

High Country News

November 4, 1991

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A Paper for People who Care about the West

One dollar



Exploratory rigs drill on Henderson Mountain in Wyoming, close to Yellowstone National Park

Dennis Davis

MINING LAW IS NO LONGER A SACRED COW

by Steve Hinchman

For most of this century, the General Mining Act of 1872 has been untouchable, as far as the U.S. Congress was concerned.

Nevertheless, by Thanksgiving the House Interior Committee is expected to vote on a complete overhaul of the 119-year-old law, sponsored by Rep. Nick Rahall, D-W.Va. It will be the first time a committee of Congress has voted on a mining reform bill in over 35 years, and, if it reaches the House floor, it will be the first time either body of Congress has considered comprehensive reforms to the 1872 Mining Law since the Mineral Leasing Act of 1920.

The vote will take place amid one of the greatest mining booms in U.S. history, which raises the stakes considerably for both environmental reformers and miners. Washington observers are predicting a stormy session and a close vote, but many give the reform bill the edge.

A yes vote would represent a historic change. The Interior Committee, with its strong Western representation, has always been friendly to the mining industry. But the makeup of Interior is changing. If a reform bill can survive the until-recently hostile committee, the full House will almost certainly pass it. And that, say critics of the mining act, may be the beginning of the end for the once invulnerable law.

"Once the House of Representatives has passed a bill the die is cast — the Rubicon has been crossed," says Jim Zoia, staff director of Interior's Mining and Natural Resources Subcommittee.

The pressure to change the 1872 Mining Law is a reaction to four major provisions in a law that has become the miners' Magna Carta.

First, miners can claim and develop any mineral deposit on any public lands, except those withdrawn by Congress, such as national parks and wilderness.

Second, miners can convert their claims to private ownership for \$2.50 or \$5 an acre.

Third, miners do not pay any royalties or leases to federal or state treasuries.

And fourth, miners are not required to reclaim the land or water when they are done.

To date the mining industry has vehemently opposed even

slight modifications of the law or its privileges. Keith Knoblock, vice-president of the American Mining Congress, says that the proposed reforms would bring the industry to a screeching halt, stopping all exploration and development of minerals on public lands — and therefore in most of the nation — for at least a decade.

"They don't understand how the current mining law works and they don't understand how their proposals will decimate the industry," Knoblock says. "It's going to drive us south, to Mexico, Central America and South America."

However, leaders of environmental and citizen's groups say the real effect of the law is to give mining primacy over all other uses of public lands. Until the mining act is changed, they say, the West will continue to suffer irreparable damage.

"In Yellowstone we are going to be continually victimized unless Congress says the Forest Service can say no to mining," argues Louisa Willcox of the Greater Yellowstone Coalition. "We are being deluged by exploration proposals, either to reopen old mines or open new ones, and most of them have impacts that can't be mitigated."

There are currently two bills before Congress that would eliminate the mining law's special privileges. One is Rahall's bill, H.R. 918, which is the culmination of a four year effort he led as chairman of Interior's Mining and Natural Resources Subcommittee. The other and stricter bill is S. 433, introduced by Sen. Dale Bumpers, D-Ark., chairman of the Senate Energy and Natural Resources Committee's Public Lands Subcommittee. (A duplicate version of Bumpers' bill has also been introduced in the House Interior Committee by Rep. Peter DeFazio, D-Ore.)

The two bills share some basic components. Both end the patenting provisions (meaning mining claims could no longer be bought for \$5 an acre or less), and both set up an Abandoned Mined Land Reclamation Fund. After that Bumpers' bill is the stronger in the following ways:

- Bumpers' bill institutes a 5 percent royalty tax on mineral production and a yearly holding fee on mining claims. Rahall's bill only has a rental fee on mining claims.

- Bumpers' bill includes strict reclamation and bonding requirements, including specific language for cyanide heap leaching operations. Rahall's bill only has general reclamation

Continued on page 8

*A boom puts
mining on
the West's
front burner*

*More mining stories
on page 10.*

Dear friends,



HIGH COUNTRY NEWS

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A glorious fall

Fall has been glorious in many parts of the West, including ours, and so visitors continue to come by.

Ralph Silkensen of Bend, Ore., asked for back issues on grazing, and Dr. Jane Anderson came to tell us she was moving to nearby Eckert from Boulder, Colo. Former intern Beth Jacobi visited from nearby Crested Butte, where she plans to spend the winter. She spent the summer boating in Alaska.

Originally from Carbondale, Colo., but now a resident of Deer Harbor on Orcas Island in Washington, Charla Brown toured the new office with husband Rob Burnett, who is originally from Aspen.

Back-to-back visitors from Alaska came by. First in the door were Jamie and Marjorie Bryson. She teaches in Alaska and he bush pilots. Then came Tim and Racheali Feller, of Anchorage. He is treasurer of the Green Party of Alaska, the only one to get on a state

ballot. In Alaska's gubernatorial election, the Greens got 3.7 percent of the vote. Tim says that readers interested in the Greens can contact him at P.O.B. 91424, Anchorage AK 99509-1424. When he is not keeping the books for the Greens, Tim runs the Red Star Trading Company, which imports handicrafts from former Soviet bloc nations.

Darlene Batatian of San Marino, Calif., came by to change her address to Grand Junction and pick up some back issues.

New readers passing through were Allan Prochazka, a doctor in Denver, his wife Paula Peirce, and their children Valerie, 7, and Julia, 5.

It is never too early to start recruiting readers, so staff was pleased to host Den 5 of Cub Scout Pack 484: Cody Pierce, Brian Bourquin, David Bourquin, Derek Ridgway and Hale Manning. They were accompanied by Scout B.J. Carr, leader Jan Bourquin and Scoutmaster Harry Pierce.

Writer Tim Palmer, a man who is always on the move, eddied out in Paonia recently. Coincidentally, he got to see a review of his latest book being pasted up for

inclusion in this issue. Palmer said he has already completed another book, this one on California's environment, to be published this spring by Island Press.

Visitors usually come by singly or in pairs. But two weeks ago a group of federal employees passed through Paonia on their way back from a visit to a salinity control project on the Colorado River near Grand Junction. The joint federal team is looking at the effects on wetlands and wildlife of lining dirt ditches or of putting their water into pipes. Leaky ditches in the West create salinity problems, but they also create wetlands and sustain cottonwoods. The visitors were Sarah Fowler, Doug Lofstedt, Dale Vodehnal and Dave Ruter of the Environmental Protection Agency and Steve Chick of the Soil Conservation Service.

Grand Junction *Daily Sentinel* reporter Stuart Steers said hello on his way to researching a story on the "dark side" of Colorado tourism.

No beer required

John D. Slay of Ft. Collins, Colo., writes us that, contrary to the report Oct. 7 by reporter Bert Lindler, research on the atlatl, or throwing stick, is well established and did not require the "beer, engineering and thought" of Bob Perkins. Slay also writes: "The atlatl is a powerful, deadly weapon and should never be used 'under the influence.'" Slay wonders how *HCN* would have reacted to the use of guns by hunters who had downed a couple of beers.

Carolyn Loeb Boasberg

Staff writer Florence Williams took a few days off to attend a memorial service in San Francisco for her grandmother, Carolyn Loeb Boasberg, who died at age 88. She was the only woman member of the Stanford Law School class of 1926. She practised law for many years as part of a "mom and pop" law team in Buffalo, New York. Our condolences to Florence and her family.

— Betsy Marston and Ed Marston
for the staff



Nancy Debevoise

No, it's not escaping from hunters, this moose is a car wash sculpture in Dubois, Wyoming

HOTLINE

A black-footed ferret progress report

Wyoming wildlife officials completed the release of 49 captive-bred black-footed ferrets into Shirley Basin on Oct. 16. So far, only five of the endangered animals have been killed by predators, a lower figure than the 50 percent mortality rate anticipated by wildlife biologists. But the Wyoming Game and Fish Department estimates that over the next year as many as 90 percent of the ferrets could be lost. Owls, badgers and coyotes feed on ferrets and no one knows how the small, sinuous animals will cope. Officials intentionally released the ferrets at a time of year when females abandon their young. "We wanted to get the black-footed ferret back into the wild before it lost its wild characteristics," Harry Harju, the Game and Fish's supervisor of biological services, told the *Billings Gazette*. The black-footed ferret was considered extinct until 1981, when a dog brought home a dead animal in isolated Meeteetse, Wyo. After an outbreak of canine distemper almost decimated the population in 1985, the last 18 ferrets known were removed from the wild and taken to a state research center. Since then, over 300 animals have been bred in captivity (*HCN*, 8/12/91). Biologists have been

using radio collars to track reintroduced ferrets ever since the first two animals were freed. Radio collars last only a couple of weeks, but according to the Game and Fish Department, field biologists have been fairly successful in recapturing animals and replacing batteries. This winter will be a crucial time for the reintroduction program, whose goal is a viable breeding population by next spring.

Wilderness advocates sue Lujan

Three environmental groups filed suit last week against Secretary of Interior Manuel Lujan. The groups say Lujan violated federal law by dropping five BLM land parcels from Interior's wilderness package. The Bureau of Land Management had recommended wilderness designation for the parcels after 15 years of study (*HCN*, 9/23/91). Based on a report by the U.S. Geological Survey assessing potential mineral values, Lujan withdrew the five areas, two in Colorado, one in Utah and two in Nevada, from wilderness consideration last month. The Wilderness Society, the Colorado Environmental Coalition and the Southern Utah Wilderness Alliance say the mining report was inaccurate and biased. "The report claims that the Redcloud Peak and Handies Peak areas (in

Colorado) together might contain \$5 billion worth of ore," said Lori Potter, an attorney with the Sierra Club Legal Defense Fund, which filed the suit. "But what the report doesn't say is that it may cost \$6 billion to get that ore. I call that a misleading report." The suit, filed in federal district court, claims that Lujan must release the mining report to public review as required by the National Environmental Policy Act.

Wanted: Looters in Utah

The Forest Service has offered a \$1,000 reward for information leading to the arrest of looters who pillaged a prehistoric cave in Utah's La Sal Mountains. Thieves dug as deep as six feet into the ground and sifted through enough soil this summer to fill five dump trucks, the agency says. Although the site on North Beaver Mesa had not been fully inventoried, officials say it contained woven mats, baskets, sandals, leather clothing and stone tools. The cave is believed to have been used by Native Americans as far back as 8,000 years. Many objects that would normally decompose over time were probably well-preserved, protected as they were by the walls of the 50-foot-deep and 75-foot-wide cave. Anyone with information may call Evan Lowry at the Forest Service office in Monticello (801/587-2041).

WESTERN ROUNDUP

Two visions clash in a southern Colorado water court

As protestors marched outside, a landmark case pitting southern Colorado's San Luis Valley against a private water company began Oct. 15 in Alamosa.

Denver-based American Water Development Inc. filed a water court claim in 1986, seeking the right to pump 200,000 acre-feet a year from a deep aquifer in the valley. AWDI hopes to sell the water to metropolitan Denver, but through water-trading agreements, AWDI could market water to Phoenix, Las Vegas or Los Angeles.

AWDI has continually described its project as an environmentally conscious, profitable way of resolving urban water demand while taking no water from farmers in the valley. Relying on a 1970 U.S. Geological Survey study, which estimated that the deep aquifer could hold as much as 2 billion acre-feet, AWDI insists there is more than enough water to go around.

AWDI's project is the brainchild of Canadian oilman Maurice Strong. Former Colorado Gov. Dick Lamm sits on AWDI's board; former EPA director William Ruckelshaus is a stockholder, and AWDI's president is Dale Shaffer, formerly president of the Denver Water Board.

The 47,000 people in the valley have circled their wagons. Most of the 10,000 agricultural wells in the valley are relatively shallow, less than 150 feet deep. The farmers say the aquifer that feeds their wells is linked to the deeper aquifer; they fear massive pumping would destroy their irrigation source.

The shallow aquifer also feeds the Rio Grande River, as well as hundreds of ponds and wetlands in the valley, which is habitat for thousands of migratory water fowl.

In December 1990, the Rio Grande River Water Conservation District asked valley voters to increase the mill levy to raise \$500,000 for legal expenses to fight AWDI. With striking unanimity, the measure was approved with 98 percent of the vote.

Moreover, the valley has allies. The state of Colorado, which placed a moratorium on new wells in the valley in 1974, has entered the fray. The U.S. Department of Justice is present, representing the National Park Service, the Bureau of Land Management, the U.S.

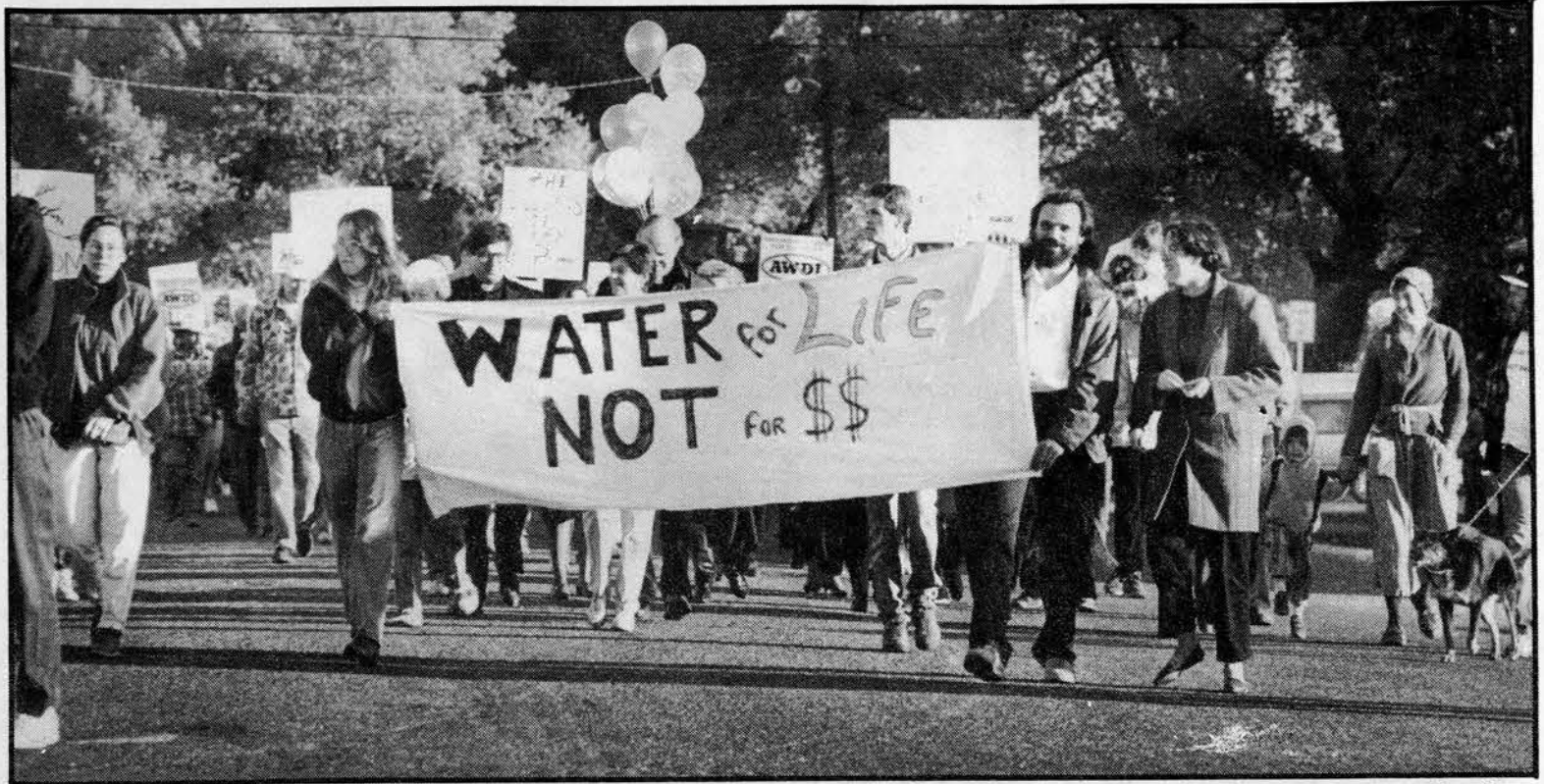
Fish and Wildlife Service and the Bureau of Reclamation.

The Park Service fears that the Great Sand Dunes National Monument could be devastated by profound changes in the valley's hydrology, and the BLM is concerned about its grazing leases that include wells. In BuRec's case, the agency has built its own pumping project that pours 60,000 acre-feet a year into the Rio Grande so Colorado can meet its compact obligations to New Mexico. Its Closed Basin Project would become a white elephant if AWDI is allowed to take water, the BuRec argues.

The water court trial, expected to last well into November, figures to be a matter of dueling hydrologists who will discuss, in excruciating detail, all things affecting the valley's groundwater flows. All of the complex testimony will be directed at the rather simple point of determining whether the deep aquifer (7,000 feet deep in places) is tributary to the shallower water sources.

Under Colorado law, all groundwater is presumed to be tributary to surface water unless it can be proven otherwise. The burden of proof rests with AWDI.

An hour before the trial began, people from various towns in the valley assembled for a parade to a church across from the courthouse in Alamosa. There were slogans and prayers; police cars escorting the parade bore anti-AWDI bumper stickers.



AWDI protesters parade outside the Alamosa courthouse Oct. 15

Barry Noreen

AWDI attorney Jack Ross has seen all that before as the controversy has evolved. In his opening statement at trial, Ross charged that "Our claim has been mischaracterized by our opponents ... This case is about whether water can be used for the betterment of man or locked up to serve the whims of a few."

Ross, a member of the law firm that has also represented the Denver Water Board for decades, complained that in the San Luis Valley, there is "an almost religious devotion to the status quo."

Ross' principal foe at trial is David Robbins, another Denver water attorney. Robbins is representing Colorado in a long-standing dispute with Kansas over Arkansas River flows, and groundwater flows play a key role in that case. Earlier this year, Kansas' chief witness, a hydrologist, had a nervous breakdown after two weeks of cross-examination by Robbins. The case is now in limbo during a lengthy continuance because the hydrologist was admitted to a psychiatric hospital in California.

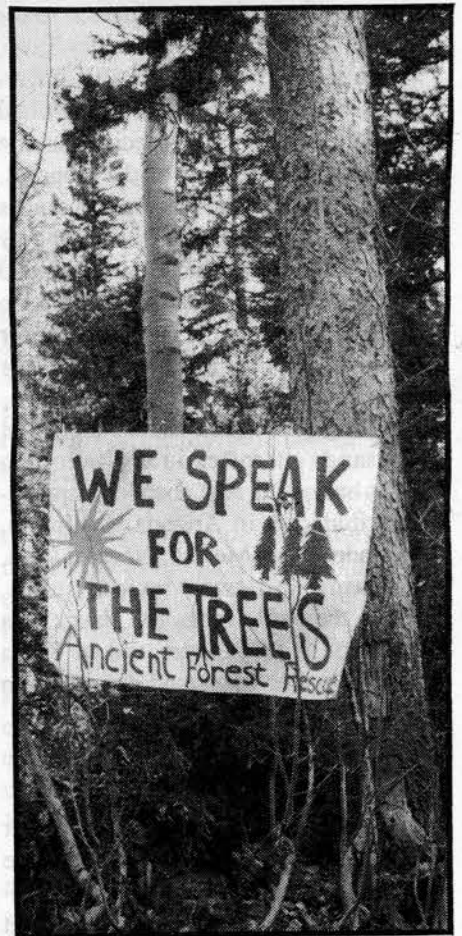
In his opening statement, Robbins sounded aggressive. AWDI's "impacts will be extensive, profound and in many cases, irreversible," Robbins said.

With so much at stake, both sides have vowed — if they lose — to appeal the case to the Colorado Supreme Court.

— Barry Noreen

The writer works for the *Gazette Telegraph* in Colorado Springs.

HOTLINE



Erik Moeller, *Durango Herald*

A sign protesting logging near Sandbench

Sandbench beats up

The Sandbench saga continues in Colorado. In late October, 12 more people were arrested for protesting the logging of the old-growth forest stand in southern Colorado's San Juan Mountains. The 12 refused to leave a Forest Service office after closing time. Two others had been arrested earlier in the summer for blocking a logging road and trespassing in the federally closed area. The 777-acre Sandbench site, closed to the public since June, remains the target for dozens of protestors eager to protect the ancient trees. Tree-sitters, road-blockers and campers temporarily blocked Stone Forest Industries of Southfork, Colo., from logging the site and have cost the federal government \$130,000 in law enforcement. The controversy heated up Oct. 21, when logging resumed, and local activists rallied to decide what strategies would work to halt the cutting.

A California water district shifts policy

The Metropolitan Water District in Southern California says it will consider major changes in the way it does business. Citing shifts in environmental attitudes and the need to conserve water, the district's board agreed to build fewer new projects.

The 51-member board of directors, meeting over three days in September, announced that environmental considerations will become a part of the giant agency's mission in serving 17 million customers. Directors agreed to break their long-standing alliance with the state's powerful agriculture industry and pursue a free-market approach to buying water from farms.

Although the district's 1952 state-

ment of purpose ("to meet expanding and increasing needs") remains unchanged, its expansionist approach to water development has been supplanted by a new conservation ethic, says former MWD director Robert Gottlieb.

"There are a number of reasons for making this management shift," says Gottlieb, an author and professor of urban planning at UCLA. "Fundamentally, new water projects just can't be easily built. There are new concerns over growth and the environment."

Currently, the Metropolitan Water District uses 1.3 million acre-feet of water from the Colorado River. This amount will have to be curbed when the Central Arizona Project, designed

to divert water to that state, is complete, says Wayne Cook of the Upper Colorado River Commission.

The district's new marketing approach is likely to draw fire from agricultural interests, which don't want to lose control of their water. Meanwhile, legislation has been introduced in California to facilitate water transfers from farms to cities. Currently, 80 percent of California's water resources support agriculture, with 20 percent supplying industry and residences.

The Metropolitan Water District serves six counties and 300 communities surrounding Los Angeles.

— Florence Williams, staff reporter

HOTLINE

Utah bumped from top of list

Although last year Utah tied for first place as a state with the healthiest population in the country, that ranking dropped to 26 when environmental hazards were included this year. In former annual lists, Northwest National Life Insurance Co. used factors such as incidence of disease and the number of smokers to rank the health of the 50 states. This year it added air pollution, release of toxic chemicals, and unsafe drinking water to the assessment. The study cited Utah's large percentage of water systems in violation of federal standards, as well as an extremely high per capita release of toxic chemicals, as hazards to the population's health.

Groups sue agency

Three conservation groups sued a federal agency Oct. 9 for delaying action on saving the razorback sucker from extinction. The Colorado Environmental Coalition, Southern Utah Wilderness Alliance and Four Corners Action Coalition said in federal court that the U.S. Fish and Wildlife Service was violating the Endangered Species Act. Although the agency proposed endangered status for the razorback sucker in May 1990, no action has been taken. The Endangered Species Act stipulates that a final decision on listing the species must be made within one year of the proposal. "The biology on the razorback sucker is clear," said Andrew Caputo, an attorney with the Sierra Club Legal Defense Fund, which represents the conservation groups. "The (agency) has no excuse for failing to protect a species that faces extinction." Formerly the two-to-three-foot-long razorback sucker inhabited thousands of miles in the Colorado River basin and was abundant throughout tributaries in Arizona, California, Colorado, New Mexico, Nevada, Utah, Wyoming and two Mexican states. Today, the fish's range has shrunk to a quarter of its former size, and the Sierra Club says that dams and diversions in the Colorado basin are the culprits.

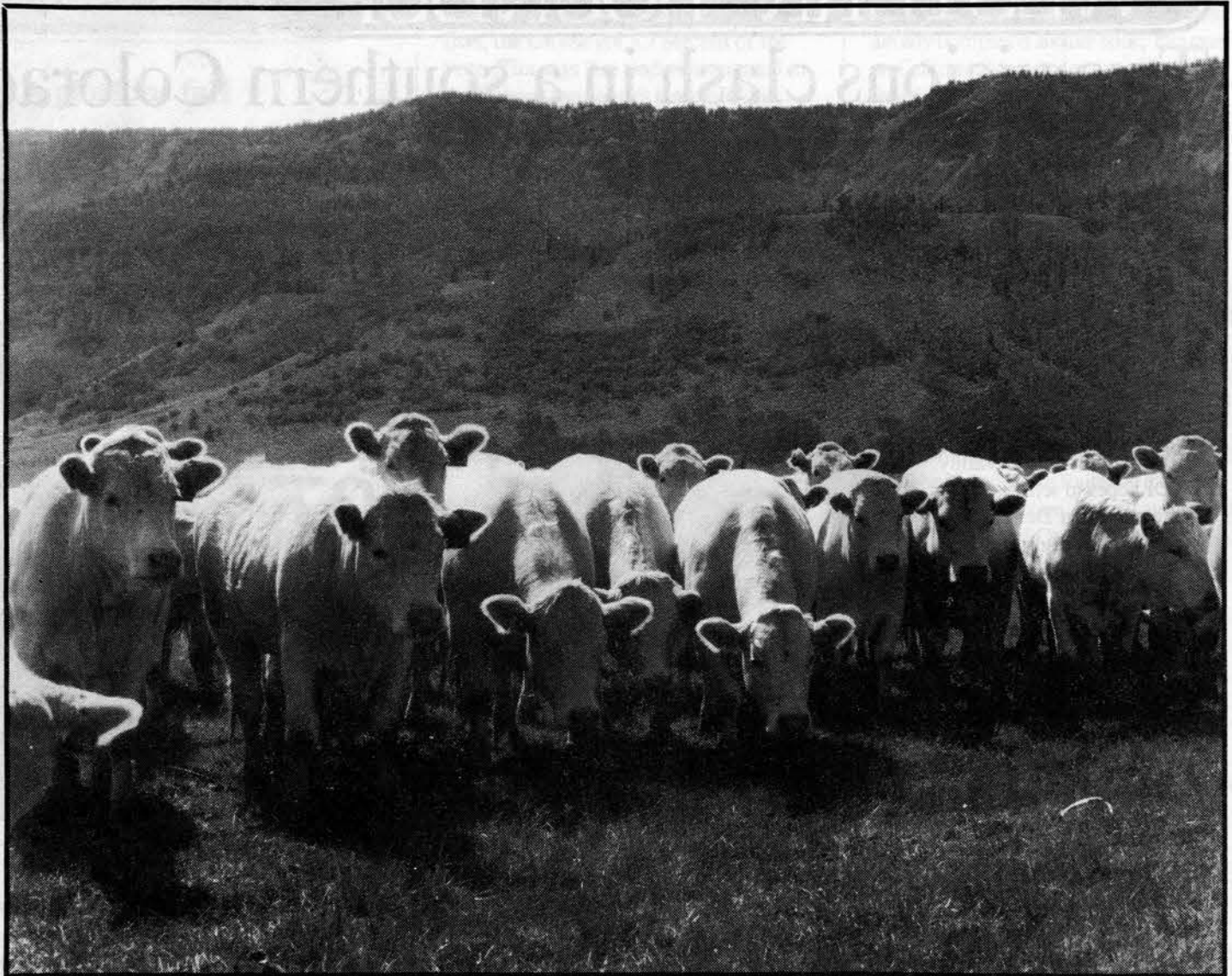
Clean-up costs grow

Cleaning up the Hanford Nuclear Reservation in Washington may cost the government \$1.3 billion more than originally thought, according to a document obtained by AP. A new Bush administration plan raises the cost to \$8.3 billion for the five-year cleanup beginning in 1992. In addition, the Department of Energy expects to pay \$2.2 billion in 1997, to treat soil and water contaminated with toxic and radioactive wastes. Overall, the Energy Department estimates it will spend \$38 billion cleaning up the government's atomic weapons plants over the next six years.

BARBS

Monsieur Ed au grillades.

Horse theft has been on the rise in the American West as a result of European and Japanese demand. According to AP, horse meat is considered a delicacy abroad, and in Europe it is the largest U.S. import of any meat.



USDA, Soil Conservation Service

Cattle graze near Fishlake National Forest in Utah

New grazing rules may cut public input

A law professor at Arizona State University has provoked an attempt to change how the Bureau of Land Management handles its grazing permits.

The professor, Joe Feller of Arizona State University, has gotten involved in the granting of several grazing permits.

Apparently in response, the BLM is preparing to change its regulations so that members of the public can no longer become involved in permit decisions. Word of the proposal was leaked to environmentalists from within the BLM.

The change would delete the term "affected interest" from BLM regulations. Environmentalists charge this would effectively eliminate meaningful public involvement in grazing decisions for the 163 million acres of publicly owned range administered by the BLM.

Current BLM regulations allow affected interests to participate in grazing management on the ground, at the allotment level. Anyone can now become an affected interest for a particular grazing allotment by submitting a written request to the appropriate BLM officials.

In addition, affected interests are able to protest BLM proposed decisions and appeal BLM final decisions.

Under existing regulations, an appeal delays the implementation of a BLM final decision. The only exception is when a delay would lead to the degradation of an allotment's natural resources.

This, too, would change under the BLM's proposed revisions. The agency would always be able to implement final decisions immediately.

Environmentalists say the BLM is reacting to ranchers' complaints about interference from the public. BLM officials say the proposal stems from concern that some people become involved just to disrupt grazing activities.

"Our state directors supported it at their last meeting and the National Public Lands Advisory Council (NPLAC) voted unanimously to support it at their last meeting," said Dan Talbot, special

assistant to BLM Director Cy Jamison.

Of NPLAC's 21 members, two represent environmental groups. And the representatives of the Izaak Walton League and Peregrine Fund were not at the meeting in which the proposal was considered.

"We didn't spend much time on it," James Bowns, NPLAC's chairman and a professor of range science at Southern Utah State University, said. "We approved their proposal in concept."

Bowns said the BLM presented the activities of Joe Feller, a professor at Arizona State University's College of Law, as an example of why regulatory revisions were needed.

Feller is an "affected interest" for four BLM grazing allotments, one in southeastern Utah's scenic canyon country and three along the Santa Maria River in Arizona's west-central desert.

Appeals and protests he has filed over the last couple of years have focused on adherence to federal environmental and multiple use land management laws.

Utah Farm Bureau officials have criticized Feller; they say he sets precedents that threaten the state's rural economy. The stability of grazing permits must be assured or, they say, financial institutions will be reluctant to make loans to ranchers.

Arizona Cattlemen's Association officials say they suspect Feller is opposed to the multiple use of public lands. His real agenda is removing all cattle from the public range, they charge. "Professor Feller is using a 'paper wrench' strategy to further his private agenda," Arizona Cattlemen's Association spokesman Charles "Doc" Lane said.

Lane suggested that affected interests with no financial stake in an allotment should be required to put up a financial bond to indemnify the BLM and the rancher for any costs arising from protests and appeals.

Feller said, "If my protests had been without merit, the BLM's existing regu-

lations would have allowed them to immediately dismiss them.

"Hundreds of protests and appeals have been filed by ranchers against BLM proposals to improve grazing management," he continued. "The total number filed by environmentalists can be counted on two hands. Where's the problem?"

Johanna Wald of the Natural Resources Defense Council said, "The BLM thinks there's a problem to be solved, when in fact, there isn't any problem. They think it's time consuming to deal with the public because they don't understand the value of public participation."

BLM officials contend sufficient public input will still be gathered through their regional planning processes.

"These regional plans are not site specific," Wald said. "The real action is at the allotment level."

"The BLM should be building a public constituency," Wald added. "If they publish these new regulations they're going to be sending the wrong message to the public."

According to Talbot at the BLM's headquarters in Washington, D.C., agency staff are now drafting the proposed revisions. He explained that after they appear in the Federal Register, the new regulations will be subject to public comment.

Wald, however, said that once they are published, bureaucratic inertia will probably ensure their survival in some form.

Opinions about the proposed revisions can be sent to: Bureau of Land Management, Cy Jamison, Director, 1849 "C" St., NW, Washington, D.C. 20240.

— Jeff Burgess

Jeff Burgess writes about public land for *High Country News* from Tempe, Arizona.



U.S. Department of Energy

Yucca Mountain, located on the southwestern boundary of the U.S. Department of Energy's Nevada Test Site

Carrot-and-stick tactics are wearing down Nevada

The nuclear industry is betting nearly a million dollars that Nevadans can learn to love a nuclear waste dump. In the first phase of a major public relations campaign, the American Nuclear Energy Council, representing 65 utilities, reportedly has spent \$800,000 on TV time this fall for ads extolling the virtues of nuclear waste.

With 20,000 tons of nuclear waste piled up in storage ponds at power plants around the country, the industry is hoping to coax Nevada to give in to a punishing schedule. It mandates opening a federal storage site for commercial nuclear waste by 1998.

Las Vegas political strategist Kent Oram is directing the pro-dump campaign, which local wags have dubbed "Let's Make a Deal." Oram once created anti-nuclear political ads for clients such as Gov. Bob Miller. "One leak, one accident, would turn Las Vegas into a ghost town overnight," said Oram's old ads.

"I was dead wrong," Oram recanted recently. "I thought it could blow up and irradiate our town." Now Oram says he is satisfied that nuclear waste can be safely transported and stored. And he has taken on the job of convincing other Nevadans that there is nothing wrong with storing more than 77,000 tons of high level nuclear waste for the next 10,000 years in tunnels 1,000 feet under Yucca Mountain, a barren ridge 100 miles north of Las Vegas.

Airing during newscasts and hosted by an ex-anchorman from Las Vegas, Oram's new TV spots make the pro-waste case by mixing visuals of Saddam Hussein and high-tech computer graphics with statements by white-coat-clad scientists. A pop quiz asks viewers whether nuclear waste is a solid, liquid or gas. Holding up a small black pellet, the anchorman says reassuringly the answer is "a solid, just like this."

"If that really were nuclear waste, he would be dead," said Bob Fulkerson,

director of Citizen Alert, a statewide environmental group that was formed to foment opposition to the high-level nuclear waste dump when it was first proposed 16 years ago. Although the opposition was thinly spread back then, recent polls have shown that three out of four Nevadans oppose the dump.

Most of the state's major political leaders have hitched their careers to the anti-dump wagon in recent years. But while some opponents of the dump optimistically predicted that the industry ads might backfire, the pro-dump campaign has served so far mainly to expose the weaknesses in the consensus that has prevailed against the dump.

The public relations blitz has the anti-nuclear-dumpers not only running scared but in different directions. Squabbles between different factions have kept the state, politicians and activists from working together.

Pleading poverty, none of the organizations or political campaigns has pledged money to counter the industry propaganda. The Nevada Resort Association, representing major gaming properties in southern Nevada, recently agreed to oppose the dump but declined to ante up for the cause.

Despite the scientific trappings of the new TV ads, the main argument in favor of the dump remains the chance at cashing in on a federal jackpot.

The Las Vegas *Review Journal*, the state's largest daily newspaper, recently joined those calling for Nevada to negotiate with the Department of Energy while it still has the chance.

In an editorial saying Nevada "will continue to get hammered" if it keeps fighting the proposed dump, the newspaper called on Gov. Bob Miller to meet with the federal nuclear waste negotiator, David Leroy, to see if the state could reap some benefits.

Leaders of southern Nevada counties have always kept a back door open

to the pariah project. Many reason that Nevadans have learned to live with the bomb — some 20,000 southern Nevada jobs are tied to the Nevada Test Site — so why not a nuclear dump? This summer, Kent Oram set up a meeting between nuclear industry officials and county government leaders that caused a panic in the statehouse.

Then, in September, the Fort McDermitt Paiute and Shoshone Indian Reservation, on the Idaho border, became the first community in Nevada to nibble at bait dangled by the federal negotiator. Federal negotiator Leroy, who has been trying to drum up support for temporary storage sites as well as the permanent repository, said the tribe could get \$100,000 in federal funds just by exploring the possibility of hosting a facility.

Temporary sites will be eligible for a minimum of \$3 million a year, according to the nuclear negotiator's office, plus other benefits, such as infrastructure and environmental cleanup projects.

The federal government is clearly not averse to spreading lots of cash around — even among its fiercest opponents — to encourage good will toward nuclear waste. Sen. Richard Bryan, D-Nev., estimated that the federal government has spent \$4 billion in the effort to find a repository site, willing or unwilling.

But Congress is steadily stripping Nevada of oversight powers which the state has used mainly to stall federal research at Yucca Mountain. Bills are pending in both the House and Senate, including versions of the administration's National Energy Strategy Act, that would allow the federal government to preempt Nevada's environmental regulatory authority over the Energy Department's "site characterization" studies.

The bills would also do away with the 77,000-ton cap for waste at the site. Congress is also moving to remove pro-

hibitions against a temporary waste storage facility being located in the same state as the permanent repository and paving the way for a temporary site to be opened before the permanent site is licensed.

Dubbed "Screw Nevada II," after the 1987 bill that eliminated study sites in other states and focused federal efforts on Yucca Mountain, the bills reflect the latest mission plan of the Energy Department. They are designed to press a schedule that will allow the federal government to accept high-level commercial nuclear waste for storage in temporary sites as early as 1998 and open the Yucca Mountain dump by 2010.

While Nevada politicians and activists continue to assert state's rights and highlight the dangers of transporting nuclear waste in an effort to garner allies in other states, it is increasingly obvious that the deck is stacked against them.

"Let's talk about political realities," Jon Ralston, political columnist for the *Las Vegas Review Journal*, recently wrote.

"This is not a fair fight," Ralston observed, noting the "immutable not-in-my-backyard attitude (of) the other 531 members of Congress, who see only the short-term issue of ensuring the dump goes anywhere but their districts rather than the long-term state's rights concerns.

"What chance do two freshman senators (Richard Bryan and Harry Reid), a congresswoman from the minority party (Barbara Vucanovich) and a little-known member of the majority (Jim Bilbray) have?" Ralston asked. "In the sports books, they draw circles around these kinds of potential blowouts to limit betting."

— Jon Christensen

Jon Christensen writes about the Great Basin for *High Country News*.

HOTLINE

'Dinner' for grizzlies

Every September, the grizzlies of Glacier National Park are treated to a unique feast: human waste. According to the *Great Falls Tribune*, concessioner Belton Chalets dumps a summer's worth of sewage from its two lodges every fall, leaving the remains of undecomposed fecal material, toilet paper and plastic tampon applicators lying exposed on park land. Because grizzlies are attracted to human waste, the dumping area around Glacier's Granite Park is closed to visitors for two to three weeks each September. "What's amazing," says chief park ranger Bob Andrew, "is the system that's in place does meet public health standards." The Wilderness Society, however, says the practice must stop. In a recent letter to Interior Secretary Manuel Lujan, the group's regional representative, Michael Scott, said that dumping waste habituates grizzly bears to humans and may harm water quality. He said the practice also violates the agency's Organic Act. Glacier Park requested \$25,000 in 1989 for a study of the problem, but the study was not funded.

Grass-smut swap meet

Grazing fees won't rise this year, thanks to some complex wheeling and dealing. As part of a deal to kill an anti-pornography provision in the Interior Department's 1992 budget, Senate and House negotiators agreed to drop a House provision that would have quadrupled grazing fees by 1995. Proponents of the grazing hike were outraged. "I am flabbergasted and disappointed," Rep. Mike Synar, D-Okla., told the *Rocky Mountain News*. Citing previous grazing bills that have been sacrificed during political battles, Synar said, "Apparently, grazing-fee increases are the most valuable political barter in modern-day political life. Maybe I should put grazing fees on the defense bill and eliminate the B-2 bomber."

Tribes say no

In Idaho, tribal police of the Shoshone-Bannock tribes blocked a truck carrying spent nuclear fuel from crossing their Idaho reservation. The radioactive cargo was being transferred Oct. 16 from the Fort St. Vrain nuclear power plant in Colorado to the Idaho National Engineering Laboratory. The standoff lasted 12 hours and involved tribal police, the truck driver, state police and representatives of the company that produced the waste. The deadlock ended when a federal judge ordered the tribe to let the truck pass. The spent fuel is the third of over 200 shipments destined for INEL, the Energy Department's 890-square-mile site. The Energy Department has a contract with Public Service Company to store nuclear waste produced by its decommissioned plant. The first shipment entered Idaho Oct. 5, three years after Gov. Andrus vowed Idaho would not become a national waste dump and less than a month after a federal court ruled the state must accept the waste (*HCN*, 10/21/91). In challenging the nuclear shipment, the Shoshone-Bannock followed the precedent of tribes in Washington state, Nevada, Utah and Arizona. All have aggressively protested proposals to use their reservations for nuclear waste disposal. A spokesman for Andrus said that the governor "recognizes the goals of the (Shoshone-Bannock) tribe are the same as his, to protect the people against the needless transportation of high-level nuclear wastes."

Spotted owls sought in Southwest forests

Deep night on Arizona's Mogollon Rim. The crowns of ponderosa pines shimmer in moonlight. A musky resinous scent clings to cool damp air. No sound.

Then, small creatures scurry for cover as a four-wheel drive pickup rattles the soft silence of the forest. It stops on the Rim Road. A slim figure emerges, holding a compass in one hand. Standing on the edge of a steep escarpment, she cups the other hand to her mouth and emits an eerie "hoo, hoo-hoo hoo-o-o-h."

Ann McLuckie is hoping to hear a response from a black-eyed, feathery creature known as the Mexican spotted owl. It is slightly smaller and whiter than its controversial cousin, the northern spotted owl. A forest creature, it seeks out cool, shady places in canyons and mixed growth stands.

McLuckie calls again, waits again. A lonely job. Two miles away, toward the glittering brooch of a small mountain town, comes a brief but assertive "hoo-hoo!" A tiny flammulated owl is staking its territorial claim.

For 15 minutes, the process is repeated. She records the time, date, location, weather, phase of moon and response in a log book and drives on to her next station. If the roads are in fair condition, she can monitor 10-15 stations a night.

McLuckie is one of more than 100 U.S. Forest Service technicians in the southwest region who have covered approximately 700,000 acres on 11 national forests over the past three years. Their task: to determine the number and location of the Mexican spotted owl on tracts slated for timber sales. Forest Service people affectionately call them "hooters."

The presence of the rare species, listed as "sensitive" by the Forest Service in 1988, has already affected the timber harvest in the Southwest. Whenever the presence of a spotted owl is confirmed, a 450-acre core area around the nest or roost site is set aside, and restrictions go into effect for a 1,550-acre foraging territory.

In April the U.S. Fish and Wildlife Service published a proposal in the Federal Register to add the Mexican spotted owl to the Endangered Species List as "threatened."

The Arizona logging industry opposes the recommendation. Kaibab Industries, a lumber mill company, filed suit in U.S. District Court in Phoenix to block the listing.

Terry Myers, a wildlife biologist for the Lakeside Ranger District in Arizona's White Mountains, says the habitat of spotted owls is vulnerable to timber harvesting. "Anything that opens up the canopy and causes habitat to become warm and sunny rather than cool and shady affects them," she says.

U.S. Fish and Wildlife Service biologist Charlie McDonald, who works in the regional office in Albuquerque, says so far the owl surveys have turned up no surprises. "What we're seeing in terms of total range, distribution and abundance of owls is about the same as in reports back in the 1920s," he says.

If the spotted owl surveys, which are scheduled to continue another two years, determine that "management activities" such as selective logging have no significant impact on the owl population, the owl may not find itself on the list of endangered species after all.

That would suit most loggers in the Southwest. Fay Fisk, a forester and public information officer for Stone Forest Industries in Flagstaff, says, "The big 'if' is what

does the Fish and Wildlife feel is necessary for the protection of the species ... We don't want to see this bird become extinct any more than anyone else.

"The unknown factor is how many birds are out there," Fisk adds, since only about 40 percent of the birds' suitable habitat has been surveyed. For the timber industry, the more owls found, the better. "The White Sands Lumber Company in Alamogordo even instituted an award program for qualified people to spot owls."

McLuckie and her partner, Brian Bock, worked from May through August last year, covering all the prospective timber sales on a much-logged district. They found one pair of spotted owls in a remote part of the district.

McLuckie says the owls prefer old growth because of the canopy and food supply. The birds are considered an indicator species because they're at the top of the food chain. "They sometimes get eaten by other predators, but the main threat to them is loss of habitat due to timber harvesting," she points out.

So far, there have been more than 500 owls identified in 17 territorial sites on southwestern forests. Ninety percent of the suitable habitat is found in six national forests: the Apache-Sitgreaves, Coconino, Tonto, Coronado, Gila and Lincoln. Keith Fletcher, the Forest Service's regional coordinator of the studies, says, "Through the monitoring, we've shown that 65-70 percent of the suitable habitat is occupied."

A dozen Native American tribes are also conducting owl studies.

The big question is how the owl's possible inclusion on the Endangered Species list will affect the timber harvest in the Southwest. As soon as the owl

Basin fights off city slickers

A second major attempt to move water from a rural area to an urban area in Colorado has suffered a setback. This time, the victim was Arapahoe County's proposed transfer of 150,000 acre-feet of water out of the Gunnison River basin to Colorado's densely settled Front Range. The Gunnison River Basin, whose water drains into the Colorado River, is a ranching and recreation area on Colorado's Western Slope.

In a 79-page ruling released Oct. 21, water court judge Robert A. Brown rejected Arapahoe County's application for a water right. The judge ruled that only 20,000 acre-feet were available in the basin, far short of Arapahoe County's request.

The ruling, which can be appealed to a higher court, comes two years after the rejection of the Denver area's proposed Two Forks Reservoir by the Environmental Protection Agency. Had Arapahoe County succeeded in obtaining a water right, it would then have had to run the same regulatory maze that resulted in the rejection of Two Forks.

Arapahoe County's application created a Gunnison County coalition of residential, recreation, environmental and ranching interests to oppose the diversion. It welded together a county split in

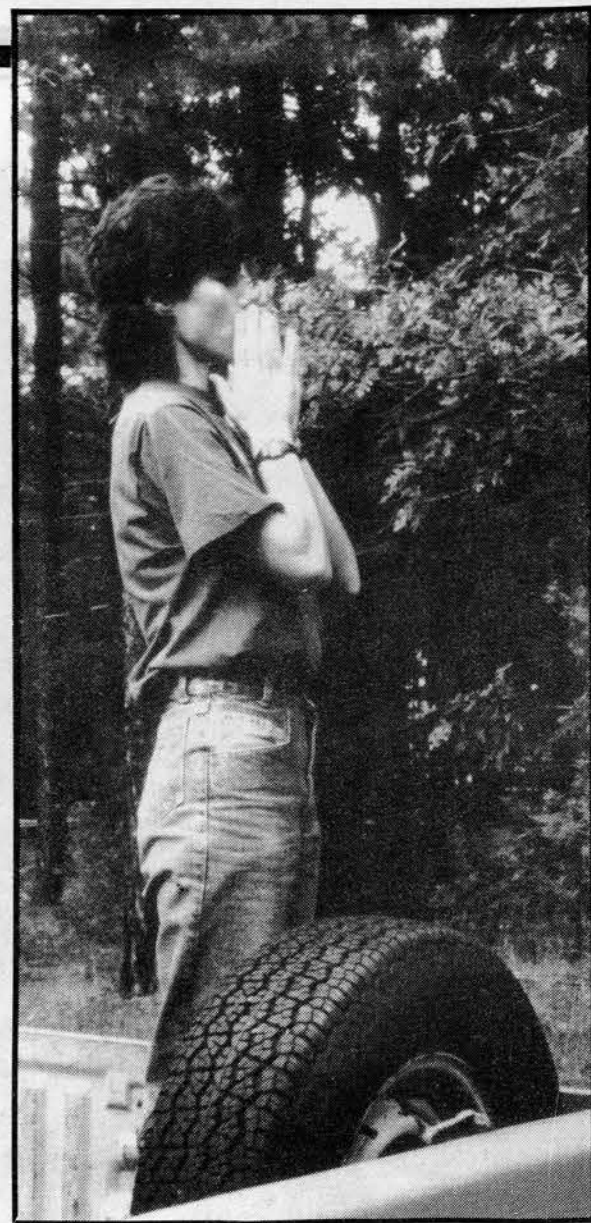
the early 1980s between supporters and opponents of the proposed AMAX molybdenum mine, near the ski town of Crested Butte.

Even assuming the decision is not appealed, or is upheld at a higher level, Gunnison County's challenges are not over. While the county united in opposition to an outside invader, there is little internal consensus about its future. Thus far, relatively low-key second home and recreation development around the town of Gunnison has coexisted with ranching. But some see possible large-scale recreation development as presenting a threat to ranching.

Brown's decision does not end Colorado's urban-rural water fights. His decision on the Arapahoe County project came just after the opening of the court hearing on AWDI's application for a water right in Colorado's San Luis Valley. And due north of the San Luis Valley, on Colorado's Arkansas River, the city of Colorado Springs' application for its proposed Elephant Rock Reservoir has been met by opposition from rural areas and from those who use the river for recreation.

— Joan Baéza

Joan Baéza lives in Whiteriver, Arizona.



Joan Baéza

Ann McLuckie hoo-hoos for a spotted owl

— Ed Marston

River-bound grayling make a last stand in Montana

BOZEMAN, Mont. — Montana's famed Big Hole River could become a big grave for the only river-bound population of Arctic grayling left in the lower 48 states.

The fish are in danger of becoming extinct, says Dick Oswald, a fisheries biologist with the Montana Department of Fish, Wildlife and Parks.

Habitat changes and drought have banished the fish to a 60-mile stretch of the Big Hole in western Montana between Wisdom and Divide, says Oswald. Only an estimated 3,000 fish remain from a population that in Lewis and Clark's time teemed in rivers.

Forced to compete with non-native fish such as brown and rainbow trout, and living in water heavily tapped by irrigators, Montana's river grayling could soon follow its Michigan brethren, which, Oswald says, were choked out of that state in the 1930s.

Biologists are debating whether listing the fish as a threatened or endangered species would help.

Listing the species might attract attention and money to the problem, says Oswald, but it also could spawn a snarl of bureaucratic red tape and political ill will among conservationists, ranchers and timber interests.

The bottom line for the Big Hole grayling is water.

"Can listing the species turn on more water in the Big Hole?" Oswald asks. "No."

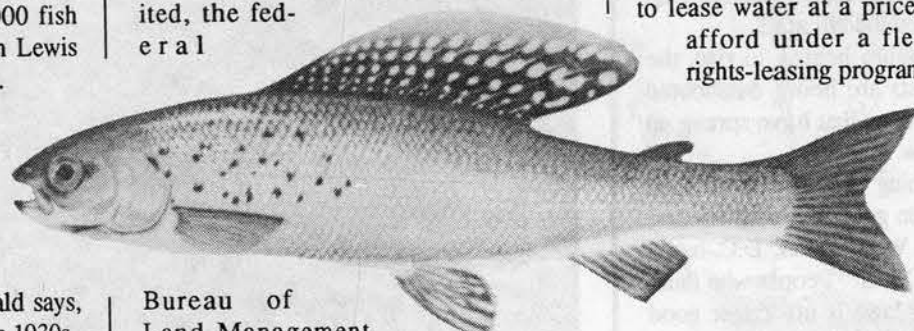
Meanwhile, a task force of government agencies, sportsmen and conservation groups has launched an effort to save the grayling, establishing a brood-

stock colony outside of the Big Hole.

The task force hopes to be able to hire a full-time biologist to track the grayling's mysterious winter movements, and wants to improve river habitat so the fish can reclaim other parts of their original range.

On the Big Hole, members want to plant willows on river banks to help shade the water and keep it cool, and are working with irrigators to preserve stream flows.

Organizations such as Trout Unlimited, the federal



Bureau of Land Management, the American Fisheries Society and the U.S. Fish and Wildlife Service are trying to raise \$60,000 to pay for a study of the fish and a plan for recovery.

But with yet another dry summer having hit the southwestern part of the state, the group is working against time.

"What it's going to depend on, I guess, is if we can sustain a population under the given flow regimes," said Oswald, who has studied the grayling since 1983.

To the eye, river grayling look identical to the Arctic grayling fishermen routinely catch in western Montana lakes. Both river and lake variety sport an oblong-shaped and delicately spotted

dorsal fin that is the grayling's trademark. However, river grayling are genetically different from lake grayling, and spend their entire lives in rivers instead of lakes.

Scientists speculate the fish were pushed ahead of advancing glaciers during the last ice age, then orphaned as they receded. The Michigan and Montana populations were the only to survive into the 20th century, but now even the Big Hole grayling are going fast.

So far irrigators have been unwilling to lease water at a price the state can afford under a fledgling water rights-leasing program.

The state recently broke off negotiations with Big Hole rancher Fred

Hirschy, who wanted \$200,000 a year to lease his water right of 3.38 cubic feet of water per second on Swamp Creek, a tributary grayling use for spawning. Hirschy said he would donate \$100,000 of the fee back to the state, and that his high asking price covered legal uncertainties surrounding a first-ever water-rights lease in Montana.

But a state study said Hirschy's water, used to flood-irrigate a cattle pasture, was worth only up to \$6,000 for its productive value in growing hay.

It's unclear whether Hirschy's extra water would help the grayling significantly, says Chris Hunter, a state fisheries biologist and president of the Montana chapter of the American Fisheries Society.

"We don't believe spawning is the critical factor," Hunter says.

"It's not that we're not getting enough young fish. It's that the young fish aren't making it to an older age."

Predation at the jaws of brown and rainbow trout that were stocked by the state could be a leading cause, says Oswald. The Big Hole has a reputation for bigger-than-average browns.

Midsummer water temperatures — sometimes as high as 70 degrees — also take their toll on the Arctic fish. "They're living under thermal regimes that would kill their native population in Alaska," says Oswald.

Oswald says river levels appear to be both the key to the grayling's survival and the cause of its demise.

Grayling spawn only in fast water that is pushing "squeaky clean, white, unstable gravel" over the river bottom, a precarious environment for eggs and young fish, he points out.

When spring runoff is high, Oswald said, the roiling water becomes a grayling egg Cuisinart. When runoff is low, the eggs become exposed and killed before they hatch.

Oddly, each year from 1983 to 1985 provided the best flow years on the Big Hole in recent memory, but the grayling population took a nosedive. No one knows why.

Then came the record drought of 1988. Oswald says: "The drought hit them with a slam bang, and they've been down ever since."

— Tad Brooks

Tad Brooks is a free-lance writer living in Bozeman, Montana.

BOOKS

Following a river for 1,056 miles

The Snake River: Window to the West

Tim Palmer. Island Press, Covelo, Calif. 281 pages. \$34.95 hardcover, \$17.95 softcover.

Review by Pat Ford

In 1988, Tim Palmer came to the Snake River with two intentions: to boat, walk or drive — in that order of preference — its 1,056-mile length, and to then write a book about it. The second was no surprise. But the first....

I grew up a mile from the Snake River and have been actively involved in public issues integral to it for nearly 15 years. Yet it had never occurred to me to try to journey its entire length. Nor, in all the discussion and dispute over the Snake I have been party to, had I ever heard anyone else suggest it. These facts — that Tim traveled the entire Snake, and that doing so is novel to those who live on and from it — frame the structure and the value of this fine book.

We begin our river journey in Palmer's canoe below Palisades Dam in eastern Idaho. We follow him 157 miles to Milner Dam, where the river vanishes. To explain how and why the nation's tenth-longest river goes dry at Milner, the journey stops for three chapters, while we tour instead the irrigated empire of southern Idaho's reservoirs, farms, agencies, subsidies, laws, technologies, pollutions and politics.

We resume the journey at Thousand Springs, where the Snake re-emerges, and follow it to its drowned confluence

with the Columbia River behind McNary Dam in eastern Washington. The last chapters examine the Snake's Wyoming headwaters, and at the end we drink from its source at a headwall spring in Yellowstone Park.

The river's *scherzo* tempo between free-flowing stretches and impoundments sets the book's rhythm; resulting contrasts and interplays build the narrative. The 87-page pause on irrigation fits this well, since so much of the Snake's character derives from Idaho agriculture.

This book reunites the severed Snake

Palmer's exposition on hydropower, politics and irrigation is clear and competent. But the best writing here leaves no doubt where he would rather be: on the river. His passion for the place brings to life the South Fork's cottonwood forest and eagles, the severe beauty of Hells Canyon's great gorge, and the sloughs and stalking herons in Fort Hall Bottoms.

Knowledge and passion also inspire Palmer's documentation of the cuts, gashes, poisonings and amputations affecting the living river. The author catalogues these losses with as much particularity as he can. Some losses are obvious, such as the riparian cottonwood forest sepulchered beneath each reservoir. Subtle losses included the steady disappearance of beaches, sandbars, and riverine habitat along river stretches below

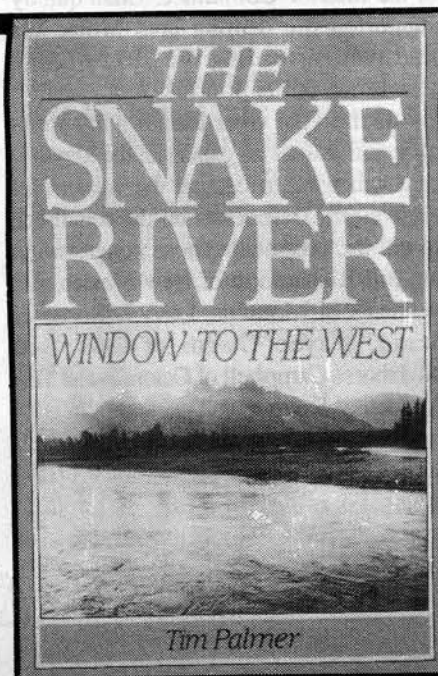
silt-trapping dams. Consequently, we have lost awareness of the Snake as a unified, organic whole. These passages on loss, by turns sharp and sad, have cumulative power.

The Snake contains the most comprehensive analysis and indictment of irrigation on the river ever done. Palmer's plea is not to end irrigation, but to reform it and re-engineer it so more life can return to the free-flowing stretches that remain. The author is more precise about how and where to do this than any conservationist has ever been. His argument struck me as tough, well-argued, and fair. (It is not striking Idaho irrigators that way.)

The book's one major weakness stems from timing. Though published this summer, the writing was largely done in 1989. Thus the seven-page section on Snake River salmon is out-of-date and too optimistic. Current, controversial petitions to list four Snake salmon species under the Endangered Species Act are mentioned only as a possibility. The debate over Idaho Gov. Cecil Andrus' recent plan to draw down the lower Snake and Columbia River reservoirs, which has high stakes for nearly everyone and everything in the book, is not mentioned at all. These pages needed a late-1990 rewriting.

Palmer knows Western rivers so well that he ably draws the Snake's lessons for other rivers and river issues. Readers outside the Snake Basin will both like this excellent book and learn from it.

But I can't help being parochial. The



most important thing about this book is how much it taught me, and will teach every Idahoan who reads it, about "our" river. As Palmer politely makes clear, we do not know our river. We know about one or more of its products or places: irrigated farmfields, hydropower, the South Fork's trout, southern Idaho politics. We have lost any awareness of the Snake as a single living river. Idaho conservationists have lost it as much as Idahoans generally.

To my parochial mind, the key audience for this book is local. If enough of us read it, we might begin in large numbers to repeat Palmer's heartfelt journey in whole or part. From such re-acquaintance we could marshal the energy, ideas, campaigns, and patience that will be necessary to heal the Snake and make it the aorta of sustainable human life from the Tetons to the Columbia. ■

Pat Ford headed HCN's Northwest Regional Bureau last year in Boise, Idaho.

MINING LAW TARGETED ...

(Continued from page 1)

and bonding language.

• Bumpers' bill provides federal agencies with explicit authority to prohibit or place restrictions on mining in certain areas. Rahall's bill gives agencies authority to declare areas off limits to mining only at regional planning levels, under certain specific criteria.

While Rahall's bill will be most seriously considered by Congress, it is still being revised. Rahall and his subcommittee staff held six widely attended and fiery public hearings this summer around the West and in Washington, D.C. (HCN, 7/1/91). Based on those hearings, Rahall's staff is finalizing revisions that, Zoia says, will strengthen the bill considerably. Those changes are expected to gain the support of national environmental groups, new committee chair George Miller, and many of the non-Western Democrats on the committee — all of whom have pressed for stronger reforms.

As of this writing, Rahall expects to offer his final revisions to the committee for markup and vote before Congress recesses at Thanksgiving. Zoia says they are confident the bill will pass.

The possibility for reform reflects a new reality in Washington: The days of Westerners dominating the committees that set policy for public lands are over.

Twenty years ago, the House Interior Committee was solidly Western. Today, it is only half, and, if you don't count California, which today seldom votes with the inter-mountain West, the West is outnumbered two to one in its old fort.

Perhaps more importantly, Rep. George Miller, D-Calif., has replaced Rep. Morris Udall, D-Ariz., as chairman of the Interior Committee. Udall quietly supported the mining law; Miller has said that reforming the 1872 Mining Law is one of his priorities.

If the vote over Rahall's bill splits along party lines as expected, the Republicans will need to capture the votes of all six Western Democrats on the committee to kill the proposal. Those congressmen are Bill Richardson of New Mexico, Pat Williams of Montana, Larry LaRocco of Idaho, Wayne Owens of Utah, Ben Nighthorse Campbell of Colorado and Tim Johnson of South Dakota.

It will not be an easy job for the Republicans. Even though each of the swing votes are in traditional mining areas, there is also strong support for reform. Richardson, who represents

northern New Mexico and Santa Fe, sent a questionnaire to voters this summer asking if the 1872 Mining Law should be reformed. Ninety percent of those who responded said yes. Nevertheless Richardson is proceeding cautiously: He says he supports reform but may not go as far as Rahall.

Similarly, Williams recently told Montana's *Great Falls Tribune* that reform would have to proceed slowly, and that environmentalists and miners would have to compromise. Others, like Johnson and LaRocco, are reportedly wavering on whether to support the bill at all.

As the pressure begins to rise, the environmentalists are being outshouted by grassroots groups that have sprung up to defend the law.

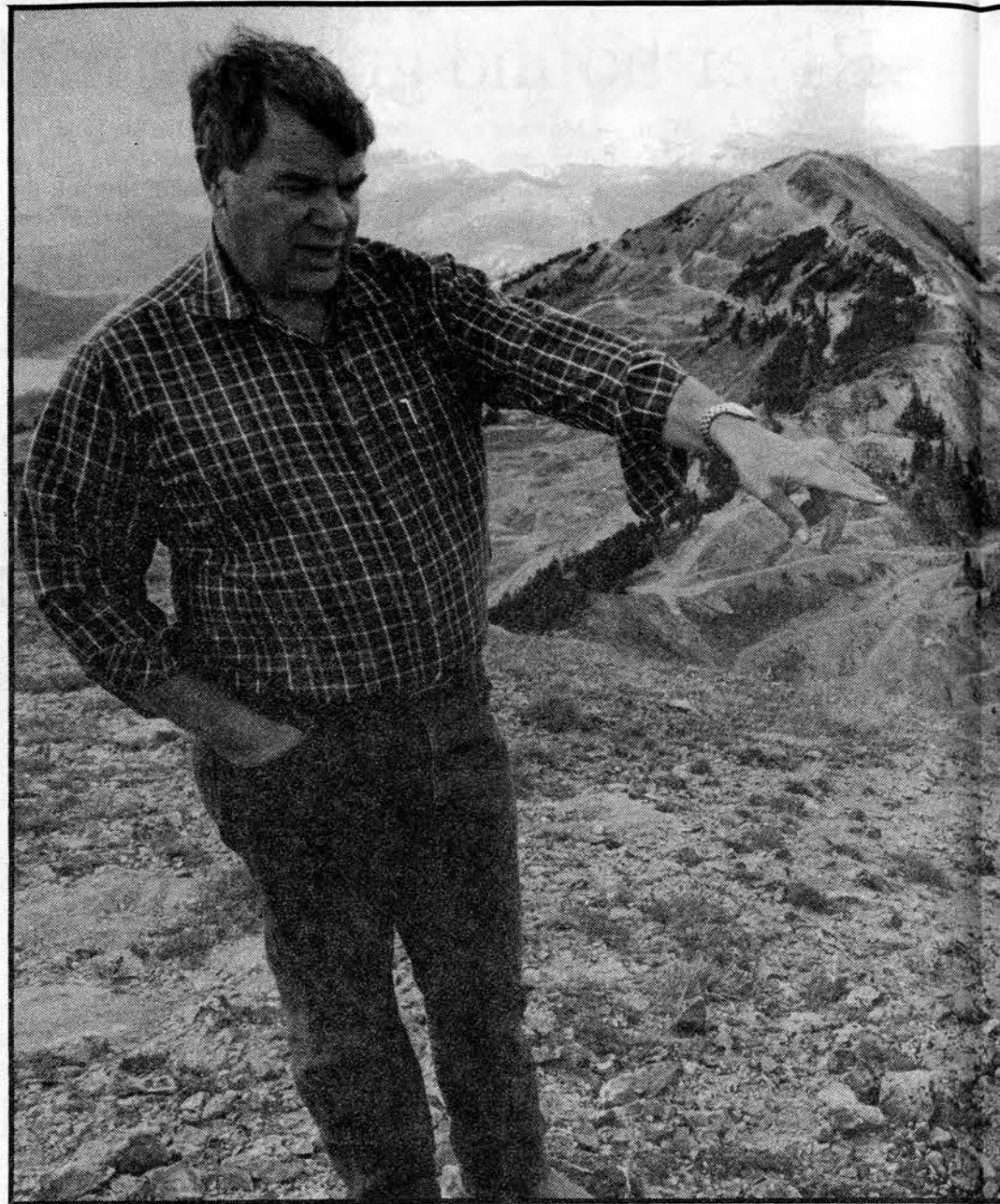
"We are going to win but we need every vote we can get," says Phil Hocker, president of the Washington, D.C.-based Mineral Policy Center. "People who think that (the mining law) is no longer good public policy had better let themselves be heard real soon because the People For the West are definitely making themselves heard. They have certainly intimidated a lot of public officials."

People For the West is a campaign sponsored by the Western States Public Lands Coalition of Pueblo, Colo., which favors continued access to public lands for ranching, mining, timber cutting and motorized recreation. This summer, People For the West orchestrated mass protests at the hearings on Rahall's bill. The group's communications director, Joe Snyder, says that when the new bill comes to a vote he will mobilize the group's telephone network to activate over 8,000 individuals and organizations to "call, fax and write to make their voices heard."

Nevertheless, both Knoblock and Snyder concede the industry's power in the House is weak. Ultimately, the fight will be in the Senate. Western Senators have proven far more effective at protecting traditional Western interests than their counterparts in the House. And, as with grazing fee increases, the Western delegations seem determined to hold the line on mining.

Last month, Western senators, led by Harry Reid, D-Nev., and Tim Wirth, D-Colo., blocked a Bumpers proposal to place a temporary ban on patenting mining claims. However, the final vote was a close 47 to 46, which was one vote closer than last year's 50 to 48 vote on the patent moratorium. ■

Steve Hinchman is an HCN staff reporter.



Crown Butte President Dave Rovig atop Henderson Mountain, proposed site of an underground mine.

Some see it as a 'mine from heaven'

by Jim Robbins

Below the top of Fisher Peak, close to the boundary of Yellowstone National Park, are the remains of a vanished civilization — dilapidated houses, huge rusted cylinders, planks, a sluice box, thousands of nails coated with rust and corrosion.

Out of several mine adits, from deep beneath the mountain, run tiny streams red as wine.

This debris is left from the Glengarry mine that operated high in the Beartooth Mountains in the 1950s.

Silent for four decades, a new era of mining is dawning in this high country. A New World, actually.

A company called Crown Butte Mining Inc., owned primarily by a Canadian mining giant, Noranda Minerals, is working on a gold, silver and copper mining complex called the New World Mine.

Because the 1872 General Mining Law allows companies to mine for hard-rock ores with little environmental scrutiny, the New World Mine has mobilized critics.

"It's everywhere you don't want a mine to be," says Louisa Willcox, program director for the Bozeman-based Greater Yellowstone Coalition.

"It's perched at 10,000 feet at the head of three drainages. It's in alpine area above timber line. And it's a major corridor for the grizzly bear," she says.

This country is unlike most of Yellowstone. In contrast to the rolling hills and open meadows that characterize most of the park, this area has towering, steel-gray mountains that have been etched by glaciers. It is the area's only real alpine country.

As the abandoned Glengarry mine

indicates, this part of Montana has had experience with gold mines before. The town of Cooke City was founded as a mining town in the 1880s. The area boomed and at one time had 1,000 year-round residents.

But the mines played out and the miners drifted away, to be replaced by businesses catering to tourists who were discovering Yellowstone by automobile. Now, there are some 70 year-round residents.

The mine sits above the town of Cooke City. If the mine is permitted, some locals fear things in this tiny town would change, dramatically and for the worse. More than 300 workers would flood in during the construction stage, and 140 workers would be needed year-round.

Trucks will rumble up and down the two-lane highway to haul ore to a mill or supplies to the mine. A new 68-mile-long, 69-kilovolt transmission line would be constructed.

"It would take away our high-mountain hideaway," says Ralph Glidden, owner of the historic Cooke City Store. He opposes the mine.

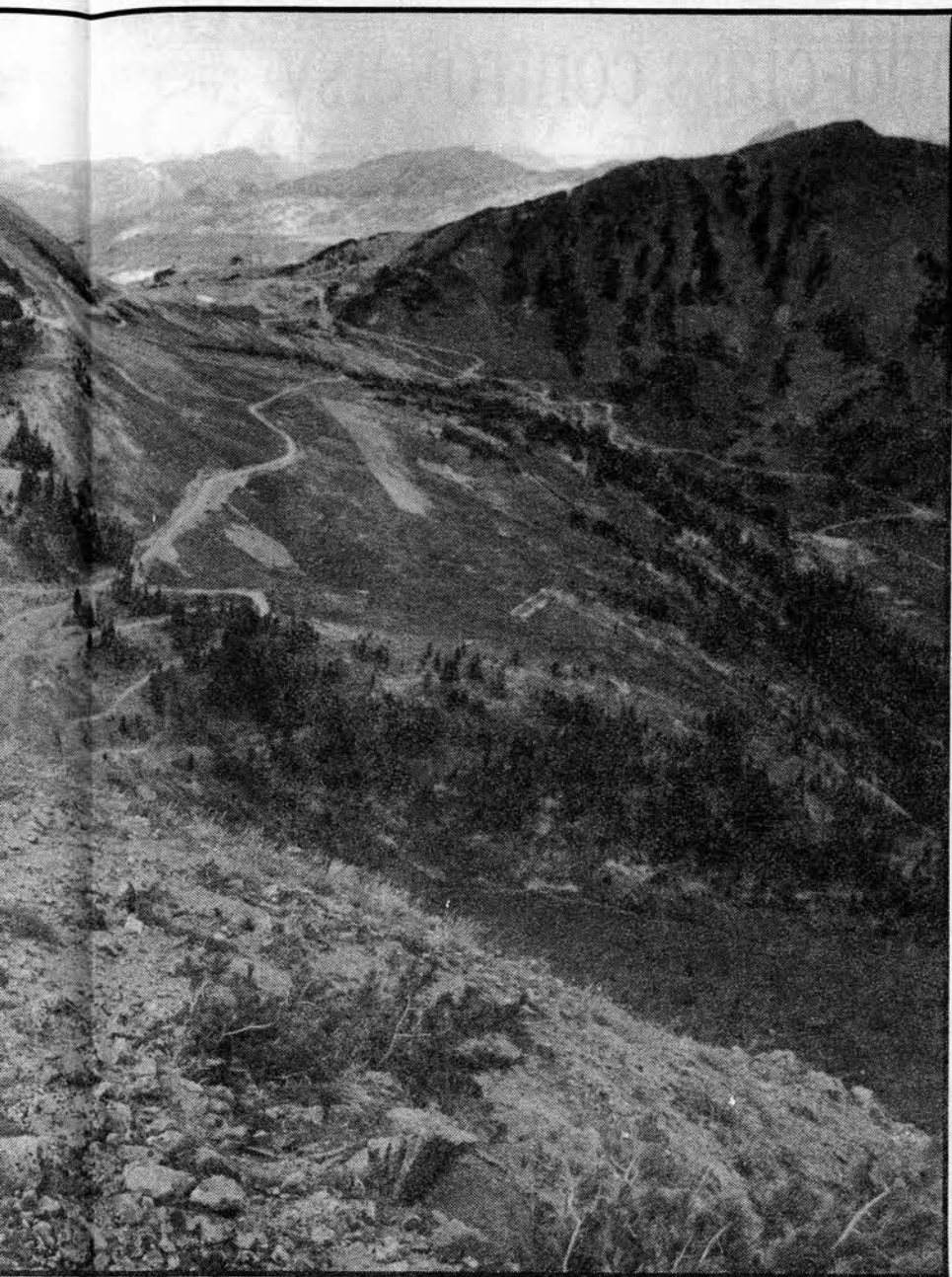
The miners' legacy remains in this area. Tailings from the old McLaren Mine, which sit just above the town, drain red, iron-laden water into Soda Butte Creek. This acidic water has sterilized much of Soda Butte Creek, though with some reclamation work the stream has begun to recover.

The McLaren site is the only designated Superfund site that the federal government listed for environmental, rather than public safety, reasons.

The mine site is near one of the highest points in the area and provides a view in every direction. Miller Creek flows out of this alpine area to the southwest, into Yellowstone's Soda Butte Creek, which flows in turn into the Lamar River. Fisher Creek tumbles into

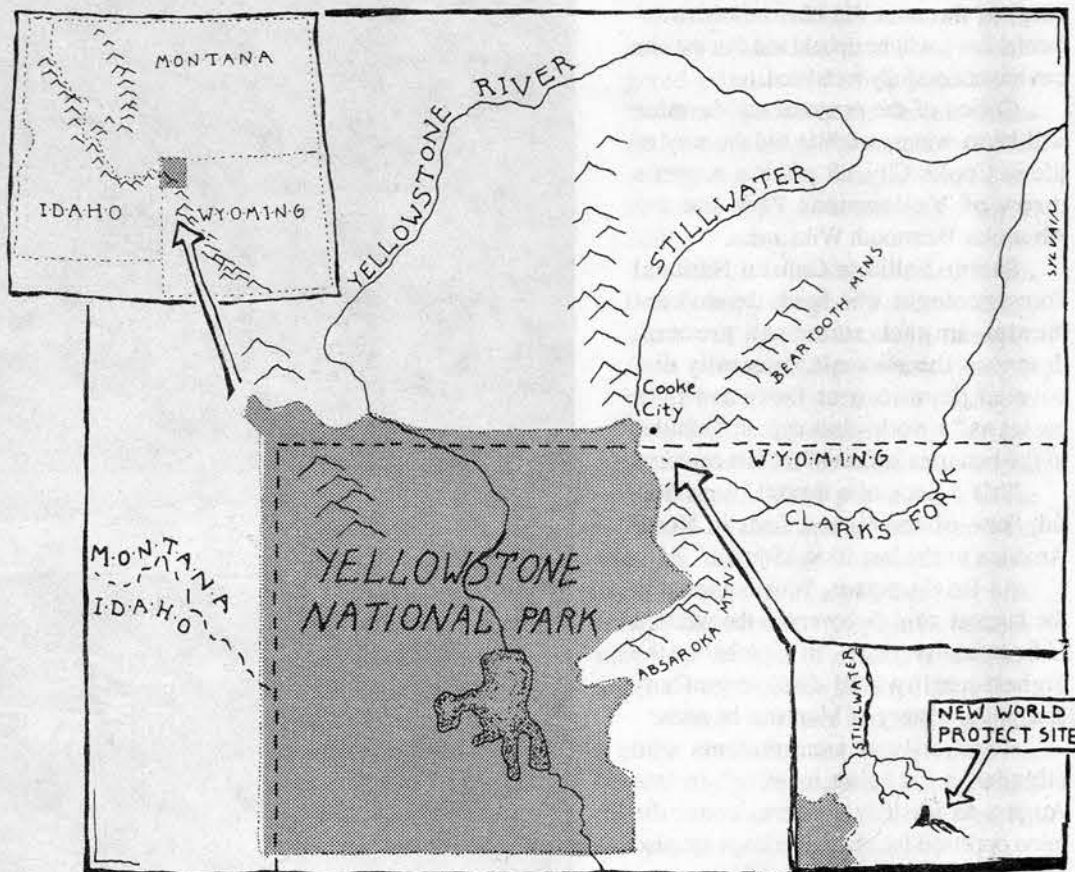


Louisa Willcox and Rep. Nick Rahall at a Greater Yellowstone Coalition meeting.



of an underground mine

Dennis Davis



m hell'; others say it will heal old mining scars

the Clark's Fork of the Yellowstone River in Wyoming, a federally designated Wild and Scenic River. And the Stillwater River flows out of here into the Absaroka-Beartooth Wilderness Area.

"Even people in the Forest Service call it the mine from hell," says Willcox. "It's a real nightmare."

A nightmare, that is, depending on where you stand. For Noranda Minerals the New World could be a bonanza — 10 times as rich as the ore in open-pit gold mines now operating in Nevada. It's estimated the mine will produce 100,000 ounces of gold per year. Reserves are estimated at half a billion dollars.

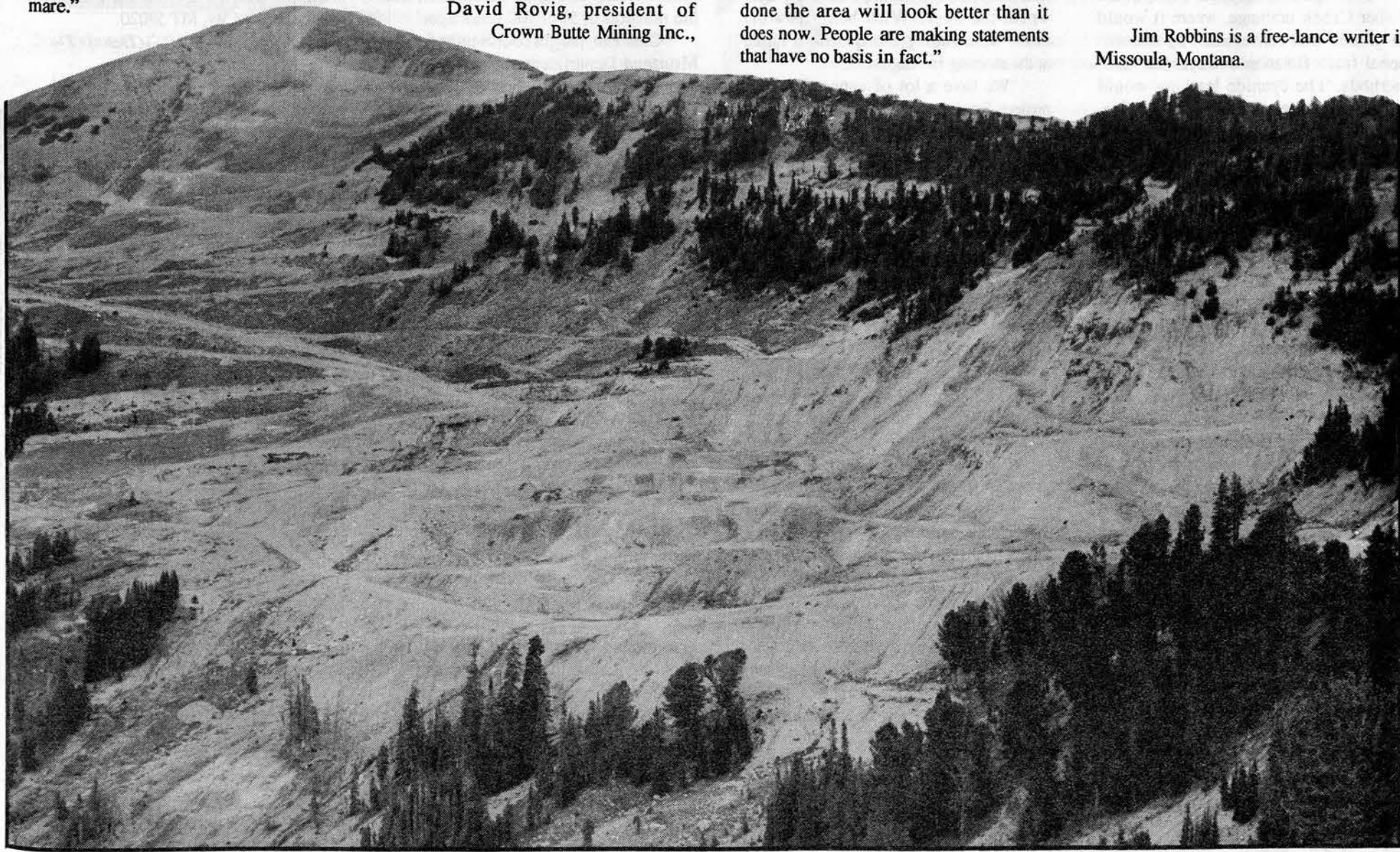
David Rovig, president of Crown Butte Mining Inc.,

in Billings, Mont., says he is confident his company can mine with minimal environmental impact.

"Absolutely," he said. "We're not taking apart a mountain. Ninety percent of our reserves are deep in the mountain. There are two small pits involved in the plan, two very small pits. When we're done the area will look better than it does now. People are making statements that have no basis in fact."

The company submitted its application for a permit to mine last November. If all goes according to the company plan, they will receive a permit in early 1993, and begin a 12- to 24-month construction period. The life of the mine is 12 to 15 years with an annual payroll of \$10 million. ■

Jim Robbins is a free-lance writer in Missoula, Montana.



The McLaren Mine, on Fisher Mountain near Cooke City, was active from the 1930s to 1953

Dennis Davis

World-class gold deposit creates world-class controversy

The battle over the proposed gold mine near Cooke City, Mont., is shaping up along the classic line of jobs versus the environment.

Dave Rovig, president of Billings-based Crown Butte mines, says the mine will bring jobs and a year-round economic boost to the area. He contends environmental laws will be upheld and that the site can be successfully reclaimed.

Critics of the proposal say the mine will harm water, wildlife and the way of life in Cooke City, all within a nugget's throw of Yellowstone Park and the Absaroka-Beartooth Wilderness.

Sherm Sollid, a Gallatin National Forest geologist who heads the environmental impact statement process, describes the minerals in recently discovered deposits near Daisy and Lula passes as "a world class deposit," similar to the bonanza strikes of the last century.

"It's a heck of a deposit," says Sollid, "one of the biggest finds in North America in the last 10 to 15 years."

As Rovig puts it, "this is probably the biggest gold discovery in the western U.S. in many years." It's probably the highest-quality gold discovery of any size in the history of Montana, he adds.

A majority of area residents who attended a "scoping meeting" in late August to identify concerns about the mine opposed the mine. Meetings are also planned in Cody, Wyo., and Livingston, Mont., to identify issues to be addressed in an environmental impact statement on the mine. Although officials had hoped to hold the meetings in September, the dates have not yet been set.

The ore would come from an underground mine with an adit into the northeast side of Henderson Mountain and two open pit mines on the McLaren and Como deposits. The open pit mines would operate four to six months a year at 220,000 tons per year, while the underground mine would operate year-round at 365,000 tons per year.

Ore would be hauled to a mill in the Fisher Creek drainage, where it would be ground and concentrated by conventional froth flotation and cyanide leach methods. The cyanide leaching would take place in an enclosed vat. The fine, ground-up tailings would be pumped as



Don Bachman, courtesy Greater Yellowstone Coalition

Decades-old mine debris near Cooke City, Montana

a slurry from the mill to a lined tailings impoundment. Five-and-a-half million tons of tailings would be disposed of in an 83-acre site in upper Fisher Creek.

The entire complex would cover 1,760 acres, of which 276 acres would be disturbed, according to the application. The site includes patented mining claims, with most of the site on unpatented mining claims on Gallatin National Forest lands.

"Do we really need this mining for a non-essential mineral? Is the boom worth the bust? Who benefits from this?" were among the questions raised at the meeting in August.

"We have a lot of support" for the project, Rovig says. He said the meeting wasn't designed to hear support for the

project, but rather to hear concerns. He says he didn't hear any new issues that haven't been voiced before.

He argues that the mine site is far from pristine and was specifically excluded from wilderness areas because it had roads and mines. "That's not the most scenic area in Montana," he says, pointing to the old McLaren mine site. Rovig said most people will never see the mine site, some of which is on private, patented lands. He points to the recent record of mining companies, not the practices of 50 or 100 years ago.

Clint Erb, project coordinator for the Montana Department of State Lands, says the company will have to prove that reclamation is possible before the state issues a permit for the mine.

Comments for the scoping process and mine EIS may be made to: Sherm Sollid, Gallatin National Forest, P.O. Box 130, Bozeman, MT 59771 or Clint Erb, Project Coordinator, Montana Department of Public Lands, Capitol Station, Helena, MT 59620.

Further information from conservation groups opposed to the mine is available by contacting Greater Yellowstone Coalition, P.O. Box 1874, Bozeman, MT 59771 or Ralph Glidden or Wade King with the Beartooth Alliance, P.O. Box 1141, Cooke City, MT 59020.

— Dennis Davis

Dennis Davis writes for the *Powell Tribune* in Powell, Wyoming.

On federal lands, mining slam-dunks all other uses

by Jill Sundby

In the late 1800s, the federal government owned most of the West. To help settle the area, the government sold and gave away land to homesteaders, railroads, states, cities, miners and others.

That era has ended. Now miners are the only group that can purchase public land — and only hardrock miners at that. Those who mine coal, oil and gas, phosphates or sand and gravel may not purchase the federal lands they mine.

But with efforts underfoot to change the 1872 Mining Law, miners are showing more interest in patenting federal land.

"We've had a lot of inquiry on patent applications over the last couple years," said Jeannette Bejot, chief of the solid mineral adjudication section of the Bureau of Land Management state office in Billings. "There's a fear there might be a change in the law."

Many mines operate in historic min-

ing areas, where federal land became private through patenting long ago. The mines work on a mix of private and federal ground, and some mining companies patent the federal ground.

"The last claim we patented here cost \$3,500 an acre and took nine years to prove it was an economic mining claim, so it's not an easy thing to do," said Don Jenkins, director of government relations for Placer Dome U.S., which owns the Golden Sunlight Mine near Whitehall.

"If that land was so cheap and easy to give, there wouldn't be a bit of federal land left in the U.S."

The miner has the same right to mine federal land, whether he patents the land or not. But a company may prefer to get ownership to the land because it's easier to get loans and finance mining operations if the company has a secure title.

To verify the discovery, BLM or Forest Service mineral examiners, accompanied by the applicant, study the

geological data and examine the ground. The verification may take a year or two.

Before the U.S. government will turn over title to the land, the holder of the mining claim must show that the mineral can be mined and marketed at a profit.

Patents require no environmental analyses and there is no opportunity for public intervention, unless there is a conflicting mining claim.

The government denies patents only when the applicant: 1) cannot show there is enough mineral to make a profit; or 2) does not meet the requirements, such as proper posting.

If a rancher already leases the federal ground for grazing, if an outfitter uses the ground for a hunting camp, if the area is in a snowmobiling site, if it's heavily used by wildlife or hikers, the patent still may not be denied, Forest Service geologist Burnside said.

"The agency doesn't have the discretion of saying 'No, you're not going to get to patent,'" said Burnside.

Miners also can get private title to federal land that has no minerals but is needed for mining facilities. Continental Lime Inc. patented 17.5 acres in Gallatin County for mill sites and Pfizer Inc. patented 106 acres in Madison County for talc mill sites.

When a patent is issued, the property is removed from the public domain forever.

Once it's private property, the owner has the right to do with it what he pleases — mine it, build homes on it, fence it off, resell it, hold it as an investment, etc. He is not required to mine it.

If it is mined, the mine is still subject to environmental regulations but the federal regulators drop out of the picture.

"It means the state would be regulating on their own, under state law," Burnside said. ■

The writer works for the *Billings Gazette* in Montana.

afield

Caution: fragmentation at work

by Philip R. Knight

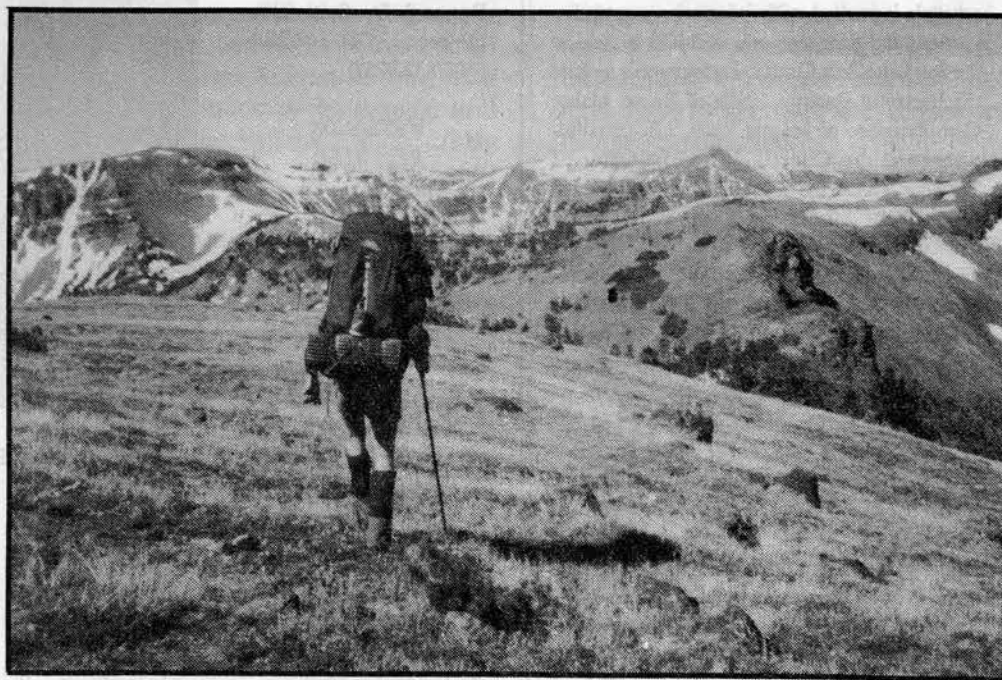
As a boy, I wanted to grow up to be an explorer, to walk places no one else had walked. I soon realized that most of the world has been mapped, and I was about 50 years too late.

I have since set my sights on places known but still full of high adventure, places like the greater Yellowstone ecosystem. It contains enough wild land — about 11 million acres — to get as lost as you want. It is a vast complex of public lands, lying where the states of Idaho, Montana and Wyoming converge and centering around the world's first and most famous national park.

Last spring, after realizing that probably no one had yet walked around Yellowstone's ecosystem, I decided to set out with partner Alaina Lammer. We laid out a route through seven different mountain ranges, five national forests — the Gallatin, Targhee, Bridger-Teton, Shoshone and Custer — and two national parks — Yellowstone and Grand Teton.

We would be in occupied grizzly bear habitat for the majority of the walk, and would travel mainly on the crest of mountain ranges at elevations up to 12,000 feet.

The trek was not to be solely a personal adventure. In the process of walking the area, we hoped to take a look at places that are threatened with development, and some places that have already suffered damaging blows by industry. With an intimate view of the backcountry, we planned to follow up our trip with questions and recommendations to federal agencies and conservation groups.



Hiking the Gallatin Crest Trail in Montana

Phil Knight

Alaina and I planned 10 weeks worth of meals and shipped them to various pick-up points at roadheads along our route. We solicited equipment and food donations from a number of generous companies. By July 1, we were so sick of planning that it was a relief to step onto the trail at Hyalite Canyon, just south of our home in Bozeman, Mont.

Though I had traveled extensively in the Yellowstone area before this, I was unprepared for the scale and sheer grandeur of these ranges. We walked nearly 650 miles through some of the most remote and mountainous country south of Canada and had a string of adventures.

We bushwhacked a high route through the jagged Madison Range; walked for days through a sea of clearcut stumplands on the Targhee National Forest; met a grizzly bear at close range and later heard it roaring in the night; and

traveled through endless miles of burned-over forest, reminders of the 1988 summer of fire.

We got pinned down all night on a high ridge in a violent storm, then soaked in the healing hot springs of Yellowstone. We hiked nearly the entire length of Wyoming's rugged Teton Range, and sang and played music around many a remote campfire. Great fields of wildflowers dazzled us. The pleistocene music of sandhill cranes haunted us. And we slept a lot.

But not everything we saw was wild. In Yellowstone, one of the largest nearly intact wildlands in temperate regions, development is taking a severe toll.

Hard-rock mining was booming in the Beartooth Mountains northeast of Yellowstone Park, a region we walked through. We saw the huge core-sample drilling rigs sitting on top of Mount Hen-

derson, my favorite backcountry ski mountain. The Beartooths, along with portions of the Shoshone and Bridger-Teton national forests, are proposed for massive oil and gas drilling programs.

Off-road vehicles damage backcountry slopes and meadows. Endangered grizzlies are being poached by hunters. Second-home development and clearcut logging threaten critical wildland corridors. The litany of abuses could apply to nearly any tract of land.

What is most disheartening is that this is happening to Yellowstone, a place that receives as much attention from conservationists as any place in the country. Yet we are still losing it. The *Greater Yellowstone Vision Plan*, which was to set the course for federal management of the public lands of the region, was amended under intense pressure from Western senators. It now calls for business as usual, meaning continued fragmentation of natural communities for the sake of extractive industry and industrial tourism (*HCN*, 10/7/91).

Seventy days later and many pounds lighter, we ended the trek at the Pine Creek trailhead south of Livingston, Mont. We were not as discouraged by our trip as we were hopeful.

One can still walk for days without seeing another human, hear the piercing bugle of the bull wapiti, climb a mountain and find no sign of previous ascent. But this sacred, amazing land needs coordinated, visionary management.

It needs our commitment, our willingness to defend it selflessly, and to walk upon it with humility and respect.

Philip Knight writes from his home in Bozeman, Montana

LETTERS

ASSERT YOURSELF!

Dear *HCN*,

My response to Bob Turner of Denver's response to your Sept. 9 headline, "Grizzlies may be laying low in Colorado," is that before he gets all righteously indignant over your English, he ought to get his nose into a dictionary and check it out. My 1981 copy of the *American Heritage Dictionary* lists: "—lay low: 1. to prostrate. 2. Slang. To stay out of sight; to hide." Turner's sophomoric contention is that the expression lacks an object, and thus is incorrect. Bullshit. The object (myself, itself, oneself, etc.) is implied here and does not necessarily need to be included to be consistent with lay's transitive status.

The problem that I see here, however, is really greater than grammar. In fact, it's pervasive. First, you guys seem to be so self-conscious that you accepted his criticism without looking it up yourselves (or simply knowing it was erroneous in the first place). Second, it's that kind of anal retentive crap, and your cowering to it, that promulgates the PC movement; something that as editorial journalists you would vigorously resist. Third, Turner's knee-jerk reaction, without 1) knowing and 2) researching the facts, is typical of the current environmentalist movement, which is filled (to its detriment) with people charging around in a frenzy making asses out of

themselves in full view of anyone who knows how to read or think.

Get your person responsible for the headline out from under the table and explain to him that the measure of a man is to look the Turners of this world straight in the eye and don't take any crap from 'em.

W. Bart Berger
Denver, Colorado

Headline writer's reply: Does this mean I don't have to take any crap from you, either?

CLEARCUT THE CULPRIT

Dear *HCN*,

I just read the article, "How a Montana reporter wrote what he saw —" in your Sept. 23 issue. I thought this was an excellent article that might have been a lot better if anybody on your staff had edited it for continuity. How are we supposed to credit the credibility of a publication that shows that kind of laziness and indifference to detail? I suggest that the person or persons responsible be clearcut immediately.

Daniel Vichorek
Helena, Montana

HCN replies:

The last lines of the three columns in that article were chopped off in production. We regret that it happened.

Sincerely,
Ed Marston, Publisher



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Vol 23, No. 20

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POWDER RIVER BASIN RESOURCE COUNCIL MEETING

The Powder River Basin Resource Council gets together Nov. 9 for its annual meeting in Casper, Wyo., to talk about state reapportionment and issues involving water development. A panel will debate Wyoming's reapportionment plan, which has been challenged for violating the constitutional standard of "one person, one vote." Opponents of the state plan say small counties are over-represented at the expense of more populous counties. Keynote speaker Chelsea Congdon of the Environmental Defense Fund in Oakland, Calif., will talk about the competition for Western water and its influence on economic development. Contact the Powder River Basin Resource Council, 23 N. Scott, Sheridan, WY 82801 (307/358-5002 or 307/672-5809).

CLEANING UP INEL

The Idaho National Engineering Laboratory held public meetings recently to present its plan for cleanup in 1992, as well as a five-year assessment of what needs to be done. Unfinished projects include removing 10 underground fuel storage tanks, decontaminating and decommissioning a nuclear waste tank, analyzing plutonium-contaminated waste currently stored on an asphalt pad, and removing radioactive sediment from a contaminated waste pond at the test reactor area. INEL will accept comments on long-term site specific projects until Nov. 15. To submit comments or obtain copies of the 1992 plan, call 208/526-0051.

SINGING TOGETHER

The Western Folklife Center of Salt Lake City, Utah, will host a festival called *Voices W.E.S.T.*, which stands for Western Ensemble Singing Traditions, Nov. 8-10. The daytime schedule is packed with informal concerts, discussions and film sessions, and will be held at the Salt Lake Arts Center. Performances include the Biotzetic Basque Choir of Boise, Idaho, Coro Religioso of Magna, Utah, J.B. Dreadful-water and the Cherokee Baptist Choir of Tahlequah, Okla., the Ruze Dalmatinke Croatian Ensemble of Anacortes, Wash., Gary Watson and the Sage Point Singers of the Fort Hall Indian Reservation, Idaho, as well as five other ensembles. The festival is the culmination of a two-year survey documenting the traditions of some 100 singing groups in the American West. For a schedule of events, call 801/531-7704.

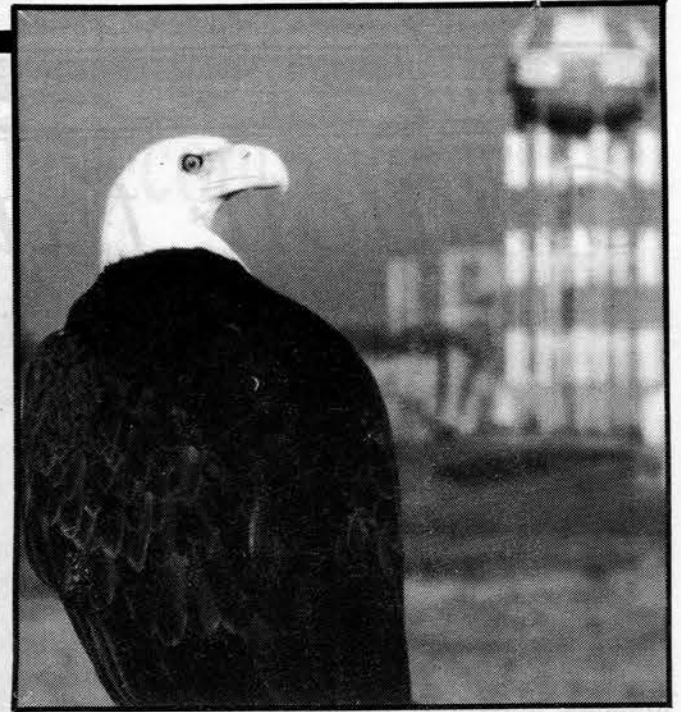
FROM TOXIC TO WILD

Would the contaminated 17,000-acre Rocky Mountain Arsenal on the north edge of Denver make a unique wildlife preserve? The former weapons and chemical factory is already home to large numbers of bald eagles, burrowing owls, deer and other wildlife. But, contamination at the site remains. A conference on Nov. 15-16 titled *Rocky Mountain Arsenal: Refuge Design For The 21st Century*, will focus on how to use the arsenal to teach visitors about both wildlife and hazardous waste. The Urban Design Forum speakers will include environmental historian Richard White, from the University of Washington, and Rae Rauch, U.S. Fish and Wildlife Service manager for refuges in four states. At the close of the conference

there will be a free bus tour of the arsenal. Registration is \$70 and includes two meals; students and seniors pay \$40. For more information, contact The Urban Design Forum, 938 Bannock St., Suite 239, Denver, CO 80204 (303/832-9767).

WETLANDS REVISITED

The Bush administration's reworked definition of wetlands would remove protection for up to 50 percent of the nation's remaining wetlands, say two environmental groups. On Oct. 8, the National Audubon Society and National Wildlife Federation released the findings of two environmental scientists who analyzed the administration's proposed wetlands plan. Joseph Larson, head of the University of Massachusetts' Environmental Institute, and Mark Brinson, biologist at East Carolina University, presented evidence that under the new rules loss of wetlands would be even greater than previously thought. Larson also chairs an international wetlands study group based in Washington, D.C., and Brinson is president of the National Society of Wetlands Scientists. "These scientists are telling us that the environmental community originally underestimated the losses," Lynn Bowersox, a federation



Wendy Shattil/Bob Rosinski

A bald eagle at Rocky Mountain Arsenal

spokeswoman, told the *Spokesman Review*. "You're talking about an environmental catastrophe." The proposed plan, which was released for public comment in August, has been under fire from environmentalists ever since (*HCN*, 9/23/91). Because of public interest, the administration has extended the deadline for public comment on the revisions until Dec. 14. Comments should be sent to Gregory Peck, Chief, Wetlands and Aquatic Resources Regulatory Branch, Mail Code (A-104F), U.S. EPA, 401 M St. SW, Washington, DC 20460. For more information, call the U.S. EPA Wetlands Protection Hotline at 1-800/832-7828.

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LETTERS

TRANSFERS WEREN'T
DISCUSSED

Dear HCN,

Ed Marston's column in the Oct. 7 issue concerns the transfers of National Park Service and U.S. Forest Service executive personnel.

In the case of Park Service Regional Director Lorraine Mintzmyer, both White House Chief of Staff John Sununu and Scott Sewell, now Director of Interior's Minerals Management Service, stated they have never discussed either Ms. Mintzmyer or her involvement in regional planning efforts. Further, Governor Sununu has said he has never discussed these subjects with anyone at the Department of the Interior.

Steve Goldstein
Washington, D.C.

The writer is assistant to Secretary of Interior Manuel Lujan and director of public affairs for the Interior Department.

HE COULDN'T GET
THE CUT OUT

Dear HCN,

Your informative article (HCN, 9/23/91) on the John Mumma brouhaha was also a sorry commentary on so-called environmental advocacy. Larry Mehlhaff's (Sierra Club) assertion that "There's no doubt in anyone's mind that Mumma's gone today because he was attempting to cut less timber than what the timber industry wanted" is particularly misleading. It elevates Mumma to the undeserved status of heroic martyr.

The truth is that Mumma tried his damndest to get the cut out, but fell short of his targets. Under Mumma, the Region One Forest Service offered timber sales in grizzly habitat near Yellowstone and Glacier national parks; it

attempted to issue oil/gas drilling permits in roadless lands adjacent to the Bob Marshall Wilderness and Glacier Park; and generally, it sold or attempted to sell timber in virtually every major roadless area in the national forests of Montana and northern Idaho. Its roadbuilding program was prolific. Mumma's region failed to meet quotas at least partly because environmental groups like the Alliance for the Wild Rockies, American Wildlands, and Friends of the Bitterroot successfully appealed lots of timber sales, mostly sales slated for roadless areas. Your article pointed out that, according to a 1991 General Accounting Office report, the Forest Service failed to properly identify the environmental impacts of logging the Flathead National Forest, and this resulted in successful appeals and litigation. That's been the case throughout most of Region One.

Conservation biologists point out that logging and roadbuilding ARE creating an ecological holocaust in the northern Rockies. So Mumma fell 30 percent short of his timber targets for 1990. That's heartening. Yet, 70 percent of a holocaust is still a holocaust. John Mumma is no hero and he shouldn't be canonized. Environmental spokespersons who create such mythical heroes are naive, and they subvert attempts to accurately depict the gigantic scope of the problem. Their bickering over the fate of John Mumma is like bickering over the fate of a flea on a dying dog. The only real hero in your story is Jeff DeBonis, founder of the Association of Forest Service Employees for Environmental Ethics, who advocates a complete halt to logging, roading and otherwise developing roadless areas, and an end to the ongoing forest holocaust.

Howie Wolke
Darby, Montana

The writer is one of the founders of Earth First!.

RICH, YOUNG WHITE KIDS

Dear HCN,

As a conservative who believes in the concept of multiple use (yes, cattle grazing, mineral development and logging, as well as recreational uses), I harbor no illusions that my letter will foster widespread conversions in the ranks of the radical environmentalists. Hopefully, these remarks will trigger some toward a more moderate approach and, perhaps, a little self-examination.

Recently, remarks of an area businessman were published in a local newspaper which led me to question where the line of "political correctness" falls in the debate surrounding multiple use. Reduced to its bare essence, the businessman's premise was that the environmental movement has been created, fostered and supported by an elitist band of rich, young, white kids. The theory goes that they are a troop of self-centered people who do not realize that their brand of environmental politics excludes others and discriminates against the less fortunate.

Let's examine the premise more closely — surely, not all activists are living off the family trust funds. How many individuals within the activist ranks, however, are blessed with college degrees, graduate level degrees and salaries exceeding the national norm for two-income families? Perhaps it is just the fact that the visible spokespersons for the various organizations tend to be affluent, young, well-educated, Anglo-Saxon people. But from all appearances there are more of that type within the ranks of the activists than from the classes that contain minimum-wage earners, the elderly, the infirm, the blue-collar workers and the minorities.

I guess it's just my latent bleeding-heart-liberal tendencies that make me want to share some of our national lands with those less fortunate. In any event, I would feel better if more of our public lands were "improved" to the extent that people with limited time, money or

physical abilities could enjoy them.

It is my fervent desire that each person who opposes the construction of a lodge or the construction of roads within our national forests would first stop to realize that without the lodge and without the road a very large segment of our society will have no meaningful access to these marvels of nature. After recognizing the legitimacy of such needs, we can then get down to the difficult process of deciding where such facilities are appropriate. If we do not recognize that need, however, aren't we really just a bunch of over-educated, over-paid, greedy-little-white kids that refuse to share our toys?

Bradford T. Brown
Tucson, Arizona

WADE VS. ROW

I found your article concerning the controversy between fishermen and rafters on the Arkansas River — Wade vs. Row — to be interesting but not quite to the point. (HCN, 10/7/91).

Does the fact that a river has a tributary dam or is in some other regard changed by our use of it allow us to ignore or further degrade its residual biological values? In other words, because the Arkansas is not completely wild and pristine, should the rafters think of the river as some water ride at Disneyland?

I think not. Trout Unlimited wants to make sure that the wild trout fishery and associated biological values of the Arkansas are not harmed by enhanced flows (which primarily benefit private rafting companies). A study of the issue does not seem like too much to ask.

I've floated the Arkansas river with a private company in the past but will not again until the rafting interests stop thinking of the river as their version of a sluice box.

Bill Brooks
Denver, Colorado

OTHER VOICES

We can't own it all

by Diane Sylvain

A river rock sits in the center of my palm as round and smooth as a world.

It is smaller than a bird's egg and a color that I have no name for, so dark a green it is almost black. This stone is older than the river that pounded it so smooth. It came from the edge of the Colorado River, from the bottom of the Grand Canyon.

I found it five years ago on a 15-day-long backpacking trip. I did not know then that that would be the last time I picked up rocks in the bottom of the Grand, at least after hiking in to get there. I had no idea that this small stone would come to seem to me, on some sad days, like a letter saved from a friend who had since died.

But I am not writing a eulogy to my former, able-bodied self; I am writing in response to the letter by Bradford T. Brown (see above).

In it he asserts that most environmentalists are "blessed with ... salaries exceeding the national norm ... affluent, young, well-educated Anglo-Saxon people" as opposed to "the classes that contain minimum-wage earners, the elderly, the infirm, the blue-collar workers and the minorities."

This sentence struck me as funny when I thought of all my years at the poverty level, and the minimum-wage jobs I have held mopping floors, flipping hamburgers, washing dishes and emptying bedpans.

I thought of my hiking and camping friends, too, all those carpenters and cooks and waiters and sales clerks. Few of them would recognize themselves in his description of environmentalists.

But then Brown goes on to say that he "would feel

better if more of our public lands were 'improved' to the extent that people with limited time, money or physical abilities could enjoy them."

I thought about this for a long time. I don't claim to speak for all environmentalists or for all those with physical impairments. As disabilities go, mine is comparatively minor. I have a back injury; I use a cane; I wear an orthopedic brace on one leg. After four years of exercise and physical therapy, I get around fairly well: I have even begun to hike again, for short distances on easy trails with a companion.

So in many ways — I am fully aware — I am lucky. But I have begun to accept that I will never again hoist a 40-pound pack onto my back, or stride out into the canyon country for two weeks of adventurous travel. And there are days that I find it difficult to get to the post office, or walk around the block. In this respect, I fit Brown's description of one who has no "meaningful access" to many places I would love to reach.

Yet I wonder if he and I mean the same thing by those words. His concept seems to include anything from the installation of escalators in the Grand Canyon, to the opening up of wild areas to all-terrain vehicles and oil drilling.

I would be more likely to take his concern for the "infirm" seriously if I knew that conservatives like him who express it were hard at work — installing wheelchair ramps, providing medical care and doing what is needed to give the disabled "meaningful access" to the places we already live in.

Brown misses the point anyway, in this whole debate about whether wild areas should be accessible. It seems to me that a wild area is by definition a place that is hard to get to, that is remote, dangerous, and that



takes time and health and strength of heart to find. It is a place that by definition is not easily accessible.

There are those of us who cannot climb mountains who still love the sight of them on the horizon. We love the idea of mystery left in the world, of open spaces and wild places, where only the creatures that are born there roam. What we receive from all this is something Bradford Brown doesn't understand.

Four years ago, when I entered the hospital, I took that Colorado River rock with me and kept it on my bedside table. The weight of it in my hand gave me strength. It reminded me that the river it came from still ran through my heart, that even in this white room my bones were as real as Grand Canyon rock.

If I ever do strap on a backpack again, to make my slow way down to the canyon bottom, I will give this stone back to the river because I realize now that I don't need to keep it. The thing about this strange world that breaks our hearts and makes it all so precious is that none of us gets to keep anything, anyway. None of us gets to have all that she wants or see everything he dreams of seeing.

But these thoughts will not make sense to someone who regards environmentalists as "over-paid, greedy-little-white kids that refuse to share our toys."

Unfortunately Brown will not understand my point until he learns to love the things he can't own, until he realizes that the natural world was never his "toy" to begin with. ■

Diane Sylvain is an artist and an illustrator for High Country News in Paonia, Colorado.

OTHER VOICES

Bush has earned a D+ on the environment

by George T. Frampton

It is hard to believe, but President Bush intends to take credit for the agreement to reduce emissions from the Navajo Generating Plant. That's like crediting the Soviet coup leaders with their nation's accelerated rush toward democracy.

The Reagan and Bush administrations have spent the past decade fighting off a cleanup plan. Earlier this year, forced to propose some sort of plan, the White House insisted on weakening an EPA proposal, leading the Grand Canyon Trust and the plant operator to negotiate the stronger plan now awaiting final approval.

The President also may trumpet Secretary Lujan's action to reduce the fluctuation in Colorado River water levels, which threatens endangered fish, fragile beaches, and archaeological sites. While we applaud the Administration's step in the right direction, the proposed regulations are only temporary, and they came only after it seemed inevitable that a bipartisan effort in Congress would force such action, anyway.

If President Bush wants to earn his environmental stripes at Grand Canyon, here's what he should do: 1) Stop the concessioner's planned expansion of parking, lodging and other facilities on the North Rim; 2) Reduce the number of overflights, now numbering more than 50,000 a year; 3) Make the interim Colorado River flow regulations permanent.

The North Rim development is a clear sign that concessioners have too much influence over management of the national parks. It is time that the Bush administration and the National Park Service stood up to them. Otherwise, the national parks will continue to look more and more like amusement parks. Secretary

Lujan's effort to increase concession franchise fees is laudable, but more important is reversing the commercialism that threatens to strangle our great parks.

As of today, George Bush is looking like anything but "the environment President." He wants to drill for oil in the Arctic National Wildlife Refuge, as part of an energy program that would be an environmental and economic disaster. He and his appointees are trying every trick they can think of to circumvent and even weaken the Endangered Species Act.

He has reneged on his "no net loss" wetlands pledge, hoping to cover himself by redefining wetlands. The list goes on.

It is not



"Dadburn varmints were messing up my backyard."

The writer is president of The Wilderness Society.

Idaho has beauty; now it needs vision

by Jerry M. Brady

On the banks of the Fall River east of Ashton, Idaho, not that far from the Yellowstone country, a bulldozer rips into the soil, making the first incisions in what will be a six-mile scar on that beautiful countryside.

A modest canal will balloon to five times its size as part of a new federal hydroelectric project.

Not far away lies the Ashton-to-Tetonia railroad. In September, its owner, the Union Pacific Railroad, issued a request for bids to tear up the railroad. When salvage is completed, the tracks will be gone, along with two beautiful and historic trestles.

Where once there was a beautiful river to be fished, rafted, or simply enjoyed, there will soon be just a small stream.

Where once there was a railroad that carried grain — and might still have carried families across the rolling hills on an excursion railroad proposed by townspeople from Fremont and Teton counties — there will soon be only holes where rail ties were and a piece of real estate 100 feet wide and 26 miles long.

As with the river, the rail line will have been sold to the highest bidder. It could have been sold to the people, the land donated to a trust.

Like so many of the decisions made about the American West, the fate of the river and the railroad were ultimately decided elsewhere: the river in Washington, the railroad in Omaha.

But last week, the Fremont County commissioners proposed some scars and a river diversion of their own.

They would take 400 cubic feet of water out of the Henry's Fork at Mesa Falls, and run it through a turbine 7.5 miles away, tearing up land in between.

Many see progress in these decisions and proposals — a fine example of free enterprise, they say — and wait for the next money-maker coming down the road.

But we have too few rivers to turn the great ones into electricity. We will never have another railroad. The Mesa Falls, lower and upper, are spiritually powerful places, not money machines.

Landscape, and appropriate, proportionate human contribution to that landscape, cannot be repaired or reclaimed once harmed.

Our beautiful land is unique and precious, not a commodity. Yet as evident in Fremont County in just a few days time, the very attractions that make the Idaho landscape so enviable are being compromised or destroyed.

In a celebrated letter to the president of the United States in 1855, Chief Seattle spoke of the arrival of the white man as "the end of living and the beginning of survival."

The Fall River developer, the railroad and the county all believe they must have their projects or sell their property to survive. But upon closer examination what is really lacking is not money.

Another future can be imagined for Fremont County, one based on its inherent beauty and its proximity to Yellowstone National Park. Capitalizing on those strengths will take wisdom, dozens of tiny steps, patience, and action at three levels of government. But it can be done.

First, the county needs to acknowledge and value its scenic and recreational potential as the resource that it is. It must identify the beauty of the landscape as a resource, identify what is necessary to preserve that beauty and write a zoning and development plan accordingly.

The comprehensive plan for Island Park is an important first step in that direction after years of serious degradation. The plan and development code for the rest of the county will be presented in November.

Second, certain types of economic activity need to be identified and encouraged. The scenic excursion railroad, proposed for the abandoned Union Pacific line between Ashton and Tetonia, is critical to this vision. It could be the first, pivotal step in making Ashton a tourist stop and the countryside around it a destination.

Third, certain additional portions of the county should be identified as sites for second homes and destinations for tourists escaping the tangle of Yellowstone in summer. Development districts could be set aside in some places and vistas preserved in others. This process is well-known and common in Europe and more urban areas. The net result, over time, is a much higher tax base.

Fourth, the state must become far more active and inventive, concentrating on developing resources already in Idaho — for example, finding funds for the railroad. State tax policy must help rural areas. Federal policies have forced consolidation of farms and a deterioration of the land and must be reversed. Rural investment, not more tumbleweed towns, must be encouraged.

Does this amount to a vision? No, because a vision must come from the people, as Proverbs says — not from a newspaper — and because this merely hints at the possible.

But we know this much: The present course will slowly rob Fremont County — and every other county

enough to improve, slightly, on Ronald Reagan's environmental record. That was too easy an act to follow. If President Bush wants to be remembered as an environmentalist, he can start today on the North Rim of one of the wonders of the world. And in Oregon he can join the campaign to protect our ancient forests.

So far the President deserves a D+ on the environment — at best. He has stood with Big Oil, the timber industry and the mining companies. It's high time he took the side of the land, water, air, wildlife, and future generations of Americans. Only then can he claim to be "the environment President."

acting like it — of all but the most servile and dependent role in the future. Allowing the railroad to retreat with a few extra dollars and selling off the rivers to Utah Power and Light is shortsighted and will only encourage more decisions like them.

Planning ahead

If rural Idaho counties like Fremont have a future, it begins with comprehensive planning. After years of resistance and procrastination, planning may, at last, be coming of age.

In 1972, Madison County drew up a comprehensive plan. In 1978, Fremont County did likewise. Neither was ever adopted.

Now the issue is back on the table in Madison County, thanks to its Economic Development Corp. The Fremont County Planning and Zoning Commission has prepared with great sensitivity a comprehensive plan worthy of the name.

It is grounded on an understanding of nature and contains statements like "Fremont County will ... encourage development that is sensitive to the needs of wildlife." It promises to protect visual resources, mitigate noise, and "discourage development incompatible with Island Park's rural resort image." It would require developers to pay the full cost of additional public facilities and protect wetlands and stream banks.

We would like to see the present agricultural land-use pattern reinforced and the agricultural landscape identified as a "visual resource," as it surely is. At the same time, the tax base of the county could be improved by encouraging second homes in out-of-sight, wooded areas under tight control.

Development in the area from the Snake River to the Teton and the forest line on the north to the Teton River holds more promise than many may realize, but it all depends upon preserving the overall quality of the landscape.

Planning cannot stop the diversion of rivers or the tearing up of railroads, of which we have complained enough. But with time, good planning makes for powerful economics. A well-planned county is twice as valuable as an unplanned one. Far more important, it delights and satisfies those who live there.

Jerry M. Brady is publisher of the *Idaho Post Register*.

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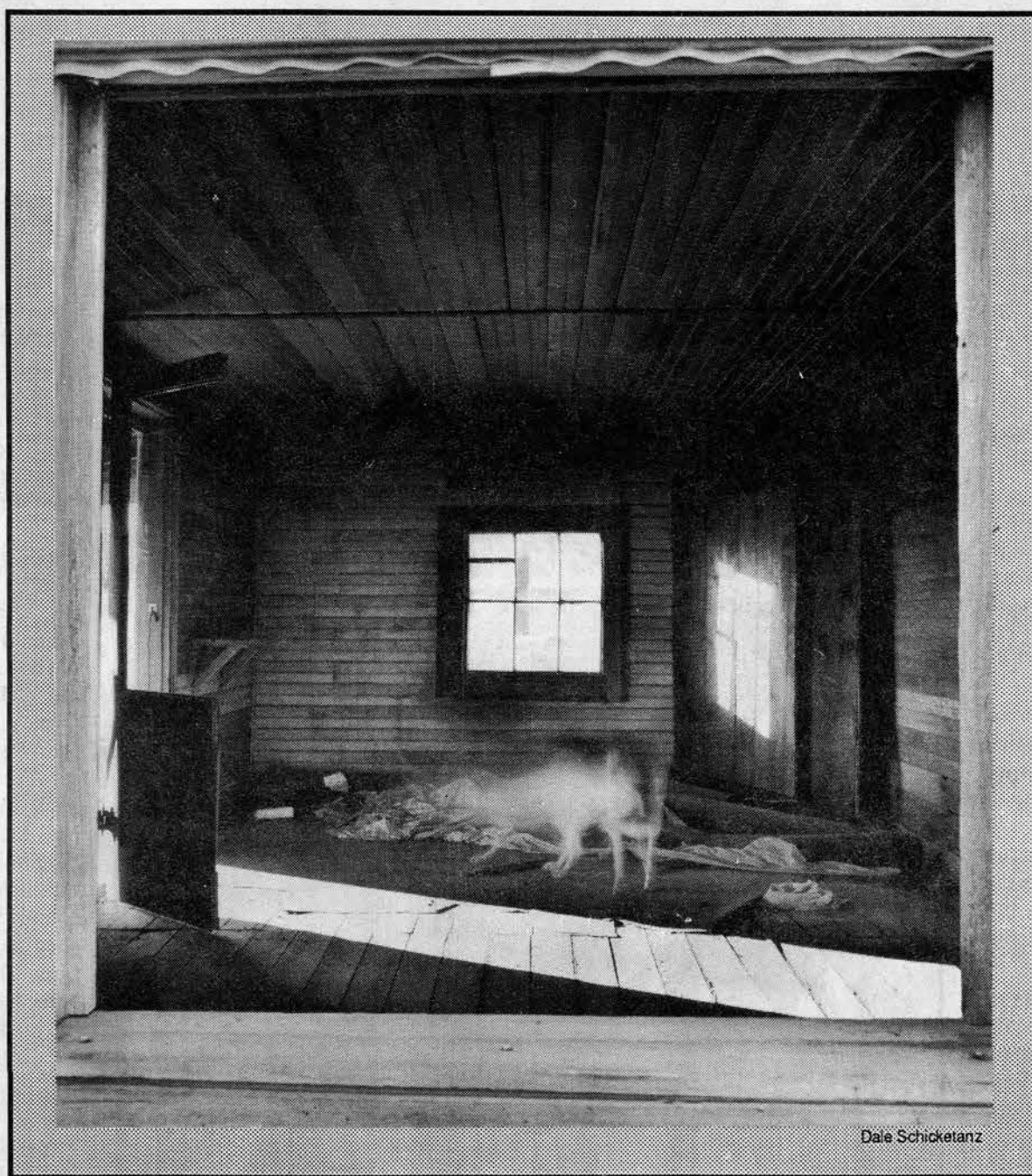
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REPORTER'S NOTEBOOK

by Ed Quillen

The annual Headwaters Conference could be deemed "the conference for people who think about the West."

Headwaters II ran from Oct. 4 through Oct. 6 at Western State College in Gunnison, Colo. It attracted about 200 academics, artists, writers, activists, locals, journalists, even a rancher or two.

This year's theme was the cultural paradigms of the land and water of the Southwest. The conference focused on three paradigms, or models:

1) Holistic Reverence for Everything, advocated by Roderick Nash, Ph.D., author of *Wilderness and the American Mind* and *The Rights of Nature*. He's also a professor at the University of California at Santa Barbara.

2) Lococentric Attachment to Place, promoted by Devon Peña, Ph.D., a professor at Colorado College.

3) Anthropocentric Euro-Cultured Colonist and Invader, hereinafter "RWB," short for "Red, White and Blue," short for "Red neck, White trash, Blue collar." That's my culture. At its best, it produces Edward Abbey; at its worst, it is the ramshackle physical and cultural environment of most rural towns in the American West.

In the interest of contemporary enlightenment and political correctness, RWB was disparaged by all present. However, RWB was gallantly depicted by Colorado historian Michael McCarthy. His presentation was in the character of a turn-of-the-century homesteader.

Why the need to play-act and characterize the RWB view that resources are there for man to use, when it would take less than 15 seconds to find an RWB true believer inside any bowling alley this side of the 100th Meridian?

One Headwaters organizer explained that they invited representatives of Louisiana-Pacific, People for the West, and similar interests, but all declined. Thus the characterization, even though the real RWB is as common as pickup trucks.

The freedom provided by characterization also enabled Major John Wesley Powell (Clay Jenkinson, better known for his portrayal of Thomas Jefferson) to address the conference.

By using the character of a revered explorer, it was possible to advocate the exploitation — prudent exploitation, but exploitation nonetheless — of western resources by invading RWBs.

Powell could also state the heresy that some human cultures might be an improvement on others. Powell believed that humankind progresses through four stages: Savagery, Barbarism, Civilization, the Republic.

Roderick Nash, advocate of full civil rights and legal protection for microbes and rocks, narrowly gained the honor of Most Infuriating Speaker. Nash did not protest when the smallpox virus was made extinct by deliberate human action. Nash has a boat. He has homes in Crested Butte and Santa Barbara. He jets around to promote his ideas and books. Nash consumes resources at a faster rate than any dozen people I know, and he's going to tell us how to tread lightly and respectfully upon the planet? Give me a break.

Devon Peña came in a close second for Most Infuriating. Peña can be almost lyrical about why it's important to develop an attachment to the place of one's family. He rhapsodizes about the sustainable virtues of traditional Chicano culture. So, Devon, why are you teaching in Colorado Springs, instead of farming 150 miles south of San Antonio, down on the family homestead? Give me another break.

But to ignore a speaker's message on account of the speaker's background and lifestyle is to commit another sin much in evidence at such gatherings, the sin of Tribalism.

Tribalism takes one of two forms. The old-fashioned version holds that Randy Russell, a community

development consultant, speaks only truth because he, like me, is an educated adult white male. Modern Tribalism says that Russell is hopelessly bigoted and his words can be safely ignored, although Maria Valdez will utter great cosmic truths because she is a seventh-generation native of a San Luis Valley farmstead, and she is a Chicana, too.

If Tribalism in either form prevails, the result is a disrespect for the speaker because we do not consider arguments and evidence; instead we consider only the speaker. We forget that the speaker had anything to say. Tribalism means contempt and a closed mind.

So, if I can work past my own Tribalistic urge to ignore all words spoken by anyone who says one thing and does another, what was said that was worthy of more thought?

Peña pointed to several paradigms of the West: a wasteland, empty and waiting to be populated; a resource, ready to be exploited; a homeland, with a com-

mon to be rather benign or they wouldn't be considering our Homeland Commons for wilderness). Roderick Nash vs. Devon Peña.

The Homeland Commons paradigm is not limited to traditional rural Chicano culture; on occasion even Anglos, as evidenced by Highland Scots and a few New England towns, have figured it out.

The rural West might be locked up as a biodiversity preserve and playground for the jet set, or it might have real people living in and from it. If the latter case is permitted by the American power structure, the Homeland Commons deserves serious exploration.

However, New England towns burned witches and pilloried heretics, Scots carried feuds past all common sense, and Chicano culture is notoriously macho. Is there a way to enjoy the virtues of a sustainable culture, while allowing individuals to be individuals?

In his history, *The Rockies*, David Lavender presented this issue in another way: "(T)hrough the unique settings of the mountain cities seemed to call for a culture as indigenous as that of the New England towns clustered around their village greens, it never developed." The mountain towns, spawned of mining or logging, never became "cohesive communities."

How could mountain cities become communities? Some sort of synthesis, perhaps? A combination of the Anglo-Saxon belief in individual rights and freedoms, a sustainable rooted culture as expounded by Peña, and Nash's expanded view? Somewhere in that direction may lie an appealing vision of a new settlement pattern. And visions are important.

Artists and art historians at the conference showed how Oscar Wilde was right when he said "life imitates art." Those pioneers who regarded the West as biblical wilderness saw it as a land populated only by satanic savages unworthy of respect.

Those who caught another artistic and literary view, Paradise, went west with different attitudes. Their attitudes, produced by art and literature rather than the real land they trod upon, determined their actions.

The dark rejoinder is this: An inspired vision may lead to good actions, but do actions matter when put up against the realities of the land? Is it possible to create a sustainable culture in the American West?

The Anasazi left long ago, for reasons unknown, though they had been here for centuries. The Utes lived in the mountains only in the summer. Spain established Santa Fe in 1610, but it took colonizers 241 years and untold bloodshed to manage the 120 miles to San Luis. The Rockies teem with forsaken homesteads, dilapidated buildings and the roadbeds of abandoned railroads, all built with an eye to permanence.

We are about 150 years into this experiment to see whether it is possible to live year-round in the Rocky Mountains. The traditional ways all fail in some regard: young people depart, taking the future of the community with them; a city requisitions the local ranchers' water; beef demand plummets; the vein pinches out; timber prices drop; tastes in recreation change.

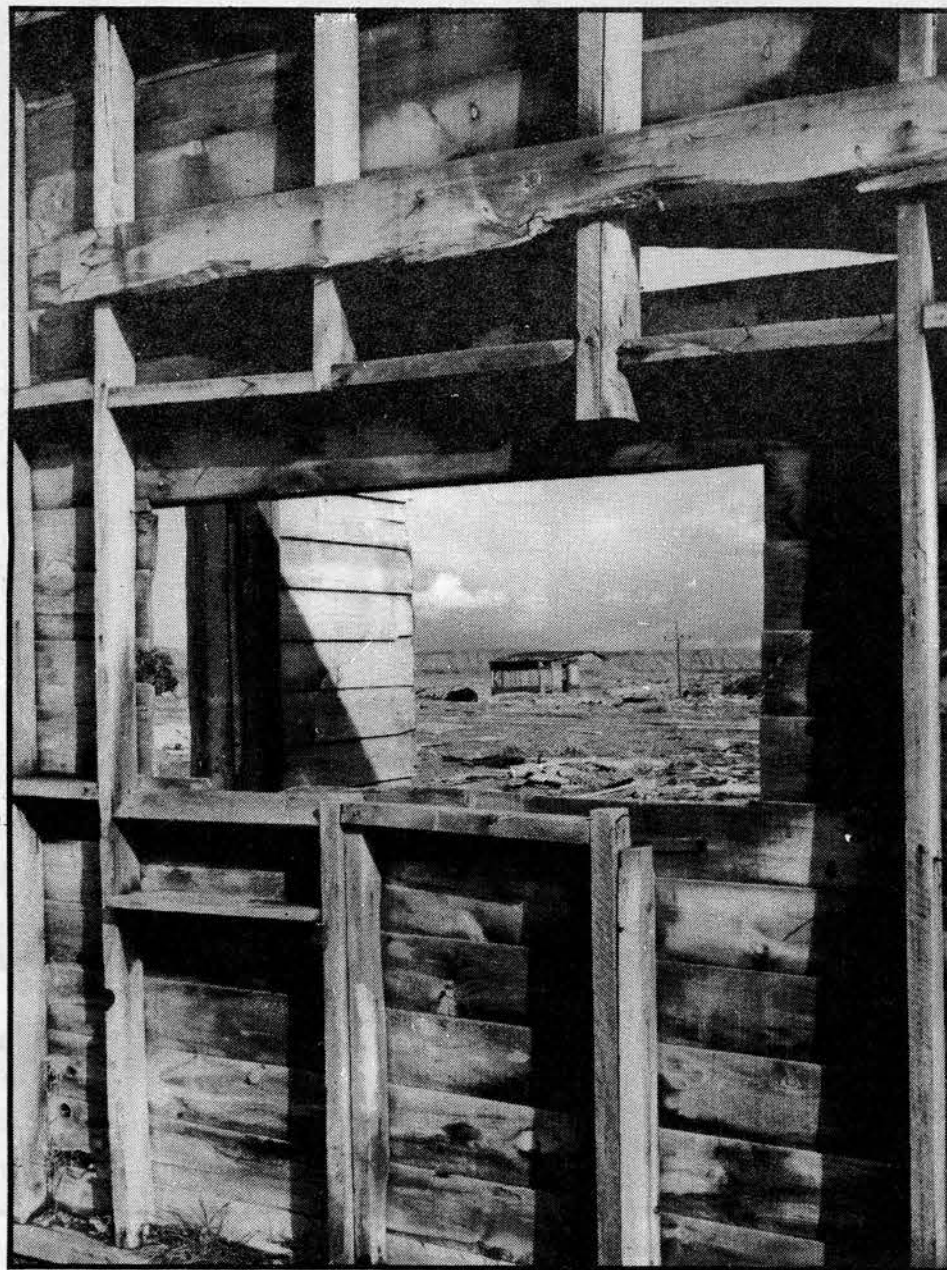
A meaningful experiment — and what can be more meaningful than how we live and work? — first requires a hypothesis. Hypotheses come from infuriating speakers such as Nash and Peña. Experimental procedures can come from humanities scholars such as Lara McCall, from artists such as Roque Barrera. Experimental measurements may come from planner Randy Russell and water lawyer Phil Klingsmith.

The experimental log could be a chronicle kept by writers John Nichols and Stanley Crawford, punctuated by Art Goodtimes.

That's one way to look at it. There are, of course, many other ways. The infuriating delight of the Headwaters Conference is that those speakers and others, brought together by the persuasive powers of George Sibley, force you to examine some of the other ways. ■

Ed Quillen sustains himself in Salida, Colorado, where he writes a regular column for *The Denver Post*.

*The angrier they get you,
the more
they make you think*



Dale Schicketanz

mons that might provide indefinitely if used wisely.

Though no one bothered to define "commons" during 90 minutes of discussion, it appeared to mean community land, available for forage, fuelwood, and the like. In some respects, it's similar to national forest or BLM land, but the difference is that the commons is owned and managed by the community for the community's interest, not by Washington to meet political ends.

This difference is significant. Allen Best, editor of the *Vail Trail*, had been roving before the conference, and found himself at a meeting of People for the West in Questa, N.M.

Best said at least three-fourths of the people at the Questa meeting were local Chicanos, angry at the Sierra Club for attempting to get wilderness designation for land they had been logging and grazing for several centuries.

There's the conflict of paradigms: Sierra Club (preserve it for backpacking) vs. Questa (continue