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Chief Justice John Roberts wrote the following in the 2013 case; Shelby v. Holder:

*"The Constitution and laws of the United States are "the supreme Law of the Land." State legislation may not contravene federal law. **The Federal Government does not, however, have a general right to review and veto state enactments before they go into effect.** A proposal to grant such authority to "negative" state laws was considered at the Constitutional Convention, but rejected in favor of allowing state laws to take effect, subject to later challenge under the Supremacy Clause. Outside the strictures of the Supremacy Clause, States retain broad autonomy in structuring their governments and pursuing legislative objectives. Indeed, the Constitution provides that all powers not specifically granted to the Federal Government are reserved to the States or citizens. **This "allocation of powers in our federal system preserves the integrity, dignity, and residual sovereignty of the States."** But the federal balance "is not just an end in itself: **Rather, federalism secures to citizens the liberties that derive from the diffusion of sovereign power.**"*

Not only do States retain sovereignty under the Constitution, there is also a 'fundamental principle of equal sovereignty' among the States. . . . Over a hundred years ago, this Court explained that our Nation was and is a union of States, equal in power, dignity and authority.

Every Federal employee takes and signs this Federal Oath of Office

"I, _____,
do solemnly swear (or affirm) that I will support and defend the
Constitution of the United States against all enemies, foreign and
domestic; that I will bear true faith and allegiance to the same; that I
take this obligation freely, without any mental reservation or purpose
of evasion; and that I will well and faithfully discharge the duties of
the office on which I am about to enter. So help me God."

Without reservation all Forest Service personnel are obligated by this "Oath of Office" to obey the Constitution and the Federal Laws enacted by Congress to administer the Grasslands, while protecting the Property and the Pre-existing rights of the Citizens that are legally utilizing the National Forest System Lands for their livelihoods.

The Court has ruled in **Red Canyon Sheep Company vs Ickes:**

"The court further held that a lawful business was property and that grazing on the federal lands is a lawful business."

Even though the grasslands are part of the National Forest System Lands, it must be understood by everyone that the National Grasslands are a separate and different entity from the National Forest and are to be administered in accordance with Congressional Law.

With this thought I present the Following

What was the original Congressional Intent in the Northeastern Wyoming Land Utilization and Land Conservation Project WY - LU - 1 of what is now the Thunder Basin National Grasslands? How far has the Forest Service strayed from the original purpose of the **Congressional Laws** that were initiated in the 1930's that formed the Northeastern Wyoming Land Utilization and Land Conservation Project? I offer the following historical documentation prior to the Bankhead-Jones Farm Tenant Act with the acquisition record language and language of the Presidential Executive Orders that withdrew lands from the public domain in the Thunder Basin that are now part of the WY - LU - 1 project.

The primary purpose of the Northeastern Wyoming Land Utilization and Land Conservation Project and the intent of Congress, **was for “grassland agriculture”, which is for livestock grazing and the economic stability of the local ranches.** That was the purpose of the acquisition laws of the 1930's and Presidential Executive Order 7616 dated 13 May 1937 that were issued for these “sub-marginal” and “public domain” lands within the Thunder Basin that were acquired by acts of Congress or withdrawn from the “public domain” by Presidential Executive Orders in the 1930's.

Land Utilization Projects

*In 1931 a national conference entitled Land Utilization, which called for a survey of submarginal lands. Once identified, the government began to purchase these lands under the authorization of the National Industrial Act of 1933 and the Emergency Relief Appropriations Act of 1935. The aim was to **control erosion, produce more forage, and ensure economic stability for remaining rural residents.** Depleted cropland was planted with grass and the rangeland grazed on a rotating basis. In some areas newly formed grazing associations arose to ensure access to government grazing land by its members through a joint permittee system. Water and soil conservation projects were undertaken by various government programs.*

The purchased lands were called Land Utilization (L-U) projects after the title of the 1931 conference.

The lands were first administered by the Resettlement Administration, later named the Farm Security Administration. In 1937, the Bankhead-Jones Farm Tenant Act (Title III) gave custody to the Secretary of Agriculture and authorized more extensive conservation efforts. In 1938 the Soil Conservation Service was given the task of managing the Land Utilization lands, a mission that lasted until 1953 when the Forest Service was assigned the duty.

Referencing the language from acquisition records obtained from files stored at the Douglas District Ranger Office I submit the following. Each individual record is in a folder that has both a Tract and File Number. Each folder contains many filled out forms (8 to 18 pages) that pertain to the sale of that particular parcel of land to the United States. All of the formal forms reference "Form LU-LA 2." Each forms 1st or 2nd lines has the following: Project Name and Symbol Thunder Basin Project (Coterminous) LU-WY-38-1 Tract No. 1505 (or what ever the Tract is) There is language in the files "Subject to vested and secured rights contained in the U.S.Patent." Also there is reference to the Acquiring Agency which is "Land Utilization Division, Resettlement Administration, Demonistrational Agriculture Project and so on.

The language In the Presidential Executive Order No. 7616 is very specific:

Executive Order [No. 7616] May 13, 1937

Withdrawal of Public Lands for the use of the Department of Agriculture.

Wyoming

By virtue of and pursuant to authority vested in me by the act of June 25, 1910, (Pickett Act) it is ordered as follows:

Section 1. Executive Order No. 6910 of November 20, 1934, as amended, temporarily withdrawing certain lands for classification and other purposes, is hereby revoked in so far as it affects any public lands within the following described area in Wyoming.

Then there is a Description of Public Domain Lands to be withdrawn.

*Section 2. Subject to the conditions expressed in the above mentioned Acts **and to all valid existing rights**, all vacant, unappropriated, and unreserved public lands within the above described area are hereby temporarily withdrawn from settlement, location, sale, or entry, **and reserved and set apart for use and development by the Department of Agriculture for soil erosion control and other land utilization activities in connection with the Thunder Basin Project LU - WY - 1:***

Section 3. This order Shall be applicable to all lands within the area described in Section 1. hereof the cancellation, termination, or release of prior entries, selections, rights, appropriations, or claims, or upon the revocation of prior withdrawals, unless expressly otherwise provided in the order of revocation.

Section 4. The reservation made by section 2. of this order shall remain in force until revoked by the President or by act of Congress.

The Land Utilization lands were not intended to be permanent natural areas; instead the goal was to transform marginal farmland into productive rangeland. Other resources were to be managed on the Land Utilization lands but the restoration of the local economy through ranching was the critical goal during the depression and afterwards.

USDA Forest Service and the National Grasslands

By Secretary of Agriculture Administrative Order dated 24 December 1953 (effective 2 January 1954), USDA Reorganization Act, administration of the Land Utilization lands was transferred from the SCS to the Forest Service.

A Secretary of Agriculture Administrative Order on 20 June 1960 designated 3,804,000 acres of the land into 19 National Grasslands. The USDA Forest Service was now responsible for the permanent retention and management of the grasslands.

Direction for management of the National Grasslands was expanded in 1963 when the 1960 Order was amended. The additions served to reinforce the original Land Utilization mission of promoting grassland agriculture and sustained-yield management; while demonstrating sound land use practices to adjacent public and private landholders.

STATUTORY DUTIES VIOLATED BY THE FOREST SERVICE

The Bankhead-Jones Farm Tenant Act, 7 U.S.C. 1010, is the original Organic Act of the National Grasslands and requires that "[t]he Secretary is authorized and directed to develop a program of land conservation and land utilization in order thereby to correct maladjustments in land use, and thus assist in controlling soil erosion, reforestation, preserving natural resources, -----

The very next section of the Bankhead-Jones Farm Tenant Act, 7 U.S.C. 1010a directs that "[i]n recognition of the increasing need for soil, water, and related resource data for land conservation, use, **and development for a balanced rural-urban growth.**

The Forest Service statutory duties to be a steward of the soil resource and to abate depredations are specific and clear. As the United States Supreme Court recently found in determining that the Endangered Species Act did not trump the Clean Water Act's mandatory duties on the EPA: "a statute dealing with a narrow, precise, and specific subject is not submerged by a later enacted statute covering a more generalized spectrum." *National Association of Homebuilders v. Defenders of Wildlife*, 551 U.S. 467 (2007).

The National Environmental Protection Act (NEPA) and the National Forest Management Act (NFMA) are both supplemental to the Bankhead-Jones Farm Tenant Act of 1937, which sets out the mandatory duty of the Secretary of Agriculture and the Forest Service for the administration of the Northeastern Wyoming Land Utilization and Land Conservation Project WY - LU - 1, now the Thunder Basin National Grasslands'

NEPA imposes an "**affirmative obligation**" on the Forest Service to acquire information concerning the consequences of their actions. *State of Alaska v. Andrus*, 580 F.2d 465, 473-74 (D.C. Cir. 1978).

The inability of the Forest Service to seriously consider the causal nature of the environmental damages caused by the prairie dog proliferation in the Thunder Basin is a violation of its affirmative duties to monitor and study erosion damages and the degradation of the environment from the improper use of soil resources.

Not only has the Forest Service bypass the legislative charters or organic acts of the Forest Service and the Land Utilization Projects (National Grasslands) by segmenting the evaluation areas, but it has not taken a hard look at the causation of overgrazing by prairie dogs in a de facto Black-footed Ferret Introduction Area (MA-3.63) as stated in the 2001 Thunder Basin Land and Resource Management Plan.

Quoting from **43 U.S. Code 1732** - Management of use, occupancy, and development of Public Lands

(a) Multiple use and sustained yield requirements applicable; exception
The Secretary shall manage the public lands under principles of multiple use and sustained yield, in accordance with the land use plans developed by him under section 1712 of this title when they are available, **except that where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law.**

The U.S. Supreme Court declared in *United States v. New Mexico*, 438 U.S. 696, 714 (1978) (**federal lands must be managed for the purposes for which they were originally reserved or acquired and any subsequently designated uses are secondary**).

In *Rawson v. United States* (1955) the Ninth Circuit issued the following ruling:

“The facts are undisputed. ----- In 1937, long prior to the location, the United States had purchased from the grantee of Stoller the 160-acre tract. ----- The purpose of the acquisitions was to retire submarginal lands from agricultural use, to prevent soil erosion, to protect watersheds, to conserve wildlife, and other allied purposes. The purchases were made with funds appropriated by the Emergency Relief Appropriations Act of 1935, 49 Stat. 115.

“The Stoller tract, purchased by the government for prescribed uses, does not fall within the category of public land. It may be stated as a universal proposition that patented lands reacquired by the United States are not by mere force of the reacquisition restored to the public domain. Absent legislation or authoritative directions to the contrary, they remain in the class of lands acquired for special uses, such as parks, national monuments, and the like — areas which it could not rationally be argued remain open to location and exploitation under the mineral laws. Certainly, an intent can not be imputed to the President to throw open to mineral entry acquired land in the area which would not be subject to such entry in the absence of the withdrawal order. Authority in the executive to do that would be absent even if the result were intended.”

Thus, the court has ruled that the Land Utilization Projects were not “Public Domain Lands” but are in the category of a “Special Use” and must be administered as such.

Therefore, without exception, the Northeastern Wyoming Land Utilization and Land Conservation Project WY - LU - 1, now the Thunder Basin National Grasslands must be administered and managed for the original purpose that Congress intended. Forest Service personnel have failed to follow Congressional Laws and Wyoming Law as required by the Courts and the Constitution of the Republic of the United States.