

High Country

news

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Flathead Basin

A study in cooperation

by Don Snow

In June of this year, the Flathead Basin Environmental Impact Study team will issue its long-awaited report. The five-year, \$2.5 million study brought together an unusual team of state and federal biologists, geologists, and social scientists — all coordinated by a 14-member citizen steering committee — to assess the current environmental health of the spectacular Flathead Basin and to predict what might happen to the air and water, the wildlife and the local economy if present trends of growth and industrial development in the basin continue.

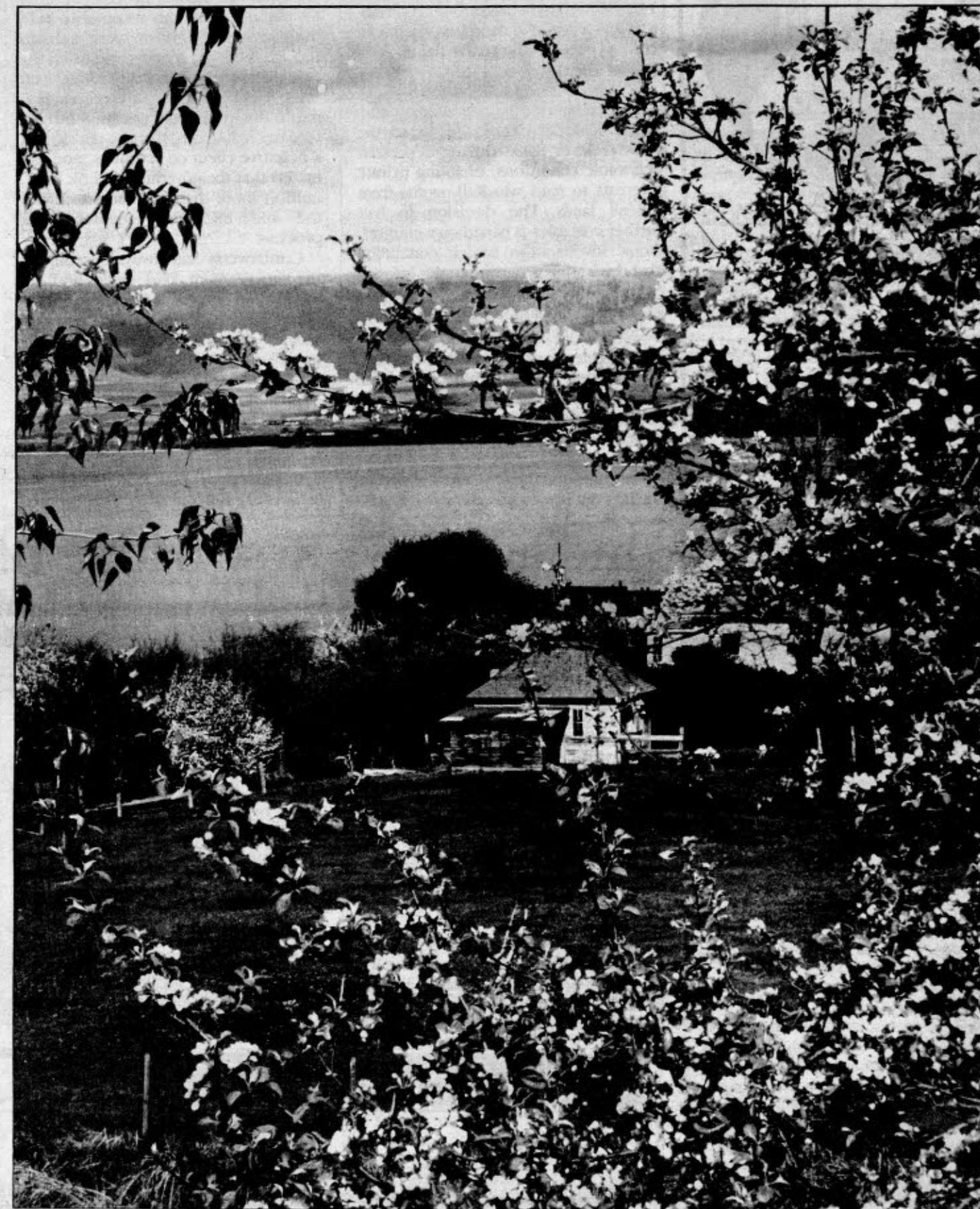
In many ways, the Flathead EIS project has been a model of cooperation and far-sighted planning to accomplish a single goal — the preservation of the environmental and economic health of one of the country's loveliest areas. Project director Ron Cooper of Kalispell credits three men, along with the host of scientists and agency people who produced components of the study, with the overall success of the effort.

"Our first chairman, Leon Schoonover, got the steering committee running, but then passed away in 1979," said Cooper. "Leon got us off to a great start. Then Thurman Trosper took the chair and did an outstanding job." A Flathead tribal member from the lower valley, Trosper also serves on the national board of the Wilderness Society.

"But one can't overlook the efforts of Max Baucus in keeping the project funded and running even after the federal cutbacks began," said Cooper. Now a senator, Congressman Baucus (D-Mont.) took interest in the project in the mid-1970s when a broad-based Kalispell organization called the Flathead Coalition banded together over concerns about energy development in southern British Columbia and Alberta. The coalition, together with the newly formed scientists' alliance called the North Fork Technical Committee, caught Baucus' eye with a proposal for a thorough study of water resources in the northern basin.

Propelling their fears was a proposal by Sage Creek Coal Company, a division of Canada's Rio Algom Mines, to start up a new open-pit metallurgical coal mine near the North Fork of the Flathead. Since Canada's regulations for waterborne mining effluents were far less strict than Montana's, coalition leaders feared that the new mine would load the North Fork and beautiful Flathead Lake with dangerous sediments.

Baucus secured funding for the five-year study and requested that the Environmental Protection Agency oversee it, using technical support from the U.S. Fish and Wildlife Service. But Flathead residents saw the potential for trouble



Cherry blossoms at Flathead Lake

in a study dominated by federal administration, and asked Baucus for a hearing on how best to organize the EIS team.

The result was a unique arrangement. The funds would remain federal, but a local citizens' steering committee would oversee their expenditure. Both state and federal experts, along with private contractors and university scientists, would be employed to perform various components of the study. A min-

imum would be spent on administration. Five years later, the study now complete, it's safe to say that the taxpayers got an enormous bang for their bucks in the Flathead EIS.

When the final report is issued in June, it will contain data on a dozen different aspects of economic and environmental baseline conditions in the basin. About half

of the study focused on water quality and aquatic biology in the rich basin ecosystems, but the other half ranged from air quality modelling to an investigation of potential growth sectors in the local economy.

The threatened health of Flathead Lake is the unifying theme of the study. EIS research revealed much new information about the biological and physi-

(continued on page 7)

WESTERN ROUNDUP



High Country News

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Tom Bell
Editor Emeritus

Jill Bamburg
Director

Dan Whipple
Managing Editor

Kathleen Bogan
Design and Production

Carol Jones
P.O. Box 223
Kittredge, Colorado 80457
(303) 670-1741
Colorado Bureau

Don Snow
Route 2, Box 170B
Stevensville, Montana 59870
Montana Bureau

Marjane Ambler
Glenn Oakley
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C.L. Rawlins
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Proposed moratorium on Interior's coal leases

The Interior Department's plan for accelerated coal leasing may be headed for an unexpected delay after a congressional investigation concluded that the department is mishandling the leasing program.

A House appropriations subcommittee voted earlier this month to prohibit the sale of any further coal leases during fiscal 1983. The subcommittee acted on the recommendation of Chairman Sid Yates (D-Ill.), who argued that no additional coal leases should be issued until charges against Interior's handling of the Powder River coal sale are answered (*HCN*, 4/29/83).

The committee is questioning Interior's decision to offer large tracts in the Powder River Basin during depressed economic conditions, enabling private interests to reap windfall profits from federal lands. The decision to halt further coal sales is based on a congressional investigation which concluded that the leasing program, under Interior Secretary James Watt, is mismanaging coal sales and manipulating the bidding process to the benefit of industry.

"In spite of poor economic conditions, a very soft coal market and the potential lack of bidding competition, the department persisted in holding the largest coal sale in history," the report stated.

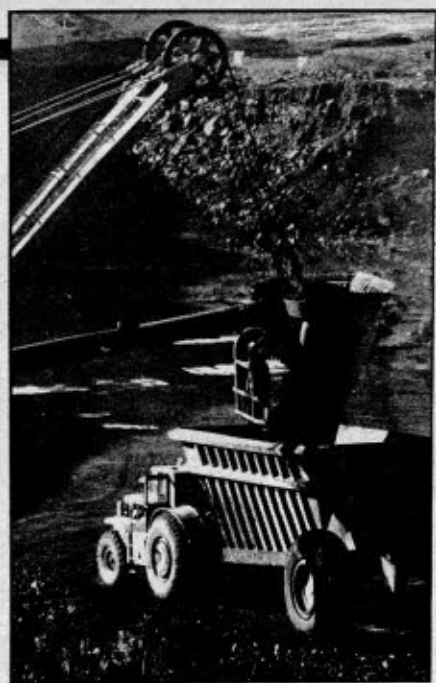
Revenues for the 14 tracts leased in the Powder River area last April brought

in \$54.7 million. However, the congressional report estimated that figure was \$60 million below the fair market value. One unidentified official was quoted in the report as saying, "If the government is dumb enough to offer coal at a low price, then the industry is definitely smart enough to buy."

Immediately prior to the Powder River sale, the Interior Department changed the bidding process from the format of "minimum acceptable bids" to "entry bids," which were substantially lower. The report concluded that two companies, Amax and Shell, were "direct beneficiaries" of the change in minimum bid policy. The Interior Department denied that the change had a negative effect on revenues, and estimated that the government took in \$11 million more than if it had stuck with the old minimum acceptable bid process.

Controversy has always surrounded the government coal sales and the inability to determine fair market value. "Coal leases are one of this country's oldest resource management problems," said Jon Huss of the Powder River Basin Resource Council. "After the thousands of dollars they spent administering this sale, it was no improvement over the land give-aways that occurred 30 or 40 years ago."

If passed by both the House and Senate, the subcommittee's recommen-



Terence Moore

dation to postpone coal leases in 1983 will affect only one sale. The Fort Union Regional Coal Team has recommended that 510 million tons of coal be leased along the Montana and North Dakota border this July.

Dave Alberswerth, lobbyist for the Western Organization of Resource Councils, predicted the moratorium will have no problem passing both the full committee and the House by the end of May. A similar proposal also has been introduced in the Senate, with Sen. Alan Dixon (D-Ill.) adding a resolution to appoint a special committee to scrutinize the Interior Department's procedures. "Our government has no business ... in flooding our markets with coal, thereby depressing the market price, or by giving unfair advantages to bidders through questionable appraisals," Dixon said.

— Dan Gorham

Indians lose first battle of water war

The Big Horn water adjudication case (*HCN*, 4/29/83) will not go down in history as the one that confirmed tribal rights to water for fish after all. In a ruling on May 10, Wyoming District Court Judge Harold Joffe said the Arapahoe and Shoshone tribes of the Wind River Reservation do not have reserved rights to protect minimum stream flows nor rights to water for industrial and mineral development.

Largely ignoring the arguments of the special master appointed to hear the case, former U.S. Congressman Teno Roncalio, Joffe said the reservation was established in 1868 solely for agricultural purposes.

Roncalio had argued in his report last December that the reservation was created to provide a permanent homeland, which would mean that the federal government reserved water to serve

many needs, including industrial development and fishing.

A clear victory for the state of Wyoming and several towns in the basin, Joffe's ruling reduces the tribes' award by more than 20,000 acre-feet from the 500,000 that Roncalio had recommended. It also refutes Roncalio's argument that the tribes should get a reserved right for underground water or for selling water off the reservation.

The tribes are expected to appeal the ruling but attorneys could not comment because they had not seen the decision at press time. The tribes' attorneys had tried but failed to move the case from state to federal court, which they consider a better forum for resolving tribe v. state disputes.

The state of Wyoming is not expected to be entirely happy with the ruling,

however. Joffe rejected one of the state's major arguments concerning water rights on the northern half of the reservation, which had been opened to homesteading and later re-established as tribal land. Joffe ruled that water rights on this portion of the reservation dated from 1868, not from the 1930s, as the state had claimed.

In another and the most controversial part of his ruling, Joffe said the tribes could not exercise their right to 189,000 acre-feet of water for new irrigation projects unless a dam or dams were built first. Joffe believes that a reservoir would reduce the impact of tribal water diversions on non-Indians downstream. Diverting the water with the dam cushion would be a "serious injustice" to other users, he said.

— Marjane Ambler

Dear friends,

We received a short note accompanied by a newspaper clipping from James J. Richards, judge of the Superior Court of Lake County, Indiana. Judge Richards wanted to know if "the Tom Bell referred to in the enclosed clipping is the same Tom Bell listed as editor emeritus in your *High Country News*?"

The clipping was of an Associated Press story that had appeared in the *Indianapolis Star*. It began, "Tom Bell, where are you?" It seems that one Tom Bell of North Bend, Washington, had written a letter to the Soviet newspaper *Pravda* pleading for peace. A communist party leader described the letter as "rather sensible on the whole."

However, peace-loving letter-writer Tom Bell was not to be found in North Bend, Washington, nor in North Bend, Oregon, nor in South Bend, Washington. We wondered along with Richards whether our Tom Bell, who now lives in Richland, Oregon, had written the letter. *HCN's* Tom Bell replied that, no, he hadn't written the letter, although he does prefer peace to the alternative. So

Judge Richards and any other curious readers must continue the search for "the other Tom Bell."

Fundraising for our two news bureaus continues. In Colorado, 11 new donations totalling \$165 have brought our total there to \$3,200, leaving us \$1,800 to go. In Montana, three new donations totalling \$60 have brought us to \$2,045, leaving us \$2,955 short of our goal. We're thinking about supplementing our direct mail fundraising efforts with a special event or two in both Montana and Colorado. Any ideas/volunteers out there willing to help with this project?

If you've been procrastinating about entering our "New Subscriber Sweepstakes," don't wait any longer: the postmark deadline for entries is May 27. Right now, your odds of winning are an outstanding one in five. That's outstanding for you, anyway — for us it's a bit

disappointing. Frankly, we need the new subscribers.

Anyhow, if you do know someone that you think would enjoy *High Country News*, NOW is definitely the time to sign him or her up. Just use the handy-dandy card enclosed in this issue. And, yup, you're welcome to enter the contest twice.

We have a new member of the *High Country News* community. Former managing editor Joan Nice gave birth to a baby boy, Patrick, on April 15. Congratulations to Joan, her husband Bruce Hamilton and their daughter Kate, who is reportedly hugging Patrick all the time.

The *HCN* footrace will be held at 10:00 a.m. on June 11. Registration for the race will begin at 9:00 a.m. and the fee is \$5.00. We'll also be pushing our new line of *HCN* designer T-shirts, which will be available to subscribers after that date. Watch this space.

— the staff

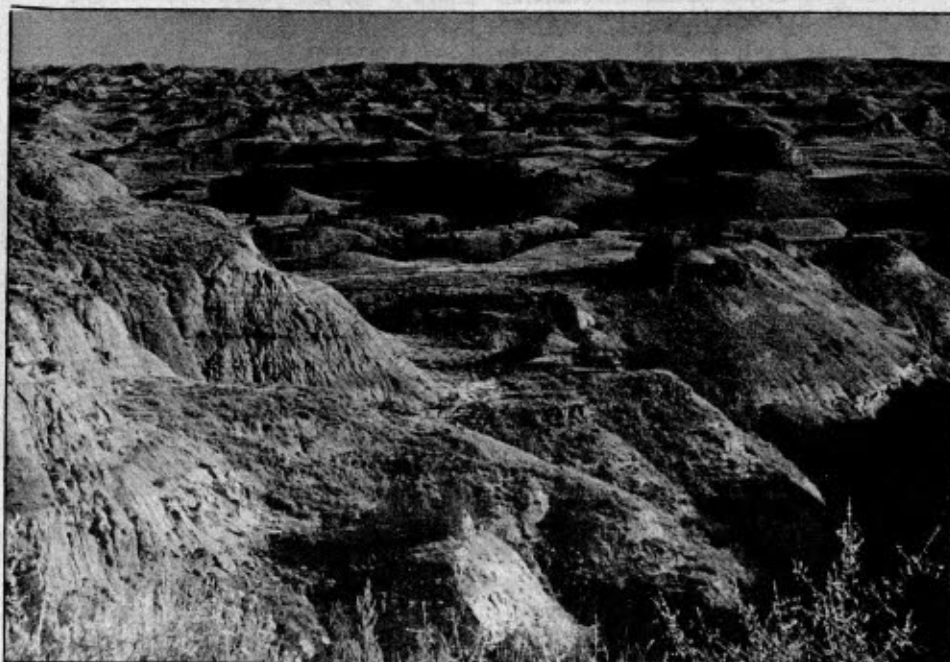
Roosevelt Park air threatened

On May 27, Interior Secretary James Watt must decide whether or not to sell 450 million tons of coal along the Montana and North Dakota border. Either way, his decision will contradict one of his agencies' recommendations.

At stake is the air quality in the nearby Theodore Roosevelt National Park. Russell E. Dickenson, director of the National Park Service, has warned that additional coal leases in the Fort Union Basin will violate the Class I air quality within the park. Yet the Bureau of Land Management, under a mandate to prepare coal leases, has knowingly recommended that Interior proceed with the sale. Class I air is the country's cleanest, and the Clean Air Act allows very little deterioration of the air quality.

Of particular concern to the NPS is the proposed lease on the South Wibaux Beach tract which is less than 60 miles from the park border. An NPS position paper on the Fort Union sale outlines their concern. The memo said, "BLM's analysis predicts concentrations that are nearly three times the allowable ambient level. . . . Based on estimated concentrations it is likely that coal leasing and development of these tracts would result in effects on the sensitive resources at Theodore Roosevelt National Park."

While the BLM acknowledged that additional unregulated coal leases would violate the Class I standard, they anticipate that industry will voluntarily comply in order to adapt to increased activity. In recommending the sale and enforcing the air quality standard, the BLM expects the coal industry to clean up existing operations in order to get



Theodore Roosevelt National Park

access to the new tracts. Actual permits will not be issued, unless the lease activity can be completed within the Class I standard.

"It will give industry some incentive to clean up their plants. The air is not going to get any cleaner, but we won't allow it to get any worse," said Lloyd Emmons of the BLM.

The Interior Department's plan for large-scale coal leasing is being heavily criticized for both economic and environmental reasons. At the time Secretary Watt decides whether to proceed with the Fort Union sale, the U.S. Congress will be voting on whether to ban any further coal leases in 1983 (see related story on page 2).

Adding fuel to the fire, three national environmental groups accused Interior earlier this month of violating a court order by failing to prepare comprehensive environmental impact statements on coal lease areas. The Natural Resources Defense Council, the Environmental Defense Fund and the National Wildlife Federation contend that the environmental studies done on 400,000 acres of federal land do not meet the requirements of a 1978 court order. The group has threatened to pursue contempt of court proceedings against the Interior Department unless more detailed environmental work is done.

— Dan Gorham

Alaskans up in arms

The Alaska National Hunting Bill, a proposal to open 12 million acres of national park lands in Alaska to sport hunting, is being criticized by both national conservation groups who fear it will establish a dangerous precedent in park management and Alaska residents who see it only benefiting the trophy hunter.

The legislation was introduced by Sen. Ted Stevens (R-Alaska) and Rep. Don Young (R-Alaska) last month and it has the support of the Reagan administration. The land in question would be transferred from park status to preserves, where hunting is allowed. Stevens contends that when the parklands were established three years ago, they were closed to hunting not for conservation reasons but because anti-hunting sentiment prevailed at the time.

However, national conservation groups do not see it as a pro-hunting issue but rather as an anti-park movement which could downgrade the protective status of parks around the country. "Our major concern is that this bill threatens the integrity of the national park system as a whole. Never before in Park Service history has such a radical change been proposed," said Rebecca Wodder of the Wilderness Society.

Fears that this bill may be a stalking horse for more dramatic inroads were reinforced by its sponsor, Sen. Ted Stevens, during the Senate Energy Committee hearing on April 15. "If this festers, the next bill I introduce will cover mining, oil and gas, timber, and we'll use this (the hunting issue) as a springboard to get to the other issues that bother us. . . . if this does not pass, there will be a new Alaskan lands legislation that includes the hunters, the miners, the oil and gas and timber and railroad people and we'll win that one."

A recent forum in the Anchorage Daily News revealed an 18 to 1 ratio opposed to the bill, with participants questioning the need for additional



Dall sheep

hunting areas and speculating that the bill is a political tool designed to drive a wedge between conservation and sportsmen's groups. Currently 90 per-

cent of Alaska's public land is open to hunting.

Of the 25 million acres of national park land in Alaska, roughly half would be stripped of its protected status by the proposed legislation. The largest parcels would come from the Gates of the Arctic National Park, which would be reduced by over five million acres, Wrangell-St. Elias by 2.3 million, Denali by 1.5 million and Lake Clark and Katmai by one million acres each.

Former President Jimmy Carter, who signed the legislation protecting Alaskan parks during his administration, is also lobbying to defeat the bill. Carter sent a letter to Senate Energy Committee Chairman James McClure (R-Idaho) warning that the proposed legislation threatens "the greatest public lands achievement ever attained by the American people." The Senate Energy Committee will begin debate on the issue later this month.

— Dan Gorham

BARBED WIRE

The Abraham Lincoln look-alike contest. Utah Gov. Scott Matheson (D) started growing a beard after suffering a mild heart attack in April. His wife, who had previously announced her disapproval of the project, received a number of letters from supporters of her position. According to these correspondents, the governor looks like "a tinhorn gambler," "a down and out bum" and a "motorcycle gang leader." Another writer suggested that Mrs. Matheson smear gum on the gov's whiskers to force him to shave it off.

The road to hell is paved with good intentions. Larry Milburn has been giving the Goshen County, Wyoming, commissioners advice on how to improve the Torrington jail. He qualified as an expert because he had been sentenced to serve 270 days in the facility for a variety of crimes.

Maybe, but we don't have to drink the paper. In response to an Environmental Protection Agency report citing agricultural run-off as an important source of water pollution in northern Utah's Bear River, a Farm Bureau official told a KSL-TV reporter, "I think too much animal waste is on paper and not enough in the river."

The Beach Boys Fan Club inducted him the same day. The Good Sam Club, a national organization of recreational vehicle enthusiasts, named Interior Secretary James Watt as an "honorary Good Samer" in its January newsletter. The result was an outpouring of letters from Good Sam Club members denouncing the selection of Watt. One Good Samer wrote, "The man doesn't know a tree from a lamp post."

HOTLINE

Guess who's coming to dinner

Earth First!, the radical environmental group, is planning to attend the twentieth anniversary of the Glen Canyon Dam in Page, Arizona. Earth First! promises to offer a warm reception for the event's keynote speaker, Interior Secretary James Watt. According to the group's newsletter, exact details are not being made public, but interested parties are meeting May 18 at the Lone Rock Campground just north of the Arizona-Utah border.

New team aids grizzlies

The federal government has established an eight-member Interagency Grizzly Bear Committee to help protect the dwindling number of grizzlies in the continental United States. The new committee will direct research on the bears and help implement state and federal programs to protect the grizzlies and increase their numbers. Members will include regional foresters from the U.S. Forest Service, representatives of the Fish and Wildlife Service, the National Park Service and the states of Idaho, Montana and Wyoming. The new committee replaces the Grizzly Bear Steering Committee, which had concentrated its work on bears in and around Yellowstone National Park.

Action on waste site recommended

A report prepared for Wyoming's Department of Environmental Quality recommends immediate clean-up of Union Pacific's tie treatment plant near Laramie. The report warns of possible toxic seepage into the surrounding ground water and recommends rerouting of nearby streams and the Laramie River. The report goes on to conclude that unless cleanup measures are taken, significant concentrations of hazardous wastes will exist into the next century. The Union Pacific plant was closed on May 1. State and company officials are currently negotiating cleanup costs and procedures.

Feds want to share dam-building costs

The Reagan administration wants water users to start picking up the tab for construction and operation of federal dams. The new cost-sharing package will apply to all future water projects. Under the proposal, municipal and industrial users would pay 100 percent of their portion of any water project, farmers would pay 35 percent of projected costs for irrigation, and recreation users would be charged 50 percent. Under the current system, the government generally reclaims 15 percent or less from water distribution systems.

Coal wastes put to use

Imbibing the entrepreneurial spirit of the 1980s, several coal companies have found innovative uses for their coal ash wastes. When coal is burned, almost 10 percent ends up as ash. For years utilities considered the ash a cumbersome liability and only recently have they found some creative uses. Ash is now being added to concrete, to make the mixture flow easily and produce a smoother finish. It's also being added to asphalt on highways and airport runways and in roofing materials. Detroit Edison has developed a mixture of 95 percent fly ash and 4 percent Portland cement. It has the consistency of modeling clay and will dry even under water. The utility is also attempting to spin melted fly ash into something resembling fiberglass to be used as sound deadening panels in automobiles.

HOTLINE

Ruckelshaus promises changes

In questioning before the Senate Environmental Committee, William Ruckelshaus, nominee for administrator of the Environmental Protection Agency, is breaking away from existing Reagan administration policies on acid rain and the regulation of cancer-causing chemicals. Ruckelshaus said the EPA should err on the side of caution and issue its regulations based on the assumption that even minute amounts of cancer-causing chemicals should be prevented from polluting the environment. On acid rain he noted the difficulty of setting standards for a pollutant where there is an unknown threshold and speculated that he might ask for authority to set ranges. Ruckelshaus is expected to be confirmed by the full Senate by the middle of May.

Unlocking federal funds

The Wilderness Society is continuing its investigation into possible illegal budget impoundment by the Department of Interior of funds designated for park land acquisition. Of the \$62.5 million allocated by Congress to buy new park property, only \$6 million was spent in the first five months of fiscal 1983. A legal memo prepared for the Wilderness Society said, "It appears likely that the Impoundment Control Act has been violated by a failure to report a withholding of appropriated funds." In such cases the Comptroller General can be asked by Congress to investigate.

Horn hunters face prosecution

Park officials in Yellowstone are cracking down on visitors who come to collect elk antlers for profit. Taking elk antlers out of the park is considered a theft of federal property and can result in a six-month jail sentence and a fine. However, "horn hunters" are not easily deterred, as the current price for antlers is roughly \$6.50 a pound with an unlimited market in exports to Japan and Germany. Park officials claim seven arrests have been made thus far.

Wild rivers debated

Conservation groups are not going with the flow of the recently proposed amendments to the Wild and Scenic Rivers Act. The bill, introduced by Senator James McClure (R-Idaho), would designate eight rivers for inclusion in the Wild and Scenic System. However, it eliminates 71 percent of the river miles recommended for designation and provides little money for land acquisition. The American Rivers Conservation Council has warned that the passage of the bill would signal the dismantling of the Wild and Scenic Rivers System. The Council is also critical of the administration's position that only rivers already protected within the National Forests be included.

Forest land sales re-evaluated

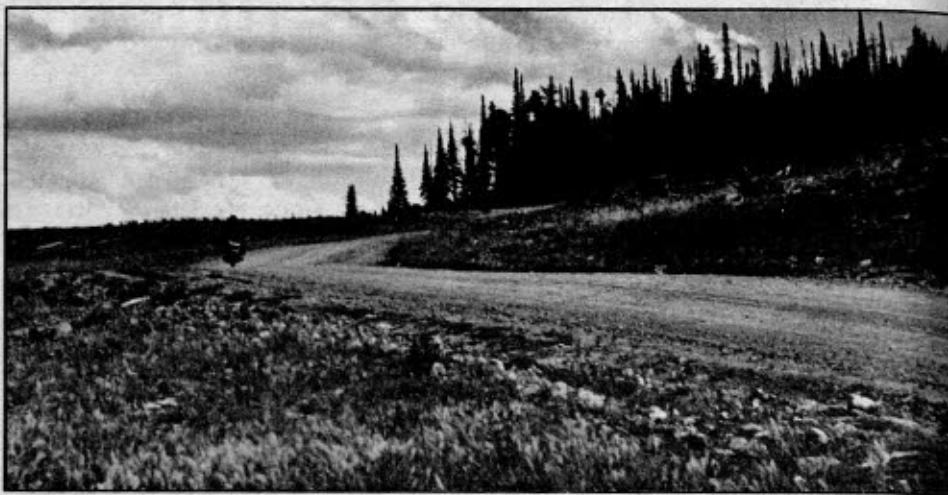
The Department of Agriculture has decided to change tactics in its proposal to sell off portions of U.S. Forest Service land. The original plan sought broad authorization from Congress for land sales. However, because of the controversy surrounding the issue, department officials are now looking for a compromise option. Assistant Agriculture Secretary John Crowell said the department has decided to pursue a "middle course" between selling the lands through broad authority and seeking case-by-case approval. He said the department is now drafting legislation that will call for "something more specific than general criteria" for lands sales.

Logging in a subsidy for forest roads

Is it an "undisguised and uneconomic raid on the Federal Treasury," or a plan allowing logging companies to be "fairly compensated for the public road building services they perform"? There is little agreement on the value of the road credit provision added to Sen. Mark Hatfield's (R-Ore.) timber contract relief bill. But both critics and supporters agree on the reason for the addition — to appease the intermountain timber industry which otherwise stands to lose from the timber relief bill.

The original purpose of the Hatfield bill was to let timber companies — mainly on the West Coast — out of timber contracts they had bid when inflation was soaring with no end in sight. But the intermountain timber industry — notably the Potlatch Corporation — was cool to the bill because it would give "unfair advantage" to those West Coast companies, according to Potlatch public affairs director Todd Maddock. The intermountain timber industry did not have large contracts like companies further west.

To win over the disgruntled companies, a special provision was tacked onto the bill. It would allow timber companies to be reimbursed for logging road construction over and above the value of the timber for which the road was built. Under current law the Forest Service reimburses timber companies for road construction up to the value of the timber being sold. Although no cash would go from the Treasury to the loggers under the new provision, less money would go from the loggers to the Treasury. If the timber were sold by the Forest Service for \$100,000 and the logging company spent \$100,000 building the roads to get the timber out, the Treasury would receive no money. If the road construction cost \$150,000, then



the company would receive \$50,000 in road credits, which could be transferred to another timber sale on any Forest Service land, or sold for cash to another logging company.

Wilderness Society Northern Rockies regional director Tom Robinson has blasted the provision as not only a "major and unscrutinized drain on the Treasury," but a giveaway that would degrade fish and wildlife habitat by encouraging logging in marginal timberlands. Road costs would be no object.

Would the provision encourage deficit logging sales? "I don't know, it might," responded James Goller, staffer to Sen. James McClure (R-Idaho), who supports the provision. "It might cause the Forest Service to look at their road standards," he added. Goller said many logging companies have objected to what they consider overly high standards for logging road construction. Goller said the provision is not intended to pressure the Forest Service into relaxing its road standards.

Goller defended the road subsidy, saying the roads are "going to be used for all sorts of purposes other than timber harvest."

But conservationists often consider roads the worst part of logging operations. The Idaho Department of Fish and Game has been working cooperatively with the Forest Service to close roads in areas used by elk.

If intermountain logging operations cannot cover the costs of their road construction, that leaves serious questions as to their ability to compete with other logging regions, Robinson noted. The southeastern United States is home to a growing timber industry with no need for road credits — and nothing to gain at all from the Hatfield bill. The timber industry there opposes the bill, as does Potlatch Corp., even with the road credit provision.

Noted Goller, "As the (economic) recovery proceeds it's less likely it will pass. This is a controversial bill, no doubt about it."

— Glenn Oakley

50 more years of Jackson Hole airport

Interior Secretary James Watt and the Jackson Hole Airport Board have signed a new lease agreement that extends the life of the controversial airport in Grand Teton National Park until the year 2033.

The new agreement, which includes stringent noise limits, supercedes a previous special use permit that was scheduled to expire in 1995. Cecil Andrus, interior secretary in the Carter administration, found that the airport no longer served the purposes of the Department of the Interior and announced that the permit would not be renewed upon its expiration.

According to Airport Manager Carol Lewis, Andrus' decision essentially "made us impotent in terms of getting improvements" since the Federal Aviation Administration, which administers improvement funds, requires a 20-year facility life for amortization of improvements. Although the airport board continued to obtain improvement funds for safety improvements under waivers, it decided to take advantage of a sympathetic administration to seek a more permanent solution.

The new agreement says that the Airport Board is "solely responsible for the operation, management, utilization and maintenance" of the airport and may make its own decisions to construct additional facilities related to the operation of the airport. The Park Service may comment upon the plans for such facilities but does not appear to have the authority to reject them. However, the blanket construction authority specifically does not include a runway extension.

The agreement includes limits on both "single event" and cumulative noise levels. The single event standard will permit continued use of Boeing 737 jets, but will preclude introduction of larger, noisier jets. The cumulative standards, according to Lewis, "will



allow some modest growth through 1995" but will put a "cap" on the facility's ultimate growth. The specific number of commercial flights that would be allowed under the cumulative standards would vary depending on the type of aircraft used and the technological advances that can be expected to reduce aircraft noise, but in today's world, the cumulative standards would limit commercial flights to six 737s per day. During the peak summer season last year, the airport handled four Frontier 737s and four or five smaller Transwestern "metro-3s" per day. This year, Western Airlines has also applied to service the route.

The agreement also designates the park west of highway 26 as a "noise sensitive area" and eliminates all flights below 3,000 feet in that area, with the exception of tightly controlled instrument approaches and departures. The lease has a primary term of 30 years, with two 10-year extension options.

While airport officials and the Wyoming congressional delegation, which was instrumental in negotiating the agreement, have emphasized the compromises and "tough-as-nails" environmental standards included in the lease,

the Sierra Club has found it totally unsatisfactory.

Sierra Club regional representative Bruce Hamilton said, "We feel that there is a basic non-compliance with the law by extending the lease on these terms and in this precipitous fashion, that all of the federal studies to date have generally pointed to the same conclusion — that the airport is inappropriate in a park setting and that it should be removed as promptly as possible and that there are prudent and feasible alternatives to the present airport."

"The latest lease agreement has been touted by the airport board and the congressional delegation as a tough environmental agreement that strikes a balance between the competing forces, yet it should be pointed out that one of the major parties in the whole dispute, that is, those who want removal of the airport, were not even included in the negotiations."

The Sierra Club, which has repeatedly taken the airport issue to court, has not yet made a decision on whether and how to challenge the new lease agreement.

— Jill Bamburg

Colstrip power may save Kootenai Falls

According to officials in the Montana Department of Natural Resources and Conservation, the proposed Kootenai Falls hydropower dam may not be needed if its owner, Northern Lights, Inc., of Sandpoint, Idaho, can successfully negotiate a purchase of power from the Colstrip power plant in eastern Montana.

Pacific Power and Light, in partnership with four other Northwest utilities, has announced that it will sell its 140 megawatt share of Colstrip 3 and 4, currently under construction, because of energy surpluses. If none of the Colstrip partners decides to purchase the PP&L share, Northern Lights could buy it more cheaply than it could build and operate the proposed 144 megawatt dam on the Kootenai River near Libby, Montana, according to the company's own analysis.

The Kootenai Falls project has been challenged by a coalition of environmental groups as well as the Kootenai tribes of Montana and British Columbia, who consider the falls sacred (*HCN*, 6/11/82). The opponents have intervened in Federal Energy Regulatory Commission proceedings to license the

project, and have urged the state of Montana to conduct separate licensing proceedings under the state's Major Facility Siting Act.

There is some question whether the state can exercise any jurisdiction over the project since the federal government normally permits and regulates hydropower facilities. The Montana DNRC, however, asked Northern Lights to comply with the siting act and to pay for an environmental impact statement on the project. The company complied and its relatively tiny power project has now received two EISs — one issued by FERC and a second by DNRC.

But shortly after issuing the draft EIS last autumn, DNRC director Leo Berry shelved further work on the study, claiming that the state has no jurisdiction to regulate the project. DNRC staff, according to one, "would have been unanimous in their opposition to permitting Kootenai Falls," but Berry short-circuited the staff's final recommendation by abandoning the department's review.

Meanwhile, the FERC proceedings on the project have become the longest licensing action in the agency's history.

A FERC decision is not expected until 1984.

Purchasing the PP&L share of Colstrip could defer plans to build the controversial project, which would otherwise almost certainly lead to protracted lawsuits if FERC decides in favor of the utility.

Northern Lights officials are remaining mum on their negotiations with the Colstrip partners. General Manager Irvail Rainey has met with officials of both PP&L and the Montana Power Company, the principal owner of Colstrip, but has not yet announced whether his company will be allowed to purchase the PP&L share. One other Colstrip partner has announced interest in the 140 megawatt surplus, and PP&L officials have said they feel obligated to sell to their partners first.

With state regulators backing away from the Kootenai Falls project, and FERC likely to approve it — the federal agency has never rejected a hydropower project — the purchase of Colstrip power is a slim reed of hope for the project intervenors, who have pledged to fight to the end to save the last major waterfall in the Pacific Northwest.

— Don Snow

Idaho forest(less) wilderness plan

Saying legal questions surrounding roadless areas threaten to choke off economic recovery in the timber industry, the Idaho Forest Industry Council has presented its Idaho wilderness proposal of a half million acres, a proposal that excludes almost all roadless areas with commercial timber. Idaho conservationists have called the proposal unacceptably small.

The IFIC proposal, sent in bill form to the Idaho congressional delegation, is the first to emerge since Sen. James McClure (R-Idaho) announced his intention of introducing an Idaho wilderness bill to resolve the RARE II controversy. RARE II is the roadless area review and evaluation conducted by the Forest Service under the Carter administration.

The IFIC proposal lists 13 areas totaling 591,628 acres for wilderness designation. The proposal would simultaneously open for development six million roadless acres studied under RARE II in Idaho. This provision opening the roadless areas is a "hard release" — removing the areas from future consideration for wilderness "unless otherwise expressly directed by an act of Congress." Under normal release language the Forest Service or others can go back and reconsider released areas for wilderness. Conservationists are unalterably opposed to hard release language, and McClure told *HCN* in a February 1983 interview, "Release language does not settle the wilderness issue forever . . . Anytime anybody wishes to raise the issue of a further wilderness they're perfectly free to do that."

The IFIC bill would freeze Forest Service wilderness in Idaho at some 4.3 million acres. Idaho presently has some 3.8 million acres in the wilderness system, more than half of which composes the River of No Return Wilderness. The forest industry has repeatedly pointed out that Idaho has more wilderness than any state in the nation, with the exception of Alaska.

Todd Maddock, public affairs director for Potlatch Corp. and chairman of IFIC's wilderness campaign, said the legislation is necessary to resolve "a problem of crisis proportion." Maddock said the October 1982 Circuit Court of Appeals decision in California, which ruled RARE II inadequate there, is blocking timber harvests in Idaho's roadless areas. He said 20 percent of the

Forest Service's planned Idaho timber sales for 1983-84 are within the RARE II roadless areas and thus vulnerable to legal challenges based on the Ninth Circuit decision.

The IFIC said 4 million acres of commercial timberland are roadless. Maddock said, "We've tried to exclude as much of the commercial forest land as we could." IFIC defends its position by arguing that the "vast balance of the areas are 'average' acres." IFIC Director Joseph Inson said, "It is not wilderness, it simply has not yet been developed."

But wilderness supporters in Idaho show no inclination to accept only "rocks and ice" for wilderness. The Idaho Department of Fish and Game, which bases its decisions solely on wildlife considerations, has strongly supported wilderness protection for the Mallard-Larkin and Hoodoo areas in northern Idaho, in addition to other areas in the state. IFIC's proposal cuts Millard-Larkin by two-thirds and Hoodoo by four-fifths. Martel Morache, who coordinated the wilderness recommendations for the department during RARE II, said IFIC's wilderness proposals are "not adequate in any way, shape or form to protect the wildlife there."

The Department of Fish and Game, along with other state agencies, made wilderness recommendations to Gov. John Evans in 1979, who in turn pro-

duced his own wilderness recommendations. Preliminary meetings between the Governor's staff and the department have already been made to re-evaluate the 1979 recommendations. Several changes have been made since 1979, including the inclusion of some RARE II areas into the River of No Return Wilderness bill. Gov. Evans in 1979, however, recommended for wilderness little more than half the acreage recommended by the Forest Service.

RARE II wilderness recommendations for Idaho now stand at a little more than one million acres. Conservationists have labelled the RARE II recommendations a rock-bottom low. However, state conservationists have not put forth a figure that they would consider acceptable.

Pressure is now on conservationists to come up with their wilderness proposal. The Idaho Wildlife Federation passed a resolution supporting Alternative W — the conservationists' 1979 wilderness proposal. But many conservationists are returning to their wrinkled RARE II maps reluctantly. Said Tom Robinson, the Wilderness Society's Northern Rockies regional director: "You can't deal with 124 roadless areas in a couple of months. If he (McClure) really wants good proposals there isn't time."

— Glenn Oakley

IFIC's wilderness proposals include the following:

Area name	IFIC proposal (acres)	RARE II recommendation (acres)
Selkirk Crest	24,276	22,875*
Scotchman Peak	10,164	10,968
Mallard-Larkin	50,000	156,068
Great Burn (Hoodoo)	21,500	100,100
Lakes	3,971	5,052
Needles	92,048	87,500
Ten Mile East	32,135	40,999
Steel Mountain	15,240	22,000
South Boise-Yuba River	87,720	87,330
Pioneer Mountain	104,689	105,960
Borah Peak	119,675	119,864
Lionhead	14,440	16,860
Worm Creek	15,770	16,000

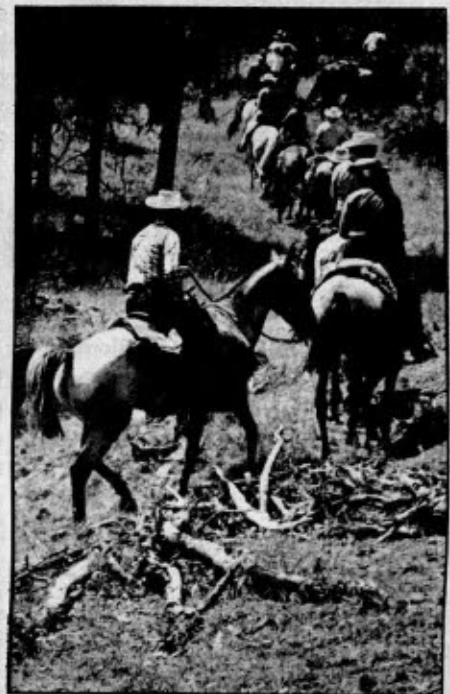
The RARE II study also recommended a number of other areas totalling 1.022 million acres for the state of Idaho.

* There are 46,989 additional acres designated under RARE II for further planning in the Selkirk Crest.

HOTLINE

Outfitters oppose backcountry regulations

Yellowstone National Park's decision to close 400,000 acres of backcountry to human travel has drawn strong opposition from the Wyoming Outfitters Association. Park officials implemented the plan last month in an effort to prevent confrontations between grizzly bears and humans and stabilize the species' dwindling population (*HCN*, 4/15/83). The Outfitters Association claims the backcountry closures are too restrictive and recommends supplemental feeding of the bears to re-centralize the grizzly population. Their proposal is now being reviewed by the new Interagency Grizzly Bear Committee.



Idaho Dept. of Commerce and Development

Outfitters oppose federal fee hike

The Forest Service's proposal to collect six percent of the gross income from guides and outfitters operating on National Forests is being challenged by the 2,000 members of the National Forests Recreation Association. Guides and outfitters are now charged a daily fee of 25 cents per person. By boosting it to six percent, the association said they will have to pass it on to the customers and thereby hurt business. Association members prepared an industry position at their annual meeting last month and submitted it to the Forest Service for consideration.

Interior's dog and pony show

Interior Secretary James Watt has issued a directive to field employees to begin public presentations in support of his policies. The public relations blitz comes complete with slides and script to educate "organizations and individuals nationwide on the Interior Department's programs, policies and accomplishments." Rep. John Seiberling (D-Ohio), however, called the directive "an absolute outrage."

Another EPA official resigns

The top international official at the Environmental Protection Agency has resigned in the midst of allegations surrounding his involvement with the Dow Chemical Company. Richard Funkhouser became the 14th ranking political appointee to leave the EPA in the wake of recent investigations regarding the agency's ties to private industry. Funkhouser allegedly aided a Dow official, Donald McCollister, in altering the U.S. position at an environmental conference in Paris last November. Rep. James Scheuer (D-N.Y.) is investigating the charges.

6-High Country News — May 13, 1983

Salt Lake hits Vitro cleanup plans

Calling the U.S. Department of Energy's plan to stabilize 3.4 million tons of radioactive mill tailings "fatally flawed," the Salt Lake City-County Health Department has told the DOE that it opposes the permanent establishment of a low-level nuclear waste dump in the county, and that the only acceptable solution is to move the material to an isolated desert location.

The Salt Lake City-County Health Department and the State of Utah have now submitted their final statements in the Vitro tailings battle to the DOE and expect a decision from DOE Secretary Donald Hodel by May 15.

The refuse pile was abandoned by the Vitro Chemical Company of America, which extracted uranium from the ore from 1951 through 1964. The 128-acre dump is located southwest of downtown Salt Lake City in a heavily populated area just off Interstate 15. A byproduct of the decaying uranium tailings is radon gas, which is known to cause lung cancer in humans and other

animals, but the major concern, said Larry F. Anderson, assistant director of the Utah Bureau of Radiation Control, is the leaching of heavy metals into aquifers from which Salt Lake City gets much of its drinking water. "All the things that happened at Love Canal can happen here," said Anderson.

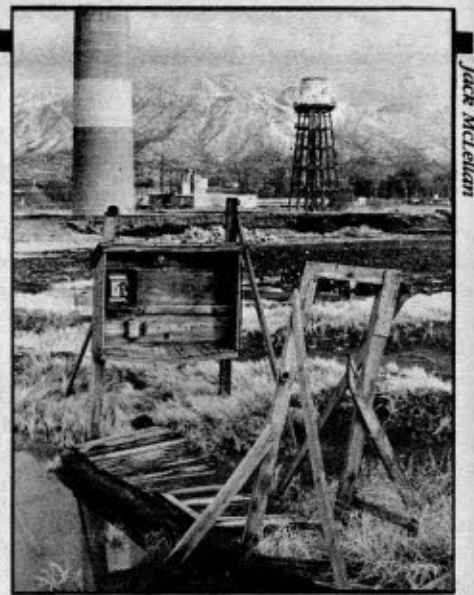
The DOE wants to stabilize the tailings at the site because it said the cost of moving them to a remote location is too high. The DOE said it will cost \$22.5 million to stabilize them and almost \$61 million to move them. Utah officials said it will cost only about \$43 million to move the dump, of which the state is committed to pay 10 percent — the balance coming from the Environmental Protection Agency's "Superfund," which is earmarked for such projects.

While the battle about what to do with the tailings rages on, new federal standards for toxic waste site cleanups have angered environmental groups. Four have joined in filing a lawsuit against the EPA. The groups — the

Sierra Club, Environmental Defense Fund, Natural Resources Defense Council and Southwest Research and Information Center — claim the new standards fail to protect human health. Where the EPA once said one cancer in a million people was an acceptable risk, the groups said the EPA now thinks a "few chances in a thousand" is an acceptable risk.

Proposed uses for the site if the tailings are moved to an isolated desert area in southwest Tooele County are being discussed. One proposal — to build a resource recovery plant which would burn the 1,750 tons of garbage the county generates daily and convert it to electricity — is already producing some heat. The plan, supporters said, would ease the strain on the county's landfill. Not many people living around the Vitro dump, however, want a garbage-burning plant in their neighborhood, whether it generates electricity or not.

Another proposal for the tailings — if they are to be moved — is to haul them



Vitro tailings site, Salt Lake City

to San Juan County where they could be reprocessed and delay the closing of a uranium processing facility there for up to a year. Anderson said that proposal isn't economically feasible.

The EPA estimated it will cost about \$330 million to clean up some 24 million tons of tailings which are scattered across the country. Most sites are located in Colorado, Utah, Wyoming, New Mexico and Arizona.

— Lance Gurwell

Critics boil over water district bill

In mid-February, the Colorado General Assembly passed a bill that reaffirms the legitimacy of all the state's water conservancy districts with such speed that a Denver radio station said the passage left "trails of legislative hot rubber" on the floors of the capitol.

But opponents claim the bill was an attempt by water interests to obtain a legislative "king's X" in the hopes of blocking a court ruling that might have ramifications on all Colorado water districts, new and existing, and the water districts in all other western states with similar water laws.

The court battle referred to arose out of a five-year attempt by the Taxpayers for the Animas-La Plata Referendum (TAR) to stop the creation of the Animas-La Plata water conservancy district in the Durango area.

Jeanne Englert, spokeswoman for TAR, said the battle began in 1979 because the group did not believe proposed water projects in the area were needed. It grew into a battle against the formation of the district because the district had to be created in order to proceed with any of the water projects.

She said they are challenging the validity of Colorado's water conservancy district law because it lacks a democratic process in the formation of districts and in the decisions as to whether or not a project will ever be built. Of particular irritation to TAR is the fact that water conservancy district boards are appointed by a judge, not elected, even though the conservancy district ultimately has tremendous powers of taxation for water projects.

The pending Animas-La Plata lawsuit, now in federal court in Denver, brought

the water interests' lobbyists out before the passage of the district reaffirmation bill. The lobbyists claimed the suit would hinder the ability of all water conservancy districts to obtain financing and bonding because all districts might be proven invalid if the opposition to the Animas-La Plata won.

According to Englert such thinking is "bullshit." She said the lobbyists produced a handout that stated water conservancy bonds wouldn't be guaranteed if the Animas-La Plata district is abolished. Englert said there is no truth to that handout and pointed out that the Northern Colorado Water District recently ran large ads in the *Wall Street Journal* offering their bonds on the market.

Water interests later admitted that the purpose of the legislation was as much to knock the Animas-La Plata law-

suit out of court as for any other purpose. House Minority Leader David Skaggs (D) of Boulder attempted to amend the proposed legislation to exempt the Animas-La Plata lawsuit and thus protect that pending legislation. Skaggs' amendment did not pass.

By reaffirming the water districts some legislators and water interests hoped that the federal judge scheduled to hear the case would determine that all issues had been resolved by remedial legislation and thus refuse to hear the case. That has not happened so far and opponents charge that the legislation was an obvious attempt to prevent key questions concerning Colorado water law from ever being tested in court. A hearing on the case is scheduled for May 23.

— Kathleen Parker

WPPSS nears default

A month-long series of closed-door meetings aimed at averting default at the Washington Public Power Supply System collapsed late in April when negotiators reached an impasse over liability for the consortium's massive debt.

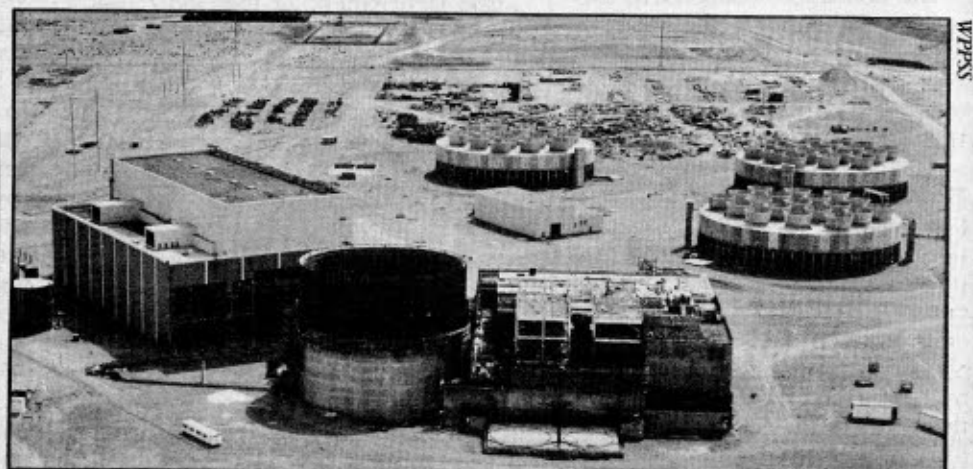
The 88 utilities that are members of WPPSS are saddled with a \$7 billion debt incurred when they terminated construction on two of their five nuclear power plants in January, 1982.

Construction on the plants, located at the Hanford Nuclear Reservation in eastern Washington and at Satsop, west

of Olympia, Washington, was terminated because WPPSS was unable to raise additional construction money and because of decreased demand for electricity in the area to be served by the plants.

WPPSS originally sold \$2.25 billion worth of bonds to finance the construction. With interest over 30 years, that comes to \$7 billion. The 88 members have resisted paying such a huge debt on plants that will never produce power, and have challenged their obligations in court.

Early in April, WPPSS officials sent



WNP-4; 23 percent complete

notices to 65 of the utilities demanding monthly payments on the debt that were to have started in January. Most of the 65 were reluctant to pay directly to WPPSS until key legal questions were settled. Of the other 23 members, seven had already made payments and 16 from Oregon and Idaho have been barred by court order from doing so.

To answer their concerns, King County, Washington Superior Court Judge H. Joseph Coleman established a special escrow account to hold payments pending resolution of the suits and to allow WPPSS to avoid default when its current cash reserves run out sometime in May. So far about 30 utilities have made payments to the escrow account.

Now WPPSS plans to go to court to start the complicated legal proceedings necessary to gain access to that money and the utilities are resisting the effort. Reports indicate that dispute was the cause of the breakdown in the default negotiations.

Top officials from the 88 utilities, the Bonneville Power Administration, which backs the three remaining WPPSS plants, and four private utilities that own shares in one of the remaining plants — Portland General Electric, Pacific Power and Light, Puget Sound Power and Light, and Washington Water Power — were involved in the talks.

While negotiations were collapsing, bond brokerage firms began to withdraw their ratings for the three remaining WPPSS plants. Analysts now think that creditors of the two terminated projects might be able to attach the assets of the other three plants. Such action would bankrupt WPPSS entirely.

Bond experts also say that failure to pay the WPPSS debts could show up in tax bills throughout the region if the investment community decides to "punish" the Northwest and charge penalties on future bond sales by municipal agencies.

— John Soisson

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Flathead Lake...

(continued from page 1)

cal components of the lake, a major recreational attraction in northwest Montana.

Flathead Lake is the largest natural fresh water body in the West. Formed by a terminal moraine near the present town of Polson, the glacial lake originally was a reservoir that filled its valley far north of its present shores. It is fed by the North, South and Middle Forks of the Flathead River. The main stem exits the lake through a slotted plug of Precambrian sandstone, then flows to its eventual confluence with the Clark Fork of the Columbia.

The lake is large enough to create an important microclimate along its shore. Sweet cherry orchards flourish there, along a narrow band of shorefront that remains protected from death-dealing ground frosts in winter. Flathead Lambert and Bing cherries hit the national market later than any other cherries, and are cherished for their fine texture and flavor.

North of the lake and away from its protective microclimate, the winter chill encourages another important agricultural enterprise — the growing of certified seed potatoes. The north valley's cold climate inhibits the growth of soil pathogens — microorganisms that can cause disease — making the Flathead important for the West's potato future. Rich glacial till makes the valley soil ideal for seed potatoes and other crops.

But aside from the lake's effect on local agriculture, little was known about its physical and biological characteristics. The basin EIS and the work of the University of Montana's Yellow Bay Biological Station have gone a long way toward filling the informational vacuum. While Yellow Bay biologists were conducting studies on the lake's fresh water biota, university geologists were analyzing lake bottom sediments for clues about the biochemical changes that have been recorded in Flathead Lake.

A third study, focusing on spawning habitat for the lake's once-abundant kokanee salmon, employs Department of Fish, Wildlife and Parks biologists, who suspect that declining kokanee populations are tied to poor quality ground water entering the lake and lake-level fluctuations caused by the operation of Hungry Horse and Kerr Dams on the Flathead River.

The EIS research teams have pieced together a picture of current and anticipated problems facing water quality in the Flathead lake and river system. Phosphorous, chiefly from detergents, is entering the lake at alarming levels from community waste water. While natural phosphorous has entered the Flathead for millennia, the waste water variety threatens to add enough new nutrients to cause eutrophication, or oxygen depletion, which will favor plant over animal growth.

Compounding the problem is the potential for serious sediment loading upstream at the proposed Sage Creek coal mine, where overburden spoils will be deposited a scant 90 meters from both Howell and Cabin Creeks. The provincial Energy, Mines, and Petroleum Resources Agency of British Columbia has recommended a sediment standard of 50 milligrams per liter in Howell Creek — more than three times higher than the highest concentrations flowing downstream during natural run-off events.

"The Sage Creek mine is clearly the largest environmental threat to the basin," according to Ron Cooper. But, he added, the EIS steering committee is also concerned about waste water treatment in communities near the lake. In its recent 25 point statement of recommendations, the committee made two strong suggestions that are bound to raise some eyebrows both at home and over the border.

First, the committee recommended

that Sage Creek's spoils be placed a substantial distance from the nearby creeks. That change would precipitate a greatly modified mine plan for a company that has already invested in a plan that it likes. The committee also called for tertiary sewage treatment plants in every community that borders the lake.

Howell Creek, bordering the proposed coal mine, has provided a focus for much of the fisheries studies under the EIS, because of the creek's importance to the Dolly Varden, more properly — if not as attractively — called the bull trout.

One three-kilometer stretch of Howell Creek provides 10 percent of the known bull trout spawning habitat in the entire basin. Sedimentation and creek dewatering — caused by pumping the mine pit dry — would probably ruin the spawning habitat in the stream.

Ron Cooper says that in addition to learning that sad fact, the EIS produced "the most extensive look ever at the habitat of the inland bull trout."

On May 5, voters in British Columbia

returned the incumbent Social Credit Party to power, signalling the final go-ahead for the Sage Creek Mine. Social Credit leader Terry Segarty is an avowed supporter of the mine and has said he expects operating permits to be granted by the end of the summer.

The New Democratic Party, losing by narrow margin, advocated withholding mine approval until more environmental and marketing studies are conducted. Metallurgical coal prices have plummeted by more than 15 percent in recent months, making the remote Sage Creek deposit appear less attractive. The coal is expected to be shipped to Pacific Rim countries for use in steel mills.

Canada's provincial governments are resisting the enactment of federal mining standards, which are extremely weak compared with both U.S. and Montana state standards.

"At the Sage Creek mine, we're talking about an area that gets 35-50 inches of rainfall per year, and a company that

wants to leave final spoils slopes that exceed 55 percent," said Cooper. Slopes permitted at mines in Montana must be less than 25 percent in grade, and would not be permitted so close to freshwater streams.

Montana's governor and several legislative leaders have embraced the work of the Flathead EIS team, calling for a permanent Flathead Basin Commission to continue the work of the ad hoc committee, which will formally dissolve upon issuance of the report.

Polson State Senator Jean Turnage (R) teamed up with Gov. Ted Schwinden (D) in successfully steering through a 1983 bill that creates and funds the new commission, but Montana politicians have been reluctant so far to get substantial concessions from Canadian officials on the Sage Creek mining plan.

Nevertheless, the unprecedented study now exists, and its findings could be used by policy makers in two countries to decide how best to protect an international treasure.

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8-High Country News — May 13, 1983

LICKING · YOUR · TRICKSTER · CHOPS · AT · THE · MOON



C · O · Y · O · T · E

FOUR QUARTERS

1. I saw you, old man Coyote,
Roughouser coyote
Licking your trickster chops at the moon.
2. I was wiping counters in the kitchen.
I was sweeping the floor
& suddenly Sara opened the door
where snow fell in the night
& glittered, encrusted, caught in stray starlight
Listen! she said. Can you hear the coyotes?
3. The sun had found the top of a peak,
No more, coming over our valley's edge
But it was light all around then
And the coyotes sang long in daylight!
4. Now full day, & they turn to stiff-masked totems
or drift, indistinct, through a stand of aspen.
Later I shall mark their confluence
in a meeting of single-etched trails
where they stood together;
Should one mark mine there as well
It will be untouched, though I stand until cold
Has come clean through.

— Jennifer Hiebert

COYOTE'S VISION QUEST

Coyote sat on a mountaintop,
four days,
fasting,
waiting for a vision.

Sun came up,
went down;
wind blew.

(nothing
happened)

Making his way down,
weak and hungry,
Coyote looked back
to the peak;

thought
"So THAT'S what it's all about"
and went home to eat.

— Chris Antelope

COYOTE-NO-MYTH

I know a man
who knows coyote —
calculates turds
per acre.

He listens to coyote run
then draws lines
on a map.
He counts dead sheep
coyote did not kill.

He tells me
what he knows.
I too know coyote
is no myth,
does not write poems.

Of course, I have seen
coyote's name
on hundreds of poems,
but only once
did I believe
she actually spoke.

— Kenneth Brewer
(The Collected Poems of Mongrel)

COYOTE THIRSTY

Coyote's dream is the only landscape
rain reaches when
the sky boils black
off Aquarius plateau.

Lightning is the map coyote travels
in the sandstone
thunder crust of
Horseshoe canyon.

Deep beneath that sky
he snaps at deerflies
in the hot honey of sunlight,
sucks down tadpoles
in the last damp of June sand.

— Jose'

COYOTE AND THE CLOUD CHILDREN

Beaver have trapped a spring
deep in underbrush.
It sneaks out along the dirt road.

Coyote halfway down mountain
sheds the husk of deadly thirst.
Muzzle in moss he remembers again
the sky dream —
of spawning clouds
their thunderous mating
lightning joy
as they journey east,
thinks how he lives
off their liquid children
while salmon travel with them

and how on cold mornings
they gather in his breath.

— Jose'

SHORT COYOTE STORY

"Coyote this — Coyote that!
Why do you keep picking on me?"
Coyote complained.

That's all he said, so I wrote it down,
and I guess it's a pretty short
Coyote story.

— Peter Blue Cloud
(Elderberry Flute Song)

1080

"Ten-Eighty," they say it, when they call
for me, and I kill so well they'd
give me a medal, stockmen
would. They love me. Right down
the food chain I go: after
the coyote dies, the vulture that
eats it does, then the ant and
ant eater and on. I sift
for death, and find it again
and again. I carry many ghosts
multiplying with me as I go.

Even the swallows fluttering for
tainted flies hear me in the grass.
"My name is Ten-Eighty," I whisper —
"you come too." And they come.

— William Stafford
(Clearwater Journal)

10-Hig



Bobcat

GOOD NEWS

about nongame wildlife

by Carol Jones



Snowy egret

In 1982, taxpayers in 13 states donated over \$3.3 million of their state income tax refunds to their state game and fish agencies' special wildlife checkoff programs. The refund contributions usually went to nongame programs, which have historically had very few sources of funding. Wildlife management is usually separated into game — species that are hunted or fished — and nongame — species that are not.

Wildlife checkoffs are one of those rare good news stories. Because the program proved so successful in Colorado — the state that introduced the idea in 1978 — 23 states now have wildlife checkoffs. But as the idea has succeeded, refund checkoffs for other causes are being proposed and passed by state legislatures, threatening competition for checkoff funding.

In the Rocky Mountain region, Colorado, Idaho, New Mexico and Utah already have successful checkoff programs. Arizona started a checkoff this year and Montanans will have the option next year. Wyoming, which does not have a state income tax, is the only state in the Rocky Mountain region that does not have this reliable source of funding for nongame programs.

The checkoff allows taxpayers to donate any amount of their state income tax refund — the average in the 23 states being around \$4 — to the state game and fish department's account for special wildlife programs. During these times of federal cutbacks, the checkoff monies are crucial to nongame or nonconsumptive wildlife programs.

For example, many nongame programs were begun under the auspices of the Endangered Species Act, which provided matching federal funds for state programs involving endangered species, such as grizzly bears, bald eagles and peregrine falcons. But the Reagan administration shut off those funds two years ago and states have been receiving the last of that money this year.

Another federal source has been Pittman-Robinson funds from an act created in 1937 as a federal excise tax on firearms and ammunition. The funds are earmarked for specific purposes, nongame included. But because game programs are also eligible for P-R funds, competition for the money is fierce. Before money is delegated to nonconsumptive wildlife programs, most state agencies must fulfill their responsibility to hunters and fishermen who purchase licenses and pay for the majority of the agencies' actions.

Ron Cupka, wildlife research specialist with the National Wildlife Federation in Washington D.C., pointed out that the Reagan administration has gutted another program designed to aid nongame species. In 1980, under the Carter administration, Congress passed the Fish and Wildlife Conservation Act to provide alternative funding for the federal end of nongame programs. Although \$5 million was authorized for each fiscal year between 1982 and 1985, no money has ever been appropriated. The act expires in September, 1985.

Even though the Reagan administration has not pushed for the funds, Cupka said that even the idea that matching federal funds could become available probably encouraged some states to develop checkoff programs. The success of the wildlife checkoffs has now inspired a number of other worthy and underfunded programs to try the refund approach. The effect of these new checkoffs on nongame funding is unclear. Cupka said in Oregon, where a checkoff for the arts was added in 1981, wildlife funding suffered a decline. In 1980 the nongame checkoff brought in \$359,000; in 1981, with the addition of the arts checkoff, wildlife brought in only \$272,000. Oregon Fish and Wildlife officials believe the decline cannot be attributed entirely to the new checkoff. The recession and lack of adequate feedback from the public on the direc-

tion of nongame programs could also have had some effect.

Idaho, which added a checkoff for the U.S. Olympic team this year, will know by this summer how that has affected the wildlife checkoff funds, said Marty Morache, nongame coordinator for Idaho's Department of Fish and Game. Another checkoff for a drug abuse program in Idaho will be added next year.

In Colorado, the state legislature recently approved two additional checkoffs to the income tax form — one for the U.S. Olympic team and one for domestic abuse programs. Both are awaiting Gov. Dick Lamm's (D) signature.

Steve Blomeke, executive director of the Colorado Wildlife Federation, said the additional checkoffs will most likely reduce the amount wildlife receives. He said he is especially opposed to the Olympic checkoff because the Olympics receive revenue from many other sources, and because Congress is considering a checkoff on the federal income tax form for the U.S. Olympic team.

He said that although it is more difficult politically to oppose the domestic abuse checkoff, there are other social monies to support programs in that area. "Our position has always been that there is no other way to support nongame," he said.

Wildlife funding for nongame species goes into research and inventorying to determine which species need attention. Then programs can be designed for individual species, as well as for overall habitat improvement. Nongame programs range from projects involving endangered species to studies on urban wildlife needs and habitat. Examples range from studies of river otters and the mountain wood frog in Colorado to raptor rehabilitation and public participation in bluebird nest building in Idaho.

The checkoff idea began in Colorado. The Colorado Division of Wildlife started a nongame program in 1972 that was paid for through the state's general fund. The amount appropriated was minimal in the beginning, but was enough to hire John Torres as a wildlife biologist whose main responsibilities were nongame species. Torres, who began under the division's small-game supervisor, is now chief of the state's nongame division and has 14 full-time and 21 part-time people under him.

By 1975 the legislature had appropriated over \$100,000 to the program and it had grown enough to have its own mammal, bird and aquatic specialists. In 1977, federal funds from the Endangered Species Act became available and Colorado's nongame budget jumped to \$300,000.

However, working behind the scenes to find some other source of revenue for the state's 783 species of nonconsumptive wildlife was a citizen's advisory group composed of members from Colorado's National Audubon chapters. It was a member of this group, Vim Wright, who came up with the idea of earmarking refund dollars for wildlife in the same manner that refund dollars are earmarked for political campaigns. The idea was approved by the Colorado legislature and the first checkoff option appeared on the 1978 tax form.

The first year Coloradoans contributed \$350,000 at an average contribution of \$2.89. By 1981 the average contribution was \$5.30, bringing in a total of \$740,700.

The 1982 total dropped to \$691,591, although the average contribution increased slightly to \$5.60. However, fewer taxpayers received refunds in 1982 than in 1981 and the division believes that that in itself could account for a decline of about \$70,000. Despite the recession, the division is hoping to bring in at least as much this year as it did in 1981.



Burrowing owls

John George

The monies collected through the checkoff program go into a nongame fund. The legislature then appropriates a certain amount to the division each fiscal year. Torres said there is about \$600,000 in the kitty now, a reserve that makes him feel secure about possible dry years ahead.

Arizona, which began its checkoff this year, is the only other state in the region that requires the legislature to appropriate a portion of the checkoff funds. Other game and fish departments in the Rockies have the funds deposited directly into a special account that is available without legislative appropriation.

The Colorado checkoff program scored a major victory on April 21. The program, which would have expired January 1, 1984, was reapproved and authorized permanently by the legislature. A clause making it possible for people who do not receive refunds to contribute also was added.

But despite the reauthorization of the checkoff and its success, Torres still feels the nongame program is hurting financially. Nongame programs used to receive \$118,000 a year from the general fund over and above the checkoff money. But the legislature discontinued the general fund appropriation two years ago because of budget cutbacks. Torres also said the nongame program was receiving \$580,000 from the Endangered Species Act.

Because of the cutbacks, Torres said nongame programs may have to proceed at a slower pace and some staff positions will not be filled.

Idaho's checkoff program brought in \$106,000 in 1982. Marty Morache is Idaho's only full time nongame biologist. He said the state will be picking up a part-time biologist soon, but the department depends heavily upon six educators who communicate with the public about Idaho's wildlife programs, both game and nongame. In the department's six statewide regions, public advisory committees selected by the regional staff express the views of the public on wildlife management. Morache believes such involvement is important to shape the direction of nongame priorities.

Public involvement is also very important to John Hubbard, supervisor of endangered species with the New Mexico Department of Game and Fish. Hubbard said the Department is constantly communicating with the public through newsletters and personal contact because "at this time we really don't know who the constituency is that contributes.

"One thing you discover quickly is that the public is pretty poorly informed about wildlife and its needs," he said. "You must create a more discriminating public so that they make more substantial contributions.

"We try to show the public why we might focus in a particular direction," Hubbard continued. "For example, the first year (1982) money went heavily to research. Many people see that as money going just to academia. But research is needed to determine species and habitat needs."

Hubbard is quick to point out that the

New Mexico checkoff is not earmarked specifically for nongame species, but for wildlife in general. The checkoff funds, which brought in \$256,000 at an average of \$10.68 per contributor last year — the best average in the country — go directly into the department's game protection fund, but are kept in a different account. Hubbard said some of the checkoff funds can be used for game programs if the department feels it necessary. Because the money is not specifically earmarked for certain projects, it can be shifted around to meet needs as they arise.

"All other programs that I'm aware of are less flexible than our program," Hubbard said. "They are more management-oriented. We try to handle all situations but with flexibility. For example, our peregrine falcon project is tucked away in an omnibus program so that if another raptor comes along that needs help we can do it. We're not hung up on specific projects."

But although Hubbard praises the flexibility of the program, he does admit more attention needs to be given to "nonconsumptive wildlife programs even if some people are alienated."

Hubbard and his nongame team of three other biologists — the same number on staff since the inception of New Mexico's endangered species and nongame program in 1973 — realize they are the "tail of the dog. But we work hard to see our creatures don't fall through the cracks," Hubbard said.

Nongame programs, even though helped tremendously by the checkoffs, are the tail of the dog in order of financial priorities in every state. But nowhere is this as evident as in Wyoming.

Wyoming is the only state in the Rockies that has no state income tax. Therefore, funding for nongame programs must come from other sources. Although nongame programs receive some endangered species and P-R money, currently any nongame work is funded through sporting fees. Although some species — black-footed ferrets, grizzlies and peregrine falcons — receive attention because of their high profile, most slip through the economic gaps.

The Wyoming Game and Fish Department and state conservationists are pushing a program that would give nongame management a good start and help the department with other projects as well. Under the program, known as the Wildlife Trust Fund, a portion of the state's mineral severance tax would be earmarked for wildlife programs, especially nongame. Using a tax on a nonrenewable resource to supplement one of the state's renewable resources, wildlife, through mineral development, sounded like a fair exchange to many Wyoming residents. Doug Crowe, planning coordinator with the Game and Fish Department in Cheyenne, said they hoped to obtain \$1 million per year for nongame through the Trust Fund program.

Despite backing from Wyoming Gov. Ed Herschler (D) and strong support in the state Senate, the Trust Fund failed to pass the House in the 1983 legislature. Heavy lobbying by agricultural interests,

the Wyoming Heritage Society and Outdoors Unlimited killed the bill.

Rep. Marlene Simons (R-Crook), a leader and founding member of Outdoors Unlimited, which she said is "dedicated to everything the environmentalists oppose," sits on the House Committee on Travel, Recreation and Wildlife, where the Trust Fund bill was killed. Her opponents, such as Wyoming Wildlife Federation President Tom Dougherty of Cheyenne, have charged that the House Republican leadership stacked the committee because they knew the Wildlife Trust Fund would pass on the House floor and be signed by the governor if it ever got through the committee.

Committee Chairwoman Peg Shreve (R-Cody), who also opposed the fund, said, "I simply oppose earmarking of funds."

Bob Budd, executive secretary of the Wyoming Stock Growers, said he opposed the fund because he didn't "feel it was the correct way to fund a state agency."

"They (Game and Fish) should go to the legislature and ask for the money they need," Budd said. "If they are an important enough priority, then they will receive money."

Budd also said that two years ago the legislature tried to appropriate a one-year shot of \$750,000 for wildlife habitat improvements, but the measure was opposed by Game and Fish because they wanted the Trust Fund. He also complained that the department hasn't shown where it would spend the Trust Fund money in sufficient detail.

But Bob Oakleaf, the one nongame biologist for the state, disagreed. He pointed out that when he was hired in 1977, he compiled a complete nongame plan, detailing species and work to be done. The proposed program for nongame wildlife conservation in Wyoming came out in 1979, before introduction of the Trust Fund.

The Wildlife Trust Fund battle will continue in Wyoming. In the meantime, nongame programs there will remain further behind than the tail of the dog.

In Montana, the state legislature this year passed a bill to create a nongame checkoff program. However, due to pressure by the agricultural community, the funds can be used for nongame research and education programs only — not management.

Dennis Flath, nongame biologist with the Montana Department of Fish, Wildlife and Parks, said that when Montana's nongame program began in 1975 the operating budget was \$25,000. The fiscal 1983 budget is \$49,000 — nearly double, but still far from adequate. He hopes the checkoff will bring in around \$80,000, a modest estimate, as most states have brought in much more in the first year's effort.

Flath said that the Montana legislature will no longer appropriate nongame funds once the checkoff program begins. He feels, however, that the checkoff will give his small nongame staff of one and one-half persons a much larger, more reliable budget than they've ever had before. "The checkoff funds won't be raided," Flath said. "But if I must depend upon P-R funds, we

"One thing you discover quickly is that the public is pretty poorly informed about wildlife and its needs. You must create a more discriminating public."

**— John Hubbard
New Mexico Department
of Game and Fish**

could be in danger" because of the competition for those funds for other projects.

In Utah, Al Heggen, chief of nongame management for the Game and Fish Department, said since Utah began its checkoff in 1980, the state legislature hasn't increased appropriations to the nongame program, but has not decreased them either. Utah's checkoff brought \$217,000 in 1981 and \$207,000 in 1982. Heggen feels the refund will exceed the 1981 level this year. He attributes the 1982 drop to the recession.

Although Heggen is pleased with the revenues the checkoff brings to the nongame program, he admits it could easily operate on a budget of \$1 million. "But that isn't reasonable," Heggen said.

"There are five times as many nongame species as game," he said. "But not all need a great deal of study."

Because of the tremendous success of checkoff programs and the increasing public interest in nonconsumptive wildlife programs, John Torres of Colorado has organized the Nongame Wildlife Association of North America. Its purpose is to be a repository of nongame information for state agencies and concerned individuals. Formed in 1982, Torres said 34 state game and fish agencies have already joined, including all of the Rocky Mountain state agencies except Wyoming.

Despite the success of checkoff programs, nongame programs still have battles ahead to stay at their present level of funding. Current budget cutbacks and checkoff competitors will be the determining factors. □

12-High Country News — May 13, 1983

BULLETIN BOARD

PEACE WALK AGAINST MX

"Move to Stop the MX: A Walk for Peace" will be held May 26-29, leaving Ft. Collins, Colo., at 9 a.m. that Thursday, from College Ave. and Mason St., to walk along the frontage road from I-25 to Cheyenne. Bicyclists and runners are welcome, too. Those desiring a shorter walk can join the group Sat. evening and Sunday morning for the walk into Cheyenne. The walk will culminate in a rally, 2-6 p.m., May 29, in Lion's Park in Cheyenne. For more information on the walk, contact Debora Seymour 303/493-1075; Western Solidarity, 303/355-5124; or the Wyoming Citizen's Alliance, 307/742-3558.

MONTANA RENEWABLE ENERGY DIRECTORY

The new *Montana Renewable Energy Directory* contains listings of architects, designers, consultants, builders, stores, dealers, energy auditors and installers who specialize in energy efficiency and the use of renewable sources of energy. The directory divides Montana into geographical regions and lists businesses according to types of goods or services offered. It also contains descriptions of various technologies, cautions for consumers, explanation of tax incentives and more. Copies are \$1.50 each from AERO, 424 Stapleton Bldg., Billings, Mont. 59101, 406/259-1958.

COLORADO-WYOMING FISHING GUIDE

If your best friend won't tell you where the big ones are, this book certainly will. *Tim Kelley's Colorado-Wyoming Fishing Guide* is a pocket-sized paperback containing an index of the area's best lakes, streams and reservoirs. The 386-page guide includes maps, tips on casting and techniques for the die-hard ice fisherman. To order, enclose \$6.95 plus tax and postage to Hart Publications, Inc., 660 Bannock St., Denver, Colo. 80204, 303/892-1164.

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NATIVE AMERICAN CONFERENCE

The National Urban Indian Council is hosting its annual Off-Reservation American Indian and Alaska Native Leadership Conference in Denver from May 22-25. Seminar topics will include economic development, health care and legal aid for tribal organizations. Additional information may be obtained by contacting the National Urban Indian Council, 2258 South Broadway, Denver, Colo. 80210; 303/698-2911.

URANIUM WASTE GUIDE

The first comprehensive guide to locating sites that are suitable for the disposal of uranium mill wastes with minimum risk to groundwater and surface water has been written by a University of Idaho hydrologist. "A Guide to the Prevention of Ground Water Contamination by Uranium Mill Wastes," by Dr. Roy Williams, was published last month by the Geotechnical Engineering Publications Program of Colorado State University. For more information about the book contact Williams at (208)885-6259.

BLM PROPOSES NEW RECREATION POLICY

A new recreation policy affecting commercial and competitive users of BLM land is now open for public comment. The proposed policy will change the requirements and fee structure for commercial operators and establish law enforcement procedure to deter unauthorized use. For copies of the new regulations contact your regional BLM office.

GRASSLANDS MAY BE MINED

Two coal tracts in the Thunder Basin National Grasslands of eastern Wyoming are being considered for competitive lease in 1984. The Powder River Regional Coal team will rank these tracts along with 29 others in Montana and Wyoming at their May 18 meeting in Billings, Montana. For more information contact the BLM, 951 Union Boulevard, Casper, Wyo. 82601, 307/261-5593.

TETON HUNTING TAGS

Twenty-five hundred limited quota licenses will be issued by the Wyoming Game and Fish for elk hunting in designated portions of Grand Teton National Park. Accepted applicants will be deputized by the Department of Interior as Park Rangers and must present certification that they have completed a hunter safety course. Applications will be accepted at the Wyoming Game and Fish Office in Cheyenne until June 10.

RENDEZVOUS FOR UTAH WILDERNESS

On May 21, the Utah Wilderness Association will sponsor its Third Annual Rendezvous in Midway, Utah. Keynote speakers will be Cecil Garland, outspoken opponent of the MX missile system, and public land policy expert Dr. Bernard Shanks. The rendezvous will focus on personal participation in public land policy decision making. Afternoon workshops will explore wilderness controversies and citizen involvement. Pre-registration is required by May 6. For more information contact UWA, 325 Judge Building, Salt Lake City, Utah 84111; 801/359-1337.

RENEWABLE RESOURCE CONFERENCE

An international conference on renewable resource issues has been organized by the Oregon State School of Forestry for Aug. 15-19 in Corvallis, Oregon. The conference will focus on developing and implementing wildland resource inventories to monitor changes and trends in resource demands. Seminars, field trips, and workshops will teach participants various techniques in comprehensive resource inventory. Further information and a complete agenda are available by contacting the Conference Assistant, School of Forestry, Oregon State University, Corvallis, Ore. 97331; 502/754-2004.

COLORADO ENERGY PUBLICATIONS

The Colorado Office of Energy Conservation has several publications available designed to inform energy consumers about conservation and alternatives. Among the titles available are *The Solar Handbook*, a non-technical homeowner guide to solar use; *Passive Solar Energy for Builders*, a handbook for new construction using passive solar design; and *Water Over the Dam*, an updated guide to small-scale hydro projects in the state. For more information about these and other publications contact Ina Knapp, OEC, 112 E. 14th Ave., Denver, Colo. 80203, 303/866-2507.

STUDYING WESTERN HISTORY

"Western Archival Rendezvous" is the title for a symposium planned for June 18 at the Buffalo Bill Historical Center in Cody, Wyo. The program will explore the preparation and use of historical photographs, artifacts, human resources, original documents, and archival collections. The agenda includes access methods to archival materials, copyrights and professional courtesies, handling and conservation of materials, and archives as an aid in researching artifacts. Interested persons should contact Gene Ball, Buffalo Bill Historical Center, P.O. Box 1000, Cody, Wyo. 82414, 307/587-4771.

BRUSH MANAGEMENT CONFERENCE

Citizens interested in helping to formulate alternatives to the Forest Service's brush management proposals in Idaho's Panhandle forests are invited to help organize a vegetation management conference. Forest workers, herbicide specialists and conservationists are needed to develop management suggestions for the upcoming EIS. Interested persons should contact Robert Brothers at Rt. 4, 252AA, St. Marie's, Idaho 83861, 208/245-4776.

AMERICAN RIVERS CELEBRATED

The American Rivers Conservation Council has designated June as American Rivers Month 1983. The celebration will promote public awareness of free-flowing rivers and encourage support for public programs designed to protect rivers. Last year's celebration included river lovers in 40 states participating in more than 200 events. ARCC has prepared a national calendar of events involving canoe races, fishing derbies and historical re-enactments. For more information about regional events contact Rick Englehorn, ARCC, 323 Pennsylvania Ave. SE, Washington D.C. 20003, 202/547-6900.



DATeline

- May 16, 17, 18, 19** **PLATTE RIVER RESOURCE AREA, BLM, PUBLIC MEETINGS**
to discuss issues in the preparation of the Resource Management Plan; 7 p.m. May 16, West Elementary School, Wheatland, Wyo.; 7 p.m. May 17, Citizens National Bank, Torrington, Wyo.; 7 p.m. May 18, East Elementary School, Douglas, Wyo.; 7 p.m. City Council Chambers, Casper, Wyo.
- May 18** **POWDER RIVER COAL TEAM MEETING**
Ramada Inn, Billings, Mont., 9 a.m. - 5 p.m. Contact: Stan McKee, Powder River Project Manager, 307/772-2295.
- May 18, 24** **YUMA (AZ) DISTRICT, BLM, PUBLIC MEETINGS**
to discuss issues in the development of the Yuma District Resource Management Plan, which will include the Havasu Resource Management Plan; 7 p.m. May 18, Suverkrup School, Yuma, Ariz.; 7 p.m. Palo Verde High School, Blythe, Calif. Contact: Yuma District Office, Box 5680, Yuma, Ariz. 85364.
- May 24, 25, 26** **POWDER RIVER BASIN COAL IMPACTS, PUBLIC MEETINGS**
"to gather public input about the 1984 coal leasing round in the Powder River Basin," 7 p.m. May 24, County Building, Gillette, Wyo.; 7 p.m. May 25, Holiday Inn, Sheridan, Wyo.; 7 p.m. May 26, Elementary School, Ashland, Mont. Contact BLM, Casper 307/261-5593.
- May 31, June 1** **BILLINGS RESOURCE AREA, BLM, PUBLIC HEARINGS**
on Draft EIS Resource Management Plan, 7 p.m. May 31, National Park Service Visitor Center, Lovell, Wyo.; 7:00 p.m. June 1, Ramada Inn, Billings, Mont. Copies of the DEIS available at all Montana BLM offices.

The Wyoming Water Development Commission has rescheduled an open public meeting in the Banquet Room of the Cross Roads Inn in Buffalo, which was originally scheduled April 13, 1983 and canceled due to inclement weather, to June 1, 1983 from 5:00 p.m. to 7:00 p.m. on a Development Plan for the Powder River Basin. WWDC staff, the State Engineer and Harza Engineering Company and subconsultants will be present to explain the results of the study to date and to receive public comment.

For further information contact:

Wyoming Water Development Commission
Barrett Building
Cheyenne, Wyoming 82002
777-7626

STATE OF WYOMING PUBLIC NOTICE

PURPOSE OF PUBLIC NOTICE

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

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

APPLICANT INFORMATION

- | | |
|---------------------|---|
| (1) APPLICANT NAME: | Diamond B Industries, Inc. |
| MAILING ADDRESS: | P.O. Box 608
Newcastle, WY 82701 |
| FACILITY LOCATION: | Barton Lease, NE1/4, Section 14, T49N, R66W, Crook County |
| PERMIT NUMBER: | Wy-0031933 |

Facility is a typical oil treater located in Crook County, Wyoming. The produced water is separated from the petroleum product through the use of heater treaters and skim ponds. The discharge is to Wind Creek (Class IV) 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, 1984.

- | | |
|---------------------|--|
| (2) APPLICANT NAME: | Diamond B Industries |
| MAILING ADDRESS: | P.O. Box 608
Newcastle, WY 82701 |
| FACILITY LOCATION: | Barton "C" Lease, SE1/4, Section 14, T49N, R66W, Crook County, Wyoming |
| PERMIT NUMBER: | Wy-0031950 |

Facility is a typical oil treater located in Crook County, Wyoming. The produced water is separated from the petroleum product through the use of heater treaters and skim ponds. The discharge is to Wind Creek (Class IV) 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, 1984.

- | | |
|---------------------|--|
| (3) APPLICANT NAME: | Tenneco Oil Company |
| MAILING ADDRESS: | P.O. Box 5119
Englewood, CO 80155 |
| FACILITY LOCATION: | Paul L. Baker #1, SW1/4, NW1/4, Section 26, T48N, R68W, Weston County, Wyoming |
| PERMIT NUMBER: | Wy-0031968 |

Facility is a typical oil treater located in Weston County, Wyoming. The produced water is separated from the petroleum product through the use of heater treaters and skim ponds. The discharge is to Raven Creek, (Class IV) 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, 1984.

- | | |
|---------------------|-----------------------------------|
| (4) APPLICANT NAME: | Wyoming State Honor Farm |
| MAILING ADDRESS: | P.O. Box 32
Riverton, WY 82501 |
| FACILITY LOCATION: | Fremont County |
| PERMIT NUMBER: | Wy-0031941 |

The Wyoming State Honor Farm is planning to construct a 350 head cattle feedlot to be located on the Honor Farm grounds located north of the City of Riverton, Fremont County, Wyoming. The proposed discharge permit for the facility requires that there be no discharge to the receiving stream (Madden Draw - Class IV Water) except in the case of a precipitation event which exceeds the statistical 25 year - 24 hour event (2.2 inches).

The proposed permit also requires the reporting of any discharge which occurs, and includes various operational and maintenance requirements to assure that the operation does not cause pollution of the receiving stream. The permit is scheduled to expire April 30, 1988.

- | | |
|---------------------|---|
| (5) APPLICANT NAME: | Arch Mineral Corporation - Seminole #2 Mine |
| MAILING ADDRESS: | P.O. Box 490
Hanna, WY 82327 |
| FACILITY LOCATION: | Carbon County |

OPINION

A compelling film on Four Corners

Here at *High Country News*, we are sometimes accused of being too pessimistic. A reader will write, "Lighten up, you guys. Things aren't *that* hopeless." Or words to that effect.

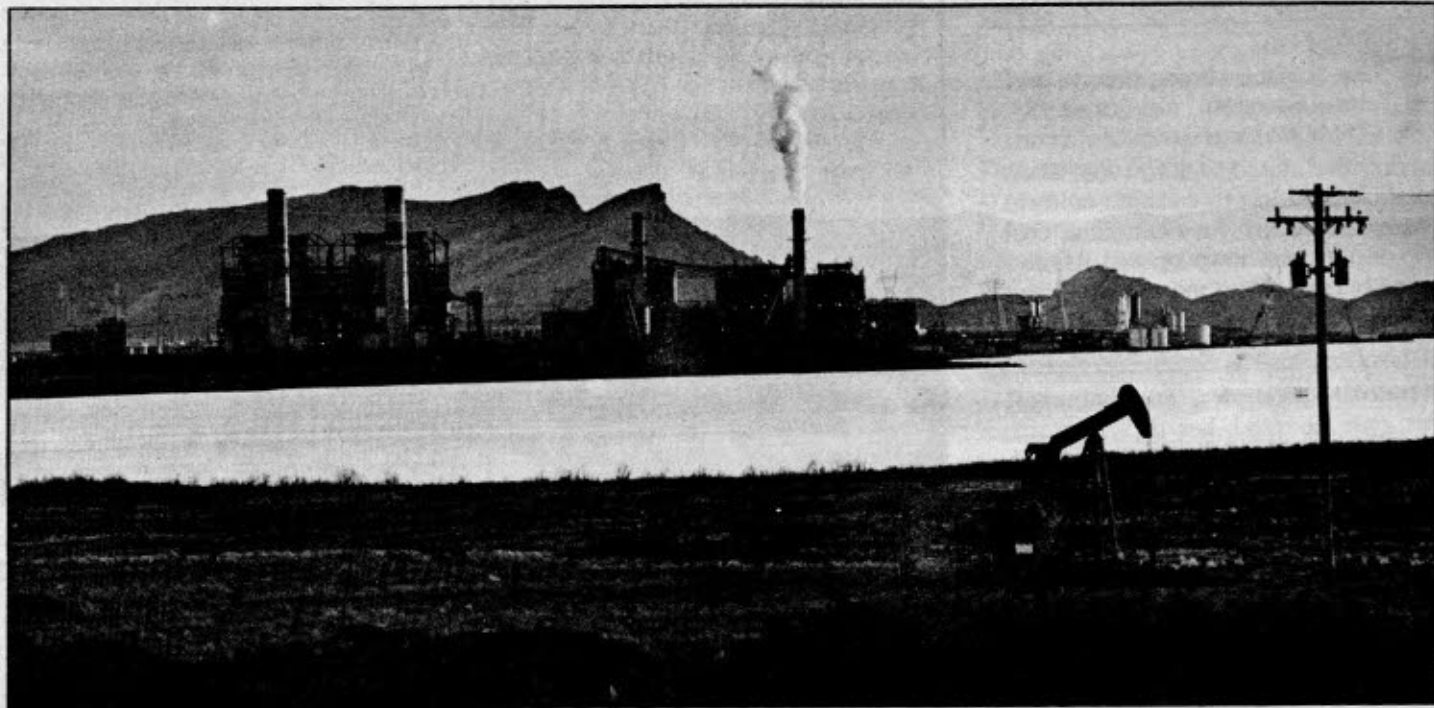
To those of you who hold this optimistic outlook we recommend *The Four Corners: A National Sacrifice Area?* This emotionally-charged documentary by three California-based filmmakers presents the conflicts and concessions in the Colorado Plateau country of the Southwest as it is faced with an unprecedented onslaught of energy development. Their conclusions would make a pessimist out of Mary Poppins.

The film was prepared between 1979 and 1982. The producers, Christopher McLeod, Glenn Switkes and Randy Hayes, with backing from the University of California at Berkeley Graduate School of Journalism and the Arizona Humanities Council, traveled throughout the Colorado Plateau interviewing uranium miners, Indians, government officials, ranchers and company executives. They discussed with these folks the costs and benefits of large-scale energy development.

The film concludes that little good comes out of it. A Navajo woman, speaking in her native language, says, "They are destroying our religion because they are destroying the earth." A southern Utah rancher laments the loss of water to power plants and slurry pipelines. In one tragic scene, a long time Navajo uranium miner says, "They didn't tell me when I started that it was dangerous." He recalls how he brought radioactive dust home from the mine, potentially injuring his family. He contracted lung cancer — a disease unknown among the Indians before uranium mining — and the camera lingers over him as he gestures weakly at his stomach, head bowed, saying, "... and when I think of what they did to me..." His voice trails off, unable to finish.

The film takes its title from a National Academy of Sciences report which concludes that strip mining in the arid and fragile Southwest could permanently damage the land. It said this would result in "national sacrifice areas" for energy development. The film also quotes an Exxon report which recommends "national energy zones" in which normal environmental protections don't apply.

The filmmakers make a token attempt at objectivity by interviewing some of the major corporate players in the Four Corners — Arizona, New Mexico, Utah and Colorado — area. However, the companies come off looking mostly silly or cynical. The narrator, Peter Coyote,



Ken and Donna Linnert

said that no uranium mining companies would be interviewed for the film because of the media "bias" against their industry. A Department of Energy spokesman echoes that refrain, saying that the media would rather report sensationalism than "the facts." Coming from virtually any energy industry this charge is hard to swallow, but from the uranium industry, which has an unequal record of obfuscation, secrecy, irresponsibility and outright lying, it is downright laughable.

Another insight into the industry way of looking at things comes from John Ferrel of Utah International. Ferrel, whose company wants to mine the Alton coal fields, which are within spitting distance of Bryce Canyon National Park's Yovimpa Point scenic overlook,

says that visitors would spend more time at Yovimpa Point and enjoy it more if they didn't have all that uninterrupted scenery to look at. They need a little more action, said Ferrel, and a coal mine is just the thing. "I think it would add to the interest," he said, "And I personally don't think it would detract from the attractiveness of that particular scenic point."

You ought to see this film, but I recommend that you follow it with something light, say, Woody Allen. Showings will be:

May 14 — Boulder, Colorado, St. John's Episcopal Church, 14th and Pine, 7:30 p.m., \$5.00.
May 15 — Denver, the Paramount Theatre, Glenarm and 16th St. Mall, 7:30, \$5.00.
May 18 — Salt Lake City, Fine Arts Auditorium, University of Utah, 7:30, \$4.00.

Four Corners Power Plant, New Mexico

May 19 — Moab, Utah, Star Hall, 7:30, \$2.00.
May 21 — Cedaredge, Colorado at the annual meeting of the Western Colorado Congress.
May 22 — Grand Junction, Colorado, Two Rivers Plaza, 7:30, \$2.00.
May 23 — Durango, Colorado, Fine Arts Auditorium, Ft. Lewis College, 7:30, \$2.00.
May 25 — Shiprock, New Mexico (tentative).
May 26 — Crownpoint, New Mexico, Skills Center (tentative).
May 29 — Churchrock, New Mexico, Chapter House, 7:00, free.
May 30 — Grants, New Mexico, U.N.M. Grants Auditorium, 7:30, free.
May 31 — Gallup, New Mexico, Gallup Public Library, 7:30.
June 4 — Tempe/Phoenix, Arizona, The Valley Arts Theatre, 509 S. Mill Ave., 7:30 and 9:30, \$3.50.

For further information, contact Ken Duffy at 415/841-1206.

— Dan Whipple

LETTERS

BEARS AND IGNORANCE

Dear HCN,

While in Chile studying endangered deer, I received through a friend a copy of Joan Nice's "Yellowstone's Bears, A Grizzly Situation" (HCN, 3/18/83). It seems that almost everywhere human ignorance and apathy are wildlife's greatest enemies.

This season a group called "Citizens for Yellowstone's Bears" (1595 South Cherryvale Rd., Boulder, Colo. 80303) intends to inform visitors to Yellowstone what has happened to the bears and what can be done about it. The

group ultimately seeks an all-out effort on the part of public agencies to ensure viable grizzly and black bear populations. Becoming active through this group is one way that people can help bears.

Tony Povilis, Ph.D.
Boulder, Colorado

WATT AND GOD'S CHOSEN

Dear HCN,

In trying to ascertain the origins of James Watt's view of the land, I think we must see him not only as an embodiment of an enduring Western myth (HCN, 4/15/83) but also as a fundamentalist Christian believer with a decidedly anthropocentric view of the universe.

I think to say that James Watt merely follows in the footprints of those exploiters who crossed the Powder River basin before him is to leave him without a sense of purpose or design. Watt did not achieve his high post because he was obsessed with the perpetuation of the Western myth. He got there because he believes it is God's will for man to subdue the planet and use it up. Man is God's chosen one, Watt might say. The Earth was created by God, not to be preserved, but to serve man and to enable him to keep his cup full and running over. I would also conjecture that in Watt's belief system the coming of Armageddon is inevitable. The how and when are uncertain, but

(continued on page 15)

PERMIT NUMBER:

Wy-0022926

The Arch Mineral Corporation operates an open pit coal mine located approximately five miles northeast of the Town of Hanna, Wyoming which is known as the Seminole #2 Mine. Two additional discharge points are being added as follows:

003 - The outfall from the settling pond located in the NE 1/4, Section 32, T23N, R81W, which receives pit water and runoff from the Hanna 2 pit. The discharge is to Hanna Draw (Class IV).

004 - The outfall from the Tiptoe Area Sump located in the SW 1/4, Section 9, T22N, R81W, which receives surface water runoff from the tiptoe area. The discharge is to an unnamed tributary of Big Ditch (Class IV).

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

Runoff from disturbed areas will be controlled by sedimentation ponds which are designed to completely contain the runoff resulting from a 10 year - 24 hour precipitation event. Because these ponds will not normally discharge, they are not specifically identified in the permit but are covered by operation and maintenance provisions.

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

(6) APPLICANT NAME: The Town of Baggs, Wyoming

MAILING ADDRESS: P.O. Box 300

Bags, WY 82321

FACILITY LOCATION: Carbon County

PERMIT NUMBER: Wy-0022888

The wastewater treatment facilities serving the Town of Baggs, Wyoming consist of a single cell non-aerated lagoon. The lagoon discharges to the Little Snake River (Class II Water).

The existing discharge permit for the Town contains effluent limitations based on a discharge volume of .04 MGD, however, recent planning for system upgrading is utilizing a design flow of .18 MGD. This proposed increase in design flow necessitates modification of the Town's discharge permit and modification of effluent limitations due to the very significant change in dilution factors.

Therefore, proposed effluent limitations are based on the following:

1. Projected design discharge volume - .18 MGD (from needs survey estimate of 412 people x 95 gpd for year 2000).
2. Q7-10 of Little Snake River (May - September) - .43 MGD;
3. Q7-10 of Little Snake River (October - April) - 2.7 MGD;
4. Average pH of Little Snake River (May - September) - 8.0;
5. Average pH of Little Snake River (October - April) - 8.2;
6. Maximum temperature of Little Snake River (May-September) - 21°C;
7. Maximum temperature of Little Snake River (October - April) - 14°C;

8. In-stream water quality standard for fecal coliform - 1,000/100 mls (May - September only);
9. In-stream water quality standard for total residual chlorine - .002 mg/l;
10. In-stream water quality standard for unionized ammonia (as N) - .02 mg/l.

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

Self-monitoring of effluent quality and quantity is required on a regular basis with reporting of results quarterly. The permit is scheduled to expire May 31, 1988.

(7) APPLICANT NAME:

Pacific Power and Light Company

MAILING ADDRESS:

Dave Johnston Power Plant

FACILITY LOCATION:

1591 Tank Farm Road

PERMIT NUMBER:

Glenrock, WY 82657

Converse County

Wy-0005115

The Pacific Power and Light Company is the operator of the Dave Johnston Power Plant which is a large coal-fired steam electric generating plant located in Converse County Wyoming. All wastewater discharges are to the North Platte River (Class II Water).

All discharge permit limitations included in the proposed permit are based on national "best available treatment" standards. Wyoming's in-stream water quality standards, or limitations included in the existing permit which are being consistently achieved (but which may be more stringent than the national standards).

A description of the various discharge points and effluent limitations are as follows:

001-006

These discharges consist of condenser cooling water for generating units 1, 2, and 3. While each point represents a separate outfall to the North Platte River (001, 002, 004, 005) or the plant's recirculation canal (003 and 006), for the purpose of this permit these discharge points are treated collectively.

The temperature of these discharges averages approximately 130°F which, combined with the high flow volumes (approximately 180 MGD), causes very significant increases in the temperature of the North Platte River. However, in 1976 the company completed a "316(a)" study of the effect of the discharge on the receiving stream. That study successfully demonstrated to DEQ, EPA, and the Wyoming Game and Fish Department that the increased temperature did not cause a threat to the "balanced indigenous population of shellfish, fish, and wildlife" in the river, and thus was granted a waiver from the state's in-stream water quality standards.

Because of the consistency of the temperature of these discharges and because the department has a large volume of background temperature data on the discharges, monitoring for temperature is no longer required at these discharge points (in-stream temperature measurement will continue to be required - see below).

14-High Country News — May 13, 1983

Reagan's assault on the strip mine law

by Russell Boulding

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) was the child of a controversy that dated back to 1968, when federal legislation to establish uniform national standards for controlling coal strip mining was first proposed. It is also probably one of the most detailed and

GUEST EDITORIAL

technically complex environmental laws ever enacted. For these reasons, regulations promulgated under SMCRA have borne the brunt of the Reagan administration's "regulatory reform" program. The program has some legitimate philosophical underpinnings, but its translation into practice is likely to have serious and long-term adverse impacts on the human and physical environment.

When the permanent program regulations to implement SMCRA were published on March 13, 1979, they elicited a howl of outrage from the coal industry. The regulations alone filled 151 pages of triple column *Federal Register* fine print and the preamble to the rules filled another 407 pages. There was a reason for their length and complexity. While most national environmental statutes focus on protection of a single resource — air, water, wildlife, etc. — coal mining statutes deal with an activity that can have substantial adverse impacts on all aspects of the physical environment. Furthermore, the Carter administration chose to emphasize design standards in its regulatory philosophy, necessitating the writing of detailed rules (more about that later).

The rules were written under considerable time pressure and were far from perfect. Two states noted for their weak reclamation laws, Indiana and Virginia, challenged the constitutionality of the act without success. About 50 specific provisions of the rules were challenged in court by industry, states and environmental groups, with varying degrees of success. Court decisions sent some regulations back to the drawing board. Other rules needing refinement were identified during the transition from pre-SMCRA to approved state or federal permanent regulatory programs.

By late 1980, the SMCRA regulations were at a point where they needed some fine tuning, but the stage was set for establishing relatively uniform standards and procedures for controlling coal mining and reclamation. Enter the Reagan administration with a self-proclaimed mission to eliminate "bur-



Dickinson County, Virginia strip mines

densome, unnecessary and inflexible" government regulations. Secretary of the Interior James Watt accepted a recommendation of the Heritage Foundation, a conservative think tank, that he "make an example" of the Office of Surface Mining for the regulatory excesses of agency leaders.

Coal mine regulation received a two-pronged assault. First, the Office of Surface Mining was reorganized to diminish its effectiveness in overseeing the transition to state regulatory programs and monitoring the effectiveness of state enforcement. Second, the regulations themselves were attacked with red pencil and scissors. A former OSM employee, who did not last long after the transition from Carter to Reagan, said in 1981 that when James Watt stepped in as Secretary of the Interior, Watt devoted about 40 percent of his time to overseeing efforts to weaken the Office of Surface Mining.

In mid-1981 Watt announced a reorganization plan for OSM for the ostensible purpose of saving money and increasing OSM's efficiency and output. The effect was just the opposite. In October, 1982, Congresswoman Patricia Schroeder (D-Colo.), chair of the House Subcommittee on Civil Service, wrote in a letter to James Watt, "The goals of this program and the manner in which it was executed, resulted in total agency chaos and employee panic which inevitably forced a majority of experienced OSM personnel to leave the coal field offices. The OSM field offices charged with responsibility of implementing the Surface Mining Law

were left inexperienced, understaffed and demoralized."

In the same letter, Schroeder identified three areas of major concern regarding the reorganization: the large reduction in both total staffing and number of experienced OSM operating personnel; the centralization of personnel in Washington at the expense of the coal fields; and the waste of taxpayers' money resulting from loss and movement of experienced personnel.

The attack on the SMCRA regulations that was mounted by the Reagan administration was both more ambitious and more insidious than the OSM reorganization. The high administrative levels of OSM were filled with individuals who were openly hostile to the act and the regulations. James R. Harris, a state senator from Indiana and Reagan's director of OSM, and his assistant, Steve Giles from the Virginia Division of Mined Land Reclamation, had supported challenges to the constitutionality of SMCRA in their respective states.

The new leadership in OSM tackled the regulations with a vengeance. By March, 1982, final revised rules in nine separate rulemakings had been issued and more than a dozen sets of proposed changes to the permanent program rules had been published in the *Federal Register*, each accompanied by an environmental assessment and an interim FONSI (finding of no significant impact on the environment) indicating that OSM did not consider preparation of an

environmental impact statement to be necessary.

It was apparent to environmental groups that if OSM weren't challenged it would proceed to enact massive changes to the strip mine regulations through piecemeal revisions without preparing an environmental impact statement on the cumulative impacts of the proposed changes. The National Wildlife Federation took OSM to court in April, 1982. OSM realized it didn't have a leg to stand on in the case. In fact, OSM had an internal report dated March 1, 1982, that concluded that many of the proposed changes did have, or potentially had, significant environmental impacts. In an out-of-court settlement with the National Wildlife Federation, OSM agreed to prepare an EIS that would supplement the one that accompanied the original rules.

It is hard to decide which was more outrageous, the process OSM used to prepare the EIS, or the EIS itself. OSM failed to mention the court settlement in public notices concerning the EIS, giving the impression that it was preparing an EIS on its own initiative. The public was given two weeks to review an environmental assessment of the rule changes and identify key issues for public meetings that were scheduled to discuss the scope of the EIS. OSM's EIS schedule called for completion of the preliminary draft EIS only two days after the close of the scoping comment period. One of the National Wildlife Federation's technical consultants on the case termed the EA the "most biased" environmental assessment he had ever seen.

The draft EIS, which was released in June, 1982, was a flimsy document that was clearly little more than a retrace of the earlier environmental analysis. If volume of comment can be taken as an indicator of displeasure with an EIS, it was more displeasing to the environmental community than to the coal industry. In an impressive demonstration of concern and coordination, the Citizen's Coal Project of the Environmental Policy Institute in Washington, D.C. submitted a 350-page document on behalf of 22 national, regional, and state environmental and agricultural organizations that detailed problems with the EIS and specific proposed rule changes. The National Wildlife Federation submitted a 400-page analysis of deficiencies in the EIS, and adverse environmental impacts that would result from implementing other specific rule changes that were not analyzed in the Environmental Policy Institute's document. In contrast, the coal industry

Chlorine is used for biological control in the condensers, thus the permit contains the same effluent limitations for this parameter as is in the existing permit. These limitations were calculated to insure no violation of Wyoming's in-stream quality standards for total residual chlorine.

007-008

These discharges are from the two bottom ash settling ponds which also receive waste from various floor and surface (including coal pile) runoff drains located inside and outside the plant, water treatment plant backwash, effluent from the sewage treatment plant (discharge point 020), metal cleaning wastes, and wet scrubber blowdown. Effluent limitations for these discharges are based on national "best available treatment" limitations and limitations included in the existing permit.

011

This discharge is the emergency overflow from the sump which received internal and external plant drainage and the sewage treatment plant effluent. A discharge is authorized only under emergency conditions which must be immediately reported to the Department as well as monitored for quality and quantity.

020

This is the discharge from the plant's domestic sewage treatment plant. Effluent limitations are based on national secondary treatment standards.

Special Conditions

The plant has a cooling tower which is capable of handling part of the once-through cooling water from units 1, 2, and 3. The permit requires monitoring of river temperature at Hildebrand, Wyoming and the start up of the cooling tower whenever temperatures at Hildebrand exceed 64°F for three consecutive days. Notification of the start-up or shut-down of the cooling tower is required.

The permit contains an authorization for the Department to order plant operation modifications (including power production containment) whenever the stream temperature at Hildebrand exceeds 75°F.

The plant has a small dam which creates a "ponding" situation in the river which is necessary for efficient operation of the plant's intake structure. Improper operation of the dam spillway can cause the flushing of sediments from the pond and violation of the State's in-stream turbidity standards. The proposed permit requires that the dam be operated in such a manner to insure that such a violation does not occur and requires monitoring of turbidity in the river above and below the dam.

Prohibitions against the discharge of polychlorinated biphenyls and "priority pollutants" are also included in the proposed permit.

Reporting

Self-monitoring reports must be submitted to the department on a monthly basis.

Expiration

The permit is scheduled to expire July 31, 1988.

(8) APPLICANT NAME:
MAILING ADDRESS:

Star Valley Cheese Cooperative
P.O. Box 436
Thayne, WY 83127

FACILITY LOCATION:
PERMIT NUMBER:

Lincoln County
WY-0001546

The Star Valley Cheese Cooperative is the owner of a cheese processing plant located in the Town of Thayne, Wyoming. This facility has been the source of numerous water pollution problems over the past several years, however, the cooperative is now building a new wastewater treatment plant which is scheduled for start-up in June of 1983. The plant will be of the "Liqui-Pure" design which consists of chemical coagulation followed by oxidation with ozone followed by sand and activated carbon filtration. The plant will discharge to the Salt River (Class II Water).

According to data submitted by the cooperative maximum production will be as follows:

Butter - 6,005 lbs/day using 10,650 lbs of 38% fat cream.
Mozzarella cheese - 38,441 lbs/day using 417,484 lbs of 3.5% fat milk.
Provolone cheese - 5,255 lbs/day using 59,752 lbs of 3.5% fat milk.
Ricotta cheese - 4,741 lbs/day using 436,627 lbs of fluid whey.

Effluent limitations (see appendix for calculations) were based on national standards of performance for new sources (since the treatment plant will be new), the "Composition of Common Dairy Products Processing Materials - Table 9" contained in the EPA document 440/1-74-021-1-a entitled, *Dairy Product Processing, Point Source Category*, and production information provided by Mr. Frank Dana who is the plant manager.

Because of the low levels of BOD5 and total suspended solids dictated by the national standards and because of the relatively high dilution factor in the Salt River (Q7-10 of 187 cfs) it has been determined that effluent limitations more stringent than the national standards are not necessary to meet in-stream water quality standards.

Monitoring of effluent quality and quantity is required on a regular basis with reporting of results monthly. The permit is scheduled to expire June 30, 1988.

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 June 14, 1983. 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 June 14, 1983 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, (303) 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-83-005

submitted a relatively modest 50 pages of comments.

The NWF analysis, titled *Abuse of Trust*, identified seven false premises upon which OSM based its rewrite of the regulations:

States can responsibly set minimum environmental standards. State agencies are generally more likely to yield to pressure from the coal industry to set weak environmental standards for mining. This is why SMCRA was passed in the first place.

Performance standards are more effective than design standards. An underpinning of OSM regulatory philosophy is that performance standards, which emphasize the objective to be achieved without specifying how it is to be achieved, are the best way to regulate coal mining. This contrasts with the emphasis on design standards in the original rules, specifying methods to be followed to insure that performance would be achieved. OSM proposed to delete at least 17 of the 36 existing design standards in the rules, but failed to recognize the serious disadvantages of replacing design standards with performance standards. Compliance is more difficult to measure; evaluation of non-standard designs to determine whether performance will be achieved is more difficult and requires greater technical expertise on the part of the regulator; and environmental risks are increased because failure can only be determined after the harm has been done.

Engineers can guarantee compliance with SMCRA. Reliance on performance standards requires engineers to certify designs as complying with SMCRA. There is little evidence that engineers will be held legally accountable for their actions. An example from Ohio illustrates this point. A sediment pond was constructed at a new mine site without proper excavation for the foundation or adequate compaction for stability. This was observed by the landowner, who happened to be in the construction business and knew enough to recognize that the pond had been improperly constructed. He later observed the pond to be leaking, and because failure of the pond could endanger residents in the valley below the mine, he asked for an inspection by the state Division of Water. The engineer who designed the pond was at the inspection and told the inspector that it had been properly built, even though he had not been present during construction. The inspector accepted his word.

OSM's oversight program is adequate to monitor and control the increased flexibility being given to the states and mine operators. This premise flies in the face of conclusions reached by Schroeder concerning the impact of OSM's reorganization.

States will vigorously enforce SMCRA. Most states have put up mild to intense resistance to establishing regulatory programs that meet OSM's minimum standards. Studies by Save Our Cumberland Mountains in Tennessee and the Public Lands Institute in five western states have found that under the interim program states consistently were more lenient than OSM in enforcing SMCRA.

Increased flexibility is necessary and desirable. OSM assumes that the states and the coal industry are hampered by inflexible rules. Industry complaints about overregulation have always been more talk than substance. For example, a consistent complaint of the coal industry has been the conflicting regulations imposed by federal and state agencies. To address this concern, the Coal Project of the U.S. Regulatory Council was established in 1979 to identify areas of duplication in the various types of regulations that affect coal mining. The project received only about 40 specific complaints on conflicting state and federal coal rules. On closer examination

most of these conflicts proved to be the result of differing interpretation by regulatory officials rather than conflicting regulations.

Deletion of existing language "simplifies regulation." OSM appears to believe that deletion of specific criteria in existing rules makes them simpler. Inconsistency in the interpretation of regulations was the main problem identified by the Regulatory Council's Coal Project, but many of the proposed changes are more vague than the original language, making possible even more divergent interpretations than with the present regulations.

The initial coordinated review by the environmental community of the 46 separate rulemakings initiated by OSM before release of the EIS identified over 200 specific points of environmental concern. The changes were so numerous and the resources of the environmental community so limited that it was necessary to take a statistical sampling approach to evaluate the adequacy of the impact analysis in the EIS.

All of the proposed changes related to prime farmlands (29 altogether) were analyzed to determine whether they were editorial or substantive in nature. Substantive changes were evaluated in relation to 12 criteria based on the definition of "significance" in the regulations developed under the National Environmental Policy Act. Three-quarters of the proposed changes were found to involve substantive changes to either regulatory procedures, information requirements and/or mining and reclamation procedures. A large percentage of the proposed substantive changes (60 percent in the case of the prime farmland protection rules) reduced the level of environmental protection afforded by the existing rules, and had potentially significant adverse environmental impacts if promulgated. A few of the substantive changes represented an improvement over the existing rules in terms of environmental protection, but they were far too few to compensate for the extensive weakening of the rules in most areas.

The final EIS on the proposed rule changes was released in January, 1983. OSM made an interesting shift in position concerning the design criteria *vs.* performance standards debate by saying that either regulatory approach should result in similar levels of environmental protection or impact. The Final EIS contained 80 pages of response to comments on the Draft EIS. Substantive comments were often answered with a "thank you for your comment." Some of the alternatives proposed by environmentalists were incorporated into the EIS analysis, but in such a way as to try to defuse rather than substantively deal with the environmental concerns.

The gap in perceptions between OSM

and the environmental community concerning the adverse environmental impacts of the proposed changes remained a chasm. In an appendix to the EIS, OSM listed 468 specific proposed changes and rated them according to impact. You would hardly know that OSM and the environmental community had looked at the same set of proposed changes. Most of the proposed changes (349) were considered by OSM to have little or no impact, 65 were rated as having beneficial impacts, 12 as having minor adverse impacts, and 43 were not rated.

OSM's lack of good faith in preserving the environmental protection goals of SMCRA is demonstrated by its studied avoidance of the implications of the regulatory philosophy it espouses, and its failure to provide any evidence of economic benefits that might result from the changes. A case can be made for increased flexibility in regulations and greater reliance on performance standards, but this philosophical approach requires special safeguards to compensate for the danger that increased flexibility will be used to circumvent legitimate requirements for environmental protection.

In 1978, the Mining Task Force of the National Coal Policy Project, which was composed of individuals from the environmental community and the coal industry, debated the flexibility issue. In relation to the OSM regulations, the Mining Task Force agreed that increased flexibility would be acceptable on the condition that funding be made available to give citizen groups the ability to monitor more closely the regulatory process and obtain independent technical expertise to help evaluate proposed methods to achieve performance standards.

In the proposed changes to the coal mining rules OSM has not only ignored this prescription for changes that must accompany increased flexibility in regulations, but has actually decreased the level of monitoring and ability of citizens to participate in the regulatory process. Proposed changes in the procedures for designating lands unsuitable for mining limit the ability of citizens to petition. Information requirements for coal mine permit applications are proposed to be reduced, yet OSM itself admits that greater reliance on performance standards makes the permit review process even more critical than when design standards are emphasized. OSM also proposed to reduce requirements for monitoring the impacts of mining.

Given the large amount of time and money OSM has expended on changing the coal mining rules, it is surprising that OSM has presented no analysis of the economic benefits that might accrue from the changes in the form of reduced mining costs. The reason is that the economic benefits are minimal. The costs of gathering data and preparing a

coal mine permit application range from one one-hundredth to one one-thousandth of the total cost of mining coal. The economic benefit of the proposed reductions in information requirements is too small to measure, whereas the increased environmental risk is substantial.

A preliminary economic analysis of changes in the coal mining rules prepared by Fred. C. Hart Associates, a Denver-based consulting firm, for the Department of Energy concluded that cost savings were minimal — less than five cents per ton — for most proposed changes in most coal regions in the United States.

The areas where the existing rules may have created economic costs that were not commensurate with the environmental benefits are so few that they would more appropriately have been handled by a scalpel rather than the meat cleaver OSM has used.

Regulatory reform has human costs as well. Residents of coal fields in Appalachia, the Midwest and West who suffered from the failures of state regulation of coal mining have seen OSM transformed from an ally to an enemy under the Reagan administration. The EIS scoping hearing held by OSM in Lexington, Kentucky in July 29, 1982, elicited an outpouring of frustration and anger at OSM's proposed rule changes. A citizen from Cranks, Kentucky summed up the problem with the following statement:

On December 18, 1981, an elderly female, Nellie Woolums, was killed when an impoundment dam broke loose, emptying its contents upon the hollow in which she lived. Not only was a life lost, but many families suffered damage. This lady lost her life when an Eastern impoundment dam did not conform to the law. If Nellie died when the regulations were on the books, how many people will suffer with weakened regulations?

Human suffering cannot be measured in the dollars and cents of mine cost calculations, or by the physical measures that can be made of environmental damages from coal mining. However, precise measurements are not needed to support a conclusion that the human and environmental costs of the Reagan administration's regulatory "reform" of the coal mining rules are likely to be very high. In fact, the program is an unmitigated disaster. To the detriment of all parties involved, it has increased the confusion and extended the period of uncertainty over what the regulatory environment for coal mining will be. Additional litigation on the rules is certain to occur. Furthermore, the process will produce tragically little in the way of benefits, even from the narrow economic perspective of the Reagan administration.

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Russell Boulding is a consultant on coal and environment in Bloomington, Indiana.

LETTERS

(continued from page 13)

that it will come is as certain as the course of the stars across the sky. It will all end one day, at God's bidding — not man's, so what is the purpose of preservation?

With this view there is no room for moderation or doubt concerning our use of the land. How we do it is irrelevant to greater need that we do it. I would suspect that Watt comes very late, and grudgingly, to any acknowledgement of human abuse of the environment. To him it is a contradiction in terms, for God's chosen ones do not "abuse" environments, they "develop" them. Not without a small price of course, he would say, but one little Love Canal is truly a small price to pay for all the good things the chemical industry has brought to the American populace. God has given us a mandate to develop

our resources, he would continue, and it is our destiny to fulfill it whatever His consequences.

Now into this steaming cauldron mix a bucketful or two of Western myths, a strong dose of nationalism and several hefty spoonfuls of political adventurism, simmer over a steady heat of arrogance and you have brewed a system of beliefs impervious to any spiritual awareness of the environment.

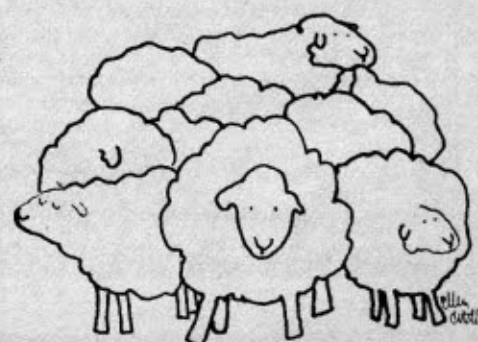
Watt may be right about Armageddon. He may be correct about the inevitable victory of development over preservation, but to stand over the dismantling and the destruction of the tangible assets of our wilderness heritage with astonishingly little sense of loss or regret reveals the uncommon ignorance of a poor man.

To Mr. Watt let me dedicate this quote from Sherwood Anderson, circa 1920:

It is not unlikely that when the country

was new and men were often alone in the fields and forests they got a sense of bigness outside themselves that has now in some way been lost . . . Mystery whispered in the grass, played in the branches overhead, was caught up and blown across the American line in clouds of dust at evening on the prairies . . . I can remember old fellows in my home town speaking feelingly of an evening spent on the big empty plains. It had taken the shrillness out of them.

Richard Wheeler
San Anselmo, California



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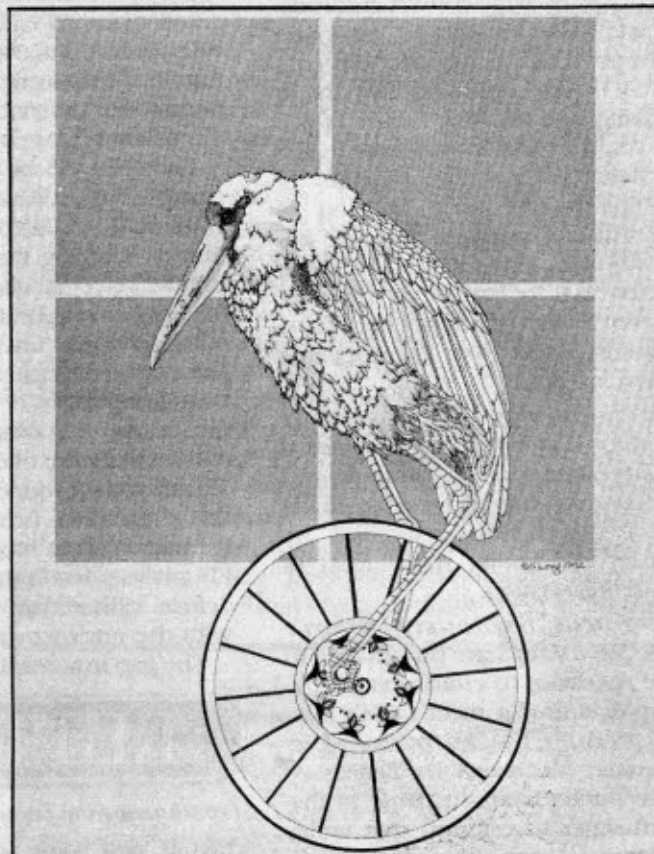
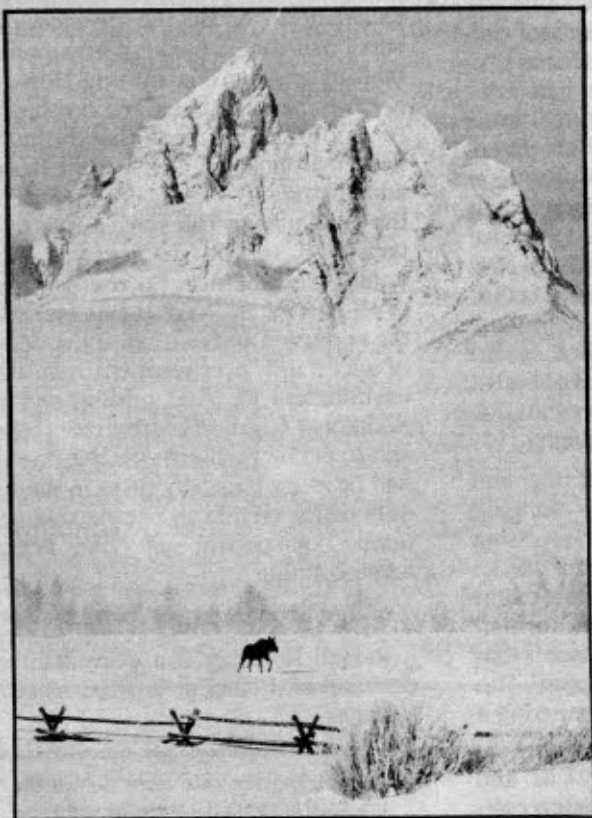
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