

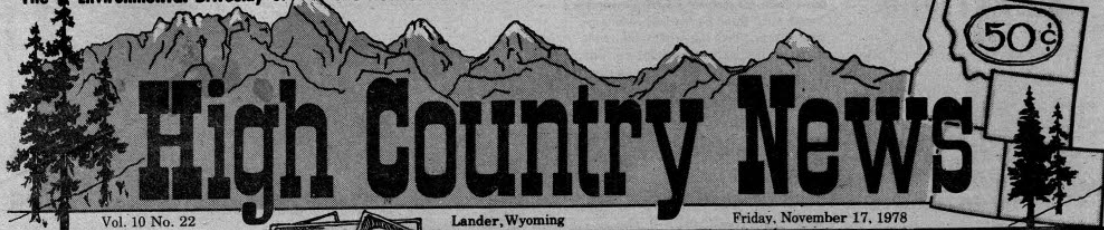
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WICHITA, KS. 67203

The Environmental Biweekly of the Rockies and Great Plains



What's in the cards for the Western states' environment?

Western Election Review

Taxpayers' revolt may have stacked the deck

Largely because of pocketbook promises from the candidates, voters in the Northern Plains and Rockies states have apparently stacked the deck against progressive environmental lawmaking in the state legislatures next year. Republicans took over control of one house in four states this year and now hold the majority of seats in both houses in Colorado, Idaho, North Dakota, Utah and Wyoming. In the only other state we examined, Montana, Republicans control the state Senate for the first time in 23 years. Environmentalists in each state say they are apprehensive. They say that with a few exceptions, Republicans are less helpful on environmental issues than Democrats.

However, political analysts in the region say that overall, the results of the election don't necessarily indicate environmental backlash. In most cases, the environment was simply overshadowed by other issues.

The most significant environmental victory in the region was the success of the nuclear initiative in Montana where a substantial majority of voters called for strict controls on the siting of nuclear facilities in the state. Environmentalists were also pleased with the results of gubernatorial races in Wyoming, Colorado and Idaho where voters snubbed Republican challengers — all of

whom had dismal environmental records.

Environmentalists in Colorado, Idaho, Montana, North Dakota and Wyoming — also have at least one or two significant victories they can point to, where candidates, usually incumbents, bragged about their environmental records and won.

The results of the election mean that the public in this region as well as in the rest of the country is concerned about taxes — so much so that other issues were often ignored. The taxpayer revolt, which started in California with a successful initiative to cut property taxes, has moved into the Northern Plains and Rockies. And the candidates, both Republicans and Democrats, responded.

Voters had a chance to express their dismay over taxes directly on the ballot in three states in the region, which were among the 16 states nationwide with tax initiatives. Idaho residents passed their ballot measure, which will cut property tax revenue almost in half. North Dakotans voted to lower their state income taxes. Coloradoans turned down a proposed lid on spending.

Voters in Colorado and Idaho both elected men who had been on Environmental Action's "Dirty Dozen" list. U.S. Rep. William Armstrong, who won the race for senator in

Colorado, and U.S. Rep. George Hansen, who retained his House seat, were both on the list of 12 congressmen with poor environmental voting records whom environmentalists wanted to see defeated. Both candidates ran hard on "pocketbook" issues.

Both the Colorado and the Wyoming delegations will be weaker on environmental issues due to the loss of U.S. Rep. Teno Roncalio (D-Wyo.) and U.S. Sen. Floyd Haskell (D-Colo.). Roncalio retired, and Haskell was defeated by Armstrong.

North Dakota, Idaho and Utah held on to the same U.S. senators and representatives, who all have poor to mediocre environmental records, except for Sen. Frank Church (D-Idaho). No one is sure what to expect from the newcomer to the Montana delegation, Pat Williams, although environmentalists supported him over his opponent.

Environmental lobbyists will probably spend most of the next legislative sessions defending past gains. Severance taxes in Montana, North Dakota and Wyoming, for example, all could be either lowered or kept at the same level — despite the Democratic governors' preferences. Montanans also fear the nuclear initiative might be gutted.

Colorado Wyoming Montana Idaho

"The environment is a popular issue in Colorado, but a lot of people don't know what it means."

Environmentalists lost as many major races as they won in the Colorado election. While their ally Gov. Dick Lamm (D) was re-elected, the U.S. senator they favored, Floyd Haskell (D), was not. Incumbent Reps. Pat Schroeder (D) and Tim Wirth (D), who have excellent environmental records, were returned to Congress. But Gerard Frank (D) and Morgan Smith (D) lost badly (continued on page 4)

Herschler against Ostlund was a fairly clear-cut "good guy vs. bad guy" race.

Environmental issues played a major part in the Wyoming gubernatorial contest, the most hotly-contested statewide race. Incumbent Democratic Gov. Ed Herschler staged a dramatic come-from-behind victory to narrowly defeat Republican state Sen. John Ostlund, 51 percent to 49 percent. Herschler was backed by state environmentalists and, to the surprise of many, his campaign relied heavily on his (continued on page 6)

The trend toward a more conservative Legislature isn't necessarily bad for natural resource issues, according to Bob Kiesling.

In Montana's recent election, "Not many campaigns ran on environmental issues. The general feeling is that there is so much vocal anti-environmental feeling that many people are gun-shy," says Phil Tawney of the Montana Committee for an Effective Legislature.

However, Montans did elect a strong (continued on page 6)

"We're in the same horrible shape we've been in for several years," says Mark Ingram.

Tax reform was the big issue in Idaho elections this year.

Voters passed an initiative to limit property taxes to one percent of the value, a move that may have serious ramifications for environmental legislation, according to Mark Ingram of the Idaho Conservation League.

In the races for congressional seats, Idaho voters returned to office the three incumbents — Reps. Steve Symms and (continued on page 5)

2-High Country News - Nov. 17, 1978

Dear Friends

Publishing an independent newspaper requires a complete commitment of all a person's resources — time, money and soul. Thus it's not too surprising when a staff decides they've had enough — especially when it's a two-person operation.

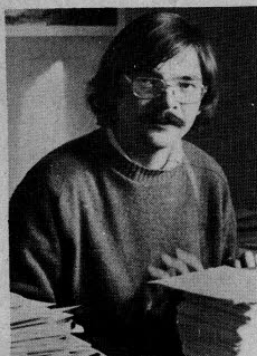
However, we were sorry to hear that Mike Jacobs and Suzzette Bieri had made that decision. Their *Onlooker* had offered North Dakotans coverage of agriculture, energy development, political history, and state and national politics that was full of insight and sensitive appreciation for the state — its land and its people. Suzzette's photographs complemented Mike's writing. Together they took on all the typesetting, bookkeeping and mailing duties — a feat that's incredible in itself to those of us who know what it entails. On top of that, Suzzette held down a full-time job to keep the family finances in shape.

Fortunately for us and for you, the demise of *The Onlooker* will make it possible for Mike to work more closely with us as a freelance writer in the coming months. Many of you are already familiar with him through articles that have been reprinted in HCN or through his book on coal development, *The One Time Harvest*. He has also been a frequent news source for our North Dakota stories. In addition to freelancing for us, he will be working full-time

as the Bismarck bureau chief for the *Grand Forks Herald*.

We are offering his former readers the option of getting *High Country News* until their *Onlooker* subscriptions expire, which hopefully will result in many new subscribers for us. The arrangement should benefit us all since most of the issues we cover — energy development, agriculture, Indian resources and alternative energy — are as important to concerned people in North Dakota as they are to our other readers.

— the staff



MIKE JACOBS, former publisher of *THE ONLOOKER*. His motto: "There is not much one man can do, but he can tell a story the way he sees it."



"IT'S HARD NOT TO VOTE FOR A GUY WHO LOOKS LIKE A CHIPMUNK."

Industry's oil production figures look greasy

Reprinted from the POST-REGISTER, Idaho Falls, Idaho.

Rocky Mountain Oil and Gas Association attempted to throw up an unqualified smoke screen estimating billions of barrels of oil and trillions of cubic feet of natural gas in the Idaho, Utah and Wyoming Overthrust Belt.

Twenty-five oil companies threw all their estimates in the pot, the association stirred it around and came out with some average figures it is attempting to peddle as factual. Still not one drop of oil has ever been found in Idaho.

"In Idaho itself, beneath U.S. forest lands in the eastern and southeastern parts of the state, there could be a billion barrels of oil and over 10 trillion cubic feet of natural gas, RMOGA announced through its division office in Boise, the Idaho Petroleum Council and its executive director, Douglas E. Bean," says an Idaho Petroleum Council news release.

What it doesn't say is there may be none. "In Idaho, the huge potential of recoverable oil and gas is identified as being located under 101 U.S. Forest Service RARE II tracts..." the article states.

The entire report is a lobby against any of the lands being designated wilderness. Using such terms as "staggering potential, \$3.3 billion royalty revenues to Idaho, reduction of the country's alarming dependency on foreign oil and strengthening the U.S. dollar abroad" would be good news to us all—if there was any factual support of the report.

It is interesting that the council directs its figures only to the RARE II study areas.

The RARE II study lands constitute only about 20 percent of the total Overthrust Belt. The report says nothing about the potential of the other lands thought to have gas and oil reserves.

What the council does point out is that if any of the roadless areas proposed to be withdrawn from multiple use and designated wilderness, mineral exploration and production would be prohibited, and these revenues would be lost to the state.

The council should more clearly point out that the oil companies have already invested from \$60 million to \$80 million in Idaho leases and wildcat wells without recovering a penny. They can hardly be blamed for wanting the chance to get their investment back, if indeed the petroleum is there.

But neither should the lands be scarred with roads and pocked with drill sites if their real potential is wilderness.

That is why these lands, for which questions are not answered in the RARE II guidelines done so ambiguously by the U.S. Forest Service, should be classified for further study.

The Forest Service's Ogden office says it has never studied the Overthrust Belt, but believes there are oil and gas deposits.

The oil companies are guessing. If the council is going to issue a report, it should be reliable and documented.

Guest editorials do not necessarily represent the opinions of the staff of HCN.



Hiello,

Re Mark Stromberg's letter about endangered species (HCN 11-3-78): it seems fair to assume he despairs at the eradication of, say, smallpox and polio. I don't.

Doug Long
New Concord, Ohio



CONSERVATIVE THOUGHT

Dear People,

From the time that I first saw HCN (in Whitefish, Mont., in 1975) I have been curious. Now I am committed to support the paper and the staff in their call for environmental protection against the force of economic-based environmental depredation and desecration. We must take care of our resources of clean air, clean water and natural inhabitation.

My hopes for HCN's success and the spread of environmentally conservative thought.

David Smiglewski
Granite Falls, Minn.



High Country News

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

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Managing Editor Joan Nize
Associate Editor Marjorie Ambler
Office Manager Jamyn McDonald
Contributing Editors Dan Whipple, Peter Wild, Philip White
Correspondent Hannah Hinchman
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Editorial Assistant Jacquie Shaw
Circulation Manager

Subscription rate \$12.00
Single copy rate 50 cents

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editorial

Nov. 17, 1978 - High Country News-3

Forest Service secrecy serves only confusion

For the past year or so, the U.S. Forest Service has entertained and enraged nearly every interest group in the region with the second Roadless Area Review and Evaluation. RARE II has turned into the bane of existence for wilderness advocates, commodity interests and individuals within the agency itself, all of whom assume that the process will not come up with the results they want.

Without passing on the merits or demerits of the program, we have been pleased with the openness with which the Forest Service has conducted RARE II. The agency has announced its plans along the way and encouraged as much public involvement as it could.

Until recently, that is. Now that the Forest Service has entered its "evaluation" phase, it intends to keep its workings a secret until the final environmental impact statement is completed.

What this means to those interested in the RARE II process—on all sides of the issue—is that there will be no information about how public input is evaluated, what criteria are applied to evaluate roadless areas for wilderness or non-wilderness or how boundary changes are being made.

The evaluation of the public input is a particularly serious matter. Early in RARE II, the Forest Service said that it would be looking for the reasons behind individuals' recommendations for wilderness or non-wilderness designations, not merely taking a vote count. Under its secrecy policy, the Forest Service now won't say how it is measuring, but there are some indications that the agency is reversing itself and relying on "quantity" measurement over the "quality" one.

This could be a serious matter for wilderness advocates. While a number of commodity interests were running "response form" campaigns—RARE II's version of ballot stuffing—a number of pro-wilderness advocates relied on the personal letter to relay their suggestions about wilderness. Now, since the "evaluation" is a secret, wilderness advocates will holler "Foul!" if the agency seems to be vote-counting when it produces its final proposal.

If, on the other hand, the Forest Service weighs personal letters more heavily than "response form" input—again, in secret—interests that promoted response forms



MT. EVANS ROADLESS AREA in Pike National Forest, Colo.

Photo by David Sumner

will argue, "Most people you heard from didn't want any more wilderness at all!"

The Forest Service's secrecy policy will only cast suspicion on the outcome. If the agency would declare the rules, much of that suspicion could be removed, and only some of the people would be upset.

The Forest Service has given one major reason for this closed door policy. The agency hopes to be free of "pressure" from interest groups as it draws up its final wilderness proposal to present to Congress. They want to protect various levels of the agency, which might have conflicting recommendations, from criticism.

We are not quarrelling with the Forest Service's right to draft a final proposal in the way it sees best, but we are disturbed that it finds it necessary to keep the public in the dark about its procedures. Being subject to "pressure" does not necessarily mean bowing to it, and receiving advice does not require taking it. It seems only reasonable that the public know what criteria are being used to evaluate the roadless lands, so that all interest groups can "check" the agency.

Granted, this would make it harder on the decision-makers. However, government should not be run for the convenience of the bureaucrats employed therein. Nor should it be run to protect them from criticism. The current secrecy policy is serving no one but the federal employees who are

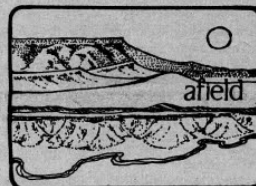
trying to keep their hard decisions from reaching the light of day.

A Forest Service official who was defending the agency's policy of non-information told us, "When everything is secret, everybody always expects the worst."

We say, "Amen," and hope that the agency will realize that it is only postpon-

ing the controversy it wishes to avoid. The agency immediately should open the evaluation to public scrutiny. Otherwise, the agency's openness up to this point has been wasted.

-DSW



by Hannah Hinchman

Remarkably, winter with its knife-like air and rock-hard ground produces something that softens and absorbs its harshness. We've just been blanketed by 37 inches of it. It's so light that you turn aside a wake as you plow through it. Thankfully, the noise of vehicles laboring, running aground and rattling their chains is muffled by its presence.

Eyes are bereft of visual information on a snowy day since the ground contours, large and small scale, are invisible. My eyes anxiously try to make judgments, but feel lost. Distant colors take on a general paleness. It is only at close range that the drab hues of weeds, rocks and sparrows suddenly assert themselves and seem rich against white.

Snow builds up flake by flake depressing tree branches until the scales tip and gravity frees them. Walking in a quiet grove I can hear the sound of branches springing back. If this were a dense, wet snow, limbs would be cracking off.

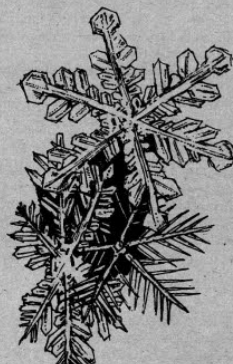
During this long snowstorm, several varieties of snow have fallen, from hard little pellets to huge conglomerate flakes. For a long time the flakes descended as perfectly formed plates with distinct spikes and tines. Rather than nestling closely these flakes catch on each others' spines like burrs, building improbable towers on top of catfalls, fenceposts or any other projection.

Since there is so much air space in the matrix of flakes, snow is a classic insulator.

The ground beneath is still muddy though the air temperature has hovered around zero.

A week ago, before the Great Snow, Kisinger Lakes in the Absaroka Range had only pocket-sized stretches of open water. The ice was still flexible enough to respond to the wind; whenever a gust swept across its surface, the ice would undulate, barking and ringing as it cracked.

All of us at Kisinger Lakes, including Clark's nutcrackers, squirrels, red crossbills and bears, dined on the extravagant crop of sweet, pitchy whitebark pine nuts.

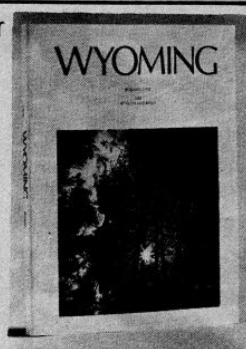


Mentioning flickers again, John Mioncynski in Atlantic City, Wyo., tells me that most animals have an excess of energy in the fall, whether they are migratory or not, which might account for the local flickers' restiveness. Ed Foss from Condon, Mont., informs me that of woodpeckers, flickers are the most likely to be migratory since they are so fond of ants, which aren't active in cold weather. He suggested that they might be traveling flickers that had paused, wondering if they should "return north and enjoy our beautiful Indian Summer weather."

Graphic Arts Center Publishing Company

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election review...

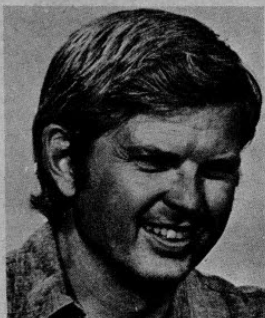
Colorado

(continued from page 1)

in their bids for two other congressional seats. Frank and Smith were environmentalists' two top-rated members of the state House of Representatives.

Except in the case of Haskell's Senate seat, Coloradans generally didn't vote for change; they elected incumbents. In many cases they also seemed more attracted by candidates' personalities — or by their pocketbook promises — than by their stands on other issues.

Of Colorado's five congressional seats, three will be filled by incumbents —



DICK LAMM says he's matured in four years as governor of Colorado. Lamm was re-elected by a wide margin.

Schroeder, Wirth and James Johnson (R). Seats vacated by Reps. Frank Evans (D) and Bill Armstrong (R) will be filled by two former members of the Colorado General Assembly, Rep. Ken Kramer (R) and, if he maintains his slim lead in a recount, Sen. Ray Kogovsek (D).

While incumbents made a strong showing in the state legislature, Republicans gained three seats in the House, where they rule 38-27, and four seats in the Senate, where they rule 22-13.

Barbara Lamm, lobbyist for the Colorado Open Space Council, says, "We had some losses. The Democratic vote is usually pretty solidly with us. But some of the new Republicans are more environmentally aware than the people they replace."

MIXED FEELINGS

Environmentalists had mixed feelings about the two biggest battles: Dick Lamm versus state Sen. Ted Strickland (R) and Haskell versus Armstrong.

Lamm had run as an environmentalist in 1974 but had disappointed many supporters once in office. By the end of his first term, however, environmentalists were generally pleased by his attempts to curb growth and air pollution on the heavily-populated Front Range. He also was a strong backer of the state's Mined Land Reclamation Board "at a time when the board was about to be wiped off the face of the earth," says a Colorado environmentalist.

"But he went a bit overboard on the water projects," the environmentalist says. Lamm flew back to Washington to lobby

against Jimmy Carter's proposed cuts in the public works bill, which would have halted three proposed dam projects in Colorado.

Some environmentalists were also upset with Lamm's attempts to site new industry in the state's rural areas. Some complain that Lamm has been non-committal on issues he would have fought for as a state legislator.

"He's been a terrible disappointment," said one environmentalist.

"You generally like him, but every once in a while you say, 'What did he do that for?'" says another.

One environmentalist said that he couldn't vote for either Lamm or Strickland. If that stance aided Strickland, so be it, he said. "If Strickland had won, at least we'd have a visible target to focus on. Now everyone sits back and thinks Dick Lamm will take care of things."

What some environmentalists saw as a betrayal, Lamm describes as maturation.

"There's no question I was too confrontational in the beginning," Lamm said in a *Rocky Mountain News* article. "In the governor's office one must be a conciliator — unlike the legislature, where one is 100 percent advocate. I believe I started doing better when I turned down the volume."

Most environmentalists accepted Lamm's middle-man stance, however, and supported his bid for governor. "Clearly the environmental community has come back to Dick Lamm," said one political observer.

The alternative, Strickland, brought many environmentalists into the Lamm camp. "Lamm has to varying degrees betrayed our interests, but Ted Strickland doesn't know what the word environmentalist means," says environmentalist David Sumner.

In the last session of the Colorado General Assembly, Strickland had earned a 24 percent rating on environmental issues from the Colorado Open Space Council, which describes him as "smart, ambitious and no friend of the environment."

Environmentalists were particularly upset over Strickland's weakening of Colorado's 1978 air pollution control bill, which was finally vetoed by Lamm.

Lamm won easily, with about 60 percent of the vote. He was successful because "state government is working reasonably



BILL ARMSTRONG unseated Colorado Sen. Floyd Haskell, much to the dismay of environmentalists in the state.

Utah

"The environment wasn't even discussed in Utah."

Democrats lost dramatically in Utah, which puts the state Senate in Republican hands and makes the state House more Republican than ever.

The election produced no change in the state's congressional delegation. Neither senator faced re-election this year and incumbents Dan Marriott (R) and Gunn McKay (D) retained their seats in the U.S.

well," according to Gene Amole, a columnist for the *Rocky Mountain News*.

HASKELL IN TROUBLE

One political observer says the Republican Party in Colorado put its greatest effort into Armstrong's campaign to oust Haskell.

Realizing the senator was in trouble, environmentalists put most of their effort into Haskell's re-election. Some worked for a group called Conservationists for Haskell. The group sent out a letter that included endorsements for Haskell from David Brower of Friends of the Earth, author Paul Erlich and actor Robert Redford. A national conservation group, Environmental Action, placed Armstrong on the "Dirty Dozen" list of the 12 members of Congress that environmentalists most want defeated.

Haskell had a 69 percent rating from the League of Conservation Voters for his environmental votes in the U.S. Senate over the past two years. The group gave Armstrong a mark of 27 percent for his work in the U.S. House.

Haskell was seen by environmentalists as outstanding on clean air, solar power, wilderness and wild rivers issues but disappointing on oil shale and water projects.

Apparently, they accepted him, disappointments and all. "The water projects battle had to be won in the East," says a Colorado environmentalist. "He probably gave the oil shale industry that bill to get votes. You've got to play the political games."

In 1976 and 1977 Armstrong voted in favor of industry-backed amendments to delay final auto emission standards. He also voted against setting a standard for nitrogen oxide emissions. He felt the measures would cause hardship for the auto industry and the consumer. Because of these stands, one environmentalist calls him "Colorado's representative from Detroit."

He also voted against provisions in the Clean Air Act Amendments of 1977 to protect areas with pristine air.

Armstrong based his successful campaign on the issues of inflation and taxes. A political observer says the Haskell campaign, with only two-thirds the funding of Armstrong's, "fell apart at the end." Has-

House. Both congressmen have received low scores from the League of Conservation Voters for their environmental votes. In 1977 Marriott scored 15 percent. McKay has a 27 percent average over the past seven years.

Republicans gained seven seats in the state Senate, leaving the party only one vote short of a two-thirds majority, 19 to 10. Last year Democrats controlled the state Senate, 17 to 12.

In the state House, Republicans gained 10 seats. That gives them exactly a two-thirds majority, 50 to 25.

"The more conservative the legislature, the less chance there is of passage of strong environmental legislation," says a Utah political observer.

"The environment wasn't even discussed," says a Utah environmentalist.

kell attracted only about 40 percent of the vote.

Haskell was defeated "more on style than on substance," according to columnist Amole. "Haskell appears ill-at-ease and uncomfortable in his job," while Armstrong "exudes vigor and a sense of purpose."

TWO NEW CONGRESSMEN

Colorado's two new congressmen, Ken Kramer (R) and probably Ray Kogovsek (D), seem likely to vote as their predecessors did on environmental issues. Kogovsek is viewed as fairly good on environmental issues, as was Evans. (Kogovsek received a 68 percent rating from the Colorado Open Space Council for his 1977-78 term in the state Senate. Evans had an average of 54 percent from the League of Conservation voters for his years in Congress.)

Kramer, the man to replace Armstrong in the U.S. House, received low marks from environmentalists (a 20 percent rating) for his last two years in the state House, as did Armstrong for his years in Congress (27 percent).

Kramer's opponent, Gerard Frank, was a favorite of environmentalists. He had a 100 percent rating from the Colorado Open Space Council for his 1977-78 votes in the Colorado House. Nevertheless, he attracted only about 34 percent of the vote.

Conservationists also backed Morgan Smith in his unsuccessful attempt to unseat U.S. Rep. James Johnson (R). Johnson had the lowest League of Conservation Voters rating of any member of the Colorado delegation — an average of 23 percent. Smith, on the other hand, had a 100 percent rating from the Colorado Open Space Council, which called him a "shining light" in the state House.

Johnson won the battle easily, with about 61 percent of the vote.

Unlike most other inland Western states, in Colorado most candidates for national office at least paid lip service to environmental protection. However, this year a good record on the environment apparently didn't swing as many votes as a promise to cut taxes and stop inflation.

As one Colorado conservationist put it, "The environment is a popular issue in Colorado, but a lot of people don't know what it means. This year, they're obsessed with other things."

Idaho

(continued from page 1)

George Hansen and Sen. James McClure — all Republicans. Sen. Frank Church (D) will be up for election in 1980.

"We're in the same horrible shape we've been in for several years," Ingram says, speaking for environmentalists in the state. Symms and Hansen have frequently been singled out on the "Dirty Dozen" list of the congressmen whom environmentalists would most like to see removed from



U.S. REP. GEORGE HANSEN links environmentalists with other "Big Labor front groups."

office. In 1977, Symms' rating from the League of Conservation Voters for his environmental voting record was five percent. Hansen's rating was nine percent. When Hansen discussed being the environmentalists' target, he grouped them with others who oppose him, saying they were "front groups for Big Labor."

McClure is considered more accessible to environmentalists, although his League of Conservation Voters rating for 1977-78 was only 16 percent.

Perhaps because his opponent took a strong stand on some environmental issues, McClure sent out a special mailing defending his environmental voting record, according to Ken Robison, a newly elected state senator. Robison says McClure emphasized his votes for final passage of the Clean Water Act and the Clean Air Act amendments, without mentioning his efforts to weaken both laws.

McClure's challenger, Dwight Jensen, came out against nuclear energy development, a gutsy position in a state that harbors the Idaho National Engineering Laboratory, a nuclear research facility. Robison says that for environmentalists, Jensen was clearly the better candidate. However, he says the general public probably wasn't aware of the distinctions between the two.

During his own campaign, Robison surveyed people throughout his district and found the "substantial majority was very concerned about the quality-of-life issues." Support for wilderness was also indicated by a considerable number of Idaho people commenting on RARE II, the Forest Service's Roadless Area Review and Evaluation.

Robison thinks the results of the two



U.S. REP. STEVE SYMMS had a five percent record on environmental legislation in 1977.

races for the U.S. House might have been different if Symms' opponent, Roy Truby, and Hansen's opponent, Stan Kress, had capitalized on the incumbents' poor environmental records.

"Symms and Hansen have records of being very conservative fiscally. With the concern over taxes this year, Truby and Kress were at a disadvantage unless they picked up other significant issues for their campaigns," Robison says. While both Kress and Truby are philosophically in sympathy with environmental concerns, neither said much about it. In fact, Truby said there should be no more wilderness designated in Forest Service roadless areas, Robison says.

Robison criticizes Gov. John Evans (D),

who won by a wide margin, for the same reasons. While Evans did not take aggressive stands on environmental issues, his opponent, Allen Larsen, tried to associate him with environmentalists. Larsen said the environmentalists were causing a loss of jobs in the state. Evans, who was appointed governor when Gov. Cecil Andrus became secretary of Interior, hasn't established a reputation one way or the other on the environment.

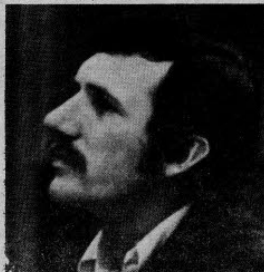
Evans will be working with a state legislature dominated by Republicans. Republicans outnumber Democrats in the state House by about two to one and hold a slight edge in the state Senate, too. Robison's victory added one Democratic vote in the Senate. Ingram says Robison's victory was important symbolically, since Robison's environmental concerns are well-known and were well-publicized in his campaign. Robison publishes an independent newspaper, *The Idaho Citizen*. He was the first Democrat elected since his district was created in the '60s.

The success of the Idaho tax initiative is expected to discourage passage of some types of legislation, such as tax credits for alternative energy equipment. Ingram says planning money is also likely to be affected. Initiative backers complained that property taxes were being used for "unnecessary" interference from government, such as land use planning.

The cost to local governments is expected to be from \$100 million to \$140 million, or about 40 percent of their property tax revenue. "The legislature will be consumed by that to the exclusion of some of our (environmentalists') issues," Ingram says.

North Dakota

"From an environmental standpoint, they're going to kill us." — North Dakota Rep. Rick Maixner



REP. RICK MAIXNER was one of the few Democrats re-elected to the North Dakota Legislature.

Although coal development was not a big issue in North Dakota this year, the election may affect coal severance taxes in the state.

The tax, which is now the second highest in the region at about 25 percent, will not be raised and might be lowered by the Republican majority in the state legislature, according to Mike Jacobs, former publisher of *The Onlooker*, an independent newspaper in the state. As a result of the election, the Democrats probably don't have the strength to resist the effort since the Republicans now have enough votes to override a veto by the Democratic governor, Arthur Link. Link had pushed with other members of his party for a higher tax during the last legislative session, and only two Republicans broke rank to vote for it.

Other environmental legislation is likely to suffer also, according to Rep. Rick Maixner, one of the few Democrats who

Garrison is a popular project for redistributing water in the state. The Carter administration wanted a scaled-down project.

Maixner says Democrats also were hurt by the number of conservative voters who turned out to oppose a statewide initiative on health care. The proposal would have given the state control over rising health care costs.

Voters did re-elect two outstanding environmental lawmakers to the legislature, however — Maixner and Stella Fritzell. Jacobs says Fritzell is considered the best friend environmentalists have in the state Senate. Both emphasized their environmental records in their campaigns. Asked to explain their victories, Maixner says, "People in this state do want to preserve the environment and their way of life. They know that's what we stand for."

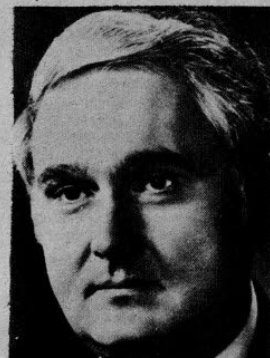
One legislative candidate who campaigned on an environmental issue lost the race. Harold Mund supported federal acquisition of wetland habitat for waterfowl. However, at the same time, voters showed strong support for an initiative that will provide state funds for improving wildlife habitat. The measure will provide several hundred dollars every two years from the interest on hunting and fishing license fees, money that was previously returned to the state's general fund.

Only one of the state's three seats in Congress was decided this year since Sen. Milton Young's (R) term expires in 1980, and Sen. Quentin Burdick's (D) expires in 1982.

Rep. Mark Andrews was re-elected easily over his Democratic opponent, Bruce Hagen, a member of the state Public Ser-

vice Commission. Neither candidate made the environment an important issue in the campaign, although Andrews criticized the federal government for considering adding more wilderness in the state. Andrews earned a 20 percent rating from the League of Conservation Voters for his conservation votes in 1977, 21 percent in 1976 and 22 percent in 1975.

One surprise in the congressional race results was the support shown for an independent candidate, Harley McLain of the Chemical Farming Banned Party. McLain received 3,000 votes or two percent of the votes cast.



U.S. REP. MARK ANDREWS easily won his re-election bid.

6-High Country News - Nov. 17, 1978

election review...

Montana

(continued from page 1)

conservationist, Max Baucus (D), to the U.S. Senate. Baucus moves up to the Senate from the U.S. House of Representatives, where he earned solid pro-environment credentials. Baucus beat Republican Larry Williams, who also exhibited sympathy for environmental goals during his campaign.

Baucus will fill the seat previously held



MAX BAUCUS will fill former Sen. Lee Metcalf's shoes, environmentalists hope.

by Sen. Lee Metcalf (D), who died earlier this year. Metcalf was a leader on environmental issues, particularly wilderness, in the Senate, and Montana activists hope that Baucus will fill Metcalf's shoes.

In the western Congressional district, Pat Williams (D) beat Jim Waltermire (R) by about 60 percent to 40 percent. Environmentalists in Montana had supported Williams, saying that Waltermire was worse on nearly every resource and conservation issue.

Incumbent Republican Ron Marlenee won re-election in eastern Montana, defeating Jim Monahan (D). Bob Kiesling of the Environmental Information Center says, "Monahan would have been better on environmental issues." Monahan had been a very active public service commissioner. However, Marlenee outspent his opponent by about 10 to one, \$150,000 to \$15,000. Despite this outlay, Marlenee only drew about 55 percent of the vote.

For the first time since 1955, the Republicans have gained a majority in the state Senate. Tawney says, "The Republicans have had a terrible record on environmental issues, and it's going to hurt that they will take over the committee chairmanships."

Tawney's group was a coalition of conservationists, labor, senior citizens and farm and ranch interests. The group supported 12 Senate candidates—eight winners—and 22 House candidates—16 winners. Tawney says the state Senate

gained three "progressive legislators."

Kiesling says that in the state House, environmentalists lost some valuable friends, most of whom resigned to seek higher office. "We lost Dorothy Bradley, John Driscoll and Gary Kimble, all of whom had good records and spoke out strongly in favor of environmental concerns. We also lost Mike Meloy, who lost in his re-election bid. Meloy was a progressive House majority leader. I think we're seeing the trend toward a more conservative body politic. However, that isn't necessarily bad

for natural resource issues," he said.

Another observer says, "Environmentalists should be able to hold their own in the legislature. Last year there were only nine votes in the Senate you could really count on. Now there are probably 11 or 12."

The new Republican majority is expected to attempt to weaken the state's major facility siting act and lower the 30 percent coal severance tax. Environmentalists will push for a law to limit corporate involvement in agriculture operations.

U.S. Rep. Ron Marlenee outspent his opponent by about 10 to one but only drew about 55 percent of the vote.



Wyoming

(continued from page 1)

environmental record of the past four years.

Wyoming environmentalists saw the governor's race as a fairly clear-cut case of "good guy vs. bad guy." During his time in the state Senate, Ostlund consistently voted against and worked to defeat major environmental legislation.

Sarah Gorin, staff director of the Powder River Basin Resource Council, a rancher-conservationist group, says, "Ostlund has no use for us. He's never been responsive to our organization. He is very much in the back pocket of the mineral industry. In the Senate, he led efforts to gut the industrial siting act, the environmental quality act and generally make the state favorable to the mineral industry."

Herschler, though he can't be called a strong environmentalist, has supported tough industrial siting requirements, stringent enforcement of state environmental laws and some proposed increases in the state mineral severance taxes. Herschler pointed to these stances in his campaign advertising and publicized Ostlund's poor record on these issues.

In the weeks preceding the election, the main issue was a campaign promise by

PRBRC's Sarah Gorin says, "Ostlund is very much in the back pocket of the mineral industry."



GOV. ED HERCHLER won a narrow victory.

Herschler to fight for a five percent increase in Wyoming's severance tax, coupled with a one-third decrease in property taxes. Environmentalists contend that the state's severance tax is too low—currently about 17 percent for coal and less for other minerals.

Herschler had to fight the charge of corruption in his administration. His attorney general had been indicted for failing to prosecute some cases, but the indictments were later dismissed. Crime in the boomtown of Rock Springs was also an issue.

John Jenkins, a political consultant who worked on the Herschler campaign, says, "Environmental issues had a lot to do with this election. It was most important that the public perceived Herschler as a moderate." He says the public figured Ostlund could be expected to dismantle what had been accomplished in the state regarding protection of the environment.

PRBRC's Gorin agrees that people saw

Ostlund as a tool of industry. However, she also notes, "The election was so close that it can hardly be called a mandate for environmental concerns." Other observers pointed out that the prospect of tax relief was so appealing that it outweighed other concerns.

The senatorial and congressional campaigns could hardly be called "races" because the two Republican candidates ran away with the elections. Alan Simpson (R) was elected to the Senate seat being vacated by Clifford Hansen (R) with 62 percent of the vote to Democrat Raymond Whitaker's 38 percent. Simpson had a good environmental record in the Wyoming House of Representatives (77 percent for 1973-78, according to a Wyoming Outdoor Council analysis). While state activists don't expect him to be a leader on environmental issues, "He will be open on a case-by-case basis," says one. During the campaign, he downplayed his environmental record and said he does not favor additional wilderness in the state.

However, Simpson's opponent, Raymond Whitaker, was even quieter than Simpson about the environment, and one environmentalist says it is "impossible" to determine how he would have dealt with those issues.

Republican Dick Cheney, former White House chief of staff for President Gerald Ford, easily defeated Democrat Bill Bagley for Wyoming's lone U. S. House seat. Cheney's "experience" was the major plank in his political platform, and environmental issues were scarcely raised. Gorin says, "Nobody knows very much about him. He never made any effort to talk to our group. In fact, I can't remember him actually taking a position on a single issue in the campaign."

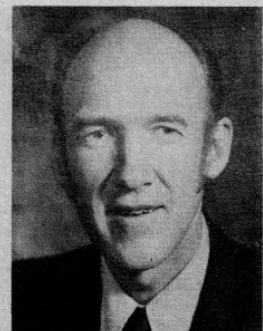
Environmentalists considered Bagley the stronger candidate, but one observer

says, "He just didn't run a strong campaign."

The Wyoming State Legislature will change character slightly in the 1979 session. The Republican party has picked up 10 seats in the House and one in the Senate. The House is now more than two-thirds Republican. Tom Throne, who ran a political action committee for the state legislative races, says, "The House will be tougher in the next session for environmentalists. More Republicans will mean

(continued on page 7)

A state political consultant says, "Environmental issues had a lot to do with this election."



ALAN SIMPSON is expected to be sympathetic to some environmental concerns in the U.S. Senate.



Montanans demand vote on nuclear plants

Montana and Hawaii have become the first two states in the union to pass initiatives restricting the use of nuclear power within their borders. Montana voters approved two ballot propositions, one setting strict standards for the siting of a nuclear power facility in Montana and one banning any nuclear facility within Missoula County in western Montana.

Hawaii passed a measure that requires approval by two-thirds of each house of the legislature before an atomic power plant project can proceed.

In 1976 Montana voters rejected a ballot initiative that according to the state attorney general, would have "banned" nuclear power plants. It was defeated 58 percent to 42 percent.

In this year's statewide referendum, Initiative 80, the Montana Supreme Court and the attorney general agreed that the wording did not constitute a ban on nuclear power. Opponents of I-80 argue that the initiative is a ban.

I-80 passed by a 64 percent to 36 percent margin. Mike Males, coordinator of Nuclear Vote for Montana, a pro-initiative organization, says, "It was a pretty good vote. It means that the people of Montana want to have more control over energy facility siting. Two years ago, over 40 percent of

the people voted to ban nuclear power. Since this referendum is not a ban, we pulled in the other 25 percent or so that want strong energy facility control."

The new law gives voters the right to approve or reject any nuclear facility in Montana. It also sets up four other standards that nuclear facilities must meet. First, applicants have to accept full liability for compensating victims of a nuclear accident. Under the federal Price-Anderson Act, nuclear industry liability is limited to \$560 million.

The group opposing the initiative says it is a ban on nuclear power in the state.

Second, the Montana Board of Natural Resources must certify that nuclear plant safety systems have been proven "in actual operation."

Third, the board must determine that the radioactive materials from the proposed facility would have "no reasonable chance" of long-term harm to either present or future generations.

Finally, the applicant has to post a bond equal to at least 30 percent of the capital cost of the facility to pay for its dismantling.

A nuclear facility is defined by I-80 as any facility designed to: generate electricity by nuclear fission; convert, enrich, fabricate or reprocess uranium or nuclear fuel; or store or dispose of radioactive wastes from a nuclear facility.

Males says "the ineptness of the opposition" helped ensure passage. Out-of-state energy companies formed a group called Montanans for Jobs and Energy; Citizens Against the Nuclear Ban. "They made no effort to build a Montana base. They did little or no canvassing, relying instead on a media campaign. Also, they brought in out-of-state people as experts for their side, and these folks just got them into trouble," Males says.

The main theme of the opposition was that I-80 was a ban on nuclear power in the state. Opposition spokesman Joe Duffy says, "Categorically it's a ban. Section 4 (which includes the four conditions for siting) effectively precludes the Board of Natural Resources from determining that a nuclear facility could be sited in the state.



NUCLEAR facilities must be approved by the voters before they can be sited in Montana. Pictured is a control center for computerized surveillance of underground leaks at the waste storage site in Idaho.

The voters were confused by the wording. Polls say that Montanans do not favor closing off the nuclear option."

However, the state Supreme Court did not agree that I-80 was a ban. The court ruled in early October that "the implications of the vote are fairly stated. We do not find that the word 'ban' or a word of like import should be contained in the statement (summarizing the ballot initiative)."

Duffy says that his group would not do anything differently if the campaign were run again. He says, "The die was cast when the court approved the ballot language. We've maintained that this initiative does not give voters the opportunity to vote on nuclear siting." He says that, because the Board of Natural Resources could never authorize a plant under the I-80 conditions, the voters will never have the opportunity to cast their ballots.

In contesting the referendum in the state Supreme Court, opponents argued that I-80 was unconstitutional because Congress had reserved nuclear power decisions to the federal government. The court did not rule on this contention, saying only that the initiative was a proper matter for voter approval. This leaves open the possibility of a lawsuit attacking the legality of I-80. However, under Montana law, no suit could be brought unless a company files an

application for a plant. Currently, there are no known plans for a siting application in the state, so a lawsuit is unlikely in the near future.

NUCLEAR-FREE MISSOULA

In Missoula County, voters approved, 60 percent to 40 percent, an outright ban on nuclear facilities in the county. Mike Dahlem, a staffer for the Headwaters Alliance, a group formed to support the county initiative, says, "Frankly, I'm rather amazed that we won that big."

In 1976, Missoula County was one of

Proponents of the initiative say that "the ineptness" of the opposition helped ensure passage.

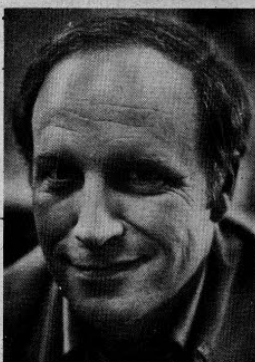
three in the state to approve the anti-nuclear initiative. However, the margin was small, about 52 percent in favor to 48 percent opposed. The wider margin of victory for this year's referendum may indicate that anti-nuclear sentiment is growing in Montana. However, Missoula County is the home of the University of Montana and is more progressive than many other areas of the state.

Both opponents and proponents of I-80 say that the recent national attention given to nuclear power, such as the Seabrook demonstrations in New Hampshire, had little or no effect on the outcome of the vote. Males says, "If anything, the effect of that publicity was negative. Montanans are not the kind of people who are sympathetic to demonstrations and tactics like that."

Now that the initiative is state law, Males is concerned that the legislature will try to gut the act. He says, "They've tried to do that before with referendums and we'll have to be prepared with a major publicity campaign."

Duffy says, however, that his group has no plans to work in the legislature for weakening amendments.

Wyoming



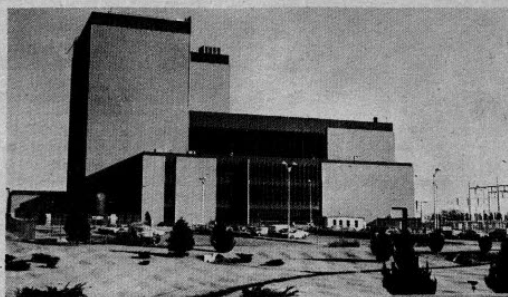
DICK CHENEY'S position on the environment did not come out during the campaign.

(continued from page 6)

more power for the conservative leadership. But the Senate will be better."

According to environmentalists, one of the best things about the Senate will be the loss of John Ostlund, who had to resign his seat to run for governor. In addition, independent oil man Tom Strock, one of the state's leading Republicans, was elected to the Senate from Natrona County. Strock is considered a conservationist and should be an articulate, reasonable voice in the Senate, according to Throne. He says, "Strock is a leader."

One state Senate race that had a clear environmental side was in Teton County. There, John Turner was challenged by anti-environmental forces, and Turner's strong pro-environment record was a major issue. Turner won handily.



FORT ST. VRAIN is the only commercial nuclear power plant in the North-ern Rockies. It is in eastern Colorado.

Photo by Phil White

8-High Country News - Nov. 17, 1978

Some of Colorado's bristlecones have been growing since the birth of Christ. Eastern California's have been living since the time the Egyptians built their pyramids.

Often only a narrow strip of living bark on the bristlecone's leeward side is nourished, while the windward side is polished by centuries of wind-blasted sand and ice particles.



Photos by Tom Jenkins

THE BRISTLECONE PINE is characteristically bent, gnarled and stunted. In some cases it grows almost parallel to the ground, due to the relentless force of the wind.



THE BRISTLECONE DEFIES TIME, WEATHER, AND HUMAN COMPREHENSION

by Thomas M. Jenkins

On Windy Ridge, just below 14,172 foot Mt. Gross near Alma, Colo., weirdly contorted, legendary creatures perform a ritual of survival at timberline. They are bristlecone pines, the oldest living organisms on earth.

Some of Colorado's bristlecones have been growing since the birth of Christ. Eastern California has bristlecones that were living at the time the Egyptians built their pyramids. One in particular is 4,600 years old.

Many factors contribute to the longevity and the slow growth rate of the bristlecone pine: short growing season, limited moisture accumulation, erosion, intense alpine sunlight, soil chemistry and extreme temperature changes. But the most important single factor is the desiccating wind.

As the bristlecone's crown of foliage is reduced by these factors over the years, its demands are reduced accordingly, which means smaller needles, less water intake, and a dense cellular structure of a hard, almost disease-resistant wood. So slow is its growth that a tree over 700 years old



THE OLDEST LIVING ORGANISM on earth, the bristlecone pine. The tree is found in six states—Colorado, Arizona, Nevada, Utah, New Mexico and California.

may be only 3 feet high and 3 inches in diameter.

The bristlecone pine is characteristically bent, gnarled and stunted. In some cases it grows almost parallel to the ground, due to the relentless force of the wind. Very often only a narrow strip of living bark on its leeward side is nourished, while the windward side is polished by centuries of wind-blasted sand and ice particles. Its branches often appear to be suspended in flight away from the prevailing wind.

Ironically, the bristlecones living at lower altitudes under less stressful, protected conditions grow straighter and faster but die earlier and decay sooner. Other species of wind-timber (limber pine, Engelmann spruce, and one-seed juniper) or Krummholz (crooked wood) develop similar growth characteristics under similar conditions of exposure. But few become as grotesquely beautiful or as ancient as the bristlecone pine.

Bristlecones are found in six states—Colorado, Arizona, Nevada, Utah, New Mexico and California—but few people have seen them because of their inaccessibility. The bristlecone in Colorado (Rocky Mountain *Pinus aristata* Engelmann) has short dark-green needles covered with drops of resin, with fox-tail shaped

branches and cones tipped with bristles. Although they are not as old as the bristlecones growing in California, Nevada and Utah (*Pinus longaeva*), there are bristlecones in the Mount Goliath Natural Area near Mt. Evans in Colorado that have been growing there since the birth of Christ.

Of the 54 known bristlecone pine sites in Colorado, four were investigated in 1972 by a University of Colorado scientist, Dr. Paula H. Krebs. By reading the sequence, number and size of the accumulated annual growth rings sampled from various trees, Krebs was able to trace the history of the species in Colorado.

Recently discovered fossil remains near Creede, Colo., have provided additional information. They indicate that bristlecone pines were growing in Colorado over 27 million years ago. Within a mile of some of the fossils, bristlecones continue to grow, defying time, weather and human comprehension.

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



COLORADO'S BRISTLECONE has short, dark-green needles, fox-tail shaped branches and cones tipped with bristles.

EPA shrinks from regulating tons of dust stirred

by Bruce Hamilton

In a move partly designed to protect the clean air of the Rockies and Northern Plains, environmentalists have in recent years espoused a "coal export" policy. Many of them have decided to accept the lesser of two evils—to allow local coal mining to meet national needs while opposing new coal-fired power plants. But as coal mines proliferate, environmentalists are starting to realize that mining means major air pollution problems, too. While mine-caused air pollution may be less severe than power plant air emissions, it has two major drawbacks—federal agencies appear reluctant to regulate it and industry may not have the technology to control it at large mines.

Most of the air pollution from mines is either coal dust or "fugitive dust." Coal dust blows off of coal storage piles, coal trucks and coal trains. It can be controlled by covering these facilities. Coal dust is regulated by the federal government because this "contaminated" dust can cause major health problems—when inhaled it causes black lung disease.

The bulk of the dust from a mine is fugitive dust—particulate matter composed of soil which is uncontaminated by pollutants resulting from trucks rumbling along dirt roads, wind blowing over soil storage piles, blasting and similar activities.

The coal industry says fugitive dust shouldn't be regulated because it would be prohibitively expensive and next to impossible for large surface mines to meet clean air standards. Also, industry argues that Mother Nature often violates national

standards without any assistance from miners.

Environmentalists say dust can be controlled and that exempting the mining industry could threaten human health and allow pollution of national parks, wilderness areas and other clean air enclaves.

The authority in the matter, the U.S. Environmental Protection Agency, has tentatively decided to exempt fugitive dust from regulation under the Clean Air Act. This move has infuriated environmentalists and one group, the Sierra Club Legal Defense Fund, has filed suit.

EPA chose to exempt fugitive dust because the agency claims: 1) most of the dust is of too large a particle size to be inhaled, and so it won't cause human health problems; 2) most of the mines are in sparsely populated areas; 3) most of the dust settles back down to earth close to the mines; 4) visibility won't be significantly reduced because of the size of the particles; and 5) even after dust suppression measures are taken, large mines may not be able to meet clean air standards.

Ron Rudolph of Friends of the Earth says if EPA won't regulate fugitive dust then visibility and health might be severely impaired. Rudolph cites a March 1978 report by PEDCO, Environmental, Inc., prepared for EPA, which says that 15 percent of the fugitive dust from a coal strip mine is composed of tiny particles—10 microns or smaller. These small particles scatter light and thereby reduce visibility. They also can be inhaled, which can cause health problems. Rudolph says that fugitive dust can be controlled if Western strip mines are limited in size. Government sources say a soon-to-be-released study by the ERT consulting firm for the U.S. Department of Energy will say that only surface mines producing over 15 million tons per year will have trouble meeting clean air standards if dust suppression techniques are employed. Most existing and proposed Western mines are under 15 million tons.

The Interior Department's newly-organized Office of Surface Mining is under heavy pressure to follow EPA's lead and exempt mines from air quality review. OSM says that while the strip mine act requires air pollution control at coal mines, it needs EPA's concurrence to regulate dust. OSM is in the process of adopting final regulations to implement the strip mining bill that include some mandatory dust control measures.

"Congress did not intend (the Clean Air Act) to prohibit surface mines of an economically viable size," says one EPA spokesman who favors exempting mines. He cites the Senate committee report on the Clean Air Act, which calls for the utilization of "administrative good sense" on the fugitive dust issue.

But an Interior spokesman cites the House committee report on the Clean Air Act, which says, "The committee does not intend to exempt particulate emissions resulting from the mining process itself, dust created by moving vehicles, or other coal-processing related activities."

Some states require the control of fugitive dust at mines. But environmentalists fear that if the federal government refuses to require dust control, states may also back down. The Clean Air Act and the strip mine act both require the states to adopt standards that are at least as stringent as the federal standards.

The Clean Air Act requires any "major emitting facility" to undergo a precon-

indicates that violations would occur, the facility can't be built. A "major emitting facility" is defined in the act as one that can emit 250 tons per year or more of any air pollutant. The PEDCO report estimates that most moderate-to-large-sized Western mines would produce more than 250 tons per year of fugitive dust.

SW WYOMING: 17,190 TONS PER YEAR

When strip mines are aggregated in a region, "the air quality impact will be even more dramatic," according to an Interior Department official. For instance, Interior's environmental impact statement for coal development in southwestern Wyoming analyzes four strip mines proposed for the region that would produce a total of 13.2 million tons per year and, according to PEDCO, combine to increase particulate emissions by 7,450 tons per year. Existing and projected coal production for southwest Wyoming could reach 30 million tons per year by 1985. This level of production could increase particulate levels to 17,190 tons per year.

In September, Friends of the Earth asked the Bureau of Land Management and OSM to withhold approval of one of the four southwest Wyoming mines, Black Butte, because the final impact statement predicted that fugitive dust from the mine would violate federal and state air standards. FOE has not received a response from the federal agencies.

Another proposed mine of concern to FOE is the Alton strip mine in southern

Utah. Alton would produce 10 million tons of coal per year just four miles from Bryce Canyon National Park.

In much of the West, the coal mining industry could be required to meet two federal standards: 1) the ambient standard that only allows a certain maximum level of pollution to protect health and welfare, and 2) a prevention of significant deterioration (PSD) standard that only allows small additional amounts of pollution in order to keep clean air regions cleaner than the national ambient levels. The air in national parks, wilderness areas and a few other select areas in the country has been designated "Class I" under the PSD provisions. Class I areas can receive only a slight amount of additional pollution. This is the most stringent protection provided by the Clean Air Act.

The OSM regulations would attempt to keep mines within national ambient air quality standards but would not guarantee extra protection for these pristine areas. EPA regulations would offer no help for the pristine areas in this case either, because they exempt mines, according to Ron Rudolph of FOE.

"Alton and similar projects would nullify one of the primary purposes of the prevention of significant deterioration provisions of the Clean Air Act—to preserve, protect and enhance the air quality of national parks, wilderness areas, and other areas of natural, scenic, recreational, and historic value," says Rudolph.

The Interior Department, which includes OSM, appears reluctant to require

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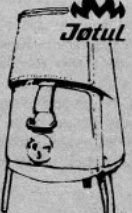
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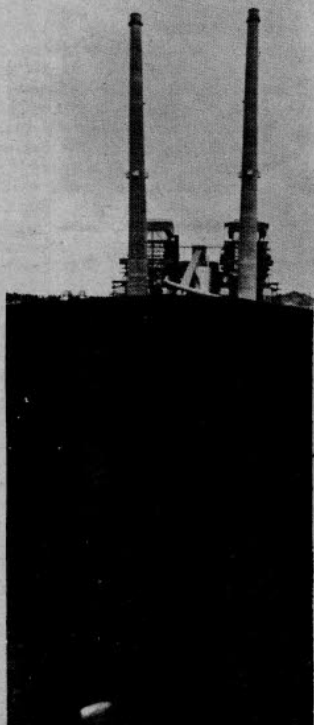


Photo courtesy of EPA

up by coal mines



Photo courtesy of EPA

WHILE MINE-CAUSED air pollution may be less severe than power plant air emissions, it has two major drawbacks — federal agencies appear reluctant to regulate it and at large surface mines, industry may not have the technology to control it.

mines to protect Class I areas. In an Aug. 22 interdepartmental memo, Interior Assistant Secretary for Land and Water Guy Martin wrote: "If, in spite of those best regulatory efforts (meeting the OSM regulations for dust suppression), mines produce dust, I do not believe that the entry of dust into Class I protected areas should be cause for prohibiting mining."

Martin said he supported OSM's efforts to regulate dust but that calling on EPA to regulate dust to protect Class I air quality in parks "would be grasping at straws."

Martin said the department has other tools to protect Bryce Canyon from the impacts of the Alton Mine. "If the area proposed to be mined can't be reclaimed, then the mine can't open. If mining the land would damage the nearby national park, the area can be ruled unsuitable for surface mining under...the strip mine act," Martin wrote.

Martin's argument appears to have convinced Interior Secretary Cecil Andrus not to send a request to EPA demanding that Class I areas be protected from mine-generated fugitive dust. However, Robert Herbst, Interior Assistant Secretary for Wildlife and Parks, says he has sent a request to EPA on his own.

CAN DUST BE CONTROLLED?

The OSM-proposed regulations call for controlling mine dust with a variety of techniques, including watering unpaved roads, using chemical stabilizers on dirt roads, paving permanent roads, restricting coal truck speed on dirt roads and prompt revegetation. But even applying all these practices won't guarantee that dust levels meet state and federal standards.

Steve Vardiman, a senior air quality specialist for Peabody Coal Co., told United Press International, "It's not possible to water dirt roads on a regular basis." Speaking at the OSM hearings in Denver in October Vardiman said water is often not available to wet the roads, chemical stabilizers are not always suitable, and paving the roads is prohibitively expensive. If speed is

trucks would be needed to haul the coal, which would increase exhaust emissions.

FOE's Rudolph supports strict controls over fugitive dust, even though his stand "would probably be interpreted by some as an unreasonable and unattainable burden on industry."

"The burden is on industry, not us, to prove that coal mining activities can meet clean air requirements," he says.

Rudolph calls the Clean Air Act a "technology-forcing" law. "The auto and steel industries also resisted environmental regulations. Yet, when forced to meet clean air standards, these industries have developed the technologies necessary to achieve environmental goals. The coal mining industry should be no different," Rudolph says.

WHAT YOU CAN DO

EPA's exemption of fugitive dust was an "interim" decision. Public comment on the proposal is still being solicited. The EPA final regulations were printed in the June 19 FEDERAL REGISTER. Write Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

OSM's fugitive dust regulations were published in the Sept. 18 FEDERAL REGISTER. Written comments will be accepted until Nov. 27. Write Office of Surface Mining, P.O. Box 7267, Benjamin Franklin Station, Washington, D.C. 20044. Since OSM will need EPA's concurrence, you should send a copy of your comments on the OSM regulations to EPA.

Bruce Hamilton is the Northern Plains



GASIFICATION PLANT HALTED. Because of financing problems, design and engineering work has been halted on a coal gasification plant planned by American Natural Resources Co. and four gas companies near Beulah, N.D. The project may be delayed a year or more. When Congress failed to guarantee loans for such projects, the company decided to tell lenders that retail customers presently served by the sponsoring companies could provide the guarantee. If the project wasn't completed, loans would be repaid by increasing rates to consumers. However, several states have objected to this plan, and the Federal Energy Regulatory Commission wasn't happy with it either, according to a *Wall Street Journal* story. Conventional lenders are reluctant to support gasification since it has not been proven commercially.

URANIUM VIOLATIONS CHARGED. Union Carbide Corp. has been allowing uranium tailings to be used as construction fill and has been contaminating the San Miguel River in Colorado, according to the *Denver Post*. The company is charged with using radioactive mill tailings to reinforce dikes and with allowing seepage of radioactive material from tailings ponds at the Uravan mill.

TRIBAL ENERGY GRANT. The Council of Energy Resource Tribes, an organization of 25 Indian tribes in 10 Western states, has received a federal grant of \$1.99 million to assist in the management and development of tribal resources. The grant comes from the Department of Energy. According to federal estimates, the tribes in CERT own about 40 percent of the nation's uranium and one-third of the strippable coal in the West, in addition to large amounts of oil shale, oil, natural gas and geothermal resources. The federal money represents a 10-fold increase in the organization's funding over last year. CERT has also reportedly asked the Organization of Petroleum Exporting Countries (OPEC) for financial assistance.

WYOMING HAS STRIP MINE CONTROL. After several months of negotiation, an agreement has been signed between the state of Wyoming and the federal Office of Surface Mining giving the state control over regulation of coal strip mining within its boundaries. Such state control was provided for under the federal strip mining control act passed by Congress last year. The act said a state's regulations must be as strict or stricter than federal regulations. Wyoming had been the first state in the country to earn the right to regulate its mining three years ago, but the strip mining act required updating state regulations.

WESTERN ENERGY CONSUMPTION UP. The General Accounting Office reports that energy consumption in the Rocky Mountain States increased by 23 percent between 1970 and 1975. The northeastern section of the country showed a decrease of eight percent over the same period. The reason for the increase in the West was population increases. GAO says the population growth rate of the region was 12 times greater than that of the northeast and five times greater than that of the north central region.

CLEAN AIR USED UP. A proposed coal gasification plant can't be built in Dunn County, N.D., if results of a state health department air study are confirmed, according to the *Hazen Star*. The studies show that power plants and gasification plants that have already been granted construction permits in the area will use up the allowable pollution increase. Congress ruled last year that national parks, including the Theodore Roosevelt National Memorial Park near Dunn County, N.D., deserve Class I protection, which means almost no degradation is allowed. Natural Gas Pipeline Co. of America, a subsidiary of Peoples Gas Co., Chicago, had proposed the plant.

INDIAN PEAKS MINING AREA? The state of Colorado has agreed to wait for at least a year before leasing mineral rights in the middle of the newly-designated Indian Peaks Wilderness Area near Rocky Mountain National Park, according to the *Rocky Mountain News*. The state still holds subsurface rights to 640 acres of the area, which was deemed to the national forest system about 40 years ago. A mining firm wants to prospect for silver, lead and zinc in the area. Under the Wilderness Act, mining is allowed in wilderness areas until 1984.

classifieds

WRITERS from Colorado, Montana, Idaho, Utah and Wyoming sought by HCN. We are interested in stories on Indian resources, alternative energy, conservation, agriculture, water development and people making environmental news. Pay is two cents to five cents per word for fair, accurate news reporting. One-sided diatribes unacceptable. Contact High Country News at Box K, Lander, Wyo. 82520 with story ideas.

LOBBYIST POSITION OPEN. The Colorado Open Space Council is interviewing now for a lobbyist for this coming legislative session. Decision must be made by Dec. 1. Apply to John Birmingham, Colorado Open Space Council, 1325 Delaware, Denver, Colo. 80204 (303)

Nyctea scandiaca

Ghost-like denizens of the lonely arctic realm, snowy owls nest upon the treeless ground. They are dependent on lemmings or arctic hare for food. While lemmings or hare are scarce, the snowy owls abandon their arctic homes or green migrate nearly a thousand miles south to survive.

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12-High Country News - Nov. 17, 1978

Basin Electric making concessions to opponents

by Philip White

A U.S. District Court's injunction against Grayrocks Dam construction at the Missouri Basin Power Project near Wheatland, Wyo., has spurred the project sponsor, Basin Electric Power Cooperative of Bismarck, N.D., to make concessions that may settle the dispute.

Judge Warren K. Urbom ruled Oct. 2 that the Rural Electrification Administration's environmental impact statement on the project was inadequate on seven grounds. His decision caused a chain reaction of legal, political and legislative activity.

Claiming a stop in dam and plant construction would cost consumers \$50 million a year in interest, Basin Electric moved quickly to obtain temporary stays of the injunction and to appeal to the 8th Circuit

Court of Appeals. Basin then joined representatives of Nebraska and Wyoming, REA and the Corps of Engineers, the National Wildlife Federation and the Powder River Basin Resource Council, and Corn Creek Irrigation District in Camp David-style settlement negotiations.

With the press excluded and lawyers for all sides unwilling to discuss the substance of the negotiations, the public learned only that a "tentative agreement" had been reached. Nebraska Gov. J.J. Exon and Wyoming Gov. Ed Herschler made the announcement at the close of the two-day session in Cheyenne Nov. 3.

Sources say that negotiations centered on Basin Electric's offers to accept a ceiling on cooling water consumption and on future development at the plant and to purchase additional water to supplement the North Platte River's flow in Nebraska.

Basin has also reportedly offered to remove the vegetation from sandbars in the Platte, according to United Press International. Cranes use the sandbars as resting places when they migrate through Nebraska and prefer sandbars without vegetation so they can keep a lookout for predators. Normally, spring floods carry ice that scours vegetation from the sandbars. When the water flow is reduced by projects such as Basin Electric's, vegetation encroaches on the sandbars.

Any settlement would require the approval of Judge Urbom.

As the negotiators took the settlement terms back to their "boards and clients" for final wording and approval, the U.S. Fish and Wildlife Service continued work on its "Biological Opinion," which is required by amendments to the Endangered Species Act approved by Congress in October. The

amendments give FWS an opportunity to require modifications in the project if they conclude it would impair the critical habitat of the whooping crane in central Nebraska.

In early November, South Dakota followed Wyoming in filing a friend of the court brief in the 8th Circuit Court. Gov. Harvey Wollman said "the power supply of South Dakota electric consumers will be jeopardized in the next decade if the plant is not completed on schedule."

The first of four coal-fired units at the plant is scheduled to begin production in April, 1980. At full production, the plant would consume about 30,000 acre feet of water annually in its cooling towers.

The legal maneuverings in the 45 days after Urbom's injunction allowed Basin Electric to continue construction on both the plant and dam with only minor delays.



Masanobu Fukuoka

The One-Straw Revolution



An Introduction to Natural Farming

With a Preface by Wendell Berry
Edited by Larry Kornby Masanobu Fukuoka, Rodale Press,
1978, \$7.95.

Review by John Mionczynski

Fourteen years ago I drove through the state of South Dakota for the first time. The vastness of early summer green and the apparently productive grain fields as far as the eye could see were a wondrous sight. It was, indeed, security for the nation to which I claim allegiance. I knew that if times became difficult, at least we would not run out of food.

Things have changed since then, not so much on the face of America as in my own mind. For better than a year I've been conducting a research project in western South Dakota aimed at improving habitat for wildlife. To find what a "natural" ecosystem was I had to resort to the history books, as I could not locate an area—even 3 feet square—that was not in some way reacting to human disturbance within the last 100 years.

Overkill of native animals and plants ("weeds"), tilling of the soil, chemical insecticides and fertilizers, and fire suppression have led to the destruction of the soil to the extent that if abandoned by man, many areas would no longer support the native flora of fauna composition. The Great Plains, which once produced prairie blues-temas that brushed a horse's belly, would

become a virtual desert with yuccas, cacti, and exotic weeds incapable of supporting even a small herd of wild bison.

These concerns drew me to *The One Straw Revolution: An Introduction to Natural Farming*. As a research biologist, I can see the soundness of Masanobu Fukuoka's natural farming practices, which go beyond what is normally thought of as organic farming.

We are beginning to realize that the security of this nation and much of the world is based not on the vast land, which now will support little on its own, but on the corporations that supply artificial fertilizers, insecticides and herbicides. If the economy falls, where will our real security be?

Fukuoka practices biologic economy as well as personal and spiritual economy. He works his farm on Shikoku Island in Japan by hand and has not tilled his land in 25 years, nor has he driven a tractor over it. He hasn't added artificial fertilizers or insecticides, and he hasn't had problems with diseases or insect devastation, as his neighbors have. He has more spare time than his neighbors, who still use conventional Western methods (but are slowly beginning to adopt some of his ways).

On top of all this, he produces a per acre yield of rice, barley, rye and citrus fruits equal to the most successful producers in all of Japan. Every year his soil becomes richer in recycled nutrients, which, on conventional farms, must be added every year.

Fukuoka has had some problems, however. He describes taking a shipment of citrus fruit (grown from unpruned, unsprayed trees) to market. Since his production costs are so much lower than conventional costs, he believed he should pass the benefits on to the consumer and charged a much lower wholesale price to the merchant. Upon returning later, he noticed that the retail price had jumped up to the common market price for the product, with the merchant pocketing the increased profit. Fukuoka promptly removed all his produce from the shelves.

Fukuoka plants his rice, barley and rye seeds by broadcasting them on top of the ground and then cutting, by hand, the straw of the preceding crop, allowing it to fall in a random fashion as a ground cover. This technique is as natural as the grass itself. It reduces drying of the soil, thus little or no watering is necessary, and it permits annual recycling of nutrients. Since the soil is not saturated with water and since the crops must compete with weeds, the crops have longer roots and are more vigorous and resistant to disease.

Inhibition of certain natural flora

("weeds") is necessary only for two weeks a year, when rice seeds are sprouting. Fukuoka does not annihilate weeds as Western farmers do, but he floods the fields for several weeks, which enhances the rice's sprouting and inhibits the others'. Nothing is killed. Later on these weeds play a role as habitat for so-called "pests" as well as the pests' natural predators. Since they are in balance, the pests aren't pests at all.

Fukuoka allows for variability in nature by explaining a particular "pest" bug may be controlled one year by a bird, one year by a spider and one year by a frog, depending on the waxing and waning of population cycles. If all the natural elements are present, there will be no years of devastation. He has proven this on his own land.

The "do-nothing" philosophy, as Fukuoka calls it, stems from Zen beliefs, in which the economy of nature and spirit reaches its highest level when nothing unnecessary is performed to accomplish a task. This philosophy is probably best exemplified by his vegetable garden, which grows in a mountainside ecosystem. Vegetables are harvested as needed, but some are always left to reseed themselves in a random manner. Goats, ducks, and chickens feed freely over all over his land, converting and recycling nutrients by way of manure.

This book deals as much with Zen as it does with farming and very easily could have been called *Zen and the Art of Farming*—a title I am sincerely grateful the author did not select. Zen, however, does seem to lend itself very well to the understanding of natural communities and is used quite effectively by Fukuoka.

Fukuoka offers some opinions that he has not proven yet. For instance, he discourages the use of greenhouses because he says solar filtration causes nutritional deficiencies in edible parts of plants. I believe this is worth exploring in this time of ever-increasing interest in the solar greenhouse.

Fukuoka was trained as a microbiologist and worked in this capacity for the Japanese government during World War II. A good deal of his knowledge comes from his observations of natural processes in action. He is the first to say that his techniques work well in his area but are not necessarily applicable to different ecological communities. But he believes strongly that the principles expounded in *The One Straw Revolution* will apply anywhere in the world where farming is possible.

Fukuoka does not have all the answers to natural farming. But consistent with the Oriental way of thought, it is after all not the answers but the questions that are most important.





Western Roundup



Nov. 17, 1978
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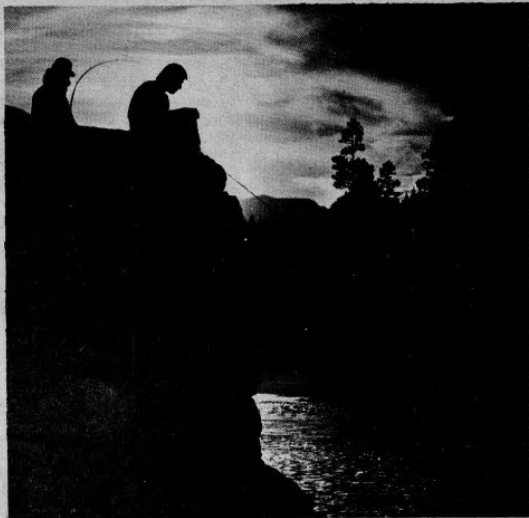


Photo by Lyn Jensen

ABOUT 80 PERCENT of the Yellowstone River's water may be reserved for instream uses.

Fish may get 80% of Yellowstone flow

"Fishermen are happy, farmers are apprehensive, city leaders are disappointed and industrial developers are angry" about a recent report on the fate of the Yellowstone River, according to *Billings Gazette* reporter Joan Roesgen.

The report contains the preliminary decisions of Montana's Board of Natural Resources. A final report is expected in December.

In-stream flow reservations totaled 6.9 million acre-feet — about 80 percent of the river's total flow in Montana.

"The size of the in-stream reservations approved by the board surprised most observers of the board's year-long reservation process," according to the *Associated Press*.

Enough water was allocated to cities in the lower end of the river basin to allow for considerable growth. In the mountainous western stretches, however, most of the water was allocated for instream use.

As a result of limitations the board has recommended on a Yellowstone tributary, the Powder River, Intake Water Co. has announced it intends to file suit. The board's decision could thwart Intake's plans to build a dam near Moorhead, Mont. Intake is a subsidiary of Tenneco Inc.

Colorado River surprises experts

To the puzzlement of experts, the salinity of the Colorado River has gone down, not up, over the past six years.

According to a Bureau of Reclamation computer model, as the river is consumed or used for irrigation the amount of suspended solids ("salinity") per liter of water downstream is supposed to go up. Irrigation use has increased in the West, and experts had predicted that salinity would rise, too.

Experts can't explain why salinity is decreasing, but George Hansen of the Utah Division of Health has a theory. He says that dams may allow dissolved minerals in the water to settle out. Rather than increasing salinity by diminishing the river's flow, dams may be improving the Colorado's water quality, Hansen told the *Deseret News*.

Feds make 'a startling attack' on ARCO

In what is probably the federal government's first legal attack on industrial pollution in a national park and forest, the U.S. attorney general has filed suit against Atlantic Richfield Corp.

The attorney general says that pollution from ARCO's Anaconda Aluminum Co. plant near Columbia Falls, Mont., is killing trees in Glacier National Park and in the Flathead National Forest. Excess fluoride emissions have "irreparably injured the forest, natural resources and wildlife of the national park and national forest areas," the complaint says.

The case was filed in U.S. District Court in Missoula Nov. 6 on behalf of the secretaries of Agriculture and Interior. The complaint alleges that the plant emits

more than two tons of fluoride air pollutants a day. To protect adjacent public land resources, the fluorides should be reduced to 200 pounds a day, say the agencies. The Montana standard is 864 pounds a day. The agencies are seeking a permanent injunction and damages for the loss of timber and other resources.

The plant employs about 100 workers.

In an editorial in *The Missoulian*, Sam Reynolds called the action "a startling attack."

"It builds a fire under this and other companies to work earnestly on pollution control. It puts the state on notice that it must impose and enforce standards that protect public property," Reynolds said. "For those reasons, the suit is welcome."

Multiple use means wilderness, too

If you're for "multiple use," are you anti-wilderness? No, multiple use management on national forest lands may not be what many politicians in the last election said it was, according to Reid Jackson, supervisor of the Bridger-Teton National Forest.

"Multiple use means the management of all the various renewable surface resources of the national forest so that they are utilized in the combination that will best

meet the needs of the American people," according to the Multiple Use - Sustained Yield Act of 1960, Jackson says.

In a recent press release Jackson said that this definition does not exclude wilderness or any other use. It also does not limit the Forest Service to consider only those uses which provide economic returns, nor does it mean that every acre of forest land must be available for all possible uses, he says.

Bottle initiatives fail in two states

Initiatives in the West met with mixed reactions. Two nuclear initiatives in Montana passed (see separate story). A state homestead bill passed in Alaska, and bottle initiatives in Alaska and Nebraska were rejected by voters.

Alaskans were voting on a measure to outlaw throwaway bottles and cans. The Nebraska measure would have imposed a 5-cent deposit on all beverage containers.

The initiative has been tried several times in Nebraska, and this year the state Farm Bureau joined the proponents. They argued that discarded bottles and cans interfere with their farm machinery.

The can and bottle industry waged a well-organized, well-financed campaign, mixing advertising, speakers, door-to-door canvassing and massive mailings, according to the *Omaha World-Herald*. The industry told voters the initiative addressed

the "right problem but the wrong solution," and now it says industry is trying to find the right solution.

A task force is being formed to develop a statewide litter control program, including representatives of the Nebraskans for Returnable Containers and of Nebraskans for Freedom of Choice.

Critics say litter is only part of the problem; reuse of resources is important, too, they say.

The Alaska homestead initiative says that anyone who has resided in the state for three years can claim 40 acres of state land. Longer-term residents can claim more. Environmentalists say the measure will lead to an invasion of Alaska's pristine areas, and years of lawsuits will be necessary to resolve conflicting claims and land titles, according to the *Associated Press*.

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Photo by Lynne Basso

NEBRASKA FARM BUREAU members say cans and bottles make up most of the roadside litter.

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HCN Bulletin Board



LOONEY LIMERICKS

by Zane E. Cology

Do you want to consider defection
In light of our region's election?
Unless they are fickle
They won't spend a nickel
On land, air and water protection.

DENVER AIR WORKSHOP

The Denver Clean Air coalition is sponsoring the 1978 Denver metro clean air workshop Dec. 2. Participants will discuss their concerns and explore solutions to Denver's air quality problems. A resource panel will identify the tools available for citizens, including the Clean Air Act and other federal and state programs. The keynote speaker will be Region VIII Environmental Protection Agency Administrator Alan Merson. Workshops will convene in the afternoon. The meeting will be from 9 a.m. to 5:30 p.m. at the Auraria Student Center, 10th and Lawrence St., Denver. Admission is free. Lunch is \$2.50. Child care is available. For more information call Kevin Markey, Friends of the Earth: (303) 322-2791.

SURFACE MINING REGULATIONS

The U.S. Office of Surface Mining has extended the comment period on its proposed strip mining regulations. A public hearing will be held on Nov. 22 in the Department of the Interior Auditorium, 18th and C Streets, N.W., Washington, D.C. Hearings have already been held in six other cities. Written comments on the proposed regulations must be received by Nov. 27 at the Office of Surface Mining, U.S. Department of the Interior, P.O. Box 7267, Benjamin Franklin Station, Washington, D.C. 20044. Persons wishing further information may contact Ron Drake, Special Assistant to the Director, Office of Surface Mining, Department of the Interior, Washington, D.C. 20240 at (202) 343-5371.

HARD ROCK MINERALS POLICY

Major changes in current mining laws are outlined in the Northern Plains Resource Council's **Hard Rock Minerals Policy**, a book available for \$2.50 from NPRC, 419 Stapleton Building, Billings, Mont. 59101. The group recommends that a leasing system replace the location-patent system of mineral development on public lands.

WATER LAW SHORT COURSE

The Cooperative Instream Flow Service Group of the U.S. Fish and Wildlife Service, the Natural Resources Law Institute of the Lewis and Clark Law School and the Council of State Governments are presenting a Water Law Short Course, Dec. 12-14 at Stouffer's Denver Inn near Stapleton Airport in Denver, Colo. The course will cover the basic principles involved in the regulation and management of surface waters, with special emphasis on the protection of instream water uses. Write Katharine Chilcutt, The Natural Resources Law Institute, 10015 S.W. Terwilliger Blvd., Portland, Ore. 97219 for an application blank.

WILDERNESS STUDY PRECEDES IPP

The Bureau of Land Management will hold four public meetings in November on wilderness inventories it is conducting on 104 roadless areas in Utah. All of the areas are also being considered by the Intermountain Power Project for plant sites, transmission and pipelines and railroad right-of-ways. The meetings will be Nov. 14 in Delta, Nov. 15 in Cedar City, Nov. 16 in Castledale and Nov. 17 in Salt Lake City. The inventories will help BLM determine which areas qualify for more wilderness study and which areas should be dropped from further consideration.

SILENCE, DESPITE CONFLICTS

Public comments on the Forest Service's proposed Greys-Salt River Land Management Plan have been few, according to the Forest Service, despite the area's oil, wilderness, grazing and timber potential. The agency has extended the comment period for 30 days, until Nov. 21. For more information contact: Forest Supervisor, Bridger-Teton National Forest, Box 1888, Jackson, Wyo. 83001.

NEZ PERCE TRAIL PROPOSED

The Nez Perce National Historic Trail Study will be discussed at upcoming U.S. Forest Service meetings in Idaho and Montana. The meetings will be: Nov. 28 in Lewiston, Idaho; Nov. 30 in Missoula, Mont.; and Dec. 7 in Billings, Mont. Written comments on the trail proposal are due Dec. 8. For more information write the Nez Perce National Trail Study, P.O. Box 7669, Missoula, Mont. 59807.

Singing Sparrow Gallery

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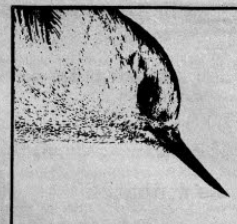
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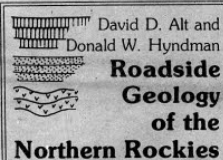


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16-High Country News - Nov. 17, 1978

Pat Parenteau

Devoted to defending rivers and the whoopers

by Philip White

One fall day in 1966, college sophomore Patrick Parenteau unknowingly made an appointment with the future. Born and reared in Omaha, Neb., Parenteau had "a simplistic love of nature" at an early age. His favorite pastimes were canoeing, hunting, fishing, hiking and a little trapping on or along the rivers of Nebraska.

On this particular day, the pheasant hunting near the Platte River was not good and Parenteau, more a watcher than a hunter, went looking for sandhill cranes. At the Funk Lagoon, two miles from the Platte, he saw a tall, white, elegant bird, one of the earth's 50 surviving wild whooping cranes.

Ten years later, the cranes of the Platte became his clients.

With a B.A. from Regis College of Denver and a law degree from Creighton University of Omaha, Parenteau practiced poverty law with Legal Services in Omaha for two years. Then, while studying for a master's degree in environmental law from George Washington University, Parenteau assisted the National Wildlife Federation's legal staff as a volunteer.

"I was very turned on by the federation's growing emphasis on activism and litigation in conservation work," Parenteau says. After a year of concentration on water law as a teaching fellow at Lewis and Clark College's law school in Portland, Ore., he

returned to Washington, D.C., to become a full-time staff attorney for the federation.

One of his first moves for the federation was to intervene in a suit by the state of Nebraska against the Missouri Basin Power Project and its Graylocks Dam at Wheatland, Wyo.

"When I saw the whooping crane," the 31-year-old attorney says, "I didn't fully appreciate that I was seeing one of the few survivors. I didn't appreciate what an endangered species meant and why its preservation should be important to a sensitive culture."

"And despite the many days I had spent on the Platte, it was not until I heard a briefing by Nat Reed (former assistant secretary) of the Interior Department shortly after I joined the federation in 1976 that I became aware of the many forces arrayed against the river. Reed was soon to leave office and wanted to foster some protection for the Platte, which he felt was being destroyed."

One of six full-time attorneys employed by the federation, Parenteau specializes in water problems. He has represented the interests of wildlife in disputes involving the San Juan River in New Mexico, the Yellowstone River and Yellowstone Reservoir in Montana, the Roseau River in Minnesota and Canada and Lake Champlain on the New York-Vermont border. He also lobbies on legislative matters such as wild and scenic river designations and water

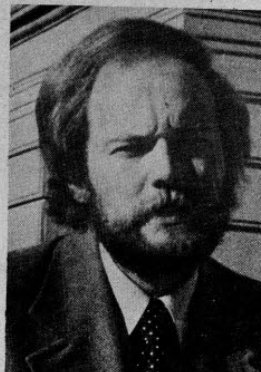


Photo by Phil White
PAT PARENTEAU: "Some people are into mountains. I'm into rivers."

development projects, such as the O'Neill Unit on the Niobrara River in Nebraska.

Most of his time this year, however, has been devoted to the Missouri Basin lawsuit. "Nebraska has damn few natural resources of any significance, and the Platte River is our best. About 80 miles of riverine habitat have been destroyed in the last 40

years, and more than half of the habitat in the best stretch, between Overton and Chapman, is already destroyed," he says.

"The 'radical, unreasonable and Machiavellian' demand we're making is to save what's left of the Platte," Parenteau says.

Parenteau was one of the "Committee of 18" that met in Cheyenne, Wyo., November 2-3 and negotiated what the governors of Nebraska and Wyoming called a "tentative agreement" to settle the lawsuit. (See separate story.) After the first day's session, Parenteau was not optimistic.

"It is one of the most complex environmental law cases imaginable because of the levels of government involved, the lack of knowledge about the hydrology and biology of the Platte, and the complexity of the laws. I see only a 40 percent chance that a settlement can be reached that satisfies all the parties and that the two states can live with. Then the court and the Fish and Wildlife Service would have to approve."

"Economically, a change in plant design now seems out of the question. Basin Electric had its chance to redesign years ago and didn't choose to do so. For that reason, I'm pretty firm in my demand that they buy water to offset their use," he said.

"There's plenty of water for sale in both states," he said.

On the second day, Parenteau felt "incredible progress" had been made. "It's been a pleasure being involved in this. While it's still very delicate at this point, I'd say there is a 90 percent chance to settle this thing." As to details, he said all parties "were staying mum."

Before returning to Washington, Parenteau headed for Sheridan, Wyo., with Powder River Basin Resource Council attorney Dave Palmerlee "to tromp around in the Big Horns a bit."

Parenteau's maternal ancestors came to Nebraska to help construct the transcontinental railroad. Family legend says one of his grandfathers was present at the driving of the golden spike. The family then turned to farming in Nebraska and several relatives work farms going back several generations.

The sight of a whooping crane 12 years ago somehow set Patrick Parenteau on a different path — for now, working to save a few Platte River sandbars where cranes can safely rest.

Cranes migrating, oblivious to legal disputes

By election day, 67 of the 78 whooping cranes in the main wild flock had returned to their wintering grounds at Aransas National Wildlife Refuge near Corpus Christi, Tex. according to Maurice Anderson, U.S. Fish and Wildlife Service biologist.

"Another 10 or 11 have been sighted south of us enroute to Aransas," Anderson said from the Fish and Wildlife Service crane monitoring center at Pierre, S.D.

Seventy cranes wintered at Aransas last winter. At their breeding grounds 2,700 miles away in Wood Buffalo Park in Canada's Northwest Territories, they fledged eight young this summer.

"The last three of four years have been quite good," Anderson said. "It's

encouraging that most of the cranes have safely returned to Aransas. But remember that nine adults didn't show at Aransas this past winter, and only the addition of nine young kept the total from declining."

Defining the habitat needs of migrating cranes is nearly impossible, Anderson said, since sightings are so rare and so much remains to be learned about them. "It's difficult for people to comprehend what it means to have only 78 individual birds left. They travel in about 25 small groups and come through the central U.S. anytime from September to early November. You don't easily sit down and watch several hundred miles of river every day, every minute."

Send down thy trumpet note — it seems

The voice of hope and dauntless will,

And breaks the spell of dreams.

— Hamlin Garland,
"The Herald Crane"



Photo courtesy of U.S. Fish and Wildlife Service

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