



# Western Watersheds Project MESSENGER

Vol. XXVI, No. 2

Fall 2019

## New Lawsuit Launched to Protect Capitol Reef National Park

WWP Wins Interim Victory to  
Prevent Grazing by Arsonist Ranchers

Grazing Reductions in Oregon Protect Sensitive Frogs and Fens



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

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Western Watersheds Project  
**MESSENGER**

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# The Magic and Mismanagement of the San Pedro Riparian National Conservation Area



By Cyndi Tuell

Hiking along the river's edge, becoming a momentary part of this life-giving ribbon of green in the vast desert, gives one a deep sense of the importance, resilience, and fragile nature of this place. Knowing that beaver once again live streamside, seeing coatimundi wander through the trees with their little ones in tow, hearing the song of a Lucy's warbler, catching the flash of a bright red vermillion flycatcher darting from branch to branch on a tree-top, or getting lucky enough to see the gray hawk soar above the willows is an enchanting experience.

Unfortunately, visiting the river is more often than not disrupted by the sights and sounds of cows munching the riparian vegetation, crushing the streambanks, and littering the stream with cowpies. In addition to some per-

mitted riparian grazing, there is a long and well documented history of livestock trespassing into the SPRNCA and causing damage.

Western Watersheds Project has spent over a decade reminding the BLM that the 1988 law designating the San Pedro Riparian National Conservation Area very clearly directs the BLM to conserve, protect, and enhance this ecological gem. Only uses that further the purposes of the designation were to be allowed in this protected area. Livestock grazing is unquestionably in conflict with that mandate, and yet BLM has been allowing grazing to continue on four allotments within the National Conservation Area since the earliest days of its establishment.

With cautious hope we have communicated with the agency about the damage caused by livestock use here. Unfortunately, our rational, legally compelling, and scientifically sound concerns went unheard. In April 2019, the BLM released their long-awaited revision of the management plan for the National Conservation Area, codifying the status quo and leaving cows on the four allotments where they are free to bust through fences and destroy an area deserving of protection for future generations.

On May 28, 2019, WWP and our



Coatimundi

allies, the Grand Canyon Chapter of the Sierra Club and local conservation rock-star Tricia Gerrodette, filed a formal protest of the BLM's decision. Once again, our concerns went unheard and the agency has decided to forge ahead with their plan to allow continued degradation of the San Pedro River, the uplands, and the wildlife habitats that are becoming increasingly rare in southern Arizona.

This is a disappointing decision, but the fight is not over. WWP is currently investigating our legal options and we will continue to monitor the implementation of the BLM's management plan. We'll be on the lookout for all they ways they plan to sneak cows into this fragile desert oasis under the guise of "vegetation management," and we will hold them accountable for the ongoing damage to these federally protected lands. The San Pedro National Conservation Area is worth it.

*Cyndi Tuell is WWP's Arizona and New Mexico Director. She lives in Tucson, Arizona.*



San Pedro Riparian National Conservation Area

**WWP extends special thanks to the following supporters, each of whom contributed \$100 or more to our efforts over the last year. This generous assistance helps to preserve and restore habitat for many species.**

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		Peter Ruprecht		



# WWP Wins Interim Victory to Prevent Grazing by Arsonist Ranchers

By Talasi Brooks



In June and July, WWP won court orders from the District of Oregon preventing arsonist ranchers Dwight and Steven Hammond

from turning out cows on one grazing allotment and restricting their use of a second grazing allotment adjacent to the Malheur National Wildlife Refuge in eastern Oregon.

U.S. District Judge Simon ruled in his order granting in part WWP's request to halt the grazing that the Plaintiffs demonstrated likely irreparable harm to sage-grouse and redband trout from grazing at permitted levels and that WWP and co-plaintiffs were likely to succeed on the merits of their claims challenging BLM's reissuance of the Hammonds' grazing permit.

As chronicled in the Spring 2019 Messenger ("Zinke's Unfortunate Swan



Fall foliage on Steens Mountain

© BLM, COURTESY FLICKR CREATIVE COMMONS

Song"), after years of being denied grazing permits by BLM due to criminal convictions relating the public lands' arson, BLM was ordered to renew the Hammonds' permits by then-Secretary of the Interior Ryan Zinke on his last day in office on January 2, 2019. This followed the national attention brought to the Hammonds case—largely because their criminal convictions inspired members of Cliven Bundy's family and other anti-government extremists to stage a takeover of the nearby Malheur National Wildlife Refuge. High-powered players in the Trump administration took note, and in July 2018, President Trump pardoned the Hammonds and they were flown home from federal prison in a private jet belonging to billionaire Trump

supporter and anti-environmental activist Forrest Lucas.

Unwilling to let politics trample public land management, WWP, along with co-Plaintiffs the Center for Biological Diversity and WildEarth Guardians, filed a lawsuit in May 2019 in federal court, challenging Secretary Zinke's Decision, and BLM's permit reissuance without a full environmental analysis. Through the Lawsuit and accompanying motion to block livestock grazing, the Plaintiffs sought to prevent the Hammonds from turning out cows onto two grazing allotments important to sage-grouse and redband trout, the Mud Creek and Hardie Summer allotments. The Mud Creek allotment, which the Hammonds would have been allowed to graze from mid-May through the end of June under their permit terms, contains an active sage-grouse lek—although the lek attendance dwindled to only two strutting males counted in 2019 after the lek site and most of the allotment burned in a 2006 fire the Hammonds were accused of setting. The Hardie Summer allotment, permitted for use from July through September, contains rare remaining unburned habitat likely used by sage-grouse for brood-rearing and headwaters streams that provide crucial spawning and emergence habitat for redband trout.

Following the hearing and testimony from expert witnesses about the imminent harm livestock grazing would cause,

It's because of your donations that WWP can be so effective. Thank you for your support!

Organization	Cases Filed 2010-2018	2017 Income (Million\$)
1. Sierra Club	362	141.37
2. Center for Biological Diversity	291	20.14
3. WildEarth Guardians	156	3.91
4. CA Sportfishing Protection All.	148	0.22
5. NRDC	86	177.13
6. Western Watersheds Project	72	0.90
7. Defenders of Wildlife	68	33.91
8. California Water Watch	59	0.51
9. Alliance for the Wild Rockies	57	0.16
10. Friends of Animals	46	4.10
...		
15. The Wilderness Society	30	30.08



Judge Simon issued a Temporary Restraining Order, preventing the Hammonds from turning out cattle on the Mud Creek allotment for 28 days—essentially all of June. In early July he held a two-day evidentiary hearing at which the experts presented testimony about likely harms to sage-grouse and redband trout from allowing grazing on the Mud Creek and Hardie Summer allotments. To prepare for the hearing, WWP experts conducted a three-day site visit to observe conditions on the ground.

After hearing the experts' testimony, Judge Simon granted in part WWP's request for an injunction in a comprehensive 58-page opinion. The judge ruled not that livestock grazing would not reduce fire risk, but also that livestock impair sagebrush recovery and spread cheatgrass, making range fires more likely. He decided not to allow grazing on the Mud Creek allotment, given its importance to sage-grouse and the badly-degraded range conditions there. However, he allowed limited grazing on the Hardie Summer allotment from mid-July until the end of September, limiting grazing to removing 30 percent of the grass instead of the 50 percent allowed by the permit, ruling that this reduced rate of grazing would not cause irreparable harm. He ordered BLM to conduct monthly monitoring and to submit a report about the monitoring results to the Court at the grazing season's conclusion. He also found that the Plaintiffs were likely to succeed on the merits of all of their legal claims.

Up next, the Judge will rule on the merits of WWP's claims. The case is on the fast track with a hearing scheduled for December 19, 2019, in Portland. Judge Simon is likely to issue a decision before the end of the year.

*Talasi Brooks is a WWP Staff Attorney  
She lives in Boise, Idaho.*

## New Lawsuit to Protect Capitol Reef National Park

By John Persell



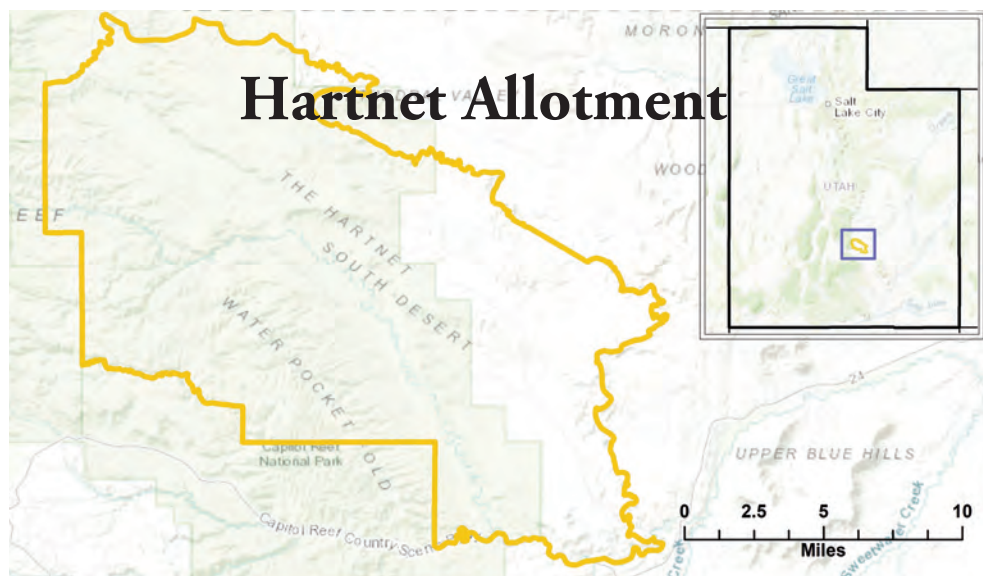
Western Watersheds Project filed suit in the Utah federal court on August 23rd to halt ongoing livestock damage and destruction to the high desert ecosystems of Capitol Reef National Park. Congress established Capitol Reef National Park in 1971 to protect its geological wonders, cultural artifacts, and concentration of rare plants. The Park is a gem of the National Park System, but has a few dark secrets.

Prior to its establishment, local ranchers used the lands within the Park's current boundaries for livestock grazing and cattle drives, or "trailing." Congress grandfathered in grazing and trailing permit holders that pre-dated the Park, but with important caveats. Congress implemented a phase-out of grazing by limiting the issuance of permits to only the original permit holders and heirs born before 1972. Congress also limited livestock trailing in the Park to traditional routes actually used by operators before the Park's establishment. Further, Congress

told the National Park Service to regulate both grazing and trailing to prevent impairment to the Park's resources. By law, the Park Service must provide the highest level of protection among federal land management agencies.

WWP previously sued the Park Service in 2014 for issuing three-year livestock grazing permits without adequate environmental analysis of impacts to rare endemic cactus species found in the Park. Although the Utah federal court did not overturn the issuance of those permits, the judge premised her decision on the stated intent of the agency to develop a full environmental impact statement and livestock plan to address the damage and destruction livestock cause to species listed under the Endangered Species Act and other Park resources.

Through efforts by the Sagebrush Habitat Conservation Fund in early 2018, the old-timer Pace brothers finally relinquished one of two remaining grazing permits in the Park covering the Hartnet Allotment. While this would normally be cause for celebration, the Park Service used this win for native plants and wildlife to deem remaining impacts from livestock in the Park "insignificant." The agency abruptly halted its environmental impact statement process and instead rushed out a much-less-thorough environmental





*Capitol Reef National Park*

assessment for a long-term livestock plan. The Park Service made this premature determination despite agreeing to add new trailing routes in the just-retired Hartnet Allotment to placate the Pace brothers and Utah's congressional delegation.

The Park Service ultimately adopted a livestock plan that caters to livestock interests to the detriment of the Park's soils, vegetation, and wildlife habitat. The plan allows over 1,000 cattle to trail through critical habitat for the Mexican spotted owl in Oak Creek Canyon twice a year, despite the agency's admission that cattle have caused the streamside habitats to be "non-functional" since at least 2014. The plan also fails to set forth any proactive measures to protect rare listed plants like the Winkler cactus from being trampled by cattle, despite their downward population trends. In the remaining active grazing allotment, called Sandy 3, the Park Service authorized a new pasture rotation system that will increase impacts to soils and native vegetation by doubling the density of cattle in a given area at one

time.

Perhaps most maddening, the Park Service claims that because the Paces formerly grazed cattle in the Hartnet Allotment, they are entitled to a new livestock trailing route through the former allotment's Lower South Desert area between the Fremont River and a tourist overlook several miles to the north. This new route runs right through known listed cacti populations and habitat. No evidence exists that the Lower South Desert ever contained a livestock trailing route running south to the Fremont River. The Park Service even admits in the environmental assessment it does not know the exact location of the route. Manufacturing such a route and labelling it "traditional" because cattle used to graze there totally contorts and contradicts the specific language Congress used to restrict and phase out livestock use when establishing the Park.

Further, the Park Service has utterly failed to prevent impairment of Park resources as required by the Park Service's founding legislation. Future generations will have diminished opportunities to

see rare cactus bloom in Capitol Reef National Park each spring as cattle trampling accelerates the extirpation of population clusters. Oak Creek, meanwhile, could provide ideal nesting and foraging habitat for Mexican spotted owl—it is designated critical habitat, after all—but because the Park Service continues to allow over 1,000 cattle to wander through the canyon twice a year, its over-grazed riparian vegetation provides no cover for woodrats and other rodents, and thus no food source for owls.

Because of these failures, WWP had no choice but to seek redress through litigation on behalf of its members. While agency capture is not a new phenomenon, it is startling to see it on full display in the Park Service, the agency entrusted with the crown jewels of our public lands. As the case proceeds, WWP will shine a light on the Park Service's dereliction of its duties to protect native plants, soils, and wildlife, and insist on proper management of Capitol Reef National Park's resources.

*John Persell is a WWP Staff Attorney  
He lives in Portland, Oregon.*





*Jailhouse Rock from Lower South Desert Overlook, Capitol Reef National Park*







*Oak Creek, Capitol Reef National Park*



*Lower South Desert, Capitol Reef National Park*



# Pronghorn Migration Expert: NPL Spells Trouble



By Erik Molvar

Western Watersheds Project is spearheading a legal challenge against the Normally Pressured Lance project in the big, open sagebrush basins of western Wyoming. With 3,500 wells, plus a network of roads and pipelines, this is the first major oil and gas project to be approved under the Trump administration. In addition to the region's biggest sage grouse wintering area, the project straddles the world-famous Path of the Pronghorn migration corridor. We talked with Dr. Joel Berger, who published the first scientific studies on this migration,

to hear his perspective.

"Our fieldwork started around 2003," Dr. Berger begins. "[Biologists] Hall Sawyer and Fred Lindzey had a report based on VHF collars on pronghorns." It sketched out the possibility of a pronghorn migration stretching over 100 miles, from summer ranges in Grand Teton National Park, up the valley of the Gros Ventre River to Union Pass, and then down the Green River to the edge of Rock Springs. Seven of the other eight major pronghorn migrations in the greater Yellowstone area had already been lost, so this ultramarathon migration was a unique discovery. "It gave my colleagues and I a very strong vigor to do what we could to prevent the collapse of this last migration."

"We found that the animals followed a single migration route," Berger reminisces. "This is the greatest land mammal migration from the Canadian border to

Tierra del Fuego. We knew that if it was blocked, Grand Teton [National Park] would lose one of their large mammals." This migration was to become internationally famous as the Path of the Pronghorn.

About this time, oil and gas drilling was ramping up in the Upper Green River valley, with the approval of massive development projects on the Pinedale Anticline and the Jonah Field. These massive projects converted pristine habitats for mule deer and sage grouse into industrial wastelands, and started to impede the pronghorn migration as well.

Dr. Berger, then with the Wildlife Conservation Society, teamed up with Senior Biologist Steve Cain of the Park Service to raise public awareness, with support from the U.S. Fish and Wildlife Service personnel from the National Elk Refuge, which also had pronghorn summer range for the herd. "The National Park Service didn't want to lose one of their keystone mammals," Berger recounts.

The Bridger-Teton National Forest was the first to take action, with Forest Supervisor Kniffy Hamilton designating a migration corridor through an amendment to the Forest Plan, protecting the migration on national forest lands. Almost all of the 20,000 public comments on the plan amendment favored protecting the pronghorn migration. But it was the Bureau of Land Management portion of the migration corridor that faced the biggest threats: The oil and gas deposits along the Upper Green River were considered the hottest onshore oil and gas play in the world.

"BLM refused to sign any documents that would support the Path of the Pronghorn," said Dr. Berger. In the end, all the agency could agree to was a tiny postage-stamp of habitat at a crossing of U.S. Highway 191 west of Pinedale, called the Trappers Point bottleneck. It was withdrawn from future oil and



*Joel Berger*





*Members of our legal team hike along the Path of the Pronghorn in the Bridger-Teton National Forest. From the front: Kelly Fuller, WWP Energy and Mining Campaign Director; Sarah Stellberg, Advocates for the West Attorney; Wendy Park, Center for Biological Diversity Attorney; Linda Baker, Upper Green River Valley Alliance Director.*

gas leasing. And later, two wildlife overpasses would be built here to help the pronghorns get past the highway. But the rest of the migration route remained unprotected.

At this time, the oil industry was funding research into the effects of drilling on wildlife, hoping to find no real impacts. Instead, Matt Holloran published groundbreaking research detailing the thresholds at which drilling and production cause sage grouse populations to crash, and Hall Sawyer documented steep declines in the Sublette mule deer herd as a result of the drilling. Dr. Berger continued his pronghorn tracking study, finding that the pronghorns were starting to deviate from their original migration route to skirt the edge of the Jonah Field.

Meanwhile, conservationists were pursuing many avenues to protect the migration. Erik Molvar, now WWP's Executive Director, met with the Deputy Assistant Interior Secretary for Lands and Minerals in 2014 to lobby for the creation of a system of National Migration

Corridors through secretarial withdrawal. Susan Holmes of the Wildlands Network, who attended the meeting, picked up that idea and ran with it, and two years later Rep. Beyer (D-VA) introduced the Wildlife Corridors Conservation Act. WWP was then able to recruit a Senate sponsor for the legislation.

But none of these efforts stopped the leasing and project development along the Path of the Pronghorn, and in 2018 the BLM finalized approval of the 3,500-well Normally Pressured Lance project. The agency didn't even consider an alternative that would protect the migration corridor, even though new science from the Wildlife Conservation Society mapped the migration running right through the center of the drilling project. "They should not have missed the pronghorn migration for two reasons," Dr. Berger explains. "First, anyone responsible for that mapping should have checked with Wyoming Game and Fish, and Wyoming Game and Fish was involved in the Path of the Pronghorn's

protection. The second point is that anyone interested in migration should have checked the scientific literature, and there are at least half a dozen studies showing that pronghorn use that area."

"So either the responsible organization deliberately ignored the scientific information, or they were grossly neglectful in performing their responsibilities," Dr. Berger observes. "The progress is slower than glacial melt. It's remarkable that we were able to achieve the Path of the Pronghorn [Forest Plan Amendment] within five years, and now we're still fiddling while the habitat is gobbled up."

Western Watersheds Project isn't fiddling. Together with our allies at Center for Biological Diversity, Upper Green River Valley Alliance, and Advocates for the West, we're headed to court.

*Erik Molvar is WWP's Executive Director*

*He lives in Laramie, Wyoming.*



## Steve Herman Receives the 2019 Sagebrush Sentinel Award

Dr. Herman has a PhD in Zoology from the University of California, Davis, a B.S. in Zoology from the University of California, Davis, and an A.A. in Biology from Contra Costa College. He is an Emeritus Member of the Faculty at The Evergreen State College in Olympia, Washington. His published research focuses on pesticide-wildlife relationships, endangered species (such as the peregrine falcon and snowy plover), the population dynamics of insects and birds, and the environmental effects of public lands grazing. His book, *The Field Naturalist's Journal: A Manual*

*of Instruction Based on a System Established by Joseph Grinnell*, has remained the primary source of information on this critical activity since its publication in 1981. He has written on numerous other topics, including sage-grouse and management, and his deep love of grouse and the sagebrush steppe has helped form WWP's vision about how best to protect this crucial species and ecosystem.

Dr. Herman was first exposed to sage-grouse in 1955 in Eastern California, visited his first lek in 1978, and has been visiting sage-grouse habitat across the West for many decades. The conservation of the sagebrush ecosystem is integral to his longstanding interests in the scientific, recreational, and aesthetic use and enjoyment of that ecosystem and the species its supports. He is deeply connected to sage-grouse and has invested over 50 years of his life to studying them, educating others about them, and finding ways to help protect them.

For years, Dr. Herman took his classes on field visits to Steens Mountain and Malheur National Wildlife Refuge in central Oregon. When domestic terrorists took over Malheur NWR in an armed occupation, Dr. Herman spoke out about the impacts of livestock grazing on the bird fauna at Malheur NWR,

shedding important scientific light on an event that stemmed from livestock abuses on the Refuge.

In addition to countless legal declarations, ornithological expertise, and specific knowledge of the areas WWP works, Dr. Herman has also made sure that sage-grouse hens, and not just the showy males, get the visual recognition they deserve! WWP is incredibly grateful for Dr. Herman's work in this area and we are inspired by his lifelong commitment to the sagebrush steppes. He is a true Sagebrush Sentinel.

### Statement from Steve Herman

Thank you for honoring me with the Sagebrush Sentinel award. I am humbled to be joined with others so honored, to be included with these accomplished conservationists whose accomplishments so outshine mine.

Like most if not all of you, my battles have been many, my victories few. In a lifetime of conservation advocacy, I can count those wins on fewer than the fingers of one hand. I pursued my doctorate because I thought that science would win these battles. How naïve was I not to know that politics always trumps science?

But I had a little to do with finding that DDT was responsible for the eggshell thinning that brought Peregrines to near extinction, and was part of the effort to get it banned in the United States. And I had something to do with getting the cows off Hart Mountain National Antelope Refuge. I had a lot to do with the creation of Grays Harbor National Wildlife Refuge, where millions of shorebirds forage annually on their northward migration.

But my most satisfying victory was as the plaintiff in a lawsuit brought by Western Watersheds against the Washington Department of Fish and Wildlife over a grazing issue. How I do remember sitting in the courtroom





and hearing the judge rule in our favor while scolding the department for its dishonesty and hubris. How sweet that was.

The settlement in that case protected some 35,000 acres of prime shrubsteppe from cattle for 20 years, and I suppose that time is nearly half run out. We can hope that before it does run out attitude and practices will have changed to an extent that further protection will be possible.

Needless to say, Western Watersheds is my favorite conservation organization. I feel privileged to have been associated with it for what may amount to a couple of decades. Public lands grazing is the most widespread conservation problem in our country, and Western Watersheds has elevated public awareness of it and continues to fight the good fight to reduce its devastating effects.

And so am I humbled and honored by the receipt of this award.

But now that I have the floor, I want to honor Jon Marvel, the founder of what has become Western Watersheds and our primary leader over the years. I believe Jon is a very important but hugely undercelebrated conservation hero, to whom we and the national conservation community owe more than we can easily know or imagine.

Aldo Leopold's eldest son was my advisor when I was a Wildlife Conservation major at Berkeley. I have personally taken Stuart Udall and Cecil Andrus on separate bird walks, and spent time in Glen Canyon with David Brower, certainly a conservation giant whose shoes have yet to be filled. And I think Jon stands shoulder to shoulder with these and other conservation heroes. Thank you, Jon, for tackling one of the toughest of issues, the hardest of the most important issues of our time and the future, and leading us to many significant victories against public lands grazing.

I accept this award in your shadow, proud to be a fellow sentinel.

*The Sagebrush Sentinel award was established in honor of Jon Marvel, the founding director of Western Watersheds Project, a steadfast and tenacious environmentalist who truly changed the West by challenging the environmental exploitation that has been destroying and degrading the West for centuries. Jon inspired many of us to continue on this same path, and the Sagebrush Sentinels represent a cohort of superlative role-models.*

## Is the Gunnison Sage-grouse Going Extinct?

By Greta Anderson



Sometimes, you just can't sugarcoat it, and this is one of those times: The Gunnison sage-grouse is going extinct.

The 2019 numbers for Gunnison sage-grouse show population declines for the fourth consecutive year, down to 429 males from 1,129 in 2015, the year the U.S. Fish and Wildlife Service decided the species wasn't endangered, merely "threatened" with extinction. Of the eight identified subpopulations in Colorado and Utah, all but one has seen substantial declines in the 3-year running average high-male count – and that one hasn't had any birds at all in four years: A steady zero is zero.

Colorado Parks and Wildlife is attributing some of the low numbers on being unable to access leks for this year's counts, but the numbers are bleak even with those caveats. A total population of less than 1,000 birds, with most of the subpopulations being functionally extinct already, doesn't suggest long-term viability unless drastic changes are made in the land management that affects these birds. The easiest and most immediate fix would be to remove the cows from the public lands of the San Miguel and Gunnison Basins, but that would require unprecedented political will.

As long as there are still wild birds, there is still time, but time is running out. Western Watersheds Project and our allies aren't going to quietly watch this species slip away. We're gearing up to put pressure on the land management agencies to make radical changes in the way they treat Gunny habitats, and to encourage the State of Colorado to get on board with anti-extinction measures. We're going to do everything we can think of to try to save this species.

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



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# Grazing Reductions in Oregon Protect Sensitive Frogs and Fens



By Paul Ruprecht

Western Watersheds Project and other conservation groups are keeping the pressure on the Fremont-Winema National Forest in a long-running effort to protect threatened Oregon spotted frogs and sensitive fen wetlands from cows on the Antelope allotment, near Chemult, Oregon. Our efforts have been paying off with grazing closures and increased restrictions.

Beginning in 2008, a series of lawsuits has challenged grazing authorized by the Forest Service, and eventually resulted in an injunction barring grazing in 2017



*A Sandhill Crane on the Antelope Allotment* and 2018 in the pastures inhabited by the frogs, and where concentrations of fens are the highest. Unfortunately, the Forest Service responded by issuing a new environmental impact statement and grazing decision that re-opened long-closed pastures, expanding grazing into the most sensitive areas of the allotment. Attorneys from Advocates for the West filed suit on behalf of WWP and



*Cattle Damage on the Antelope Allotment* our allies to challenge the decision and stop grazing from resuming in 2019.

In reaction to our latest legal action, the Forest Service dramatically reduced authorized grazing this season. It limited the grazing area to only about 500 acres in two meadows - down from 90,000 acres. Neither of the grazed meadows contains spotted frogs or major fens. The agency reduced cattle numbers from more than 700 pairs to 95. It pushed back the start of grazing to late July and also required range riders, and fence and range readiness inspections, before cows could be turned out onto the allotment.

Though the court ultimately declined to block grazing completely in 2019 because of the Forest Service's voluntary grazing reductions, the Judge noted that he took the conservation groups' "concerns about . . . cattle trespass on the Antelope allotment and the threat to [spotted frogs] seriously." The case will now proceed to a decision on the merits. WWP and our partners are hopeful the court will invalidate the Forest Service's bad decision permanently. But in the meantime, we consider the on-the-ground grazing reductions and restrictions over the past three years important interim victories.

*Paul Ruprecht is WWP's Nevada Director. He lives in Gerlach, Nevada*



*An Oregon Spotted Frog Found in Jack Creek*



# Skutumpah Terrace Safe

## for Now!

By Laura Welp



In a great win for the Grand Staircase-Escalante National Monument (GSENM), Western Watersheds Project and our allies managed to get the U.S. Department of the Interior's Board of Land Appeals (IBLA) to block a bad BLM decision to destroy more than 30,000 acres of pinyon-juniper forest and sagebrush from the Skutumpah Terrace area!

The proposed project would have rid the area of native pinyon pine and juniper trees by "mastication," an intensively surface-disturbing method of vegetation removal that involves shredding trees where they stand by means of a wood chipper/mulcher mounted to a large front-end loader, which is driven cross-country throughout a project area. The plan would also have authorized the destruction of sagebrush by chaining, the practice of ripping shrubs and trees



*Cattle Damage on Skutumpah Terrace*

from the ground by dragging large chains between two bulldozers.

The "Skutumpah Terrace Sagebrush Steppe Enhancement Project," was, like many of the BLM's projects, actually a plan to plant more food—often non-native grasses—for cows. Utah's Watershed Restoration Initiative, a group supporting the project, admitted, "We don't shy away from the fact that this program is

in benefit of sustainable agriculture."

The flawed vision of "sustainability" entailed the use of non-native seeds, which violated the GSENM Monument Management Plan, which allows for the use on non-native seeds only in "limited, emergency situations." Non-native grasses, while preferred by the livestock industry, become invasive weeds in their own right and degrade habitat quality for native wildlife. The long-term impacts of this project would have had dire consequences for the ecosystems of the GSENM. The IBLA also determined that BLM failed to take a hard look at the Project's impact on migratory birds. Western Watersheds Project partnered with the Southern Utah Wilderness Alliance (SUWA), The Wilderness Society, and the Grand Canyon Trust in securing this win.

And while 30,000 acres is unfortunately just a small portion of the lands BLM plans to treat this way across the west, the win is significant in that it sends a message to the agency that these places are more than just cow pastures.

*Laura Welp is WWP's Ecosystems Specialist.*

*She lives in Kanab, Utah.*



*Skutumpah Terrace, Grand Staircase-Escalante National Monument*





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### Thank You for Your Continued Support!

Every day the public lands, streams and wildlife throughout the West benefit because of the work done by Western Watersheds Project. The agency management plans we challenge, the allotments we monitor, and the lawsuits we file all help to protect and restore our western public lands.

- **Any size donation is greatly appreciated and makes a difference!** Everything WWP does to influence the restoration of western public lands is based on a vision that western North America may be one of the only places on earth where enough of the native landscape and wildlife still exists to make possible the restoration of a wild natural world.
- **Make a gift of appreciated stock.** Talk to your accountant or financial planner about the potential tax benefits of making this type of donation.
- **A gift through careful estate planning can make a lasting difference for WWP.** A bequest, an arrangement made in a donor's will, is a simple and uncomplicated approach to planned giving. Other methods to facilitate a planned giving donation include: charitable remainder trust, charitable lead trust, and gift annuity. It may be wise to talk to your accountant or financial planner to fully understand the potential tax benefits of different giving options.
- **Help others learn about WWP!** WWP supporters have hosted events in Pocatello, Idaho and Berkeley, California to help us spread the word about our important work. You can host an event too and WWP will help. We'll supply informational materials, send out email/printed invitations combining your guest list with local WWP supporters, and even have a WWP representative attend a "meet and greet" which can be customized to your area of interest or concern.



The Western Watersheds Project Messenger is printed using vegetable-based inks on carbon neutral, 100% post-consumer waste.

