

# Treasured State

*After 17 long years, Greens still lust for Montana's Antiquities gold.*

*By Dave Skinner*

**T**he Trump administration is conducting a review of the creation of 27 national monuments across the West, nearly all decreed since 1996 by presidents Bill Clinton and Barack Obama under authority of the 1906-vintage Antiquities Act signed into law by Theodore Roosevelt.

Trump's review has ignited a national political screamfest. Professional Green groups (and their billionaire funders) are spending millions to protect their "gains." What about the other side—remote rural communities with no money, no public-relations infrastructure, and darned few votes? That's why *RANGE* exists.

The national monument issue is hottest in Utah, for millions of good reasons, but it's plenty warm elsewhere, except for Wyoming and Alaska, which are exempt from the Antiquities Act. But this story focuses on Montana, where President Clinton designated the Upper Missouri River Breaks National Monument in 2001, three days before he left office.

Montana also saw, amid veiled Obama administration threats of an Antiquities Act decree, passage of the Rocky Mountain Front "National Conservation Area," using the "must pass" 2014 Defense Appropriations Bill as a legislative vehicle.

Finally, and critically, another monument proposal lurks. It's officially "dead," but as long as the Antiquities Act exists, it is only one man's signature away from implementation. So in May, *RANGE* hit the road to visit those Montanans who over the past 17 years had firsthand engagement—"been there, done that"—regarding the Missouri Breaks monument and the Antiquities Act.

## The Strategy

Politics is war without bullets, and that is doubly true for land-use politics. In war, safe territory "held" serves as a base for future expansion strategies, a maxim that absolutely

applies to the fight over public lands, aka the "War on the West."

For environmental strategists in Montana, their first safe territory in this particular land-use fight was created in 1936 when, packaged with construction of the massive

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Fort Peck Dam south of Glasgow, President Franklin D. Roosevelt signed an executive order establishing the Fort Peck Game Range. It has become the 915,000-acre Charles M. Russell National Wildlife Refuge. In 1976, the same year the UL Bend Wilder-



*Much of the Missouri Breaks monument was already world-famed for hunting, especially for draw-tag elk and bighorn sheep, but post designation management changes have severely restricted sporting access, especially during hunting season.*

ness was designated inside the CMR, the upper Missouri River was designated "Wild and Scenic" from the CMR upstream to Fort Benton, 149 river miles.

Taken together, environmentalist "generals" increasingly viewed the refuge and wild-and-scenic river upstream as a preservation "hold" to be expanded upon, when and if the political stars aligned. Well, 23 years later the stars aligned, and a May 1999 headline in the *Great Falls Tribune* blared, "Babbitt hears calls for national park on river."

Clinton administration Interior Secretary Bruce Babbitt's float trip, with "Undaunted Courage" author and Lewis and Clark expedition chronicler Stephen Ambrose, signaled the start of a political process that led, in hindsight, to a foregone conclusion, brilliantly stage-managed by the secretary: President Clinton's last-days Antiquities Act designation of the Upper Missouri River Breaks National Monument, encompassing 495,500 acres including 82,000 private and 39,000 state acres.

National Greens were overjoyed; rural working Montanans were furious. Montana's new governor, Judy Martz, was a staunch opponent and wanted the monument rolled back to the Wild and Scenic line, but her political career was destroyed by a major scandal involving her drunken chief of staff. At the federal level, George W. Bush made initial moves to review and perhaps reduce

the boundaries, but the September 11 terrorist attack completely reordered federal priorities. The monument was, for the time being, a done deal, and environmentalists' Missouri River "safe" territory had grown again, standing at just over 1.4 million acres.

When would the landgrab stars align again? Apparently, the World Wildlife Fund felt it would be pretty soon. In June 2001, WWF spawned an "independent" subsidiary nonprofit, the American Prairie Foundation (now Reserve, shorthand APR). Focusing on lands identified by The Nature Conservancy in a 1999 report, APR began "purchasing a relatively small number of [private] acres from willing sellers" in order to "glue together roughly three million acres of existing public land."

Then what? Well, in May 2010, an "Internal Draft-Not for Release" discussion paper for "Treasured Landscapes" was leaked to Congress and the fertilizer hit the fan. While the Obama administration strove mightily to minimize the paper's significance as "internal," merely a staff wish list, only a "discus-

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*The 149 miles of Missouri River inside the Upper Missouri River Breaks National Monument have only three points of practical access to the modern world, presenting challenges that interest very few. The most popular and spectacular segment, Coal Banks to Judith Landing (see page 27) features the White Cliffs in its 46 miles. During the 100-day float season, a whopping 3,000 floaters make the trip: 30 a day, or one person for every 1.5 miles. (Photo courtesy BLM)*

sion paper,” it was later determined to come straight from the top, crafted under the direction of no less than Bureau of Land Management Director Bob Abbey. Further congressional investigation discovered that environmental groups were in the loop for months beforehand, and in the case of WWF and its APR project, helped call the shots.

In September 2009, WWF Northern Great Plains program director Martha Kauffman had helpfully submitted an email to Interior staff, complete with maps, showing WWF’s plans for the Missouri River to Canada Mixed Grass Prairies—a “3.5 million-wildlife [sic, acre] complex eventually seamlessly managed,” plus another “2.7 [million] acre Bitter Creek/Grasslands National Park landscape.” All this would be “anchored by Charles M. Russell [NWR] to the south,” with private land buys hopefully funded by

the Land & Water Conservation Fund.

Yep, the Bitter Creek “suggestion” made its way into Treasured Landscapes, which duly listed Bitter Creek alongside 14 others as a full-blown proposal for Antiquities Act designation entitled “Montana’s Northern Prairie.” But the attempt to designate Northern Prairie fell flat, and hasn’t been heard from in a while. Why? Read on.

### **Window Dressing**

While Bill Clinton designated his first national monument in 1996 (the 1.9-million-acre Grand Staircase-Escalante National Monument in Utah), it took a while for the White House to focus fully on Montana. RANGE had the chance to briefly examine a fabulous archive kept by Ron Poertner of Winifred, a retired Army lieutenant colonel whose immaculate records of the entire

monument timeline reflect his high-level Army administrative career.

While Poertner says he had heard monument rumors as early as February 1999, it was the May 1999 newspaper stories about national park “calls” that got things started in the public arena. Concerned, Poertner quickly teamed up with Breaks-rim rancher Matt Knox and other local residents, eventually forming the Missouri River Stewards community group, which Knox and Poertner still lead. As another Winifred rancher, Ron Heggem, puts it, “Over time, Ron, Matt and the Stewards have really saved our bacon up here.”

Poertner’s documents contain an amazing string of political denial, deflection, manipulation, and even cowardice. For example, Secretary Babbitt issued a segregation order in early July 1999, reversing him-





**Winifred rancher Ron Heggem:** “Environmentalists talked a great game, convincing the public that these lands had to be protected from those evil ranchers.”



**Stewards leader Ron Poertner:** “The Antiquities Act is the most abused law on the books besides the Endangered Species Act. Both have been used like twin sledgehammers on the West.”



**Ranchers Mike and Nancy Ereaux:** “If you have passion for your job, you’ll never work a day in your life. We have a passion for what we have here.”

self the 24th of that month, declaring (untruthfully) that he would support monument designation “only if there is widespread local and regional support.” On August 26, Sen. Max Baucus issued a letter declaring he was “pleased” that Secretary Babbitt was “withdrawing the proposal for designation of this land.”

By September 24, the Bureau of Land Management had issued a report on the “Missouri River Breaks Special Designation Proposal,” which on page three summarized a content analysis of only 104 comments: “Overall, the feedback expressed during the open houses and in many comment letters oppose any change in management along the Missouri, and the idea of another federal designation has produced fairly universal opposition.”

In winter 2000, Babbitt told the Central Montana Resource Advisory Council (which voted against designation) that he would host public meetings in Montana about the proposal. Just one meeting was held, moderated by Babbitt himself, in May 2000 at a College of Great Falls venue stuffed with bused-in college students. Babbitt personally chose who spoke: Monument supporters wearing green buttons, or opponents wearing yellow ribbons and cowboy hats.

Joan Gasvoda, who ranches between Big Sandy and Winifred, attended with her family and left angry. “They didn’t care what we



**Rancher Tom DePuydt:** “Government closest to the people is the best government, right? The Antiquities Act is the exact opposite, one person like a king, and we dealt with that in 1776.”

thought,” she says. “It was all show.” Ron Poertner left with the impression it “was all window dressing.”

For his part, Babbitt signaled the final outcome, telling the Great Falls crowd that Montana’s congressional delegation should “introduce legislation, and that’ll keep Bruce Babbitt and his monument crowd out of here.” Montana’s “Congress critters” had less than zero interest in losing their next election, so on Jan. 17, 2000, Bill Clinton signed an executive order designating the Upper Breaks monument.

How could communities be steamrolled in such a way? Rancher Marko Manoukian, who has a range science master’s degree and moonlights as Montana State University’s Phillips County extension agent, says many

opposed a monument, but “most people thought they wouldn’t do that without our consent.”

“The Breaks monument wasn’t supported locally,” remarks Tom DePuydt, who ranches and farms north of Saco, “too close” to the Bitter Creek Area of Critical Environmental Concern. “In fact, there’s no local support except for that artificially created by purpose-built non-profit groups.”

Nancy Ereaux, who with husband, Mike, sister, Vicki, and Vicki’s husband, Darrell Olson, own the Double O Ranch south of Malta, watched closely as the Upper Breaks “process” steamroller ground along.

She feels there was little anyone could do but watch and learn. “Rural communications weren’t that good in 1999 and 2000. No cell towers, slow Internet, and social media like Facebook and Twitter didn’t exist then. Worse, nobody had any experience with this sort of political theater.”

### **Babbitt’s Monumental Flop**

“The promise that tourism would be a gold mine for local businesses continues to be the biggest lie ever told,” declares Ron Poertner.

Ron Heggem returned from college and the Army to teach broad science until taking over the family ranch northwest of Winifred. He explains that even for locals, the monument provides “less access for real outdoors-people. The river is too tough a float through





Rancher Leo Barthelmess had this to say about those who created the Upper Breaks monument: “Those people have no respect, none whatsoever for the rule of law.”

the heat and the bugs.”

Ron Poertner adds: “The world is simply not into canoeing on a remote river with no drinking water. It’s a tough environment, just like when Lewis and Clark came through in 1804.”

Heggen continues: “I’ve always been an outdoor person. Now, with the monument, there’s less access for real outdoorspeople. Two-thirds of monument roads are closed either year-round or seasonally, with restrictions mostly during hunting season. And on the river itself, suddenly there’s not enough room for a boat to share with a canoe?”

Both Rons, as well as most rational people, support the protection of genuinely “significant” places along the Missouri, “like Hole in the Wall, and the White Cliffs [of expedition journal fame] but the Antiquities Act was intended to protect objects, antiquities like those, not entire viewsheds or ecosystems,” Poertner concludes.

### Stopping the Steamroller

When Barack Obama won the 2008 election, the pundit consensus was that he and his party had won a “durable mandate” for a long-term, ambitious agenda across the board, including the Bureau of Land Management. The multiagency America’s Great Outdoors program and BLM’s Wild Lands initiative were quickly rolled out. However, the third major initiative, Treasured Landscapes, remained unknown to the public until a copy was leaked to Congress.

At its core, Treasured Landscapes sought a



Darrell Olson, wrapping up a good day with Vicki, demonstrates, “There are values at play here that are much more important than money.”

massive shift in BLM’s mission from multiple use to a “parks and recreation” preservationist model focused on politically correct primitive recreation, where up to half of all

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BLM lands would be “conserved,” with intermixed private lands “rationalized.” Further, it listed no fewer than 14 national monument designations were proposed and “[s]hould the legislative process not prove fruitful [the president could] consider using the Antiquities Act.”

Nobody who knows will admit when Treasured Landscapes was intended for a formal rollout, but in May 2010 a bootlegged copy got into the hands of Congress. Thanks in part to technology, within hours



Looking north from Claggett Hill (named after historic Fort Claggett) at the PN Bridge and Judith Landing campground northwest of Winifred, the PN ranch, now an American Prairie Reserve property, is on the south side of the river, running to the west. The bottom on the north side remains private, but falls inside the boundaries of the national monument.





CLOCKWISE FROM ABOVE: For now, cattle still graze on BLM lands southeast of Thornhill Butte at Lark Reservoir on Rock Creek just outside the CMR wildlife refuge. ► At the Double O branding 30 miles off pavement southeast of Malta, Lance Webb heads and Shawn Gilkerson backs while Katey Ereaux Davis runs the needle. ► North of Saco at the Four D, Kurt, Brian and Tom DePuydt set up as Chris DePuydt turns the crank.



the electronic cowboy grapevine put copies in the hands of hundreds if not thousands of producers.

Ron Poertner was “impressed how buddy-buddy environmentalists were with Interior staffers, a first-name basis just smacking of collusion and nepotism.” Marko Manoukian felt “a sense of anger, because that leaked memo showed up without any local consultation. Local citizens



don’t take kindly to having their lives planned in secret.”

When the Treasured Landscape memo leaked alongside the World Wildlife Fund emails, Nancy Ereaux explains: “We finally had a full sense of what we were really up against, and we needed to take the memo darn seriously. There was no guarantee we wouldn’t get a monument.”

Led by Mike and Nancy Ereaux, producers in Phillips County created the aptly named Montana Community Preservation Alliance (MCPA). “We live in a community built over generations,” Nancy explains. Tom DePuydt describes the Phillips County community as huge, “but we’re very tight knit. Even though we’re 100 miles apart, we know

each other’s business like it’s next door.”

MCPA pooled resources, contacted famed activist Chuck Cushman of the American Land Rights Association, absorbed his wisdom, and got to work. Critically, MCPA took initiative. Nancy emphasizes that rather than allow Interior to determine the agenda, “We organized the Malta meeting, setting up our agenda, on our ground. Director Abbey was invited, but the meeting would occur under the oversight of our county commissioners, no matter if he attended.”

On Sept. 10, 2010, BLM Director Bob Abbey faced the music of a Malta High gym packed to the rafters with 2,000 upset citizens. He admitted authorship of Treasured Landscapes and declared “there is no proposal” regarding Northern Plains.

The Missouri River Stewards sent a dele-



gation to Malta, including Heggem and Poertner.

Poertner: "There was such a long line, they had to cut it off."

Heggem: "Ninety-eight percent against."

Poertner: "The enviros could have spoken."

Heggem smiles: "They were in cowboy country."

Poertner: "I'll give Bob Abbey credit for facing the crowd."

Marko Manoukian was less impressed, concluding that Abbey showed only because "there was a real need to placate the public." Perhaps there was. Keep in mind that the fall of 2010 was high tide for the Tea Party phenomenon, which trashed the durable majority of the Democrats.

Newspapers reported Treasured Landscapes was "dead," according to Abbey, a battle won. But...what about the larger war?

### What's Next?

Nancy Ereaux clearly hopes there won't be any more surprises, but she is realistic. "You never know when the next proposal will come up, so we try to stay up-to-date." Vicki Olson regards the past several years of MCPA defense against Treasured Landscapes and the bison reserve as the "punishment we get for doing such a good job the last 100 years."

For now, there's a reprieve with a new, friendlier Trump administration and a new secretary of Interior, Ryan Zinke. Darrell Olson observes, "Zinke is a Montanan who understands Montana and western issues."

Nancy says: "He's a breath of fresh air and we were running out of oxygen. Instead of being on constant defense, now we have a chance to work on offense."

### A Good Offense

Reform of the Antiquities Act topped the list of priorities of those *RANGE* visited. Ron Poertner says bluntly: "The Antiquities Act is the most abused law on the books besides the Endangered Species Act. Both have been used like twin sledgehammers against the rural West."

So what needs to change? Much, but all agree the president's unchecked power to designate national monuments of any size at any time needs to end.

"Our blessings of liberty are the rights we were all born with as Americans," Mike Ereaux explains. "With the Antiquities Act, one man can wipe all that out with the stroke of a pen."

## **"Without Antiquities Act reform by Congress, the next election might mean Bob Abbey, or his clone, becomes Interior secretary."**

What else? "First, the declaratory clause 'smallest area compatible' needs to mean something," Poertner grumbles. More specifically, Nancy Ereaux suggests: "Anything over five acres needs to be approved, at worst by the full Congress, and absolutely by the local governments of all the counties that contain any part of a proposed monument. Either the county commission has a veto power, or local people should have the right to a ballot question during a general election."

What about statewide? "The cities in most western states would overwhelm rural votes," observes Marko Manoukian. In Montana, warns Tom DePuydt, "even a statewide referendum puts us at direct risk of being outvoted by the college towns."

To the premise that federal lands are equally owned by all Americans with an equal say, Manoukian responds, "I keep wondering how input from someone not just in New York, but even overseas, could have equal weight with someone directly and profoundly affected." For his part, Poertner opposes equal consideration for "those who know nothing about the area and people trying to make a living here. Their pile would be two feet high and ours two inches."

As for proposing a monument to begin with, Vicki Olson says: "If the locals don't think it's worth saving, then it probably isn't. Only if local governments formally initiate and approve a proposal from the bottom up should the process begin."

Ron Poertner says: "Another killer line in the act is 'and other objects of scientific interest.' That's too broad."

Ron Heggem retorts, "Which of course can include private land."

"At least change it to 'unique' or 'critical' objects, please," Poertner concludes.

"Private rights are attached to all the affected lands," says Tom DePuydt. "The Antiquities Act puts those rights in jeopardy of being made utterly worthless at the stroke of a pen. If they become worthless, then what is just compensation? It would be nice

if the agencies had to think that through."

Finally, the Antiquities Act needs to be made more fiscally responsible. "What struck me was how Mr. Abbey would put together a list of treasured landscapes first," Marko Manoukian muses, "and only afterward consider how it could be funded."

Ron Poertner points out: "Not one monument has ever had operations funding associated with it. Each of these just adds to the deficit, obligating taxpayers to new spending in perpetuity. Why is that a problem? America is already \$20 trillion in the hole!"

And digging. ■

*Dave Skinner really likes beef, in nearly all forms, live or dead. He draws the line at Rocky Mountain oysters, however.*

### THE ZOMBIE MEMO

## **When Does Dead Really Mean Dead?**

Ron Poertner studied the Treasured Landscapes memo in 2010, but recently went back into his archives for another look. He then called *RANGE*, passing on a warning: "It's clear to me that Treasured Landscapes never really went away. In Malta, I heard Bob Abbey insist again and again the memo is 'dead,' that there was 'no plan,' but Obama's actions since have matched that memo to the letter.

"The Owyhee and Northern Plains monuments failed for one reason: Affected local communities woke up, got organized and fought hard. Other monuments in Abbey's 'dead' memo did happen, like Gold Butte, the Siskiyou expansion, Snow Mountain."

Yep. *RANGE* checked. Of 14 monuments proposed in Treasured Landscapes, Obama designated three. Further, four more monuments, based on wilderness bills mentioned in the Treasured Landscapes memo, were created by Obama after Congress proved "not fruitful."

Ron Poertner's bottom line: "Without Antiquities Act reform by Congress, the next election might mean Bob Abbey, or his clone, becomes Interior secretary. A few signatures later, Treasured Landscapes will be complete, finished. Thing is, our way of life will be finished, too, as in done for." —Dave Skinner