



Watersheds Messenger

Vol. IV, No. 1

Summer 1997

Working to protect and restore Idaho watersheds

Castle Creek Lawsuit Forces Grazing Changes

by **Laird Lucas**

Grazing levels will be substantially reduced and streams protected from livestock impacts under a lawsuit recently brought by Idaho Watersheds Project and the committee for Idaho's High Desert (CIHD) over the 260,000 acre Castle Creek Allotment, in the BLM's Bruneau Resource Area.

The allotment lies south of Grandview, and is bisected by the Mud Flat Road -- a designated "upcountry byway." Its streams include Castle, South Castle, Poison, Birch, Shoofly, Magpie, and Upper Battle Creeks, which provide habitat for redband trout, spotted frog and other sensitive species. Sage grouse, bighorn sheep, and pronghorn antelope are just a few other species in the allotment.

IWP and CIHD filed suit in federal court in late March, represented by the LAW Fund, challenging BLM's decision to issue grazing permits to the allotment's eight permittees for 1997-98 under the same grazing levels and practices which have been employed in the past. Our claims were brought under the Clean Water Act and the "fundamentals of rangeland health" regulations adopted by BLM in August 1995. In a move that grabbed the attention of the ranching industry and government officials, we asked the court to issue an injunction preventing turnout of all cattle (scheduled for April 1st) until BLM adopted a management plan demonstrating that cattle grazing would meet state water quality standards and the rangeland health regulations.

Our case was made far easier by the BLM's own three year study of conditions on the allotment -- an "Analysis, Interpretation, and Evaluation" (AIE) -which was released in February 1997, just prior to the grazing permits. The AIE compiled extensive data about conditions on the allotment and evaluated conformance with BLM's 1983 management plan. The report documents severe degradation throughout the allotment as a result of excessive cattle grazing. Among other things, the AIE determined that literally every stream on the allotment violated State of Idaho water quality standards for temperature and fecal coliform. Unsurprisingly, given the allotment's poor habitat conditions, the AIE found that species like redband trout, sage grouse, and spotted frog

are in serious decline.

Despite this data and its own analysis that the allotment was violating water quality requirements, BLM simply refused to take any steps to curtail grazing in the 1997-98 permits. Instead, BLM promised that action would be taken in the future, after further study. Meanwhile, it would be "business as usual" for grazing this year -- with the certainty that continued grazing levels would further degrade water quality, riparian areas and upland plant communities, harming numerous species.

"Business as usual" was not good enough for CIHD and IWP, particularly where BLM had documented its own violations of federal law. Because the AIE and grazing permits were not issued until late February, we went into a frenzy of activity to put together the legal briefs, affidavits, and other materials necessary for a federal court suit and injunction hearing. Many CIHD and IWP members pitched in -- visiting the allotment, taking pictures, finding experts, and other tasks. LAW Fund attorneys Ted Zukoski and Laird Lucas spent about two weeks in non-stop legal research, drafting briefs, and meetings with clients, experts and agency staff.

The case plows important new legal ground, by focusing on the water quality impacts of grazing. While it is increasingly recognized that cattle cause pollution and stream degradation by trampling stream banks, eliminating shady cover, and "relieving" themselves in and around waterbodies, state and federal agencies have essentially refused to address the water quality impacts of grazing. And few environmental groups have raised water quality in their legal challenges. Ranchers, of course, have all but ignored the water quality aspect of their operations. .

Putting these claims to the test, we were granted a hearing on our application for a temporary restraining order (TRO) by U.S. District Judge Lynn Winmill. To stop cattle from turning out, we had to prove not only that we were likely to win on our claims, but that "irreparable harm" would occur in the few days before a full injunction hearing could be held. The court declined to issue the TRO because it said a hearing could be quickly scheduled -- but in words which struck fear in the hearts of ranchers throughout southern Idaho, the court held that we had "unquestionably demonstrated a likelihood of success on the merits" of our water quality and other claims.

The judge's signal that he might seriously consider issuing an

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Castle Creek Lawsuit (continued)

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injunction halting grazing on the Castle Creek allotment put heavy pressure on BLM and the permittees to negotiate. We have heard that not just the grazing industry, but timber interests and even the governor's office were encouraging the ranchers to settle with us. Because of their willingness to talk, we entered into another two weeks of intense activity - this time over possible settlement options.

Ultimately, we reached a two-pronged settlement which eliminated the need for a lengthy injunction hearing. Under the first part of the settlement, BLM has agreed to conduct a NEPA review of management options for the allotment -including substantial reduction in livestock numbers, coupled with measures to exclude cattle from riparian areas and establishment of cow-free "reserve areas" (all with no net increase in fencing) -- and to make a final decision for future grazing on the allotment by January 1, 1998. Second, BLM and the permittees agreed to a variety of measures to protect streams and other sensitive areas from grazing impacts this year. These include establishing half a dozen temporary riparian enclosures on key redband trout

streams and to protect the remaining known populations of mulford's milkvetch (a rare plant), and meeting 4-6 inch stubble heights on various pastures. The settlement was approved by the federal court in late April, and implementation is already underway.

Ironically, one of the most important enclosures will be built on state endowment lands along Magpie Creek -- the first time that IWP and CIHD have succeeded in protecting riparian areas on state lands, despite years of trying to lease lands for that purpose. It is truly bizarre that the State of Idaho won't accept more money from the conservation groups for this purpose, forcing us to sue in federal court!

Because we believe we had strong factual and legal claims, the idea of settling the case was not particularly enticing. But this settlement accomplishes our key goal of setting long-term changes into play on the Castle Creek Allotment., while freeing up IWP, CIHD and the LAW Fund to bring similar claims on other allotments. Castle Creek is definitely not the only place where cattle have trashed the streams and violated water quality standards-and we are going after others! 🐾

Laird Lucas is Legal Director for teh Land and Water Fund of the Rockies

IWP'S 'Grazing' Management Plan



Box 1602
Hailey, Idaho 83333
tel: (208)788-2290
fax: (208)788-2298
e-mail: idwp@poky.srv.net;
web site: www.poky.srv.net/~idwp/iwp.htm

Working to protect and restore Idaho watersheds

June 30, 1997

Stan Hamilton, Director
Idaho Department of Lands
P.O. Box 88720
Boise, ID (33720-0050)

Dear Director Hamilton:

This letter serves as Idaho Watersheds Project's (IWP) livestock grazing management proposal for state land lease G-7396.

IWP will graze one Irish Dexter cow on the lease for a minimum of one half hour late each spring with the remaining AUMs in voluntary nonuse. IWP will rotate the livestock to prevent excessive erosion in any one area which will also improve water quality. There will be no camp fires or any other man-made fires by IWP members or staff which will reduce the wildfire risk. All riparian areas will recover fully from any currently degraded status under this proposal.

IWP agrees to pay the full lease fee even if a lesser number of AUMs are utilized in any one year.

IWP looks forward to working cooperatively with the Department of Lands and the Bureau of Land Management to reach our common goals in the management of our public lands.

Sincerely,

Jon Marvel
President

c: IWP board

JM/rfg

The general public has been misinformed that public land is strictly owned by the federal government, and that public land and wildlife should go together..we [permittees] have public lands that have an easement on them that comes before the general public and the right to run wildlife on them:

--Catron County Cattle Growers Association, in recent letter to the New Mexico State Game Commission

Cattlemen do not own the public range now; it belongs to you and me . . . But they always acted as if they owned the public range and act so now; they convinced themselves that it belonged to them and they now believe it does; and they are trying to take title to it.

--Bernard DeVoto (DeVoto 1955)



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.Fax (208) 788-2298.

Please note our e-mail address: idwp@poky.srv.net.
and Web Site: <http://www.poky.srv.net/~idwp/iwp.htm>.

Officers and Directors of Idaho Watersheds Project:

Jon Marvel - President/Treasurer **Don Johnson** - Vice President

Barbara Dargatz - Secretary **Katie Fite** . **Gene Bmy**

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, to work for positive change in the management of all federal lands on Idaho watersheds, 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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News Briefs

Web Site Open

Idaho Watersheds Project's world wide web site opened in March 1997 with a URL of: <http://www.poky.srv.net/~idwp/iwp.htm>.

IWP invites all members and supporters to visit our excellent web site which was created by Jacqueline Harvey of JaxDesigns in Pocatello (Thank you, Jacqueline). Since opening on the web, the site has had about 400 visits. Current information about IWP activities is posted to the web site three or four times a month so the site is a good place to tune in to what IWP is up to.

New E-Mail Address

AS part of the web site, IWP also has an e-mail address to contact the organization directly from online service providers. The e-mail address is: idwp@poky.srv.net. IWP has already signed up new members through this e-mail connection at the web site!

IWP Files for more Grazing Leases on Idaho School Endowment Land

IWP filed for over 19,000 acres of 1997 expiring grazing leases on June 30. Included in the lease applications are two leases in Valley County near McCall, Idaho amounting to over 10,000 acres which include over 1.5 miles of shoreline on Little and Big Payette Lakes. Since water quality has become a major local issue on these lakes, domestic livestock grazing by large bands of sheep are a concern. Joining IWP in filing for these two leases is Payette Forest Watch a conservation organization based in McCall dedicated to bringing responsible forest management to the Payette National Forest region of Idaho. Other leases include two 640 acre leases within the Castle Creek allotment in Owyhee County. Several other leases also in Owyhee County, and other leases in Blaine, Lincoln, and Valley Counties. Please see one of IWP's management plan proposals elsewhere in this newsletter.

IWP anticipates that the Idaho Board of Land Commissioners will disqualify IWP for these applications claiming that our management proposals to "graze" the leases are unrealistic or "not serious" as they did with IWP's 1996 applications; however, one of the leases, a 640 acre section on French Creek, a tributary of the Salmon River upstream from Riggins, is held by a doctor who does not graze it even though it is listed by the Idaho Department of Lands as a grazing lease. French Creek is critical habitat for the threatened Snake River chinook salmon as well as the soon to be listed Bull Trout.

Idaho Department of Lands Requires "Management Plans"

The Idaho Department of Lands is now requiring every applicant for grazing leases to provide a "management

plan" for each lease which responds to resource issues identified for each lease by the department. One of the areas which applicants must respond to is riparian conditions. While IWP does not believe that this requirement will result in major changes in livestock management on Idaho school endowment lands, it is a sign that IWP's efforts to get substantive management to protect and restore damaged riparian areas is having a significant effect. Without IWP's involvement in raising the issue the Department of Lands would not have required any management to protect creeks and wetlands on school lands.

IWP Hires Grazing Monitors for 1997

IWP has hired 4 individuals to monitor grazing use on 5 million acres of public land in Nevada, Idaho, and Utah. Jackie Maughan is monitoring the Caribou National Forest and the Malad resource Area of BLM in southeast Idaho. Debar-ah Taylor is monitoring the Lost River District of the Challis National Forest and portions of the Big Butte and Medicine Lodge Resource Areas of the BLM in south-central Idaho. Janet O'Crowley is working in the Jarbidge and Mountain City Districts of the Humboldt National Forest in Nevada as well as portions of the Jarbidge Resource Area of the BLM. Erik Ryberg is at work in the Payette and Nez Perce National Forests. In addition, volunteer members are assisting in monitoring on the Burley and Twin Falls Ranger District and the Sawtooth National Recreation Area of the Sawtooth National Forest and the Leadore Ranger District of the Salmon National Forest. Ongoing monitoring continues in the Challis Resource Area of the BLM including such perennial grazing dust bowls as the Pahsimeroi Valley and the San Felipe Allotment near Challis.

Each paid monitor will provide IWP a written report at the end of the season of use documenting with photographs and text the realities of public lands ranching on Idaho watersheds. Thanks to all of our monitors and volunteers!

No Responsibility and Virtually no Fee

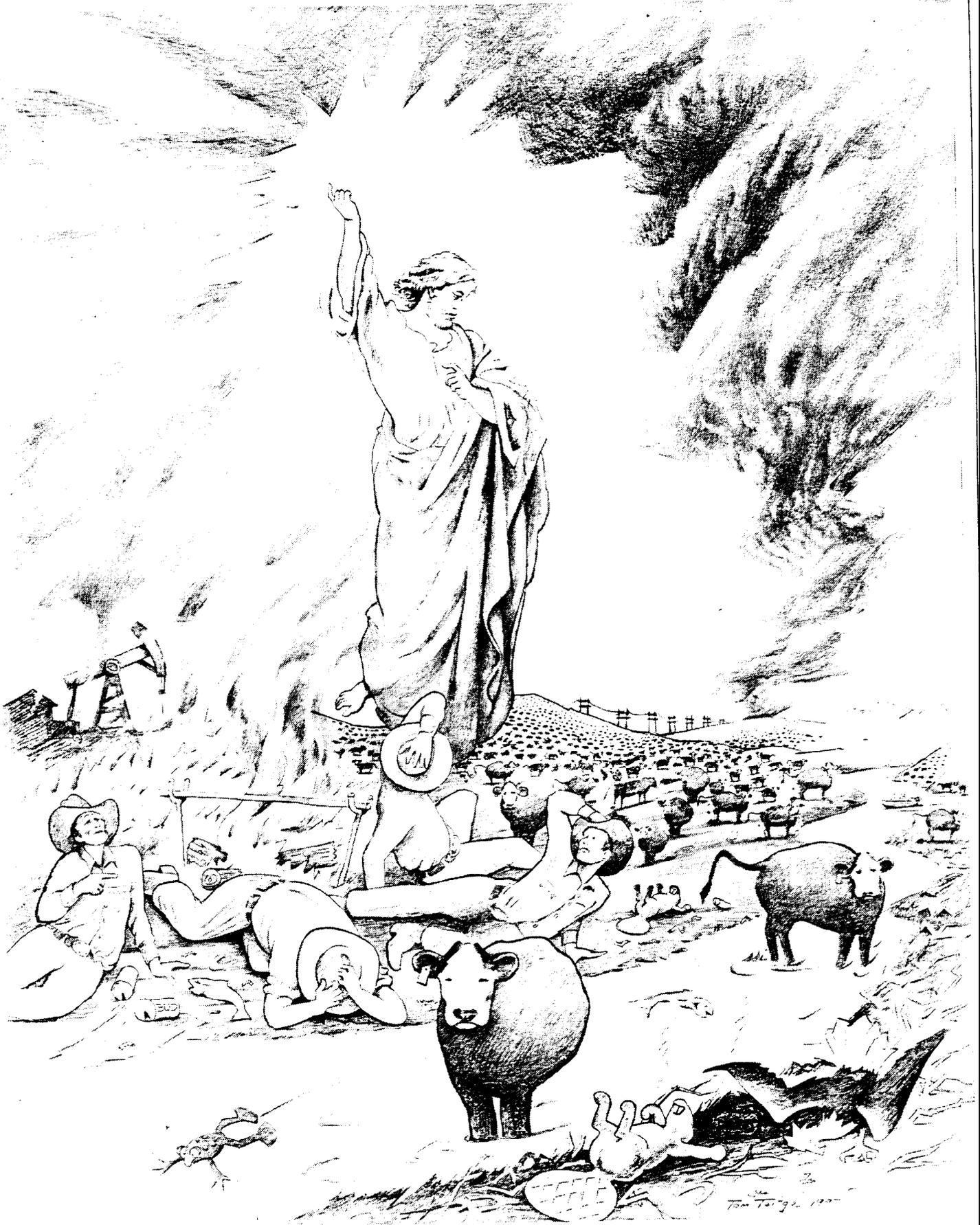
The 1997 grazing fee for federal lands was set in January at a rate of \$1.35 per animal unit month (an AUM is the amount of forage necessary to feed a cow and a calf for one month). This is the same rate as in 1996. If the Public Rangelands Improvement Act of 1978 grazing fee formula did not have a floor of \$1.35 per AUM, **the** fee would now be 52 cents per AUM. The fee of \$1.35 is approximately 80% less than the grazing fee was thirty five years ago, yet public land ranchers continue to complain about what they are charged.

"Of course, the West has always been a place that puts a high premium on individual freedom and the almost feudal rights of the landowner. I sometimes think we have paid to high a price for those myths, that those myths have done as much harm as all the ravenous corporate lions.

Individual freedom is anarchy without an individual sense of responsibility, particularly where the land is concerned, and the responsibility of ownership is not just of the land but also to the land."

James Crumley, The Great West

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“Christ Admonishing the Cowboys for Poor Stewardship of the Land ”

This drawing is provided to IWP by the Groundwire Studio, a small religious group in Hailey. ©1997 Groundwire Studio.

Benefits of Public Lands Ranching

by Lynn Jacobs from "Waste of the West"

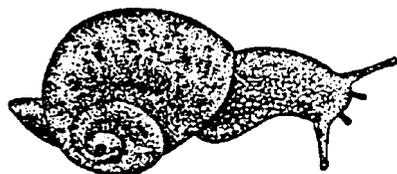
Public Lands Ranching:

- Produces 3% of us beef
- Keeps some people wealthy
- Keeps some people powerful
- Helps maintain some people's accustomed life-style
- Helps keep bureaucrats busy
- Allows us to feel like we are doing something useful with otherwise "useless" public land
- Requires endless miles of barbed wire fences, which occasionally catch ORVs
- Provides humans roaded access to every nook and cranny of public land and opens the West to widespread exploitation
- Reduces groundcover, allowing hikers easier travel and the ability to spot venomous snakes more easily
- Gives hunters something to shoot at (cows)
- Helps -- ever so slightly -- to preserve "our Western legacy"
- Promotes excessive beef consumption, and thus helps reduce human overpopulation
- Provides material for Gary Larson cartoons
- Maintains remote base properties that serve as excellent sites for **criminal** hideouts and narcotics laboratories
- Provides an excellent example of how tyrannical, wasteful, and destructive a special interest can be without public awareness or opposition

Bummer Sticker seen in
New Mexico:

To Protect all His Creations
God Created Ranchers

We have all encountered much misinformation and many romantic renderings of ranching, but how much real evidence do we have to justify public lands ranching?



©1991 Lynn Jacobs used by permission

News Briefs (continued)

IWP Steps into Grazing on Nevada BLM

AS "interested public" on all Nevada BLM managed land on Idaho watersheds (about 2.5 million acres), IWP has become much more active in working for change on BLM lands in Elko and Humboldt Counties. In early June **1997**, **Board** members Fite, Marvel, and Johnson participated in a tour of the Salmon River Allotment of over 300,000 acres southeast of Jackpot and viewed some of the most extraordinary creek down cutting we have seen yet--all caused by unmanaged livestock. The ranch manager informed our group that the down cutting on Trout Creek (which has no trout anymore) occurred more than 5000 years ago because you could see the geologic layers exposed in the 30 foot deep gully! The main permittee on this allotment is a multimillionaire car collector from Idaho who ranches as a hobby.

The Elko BLM has recently assembled allotment evaluations for several allotments in northern Nevada. These include the YP, Hubbard-Vineyard, Rock Creek (Spanish Ranch and Squaw Valley) and Andrae allotments. BLM lands included in these evaluations provide vital habitat for the endangered Lahontan cutthroat trout; redband trout, a BLM species of concern; and sage grouse which has been declining precipitously in all its range. The evaluations document extreme degradation and habitat loss on several hundred thousand acres, yet BLM consistently fails to recommend any significant management changes, Ranchers are given what they want: the status quo in livestock numbers, and more fences and cow watering facilities.

In the case of the YP allotment, the BLM is even considering building "cow guzzlers" near the South Fork of the Owyhee (a proposed wild and scenic river) to trap rain and snow water for another multimillionaire's cattle to drink. Lahontan cutthroat trout have been listed as an endangered species for more than twenty years, yet BLM has done nothing. All the allotment evaluations document serious declines in fish populations, yet one proposed response is simply to trade BLM riparian land to ranchers to get rid of the problem! IWP is providing photographs and extensive comments on all these allotments.

Land Board Denies IWP a Lease Even Though There is no Other Applicant

In February 1997, the Idaho Land Board turned down IWP's application for the 640 acre Bull Canyon lease in Power County even though there was no other applicant for the lease. IWP is at a loss to explain this decision which will result in no income for the Idaho School Endowment fund for the next ten years. Perhaps the Land Board has determined that unleased lands will create income for Idaho's schools miraculously.

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Valuing Agriculture

by George Wuerthner

Agriculture enjoys a special place in the American heart. Since Thomas Jefferson's assertion that democracy was only safe if America remained a land inhabited by small, land-owning farmers, agriculture has enjoyed special privileges in the American psyche. There's a cultural bias that tends to romanticize and skew our thinking about agriculture, and exempts it from much of the critical review heaped upon other economic enterprises. We tend to think that agriculture is somehow fundamental to all other economic activity.

Of course, the ubiquity of agriculture--one can't drive anywhere in the west without being aware that farming and ranching use a lot of the landscape--gives the impression that without agriculture, most western rural communities would disappear. Ask most rural Westerners what drives their local economies, and almost invariably ranching will be named. But using a lot of the landscape doesn't necessarily mean it's economically important. Indeed, most of the West is marginal for agriculture and could be withdrawn from production with almost no impact upon our food supplies, or even most local economies.

Indeed, the supply of agricultural products has risen much faster than demand due to a host of technological, genetic, and other innovations. Using one cultural icon to illustrate my point, let's look at the Vermont dairy farm. Since 1946 many Vermont farms have been abandoned or converted to other land uses. There are twice as many people living in Vermont today than there were just after World War II. There are far more subdivisions and more sprawl. Yet, these changes have resulted in higher average income for most nonfarm Vermont residents, and with no loss in milk production. Indeed, in 1996 the less than 2,000 Vermont farms remaining in operation produced three times the volume of milk that was produced off 11,000 farms in 1946. People in Vermont wring their hands over the loss of farms to ski chalets, just as Westerners grapple with the loss of ranches to condos, but from an economic as well as ecological perspective, it has been the best thing ever to happen to Vermont, as I believe a similar trend in the West exists for western communities.

Not only are Vermont incomes up, but the increased human population is now far more concentrated than it was when farms dominated the landscape. And many wildlife species from landlocked salmon to moose are making an ecological comeback in the state.

The increasing change from agriculture to other land uses in the West is viewed as alarming by many--when say a ranch in Jackson Hole is converted to recreational housing. Critics of such changes believe we will lose not only our food production, but these substitutions also result in cultural and economic changes that are almost universally **viewed** as negative.

There are several responses to such critiques. For one, most of the ranchland in the West is marginal for agriculture just as most of the farmland in Vermont was marginal for dairy production. Currently most of the ecological values associated with western livestock production are

externalized and not reflected in the cost of production to ranchers. As these costs--which include water pollution, the destruction of predators, the loss of riparian zones--are increasingly internalized, ranching will only become more marginal.

Indeed, throughout history, livestock production has always been relegated to the least productive landscapes--the Scottish highlands, the high Alps of Europe, the desert regions Asia and Africa. In some cases, these lands are put to other more productive uses, and livestock production is displaced.

California is illustrative of this trend. When first colonized by the Spanish, most of California's grasslands were converted from wildlife habitat to cow pastures. Gradually as markets for food developed, many of these cattle ranches were replaced by orchards, and row crops which realized higher economic returns per acre than using the land for grazing. In a very few places (despite the large urban centers most of California's private lands are still used for agriculture, not housing tracts), the orchards and crop fields have been replaced by industry and housing, providing far greater wealth and opportunity than if it were left as a cow pasture or even an orchard. (By the way an orchard, crop field, or even a cow pasture is not particularly good wildlife habitat, and the conversion from agriculture to housing is not the same as housing tract replacing a wildlife refuge or other protected wildlife habitat--and it is not fair to make such comparisons.)

Despite the romantic view we hold towards cowboys and ranch life, most of us prefer to work in the service industries which includes everything from banking to insurance to education to real estate--than fix fence posts or brand cows, in part because we earn far more money doing almost anything else besides working in agriculture--which is why ranchers and farmers must import labor from south of the border.

The same economic transition that has led to changes in California is occurring throughout the American West, and this change is providing greater economic opportunity for most Westerners. In Wyoming, the "Cowboy State", only slightly more than 4% of the employment and income comes from agriculture. And contrary to popular perception, rather than support rural communities, most Wyoming farms and ranches would not exist without outside income. More income comes from off-farm jobs than from agriculture itself. Ranching and farming doesn't support most rural communities, rather it is the rural communities and the jobs and infrastructure they provide that enables farmers and ranchers to pursue their life-style choice.

But should the rest of us be supporting a personal life-style choice, particularly when that life-style damages public resources? That, I think, is a central question that should be asked whenever grazing on public lands is discussed. The West doesn't need ranching to sustain its economies, and indeed, the continued existence of ranching jeopardizes other economic opportunities. I argue that when it comes to public lands grazing in the West, we are completely irrational in our assessment of economic value. We

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News Briefs (continued)

Land Board Turns Down \$2,000 from IWP for Lake Creek Lease

In April, 1997 the Idaho Land Board awarded the grazing lease for the 640 acre Lake Creek lease in Custer County to rancher Gary Ingram who bid \$10.00 against IWP's bid of \$2,000 at auction last fall. Readers will recall that this is the very first lease IWP applied for in 1993. Even though the Land Board could not come up with a reasonable explanation of why they would choose to turn down a bid 20 times higher than the one they chose, they did so anyway! IWP leaves the explanation for this behavior to the astute minds of our readers! IWP has filed a complaint in Idaho Fourth District Court in this matter. Once again IWP is forced to turn to the courts (where our appeals have received mixed results so far).

In a visit to the Lake Creek lease in early July, 1997 IWP members observed that conditions are remarkably improved **on the** lease since 1993. Although IWP has not held this lease, it has not been grazed for three years and significant improvement in the riparian health of the creek has resulted. The BLM which manages this State parcel, plans to continue little or no use of this section of Lake Creek, and so IWP believes that even without holding the lease, important management changes have and continue to occur on public lands because of pressure brought by IWP

Land Board Overturns Two Other Auction Victories by IWP

In April, 1997 the Idaho Land Board overturned two auction wins by IWP. The Della Mountain lease near Hailey was awarded to sheep rancher Alan Posey who bid \$320. to IWP's \$1,000. for a lease with 17 AUMs. The Land Board determined that IWP's proposed management plan to graze the lease with one to five goats for a minimum of one day was "not a serious grazing management plan"! The Department of Lands had actually recommended to the Land Board that IWP receive the Della Mountain lease because IWP had been declared a "qualified applicant". So much for staff recommendations.

The Land Board at the same meeting overturned IWP's auction win for a 640 acre lease southeast of Pocatello in Bannock County. IWP won the auction with a bid of \$525. to the rancher's bid of \$500. Even though the other applicant has retired from sheep ranching, owns no livestock, and had been illegally subleasing the section, he was awarded the lease by the Board!

IWP Loses an Auction

In April 1997 IWP lost an auction in Idaho Falls for a 40 acre grazing lease in Lemhi County. IWP bid \$175. and a representative for McFarland Livestock won the auction with a resounding bid of \$200. IWP did not appeal the auction results, believing that the marketplace is a good way to decide who should receive these leases. IWP thanks

long-term member and supporter Susan Swearingen of Idaho Falls for acting as proxy for officers of IWP in the auction. Thank you, Susan.

Idaho Education Association Passes School Land Resolution

The Idaho Education Association at its annual convention in April 1997 passed a resolution to form a State Endowment Lands Task Force to monitor the Idaho Land Board and to ensure that Idaho's school endowment lands are being managed in conformance with Article IX, Section 8 of the Idaho Constitution. IWP welcomes the IEA to the battle for fiduciary responsibility; we need all the help we can get!

IWP Joins in Listing Petition for the Westslope Cutthroat Trout

On May 21, 1997 IWP joined with American Wildlands, the Madison-Gallatin Chapter of Trout Unlimited, the Montana Environmental Information Center, the Cleatwater Biodiversity Project, the Pacific Rivers Council and famed fly-fisherman Bud Lilly in filing for protection under the Endangered Species Act for the Westslope Cutthroat Trout. This fish which is the state fish of Montana and Idaho (along with other cutthroat trout) is now reduced to about 5% of its native range. The areas of Idaho currently inhabited by westslope cutthroat include most of north Idaho as well as the Salmon River watershed which, outside designated wilderness areas, has been severely degraded by livestock and logging. Please contact IWP if readers would like a copy of the listing petition and other information regarding this important initiative being led by the excellent staff at American Wildlands in Bozeman, Montana.

IWP Receives Two Grants

IWP received a grant for \$8,000 from the Kongsgaard-Goldman Foundation of Seattle, Washington in February 1997, and in July, IWP received a technology grant for \$2,500. to support organization building technology from The Bullitt Foundation of Seattle. The Bullitt Foundation also issued an additional challenge grant to IWP of \$5,000, if IWP is successful in matching that amount one for one. Thanks go to Martha Kongsgaard of the Kongsgaard-Goldman Foundation and to Kathy Becker and Emory Bundy of The Bullitt Foundation.

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"The vegetation of the **pristine sagebrush/grasslands was rather simple and** extraordinarily susceptible to **disturbance** . . . The native vegetation lacked the resilience, depth, and **plasticity to cope** with concentrations of large **berbiuores**. The plant communities did not bend to adapt; they **shattered**. This tends to make the review of grazing in the sagebrush/grasslands **a horror story, resplendent in examples of what should not have been done** . . ." (Young and Sparks 1985).

From Young, J.A. and B.A. Sparks. 1985. Cattle in the Cold Desert. Utah State University Press, Logan, UT

News Briefs (continued)

IWP Board Member goes to Moscow and Appears on TV

At the invitation of Mindy Harm of the Environmental Law Center at the Law School IWP cofounder Jon Marvel spoke to a public lands law school class and to a general audience at the University of Idaho Law School in Moscow in April 1997. At the larger meeting, Jon introduced (virtually) to tumultuous applause, IWP's pygmy goat, Jack, who will graze IWP's north Idaho grazing leases on Purdue and Moose Creek near Bovill in Latah County when IWP finally receives those leases. Jon's talk caused former Idaho legislator "Doc" Lucas to rise up at the end of the conclave to defend the honor of ranching and the Idaho way of life. All in all it was a memorable evening.

Jon also appeared on Idaho Public Television's call-in Dialogue program in February 1997. Some callers seemed to have been misinformed about when cattle and sheep began grazing in Idaho (one caller mentioned 500 years ago!) but the program went smoothly and resulted in a great many supportive calls to IWP and a number of new members. Thanks go to Joan Cartan-Hansen of Idaho Public Television for the invitation to appear.

IWP Board Meeting Report

The IWP Board met in its annual meeting on May 21, 1997 in Hailey, Idaho, all Board members were present. At the meeting the annual budget was approved and other business was transacted as required by the bylaws. The Board confirmed that IWP will focus attention more on federal public lands managed by the BLM and the Forest Service while maintaining some level of involvement on Idaho school endowment lands. This decision reflects political reality in Idaho at this time. Founding Board member, Linn Kincannon, announced her retirement from the Board after almost four years of participation. The Board reluctantly accepted her decision and elected member Gene E. Bray of Meridian to replace Linn. Board President, Jon Marvel, was reelected to another term on the Board and to the post of President and Treasurer. Barbara Dargatz continues as Board Secretary. The Board authorized an increase in the number of Board members to six and anticipates appointing a new Board member from eastern Idaho in the near future. The approved budget and the minutes of the Board meetings are available to members at IWP's office at 16 West Croy Street in Hailey, Idaho during working hours.



IWP board members Don Johnson and Katie Fite inspect the Salmon River Allotment, Elko County, June 1997.

Water Quality: The Soft Underbelly of Grazing

by Laird Lucas

The impacts of livestock grazing upon water quality in the arid west are undeniable. But ranchers, as well as agencies, have ignored them for years.

Cattle did not evolve in dry, hot places like Gwyhee County -- they come from a much moister climate. When its hot, cows head to the shade of the streams, where they decimate the vegetation, trample banks, and foul the riparian and stream areas. This means sediment is loaded into creeks and streams, filling in the deeper pools critical to fish like redband trout, while stream channels are widened and shady cover is lost. Water temperatures soar, further harming fish and other aquatic species. And the nasty bugs spread by cattle fecal contamination of the water -- things like giardia and cryptosporidium -threaten human health. When was the last time you drank from a surface stream in Owyhee County?

But unlike the timber and mining industries, which have become highly sophisticated in defending against water quality attacks on their operations, the ranching industry has paid little or no attention to these water quality impacts of grazing. That leaves them exposed to legal actions in places like the Castle Creek allotment. In many ways, water quality represents the "soft underbelly" of grazing -- the area where it may be most susceptible to challenge. 🐾

"The sudden introduction of concentrations of large herbivores to the **sagebrush** (Artemisia)/bunchgrass ranges of the Intermountain area dramatically changed the balance between herbaceous understory and **woody** overstory species. The near biological vacuum created by overutilization of understory species was rapidly filled by the **introduction** of a **host of alien species**. **Cheatgrass (Bromus tectorum)** dominates many of these alien communities and **truncates** succession . . ." (Young 1994).

Young, J. A. 1994. History and use of **semiarid** plant communities - changes in plant succession. **In S.** Monsen and S. Kitchen, eds. Proceedings - ecology and management of annual rangelands. USDA Gen. Tech. Report INT-GTR-3 13. Intermountain Research Station, Ogden, UT.

IWP and IDAGO

by **Gene E. Bray**,
gebray@primenet.com

One source of funding for IWP is Community Shares of Idaho, Inc., which is also known as Idaho Giving Options or IDAGO. IWP is one of 17 non-profits offered as a charitable giving choice for a growing list of city, state and federal agencies. Governor Ban's Executive Order 9614 outlines the arm's length solicitation process which recognizes the standing of such philanthropic groups as **IDAGO and United Way**.

IDAGO is guided in its operations by the National Committee for Responsive Philanthropy in Washington DC. Kevin Ronnie, their Director of Field Operations, attended the IDAGO board meeting of February 6, and his coaching and focus were very helpful to those assembled. Of the 17 organizations listed, 13 were represented at this meeting. This writer was there for IWP.

The 1997 thrust of IDAGO is to gain access on behalf of member organizations into more employer campaigns both private and civil service. Access rules vary by agency (i.e. education; counties, state, federal, cities, private), with the Federal requirements being the most stringent. For example, to qualify for listing in a Federal Agency's campaign, a nonprofit with over \$100,000 gross income must submit a full financial audit by an independent firm. The IRS form 990 is required by the IRS only of non-profits with gross income of \$30,000 or over.

The added requirements for IWP in this relationship are to renew with IDAGO by April 1, agree to a membership fee of \$200 (taken off the top from donation check-offs), and to generate an annual report that emphasizes IWP's benefit to the citizens of Idaho in the areas of human services and quality of life. IWP's committee assignment involves increasing the listed organizations from 17 to perhaps 22 in 1997. More choices for fund designations and more variety in the listed organizations should improve the legitimacy of IDAGO as an alternative to United Way and that could appeal to many of those employed by taxpayers.

At present IDAGO is listed in only the SW Idaho Federal region of the five regions in Idaho. This is expected to increase by three this year, only omitting the panhandle region. Boise City is listed and Moscow and Coeur d'Alene are expected to be added this year for the fall campaign. Effort will be expanded to include BSU and other universities and the larger school districts.

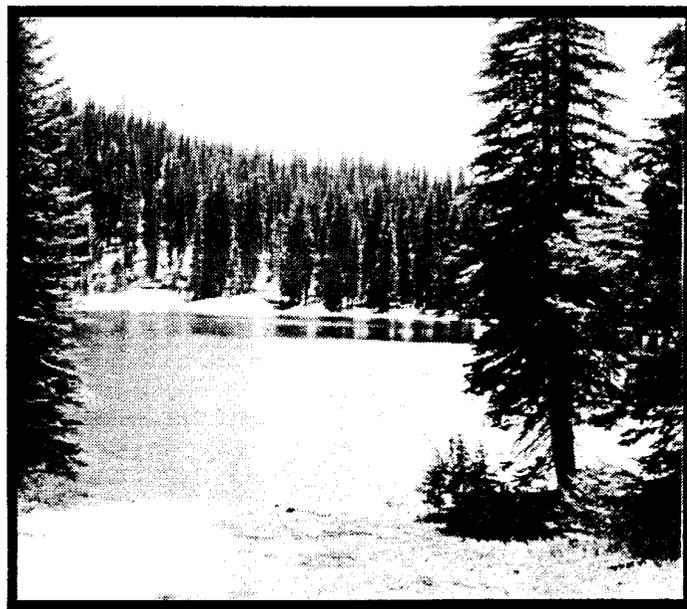
While the receipts from this affiliation are modest, they should grow and IWP's appearance in the listing will help keep its purpose and name in front of many thousands of dedicated public employees. 🐾



A Special Thanks to:

The following members and supporters who have provided the matching funding for the \$5,000. grant from The Bullitt Foundation. This match was raised in just eleven days after the mailing of a request letter to selected members and supporters: **John Suria** of Philadelphia, **John Osborn** of Spokane, **Kelley Weston** of Hailey, **Al Trearse** of Twin Falls, **Harold Price** of Ketchum, **Ralph and Shirley Shapiro** of Ketchum, **Jan Edelstein of Hailey**, **Ginger Harmon** of Ketchum, **John Fisher** of Juliaetta, **Tim Crawford** of Bozeman, **Jay Valcarce** of Pocatello, **Bob Salter** of Boise, **Marty Lukes** of Boise, **Len Harlig** of Ketchum, **Dauchy Migel** of Idaho Falls, **Andy and Gusti Laidlaw** of McCall, **Tom Pringle** of Eugene, **Jill and Stan Jasper** of Boise, **Herb Beattie** of Tulsa, **Ken and Annie Jackson** of Sandpoint, **M. Keene Hueftle** of Pocatello, **Roger Browning** of Stanley, and several anonymous.

IWP would also like to thank **Steve Novak**, **Carla Stern**, **Linda Jarski**, **Ken Kellogg**, **Nick Johnston**, and **Bill Heath** of Boise as well as **Gerald Shroder** of Parma, and **Al and Lee McGlinsky** of Caldwell for participating in the endless Land Board hearings of last winter and spring and for the participation of Nick and Al in the Jarbidge BLM tour of the temporary non-renewable permit areas on several allotments in that resource area of the BLM. IWP also extends thanks to the expert witnesses who provided such persuasive information for the federal district court hearing on the Castle Creek Allotment lawsuit: **Osborne Casey** of Meridian, **Steve Herman** of Olympia, **Steve Novak** of Boise, and IWP Board member **Don Johnson** of Buhl. IWP also thanks the nine hardworking volunteers who spent the long day described in Gene Bray's article in this Messenger fencing Rock Creek on the Castle Creek Allotment: **Katie Leonard**, **Challis Transtrum**, **Leona Beitia**, **Antonio Esquivel**, **Caesar Pina**, **Bill Eddie**; **Don Johnson**, **Laird Lucas**, and **Gene Bray!** 🐾



Is this a good place for 1,000 sheep? Rapid Lake on IWP's 1997 Jughandle Mountain Grazing Lease, Valley County, now under application.

Fencing off the Rock Creek Water Gap

by Gene E. Bray

gebray@primenet.com

On Saturday, June 21, nine environmental enthusiasts from IWP and three BLM personnel completed a quarter mile long fence to exclude cattle from Rock Creek which is a headwater stream of the Owyhee River. This is a stream with an important remnant population of the desert redband trout, a species of special concern in Idaho, Oregon and Nevada. Sited in the East Castle Creek grazing allotment, this pasture had a water gap permitting access by cattle into the creek. In fall of 1996 negotiations with BLM the permittee, Gordon King, agreed that his cattle had adequate, alternate water sources in that pasture and that the water gap would be fenced to, in his words, "enhance these areas." In April, 1997, he repudiated that promise.

Agency personnel and representatives of Idaho Watersheds Project responded by volunteering to build the needed fence on a weekend. BLM provided all required materials and did extensive preparatory work to properly anchor a fence built to agency standards. This included distributing materials along the fence line, constructing a rock jack (large, anchored, wire mesh cylinder filled with rocks), drilling (in rock) of anchorages for and installing fence panels where the fence went over exposed rock ledges, installing and bracing wooden posts required for a gate and extra wire strands where the fence crossed a tributary to Rock Creek, and strengthening the tie-in points to existing pasture fences on each end. These existing fences weren't up to agency standards, but are also not likely to have the pressure borne by the new fence from experienced, lead cows following their habitual path to water.

The day started early with most of the participants on the road by 0630 to allow meeting in Grand View at 0800. The party left Mud Flat road about five miles west of the Battle Creek riparian enclosure and took about an hour to negotiate the last six miles of jeep trail to arrive at about 1000.

The two work vehicles then went cross country about 1/4 mile to the work site while, to avoid further terrain damage, the team hiked a somewhat greater distance down Rock Creek to meet them. Agency personnel were: Pete Stark (fence contractor for BLM and IF&G), Tim Canigan, and Pat Ryan. Idaho Watersheds Project was represented by six young adults, Katie Leonard, Challis Transtrum, Leona Beitia, Antonio Esquivel, Caesar Pina and Bill Eddie. The crew was rounded out by Dr. Don Johnson (fisheries scientist and Leona's Granddad), Laird Lucas (Land and Water Fund legal counsel) and Gene Bray (retired IBM engineer).

The terrain of the fence line started at the southern end on a headland at about 5600 feet elevation. Proceeding NNW, in 250 yards the land dropped off about 80 vertical feet over occasional rock ledges to an intermittent tributary stream then climbed about 60 feet over the next 150 yards to the northern terminus. The day was in the 70's temperature-wise and the workers enjoyed a fresh breeze. In spite of with the strenuous work, frequent water breaks were

required and several replenishments of the crew's water supply were made from the trucks on the headland.

This level of activity went on for six and one-half hours with only a brief pause for lunch on a bluff overlooking the creek being protected. The "newbies" learned to pound metal posts 16 feet apart in a reasonably straight line, attach fence panels, string and tie barbed wire, stretch wire and attach with clips at the prescribed distances from the ground, and generally keep track of tools and control debris in rough terrain. As it got on toward 1600, the post driving crew encountered another stretch of thin soil over a rocky ledge that extended for about 80 feet on the northern end of the fence line. This precluded adequately driving about four metal posts in a row and it was necessary to prop them up in rock cairns. Once the four strands of barbed wire were strung, tightened and clipped to each post, that section seemed pretty substantial, but not as robust as the rest of the fence. Fortunately, the posts to the south and the tie-in anchorage just north were solid so that helped the stability and strength of that section. Ongoing surveillance and fence maintenance will insure that section doesn't yield to pressure from the cattle.

After carefully policing the area, the crew left about 1630 for the long three hour drive home. Looking back from the headland, almost the entire fence line could be seen, straight and strong. Hopefully it will do its job for years and, not being in an area frequented by off-road vehicles, will be spared the wire cutting so often encountered in this rugged Owyhee Mountain **Range country**.



Five of our 9 fence builders on Rock Creek, June 21, 1997.
Da, ~~Leona~~, Kate, Challis and Antonio

Unfortunately in the mid-April lawsuit settlement negotiations, Mr. King reneged on his fall 1996 promise to provide the labor to fence this water gap, even though he did agree to completion of certain other projects. Obviously piqued by the efforts of IWP and Committee for Idaho's High Desert to legally enforce improved management, he responded with a June 12 tirade against the environmental movement in The Idaho Statesman. Agency personnel and Idaho Watersheds Project compensated by volunteering the labor to build the needed fence and thus further subsidize Mr. King's handsome and extensive cattle empire.

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Fencing off Rock Creek (continued)

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For a more detailed explanation of these maneuvers by Mr. King and the background, see Laird Lucas' Guest Opinion published in the Wood River Journal and The Idaho Statesman available on request from IWP.

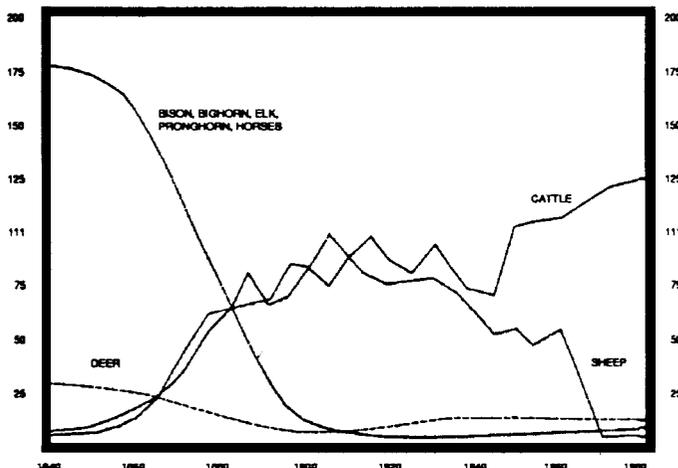


News Briefs (continued)

IWP Loses Idaho Fourth District Court Decision

IWP was surprised by a decision issued on June 10, 1997 by Fourth District Court Judge Duff McKee which affirmed the Land Board's decision disqualifying IWP's 1995 applications for grazing leases. Judge McKee found Idaho Code 58-310B (which established a preference for ranchers in the leasing of school lands for grazing purposes) constitutional and concluded that the Idaho Board of Land Commissioners have what amounts to unlimited discretion to determine what is their fiduciary duty to Idaho's school children. The wide scope of Judge McKee's support for the Land Board in a decision which was issued one day before the regular June meeting of the Land Board did raise the question of whether Judge McKee might be attempting to get the attention of Governor Batt. At the time the decision was made Judge McKee was one of four finalists for an opening on the Idaho Supreme Court which will occur in September with the retirement of Chief Justice McDevitt. Unfortunately for Judge McKee, the Governor appointed Appeals Court Judge Jesse Walters to the vacancy ten days later. IWP has, through our attorney, Laird Lucas of the Land and Water Fund of the Rockies, requested Judge McKee to reconsider his decision on several grounds. If he declines, IWP anticipates appealing the case to the Idaho Supreme Court and a complaint has already been filed pending the determination of the motion to reconsider in front of Judge McKee.

GRAZING AUMS CONSUMED BY WILDLIFE AND LIVESTOCK IN 11 WESTERN STATES



Valuing Agriculture (continued)

continued from Page 6

kill bison, grizzlies, and wolves which are rare and valuable animals to protect cows which are so abundant, we practically give away the meat produced. We drain rivers for irrigated hay fields and pasture that would otherwise support valuable populations of trout and salmon. If we were just interested in using our rangelands for the greatest economic value, we should be producing wildlife, not cows. One pound of elk, bison, trout or salmon is worth far more than any pound of beef, not to mention the recreational and philosophical value of healthy wildlife populations.

Yet when we get to talking about the impact of federal grazing lands which occupies a huge amount of western land base, the economic importance of agriculture is minimal. In the West as a whole, agricultural jobs account for approximately 2% of the total. Its importance diminishes even further when we focus on the jobs resulting from grazing federal lands. For example, in Wyoming, one of the states with perhaps the least developed economies, less than 1,500 jobs are directly tied to grazing federal lands in the state and less than .25% of the state's total personal income is derived from federal grazing permits. In Idaho, the importance is even more skewed against public lands grazing.

Yet the economic value of livestock production is always used by livestock advocates to justify continued grazing on public lands. Even with domestic livestock dominating land use in the West, the economic value of guiding, tourism, and community growth due to immigrants seeking higher quality of life already exceeds it by many times. If livestock were removed from public lands, the economic growth in other sectors of the economy would easily replace any income or job losses that might occur if we sent all the cows home.

I would argue that ranching is already dead in the West. Land values for other uses already exceed the value one can realize from growing cows. It is only a matter of time before ranching, (other than that practiced by "sport ranchers"--wealthy individuals who like to play cowboy), disappears. And I would argue that the sooner we eliminate livestock from western rangelands, the faster this transition would occur, and the better off the majority of us will be. Not only would forage now going into cows grow bison, elk, bighorn and antelope, but our streams will run cleaner, our riparian areas will recover, and the huge subsidies that agriculture currently enjoys may be transferred to other uses--perhaps even promoting the wildlife and wildlands that is already an economic engine that is driving western economies.

George Wuerthner is a Biologist and Ecologist living in Eugene, Oregon.

Why would we want to give the public rangelands over to the public?
-Public lands rancher Kirk Hanna, Colorado HRM member

Why I believe BLM Managed Lands in the West Should be Retired from Livestock Use

by Jon Marvel

With only 1.1% of the beef production in the United States coming from BLM managed lands in the west, and a management system where all costs exceed income by a factor of eight to twelve, there is no economic reason to continue an activity that has resulted in the essential destruction of 80% of stream systems, the elimination of water quality and the radical modification of wildlife and native plant habitat. It is time to start the end of this destructive use. I propose that public lands ranchers petition their representatives in Congress, who have always been ready to do their bidding, to provide for a buy out of whatever interest in these lands ranchers may have. If they fail to do this, they face inevitable economic extinction as their livestock use withers in the face of environmental and economic realities many of which they have brought down on themselves by their selfish and heedless excesses over many decades.



Our *BLM*lands of the West. Approximately 90% of their area is used for ranching, yet all this land produces only about 1.1% of US cattle and sheep. (USDA map)



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