



High Country News

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Lander, Wyoming

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In the News

NUMBER TWO 4

As president of the Senate, barley farmer Fred Anderson holds Colorado's second highest post. Will his leadership on water issues give him a chance at number one?



OIL RIGS ADVANCE 6

Devotees of development may soon have plenty to admire in some Rocky Mountain wild lands. Dan Whipple lists the oil industry's recent victories.

GOSHAWK GALL 8

Our centerspread features a feisty bird that will follow its prey anywhere — even into your kitchen.

SHIFTING CURRENTS 11

An instream flow bill passed in 1973 by the Colorado legislature seemed like a nice, innocuous thing to do for the fish. But the legislation has turned the water law world upside down, and its former sponsor is unhappy.

Dear Friends.....	2
Energy.....	6
Western Roundup.....	11
Trackings.....	12
Bulletin Board.....	13
Opinion.....	14
Letters.....	15
Books.....	16

Water watchdogs neglect the Navajo

by Michael Moss



Church Rock uranium

Hot pond defies containment

by Jack Kutz

A radioactive flash flood near Church Rock, N.M., on July 16, 1979, severely shook the nation. A breach in the tailings dam at United Nuclear Corporation's uranium mill sent into the Rio Puerco drainage about 94 million gallons of toxic liquids that flowed

downstream for 50 miles.

While the initial flood got most of the publicity, the most serious consequences may lie ahead. The New Mexico Environmental Improvement Division reported recently that 80,000 gallons of liquid per day is seeping into the groundwater from the ruptured tailings dam.

(continued on page 3)

For many Indians in the West, filling a glass with drinking water is an endeavor. Trips to distant wells may only yield a rust-colored drink hardly fit for any purpose but survival. In fact, new research shows that the residents of at least one Southwestern reservation may be tapping sources that are unsafe as well as unappealing.

Concerned about reports of radioactive drinking water on the Navajo Reservation, including the shocking uranium spill at Church Rock (see accompanying story), members of the House Interior Committee in June 1979 asked the General Accounting Office to investigate.

The GAO found only two cases of significant contamination — wells at Church Rock Elementary School and Martinez Camp, both in northwestern New Mexico — and environmental regulatory agencies were already moving to shut the wells down and provide new water sources for the residents.

But far more significantly for the Navajo and other Indian reservations throughout the West, the congressional investigators found that there may be serious undiscovered drinking water problems on the reservation. At fault, according to the GAO, are the U.S. Environmental Protection Agency and other parties who have failed to design an effective safe drinking water program on the reservation.

Among GAO's findings:

- no one knows exactly how many drinking water sources exist or how many meet the Safe Drinking Water Act criteria;
- poor sampling and testing procedures are producing widely varying data, the records of which often are not being kept;
- as many as 7,600 homes, one-quarter of the reservation residents, are getting their water from inappropriate sources, such as livestock wells, a situation one agency official flatly refuses to deal with because such practice is "not allowed."

In a report released last September, to which EPA has yet to respond officially, the GAO concluded in its characteristically cautious tone: "Because EPA has not provided overall program direction...confusion exists concerning the roles, responsibilities and duties of water suppliers...hindering effective program implementation."

Because the Navajo are more advanced in environmental health management than most other tribes, other reservations throughout the West may be tapping even more hazardous water sources. The report concludes that both

(continued on page 2)

2-High Country News — Jan. 23, 1981

Drinking water...

(continued from page 1)

outside and tribal agencies seem ill-equipped to handle new regulatory burdens from activities such as uranium mining and oil and gas drilling.

"Where we're expecting new resource exploitation or growth — Fort Berthold in North Dakota, Fort Peck in Montana, the Wind River Reservation in Wyoming — we're going to need major new groundwater monitoring programs," says Duane Bird Bear, Indian affairs expert for EPA in Denver. "But while EPA is moving on clean air, solid waste and pesticide programs, there's little interest in drinking water on reservations and we're just poking our way along."

STRANGERS IN STRANGE LANDS

Under the 1974 Safe Drinking Water Act, EPA is charged with insuring that public water supply systems throughout the country meet health standards. Maximum levels were set for such contaminants as cadmium, mercury, coliform radionuclides, as well as for turbidity (cloudiness from suspended particles).

As in some other federal environmental regulations, states are encouraged to set up their own safe drinking water programs, assuming primary enforcement responsibility. Millions of federal dollars have been sent forth for states to design standards, certify testing laboratories, conduct surveillance programs and maintain records.

However, the act did not mention Indian lands. EPA has interpreted that legislative silence as requiring it to take the lead on reservations.

Strangers in strange lands, lacking

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RIO PUERCO.

Photo by Tom Barry

previous contact with many tribes, EPA officials have joined regulatory hands with the federal Indian Health Service (IHS) to implement drinking water programs. But funding commensurate with the states' has not been forthcoming. EPA, the federal IHS and the various tribal authorities involved have been left largely to their existing financial resources to set up what have turned out to be sporadic and uncoordinated programs.

On the Navajo Reservation, the result has been a massive tangle of authorities.

SPIKED WATER

The Navajo Indian Reservation covers 25,000 square miles in the Four Corners area of Arizona, Colorado, New Mexico and Utah. Its land area would rank the reservation above 10 Eastern states.

While most of the reservation residents live in communities, many are scattered in remote areas. Some 40 per-

cent of reservation households must haul water, and as many as one-half of those are getting it from sources the GAO calls "inappropriate."

The key to having an effective clean-water program is frequent and comprehensive sampling. Under its agreement with EPA, IHS was to provide the federal agency with initial data on reservation water systems and quality. Several tribal authorities, headed by the Tribal Council, were then to take over some of the monitoring job.

But according to the GAO, it's been a case of the blind leading the blind.

Despite a \$5,000-a-day penalty for violations, water suppliers on the reservation are not keeping the necessary records, and no one is sure how many wells are used by how many people. Sampling is sporadic. Of the reservation's estimated 200 water systems, 46 were found by GAO to be inadequately tested for bacteria contamination, with 17 systems unchecked for a nine-month period.

Water users sometimes are not

alerted to water quality violations. On the other hand, EPA has repeatedly issued erroneous notices of violations, to be later retracted, with ensuing confusion. Improper sampling techniques by untrained technicians have produced poor samples. And once the laboratories have them, wide variances in testing performance often have produced inaccurate results. Among the dozen government and nongovernment laboratories used by EPA and IHS, there was a variance in test results as high as 50 percent. In one sample intentionally spiked with nitrates, none of the six labs tested could get within 50 percent of the right reading.

Many of the reservation's water sources are ignored by regulators because they are intended for livestock use. But, says Glen George of the tribe's water commission, "some people are using water from these wells. It's a real problem."

The response of one federal official to this issue seems indicative of the attitudinal obstacles also facing the drinking water program. "It's not my problem," Jim Crum, IHS director for sanitation facilities, says. "If they're (reservation residents) going to drink out of stock wells, or drink sewage water, well, that's up to the reservation to handle. My position is that stock wells are not to be used for drinking water."

MAKE A PLAN

To untangle the whole situation, GAO recommended in its report that EPA design a program plan that "clearly identifies the roles and responsibilities of each organization involved" and that is developed in cooperation with Navajo Tribal Council officials.

Determining what the tribe's role in the program should be is the key problem.

"GAO is right on target," says Roy Jones, a House Interior committee staffer who supports a stronger tribal role. "The tribe is going to have to bite the bullet on this, especially if EPA gets cut in the new administration."

According to the GAO, EPA drinking water officials have been balking both at the idea of designing a master plan and at involving the Navajo Tribal Council in the program.

But since the GAO report appeared, some EPA officials have apparently changed their minds. The agency will insist on keeping primary enforcement responsibility, says Victor Kimm, EPA deputy assistant administrator for drinking water in Washington, D.C.

"Clearly," he says, "some reservations are just too small to assume their own programs. But where they can, we want to give them the opportunity, just like

scribe, you save us \$20. That's a significant gift.

In mid-January Editor Geoff O'Gara stepped out for a four-week paternity leave. The Jackson Hole editorial in this issue is proof that he hasn't made a completely clean break — but he has been very busy with other things. The most notable among them is his new daughter, Rosaleen, who was born last Saturday.

Serving in his stead are former staffers Marjane Ambler and Joan Nice, who look as if they haven't had so much fun in a long time.

— the staff

Dear Friends,

Our thanks to those of you who have already sent suggestions and donations in response to the financial discussion in the last issue.

Some of you asked questions, too, that are worth answering here.

How does a lifetime subscription (\$500) help High Country News?

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A less expensive technique that we are trying simultaneously is to encourage our existing readers to spread the word about High Country News. We've long been partial to this technique; our readers are our best promoters. The ad that appears on page 14 of this issue formalizes a campaign that readers have been carrying on to keep us afloat for years.

If you can't afford a donation, but want to help out, consider this: Each time you encourage a friend to sub-

states."

On Jan. 8, EPA Region IX officials in San Francisco, who have jurisdiction over the Navajo Reservation, sent the tribe a letter offering to meet this month to discuss possible division of powers.

"There's such a large area to cover, with language and accessibility problems, that, yes, we need to give the tribe some role," says EPA's Indian affairs staffer in that office, Paula Connelly. That role, says Connelly, might include conducting sanitary surveys and reviewing plans for new treatment facilities.

Navajo tribal officials want a bigger role, however. They're vying for the

same primary enforcement responsibility that states are given under the act. "Tribal sovereignty," like states' rights, says Crum of the federal IHS, "is a growing issue down here."

program."

To date, the Navajo is the only tribe that has expressed a strong interest in managing its drinking water.

"There's no sense of urgency to take

"... there's little interest in drinking water on reservations. We're just poking our way along."

— Duane Bird Bear, EPA

Tribal Vice Chairman Frank Paul, to whom the EPA letter was sent, is out of the state until next week and could not be reached for comment. Tribal Water Commissioner George said, "We need some help (from EPA). But there's also a lot we can do ourselves, with our own

over programs," says EPA's Bird Bear. "They're costly and time-consuming, and just like states, tribes are hesitant." Bird Bear would like to see more tribes involved. "If it's a local problem, it should have local attention," he says. But could tribes, or would they, do an

Jan. 23, 1981 — High Country News-3

adequate job? That question remains unanswered, although Bird Bear admits that most tribal natural resource agencies are geared towards agricultural development, not human health and that the basic structure for handling a safe drinking water program in many cases doesn't exist.

An even greater obstacle to insuring safe drinking water on Indian reservations, no matter who implements the program, is money. On the Navajo reservation, federal funds for doing the job are available only through EPA's budget; there are no special grants like those states receive. "And the (EPA) pot is small," says EPA's Connelly.



THE INITIAL SPILL into the Rio Puerco ranks as one of the nation's largest uranium leaks — 94 million gallons of toxic liquid. But 80,000 gallons still are seeping into the groundwater daily.

Photo by Tom Barry

Hot spill...

(continued from page 1)

ings pond.

According to the Nuclear Regulatory Commission, the initial spill at Church Rock ranks as one of the nation's largest tailings spills in terms of liquid volume. The economic costs of the rupture have been staggering. UNC has reported business losses and production interruption costs of \$25 million, while the state of New Mexico has spent nearly \$500,000 on tests and monitoring. Arizona and the Navajo tribe have spent over \$40,000 and \$12,000, respectively.

Even after a year and a half, however, problems related to the tailings pond continue to crop up. Tom Baca, director of the Environmental Improvement Division, said the seepage is "New Mexico's most serious groundwater pollution problem." The liquids being released contain radioactive and highly toxic chemicals. Monitoring

wells in the area have shown a continuing degradation of water quality; one of the wells shows toxic concentrations comparable to those in the tailings pile itself.

While there is a significant seepage extending beyond United Nuclear's property line, state officials believe there is no health threat unless people drink the water.

Cubia Clayton, deputy director of the Environmental Improvement Division, says the biggest problem is to determine the level of contamination and the distance it has traveled. "In the areas UNC has been working in, we have documented a fairly significant seepage," he said. "The seepage problem is even greater than the original spill."

NAVAJO LAWSUIT

Concern among the Navajos living near Church Rock has risen as rapidly as the pollution levels.

Last August, 125 Navajo families from the Church Rock and Lupton

areas of the reservation filed suit in tribal court against United Nuclear, seeking compensation for the damages and disruptions to their lives caused by the tailings spill and its continuing aftermath (see HCN, 8-10-79). The lawsuit states that the plaintiffs have had to haul water from great distances, buy feed for their livestock and buy meat from stores because they were advised against eating or slaughtering their animals. Some Navajos have had to resort to pawning their personal possessions to pay for gas, feed and food.

Tribal attorneys accuse United Nuclear of a conscious corporate policy of playing down damages caused by the spill. The corporation considers the consequences of the breach to be neither severe nor long lasting. In their quarterly report to shareholders last July, company officials said, "An intensive cleanup and monitoring program was carried out and is still going on, although to our knowledge no significant contamination of people, livestock

or groundwater resulted from the spill."

The United Nuclear uranium mill has been operating at half capacity under temporary state permits, following a three-month shutdown after the accident. An interim plan for disposal of mill tailings, using borrow pits, was approved by State Engineer Steve Reynolds.

After the long delay, on Dec. 1 United Nuclear submitted the water discharge plan requested by the Environmental Improvement Division. A hearing was held in Santa Fe Jan. 7.

"We're reviewing only that part of the plan regarding the seepage interception system," said Joe Pierce, chief of the division's water pollution control branch. "And if they can't handle the seepage, we'll close them."

Jack Kutz is a free-lance writer in Albuquerque, N.M. This article was paid for by the HCN Research Fund.

4-High Country News — Jan. 23, 1981

Colorado politics

State
solon
taps a
conservative
gavel

Photo by Jody Strogoff

WHEN FRED ANDERSON HITS the gavel in the morning to call the Colorado Senate to order, things just keep on rolling, his friends say. Even his political adversaries concede the senate president is fair and honest.

by Michael Moss

DENVER. The door closes and Fred Anderson takes a seat facing the committee members with his back to the audience. The small room is still, while moments before there had been a class reunion atmosphere as some 30 men and several women handshake, backslapped and how-ya-doin'd their way to their seats.

Mostly lobbyists for farm and industry interests, the audience now is focused on Anderson's broad back and the other witness chair to his right. For the next hour it empties and fills with several men intent on a few minutes of respectful but determined jousting with the senator.

The hefty barley farmer from Loveland, who had earlier that day called the Senate into session with a stately tap of the gavel, is now quiet and humble. His stature seems shrunken; his voice, a touch apologetic; and his bill is getting a thorough, public airing.

Yet he is comfortable. It is, after all, part of the game — a political process that he knows as well as anyone in the state legislature.

Later in the hallway, scurrying back to his office, Anderson says he wasn't surprised at the reception his bill received. A similar proposal for state financing of water projects was trashed by the legislature last year. Water — the senator has often and will continue to point out — is a matter as likely to spur a fight as two roosters in a pen. But it's also, he says, an irrigation farmer's lifeblood and he's made it his cause.

Fred Anderson, in his fourth term as a state senator and third round as that body's president, is the number two person in Colorado state government. The Senate chambers on the second floor of the state capital are his, and this year's legislative session will feel his influence. But it's a short, one-minute walk downstairs to the governor's office, and Anderson — with his expertise on water and "pull out the stops" philosophy on development — may soon try to take Democratic Gov. Dick Lamm's seat downstairs. After all, 'tis the season for Republicans.

HOLD THE BROCCOLI

"Look for your typical redneck, conservative senator with ambition," a friend of Anderson's advised, "and I think you'll be impressed."

According to a survey of state legislators by Resources for the Future, the typical Colorado senator is a white, Protestant male of middle age earning at least \$25,000 a year, with a graduate degree in business. Anderson is not far off that mark.

Anderson, 52, was born in Loveland, the geographical center of Larimer County and his Senate district (27). He was president of his high school senior class. He majored in economics and political science at the University of Colorado. He served in the U.S. Army in West Germany. Under a constitutional revision in 1974, he became the first senator elected to preside over the Senate (which previously had been ruled by the lieutenant governor).

With a fondness for roast beef, mashed potatoes and any other vegetable except broccoli, the senator's girth is impressive. So are his skills, his associates say. "I don't know if you've seen it yet, but when he hits that gavel in the morning, he does it with such authority that things just keep rolling," says Se-

nate Secretary Marge Rutenbeck, to whom the senator's interest in operational details, from parking allocations to telephone systems, is a welcome virtue.

Much of the Senate president's time is taken up by such problems. But his domain extends to many other aspects of the legislative process. And it's here that Anderson has acquired an unexpected reputation for guiding some liberal reforms.

The senator's most noted procedural achievement is a device for setting shut-off and reauthorization dates for government programs, known as the Sunset law. "We kayoed the athletic commission, flushed the sanitary engineers, and clipped the barbers," the senator proudly quipped in 1977 after Colorado became the first state to pass Sunset legislation.

The reform has since fallen in stature, with regular reauthorization dates becoming burdensome and threatening to politically sensitive programs. Rocky Mountain News reports that "all the Colorado Legislature has done so far is put a few dying animals out of their misery." But at the time, Sunset was strongly backed by such liberal forces as Supreme Court Justice William O. Douglas. On the senator's "Bragging Wall" at home, next to a photograph of him chatting with Henry Kissinger, is a certificate from Common Cause — an award his wife says still makes him uneasy.

Along with Sunset, the senator has also backed Sunshine laws, measures to force the conduct of public business in public. The candor with which the senator's own water bill was criticized in open committee hearing is a sign of the Sunshine principle at work. Yet, despite these reformist positions, the senator still bears a reputation for "old style" politics — which environmental lobbyist Dickey Lee Hullinghorst says typically includes last minute meetings, baffling room changes, or simply a heavy emphasis on after-hours, overdrinks negotiations that exclude unwanted interests. While declining to attribute such tactics directly to the senator, Hullinghorst and other environmentalists say they've steered clear of Anderson whenever possible.

HIGH CEILING, OPEN DOOR

His secretary, whose desk front bears the inscription, "Age and treachery will win out every time over youth and skill," is the senator's screen. But she's got an open door policy and visitors have no trouble calling on the senator; they frequently do.

His office, with high ceilings, has cowboy paintings on the walls, rows of law books in glass-enclosed cases, one broadleaf houseplant, and a well-used cigarette stand for guests. His vest is open, exposing a gaudy dark brown and blue striped tie, and when he leans back to light a cigarette, his reddish face becomes serious.

The discussion ranges. The governor, he says, is too pessimistic about the impacts of energy development; a bust, says Anderson, wouldn't hit for two centuries. He's happy with the state party, but tired of the media focusing on tension between the parties and with the governor. He's receptive to any special interest lobbyist, as long as the information is accurate. He's looking forward to President Reagan. James Watt was a fine choice for Interior secretary; he's worked with him on the Colorado

clean air regulation challenge. States' rights, he predicts, will be a major issue this year in the legislature, and one he'll stand behind.

Anderson, however, is largely a one-issue legislator, and his bailiwick is water. It's an interest closely related to his other job, irrigated farming. "There are some 50 sites in this state, not including the 'hit list' projects (federal dams cut by President Carter in 1977), that hold \$2 billion in potential water projects," he says. "Yet we're sitting here, 20, 30 years late and the waters are simply running out of the state. Wherever water can be put to beneficial use in the state, we should put it."

In all cases, his definition of "beneficial use" gives top priority to a developing and growing state — water for agriculture, cities and industry. If a conflict develops, his recipe calls for adding more water, through more storage projects.

Expecting insufficient help from the feds (even Reagan can't be counted on to do the job, he says), he has been looking for ways to meet that \$2 billion price tag for his projects. Last year, he succeeded in appropriating an unprecedented \$40 million from the general fund surplus for the Colorado Water Conservation Board construction fund.

Anderson's latest scheme is to help finance the projects with private bonds. Surely as two roosters in a pen, however, the plan has ruffled feathers. During the committee hearing witnesses questioned the bill's constitutionality and, more ardently, its effect on Western Slope water users. The latter fear the bill may give Eastern Slope, or Front Range, users excessive power to suck western water through interbasin transfer projects. They're vying to amend the bill to include protective language on their rights.

The senator has also introduced this year legislation to relax the state's water quality act, take over the federal "404" wetlands protection program and rescind the minimum stream flow law.

His definition of beneficial use generally excludes wildlife and other instream flow users. But he hasn't always felt this way. In fact, Anderson was the primary sponsor of the state's 1973 minimum stream flow act, the law he's now trying to rescind (see related story on page 11).

Anderson also sponsored the state's

"Except for natural resource issues," says Tess McNulty of the League of Women Voters, "he's amenable. He doesn't bear a grudge."

"Anderson is one of the Republicans who knows the difference between being an opponent and an enemy," says Gov. Dick Lamm, who knows several senators of the latter persuasion.

The Senate president's greatest power is assigning bills to committee, says Senate Assistant Minority Leader Barbara Holme of Denver. "On water, it all goes to the (Agriculture, Natural Resources and Energy) committee, which passes every water bill anyway," she says. "So there's no problem." But on other issues, she says, he may have reason to redirect bills he supports to irregular panels simply because there are more favorable votes, and that's a power he hasn't indulged in.

To his friends, not surprisingly, Anderson is more than fair and honest. "He's smarter than a whole tree full of owls," says Rollie Fisher of the Colorado Water Conservation Board. "A real plus," says Al Auger, lobbyist for Great Western Sugar.

ONLY ONE REGRET

Anderson and his wife, Anne, live in a handsome, large ranch house on the edge of Loveland, not far from where his grandparents, fresh from Sweden, homesteaded a century ago. With his four children off at various colleges, the senator is almost single-handedly managing the family's quarter-section farm, on which he grows "easy" crops such as corn, hay and brewing barley for Coors.

Anne, 51, carries well the traditional role of a solon's wife. She has short, grey-streaked hair, green eyes, a broad, smiling face, and a political philosophy every bit as unabashedly mossback as her husband's.

Their community has challenged that philosophy, but not changed it. Loveland, some 50 miles north of Denver, doubled its population in the 1970s.

For Anne, there's been but one regret. "I used to know everyone," she says. Now I only know half the people."

The senator has been a director of the Federation of Rocky Mountain States, president of the National Conference of State Legislatures, and a member of the Advisory Commission on Intergovern-

"He's governor material, don't you think?"

innovative nongame funding program that gives taxpayers the opportunity to donate portions of their taxes to the state Division of Wildlife to protect non-hunted species. But here again, he's changed his mind and this year is likely to back legislation that would redirect some of that money to general recreation programs.

In all, Anderson last year received an impressive 87 percent voting score from the Colorado Open Space Council, voting incorrectly from their perspective only on vehicle emission inspections and waivers of law to speed energy development. That score was a fluke, however, according to COSC representatives. "We're expecting big fights this year," says Hulinghorst.

A REAL PLUS

Even among his critics, however, Anderson is considered fair and honest.

mental Relations — posts that frequently take him, and sometimes Anne, out of the state.

But it's home, "where the columbines grow," as the state song says, where Anderson's greatest opportunity lies.

NEXT

"He's governor material, don't you think, Marge?" says Nick, bringing coffee to a legislative secretary.

The bustling, white-haired proprietor of the Congress Lounge has been pouring drinks in his capitol hill bar since 1958 and his loyalty to Anderson, a regular customer, is backed by considerable political wisdom.

Anderson is ambitious. And since he has a distaste for Washington, D.C., acquired in part from a losing 1968 bid for the House of Representatives, his eye is on the governorship. That move would please his friends.



Photo by Jody Strogoff

JOUSTING WITH GOV. DICK LAMM (right) during a luncheon gathering at the governor's mansion, Anderson said he prefers a brighter view of the social and environmental change energy development is bringing. Anderson also wouldn't mind a closer view of the governor's mansion: He's considering running for Lamm's job in 1982.

"Absolutely," says Francis Bee, sugar beet farmer and a leader of the Larimer County Farm Bureau. "You bet we'd back him. We're trying to get his O.K. to push for him."

Standing outside the Agriculture Committee room after seeing the senator's dam-building bill get thrashed around, retired dairy farmer Vernon French nods in agreement: "He's got the guts to run."

Al Auger of Great Western says having someone in office who really understands agriculture and industry would be a "plus."

"I hope he runs for governor," says his wife. "I know it sounds trite and corny, but he's been farsighted and objective and knows a lot about the problems in Colorado."

For Anne, the move into the governor's mansion would be "challenging and exciting," a natural succession to her days as a state senator's wife. Her mental bags, in fact, are already packed. "I don't know what my life would hold," she says. "Every governor's wife has had a different role — Ann Love's was in the arts; Dottie's (Lamm) was in human problems. I think I'd work with the handicapped."

But it takes more than supportive kin and friends to elect a Colorado governor. It takes political opportunity and, usually, the backing of party leaders. Anderson may be lacking on both counts.

Democratic Gov. Lamm, who has a respectable standing with most voters, would be stiff competition for any challenger, if he runs for a third term in 1982.

But even if Lamm doesn't run, An-

derson faces a fight from his own party. Last year's U.S. Senate race drew half a dozen strong GOP contenders for Democratic Sen. Gary Hart's seat and there's a virtual waiting room full of experienced Republican candidates eager for higher office.

In fact, Anderson was one of the few GOP leaders in the state who did not run against Hart. Why? Anderson says he wasn't that interested (in moving to Washington and all). But some observers say he plainly wasn't asked — that GOP state chairman Phil Winn and U.S. Senator Bill Armstrong do not favor Anderson.

But if Anderson emerges from this session of the legislature as the state's water development champion, the tables could turn.

"Just mention the word water and you've got a difference of opinion and a fight," he admits. But the fights are usually over how, not whether, to get and hold it. And the senator's "use it or lose it" philosophy is oriented towards developers and Front Range residents, which is where the money lies. A nice, long drought next summer could put many voters in Anderson's frame of mind.

KEEP 'EM ROLLING

For now, his domain is the Senate chamber. Standing behind the podium, his medium height looks towering; he dominates the scene. To his right, there's a vase of red, white and blue carnations; on both sides, stately flags. His right hand toys with the gavel, then crosses over his chest. He takes an occasional sip of water, lights an occasional cigarette and directs the traffic.

Energy

Prime wild lands open to oil and gas

by Dan Whipple

In the eyes of certain people, there is nothing prettier than an oil well. These folks may soon have plenty to admire in some of the Rocky Mountain's most spectacular wild lands.

The U.S. Forest Service has just recommended opening to oil and gas leasing several Wyoming and Montana areas being considered for wilderness designation. In addition, a solicitor's opinion on leasing indicates that environmental protections included in the leases are probably illegal in many cases.

Meanwhile, in Colorado and New Mexico, Congress has decided that over one-half million acres of land set aside for wilderness study must be available for energy and mineral development while management plans are prepared. This modified "release" provision, contained in the omnibus wilderness bill passed in both states, is expected to appear in other states' wilderness bills.

The Forest Service has decided to issue oil and gas leases on a number of areas inventoried as roadless in the Second Roadless Area Review and Evaluation (RARE II). These areas were not put in the "wilderness" category, but were declared "further planning areas," which meant more study was to be done before determining their future.

In Montana, the agency will lease the Deep Creek and Reservoir North further planning areas, 42,000 acres east of the Bob Marshall Wilderness in the Lewis and Clark National Forest. In Wyoming and Idaho, the agency is leasing all of the Palisades area, about 300,000 acres on the Targhee National Forest. In Colorado, 497,000 acres will be accessible to development; in New Mexico, 118,000 acres.

Wilderness advocates claim that oil and gas development in these further planning areas will destroy the very wilderness characteristics that are being studied, thus making them in-

eligible for wilderness designation. Industry argues that a prohibition of leasing would provide more protection for further planning areas than for wilderness areas. Oil and gas development is specifically allowed in wilderness areas until 1984.

Environmentalists placed a very high priority on wilderness designation for the Palisades. A Forest Service study shows that 80 percent of the Palisades area is "environmentally sensitive." But the Forest Service has decided to lease all of the land anyway, placing a "no surface occupancy" stipulation in sensitive areas to protect the environment. The rule would prohibit the lessee from putting a drilling rig directly on the leased area.

However, an opinion issued by Lowell Madsen, Acting Regional Solicitor for the Rocky Mountain Region, says that the "no surface occupancy" rule is probably illegal if it effectively prohibits the lessee from exploring the tract. The intent was to allow a company to explore an environmentally sensitive tract by directional drilling from an adjacent area. However, when several leases with this restriction are clustered together, directional drilling becomes technically impossible.

Legally, says Madsen, the Secretary of Interior "cannot use this stipulation as an instrument to vitiate the inviolable right to drill given the lessee by the Mineral Lease Act." The solicitor said if an area is too environmentally sensitive, no lease should be issued.

The no leasing option is one that the Forest Service has steadfastly ignored. "The Forest Service has simply abused the no surface occupancy stipulation," says one conservationist.

Partly because the Palisades decision could set a precedent for other RARE II further planning areas, the Sierra Club is considering a lawsuit to try to reverse it. Montana activists have protested the leasing decisions there, but the matter is still in the administrative process.

In a related development, criteria

have been established to assess the environmental impacts of controversial oil and gas drilling activities on the Bridger-Teton National Forest near the resort town of Jackson, Wyo. Drilling is proposed by the National Cooperative Refinery Association in the Cache Creek unit of the forest and by the Getty Oil Co. in the Little Granite Creek area. Both areas are favorite recreation sites for Jackson residents and visitors.

The Jackson Hole projects will be judged on the basis of their oil and gas potential; their impact on scenic and recreational qualities; their effect on wildlife.

One of the "alternatives" to be considered in the environmental impact statement is "no drilling." According to the solicitor's opinion, however, prohibiting drilling after issuing a lease would constitute a breach of contract.

Phil Hocker, the Jackson architect who is one of the leading opponents of drilling in the two areas, says, "It looks from these decisions as though the agencies are slithering toward a conclusion that they can't stop the industry from drilling. It is a continuation of the run-around on oil and gas policy of the last five years."

"The Forest Service continues to issue leases on the forest, saying it will deal with the impacts when it gets an application to drill. By the time it gets

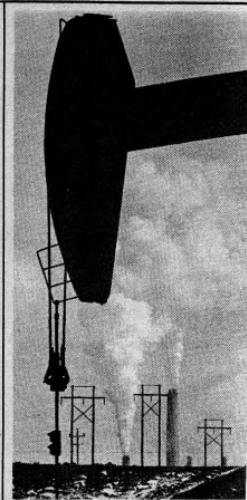


Photo by Mike McClure

an application to drill, it can't control what happens," he says.

Meanwhile, an environmental plan covering oil and gas leasing on the Italian Peaks further planning area in Idaho and Montana will be issued shortly. Sources say the agency will recommend oil and gas leasing for all of this area as well.

Idaho eyed for 1st big breeder

The Idaho National Engineering Laboratory west of Idaho Falls, Idaho, is one of two sites being considered for a prototype nuclear breeder reactor that would generate up to 1,000 megawatts of electricity. The project is only in the discussion stages, but state and federal officials say, due to President Reagan's support, there is a good chance it will be built.

INEL currently houses the nation's only operating breeder reactor, a small experimental one built in the 1950s. A breeder reactor uses uranium and plutonium as fuel to produce power. It is called a breeder because it produces more plutonium than it consumes. Environmentalists have opposed this type of reactor because of waste disposal and fuel storage problems associated with the long-lived plutonium. Anti-nuclear activists also fear the plutonium produced will be used for weapons.

The Idaho Energy Resource Policy Board appointed a five-member subcommittee to study the desirability of the breeder, according to the *Idaho Statesman*. The subcommittee will

study whether the federal project would be good for the state and, if so, whether Idaho has a chance of getting it. The other potential site for the reactor is Hanford, Wash.

Former President Carter stopped the construction of the proposed breeder at Clinch River, Tenn., that would have been the forerunner to the Idaho facility.

Criticism of the project is already surfacing in Idaho. A Pocatello-based anti-nuclear organization, Nuclear CounterBalance, says the government wants to build the reactor on a federal reservation such as INEL to circumvent licensing procedures and intensive scrutiny of its environmental impact statement.

However, Idaho state officials say that there is already considerable "public acceptance" of nuclear power in Idaho, so the proposal would not be as controversial as elsewhere. The state's conservative congressional delegation also would be likely to favor the proposal, state officials say.

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Energy

Hot Line



NEW HOMES, OLD PROBLEMS. The automobile industry is struggling belatedly to face up to the energy shortage, but the housing industry, according to the American Institute of Architects, is still making "energy hogs." An article in the *New York Times* pointed out that new homes are being constructed with oversized heating and cooling systems, inadequate insulation, poor orientation towards the sun, and using few of the inexpensive energy-saving features, such as ves-

tibules, that are available. The U.S. Department of Energy estimates that new homes could be built 50 percent more energy-efficient, saving an equivalent of 2 billion barrels of oil over the next 20 years. "Home builders are just lucky that Japan doesn't export houses yet," said James Barron, of the New York State Energy Research and Development Authority.

GO EAST, YOUNG MAN. A Palo Alto, Calif., consulting firm says there are distinct financial advantages to siting synthetic fuels plants in the East, using eastern and midwestern coals as feedstocks, compared to locating such facilities in the West. Synthetic Fuels Associates says direct coal liquefaction plants would have 40 percent higher capital cost if they used western sub-bituminous coal rather than eastern bituminous coal. In addition, the East and Midwest now have about 100 million tons per year of idle mine capacity, while most Western capacity is tied up under long-term steam coal contracts. The firm says there is a "favorable political climate" for opening the plants east of the Mississippi River. The firm's conclusions were published in McGraw-Hill's newsletter *Coal Week*.

SYNFUEL SCRUTINY. Gov. Ed Herschler is asking the legislature to amend Wyoming's major facility siting law to specifically include synthetic fuel plants. Herschler told the Associated Press, "I don't think we've anticipated synfuel development."

when the law was passed. The governor also wants natural gas "sweetening" plants included under the siting council's jurisdiction. Last year, the legislature rejected a proposal to put sweetening plants in the law.

STOCKMAN SYNFUELS. Rep. David Stockman (R-Mich.) took his first big step towards his new cabinet post at the Office of Management and Budget when he wrote the Republican energy platform, attacking subsidies for synthetic fuels, including grain alcohol. It was a bit surprising, then, when the *Chicago Sun-Times* revealed recently that Stockman's office had lobbied the Department of Energy to get funds for a big fuel alcohol distillery in his district. Stockman opposed the Synthetic Fuels Corp. and even the bail-out of the Chrysler Corp., a big employer in his home state.



ARTICHOKES? The Interior Department's Land and Water Conservation Fund has committed \$800,000 for an energy demonstration project at Farragut State Park in northern Idaho. Development will include a group campground, foot and bicycle trails, and support facilities that are 100 percent energy self-sufficient. The system will include composting toilets, skylights and windmills. Woodburners, sunlight and heat pumps will warm the buildings. The park also will have an ethanol production system using Jerusalem artichokes grown in the park to provide fuel for park vehicles.

INSULT TO INJURY. The newly-created Synthetic Fuels Corp. is not only handing out quite a bit of the fed-

eral government's money, it is keeping quite a bit itself for the salaries of its employees. The agency is not bound by the salary limitations of the civil service, so the salaries it is paying will be considerably higher than those offered to the typical public service drudge. Corporation chairman John Sawhill will receive \$175,000 annually. Each part-time director will receive a \$10,000 retainer plus \$300 for each meeting attended. Senior vice president and general counsel John McAtee will take home \$150,000 annually; Alexander Haskell, now with IBM and slated to become vice president of planning, will get \$140,000; and vice president of administration and treasurer Robert Harris will get \$95,000 annually.

URAVAN MILL CLOSES. Union Carbide will close its uranium mill in Uravan, Colo., next spring for at least six months. According to *Nuclear Fuel*, a company spokesman said, "We are facing a depressed uranium market caused by delays by federal regulation and licensing of new reactors." The mill closure will be accompanied by curtailment of operations at three underground uranium mines in southwestern Colorado and one in Utah. The mill shutdown will entail a layoff of 90 persons. The number to be furloughed at the mines has not been determined. The Uravan mill processes 40,000 tons of ore a month and produces about 1.7 million pounds of uranium oxide annually.

URANIUM FIND. Kansas-Nebraska Natural Gas Co. said that its subsidiary, Wyoming Fuel Co., has discovered uranium in northwest Nebraska. A spokesman for the company said the potential resource totals about 25 million pounds of uranium oxide, which he called a "world class deposit." The find is the first ever in the state.

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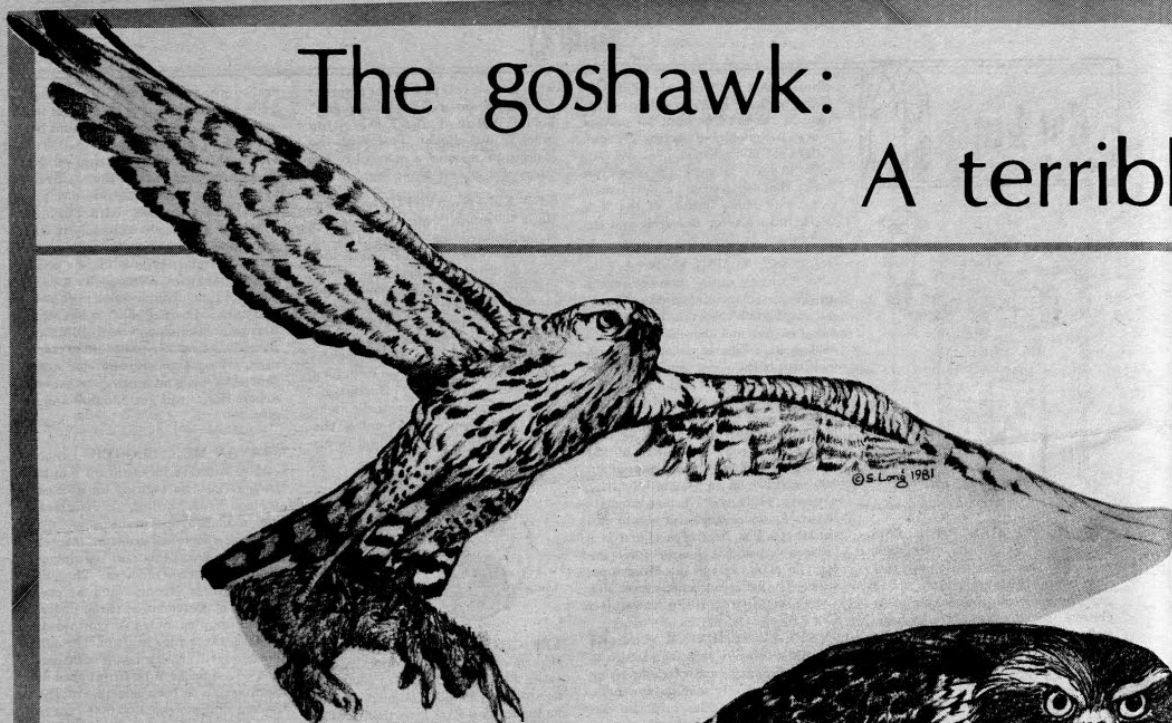
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The goshawk:

A terrible be



Its destructiveness cannot
obliterate the appreciation
its prowess arouses.



e beauty

by Thomas M. Jenkins

"Suddenly about half the tree plummeted into the snow. Too startled to move, (a man) watched the top of a small snowdrift boil into black action. Some seconds after, dark wings lifted themselves back up into the tree he thought had fallen, and he saw the savagely beautiful head of the goshawk make a brief sweep of the morning world before it took off leisurely with its prey and faded into the woods.

"Less than a cabin-length away, he could see the characteristic circle of grouse feathers that marked a hawk kill."

Thus writer Donald Davies portrays the terrible beauty of the goshawk. Like a primal ghost from the Jurassic Age, this fierce raptor epitomizes the amoral spirit of wild creatures.

The goshawk is the largest and least seen of the accipiters, a group of hawks with short, rounded wings and long tails designed for quick maneuverability through the trees. Because of the bird's size — 20-26 inches in length with a wingspan of almost 4 feet — it can prey upon creatures as large as rabbits and grouse. Perhaps as aggressive as any of nature's killers, the goshawk knows when to wait and when to attack. Silent and motionless as it perches among the branches of a thick-foliaged tree, its eyes probe the undergrowth for prey.

This hunting technique, called "still-hunting," is also used by the Cooper's hawk, another accipiter. Both will remain on camouflaged perches watching and listening for quarry. When they hear the call notes of their favorite prey, they attack in a smooth,

flat glide, gradually increasing in speed until at the last moment they zigzag, descend and strike. The weight and speed of the goshawk plus the sudden extension of the feet combine for a striking speed of about 50 mph.

Of all raptors, the goshawk has the reputation of being the most bloodthirsty, since it will kill even when it is not hungry. Because it kills game animals, it is not popular with hunters. Because it will feed on poultry, it is despised by farmers.

"Classic literature abounds in references to the bloodlust of this species, which far too many naturalists refuse to acknowledge and, often, even deny," says ornithologist Frank Beebe. The obsessive tendency to kill seems to be characteristic.

A particularly feisty goshawk may attack a human intruder as far as a half a mile from its nest. One ornithologist studying a goshawk nest, George Sutton, was attacked and screamed at by a female goshawk for eight hours. Other females have attacked wolves and bears.

Another ornithologist, Edward Howe Forbush, tells of a goshawk that followed a hen into the kitchen of a Connecticut home and killed her in front of two people. In an incident in Maine, he says a frantic hen ran under a woman's skirt pursued by a hawk, which was then trampled by the astonished woman.

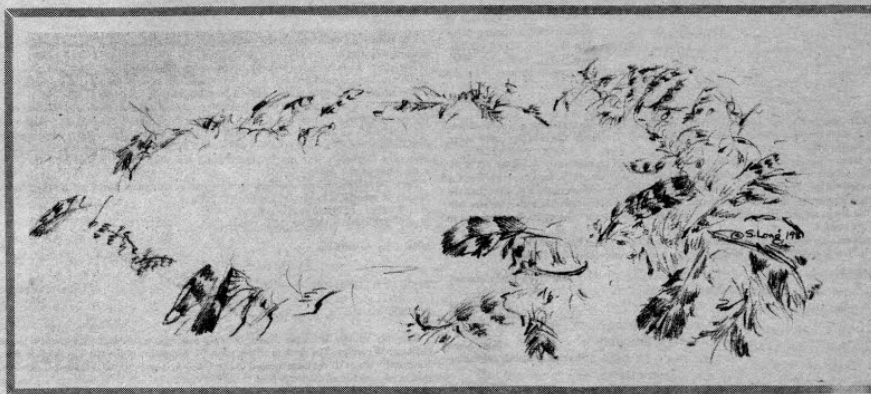
Normally, however, the goshawk shuns humans. It lives in the remote forests of Canada and high mountains of the northeastern and western United States and feeds upon ground squirrels, blue grouse, ruffed grouse, snowshoe hares and red squirrels.

Some of the mass movements of goshawks are linked to the cyclic levels of prey populations. Similarly, their life cycle is tied to the annual hatching and hibernation of their prey. For example, in some areas young goshawks hatch toward the end of May when migratory waterfowl are arriving. In areas where ground squirrels are coming out of hibernation, they become the goshawks' favorite food. The goshawks don't go back to their winter prey again until September when the migrants leave and the ground squirrels go underground. By then, the winter prey species have had a chance to multiply.

Another pattern of the goshawk's behavior is harder to explain, at least at first glance. Before a goshawk has learned to fly, it hops about on tree limbs during the day and returns to the nest at night. As it develops speed and agility in flight, it begins aggressively to pursue its parents, until they abandon it. By the time the nesting associations are broken, most first-year goshawks are just as willing to attack and kill other goshawks as any other bird, according to Beebe.

"The goshawk," says R.I. Brasher, "is the most symmetrical and clean-cut of all its family, not excepting even the peregrine falcon, and often is allowed to escape because of its splendid form and spirit. Its destructiveness cannot obliterate the appreciation its prowess arouses."

Thomas M. Jenkins is a free-lance writer in Englewood, Colo. This article was paid for by the HCN Research Fund.



State of Wyoming Public Notice

PURPOSE OF PUBLIC NOTICE

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

IT IS THE STATE OF WYOMING'S INTENTION TO ISSUE WASTEWATER DISCHARGE PERMITS TO (3) INDUSTRIAL FACILITIES, AND (1) OIL TREATER FACILITY, TO MODIFY (2) INDUSTRIAL PERMITS, AND (4) OIL TREATER PERMITS, AND TO RENEW (1) INDUSTRIAL PERMIT, (1) COMMERCIAL PERMIT, AND (28) OIL TREATER PERMITS.

APPLICANT INFORMATION

(1) APPLICANT NAME: Carter Mining Company
MAILING ADDRESS: P.O. Box 3007
Gillette, Wyoming 82716
FACILITY LOCATION: Ten miles north of the
City of Gillette, Wyoming
South Rawhide Mine
Campbell County, Wyoming
PERMIT NUMBER: Wy-0030279

The Carter Mining Company plans to open an open pit coal mine located approximately ten miles north of the City of Gillette, Wyoming which will be known as the South Rawhide mine.

The above discharge flows into the Dry Fork of the Little Powder River (Class IV Water). The above discharge must meet effluent limitations which are considered by the State of Wyoming to represent "best available treatment." However, the permit also contains a "re-opener clause" which requires the permit to be modified should more stringent limitations be developed at the federal level.

Runoff from disturbed areas will be controlled by sedimentation ponds which are designed to completely contain the runoff resulting from a ten year - 24 hour precipitation event. Because these ponds will not normally discharge, they are not specifically identified in the permit but are covered by operation and maintenance provisions.

Periodic self-monitoring of effluent quality and quantity is required with reporting of results quarterly. The permit is scheduled to expire January 31, 1986.

(2) APPLICANT NAME: Stansbury Coal Company
MAILING ADDRESS: P.O. Box 2088
Rock Springs, Wyoming 82901
FACILITY LOCATION: Two miles north of the
Town of Reliance, Wyoming
Sweetwater County, Wyoming
PERMIT NUMBER: Wy-0023825

The Stansbury Coal Company operates an underground coal mine located approximately two miles north of the Town of Reliance, Wyoming.

The above discharge flows into Killpecker Creek (Class IV Stream) via an unnamed drainage. The above discharge must meet effluent limitations which are considered by the State of Wyoming to represent "best available treatment." However, the permit also contains a "re-opener clause" which requires the permit to be modified should more stringent limitations be developed at the federal level.

Runoff from disturbed areas will be controlled by sedimentation ponds which are designed to completely contain the runoff resulting from a ten year - 24 hour precipitation event. Because these ponds will not normally discharge, they are not specifically identified in the permit but are covered by operation and maintenance provisions.

Periodic self-monitoring of effluent quality and quantity is required with reporting of results quarterly. The permit is scheduled to expire January 31, 1986.

(3) APPLICANT NAME: Red Barn Car Wash
MAILING ADDRESS: P.O. Box 1568
Jackson, Wyoming 83001
FACILITY LOCATION: One mile north of the Town of Jackson,
Wyoming on U.S. Highway 26-89
Teton County, Wyoming
PERMIT NUMBER: Wy-0028819

The Red Barn Car Wash is located approximately one mile north of the Town of Jackson, Wyoming on U.S. Highway 26-89. Automobile washwater flows into two tanks which in turn overflow into the highway barrow ditch where it sinks into the ground. There is no evidence that this wastewater ever reaches a live water body. The car wash operates only during the summer.

Because neither this Department nor Teton County officials believe that this discharge has a significant adverse environmental impact, the proposed permit simply requires that the existing discharge not decrease in quality or increase in quantity. No self-monitoring is required and the permit will expire February 28, 1986.

(4) APPLICANT NAME: Union Oil Company
MAILING ADDRESS: P.O. Box 79
Worland, Wyoming 82401
FACILITY LOCATION: Jayson Unit Well No. 9-12 Tank Battery, SW¼, Section 12, T46N,
R70W, Campbell County, Wyoming
PERMIT NUMBER: Wy-0030287

Facility is a typical oil treater located in Campbell County, Wyoming. The produced water is separated from the petroleum product through the use of heater treaters and skim ponds. The discharge is to Dry Creek via an unnamed draw (Class IV Water).

The discharge must meet Wyoming's Produced Water Criteria effective immediately. Chapter VII of the Wyoming Water Quality Rules and Regulations infers that as long as the Produced Water Criteria is met, the water is suitable for beneficial use. 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 discharge and, if necessary, will modify the permit 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 permit is December 31, 1984.

(5) APPLICANT NAME: Big Horn Coal Company
MAILING ADDRESS: P.O. Box 724
Sheridan, Wyoming 82801
FACILITY LOCATION: Near Acme
Sheridan County, Wyoming
PERMIT NUMBER: Wy-0022519

The Big Horn Coal Company a large open pit coal mine near Acme which is located a few miles north of the City of Sheridan, Wyoming. Groundwater and surface runoff which enters the mine pits is routed to any of six settling ponds which discharge to the Tongue River or Goose Creek (Class II Waters). Discharge point 001

which is identified in the Company's existing permit has been abandoned and is not included in the proposed permit.

The proposed permit requires that the discharge comply with effluent limitations which are considered by the State of Wyoming to represent "best available treatment" effective immediately. However, the proposed permit also contains a "reopener" clause which requires the permit to be modified if more stringent limitations are developed at the federal level. The proposed permit also requires control of runoff from disturbed areas. Self-monitoring of effluent quality and quantity is required on a regular basis with reporting of results monthly. The permit is scheduled to expire January 31, 1986.

(6) APPLICANT NAME: Glenrock Coal Company
MAILING ADDRESS: P.O. Box 398
Glenrock, Wyoming 82637
FACILITY LOCATION: Dave Johnston Mine
Converse County, Wyoming
PERMIT NUMBER: Wy-0028525

The Glenrock Coal Company operates an open pit coal mine located approximately 15 miles north of the Town of Glenrock, Wyoming which supplies the coal for the Dave Johnston Power Plant. The existing permit for this mine identifies 4 discharge points. However, 3 of those points are the outfalls from runoff control ponds which are designed to completely contain the runoff from a 10 year - 24 hour precipitation event. Under a new policy adopted by the State of Wyoming, Such ponds no longer need to be identified as discharge points. Therefore, only the discharge from the sewage treatment plant (002) to Bishop Draw (Class IV Water) is specifically identified as a discharge point in this proposed permit.

The proposed permit requires that the discharge comply with effluent limitations which are considered by the State of Wyoming to represent "best available treatment" effective immediately. However, the proposed permit also contains a "reopener" clause which requires the permit to be modified if more stringent limitations are developed at the federal level. The proposed permit also requires control of runoff from disturbed areas. Self-monitoring of effluent quality and quantity is required on a regular basis with reporting of results quarterly. The permit is scheduled to expire January 31, 1986.

(7) APPLICANT NAME: Conoco, Inc.
MAILING ADDRESS: 907 Rancho Road
Casper, Wyoming 82601
FACILITY LOCATION: Meadow Creek Unit A-1 Battery,
SE¼, Section 2, T41N, R78W, Johnson
County, Wyoming
PERMIT NUMBER: Wy-0000892

FACILITY LOCATION: North Meadow Creek Sussex and
Shannon Sand Unit No. 1, SW¼,
Section 35, T42N, R78W, Johnson
County, Wyoming
PERMIT NUMBER: Wy-0000931

FACILITY LOCATION: North Meadow Creek Sussex and
Shannon Sand Unit No. 2, NW¼,
Section 36, T42N, R78W, Johnson
County, Wyoming
PERMIT NUMBER: Wy-0001007

FACILITY LOCATION: Sussex Unit A Battery, SW¼,
Section 17, T42N, R78W, Johnson
County, Wyoming
PERMIT NUMBER: Wy-0001040

Facilities are typical oil treaters located in Johnson County, Wyoming. The produced water is separated from the petroleum product through the use of heater treaters and skim ponds. The discharges are to Faver Draw and Jones Draw (both Class IV Waters) and Meadow Creek (Class III Water) via an unnamed draw.

The discharges must meet Wyoming's Produced Water Criteria effective immediately. No chemical limitations have been imposed on these facilities except for oil and grease (10 mg-l) and pH (6.5 - 8.5). This is due to the extreme aridity of the area which allows for beneficial use of the water for agricultural purposes. 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 permits is December 31, 1985.

(8) APPLICANT NAME: Rosebud Coal Sales Company
MAILING ADDRESS: P.O. Box 780
Hanna, Wyoming 82327
FACILITY LOCATION: Five miles north of Hanna, Wyoming
Carbon County, Wyoming
PERMIT NUMBER: Wy-0022853

The Rosebud Coal Sales Company operates an open pit coal mine located approximately five miles north of Hanna, Wyoming.

The above discharges flow into Big Ditch via unnamed drainages, Pine Draw, Hanna Draw, Barrel Springs Draw via an unnamed drainage and Como Lake via an unnamed drainage (all Class IV Waters).

The above discharges must meet effluent limitations which are considered by the State of Wyoming to represent "best available treatment." However, the permit also contains a "re-opener clause" which requires the permit to be modified should more stringent limitations be developed at the federal level.

Runoff from disturbed areas will be controlled by sedimentation ponds which are designed to completely contain the runoff resulting from a ten year - 24 hour precipitation event. Because these ponds will not normally discharge, they are not specifically identified in the permit but are covered by operation and maintenance provisions.

Periodic self-monitoring of effluent quality and quantity is required with reporting of results quarterly. The permit is scheduled to expire January 31, 1986.

(9) APPLICANT NAME: Rawhide Village III
MAILING ADDRESS: 3308 Sutherland Drive
Gillette, Wyoming 82716
FACILITY LOCATION: Gillette, Campbell County, Wyoming
PERMIT NUMBER: Wy-0025852

Rawhide Village III is a permanent housing subdivision and elementary school located north of the City of Gillette, Wyoming. The draft facilities plan for expansion of the city's collection system recommends that Rawhide Village III not be connected to the City's system in the near future. Therefore, the proposed permit authorizes continued discharge from the subdivision's existing treatment system (extended aeration package plant and chlorination) to Little Rawhide Creek (Class IV Water).

The proposed permit requires compliance with National Secondary Treatment Standards and Wyoming's In-stream Water Quality Standards effective immediately. Self-monitoring of effluent quality and quantity is required on a regular basis with reporting of results quarterly. The permit is scheduled to expire March 31, 1986.

Western Roundup

Colo. stream law re-examined

by Michael Moss

DENVER — While Wyoming and other Western states consider new minimum stream flow proposals, Colorado water developers are trying to get one of the region's first such laws.

The goal of minimum stream flow programs is to ensure that enough water is left in streams and lakes to sustain recreation and a healthy environment for fish and other aquatic life.

In Colorado, as in the rest of the West, persons filing for water rights must show they can put the water to "a beneficial use." The Colorado law, passed in 1973, redefined "beneficial use" to include instream flows. Furthermore, the Colorado Water Conservation Board was given the power to file for instream rights.

So far, it has exercised this power on 3,983 miles of Colorado streams. It has also filed for minimum water levels for 466 natural lakes. The result is an accumulation of legal clout that has changed the whole water law picture in the state.

The amount of water the board actually controls is very small. Since the board's filings are almost all very recent, under Colorado's "first in time, first in right" system, it gets its water only after all senior needs have been met. In dry years, rights with a 1973 or later date may get nothing.

So it's not the water, but the legal clout the board has gained that is stirring up all the controversy.

Under the 1973 law, if there is a change in the way existing water rights are allocated on a stream, the CWCB can go to court to protect its rights. For example, says Bob Weaver, a Denver water consultant to several conservation and fishing groups, the CWCB could effectively block a subdivider from acquiring agricultural water rights, if that transaction would affect instream flows.

"With growth and extensive energy development in the future," says

Weaver, such a CWCB role could become very useful to environmentalists seeking to stem growth.

The CWCB's legal clout is worrying water developers in the state, including some original backers of the instream program.

"Basically, the thing has gone farther than I intended to," says State Sen. Fred Anderson (R-Loveland). Anderson was the primary sponsor of the legislation that set up the minimum flow program. But now he has co-sponsored a bill, S.B. 18, that would vaporize the board's power.

Anderson says the nearly 4,000 miles of stream the CWCB has filed on is nearly double what he had anticipated. Furthermore, he charges that in many cases the CWCB made erroneous claims, filing for instream rights for more water than ever flowed down the stream.

David Walker of the CWCB refutes both criticisms. "Most of our junior filings have been in the high mountains, 9,000 to 10,000 feet (above sea level) and above the highest diversion points (where farmers and other users tap the streams)," he argues.

"And yes," he says, "there have been cases of (filing for nonexistent water), but they were based on data we got from the Division of Wildlife that we didn't adequately scrutinize. We've cleaned up this operational bug."

Walker also admits that the CWCB has flexed its new legal muscle, arguing to protect instream flows when there are water use changes. "But in every case, we've managed to work out compromises to the satisfaction of all parties," he claims.

Anderson's S.B. 18, a mere two-and-a-half pages long, focuses on the CWCB's legal role. The title of the bill is "An act concerning court proceedings involving changes of water rights by the CWCB for the preservation of the natural environment," and section (d), in essence, would rescind the water

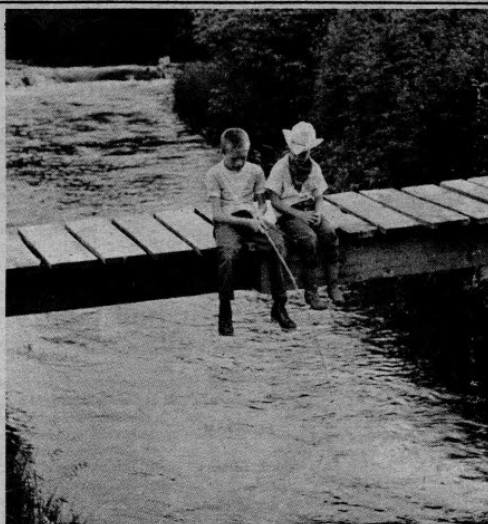


Photo courtesy Wyo. Fish and Game

WILDLIFE MANAGERS want to keep minimum flows in streams to protect the aquatic inhabitants. Other water users have their own priorities.

board's right to go to court.

Backing S.B. 18 are a variety of water user interests. Some proponents, like Larimer County farmer Francis Bee, have a general disdain for government involvement in what he views as a private matter.

Others, including Anderson, insist they're only trying to modify the act. "We're just attempting to remove the abuses," says Ward Fischer, water lawyer in Ft. Collins and a board member of the Northern Colorado Water Conservancy District, a water-user group.

Weaver, however, believes the real motive behind S.B. 18 is to prevent the CWCB from interfering with what he perceives as an almost conspiratorial effort to transfer water rights from farmers to energy and housing developers.

Interestingly, there is some dissent even among water users. Gordon Dyckman, president of Fischer's conservancy district group, wrote to Anderson Jan. 9 opposing the senator's bill.

The district has just negotiated a complex agreement to construct the Windy Gap Diversion Project — to move water from the Western Slope to several Front Range communities. "The minimum stream flow is an integral part of the agreement," wrote Dyckman, representing the entire

board. Minimum stream flows were left on the Western Slope, as the CWCB had petitioned.

"In our opinion, the Water Conservation Board has been careful to take into account the views of water users of the state," he said. The CWCB "should not be singled out as the only water appropriator in the state which cannot protect its appropriations through court proceedings."

Fischer said he wasn't present when the letter was sent and would have voted against it.

A similar proposal to cut back the instream flow program was pushed by Anderson in 1977. It passed the legislature, but was vetoed by Gov. Dick Lamm (D).

The prospect this year is perhaps brighter. Anderson's bill was referred to the Senate Agriculture, Natural Resources and Energy Committee. Three of the panel's nine members are cosponsors.

On the corresponding panel in the House, six of the 11 members are cosponsors, including the committee chairman, Rep. Walter Youngland (R-New Raymer).

Lamm, many observers believe, will be taking more moderate stands this session, and fewer vetoes are expected. According to staffer Sue O'Brien, he hasn't yet reached an opinion on S.B. 18.

No home yet for Vitro tailings

Efforts to clean up abandoned Vitro uranium mill tailings in Salt Lake County, Utah, have run into both procedural and political delays.

An environmental impact analysis may take as long as 18 months to prepare; even the first step of selecting an oversight committee is taking weeks. And officials of the county targeted to receive the radioactive waste have balked at the plan, vowing to take "whatever legal, political or other measures that are necessary to prevent this from occurring," reports the *Deseret News*.

The tailings are sitting at an old dump in Salt Lake City that is part of the water table. "It's artesian," says State Health Director James Mason, "and water is seeping up into the pile at times."

Proposals to stabilize the tailings where they are, perhaps by lining the dump with a water-impermeable clay, have been rejected as costly and unsafe. The leading alternative plan is to move

the tailings to nearby Tooele County, where a remote site has been found.

Tooele County officials object, however. They want nothing to do with that plan or the tailings.

In a letter last month to Utah's Division of Environmental Health Director Alvin Rickers, the Tooeleans wrote, "We believe that the citizens of Utah and specifically of Tooele County have been called upon once too often to bear the unpleasant burdens of the nuclear age."

(Utah residents may have been injured by past nuclear testing in Nevada and are facing federal plans to store highly radioactive waste in the state, not to mention the MX.)

Tooele County officials have protested the makeup of a committee formed by the health department to oversee the impact analysis, arguing that they should have more members on it. A new committee is to be named this week.

Cattle fence stirs legal dust

What's okay with one official may not be right by another, Idaho farmer Fred Stewart has discovered.

The Bureau of Land Management is suing Stewart for building a fence on the agency's land some 25 years ago. But the barricade, says the farmer, was put up at the BLM's suggestion to keep cattle from drifting onto his 350 cultivated acres.

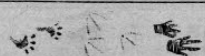
The fence was built from 20 to 50 feet inside the public lands to create a buffer

strip of unplanted land, hopefully reducing the temptation for cattle to break into Stewart's finer forage.

But now, a new area BLM manager says allowing the fence would set a precedent for all of Idaho. The agency would face new pressure from "trespassing structures."

Reaching no compromise, Stewart and the BLM have gone to court to fence it out.

12-High Country News — Jan. 23, 1981



Trackings

followups on previous stories

Andrus axes part of Allen-Warner Valley coal complex

(see HCN 9-19-80 for previous story)

In his final days as Interior Secretary, Cecil Andrus made two decisions that may signal trouble for the Allen-Warner Valley Energy System.

First, he ruled out strip mining in part of the area to supply the system's coal, the Alton Hills in Utah. Andrus placed off-limits about 10 percent of the coal in the field to protect the vistas in nearby Bryce Canyon National Park.

The decision is the Interior Department's first response to a citizens petition under the unsuitability provisions of the 1976 strip mine law.

Second, Andrus postponed approval of the 500 megawatt Warner Valley plant proposed for southern Utah, saying there are "potentially serious environmental problems associated with the project that have not been resolved." Among the problems he cited were air quality deterioration in Zion and Bryce Canyon national parks, and impacts on two endangered fish species in the Virgin River.

At the same time, Andrus approved the use of public lands for the 2,000

megawatt Harry Allen plant proposed for southern Nevada, as well as the slurry and transmission lines that will serve it.

A ruling from the U.S. Environmental Protection Agency on the Warner Valley plant's air permit is due next month. While the Harry Allen plant earned a nod from Andrus, it still faces numerous clearances at the federal, state and local levels.



Motors stay on Colorado River

(see HCN 12-26-80 for previous story)

Bowing to congressional pressure, the Western director of the National Park Service has scrapped plans to phase out motorized rafting on the Colorado River in Grand Canyon National Park.

The park service had planned to take motorized rafts off the river by 1985, leaving the Colorado to oar-powered river runners. Federal money to implement that plan, however, was cut from the agency's 1981 budget by an amendment authored by Sen. Orrin Hatch (R-Utah), who said he had problems with the phase-out and wanted to investigate.

In announcing the switch in policy, Regional Director Howard Chapman said, despite protests from oar rafters, persons on motor rafts found the experience highly satisfying. In addition, he said, there was no evidence of environmental damage from the motors.

Chapman said other parts of the plan, including more permits for non-commercial rafters, remain unchanged.

Feds halt Crazy Mountains diggers

(see HCN 10-17-80 for previous story)

The Forest Service says there is not enough gold at the Gold Cup Mining Co.'s claim in the Crazy Mountains of Montana to justify more digging.

On the basis of a recent assay, the agency told Gold Cup to cease operations and begin cleaning up its mine site, from which 100 tons of ore has been removed. In addition, the agency will require cleanup of the company's half-mile-long access road on public lands.

The Forest Service assay showed that

the claim had a maximum gold content of nine-thousandths of an ounce per ton. The company, which boasts of tests showing a minimum of seven ounces of gold per ton, says the agency's sampling methods are faulty.

The firm had hoped to dig a large, open pit mine in the rugged range. Conservationists were concerned that the mine—in combination with oil and gas development, other mineral claims and plans for summer home development—would destroy what they considered one of Montana's wildest and most beautiful mountain ranges.

(continued from page 10)

(10) APPLICANT NAME:

MAILING ADDRESS:

FACILITY LOCATION:

PERMIT NUMBER:

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FACILITY LOCATION:

PERMIT NUMBER:

FACILITY LOCATION:

PERMIT NUMBER:

FACILITY LOCATION:

Amoco Production Company

P.O. Box 2520

Casper, Wyoming 82601

North Fork Field, SW¼, Section 19, T44N, R81W, Johnson County, Wyoming

Wy-0000272

Salt Creek Field, L.A.C.T. No. 1, SE¼, Section 11, T40N, R79W, Natrona County, Wyoming

Wy-0002798

Salt Creek Field, L.A.C.T. No. 3, SE¼, Section 13, T40N, R79W, Natrona County, Wyoming

Wy-0002810

Salt Creek Field, L.A.C.T. No. 4, SE¼, Section 13, T40N, R79W, Natrona County, Wyoming

Wy-0002828

Salt Creek Field, L.A.C.T. No. 5, SW¼, Section 19, T40N, R78W, Natrona County, Wyoming

Wy-0002836

Salt Creek Field, L.A.C.T. No. 6, NE¼, Section 30, T40N, R78W, Natrona County, Wyoming

Wy-0002844

Salt Creek Field, L.A.C.T. No. 7, SW¼, Section 24, T40N, R79W, Natrona County, Wyoming

Wy-0002852

Salt Creek Field, L.A.C.T. No. 8, NE¼, Section 26, T40N, R79W, Natrona County, Wyoming

Wy-0002861

Salt Creek Field, L.A.C.T. No. 10, SW¼, Section 30, T40N, R78W, Natrona County, Wyoming

Wy-0002879

Salt Creek Field, L.A.C.T. No. 15, NW¼, Section 35, T40N, R79W, Natrona County, Wyoming

PERMIT NUMBER:

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PERMIT NUMBER:

Wy-0002887

Salt Creek Field, L.A.C.T. No. 12, SW¼, Section 35, T40N, R78W, Natrona County, Wyoming

Wy-0002896

Salt Creek Field, L.A.C.T. No. 13, SW¼, Section 36, T40N, R79W, Natrona County, Wyoming

Wy-0002909

Salt Creek Field, L.A.C.T. No. 14, SE¼, Section 34, T40N, R79W, Natrona County, Wyoming

Wy-0002917

Salt Creek Field, L.A.C.T. No. 16, NW¼, Section 6, T39N, R78W, Natrona County, Wyoming

Wy-0002925

Salt Creek Field, Lease No. 46, SW¼, Section 31, T41N, R79W, Natrona County, Wyoming

Wy-0002941

Salt Creek Field, L.A.C.T. No. 9, NE¼, Section 27, T40N, R79W, Natrona County, Wyoming

Wy-0026000

Facilities are typical oil treaters located in Natrona and Johnson Counties, Wyoming. The produced water is separated from the petroleum product through the use of heater treaters and skin ponds. The discharges are to North Fork of Powder River (Class II Water), Castle Creek, Salt Creek and Bothwell Draw (Class IV Water), via unnamed drainages.

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 permits is December 31, 1985.

(11) APPLICANT NAME:

MAILING ADDRESS:

FACILITY LOCATION:

PERMIT NUMBER:

FACILITY LOCATION:

PERMIT NUMBER:

Arjay Oil Company

2225 North State Street
Salt Lake City, Utah 84103North Tisdale Field, Empire States
Lease, Section 16, T41N, R81W,
Johnson County, Wyoming

Wy-0025071

Hoffman Lease, Section 21, T41N,
R81W, Johnson County, Wyoming

Wy-0025551



Bulletin Board



AIR DEFENDERS

The National Clean Air Coalition is looking for help in defending the Clean Air Act, due for congressional scrutiny this year. Contact Linda Schotter, Citizen Action, 1725 I Street N.W., Washington, D.C. 20006.

BLM GLOSSY

The Bureau of Land Management has produced a 40-page, full-color illustrated book extolling the "diversity, magnitude, beauty and national significance of the resources of the public lands." Copies are \$2.75 from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

YELLOWSTONE

Fresh water insects. Geothermal Geology. Grizzlies. Watercolor painting. These are some of the summer courses being offered by the Yellowstone Institute starting in June. Ranging from three to six days, the seminars cost about \$20 a day. Academic credit is offered. Contact YI, Box 515, Yellowstone National Park, Wyo. 82190.

INDUSTRY OUTLOOK

The legislative and regulatory outlook in Washington, D.C., is the subject of a Feb. 25-27 conference in the nation's capitol, sponsored by the Environmental Industry Council. For \$400 participants are invited to hear speakers explore the new economic perspective and possible changes that lie ahead for industry. Contact EIC, 1825 K Street, N.W., Suite 210, Washington, D.C. 20006.

HUMANITY PROJECTS

Grants of up to \$2,000 are available from the Wyoming Council for the Humanities for independent study and research in Wyoming history, culture and heritage. Contact the council at Box 3274, University Station, Laramie 82071.



LOONEY LIMERICKS

by Zane E. Cology

With industry captains in power
The wilderness lovers look sour.
They know that the race is
To tear up the place.

(You can't make a buck from a flower.)

IRRIGATION LAW UPDATE

Various ways of implementing the 1902 Reclamation Act and its provisions on acreage limitations for western water users are explored in a draft environmental impact statement issued by the U.S. Water and Power Resources Service. The review period extends through March 16, and public hearings are planned. Copies of the EIS can be obtained from WPRS, 18th and C Streets, N.W., Room 7622, Washington, D.C. 20240; (202) 343-4991.

WILDERNESS OIL LEASING

The Forest Service is seeking public comments on its plans for evaluating proposed oil and gas leases in wilderness areas. The draft guidelines were published in the Dec. 12, 1980, *Federal Register* and include rules on scheduling, required documentation, public participation, analysis standards and formulation of alternatives. To comment, write Sidney Gray, U.S.D.A., Forest Service, P.O. Box 2417, Washington, D.C. 20013. The comment deadline is Feb. 10.

THE BURRO BEAT

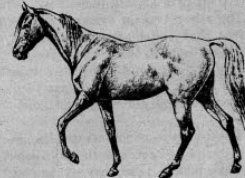
The Bureau of Land Management has published a new report to Congress on wild horse and burro management — numbers, methods for keeping them in balance with their habitat, law enforcement activities, research and legislative proposals. Copies are available from BLM field offices throughout the West. Those offices also have copies of a new, consolidated set of guidelines for administering the agency's wild horse and burro program.

TRI-STATE BUYS POWER

Under the 1978 Public Utility Regulatory Policies Act, utilities are required to purchase available power from cogeneration and small power facilities, including biomass and renewable resource generators. Tri-State Generating and Transmission Association, a consumer-owned group of 25 rural electric systems in Wyoming, Colorado and Nebraska, is looking for public comments on just how to do that. There will be a public hearing Feb. 3 in Cheyenne, and written comments will be accepted through Feb. 10. Contact Robert Pfleger, Tri-State, 12076 Grant Street, P.O. Box 33695, Denver 80233; (303) 452-6111.

TRACKING WYO BILLS

To follow your favorite piece of legislation in the Wyoming legislature, simply call toll free 1-800-442-2744, 9 a.m. to 5 p.m. weekdays. At that number the Wyoming Information and Referral Service in Cheyenne will provide the information you need.



(12) APPLICANT NAME:	Atlantic Richfield Company	PERMIT NUMBER:	Wy-0002488
MAILING ADDRESS:	P.O. Box 5540 Denver, Colorado 80217	FACILITIES ARE TYPICAL OIL TREATERS LOCATED IN JOHNSON AND NATRONA COUNTIES, WYOMING. THE PRODUCED WATER IS SEPARATED FROM THE PETROLEUM PRODUCT THROUGH THE USE OF HEATER TREATERS AND SKIM PONDS. THE DISCHARGES ARE TO SOUTH FORK OF POWDER RIVER, TRAIL CANYON CREEK, COAL DRAW, WALL CREEK, CASTLE CREEK, TEAPOT CREEK AND SALT CREEK (ALL CLASS IV WATERS) AND MEADOW CREEK (CLASS III WATER).	
FACILITY LOCATION:	East Salt Creek Waterflood, SE¼, Section 9, T40N, R78W, Natrona County, Wyoming	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.	
PERMIT NUMBER:	Wy-0000744	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 permits is December 31, 1985.	
(13) APPLICANT NAME:	Conoco, Inc.	(16) APPLICANT NAME:	Shell Oil Company
MAILING ADDRESS:	907 Rancho Road Casper, Wyoming 82601	MAILING ADDRESS:	P.O. Box 831 Houston, Texas 77001
FACILITY LOCATION:	Sussex B-2 and C Unit, NE¼, Section 22, T42N, R78W, Johnson County, Wyoming	FACILITY LOCATION:	Reno East Field SE¼, Section 21, T45N, R79W, Johnson County, Wyoming
PERMIT NUMBER:	Wy-0000990	PERMIT NUMBER:	Wy-0026824
(14) APPLICANT NAME:	Sohio Petroleum Company	FACILITY LOCATION:	Reno Field Section 19-45-79, SW¼, Section 19, T45N, R79W, Johnson County, Wyoming
MAILING ADDRESS:	P.O. Box 673 Russell, Kansas 67665	PERMIT NUMBER:	Wy-0026832
FACILITY LOCATION:	East Tusdale Field, Dever Kenworthy Lease, SW¼, Section 23, T41N, R81W, Johnson County, Wyoming	FACILITIES ARE TYPICAL OIL TREATERS LOCATED IN JOHNSON COUNTY, WYOMING. THE PRODUCED WATER IS SEPARATED FROM THE PETROLEUM PRODUCT THROUGH THE USE OF HEATER TREATERS AND SKIM PONDS. THE DISCHARGES ARE TO SOLDIER CREEK VIA AN UNNAMED DRAW (CLASS IV WATER).	
PERMIT NUMBER:	Wy-0000515	The discharges must meet Wyoming's Produced Water Criteria effective immediately. No chemical limitations have been imposed on these facilities except for oil and grease (10 mg/l) and pH (6.5-8.5). This is due to the extreme aridness of the area which allows for beneficial use of the water for agricultural purposes. 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.	
(15) APPLICANT NAME:	Terra Resources	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 permits is December 31, 1985.	
MAILING ADDRESS:	P.O. Box 2500 Casper, Wyoming 82601	STATE-EPA TENTATIVE DETERMINATIONS	
FACILITY LOCATION:	Salt Creek South Unit, Battery No. 1, SW¼, Section 12, T39N, R79W, Natrona County, Wyoming	Tentative determinations have been made by the State of Wyoming in cooperation with the EPA staff relative to effluent limitations and conditions to be imposed on the permits. These limitations and conditions will assure that State water quality standards and applicable provisions of the FWPCA will be protected.	
PERMIT NUMBER:	Wy-0002445	PUBLIC COMMENTS	
FACILITY LOCATION:	Salt Creek South Unit, Battery No. 2, NW¼, Section 20, T39N, R78W, Natrona County, Wyoming	Public comments are invited any time prior to February 23, 1981. 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 February 23, 1981 will be considered in the formulation of final determinations to be imposed on the permits.	
PERMIT NUMBER:	Wy-0002453	ADDITIONAL INFORMATION	
FACILITY LOCATION:	Salt Creek South Unit, Battery No. 3, NE¼, Section 8, T39N, R78W, Natrona County, Wyoming	Additional information may be obtained upon request by calling the State of Wyoming, (307) 777-7781, or EPA, (303) 327-3874, or by writing to the aforementioned addresses.	
PERMIT NUMBER:	Wy-0002461	The complete applications, draft permits and related documents are available for review and reproduction at the aforementioned addresses.	
FACILITY LOCATION:	Salt Creek Field, Staley "A" and "D" Lease, NW¼, Section 6, T38N, R78W, Natrona County, Wyoming		
PERMIT NUMBER:	Wy-0002470		
FACILITY LOCATION:	Salt Creek Field, Staley Government Lease, SW¼, Section 6, T38N, R78W, Natrona County, Wyoming		

14-High Country News — Jan. 23, 1981

Opinion



Conservatism? Let's go for the real thing

by Gene Coan

With the coming into power of a new, self-proclaimed conservative administration, a number of interesting questions have emerged. What is a conservative? Are there different types?

To the conservation movement, the long history of struggles over environmental issues has suggested that there are two types of conservatives. Though both claim to be conservatives, their policies, goals — and often, their methods of accounting — differ radically from each other.

One type of conservative believes that special subsidies for industries, groups and individual entities within society are inappropriate since they hinder the operation of the free-market system, to which these conservatives owe their primary allegiance.

The other type of conservative believes that the marketplace should work to benefit their particular interests and that special, massive subsidies should on occasion be provided for certain large businesses and industries.

The first type of conservative seems to share a basic core of beliefs with conservationists — to us, they are the real conservatives. The other type would be better termed "corporate socialists" in terms of environmental issues, they are pseudo-conservatives.

To illustrate the basic but often ignored difference, let's look at some specific issues of concern to conservationists.

Real conservatives believe that the federal government should not construct uneconomic and expensive public works — dams that make only political sense, highways that are inappropriate for an energy-efficient future. Pseudo-conservatives, on the other hand, are happy with big federal bucks flowing to the builders of pyramids.

Real conservatives believe that, in order to work right, the free market system must allow all of the costs of products to be included in their prices. Such prices must therefore incorporate the costs of pollution control, established through sound regulation and through pollution taxes.

The marketplace can then reward the most efficient manufacturer. Pseudo-conservatives believe, on the other hand, in eliminating regulation and allowing the cost of pollution to be passed on to the public in the form of "hidden taxes" — damage to health, property, and public resources.

Real conservatives believe that the federal government should operate its businesses in a sound economic manner. Thus, timber should not be sold at below the cost of taking proper care of the land, building the necessary access roads and providing for the renewal of

the forest.

Grazing fees should reflect fair market values and include the cost of range maintenance and improvement.

Not so, say the pseudo-conservatives. They believe that the loggers and grazers should be allowed unlimited access to public lands, low-cost leases and inexpensive fees and permits. The public — present and future — should absorb the costs of land degradation, desertification and erosion.

True conservatives believe that the price of energy should be deregulated and that the various forms of energy, including the most important source of "new energy," energy conservation, should be allowed to compete fairly in the marketplace.

They maintain that there should not be special subsidies from the federal government to bolster some forms of energy and to inhibit others. Pseudo-conservatives, by contrast, are for energy subsidies — depletion allowances, tax credits, loan guarantees, purchase guarantees, special lease terms, federal takeover of the costs of storing nuclear wastes, and so on and on.

Crucial policy choices will be made in these and many other key areas during the next few months. If real conservatives are making these choices, progress can be made in balancing the federal budget, while at the same time tak-

ing steps to preserve the environment.

If the pseudo-conservatives are in the driver's seat, programs that benefit the environment will be cut, and industry will be permitted to pass some of the costs of pollution on to the public as a whole rather than to those purchasing their products.

We will very soon have some clues as to which road we will be traveling. Will the persons appointed to key federal and White House positions be real conservatives or pseudo-conservatives?

Gene Coan is assistant conservation director of the Sierra Club.



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3. Offer to share a piece of the action — the coupons below.
4. Seal the deal with a flourish. Rip out the coupons and hand one to each friend.
5. You've just become a vital part of the HCN lifeline. Thank you.

Tear here

Tear here

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City
State & Zip

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Lander WY 82520

() Now I know where my friend picked up such good info on wood stoves, window shutters and why our electric bill just went up. Don't leave me out of the conversation — send a year of HCN for \$15.

Name
Address
City
State & Zip

High Country News, Box K,
Lander WY 82520

() My friend refuses to let me borrow HCN any more. Sign me up for a year. \$15 enclosed.

Name
Address
City
State & Zip

High Country News, Box K,
Lander WY 82520

() According to my friend, HCN gets out the news — whether it's what's in my drinking water or what's buried at the local dump — before the dailies get around to it. Enclosed is \$15 for one year (25 issues).

Name
Address
City
State & Zip

High Country News, Box K,
Lander WY 82520

Opinion



PURE WOLVES?

Dear HCN,

Thank you very much for publishing our returning the Buffalo Wolf to its

native range. (See HCN, 11-14-80.)

Your editors' note stated that several wolf experts have said our stock may not be pure *Canis lupus nubilus*. We wonder by what criteria and by whom such a statement was made. To the best of my knowledge no one except Dr. Ron Nowak, Dr. Durward Allen, and Dr. Eric Klinghammer have had the opportunity to evaluate skulls, pelage and records retained by this foundation and collected over the last 60 years.

Our basic reason for returning this stock to Montana, Wyoming or North or South Dakota is to retain the characteristics of the subspecies. We would

hardly spend our lives at 7,000 feet five miles from a highway with every fall and winter morning temperatures below or near zero degrees unless there would be a valid reason for doing so.

Jack Lynch
Emigrant, Mont.

(Editor's note: Dr. Ron Nowak of the U.S. Fish and Wildlife Service's endangered species office said he cannot be sure from his analysis whether the foundation's wolves are pure *Canis lupus nubilus*. However, he said the subspecies' names do not matter as much as the fact that the foundation

and Jack Lynch are protecting wolves that apparently are descended from grey wolves. All of the original greys in the continental United States have been killed off, except for some in northern Minnesota. The foundation's wolves seem to be the only descendants in captivity, he said.)

LEAVE IT

Dear HCN,

Companies have extensively conducted exploration for uranium and other source materials in our beautiful Upper Peninsula of Michigan. A topic of concern to our residents is radiation in the human environment.

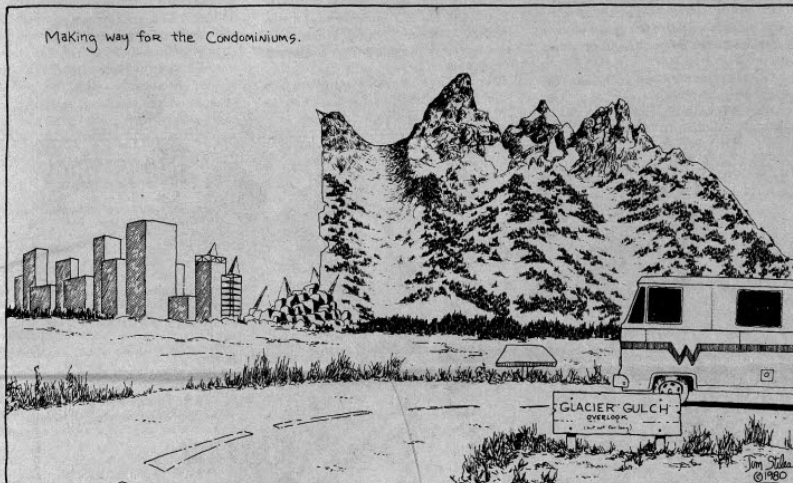
Perhaps techniques could be found in the distant future for economically resolving the hazards that concern the residents here. However, no technology exists. We cannot speculate that it might in the future.

It would be prudent to allow source materials to remain in nature's capsule in the ground until the technical and financial stability exist.

We are concerned that there are those who have made the determination it isn't necessary or desirable to protect the public's health and safety. We find that attitude criminal. For protection of the public, write to your state and federal officials requesting termination of uranium licenses until such stability exists to protect fully the public from the hazards of exploration, mining and milling of uranium.

Won't you help? Many states share the same air and water.

Bonnie Possamoni
109 2nd Street
Rogers Location
Irm River, Mich.



All condos and no cattle ahead for Tetons

The next time a developer tells us that conservationists are winning every hand in the land-use poker game, we'll trade in our chips for a snowmobile, put that person on it, and point it towards Jackson.

In the past few months, those who profit from ski lifts, property sales, hostelry and snowmobiles have won a string of victories that have left them flush with success and their foes wan with discouragement. One at a time these victories are significant; taken together they represent a crucial turning point for those who live in or visit the valley.

Let's tick them off:

— The U.S. Interior Department appeared to have thwarted Frontier Airlines' plans to fly commercial jets into Jackson Hole Airport, which is located in Grand Teton National Park, by writing a noise abatement plan that would preclude the volume of most jet engines. The Senate, however, led by the Wyoming delegation, cut Interior's funding for implementing the plan, at which point the department caved in and told Frontier to bring on the jets.

— The National Park Service, under pressure to allow continued use of snowmobiles in the Potholes area of Grand Teton National Park, decided this fall to give snowmobilers the green light for their offroad frolics.

— The U.S. Forest Service has approved plans by the Jackson Hole Ski Corporation to triple skier capacity of the resort, which lies in Bridger-Teton National Forest and operates under a special use permit. The resort plan calls for increasing the number of downhill skiers from the present maximum of about 4,000 to 11,500 over the next 15 years.

— Land developers who want to install a hotel and 300 condominiums on a section of former Sen. Clifford Hansen's ranch were rebuffed by the Teton County Planning Commission. But county commissioners gave the project the go-ahead anyway, causing two planners to resign in protest. A whole new area of the valley previously zoned residential-agricultural will now require support services.

Opponents of these various developments cite their impact on wildlife, the crowding of local residents, and simple aesthetics, aural and visual. They also make an economic argument: Tourism is what keeps Jackson going, and tourism requires not just recreation and rooms at the inn, but also scenery. No one, they

argue, will come to the Teton Valley when it's all condos and no cattle.

That is certainly true for some of us. But we suspect that if developers carved a hotel into the face of the Grand Teton itself, the atrocity would be declared, "the eighth wonder of the world" and draw tourists like flies.

Conservationists are discouraged by recent events. Local efforts to protect open space with scenic easements have progressed neither at federal nor local levels. Jean Hocker, coordinator of the Jackson Hole Project of the Isaak Walton League, said she sensed growing discontent in the valley, but added, "It's not a movement now, the way it was...people are getting kind of discouraged."

We suspect it will get worse, unless action is taken soon to control development. A boom brings new people, rooted more in commerce than the land. A boom creates a construction industry dependent on growth, and draws development wheeler-dealers who must always look for new projects to keep themselves busy.

Older residents of the valley don't disapprove of growth — they know jobs are important, that tourism is the area's lifeblood, and that the gate cannot be closed behind them. But... "It's covering the landscape with houses and population that's coming and going and the new atmosphere, that's bothering me," said Margaret Murie recently to the *Casper Star-Tribune*. Murie came to the valley in 1927 with her naturalist husband Olaus Murie.

"Jackson Hole is like Helen of Troy, known for her beautiful face that launched 10,000 ships. Her beauty was fatal, and I think Jackson Hole's beauty might be fatal too if something drastic isn't done."

Who is ready to take drastic steps? Sen. Malcolm Wallop (R-Wyo.) promised last year to introduce legislation allowing condemnation or voluntary sale of scenic easements, but no bills have yet been produced. The county commissioners will retain their two-to-one pro-development majority for at least two more years. Local groups like the Jackson Hole Alliance have seen their time-consuming efforts washed away by this year's defeats. Federal agencies say the snowmobile and jet policies are not final — but they have allowed developers a foot in the door.

Valley residents and others upset by uncontrolled growth have good reason to be discouraged. But if ever there was a time when they need to mobilize and act, this is it. The beautiful face of the Teton Valley is at stake.

—GOG

16-High Country News — Jan. 23, 1981

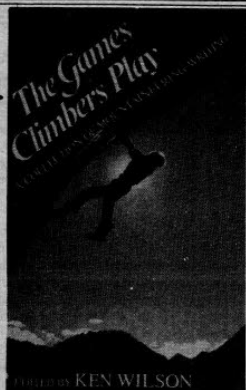
Books

Games Climbers Play
Ken Wilson, ed., Sierra Club Books,
San Francisco, 1980. \$9.95, paper,
688 pgs. Photographs.

Review by Peter Wild

Here we are, swinging through the bear grass, at peace with the morning shadows and the fidgeting squirrels, when, up there, what are those? Human flies. Yes, they look just like flies stuck to the rock and inching their way up a cliff. We're not so gauche to ask ourselves why they do it. After all, people collect stamps and weave rugs for any number of reasons. But we may wonder what they think about while earnestly fingering their paths into the clouds.

We lovers of earth beneath our feet can glimpse the answer through Ken



Wilson's collection. Old hands no doubt will identify with the full range of poses displayed here, from flat-out craziness to nirvana.

What a whopper of an anthology Wilson has created! Well over 100 articles gathered from U.S. and British climb-

ing journals over the last 20 years — plus letters, poems and cartoons. The titles defy us to pass them by: "In Praise of Cheating," "The Greatest Climber in the World," and "Goofy's Last Climb." Yet that immediate liveliness doesn't limit the book's scope, which includes sections on climbing ethics, mountain rescue and obituaries.

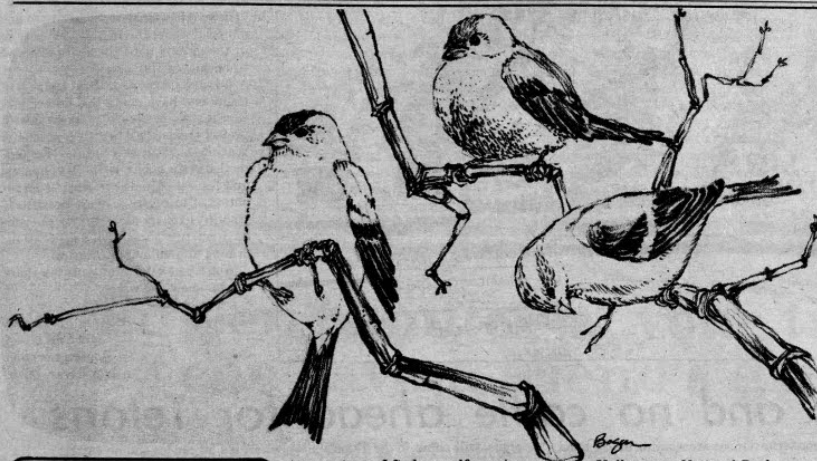
Much of this is the pure bombast of Narcissuses of the heights. "Off in the heart of the mysterious land of enormous mountains and great challenge..." one piece begins. That's pretty lame stuff, and such statements fill maybe a third of the articles. Still, in a book of 688 pages that leaves us with an enormous feast.

We learn about "the right stuff," as Tom Wolfe would call it, both on the mountain and off. We learn the right moves for a male climber to make when finds himself lying in a tent with racing heart and beating mind between two French climbers named Marie and Monique. We are advised to refuse all engagements before English university clubs, where the jolly scholars are likely to challenge the guest speaker to eat "three daffodils and a tulip." We

puzzle over some Chinese climber who wanders off among the eternally blizzard peaks, spends nine years with an old hermit, and returns gaunt and half frozen to announce to his old climbing buddies, "The ultimate stage of climbing is not to climb."

And because a cross section of climbers is likely to contain its share of kooks as well as saints, our blood boils at the book's one genuine creep — a guy who illegally climbs a sacred mountain on the Navajo reservation, then chuckles at the stir he creates among the medicine men.

All this is so much titillation, at turns joyful and maddening. The real heart of the matter comes early on in an intellectually fragrant piece by Tejada Flores, "Games Climbers Play," from which the title of the book comes. The heart of the heart according to Tejada is "to maintain a degree of uncertainty as to the eventual outcome, and from this very uncertainty stems the adventure and personal satisfaction of climbing." He tells how to create these conditions and live honorably within them. That explains what climbing, and perhaps every other game in life, is all about.



by Joan Nice

LANDER, Wyo. — Last week enough snow fell in town for a teenager to scrape down the road on cross-country skis. But a bicyclist was not far behind her, and a little beyond both were some scantily-clad kids roller skating on the sidewalk.

To some extent, those of us who don't depend upon snow for our livelihoods are enjoying this balmy year. But at the same time, I can't quite believe that this is January — supposedly our iciest, most spine-stiffening month. The unexpected, however pleasant, is always unsettling.

My personal responses have been as full of incongruity as the high winter

temperatures. I find myself wearing a down jacket and tennis shoes, finishing off a dinner of meat and potatoes with chilling ice cream.

But I'm not alone in my January incongruities. To wit:

— We are seeing fewer birds than usual for this time of year, despite some lingering summer species, such as red-winged blackbirds and goldfinches; a hard winter concentrates the flocks near the best food sources, while a mild one allows them to disperse throughout their range.

— One Wyoming legislator predicts that the scant snow may predispose solons to vote against several proposed minimum stream flow bills. Apparently the years when streams are most likely to dry up are also those in which legislators are least inclined to try to prevent dewatering.

— Wyoming's largest bighorn sheep herd, on Whiskey Mountain near Dubois, fares so well that each year wildlife officials capture about 100 animals and transplant them to other suitable wild places. Usually the excess animals are lured into a net with offerings of apples and hay. But this year the bait seems to have lost its allure. The trapping team will have to use its wits to catch the full 100.

— Yellowstone National Park employees have been observed throwing heaps of wood chips onto their partly snow-covered roads. Apparently the park has become such a popular winter playground that its managers feel, budget cuts or no budget cuts, snow or no snow, they must provide safe travel for snowmobilers and others who use the park's roads.

— Meanwhile, a number of park bears are up enjoying the sunshine. Some estivate in their dens all winter long, but others get up to enjoy mild spells and nibble on pine nuts cached by squirrels. Some years they also feed on animal carcasses, but there aren't many around this year. The season has been merciful on old, ailing and very young animals so far.

In the last few days temperatures have started to dip to normal, but no big snow storms are headed our way yet. Some oldtimers have begun to whisper about February and March or even June somehow compensating for December and January's lackluster meteorological performance. In a place where heavy, wet spring storms are the rule, that's tough talk.

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