the Supreme Court of Idaho**

**oral arguments on April 12;** to Catherine Stapp of Gooding for being our most recent member in Gooding County; to an anonymous member who knows Gwyhee County better than anyone since Kitty Wilkins; to attorney Debra Kronenberg of Ketchum for excellent legal work in carrying through the Ingram-Lake Creek lease case to the Idaho Supreme Court where we await a favorable ruling; to Laird Lucas of the Land and Water Fund of the Rockies Boise office for his exceptional legal efforts with IWP's current lawsuit regarding the constitutionality of Idaho Code Section 58-310B which has been used to disqualify IWP from bidding for school land leases; to David Stelling of Hailey for his accounting work on our behalf; to Kristin Frish of Cottonwood for her encouragement and support; to Gerald Schroder of Parma for his continuing support and letter writing skills; to Fred Turner of Santa Fe who knows the West as well as anyone in the U.S.A., for his support; and to Dr. Don Johnson of Buhl for all his work for Idaho Watersheds Project.

## Conservation Easements and the Rocking M Ranch

by Jim Olson, Emmett, Idaho

On March 15, 1996 I had the opportunity to tour part of the roughly 30,000 acre Rocking M Ranch which is located about 40 miles out of Weiser. The lands comprising the ranch are approximately half public [administered by the Bureau of Land Management (BLM)] and half privately owned. My visit began with an overview of the ranch operations at the rustic Mountain Man Lodge with the rancher and personnel from Idaho Fish and Game and BLM. After driving miles over barren dirt roads, the lodge jumps out at you perched on top of a peninsula that juts out into the Snake River. The rancher explained his livestock operations including concern for producing only the best top quality beef which he supplies to the U.S. Olympics. He also explained his interest in perpetuating the ranch for the future.

To do so, he has negotiated with the Idaho Fish and Game Department which has completed purchasing two of four planned Conservation Easements over most of the private ground. The easements will provide, for perpetuity, protection on the grounds from future development while at the same time enhancing wildlife habitat. The easements call for a 50 percent reduction in the number of livestock that can be grazed. Action is underway to determine precisely what that number will be.

A tour up one of the drainages, Raft Creek, was most informative. A 400 acre Chukkar enclosure, previously constructed to keep livestock out, was obviously working due to the enhanced growth of vegetation. Discussion about some riparian problems revealed they could be corrected in part by establishing water sources away from the stream bed. Thus, while there are areas in need of improvement, I left with the impression that all parties involved are committed to making the Conservation easements work.

There are many things that must be done to make the program a success and it certainly won't happen overnight. However, efforts are already underway to develop a long term monitoring program. Additionally, enhancements are expected in refining the grazing allotments for the entire ranch which should enable more effective management of the entire operation. If the parties involved are able to follow through, I believe the ranch could serve as a model for similar endeavors in the future. In my view it truly has the potential to be a win-win situation.

Jim is officially retired but an active volunteer in projects involving wildlife management and habitat enhancement efforts,

"So now we come to the business which created the West's most powerful illusion about *itself and*, though this is not immediately apparent, has done more damage to the West than any other. The stock business.

Bernard Devoto  
77x *Easy* Chair (1955)

## News Briefs

### December 1995 Land Board Hearings

The Idaho Board of Land Commissioners met on December 1st, 1995 to consider IWP's 16 applications for expiring grazing leases on Idaho public school endowment lands. The Board did reach a decision on four Owyhee County leases and one Clearwater County lease. For the 2200 acres in the four leases in Owyhee county IWP was disqualified as an applicant under the new Idaho statute (Idaho Code Section 58-310B). The former leaseholder on those four leases is the Simplot Livestock Co. Idaho Watersheds Project was qualified as an applicant for the Squaw Creek-Shattuck Creek lease of almost 6000 acres near Elk River, Idaho primarily because there was no livestock operator currently holding that lease. There will be an auction for that lease in Orofino on May 15, 1996 at 1:30 PM. The other applicants for the Squaw-Shattuck lease are a neighboring property owner, Marla Schwartz, who wishes to prevent livestock from using the lease in order to protect her conifer tree farm, and Duane Beale, a rancher.

The Land Board deferred decisions on IWP's other lease applications until 1996.

### Idaho Watersheds Project Files Complaint

After requesting and being denied reconsideration by the Board of the Simplot leases decision, IWP filed suit in Idaho 4th District Court in Boise on January 8, 1996 asking the courts to overturn the law requiring discriminatory qualifications in order to bid for grazing leases. To our surprise, at the regular March meeting of the Land Board, the Board granted reconsideration of the Simplot leases decision with a hearing to be held in April. It is our opinion that this was done because of the quality of IWP's court filing and to enable the Idaho Legislature to amend Idaho Code 58-310B to grant more discretion to the Land Board in qualifying applicants for grazing leases and to make voluntary some of the more questionable portions of the law. This the Legislature did at the very end of its 1996 session.

*please turn to Page 4*



### Watersheds Messenger

Editor Jon Marvel

Watersheds Messenger is published periodically 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. or call (208) 788-2290.

#### Officers and Directors of Idaho Watersheds Project:

Jon Marvel - President/Treasurer Linn Kincannon - Vice President  
Barbara Dargatz - Secretary - Katie Fite - 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.

Articles published in Watersheds Messenger may or may not reflect the opinion of Idaho Watersheds Project. All articles are copyright © IWP 1996.

## IWP Sues Over Land Board Refusal To Conduct Auctions for State Grazing Leases

by Laird Lucas

IWP has been forced into court, again, to challenge the Land Board's illegal use of state endowment lands to subsidize public land ranchers. This time, the key issue is whether the Land Board can award leases to ranchers without the competitive bidding and public auctions required by the Idaho constitution.

In summer 1995, IWP submitted sixteen different applications to lease state grazing lands throughout the state. After struggling for months over how to respond, the State Land Board this month finally disqualified IWP from going to auction on the vast majority of those lease. IWP is now suing the Land Board over those decisions in a case filed in Ada County District Court IWP is represented in the lawsuit by the Land and Water Fund of the Rockies.

The Land Board's decisions were premised on Senate Bill 1194 — commonly called the "anti-Marvel" bill — which was passed by the Idaho legislature in 1995 and amended in **1996**. A blatant attempt to shield ranchers from having to compete at auction with IWP, S.B. **1194** allows the Land Board to reject lease applications from parties it deems are not "qualified" to bid, based on such factors as "indirect" economic benefits from the ranching industry or the importance of the state lands to an applicant's grazing operations.

The Land Board's desire to shelter ranchers from competitive pressures, at the expense of returns to the schools, represents a fundamental breach of trust. Indeed, cases from **the** U.S. Supreme Court and other states have made clear

that endowment lands cannot be sued directly or indirectly to subsidize favored interest. In *Oklahoma Educ. Ass'n v. Nigh*, 642 P.2d 230 (Okla. 1982), for example, laws granting preferences to farmers in leasing state endowment lands were struck down as impermissible favoritism in the use of state lands. Similarly, the Washington Supreme Court invalidated laws which were intended to support the timber industry, by granting price breaks on state timber contract, in *County of Skamania v. State of Washington*, 685 P.2d 576 (wash. 1984).

The Land Board's action here is equally egregious as those cases, not only because it is intended to favor public land ranchers at the expense of the public schools, but also because the Idaho constitution requires public auctions for the disposition of endowment lands. Indeed, back in 1921 the Idaho Supreme Court rejected a similar effort by the Land Board to award a grazing lease to one applicant over another, without conducting any auction, holding that "competitive bidding is made mandatory" by Idaho law. *East Side Blaine County Livestock Assn. v. State Board*, 34 Idaho 807 (1921).

IWPs suit will thus challenge both the validity of the "anti-Marvel" bill, as well as the specific decisions by the Land Board denying IWP "qualified bidder" status. The case will be fought over the summer months, with a decision expected probably in the early fall.

Laird Lucas is a staff attorney for the Land and Water Fund of the Rockies Boise office.

## News Briefs (continued)

### Public Rangeland Management Act Passes U.S. Senate

By a narrow five vote margin this bill sponsored by Senator "Porkbarrel Pete" Domenici of New Mexico passed the Senate last month. This bill, if passed by the House and signed into law, will block out public participation in the management of public lands ranching. It is truly a bad bill. Please contact IWP for more information and take the time to write President Clinton asking him to veto the bill if it reaches his desk. At this writing the White House has indicated that it will veto the bill, but, as we know, the President is not known for exceptional resilience when pressured by vested interests (witness the salvage logging rider's consequences in northwest forests). So your calls and letters will help him make the right decision.

### Update on Buck Creek Allotment

While IWP's, appeal of the issuance of a ten year permit for the Buck Creek Allotment on the Jarbidge District of the Humboldt National Forest (see Fall 1995 Messenger) was denied, the District Ranger has issued a 25% reduction in use for two years to Buck Creek Ranch which is owned by Simplot. The action was the result of overgrazing which

violated the annual permit issued last year.

### April Land Board Hearings

The Land Board met in special session April 5, 1996 to reconsider IWP's applications for the Owyhee County leases and to consider all our other applications. The Department of Lands Memorandum to the Board had not been provided to IWP before the meeting and turned out to be an inflammatory and accusatory document which even Governor Batt decried. IWP immediately requested a week to respond to the Department's attack and was granted the delay. The Board did proceed with testimony, but no decisions were made. On April 18, 1996 the Land Board concluded this round of hearings by disqualifying IWP for 14 lease applications and qualifying us for one lease on Ice House Creek in Fremont County near Island Park Reservoir. This lease is a completely fenced 960 acre parcel with almost 3 miles of creeks. The auction for this lease will be May 9, 1996 at 1:30 PM in Idaho Falls at the office of the Department of Lands. IWP will be bidding a substantial sum at this auction. The disqualification of IWP for the other 14 leases will be challenged in court by IWP.

*please turn to Page 5*

# Idaho Department of Lands and Idaho Watersheds Project ~ Obstacles and Objectives

by Dr. Don Johnson, IWP Board Member

**State** Land Board members and their Department of Lands (IDL) operatives continue to feed one another and the public misinformation such as 1) the only beneficial use of State Endowment Lands is grazing, 2) public land livestock production is critical to the Southern Idaho Economy and that leasing parcels to any entity that does not graze a huge consolidated block of public land parcels would disrupt or destroy that economy, as well as 3) that "cherry picking" by IWP of parcels with water furthers our perceived goal of eliminating a ranching "way of life" in Southern Idaho. All of these "truths" have been restated at many of the recent Land Board meetings and were presented at the April 5 meeting by the Director of the IDL in a policy statement recommending that IWP be permanently disqualified as a bidder on any State Endowment "grazing" allotment leases.

At an April 4 meeting with Tracy Behrens, range management specialist of IDL, he suggested through his manner that some agency staff think of themselves as representatives of those that utilize State resources for short-term monetary gains, i.e., Simplot Livestock Company. For the December **11** Board meeting he presented a recommendation that IWP be disqualified as a bidder against Simplot Livestock because it would eliminate water critical to their interests, thereby disrupting management and usability of ALL State lands. On April 4 he admitted having never visited any of the parcels being challenged by IWP, nor having any personal knowledge of the availability of water on those parcels. He refused to answer many questions including **1)** whether he knew that IWP had no plans to fence the parcels in question, and **2)** what his professional judgement of condition was for photographed sections of streamside habitat.

IDL personnel appear unwilling to acknowledge poor conditions wrought by past and present grazing practices, or to accept and assign responsibility for degradation of watershed and riparian areas. They are extremely sensitive and resistant to the idea that IWP might, as a lessee, demonstrate that alternative management could arrest and reverse damage to

riparian habitat and water quality. Secretary of State Cenarrusa is particularly incensed that IWP has suggested that many degraded areas might require the exclusion of livestock to improve existing conditions.

After the December **11 Board** meeting an attempt was made to clarify IWP goals and rationale by sending a memo "IWP Objectives and Potential Impacts — A Realistic Perspective" to all Board members. The primary objective of IWP is to focus attention on public lands where grazing management or its absence has led to a loss of vegetation, associated water quality, riparian and aquatic/fisheries community productivity. IWP selects degraded parcels and attempts to gain a role in their management, when possible by winning a competitive auction, so that they might be "quarantined" to initiate the healing process. IDL has expressed the desire that the parcels being grazed by Simplot, and challenged for auction by IWP, be managed under a plan that would improve riparian vegetation, stream flow and fish habitat. Such a "draft" plan was developed by BLM in **1984**, but it was never implemented and no stream data has been collected since 1980. Governor Batt forwarded the memo mentioned above to IDL Director Hamilton for his response. He informed the Governor that "the so called deteriorated riparian condition on most of the parcels applied on by IWP is debatable." His IDL files however show that State and Federal land managers have expressed concern about these parcels and stated that attention should be directed to management of their riparian habitat and water quality.

The positions of IDL leadership and some members of the State Land Board must be challenged by recreationists, hunters, fishermen, and other environmentally concerned citizens. IWP is a concerned citizen group willing to contribute energy and funds to reversing watershed problems on Idaho state endowment lands. Somehow the State Land Board must be convinced that the exclusive control of these lands by the livestock industry is not in the best long-term interest of the natural resources or the children of Idaho. 

## News Briefs (continued)

### Documents Available

Idaho Watersheds Project will provide to any member a copy of our reply to the Department of Land's memorandum attacking IWP on request.

### Ask Governor Batt to Establish Riparian Standards

Idaho Watersheds Project has asked Governor Batt to establish riparian use standards (please see letter in this newsletter). IWP asks all members to send a letter to the Governor (Statehouse Mail, Boise, Idaho 83720), asking him to require riparian standards for all grazing leases on Idaho school endowment lands. At the April **18, 1996** Land Board meeting the Governor spoke eloquently about the importance of riparian management. Now he needs to follow up.

### Mad Cow Web Site Recommended

Idaho Watersheds Project recommends that members with Internet access visit Dr. Tom Pringle's Mad Cow Disease Home Page which can be found at the following URL:[http://www.cyber-dyne.com/~tom/mad\\_cow\\_disease.html](http://www.cyber-dyne.com/~tom/mad_cow_disease.html). Here you can find the latest information on what may be the beginning of the end of ranching and dairying as we know it.

### Riparian Standards Attached to BLM Term Grazing Permits

At least three of the Idaho BLM Resource areas have agreed to add riparian stipulations to transferring or reissuing term grazing permits at the request of Idaho Watersheds

please turn to Page 6

## News Briefs (continued)

Project. The Medicine Lodge, Snake River, and Jarbidge Resource Areas have added a stipulation. In addition, the Bruneau, Owyhee, Cascade, and Malad Resource Areas are currently considering adding such stipulations to grazing term permits. The Shoshone Resource area already required such a stipulation while the Challis and Lemhi Resource areas are already required to for anadromous fish habitat because of the listing of Chinook and sockeye salmon under the Endangered Species Act. While these stipulations are not as strong as IWP had requested, they represent an acknowledgment that not enough has been done until now to manage and protect riparian and stream resources.

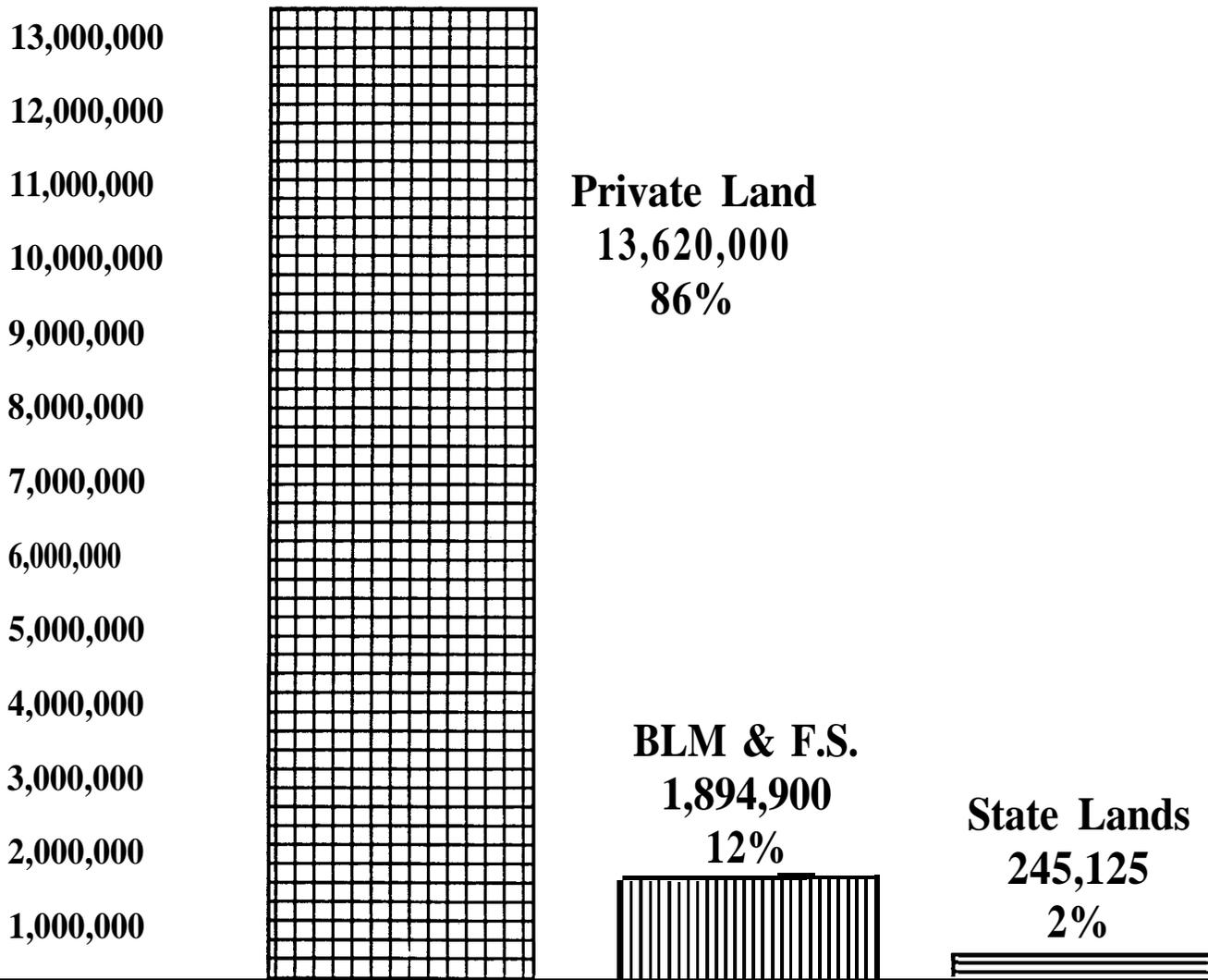
### Kenaf Paper

This newsletter is produced on **100%** Kenaf paper wholesaled to IWP by Vision Paper of Albuquerque, New Mexico, (505) 294-0293. The Kenaf plant is a cultivated annual of the mallow family which grows up to 15 feet in

height in one season. It can be produced in the warmer parts of the U.S. with frost-free growing seasons of 175 days or more. Using Kenaf paper enables IWP to avoid the use of tree-based papers while helping to create a demand for more appropriately sourced paper. The future of paper may well be in tree-free papers made from Kenaf and low-THC hemp (when legalized) which can be grown in even shorter season areas than Kenaf. Please recycle your newsletter.

### Acquire Your Own 1996 Expiring Grazing Leases

Idaho Watersheds Project has the lists of grazing leases which expire in 1996. If any readers would like a listing for their county or region of Idaho, IWP would be please to provide the lists on request. **The deadline** for applying for expiring leases is June 30, 1996. 



***Total Annual Animal Unit Months in Idaho for 1995***

## In Spring

by R.S. Tohey

In spring, the natural world brightens and becomes more diverse, vibrant and full of wonderful sights and scents. I am very much aware of this as I sit inside on a beautiful day, puzzling over mind-numbing grazing terms — and wondering — are these words, like ‘TNR — temporary nonrenewable’ forage — or ‘functioning-at-risk’ streams, purposefully designed to bore or befuddle?

My mind easily wanders to more pleasurable thoughts. By early April, the first migrant songbirds have arrived in southern Idaho. The Say’s phoebe, a gray backed flycatcher with a pink belly and plaintive call, is gracefully fluttering after insects in the rocky canyons of the Bruneau and Owyhee drainages. Rufous-sided towhees, black, rusty orange and white sparrow relatives with a mewing call are scuffling in the understory of dense shrub patches in the foothills. Mountain bluebirds are being seen from the Mud Flat road to Stanley. In the next few weeks, waves of over a hundred species of migratory landbirds will return to Idaho to nest.

Sixty percent of Idaho’s migratory landbirds are associated with riparian areas. Riparian birds of high desert drainages have some of the most striking plumage and song of any of the migrants. And they have quite specific requirements for the place that is going to be their home for a few months. Each of these species needs woody plants of a particular height, structure and density to successfully nest and raise young, and an environment which produces an abundance of insect food. Find these plants, and you’ll likely find these birds. During migration, almost all migratory species can be expected in healthy riparian habitats.

Sadly, many long miles of public land drainages support NONE or only a few of these birds today. These streams are, in BLM stream classification jargon, “non-functioning” or “functioning-at-risk.”

This stream habitat void is not caused by drought, flood, the work of the Devil, spells cast by environmentalists



*Duncan Creek, BLM Wilderness Study Area*

to make ranchers look bad, or uncontrolled grazing in olden times. Nor is it because sites have lost all potential for a diversity of plants to grow. Improperly managed livestock grazing perniciously continues to alter streams and watersheds and prevent adequate growth of riparian vegetation.

Two streams which vividly illustrate this profound and senseless habitat loss come to mind. Cat Creek flows through a parcel of state land in Owyhee County presently leased by Simplot and applied for by IWP in 1995. Instead of growing up and providing shade, stability and nest sites, young coyote willows here are annually used as food by Simplot cattle. Each year, hundreds of new seedlings get established in suitable sites in bare (lots of this) moist soil, and suffer the same fate — conversion to a few pounds of cow flesh. Lazuli buntings aren’t fond of calling sheared hedges home.

The other stream is upper Duncan Creek, a Jacks Creek tributary in a wilderness study area in Owyhee County. It is BLM land grazed by Simplot.

Instead of a watershed with thickets of red and yellow stemmed willows, red osier dogwood, Douglas hawthorn, Woods rose, clematis, chokecherry, vibrant green leaves, melodious and raucous calls and flitting bursts of color, we are left with dirt, unidentifiable mowed plants — and maybe killdeer, if they are lucky enough to bring off a clutch without being trampled. Certainly we must ask for more on our public land.

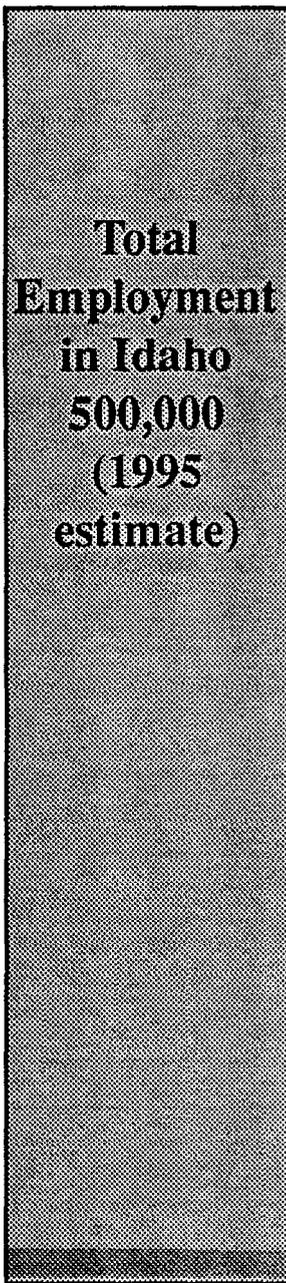
We deserve to experience a wild jumble of birds and heady plant fragrances on a May morning, a brood of half-grown sage grouse seeking willow shade and lush plant food and insects on a hot July day, a redband trout hiding in cool alder-shaded waters in September, or a hawthorn that is alive with mourning cloak butterflies drawing energy from unopened buds in the warm sun following a March hailstorm. We deserve better than the obliteration of beauty, diversity and life that a few more public lands cattle, destined to finish their days standing on feedlot dung heaps, being pumped up with hormones and antibiotics can ever provide.



*Cat Creek State Lund*



500,000  
 475,000  
 450,000  
 425,000  
 400,000  
 375,000  
 350,000  
 325,000  
 300,000  
 275,000  
 250,000  
 225,000  
 200,000  
 175,000  
 150,000  
 125,000  
 100,000  
 75,000  
 50,000  
 25,000  
 1,000



Direct  
 Employment  
 by Public  
 Lands  
 Ranching  
 in Idaho  
 800  
 (1995  
 estimate)

## Idaho State Employment 1995

**DOONESBURY** / Garry Trudeau

DOONESBURY © 1996  
 G.B. Trudeau  
 Reprinted with  
 permission of  
 Universal Press Syndicate.  
 All rights reserved.

# Grazing Myths – A Top Ten List

by George Wuerthner

## #1 – Ranchers Love the Land

The most common livestock industry myth is that ranchers are “good” stewards of the land. The reasoning goes like this. Ranchers love the wide open western landscape. They make their living from the land and wouldn’t mistreat it under any circumstances. The emphasis on public land ranching obscures the fact that private rangelands are actually in worse shape than public lands. Although 160 million acres of public lands in considered to be in unsatisfactory condition, more than 250 million acres of private rangelands fall into the same category — nearly three times the size of Montana.

This is particularly disturbing because private holdings tend to be more productive and better watered than public lands. Thus, private lands should be more resilient to grazing abuse. If ranchers aren’t even good stewards of their own private lands, how can we expect them to protect the public’s?

In all, more than 410 million acres of private and public rangeland is in an unsatisfactory condition. This equals 21 percent of the United States land outside of Alaska. Nearly all of the degraded land is concentrated in the West. Hardly, an impressive record of stewardship.

## #2 -Things Are Getting Better

The second most popular myth is that rangelands are “improving.” Of course, there is a kernel of truth in this myth. Rangelands were so trashed at the turn of the century that they could only improve. Still, other rangelands continue to be degraded. For example, nearly 15 percent of BLM rangelands are in an improving condition. However, 14 percent are in a declining condition, according to statistics from the Society of Range Management. Most of the BLM rangelands are rated as “stable” — in large part, because many of the lands are in such poor shape they can’t get much worse.

Most of the improvement is occurring on uplands and is due to declining livestock numbers (no better

management). A 1990 EPA report discloses that riparian areas in the West are in the “worst condition in history.” And, according to a report by the General Accounting Office (GAO), grazing is a principle agent in the degradation of Western riparian areas.

Although riparian areas comprise only one percent of the landscape, they are the most ecologically important lands in the West, providing habitat for 60 to 80 percent of western wildlife and plant species. Naturally functioning riparian areas also store water, reducing flooding and providing late season flows.

While it may be possible to fence cattle out of riparian areas, the cost of such a project would be prohibitively expensive. There are hundreds of thousands of miles of riparian habitat on public lands and fencing costs \$5,000 a mile. More importantly, does the public really want or need more fences on our western lands to make better pasture for someone else’s cattle?

## #3 – Livestock Benefits Wildlife

The third myth is particularly counter-intuitive. It suggests that livestock grazing actually benefits native wildlife. According to their reasoning, big-game wildlife numbers are higher now than in 1900, thus livestock grazing can not be detrimental to natural ecosystems. But deer and elk are species that often thrive on human disturbance and benefit from intensive wildlife management. These species are not indicators of health of natural tangeland ecosystems.

Moreover, the original decline in big game species was largely due to the unregulated hunting of these species. Once these abuses were checked, big game numbers increased. But the populations of many species, like bighorn sheep and antelope, remain depressed due to widespread grazing.

Of course, this myth conveniently ignores the growing list of plants, fish, non-game species, and predators that are threatened (many are already extinct) by livestock grazing. While widespread and abundant species, like brown-headed cowbirds, carp, and white-tailed deer, have increased on grazed lands, species that require relatively undisturbed habitat have

declined. Species as varied as the Bruneau Hot Springs snail, willow flycatcher, and Bonneville cutthroat trout are all endangered as a consequence of habitat loss or degradation due to livestock production.

## #4 — Grazing Supports Family Ranchers

The fourth myth plays on our cultural perceptions about the West. Under this scenario we are led to believe: that the public lands rancher is a rugged individualist who in the best traditions of the Jeffersonian democrat runs a small family ranch. But this image derives more from cigarette ads, Louie Lamour novels, and the movies than reality.

In reality, grazing subsidies, like most agricultural subsidies, disproportionately benefit large landholders. A 1993 GAO report revealed that the largest 2,000 allotment permittees in the West control 74 percent of the public land forage. This disparity gives larger landowners, corporations or wealthy individuals, a competitive advantage over small operators.

This inequity is a factor in the way public land allotments are distributed. Access to allotments is based on ownership of private base operations. Wealthy ranchers and corporations own more land and base property, thus they wind up with more federal land allotments. Only ten percent of public land forage goes to permittees that are considered “small operators.” By restricting access to public rangelands to true “ma and pa” ranch operations, we could eliminate livestock from 90 percent of the public lands.

## #5 -We Know How To Manage Range Ecosystems

The fifth myth is the myth of scientific management, meaning that range managers can design grazing systems that sustain or even improve range ecosystems. In reality, however, our understanding of how range ecosystems function is minimal. Many range managers can identify the dominant grass species, but know little about the effect of livestock grazing on soils, lichens, insects, watersheds, wildlife, and fish. Just try asking any range manager to name a

*please turn to Page 10*

*continued from Page 9*

few common species of butterfly and explain how livestock grazing affects them?

Range management is engaged in a great experiment. Unfortunately, there are almost no controls by which to evaluate its successes and failures. Few large rangeland landscapes exist in the West that are free from livestock grazing. Experimental grazing methods should be confined to private lands. In the meantime, we should not sacrifice our public lands to the ignorance and arrogance of range professionals who claim to know how to manage ecosystems.

### **#6 — Grazing Enhances Biodiversity**

The sixth myth is one of the most insidious, mainly because it is often spouted by some conservation organizations: biodiversity can be protected and even enhanced through livestock grazing. By definition the conservation of biodiversity requires the preservation of all native species. The whole thrust of western resource management, including forage, forest and water, runs counter to conservation of biodiversity. Domestic livestock consume most of the forage and water in the West at the expense of native species, like bighorn and cutthroat trout.

Rain doesn't follow the plow and grass doesn't follow the cow. The forage and water pie is only so big. Every cow on public or private lands reduces the overall potential habitat for most native species, resulting in smaller, fragmented populations that will ultimately threaten the long-term viability of the species.

### **#7 — Cows Are Just Dumb Bison**

Myth Seven makes sense, until you think about it: Domestic livestock, primarily cattle, have simply replaced the ecological function of native herbivores like bison. This myth suggests that rangelands are evolutionary adapted to intensive grazing. The image of millions of bison grazing and trampling in hundering herds across the West is familiar to nearly everyone. And cows are related to bison.

But polar bears are related to black bears and few would suggest that they use the landscape in the same way. Cattle evolved in the moist woodlands of Eurasia

and are not well adapted to arid landscapes. They use more water than bison, spend more time in riparian areas, and have been bred for lack *of* mobility.

Moreover, the best bison habitat was found on the Great Plains not in the Great Basin. Bison occurred in much lower numbers and were entirely absent from much of the arid Interior West where most public land grazing now occurs. The soils and plants of the region between the Sierra-Cascades and the Rockies are not adapted to continual removal and trampling from domestic animals. This area includes most of the Great Basin (Bison occupied small portions *of* southeast Idaho and northeast Utah, but nowhere else), the southwestern grasslands, the Palouse prairie, California grasslands, and various deserts, like the Mojave, Sonoran, and Chihuahuan. Even herds of antelope, bighorn sheep, and other herbivores were never more than locally abundant in this region.

Even where large herds of bison, elk, and antelope were common, such as the Great Plains, the plant species there merely tolerated grazing. The evolved adaptations permitting them to thrive in spite of grazing, but most plants don't need grazing to sustain their presence in the ecosystem. Just as exploited coyote populations can compensate for losses by producing larger litters, some rangeland plants can compensate for overgrazing. Yet, it would be ludicrous to argue that coyotes needed to be trapped, shot, and poisoned to maintain "healthy" populations. It's just as wrong to conclude that most rangelands need to be sheared and trampled to remain healthy. If cropping is necessary in some situations, it should be done by native species, from grasshoppers to prairie dogs to bison, rather than cows and sheep — at least on our public lands.

### **#8 — Ranching Sustains Rural Communities**

Ranchers argue that their industry provides the economic foundation for most of the rural communities of the Interior West. But the numbers don't back them up. In all of Nevada, for example, there are only 800 permittees that graze on public lands. And in the entire state, less than 2,000 people are employed in any kind *of* agriculture, including farming. One casino in Las Vegas employes more people

than Nevada's entire agriculture economy.

Throughout the West, ranching accounts for only a small population of the overall economy. Why? Livestock production is not a labor intensive industry. It requires a lot of land, but few hands. This is partly due to the limited productivity of western rangelands. Idaho ranks 21st in the nation in meat production, even though millions of acres in the state are devoted to grazing.

A recent study by the University of Arizona found that instead of creating jobs for rural communities, the average ranching family actually depends on the small towns of the west for their economic survival. Most ranch families have at least one or more people working full or part-time jobs in the town to help support the ranch. Without income from positions as school teachers, local government and other jobs, many ranchers would go under. In general, people ranch because they enjoy the lifestyle, the prestige, and the subsidies that come with being a public lands rancher in the West.

### **#9 — Cows Are Better Than Subdivisions**

The ninth myth is particularly fashionable and has been articulated by numerous conservationists, from Bruce Babbitt to High Country News publisher Ed Marston. It postulates that whatever the problems with grazing, they pale beside the permanent ecological and cultural evils of subdivisions. Ranches maintain the West's open landscape. They keep John Day, Oregon from looking like New Rochelle, New York.

But subdivisions are driven by markets and demand, not supplies and subsidies. You can offer millions of acres of land for sale (as is the case now in eastern Montana), but if it's not in an attractive location, it won't sell — at least not for subdivision development. It's the availability of jobs and amenities, like fishing, skiing, scenery, bookstores, and good restaurants, that leads to subdivisions. The surest way to prevent subdivisions is to discourage new employers, site a few toxic waste dumps, dig a couple of open pit and cyanide-leach minds, kill off wildlife, clear-cut

please *turn lo* Page II

*continued from Page 10*

the forest, dewater the streams and overgraze the landscape.

Conservation and economic development are interrelated. As natural landscapes are restored and jobs are provided, these locales become more attractive to people. As the communities become richer, the populations demand's for a high-quality environment increase. Sometimes subdivisions will conflict with environmental values. The best way to protect habitat in this situation is not to run cattle across it, but to purchase conservation easements or buy the land outright.

Cows graze over 200 million acres of public lands in the Interior West, subdivisions occupy at most a couple of hundred thousand acres. If subdivisions were the only environmental impact on the landscape, most of the West would resemble Alaska with grizzlies, wolves and

wildlands only a few miles away. By and large the West is an urban population. We live in cities and small towns. In between is a lot of open space with almost no human habitation. If we end the degradation caused by marginal land uses like livestock grazing, we could restore much of the native western landscape.

### #10 — Ranching Can Be Reformed

The biggest myth, perpetuated as much by conservationists as ranchers, is the Change on the Range Myth, the idea that by reforming grazing practices there will be room for livestock and functioning ecosystems across the western public lands. Of course, this myth requires refuting the laws of physics.

*The* real choice before us is whether public lands should be used to subsidize private industry or conserve and enhance

natural ecosystems. The ability to preserve native species on private lands faces an uncertain future at best. Perhaps we'll learn how to use the land, while sustaining native species and ecosystems. But so far we haven't accomplished this objective on any landscape-wide scale. The preservation of functioning ecosystems and native species should be the primary goal of public land management. Let the grazing experiments occur on private lands. To suggest that resource managers know how to integrate logging, grazing, and mining, while conserving biodiversity is the greatest myth of them all.

George Wuerthner is a biologist, **photographer, author,** and former BLM Range Ecologist now living in Eugene, Oregon.

**Idaho State Grazing Fee per Animal Unit Month (Consumer Price Index dollars and cents)**

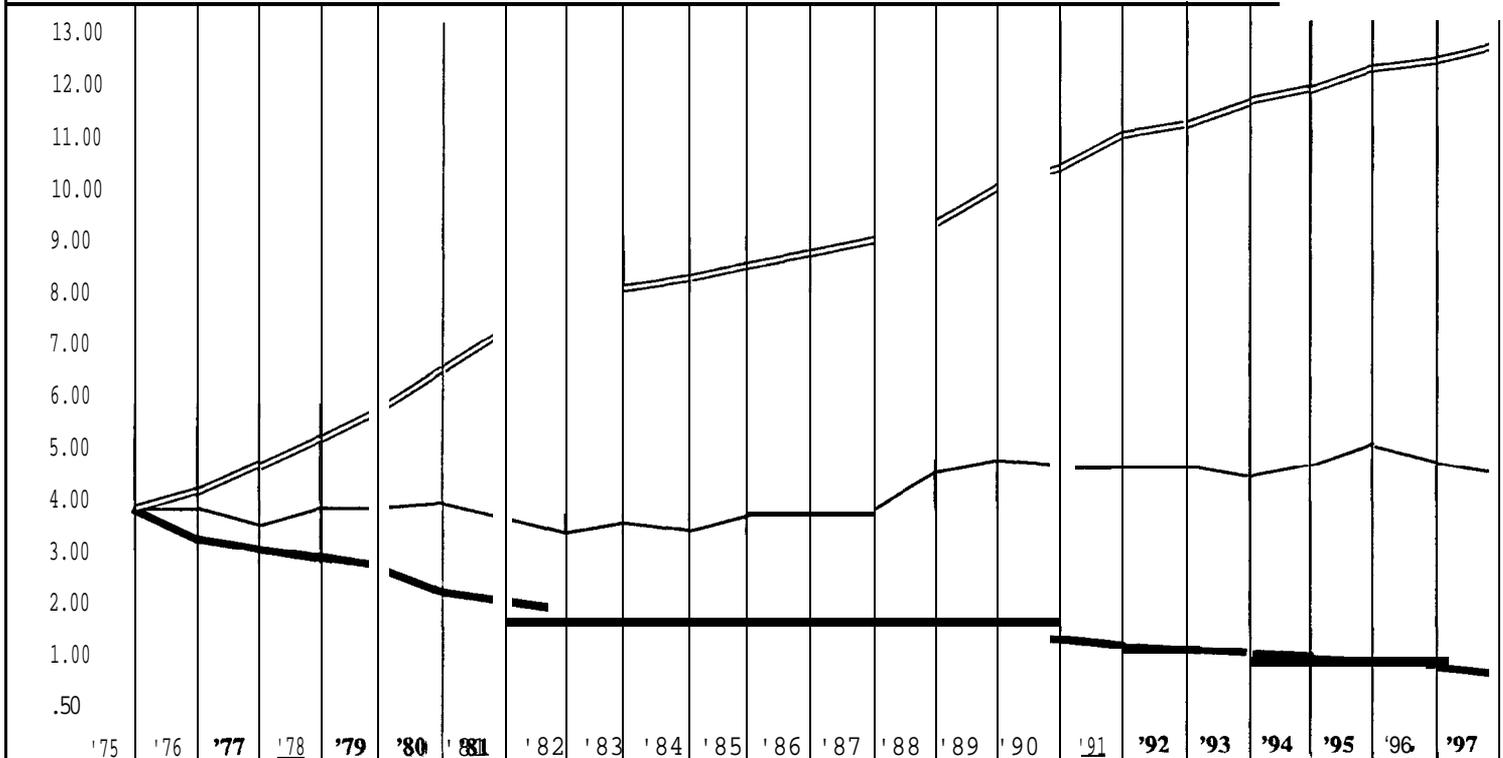
4.00 4.36 4.91 5.29 5.89 6.68 7.37 7.82 8.08 8.44 8.73 8.89 9.21 9.59 10.06 10.60 11.05 11.38 11.72 12.07 12.36 12.60 12.86

**Idaho State Grazing Fee per Animal Unit Month (Actual dollars and cents)**

4.00 4.00 3.00 4.00 4.00 4.56 3.50 2.75 3.26 2.99 3.60 3.57 3.76 4.70 5.21 4.99 4.99 4.39 4.53 4.88 5.15 4.88 4.53

**Idaho State Grazing Fee per Animal Unit Month (1974 dollars and cents)**

4.00 3.46 3.25 3.02 2.71 2.39 2.16 2.04 1.97 1.89 1.83 1.79 1.73 1.66 1.59 1.51 1.44 1.40 1.36 1.32 1.29 1.26 1.24



## The Declining Cost to Ranchers of Idaho Grazing Leases in Constant 1974 Dollars per AUM



Box 1602  
 Hailey, Idaho 83333  
 (208) 783-2290  
 Fax: (208) 788-2298

*Protecting and restoring school endowment watersheds.*

*Increasing returns for the schoolchildren of Idaho*

Idaho Watersheds Project  
 April 23, 1996

Governor Phil Batt  
 Statehouse  
 Boise, Idaho 83720

Dear Governor Batt:

I was heartened by your comments at the Land Board meeting of last Thursday, April 18 regarding the importance of riparian areas generally and the equal importance of management to protect those areas on Idaho school endowment lands. I am hopeful that your support for proper management on streams and other riparian areas can be translated into action by the Department of Lands

With that hope in mind, I would ask if you and the other Land Board members will direct the Department of Lands to implement riparian management on all Idaho grazing leases?

It is not the desire of the members of Idaho Watersheds Project to enter into contentious and sometimes adversarial relations with the Department of Lands and the Board of Land Commissioners. However, because many, many stream segments on school endowment lands are in damaged condition and lack any management standards whatsoever, we will continue our efforts to recover these lands through whatever means are open to us. Our need to act would be greatly reduced if specific standards for all riparian areas on state lands were in effect.

As you know the Department of Lands has already prepared an operations memorandum concerning riparian standards of use, but it remains unimplemented.

Your strong stand in regard to the extension of workers' compensation insurance coverage to farm workers (and, incidentally, as a farm owner like you, I also carry workers' compensation insurance through the State Fund on our seasonal farm help) confirms to me that you are willing to take political actions which disagree with many of your more conservative supporters especially those in the Farm Bureau. While it may not please them, the implementation of riparian management standards is the right thing to do and one which will come about in time.

May I ask again how you plan to put into action your words of April 18 on riparian management?

Sincerely,

Jon Marvel  
 President  
 c: IWP Board

## Board Member Profile

### Donald W. Johnson, Ph.D.

Don Johnson is the Director of Natural Resource Consultants (specializing in fisheries consulting and aquaculture) and lives near Buhl, Idaho. Don has a B.A. from Washington State University in Conservation (wildlife and range), a M.S. in the Teaching of Biology from the University of Montana, and a Ph.D. in Zoology (environmental physiology-fishes) from Arizona State University. He has had a varied and interesting career with a teaching position at Arizona State, a research fellowship from the National Institute of Health at the Bodega Marine Laboratory of the University of California at Berkeley, teaching positions at Idaho State University, and Murray State University in Kentucky plus 7 year of overseas employment consulting and teaching in Yugoslavia, Oman, and now in Mexico. Don and his wife, Suzanne, have five children and several grandchildren.

## Late Breaking News

At the auction for the 960 acre Ice House Creek lease May 9, Idaho Watersheds Project opened the bidding at \$12,000 and rancher Mike Ward, after consulting with his lawyer, responded with a bid of \$12,050 which won the auction. In this case IWP bid what we felt was a market rate and what we could afford given the need to have \$10,000 additional to pay for the existing fence if we won the auction. The school endowment fund is now \$12,050 richer than it would have been without IWP's involvement.

Idaho Watersheds Project was notified May 7 that it has been awarded a substantial grant from the William C. Kenney Watershed Protection Foundation of San Francisco. IWP would like to thank Kimery Wiltshire and Humphrey Wou of the foundation for their support.

## 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



P.O. Box 1602  
 Hailey, Idaho 83333

NON-PROFIT ORGANIZATION

U.S. POSTAGE  
**PAID**  
 HAILEY, IDAHO  
 PERMIT NO. 111

Forwarding and Return Postage Guaranteed  
 Address Correction Requested