A New Angle

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Justin Angle: This is A New Angle, a show about cool people doing awesome things in and around Montana. I'm your host, Justin Angle. This show is supported by First Security Bank, Blackfoot Communications and the University of Montana College of Business.

Justin Angle: Hey, folks, welcome back and thanks for tuning in. Today, I'm speaking with acclaimed journalist and writer Hal Herring. Hal is a contributing editor at Field and Stream, where he writes the conservationist blog. He's interested in complex topics central to life in the American West and is currently working on a deep exploration of public lands.

Hal Herring: I do envision a future where we, the American people, are going to drag these issues, the issues of our public lands, the issues of the environment and conservation out in front of the two political parties.

Justin Angle: Since this topic is so big, we're bringing you this conversation in two parts. Here's part one.

Justin Angle: Well, Hal thanks for coming on the show.

Hal Herring: Thank you, Justin. Thanks. Glad to be here, man.

Justin Angle: Yeah. So, tell us, where did you grow up and what did your parents do?

Hal Herring: That's a long time ago. So, I grew up in north Alabama and my parents, my mother was a homemaker, educated at Hollins back in the day, long time ago. My father was a lawyer. And he had served in World War Two as a B-17 pilot.

Justin Angle: Wow.

Hal Herring: At a very young age. They were both south Alabama people and people from the south. There's a very big line that goes through Alabama. And they were south Alabama people who moved to north Alabama as north Alabama kind of boomed in the fifties. And then I was born in the sixties. When I was about 11, they

never liked living in town. So, my father was able to buy a property, 136 acres outside, almost in Jackson County, Alabama. And so, I kind of grew up there.

Justin Angle: Yeah. As an 11-year-old, that must have been quite an experience.

Hal Herring: I think it was like it was unbelievable. Really.

Justin Angle: Yeah.

Hal Herring: You know, I was a huge fan of like old time frontier literature and adventure stories and Zane Gray and Feeling Stream and Sports Afield. And all of a sudden, I was right in the middle of a place where you could do all of that, you know?

Justin Angle: Absolutely. And so how did you make your way to Montana? Why did Montana become your home?

Hal Herring: In a way, it was an accident. I came up here, though, to, I was writing a little bit and I came up here to Yellow Bay Writers Workshop to kind of study with Tom McGuane was there, the novelist, William Kentridge was there. Annick Smith. It was incredible. I was only about 22 or 23, and I took the train up here and got Phil Condon

from Missoula, picked me up. Oh, he's a great writer from Missoula. And we went up to Yellow Bay and I just had a, it was during the 88 fires, and I had a kind of a, you know, huge experience of seeing the rural West for the first time. And I never got over it. And the other thing was I had been a HoeDad tree planter during college and earlier for paper companies in Alabama. So, I had a kind of skill that you could use in the Rocky Mountains.

Justin Angle: Sure. You're going to have to explain for the listener and for me, really, what is a HoeDad tree climber? What does HoeDad mean?

Hal Herring: Okay, so a HoeDad is a purpose-built tool for planting trees. It's a long flat blade, 14 inches or so with a kind of tapered, and you swing it. It has like an ax handle on it. But anyway, you can plant a tree seedling, like in a cut over block or what they call like a clear cut or whatever you can replant. And it's made for growing quickly. And doing the job. It's like purpose built. You don't use a HoeDad for anything but planting trees or shrubs.

Justin Angle: And so yeah. Transferable skill for sure.

Hal Herring: Yeah. And I had that skill and on the train I rode with a bunch of Rocky Mountain tree planners who were very encouraging for me to come and do that. It turned out they got a bonus if they recruited somebody that stayed around.

Justin Angle: Oh, yeah, the old referral fee.

Hal Herring: Yeah, that was in when I got off the train in Whitefish. And that back in those days there was a tree planter house down in downtown Whitefish, if you can believe that.

Justin Angle: I can believe that. And so, you've got this, you know, this passion for writing that's starting to emerge. And you got this monetizable tree planting skill and you're trying to find your way. And your experience in Yellow Bay just stuck. You couldn't get it out of you, huh?

Hal Herring: I couldn't. I went back to Alabama and worked that winter. And then the woman that would become my wife and I drove back out here. I think we came out here in May and we moved, ended up in the Bitterroot around Stevensville, where I had my name up at the Co-op, and I got a job there on a ranch hayin'.

Justin Angle: And so, Hal, you've written about so many topics kind of central to life in the American West, but you are deeply immersed in a big project about public lands, the history of public lands, the role they play in our society and country. Yeah, let's talk about that project in particular. How did it come to be?

Hal Herring: Well, I had been at Field Extreme, so I've been doing this writing thing for probably 26 years or longer for a living. And a lot of that, if you're in the West in your reporting, hunting, fishing, conservation, environment, you're dealing with public lands issues. And so being how 640 million acres of public lands, a majority of those are in the West and I'm talking about federally managed public lands. And so, I can't remember when it was that I was writing about this a lot. The guys that were making the movie Public Trust picked me up as a kind of talking head in that film, a Patagonia film. And we were already working on a story at Fielding Stream about this. I had done covered many, many stories about the challenges on public lands, conflicts, the movement to privatize public lands, which has been huge since the eighties, even longer than that. But eventually it led to me picking up this book project, which I've been on for about two years now, somewhere, I'm beyond the middle, but I can't see the end. And it's kind of a history of public lands and perhaps a profile of some that might give us a window into a future.

Justin Angle: I mean, Hal let's start with where does the idea of public lands come from? What's the genesis?

Hal Herring: Well, you'd have to go back to Rome.

Justin Angle: Let's do it.

Hal Herring: So, the Romans had the lands that they had taken from the various barbarian tribes, and that was called the Ager publicus, and it lasted for some, oh, few hundred years, where it was kind of a commons, an unclaimed ground. And as the civilization matured, some would say became more decadent, that land was parceled out to like Legionnaires and politicians and the people who had occupied that mostly pastoral peoples were then kind of forced into the cities because labor. So, the concept is really, really old. The existence, however, is not. I think we're the only country you have, Australia and Canada have what's called Crown Lands and those are owned by the Queen, and they don't have a lot, the people don't have a lot of say over what happens to them. And in the unique and bizarre way of the United States of America, we decided to go a different way. Starting in 18, late 1890s, early 1890s I'm sorry. And we created this enormous commons of the lands that we couldn't give away during the various homestead acts and that the railroads didn't take and that you couldn't use for

anything else. Which is really the genesis of the public lands. If you'll notice, they're in the high mountains or the deserts or like Nevada where there was no water. You couldn't settle it. You couldn't give it away.

Justin Angle: Yeah, I mean, that sounds kind of like these lands were unwanted in a way by the people of the time.

Hal Herring: They were unwanted for ownership. Like if you go to eastern Montana, where you go to a lot of these big Bureau of Land Management lands, that land does not support enough cows for a person to want to own it and pay taxes.

Justin Angle: Got it. Got it. Okay.

Hal Herring: But it does support enough cows to be used, right? But not to be owned. And it goes even further than that, but into lands that were given away during the 1909 Homestead Act, which was a big mistake, John Wesley Powell and everybody else had said, don't give these lands west of the 100th meridian away. Don't settle them, don't do this. Then we did it and we got the Dustbowl. A lot of those lands then reverted to federal ownership. They're called Bankhead-Jones Land. Those are leased for public education funding, which there's a lot of brilliant moves made in the

assemblage of our public lands system in America that people seem to have missed. I mean, none of us really know history unless we're concentrating on something, you know.

Justin Angle: And so, let's talk about that. I mean, there's so many threads we could pull on here, Hal, I mean, you mentioned the privatization movement starting, you know, kind of rise in prominence in the eighties, but its roots predate that. Talk about that thread of the political history here, the movement to get these lands out of federal management.

Hal Herring: To predicate that would be how we ended up getting any of them in the first place, which was the Forest Reserve Act of 1891 under President Harrison. He passed that and he had like the Boone and Crockett Club and all those, those wealthy people from the East who loved to come west and hunt. And they also were reading books like George Perkins Marsh, Man in Nature. And these were people, there is amazing number of people, John Muir was around then, but there was amazing number of just serious naturalists and geomorphologist and geologists and geographers working in the United States at the time. And one of the things that they noted was that the watersheds back east, when they had been logged off relentlessly and burned, the water didn't flow anymore. The creeks plugged up. It was a disaster. And

what they realized was if you were to slow down the sheep and unconstrained grazing in the high watershed country of the West, that would be a huge gain for the future. So, everybody that's listening to this probably knows the Bitterroot National Forest south of Missoula, which also the Lolo, those came in under Grover Cleveland in what Cleveland called the Washington birthday forests. And those were based on the Forest Reserve Act of 1891, which really was a pretty slim chance that it even passed. But Harrison set aside about 13 million acres of watershed headwaters, California in particular. And then Grover Cleveland built on that. And the Bitterroots were being incredibly logged and grazed as settlement was increasing. And what people saw was that they were going to save those headwaters, or they were going to end up in a future of extreme aridity. And that's the birth of those forests, which I think is fascinating.

Justin Angle: Is that what explains so many of the high-country dams that we see at the headwaters of those canyons there?

Hal Herring: It is. So, the Latter-Day Saints in Utah had a lot of success with irrigation projects, making the desert bloom, you know, and that was really early. That's like 1860s, like after, during the Civil War and whatnot. So, people knew that water could be used to make the lowlands profitable as agricultural lands. They knew if they lost

that snowpack country to like overgrazing, overlogging, deleterious uses that that water would no longer be reliable. And so that is why you see those, when you go to the Bitterroots, the federal public land lines starts up in the mountains. It's not down on the ground, in the low ground, it's not in the valley. And if you go to Nevada, there's very, very little water available on public land in Nevada. The water is already private, you know.

Justin Angle: We'll be back to my conversation with Hal Herring after this short break.

Justin Angle: Welcome back to A New Angle. I'm speaking with Hal Herring about public lands.

Hal Herring: So, if you want to move on to why the privatization came, it came with the 1976 Federal Land Management Policy Act, known as Federal Land Policy Management Act, known as "flip ma," the acronym. And that's during the big environmental movements of the seventies, which gave us the EPA and the Clean Air Act and Clean Water Act. We passed FLPMA, which changed the management on public lands towards a more multiple use, which gave like wildlife and more plants and animals more protection and people who are used to using those lands pretty freely up

until that time soon found themselves being bound by federal management that they hadn't experienced before.

Justin Angle: Yes. So, Hal, can we just roll back a little bit to you know, you mentioned the Endangered Species Act, Clean Water, Clear Air Act. You know, up until that point, like what was the relationship between these public lands and kind of extraction interests, whether it was a mining interest or a forestry interest or a cattle rancher trying to lease land from the federal government.

Hal Herring: Okay. It's a complicated question, but there is an answer. Open range in the West was brought to an end with the 1934 Taylor Grazing Act, and it was brought to an end because the range was so degraded that everybody involved, I mean, the Dust Bowl was raging, right? And everybody involved, everybody from the smaller scale rancher to Preston Nutter who roamed his cows over all of the Grand Canyon and southern Utah. And they all wanted some kind of regulation. And so, we passed the Taylor Grazing Act, which gave the federal government the right to manage grazing on what was left of the public lands. Given that we had given away millions upon millions of acres into private ownership as settlement increased in the West. So, the Taylor Grazing Act ended up making quite a few people mad, but it was still very much geared toward utilitarian principles on public lands, you know. And the same was that

mining is a little different because mining is under, on public land, is under the 1872 mining law, which is incredibly permissive. A mining company didn't really want to own that land because once your mineral is depleted, you don't really want the...

Justin Angle: Yeah, you have to move on.

Hal Herring: Fallout. And the same is true to some extent of energy companies. It's not really beneficial to an energy company to own, say, the Pinedale Anticline down in Pinedale, Wyoming. Because resource is finite, and the impacts are high. But prior to 1976, prior to this environmental consciousness in the United States, which was 100 years in building, right, I mean, we had to go through the Dust Bowl, and we had to go through the Cuyahoga River fire and death of like the Tennessee River, where I grew up. We had to go through a lot of bad stuff in order to get this consciousness. Rachel Carson's book, Silent Spring, was integral to it. The Sierra Club, all these conservation groups, and most people were kind of on board with this. But the impacts of the regulation in 1976 on public lands started the beginning of the backlash. And if you follow those years of politics, the election of Ronald Reagan was very powerful. In a statement, remember, he used to say government is the scariest words in the English language, or I'm from the government and I'm here to help you.

Justin Angle: Right. Exactly.

Hal Herring: And then he would say government is not the solution. Government is the problem. And I would say that bad government was the problem, you know, but we had achieved so many wonderful things using those federal laws that I would definitely argue with that statement of President Reagan's.

Justin Angle: And was that sort of the moment at which the culture of kind of privatization and resisting federal management kind of came more into the spotlight or came more prominent?

Hal Herring: Certainly did. And it's fascinating because the culture came almost as soon as FLPMA was passed. And it came out of Nevada, which was the original, what we call the Sagebrush Rebellion. And Ronald Reagan used to put on his hat and say, I'm a sagebrush rebel, too, you know? But what was funny about that was when Reagan appointed James Watt as Secretary of the Interior and Secretary of Interior is over the Bureau of Land Management, but not the Forest Service. USDA is over the Forest Service. But James Watt was in Interior, and he proposed a sale, an outright sale, of about 30 million acres. And there was a very interesting person that I'm looking at his history now is Dean Rhoads from northern Nevada, who's old school

rancher down there, the huge ranch, the Rhoads Ranch. And he was sort of the original sagebrush rebel, you know? And he went to Washington, DC, and he met these people from Jim Watt. They all expected that Rhoads would be like all on their side. The Heritage Foundation was big at that time in this privatize the public lands and still is. And Dean Rhoads thought that they were going to get the lands to the state of Nevada. Okay. And that he would then have more influence over how the lands were managed. When he found out, and other sagebrush rebels from the actual west, found out that the goal was not to transfer these lands to the states, but to privatize them. That brought an end to the first Sagebrush Rebellion.

Justin Angle: Okay. So, they still wanted those lands in public ownership just at the state level.

Hal Herring: They just thought that the state would be more conducive to their interests. And one of the things that they did not get, and even Dean Rhoads didn't get, was that the United States government, when we took those lands from Mexico in the Mexican war, and we paid them, I think it was 15 million in gold in the Treaty of Guadalupe Hidalgo, 1946, when we did that, as these states attained statehood, they were given X number of federal lands with them, which became, anybody in Montana and understands them, they're the state lands. Right, the blue in your map.

Justin Angle: Yep.

Hal Herring: And those are school trust lands. And those lands are meant to be used to fund public education. The federal government even way back at statehood in Utah, Nevada, Montana. They had this plan of giving Section 16 and 36 of every township to the states so that you could lease those, produce stuff with them and pay for your public education. With the idea that a democratic republic required people who could read and write and think critically, you know, and Nevada in what they many people have described as an orgy of corruption, they sold off all their state lands except for 3000 acres. And so, the original sagebrush rebels, they were missing a little trick of history in their own history.

Justin Angle: Right. And so, let's maybe get into some of the areas of conflict within here specifically. I mean, you covered, you know, the Bundy ranch incident. How does some of that conflict manifest with regard to grazing rights and so forth?

Hal Herring: Well, it manifests in that Mr. Bundy, the older, Cliven, he's refused to pay his grazing fees on what's now Gold Butte National Monument down in the Mojave Desert. Okay. He claims that he doesn't owe the federal government anything. His, oh,

my Lord, his arguments are unbelievably specious. They've been laughed at in court and whatnot. But he believes this, and he's kind of an original settler down in that area. Latter-Day Saints movement into that area on the Virgin River, where it goes into Lake Mead. And he has a deeded piece of 160 acres, and he does pay taxes on and then he runs his cows on the BLM lands, which are really hard-core desert. And the other thing to know about Nevada is during the Homestead Act, people claimed, individuals claimed and privatized the pieces of land that had water on them.

Justin Angle: Got it.

Hal Herring: And so, you could competitively bid for a federal lease over thousands or hundreds of thousands of acres. But your cows wouldn't have water because that place would be private. But anyway, Mr. Bundy doesn't believe in the existence of the federal government or its legitimacy. And so, they have been on this kind of tear. They've all gotten a little bit addicted to the spotlight in this anti-federal fervor that we experienced through the 2000s.

Justin Angle: Yeah, I suppose they're held up similarly to how the Sagebrush Rebellionists were held up as sort of a talisman of a movement.

Hal Herring: Of a movement. Of an anti-government movement.

Justin Angle: Right.

Hal Herring: And the second Sagebrush Rebellion was based in Utah with Cal Black and them. Edward Abbey wrote some great stuff about it. But they thought they wanted the lands either transferred to the state, the state has never owned these lands, don't get that mixed up, that they were always retained in federal public ownership. So, they expected these lands to be transferred free of charge actually to the states where they would have the main say in what they want to do on them and with them. But I mean, that argument has always, it's just doesn't, it's not legally, it's not constitutionally valid. I'm not sure exactly how it's gotten as much traction as it has, except that think tanks like the Heritage Foundation and then people like Ken Ivory, who's a real estate developer in Utah, they can see that if they were ever successful in transferring, say, some of these huge pieces of BLM land in Utah, the beautiful canyon land stuff, that they could make a fortune. And so, it's not going to go away.

Justin Angle: You know, and outside of like just privatization, for profit making means, I mean, some of the distrust stems from, you know, you have this local access versus non-local management, so to speak. You know, you've got, you know, you've got this

federal bureaucracy that has a rotating system of hiring and personnel, and you've got people that have lived in certain areas for a long, long period. And, you know, whenever a mistake is made, however infrequently made, whether it's a controlled burn going bad or something like that, it just undermines this trust that is critical for public lands to exist in a healthy way. Talk about some of that conflict, whether it's not necessarily based from a profiteering mindset.

Justin Angle: Yeah, well, there's no doubt about that. And profit does come into that as well. Like, um, like the efforts to try to restore the populations of sage grouse. They debate whether how much grazing should go on, you know, within, within core sage grouse habitat. And if I'm leasing that land to run my cow herd, then that's a definite concern for me if you're cutting back what you call an AUM, animal unit month. So, if you're cutting those back and it's a federal bureaucrat doing this in order to protect a bird, which I'm not as interested in as somebody might be in Missoula, that's a born conflict. And those controlled burns like in New Mexico. But I would posit to people in those burns is that it's going to burn. I'm sorry that happened. But had that been private land, public land, whatever, I don't think the outcome would necessarily been different there. These are drying forests overloaded with fuel in a time where things are getting hotter and drier. So that's an enormous issue of our time that we're going to deal with. But one of the things I would say over that, over FLPMA, over managing

public lands for multiple years is you have 640 million acres. The BLM is running 240, I think. And people don't look at successes right. You don't read the story about when the car misses the lady going across the road with her groceries. You read the story when the car flattens her, you know, and the driver was like, high on PCP or something. It's, you know, a big story. We don't celebrate our successes. And the federal agencies have not been great at public relations in celebrating their successes either. So, what you read about is the conflicts and the missteps. And there are many, Justin, overlogging in the Bitterroot, which resulted in what's called the Bolle Report. University of Montana.

Justin Angle: Yes.

Hal Herring: That was real. I mean, they were slicking off those big, big hillsides and the hillsides were collapsing into over Witch Creek and coloring the river clear to Missoula. And I mean, it was mismanagement, there's no doubt. And that is always going to be with us. You know, I just tell people, though, on this subject that we need to understand that when you have an asset that's this valuable and this complicated, the conflict is part of having that. Conflict is a given when you have something this valuable

Justin Angle: Stay tuned for part two of this conversation with Hal Herring next week. Thanks for listening to A New Angle. We really appreciate it. And we're coming to you from Studio 49, a generous gift from UM Alums, Michele and Loren Hansen.

Justin Angle: A New Angle is presented by First Security Bank, Blackfoot Communications and the University of Montana College of Business, with additional support from Consolidated Electrical Distributors, Drum Coffee in Montana Public Radio. Keely Larson is our producer. VTO, Jeff Ament and John Wicks made our music. Editing by Nick Mott, Social Media by Aj Williams. And Jeff Meese is our master of all things sound. Thanks a lot and see you next time.