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Indians in the melting pot: 'old ways' don't melt

Photo by Marjane Ambler

HAROLD LITTLEBIRD with his daughter, Maya, has felt the conflict between reservation values and the outside world.

by Marjane Ambler

SANTA FE, N.M. — Harold Littlebird sits in his wood-heated studio near here drawing a design on a clay saucer, his long black hair hanging down his back.

To many people who hold the melting pot image of America as sacred, Littlebird might be seen as a symbol. He has escaped the poverty of reservation life. He has married an Anglo; his pottery will be displayed soon at a convention center in Houston, Tex.; and his daughter, Maya, at the time of this interview, was waiting anxiously for the Easter Bunny.

Assimilation.

In fact, Littlebird's pottery symbolizes this concept for at least one Indian critic, who tried to make him leave an Indian fair because his pottery, with its modernistic butterflies and commercial clay, wasn't Indian enough.

But Littlebird refused to go. "What do I look like, a Chinaman?" he asked. He's fiercely proud of his work, which he, at least, sees as a continuation of traditional ways.

He works with commercial clay that he fires at high temperatures so it can be used for holding water or baking. When Indians first developed pottery it was for daily use, not decoration.

His designs evolve from adaptations of ancient Pueblo designs.

His pottery and his family reflect two worlds. But he disagrees vehemently when outsiders jump to the conclusion that the Indian culture is dying or that the reservations should be eliminated.

Since reservations were created in the 1800s, Western Indian tribes have faced tremendous social, economic and governmental pressure to abandon their cultural identity. They've endured because of their family and tribal ties, their spiritual cohesiveness, their ability to adapt and the fact that, so far, most tribes have retained some land.

Now, for more than 25 Western tribes that hold vast quantities of coal and uranium, the precarious balance is shifting. Whether the minerals' weight will ultimately benefit the Indians or not remains to be seen.

The energy crisis and the realization that the tribes own one-third of the strippable, low sulfur coal and one-half of the potential privately-owned uranium has focused new attention on Indians. Prior to 1975, when the public thought about Indians at all, it bought what legal scholar Felix Cohen called "the myth of the vanishing Indian." Ac-

(continued on page 4)

In the News

Opinion

Where does Carter stand with environmentalists?

Two views from Colorado

(Ed. Note: Kathy Fletcher and Carolyn Johnson fought Colorado's environmental battles side-by-side for years. Then in the summer of 1976, Fletcher joined the Carter-Mondale Planning Office and later landed a top-level natural resources job in the Carter administration. Johnson stayed and fought in the private sector. In the two articles below, both women evaluate Carter's first-term environmental accomplishments and offer advice on the upcoming presidential election.)

by Kathy Fletcher

As a conservationist, a Westerner and a former Jimmy Carter staff member, I support the president's re-election. Important changes in environmental policies — for the better — have resulted from the 1976 election. A second Carter term has promise for more, rather than less, environmental progress. Perhaps most important, no other candidate for president can claim the level of personal awareness of, and concern for, environmental quality that Jimmy Carter repeatedly has demonstrated.

The administrations preceding Carter's had thwarted environmental

Carter's first term record dwarfs the environmental achievements of any other administration.

— Kathy Fletcher

programs. Overnight, with the election of Carter, actions, alignments and assumptions changed. Environmentally-sensitive people were appointed to a host of important executive branch positions. The administration stepped out front on many difficult issues.

Carter's environmental agenda, first outlined in May 1977 was long. The need for changes in the agencies was deep. Three years later, not even the administration would claim that everything has been accomplished. But in nearly every area, Carter has at least begun environmentally positive change. Actions — water policy, Alaska lands designations, wildlife protection, wetlands preservations, strip mine controls, support for the Clean Air and Water acts, toxic substance regulation, establishment of new national parks, rivers and trails have stemmed from clear presidential policy that the environment must be protected. Indeed, Carter's first term record dwarfs the environmental achievements of any other administration.

There have been significant exceptions to the generally good environmental record of the Carter administration. While energy conservation and renewable energy resource development have received unprecedented attention and support, the president's energy program now embraces unnecessary and environmentally destructive features. Timber and wilderness policies have been disappointing as well. Regulatory "reform" efforts have put the regulators within the administration on the defensive. And despite Carter's remarkable willingness to fight pork barrel water projects, compromises and concessions have been made which many conservationists thought unnecessary.

The president has often stated that in head-on conflicts between environmental quality and other goals, his preference would be to protect the environment. It should be no surprise that, due in part to political pressures, he has not always been able to exercise this genuine preference.

I believe that as a second-term president, Carter will even more often take politically tough and environmentally positive stands. The second term will also provide an opportunity for the administration to take advantage of increasing experience and skill in carrying out its good intentions in the environmental area.

Most environmental initiatives require months or years of sustained effort. Carter deserves and conservationists need a second term for him to complete his ambitious enviromental agenda.

The conservation community would be doing itself and the administration no favors to be uncritical of Carter. But a standoffish approach to 1980 — or worse, naive expectations about other, less committed candidates — could prove disastrous for environmental progress in the 1980s.

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Kathy Fletcher served on the White House domestic policy staff from January 1977 until she resigned last fall. She has also worked for the Environmental Defense Fund, the Rocky Mountain Center on Environment and Environmental Action of Colorado.

by Carolyn Ruth Johnson

In 1976 conservationists helped elect President Jimmy Carter, clearly a superior choice to Gerald Ford. In 1980, Carter's record demands that Westerners hold his feet to the fire and look closely at the other candidates.

The litmus test for the environmental commitment of any incumbent president is how he deals with publicly-owned natural resources in the 18 months before his next election. Why is this the test? Because doling out the nation's natural resources is a time-honored election-year gambit. It appears to solve whatever the current ills are: to cure inflation, beat a recession, or "do something" to find energy supplies. It has the added benefit of substantial campaign contributions from the timber, mining and oil companies — at costs to the environment that are not computed for years, or even generations.

It is pork barrel at its zenith, whether the intent is cynically political or ignorantly well-meaning. Carter's record in the last 18 months shows that his commitment has weakened from the promise of 1976.

Carter and his appointees have been committed leaders on the Alaska lands issue — they have fought a tough, creative battle and have earned the highest

Carter should not have our guaranteed support. We need to horse-trade.

— Carolyn Johnson

praise. But the stance on Alaska — welcome as it is — does not make up for Carter's preparations for the looting of the West. That will be the result of the disastrous course Carter began last July for an energy mobilization board to override environmental laws and expedite energy projects and for crash development of synthetic fuels from coal and oil shale.

Although Carter also has made many commendable efforts on a number of other issues, such as water policy reform, coal mine controls, creation of new parks, and protection of wildlife, these are side issues in the Rocky Mountains-Great Plains region. The Carter priority of energy development is already usurping our economy, laws, environment, agriculture and culture. For example, although Carter pushed for coal mine regulation and reformed leasing policies on federal coal lands, his administration has pulled back many of the controls, allowed coal companies to short-circuit other constraints, and timed new coal lease sales for the elections at the expense of sound land-use planning, a requirement that needs to be demonstrated before new leasing, and an analysis of existing leases.

What is all the more disturbing is that Carter is more knowledgeable of, and has more commitment to, environmental quality than any other candidate. His intentions are good, but those intentions have not been used to prevent the West from going to hell in a hand basket.

We need to withold endorsements and horsetrade our activism and organizing ability for the best deal we can get. At this point, we need to work with all three candidates to educate them on the issues. Carter should not have our guaranteed support — nothing breeds contempt faster in a politician than the perception that a constituency has no one else to turn to. We need to wait and work towards the good deal we deserve and have not had.

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Carolyn Ruth Johnson is on the staff of the Public Lands Institute in Denver. She has worked on mining issues for the Environmental Policy Institute and is the founder and a former director of the Colorado Open Space Council's Mining Workshop. She has also worked for the U.S. Geological Survey.

President Jimmy Carter

Letters

FUNDS CUT UNDESERVED

Dear **HCN**,

I was disappointed in your editorial "Federal spending: there may be pork in eco programs, too." Your implication that the administration's budget cut of the Land and Water Conservation Fund (LWCF) is "legitimate" deserves much more serious investigation than that given by your casual review of the 1979 General Accounting Office report.

LWCF is the public conservation land acquisition fund for the nation. There are countless examples of the fund enabling counties and municipalities to purchase critical recreation land and open space that would otherwise have been lost. In the Rocky Mountain area, annual requests by local communities exceeds the money available by an average ratio of seven to one.

Pick a favorite forest, national park or wilderness area. Unless donated or obtained in a land exchange, chances are any portion of it acquired in the last 15 years was dependent on LWCF funds.

You quoted the GAO that agencies acquire land regardless of "alternative land control methods and impacts on private landowners." You go on to note the GAO recommends zoning and federal controls as alternatives. Most people in the land business know that zoning and regulation are typically unfair, ineffective and potentially very expensive. Certainly anyone who has been listening knows that private landowners do not consider zoning and regulation as equitable alternatives to compensation.

Daniel E. Pike
Denver, Colo.

WASHINGTON PREDATORS

Dear **HCN**,

I very much enjoyed your sheepherding article (see **HCN** 4-18-80). It gave a fairly accurate and well written overview of what we're up against. I, like my family before me, run 1,000 ewes in the Salt River Range of western Wyoming. Through good luck and perhaps careful herding we've managed to keep predator losses to a minimum.

Predators from Washington are more difficult to deal with. This spring a government utterly unconcerned with the plight of the American family farm assessed one-half the 1,600-acre farm left to my brother, sister and I upon my father's unexpected death for over $100,000 in inheritance taxes. Dad was better at fixing fence than talking with lawyers.

Ranching and farming are terrible businesses but a good way to live. Land development is just the other way around. The prospect of selling my land to developers to pay the government for what my grandfather, father and uncle worked their lives to buy sickens me. With luck and hard work we'll be able to hold on.

Roger Preston
Bedford, Wyo.

Severance taxes: is the West greedily stuffing its mattress?

States that tax energy production heavily are under fire back in Washington, D.C., where a move to limit state severance taxes is gathering steam faster than a coal-fired power plant.

Western members of Congress are gamely fighting back — not an easy task for some who have previously viewed federal taxes as the work of greedy Shylocks — led by legislators from Montana and Wyoming, where coal severance taxes amount to 30 and 17 percent, respectively. Faced with a proposed 12.5 percent limit, they argue their states' taxes are needed as a kind of economic armament for the inevitable day when the boom goes bust.

We buy that argument. The West will pay a high price for fueling the rest of the country: Coal production tears up ranch land, endangers the environment, and restitches society's fabric with a new, often itinerant, working class.

But the view from the Midwest and South, where utilities are buying Western coal, is that Montana and Wyoming are happily stuffing their mattresses with severance tax dollars while the rest of the country tosses and turns. The taxes may add only a few cents to utility bills, but that doesn't make them seem any less arbitrary to those on the receiving end.

And there is no evidence that Western states have now, or will have tomorrow, any comprehensive plan to use all their severance tax riches to mitigate the damage done by energy development.

How, for instance, does it lessen the impact of strip mining when Montana Gov. Thomas Judge decides to spend $800,000 of the state's coal tax trust fund income to create logging jobs for out-of-work timber industry employees in Western Montana, nowhere near the state's coal fields? Can we say that Alaska's "refund" of past state income taxes somehow patches the energy bust of the future?

Half of Montana's severance taxes now go for schools, sewers, parks, alternative energy and other programs that clearly help ease the pain of rapid energy development. The rest goes into a rapidly growing fund that faces an uncertain future. Will it be used for timber industry relief? Will it be used, as State Sen. Tom Towe suggests, to rebuild the state's agricultural economy? Or will the Republicans get their way and use it for general tax relief? Towe's proposal would help counter the post-boom depression; the others would simply bandage unrelated problems with greenbacks.

Perhaps the threat of a 12.5 percent limit — a figure equally arbitrary, designed to protect present oil and gas severance taxes in other states, and thus insure wider congressional support — will prompt Western states to do what they should have done years ago: sit down and plan the future. The people who pay the severance taxes — out-of-state utility customers — have every right to a reasonable explanation.

And those of us in Western states would rather know now how these riches will be spent when the boom is over — rather than risk seeing them frittered away by the unknown, possibly capricious legislators of the future.

— GOG

Dear Friends,

Last weekend we found ourselves lost in the dense thicket of possible futures that lies between Wyoming's fossil fuel and nuclear energy boom and Amory Lovins' "soft path," based on energy conservation and renewable resources.

Lovins, who was invited to speak in Casper, Wyo., by the Wyoming Outdoor Council, calmly and confidently described a mobile and comfortable United States as well-served by gadgets as it is today, but without our present dirty, risky fossil fuel and nuclear habits. Market forces, if allowed to work, would put us on this sunny, soft energy path, Lovins said. In fact, he maintains, the private sector has already moved us in this direction to some extent.

"Without trying very hard we've been saving enormous amounts of energy," Lovins said. Last year, for instance, while the gross national product grew by 2.3 percent, energy use fell by 0.2 percent, Lovins said.

When he presented figures to back up his conclusion that "many of the projects now assaulting Wyoming are based on quite outdated demand projections," we figured that Jim Wilson, president of Union Pacific's Rocky Mountain Energy Co. and co-keynote speaker at the conference, would have his calculator drawn, ready to parry. But either he wasn't up to Lovins' challenge or he simply didn't feel it necessary to counter him. Wilson's speech was familiar, well-stated but stale talk of Arab extortion and industry's environmental concern. Though the two men were standing in the same room, they seemed to be out of earshot of one another.

Having said his piece, Lovins seems to have no inclination to force men like Wilson or even men like Jimmy Carter to reckon with him. He told an **HCN** reporter before the speech that there were others who could more effectively move in the political swamp between the soft and hard paths.

Lovins, on the other hand, is constantly expanding his rich theoretical world. The energy problem "is no longer very interesting," he says with a twinkle in his dark, impassive eyes. He has finished an article on nuclear proliferation to be published in **Foreign Affairs** soon. He thinks the extension of his soft-path metaphor to water issues could be fruitful. Perhaps in the future building a big, government-subsidized dam to get a little water to farmers will be viewed as a messy, inelegant solution — like frying eggs with a forest fire, pouring fine bourbon in your gas tank, or cutting butter with a chain saw, to put it in the terms Lovins has applied to energy.

It's fine and inspiring talk, but meanwhile, back in the resource-rich, delicate landscape of the Rockies, Jim Wilson and his colleagues are going about their coal and oil and gas and uranium business.

And the people of this region are groping in the thicket between the two paths, with a heap of hacking to do if they want to ensure that the hard path becomes a road only briefly taken.

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Dede Feldman, a frequent contributor to **HCN**, recently won several awards from the New Mexico Press Women Association. One of the first writers to recognize the significance of the MX missile system, Feldman won first place in the magazine news story category for her story on the system printed in **Inquiry Magazine.** One version of her MX story was also printed in **HCN** May 4, 1979.

Dede also won first place for investigative reporting for a series of articles she wrote for the **Albuquerque Journal** on radiation control at Los Alamos Scientific Laboratory.

—the staff

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Indians and reservations...

(continued from page 1)

cording to this mythology, Indians are a people with a "colorful" past — useful for corn oil or anti-litter advertisements — and an impoverished present.

But a future? No, soon all the pottery will be adorned with commercial butterflies and the children will have nothing but egg-carrying bunnies in which to believe. Indians will learn to adapt to the white man's styles and values, and the reservation system will be kept alive only until the last of the elders are gone.

NUMBERS RISE

However, the figures belie this concept.

Far from vanishing, Indians are the nation's fastest-growing cultural group. The Bureau of Indian Affairs expects the 1980 census to show over 1 million Indians — more than when Columbus landed — and some put the figure as high as 3 million. While many more each year are getting college educations, they are returning to live on or near their home reservations in increasing numbers. In 1970 about half of the nation's Indian population lived on or near reservations; according to BIA figures, the percentage grew to 76 percent in 1977, and the trend continues.

No one argues that the Indian ways have not changed. Interstate highways and televisions have brought such things as the "Lutheran Hour," credit cards, prefabricated homes and modern health care. Children on many reservations understand their parents' native language but don't speak it. Young people have gone into the military or to Princeton and returned with slit skirts and ideas for reforming the tribal government.

Harold Littlebird's situation is not typical. Because his father worked for the railroad in several states, Harold never lived on a reservation except when he was very small. He doesn't know the language and often feels like an outsider among either his mother's people at the Laguna Pueblo or his father's at Santo Domingo.

Many young people who go away to college suffer a similar alienation. Since respect for one's elders is integral to the Indian way, the conflict is more difficult.

"Pueblo life is a continuous-type thing — you leave for awhile, and you lose that," one Indian man says.

"You come back with new ideas, and you're looked at unfavorably by older people, especially if they think you're doing it for yourself and not for the community," says another.

The sense of community is very strong, but often shielded by secrecy from outside observers. Just one generation ago, no information was allowed out of some of the stricter communities, and many people still are critical of someone like Littlebird who goes around singing songs or reading poetry to Indians outside his tribe and non-Indians.

"They're willing to accept tremendous changes in their environment — a huge mine or several cars for each family. But yet they're rigid about some things — down to the color of socks they wear, it seems," one woman says, referring to her community.

"LEAVE US ALONE"

Harry Early, governor of the Laguna Pueblo, predicts that in 15 to 20 years, through assimilation, the Indian way of life will be a thing of the past. "For today, we know we're Indian people: we know where we belong; and we want to be left alone."

Many of the younger people, however, see conflicts with the white world as strengthening, and believe the essential aspects of their culture remains, even if they are sometimes hidden.

Carlotta Concha, resource specialist for the Laguna-Acoma schools, says, "Conflict shows that there's growth. I don't think we could call ourselves the Laguna Pueblo or the Santa Domingo Pueblo if our forefathers didn't adapt."

Simon J. Ortiz, who, in the '60s, was one of the first three young people to leave the Acoma Pueblo for college, points out that the Indian people have never been static. Without change, he thinks the exploiters would have gotten their wish for a vanishing people.

A poet and a literature professor at the University of New Mexico, Ortiz says his aunts and uncles caution him not to forget his first responsibility is to his people. "If I keep that in mind, and I do, I could never really be seen as an oddball. I may be working with a new method (written as opposed to oral literature), but it's not odd," he says.

Littlebird believes that a spiritual bond helps Indian people transcend their differences. "Periodically there are times when people tend to forget what's important, but there are always certain older people who know these things. They bring them back."

While living away from the reservation, he tries to instill certain values in his children — to see the sacredness of things and to listen to older people. He takes them home often to visit with their grandmother at Paguate on the Laguna reservation.

Some tribes, of course, live on reservations that were not part of their original territory and share them with traditional enemies. But even these reservations have become the Indians' only real home.

"I don't think Indians would be a people without reservations," says Winona Manning, a historian for the Western Shoshone Tribe. Manning, who lived off the reservation while getting her education, says, when pressed, "Well, maybe you can retain your culture, but your children can't. When I went home for a visit, my kids acted like city kids." She has since moved back to the Duck Valley Reservation in Nevada, but she knows several Indians who stayed in cities.

"This is where we belong," says Harry Early. "We're very closely knit; we identify with the Laguna Pueblo; we identify with the land."

The 1980 census should show over 1 million Indians — more than when Columbus landed.

YOUNGER INDIANS today often grow up understanding but not speaking their elders' language. When they leave the reservation and return, they find it hard to renew ties with older members of the tribe and tribal culture generally.

RESERVATION "RESCUE"

Congress periodically has tried to "rescue" Indians from the reservation system and from their ward-like relationship with the U.S. government.

Starting back in 1887 with the General Allotment Act, Congress allotted 80 to 160 acre parcels of reservation land to each tribal member and opened the "surplus" for settlement or development by non-Indians. This policy wasn't officially reversed until 1934, but by then Indians had lost almost two-thirds of their land.

In 1953, Congress tried termination. It passed a resolution that called for granting Indians "all the rights and prerogatives pertaining to American citizenship" and freeing them from federal supervision and control.

The Menominee Tribe of Wisconsin was chosen for termination in 1954 because it was considered particularly prosperous and socially advanced, according to Gilbert L. Hall in his book, The Federal-Indian Trust Relationship. The reservation became a county, and all of the tribe's assets were turned over to a new corporation, Menominee Enterprises, Inc.

The effects were disastrous. When profit-making instead of providing employment became the objective for the tribal sawmill, jobs were reduced by 25 percent; the percentage of Menominees who received public assistance rose from 14 percent in 1954 to about 50 percent by 1973; and thousands of acres were sold to non-Indians to meet tax obligations, according to Hall. Finally in 1973 Congress reinstated the Menominees and in 1975 passed the Indian Self Determination Act, which reaffirmed the U.S. Government's responsibility as trustee to protect tribal land and resources. However, between 1934 and 1974, Indians lost another million acres from trust status because of termination bills or condemnation for federal dams and highways, according to Hall.

In Alaska, it's a different situation. Most of the Indians and Eskimos there have never been placed on reservations. When Congress passed the Native Claims Settlement Act in 1971, the natives requested that native-run corporations be set up instead. They were granted title to 40 million acres and paid close to a billion dollars.

It's too early to predict how things will fare for the Alaskan native corporations. Perhaps to avoid the Menominees' fate, the natives asked that individuals not be allowed to sell their shares in the corporations until 1991. But Kirke Kickingbird, a Kiowa and director of the Institute for the Development of Indian Law, said he is concerned about what will happen to the resources and the land a decade from now. Already, he said, there has been an influx of consultants, who, assuming that the natives are "filthy rich," have charged exorbitant fees.

Back in the lower-48, it appears for now that Congress isn't planning to attempt another wholesale conversion of reservation lands, if only for economic reasons. In 1978, Congress turned its back on Rep. Jack Cunningham (D-Wash.), who introduced a bill to abrogate all treaties and set up corporations, much like the ill-fated Menominee Enterprises, Inc.

Interior Secretary Cecil Andrus argues that treaties are legal contracts that are "every bit as legitimate" as, for example, home mortgages. The Indians let go of their property in exchange for the U.S. government's guarantees that it would protect the land, water and other resources, Andrus says, and finding energy resources underneath doesn't relieve the United States of its legal obligations.

One of the options under Cunningham's "Native American Equal Opportunities Act" would have been for the United States to buy treaty rights. But the Library of Congress estimates the value of Indian fishing rights in the Northwest alone at $200 million.

While direct efforts to abrogate treaties are not seen as an imminent threat to reservations now, Indian leaders anticipate other battles, which, for many tribes, will be on the energy front.

According to the Council of Energy Resource Tribes, the unemployment rate on reservations is eight times the national average, and their income level is about one-fourth the national average.

Energy development could mean jobs for Indian miners, attorneys, geologists, land use planners and economists. It could also bring millions of dollars into the coffers of tribes that have not yet embarked upon development.

But the energy riches could also buy destruction.The tribes that have already leased their minerals know that.

Twenty-seven years ago, the Laguna Pueblo, through the BIA, leased uranium deposits to Anaconda Copper Co. When the mine opened, many Lagunas were able to return to the reservation for jobs, and now the tribal council depends upon royalties for most of its budget. Some of the money has also been distributed in annual checks to Lagunas on the reservation.

The mine gave the people an opportunity to provide for their families while staying at home. As one miner explains, "Buying food for my family gradually became more important, and preserving the land, while I still believed in it, became less important." Families that once lived in adobe homes with wood stoves now live in new frame housing and face $150 to $200 propane bills a month. With cars and credit cards, their financial needs have grown.

Although the Lagunas have historically put a high emphasis on education, miners need only be 18 years old. Many students have dropped out of school to work there.

Now the pit spans nearly 1,000 acres and is the biggest open pit uranium mine in the country. But the ore is almost gone. While Early and the tribal council are negotiating with several companies for other leases, the price of uranium is falling, the best ore has been mined, and the prospects for new mines look bleak. More than 200 people will be unemployed by the end of next year, and many will have to move if they want to continue working.

To add to the tribe's troubles, Anaconda is having difficulty finding a way to stabilize the site to keep hundreds of acres of radioactive wastes from washing or blowing away (see sidebar).

Simon Ortiz thinks this is a prime example of why mining can't be a panacea for improving reservation life. "Especially from the standpoint of economic self sufficiency, they've become worse off," he says.

Other Indian leaders say energy development can benefit tribes — if they hold the reins themselves and if the development is limited in size. Representatives of several tribes contemplating energy development attended a Federal Bar Association convention on Indian law in Phoenix last month. There, tribes that have already leased some of their coal and uranium cautioned them about many critical questions that have not been resolved yet:

Who can tax the mineral production — the state, the tribe or both? Who sets the environmental regulations and who enforces them? How is energy development outside the reservation boundaries controlled? Where do tribes go for technical and legal advice? How do tribal scientists and planners get training? Who gets the water? And can the tribes say no to the nation's demands for their energy resources?

These questions will be resolved only after years in the courtrooms, the halls of Congress and tribal council meeting places.

Ultimately, the future of the Indian people is not just an Indian question, according to Simon Ortiz. "Instead of asking what are the Indians going to do, you should be asking about our responsibility as a nation. What is the future of this country?"

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Marjane Ambler, former managing editor of **HCN**, is now an Alicia Patterson foundation fellow studying Indian energy development.

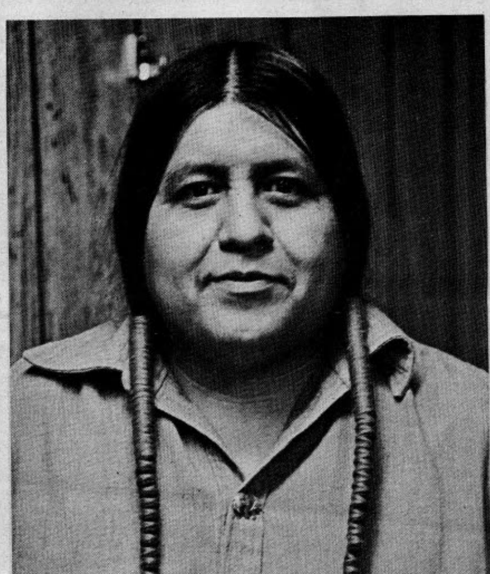


Photo by Marjane Ambler

HARRY EARLY, president of the Laguna Pueblo, is concerned about providing jobs for his people, 700 of whom will be unemployed.

Indians fear uranium pit

LAGUNA PUEBLO, N.M. — Loaders roll back and forth across the mesas, moving 100-foot-high heaps of low grade uranium ore and other rocks away from the river's edge. Huge cats push grinding mounds of rock, smoothing other heaps. Draglines inch closer and closer to the old Indian village of Paguate.

The Jackpile mine on the Laguna Pueblo reservation near Grants, N.M., is the biggest open pit uranium mine in the country. So far, its winding pit spans 1,000 acres, with one highwall reaching 350 feet. The pit's average depth is 150 feet. Wastes lie heaped across another 2,000 acres.

Matching the mine's clamor and activity these days is the bustle of company, tribal and federal officials trying to put together a reclamation plan, 27 years after excavation began.

Since it is located on Indian land, federal law requires that the huge mine be reclaimed even though older uranium mines on state, federal and private lands have no reclamation requirements. How well it will be reclaimed is still a big question, however, since federal agencies and the tribe are only now writing the regulations.

To add to the uncertainty, no one is sure how the federal government will enforce the regulations if the mine owner, Anaconda Copper Co., thinks they are unreasonable.

When the Anaconda Jackpile uranium lease was signed in 1953, it included a general requirement that the land would be reclaimed. No specifics were set. "In those days, our forefathers only saw dollar bills floating out of the ground," said Harry Early, present governor of the Laguna Pueblo. But this provision, plus federal regulations giving the U.S. Geological Survey the power to set reclamation standards for the mine, provides the basis for tribal hopes.

The mine is scheduled to close soon, and now the Lagunas are worried.

CHECKING AIR, WATER

Until two years ago, neither the company nor the government had initiated regular monitoring of air and water quality in the area.

Now USGS is demanding monthly samples of air, ground water and surface water, and the company has voluntarily begun an extensive groundwater study.

While tribal and USGS officials say Anaconda has been very cooperative, studies have revealed some problems that at best will be expensive to solve and may be insurmountable.

As with any disturbance in this arid country, revegetation is difficult. Tourists driving down highways in the vicinity are startled to see signs saying "watch for water," meaning flash floods. Such floods and frequent winds quickly carry away seeds and topsoil.

Marc Nelson of USGS in Albuquerque said that if the tribal council is willing, he would be flexible and not force Anaconda to revegetate slopes of the waste heaps, where so far Anaconda's attempts have failed. At 35 to 45 degrees, the slopes are considered too steep for grazing anyway. However, he said, they must be stabilized. Since the heaps contain low grade ore and other material from the radioactive Jackpile formation, he can't allow dust to blow around during the next several decades.

As a last resort, the company may have to regrade the heaps, an "outrageously expensive" option, according to Nelson, that would mean the loss of many acres of potential grazing land and destroy some of the vegetation that has been successfully started.

LEAVING HIGHWALLS

The pit will be a bigger problem. Nelson said the final plan will probably call for leaving some of the highwalls in place, with fences to keep livestock out of danger. For the more dangerous walls, Anaconda will probably have to blast off the tops or regrade them to gentler slopes. Only some portions of the pit would be backfilled.

While Anaconda and USGS are not far apart in their ideas for the pit, some tribal members and outside observers have other ideas.

Greg Smith of the Bureau of Indian Affairs said the tribe would like the site to look exactly as it did before mining. This would require filling the pit, duplicating the original topography and revegetating most of the disturbed acreage.

Experts agree this is impossible, but Paul Robinson of the Southwest Research and Information Center said that at least the pit should be filled. A geologist by training and an environmental consultant, Robinson said that if the pit is not filled, it will become a sinkhole where ground water will accumulate. This, he said, would result in radionuclides leaching into the aquifers, causing widespread ground water contamination.

Since Anaconda doesn't have enough material on hand to fill the pit, Robinson thinks the company should ship tailings 30 miles from its mill to the mine site where they originated. He also thinks this would be the best option for dealing with the tailings.

However, unless Anaconda proposes this plan itself, it won't be required by the state agency which regulates the mill but not the mine. Anaconda has until July 1 to come up with a new draft plan, which will be reviewed by the USGS, the BIA, a staff member from the Council of Energy Resource Tribes and a private consultant hired by the Lagunas. The tribal council will determine what the final plan will include.

So far, Anaconda has said it is willing to do whatever is necessary to get the land back in acceptable condition, but if the company balks, the matter may end up in court.

To avoid that situation and to address the tribe's concern about jobs, Anaconda has proposed allowing the Lagunas to take over the mine, possibly extending its productive life. The Indians would then conduct the reclamation themselves, using money from a bond paid by Anaconda.

Montanans decide

Lobbyists, radiation, politicos, pop-tops on the ballot?

by Geoffrey O'Gara

Personalities have superseded issues in the Montana gubernatorial primary race slated for this Tuesday, where two similar Democrats are vying for the chance to face a Republican moderate who gives the GOP its best chance in years at the statehouse.

Montana's western congressional seat is being eyed by wilderness foes, but they aren't likely to wrest it from Rep. Pat Williams (D).

And several initiatives, including measures to ban radioactive waste, require deposits on beverage containers, and set up a statewide utility may come before the voters. So popular have initiatives become among Montana voters that a group of businessmen have launched a radio campaign warning citizens to read before they sign.

Montana Gov. Tom Judge

RACE FOR GOVERNOR

Gov. Thomas Judge is squaring off against his own lieutenant governor, Ted Schwinden, in next week's Democratic primary, but voters have been hard-pressed to tell the two apart.

Still, the race is close — it may be that voters are just tired of Judge after two terms. Schwinden is selling himself as a more aggressive, better manager for the state.

"The philosophies of the two just aren't very different," said one Democratic state senator. "I could live with either one."

(Ed. note: This is the first in a series of political profiles on candidates and issues of importance in the 1980 elections in the Rocky Mountain and Great Plains states. In addition to examining who and what is on the ballot in each state, **HCN** will provide regular updates as races develop.)

Although lacking a magnetic personality, Judge has gained a strong following with his defense of the popular state coal severance tax and the industrial siting act. He vetoed a bill last year that would have exempted Colstrip power plants from siting requirements, and was lauded by environmentalists for killing parts of a water resources bill.

But most observers agree that Schwinden would follow the same policies, with perhaps a little more administrative vinegar.

No sooner does an issue appear to divide the two than they rush to agree: For instance, when it seemed recently that Schwinden opposed the export of Montana coal that Judge has vigorously promoted, Schwinden's campaigners hurriedly announced that they favored export as long as this country's needs got first priority.

The winner of the Democratic primary is likely next fall to face Republican Jack Ramirez — a moderate Billings lawyer with ties to big business who has a "fair to good" environmental record as state House minority leader, according to Mike Males of the Environmental *Information Center*. Ramirez voted against the Colstrip exemption.

Ramirez, with campaign whiz Herb Williams behind him, could cause trouble for his Democratic opponent. In the past he has waffled on the state severance tax issue, but he now appears solidly behind it. One minus in the eyes of Montanans may be his list of former clients: among them, Exxon, Montana Power Co., Peabody Coal, and other corporations with an eye on the state's resources.

Nevertheless, Hank Fischer of Defenders of Wildlife called Ramirez "a worthy candidate — not an arch-conservative or anti-environmental."

CONGRESSIONAL RACES

Rep. Pat Williams (D) is finding out just how unpopular wilderness is in parts of his western district — and recently he has shown election year timidity on the issue. Nevertheless, his opposition appears too weak to make the issue work against him.

After a confrontation with angry opponents of the proposed West Big Hole Wilderness in Dillon this year, Williams asked the House Interior Committee to hold off action on his bill. And while he has pushed ahead with legislation to create a wilderness in the Rattlesnake Creek area north of Missoula, wilderness advocates remember the way he backed off on another wilderness, Humbug Spires, when opposition developed.

But Williams is favored by most observers against both his Democratic primary opponent and Republican challengers. In the relatively progressive environs of western Montana, he has a pro-labor record and has fought ques-

(continued on page 12)

Pressure builds on farmers

by Michael Moss

LONGMONT, Colo. — Long after the mid-April sun has set, a few farmers are still working the newly-thawed fields around this town. Gathered in the basement of the local USDA office, however, are some 25 other ranchers and cultivators, here to discuss schemes for preserving their way of life.

Morgan Smith, the state agriculture commissioner, introduces his two young resource analysts, Jim Rubingh and David Carlson, who in turn introduce the fruit of their two-year study — a two-volume analysis of farm land conversion trends in Colorado and a survey of possible solutions.

It's the 17th such public meeting around the state, with one more to go, and the two planners have smoothed out their presentation to avoid a list of caustic buzz words — land-use planning, zoning, rules and regulations.

Their tone is cautious, and one reason is farmers such as John Lebsack.

A MORAL RIGHT

Dressed in jeans and cowboy boots, Lebsack sits patiently, holding a copy of the summary report. His hands are burly and stained, with four fingers missing from one and several blackened nails on the other.

Lebsack is a landowner, farmer and member of the soil conservation board. Soon, he says, meetings like this will be impossible for him to attend, as his summer days' work keeps him in the fields from dawn to midnight, when he returns to sleep in the house he's lived in since 1941.

But tonight there is still time to pause and think. Lebsack speaks softly after the meeting.

"My wife's five sisters live in Denver and they think we're out here on a gold mine, living on Easy Street. But I'm ready to chuck the whole thing and tell them, 'If you want your food, you grow it.'

"Sometimes the hassle just becomes so great, the financing, the rules on pesticides and everything else, that it gets to the point where I simply can't take it any more, and & go to my bedroom, lock the door and sleep for 12 hours. Only then can I start over again."

Lebsack, like so many farmers, is plagued by two enemies. On one side is urban sprawl, creating numerous operational headaches and financial pressure. And on the other side, government regulations that, however effective in controlling development, violate the one right he and so many others hold as inviolable — peoples' freedom to do with their land what they want.

"It's a person's choosing, as long as he doesn't hurt his neighbor," Lebsack says. He raises an important point, because quite often urban sprawl will create a classic domino effect in farm land conversion.

Lebsack agrees with the planners that subdivisions and farming just don't mix, socially or economically. One farmer sells out to a developer, and his neighbors are faced with a one-two punch — new urban neighbors complaining about the sights and smells of their farms, and accompanying inflated land prices and taxes.

But Lebsack and many other farmers continue to walk a fine line on government regulation. Yes, he says, he would suffer if a neighbor either built a giant hog farm or sold out to a developer. But he insists he could only support gov-

Tools for saving agricultural land

REDUCED PROPERTY TAXES

The most common method used by state and local governments is to reduce property taxes on farm land, theoretically inducing the owner to keep the land in agricultural production. But even if a penalty clause is included, whereby all tax savings must be repaid if the land is ever developed, the capital gains to be made by selling the land usually outweigh the tax benefits of preserving farm land.

ZONING

Also widely used, and equally ineffective by itself, is zoning that directs land uses within a particular area, such as a county. Typically, the number of "exemptions" and zoning changes increase proportionally with development pressure, and zoning rarely works when it's truly needed.

DEVELOPMENT RIGHTS PURCHASE

This involves the public or private purchase of development rights, priced at the difference between the market value of the land and its value for agricultural purposes. In some cases the land itself is purchased and leased back to farmers. Both methods are very effective and very expensive.

AGRICULTURAL DISTRICTS

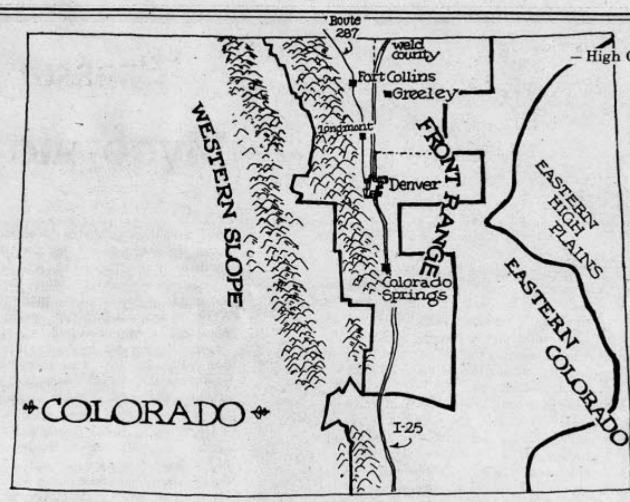
Incorporating a number of the above tools, farmers in New York State have formed a district that encourages agriculture and discourages other land uses. Participants commit themselves to farm their land for a given time, in exchange for lower taxes and fewer government regulations.

ers to sell out

ernment rules regulating the hog farm — not his neighbors' right to sell.

Lebsack says he has turned down several big dollar offers for his land. But the temptation for even him is strong at times, and many farmers are giving in.

"Scratch a farmer and you'll find a developer," is a common quip among some land-use planners these days. The circumstances that make the statement true in some cases are multiplying.



CAUGHT IN THE MIDDLE

In 1980 farmers here and throughout the state will earn less than half of what they did last year, agriculture experts are predicting. The average net sales income for the state's 26,300 farms is expected to be less than $3,000.

Cultivators have plowed through similar cost-price squeezes in the past, managing somehow to make ends meet. But with farm creditors refusing new accounts and calling in old ones, investment returns dropping to 1.5 percent, and increasing pressure from urban developers, this latest economic plummet is expected to cause major shakeups.

Colorado and most Mountain states face less farm land conversion pressure than other parts of the country. But the trend to pave over tilled fields is escalating, and steps being taken in this state to stem the tide show how complex the issue has become.

SLIPPING AWAY

Highway 287, after weaving into Colorado from Wyoming along the Roosevelt National Forest, drops straight south to Denver.

Skirting the Rocky Mountain foothills, the road passes through a string of farm towns — Loveland, Berthoud, Longmont, Broomfield. This is farm country, the northwestern flank of the state's 13-county Front Range region, which grows some 40 percent of Colorado's agricultural produce.

The Front Range is also city country, home to 80 percent of the state's people. Some figures predict another million persons moving into the Front Range by the year 2000, requiring land for homes, highways, shopping malls, schools and bars.

With state-funded studies showing that three-fourths of the state's urbanization has so far occurred on high quality agricultural soils, it's clear where much of the land for future residents will be obtained.

There are reams of statistics calculating national trends in farm land conversion. The Soil Conservation Service puts it at an estimated 3 million to 5 million acres nationwide lost to nonfarming uses each year. (One clever writer converted that to one and a half acres lost for every baby born.) By the year 2000, the agency says, gone will be large acreages of land farmed today, as well as much of the remaining 111 million acres of crop land now held in reserve.

Hardest hit is the Northeast, which lost over 10 percent of its crop lands in an eight-year period ending in 1975. The Mountain states, in that same period, lost only a tenth of that percentage.

In fact, the situation in Colorado at first glance looks rosy. While total farm land acreages have declined by about five percent over the last 20 years, irrigated farm land acreages have actually increased by 27 percent.

Thirty-three states have lost more farm land than Colorado, and the state's agricultural production is at an all time high, ranking 15th in the nation.

But Colorado land-use planners are worried about the future.

Like the rest of the West, Colorado is entering an economic and social convulsion that will bring scores of changes and impacts, including population growth, increasing energy development and declining water supplies.

New irrigated acreage in the state's Eastern High Plains is largely a thing of the past, and several factors, including declining water tables, could jeopardize existing operations.

High-budget coal and synthetic fuel development on the West Slope is attracting new residents and, more seriously, is drying up farm labor supplies by offering higher paying jobs.

And in the Front Range, from Colorado Springs north to Ft. Collins, with Denver sprawling in all directions in the middle, the state's population is growing at three times the national average.

The need to act in defense of the farm is evident. But despite the battery of tools at hand for protecting farm land (see sidebar), the equally stout grassroots opposition to government interference has left many of the more effective devices on the drawing boards.

A TEST CASE

Weld County, which rubs up against Wyoming in the northeast corner of the Front Range, is the state's agricultural plum. Every year it churns out 30 percent of Colorado's farm sales, and ranks third among all counties in the nation.

Weld is also the state's shining light on agricultural land use planning. With widespread community support, county officials in 1973 designed a comprehensive policy to protect farm land and the county's agricultural economy by channeling new growth to existing urban areas.

"We didn't try to discount urban growth, but rather direct it around our existing 28 incorporated towns," says Tom Honn, county zoning administrator.

"The studies we had effectively showed that sprawling urban growth is expensive, and that the farmer and rancher get stuck with much of the bill for providing services," he says.

Having convinced county residents of this, Honn and his five-person staff have used the plan's major tool — a minimum lot size of 80 to 160 acres in agriculturally zoned areas — to effectively halt massive, sprawling development. Piecemeal growth, one house at a time here and there, has proved harder to combat, he says.

"There was a healthy climate for planning in the late '60s, with everyone in the county concerned about people spilling over from Boulder and Ft. Collins," says Honn. "We also are heavily farm oriented and do not have the disadvantage of having mixed special interest groups, such as environmentalists and major developers." Five of the nine seats on the county planning commission are held by farmers.

But Weld is in an idyllic position that the rest of the state, and much of the West, does not share.

A state-wide plan very similar in approach to Weld County's was adopted by Governor Lamm (D) last year. Called the Human Settlement Policies, it included guidelines to discourage development that would convert agricultural lands, encourage clustered and compact development within or next to existing communities, and avoid leapfrog development that breaks up blocks of agricultural land.

Despite dramatic efforts by Lamm to emphasize that it was only policy, not a plan, the scheme was soundly thrashed by the conservative legislature.

So for Lamm's policies, it's back to the political drawing boards. And for land-use planners like Rubingh and Carlson, it's back on the road for more meetings like the one in Longmont. ●

FARMLAND IN COLORADO and throughout the West is threatened by high population growth, increased energy development and decreased water supplies. Unless steps are taken now to preserve farmland, scenes such as this one, near Northglenn in the Front Range, may eventually be memories.

Mycophagy, anyone?

M

by Joan Nice

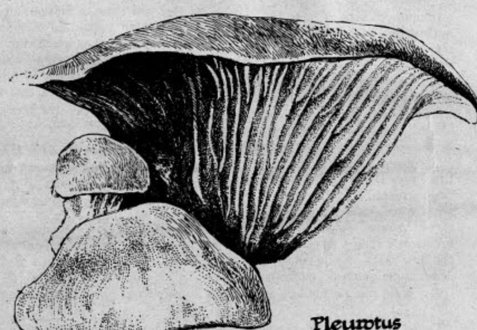
Speckled sunlight in an aspen grove lit up a mushroom with a bulging stem as thick as a baseball bat and a cap like an upside down salad bowl.

For an instant I thought about our meager backpacking supper. But I was far from my mushroom book, so I left the morsel untasted.

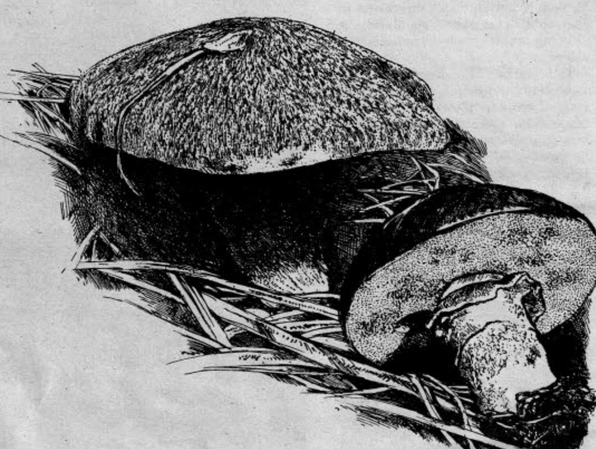
My great grandmother wouldn't have been so hesitant. My father still reminisces about her keen eye and her succulent fried harvests. But, alas, mushroom lore has disappeared from my family heritage just as surely as my great grandmother's size three feet. Fungi are foreign to me, but they stir my curiosity as surely as lost treasure.

Unfortunately, the beginning mushroom student has very little to cling to. When my interest began, a couple of years ago, I was assaulted by Latin terms and a complex key to identification designed to introduce everything from slime molds to stinkhorns, neither of which should be allowed anywhere near a camper's stew. I was warned that much of the enticing folklore about mushrooms is false. Do you think that a mushroom is safe if you can peel it? Or that mushrooms in fields or on stumps are good to eat? Or that because an animal has nibbled at a mushroom, you can go ahead? Or that mushrooms that are white all over are "pure"? All these attractively simple rules of thumb are potentially deadly scraps of information.

On the other hand, I found, it isn't necessary to forget mushrooming altogether just because it's a complex technical discipline. With the help of a good mushrooming book, a beginner can safely collect several delicious edibles.



Pleurotus Ostreatus



Suillus Luteus

THE BEST AND THE SAFEST

Puffballs range in size from golf balls to basketballs and have meat as white and tender as cream cheese inside. They are, according to author and mycologist Orson K. Miller, "one of the best and safest of all edible mushrooms."

But one safety rule still applies here. Cut open your puffballs. If your dissected specimen is dark inside instead of creamy white, it may be too old to eat. Or if its meat is coarse and lilac in color, you may have a poisonous earth ball. Give it back to the earth. Or if your mushroom, when sliced open vertically, reveals gills, a stem and a cap about to burst out of its ball, beware, it's likely a deadly white **Amanita** button. More about **Amanitas** later.

THE ADMIRABLE OYSTER

Around Lander, **Pleurotus ostreatus**, the oyster mushroom, is most commonly found on dead cottonwoods. But it also grows on many other dead and live trees. It has an off-center attachment to its wood host, but usually no real stalk. If you get to it before the shiny black beetles do, its thick, white flesh is firm. Look, too, for a moist white or yellowish-brown cap that is shaped like an oyster shell. And be sure that underneath the cap are **gills**, not pores.

If you're careful, this choice edible isn't too difficult to identify. Most important, its closest cousins are free from poisons, though they are not all as tasty as the oyster mushroom. But if you're a

Mushroom-hunting, by the book

beginner, match each characteristic to the description in the book. Distant cousins may look similar to an unpracticed eye.

THE SHAGGY MANE

The shaggy mane, **Coprinus comatus,** looks as if someone has used it for whittling practice, with its delicately ruffled, white, cone-shaped cap. It is so distinctive looking that once you've compared your field find with a good photo, there's not much danger of confusion. The challenge here is not to identify the shaggy mane correctly but to find and cook it before it melts into a pool of inky liquid. This trait, called "deliquescing," is characteristic of the genus **Coprinus.**

The shaggy mane's cousin, **Coprinus atramentarius**, has the same melting habit — and one additional problem: If consumed with alcohol, it can give you a flushed feeling, nausea and a bellyache. But **atramentarius** is often a scummy-looking specimen, so you probably won't be tempted.

MAGNIFICENT MORELS

Morels, a springtime delicacy for mushroom hunters, look like pine cones perched atop grotesque, thick white stalks. To avoid confusing the flavorful "true morels" with the "false morels," several of which are poisonous, look for a system of pits and ridges on the cap. If your find has rounded folds instead, you are probably in the much less appetizing realm of the false morels.

An additional difference between the two groups is the attachment of the head. In true morels, with one exception, the head is fused directly to the stalk. In false morels the head is attached only at the top of the stalk. The rest of the head falls around the stem like a skirt.

DANGEROUS BUT DECORATIVE

Amanita muscaria is worthy of mention here to make sure readers don't get the idea that all pleasant-looking mushrooms are good to eat. It is the toadstool depicted in fairy tales, flower arrangements and infant's clothing. But this red-cap is also used as an insecticide — hence its common name, "fly agaric."

Its genus, **Amanita,** is responsible for more human fatalities than all the other mushrooms combined, Miller says.

Beware any fungus, no matter how attractive, with Amanita's combination of characteristics: white gills that are not attached to the stalk, warts on the cap, a ring around the middle of the stalk and a cup on the base.

BACK TO THE GROVE

But back to the mushroom I drooled over in the aspen grove last summer. Had I had greater knowledge, I might have earned a delightful meal. Its fleshy stalk and cap and its pores put it in a group called "boletes."

"Considered in total," Miller says, "this is one of the really fine and safe edible groups."

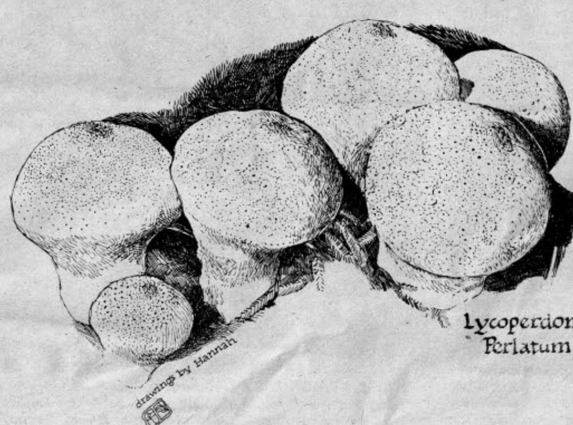
Three genera that contain choice edibles in this group are: **Leccinum, Suillus** and **Boletus.** Brown or blackish tufts of hair, called "scabers," on the stalk distinguish **Leccinum** from the other boletes. A Suillus is a bit tougher to pin down. You'll need a key. But once you're sure you have either of these genera, heat up the frying pan, for all of their members are nonpoisonous, Miller says, and many are considered very good eating.

The third important group of boletes, the genus **Boletus**, contains several poisonous members, but they are easy enough to avoid. The rule here is: shun mushrooms in this group that have 1) red pore mouths or 2) yellow flesh that turns blue when it is bruised. Everything else in the genus is nonpoisonous. And some, such as **Boletus edulis**, a large, brown-capped mushroom with a white stalk, make an excellent meal.

If you stand back and look at the fungi kingdom as a whole, you will discover that the mushrooms described above are in some senses the exceptions. Just as one neither salivates over nor fears the fruits of elms, oaks and willows, there is no reason to get excited or frightened about most mushrooms. In fact, there is about the same proportion of edible and poisonous species in the fungi kingdom as there is in the plant kingdom. Budding mycophagists (mushroom-eaters) must resign themselves to this fact even though for most of them, the potential meals and menaces are what make fungi worth knowing.

Morchella Esculenta

Amanita Muscaria

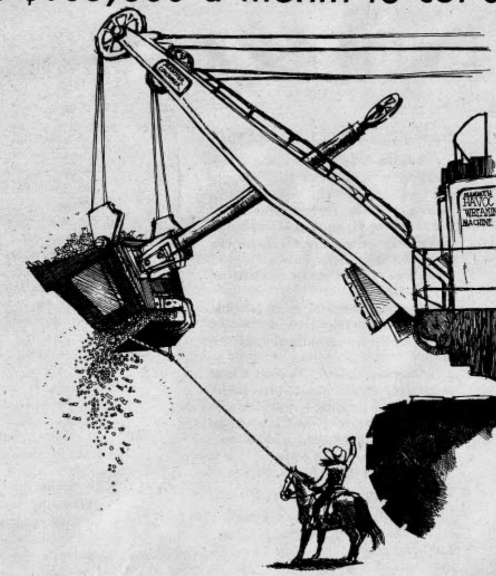


Lycoperdon Perlatum

ENERGY

Lobbyists spend $100,000 a month to cut severance taxes

by William Choyke



WASHINGTON, D.C. — By all appearances the National Coal Consumers Alliance is one of the more peculiar consumer movements to hang its sign in the nation's capital.

Its self-described executive headquarters is in a nationally-prestigious firm in one of downtown Washington's newest and most expensive buildings.

Its public relations work is being handled by a firm owned by Julian Read, a conservative Texan who most recently worked as director of communications for onetime presidential aspirant John Connally.

And the initial dues-paying members of this group — which proclaims itself a "movement to protect consumers from impacts of unfair taxes on energy" — are seven large private utility companies centered in the Midwest and one large public utility serving central Texas.

The group's steering committee chairman, Minneapolis Mayor Donald Fraser, estimates the lobbying effort by the group is costing about $100,000 a month. The goal is passage of legislation that would limit coal severance taxes imposed by states like Montana and Wyoming to 12.5 percent of the sale price of coal.

The Alliance's chance of achieving that goal this year are poor, although *the group is mounting a strong effort in both the House and Senate. But in the* long run, advocates of severance tax limits have more hope for a congressional victory than they do for a suit now in federal court challenging Montana's 30 percent severance tax. Wyoming, the other major western coal producing state, has a severance tax of about 17 percent.

Knowledgeable congressional aides say election year scheduling will thwart the effort in the current Congress, but it's a sure bet that the campaign will be renewed next year.

"It is one of the more blatantly disgusting examples of special interest legislation I have ever seen in my years sorting out questions about how unfair the coal taxes are, how significant the savings in lowering taxes would be to consumers, and what the real motives are of the private utilities which are dropping a bundle in the effort.

A House bill sponsored by Rep. Phil Sharp (D-Ind.) would impose a 12.5 percent severance tax limitation on all coal-producing land. The Senate bill, sponsored by Sen. Dale Bumpers (D-Ark.), would place a taxation cap on any coal produced on federal or Indian lands, which would affect most of the reserves in Montana and Wyoming.

For individual consumers, the savings would be miniscule. Supporters of the legislation do not challenge Montana officials' claims that their state's 30 percent tax adds only about two percent, or $7 a year, to the average utility bill of Midwestern consumers.

However, utility companies say they are under fire for rate increases, and must fight to shave pennies off their customers' bills. They have attacked both high severance taxes and coal hauling costs, which have jumped from $11 to more than $19 per ton for coal shipped from Montana to Texas in the last three years. (Shipping rate increases have been appealed to the Interstate Commerce Commission.)

With the federal government encouraging conversion to coal, utilities are contending that Western severance taxes are unjustifiably high.

Montana officials argue that on a BTU (British Thermal Unit) equivalency scale, coal severance taxes are comparable to those leveled by Louisiana and Texas on oil and gas. In other words, the oil and coal-producing states are charging similar fees for each unit of energy produced. The BTU issue will be hotly debated in upcoming House and Senate hearings.

in public office," Sen. Max Baucus (D-Mont.) told a House energy subcommittee in March. "This proposal is being promoted by a handful of Midwestern and Southern companies who are willing to spend thousands of dollars each week in a thinly-veiled attempt to pass some of the most selfish legislation ever conceived."

Those familiar with the issue here say it is not as clearcut as Baucus claims. Rather, congressional aides now studying the proposals are still

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William Choyke is a reporter for the Cox Newspapers in Washington, D.C.

Hot Line

DRILLING TO EXPAND. ASARCO Inc. has the approval of the Forest Service to drill core samples in the proposed Scotchman Peak Wilderness Area of northwestern Montana in a search for copper and silver. It will be ASARCO's second year of drilling in the Ross Point area, which, along with other exploration activities in the Cabinet Mountain Wilderness to the south, has led wilderness proponents to consider legal action. Attorney Jim Goetz of Bozeman said the groups opposing the project will probably seek a court injunction to stop the drilling.

SOLAR NO, NUCLEAR YES. A memo leaked from the U.S. Energy Department indicates that Secretary Charles W. Duncan plans to cut back solar programs and pump up nuclear research if President Carter is reelected this fall. The memorandum, according to the **Chicago Sun-Times,** told DOE aides that solar and conservation funding would be frozen at present levels and effectively lowered by 1986 while funds for nuclear breeder reactors and nuclear waste programs would rise sharply. Duncan's five-year plan would also put more money into coal liquefaction and oil shale programs.

A SOLAR SALE. Colorado residents can now install a $3,000 solar water heating system for only $900 by taking advantage of state and federal tax credits, state officials say. Under legislation signed by Gov. Richard Lamm (D) this month, homeowners can take a 30 percent credit on purchase and installation costs of solar, wind, or geothermal systems, up to $3,500. That comes on top of a 40 percent federal tax credit. State officials say that no other state can match Colorado's savings.

A SOLAR MONUMENT. Natural Bridges National Monument in southeastern Utah has gone solar, in the biggest way. On June 7, park officials will dedicate the world's largest solar energy facility — a 100 kw demonstration photovoltaic system. (The second largest facility, according to park officials, is a 60 kw facility at a California Air Force Station.) Energy from the system will supply staff homes, maintenance facilities and the Visitor Center, previously juiced by two diesel generators.

Stepped up oil shale leasing planned in Colo., Utah

by Timothy Lange

DENVER — An ad hoc coalition of citizen groups believes the U.S. Department of Interior has violated a long-standing pledge and opened the door to "devastating" environmental harm with a plan to increase the number of oil shale leases on federal land.

Interior Undersecretary Jim Joseph announced Tuesday that the department plans to expand its seven-year-old prototype oil shale program by up to four new leases in Colorado and Utah, push legislation allowing waste disposal off the lease site, increase the number of acres allowed per lease, increase the number of leases allowed per company and begin developing a permanent oil shale leasing program.

David Masselli, Energy Policy Director for Friends of the Earth, the lead group in a 13-member oil shale environmental coalition, called Joseph's decision a "craven political gesture" to help President Carter's re-election efforts. "We've been lied to," said Masselli. "It's a logical culmination of a series of betrayals. But this takes the cake." The other "betrayals," he said, were the department's moves favoring coal development and offshore oil leasing.

Masselli feels the department has reneged on its vow not to increase the number of oil shale leases until after information about environmental effects of the six-lease prototype program can be studied.

The prototype leasing program's final environmental impact statement, issued in 1973, states: "No federal leasing of oil shale lands beyond the proposed program...will be carried out until the environmental effects of the prototype program indicating feasibility of developing a mature industry are fully evaluated."

Because commercial production on the prototype leases is not scheduled to begin before the mid-1980s, effects cannot be determined until late in the decade.

Steven Quarles, Deputy Undersecretary of Interior in Joseph's office, argued that nobody was betrayed. "As far as I'm concerned, that's wrong...and, anyway, that pledge was not etched in stone."

As Quarles sees it, the controversy has three sides: Those who say that there should have been only the six original leases, including two that were never bid on in Wyoming; those who say the pledge meant only that impacts would not be raised beyond the original project parameters; and those who say the situation has changed drastically. The department, he said, takes the middle ground.

Two leases in Colorado and two in Utah currently are under development. Work in Utah had been delayed because of a title dispute between the state and federal government. The U.S. Supreme Court recently ruled 5 to 4 that the land would remain in federal, rather than state, hands (see **Hotline**).

Additional leasing, Joseph said, may be necessary to meet President Carter's goal of a synthetic fuels industry producing 400,000 barrels a day of shale oil by 1990. But he made it clear that the new leases will primarily be issued to get more information out of the prototype program. To implement expansion, Joseph authorized a task force to recommend the number and sites of new leases and the technologies the department would like tested. Work is to be completed by Sept. 1. Environmental impact statements will be required before leasing takes place.

The department will require that one of the lessees extract not only shale oil but intermingled deposits of nahcolite, a stack scrubbing agent used in pollution control, and dawsonite, an aluminum ore.

Oil shale producers working the existing leases are using a "modified in situ" process. In such a process, part of a column of rock is brought to the surface and the rest exploded to rubble underground, then heated to release the oil.

The department may stipulate that one or more of the new lessees use a technology in which the rock is all mined and then heated on the surface.

Joseph also said that Interior will ask Congress to amend the 1920 Mineral Leasing Act to expand the 5,120-acre limitation on oil shale tracts, in order to make production more economically attractive to private companies. And he will urge that companies be allowed two federal leases, instead of one, in each state.

Kevin Markey, Colorado representative for Friends of the Earth said, "Our problem is that (the push for oil shale production) is going too fast already." Existing incentives, he said, will make it easy for companies on federal and private land to meet Carter's target "without any more leases."

The incentives include a $3 a barrel tax credit on shale oil, a 15 percent oil shale depletion tax allowance, a 20 percent investment tax credit, and loan, purchase and price guarantees to be offered through the national Synthetic Fuels Corporation.

"You put all that together," said Markey, "and you have unleashed a potential monster that can only be restricted by maintaining environmental laws and controlling the land."

By FOE estimates, based on what companies have told federal agencies, about 465,000 barrels per day will be produced at existing prototype and private land sites by 1990 unless technological problems block development.

In an April 30 letter to Interior Secretary Cecil Andrus, the coalition warned the department that "encouraging the rapid growth of an oil shale industry before we fully understand its impacts and how to control them will be devastating." Among problems outlined were potential harm to air and water quality in nearby wilderness, disruption of the White River mule deer herd in Colorado's shale-rich Piceance Basin, and the boomtown syndrome of sudden population growth.

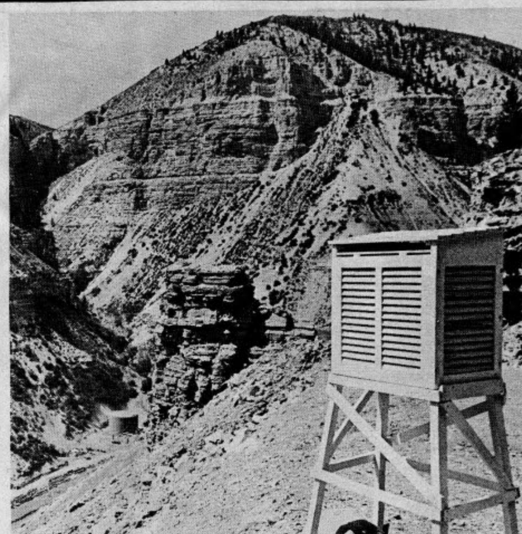
Instead of offering additional leases, the coalition wants the government to force companies on private oil shale land to allow environmental monitoring in return for tax subsidies already approved. "If we're going to buy an industry (with subsidies)," Markey said, "we should get something out of it."

Undersecretary Joseph wants Congress to authorize off-site disposal of spent shale and off-site construction of processing facilities for the prototype leases so companies can extract shale from every acre. The coalition opposes these decisions.

Most disturbing of all to environmentalists is the go-ahead to develop a permanent lease program, which Joseph wants "developed and in place within the next two years."

Quarles said Interior wants such a program "on the shelf" to guard against the possibility that future political pressure might force the agency to develop a shoddy leasing program "overnight." He admitted that once a leasing program is developed, there may be strong pressure "to pull it off the shelf." But, he said, with all the study time and legal requirements needed, no leases under a permanent program could possibly be allowed "until 1984 at the earliest."

FOE's Masselli said he didn't think the enabling legislation necessary to develop the program would pass Congress this year. And, if it does, he said, "I think it would be realistic to expect some considerable litigation."



— photo courtesy of Colony Development Corp.

OIL SHALE DEVELOPMENT, still in the development stages at sites like Colony Development Corp.'s Colorado project, may get a boost from federal leasing. Oil shale strata can be seen on the far canyon wall.

CHEYENNE, COLSTRIP AGREE. The Northern Cheyenne tribe in Montana last month agreed to drop out of lawsuits attempting to block construction of Colstrip 3 and 4, after the Montana Power Co. and other utilities involved in Costrip agreed to employ and train more Indians, monitor air quality, and provide impact assistance to the reservation. There are two 350-megawatt generators at Colstrip, and plans call for the building of two more. Attempts by the tribe to enforce stringent air standards have held expansion of Colstrip in the past. A tribe spokesman estimated the deal was worth $3 to 4 million to the tribe.

SHALE LANDS DENIED. The U.S. Supreme Court ruled recently that Utah could not pick valuable federal oil shale lands to replace acreage owed to it as part of its statehood grant in 1896. In 1896, federal lands known as school grants land were never transferred to the state. The court's 5-4 decision concluded that the higher mineral value of the federal oil shale lands must be considered in order to determine whether they equal in value the never-transferred school grants land. But Interior Secretary Cecil Andrus called the ruling a "miserable mistake" which slowed his plan for clearing up all in lieu claims this year. The decision will affect in lieu land selections to be made by Colorado, Wyoming, Montana and Idaho.

REGULATIONS COSTLY? While the business world pushes hard for a rollback of environmental laws which it claims inhibit economic growth and energy development, the President's Council on Environmental Quality recently reported that pollution control is paying off. The CEQ study, by a Bowdoin College economics professor, contends that environmental safeguards save the U.S. $34 billion annually, particularly by reducing health problems related to air pollution. Water pollution control, the study says, reduces municipal water treatment needs and increases recreational benefits. By contrast, the Council estimates that industry invests about $27 billion annually in meeting air and water pollution regulations.

UP, UP AND AWAY. The energy crisis has not made beggars of all of us. Most recently Exxon, which recently became America's largest corporation, reported that earnings for the first quarter of 1980 were up 100 percent over a year earlier. No American corporation has ever had such a good quarter. The earnings jump has a lot to do with decontrol of domestic oil prices, to wit: The windfall profits tax, recently approved by Congress, did not take a chunk out of oil earnings before March 1, 1980. Decontrol, however, was upping profits on domestic crude in January and February.

Trackings

followups on previous stories

Cheyenne water

(for previous story, see **HCN** 5-16-80)

A water project proposed by the city of Cheyenne, Wyo., does not "mitigate unacceptable impacts," the Forest Service has ruled, and the agency is proposing an alternative project.

The city's plan, which requires Forest Service approval because a large portion of the land involved is in the Medicine Bow National Forest, involves constructing extensive new water collection systems to pump some 32,000 acre feet of water to Cheyenne.

The Forest Service, however, in a draft environmental impact statement on the proposal, came up with an alternative plan that would be largely limited to boosting existing facilities to bring 21,500 acre feet of water per year to Cheyenne. The system currently produces roughly 7,000 acre-feet per year.

Just how much water Cheyenne needs in the coming years is a matter of dispute. But the Forest Service says its plan would "meet Cheyenne's need for water until the year 2000, based on mid-range population projections."

The agency also claims that its alternative "best resolves public issues...is the most economically feasible...and best meets resource management concerns among the action alternatives."

The original proposal's environmental impacts that the Forest Service says are unacceptable include habitat damage to several species of wildlife and rare fish, decreased stream flows, possible increases in Colorado River salinity, and new access into roadless areas.

The Forest Service's recommendation threw a number of project-watchers off guard. Noting with pleasure that the agency selected from six possible alternatives a plan involving the least amount of construction, Bart Koehler, Wyoming representative for the Wilderness Alliance, said, "The Forest Service has come a long way from its earlier perspective on the project."

Proponents of the original project, however, say the decreased amount of water in the Forest Service plan could necessitate a complete reevaluation of the project.

"I hope the State of Wyoming and the City of Cheyenne can go back to the Forest Service and get a more realistic development figure," said Rep. Russ Donley (R), who sponsored the state bill that authorized construction of the Cheyenne project.

"If that's all they're getting," he added, referring to the water flows to Cheyenne in the agency proposal, "they might have to look at the economics and decide if they would be getting their money's worth."

Project critics say they've been arguing all along that the city's proposal was not based on Cheyenne's true water needs, but rather on what was needed to produce a favorable economic analysis.

A final impact statement is due out in October, and comments on the draft will be accepted until July 21. "We'll have a lot of comments," said project promoter Herman Noe, director of the Cheyenne Board of Public Utilities.

CONGRESSIONAL CHANGES

(for previous story, see **HCN** editorial 5-16-80)

The congressional chairmanships opened by Sen. Edmund Muskie's departure have been filled. Sen. Mike Gravel (D-Alaska) will head the Environment and Public Works subcommittee on environmental pollution, and Sen. Daniel Patrick Moynihan (D-N.Y.) will succeed Gravel as head of the Water Resources Subcommittee.

Although Moynihan has been leading a Senate campaign for some water policy reforms, both changes are disappointing to environmentalists, who had grown to depend on Muskie's strong defense of environmental laws.

Wild Lands

Colorado's senators remain split over proposed wilderness areas in their state and, frustrated by the unsuccessful negotiations, Sen. Bill Armstrong (R) has introduced his own bill. The Armstrong bill, like the legislation previously introduced by Sen. Gary Hart (D), would double the state's wilderness. But it differs from the Hart bill by releasing to development some five million acres of roadless areas and by extending mining exploration deadlines...

Seven **new national park** units, including three in New Mexico, have been approved by the House. The $72 million bill passed 300-102, and also includes additions to 17 existing park units. The three new ones in New Mexico would be: The Georgia O'Keefe National Historic Site, and the Salinas National Monument and Chaco Culture National Historic Park, two Indian archeological resource areas. Additions would be made to the Coronado, Ariz., Grant-Kohrs Ranch, Mont., Big Bend and Big Thicket, Texas, and Golden Spike, Utah, units...

Mining in about 27,000 acres of Utah's **Deep Creek Mountains** will be prohibited for two years, the Bureau of Land Management has ruled, or until the agency can prepare a management plan for the proposed wilderness area...

Montana election...

(continued from page 6)

tionable projects like the Libby reregulation dam on the Kootenai River.

His opponents have headlined their opposition to more wilderness. But Bill Hand, the Democratic challenger, Ken Dunham, a moderate Republican who will probably win Tuesday's primary, and Susan Morris, a conservative Republican, are not expected to topple one of Montana's most dynamic campaigners.

In eastern Montana, Rep. Ron Marlenee (R) is considered secure for a third term.

INITIATIVES

Supporters of several initiatives are struggling now to get their proposals on the November ballot. Everything from a ban on all radioactive wastes to a bottle-deposit bill to a statewide public power corporation could appear on the ballot if enough signatures are collected by June 27.

Montana Lt. Gov. Ted Schwinden

The bottle initiative appears to have the best chances for approval next fall— recent polls have shown a large majority of Montanans favor a recycling program for beverage containers, and the necessary signatures to put it on the ballot were gathered in less than 40 days. But that support may weaken when bottlers, distributors and plastic manufacturers start their media blitz.

The Montana Litter Control and Recycling Act, similar to laws now on the books in Vermont and Oregon, would require that by 1983 all beverage containers sold in the state have a deposit of five cents or more set by the state Department of Health and Environmental Sciences. A deposit refund label would have to be prominently displayed and no part of a metal container could be detached when opened.

Another initiative likely to be on the ballot is a proposal to ban all disposal of radioactive mining wastes within the state. A previous ban on disposal of out-of-state wastes in Montana has been attacked in court as discriminatory — this initiative would broaden the law to cover in-state wastes as well.

The initiative would make uranium mining in the state unlikely — mine tailings would have to be shipped elsewhere, probably to Wyoming, at prohibitive cost. Proponents of uranium development would probably argue that the ban circumvents their right to develop minerals on public lands under the 1872 federal mining act.

Still, Montanans have a strong awareness of the dangers of radioactive wastes after several truck spills last year, and uranium exploration in wild areas has aroused environmentalists. "There's a good chance it will pass," said one environmentalist, "and a 100 percent likelihood it will end up in the courts."

A strong lobbyist disclosure initiative is also a possibility in November. Current law requires that legislative lobbyists register; the initiative would force both legislative and administrative lobbyists to report their lobbying expenditures in detail. Right now the initiative is several thousand signatures short of the 16,000 required to make the ballot, but supporters have begun an intensive drive.

Initiatives for constitutional, rather than statutory, laws require twice as many signatures — as a result, proposals to create a statewide public utility and a unicameral legislature are not expected to make the ballot.

The utility initiative, authored by economist Tom Powers of the University of Montana, has thrown a scare into Montana Power Co. and its supporters. It would require that the state buy out private utilities and form a unified statewide public system, run by a five-person elected board. A popular vote would be required before construction of any major facility.

Political observers speculate that the surge of initiatives is due to both a long tradition of political activism in the state and dissatisfaction with the legislature's failure to act on popular measures, such as the bottle bill.

In response, the Montana Society of Association Directors, which successfully fought lobbyist disclosure legislation in the 1979 legislative session, is running ads around the state warning citizens not to sign petitions without getting as much information as possible. Membership in the Association has not been revealed, but the coordinator is also director of the Montana Chamber of Commerce.

Western Roundup

Unsafe dams getting little attention

A federal dam inspection program is turning up hundreds of unsafe structures, but the findings are getting little attention from the state and private interests responsible for repairing the dams.

Almost one third of the potentially high-hazard dams inspected by the Army Corps of Engineers to date are unsafe, the agency says, and by the time the survey is completed next year, some 2,600 unsafe structures are expected to be found.

At least one state water agency official has criticized the survey, however, saying its dams are not unsafe, as the Corps alleges, and that the federal agency is simply covering itself in the event that any of the dams do give way.

State dam maintenance programs are largely understaffed and underfunded, and, as a result, remedial actions have been started on less than 30 percent of the dams tagged as unsafe. Less than five percent have been repaired or taken out of service.

The situation is also fueling new water projects. In many cases, the Corps has required dam owners to fill their unsafe structures at less than capacity. The resultant loss in water supply through storage has some officials studying new structures, rather than repairing the old.

West Virginia tops the list of states with unsafe dams, with 74 percent of its water structures deemed dangerous by the Corps. In the West, Utah has the highest number of unsafe dams, 42, followed by South Dakota, 41; Wyoming, 34; New Mexico, 29; Idaho, 28; Colorado, 19; Arizona, 14; and Montana, 6.

Washington State has 45 and Nevada 39. To date, no unsafe dams have been found in Oregon or California.

Wyo. may opt for new weed controls

A state-federal program to control noxious weeds in Wyoming's Big Horn Basin was agreed to this spring which appears to move away from exclusive chemical control methods.

The cooperative program grew out of 1973 state legislation which, noting that some weeds compete with agriculturally-beneficial plants, requires control efforts on both private and public lands.

The federal Bureau of Land Management administers some 60 percent of the basin's 5.5 million acres. Its lands contain nine targeted weed species, including Canadian thistle and houndstongue.

An environmental assessment prepared for the state agriculture department and the BLM weighed the costs and benefits of exclusive chemical weed control (largely through applications of the controversial chemical 2,4-D), as well as those of several alternatives, including physical and biological control.

The agencies chose a combination plate, labeled integrated weed management, that would involve to some extent all of the methods.

As the assessment points out, forecasting the impacts of the integrated program "is difficult," because the agencies will have a free hand in placing the program's emphasis.

That emphasis may be influenced by the only non-governmental persons consulted for the assessment: representatives from Dow and Velsicol chemical companies.

New cost studies for Colorado dams

Water and oil do mix, a Colorado senator is arguing. Sen. Gary Hart (D) has called on the Carter Administration to reevaluate eight rejected Colorado water projects "in light of the potential energy development which could occur in the region."

Interior Secretary Cecil Andrus has agreed, promising a draft report by this summer on new water project reviews that will factor potential energy production benefits, including oil shale development, into the benefit-cost analyses for each of the projects.

Hart is declaring a political victory, claiming the new studies represent an administration policy reversal. But at least one water project critic welcomed the new studies. "While we're at it," he said, "let's start factoring in the true economic and environmental **costs** these projects have."

The eight Colorado projects to be studied are: Savery-Pot Hook, Fruitland Mesa, Animas La Plata, Yellowjacket, West Divide, Dominguez, Grand Mesa, and the San Miguel.

Fallout study seeks federal funds

Three Western states are asking for some $18 million in federal funds to study the radiation effects from aboveground atomic testing in the 1950s and 1960s.

Arizona, Nevada and Utah have assembled the proposed study and applied for funding to the National Institute of Health.

The study's features include comparative radiation exposure research in Nevada, an analysis of health effects from exposure on the Navajo Indians, and establishment of a massive data processing center at the University of Utah College of Medicine.

Announcement of the proposed study followed a much publicized radiation conference in Washington, D.C., at which two Utah citizens testified on alleged health effects of radiation exposure.

TEN PERCENT OF the grizzly bear population in the prime habitat of Montana's Mission Mountains was destroyed this month when a rancher gunned down two bears he says were threatening his sheep. Federal law prohibits killing the grizzly, a threatened species, unless human life is in danger. A wildlife biologist with the University of Montana termed the bears' death a "big loss. We were only talking about 15 or 25 grizzlies to start with."

Congress may subpoena forest plans

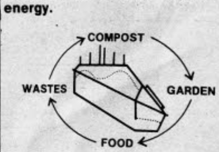
Sen. John Melcher (D-Mont.), frustrated by unsuccessful efforts to obtain two overdue administration reports on managing national forests and rangelands, may invoke his subpoena powers to get the documents.

One of the reports is on a 1981 to 1986 management strategy for renewable resources in national forests and rangelands. The second is an annual assessment that reports on the condition and potential of the 1.6 billion acres of federal forest and rangeland.

A 1974 law requires the president to submit the documents with his January budget request, but Carter has yet to produce the reports, which are said to be still undergoing interagency review.

"We're supposed to use those documents to frame the Forest Service budget, which will be done next month," said committee staffer Jim Giltmier. "We're stuck without them."

Melcher, who heads the Agriculture Committee's Environment panel, called a hearing this week to get the reports. But Carter was a no show, and Giltmier says the senator will probably subpoena the documents.



Bulletin Board

MANAGING THE BIGHORNS

A proposed management plan for the Bighorn Canyon National Recreation Area, which straddles the central Wyoming and Montana border, will be scrutinized in four public meetings next month. The hearings will be held June 17, Crow Agency, Mont.; June 18, Hardin, Mont.; June 19, Lovell, Wyo.; and June 20, Billings, Mont. Requests for copies of the plan and written comments should be sent to: Superintendent, Bighorn Canyon NRA, P.O. Box 458, Fort Smith, Mont. 59035; (406) 666-2412.

ANTI-NUCLEAR MEETING

The Cactus Alliance, a coalition of anti-nuclear groups in the Southwest, is meeting June 27-29 in Colorado Springs, Colo., to discuss issues and strategy. Contact: Mary Lynn Sheetz, 425 South Weber, Colorado Springs, Colo. 80903.

ZION-OLOGY

The ecology of Zion National Park will be studied in a series of outdoor seminars sponsored by the Utah Environment Center. Classes include water color, flowers, history, birds, and frogs and toads. Contact: Utah Environment Center, P.O. Box 8357, Salt Lake City, Utah 84108; (801) 272-0924.

DOING IT DOWN UNDER

You've heard of Earth Shoes. Well, now it's Earth Shelters. Building and maintaining your energy-efficient underground home is the subject of a July 12-23 conference in Fort Collins, Colorado. Sponsored by the New Age Energy Council, conference themes include the why's, how's, and what for's of underground shelter in the Rocky Mountain region. Contact: Earth Sheltered Housing, New Age Energy Council, 106 East Mountain Ave., Fort Collins, Colo. 80524.

DEVELOPING BLM LANDS

The Bureau of Land Management has proposed guidelines for developing its lands. The new rules cover just about every issue except timber management, grazing and mineral leasing, which are addressed in separate agency regulations. The guidelines in this proposal cover agricultural, residential, business, industrial, commercial, advertising, research and military use of the lands. The proposal was printed in the May 12 **Federal Register**, and comments are due by July 12. Write: Director (650), BLM 1800 C St., NW, Washington, D.C. 20240, or call Ralph Conrad, (202) 343-8693, for more information.

LEARNING SOLAR

A listing of some 2,000 solar-related college courses and programs is now available from the Department of Energy's Solar Energy Research Institute. The 200-page directory, **National Solar Energy Education Directory**, costs $5.50 and is available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

MINE WALK

A 350-mile walkathon across past, present and future mining regions in Colorado is being organized by a state environmental group, the Colorado Open Space Council Mining Workshop. The purpose is to draw attention to energy and mineral development, and public meetings are scheduled during the walk that will address the issues surrounding development of the state's coal, oil shale, uranium and molybdenum resources. Participants in all or part of the walk, which will start June 14 and end July 15, and sponsors pledging donations to the group, are being solicited. Contact: Barb Lewis, COSC Mining Workshop, 2239 E. Colfax, Denver 80206; (303) 377-3967.

UP IN SMOKE

To promote the use of wood burning appliances, the Wood Energy Institute is producing a second educational seminar August 27-28 in Denver. Topics for the seminar, which costs a hefty $150, include current legislation, sales techniques, chimney standards and safety codes. Contact: Paul Jay, WEI Seminar, 111 E. Wacker Drive, Chicago, IL 60601.

ROUTT REPORT

Forest planners have embarked on a two year effort to design a management plan for the Routt National Forest in Colorado, and their first newsletter, **The Routt Report**, outlines their plans and objectives. For more information contact Forest Supervisor, Routt National Forest, P.O. Box 1198, Steamboat Springs, Colo. 80477.

WILD REPUBLICANS

To help debunk the belief that all wilderness advocates are Democrats, a Colorado activist is gathering members of the state's minority party into a new group, Republicans for American Wilderness. "We want people to know that Republicans can be forward thinking, environmentally conscious citizens," said organizer Dick Scar. "Many of us are workers, small business people and the like who believe in the free enterprise system, reducing interference from big government, balancing the budget, and other basic Republican principles. We are not all corporate giants out to rape, plunder and pollute our nation as a by-product of the drive for profit." RAW, which is actively supporting a strong Colorado wilderness bill now before Congress, is looking for additional Republican members who share this philosophy. Contact: RAW, P.O. Box CC, Buena Vista, Colo. 81211.

CLASSIFIEDS

Classified ads cost 10 cents a word. They must be prepaid.

FOURTH FOOTRACE. The Fourth Annual High Country News 5-mile Citizens Footrace will begin June 14 at 6 p.m. in City Park in Lander. The route hasn't changed, but we've added more classes this year. Ribbons will be awarded to the first three men and the first three women finishers in each of following age categories: 18 and under, 19-29, 30-39, 40-49, 50 and over. There will also be an open walkers class. Entry fee is one dollar. Registration for the race will begin in the Park at 5:15 p.m. A potluck picnic will follow.

CUMQUAT: Was it you? I have overcome math anxiety, excessive consumption of juniper berry jam, and a complete reading of Winston Churchill's histories. But this? I am curling up with my Flann O'Brien in the hollowed trunk of a banyan tree, forgetting the Twins, forgetting to cut my fingernails, forgetting you. BLACKIE.

HAWAII VACATION: Kona Coast, Old Hawaiian rural resort, health resort, Bed-Brkft, $88-134. wk., sl-db, 415-221-2121 1588 Fell St., San Francisco, CA 94117.

OUTDOOR PHOTOGRAPHY: a 5 day field course on landscape, close-up and wildlife photography. Basic through advanced skills. Operation of the camera and darkroom techniques. July 7-11. For information write Teton Science School, Box 68, Kelly, Wy 83011 or phone (307) 733-4765.

POSITION OPEN: Colorado's statewide conservation coalition wants an executive director. Responsibilities include administration, fundraising and supervision of staff on wilderness, mining, air and water issues. Requirements include knowledge of issues, administration and supervision experience, organizing skills and public relations ability. Position starts Sept. 1 at $12,000 plus benefits. Send resume by July 7 to Colorado Open Space Council, c/o Clint Jones, 317 S. Ogden, Denver, CO 80209.

BIRDS OF GRAND TETON: a 5 day field course on identification, ecology, and behavior of birds June 15-20. For information write Teton Science School, Box 68, Kelly, WY 83011 or phone (307) 733-4765.

WE HAD HOPED for a book that would thrill thousands and make millions. However, due to lack of incest the Lander Bloomsday Walk-a-Talk has been cancelled. The sponsors would wish to condemn all those who avoided contributing (referred to in southern circles as the great unwashed null set). Even Homer Nods.

WILD HORIZONS EXPEDITIONS, Box 2348-H, Jackson, Wy. 83001 (307) 733-5343. Guided backpacking, mountaineering, ski touring, field seminars in conservation. Emphasis on all aspects of conservation and wilderness education. Custom and family trips, small groups, free brochure.

State of Wyoming Public Notice

PURPOSE OF PUBLIC NOTICE

THE PURPOSE OF THIS PUBLIC NOTICE IS TO STATE THE STATE OF WYOMING'S INTENTION TO ISSUE WASTEWATER DISCHARGE PERMITS UNDER THE FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972 (FWPCAA), P.L. 92-500 AND THE WYOMING ENVIRONMENTAL QUALITY ACT (35-11-101 et. seq., WYOMING STATUTES 1957, CUMULATIVE SUPPLEMENT 1973).

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

APPLICANT INFORMATION

APPLICANT NAME: YELLOW CREEK ESTATES PARTNERSHIP NO. 1

MAILING ADDRESS: P.O. BOX 652, EVANSTON, WYOMING 82930

FACILITY LOCATION: YELLOW CREEK ESTATES MOBILE HOME PARK, UINTA COUNTY, WYOMING

PERMIT NUMBER: Wy-0028665

APPLICANT NAME: TOM BLACK

MAILING ADDRESS: P.O. BOX 1768, CASPER, WYOMING 82601

FACILITY LOCATION: BLACK ACRES SUBDIVISION AND MOBILE HOME PARK, UINTA COUNTY, WYOMING

PERMIT NUMBER: Wy-0028657

Yellow Creek Estates Mobile Home Park and Black Acres Subdivision and Mobile Home Park are both proposed developments to be located just east of the City of Evanston, Wyoming. Wastewater treatment at both facilities will consist of 3 cell stabilization pond systems in which the first 2 cells will be aerated. Since both facilities discharge to the same stream (Yellow Creek — a Class III water) and in the same general area, the waste load allocation and resultant effluent limitations were based on the combined impact of the 2 discharges.

The proposed permits contain requirements for periodic self-monitoring of effluent quality with reporting of results quarterly. The permits are scheduled to expire on June 30, 1985.

APPLICANT NAME: RICHARD SIMS

MAILING ADDRESS: ALMY, EVANSTON, WYOMING 82930

FACILITY LOCATION: SIMS MOBILE HOME PARK, UINTA COUNTY, WYOMING

PERMIT NUMBER: Wy-0028673

The Sims Mobile Home Park is a planned development of 70 mobile homes to be located approximately 10 miles north of the City of Evanston, Wyoming.

The wastewater treatment facilities serving the Park will consist of a 3 cell lagoon system with the first 2 cells aerated. The discharge will be to the Bear River (Class II stream).

Self-monitoring of effluent quality is required on a regular basis with reporting of results quarterly. The permit is scheduled to expire on June 30, 1985.

APPLICANT NAME: CONOCO, INC.

MAILING ADDRESS: 907 RANCHO ROAD, CASPER, WYOMING 82601

FACILITY LOCATION: SOUTH LITTLE BUCK CREEK GOVERNMENT, NE¼, SW¼, SECTION 2, T35N, R64W, NIOBRARA COUNTY, WYOMING

PERMIT NUMBER: Wy-0028649

APPLICANT NAME: LEONARD D. PEARCE

MAILING ADDRESS: P.O. BOX 632, WORLAND, WYOMING 82401

FACILITY LOCATION: PEARCE WELL SERVICE TANK BATTERY NO. 1, SE¼, SE¼, SW¼, SECTION 5, T48N, R90W, WASHAKIE COUNTY, WYOMING

PERMIT NUMBER: Wy-0028631

Facilities are typical oil treaters located in Niobrara and Washakie Counties, Wyoming. The produced water is separated from the petroleum product through the use of heater treaters and skim ponds. The facilities discharge to Crazy Woman Creek (Class IV stream) and the Nowood River (Class II stream), respectively.

The discharges must meet Wyoming's Produced Water Criteria effective immediately. Chapter VII of the Wyoming Water Quality Rules and Regulations infers that as long as the Produced Water Criteria is met, the water is suitable for beneficial use. There is no evidence to indicate that limitations more stringent than the Produced Water Criteria are needed to meet Wyoming's Water Quality Standards. The Department will continue to evaluate the discharges and, if necessary, will modify the permits if evidence indicates that more stringent limitations are needed.

Semi-annual self-monitoring is required for all parameters with the exception of oil and grease, which must be monitored quarterly. The proposed expiration date for the Conoco permit is December 31, 1982, and for the Pearce permit is December 31, 1984.

PERMIT NAME: HERITAGE VILLAGE HOMEOWNERS ASSOC.

MAILING ADDRESS: 507 ROHAN AVENUE, GILLETTE, WYOMING 82716

FACILITY LOCATION: HERITAGE VILLAGE, CAMPBELL COUNTY, WYOMING

PERMIT NUMBER: Wy-0024937

The Heritage Village Homeowners Association is in charge of a development of 228 permanent housing units located north of the City of Gillette, Wyoming. The wastewater treatment facilities serving the development consist of a bio-disk package plant followed by a solid feed type chlorinator. The facility discharges into Little Rawhide Creek (Class IV stream).

The Engineer representing the Association has experienced difficulties with the chlorine feed system and has asked for relief from the current permit limitation of .5 mg-1 of total residual chlorine. It is proposed that the existing permit be modified to include a total residual chlorine limitation of 2.0 mg-1 with a monthly average limitation on fecal coliform bacteria of 200-100 mls.

All other requirements of the existing permit, including the requirements to comply with National Secondary Treatment Standards, to monitor effluent quality, and to report results quarterly, remain unchanged. The permit is scheduled to expire on June 30, 1985.

PERMIT NAME: THE CARTER MINING COMPANY

MAILING ADDRESS: P.O. BOX 3007, GILLETTE, WYOMING 82716

FACILITY LOCATION: RAWHIDE COAL MINE, CAMPBELL COUNTY, WYOMING

PERMIT NUMBER: Wy-0024031.

The Carter Mining Company operates a large open pit coal mine north of the City of Gillette, Wyoming, which is known as the Rawhide Mine. The existing permit for the mine allows discharges from 3 separate points: 001 — a settling pond which receives pit water, equipment washdown water, effluent from a domestic sewage treatment plant and runoff from disturbed areas; and, 002 and 003 — settling ponds which receive pit water and runoff from disturbed areas. The Company has now requested that the permit be modified to include another discharge point (004) which will be the outfall from another settling pond which receives pit water and runoff from disturbed areas.

The proposed permit contains effluent limitations which are considered to be "best available treatment" by the State of Wyoming. However, the proposed permit also contains a "re-opener clause" which allows the permit to be modified if more stringent Federal standards are developed.

The discharges are to the Dry Fork of the Little Powder River (Class III stream)Little Rawhide Creek (Class IV stream) and Red Fox Draw (Class IV stream).

Periodic self-monitoring of effluent quality and quantity is required with reporting of results monthly. The proposed permit also contains provisions requiring control of runoff from disturbed areas and a clause exempting the discharges from effluent conditions in instances where precipitation exceeds the 10 year-24 hour event. The permit is scheduled to expire on May 31, 1985.

PERMIT NAME: CONSOLIDATION COAL COMPANY

MAILING ADDRESS: 2 INVERNESS DRIVE EAST, ENGLEWOOD, COLORADO 80110

FACILITY LOCATION: PRONGHORN COAL MINE, CAMPBELL, COUNTY, WYOMING

PERMIT NUMBER: Wy-0027472

The Consolidation Coal Company operates a large open pit coal mine south of the City of Gillette, Wyoming, which is known as the Pronghorn Mine. Wastewater at the mine consists of groundwater which is pumped out of the mine pits and runoff from disturbed areas. This wastewater is treated at 3 separate settling ponds which discharge to Clabaugh Draw, Tank Battery Draw and the West Fork of Less Draw (all Class IV waters).

The existing discharge permit for this facility authorized discharge from only 2 ponds and the purpose of this modification is to add an additional authorized discharge point (003) and to change the location of discharge point 001.

Self-monitoring of effluent quality is required on a regular basis with reporting of results quarterly. The permit is scheduled to expire on June 30, 1985.

PERMIT NAME: TOWN OF HANNA, WYOMING

MAILING ADDRESS: P.O. BOX 8, HANNA, WYOMING 82327

FACILITY LOCATION: TOWN OF HANNA'S WASTEWATER TREATMENT FACILITIES

PERMIT NUMBER: Wy-0020745

On December 28, 1979, the Town of Hanna, Wyoming, annexed the Town of Elmo, Wyoming. With the annexation, Hanna assumed responsibility for the Town of Elmo's wastewater treatment system, which consists of a 3 cell lagoon system in which the first 2 cells are aerated.

With the annexation, the Town of Hanna now operates 3 separate sewage treatment facilities; 001 — the "old" lagoon system, which is a 2 cell system in which the first cell is aerated; 001 — the "new" lagoon system, which consists of 2 non-aerated cells located to the west of the Town; and 003 — the old Elmo system. All 3 facilities discharge to Big Ditch (Ditch Creek), which is a Class IV stream.

Except for addition of the new discharge point and a change in the expiration date from December 31, 1984, to May 31, 1985, no other modifications of the existing discharge permit for the Town of Hanna (issued February 22, 1980) are proposed.

Upon issuance of this modified permit, the permit for the town of Elmo (Wy-0026328) will be inactivated.

PERMIT NAME: MARATHON OIL COMPANY

MAILING ADDRESS: P.O. BOX 120, CASPER, WYOMING 82601

FACILITY LOCATION: ROCK CREEK GAS PLANT, NATRONA COUNTY, WYOMING

PERMIT NUMBER: Wy-0001970

The Marathon Oil Company operates a natural gas processing plant in the Rock Creek oil field in Section 34, T20N, R78W, Carbon County, Wyoming. The plant is located at the Town of McFadden, Wyoming. Potable water is used in the plant to cool electric waters and this water is discharged directly to Rock Creek (Class II water).

The proposed permit requires monitoring of flow, temperature, pH, and oil and grease and includes effluent limitations for oil and grease (10 mg per 1) and pH (6.0 — 9.0).

If temperature monitoring indicates that there is the possibility of violation of Wyoming's in-stream water quality standards, the permit will be modified to include a temperature limitation. The permit is scheduled to expire on December 31, 1982, which is the expiration date for the permits issued to the oil production units in the Rock Creek Field.

STATE-EPA TENTATIVE DETERMINATIONS

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

PUBLIC COMMENTS

Public comments are invited any time prior to June 30, 1980. Comments may be directed to the Wyoming Department of Environmental Quality, Water Quality Division, Permits Section, Hathaway Building, Cheyenne, Wyoming 82002, or the U.S. Environmental Protection Agency Region VIII, Enforcement Division, Permits Administration and Compliance Branch, 1860 Lincoln Street Denver, Colorado 80295. All comments received prior to June 30, 1980 will be considered in the formulation of final determinations to be imposed on the permits.

ADDITIONAL INFORMATION

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

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

Public Notice No: Wy-80-005

by Hannah Hinchman

There should be a name, if there isn't, for the interior map you develop after living for awhile in a particular place. It grows in you as you travel the country by different paths, read maps, get a sense of where forks join and watersheds divide. Out here in the open country you learn to know a landmark like Black Mountain — even it changes drastically depending on your point of view. No matter in what small pocket you find yourself, you can approximate its elevation and its relationship to the main drainage. You know what's over the next ridge and how it fits into the larger pattern.

I am a novice at this and my beginning understanding covers only a limited area. I try to imagine what the interior map must have been like for someone like Jim Bridger whose knowledge included the details of whole mountain ranges.

Why is it that every school child in the country isn't at least introduced to the idea of orienting herself to her home surroundings? Sent out to find the ridgelines, the high point? I forget that most children grow up in places where topography has been altered or obscured, streams have been piped and buried.

— — —

These mornings I wake up in a room resounding with bird music. Heard all at once, with an emphasis on the finches (purple and gold), the noise is like a passage in some bucolic symphony. I feel sheepish rising in my ordinary way, going to the kitchen for coffee instead of to the window to offer an operatic reply. But I get part of their message. At least I can tell which bird is singing which song.

I hear yellow warblers, which seem especially thick this year, meeting in battle over a disputed willow. Yellow warblers are exactly the same color as willow twigs and catkins in the spring; if they weren't so vocal I would be unable to follow their movements. The spotted sandpiper calls when it skims up and down the river. The house wren follows a cat around the hedges, scolding. Goldfinches in a small bunch launch into one of their circling flights, singing wildly. From some obscure perch the warbling vireo repeats its inane little phrase. (When I first came west I spent the summer looking up into dense cottonwoods waiting to see what bird was responsible for that mindless tune. Had I known then that warbling vireos continue to sing while sitting incubating eggs high in a tree, I might *have gone on to some more fruitful pursuit.*) Amid the din, a black-headed grosbeak sings a nervous, quavering song. I expect an adolescent break in his voice any minute.

Notes from a journey across the state to Sheridan: "Approaching Tensleep with its incandescent green hayfields against red sandstone. Dusty main street, cottonwood-lined, unbelievably lazy. We slow down accordingly and linger at Dirty Sally's general store. The good fortune of growing up surrounded by the sound of wind in deciduous trees, birds and the reassuring activity of quiet, thriving towns. Tensleep Canyon. Rain blooming up there in the cool air. The canyon widens and I see an old road on the other side — longing to ride a horse up an empty dirt road in the West, forever.

"Powder River Pass snow veiled and dangerous. Crazy Woman Creek out of control, but with no need for control. The valley, the towns of Story and Bighorn — deep grass, winding lanes and horse farms like Virginia."

ROOM AND TIME ENOUGH

The Land of Mary Austin

Introduction by Augusta Fink, text by Mary Austin, Northland Press, Flagstaff, Ariz., 1979. $20, cloth, 75 pages. Photographs by Morley Baer.

Review by Peter Wild

"Its blueness," the lonely woman writes of California's Monterey Bay, "is the color that lies upon the Gulf of Dreams." Elsewhere she describes desert hills as "blunt, burned, squeezed out of chaos." Everywhere that Mary Austin looked, she drew equally on her scientific background and lifelong mysticism, teaching her readers to see the West with new eyes. Her prose is psyche-haunted. New Mexico's Sangre de Cristo Mountains and Arizona's Sonoran Desert are correlatives for the landscapes of her shrewd intelligence and restless soul.

The trials of her life could provide the plots for several soap operas. Even as a child she rebelled against the mores of her small-town, 19th-century upbringing. If the constant rebellion of her lifetime garnered her fame as a feminist, novelist, anthropologist and poet, she paid dearly for the independence and literary glitter. Her promising husband turned out to be a ne'er-do-well; her only child was born retarded. She hobnobbed with the luminaries of the day — Jack London, Joseph Conrad, H.G. Wells — though she scurried back and forth across the country, pursued by vague furies and a series of real or imagined illnesses.

Throughout the frantic travels, the anger and frustrations, the West's varied landscape provided her a focus, her central solace. Drawing on the West, she wrote her two masterpieces, **The Land of Little Rain** (1903) and **The Land of Journeys' Ending** (1924).

It's about time, then, that we had a book concentrating on this element in Austin's prose, the union of mind and the land. Augusta Fink's introduction to **Room and Time Enough** is as compact and revealing a synopsis of Austin's stormy life as one might hope to find in 12 pages. The material in the rest of the book divides into three sections corresponding with Austin's beloved haunts: the Owens Valley, a desolate area at the foot of California's Sierra; the Monterey Peninsula, thrust into the Pacific; and the Southwest of Arizona and New Mexico. Each part contains samples of Austin's writing about the area, followed by Morley Baer's photographs of the region.

Though the approach is not original, there is no reason that it should be; given the job at hand, the format of **Room and Time Enough** makes consummate good sense. However, I want to voice three complaints about this otherwise excellent introduction to one of the West's foremost writers.

At 75 pages, it is not nearly long enough; the reader deserves a full meal, not a mere whetting of the appetites. The book itself, with a sensitive layout, fine papers and type, is a work of art; still, $20 is far too steep. Lastly, there are several near-brilliant strokes in Baer's black-and-white photographs, which owe a great deal to Ansel Adams. A large number of them, however, fail to bless their content with the genius that rescues much-photographed subjects — a lava field, a grove of aspens — from cliche. Furthermore, eight of the 14 photos in the Southwest section deal with native or Spanish architecture, a distortion of Austin's emphasis on the natural landscape.

Ultimately, what makes the book work are the well-chosen excerpts from Austin's own writing:

> "The coast road, after it leaves Point Lobos behind, goes south and south, between high trackless hills and the lineless Pacific floor. From Point Lobos you can see it rise over bare, sea-breasting hills, and disappear in narrow canyons down which immeasurable redwoods follow the white-footed creeks almost to the surf. Dim, violet-tinted islands rise offshore to break the sea's assault. Now and then one ventures upon that road as far as Arbolado, to return prophesying. But most of us are wiser, understanding that the best service the road can render us is to remain a dramatic and unlimned possibility."

Like Austin's adventurers, we may return from her books wide-eyed, prophesying. They "were wells driven into America," praised critic Carl Van Doren, "to bring up water for her countrymen though they might not have realized their thirst." **Room and Time Enough,** despite its several shortcomings, alerts readers to the larger world of Austin's vision of the West.