

## Government Mulls Gravel Mine At Historic Ranch

BY JAMES MACPHERSON  
Associated Press

BISMARCK, N.D. — A Montana couple intends to mine gravel at a scenic Badlands ranch in western North Dakota where Theodore Roosevelt once grazed cattle and on land that government agencies and conservation groups have hailed as the "cradle of conservation."

Roger Lothspeich of Miles City, Mont., and his fiancée Peggy Braunberger, spent nearly three years proving they own the right to remove gravel and other surface minerals at the 5,200-acre ranch near Medora. The proposed 25-acre site is about a mile from Roosevelt's historic ranch cabin.

"It took a lot of work and money getting through the red tape but we've got all our bases covered," Lothspeich said.

The couple submitted their mine plan late last month to the U.S. Forest Service. District ranger Ron Jablonski said the plan was released for a 30-day public comment period on Wednesday.

Jablonski said the mine plan appears to address air and water quality worries, and impacts to wildlife and other issues such as noise and dust.

"They've pretty much agreed to everything we've thrown at it so far," Jablonski said. "What we are looking for from the public are major issues or concerns that maybe we missed. It will probably take something big that we missed for it to be derailed."

A permit for the project could come early next year, he said.

The Forest Service purchased the ranch, next to Theodore Roosevelt's Elkhorn Ranch site, from brothers Kenneth, Allan and Dennis Eberts and their families in 2007. It cost \$5.3 million, with \$4.8 million coming from the federal government and \$500,000 from conservation groups. The purchase did not include mineral rights.

More than 50 wildlife and conservation groups, including the Boone and Crockett Club started by Roosevelt himself, pressed Congress to approve the purchase.

Roosevelt, who was president from 1901 to 1909, set aside millions of acres for national forests and wildlife refuges during his administration. He spent more than three years in the North Dakota Badlands in the 1880s.

The Ebertses had bought the ranch where Roosevelt ran his cattle and half the mineral rights from the Connell family in 1993 for \$800,000. Lothspeich, who grew up near the ranch before moving to Montana, bought the other half of the mineral rights from the Connells at an undisclosed price, knowing the government had not obtained them in the Eberts deal.

Lothspeich later transferred his share of the mineral rights to his fiancée for "tax purposes"

Lothspeich has said the couple would drop the plan if the Forest Service or conservation groups paid him \$2.5 million. Neither the federal agency nor the conservation groups took up his offer. He said the couple is still willing to negotiate a sale.

Gravel deposits on the ranch are worth "millions" of dollars and there is a big and growing market for the rock that can be sold to the government and oil companies for road building, Lothspeich said.

Gravel prices have increased seven-fold in the area since Lothspeich purchased the mineral rights because of the need for it in the state's booming oil patch, he said.

"It's been to my benefit that the government drug this out," said Lothspeich, who owns a motorcycle, snowmobile and ATV dealership in Montana.

Wayde Schafer, a North Dakota spokesman for the Sierra Club, said his group will submit comments to the federal government opposing the mine plan.

"We aren't questioning the legitimacy of his claim of owning mineral rights," Schafer said. "But he doesn't seem as interested in gravel as he does holding the American people up for ransom, which is sad for somebody to be that selfish and threaten to devastate a really important area."

Lothspeich makes no apologies and has said the government should have purchased the mineral rights when it had the chance.

"They knew this probability existed before they made the purchase, but they didn't make that known to the public," Lothspeich said. "Don't be mad at me — I made this purchase for an investment because I knew it was a good investment."

## Report Details 'Sadistic' Abuse Of Neb. Patients

BY MARGERY A. BECK  
Associated Press

OMAHA, Neb. — At least five staffers hit, slapped or choked developmentally disabled residents of the troubled Beatrice State Developmental Center in the last year, according to reports by the center and Nebraska State Patrol investigators.

The Nebraska Department of Health and Human Services released the center's 78-page internal report on the alleged abuses, first reported early last month. The accused staffers and the victims were not named in the report.

The report details incidents in which center residents were routinely slapped, shoved, violently pinched, punched, ridiculed and choked, often until they fell

unconscious. At least seven residents were victims.

The abuse appeared not to be an attempt to control unruly residents, but malevolent acts intended to torture or provoke residents into an agitated state, officials said.

Staffers who choked residents would often tell a patient that doing so "reboots or resets him so his behavior will change and prevent him from having bad behavior," the report said. The term "rebooting" was also used as a euphemism among staff for choking residents, the report indicated.

Other details in the report included those of a staffer who routinely hit one resident in the groin with a ball, staff cursing and berating residents and one who stole a \$50 gift card that had been sent to a resi-

dent by family for Christmas.

The suspected abuse occurred in a single section of one of five care facilities on the Beatrice grounds, said Jodi Fenner, the director of Nebraska Department of Health and Human Services' Division of Developmental Disabilities. That section, inside what is known as the Kennedy buildings, is an intermediate care facility for individuals with intellectual disabilities. It was shut down and the residents moved to other homes on the Beatrice campus after the reports of abuse surfaced last month, Fenner said.

Among the 15 staffers suspended with pay in the case are the five accused of abuse, a manager and nine other staffers suspected of knowing about but not reporting the abuse, Fenner said. Among the

five suspected of executing the abuse, the longest serving was hired in 2001, and the newest in 2009.

The center's investigation began Aug. 31, after a staffer called Adult Protective Services. By the next day, center administrators had called the Nebraska State Patrol. The patrol and the center conducted their investigations in tandem.

Patrol investigators interviewed staffers and center residents, and their findings were "extremely shocking and disturbing," Fenner said.

"It was inhumane," she said. "These were not the responses of staff who were tired or overworked or stressed. These were deliberate, intentional, mean acts against people who are incapable of defending themselves."

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