

'DELTA 5' PROTESTERS | ROB BISHOP'S WILD BARGAIN | SAND AND REFUGEES

# High Country News

For people who care about the West

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## Inside the **Sagebrush Insurgency**

A SPECIAL REPORT



Joseph Rice of the Josephine County, Oregon, Oath Keepers brandishes the U.S. Constitution at a rally last April outside the local Bureau of Land Management office. The rally was in support of George Backes and Rick Barclay (pictured from left), who had been ordered to file new paperwork or stop mining their claim on BLM land. JIM URQUHART/REUTERS

**On the cover**  
An armed member of the Oath Keepers stands guard at the Sugar Pine Mine in Josephine County, Oregon, in an operation aimed at defending the constitutional rights of two miners last April. JIM URQUHART/REUTERS

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**Editor's note**

*Not rebels, but insurgents*

The closest I ever came to understanding genuine terror was in Sri Lanka, in 2007. For five weeks, I'd been reporting on the insurgency of the Tamil Tigers, a separatist group fighting the Buddhist majority government. The insurgency had grown increasingly violent over the years, and bombings around the country had intensified. When my work in the capital, Colombo, was done, I jumped on a crowded bus and left town, ready for a few days of decompression at a beach on the other side of the island.



That afternoon, on the last leg of the trip, two young, nervous-looking men suddenly pushed their way through the passengers and sprang off the bus, sprinting away as hard as they could. *Bomb*, I thought, and I was not alone. Instantly, the passengers stampeded for the exits at either end of the bus. I was stuck in the middle, and as terrified men, women and children tumbled off the bus, one after another, I caught myself praying: "Not like this. Please, not like this."

I escaped the bus, and in a matter of minutes learned there was never a bomb, merely two mischievous boys running for home, oblivious to us passengers, who now stood aghast in the middle of the road. "I think it was a joke," one man whispered to me. Later, as I covered similar conflicts in southern Thailand and Afghanistan, I often thought of that bus and the nonexistent bomb. In the events that have unfolded in the past days, including the shooting death of a militiaman in Oregon, I've started thinking about them again. That's because *High Country News* has been digging into the connections between people like those who occupied the Malheur National Wildlife Refuge and a broader network of malcontents bent on delegitimizing the federal government.

This magazine has followed the Sagebrush Rebellion for decades, but during the last two years, our journalists have focused on something more insidious, an inchoate movement of militants, law enforcement officers, state politicians, county commissioners and other supporters that I believe is more dangerous than it first appears. The Malheur occupation is only part of it. The State Department defines an insurgency as "the organized use of subversion and violence to seize, nullify, or challenge political control of a region." That's starting to happen right here in the West.

These would-be guerrillas are different from other insurgents in degree, not kind. They are not interested in the rule of law, nor the principles of democracy. They are zealots, blind to all but their version of the truth, stumbling toward some unseen flashpoint. We've dedicated much of the current issue to understanding this movement, one that is largely unknown to the public and perhaps partially obscure even to itself. The problem is not going anywhere, and, though I wish it were, it's certainly not a joke.

—Brian Calvert, managing editor



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A haul truck carries overburden away from draglines at Wyoming's Black Thunder Coal Mine, operated by Arch Coal, in 2012. Arch Coal says it doesn't anticipate major layoffs at its mines, despite its recent filing for bankruptcy. © GREENPEACE/TIM AUBRY

## Obama moves on coal

January was a turbulent month for the coal industry. On Jan. 11, Arch Coal, one of the nation's largest coal companies, filed for bankruptcy. The company's financial troubles stem from short-sighted investments and the utilities' recent shift to natural gas, because of its lower price and to comply with state and federal air pollution regulations. On Jan. 15, the Interior Department announced an immediate moratorium on new federal coal leases, as it takes a closer look at the program. White House officials say the program should be updated to reflect the impact that coal burning has on the climate and to ensure that taxpayers and local communities near the mines get a fair payout from that public coal. Meanwhile, the national shifts in coal production are playing out at a local scale. Oregon and Washington are both considering legislation that would reduce coal-fueled energy use, and the prospect is causing uncertainty in coal-producing towns in Montana.

ELIZABETH SHOGREN AND BRYCE GRAY

MORE: [hcne.ws/mt-coal](http://hcne.ws/mt-coal)  
[hcne.ws/coal-moratorium](http://hcne.ws/coal-moratorium)  
[hcne.ws/archcoal-bankrupt](http://hcne.ws/archcoal-bankrupt)

## Trending

### Sagebrush recession

Sagebrush Rebellion-linked events like the occupation of the Malheur Wildlife Refuge in Harney County, Oregon, often happen in places that have had dramatic economic downturns, typically the result of changing technology and the West's drift away from extractive industries. For example, Harney County once had a thriving economy driven largely by the timber industry. Today, fewer than 200 jobs — or 4 percent — are associated with logging and forestry. Other flare-ups in New Mexico and Montana followed closely on the decline of mining, logging and ranching. Still, most counties have opted to reinvent themselves rather than turn toward rebellion. **PAIGE BLANKENBUEHLER**

### You say

**NANCY COSCIONE:** "Grow hemp, go organic, embrace nature and biodiversity, instead of destroying and conquering it."

**LEE NELLIS:** "We have done a poor job of dealing with the economic evolution of the West."

**ROSE COMSTOCK:** "You'd think there'd be enough room for everyone to enjoy and use those lands without all the dust-ups, but rural communities dependent on access to public lands for a variety of economic activity have been given the short end of stick."

MORE: [hcne.ws/rebel-economics](http://hcne.ws/rebel-economics) and [Facebook.com/highcountrynews](https://www.facebook.com/highcountrynews)

# 80

percent by which Fort Collins, Colorado, plans to cut its carbon emissions by 2030.

# 2050

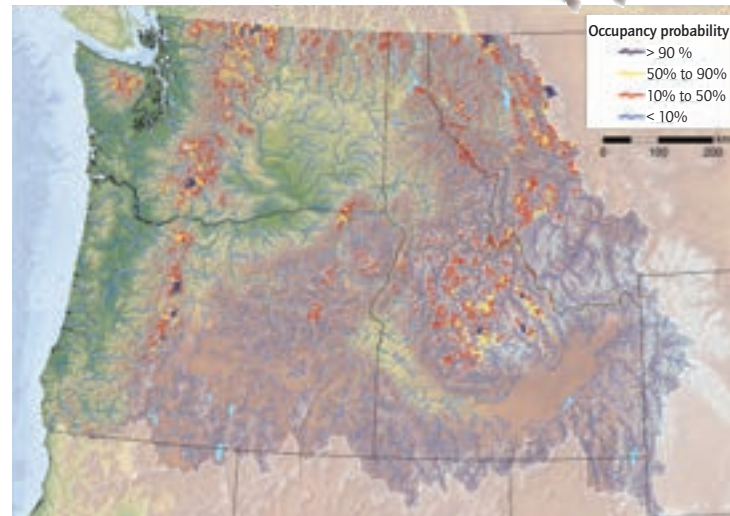
year it plans to be carbon neutral.

Even as world leaders struggled to set climate goals, Western cities like Fort Collins have charged ahead on reducing greenhouse gas emissions to avoid the ecological catastrophe scientists warn of. With its purple political background and acknowledged need to wean itself from coal power, Fort Collins could serve as a blueprint for other mid-sized communities. The city's aggressive plan to be carbon-neutral by 2050 relies partly on solar-panel and energy-efficiency rebates, and a new community solar garden. Still, those plans will come at a price, as much as \$300 million by 2020. **JOSHUA ZAFFOS**  
 MORE: [hcne.ws/action-on-climate](http://hcne.ws/action-on-climate)

## How to shelter mountain streams

Bull trout are an indicator species of stream health, but they've been devastated by mining pollution, agricultural runoff and non-native competitors. Those populations that survive are further threatened by rising stream temperatures. But Forest Service research biologist Dan Isaak and his colleagues are mapping where stream temperatures are likely to stay cold and could offer a refuge not just for bull trout, but other cold-water fish across the West. Those new maps are being used to identify areas for reclamation and protection. **KRISTA LANGLOIS**  
 MORE: [hcne.ws/save-a-stream](http://hcne.ws/save-a-stream)

Climate shield cold-water habitats for juvenile bull trout. Scenario: 2080s.



The cold-water climate shield helps fish and wildlife managers determine what streams will be cold enough to support native fish in the future. USDA, U.S. FOREST SERVICE, ROCKY MOUNTAIN RESEARCH STATION

# 10.1

million acres burned in wildfires in 2015. This surpassed the previous record of 9.9 million acres, set in 2006, the biggest year documented since modern record keeping began, in 1960. **GLORIA DICKIE**  
 MORE: [hcne.ws/2015-wildfires](http://hcne.ws/2015-wildfires)



MATT MILLS MCKNIGHT

## Photos

### Jumpers-in-training

Every year before the summer fire season, novice smokejumpers undergo strenuous training to prepare them for the rapidly changing conditions they will face in the field. Experienced jumpers help train new recruits for dangerous work, which involves parachuting out of planes to fight fires. Photographer Matt Mills McKnight spent three days at a training in McCall, Idaho. MORE: [hcne.ws/smokejumper-pics](http://hcne.ws/smokejumper-pics)

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## LETTERS

### LETHAL TOOLS

Ben Goldfarb shines an even-handed light on Wildlife Services, a federal agency operating in the shadows whose purpose is “controlling” targeted wildlife species, by any means (“The Forever War,” *HCN*, 1/25/16). The 2014 statistics Goldfarb cited show just how effectively and quietly the agency goes about the job of killing. Its objectives reflect and remain rooted in an anachronistic 19th century mindset. As documented in M. J. Robinson’s *Predatory Bureaucracy*, whenever the agency’s continuance and purposes have been seriously challenged, it has simply reduced its public exposure, changed its name, tweaked its mission to give the appearance of new-found legitimacy, and continued doing what it has always done: killing wildlife. The ecological collateral damage it has wrought includes the near extinction of the black-footed ferret, when, in the past, the agency single-mindedly sought to eliminate all rodents, particularly prairie dogs, from Western grazing lands.

The agency may be talking up much-needed “nonlethal techniques” as a distraction, but as Goldfarb reports, bottom line, “it does not influence (ongoing) field operations,” the agency’s real business. The hegemony of Western stock-grower associations, congressional representatives, state politicians, ranchers and Wildlife Services’ biologists and officials may cynically talk up nonlethal methods publicly, but, *wink, wink*, continue as they damn well please behind the scenes. While bounties per se may have been discontinued, the way that both Western states’ federal grazing programs and Wildlife Services are funded incentivizes the killing of predators. M-44s, poisons, leg-hold traps, snares, and aerial gunning remain the principal tools of those so-called “services.”

*Earle F. Layser*  
*Alta, Wyoming*

### RISKS AND REGULATIONS

Wonderful trenchant article on the surface, but the real story lies just below ground (“Coal company bankruptcies jeopardize reclamation,” *HCN*, 1/25/16). The article mentioned the various methods that are used to ensure a mine site would be cleaned up in the future, i.e., surety bonds, letters of credit, cash deposits, etc. As a young bank officer, my first letter of credit was provided to



the San Diego Port Authority on behalf of Trans World Airlines just prior to their third and final bankruptcy. It was secured, dollar for dollar, by \$25 million of cash held at my bank. Logically, that was the only way to ensure future performance in the event of bankruptcy.

Yet later upon my arrival in the American West, I discovered that concerns regarding performance risks had been cast aside. I could ensure to the satisfaction of any number of state regulatory bodies (e.g. Colorado, Idaho, and Wyoming) that mine reclamation would be completed simply by providing a short-term standby-letter of credit. All of us bankers knew that the financial instruments we were using to support future reclamation were short-term, and further, that the actual history of reclamation in the American West made clear that we could all easily avoid liability either now or in the distant future.

We also knew that the risks implicit in any mining operation were categorically broad, i.e., they involved commodity, transportation, personnel, economic, political and environmental risks, and therefore, necessitated the provision of cash held in trust as the only rational means available to offset performance risks and ensure future mine remediation.

The reclamation decisions that have been made, and are being made today, remain grounded on local jobs and corporate profits — not future reclamation.

*Erick Miller*  
*Salida, Colorado*

### GREED TRUMPS COOPERATION

The Dec. 7 feature “Good Neighbors” was an interesting article, and hooray for the “kumbaya” factor among the parties involved. But the author failed to explore the real story of fossil water mining that he alludes to. I have an old friend who lives in the Sulphur Springs Valley, and because of the obscene thirsts of agribusiness and the collusion of Arizona’s do-nothing guvment, his life and property were pretty much ruined after he spent his scant savings to deepen a well that went dry anyway. He now gets water trucked in. I don’t see him on that connections chart, or any of the other low-impact retirees living out their “golden years” there. As for all those multi-generation cattlemen, as far as I’m concerned, they are all part of a long line of welfare ranchers who have relied on the federal government for everything from Indian removal to predator extermination to public-land grazing to support their “way of life.” All this yak about cooperation is just BS when greedy people continue to destroy the desert.

*Mike Sennett*  
*Bellingham, Washington*

### LOCAL MEASURES FOR DESPERATE TIMES

Regarding your Dec. 7 feature “Good Neighbors,” I’ve never understood why Peter Kropotkin’s book *Mutual Aid* has been buried for over a century in favor of a “survival of the fittest” mentality. The scholars mentioned in this story would do well to look it over if they aren’t familiar with it. The American West is all about a shared commons and altruism on the local level, confronted by forces of greed that may be local (like Cliven Bundy or real estate developers) but more often than not are from outside the region, such as mining and agribusiness. Now that things are getting a bit desperate, we’ll have to think and act more local and long-term to keep the American West viable in the long run.

*Bryan T. Burke*  
*Eloy, Arizona*



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# A legal and moral case for climate action

*In Washington, the 'necessity defense' goes on trial*

BY CALLY CARSWELL

In mid-January, a standing-room-only crowd packed a county courtroom near Seattle for a case so minor it normally would not have gone to trial. The five defendants were each charged with two misdemeanors: trespass and obstructing a train. All admitted to the crimes but pleaded “not guilty.”

Their defense, in simplified terms, was “climate change made me do it.”

At sunrise on Sept. 2, 2014, the five slipped into Burlington Northern Santa Fe's Delta railyard in Everett, Washington. They wanted to take a stand against the expansion of fossil-fuel transportation corridors in the Pacific Northwest, a crucial export hub to Asia, so they decided to try blocking a coal or oil train.

The protesters erected a tripod of steel poles across the tracks in front of an orange locomotive trailed by silver oil tankers. Abby Brockway scaled the tripod; the other four — Patrick Mazza, Liz Spoerri, Mike Lapointe and Jackie Minchew — locked themselves to its legs. Police and firefighters eventually used a fire-truck ladder to extract Brockway, and all five were carted off to jail.

The “Delta 5” protesters' intent all along was to face a jury, Mazza says. They hoped to be the first climate activists to mount a “necessity defense” in a U.S. court, arguing that their crime was necessary to prevent greater harm — in this case, potentially explosive oil trains traveling through Northwestern communities, and the climate-changing emissions that would be produced by burning that fossil fuel.

Climate activist Tim DeChristopher had attempted a necessity defense in 2011 when he was tried for bidding on federal oil and gas leases in Utah under false pretenses, but the judge disallowed it. Two East Coast activists, Jay O'Hara and Ken Ward, also hoped to make the argument after blocking a coal tanker in Massachusetts in 2013, but the prosecutor dropped the charges.

All three activists were on hand for the Delta 5 trial. Through their recently launched Climate Disobedience Center, they had been helping the protesters prepare since September. The center's goal,



says DeChristopher, is to unleash the “full potential of civil disobedience as a tool for change.” He says that often means passing on a plea bargain, going to trial and taking advantage of the resulting public spotlight. The center is particularly focused on testing the necessity defense. Since some people who commit acts of civil disobedience believe they're obeying moral laws, it can be a way to make a moral case for climate action. But it's also a way to make a legal argument that the government is failing to protect the public trust, DeChristopher says. “We think it's the perfect platform to make the full case for climate action.”

Judge Anthony Howard took a major step in even allowing the Delta 5 to present a necessity defense. Their lawyers presented evidence and called expert witnesses who spoke of the imminent and severe threat of climate change, the health and safety risks of oil trains, the Northwest's potential to become a major transportation corridor, and the activists' past efforts to seek change through legal means.

In the end, though, Howard ruled they hadn't proved that they had no reasonable legal avenues through which to effect change, and he instructed the jury that it could not acquit on necessity. The protesters were found guilty of trespass, but not guilty of obstructing a train on other grounds. They each received two years of probation, four got \$553 fines, and one a \$53 fine.

The necessity defense is just one unconventional strategy climate activists are pursuing in court, and Washington

state has so far seen their most noteworthy successes. A 2014 lawsuit filed on behalf of eight young King County residents sought to force the state to cut carbon to protect the people's right to a clean and stable atmosphere, which their lawyers argued was part of the public trust. This November, a judge upheld the environmentalists' essential argument that the state is legally required to “preserve, protect, and enhance the air quality for the current and future generations.”

Such “atmospheric trust” cases — the brainchild of University of Oregon law professor Mary C. Wood — seek to move policy, asking the courts to compel states to develop carbon emissions rules. Civil disobedience and necessity defenses seek to move the people — “to awaken the conscience of a community,” as DeChristopher puts it. They play out in the court of public opinion as well as in a court of law.

After the verdict, three jurors approached the defendants, expressing regret that they couldn't acquit on both counts. Companies are trying to push dirty energy through Washington to make a quick buck while they can, said juror Joe Lundheim, according to the Seattle alternative weekly, *The Stranger*. “I know this because I've been listening to this stuff all week long, so thank you for that.” Another juror, Sue McGowan, said, “We don't want the corridor.”

And so it appeared that the Delta 5 had at least some success. “We got to present the case,” says Patrick Mazza, the only activist to defend himself in the trial. “We gained tremendous media attention. That's how you reach people.” □

**Abby Brockway waves from atop a tripod erected to block trains at a Burlington Northern Santa Fe yard in Everett, Washington, to protest oil and coal export terminals in the Northwest.**

ELAINE THOMPSON/AP

Contributing editor Cally Carswell writes from Santa Fe, New Mexico. @callycarswell

# Hope for the Klamath River Basin?

*Landmark agreement unravels after decades of negotiations*

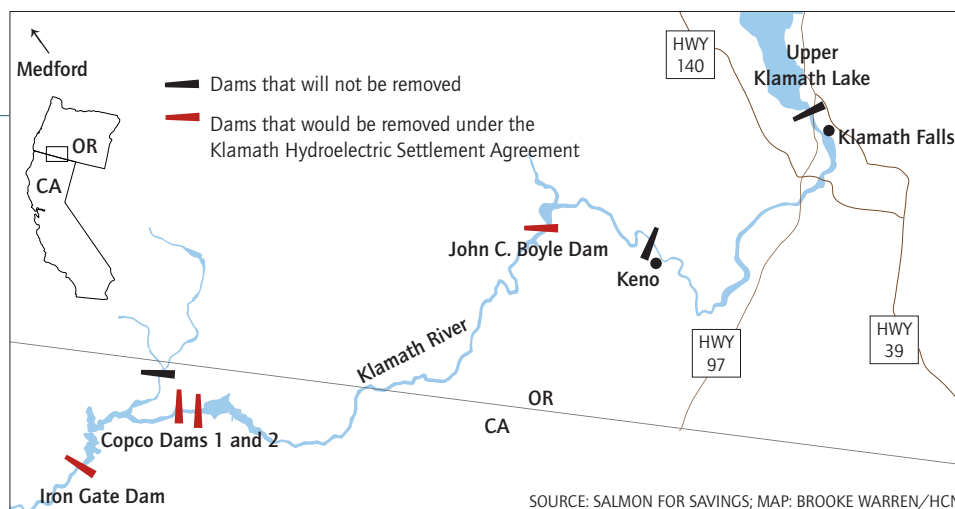
BY PAIGE BLANKENBUEHLER

**D**uring the 11 years that Greg Addington worked on the landmark water deal known as the Klamath Agreements, he missed more meals than he could count and many of his children's basketball games. "These agreements were a major portion of my life," says the former head of the Klamath Water Users Association. "We spent a lot of time negotiating, and formed friends and enemies. We watched people get married, get divorced, have children and die."

The Klamath Agreements were designed to settle one of the West's most intractable water wars. For decades, farmers, fishermen, Indian tribes and environmental groups battled over water in the Klamath River Basin, a 12,000-square-mile swath of Northern California and southern Oregon. In 2001, the federal government shut off farmers' water to protect endangered coho salmon and suckers. The following year, irrigators got their water, but a massive fish die-off followed. Without some compromise, the tug of war would continue.

So, starting in 2002, more than 50 stakeholders sat down to negotiate. Eight arduous years later, they had a comprehensive three-part agreement to remove four dams in the Lower Klamath Basin to help fish, ensure enough water for irrigators, secure lands and water rights for tribal nations, and restore water quality — if Congress approved it.

Paige Blankenbuehler is an HCN editorial fellow. @PaigeBlank



But in December, Congress let the deal's cornerstone expire, and now water management in the Klamath Basin is at risk of reprising earlier conflicts. Conservative legislators primarily objected to the prospect of dam removal, which ironically enough is likely to happen anyway.

Meanwhile, the treaty's unraveling jeopardizes the other provisions that Addington and many others fought so long and hard for. Now, stakeholders are attempting to forge a new path. "We didn't quite make it over the finish line, but what's next?" says Addington. "No one is sure what that looks like yet."

**F**ractures first appeared in 2014, when Congress failed to approve the central pact, the Klamath Basin Restoration Agreement (KBRA). Frustrated, the Karuk, Yurok, Hoopa Valley and Klamath tribes withdrew their support, and other groups spoke out about the deal's flaws. "You don't craft an agreement tying dam removal to a water deal, make it a billion dollars and think you will pass it," says Jim McCarthy of WaterWatch, a conservation group excluded from the final negotiations. Nonetheless, the remaining 43 signatories believed Congress would pass the agreements if they had an extension to the end of 2015.

The deal, which would have required more than \$500 million for restoration and tribal economic development, could have set a precedent for dam removal. But in the Republican-dominated House, those aspects doomed it. "The KBRA was really praised as this 'kumbaya' agreement, but that never impressed Congress," says Tom Schlosser, the Hoopa Valley Tribe's attorney. "It was too ambitious and expensive."

Its failure has had a ripple effect on the two remaining Klamath agreements. Dam removal held together the key provisions — water for wildlife refuges, minimum flows for irrigators, restoration of tribal fisheries. The tribes and environmental groups knew decommissioning wouldn't happen without guaranteed water for farmers and ranchers. In turn, irrigators knew compromise couldn't be reached without dam removal.

The Klamath Hydroelectric Settlement Agreement would set the decommissioning in motion, providing liability coverage

to the dams' owner, PacifiCorp, and capping its cost for removal at \$200 million. The third pact, the Upper Klamath Basin Comprehensive Agreement, secured water to restore fisheries and protected the Klamath Tribes' water rights — but its funding largely came from the KBRA. Brian Johnson of Trout Unlimited, a signatory, says re-negotiation for those deals began Jan. 26.

Dam removal could still happen eventually, though, once PacifiCorp goes through the federal relicensing process. The four Lower Klamath dams block fish from spawning grounds, contribute to algae infestations, and provide just 2 percent of the utility's power.

The Federal Energy Regulatory Commission will consider the cost of retrofitting the aging dams to provide fish passage and comply with the Clean Water Act. The estimated bill is \$460 million, according to the Department of Interior — far more expensive than removing the facilities (\$290 million). "It's an ancient project, and it's not cost-effective to retrofit," Schlosser says. "Removal is very likely to happen, but the process can be slow."

**S**ome attempts to salvage the deals have emerged. In December, Rep. Greg Walden, R-Ore., who had earlier been willing to support dam removal, introduced a draft bill that didn't include it. "It's discouraging," says Klamath Tribes Chairman Don Gentry. "The dams need to come out." In January, Sen. Ron Wyden, D-Ore., introduced a bill to implement all three pacts. But opponents call it a "non-starter" because it lacks funding for fish restoration.

Now, without the pacts, there's no funding to carry out the provisions for tribal fisheries, wildlife refuges or river restoration, and no legal mechanisms preventing the Klamath Tribes from asserting their senior water rights and shutting off irrigators' water during drought periods.

Ultimately, the fate of the Klamath Agreements portends difficulty for future collaborative water deals. "I hope people realize how important this agreement is — not just for southern Oregon and Northern California, but for the world of water conflict management," says Aaron Wolf, Oregon State University professor of water policy. "I hope politicians get the message and can do the right thing." □

An algae bloom above Iron Gate Dam, part of PacifiCorp's Klamath hydropower project.

JIM MCCARTHY/COURTESY LIGHTHAWK



# Undermining the West

*Huge Arizona copper mining proposal isn't a done deal*

BY OSHA GRAY DAVIDSON

No one would accuse John McCain of being a “happy warrior.” But even by his standards, the senior senator from Arizona seemed unusually testy when he sat down before the Senate Committee on Energy and Natural Resources on a chilly February morning in 2012.

“If we show a little frustration,” he began in a clipped voice, “I think it would be understandable, because we have been at this issue for some time.”

For seven years, in fact, McCain had been trying to pass some version of the Southeast Arizona Land Exchange and Conservation Act, which would swap 2,422 acres of the Tonto National Forest to the Resolution Copper mining company in exchange for a patchwork of privately owned conservation lands. But despite his best efforts, McCain’s 2012 attempt failed, too.

Fast-forward three years. In December 2014, McCain tried a different tactic: During back-room negotiations, he buried the deal deep inside a 1,600-page, \$500 billion “must pass” bill funding the United States military. The bill was then introduced under a special agreement that prohibited amendments. It passed with the land swap included.

Now it’s the mine proposal’s opponents’ turn to be frustrated. Even as Mc-

Cain and company spent years pushing for the swap, the project’s critics grew in number and importance — people like Roy Chavez, a third-generation miner and former mayor of Superior, the town closest to the planned mega-project; the nearby San Carlos Apache Tribe; and the secretaries of Agriculture and the Interior. They say the mine not only threatens a swath of sacred Indian land in the craggy mountains an hour’s drive east of Phoenix, it sets a precedent that could be used to nibble away at public lands throughout the West. McCain’s tactics have left them fighting an uphill battle to, if not kill the mine, at least ensure that its impacts are mitigated. But they’re not giving up.

“When we heard what McCain had done,” says Chavez, “we went into fifth gear.”

Discovered in 1995, the copper deposit in question is the largest untapped body of the essential metal in North America, capable of producing an estimated 550,000 tons — as heavy as five Nimitz Class aircraft carriers — annually for decades. The ore body lies more than a mile under the earth, near the northwest corner of the state’s “copper triangle,” a region scattered with both active and abandoned mines, most of them vast, open-pit scars.

The land directly atop the ore body is known as Oak Flat. Strewn with giant boulders that draw rock climbers from

across the country, the Flat and its plentiful oak trees spread across a low, rugged plateau, punctuated by shallow, verdant canyons. Back in 1955, when Superior was still a bustling mining town, the Eisenhower administration declared Oak Flat off limits to mining, thus preserving, in perpetuity, one little piece of the ravaged copper triangle. That meant that the company couldn’t simply “claim” the land, as miners had been doing on federal land for more than a century.

So, Resolution bought up some 5,300 acres of land, most of it along the San Pedro River, to swap for approximately 2,400 acres of national forest land at Oak Flat, a deal that even some environmental groups reluctantly supported. The bill was first floated in Congress in 2005 by Rep. Rick Renzi, R-Ariz., who was promptly mired in a scandal involving — and thereby killing — the swap bill. It would take almost a decade more, and a lot of politicking, to get a bill passed, however sneakily it was done.

According to a study commissioned by Resolution, a subsidiary of the global mining giants Rio Tinto and BHP Billiton, when the mine is up and running it will create 3,700 well-paying jobs in an economically depressed region of the state, pump \$64 billion into the state’s economy, add \$20 billion in tax revenues and bolster America’s natural resource independence.

Given Superior’s high unemployment rate and long history of mining, one might expect universal local support for such a deal. And, in fact, many in Superior welcome the new mine. Other locals, however, including some who once worked underground, are adamantly opposed. Former Mayor Chavez has spent a good deal of energy and time since the old mines closed trying to build a new economy for Superior, one based on tourism, amenities and the like, and he worries that an enormous mine would scuttle those plans. Besides, he predicts that the nature of modern mining means that few locals will be hired. “Without a college degree,” Chavez says, “you don’t stand a chance.”

Resolution spokeswoman Jennifer Russo has admitted that Chavez is probably right: The method that will be used requires robotics, not human labor. Other opponents claim the mine’s economic benefits have been grossly inflated, with most of the tax revenues flowing out of the region and the state. Meanwhile, they point out, local residents will be stuck with the bills for the new roads, schools and the other infrastructure that giant projects like this inevitably require.

Historically, Superior’s mines used a technique called cut-and-fill. Resolution, however, plans to extract the ore by blasting it from below in a technique called block caving. It’s not as visible as open-pit mining — the primary copper-mining

*Please see Mining, page 24*



Wayne Hage, left, and his son Wayne N. Hage, in Nevada in 1999. COURTESY RAMONA HAGE MORRISON

## THE LATEST

### Backstory

Before Cliven Bundy, there was Wayne Hage, a Nevada rancher whose quarrel with the federal government churned through the courts for 21 years.

**Hage, an outspoken critic of public-land management, held water rights predating federal ownership and argued that he therefore didn’t need grazing permits.**

The Bureau of Land Management and Forest Service eventually sued over his trespassing cattle. Hage died in 2006, but in 2012, District Judge Robert Jones found in favor of his estate, and cited two federal officials for contempt of court (“One Sagebrush Rebellion flickers out — or does it?” HCN, 9/12/12).

### Followup

In mid-January, the 9th Circuit Court of Appeals overturned the 2012 victory, ruling that grazing permits are required whether or not a rancher owns water rights. The three-judge panel also harshly criticized the judge who ruled in favor of Hage, for harboring “animus toward the federal agencies.” Hage’s son, Wayne Jr., told the *Las Vegas Review-Journal*, “It looks to me like the 9th Circuit just swelled the ranks of the militias.”

ELIZABETH SHOGREN



Sen. John McCain in the #10 shaft, the deepest mine shaft in the U.S. at 6,943 feet, which Resolution Copper dug on private land. COURTESY RESOLUTION COPPER

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Kathy Knapp, owner of Pie-O-Neer Cafe, displays a pie. ARTHUR DROOKER

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**A Depression Era family eats dinner in their dugout house.** RUSSELL LEE/FSA

### PIE TOWN REVISITED

By Arthur Drooker  
160 pages, softcover, \$34.95  
University of New Mexico Press, 2015

During the Great Depression, Farm Security Administration photographer Russell Lee detoured off a desolate stretch of U.S. 60 in New Mexico to visit a place called Pie Town — so named for its famous baked goods. In striking Kodachrome color, he documented the lives of the 200 or so homesteaders who had fled the Great Plains Dust Bowl to resettle in this high-desert community. Inspired by Lee, photographer Arthur Drooker made his own pilgrimage there 70 years later. In *Pie Town Revisited*, Drooker writes, “Lee had said that he was ‘taking pictures of the history of tomorrow.’ In following his footsteps, I endeavored to do the same thing.” With photos of abandoned ranches and homesteads, women and men holding Lee’s portraits of their parents, and of course, trays of colorful pies, Drooker juxtaposes the past and present of this humble place and the people who chose to make it their home. **LYNDESEY GILPIN**

## Fresh faces and fresh powder

Over the past month, we’ve finally received our fair share of snowfall in Paonia, Colorado, and along with it welcomed our new interns, **Lyndsey Gilpin** and **Bryce Gray**. They’ll begin nearly six months of reporting, and (assuming we let them out of the office) they might even squeeze in a few outdoor adventures here on the edge of the West Elk Mountains.

Despite brief journalistic stints in Chicago and Los Angeles, Lyndsey, 25, is a Kentuckian through and through, born, raised, educated and later employed in Louisville. Her family ties to eastern Kentucky’s coal-mining communities helped foster her awareness of environmental and economic issues from an early age.

She brought that interest with her to the University of Louisville, where she worked for the student newspaper and regional publications and volunteered with a group opposed to mountaintop-removal coal mining. Seeking to merge her conservationist and journalistic interests, Lyndsey enrolled at Northwestern University’s Medill School of Journalism in Chicago to focus on environmental reporting. “I would go to Chicago, and people didn’t even know what mountaintop removal was,” she says. “That’s what made me mad and made me want to communicate it to the rest of the country.” Since graduating in 2013, Lyndsey has covered renewable energy and the tech industry’s intersection with the environmental movement, most recently as a freelancer based in Los Angeles.

Bryce, 27, was born in Ann Arbor, Michigan, and lived in North Carolina, Ohio and Voorheesville, New York. He

attended Minnesota’s Carleton College, where he wrote for the college newspaper under an anagram pen name, Cy Gearaby. A cross-country road trip in 2011 got him hooked on the West. That fall, Bryce bought a motor scooter and rode from Boston to Berkeley, California. In 2012, Bryce moved to Polson, Montana, to report for the *Lake County Leader*, which he eventually edited. There, he wrote about small-town life, the environment and, at least once, the legendary Flathead Lake Monster, Nessie’s long-lost American cousin. He also attended Medill, where he reported extensively on climate science, locally in Chicago and abroad in Greenland. Bryce graduated in fall 2015 and came to intern at *HCN* sans scooter. “I’m really excited to return to a small town in the West, this time with the opportunity to focus more exclusively on the stories that make the region unique and important,” he says.

January’s visitors were scarce, but **Wayne “Wano” Urbanas** stopped in for a tour all the way from Maui, Hawaii. Wano grew up on Colorado’s Western Slope, spent part of his life as a “ski bum in Telluride” and recently interviewed for a job at Citizens for a Healthy Community, an environmental organization in Paonia. He hopes to return to the land-locked West before too long. Thanks for stopping by, Wano!

Finally, a small correction. A recent “Heard Around the West” (1/25/16) worried over cars hitting two-ton cows, way too big for biological reality. Most cows would be between 1,300 and 2,200 pounds, or about one ton.

—*Paige Blankenbuehler*  
for the staff



**New interns Bryce Gray and Lyndsey Gilpin take a break to play in the snow.** BROOKE WARREN

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## Inside the **Sagebrush Insurgency**

The Sagebrush Rebellion has been brewing for decades, but as the standoff in eastern Oregon demonstrates, the West is facing something different now. Amid the rise of the ultra-right, and in the wake of a major recession, the anti-federal movement has become a boiling cauldron of old ideologies, new politics, and a whole lot of guns. Welcome to the Sagebrush Insurgency.

### **Showdown at Sugar Pine →**

#### **Finding Common Cause**

Where a sprawling network of actors connects *Page 16*  
These ain't your daddy's Sagebrush Rebels *Page 17*

#### **Sagebrush Sheriffs** *Page 18*

How rural peace officers are joining the radical right's war against the feds

#### **Arms Race on the Range** *Page 22*

The BLM is more armed than ever, but it's still outgunned

#### **WEB EXTRA**

For more of *HCN's* extensive current and archived coverage of the Sagebrush Rebellion, see [hcn.org/topics/sagebrush-rebellion](http://hcn.org/topics/sagebrush-rebellion)

FEATURE | BY TAY WILES

# Showdown at Sugar Pine

*How the Oath Keepers turned  
a small-time mining dispute  
into a major Sagebrush Insurgency event*

**D**anny Vanderschelden, caretaker for the Sugar Pine Mine in southern Oregon's Josephine County, was inside his camper last January when he heard vehicles rumbling down the dirt road to the property. Two men on four-wheelers were headed toward one of the claims he was guarding, paying no heed to the locked gates and "no trespassing" signs.

Vanderschelden, a boyish 23-year-old with close-cropped hair and a shadow of a beard, became acutely aware of how alone he was, several miles into the deeply wooded hills. He had had equipment stolen before, and he'd heard tales of "environmental terrorists" wreaking havoc in timber country, so he didn't want to take any chances. He drove his vehicle just up the hill to block the exit.

When the visitors returned, they stopped their ATVs on the dirt slope and faced the watchman in the crisp, cool air. "Who are you, and what are you doing on my property?" Vanderschelden asked sternly, holding an unloaded pistol in his hand.

The men, who were not wearing uniforms, explained that they were with the Bureau of Land Management and showed the caretaker their IDs. They were part of the agency's archaeology and abandoned mines team, documenting historic mines. Vanderschelden relaxed.

"Sorry for the pistol," he said, putting the firearm in his pocket.

"What is this, the 1800s, when you approach people with guns in your hand?" Vanderschelden remembers one of the men asking. In some ways, in fact, this remote, hardscrabble region hasn't changed all that much since the late 19th century: Most of the area's mining operations remain small-scale, entrepreneurial affairs under the auspices of local mining districts, just as most were when gold was discovered in Oregon in the 1850s.

On the unpatented Sugar Pine claims, the archaeologists discovered a large

manmade clearing, a residence, poured concrete, a recently buried water pipe system and several trailers — none of which had been approved by the BLM.

Two months later, in early April, a BLM law enforcement officer and a sheriff's deputy had visited the Sugar Pine property to hand-deliver a letter to the mine's owners, Rick Barclay and George Backes. The agency offered three options: Cease mining; file a plan of operations to account for the level of surface activity; file an appeal — or else. The "or else" in this case, local BLM spokesman Jim Whittington admits, would have probably just amounted to more letters, possibly for years to come.

The miners, however, saw the letter as a direct threat — an infringement on their constitutional right to due process — and a call to arms.

Days later, Backes and Barclay stood up in a meeting of about 40 people at the Josephine County Fairgrounds and asked for help. The audience was made up of members of the Josephine County chapter of the Oath Keepers, a militant national "Patriot" group whose members have shown up on behalf of folks ranging from Clark County, Nevada, rancher Cliven Bundy, to a Kentucky county clerk who refused to issue gay marriage licenses. Members of the local chapter had been at the Bundy standoff 12 months earlier, and the energy from the event — a victory of sorts for the Oath Keepers — still percolated through the ranks.

After the miners spoke, Rice called for an informal vote: Should the local Oath Keepers help Backes and Barclay defend their property rights against the feds? The room overwhelmingly voted yes. With that, Operation Gold Rush was ignited, becoming what was the latest flare-up in a new generation of the decades-old Sagebrush Rebellion. It was sparked in an economically depressed, independent-spirited rural county that was ripe for an insurgency.



**ON MAY 30, 2012, DOZENS OF PRISONERS** walked freely out of the Josephine County jail in Grants Pass, the county seat, not because of a mass pardon or jailbreak, but simply because of a budget crunch. The county's expenditures for public safety, which includes law enforcement, had been slashed by more than half. Not only could the sheriff's department not afford to house so many prisoners, it couldn't even chase after new criminals. Where more than 30 deputies once patrolled the sprawling county, population 83,600, there were only six. (Today, there are three or four on any given day.) Crime — or at least the fear of it — became so bad that Hollywood television producers wanted to film a reality show here.

Then-Sheriff Gil Gilbertson blamed the financial woes on the decline of the timber industry. Some blamed that decline on the Clinton administration's 1994 Northwest Forest Plan, which preserved much of the federal old growth in Oregon, Washington and Northern California to protect the northern spotted owl. Josephine County once had 22 sawmills; now it has only two. At one time, southwest Oregon was politically moderate; later, it swung sharply to the right, part of a larger shift that began in the

'80s and was exacerbated by resentment of the forest plan. Young men could once count on a logging job as soon as they graduated from high school; now jobs are few, and as of October, the unemployment rate was over 7 percent.

But roots of the local budget woes were actually more complex. Rural Oregon, which had found some relief in the increased timber demand during the early 2000s housing boom, was hit harder by the ensuing housing bust and recession that began in Dec. 2007 than almost anywhere else in the nation. Problems were compounded by Congress' failure to reliably fund the Secure Rural Schools Act, federal monies paid to timber counties from 2000 on to replace lost timber revenue. "It's like a never-ending cycle of doom," says County Commissioner Simon Hare. "It's so stressful. We have to lay off people. Then, if we're lucky, we take back the pink slips" when the federal payments finally come through.

Then there's Josephine County's tax problem. When timber revenues were at their peak, there was no need for property taxes. The residents generally want to keep it that way, despite the budget crunch. Since 1998, the county government has tried 11 times to increase

property taxes — the lowest in Oregon — to improve public safety and bolster flagging coffers. Nine of those attempts have been shot down, largely by libertarian-leaning rural voters.

Though voters in 2012 again voted down a property tax increase that could have ameliorated some of the pain, many residents felt victimized by forces beyond their control and decisions made by politicians on the other side of the nation. Between 2008 and 2014, the percentage of local voters registering as unaffiliated more than doubled, a sign of discontent with both major political parties. Out of the re-opened wounds of the timber wars of the 1990s emerged right-wing groups to resist the feds, including a strong contingent of Tea Partiers and self-proclaimed Patriots. A conifer-tinged Sagebrush Rebellion was forming, and near the center of it was Sheriff Gilbertson, who threatened to breach gates put up by the BLM and U.S. Forest Service.

Josephine County was not alone. Following the election of President Barack Obama in 2008, the number of Patriot groups — which can range from curious libertarians looking for a cause to sovereign citizens evading taxes and "survivalists" preparing for the apocalypse — ex-

**Armed militiamen stand guard at the Sugar Pine Mine in Josephine County, Oregon, last April as part of what Josephine County Oath Keepers called Operation Gold Rush. The Oath Keepers' goal was to defend the constitutional rights of miners George Backes and Rick Barclay who had been ordered to file new paperwork or stop mining their claim on BLM land.**

JIM URQUHART/REUTERS

Sheriff's deputies respond to a call in Josephine County, Oregon, where budget cuts have reduced the patrol staff from more than 30 to three or four at a time. Joseph Rice, below, started the Josephine County Oath Keepers, whose members pledge to fulfill the oath all military and police take to "defend the Constitution against all enemies, foreign and domestic."

BROOKE WARREN



ploded nationwide and increased five-fold in Oregon. One of those groups was the Josephine County Oath Keepers.

**MORE THAN HALF OF JOSEPHINE COUNTY'S** residents live outside Grants Pass in villages like Cave Junction or Williams, or tucked away in the woods, in an undulating landscape of pine and madrone forests parched by four years of drought. When I visited last fall, I met the head of the local Oath Keepers, Joseph Rice. He told me his story at Rogue Coffee Roasters, a bustling hangout in Grants Pass.

Rice, an easy-going 52-year-old former National Guardsman and Department of Defense contractor in the Middle East, was in Grants Pass in 2012, recovering from an ankle that was broken in Afghanistan. An amateur constitutional scholar, he was frustrated by what he saw as the attack on civil liberties concealed in the Patriot Act and other federal measures put in place in response to the attacks of 9/11. One day, while surfing the Web, he came across something that changed his life: The Oath Keepers' site.

The Oath Keepers organization was founded in 2009 by Stewart Rhodes, a lawyer and Yale graduate who had worked as a legislative aid to former Texas congressman and Republican presidential candidate Ron Paul. The group describes itself as an association for former and current military and law enforcement eager to uphold their oaths to protect the U.S. Constitution. ("Patriotic citizens" who have not been in uniform can obtain associate memberships.) They

promise to defend the general citizenry from martial law, gun confiscation, or being tossed into concentration camps — should the federal government ever attempt such actions. Members are largely white and male, but each brings his own shade of right-wing beliefs, which allows for wider ranks. Rice says he is not "anti-fed," for example; his wife works for the Forest Service.

Rice liked what he saw on the website and paid \$40 for a membership. A few months later, he received an email from the southern Oregon Oath Keepers coordinator, who suggested he start a county chapter. Rice organized a small meeting in 2012 at Papa's Cafe & BBQ in Grants Pass. Three others attended, including then-Sheriff Gilbertson. They all shared the sense that they and their fellow citizens were being mistreated by the government — local, state and especially federal. At the next meeting several weeks later, 30 people showed up, filling the restaurant. "That signaled to me the frustration within Josephine County for the way things were going in the county government," Rice says.

The group was more than just a place to vent frustration; it also found purpose in filling the vacuum left by the law enforcement budget cuts. Leaders of the county chapter have trained residents to operate ham radios and otherwise prepare for a major crisis, such as the overdue earthquake that scientists expect to rip through the Pacific Northwest in the not-too distant future. Members have yet to explicitly take on the role of vigi-

lantes, but they believe their background and firearms experience brings a sense of security to a county where law enforcement has been whittled away to almost nothing.

Josephine County Oath Keepers also volunteered for community service, painting houses, building a handicap playground and constructing wheelchair ramps for elderly or infirm residents. These activities made the Oath Keepers a positive force in the community and, simultaneously, textbook insurgents: Whether they deliberately set out to do so or not, the local chapter was winning the hearts and minds of many locals, while also undermining government authorities. Oath Keeper members were key participants in an effort to recall a county commissioner (the first Democrat elected in over 20 years); later, they appeared at anti-gun control rallies and urged their sheriff to disregard state gun laws. Many believe the federal government should not manage public lands.

When the local Oath Keepers first tackled political issues, they started small, targeting poorly written county ordinances that gave government employees too much leeway in deciding punishment for public nuisance infractions, such as storing sewage or hazardous waste on their property. The group saw such ordinances as a direct affront to constitutional rights and an issue to rally around. “That’s, I think, why they joined Oath Keepers,” Rice says of the first wave of local members. “It was: ‘How can we have commissioners so out of touch?’”

Last spring, the county again floated a property tax increase. Rice opposed it, arguing that serious crime was not a problem and the tax wasn’t needed. Sheriff Dave Daniel differs, citing more recent, yet very localized, statistics showing that crime rates have quadrupled in the past few years. Still, voters once again shot down the levy, and the public safety and law enforcement budget remains about a third of what it was in 2009.

Josephine County Oath Keepers gained a steady following and an email list that now numbers 300. The group has started a youth program that features firearm training, and it has its own float in the local Boatnik Parade, which County Commissioner Keith Heck has ridden on for the past two years. A Grants Pass city councilman, Roy Lindsay, is the treasurer of the Oath Keepers chapter. The chapter had no Facebook page for its first couple of years; instead, organizing efforts spread by word of mouth, email and other members’ social media.

By 2013, the national organization had made a name for itself, with a reported 30,000 paid-up members nationwide. Rhodes had dispatched speakers to administer the oath to “defend” the Constitution at more than 30 Tea Party rallies across the country. A handful of politicians showed their support by appearing at gun-rights rallies or events the group co-sponsored. Oath Keepers developed

close ties with the Constitutional Sheriffs and Peace Officers Association (*see story page 18*). Former Sheriff Gilbertson is an Oath Keeper and a member of CSPOA, as well as a member of the Pacific Patriots Network, a newer coalition of militia groups that would become prominent at the 2016 Malheur National Wildlife Occupation in Oregon.

These events — the levies, the community service, the nuisance ordinances, the preparedness teams, and the law enforcement vacuum — all that helped JoCo Oath Keepers establish roots. “This was a perfect storm over the last eight to 10 years,” Rice says of his chapter coalescing. Then, in early 2015, rumblings began building for a new battle that would dwarf the others and catapult the local chapter into the national limelight: the Sugar Pine Mine.

**LAST APRIL 11** — around the first anniversary of the Bundy Ranch standoff — Rice put out a national call to action for Operation Gold Rush, asking members and other Patriots to help the Sugar Pine miners fight the BLM. The miners and Rice said they feared the feds would burn their property and steal their equipment. Three Percent of Idaho — a right-wing militia group founded in 2008 with chapters across the country — put out their own press releases about the security operation, and militia-types from Arizona posted a YouTube video of themselves driving to Oregon. Local blogger Dale Matthews released a video, repeatedly calling the escalating situation “Bundy-like” and saying “there are people spoiling for a fight.”

It was impossible to tell how many people were actually coming. The JoCo Oath Keepers’ former public information officer, Mary Emerick, told me at least 700 volunteers passed through over the course of several weeks. An Oath Keepers associate involved in the operation just shook his head and said quietly to me, “You don’t need to know that.”

A local firearms training center spoke with Rice and agreed to provide hidden muscle for Operation Gold Rush, and the group was ready to mobilize its network of combat-savvy individuals to back up the miners, if need be.

“It was a situation in my county that could have been” — Sheriff Daniel paused to find the right word — “unpeaceful.” Daniel is a tall, sturdy 46-year-old from Portland with degrees in communications and management and many years’ experience in law enforcement. Though he is politically conservative, he did not take sides in the dispute (in sharp contrast to his predecessor, Gilbertson, who usually sided with miners and has an antagonistic relationship with the federal land agencies). Daniel helped mediate much of the dispute, and was in regular communication with the Oath Keepers, BLM and county commissioners.

The sheriff wasn’t worried about a clash between federal authorities and



the miners and their allies but, as he told me in an interview last October, “I was (concerned) in that there were militia, Three Percenters and Oath Keepers from around the country that had come in and were potentially unpredictable. Mr. Rice will tell you that everyone was vetted properly. I have a difficult time believing that 100 percent of the people were cleared or were 100 percent controllable.” A year earlier, a Las Vegas couple shot and killed two police officers and a citizen after spending time supporting Cliven Bundy at the encampment in Nevada. The shooters draped one of the slain officers in a Gadsden flag with the “Don’t Tread on Me” symbol and left a swastika pin on him.

For its part, the BLM wasn’t entirely unprepared for trouble; some of the staffers remembered the timber wars of the 1990s. Sugar Pine, though, was different. “(With the timber wars), there was always an area of understanding; you could at least agree on little things,” says the BLM’s Jim Whittington. “With these guys, we just can’t connect. Mining is confusing to begin with, so when you add emotion. ... There is no middle ground with this stuff.”

During Operation Gold Rush, an email from a district manager noted that the amount of staff time going toward the Sugar Pine Mine events was delaying other important work. The agency released generic statements about the situation, trying to stay above the fray. Employees were required to avoid the Sugar Pine Mine area for safety reasons, and to travel

**Josephine County Sheriff Dave Daniel has acted as a mediator in recent disputes, unlike his predecessor, Gil Gilbertson, who sided with miners in disputes with the federal government.**

BROOKE WARREN

Josephine County Oath Keepers Joseph Rice and Rob Lee, below, install a wheelchair ramp for a paralyzed man, one of eight such projects the group completed last year. At right, Pat Fitzsimmons, another Josephine County Oath Keeper, stands guard at the military recruitment and training center in Grants Pass, Oregon. He started his daily guard in July, after four Marines were killed by a gunman at a military recruitment center in Chattanooga, Tennessee. BROOKE WARREN



## Definitions

**1872 General Mining Law** Permits citizens to stake mining claims on public land, thereby giving them the right to develop underground minerals, though not exclusive surface rights.

## Patented mining claim

A mineral patent usually provides title to both surface and subsurface rights, essentially making once-public land private. In 1994, Congress imposed a moratorium on new patents for claims on BLM land, which it has maintained to this day.

**Surface Resources Act of 1955** This law allows the federal government to manage claims filed after 1955 for uses other than mineral development, such as hunting and hiking.

in pairs while in the field. One BLM staffer, who received anonymous email threats and believes he was followed home once, temporarily moved his family out of their home. Sugar Pine miner Barclay was quoted in a local paper, asking supporters to “please stop calling the BLM and threatening their personnel.”

The sheriff wanted to protect the miners’ rights, despite his reservations about the influx of outsiders. He believed the miners were already on a course to victory: “Because their fight was for due process, and due process was happening from the very beginning, they were fighting for a cause that was already happening.” On April 22, the miners filed an appeal to the BLM’s finding of non-compliance.

**OUTSIDE THE MEDFORD BLM OFFICE** on April 23, 2015, Rice stood on the edge of an open tailgate, microphone in hand, a copy of the Constitution in his breast pocket, and lectured a crowd of dozens of supporters, reporters and observers. “We have a cultural issue with the Bureau of Land Management, where they believe their rules and their administration is more important than following the law of the land, the United States Constitution,” he said. “If they had given these two gentlemen their day in court, we would not be here. ... Today, it’s the Sugar Pine Mine; where is it going to be next?”

Emerick and Rice had told the media they did not want another Bundy-like

standoff, yet calls for more volunteers, combined with incendiary rhetoric, continued for weeks. The conservative *Next News Network* released a video, saying, “Your very presence may in fact save lives and prevent this from being the spark triggering the next American Civil War. ... The BLM has a history of burning down cabins with residents inside.”

The narrative inspired dozens of supporters to make donations to the Operation Gold Rush PayPal account and even drive to Oregon themselves. Many of the self-described Patriots came to fulfill their own vision of patriotism, which may have had little to do with mining or other natural resource regulations. At the staging area near Grants Pass — a gravel parking lot with a welcome table, tents and trailers — the mood was either sober and calm, or chaotic and exciting, depending on whom you ask.

During the month after the call to action, Oath Keepers and their associates released what appear to be multiple misleading statements. One indicated that the BLM had brought in additional “armed security contractors” to deal with Operation Gold Rush. That turned out to be a group holding a lunchtime going-away party for a BLM employee at a local pizza joint. When a helicopter was spotted near the Sugar Pine Mine area that week, the Oath Keepers warned that the BLM was planning a raid at the mine. But it was a private helicopter, unrelated to the events on the ground.

The response from Josephine County itself was mixed, though a significant number of locals felt intimidated by the new presence in town. County Commissioner Cherryl Walker fielded phone calls from concerned residents who noticed an unusual number of out-of-towners openly carrying firearms. Folks were unsettled, Walker says, because “it was an armed presence of people not under command of any official organization.” One ad hoc group of locals, Together for Josephine, held a press conference on the steps of the courthouse to voice their discomfort with the newcomers.

To some, the end of Operation Gold Rush came as anti-climatic. There was no dramatic standoff, as there was at Bundy Ranch a year earlier. In May, the Interior Board of Land Appeals allowed the miners to stay on the claims until the board had a chance to make a decision. Backes and Barclay maintain that they have the right to develop the un-patented claims as they wish under the 1872 General Mining Law. The BLM says that because the claim was temporarily ceded in 1963, it should be regulated under the 1955 Surface Resources Act. But even if the claim is grandfathered into the older law, the agency says the amount of surface activity at Sugar Pine requires the miners to file a notice or plan of operations.

The miners and their allies saw the board’s ruling as a victory, and Rice ordered a stand-down. “BLM has been conducting itself lawlessly without fear



**George Backes** pushes an ore bucket into the lower adit of Sugar Pine Mine in Josephine County, Oregon, where Oath Keepers set up camp last April to support the miners in their dispute with the Bureau of Land Management.

BROOKE WARREN

of accountability,” Rice wrote. “Operation Gold Rush has changed that.” The Oath Keepers, Three Percenters and other supporters headed home.

**ON A WARM AFTERNOON LAST FALL**, with the sun hanging low over the dark, woodsy landscape, George Backes, the 71-year-old co-owner of the Sugar Pine Mine, sat at a picnic table outside his modest home near Grants Pass while his wife cooked dinner inside. I asked him about his dispute with the BLM, and he smiled. Like most of the owners of the 1,100 or so mining claims in the local districts, Backes seems like a regular guy, an entrepreneur trying to make some money from mining his property. But his individual skirmish with bureaucrats had become part of a national war. “We’re going into the big times,” he said.

From his perspective, he and Operation Gold Rush had won this particular battle, and he believed that he had a strong administrative case against the feds. Whether or not the Interior board will favor the Sugar Pine miners (it usually sides with the BLM in these types of disputes), they already had hit it big. During the previous two Sagebrush Rebellions, in the 1970s and ’90s, Backes’ plight might not have been noticed outside the local community. But today’s Sagebrush Insurgency quickly mobilized supporters from across the country and turned Sugar Pine into a national rallying point.

Sugar Pine invigorated sagebrush

insurgents West-wide. In Montana last year, after the federal government sued two miners for shirking regulations, several JoCo Oath Keepers became closely involved, traveling there or supporting the defendants from afar. Rice, also a co-founder of the Pacific Patriots Network, which includes the Oath Keepers, Three Percenters and the Oregon Constitutional Guard, helped spread the word to bring Patriots to Burns, Oregon, in January to protest the re-sentencing of ranchers Steven and Dwight Hammond. Rice quickly became central to negotiations during the Malheur National Wildlife Refuge occupation, which grew out of that protest.

Whether it’s the Bundy Ranch stand-off, Operation Gold Rush, or the Malheur occupation, today’s Sagebrush Insurgencies are “radicalization nodes,” as Daryl Johnson, a domestic terrorism expert and former Department of Homeland Security employee, describes them. At each new gathering, far-flung Patriots forge new relationships, and new recruits are drawn into the movement. At a meeting of ranchers in Utah last fall, the head of Arizona’s branch of the White Mountain Militia, Cope Reynolds, encouraged ranchers to refuse to pay their grazing fees and offered his group’s services to ward off federal overreach.

Another participant in that meeting who encouraged ranchers to stop paying fees became the first fatality in the new Sagebrush Insurgency. On Jan. 26, Arizona resident and Malheur occupier Rob-

ert “LaVoy” Finicum was shot and killed during a confrontation with Oregon State Police and the FBI near Burns, Oregon.

More lasting local impacts of Sugar Pine remain to be seen. The BLM’s Whittington and the national BLM office say Sugar Pine didn’t permanently change any major agency protocols. Some locals want Rice to run for county commissioner — chapter membership grew during Operation Gold Rush — while others believe that the group tarnished its image with the show of force. At the national level, Oath Keepers spokesman Jason Van Tatenhove calls the JoCo chapter a “flagship” for the organization.

In November, long after the dust had settled, Rice received a call from a miner in the southern part of Josephine County. The BLM was cutting down trees and putting them in the creek, he said — encroaching on his mining turf, the “It’s All Mine” claim. Would Rice visit him to talk about it, and would the Oath Keepers be able to stand by in case things got out of hand? Rice said yes, of course. He had sworn an oath, and he aimed to keep it. □

## Definitions

### Plan of operations

The Sugar Pine miners argue that because their claim was filed before 1955 and has been under continuous ownership since then, they aren’t required to file a plan of operations or adhere to modern environmental laws. This stance has been widely refuted by legal experts. The BLM requires a plan or notice for any mine activity above “casual use,” such as gold-panning. Federal officials are required to apply current environmental regulations to any mining claim, including those filed before 1955.

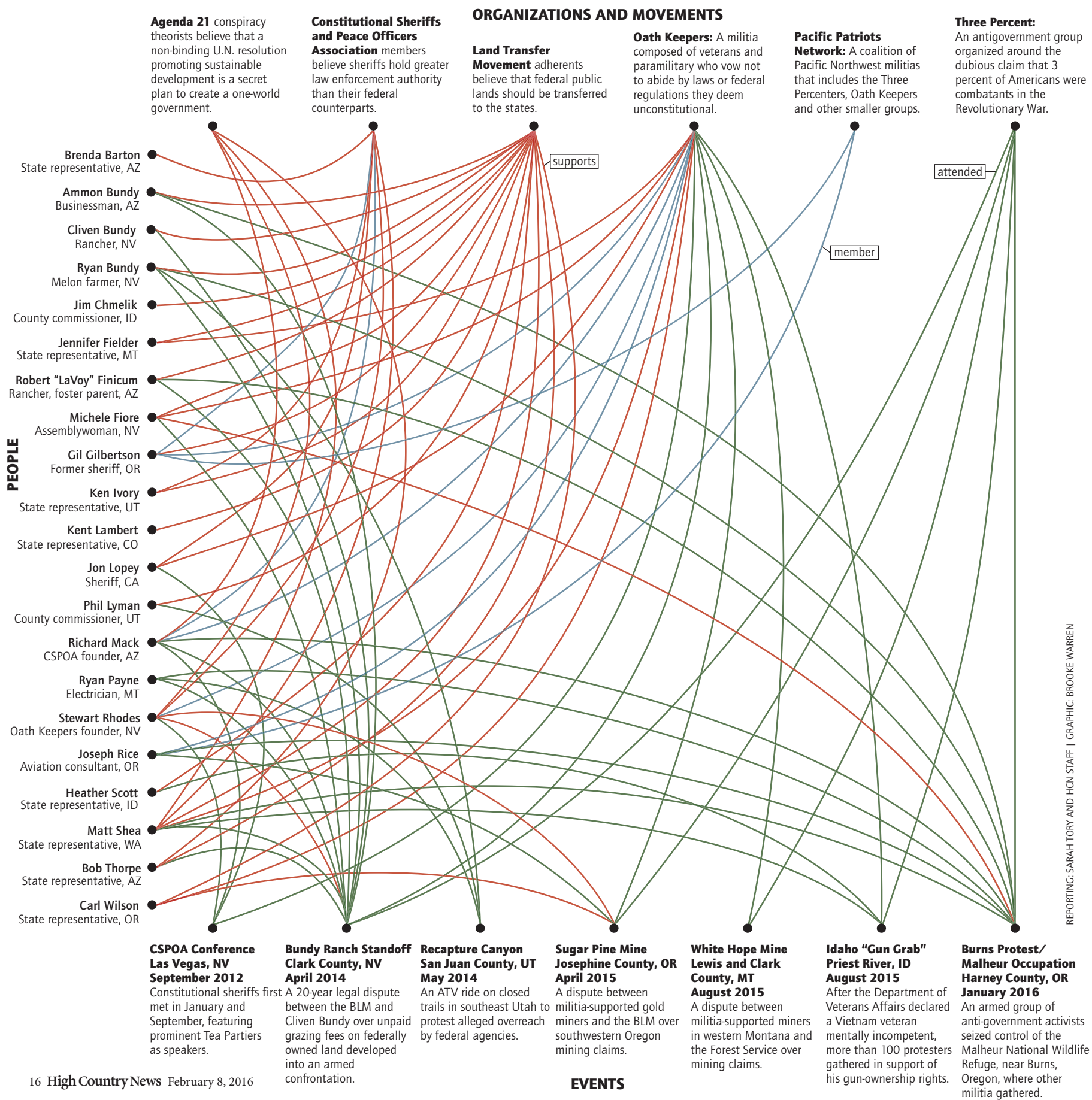


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# Finding Comm

Where a sprawling network of actors connects



# Common Cause

## *These ain't your daddy's Sagebrush Rebels*

**A**s the armed occupation in Oregon's high desert unfolded in January, it initially looked like little more than a widescreen version of the flare-ups we've seen in the West ever since the Sagebrush Rebellion erupted in the 1970s: "oppressed ranchers," anti-federal rhetoric, and even stoic cowboy-hatted heroes to ride to the rescue. But a closer look — and the occupation's violent culmination — revealed a bigger, more sinister problem than your run-of-the-mill local-control scuffle.

For starters, precious few locals (or even ranchers) were among the couple dozen occupiers of the Oregon's Malheur National Wildlife Refuge. The lead occupier, Ammon Bundy, may look the part, but he actually owns a truck-fleet maintenance business in Phoenix and a McMansion in Emmett, Idaho. At one of his press conferences, Bundy said that he wasn't just sticking up for "the ranchers, the loggers and the farmers," but also the "auto industry, the health-care industry and financial advisors." That remark, which ignored the federal largesse those industries receive, revealed the crusade's true scope.

Whereas the Sagebrush Rebellion of old was driven largely by pragmatic, grassroots concerns, today's version is purely ideological — a nationwide confluence of right-wing and libertarian extremists. Many of them have little interest in grazing allotments, mining laws or the Wilderness Act. It's what these things symbolize that matters: A tyrannical federal government activists can denounce, defy and perhaps even engage in battle with. This movement, which has grown increasingly virulent since President Barack Obama's election, has created a stew of ideologically similar groups, ready to coalesce around each other when necessary.

As we head into an election year, it's worth noting that many of the extreme actions carried out by fringe groups, such as the Malheur occupation, inspire other hard-core ideologues and ultimately translate into votes for like-minded politicians. In return, those politicians

support the extremists and try to push their views via legislation, thereby legitimizing and empowering them. The Sagebrush Rebellion, in other words, has been co-opted: militarized in some places and politicized in others. Politicians, militants, sheriffs and others from across the right-wing spectrum have, over the last few years, found common cause (*for some examples, see chart, left*), attending conferences, rallies and events together, and putting their support behind a variety of agendas.

The groups are bound together by libertarian-tinged ideology, disdain for Obama and fear that the government will take away their guns, their liberty, their money, their land, their Confederate flags, and, yes, Christmas.

"What we're seeing in the West is a number of extremist streams coming together to form a backdrop that is complicated and frankly confusing," says Ryan Lenz of the Southern Poverty Law Center. The confluence has occurred at

Nevada Assemblywoman Michele Fiore, continued to stand by the Bundys during and after the occupation. And other groups, like the American Lands Council, whose president is Utah State Rep. Ken Ivory, while condemning the violence of the act, supported the beliefs behind it.

It's not entirely clear why all of these folks, many of them urban, have taken up a rural Western cause. It might be because ranchers and loggers better fit the populist image they're trying to project, or because they actually have some legitimate gripes regarding land-use regulations. It's not so easy to fight against gun control when the laws are laxer than ever, or revolt against the tax man when taxes on the rich are far lower than they were in the 1950s. Perhaps it's partly a matter of expedience: The dire economic straits in which many rural, extractive industry-reliant counties have found themselves have made them ripe for insurgencies of the Bundy sort.

Past rebellions weren't entirely non-violent, either; land was bulldozed, federal officials were threatened and Forest Service facilities bombed. "Now, however, the acts of violence are less random than they once were," says Edward Patrovsky, a law enforcement agent for the BLM who worked in Southern California and Colorado from the late 1980s until 2004. "We have this network of militant groups working together, and I consider them to be much more dangerous than the more individualized, localized nature of the Sagebrush Rebellion."

Last fall I talked to Sean Thomas, a Forest

Service law enforcement officer stationed in southern Oregon, and the vice president of the National Federation of Federal Employees Local 5300. Thomas, who has faced the belligerence of a constitutional sheriff before, believes we stand at a pivotal moment. "The feeling we all have out here in the West," he told me, months before the explosive events at Malheur, "is that this is a pressure cooker, and something's about to blow."

JONATHAN THOMPSON



Nevada Assemblywoman Michele Fiore speaks at a press conference following the Bundy ranch standoff in Nevada in 2014. Stewart Rhodes, president of Oath Keepers, and former Sheriff Richard Mack also spoke in support of Bundy. AARON PRECIADO

incidents like the Bundy Ranch standoff, where members from all of these different movements stood shoulder-to-shoulder to defend the "rights" of what they portrayed as a persecuted rancher. It also happened at Malheur, though in a less harmonious way: The Oath Keepers, a constitutional militia that has backed ranchers and miners on public lands, did not fully support the occupation because of its objections to the way it was carried out. Yet the more hardcore politicians, such as

The Sagebrush Insurgency has not fully resolved into a single movement. It is currently more akin to an environment, where militia members, law enforcement officials and local and state politicians coalesce around events and gatherings, spurred on by social media, forming shifting alliances around ill-defined aims.

**WEB EXTRA** Discover connections in the "Sagebrush Insurgency" through the interactive version of this graphic at [hcn.org](http://hcn.org).

# Sagebrush Sheriffs

*How rural peace officers are joining the radical right's war against the feds*



A critical component of the Sagebrush Insurgency is the co-opting of the security structure by "constitutional sheriffs," who occupy powerful, long-standing positions in rural counties and either tacitly or implicitly back unlawful activities against federal authorities.

On the morning of May 10, 2014, San Juan County Sheriff Rick Eldredge waited on horseback in the sagebrush of Recapture Canyon in southeastern Utah. In his faded jeans, boots and white cowboy hat, he looked as if he were out for a casual ride in the cool spring air. But what appeared to be a bulletproof vest underneath his shirt and the 30-odd deputies scattered amid the canyon's scrub oak and sandstone hinted at a different story.

Eldredge and his deputies were braced for a mass act of motorized civil disobedience. Frustrated by "unconscionable acts by the Bureau of Land Management," including the 2007 closure to motorized vehicles of the trail down Recapture Canyon, San Juan County Commissioner Phil Lyman and 40 to 50 followers were driving their ATVs toward the closed section of the canyon. They were there to defy federal regulations to protest what they consider the BLM's heavy-handed management of the public lands that comprise so much of their county.

In promoting the ride, Lyman, soft-spoken with a boyish face and salt-and-pepper hair, invoked one of America's favorite civil disobeyers, Henry David Thoreau. Thoreau, however, seemed an unlikely role model: Several of the protesters carried firearms, including a clean-cut guy with a "Regulator" neck tattoo and a semi-automatic Glock on his hip. A young man wearing an "American Venom" T-shirt had an assault rifle in one hand, his finger never leaving the trigger,

while he piloted his four-wheeler with the other. Others carried signs: "Transfer (sic) Federal Lands to Western States" and "Stop BLM Agenda 21 Road Closings." Ryan Bundy, the son of scofflaw rancher Cliven Bundy, rode a four-wheeler down the canyon, as did a handful of self-professed militiamen who, just weeks earlier, had supported Bundy in his heavily armed standoff with BLM agents in Clark County, Nevada.

As the roar of the ATVs echoed up the canyon, Eldredge and his men stood ready. With a herd of determined law-breakers heading toward them, another standoff seemed imminent. But as the caravan of protesters rode past the closure line, kicking up a billow of exhaust and red dust, the deputies did nothing, and Eldredge merely nodded a stoic greeting from atop his steed. That's because he wasn't actually there to police the protest, but to "keep the peace." For the protesters, at least, that meant he was there to protect them from the plainclothes BLM officers roaming the canyon and collecting evidence — officers that Eldredge kicked out of the canyon before the ride was finished.

"There's a big difference (between the Bundys and me)," Lyman told reporters prior to the ride. "I've got a sheriff standing next to me."

**THE RECAPTURE RIDE** was just another skirmish in the Sagebrush Rebellion, an anti-federal land-management movement with roots here in San Juan County. The

first uprising, led in part by then-County Commissioner Calvin Black in the 1970s, was a reaction to what some saw as the federal occupation of the West by way of new environmental laws that impacted federal lands. It was also part of a region-wide effort to transfer federal lands in the West to the states.

The second iteration unfolded in the mid-1990s, provoked by former President Bill Clinton's conservationist approach to federal land. While that rebellion became violent and coincided with a nationwide surge in anti-federal extremism, the land-use folks rarely crossed paths with the so-called "Patriot" groups. Today, though, the barriers are down. Now, a single event like Recapture, the 2014 Bundy Ranch standoff or the Malheur National Wildlife Refuge occupation, broadcast globally and instantly via social media, draws supporters from across the extreme right, from other Sagebrush Rebels to pro-gun militiamen to local politicians who have no qualms about standing cheek-by-jowl with people aiming rifles at federal agents.

Among those officials are a growing cadre of county sheriffs, many of them from the rural West, who believe themselves above the reach of federal government, constitutionally empowered as the supreme law of the land. Some have chosen to become part of this movement, while others have joined unwittingly, by taking strong political stances or acting on the behalf of local anti-government movements. Eldredge, who refused to be



JIM WEST / ALAMY STOCK PHOTO

Richard Mack, left, as Graham County, Arizona, sheriff in 1994, sued the federal government over the background check provision of the Brady Act. Today, Mack (shown here at a 2010 anti-gun rally in Washington, D.C.) pushes for local control and tries to get candidates with “constitutional” leanings elected. Below, Colorado sheriffs flank Weld County, Colorado, Sheriff John Cooke in 2013 as he announces that 54 Colorado sheriffs had filed a federal lawsuit challenging two gun control bills passed by the Colorado Legislature.



BRENNAN LINSLEY / THE ASSOCIATED PRESS

interviewed for this story, openly allied himself with Lyman and company. These self-proclaimed “constitutional sheriffs” use their assumed position as the ultimate law enforcement authority to fight environmental regulation, run federal officials out of their counties, and, in some cases, break the law themselves.

**THE CONSTITUTIONAL SHERIFFS’** seminal moment was in 1994, when Richard Mack, then-sheriff of Graham County, Arizona, and a handful of other sheriffs sued the federal government over a provision in the 1993 Brady Act that required local law enforcement to handle background checks on gun sales. In 1997, the Supreme Court ruled 5-4 for the sheriffs, deeming it unconstitutional for the feds to force the state or its officers to execute the regulation.

Mack’s defiance made him a folk hero to the then-burgeoning Patriot movement, which is centered around the belief that the federal government is taking away individual liberties. Mack became a speaker at Patriot gatherings, railing at Clinton and his attorney general, Janet Reno. In 1996, Mack lost his bid for re-election, but he still spoke for libertarian causes, and he co-wrote a book with Randy Weaver, the man at the center of the 1992 Ruby Ridge shootout with federal agents, the event that catalyzed the militia movement.

But it was Mack’s “complete discouragement and feelings of hopelessness” at the 2008 election of Barack Obama that

propelled him back into the political spotlight. In reaction, Mack wrote a 50-page screed denouncing the federal government and its intrusion into individual and state rights. *The County Sheriff: America’s Last Hope*, published in 2009, argues that the sheriff is the ultimate law enforcement authority and thus the “last line of defense” shielding individual liberties from out-of-control federal bureaucrats. The manifesto cemented his cause and made him one of the prime movers of the ad hoc reactionary movement that would come to be known as the Tea Party.

With his clear blue eyes, sweeping black hair and easy smile, Mack looks like central casting’s idea of the perfect sheriff. He shared his philosophy at dozens of Tea Party rallies as well as gatherings of the Oath Keepers, a quasi-militia organization founded in 2009. Had there been a true constitutional sheriff in Montgomery, Alabama, back in 1955, Mack told his audiences, that sheriff would have defied the segregation laws and protected Rosa Parks. “Today, that constitutional sheriff does the same for Rosa Parks the gun owner,” Mack says, “or Rosa Parks the rancher, or Rosa Parks the landowner, or Rosa Parks the homeschooler, or Rosa Parks the tax protester.”

By refusing to enforce federal and state laws that they deem unconstitutional, whether they involve BLM road closures, gun control, drug laws or bans against selling unpasteurized milk, Mack says sheriffs can lead the fight to rescue America from the “cesspool of corruption”

that Washington, D.C., has become. If need be, he says, sheriffs even have the power to prevent federal and state agents from enforcing those laws, thereby nullifying federal authority. If a particular sheriff doesn’t rally to the cause, then the voters should kick him out of office. And Mack and his organization have been quietly fielding opposition candidates in many counties. In fact, he is one of the forces behind the Constitutional County Project, which aims, this year, to elect a whole slate of “constitutional” candidates to office in Navajo County, Arizona, in what amounts to a nonviolent coup d’état. “There is no solution in Washington, D.C.,” Mack told me. “If we’re going to take America back it’s going to be at the local level.”

Some Western sheriffs didn’t need Mack’s encouragement. Back in 2000, Eldredge’s predecessor, Mike Lacy, forcibly opened a road in Utah’s Canyonlands that the National Park Service had closed to protect cultural resources. A few years later, his Kane County counterpart, Sheriff Lamont Smith, went on a countywide escapade, removing more than two dozen BLM signs that indicated road closures and other restrictions on motorized travel. Mack’s movement gave these lone-wolf sheriffs a collective sense of empowerment and a rallying point.

By 2011, when Mack formally created the Constitutional Sheriffs and Police Officers Association, or CSPOA, his creed was already infiltrating Western sheriffs’ offices. That year, Josephine County,

**“There is no solution in Washington, D.C. If we’re going to take America back it’s going to be at the local level.”**

—Richard Mack, president of the Constitutional Sheriffs and Peace Officers Association (CSPOA)

“Some of your federal and state agencies care more about fish, frogs, trees and birds than (they) do about the human race.”

—Siskiyou County, California, Sheriff Jon Lopey in a 2011 event called Sheriffs Stand TALL for the Constitution



Then-Josephine County, Oregon, Sheriff Gil Gilbertson, who questioned the federal government's authority on federal land, lost his bid for re-election in 2014.

BOB PENNELL/MAIL TRIBUNE VIA ASSOCIATED PRESS

Oregon, Sheriff Gil Gilbertson started making headlines for defying (and allegedly harassing) federal land managers. Montezuma County, Colorado, Sheriff Dennis Spruell appeared on the right-wing radio show, *The Political Cesspool*, where he threatened to arrest federal officials who closed roads, citing his duty to defend his county “against enemies, foreign *and* domestic,” part of an oath undertaken by members of the U.S. armed services and now a favorite catchphrase of constitutional sheriffs.

In October 2011, seven sheriffs from Northern California and one from southern Oregon gathered for an event in Yreka, California, called “Sheriffs Stand TALL for the Constitution.” If any of the predominantly white, older audience believed that sheriffs are, or ought to be, apolitical, objective enforcers of the law, they were quickly disabused of the

notion. One sheriff after another stood up and spoke proudly about his involvement in the Tea Party and the “assault being perpetrated against our community by our own government” by way of travel management plans and dam removals. Tellingly, Karen Budd-Falen, a Wyoming-based property rights attorney who is well-known for representing Sagebrush Rebels against the federal government, was also on the panel.

“We’re challenging the status quo, and we are challenging some federal and state agencies and some special interest groups who are using money, influence, politics, regulations and lies to literally destroy rural America and our way of life,” the event’s host, Siskiyou County Sheriff Jon Lopey, said, summing up the sentiments of his colleagues. “Some of your federal and state agencies care more about fish, frogs, trees and birds than (they) do about

the human race. And one more thing: We’re broke. Why don’t you let the people work?” His message was clear: Environmental regulations wreck the economy, and a bad economy leads to crime, so the interests of sheriffs everywhere are best served by fighting environmental regulations.

Four months later, in January 2012, the CSPOA held its first gathering in Las Vegas, followed by a second event that September. By then, Obama was on his way to being re-elected and Tea Partiers had triumphed in a number of Republican primaries. Mack’s attendance rosters read like a Who’s Who of Tea Party politics. They included Oath Keepers’ founder Stewart Rhodes and Sagebrush Sheriffs such as Spruell and Lopey. Also speaking was Tom DeWeese, president of the American Policy Center, known for spreading fears that the United Nations, under Agenda 21, is taking over the world via bike paths and public transit, and Joe Arpaio, the notorious sheriff of Maricopa County, Arizona, whom Mack praised for launching an investigation into the validity of Obama’s birth certificate. Ken Ivory, president of the American Lands Council and champion of the federal land-transfer movement, gave a rousing speech at the September gathering about the “revolution of ideologies” he and the sheriffs were engaged in.

The larger movement really gelled, though, after the December 2012 shooting massacre of 20 children and six adults in Newtown, Connecticut, when it seemed as if Congress might pass modest gun control measures. Hundreds of the 3,000-odd county sheriffs nationwide revolted against the specter of such regulations, vowing not to enforce any new gun laws and to prevent federal officials from doing so. The West led the charge, with a majority of the region’s 300 rural sheriffs, Republicans and Democrats alike, signing on to oppose new state or federal gun laws. Sheriffs who did not join the charge were added to a list of “red coats” on the CSPOA website, and risked the wrath of their gun-loving constituents.

Mack told me he is especially proud of the letter to Obama from 28 of Utah’s 29 county sheriffs, Eldredge included, which read, in part: “No federal official will be permitted to descend upon our constituents and take from them what the Bill of Rights — in particular Amendment II — has given them. We, like you, swore a solemn oath to protect and defend the Constitution of the United States, and we are prepared to trade our lives for the preservation of its traditional interpretation.”

**MACK’S ORGANIZATION** is not unique in believing in sheriff supremacy. The notion was critical to the ideology of the ultra-conservative John Birch Society, founded in 1958, as well as the racist, anti-tax Posse Comitatus group of the 1970s. Now, organizations like the Oath Keepers have embraced it as well. The idea acts as a

kind of glue that binds many of these libertarian and right-wing movements together; Sagebrush Rebels, Second Amendment advocates, county- and states'-rights groups and border security activists have increasingly looked to sheriffs to use their clout on their behalf.

This power, says Mack, derives mostly from the fact that the sheriff is the only elected law enforcement official, elevating him above his bureaucratic counterparts. Added to that is the 1997 Supreme Court decision on the Brady Bill's proposed background checks. The majority opinion, written by Justice Antonin Scalia, is in Mack's favor: "The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program." That interpretation could be used to justify Eldredge's refusal to stop the illegal Recapture Canyon ride, as well as the sheriffs who threaten to ignore federal gun laws.

Yet the court decision does not empower those sheriffs to stop or impede federal officers from enforcing federal laws or regulations. Nor does it require federal officers to get the local sheriff's permission before doing their jobs. Mack's rhetoric, says Casey LaFrance, an associate professor of political science at Western Illinois University and author of *Targeting Discretion*, a police-training manual, is driven more by historical context than legal precedent. The Posse Comitatus Act of 1878, for example, prohibited the U.S. military from enforcing laws or invoking "posse comitatus" — that is, enlisting citizens to fight crime or repel outside invaders, a right sheriffs possessed in colonial America. According to some, this puts sheriffs at the top of the law enforcement food chain.

State legislatures, including those in Montana, Arizona and Washington, have tried to pass legislation giving sheriffs more power, usually by undercutting federal law enforcement. They're rarely successful, but in 2013, Eldredge attended the Utah Legislature's session to help Rep. Mike Noel, a well-known Sagebrush Rebel from Kane County, introduce a bill to limit the ability of federal officials to enforce state and local laws on public lands in the state. The "sheriff's bill" passed, but was later repealed after the courts stopped it from taking effect.

Which isn't to say sheriffs aren't already extremely powerful, says LaFrance. As elected officials, sheriffs are accountable only to the voters. County commissioners have no control over them and can't remove a sheriff, even if he or she is convicted of a crime. Though commissioners typically control the budget, they are usually prohibited from cutting off the sheriff altogether. In most states, only the governor can remove a sheriff from office, and that is only in cases of extreme malfeasance.

It's often tough even for the voters to boot a sitting sheriff. In rural counties, among the only people qualified to replace a sheriff are the deputies, who risk losing their job by taking on their boss. "Honestly, the sheriff is rarely challenged," says LaFrance; in fact, the average sheriff's term is about 24 years. This apparent invulnerability makes some sheriffs feel free of the necessity of enforcing laws to which they are ideologically opposed, and that, say critics, can have dangerous consequences.

"When law enforcement refuses to enforce the laws, it sends a dangerous signal to extremists," says Jessica Goad of the Center for Western Priorities. "It serves to embolden those who tend towards violence. This rhetoric and stance has an extremely chilling effect on the people who are doing their jobs — from park rangers to environmental activists. The thought that the sheriff doesn't enforce the law is scary."

It goes even further. U.S. Attorney S. Amanda Marshall chastised then-Josephine County Sheriff Gilbertson after he riled up a meeting of miners in 2012 and even promised to arrest federal law enforcement officers for "impersonating" police. "You do the miners a disservice

by promoting, under color of the office of Josephine County Sheriff, a clearly erroneous interpretation of federal law," she wrote him in a letter. "As a result, miners are becoming increasingly confrontational with federal officers. ... Your continued misguided crusade will only increase the safety risks to our federal officers and members of the public."

Rose Chilcoat, executive director of Great Old Broads for Wilderness, the longtime *bête noir* of Lyman and other San Juan County conservatives, says when elected officials side with lawbreakers, "it hugely undermines a civil society. It makes it that much harder for the feds to make a case. They can say: 'Yeah, I rode my ATV on that closed trail because the sheriff said it's OK.'" The feds made a strong case against Lyman, however, and ultimately succeeded in getting him convicted of two federal misdemeanors for organizing and participating in the ride. Lyman was sentenced to 10 days in jail, and he and a collaborator were ordered to pay \$96,000 in restitution for damage done. (He is appealing the verdict.)

Sheriffs have used their authority to weigh in on all manner of issues. Mack was a leading figure at the Bundy Ranch standoff in 2014, excoriating the local



Then-Montezuma County, Colorado, Sheriff Dennis Spruell, left, sits with constitutionalists Bob Sanders and Mike Gaddy in 2011. The sheriff had threatened to arrest any Forest Service workers he deemed to be breaking laws by closing certain roads. Spruell lost his bid for re-election in 2014. HELEN H. RICHARDSON/THE DENVER POST VIA GETTY IMAGES

sheriff for not running the BLM out of there, and last year, he urged constitutional sheriffs to refuse to enforce the Supreme Court's decision to permit gay marriage. In Idaho, Bonner County Sheriff Daryl Wheeler wrote to the state's governor, Butch Otter, exhorting him not to resettle Syrian refugees. Mack was on hand in Burns, Oregon, in early January to demonstrate in support of ranchers Dwight and Steven Hammond, who were sentenced to five years in prison for arson on federal land. Even though he is close to the Bundys, however, Mack questioned their subsequent occupation of the nearby wildlife refuge. While the local Harney County Sheriff, David Ward, has taken a strong stance against the occupation, Sheriff Glenn Palmer, from Grant County, Oregon expressed limited support for Bundy and friends, saying the federal government should give in to some of their demands. Palmer was the 2011 CSPOA Sheriff of the Year, and made his name by pushing back against federal land agency travel-management plans.

Mack says the CSPOA has about 4,500 dues-paying members, some 200 of whom are sheriffs, and he says his group has "trained" (taught their principles to) hundreds more. But the tentacles of the constitutional sheriff philosophy clearly reach far beyond the group's membership rolls. Shortly after the Recapture ride, the conservative media outlet *Breitbart Texas* interviewed Eldredge, who in 2010 had run as a Democrat against then-incumbent Mike Lacy, promising to open more doors to federal agencies. Four years later, he was a Republican, running on a record of standing against federal overreach. In the interview, the sheriff blamed environmental regulations for transforming San Juan County from one of the richest counties to one of the poorest in the state, and he said he'd love to see federal land transferred to the state. When asked if he considered himself a constitutional sheriff, Eldredge replied, "I do."

"I thought every sheriff was supposed to be a constitutional sheriff," he added. "That's our job." □

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Senior editor Jonathan Thompson writes from Durango, Colorado. @jonnypeace

# Arms Race on the Range

*The BLM is more armed than ever, but it's still outgunned*

The Sagebrush Insurgency narrative relies partly on an image of over-reach by federal lands agencies, including the Bureau of Land Management, which has proven itself ill-adapted to the confrontations brought by the more militarized elements of the movement.

In 2012, Steve Martin, an Arizona-based special agent for the federal Bureau of Land Management, sat in a briefing room at the Federal Law Enforcement Training Center in Artesia, New Mexico, listening to the details of a clandestine operation his agency was planning in the Nevada desert. The goal seemed commendable — to round up rancher Cliven Bundy's cattle, which had been grazing illegally on public land for decades — but he thought the approach seemed off. The plan was full of unduly optimistic bravado, and it lacked a key ingredient: cooperation with the county sheriff. Says Martin: "I remember thinking, 'Is this still the BLM?'"

Two years later, in April 2014, when BLM law enforcement officers finally descended on Bundy's ranch at Bunkerville, Nevada, Martin, by then retired, wasn't surprised by the outcome. Wielding tasers and police dogs, the agency's officers were confronted by protesters who had gathered in defense of Bundy. A video of the incident, showing a BLM ranger tasting one of Bundy's sons, went viral, and dozens of Oath Keepers and other militia types from around the country flocked to Bunkerville to take on the federal "jack-booted thugs." Two days later, a small line of flak-jacketed BLM rangers with assault rifles, backed up by similarly armed Park Service rangers, were strategically surrounded by the protesters, some pointing guns of their own. Local law enforcement was conspicuously absent until the standoff's final moments, when the sheriff helped negotiate a truce and the agency backed down.

Today, Bundy's cattle remain on the range, and the federal government has not brought charges against him. The defeat illustrates what Martin says he learned in his 24-year career with the BLM: Though the agency has given its rangers more modern equipment to handle the increasingly complex conflicts on public lands, it still has a surprisingly small and politically vulnerable presence on the Western range.

About 200 rangers — the term the BLM has always used to describe its field officers — enforce the agency's regulations across the more than a quarter billion acres it manages in the West. That's one ranger per an area larger than the state of Delaware. Veterans say that without significant backup support from local, state and other federal law enforcement, the BLM can't possibly handle volatile conflicts like the one at Bunkerville, or the current standoff with armed

protesters in eastern Oregon.

Before the Bundy showdown, the BLM asked the local sheriff for support, but decided to go it alone after failing to receive it. "That's an attitude that just can't work at BLM," Martin says.

**THE BLM BADGED ITS FIRST 13 RANGERS** in 1978 for a specific purpose: To rein in illegal off-road vehicles in the California desert. They modeled themselves after Park Service rangers — brown wool trousers, khaki shirts and all — and carried only pistols. When the program expanded beyond California in the late '80s, "everybody thought the rangers were about recreation management," says Dennis McLane, who joined in 1979 and became the BLM's first chief ranger in 1989. As the rangers trickled across the West, he says, they quickly confronted other crimes: archaeological looting, timber theft, illegal dumping.

But the agency rarely acted alone. Following the guidance of the Federal Land Policy and Management Act of 1976, which granted the agency law enforcement authority, but emphasized "maximum feasible reliance upon local law enforcement," BLM rangers routinely cooperated with county sheriffs, says Ed Patrovsky, who in the early '90s was the first ranger sent to patrol 3.2 million acres of BLM land in northwest Colorado. "Without that," he says, "doing much of any work would have been very difficult," because of how thinly spread the new force was. In the BLM's first major standoff with protestors, the 1990 shutdown of the notorious off-road race between Barstow, California, and Las Vegas, Nevada, the county sheriff played a key role, pursuing violators by helicopter.

As the West changed, so did the rangers. Bulging cities like Los Angeles and Las Vegas pushed urban crime onto the public land. Off-roading in the desert sometimes degenerated into drug- and alcohol-fueled riots with stabbings and other violent crime. "We were seeing more and more automatic weaponry," says Cris Hartman, hired as a ranger in 1984. She recalls a series of controversial equipment upgrades: shotguns in the '80s; semi-automatic rifles in 1992; and high-powered assault rifles in the early 2000s, after she'd left the BLM for the Forest Service, where she observed a similar pattern. Still, "the sheriffs were always ahead of us," in terms of weaponry, she says.

The agency began hiring rangers who thought of themselves more as police officers. "We brought in people who told



**Bureau of Land Management rangers stand guard as protesters gather at the gate of the BLM's Bunkerville base camp after the roundup of some of Cliven Bundy's cattle from public land in April 2014.**

JIM URQUHART/REUTERS

their buddies in Border Patrol or wherever else, 'Hey, come to the BLM, there's a lot of kick-ass stuff going on here,' " says Martin.

The shift on the ground reflected changes at the top. In the wake of 9/11, the agency peeled away its special agents — who specialize in long-term investigations — from civilian field managers and put them under the command of a newly created director position, filled by Bill Woody, who had never worked for the BLM. The number of agents increased, sometimes drawn from the ranks of the FBI and other traditional law enforcement agencies. Today, the agency has 75 agents, up nearly 50 percent from a decade ago, while the number of rangers has remained relatively steady.

The restructuring created "a faction within the agency," says former BLM Director Bob Abbey. "I think, in many respects, they have become a separate organization."

It also magnified certain personalities, by giving more autonomy to the "special agents in charge" who oversee consolidated regions. Martin is hesitant to name names, but like others critical of the direction that BLM law enforcement has taken, he clearly means Dan Love, the special agent for Utah and Nevada. Love spearheaded a series of busts of illegal artifact trading in southeast Utah in 2009. Locals denounced it as federal overreach, especially after an informant and two of the alleged traders committed suicide. Love also presided over the unexplained cancellation of cooperative agreements with sheriffs in several Utah counties. And he was the agent who briefed Martin and others in 2012, about the upcoming

Bunkerville raid.

Has the BLM's current leadership learned any lessons from Bunkerville? It's hard to know because the agency has demonstrated a nearly complete unwillingness to discuss it with *High Country News*, or any other news organization. But retirees like Martin and Patrovsky hope the incident will help spur the agency to restrengthen its partnerships with local sheriffs and reconsider its own limits.

"We know there are a lot of people out there who don't like us," says Martin. That's why he speculates that the local

sheriff, whom Sagebrush Rebel-types tend to regard as the legitimate law of the land, may have been able to defuse the Bunkerville protest, had he been given the lead.

Rangers still have a simple, everyday mission to protect the public's lands, and the BLM needs to promote that image, he says. In the past, "we weren't marshals, we weren't the FBI, ATF or DEA," Martin says. "The public looked at us as rangers." MARSHALL SWEARINGEN

*Marshall Swearingen is a freelance reporter based in Livingston, Montana.*



**Clark County Sheriff Douglas Gillespie, right, shown with Cliven Bundy, helped negotiate a nonviolent ending to the Bunkerville, Nevada, standoff.**

JIM URQUHART/REUTERS

The mine will plunge thousands of acres of this biologically diverse landscape into a crater nearly 1,000 feet deep and a mile across.

#### Mining, continued from page 7

method used in Arizona — since the miners tunnel underground. Yet once the ore is removed, the earth above it sinks. That will plunge thousands of acres of this biologically diverse landscape into a crater nearly 1,000 feet deep and a mile across. An additional mile around the crater could remain dangerously unstable and off-limits to the public for generations.

According to Scott Wood, who spent 40 years as the Tonto National Forest archaeologist, Oak Flat contains hundreds of ancient sites, including “the single largest Apache archaeological site currently known.” Beyond Oak Flat, says Wood, waste from the mine — expected to create a pile 50 stories high on a footprint four times the size of Central Park — would bury countless other archaeological sites, some of them several thousand years old.

Terry Rambler, chairman of the nearby San Carlos Apache Tribe, testified against the mine before a Senate committee in 2013, and asked: “Would (you) have this same position if an ore body were to be located beneath (your) church ... and a company wanted to bulldoze or destroy it?”

Under the National Environmental Policy Act, or NEPA, an environmental impact statement is required prior to the

swap. Any concerns will be addressed during the analysis, says Vicky Peacey, who oversees permitting for Resolution.

But University of Vermont Law School professor Patrick Parenteau says that stipulations in McCain’s bill create a “bastardized version” of NEPA safeguards. He points to the fact that under the new law, the land swap must be carried out within 60 days after the EIS is completed — in effect, green-lighting the project as it’s submitted. “There is no way judicial review could take place in time to prevent it,” says Parenteau. This end-run around NEPA is the primary reason Secretary of Agriculture Tom Vilsack and Interior’s Sally Jewell oppose the deal. The EIS process has not yet begun, and will take years to complete, according to a Forest Service spokesperson.

Last June, Congressman Raúl Grijalva, D-Ariz., introduced a bill that opponents see as the last, best shot at stopping the mine. HR 2811, titled “Save Oak Flat,” would repeal the land exchange, forcing Resolution to negotiate a new swap — this time with full NEPA protections. That would almost certainly require using a less destructive mining technique, like cut-and-fill, in which mine waste is returned to previously excavated areas, thus avoiding subsidence of surface land.



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But because Oak Flat's copper is low-grade ore, Resolution insists that block cave mining is the only economically feasible technique. "That's the method that's been selected based on what God put there," Peacey says.

If the EIS prohibits block caving, Resolution could still mine the deposit using traditional methods, though it would be less profitable, says Roger Featherstone, director of the Arizona Mining Reform Coalition, a group opposed to Resolution's current plan. And some say that the company may be too deeply invested to just walk away, given that it has already sunk a billion dollars into drilling the deepest mine shaft of its kind in the United States, on private land.

But Featherstone believes Resolution might do just that if Grijalva's bill passes. "That's a lot of money to you and me, but not to them. Their corporate culture is all about maximizing profits." If Resolution doesn't get what it wants, it could simply take a billion-dollar tax loss, says Featherstone. "It's just not that big of a deal to them." □

**Archaeologist Tom Wright hikes through what would be the center of the future Rio Tinto mine at Oak Flat Campground in the Tonto National Forest.** DEANNA DENT/REUTERS



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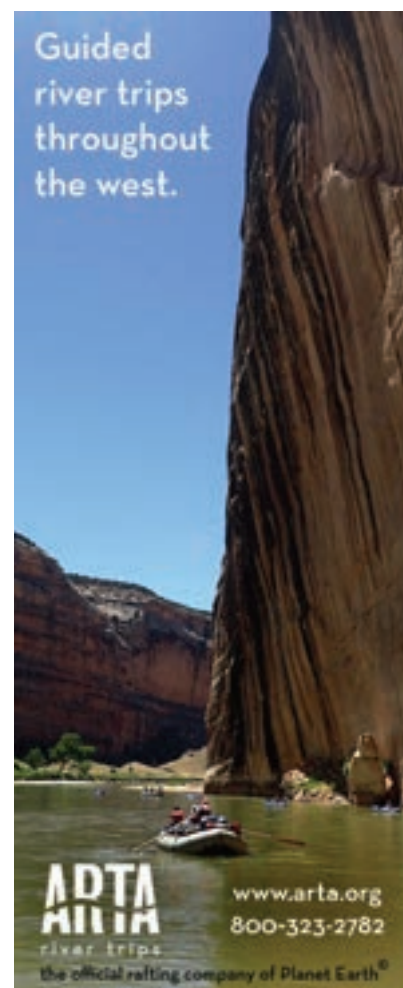
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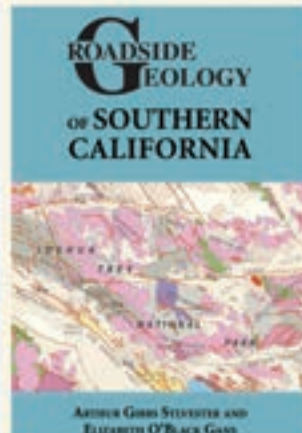
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# Rep. Rob Bishop's assault on Theodore Roosevelt



OPINION BY  
DAVID JENKINS

**WEB EXTRA**

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Utah Republican Rep. Rob Bishop is using his position as chairman of the House Natural Resources Committee to wage a war on the legacy of Theodore Roosevelt, our Republican president from 1901-1909. The latest front in this war is Bishop's plan to mangle the mission of the Land and Water Conservation Fund.

The fund helps protect hunting, fishing and other outdoor recreation opportunities, while safeguarding our national parks and preserving historic sites. It is based on a very conservative idea: Use a small portion of the revenue from the extraction of offshore oil and gas to conserve other natural resources. This program has served our nation well for 50 years without costing a dime of taxpayer money.

Bishop wants to replace the fund with his own radical remake, which would undermine the program by diverting much of its revenue back to the oil and gas industry and practically zeroing out the portion available to support our

public lands.

Another Bishop target is the Antiquities Act, which Roosevelt signed into law in 1906. It was originally a Republican idea that gives the president, as well as Congress, the authority to protect publicly owned historic or natural areas as national monuments. The Republicans who introduced this law wisely recognized that presidential authority was essential, because Congress often could not act fast enough to protect historic sites or important natural areas from being plundered or developed. During his tenure, however, Bishop has introduced numerous bills to erode or eliminate the president's ability to designate monuments under the act.

Earlier this year, when President Obama named three new national monuments, Bishop went ballistic, saying it "makes states and citizens fearful that the federal government can invade at any time to seize more lands like bandits in the night." It was an odd statement, especially since the lands in question

were already publicly owned.

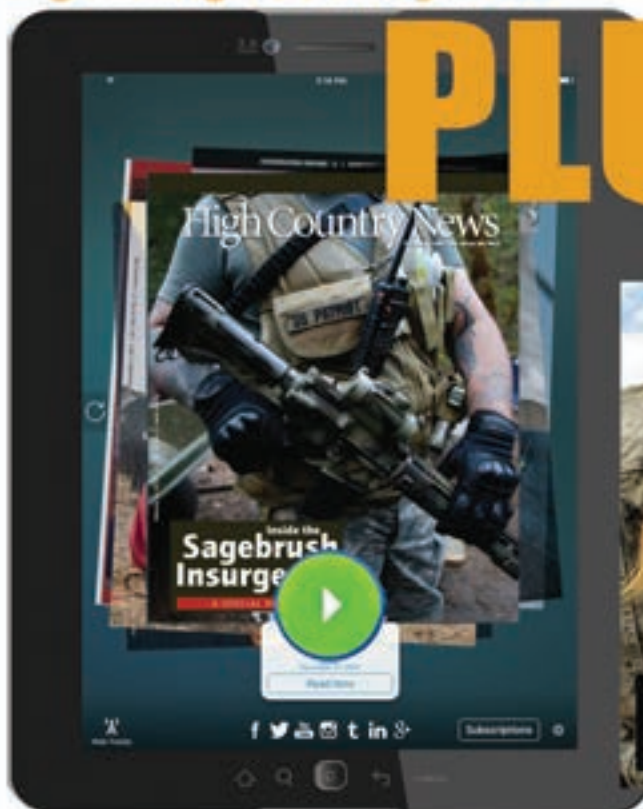
The congressman also declared that none of the new monuments have "anything to do with an antiquity." Yet one of them, Basin and Range National Monument in Nevada, contains 2,000-year-old bristlecone pine trees and Native American rock art dating back 4,000 years. When someone pointed out the Native American rock art, Bishop famously snapped, "Ah, bullcrap. That's not an antiquity." Another is Waco Mammoth National Monument in Texas, established to preserve the fossilized remains of 24 Columbian mammoths. Unlike Bishop, Former First Lady (and native Texan) Laura Bush said she was "thrilled" with the designation.

Congressman Bishop's war on TR's legacy doesn't end there. He is pushing to surrender our nation's iconic public lands — lands that, in accordance with Roosevelt's vision, currently belong to all Americans — to state and private interests for development. He and fellow Utah Republican Rep. Chris Stewart

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launched their “Federal Land Action Group” to do just that.

Using the language of sovereign citizen extremists like Cliven Bundy, Bishop claims his group will develop a legislative strategy to “return these lands back to the rightful owners” — in other words, take them away from the American people.

That strategy was recently unveiled in Bishop’s Utah “Public Lands Initiative,” which he describes as “a massive land transfer.” His stated objective is

to make sure that public land that is desired by special interests becomes available for them to exploit for private monetary gain. This is exactly the opposite of the values espoused by Roosevelt, who proclaimed, “I do not intend that our natural resources should be exploited by the few against the interests of the many.”

Congressman Bishop is on a mission. He is seeking, in his own words, “massive change” that will dismantle more than 100 years of responsible American

stewardship. There is nothing conservative about that goal. Now in a position of power he has coveted for years, Bishop is determined not to waste the opportunity. He is pushing as far as he can to enact his radical agenda — and with some success: Bishop’s Antiquities Act bill has already passed the House once.

In his day, Roosevelt knew of people like Rob Bishop, and he warned us not to follow men “whose eyes are a little too wild to make it really safe to trust them.”

Immortalized on Mount Rushmore alongside Washington, Jefferson and Lincoln, TR is regarded as one of our nation’s most beloved and visionary presidents. He defended capitalism, fought special interests, cut government spending and was committed to a strong national defense. But his most enduring legacy is his work to conserve America’s natural and historic treasures. The future of that legacy now hinges on stopping one man’s radical agenda.

**Rob Bishop holds an image he says is misleading and was created by critics of his public lands proposal. Bishop and Rep. Jason Chaffetz have unveiled a draft of their plan to protect 4 million acres of Utah land in exchange for freeing up more than 1 million acres for recreation and oil and gas development.**

RICK BOWMER/AP

*David Jenkins is the president of Conservatives for Responsible Stewardship, a national nonprofit organization.*

Writers on the Range is a syndicated service of High Country News, providing three opinion columns each week to more than 200 media outlets around the West. For more information, contact Betsy Marston, [betsym@hcn.org](mailto:betsym@hcn.org), 970-527-4898.



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# A WEST OF SAND AND REFUGEES

*Climate change is fundamentally a public policy problem, and thus the most valuable cli-fi not only transports and terrifies, it illuminates and instructs.*

**T**hough the El Niño storms that recently flooded California might help alleviate the state's crippling drought, they won't wash away the past four dry years. For nearly half a decade, the watery foundation of so many California institutions — almonds and salmon, weed and dairy, the Salton Sea and Los Angeles itself — has wobbled under the weight of mismanagement, the national hunger for fresh produce and, ultimately, climate change.

Claire Vaye Watkins' new novel, *Gold Fame Citrus*, captures the moment at which that foundation finally collapses. Set in a drought-stricken near future, *Gold Fame Citrus* tracks a feckless young couple, Luz and Ray, who squat in a ruined mansion, drinking syrupy ration cola and paying exorbitant prices for black-market blueberries. Beyond their crumbling walls, nature lies in chaos: "scorpions coming up through the drain, a pair of mummified frogs in the waterless fountain, a coyote carcass going wicker in the ravine."

When they attempt to flee, they find a landscape in arid shambles. The state is

now dominated by a "vast tooth-colored superdune in the forgotten crook of the wasted West," whose height rivals that of Denali. The spreading sea of sand is purportedly inhabited by a newly evolved menagerie: incandescent bats, land eels, sand krill. Mutant mole people roam nuclear waste disposal sites.

Watkins' evocation of the drought, and society's feeble attempts to ameliorate it, unspools with chilling authenticity. Engineers drag glaciers down from Alaska, erect vast retaining walls to repel airborne sand, drill "three thousand feet into the unyielding earth, praying for aquifer but deliver(ing) only hot brine." Los Angeles builds "new aqueducts, deeper aqueducts, aqueducts stretching to the watersheds of Idaho, Washington, Montana ... half a million miles of palatial half-pipe left of the hundredth meridian."

*Gold Fame Citrus* is the latest addition to the nascent genre of "cli-fi": science fiction, often dystopian, that confronts the environmental and social impacts of climate change. From Barbara Kingsolver's 2012 *Flight Behavior*, a delicate study of an errant flock of monarch butterflies, to

Nathaniel Rich's *Odds Against Tomorrow*, a 2013 disaster thriller about consulting firms that profit from storms, the category grows every year. 2015 saw the publication of Paolo Bacigalupi's *The Water Knife* (a novel that sprouted from "The Tamarisk Hunter," a short story that first appeared in *High Country News*). And it's not just books: Filmgoers flocked to see the latest iteration of *Mad Max*, disaster porn set in Australia's deserts.

Climate change certainly provides fertile ground for art. Its worst symptoms — floods, fires, die-offs, insect plagues — make the Old Testament look banal. You can hardly blame a novelist or screenwriter for using such phantasmagoric hazards as plot devices. Yet climate change is fundamentally a public policy problem, and thus the most valuable cli-fi not only transports and terrifies, it illuminates and instructs. As Bill Chameides, former dean of Duke's Nicholas School of the Environment, put it, "The thing that makes dystopian fiction so intriguing, at least to me ... is the social science aspect — the author's vision of how humanity chooses to organize and cope in the post-apocalyptic world."

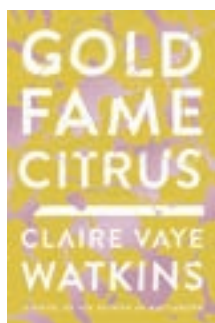
And that's precisely why *Gold Fame Citrus* is so good, and so necessary. In Watkins' novel, climate change is not merely a backdrop against which to stage *Mad Max*-style post-apocalyptic hijinks. Rather, how people "organize and cope" is the driving question. This is literature that goes beyond escapism to offer an alarming meditation on pending social havoc.

The painful heart of the novel is its treatment of refugees. Like the late P.D. James' novel *Children of Men*, another dystopic that grapples with large-scale human migration, *Gold* is not optimistic about our ability to compassionately manage the displaced. The refugees fleeing California, slapped with the dehumanizing label "Mojavs," are forced into makeshift underground detainment centers, packed into labor camps, and barred from relocating to the moist paradise of Washington. Bureau of Land Management officers patrol the desert, locking up wanderers like stray dogs.

If this sounds familiar, well, that's the point. The Syrians now seeking sanctuary in some Western states were likely dislocated in part by climate change. A study published last year found that Syria's conflict was exacerbated by a catastrophic drought that destroyed agriculture in that country's breadbasket.

As other nations' climate refugees inevitably follow Syria's, global warming will test not only the integrity of our infrastructure but the bounds of our humanity. And that's where fiction proves its value: It activates our empathy by forcing us to inhabit an unfamiliar skin — the skin, say, of a refugee. *Gold Fame Citrus* exists to show us how — and how not — to treat the climate refugees to come, as well as the ones already knocking at our doors.

BY BEN GOLDFARB



**Gold Fame Citrus**  
Claire Vaye Watkins  
352 pages, hardcover:  
\$27.95.  
Riverhead Books,  
2015.



NERRIDA PARFITT

# Cursing the mountain

**B**ack in college, my buddy Chris and I were legendary for our orographic failures: When it came to not bagging Colorado’s high peaks, we were the best. To put it nicely, our vision and verve outstripped our technical climbing ability. To put it less nicely, we were borderline, or perhaps treeline, incompetent. Once, attempting a notoriously exposed ridge traverse in December, Chris forgot both pants and boots; he had his ice ax and crampons, but only bald sneakers for the feet and thermal underwear for the legs. Another time — OK, twice — we failed to reach our desired trailhead, let alone the base of the route we’d planned to ascend in “perfect style.”

Regardless of whether we inked our names in the summit register or not, much fun was had. There was the bivouacking in remote cirques, the soft fade of the alpenglow, the drinking of cheap whiskey from a plastic bottle, the slurping of cold beef stew from a can when somebody — who could that be? — spaced out the stove. On occasion, shaggy white mountain goats paused to look at us, gazing deep. “Take me to the top,” I’d say to them, making sure Chris overheard. “This guy in the thermal undies means nothing to me. Please, take me with you.”

There was also vigorous, impassioned cursing, of course, for a misadventure without swearing is far less enjoyable than one loaded with scatological references and creative anatomy lessons. When our less-than-heroic assault on some 14,000-foot granite hulk was stymied by pissing rain, a misread map, or a hangover from too much of the aforementioned whiskey, well, let’s just say that our mouths glowed neon with blue language. Think of John Muir’s elegant syntax, only dirtier.

Actually, the foul talk tended to start well before we found ourselves stuck on a sketchy dead-end ledge or avalanche-prone slope. As soon as we left campus to drive to the mountains, a manic energy crackled in the car, and the sight of gorgeous ranges drew mock-disparaging comments from our lips. Chris especially had a knack for belittling the horizon, building himself up by putting the earth down with taunts, challenges and macho nonsense. By no means was it genuine hubris; it was playful, what basket-ballers call “trash talk.” Still, I cringe now to consider how ugly it would have sounded to an outside observer.

That’s where this gets interesting — outside observer. In my study of 20th century nature writing and indigenous North American spiritual traditions, I find again and again the

wonderful, mysterious, brain-bending notion that the so-called inanimate world — the world of “objects” without human ears — is in fact listening to what we two-leggeds say. The hunter must take care not only to avoid offending deer and bear; he should also watch his tongue in the presence of stones, stars, weather systems, plants and rivers. It’s a matter of manners, of simple respect.

So, then: Was our failure in the alpine zone caused by blasphemy, or did it stem exclusively from our sloppy mountaineering style? Perhaps more important: Did the sacred topography know we were just kidding?

Another pal of mine often says that humor is the greatest form of honesty. I’m inclined to agree, and to add that honesty is one of the core fibers in the muscle we call the heart. Without honesty, there can only be a kind of rose-scented fake love, not a true love with warts, F-bombs, deprecating jokes and all. I picture my girlfriend, how her eyes sparkle with glee as she mirrors my idiocy back to me, my sister, my mom and dad — how what bonds us is our willingness to laugh at one another’s expense, and how that laughter becomes the sign of our connection, our appreciation.

These days, Chris is climbing glaciers in the Pacific Northwest, earning his keep as some kind of businessman, living a life that does not involve me. So it goes. I mostly hike on my own, in silence and without the aid of whiskey. From time to time, I will take a seat way up there above the trees, in the tundra meadows or amongst the jagged rocks. With my eyes closed and the sun on my face, I’ll listen back to those two dozen missions we made into the glorious, rugged, ambition-smashing Colorado backcountry. What I hear in such moments of reflection, albeit filthily expressed, is a kind of pure passion: Crazy yelling, cackling laughter, words unfit for print. I hear my dear old buddy leaning into the wind and sleet and danger, his voice barely audible over the louder, larger voice of the storm.

At such moments I relax, at ease with the land.

Then I stand up, stub my toe, and cuss so hard that the boulders shake in place, almost as though the mountain itself were chuckling. □

*Leath Tonino’s writing appears in Orion, Sierra, The Sun, Men’s Journal, Outside and other magazines.*

**A misadventure without swearing is far less enjoyable than one loaded with scatological references and creative anatomy lessons.**



BROOKE WARREN



## HEARD AROUND THE WEST | BY BEN GOLDFARB

## OREGON

**When Ammon Bundy and his not-so-merry** band of militiamen asked supporters to send supplies to their illegal camp at the Malheur National Wildlife Refuge, they were hoping for blankets, flashlights and canned food. Instead, outraged Americans bombarded them with a very different sort of rations: a cornucopia of sex toys, most notably a device that ... well, let's just say it nearly rhymes with the name of the hero of *The Hobbit*. The insurgents were neither amused nor aroused. "Rather than going out and doing good, they spend all their money on hate, hate, hate, hate," occupier Jon Ritzheimer ranted in a Facebook video as he dramatically swept a fresh shipment of erotica off the table and onto the floor, where, as far we know, it lies today. Ritzheimer's wrath merely, um, stimulated his detractors: A Chicago-based designer promptly sent the rebels 55 gallons of lubricant at a total cost of \$1,193.81. Like a true patriot, the smutty philanthropist even sprang for expedited shipping.

## CALIFORNIA

**What's in a name?** If you're Delaware North, the New York-based concessionaire that has run hotels, restaurants and outdoor activities in Yosemite National Park since 1993, the answer is \$44 million. That's how much the company is seeking for the intellectual property rights it claims to hold on the monikers of landmarks like Yosemite's Ahwahnee Hotel and Badger Pass Ski Area. The dispute erupted in 2014, when Delaware North lost a \$2 billion bid to its rival Aramark and insisted on being compensated for place names on its way out the door. The park, for its part, values the names at a mere \$1.6 million, reports the *San Francisco Chronicle*. In this contract dispute, everyone loses: Starting March 1, the park will rename the contested locales, instantly rendering countless maps and guidebooks obsolete. The Ahwahnee — a Native American name for the Yosemite Valley — will become the (rather gauche) Majestic; Curry Village will become Half-Dome Village; and Badger Pass will become Yosemite Ski and Snowboard Area. No



MONTANA **Praying for a haircut?** SAVOY FOG IN THE MORNING/SMOOTH SCALPER BARBERS

word on whether Yellowstone is considering changing Old Faithful to "Dependable Geyser" to avoid future clashes of its own.

## ALASKA

**We humans are geniuses** at hunting from vehicles: If it rolls, flies or floats, someone's probably tried to shoot deer from it. But what if it ... hovers? In 2007, moose hunter John Sturgeon took his hovercraft into Alaska's Yukon-Charley Rivers National Preserve, where the futuristic conveyance allowed him to skim over gravel bars with ease. The National Park Service, unimpressed, banned Sturgeon's craft, arguing that it would allow motorized trespass into sensitive areas. Sturgeon fought back, and, many years and rulings later, his case has ended up before the Supreme Court. As Greenwire reports, this has big implications: Sturgeon's allies, which include Alaska's entire congressional delegation, claim the feds lack jurisdiction over the 49th state's navigable rivers. The Obama administration, meanwhile, believes the Park Service can apply its own rules on waters within its own lands. Now the fate of Sturgeon's controversial

hovercraft lies with the nation's highest court.

## IDAHO

**One Hailey, Idaho, homeowner** recently awoke to find that her home had been the victim of a break-in — not by a burglar, but by a disoriented elk that crashed through a basement window and got trapped in a downstairs bedroom. As the *Twin Falls Times-News* reports, deep snow had driven many elk out of the mountains and into the populous valley below. For some, the forced migration ended in disaster: The same night as the Hailey home invasion, 10 elk died at a nearby cemetery after eating poisonous Japanese yew. Fortunately, the basement intruder escaped death. Over the course of several hours, law enforcement officers used mattresses and flashlights to coax the bewildered ungulate up a flight of stairs and out the front door. Said one official, sounding rather like the parent of a recent high school graduate: "The basement will need a good, deep cleaning, but we are glad it worked out as well as it did."

## NORTH DAKOTA

**It's been a rough year for roughnecks** in Williston, North Dakota. Oil prices continue to plummet, shutting down rigs and eliminating jobs. In November, officials voted to evict so-called "man camps," temporary housing units that many workers rely on. And now the cruelest blow of all: The city commission plans to close two downtown strip clubs and relegate all exotic dancing to industrial zones. As the *Forum News Service* reports, clients and employees at Whispers and Heartbreakers are taking the news hard. According to disc jockey Sam Stickley, his club will have to lay off 30 dancers. One patron waxed melancholy as he stood in the frigid Baken night, waiting for the doors to open. "First the man camps," he lamented, "and now this."

**WEB EXTRA** For more from Heard around the West, see [hcn.org](http://hcn.org).

Tips and photos of Western oddities are appreciated and often shared in this column. Write [betsym@hcn.org](mailto:betsym@hcn.org) or tag photos #heardaroundthewest on Instagram.



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“Landowners, like all of us, need to have some control and protection against possible damages to their property. **The sharing economy can provide that.**”

Shawn Regan, in his essay, "Want public access to private land? There's an app for that," from *Writers on the Range*, [hcn.org/wotr](http://hcn.org/wotr)