

High Country News

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A Paper for People who Care about the West

One dollar

READERS REACT:

*A sequel to HCN's
special issue
on grazing*



The public range begins to green up

This August, I will have been publisher of *High Country News* for seven years. In that time the work has moved me to tears twice — both times while compiling this issue on grazing.

The events that led to these unjournalistic displays do not matter. What matters is the emotion this issue inspired in me: a sense of profound relief because there is — at last — evidence of sustainable, unstoppable movement to recover a lost land.

The movement appears sustainable and unstoppable for two reasons. First, because I believe for a variety of reasons that both the Forest Service and the ranchers are ready for a new approach to the range. And second because the push for change is coming from what the media call “everyday” people, as this sequel to *HCN's* March 12 special issue on grazing shows. Its central figure is Don Oman, a Montana native who grew up on a ranch and has, for this precarious moment, achieved his goal in life: district ranger on a national forest in Idaho.

The motion toward reform also comes from Dick Kroger, a veteran of 10 years with the Bureau of Land Management in Worland, Wyo. He now lives in North Dakota, and his account of his 10 years with the BLM follows the stories on Oman.

Another important player here is Lloyd Smith, an Idaho native and resident of the small town of Rupert.

During an interview about Oman, Smith laughed when he described himself as a truck parts salesman. He is a truck parts salesman who filed a Freedom of Information Act request that produced Forest Service documents central to the story on Oman.

When Smith is not working or hunting or teaching hunter safety courses, he is organizing other sportsmen and applying pressure to the Forest Service and Bureau of Land Management to change their public land management.

I took his laugh to mean that the way he earns his living is incongruous with his self-appointed role as reformer of public land management. Work of such importance, Smith implied, ought to be done by more important people, and they ought to live in more important places than Rupert, Idaho.

But the more important people, perhaps because of their importance, have been unable to affect the public range. With all respect to the sincerity and energy of those who write reports and who lobby on grazing, and to the elected and appointed officials who intercede on both sides of the issue, change must come from the bottom. And it has to be rooted in the courage, persistence and intelligence of “ordinary” people.

These articles are not about perfect people. But they are about people who care about the land and are tough enough to translate that caring into action. They have all made themselves — no one invited them and

many attempted to discourage them — players. They have become part of the community of people who not only care about the West, but who have figured out how to act on that caring.

That community includes Scott Bedke, who, for the purpose of the two articles centered on Don Oman, is spokesman for the ranchers. Bedke, who almost singlehandedly bankrupted *HCN* in a telephone interview, became part of the community by being willing to talk long and frankly to a reporter he knew held different views.

Randall Hall, the grazing person on the Forest Service's Intermountain Region, was very helpful to the story, and is also a member of the community that must be formed if the West's range is to be recovered.

During the preparation of this issue, the rest of the world receded. But a telephone call from John Baden, the free-market economist, made an impression. He said the spotted owl controversy in the Northwest is creating a multi-billion-dollar reallocation of forest resources that in other nations could be accomplished only by bloody revolution.

I believe Don Oman, Dick Kroger and others like them are implementing the same vast reallocation. But instead of forests, these people are reallocating range.

— Ed Marston

Forest Service ranger refuses "promotion"

Ranchers' hold on agency revealed

by Ed Marston

District Ranger Don Oman is a quiet man. As head of the 500-square-mile Twin Falls, Idaho, district of the Sawtooth National Forest, he is also a stubborn man.

When his Forest Service superiors told him he had so angered the ranchers he was working with that he should apply for a transfer, Oman refused. Instead, he filed a "whistleblower" complaint, charging that he was being punished for doing his job.

Thanks to that action by Oman, and his subsequent willingness to talk to the press, a decades-long, informal working arrangement between the United States Forest Service and ranchers who graze cattle on the public land has become partly visible.

The controversy surrounding Oman provides a glimpse of how the agency and its rancher-permittees interact. It shows, at least for Idaho's Sawtooth National Forest, how user groups influence land management agencies.

That ranchers who use the public land have good access to the Forest Service does not automatically mean the system is bad. The Forest Service is a regulatory body, and permittees must have recourse in cases of unreasonable regulation.

But if the public lands are seen as "owned" by a variety of users — hunters, fishermen, hikers, skiers, loggers, etc. — then the Oman case reveals an imbalance. Only ranchers, the agency and possibly aides to elected officials ever got to the table where decisions about the Twin Falls Ranger District were being hammered out.

Don Oman became the center of a three-year-long struggle in the Intermountain Region of the Forest Service because he exerted pressure on the rancher-permittees who graze cattle on the Twin Falls district. According to the ranchers, Oman began pushing almost from his first day. Scott Bedke, an Oakley rancher, recalled Oman's first tour with the Goose Creek grazing allotment permittees, back in 1987:

"He told us, 'This is the worst allot-

ment I've been on.' We got off to a bad start, and things got worse from there."

Bedke said permittees on that allotment thought it was in good shape, and were proud of it.

The contentious relationship ended, ranchers thought, after three years. In response to continuing pressure from the ranchers, the Forest Service quietly passed the word this winter that Oman would soon be gone from the Twin Falls district.

Strongly encouraged transfers are a familiar story in the Forest Service and other land management agencies, and up to a point Oman's case followed the time-worn pattern.

But then it diverged. For unlike most agency employees — whether Forest Service, Bureau of Land Management or Fish and Wildlife Service — when push came to shove, Oman shoved back.

Oman's shove came after he was told by Regional Forester Stan Tixier in Ogden, Utah, that he should apply for a transfer-promotion. Instead, Oman went back to Twin Falls and filed a whistleblower complaint with the federal government. As a result of that complaint, and perhaps for other reasons, the Forest Service informed Oman in mid April that he will not be moved pending the results of the investigation.

When *High Country News* heard of the conflict, Oman agreed to an interview on the understanding that he would speak as an individual, and not as an agency official. In addition to interviews with Oman and others in and out of the agency, this story and the accompanying sidebar are based on internal Forest Service documents. They were supplied by Lloyd Smith, a Rupert, Idaho, truck parts salesman and head of a local sportsmen group. Smith obtained the documents through a Freedom of Information Act request.

An unlikely rebel

Don Oman is an unlikely person to make possible the first public, detailed look at how Forest Service user groups influence their regulators.

Utah State University Professor James Kennedy divides Forest Service personnel into a conservative old guard and a new guard, made up of relative newcomers such as former Forest Service employee Jeff DeBonis, who has organized a reform group of agency employees (*HCN*, 6/5/89).

Oman fits the description of the old guard. He grew up on a Montana ranch, trained in forest management at the University of Montana, and served on eight forests before being promoted to district ranger on the Sawtooth in 1987.

But there are anomalies. He is not a veteran of the armed forces. And he has no ambition to rise beyond an on-the-ground management job such as

district ranger. Despite 25 years with the agency, he has never had his "ticket punched" in Washington, D.C.

Oman said, "Washington is seen as a stepping stone to bigger things, but I wouldn't mind just being a district ranger. It's always been my desire to stay close to the ground."

As a result of his ambition, when Regional Forester Tixier instructed Oman this winter to apply for a transfer/promotion to a staff, rather than a management position, Oman, 46, saw it as the end of his Forest Service career.

Oman's whistleblower complaint and willingness to talk to the media also has to do with changes in the political climate surrounding his agency. Even a year ago, Oman would have had to improvise his act of independence. Now a support network exists. Before talking to *HCN*, Oman contacted Jeff DeBonis to learn the rules governing free speech by agency employees.

As one reason for blowing the whistle, Oman cited the letter that 63 forest supervisors sent to the agency chief last fall (*HCN*, 2/26/90).

Among other things, the supervisors' letter deplored the fact that most Forest Service money stays in Washington, D.C., or at the regional level. Relatively little money finds its way to forest lands administered by people like Oman and his staff of 12.

The Forest Service has also been pushing — at least rhetorically — on its employees to strengthen on-the-ground range management. The recent "Change on the Range" program puts great emphasis on recovering riparian areas, which almost everyone agrees have been badly battered by a century of livestock grazing. Letters, directives and policy statements urging riparian improvement are legion within the agency.

Finally, the Sawtooth National Forest has given its district offices more power to administer grazing permits. Oman, unlike many district rangers, can cut the number of cattle a rancher may graze, or otherwise penalize that rancher, without going to the forest or regional level.

Tradition still reigns

But not everything in the world of public land ranching has changed. Many ranchers maintain that they have certain vested rights to the public range.

Tradition, if not law, gives them clout. Some public land ranchers run cattle over land used by their families before there was a Forest Service.

Also intact are political relationships. When pushed, ranchers go over the district ranger to the forest supervisor, the regional forester or the national office in Washington, D.C. Their access is made easier by the clout ranchers carry with elected officials. Cattlemen traditionally have strong contacts with their congressmen.

Those contacts are particularly effective in Idaho, where Sen. James McClure, R, is a very strong Western senator. Ranchers can also call on the Idaho Cattle Association in Boise, and the National Cattlemen's Association and Public Lands Council in Washington, D.C.

In this case, there is no evidence that Idaho politicians interested themselves in Oman beyond routine letters of inquiry from Idaho's Sen. Steve Symms, R, and Rep. Richard Stallings, D-Idaho, responding to ranchers' complaints.

The only incident of interest came from John Hatch, Symms' assistant in Pocatello. When asked about Oman, Hatch said "no comment" and hung up.

Symms' press secretary in Washington, D.C., Dave Pearson, said later that Hatch was not authorized to speak to the press, and that the Oman case was like thousands of other routine cases, in which the senator intervenes on behalf of constituents.

A controversial cattle count

Agency employees are always subject to political pressure, and until Oct. 13, 1989, the ranchers appeared to be making little headway in their efforts to transfer Oman. But on that date, Oman made himself vulnerable by conducting what *Western Livestock Journal*, a regional industry magazine based in Denver, in a front page story, headlined, "Gestapo cattle count in Idaho." The article, by *WLJ* editor Fred Wortham, Jr., opened:

"A District Forest Service ranger, a disputed number of armed Forest Service special agents, two state brand inspectors, several other Forest Service employees, and a Bureau of Land Management representative swooped down on a cow camp in the Sawtooth National Forest in southern Idaho Oct. 13."

In the article, the head range person for the Forest Service's Intermountain Region, Randall 'Ray' Hall, deplored how the cattle count was conducted. But Hall also said it was a legitimate exercise of authority. Hall, based in Ogden, had been informed in advance of Oman's count, but not that armed Forest Service marshalls would be used.

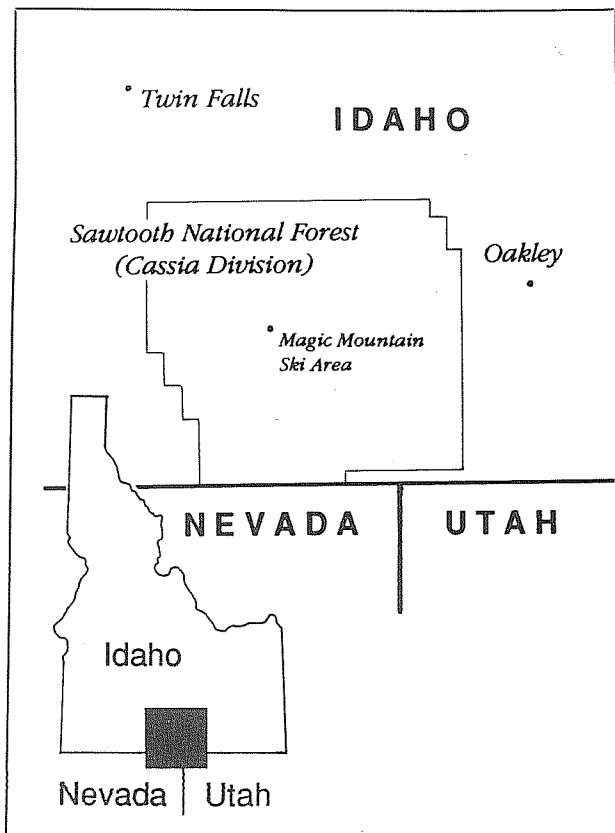
Wortham did not interview or quote Oman or anyone else on the counting team. But he did quote ranchers and unidentified people who had witnessed the count. He also wrote:

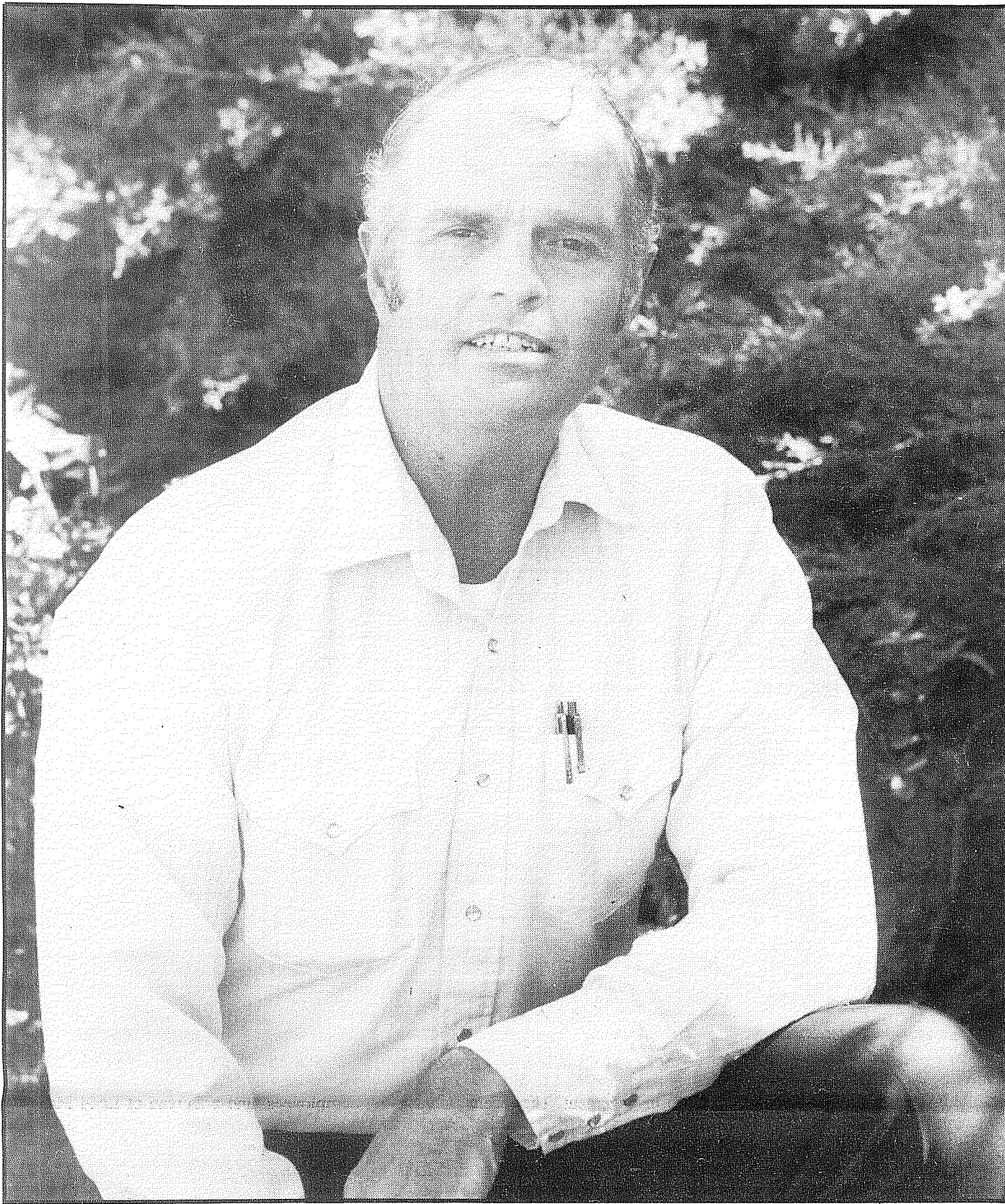
"Oman's tenure in the Twin Falls district has not been without its bumps, several people said. His actions have often sparked serious debate among the ranchers about his qualifications with regard to the grazing sector of multiple use on the Sawtooth."

Roughly the same story, complete with the "gestapo" charge from one of the ranchers, ran in some Idaho newspapers, setting off a brief letters-to-the-editor war among the ranchers and their opponents.

Oman told *HCN* that he decided to do a count when, in summer 1989, he got a tip about a permittee on the Goose Creek cattle allotment. That allotment is grazed by about 1,800 cattle owned by five ranches cooperating as the Wild Rose Cattle Association. The tip said one of the five permittees was putting more cattle on the land than the permit allowed.

Oman, who had been running the Twin Falls District for three years at the time, said he had received several threats during that period. Some were political. "I was told, 'I have all the information I need (to have you moved). Don't make





Don Oman: "I wouldn't mind just being a district manager. It's always been my desire to be close to the ground."

me bring the hammer down."

Another time "a permittee wanted to fight me out in a field. I had told him I didn't think a certain thing was true, and he accused me of calling him a liar."

In a third instance, Oman said a permittee told him on the telephone: "It's a good thing I'm 40 miles away. I'm an insane man." He wasn't outright saying, "I'll kill you," but he was threatening."

Because of the threats Oman said he arranged to bring along an armed Forest Service marshal, who brought along a second armed official.

The cattle count was sprung on the ranchers at dawn, at a high pasture where the calves are weaned from their mothers and loaded onto semis for shipping. Oman brought along a rental truck to provide secure lodging in case the counters had to spend the night, and a small plane to fly the allotment in search of cattle that hadn't been rounded up.

The ranger's written report states that after an initial angry encounter with one permittee, the day was low-key, with the head of the Wild Rose Cattle Association, Ray Bedke, telling the counters: Come back any time.

Permittee Scott Bedke, 32, the son of Ray, has a different memory of the day. "We came back (from the count) and sounded the alarm. We felt we deserved better treatment." The gathering of the cattle, Bedke said, "is our payday. It's also one of the few times we get to cowboy. And it's a family deal. Our wives come out and make a dinner. The children are there."

According to Bedke, the dawn

arrival, the rental truck, the armed marshals and the "guilty until proven innocent" attitude "cast a pall over the day. If a patrol car parked in front of your house all night, your wife and kids would wonder: What did you do wrong, dad?"

Within hours, complaints were flowing to the Forest Service and to the press from the ranchers, who saw the count as the latest hostile act from a district ranger who, they said, wanted cattle off the national forest.

For the first few months after the count, press accounts had Hall, in the regional office, deploring Oman's tactics but supporting his objective. There was also an inconclusive meeting involving Hall, Oman and the permittees. Then, in the January 1990, issue of the *Times of Idaho*, Hall was quoted as saying: "We've met with the permittees and the ICA (Idaho Cattle Association) and have reached an agreement that will ease things in the future."

Oman would go

Oman said he learned, first via the grapevine and then directly from his superiors, that he was the "agreement." It had been made, Oman said he had heard, at the November meeting of the ICA in Idaho Falls. Ray Hall of the Forest Service, permittees, ICA officials and perhaps others were there, Oman said he was told.

"When I heard about the agreement, I decided I wouldn't put up with being

transferred for just trying to do my job. It was a slap in the face to me and my people."

Oman said in his first three years as district ranger, he'd received excellent job ratings. But a few months after the count, he was told by Regional Forester Stan Tixier that "I've developed an inability to work with permittees."

"I don't look on myself as a piece of trash to be cast aside. I've given a lot of years to the agency ... I've been contacted by a number of people (in the Forest Service) who are facing the exact same problems with permittees, and they are waiting to see what happens here." Oman said he believes cattle have a place on the public land. "I'm not against livestock grazing. But it has to be done right."

Oman's superiors deny some of what Oman alleges and support some. Oman said he was told by Tixier that pressure to transfer him had come down from the chief of the Forest Service and the Secretary of Agriculture. Tixier told *HCN* through a spokesman that Oman's charge was "absolutely not" true.

Ray Hall, Tixier's range person for the Intermountain Region (Utah, Wyoming, Montana, Nevada), spoke directly to *HCN* and was frank about the decision and the resulting dilemma. He said he initially met with the cattlemen and Oman on Nov. 8, where the cattlemen demanded Oman's transfer. Hall refused. But in early December, Hall, without Oman, met with the Idaho Cattle Association, its Public Lands Council, two permittees and others. This meeting

had a different ending.

Hall said, "The permittees demanded that I get rid of Oman. They were also asking for a full investigation of the incident by the Department of Agriculture. They said if I moved Oman, they'd withdraw their request for an investigation."

"I said I didn't like the way he did the count, but I thought his objective was correct. I said I wouldn't move him or make him a lameduck. But I also said I realized he wasn't going to be effective (as Twin Falls district ranger) and I said that within the next year, he'd be elsewhere."

Ranchers bragged about their power

"But now I may not be able to honor that promise. Now we've had other permittees say to district rangers: 'If you don't watch out, you'll be next.'"

Hall said he is convinced Oman can't work effectively with his permittees. And that handicap — Hall said — means his ability to protect the resource will be diminished. But Hall also said the agency can't appear to give in to threats. "I haven't made up my mind as to what I'll do," he said April 13.

Can a group of permittees get rid of a district ranger by refusing to work with him or her? Hall replied: "They can't just automatically get their backs up. This (with Oman) didn't just happen. It's

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Oman . . .

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Oman said he was once told over the phone: "It's a good thing I'm 40 miles away. I'm an insane man."

"I realized he wasn't going to be effective (as a ranger) and I said that within the next year he'd be elsewhere," said a Forest Service official.

"I don't look on myself as a piece of trash to be cast aside," Oman said.

been building over a period of time. The clash of personalities can't be overcome by talking across the table."

Hall then second-guessed his original decision to avoid an investigation by moving Oman. "I've never seen an investigation where someone didn't come out with a black eye, and often it's a black eye over an incident that isn't central to the issue. But maybe I've made a mistake. Maybe I should have let the investigation go ahead."

Finally, Hall said that if the dispute between Oman and the permittees had centered on grazing practices that threatened the range, the Forest Service would not have considered transferring Oman.

"I've never been out on the allotment, but the staff officer tells me the range is not beat out." So in his view, Hall said, the dispute is over permit administration rather than over saving the resource, and that made the decision to transfer Oman more straightforward.

Hall concluded the interview by saying that the Intermountain Regional office had been considering issuing a policy statement on grazing, and that if it were released, he would send HCN a copy.

Declaration of agency independence

The statement, signed by Regional Forester Stan Tixier, was released the following week. Without mentioning Don Oman, it addressed itself to his situation and to the agency's policy with regard to ranchers adhering to the details of their permits:

"We will administer grazing permits in a professional, business-like manner, the same as any other permit or contract. We expect complete compliance with the terms and conditions of the permit, and will not condone willful or repeated violations. We will exercise a 'rule of reasonableness' when violations are unintentional and infrequent, but only to the extent that other resources and values are not being damaged."

It also said: "We do not routinely use armed law enforcement personnel... but will do so when we have reason to believe their presence is necessary to provide for the protection of National Forest System lands and property, or for the safety and welfare of Forest Service employees, National Forest users or the public-at-large."

The cover letter on the *Policy Statement on Livestock Grazing and Permit Administration in the Intermountain Region* directed that it be sent to the state livestock associations and congressional delegations and to the general news media.

Implementation is everything when it comes to Forest Service policy. But in advance of hard evidence, this statement, which reportedly had been first issued in the week of Oman's cattle count and then withdrawn, can be read as a declaration of (partial) independence by the Intermountain Region from traditional political pressures.

One observer of the agency has no doubt of its significance. Jim Prunty,

who retired from the Forest Service in 1987 after 20 years in Idaho as a fire control technician, said the new grazing policy is "the best news I've seen out of the agency in years."

Prunty, who stays in touch with the agency and who has followed the Oman controversy, attributes the district ranger's problems to history.

Prunty said that until Oman arrived, the Forest Service never tried to enforce its regulations.

"And like anything else, if you never enforce the law, the person who tries to, catches it. Oman is trying to enforce the law and he is catching it."

The stage was set

The dispute over the cattle count was no more than a spike in a struggle that had been going on between Oman and the permittees almost from the moment he arrived.

The setting for the struggle was Oman's 500-square-mile district south of Twin Falls and the Snake River. It consists of a low range of mountains, called



the South Hills, set amidst an extensive desert. It is both an oasis for wildlife, ranches and their livestock and a recreation magnet for the 100,000 or so people who live in Idaho's Magic Valley.

The district, whose elevation ranges from 4,000 to 8,000 feet, has 12 developed campgrounds, a ski area, and miles of jeep roads and hiking trails. It is also part of the range of one of the West's biggest mule deer herds, a herd of about 17,000 animals.

On the Twin Falls district, the deer must share forage with 7,000 cattle and 5,000 sheep owned by about 34 permittees, five of whom use the Goose Creek allotment.

The management of those cattle brought Oman into conflict with many, if not most, of the ranchers. The files contain page after page of reports by Oman and his range conservationists describing permittees' violations of their permits: fences would be down, watering troughs would leak or be blocked and not carry water, and waterholes would be dry.

The results, Oman said, were erosion, muddy areas and cattle in the wrong places. If troughs or pipes weren't working and watering spots became dry, cattle concentrated at the few available sources of water, where they would beat the land to death.

But most friction centered on riparian areas. "If they rest after use, they'll regrow a lot of vegetation, and can stand up to fall precipitation and spring runoff. The vegetation will catch

sediment, and build banks and soil. But if it's grazed all season, or if even a small number of cattle are allowed to leak back in there, it doesn't take much grazing to keep the riparian areas from growing back."

For the most part, Oman said, permittees weren't against good management, although a few objected to being told what to do. "The most common attitude is: We can see your point of view, but it's unreasonable to think the [riparian] unit can be 100 percent clean of cattle. We think it's OK to leave a few cattle back there."

According to Oman, such relaxed views of riparian area management were common until a few years ago. But now, he said, it is believed that riparian areas must be kept clean of cattle at certain seasons if they are to recover.

The new approach to riparian areas is emphasized for the Forest Service in its "Change on the Range" program. In addition, on the Sawtooth National Forest, district rangers were recently given the power to impose penalties, such as temporary reductions in grazing numbers, on permittees for violations. In the past, penalties were determined at higher

agency levels.

Under the present system, Oman had that power, and permittees saw him as a man who would use it.

In Oman's personal view, the problem with permittees revolved around manpower. The permittees, he said, didn't have the people needed to keep the cattle where they were supposed to be, to move them in a timely manner, and to maintain the fences, water troughs, pipelines and other tools needed to keep livestock grazing compatible with other resources.

According to Oman, the neglect not only led to damaged range, but also to a waste of taxpayer money. In many cases, part of the investment in troughs and other materials was made by the federal government.

Rancher and Wild Rose permittee Scott Bedke has a different view. In an interview, he said that if the permittees moved 98 percent of their 1,800 cattle and calves, that left only 36 in the wrong pasture. "That's pretty good, but Oman would dwell on the 36. And everything was a permit violation. There was never any leeway."

Bedke said that before Oman, the Forest Service had been proud of the Goose Creek allotment, judging by how many range tours came its way. But once Oman arrived, Bedke said, "The whole relationship with the Twin Falls office deteriorated. If we said white, he'd say

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Oman . . .

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A rancher wrote a letter to Sen. Steve Symms accusing the Forest Service of sneaking around on the national forest.

black, and if he said white, we'd say black."

Bedke said Oman and the ranchers had conflicting agendas, with ranchers wanting to continue on the land and Oman having a different set of goals. "We are about as environmental as you get. I'm the fourth generation on this ranch. We were here before Idaho was a state and before there was a national forest. And I'd like to see my great grandkids on the ranch."

Bedke also said it is not just Wild Rose permittees who object to Oman. "Every permittee in the Twin Falls district is united. We feel our living and our way of life is threatened." In addition to objecting to Oman's agenda, Bedke said, permittees objected to his ways: "His manner was: I am the boss. He treated us like naughty sixth graders."

Ranchers fight back

Forest Service files show that while Oman and his range conservationists were pushing on the Wild Rose Cattle Association permittees to improve their housekeeping, the permittees were pushing back.

On May 20, 1988, more than a year before the cattle count, permittee Robert Whitely wrote to Idaho Sen. Symms recounting a May 9 meeting the Wild Rose Cattle Association and industry representatives had with Ray Hall. The letter said Oman had ruined what had been a good working relationship between agency and permittees. It concluded:

"The three grazing associations encouraged Mr. Hall to use his authority to either help change the attitudes of Bert Webster, Don Oman, and Ralph Jenkins or place them in another part of the USFS system. I encourage you and your office to use what influence you have to help Mr. Hall."

On Nov. 14, 1988, the Twin Falls Forest Service office met with the Wild Rose permittees. According to a Forest Service report, the following exchanges took place:

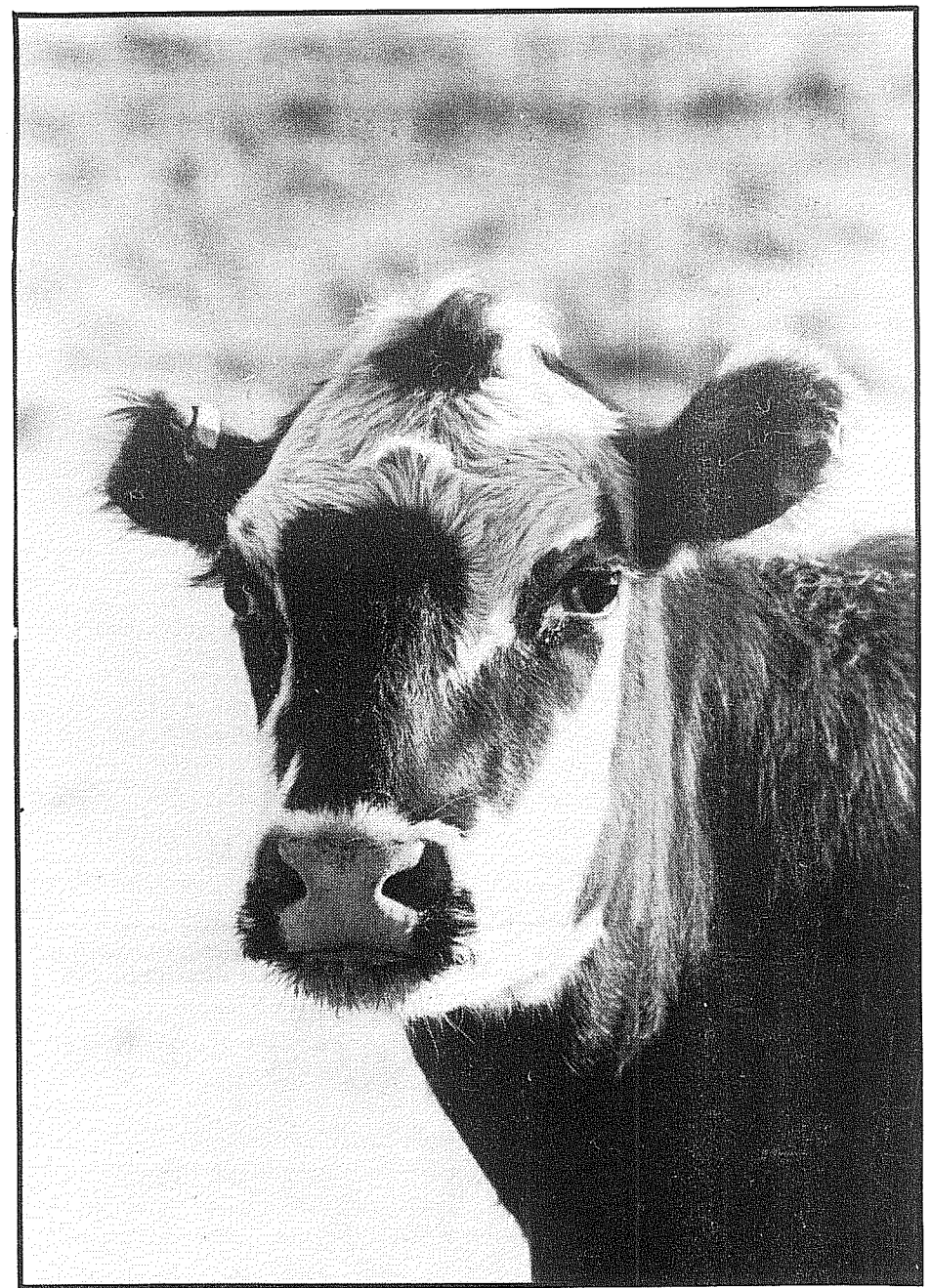
"Don Oman stated that the permittees were arrogant and possessive about the public land they graze — case in point — they did not ask for clearance before constructing addition onto holding pasture... Ray Bedke responded that it was the American way to do it; it is un-American to ask."

The concluding paragraph in the letter is: "Bert Webster (of the Forest Supervisor's staff) asked the permittees, in the future, when they can not settle the matter with the District (Oman), to come to him first, instead of going to the Regional Office or the Washington office. Mike Poulton (a permittee) said, 'Why should we? Going to the Regional Office worked.'"

Not all of the file is negative. In a June 19, 1989, letter to the grazing association, Oman concluded:

"Cattle have been well distributed on the allotment. Placement of salt away from roads has been accomplished without exception. Water developments are functioning. Riparian areas in most cases have been used moderately. Particular attention must be given to keeping the used pastures clean of cattle after you move to your next unit."

But on Aug. 23, 1989, in a report by range conservationist Ray Neiwert to Oman, trouble was again evident, this



time with the Oakley area permittees, concerning a pipeline they had put in along an unapproved route.

Neiwert, in a telephone conversation with permittee Kyle Adams, told Adams "there will be repercussions, but I guess you expected that when you decided to put in the pipe." Adam's reply was, "I guess I don't know what I expected, but I've put in a lot of pipe and never had to put up with all this archaeological crap!"

And all was not well on Oct. 6, 1989, between Oman and Wild Rose, as a letter to the association from Oman shows: "Basically, you have cattle scattered across your previously used spring range from Beaverdam Pass to the allotment boundary in Cave Gulch. Ray (Neiwert) counted 142 head of animals..."

An interesting letter came on Oct. 25, 1989, in the wake of the Oct. 13, 1989, count, from Wild Rose permittee W.B. Whiteley. He told Sawtooth National Forest Supervisor Ron Stoleson that the Forest Service had agreed that its staff would not go onto the Goose Creek national forest allotment unless the association's president is "notified in advance so that he could accompany if possible. Not once was any member of the association notified (of visits to the allotment by agency personnel).

"Monitoring stations were located without any input from the permittees and we sensed that Mr. Oman and his staff put forth considerable effort to sneak around the allotment gathering biased data that would suit the needs of Mr. Oman."

Oman denied that he or the agency had ever agreed to stay off the publicly owned allotment.

Questions remain

It is a dry spring on the Twin Forks Ranger District, as the ranchers prepare to move their cattle onto the

public land. First, the 1,800 mother cows and their calves will trail through BLM land and then, as spring advances, onto the national forest.

The questions, as always, revolve around moisture: Will there be enough spring and summer rainfall to make up for a very dry winter? But the questions are also political. The Forest Service has said that Don Oman will remain as district ranger until the whistleblower investigation he initiated is complete.

And through its new policy statement, the agency has also told the ranchers and the Idaho congressional delegation that it is going to be tough on permit violators.

The ball is in the ranchers' court, but Idaho Cattle Association president Bert Brackett and its Public Lands Council head Randall Brewer give no indication whether the ICA will renew its call on the Department of Agriculture for an investigation.

On the ground, the Twin Falls ranchers must decide whether standards Don Oman set for his district for fence and water maintenance and herding cattle can be met.

The spring will also test Ray Hall's conviction that Don Oman can't be effective on the Twin Falls district because of friction that exists between him and the permittees.

Jim Prunty, the retired Forest Service employee, said the Goose Creek allotment "is very remote country. Very few members of the general public know it." The area is still remote, but it is no longer unknown.

Ed Marston is publisher of *High Country News*. This and related stories were paid for by the High Country News Research Fund.

The ranching press ran a "Gestapo cattle count" story about Oman.

Up to 17,000 mule deer share the range with thousands of cattle and sheep.

Ex-BLMer says industry prevents resource management

From 1979-1988, Richard Kroger worked for the Worland, Wyo., office of the Bureau of Land Management. In a letter to *HCN*, he wrote: "After reading the 'Bucking Tradition' issue of *High Country News*, I had no choice but to finish (this) article and submit it to you ...

"I have taken a lot of lumps for speaking up for the resource during my 25-year career, and this may be the coup de grace.

"Then again, the time may be right that the administration wants dissension to help bring about change."

by Richard Kroger

I believe that grazing at "proper" levels is a valid use on much of our public lands. I did not always believe that. My steady exposure to range degradation by livestock in Worland made me think the only solution was one without any cows.

Now, however, I believe proper grazing management can allow recovery and still maintain the land. But before grazing can be sustainable, the BLM must be reformed, and there are major obstacles to such a transformation.

The BLM is caught between conflicting constituencies making conflicting demands. Livestock permittees bad-mouth the BLM for not giving all the forage to the cows while hunters and hikers complain about degraded habitat and lack of wildlife forage. Wild-horse lovers wail about too many roundups and ranchers about too few. Where the BLM has timber, sawmill owners complain about the lack of timber sales and recreationists about too many cuts.

Worland reflects these conflicts well. A small town, population 6,500, in northeastern Wyoming nestled between the Bighorn Mountains to the east and the Absarokas to the west, its economy depends on public lands. Livestock, irrigated agriculture and oil and gas extraction are key components of the economy.

Given strong pressure from these economic sectors, it is no wonder that weak BLM managers spend their time trying to reduce pressure and stress by taking paths of least resistance. Because the extractive industries have been the most vocal and efficient complainers to date, the multiple use mandate usually leads to multiple abuse of natural resources.

Can this change? Can the BLM become an organization that manages its 170 million acres of western land in a sound ecological manner? The answer depends on what the public wants and is willing to fight for. To be effective, however, people must understand the BLM's history and how it functions.

My time in the BLM's Worland office was spent as that district's aquatic-wetland-fishery biologist. During that time I tried to improve grazing practices in aquatic and wetland habitats.

I had worked for 12 years with two other federal resource agencies and served three years in the Army Airborne before joining the BLM at age 39. I was part of a team at Worland, and while I take responsibility for what I write here, my conclusions are based on discussions with my fellow workers, including a visit this January to see what has happened since I left.

How to succeed in the BLM

The BLM's internal problems begin with the experience of young peo-

ple who join the agency. They pursue a natural resource career because they think it will be both interesting work and a way to conserve our natural resources. After college, some are hired by federal bureaucracies such as the BLM. There they are quickly presented with a choice between their commitment to natural resources and their drive to succeed within the agency.

Young professionals begin their jobs by presenting biological data to their bosses in support of certain recommendations. They soon learn that if an issue is sensitive, data will be disregarded and final decisions made on the basis of politics. If new staff people oppose the politics, ask questions or fight for biologically based decisions, they will be labeled troublemakers and shunted through or out of the system.

My rough estimate is that 25 percent of the young professionals embrace the politics, 50 percent try to balance the politics and biology, and 25 percent fight for the resource. It is the first 25 percent who are promoted into positions of authority. They are the team players who agree to prostitute their resource convictions. They embrace political management, and their reward is to move up the career ladder and pay scale.

Some of the middle 50 percent pretend to adopt the political system as a way to reach a level where they can make a difference. But this strategy only works as long as they keep a low profile. As soon as they come out for the resource, and thereby cause trouble for their bosses, they are found out and forced into meaningless or deadend positions.

Some of the latter 25 percent — the fighters — survive and make their mark, but many are run out or transfer.

The real work at BLM

How does the BLM, which is well staffed but determined, as an agency, to avoid real work and yet keep its people busy? In my view, BLMers are

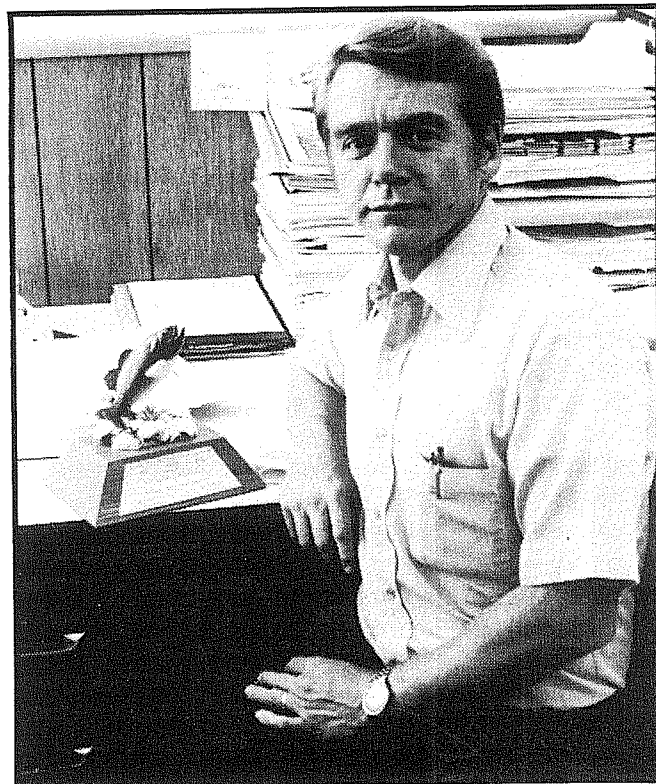
kept working on what I call *organization management*. Time is spent managing the agency instead of managing natural resources. Such issues as reorganization, safety, planning, budgeting, document review, fire-fighting, time and attendance, monitoring, career guidance and equal opportunity programs easily can eat up seven hours a day.

The organization feeds on itself and grows. Bean-counters from top to bottom are kept busy even though they manage nothing on the ground.

How does the BLM survive not doing its job? One answer is by shielding the agency's true nature from the public. Managers and supervisors give the illusion of being busy, have lots of excuses for not getting the jobs done (staff and funding shortfalls), and, most of all, people at the higher echelon learn to talk a good line about resource needs and getting the job done.

To understand how this system began, we must go back to the BLM's evolution from its origin as the Government Land Office. That agency was set up to sell the land. In the interim, ranchers were allowed to graze the land. After 1934 and the passage of the Taylor Grazing Act, the land was still for sale, but official allotments were established for grazing. Grazing permits were issued and fees collected.

After the BLM was formed in 1946, it continued to operate in this mode. Passage of the BLM's Organic Act, the Federal Land Policy and Management Act of 1976, should have been a turning point. FLPMA provided that fish, wildlife and recreation are of equal importance with grazing, logging and mining. But improved management did not come into being because the old mentality continued to rule.



Richard Kroger

One unforeseen, and tragic, result of FLPMA was that every old-time BLMer was promoted to supervisor or manager, regardless of qualifications, as the agency grew in size. While working for the BLM, I was often asked by other agency personnel how such Neanderthals became managers. The answer, of course, was that all the good old boys had moved up the career ladder during the 1970s' expansion.

What many of these managers did was sort out the new FLPMA-era employees into team and non-team players according to the old rules. They surrounded themselves with like-minded assistants so that the agency could continue to ignore the resource and placate the ranching, logging and mining constituencies.

Back in Washington, D.C., Western ranchers and the timber and mineral industries kept pressure on Congress to assure that the BLM maintained its responsiveness. One result was the tradition of appointing ranchers of dubious distinction to run the agency. As a result, Robert Burford ruled the BLM for eight long years.

During that time, the Burford family's cattle outfit ran cows on the public's land in western Colorado.

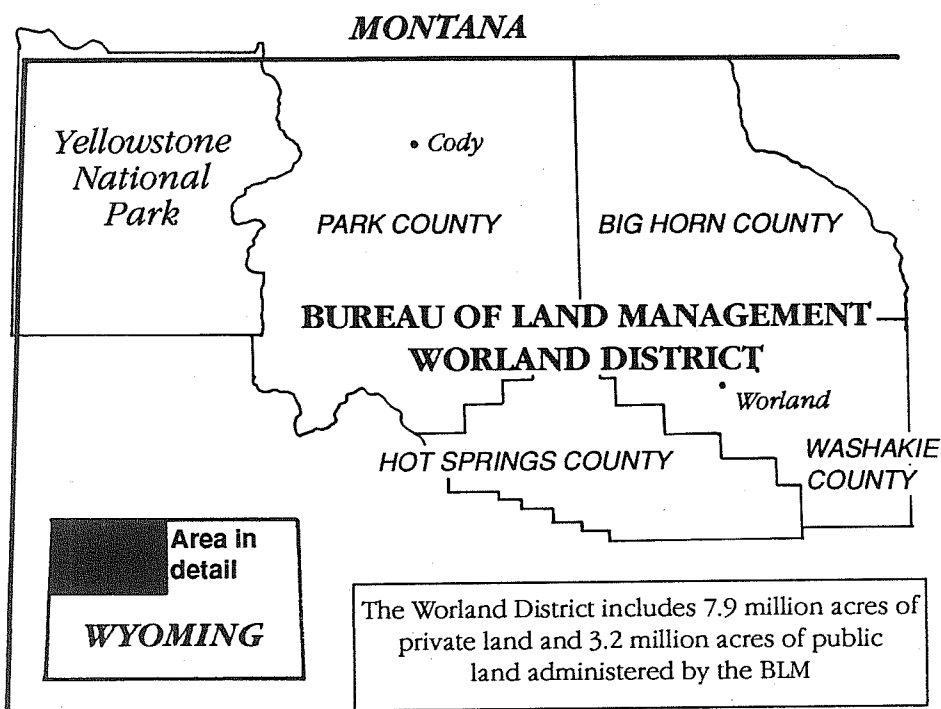
New director Cy Jamison has been talking the sound resource management line, but he has also kept Burford on as a highly paid BLM advisor. Only a change in the presidency, it seems, can shake the BLM free of its bondage to traditional exploiters of the public lands.

The few dedicated professionals can't make progress when politicians are running the agency. One obvious example of such politicking occurred when it became clear that livestock numbers needed to be cut in order to save the range. The top range-people in Washington responded by lobbying for a reduced budget so that the land could not be monitored to determine where to remove cows.

Busy work flourished

Such incidents are tragic for the range and because of what they say about BLM employees. At one time, these BLMers were idealistic, young

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range conservation graduates. At some point, they sold out.

In a system where managers are running scared and most of the staff has been brow-beaten into submission, non-political projects have great appeal. These have flourished. Wildlife biologists could inventory wildlife and install nesting structures, fisheries biologists could conduct stream surveys and install fish habitat structures, range cons could build ponds for livestock and work with the few progressive ranchers, foresters could set cuts for all the marketable timber stands, watershed staff could build erosion control structures, and mineral specialists could promote exploration and development.

Everyone kept busy, scurrying around, and after awhile, even committed resource specialists began to think they were doing their job. Nothing to significantly aid the resource got done, however, because major changes in the exploitative programs — range, minerals and forestry — were taboo.

When questioned about its failures, BLM hides behind lack of funds and personnel. But the problem is almost totally a lack of commitment to proper public land management. The public should not expect progress from an agency that adopts policies requiring five years of intensive monitoring before a small reduction in livestock can be imposed on an obviously overgrazed allotment. Even with that five-year delay, top BLM officials in Washington lobby to reduce funding for the range program, creating indefinite delay.

Hopeful in Worland

A ray of hope existed during my tenure with BLM in Worland. In the early 1980s, that office had a small group of die-hard conservationists who refused to conform and who fought with management daily for improved resource management. There was strength and support in the group, and management could not keep us all beaten down all the

time. They were forced to make an occasional good resource decision based on the internal and external stress we generated.

In the mid 1980s, a new district manager, one close to retirement who was willing to fall on his professional sword for the resource, was transferred to the Worland District. He, in turn, brought in a dedicated area manager to work for him. With the conservationists already in the office, the Worland District began to make rapid resource gains.

Adjustments in livestock numbers were made on many allotments, the timber-cutting program was nearly brought under control, and mineral exploration and mining were done in less damaging ways.

For example, many streams and ponds were protected from the ravages of livestock and excluded from public land sales, a policy not in effect in many other districts at that time. The Worland District also took seriously the Wetlands Executive Order even as other BLM districts disregarded those habitats. That small group of Worland die-hards went to the mat to protect wetlands, and we prevailed.

Our most important accomplishment, in terms of long-term potential benefits, was completing three environmentally strong resource management plans, or grazing EISs. These documents contained frank discussions of resource conditions and recommendations for required improvements. We worked hard on these documents because we hoped that if we laid a good foundation, future resource gains could be achieved through the courts if the BLM failed to follow its own resource management plans. We knew, even as we were writing them, that when the district manager and area manager were forced out, those plans would not be implemented without the courts.

Good managers booted or transferred

That is what has happened. Ranchers got the district manager booted, and the area manager transferred to the Forest Service. Whether the plans we wrote will make a difference remains to be seen.

A guide to two land agencies

To be effective, the public needs to understand the differences and similarities between the Forest Service and BLM.

The Forest Service is a nationwide organization that responds politically to cities as well as to rural areas. The BLM is a Western agency attuned mostly to ranching, logging and mining industries that still control much of the West's politics. The Forest Service is headed by an internal professional, which gives its programs continuity. The BLM has an external appointee, a political director, which maximizes non-continuity.

Another major difference is how the respective staffs respond to their agencies. The Forest Service has a very visible public relations program. One result is a high esprit de corps and pride in the organization. The staff believes they are the best, and that is why 63 forest supervisors from four regions recently revolted, and sent a very strong letter to their chief (HCN, 2/26/90). They love the Forest Service and what it has stood for in the past, and their letter was written in defense of the agency

they love and in opposition to what it is becoming.

BLM lacks any positive public relations. All the BLMers ever hear from the public is how bad the agency is; instead of pride, there is a sense of inferiority. You will never see BLM district managers banding together to improve resource management as the forest supervisors did.

Yet, as an old organization, the Forest Service tends to keep people within their designated castes. The agency discourages open discussion and maverick opinions. The BLM, a relatively young agency, supports new disciplines such as a recreation, biology, archaeology and watershed study. A lot of young, free-thinking men and women have entered the BLM and questioned established practices. Freedom of speech within some BLM offices is more acceptable than in the typical Forest Service office.

Despite these differences, the bottom line is the same. Both agencies do a poor to dismal job of managing the public land resources.

—Richard Kroger

In recent years, key range and wildlife staff have been transferred and allotment management plans and grazing decisions have been reversed. Riparian management is now being disregarded in new allotment management plans. Timber cutting has increased and proposals to bring the allowable cut into balance with available supply have been ignored.

Oil and gas development is proceeding without full enforcement of established restrictions. Increased funding for the wildlife program is being used to pay salaries for administrators and other staff instead of wildlife projects.

In a nutshell, the Worland District is a den of deception. A smokescreen hides unsound resource decisions, says a former associate.

What are the chances for change within the BLM? I suppose that agency could change as radically as Eastern Europe has changed over the past year. But barring such a shift, changes will have to be made one at a time in each

local area and district office.

That can only happen through the application of public pressure and stress on the managers. It is the only way to break the stranglehold the ranching, timber and mining industries have on the agency.

To create such counter pressure will require a lot of work from the public. But the public has allies, or at least potential allies, within the BLM. Many staff members would like to do the right thing, if they could.

But they can't do it by themselves. In the Worland District, the staff improved things by generating pressure within the agency. This system broke down when the district manager was transferred by the state director as a result of ranchers inflicting pressure. Only public scrutiny and support can change the way the agency does its work on the lands we all own. ■

Ex-employee says agency tried to gag him

A Montana Forest Service employee critical of timber practices hit the national press March 4, when the *New York Times* quoted him in an article about dissidents in the agency:

"There are a lot of good, dedicated

"... there is a lot of dead wood left over from 25 years of rape-pillage-and-plunder mentality."

people in the Forest Service, but there is also a lot of dead wood left over from 25 years of rape-pillage-and-plunder mentality. Unfortunately, many of those people are in key management positions."

The speaker was Don Kern, a hydrologic technician. Five days later, a personnel officer told him that his temporary position in the Flathead National Forest was terminated.

Was there a connection?

Don Kern believes there was. He said Forest Service officials warned him earlier that his political views could cost him his job. In the wake of his termination, Kern has asked for an investigation by the Office of Special Counsel, the federal arm that administers the Whistleblower's Protection Act of 1989.

By many standards, Kern, 34, appeared a model employee. He served 1,500 volunteer hours as a wilderness ranger before joining the Flathead National Forest as a temporary worker in 1988. His job performance was rated "outstanding," and he was nominated for a sustained superior performance award.

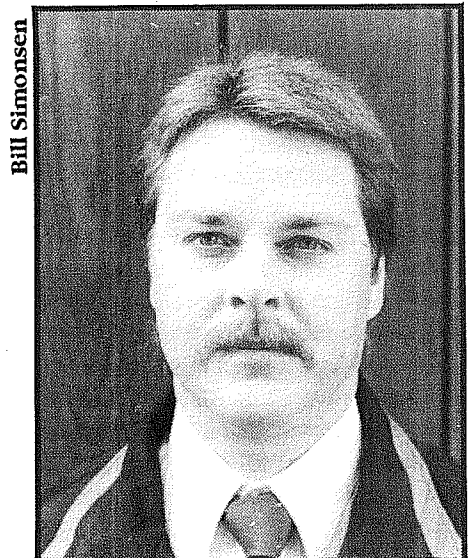
Kern's immediate supervisor, Wallace Page, a 25-year agency veteran, called Kern "the most productive employee I've ever been associated with." Page, who requested that Kern's one-year appointment be renewed, a standard practice, said he was surprised to learn of Kern's termination.

"Don's computer abilities were unsurpassed. His (dismissal) sets us back," said Page.

Kern was told his job was eliminated following budget cuts in the district. But Page finds it odd that the dismissal was attributed solely to budget problems.

"Normally, you don't get rid of your best employees first," Page said. "I don't understand the decision the way it was made. I think everyone knew I was depending on his work."

Kern claims that he had been victim of intimidation and harassment from agency officials for some time. His outspoken politics, he said, while legally sanctioned, made some people in his office uneasy. "My termination was a direct reaction to the exercising of my



Don Kern

free speech rights and the subsequent attention which was focused on the Flathead National Forest ...," contends Kern.

As an active environmentalist, Kern attended wilderness hearings on his own time, criticized clearcuts, and wrote letters to Montana papers accusing the Flathead National Forest of suppressing scientific evidence that would have limited timber sales.

He is also an active member of the organization founded last year by Jeff

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