

11-70

MEDIATION. EPA hired a mediator to settle a dispute between city and county governments in Jackson Hole, Wyo., over a sewage plant. Shown with Merson is Teton County Commissioner Muffy Moore.

2- High Country News — Oct. 6, 1978



COMPROMISE, A LAST RESORT

Dear Folks,

As RARE II (second roadless area review and evaluation) coordinator for Wyoming, coordinator for Alternative W for Wyoming, and regional representative for The Wilderness Society, I wanted to clarify the situation about any possible "compromise" concerning the Overthrust Belt in Wyoming.

1. Your front page article in the Sept. 22 issue left me with the impression that Alternative W embraces the "Hocker Compromise" language. This is simply not the case.

2. Alternative W made enough compromises in the Overthrust Belt without incorporating the "Hocker Compromise language." We did not include all the RARE II lands within the "Belt," but rather concentrated our proposals on the best representative samples of that region.

3. Phil Hocker's proposal was designed as a "talking point." As far as I know, nothing has been signed, sealed or delivered. I personally feel that Phil's proposal would come into play as a last resort, after all official comments are in on RARE II.

4. I do not want to downplay the long hours that Phil dedicated to try to find a solution to a very difficult problem. Phil has done a tremendous job in assisting with the development of Alternative W — with volunteer time.

I was just disappointed to see so much emphasis placed on the compromise when it has no official status and in fact may never happen.

5. There are also a few factual errors in the article. One can hardly consider the West Slope of the Teton to be a controversial part of the Overthrust Belt, when the oil and gas industry's estimated reserves are listed as "zero" in the draft environmental statement for RARE II; furthermore, many of us consider the major portion of the Gros Ventre to be outside the "Belt" with only one or two splinters of the "Belt" penetrating the area. Also, Alternative W proposes only part of the Gros Ventre for wilderness (not the entire area as stated in the article) — we proposed that 370,000 acres of the 435,000 acre RARE II area be designated as wilderness.

Barth Koehler
Laramie, Wyo.

CROSSON RESPONDS:

(Ed. Note: The following is a response by the HCN reporter, David Crosson, who wrote "Conservationist offers remedy for Overthrust Strife," the article referred to in the letter above.)

Mr. Koehler is correct in pointing out that Alternative W does not embrace the language of the Hocker compromise. He is equally on target in pointing out that Hocker's proposal has not been signed, sealed or delivered and has no official status.

These are points, however, that High Country News makes in its Sept. 22 coverage of the issue. In the article, Hocker points out that the compromise proposal is something other than Alternative W — "another step." In fact, Koehler's own sentiment that Alternative W is enough of a

compromise is echoed by Hocker when he calls Alternative W an "extreme concession." Authorship of the proposal is directly (and only) attributed to Hocker. That it is described by HCN as a proposal seems to further suggest its lack of official status. Indeed, Alternative W itself, even though it represents the collective thinking of the Wyoming Wilderness Coalition, is no more or less official in the eyes of the Forest Service than the thinking of citizen Hocker.

As for Mr. Koehler's contention that HCN's article was factually in error, it should be pointed out that nowhere did HCN suggest the specific degree of controversy regarding the West Slope of the Teton. The paper merely pointed out that the area was recommended for wilderness designation as part of Alternative W and, at the same time, falls within the Overthrust Belt region. We probably should have added that the West Slope of the Teton does not appear to be a high priority for oil and gas developers, however.

Mr. Koehler is correct in pointing out that Alternative W does not recommend the entire Gros Ventre as wilderness.

As always, HCN applauds its careful readers.

Report predicts endangered species battlegrounds



Yuma Clapper Rail

Eleven counties in six Rocky Mountain states are among 43 counties nationwide that may have conflicts brewing between endangered species and future energy projects, according to a report by Brookhaven National Laboratory.

Seven endangered species — the grizzly bear, Northern Rocky Mountain wolf, black-footed ferret, humpback chub, Colorado River squawfish, roundfin minnow and Yuma clapper rail — may be in jeopardy in the 11 counties, according to the report, which is a computer analysis prepared for the U.S. Department of Energy.

The Brookhaven researchers say that their estimates of potential conflicts may be low because they made conservative estimates where data on the range of endangered species was sketchy. In addition, only 155 of 201 species designated "endangered" by the U.S. Fish and Wildlife Service are covered by the Brookhaven assessment. Brookhaven intends to expand its analysis to cover "threatened" as well as all "endangered" species and species proposed or under review for such designations. The report also points out that 1,800 plant species are being considered for inclusion on the endangered list, which further increases the prospects for conflicts.

The Endangered Species Act of 1973 requires that the federal government neither

fund nor authorize any project — energy-related or otherwise — that might jeopardize an endangered species or its critical habitat. The law was recently tested and upheld by a Supreme Court decision to stop construction of the Tellico Dam in Tennessee to save an endangered fish, the snail darter.

Brookhaven's analysis is based on what it calls a "conflict index" that geographically overlays, on a county-by-county basis, endangered species' ranges and

energy development proposals. The index includes a "naturalness" factor intended to suggest the degree of conflict likely in an area, based on the level of existing human development. The researchers assumed that additional development in an already developed area will have less impact than a first encroachment in a pristine area.

The Brookhaven report, "The Endangered Species Act and Energy Facility Planning: Compliance and Conflict," is available from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22161, for \$5.25, (printed) and \$3 (on microfiche).



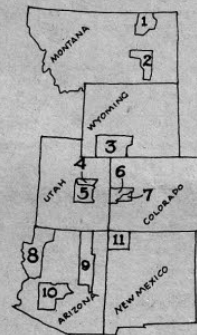
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ROCKY MOUNTAIN COUNTIES where energy development and endangered species are likely to meet head-on include (1) Valley, Mont. (2) Rosebud, Mont. (3) Sweetwater, Wyo. (4) Emery, Utah (5) Carbon, Utah (6) Mesa, Colo. (7) Delta, Colo. (8) Mohave, Ariz. (9) Navajo, Ariz. (10) Maricopa, Ariz. and (11) San Juan, N.M.

Even whooping cranes aren't sacred

Oct. 6, 1978 — High Country News-3

Mortals to designate worthless species and affordable habitat

by Bruce Hamilton
Sierra Club Representative

As Congress considers reauthorizing and amending the Endangered Species Act, it's becoming more fashionable to take potshots at snail darters than to help out whooping cranes.

Once, under the act, species were only classified as threatened or endangered. However, now certain members of Congress appear to be proposing a new classification — worthless. A worthless species is defined as any species that we think we can get along without that happens to make its home in the path of progress.

Once we were barbaric and hunted the passenger pigeon into extinction. But now in our supposedly advanced civilization, we realize the value of checking our actions to protect the biological diversity of the earth.

I think I have more sympathy and respect for the hunters of the passenger

pigeons than I do for decision-makers in modern society who, after lengthy deliberation, would vote to allow the destruction of an entire species. The gunners didn't know they were hunting the pigeons to the point of no return. But today, when we can no longer be excused for our ignorance, the amendments to the Endangered Species Act, in both the House and Senate versions, approve the conscious extermination of species.

We are the only species on earth that has the means to make another species extinct. And now we are legislating a way to unleash that power.

Congress wants to make the act more flexible so that cases like Tellico, where

mockery of the provision to set aside certain vital areas of land, water and air as critical habitat to protect endangered species. While vertebrates would continue to have a critical habitat definable in biological terms, invertebrates would have a critical habitat limited by economic considerations. In other words, if dollars dictate that we can't afford to give an invertebrate species the water that it needs to survive, then the secretary of the Interior can declare that the species no longer needs water to exist. Politicians, no matter how powerful they are, can't change biological necessity, nor should we let them alter ecological order.

While some members of Congress are waging a war on backboneless life, a more daring assault on America's most prominent endangered species is taking place on the Northern Plains. The critical habitat of the whooping crane — the bird that has long been a symbol of this country's concern for endangered species — is in jeopardy.

Even though I disagree with those who would declare the snail darter worthless, I can understand how they might have difficulty appreciating the species' value. But I never imagined there would ever be a bitter controversy over protecting the fabulous whooping crane. Yet, even here developers call for compromise, where biologically there can be none. All across the continent people await the yearly status reports on the few remaining cranes. Did they get to their wintering grounds without a mishap? How many young were fledged this year? Is the foster parent program of placing whooper eggs in sandhill crane nests working?

For all the attention the whoopers receive, they are far from safe. The critical habitat along their migration route in the Northern Plains is in danger. If it is destroyed, it will exterminate the birds as surely as would a barrage of well-aimed bullets.

The U.S. Fish and Wildlife Service, at the urging of the Sierra Club and the Audubon Society, has proposed designating critical habitat on biological grounds as required by the act. But the proposal is under attack from developers who would put their own pocketbooks before the continued existence of the cranes. Recently the Fish and Wildlife Service appears to be



Drawing courtesy of the Sierra Club
Legal Defense Fund

backing off — saying it will probably designate far less land than it had originally proposed.

I must conclude that our society is not so far advanced as a reading of the original Endangered Species Act would indicate. We've made brave resolutions, but we're wavering as we put them to the initial tests. If, under the guise of moderation, we take a step backward now, the earth will be poorer for it.

Call your representative and urge him or her to defend the original act, instead of voting for the weakening amendments adopted by the committee. The House floor vote is next week. While you're at it, write the Fish and Wildlife Service (Department of the Interior, Washington, D.C. 20240) and urge the agency to designate whooping crane critical habitat based on biological facts instead of political expediency.

(Editor's note: News stories on both these issues are on page 4 and 12.)

Guest editorials don't necessarily express the opinions of the staff of HCN.

STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION NOTICE

(Act of October, 1962; Section 4369, Title 39, United States Code)

1. Title of publication, *High Country News*.

2. Date of filing, October 1, 1978.

3. Frequency of issue, biweekly.

A. No. of issues published annually, 25.

B. Annual subscription price, \$12.00.

4. Location of known office of publication, 331 Main St., Lander, Wyoming 82520.

5. Location of headquarters of general business offices of the publishers, 331 Main St., Lander, Wyoming 82520.

6. Names and addresses of publisher and managing editor, Thomas A. Bell, RFD Box 80, Richland, Oregon 97870 (publisher), Joan Nice, So. of Lander, Lander, Wyoming 82520 (managing editor).

7. Owner: *High Country News*, Box K, Lander, Wyoming 82520.

8. Known bondholders, mortgagees, and other security holders owning or holding 1 (one) percent or more of total amount of bonds, mortgages or other securities: None.

9. Extent and nature of circulation:

	Actual No.	Average No.
	This Issue	Each Issue
A. Total No. copies printed	4,200	4,500
B. Paid circulation, 1. Sales		
—dealers and counter sales	450	500
2. Mail subscriptions	3,358	3,300
C. Total paid circulation (A+B)	3,808	3,800
D. Free distribution — samples	188	175
E. Total distribution (C+D)	3,996	3,975
F. Copies not distributed		
1. Office use, left over	54	300
2. Returns from news agents	150	225
G. Total (E+F)	4,200	4,500

I certify that the statements made by me are correct and complete.

October 1, 1978

Jazmyn McDonald



the snail darter stopped a dam, are avoided in the future. The idea of flexibility appeals to me on a theoretical level, but my fascination soon fades when I realize that what is being proposed is morally wrong. Flexibility is a euphemism for giving a panel of political appointees the power to reshape life on earth. The panel would decide if the benefits of a proposed government action outweigh the benefits of preserving an endangered species. The emphasis of the endangered species program has shifted from defending the diversity of life to weighing its economic value.

The existing act has enough flexibility. Over 99 percent of the potential conflicts have been resolved through consultation to the satisfaction of developers and endangered species protectors. The act doesn't need more flexibility, but maybe development plans do.

Another provision of the bill the full House will consider next week declares that vertebrates — animals with spinal cords — are more worthy than invertebrates. "Independent populations" of endangered invertebrate subspecies no longer would be protected under the law.

The House committee bill also makes a

High Country News

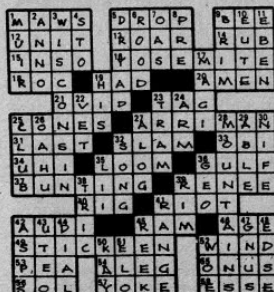
Published biweekly at 331 Main, Lander, Wyo. 82520. Telephone 307-332-4877. Second class postage paid at Lander.

Publisher Thomas A. Bell
Managing Editor Joan Nice
Associate Editor Jazmyn McDonald
Office Manager Dan Whipple
Contributing Editors Peter Wild, Philip White, Hannah Hinchman, Sarah Dell, Joanne Shaw

Correspondent Staff Artist
Editorial Assistant Circulation Manager

Subscription rate \$12.00
 Single copy rate 50 cents

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THE SOLUTION. If the puzzle we published in the Sept. 22 issue left you wondering, here's how the blanks should have been filled.

Coming Soon!
(we hope)

An inside look at the Feds
... an in-depth series on public land management and the agencies that are supposed to act in your interest — do they? Watch for our upcoming look at the National Park Service.

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 thank you!

4-High Country News — Oct. 6, 1978

Committee adds 'flexibility' to Species Act

by Bruce Hamilton

The House Merchant Marine and Fisheries Committee has unanimously approved H.R. 14104, the Endangered Species Act amendments. The bill includes a controversial provision that provides some exemptions from the section of the present law that forbids federal projects jeopardizing endangered species.

House floor action is expected next week. The Senate has already passed similar legislation.

The House bill sets up a two-tiered exemption procedure. A review board would screen projects proposed for exemptions and then present its recommendations to a six-person Cabinet-level endangered species committee for final deliberation. For approval, four of the six members would be required to vote for exemption.

In the Senate version, there would be no review board, the committee would have seven members, and at least five members would have to approve the exemption.

The committee-passed House bill is a compromise between a stronger version proposed by Rep. John Dingell (D-Mich.) and Rep. Edwin Forsythe (R-N.J.) and a weaker version proposed by Rep. Robert

Leggett (D-Calif.) and Rep. David Bowen (D-Miss.).

Dingell, one of the fathers of the five-year-old act, didn't want to have the act amended at all, but he "sensed that the mood of Congress was very negative now," a Dingell aide says. The aide attributed the congressional mood to the recent Supreme Court decision that halted the Tellico Dam in Tennessee because it would have harmed the endangered snail darter. "Dingell conducted a poll and only 95 of the 435 House members were for no amendments to the act," the aide says.

Michael Bean of the Environmental Defense Fund says his organization doesn't like either the House committee or the Senate amendments and would prefer to see the act remain intact. However, since amendment seems inevitable, EDF plans to work to strengthen the bill on the House floor and in conference committee by deleting some of the most damaging provisions. He says this will be difficult because Dingell, "who was our champion in committee," has signed on to the committee compromise and so will be "unavailable to lead a floor fight to strengthen the bill." Bean says there are "many blood-thirsty opponents of the Endangered Species Act" waiting for House floor action.

With so little time left before the end of the session, Bean says the House may not act on the amendments at all. Since the Endangered Species Act will expire this year, he says the Congress should at least extend the present act until it can take up the matter next session.

Under the House committee bill, the federal agency involved, the governor of the affected state or the permit applicant must file a request for exemption with the review board. The board would consist of an appointee of the Secretary of the Interior, an appointee of the governor of the affected state and a third member appointed by the other two members.

The review board would determine whether the project proponents have consulted with the U.S. Fish and Wildlife Service to try to avoid conflict, whether a biological assessment of the endangered species has been conducted and whether the developer has made any irreversible or irretrievable commitments of resources. All three requirements must be met.

The board then would conduct a full adjudicatory hearing to see if there are any feasible and prudent alternatives, if the benefits of the development clearly outweigh the benefits of alternative courses of action taken to preserve the species, and if

the development is of national or regional significance. To gain an exemption a project also must pass all these tests.

The hearing record and a review board recommendation would then be sent to the endangered species committee for a final decision.

Bean says the review board should screen out projects that have not gone through all the hoops necessary to be considered for an exemption but should not make a recommendation on the remaining projects. Instead, an impartial hearing record should be placed before the committee for deliberation, Bean says.

Bean also feels the exemption process should be tightened up. He prefers the Senate version, where only the federal agency can request an exemption, to the House committee version, which would also allow the governor or the permit applicant to apply.

Rob Thornton, counsel for the House subcommittee on fisheries, wildlife conservation and environment, says the committee members decided to broaden the Senate version because the federal agency may not be sufficiently involved in a project to want to request an exemption in its own behalf.

Other significant provisions of the House bill include:

—Invertebrate species would be given less protection than vertebrate species. The secretary of the Interior would study the economic implications of designating critical habitat for invertebrates and could alter the proposed designation if he determines that the benefits of exclusion outweigh the benefits of the designation.

Bean calls this provision "very damaging." He says critical habitat designation should be a biological decision, not an economic one. "Make a biological assessment of critical habitat and let the chips fall where they may," he says. "Then if economic factors should be brought into play they can be through the exemption process."

A committee staff member says this provision was adopted to give the secretary of the Interior greater flexibility. "Also, the members of the committee who supported the provision were less concerned about protecting invertebrates and plants than they were about protecting vertebrates," the staff member says.

—Independent populations of subspecies of invertebrates would no longer be regarded as separate species that warrant protection.

—Developers in critical habitat would be required to take mitigation and enhancement measures including purchase of alternative habitat, captive propagation and release, and transplanting. These measures are to be added to the project costs.

—When a species is listed as endangered, its critical habitat would be listed concurrently.

—The courts would be required to expedite the review of exemption cases by giving them preference over other cases. Objections to exemption decisions would have to be brought in the district court in which the project is proposed.

"This provision will be a severe handicap to public interest groups," says Bean. He feels many district courts are beholden to local economic interests and that a fairer hearing may be had outside the project area.

Thornton says the provision was put in "to get environmental lawsuits out of the District of Columbia." He says the D.C. court is generally more sympathetic to environmental suits than other district courts.

Judge halts Wyoming dam. . .

(continued from page 17)

project earlier. The National Wildlife Federation, the Nebraska Wildlife Federation and the National Audubon Society joined Nebraska as plaintiffs and later sued the Corps. In March 1978 the Corps had issued a dredge and fill permit for the dam on the Laramie River, a tributary of the Platte.

Later this year the Interior Department designated the Big Bend area of the Platte River in central Nebraska "critical habitat" for the whooping crane, an endangered species. About 70 cranes migrate between the Aransas National Wildlife Refuge in Texas and the Wood Buffalo National Park in Canada's Northwest Territories, using the area of the Platte between Lexington and Shelton, Neb., as a stopping place.

The area also is a nesting place for more than 200,000 sandhill cranes.

The Platte River Ecology Study, an Interior Department examination of the requirements for wildlife on the Platte, isn't scheduled for completion until October 1981.

Patrick Parenteau, an attorney for the National Wildlife Federation, argued in Urbom's court in August that the Platte is at a crossroads, already having lost 70 percent of its flow over the years. He said the Corps failed to assess the harm the project would cause the Platte's flow.

"The site, size and design (of the dam) were made long before the federally-required reviews were done," he said.

Corps attorney Fred Disheroon testified the Corps "took full account of the environmental effects to the extent that the information was available" and "has done everything possible" to ensure the dam will not harm wildlife. He said the Corps would be bound by whatever conclusions are made by the Platte River Ecology Study.

David Palmerlee, an attorney for the Powder River Basin Resource Council, said the dam's effect on groundwater supplies would be "devastating" to the residents of Platte County. The council, a group of Wyoming ranchers, intervened on

Nebraska's side in the suit.

Urbom ruled REA's final environmental impact statement was inadequate. He ruled the conclusions of Col. James W. Ray, the Corps' district engineer, "were arbitrary and capricious" and constituted an "abuse of discretion."

Urbom ruled REA's environmental statement failed to:

—adequately describe the project's effect in light of other proposed irrigation projects in Wyoming and Colorado and groundwater pumping in Nebraska. The Bureau of Reclamation has proposed building the Narrows Dam on the South Platte River in Colorado.

—discuss the alternative of delaying the project until the Platte River Ecology Study is completed.

—discuss the project's effect on fisheries and the canal and reservoir system down-

stream from Lake McConaughy in Nebraska in the event the project causes the lake to go dry.

—describe the project's effect on Nebraska's groundwater and farming.

Urbom also ruled REA "failed in its obligation under the Endangered Species Act to consult with the secretary of the Interior" and "to take action necessary to insure that the Missouri Basin project does not jeopardize the continued existence of the whooping crane or result in the destruction or modification of its habitat."

Cranes roost on submerged sandbars in the river for protection from predators and other disturbances. Lowered flows allow vegetation to grow on the sandbars, which drives away the cranes, according to Gary Krapu, project leader of the Platte Study.

Basin Electric spokesman Curtiss said about 2,150 persons work for the cooperative's contractors and subcontractors at the project. Of these, 165 were working on the dam the day that Urbom's order was issued.

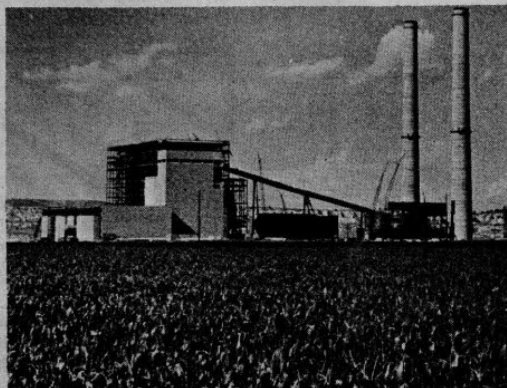


Photo by Mike McClure

CONSTRUCTION of the power plant at Wheatland, which is more than one-fourth complete, will have to depend upon private financing until the Rural Electrification Administration complies with the judge's requirements.

Alan Merson...

(continued from page 1)

subsequently won Class I protection for its air, tribal leaders had little hope EPA would stand up for them against Montana Power Co. and the other Northwest utilities proposing the expansion. But EPA's analysis of data showed that the two units could not be built without degrading the tribe's air over the legal limits, so Merson turned down the applications.

Following the decision, there was a flurry of protest and ultimately an appeal by the power companies that is pending before the Ninth Circuit Court of Appeals. The Northern Cheyenne tribe intervened on EPA's side.

"Almost everybody else in the whole world — every major interest group in Montana and the Northwest — opposed the decision," Merson says.

"He reminds me of a small town editor. He knows that he'll get in trouble for saying something, but he says it anyway."

Merson says however, he had the support of EPA in Washington and the administration for both the Foothills and the Colstrip decisions. "He didn't have a lot of choice — he was reacting to the technical information of the staff," one EPA employee points out. In fact, he says, the Foothills letter was drafted before Merson was appointed. Merson just signed it. However, the employee says different decisions could have been made for political reasons if the administrator had been vulnerable to pressure.

Not only has Merson stood firm on these two decisions, but in speeches he is an unabashed champion of environmental protection, who makes few concessions to the biases of his audiences. One EPA employee says that staff members entertain each other with stories told in horrified tones: "Oh my gosh, look what he said what to."

A man who worked on Merson's campaign for U.S. senator in 1974 says, "He's a gutsy guy. He reminds me of a small town editor. He knows that he'll get in trouble for saying something, but he says it anyway — because it's right." The man was surprised that Merson was appointed. "But I couldn't think of anyone better," he says.

He and other former campaign workers

"When he gets this adverse publicity, he grits his teeth and gets a big grin on his face."

suspect that Merson enjoys being involved in controversy. "He likes to be at the center of things. I would imagine that when he gets this adverse publicity, he grits his teeth and gets a big grin on his face," a campaign worker says. Others say that this reputation may make it difficult for him to play a leadership role in building coalitions.

Merson says he prefers compromise to confrontation. "I'm always open to changing my point of view — but not just because powerful people oppose something. You can accomplish more through sitting down

and negotiating," he says.

For example, he says EPA hired a mediator who settled a dispute between city and county governments in Jackson Hole, Wyo., over a sewage plant. In Sterling, Colo., city officials complained to Merson that his agency had interpreted regulations on sewage treatment too strictly. Merson had his staff check into the situation and decided that the protest was warranted.

"My test is, 'Is it good for the environment?'" he says, explaining that he's not going to insist on a certain way of doing things just because that's the way it was done before. But on the other hand, he's not going to compromise on something that's important for the environment.

Whether or not Merson enjoys controversy, he's often been involved in it. "He's always been a rabble rouser," a former campaign worker says. In the 1972 primary election, he alienated many of the hard-line party Democrats by defeating a Democrat who had kept the Republicans out of the House seat for 12 terms — Wayne

Aspinall. Environmentalists, on the other hand, were delighted with Merson's coup, since Aspinall was on their "Dirty Dozen" list of congressmen with the worst environmental voting records. As chairman of the Interior Committee, Aspinall was responsible for initiating most of the water projects that Colorado environmentalists are fighting today, according to Robert Weaver of Trout Unlimited.

Merson was not well-known in the state in 1972. Those who did know him knew him as an environmentalist. He had taught law from 1969 through 1972 at the University of Denver, had run a consumer action program in Ohio, and had worked with the Alaska Community Action Program.

Merson's victory in the primary was credited largely to Aspinall's environmental reputation and his age (he was over 70).

Merson lost the general election to the Republican candidate, Jim Johnson, who was considered more conservative. Merson was also beaten by more conservative candidates for the U.S. Senate in 1974, when Gary Hart won the Democratic primary. Merson was considered the top environmental candidate in that race, but he was thought to be "tilting at windmills."

He came in fifth of the six candidates in the primary, but he did attract attention with his "off-beat charisma," according to one campaign worker. All the delegates to the Democratic convention from Boulder were won over by a single environmental speech predicting many of the water supply problems that Denver is facing today.

"We would have been punishing him if we elected him," the campaign worker says, explaining that there is a "small town-ness" about Merson, an orientation toward a "small-is-beautiful" philosophy. There also has been some speculation among former cohorts about whether Merson could be a happy bureaucrat.

Merson admits that he had reservations about taking the EPA job. In fact, he says, he supported another person for the appointment.

However, he believed it was important to have some new leadership in EPA. He says the agency had missed some opportunities to dramatize issues. "This is a critical time, especially in the West, and EPA could play a pivotal role. I decided I'd rather be here and involved," he says.

In addition to tackling the key issues,

Merson also is trying to change EPA's approach to problems. "I believe in decentralization. I don't believe EPA ought to be dictating to the local people how to live," he said at a meeting in North Dakota.

He thinks EPA has a reputation as an arrogant agency that doesn't have to explain anything it does and that is always involved in "nay-saying."

Merson has been meeting with elected officials, chambers of commerce, environmentalists, farmers and ranchers, and mining interests in towns throughout the region. "It gives people a chance to take a potshot at a previously faceless bureaucrat," says Rich Lathrop of Merson's public relations staff.

Merson met with residents of southern Utah who are angry with the agency because of its role in discouraging construction of the Kaiparowits power plant. "These people don't want a power plant necessarily. They want jobs," Merson says. Ideally, he says, the agency would work with other federal agencies to find them economic alternatives. However, he finds it very difficult to get federal agencies to work together.

"We usually come in at the eleventh hour when people are already at each other's throats," Merson says. Now EPA, at both the national and regional levels, is trying to get information out to people who might be affected by certain decisions, tailoring the information to their needs.

Sometimes Merson's eagerness to meet with the public and his spontaneity create problems. On a recent trip to Utah, he impulsively accepted Kennecott Copper's invitation to visit its mine, which made him miss an appointment with government officials. Back in the office, with a full calendar, he'll get carried away with one appointment. "I don't know whether he's too polite or too interested," a staff member says.

Merson maintains the same atmosphere of accessibility and spontaneity within the agency. He holds brownbag lunches for employees to air their complaints directly to him. When he meets a staff member in

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Photo by Sheldon Green

INFORMAL. The unstructured, informal way that Alan Merson operates has created some problems for staff members.

the hall, he's likely to ask for a briefing later in the day. The person has to drop other plans for the moment and put together an informal report. "He has a good mind to pick up on things. If you're not prepared, you will be next time," a staff member says. While this informality has created some friction, staff members generally seem to feel that they can express their concerns readily.

An idealist, with many dreams for the region and for the EPA, Merson is not expected to realize all of them. However, a Colorado political analyst says that Merson already had an impact on the region. Through his Foothills decision alone, "He's brought more life to the environmental movement of the West than anything in recent years."

2,4,5-T fires nationwide controversy

Controversy concerning the herbicide 2,4,5-T is firing up this fall. The chemical has been used extensively on agricultural and forest lands to control broadleaved weeds and hardwood trees, but has recently been linked to human illnesses, birth defects, and animal losses. (See HCN, 2-24-78.)

The National Wildlife Federation has asked the Forest Service to suspend usage of 2,4,5-T during a study of its safety. The study of the herbicide and the poisonous dioxin it contains is being carried out by the Environmental Protection Agency. Involved are eight women in Oregon who miscarried after exposure to the spray. The conservation group has questioned the legality of the poison's use on national forest lands because of a 1970 EPA ban on its use near recreation areas.

Environmentalists were cheered by new herbicide guidelines issued Aug. 10 by Assistant Secretary of Agriculture Rupert Cutler. The guidelines said that no spraying of 2,4,5-T on national forest lands was to take place within one-quarter mile of streams or one mile of houses. At that time, Cutler also rejected a spraying proposal for the Rogue River National Forest in Oregon that violated the new guidelines.

However, in early September, after criticism from Oregon's Gov. Robert Straub, Cutler backed off and announced that spraying would be allowed within 200 feet

of streams. Conservationists claim that, due to spray drift, 200 feet amounts to no buffer at all. The Rogue River spray program is being reconsidered in the light of the relaxed standards.

Sen. Gaylord Nelson (D-Wisc.) has introduced a bill (S3365) to ban the use of 2,4,5-T. Rep. Don Edwards (D-Calif.) asked Agriculture Secretary Bob Bergland to halt its use on national forest lands until it has been studied more completely.

A "Spray Day" demonstration was held at the EPA office in San Francisco protesting the use of chemical herbicides.

Congress passes Indian Peaks bill

The Senate has approved by a voice vote the Indian Peaks Wilderness and Arapaho National Recreation Area bill. Similar legislation has already passed the House. The bill creates a 70,000-acre wilderness and a 32,735-acre recreation area south of Rocky Mountain National Park in Colorado. (See 9-8-78 HCN, page 4.)



6-High Country News — Oct. 6, 1978

Congress howled with derision

Schurz preached conservation to a profligate nation

© 1978 by Peter Wild

Bayonets at the ready, sailors rushed ashore at Manistee, Mich., and began seizing bewildered citizens.

Earlier in the year of 1853 the government had sent an agent to the backwoods town to investigate reports of timber thefts from public lands. When he impounded stolen logs, the populace threatened to hang him. He escaped, but one of his assistants lost his life in the brawl. In turn the government took its measure of revenge by sending in the Navy to arrest the rioters.

Despite its drama, the story is not one for the annals of conservation victories. The subsequent outcry over government interference so rocked the nation's capital that the commissioner of the land office lost his job.

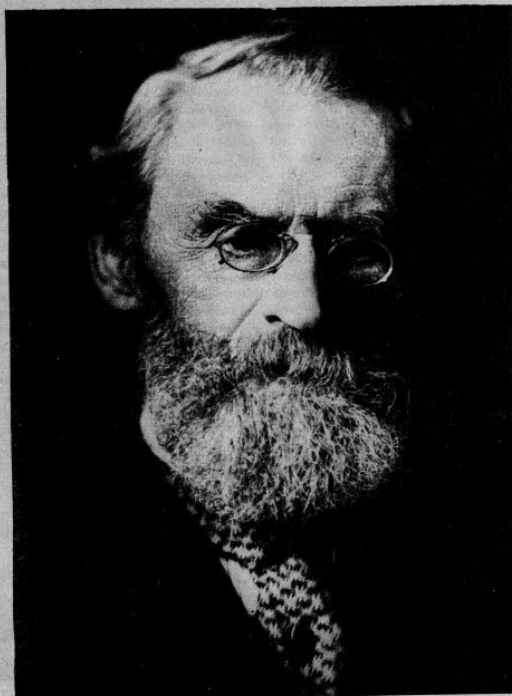
What makes the vignette extraordinary is that the government tried to prevent timber thefts in the first place. Up until the beginning of this century, settlers simply took what they wanted from the land. In the 1900s, timber corporations confirmed popular attitudes on a large scale as they cut swaths across Maine and the Northern Lake States, then leapfrogged the plains to begin work on the thick growth of the Pacific Northwest. They are "not merely stealing trees, but stealing whole forests," said Carl Schurz.

The continental busyness was not without its consequences. Farmlands eroded, silt filled rivers, and timber became scarce. Deer, bear and turkey all but disappeared from east of the Mississippi.

Most people ignored the radical changes in the face of their country. But there were exceptions. President John Adams railed against those appropriating public resources "with the thirst of a tiger for blood." As early as the 1830s artist George Catlin proposed the idea of national parks to protect the "pristine beauty and wildness" of the frontier. Back in Massachusetts, Thoreau groused eloquently about abuses to his beloved woods. While the country was preoccupied with the Civil War, Vermont George Perkins Marsh was warning that the nation would bring itself to economic ruin by dismantling the fabric of its land.

But the isolated voices swayed few in a nation about to enter the free-wheeling days of the Gilded Age. What was needed to put the ideas of Marsh and others into practice was a leader in a position to make sweeping changes.

Estimates of Carl Schurz's role in this huge endeavor range to the extremes. One writer laments that he "got almost nowhere." Another offers him an accolade as "the father of the conservation movement." The difficulty arises because Schurz's contributions were unique, yet not immediately successful. His tenure as secretary



Courtesy of The New-York Historical Society, N.Y. City
CARL SCHURZ. In a time when settlers simply took what they wanted from public lands, he pushed a conservation ethic.

of the Interior Department marks the first comprehensive attempt at government involvement, not only with a rational forest policy but with an ethic of care for all land. As with most first attempts at sweeping reforms, Schurz's did not take hold on the initial try, but it outlined the pattern for the future of conservation.

The entire public career of German-born Schurz had a single aim: to bring the world around him in line with the democratic ideals and sense of justice learned in the rough-and-tumble school of revolution. The liberal spirit sweeping Germany during 1848-49 propelled him out of the classrooms of Bonn's Frederick William University and into the streets as a militant student leader. His adventures during the next couple years of "wild, if somewhat aimless, enthusiasm" have aspects of a comic opera. Young Schurz escaped Prussian soldiers by dashing in and out of sewers while clutching an ancient pistol in one hand, a bottle of wine in the other. He conceived intricate plots involving disguises and invisible inks, and in a breathtaking escapade he rescued a beloved professor from prison.

The revolution failed, but not Schurz's deep commitment to ideals. He joined fellow forty-eighters, as they were called, in seeking a fresh start and political freedom in America. In 1852, at the age of 23, he and his new wife sailed into New York harbor. "With the buoyant hopefulness of young hearts," as he later described his enthusiasm, "we saluted the new world." Schurz couldn't speak English, and he had no trade or profession. Yet, as was not the

case with many immigrants disembarking full of hopes, the new world returned his salute. His revolutionary exploits, often told with emphasis on the swashbuckling details, had preceded him. Wherever he went, German-Americans welcomed him as a hero.

The fame gave a needed boost to a serious but amiable young man who soon decided on a political career in his adopted land.

They are "not merely stealing trees, but stealing whole forests."

And the advantage didn't go unnoticed by a newly formed Republican Party trying to woo converts from the Democratic opposition. For a home base Schurz bought a farm in Watertown, Wisc., and plunged into state politics. A year later, in 1857 — when Schurz was not yet 30, not yet even a U.S. citizen — he made a bid for lieutenant-governor. He lost by a mere 107 votes, a sign of his early popularity and rapid climb up the political ladder. Soon Schurz was a fiery orator capable of humor, irony, and moral earnestness in two languages, on his way to becoming the arbiter of the nation's large German-American vote.

Given his revolutionary background and dedication, it is not surprising to find him embroiled in the anti-slavery controversies that led to the Civil War. Schurz charged about the country, often at his own expense, bolstering the cause as the major

issue in the presidential race. Eastern newspapers reported his anti-slavery speeches and welcomed him to national prominence. A ringing sense of moral right was his political trademark, whether in the issues of individual freedoms, Indian policy or conservation. In Schurz's mind all concerns of government were linked to the overall issue of justice.

Schurz's crusade probably threw the election Lincoln's way. And for the rest of his life the former revolutionary remained a potent force in nearly every presidential election. In the meantime, Abraham Lincoln appointed him minister to Spain. Actually, he wanted the ambassadorship to Italy, but his revolutionary background lost him the sensitive post. (It was happily taken, it might be footnoted, by another future conservationist, George Perkins Marsh.)

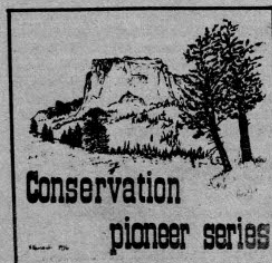
But the doddering court of Queen Isabella couldn't hold him. With the news of Bull Run and subsequent Northern reversals, Schurz returned home to become a general in the Union Army. His regiments fought through some of the worst carnage: the second battle of Bull Run, Chancellorsville, Gettysburg. Schurz's military courage matched his political toughness. To rally his troops he strolled along the front lines, puffing a cigar through the flying bullets. Yet he hated war and later refused to use his military service to political advantage.

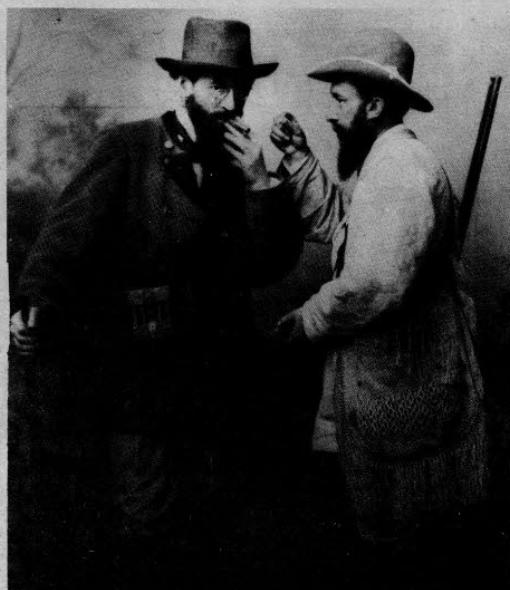
In any case, by middle age he faced a secure future. For the rest of his life he served in important capacities, as a U.S. senator, then as editorial writer for such publications of national influence as the *New York Evening Post*, the *Nation* and *Harper's Weekly* — all the while lecturing and analyzing American politics, "planning how society and the world could be improved." He wrote two outstanding books on American history, *Abraham Lincoln and the Life of Henry Clay*, as well as his own readable *Reminiscences*. He fought for decades to establish the Civil Service in place of the patronage system.

As a reformer, Schurz was ahead of his time. The progressive impulse — the reaction against the great baroque of America's resources — simmered under the surface of American politics for years before coming to a boil in the popular movement led by President Theodore Roosevelt. In the meantime, fellow politicians gnashed their teeth over Schurz's dedication to issues rather than to party loyalty. The former revolutionary saw no inconsistency in bolting from one party to the other, even in supporting a third party. "I am," he said in opposing the corrupt administration of President Ulysses Grant, "going to have the luxury of doing what I think to be right."

The sense of moral rightness can set traps for the lone messiah. Schurz's tongue was sharp, perhaps too quickly stinging back at politicians who slurred him as a "cowardly Dutchman" and a "loud-mouthed" reformer. As would be true some years later of another forest lover, Gifford Pinchot, his self-confidence compelled him to give gratuitous and sometimes unwelcome advice. Yet in the balance these were picaresque flaws; for the most part he was one of those rare individuals capable of living according to the high standards he set for others.

Mark Twain, an expert at sniffing out human pretense, praised his "blemishless honor." The quality maddened his many enemies. At one point they hired detectives





Courtesy of The New-York Historical Society, N.Y. City
SCHURZ'S pleasures included literature, walks in the woods and occasional dances. To his opponents' despair and dismay, he was just what he appeared to be — a plain-living and high-thinking man.

(continued from page 6)

to find some defect in his personality, some taint of scandal they could use to bring Schurz down to their level. The sleuths reported back that Schurz's pleasures included literature, walks in the woods and occasional dances. He loved nothing more, however, than to spend an evening playing the piano while friends and family sang. He was, to his opponents' despair and dismay, just what he appeared to be — "plain living and high thinking."

In 1877 President Rutherford B. Hayes named Schurz his secretary of the interior. For four years Schurz grappled with the spoils system and fought for justice for the American Indian. As for conservation, concerns had been building for years, but so far they lacked focus. Such organizations as the American Forestry Association were sounding alarms for a rational policy toward woodlands. Individuals prominent in the public eye — the Sierra naturalist, John Muir, architect Frederick Law Olmsted; and the renowned explorer of the Grand Canyon, John Wesley Powell — were condemning the waste of the country's natural heritage. In writer Michael Frome's words, they found earnest support from a handful of "bird watchers and flower growers, scholars and poets afflicted with an irritating determination to nag the public conscience." Schurz's new policies shocked, in some cases amused, a Congress still dedicated to spending natural treasures as quickly as possible, but they helped unite the disparate voices. In one leap through public apathy, Schurz brought the cause to the fore as a national issue.

Conservationists often point to the enlightened forest programs he proposed while a cabinet member. The praise is well aimed, but it falls short of the mark. What Schurz pushed to the center stage was not only the beginnings of a formal land use management plan for the entire public domain, but a comprehensive ethic of care and appreciation for all nature. Further, as editor and lecturer he kept the issues before the public long after he stopped nagging Congress through attempted policy

changes and annual gadfly messages from the secretary's office.

As to forestry, he had two specific goals: preservation and restoration. To stop the rampant exploitation, he urged Congress to set aside forest reserves. They would be administered by a professional, uniformed forest agency, which would select timber to be sold. At the time, millions of forest acres lay devastated — the result of the prevailing "cut and run" ethic. In addition, man-caused fires annually destroyed even more timber than was being stolen. The unchecked conflagrations often left frontier farms and communities in ashes. Schurz pointed out the necessity for fire protection and reseeded in order to stop the waste — to stop erosion, prevent floods and insure

steady supplies of water and timber for the future. He further urged that Congress amend the homestead laws so that the advantage would shift from the land-grabbing timber barons and ranching corporations to individual settlers. And, acknowledging that his proposals moved into a new area of government responsibility, he capped off the recommendations by asking for a commission to study how his plans might be changed to insure the greatest good for the nation.

Schurz's background needs to be kept in mind. He had grown up where forest husbandry had been a way of life since the late middle ages, where abuse of the environment was considered murder of "future prosperity and progress." Yet he was also a German romantic, a lover of wild nature. At the time, the country had one national park, Yellowstone — one place that excluded the hunter, miner and logger. Through some of the worst years of waste, he helped keep the park idea alive by pleas to preserve the redwoods "as an illustration of the magnificence of the grandest of primeval forests."

But Schurz's sensitivity is perhaps best shown by his attitudes toward the arid regions — those vast stretches making up most of the American West but even less understood than the country's forests. Explorer John Wesley Powell was on the verge of poking a large but not fatal hole in the myth of the West as a bountiful garden requiring only the touch of the plow and a casual sprinkling of seeds to make it bloom. Powell told Congress what any sensible man could see for himself — that the West was a dry place. Patterns of settlement successful in the humid East would not work there. Because of sparse rainfall, the West was fragile. Grasslands easily slipped into dust flats if not carefully managed; crops blew away, followed by the soil. Yet the land could be fruitful if Congress changed the homestead laws, if agriculture were carried out on a cooperative basis — and if water were husbanded as a precious, life-giving resource.

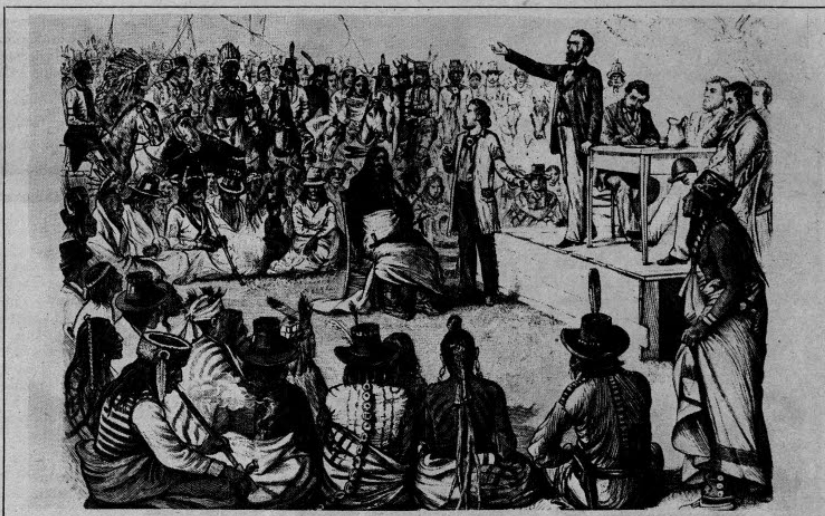
As Powell's boss, Schurz signed the letter of transmittal recommending the report to Congress. But more importantly, and perhaps coached by Powell, Schurz included the essentials of the arguments in his message to Congress the year before the publication of Powell's *Report on the*

Oct. 6, 1978 — High Country News-7
Lands of the Arid Region in 1878. The attempt to soften up the target failed. Congressmen — and the bankers, land speculators and railroad men who supported them — howled with derision.

Despite the frustrations, Schurz could show some practical results. Congress warily avoided passing new laws, but under those already on the books he managed to send agents into the field who either arrested timber poachers or forced them to pay for stolen logs. His department pressed suits that, in the secretary's words, "stopped the depredations on the public lands to a very great extent, and, if continued, will entirely arrest the evil." And, in what should have gladdened the hearts of congressmen, his vigorous prosecutions brought in a net gain to the treasury. Congress, however, was not gladdened by the fledgling forestry. Instead, Speaker of the House James G. Blaine — with one eye over his shoulder at the timber magnates who kept his campaign coffers full — fumed at Schurz as "outrageous and un-American." Sensing the direction of the wind, Congress proceeded to cut the department's budget for timber agents in proportion to their successes.

Time has vindicated Carl Schurz. Almost all his conservation programs have come — and are coming — to pass. In 1891 Congress authorized the first forest reserves, the germs of our present National Forest System. In 1896 it funded the National Forest Commission. Urged by the progressive leader Theodore Roosevelt — who used arguments learned from Carl Schurz 25 years earlier — it created the Forest Service in 1905, a year before Schurz's death. Since then reforestation has become an accepted, if still underfunded, program. The national parks have continued to expand in size and number, though only in 1978 did the redwoods receive sufficient acreage for viable protection. As far as the desert heritage goes, the country is only now beginning to grasp the wisdom of what Powell and Schurz told the nation 100 years ago.

Speaking of the early government campaigners, former Secretary of the Interior Stewart Udall observes that "As reformers, they lost. As land prophets, they won." Their prophecy sounded the call to arms for younger politicians who set the course for today's conservation.



AS SECRETARY OF THE INTERIOR, Schurz fought for justice for the American Indian. Here, he is shown ad-

Courtesy of The New-York Historical Society, N.Y. City
dressing Indians on the Rosebud River in Montana.

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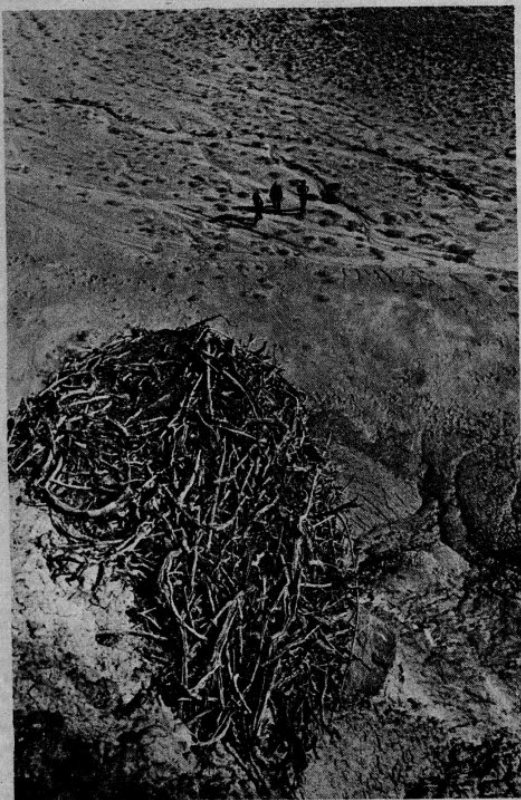
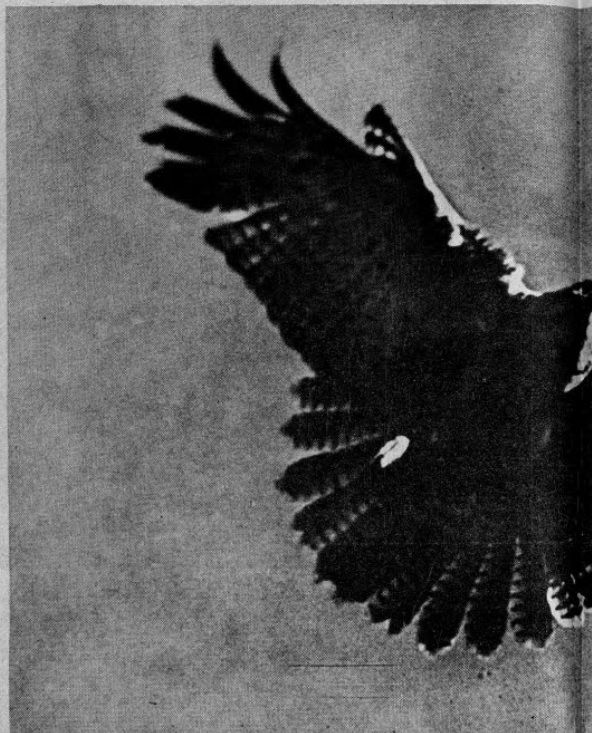


Photo by Mike McClure
NESTS are large and are built by both sexes. This one is high above the floor of the Red Desert in Wyoming.



RED-TAILED hawks have fan tails and are skilled at sparring.

It floats like a



Denver Public Library photo
SMALL MAMMALS, snakes, fish, insects, birds and lizards all are eaten by red-tailed hawks.



by Thomas M. Jenkins

he red-tailed hawk floats like a leaf in silent circles, waiting. For the unwary creatures of the open meadow, his wait may end in deadly surprise.

The most adaptable buteo (broad-winged) hawk, the red-tail ranges from Alaska and Canada to Central America. It is absent only from the northern tundra regions and rare in unbroken forests. It normally prefers mixed country of open pasture, fields and foothills. In the Rockies, red-tails can be found from the plains up to the alpine regions.

Powerful and graceful, this hawk is broad-winged, fan-tailed and usually light-colored. It is about 19 to 25 inches in length and weighs 45 to 56 ounces. Its wingspread is 40 to 50 inches. As is the case with all hawks, the female is larger than the male.

The eyes of the red-tailed hawk are one of its most highly developed tools. They can detect the scurry of a meadow mouse a hundred yards away. Red-tails have both monocular and binocular vision, but the

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Denver Public Library photo



Female red-tailed hawks are larger than males. The female does most of the incubation.

Photo by Charlie Farmer

leaf in silent circles ~ waiting

monocular vision is particularly functional for hunting.

With the ability to spot prey at great distances, the red-tailed hangs in the sky for hours. Floating on updrafts, usually about 100 feet above the ground, it soars in slow circles, effortlessly, at times without a single flap of its wings. Not as fast as a falcon or accipiter hawk, the red-tail and other buteos excel at soaring. Usually it flies at a speed of 35-40 miles per hour, but can dive at 100-120 mph when necessary. (A falcon's dive can reach a velocity of more than 200 mph.)

The aerial courtship of the red-tailed hawk is an impressive spectacle. As high as a thousand feet in the air, the male can be seen drifting in lazy, widening circles. Then suddenly he dives at the female flying far below him. Just as he reaches her, she rolls over gracefully and extends her talons to meet him in mock combat. They barely touch one another but scream frequently. The male sometimes performs a series of dives that end at a perch. This

diving may occur at any time of the year in good weather but only regularly at the onset of breeding. Mating follows such a ritual.

The red-tail establishes a well-defined breeding territory. It defends this domain tenaciously. Boundary fights in breeding season may involve all four of two adjacent pairs.

Its nest is often found on a rocky cliff or in a tall tree. The nest is large, usually measuring 30 to 48 inches across and up to three feet high. It is built and tended by both sexes. The female does most of the incubation, however, and during this time, the male feeds her. In seven to eight weeks, the young hawks are ready to test their wings.

Red-tailed hawks may be abundant partly because they can survive on such a variety of prey. They kill and eat small mammals (mostly mice, rabbits and squirrels), snakes, some birds, insects, lizards and fish. In one red-tail nest, ornithologists found the remains of a quail, a pheasant, a

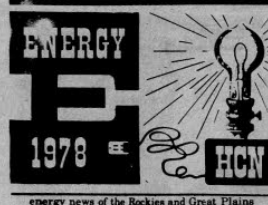
screech owl and a carp. One biologist even reported finding a two-foot-long rattlesnake — a common victim of the western red-tail — nearly intact in the stomach of one of the birds.

With its beak and razor-sharp talons, the red-tail sometimes attacks and kills prey too large and heavy to carry to a perch. It will drag the victim into cover for feeding. The bird will even pursue a stunned victim into the thick undergrowth with energetic impulsiveness.

In all, the red-tailed hawk is one of nature's paradoxes, simultaneously beautiful and deadly. Quietly suspended in the sky, it puts knives into the otherwise unworried air.

Thomas Jenkins is director of the division of communication and arts at the Red Rocks Campus of Community College of Denver.

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energy news of the Rockies and Great Plains

ALTERNATIVE ENERGY FUNDING CUT PUSHED. Montana's Coal Tax Oversight Committee has taken a step towards turning off the spigot on alternative energy projects. To date, 130 grantees have received about \$1.7-million in coal tax funds for solar, wind, geothermal, biomass and other unusual energy-generating projects. According to the Associated Press, the committee decided to suspend new

grants until Jan. 30, pending legislative review. Rep. Warren O'Keefe, R-Great Falls, a member of the committee, calls the state's funding program a "giveaway."

IDAHO NUKE PLAN DEAD. Plans by Idaho Power Co. and Utah Power and Light Co. to build a nuclear power plant in eastern Idaho are dead, according to company officials. The companies had submitted a study plan for the nuclear facility over a year ago, but withdrew when the Utah Public Utilities Commission refused to allow it to write off the study costs as a business expense. Idaho also withdrew when the Idaho PUC took a similar stance. Now Jim Taylor, UP&L vice-president of operations, says that he doubts his company will look to nuclear power for at least another decade. The Associated Press quotes Taylor saying, "The cost of nuclear will still be higher than the cost of coal, we expect, through the 1990s. In an effort to keep costs to a minimum, we would use coal until it is more expensive than nuclear."

COLSTRIP POWER ADDITIONS CLAIMED UNNECESSARY. The General Accounting Office, an investigative arm of Congress, says the Northwest does not need the two additional generating units proposed for Colstrip, Mont., by a consortium of utilities headed up by Montana Power Co. The GAO examined three strategies for meeting electrical demand in the region, finally favoring a scheme based on energy conservation. A Montana Power spokesman has taken exception to the GAO report, according to *The Missoulian*. The spokesman says the GAO is working with highly questionable assumptions. He predicts an energy shortage in Montana and the Pacific Northwest "in the 1980s" if the Colstrip additions are not built.

SHAPE PLANT MAY SHUT DOWN. Colorado's Paraho Development Co., which has produced 100,000 barrels of shale oil for the U.S. Navy, may have to shut down at least until next year because legislation to continue its operations is stalled in Con-

gress. Paraho, which is a consortium of 17 companies interested in oil shale development, has fulfilled its original contract, but the company has been hoping for passage of legislation that would provide federal funds for shale projects and keep the plant working. Congressional sources say that there is little hope of the House acting on the bill this year. Harry Pförzheimer, head of the Paraho project, is lobbying to get the present Navy funding extended, according to the *Rocky Mountain News*. However, administration officials say that there is nothing they can do to extend funding without congressional action.

SECOND POPLAR RIVER POWER PLANT. Officials of the Canadian province of Saskatchewan have announced approval of construction of a second 300 megawatt power plant at Coronach, just north of the Montana border. The U.S. government and the state of Montana have battled the plant, fearing water pollution in the Poplar River, which flows into the U.S., and air pollution in Montana from the Canadian project. Sen. John Melcher (D-Mont.) has asked the U.S. State Department to urge the Canadian government to put a moratorium on construction of the power plants, at least until environmental studies are completed.

BOULDER ENERGY GRANT. The city of Boulder, Colo., has been granted \$242,000 by the Department of Energy to develop a comprehensive energy plan for the city. Rep. Tim Wirth (D-Colo.) says that the purpose of the grant is to conduct a survey of the city's energy needs and capabilities.

Federal bucks, blessings behind solar power

Energy Secretary James Schlesinger wants to double his department's solar research and development budget for fiscal year 1980 to \$500 million. Sen. Gary Hart (D-Colo.) has offered an amendment to a military construction bill that could generate \$100 million in solar equipment sales. House Majority Leader Thomas O'Neill (D-Mass.) has passed the word that a tax credit with a potential for pushing the solar industry to \$1.5 billion per year in sales through 1985 will find its way through Congress this year.

Solar power is on the "threshold of a boom," according to a *Business Week* cover story last week. While now it is often not economically competitive, solar power (including — by government definition — wind power, biomass conversion, and hydroelectric systems) could supply 32 percent of U.S. energy needs by the year 2000. The projection, a product of the draft Domestic Policy Review for solar energy, is contingent upon a strong federal push for solar

energy. *Business Week* points out that the precedent for such intervention exists in money similarly spent — estimates range from \$151 billion to \$500 billion — on oil, gas, coal, nuclear and other fuels.

Schlesinger says, "All of us now have come to recognize that the age of oil and gas does not have an indefinite life. Coal has its own problems and is not a total solution. Solar is an inexhaustible source of energy that all people can intuitively appreciate."

The government's large-scale support for solar power is materializing as the industry enters its second year of slumping sales. According to *Business Week*, potential buyers of solar systems have been holding off in anticipation of federal tax credits.

Some solar advocates are cynical about the emerging federal support. The draft Domestic Policy Review for solar energy is a poor plan for the future, says Ken Bossong of the Citizens' Energy Project in Washington, D.C.

"The federal solar program would proba-

bly be better off without the program you have outlined in the DPR document than with it," Bossong said in a letter to the administration official in charge of the review.

Bossong says that, among other things, the document fails to provide for the needs of low-income citizens and renters; develop an aggressive solar commercialization plan; help small solar companies; discourage utilities from renting solar equipment; and encourage local and state governments' participation in the program.

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Photo courtesy of Sandia Laboratories

SOLAR POWER is on the threshold of a boom, according to *BUSINESS WEEK*. Above is a passive solar home in Santa Fe, N.M.

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Interior plans new coal lease system

by Dan Whipple

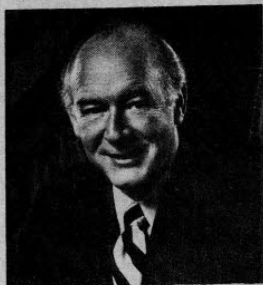
The Carter administration's preliminary plans for a new federal coal leasing system are designed to grant more control over leasing decisions to state and local governments and less to industry interests. Proposals suggested during the Nixon and Ford administrations would have made industry demand the major factor in determining the timing and amount of federal coal to be leased.

The new leasing system is being studied in response to the settlement of the *NRDC v. Hughes* lawsuit. Following a negotiated settlement, a federal court ordered the Interior Department to rewrite its coal programmatic environmental impact statement and to include a full examination of the proposed leasing system.

Under the Nixon and Ford administrations, Interior had devised the Energy Minerals Activity Recommendation System (EMARS). In this process, Interior asked industry for nominations of lands containing federal coal deposits that the companies wished to lease. EMARS also called for nominations from the public regarding areas that should not be leased.

Interior issued one call for nominations before Ford left office. The coal industry submitted its nominations, but the process was boycotted by most Western environmental groups, who argued that there was too much land in question and too little time to properly prepare any nominations. Under the system now being designed, the government first will determine which areas are suitable for coal leasing and which are not. Then the coal industry will be allowed to bid on those areas that will be leased.

Interior will apply several criteria to determine which areas are unsuitable for leasing. These criteria would establish a minimum coal quality for leases and screen out lands that are unsuitable — for in-



CECIL ANDRUS, secretary of Interior, will be seeking comments on a new system for leasing coal.

stance, alluvial valley floors, critical wildlife habitat, lands unlikely to be reclaimed, or tracts protected by law, such as national parks and some national forests.

In addition, Interior plans to coordinate with state and local governments in coal lease areas. States and localities will be consulted to determine if the socioeconomic impacts of proposed leasing and subsequent mining are acceptable. If the local government determines that they are not, then Interior will not open the lands to leasing.

The new lease system will give substantial control over development of federal coal to areas that have developed land use plans. One Interior Department official says, "If there are local land use plans, the Bureau of Land Management is going to coordinate with them. This throws a lot of responsibility on those local governments, but it will also give them a lot of control over federal leasing."

"Those people who get their act together and draw up land use plans will get some

control over federal leasing and those who don't will suffer the brunt of the added impact," the official says.

Interior has not yet determined whether new federal coal leasing is necessary, but the Department of Energy has issued estimates of required coal production that many Western environmentalists consider high. DOE says that by 1985, the country will need 1.1 billion tons of coal annually, about 42 percent of which will be mined West of the Mississippi. By 1990, DOE says that demand will be 1.5 billion tons a year, over half of which would come from the West.

Sarah Gorin, staff director of the Powder River Basin Resource Council, says that her group is generally pleased with the way the new system is shaping up, but that the demand for coal, as estimated by DOE, could cause some difficulties. She says, "The projections by DOE are so high that it would be easy to make some areas sacrifice areas. There could be some problems when it comes down to selecting specific areas that will be leased."

Interior's John VanDerwalker says that, if the demands for coal production exceed the ability of the lease system to supply it, "The demands will have to be altered, not the system."

A second problem that Gorin sees is Interior's reliance on local land use plans to help determine leasing levels. She says, "Many people in the West consider land use planning a dirty word. Campbell County (in the coal-rich Powder River Basin) does not even have a land use plan." Gorin fears that, as a result of this Western anti-planning bias, some areas will be selected for leasing, even though they may already be heavily impacted.

Overall, however, Gorin says the system "looks good." PRBRC was one of the groups that filed the *NRDC v. Hughes* lawsuit, and she says that communication with the government has improved. "They're being very responsive to groups like ours," she says.

In another section of the policy, Interior Secretary Cecil Andrus has decided to experiment with different types of bidding systems for lease sales. In the past, competitive coal lease sales have been conducted by "bonus bidding," in which sealed bids are submitted by interested companies, and high bids are paid in full before the lease is issued. While this system will still be the main method for sales, other systems will be considered to reduce the initial payments and, Interior hopes, increase competition for leases.

Another major problem that the system must deal with is 172 existing "preference right" lease applications. Under previous Interior Department policy, if "commercial quantities" of coal have been discovered by a prospector and a lease application was submitted, the agency must approve a preference right lease. However, many of these applications may not meet the environmental and planning criteria established by the new policy.

Under the new proposal, Interior would reject preference right lease applications that violate regulations. Then, the agency would apply its criteria for new leases and the "least harmful 20" applications would be processed. The remaining applications would be processed after the new environmental statement is completed.

A draft environmental statement on the proposed lease system will be completed by Dec. 1. Public meetings will be held in early December to explain the system and hearings will be held in late January.

Oct. 6, 1978 — High Country News-11



The HCN
Hot Line

energy news from across the country

POWER PLANS SINKING. California energy development has come to a virtual standstill, according to the *Wall Street Journal*. Not one major generating plant has been approved in the state in four years. Proposition 13 has forced the abandonment of a state energy authority and slashed funding for research into "soft" energy alternatives such as wind power. At the same time, the state's utilities have been unsuccessful in their attempts to build plants elsewhere through joint ventures in Utah, New Mexico and Mexico.

N.W. POWER BILL DYING? Federal legislation that would allow the Bonneville Power Administration to sell federal bonds to pay for new power projects seems to be grinding to a halt in Washington, D.C. Strong objections to the bill surfaced at a recent Utah hearing. Officials from Montana and Utah said the measure would give too much power to BPA and create energy pricing inequities. Some Congressmen outside the Pacific Northwest fear the measure will give the region an unfair economic advantage. Significantly, Rep. John Dingell (D-Mich.) is unenthusiastic about the legislation. He chairs the commerce subcommittee on energy and power that must act on the measure before Congress considers it further.

URANIUM TAILINGS CLEANUP. Congress appears intent on passing legislation that would clean up abandoned radioactive uranium mine wastes. The critical question remaining is the extent of federal funding for such a clean-up. The Senate is calling for full federal funding, while a House measure, still awaiting floor action, could call for anywhere from 75 percent to 90 percent federal funding, with the rest coming from states. As much as 25 million tons of tailings at 22 abandoned mine sites in nine Western states would be involved. A House-Senate conference committee is expected to settle the funding debate.

COST OF STRIP REGS "MINIMAL." Final coal surface mining and reclamation regulations, due for publication by mid-January 1979, will increase the average cost of coal by no more than 50 cents per ton and the cost of electricity by only .27 percent, according to an assessment by the Office of Surface Mining of the Department of Interior. The final regulations, which are expected to be substantially different from interim regulations that have been in effect for almost a year, represent the minimum standards for state programs that the agency hopes will be governing surface coal mining by mid-1980. The agency estimates the regulations will increase the cost of Northern Great Plains coal by only two to five cents a ton. Comments on the final strip mining rules, published in the Sept. 18 *Federal Register*, will be received by the Office of Surface Mining through Nov. 17. Contact: Office of Surface Mining, U.S. Department of Interior, P.O. Box 7267, Washington, D.C. 20240. For further information, call Mark Boster (202) 343-5287.

CLASSIFIEDS

POSITION. The National Center for Appropriate Technology located in Butte, Montana, is recruiting for the position of appropriate technology engineer. Applicant must have a basic knowledge of engineering techniques, including thermodynamics and heat transfer. Must also have experimental or research experience with instrumentation, data acquisition and analysis. Must be able to read blueprints and conduct independent research. The deadline for receipt of application is Oct. 20, 1978.

NCAAT is an Equal Opportunity, Affirmative Action Employer. Write P.O. Box 3838, Butte, Mt., 59701, Attention Business Dept.

POSITION OPENING. The Wyoming Energy Conservation Office plans to hire a person to manage the state's program to insulate the homes of low income people. The position will entail working closely with community action agencies and area agencies on aging that are responsible for the program within their areas; it will require considerable travel around the state, bookkeeping skills, and experience with community-based programs. The position will commence November 1, 1978 and salary will be in the neighborhood of \$800-month. Applications should be sent by October 12 to: Lynn Dickey, Energy Conservation Office, 320 West 25th Street, Cheyenne, Wyoming 82002. Phone: 307-777-1131. The State of Wyoming is an Equal Opportunity Employer.

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This album's query: "Guess Who's in Town?" is answered with such a variety of musical styles and songs that one knows Tim O'Brien and friends must be in town.

O'Brien is a fine singer and a triple-threat instrumentalist. He plays fiddle, mandolin, and guitar. His voice is a haunting tenor.

There are 15 selections on this album. Side one is fiddle-filled, with eight tunes from the country. Side two vocals include some sweet, vibrant, swing numbers like "Guess Who's in Town" and "Cadillac-in" (with the Ophelia Swing Band).

To order, send \$5 to:

Tim O'Brien, 1251-A, Verbena Street, Denver, Colo. 80220. (Biscuit City Records — BC 1317) HCN is sharing the profits on sales of this album.



Tim O'Brien —
Eclectic fiddle

12-High Country News — Oct. 6, 1978

Developers fear whoopers could block water plans

The endangered whooping crane spends most of its life hundreds of miles from the Northern Great Plains. But a proposal to protect large areas in Montana, the Dakotas, Nebraska and Kansas for the cranes' migration has developers worried.

Water developers are concerned that the proposal might bring an abrupt halt to such projects as the Burlington Dam proposal and the Garrison Diversion in North Dakota, the Pollock-Herleid Unit and the Oahe Diversion in South Dakota, and the Norden Dam proposal in Nebraska.

Andy Anderson of the U.S. Fish and Wildlife Service in Pierre, S.D., says the proposal, which involves designating the crane's "critical habitat," will not present any new roadblocks to federal water projects, however. Because whoopers are an endangered species, federal agencies such as the Bureau of Reclamation are already required to study the effects of their actions on the cranes. This type of evaluation is already under way on projects such as Norden Dam and Pollock-Herleid.

Only one major flock breeds in Northern Canada and winters along the Texas coast. A major international conservation effort is attempting to bring the birds back from the verge of extinction.

Whooping cranes are given protection under the Endangered Species Act. Section seven of the act requires the Fish and Wildlife Service to examine the biological requirements of endangered species and to designate as "critical habitat" whatever land, air and water is necessary for their continued existence. Federal actions that could jeopardize the survival of endangered species are forbidden. Critical habitat designation flags areas where the impacts of federal actions should be carefully scrutinized, says Anderson.

Last spring the Fish and Wildlife Service designated the crane's wintering ground and several areas in the Southern Plains as critical habitat for the main flock. The Southern Plains areas were designated to

protect stepping stones of critical habitat along the migration route. The stepping-stone areas were stop-over spots for the cranes that had been confirmed by numerous sightings.

Two conservation groups, the Sierra Club and the Audubon Society, were concerned that the stepping stones stopped abruptly in south central Nebraska and did



A FISH AND WILDLIFE SERVICE PROPOSAL says that the "stepping stones" marked on the map above are vital to the survival of the largest remaining flock of whooping cranes in the world.

not continue across the Northern Great Plains. With the help of biologists, the organizations cataloged confirmed sightings in the Northern Plains and then petitioned the Fish and Wildlife Service to designate certain additional areas as critical habitat.

On Aug. 17 the Fish and Wildlife Service issued an additional proposal for whooper critical habitat. The proposal included all the areas on the conservationists' petition as well as some additional areas.

It included vast areas proposed for federal water projects, for example, the Niobrara River downstream from the proposed Norden Dam site in Nebraska, Oahe Reservoir in South Dakota and North Dakota, and Garrison Reservoir (Lake Sakakawea) in North Dakota. "We have no evidence that all water projects are bad for whoopers," says Bruce Hamilton, Northern Plains representative of the Sierra Club. In fact, some biologists believe that some water projects may have improved crane habitat. Whoopers have been sighted in irrigation ditches and along reservoirs as well as in natural areas. The presence of whooping crane critical habitat downstream from a proposed dam such as Norden may not stop the dam, but it could force the federal agency to consider altering its plans for water releases from the dam.

"Our intent isn't to stop all future development in the critical habitat areas in the Northern Plains," says Hamilton. "We just want to make sure that all future federal developments are in harmony with the continued existence of the cranes."

Jim Cook, a spokesman for the Middle Niobrara Natural Resource District in Nebraska, says the critical habitat proposal would require farmers to check with the Interior Department every time they altered the area with conservation and agricultural practices.

Anderson says the proposal would have no effect on private actions on private land paid for with private funds. "Critical

habitat would only affect developments where there is a federal action involved and then the federal agency, not the farmer, would consult with the Interior Department," Anderson says. If a private party using private funds on private land decided to destroy critical habitat for an endangered species the federal government "would probably try to negotiate an easement or purchase the area to protect it," he says.

Several parties have expressed alarm at the large amount of land in the critical habitat proposal. Anderson says the final critical habitat designation will probably be much smaller than the proposal. He says that when critical habitat was proposed for the whoopers along the Platte River in southern Nebraska the final designation was only six percent the size of the original proposal.

He points out that the present proposal follows county lines and includes deep water in the middle of reservoirs. These boundaries will be refined after the public comment period closes.

Hamilton agrees that in some areas the Fish and Wildlife Service may have proposed larger areas than can be defended on biological grounds. But he hesitates to jump to any conclusions about the ultimate size of the critical habitat areas.

"It may be that, when all the public comments are in, new scientific evidence will point to the need for additional areas to be added to the proposals. I assume that the Fish and Wildlife Service recommended a proposal that it felt could be defended," he says.

Copies of the proposal are available from the Fish and Wildlife Service, P.O. Box 250, Pierre, S.D. 57501 or in the Aug. 17 Federal Register. Regional hearings and the deadline for public comment have been temporarily suspended because Congress has not yet acted to refund the endangered species program.

House sustains public works veto

In a close vote, 223 to 190, the U.S. House of Representatives failed on Oct. 5 to muster the necessary two-thirds majority to override President Jimmy Carter's veto of the \$10 billion energy and public works appropriations bill. The legislation would have restored funding for six water projects that Carter has opposed since last year. Carter has objected to the projects as inflationary.

The president's veto was sustained despite a surprising last minute shift in favor of the legislation by House Speaker Thomas "Tip" O'Neill (D-Mass.). The bill included \$1.8 billion in appropriations beyond what Carter had requested. Both houses of Congress had passed it by more than a two-thirds majority.

A strong administration lobbying effort that came to include the support of six Western governors — Straub of Oregon, Evans of Idaho, Exon of Nebraska, O'Callaghan of Nevada, Wollman of South Dakota and Herschler of Wyoming — apparently swayed enough votes to sustain the veto.

Three of the six water projects that Carter considered "pork-barrel" spending were proposed for the West. They were Narrows and Fruitland Mesa in Colorado and Savery-Pot Hook on the Wyoming-Colorado border. Carter had attempted to cut funding for these projects last year, but

Congress reinstated them.

A two-thirds vote of both houses is required to override a presidential veto. Since the appropriations bill ranged well beyond the projects Carter has criticized, Congress is now obliged to revamp its legislative package.

HUD halts home loans near bomb plant

The U.S. Department of Housing and Urban Development has temporarily stopped processing requests for federal financing of new homes in subdivisions near the Rocky Flats nuclear weapons plant in Colorado. The HUD regional office in Denver has asked HUD in Washington whether it should adopt a policy warning prospective homeowners in the plant area that the state has prepared an emergency plan in the event of a plant accident. Another federal agency, the Environmental Protection Agency, recently made sewage treatment grants in the plant area contingent on notification of the state emergency plan. (See HCN, 9-22-78 page 13.)



Eavesdropper

environmental news from around the world



TRAINS ON TRACK. Amtrak's nationwide schedule of passenger trains will remain intact for at least another year. Fares are expected to rise, but Congress has thwarted a move to eliminate 8,100 miles of routes within the 27,000 mile system. For fiscal year 1979, the congressional subsidy of the service will amount to \$755 million, according to the Associated Press. A number of Rocky Mountain and Great Plains routes were slated to be cut.

MODEL HOME. President Carter has chosen a \$24,000 solar water heater for the White House. The system reportedly will fall short of paying for itself, but Hugh Carter, President Carter's cousin and White House administrator, says the unit is a "symbol of the president's backing of solar power," according to the Associated Press. Carter attributes the system's negative economics to the White House's unique construction problems and the relatively low cost of hot water now purchased by the White House through government-operated steam generating plants.

LOONEY LIMERICKS

by Zane E. Cology

EPA picked a fellow named Merson Who vowed Western air would not worsen. With a shot from the hip He zapped down Colstrip And said, "Shucks, I was only rehearsing."

FARMLANDS DWINDLE. Roughly 31 million acres of U.S. farmlands have disappeared in the last decade, according to Environmental Protection Agency Administrator Douglas Costle. That's an area about half the size of the state of Wyoming. Of the total, 17 million acres have succumbed to residential or commercial development and seven million acres have been converted to ponds or other water bodies. Acknowledging that EPA influences the fate of farmlands, Costle has formulated an Agricultural Lands Protection Policy intended to limit the adverse impact of EPA programs. The policy is available from the EPA Press Office, Room 329, West Tower (A-107), 401 M Street, S.W., Washington, D.C. 20460.



Western Roundup

HCN

Oct. 6, 1978 —
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Coalition wants more low country in High Uintas wilderness

The U.S. Forest Service has proposed recommending wilderness designation for an area in the High Uintas mountains in northeastern Utah that is about twice the size of the existing High Uintas Primitive Area.

The proposal would protect mainly the high peaks and upper reaches of stream drainages, according to the High Uintas Wilderness Coalition. The group recommends designation of a larger area to avoid timber sales "for thousands of graceful North Slope woodlands and off-road vehicle use on portions of the South Slope."

The coalition has proposed a 659,000-acre wilderness for the Uintas, as opposed to the Forest Service's 469,000-acre proposal. The existing primitive area, established in 1931, contains 237,000 acres.

The High Uintas include 1,000 square miles of glaciated valleys, 500 lakes, 25 major streams and Utah's highest peaks, which are over 13,000 feet. The range contains a variety of wildlife, including white-tailed ptarmigan, bald and golden eagles, goshawks and loons. The mountains provide critical habitat for black bear, wolverine, pine martin, cougar, Canadian lynx and the largest elk and

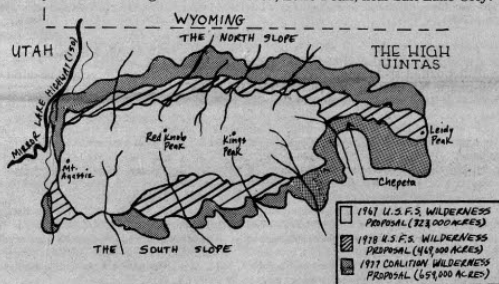
moose herds in Utah. The rugged slopes furnish sanctuary for bighorn sheep.

The Forest Service's proposal was generated by dividing 448,000 acres of roadless lands into 76 analysis units, each with a rating for wilderness suitability.

"This process had the effect of gerrymandering some large contiguous roadless lands into smaller units" that were largely ignored for wilderness designation, according to the coalition. The group is particularly concerned about the Forest Service's omission of the Chepeta region on the South Slope and the Sheep Creek, Beaver Creeks, Thompson Creek and West Fork-Blacks Fork drainages on the North Slope.

Alternatives for the areas are outlined in the Forest Service's "Proposed High Uintas South Slope Management Plan and Draft Environmental Statement." The agency will accept public comments on the document until Nov. 1. Comments should be sent to Forest Supervisor Robert Rowen, Ashley National Forest, 437 E. Main St., Vernal, Utah 84078.

The Forest Service expects to make a final recommendation to Congress by Jan. 1. Utah has only one official wilderness area, Lone Peak, near Salt Lake City.



Range bill loses wild horse section

A bill that would authorize \$360 million to improve public grazing lands has passed the Senate—without a controversial wild horse provision included in the version of the bill passed by the House.

The provision would have allowed people who adopt wild horses and burros to own them after a one-year probation period. Existing law states that wild horses can be adopted but must remain in government ownership.

While many environmentalists supported the provision as a humane way to dispose of excess horses and protect the range from overgrazing, the American

Horse Protection Association and some other groups opposed it.

The provision was deleted by Sen. Henry Jackson (D-Wash.) in committee. It was not re-introduced by its backers on the Senate floor, "to avoid having to fight for it twice—once on the floor and once in conference committee," according to a Senate aide.

During the floor debate, Sen. Howard Cannon (D-Nev.) and Sen. Cliff Hansen (R-Wyo.) expressed their hope that the provision would be re-instated in the conference committee, which will resolve the differences between the two bills.

The Senate passed the bill 59-7.

Burial of environment program feared

Some Idaho residents see a serious conflict emerging in a proposal to merge the Department of Health and Welfare's Division of Environment and the Department of Water Resources.

"The submergence of environmental programs by taking a back seat to water resources could be a dangerous step in the wrong direction," reads a recent editorial in the Idaho Falls Post-Register. "A strong possibility of the programs' burial is inherent in the proposal."

The State Water Plan, adopted by the 1978 legislature, calls for combining water quantity and quality planning under the Department of Water Resources. The Idaho Health and Welfare and Water Resource boards have both approved the merger. Health and Welfare board members conditioned their approval on the continuation of a strong, highly visible Division of Environment. Gov. John Evans is expected to take the recommendations from the boards and propose legislation for the merger.



Photo by A. Kelson and L. Swanson
THE HIGH UINTAS mountain range contains Utah's highest peaks, which are over 13,000 feet.

BLM ready to look for wilderness

The Bureau of Land Management has issued procedures for inventorying roadless public lands for possible inclusion in the National Wilderness Preservation System. The inventory is the first phase in the wilderness review process required by the 1976 Federal Land Policy and Management Act.

"During the wilderness study and until Congress makes a final determination, most existing uses of public lands such as grazing, mining, mineral leasing, and out-

door recreation can continue as long as the wilderness values are protected," says a BLM spokesman. Guidelines for this interim management will be issued later this year.

Copies of the wilderness procedures handbook are available from BLM offices. The Sierra Club and the Wilderness Society are starting to organize environmentalist involvement. For more information, contact John McComb, Sierra Club, 330 Pennsylvania Ave. S.E., Washington, D.C. 20003.

Suit to jam law "down Andrus' throat"

A water development association in Colorado has threatened to file a suit to stop the stocking of non-native trout in streams with endangered native fish. The Colorado Water Conservation District's objective isn't to stop the stocking program, but rather "to show how silly and narrow-minded these environmental suits can be," says CWCD's Roland Fischer. "I am going to jam the Endangered Species Act down (Secretary of the Interior) Cecil Andrus' throat until he chokes on it."

CWCD is upset because U.S. Fish and Wildlife Service studies on endangered fish were used as a reason for Interior opposition to the proposed Juniper-Cross Mountain reservoir on the Yampa River. To get back at USFWS, the district is using the

same studies to show that the agency's stocking program may be illegal.

In a related issue, USFWS has proposed that more than 600 miles of rivers in eastern Utah and western Colorado be designated critical habitat for the endangered Colorado River squawfish. Portions of the Colorado, Green, Yampa and Gunnison Rivers are included in the proposal. The main threats to the fish's habitat are dams—such as Juniper-Cross Mountain—"certain grazing practices" and "aspects of oil shale development," says USFWS.

The critical habitat proposal was published in the Sept. 14 Federal Register. Comments will be received by USFWS until Dec. 13.

14-High Country News — Oct. 6, 1978



JELLY FOR OUR BREAD

by Myra Connell

Whenever buffalo berries were ripe enough to fall off the bushes, during the early years of the century our Central Wyoming homestead "tribe" reverted to the primitive and became food gatherers. Although the earliest settlers had established a few apple orchards and wild plum thickets, fruit was always scarce. So we relied on that to be had for the picking.

The casual observer would scarcely believe that a barren-looking area such as ours could produce edible wild fruit, but there were at least five varieties of delicious wild berries within walking or horse-and-wagon distance of home.

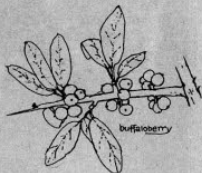
Some of the happiest times of our lives were the berrying expeditions with Mother.

Buffalo berries (also called bull berries) grow along the river bottoms, confined to a small area of the upper Mississippi Valley. Some people from other localities have never heard of them. My encyclopedia de-

scribes two species: *Shepherdia argentea* and *S. canadensis*.

I have heard that Indians used the crushed berries in pemmican. Since they are very tart I wonder whether the acid may have helped prevent spoilage of the meat.

The worst feature of buffalo berries is their thorniness. To pick them by hand is an agonizing task. But they fall off the bushes when ripe if the branches are gently beaten with a stick. So by spreading a blanket or tarpaulin underneath the bushes the berries may be easily gathered. It was great fun for us kids to hold the edges



of the blanket up to prevent the berries from rolling off, while Mother beat the bushes.

Chokecherries grow along the river bottoms in gulches and on mountain slopes. Picking them involved climbing the slender trees, weighting them to the ground in the manner described by Robert Frost in the poem "Birches."

Both buffalo berries and chokecherries ripen about the same time. We cooked them and extracted the juices to make jelly. Mixed with sugar buffalo berries will jelly without adding pectin. Since chokecherries will not jelly, the two juices were often combined. The resulting product was a mainstay, spread on homebaked bread, carried to school in the traditional lard pail. (No government subsidized hot school lunch in those days.)

One chokecherry expedition ended in a minor disaster (for the berries). This was the time we insisted on going horseback, against Mother's advice. We picked a 50-pound flour sack full of ripe berries and tied the sack behind the saddle. When we reached home, the horse's side was red with juice, but there was none left in the choke cherries.

To get gooseberries and currants, we usually walked up the gulches that cut the mountain slope west of the house. It takes skillful fingers to pick thorny wild gooseberries without getting one's hand

full of stickers. Mother usually picked those and left the thornless currants for us.

Descendents of the early settlers (and I expect newcomers, as well) still go berrying. But I am afraid that wild berry patches are gradually shrinking as grazing, agriculture, and subdividing take their toll. Those that remain are disappearing behind "No Trespassing" signs.



Mystic scandals
Ghosts-like designs of the body, spirit, mind, and soul, and the way they are connected. They are designed in drawings and are here for you. When designing a house or a room, the house, and the people who live in it, often have a mystic design to survive.

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State of Wyoming Public Notice

STATE OF WYOMING PUBLIC NOTICE

PURPOSE OF PUBLIC NOTICE

THE PURPOSE OF THIS PUBLIC NOTICE IS TO STATE THE STATE OF WYOMING'S INTENTION TO ISSUE WASTEWATER DISCHARGE PERMITS UNDER THE FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972 (FWPCA), P.L. 92-500 AND THE WYOMING ENVIRONMENTAL QUALITY ACT (35-11-101 et. seq., WYOMING STATUTES 1967, CUMULATIVE SUPPLEMENT 1973).

IT IS THE STATE OF WYOMING'S INTENTION TO ISSUE WASTEWATER DISCHARGE PERMITS TO (1) ONE OIL TREATER DISCHARGER, (2) TWO INDUSTRIAL DISCHARGERS AND (1) ONE FEEDLOT DISCHARGER TO RENEW (1) ONE INDUSTRIAL AND (1) ONE COMMERCIAL DISCHARGE PERMIT; AND TO MODIFY (1) ONE INDUSTRIAL AND (3) THREE MUNICIPAL DISCHARGE PERMITS WITHIN THE STATE OF WYOMING.

APPLICANT INFORMATION

(1) APPLICANT NAME: ATLANTIC RICHFIELD COMPANY
MAILING ADDRESS: 1860 LINCOLN STREET, SUITE 501
DENVER, COLORADO 80295
FACILITY LOCATION: LONGS CREEK WELL No. 1, SE4,
SECTION 5, T31N, R34W,
FREMONT COUNTY, WYOMING
APPLICATION NUMBER: WY-0028037

Facility is a typical oil treater located in Fremont County, Wyoming. The produced water is separated from the petroleum product through the use of heater treaters and skim ponds. The discharge is to the West Fork of Long Creek (Class IV stream) via an unnamed drainage.

The discharge must meet Wyoming's Produced Water Criteria effective immediately. Chapter VII of the Wyoming Water Quality Rules and Regulations infers that as long as the Produced Water Criteria is met, the water is suitable for beneficial use. Because the discharge is to a Class IV stream, limitations more stringent than those indicated in the Produced Water Criteria are not necessary to insure compliance with Wyoming's Surface Water Quality Standards.

Semi-annual self-monitoring is required for all parameters with the exception of oil and grease which must be monitored quarterly. The proposed expiration date is March 31, 1980.

(2) APPLICANT NAME: AMERICAN NUCLEAR CORPORATION
MAILING ADDRESS: P.O. BOX 2713
314 WEST MIDWEST AVENUE
CASPER, WYOMING 82602
FACILITY LOCATION: PEACH URANIUM MINING PROJECT,
SW1/4, SW1/4, SECTION 2, R30W, T32N,
GAS HILLS, FREMONT COUNTY, WYOMING
APPLICATION NUMBER: WY-0027939

The American Nuclear Corporation plans to begin open pit mining operation which will be known as the Peach Project in the Gas Hills area of eastern Fremont County, Wyoming. Groundwater and surface water which flow into the mine pit will be pumped to the surface, treated with barium chloride for Radium removal and routed to two ponds for settling. The discharge from the final pit will enter Fraser Draw (Class IV stream) via an unnamed drainage.

The proposed permit requires the efficient quality to meet Federal best practicable treatment standards effective immediately. The permit also requires self-monitoring of effluent quality with submission of reports quarterly and includes provisions requiring control of runoff from disturbed areas.

Because of uncertainty concerning EPA's future limitations on toxic substances, a short-term permit with an expiration date of December 31, 1980 is proposed.

(3) APPLICANT NAME: CARBON COUNTY COAL COMPANY
MAILING ADDRESS: 4704 HARLAN STREET
DENVER, COLORADO 80212
FACILITY LOCATION: APPROXIMATELY 1/2 MILES NORTHEAST
OF HANNA, WYOMING, SECTION 33,
R31W, T23N, CARBON COUNTY
APPLICATION NUMBER: WY-0027952

Carbon County Coal Company has proposed a new underground coal mine to be located approximately five miles northeast of Hanna, Wyoming. Wastewater discharges will occur at two separate locations. Discharge point 001 will be the outfall from a settling pond which will collect surface area runoff and equipment wash water. Discharge point 002 will be the outfall from the settling pond which will receive water from the underground mine plus some equipment wash water and surface runoff water. Discharge 001 will enter Big Ditch (Class IV stream) via an unnamed drainage. Discharge 002 will enter Hanna Draw (Class IV stream).

The proposed permit requires the discharges to meet effluent limitations considered to be best practicable. In addition, runoff from disturbed areas must be controlled and the permittee must monitor the quality and quantity of the discharge and report the results quarterly. Because of uncertainties concerning future EPA limitations on toxic substances for the coal mining industry, a short term permit with an expiration date of December 31, 1980 is proposed.

(4) APPLICANT NAME: JOHN WESLEY KISSELL
HOG FEEDING PENS
MAILING ADDRESS: P.O. BOX 161
CHEYENNE, WYOMING 82001
APPLICATION NUMBER: WY-0027995

Mr. John W. Kissell operates a small swine feeding operation just east of the city limits of Cheyenne on the banks of Crow Creek (Class II water). The facility holds from 25 to 75 animals and covers an area of approximately 1/4 acre.

In response to citizen complaints to the Laramie County Health Department, DEQ personnel made an on-site inspection of the facility and identified it as a potentially significant source of pollution to waters of the State. The Department therefore required the owner to apply for a permit to discharge.

The proposed permit allows present conditions to continue until April 1, 1979, at which time plans and specifications for elimination of runoff from the facility must be submitted. The runoff control facilities must be in place on or before October 1, 1979, but allow exemptions in cases where precipitation events exceed the 25 year-24 hour storm (2.6 inches).

The proposed permit also requires elimination of water gaps, elimination of pens built into the creek and implementation of a dead animal removal program by October 1, 1979.

(5) PERMIT NAME: KEMMERER COAL COMPANY
FACILITY LOCATION: FRONTIER, WYOMING 83121
MAILING ADDRESS: ELKOL-SORENSEN MINE, SE4,
SECTION 21, T21N, R16W,
LINCOLN COUNTY, WYOMING
WY-0000051

The Kemmerer Coal Company operates an open pit coal mine known as the Elk-Sorenson mine located approximately five miles southwest of the Town of Kemmerer. The mine is located on a high ridge which runs north-south and which forms the divide between the Bear River drainage to the west and the Green River drainage to the east. A total of fourteen separate discharge points are identified, ten of which flow to the North Fork of the Little Muddy Creek (Class III stream) via unnamed drainages. These discharges contribute to the Green River drainage. Two discharges flow to the South Fork of Twin Creek (Class IV stream) via unnamed drainages and two discharges flow to the East Fork of Twin Creek (Class IV stream) via unnamed drainages. The discharges to Twin Creek are in the Bear River drainage.

Wastewaters at the mine consist of runoff from disturbed areas and water which is encountered in the mine pits and which must be removed in order for mining to continue. All discharges must meet effluent limitations considered to be "best practicable" for the coal mining industry. In addition to these limitations, the discharges to the Green River drainage also have limitations on total dissolved solids. The proposed permit requires that the total quantity of dissolved solids discharged to the Green River drainage cannot exceed one ton per day unless the total quantity of dissolved solids discharged to the Green River drainage is less than or equal to 579 mg per l. Wyoming Water Quality Rules and Regulations, Chapter VI, allows industrial discharges to the Green River Basin only when it has been determined that it is not practicable to completely contain such waters. On August 24, 1978, the Company submitted a letter to the Department which, in the judgment of the Department, indicates that complete containment is not practicable in this case.

The proposed permit requires periodic monitoring of effluent quality with reporting of results quarterly. Because the U.S. Environmental Protection Agency is in the process of reviewing the toxic effluent limitations for coal mines, a short term permit which will expire December 31, 1980 is proposed.

(6) PERMIT NAME: VICTOR KERSEY'S WESTERN
MAILING ADDRESS: HILLS MOBILE HOME PARK
STAR ROUTE 2W
ROCK SPRINGS, WYOMING 82901
PERMIT NUMBER: WY-0024457

Western Hills Mobile Home Park is located on the far western edge of the City of Rocky Springs, Wyoming. Wastewater treatment facilities serving the Park consist of a slow extended aeration package plant which discharges to Bitter Creek (Class IV stream) via an unnamed drainage.

The proposed permit requires compliance with National Secondary Treatment Standards effective immediately. Because the discharge is to a Class IV stream where protection of aquatic life is not a major consideration, a strict limitation on fecal coliform bacteria (200 organisms per 100 ml) is coupled with a liberal



HCN

Bulletin Board

Oct. 6, 1978 — High Country News-15



ENDANGERED SPECIES

Endangered species will be the topic of a symposium Dec. 7-8 at Brigham Young University. What they are, why they exist, why they deserve attention and how they are protected are some of the planned topics of discussion. Information is available from Vernon Tipton, Center for Health and Environmental Studies, Brigham Young University, Provo, Utah 84602.

SMALL FARM SECURITY

The 1976 Minnesota Family Farm Security Act seeks to aid the independent farmer. Iowa and New York have since passed similar laws. For information on the Minnesota law, write Minnesota Department of Agriculture, 510 B State Office Bldg., St. Paul, Minn. 55155.

FARM PRESERVATION

After only four months in operation, the Wisconsin Farmland Preservation Program is protecting 994,000 acres of agriculture land from development. Farmers sign contracts to receive income tax credits in exchange for forgoing development. For more information contact the Wisconsin Department of Agriculture, Trade and

Consumer Protection, P.O. Box 8911, Madison, Wis. 53708.

PROGRESSIVE LAND TAX

"The Progressive Land Tax: A Tax Incentive for the Family Farmer" is available for \$1.50 from the North Dakota Farmers Union, Box 651, Jamestown, N.D. 58401.

WHAT'S QUALITY?

Last March Delta County, Colo. held a workshop to try to define what constitutes quality of life and how it can be achieved and maintained. Housing, financing, land use, economic diversity and a sense of community were the subjects of prime concern. A booklet entitled *Delta County Quality of Life Workshop* is available for \$3 from the Rocky Mountain Center on Environment, 1115 Grant St., Denver, Colo. 80203. The workshop was sponsored by ROMCOE.

RECYCLING REPORT AVAILABLE

Consumer commitment to recycling is growing, but there must be a commitment from society at large if we are to learn to live with restricted supplies of minerals, energy and other resources, according to a report released by Worldwatch Institute.

The report by Denis Hayes discusses how other countries are recovering resources and how much the United States is losing in money and resources by not recycling on a broad scale. For more information on the study, "Repairs, Reuse, Recycling — First Steps Toward a Sustainable Society," write Bruce Stokes at the Worldwatch Institute, 1776 Massachusetts Ave., NW, Washington, D.C. 20036 or call (202) 452-1999.



POWER STRUCTURE DISSECTED

Researchers in the Southwest have completed an analysis of the power structure in

San Juan County, N.M., that they think might serve as a model for other researchers. Funded by private foundations and individuals, the researchers compiled information from public files, which is indexed and cross-referenced by computer. They studied lobbyists for energy-utility interests, mineral leases, corporations doing business in the county, and minutes for the Farmington city council. A description of the project entitled "The San Juan Project — A Power Structure Overview" is available from the Southwest Research and Information Center, Box 4524, Albuquerque, N.M. 87106 or call (505) 242-4766.

CASH AWARD

Any person who is working as a volunteer to improve the environment may be eligible for a \$1,000 Sol Feinstone Environmental Award. For information concerning how nominations are made, write the Feinstone Environmental Awards Committee, State University of New York College of Environmental Science and Forestry, Syracuse, NY 13210. Nominations are due Dec. 31.

limitation on total residual chlorine (2.0 mg per l)

Self-monitoring of effluent quality is required on a regular basis with reporting of results quarterly. The permit is scheduled to expire October 31, 1983.

(7) PERMIT NAME: BIG HORN COAL COMPANY
MAILING ADDRESS: P.O. BOX 724
FACILITY LOCATION: SHERIDAN, WYOMING 82801
PERMIT NUMBER: NEAR ACME, WYOMING
wy-0022519

The Big Horn Coal Company operates a large open-pit coal mine at the junction of Goose Creek and the Tongue River, approximately ten miles north of Sheridan, Wyoming. The existing discharge permit for this mine allows the discharge of pit water and surface runoff water from a total of five locations to the Tongue River and Goose Creek (both Class II streams).

The company has now requested that the locations of discharge points 002, 003 and 005 be changed. These changes in location are not considered to be significant and the proposed permit grants the requested changes. The proposed permit modifies the effluent limitations to conform with the most recent Federal "best practicable treatment" standards for the coal mining industry. These standards must be met immediately, and preliminary evidence indicates that requirements more stringent than these are not necessary to insure compliance with Wyoming's in-stream water quality standards. The situation will continue to be evaluated and, if necessary, the permit may be modified to include more stringent requirements.

In addition, the permittee must control runoff from disturbed areas, monitor the quality of effluent discharged and report results to DEQ on a monthly basis. The permit has been given a short duration (expiration date is December 31, 1980) due to uncertainties regarding future EPA limitations on toxic materials associated with coal mining.

(8) PERMIT NAME: CITY OF LANDER, WYOMING
MAILING ADDRESS: 183 SOUTH 4th STREET
LANDER, WYOMING 82520
PERMIT NUMBER: Wy-0020389

The wastewater treatment facilities serving the City of Lander, Wyoming, consist of a two cell stabilization pond system which is not aerated. The effluent from the second cell discharges to Baldwin Creek (Class II stream) which flows approximately one mile before entering the North Platte River (Class II stream).

The present permit for this facility requires only that the existing facilities be operated at maximum efficiency, however, the City has now been offered Federal construction grant funds which means the wastewater treatment facilities must now be upgraded to meet Federal effluent standards and Wyoming's in-stream water quality standards. The proposed permit includes limitations on BOD₅, total suspended solids, fecal coliform bacteria, pH and a prohibition against the discharge of total residual chlorine. A schedule of compliance to meet these limitations must be submitted by February 1, 1979. Upon receipt and approval, the schedule of compliance will become an enforceable part of the permit. The proposed permit also contains a limitation on ammonia which is designed to insure compliance with Wyoming's in-stream water quality standard. Since the State considers ammonia removal to be tertiary treatment, the achievement of that limitation will be required only if Federal construction grant funds for tertiary treatment are offered.

At this time it appears that violation of Wyoming's in-stream standards for dissolved oxygen will not occur provided National Secondary Treatment Standards are achieved. This position will continue to be evaluated (and the permit modified if necessary) as more information becomes available.

The proposed permit contains a section which requires the City to begin planning for expansion of the wastewater treatment facilities once 80% of the design flow is reached.

Self-monitoring requirements in the proposed permit require the monitoring of all limited parameters on a routine basis with reporting of results monthly. The proposed permit is scheduled to expire on October 31, 1983.

The City of Lander has been exempted from meeting Federal effluent requirements by July 1, 1977 since, in accordance with Federal regulations, it specifically requested an exemption due to the previous unavailability of Federal construction grant funds. In addition, the City requested and received a less stringent limitation on total suspended solids. This modification is allowed by Federal regulations if the method of treatment is stabilization ponds and the design flow is less than 2 MGD.

(9) PERMIT NAME: TOWN OF PINEDALE, WYOMING
MAILING ADDRESS: P.O. BOX 674
PINEDALE, WYOMING 82941
PERMIT NUMBER: Wy-0020656

The wastewater treatment facilities serving the Town of Pinedale, Wyoming, consist of a single cell non-aerated lagoon of approximately five surface acres and do not include any disinfection equipment. The discharge from the lagoon enters Pine Creek (Class II stream).

The present permit for this facility requires only that the existing facilities be operated at maximum efficiency, however, the Town has now been offered Federal construction grant funds which means the wastewater treatment

facilities must now be upgraded to meet Federal effluent standards and Wyoming's in-stream water quality standards. The proposed permit includes limitations on BOD₅, total suspended solids, fecal coliform bacteria, pH and a prohibition against the discharge of total residual chlorine. A schedule of compliance to meet these limitations must be submitted by February 1, 1979. Upon receipt and approval, the schedule of compliance will become an enforceable part of the permit.

Calculations based on the quantity and quality of the receiving stream and the quantity of discharge indicate that ammonia concentrations of up to 37 mg per l could be discharged without causing violation of Wyoming's in-stream water quality standards. Because the level of ammonia in raw sewage does not generally exceed 37 mg per l, a limitation on that parameter is not needed.

At this time it appears that violation of Wyoming's in-stream standards for dissolved oxygen will not occur provided National Secondary Treatment Standards are achieved. This position will continue to be evaluated (and the permit modified if necessary) as more information becomes available.

The proposed permit contains a section which requires the Town to begin planning for expansion of the wastewater treatment facilities once 80% of the design flow is reached.

Self-monitoring requirements in the proposed permit require the monitoring of all limited parameters on a routine basis with reporting of results monthly. The proposed permit is scheduled to expire on October 31, 1983.

The Town of Pinedale has been exempted from meeting Federal effluent requirements by July 1, 1977 since, in accordance with Federal regulations, it specifically requested an exemption due to the previous unavailability of Federal construction grant funds. In addition, the Town requested and received a less stringent limitation on total suspended solids. This modification is allowed by Federal regulations if the method of treatment is stabilization ponds and the design flow is less than 2 MGD.

(10) PERMIT NAME: TOWN OF SOUTH SUPERIOR, WYOMING
MAILING ADDRESS: P.O. BOX 307
SOUTH SUPERIOR, WYOMING 82945
PERMIT NUMBER: Wy-0021806

The wastewater treatment facilities serving the Town of South Superior consist of various community and individual septic tanks, most of which have a surface discharge to Hornefield Canyon Creek (Class IV water). The situation has been identified as a potential health hazard by the Wyoming Department of Environmental Quality.

The present permit for this facility requires only that the existing facilities be operated at maximum efficiency, however, the Town has now been offered Federal construction grant funds which means the wastewater treatment facilities must now be upgraded to meet Federal effluent standards and Wyoming's in-stream water quality standards. The proposed permit includes limitations on BOD₅, total suspended solids, fecal coliform bacteria, pH and total residual chlorine. A schedule of compliance to meet these limitations must be submitted by February 1, 1979. Upon receipt and approval, the schedule of compliance will become an enforceable part of the permit.

Because the discharge is to a Class IV water where protection of aquatic life is not a consideration, a strict year-round limitation on fecal coliform bacteria (200-400) is coupled with a liberal limitation on total residual chlorine (2.0 mg per l).

The proposed permit contains a section which requires the Town to begin planning for expansion of the wastewater treatment facilities once 80% of the design flow is reached.

Self-monitoring requirements in the proposed permit require the monitoring of all limited parameters on a routine basis with reporting of results quarterly. The proposed permit is scheduled to expire on October 31, 1983.

The Town of South Superior has been exempted from meeting Federal effluent requirements by July 1, 1977 since, in accordance with Federal regulations, it specifically requested an exemption due to the previous unavailability of Federal construction grant funds. In addition, the Town requested and received a less stringent limitation on total suspended solids. This modification is allowed by Federal regulations if the method of treatment is stabilization ponds and the design flow is less than 2 MGD.

STATE-EPA TENTATIVE DETERMINATIONS

Tentative determinations have been made by the State of Wyoming in cooperation with the EPA staff relative to effluent limitations and conditions to be imposed on the permits. These limitations and conditions will assure that State water quality standards and applicable provisions of the FWPCA will be protected.

PUBLIC COMMENTS

Public comments are invited any time prior to November 6, 1978. Comments may be directed to the Wyoming Department of Environmental Quality Division, Permits Section, Hathaway Building, Cheyenne, Wyoming 82002, or the U.S. Environmental Protection Agency, Region IVV, Enforcement Division, Permits Administration and Compliance Branch, 1860 Lincoln Street, Denver, Colorado 80295. All comments received prior to November 6, 1978 will be considered in the formulation of final determinations to be imposed on the permits.

ADDITIONAL INFORMATION

Additional information may be obtained upon request by calling the State of Wyoming, (307) 777-7781, or EPA, (303) 327-3874, or by writing to the aforementioned addresses.

The complete applications, draft permits and related documents are available for review and reproduction at the aforementioned addresses.

Public Notice No. Wy-78-0011

16-High Country News — Oct. 6, 1978



by Terence McLaughlin, David & Charles, North Pomfret, Vermont, 1977. \$7.50 hard cover, 128 pages. Illustrations.

Review by Peter Wild

Some people dream of the day when they can call up the local utility and tell them to turn the power off. Others would be delighted with a small windmill to run a single outdoor light. Whatever the degree of self-sufficiency desired, one thing is essential before plunging ahead: knowledge of the alternatives that can best match the skills and particular needs of the builders.

The beauty of *Make Your Own Electricity* is that it is unabashedly for begin-

ners. The book introduces the several methods they might consider to harness free energy sources, describing the advantages and disadvantages of various wind, water, solar and thermo-electric devices. Other chapters explain the nitty-gritty of the generators, batteries and changeover switches that will go into their systems. The price of the survey is fairly steep, but to balance this out somewhat the emphasis is on avoiding frustrating and expensive pitfalls. For instance, McLaughlin takes care to note the proper cables and cut-off switches that will prevent burning up equipment — details that beginners might overlook in their enthusiasm.

The book doesn't hesitate to recommend ready-made components when they would be most suitable, but throughout the author emphasizes salvaging used parts. An ordinary bicycle wheel — certainly dirt cheap — is the basis for a multi-vane windmill, while an oil drum cut in half lengthwise provides the essentials for the ingenious but simple Savonius rotor. There is a certain irony in McLaughlin's extensive hints on cannibalizing old automobiles for the alternators and generators that will help liberate readers from their dependence on fossil fuels.

Since the book is written primarily for an English audience, its list of suppliers probably won't be of much use to Americans. However, measurements are given both in the U.S. and British systems. No book on this vast subject can tell all, and those starting out will want to study the approaches of several authors before deciding on the system that seems best. Because of its clear guidance, *Make Your Own Electricity* might well be one of them. The book may be ordered from David & Charles, North Pomfret, Vt. 05053.

For many years John Haines was a homesteader and trapper in the Alaskan wilderness. The following is part of a long sequence he's working on.

FOREST WITHOUT LEAVES XXXII

A coolness will come to their children,
the solar wind falling quiet,
a stillness in the sun.

The poles swing wide into darkness,
there is ice in that distance.

In the deep stone shell of the suburbs
candles are stirring,
a tallowy stain on the drifts.

Black forms rise through the snow
to wayside shelters, where in distant times
the buses would roll to a stop and the doors fly open.

Humanity thinned to an ancient hardness
strikes its scant fire
from the wood of those buried houses,
speaks of soil and Spring
with its frost-thickened tongue.

It is Equinox, the time of old calendars,
when birds set out on their polar journeys,
whales turned north,
men thought of the plow and the net.

Snow is falling, the sun is late,
and someone goes out with a lantern
to search the roads.

—John Haines

previously unpublished works by fine poets of the West.



Dear Friends

When we first saw the description of *High Country News* as a frail, human institution in the letter sent out in our behalf, it seemed apt. But we've learned through your response that the paper's strength goes far beyond the frailties of its staff. *High Country News* has a remarkable readership that won't let it die — or even falter.

In 1973 when Tom Bell announced the last issue of HCN because he'd exhausted his resources, the readers sent in enough money to keep the paper alive. Around here that became known as "the miracle."

This time when you heard that we faced personal financial problems so large that they might affect the paper, your response was equally generous. We've been touched by two miracles now. Despite our troubles, thanks to our readers, *High Country News* is strong and vigorous again.

A message from Marjane Ambler and Dan Whipple

Thanks. We're overwhelmed, sometimes to the point of tears, by the stacks of letters with checks enclosed that we receive for our medical fund everyday from all over the country. Even several of you who are trying to get by on Social Security checks or as students did what you could by sending two or three dollars. One wrote, "The government don't dish it out like the Army Corps." Students at two universities in

Idaho gathered money; a Bureau of Land Management office passed the hat; and environmental groups from all over the country sent money. We heard from a governor, congressmen and an oil company.

One person wrote, "I was so shocked, I could hardly sleep. Funny how personal my feelings have become toward HCN and its dedicated people."

More than \$20,000 has come in, much of it from people we've never met and most of it in \$10 and \$20 checks. This is in addition to the \$950 gathered at a benefit dance in Lander. This is far more than we expected and should exceed our medical costs when our bills all come in.

Thanks to the people who sent out the plea. We hated to ask readers for money for personal reasons, but when they offered to



Photo by Mike McClure
Dan Whipple and Marjane Ambler

ask in our behalf, we gladly accepted. We couldn't see any other way out of our financial problems.

The excess money will go to *High Country News*. The first priority will be to make it possible for staff members to get health insurance. Many of you accompanied your checks with (usually) gentle reminders that we shouldn't have gotten ourselves into this position — health insurance is a necessity not a luxury.

Some of you sent advice about other sources of funds. Unfortunately for the people who aren't as rich in friends as we are, there is no money available in Wyoming through state or federal social service programs to help people with low incomes in medical emergencies — unless the applicants are unemployed or have dependents. (The Lander social services office advised us to apply for bankruptcy.)

Other friends sent along spiritual advice. You sympathized with our grief at Justas' death and told us how much you would miss his writing. You, too, had faced personal tragedies. You encouraged us to look for the intangible benefits of the experience.

One friend sent a quote from Cicero: "It is foolish to tear one's hair in grief, as though sorrow would be made less by baldness."

We have a new appreciation for a hand with fingers that curl smoothly over typewriter keys, for the ability to walk through sagebrush to a fence one-quarter mile away or up the long staircase to the office — for being alive.

And especially for friends. Friends who left their jobs and cut short their vacations to be with us those first two weeks in the hospital, who nursed us after our release, who hauled wood for each of us and fixed up

Dan's car, who brought us good food and good cheer.

Now Dan is able to get around on crutches although he still can't sit up. He does some writing flat on his back. Marjane has the splints off her leg and her finger, which are gradually improving through physical therapy. Jazmyn has been working since the accident, despite the pain and general discomfort of her broken collarbone.

Jazmyn, Joan, Hannah and Jacque have been keeping HCN going with the help of local volunteers and free-lance writers. For those of you who expressed concern, don't worry. HCN is alive and well.

—Dan and Marjane

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