

Western Roundup

Ranchers take Andrus to court for alleged cave-in to coyotes



Photo by Dick Randall

by Joan Nice

As Interior Secretary Cecil Andrus stepped off the plane in Cheyenne, Wyo., last month, he was met by a

young deputy with a court summons.

Andrus greeted the legal assault with equanimity. "Don't worry. We're sued about 1,300 times a year," he said.

This time, the Interior Department's predator control policy is at issue. The American Farm Bureau Federation, the Wyoming Farm Bureau Federation and several individual ranchers say that the Interior Department isn't doing enough to keep the wily, lamb-eating coyote in check on public range lands.

In a complaint filed in district court in Cheyenne Sept. 18, the plaintiffs cite three laws — the Animal Damage Control Act, the Taylor Grazing Act and the Federal Land Policy and Management Act — as evidence that coyote control is clearly Interior's responsibility.

Andrus doesn't dispute this — but he does favor an approach to the job that these ranchers say is foolhardy. In a policy statement last November, he said government managers should try to avoid predator-stock conflicts and

kill only offending coyotes wherever possible. At the same time, he banned the practice of killing young coyotes in their dens, called a halt to federal research on poison Compound 1080 and restricted the use of traps and aerial shooting. His stated aim was to "better assist the sheep industry in reducing losses from predators in an environmentally sensitive manner."

The ranchers see this policy as a cave-in to the coyote. According to their complaint: "The Defendants throughout the last decade have adopted a policy of curtailment and abandonment of the traditional methods of predator eradication, suppression and control so as to permit coyotes and other predators to roam at will, reproduce unmolested and attack and kill sheep and lambs in large numbers in Wyoming and the United States."

The ranchers are after a court order requiring the Secretary of Interior and other government officials to "properly manage" the federal range lands and to

"eradicate, suppress or bring under control" the coyote.

The wording of that request in the beginning of the complaint is lifted directly from the Animal Damage Control Act of 1931. However, later in the complaint Farm Bureau attorneys have changed the "or" to "and," implying that "eradication" is a must. This may have provoked Andrus to say at a news conference in Cheyenne that the suit asked him to do something he cannot, "eradicate a species."

The plaintiffs are also seeking payments for the damages they have suffered due, they feel, to the government's predator policy. According to the complaint, coyotes caused \$4 million in sheep losses in Wyoming in 1979.

While Interior has been killing more coyotes than it used to, ranchers say it has not kept up with their needs. Total predation losses in Wyoming increased 34 percent from 1978 to 1979, when the ranchers lost 79,000 head of sheep and lambs, according to the complaint.



COLORADO

In a unanimous vote, the Senate recently passed the Colorado Wilderness Bill, which will add 1.4 million acres to the state's wilderness system. Sponsored by Sen. Gary Hart (D-Colo.) and Sen. Bill Armstrong (R-Colo.), the bill has been long delayed by controversy and compromises. The bill contains language that releases the Forest Service from obligations to look for potential wilderness in its planning process. The bill exempts the Forest Service's RARE II Wilderness study recommendations from legal challenge, and bans any future statewide studies similar to RARE II.

Sen. Pete Domenici (R-N.M.) delayed consideration of the bill for several weeks with attempts to attach a New Mexico wilderness measure to the Colorado bill. This controversial proposal, which called for considerably less wilderness than the Carter administration recommends, was finally dropped due to pressure and maneuvering by Hart and Armstrong.

Four other states did get free piggy back rides on the Colorado bill, however. Riders were attached for small non-controversial wilderness areas in South Dakota, Louisiana, Missouri, and South Carolina.

DEEP CREEK MOUNTAINS

The Bureau of Land Management is currently revising its recently published draft interim protection plan for the Deep Creek Mountains that rise 8,000 feet out of the Great Basin in Utah. Since the plan does not specify

any areas that should be withdrawn from hard rock mineral exploration, it would effectively release the uranium-rich area to such activity. The public comment period on the draft plan was extended to September 8, as a result of complaints from environmentalists about the abbreviated comment period and poor circulation of the plan.

The final plan is scheduled for release in late October, and will be followed by a 30-day public comment period.

The Deep Creek mountains form an alpine island in the Great Basin environment, with plentiful water and species rare for the area, including the bristlecone pine, cougar, golden eagle, and the Snake Valley strain of the Bonneville cutthroat trout proposed for endangered status. Some species, such as the grape fern and giant stonefly are found nowhere else but the Pacific Northwest.

When finally adopted, the management plan will replace a temporary leasing moratorium issued in May by BLM director Frank Gregg. This order followed the expiration of a three-year emergency withdrawal from leasing for 27,000 acres of the range. The final document will provide interim protection for the area until Congress decides whether to include it in the National Wilderness System.

SLOUGH CREEK

The Ninth U.S. Circuit Court recently ruled to forbid all motorized travel — including snowmobiles — in the Slough Creek Corridor through the Beartooths-Absaroka Wilderness Area. The appeals court upheld a 1978 district court decision against Park and Sweet Grass counties, which brought suit to gain county title to a road running through the corridor.

The county commissioners hoped to win an exception to the provision in the Wilderness Act that bans motorized travel. They argued that the route was established as a public road right-of-way in the 1890s, although the Forest Service has been maintaining it as a trail since the creation of the Absaroka

Primitive Area in 1932.

The appeals court held that by posting a sign across the trail prohibiting motorized vehicles, the "Forest Service claimed ownership and jurisdiction of the land." Attorney Conrad Fredricks, who represents the counties, told the *Billings Gazette* that the commissioners have not yet decided whether to try to appeal the case to the U.S. Supreme

Sagebrush revolt shows little clout

by Brad Cole

"The Sagebrush Rebellion is still alive and well and going strong," according to Ron Micheli, executive director of the National Public Lands Council. In light of the facts, however, Micheli's optimism seems unwarranted.

Opposition to the rebellion has been growing at both the state and national levels, and political support in the West seems to be ebbing as election day draws near.

Micheli's die-hard optimism is understandable. The National Public Lands Council is composed primarily of stockmen, who use public lands for grazing. Dean Rhoads, a Nevada assemblyman and father of the Sagebrush Rebellion, is president.

Micheli's statement that the Sagebrush Rebellion has "been representative of the people, the folks back home" is contradicted by a poll conducted by the Behavior Research Center in the Rocky Mountain states last year. It indicated that only a third of the Westerners surveyed supported the idea of state control of public lands.

Western lawmakers had the chance this fall to put the question before the public, but most declined the opportunity. Of the six Western states to pass Sagebrush Rebellion bills, only Washington will have a referendum on the issue this November. Supporters there are not optimistic about the outcome. Passage of the bill is contingent upon amending the state constitution to grant the state, rather than the federal government, control over public lands. A spokesman for the Washington Cattleman's Association, which has endorsed the bill, admits that, "Any

Court.

Fredricks said he "couldn't see" the logic behind the Ninth Circuit decision. "They said a little old sign way out in the boondocks is enough to lay claim to 26 miles of road. How far does that go? Does that mean the other county roads connecting this one are under Forest Service jurisdiction? Where do you stop?"

time you go out to amend the constitution, you're not talking about an easy thing."

Even if the bill wins approval, it would be a hollow victory. The Bureau of Land Management, the target of the measure, manages only 310,239 acres in Washington, considerably less than one percent of all BLM lands.

In Wyoming, where a sagebrush bill passed both houses of the legislature by a margin of nearly three to one, a companion bill to put the issue on the ballot in November never got out of committee.

The Sagebrush Rebellion issue has been conspicuous by its absence in Western election campaigns this fall. State lawmakers may have voted eagerly for the various bills this past year, but few are willing to bet their personal campaigns on the issue.

Meanwhile, the opposition has not been silent. Recent editorials in two national sporting magazines have roundly denounced the movement as a blatant attempted land grab by special interests whose ultimate aim is to transfer public lands into private ownership. Secretary of the Interior Cecil Andrus has characterized the rebellion as, "An attempt...to hornswoggle all Americans out of a unique land heritage...that has made the West such a great place to live."

Three Western governors — Richard Lamm (D-Colo.), John Evans (D-Id.) and Bruce King (D-N.M.) — have come out strongly against the Sagebrush Rebellion. In Idaho, Interior Secretary Andrus' home state, a Sagebrush bill was successfully derailed, largely through the ex-governor's efforts. Idaho is also home to Save Our Public Lands, Inc., the first organization devoted to opposing the Sagebrush Rebellion.