

HARNEY COUNTY HISTORY PROJECT

AV-Oral History #197 - Side A

Subject: Marcus Haines on "Association of Ranchers for Conservation"

Place:

Date: October 18, 1977

Interviewer:

MARCUS HAINES: I'm visiting with Judge Dale White --- He was going to be with us today --- But I understand that the court up there ... You will just have to bear with me for a little while. I'm sure that Dale could spend a while talking about the association here, but I know that I can't, so I thought maybe a little history of the refuge here might be of interest to some of you folks who are pretty well acquainted with the country. ... Our country here started developing, or people started moving in, in the 1870's. And previous to that, the army came through trapping, apparently people ... to scare people out. They didn't care to come in.

Pete French came in, in '72, from California, with a load of cattle with him, or a bunch of cattle with him, and a bunch of men to buckaroo, and settled at the "P" Ranch. And bought the place up there where the "P" Ranch is now, the old ranch there, from a fellow by the name of Porter. And that's where he acquired the brand, the "P" brand that you hear of, is what he used on his cattle and horses.

Well, Pete French was killed in '97. He was here 25 years, and during that time, he put a 132,000 acres of deeded land together. And in doing this, he got control over quite a lot more land too. But, without his leadership, the place started to kind of fall apart. And I think in 1903, a fellow by the name of Henry Corbett bought the holdings from the French --- Frenchglen --- Frenchglen heirs, and hired Bill Hanley to run the, to

manage the property for him. The story goes that Corbett had the money when they started, and Bill Hanley had the experience. And 12 years later, Bill Hanley had the money, and Corbett had the experience. (Laughter)

Anyway, they sold the property off then, to what was known as the Eastern Oregon Livestock Company, and it was a subsidiary of the Swift and Company, I think. And they started selling off quite a lot of property. Now when Pete French owned the property, of course his headquarters was just off from Frenchglen there at the "P" Ranch, and he owned everything to the Sod House Lane, which was the meander line at that time around Malheur Lake. He owned practically all of Diamond Valley, Happy Valley, the River Ranch up in Happy Valley, which took in a lot of property there. Then he owned the Barton Lake, where the Jenkins' are now, and where the Round Barn is. He owned all that property.

But these people started selling these properties off here to the Eastern Oregon Livestock Company. And got down to 1935, why they decided to sell everything in the valley, which they did, which comprised something over sixty-five, four or five thousand acres. And a hundred acres, rather. Sixty-five hundred acres, I think. Sixty-five thousand acres is right. Paid \$10 an acre for it. I think \$670,000 bought all of Blitzen Valley for it right at that time. So that would be about right.

It was sold to the federal government, fish and wildlife service, for the prime purpose of getting control of the water in the Blitzen Valley there, for Malheur Lake for a bird refuge. And a little story about the refuge, about Malheur Lake here. In 1859, when we got our statehood, Oregon became a state; all the manage-able lakes were given to the State of Oregon. If they were non-manageable lakes, they remained in the ownership of the federal government. Over the years they have ... determined about Malheur Lake, so it just seemed like about anybody's property there.

And the meander line was made in 1877, and the north side --- the south side of there is the Sod House Lane. Pete French held it happened, and he brought suit against the people on the riparian right of ownership to the center of Malheur Lake. And then it went clear to the Supreme Court on that. And the people ... due to the fact that Melbrum made the line there, didn't run it through the meander line. Had he run through the meander line, why he would probably have held his property there, that he was trying to do. That's the thing, after Pete French's death, if he'd have settled for his 132,000 acres ... probably have lived a full life. But he got a little too greedy, he wanted more land.

But in 1931, then, the federal government and the State of Oregon had a lawsuit over the ownership of Malheur Lake. And it was proven that it wasn't navigable. So the federal government got possession of Malheur Lake, and then the same time then they bought properties to control the water to make the refuge on Malheur Lake.

And they came in and set up three CC Camps for development. Hale Baird was here, was in the one at Sod House. I remember him quite well. And of course when they --- it was a big work project, and most of it was done in the Blitzen Valley.

But here all these cattle were pulled out, and we lost the taxes off of the sale of the property to the federal government. So the powers that be then, got together and said we will take all the revenue that we can get off the refuge and --- in line of gazing and haying, and trapping, or whatever it might be, and we will give the county 25 percent of this, in lieu of taxes. Well that was real good, and then they divided this again, and the schools got half of it, and I think the roads got half of it --- the other half. There is a little different formula I understand now, but substantially it's the same.

Well, that went on, but with nobody grazing at the refuge. The cattle were out of the country during the depression, so John Scharff came in here in 1935, and was given the job of building up the grazing on Malheur Refuge, and --- which he did. He went to

Malheur County and got the McEwens to come in with cattle, and run up to Grant County and got Chuck Patty, who used to be a county judge who took cattle down there, lots of cattle from Burns around there, started building up the income from the Malheur Refuge. Well in three or four years, John ended up as refuge manager, and was refuge manager up until the time of his retirement, summer of 1971. And you pay so much for AUM, or use of an animal month as it is called. And John used the refuge to the best of its advantage. Then we had a change in the administration, and at that time, the following year, in '72, the use of the Malheur Refuge was a 132,000 AUM's. They grazed that many cattle on the Malheur Lake, and what was the Blitzen Valley properties.

But the present manager started reducing down, and as of last year we were down to 63,000 AUM's, cut just in half, or a little better. We've had a historic kind of agreement back in the --- oh, two years ago, or such a matter, that he thought he could do the managing at about --- reduction to about 90,000 AUM's. But it is still coming down.

So last spring, a year ago, a group of us got together and formed a committee, and the Chamber of Commerce was represented on this particular committee, and Dale White of the County Court, and the rest of us was helping. And we tried to get a little something done, but we didn't have too much luck. So along this summer, early summer, we formed what we call the Association of Ranchers for Conservation. And in this --- there are seven of us on this, all ranchers. Dale White, the Judge, is the liaison or in-between man. He does the talking for us.

And here is the purpose that we give here for giving --- for forming this association. Now it's associated, just got our article of association filed just the other day. And we have employed an attorney, Ted Kah, and Jim Lynch over at Lakeview to represent the group.

So we're kind of in the business, so --- we assessed each member \$25 as a

membership fee, and we can assess the board, twenty-five cents for AUM, without calling in the members in case we need more money. And by the way, there is 52 permittees on the refuge, and we have 44 of them signed up. And I think that this was the last that was reported a couple weeks ago. And I think that we've probably got some more now. I know that we realize that 3, or 4, or 5 of them that we aren't going to get, but --- I think we've done pretty well here.

Again, the situation like this, and everybody is looking out after his own hide, of course. He thinks maybe if I keep still, maybe they will overlook me this time. You wait long enough, they'll catch up with you --- kind of like the income tax I think.

But the by-laws of the Ranchers for Conservation think that it is their goal to encourage, promote, and advance the refuge through education, legislation, and management and improvement of grazing petitions, and wildlife habitat. And we've met with the manager, and we have told him that we aren't out after his hide, but we're here to help him if we possibly can. You sit down and discuss these things, and we have asked him --- he met with us here a week before hunting season. He was going to Portland the next day or two to meet with superiors, and wanted to meet with us. And we asked him if he could stabilize his --- the cut is around 80,000 until he gets his impact --- environmental impact statement finished. Of course you hear that on everything --- and we've been hearing about this being completed for the last three or four years, but it hasn't been finished yet. So we've asked him to stabilize at that point here.

And most of us are kind of fighting for our lives, is what it amounts to. The people here have been geared to this refuge here for 35 years; your BLM permits are geared to there too. And the strange part of it is, that we've reduced these cattle down this much, but we've reduced the birds more as we've gone. It isn't--- it's quite evident that it isn't the answer to the proposition here of restocking the birds on Malheur Refuge. We made this

particular trip last spring, a year ago. We left the refuge, started up through the valley, and we were told there, says we got 60,000 acres up through here, and we got 20,000 nesting birds on this. But gee, they're really proud aren't they, that's three acres to a bird's nest.

And then I think maybe some of you are aware of the study that was made on what you call the Silvies Mud Plane, over on your side of the range ... They are raising far more birds over here, than on the Malheur Refuge. And the haying goes on and the grain goes on, just as before. But it's real discouraging, and it means that you ... up here --- Joe Mazzoni, to this meeting. We figured about \$15,000, all the county would lose if they took the grazing clear off of Malheur Refuge. Nobody could quite figure out how we arrived at that figure. But we didn't have time to find out some more about it. But we will find out some more about it, when we meet with him again. But you take a 1,000 head of cattle off the refuge; I guess they figure that we are going to stay here. We aren't going to have to leave the country, they've got to --- there is no feed for them. Feed has been used up here with the--- with all the feed that's on the Burns side of the refuge. So it's real important that we keep these cattle in the country. I think, I haven't inquired here lately, but I think we're paying \$5 or \$6 a head for a cow in taxes. And the taxes go up, they don't come down. So somebody else has got to pick up the tab, it's just that simple. And we need it in the economy here in the country. And we feel that we aren't quite the culprits here for the reduction in wildlife, as some people seem to think. That's about all I can tell you about it. If there are some questions you'd like to ask, I'll try to answer them here. But this is the purpose of our organization, and we're all permittees from the Malheur Refuge.

RAY: Marcus, do you have a --- put a plan together yet on what you'd like to propose to the governor? ...

MARCUS: We will when we can get this answer back from Joe. You see we're waiting --- we gave him the ideas that we have here, which he wanted to go to his superiors. Then when Joe comes back, and he informs us to whether he can do this or he can't. Then we'll sit down and --- we're just waiting for his call for that--- Ray, so we can get together on it. I think ... confidence here, if everybody kind of keeps their heads, and be about half civil, you know. It's pretty hard to deal with a big group. I think we have --- we've divided the area up here into six more areas, and then we have one director-at-large, and I think we have represented the entire refuge pretty well.

As you know, most of you, there was this 64,000 acres that was bought up here from the Company, from the PLS, or the Eastern Oregon Livestock Company. And then when you get down to Malheur Lake, getting back to the history of it a little bit, when this meander line was surveyed there by Melbrum, and then ... meander line. J. H. Neal, who put up the Folly Farm out here ... was asked to run another survey on Malheur Lake. And he was instructed to take the 4,093-foot contour all around Malheur Lake here, and when he did, he dropped the meander line down, it reduced the size of the lake considerably. But nevertheless, there is 47,000 acres within the meander line of Malheur Lake. Then the government bought a lot of the additional, or fractional parties, and people along the edge of the lake. And they own all of Malheur Lake, with exception of 1620 acres that Walt McEwen owns down there near the refuge. So they have that, plus Mud Lake, there's about 1500 acres there. There is 32,000 acres of Harney Lake. And I think twenty some acres --- 27,000 acres over in the Double O. But it all adds up to 187,000 acres that the refuge owns right here in Harney County. And they can't raise 20,000 ducks on it! That's the thing that bothers the people when you start talking to them. First survey that we had, I remind Joe of this, was made four years ago, I think, on the duck population, nesting --- nesting census, is what it was. And it was made by one fellow with a Labrador

dog. He stayed up at the "P" Ranch, and took his dog, and run the ducks off. And that was the way the survey was made.

But then the next year, they don't know whether the raven is a predator or not. So, they bring a fellow in from Portland State College, a Dr. Steele, and he spends a year and a half studying the raven, and spent thousands and thousands of dollars to find out whether he is a predator or not. And they don't know yet! They bought radios and put on them, and the birds weren't able to pack them. I think that's why the ravens were killed, was trying to pack the radio equipment --- wasn't quite strong enough. But those are the things that provoke us a little bit too, is the --- such an expensive layout to discover whether to decide whether a raven is a predator or not.

But then come to nesting studies, well one man with a dog can make that. And he's fooling with the bread and butter on that thing. These ravens are going to be here when all of us are gone, of course. But they are doing a little bit more.

But this year, I understand, the study shows that the nesting was down considerably. And they have plenty of water in the valley. We had one of our better hay years on the south of the lake. As you all know, the Burns country here, the Silvies flood planes that they talk about were dry. So many of the birds that came in here and nested on this side, they had to go over on the other side of the lake, or out on Malheur Lake to nest. So there is a little more to it than what we are hearing about, anyway. Any more questions?

RAY: Is there another area that is similar to this? ...

MARCUS: Yes, I'm sure there is. Now you take the state --- over here, Summer Lake, that's the state refuge there, and they encourage grazing and haying. And I understand, just had some information on that the other day, that they have an excellent bird flight through there this year. But by gosh, you can't find a bird around in our area there Ray,

with a bird dog now. I was up the valley the other day, and there wasn't, not one bird. And then the same thing is true over here, a little refuge over here on LaGrande that belongs to the state. They encourage grazing there, and increase their nesting and their population considerably.

But one of the problems that is quite evident to us, is these birds are no different than you and I, they like to eat. And back here, the time the refuge was taking over, they did lots of farming --- lots of grain, and all the grain ... was in grain, and on up to the valley. And there was feed for the birds. Well there is hardly any --- they are doing a little farming now, but a period here there wasn't a kernel of grain raised here in Blitzen Valley. And the birds have gotten away from there. And of course the Malheur Lake, the parks took it over, and they just got through poisoning the carp. But this is the fourth time, I think, that this has been done. So we hope that they'll get the Malheur Lake back into production.

But getting back to Malheur Lake, I read an article not long ago, it's in the files over at the refuge, it's an --- narrates report, by a fellow name of Albee Lewis. And he was working out of Klamath Falls, and he had Malheur Lake to supervise, in a fashion. And he came over here and brought a canoe, and a team of horses, a buggy for Herb Fawcett's dad, a game warden. I can remember when he was game warden. He wanted to buy old Fawcett's motorcycle, but he didn't think he could ride it. So he got around with a team and a buggy. But he said he went out on Paulina Dike, Lewis did, and he has the pictures to show too. And he counted 1250 ... nests within this picture, you see here. The tules are all cut off, and you can see Wright's Point, see all around the country here. The picture is taken back to the northwest here ... on the east end of the lake there. And you go out there now, and all you see is tules as high as this ceiling here. And you don't see a bird.

But in his narrative report there, he said that he was having trouble with the squatters on Malheur Lake. He said they were stacking 2,000 tons of hay down there, and what they didn't stack, they burned up. Well, they burned off the tules and kept the ground cleaned up there for the birds to nest on, and feed on, which didn't mean --- Now tonight, you couldn't get across Malheur Lake with a boat, if you had to now.

RAY: Marcus, where did the change of policy of grazing out there come from? ...

MARCUS: Well, we're not right clear about that. No, we really aren't. That's the thing that prompted this, that prompted this association. We're going to find out. We'll find out just pretty quick here.

RAY: Were the pressures from the environmental groups ... per se?

MARCUS: Yes. I'm sure that that has contributed a lot. There is no question about that. Yeah. Joe has a lot of pressure on him. You bet. So we can't blame Joe completely on this, because it isn't true. But Joe has been a little; he hasn't been too strong in making a stand on this, one particular spot here. One thing we find just a little disturbing in dealing with Joe. But we are willing to work with Joe in any way we can, and will, we'll have to. We don't have much choice in the matter. ...

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