



# Watersheds Messenger

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Fall 1997

*Working to protect and restore Idaho watersheds*

## BEYOND THE COWS VS. CONDOS DEBATE

by George Wuerthner

Paradise Valley, just south of Livingston, Montana where I live, is aptly named. It's one of the most beautiful western valleys in the West. Yet like so many lovely western valleys with high amenity values such as trout streams, nearby public land, and abundant wildlife, Paradise Valley is changing from a place dominated by ranching to scattered subdivisions and "sport ranches" owned by those who earned their wealth somewhere else.

In a long-overdue response, the county has initiated a land use planning process. In a recently held public meeting, some of the loudest opposition to any land use planning was voiced by the valley's ranching community. They staunchly berated the county officials for even contemplating any controls upon land use. "I don't want anyone telling me what to do with my land" is the common refrain.

Such feelings get at the heart of the issue. Ranching is ultimately about control. Control of nature. Control of land. Despite rhetoric to the contrary, livestock production is not land friendly, nor do ranchers have some greater connection to the land and nature because they "work (abuse) it," any more than a wife beater has a good understanding of marriage and love just because he has a spouse.

No other human activity has degraded and destroyed as much of the West's ecological integrity as cows. Dewatered rivers. Trampled riparian zones. Water pollution. Eroded soils. Dead predators. Bison slaughters. The spread of exotic plants. Livestock production is at the heart of many western environmental issues.

Don't get me wrong. Rural subdivisions aren't great either. I'd like to guide and control subdivisions and other development to appropriate locations. But I feel the same way about livestock production. And in the arid West, growing the water-loving, slow-moving, dim-witted cow makes as much as sense as growing bananas in Montana. Sure you can do it, but at what cost? The only way western ranchers compete with livestock producers in the Midwest and East is by the externalization of environmental costs.

Most of these costs are also overlooked in the "condos vs. cows" debate. Those who suggest we should strive to save western ranchers as a land use strategy ignore these costs. Furthermore, they overlook the fact that most ranchers--despite what they say about condos, subdivisions and their

disdain for the West's new residents--are all too willing to sell their property to the highest bidder when it comes time to retire. Ignoring the externalized costs of ranching won't save the ranch, nor will it save the West's open space.

Furthermore, the debate over "condos vs cows" overlooks an important spatial relationship. Subdivisions, even in booming places like Colorado's mountain valleys, or Arizona's sun belt, occupy a relatively minor part of the landscape. Indeed, even in California, the most urbanized state in the nation, only 3% of its land area is directly affected by urbanization, malls, highways, and other high density human development. Agriculture affects more than 50% of the state, some 50-60 million acres, with livestock production impacting the majority of the state's agricultural lands.

Nevada is an even more extreme case. The state is experiencing some of the most rapid growth in the West, yet urbanization currently occupies 0.32% of the state's land area according to the state planner. On the other hand, livestock production affects more than 90% of the state. When you are talking about environmental impacts, nothing can compare with the low level, but ubiquitous effect of livestock.

It's not subdivisions that are responsible for the slaughter of bison that roam from Yellowstone Park. It's not subdivisions that yearly dry up rivers and threaten fish from grayling to westslope cutthroat trout. It's not subdivisions that are killing wolves and grizzlies, or destroying prairie dog colonies.

Even more important to understand is that subdivisions can be corralled and controlled much more easily than livestock and agriculture. They are land intensive, rather than land extensive--particularly when restricted with zoning and planning. In Oregon, for example, the only state with state-wide planning and zoning, all development is confined to urban growth boundaries. Even if a farmer or rancher wanted to subdivide their property, they can't. It's against the law.

The result? Open space is close to every Oregon city. Elk and deer winter ranges are protected. Wetlands are off limits to development. New development occurs adjacent to existing city services such as sewers, water lines, schools and

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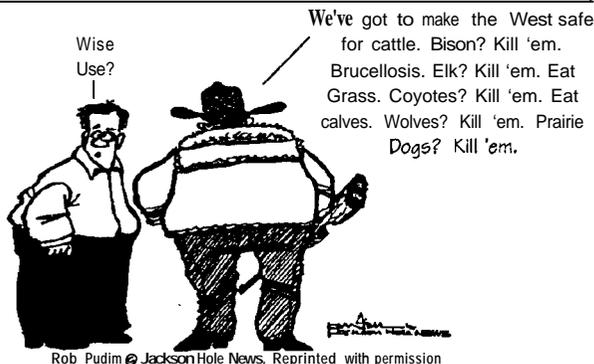
fire protection. The true costs of development are lower than in unzoned, unplanned states like Montana and Idaho. Some Oregon cities even require a certain percentage of housing be designated for multifamily, mobile home parks, and apartment development, helping to maintain affordable housing options for all residents. Oregon's land use laws still allow too many loop-holes for developers, and also display inherent biases--for instance, the laws make no attempt to control or guide agriculture to appropriate locations--nevertheless, Oregon's land use laws are far better than having no guidelines at all.

Ironically considering the strong opposition from many in agriculture, zoning benefits that industry as well. Because farm and ranch land is usually sold based upon its agricultural value, in Oregon agricultural land prices have remained low. People in agriculture can acquire new property as needed, without having to pay an arm and a leg for it. Their property taxes also reflect the land's low agricultural value rather than it's higher real estate development value, so it's much easier to hold on to the land. Since the zoning laws were enacted in the early 1970s, Oregon's population has grown by more than a million people, yet there is actually more acreage under cultivation or livestock production today than two decades ago.

Fortunately, most of the West isn't likely to follow Oregon's lead. Most of my agricultural neighbors in Paradise Valley, and throughout the rest of the West can't see past their "property rights"-which is a good thing for someone like me who can't wait for the last rancher to saddle up and ride off into the sunset. With ranchers leading the charge against zoning, I'm reasonably assured that farming and ranching will disappear from all but the best lands, and in zoned states like Oregon.

Don't get me wrong. I want to maintain open space. But I don't think ranching and farming are the means to that end. I don't believe the debate should be a choice between condos or cows. It should be neither. Land use planning not only makes good economic sense, it makes good ecological sense. And in the end, it is the only way we are going to protect values like open space and gradually restore the West's ecological integrity.

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Rob Pudim © Jackson Hole News, Reprinted with permission

# News Briefs

## IWP Files New Lawsuit Against The BLM

On October 31, 1997 Idaho Watersheds Project joined with the Committee for Idaho's High Desert in filing a lawsuit and injunction request in federal district court in Boise against the Bureau of Land Management for its many failures in managing the Owyhee Resource Area of 1.8 million acres in the southwest corner of Idaho. The lawsuit alleges that the BLM has failed to meet the requirements of several laws including the Federal Land Policy Management Act (FLPMA), the Clean Water Act (CWA), the National Environmental Policy Act (NEPA) and BLM's own regulations regarding the management of livestock on the public domain. The injunction request, if granted, would stop turnout of livestock on public lands in the Resource Area if the BLM cannot bring its management into compliance with all applicable law before March 1, 1997.

This lawsuit is similar to IWP's complaint of last Spring (see the summer 1997 Watersheds Messenger) against the BLM on the Castle Creek Allotment in the adjacent Bruneau Resource Area. That lawsuit was settled out of court with procedural and legal requirements for the agency which are still underway. However, because of the strength of our legal case this time, IWP does not expect to reach any settlement with the agency.

This case could establish a number of important precedents for livestock grazing by the BLM across the western U.S. if IWP and CIHD are successful. The preliminary injunction hearing for this case before Judge Lynn Winmill takes place December 16, 1997. Stay tuned for this one!

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## 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 Bray**

### 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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# PFC????

## What the Heck Is It???

by Bob Moore



Bob Moore

PFC (Proper Functioning Condition) is a term used for both a defined, on-the-ground condition of a riparian-wetland area, and an assessment process for determining the functioning condition of a riparian-wetland area.

In March of 1997, I had the opportunity to attend a PFC training seminar sponsored jointly by the Vale, Oregon. District of the BLM and the Malheur-Owyhee

Watershed Council. I represented Idaho Watersheds Project. This seminar and training session was given by Wayne Elmore and Steve Leonard and the other members of the National Riparian Service Team from Prineville, Oregon.

At first, I was very apprehensive and skeptical of anything put on by the BLM, knowing their past history and views regarding public land and streams, creeks and river uses, but after the second day of the session, I could see that this was NOT the same old BLM and Forest service policy. I could really see some light at the end of the tunnel. I could see that PFC, if used properly could solve a majority of the problems relating to the degraded conditions of our creeks, streams, rivers, and watersheds. After completing the very educational course and then taking what we had learned in the classroom to the field and then putting it to the test, I was very excited and satisfied.

Since that time, I am probably the strongest supporter of PFC in the West, outside of Wayne Elmore. YES FOLKS, PFC does work. But it will not work without your support and also it must have the full support of the local BLM, Forest Service and State Land Boards.

This is where all of you Good Folks come in. Find out when and where the next PFC training session is going to

be held and then Please attend it. Then take your knowledge and go to work with it, in your local watershed organizations. YOU will make a difference. (I did.)

DO NOT be timid in telling BLM and Forest Service and NRCS employees that PFC is the minimum standard that is currently mandated by their POLICIES. Put them in the HOT SEAT and request in writing what their plans are for 1998 regarding PFC assessment work.

I am very actively involved with the Malheur-Owyhee Watershed Council in Ontario, Oregon. Very recently, through my and other's efforts, we were able to convince all council members to agree that obtaining Proper Functioning Condition within our watershed was our #1 goal and priority. This was a large uphill struggle, to get ranchers, farmers, urban residents, environmental interests, and agency personnel to agree on anything, but through showing and telling them that the only way the mandated requirements of the federal Clean Water Act can be met, is through a cooperative effort of all, working together to bring back the water quality of our streams and creeks. You might use the concept that I used which is, that if we do NOT have consensus from all involved parties and start doing something about it, and getting some action plans actually put on the ground, the EPA will step in and make it worse for all of us. As an example, in the Malheur-Owyhee Watershed Council, we have consensus among all members (which includes farmers and ranchers) that PFC is the Minimum standard that we will accept for the future desired condition of all of our creeks, streams, and rivers within our watershed area. We are working very hard every day to accomplish this. Agriculture interests NOW understand that they have to change grazing and watering practices that they have used for many years because past practices will not support PFC.

If you have any questions or need **any** assistance, please contact me at 4421 Bellows Drive, Ontario, Oregon. 97914 PH. (541) 889-2328 - email **address** - bobmoore@micron.net

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### IWP Receives Grant

Idaho Watersheds Project was notified in mid-November of the award of a substantial grant to support general operating expenses from The Ruth Mott Fund of Flint, Michigan. This is the second grant received from the Fund, and IWP is grateful for the support of the trustees as well as Charlotte Fox and Deborah Tuck who administer the programs of The Ruth Mott Fund.

### Surf's Up at Web Site

Surf your browser to IWP's URL on the web: [www.poky.srv.net/~idwp/iwp.htm](http://www.poky.srv.net/~idwp/iwp.htm) where over 1,200 web

surfer's hits have come in since the site opened earlier this year. In addition to making available many news articles, photos, and IWP's current legal briefs, the site enables surfers to join IWP's e-mail newslist which has expanded greatly in the last few months to include almost 200 individuals. The e-mail newslist members have been kept informed of IWP's work two or three times a month. Make a note of IWP's e-mail address and sign up yourself: [idwp@poky.srv.net](mailto:idwp@poky.srv.net).

### IWP To Embark On Billboard Project

In January or February of 1998, IWP will initiate a billboard campaign to raise general public awareness of public lands ranching issues. The first location selected by

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# How Not To Preserve the Idaho School Land Trust

By Jill Jasper

On August 4, 1996 a devastating fire swept the foothills above Boise, burning from the edge of town to the ridge in an afternoon, and blackening 15,000 acres before it was stopped. During that fall and winter a coalition of government agencies and volunteers worked to restore the watershed and prevent flooding. Trenches were dug, extensive aerial and hand planting was done, and straw bales and wattles were placed. The work continues now, over a year later, with the digging of flood containment ponds at the mouths of major drainages and the installation of a siren warning system for evacuation.

In November 1996, while the hillsides were still black and the precipitation for the coming winter was still unknown, the Southwest Area office of the Idaho Department of Lands decided that the burned area had not been significantly damaged, and that traditional sheep trailing across state land in the spring would be allowed. The federal Bureau of Land Management did not agree and revoked the lease of the livestock company that had used both state and BLM land for many years.

In June 1997 3300 sheep from the Highland Livestock Company, divided into four bands, were trailed across the burned land on their way to summer pasture. I saw one of the bands, about 1000 sheep, as they were being settled for the night in the burned area along Crane Creek drainage, just off Bogus Basin Road. This area had been planted with bitter brush and grass seed the previous October, and I walked across it often through the spring and summer, monitoring the regrowth for my own interest and curiosity.

When I first saw the sheep I assumed they were there in trespass, and I wrote to the Department of Lands to report the problem. My first letter was on June 26th. By July 15th I had received no answer, so I wrote again, enclosing a copy of the first letter and requesting an answer. Two days later I received a phone call from Bob Snapp, Resource Supervisor. Mr. Snapp assured me that the sheep were only passing through and did no damage. It was a general conversation and did not answer my specific question about numbers of sheep and how decisions were made, so I wrote a third time, asking the same questions. On August 12th Mr. Snapp wrote back giving me information on numbers of sheep, lease rates, and forage consumed per AUM.

Using Mr. Snapp's figures, I was able to calculate that if the 3300 sheep were in the burned area only two days (which I still don't know for sure) they ate over 17 tons of



Stewart Gulch - 13 months after burn - September 1997

vegetation from the burned and recovering slopes. For that the School Endowment Fund would have earned \$201.52. The school most directly in the flood zone is Highland Elementary. That school is still surrounded with concrete barriers and sandbags which probably cost much more than \$200.

It seemed astonishing to me that while Boise City and Ada County were working so hard to restore vegetation, sheep were grazing on the slopes. On August 13th I wrote to the Boise City Public Works Department to express my concern about government agencies working at cross



Fire damage and erosion.

purposes. I received a reply saying that hydrologists have insisted that Boiseans will face a heightened risk of flooding for three to five years, and that the extensive flood control projects are still necessary.

I next wrote to the BLM, and received a reply saying that there will be no livestock use of the burned BLM land for two growing seasons and that areas planted with bitter brush seeds or seedlings will have no grazing for two to five seasons, depending on vegetation growth. That letter stated agreement with Boise City that the hills pose a significant flood threat until the vegetation has reestablished itself.

With that response I wrote back to Mr. Snapp on September 24, asking more specifically where the sheep had entered the burned area, how long they had been there, and how they had traveled to summer pasture if they were not allowed on BLM land. By October 20 I had received no answer so I wrote again, enclosing a copy of the letter and asking for a response. I never did get an answer, but two days later I received a phone call from Mr. Brad Little, owner of the Highland Livestock Company. We talked for half an hour, and at the end of the conversation my concern had escalated.

Mr. Little told me that his sheep did not disturb the perennial grasses and shrubs that had survived the fire because the sheep prefer the annuals that sprouted in the spring. The number and variety of annuals was much reduced this spring because many of last years seeds were burned. The ones that did sprout were eaten before they

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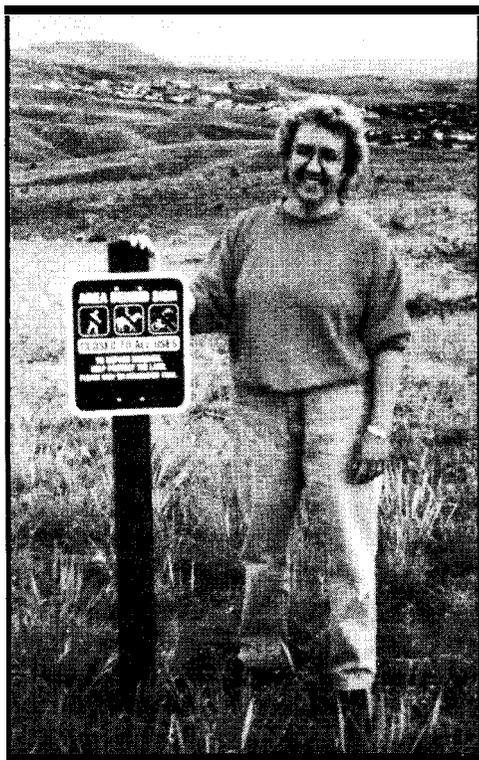
could produce seeds, so next year there may be even fewer. Because the annuals were gone, the soil washed from around the roots of perennials, and in the area where I saw the sheep, the bunch grasses are becoming towers.

Both Mr. Little and Mr. Snapp told me they were unaware that the state land near Crane Creek had been planted by volunteers, but neither would give me any indication that livestock use would stop now that they know.

By now I am convinced that the Southwest Area Office of the Department of Lands is more interested in their good relationship with the Highland Livestock Company than they are in preventing floods or helping the land recover from the fire. My hope lies in the fact that the Southwest Area office does not operate independently. The Department Director, The Land Board, and the Governor's office are all in a chain of command above it. On October 7th I wrote to those three, outlining the concerns above and describing the sad condition of the state land. I asked them each why the state was working in opposition to other fire recovery efforts. I offered to take them, or anyone on their staff, to see land that is burned and grazed, burned but not grazed, and unburned. It doesn't take a botanist, a hydrologist, or a soil conservationist to see the difference. They can see it with their own eyes if they will just look.

As I write this I have not received a response from any of the three. I'll write again, asking politely, and a little wearily, for a response. I invite you to join me.

Jill Jasper works in Boise as a nurse at St. Luke's Hospital  
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Jill Jasper in the Boise Foothills 1997

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the IWP board will be Boise during the Legislative session. No doubt many of our thoughtful legislators will be interested to see large images of ongoing livestock abuse of public lands across Idaho. IWP welcomes suggestions for strong message content and/or images to excite the fancy of Boise commuters, so give us a call with your good ideas. Thanks to Christine Opitz of Avalanche Graphic Design in Sandpoint, Idaho who will be helping assemble the work for IWP.

### Idaho Fish and Game and the Land Board Duel Over Grazing Leases

The Idaho Department of Fish and Game has retained almost 10,000 acres of Idaho school endowment lands under lease in the Craig Mountain area of Nez Perce County south of Lewiston. These lands which adjoin the Craig Mountain Wildlife Management Area had been held as a grazing lease for the last ten years by the department. When the leases came up for renewal this year, IWP decided not to conflict the Fish and Game because they have kept the cows off the lands; however, one rancher did file a conflict application for about 1,800 acres of the big lease. In a general settlement made under pressure from the Idaho Land Board, Fish and Game will keep all but 640 acres of the lease which will be handed over to the rancher. The remaining acreage will be held by the department as a "general management-wildlife" lease with a 20% increase in lease fees and a cost-of-living inflator every subsequent year the lease is held. Wouldn't you know it, the rancher gets a lower rate plus no inflation adjustment!

### 1997 Lease applications are still in Limbo

IWP's 1997 grazing lease applications for over 20,000 acres of Idaho school endowment land are still in limbo. The Land Board has held off on any action to disqualify IWP (an action IWP has anticipated) pending the out

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## Abuse a Sin!

The 1/12 Miami Herald reports His All Holiness Bartholomew I, spiritual leader of the world's 300 million Orthodox Christians, spoke at a symposium on religion, science and the environment in Santa Barbara, California last week. Bartholomew said: "For humans to cause species to become extinct and to destroy the biological diversity Of God's creation, for humans to degrade the integrity of the Earth by causing changes in its climate, stripping the Earth of its natural forests, or destroying its wethd.5 . . . these are sins." Interior Secretary Bruce Babbitt said Bartholomew's remarks would be seen as "one Of the great, seminal important religious 🐾 statements of our time."

# Environmental Abuse on the Pleasantview Hills Grazing Allotment

by Jackie Johnson Maughan IWP Range Monitor



Jackie Johnson Maughan  
IWP Range Monitor

The Pleasantview Hills are located eight miles west of Malad City in southeastern Idaho, eleven miles north of the Utah border. The allotment, managed by the Malad Resource Area, Bureau of Land Management (BLM), is a large one, consisting of approximately 109 square miles (69,760 acres). A total of 2900 cattle and 1280 sheep are run by approximately 55 permittees. There are six pastures, two of which are to be rested each season on a three year rest/rotation cycle.

I was hired to monitor grazing on Forest Service, BLM, and state allotments in southeastern Idaho for the summer of 1997. Pleasantview was visited numerous times beginning in June and ending in September. I visited four pastures of the six: Jensen Pass, Morgan Jones/West Elkhorn, Sheep Creek, and Wood Canyon. I did not visit the southeastern-most pastures of John Evans and North Canvon. Of all the allotments I looked at (outside of the BLM-managed Samaria Mountains, to be addressed in a later article), Pleasantview was by far in the worst state of decline. It was so bad that everything else looked good by comparison. It was difficult to understand why the BLM had rated two of the pastures "fair" and four "good."

This allotment is characterized by rough, high desert terrain with steep, brushy side canyons. There are two natural water sources, Sheep Creek Spring and Wood Canyon Spring, both located on the west side of this north/south range. The rest of the ten major canyons are dry. In the 1970s, provisions of the Federal Land Management Policy Act (FLOMA) (1976) would have forced a 50 percent reduction in the number of livestock grazed on this allotment. However, then Senator James McClure (R-Idaho) had funds designated to install a watering system to make this otherwise dry range wet. In what would now be prohibitively expensive, three huge water storage tanks, approximately 20 feet in diameter and four feet in height, were placed on the highest points of the range. Then miles and miles of plastic pipe were laid underground to create water-sources in the bottoms of the dry side canyons. Water is pumped to these three storage tanks from Sheep Creek and Wood Canyon on the west and the Malad River on the east. It is then gravity fed to troughs in the bottoms.

What I found on my first visit was sick and starving cows, canyon bottoms reduced to dust and thistle, and the

northernmost water storage tank carpeted with what at first appeared to be algae. On closer inspection, my companion and I discovered that it was really the bodies of dead songbirds, 74 that we could count. The others were too decomposed to be sure what they were. The slick, steep sides do not allow the birds to get out. There was one small escape ramp of approximately a foot in width. Think of finding yourself in something the size of Palisades Reservoir, cliffs on all sides, with your only hope of not drowning if you can happen to find the one boat ramp.

These problems were pointed out to the Malad range conservationist and the site later visited in the company of two members of the Pleasantview Grazing Association, two BLM officials, a reporter and a photographer for the Idaho State Journal. The dead birds had been removed by the grazing association and Dave Jones, a grazing association director, agreed to build additional floats for the birds-- which he did.

I also contacted the Rannock County Humane Society which suggested that I contact the Oneida County sheriff about the sick and starving cows. This I did, after determining the owner of the animals from their brands and ear-tags.

The sheriff notified the permittee, and the cows were later removed. Other animals, also in poor shape, were determined to be owned by a permittee who operates out of Price, Utah. These animals were also apparently removed. Since I did not personally contact this permittee, I don't know if the removal was happenstance or causal.



Bodies of dead birds found in water storage tank, Pleasantview Hills  
Grazing Allotment, Malad, 1997, BLM

Later that summer, I received reports that fences between the pastures were often not maintained and that allotment livestock were regularly in trespass. Reports were also received that a semitruck had brought in cattle at night, that is, dumped them off illegally and that the allotment was routinely overstocked. This could not be confirmed. What was clear was that the cattle in poor condition were simply too weak to range out of the canyon bottoms. Those in good condition did range the sidehills.

By the BLM's own reckoning, according to the Pleasantview Allotment Management Plan (1981), the canyons tend to funnel cattle into the bottoms. The artificial watering system exacerbates this problem and the bottoms are subjected to such extreme use that Morgan Jones and Sublette Canyons have been turned into basically dust and weeds.

In addition, a trend appears to be taking place in which

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some local ranchers, as they prepare for retirement, sell their permits to out-of-state operators. I would speculate that some of the out-of-state operators graze their cattle all winter on allotments in the southwest then move them to summer pasture in Idaho, basically keeping them marginally alive on forage gleaned from public land. In the process, local communities such as Malad are not benefited and public land forage is abused by absentee operators who don't know or have reason to care about the conditions they leave behind. This harms local ranchers, such as Dave Jones and Chuck Davis, both association board directors, who spend the time, money, and effort to keep their stock in a healthy condition.

I visited many grazing allotments this summer and, in part because it was an extremely good water year, I found allotments in what I would characterize to be good to moderately good shape. Others, such as Topance Creek on the Pocatello Ranger District of the Caribou National Forest, were plainly being managed well and this was visible through such factors as plant diversity, forage height, stream depth and sinuosity, bank stability, and the presence of such amphibians as the leopard frog, thought to be a potential indicator species. Pleasantview stood out for being exceptionally bad.

Plant species taken in a fenceline sample in the mouth of Morgan Jones inside the allotment consisted of the following: *Achillea millefolium* (Common Yarrow), *Artemisia tridentata* (Big Sage), *Chrysothamnus nauseosus* (Common Rabbitbrush), *Chrysothamnus viscidiflorus* (Green Rabbitbrush), *Lithospermum ruderalis* (Western Gromwell, Stoneseed), *Cynoglossum officinale* (Common Hound's Tongue), and *Thlaspi arvense* (Fanweed). The first four are increaser species, that is, they increase when an area is heavily grazed. The last two are invaders, i.e., weeds. In other words, of the seven species found, only one was not an increaser or weed. Desirable native species, such as *Amelanchier alnifolia* (Western Serviceberry) and *Balsamorhiza sagittata* (Arrowleaf Balsamroot), were present on the ungrazed side of the fence, but not the grazed side. (Samples were identified by Dr. Karl Holte, Professor Emeritus of Botany.)

Since Pleasantview was the worst case of everything I looked at all summer, I asked Jon Marvel if he could drive over for an inspection. After he agreed, I again reconnoitered the Morgan Jones and Jensen Pass pastures plus the Sheep Creek and Wood Canyon pastures. Sheep Creek was

supposed to be empty of cows because of the rest/rotation cycle. It was not. The BLM was informed and in turn asked the permittees to remove the trespassing animals. The BLM knew that Marvel would be down to see the allotment and I presumed that the permittees would be smart enough to get their cows out of Sheep Creek before we arrived.

Amazingly, the cows were still there when Marvel; Katie Fite, IWP board member; Jeff Steele, BLM resource area manager; Matt Rendace, Malad range conservationist; and I came back several days later. We did a drive-through of Wood, Morgan Jones, East Sublette, and Sheep Creek Canyons.

Marvel and Fite, with their expertise (Fite is a botanist), were able to confirm that both the riparian (Sheep and Wood Canyons) and nonriparian portions of Pleasantview were in extremely poor condition. In addition, the 1994 Inventory of Riparian Areas: Sheep and Wood

Canyons, performed by the Riparian and Wetland Research Program, University of Montana, and funded by the BLM, has identified Sheep and Wood Canyons as "at risk." The BLM's Allotment Management Plan, performed in 1981, states that the objective is to "Eliminate areas of **declining range** trend and **increase the acreage of upward trend.**" Sixteen years later, this is certainly not the case and the area looks more like a feedlot than healthy rangeland.

While the IWP awaits revision of grazing practices on Pleasantview and considers court remedy, the BLM did file a nonwillful trespass against the owners of cattle found in Sheep Creek. Pictures were taken to verify the holes in the fence and the presence of the livestock. Given the reaction of the ranchers so fined, I supposed that they were faced with fines of several hundred dollars, maybe even a thousand. In fact, six permittees were fined a total of \$120. That is, \$20 each.



Cow with prolapsed uterus, East Sublette Canyon, Pleasantview Hills, Malad, BLM. A prolapsed uterus means that part of the animal's birth canal is actually outside of her body. 1997



Note how stream channel is widened, eroded, and bare of vegetation. This photo, taken Summer 1997, a good water year, but what runs here is a muddy rivelet. Wood Canyon Pasture, Pleasantview Grazing Allotment, Malad BLM. 1997

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come of IWP's current lawsuit over our 1996 lease applications of 33,000 acres which the Land Board rejected last spring. IWP believes (based on good information) that the Board is concerned that District Judge Duff McKee may rule that auctions are required for the 1996 leases because the Land Board did qualify IWP's applications before rejecting our "grazing management plans" using "Jack," our old goat, and a few relatives. Judge McKee's decision should be handed down within a few weeks. Meanwhile, IWP's 1995 lawsuit is pending before the Idaho Supreme Court. Don't hold your breathe expecting an early decision there.

## Should Idaho Amend the State Constitution and the Idaho Admission Act to Bail out Public Lands Ranchers? (please see related article on Page 10)

This winter the Idaho Legislature will be asked by a special off-session committee of that body to authorize a public vote to amend the Idaho Constitution so that the Land Board can have more flexibility and authority to invest the proceeds of the Idaho School Investment and Land Trusts and to send a Resolution (actually a Joint Memorial) to Congress asking for changes in the 1890 Admission Act which created Idaho as a state. Some of the proposed changes are good ones; however, hidden away in the fine print are some changes which are probably designed to protect public lands ranchers forever! First, the current requirement that leases of school lands be limited to 10 years will be removed, thereby permitting ranchers to have unlimited time leases. Second, leases of school lands would no longer be subject to auction at all! Be sure to contact your legislators about this change, and call or e-mail IWP for all the backup information we have on the issue.

## The Application Deadline for 1998 School Endowment Land Expiring Grazing Leases is Changed

The Idaho Legislature in its 1997 session changed the application deadline for expiring grazing leases from June 30 of the year of expiration to April 30. Therefore, in 1998 all lease applications must be filed by April 30 to be considered

for processing. The lists of expiring leases by county are usually available the first week in January from the Idaho Department of Lands main office in Boise. Call Donna Wiklund at (208) 334-0200 for the list for your county. In addition, the Legislature required the Idaho Department of Lands to complete resource condition assessments and management recommendations for each expiring grazing lease by December 31 of each year for leases expiring in the following year. So be sure and request copies of these analyses for your county's expiring leases at the same time.

## IWP's Involvement in Nevada BLM and Forest Service Allotments Shows Results

Partly as a result of IWP's involvement in monitoring livestock use on grazing allotments in the Mountain City and Jarbidge Ranger Districts of the Humboldt National Forest, the Jarbidge Ranger District has instituted a 25% reduction in permitted use on the Forest Service portion of the Cottonwood Allotment located on the southeast side of the Jarbidge Wildemess Area. This Allotment has been managed under a so-called "holistic management system" (HRS) for the last two years, and the resulting ecological damage and violation of the Humboldt Forest Plan Standards have been reported to the agency from IWP. The Elko District BLM has been more recalcitrant in holding the permittee accountable for land abuse; however, the agency has acknowledged that overgrazing has occurred on Cottonwood Creek itself in the allotment. IWP's involvement in commenting on the possible establishment of an HRS grazing program on the adjacent Hubbard-Vineyard Allotment may prevent the spreading of this ersatz management system. The permittee on the Cottonwood Allotment is paid over \$10.00 per AUM by non-permittees to graze their cows on the allotment under the "system"; meanwhile, the permittee pays the Forest Service and the BLM \$1.35 per AUM thereby pocketing the difference.

IWP has also been active this year in monitoring grazing use on many allotments on the Mountain City Ranger District where identified overgrazing has been documented in many locations including on Coon Creek, 76 Creek, the Upper Bruneau River, Merritt Creek and Hicks Mountain. At this writing IWP awaits word of Forest Service permit actions in those areas. 🐾

# Critical Information!

- Number of human beings who could be fed by the grain and soybeans eaten by U.S. livestock: 1.3 billion
- Number of vegetarians who can be fed on the amount of land needed to feed 1 person consuming meat-based diet: 20
- Number of people who will starve to death this year: 60 million
- Water needed to produce 1 lb. of wheat: 25 gallons.  
Water need to produce 1 lb. of meat: 2,500 gallons.
- Length of time the world's petroleum reserves would last if all human beings ate meat-centered diets: 13 years. Length

of time the worlds petroleum reserves would last if all human beings ate vegetarian diets: 260 years.

- Amount of oil U.S. would have to import to meet present demand if 10% of population became fully vegetarian: none.
- Training in nutrition received during four years of medical school by the average U.S. physician: 2.5 hours.
- Most common cause of death in the U.S: heart attack.
- Your risk of dying of a disease caused by clogged arteries if you do not consume saturated fat and cholesterol: 5%.

-Gloria Weinberg (Idaho Statesman 9/97,

# Participating in the Development of the Castle Creek Grazing Plan

by Lee McGlinsky

In August, September, and October the BLM held workshops with the ranching permittees of East and West Castle Creek, their range consultants and lawyers and the interested public. Each workshop was 5 hours long and the purpose stated by the BLM was to provide the BLM with constructive, specific ideas on management to meet land use plan objectives and water quality standards on these BLM public lands. The Sierra Club and The Committee for Idaho's High Desert had representatives there along with Idaho Watershed members. It was exciting to be part of these historic meetings between ranchers, conservationists, other public land users and the BLM, whose job is to manage these large public land areas. It was the first time I was aware of the steward of public land actually listening to other users of public land besides the ranchers. I was optimistic and I looked forward to the exchange of ideas and viewpoints and the inclusion of a variety of views in the final BLM land management plan required by law at the end of October.

To keep the discussion focused and on target BLM hired a very good team of facilitators who set up discussion ground rules dealing with courtesy, listening to all arguments and comments and allowing all participants a say. BLM specialists were given time for presentations, to explain their study findings and concerns and to answer questions. All comments were written on wall posters to be reviewed by the BLM following each meeting.

The two August meetings (one for West Castle Creek permittees and one for East Castle Creek) dealt generally with suggestions, concerns and discussions on how to meet land use plan objectives and water quality standards. I was out of town and couldn't attend.

As a result of those discussions the next two meetings, held in September, dealt with 7 management plans, 1 from IMP, 1 each from East Castle Creek and West Castle Creek permittees, 1 which represented no change from present practices and 3 others. These had been submitted previous to the meetings and had been critiqued by BLM as to improving aquatic and riparian conditions, progress toward improving upland watershed and ecological conditions, progress toward meeting water quality standards, improving or protecting habitat for special status species of concern, range improvement, and improving wetland conditions. The plans dealt with restoration of pastures, optimum seasonal use, fencing off riparian and for wetlands, developing springs to keep cattle away from riparian areas, using sensitive pastures to only trail herds through quickly and not allowing them to linger and graze. The IWP/Committee for Idaho's High Desert plan included large reserves to be set aside where no cattle could graze, season of use adjustments to avoid use during critical growth periods and substantial rest until streams and wet meadows are returned to proper functioning condition.

A dollar amount was assigned by the BLM to implement each one ranging from \$65,000 to \$500,000 The East Castle Creek permittee proposal called for extensive fencing, range improvement (burning, brush control chemicals, reseed-

forage), development of springs and a well, reservoirs and pipelines at a cost of \$500,000 The IWP plan implements would cost between \$69,000 to \$85,000 for removing existing fencing and adding fencing for the reserves. The West Castle Creek plan based on rest-rotation and deferred rotation called for additional fencing, prescribed burning, pipelines, water troughs and reseeded would cost about \$315,000

The October meetings began with BLM presentations on maximum stocking rates without damage to the land, and interpreting carrying capacity data since there was rejection of the BLM study findings by the ranchers who had conducted their own study with conflicting results. IWP had also objected saying crucial elements had been omitted from both studies. There were discussions of the 6 surviving revised grazing management plans following BLM summaries of each plan. The BLM then had the job of reading over the poster comments, considering the comments and discussion and then recommending a range management plan to meet the land use planning and water quality objectives required by law.

The workshops with the West Castle Creek ranchers, except for one, were generally conducted in a spirit of cooperation. There was genuine listening and a willingness to be open to all arguments. Some ranchers were already voluntarily dealing with some conservation concerns. There was a real exchange of information and ideas and we all gained insight into each other's viewpoints and concerns. There was a spirit of compromise and a willingness to work together that was very promising. In discussions during the breaks the BLM scientists seemed appreciative of the perspective the conservation groups were bringing to the meetings.

Unfortunately, my expectations of an informative exchange of ideas, views and perspectives between ranchers and conservationists were clobbered almost immediately at the East Castle Creek meetings. These ranchers refused to budge from any of their practices. They felt they had been good stewards of the land and saw no need for change. They felt resting pastures wasn't really necessary. They had lots of excuses why restricting cattle use to just trailing through damaged areas wouldn't work, how moving cattle out of pastures at an agreed time wasn't possible, nor was keeping strays out of restricted areas a workable idea. They demonstrated no-spirit of compromise or cooperation.

The East Castle Creek permittees and their consultants and lawyers belittled BLM specialists and asked them if they knew what they were doing. They made rude, nasty remarks about views that disagreed with their's and tried to argue down opposing comments. Their arrogance was astounding. They really seem to look on this public land as their own and it was obvious that they resent any other claim on it, including wildlife, plant life and recreationists. One rancher said, "If the fishermen don't *like cattle in the* creek they should stay out *while the* cattle are there!" They seemed to feel they had a right to taxpayer money being used for pipelines,

*please turn to Page 12*

# Another School Land Giveaway

by Jon Marvel, IWP Board

When the Idaho Legislature convenes in January, legislators will be presented with a series of recommended changes to the Idaho Constitution and the Admission Bill of 1890 which brought Idaho into the union. These proposed changes would enable the school endowment fund to realize much higher returns and would clarify and streamline the lines of authority for management of the investment and land trusts of the school endowment. The Legislature will decide whether to accept, modify, or reject the proposed constitutional changes and whether to send a joint memorial resolution to the Congress of the United States asking that body to amend the Idaho Admission Bill.

Many of the proposed changes derive from recommendations made by a special task force appointed last year by Governor Batt and chaired by Doug Dom as well as those of an off-session special legislative committee. In general, I believe the citizens of Idaho and our children in school will be better served if most of these changes are approved; however, Idaho citizens need to be aware of some provisions of the proposed changes which are not designed to improve the returns to the school children of Idaho but are designed to protect public lands ranchers from competition for school endowment land leases.

The changes proposed for the Idaho Admission Act of 1890 include: 1) the elimination of any limitation on the length of leases which can be authorized on school endowment lands. Presently leases are limited to 10 years and then require reapplication; 2) the rewording of the Admission Act requirement that school lands be disposed of only by auction to require auctions only for sale of lands. Renewing grazing and cabin site leases would no longer be subject to the requirement for auctions when two or more applicants apply for the same lease; and 3) the leasing of school lands would be required to be for "the maximum long-term return," a phrase not currently part of the

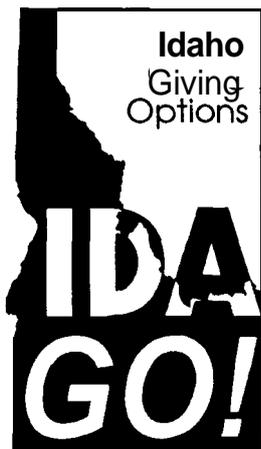
Admission Act and which could be interpreted to be in conflict with the current Idaho Constitutional provision which requires that school endowment lands be managed "in such manner as will secure the maximum long-term financial (emphasis added) return."

The changes proposed for the Idaho Constitution echo those noted above. Article IX Section 8 of the Idaho Constitution would be amended to delete the current requirement that lands being disposed of (i.e. sold or leased) be auctioned off to the public. The public auction would be changed to apply only to the sale of lands and not to leasing.

Currently, Idaho Watersheds Project (IWP) is in litigation with the State Land Board in regard to applications IWP has made for expiring grazing leases. One of the disagreements of the litigation is over the meaning of the word disposal as found in both the Admission Act and the Idaho Constitution. IMP argues that disposal means sale or leasing while the Land Board argues that disposal only means sale of lands. If disposal includes leasing (and the Supreme Court of the United States has so determined) then auctions are required when two or more applications are received for grazing or cabin site leases. By removing the word disposal from both the Admission Act and the Idaho Constitution, the proposed changes serve only to protect the interests of the vested leaseholders: public lands ranchers or cabin site leaseholders. This change cannot benefit the school children of Idaho.

The Dom report is very clear in concluding that the largest under-performing asset of the Idaho school endowment are the non-timber portions of the land trusts. The returns from the grazed lands are about 1/3 of 1% annually, a criminally low level on assets worth over \$300,000,000. The draft changes as outlined above as proposed by the interim legislative committee will only serve to perpetuate these giveaways of a public trust and should be stopped. 🐌

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Idaho Department of Lands expresses "concern" about reduction  
of income if grazing is cut on Castle Creek allotment!



1997 NOV 20

954 W. Jefferson St., PO BOX 89720  
Boise, Idaho 83720-0050  
Phone (208) 334-0200 Fax (208) 334-2339

STANLEY F. HAMILTON - DIRECTOR

November 79, 1997

Signe Sather-Blair  
Bruneau Resource Area Manager - BLM  
3948 Development Avenue  
Boise, ID 83705-5389

Re: Castle Creek Allotment Proposed Decision

Dear Ms. Sather-Blair:

On November 6, 1997, the Department of Lands received a copy of the Environmental Assessment and Proposed Decision for the Castle Creek Allotment that is dated October 31, 1997. The Department does hereby file a protest of the Proposed *Decision* and requests additional time to provide specific support for the protest.

The protest is based primarily on the potential reduction in Income to the Idaho School Endowments should the reduction in allowable use as proposed in the document be implemented. The department will need additional time to review the proposal to determine the specific impact to each of the parcels of state land involved. We have begun the analysis process and will have our comments prepared by December 19, 1997.

Thank you for your consideration in this request.

Sincerely,

STANLEY F. HAMILTON  
Director

c: AS-Southwest Area

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Instruction

KEEP IDAHO GREEN  
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER

**Do you think they want our money? IWP bus** sewed school endowment land leases currently under application in the Castle Creek allotment.

continued from page 9  
 fencing, spring enhancement, forage planting and the destruction of plants not useful to cattle. Maybe they've had it their way for so long they take their selfish use of public land for granted. I went into these time consuming meetings with a real sense of hope and optimism, but I came away with a deep feeling of anger and despair.

Of course, there has to be something good about all this. I learned some amazing ecological facts from the ranchers and I'll share them with you. -"It's a known fact that when land is rested the grass will die." -"When livestock is removed, the wildlife will leave that area and go to where the cattle are." (That explains why there is no wildlife in Yellowstone Park) -"Cattle congregating in a creek aren't necessarily the cause of additional coliforms. Why, in Boise, it's Canada Geese who are responsible for polluting the golf course ponds. There *aren't any cows* there." (The BLM needs to check for large flocks of geese on streams in the Castle Creek area and stop blaming those poor cows.)

I haven't seen the final document from the BLM yet, but I hope it reflects the thoughtful discussion, the agreements and compromises reached with the West Castle Creek ranchers and not the negativism and "business as usual" stand assumed by the East Castle Creek permittees.

Lee McGlinsky is a retired school teacher in Nampa. 🐾



**The West is the loveliest and most enduring of our myths, the only one that has been universally accepted.**

-- Bernard DeVoto

## Please Join Us or Renew Your Membership Now

YES, I'd like to protect and restore Idaho's School Endowment Lands and improve all public lands management.

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

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