

Committee on Natural Resources
Subcommittee on Public Lands and Environmental Regulation
Threat, Intimidation and Bullying by Federal Land Managing Agencies

Frank Robbins
High Island Ranch
Thermopolis, WY

October 29, 2013

To: Honorable Chairman Hastings and Subcommittee Chairman Bishop

My name is Frank Robbins and I am the owner of a ranch that includes private land and Bureau of Land Management (“BLM”) and Forest Service livestock grazing permits and preference rights, known as the High Island Ranch, in Hot Springs County, Wyoming. I purchased the High Island Ranch from George Nelson on May 31st, 1994 as a cattle ranching and a guest ranch operation. Although I had owned another ranch in Montana prior to purchasing the High Island Ranch, my goal was to move my wife and two children to Thermopolis and make that my home—then pass the ranch onto my children and grandchildren.

Just prior to the sale of the ranch, Mr. Nelson granted a non-exclusive easement to the BLM across the High Island Ranch, on a private road known as the Rock Creek Road. The BLM failed to properly record this easement so when I purchased the ranch, I was unaware of the BLM easement and when I recorded my title to the ranch, the BLM easement was extinguished.

Upon realizing the easement Mr. Nelson had granted to the BLM was no longer valid, BLM employee Assistant Area Manager Joe Vessels contacted me to demand that I sign a new easement across my private lands to the BLM, and to warn me that if I did not give the easement to the BLM, the BLM would deny me access to my private property. Vessels stated to me that there would be no negotiation regarding this easement. Because the BLM would not negotiate to pay compensation or provide due process for the taking of my private property, I declined to just give the BLM one of my property rights. In response to my decision, Vessels told me that the BLM would get the easement “one way or another.”

From that point on, the BLM began engaging in a pattern of intentionally abusive conduct to coerce me to grant my property rights to BLM and to punish me for not immediately capitulating to the BLM’s demands. For example:

Ed Parodi, a BLM employee, was sent to my home to explain what the BLM would do to me if I did not acquiesce to the BLM demands. At that meeting, Parodi stated, “if you keep butting heads, things are going to get pretty ugly” and “[t]hey [the BLM] have more resources, more time and money than you.” “If you keep butting heads with them, it will come to war.” Parodi also stated that the BLM was out to give me a “hardball education.”

In June of 1994, Vessels twice wrote to me requesting permission to survey for the BLM's desired easement across the private lands of the High Island Ranch. I unequivocally declined to allow the survey. However, Vessels disregarded my clear instructions and orchestrated a survey anyway without my permission, then later bragged to me that I could not stop the BLM.

A policy was also developed by the BLM whereby the terms and conditions of the High Island Ranch Allotment Management Plan ("AMP") were not followed in good faith. Although the High Island Ranch AMP, signed by both the BLM and my predecessor-in-interest, included significant opportunities for flexibility for my cattle operation, the BLM refused numerous requests for flexibility. Additionally, a BLM employee, Teryl Shryack, made handwritten changes to the AMP without my knowledge and then tried to apply those changes to me.

The BLM also prohibited me from maintaining a portion of the Rock Creek Road, located on BLM land, that was necessary for me to access parts of the Ranch's private property. Eventually the BLM ultimately canceled my access rights across BLM land to my private property.

Under Vessels' direction, the BLM also made trouble for me with my neighbors. In one instance, a BLM officer urged neighbor Pennoyer to file a criminal complaint with the Sheriff against me (although the Sheriff did not follow up on the neighbor's claims.) In another instance, BLM employee Leone provoked an incident between Mrs. Pennoyer and I, whereby Mrs. Pennoyer drove a motor vehicle into and struck me and the horse on which I was riding.

Vessels also charged me with repeated livestock trespass prosecutions, 27 in all. In these prosecutions, the BLM asserted that my cattle were in trespass, even though the livestock were located on my unfenced private property. These prosecutions were brought under the theory that the High Island Ranch cattle allegedly could "access" the adjoining and unfenced public lands. This legal theory has been rejected by the court however, I had to appeal each and every one of the decisions individually to try to keep my grazing permit.

Although I was willing to grant to the BLM the right to cross my private land to get to BLM land for lawful purposes, the BLM wanted the complete and unconstrained right to trespass on my private property. Because BLM wanted this complete access, they took an easement which only allowed the BLM to maintain a 276-foot strip of fencing on a remote corner of a parcel owned by me and tried to argue it gave the agency complete and unrestrained access. Using this Fence Easement, BLM employees Shryack and Merrill went onto my private property. When I encountered the BLM trespassing and stopped them to ask what they were doing, Shryack and Merrill showed me the Fence Easement, claiming it allowed them to drive on my private property. In frustration, I tore up the copy of the Fence Easement and told Merrill and Shryack to turn around and leave, which, without any protest, they did. Several days later, after lying to me

to get me to come to the BLM office, the BLM, through its law enforcement officers, notified me that I was being criminally charged with “intentional interference with a BLM officer” for telling Shryack and Merrill to leave my private property. Based upon this criminal charge, a lengthy and expensive criminal jury trial was held in the Federal District Court for the District of Wyoming. However, after only 25 minutes of deliberation, the jury acquitted me of all charges, commenting that I could not have been railroaded any more unless I worked for the Union Pacific Railroad.

Due to the BLM employees egregious conduct, I have suffered significant economic injury to my business (both in term of direct lost revenues for loss of my grazing use and my outfitting business) and personal reputation. I am only running one-half on my cattle numbers I once did and I cannot operate any of my guest ranching business on the federal lands. I also spent a significant amount on money on legal fees, individually appealing all of the decisions as well as defending myself at a three-day criminal jury trial. The economic damage to both me and my family – as well as to the local community – are still present today.

Some BLM employees, and based upon the press coverage some of the public, believe that I deserved to lose much of my ranch, simply because I would not give my private property to the federal government. However I have never had the chance to argue my case before a judge and jury. Administratively appealing dozens of trespass decisions before an administrative law judge does not even begin to address the allegations that have been leveled against me. My Supreme Court case was not based upon the facts of the case – rather the question before the Court was simply whether I could even get to court. That is the question before this Congressional Committee. Win or lose, should private individuals and businesses have the chance to prove that they have been harassed, punished and bullied by federal bureaucrats. There needs to be more accountability of federal employees and opening the courthouse door is one way to provide for that accountability.