Steens Mountain Divide: Beyond compromise in the Oregon high desert

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Steens Mountain is located in the southeast corner of the Oregon High Desert, at the northern edge of the Great Basin. The mountain is a place of exceptional ecological diversity—a "sky island" that is home to rare, endangered, and endemic flora and fauna as well as approximately 18,000 head of cattle and thirty-five ranchers. Recently designated as the Steens Mountain Cooperative Management and Protection Area, it stands in contrast to the many national monuments declared by former President Clinton during the last years of his presidency.

In August 1999, former Interior Secretary Bruce Babbitt visited Steens Mountain to settle the long-standing question of special designation. Instead of calling for administrative protection, Babbitt indicated that he would support legislation that would protect the mountain, designated through congressional action and local involvement. However, Secretary Babbitt also stated that if the legislative effort proved unsuccessful, he would recommend national monument designation through an executive order. This explicit threat set the wheels in motion for collaboration and intense negotiations between locals, environmentalists, state and federal government officials, and ranchers. It ultimately resulted in a legislative solution that many see as a new model for solving land management conflicts in the West.

This is the first agreement of its kind. The results include the first legislated cattle-free wilderness area; land exchanges that help consolidate and protect the fragile, alpine areas on the mountain; the maintenance of economically viable ranches in the low country; and the establishment of a diverse citizens’ advisory committee that will assist the BLM in managing the mountain—among other precedent-setting acts.
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This thesis is dedicated to Louise, my constant desk companion and comfort during months of writing. She will not be forgotten.
More than any other American place I know, this desert corner bespeaks change, the subtle changes sometimes a mask for grand upheavals.
—William Least Heat Moon, “Oregon’s Outback”

A deep autumn chill accompanied the fading light. I sat within the screened porch of the ranch bunkhouse, a well-used, worn building—its white paint chipped and peeling to reveal a weathered gray. Though I had stripped to a tank top while hiking only hours earlier that day, thin triangles of ice began to coalesce in the dog’s water bowl. Unworried mule deer grazed within my touch. They gathered on the refuge for safety during the hunting season. Their oversized ears flicked back and forth at the sounds of night settling—a barn owl, coyote, or distant diesel truck kicking up gravel on a solitary desert road.

In an hour, I would sleep in this little bunkhouse at the southern end of the Malheur National Wildlife Refuge. My hosts, Alice and Cal Elshoff, were caretakers of the recently acquired property, a ranch they had lobbied for and helped procure the funds for the refuge to purchase. They graciously offered me the building during my week of research. A wood stove was welcome warmth; the night before I had slept cocooned in a down sleeping bag in the back of my truck while the temperature hovered in the teens.

I had returned to this desert corner in southeastern Oregon in early October of 2000 to research the ongoing political changes at Steens Mountain—changes that evolved almost too quickly for me to track them. They would ultimately result in unique legislation passed by the House of Representatives on October 4th of 2000, the Senate on October 12th, and signed into law by President Clinton on October 30th. The bill was
bom of bipartisan cooperation as well as the involvement of local ranchers and environmentalists. It designates the 425,550-acre Steens Mountain Cooperative Management and Protection Area; involves ecologically and economically important land trades between ranchers and the federal government; establishes the first legislatively created cattle-free wilderness area; promotes a cooperative grazing agreement with ranchers; and creates a reserve for the endemic redband trout—among other precedent-setting acts. But, on that deepening October night, as I prepared to sleep on the marshy wildlife refuge that lay below the mountain, I had no idea if H.R. 4828, at that time under consideration in the House, would be severely altered, stalled, or killed. I had no idea if Interior Secretary Bruce Babbitt would fulfill his threat and Steens Mountain would instead become a national monument through executive action.

The sun slipped away under a volcanic bluff, and the stars began feasting on a plum-wine sky. The subtle, slow changes required patient observation. Despite the cold, I lingered on the porch awhile longer. Almost a year earlier, I had read about the conflict at Steens while trying to calm my nerves on a flight to Chicago. As the plane accelerated down the runway, I focused upon the unknown fate of this virtually unknown mountain in my home state. Back on the ground, my curiosity held, and soon thereafter I began combing the newspapers and looking for more information on Steens Mountain.

Though I had previously visited the area in early March, the evening closed my first full snow-free day on the mountain. That morning, I decided to settle into the landscape rather than jump headfirst into a series of complex interviews with ranchers, environmentalists, and BLM staff. Alice Elshoff greeted me in her kitchen with coffee and muffins. A trim, athletic woman with a warm voice and bright eyes, she wore a
Great Old Broads for Wilderness T-shirt. Her face was etched by the wind and sun of the desert, where she had spent much of her life exploring. But aside from a mix of gray in her dark hair, she did not betray her sixty-six years. Elshoff had plans to plant cottonwood and willow along an irrigation ditch on the refuge—improve it as habitat for redband trout. She had gathered together a few Forest Service scientists to look at different sites on Mud Creek, where she and a group of volunteers might cut and clone the species. I came along for the ride and exercise.

We drove up the North Loop road, climbing the broad western side of the mountain, a gentle slope of uplifted earth tilted towards a 9,700-foot summit. The sky was a polished slate of blue on the absolutely cloudless morning. The land rolled in burnt summer grasses and sage and rabbitbrush—the desert colors. But, above us, flowing out of gullies and spilling across the desert were the aspen. Some had already shed their leaves and streaked the landscape with gray—edged by the sharpness of their white, slender trunks. Others resembled a finger painting with smudges of deep golden, fiery orange, and light tinges of neon green as the leaves held onto late summer. They seemed an anomaly, such vibrant breaths in the high desert. We all fell silent watching the trees blur as we gained elevation and then accidentally sped past the unmarked two-track where we were supposed to hike down to an ephemeral tributary of Mud Creek. “Sorry,” Elshoff explained to the driver, “I was gawking at the aspens.”

Walking through such aspen glens in the fall is nothing but sensual. The soft light casting through the branches is seductive, and you can feel it comb through your hair and blow against the back of your neck. Deer bed down here, leaving their warm imprints in the dun grasses. Hawk nests adorn the crowns. Leaves twist and tremble on a light
desert wind. Generations of lovers have come here, carved initials and symbols in the milky trunks. The carvings scab with age and climb up the trunk as the trees grow—some are now too high to read. Some are simply unreadable, left from lonely Basque sheepherders who roamed the mountain with their herds at the beginning of the century.

It seems odd, in such an open landscape, where the sky dominates every view, to be ducking and tripping, stepping aside for branches and weaving through a maze of bone-like trunks. The transition is sudden from the desert to the wet meadows and trees—as sudden as the cool air that latches onto you when you step out of the burning sun and into the aspens clustering around springs or cottonwoods lining the mountain creeks. Part of it has to do with the ecological diversity that comes with elevation change as the mountain catches rain clouds and holds snow almost year-round. Steens Mountain’s complex story stretches across a geologic timeline—volcanism, plate tectonics, uplift, and climate change. And though human habitation here is relatively recent in comparison, part of that ecological and geologic transition is also wrapped in our own species’ stories. Those aspen glades, meadows, and mountain gorges drew early white settlers, cattlemen, and sheepherders, and sustained the Northern Paiutes for thousands of years beforehand.

A specific human story drew me to Steens, and, like many, the story arises from and is fought over a specific landscape. One simply might call it the classical cowboy versus environmentalist battle, but, in this case, it’s not that simple. All of the players lined up for the fight, and though they hardly remain allies today, they’ve each walked away from the table somewhat satisfied as a result of their negotiations and compromises. Politics, rhetoric, name-calling, and distrust were not left out of the story. A month after
my fall visit to the Steens, after the bill had been signed by President Clinton, Andy Kerr, perhaps Oregon's most famous environmentalist, bluntly explained that conservationists were able to win prizes such as 97,000 acres of cattle-free wilderness because "we simply had more guns to their head." But others, including politicians and their staffs, have touted the bill as an example of cooperation, collaboration, and trust—a precedent-setting model for natural resources conflicts. I eventually discovered that the deal had elements of trust and distrust as well as moments of shrewd negotiation and an occasional enjoyable truce—such as when a couple of environmentalists and ranchers leaned against a truck in the Catlow Valley and drank a few beers at the end of their bargaining day.

People talked to me for hours in the Great Basin. Everyone from BLM staff to "old family" ranchers to environmentalists would show me a natural hospitality, one that you perhaps cannot live without in such an empty place. They took time to tell me their stories, feed me, house me, and show me where to go on the mountain. And from them, as well as from those I talked to in Oregon's metropolitan areas, I learned about the importance of the mountain, the specific people involved, the political process, and the drama of negotiation.

From the bunkhouse porch, I could no longer see the distinct silhouette of the Steens, stretched long and wide. I could only imagine its high, glacial gorges and its desert to the east, a creamy, barren playa, called the Alvord. I had not yet seen the mountain's summit. Night's transformation was complete, and then I could only listen. In Blue Highways, William Least Heat Moon writes, "the desert does its best talking at night" (Least Heat Moon 1982). So I lingered.
II
Basin and Range

Taut is the word that fits this country. The elasticity of the earth’s crust seems palpable, the surface pulled tight until it gives way to the parallel fault blocks that create the bowls of the basins and the ridges of the ranges.


Drive fifteen miles southeast of Bend, Oregon, on Highway 20 and you’ll find yourself lost in the Oregon High Desert. Glance in the rearview mirror and 10,000-foot volcanoes cloaked by glaciers fade into distance. Look ahead and there will be nothing but a long stretch of highway, edged by telephone poles and makeshift fence posts, pushing through empty basins of sage and rabbitbrush and bunch grasses. This is the northern corner of the Great Basin. Snow-dusted plateaus and gentle mountains rest on all horizons.

At the town of Burns, head south on Highway 205 towards Malheur National Wildlife Refuge. When you crest over a dry, rocky plateau, Malheur Lake will spread below you as if a part of the sky has fallen upon the desert. Other ponds, lakes, and marshes are barely visible in the expanse. Only the light caught from the air distinguishes the water from the rich muddy tones of the desert below. It looks like an impressionistic painting, as if the artist deliberately blurred the delineation of land, mountains, clouds, sky.

Steens rises above the Blitzen River Valley, where cattle graze with sandhill cranes in fenced pastures. This fault-block mountain reaches 9,700 feet above sea level. It stretches north and south for almost sixty miles—from Riddle Mountain to Alvord Peak and Long Hollow—and east and west—from the Alvord Desert to the Blitzen and Catlow Valleys—for another forty. Viewed from the east, the Steens escarpment pushes
5,500 feet out of the Alvord Desert in less than three miles. On the west side, the valley bottoms are lost to sage and rangeland, or plowed into neat squares. The land slopes up gently towards broad plateaus, which darken with juniper and mountain mahogany. Below one of these rises might rest a cluster of small buildings: a house, a barn, a tin-roofed shed covering hay bales. The buildings are centered in geometric fields, twenty or forty miles apart from the next cluster.

The mountain belongs to the Northern Basin and Range province, and, as such, it is related more closely to the eco-regions found in Nevada than in western Oregon. According to the Bureau of Land Management’s *Steens Mountain Resources* handbook, this geomorphic province contains a series of nearly parallel, generally north-trending, fault block mountains separated by broad valleys (BLM 1999). The area is bounded by the Sierra Nevada on the west, the Rocky Mountains and Colorado River drainage on the east, the Snake River Plain on the north, and pierces the Salton Trough of northern Baja California at its southern tip. Though the region is given different hydrographic, physiographic, historic, and biogeographic definitions, perhaps the easiest way to define the Great Basin is, as Stephen Trimble does in *The Sagebrush Ocean*: “the piece of the West that drains inward” (Trimble 1989). Each creek that flows from a mountain leads to a closed basin; some collect in low-lying marshes or lakes. Most drainage areas descend to vast alkali playas, ephemeral lakes, and desert. There is no outlet to the sea.

Yet the basin and range topography rises and falls like waves rolling onto a beach. Basin and range. Basin and range. One after another. “Mountain ranges alternate with desert basins in lilting rhythm. Their magnitudes are equal,” writes Trimble. “One to one, basin to range.”
The basin and range faulting that produced Steens began approximately eighteen million years ago during the Miocene period—characterized by regional, east to west arching and stretching of the earth's crusts, which still continues today. At about sixteen million years ago, faulting was accompanied by large volume volcanic flows of basaltic lava, now called Steens basalt. The flows formed an elongated, low shield volcano—a gently sloping mound constructed by countless fluid basaltic flows that erupted without explosions. It was centered near the precipitous escarpment rising out of the Alvord. Basalt flows extended from Abert Rim, sixty miles to the west, to the Santa Rosa Range of Nevada.

You don't have to be a geologist to recognize that Steens is a result of uplift. Stand in the desert and stare long enough at the mountain, and the entire fault block will appear to heave itself heavenward. Less than a million years ago, uplift of Steens Mountain created high enough elevations for the formation of alpine glaciers. And between 24,000 and 12,000 years ago, the Alvord Valley was actually a large lake—a result of warmer temperatures and increased precipitation that accompanied a climate change, which occurred several thousand years after the glaciers on Steens peaked. Lake Alvord began to dry up 11,000 years ago, and the glaciers did likewise, 9,000 years ago. The Alvord Valley contains a layer of sediment almost 1,000 feet thick—eroded from the Steens escarpment (BLM 1999; Brown 2000). That process of erosion continues, as it does to other mountains and ridges throughout the region: basins fill and drop as mountains are pushed up and fall away.

Those two major geologic processes—volcanic eruptions and tectonic faulting and stretching—together with the warmer Pleistocene climate changes that produced
glaciation and pluvial lake formation, account for the 5,500-foot escarpment on Steens’ east face, the broad sweep of the Alvord Valley, as well as hanging valleys and 2,000-foot deep glacial gorges on the mountain. The glaciers scraped away the earth and dug trenches about half-a-mile deep, exposing basalt (Brown 2000; BLM 1999). Steens is defined by four of these U-shaped gorges—Kiger, Little Blitzen, Big Indian, and Wildhorse—which are visible from the west and north sides of the mountain.

When I visited for my first round of interviews in early March of 2000, Stacy Davies drove me to a viewpoint of the mountain on the South Loop Road. He looked the classic cowboy in slim-fitting Wranglers: wiry and taut, clean shaven, with pale blue eyes. Davies is the ranch manager for Roaring Springs Ranch, the biggest on the mountain, with (before the enactment of the legislation and land trades) 146,000 acres of private land and 250,000 acres of BLM leases. Because of its size and location in the Catlow Valley, right on Highway 205, Roaring Springs became a focal point in the politics of special designation of the mountain. Everyone—ranchers, BLM staff, even environmentalists—told me that the owners were lucky to have Stacy Davies.

We stepped out of his truck when the road became blocked by snow, and he directed my eyes to the ridgeline.

“Little Indian and Big Indian Gorges come together right at the base of the mountain,” he said. “This is Little Blitzen further to the left, and it kind of curls around here. And then Kiger Gorge is on the north side. It runs straight north. Wild Horse runs straight south, and they all come to a point right up there on the high Steens.” I followed the trace of his hands.
Davies pointed out the famous notch in the east ridge of Kiger Gorge. "Clear on
down the skyline, to the left, is Kiger Gorge. You can see the ridge on the opposite side
of the gorge, and the gunsight, where the mountain goes down like that in the distance."
The notch or gunsight formed during a later glaciation when a smaller glacier in Mann
Creek Canyon eroded through the ridgetop.

Snow demarcated changes in elevation—a thin layer as it sloped towards the
north, while the western and southern parts of the mountain were blanketed almost to the
rim we stood on. From this angle, Steens resembled a rectangular plateau more than a
mountain. It looked unfinished, like a block of wet clay that bore only the first, broad
cuts of a palette knife—the essential shape, before hours of detailed sculpting and
smoothing. The clouds mimicked the mountain, shoved up against it and stretched out
long against the flat sky. I thought of a topographic map and imagined an arc of line
sweeping out in a lobe from the gorges. We stood within the line, actually on the
mountain itself, about ten miles from the Catlow Rim. But the uplift before us seemed
disjointed, an entirely different piece of land.

"You have traveled across the West a substantial amount," Davies said. He
shoved his thumbs in his pockets and shifted his eyes away from the mountain and
towards me. I leaned against his worn diesel truck and nodded yes. "There's a lot of
land that looks like this," he asserted and swept the back of his hand across the landscape,
pointing out juniper, sagebrush, and rocky desert hills. "There really is," he continued.
"But that up there," Davies nodded at the big, snowy hulk, stretched like a wing to the
north. "There's probably only three places in the world just like that."
Steens Mountain did look like an apparition—carving its own space into that of the Oregon High Desert. As I stood there with Davies, the mountain loomed as an oasis of biodiversity, presiding over Malheur National Wildlife Refuge, an island of lakes and marshes, habitat for migratory birds, in a sea of sunburnt bluffs, plateaus, and sage. I had to agree.
III

Frenchglen

Next in importance to the divine profusion of water, light, and air, those three physical facts which render existence possible, may be reckoned the universal beneficence of grass. —Senator John J. Ingalls

Harney County is larger than most New England states: 143 miles long and 86.6 miles wide. The population in 1996 was estimated to be 7,500 people. Burns is the largest town at 2,935 people. Stacey Davies’ six children make up about half of Frenchglen School’s students. Of the 3,210 jobs listed in 1996, 970 were in the government sector and 470 were in the farm sector (BLM 1999). These statistics, though obviously relevant, do not quite paint a picture of the landscape and how these people fit into it.

Outside of Burns, there are no services on Highway 205 for over 70 miles. Visit in winter or spring, and you won’t see many tourists. You’ll drive through vast basins filled with lakes in flood, reeds and bunchgrasses, waterbirds, red-winged blackbirds, cranes, swans, pelicans, and scattered herds of mule deer. A lone truck might pass on the highway, and a rancher will raise his index finger from the steering wheel as greeting. You’ll feel it’s rude not to reciprocate. Further on, you’ll have to slow down for a cowboy herding steers along the road with his eager cattle dogs. Frenchglen is little more than a café, a general store, and a bend in the highway. The hotel there was built around 1916 as a stopping place for teamsters, who were needed to help the freight teams get up the hill (now a paved 15% grade) to the Catlow Valley on their way to Winnemucca, Nevada.
In 1994, livestock production in Harney County generated around $22.8 million in sales. BLM forage (grazing allotments) for beef production accounted for approximately thirty-five percent of total forage (BLM 1999).

“The only reason these guys are out there is because livestock were on these lands prior to laws being enacted—it was open range at the time of settlement,” Bill Marlett, executive director of the Oregon Natural Desert Association (ONDA), asserted during a conversation in Bend, Oregon. “It’s only by default that they have an institutional presence on these landscapes. If you were to ask the question today, assuming there was no grazing on public lands, and say, ‘Well, do we want to start a public lands grazing program in the West?’—that wouldn’t go anywhere. There’s no way we’d be grazing on the public lands if the question were asked today for the first time. What we’re dealing with is an institution that has a lot of political clout and a lot of momentum. It’s deeply ingrained, culturally and politically—not to mention ingrained in the psyche of the American public.”

Marlett is probably right. Ranching is built on one of the most potent myths in the America: the agrarian myth. And so the question of whether or not grazing should be allowed on public lands in the West wasn’t even asked; it simply happened without questioning, more than a hundred years ago, as white settlers trickled into and “tamed” the country. Every historical book on Steens Mountain that I picked up celebrated the culture of the industrious rancher. *Cattle Country of Pete French*, published in 1964, told me that “Harney basin today is cattle country supreme.” Its author, Giles French, explained that had it not been for the early ranching settlers, “the West might still be a battleground between Indians and whites, with its lands unplowed, its timber decaying,
its minerals unmined. In the latter part of this golden age of the West, the men who won respect were those who . . . developed the ranches to make use of the most basic resource of all: the soil” (French 1964). Despite what now seems like antiquated viewpoints, French’s perceptions are only a generation old. And, to some, they still ring true.

*Steens Mountain in Oregon’s High Desert Country*, published in 1967, is “dedicated to the pioneer cattlemen and sheepmen who settled this country.” It’s primarily a picture book, portraying the landscape of the Steens as well as the people who live there. The photographs are beautiful, though unreal, bathed in those redder than red, bluer than blue, and traffic light yellow prints of the time period. There are essays scattered among the photographs, the subjects ranging from “Horseback Geology” to “The Marshlands” to “Men on the Mountain” and even “The Worth of Solitude.” The men and their cattle are given equal weight with the plants, birds, animals, streams, and gorges of Steens. The authors and photographer obviously love the pristine, natural beauty of the landscape, but see no conflict between utilizing natural resources and respecting the graces of nature. As man stands alone on a mountaintop, writes E.R. Jackman in a Whitmanesque tone within the last chapter of the book, “he is the center of a wheel of huge diameter. He is the hub of a vast, visible universe and if he is important at all, he is, at the moment, the link between God and all of these thousands of square miles below.” In the first chapter of the book, the same author stands on a pulpit and asserts that “from a practical standpoint about three million more stomachs each year in America demand beef. It can be supplied as efficiently from Harney County as from any place in America” (Jackman and Scharff 1967).
Within Jackman’s book is a picture of Deadman Gate. Clouds dominate the photo, tower above the weathered, gray wood of the gate, open and leaning off its wire hinges. It is connected to an old stone fence, which runs between two rims along the west side of the Blitzen Valley. Sitting on an Appaloosa—one hand resting behind him on the saddle’s cantle, elbow bent, and the reining hand resting in front of him on the saddle’s horn—is Fred Witzel. His facial features are barely visible, shadowed by a cowboy hat. A coiled rawhide rope hangs from his saddle. He and horse stand as sentinel figures against the open sky. The photo caption states that Witzel runs a “fine herd” of Hereford cattle, and is an “excellent roper and horseman.” It also says that Fred Witzel is the son of John “Ochoco” Witzel, one of the valley pioneers, who was with Pete French at Diamond, on June 18, 1878, during an Indian attack. Though he was shot through the hip, “thirty days later, after the loose pieces of bone had worked out of his leg, John Witzel took off with a band of cattle for Winnemucca, Nevada” (Jackman and Scharff 1967).

John Ochoco Witzel’s picture can be found in the book *Harney County Oregon, and Its Range Land*. He is standing in a group photo, taken in the 1870s, of early pioneers—each of whom wears a steady, serious look. Witzel is the tallest among them. He has blond hair, a straight nose, wire rim glasses, and a clean jaw. His great-grandson, also named John Witzel, more than resembles him.

John and Cindy Witzel run a business called Steens Mountain Packers. Not only do they guide clients on horse packing and hunting trips, but in the winter, the couple leads snowmobile tours, snow shoeing, and cross country skiing opportunities. Their base camp is on the mountain, 320 acres above Fish Lake. We sat at their kitchen table
one night in March 2000, sipped beer, and tried to talk above the strong voice of their loquacious two-year-old son Colton, who competed voraciously to be the center of attention.

Witzel’s career began as a cattle rancher, like his father, grandfather, and great-grandfather. Speaking of the controversial special designation on Steens, Witzel said, “In 1986, the handwriting was on the wall back then that they were going to do this. And I told my dad, I said, ‘I don’t think there’s a future here. I’m young enough that I can change, and I’m going to do something different.’” He quit relying on cattle ranching as his sole income, but he couldn’t leave the mountain. “My great-granddad came here in the early 1870s. He homesteaded here, and he worked for Pete French off and on. He did all kinds of different things to survive, like we all do. He raised a family here, my granddad and his siblings, and my granddad and three of his siblings homesteaded right across the valley. Then the Fish and Wildlife Service decided they wanted this valley for the [Malheur National Wildlife] Refuge. What’s happening on Steens right now, to me, is an exact repeat of then.”

Like all ranchers, the Witzels have had to make adjustments to their operations and lifestyles as a result of a changing economics, demographics, and values in the West. John Witzel’s grandfather had to move the ranch twice, eventually to the Diamond Valley on the north end of Steens. Being a neighbor of the federal government wasn’t always easy. But most ranchers at Steens were successful at their business, through the ownership of vast tracts of land. And almost all of them felt that they had a right to not only their own ground but also to a joint stewardship of the public domain, where their predecessors had run cattle before there were any rules to abide by, when the public lands
were free and unregulated. John "Ochoco" Witzel certainly faced hardship, but not the same wall that his great-grandson described to me.

Pete French, for whom “Ochoco” occasionally buckaroosed, was one of the most famous cattle barons of his day. French arrived in the Blitzen Valley in 1872 with 1,200 cows, twenty saddle horses, and six Mexican vaqueros. He was only twenty-three and saw the oasis of grass and dependable water flowing from Steens as just the right ingredients for a cattle operation. French had ridden for two months, a journey which began in northern California and took him past the Warner Valley, south of Hart Mountain, Beatty’s Butte, and finally to Roaring Springs in the Catlow Valley. There a discouraged prospector sold French his “P” brand and cattle, and with them came his range: land that stretched up over the Catlow Rim to the Donner und Blitzen River and across that to the top of the mountain. With the backing of Dr. John Glenn, a famous California wheat grower, French began buying land at once, moving steadily up the Blitzen Valley towards Malheur Lake. He built one of the largest single cattle ranches in the United States in less than twenty-eight years: the firm, French-Glenn, owned over 150,000 acres of land (Brimlow 1951).

French was able to make his start with that failed prospector’s cattle and range under the then existing rules of possession: first come, first served. “Usage,” writes Giles French, “rather than outright ownership of the land itself, determined the right to control” (French 1964). The right to control, initiated during settlement, would continue well past that era and become even more important in the next century of grazing policy. But it was born into western ranching with cattlemen such as French, when the land was free and there for the taking. French, a few other large landowners, and dozens of small
landowners took up much of the natural meadowland, aspen glens, and creeks by 1878 (a fact that would prove problematic when the question of special designation of Steens became an issue in the 1990s).

Throughout the West at French's time, land was acquired by the manipulation of the General Homestead Act of 1862, which allowed a maximum of only 160 acres—not nearly enough for a cattle operation in the arid West. Additional parcels were acquired from other homesteaders or relatives or "dummies," paid off homesteaders. And though the deeded land was important as the location of the base ranch, the acres were small in comparison with the total amount of public land—free and unregulated—controlled by the rancher under an established "home rule" code. In *Crossing the Next Meridian*, Charles Wilkinson explains that "range rights," were "recognized as a matter of custom for all land actually grazed within the drainage in which the base ranch was located; it was not uncommon for range rights to apply to thirty or forty square miles" (Wilkinson 1992).

Wilkinson goes on to describe how a typical ranch of the time operated, a description that adequately fits the settlement pattern of the Steens country. Base ranches were located on rich bottomlands, alongside creeks and rivers. The surrounding land was federal domain public land, "and in the spring, summer, and fall, ranchers would turn loose their stock to graze on tens of thousands of acres of higher land above the base ranches"—as they still do today (Wilkinson 1992). In this way, a very small number of ranchers, like Pete French, were able to control entire watersheds—even though perhaps not all of the land belonged to them.
At Steens Mountain, other stockmen from California began crowding in by 1870. Early settlers took up the swampland and most of the land that could be irrigated, but left thousands of acres of land owned by the federal government open to homestead entry. The Enlarged Homestead Act of 1909—which differed from the 1862 act by allowing settlers 320 acres—brought out dryland farmers to the mountain, who still, more often than not, failed and sold their land to the already established ranchers who held water rights. Most of the ranches on Steens today were built by adding one homestead after another, piece by piece (Brimlow 1951).

Before the land exchanges that came with the 2000 legislation on Steens, the BLM reported that on the north portion of the mountain, 31 percent or 111,100 acres were privately held. On the southern end, 58,600 acres or 48 percent of the mountain was private. On the central part, 15 percent or 48,200 acres, and on the southeast portion, 14,900 acres or 13 percent of the mountain was private ground. These 232,700 acres, comprising 25 percent of the mountain, were split among 239 landowners. And twenty-three permittees controlled 68,675 AUMS on public land (BLM 1999). Steens Mountain, writes Giles French, “was never a country for the small landowner; it takes a lot of it for financial security” (French 1964).

That amount of private land, consolidated throughout the generations of ranchers and, eventually, corporations, proved to be one of the locals’ best cards at the negotiation table. Though Secretary Babbitt promised that it wouldn’t affect his threat of use of the Antiquities Act, the ranchers used it as leverage against national monument designation with their own threats of fencing it off or developing it should Clinton use his administrative authority.
The ranchers’ high country land, those fragile, pristine meadows and alpine gorges, was an important bargaining point for another reason. The environmentalists wanted the land under public ownership—wanted cows off of it—and were able to negotiate for it by offering the ranchers economic adjustments and often seven times as much public land in the desert below. The land trades were one of the keystones of the bill that finally passed Congress. And they wouldn’t have happened, at least not in the same way, with monument designation.

But it wasn’t just land that established ranchers as the other major player at Steens; they held a key political card as well. By settling an “unsettled” country and grazing unregulated land over a hundred years ago, their predecessors established what they saw as a right to control. And the industry as a whole would attempt to hold onto that right, most often successfully, throughout changes in grazing policy over the course of the next century. Pete French, at age forty-eight, was shot and killed on a sagebrush flat by an angry and struggling settler, who was resentful of the land baron—but not before he established an empire.

Yet, in the end, even French’s empire broke apart. Some years after his death, part of his ranch was sold to another livestock company. In 1935, the federal government bought 65,000 acres of it to add to the Malheur National Wildlife Refuge (Brimlow 1951). Would French roll over in his grave if he knew that the marshland he reclaimed for his cattle was restored for migratory birds? Today, the Blitzen Valley is dominated by the refuge—not one man’s ranch—and this change parallels not only the recent transformation on Steens but also the transformation of the rangeland at large. Bit by bit,
the ranchers' hegemony over the public lands has eroded. But it has not disappeared. The fact that ranchers were able to get as much as they did out of the Steens agreement proves that they their grip, though perhaps not as tight, is still firm.

Though ranchers never received rights to the range by law, they were left, as Wilkinson puts it, with an unwritten privilege: their own code "built on manipulation of the land disposal laws, physical possession of the federal range, intimidation, illegal fencing, and customary recognition of range rights among themselves" (Wilkinson 1992). That privilege was not to last uncontested. Attempts at displacing the ranchers' code began with the Taylor Grazing Act, which ended the era of homesteading and brought, as the following decades would eventually prove, the defacto, unofficial end of land disposal. The act also initiated the era of regulation through grazing fees. Opponents of the ranchers' rule pointed to the overgrazing that had occurred since the late 1800s. The land was beat to hell, and the droughts of the Dust Bowl and the poverty brought by the Great Depression didn't help matters. But those seeking to implement new polices found out that an unwritten code was often harder to break than one set in stone by law.

The Taylor Grazing Act became law on June 28, 1934. The act authorized the secretary of the interior to establish grazing districts and develop any regulations to administer these districts, including charging fees for use of the land, granting leases for up to ten years, pursuing range improvement projects, and establishing cooperative agreements with landowners. However, the secretary was also expected to cooperate with "local associations of stockmen" in the administrative districts, a feature Representative Taylor, the bill's sponsor, called "democracy on the range" (Klyza 1996). National and local advisory boards, made up mostly of ranchers, heavily influenced the
act. One scholar asserts that these boards determined the allocation of permits, supervised the expenditure of range improvement funds, were influential in the selection of staff, and were the “real decision makers” in setting grazing fees. Though these boards were supposed to be advisory, in reality they established and enacted the rules (Foss 1960). The grazing boards were quid pro quo, designed to appease the furious cowboy, who was accustomed to a free range and who would put up with only so much regulation.

And he would only put up with regulation that was short-lived. Importantly, the act also included the phrase, “pending final disposal,” to pacify westerners who felt the rangeland should be transferred to private ownership, or at the very least, the states. Until the passage of the Federal Land Policy Management Act in 1976, ranchers would hold onto this technicality. Many believed that the disposal of the public lands was imminent. And even though they didn’t own the land, even though it remained public, ranchers acted like the range was still theirs. They continued to control it, and the Grazing Service (established by the Taylor Grazing Act as the first “regulatory” range agency) and later the BLM (created from the consolidation of the Grazing Service and the General Land Office in 1946) had no choice but to let them. They both suffered under the image of an agency that ultimately possessed a short life.

Grazing fees on rangeland were set at low levels (at the enactment of the Taylor Grazing Act, Forest Service fees were three times as high) and would continue to stay low despite numerous efforts to raise them. Permits almost always went to existing stock interests. The Grazing Service was constantly understaffed, underfunded, and at the whim of congressmen who controlled its budget. Wilkinson explains that “the new agency could do little more than rubber stamp decisions made by the advisory boards
dominated by ranchers, the very group the Taylor Grazing Act supposedly had been enacted to regulate” (Wilkinson 1992). Nonetheless, the stage had been set with the Taylor Grazing Act. The disposal of western land had ended, in practice. Regulation had begun. Ranchers’ attempts at reclaiming the range, such as the Sagebrush Rebellion and the county supremacy movements of the eighties, would remain only that—attempts.

The Taylor Grazing Act represented the first, major incursion in the ranchers’ hegemony on the range. And the attackers came away with some success. Next the battle moved to the setting of AUM fees (animal unit per month or the amount of forage needed for one cow and a calf or five sheep for one month). Since the inception of the act, fees remained at a low $.05 per cow or horse per month and $.01 per sheep or goat. While the Great Depression and former use of the free range may have made these levels seem acceptable, it wasn’t until 1947 that fees rose to $.08—and not without a fight from livestock groups, senators, and western congressmen. This scenario, the struggle to raise fees on BLM lands to fair market value, was to be repeated again and again: the fee painfully inched up by pennies over the decades and sometimes even dropped.

Historically, AUMs have been kept far below fair market value as well as below the fees charged on private and state lands (Klyza 1996). The ranchers and their western congressmen didn’t own the land, but they managed to control it.

Even today, critics charge that the federal grazing program is heavily subsidized. And environmental groups—such as the Natural Resources Defense Council, the Oregon Natural Desert Association, and Oregon Natural Resources Council—have made their voices heard over the low fees, which they feel subsidize commodity-interest on public lands as well as encourage overgrazing, which in turn reduces fish habitat and forage
available for wildlife. In 1985, Office of Management and Budget studies concluded that grazing revenues only covered approximately 35 percent of spending on such programs; by not charging fair market value, the government may have lost $500 million over the last ten years place (Klyza 1996). But twenty-eight senators and forty representatives urged President Reagan to extend the current fee program for ten years—he did so indefinitely.

Yet the situation is not so simple that individual ranchers can be singled out as avaricious cowboys, seeking undue profit on the range. The grazing system, fair or unfair, puts ranchers in a position where the low-fee grazing permits have become a sort of property right. Whenever a ranch is bought or sold, the federal grazing permits are an integral part of the deal, since BLM leases are often carried with the base ranch. Thus, private lands are worth more money when associated grazing privileges are associated with them. The value of these grazing leases has become capitalized and amortized into the value of the private land, and ranchers pay for the leases up-front whenever they buy or re-finance a ranch (Klyza 1996). Klyza points out that, because of this, you can’t quite call the low AUMs subsidies, since they affect the value of a rancher’s deeded land. To further complicate matters, the permits have been used as security for bank loans and included in the appraised value of the lands. Wilkinson writes that “politically, a proposal to reduce AUMs or to increase grazing fees have translated into lobbying by the banking industry as well as the ranching industry” (Wilkinson 1992).

Here the issue of control and ownership arise once more. If you possess a grazing lease that is attached to a ranch, which increases the ranch’s worth when it’s bought or sold, who really controls that lease land—even if it is federally owned? This issue would
be played out during the Steens negotiations when ranchers received five to seven times as much land in the low country, plus millions of dollars in economic adjustments, in exchange for their private land with its associated public land grazing privileges in the Steens high country.

Ranchers most often won the battle over fees, but environmentalists made some gains with the enactment of the Federal Land Policy and Management Act (FLPMA) of 1976. The passage of FLPMA represented a significant challenge to the grazing industry. After the Taylor Grazing Act, it was the second great gauge in the ranchers’ hegemony and had twice the impact. For the first time since its birth in 1946, the BLM’s mission was articulated through congressional mandate. The act replaced over 3,500 public land laws relating to the BLM with a single organic act (Dana and Fairfax 1980). The BLM would now be a professional land-planning agency—not an agency temporarily holding title to the federal rangeland and, in the meantime, virtually giving away its economic and ecological value to industry.

Importantly, FLPMA declared that the public lands the BLM managed should remain public—officially ending what had ended in practice with the Taylor Grazing Act. That phrase, “pending final disposal,” was itself disposed of, and with it ranchers’ hopes of ever returning to their complete rule of the range. They had believed and acted as if it belonged to them in the four decades since the passage of the Taylor Grazing Act, but FLPMA shattered that belief in future ownership and, for the first time, began to impinge on their control. The range was now acknowledged as important to wildlife as well as cattle and sheep, and the public lands were declared subject to multiple-use management.
Still, FLPMA did not escape the rancher's home rule. Grazing interests received strong representation as the act evolved in the House Public Lands Subcommittee—which was dominated by westerners and thus became more pro-industry and less environmental than some members of Congress would have favored. But without certain compromises, there would have be no organic bill at all (Klyza 1996). These included a lack of resolution on the grazing fee controversy; ten-year permits for grazing (the current permittee had the first priority for lease renewal—virtually guaranteeing a rancher the use of public lands as long as they are slated for grazing); and reasonable compensation for private improvements on public lands if a permit is cancelled (which portrays the extent to which the permits have become like property rights). Additionally, grazing advisory boards, which were eliminated in the early 1970s and replaced by multiple use advisory boards, were brought back to life. As before, members were to be elected from permittees in each area.

Despite the additional regulation that FLPMA brought, ranchers shoved their heels in their stirrups and sat deep in the saddle. They weren't about to give up. Klyza simplifies the complexity of decades of wrangling, economics, and politics by summarizing a century of grazing policy as a "captured policy program." Since the beginning, grazing was instituted with an "extralegal property-rights system, low fees, and home rule on the range" (Klyza 1996). Ranchers, as an interest group on the federal rangeland, gained control before the rules were set and managed to hold onto that control fiercely. After the rules were established, they developed a powerful legislative capacity through influence over the state legislatures and the ability to ward off federal control. Though there are fewer than 30,000 ranchers holding grazing permits for BLM lands,
these ranchers have a disproportionate amount of power nationally; they hold key political positions in thinly populated western states.

This is what brought the ranchers, as an interest group, to the negotiation table at Steens: a strong political history, at least four generations of culture and economy on the mountain, and the virtual control of the public rangeland. Though there are only about thirty-five of them, they are an institutional presence in Harney County, on Steens. But the Steens agreement—preceded by the effects of the Taylor Grazing Act, FLPMA, and a successful environmental coalition built on science, politics, and changing economics and demographics—would signal a major change.

Republican Congressman Greg Walden represents Oregon's 2nd District, which encompasses almost all of the land east of the Cascades as well as part of southern Oregon. His district comprises over two-thirds of the state—twenty counties or 70,000 square miles. Walden was a major opponent of monument designation at Steens. His office wrote the original bill for the legislation. Though Representative Walden represents a minority of the people in the state of Oregon, I was told—more than once—by both environmentalists and BLM staff, that only he could have sponsored and passed this bill. Andy Kerr, a self-proclaimed "political hack," offered this insight:

"Greg Walden is very proud of the fact that he got the first cow-free wilderness in Harney County. And there's something to be said for that. There's an old Vulcan phrase that Spock uses in one of the Star Trek movies. My metaphor for it is only Nixon could go to China. Which is true. Only the greatest anticommunist could open up the door to communist China. Prior to this, you never saw any Green Republican or Democrat in the
United States Congress pushing cow-free wilderness. But it was Walden and [Oregon Republican Senator Gordon] Smith that put it on the table. Such a deal.”

Such is the power of a western congressman in the grazing arena.

In a speech on the House Floor on October 4, 2000, the day the legislation passed, Walden waxed poetic about the people of Harney County and drew upon the virtues of ranching culture, part of an institution that is deeply ingrained in the psyche of the American public—deeply ingrained because it draws upon the powerful agrarian myth. Ranching has survived as much upon this myth as it has on its political and physical grip of the range. It is the myth of the industrious, brave, and lone cowboy settling a wild land and taming it. It upholds the sacred American tenets of freedom, individualism, and opportunity. It is the myth that Giles French and E.R. Jackman dwelt upon so adoringly, and it is so strong that, even today, a politician can shamelessly romanticize it. “These are people whose ancestors were encouraged by the federal government to take the risk of expanding our Nation’s frontier, to risk life and property to settle the Wild West.” Walden proclaimed to Congress. “They were homesteaders of the 1800s, people of undaunted courage who followed the trail to the West blazed by Lewis and Clark some two-hundred years ago.”

And later in the speech: “These are people whose closest neighbor is often miles and miles away. They are self-reliant people with soft hearts but rugged spirits.”

Finally: “It is a place where written contracts are not broken because usually written contracts are not needed, a man’s word is all it takes, a handshake will do. They do not get much from the government other than a tax bill, and they sure do not ask for a lot in return” (Walden 2000).
Walden could have been sentimentalizing any ranchers in the West, at any time in the past hundred years. And though their numbers are small, these communities, these “rugged spirits,” through their representatives in the House and Senate, have dominated the management and policy of public rangeland in the West. Over and over again, western congressmen slashed budgets and stalled or killed bills over grazing acts or attempts to raise the grazing fee on public lands. Home rule on the range has held its grip.

It is certain that E.R. Jackman believed in the agrarian myth, and maybe he’d disagree with Bill Marlett’s assertion that ranchers aren’t environmentalists or be surprised at Andy Kerr’s “visceral antipathy to livestock.” Three million more stomachs each year may require American beef, as Jackman believes, but, as Charles Wilkinson points out, the federal lands contribute only 2 percent to our national livestock production, while western private land contributes 17 percent. Private lands in the East make up the rest, accounting for 81 percent (Wilkinson 1992). But it must be remembered that the myth of the cowboy translates into political reality. Despite these small numbers, more acres of the eleven western states are dedicated to cattle ranching than anything else: 258 million acres of public rangeland. And the number of AUMS on BLM land is steady at 13.5 million, not much below the number of grazing permits set two years after the Taylor Grazing Act was passed.

But times are changing. In May, 2000, the Supreme Court unanimously made a ruling that upholds regulatory changes adopted by the Department of Interior in 1995: the elimination of the preference that grazing permit holders had when their permits were up for renewal; the allowance of non-ranchers to hold grazing permits; and the right of the
government to hold title to any range improvements, such as fences or water systems, even if they were built by ranchers (Gregory 2000).

Times are changing. After four generations of family ranching, John Witzel no longer ranches. Environmentalists hold up the legislated cattle-free wilderness at Steens as proof of a new era. And it is. The crack in ranchers’ home rule on the range was first opened by the Taylor Grazing Act and FLPMA, and then widened by changing economics, demographics, and values. The Steens agreement represents another fracture, grown from the first, which may have broken that hegemony entirely. Andy Kerr opined that the ranchers were willing to accept the cattle-free provision, as well as negotiate land trades, because they have “much political, social, and economic incentive to move their operations off of the high Steens. Increasing conflicts with other users, legal requirements under the Endangered Species Act, and other considerations are ‘forcing’ them out.”

“I guess there’s no doubt about it that environmental laws are making ranching more complicated, more time consuming, and to a certain extent, more expensive than historically it was. It’s difficult, but by no means impossible,” said Stacy Davies when I mentioned Kerr’s comment. “I’m sure they’d like to think that they’ve put us in a vice and have got a big squeeze on us,” he continued, “but I think it can go two ways. When we start having successes and documenting our successes, it makes them nervous too.”

Those successes might have translated into part of the ranchers’ defense against a monument designation. Stacey Davies, though admitting to land abuse by Roaring Springs’ previous owners, argues that the ranch currently practices some of the best land management strategies and grazing regimes—it has been adjusting with the changing
times. Though Bill Marlett states he’s never heard of a progressive rancher, Davies asserts even the Secretary of the Interior recognized Roaring Springs’ conservation efforts. “Stacey,” Davies claimed Babbitt said, “you must either be a really nice guy or you must be doing a good job. The United States Fish and Wildlife won’t get off my back for fear I’m going to disturb your conservation agreement.”

Perhaps he thought they’d fail. Perhaps he knew, or at least hoped, they’d succeed. But Babbitt stood back and gave ranchers, environmentalists, the governor, and the Oregon delegation an opportunity to try and cooperate. The time was right for change.
The most pervasive and insidious threat to the Oregon Desert is domestic livestock grazing. Livestock have done more damage to the Earth than the chainsaw... They are an abomination. — Andy Kerr, Oregon Desert Guide

Diverse regions are often simply defined by where the population resides. This holds true for Oregon, where the metropolitan areas of Portland, Salem, and Eugene dot the Willamette River Valley and Interstate 5. Most Oregonians squeeze themselves into this lush farming belt between the Cascade Mountains and the Coast Range. Here, residents have never had to go without the color green. They are accustomed to big trees and bigger volcanoes. They are accustomed to having their way. Because of them, Oregon has gained the reputation as one of the most liberal places in the West. For when it comes to politics, western Oregon urbanites almost always steer the ship for the entire state—imposing their values on the “empty” two-thirds, east of the Cascades. Yet though the people living on the edge of temperate rainforests and the Pacific Ocean are known to define what Oregon is all about, look at any map and you’ll see that what dominates Oregon geographically is desert.

Portland is a microcosm of the Cascade geographic divide of Oregon itself. The metro looks seaward and abroad. Its sidewalks are slick with water and covered in moss; skyscrapers, banks, museums, and universities attest to its financial and cultural wealth. The city sits at the crossroads of the Willamette, the river of western Oregon, and the Columbia, the river of the Pacific Northwest. Portland is home to national environmental groups and a liberal, voting population within an hour’s drive of the capital—people with the means to influence the fate of Steens Mountain. David Blackstun, BLM Burns
District Supervisory Natural Resource Specialist and Assistant Field Manager, commented, "There's a social evolution as we become more affluent. People have the ability from Portland and Eugene to talk about environmentalism and not have any threat to their well being, their economic livelihood. They like coming out here and walking in the gorges and not seeing cows or cow pies."

The Cascade divide is also representative of the quintessential urban/rural divide—a divide that defines not only Oregon but also the West at large. And it affects the way we view our public lands. When I talked to Bill Marlett, executive director of ONDA, in Bend, a small city in Central Oregon that is rapidly becoming a recreation-tourist mecca, he spoke of the issue in a quiet, blunt way. "The fact is, 99% of the population in the West is urban," he said, estimating to make a point. "And the cold, hard reality is that the public lands are going to become the playground of people living in the West and the United States in general. That trend is becoming very clear."

Even though Steens Mountain exists in one of the most rural, remote parts of the state, it is not exempt from urban recreational needs or environmental values. It is not exempt from the changing economics and demographics of the West. While Secretary Babbitt worked diligently to develop an environmental legacy for both himself and President Clinton, Oregon's Governor John Kitzhaber began to consider his own legacy and the jewels that existed within his state—ecologically sensitive places and areas where people, especially urban people, might find solitude. According to Kevin Smith, Director of Governor Kitzhaber's Resource Office in Washington D.C., Steens was very high, if not his number one priority. The governor's office, along with other Oregon Democratic senators and representatives, quickly joined the negotiations—playing a part in every step
of the legislative process. Peter Green, the governor's forestry advisor, explained that, "there was this logic train that the governor bought into. The first was that this was a national, statewide interest. To go there you say, look, this isn't just for Harney County to decide."

And so Harney Countians bargained for Steens Mountain, little known by most of the country and even some Oregonians. Despite their sentiment that locals knew the mountain best, power from the distant urban East and a closer urban West would help determine the mountain's fate.

The Steens Mountain area is a place of exceptional ecological diversity, a "sky island" that supports plants and animals otherwise found in widely separated areas, either farther north or on other mountains. Several plant species, including the Steens Mountain paintbrush and Steens Mountain thistle, grow here and nowhere else. Biologists have described five different vegetation zones from the Alvord Basin to the tundra zone at the mountain's highest elevations (Brown 2000). Steens is home to rare and endangered flora, the endemic Catlow Valley redband trout and Borax Lake chub, bighorn sheep, wild horse herds of Spanish descent, sage grouse, raptors, 18,000 head of cattle, and thirty-five ranchers.

Though much of the mountain is in the public domain, around twenty-five percent of it is privately owned—about 232,000 acres (before the legislated land trades) (BLM 1999). Despite or because of the fact that such large tracts of private land existed, a coalition of environmental groups has continuously pushed for stricter protection of
Steens. Over the past ten years there were multiple initiatives to provide a special
designation for the mountain.

"There's been proposals to make Steens a national park, there's been proposals
for a national monument, there's been proposals for a national conservation area, and
Congressman [Bob] Smith, a former congressman here, actually submitted a bill in the
early nineties that went forward but didn't really get anywhere," explained David
Blackstun. Smith's bill, according to Blackstun, didn't have as much collaborative work
in the community as the 2000 bill that finally passed. Predictably, environmentalists
were not happy with it. It's safe to say that Smith's national conservation area proposal
was a conservative reaction to environmentalists' eye on the mountain. The vast high
desert is primarily made up of "unprotected" BLM land, except for Wilderness Study
Areas. This fact was not lost on the state's growing and powerful environmental
community, who envisioned Steens Mountain as part of a larger Southeast Oregon and
upper Great Basin protection proposal. Their plans included several million acres of
designated wilderness with Steens Mountain as the crown jewel.

"I guess one thing that has amazed me, that I've learned more out of this than
anything, is how the environmental community has gained power," said Stacy Davies
when I talked to him in October, 2000. I had finished asking questions about the
particulars of the bill and the process of negotiation, and we were nearing the end of our
conversation—one that had been interrupted by phone calls from the Oregonian, the
Bend Bulletin, and TV camera crews. The bill had just passed the House that morning,
and Davies' "sound bites" were in high demand. "What gave a guy like—and I'm not
picking on him—Bill Marlett, what gave him the right to even be involved in this
process? How did he gain any reason to be involved in this process? What empowered him?” Davies suddenly asked me. I commented that national environmental laws had something to do with it, but it wasn’t exactly the answer he was looking for. “Yeah, but him as an individual—when they looked at the players at the table . . . Answer me, I guess I’m going to ask you the question. What gave him the right to be at the table?”

Maps of Steens, Roaring Springs’ property lines, and numerous GIS copies, which had continuously evolved and changed with the legislation, lay scattered thick across the table. I looked out the window of the ranch office. Cattle spaced themselves evenly across the Catlow Valley, which looked remarkably lush for the time of year. At the valley’s southwestern edge, clouds mixed with Hart Mountain, a 9,000-foot volcanic fault block that rises 4,000 feet above the Warner Valley and its wetlands. From where I sat, it looked as if the bowls, canyons, and blue ridges of the mountain could be the underside of heavy clouds or the clouds could be the mountain itself.

The Hart Mountain National Antelope Refuge, encompassing 240,000 acres or 375 square miles, was established in 1936 to preserve, manage, and study pronghorn antelope and other wildlife. But like Malheur National Wildlife Refuge, livestock grazing continued there—until 1991. A severe drought prompted the removal of cattle in order to allow the vegetation to recover. It also prompted a coalition of conservation groups, including The Wilderness Society, the Audubon Society of Portland, Oregon Wildlife Federation, and Bill Marlett’s Oregon Natural Desert Association (ONDA) to file a lawsuit against the U.S. Fish and Wildlife Service. The groups charged that the federal agency’s management of the refuge favored livestock and was not consistent with the purposes for which the refuge was created. The lawsuit brought a settlement that
created a new fifteen-year management plan for the refuge, which was implemented in 1994. Livestock were removed, grazing permits retired, and the unhappy ranchers simply had to adjust. At the time, Marlett called the result "one of the largest cow-free areas of public land in the Great Basin" (Grossman 2000).

I told Davies that I guessed Bill Marlett's power stemmed from ONDA's involvement with Oregon desert issues and participation in lawsuits for the past twenty years. I also supposed that his power came from the movement in general and its attempt to enforce environmental laws through litigation.

"And you're right," Davies said. "I guess the thing I learned out of this was that his predecessors got the laws on the books. And the question I keep asking myself is how do you do that?" He paused. "Essentially he took up a cause that he's impassioned with, and then he infiltrated the press. The way you do that is through lawsuits and just pounding, pounding, pounding—being relentless with your message."

The Oregon desert conservation message is personified by Alice Elshoff, who likes to say that she was born in 1934, the year the Taylor Grazing Act was passed, and hopes to see grazing discontinued on public lands within her lifetime. We had talked in her living room the evening before Stacy Davies and I met. The outcome of the bill was unknown at that point. She hoped for its passage—it contained more than conservationists ever could have received with a national monument designation.

On the wall behind her hung a picture of a sandhill crane feeding in a marshy pool. Throughout her house were photographs of birds, many taken at Malheur, in which the creatures appear almost luminary. Alice Elshoff and her husband Cal first starting
coming to the refuge during the fifties and remember when the road was paved no more than ten miles out of Burns. I asked her how she became involved in the Steens issue and environmentalism. "I actually started ONDA," she laughed. Elshoff and another conservationist became politically active in 1976, when Congress mandated the BLM to inventory potential wilderness areas (all roadless areas of 5,000 acres or more and all roadless islands with wilderness characteristics) by 1991 under the Federal Land Policy Management Act (FLPMA). Since the 1964 Wilderness Act did not require any review of roadless areas managed by the BLM, this was an important step for the preservation of BLM land.

A problematic aspect of FLPMA was the classification of BLM potential wilderness areas. The agency was directed to protect the wilderness qualities of all identified areas with wilderness characteristics during the study period, while simultaneously allowing existing uses—including mining and grazing activities—to continue. As the desert conservation community grew, this would eventually lead to lawsuits against the agency, as it did on Steens. A typical scenario might include a rancher, who constructs a fence to protect a stream or riparian area in a Wilderness Study Area (WSA)—attempting to obey the law and protect wilderness qualities—and an environmental group, which subsequently sues, because by building a fence that rancher has violated the act by impairing its potential to become designated wilderness. It makes grazing in that WSA and simultaneously protecting its wilderness qualities almost impossible. Andy Kerr describes the situation this way:

"The way the BLM has interpreted its mandate under section 603 of FLPMA is that it has to manage these areas so as to not impair their suitability for wilderness."
There’s a fair argument to be made that it’s actually more difficult for ranchers to operate their grazing operation in WSAs than in wilderness, because historically livestock has been grandfathered into wilderness. The downside is we want a lot more wilderness than WSAs, but the WSAs have a bigger interim of protection.”

While WSAs have competing directives—the allowance of existing uses and the protection of wilderness qualities—designated wilderness areas virtually protect the continuance of livestock grazing, if that right has been grandfathered in. But most ranchers hate wilderness designation as much as environmentalists love it—and for the same reasons: not only for the additional protection and restrictions it brings, but also for what it means. Wilderness is commonly acknowledged as the highest form of protection, a place where “man” is a visitor only.

Elshoff related how her grassroots group was involved in that early classification process of WSAs. She said that the BLM came up with its initial inventory in eastern Oregon, which was about six million acres, and then began running the numbers through filters, dropping areas that wouldn’t be studied. The agency’s cuts brought the acreage that was to be designated as Wilderness Study Areas down to about 2.5 million. Elshoff couldn’t believe it. “A bunch of us who liked the desert began to think, ‘Whoa, look at the places they’ve dropped. This is shocking, a lot of those are wonderful places,’” she said. In the early eighties, they put together a group of volunteers, which would eventually become ONDA, and began sending people out into the desert to do their own inventory, which would eventually be called the Sage Proposal.

ONDA monitored the inventory process and testified in Washington D.C. over lands they felt shouldn’t be dropped from WSA status; the group’s work resulted in an
expansion of acreage declared WSA. By 1989, ONDA incorporated and received its non-profit status. By the time the BLM inventory was finalized, the group was well established and so began tackling other desert issues, especially grazing. Members never lost sight of the Sage Proposal, which in 1992 grew into a more detailed and vast vision—one which not only protected land but also established grazing as enemy number one in the desert. It became known as the Oregon High Desert Protection Act (OHDPA).

“We were stumping for that for a long, long time,” said Elshoff.

“The myth of the cowboy is as strong as ever,” Bill Marlett told John Sterling, writing for *Earth Island Journal*, in 1993. “But cowboys are not environmentalists” (Sterling 1993). And so a coalition of environmental groups unveiled the Oregon High Desert Protection Act, which seeks to prohibit grazing on almost six million acres of public land in eastern Oregon. Steens Mountain was the centerpiece of the proposal, a 500,000-acre national park surrounded by a 523,000-acre national preserve. OHDPA is a conservationist’s utopian box, filled with forty-seven wilderness areas, three national monuments, the expansion and creation of wildlife refuges, and fifty-four wild and scenic rivers.

But perhaps the most controversial issue is the phase-out of livestock grazing in ten years: a mandatory buy-out of grazing permits in all special designations, including wilderness areas. Grazing has been grandfathered into wilderness designations since 1922, when Aldo Leopold wrote his management proposal to establish the nation’s first formally protected wilderness area in New Mexico’s Gila National Forest. The Wilderness Act of 1964 also allows for grazing to continue in areas where it historically has been allowed. Andy Kerr and Mark Salvo write that “every relevant wilderness bill
enacted by Congress has included language to provide for livestock grazing” (Kerr and Salvo 2000).

OHDPAs’s call to phase out grazing was and is a fairly radical idea, one that ranchers and even other conservationists oppose. “We came to a kind of a split,” explained Elshoff, “which always seems to happen, unfortunately. The Sierra Club went off on its own because the leaders weren’t happy with our trying to get grazing out of wilderness—actually redoing the wilderness law. When it was written in 1964, grazing was not the big issue, and the grazers were cleverer than we were and were able to get language in there that grandfathered it in. We thought it was time to revisit that.”

The alternative proposal, supported primarily by the Sierra Club, is called the Oregon Desert Conservation Act (ODCA). It differs little from OHDPAs, other than on the grazing issue. ODCA proposes a mandatory buyout for all non-wilderness special designations (such as national monuments, wildlife refuges, and national conservation areas) and requires only voluntary buy-out of grazing permits in wilderness areas and non-designated BLM lands in eastern Oregon. In an analysis of the differences between ODCA and OHDPAs, Bill Marlett writes that though some see cattle-free wilderness as a political impossibility, “it is critical that we begin our struggle for wilderness protection by asking for what we want, rather than for what some believe is politically feasible” (Marlett 1999a).

And though both ODCA and OHDPAs still have a bleak political future, cattle-free wilderness was achieved with the passage of the 2000 Steens Cooperation Management and Protection Act. That achievement, says Andy Kerr, happened because the Oregon conservation community in the arid West is much more exercised about livestock grazing
than other communities. “The significance of this Steens legislation is that it’s the first legislated livestock-free wilderness. And that’s because we made an issue of it,” he opined.

“Why compromise at the beginning?” Alice Elshoff asked with a smile. “There’s always compromising in the end. Why not start out asking for what you really want?”

The phone hadn’t rung in quite awhile at Roaring Springs Ranch. Stacy Davies and I continued to ponder the rise of desert conservation, which was quickly changing the historically powerful face of ranching in the West. “Farmers and ranchers are the greatest whiners on earth sometimes. But yet, just try to get these ranchers in this community to pay their dues through the Harney County Cattleman’s Association. And they want to stay home and farm. So do I,” he said. “But the reality is, if people want to make a difference in the United States they still can. We may not agree with their cause, but the bottom line is, if they want to make a difference they can.” He added, “And whining doesn’t do you any good.”
V
A Legacy of Conquest?

This time he [Babbitt] comes west bearing a big stick and a small carrot.
--Ed Marston, High Country News, April 2000

On a clear, bright day in March of 2000, Mike Golden sat across from me in Mrs. Beasley’s café in Redmond, Oregon—a town that lies just north of Bend on Highway 97, under a western skyline of Oregon volcanoes. Golden, a retired fisheries biologist and chair of the Southeast Oregon Resource Advisory Council, had suggested that we meet in this greasy spoon, steak-and-eggs, family restaurant where easy-listening hits of the sixties and seventies are piped softly through the speakers and flapjacks span the diameter of a plate. Uniformed waitresses in pantyhose and tennis shoes made sure our coffee cups were eternally filled. “If you don’t mind, I’d like to go back and talk about the preamble to this,” Golden said. “Because had not Secretary Babbitt come out with this big plan to make a lot of national monuments throughout the West, the Steens, I don’t think, would have ever come to a real head.”

Golden spoke of August 1999, when the Secretary and Oregon Governor John Kitzhaber stopped by Burns and Steens Mountain in an effort to resolve the long-standing requests for designation of the mountain. After visiting Steens, the Secretary pronounced it a “primo resource of national importance” (Bernton 1999). But the mountain was just one stop on Babbitt’s tour of the West, the purpose of which was to create a “short list” of places to be considered for national monument designation. David Blackstun of the Burns District BLM put it this way: “As the current administration comes to an end, the opportunities for special designation of Steens Mountain have again become ripe.” Blackstun referred to what is now being called the “Clinton Land Legacy”—a legacy that
some feel began with the designation of Utah's Grand Staircase-Escalante National Monument in 1996. In an article in the Bend, Oregon, Bulletin (Witty 1999), Senator Gordon Smith of Oregon bluntly opined, "This is an administration in search of a legacy. The legacy they have now is not an honorable one."

Rather than declaring Steens a park or a monument, Secretary Babbitt indicated that he would support a National Conservation Area (NCA), designated through congressional action and local involvement. In the end, Steens became neither a monument nor an NCA, but at the outset people believed they would have to accept either one or the other. National Conservation Areas are an established, though seldom-used, form of land designation. The first NCA, King Range in California, was created in 1970, and places like the more familiar Nevada's Red Rock Canyon and Idaho's Birds of Prey followed in 1990 and 1993. The BLM's definition of an NCA is "an area of the public lands managed by the BLM which has been established by Congress for the purpose of protecting and conserving identified resource values of National interest" (BLM 1999).

Stacy Davies' definition was a bit more simplified. "When they first brought this up, we looked hard at a national conservation area as a solution," he explained, "and the more we looked at it, the more we decided that a NCA in ten years will be the same thing as a monument. What's going to happen is that Rand McNally is going to figure out that it's a new name for a unique place and it will end up on the map." Locals wanted to keep Steens as a relatively unknown, undesignated tract of public land; they didn't want a national "anything," with an inevitable increase of tourists in their backyard. But
everyone seemed to know that things would not stay the same; change had been set in motion years before Babbitt stood on the mountain.

According to the BLM’s David Blackstun, Babbitt addressed the viability of well-managed grazing on Steens Mountain and said that he did not want to eliminate it. Unlike many environmentalists, Oregon Governor John Kitzhaber also supported continued grazing on the mountain. Kevin Smith, Kitzhaber’s Director of National Resources in Washington, D.C., said that the governor’s intention was not to change the economy of the area but to protect the local character and economy. “We wanted to help the ranchers not lose their holdings,” he explained, “because they’re being bought out by folks who want to develop—put up condos and resorts, which can sometimes bring much higher prices and escalate land values.” Ranchers held at least one good card in their hands; both nationally and at the state level, their needs were addressed—at least to a certain point. Locals were encouraged to participate in the process of determining the mountain’s future.

However, the Secretary also said that if the legislative effort was unsuccessful he would be willing to take matters into his own hands and recommend monument designation through executive order. “If Congress does not act, what I said, and what I reiterate, is that I will consider asking the president to use his power,” Babbitt told Hal Bernton of the Portland Oregonian (Bernton 1999).

This explicit threat set the wheels in motion for a new brand of politics, collaborative efforts, and natural resource debate. It originated in a complex legacy and was the result of the ever-tense interactions between local and national interests. As Stacy Davies explained in frustration, “It’s unfortunate that land management and politics
are two different things.” However different the land and bureaucracy may be, the two
would not be separated on Steens Mountain. And in this regard the mountain was not
alone.

On September 18, 1996, while overlooking the Grand Canyon with Al Gore,
Robert Redford, Sierra Club President Adam Werbach, writer Terry Tempest Williams,
and Bruce Babbitt (and without a single elected official from Utah), President Clinton
made an announcement. “Seventy miles to the north of here in Utah lies some of the most
remarkable land in the world. We will set aside 1.7 million acres of it” (Clinton 1996).
Just over seventy miles to the north, in the small town of Escalante, the President and
Interior Secretary Bruce Babbitt were hanged in effigy.

“I can’t believe that a president would do this and never walk on one square inch
of the land he’s designating,” said Utah House Speaker Mel Brown to the Salt Lake
Tribune, “To my knowledge, he’s never even looked at it out the window of Air Force
One” (Harrie 1996). Clinton, indeed, avoided Utah—a state where he placed third,
behind even Ross Perot, in the 1992 election. The dramatic panorama of the Grand
Canyon’s South Rim provided a stunning backdrop for the designation of the national
monument, especially since the president was running neck-and-neck with Bob Dole in
the 1996 race. Vice President Al Gore introduced Clinton at the Grand Canyon ceremony
as “the environmental president” and called the designation “a great monument to
stewardship” (Woolf 1996).

Clinton had no chance of winning Utah’s five electoral votes; but he had a good
chance of garnering the “green” vote outside of Utah and the West. By the power granted
to him by the Antiquities Act of 1906, President Clinton, with a stroke of the pen, transformed an extensive tract of BLM land into a national monument. Clinton was acting well within his presidential rights. From its passage over ninety years ago until Clinton set aside Escalante, the Antiquities Act had been used on sixty-five occasions to designate or expand national monuments by every president except Nixon, Reagan, and George Bush (Judson 2000). Each time the act was used, a president was allowed freedom from compromise. He did not have to wrangle with public sentiment or congressional opinion in order to get his way. “I thank goodness that the Antiquities Act was on the books,” said Clinton on the South Rim, citing Bryce Canyon, Zion, Glacier Bay, Olympic, and Grand Teton National Parks as places forever preserved by presidents, without regard to party, for “all of us and for generations to come” (Clinton 1996).

A few days after the President proclaimed the Grand Staircase-Escalante region a national monument, Kanab residents held an angry rally at the town’s high school. Many area businesses closed in recognition of the demonstration; the town was decorated in black balloons. Residents wore black ribbons, which they said signified the death of local rights. At the end of the rally, high school students released fifty of those balloons, symbolizing, they claimed, the infringement of federal power over the states (Associated Press 1999; Larmer 1996).

But in mid-January of 2000, President Clinton again stood on the wind-whipped South Rim of the Grand Canyon and announced the creation of another monument: the million-acre Grand Canyon-Parashant National Monument in northwest Arizona. Once more, the President frustrated many locals. They, like the ranching families at Steens, saw the new designation as a flashing neon billboard that would draw thousands of new
visitors each year, forever changing the remote character of the area. But unlike Escalante, there were no black balloons, no effigies, no protests in the street. According to Lynn Alder, one reason for the paler response was that President Clinton chose “a kinder, gentler—though no less final—approach” (Alder 2000). Instead of surprising local ranchers and government officials, as he did at Escalante, Clinton hinted at the designation through Secretary Bruce Babbitt as early as May 1999. Furthermore, elaborates Alder, “instead of dropping what some considered a political bombshell less than two months before an election, Clinton made his announcement more than ten months before this lame-duck term ends.”

He also softened the blow by simultaneously announcing two other monuments and expanding another: Agua Fria in central Arizona, which protects a 71,000 acre area that contains one of the most significant systems of late prehistoric sites; the California Coastal National Monument, encompassing islands, reefs, rocks, and pinnacles 12 miles out from the state’s coastline; and the 7,680 acre expansion of Pinnacles National Monument, originally designated by Theodore Roosevelt in 1908.

According to Paul Larmer, in another High Country News article, “the persistent political opposition to [Escalante] has convinced Bruce Babbitt to take a new tack . . . Let the locals come up with a protection plan. If they don’t, he adds, he’ll ask the administration to unleash the Antiquities Act” (Larmer 1999). Which is exactly what he did on the Shivwits Plateau at what is now Parashant National Monument. The secretary proposed federal protection for a 550,000-acre strip of land, but vowed from the start that locals would have a say in the matter. Federal designation would occur only if they could not reach consensus through legislation. In a plot line similar to the script for Steens
Mountain, Babbitt attended town hall meetings and sought the support of local and state government officials and ranchers.

Attempting to head off national monument designation, Republican Senator Jon Kyl and Representative Bob Stump introduced separate bills that would create a Shivwits Plateau National Conservation Area. But Stump’s bill brought the possibility of paved roads and required a comprehensive mineral survey within two years. The Secretary was quick to slam it at a congressional hearing in October 1999. “Several features of this legislation actually weakened protections in existing law,” he said (Alder 2000). Senator Kyl’s bill was more congruent with Babbitt’s vision, but attracted little attention and went nowhere. In the end, Babbitt waltzed Clinton to the rim of the Grand Canyon once more, and locals’ suspicions were confirmed. Like the empty corner of southeastern Oregon, the empty corner of the desert Southwest suddenly got a lot of attention.

The story didn’t end in Arizona. Many places throughout the West were spotlighted during the last year of Clinton’s presidency.

In April 2000, Clinton gave national monument status to thirty-four groves of giant sequoias (328,000 acres) in the Sequoia National Forest of California’s Sierra Nevada. On June 9, 2000, the president created four more monuments: Canyons of the Ancients, a 164,000-acre monument in the Four Corners region of Colorado; Cascade-Siskiyou, 52,000 acres located at the convergence of the Klamath and Cascade Mountains in southern Oregon; the Ironwood Forest, 129,000 acres located 25 miles northwest of Tucson, Arizona; and the Hanford Reach, 195,000 acres in south central Washington that straddle one of the last free-flowing stretches of the Columbia River—a critical area for spawning salmon (Hansen 2000; Hanscom and Matthews 2000). For at least a year,
Babbitt had talked about monument recommendations for most of these places with local officials and residents—a fact most Republican Congressmen conveniently forget when complaining about Clinton's "last minute" land grabs.

Dialogue with local communities about Canyons of the Ancients began in spring of 1999 and resulted in numerous Resource Advisory Committee meetings as well as NCA legislation introduced by Senator Ben Nighthorse Campbell. At the request of local community groups, Babbitt visited the area surrounding Cascade-Siskiyou, returned again with Congressman Greg Walden, and held two subsequent roundtable meetings with community representatives. The Hanford Reach of the Columbia had been the focus of attention—as possible designation as a Wild and Scenic River—since 1994, and Senator Patty Murray asked Babbitt to consider the area for monument designation in early 2000. And the Pima County Board of Supervisors forwarded a resolution to the Secretary in March 2000, seeking national monument designation for the Ironwood Forest. Babbitt said that he would have preferred congressional action for many of these areas, but "it's the protection that's important, not the label" (Kelley 2000).

The campaign of protection continued. July 7, 2000, Anderson Cottage: President Lincoln's summer's retreat. November 9, 2000, Vermillion Cliffs National Monument: 293,000 acres within the Paria Plateau in Arizona. November 9, 2000: boundary enlargement to 661,287 acres of Craters of the Moon National Monument, Idaho (since 1924 the monument had been enlarged by four other presidential proclamations). On January 17, 2001 (a few weeks before George W. Bush was sworn in), Clinton declared seven more monuments and expanded an eighth. By the end of his tenure, the president had put more than 5.6 million acres under administrative protection. The final seven
included the Upper Missouri River Breaks (377,000 acres along 149 miles of the river in Montana); Pompeys Pillar, where Captain William Clark carved his name and date (51 acres along the Yellowstone River in Montana); Carrizo Plain (204,00 acres in California); Sonoran Desert (486,000 acres in Arizona); Kasha-Katuwe Tent Rocks (7 million year old volcanic rocks in New Mexico); Minidoka Internment National Monument (a World War II-era Japanese-American internment camp in south-central Idaho); U.S. Virgin Island Coral Reef National Monument (more than 12,000 acres of submerged lands off St. John); and the expansion of Buck Island Reef National Monument (now includes 18,000 marine acres off St. Croix) (Holland 2001).

Many of these new monuments received positive reactions—from conservationists and even local and state officials. During the initial stages, many involved collaborative processes, which included local interests, public hearings, and input from the BLM's Resource Advisory Councils. In an interview with Ed Marston, Babbitt explained that the administration made a concerted effort not to replicate the Escalante scenario. "We tried hard to make it up, and let me say that every other one of the twenty national monuments has been preceded by my personal presence on the ground, and a considerable sort of process, discussion with all stakeholders" (Babbitt 2001). That didn't stop the controversy. Montana's Republican-controlled legislature went so far as to pass a resolution, largely symbolic, opposing the Missouri River designation. State Representative John Witt proclaimed the day Clinton made the announcement as "Black Wednesday" (Associated Press 2001). And according to some, the means didn't quite justify the end. Ken Sizemore, deputy director of the Five
Counties Association of Government in southern Utah, claimed the new, "local" approach was as "draconian" as the old one.

"The administration is making the same mistake with these new areas," Sizemore asserted (Larmer 1999). "Sure, it would be great to have a local, legislative proposal drive the process, but when you get down to brass tacks, the administration opposes the concepts and precepts embodied in locally produced legislation." This may be the case. Or it may be that examples like Parashant only serve to illustrate Bill Marlett's belief: if given the opportunity, locals will tend to look towards their own short-term economic interests over the interests of the land. Federal intervention is necessary. Locally produced legislation will always be tainted with greed. Either way the process is considered, Babbitt's strategy seemed to fall short of a genuine relinquishment of power. Though the carrot looked like a tempting offering, it was not an unconditional gift—tied as it was to the Antiquities Act.
VI
Collaboration, Cowboys, and Environmentalists

Years ago, when I still lived in western Oregon, I’d drive past Steens Mountain on my way to the canyons of Utah—to Grand Staircase-Escalante specifically. Back then, I couldn’t have foreseen how the two places would be linked. But now each landscape is a bookend supporting volumes of the Clinton administration’s legacy. The story began with those redrock canyons I’ve spent weeks exploring and came to a close with a mountain I’m only beginning to discover. Yet Babbitt approached Steens differently than Escalante and other recently designated national monuments. The mountain stands practically alone in a flurry of presidential proclamations—a solitary figure in the sprawling expanse of the Oregon High Desert—for many different reasons: politics, geography, the character and vision of key stakeholders, and timing.

Sybil Ackerman, who represented environmentalists in the Steens Working Group, gave me one reason why. Ackerman told me that the main difference between Escalante and Steens is that “Oregon has a great governor and senators like Ron Wyden. Babbitt has to do a different approach here. In Utah, Clinton didn’t care. In Oregon, he has to worry about state politics.” To an environmentally minded secretary, names like Representative Pete DeFazio, Senator Ron Wyden, and Governor John Kitzhaber (who came out in support of dam removal on the lower Snake and is known for his progressive thinking on other environmental issues), can’t be ignored—especially during efforts to pave the way for Al Gore’s run at the presidency. Still, Babbitt cut Oregon no slack in the designation of the Cascade-Siskiyou National Monument in the southwestern part of the state. Why did Steens Mountain end up so differently? There is no pat answer, no
overriding statement that can be made, except that the situation was complex, unique, and ripe.

It wasn't just the presence of key Democrats that may have influenced Babbitt's approach. According to Kevin Smith, director of Governor Kitzhaber's Natural Resource office in Washington, D.C., Republican Senator Gordon Smith and Democratic Senator Ron Wyden have a strong history of bipartisan cooperation, especially on natural resource and environmental issues. Representative Greg Walden, the primary sponsor of the legislation, may have seen an opportunity to take advantage of a mutual respect found throughout the Oregon delegation to come up with an alternative to a monument.

"I'll give my theory," said Smith. "A lot of legislation, it's a human endeavor. With the personalities involved in the Steens Mountain Project—you had a group of people, a delegation, and a governor who felt comfortable working with one another. And I think Secretary Babbitt saw that there was a reasonable group of people that, with a little prodding, could perhaps move something through Congress." Smith also thought that Babbitt's patience with the course of the legislation may have stemmed from an even more basic human level, his friendship with Governor Kitzhaber. "I think the governor probably—and Peter might know better than I—but the governor probably reassured the secretary that we ought to give this a try."

"Absolutely," agreed Peter Green, who is Governor Kitzhaber's forestry advisor and staff member who deals with public lands. I was lucky enough to corner both Green and Smith together in Portland in early November, after the legislation had been signed by the president. During the Steens process, Peter Green and Kevin Smith had worked as a tag team: Green was on the ground in Oregon, negotiating with environmentalists,
ranchers, and local government while Smith had day-to-day access to congressional members and their staff in Washington. Both worked continuously, prodding the negotiations along. "I'll just echo what Kevin said," Green continued. "Babbitt did it this way in Oregon, because he could. There were times when the governor reassured him, and there's a lot of mutual respect there, that this could be done." But Green also speculated that doing it "this way in Oregon" had to be put in a larger context. There was motivation to show that, through cooperative effort, things could happen in the Clinton administration. "I hope this doesn't sound cynical, but I think that because there were these other monuments going on, the administration had to show that there were ways to protect land without invoking the Antiquities Act."

Others have thought the same and not disqualified their opinion as cynical. Harney County Commissioner Dan Nichols guessed, "Secretary Babbitt—this is purely speculation—decided they better pick one spot, and let one local community come up with some valid options to save the administration's face politically."

Still others said working to avoid monument designation was purely practical. The BLM's Burns District Field Manager, Miles Brown, feels that the amount of private land on the mountain automatically makes things different. When the administration looked at that land and saw that it had "over half of all the streams, meadows, and prime habitat, they knew that just declaring a monument may not be the way to go," he said.

But many hold a more optimistic view. Not only are there "conservation-minded," politically savvy ranchers like Stacy Davies on the mountain, but there is a long history of cooperation and collaboration. And if Sybil Ackerman was right when she told me, "I think Babbitt cares about these collaborative processes," then he must have had
reason to think that it could really work, and for the best, at Steens. Even Nichols admits that, because of continued collaborative efforts on the mountain, the secretary may have been willing to stick his neck out to allow Oregonians to work through a process. An established constituency already existed. It wasn't hard to get people involved in what everyone considered to be the crown jewel of southeastern Oregon. And the first people Babbitt asked to tackle some of the toughest questions about the management of the mountain were part of the Southeast Oregon Resource Advisory Committee.

Resource Advisory Councils (RACs) were established in August 1995 to provide the public an opportunity to advise both the Bureau of Land Management and the U.S. Forest Service on a broad array of resource issues facing the agencies. The Burns District, which encompasses Steens Mountain, is served by the Southeastern Oregon Resource Advisory Council (SEORAC). According to the BLM, the RACs operate on principles of collaboration and consensus. “Council members are sought who are committed to working with other interests for the long-term benefit of public land and national forests” (BLM 2001). Each council is made up of fifteen members representing a wide array of interests: commodity, environmental and resource conservation, and other governmental organizations (Native American tribes, state and local governments, and academicians involved in natural sciences). Miles Brown approached the SEORAC and asked the group to consider future management on the mountain. The members accepted the challenge and tackled the issue through extensive discussion and debate among themselves as well as public meetings in Bend and Frenchglen. But the culmination of the group’s effort was a report recommending no changes on the mountain.
Mike Golden flipped through the RAC report, which had been completed in October of 1999. “When Secretary Babbitt first came out,” Golden looked up and said, “he asked us to put this RAC report together on the Steens. But when we took the information back to him, the recommendation in the report was for no legislation on Steens Mountain.” In a letter accompanying the RAC report, Golden wrote “the subcommittee witnessed essentially two conflicting points of view during its public hearings and in the end, as individual RAC members tried to represent the views of their constituencies, we reflected those differences in our own deliberations.” In the short six months they had to deliberate, the RAC determined that current management programs were working on the mountain and recommended that there should be no designation of a national park or monument. The members could not agree to support legislative designation as a national conservation area either. Instead, they left open the option for a cooperative management program on the mountain and encouraged the formation of a broad-based management team of users and landowners.

That didn’t fly with Babbitt. Golden said that the Secretary told him that even though the RAC didn’t want legislation, legislation had to be a part of the proposal. At that point, Babbitt decided that the real stakeholders needed to get around the table in order to make a deal—meaning, essentially, the landowners and conservationists. So the Secretary asked Golden if he would chair the Steens Working Group (SWG)—put together by Golden, Representative Walden, Senator Smith, and Governor Kitzhaber. He agreed, and the group of six representatives (environmental, ranching, RAC, tribal, local government, and recreation) were given two months to develop recommendations for legislative concepts regarding Steens Mountain. They were asked to concentrate on
issues that the SEORAC could not address or reach a decision on. "Keep in mind," Golden said, "we were tackling questions that nobody else could come up with answers to."

Strength often lies in diversity, and from the outset, the Steens Working Group seemed to represent a wide array of interests. Yet, according to some, the group suffered from artificial construction. Because participating members were appointed, biases were embedded in the process. "When we got to the environmental community, we pushed for several people," Mike Golden told me. "But Representative Walden's office said absolutely we will not accept Bill Marlett, and we won't accept Andy Kerr. They put their foot down." Though Marlett has been perhaps the most active environmentalist on the Steens issue, it was felt that he would never come to a compromise. This belief may have seemed accurate at the time. When I talked to Marlett shortly after the SWG produced its final report in January, 2000, I asked him what he thought about collaboration. He responded, quietly and firmly, "I think it's a waste of time. It's just not that productive. Litigation is the only form where we have been able to level the playing field." Nonetheless, Marlett said if given the opportunity, he would have sat down at the table.

As it turned out, that was exactly what was needed. And it is exactly what happened—eventually. The Steens Working Group might have benefited from the process of working through Marlett's strongly held beliefs—or compromise may have become even more unattainable. At any rate, both he and Andy Kerr ended up counseling Sybil Ackerman, the designated environmental representative, every night after the group met.
Ackerman described feeling isolated at the table. She asserted that the representation sounded like a good balance, but the recreation representative wasn’t environmental at all. “He represented the ORV people,” she said. “They could have just as easily let the Sierra Club represent recreation and Oregon Natural Desert Association represent the environmentalists. It would have created a better balance.” It’s safe to say that the Sierra Club is as much an environmental organization as it is a backpacker’s club, but it’s also easy to imagine that Ackerman is not exaggerating her situation. It must have been difficult at the table, surrounded by a Harney County Commissioner, a representative for the Oregon Hunters’ Association, a rancher—everyone except Ackerman was from central or southeast Oregon, and to some degree, sympathetic to local needs. “In these groups,” she told me, “it’s important to have two people back each other up.”

As it stands, the Working Group report reflects the extreme polarization that took place. Instead of reaching consensus on any of the issues (which included the boundary, wilderness, grazing, development, transportation and access, and recreation), the group produced several alternatives. In most cases, Ackerman stood alone behind each of her proposals. Even without Marlett, there was no compromise. The most graphic representation of this is the boundary issue. The report presented four different alternatives for the Steens legislative boundary, ranging from Ackerman’s environmental proposal at 1,202,930 acres (including 263,410 acres private land) to Davies’ landowner proposal at 33,199 acres (0 acres private land).

“Sybil and the cowboys each drew their line in the sand, and we almost didn’t have another meeting,” Golden explained. When it came time to discuss the boundary,
Stacy Davies put the 33,000-acre boundary down, and Ackerman laid her 1.2 million-acre boundary on the table. "And you would expect some negotiation," said Davies. But according to Davies, Ackerman never decreased the size of her boundary, even as others increased theirs. The issue became gridlocked. "At that point, the rest of it was a waste of time. What it turned out to be from then on was an avenue to get your idea to the secretary in writing, and that's where it stayed," Davies explained.

"I wasn't going to come to anything less than Babbitt was asking for," Ackerman said, and Davies describes her position in the same way: The environmentalists drew the biggest boundary they felt they could justify and stayed there. "They played the politics out and said Babbitt is willing to go to 1.2 million acres. They were in no position to negotiate at all, and so it put us in the position of just give, give, give," Davies complained. He felt that the environmentalists stood to win whether a successful compromise was reached or not.

Many months after the SWG process, I sat stiffly on a velvet couch in Dan Nichols' Victorian parlor—inside a house that belonged to his wife's family for four generations. I had missed his driveway in the dark, drove miles beyond the town of Diamond before realizing it, and showed up almost an hour late. It felt awkward invading his private space at such an hour. The windows were thrown open to let in a cool October night. An intricately carved banister led up winding stairs. The wallpaper filled the dimly lit room with antique flower patterns. The county commissioner before me might have been a member of the first generation that lived in this house, with his handlebar moustache, closely cropped hair, neat-fitting button down shirt, and boots.
Nichols was a member of the Steens Working Group and expressed appreciation for Babbitt creating it and allowing him to participate. But he was frustrated at the lack of consensus and what he saw as Sybil Ackerman's lack of cooperation. He looked straight at me, unwavering, and said, "There were five people who basically agreed on a concept, and one individual kept saying, 'No, can't go there.' Repeatedly stated, 'No, can't do that. No, can't go there.' We were initially selected to go in and give and take, come up with a compromise. And 'no, can't go there' isn't even remotely a compromising position."

Many observers speculated that environmentalists were playing the situation to their advantage. Lack of consensus in the Working Group meant it might be tougher to reach consensus as a bill was drafted and negotiated. If the legislative effort proved unsuccessful, then Babbitt might have to demonstrate that his threats were not idle and unleash the Antiquities Act. And a national monument is what environmentalists had been calling for, and what locals feared the most, all along.

Part of the issue, according to Miles Brown, was that no one really wanted to lay all their cards on the table. "Because once you did, those cards would never come off the table. Everybody knows what you're willing to give." But after the SWG process failed to reach consensus, the ranchers—through Representative Walden—would lay their biggest card on the table: a cattle-free wilderness. That one act changed the entire process, including environmentalists' commitment to negotiation.

Yet during the SWG talks, all of this was hidden. Given such circumstances, combined with an inadequate period of time to work in, it is no wonder that the Steens Working Group was unsuccessful in coming up with a cohesive management plan. In the
end, it is hard to say that the locals were allowed a fair shot at involvement. Any sort of collaborative effort was denied organic origins, an ability to grow from the ground up. People came to the table for different reasons; they did not have to struggle through their differences in order to address a common problem. The playing field was not level. This brings Babbitt's "kinder approach" into question. How can collaboration work when it's mandated, when it originates from the top and is pushed down and, subsequently, becomes fragmented at the community level? Can it even be considered collaboration at all? It is a question I shall come back to—a question that dominates the framework of the process, encompasses the plot of the story, and upon which almost everyone had an opinion.

In March, I asked Golden what has happened since the Steens Working Group handed in its final report in January 2000. He looked suddenly exasperated. "Once we walked out of the door after our meeting with the Secretary—and with their promises to keep us informed and thanking us for what we did there—nobody has said one word to us or let us know what's going to happen," he said. "And the BLM in Burns is calling me and asking if I've heard anything . . . I don't know where they are, and I don't know what the conflicts are."

When I posed the same question to Bill Marlett—again, this was six months before the final agreement came together—he said he hadn't heard much besides rumors. "What I do know is they're not reaching consensus very quickly. And that's fine with us. Any consensus reached with Gordon Smith and Greg Walden is not going to be good for the mountain. We'd rather see a monument. We won't get any wilderness, but that's fine."
A Balance of Power

Little did Marlett know, but by the end of the summer 2000, he would be working towards that very consensus with those Oregon Republicans and ranchers. There came a point in the deliberations when environmentalists realized that they might get something more through a legislative process. “How do you reconcile that they [the ranchers] were afraid of a national monument, and they feel like they got something better—and yet we feel that we got something better than a national monument?” asked Andy Kerr. The designation of Steens Mountain as a national monument would certainly set some boundaries as to what activities could or couldn’t take place. It would provide a higher level of protection and preservation than the current management of the land. But many of the important details would be left to a management plan—ultimately written by the BLM. Environmentalists began to wonder if they might have more say if they participated in the writing of the legislation, instead of fighting it.

When a draft of the bill began circulating early that summer—a draft that included large tracts of designated wilderness, part of it cattle-free, and massive land trades (possibilities that weren’t even discussed by the Steens Working Group)—the Steens-Alvord Coalition, a consortium of state, local, and national environmental groups, knew that it might be worth their time to consider the bill. Importantly, environmentalists would continue to hold a position of power—the ability to negotiate for more and stall or even kill the bill if they were unhappy. “One phone call from me or a letter from the coalition to the delegation would have killed this bill flat,” declared Bill Marlett. “Of
course,” he admitted, “the same holds true from the ranchers. They could have done the same thing.”

Congressman Walden and his constituents in the ranchers did hold that same power, along with another. They had made the wise move to develop legislation that looked better to conservationists than a monument. They had set an enticing table.

When it began to look like the Steens Working Group would fail, Representative Walden, Lindsay Slater, and other staff members, along with Stacy Davies and other ranchers, began to quietly piece together a proposal. “We started the first draft,” Lindsay Slater, Walden’s legislative assistant (now Chief of Staff for Representative Mike Simpson of Idaho), told me in a phone conversation from his Washington D.C. office. “And we went to Mr. DeFazio first with it—for the wilderness and cow free wilderness. And we just started pitching it very slowly to try to get people to take us seriously. And once we had a little buy in, we started writing the bill.” The bill became the template that people worked from through July. During that time, it was subject to continual reworking, a flurry of endless phone conversations, faxes, weekly meetings, and constant checking between politicians and their constituencies.

The field of players broadened substantially: Babbitt’s staff, Governor Kitzhaber’s office, Senator Wyden and his aides, Representative DeFazio, Representative Blumenauer. Everybody wanted something—something altered, something included, something deleted. Legislative staff and the governor’s staff would take responsibility for different elements—the boundary, wilderness, development. Peter Green, Governor Kitzhaber’s forestry advisor, explained, “They would go to each of us and ask what we needed. And we’d argue for months for more development language . . . and then they’d
go to Wyden, and Wyden was arguing for more wilderness so they had to give, give, give.”

Stacy Davies expressed frustration with these compromises: “We’d negotiate with Bill Marlett and Andy Kerr, and then the Sierra Club and Audubon Society would come and want something. And so you’d give them what they wanted, and then the national Wilderness Society, national Sierra Club would come and want something. And then the governor would come and want something, and Representative Miller out of California would come and want something, and so we ran out of things to give.”

That giving was inevitable, according to Green and Smith, because Walden’s office developed the first draft. “When you do that, everybody is going to take shots at it,” said Smith. “And if it doesn’t include everything that other people want, which of course it didn’t—there’s no way you can possibly do that—you reset the basic instrument from which everybody is going to ask for changes.” If Wyden had come out with the first draft, with a huge wilderness overlay, it would have been “cutting away in reverse.”

According to these two members of Kitzhaber’s staff, the biggest mistakes Walden made were not negotiating with everyone at once, and, more importantly, excluding the environmentalists until almost August. “And we, of course, kept saying you need to talk to them. Eventually they went to talk to them and had to give, give, give again,” explained Green. “What did they think they were going to do, just agree to it?”

Needless to say, they didn’t. There was much opposition to the bill introduced by Congressmen Walden and Blumenauer to the House Committee on Resources and Committee on Agriculture on July 12, 2000. Members from other states were doubtful. National environmental groups had substantial concerns. And to make matters worse,
there was little support from conservationists and the delegation at home. Though Wyden and DeFazio spoke of their conceptual support of the legislation, they said changes would be necessary in order to gain their full support. It soon became obvious the bill had a low probability of passing. Babbitt continued to rattle his saber. Across the West, the list of monuments was growing.

"The bill, as introduced, sucked," wrote Kerr in a letter to his constituents. "It had numerous provisions that were not supportable in any form, including exceptions to the Wilderness Act and other bad things." Those "bad things," according to the environmentalists, included a purpose statement that did not ensure conservation as the primary and overriding purpose, unacceptable language regarding juniper management in wilderness and wilderness study areas, and the compensation of private landowners for non-development easements. These and other provisions were eventually eliminated, compromises that were disheartening to ranchers. But, echoing Green and Smith's sentiment, Marlett explained, "the fact is, it was their bill, it was their design . . . they were the ones that set up the board upon which we played this game. They set the bar, not us, and our job was to raise that bar." Conservationists did raise it, but not without some give and take—and not as the bill had been negotiated before. A core group of four people pounded out a deal behind closed doors. Stacy Davies explained how it came about:

"Then finally, late August, we got close enough that—I don't even know how it happened but, they made Bill Marlett, Andy Kerr, and Fred and I get in a room together and hammer it out. Finalize it."
"We had to have people there that could make a decision on the spot. And it was good. It's amazing how far Fred Otley and Bill Marlett can get drinking beer in front of the truck," commented Lindsay Slater.

“People who had been excluded from the working group last December because they couldn't get along, suddenly they were closing the deal. There’s a lesson right there . . . They came back and there was this new map. And people were liking the bill,” recalled Peter Green.

Many of those I talked to saw, in retrospect, the whole process as leading up to the negotiations among these four. Bill Marlett and Andy Kerr were previously excluded from the discussions—could only comment on what was previously discussed—because of their uncompromising reputations. Maybe it was because time was running out. Maybe there was too much at stake to let the effort die. But with occasional assistance from Lindsay Slater, Senator Wyden’s Bend field representative David Blair, and the BLM’s Miles Brown, these men quickly struck a balance of power that carried the legislation to a unanimous voice vote on the House floor.

“If you look at it,” suggested Miles Brown, “it’s just a progression of getting closer and closer to the real people that needed to be involved to make a deal. You evolve from the Southeast Oregon Resource Management Plan, where we [the agency] gather information and go into a black box, and then we come back out and everybody pukes all over it. You go from that end of it, and then you gravitate to the RAC, which gets a little closer, but there’s still outside folks. And then you go to the Steens Working Group, which got a little closer. And then you go to Washington and set some
sideboards. And then you get to the real deal makers, and that was Andy and Bill and Stacy and Fred."

One of reasons the negotiations worked so well was because of the mixed chemistry of their personalities, which brought the legislation down to a very human level.

Fred Otley: funny, easy-going, experienced in political matters, a fourth generation rancher at Steens. "Fred Otley is the old family," said Miles Brown. He held a strong and ongoing trust from the ranchers.

Stacy Davies: charismatic, quick-witted, with a capacity for remembering the smallest of details. Davies had the backing of the Sanders family, millionaires who gave him the freedom and trust to do what was best for the Roaring Springs Ranch—the largest on the mountain. "Stacy was key," explained Brown. "Stacy Davies has a way of relating to a lot of different people. . . And he's one of those people—their ranch is willing to mature, they're willing to change, and he's kind of led the way on that." Three years before, Davies put together a conservation agreement with the U.S. Fish and Wildlife Service and BLM on Roaring Springs. The community was skeptical. But he proved a rancher could work with federal agencies.

"Stacy would come and he knew exactly what the situation was, and he's just boom, boom, boom, boom, go down the line and lay it out on the line," recalled Otley. "And that saved the bill, ahh, so many times because of his capacity to cut out all the excess crap and focus on the achievable, fundamental things that were fair."

Bill Marlett: serious, relentless, detail-oriented. Marlett brought an intimate knowledge of the mountain and the buy-in of the local environmental community. Inch-
for-inch, pound-for-pound, Marlett moved up and down the map, gaining wilderness by 40 acres here and there.

"Sometime you just had to walk away while Bill sat there negotiating acre-by-acre on the map. The rest of us had to go out and smoke cigarettes on the porch and take a break," explained Brown.

Andy Kerr: respected lobbyist on the national and state level, one of Oregon’s best-known environmentalists, self-assured to the point some might call egotistical. Miles Brown called him “the spin doctor,” and, in contrast to Marlett, “out there in the big concept stuff.” Otley observed that “he wasn’t so worried about the technical details and he knew what he wanted.” Brown stressed the importance of his credibility: “If Andy Kerr says it’s good, then people believe it’s good. If Andy Kerr goes back to Washington and talks to congressionals and says this is a good thing, they’re going to listen to him.”

“Andy, he’s an interesting character,” observed Fred Otley. “At least he accurately portrays himself. He says he’s arrogant and hateful and loves to make people mad. And he said, ‘This is the first time I’ve been nice to you guys and it probably won’t happen again.’”

It just worked. They were the people that mattered. They built a certain level of trust. They even joked. And they were able to negotiate directly rather than rely on politicians’ aides to broker a deal.

I asked Peter Green what he thought of the personality dynamics of these four men. I explained what I had heard about the intense negotiations and the equipoise that somehow emerged.
"I like what you say, it's kind of like the Beatles," Green admitted, though he had a different take. "But what I would say is that I'm not so sure they were so important in the room. They were the perfect combination to bring in the needed constituencies . . . because they brought the right people to bear, they needed to be in on that deal. You see the subtle difference I'm talking about?"

I did, but also figured one element was an integral part of the other. And then I started thinking how all the pieces somehow fell together—at every level. There was a Democratic administration that wanted some sort of special designation and brought the threat of a monument. There was a Republican Congress that wouldn't pass a bill that didn't have the support of the landowners. A Republican congressman from Oregon—a minority in his state—introduced the bill. Environmentalists, the Democratic governor, and the rest of the Oregon Democratic delegation were able to balance the legislation out and make it credible. Everything ripened at once.

"In the end," Lindsay Slater told me, "everybody was fighting for the bill, which was really nice. There was finally a point where I felt like, wow, now everybody is on our side fighting for this thing, rather than trying to kill it to get a monument. When I reached that point I knew we were going to get it."
From the top of the cirque, the track of the glacier is obvious. The U-shaped gorge heads north and then swings gently to the left. The glacier scraped through the land 10,000 years ago. The floor, splashed golden by aspen and cottonwood clinging to the creek and springs, is nearly a half-mile below. Only the sky demarcates the clean, concave walls of the gorge, brushed by erosion with faint lines that trace the wind and rain and gravity's path.

Kiger Gorge is one of Steens' most famous. The view from the top, accessible by car from the Steens Mountain Loop Road, is a physical lesson in the processes of geologic time and the movement of glaciers. Pictures of Kiger in the spring and early summer show the gorge softened with green and wildflowers. But when I first looked upon it in the beginning of October, the Kiger Gorge was stripped by the heat of summer, a rocky bowl tilted high in the desert. I quickly left the few late-season tourists at the pullout and interpretive sign and hiked towards the gorge's famous notch—the mountain's most distinguishing feature when viewed from the wildlife refuge. Following the edge of a grassy headland, I scrambled up a ridge toward the eastern wall—relishing the opportunity to climb in a rocky, steep, exposed place. Locals call Kiger's notch the gunsight, and when I sat within its frame, it seemed that I rode the great divide the mountain slices through the Oregon desert.

The flat, dry basin lay to the east; the curved plateau and hidden valleys of the mountain rolled to the west. The Alvord Basin sank below the mountain like an empty bathtub, the remnants of its once full prehistoric lake, now a dry, cracked, and vast
playa—the color of milky tea. Even the horizon took on the dusty tones of the desert, diluted by the heat of the land. Mann Lake formed an anomalous figure against the floor; from my vantage point it formed a puddle of forgiving blue that caught snowmelt off the steep eastern escarpment of Steens. To the northwest, I could see further up the gorge, into the bend forced by the glacier and out to where it spilled open at the Diamond Valley. I had camped there the night before on Fred Otley’s ranch. Otley felt that the view of Kiger Gorge rivaled that of the Grand Canyon. But he was admittedly biased. The headwaters of Kiger belonged to his family for generations—until they traded it away at the bargaining table only weeks earlier.

“That land we’re giving up is where all the kids shot their first elk. It’s our favorite part of the ranch,” he said the previous afternoon. “I’m not sure how many years it will take before we get used to that being gone.”

“Do you have any idea why you decided to do it in the end?” I asked. We sat on a hot afternoon in the coolness of his parents’ home. Almost every inch of the walls were covered by photos of children, grandchildren, nephews, and nieces, who, at various points in their lives, inevitably donned cowboy hats. Otley had been late to meet me, and to compensate he brought a case of beer. I didn’t object. We talked for a couple of hours over cold PBR, which, on that dusty, sweltering Friday, tasted about perfect.

“There were two things,” Otley explained. “We put something there that would give us a possibility of a piece of legislation that would avoid a massive monument, which would effectively destroy everything that we’ve worked for so many years. A monument would have created a war zone.”
The land his family has loved is primarily concentrated in the Diamond Valley. It first became familiar to them in 1886, when Fred Otley’s great-grandfather—also named Fred Otley—an accountant and raft man on the Mississippi, moved out west for the health of his wife, who was sick with tuberculosis. Though she died in California shortly thereafter, Otley headed north to Malheur Lake, put a cattle operation together, and finished raising a family.

“It [the ranch] evolved as it was put together—a number of places over many years—and actually moved to this site in 1943 . . . At one point there were actually seven Otley families. They all had boys. Girls weren’t allowed into the scenario of things, I guess,” he said wryly and grinned at me. “Two families, seven boys. And the next generation had all boys too. We kind of broke down last generation and let a girl or two crowd in,” he laughed.

The Otley family amassed about 10,000 acres of private land over the years, but that accounted for only half of their operation. The other 50 percent was made up of public land grazing allotments. The Otleys became prominent figures throughout the community and within the industry. The gold and silver inscribed belt buckle Otley wore that day attested to the fact that he served for a time as president of the Oregon Cattlemen’s Association, a powerful lobbying force in the state. Otley has also been involved in the special designation issue at Steens for years, heading up a local group called Friends of Steens Mountain and serving as private landowner liaison to the Resource Advisory Council.

The land trades, of which the Kiger Gorge was only a part, were a key and controversial part of the legislation. “We offered our land as icing on the cake to try to
get this bill passed,” explained Otley. “We will probably get used to and enjoy the fact that certain of our pastures will no longer be a combination of public and private land, and that there’s a dry part of our ranch where we’re going to be able to develop water. And we’re going to be able to implement a prescribed fire management plan without the government having to OK everything. So there’s certain inherent, tangible positives that we’re going to incur.” Still, Otley said he and his family we’re having a hard time balancing those positives with the loss of Kiger Gorge.

Most environmentalists felt the exchanges were the bargaining chip that kept the ranchers at the table. “Some of these ranchers were smart enough to figure out that their future was not in public lands grazing,” said Andy Kerr. “What is good for these land barons is that they made out fine. They were very fairly compensated for these lands. And they’re in a much better position to go about their grazing on private lands with less interference from the public.” But environmentalists may have wanted those trades just as badly, if not more. Consolidating the high alpine, ecologically sensitive areas made sense from a conservation standpoint. “I’m not sure the bill would have gone through if there wasn’t a land trade,” said the BLM’s Miles Brown. “What you really got out of this bill is, one, you got wilderness designation, and the big thing the environmental community got—particularly ONDA—was a 95 percent cow-free Donner und Blitzen watershed. That’s what they’ve been after for a long time. To get that, you needed to remove the private land.”

That high-elevation, highly sensitive land, that grass that greens up after July, was the point around which negotiations revolved. The areas were key pieces to the ranchers’ successful operation. But once they decided to let some of it go, Fred Otley and Stacy
Davies knew they had offered something that conservationists would have a hard time walking away from; they knew it was their best hope against a national monument designation. Any monument boundary would have encompassed quite a bit of private ground in the high country, and some landowners had threatened to fence, develop, and, at minimum, forever retain that important land if they were forcibly enclosed by such administrative lines. "We made it clear that if a monument occurred, it wasn't going to happen. It wouldn't be on the table again," explained Otley. "The acquiring of those special lands, Ankle and Mud Creek, the head of Kiger, were not going to the public, not going to the government. No way. It was kind of a one shot deal. We were willing to put 'er up if everybody played fair. They weren't going to have a second shot at it."

The July bill circulating in the House of Representatives outlined six different land exchanges—including the Otley's property in the Kiger, portions of Roaring Springs Ranch, and some property owned by the Witzels. But H.R. 4828 was receiving tentative support from many members of Congress as well as environmentalists. Support for the land exchanges, specifically, was even shakier. It was not until those focused negotiations described earlier—not until Davies, Otley, Marlett, and Kerr sat down and started pouring over maps and adjusting boundaries by 40 acres here and there—that the controversial elements of the bill started to congeal into something passable. The right people were at the table and, as Kerr put it, able to "deliver" to their constituencies.

Fred Otley felt this bargaining was necessary and complimented Kerr and Marlett for their work. "The congressional folks' support was somewhat tentative because of the land ratios. And Andy and Bill did a good job of going out there and looking at public values and then negotiating whether what we put on the table in terms of land
exchanges—and the public values that would be lost from the lands we would receive—was balanced. And they worked very hard at it, and I think it was fair and accurate."

Whether those exchanges really were balanced was heavily disputed. At first glance, the bare bones of dollars and acreage made the trades look heavily skewed in favor of the ranchers. Some even suggested that the public was being ripped off. In the end, Roaring Springs Ranch traded away 10,909 acres in exchange for 76,374 acres of public land and received $2,889,000 “to compensate for lost productivity and economic activity caused by the dislocation and reallocation of resources and the disruption and termination of traditional management techniques,” according to the bill that passed the House of Representatives (U.S. House 2000a). Charlie Otley, Fred Otley’s uncle, traded 851 acres of his land in the Kiger Gorge for 3,845 acres of low-lying areas and received $920,000 for economic adjustments. The Otley Brothers, Inc., Fred Otley’s outfit, received 6,881 acres in the Diamond Valley and $400,000 in exchange for his 505 acres in Kiger. Two other ranches together received approximately $950,000 in economic adjustments and 17,000 acres of public land for about 6,400 acres of their private land on the mountain.

Money wasn’t the important issue to Andy Kerr and Bill Marlett. “In twenty years, nobody is going to remember $5 million in payments, but they will remember that this was the first designated cow-free wilderness area in the West. That’s what matters,” opined Marlett. To him, creating a cattle-free wilderness produced a value that couldn’t be bought or sold on the marketplace.

Nonetheless, there were quite a few skeptics. Dick Vander Schaaf, Senior Conservation Planner with The Nature Conservancy in Portland, explained that the basic
controversy regarding the exchanges were the cash settlement payments made to the ranchers to cover their economic losses. “The private and federal lands were exchanged on an equal market basis (even this is disputable), but then there were cash payments added on top of this exchange deal to cover ranchers’ losses that resulted from high elevation private lands (late season forage) going out of private ownership in exchange for low elevation (early season forage) federal lands.”

Critics continued to ask, why such weighted ratios? Why the extra money piled on top of the exchanges? “We took a lot of shit from our constituents from the net loss of public lands,” Andy Kerr told me in Portland. In September 2000, he sent out a general email on an environmental list serv in order to clarify and justify the core negotiators’ approach. In the note to his colleagues, Kerr explained that the appraisal process was expedited in order to keep time with the dynamic and evolving nature of the legislation. And, instead of going through a traditional appraisal process, the lands to be acquired were evaluated at their development value—because serious development potential existed.

“For the most part, conservationists get up every morning to protect values that the market doesn’t well, fairly, or adequately recognize. While there is obvious value in cow-free (and other) wilderness, in the improvement of sage grouse and redband trout habitat by the elimination of livestock, and in the prevention of trophy homes at the head of Kiger Gorge, the traditional appraisal process doesn’t take them into account,” he wrote.

Stacy Davies explained the trades another way: “You have an appraised value, and nothing on the open market ever trades for an appraised value. You have a market
value, and market value is whatever you’re willing to pay, and I’m willing to sell. And what happened on Steens is a combination of both. You’re dealing with priceless pieces of land. Charlie Otley could have said the Kiger Gorge is worth $5,000 an acre, and I guarantee in ten years he’d get that. He sold it for $1300 an acre to the government . . . Basically, what it had to boil down to is that you had a rough appraisal done to say that we’re in the ball park. And then you had competent people on both sides that negotiated the deal—they cut a deal. And beyond that, what can you really do?”

Consider, as well, that private land in terms of those grazing leases, which had been capitalized into the value of the property. Consider the fact that ranchers were “technically” losing money on their private land with the loss of public AUMs created by a cattle-free wilderness. Although this might seem like a strange and circuitous line of reasoning, it is a part of ranching economics. Framed in this way, the weighted land ratios and economic adjustment make a little more sense.

Nonetheless, the economic adjustments to the ranchers were the hardest sell outside of the negotiation process. But the environmentalists at the table understood that the ranchers would not trade without them. By giving up their late-summer forage in the higher elevations, the landowners incurred replacement costs—such as constructing water developments to mimic high mountain meadows. Andy Kerr thought the compensation entirely appropriate and “both socially just and politically necessary, if the legislation [was] to be enacted into law.”

Fred Otley and Stacy Davies told me it was not only appropriate, it was absolutely necessary. They would have had to pull the trades off the table without economic mitigation. The money was needed to revamp and make possible an economically viable
operation. That might mean drilling a well, putting in a pivot, pumping the water, and creating manmade meadows; installing new fence; figuring in reduced carrying capacity; and finding ways to cope with the increased costs and decreased weight of their calves. According to Otley, his calves make about 3.75 pounds per day on the high Steens in August, while a cow will gain from ½ a pound to ¾ a pound in the low country. After the trades and the cattle-free designation, his company lost 504 of those high country AUMS. He estimated this loss to equal $60,000 per year just in weight gains.

“If you’re looking at long-term, sustainable ranches, the thing that’s kept these ranches is the elevation—winter grazing to good summer grazing. It’s still green up high,” Stacy Davies told me in the beginning of October. “Our cows that aren’t grazing the high country are thin and have light calves. They didn’t breed. But we had fifteen head up there this year. I brought them down the other day, and their calves are weighing over 600 pounds. And the cows are fat . . . The expensive part of a ranch is your winter feed. From a dollar input standpoint. But what makes you money is your summer feed.”

Andy Kerr and Bill Marlett accepted this. In their eyes, the costs of the exchanges—less public land, a gross reduction in sage grouse habitat—were outweighed by the gains—more public land without livestock and a net gain for sage grouse habitat (ecologically important land was gained in the endangered mountain big sagebrush zone). The land up high was simply more valuable than the land down low—much of which had already been heavily grazed, plowed, and planted. “There’s a net loss of public lands, but there’s a net gain for the public interest, I would argue,” said Kerr. “We got cow-free wilderness, we got better habitat for sage grouse. If you want to look at it from a sage grouse, from a redband trout, from a big horn sheep perspective—those species are better
off as a result of these exchanges and the subsequent legislation.” Because of this, Kerr and Marlett felt the landowners weren’t benefiting unjustly at the expense of the public.

But there still remained the sticky issue of California’s Democratic Congressman George Miller, who wouldn’t be satisfied just because a couple of ranchers and environmentalists hammered out a deal that made both parties happy. Miller, the ranking Democratic member in the House Resources Committee, had just got hold of a recent General Accounting Office report, which stated that taxpayers rarely get their money’s worth from land swaps. His presence became felt during the crafting of the bill, even though he wasn’t in the room with the delegation and the governor.

It took the support of the entire Oregon delegation to sway him. According to Kevin Smith, Representative Peter DeFazio became the lynchpin in moving Miller to a place where the bill would be acceptable to a major block of votes on the House floor. And Governor Kitzhaber and other Oregon Democrats reassured the California congressman that even though the overall public benefit was financially hard to quantify, ecologically, the land trades gave back much more than would have been received otherwise. The economic adjustments were only a minor debt in comparison to the value of the high Steens.

In the end, both Peter Green and Kevin Smith felt that that the land exchanges were the strongest result of the negotiation. “This isn’t going to get pulled apart because of these land exchanges,” commented Green. “To me, this is a model because you’ve done two things. One, you’ve come to a place where there’s an agreement on the stalemate. But you’ve also rearranged all the pieces so that it can’t fall apart in seven years. You put the private land down low, where it’s not important ecologically, and you
put the public land up high. You solve the long-term problem. And you've come to some deal... And that's why I think it's so exciting; it's resilient. It's a model for doing things the right way."

Did the ranchers think so? I asked Lindsay Slater, Representative Walden's aid during the negotiations and legislative process. "I always said we were trading high resource values—the pristine glacier meadows up top—for the low-lying cow values. We're getting the cows where they belong, and we're locking up and blocking up the high resource values on top," he said. I asked him if the cattle industry was upset that the legislation set a precedent with the first cattle-free wilderness. He answered my question with another: "If you're going to get run off, do you want to get run off the land with nothing to show for it?" Certainly, the ranchers were smart enough to bend without breaking—survive the transitions of a changing West and not walk away empty-handed. Slater stressed that despite the fact that the ranchers will have to operate in a different manner, they had established these ranches as economically viable units for years to come. "We always said, the Congressman [Walden] always said, we will not put them in a worse position than they are today with this." Perhaps not a worse position, but certainly a different position—still intact though less powerful.

In southeastern Oregon, grazing the high country is getting more difficult and less profitable. Stacy Davies admitted this but said it wasn't the only reason ranchers agreed to the land exchanges. "Yeah, the writing is on the wall for public land grazing in highly sensitive areas, and those restrictions are scaring us a little bit; but, at the same time, there's quite a spirit of cooperation in it too." He paused and looked straight at me. "Quote me carefully, but you'll never got most of these guys to admit that. They didn't
want development in Kiger Gorge either. That underlying land ethic, each one of us has it, and we can't really go to cattlemen's meetings and say it. But it is there."
Reconciling

A good friend of mine was once lost driving in southeastern Oregon. He recalls heading north out of Winnemucca, Nevada, taking a picture of himself next to a “Welcome to Oregon” sign, and then heading into a great unknown. Somehow, he says, he ended up on Highway 205. After several hours, he vaguely remembers coming to a crossroads: a dirt road peeled off towards the east, but he stuck to the pavement, assuming it would take him to Lakeview. At midday he began to wonder why he hadn’t arrived. The late June sun sat high, casting no shadow and providing him with little sense of direction. The landscape unrolled in endless sage and plateaus. The needle on his gas gage hovered just above empty. He began to feel desperate. Suddenly, he crested a hill overlooking two large, shallow lakes. When he reached the valley floor he noticed a Malheur National Wildlife Refuge headquarters sign. “I have two questions,” he said when he walked to the front desk. “Where am I, and do you have any gas?” The man chuckled, for he was still over thirty miles from the nearest gas station. Then he led him to a couple of huge metal gas tanks, flipped a switch, and waited for a pump to warm up. As it turned out, my friend’s (many) wrong turns cost him an additional five hours of driving. And he drove right past Steens Mountain without even knowing it.

“We’re pretty excited that we got a name long enough that you can’t put it on a sign with an arrow pointing down the highway,” said Stacy Davies. The name, Steens Mountain Cooperative Management and Protection Area, implies much. It reinforces ranchers’ presence on the landscape, calls attention to their role in managing that landscape, and recognizes that protection of ecological values can exist alongside the
existence of historical uses. But many tourists won't know what to make of it. It has no precedent. It's not a part of any system, has no counterparts in other areas like national parks, national monuments, even national conservation areas. "This weird Cooperative Management and Protection Area—what the hell is that? It's not a NCA," complained Andy Kerr when I talked with him in Portland. "It's not only long and awkward, it also suggests that Congress would be legislating an area more for a particular style of management than for the substance of conserving and protecting unique natural values for this and future generations," he said while testifying to a House Resources subcommittee the previous July.

Compromises. Trade-offs. Were the ranchers run off? Did conservationists lose by giving up their dream of 100 percent cattle-free public lands on the high mountain or the inclusion of the Alvord Desert? Or, rather, did both sides have the vision and grace to seize a moment that might not come along again? People on either side of the aisle are quick to point out objectives lost, elements carefully crafted in pervious drafts that were eventually discarded. It is impossible to entirely judge all of the ramifications of the act, especially since many on-the-ground details will emerge with the management plan, a document that will take a maximum of four years to produce.

The legislation passed the House on the morning of October 4, 2001. I was resting in the shade of an old box elder by the ranch bunkhouse, reviewing interview notes and watching warblers and wrens, when Alice Elshoff came running down the driveway, clearly excited by the news she had just received. When I reached Roaring Springs Ranch forty minutes later and related Elshoff's ebullience, Stacy Davies smiled, but only a little. "If the radical environmental community is excited about it, that makes
me nervous,” he said, though we both laughed. It was clear that passage of the bill was a good thing to him—he had invested so much time in it—but it was also bittersweet. After all of the compromises, he felt that ranchers were left with only a few core consolations: “The only thing we ended up with was a 500,000-acre boundary instead of a 1.2 million-acre boundary. We ended up with a name that won’t draw people. And we’re not sure they’re really a good deal, but we ended up with the land exchanges.” Of course, the economic adjustments embedded in the land exchanges had to be good for the ranchers as well.

As we talked more about the bill, we did come across other things that made him happy: the Wildland Juniper Management Area, the Steens Mountain Advisory Council, some of the development language. And he did speak of a certain humility he felt when he watched the vote that morning on C-SPAN. “From a personal standpoint, having been involved in something as detailed and huge as this—to think that you’ve been that involved in it, and it actually went through the Untied States Congress, is pretty humbling, really.” But it became clear to me that the legislation was not as much as he hoped for; it was the lesser of two evils. And he was not alone in this feeling. “It is probably an accurate sentiment in the community,” David Blackstun related, “that as the bill evolved, it has evolved and matured more in favor of the environmental interests than the ranchers.”

The purpose statement of the act provides one overarching example of this shift towards environmental protection. When the legislation was first introduced, it read as follows:
The objectives for which the Cooperative Management and Protection Area is designated are as follows:

(1) To maintain and enhance cooperative and innovative management practices between public and private land managers in the Cooperative Management and Protection Area.
(2) To maintain the viability of grazing and recreation operations on public and private lands in the Cooperative Management and Protection Area
(3) To conserve, protect, and manage the long-term ecological health and functioning watersheds of Steens Mountain (U.S. House 2000b).

But environmental groups, especially national environmental groups, felt that protection of ecological resources had to be the guiding light for all management activities on the mountain—in the event that any irreconcilable conflicts arose. In the final version of the bill, the act reads (U.S. House 2000a):

The purpose of the Cooperative Management and Protection Area is to conserve, protect, and manage the long-term ecological integrity of Steens Mountain for future and present generations.

Then the objectives, which are subservient to the purpose, are listed in the following way:

♦ to maintain and enhance cooperative and innovative management projects, programs, and agreements between tribal, public, and private interests in the Cooperative Management and Protection Area;
♦ to promote grazing, recreation, historic, and other uses that are sustainable;
♦ to conserve, protect, and to ensure traditional access to cultural, gathering, religious, and archaeological sites by the Burns Paiute Tribe on Federal lands and to promote cooperation with private landowners;
♦ to ensure the conservation, protection, and improved management of ecological, social, and economic environment of the Cooperative Management and Protection Area, including geological, biological, wildlife, riparian, and scenic resources; and
♦ to promote and foster cooperation, communication, and understanding and to reduce conflict between Steens Mountain users and interests.

In ranchers' eyes, the original purpose statement was more fair and balanced. Though the list of objectives in the final bill calls attention to and protects important, diverse activities that occur on the mountain, it is clear that ecological integrity takes priority.

Stacy Davies explained, "I fear that the first time things get a little bit heated and
somebody takes us to court, the judge is only going to look at the purpose, and that’s where he’ll stop.” Of course, that scenario is exactly what conservationists want.

Despite wins like the purpose statement, environmentalists do not claim Steens as a complete and decisive victory. They wanted more wilderness; they wanted all WSAs to become designated as wilderness. They wanted land above 6,500 feet and the entire Donner und Blitzen watershed cattle-free. “They have a lot of good arguments that cows don’t belong up there. And we took cows off 70,000 new acres, but it’s still cow country. That’s a big give from their dream,” commented Peter Green. During negotiations, environmentalists called themselves the Steens-Alvord Coalition; they wanted the Alvord Desert within the boundary area—the complete preservation of a basin and range ecosystem, approximately 1.2 million acres. They didn’t get these things. But they did get quite a bit.

Some numbers: The Steens Mountain Cooperative Management and Protection Area consists of 425,550 acres of federal land. Approximately 900,000 acres (including the Alvord Desert) are withdrawn from location, entry, and patent under mining laws and operation of mineral leasing, geothermal leasing (one of the biggest perceived threats on the Alvord), and mineral materials laws—except for the development of minerals, such as a gravel pit, from existing sources for road maintenance. The act establishes the Steens Mountain Wilderness Area, consisting of 169,465 acres of federal land (including the recently acquired 13,833 acres of private land). A No Livestock Grazing Area of 97,071 acres (approximately 30,000 acres were previously removed from grazing), lies within the wilderness boundary (U.S. House 2000a).
Before the Steens wilderness designation, it had been sixteen years since a sizeable chunk of land was set aside as wilderness in Oregon. In 1996, Senator Mark Hatfield helped protect about 20,000 acres of one of the largest remaining old-growth tracts in the Cascades: the Opal Creek Wilderness and Scenic Area—Oregon’s last congressionally designated wilderness. But it was tiny in comparison to wilderness designations of the past. More than a million acres throughout Oregon were preserved when the Wilderness Act was passed in 1964 and more than 800,000 acres were protected in 1984 legislation (Cole 2000a). Steens Mountain brought that long, dry spell to an end.

New Wild and Scenic designations include the following: Kiger Creek (4.25 miles); Wildhorse Creek (7 miles); and Little Wildhorse Creek (2.6 miles); and new segments of the Donner und Blitzen Wild and Scenic River including Ankle Creek (8.1 miles); South Fork of Ankle Creek (1.6 miles), and Mud Creek (5.10 miles). The new designations bring a total of 103.65 miles of Wild and Scenic River to the CMPA (U.S. House 2000a).

A Donner und Blitzen Redband Trout Preserve was created along the Donner und Blitzen River and the adjacent riparian areas on federal land within the wilderness area, above its confluence with Fish Creek. This preserve was created to protect, conserve, and enhance the habitat of this endemic fish and its habitat and provide an area for research, education, and fish and wildlife-oriented recreation (U.S. House 2000a).

The use of motorized or mechanical vehicles on federal land is prohibited off-road (though defining a road may become a sticky issue, which will be settled within the
management plan), and no new roads will be constructed with the exception of roads
dedicated to public safety and environmental protection.

Other elements of the bill fall in grayer realms. The Steens Mountain Advisory
Committee (SMAC) is seen by some as deference to local control, or at the very least,
local influence. Still, environmentalists and conservationists hold prominent places on
the committee. Like BLM Resource Advisory Councils, the SMAC will be purely
advisory; however, David Blackstun explains that the BLM will take that advice very
seriously. "It potentially could be at our own peril to reject their advice," he speculated.
"There's some hope that the SMAC, with its diverse participation, will lead us through
some of those minefields that might result if they weren't involved." The first task of the
SMAC will be to help the BLM develop the management plan—a contentious and
challenging task indeed. Consider the make-up of its members, who will be nominated
by various decision-makers and appointed by the Secretary of the Interior:

➢ one private landowner in the CMPA, nominated by Harney County Court;
➢ two persons who are federal grazing permittees on federal lands in the CMPA,
nominated by Harney Co. Court;
➢ a person interested in fish and recreational fishing in the CMPA, nominated by the
  Governor;
➢ a member of Burns Paiute Tribe, nominated by the tribe;
➢ two persons who are recognized environmental representatives, one will represent the
  state as a whole and one the local area, both nominated by the Governor;
➢ a person who participates in dispersed recreation (hiking, camping, nature viewing,
horseback riding, etc), nominated by the Oregon State Director of the BLM;
➢ a person who is a recreational permit holder or is a representative of a commercial
  recreation operation in the CMPA, nominated by the Oregon State Director of the
  BLM and Harney Co. Court;
➢ a person who participates in mechanized or consumptive recreation (hunting, fishing,
  off-road driving, hang gliding, etc), nominated by the Oregon State Director of the
  BLM;
➢ a person with expertise and interest in wild horse management, nominated by the
  Oregon State Director of the BLM;
➢ a person who has no financial interest in the CMPA to represent statewide interests,
nominated by the Governor.
In reviewing the nominees, the Secretary is expected to consult with the community that the nominees are to represent to ensure that the nominees have support (U.S. House 2000a). Before the legislation had even passed the Senate, people had contacted the BLM and Governor’s office, expressing interest in serving on the SMAC.

Development is another wait-and-see issue at Steens—much will be defined, refined, and decided in the management plan. The Governor’s office spearheaded the development issue during the shaping of the legislation, though environmentalists had always been vehement in pointing out threats to the mountain and the need for its protection.

In 1997, for example, John and Cindy Witzel applied for a permit to build a lodge for their pack business on their 160 acres of land on Lake Creek—a tributary of the wild and scenic Fish Creek. They use the land as a base camp for their pack business and each season set up a temporary camp, with walls, tents, and platforms. The proposed lodge was a dramatic change from the previous use of their land; it included fifteen permanent guest cabins, a restaurant, and gift shop. Since the land was zoned “exclusive farm use,” the county turned them down. But in 2000, the Witzels reapplied, this time calling their facility a school—citing the educational components of some of their tours—after they discovered schools are permitted in “exclusive farm use” zoning. They even received a license from the Oregon Department of Education to construct it. Environmentalists called it a “thinly veiled” proposal and warned of a massive development in the high Steens that would ruin the remote and pristine nature of the area. This issue remained unresolved when the Steens legislation passed. Recently, the Witzels lost their case in front of the state Land Use Board of Appeals and have petitioned the Oregon State
Supreme Court. But Bill Marlett doesn't expect the court to hear their case. "Since then," he adds, "they have applied to build a house up on Steens, which they will in turn use to apply as a guest lodge under a special guest ranch law in Oregon . . . We'll see them in court again."

I asked Peter Green if there were any other proposals besides the Witzels' school that led the Governor's office to believe that development was a major threat at Steens. "It's not that far from California," he said. "There's 35 million Californians down there; it's the perfect summer location. Land in that county zoning allows you to sell 160 acre parcels under current law without going to the county court for permission." Green felt that landowners on Steens had essentially two options to make money from their land: graze or develop it. Taking away development would eliminate one of those options. And so the Governor's office embraced the position of "better grazing, no development."

Kevin Smith followed up: "I'll just start out by saying that we didn't get everything we wanted on development. There are some real precedent-setting things we wanted to have. For instance, right of first refusal—if someone on the mountain is going to sell their property beyond their immediate family, we wanted the federal government to have the opportunity to purchase that land. And we were told that, politically, that would never get through Congress. The property rights—how should I say this—the property rights people across the country would never let this happen."

As it is written in the act, any development "which is different from the current character and uses of the land is inconsistent with the purposes of this Act" (U.S. House 2000a). But what that means on the ground is a bit unclear. Green explained that a private landowner could put a barn or fence on his property, but he wouldn't be allowed
to build a Minute Mart on the loop road or a condominium development. "It gets grayer if you want to build a hunting cabin on your little piece of land and hide it down in an aspen grove so nobody can see it," he said. "We'd like that not to happen, but that's a very gray area."

Andy Kerr, Bill Marlett, and even the BLM's Miles Brown believe the law has no teeth, though it does provide incentives. The act authorizes the use of $25,000,000 from the Land and Water Conservation Fund to fund future acquisitions within the boundaries of the CMPA by voluntary exchanges, donation, or purchase from willing sellers. While most ranchers and landowners support and prefer an incentive-based means to keeping the mountain free from development, others continue to worry about whether such incentives will be enough.

Hidden behind the high-profile controversies of development, wilderness, and boundary lines is an area where ranchers and environmentalists were able to find common, solid ground. The act creates a 3,267-acre Wildland Juniper Management Area. It was created for the purposes of experimentation, education, interpretation, and demonstration of management techniques for restoration of the historic fire regime and native vegetation communities (U.S. House 2000a). It is commonly agreed—by the BLM, ranchers, and environmentalists—that western juniper, a native species, on the mountain has reached unnatural levels, seriously affecting the proper functioning and ecology of watersheds, plant distribution, and soils. On Steens, the tree is choking out aspen groves and other grass and plants, which provide forage for both cattle and wildlife.
According to Andy Kerr, conservationists believe the species has spread because of the exclusion of fire and the introduction of livestock. “The ranchers tend to agree with the problem but not the cause,” he explained. “Conservationists were in a position where we needed to make sure that juniper management would be addressed fairly, creatively, and wisely, or we would have trouble designating additional wilderness areas.” Though the two sides did not agree on the motives or means of controlling the species, there was general agreement for the need to address—through active management—the problem of encroaching western juniper trees. Consequently, the bill sets up a demonstration area in order to test various management techniques and their effects: prescribed fire, chainsaws, handsaws, even “backpack-mounted flame-throwers on snowshoed fire technicians,” as suggested by Kerr. “For the record, I’d be glad to volunteer for such a mission,” he revealed in testimony to the House subcommittee.

The juniper demonstration area is a released Wilderness Study Area—the only one on the mountain. “It [the demonstration area] was originally in our very first bill. Then they said we could not release any wilderness study areas, period,” explained Stacy Davies. But the piece of ground they wanted to use was at the perfect place—right on the North Loop road, where anyone can see it. And it represents a classic scenario of juniper encroachment, with crowded, dying aspen clones and little ground cover. During the final, core negotiations, Marlett and Kerr brought the demonstration area back into the bill. “It’ll really work,” said Davies, smiling. “We can demonstrate how to manage juniper by different methods. And the general public will begin to understand why juniper is an issue that needs to be dealt with.”
Such partnerships, cooperation, and common goals may have an opportunity to grow from this legislation. Compromise might yield innovation instead of disappointment. Envision Andy Kerr with a flame-thrower and Fred Otley with a chainsaw—facing, not each other, but a juniper tree.
Two questions arise when considering the Steens story: is the special management area actually better than a national monument and can the process be replicated—is it a model? Environmentalists started out by calling for a monument; at the time, they felt it was the best, quickest, and most viable option for protecting the mountain. But, as negotiations evolved, they discovered that legislation might just be a better option. They embraced and defended it in the end. Why? Wilderness might be the number one reason. The very first cattle-free wilderness to be precise. Ranchers never wanted a monument; time and time again they spoke of how it would ruin the remote character of the region, the cooperative partnerships already formed, the management of the landscape. But, to some, passing the legislation was only a matter of capturing the lesser of two evils. They would have preferred things to be left as they were.

Agency staff played an important role during the negotiations by their presence at meetings, knowledge of resource values, and ability to quickly produce map after map through GIS technology—providing a tangible portrayal of how boundaries and management schemes might change with different alternatives. They had many reasons to encourage the legislation. Miles Brown suggested that the agency was heading towards gridlock on Steens; anything the BLM did on the mountain was going to end up in a lawsuit or appeal. "We were much more in favor of legislation than a monument," he said, "because legislation had the opportunity to resolve a lot of the issues and make a lot of calls. The more direction provided to us, the better. That's a bureaucrat's dream. Don't leave it open-ended. Maybe in the past that was all right, but in today's world,
with the resource issues we have on this mountain, the tighter the direction the better.” I asked him if the consolidation of public land, of wilderness, at the top of the mountain would make management easier. “I don’t think it’s going to be easier,” he paused and then slowly grinned. “I think it’s going to be a whole new world.”

Politicians savored the opportunity to come up with an “Oregon solution,” and soon touted it as such. A monument, according to Kevin Smith, could have put Steens on the “national travel industry radar scope” and ruined its special, remote character. Additionally, a monument might not be bulletproof as political power shifted over the years. “Who knows what’s going to happen to monuments in the future? Congress can deny money for implementation. There’s avenues for Congress to play havoc with national monuments that were designated by a president not of the party,” Smith pondered. Even Stacy Davies noted that there was a chance that George W. Bush or a future president could overturn Clinton’s many monuments. The bipartisan legislation, on the other hand, would be much more difficult to change. Would the ranchers at Steens have been “safer in the basket with the others?” Of course, Peter Green and Kevin Smith did not speculate on that aspect of the designation. They had helped craft an Oregon solution, and they were satisfied with its resiliency.

“How do you think this is better than a national monument, for Oregon,” I asked Green and Smith.

“Go ahead,” Green said to Smith and then looked back at me. “We have a long list.”

“I think we got more land protected. We protected the local character and economy of the area,” explained Smith.
“We had some anti-development language in there which we wouldn’t have had at all,” added Green.

“I think a future benefit of this, frankly, is just a political one,” Smith continued. “The Oregon delegation and the governor have now found that with a lot of hard work they can actually accomplish this kind of feat. This was no small feat in Oregon history.”

“Would you call it precedent setting?” I asked.

“Absolutely,” answered Smith without hesitation.

“Oh yeah, for ways to protect the West,” said Green.

“Not only from an Oregon perspective and the delegation of the Oregon political community, but I think, nationally, both sides are already making noises that this is a model that ought to be pursued,” Smith asserted.

Democratic Representative Peter DeFazio echoed Smith’s sentiment: “I believe this sets a precedent that will be replicated time and time again to protect other extraordinary places, not only in my home state of Oregon but throughout the western United States” (Cole 2000a).

Democratic Senator Ron Wyden called the Steens bill “the biggest win for Oregon in years,” and said he would pursue a similar approach on the Oregon coast, within the Siskiyou National Forest. “I’m going to spend a lot of time talking to the community about it,” Wyden said. “And the first question will be: Is there a Steens solution?” (Cole 2000a).

Republicans were not lacking in praise either.

“Well, all I can say is that I’m hearing people tell me—I heard it yesterday—that this is going to be a model for how to solve conflicts down the road,” said Lindsay Slater.
“It’s a good model,” he added, especially since it recognizes that landowners are losing value in federal permits. “We did a good job of compensating them for losses and reallocations. With all the pressure that are being brought to bear on ranchers and resource users, we’re going to have to come up with these novel solutions to make things work.”

“I’m just thrilled,” said Oregon Republican Senator Gordon Smith to an Oregonian reporter. “This is such a wonderful example for the whole country of the way to protect the environment without rolling the stakeholders” (Cole 2000b).

Of course, Steens is a wonderful example of an “Oregon solution.” As Andy Kerr explained, there may be more “deals” like this in the future—deals in which each constituency gains something, deals that are not a “zero sum game.” “It’s such a deal we hope to replicate,” he said. But Kerr and other environmentalists warn against calling Steens a “model,” especially a model of collaboration. They prefer the term negotiation, the idea of “cutting a deal,” and stress that without Babbitt’s threat, without that hammer over the table, ranchers would never have negotiated. The fear of a national monument was the only impetus for them to sit down at the table. Bill Marlett claims he met with Representative Walden a year earlier, and the congressman essentially blew him off, stating there was too much wilderness, too many lock-ups in eastern Oregon already.

“All this shows is that people can come together when they’re forced to. This would have never happened by their free will . . . The bottom line is, and Fred and Stacy have said this, they were choosing the lesser of two evils. And if they had their way, they would have just let things be. You don’t need a solution for a problem that doesn’t exist.”
But it’s wrong to assume that collaboration happens just because people graciously decide to collaborate. Collaboration does not have to voluntary, unprovoked, or without a mandate. It is not always a harmonious gathering of diverse interests sitting around a table, holding hands, working through their differences, and coming up with born-again solutions. In fact, more often than not, collaboration occurs because of an outside threat or pressure. Literature on the subject is replete with examples of collaboration happening because of an unambiguous threat or even an opportunity. In Napa, California, a citizen coalition came up with a plan to restore and revitalize the Napa River—and got the Army Corps of Engineers to cooperate—under a threat of the loss of a $78 million federal appropriation, approved thirty years earlier (Krist 2000). In Montana, the Northern Lights Institute Clark Fork Project occurred because of a threat of a contested water reservation, a case in which there would be a clear winner and a clear loser. Collaboration would not have occurred without this legal hammer over the table (Snow 2001). The list goes on.

Jonathan Lange writes that collaboration, often considered a voluntary process, actually displays many paradoxes, including what he calls the “entry paradox”:

It is surprisingly difficult to find instances of an unpressured use of the process. Few disputants enter mediation by spontaneous mutual choice. Instead, most instances involve reluctant parties entering the process either under strong social pressure; under pressure mobilized by the other disputant; or because they are required to do so by a government agency (Lange 2000).

He points to the example of the Applegate Partnership in Oregon, where one environmental representative said he was there “to keep an eye on things” and make sure nothing would happen to hurt the cause; and a timber industry representative explained
that he was pressured to participate because he felt there was “a gun to my head and to
the head of the whole industry” (Lange 2001).

Utah’s San Rafael Swell serves as a counterpoint to Steens. Here, there was no
“sword of Damocles” hanging over the collaboration table. Residents of Emery County
had been working with federal land managers since 1995 to develop a plan to improve
management of the swell area, an increasing popular place to camp, hike, and ride off-
road vehicles. It also contains large areas of pristine land that conservationists want
protected as wilderness. Republican Representative Chris Cannon drafted a bill the set
goals for a proposed NCA in 1998, but it was killed by Democrats. Talks began again in
2000, and when local officials reached a compromise, many felt the bill would pass
Congress since it had the support of both the White House and Utah’s Republican
leaders. Environmentalists managed to kill it, stating they were never invited to
negotiate. Republicans said they never would have compromised anyway. Each side
blamed the other. Some pointed out that the right dynamic just wasn’t there. After
President Clinton’s surprise declaration of Grand Staircase-Escalante National Monument
in 1996, Interior Secretary Bruce Babbitt promised there would be no more monuments
in Utah. No threat of a monument meant there was no rush to find common ground at
San Rafael Swell (Woolf 2000).

There were a few other places, besides Steens, where that dynamic was present.
In Colorado, Representative Scott McInnis called together all stakeholders in order to
develop a proposal that would offset a national monument proclamation for an area south
and west of Grand Junction. The result was the 123,000-acre Colorado Canyons National
Conservation Area, which includes 75,000 acres of formally designated wilderness.
After the Interior Secretary visited the Cienega Creek area in southern Arizona, Republican Representative Jim Kolbe and Senator John McCain sponsored a locally developed bill (which included the participation of a regional environmental group) that became the 48,000-acre Las Cienegas National Conservation Area. Congress also passed protection for 272,000 acres in the Santa Rosa Mountains of southeastern California, championed by Republican Representative Mary Bono (Nijhuis and Brooks 2000).

"Without Bruce Babbitt’s challenge to the governor and the delegation to find a new way beyond a national monument to protect this most precious place, I think it would be very difficult to achieve the kind of consensus that we did achieve," said Kevin Smith. Given this fact, it might seem unlikely that the process at Steens can be used as a cut-and-dried model. Unless, of course, another powerful government official decides to provide that first spark and initiate negotiations. "That’s what is unique about this process," said Bill Marlett in reference the mantle of Babbitt’s threat. "It almost makes it not worth talking about, because unless you can replicate that dynamic, you’re not going to get these kind of discussions going. And I could be proved wrong, may be proved wrong."

But I couldn’t completely agree with Marlett. What if you set that context aside for a moment and focus upon another? What if you considered a context in which ranchers can perceive benefits in legislation that results in wilderness, and environmentalists can see value in legislation that might result in land exchanges or economic adjustments? The Steens process might not be a model, but certainly it has broken ground for the development of a new model for solving natural resource conflicts.
and protecting land. Bipartisan cooperation is possible. Ranchers and environmentalists can transcend some differences. And people, no matter how staunch and stubborn they may seem, should not be excluded from the table for that reason alone. In this context, it might not matter that people were forced to come to the table.

In another context, it is important to realize that pressures were coming to bear on the ranchers at Steens Mountain, even without the threat of a monument. Undoubtedly, Babbitt's sword was the sharpest point, the quickest means of cutting through a polarized situation and getting people to cooperate. But in a world of increasingly competing demands on natural resources—whether it be recreation or open space or wilderness preservation or extraction—hammers will be lifted, swords drawn, and threats uttered. The effect of transition in the West—both economic and demographic—so visible in the example of Steens, is the silver spur prodding the horse of innovation. People may begin to perceive, by looking back upon examples like Steens, that coming together around the table and discovering innovative solutions might be the best way to protect what is dear to them. And they might find this protection will last a bit longer than a change in administration or a court ruling.

"I'm of the opinion that we had to have some sort of hammer out there for this to happen," explained Peter Green. "Of course, the hammer had to be in the right hands too. And when you consider that we have the weakest delegation in the entire Congress as far as total years of seniority. And it's a year when Congress can't get anything done at all. It's an election year, and everything was stacked against us. And yet we pulled this off because everybody pulled together. So, getting back to your question—well, half of them came together because of the hammer. But the hammer didn't make the legislation. It's
the people coming together that made the legislation.” People who were willing to innovate. People who were willing to accommodate change. People, like Fred Otley and Stacy Davies, who have a sense of what is happening in the West and were smart enough to bend without breaking—to figure out how to hold onto some of their tradition by pursuing untested solutions and seeking new ground. People, like Andy Kerr and Bill Marlett, who were smart enough to work strategically with the “other side”—to realize a unique opportunity had arrived that might not come around again. All of the people who worked to find a solution as Steens—Republicans and Democrats, locals and nationals, conservationists and ranchers, politicians and agency staff—did so because of different motivations. But, in the end, they did so as a sort of strange coalition fighting for a solution—a solution they had crafted together. That may be the key to understanding why the Steens Mountain legislation passed.

Of course, I cannot say all the reasons why people came together to negotiate the fate of Steens Mountain. Since I was not there, the negotiations are only a story I can tell second-hand. But, as I learned over the course of several visits, the mountain will quickly give you stories of your own. Anyone who gathers stories from a place may learn to love it. My own visits to Steens and the land it presides over have inscribed within me indelible memories—separate moments that gather and flow together like mountain creeks filling a desert basin. I watch a band of wild horses, mostly paints, grazing near the highway. Their heads are bent to earth. Their tails are blown by high desert winds. The bright-colored markings on their bodies cast patterns against the sage and juniper hills, as the mountain spills shadows on the desert floor. I walk though a long
canyon, carved by some glacier long ago. I follow the Little Blitzen, which stalls in clear pools and is graced by the silver half-moons of redband trout. The clear water is littered with boulders and golden coins of aspen and cottonwood leaves. The sweet, punchy smell of juniper wood smoke lingers on my clothes and skin. I watch with curiosity and fear as Stacy Davies stands in shit and blood and afterbirth as he struggles to pull a newborn calf from an exhausted heifer, who has fallen to her knees. Once arrived, the creature struggles for breath, blowing clear bubbles from his large nostrils as he sheds the film of his previous world. On the refuge, I lock eyes with a tawny coyote standing on the opposite bank of the Donner und Blitzen. After several timeless moments, he breaks our gaze and casually walks away. I laugh as Fred Otley’s cattle dog tries to herd me back to the house and, later, pulls at my boot strings while Otley cracks me another frothy beer. I arise to coffee and an egg Dutch baby, light as air and lathered in syrup, prepared by Alice Elshoff for my last day at the refuge. As I leave, she hugs me goodbye and says it feels like she’s sending off one of her children.

Wendell Berry writes, “Harmony is one phase, the good phase, of the inescapable dialogue between culture and nature. In this phase, humans consciously and conscientiously ask of their work: Is this good for us? Is this good for our place?” Steens Mountain is big enough to foster many different kinds of loves, many memories. That does not mean it has never suffered abuse or greed. Yet when I think about all the different people who came together because of a solitary mountain in the Oregon desert, I cannot help but wonder if all of their loves, fears, and ambitions blended in a harmony, somehow both lyrical and discordant, particular to Steens. I wonder if others will hear it.
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