



Western Watersheds Project MESSENGER

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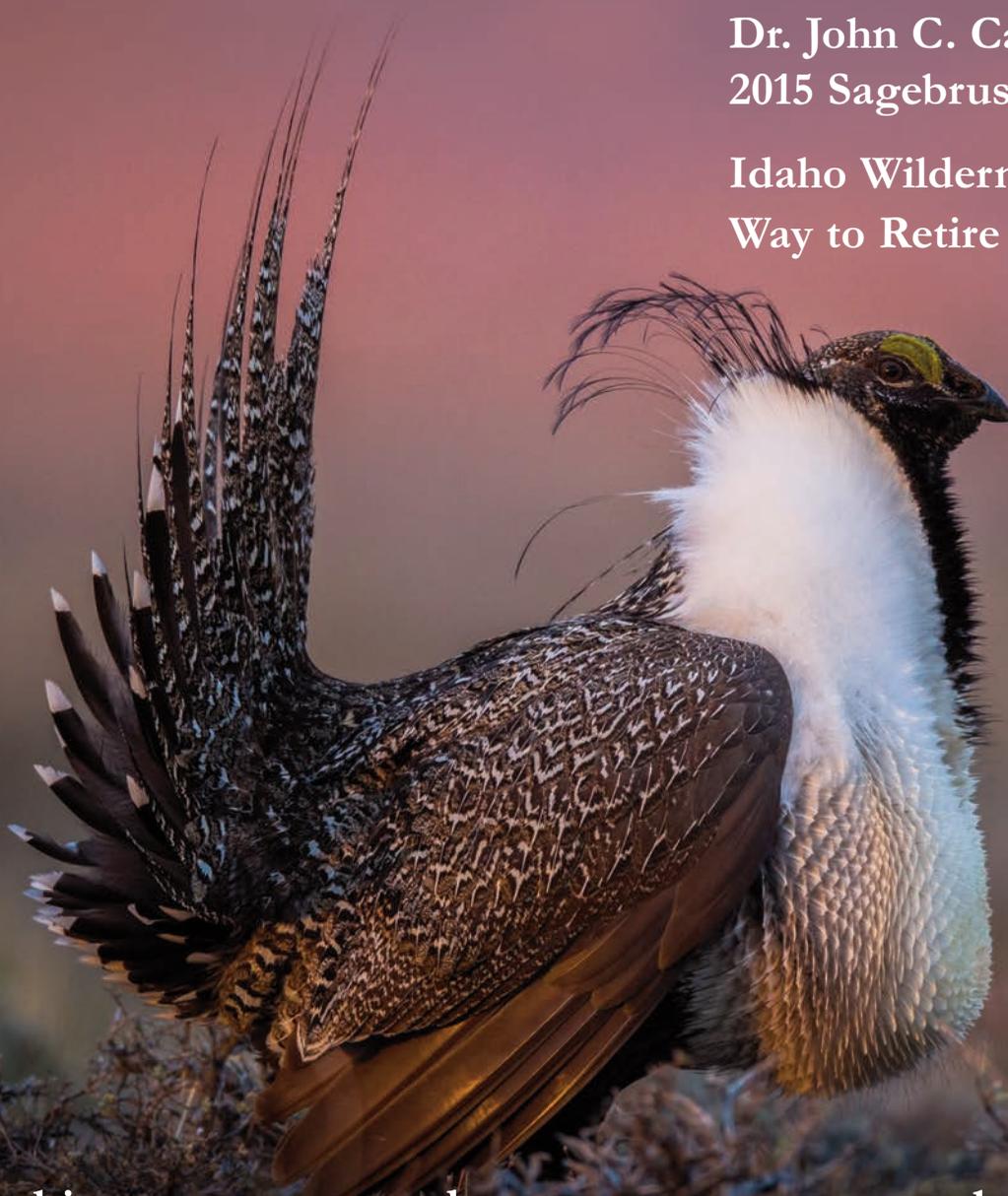
Fall 2015

Sage-Grouse Plans: One Step Forward, Two Steps Back

The Livestock Lobby Can't Ignore the First Amendment

Dr. John C. Carter Receives 2015 Sagebrush Sentinel Award

Idaho Wilderness Areas Offer a Way to Retire Grazing Permits



Working to protect and restore western watersheds and wildlife through education, public policy initiatives and legal advocacy.

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Sage-Grouse Plans: One Step Forward, Two Steps Back

By Greta Anderson



For over a decade, WWP has been engaged with Greater sage-grouse conservation in the West. From challenging grazing permits in sage-grouse habitat

to seeking permit retirement in sagebrush habitats, from forcing the agencies to consider Endangered Species Act listings to lobbying in DC for legislation that would help the bird, WWP has been an active and vocal proponent in the efforts to protect the species and its habitat from the abuses of the livestock industry.

In the first half 2015, much of WWP's work has focused on the Bureau of Land Management's (BLM's) and Forest Service's sprawling efforts to revise 15 management plans on over 60 million acres in sage-grouse habitat. WWP commented on all of the draft plans as they were released during the past few years, but when 14 final plans and proposed actions were released at the same time in May, our entire staff submitted detailed protests within the 30 day deadline. This meant reading the enormous Environmental Impact Statements and comparing the management plans with the science to see if the agency actions would actually protect the bird.

Though the plans signal a small step forward on some issues because they include meaningful restrictions on some types of development in certain key habitats, when it comes to impacts from livestock the plans fall woefully short.

The proposed plans largely preserve status quo public lands ranching in the West and offer only vague promises of future changes to protect the bird. None of the plan amendments or revisions take a single immediate step to change grazing management on the ground. Instead, the plans defer the tough decisions about limiting grazing to sometime in the indefinite future when grazing permits are renewed or allotment management plans are revised.

All of the BLM plans describe

But none of the plans restrict grazing until breeding and nesting is done in the spring, something that scientists have said is necessary to protect eggs and chicks from trampling, flushing, and other livestock disturbance. Some of the plans limit the concentration of trailing cows or sheep on leks during breeding season, but none ensure that authorized herds nearby won't stress the flocks and disrupt reproductive success.

Some of the plans limit new livestock water developments in sage-grouse habitat and require design features to deter the spread of West Nile virus, a deadly disease for the bird. But none of the plans specifically mandate the removal of existing water developments or fences within all important sage-grouse habitat, ensuring that the imperiled birds will continue to get sick, get stuck, and die from livestock-related infrastructure.

This lack of commitment to clear action matters because the BLM notoriously fails to complete environmental analyses for livestock grazing and Congress keeps letting the agencies off the hook for completing important assessments (See Osher piece, this issue).

WWP flagged all of these issues in our comments, protests, and in countless meetings with high level Department of Interior officials, but the Records of Decision signed in September fail to fix the plans' major livestock problems, guaranteeing ongoing harm to

the sagebrush ecosystem and an uncertain future for the bird. This forces us back into federal court to fight for real protection.

Greta Anderson is WWP's Deputy Director. She lives in Tucson, AZ.



SAGE-GROUSE © TIM TORRELL

“Desired Future Conditions” for Greater sage-grouse habitat and all pledge that grazing will be managed to conform to these varying standards. A few of the plans have included scientifically-supported criteria for maintaining perennial grass cover of at least seven inches in nesting and early brood-rearing habitat.

The Livestock Lobby Can't Ignore the First Amendment

By Travis Bruner



Laws that impose jail time for informing the government about matters of public health might seem unsurprising in dictatorships overseas, but here in the American West, that's exactly what Wyoming did when it passed two new Data Collection Statutes this spring. The laws impose criminal and civil liability on persons who enter open land to collect information about land or land use and communicate those findings to a government agency. The passage of these laws are clearly a response to WWP's monitoring work in Wyoming that is rattling the livestock establishment all the way up to the Governor's office. In the Spring 2015 Messenger, I described these laws as "unconstitutional." At that point, we weren't sure what it would take to get "Jonathan's laws" (as in Wyoming WWP Director Jonathan Ratner) overturned, but now the end of these abhorrent laws is in sight.

On September 29, WWP and allies—the National Press Photographers Association, Natural Resources Defense Council, Inc., People for the Ethical Treatment of Animals, and the Center for Food Safety—filed a federal lawsuit against the State of Wyoming. Represented by some of the best public interest attorneys in the country, the lawsuit alleges that the statutes violate the First Amendment, Fourteenth Amendment, and Supremacy Clause of the U.S. Constitution.

Wyoming Statutes § 6-3-414 and § 40-26-101 impose criminal and civil liability on persons who enter "open land" to collect information about land



In Wyoming, it is now illegal to submit photos like this to the government.

or land use ("resource data") if, and only if, the information is communicated, or intended to be communicated, to a government agency. These Statutes directly punish expressive activity and individuals' interchange with the government, target groups based on their unpopularity with the Wyoming legislature, and substantially interfere with federal environmental and administrative law. Purportedly written to prevent "trespass," the laws are actually constructed to penalize the reporting of environmental violations on all "open land," defined as any land outside of a municipality.

WWP knows that these laws were specifically written to target our work in the state, and the debate in the state legislature included statements of extreme animus towards groups that legislators referred to as environmental "activists." Indeed, while debating the legislation, Wyoming legislators who supported the Statutes referred to the groups who engage in citizen data collection and reporting as "extremists," "nefarious," and "evil." One senator urged his colleagues to adopt the Statutes "to apply . . . the Code of the West to a group of people that don't necessarily see [things] the same way." The legislature's decision to single out for punishment groups whose views the legislature disliked is fundamentally at odds with the

Constitution's guarantee of equal protection for all citizens.

The Statutes' criminalization of providing resource data to federal agencies as evidence of environmental harms also undermine the basic tenets of citizen participation in some of the most important environmental laws, and are preempted by federal laws such as the Clean Water Act, the National Environmental Policy Act, the Endangered Species Act and others which all recognize the importance of and encourage citizen participation in agency decision-making. The Wyoming legislature isn't able to criminalize the very activities that federal law mandates.

WWP is enormously grateful to our all star team of attorneys Justin Pidot, Justin Marceau, Leslie Brueckner, and Reed Zars along with a team of other legal experts.

The full complaint can be read online here: <http://www.westernwatersheds.org/?p=4996>

The livestock lobby might be formidable, but they can't ignore the 1st Amendment! We hope to prevail in court and have the Statutes overturned in time for 2016's spring field season.

Travis Bruner is WWP's Executive Director. He lives in Hailey, ID.



Dr. John C. Carter receives the 2015 Sagebrush Sentinel Award!

The Sagebrush Sentinel Award is given annually to an individual who has shown an outstanding commitment to preserving the environment. The award was established in honor of Jon Marvel, the founding director of Western Watersheds Project. Jon's steadfast and tenacious environmentalism changed the West, and has inspired many of us to continue challenging the status quo extractive vision that has been fragmenting and degrading the landscape for centuries.

Dr. Carter's work embodies this spirit of commitment and dedication. His years of service to the protection of landscapes, biodiversity, wildlife, and natural beauty in the West demonstrate just the type of fearless environmental activism this award is designed to honor. Thanks to his inspired and tireless efforts, countless species— big and small, four-legged, rooted, and winged — have been protected from anthropogenic threats of livestock grazing, logging, and mining.

Western Watersheds Project is grateful for the years of support and expertise John Carter has provided to advance our mission. WWP has relied on his research and publications to demonstrate the harms of livestock grazing, and his expert testimony has helped to secure enduring wins for ecological health. He presently manages the Yellowstone to Uintas Connection and owns and manages Kiesha's Preserve. His energy, intellectual rigor, and keen observational skills make him a unique and powerful force in the conservation community.

As the 2015 Sagebrush Sentinel, his name will be added to the plaque developed by local Hailey artist Tom Teitge, and displayed online at www.westernwatersheds.org/sagebrush-sentinel.

Congratulations Dr. Carter and Thank You!



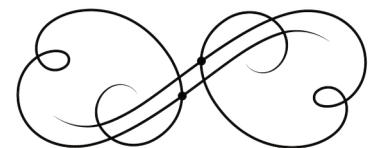
John's dogs enjoy the view at Kiesha's Preserve

Jonathan Pogioli
Illustrated by Angela Corral

BadPaw



BadPaw is the heartwarming tale about a wolf-hating livestock farmer's lonely little daughter who secretly tries tirelessly to nurse an injured wolf pup back to health before the endangered gray wolf population is to be delisted from the endangered species list and made free to be hunted. Will Holly manage to save her new friend before it's too late?



Pogioli's book is inspired by WWP's work to protect wolves and is set in Stanley, ID. BadPaw can be found on Amazon and Facebook. **20% of all proceeds go to WWP.**

Saving Copper Basin

By Kristin Ruether



WWP filed a lawsuit to spur the Forest Service to rein in harmful grazing in Idaho's beautiful Copper Basin (See Centerfold Map). Copper Basin lies in the Pioneer

Mountains east of WWP's Hailey headquarters, an area of enormous beauty that is home to elk and wolverine habitat, fascinating rare plant species, and clean, rushing creeks in need of protection. This popular fly-fishing destination is also home to a unique form of mountain whitefish, as well as sculpin, brook trout, rainbow trout, and Snake River fine-spotted cutthroat trout.

Our Copper Basin campaign seeks to permanently end livestock grazing on these public lands through the implementation of a multi-faceted approach that includes education of the public, enforcement of environmental laws and regulations, and eventually grazing permit retirement.

Under the Salmon-Challis Forest Plan, to protect inland native fish, the Forest Service is required to move towards specified riparian objectives, such as certain temperatures,



© KEN COLE/WWP

Copper Basin

pool frequency, and levels of bank stability. If grazing slows progress towards meeting these objectives, the Forest Service must modify its grazing practices. The new lawsuit challenges the Forest Service's 2015 annual operating instructions (the statements the agency issues each spring directing ranchers when and where to graze) for failing to consider or achieve this important management standard, in violation of its own

Forest Plan.

WWP reviewed the Forest Service's own monitoring data and discovered that many streams fail to meet proper temperatures, have inadequate pool frequency, and have damaged banks. And the agency's data showed that rather than improving, many of those streams with degraded conditions were in a static or declining trend. But the Forest Service has taken little to no notice of these facts for years, failing to take any action to reverse the trend towards recovery. In fact, the agency even authorized steady increases in cattle numbers on several allotments during this time. Recreationists regularly report on cattle-ravaged streams and grazing in unauthorized areas affecting their experiences on these public lands.

WWP's staff attorneys are collaborating with ace attorney Dave Becker from Portland, Oregon on this case. While it shouldn't take a lawsuit to get the Forest Service to follow the law, WWP is optimistic that this legal action will result in positive changes for this special place and its native fish.

Kristin Ruether is WWP's Senior Attorney. She lives in Boise, ID.



© US FOREST SERVICE

Damage to a spring in Copper Basin will take decades to recover if given the chance.

New Idaho Wilderness Areas Offer a Way to Retire Grazing Permits

By Ralph Maughan



In mid-August, President Obama signed legislation that created three new Wilderness Areas totalling about 275,000 acres in Idaho's Boulder

and White Cloud mountains. These new areas will protect very scenic mountain ridges and alpine and sub-alpine lakes after almost two generations of debate.

The Wilderness designations weren't perfect: much of the best wildlife habitat was left out of the boundaries of the White Cloud Wilderness and the Boulder Mountains Wilderness. The wildlife habitat is better protected by the boundaries of the Jerry Peak Wilderness to the east of the other two.

However, there is not much reason to feel sad about the exclusion of so much good habitat because the largest factor causing habitat degradation in the area for the last century could largely end – livestock grazing. Termination of public land grazing on over 700,000

acres of public land within and adjacent to the new Wilderness areas has been authorized by the new law. It authorizes the relinquishment of any valid existing leases or permits authorizing grazing and requires that the Secretaries of Agriculture and Interior accept the donated lease or permit and see that livestock grazing permanently ends.

This provision expands the effect of Wilderness protection to afford additional conservation opportunities in the area defined as the Boulder-White Clouds Grazing Area, specifically mentioned in and attached to the final law (see centerfold). Closing grazing allotments on these vast areas would improve wildlife habitat, increase watershed health, protect soils, and enhance recreational and aesthetic enjoyment of these wild places by removing the degradation caused by cattle and sheep. It could mean the removal of miles of unnecessary fences, the restoration of creeks currently diverted for stock waters, and ensure that elk and deer won't have to compete for food with domestic livestock.

Mandating permanent closure of waived permits through this legislation enables private foundations like the Sagebrush Habitat Conservation Fund to compensate permittees for the conservation value of the allotment. This

type of payment can provide a substantial payout for ranchers who desire to give up their public land grazing permits. The Sagebrush Habitat Conservation Fund is ready to start negotiating the purchase of grazing permits from willing sellers, and there are rumors of other conservation organizations with money allocated for the same use.

Many thanks are due to Representative Mike Simpson (R-ID) and his staff for recognizing this win-win solution to ending grazing conflict and enabling such a huge opportunity, and many thanks to years of work performed by Western Watersheds Project instigating these kinds of positive changes. WWP hopes other members of Congress will see the same benefit of permit retirement and vote to pass the Rural Economic Vitalization Act (REVA), H.R. 3410, recently introduced by Reps. Adam Smith (D-WA) and Raul Grijalva (D-AZ). REVA would create the opportunity to expand voluntary grazing permit retirement across the west. This would be an enormous boon to solving public lands grazing conflicts. It will benefit fish and wildlife, but also recreation, soil and watershed health!

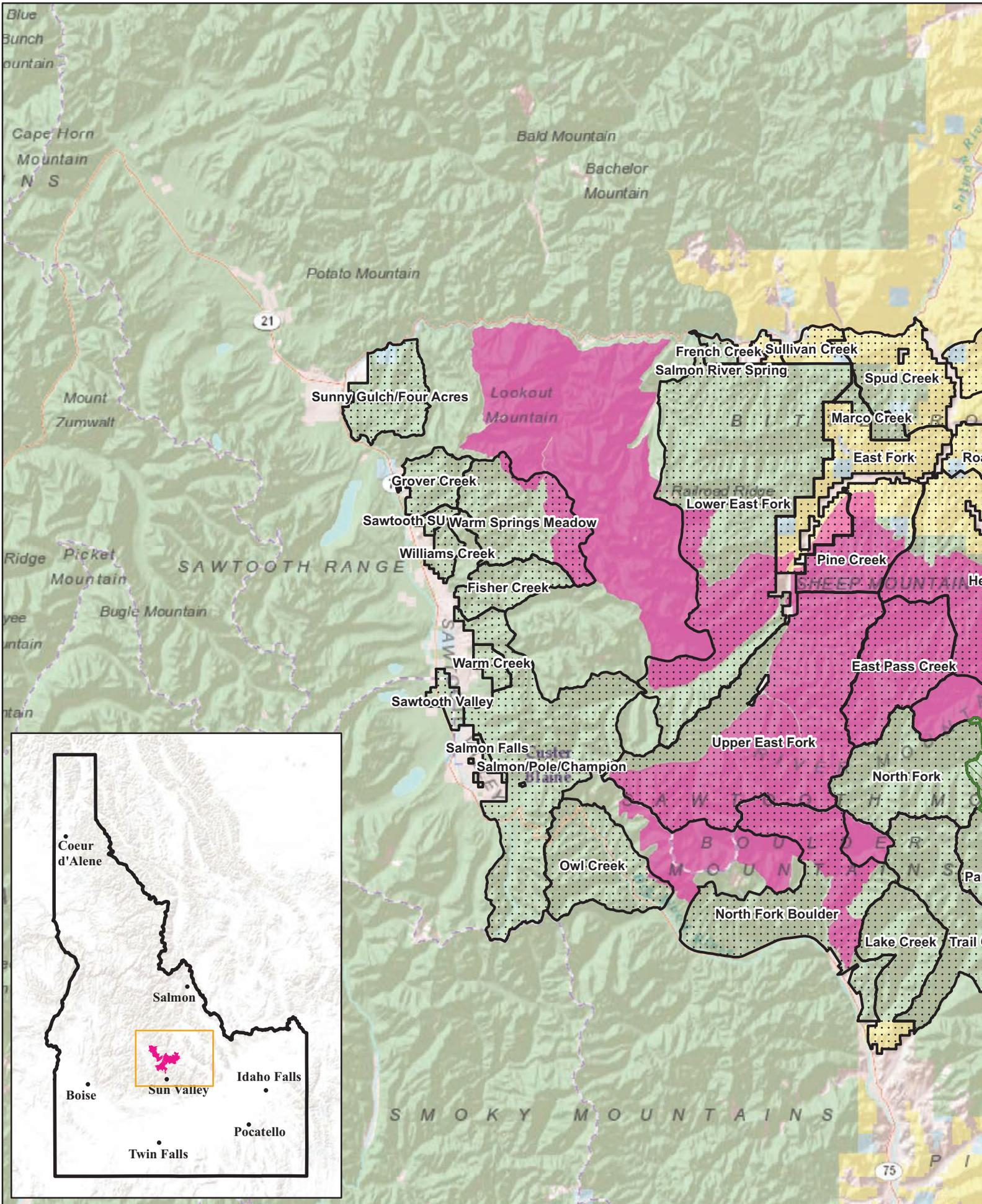
Ralph Maughan is WWP's Board President.

He lives in Pocatello, ID.



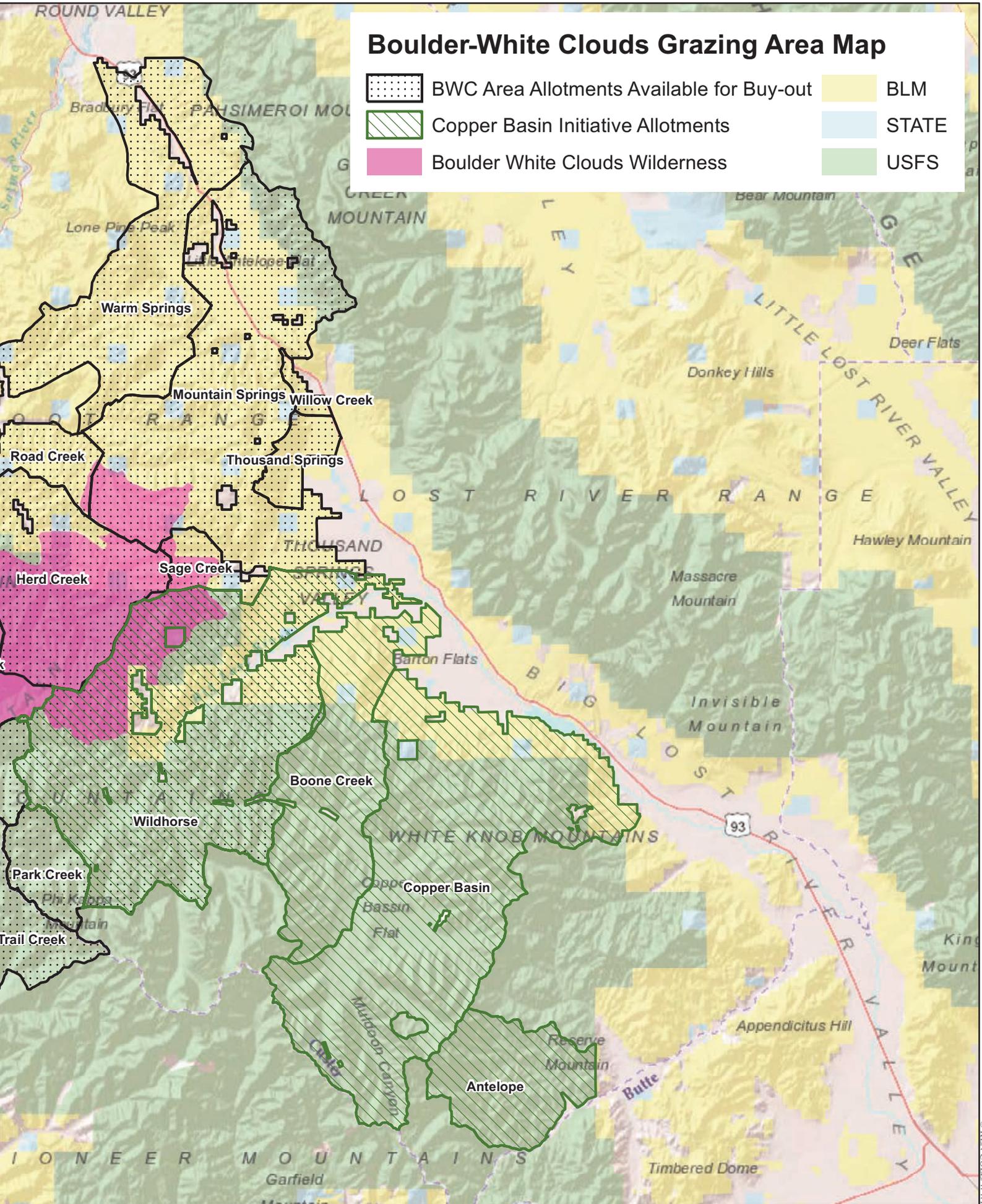
The Boulder Mountains as viewed from the Big Wood River north of Sun Valley, ID.

© FRANK KOVALCHER <http://bit.ly/INTLXIF>



Boulder-White Clouds Grazing Area Map

-  BWC Area Allotments Available for Buy-out
-  Copper Basin Initiative Allotments
-  Boulder White Clouds Wilderness
-  BLM
-  STATE
-  USFS



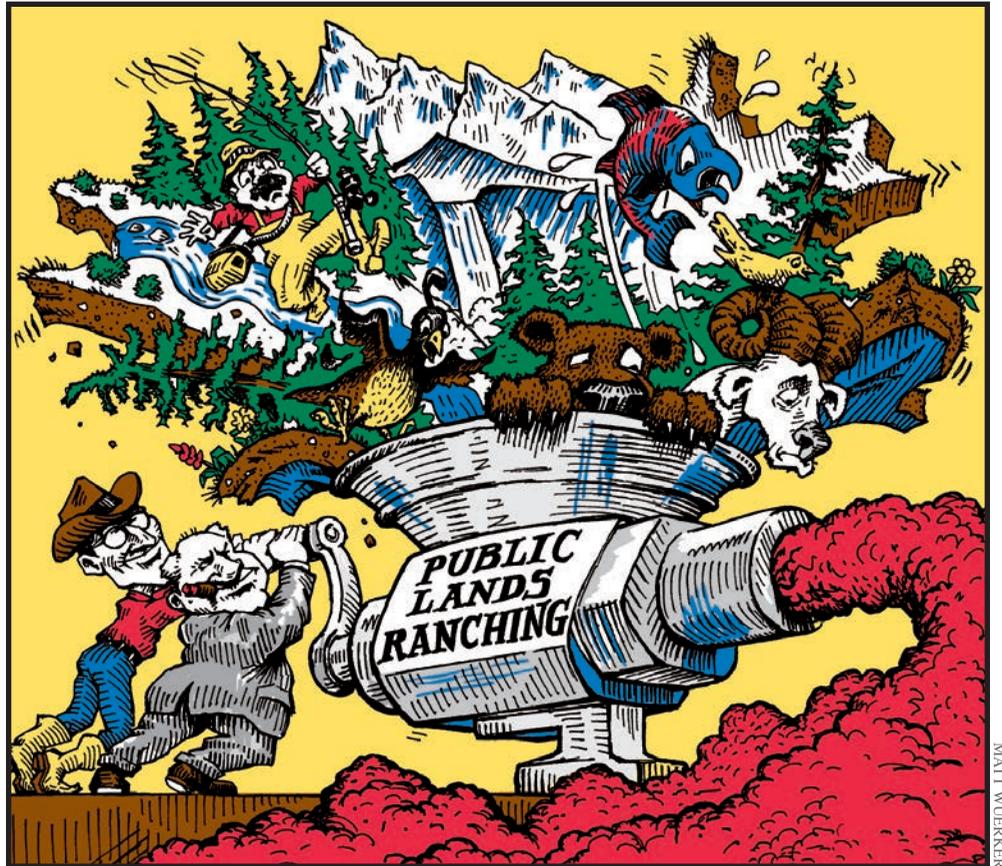
WWP Defends Against the Insatiable Appetite of the Livestock Lobby



By Josh Osher

WWP's efforts to end public lands ranching and its devastating impact on western wildlife habitat requires us to engage in the political realm. As part of this effort, I regularly travel to Washington, DC for meetings with members of Congress, their staff, and administration officials. As you probably all know, the current political climate has led to gridlock and dysfunction at the highest levels of government. Rather than making decisions after thoughtful debate and deliberation, back room deals and last second votes on the edge of proverbial fiscal cliffs are the new norm for Congress. This often makes it difficult, if not impossible, to predict where or when damaging provisions and policy riders will surface for a vote. During my most recent trip in late August, the primary focus was on three important issues that are detailed below. Fortunately, some of these threats are extinguished for the time being but we never know where they might resurface.

First and foremost on my list of priorities was to strip a completely immaterial and unnecessary rider in the House version of the 2016 National Defense Authorization Act (NDAA) that would prohibit the listing of Greater Sage-grouse under the Endangered Species Act for 10 years. It would also require the adoption of inadequate state sage-grouse plans and require federal agencies to get permission from state governors before any restrictions on development could be put into place. Essentially, this rider would transfer authority for the



Our public lands ground into hamburger.

management of nearly 65 million acres of federal public land to western states. Fortunately, and as a result of the efforts made by WWP and our allies, this provision was taken out of the final bill. Even now that the U.S. Fish and Wildlife Service has chosen not to list the Sage-grouse, the threat of Congressional meddling still looms large. Radical members of Congress are still pushing to block the federal land management plans from going into effect and require the adoption of state plans. It would be no surprise to see an effort to include a rider to this effect in an Omnibus Appropriations bill or some other must-pass legislation.

In addition to the Sage-grouse rider in the NDAA, there were several other riders that would have directly affected livestock grazing hidden in the "technical and clerical clarifications" section of both the House and Senate bills. Rather than being simple clarifications, this new language would have had profound effects on federal policy by limiting

public input and rubber stamping the renewal of Allotment Management Plans (AMPs), exempting grazing allotments on National Grasslands from the National Environmental Policy Act (NEPA) review, and making it nearly impossible to voluntarily retire grazing permits. This last section relating to permit retirement would effectively take away one of the most successful (and cooperative) tools we have to eliminate livestock grazing in sensitive wildlife habitat. Thanks in large part to our efforts in alerting the key staff members working on the bill to these provisions, they were also stripped from the final bill. However, as restricting public involvement and oversight is the name of the game for the public lands livestock industry, we can expect these riders will resurface in some other piece of legislation in the near future.

Both the House and Senate Interior Appropriations Bills contain numerous policy riders to limit public input and

roll back our landmark environmental laws. One such rider tucked into the House version of the 2016 Interior Appropriations bill that is deeply troubling and could have serious consequences for native wildlife and sensitive habitat would require the BLM and Forest Service to open vacant grazing allotments for ranchers who are unable to graze their current allotment due to drought and wildfire. The permits would be issued with the same terms and conditions as the last time the allotment was grazed and be exempt from NEPA. In most cases, vacant allotments are vacant for good reason including critical habitat for endangered species, previous failure to meet land health standards, and previous retirement as a result of cooperative agreements between ranchers and conservation organizations. Most of these allotments have not been grazed for many years or even decades. Allowing grazing to take place on these allotments with no additional environmental review or public input is not only unnecessary but a clear violation of the public trust that could undo years of hard fought victories for wildlife conservation. WWP will be closely tracking this year's budget battle in the coming months and working hard to ensure that the vacant allotment rider as well as many of the other industry giveaways are not included in the final spending bill. Your help in this effort is vital.

Please contact your Senators and Representative and let them know that enough is enough. Our public lands and native wildlife are suffering from years of abuse at the hands of the public lands livestock industry. Regulations and oversight need to be strengthened, not weakened for the benefit of a small and destructive special interest group.

*Josh Osher is WWP's Montana Director and Public Policy Consultant.
He lives in Hamilton, MT.*



My Summer with WWP

By Rance Shaw

I was fortunate to spend this past summer as a legal intern at Western Watersheds Project's Boise office. Of all the internship opportunities I had, I figured WWP would offer the most experience over the course of ten weeks. Without a doubt, I am returning to the University of Oregon better prepared to be an environmental attorney.

My projects focused on the activities of state branches of Wildlife Services in Idaho, Montana, Oregon, and Wyoming. I've been interested in this predator-killing agency for several years, so I was thrilled about the opportunity to sort through thousands of pages of Freedom of Information Act responsive documents that would otherwise be unavailable to me.

Due to the notorious opaqueness of Wildlife Services, I felt a particular duty to review the documents carefully. Relatively few members of the general public have the knowledge or means to gain access to Wildlife Services documents. How egregious! An agency fearful of public criticism is entitled to little, if any, respect. The public is becoming increasingly aware of this rogue agency, and I'm glad to have been working with WWP on this project, an organization that has a long history of advocacy for our wildlife resources.

Perhaps the most valuable lesson I learned over the summer is that I made the correct career choice. I saw firsthand what could be accomplished by a small group of likeminded and determined individuals. It reminded me that public interest environmental law is a lifestyle choice rather than a 9-to-5 gig.

*Rance Shaw was WWP's Summer Intern.
He lives in Eugene, OR.*

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SAVE THE BEASTS



Species Listing Update

By Michael J. Connor



The Endangered Species Act (ESA) seems simple enough – “to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species.” The Act allows citizens to petition for species to be listed and that is the mechanism by which most species are added. The decisions are meant to be based on the best science but politics inevitably enters into the process.

Gunnison Sage-Grouse

The Gunnison sage-grouse (*Centrocercus minimus*) was only recognized as a species in 2000. In January 2013, the U.S. Fish and Wildlife Service (USFWS) acknowledged that the best available science demonstrated that the species was at risk of extinction throughout its range and issued proposed rules to list the bird as endangered and to designate critical habitat. In November 2014, the Service backtracked and issued a final rule listing the Gunnison sage-grouse as threatened. In January 2015, WWP joined with our colleagues at the Center for Biological Diversity in suing the USFWS and urging the court to declare that the USFWS failure to list the Gunnison sage-grouse as an endangered species throughout all of its range violated the ESA.

Bi-State Sage-Grouse

Bi-State sage-grouse are a genetically distinct population of Greater sage-grouse found on either side of the California Nevada border in the Mono Lake area. WWP was among the groups who petitioned to list it in 2005. In 2010,



Greater Sage-grouse

the Service decided it warranted listing but listing was precluded by higher priorities. Then in 2013, the Service proposed designating the Bi-State sage-grouse as threatened and offered critical habitat. Two years later, the Service backtracked and issued a new finding that the Bi-State sage-grouse do not warrant listing. We expect the Service’s decision to end up in court soon.

Greater Sage-Grouse

Western Watersheds Project and our allies petitioned to list the birds in 2003, a year in which three petitions to list the species were filed! Over the next six years the USFWS made a number of attempts to release the birds from

the threat of listing - each swiftly rebuffed by federal courts. In 2010, the USFWS determined that the Greater sage-grouse warranted listing under the ESA, and it was no surprise that the USFWS also consigned it to the “but precluded” dust-bin of history.

In September this year, the Secretary of Interior announced with great fanfare that Greater sage grouse do not need listing. So yet again, it looks like the birds will have to rely on the federal courts to tell the USFWS to do their job. Indeed, we expect court challenges will make 2016 an *annus horribilis* for the USFWS Service.



Slickspot Peppergrass



© PAT CLAYTON www.fishbase.org/photography.com

Grayling

Slickspot Peppergrass

Slickspot peppergrass (*Lepidium papilliferum*) is an unusual and very rare plant found in southwestern Idaho on the Snake River Plain and Owyhee Plateau. The plant displays two different life cycles, an annual and a biennial form. The annual form of the Slickspot peppergrass matures, reproduces by setting seed, and dies in one growing season. The biennial life form initiates growth in the first year as a rosette, but does not produce seed and die until the second year. As its name suggests, this sage-steppe plant grows only where puddles or small pools form after rain or snow, and then dry up.

The plant has been of conservation concern to the USFWS since 1990. After many rounds of litigation, it was listed as threatened and critical habitat designated in October 2009. However, in response to litigation by the Governor of Idaho, in 2012 a federal judge overturned the decision on a technicality. That technicality has since been addressed by the USFWS and a new proposed finding issued. A final decision is expected in the next month or two – just in time for the silver anniversary of the slickspot peppergrass appearing on the USFWS Radar.

Sonoran Desert Tortoise

In 2010, the USFWS determined

that the Sonoran Desert tortoises warranted listing but were precluded by higher priorities. This month however, the Service changed its mind. Evidently these tortoises that warranted listing in 2010 have made a miraculous turnaround. Quite miraculous indeed considering that these tortoises take 15-20 years to even reach sexual maturity let alone reproduce, and they are facing increased threats from livestock, climate change, disease, and energy development. We expect that federal courts will make the USFWS reconsider its decisions.

Arctic Grayling

The USFWS was petitioned in 1991 to list the fluvial Arctic grayling and in 1994 it determined that listing the fluvial Arctic grayling was "warranted but precluded." Following litigation by Western Watershed Project and the Center for Biological Diversity, the USFWS agreed to make a final listing determination by April 16, 2007. In 2007, the Service determined the fluvial Arctic grayling population was not a distinct population and thus not listable under the ESA. Following yet another legal challenge, the USFWS agreed to publish a new status review. On September 8, 2010, the Service determined that these fluvial Arctic graylings warranted listing under the Endangered Species Act, but that listing the fish was precluded at this time by higher priorities. Subsequently, in August 2014 the USFWS determined listing was not warranted.

The ESA requires the USFWS to base its decisions on the best available science not on its game-playing abilities. In February 2015, Western Watersheds Project and allies filed suit in federal court to remand this latest decision. We expect the court to rule in mid-2016 or so.

Michael Connor is WWP's California Director. He lives in Reseda, CA.



© SPS

Baby Desert Tortoise

Grazing Leads to Blazing

By Travis Bruner



Livestock grazing in southwestern Idaho and across the West has contributed significantly to the intensity, severity, and enormity of fires this summer. Important habitat for sage-grouse, redband trout, and other wildlife species burned. Despite the livestock industry's claims to the contrary, the Idaho fires burn hotter and faster because of the impacts of cows and sheep on these arid western lands.

Here's how it works: Livestock chomp away large amounts of forage, removing the native grasses that burn at a lower intensity than the fire-prone invasive species that dominate many areas including Owyhee County. While cattle and sheep grazing decreases the presence of fire-suppressing bunch grasses and forbs, it also spreads plant species like cheatgrass that increase fire intensity and frequency. Combined with drought, high winds, and low humidity, the impacts of livestock grazing are a root cause of the West's intense wildfires. The presence of livestock only increases the long-term probability of more intense and more frequent wildfire. The myth that livestock diminish fires is true only when so much habitat has been removed that there is nothing left to burn.

Livestock grazing not only increases the intensity and frequency of fire, but also exacerbates the impacts of wildfire on the post-fire landscape. The removal of vegetation from the land coupled with heavy hoof trampling results in the increased severity of erosion that often occurs after wildfires. These degraded soils set the stage for further infestations of invasive species, and the cycle continues.

These impacts of livestock grazing



McBride Creek, Blackstock Allotment. This heavily grazed area was burned in the Soda Fire of 2015 which lay waste to about 280,000 acres on the Idaho/Oregon border.

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on fire are well documented in scientific literature. Soil crusts and healthy bunch grasses play an integral role in controlling the dominance of ignitable cheatgrass by "limiting the size and connectivity of gaps between vegetation. Livestock grazing reduces invasion resistance by decreasing bunchgrass abundance, shifting bunchgrass composition, and thereby increasing connectivity of gaps between perennial plants while trampling further reduces resistance by reducing [biological soil crusts]."¹ Passive restoration through the reduction of cattle grazing is an effective method to protect and restore bunchgrasses and biological soils crusts.²

For a century and a half, livestock grazing has wreaked havoc on the sage-

¹ See Reisner, M.D., J.B. Grace, D.A. Pyke, and P.S. Doescher. 2013. Conditions favouring *Bromus tectorum* dominance of endangered sagebrush steppe ecosystems. *Journal of Applied Ecology* 50(4): 1039-1049.

² Id.

brush landscapes of the West, stripping away wildlife habitat, plant communities, and beautiful scenery. Every year, frequent and faster-burning fires move across the West, and we as federal taxpayers continue to subsidize the grazing of over 225 million acres of public land. The sage-steppe landscape goes up in smoke, we lose money, and the livestock industry gets a free ride. Something is wrong with this picture.

The solution is not more grazing, but passive restoration of the landscape. Allowing native bunchgrasses to return to Owyhee County would offer a long-term solution. The removal of livestock grazing leads to more native grass production, less intense fires, increased biodiversity, and improved wildlife habitat.

Travis Bruner is WWP's Executive Director. He lives in Hailey, ID.



Sacrificing Wyoming's Waterways for Beef

By Jonathan Ratner

WWP's water quality monitoring in Wyoming has repeatedly shown unhealthy levels of the bacteria *E. coli* in streams where livestock graze. In response, the Wyoming Department of Environmental Quality (DEQ) categorically downgraded 76% of the state's waters to allow five times the previous level of *E. coli*. This way of "problem-solving" the state's water quality failings occurred during the late summer of 2015 and created quite a stir of public controversy when the plans came out in the media. The federal Environmental Protection Agency (EPA) required the Wyoming DEQ to solicit public input before approving this massive downgrade.

WWP held a public meeting at the Teton County Library in Jackson in early September in order to educate the public about the effect of the changes. I explained that this enormous change in water quality standards is just one aspect of efforts to exempt Wyoming from the Clean Water Act. Other aspects include two new data censorship laws that criminalize data collection, changing the rules to make it virtually impossible to list waters as impaired or threatened and Strategic Litigation Against Public Participation (SLAPP) suits against those who collect data displeasing to the livestock industry.

I told the group that in order to downgrade a stream, DEQ must prove that primary contact recreation is "not an existing or attainable use" and how the massive categorical downgrade failed to prove that. I discussed the flaws in the DEQ's model that downgraded all streams with annual flows less than 6



Long Creek formerly did not meet E. coli standards but is now "acceptable."

cubic feet per second. But some of these streams have nearly twice that flow during the summer season. The DEQ also determined that people do not walk more than 1/2 a mile from a trailhead and never recreate more than 1 mile from cities and towns, and thus all streams beyond these limited parameters could be safely reclassified.

Following the presentation, the attendees engaged in an informative Q&A

session that left the audience ready to take action to protect clean water in Wyoming. It remains to be seen if the federal EPA will stand up for clean water or just capitulate to political pressure from the state of Wyoming and rubber stamp the flawed categorical downgrade.

Jonathan Ratner is WWP's Wyoming, Utah & Colorado Director.



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