



Western Watersheds Project MESSENGER

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Fall 2020

WWP's Ongoing Advocacy for the Great Bears

WWP Takes on William Perry Pendley

Lawsuit Spurs Loss of Permit for Arizona Ranchers



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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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WWP's newsletter is edited and produced by Greta Anderson, Jeremy Greenberg, and Erik Molvar

Dear Readers,

This newsletter is written by WWP staff in September, edited and readied for printing in October, and mailed out to you in November. This year, an event of enormous consequence will have transpired between the time we sign off on the copy and the time it lands in your mailbox: the elections on November 3, 2020. This really is a pivotal time in American history, and we want to acknowledge that as you read this, the country as we knew it will have changed with the outcomes of local, state, and national elections.

Though we can't predict the results of the elections, we can say with certainty that no matter what, WWP will continue to work for healthy western watersheds and diverse populations of native wildlife. We hope to see a political landscape that supports this agenda as well, but we won't stop pushing for it no matter who is in charge. This newsletter contains numerous articles that show that even in the worst of times, we can win.

Thank you for your enduring support,

Erik and Greta

WWP's Ongoing Advocacy for the Great Bears



By Jocelyn Leroux

Grizzly bears are considered sacred animals by many of North America's Indigenous people. In contrast, the apex predators are considered nuisances, threats, or game-revenue windfalls by ranchers, hunters, and state agencies. WWP is working on many fronts to maintain protections for this important species.

In the states of Idaho, Wyoming, and Montana many people, politicians, and state agencies are desperate to label the great bear "recovered" despite the best available science. After a court overturned a 2007 attempt to remove Yellowstone grizzlies from the Endangered Species list, the Trump Administration took another run at delisting in 2017, again on grounds contrary to scientific evidence showing that the small isolated population could not survive long-term

without genetic and demographic connectivity with other grizzly bear populations. WWP and partners challenged the second delisting decision and, in 2018, a federal judge in Montana agreed that the delisting was illegal and enjoined the states' plans to resume hunting the bears, returning the bear to full ESA protection. On July 8, 2020 in a major victory, the 9th Circuit Court of Appeals affirmed the District Court order.

However, two months later, Senate Bill 614 — the Grizzly Bear State Management Act of 2019 — was revived. Originally introduced in February 2019 by Sen. Enzi of Wyoming and cosponsored by four republican Senators from Montana, Wyoming, and Idaho, the bill would circumvent the ESA process and legislatively delist the Yellowstone grizzly bear population. On September 9, 2020 the Senate Committee on Environment and Public Works (EPW) held a hearing to discuss the bill with testimony weighted in the favor of trophy hunting industry representatives. Now, WWP is working with partners to secure written testimony from scientific experts to submit to the EPW Committee prior to any decision on the bill.



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Also in September, Montana's Grizzly Bear Advisory Council (GBAC) completed its year-long effort to provide grizzly management recommendations to Montana Fish, Wildlife, and Parks (FWP), a process that yielded mixed results. As can be expected in collaborative groups, many conversations focused on values and opinions rather than science and facts. Still, several beneficial elements managed to make it into the recommendations, including the importance of utilizing the best available science, increasing the use of nonlethal conflict prevention measures, and increased outreach and education. However, certain components of the plan undermine these efforts by including recommendations meant to restrict the habitats that grizzly bears can occupy before they are relocated or killed.

Unsurprisingly, much of the GBAC's efforts focused on trophy hunting and whether hunting should be considered a useful management tool once the grizzly bear is delisted, which overshadowed topics more important to grizzly bear

conservation, such as genetic and demographic connectivity and the deployment of proactive nonlethal conflict deterrence measures. WWP was active in this process, attending meetings, providing comments, and soliciting public involvement through outreach to members. We will continue to work to hold Montana FWP accountable as the state-wide grizzly bear management plan gets drafted.

WWP has also stayed busy in Montana with three revisions underway to National Forest land management plans. None of these plans do enough to protect critical habitat for grizzly bears and other native wildlife, and during the summer of 2020, WWP submitted objections to the Helena-Lewis and Clark and Custer Gallatin Revised Forest Plans. In August, WWP along with WildEarth Guardians, Friends of the Wild Swan, and the Swan View Coalition filed a lawsuit over the new Flathead National Forest Land Management Plan that does not have adequate protections for grizzly bears and other imperiled species.

WWP is also working through the courts with other lawsuits to get better on-the-ground protections for grizzlies. On March 31, 2020, WWP and our allies at the Alliance for the Wild Rockies and Yellowstone to Uintas Connection filed a lawsuit against the Forest Service and the Fish and Wildlife Service for authorizing the killing of bears to protect livestock on 170,000 acres of public land on a grazing allotment in the Upper Green River area of Wyoming. Rather than require ranchers to adopt nonlethal conflict deterrence measures, the Forest Service authorized the killing of up to 72 grizzly bears with no protection of female grizzlies. The case is ongoing and WWP is committed to ending needless slaughter of the great bear in the Upper Green River Valley and beyond.

Additionally, WWP's lawsuit with WildEarth Guardians and Wilderness Watch over bear-baiting in Idaho and Wyoming challenges the practice of hunting black bears using attractants on national forests in grizzly habitat. A main concern is that grizzlies will be mistaken for black bears and be accidentally shot, an issue not analyzed by the agencies.

Finally, WWP's work to force Burlington Northern Railway to better protect grizzly bears within the Northern Continental Divide Ecosystem is making headway towards new commitments by the industry to take preventative measures along key routes. WWP has been working with WildEarth Guardians and the Western Environmental Law Center on that issue for nearly a year, with resolution in sight by later this fall.

If you have questions about any of these actions, please be in touch with jocelyn@westernwatersheds.org.

*Jocelyn is WWP's Washington & Montana Director.
She lives in Missoula, Montana*



© JIM PEACOCK, NPS

Welcome Adam Bronstein, WWP's New Idaho Director!

We're happy to announce that Adam Bronstein was hired as Idaho Director and came on board with us in June 2020.

Adam was born and raised in Syracuse, NY and spent his youth climbing and exploring the Adirondack wilderness. He began traveling to the western states in his late teens and soon fell in love with "the big open." He attended SUNY College of Environmental Science and Forestry where he earned a B.S. in Environmental Studies and Geographic Information Systems. Adam moved to Central Oregon in 2014 to live close to public lands and immediately got involved with native fish advocacy work on behalf of redband and bull trout in the Deschutes Basin. He has also worked with the non-profit Gallatin Yellowstone Wilderness Alliance by directing media efforts to protect the remaining roadless lands in the northern Greater Yellowstone Ecosystem as federally designated wilderness. In addition, Adam hosts the excellent Wilderness Podcast, where he has interviewed many conservation giants, including our own Jon Marvel. Check it out at www.wildernesspodcast.com.

Spectacular Copper Basin in Idaho Needs a New Vision



By Adam Bronstein

Copper Basin, located about twenty-five miles northeast of Sun Valley, Idaho stands out as a true anomaly on the map. It is a rare high-elevation valley popular with recreationists. With the exception of a few private inholdings, the Basin is largely publicly owned and managed by the Forest Service and Bureau of Land Management. It has been a conservation priority for WWP for many years because of the enormous ecological potential. It could be comparable to the Lamar Valley in Yellowstone National Park, with all of its pre-1492 wildlife including wolves, grizzly bears, wolverine, abundant elk, deer and moose, but Copper Basin has been bombed-out by livestock grazing.

As evidence of this ecological potential,

wolves seem to be drawn to the Basin in relatively large numbers, and the surrounding wildlands appear to provide ideal habitat. Yet, because so much of their natural prey has been displaced by cows, the wolves will sometimes attack and kill livestock and Wildlife Services, a federal agency, is called in for their wolf "services," which usually means

lethal removal. Just last year, Idaho Department of Fish and Game reported that wolves were killed near Trail Creek, Boone Creek and Little Lake Creek in and near the Basin, and 2020 will likely be more of the same.

The streams of Copper Basin are often touted as being great fisheries for cutthroat trout, but they are nowhere near what they could be because of livestock-induced impairment. During a recent visit, I found warm waters, destroyed cut banks and streamside vegetation devoured to its roots. I wasn't sorry that I left my fly rod at home.

There are some places that are just too special to graze and Copper Basin is most certainly one of them. Hunters, fishers, wildlife lovers, hikers and all Americans should rally around a new vision for Copper Basin that places the needs of wildlife and ecosystems first. The Forest Service and BLM should be our allies in recognizing this great potential for the Basin instead of perpetuating old traditions that no longer make good sense. WWP will continue to engage the agencies and advocate for that vision.

Adam is WWP's Idaho Director.



The Copper Basin in central Idaho.

© ADAM BRONSTEIN, WWP

Meet Dave Stricklan, New Sagebrush Specialist and Allotment Buyout Coordinator



Dave Stricklan joined our staff in June 2020 in a jointly-funded position with the Sagebrush Habitat Conservation Fund. When we met Dave, we knew that his expertise and experience would provide unique insight and opportunities into agency-managed livestock grazing, and we're glad he's joined us in this new position.

In his own words:

I am excited to join WWP and the Sagebrush Habitat Conservation Fund to work on all things sagebrush and to coordinate grazing allotment buyouts. I come from a different background than many of the WWP staff, although we all share a passion for western landscapes. I grew up on a working farm/ranch in central Idaho. I worked for 12 years as a wildlife biologist and range conservationist with the USDA Forest Service, and then spent fourteen years teaching Wildlife Management, Range Ecology, and Stream Ecology at Brigham Young University – Idaho. Most recently I was at New Mexico State University as a Visiting Assistant Professor in the Range Department, where I taught Introduction to Range Science, Rangeland Restoration Ecology, Rangeland Resource Ecology, and other classes.

Many of my friends and colleagues have wondered why I would want to work for WWP and the SHCF. The answer is that after a lifetime of living

in, working on, and teaching about western rangelands, it is undeniably clear that the institutionalized model of managing public rangelands and watersheds doesn't work. In fact, if the objective actually were to have these lands in properly functioning ecological condition a pretty effective strategy would be to take the current management paradigm/policy structure and then do the exact opposite. Consider that in the near nine decades since the passage of the 1934 Taylor Grazing Act very few streams on public lands administered by the Forest Service or Bureau of Land Management meet the seventeen specific criteria that the agencies use to define a stream that is in properly functioning condition (PFC).

When I taught the PFC analysis method to students at BYU-Idaho, we had to go to areas excluded from grazing in small fenced off "riparian pastures." In New Mexico it was even harder to find properly functioning streams. It is pretty amazing that after nearly nine decades of management of public lands it is virtually impossible to see a non-wilderness western stream landscape in properly functioning condition.

Two years ago, I was on a site visit on the Gila National Forest in New Mexico with the Range Staff Officer for the Southwest Region of the Forest Service. We rode together in a pickup between stops at various stream sites and discussed the current state of rangelands in the southwest. She lamented the general state of riparian areas on

grazing allotments, and she was genuine and even passionate about her desire to improve management. Then she made a telling statement. She said that she just hated the idea of taking cows off of a riparian area or fencing them out because doing that was a tacit admission that federal agencies can't manage cows in riparian areas. She seemed unaware of the cognitive disconnect between the two ideas, but she is right, domestic livestock grazing and properly functioning riparian areas are not compatible. We can't have both on public lands.

Personally, I vote for healthy riparian areas. The overwhelming majority of my fellow citizens vote with me. We manage public lands under a bizarre, antiquated, and cumbersome system that prioritizes human use above all other functions. Until we get national legislation that allows permanent retirement of grazing allotments, the best we can do is to retire allotments from willing sellers in the few places where wilderness legislation, or Forest Plans or BLM Resource Management Plans, specifically allow it. That is why I came to work for WWP and the SHCF, to use my background and expertise to help protect the riparian areas of the west, one allotment at a time. I welcome leads about permittees that might be interested in a buyout. If anyone has connections to people that may be interested in a willing seller allotment buyout please contact me at dave@westernwatersheds.org.



Dave Stricklan instructs students near Mines Creek on the Targhee National Forest.

WWP's Work in Arizona's Deserts

San Pedro Riparian National Conservation Area

There is a long and well documented history of livestock trespass in the San Pedro Riparian National Conservation Area, in addition to sanctioned livestock grazing on four allotments. The damage to this life-giving ribbon of green in the Sonoran desert destroys habitat for 80 species of mammals, 59 species of native reptiles and amphibians, hundreds of bird species, native plants, and historically 13 native fish species, though only two remain. More often than not a visit to these protected lands are disrupted by the sights and sounds of cows munching the riparian vegetation, crushing the streambanks, and cowpies littering the stream. In 2019 the Bureau of Land Management authorized continued livestock grazing in the SPRNCA. In April 2020, Western Watersheds Project, the Sierra Club – Grand Canyon Chapter, and the Center for Biological Diversity filed a lawsuit demanding the Bureau of Land Management keep cows out of this Riparian Conservation Area.

3. Southwestern Willow Flycatcher seen on the San Pedro © Cyndi Tuell, WWP
4. Cow Tracks in the San Pedro River © Cyndi Tuell, WWP
7. San Pedro River © Cyndi Tuell, WWP



Sonoran Desert National Monument

The Sonoran Desert National Monument is an exquisite example of the native plant and animal assemblages found in the Sonoran Desert. Lupine, creosote, globe mallow, and native grasses are found below towering ironwoods, ancient saguaros, palo verde and mesquite trees. The Monument's protected lands used to be heavily grazed by cattle but since 2015 have been largely off limits to livestock, allowing wildlife and vegetation to slowly swallow up abandoned stock tanks and fences.

1. Abandoned Stock Tank on the SNDM © Cyndi Tuell, WWP
2. Native Plants in South Maricopa Mountains Wilderness Area on the SNDM © Cyndi Tuell, WWP



Sonoran Desert Tortoise

In 2015, the Fish and Wildlife Service declined to protect the Sonoran desert tortoise (*Gopherus morafkai*) under the Endangered Species Act, after indicating for more than five years that livestock grazing, off-road vehicle use, climate change and a host of other threats meant the tortoise was in danger of extinction and warranted protection. After a lawsuit filed by Western Watersheds Project and WildEarth Guardians in 2019, the tortoise is once again eligible for protection as a threatened or endangered species. Information about the tortoise will be gathered over the next year and a half to determine the future of this ancient desert dweller.

5. Baby Desert Tortoise © National Park Service



Badger Den Allotment

Western Watersheds Project sued the Bureau of Land Management in December of 2019 for illegally authorizing livestock grazing on the Badger Den allotment, located in one of the most degraded watersheds in the country and free from authorized livestock grazing for nearly three decades. Much of the allotment is heavily eroded with little vegetation for native wildlife, much less livestock. The area is home to a unique restoration project known in the Sands Draw Enclosure where biologists have worked hard to restore native plants and surface water in the hope that one day native fish can be repatriated.

6. Healthy Vegetation in the Restoration Area on the Badger Den © Cyndi Tuell, WWP
8. Cow Trails on Arid Lands on the Badger Den © Cyndi Tuell, WWP

Clait Braun Receives the 2020 Sagebrush Sentinel Award

The 2020 Sagebrush Sentinel Award was presented to Clait Braun at WWP's spring Board Meeting on June 6th, in recognition of his unparalleled efforts to protect the Greater and Gunnison sage grouse. Dr. Braun has been a fierce advocate for sage grouse conservation throughout the West, and has been an integral part of the collective effort to bring back and Gunnison sage grouse from the brink of extinction.

Every spring, Western Watersheds Project gives the Sagebrush Sentinel Award to an environmental advocate whose commitment to environmental protection and whose dedication to the vision of healthy watersheds and wildlife habitats is an inspiration to us all. The Sagebrush Sentinel Award was originally established in 2014 in honor of Jon Marvel, the founding director of Western Watersheds Project, and it is now given annually to someone whose work embodies the tenacity and grit for which our organization is known.

Dr. Braun got a Master's degree in Wildlife Management from the University of Montana in 1965, then went on to complete his PhD at Colorado State University, where he studied white-tailed ptarmigan, a rare alpine grouse species that lives above the timberline and molts into all-white feathers for winter camouflage. For thirty years, Dr. Braun was a research scientist for the Colorado Division of Wildlife, ultimately rising to lead the state's avian research program. His specialties were ptarmigan and sage grouse – both greater sage grouse and Gunnison sage grouse – and he authored more than 300 scientific publications in all.

In 2000, Dr. Braun co-authored an influential review of the sage grouse scientific literature titled, 'Guidelines to manage sage grouse and their habitats,' which recommended buffers around leks (or display and mating sites) to protect nesting habitat, maintaining 7-inch grass height as hiding cover for grouse, and many other standards that have become the backbone of sage grouse conservation science. Dr. Braun also conducted field studies on the impact of mining on sage grouse, one of the only researchers to do

so. Dr. Braun was a technical editor of the 2011 Studies in Avian Biology monograph that collected much of the current scientific knowledge on the bird, and helped inform range-wide sage grouse conservation plans. In 2006, Dr. Braun authored A Blueprint for Sage Grouse Conservation and Recovery, on behalf of Center for Native Ecosystems, which was then used as the basis for conservation alternatives submitted during the revisions of large-scale Bureau of Land Management land-use plans.

Dr. Braun has been an expert witness in numerous lawsuits by Western Watersheds Project and other conservation groups seeking to protect sage grouse. Whenever agencies heard Dr. Braun's gravelly voice, they knew they were

about to get a helping of unvarnished – and often unwelcome – reality. Some of the lawsuits for which he has contributed expertise include WWP's original sage grouse plan case (where the judge found insufficient protections in the Craters of the Moon and Pinedale plans), our sage grouse oil and gas leasing lawsuit, and our Klamath Lakes wildlife refuge case.

In addition, just last year, Dr. Braun provided oral testimony for WWP's lawsuit against restoring federal grazing leases to the Hammond Ranches, a livestock operation whose key members were imprisoned for arson on BLM lands. After hear-

ing Dr. Braun's oral testimony, the judge found that livestock grazing causes irreparable harm to sage grouse habitat, and then granted WWP and allies a partial injunction that prevented the full measure of livestock grazing, before ultimately revoking the grazing leases.

Dr. Braun is an eloquent writer and outspoken advocate for western public lands habitats, frequently offering opinion pieces in regional newspapers and speaking truth to power about how public lands managers are failing to properly protect native wildlife. We're grateful for his efforts to educate the public and politicians about the scientific evidence of the needs of sage-grouse and other species.

Congratulations Dr. Braun, and Thank You for all your many years of important work!



WWP Takes on William Perry Pendley



By Erik Molvar

On a Friday afternoon in late September, we were pleasantly surprised to learn that a Montana federal judge ordered William Perry

Pendley to stop acting as the director of the Bureau of Land Management after 424 unlawful days at the helm of the largest land management agency in the U.S.

Well, we weren't exactly surprised. WWP has long recognized that Perry Pendley is unfit and unqualified to serve. As soon as he was appointed by Secretary David Bernhardt, the news media dug up Pendley's statements that America's public lands should be sold off, that climate change was a hoax, and that glo-

rified the Bundys and their new Sagebrush Rebellion. In fact, Pendley's twitter handle is @Sagebrush_Rebel, suggesting more than a passing enthusiasm.

In September of 2019, a handful of Senators wrote a letter to the Interior secretary, raising concerns about Pendley's fitness to lead the agency. That was the same month that Pendley spoke at the conference organized by the Society of Environmental Journalists in Fort Collins, Colorado, and stated that wild horses were an "existential threat" to BLM lands, and that combating this threat was to be the BLM's number-one priority. WWP responded to these comments immediately by placing a column in *The Hill*, a DC-based political newspaper, excoriating the BLM head for ignoring the far greater ecological damage caused by domestic livestock. This column went viral, traveling around the world on the strength of 66,349 individual shares. It was clear that the real crises in the BLM were the continuing decline of the sage

grouse, the climate issues fueled by ongoing leasing and production of publicly owned fossil fuel deposits, the spread of cheatgrass (and the range fires that go with it) as a result of overgrazing, and the decimation of bighorn sheep by livestock diseases, not wild horses. It was laughable scapegoating, except it wasn't at all funny.

Pendley is the fruit of the same poisonous tree that gave us James Watt and Gale Norton: the Mountain States Legal Foundation. Famous for representing the most toxic elements of the corporate exploiters of public lands, this law firm has long spawned anti-environmental rhetoric, and advocated for the dismantling of America's environmental protections to free their clients to make ever-bigger profits with environmentally destructive drilling, mining, and livestock grazing.

Under Pendley's direction, the BLM has expanded destructive fuelbreaks and juniper-clearcutting projects, ramped up oil and gas leasing in designated sage grouse habitats, fast-tracked massive drilling projects, and shifted toward "outcomes-based grazing," which puts ranchers in charge of designing their own livestock grazing schemes on public land (as if BLM "management" wasn't permissive enough).

In November of 2019, Pendley penned an opinion piece in the *Las Vegas Review-Journal* stating that "local law enforcement bears primary responsibility for enforcing state and federal law" and that federal law enforcement officers would show "deference" to local sheriffs in enforcing these laws. Recognizing that Pendley was setting a policy that would implement the Bundys' dream of turning over the enforcement of federal laws on public lands to their Constitutional Sheriff allies, who had no intention of enforcing them, WWP fired back in the same newspaper. Our critique focused on the Constitutional Sheriffs and Peace Officers Association's



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William Perry Pendley, Former Acting Director of the Bureau of Land Management.



BLM staff with BLM Deputy Director for Policy and Programs William Perry Pendley in Moab, Utah.

Statement of Positions, which includes such extremism as “States should have a plan for assuming control of all lands within their boundaries not obtained by Constitution means” and “The federal agencies now claiming control of land within a state should be drastically downsized and/or dismantled.” This idea was a logical extension of the same extreme agenda that Pendley himself had articulated throughout his career as an anti-environmental activist.

Then Pendley started threatening BLM headquarters employees with firing if they didn’t move into the new national headquarters he had chosen – an oil and gas industry office complex in Grand Junction, Colorado – and others started taking notice.

At the very end of 2019, WWP drafted a letter calling for Pendley’s removal from office at the end of his next term, and convinced 90 other conservation groups to sign on. This letter put the media spotlight on Pendley’s repeated reinstatement as a temporary agency head who operated without the

sanction of Senate confirmation. This was clearly illegal, and the Public Employees for Environmental Responsibility, recognizing WWP’s leadership on the issue, invited us to join in a lawsuit to remove Pendley from office using the Federal Vacancies Reform Act (FVRA). Under FVRA, Acting Directors must be career agency professionals (Pendley lacks this qualification), and the can only serve for 210 days (Pendley had been there longer).

In response to our lawsuit and increasing public pressure in the summer of 2020, President Trump went ahead and formally nominated Pendley to be Director of the BLM, initiating (at long last) the Senate confirmation process. Another organization led another opposition sign on letter objecting to Pendley’s appointment, gathering signatures from 300 groups. Montana Governor Steve Bullock, a candidate for Senate, filed a lawsuit of his own in a Montana federal court to seek Pendley’s removal. Senators, including every single Democrat and Independent, signed a letter to President

Trump demanding that Pendley’s nomination be withdrawn. With support for Pendley crumbling among Republican Senators facing tough re-election battles, and Pendley’s racist remarks from 2017 surfacing, Trump caved in and withdrew the nomination, but Pendley stayed in place due to a succession order that he himself signed in May 2020.

House Resources Committee Chairman Raul Grijalva joined PEER and WWP’s lawsuit in September 2020, but Governor Bullock’s suit achieved a ruling first with the ousting of Pendley and an order to review any decisions he oversaw during his tenure. We’re happy with the outcome and that our early efforts to oust Pendley triggered a groundswell of support throughout the country and put a stick in the spokes of Pendley’s efforts to turn America’s public lands over to commercial exploiters.

*Erik Molvar is WWP’s Executive Director
He lives in Laramie, Wyoming.*

Steve Herman in Memoriam (1936-2020)

Steven G. Herman, Member of the Faculty (Emeritus) at The Evergreen State College, passed away on Friday April, 3, 2020 at his home near Yelm, WA. He was 84. He was born in Elyria, Ohio in 1936 and grew up in the San Francisco Bay area where he acquired an early interest in birds and other aspects of natural science. After serving in the U.S. Army from 1959-1961, he went on to receive a bachelor's degree in



Biology (1967) and a Ph.D. in Ecology (1973), both from the University of California at Davis. He moved to Washington in the early 1970s and became an early faculty member of The Evergreen State College, where he taught for over 35 years. An ardent conservationist, he spent his life defending wild country. He believed that grazing on public lands made no sense, and argued rightly that ungrazed public lands were treasure houses of biodiversity. He was a researcher and early activist for the banning of DDT to protect peregrine falcons and the California condor, having also served on early condor recovery programs. He was instrumental in the establishment of Bowerman Basin National Wildlife Refuge and the removal of cattle from the Hart Mountain National Wildlife Refuge. Steve had a giant personality and was wonderfully outspoken, never without opinion on matters of importance especially on those of conservation and preservation of wild places. He never shied away from confronting resource agencies and industries prone to the degradation of nature. He published numerous scientific papers and a book entitled "The Naturalist's Field

Journal: A Manual of Instruction based on a System Established by Joseph Grinnell", which remains in use by many amateur and professional naturalists. Dr. Herman was beloved by

his students, and principal among his many achievements was his extraordinary mentoring of hundreds, who went on to distinguish themselves as biologists and other professionals. He believed that the best way to learn about natural history was to spend vast amounts of time in wild and semi-wild places, engaged in rigorous examination. His appreciation of beauty of all types informed his life and work on every level. One could easily pick a fight by simply implying that "beauty is in the eye of the beholder!" He instilled this value of beauty for its own sake to the many people he mentored. The community and philosophy of conservation he created is one of his greatest legacies. Steve was a gardener, a falconer, a naturalist, a philosopher, an ornithologist, and friend to hundreds. He travelled widely, exploring six continents and the natural and cultural life of all of them. He is survived by his daughter, Sallie Herman, his granddaughter Jessica Herman, and his great-grandson, Grayson Charlton. In lieu of flowers, he requested donations be made to the Navopatia Field Station, a conservation and natural history field station in Sonora, Mexico which he helped establish and passionately supported. A memorial webpage is being created at: fatherwingbeat.org.

Steve was member of WWP's advisory board and commoly served as an expert witness on WWP legal cases.

Livestock Management Threatens California's Mountain Lions

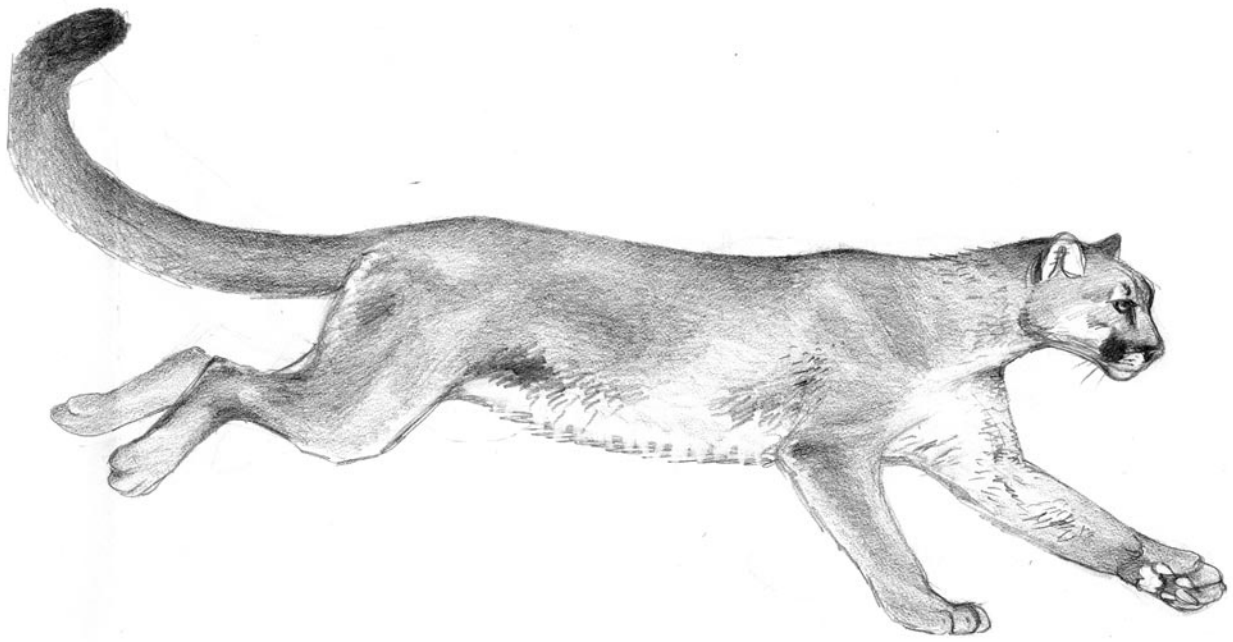
By Laura Cunningham



The Santa Cruz Mountains of central California are wild and rugged, with grasslands, oak woodlands, and redwood groves. Mountain lions roam these mountains, typically preying on the locally-common black-tailed deer. Recently, these mountain lions have been threatened by lethal removal from public parklands, for the sake of livestock operations in the Midpeninsula Open Space District, or "Midpen."

Created in 1972 by voters, Midpen is an independent special park district that has preserved nearly 65,000 acres of public land and manages 26 open space preserves. It is funded by local property taxes. Within the preserve system, 8,500 acres are grazed by private commercial livestock operators.

California Department of Fish and Wildlife studies have shown a population of mountain lions of between 33 and 66 adults in the Santa Cruz Mountains. This population is already genetically depressed and isolated from other wild places, and urban sprawl and highways contribute to fragmentation and inbreeding. It's an 'at risk' species in this region, and WWP supported a proposal to list the Southern California and Central Coast Evolutionarily Significant Unit of mountain lions as threatened under the California Endangered Species Act. In April 2020 the California Fish and Game Commission voted unanimously to move this population to candidacy status, triggering a year-long review to determine if these mountain lions should be formally protected.



Mountain Lion, Puma concolor.

Killing is one of the leading causes of lion mortality in the area, according to Chris Williams of the University of California, Santa Cruz, Puma Project. Between 2008 and 2018, 133 kill permits were issued for mountain lions in San Mateo, Santa Clara, and Santa Cruz Counties, with 42 mountain lions dead as a result.

Midpen reimburses livestock operators for any confirmed cow kills by mountain lions, and there have been 22 confirmed losses from coyotes and mountain lions since 2007. The coastside Midpen preserves have around 550-600 cattle.

In 2019, Midpen sought to institutionalize mountain lion killing within its properties by updating its mission statement, predation policy, and current grazing management policy. Midpen wanted to become a local “Wildlife Services” serving the narrow interests of livestock operators leasing park lands. WWP participated in this early scoping period for an upcoming environmental review of grazing management plan changes under the California Environmental Quality Act (CEQA), and we vociferously objected to this move.

During the hearings on the new policies, the public and environmental groups, including Western Watersheds Project, opposed killing of mountain lions and coyotes by the park district. On November 22, 2019, Midpen dropped its plans to kill mountain lions.

In backing away from killing of lions, Midpen is now seeking to add a policy goal to ensure “sustainability of conservation grazing in areas where predation of livestock may occur,” and investigating non-lethal predator management measures. WWP is engaging with Midpen about this draft plan, particularly the definition of using livestock for “conservation” purposes, instead of other less damaging management actions such as native tule elk grazing and prescribed fire to achieve mission goals.

Midpen contracted with researchers from the University of California at Berkeley to figure out ways to allow predators to co-exist with cattle, building on information gained from livestock-wolf conflict reduction. Many of the methods are unproven with mountain lions, but proposals include:

- Night penning;
- Removal of attractants, such as dead calves and garbage;

- Livestock guardian animals, such as trained dogs, or even donkeys. Donkey guardians (which will attack with hooves and teeth) were found to not be effective against mountain lions, but effective against coyotes and dogs for pastures less than 600 acres. Llama guardians have also been considered and were effective against dogs.
- Permanent and temporary electric fences;
- Frightening devices include such measures as fox lights—which flash random colors and lights through the night, motion-activated speakers, and even motion-activated water sprinklers (solar-powered).
- Increased human activity. A volunteer range rider program is being organized by Midpen.

Other methods looked at include everything from cowbells, removing vegetative cover where predators hide, to changing the type of livestock operation. Much more study is needed but at least killing has come off the table.

For more information, contact lcunningham@westernwatersheds.org.

*Laura Cunningham is WWP’s
California Director.
She lives in Beatty, Nevada.*

Lawsuit Thwarts Permit Issuance for Arizona Ranchers



By Cyndi Tuell

The Badger Den allotment near Willcox, Arizona is unique among the many allotments in the Safford Field Office of the BLM because it has not had authorized livestock grazing for nearly 30 years. It is within the San Simon watershed, identified in 2011 by BLM as one of the ten most degraded watersheds in the country. Soil erosion has been a significant concern since at least the 1930s throughout the San Simon Valley, and a large portion of the allotment looks like a moonscape.

Nonetheless, the 47,000-acre allotment provides potential habitat for a variety of native wildlife species such as the Sonoran green toad, the western burrowing owl, javelina, desert ornate box turtle, banner-tailed kangaroo rat, and native plants including bush muhly,

black grama and wolfberry, among many others. Its 47,000 acres represent a rare and unique opportunity for restoring Arizona's grasslands to their former ecological health.

Some of that restoration work got underway in 2010 in the "Sands Draw Livestock Exclusion Project," an aquatic habitat restoration effort within the allotment, ultimately planned for the reintroduction of native fishes, including the Gila topminnow, roundtail chub, and desert pupfish, to surface waters within the livestock-free area. Though the fish reintroduction never occurred, the closure to trespass livestock grazing and the replanting of native vegetation makes the Sands Draw Exclusion stand out from the rest of the allotment.

The permit on the Badger Den allotment was canceled in 1991, after the permittee was caught repeatedly breaking the agreements he had with BLM about where his cows were allowed to graze. He refused to remove his cattle from the allotment and continued to graze illegally on the allotment until 2004, when he finally relented after a stint in jail for contempt of the court orders to remove the cattle.

Then, on June 18, 2018, nearly 30 years after the original permit was canceled, the BLM used some magical thinking and back-door processes to "transfer" the preference of the non-existent permit to a new livestock operator (who also happens to be the son of the original permittee). The agency rubber stamped the permit without notifying the public and despite the concerns raised by more than one BLM staffer that cows didn't belong on these fragile lands.

Thus, on December 4, 2019, after months of trying to understand how the agency went about reauthorizing a long-canceled permit, WWP filed a lawsuit challenging the illegal new permit. Caught breaking environmental laws and trying to sneak cows onto degraded public lands, on March 9, 2020, just two days before the BLM's answer to WWP's complaint was due in court, the BLM issued a new decision cancelling the illegal permit and admitting the grazing permit for the Badger Den allotment was issued in violation of the law.

As of this writing, livestock are not allowed on the Badger Den allotment and WWP plans to keep it that way. The BLM is already trying again to reauthorize livestock on the Badger Den, but we are working hard to protect the restoration area and the land surrounding it so that this place can continue to heal from over a century of livestock abuse.

If you live in southern Arizona, it is worth the drive and short walk to visit the allotment to see what livestock grazing does to arid landscapes, and visit the restoration area to see what this place could be without cows. Get in touch with Cyndi Tuell at cyndi@westernwatersheds.org for more information if you plan to head out to the Badger Den allotment.

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



Badger Den Allotment.

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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.
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- **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.



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