



MOUNTAIN STATES LEGAL
FOUNDATION

A photograph of a red tractor pulling a large red implement, likely a plow or harrow, in a field. The sky is blue with scattered white clouds. The tractor is moving from left to right, kicking up some dust.

PRESERVATION OF AMERICAN PROSPERITY

HOW MSLF IS PROTECTING YOUR RIGHTS FROM SEA TO SHINING SEA



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Why We Fight

We must stop environmental extremists and government bureaucrats from using the courts to trample Americans' property rights and stifle people with economy-killing regulations. Our nation's prosperity depends on it.



A FOUNDATION OF PRIVATE PROPERTY

Sometimes a trip down memory lane can be inspiring. I took such a trip and flew down to Arizona to sit down with Jim Watt. Jim served as Mountain States' first president. This impressive gentleman committed his life to public service, and in 1977, Jim took up the challenge issued by our first chairman, Joe Coors, to create a free-market, public interest law firm that was (and remains) "dedicated to individual liberty, the right to own and use property, limited and ethical government and economic freedom." Jim eventually left Mountain States to serve as the Secretary of the Interior under President Reagan, but his leadership set our Foundation on firm footing.

Our first Board of Directors believed that it was our responsibility to safeguard our natural resources, but also believed that "environmental goals (could) not be allowed to take precedence over a commitment to insure economic and employment opportunities, adequate food production and public safety... The health and welfare of the American public depends as much on an adequate energy supply as on protection of the environment, and these factors must be balanced and considered together." In that respect, not much has changed.

Our current Board remains similarly committed to an appropriate balance between conservation, and efficient and effective use of our natural resources.

Jim and his team kicked off our first natural resource direct representation action in 1978 challenging the authority of the Secretaries of Agriculture and Interior to add approximately 62 million acres to the Wilderness System. Over the years we've won significant victories on these issues as you'll read soon, but the fight consistently comes back around to issues that ring familiar.

For example, our case defending the ranchers of Wyoming's Upper Green River Drift against environmentalist groups trying to shut down America's most historic remaining cattle drive. They demand the government remove these public lands from multiple use because, they argue, grazing on the pastures these ranchers have used for over 100 years since before they had to ask the government's permission—is necessary to preserve the area for grizzly bear habitat.

We also weigh in against the government's outlandish definition of Waters of the United States, claims that endangered species habitat includes land wholly unsuitable for the species' in question, denial of oil and gas leasing and drilling permits, and so many other cases where Jim's directive to balance conservation, and efficient and effective use of public and private lands continues to be a battleground. We've made good progress in the cases you'll read soon but holding and advancing that line continues to be incredibly important.



Cristen Wohlgemuth

President & CEO

Mountain States Legal Foundation



TRAPPED IN BUREAUCRATIC PURGATORY

The following story was written by Robin Ray, niece to Monti Ray, MSLF clients in *Rayco, LLC. v. Haaland*.

Imagine you and your family were leasing a home for many years—a home where you raised your children, a place where you all felt safe and loved. This was a home where you created many fond family memories, and everything was good. You had a signed, long-term legal contract, and every month you paid your rent on time. Then one day, the landlord knocked on the door and said you and your family had to leave your home and be gone within 36 hours!

How would you feel? What would you do?

This is the story of what happened to my family. But the “landlord” who took it away from us wasn’t an unscrupulous individual that we could fight through conventional means. It was a massive, faceless, unaccountable government bureaucracy, the Bureau of Land Management (BLM). We’ve been fighting the BLM for nearly 30 years over a decision of grave importance to a family-owned mining business we have in California’s Mojave National Preserve. Our story began in 1948 when my grandfather claimed the Cima Cinder Mine, out in the Mojave Desert between Baker and Primm.

He and his wife and their children lived and worked there. My grandpa, Emerson Ray, and his wife, my grandma, Fay Ray, their young children, and other supportive friends and relatives built their desert home with their own hands. It was a home filled with sweet smells of homemade bread and baked beans. If you were a fly on the wall, you would hear singing, children giggling, shrieking, and dogs barking in the happy reverie of family life.

They worked hard bringing business to the fledgling desert community. Discovery, opportunity, and hard work were the order of the day. The necessary equipment was acquired to get the job done. The proper paperwork, claims fees, and other documentation were filed with appropriate authorities.

The future looked bright for the Cima Cinder Mine. The American Dream was alive and well!

The dream began to hit roadblocks in 1991 when our family applied for a patent on the mine with BLM. Getting a patent would mean that, after having worked the claims and paid fees on it for almost four decades, we would finally own the land.

Many changes were happening in and around the area at the time, culminating in the 1994 creation of the Mojave National Park as part of the California Desert Protection Act. This put many area mines out of business. But the Cima Cinder Mine was one of the oldest working mines in the area, and it was grandfathered in, or so the theory went.

Traditionally, the full patent comes in two halves. When both halves are approved, the final patent is granted. The BLM approved the first half in 1992. After the first half was approved, my family sought to get the second half approved. We waited . . . and waited . . . and waited as the BLM declined to act, leaving my family trapped in a hellish bureaucratic purgatory.

Then, on August 10, 1999, while the patent application was still pending with the BLM, the National Park Service abruptly shut down the mine, ordering our family to immediately leave our home and the business we had built over many years. We felt deceived. All those years of hard work, the mine, and our beloved home were taken away. There was no due process for us.

"With the stroke of a pen, the American Dream was gone."

With the stroke of a pen, the American Dream was gone. If the BLM had granted the second half of the patent, the park service could not have made my family leave our home and business. If the BLM had rejected the patent, the family could have appealed, forcing the agency to provide a legal rationale. But by simply doing nothing and making the family wait, officials paved the way for the government to shut down the operation of the mine and force my family to leave!

Since the mine closed, the house still stands, but rats, spiders, and snakes have moved in. Vandals have gone into the house with their spray paint and marked up the walls. The windows of the house have been shot out, and the once-loving family home lies in ruins. The mining equipment that once helped provide the cinders for cinderblock sits rusting and rotting in the desert like the carcass of a large dinosaur. It makes me wonder if this neglect is what the National Park Service had in mind when they forced us to leave.

Refusing to Give Up... Or Give In

Many would think that my family would just throw in the towel and fade away, which is what most people do when confronting the insurmountable force a federal agency can wield. Instead, we fought on. With the help of the Mountain States Legal Foundation, we finally—in 2020—forced the BLM to answer the 1992 request for the second half of the patent!

What response did we receive after decades of waiting? The BLM came back with a mostly “no,” but a partial “yes,” in typically inscrutable fashion. They rejected most of the acreage for which a patent was sought. But they granted a patent on a small sliver of acreage, which the agency must have known was insufficient to reopen the mine. Even so, the grant of a partial patent is at least a decision, and a decision opens up an opportunity for appeal, raising the possibility that justice and fairness might still prevail.

MSLF has challenged the BLM’s wrongful drawing of mine boundaries, noting the agency’s misrepresentation of the law and complete failure to consider basic facts that are vital to an accurate understanding of the situation. The government’s long-delayed decision was irrational, capricious, and in violation of the Administrative Procedure Act. MSLF wants the agency to go back to the drawing board and come back with a more carefully considered decision on the patent application, considering facts it ignored the first go-round.

“That’s the least the Rays are owed after the prolonged indifference and disdain the government showed towards the Rays,” says MSLF’s lead attorney on the case, David McDonald, who’s been fighting for justice for our family. “The Rays waited for nearly three decades to get an answer from the BLM on their patent application, and now that we’ve finally forced the government to respond, it gave them a slap in the face,” David adds. “By filing this complaint, we’re making a statement that not even the federal government can get away with treating people this way.”

Standing on Principle

Why should my family's story resonate with other Americans?

The first reason is that politicians come and go, but government bureaucracy lives on. Every citizen has a right to due process under the law. If we do not have due process, we are at risk of becoming a nation of chaos.

The second is that any of us can become the victims of bureaucratic misconduct. We know, and Mountain States Legal Foundation knows, if it happens to one family, it can and does happen to others. My family's story reminds us that, in spite of the time, energy, and resolve that it takes, we need to keep fighting for our rights!



THE GREAT AMERICAN LAND BARON

On game nights where your trove of random trivia facts becomes useful, you might get a question like, “Who is the largest landowner in the United States?” You may be tempted to think of folks like Bill Gates or John Malone who are gobbling up vast swaths of farmland and timberland. Then you remember that the top 50 landowners together only make up less than 2 percent of the United States landmass, so that can’t be quite right. You ponder and ponder until it hits you—the United States federal government owns a colossal 640 million acres. Or, to put it in perspective, more than a fourth of the acreage. And which parts of this bureaucratic landlord own the most? Let’s find out.

1: The Bureau of Land Management—244.4 million acres

Formed in 1946 from two prior agencies, the Bureau of Land Management (BLM) is one of the chief organizations of the Department of the Interior. The BLM is geared toward overseeing land permits and ensuring land is used according to the “multiple use” mandate. That is, the BLM is supposed to ensure land is used for things such as recreation, ranching, and industry—not just wildlife conservation and watershed protection.

With so much land, you'd think the BLM has enough. Never underestimate the greed of a hoarding dragon.

Ranching is a fragile industry, difficult and arduous in the face of both nature and the government. For the Hanley Family, it's their way of life. Mike and Linda have been raising cattle in Idaho since the 1980s and had hoped to pass their ranch down to their daughter. And yet, despite the long practice of ranching inheritance, and despite all the laws and precedents that support it, the BLM created a new and illegal theory out of thin air to stop that tradition. Mountain States Legal Foundation filed an amicus brief in an effort to kill this serpent before it truly hatches from its corrupt egg.

Speaking of Idaho, in 2022 we launched a case representing ranchers in the state of Idaho, who are trying to fend off the federal government to protect Idaho's stock water.

2: The Forest Service—192.9 million acres

The Forest Service is one of the oldest landlords in the government. Formed under the Department of Agriculture in 1905, the Forest Service—like the other agencies—manages land predominantly in Western states such as Colorado and Washington. It too, like the BLM, must adhere to the multiple use mandate.

Of course, the Forest Service gets rather presumptuous at times about such mandates. MSLF is currently litigating a case on just this problem. *San Luis Valley Ecosystem Council v. Dallas* is about whether the Forest Service can exclude motorized recreational vehicles such as four-wheelers and dirt bikes from the trails of the Rio Grande National Forest in Colorado. Environmentalists say they should have never been allowed in the first place. For folks like Don Riggle, motorized recreational vehicles are the only way Americans with disabilities can enjoy the beauty of our national forests. We're fighting for folks like Don to enjoy the forests like everyone else.

3: The Fish and Wildlife Service—89.2 million acres

Since 1966, the Fish and Wildlife Service (FWS)—another Department of the Interior agency—has administered the National Wildlife Refuge System (NWRS), a network of refuges and a host of other natural units. Unlike the BLM and Forest Service, the FWS' primary directive is to manage land for conservation and restoration of habitat. Some industry is permitted, and recreation such as hunting and hiking are often included in planning, but the FWS is a conservation-first agency. Which usually means they require a lot of wildlife science to do their job.

But if you're the radical Center for Biological Diversity (CBD), science doesn't get in the way of environmentalist objectives. One of the species the FWS manages is the Greater Yellowstone Ecosystem grizzly bear. Once a truly endangered species, the FWS has recommended since 2007 that the grizzly be removed from the Endangered Species List. Doing so would have enabled ranchers to appropriately hunt the bears and protect their livestock. Yet, the CBD—like every other litigious extremist group—sued the Fish and Wildlife Service for daring to do its job.

MSLF represents ranchers in Wyoming and Utah as it fights back against the CBD, which would commandeer the FWS for its own agenda. Our objective is to ensure that the power of the government is used for its intended purpose, and not the unfounded views of would-be "green tyrants."

4: The National Park Service—79.9 million acres

The favored brainchild of Theodore Roosevelt, the National Park Service (NPS) was created in 1916 to manage all of the land units (over 400 today) that Congress has declared as parks and the president has proclaimed as monuments. The two-part mission of this Department of the Interior agency is to preserve resources and make such territory enjoyable to the public. This is why the NPS is one of the more well-known and popular land-owning agencies in the country.

And yet, the NPS has a dark side as well. You see, while only Congress can declare a unit a park with all of its protections, presidents can turn a piece of federal land into a monument at will. It truly does take only a phone and pen to do so. The question is whether the president can eliminate a national monument. If you're an environmentalist, the short answer is no—the law does not grant him that power, even if it might permit a president to alter the size or purpose of the monument.

That's hogwash. The power to create necessitates the power to destroy. This has been a long-standing principle under common law for centuries. And it's why MSLF is doing something about it.

Environmentalists like the Wilderness Society would have it that no president (or at least, no conservative president) could make any changes to national monuments, let alone eliminate one. We filed a brief on behalf of two Utah counties to support the Trump Administration's efforts to reduce the Grand Staircase Escalante Monument. President Trump's order—aimed at assisting local economies—was an attempt to undo the huge expansion of the monument under the Obama and Clinton Administrations. It was a power grab then, and it remains so today. In the same way that we don't want the Center for Biological Diversity to weaponize the Fish and Wildlife Service, we don't want the Wilderness Society to weaponize the National Park Service.



THE FUTURE OF MSLF'S NATURAL RESOURCES WORK

The spirit of our nation's industry was once celebrated. It was lauded for raising Americans out of poverty and creating a strong and prosperous nation. Americans were proud to be blessed with an abundance of natural resources, and the skills to make beneficial use of them.

“Ranchers, recreationists, homeowners, and all Americans are due their rights.”

But today, people and businesses, like independent energy producers, are an endangered species of the Free American. You need look no further to understand this than the Longwell Family. Supporters of Mountain States are familiar with the 40-year battle between the late Sidney Longwell and the US Department of the Interior's Bureau of Land Management (BLM) over his federal oil and gas lease and permit in Medicine Bow, Montana. After decades of deliberate indecision by bureaucrats who neither approved nor denied his drilling permit (and thus put Sidney in an indefinite regulatory purgatory), the BLM—at the behest of environmental extremists—outright canceled Sidney's lease altogether. This was a gross miscarriage of justice.

In September 2022, Judge Richard Leon of the US District Court for the District of Columbia issued a comprehensive ruling in favor of Sidney, whose fight is now carried on by his daughter Kelly. Judge Leon's ruling ordered Sidney's lease and permit reinstated. Mountain States is proud of that victory, and we were grateful for Judge Leon's forceful condemnation of the BLM's tactics. But there's still more ahead, as the BLM has appealed their emphatic loss.

If independent energy producers like the Longwells are an endangered species, the BLM is like a poacher hunting for an illegal prize. No matter the barriers, the prospect of complete control over all public land is too tempting for them to stop. Like poachers, agencies like the BLM have to be dealt with on every front.

In wildlife poaching, you can't just protect elephants—you have to be diligent about gorillas, tigers, and rhinos, too. So it is in the courts. It isn't enough to protect only energy producers. Ranchers, recreationists, homeowners, and all Americans are due their rights as well, and Mountain States must be there for each of them.

That's why our natural resources practice group continues to fight at every turn for the rights of Americans. In 2023, we're laying the groundwork to launch a new center within MSLF, dedicated to protecting and expanding the rights of Americans. We've seen that this strategy of raising a specialized unit of top-notch attorneys who are experts in a specific and complex field is successful. Our Center to Keep and Bear Arms has been racking up wins since it started. It's time to do the same for the Foundation's cornerstone practice.

There's a lot that needs to be done before we can open a new center. It isn't just about raising money. It's about finding partners and supporters who are in it for the long haul. As we like to say at Mountain States, liberty is a team sport, and now more than ever, we need to find more teammates.



THE CENTER ON THE HORIZON

For nearly 50 years, MSLF has been the nation's steadfast defender of Constitutional liberties and property rights. Our roots trace back to the extractive industries—such as mining, timber, oil, and gas—where we stood for responsible resource use, finding the balance between environmental stewardship and economic opportunity, energy security, and public welfare. Safeguarding our natural resources is vital, but it must not come at the expense of jobs, food production, or the nation's prosperity.

Now, we are supercharging that mission with MSLF's **Center for American Prosperity & Energy (CAPE)**—a powerful initiative that will champion the Constitutional principles that safeguard America's prosperity, ensuring that the extractive industries are not crippled by government overreach. By taking on government overreach and dismantling anti-energy policies, MSLF's **CAPE** aims to restore the balance of power between citizens and bureaucrats, ensuring that energy producers, small businesses, and consumers alike can thrive without unlawful interference.

Under the previous presidential administration, American energy independence has been deliberately eroded. Mineral lease approvals plummeted to single digits, and an army of regulators continues to strangle domestic production under the guise of environmental policy. This is not just bad for industry—it's an attack on every American who relies on access to affordable, reliable minerals to heat their homes, fuel their cars, power their businesses and so much more. Now, with a favorable President and Congress in office, we have a critical window of opportunity to reclaim our future. The abundant resources beneath our feet are key to driving America. By empowering energy producers, miners, timber workers, and consumers, MSLF's **CAPE** envisions a future where free-market principles, not government overreach, dictate success. This is a future where innovation thrives, independence is safeguarded, and prosperity touches every corner of the nation.

What We Will Do

- Protect property rights that implicate energy issues and promote free enterprise.
- Shield citizens from the weaponization of regulations and regulators.
- Limit the power of government actors at all levels, to embark on anti-energy schemes.
- Deregulate the administrative state, and create a lawful and reasonable regulatory landscape for extractive resource producers and consumers.

MSLF's **CAPE** is dedicated to restoring America's economic strength and energy independence. Our attorneys do this through relentless and principled litigation. We protect property rights, innovation, and the free market while rolling back government power grabs that threaten our prosperity.

We believe in strengthening America's energy and natural resource production and use so individuals can continue the tradition of innovation and free enterprise that marks American prosperity.

MSLF's **CAPE** will be the nation's premier legal force defending the extractive industries—ensuring that free-market principles, not bureaucratic meddling, determine success. **Our vision is clear: American prosperity thrives when our natural resource industries are strong, our property rights are secure, and our government stays within its Constitutional limits.**

By restoring the right to use and develop America's natural resources responsibly, we will once again put economic freedom, innovation, and resilience at the forefront of our national policy. The battle for America's future never ends, but neither does our commitment to fight.



Founded in 1977, Mountain States Legal Foundation is a non-profit law firm based in the American West. We go to court to fight for your Constitutional rights.

Stay engaged and informed.

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