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**UTAH
SPECIAL
ISSUE**

High Country

news

Friday, February 5, 1982

Vol. 14 No. 4

\$1.00



Aerial view of Canyonlands National Park, looking eastward toward the Needles

Waste in Utah

Feds study nuke dump near Canyonlands

by Dan Whipple

Moab, Utah — When you stand at Grand View Point, roughly in the center of Utah's Canyonlands National Park, looking to the southeast you first see the parched White Rim then the primeval spires of Monument Basin, then the twisting Colorado River. A little further is the Needles district of the park and Six-shooter Peaks. Behind them, just outside of the park boundary, are Lavender and Davis Canyons. On a clear day, which it usually is, you can see all the way to Arizona, about 80 miles away.

In 1992, the visitor to Grand View Point may also be able to see rail cars carrying high-level nuclear waste to the permanent waste storage facility the federal government may build in either

Davis or Lavender Canyon. The Department of Energy is currently studying the Gibson Dome salt beds underlying Canyonlands as a possible site for permanent storage of commercially-generated nuclear wastes.

The United States is rapidly approaching a critical juncture in the nuclear fuel cycle. For 35 years, the military and commercial nuclear plants have been producing high-level wastes that have no permanent home. They have been temporarily stored at reactor sites in storage areas resembling large swimming pools. Beginning in 1986, a number of reactors will run out of this temporary storage space. Consequently, the government is examining a number of potential waste disposal sites to isolate the waste from the biosphere until it is no longer dangerous.

Commercial nuclear waste is the most dangerous form of nuclear waste currently being produced. The radioactive waste that is removed from nuclear power plants, if it were not shielded, could kill at a distance of ten yards in less than ten minutes.

Utilities would like these wastes reprocessed so that uranium fuel still in the waste could be retrieved for use. Reprocessing produces wastes called transuranics, which are lower in radiation content than the original waste, but have a longer life. Presidents Gerald Ford and Jimmy Carter prohibited reprocessing because of the dangers of nuclear proliferation. President Reagan lifted that ban late last year.

The 35-year backlog of temporarily stored wastes consists of about 102,000 cubic feet of commercial waste and the

equivalent of 670,000 cubic feet of defense wastes. The commercial waste would cover a football field two feet deep. By the year 2000, there will be an estimated 950,000 cubic feet of commercial waste and 1,130,000 cubic feet of defense waste. The commercial waste would then cover about 10 football fields to a depth of two feet. The actual storage would require more area than that because the extremely hot waste must be spread out, not massed together.

The DOE is the federal agency responsible for finding a place to put this material and keep it out of the environment for its hazardous life. The length of this life varies depending on the kind of material, ranging from ten to tens of thousands of years.

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WESTERN ROUNDUP



Initiative on initiatives

During Montana's 1981 legislative session conservative legislators launched an organized attack on the initiative process in an attempt to make it more difficult to place measures on the ballot.

Among the legislation introduced was a bill to double the number of signatures needed to qualify a measure for the ballot, a bill that would have allowed legislators to limit the number of initiatives on a ballot and another that would have banned signature gathering at polling places.

The legislators were reacting to a spate of initiatives that had been on the ballot the past several years.

Those that had raised the most political ire were the lobbyist disclosure act requiring legislators and lobbyists to disclose money being spent to influence legislation, which passed overwhelmingly; an initiative to place severe restrictions on the disposal of uranium mill tailings, which passed by only 400 votes; and a "bottle bill" requiring deposits on all bottles and cans that was rejected by voters after the beverage and bottling industries spent nearly \$500,000 on an intensive media campaign.

The major initiative reform bills of 1981 failed, but angry citizens groups hatched an initiative to amend the constitution to require any changes in the initiative process to be approved by a vote of the people, and to require a two-thirds vote of the legislature to repeal or amend initiatives.

Mark Mackin, one of the directors of the Butte-based Citizens Legislative Coalition which is spearheading the effort, said, "There's no reason why legislation passed by the people should be any easier to override than a veto by the governor."

But many legislators are unhappy about the requirement, feeling that it ties their hands, although there has been no organized opposition.

Rep. Dennis Iverson (R-Whitlash) said last year that "initiatives are the worst way to pass legislation."

Because the proposed initiative is a constitutional amendment supporters will need to collect 36,000 signatures, instead of the 18,000 required for a statutory initiative.

— Jim Robbins

BLM hits coal lease snafu

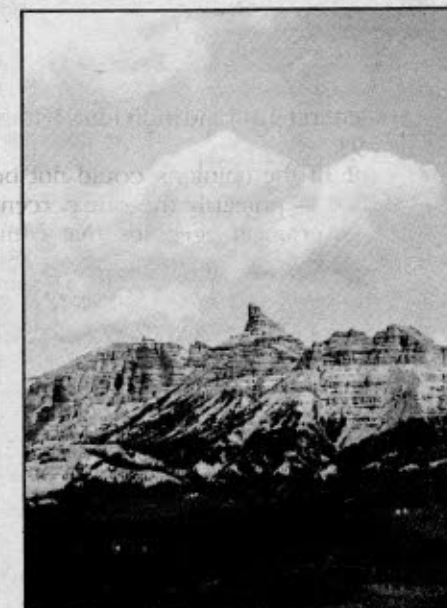
The U.S. Bureau of Land Management is having trouble gathering the consent of surface owners to allow the agency to lease 19 coal mining tracts in the Powder River Basin in Montana and Wyoming.

Patty Cooley of the Wyoming BLM said, "The administration of surface owner consent provisions of the federal surface mine law is a nightmare." The 1977 law gave qualified surface owners the right to refuse to allow leasing of federal coal under private property. A "qualified" owner is one who has lived on the land in question for at least three years, is a rancher or farmer and derives a substantial portion of income from ranching or farming.

So far, the Wyoming BLM, which has eight potential lease tracts, has been able to gather all of the consent agreements for only one — Fortin Draw. At least two landowners have refused to allow coal under their lands to be leased — in the Spring Draw and Timber Creek tracts. Cooley was uncertain how that refusals will affect boundaries of the tracts. If the areas were large enough they could result in dropping the tracts from lease sales.

In Montana, consent has been obtained for only four of 11 potential lease tracts — Coal Creek, Cook Mountain, Decker-Birney and Southwest Otter Creek. At least one surface owner in Montana — within the Northwest Otter Creek tract — will refuse consent.

Cooley said the BLM may go ahead with the sale and simply let the successful bidder try to obtain consent from landowners.



Ramshorn Peak

Majority: No leasing in Washakie

Over 3,000 people contacted the U.S. Forest Service to comment on a draft plan to lease parts of Wyoming's Washakie Wilderness for oil and gas development. Ninety percent of the comments opposed any leasing in the wilderness.

The Forest Service released a draft environmental impact statement last November which recommended leasing up to three percent of the wilderness, most of it along the southern and eastern edges, for oil and gas with surface occupancy. Another 10 percent of the Washakie was recommended for leasing with no surface occupancy, which would require slant drilling from adjacent lands. Most of the rest was opened to seismic exploration for oil and gas.

The final decision on the Washakie, which is on the eastern border of Yellowstone National Park, is due in March. The final EIS will represent the first action stemming from a controversial provision of the Wilderness Act of 1964 which allows oil and gas leasing in wilderness until 1984. Interior Secretary James Watt has postponed until fall any final decision on wilderness leasing and there is talk of congressional action.

Officials at Shoshone National Forest received 3,077 comments between August, 1981 and January 22, 1982.



High Country News

Published biweekly by the High Country Foundation, 331 Main, Lander, Wyoming 82520. Telephone (307) 332-6970. Printed by the Jackson Hole News, Jackson, Wyoming. Second class postage paid at Jackson (UPS No. 087480). All rights to publication of articles herein are reserved.

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Articles appearing in *High Country News* are indexed in *Environmental Periodicals Bibliography*, Environmental Studies Institute, 2074 Alameda Padre Serra, Santa Barbara, California 93103.

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Subscriptions \$15.00 per year. Single copies \$1.00.

Dear friends,

Driving into Salt Lake City is always sort of a shock for our small-town bound editors. The one who most recently got the shock was Dan Whipple. He said, "At night, I'm always impressed. When you emerge from the canyons on the interstate, the lights seem to stretch on into Nevada."

"This time, however, I got there during the day — a Sunday afternoon. It had been clear and bright until I got within about 10 miles of the city. Then I drove into a thick cloud of air pollution. I had heard about Salt Lake's famous smog, but it had been my good fortune to be there previously on clear days. I was reminded of London's pea soup. The air didn't clear for two days."

Air pollution on the Wasatch Front was one thing that Brigham Young didn't see when he proclaimed the area to be "the place." Utah is also facing a number of other issues that could substantially alter the character of the state, particularly in the southeast.

The most dramatic proposal is a plan to locate a nuclear waste dump near

Canyonlands National Park, which is covered in the front-page story in this issue. But, as every editor of a "special issue" has discovered, there isn't enough room in one issue of *High Country News* to cover all the important things.

There has been a proposal to move Rocky Flats to southeast Utah, though no one is certain how serious this idea is. A move is afoot to establish a large oil shale industry in the Book Cliffs area of southeast Utah. The Book Cliffs are, not incidentally, also an area that state environmentalists want the Bureau of Land Management to include in the wilderness system.

Had there been room, we could have included a story about the transfer of the "weteye" nerve gas bombs to Tooele, Utah from Denver. Or a story about the initial boomtown impacts on Delta, site of the Intermountain Power Project electric generating plant now under construction. Or the BLM wilderness controversy. Or...but you probably see what we mean.

Utah has a reputation as a very conservative, development-oriented state. But, in the face of all these proposals, there is an almost palpable reconsideration of this direction. Many people point to the recent struggle over the siting of the MX missile as a real eye-opener. It seems to have given people a sense that, without some fierce local resistance, Utah will get everything the other states don't want, whether Utah wants it or not.

This is the first issue in a month for which our new toy — our typesetter — has worked all the way through the two-week publication period. When it broke down during preparation of the last two issues, Ed Nowman, publisher of the *Lander-Riverton Advertiser*, was kind enough to allow us to use his typesetter, which is identical to ours. We wanted to thank him for his kindness and express the hope that we never have to bother him again. We wouldn't wish our recent typesetting problems on anybody, but we are more than willing to return the favor, should he face the same problem.

— the staff

Since the close of the comment period another 63 comments have come in, which officials say they are unsure what to do with.

A belated effort by oil and gas supporters to tilt the statistics away from "no leasing" apparently failed, though it brought the percentage of comments opposing leasing down from 98 percent to 90 percent.

The comments came primarily in the form of signatures on petitions (1,236), form letters (324) and individual letters (1,459).

Some of the opinions could not be classified — primarily the one percent from government agencies that commented but took no position on the seven alternatives considered in the draft EIS. While 90 percent of the respondents opposed any leasing, 8.6 percent favored leasing some or all of the wilderness, and 0.4 percent favored deferring leasing but allowing geophysical exploration and limited drilling in areas with high oil and gas prospects.



Colorado River valley on the Western Slope

Slurry line may lower salinity levels

A coal slurry pipeline plan being developed by W.R. Grace & Company of Denver would help the federal government meet salinity standards set for the Colorado River, according to the company's manager for environmental affairs, Cass Legal.

Grace plans a pipeline to transport coal from its mines near Craig in northwestern Colorado to Long Beach, California using saline water from the Colorado River system.

Fresh water would carry the coal from Craig to a point on the Colorado near Rifle. There the fresh water would flow into the Colorado and be exchanged for saline spring water from tributaries to the Colorado. The saline water would transport the coal slurry the remainder of the way to California, where the salt water would flow into the ocean.

Legal could not specify how much water the pipeline would use. W.R. Grace owns water rights to 12,000 acre-feet of fresh water from the Yampa River. The company hopes to exchange these for rights to use saline water from various springs in the Glenwood Springs area of western Colorado.

According to J.F. Rinckel, projects manager for the Bureau of Reclamation's Grand Junction office, the BuRec must determine the amount of saline water available for the pipeline.

Though Legal foresees no problem in gaining permission to use the saline spring water, Rinckel said the pipeline is

only "one of many alternatives" under study to desalinate the springs.

W.R. Grace's plan would remove 250,000 tons of salt per year from the Colorado River, according to Legal, or about 10 percent of the amount necessary to meet requirements of a 1972 law setting salinity standards for Colorado River water.

The company hopes to have construction of the 30- to 36-inch diameter pipeline underway by 1983 or 1984. Ten to 15 million tons of coal slurry would be transported per year, for export to countries such as Japan and Taiwan.

—Susan Tweit

AMAX's moly mine favored

Three years after research was begun, U.S. Forest Service officials have completed the draft environmental impact statement for the proposed AMAX Inc., molybdenum mine on Mount Emmons west of Crested Butte, Colorado.

Having reduced the mountain of controversy over the molybdenum project to a single document no higher than a mole hill will at least give warring parties "something to focus on," said Jim Simonson, Mount Emmons project leader.

The controversial proposed mine was strongly opposed by most citizens of Crested Butte. Construction of the mine was to begin this spring, but AMAX said the slump in the molybdenum market forced them to delay their plans at least two years. Crested Butte citizens and environmental groups felt their vocal opposition to the mine was a significant factor in the decision to delay the mine.

The draft EIS specifies seven alternatives for how the AMAX mine could be developed with the most economic benefit and the least environmental damage. One alternative is that the mine not be developed at all — the choice of Crested Butte residents.

It is not, however, the alternative supported by officials of the Gunnison National Forest, where the mining would take place. "It is important to note that AMAX has the right to develop that mine," Simonson said, referring to the company's long-standing legal patent. "The Forest Service can't say 'no,' only 'how.'"

The "how" is the substance of the other six alternatives. Chief among them are some favored by AMAX and one favored by the Forest Service. They are similar in that they project 20,000 tons of ore a day for 30 years will be extracted from the mountain. The alternatives differ in their mitigation measures, power supply sources, and Forest Service land exchange arrangements proposed.

Half of the EIS is devoted to specific impacts and mitigations for each mining alternative. Temporary suspended sediment in the Crested Butte water supply, acid seepage from the mine after its closure, and possible interference with a herd of 160 elk are a few of the impacts noted.

Wetlands would be affected by any mining done, the report said. One place where this could be a problem is the Mount Emmons Iron Bog, which supports the round-leaf sundew plant. The plant is not on the rare and endangered species list, but its "only known occurrence in Colorado is in the Iron Bog," the report states.

The bog is fed by acidic, metal-rich spring water that passes through the bedrock of Mount Emmons. Mining the ore will occasionally disrupt the flow of groundwater, according to the draft. The EIS asserts, however, that "no threatened or endangered plant or wildlife species will be affected by any of the seven alternatives."

In summary, the draft concludes that mining benefits would include "an increase in the local tax base, increased employment, payment of Colorado severance taxes totaling \$23.25 million, and exports to foreign countries."

—Dyan Zaslowsky



Sen. John Melcher

Melcher's Mont. wilds bill unveiled

Sen. John Melcher (D-Mont.) surprised his Montana Senate colleague and angered wilderness advocates in the state last week when he introduced three wilderness-related bills that would add about 200,000 acres of designated wilderness to the state's wilderness trove and release over twice as much from wilderness consideration.

Chief among the bills was legislation entitled the "Lee Metcalf Wilderness and Management System Act," named after the deceased Montana senator and conservationist, which would make offi-

cial wilderness of 125,500 acres of the Taylor-Hilgard wilderness study area in southwest Montana's Madison Range. The remainder of Taylor-Hilgard and other roadless Forest Service acreage in the vicinity totalling 200,000 acres would be released as non-wilderness. The Monument Mountain area to the east, about 72,000 acres, would be released as non-wilderness but managed to protect wildlife. The 70,000 acre Spanish Peaks Primitive Area to the north would be part of the Metcalf wilderness.

The Melcher bill was called "a slap in the face" by the Wilderness Society's Northern Rockies representative Bill Cunningham and "an insult to the memory of Lee Metcalf." And a spokesman for Sen. Max Baucus (D-Mont.) said the state's junior senator was "disappointed" that Melcher had failed to reach a delegation consensus before introducing the bill. Baucus is believed to favor more wilderness than Melcher.

The proposal fell far short of the Lee Metcalf wilderness proposed in 1980 by the Madison-Gallatin Alliance, which wanted to set aside 560,000 acres between the Madison and Gallatin Rivers. A U.S. Forest Service proposal offered in 1980 would have created 157,826 acres of wilderness, still more than Melcher proposes.

Melcher's bill would also deny wilderness status to the Mount Henry wilderness study area in northwest Montana, and the Tongue River Breaks in southeastern Montana.

Cunningham called Melcher's main bill "everything but the kitchen sink" because it included a number of unrelated provisions. It would open to vehicles a now-closed road in the U.L. Bend Wilderness, located on the Missouri River north of the Fort Peck Reservoir. It would drop about 50 acres from the Absaroka-Beartooth Wilderness Area, located along the state's southern border next to Yellowstone National Park, so that private inholdings could be opened for residential development. And it would swap Burlington Northern Company land in the Jack Creek drainage near Spanish Peaks for more accessible Forest Service lands.

The legislation appeared to have the support of Montana Reps. Pat Williams (D) and Ron Marlenee (R).

Melcher's two other bills also dealt

(continued on next page)

BARBED WIRE

The kind of people your mother warned you about. Robert Bowen, an organizer for the National Democratic Policy Committee — no relation to the Democratic Party — is proposing a \$200 billion ditch to carry water from Alaska along the length of the Rockies to Mexico. Bowen said the Rocky Mountain region can have ten times its current population and "hardly notice it." By way of parenthesis, Bowen also said that Democrats are "pot-smoking, faggot liberals."

Speak softly, but carry a big pipe. Michael Dee, a Cheyenne, Wyo., man who is running for the Democratic nomination for the U.S. House of Representatives, told an aide to Gov. Ed Herschler (D) that, if legislation banning drug paraphernalia passed the state legislature, "I'll deliver a bong to the governor." The aide thought the man said "bomb" and dispatched two U.S. Treasury agents to check him out.

Bunny ice hockey is okay, though. An Idaho judge said that he won't stop the infamous Rexford, Idaho "rabbit drives," in which Idaho farmers club jackrabbits to death. He did, however, prohibit "bunny baseball," in which the drive participants threw the rabbits up in the air and hit them with baseball bats.

Yeah, but the birds are calling it the Year of the Bald Interior Secretary. President Ronald Reagan has declared 1982 the Year of the Bald Eagle.

So make him secretary of commerce. Interior Secretary James Watt, in order to divert criticism, is telling audiences that his basic policy aims are to create jobs and stimulate the economy, according to the *Wall Street Journal*.

Keep your pupfish out of my hot tub. The endangered species list was shortened by one recently when an extensive search by the U.S. Fish and Wildlife Service revealed the Tecopa pupfish was extinct. The one and one-half inch fish was last seen in two California hot springs...before the springs were rechanneled during construction of bathhouses at the hot springs.

Let's hope the voters forget him, too. Wyoming Republican state Senator Eddie Moore, after disclosing that he had a financial interest in a lamb processing plant that would be funded by a bill he was sponsoring, said he forgot to declare a conflict of interest when the bill came up for a vote. So, he voted, "Aye." Said Moore, "I guess I'm just absent-minded," as the bill passed easily.

WESTERN ROUNDUP

(continued from previous page)

with controversial areas of roadless public lands.

The first bill would mandate legislatively a decision made recently by the U.S. Forest Service to manage the Elkhorn wilderness study area as a "wildlife management unit." The Elkhorn Mountains unit is considered a precedent-setting attempt to manage public land for wildlife and watershed preservation without restricting it as much as designated wilderness (HCN, 1/8/82).

The second bill would give the West Pioneer wilderness study area similar status — designating it non-wilderness but giving wildlife, watershed and recreation priority in management. Conservationists have pushed the 148,000-acre West Pioneer study area as part of a Big Hole drainage wilderness area.



Watt lifts wild bans

Even while he was postponing decisions on wilderness oil and gas leasing until the end of the year, Interior Secretary James Watt last month revoked his earlier withdrawal from leasing of Montana's Bob Marshall, Scapegoat and Great Bear Wilderness areas.

Watt withdrew the three wilderness areas in northwestern Montana in June, 1981, after the House Interior Committee exercised a provision in the Federal Land Policy and Management Act empowering the committee or its Senate counterpart to force the interior secretary to withdraw federal lands from leasing if an "emergency" existed. Watt issued the withdrawal, but in a letter to the committee questioned the constitutionality of the committee's action.

The withdrawal was immediately challenged in the federal district court in Billings, Montana, by the Pacific Legal Foundation and the Mountain States Legal Foundation, which Watt headed before moving to Interior.

Judge William Jameson ruled in December that the committee acted properly, but interpreted the law as giving the interior secretary, rather than the committee, the power to set the "scope and duration" of the emergency withdrawal. The committee's withdrawal order was set to run until December 31, 1983, at which time a Wilderness Act prohibition against leasing would come into effect.

On January 27, Watt asked Jameson to reconsider — he argued in a motion that the interior secretary could not determine the "scope and duration" of an emergency he did not think existed in the first place. Jameson has not yet ruled on the motion.

Bill Cunningham, Northern Rockies representative of the Wilderness Society, told United Press International that Watt himself was "the grounds for the emergency," because of his pro-development stance and actions.



Castle Peak, White Cloud range

Idaho moly mines decried

Molybdenum mines seem to be expanding all over the western United States despite a present slump in the market. Cypress Mines is developing a new \$300 million open pit mine in central Idaho. Anaconda has decided to mine and market moly from its new \$200 million facility at Tonopah, Nevada. AMAX continues to invest large amounts of capital in Colorado molybdenum.

ASARCO, Inc. risked public outcry recently in an effort to explore moly claims in the White Cloud mountains of Idaho. The Idaho Conservation League began a petition drive opposing any major mine in the White Clouds. The petition cited the "tremendous adverse impact on wildlife, aesthetics, and recreation" that such a development would have. Idaho Gov. John Evans signed the petition.

ASARCO responded with an announcement that no development was planned. The company did not, however, rule out future exploration. The company must always keep an eye out for future prospects, ASARCO public relations director Dan Noyes explained.

Molybdenum miners have from the beginning taken a long-term view of their markets, explains AMAX public relations director Bernie Henderson. They have always relied on research and development to help make massive moly investments profitable.

Henderson offers AMAX's own history as an example.

Virtually no market existed for moly before World War I, he said. AMAX started to mine the element when it was needed for war armaments. But when the war was over, there appeared to be few other markets for molybdenum.

The company established a research lab to discover uses for molybdenum.

Moly makes steel stronger. It makes auto and machinery parts last longer. As a steel alloy, molybdenum is now used in everything from missiles to oil drills to backpacks and forks.

It was also discovered that moly had a high resistance to corrosion. It is a crucial part of stainless and tool steels.

With this connection between the steel industry and molybdenum mining, it is easy to understand why the moly market is now in a slump. The steel industry is suffering in the present recession, and so is moly.

Cypress Mines is anticipating the end of the recession. "We anticipate that the demand (for molybdenum) will increase," said Bruce Wright, project coordinator for the Thompson Creek project near Challis in central Idaho. The new moly mine will not be in production until late 1983 or early 1984, he said. By that time, Cypress (a subsidiary

of Amoco) believes the economy and moly market will be on an upswing.

Moly miners are also counting on national defense to improve their future.

The United States will be spending billions of dollars on defense during the next several years. The entire moly industry stands to profit as a result of that spending.

There are other possibilities for moly. It is widely known that molybdenum is a good lubricant and sealant. That may be a big market for moly in the future, predicts Henderson at AMAX.

Molybdenum is also used as a catalyst with cobalt to remove sulfur from fuels. As the nation is pressed by the energy crisis to use more high sulfur fuels, moly may be called into service to improve air quality.

According to recent research at Stanford University in California, moly may eventually substitute for some rare strategic metals which are at this time unavailable in this country.

Stanford engineers and scientists are researching the potential use of moly as a catalyst in place of scarce metals. If moly could be used instead of platinum, for example, the United States would not have to rely on the Soviet Union or South Africa which now control 84 percent of the world's platinum supply.

— Jeanette Germain

Wyo. wilds bill to ban oil and gas

The three-man Wyoming congressional delegation announced yesterday legislation to expand the Wyoming wilderness system and block oil and gas leasing or exploratory drilling on wilderness lands throughout the state.

The bill withdraws all congressionally-designated wilderness, including the areas in the new bill, from federal mining and mineral leasing laws, subject to valid existing rights. Exploratory drilling, leasing and the development of oil and gas are prohibited.

The bill provides for an ongoing inventory of mineral potential in the various Wyoming wilderness lands by the U.S. Geological Survey and the Bureau of Mines. A spokesperson for Sen. Malcolm Wallop (R) said a "significant amount of data" had already been gathered.

The evaluation of minerals is required under the Wilderness Act of 1964; however, oil and gas exploratory drilling would not be allowed.

The bill would add nearly 500,000 acres of wilderness to over 2 million already designated in Wyoming. It would release for management as non-wilderness 3.6 million acres, bringing the total of U.S. Forest Service lands in Wyoming managed under multiple use to about 6.6 million acres.

The bill would create a 157,000-acre Cloud Peak Wilderness in the Bighorn Mountains; an 81,820-acre Popo Agie Wilderness in the Shoshone National Forest; a Gros Ventre Wilderness of 228,547 acres in northwest Wyoming; and an addition to the Washakie Wilderness of 11,100 acres from the DuNoir Special Management Unit.

Although part of the DuNoir Special Management Unit would be added to the Washakie, 17,700 acres would be released as non-wilderness. The bill would release 500,000 acres of RARE II (Roadless Area Review and Evaluation) lands recommended for wilderness by the Carter Administration.

Courts take major water rights tests

The booming West Texas town of El Paso is eyeing the abundant groundwater resources of its more sparsely settled, yet agriculturally prosperous neighbor in southern New Mexico. In another case, the state of Nebraska is arguing before the Supreme Court for the legitimacy of its state water laws limiting the export of groundwater to neighboring Colorado.

In both cases, those who want the water are charging that state laws regulating the resource are an unconstitutional interference with interstate commerce. On the other side, Nebraska and New Mexico argue that water is not an article of commerce, and as in most Western states, water is held as a public trust for the people.

While the suit in New Mexico conceivably could affect more people and more water, most observers agree that the Supreme Court decision of November 1981 to hear *Sporhase vs. Nebraska* will test the applicability of the commerce clause of the Constitution to the exportation of water. In fact, spurred by concerns over the implications of an unfavorable decision in that case, Western states from California to Missouri are contemplating filing *amicus curiae* (friend of the court) briefs supporting the Nebraska law.

At issue is an injunction handed down by a district court in Nebraska which was later upheld by the state Supreme Court prohibiting the Sporhase family from exporting water from a well located on their land in southwest Nebraska across the state line dividing their property to land they own in Colorado. Under Nebraska law, anyone wishing to export groundwater must first obtain a permit from the Department of Water Resources which must certify the water use is reasonable and beneficial and that the state into which the water is being exported agrees to allow its water into Nebraska.

Even if the Supreme Court decides that water is not an article of commerce, said Nebraska Assistant Attorney General Roderic Anderson, Congress has the power to exempt water from the commerce clause, and it has in fact done so by deferring water matters to the states and by its treatment of interstate water compacts. Anderson stated that the Nebraska law promotes the public interest "without an unreasonable burden on interstate commerce."

A Supreme Court decision to the contrary would "take away the state's traditional power over groundwater" and "negate all the planning and policy determinations over which the states have agonized over the years," he added.

The breakdown of the states' traditional right to manage water resources is the major concern in the El Paso vs. Reynolds case, as well. The city of El Paso, the fifth fastest growing municipality in America, has filed suit in federal District Court seeking permission to drill more than 320 wells in neighboring New Mexico's agriculturally prosperous Dona Ana and Otero counties. Located not more than 20 miles to the south, El Paso contends it needs access to the more than 66 billion acre-feet of groundwater underlying the two New Mexico counties to meet the growing water demands of the future. El Paso claims New Mexico's law barring the export of groundwater is an unconstitutional interference in interstate commerce.

New Mexico counters that it is exercising its sovereign right in controlling the export of the water and that this exercise of authority is not limited by the law barring interference in interstate commerce. Moreover, New Mexico contends that pumping the two

aquifers will eventually deplete the flow of the Rio Grande River necessitating a reordering of the Rio Grande Compact through which the river's water is apportioned to Colorado, Texas and New Mexico. New Mexico also claims that by the year 2020 it will face a water shortage.

Western representatives, fearful of a successful El Paso suit, are afraid of raids on their water resources by other states each time a municipal or industrial need arises. Once the states lose control over their groundwater, a western states analyst said, the resource will be up for the highest bidder, and agricultural uses would surely lose out to energy.

While post-trial briefings will be filed with the judge in New Mexico throughout the early spring, a ruling in that case is not expected until after the Supreme Court hands down its decision on *Sporhase vs. Nebraska*, anticipated sometime this spring.

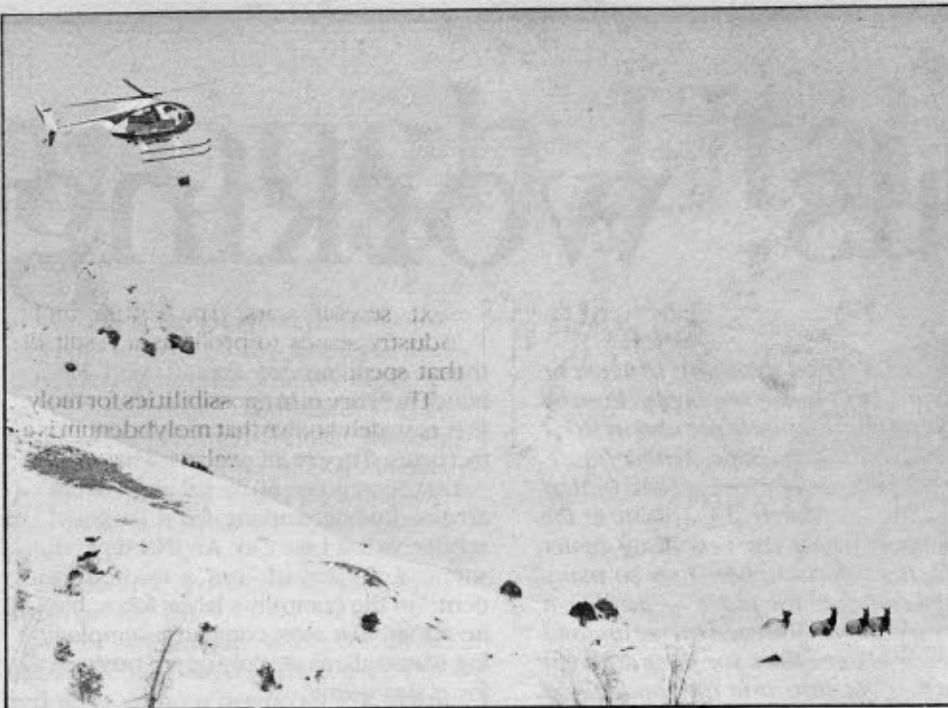
— V.M. Kahn

Idaho feeds starving wildlife

For the first time in its history the Idaho Fish and Game Department is appealing to the public for assistance to help big game animals survive a severe winter.

Idaho Governor John Evans (D) joined Fish and Game Director Jerry Conley last week in requesting \$100,000 worth of food, labor and cash donations from the public. In addition, Fish and Game received permission from the state legislature to spend \$100,000 of its budget on the emergency feeding program. Starving herds of elk, antelope and deer are roaming southern Idaho in search of food after below freezing temperatures made it difficult for wildlife to break through crusty snowdrifts in search of small plants and shrubs.

Fish and Game officials do not know how many animals have starved, but a number of dead fawns have been



reported along the Salmon River in central Idaho. The harsh winter also poses a threat to fawns to be born in the spring. Fish and Game spokesman Hugh Wilson said. "With female animals, if they lose body fat to too large an extent this winter, when it comes time to bear fawns in the spring, the fawns will be in poor condition," he said.

The Department has spent \$60,000 to date to feed hay and pellets to 7200 deer, 2050 elk and 200 antelope in various places in southern Idaho.

Pellets, which contain alfalfa meal, whole corn and other grains, cost \$170 per ton. The largest amount, about five tons a week, is being delivered to the south central area near Snowville, Utah to feed about 1,300 deer, Wilson said. Delivery costs have been high because workers had to make several helicopter trips after avalanches made some roads impassable.

The Department received several offers of assistance even before they made a public appeal. Residents in the Twin Falls area have donated more than 50 tons of hay and \$3,000 worth of pellets. The Idaho National Guard also became involved when Fish and Game Department workers sought assistance in flying 18 tons of hay to 550 elk along the south fork of the Boise River.

— Ellen Marks

To aid or not to aid synfuels

A bill recently introduced to abolish the Synthetic Fuels Corporation could block plans to build one coal gasification plant and one coal liquefaction plant in Wyoming and an oil shale project in Utah.

The bill was introduced by Rep. Hank Brown (R-Colo.) with the support of a 19-member bipartisan coalition which includes Rep. Pat Schroeder (D-Colo.).

The SFC was created in 1980 under the Energy Security Act to provide federal loan and price guarantees to companies investing in synfuel operations. A total of \$88 billion was authorized for the SFC until 1992, when synfuels are projected to produce 2 million barrels of fuel per day, said Joel Kassiday, press and legislative assistant to Brown. The 1980 Congress appropriated \$12.2 billion of \$88 billion, \$6 billion for 1980, the remainder to become available in June this year.

By abolishing the program, the \$12.2 billion would be saved, said Kassiday, because very little of the money has been used to date. "Rep. Brown doesn't feel during these times of massive budget cuts, that corporation welfare can be justified for major companies," Kassiday said. He said Brown believes synfuels will be developed anyway, without the government guarantees.

Kassiday said two oil shale projects in Colorado which received federal guarantees under the Defense Production Act, an interim Department of Energy program designed to get things rolling before the approval of the SFC, would not be affected by the bill.

There are presently 11 projects under consideration for loan and price guarantees from the SFC — three are in the Rocky Mountain region.

Paraho Development Corporation of Grand Junction, Colorado is planning an oil shale project in Uintah County, Utah. Harry Pforzheimer III, director of corporate and public affairs, said the chance of the bill being passed is "non-existent." He said the SFC has strong bipartisan congressional support and support of the current administration.

Pforzheimer pointed to the executive order issued in mid-February declaring the SFC operational and appropriating an additional \$2.5 billion to its budget as proof the program has support.

However, he said, Paraho is looking at "fall-back positions" in case the federal guarantees do not come through. If the bill should pass, the oil shale project would be drastically reduced, he said, but it would not cease.

Panhandle Eastern Company of Houston, Texas plans a coal gasification plant near Douglas, Wyoming. Fred Ebdon, manager of public relations, said they must have "the loan guarantees from the government and price supports and two or three partners" to make a go of their proposed plant. Otherwise, Ebdon said, they will have to keep the project on the shelf.

He said they have been working toward development of the plant since the early 1970s, but have slowed drastically in the last year due to disorganization at the SFC and market conditions.

HOTLINE

FERTILIZER STINK

A slurry line to carry fertilizer from Rock Springs, Wyoming west has aroused local opposition, despite the endorsement of Wyoming Gov. Ed Herschler (D). Chevron Chemical Company plans to locate a fertilizer processing plant south of the town, which will use by-products from natural gas processed from the drill sites along the Overthrust Belt to make fertilizer. Opposition was voiced at a zoning hearing in Green River by a rancher, a nun and a Rock Springs resident, who expressed fears not of the slurry but of the plant itself and possible air and water pollution.

FLATHEAD STUDY REVIVED

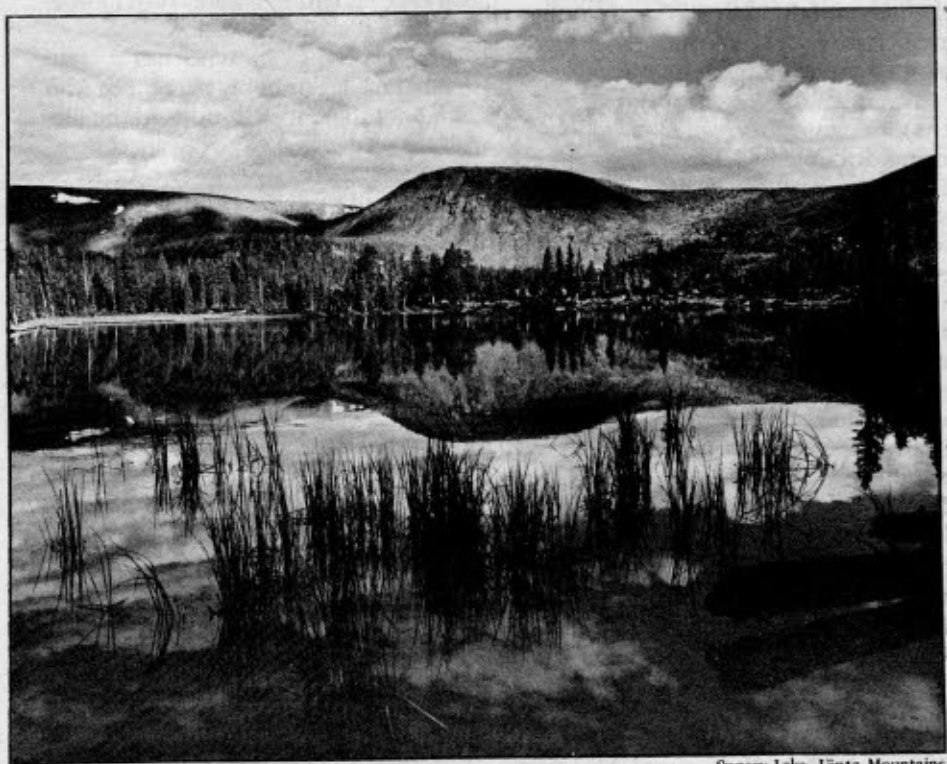
A plan to cut last year's funding of a five-year \$2.5 million federal study of environmental impacts in Montana's Flathead Basin is on hold at the Environmental Protection Agency following a protest by Sen. Max Baucus (D-Mont.). The EPA planned to cut \$80,000 from this year's \$410,000 funding — a move that would cut grizzly research out of the Flathead study. Supporters of the study say it is essential to provide data for future protection of the North Fork of the Flathead River along the western edge of Glacier National Park, especially in light of recently revived plans for a coal strip mine just across the border in Canada.

MANAGEMENT PLAN PULLED

A 50-year management plan for public forest lands in Montana, Idaho, the Dakotas and Washington was rescinded last week by U.S. Forest Service Chief Max Peterson. Peterson had approved the plan in December, but complaints came from timber interests — who felt the plan was too restrictive on timber harvesting — and conservationists — who wanted the plan to include wilderness and recreation as well as logging and mineral development. Peterson's review of the plan is expected to take until next July or August, and officials at the region's Missoula, Montana, headquarters have reverted to management techniques used before the plan was written.

WILDLIFE FUND REJECTED

The Wyoming wildlife trust fund bill, which would have taken interest from the state's permanent mineral trust fund for the financially ailing Wyoming Game and Fish Department, was defeated in both legislative houses. The bill, which needed two-thirds majority to be considered during the 20 day budget session, was defeated by two votes in the Senate and by a vote of 28-32 in the House. Game and Fish said they will cut back several programs unless they receive funds from other sources besides license sales.



Swasey Lake, Uinta Mountains

NO LEASING IN UINTAS

The U.S. Forest Service has recommended no oil and gas leasing on 173,000 acres of a 600,000 acre planning area in the High Uintas mountains of the Wasatch National Forest in Utah, including the 38,000 acres of the High Uintas Wilderness Area. The Bureau of Land Management will consider both the USFS recommendations and applications for leasing on 134,000 of the acres. BLM has the final decision on leasing, but has traditionally followed USFS recommendations. The Forest Service also recommended limited leasing on

another 175,000 acres except where oil and gas potential is high. The remaining 252,000 acres were recommended for leasing.

PAONIAN HERALD CLOSES

The *Paonian Herald*, one of the two newspapers in the small western Colorado town of Paonia, has ceased publication. John and Linda Ponce, who were owners and publishers of the feisty paper (*HCN*, 11/27/81), told the *Gunnison Country Times*, "It got to be too much of a grind."

Illegals: working their

by Margaret St. Claire

So while I was helping Mr. Abeline, I received a letter and only one letter from my half-brother in all those years. His name, Felipe. Telling me come home and see if you can go to the United States. Here a lot of people is on their way already and some are sending lot of dollars.

— from the journal of a Mexican undocumented worker in Utah

There are between three and six million illegal aliens in the United States and their numbers continue to grow by one-quarter to one half million each year, according to U.S. Attorney General William French Smith. Congress is presently considering a package of legislation that would substantially curtail the illegal immigration. A bill that would impose civil fines on employers who knowingly hire illegals is the anchor of the legislation. Also being considered are proposals that would grant illegals amnesty after 10 years and one that provides for a two-year experimental program to admit 50,000 Mexican workers annually for jobs in fields where there is a shortage of domestic workers. Sen. Alan Simpson (R-Wyo.) is also proposing a national identification system, perhaps using social security cards.

The proposed legislation is met with skepticism in Utah. Both employers of undocumented workers and federal officials think it would be unenforceable. They also said its legality is questionable from a civil rights standpoint.

One farmer said, "We don't ask too many questions (when hiring). In fact, I don't think we should have to. This is a free country and I don't think we want to have to carry a card to prove we're a citizen."

The agent in charge for the Immigration and Naturalization Service in Utah, Gerald Fasbender said, "If the law passes, all we're going to do is increase the revenue for the smugglers (of aliens), because they will make money printing documents."

There are between 5,000 and 6,000 illegal aliens in Utah at any one time, according to Fasbender. Traditionally they have provided the backbone of Utah agricultural work. Utah is not on the main path of resident migrant workers, which goes through the Pacific coastal states, so the farmers rely on the illegals. However, they do not work without controversy and sometimes there is downright hostility. The lines are clearly drawn with employers on one side and labor unions and the INS on the other. Charges and countercharges are battled back and forth like a tennis ball.

A farmer: "I had constant grief keeping good labor on my farm before I started hiring illegal aliens."

Fasbender: "They're taking jobs many of our younger people would like to have."

A priest: "I couldn't look on them as being lawbreakers in a criminal sort of way."

Tim Rice of the Utah AFL-CIO: "It makes no sense to import aliens solely for the purpose of undercutting wage and labor standards."

I was worried. Nothing in town or friends could make me happy. Even by looking around made me almost sick. I knew there was no hope, neither future, for me...The next morning I was in Mexico City. On March 23, I went to the Estadium where the recruiting center was. Big surprise when I see so many people all over the place — just like a carnival. Some 300 men in one line and there was three lines for three different states. I got into one line and stayed day and night sleeping with newspapers over my face. Two days and two nights. The third day a guy was offering me a card for \$30. The card was some like a token given by American authorities. Whoever had that kind of card didn't need to be in the line, just go right to the offices. So I told the man, "I got no \$30, but only \$22, if you want." He said okay. I bought the card. So I left Mexico City, March 28, 1944, way to United States.

The undocumented worker — as the illegals are more gently called — is confronted with a multitude of problems in this country. He is a nameless, faceless entity. He lives a furtive, underground existence, never certain when he will be arrested and sent back to his home country. He's afraid to complain about pay or working conditions. All it takes is a disgruntled fellow worker and he will be turned in and deported.

Some employers turn workers in. They do it if the worker is a trouble maker. Sometimes they simply don't want to pay them. Because there is a never-ending supply of workers, the feeling, for some, is that the alien worker is expendable.

However, some illegals find a good situation and remain loyal for years. The diary quoted in this article was written by a man who has worked for the same Utah family for over 20 years. During that time his family, a wife and 12 children, have remained Mexico.

In Utah, a priest, who has a large number of illegals in his parish, but who asked not to be identified, said the illegals do seem to find the cheapest housing available and usually two or three families will share accommodations. Despite this he believes the living conditions are much better than what they left: "Ten times better."

Immigration officials said most of Utah's aliens are from Mexico and Central America. Traditionally and obviously they have been farm workers. It is seasonal work and they are available to fill the gaps.

A Utah farmer said, "If a farmer had 25 workers at peak and nine on January first, and if they were all American citizens, he would be required to take care of them through the winter. That is one of the main reasons farmers seek out Mexican nationals. In addition, they (the aliens) still like to work with their hands and still do a better job at menial tasks than any segment of our society."

A new phenomenon has occurred in recent years, however. Many aliens are opting to stay permanently in this country because it has become too risky and too expensive to go back and forth.

They are bringing their families and finding year-round employment.

They are finding jobs in cities and in many different lines of work. "We find

them in all service areas," said Fasbender. "They're in the hotels, they're in the restaurants, they're working in the factories. They're all over the place."

Last September, 30 illegal aliens were arrested while working for a janitorial service in Salt Lake City. An INS supervisor said the arrests "put a fairly large dent" in the company's labor force, but he added that most companies employing illegal aliens are only out of business for a short time.

A hotel manager in Nevada said if he didn't hire illegals, he would go out of business.

The priest in Salt Lake City said those who live in his parish are employed in all kinds of jobs from the menial to the semi-skilled and, he maintained, "They do no harm." In fact, he said, they pay into a system they can't benefit from. Employers make the income tax and social security deductions, but, because the aliens must keep a low profile, they probably won't benefit from the programs they are paying to support.

However, some aliens do have social security cards, some apply for and get unemployment benefits and some are on welfare. Some employers take the required deductions and make the appropriate payments.

One farmer said he adjusts the wages of his illegals. He doesn't take the deductions from their pay, but he houses them and provides transportation, so he pays them a little less than the local workers. However, he also claimed not to know which workers were legal and which weren't. When questioned about his bookkeeping and tax returns, he refused to answer.

Now he drove out of town about three miles and then took a dirt road for a little ways and put me in the car's trunk. Come back to the main highway and step on the gas pedal. I can hear once in a while a very slow down, then again fast. Two or three times I heard the same. After couple hours driving he stop for about 10 minutes, then start again. After few more minutes, he stop again and opened trunk and said, "Quick, come on out and get in front."

When I got in front with him, I start to question him about the slow downs and the stop. He said, "The slow downs was the border patrol. Slow down everybody to see if any brown-faced riders, but they saw me alone. And the stop again, entering India, there was two border patrol. So I did stop and say 'hi' and went to a cafe after some hamburgers."

The aliens from Mexico and South and Central America get into the United States in a variety of ways. Many just walk across the border or swim or wade the Rio Grande River. A large number are brought here by smugglers known as "cayotes."

Fasbender said, "These cayotes are well organized, professional-type organizations." They also make a lot of money. "In places, it's becoming lucrative enough that if organized crime is not involved in it, they soon will be," according to the agent.

The method of smuggling the human contraband is fairly simple. As many workers as possible are crowded into a truck, car trunk or camper and driven across the border. The usual charge is about \$500.00 per person.

One cayote arrested in Utah county a few years ago was fined, but was back in business almost overnight. The farmer just shrugged when he related the story. "It was better when the government let us bring them up legally," he said.

It was legal at one time to bring aliens into the country to work. Under the plan, the laborer would contract with an employer for service for a specified amount of time. He would work and then return home. This eliminated a lot of wage abuse and allowed the employer to provide such things as liability insurance for the workers.

The law in some form still exists, but is so complicated that, according to Fasbender, few use it. He says it requires a labor certification showing there is a shortage of workers and then the employer must comply with all government work regulations.

The farmers blame the demise of the program on the labor unions. The AFL-CIO's Tim Rice said, however, that importing aliens takes jobs from those who need them most — primarily women and minorities.

The young Mexican lounges casually in Pioneer Park. He doesn't appear nervous, but is cautious. He answered questions through an interpreter.

"How did you get across the border?"

"I walked."

"Were you afraid?"

"I have absolutely no fear. There is nothing to fear. If I am caught, I will just go back. Mexico is a beautiful country."

"Why did you come to Salt Lake City?"

"Salt Lake is a place where I can study and perhaps find work, although I have two brothers who are here and they can't find work. Salt Lake is a less dangerous city because it is smaller than Los Angeles or Phoenix."

"How much money did you earn in Mexico?"

"I was a student in Mexico."

"Why can't you get a job?"

"My problem is that I don't speak English. Mexicans who speak English get and keep better jobs."

"Have you worked in the United States?"

"I worked in Nevada on a farm. I made \$450.00 every two weeks harvesting wheat."

The primary argument against hiring aliens is that they take jobs from the U.S. citizen. It's charged, as Rice said, that they undercut wages and labor standards.

But employers disagree. A Utah county truck farmer said: "I hired a man from a local employment agency. He worked half a day, then quit. He told me he could make more money on welfare."

This particular farmer paid \$8.00 a bin — a good worker will pick one to one and a half bins of produce an hour.

A Davis county farmer: "I started hiring illegal aliens strictly by accident. I was in a Mexican restaurant having dinner and the lady who ran the place asked me if I needed help."

"Prior to that time, I had used every source of labor I could find. I had constant grief keeping good labor on my farm. Until I started hiring illegal aliens, I needed to supervise constantly."

This man pays his crew of aliens more than he paid the citizens who worked for him previously. He said the illegals

A farmer asked, "Who likes to be

way through Utah

asked to be paid on a piece work basis and under that arrangement, they do more work.

And from a long-time employer, "The claim by some people, organized labor in particular, that illegal aliens take jobs from U.S. citizens — that's erroneous. The jobs existed when they got here. If those people (citizens) exist, then where are they?"

Even immigration officials agree the aliens are good workers, although they may not agree on the reason. Agent Fasbender said, "Translated that means this fellow will work harder than the locals. That's usually the case. They're good workers. They're hard workers. They're working scared."

Actual figures for the number of unskilled jobs available in the state are difficult to ascertain. According to the Utah Job Service, however, there are about 50,000 positions for kitchen helpers, janitors, hotel/motel cleaners or unskilled laborers. Job Service gets requests to help fill just over 13,000 of them.

Fasbender and three investigators are responsible for controlling immigration in the entire state of Utah and the five western counties of Wyoming. This is an almost impossible jurisdiction, but Fasbender said they know pretty well where aliens are usually working and who employs them. The farmers admit they don't fool the INS. It's like a turkey shoot. They just hope the agents don't hit them.

A farmer asked, "Who likes to be on the outside of the law? I don't. Who likes to go to bed at night and wonder if, when you get up in the morning, you're going to have immigration down there at the bridge ready to come across and wipe you out?"

"Here you sit with 110 tons of cherries and 21 days to get them picked and all of a sudden everybody's gone. They scatter and it takes a lot of days..." He pauses again. "Just like an old hen chicken, you have to go out there and cluck, cluck, cluck hoping they'll all come back."

The farmer said there is a grapevine that operates in his valley, so most of the farmers and workers know when the immigration officials are in the neighborhood. He would not, however, admit that he personally warns his workers.

Every alien is entitled to a deportation hearing, but according to Fasbender, about 99 percent of them waive it. They are kept in jail until enough have been rounded up to make up a bus or plane load. In the summer, Fasbender said it takes two to three days to fill a bus. It's closer to a week in the winter.

They are transported across the border and dropped off. Fasbender says it costs approximately \$135.00 per alien to bus them from Salt Lake City to Mexico.

The process is much like a revolving door, however. Many of the aliens beat the officers back.

Fasbender agrees Immigration's effectiveness is less than perfect. "How well do we function?" he asked. "I would say on a scale of one to ten, my men function about 10. But, how effectively do we do the job? I have to put it down to one because of sheer numbers." He said they are understaffed and underfunded.

"Strictly from an enforcement point, it would be nice to say, okay, if you find them, you determine if they're here illegally," Fasbender continued. "They should be brought before another officer. If he agrees they're illegal, ideally, you'd say, 'You're here illegally. You must return to your own country now.'"

He doesn't know how he would get them to stay there.

There are those who feel there should be no borders between the United States and our neighbors. The priest said, "Historically, this was one big land from end to end and people moved wherever economic conditions required them to move. There were never any borders. Borders have been placed by governments who now want to protect their interests. To me those borders don't matter. It's human lives that matter."

And a long-time employer said, "International boundaries, wherever they exist, always cause problems. To erase the boundaries would solve one of the world's biggest problems."

Whether it would or not is certainly open to speculation. There are some who believe an improving economy in Mexico because of the oil discovery and development will provide more work for the Mexican nationals. Also one observer said farm conditions are improving, particularly in northern Mexico.

What no one can evaluate, however, is the "greener grass" syndrome. A naturalized Greek immigrant in Utah who has worked with illegals said, "They have an idea of America. Is like a dream. They come here to try to break out all those dreams of what they going to be. They think it's more real to make them here."

In one room they told us to stay one on each corner and not to talk. One officer start to question one by one while the other officer had a typewriter in high gear. One of us told the officer, 'Will you please let me out tomorrow? I got four little children in my home.'

The officer said, 'Did you forget about your children when you was heading this way?'

During the 40 days they kept us there, a border patrol used to come and get out to a private room and ask me lot of questions. He did this questions to me for four weeks, twice a week.

He said, 'I have been keeping you for 40 days. Now what you think? You think you are coming again to the United States illegal?'

I said, 'Yes, I am.'

He said, 'If you come back and I get you is going to be six months for you. Do you still come back?'

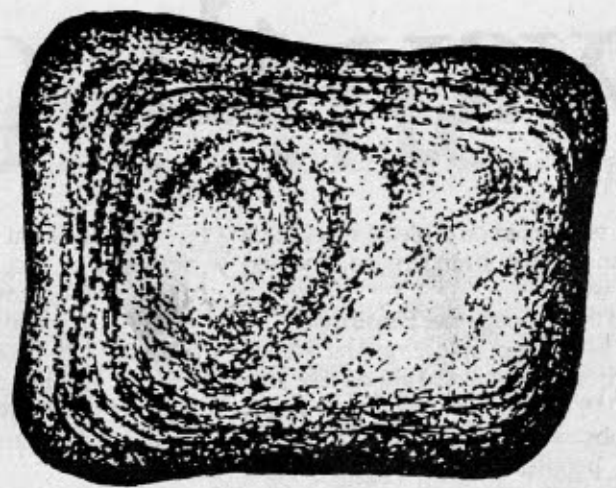
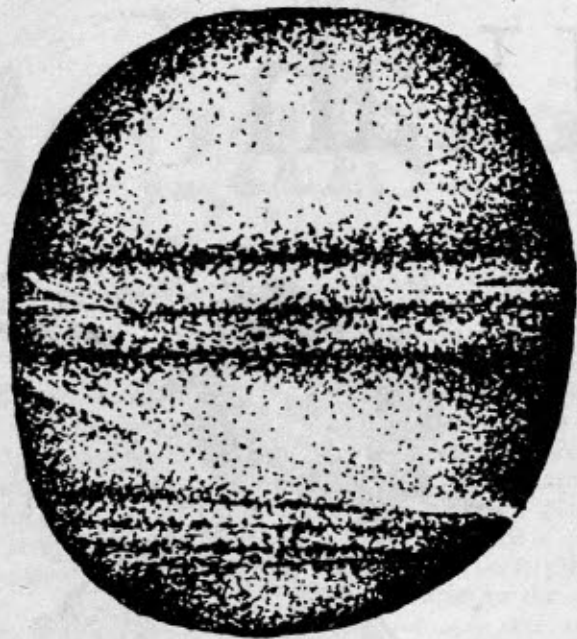
I said, 'Yes. If you get me, I know now about six months. But if you don't get me, I be the winner. I am poor and I got lot of bills to pay and this is the country I can make little extra money to pay my debts.'

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Margaret St. Claire is the news director of KUER-FM in Salt Lake City. Jim Monroe and Scott Carrier assisted in researching this article. It was paid for by the HCN Research Fund.



outside of the law? I don't."



Pieces from a C

Story and drawings by Ellen Ditzler

June 18

All I can think about is the soothing emerald water of a slickrock pool fed by a misty pour-off from a 70-foot high sandstone wall, me in it, neck deep. The orchards at Capitol Reef National Park have made me hallucinate peaches, the deer flies (freeloaders at the visitor center) have sapped my body fluids, the ranger ("He's the one in the knee socks") has taxed my tolerance for Woodsy Owl posters. I beg A. to drive on through this hellish desert heat and get us to the river for a swim. He floors the VW to a bolt-shaking 45 mph.

The road to the Colorado River crossing at Hite is hot, hostile. The canyon walls — tier after tier, stratified and scoured by ancient winds and washes — suggest big water somewhere near. It is so hot, even the ravens' tongues are hanging out. We turn the last bend.

The river is not there.

There is an enormous bowl of sediment borne in water the color of antifreeze slightly diluted with vaseline. Debris dotted with unidentifiable aluminum devices jams every shoreline crevice. Beachfront trailer houses. Inner tube rentals. Boats. Man's arrogant defiance of the "inviolable" arid West. Lake Powell.

I'm dumbstruck. I'm hot. I'm delirious. I'm imagining this place. Above, the sandstone walls, streaked with veils of desert varnish, say this is canyon country paradise. The rest says I'm in a mile-wide basin with the world's largest bathtub ring.

I swim anyway. That is, after all, one of the things the sign with the international symbols for recreational facilities says I can do. It is my inalienable right. Lake Powell is my privilege. But no one ever asked me if I wanted it.

I swim through water that is sometimes thin, then suddenly

thick — what can only be pockets of invisible underwater slime grab at my legs to pull me down to the bottom to share the fate of a thousand discarded spark plugs. My hair floats behind me; it is a forest of pop tops, styrofoam chips, day-glo red salmon eggs and tiny threads of fishing line. I emerge dripping on shore like some strange amphibious creature who has just evolved into a dryland species.

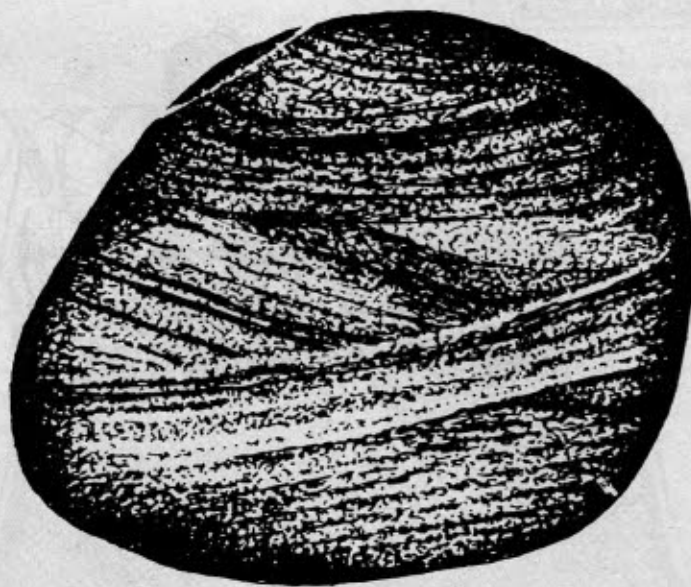


June 20

The first things I see when I open my eyes on the canyon rim in the morning are red dust and a small rabbit. I imagine its fur smells like juniper berries. Its toes are dusted red; so are mine.

Our packs are full and heavy and become difficult to balance as we lower ourselves over the first ledge into the canyon. Just before we descend, I look over the flat, juniper-covered plateau. From this view one would never know that it is cracked with a network of deep-cut, wandering canyons that eventually work themselves, after a thousand loops and bends, to the San Juan and then the Colorado River as it flows out of Canyonlands.

Just below the rim, tucked beneath an overhang of sandstone, are cliff dwelling ruins, a main building, two granaries or storage cists, and a low structure. Rectangular rock slabs are still perfectly in place over the openings of the storage cists. Inside there are tiny corn cobs, about 2-3 inches long. I am stunned. Corn cobs over a thousand years old — here, ancient, the food of a lost people. The cists are made of stones held together by sticks and fibers mixed with mud. There are scratch marks in the adobe, as if when wet it had been brushed with a bristled tool or plant. To the left of the slab door are the imprints of three small fingertips. I place my own fingertips in them; they are larger than those of the cist builder. The main structure is without a roof but the juniper beams are lying in the stone rubble of a fallen wall. Scattered everywhere, like mysterious signatures, are small corn husks, each tied in a single knot.



canyon journal

We climb down ledge after ledge until we reach the canyon floor. From here, looking up, the ruins are hardly distinguishable. So close are they to the spirit of the rock, I could look at them and dozens of others without knowing they are there.

Long before we reach it, the smell of water cuts the smell of dust and rocks until we are heady with it. There actually is not much water in the tiny stream bed along the canyon bottom; what makes the smell strong is the green: willows and horsetail ferns, Gambel oaks and tamarisk.

We make camp where the creek drops 60 feet into a slickrock pool then drops another 50 feet into a second pool. Swallows veer full speed down canyon, drop like bombers off the sluiceway, meet their shadows on the water, then dive down to the next pool. I lie belly-down on the hot sandstone and watch them. Slickrock light bathes me. Above the sluiceway, a hawk perches on a rock, staring down with the look that says it is allowing me to see it.

I would die in one of these slickrock canyons, lie in some crevice of wind, desiccated and finally pulverized into enough soil for a juniper to take grip into. It is an edge place. A place of risk and seduction. Changelessness and fluidity. Rub a piece of sandstone between your fingers and you free tiny grains of sand that were once part of a windswept, shifting dune.



June 24: Negro Bill Canyon

At dawn the canyon is in shadow. We take advantage of the cool to hike upstream several miles before the sun comes out from behind the rims. At times the walls narrow to just enough space for the creek, trail, a few ledges of slickrock and an occasional alcove dense with vegetation. The trail is also a jeep road, but I do not believe it until we turn a corner and see tire

tracks right up the center of the creek. The tracks are not fresh; they have been there for years.

We stop at a large pool, deep and wide enough to be home to a crowd of tea-green crayfish. There is a flat boulder to lie on and riffles where the pool drains off over smooth stones.

The sun comes to our rock in a few minutes and the canyon is transformed. I can almost see the evening primrose wither and close its petals. An owl hoots in the distance and the crayfish seek shade under the rocks on the pool's bottom.

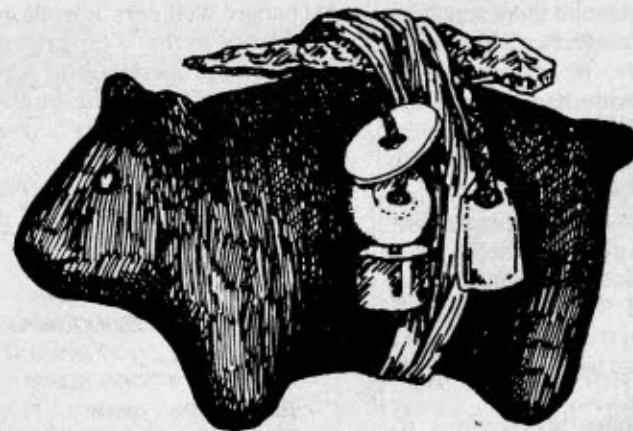
Some have only one claw. In fact, many have only one. At the foot of the sheer, solid sandstone cliffs hundreds of feet high, in a tiny pool, great battles are fought. The larger crayfish, usually with all appendages intact, have distinct black tail markings. I imagine them dominant: large...hungry...female...mutilators of the inferior. They crawl forwards but swim backwards.

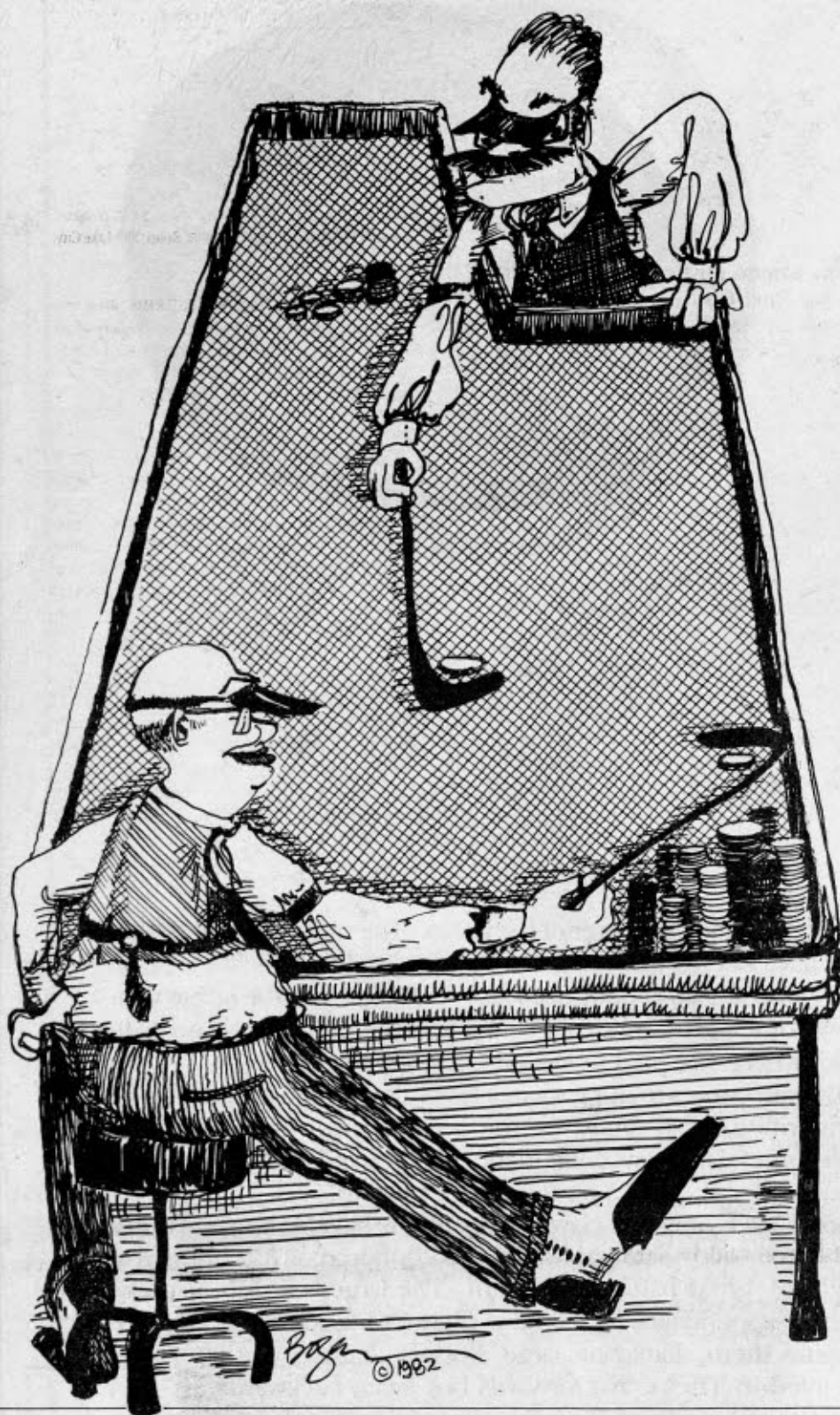
In late afternoon we leave the pool and walk out of the canyon toward the river. We encounter two young boys who are stuffing their mouths with as many sticks of gum as they can fit. The wrappers fly behind them in the faint breeze until they flutter into the creek. They are carrying a cooler — undoubtedly full of crayfish they have just tortured.

The car is nearly camouflaged by its coating of red dust, but the sound of the boat traffic down the Colorado is not. Loudspeakers crackle and we hear a voice describing the canyon from which we have just emerged as a "rugged desert wasteland" (covered with gum wrappers, prehistoric jeep tracks and crayfish appendages). The tour boat passes, we stumble into the car, slam the doors in a cloud of red dust and head for Moab to test the local beer. We hear the Mormons keep it watered down.

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Ellen Ditzler is a writer and artist in Missoula, Montana and a frequent contributor to *High Country News*.





Trying a

by Dan Whipple

In 1932, then Governor of Utah George Dern testified before a commission on public lands about obtaining title to about 225,000 acres of public land owed his state by the federal government — lands granted to Utah, but never turned over, on its admission to the Union in 1896. Gov. Dern told the commission, "We already own millions of acres of this same kind of land, which we can neither sell nor lease and from which we derive no income. Why would we want more of this precious heritage of desert?"

But times have changed. Little did Dern dream that this "precious heritage of desert" would one day be coveted as a treasure-trove of natural resources — oil, natural gas, coal, oil shale, copper and more. Present-day Utah politicians have come to regret earlier generations' less than enthusiastic pursuit of the desert ownership. In fact, Gov. Scott Matheson (D) is now not only asking for the long-delayed 225,000 acres of in-lieu lands, but he is petitioning the federal government for large-scale land exchanges to consolidate Utah's widely dispersed state lands into more manageable blocks. The consolidation plan is known as Project Bold. (Bold is not an acronym, simply a name someone came up with when reviewing the idea — "This is a bold plan.")

Bold got underway in early 1981 when Matheson met with incoming Interior Secretary James Watt to discuss the state's public land policies. The state has about seven million acres of land, scattered in one-square-mile sections among federal lands. Revenues from the property go to support of its public

schools. Over 85 percent of the lands are in isolated 640-acre sections. They have presented constant land management problems. A partial result has been that Utah's public lands provide only about two percent of the state public education budget — in the state with the highest birth rate in the country.

An additional problem has been that congressionally-mandated land withdrawals — national forests, parks, wilderness areas, military reservations, and Indian reservations, for example — have been made without regard to their impact on state lands. The state is an inholder on a number of these areas, but for all practical purposes is unable to manage inholding to produce any revenue.

Matheson explained the problem to Watt and offered his "Bold" solution — trade the scattered state lands for federal lands that are "blocked up."

Watt was enthusiastic about the idea, but told Matheson that such a large swap of the commonwealth exceeded his authority under the Federal Land Policy and Management Act. However, he promised to support the state in gathering the exchange information and seeking approval by Congress.

The purpose of Project Bold, according to a state background paper, "is to improve the land management potential of both state and federal lands, to eliminate unnecessary federal/state conflicts generated by existing ownership patterns and to facilitate the management of state-owned lands by substantially reducing or realigning the scattered state sections and creating new blocks of state lands. A further objective, made possible by refining the existing land ownership patterns, will be to substantially increase the financial return to the permanent School Trust Fund."

Although the goals sound reasonable, the exchange proposal, as finally drawn, drew criticism from nearly every party affected. The first series of public hearings was held last fall.

The largest number of complaints came from county commissioners and the Utah Association of County Governments. They are worried about the loss of federal in-lieu-of-tax revenues. Since a state or county cannot tax the federal government, the feds make payments instead of taxes to counties in which federal lands are located. Some of the counties that would have state lands blocked up within them suggested that the state pick up these payments. Considering the present economic situation, "New Federalism" and "Reaganomics," the states are not sure how much money will be available for established projects, much less new ones.

Ranchers are equally concerned about what will happen under the proposal. Despite a great deal of Sagebrush Rebellion rhetoric, the Bureau of Land Management is not the anathema it once was. Doug Balch, a county commissioner in the rural northeast corner of Utah, said state land officials are oblivious to local conditions. In one instance, the State Land Board terminated portions of several grazing leases when it appeared the state would get a better return on some dryland farming. "What they got was a better percentage of nothing," Balch said. "When you remove the sagebrush, you get up to seven tons of topsoil pouring off the land each year down into Bear Lake. That's a real disregard for our natural resources."

In addition, the state policy for school trust lands is to "insure maximum (financial) return." Ranchers don't

Land trading around the West

When Utah Governor Scott Matheson unveiled Project Bold last spring, he prophesied the Utah initiative might lead the way to more coherent patterns of land management throughout the West. Indeed, state land management problems are familiar fare in the West. A detailed map of the eleven western states would reveal literally thousands of square freckles deeded to the states by federal government for support of the public school systems.

The square freckles can be found everywhere in apparent disregard of property lines: nestled within national parks, tucked away on wilderness ridge lines and secreted inside bombing ranges. Variations of the tale of one freckle in Utah can be heard everywhere. A man obtained some leases on state lands inside Camp Williams, a Utah National Guard training site, in which the leaseholder claimed there was "lots of gold," recounts Richard Dewsnup, Utah Assistant Attorney General. Anxious to proceed with development, the leaseholder petitioned the National Guard for permission to go in with dump trucks and a forklift.

His petition was denied. There might be some unexploded shells that wouldn't take kindly to rough treatment. The moral to western states is that public school trust managers don't always benefit from land that is properly theirs.

While many states are anxious to clear up land management problems, the means and specific goals vary. Most states try to advance piecemeal

exchange and transfer proposals through the Department of Interior, a process that can take years. Some states have simultaneously taken limited proposals to Congress, but so far Utah is the only state to push for a wholesale consolidation of holdings via legislation.

Since Secretary Watt took office last spring, large scale in-lieu selections (totaling 72,000 acres) have been processed in Idaho and Arizona. At a press conference in Jackson, Wyoming last summer, Watt boasted that he had transferred more in-lieu entitlements to states in his brief tenure than the previous administration had during four years.

Still, the West is inundated with land problems that will take generations to clear up. Administrative channels are cumbersome, and it can take years to assess the values involved in even a small exchange. Well over a million acres of state lands in the West are landlocked on federal properties and seven states still hold entitlements to almost exactly a half million acres of in-lieu selections. Including the Idaho and Arizona selections processed before December 1 of last year, those entitlements are:

- Utah, 225,000 acres
- Arizona, 117,000 acres
- California, 108,000 acres
- Montana, 22,900 acres
- Colorado, 17,000 acres
- Idaho, 7,900 acres
- Wyoming, 1,100 acres

A number of local exchange proposals are in Congress. The New Mexico

delegation has introduced sister bills that would permit the state to select Bureau of Land Management lands in exchange for state lands, totaling 400,000 acres, within the White Sands Missile Range. The Senate version of the New Mexico bill would permit the exchange of state inholdings on military reservations everywhere for BLM properties.

Variations on this approach abound in the congressional hoppers, stretching from a new version of the Homestead Act, introduced by an Illinois representative, to wholesale transfers of the public domains to western states.

None of the congressional measures address the concept of consolidating scattered state holdings on a widespread basis. As former BLM Director Frank Gregg writes in a draft report for the Conservation Foundation, "Literally tens of millions of acres of land and billions in resource values could change hands if 'blocking up' were to be pursued seriously in the West."

It is on this note that Utah's Project Bold can set some far-reaching precedents. The governor's pace-setting predictions on Project Bold have yet to materialize. But as Jim Butler, the governor's administrative assistant for policy coordination, says, "There's definitely a real curiosity in neighboring states." In the meantime, neighboring states appear anxious to explore the lubricated administrative machinery that Watt has promised the West.

— Benjamin Read

"Bold" land swap

"Why would we want more of this precious heritage of desert?"

— former Utah Gov. George Dern in 1932

want their grazing permits cut so the state land board can make more money by opening lands for mineral development. Ranchers want to be certain that any transfer of land ownership would guarantee existing grazing rights.

Environmentalists have supported the concept of Bold, but only the concept. Like ranching interests, they are not enchanted with the "maximum return" thrust of the land board. Land Board Chairman Jack Sawyer said, "Our charter says we have to make money. For example, if we spend time and resources developing recreation areas, we're taking money away from the trust, and you can't point to one recreation area anywhere in the country that makes money."

Dick Carter of the Utah Wilderness Association said, "We support the concept of Project Bold because we think it would improve management of the state lands. But when the first proposals came up, it became clear that the state was just going for those federal lands that promise the largest financial return without any other considerations. It looked like a giant land grab, which is just what the governor wanted to avoid."

Gov. Matheson said that he does want to look at different types of uses for the exchange lands but, in the case of the

in-lieu lands, he is going to try to get the most valuable lands available.

There have been a number of small land exchanges around the country with the federal government. However, these exchanges have occurred on an "equal value" basis — lands of roughly the same worth were swapped. Utah is throwing a large wrench into the works by taking the unprecedented position that the federal government should relinquish "values substantially in excess of the current net value of the specific lands that we will offer in exchange," according to Utah's Assistant Attorney General Richard Dewsnap. He argues that, because Utah hasn't been able to derive any revenue from the delayed in-lieu holdings and some of its lands within federal reservations, the state should be compensated for that lost income by receiving values from two to five times the worth of the state lands exchanged.

Dewsnap said, "I would hesitate to propose a third alternative where the values were equal or roughly equal, because it might be too tempting for Congress to opt for the latter alternative. I would like to see the least attractive alternative, so as far as the state of Utah is concerned, be substantially in favor of the state of Utah."

This position has not been accepted

by the federal government. In fact, the U.S. Supreme Court vetoed Utah's choice of in-lieu lands a few years ago when it rejected the state's request for selections of in-lieu lands that contained valuable oil and gas deposits. Additionally, the court said the secretary of interior could deny state selections and selections could be evaluated on a basis of "roughly equivalent value." Hence the state's interest in Congressional, rather than administrative action.

Dewsnap's theory of trade values was denounced by environmentalists. The Wilderness Society called the Utah proposal a "ripoff" of the nation's taxpayers.

In the face of this uproar, Project Bold found itself on the back burner after the fall hearings. Then Matheson appointed Ralph Becker as the new coordinator of the project for the state Department of Natural Resources and Energy in an attempt to revive the dormant proposal. Members of the steering committee that had been guiding the proposal until January, saw the appointment as undermining their authority. One member said, "Let's not mess around. If we're no longer needed, let's admit it, disband and be done with it."

There were a number of sharp exchanges. Finally, a division of responsibilities was agreed upon. Becker said his main duties will consist of writing "issues" papers, distributing them to interested parties and handling public meetings and comments.

Matheson said he hopes to have the first stages of the proposal to the Interior Department by late spring for review before submitting them to Congress. It will probably be 1983 before the package is brought before Congress — a considerable delay from the original target of January 1982.

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Research for this article was contributed by Margaret St. Claire and Benjamin Reed.

Matheson...

(continued from page 16)

really had any response yet. But we have not in any way arrived at a consensus.

At the federal level, we want to review the principles and standards that the secretary is currently revising and make sure that administrative process on water projects is carried out in a very responsible way.

At Utah's level, and concerning the Central Utah Project, we are prepared to examine the state's assisting funding the completion of that project in whatever form we agree to finish it. If we invest Utah dollars in it, we're going to have to see a handsome return on that investment, so that will be an open negotiation. But, the state has committed itself already to the funding of water projects with bonds. The first year I was governor, we went out for \$25 million. Then we got authorization for a second \$25 million. And, we are building small water projects in the state of Utah today. We're very much committed in this state to supporting the development of legitimate and appropriate water projects.

One of the chief goals of the Reagan administration has been to improve state-federal relations. Interior Secretary Watt emphasized this at the Western Governors' Conference in Jackson, Wyoming, last September. However, a number of western governors have complained that the administration has not followed through on this, notably Mon-

tana Gov. Ted Schwinden, who has complained that the Interior Department raised federal coal leasing targets even after a joint state-federal coal team has set lower ones. What has your experience been with the "new" cooperative spirit?

The regional coal teams are an excellent process. They isolate areas, acreages and tonnages in the states. They also give the states a handle on development and production from federal leases.

Watt has changed the process. I would hope that the secretary would put it back in place. It was one of the real successful things the Carter administration did.

Overall, cooperation depends on the cabinet member you're dealing with. Watt has been very cooperative — as was Cecil Andrus. The startling difference has been in the White House. I have had unbelievably easy access to the White House. Whenever I've called the president, he's been very good.

There has been some criticism of the Utah State Wilderness Committee's recommendation for wilderness in Utah, primarily on the deletion of about 100,000 acres from the proposed High Uintahs Wilderness from the total recommended by the RARE II (second Roadless Area Review and Evaluation) process. Do you support the SWC's recommendations?

The State Wilderness Committee has concluded only a portion of the wilder-

ness recommendations. We have gone through the RARE II process. The SWC also went through a lengthy review. I have supported the RARE II recommendation with the exception of the High Uintahs. We haven't yet agreed on any Bureau of Land Management wilderness and I won't until I have more information. I want to put all the wilderness recommendations on the same map of Utah and see how it overlaps with overall public policy. Growth management in the state also depends on wilderness.

Finally, a more general question. What do you want the legacy of your administration to be for the state of Utah?

Growth management is the key to the future. We need development that takes into consideration the cost of public impacts. We need a clear definition of what public education is and ought to be. We also need the financial resource to pay for it and establish new facilities.

We need to establish the federal-state relationship in the fluidity of the new federalism and carve out those services that are best taken over by the states.

I want to finish Project Bold. We've got over four million acres of land we can't manage. It's outrageous. I'm committed to a trust fund to pay for the education of Utah's children. Currently, income from state land provides only two percent of the education budget. Bold is a major public policy to correct that discrepancy. □

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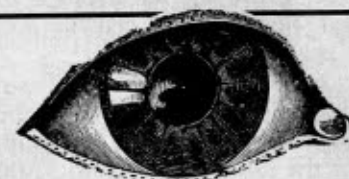
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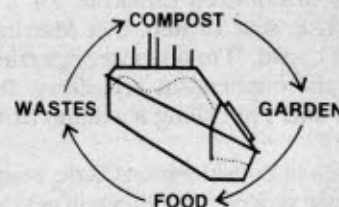


A look at March 5

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Waste dump...

(continued from page 1)

Deep geologic burial is the best waste disposal method, according to the DOE. This involves burying the material 1,000 to 4,000 feet below ground in stable geologic formations. The DOE's criteria call for isolating the material from the biosphere for 10,000 years. The best host rocks for the waste have been narrowed to salt, granite, basalt and tuff.

The agency is currently looking at three potential sites for storage, but may eventually need as many as five, depending upon the growth of the nuclear power industry. The agency wants these to be "regional" repositories to reduce the dangers of accidents in transit and other factors. Critics charge that the regional concept is also politically motivated because no state wants to become the nation's only nuclear dumping ground.

The first two sites will be at Hanford, Washington, in basalt rock, and the Nevada Test Site, in tuff rock. Hanford is already a nuclear waste storage site. The third site will be in a salt deposit, either in the Paradox Basin in Utah near Canyonlands, in the Permian Basin near Amarillo, Texas, or on the Gulf Coast in salt domes in Texas, Louisiana and Mississippi. For a number of reasons, bedded salt — which is the structure of the first two formations — seems to be preferable to domed salt, and either the Paradox or Permian Basin will probably be the repository's eventual home.

In 1983, the DOE will select one of the salt sites for drilling an exploratory shaft into the formation at a cost of about \$50 million.

Bedded salt is a preferred material for a number of reasons. According to DOE experts, many salt beds have remained undisturbed for hundreds of millions of years. Rock salt dissipates heat and, because of natural plasticity, is said to be capable of "self-sealing" any fracture that might develop.

On the negative side, salt is soluble in water and shears easily — cracking and cave-ins are possible.

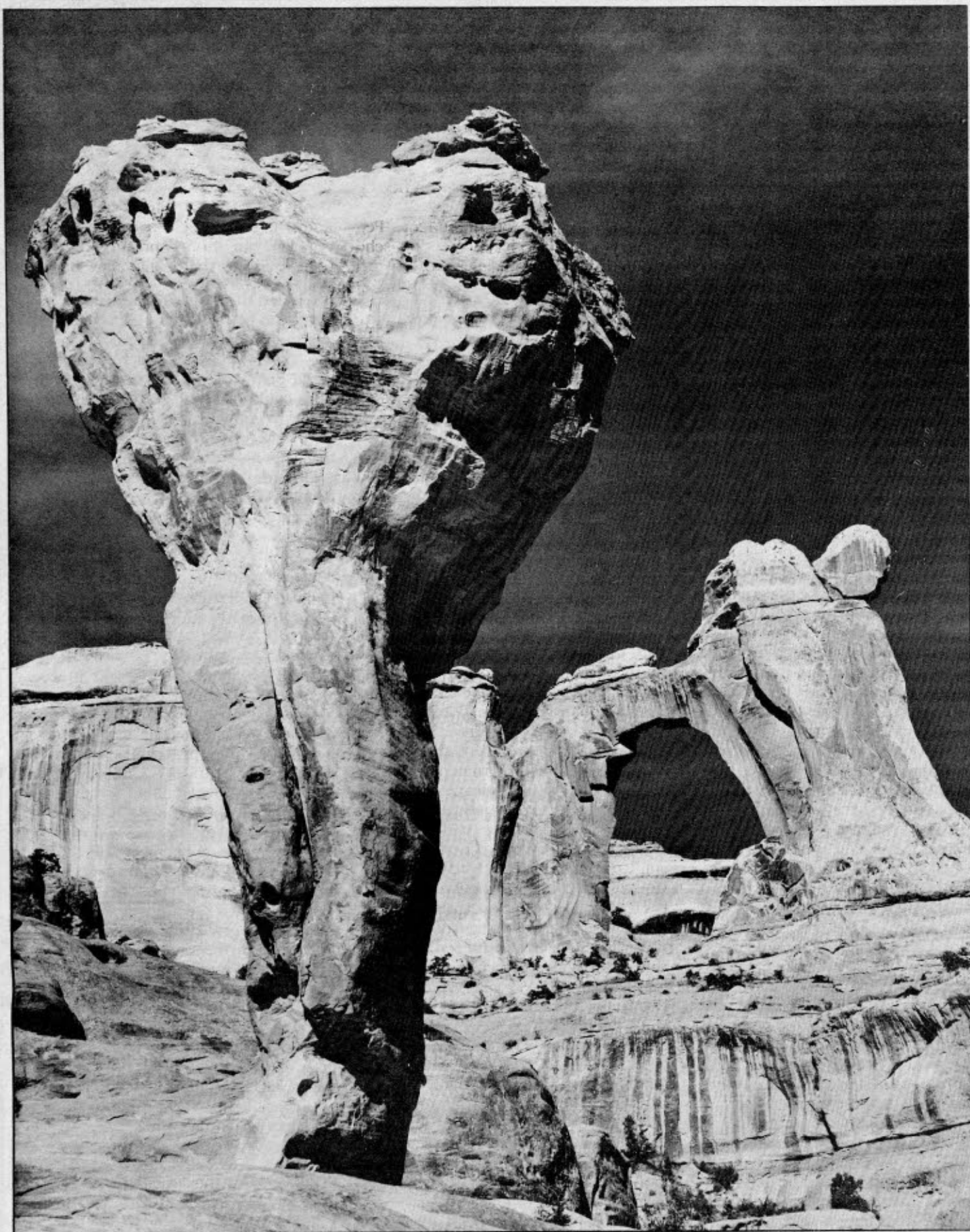
When examining the Paradox Basin salt beds, the DOE first looked at the depth of the salt bed. The optimum depth for the salt bed is 1,000 to 3,500 feet below the surface. Second, the repository requires a thickness of 70 feet or more. Third, to prevent dangerous seismic activity, lands within eight kilometers (about 5 miles) of surface faults were avoided, as were lands within two kilometers of surface projections of faults. Lands within two kilometers of boreholes — for oil, gas, water, etc. — were eliminated. Finally legally dedicated lands — national parks, national monuments, wilderness study areas, Indian lands — were also avoided.

The Paradox Basin comprises about 12,000 square miles, 60 percent of it in Utah, the remainder in Colorado. After studying the area and applying the criteria, the DOE settled on either Lavender or Davis Canyons — a mile and a half from the border of Canyonlands National Park. The DOE apparently did not examine the Colorado areas of the formation.

Most, but not all, Utahns are not pleased at being the target of the study. Frances Farley, a state senator and recently announced candidate for the U.S. House seat of Rep. Dan Marriott (R-Utah), said, "I'm no longer referring to it by the euphemism 'repository.' It's a dump and I'm calling it a dump from now on."

Technical considerations aside, many Utahns are worried that they will get the repository because it would be politically easier to put it in a small state lacking the clout of Texas or Louisiana.

Farley said, "I don't think people here really know how close we are to getting that dump. The DOE is moving very fast and in the direction of least resistance. This is a small state and there are a number of elected people in southern



Molar Rock and Angel Arch Canyonlands National Park, about seven miles from the proposed nuclear waste repository

After studying the area, DOE settled on a potential dump site in Davis or Lavender Canyons — one and a half miles from the border of Canyonlands National Park.

Utah who are very development-oriented. They are anxious to have the waste site for development purposes and jobs."

Dr. D.L. Gibbons, mayor of Blanding, a small town about 40 miles south of the site, said that his community "would welcome a nuclear waste facility in the area." Gibbons said that many area people work in the uranium industry and "do not share the irrational fears of atomic energy many uninformed people of the county shout about."

However, public comment at hearings in the Moab area — the nearest large town to the site — has been overwhelmingly opposed to the repository. In addition, most state politicians appear to be opposed, from the governor on down. However, they are unwilling to come out and say so, for fear of being accused of prejudging the matter before all the evidence is in. In addition, they all recognized that the waste has to go somewhere and most have said that if

the Paradox Basin is really the only suitable site, they will accept it.

Jeff Neff, program manager for the DOE's National Waste Terminal Storage Program Office in Columbus, Ohio, said, "There has not been a decision made to place a repository in Utah, contrary to what people in Utah think. We just don't have the information to make that decision yet."

However, Gary Itzkowitz, field coordinator for the Don't Waste America Campaign of the Nuclear Information and Resource Service in Washington, D.C., said, "The politics are as important as the technical issues. The Reagan administration has taken the position that they don't have a technical problem, just a political problem. So they say, let's solve the political problem. They want to rush along. This is really playing with fire. It's something that should be done slowly and carefully."

"Resistance will affect the decisions. If there is no political opposition from

people in Utah, the other concerns won't matter much."

According to DOE's Leslie Casey, a program engineer for the project, "There are no obvious disadvantages to the Utah site. There are areas that need more investigation. For instance the strength of the salt — if you mine it, will it cave in? There is a lot of pressure from the surrounding rock, which tends to squeeze the salt together. There are preliminary indications that the rock is stronger in the Permian Basin (in Texas). The mine shaft would not creep closed as fast from pressure of the outside rock squeezing the salt together."

"Other than that, the advantages of the geology of the Paradox Basin are hard to call out one by one. We have to sink a shaft. So far, there haven't been any show-stoppers."

However, Dr. Lee Stokes, a professor of geology at the University of Utah, told the Governor's High-Level Nuclear Waste Task Force that, while salt may be the best medium for storing the waste,

the Paradox Basin does not have the best bedded salt in the country. He said that geologic activity is still occurring in the basin and that the salt tends to percolate to the surface. The action takes, in some cases, millions of years.

Bill Hedden is a cabinet maker in Castle Valley, Utah, about 16 miles from Moab. He has a Ph.D. in neurobiology from Harvard University and serves as a part-time environmental consultant to Butte Resources Company. He became concerned about the waste site proposal and has researched the geological suitability of the Gibson Dome salt. He is convinced that "salt is a poor choice as host rock for the initial repository, which will rely on much pioneering and untried technology."

"The absence of groundwater in the salt does not mean that these formations are truly dry. Bedded salt strata such as those in the Paradox Basin...have large variations in water content." Research has shown that this water will migrate toward the extremely hot (300 degrees Celsius) waste canisters and they will shortly be submerged in boiling brine. The Oak Ridge National Laboratory reported, "Because of salt's high corrosiveness, currently planned waste containers for heat-producing wastes probably would be breached and substantially corroded by all but the very driest salts within months to years."

In view of this, Hedden said, "Should groundwater become contaminated with radionuclides, these harmful elements might be kept out of the biosphere for the necessary thousands of years if the aquifer flow path were very long and the flow rate slow and if the host rock had substantial ability to absorb radiation. Unfortunately, Gibson Dome is not very far from the Colorado River (about 12 miles) and the general aquifer flow would carry materials from the repository to the river."

DOE's Casey said the agency is looking at a glass material — like Pyrex — to prevent this problem. Canisters would be designed to have a life of 1,000 years, but, so far, DOE does not know for certain what the material will be.

The DOE does not consider the site's proximity to Canyonlands — one of the nation's most spectacular parks, visited by 90,000 people annually — a "show-stopper." Indeed the agency seems to have gone out of its way to ignore the park's existence. The maps showing the boundary of Gibson Dome in the Paradox Area Characterization Summary don't even show the park boundaries, although the structure underlies a

large portion of the park. Nearby Arches National Park is identified on some. In the same report is the sentence, "Land use in the Gibson Dome study area is limited to several uranium and vanadium mines (not currently operated) and isolated ranches." There is no mention of the park and its 90,000 visitors.

The report also said the area had no archeological significance, even though the Salt Creek Anasazi Indian archeological site is about a mile away.

Canyonlands Superintendent Pete Parry said, "We had a meeting scheduled with DOE on January 6, but they didn't show up and didn't call. We haven't been able to get on any of their mailing lists. We've had a very difficult time getting DOE to acknowledge that there is a park there."

In addition, said Parry, "They do not seem to be used to executing the NEPA (National Environmental Policy Act) process. They are segmenting the environmental impact statement process. They want to do one on the exploratory shaft and not on the project as a whole. They are trying to convince the state waste task force that they are going to sink a \$50 million shaft and walk away if they find any problems."

DOE's Neff said that they will do exactly that — walk away from a \$50 million investment — if the exploratory work turns up difficulties.

The state is also leery of DOE's commitment to a thorough environmental review. Juline Christofferson, Governor Scott Matheson's coordinator of the task force, said, "The state of Utah has serious concern with the procedures outlined in DOE's plan for compliance with NEPA...The plan to segment the review into a series of stages and review documents is not in the best interest of a cohesive site selection procedure."

The Park Service has a number of concerns about the proposed site. The facility would be visible from some of the park's major overlooks. The road that would serve the facility is the only two-wheel-drive access road to that part of the park. Waste for storage would probably arrive by rail from the town of Potash, where present rail lines end. Any rail line would be visible from the park, as would power lines that would bring electricity to the site. Air pollution would be increased, at least during the construction phase. The facility would cover about 800 surface acres.

DOE's Casey said these problems could be mitigated somewhat by building a subterranean rail line, burying the power lines and other measures.

There is also fear that the DOE is not doing its site research as thoroughly as it might. According to Christofferson, "The Utah Geological Survey is not convinced that DOE has looked at all the sites that could be suitable. If there are other satisfactory sites, there is no point in putting it right by Canyonlands. However, if that is the only site that would really do, that's where it will have to go."

"Matheson wants the right to override a DOE Utah site selection. While the state is being very cautious, we are doing our homework to get those mechanisms that would allow us to do that."

The government is giving strong assurances that the waste can be stored safely. However, the nation's record in nuclear waste storage has not been illustrious. Most of the country's high-level waste is currently stored at the Hanford, Washington, site in 162 carbon-steel tanks. Although these tanks were designed to last 50 years, leaks started to appear in 1958 — 14 years after the first ones were filled.

In 1970, a pilot waste site was proposed at Lyons, Kansas. In 1971, the Atomic Energy Commission (since superseded by the Nuclear Regulatory Commission), after spending about \$100 million studying the bedded salt at the site, announced that the radioactive waste problem had been solved and both transuranic (reprocessed) and high-level wastes could be safely stored at Lyons.

However, it turned out that the site was unsuitable for a number of geologic reasons. By 1973, the entire site had been abandoned.

Don't Waste America's Itzkowitz said, "DOE's main problem is that they are having trouble licensing something which they don't know will work." Itzkowitz also said the waste should be isolated for more like 250,000 years, not the 10,000 DOE is planning for.

In addition to the high-tech, space age problems attendant with keeping superheated, highly dangerous nuclear wastes underground and under control, there are problems associated with the facility that westerners can more readily understand. About 21 million tons of salt will have to be excavated from the site. Some of this will be backfilled, some stored at the site and some stockpiled.

About eight million tons of excess salt — "Enough to supply every man, woman and child in Utah with five and a half tons of salt," said Frances Farley — will have to be disposed of. The nearby

Colorado River already has a very high salt content, and some danger exists of exacerbating this problem. The DOE has proposed a number of remedies, among them ocean disposal, offsite land fill and commercial sale.

The repository will use about 1.5 million to 2.5 million gallons of water every day. Some of this could become radioactive. And, said Hedden, "One need not elaborate on the adverse effects such an installation would have on the already-strained water rights situation in southeastern Utah and, I think, one need not be very creative to think of more beneficial and productive uses for such a quantity of water."

There will also be the socioeconomic problems caused by the influx of workers to build the plant — about 2,000 at peak construction — problems that have usually been associated with the energy boom.

Some problems are unique to materials as long-lived as high-level waste. For instance, who is going to guarantee funding for maintenance and security of the site for 10,000 years? In addition, the wastes must be transported from the reactors to the site from all over the country and possibly from other countries. A number of experts believe that the transportation segment is the most dangerous portion of the cycle.

Nevertheless, the waste already exists and must be put in permanent storage someplace. Other proposed solutions include ocean disposal and outer space disposal. According to the final EIS on management of commercially generated wastes, undersea disposal appears to be feasible, but there are legal and international problems with the concept.

Space disposal is "not economically feasible," the EIS said. It is also not very reliable. Itzkowitz said, "If you sent up one of those rockets, it malfunctioned and landed in France, they might get pretty upset."

Regardless of the problems, finding a satisfactory solution to the waste storage issue is vital to the survival of the nuclear power industry. The waste disposal site is the second large by-product of the nuclear age to be proposed for Utah in the last few years. The state was no sooner spared the MX missile than the high-level waste site proposal gathered more attention. Farley said, "Philosophically, what enters your mind is, 'Why do we continue to create high-level nuclear waste if we can't dispose of it?' We ought to find a way to stop creating something we don't know what to do with. That's the logical extension." □

Information is power.

Give HCN to your favorite (or not-so-) politicians and you're giving them the facts they need to do their best for you.

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Or, send us the names and addresses of your representatives and we'll send them a sample copy.

BULLETIN BOARD

NEW GEOTHERMAL REGS

Regulations which will make additional federal lands available for geothermal leasing and encourage development of locally important geothermal resources have been published by the Bureau of Land Management, according to Director Bob Burford. The new regulations become effective 30 days after being published in the Feb. 3 Federal Register.

NUCLEAR OPPONENTS TO RALLY

Earth First! will sponsor activities to demonstrate opposition to the nuclear dump proposed near Canyonlands National Park, Utah. Activities include a rally at the proposed dump site, Lavender and Davis canyons outside the park; a march from the site to Moab; and a 235 (the atomic number of uranium) mile relay race from Moab to Salt Lake City. Runners will arrive in Salt Lake City on March 29, when a final rally is planned on the steps of the Capitol Building. Contact P.O. Box 26221, Salt Lake City, Utah 84126, for more information.

DRINKING WATER ACT THREATENED

Newly introduced congressional legislation would weaken the Safe Drinking Water Act, due to expire Sept. 30, according to the Natural Resources Defense Council. The act, enforced by the Environmental Protection Agency, currently requires a preventive approach to protecting public health from contaminated drinking water, but proposed changes would allow increased contamination. Public comment should be sent to Marian Mlay, Deputy Director, Office of Drinking Water (WH-550), EPA, Washington, D.C. 20460. The NRDC would like copies of your comments also. Address these to: Judy Campbell Bird, NRDC, 1725 I St., N.W., Washington, D.C. 20006.

AIR QUALITY AND HEALTH PAMPHLET

A pamphlet describing the health effects of different types and levels of air pollution and precautions to be taken when pollution is high, is available from the Colorado Department of Health. Free single copies are available with SASE from: PSI pamphlet, Colo. Department of Health, 4210 E. 11th Ave., Denver, Colo. 80220.

ENVIRONMENTAL FILM FESTIVAL

The National Audubon Society is holding its second annual international film festival to find and promote the best films on environmental subjects. The festival will judge 16mm films made in the last four years; awards will be given in eight categories. The fee is \$40 per entry, and the deadline for entries is Mar. 15. Contact the Film & Media Services, National Audubon Society, 950 Third Ave., New York, N.Y. 10022, for information.

COLORADO REGULATES FEDERAL COAL

The Interior Department's Office of Surface Mining will hold a public meeting in Denver, Colo., Mar. 15, at 9:30 a.m. at Brooks Towers, 1020 15th St., to consider a proposal to give Colorado responsibility for regulating coal mining on federal lands within the state. To make an oral or written presentation on the proposal, contact Andrew DeVito, OSM, DOI, South Building, 1951 Constitution Ave., N.W., Washington, D.C. 20240, (202) 343-5866. Written comments are due April 5 at the OSM, DOI, Administrative Record Room 5315, 1100 L St., N.W., Washington, D.C. 20005. A copy of the proposed agreement may be inspected at the Colo. Department of Natural Resources, Mined Land Reclamation Division, 1313 Sherman St., Denver, Colo. 80203, Monday through Friday from 8:30 a.m. to 4 p.m.

SAN JUAN COAL LEASING

A preliminary leasing target of 1.2 to 1.5 billion tons of coal has been set for the San Juan River coal production region of northwestern New Mexico and southwestern Colorado, according to Dr. Garrey Carruthers, Department of Interior's assistant secretary for land and water resources. Public comment on the preliminary targets will be heard in Albuquerque, N.M. on Feb. 23, at 9:30 a.m. at the Midtown Holiday Inn, 2020 Menual NE; and in Farmington, N.M. on Feb. 24, at 9:30 a.m. at the Civic Center, 22 W. Arrington St. Contact the BLM's New Mexico state office, P.O. Box 6770, Albuquerque, N.M. 87107, (505) 766-2890, for further information.

ENERGY CONSERVATION REPORT

A report by the Energy Conservation Coalition concludes that conservation is the principal reason the United States has been able to increase its gross national product 18 percent during the eight years since the arab oil embargo. The report is available free from the Energy Conservation Coalition, 1412 Sixteenth St. N.W., Washington, D.C. 20036.

WORLD-FAMOUS NATURAL AREAS

Persons interested in commenting on U.S. natural areas nominated for the 1982 World Heritage List should contact the National Park Service by Mar. 9. Nine U.S. natural areas are now on the list, including Yellowstone and Grand Canyon National Parks, in recognition of their "outstanding universal value," according to the National Park Service. Information on the list and potential nominees is available from the International Affairs Branch, NPS, DOI, Washington, D.C. 20240. Comments and suggestions should go to the Director, National Park Service, at the above address.

COMMENT ON IDAHO GRAZING

The Bureau of Land Management seeks public comment on a draft environmental impact statement on range management in the Twin Falls planning unit in south central Idaho. A public hearing is scheduled for Feb. 25 at 7 p.m., City Council Chambers, Twin Falls City Hall, 321 2nd Ave. E., Twin Falls, Idaho. Written comments on the draft EIS are due Mar. 26. Copies of the draft EIS may be obtained from, and comments sent to Burley District Office, BLM, Scott Anderson, Magic Resource Area Manager, Rte. 3, Box 1, Burley, Idaho 83318.

ENVIRONMENTAL TRENDS

"Environmental Trends," published by the Council on Environmental Quality, documents trends of 13 environmental topics from air quality to wildlife. The book is available for \$11 from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (publication #041-011-00058-1).

WYOMING ARTS GRANTS

Organizations, performance groups, galleries, museums and arts centers interested in applying for Wyoming Council on the Arts grants for the July 1, 1982 to June 30, 1983 funding period must apply by Mar. 1. Applications and information are available from the Wyoming Council on the Arts, Capitol Complex, Cheyenne, Wyo. 82002, (307) 777-7742.

HELP ENDANGERED PLANTS

Interested in endangered plant species? The Natural Resources Defense Council seeks people to lobby for reauthorization of the Endangered Species Act, particularly on behalf of rare and endangered plant species. Contact NRDC, 1725 I St., N.W., Suite 600, Washington, D.C. 20006.

STATE OF WYOMING 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 1957, CUMULATIVE SUPPLEMENT 1973).

IT IS THE STATE OF WYOMING'S INTENTION TO ISSUE WASTEWATER DISCHARGE PERMITS TO (2) INDUSTRIAL FACILITIES, AND (5) OIL TREATER FACILITIES, TO MODIFY (1) COMMERCIAL PERMIT, AND (2) OIL TREATER PERMITS, AND TO RENEW.

APPLICANT INFORMATION

(1) APPLICANT NAME: J.D. Pelesky Construction Company, Inc.
MAILING ADDRESS: 1345 S. Sheridan Ave.
Sheridan, Wyoming 82801
FACILITY LOCATION: Sheridan County, Wyoming
PERMIT NUMBER: Wy-0031101

The J.D. Pelesky Construction Company is the operator of the Strauser Gravel Pit located approximately two miles southwest of the Town of Ranchester, Wyoming. Groundwater which seeps into the pit will be pumped into the Tongue River (Class II Water).

The proposed permit requires immediate compliance with 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 if more stringent limitations are developed at the federal level. Periodic self-monitoring of effluent quality and quantity is required with reporting of results quarterly. The permit is scheduled to expire October 31, 1984, which matches the expiration date of other Pelesky gravel pit discharge permits in the same area.

(2) APPLICANT NAME: J.D. Pelesky Construction Company, Inc.
MAILING ADDRESS: 1345 Sheridan Avenue
Sheridan, Wyoming 82801
FACILITY LOCATION: Sheridan County, Wyoming
PERMIT NUMBER: Wy-0031071

The J.D. Pelesky Construction Company is the operator of the Barker Gravel Pit located approximately five miles west of the City of Sheridan, Wyoming. Groundwater which seeps into the pit will be pumped into Goose Creek (Class II Water).

The proposed permit requires immediate compliance with 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 if more stringent limitations are developed at the federal level. Periodic self-monitoring of effluent quality and quantity is required with reporting of results quarterly. The permit is scheduled to expire October 31, 1984, which matches the expiration date of other Pelesky gravel pit discharge permits in the same area.

(3) APPLICANT NAME: American Natural Resources
MAILING ADDRESS: 717 17th St., Suite 2500
Denver, CO 80202
FACILITY LOCATION: Davison Ranch Federal #1-12, SE¼, SE¼, Section 12,
T36N, R94W, Fremont County, Wyoming
PERMIT NUMBER: Wy-0031097

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

The discharge must meet Wyoming's Produced Water Criteria effective immediately. Chapter VII of the Wyoming Water Quality Rules and Regulations infers that as long as the Produced Water Criteria is met, the water is suitable for beneficial use. 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 exception of oil and grease, which must be monitored quarterly. The proposed expiration date for the permit is December 31, 1983.

(4) APPLICANT NAME: Burton/Hawks, Inc.
MAILING ADDRESS: P.O. Box 359
Casper, WY 82602
FACILITY LOCATION: 33-1 Lost Creek Federal, SW¼, Section 33,
T27W, R92W, Fremont County, Wyoming
PERMIT NUMBER: Wy-0031119

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

The discharge must meet Wyoming's Produced Water Criteria effective immediately. Chapter VII of the Wyoming Water Quality Rules and Regulations infers that as long as the Produced Water Criteria is met, the water is suitable for beneficial use. 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, 1983.

(5) APPLICANT NAME: Husky Oil Company
MAILING ADDRESS: P.O. Box 380
Cody, WY 82414
FACILITY LOCATION: Husky Excel State Tank Battery, SW¼,
Section 34, T49N, R103W, Park County, Wyoming
PERMIT NUMBER: Wy-0031089

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

The discharge must meet Wyoming's Produced Water Criteria effective immediately. Chapter VII of the Wyoming Water Quality Rules and Regulations infers that as long as the Produced Water Criteria is met, the water is suitable for beneficial use. 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, 1983.

(6) APPLICANT NAME: Marathon Oil Company
MAILING ADDRESS: P.O. Box 120
Casper, WY 82602

FACILITY LOCATION: Battery #1 South Madison Pits, SW¼,
Section 20, T51N, R100W, Park County, Wyoming
PERMIT NUMBER: Wy-0031054

Facility is a typical oil treater located in Park County, Wyoming. The produced water is separated from the petroleum product through the use of heater treaters and skim ponds. The discharge is to Coal Mine Gulch (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, 1983.

(7) APPLICANT NAME: Terra Resources
MAILING ADDRESS: P.O. Box 2500
Casper, WY 82601
FACILITY LOCATION: 1-22 Franks Fork, SE¼, NW¼, Section 22,
T48N, R103W, Park County, Wyoming
PERMIT NUMBER: Wy-0031062

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

The discharge must meet Wyoming's Produced Water Criteria effective immediately. Chapter VII of the Wyoming Water Quality Rules and Regulations infers that as long as the Produced Water Criteria is met, the water is suitable for beneficial use. 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, 1983.

(8) APPLICANT NAME: Daniel Construction Company
MAILING ADDRESS: 5100 Southwest Freeway
Houston, TX 77056
FACILITY LOCATION: Uinta County, Wyoming
PERMIT NUMBER: Wy-0028690

The Daniel Construction Company has built a camp to house workers constructing the Chevron Oil Company's Carter Creek Gas Plant. The Camp has 44 units and houses 1,000 workers. Wastewater treatment for the camp consists of a three cell lagoon system with the first two cells aerated. The system discharges to Whitney Canyon Creek (Class IV Water).

A discharge permit for the wastewater treatment system was issued July of 1980. However, the company has now requested modification of the permit to add a second point of discharge. The second discharge will be the effluent from a reverse osmosis water treatment plant which provides potable water for the camp. This discharge will also flow into Whitney Canyon Creek.

The proposed permit requires that the wastewater system discharge meet effluent limitations based on National Secondary Treatment Standards and Wyoming's In-stream Water Quality Standards effective immediately. The reverse osmosis plant discharge must immediately meet a total dissolved solids limitation of 5,000 mg/l, which is considered by the State to be the highest level of dissolved solids which is acceptable for stock and wildlife watering.

Effluent quality and quantity must be monitored on a regular basis and results must be reported quarterly. The permit is scheduled to expire February 28, 1987.

(9) APPLICANT NAME: Marathon Oil Company
MAILING ADDRESS: P.O. Box 120
Casper, WY 82601
FACILITY LOCATION: Hot Springs County, Wyoming
PERMIT NUMBER: Wy-0001805
Wy-0001813

These facilities are water reinjection plants located in the Grass Creek oil field. Discharges of produced water in this area have been controversial with some landowners sending letters of beneficial use while the L.U. Sheep Company claims that the produced water is detrimental to their operation. The City of Worland has also protested the issuance of these permits based upon the detrimental effect on the City's water supply.

This Department has negotiated an agreement between Marathon, L.U. Sheep Company and the City of Worland in which the permits would be issued with a TDS limitation of 7,500 mg/l, however, the Company would be limited to discharging no more than fourteen consecutive days or more than a total of thirty days in any calendar year. The Company would also be required to inform this Department, L.U. Sheep Company and the City of Worland whenever a discharge occurs and self-monitoring of any discharge would be required.

In the view of the Department, a negotiated compromise adequately protects the quality of Wyoming waters, allows the Company reasonable flexibility in its operations should a breakdown occur and actively involves the parties who have been most concerned about the quality of these discharges.

It is necessary to modify the previously issued permits for these facilities because the Department inadvertently failed to include the special conditions explained above in those permits.

STATE/EPA TENTATIVE DETERMINATIONS

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

PUBLIC COMMENTS

Public comments are invited any time prior to March 19, 1982. Comments may be directed to the Wyoming Department of Environmental Quality, Water Quality Division, Permits Section, 1111 East Lincolnway, 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 March 19, 1982 will be considered in the formulation of final determinations to be imposed on the permits.

ADDITIONAL INFORMATION

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

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

Public Notice No. Wy-82-002

OPINION

The bloody EPA budget knife

If you have an interest in the Environmental Protection Agency's evaluation of pesticide use in western states, you might start your investigation in the files of the office which handles the Rebuttable Presumption Against Registration (RPAR), housed in one of those sleek new office buildings across the river from Washington, D.C. We did this recently, and found the helpful staff sitting behind piles of back-up paper work, helpful, but demoralized.

The office was, it turned out, in the process of being ingested by the heretofore-separate EPA division that handles pesticide registration. An office dismantling itself is not a cheery place.

The next place one might look for information on pesticide use in western states is the EPA office in Denver, which is responsible for regulating pesticides in Colorado and Wyoming, and monitoring state programs elsewhere in the region. There, we happened to leaf through a log book of investigations of improper pesticide use in those two states where the EPA is directly responsible. There were almost no investigations in Wyoming. The reason: lack of staff and funding. Colorado was closer and therefore got some attention.

The EPA under Anne Gorsuch, a former Colorado legislator, is in decline. From fiscal year 1981 to fiscal year 1982 its total operating budget dropped from \$1.35 billion to \$1 billion, a 20 percent cut. The fiscal year 1983 budget proposed by President Reagan would drop the budget another 12 percent.

According to the *Wall Street Journal*, the cuts are hitting hardest toxic substances and pollution regulations, solid-waste and water-quality research, and studies on the environmental impact of energy development in the West got the worst of it. In a region of scarce and precious water, fast-growing communities and ongoing pest control problems, these cuts draw blood.

What's more, if Reagan's cuts survive congressional appropriations, the total workforce at EPA will have dropped 2,500 by the end of Reagan's second complete budget year. Research cuts are one thing; the cuts in personnel will mean less agents in the field, and less enforcement of environmental regulations.

Editorializing about the fiscal year 1983 proposed budget is a little like pitching dimes at the carnival. There are so many targets — from cuts in solar and conservation programs to mine reclamation regulation — that it's hard to aim.

But the EPA is marching a step ahead of most other agencies in its self-emasculation. It is applying the principles of the "new federalism" by passing responsibility for enforcing clean air, clean water, and other pollution regulation to state agencies — but cutting federal technical and financial support. Staff is quitting, the *Audubon Leader* reports, at a rate of 32 percent a year. Can an under-funded, low-morale agency fulfill the public's poll-affirmed desire for a clean environment? Write to Anne Gorsuch and ask her.

—GOG

LETTERS

EPA, NOT OMB

Dear HCN,

I wish to make one correction to your report on the new board of directors in the February 5 issue. I was never employed by the Office of Management and Budget. I worked for the Environmental Protection Agency in various capacities including as a budget officer for the water programs and as a member of the deputy administrator's staff. My primary contact with OMB was in defense of our budget.

Charlie Scott
Casper, Wyoming

PROTECT WILDS NOW

Dear HCN,

Thanks for hitting the bull's-eye with your latest editorial: "Soothing election year jitters..." (HCN, 2/5/82).

The environmental studies on the Washakie and other wilderness areas are being rushed to completion. Interior Secretary James Watt can blanket the wilderness system with oil and gas leases in a few days, after the November election.

We hope our congressmen will rise above this transparent coverup.

We hope Wyoming's delegation will lead a drive to prevent mineral leasing in wilderness areas around the nation — starting NOW, not after election day. Protecting wilderness is a job for proud eagles, not lame ducks.

We hope they will not delay, confuse, or evade the issue. We hope they will not trade off the wilderness of the rest of the country to oil development, in return for protection from leasing in Wyoming alone. We hope they will not make protection from oil development a "chip" in some larger bargaining game, played in closed rooms.

Sen. Malcolm Wallop (R-Wyo.) chairs the key subcommittee in the Senate on

wilderness. He should introduce a bill NOW, preventing leasing in the nation's wilderness. He should schedule hearings in Wyoming and around the West in other states, so people can tell him directly that we don't want our wilderness heritage sacrificed for a few drops of oil.

Our hopes are high — but the time is short.

Keith Becker
President
Wyoming Wilderness Association
Thermopolis, Wyoming

Dear HCN,

While in Cheyenne this past weekend and talking with legislators, I found that your latest editorial concerning oil exploitation of the Washakie Wilderness received a lot of attention. Congratulations!

John Hannahs
Evanston, Wyoming

CULTURAL MANDATE

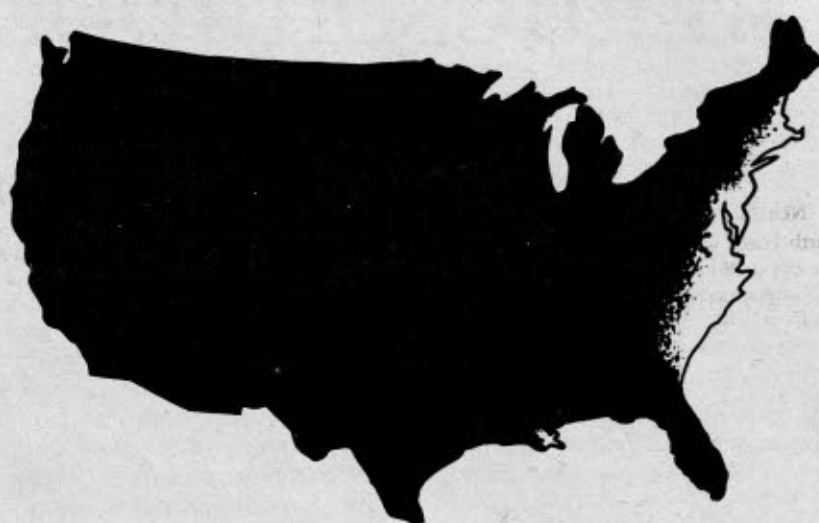
Dear HCN,

I was disappointed with Carol Jones' article on the need for wildlife management on Indian reservations (HCN, 2/5/82). I agree that this is a very serious problem but Jones' article fails to deal with complex historical and cultural factors which influence current reservation policies, thus giving a one-sided and unnecessarily negative view of the problem.

I have worked among the Arapahoe of the Wind River Reservation for several years and I have rarely seen incidents of illegally killed (spotlighted) or wasted or sold wild game. I have seen the extensive and frequent killing of game animals (particularly elk) for use in traditional subsistence and ceremonial ways.

The entire animal is butchered by the women of an extended family household. It is cut into very thin, large pieces and allowed to dry. The dry meat is then stored, not for daily household use but for consumption during frequent cele-

200 YEARS OF PROGRESS



WILDERNESS AREAS 1777



WILDERNESS AREAS 1977

Wilderness leasing (Part II)

A Wyoming wilderness bill, geographical contents as yet unknown, is expected to emerge soon in Washington, D.C., and it will contain a provision to ban oil and gas leasing in the state's wildernesses.

That provision, and a concomitant hubbub in the state's media when HCN said two weeks ago that it would *not* be in the bill, indicates that Wyoming's three-man delegation perceives (and supports) the state's general sentiment favoring wilderness protection.

Our editorial in the last issue was based in part on an interview with Sen. Malcolm Wallop (R), in which, responding to a question about whether the bill would include such a provision, he said, "We wouldn't tip our hand now...it wouldn't be part of an introduced bill." But Wallop had earlier told others that there *would* be a provision to protect Wyoming wilderness from oil and gas leasing, and the draft bill released yesterday does indeed include it.

Whether Wallop's statement to HCN stemmed from overcaution, confusion or a misunderstood question is unclear. Unimportant, as well, since we said in the editorial that we were more concerned with action than words. Wallop, along with Rep. Richard Cheney (R) and Sen. Alan Simpson (R), is introducing the first state wilderness bill that specifically negates the wilderness act clause allowing oil and gas leasing in wilderness until 1984. No doubt it will be opposed by legislators who would rather see all states handle their wilderness in the same way, and don't want their own constituents asking for similar protection. It should make for lively debate.

Hopefully, the Wyoming delegation is now prepared to lead the way in a reconsideration of the Wilderness Act of 1964. If Wyoming's wilds deserve special protection, why not the rest of the country's?

—GOG

brations, feasts and ceremonials. Notable among such special occasions is the annual Sun Dance during which large quantities of traditionally-determined food is exchanged by participating members of the community. The ability of a family to provide the traditional foods (including wild game, wild berries, fry bread) gives the family prestige. Thus the consumption of wild game meat not only contributes to the food economy of an economically depressed area, but does so in a manner emphasizing the traditional, communal generosity so common among tribal cultures. This is more than the "cultural freedom" to which Jones refers; it is cultural mandate.

Given this cultural context, a tribal game ordinance would be very difficult to pass. And there are other concepts and values which make the passing and maintaining of game laws difficult. Complex interpersonal relationships, including large extended families, ceremonial kinship networks, and a hierarchy of elders make voting against specific individuals culturally prohibited. Thus controversial issues presented to the business or general council are often avoided. Enforcement of game laws when dealing with relatives or elders who are acting in traditionally accepted ways would be difficult. And tribal judges, subject to the same pressures and cognizant of the traditional values, would also hesitate to sentence offenders.

In conclusion, while I do not dismiss the problem, I feel there is perhaps an even more important problem: Tribal culture is an endangered species and utmost sensitivity should be given to traditional values and concepts when developing laws or when writing about the laws and practices of tribes. Seen in its cultural context, the problem becomes not irrational or negative, but understandable human behavior.

Sara Hunter-Wiles
Lander, Wyoming

Matheson looks at Utah's future

Scott Matheson is currently in his second term as Governor of Utah. A Democrat, he was first elected in 1976 and re-elected in 1980. In addition to being a popular politician in Utah, Matheson is gaining a nationwide reputation. He will serve as chairman of the National Governors' Association beginning in August 1982. Managing Editor Dan Whipple interviewed Matheson in Salt Lake City on January 11, the opening day of the Utah State Legislature.

Question: Where is Utah now and where do you want it to go, in terms of energy-related development, population growth and environmental trade-offs?

Answer: One of the two or three highest priorities for me as governor of this state is to manage its growth, particularly in view of the fact that our future will be tied up dramatically with energy development. That poses some great opportunities and has some real problems associated with it. Much of the energy we wish to develop is located in areas that have sensitive environmental problems associated with them, or at least within some reasonable proximity. We have a state with five national parks and national monuments and 44 state parks sprinkled all over the state. It's interesting to note that in several of those park locations we also have energy potential. So, the challenge is, where we have an environmentally sensitive state on the one hand and energy resources on the other, how do you responsibly develop those in a growth state? That's the challenge and that will be one of the really high priorities Utah will have to face.

Utah is the only state in the Rockies without a severance tax on non-metallic minerals. In view of these growth-related problems, why has the state been so reluctant to pass one?

We have a small severance tax on oil and gas — two percent. Traditionally, we have not had massive development in Utah in non-metallic products. The history of mining in Utah has really been hard rock metals. It's only in recent years that the others have become an important component in the energy development picture — particularly in the Overthrust Belt and some other areas, the Great Salt Lake, for example. In addition, we are just beginning to move into fairly dramatic increases in the production of high tonnages of coal. So, traditionally, we've had a one percent occupational tax on some of the metals. We've never had any other severance taxes except the fee on oil and gas.

The development has been slow, so the policy of the state of Utah has been to support the development of energy and wait until the infancy problem has ended and mature extractors of energy are able to pay for the community impacts. I'm recommending a severance tax policy for Utah this year and the outcome of that severance tax (two percent on coal and hard rock minerals and a two percent increase — to a total of four percent — on oil and gas) is problematical, because the industry is opposing it, the metalliferous for economic reasons, the others for several other reasons. But the point is, we desperately need to have the industry pay for some of the impact that the development of energy brings.

I've got to tell you a quick little story on the severance tax. I was doing an interview and someone asked me how long it would take to get the severance tax through. I said, "I'll stay here as governor as long as it takes to get a severance tax through the legislature."

One of the legislators who opposes the severance tax said, "I understand that you've just announced for governor again."

You've also initiated your Project Bold, a plan to trade state lands for federal lands to consolidate and "block

up" state lands that are currently scattered in a checkerboard pattern amid federal acreages. What stage are you in with that program and what reaction have you gotten from the federal government to your proposals?

The cooperation from the secretary of interior and from the local Bureau of Land Management people has continued to be excellent. We are in the process of examining all of the pitfalls associated with "blocking" and we are finding some concerns brought forward by locally elected officials in Utah, particularly those who represent counties where they are concerned that they'll end up with more federal land instead of less, or more state land than federal. They are concerned on the one hand with dealing with federal land managers and on the other with losing federal "in lieu of taxes" money. (Ed. note: "In lieu" payments are made to local governments to make up for tax revenues lost for public lands not on the tax rolls.) Third party possessory interests are very concerned with blocking up because they are more comfortable dealing with the state land board than the federal interest. They are concerned about access and they're concerned about multiple use.

We're in the process of evaluating all of those concerns generated by the public hearing we held this fall. We'll have some answers to those together with our next phase of public hearings. I hope to have at least the first phase of a proposal for Interior Secretary James Watt to review later on in the spring.

Environmentalists in Utah have generally supported the concept of Project Bold. However, one substantial criticism has been that the state is asking for lands that will generate the largest revenues, rather than a mixture of lands that would include areas for watershed, parks, wilderness, recreation, grazing and so forth. Consequently, the proposal begins to look like a giant land grab. How do you answer that criticism?

We have examined several areas of the state where there is high mineral potential as some of the areas we would like to see blocked up. And it is critical that some of these areas be blocked up for mining use. We're also interested in seeing a balance in the process, particularly in the checkerboard sections, which make up, incidentally, 85 percent of the state land. They are in single, scattered sections. If we're going to do this on an exchange basis with the federal government, it has to be done on the basis of equity. So, we're going to have to convince both the state legislature and the national congress that your cause is fair and just and the trades are close to those that the department can accept. We're looking for multiple use, for recreation areas, grazing areas, mineral areas, all of which should be part of the overall package. I would hope that we can use blocking up, for example, to select enough mineral areas so that we can — going back to that growth management concept we discussed earlier — in some respects manage how many of those projects we would approve. In other words, the state can't stand too many, but we don't want too few.

I should point out that, in connection with the in lieu lands (lands awarded to western states at statehood), I'm going



Utah governor Scott Matheson at 1979 MX hearings in Cedar City, Utah

"...In connection with the in-lieu lands, I'm going for the most valuable lands I can find."

for the most valuable lands I can find. I don't consider that a land grab, I consider that the federal government has been guilty of a land grab in reverse. We became entitled to our in lieu selections at statehood and we still have 225,000 acres due us and still no end in sight. So, in terms of equity, I certainly think that Utah's case is just and we are entitled to get some value for sitting around for 86 years wondering when we could get the federal system to start doing what it ought to do. The secretary of interior is anxious to help us resolve that problem.

Have you set any deadlines for when you'd like to have this accomplished?

First of all, I want to establish the policy process for the whole exchange and in lieu project. The first thing I would like to proceed with is the in lieu selections and the transfers. We're negotiating in some administrative areas to try to move that ahead promptly, but a couple of items have yet to be resolved with the secretary.

I am devoutly anxious to see it done this year. I want to leave the office of governor having Project Bold completed in a satisfactory way.

One of the Reagan administration proposals — actually a carry-over from the Carter administration — is to get states to participate more in the funding of water projects. What is Utah's position on this and, as incoming chairman of the National Governors' Association, what emerging national policy

do you see among the states of water project cost-sharing?

That issue came very much in focus in 1977 when Carter got involved in the national water policy review. We did a study through the NGA by a subcommittee of which I was chairman. We reached the conclusion — and the governors supported it by a unanimous vote — supporting cost-sharing. We have now gone the last four and one-half years trying to work out with all of the governors what that meant. It means a different situation to every governor because the circumstances for the use of water project funds in each state are different. You don't have a water project in the traditional western sense — a reclamation project — in every state. The governor of Massachusetts may have a lot of leaky water pipes. So he is very much interested in seeing a share of the federal money go to him. We have never been able to get a national policy on what form of cost-sharing the states would accept.

The Reagan administration has already served clear notice that cost-sharing is something that has to come about in terms of funding water projects. Secretary Watt is chairman of the task force — or sub-Cabinet group, I believe it is now — to do it. Our subcommittee is now working with him to develop the steps to design that into place. We started by submitting some suggestions last summer and we haven't

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