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Guardians of the Range

Dedicated to the Multiple Use of Public Lands & the American Way of Life

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Welcome New Shoshone NF District Ranger

Permittees in the Washakie R.D. will see a new face along the trail! The Guardians welcome Steve Schacht, and will endeavor to interview him for a future newsletter.

Schacht was born in Butte, Montana into a Forest Service family. His father had a 37-year FS career. Steve has worked for the Forest Service and US Fish & Wildlife Service, living and working in Pennsylvania, New England, Arizona, Illinois and Montana.

In 2003, Schacht took a new position as District Wildlife Biologist in Big Timber, Montana, and then transitioned into a position handling range, timber and mineral program management for the eastern half of the Gallatin National Forest. ★

Welcome New BLM Field Director

Mr. Richard Vander Voet was sworn in on September 21, as Field Manager, Lander Field Office, Bureau of Land Management for the Cody, Worland and Lander areas. He replaces Mr. Eddie Bateson who retired earlier this summer. Readers will recognize Vander Voet's name from an article in last month's newsletter regarding a successful outcome to a challenge by Western Watersheds (see www.guardiansoftherange.org for online edition of September newsletter).

The Guardians welcome Richard, and look forward to conducting an interview with him for an upcoming newsletter. ★

Millionaire Environment Groups Take Millions in Tax Payer Dollars from EPA Litigation

Based on a snapshot of the Environmental Protection Agency's (EPA) litigation over the past couple of years, environmental groups (ENGOS) profited more than any other plaintiff from attorney's fees paid from environmental litigation against the EPA.

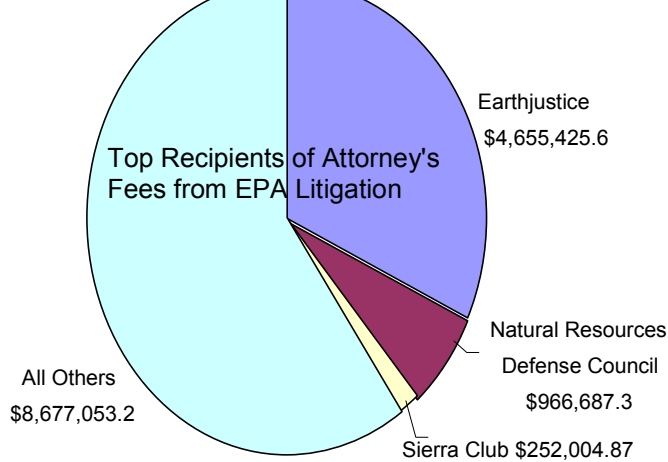
U.S. Senate Environment & Public Works Committee (EPW) Ranking Member Jim Inhofe and EPW Transportation & Infrastructure Subcommittee Ranking Member David Vitter uncovered this fact after obtaining data from the Government Accountability Office (GAO). This is the first time the federal government has released such data.

Millionaire continued on page 2

"....men are not blank tablets on which the environment inscribes a culture which can readily be erased to make way for a new inscription."

~ Oscar Handlin.

Millionaire continued from page 1



The data includes litigation costs for all EPA environmental statutes except the National Environmental Policy Act (NEPA).

Under various statutes, EPA and the Treasury Department are required to reward attorney's fees to plaintiffs that successfully challenge EPA.

These same Environmental Organizations that benefited are multi billion dollar organizations.

Environmental Organization	Net Assets Reported in 2009
Sierra Club	\$48,920,055.00
Earthjustice	\$32,377,514.00
Natural Res Defense Co	\$181,427,464.00

The data reveals that that one litigant—Earthjustice—received 32 percent of all attorney's fees paid to EPA litigants. When combined with 2 other litigants—the Sierra Club and the Natural Resources Defense Council—these three groups received 41 percent of all the attorney's fees awarded to EPA litigants.

In addition to attorney's fees awarded, the Senators found that Justice spent at least \$43 million in taxpayer dollars defending EPA in court from 1998 - 2010.

The Senators also uncovered that most of the attorney's fees paid to environmental organizations were paid under the Clean Air Act, followed next by the Clean Water Act.

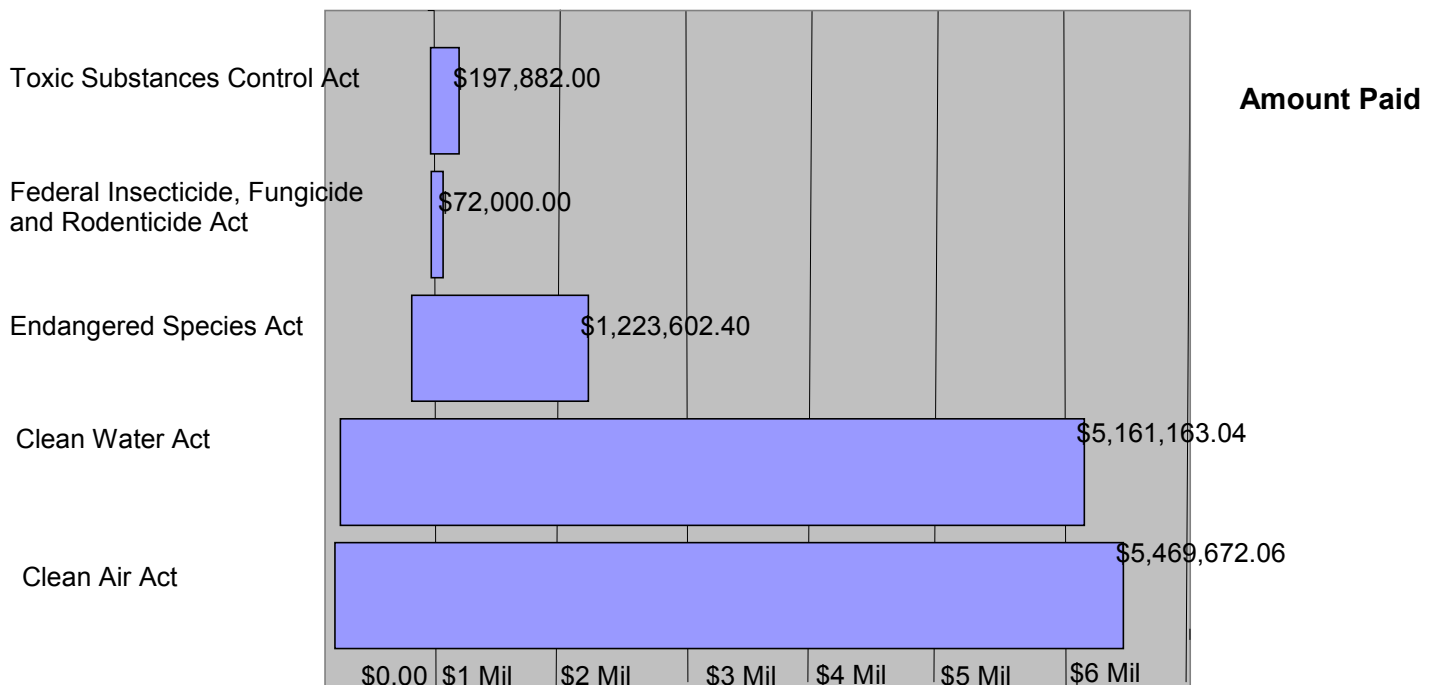
While federal statutes were written with citizen suit provisions and attorney's fees reparations to ensure that citizens had proper avenues to seek redress against the federal government—did Congress envision a handful of multi-billion dollar organizations benefitting the most?

GAO Uncovers Transparency & Accountability Gaps in Use of Tax Payer \$\$ to Pay EPA Litigants

In providing this data to Senators Jim Inhofe and David Vitter, the Government Accountability Office (GAO) uncovered a troubling lack of transparency and accountability in record keeping regarding environmental litigation expenses incurred in EPA litigation. Specifically, GAO could only provide the Senators with data from recent years, rather than the past 15 years, as the Senators requested.

Millionaire continued on page 4

ENGO Attorney's Fees Paid by Statute





by Kathleen Jachowski

Direct from the Director: The Late Senator Malcolm Wallop

Big Horn: The respectful acknowledgements of Senator Wallop’s recent passing will be filled with many wonderful details of this statesman’s service to community, state and nation. There are many. For me, Senator Wallop was an American who exhibited both *courage under fire* and *leadership by example*.

I remember how, during the scourge of Rangeland Reform in the 1990’s, Senator Wallop was a leading voice for Wyoming and the American West in the public debate of this issue. Regardless of the hesitancy of other elected officials to initiate and take a proactive stand against this unreasonable approach to

changes in rangeland grazing fees and management approaches Malcolm had the courage to say what needed to be said and in a way that it needed to be said. Fortunately others followed his lead and some of the damage to public land ranching was avoided and/or mitigated.

As important as the damage control was, of equal and perhaps greater importance was the hope and courage he instilled in so many in the ranching community at a time when all they and their history stood for was being marketed to the general American public *as rape and pillage of the our nation’s rangeland resources by third-rate Americans (ranchers)*.

Senator Wallop was unrelenting in correcting the record at every opportunity. He was there for us when we needed to be told to not give in, to not be ashamed, to not allow others to redefine who and what we had been, have become, and will always be; i.e., first class Americans.

While Rangeland Reform was not the first national effort attempting to redefine American ranchers and their industry, it was hitting at a time when most American ranchers were almost totally uninformed, or in denial, as to how public land laws and federal regulations could so quickly reshape their lives and futures. It was as steep and fast a learning curve as any Americans have ever faced. We were at an incredible disadvantage, not knowing what to do or how to do it. Enter Senator Wallop.

I watched and participated in more than one public hearing on Rangeland Reform. It was heart wrenching to watch and listen to Americans try and communicate with their federal government, and the world court of public opinion. It was an unfair fight. We lacked enough ‘elegant street fighters’ to convince the issue or balance the message.

Senator Wallop never once showed frustration or contempt with how far behind the learning curve most public land ranchers were in knowing the issues, recognizing the incoming artillery and/or being willing to stand to defend all that was at stake. He simply led with conviction, shared knowledge for others to use, and eradicated fear with plain and simple courage. All of these gifts gave others hope, guidance and strength when they were so very much needed.

He is now gone. He has, however, shown many Americans what it means to have *courage under fire*, and how to *lead by example*. These are everlasting gifts from a Wyoming man who we are proud to call Senator and a man who will continue to ride the trail along side of us as long as we too live our lives with courage and leadership.

Respectfully,
Guardians of the Range

Kathleen

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Join Guardians of the Range

LIVESTOCK OPERATORS

- \$100.00 up to 50 head of cattle
- \$2.00 / head 51 to 1,500 cattle
- 40 cents / head for sheep

BUSINESSES, INDIVIDUALS & ASSOCIATIONS

without federal grazing permits:

- | | |
|--------------|-----------------------|
| \$25 - \$100 | WRANGLER |
| \$250 | RANGE RIDER |
| \$500 | TOP HAND |
| \$1,000 | GUARDIAN of the RANGE |

Fairness Fee: One-time \$500 fee

Applicable to any new livestock operator membership that needs help within 90 days of joining the Guardians of the Range.

The Board of Directors recently voted to adopt a special one-time \$500 Fairness Fee (FF), or ‘catch up fee, to cover situations where a permittee chooses to join only because they need help on an immediate issue. The FF recognizes the time, money and effort of past supporters who made it possible for an organization like the Guardians to be right at the end of the telephone and ready to step in immediately to help. The FF is appropriate and respectful of the past and ongoing support and organizational vision of current members. The FF is payable concurrent with initial dues.

You may join on line:

www.GuardiansoftheRange.org

To pay by check, please make checks payable to:

Guardians of the Range

mail to:

Guardians of the Range, P.O. Box 472, Worland, WY 82401

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GAO uncovered a troubling lack of transparency and accountability in record keeping regarding environmental litigation expenses from EPA cases. Specifically, GAO found:

Inconsistent formatting of key data elements produced significant problems for completing our analysis and required significant manual review by GAO and Justice.

The Department of Justice does not have a standard approach for maintaining key data on environmental litigation cases, and the data they do collect are in two separate databases that do not collect the same type of data on environmental cases.

EPA does not track its attorneys' time by case, GAO was not able to include data on EPA attorney costs spent on environmental litigation cases.

GAO was unable to calculate the total number of hours that Justice Attorneys worked on environmental cases – and hence, total costs of attorney time – because the U.S. Attorneys' time is not tracked by case.

The Department of Treasury does record data on payments made from its Judgment Fund, an account within the Treasury Department authorized under

the Equal Access to Justice Act for rewarding attorney's fees to successful plaintiffs, but does not publish them.

The government may also incur other costs associated with litigation, including the costs of revising regulations in response to lawsuits, EPA overhead costs, and costs associated with delays in EPA permitting, but GAO did not have reliable data to quantify these costs.

GAO Found No Plans to Improve Transparency and Accountability.

In discussing these accountability issues, Justice officials said they do not plan to change their approach to managing the data because they use the data in each system to manage individual cases, not to identify and summarize agency-wide data on cases or trends.

While funds are spent to maintain the systems, Justice officials indicated that the systems are old and adding data fields or otherwise making changes to the systems may be technically infeasible or too costly.

Currently, no aggregated data on environmental litigation or associated costs are reported by federal agencies. ★