

Sheep vs. Sheep

After five generations, do-gooders think the Helle family should just go away.

By Dave Skinner

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In the West, stories about environmentalist litigation aren't "news" anymore. June 15, 2015, brought more of the same, with Associated Press reporting that a "Bozeman-based wildlife group" was seeking an injunction in federal court to immediately block sheep grazing on two of seven sheep grazing allotments, as well as a court order terminating all seven after court review.

These allotments, located 60-some miles southeast of Dillon in the Gravelly Mountains of Montana's Beaverhead-Deerlodge National Forest, have been held for generations by six related families running three different sheep-raising operations: Helle Livestock, Rebish & Konen, and Rebish & Helle.

The lawsuit was, of course, conveniently timed—filed just after lambing and shearing, only four weeks before summer turnout. The injunction sought would have immediately put 2,000 sheep off their graze, while the larger lawsuit threatened a permanent loss of summer grazing for more than 8,000 sheep.

Ho, hum...more serial litigation, filed by the usual suspects who view sheep as they do cattle, or loggers, or miners, or ordinary Americans—scourges to be eliminated from the western landscape by whatever means possible.

But this particular lawsuit brings with it some strange twists that will never be reported by Montana's general news media, and

likely not by the livestock specialty media.

The Defendant

About 25 percent of American sheep graze on western public lands at some point of the year, including in Montana. As early as 1896, the U.S. government estimated that 2.9 million sheep in Montana produced 24 million pounds of wool (12,000 tons). Production peaked during World War I as, yep, military uniforms of the time were all wool—yet Montana still raised 2.5 million sheep in the early 1970s.

By 2010, Montana Woolgrowers' president Dave Hinnaland reported the state had about 230,000 head, producing two million pounds, plus lamb, mutton and leather. Today, of course, American wool competes with wool from other nations such as

Australia, with a vast array of other natural and synthetic fibers, and even with recycled pop bottles. However, there will always be consumers who appreciate the unique attributes of quality American wool, and sheep ranchers trying to satisfy those consumers.

One is John Helle of Helle Livestock. Married to Karen, the fourth-generation sheep (and cattle) rancher owns the largest flock of "fine wool" Rambouillet sheep in America, based near Dillon, Mont.

RANGE was able to join John on a camp supply run (90 miles one way, all on dirt) which devolved into a two-day extravaganza

Serial litigators view domestic sheep as they do cattle, loggers, miners or ordinary Americans—scourges to be eliminated from the western landscape by whatever means possible.

COURTESY DUCKWORTH WOOL



of sheep, salt, mixed guard dogs, burnt stumps, "Cummins diesel power," sheep-wagon moves, dogs, more sheep, dog food, lost coolers (empty), charred meat, sheep dip, water, grass, wind, rock, sky—more sheep dip and one lucky coyote.

An Extraordinary Project

Back in town, Beaverhead County Commissioner Tom Rice told RANGE that he regards the Helle family as "progressive and forward thinkers." One important bit of Helle forward thinking began with John Helle's off-season town job—ski patroller at Maverick Mountain.

Through his ski-insider contacts (patrollers are cool people, cooler than instructors) he met Robert "Bernie" Bern-



thal, a veteran of Swatch and Duofold, the famed outdoor-oriented “base layer” manufacturer. In short, Bernthal, experienced with fickle global supply chains, wanted a reliable source of quality feedstock that met his requirements. Helle owned a reliable source which he had been selling into the gaping maw of global trade at the generic commodity price.

Graham Stewart, an Australian wool expert, and Bozeman outdoors entrepreneur Jon Edwards were brought into the effort to create a sheep-style version of “farm to table”—wool, grown and sheared in Montana, cleaned, woven and stitched together in the Carolinas (America’s textile heartland), Made-in-U.S.A. at each step of the way to the consumer.

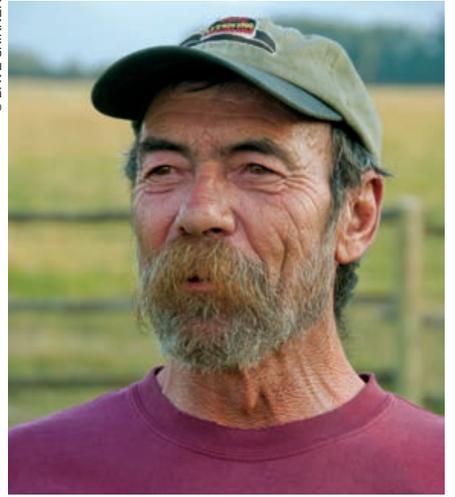
For Edwards, a native of Yreka in Northern California, the project fit beautifully with another of his ventures, Schnee’s Boots and Shoes. Made in Bozeman since bootmaker Steve Schnee founded the firm in the 1980s, Schnee’s is a legendary marque among knowledgeable outdoors people. “We are offering an American-made product, Montana-grown quality raw wool, processed, spun, woven and sewn, all in America by American workers. That matters to me personally,” Edwards explains.

For Bernthal, who radiates the energy of his native upstate New York, fiber from Helle’s flocks provides the exact fineness and curvature characteristics needed for breathable wicking and core temperature regulation for active wearers. “Wool is the most

On the way from the home ranch near Dillon, John Helle’s flocks have passed through the notch in Montana’s Snowcrest Range. He watches as they cross the upper Ruby River onto the west slope of the Gravelly Mountains where they will spend the short high-country summer.

sustainable material. It grows, it’s beautiful, and it works,” Bernthal says. “And it all happens right here in the United States.”

Beginning in fall 2014, the Duckworth Wool line (about 40 different items) rolled out to a warm welcome on specialty outdoors shelves. Duckworth Wool has been favorably covered by outdoors media such as *Backpacker*, *Men’s Journal*, and *Outside*. In July 2015, Helle was featured by *Reader’s Digest* as “the Good Shepherd,” one of 13 “extraordinary Americans” who prove



Duckworth Wool president Robert “Bernie” Bernthal helped during shearing: “You’ve heard of slow food? We grow slow wool!” CENTER: Schnee’s CEO and Duckworth partner Jon Edwards: “Grazing is a healthy use of the environment. If it weren’t, grazers wouldn’t last long.” RIGHT: Montana State Rep. Kerry White: “Well-managed grazing is good for wildlife. We can graze it, or blaze it.”

“America’s heart is beating strong.”
For now.

The Smooth Operator

Plaintiff Gallatin Wildlife Association (GWA) is a Montana Wildlife Federation affiliate, currently listed as one of 20 clubs in MWF’s “grassroots network.” MWF itself is an affiliate of the National Wildlife Federation, which incidentally hosts a program that solicits funds to retire grazing rights on public lands.

Here is a little necessary history: When the Clinton-era “roadless initiative” was being implemented in 1998–2000, the Pew Trusts laundered \$10 million in funding through the Audubon Society in an attempt to create a media narrative that traditionally conservative sportspeople supported the roadless rule. Pew’s effort had little effect on the outcome, but it exposed an enormous fiscal and political vacuum in the hunting community.

No fools, Pew and other large Green funders then leapt to fill that vacuum, with tens of millions more dollars. The intent is to co-opt some of the fractious, underfunded “sporting” community for Green causes by bankrolling a galaxy of groups purporting to speak for a new, gender-neutralized “hunter and angler” community.

One hunting group now raking in big money from “pure” environmentalist funders for “hunter and angler outreach” is National Wildlife Federation. Another is Trout Unlimited, which participated in Pew’s initial roadless rule Astroturf experiment, using Audubon’s funds specifically to create the Theodore Roosevelt Conservation Part-

nership of hunters and anglers.

However, GWA can’t be honestly described as a group of, by, and for hunters. One person, Glenn Hockett, has been its volunteer president since its founding in 1976. He’s had at least one relevant day job: “On Oct. 9, 2003, Western Watersheds Project hired Glenn Hockett of Bozeman to be Montana director,” with WWP’s newsletters giving a business address identical to

“Seven domestic sheep grazing allotments stand in the way of Montana Fish, Wildlife & Parks’ reintroduction of bighorns.”

GALLATIN WILDLIFE ASSOCIATION

GWA’s—and Hockett’s exurban home west of Bozeman.

Western Watersheds Project? The Idaho anti-grazing group run by Jon Marvel? Yes!

Bozeman native and serious sportsman Kirk Stovall was a GWA member for a short time. “A friend offered me a gift membership and I accepted, as I thought GWA was about hunting.” But soon after, Stovall read a GWA newsletter praising members for their work in helping retire cattle grazing rights on Horse Butte near Yellowstone Park, where Stovall’s grandfather had homesteaded and ranched. “Whoa,” thought Stovall, who then called Glenn Hockett for an explanation. “Mr. Hockett told me the only thing stopping bison from roaming freely in the Gallatin National Forest were grazing rights.”

For Stovall, the conversation was an awakening of sorts. Hockett’s “way of doing things is certainly not that of the average sportsman. I’m not about to try to take someone’s way of life from them. I try to be sensitive to the needs of the community around me. I’m a part of it.”

Montana state Rep. Kerry White has represented House District 64 (his native Bozeman) in Montana’s Legislature since 2013. A supporter of actual multiple use and private property rights, White also became deeply involved in Montana’s free-roaming-bison controversy, where he locked horns with GWA. In the 2011 legislative session, White tells *RANGE*, he (and many others) watched with frustration as the Montana House Fish, Wildlife & Parks Committee “blocked bill after good bill that would have, for example, given county commissioners authority on whether or not they wanted species such as bison transplanted as wildlife into their counties.”

The committee was chaired by Rep. Ted Washburn (R-Bozeman), a retired New York state game warden. What White and the legislative leadership did not know (but learned later) is that Washburn was a board member of the Gallatin Wildlife Association—since 1999. “Glenn Hockett is a smooth operator,” concedes White. Washburn was not returned to the wildlife chairmanship in 2013 and lost his state senate primary in 2014.

The Litigator

The law firm representing GWA in its litigation against the Helles is Cottonwood Environmental Law Center. Public nonprofit records show that Cottonwood is new

(March 2010) and raised about \$217,000 its first four years, with \$127,000 coming from foundation grants, and over half of those grants (\$65,000) coming from the Weeden Foundation based in tony Bedford Hills, N.Y. Strangely, Cottonwood reports that \$127,000 of its income up until the end of 2013, including “gross receipts” such as legal fees, came from either a “disqualified person” (able to exercise substantial influence over the affairs) of Cottonwood (\$93,680) or large donors over \$5,000 (\$33,435).

RANGE visited Cottonwood’s office in Bozeman to inquire about the disqualified funder. Cottonwood executive director and attorney John Meyer responded, “We have never had an individual donate more than \$5,000 in a single year.”

As a bonus, GWA leader Glenn Hockett was at Cottonwood’s office, too. After introductions were made, Hockett began the festivities by proclaiming that RANGE’s reporter would “never be fair”—so that chat was mostly off the record.

The Defender

For the record elsewhere, Hockett told Associated Press, “We’re not interested in harming [the Helle family], but we are interested in resolving this conflict.”

Not interested? “This case is intended to harass us, period,” John Helle retorts. Hiring Jim Brown, a private-practice attorney in Helena who counts Montana Woolgrowers as a client, the Helles entered the fray as intervenor/defendants Rebish & Konen Livestock Limited Partnership.

Brown explained to RANGE that the Helles had the option of leaving the defense of their interest to the Department of Justice lawyers representing the Forest Service. But because government attorneys are not usually subject-matter-specialized experts on grazing issues, nor do they have any direct “stake” in the outcome, the Helles chose to intervene on their own behalf.

Brown advised the Helles that intervention would cost plenty (roughly triple what GWA asked a grantor to give them), yet the family would not back down. He points out that the Equal Access to Justice Act (EAJA) entitles nonprofit or “citizen” plaintiffs to compensation, “even if they lose on every

count except one—and one is all it takes to win. There’s just no downside, no accountability.” When RANGE asked if EAJA entitles private intervenors to compensation if plaintiffs lose on not only one but all counts, Brown answered, “Nope!”

Enter the Trophy Hunters

In mid-July, *Lone Star Outdoor News* reported the Dallas Safari Club (DSC) awarded one million dollars in conservation grants, such as to Hunters for the Hungry and the National Rifle Association’s Youth Hunter Education Program.

In the past several years, DSC has become globally famous (or infamous) for its staunch advocacy of trophy hunting,

for \$350,000 (less than expected, unfortunately) and the bidder bagged his geezer rhino. Both DSC and the hunter are still getting death threats. With so much love to feel, DSC is careful about throwing would-be allies and supporters under the bus, right?

Wrong. One of DSC’s 2015 grant descriptions reads: “Bighorns in the Yellowstone Ecosystem—Wild sheep are highly susceptible to diseases spread by domestic sheep, and the Gallatin Wildlife Association is working to restrict grazing permits in prime bighorn habitat. DSC is helping with legal expenses.”

Yes, you read that right. RANGE contacted DSC for confirmation and was courteously provided copies of GWA’s grant

COURTESY JOHN HELLE



ABOVE: John Helle keeps this image on his smartphone to show how vegetation patterns have changed over time. September 1950 found these cattle and cowboys on the same meadow where, 65 years later, John Helle stages his sheep for crossing the upper Ruby River. In the background is Humpback Mountain (for a look at today, see pages 16-17). LEFT: After finishing a supply drop into upper Hellroaring Creek, John Helle enjoys a break with his dogs, 10,545-foot Black Butte, and lots of grass. “I just love it.”

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often in conflict with established American environmental groups. It is uncontested fact that in Third World countries, trophy-hunting fees put far more money on the ground for conservation than photo safaris or other uses. Even in poor countries, serious wildlife conservation costs serious money.

In 2014, DSC infuriated anti-hunting activists, thanks to an auction item offered at its annual convention: a permit to hunt a black rhinoceros (a male past breeding age) in Namibia, a country where hunted rhinos are increasing in number. DSC sold the tag

application, DSC’s acceptance letter, and an Oct. 17, 2014, check for \$10,000.

GWA’s fund request explains: “Cottonwood Environmental Law Center has agreed to support the project by providing legal representation for a flat fee of \$20,000 [because] seven domestic sheep grazing allotments ...stand in the way of the Montana Fish, Wildlife & Parks’ reintroduction of bighorns.” A check “would allow [GWA] to pursue strategic litigation designed to retire the seven grazing allotments.”

Strategic litigation? Yes. In the past few years, GWA—jointly with WildEarth Guardians and Western Watersheds, represented by Cottonwood and funded by Weeden Foundation—filed, settled and filed

litigation specifically to halt grazing in the Centennial Mountains by the U.S. Sheep Experiment Station in Dubois, Idaho.

Lo and behold, the Obama administration proposed closing the station in 2015. Congress replied by funding the station with a \$2 million 2015 Defense Bill rider. But the University of Idaho announced in May 2015 that it would not graze sheep on the station's Centennial allotments due to continued litigation from GWA, WildEarth Guardians, WWP, and Cottonwood demanding NEPA analysis of grazing threats to lynx and grizzly bears. Strategic litigation, indeed.

Money and Connections

Why would a mainstream sportsmen's group, especially one so hated by anti-hunters (who tend to also be "environmentalists"), be funding litigation that can only alienate ranchers? Kerry White points out that "70 percent of Montana's total wildlife habitat effectiveness comes from private property."

While much ado has been made about DSC's rhino tag, another tag auction sends a clear message. In 2013, the sporting world was stunned by news that the Wild Sheep Foundation had sold off a Montana sheep tag (contributed by Montana Fish, Wildlife & Parks) for a screaming \$480,000. And that same year, the Wild Sheep Foundation raised \$3.2 million from 40 auction tags (an \$80,000 average). It gets to keep seven percent while the rest of the funds are plowed back to the agencies and to researchers.

In Montana, \$480,000 would buy 3,840 \$125 resident ram permits. While Montana sells over-the-counter tags in some areas, the OTC success rate is only three percent. Draw tags offer better "luck," but in 2014, Montana allowed only 489 total draw tags (for both ewes and rams), bringing in about \$104,000. The math is obvious. Even more obvious, only 10 percent of Montana draw tags go to nonresident hunters, under 20 rams per year. In one unit, 4,184 nonresidents applied for...two tags. America has about 17 to 20 million hunters. Like those odds? Finally, if you draw, you can't enter the lottery again for seven years! Bag your sheep? Seven years until your next tag.

But as Rich Landers of the *Spokane Spokesman Review* reported in 2013, the big

"This is our life, our home! Just buy us off? Sue until we negotiate? That's crazy!"

KAREN HELLE, SHEEP RANCHER

governor's tag (and tags from other states) buys "special privileges to hunt prized trophy areas with more favorable seasons than roughly 160 hunters who will draw [\$125] ram permits in the state lottery."

Kirk Stovall is conflicted about supertags. He recognizes that funds support important work, "but the idea of being able to just 'buy' access to an animal puts the essence of hunting at risk."

He compares Montana's bighorn tag to the notorious 2008 "Spider bull" elk in Utah.



Bozeman hunter Kirk Stovall (left) and his son Jesse got these epic turkeys at the ranch of a longtime friend. When it came time to leave, Kirk recalls: "I could never express properly my gratitude. Money could never buy an experience like this."

Shot on public land, Spider was eventually recognized as a Boone-and-Crockett fair-chase world record. But Spider was shot in what *Outdoor Life* describes as one of Utah's "hard-to-draw trophy units." To get around the draw problem, the hunter bid \$155,000 for an "any-weapon-any-unit" Utah Governor's Tag. Then the "lucky" hunter hired guides to search the muzzleloader-only countryside (at a cost of \$15,000 more) for Spider. Our hunter missed once, but after 13 days, bagged Spider with his magnum rifle.

"The message is," muses Stovall, "all you really need is enough money and connections."

After researching the background of DSC executive director Ben Carter, RANGE invited him to discuss via email why DSC had funded the Gravelly allotment litigation. Carter's answer was diplomatically eva-

sive. He pointed out that Montana has "only" 5,000 bighorns versus historic populations of 200,000, and the allotments "stand in the way" of 500 more bighorns in the "centrally located [Gravelly Mountains, which] would serve as an important hub for genetic connectivity with several other mountain ranges including the Snowcrest, Madison, Centennial and Tobacco Roots." Therefore, the lawsuit "certainly fits within the conservation goals [of DSC]." As well as GWA, it seems.

But Carter did not respond to direct questions about future DSC support for GWA's litigation, or if DSC had ever heard of the Western Watersheds Project previously, and his background gives hints of why not.

Ben Carter enjoyed a successful construction career in Texas that enabled a lot of hunting success—all of North America's 28 big-game species except polar bears. Of relevance here, Carter is also a current

board member of the Theodore Roosevelt Conservation Partnership, one of the first Green "hunter and angler" groups primarily funded by, and doing the bidding of, Green grant makers such as Packard, Hewlett, Walton Family, Pew Trusts, and Moore.

He was also a director with the Wild Sheep Foundation (formerly the Foundation for North American Wild Sheep). Ironically, WSF's motto is: "To put and keep sheep on the mountain." Just depends on what sheep, right?

Another irony: DSC also donated \$200,000 in 2015 for a study about the economic benefits of wild-game hunting in America. Texas outdoor writer David Sikes writes that Ben Carter "suggests this research will help reveal what truly is at stake if those who attack our way of life succeed at eroding or eliminated [sic] our hunting traditions." But eliminating ranching traditions is okeydokey.

The Squeeze Chute

Back in Bozeman, Duckworth Wool president Bernie Bernthal is focused on the challenges of launching a brand name successfully into the marketplace. But he is concerned about what is happening in the mountains. After all, the unique attributes of raw wool would be affected, "likely adversely, by the change in environment, stress levels, forage availability, and quantity should the flocks be forced off."

When asked if he ever imagined that grazing litigation would be a factor in getting a business up and running, Bernthal winces and says no. After a ponder, he asks, “Of all the environmental matters and dirty businesses like toxic spills, waste dumps, Superfund, to waste time suing over this?”

Like his partners in Duckworth Wool, Jon Edwards shows passion for his businesses. He is clearly proud that Schnee’s Boots enjoys an “economically and politically diverse customer base for the best boot in the world.”

Edwards continues: “I personally value Montana’s ranching community as the economic and cultural backbone of the state. We have a very deep commitment to wildlife conservation, and support conservation organizations with integrity. To be a hunter is to be a conservationist. We support both trophy and meat hunting, just so long as it’s done ethically with fair chase.” Therefore, listed on the Schnee’s Boots website is a long list of conservation organizations that it works with, including what Edwards calls “a good bunch of guys”—the Dallas Safari Club.

Back at the Ranch

What does rancher John Helle have to say about all this? After a good night’s sleep and breakfast at home, plenty. Like any savvy producer, he tracks not only market trends that affect his bottom line, but political trends too. Long active in the Montana Woolgrowers, including its presidency, he is well aware of groups like GWA, WWP and activists like Glenn Hockett.

“This [lawsuit] isn’t about the environment,” Helle declares. “This is about pursuing a vision mostly directed toward funding [Hockett’s] activities. He’s hoping he’s found a way [bighorns] to take even more land out of production.”

When told of Hockett’s assertions that the Gravelly grazers should just take a buyout and graze someplace else, Helle opens his



Herder Kevin Quispe (on Hank) moves up the east fork of the Ruby River to Rebish Camp and then onto summer graze. Come fall and the drive home, these sheep will be a lot smoother and fluffier.

hands and asks “Where?” The mention of Hockett’s buyout “offer” brings Karen Helle stalking from the next room for a few choice words: “They have no understanding of the heartfelt attachment we have to our animals, this country. This is our life, our home! Just buy us off? Sue until we negotiate? That’s crazy!”

John Helle scoffs: “Where will they get the money? GWA doesn’t have any.”

In his chat with *RANGE*, Glenn Hockett repeatedly claimed the grazing fee in the Gravelly Mountains was “a dollar sixty-nine per unit,” well below cost, “a government subsidy, which conservatives like you should oppose.”

Spread over 8,000 animals times two months, that’s still \$27,000 in revenue. But “welfare rancher” Helle has a different take. He explains there are six families, all related, who have grazed sheep in the Gravelly Mountains for decades. Speaking for his own outfit, Helle points out: “I’ve got an operation that runs a million and a half dollars here, every single year. Hundreds of people

are involved—my employees, the businesses I buy from, the firms we all sell to. Our taxes support our schools, the community. Replaced by what?”

Helle points out the money from a supertag won’t buy local. “Montana Fish, Wildlife & Parks doesn’t pay to maintain these roads we use year-round. Sometimes you’ll get uneducated hunters out there,” Helle says, “and what they do to the roads stays with us all through the winter until it thaws and can be graded again. Which we pay taxes on, of course.” Not mentioned but rather obvious is the economic potential if Duckworth Wool succeeds over time.

When asked what is really at stake, John Helle looks afar for a moment: “We’re trying to defend our way of life, our community here. We’ve spent all our lives trying to keep the land healthy and productive. It takes generations to learn the land, which can’t be learned from a book, or in school. There’s intergenerational memory we have of all that has gone into that land and come off it. You know, Indians talk about seven generations. We’re almost there—four generations, just married one of the fifth this past weekend. We had 400 people.”

Helle pauses again. “Now I guess I understand better how the Indians felt. This is a wonderful way of life that, once it fades, I’m afraid nobody will remember.” ■

Hit or (mostly) miss, Dave Skinner immensely enjoys Montana’s five weeks of rifle season. But he never forgets those who grow his supper all 52 weeks, every year.

Court Time Line

Rebish & Konen Livestock Limited Partnership filed a motion to intervene on June 25, 2015, approved by federal District Judge Brian Morris on June 30.

On July 7, a hearing was held before Judge Morris regarding the preliminary injunction in Great Falls, Mont. More than 50 ranch producers came to show their support for the Helles, Rebishes and Konens at the hearing.

On July 10, Judge Morris denied the injunction, allowing grazing to go forward for this year.

On July 13, GWA filed an appeal to the 9th Circuit, paying \$505 for the privilege, but later withdrew the appeal. Cottonwood attorney John Meyer told *RANGE*, “We think Judge Morris will be able to issue a decision before the next grazing season.” But attorney Jim Brown expects a ruling from Judge Morris in September 2016.