DE-RANGED:
THE BUREAU OF LAND MANAGEMENT AND THE PLIGHT OF THE AMERICAN WEST

by Steven T. Taylor

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prepared for

Voice of the Environment

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ABOUT VOICE OF THE ENVIRONMENT

Voice of the Environment (VOICE) is a nonprofit national environmental group based in Bolinas, California. VOICE provides support for citizen activists and grassroots groups working in conservation and environmental defense. In the interest of public education, VOICE commissions research and disseminates information through various media. The group works to amplify the issues and elevate the level of democratic debate regarding the foundation of America's well being — our environment. It is critical to America's future that our public land management agencies act with integrity, follow the law, and use sound science. At this time, VOICE's primary focus is wildland conservation, forest protection, and now, rangeland reform.

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employees who spoke with him, making this study possible.

Mr. Taylor dedicates this report to his son Perry William Taylor, his wife Cindy Elizabeth Collins-Taylor and his parents, Richard and Sara Taylor.

Table of Contents

Summary: What Reform? .... page 1

Introduction: BLM Masters the Art of Insidious Collusion page 6

Section 1: BLM History Is Rooted In Cowboy Culture ...... page 10

Section 2: Breaking the Law for 60 Years? Unprecedented Petition Challenges Bedrock Provision of Grazing Act .... page 19

Section 3: Catering to Cowboys In "Wonderful Wyoming" ... page 22

Section 4: Power-PAC Politics Leads to Disenchantment in the Land of Enchantment .... page 29

Section 5: Cattle Feces and Endangered Specie in Oregon . page 32

Section 6: Range Rider Tries to Waive Environmental Responsibility .... page 39

Section 7: BLM Rank-and-File Unhappy, Sometimes Brow-Beaten .... page 43

Section 8: Allowing a Mining Company to Poison and Run .. page 49

Section 9: BLM's Role Encourages Drilling in Alaska Reserve .... page 55

Appendix 1: What Comes In, What Goes Out: BLM Economics . page 61

Appendix 2: Whistleblowing on the Range: BLM Retaliation page 65

Endnotes: .... page 66

Investigative Methodology

This study is the result of a months-long investigation. The author conducted more than 70 interviews with BLM officials, rank-and-file employees and retirees, members of congressional and subcommittee staff, representatives of the environmental community and others who are in some way involved with the agency. The author also examined hundreds of government documents, newspaper, magazine and journal articles, and web- pages in researching this report.

SUMMARY: What Reform?

Unlike many of its federal, natural-resource cousins, the Bureau of Land Management (BLM) has escaped close scrutiny for years. Whereas the U.S. Forest Service often seems to find itself embroiled in controversial newspaper stories and TV news-magazine shows, and the National Park Service maintains a high profile before millions of summer tourists, the BLM trudges along, out of the spotlight like a gritty backstage worker.

While the agency isn't huge, it's not a skinny arm of government either. As a branch of the U.S. Department of Interior, it employs some 9,500 people, oversees 265 million acres of federal land, and receives an average annual budget from Congress of about $1 billion. Still, for an institution with so much responsibility and such significant congressional allocations, it is relatively unknown to a majority of the public.

And that's how both the BLM and its chief beneficiaries seem to like it. "I prefer to stay below the radar screen," BLM Director Pat Shea, told Voice of the Environment (VOICE). "If the secretary [Bruce Babbitt] or assistant secretaries get some notoriety [he means 'attention'], that's fine... I'm a pragmatist who wants to get things done and not get into symbolic battles."

On examination, the BLM reveals itself as a pivotal player in protecting the interests of Big Ranchers, Big Miners, Big Lumberjacks and Big Oil men. Many Capitol Hill insiders, academicians, environmental leaders, and most importantly, current and former BLM employees, have known for years of the BLM's reputation as a regulatory agency that is often easily twisted by the very industries it is suppose to regulate.

Shea says, however, that under his leadership the agency is changing. "I'm trying to move the BLM away from some of [its] more traditional relationships, like with the livestock industry and the oil, gas and mineral people," he says.

But, according to dozens of agency observers, Shea is either disingenuous about his pro-

claimed commitment to ending the BLM's incestuous relationships, or he simply lacks the authority and strength to usher in the reform that many say are long overdue.

As a result, the nation's environment — especially on overgrazed rangelands in our grand showcase, The American West — is suffering severe environmental pain. The range is becoming denuded, denatured, degraded and, in essence, "de-ranged."

Overgrazing, seemingly practiced by many livestock ranchers, with BLM complicity, endangers wildlife on the ground and chokes fish runs in the water, tramples once-tranquil meadows, threatens the existence of rare native plant species, pollutes rivers and rips apart hundreds of thousands of acres of riparian areas. In fact, riparian areas are "in the worst condition in history," according to one of the Department of Interior's own documents.[1]

Consider the words of rangeland expert and author Lynn Jacobs: "Ranching has wasted and is wasting the Western United States more than any other human endeavor."[2]

Bill Marlett, executive director of the Oregon Natural Desert Association (ONDA), echoes Jacob's sentiments. "A lot of people don't grasp this well, including many people in the environmental movement: Livestock grazing is the number one destructive force on the western landscape. Bar none," he told VOICE. "There's nothing that comes close to the damage that has been done over the last 120 years compared to livestock grazing."

On sensitive land in Wyoming, for example, a rancher with a history of having his way with the local BLM "dumped his cattle" in a riparian area where they have grazed for a decade, says Craig Thompson, who teaches environmental science and engineering at Western Wyoming College, and has repeatedly challenged the agency. As a result, the cattle have "hammered" the grazing allotment in violation of federal environmental requirements, Thompson says. "It's a nightmare out there," he adds, "and the BLM has never held [the rancher] responsible for the damage."

Or consider this assessment by an agency employee about the BLM district he works on in

Oregon. "Many of the riparian areas are in pathetic condition and that's caused primarily by livestock grazing," he says, adding that this is not a recent discovery. "We did a lot of inventory in the late 70s and early 80s. So [the BLM office responsible for these areas] has known for a lot of years what those conditions are."

The employee, like others interviewed for this study, asked not to be identified for fear of reprisal from his bosses and concern that ranchers who live in his community may harm or intimidate his family. He is one of many within the BLM rank-and-file who are trying to do the right thing and protect and restore the ravaged rangelands for today, and for future generations.

As a former whistleblower of agency wrongdoing, he knows what can happen to so-called "troublemakers." When he reported mismanagement in the late 1980s his supervisor told him his whistleblowing could "mean the end of his career" and issued other threats, he recalls. Some say things on the ground have changed since the BLM days of the Reagan and Bush administrations, that the agency does not retaliate against its employees any more. Other say it's only more subtle now. (For more on the treatment of agency employees who try to check corruption and mismanagement, see below).

The Clinton administration under Secretary of Interior Bruce Babbitt entered the much-publicized rangeland wars in 1993 with strong intentions to reform both grazing practices and the BLM itself. Clinton wisely appointed James Baca in 1993 as BLM director, a person with strong leadership skills, integrity and high aspirations to set the agency right. As has been well documented, Babbitt succumbed to ranching-interest pressure and forced Baca out of office before he could even begin to accomplish his mission.

Still, Babbitt and range reformers within the BLM and Congress did push through in 1994-95 some measures — albeit weaker than what many reformers wanted — to help repair the broken West. New "standards and guidelines" were activated under the Fundamentals of Rangeland Health initiative in August 1995. But, VOICE has learned, even these moderate new provisions have failed, often, sources say, because the BLM has shown neither the

desire nor the will to enforce the regulations.

Simply put, reform is dying a slow death on the dusty range.

“I think what we are seeing is that, here in the West, the secretary spilled blood on the floor for two or three years talking about range reform and a new vision of federal land management and new grazing requirements,” says Cathy Carlson of the National Wildlife Federation, who is one of the nation’s most astute and respected rangeland experts. “But the agency doesn’t seem to be doing what these new regulations require. Instead what we see is complete inertia.”

And sometimes, complete defiance, as this report demonstrates.

This investigative study primarily focuses on rangeland abuse from livestock grazing, describing in detail several examples where the BLM is violating the public trust. It also briefly explores the agency’s role in mining and oil drilling activities. (It should be noted here that this report does not investigate the BLM’s timber operations. For that, VOICE recommends any of several white papers published by Public Employees for Environmental Responsibility, Washington, D.C.) The study also serves interested parties as a compendium of federal lands- policy misdeeds.

Among the study’s findings are:

* The government has allegedly violated federal law for more than 60 years by failing to comply with the legislative backbone that governs grazing, the Taylor Grazing Act of 1934. Now for the first time ever, the BLM and its federal parent, the Department of Interior, must confront this damning charge in a new petition for rulemaking filed by ONDA.

* The agency has allowed a locally powerful rancher in Wyoming to ignore environmental standards and overgraze a valuable natural resource area, according to a recently filed formal protest that has now been elevated to a law suit. The litigation cites the BLM’s own

documents to show that this mistreatment of the land has continued for more than 10 years. It asks, among other things, for an injunction against grazing in the area in question until environmental protection plans are implemented.

* The BLM fought tooth-and-nail to protect the identity of ranchers cited for trespassing on federal land. A court ruled the public has the right to know who the violators are and that the agency should stop stonewalling a group's Freedom of Information Act request for those names.

* In several BLM-controlled areas in Oregon, the agency has allegedly violated the National Environmental Protection Act and the Wild and Scenic Rivers Act by failing to properly manage grazing activities. As a result, the environment is deteriorating.

* Two environmental groups recently sued the BLM for failing to conduct — as required by law — an environmental assessment of the impacts of grazing on a congressionally delegated national conservation area in New Mexico. Instead, the agency allowed some 2,000 cattle to graze on the fragile ecosystem.

* Next year, some 4,500 grazing allotment permits are up for renewal. But because the agency could not complete environmental analysis of the allotments, as the law requires, a member of Congress has proposed a rider to an appropriations bill that would waive environmental regulations on these lands for a year, leaving them further exposed to ecological harm. BLM Director Pat Shea allegedly asked Sen. John Bennett, R-Utah, to attach the anti-environmental rider. Shea denies doing this.

* An alarming internal survey conducted for the BLM shows that agency employees, in great numbers, are dissatisfied with their jobs, BLM leadership and policy.

* A BLM employee in Idaho found himself the victim of alleged "retaliatory reassignment" because he blew the whistle on what appears to be conflict-of-interest conduct by his superior.

* By ignoring documented reports, the BLM closed its eyes to corporate environmental abuse by continually supporting a mining company in Montana that poisoned the land and possibly the drinking water of local residents. The company has filed for bankruptcy, and taxpayers may be saddled with millions in pollution clean-up the costs.

* The agency failed to offer an alternative in an environmental impact statement that would permanently protect an ecologically sensitive area in Alaska. Subsequently, the Interior secretary in August bowed to oil interests and opened up millions of acres for oil drilling. The BLM also refused to conduct a wilderness study in the area — which many say was needed — basing its refusal on a directive from former Interior Secretary James Watt.

Together, these findings underscore the Clinton administration's failure to commit fully to true reform of the agency that manages more federal land than any other entity in the nation. The Clinton-Gore team, it should be noted, campaigned in 1992 and repeated its proclaimed commitment in 1993 to change the way the natural resource agencies do business and protect the U.S. West from the devastating effects of the extraction industries.

One clear call for reform by the administration came in 1993 in the much-heralded National Performance Review on reinventing government, championed by Al Gore, "From Red Tape to Results: Creating a Government That Works Better and Costs Less." In its recommendations section, the report directly addresses BLM activities. "The federal government should institute reforms to guarantee a fair return for federal resources such as livestock grazing and hard-rock mining. Some of the programs regulating the commercial sale and use of natural resources on federal land operate at a loss to the taxpayers and fail to provide incentives for good stewardship practices."[3]

Instead of pushing for such reform, critics say, Clinton, Gore and their BLM have caved to political pressure from industry-friendly members of Congress and their powerful lobbyists. "I don't think there is anyone in senior management at BLM who wants to take on the livestock industry," says the National Wildlife Federation's Cathy Carlson.

And, the administration's once-strong-willed environmental leaders have let policy reform, especially on the grazing issue, fall from their policy radar screen. "Babbitt has not even been engaged in the grazing debate for quite awhile," Carlson adds.

The administration has also failed to reform the BLM's mineral and oil programs and activities, apparently feeling that to do so would be too politically costly — regardless of the long-range, environmental damage the oil and mining industries are inflicting. "Frankly, the administration does not want to jeopardize the short-term benefits of a strong economy by watchdogging, and thereby pissing off, the oil and mineral interests," a BLM employee told VOICE.

INTRODUCTION: BLM Masters the Art of Insidious Collusion

Many watchdogs of the Bureau of Land Management have come to know the agency as a complex, hard-to-penetrate organization that wears many different faces, sometimes simultaneously. It can be secretive, protective, bumbling, mean-spirited, corrupt, frustrated, and yes sometimes, well-intentioned and hard-working. One example of its protective and surreptitious self comes from a recent directive from Robert Korfhage, a BLM resource area manager in Grant's Pass, Ore. Korfhage wrote a memo to those in his charge titled, "Documenting Discussions With the Public/Safety," in which he asks to be informed of any meeting with a member of the public.

"I have personally heard some employees are undermining projects and giving out information on how to sabotage projects," Korfhage wrote, according to the memo obtained by Public Employees for Environmental Responsibility. "As you are probably aware, this type of negative discussion is an insubordination/misconduct issue and subject to disciplinary action. I encourage you to document your discussions so if your name comes up you show what your actual conversation was about."[4] BLM critics say this management action might best be described as "paranoid" and "oppressive."

One adjective, however, is rarely if ever used to describe this agency that is charged with managing more land in the United States than any other entity: independent.

This study demonstrates through myriad examples the agency's collusion with industry, as well as its institutional ineptitude. One simple recent case perhaps best symbolizes its too-cozy alliance with an industry it is supposed to oversee and regulate — ranching.

But first, it's important to understand the two underlying reasons for this relationship. First, the BLM is not required to cover costs for its grazing program, and in fact, it loses millions of dollars each year. Further, Congress happily compensates the agency for its fiscal irresponsibility.

“The number one problem is the BLM is rewarded for losing money,” Randal O’Toole, economist for the Thoreau Institute, told VOICE. “And if you’re a [BLM manager], you know that if you have a lot of cattle on your district you can get a bigger budget because Congress loves to fund cattle.” (See Appendix 1 for more on the economic structure of the agency.)

Secondly, as described in detail below, the affinity the agency holds for the ranching community resides deeply in its genes. The BLM was born a cowboy offspring from cowboy-agency parents, reared a cowboy teenager and remains a cowboy adult — despite that the law requires it to act independently to regulate the industry and protect the nation’s environment.

As a consequence of these two factors, ranchers receive subsidies to overgraze and, consequently, ruin the range. Consider the example of the BLM’s Vale District in southeastern Oregon. For decades, the land was overgrazed to the point of severe ecological degradation. A BLM range rehabilitation program sought to repair the land the agency had allowed ranchers to ruin. But instead, the program turned into a clear example of corporate welfare.

“In 1992 dollars, Congress handed out $56 million to fix an ailing grazing system and to shore up the grazing privileges of 184 ranchers [on the Vale District] — an outlay of $300,000 per rancher,” writes range experts Karl Hess Jr. and Jerry Holechek. “Not surprisingly, promised range benefits have not lasted.”[5]

In fact, according to an employee on the Vale district, the land today is in the worst shape he’s ever seen it. “It seems like there never was a rehabilitation program,” the source told VOICE. That is, “unless you mean rehabilitating the ranchers’ pockets.”

Insidious Collusion

Now, to the example that further helps illuminate the agency-industry bond: This case is not, by journalistic standards, the “sexiest,” as others documented in these pages may be; it

is instead insidious, and consequently, emblematic of how the BLM frequently operates.

All-too-often ranchers, farmers and others trespass on BLM land. “It’s amazing what people do on public lands,” says BLM realty specialist Mike Austin, who has investigated trespassing. “They use public lands without paying for. They farm it. They dump on it. They store equipment and irrigation pipes. They graze on it. They put fences up on it.”

Sometimes agency managers ignore such violations, wanting to avoid confrontation with those they consider their most valued customers. For instance, Austin would often report trespassing only to have his superiors take him off the case before the alleged violator could be charged with any crime, he told VOICE.

In the ranching business, especially, trespassing seems to be enticing enough (ranchers can get more for their money and permit) and enforcement lax enough that frequently cattle are illegally turned loose on public land. Or, they’re allowed to “stray” onto restricted land.

The BLM does cite and fine ranchers for trespassing. Even when they do, however, agency managers sometimes go out of their way to protect them by hiding trespassers’ identities from public scrutiny — never mind that the public has the right to know the names of those who break the law, according to a recent court decision.

In January 1998, a magistrate judge in Portland, Ore., told the agency it cannot offer trespassing ranchers such protection.

Here’s how that decision came to be. In 1996, the Oregon Natural Desert Association (ONDA), concerned about conditions caused by grazing near Steens Mountain in Oregon, asked the BLM for documents on trespassing as part of its appeal of an agency allotment management plan. ONDA felt the plan would only lead to further ruin of the terrain. (The group had also challenged a grazing management plan for the area.)

The trespassers admitted their violations. In one case, a rancher illegally grazed 125 head of

cattle, In another instance, some 200 head were allowed to trespass.

In a letter requesting the information, ONDA stated, “These documents will illuminate in a clear and direct way the operations and activities of the BLM with respect to grazing on the allotment and will corroborate many of the allegations made in ONDA’s appeal of the [management plan]. Accordingly, their release will also greatly benefit the public, which has an interest in seeing that public lands are managed in compliance with federal law.”[6]

ONDA also wanted the names to ensure that the government deals consistently with violators or if, instead, it punishes some more than others — those, for instance, who may have closer ties with the BLM.

BLM, Interior Fail to Act As “Instruments of the Public Trust”

Eventually, the BLM state director responded to the Freedom of Information Act request. However, and here’s the illuminating part, in its response the agency refused to provide data on trespassers.

ONDA appealed what it considered the agency’s brazen denial of public information. “The identities of citizens who break laws are normally a matter of public record and should not be shielded by law enforcement authorities,” ONDA wrote in its appeal to the Department of Interior. “Once an individual breaks the law, he has little expectation of privacy in so far as the fact of his law-breaking activities is concerned.”[7]

Interior initially stonewalled the appeal, then acknowledged its delay, and finally in January 1997 released the documents ONDA requested. The trouble was, following the BLM’s pattern of protecting wayward ranchers, the department blacked out the names of the trespassers.

“That is a clear example of the shield ranchers get,” Bill Marlett, executive director of ONDA, told VOICE. “It’s an example of the collusion. That BLM and Interior would attempt

to shield the contractual relationship between a government agency and private entities is almost like they are instruments of the industry, and not instruments of the public trust."

It's worth noting that the Freedom of Information Act was enacted to force full disclosure of government records, except in very narrowly interpreted exceptions — national security interests, personnel and medical files or when a person's privacy would be unduly invaded. ONDA was not delving into any such matters. It merely wanted names of violators.

The court agreed that the agency had no right to withhold the names from the public. "Because disclosures of the identities of the cattle trespassers in question will not invade the privacy of those individuals, BLM should be required to turn that information over," writes U.S. Magistrate Judge Dennis James Hubel.[8]

"In this case, individuals who arguably held rights to graze cattle on public lands abused the contract rights given them by the government," according to Judge Hubel.[9]

There is one more fact to this case that's revealing. The agency tried to extract fees for the information ONDA requested, perhaps in attempt to place an additional hurdle in ONDA's path. The court ruled that the BLM could not charge for disclosing data because it included public information on the monitoring of wildlife, water quality and soil.

ONDA has not yet been able to monitor the trespassing ranchers, it expects to do so soon.

SECTION 1: BLM History Is Rooted In Cowboy Culture

To understand today's BLM, it's important to look at its creation and history. The agency was born in 1946 when the Department of Interior integrated two existing agencies, the General Land Office and the Grazing Service.

The General Land Office, an agency created in 1812 during America's early pioneer days, had been charged with selling cheap tracts of public lands to entice settlers, many of whom lived in Eastern cities with dreams of living and working their own wide-open spaces. It epitomized, and in fact encouraged, the nation's commitment to manifest destiny. Much of the land the office dispensed with were former Native American lands that the government had acquired one way or another.

The agency parceled out land at bargain basement prices, sometimes for as little a dime an acre — that's cheap even for those days. The idea for this wholesale land disposal was to give small farmer-wannabes the chance to raise livestock and crops; that's how many ranching and farming families got their start.

But despite the government's attempt to look out for the little guy, big business also began buying up the cheap property; the General Land Office did not have the resources nor the strong inclination to investigate exactly who was settling the land.

By the time the Civil War started, the agency had sold off more than 300 million acres of public lands, much of it to land speculators and corporations. These corporate acquisitions only increased with the passage of various legislation, like the famous Homestead Act signed by President Lincoln in 1862 and the lesser known Desert Land Act of 1877, which allowed interested parties to purchase government 640-acre tracts of land at 25 cents an acre, with certain stipulations.[10]

Consequently, businessman could cheaply grab the land for mining, ranching or other

commodities, use it, sometimes abuse it and reach for another government land bargain. The General Land Office didn't really care who bought the land as its job was simply to get rid of government holdings.[11]

"Collectively, the various homestead and land acts actually encouraged extractive industries to move in on unclaimed lands, take valuable resources for well below-market rates, and leave the land in less than desirable states," writes Karyn Moskowitz, a fellow for the Thoreau Institute. "Of course, the General Land Office which often benefitted from these policies had an incentive to accept the claims and ignore the problems."[12]

One major problem was climate. The dry lands of the West simply couldn't sustain hundreds of heads of cattle on anything but huge roaming ranches. (The climate hasn't changed, of course; the aridity of the western states still creates challenges for ranchers, and claims from environmentalists that the land is unsuitable for cattle grazing in the first place, as this report discusses later.)

By the early 20th Century, the General Land Office lost many of the remaining lands for which it was responsible when Congress created the forerunner of the U.S. Forest Service, the Bureau of Forestry. Yet, the office still performed land management duties until it merged with the Grazing Service by mid-century.

Grazing Service Is Born, Serves Cattlemen's Interests

Cattle freely roamed public lands — virtually unchecked by government regulation — until Congress passed the Taylor Grazing Act of 1934. The legislation was enacted in part to help victims living in the Dust Bowl, the area from Texas to the Dakotas that had been ravaged by a devastating combination of drought and overgrazing. The act required the government to take action to prevent the land abuse caused by cattle and other livestock.

The legislation created the Division of Grazing, which became the Grazing Service in 1939. And it seems from its very inception this agency catered to cowboys, despite the act's direc-

tive to curb overgrazing. The act "provided for the segregation of up to 80 million acres of public grasslands [and] stipulated that the Secretary of Interior [through the grazing agency] cooperate with local associations of stockmen in administering the grazing districts."[13] But it did mandate land protections. (The Soil Erosion Service, a New Deal agency created a year earlier in 1933, actually did more to safeguard the environment.)

Indeed, some observers who have studied this predecessor of the BLM say that, in its zeal to serve the ranching community, the new agency ignored provisions in the Taylor statute that called for the repair and protection of the health of the range. "The Grazing Service instead promoted livestock use at the detriment of other uses," Jon Marvel, director of the Idaho Watersheds Project, told VOICE. (For more on the Taylor Grazing Act, see Section 3.)

The Taylor act came a little too late to save the usefulness of much of the land. When it was enacted some 66 percent of "range productivity of [agency grazing] lands had been depleted."[14]

The Grazing Service soon found itself at the center of a simmering East-vs-West debate. While it wanted to accommodate the ranchers' wishes and govern as little as possible, the agency was pressured by eastern politicians to reign in cowboy control. So Grazing Service management found ways to appease eastern interests while allowing ranchers to exert their influence on grazing policies.

That is, the agency moved relatively quickly to establish advisory groups to map out range management, which the Taylor act required. But, the Grazing Service filled these planning committees with ranchers. (The ranchers jumped at the chance to set policy agendas.)

One of the first things the advisory committees did was set grazing fees on public lands at rock-bottom rates. In the early years of the Grazing Service, eastern politicians — concerned about cost overruns — pressed the agency to raise fees to levels that at least approached the market rate.

Their concerns were well-founded. By the early 1940s the Grazing Service was a fiscally losing proposition. Revenues generated from fees only covered 20 percent of the costs to run the program.[15]

For several years the fee debate raged. The cattle lobby, already a force to be reckoned with on Capitol Hill, pushed for privatization of Grazing Service lands. The ranching community obviously hoped to get General Land Office-type deals on forage acreage. Congress resisted and, angered at this pressure and at what amounted to grazing subsidies, cut the Grazing Service budget by half.

This budget cut made political sense for many lawmakers, as they could announce to their constituents that they had tightened Big Government's spending belt. And it temporarily quieted ranchers: "This made eastern senators happy because it cut the subsidy; western ranchers were happy because the Grazing Service was incapable of regulating them," writes Moskowitz.[16]

BLM Left Virtually Unchecked for 30 Years

From these mid-1940s political battles, the Bureau of Land Management hatched from the Interior Department's merging of the General Land Office (yes, it still existed in its limited capacity) and the Grazing Service. With these combined bureaucratic forces behind it, the BLM carried on the tradition of serving ranching needs, in many ways without regard to environmental concerns.

After all, the environmental movement didn't materialize until the late 1960s and early 70s, and Congress felt it had remedied fiscal matters by consolidating two agencies into one.

So, for the most part, Capitol Hill left the new agency and its ranching partners alone from 1946 through the next 30 years. In 1976, however, Congress passed the Federal Lands Policy Management Act (FLPMA), which "mandated that all [agency] lands remain in public ownership to be managed by the BLM under the concept of multiple use," according

to agency literature. “This means they provide a variety of uses, and produce many goods and services that benefit us all.”[17]

Actually to consider the relationship between the BLM and ranchers a partnership probably gives too much credit to the agency, according to many students of the BLM’s history. Furthermore, they say, FLPMA did little to release the grip of the livestock industry on agency policy and emphasis. “The culture of the BLM was created a long time ago as a service for ranchers, and it continues that way to this day,” Marvel says.

That is, the BLM is deeply rooted in its cowboy past. “You have to go back in history to really appreciate the agency,” says Bill Marlett, director of the Oregon Natural Desert Association. “The cows were there before the agency existed. So it’s not like the agency came here [to the West] and said, ‘This is how we’re going to do things, boys.’ It was the other way around. The agency came out to the cow barons and said, ‘Congress said we ought to do something. What do you think? We’re here to serve.’”

But it’s not just environmental activists who assess the agency’s priorities and directions this way. Some BLM employees acknowledge that many among the agency’s rank-and-file come from state agriculture schools that are dominated by governing philosophies that promote livestock grazing and heavy intervention in the manipulation of public land resources.

Many of these range students graduate with animal husbandry training and truly believe they should promote pipelines and fences and other on-the-ground amenities for public land ranchers. Their value systems, like their educational training, is founded on an intrinsic belief in livestock-on-the-land as preeminent status symbols.

All of this is often perpetuated when they leave college, are hired by the agency and deal with the real world concerns of ranchers, with whom they interact much more frequently than they do with environmentalists. After all, these government workers live in rural communities in which ranching is a major part of the culture. (Several years ago one might

have also characterized ranching as a local economic mainstay. But, as noted below, public lands ranching for many has become less a livelihood and more of a hobby, with little effect on the economy.)

Today, Many Still Aim to Keep Ranchers Happy "At All Costs"

Once placed in these small towns and rural settings, which tend to be politically conservative, this pro-ranching bias is often reinforced by community standards. And, even for those BLM staffers who do have the health of land at heart, it's hard to buck that.

As one BLM employee told VOICE: "Many [BLM workers] want to maintain their rapport with the ranchers at all costs. In general, the people who live in a lot of the small towns where the BLM is aren't environmentalists." The employee asked not to be named because his "family has to live in this town."

But of course, it's more than just the educational upbringing and community pressure that promote ranching values above others. It's bare-fisted politics, too.

"I know a guy who is a real conscientious manager in Idaho," the source quoted above says. "He locked horns with some ranchers. So they just pulled him out of [the district where he worked]. That's from a weakness from [state leadership]. It sends a message that says don't screw with these ranchers. It happened last year. Now he's in a trumped-up job in Boise. There were some politicians involved in all that."

And this sort of don't-lock-horns attitude seems to permeate the agency in several states. Here's how Darrel Short, a recently retired BLM employee from Wyoming, sums up the underpinnings of cowboy/agency politics: "If you start making moves on the livestock industry's [grazing] permits, especially reductions and management systems that are going to cost them some money, they run right to their political people."

In fact, sometimes they run right to their political people if they simply see a way to make a

financial killing from their permitted holdings. Consider the attempt by Sen. Dirk Kempthorne, R-Idaho, to help out a powerful friend in the ranching community.
Rancher Bert Brackett pays some $3,000 a year for the right to graze his cattle on an allotment on the Owyhee Resource Area in Idaho. Brackett had known for quite awhile that some people in the Defense Department had talked about trying to expand the bombing range in the area near Brackett's allotment. According to sources in Idaho, Brackett let it be known to Kempthorne that he'd be willing to give up his allotment for the bombing range in return for what he considered to be fair compensation.[18]

So, Kempthorne tucked a rider onto the 1999 Defense Authorization Bill that would expand the bombing range by 12,000 acres. Never mind, the senator seems to maintain, that the area is sensitive and such an expansion would carry negative impacts on another 2 million acres much of which is the home to dozens of animal species, including the nation's largest herd of bighorn sheep.

If this rider goes through, Kempthorne and fellow Idaho Republican Sen. Larry Craig have made sure Brackett would be paid $1 million for his "losses."[19]

The political-money trail here is easy to trace. Brackett is a major contributor to the Republican party and Craig and Kempthorne are big recipients of ranching Political Action Committee (PAC) money. In fact, from 1991 through 1996 Kempthorne accepted the fifth most grazing-related PAC money among the 100 senators, $28,650. Craig was sixth with $28,000.[20]

As of this writing, no decision has been reached on the deal. But one thing is certain: If it does go through and Brackett gets a million dollars, it would be interpreted by many as altering the very fabric of the Taylor Grazing Act by changing the status of a permittee's holdings from a privilege, as the act states, to a right. The precedent would have far-reaching ramifications for others who use federal land.

Finally, one more note of interest in this matter: Brackett's daughter works as a legislative

assistant for Senator Craig.[21]

Corporate Cowboys Hold Most of the Federal Lands Permits

Talk to most average Americans who have not followed grazing history and policy — and few have — and a common perception emerges. Ranches out West are run by rugged, chap-wearing, hard workers whose fathers, grandfathers and great-grandfathers ranched the land. That's one of many misperceptions that clouds the grazing issue. Many cling to this belief, perhaps from a desire to retain an image of one of the nation's most famous icons: the independent cowboy.

But as former agency employee Darrel Short puts it, "Wyoming is a very Republican state. Everything is geared toward keeping the ranches in family hands, even though most of them are owned by corporations, at least in this western part of the state."

Short is right about corporate ownership of ranches. But it's not just isolated to western Wyoming. Because while there very well may be public lands ranchers named Buck or Gus or Red, those who own the most land are called, Hewlett-Packard, JR Simplot Co., Union Oil, Texaco, and Anheuser-Busch.

Some 23,000 entities hold grazing permits on all federal lands (which includes permits granted by the Forest Service). Two percent — or about 500 permitees — run their cattle on about half of all BLM grazing lands. "This includes four billionaires, several oil companies and other wealthy interests. Further, less than 3 percent of the nation's beef … is produced by public lands ranching," according to research gathered by the Natural Resources Defense Council and endorsed by a total of 34 groups and individuals.[22]

These corporate cowboys, as well as those ranchers who are private individuals, receive an estimated $500 million annually in government subsidies.[23]

Many defenders of the status quo use a familiar argument to maintain rancher subsidies

and minimal rangeland regulation: They say tighter environmental controls and higher grazing fees would severely harm the western economy. But in the West, public lands livestock ranching accounts for about one-tenth of a percent of all jobs, according to a recent economic study of the region.

The corporate stronghold on BLM and congressional oversight of America's range has strangled any attempt to raise grazing fees to what many believe would be more equitable levels. In 1998, the fee was set by $1.35 per animal unit month (AUM). (An AUM is the amount of forage needed to sustain one head of livestock for a month.) This is amounts to a blue-light special for ranchers; the rate on private lands range from about $5.00 per AUM to $15.00, depending on the location, BLM sources told VOICE.

BLM Director Seen By Many As Weak, Uninformed, Commodity-Oriented

One of the most repeated criticisms of BLM management is its failure to lead. Certainly, part of this apparent problem is endemic to the very nature of political appointments within the federal bureaucracy. That is, the position of BLM director is appointed by the president and almost always changes as presidential administrations come and go in Washington. Consequently, those in BLM middle management tend to have more longevity and often feel they must simply wait out the tenure of their boss if they disagree with his direction.

But this is not to say the director could not exert his or her will and offer strong leadership to effect change. But in today's BLM under the direction of Pat Shea, who took over as BLM director in 1997, critics say there is no such will, no such strength. "Shea is from Utah and he knows what industry wants," says former BLM employee Darrel Short. "He may do a little [reform] but I think it's going to go the same as always. After all, he didn't come into Wyoming and tell the state to do the job right [on implementing rangeland reform]."

The administration chose Shea to replace acting director Mike Dombeck for (among other reasons) his middle-of-the-road ideology and experience. In fact, Shea, an attorney likes to note that he has represented oil companies and served as a trustee for the Nature Conser-

vancy, apparently in an effort to demonstrate he will show no favoritism to either industry or the environmental community. (It should be pointed out, however, that the Nature Conservancy is not considered a lef-leaning organization.)

The director does come across in an interview as both polite and articulate. But some say his relative eloquence is merely cover for a lack of understanding of the issues. “The sad part is he’s very intelligent and hard-working but he doesn’t understand resource issues,” says one observer who asked to remain nameless.
Other critics are harsher of this Democratic appointee, saying the director is “industry-oriented” and “very sympathetic to the Republican party,” according to a former BLM staffer.

Still others cite his arrogance and insecurity. “Shea can be really hard to work with,” says a former BLM manager who is familiar with Shea. “He’s got a bunch of yes people around him, which is not what he needs. He needs people to say, ‘You may want to think about that decision a little more.’ But that’s not his style. He doesn’t like people to confront him.”

According to sources interviewed by VOICE, Shea recently ousted Maitlan Sharpe, assistant director, Resource Assessment and Planning, a person who was not a “yes man” and who was considered the most skilled of all Washington, D.C. staff at resource management. Sharpe was also regarded as one of the few clear voices for resource protection among a cacophony of commodity-oriented mouth-pieces within upper management.

When he was appointed the position in 1994, Sharpe — formerly the director of the Izaak Walton League — won praise from members of the environmental community. They thought they would have at least some representation on grazing issues and were impressed that he had no ties with the livestock industry.

“Maitlan is one of the most dedicated conservation professionals I’ve ever met,” the former BM manager says. “The guy gave everything he had to the BLM for the three years he was there. [But] I think Maitlin’s conservation ethic didn’t comport with the emphasis of the

current leadership."

People close to the Washington managerial team say most current managers have no or very little resource protection experience. "The senior-level management is not conservation-oriented," says one source. "But at least you had Maitlin Sharpe to help provide that conservation perspective whenever [BLM upper-level managers were] in a meeting."

Critics say Shea didn't come to the position with a strong understanding of the grazing issue. "This doesn't seem to be an issue that resonates with him," one former insider says, who describes himself/herself as neither "pro-ranching nor anti-ranching." The source adds, "It seems his focus is on other issues in BLM. I don't know where he stands on this issue."

When asked about these sorts of criticisms, Shea seems to shrug them off as part of the job. "Having been raised as Catholic in Mormon Utah, I got used to not being picked for the baseball game," he told VOICE. "Sometimes it's struck me that in Washington — and the grazing wars are a good example — each side had a pre-set set of questions and if you gave a wrong answer on any of that set of questions then you were a part of the other side.

"So as part of my tenure," he adds, "I attempted to sit down with nearly every interest group in Washington to hear what they had to say. The people on the environmental side thought I was cozying up to the livestock industry and, equally, when [members of] the livestock industry saw me meeting with the Sierra Club or the Natural Resources Defense Council, they said, 'Oh, you're one of them.' I'm not either."

Although Shea doesn't have a so-called "vision" for the agency's future — something BLM staffers wish he had, according to some of those VOICE interviewed — he has stated clearly three principles he hopes the rank-and-file will follow: "I've had three themes: Be a good neighbor; practice best science; and promote multiple use in the form of ecosystem management."

While few would argue that all three are healthy principles on the surface, the first has at least one former BLM manager concerned that it harkens back to the Reagan era when ranchers were sent a clear message that they would be left unfettered by BLM regulatory interference.

“The new director has said many times: ‘Above all, be a good neighbor.’ Folks out in the field don’t know how to interpret that,” the source, who still works for government, says. “If it means don’t upset somebody, well that’s dangerous. That same expression used to be used as: ‘Don’t rock the boat.’ And there’s still a number of employees who measure job success by making ranchers smile. There’s nothing wrong with [that] but you can’t do it at the expense of the resource.”

Others say he needs to be tougher with his directives — that if he truly wants to reform the agency and protect the environment, he must hold employees more accountable. One telling remark Shea made in his interview with VOICE, seems to reinforce that criticism. In discussing employees’ willingess to follow management decisions, Shea says he wonders: “Does anybody read my email and listen to what I say?”

Further, he seems simply to throw up his hands at employee insubordination. “There are always a few who are not carrying their fair share and you wish there was a way to cajole them into doing [their jobs],” he says. But, he says, most BLM employees are devoted public servants. “It’s an uplifting experience to me to see the dedication of the typical BLM employee.”

Section 2: Breaking the Law for 60 Years? An Unprecedented Petition Challenges Bedrock Provision of Grazing Act

For the last several years, environmental groups have attacked the BLM in court and in Congress for its failure to protect America's range, as this report documents. These efforts — particularly through law suits — have chipped away at the bureaucratic armor that shields cattle industry interests. But conservationists have not yet launched a comprehensive assault on the very foundation of rangeland policy.

Until now, that is.

In an unprecedented move, the Oregon Natural Desert Association (ONDA) is now challenging a bedrock provision in the Taylor Grazing Act of 1934 — ironically enough, the very law that gave birth to the Grazing Service, the BLM's parent organization.

Upon release of this study, ONDA is charging the Department of Interior, and by extension the BLM, of breaking the law for more than 60 years by ignoring the Taylor act's requirement that Interior survey all lands under its domain to determine which are suitable for grazing. ONDA is petitioning the department to create rules by which the BLM would conduct such a classification study.

In essence, the environmental group asserts, the BLM has been in violation of the law its entire life thanks to its law-breaking supervisor, the Interior Department.

Had Interior, and the BLM, obeyed the law and classified those lands that are in fact appropriate for grazing, the government could have prevented the deterioration of lands on which livestock have no business grazing, ONDA asserts. That is, much of the arid West may have been spared more than 60 years of environmental degradation.

And that was a key premise for the passage of the landmark New Deal-era legislation in the

first place. The idea of protection was perhaps most succinctly expressed in the preamble to the Taylor act. One of the purposes of the law is "to stop injury to the public grazing lands by preventing overgrazing and soil deterioration."[24]

The petition charges that the "failure to comply with the [Taylor act] has resulted in drastic degradation and, in some cases, irreparable damage to resource values on public lands managed by the BLM. This ecological destruction violates the express purpose of the [act]."[25]

"Because of the failure of the Department of Interior to follow the law, and BLM's incompetence, ineptness and ignorance, we are now living with more than a half-century of damage to the landscape that in many cases is irreversible and in others will take hundreds of years to restore," says Bill Marlett, ONDA's executive director.

"Chiefly Valuable" Is the Language Linchpin to Petition

Although the Taylor act required Interior to order a thorough examination of federal lands to determine which lands are "chiefly valuable" for grazing, the department did not. In effect, it allowed the ranching community to decide for themselves, according to the petition.

Interior let "grazing interests dictate every aspect of the act's implementation," the petition states, "from the initial classification decisions to the content of regulations governing the use of those districts. Thus the decisions about which land was 'chiefly valuable' for livestock grazing were not made by [Department of Interior], but rather by the livestock industry, the very industry that the [law] was passed to regulate and whose abusive practices led to the need for the act in the first place."[26]

Consequently, ONDA is now requesting Interior to do what the law required of it in 1934. The group says the department must "initiate a rulemaking process to establish procedural and substantive standards for the Bureau of Land Management to use to determine the

areas within grazing districts that are 'chiefly valuable for grazing and raising forage crops' as required by section 315 of the Taylor Grazing Act."[27]

Furthermore, the petition cites the BLM for breaking another law, the Federal Lands Policy Management Act of 1976 (FLMPA), which reinforced this notion of surveying "chiefly valuable" grazing lands. The agency "has failed to fulfill FLPMA's mandate by neglecting to promulgate and use regulations for classifying and [creating an inventory of] public lands," the petition states.[28]

Now all these accusations are indeed serious and require documented support. But ONDA seems to have done its homework. The petition is chock full of references documenting Interior's legal failure, including a 1978 memo written by BLM staff.

The memo describes the agency's methods for determining where cattle should be allowed to graze as less-than-scientific. It fuels ONDA's claim that laws requiring systematic survey of lands were ignored. "The deductions [for determining grazing lands] were arbitrary and more or less judgmental with no defined standards to substantiate the adjustments," the memo states. "The utilization deductions were not uniformly applied during range surveys of the public lands."[29]

BLM's Shea Acknowledges Unsuitability of Grazing

Although the filing of the petition may come as a surprise to some within BLM and Interior management, it shouldn't shock all of those familiar with rangeland policy. In fact, a former high-level BLM insider, who calls himself neutral on grazing, told VOICE this is exactly the kind of attack he would take if he were a member of the environmental community. He says such a strategy serves as a wake-up call for politicians and bureaucrats to elevate rangeland policies on the nation's priority list.

"The BLM lands have not been a priority nationally," says the source, who still works for government and asked for anonymity. "If I were a conservationist, I'd have to wonder if

[rangeland reform] is happening at all or at least happening fast enough. And, I'd push the notion of suitability. Right now grazing is considered by the BLM as appropriate anywhere that it's properly managed. [But] there are some areas of the Southwest and elsewhere that should not be grazed at all."

The source says an assault that uses the Taylor Grazing Act could be effective in removing from the grazing program lands that are not suitable. But it wouldn't occur without a fight: "There's a strong institutional bias against that because it would create so many enemies."

VOICE discussed the suitability issue with BLM Director Pat Shea. When asked if he thinks all BLM lands are chiefly valuable for grazing he responds quickly and decisively. "No," he says. "I look at FLPMA and see that we are a multi-task agency. Multiple use is the heart of FLPMA, and conservation is significant to multiple use. We need to find ways to sustain appropriate use that is compatible with the land. Quite frankly, in some areas grazing is not compatible."

Conversely, Shea adds that other areas of BLM lands where grazing has not occurred may be ripe for it now. "There may be some places where we haven't had grazing and the conditions are such that it's justified," he says. "There are some areas where grazing is a necessary component of good ecological management."

It should be noted that ONDA considered filing a law suit on this matter but decided instead to issue the petition for rulemaking. "I would like to think we can resolve this without going to court," Marlett says. "This is our good faith effort." Marlett is hopeful the Clinton administration will do what he thinks is the right thing. "The best-case scenario is for Secretary [Bruce] Babbitt to initiate rulemaking that would set up a process that would determine which, if any, lands are chiefly valuable for livestock grazing in the West," he says

SECTION 3: Catering to Cowboys in "Wonderful Wyoming"

Wyoming has been a home on the range for generations of ranchers. The state was known as the "Cattlemen's Commonwealth" in the late 19th Century, when local ranchers ruled the plains and resented outsiders who came to the state to grab a slice of land under the Homestead Act. The cowboy culture is still strong here, perhaps more robust than anywhere else in the country. Even the state license plate heralds this culture: An image of a cowboy atop a bucking bronco adorns it.

Because the Sagebrush State has always been and remains cowboy-friendly, the state BLM seems to do what it must to keep the ranching community happy, including something that some agency insiders say it does best: resist environmental reform.

Darrel Short, the BLM retiree whose fight with the Wyoming office and bureau headquarters is recounted in Appendix 2, accuses the state office of defying rangeland reform regulations by delaying publication of its guidelines for how the state and local offices would meet those standards and failing to address the environmentally worst grazing allotments.

"They were supposed to issue the guides a year before they did," he told VOICE, adding that without such direction no one on the ground could take action to fix the dozens of allotments he calls "trashed."

What's worse, he says, is that when the state office finally did issue the guidelines it stipulated that all allotments with management plans will be examined first. The problem with this directive, he says, is that many of those allotments are in the best shape.

"My philosophy is you prioritize your worst allotments, the ones you know have problems. It only makes common sense," he says. This is yet another instance, he says, where the agency bows to ranchers. "The BLM doesn't want to make any decisions that will upset the ranching community." This is true, it seems, even if the law dictates the agency to make

such decisions.

10 Years of Land Abuse

The BLM's lack of will to force a rancher to take better care of the public's land is endemic in Wyoming. The case of the Pine Mountain allotment ranched by permittee Wright Dickinson is a prime example of the agency's irresponsibility and stall tactics that have led to severe environmental degradation, according to ranching critics.

Pine Mountain is a high-desert peak that rises off the sagebrush horizon of Southwest Wyoming. For years, the allotment located on the mountain was grazed mostly by sheep, which gradually eroded the land and jeopardized the natural habitat.

But then 10 years ago, the grazing permit was acquired by long-time area rancher Wright Dickinson, who moved cattle onto the allotment. Because cows cause a much heavier strain on the environment, and because it takes a lot of acreage to feed a cow on this hard-scrabble terrain, it wasn't long before the area was hoofed, munched and defecated to near death.

Local environmental science college instructor Craig Thompson, who owns a "microscopic piece of land" on the mountain, watched the land deteriorate — and eventually began his fight to protect the area.

Before Dickinson's cattle were "dumped on the land," Thompson says, no livestock grazed the allotment for a year. "The land responded extremely well with that rest," he says. Vegetation sprang forth. Wildlife began reappearing, and the mountain's livestock-sullied streams started to clear up. "It was like night and day," he says.

But shortly after Dickinson's cattle arrived, the ecological recovery came to a mooing halt. Stream banks are now denuded and streams are cloudy and hotter than they should be with high levels of sediment, according to observers.

“The allotment looks real bad,” says Tom Lustig, an attorney with the National Wildlife Federation (NWF), which has issued a formal protest regarding the BLM’s handling of the allotment. (Just days before the release of this study this protest was elevated by NWF to a law suit. See below for more on this turn of events.)

“One of the tragedies is that the area has some real valuable attributes for other resources,” Lustig says. “A lot of water comes off the mountain, so it provides an important resource for wildlife and fish. But once the cows get to it, this is all severely eroded and the riparian areas fall into extremely poor condition. All because of cattle.”

The formal NWF protest contends that the agency has done nothing to improve the land. Local BLM management takes exception to this and says it is working with the rancher to improve the land’s condition.

“It’s not true [that the agency’s done nothing],” Bernard Weynand, acting manager on the Green River Resource Area, told VOICE. “You have to understand. We’re not a heavy-handed Uncle Sam everyone says we are. We try to negotiate so we don’t have to get into a litigious mode. And if we can get people to cooperate that’s a better use of funds than fighting each other. In my job I have to listen, and everybody has an agenda.”

The agency, however, *does* agree with Lustig’s assessment of the area’s environmental importance. It has noted how critical Pine Mountain is to the region’s habitat, calling the allotment on the mountain “one of the most significant watersheds in the area [that] contains headwaters of eight perennial creeks,” according to a 1988 area management plan.[30]

The BLM has even admitted that the area was beginning to feel the effects of sheep grazing 10 years ago and has only gotten much worse since the introduction of Dickinson’s cattle. That is, it seems, all of Lustig’s and Thompson’s claims have been cited and confirmed by agency personnel in various reports.

In that same 1988 management plan, agency staff wrote, “The Pine Mountain Allotment is made up of shallow soil ridges in good condition, divided by narrow riparian areas in poor condition.” It acknowledged the conversion from sheep to cattle and recommended that the livestock shift “could require improved management practices to prevent a rapid decline of range condition and in riparian areas.”[31]

The agency’s evaluation was accurate and its prediction came true, yet BLM managers took no action to repair the area or prevent further degradation, according to the protest. Consequently, the allotment deteriorated further while Dickinson benefitted from having his cows forage at rock-bottom grazing fees — the same low fees, of course, that are charged to all federal lands ranchers.

Now, it’s not like the BLM didn’t monitor Pine Mountain conditions in subsequent years. It did, and in a 1992 analysis, which it sent to area ranchers in 1993, the agency detailed the decimation of the mountain. It cited one area as having suffered “a radically severe downward trend of all key species since 1988,” a creek as having “78 percent of the channel devoid of vegetation,” and several other sites as exhibiting a “downward trend” of their conditions.[32]

In a 1994 meeting, a BLM staff member mentioned other serious problems caused by Dickinson’s cattle, including a grand exodus of beavers — apparently they just couldn’t tolerate their new neighbors’ foul ways — and the destruction of willow and aspen tree habitat, which in turn eroded area stream banks.

Rancher Warns Critics of His “Stubborn Streak”

Interestly, Wright Dickinson was at that meeting and, while admitting to the veracity of the report, he voiced his opinion about the environmental data in harsh terms: “We’ve been attempting to get the cattle off the riparian areas. We can work together, but if [BLM managers] just want to regulate, it won’t work. Some areas aren’t pretty, and we’re not proud of them. But we’re not going to lay [sic] down and just let you run over us. We’ve got a pretty

stubborn streak a mile long."[33]

Dickinson does indeed have a reputation for his obstinacy, especially when anyone attempts to call him on his poor ranching management practices, sources say.

He declined to return two phone calls from VOICE to tell his side of the story. His wife Polly Dickinson, however, did express her displeasure over the reporting of the matter by local journalist Katharine Collins, whom she calls "our number one enemy." And, she complains that "the ranchers' message never gets out," and criticizes those who take ranchers for granted. "We're a part of [the public's] way to get food. I'm angry. Nobody ever comes from that aspect."

Wright Dickinson is extremely well-connected to local, state and national politicians, whom he allegedly calls upon to exert pressure on any BLM personnel who may try to reign in his operations, according to sources.

He's also a member of a group of ranchers called the Rock Springs Grazing Association, which is the largest permittee in the nation with some 1 million acres. With that much control of the land, collectively the ranchers carry significant clout.

"The [Wyoming] congressional delegation goes to bat whenever the ranchers have any problems," says a local source who asked not to be identified for fear of reprisal. "The Clinton administration — especially some in BLM headquarters — has tried very hard to simply placate the powers out here, rather than to get out and apply on-the-ground science."

As a result, the BLM often looks the other way when confronted with rancher violations, observers say. "A large part of the problem in Southwest Wyoming is that the BLM doesn't hold these permittees responsible for anything," says Marty Short, an area resident in the feed business who works with public lands ranchers in several states. (He's also the son of BLM whistleblower Darrel Short.)

Despite recent assessments that seem to prove the allotment is damaged, some in BLM management say conditions are slowly improving. “Our analysis shows we’re doing good [sic],” BLM’s Weynand says. “Most of the streams are not properly functioning, so there’s an improvement to be had. But I [personally] looked at it nine years ago and I looked at it last fall and I saw an improvement. I was pleased for that. Are we where we need to be? No.”

BLM Flip-flops on Controversial Permit

Set against this backdrop, the events that unfolded this spring over Dickinson’s allotment permit may not be too surprising to agency critics. But they do indicate ways in which the BLM can act creatively to keep a rancher happy.

Wright Dickinson’s 10-year permit for the Pine Mountain allotment was about to expire in May 1998, and he had applied for a renewal. But on April 30, the BLM wrote a letter to Dickinson, which VOICE has obtained. It told him that — apparently in the absence of a sufficient management plan, although the letter doesn’t state this — he would not receive a renewal and must remove his 1,000 head of cattle from the 227,000 acres of public land by May 2.[34]

“In accordance [with federal law] you will have to remove all livestock you own or lease from the [area] by May 2, 1998, to avoid being in trespass,” the letter, signed by Weynand, states.[35]

It appeared the agency was finally going to make a firm, albeit hasty, decision. But Dickinson had not groomed political connections for nothing and, sources say, he cashed in some political chips.

On May 5, Weynand reversed his decision that ordered the cattle removed. Instead, he issued a “proposed decision” that granted a 10-month permit — essentially, to buy time for

all parties to agree upon a management plan that incorporated new reform regulations.[36] Weynand's office had reportedly tried to get this for Dickinson earlier in the spring when he and staff realized they were running out of time before expiration of the permit.

The NWF complaint claims the proposed decision is illegal, because the agency has offered "no evidence that BLM has undertaken the site-specific analysis required by [the National Environmental Policy Act], nor the balance of competing interests required by [the Federal Land Policy Management Act]," according to the protest.

The agency says there is a legal basis for the reversal, that it hinges on the arcane Administrative Procedures Act (APA). "[I]n light of [the APA] it is my belief that contrary to my previous correspondence, your permit … remains in effect by operation of law until the agency has completed its decision making process," Weynand writes in his letter-of-reversal to Dickinson.[37]

So just how long will that "decision making process" take? "As soon as all the dust settles on it, and we reach agreement on what it says," Weynand says. "Interested parties will make their comments and we'll evaluate them and incorporate the ones we think are significant. If you say, 'I don't like grazing' or 'I think the place stinks,' well that's not a valid comment. But if they come up with something we can use, [we'll say], 'OK let's talk about it.'"

"Time for Trust Has Expired"

But Lustig and other critics say the agency has let Dickinson have his way for too long, and that the environment needs some real intervention on this particular allotment and on others like it across the nation. "The BLM is great at endless studies," Lustig says. "What I've yet to see in a decade is action on the Pine Mountain allotment, which by the way is not a unique situation. Under Babbitt's rangeland reform, there's an obligation to do something about it. The time to study is over. The time for trust has expired."

Furthermore, some say the renewal provisions in the APA does not apply, for various technical reasons, and that the agency is manipulating the law to avoid a fight with a valued and influential customer, regardless of what condition his allotment is in.

“In Wyoming, the BLM has developed a novel legal theory that somehow the Administrative Procedures Act allows those who apply for a permit on federal land to merrily do whatever they applied to do without approval while the agency is waiting around to make a decision,” says NWF’s Cathy Carlson. “To me that’s just a way to preserve the status quo.”

It does seem that Weynand is quick to come to Dickinson’s defense. “The permittee [Dickinson] has done things that we didn’t require him to do or expect him to do,” Weynand says. “One was to hire herders and push the cattle away from the streams. Let them get a drink and move away and let them graze on the hillside. Don’t let them lollygag in the stream bottoms. I went down and saw overhanging banks on the streams and that blew me away. Overhanging banks for trout streams is what you want. That’s good news for the environment.”

Finally, Darrel Short tells a story that offers insight in how much the agency reveres Dickinson. “We used to have multi-use advisory boards and, in this state, they were all made up of industry,” Short recalls. “At one [board gathering], the BLM district manager at the time had Wright Dickinson at that meeting and said, ‘We want to recognize one of the members of the ranching community who is really doing outstanding work in taking care of the resource, Mr. Wright Dickinson. And they did honor him.’ Now I’ve seen his land. It has some serious overgrazing problems. There’s no good management on it.”

(As noted above, NWF filed a law suit against the agency just days before the release of this report. In its complaint, NWF cites the BLM for many of the alleged violations enumerated in the formal protest. It asks the court to “issue an injunction against livestock grazing on the Pine Mountain allotment until BLM issues a valid permit authorizing grazing pursuant to the Federal Lands Policy Management Act and BLM’s livestock grazing regulations,” according to a draft of the complaint.[38]

It also asks for an end to grazing that ecologically harms the area, for a balance of "competing resource values to address the present and future needs of the American people as required by the [BLM's] multiple use mandate," and for attorney fees and other relief that the court deems "just and proper.")[39]

"We're finding that the BLM is foot-dragging implementation of the [rangeland reform] regulations," Lustig says, when discussing the new litigation. "The Pine Mountain allotment is a sorry example of long-term and substantial damage from excessive livestock grazing. And, it's also a case of the BLM refusing to follow its own regulations and deal with a serious environmental problem to improve the land."

Section 4: Power-Pac Politics Leads to Disenchantment in the Land of Enchantment

In New Mexico, the institutional bonds between cattle ranchers, the BLM and the state's congressional delegation run very deep. The alliance has protected public lands ranchers at nearly every turn, according to local watchdogs. Consequently, many of New Mexico's federal lands — much of it arid and therefore, some say, unsuitable for grazing — have suffered severe ecological damage.

The chief advocate for ranching interests in New Mexico is Sen. Pete Dominici, R-N.M., an influential member of the Senate Energy and Resources Committee. In 1996, Dominici help shepherd the Public Rangelands Management Act through the Senate, which, in essence, repelled attempts to reform the bargain-basement grazing fees and extended rancher subsidies. Opponents called the legislation the "rancher takes all bill."

In an editorial published by the conservative *Washington Times*, Senators Dale Bumpers, D-Ark., and Judd Gregg, R-N.H., lambasted the bill as a cash cow for the livestock industry. In criticizing the far-below-market grazing fees, the two fiscal moderates used this compelling comparison: "[I]t costs less to graze a 600-pound animal on public land than it does to feed a dog, cat or parakeet courtesy of the American taxpayer."

Dominici, also a supporter of more recent congressional efforts to protect corporate ranchers, collected $17,900 in grazing-related political action committee campaign contributions from 1991-1996, according to the U.S. Public Interest Research Group. That's nearly twice as much as the average received by other Senate members.

Furthermore, Dominici tried to table a compromise amendment by Bumpers and Gregg that would have raised fees for the very largest corporate livestock operators. (The amendment eventually failed.)

Dominici and others routinely say they are fighting for their constituents' jobs. But in New

Mexico, only 2,129 jobs are directly provided by public lands ranching, according to a recent study by Thomas Powers, economist and professor at the UNiversity of Montana.

Lawsuit Hits BLM Policy in New Mexico

Although the Southwest's environmental community and the BLM have sparred on several occasions in the recent past, things are heating up. Last August, two environmental groups sued the BLM for failure to conduct environmental analysis on the effects of grazing on a congressionally-designated national conservation area (NCA) in New Mexico.

The El Malpais National Conservation Area (NCA), located on a semi-arid desert about 70 miles west of Albuquerque, is known among New Mexico residents and ecotourists alike for its spectacular natural beauty and geological diversity. One of its most dramatic features is the La Ventana Natural Arch, or "Hole in the Wall."

In 1987, Congress also recognized El Malpais's unique values by designating it an NCA and charging the BLM with managing the 262,690-acre area. Legislators directed the agency "to protect [the area] for the benefit and enjoyment of future generations," citing its "important geological, archeological, ecological, cultural, scenic, scientific and wilderness resources," according to language in the law.[40] Congress also designated two wilderness areas within the El Malpais.

The law didn't prohibit the BLM from allowing ranchers to graze cattle in the area. As it turned out, the area was being severely overgrazed on several land tracts within the area, especially on an allotment operated by former New Mexico Gov. Bruce King. The BLM has acknowledged the damage. "The place was not very well managed in the last couple of years [that King held the permit]", says Gene Tatum, BLM rangeland management specialist.

Amid public pressure, the agency pulled the cattle off the damaged land, providing it a much-needed rest. As a result, it began to heal. "It made a resounding recovery," Tatum says.

The law, however, did order the agency to create a management plan for the area within three years of El Malpais's designation as an NCA. And, the National Environmental Protection Act (NEPA) requires an environmental impact statement (EIS). The agency has failed to do both, according to the suit filed by Forest Guardians and T and E Inc.[41]

In fact, in a letter obtained by VOICE, the BLM stated it would develop a management plan and conduct NEPA analysis before allowing a new permittee to graze the area. "When a new grazing management plan for this allotment is developed, additional environmental analysis will be completed," wrote Michael Ford, BLM District Manager, in correspondence with the Forest Guardians.[42]

The plan would "recognize existing conditions and future management goals," Ford wrote in November 1996. "The new permittee will be required to comply with the terms of [that plan] prior to reintroducing active grazing on the York allotment."[43] (The York allotment is the official name of the land King's cattle had grazed.)

One month later in December 1996, BLM area manager Hector Villalobos wrote a letter to the new permittee, FNF Properties, a real estate company from Illinois, congratulating it for gaining the right to graze cattle. The letter also warned the corporate ranchers about the public interest in preserving the area. "Even though Congress recognized livestock grazing as a legitimate use of the NCA, the public questions its compatibility in areas designated for resource protection." Villalobos also wrote that the agency "would like to have an allotment plan in place before grazing resumes… We will give developing a management plan with you our top priority."[44]

The Return of Cattle

The problem is, according to the suit, 2000 head of cattle began grazing on this allotment and eight others before BLM completed either a plan or an EIS. "The failure of the BLM to undertake thorough analysis prior to the issuance of these nine allotments is a blatant

violation of NEPA," the plaintiffs charge. In declaring "BLM's activities in this case contrary to the requirements of NEPA," Forest Guardians and T and E are asking that the cattle be removed until the assessment is completed.[45]

Forest Guardians' John Horning says the BLM missed a perfect opportunity to perform real rangeland reform and adequately assess the effects of grazing on the valuable natural resources within El Malpais. After all, he points out, the area had begun to recover from the damage done by former Gov. King's cattle. "Here was the perfect opportunity to do some site-specific analysis of grazing before allowing grazing to resume," he told VOICE. "Yet, it seems every single BLM decision made on grazing is one that rubber-stamps the status quo."

Tatum says the BLM is in the process of reviewing the suit and is providing the Department of Justice with information. Most interestingly, though, he says his office had done a NEPA analysis — some 16 years ago in 1982. "Until recently, we felt like the NEPA we had was adequate," he told VOICE. But, he adds, "things are changing and we wanted to update our prior assessment."

Horning sarcastically calls that line of reasoning "a thing of beauty," and adds, "It's sad that the BLM is relying on a 1982 document, land use plans that are that so old they don't hold up in court."

Horning says the management of the area in question is typical of BLM operations nationwide and its failure to institute true rangeland reform. "It's a classic example of the backroom deal making that goes on between BLM and ranchers," he says. "This situation is emblematic [of BLM managers]. Rather than saying, 'We need to change our attitude because the land is in horrible shape,' they are [leaning] on a document that was published 16 years ago to discharge their obligation. It's outrageous."

SECTION 5: Cattle Feces and Endangered Species in Oregon

On the west side of the dramatic Cascade Range that divides Oregon into two different topographical worlds lies the lush, rain-drenched forests for which the state is known. But travel east, up and over Mount Hood, Mount Jefferson, the Three Sisters and the range's other snowcapped peaks and the moist climate dries and the terrain levels off into grass-lands, peaceful meandering streams, roaring scenic rivers and, farther east, high desert.

It's here where cattlemen have for decades grazed their herds along stream sides and river banks, in meadows and on dry, flat expanses of semi-barren private and federal land.

And it's here, perhaps as much anywhere in the West, where grazing has taken a devastat-ing toll.

As a result, BLM policy and operations in Oregon have taken particularly heavy hits — from both critics and courts. Thousands of acres of BLM lands in the state are overgrazed, sources say. In the cattle's wake are hot, muddied waterways and in many places only wisps of vegetation.

Overgrazed land along the John Day River and its tributaries is especially degraded. A BLM employee, who asked to remain nameless, describes stretches of the river this way: "Some of the riparian areas are in pathetic condition. The main stem of the North Fork is in really terrible condition. The overstory species are deficient, which means there isn't as much shade on the water. [The resultant] high water temperature hurts the fish. Understory species are deficient — these are species that anchor the banks during high flows. All of this is caused primarily by livestock grazing."

Environmental groups have filed several lawsuits against the BLM for its failure to protect the land, rivers and streams in Oregon. The groups assert that litigation is their best and sometimes only way to force the agency to comply with environmental laws. They also

acknowledge that this strategy can achieve only incremental steps in fixing what they belief is a systemic problem.

One of the more recent suits took the BLM to task for its alleged mismanagement of the John Day River and its offspring waterways. The river and its banks are treasured by nature-lovers, rafters, boaters, fishers and are home to several species of animals, fish and rare plants. But, as the BLM employee notes, the river's ecosystem's health is in grave jeopardy.

The litany of charges against the agency regarding the John Day is staggering — especially considering both the degree to which the agency has committed environmental violations and the length of time it has allegedly broken the law. The suit filed in June 1997 centers on the Wild and Scenic Rivers Act, which Congress passed in October 1988. That is, the BLM has had 10 years to find a way to protect the river. It has not done so, the suit charges.[46]

The agency has "illegally failed to prepare comprehensive plans to protect and enhance the natural values of [the river system], and it has illegally failed to establish detailed boundaries for each river area," according to litigation filed by the plaintiffs, among them the National Wildlife Federation (NWF) and the Oregon Natural Desert Association (ONDA).[47]

Piping Water to Please the Cows

The suit also charges the agency with siphoning off water to irrigate grazing lands for ranchers, a common practice on federal lands throughout the West. This diversion has reduced the river's flow, harming water habitat and essentially slicing off its banks, which degrades native plant species.

"You can canoe the John Day and see 50-inch diameter pipes sucking water from the river," says Bill Marlett, ONDA's executive director. "Half the flow of the John Day is diverted for hay for cows. The things we do in the West to benefit livestock is astounding. It's not just that cows graze on public lands. On private lands, you've got all those ranches raising hay

by sucking out water [from rivers].”

The BLM awards permits for nearly 60 allotments on or near the river, and many of those are “in poor or fair condition, and many have never been evaluated to implement management standards” as the 1988 law requires, according to the suit.[48]

Simply put, much of the river and adjacent lands are a mess, the plaintiffs say.

Perhaps to cover all legal bases, NWF and ONDA also say the agency has violated the National Environmental Policy Act by failing to prepare an environmental impact statement to see what sort of effect grazing and other activities have on the water and land.

BLM management disagrees that they have failed the river, saying it is, in fact, making an environmental comeback. “We have information to demonstrate, through monitoring studies, that we are restoring and recovering the natural resources out there,” Harry R. Cosgriffe, Central Oregon resource area manager and co-defendant on the suit, told VOICE.

Cosgriffe does admit, however, that his office hasn’t met its legal obligation to develop a plan required by the scenic rivers law. “There’s no doubt about it; we did not complete the plan by the legislative deadline,” he says, adding that any plan it comes up with will use “the best science and practices.”

One consequence of the BLM’s alleged negligence goes to the heart of what many people consider synonymous with Oregon, the jewel of many a Northwest main course: salmon.

The John Day is the longest free-flowing river in the Columbia River Basin, and therefore critical habitat for steelhead and chinook salmon, which are genetically pure wild breeds. Yet, with cattle defecating in the river and trampling its banks the water temperature has increased to dangerous levels. It simply gets too hot for salmon.

“I don’t give a damn if a cow is out there on the banks of the John Day as long as there are

salmon in the river," says Pete Frost, NWF attorney. "I'm a meat-eater and some of my friends are ranchers. That's not the issue. The issue is whether there are salmon people can fish for and rare plants my daughter can run around in. That's what's at stake."

Frost points out that one migratory life history of the chinook in the John Day has already been lost and another is severely depressed and poised for extinction in the river. The steelhead species is proposed for listing under the Endangered Species Act.
"If there is not aggressive restoration of the river soon, there won't be wild salmon in the river," Frost adds. "We're talking about a few more generations, and then [without ecological intervention] they won't come back."

BLM's Cosgriffe says all this litigation isn't necessary, that his office just needs a little more time to work things out with ranchers. "We're in the process of doing the Wild and Scenic River plan," he says. "But it comes to getting the individual livestock operators to apply the best management practices in grazing their particular allotments."

Are Ranchers' Tails Wagging the Agency Dog?

Critics of the agency say Cosgriffe has the tale wagging the dog, that as a regulatory agency charged with protecting the public interest and upholding the law, it should order — not negotiate with — ranchers to clean up their acts. Consider, for example, the following rationale Cosgriffe offers for delaying recovery plans: "We says [sic] we'll hold back on doing the John Day Wild and Scenic River plan and gather more information, make more progress in dealing and educating, getting the on-the-ground users [that is, ranchers] to buy into our management strategies."
Cosgriffe says he thinks ranchers along the John Day just need to see examples of how grazing plans can work and then they will happily comply with recovery efforts. "They want to do the right thing but they have to see it done," he says. "And they want to make sure [the plans] aren't going to eliminate their livelihood, which is selling red meat."

Cosgriffe notes that on several places on the John Day his staff's efforts are restoring the

river, bringing green back to its brown banks. He cites an initiative launched in 1981 to replenish willow trees. "When we went back [to the location where the replanting was done] in 1995 we found we were having a substantial recovery of willows," he says.

Just how much recovery in nearly 15 years? "You may think it's not great but we've [gone] from 0 to 15 percent coverage out there on willows," he says. "That's a combination of all of us working together. We're healing up this river through the establishment of willows."

A BLM employee familiar with the area disagrees that the willow recovery is "great," and adds willows aren't the only trees in need of help. "Quite a bit of [the river] is lacking in overstory such as willows and alders," he says. "And cottonwoods. There are a lot of cottonwood creeks in the West that have damn few cottonwoods left." He adds that birds depend on cottonwoods for shelter.

Less than a week before a federal judge ruled on the John Day suit, Cosgriffe expressed his confidence in the BLM's case. "Right now we feel pretty confident that on resource management issues we're on pretty strong ground," he told VOICE. "We'll just have to let the facts speak for themselves."

In August the facts did indeed speak, by way of a decision by U.S. Magistrate Janice Stewart. She ruled the BLM had broken the law by ignoring the Wild and Scenic River Act and failing to develop a grazing management plan. She said the agency should have completed the plan in 1992 and set a November 1999 deadline for Cosgriffe and his office to devise one.[49]

Although the court reprimanded the agency, it did not ban grazing along the river until the plan was put in place, something the plaintiffs wanted. Stewart cited the river's "degradation" but said she saw signs of the agency changing its policies and wanted to offer it a chance to prove that it is.[50]

The BLM has agreed to consider a no-grazing policy as one alternative in its plan — a first

for the John Day area. But NWF's Pete Frost sees little hope that grazing will be phased out without a clear directive from the court. In fact, one source told the local press that he expects few cuts in grazing.[51]

Frost, like others who have observed the BLM's Prineville office, say Cosgriffe is a primary reason why cattle get special treatment over fish and the environment. "There are serious problems at the top of the BLM in the Prineville District," he says. "But I think its staff are pretty straightforward folks who would do the right thing if they had the right leadership."

ONDA's Marlett is even more critical. "You can't tell me that Cosgriffe is going to do anything to piss off ranchers, given the buddy system that goes on out there," he says. "It's just not going to happen. He's so entrenched in the ranching community, he's incapable of carrying out his duties as a public agent."

Cosgriffe denies that he is "selling out to commodity users," adding, "I try to make calls as honest as I can. I've never favored any use. I'm not going to enter into that type of accusation."

He does, however, acknowledge that he's very reluctant to issue any sort of grazing ban, despite what cattle are doing to the environment of the scenic river. "You can adjust [ranchers'] stocking rates, their periods of use and most of them are acceptable to that," Cosgriffe says. "But if you are going to exclude grazing — that's going to be a big battle."

Court Orders R&R for River

Although the environmental community considers Judge Stewart's decision a vindication of its charges that the agency broke the law, it realizes the ruling is only a partial victory. After all, the court did not enjoin grazing.

Another court did, however, issue a grazing injunction in a previous case, which is considered a major victory for the environment. In February 1997, a federal judge rejected a BLM

management plan on the Donner und Blitzen River, which runs through pastures and canyons in southeastern Oregon.

U.S. District Judge Ancer Haggerty ruled that the plan would not repair the heavy damage grazing has caused the river, and ordered the agency to take its plan back to the drawing board. Until a sufficiently protective plan is developed, the court enjoined grazing along the river. In making this landmark decision, Haggerty cited data showing that nearly 50 percent of fish habitat was in poor or fair condition, and that many native plant habitats were also near ruin.[52]

For two grazing seasons now, the river has had time to rest. The results: It is beginning to show remarkable recovery along riparian areas and the dwindling populations of wild redband trout are starting to reappear.

"The case has had national impact," says Pete Frost. "It's been precedent-setting in terms of what river management plans must say and do."

On the heels of that court victory, environmentalists filed the John Day litigation and another yet-to-be decided suit over BLM management of the portions of the Owyhee River along the Oregon-Idaho border that may carry as much significance as the Donner und Blitzen case.

Dramatic River Is "Muddied and Fouled by Excrement"

The Owyhee River area is perhaps best and most concisely described in the 1998 suit that aims to protect it. "The canyons of the Owyhee Rivers are dramatic, awe-inspiring, high-desert landforms, with cliffs reaching up to 1,000 feet above the sagebrush and grass-covered talus slopes that form the river's edge," according to the suit. "The Owyhee canyonlands provide habitat for over 200 species of wildlife, including California bighorn sheep, mule deer, pronghorn antelope, mountain lion, golden and bald eagles, sage grouse and Swainson's, Ferruginous and red-tailed hawks."[53]

Congress designated 120 miles of the Owyhee a Wild and Scenic River in 1984 and added another 66 miles in 1988. Law makers authorized the most protective classification allowed under the scenic rivers legislation, requiring that the Owyhee have "watersheds or shorelines essentially primitive and waters unprotected," according to language in the law. "These represent vestiges of primitive America."[54]

But the river, its canyons and the species who live there are threatened by widespread overgrazing, according to ONDA and, more importantly, BLM documents. It seems areas along the river have been a mess for years, and the many recreationists who visit its banks must contend with pollution and erosion.

In 1988, for example, a report written BLM's Lead River Ranger Rich Law, provides a candid and alarming examination of the river's condition. "Very often visitors find that beaches are strewn with feces, riverside vegetation is severely cropped and trampled, spring and side-streams are muddied and fouled with excrement and the air is filled with the buzzing and biting of insects attracted by livestock," according to the report. "More serious and long-lasting damage, in the form of soil compaction and erosion, is occurring in several sensitive areas which have received concentrated and/or long-term grazing pressure."[55]

Law goes on to say that these conditions had been reported for more than a decade to BLM management, and yet the agency essentially shrugged their shoulders, ignored the degradation and even refused to adequately evaluate the extent of the damage. "[A]ny serious effort to monitor and assess grazing within the river corridor have produced[d] little beyond what could be characterized as amused indifference," Law writes.[56]

Four years later in 1992, conditions along the river were just as bad or worse. But the agency seem to feel that the ranchers responsible for the damage should be coddled, that other members of the public, including water recreationists, would simply have to raft, float and camp around the cattle debris, according to a shocking memo written by a range conservationist at the time.

“I have two recommendations,” the conservationist writes. “Defer specific actions on this section of the river until we have more time to nurture these operators [meaning ranchers] into something acceptable. Or accept the water gaps as being OK until the public raises hell with us. I would suggest on the second recommendation that we inform the public as best we can at the launch sites of the locations of livestock use and impacts so that they can adjust there [sic] activities around these areas. If floaters know in advance these areas are hammered then they will have no surprises. But if they plan to camp at one of these areas and see cow dung everywhere they will be pissed.”[57]

The BLM did conduct an environmental assessment and management plan for the affected areas, and released it in its final form in 1993. But it offers no specific analysis and no protection, as federal law requires, even though the assessment cites overgrazing damage to the river, the suit charges.[58]

“Despite the acknowledged degradation of [the river’s ‘outstanding and remarkable values,’ which is congressional terminology] caused by livestock grazing, none of those impacts are analyzed in detail in the [plan and assessment],” the suit maintains. “Rather, the BLM’s response is do nothing, propose to study the situation some more, and then declare that no significant impacts exist.”[59]

And now in 1998, the agency still allows cattle to overgraze the scenic river, according to the litigation. The suit’s plaintiffs are asking the court for a temporary ban on cattle grazing until the agency can adopt an adequate plan that fulfills both National Environmental Protection Act and the Wild and Scenic Rivers Act. They hope the court borrows from the landmark Donner decision.

ONDA’s Marlett says suing the agency for negligence is the only recourse the environmental community has to halt detrimental grazing, and he’s worried what losing the Owyhee case would mean: “This suit is a drop in the bucket but it’s a significant drop. It’s the only way to protect the rivers. If we don’t prevail it will set a dangerous precedent.”

SECTION 6: Range Rider Tries to Waive Environmental Responsibility

Most people who observe the BLM do not deny that it has a huge responsibility and often does not have the resources to fulfill its dual obligation to serve industry and regulate it in order to protect the environment. Even critics say the agency's task is formidable.

The BLM says it sometimes can't do its job because of its demanding workload and its hard-to-satisfy multiple use mandate (which dictates that it serve a variety of constituents). "The very nature of that mandate is that you have competing uses of the public land, and we're in the middle," Celia Boddington, a BLM public affairs manager, told VOICE.

But, agency critics say, the BLM often drags its feet and shirks its responsibility for two reasons, which are often interrelated, but unrelated to being understaffed or underfinanced: Sheer incompetence and political favoritism.

It may be difficult to determine which of the two elements is the cause of a recent looming crisis of chaos. Most likely it's both, say agency observers.

Next year, in 1999, some 4,500 grazing permits for ranchers all across the West come up for renewal. But the agency has not even come close to conducting its environmental analysis required by law — the National Environmental Protection Act (NEPA) and reinforced by the rangeland reform regulations of 1995, which stipulates that environmental assessment must be completed before a permit is renewed.

The idea here is that if a rancher has trashed the public land he's been permitted to use, the agency, with the rancher, must implement a plan to fix the damages or renewal must denied.

First, it is necessary to point out that a rancher almost never is denied renewal of his permit, no matter what condition the land is in. An off-the-cuff remark by a BLM manager

illuminates how this process usually works. "In the past … when a permit came due, we'd just renew it. It was just done," Bernard Weynand, an acting BLM manager, told VOICE.

But with the environmental community placing increasing pressure on the agency to do more than rubber-stamp renewal requests, the BLM can't resort to its old ways. The agency contends, however, that it can't perform the required analysis in the time remaining before permits expire in 1999.

And, taking a hard line against ranchers — even those whose operations have obviously devastated the land — apparently is out of the question.

BLM Hopes to Stonewall Dealing with Year99 Problem

So what has the agency done about this "Year99 Problem," so to speak? According to several sources on Capitol Hill, BLM Director Pat Shea allegedly went to Congress and pleaded for a year-long reprieve. "Shea went to [Utah Republican Senator John] Bennett and asked that he attach an amendment to the [Interior] Appropriations bill" that would waive environmental compliance on 1999 permit renewals," a Senate staff member reluctantly told VOICE.

Congress is expected to vote on this waiver and more than a dozen other anti-environmental riders and may have even done so by the time this report is released. At this writing, it is unclear whether this rider will pass congressional scrutiny. Even if it is defeated, the issue is not moot as this may come up in future congressional sessions. And, it does help portray the agency's performance, and perhaps, its priorities.

Some are quite critical of Shea's alleged request. "The way we ended up with the waiver was BLM Director Shea decided that instead of trying to figure out how to deal with [grazing] standards and guidelines and meet compliance with endangered species with all these permits coming up, he would simply seek relief from Congress," says Cathy Carlson, the National Wildlife Federation grazing expert. "Shea essentially said, 'I'm faced with all these

environmental requirements. I can't do the work. I'm not going to do the work. Help me out guys. Give me more time.'"

But that's not the way the BLM management staff say this controversial rider came to be. They hold that the waiver was Bennett's idea. When asked what is driving the rider, Boddington, was initially dismissive: "Ask Senator Bennett. It's his rider."

But when pressed, Boddington says the agency is "opposed to the rider as it's currently written. We acknowledge that we have a problem because we have permits that we have to renew every 10 years. So there's a workload problem."

Boddington's response highlights an important fact in this ordeal. The agency does indeed have a high volume of permits that come up on a 10-year cycle. The last big renewal push was in 1989 and the one before that in 1979; this is not a new phenomenon.

Since the mid-1970s the agency has known that it must examine the environmental impact of grazing on public lands — not that it has done so to any sufficient degree, as the remark by Wyoming's Weynand's indicates. That obligation was reaffirmed by an administrative law judge in the unprecedented 1993 ruling, known as the "Comb Wash decision," in which a legal administrative law judge ruled that the agency is required to look at site-specific NEPA analysis and balance livestock grazing with other resource values on federal land.

Furthermore, the range reform regulations of 1995 should have also acted as a reminder.

But agency personnel act as if they were taken off guard. They claim the automated permit system they use doesn't tell them far enough in advance. "It just doesn't give us adequate time," Weynand says.

10-year Permit Cycles Are No Secret

"They should have been preparing for it," says Johanna Wald, a long-time observer of the

agency who works for the Natural Resources Defense Council. "They should have planned in advance or at least given some thought on how they should handle the problem. At a minimum this says that they don't have much institutional memory. But frankly, I find it hard to believe that the people in the field offices didn't know."

When asked about how the agency could have not known about some 4,500 permits, the Capitol Hill staffer who works for a politically moderate congressional member and is knowledgeable about grazing, essentially agreed with environmentalist Wald: "That's a very good question. The permits are generally on a 10-year cycle, and that's a cycle that's known in advance."

One theory has it that the agency — acting on behalf of the ranching community — is merely buying time and that it will ask for a similar reprieve next year. This line of reasoning suggests that the agency and the ranching community, especially those ranchers whose permits are due, hope to force delays until a new administration takes office and dispenses with Babbitt's reforms as much as it's able.

That is a possibility, given that many BLM staff, particularly the Old Guard, don't want to do a lot of work that is both time-consuming and may hurt ranchers, according to many.

Obviously, the ranching community would do most anything to bypass environmental oversight. After all, a major tenet endorsed by ranchers' number one lobbying group, the National Cattlemen's Beef Association (NCBA), rejects the imposition of environmental laws.

"A cattle producer's ability to make management decisions is often restricted by environmental laws," one NCBA position paper states. "This is particularly true when federal regulations, designed to reach a broad, nationwide objective, prospectively prohibit land uses." (Another NCBA tenet, however, does support "healthy natural resources.")[60]

While it may not be clear exactly what the agency's intentions are in respect to the permit

issue, it seems certain some on the BLM staff expect to get delays — which defies the agency's on-the-record opposition to the rider.

"I had a conversation after the rider was introduced with [a high-ranking agency official] who had called to assure us that they were going to get their act together," NWF's Carlson recalls. "I said, 'What happens if you get congressional relief this year but then don't get the work done by Sept. 30 1999?'" [The official] said, 'We can always ask for more time.'"

Still, it's important to remember the BLM's official position on the rider. "Obviously we want to make sure we comply with all of the applicable environmental laws, including NEPA, and relevant land-use requirements," Boddington says.

"We don't support any waiver of NEPA," she adds. "We also want to make sure we do this in a thorough and timely way and avoid chaos in the grazing community. Right now [early August, 1997] what we want to do is take a look at this issue and figure out what might be the best steps to resolve it, which may or may not be legislative."

Environmentalists say any such waiver will only further degrade grazing allotments, pollute streams and harm riparian areas.

SECTION 7: BLM Rank-and-File Unhappy, Sometimes Brow-Beaten

As even causal observers of government know, some public agencies retaliate against employees who don't tow the "company" line. The Forest Service, for instance, as long been known as an organization that lashes out at employees who report waste, fraud and abuse by management, particularly under past USFS administrations. (For more on this see VOICE's report, "Chainsaw Justice: The Forest Service Out of Control.")

The BLM, too, has a history of reprisal against whistleblowers within its rank. In 1995, VOICE asked Jeff Ruch — then the director of the Government Accountability Project and now the head of Public Employees for Environmental Responsibility, both whistleblower support groups — about the BLM's record of retaliation.

"The BLM is one of the worst federal agencies for employee reprisal," Ruch said then. "When Jim Baca [the former reformist BLM director] was [ousted] in 1994 that brought on what we called 'The Night of the Long Knives.' A lot of the people, especially those who spoke out on range reform, were targeted for retaliatory transfer. We handled many whistleblower cases and all were settled."

But treatment of BLM employees has gotten better, or at least overt reprisal has abated, Ruch now says. (Yet, VOICE has found that "retaliatory transfers" still are used by agency brass to punish whistleblowers, as the case of Mike Austin outlined below suggests.) "We haven't had [many] cases since then," Ruch says. "We've found, however, that while the blatant retaliation has stopped these [reform-minded] people aren't being listened to. In that regard, not much has changed on the ground."

But agency management discovered earlier this year that BLM employees are not a happy bunch. An internal survey conducted by outside researchers for the BLM shows widespread disenchantment with agency leadership, unfavorable views toward management practices and policies and relatively high job dissatisfaction.[61]

First, it should be noted, BLM Director Pat Shea initiated the survey and the BLM public affairs office in Washington did not balk when VOICE requested the poll data (yet it certainly did not advertise the findings). This reflects well on Shea and his immediate staff — that is, he was not afraid of the truth nor of sharing it with VOICE.

"One of Pat's priorities is the internal health of the organization," says Celia Boddington, BLM group manager of public affairs. "He asked the hard questions and was prepared for the hard answers. It was a very courageous thing to do because he knew the results wouldn't be pretty. But you've got to find out what you're starting from and then you can take steps to improve it."

Does BLM Need a "Reality Check"?

One BLM employee puts it a different way. "The results weren't too surprising; they were fairly negative," the source told VOICE. "That's good for Shea — to open his eyes. But you know what the managers say? 'Oh that [attitude or problem] is over there in Nevada.' Or 'That's in Idaho. That's not my little campfire.' They need a reality check. They really do."

Shea told VOICE that while he has recently had "a brutal travel schedule" to visit as many different BLM offices as he can to meet with employees, he can't talk to them all. He feels the survey was necessary to take the pulse of the agency. "Using a good survey allows you to see some areas where things need to be done," he says. "It shows trend lines."

Those trend lines are indeed "not pretty," as Boddington suggests, except for the level of survey participation. The contracted institution, George Washington University, reports that an impressive 50.2 percent of all BLM workers participated. Of the nine categories participants were asked to respond to — ranging from the quality of support services provided to resource management — none received a majority of "favorable" assessments.[62] None.

Only 16 percent of all employees rated BLM management practices and policies favorably. One of the comments elicited seems to strike at the heart of what many inside and outside the agency say is a key problem with agency operations: other factors, like political influence, not science are guiding BLM decisions. “The BLM purports to support making management decisions based on sound science but rarely does the best science govern the decision making process,” according to one employee.[63]

Only 45 percent of rank-and-file employees said they are satisfied with their job. That’s a dip of seven percent based on 1995 agency findings, and pales further when compared to the Merit Systems Protection Board surveys of employees at 23 federal agencies in 1996, in which 70 percent said they are satisfied with their job.[64]

Shea recognizes this as a troubling problem. “In the area of job satisfaction, the thing that was disturbing was a dip of about 7 percent,” he says. “It’s something we need to pay attention to.”

He attributes that decrease to organizational shake-ups and personnel cuts within the agency. “My interpretation is that in the last five years there have been three major reorganizations,” he says. “There’s been a significant downsizing from 13,000 employees to 9,500, and we are constantly asking the employees to do more with less. They are feeling that stress and the poll reflects that kind of stress.”

But what should be the most disconcerting poll result for Shea and agency management is how employees rate leadership. A mere 27 percent gave leadership a favorable evaluation.[65] A BLM employee in a Western state told VOICE he considers leadership to be in “sorry” shape. “We have almost no communication with Washington especially on wildlife policies,” the source says. “Direction is lacking. It’s like a ship without a rudder.”

Interestingly, and without any prompting, Shea uses a similar nautical metaphor in discussing the survey results and what to do about them. “I’m hoping that we are nudging the Queen Mary in a different direction,” he says.

Slashed Tires and Alleged Retaliatory Transfer for Whistleblower

Mike Austin still doesn't want to believe the agency with which he has worked for more than 30 years would treat him the way it has. He doesn't want to believe that for telling the truth and reporting a conflict of interest he would be cast aside, shoved into a desk job in a city far from his home with duties far below his expertise. But as the months wear on since he first blew the whistle on apparent malfeasance — in early 1997 — he's quickly losing faith in the BLM.

Austin is a realty specialist and had been working for more than six years out of the BLM's Twin Falls, Idaho office, where, among other things, he investigated trespassing violations, such as illegal farming, ranching, dumping and other transgressions. His ears were always to the ground to hear about such violations.

One day those ears overheard his supervisor, Ray Hoem, an resource area manager, making a deal with an owner of a cooperative farm called JBD Farms, Austin says. The deal involved Hoem buying a grain silo from the farmers. The problem was, the farmers had violated trespassing laws — they illegally plowed public land —nearly 20 years before in the late 1970s. They were still paying off a $28,000 fine for their actions.

Austin told VOICE that he often wondered about Hoem's ethics, and the negotiations he heard seem to violate the agency's code of conduct, which bans making private business deals with anyone with whom the BLM has had legal disputes.

"The reason we were together out at the farmer's place was to talk to [the farmer] about renegotiating a promissory note regarding the trespassing," Austin says. "The nature of the whole thing meant we shouldn't be dealing with [violators] on a personal basis. Hoem shouldn't be making decisions on these farmers while making financial deals. It smacked of conflict of interest."

Austin asked his boss, "Are you sure you ought to be doing this?" Hoem, who had success-

fully struck a deal with the farmer, told his employee not to worry about it, Austin recalls, so he obeyed orders and let the issue drop.

Trespassers Payments Reduced Under Cloud of Suspicion

A week after this encounter, Hoem reportedly issued a decision to reduce the amount of payments of JBD's fine, stretching them out twice as long in time as they were. By doing so, it added increased costs to government while easing JBD Farms' financial burden. "The farm people sure seemed to benefit from their association with Ray," says a source close to the situation.

Although the extra costs don't add up to a substantial amount, Austin knew that every little bit counts for an agency that is always concerned about having enough resources to do the job. More importantly, he was bothered on principle.

He felt it was his duty as a public servant to tell someone higher up in the BLM chain of command what he knew. In March, he told Boise District Manager Jerry Kidd, who asked Austin to file a report, which he did. The report was filed but nothing came of it and Hoem did end up buying the silo.

Hoem, who retired from the agency earlier this year, insists he did nothing wrong. "People can look at it anyway they want to look but I'm a farmer whose got 120 acres of farm and I needed a grain silo," he told VOICE. "This guy [from JBD Farms] had four of them that they weren't using and I bought one at fair market value as a farmer. I don't think there's anything wrong if you buy it at fair market price."

Furthermore, Hoem maintains, he wasn't responsible for reducing JBD's payments. He says someone above him made that decision.

As a few months passed, Austin began getting frustrated with Hoem's treatment of Austin's cases. "Time went by and I let it ride," he says. "I'd find some trespassers and report them.

But the next thing I know, I'm pulled off the case and told not to deal with these people."

Then in June 1997, Austin received a letter reassigning him off of Hoem's area and into the Boise office — a place Austin did not want to be. Austin says his transfer was retaliation for reporting Hoem's deal: "What they basically said was, 'This guy's a troublemaker.' It was a form of reprisal."

Hoem calls Austin "bitter," and denies that his former employee is the victim of a retaliatory reassignment. "Mr. Austin got transferred," Hoem says. "Mr. Austin didn't appreciate getting transferred so he's doing anything he can to try and get that transfer null and voided. In the government, like any other business, sometimes people have to move."

District manager Kidd says Austin "did the right thing," as quoted in an article by local journalist Nils Nekkentved. "But that's not related to the fact that we need him here [in Boise]," Kidd is quoted as saying.[66]

Austin challenged the reassignment, failed to get it overturned and then filed a formal whistleblower's complaint. Once he did that, and before he moved to the Boise office, he was harassed and "treated like a dirty dog," he says.

The alleged on-the-job harassment culminated when Austin found two of his tires slashed. "They were trying to get me out of Twin Falls as fast as they could," he says. He reported the incident to the police and to the BLM but the agency investigator only spent "about 5 minutes and that was about it," Austin says.

No one was charged with vandalism and if the agency knew who slashed the tires, it took no action. The inaction is not surprising to some observers of the agency, who say employees are rewarded for looking the other way at malfeasance and punished for reporting it. "BLM staffers are a close bunch when it concerns one of their own," a source says.

Hoem says the tire slashing is a mystery to him. "We don't know what happened that day,"

he says.

Austin is now in Boise, where he is not given any substantial work despite the agency's initial stated desire for his expertise in the Boise office. "I knew that was bogus from the start," he says. "They started giving me new cases — instead of existing cases which really needed [attention]. The things I'm getting are things I did when I first came on board doing realty work. Stuff that anyone can do. Simple compliance work."

Agency Keeps Mouth and File Shut

The BLM investigated Hoem's conduct but will not release the results of that report, and the Idaho state office refused to answer VOICE's questions about the case.

Hoem does have a bit of a reputation among area residents. "Ray is a good old boy and his job at BLM was to serve the ranchers," says one resident, who asked not to be named. "He hasn't gone out of his way to enforce the law. He does what he has to to get out of trouble. There are very few [local BLM staff] who have the backbone to stand up to the ranchers."

But Hoem maintains that while he worked for the BLM he didn't favor ranchers' interests. He does, however, seem to sympathize with them. "The ranching and farming communities are now in the minority when it comes to voting," he says. "They have been for years, but now they are in such a minority that it's hard to get things to go their way."

A whistleblower's hearing examiner dismissed Austin's grievance, saying his case was in the wrong venue. He requested reports concerning his case under the Freedom of Information Act but agency personnel only provided him with the information he had already given them, he says. They called the rest of the information about him "privileged," and told him he'd have to sue to get the a look at what the agency has on file. "The BLM doesn't want this publicized," he says.

Austin continues to fight the alleged retaliation. And while this may not be considered a

high-stakes case, agency critics say it does demonstrate how the BLM can treat one of its own who goes against the company line, which seems to be: “Keep quiet, do your job and just be a good neighbor.”

Austin says he’s learned a lot about the underbelly of federal employment and even more about the BLM. “Fighting the government is a nightmare,” he says. “They play with their own rules.” He doesn’t want much from the agency he says he’s served faithfully for most of his adult life, except to have his old job back. “I just want to be in Twin Falls,” he says.

When VOICE asked Director Shea of Austin’s case, he said he wasn’t aware of it but that he would call Austin. The director did, in fact, speak with his unhappy employee, but as of this writing, Austin’s case has not received upper-level review.

SECTION 8: Allowing A Mining Company to Poison and Run

The BLM, of course, is not called the Bureau of Livestock and Mining because of its protective oversight of industry activities on public land. As much of this report documents, the livestock industry has benefitted greatly from BLM policy and management — and so, too, do mining interests.

Many cases could be examined to show how the BLM has bent over backward for the mining industry, often at the expense of the environment. However, one recent example regarding a particularly irresponsible mining company perhaps best represents the agency's failure to regulate. Despite years of documented evidence that the company has run roughshod over the environment, leaving behind a legacy of spoiled land, the BLM has rushed to its defense nearly every time.

The Little Rocky Mountains, situated south of the Fort Belknap Indian Reservation in north-central Montana, are neither as tall nor as majestic as the range's big brother: "the" Rocky Mountains. But the Assiniboine and Gros Ventre Native American tribes say there's a certain grace, serenity and mystique to the mountains on which their ancestors hunted and fished for centuries.

Yet, from high above the mountains where the venerable Spirit Mountain once stood, one can see an illness, a large abscessed cavity seemingly drilled by a drunken dentist. From that ripped-open wound, ribbed with tracks and scars, a toxic pus oozes virtually invisible. Across from it, rots another hole — another open sore.

Together these man-made craters are the Zortman-Landusky heap-leach gold mine, run since 1979 by Spokane, Idaho-based Pegasus Gold Corp., on federal land under the charge of the BLM. For much of its 19 years on the mine, Pegasus brought jobs and money to the local economy, a fact which both the company and BLM are quick to point out.

But it's also brought pollution and toxic-related sickness to the area and its inhabitants, a fact that neither the company nor the BLM wanted to leak out.

"[Pegasus mine operators] have irrevocably altered the topography and removed sacred mountains," Elizabeth Mitchell of the Western Environmental Law center, told VOICE. "They have huge high-wall pits and waste rock piles; it's visible for quite a distance. Acid rock drainage is very severe. In fact, surface streams have run orange because of the acid-rock problem. And the damage still has not been quantified."

Mitchell's assessment of the area has been verified in citings by several independent agencies, including an unusual, industry-harsh decision in June 1997 by the Interior Board of Land Appeals (IBLA) within the Department of Interior, which delayed what would have been, and still could be, the 11th expansion of the mine.

In its 1997 stay of the proposed expansion, the board stated: "The risk of long-term, if not permanent, contamination of ground water and its effects on the people and its environment of the area outweighs the economic hardship to Zortman [Mining Inc., the subsidiary of Pegasus that runs the mine], those who would be employed, and the local communities if a stay were not granted and tips the balance of harms in favor of the appellants [who requested the stay]. The public interest favors avoiding potentially significant and long-term environmental consequences."[67]

So what has been the BLM's role in all this. Consider another, more recent, opinion by the IBLA. On May 29, 1998, the board condemned the BLM's environmental impact statement (EIS), as well as its general oversight of the mine, as woefully inadequate. The IBLA also criticized the agency for failing to protect the Native American tribes who were the most affected by Pegasus pollution.

"[The] BLM did not fully observe its trust responsibility to the tribes, had incomplete information about groundwater flows which was essential to a reasoned choice among [EIS] alternatives and did not comply with [the law], and failed to protect pubic lands from

unnecessary or undue degradation," according to the written opinion of Administrative Judge Will Irwin.[68]

A Brief Look Back at the Life of A Mine

Mining in the area began during America's gold-fever days in the late 19th century, when a couple of lucky but hard-working prospectors named Pike and Pete — Pike Landusky and Pete Zortman, that is — struck gold. But they ran up against a small problem: much of the gold reserves were on Native American property, the Fort Belknap Reservation, set aside in 1855 for the Assiniboine and Gros Ventre tribes.

But keenly aware of the wealth that lay beneath the soil, government agents in 1895 forced the tribes to sell 40,000 acres of the land to the government at a paltry sum of $36,000. How? According to some historians, by threat of starvation. The government warned the tribes that it would cut off their winter food supplies if they didn't take the offer.[69]

The feds opened up the acreage for full-scale, turn-of-the-century style mining, which was, by today's standards, easy on the Little Rocky Mountain environment. Mining continued until the 1950s when it seemed the gold was about mined out.

Soon thereafter, the BLM, which had taken over administration of the land, started making noise about returning the gold-depleted land back to the tribes, and even met with tribal leaders to negotiate the return. But as this was happening, Pegasus Mining Co. was exploring new ways to extract gold using cyanide and open pits. Company officials were looking at the Fort Belknap Reservation lands as one place to test its new technology. The BLM-tribes talks soon broke off.[70]

After several years of planning and negotiation, Pegasus had acquired a permit to start digging what became known as the Zortman-Landusky project. It launched its operations in 1979 with the BLM's blessing.

For the first decade-plus of the mine's life, the BLM did not request a single, thorough environmental impact statement. During that time, from 1979-1990, the agency, with the state of Montana, approved expansion after expansion of the mine. It ignored reports of cyanide spills and other violations by Pegasus. "At least six accidental spills occurred between 1982 and 1993, one of which contaminated the water supply system for the town of Zortman," writes Paul Koberstein in *Cascadia Times*. Consequently, "health care workers noticed more cases of cancer and lead poisoning" in area residents.[71]

When Pegasus sought another expansion in 1992, a coalition of tribes and environmental groups objected on the grounds that the company had done enough damage — most dangerously to the streams and water supply — and in 1993 threatened to file suit under the Clean Water Act.

In July, nature intervened. A heavy rain storm brought a torrent of runoff down the mountain's slopes. In that river of slop were gallons of pollution in the form of acid mine drainage. Although the deluge threatened water supplies and forced hardship on the local communities, it did illuminate what many tribal members and environmental activists had been saying for years: Pegasus was a big-time polluter.

Or as reporter Heather Abel wrote in *High Country News*, "The flood made it a little harder for the BLM and the state of Montana to deny what the mine was doing. In fact, the flood signaled a change in the fate of Pegasus."[72]

That is, the obvious toxic runoff alerted the Environmental Protection Agency to the years-long problem. As a result, the EPA conducted an investigation and pressured the state of Montana to file suit against Pegasus for violating state water laws. In 1995, regulators at the EPA became frustrated that the state suit had not been resolved and filed its own litigation under the Clean Water Act.

The company, backed into a corner by an arm of government it couldn't influence, settled the suit in the summer of 1996. The terms of the settlement did not require Pegasus to

admit guilt but did force it to pay $4.7 million in civil penalties to state and federal governments and the tribal councils, and post a $32 million bond to pay for cleanup.[73]

The consent degree also required the company to pay for an investigation into the human and environmental impacts of its abuse. But it did not force Pegasus to curb its mining activities or even make it agree to stop its polluting ways. So the company pushed the BLM to grant the 11th expansion of the mine, which the agency did in October 1996 before any studies could be completed and in the face of the company's record of pollution.

The permit authorization generated an uproar among the tribal and environmental communities, prompting first the appeal of that BLM decision and the subsequent 1997 ruling by IBLA.

Charges of Undue Industry Clout and Environmental Racism

The BLM has shown that it is quick to accommodate Pegasus whenever it can, no matter how many other government agencies, courts or appeal boards flag the company for its environmental misdeeds.

"During the course of the mine's life, the BLM has not done a careful job to gather information to make informed decisions about how and whether this mine should operate," Mitchell says. "BLM went ahead in light of [Pegasus's] violations and issued another expansion permit. It simply turned its eyes away from all the destruction going on and kept issuing permits."

The question arises: why? Why over the years did the BLM neglect its duty to stop the environmental devastation of that corner of the Fort Belknap Reservation, and why is it still supporting a proven polluter?

One possible answer comes from a source close to both the Zortman-Landusky mine and the BLM who asked not to be named. "The mining industry is very powerful and these

companies really have control of the agency," the source says. "I mean let's face it: Industry is much more powerful than Native Americans or other regular citizens."

Some of that alleged "control of the agency" may flow from the vast amount of money the minerals industry generates each year to influence, through campaign contributions, enough congressional votes to retain the right to mine federal lands, even if that mining does inflict irreparable harm to the environment. The profits made by industry, then, help the BLM in its annual budget hunt on Capitol Hill. (For more information on the receipts mining generates for the agency, see Appendix 1.)

That's not to say that all of this money returns to the Treasury. Thanks to what the United States Public Interest Research Group (USPIRG) calls the "'granddaddy' of all polluter pork programs," the Mining Law of 1872, hardrock mining companies like Pegasus "can extract billions of dollars worth of minerals from public lands with no return to the Treasury."[74]

Political Action Committees (PACs) affiliated with the powerful National Mining Association and other industry-related groups gave almost $20 million to congressional campaign coffers from January 1991 through December 1997, which resulted in subsidies to industry, or "estimated taxpayer losses" of $1.4 billion, according to USPIRG.[75]

Politicians from Montana are particularly helped by Big PAC money, including the mining industry. Sen. Conrad Burns, R-Mont., received $475,960 from industry PACs that are generally harmful to the environment with nearly a quarter, $115,750, coming from mining-related PACs. In a USPIRG rating of "Senate Zeros," which combines PAC money and anti-environmental votes, Burns ranks fourth out of the 100 senators; he voted against all three measures proposed in 1997 that would have curbed mining industry pork and influence.[76]

The state's other U.S. Senator, Democrat Max Baucus, also proved to be a friend to industry, including mining interests, and a recipient of Big PAC money. He received $253,327 from industry, $59,900 from mining-related groups. He ranked 12th on the "Senate Zero" poll among all senators, but second among Democrats. (Only Sen. John Breaux from Loui-

siana was higher among Democrats.) Baucus also voted against all anti-mining industry bills.[77]

Capitol Hill, of course, holds the agency's purse strings and many congressional members encourage the agency to continue its tenacious support for mining companies. BLM and industry critics say agency management knows that many western politicians, including Burns and Baucus, are beholden to mining interests, and also realize that they can exert influence that affect decisions about BLM budgets and even intra-agency personnel matters. Therefore, the BLM has an added incentive to keep industry happy.

There is another, more profane reason why the agency has closed its eyes to pollution and its effects on area residents. That is, some suggest, because of the nature of the area residents. They are, by and large poor, and many of them are destitute Native Americans.

The tribes and their supporters consider the damage done to their land a classic example of environmental racism. They say that both Pegasus and the BLM have lied to them and regard them as second-class citizens without political clout.[78]

Despite claims from some corners that this phenomenon is merely paranoid whining, environmental racism is a real problem, and pervasive enough for President Clinton to have recently issued an executive directive warning government agencies to investigate more closely to ensure that they aren't guilty of such injustice.
In appealing the company's most recent expansion proposal, the tribes point out that "federal studies show the average civil penalty imposed on a violator of environmental laws in a minority area is only one-sixth as large as a penalty imposed in an area where the population is predominantly white," writes Koberstein. "It takes 20 percent longer for advanced hazardous waste sites in minority communities to be placed on the Superfund National Priority List than sites in white neighborhoods."[79]

This charge was not lost on the Western Environmental Law Center in it representation of the tribes. "We raised those issues and we did cite the executive order from Clinton,"

Mitchell says. “There is an environmental justice issue here. BLM doesn’t make overtures to [protect lower class areas]. Concerns raised by tribes and minorities falls on deaf ears. It’s a series of empty overtures.”

The agency denies that it favors one group of citizens, in protecting the environment, at the expense of another.

SECTION 9: BLM's Role Encourages Drilling in Alaska Reserve

At the cartographic top of the United States, a vast expanse of unique wilderness stretches across the Alaska tundra, untouched by the reach of industrial development. It is the home of a half-million caribou. Its wetlands provides sanctuary and breeding grounds to nearly 100 bird species, including such beautiful fowl as the yellow-billed loon, the black brant, the Arctic peregrine falcon, and the tundra swan. It is a true refuge from industry. At 23.4 million acres, this is America's largest undeveloped public land area.

But not for long.

In early August of this year, Interior Secretary Bruce Babbitt announced that this region, the National Petroleum Reserve in Alaska (NPR-A) — a name that belies its pristine character — is now open for exploratory oil drilling. Open for business. Open for likely contamination, as recent industrial history in the nation's 49th state has often demonstrated.

As soon as November 1998, oil companies could begin acquiring oil leases on a 4.6 million-acre corner of the reserve. And that's the first step toward moving in their rigs, disturbing the wildlife and setting the stage for future ecological upheaval, environmentalists say.

Perhaps most at risk are the black brant, whose numbers in the Teshekpuk Lake wetlands balloon to nearly 25,000 — close to a quarter of the world's population — every summer to feed, breed and molt.

"After they've had their babies for the year, [the brant] come up the Colville River and lose their feathers," Sara Callaghan, wildlands coordinator for the Northern Alaska Environmental Center (NAEC), told VOICE. "They become very nervous because they can't fly away. As a result, they are prone to any disturbance, especially overflights. When you're talking about building a new industrial facility in the Arctic, even if the drill rigs aren't sitting right in their molting area, there's still going to be a huge increase in [both air and

land] traffic. That's what's really going to harm these little guys."

Other birds will be vulnerable as well because they depend so heavily on the natural resources and tranquility the region offers. "It's no mystery why millions of birds migrate to the reserve to avoid disturbance during nesting, brood rearing and molting and to feed in the vast array of highly productive wetlands and shallow lakes. There's nowhere else for them to go," according to Rod King,a U.S. Fish and Wildlife waterfowl biologist.[80]

It's generally known that Babbitt's decision came from an agreement between President Clinton and Alaska Governor Tony Knowles, who asked for NPR-A drilling in exchange for the governor's acquiescence when Clinton protected the Artic National Wildlife Refuge.

What hasn't been sufficiently explored is the BLM's role in that decision, which reveals the agency's prevailing proclivity to accommodate oil interests over the environment, to simply ask "how high?" when the oil industry orders it to jump, critics say.

Reserve Established for National Energy Crisis

The NPR-A was set aside in 1923 by President Warren Harding, who directed that the reserve be tapped only in time of national need (this, ironically, from an oil-friendly leader whose presidency is best remembered for his involvement in the oil scandal at Teapot Dome, Wyoming). It was to be used for emergency only.

Critics of development in the reserve question whether the country is currently facing such an energy crisis. "With supplies and prices low, there is no reason to drill in this sensitive area or expend a resource that may be required later," according to a New York Times editorial.[81]

Or as Sylvia Ward, NAEC executive director, puts it: "[M]illions of barrels of oil are being shipped to Asia, world oil prices are falling, automobile fuel efficiency is declining, and the oil industry predicts central Artic production will increase in the next five years. Greed, not need, is driving this process."[82]

Members of the environmental community objected when Babbitt ordered the BLM to conduct an environmental impact statement (EIS) in what seemed to many a short time frame, 18 months. They argued that any such quickly produced EIS would be incomplete and sloppy.

“That’s a ridiculous time frame to decide how to manage such a huge expanse of land,” one source close to the EIS process told VOICE. “But BLM [managers] never said, ‘This is not enough time. We can’t get the science we need.’ They said, ‘Sure, 18 months. We can do it.’ No one in the agency said this is no way to do business.”

The rapid-fire process was also the first clear indication that the decision to drill was fait accompli.

When the agency released its draft EIS in December 1997 it listed five alternatives, which should include detailed options from across the spectrum. According to the National Environmental Policy Act, public agencies are required to lay out a full and reasonable range of alternatives in their documents.

The BLM EIS alternatives, however, ranged from keeping the status quo to opening the entire 4.6 million acres in question to oil leasing. Nowhere did the BLM offer an alternative that permanently protects even the most environmentally sensitive areas, along Alaska’s largest river, the scenic Colville, and in the Teshekpuk Lake region.

It seems the agency ignored the fact that more than 70 percent of the public scoping comments asked for some sort of permanent protection for these special places, Callaghan says. “In this draft EIS, we only saw one side of the issue,” she adds. “The BLM didn’t even consider protecting these places. We take issue with that.”

Furthermore, the agency did not disclose its “preferred” alternative, an option it has by law but one that makes it difficult for the public to offer clear input. By keeping its cards close

to its collective chest, it added an element of secrecy that irritated some. “There is no way for the public to really get its hands around an issue until [agency managers] indicate how they’re thinking,” Callaghan adds. “We believe that because they are [members of a] public agency, they should be directly responsible to the public interest and public needs.”

BLM Leans on Memo from James Watt

Strangely, there’s never been a wilderness study done on the NPR-A. That’s unusual considering its size and its wildlife values. Many opponents of oil development and the NPR-A EIS process thought, and requested, that such a study should have been done before any decision was reached to open the land to drilling.

In its EIS draft, the BLM used as justification for not conducting a study a 17-year-old Department of Interior directive, written by one of the department’s most infamous secretaries, Ronald Reagan-appointed James Watt. “The BLM likes to lean on the Watt memo” as justification, Chuck Clooson, senior policy analyst for the Natural Resources Defense Fund, told VOICE.

In that memo, Watt acted to thwart any designations of wilderness areas under his tenure, apparently to keep his extraction industry supporters happy. On March 12, 1981, he wrote: “In an exercise of discretionary authority and in light of the exhaustive wilderness reviews that have taken place in Alaska over the past eight years, I have decided that no further wilderness inventory, review, study or consideration by the Bureau of Land Management is needed or is to be undertaken in Alaska, except in those areas where study is mandated in legislation.”[83]

The BLM could have asked Babbitt to reverse that directive; he has the authority to do so. Some say it had the duty to make such a request. But no one in the agency stepped forward, according to several sources.

Does Big Oil Control Alaska, Its Congressional Delegation & BLM?

More than 130 miles of oil fields are already taxing the Alaskan wildlife and terrain, and many residents and environmentalists —with visions of the Exxon Valdez still fresh in mind — fear what looms ahead now that the oil industry has gotten its way in the NPR-A. Although many people within the industry and the Interior Department hold that development and environment can peacefully co-exist, concerned parties know that harm is likely if not inevitable.

In a moment of candor, one oil industry spokesman acknowledged an either-or situation. "We can't develop fields and keep wilderness," Ronnie Chappell, of an Arco Alaska Inc., told a Los Angeles Times reporter. "But we can develop to the standard that most people have in mind, which is to leave most of the land untouched without significant impact to the land."[84]

Chappell also thinks, perhaps accurately, that oil drilling's effect on the environment is not a concern for the vast majority: "My guess is that most Americans could careless whether a flat remote place that they'll never see has a pipeline running across it."[85]

Arco is already drilling on the 365-million barrel Alpine oil field, a shallow field within the flood plain of the Colville River that forms the eastern boundary of the NPR-A. A pipeline from Alpine extends east to the main infrastructure at Prudhoe Bay, Alaska's gigantic oil facility.

Some think that pipeline was built extra large for NPR-A oil as well, because Arco knew it had the political clout to open the reserve. "That's a common carrier pipeline and it's bigger than what is needed for the projected reserves at Alpine," Ann Rophe, director of Trustees for Alaska, told VOICE. "It's clearly intended to be a pipeline that will carry oil from NPR-A. In fact, Arco has described Alpine to Secretary of Interior Babbitt as the 'Gateway to NPR-A.'"

Other observers express the same concerns. "With the Alpine field right on the border, it

seems they will just march westward," Adam Colton, Artic campaign director, Alaska Wilderness League, told VOICE. "We're not opposed to all oil drilling in the Artic. It just seems that with NPR-A, we're giving another big chunk to industry without getting anything in return."

But the oil industry *does* give a lot "in return" to the Alaska congressional delegation, which, of course, placed its own considerable and collective pressure on Clinton, the Interior Department and the BLM to open the reserve. In fact, ARCO alone gave $781,468 in political action committee (PAC) campaign contributions from 1991-1997, according to the United States Public Interest Research Group (USPIRG).[86]

Rep. Don Young, the Alaska Republican and chair of the House Resources Committee, received $139,750 in oil industry PAC contributions. That's more than any other member of the House and nine times more than oil PAC average of $15,711 that House members received. "He is a staunch supporter of fossil energy," according to USPIRG.[87]

Alaska's Senators Frank Murkowski and Ted Stevens, both Republicans, also are well known for receiving bundles of Big Oil money, although USPIRG does not report how much. The group does rank each of them high on their list of "Senate Zeroes," which combines PAC money and anti-environmental votes. Both senators have called for expansion of oil drilling throughout their state.[88]

With such political leverage, the oil industry is likely to take full advantage of Babbitt's decision on the NPR-A. That is, the public can expect oil companies to use their money and clout to gain further leasing expansions, several sources told VOICE. "Once you open up leasing, you've got all the development interests pouring their resources into it to make sure they can get as much as they can," Colton says.

Again, it's important to note that many insiders say the BLM was not the driving force behind the decision to allow oil leasing. Some observers suggest it was out of the loop on this process, which underscores a lack of leadership within the agency. In all fairness to the

current BLM Director Pat Shea, it should be pointed out that he did not take office until August 1, 1997, when the rush to drill was already steamrolling ahead.

Shea, however, told VOICE that while he was not directly engaged in NPR-A decisionmaking, "the BLM was heavily involved in the NPR-A decision." Furthermore, he says, he did not interfere with agency managers who *were* directly involved because "they seem to be going in the right direction and seem to have things under control."

When asked if drilling is necessary, given that the price of oil is cheaper than the price of water in some areas, Shea told VOICE: "I note the ironies on many levels. [But] I think anyone would be foolish to say that in 10 years there's not going to be some kind of demand for petroleum. Therefore, I think there is an important component to have government lay down means by which the marketplace can continue. Hopefully in laying it down, you have nudged it, moved it in a direction that is environmentally sensible and sustainable."

Critics say the BLM should have intervened and, at least, offered sound science for a more thoughtful consideration on any decision regarding the fragile ecosystem. They say the agency is as much to blame as Knowles, Clinton and Babbitt. And, they charge, the agency has a demonstrated record of choosing oil development over the protection of the environment.

Finally, they contend, oil runs through the veins of many agency staff. "Government and the oil industry are in bed together," Callaghan says. "The BLM has a different role than some [arms of government] because they have to keep up the public-agency front. But, based on the historical role of the BLM, I would say many of the folks who work there are predisposed to facilitate development. That's agency culture."

Appendix 1: What Comes In, What Goes Out: BLM Economics

Determining the true economics of the BLM is not an easy task, as the Thoreau Institute discovered recently. The Oregon-based think tank had to circumvent bureaucratic impediments to gather 1996 economic data on the agency. "It took a year to get the data," says Randal O'Toole, an economist for the Institute. "It was like pulling teeth. The BLM has a much more effective safeguard at letting out its data than, say, the Forest Service."

But eventually the Institute prevailed. Presented as an excerpt from an article by Institute fellow Karyn Moskowitz, here then, is an explanation of the receipts and costs for the four major BLM commodities: range, timber, recreation, and mining. (This data was originally published by the Institute. For more information, see its website at http://www.ti.org/~rot.)

Receipts and Costs

Accounting for receipts and costs in a government agency such as the BLM is particularly difficult because Congress and various administrations have badly jumbled up budgeting and collections. Thanks to the Reagan administration, for example, BLM minerals receipts are collected by an entirely different agency, the Minerals Management Service, and that the agency insists that it does not know how much was collected from each BLM district for various types of minerals.

Then there is the problem of where the receipts go. Some are kept by the BLM, usually to be spent on the resource that produced them. But some minerals receipts kept by the BLM are spent on grazing. Should they be counted as a cost of grazing or a cost of minerals?

More receipts are turned over to the states or counties, and even more are dedicated to the Bureau of Reclamation. The reclamation fund probably should not be counted as a cost of resource management, but the payments to states might be. After all, these are payments in

lieu of taxes, and nearly everyone considers taxes to be a cost....

Grazing Management

Grazing generated $14 million in receipts in 1996. The BLM gets to keep half of these receipts for "range betterment," which leaves a total of $7 million. A total of $37 million was appropriated to the districts or to overhead. Range management therefore produced a net return of minus $30 million. Deducting $5 million in payments to states and counties leaves the treasury with a net loss of $37 million.

One district, Medford, reported a slight positive return. But it reported no range costs, which is unlikely, so it is fair to say that no districts make money on range management.

This is partly due to the politically determined grazing fee, which is well below market value. But BLM managers have not been hesitant to spend on range all of the money Congress will give them. There is clearly no pressure or incentive to produce a profit.

Timber Management

The BLM timber sale program generated a total of $93 million in 1996. Ninety-three percent of those receipts were generated from green timber sales, and 7 percent from salvage sales. All but 15 percent of the receipts came from western Oregon. The districts spent $45 million managing the timber program.

In 1996, most of the receipts, or $76 million, went to the U.S. Treasury. However, $74 million were then transferred from the Treasury to the counties with Oregon and California lands. The total amount of receipts that went to states and counties combined was $75 million.

The BLM gets to keep 96 percent of all salvage sale receipts, and 100 percent of salvage sale

receipts in western Oregon, in its Forest and Ecosystem Health Restoration Fund (FEHRF). This fund received $6 million in 1996. The reclamation fund gets 76 percent of public domain timber receipts, or $8 million in 1996.

The Treasury gets 20 percent of public domain timber receipts. This figure was apparently chosen in the belief that 20 percent would cover the costs of timber sales. In reality, timber costs exceed 100 percent of receipts on almost every district outside of Oregon. Although three districts outside of Oregon reported positive net returns in 1996, the nets were small and it is likely that no district timber program outside of Oregon is regularly profitable.

Despite reductions in timber sales due to the spotted owl, most western Oregon districts remain profitable before making payments to counties. Western Oregon counties historically get half of BLM timber receipts, and part of the Northwest Forest Plan calls for these payments to stair-step down until 2003. This means that, in 1996, county payments accounted for close to 100 percent of gross timber receipts on several western Oregon districts.

Not counting payments to counties and the reclamation fund, the overall BLM timber program produced a profit of $42 million--almost all of which came from five Oregon districts. Despite the profitability of those Oregon districts, it appears that BLM timber managers, like BLM range managers, face no pressures or incentives to earn a profit.

Recreation

Recreation on BLM lands brought in a little over $2 million in receipts in 1996. BLM managers can retain up to 15 percent of those receipts, but only for operating costs that apply to fee collection, like salaries or the printing of fee collection materials. They have this authority under the Land and Water Conservation Act. The other 85 percent is deposited in the Land and Water Conservation Fund. It is then appropriated back to the BLM the following year, and divided up by district according to the source of origin.

Districts may not get back exactly the amount of money they collect on recretion. But effectively, the BLM gets to keep all of its recreation revenues. The agency also lets districts keep 100 percent of revenues collected under the recreation fee demonstration program.

The BLM spent $33 million managing recreation in 1996. Since the agency effectively keeps all of its receipts, this has to be counted as a total loss.

Minerals

Except for the western Oregon timber program, minerals are the only BLM resource that the agency comes close to managing at a profit. A total of 27 districts--less than half--collected more receipts than they spent on minerals or kept for themselves. A few districts in Colorado, New Mexico, and Wyoming, earned huge profits, allowing the entire BLM minerals program to claim net revenues greater than $739 million in 1996.

The most profitable districts earned most of their mineral revenues on oil & gas, which accounted for 55 percent of total BLM mineral collections, and coal, which accounted for 34 percent.

Mineral’s profitability can be attributed to several factors:
•First, Congress does not let the agency keep a large or unlimited share of receipts, as it does for grazing, recreation, and some timber salvage sales.
•Second, Congress does not regulate prices of all minerals to
well below market value, as it does for grazing and most recreation. Hardrock minerals are an exception, of course. •Finally, minerals are not a renewable resource, so the BLM cannot convince Congress to give it huge appropriations for “investments” in future productivity, as it does for grazing and timber.

Congress does, however, manage to pork-barrel away a large share of mineral profits. Alaska gets a huge share of mineral receipts, and other states get half on many BLM lands. The reclamation fund gets much of the rest. Deducting payments to states and the reclama-

tion fund turns the $739 million profit turns into a $49 million loss.

Conclusion

Profitability is not the only criteria that should be used to judge the resource programs of a government agency such as the BLM. But it is clear and easily measured. For resources such as timber, minerals, range, and recreation, all of which are routinely managed at an after-tax profit by private landowners, Congress and the BLM have little excuse for the waste of taxpayers' funds recorded in this article.

A combination of political pressures and incentives for profitability would greatly improve the BLM's environmental record as well as its fiscal performance.

Appendix 2: Whistleblowing on the Range; BLM Retaliation

The article that follows, written by the author of this study, originally appeared in E: The Environmental Magazine*, April 1996.*

After winning a protracted showdown against tough-talking big-hat ranchers, their lobbyists — and even his own colleagues at the Bureau of Land Management (BLM) — Darrel Short is back in Wyoming, at home on the range. In 1994, the 56-year-old BLM Area Manager was forced to fight for his job and integrity — all because he refused to wink and grin at ranchers who commit rangeland violations.

The 33-year BLM veteran with excellent performance reviews recently won back his job with the Interior Department agency after he appealed to the Merit Systems Protection Board. "My supervisors were telling me to do things that were environ-mentally unsound, and more important, against the law," he says.

Short charged the BLM with firing him simply for enforcing environmental laws by stopping illegal ranching practices that were harming the ecosystem of Wyoming's Kemmerer Resource Area: cattle trespassing on BLM lands, overgrazing, and setting environmentally damaging fires, ignited to destroy the underbrush that provide shelter for cattle predators.

But when Short told his supervisors about the violations, he was warned to lay off, and his enforcement decisions were overruled. Despite getting no support from his superiors, Short pressed the issue. The ranchers — who, Short says, were accustomed to special treatment from BLM employees — complained to the state office, orchestrated a campaign to oust him and threatened lawsuits against the BLM. In the face of the local cattle industry's protests, the agency undermined him.

In August 1994, BLM officials informed Short that he would be transferred to Utah to a "make-work assignment," as Short describes it. If he refused, he could apply for a govern-

ment employee buyout, or be fired. “A lot of BLM guys like to go out without a hassle,” he says. “And that’s kind of sad. But I decided they weren’t going to bully me around.”

When Short refused any reassignment, he was forced into “involuntary retirement.” But after months of review, and tens of thousands of taxpayer dollars, he won back pay and a position rewriting BLM grazing policies on Interior Secretary Bruce Babbitt’s “Rangeland Reform Implementation Team.” Although he still feels some resentment from state BLM officials, things are beginning to change. “It looks like I’ll be able to do some productive work here this year,” he says.

FOOTNOTES TO THIS REPORT ARE AVAILABLE IN PAPER FORM THROUGH VOICE OF THE ENVIRONMENT.

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