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PENDLEY: Supreme Court to decide if U.S. Forest Service land grab is legal *Feds ruined logging, then seized Marvin Brandt's land*

By William Perry Pendley
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On Tuesday, Marvin Brandt of Fox Park, Wyo., will sit before the justices of the U.S. Supreme Court to hear a government lawyer who wants to take his land argue why the laws, documents and court rulings that apply to everyone else do not apply to the federal government.

Mr. Brandt's journey to the court — which reveals much about the men who built this country, a federal land-management policy that has gone wrong and the lawlessness of government officials — was nearly 80 years in the making.

In 1936, Mr. Brandt's parents, Melvin and Lula, drove in a Chevy they owned outright from Mountain View, Mo., to the Medicine Bow National Forest of southeastern Wyoming.

When they reached Fox Park, which grew out of the transcontinental railroad's need for cross ties made from the lodgepole pines that carpet mid-elevations of the forest, they had two dollars.

Like thousands of other young men in the midst of the Great Depression, Melvin Brandt was looking for work and found it among the hearty Scandinavians who logged the forest.

He was hired on to cut ties for Ole Alexander.

With borrowed tools and boots, Melvin hiked into the woods, cut down a tree of at least 11 inches diameter with a one-man crosscut saw, scored the sides with a six pound double-bit ax to create a minimum seven inch by four inch face, removed the scored wood with a broad-axe, and cut the shaped wood into eight-foot lengths, each of which he lugged to the nearest road.

Melvin got a nickel a tie. Soon he could produce 20 a day.

John Wicklund, who left Sweden at age 14, arrived in New York City speaking no English. He made his way to Minnesota to work in the logging camps, and was Ole Alexander's woods boss.

He and Melvin Brandt became friends and bought out Alexander in 1946. They formed Brandt & Wicklund Forest Products, and, by 1951 had built a permanent sawmill.

The U.S. Forest Service, responsible for the 284 million board-feet of timber products generated annually by the forest's million-plus acres, had planned for such a mill on the Fox Park Industrial Site tract.

John Wicklund ran the men and horses that harvested the timber and hauled it to the mill that Melvin Brandt operated. At its heyday, it was processing 6 million board-feet a year and employing 60 men.

Since 1910, the Laramie, Hahn's Peak & Pacific Railway Co. had



ASSOCIATED PRESS PHOTOGRAPH Bo Burns works at K&B Timberworks Inc., a recently reopened mill in Reserve, N.M., which was without one after 1990. The owner says the mill's future depends on federal contracts to thin forestland for wildfire prevention, funded in part by a federal timber law that has been extended beyond its original intent of helping communities hard hit by environmental restrictions on logging.

run a railroad from Laramie, Wyo., through the Fox Park site, and then south to the Wyoming-Colorado border along a 200-foot-wide, 66-mile-long right-of-way. The railroad brought in supplies and transported milled timber to Laramie and beyond.

In 1976, the Forest Service gave Mr. Brandt 83 acres in Fox Park where his family's mill had been built on federal land that the rail line crossed, along with houses and cabins, a church, pool hall, hotel, general store, school and saloon. In exchange, the Forest Service got 200 acres nearby on Sheep Mountain, plus 40 acres near Fox Park.

Mr. Brandt's son Marvin, raised amid the woods, the mill and the hard work, went to college, but soon returned.

Unfortunately, after the 1980 recession, times were hard and things were changing. The Forest Service was no longer interested in letting Marvin Brandt harvest the timber.

Instead, it left the trees to the pine beetle. It didn't matter that the vast forest, properly managed, could sustain scores of operations like the Brandt's mill.

In 1991, a young woman spoke of her vision to locals at a restaurant called the Hungry Woodsmen that, after the Wyoming and Colorado Railroad, as it was then known, pulled up its tracks and ties, a high-altitude bicycle trail could be built in its place all paid for by local businesses.

Marvin Brandt proclaimed his was that local business and was nearly broke. That year, he sold the mill and its equipment for pennies on the dollar.

In 2003, Marvin Brandt accidentally learned of Forest Service plans to build the trail. The agency "forgot" to tell him and his neighbors.

Despite the 9,000-foot elevation, snow cover from November to mid-June, and the lodgepole pine's attempt to reclaim the path, the Forest Service audaciously predicted 120,000 bikers annually.

First, however, the Forest Service sued Marvin Brandt and seized the abandoned railroad right-of-way across the land it had traded to his family in 1976.

Later this year, the Supreme Court will rule whether the Forest Service can keep it.

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