

High Country

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The Palisades case

A lawsuit drills oil and gas leases

by Ed Marston

Another battle has been fought and won, or perhaps lost, in the three-way war among the Department of Interior, those who would drill for oil and gas on public lands, and the environmental community.

This particular battle concerned the 247,000-acre Palisades Further Planning Area that straddles the Idaho-Wyoming border south of Yellowstone. The roadless region ranges from conifer forest to alpine tundra, and includes steep, unstable ridges and escarpments and narrow canyons. It is part of both the Bridger and the Targhee National Forests.

The battle of the Palisades was a legal one, conducted before a Federal District Court in Washington, D.C. and then a three-judge U.S. Court of Appeals in the same jurisdiction. It was argued ably by all three sides: the government, the lease holders and the Sierra Club Legal Defense Fund.

Despite the length of the case, the large amount of money spent, and the high judicial levels to which it rose, there is no consensus on the meaning of the case.

One side holds it will have a slight impact on a small part of the Palisades. The other side believes the case could affect millions of acres of Forest Service and BLM Wilderness Study Areas leased over the past three years by the Reagan Administration. It also says that the 2½-year-long case has brought order to oil and gas leasing by finally spelling out the power of the federal agencies over leases, by limiting the formerly open-ended nature of leases, and by setting out other ground rules.

Despite the uncertainty, there are reasons to tell the Palisades story. First, it illustrates the chaotic, crapshoot way in which natural resource development and wilderness preservation decisions are made.

Second, the case is the latest -- if not the last -- word on the status of potential BLM and Forest Service Wilderness areas with oil and gas leases.

Third, and more generally, *Sierra Club vs Peterson* will provide further ammunition in the argument between those who see litigation as a good way to advance the public interest, and those who think litigation a hopelessly clumsy way to get anything done.

The case began soon after the election of 1980, with the Reagan Administration changing federal

policy toward Forest Service and BLM Wilderness candidates. Under the Carter administration, such areas were not put up for leasing since roads and drilling would destroy them as candidates for Wilderness status. But a lawsuit brought by the Mountain States Legal Foundation ordered the government to stop filing the lease applications away in a corner, and to at least evaluate such requests.

The Reagan Administration embraced that decision, interpreting it not as an order to consider leasing but as an order to lease. Its first leasing action came at Palisades, where it leased all 247,000 acres in the roadless Further Planning Area for oil and gas drilling.

The decision wasn't made all at once. First, the Forest Service, which has responsibility for the surface, did an Environmental Assessment and made recommendations to the BLM. The BLM studied the situation. Then it leased. Along the way, the Sierra Club, with the help of Wyoming member Phil Hocker, bird-dogged the agencies, challenging each action administratively, and laying the foundation for legal action.

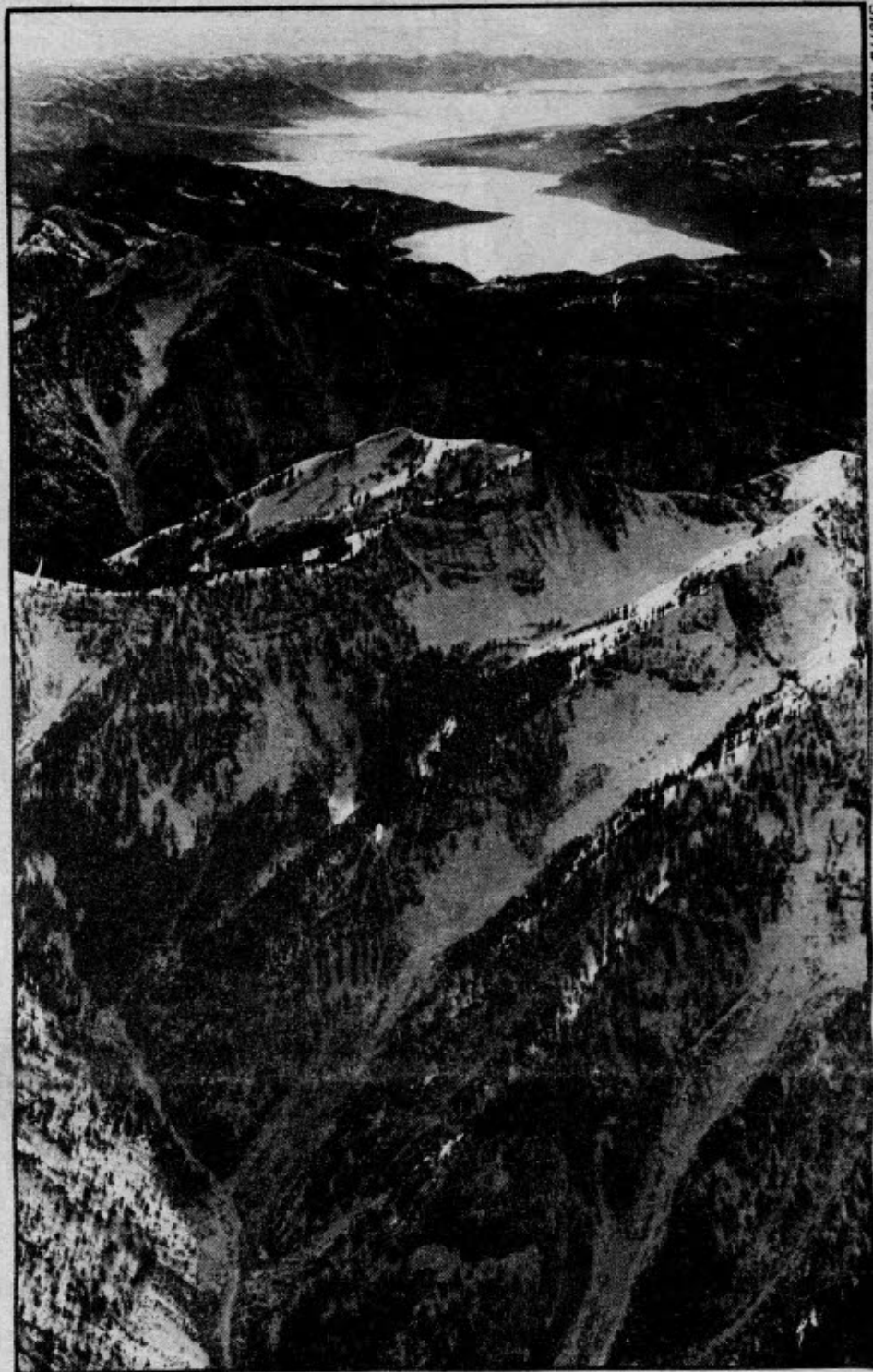
The heart of the appeals and legal action was a fairly narrow claim -- that the Forest Service should have done an Environmental Impact Statement before it made its recommendation to the BLM.

The Forest Service argued back that EISs are required only when a substantial action is taken that will affect the environment. It said the leasing of 247,000 acres was nothing -- a mere shuffling of papers. The real action would come if and when someone wanted to drill that land. At that point, an EIS would be done if needed. The agency also argued it would be wasteful and time consuming to do an EIS on all 247,000 acres since most of them would never be drilled.

Karin Sheldon, who handled the legal work for the Sierra Club Legal Defense Fund out of its Denver office, said: "The National Environmental Policy Act requires the Forest Service to chew the large chunk it bit off. After all, no one told it to lease 247,000 acres."

The Sierra Club argued that an EIS before leasing was a necessity. To make this point, the environmental organization adopted the enemy's argument. Sheldon's briefs argue that leases are sacred; that leasing is more than a paper shuffle. She said leases are binding documents carrying permission to drill.

"Leasing vests the right to drill. It



Palisades roadless area on the Idaho-Wyoming border

means they've given away at the front end the right to damage the environment." Sheldon continued: It makes no sense to say the federal agencies will adhere to NEPA when the companies come in for a drill permit. That's too late.

"We felt it was Catch 22--they say it's too early at leasing. Then they'll say it's too late at permitting."

The Sierra Club directed its arguments, and ultimately its lawsuit, at the Forest Service since "the Forest Service is responsible for complying with NEPA." The environmental group lost its Forest Service appeals, so it sued Chief Forester Max Peterson in Federal District Court. There it apparently lost, but may also have won.

It is difficult to say which because Judge Aubrey Robinson's ruling confused everyone. The ruling turned on the stipulations the BLM had

attached to the leases. About 219,000 acres out of the 247,000 acres leased had "no surface occupancy" stipulations attached to the leases.

That seemed to mean the BLM retained the right to forbid physical access to the property if the agency decided surface occupancy was undesirable. This NSO stipulation, as the jargon has it, was attached to leases the Forest Service had classified as "highly environmentally sensitive."

The less environmentally sensitive land -- land that was flatter, or more easily accessible, or not covered by tundra -- did not have NSO stipulations. Leases on this 28,000 acres had protective stipulations, but access was not explicitly forbidden. The Forest Service had done its Environmental Assessment to decide which land needed NSOs and which didn't.

[Continued on page 12]

Dear friends,



High Country News

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Tom Bell
Editor Emeritus

Ed Marston
Publisher

Betsy Marston
Editor

Judy Moffatt
Promotion

Don Snow
Montana Bureau
Route 2, Box 170B
Stevensville, Montana 59870
406/777-5169

Carol Jones
Wyoming Bureau
Box 975
Dubois, Wyoming 82513
307-455-2184

Marjane Ambler
Glenn Oakley
Geoffrey O'Gara
C.L. Rawlins
Peter Wild
Dan Whipple
Contributing Editors

Nancy Barbee
Circulation
Laura Christopher Yarrington
Production

Karen Bennett
Illustrator

Judy Heideman
Debbi Neill
Typesetting

Lynn Dickey
Joan Nice
Tom Bell
Dave Palmerlee
Geoff O'Gara
Robert Wigington
Betsy Schimelpfenig
Kathy Roush
Michael Clark
Garrett Ray
Board of Directors

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Our first act last June upon being asked to publish this paper was to go back in time and read the first few years of *High Country News*. Those issues from the early 1970s were dominated by the voice of the paper's founder: Tom Bell -- a Lander, Wyoming rancher who got into the newspaper business in order to counter the unchecked, thoughtless development he saw happening to his region.

The tone with which he approached that development was apocalyptic: "I am naive. I still cannot believe that some of my fellow human beings can be so blind to the truth, and so coldly calculating in robbing future generations of their birthrights. Some speak in forked tongues and some utter the witless remarks of a mynah bird. I cannot forgive either. These, too, should be exposed to the public for the frauds and cheats which they are."

In another issue he wrote: "Against us are arrayed the most powerful economic and political forces the world has ever known. And these forces will not easily give up the power they have attained. It is not that the forces are inherently evil, although some of them are. It is mainly that the power they have attained has made them arrogant of natural laws and forces which cannot be ignored. The inexorable and immutable laws of nature cannot be changed by a mere exchange of money in the marketplace. They cannot be changed for any amount of money."

"We must realize that love of Man and love of the Good Earth seemingly place all of us who espouse such love in the minority. Such a realization should not lead us to arrogance in our own right. That would lead to the downfall of Mankind on Earth."

Bell's editorial policy was mirrored in its advertising policy: he accepted none. He feared it would influence the paper. "Frankly, I would rather struggle and starve than be compromised."

Bell was not disappointed -- he did struggle, and although he and his family of six did not starve, the strain of being a literal voice in the wilderness took a heavy toll. In 1974, in a farewell editorial, Bell wrote:

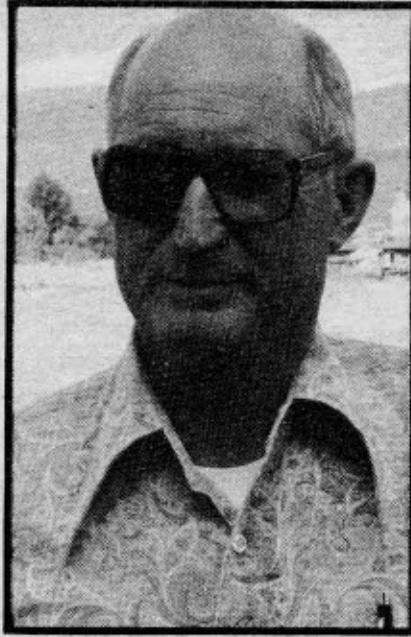
"Through the last several years, I have felt my spiritual batteries being drained; the spark which I once had has been deadened and dulled by too much desk and too many deadlines."

His weariness was heightened by his view of the future: "I look for the economy of this country to grow steadily worse. As an environmentalist and observer of the national scene, I am discouraged and dismayed with an economic and political system wedded to ever more growth and ever more consumption. Sooner or later that system is going to break down in the face of the finite limitations of our planet."

So, in 1974, Bell turned the struggling, starving paper over to two staff members -- Joan Nice and Bruce Hamilton -- and moved to Oregon with his family to lead a quieter life as close to self-sufficiency and to God as possible. He told interviewer Carol Harlow later:

"Once you have turned to the Lord Jesus Christ, it seems there is no turning back. He wants you to dedicate your life to him in every way possible. In my case, I could not do that. I was too inextricably tied to HCN, Wyoming and the hometown area of Lander, including my own dear parents."

For the past nine years Bell has



Tom Bell

stayed on the masthead of *High Country News*. But distance and his desire to remove himself from the scene of so many painful conflicts has kept his contact with the paper tenuous. A month ago, the geographic situation changed: he returned to Lander, Wyoming, barely weeks after the paper he founded had packed up and moved 400 miles south to Paonia, Colorado.

On October 1, Bell, who is a member of the Board of Directors of *High Country News* Foundation, which owns and operates the newspaper, came to Paonia for a board meeting.

Knowing Bell only from his writings, we had expected a thundering, Biblical figure, one who -- despite being a Born Again Christian -- would be more Old Testament than New Testament.

Instead, we met a slight, quiet figure -- an "ordinary man," as he put it, who for several years in the late 1960s and early 1970s had been called to a mission. The mission was to fight with all of his might and skills against the reckless development Wyoming and the surrounding region was pursuing.

He fought ranchers for their shooting of eagles and poisoning of other wildlife, he fought then Governor Stan Hathaway for building dams in the Green River Basin and for shopping the nation for strip mine and power plant developers, and he fought the people in the middle for their uncaring, unaware attitude toward what was happening to the land and water.

Bell told us October 1 that he had never been comfortable with the role he found himself in, and with the hatred he felt that role inspired against him. Although there are people who thrive on conflict and high emotions, Bell wasn't one of them. He was a quiet person who saw clearly what his world was becoming and was then compelled to tell others of his horrible vision. He used the pages of *High Country News* from 1970 to 1974 to impart that unwanted, doomsday vision. The mission he had undertaken, or that had been thrust on him, separated him from his time and people, and took a terrible toll on a man who was so much a part of his small, rural community.

He told us October 1: "When I left Lander to move to Oregon I felt like a pariah."

Pariahs go into exile, which is what Bell did. But it turns out that Bell's true position hadn't been that of pariah in a conservative part of Wyoming. It had been that of a man of the people turned prophet to carry an unwelcome but true message.

Tom Bell found that out when he returned to Lander in August, 1983.

He said in Paonia last week that even people he'd had harsh conflicts with had welcomed him back. He was welcomed back to a state that had caught up with him -- that had recognized the unbalanced nature of the early development, and had come to more highly regard the wildlife and land it had been willing to trade for a few dollars.

Bell came back to work as a journalist for the Lander biweekly, and to edit a newspaper to serve the Wind River Indian Reservation outside of Lander. He's a more cautious man now than he was fifteen years ago, less eager to squander his energy in a hundred different ways. But he did promise us an occasional column, the first of which is in this issue. We are especially eager to gain his perspective as he comes to know his native state again, and to gauge what has changed and what has remained the same.

We had wondered if Bell would resent the fact that his paper had left Wyoming just as he had returned. If those were his feelings, we couldn't detect them. Instead, he said, he was grateful and surprised that his *High Country News* -- which he had seen as a short-term vehicle for developing specific issues -- had turned out to be a survivor, and that there had been and still are people willing to keep that institution going.

Given HCN's move and the inevitable discontinuity, Bell's presence on the board of directors, along with other HCN alumni, was especially welcome. The board that met in Paonia consisted of Joan Nice, who ran the paper for several years after Bell; Geoffrey O'Gara, who ran it after Nice; Wyoming legislator and board president Lynn Dickey; Montana resident Kathy Roush; and Boulder attorney Robert Wigington.

In a future issue, we'll talk about the discussions and sense of direction that came out of that board meeting as HCN copes with a world in which the nature of environmental issues has been changed by the success of Tom Bell and thousands of other environmentalists.

It finally happened. James Watt resigned his post late on Sunday, October 9, cutting short his job as Secretary of the Interior which was marked by clamor and controversy. We'll explore his tenure under President Reagan in our next issue. At this writing, Watt's successor has not been named.

In the meantime, we have a winner in the HCN resignation sweepstakes. We had four entries: two from Colorado, one from Oregon, and one from Utah, and John E. Bonnie of Eugene, Oregon came closest with a guess of Monday, October 10. He wins a free subscription to *High Country News*.

We owe Jack E. Star, superintendent of Grand Teton National Park an apology. He points out that the four men whose rock climbing led to the death of a young boy at Yellowstone National Park were not his employees. The men worked for a company which has a concession inside Grand Teton National Park.

We were joined October 1 by intern Mary Moran, who earned a master's degree in geology at the University of Wyoming. You'll learn more about her next week.

--the staff

WESTERN ROUNDUP

HOTLINE

The steel depression shuts a Wyoming mine

The "indefinite closure" of a Wyoming iron mine is following a familiar script. Management is saying the mine was closed because its costs are too high; labor is resisting further cuts in pay.

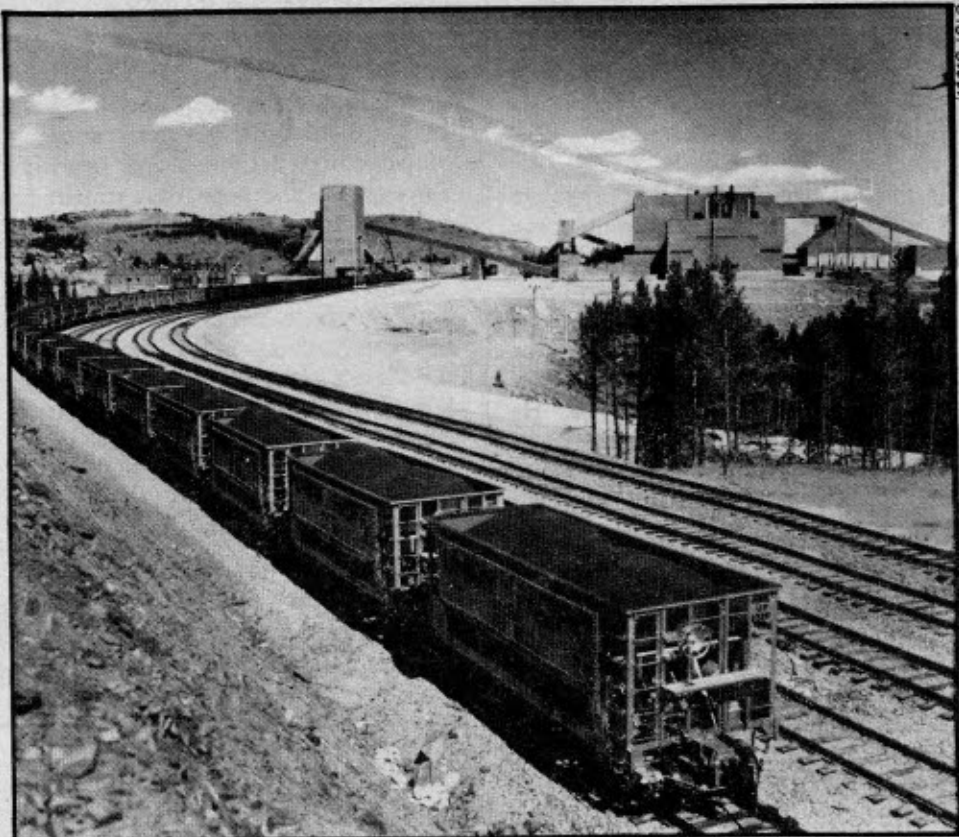
This type of union-management struggle is now well established in the region. A few recent examples are ARCo's Butte, Montana copper operation, Continental Airlines, and the Safeway stores in Wyoming.

In the present case, U.S. Steel has put its Atlantic City iron ore mine 30 miles from Lander, Wyoming on indefinite closure, citing high costs. The October 1 shutdown affects 485 hourly employees plus 125 employees laid off last spring.

For the past twenty years, the mine has been supplying taconite pellets to U.S. Steel's Geneva steel mill at Provo, Utah. A U.S. Steel spokesman said the suspension would end only if the 1.6 million ton per year operation became competitive. Until then, it appears that ore for Geneva will come from a large eastern mine which has lower costs despite higher shipping costs.

The United Steel Workers union, in an attempt to avoid the shutdown which just occurred, made wage and benefit concessions last February. According to a story in the *Casper Star-Tribune*, compensation for fairly senior hourly workers dropped from \$31,000 a year to \$26,000 a year, with \$2,700 coming directly out of their checks. The wage giveups were followed immediately by the first layoffs and by a reduction to a 32-hour-week for the surviving employees.

As a result, the union appears hostile to further wage reductions. They are calling instead for controls on imports, which have taken an estimated 25% of the U.S. steel market. U.S. Steel's Geneva plant supplies the West Coast market, and has been especially hard hit by Japanese imports. Employment at the enormous World War II vintage plant south of Salt Lake City has declined from 5000 workers to about 2500. Coal



Atlantic City ore operation near Lander, Wyoming

mines in the Carbondale and Paonia areas of Western Colorado which supply Geneva with coking coal have also seen several hundred jobs disappear. A Utah coal mine was closed.

The iron ore produced in Atlantic City (so named because it is on the eastern side of the Continental Divide near South Pass) comes out of an open pit. The "indefinite suspension," as opposed to closure, could avoid triggering the start of reclamation of the land required for part of the mine by state law. In addition, an indefinite suspension creates the possibility of wage giveups and concessions from taxing bodies and utilities. Should the steel market come back, the Atlantic City mine could become competitive indeed.

The impacts of natural resource closures that have hit the Rockies during the last two years are revealed by the economic estimates coming out of Lander, where most of the mine's employees live. The town, with

approximately 9000 population, estimates that a two-year closure will destroy almost 900 direct and indirect jobs, cutting drastically into the business community and into public budgets.

The Atlantic City situation is most similar to that at Butte, Montana, where ARCo's Anaconda division has the enormous Butte copper pit on indefinite suspension. A recent labor contract the militant Butte unions signed contained significant concessions, but operations remain closed.

In a more remote labor area, Safeway recently shut its Rawlins store, saying a proposed \$2 per hour wage reduction offered by the employees wasn't enough to keep the stores open. Safeway is seeking a \$1 per hour wage cut from its Cheyenne employees. The union is seeking guarantees that any saved money would be invested in the stores rather than paid out to stockholders.

--the staff

WPPSS finally finishes a nuclear plant

The Washington Public Power Supply System has finally finished one of its five nuclear power plants -- six years late and 500 percent over budget. A large green tag reading

"All systems complete" was hung on the side of the plant in Richland, Washington. It is scheduled to begin producing power in the spring of 1984.

Plant number two was fully backed

financially by the federal Bonneville Power Administration, so it did not face termination like the other WPPSS projects, two of which have been killed outright, and two put on hold for three years. BPA administrator Peter Johnson said at the ceremonies for plant 2, "We have two more plants to complete. You build on success and this is success. We will complete the other two projects as well."

The WPPSS system, a consortium of 80 public and private utilities, is legally bankrupt. WPPSS defaulted on \$2.2 billion worth of bonds, the largest bond default in U.S. history.

Plant 2, begun in 1972, had been scheduled for completion in 1977. The \$2.4 billion price tag was about five times the original estimate of \$400 to \$500 million. It is to begin producing power this spring, but must undergo an operating test before the Nuclear Regulatory Commission will issue it a license.

--Dan Whipple



Nuclear power plant #2 with water cooling towers on the left

Airport lawsuit takes off

The Sierra Club is attempting to prevent the 533-acre Jackson Hole Airport from becoming a permanent part of Wyoming's Grand Teton National Park.

A Sierra Club lawsuit, filed in U.S. District Court in Cheyenne October 5, is directed primarily against the National Park Service and its head, Secretary of Interior James Watt. In 1979, the Carter Administration decided that the airport was "not now needed for the operations of this Department and constitutes a significant environmental intrusion into the park." This key Carter Administration finding set the stage for non-renewal of the airport's National Park special use permit, scheduled for 1995.

Under pressure from Wyoming's federal legislators and from those who wish to see the Jackson Hole area develop further, Watt negated the Carter ruling in 1982. Then, in April 1983, he approved a new agreement with the Jackson Hole Airport Authority. In effect, the new agreement-lease makes the airport a permanent feature of Grand Teton National Park near Moose.

The Sierra Club claimed Watt's agreement violates several laws, including the one that allows an airport in a national park only if it is "necessary to the proper performance of the functions of the Department of Interior." The Sierra Club contended that the airport, which is the only commercial airport within a national park, is not needed and is noisy. Not many park patrons use the airport, added the Sierra Club, since only one percent arrive by air.

Utah Wilderness fight

Conservation groups in Utah are still battling the BLM over consideration of wilderness lands. Although a 1400 page administrative appeal caused a reinventory of 809,000 acres and 539,000 acres were changed to wilderness review, nearly 300,000 acres remained dropped. Dean Petaja of the Utah Wilderness Association charges that the BLM has merely "recycled the same faulty logic" in its most recent elimination.

Before a final decision this month, says the group, the BLM might want to consult the successful appeal by conservationists. BLM's reasons for exclusion of areas ranged from too rugged and too flat, to not enough "vegetative screening."

Gas flaring ends

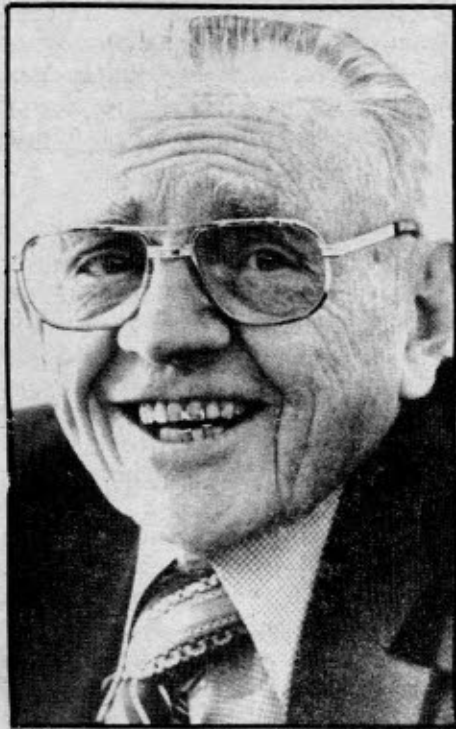
The flaring of 13 million cubic feet per day of natural gas in Wyoming's Powder River Basin ended in mid September (HCN, 9/19/83). The cessation was achieved through a compromise between two pipeline companies encouraged by the Wyoming Oil and Gas Conservation Commission. The compromise spreads the purchase cutbacks around the region, avoiding the flaring of gas produced by wells also producing oil. Those wells had continued to produce even though there was no market because the owners wanted the oil revenues. Demand for gas remains at depressed levels so the regional reduction may cause problems elsewhere.

HOTLINE

Wayne Aspinall dies

Colorado's 'Mr. Chairman' died October 9 in his hometown of Palisade, Colorado.

Wayne N. Aspinall, who dominated the House Interior and Insular Affairs Committee through the 1960s, was 87. He had had cancer for many years. He is best known for his long-time support for water projects and for resource development in general. He was defeated after thirteen terms in a Democratic primary, in part because his purely Western Colorado district had been redrawn to include more liberal Front Range communities.



Wayne Aspinall

Superfund numbers game

Senator Gary Hart (D-Colo) says the EPA's announcement that it will add 133 new sites to the Superfund cleanup list is nothing but a numbers game. Only one-third of the 419 dumps already identified by EPA can be touched by the \$1.6 billion appropriated, he points out, and EPA has more than 17,500 sites under review for potential cleanup.

Putting it baldly, Hart says: "It doesn't matter how many sites are on the list if there is no money to clean them up." He'd like \$16 billion as a start on 1,000 hazardous waste sites around the nation.

A costly flood

Twenty-six million dollars is the figure just out for all 1983 flood damage to National Forest lands in the Intermountain Region of Utah, Nevada, southern Idaho and southwestern Wyoming. Stan Tixier, Regional Forester out of Ogden, Utah says this is the basic bill for repairs and replacements. According to the Forest Service final report on 1983 flood damages, engineering jobs will take the largest bite, with over \$14 million going to rebuilding 296 miles of road, 123 miles of trails, and repairing or replacing 35 bridges. Damage to fisheries within sixteen National Forests was nearly \$7 million.

Tixier and other forest managers say they hope that the winter of 1983-1984 won't follow the pattern of the last two winters. The winter of 1981-1982 was the wettest in 100 years of record-keeping in the Salt Lake Valley; the winter of 1982-1983 resulted in total precipitation as much as 250 percent of normal in several parts of the region.

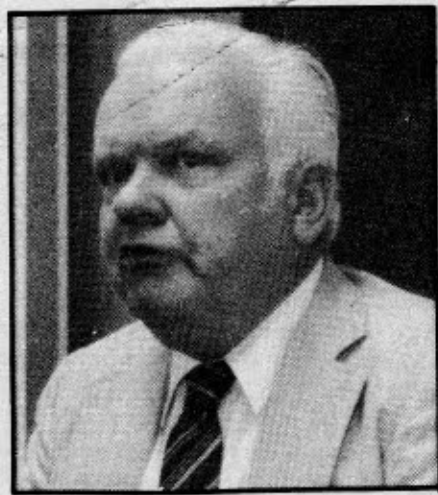
Colorado-Ute still wants deregulation...

An issue which took an enormous chunk of the Colorado State Legislature's time in 1983 will be back in 1984. The issue is deregulation of Colorado-Ute Electric Association -- a Generation and Transmission REA which supplies 14 REAS. In 1983, the legislature refused to deregulate Colorado-Ute; it did deregulate the state's "retail" REAs, which sell power directly to consumers.

Now, C-Ute president Girts Krumins says he will again ask the Legislature to take it out from under the Public Utilities Commission. He says deregulation of "cost of service" would save consumers \$10 million, or about 5% per year, by allowing the utility to finance through leasing its

new \$500 million Craig III power plant. As long as "cost of service" is regulated, he said, lucrative leasing arrangements are not available. Craig III was to have been on line in spring 1983. Colorado-Ute has been bringing plant construction along slowly, however, in the hope that it will be deregulated by the time the plant is on line and needs permanent financing.

The deregulation issue will be hotly fought, as in 1983. But there may be room for compromise: deregulating the "cost of service" aspects while letting the Public Utilities Commission control C-Ute's ability to build major new facilities. New power plants and transmission lines are the major impact on rates.

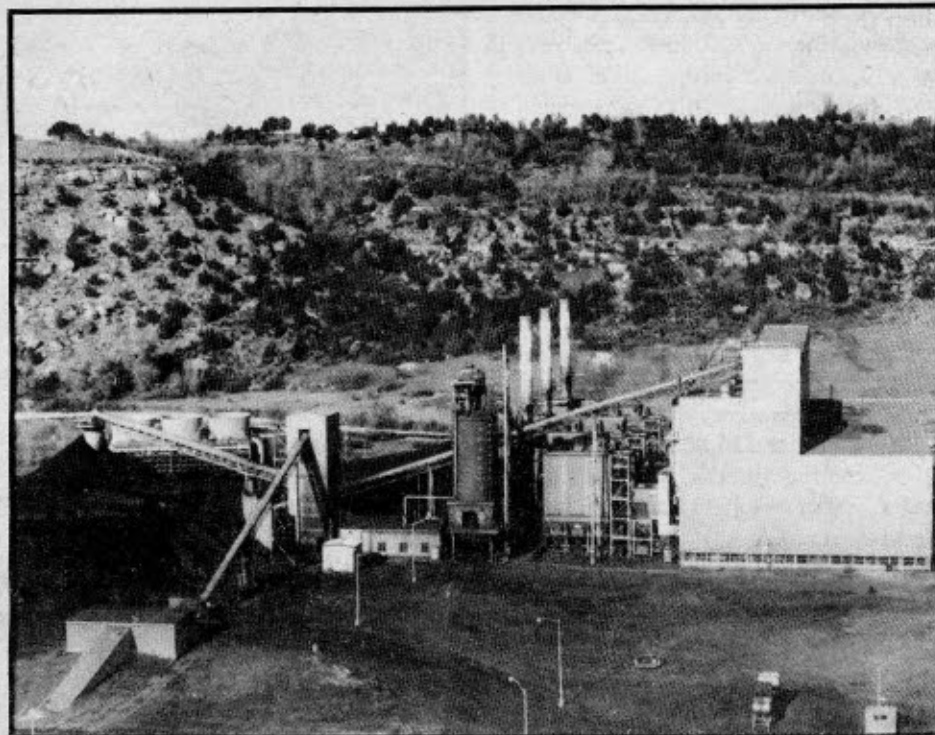


Girts Krumins

...and seeks funding for a power plant

In the West End of Montrose County not far from Utah, Colorado-Ute has an antiquated, coal-fired power plant which produces 36 megawatts of electricity. With \$125,000 in seed money from the Electric Power Research Institute (EPRI), Ute plans to have that plant on line by the late 1980s turning out 100 megawatts through new technology not in use in the United States. The process is called an atmospheric fluidized-bed boiler and can best be visualized as an air popcorn-popper. Chunks of coal circulate slowly through the boiler and there is almost complete burning.

Girts Krumins says boiler manufacturers are being approached now to finance the estimated \$100 million retrofit. Ute's share of the costs might be \$5 million, he adds. The utility had hoped that EPRI, the research arm of some 631 utilities, would fund the new technology. But recently EPRI granted the TVA and its partners \$75 million for a similar project.



Colorado-Ute's Nucla Station

An Idaho lab wins a nuclear prize

Due to the skillful maneuvering of Sen. James McClure (R-Idaho), the Idaho National Engineering Laboratory (INEL) has been selected for construction of the New Production Reactor. The plutonium and tritium factory will help fuel a new generation of atomic weapons for the U.S. arsenal (HCN, 8/5/83).

According to a spokesman from Rockwell International, a Department of Energy contractor in Richland, Washington, the Idaho site was selected from three possible sites because of its remoteness, its strategic location (there are no large weapons materials producers in Idaho), and its powerful Senator.

McClure is chairman of the Energy and Natural Resources Committee.

The Hanford Reservation at Richland and the DOE Savannah River laboratory in Georgia were passed over because both sites already produce substantial quantities of weapons materials, according to the source.

Roger Scott, public relations director for EG&G of Idaho, a contractor at INEL, told *High Country News* in June that the Idaho laboratory was "fourth on a list of three," to get the New Production Reactor. Scott explained that because of Hanford's and Savannah River's historic roles as materials

producers, those laboratories were the leading choices for the New Production Reactor. Of the four reactor designs submitted by the three contending labs, INEL's had received the lowest marks from the federal team that reviewed the designs.

The NPR will be the largest plutonium-tritium producer ever built. Its estimated cost of \$4 billion and the 3,000 workers needed to build it will make it the largest nuclear facility of any kind ever built in the West.

--Don Snow

BARBED WIRE

A brief course in corporate honor. Burlington Northern Railroad V.P. Lawrence Kaufman explained to the *Wall Street Journal* why his firm broke a promise to keep a wheat-country Montana line in operation:

"We reneged ... But I don't think any corporation is in a position to dump \$30 million just to honor a commitment."

A carrot and stick deal.

Lee Tavenner, a Granite County, Montana rancher, is upset with the Bonneville Power Authority for wanting to build a 500-kilovolt

powerline across his land. He's also upset with the BPA's tactics:

"It's kind of a carrot and stick deal. They offer to shoot you in the foot. But if you don't like that, they'll shoot you in the head instead."

The lines will carry power from the Colstrip power plant, whose service area has a surplus of electricity, to the Pacific Northwest, which has a surplus of electricity.

Two years is far enough. Senator Gary Hart (D-Co.) thinks two years of further study is far enough. He wants the U.S. Forest Service to release its

analysis of the Oh-Be-Joyful Wilderness Study Area in west central Colorado near Crested Butte. It was set aside in 1980, due to competition between mining and recreation interests, when Colorado added 1.4 million acres of wilderness to the existing 1.2 million acres.

AMAX goes back to Nature. The mining company, which once planned a molybdenum mine employing 1600 people near Crested Butte, Colorado, is putting the property it accumulated to some use. The *Crested Butte Chronicle* reports it is building a hunting camp in Alkalai Basin, where it once planned to dump 20,000 tons of tailings per day.

Coal slurry pipelines go down the tubes

An unlikely coalition of railroads and environmentalists claimed victory October 27 over coal slurry interests. The victory came in the form of a lopsided defeat by the House of Representatives of a bill that would have given coal slurry pipelines the right of federal eminent domain.

Slurry supporters deplored the defeat. They say the pipelines need the federal right to condemn private land in order to break rail's grip on coal transportation. Representative Morris Udall (D-AZ) told United Press: "I'm unhappy. It's a new technology. Its time will come, but apparently not yet." Udall's Arizona has the nation's only operating slurry pipeline: the 273-mile Black Mesa line.

Other supporters said the defeat leaves western states vulnerable to loss of their water. Senator Malcolm Wallop (R-WY) said the West is now "naked and without the means to protect our traditional right to control the export of water." Slurry pipelines use about one ton of water to push one ton of pulverized coal through the pipeline.

The stakes for the railroads, for coal-using electric utilities, for coal mines, for landowners, and for those concerned with western water were all high. But the railroads had the largest interest. Almost \$6 billion, or 20 percent of their revenue, comes from moving coal, with slurry pipelines estimated to have a shot at half the business -- \$3 billion in revenues. The railroads' only present competition is high-voltage transmission lines which move coal, in the form of electricity, from mine-mouth power plants such as the Colstrip complex in Montana.

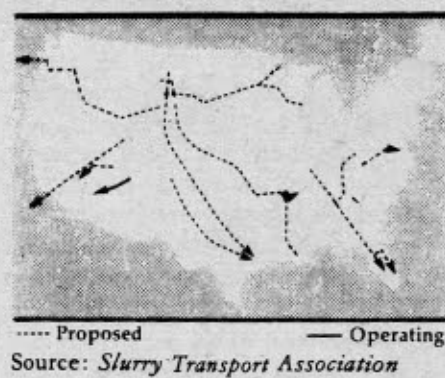
If slurry pipelines lowered transportation costs, they could rearrange U.S. coal production and use patterns. The recent rapid escalation in rail shipping costs due to federal decontrol of rail rates has priced western coal out of most of the Midwest markets it penetrated in the mid 1970s, and possibly also out of the Pacific export market. Not surprisingly, the coal industry has been a strong supporter of slurry pipeline legislation.

Electric utilities also have a stake in the outcome since they buy most of the nation's coal and pay the freight rates. The effect slurry pipelines can have on coal rail rates was demonstrated this summer. The very existence of a plan to build a slurry pipeline from the Powder River Basin down to Arkansas allowed Arkansas Power and Light to save an enormous \$16.5 billion on its just signed 35-year contract with the Chicago and Northwestern Railroad.

The proposed pipeline that prompted the railroad to get competitive is Energy Transportation Systems, Inc. (ETSI). It would use South Dakota water to flush coal from mines in Montana and Wyoming to southern markets. It is the only one of the proposed slurry pipelines that can survive the 235-182 defeat of the federal eminent domain bill. It has already obtained most of its right of way, some of it through use of state eminent domain laws.

If the law had passed, the legislation would have given coal slurry pipelines the right to condemn private land, including railroad property. The railroads criss-cross the country, and their dedication to not letting slurry pipelines burrow under them is a formidable roadblock to the embryonic industry.

COAL SLURRY PIPELINES



The railroads were joined in their opposition to such condemnation powers by western environmentalists and by land owners who fear the physical impacts of the lines and their effect on already scarce western water.

It was the water question that most concerned the Wyoming delegation. For example, Representative Dick Cheney (R) worked to put language in the bill giving the states control over their water in cases involving slurry pipelines. Under present law, a slurry pipeline could export water from a state without the state having any say in the matter at all.

An aide to Cheney said that until 1982, the Congressman opposed eminent domain for slurry pipelines. The aide said the Congressman had his mind changed by a U.S. Supreme Court case -- *Sporhase vs Nebraska*.

In that case, the Court said states could not ban the shipment of water from one state to another. It said such bans violate the interstate commerce clause of the U.S. Constitution. As an antidote to the case, Cheney changed to support of an eminent domain law, but with language that would return control of water used in slurry lines to the states. The tradeoff made it easier to build a slurry pipeline, but gave the states control over water if they were built.

Not everyone thinks Cheney's language, which was in the defeated bill, would have done that. Rose McCollough, associate Northern Great Plains representative of the Sierra Club, said the language was inadequate to protect the state's water and was probably unconstitutional to boot. The Sierra Club opposed slurry pipelines for a variety of reasons, including the scarcity of western water and the difficulty of disposing of the dirty slurry water at the end of the line.

Putting the difficult water question aside for the moment, Stuart Serkin of the Slurry Transportation Association in Washington, D.C., said that without federal eminent domain it will be difficult to build any proposed slurry pipelines. He said, however, that the issue isn't dead. He expects legislation to be introduced again in 1984 or 1985.

Serkin said slurry pipelines are especially important to electric utilities. He said the competition they would give the railroads could bring coal transportation costs down so that more utilities would convert from expensive oil and gas to coal: "We're importing coal on the East and Gulf coasts now because it is cheaper to import than to transport" U.S. coal.

There are about nine slurry pipeline proposals in various stages of planning. But the only serious slurry pipeline contender besides ETSI in the West was the proposed Powder River

Pipeline, which would have originated in Wyoming. The company said October 3 that it would not pursue its project due to the defeat of the legislation.

John Huss, director of the Powder River Resource Basin Council in Sheridan, Wyoming, viewed the defeat as a positive action that would protect the rights of landowners from federal eminent domain.

He also said there has been no clear demonstration that slurry lines are needed or cost-effective. "Can slurry lines even compete with rails?" he asked. He described them as inflexible, one-commodity transport systems. "They can't just jack up the line and reroute it off to Chicago if a change in markets is needed." Plus, "There is already enough transportation to haul the coal needed. Demand for coal is soft."

Huss' comments on the economic feasibility of slurry pipelines are illustrated by ETSI's plight. Although that pipeline has solved its right-of-way problems, it is still having trouble. As mentioned earlier, it recently lost a bid to transport Wyoming and Montana coal to Arkansas Power and Light plants.

It is the existence of ETSI which made the utility's tough bargaining with the railroad possible. But the \$16.5 billion in rail transport savings it earned for the utility didn't help the pipeline, which has spent \$125 million and doesn't have a single contract. In fact, the loss of the Arkansas contract led the *Wall Street Journal* to speculate August 22 that the 1200-mile, multi-billion-dollar pipeline with a design capacity of 30-million tons per year is in deep trouble, and perhaps dead.

ETSI spokesman Earl Evans in Houston, Texas, said he believes the pipeline can still be started in 1985. But that depends on the firm's success in selling its service to utilities in Texas -- its new end point now that Arkansas has fallen through.

As a sidelight, the existence of ETSI has created a fierce fight in the Missouri River basin. If built, the project will pay \$1.4 billion to South Dakota for water from Oahe Reservoir. The water will send Powder River coal down from Montana and Wyoming, and through Colorado, Kansas and Oklahoma. ETSI's agreement with South Dakota to purchase the water has set the upper basin states of Wyoming and Montana to thinking about selling some of their own water.

More seriously, the agreement has prompted the lower Missouri River states to sue in an attempt to stop the sale. They fear that their Missouri River barges could be grounded if the upper basin states drain off enough water at the top of the river. Whether ETSI lives or dies, its legacy is likely to be an enormous water fight. The situation is fluid, so to speak, because the Missouri River is not governed by an interstate compact.

--Carol Jones, staff

HOTLINE

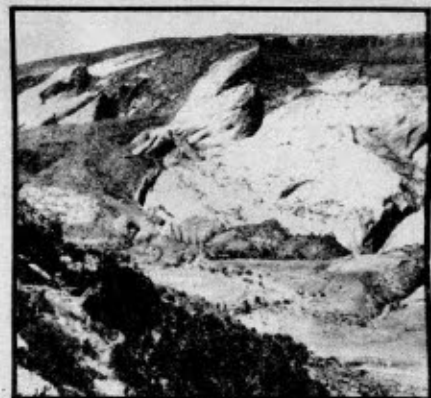
Burr Trail reprieve

The first step toward realigning and paving the Burr Trail of southern Utah was cut short by a congressional conference committee September 29.

That's good news to the Committee to Save the Burr Trail, a recently-formed group of concerned citizens from the Utah communities of Moab and Boulder. Spokesman Gordon Anderson said that the group had hoped all along that the congressional committee would look closely "at both the excessive environmental impacts and the lack of economic justification associated with the highway proposal."

The Burr Trail, an unimproved dirt road, crosses two BLM Wilderness Study Areas in the upper Escalante Canyons and winds across the Waterpocket Fold in the southern part of Capitol Reef National Park.

Officials in Garfield County, Utah want a highway to link Boulder, Utah with the Bullfrog Marina on Lake Powell and increase tourism in the area. Support in the Senate came from Utah Republicans Jake Garn and Orrin Hatch. Garn introduced an amendment to the Interior Appropriations Bill to appropriate \$600,000 for engineering and planning the Burr Trail Highway. It took a request from midwesterner Sidney Yates (D-Ill.), Chairman of the House Interior Appropriations Subcommittee, to kill the amendment. Yates said he had received numerous letters and pictures of the area from environmental groups and individuals. He expressed concern over the impact to Capitol Reef National Park and the lack of any public hearing about the highway project.



Waterpocket Fold

Intermountain REA, again

An REA electric utility which gained fame in Colorado for not holding a board of directors election in twenty years, is now under investigation by the Public Utilities Commission.

Intermountain REA, which serves 34,000 consumers in a once-rural area south of Denver, may have allowed a developer to avoid paying \$394,000 to provide electricity to a new subdivision. The developer, Hal Gannon of Castle Rock, is a member of the REA's board of directors.

According to an October 7 *Denver Post* article, other area developers are outraged. A contractor spokesman said all other contractors have had to pay up front to extend service.

This latest flap is likely to further fan the changes coming to Intermountain. In April, 1983, the utility held its first election, with two insurgents getting on the board. Intermountain's long election drought had an effect on the Colorado Legislature. That body wrote strict election and open meeting requirements into the 1983 deregulation of Colorado's retail REAs.

BARBS

How many planets?

The bargain of a lifetime was advertised in the Portland, Oregon *Weekly* for September 14:

"FOR SALE: SOLAR SYSTEM \$6500 new. 3 years old, \$3000 cash or trade? Call Joe 686-2556."

LETTERS

WELCOME, MISSISSIPPI

Dear HCN,

Indeed! Let me get on the bandwagon and make HCN complete with all 50 states represented.

Having once been a subscriber to the Wyoming-based publication as well as the owner-publisher of the Dolores Star (77-80), I feel it is appropriate that I complete the circle, such as it is. Best wishes for continuing success.

Lewis McCool
Oxford, MS

OFF THE DRIBBLE

Dear HCN,

I found your acid rain story very good (HCN, 9/19/83). However, the supposed humor on the back page I would expect in *National Enquirer* or *Star*. I don't get HCN for dribble.

I am interested in a shirt. I cannot tell what the design is. Please cut out the tree and girl in the ad and enlarge the shirt so one can see the designs.

You have a good-excellent paper, but people mostly react to things that bother them.

Frank Ferris
Gillette, WY

THEIR CHOICE

Dear HCN,

Thank you for your recent comments (Bulletin Board, Sept. 5) about our Department of Environmental Sciences and Engineering Ecology at the Colorado School of Mines. This letter is to update you with recent changes in our role at CSM.

While you are correct in stating that we do not offer a major in Environmental Sciences, this was the result of a decision on our part. We believe that while all of the CSM baccalaureates should leave here with a basic knowledge of the interaction between the mineral industry and the environment, this school does not have the breadth of faculty and courses across the campus to provide a quality undergraduate degree program in Environmental Sciences. In addition, from our studies we found that most directors of environmental and/or regulatory affairs in the mineral industry have backgrounds in engineering with additional training in environmental law, air and water pollution, reclamation, etc., all at the graduate level.

To meet the needs of the CSM undergraduate and graduate students in other departments, the ESEE Dept. offers programs leading to minors in Environmental Sciences. In July of this year the CCHE (Colo. Commission on Higher Education) approved programs leading to the MS in Engineering Ecology and in Mineral Resource Ecology. The first students in these graduate programs started this fall.

William E. Marlatt
Department Head
Environmental Sciences and
Engineering Ecology
Colorado School of Mines

Smoking and sun boom Denver's cancer rate

The risk of Denver-area residents getting cancer by age 75 is now 30 percent -- almost one in three persons. That statistic was announced by Dr. Marvin A. Rich, Director of the AMC Cancer Research Center in Lakewood, to a conference on cancer in Colorado held September 23 at the Center.

Dr. Rich said several cancers, including prostate, breast, thyroid, bladder and melanoma, exceed the national trend. "There has been a fifteen percent overall increase in cancer in the state compared to ten years ago." Rich's figures reflect data from the Colorado Cancer Registry which covers only the five metropolitan counties of Adams, Arapahoe, Boulder, Jefferson and Denver. But researchers say that the increase in the incidence of cancer is corroborated by data from around the state. St. Mary's Hospital in Grand Junction, for instance, reports similar increases.

"Cancer is not a hopeless disease either in its therapy or its prevention," Rich continued. "It's ironic that many of the increases we're reporting are in cancers that can be prevented -- for example, lung cancer and melanoma -- or in cancers that are highly curable if they are detected early."

Smoking is directly responsible for 30 percent of all cancer deaths in the country. One in every seven Colorado smokers will die of lung cancer. "Certainly in terms of smoking and lung cancer," Rich warned, "we're talking about the ability to prevent a disease."

Cancer risks are not divided evenly among races or between sexes. Black men run the highest risk -- 43 percent -- of contracting cancer. Anglo men are next with 34 percent; then come Anglo women with 28 percent. Hispanic men and women have in the past had a relatively low cancer risk; they are still lower than other ethnic groups, but the rate of cancer among Hispanics is rising faster than in the population as a whole.

Skin cancer or melanoma is not included in the 30 percent average cancer risk figure. If non-serious skin cancers were included, the risk for Coloradans would rise above 40 percent. Said another way, almost every other Coloradan will contract some form of cancer, researchers pointed out. Skin cancers have increased 84 percent for Denver men over a ten-year period. The increase for women is 53 percent. Melanoma is a cancer that in the past has developed primarily in fair-skinned individuals, but Dr. Jack C. Redman of the New Mexico Skin Cancer Project reported a worldwide increase in skin cancers. Greeks, according to Redman, are for the first time reporting skin cancers. In this country, American Indians and Asian Americans are beginning to develop melanomas. Redland says melanoma is caused by exposure to the ultraviolet rays of the sun, therefore residents of high-altitude areas run a much higher risk.

"In 1958 when I started, breast cancer occurred in 1 in 20 women," reported Dr. William Jobe, Director of

the Breast Diagnostic and Counseling Center at Swedish Medical Center in Denver. "Today the figure is one in 11." Jobe said breast cancer increases represent a crisis in Colorado. One third of all cases in the state occur in women under 50.



Many cancers are environmentally caused, doctors at the conference agreed, but our knowledge in this area has gaping holes. Dr. Redman believes that a depletion of the ozone layer is responsible for the increase worldwide in skin cancers, but the scientific data to back him up are not available. The combination of tobacco inhalation and environmental pollutants seems to make smokers especially vulnerable to cancer. One researcher, Dr. Carl Johnson of Jefferson County, reported a 16 percent higher incidence in cancers above Colorado averages for residents downwind of the Rocky Flats Nuclear Weapons Plant.

--Candi Harper

A tiny Utah town challenges IPP

A very small town in west-central Utah and a \$5.8 billion coal-fired power plant project are about to lock horns.

The town of Lynndyl, population 120, wants more help in dealing with the impacts caused by 100 to 1000 workers who would move into town. Lynndyl Mayor Alan Nielson says the town is ready to drop its good neighbor policy and take the Intermountain Power Project to court. It all boils down to a \$50,000 check and a "matter of philosophy," the Mayor says.

The \$50,000 is what Intermountain offered the town to build a new sewer system, with \$10,000 left over to spend as the town pleased. Nielson claims the money is intended to "intimidate" the town council into settling for a lump sum to pay for all impacts on the community.

Originally, Nielson was among those who fought to bring the coal-fired power plant to the area, but he says now Lynndyl deserves a larger share of the \$38 million impact funds Intermountain will spend in western Utah.

The 1500 megawatt power project is being developed by a consortium of 29 municipal utilities, six rural Utah co-ops and Utah Power and Light Company. The plant's overseer, the Intermountain Power Agency, is not regulated by the Utah Public Service Commission, and that has been controversial in Utah for more than three years (HCN, 4/1/83).

Initially, the town accepted the offer but then declined the money after reading the fine print. The contract was reviewed by an attorney -- the first any Millard County town has ever hired to deal with Intermountain. After the review, the town council concluded the agency was not dealing in good faith.

According to the Mayor, the contract limits impact aid to the \$50,000. Future assistance is prohibited. John W. Anderson, Salt Lake City attorney who represents the town, says \$50,000 "isn't a fair

contribution for what the impact actually is, or what it may be in the future."

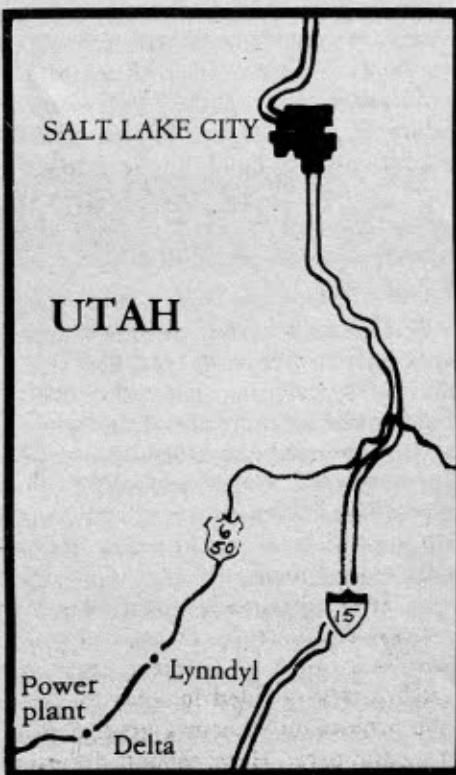
Steven W. Allred, attorney who negotiated the contract for the Intermountain Power Agency, agreed that the \$50,000 was intended to be a final impact settlement and he called the amount "generous."

The Mayor concluded, "We thought they were dealing in good faith, but those guys have used every method they can to get out of paying us what they should. They send down those high-powered lawyers and they treat us like a bunch of dumb bunnies."

In reply, Reed Searle, IPA's manager of legislative relations, says that if a problem exists it is because people are "not getting as much money as they would like." He charges, "The problem we have is that the sympathy of the press, the public, the courts, and the state is always with the little guy and we have to recognize that. That's why we've always distributed more funds than we feel legally obligated to spend."

Town attorney Anderson asserts the multi-billion dollar project has been able to "write its own ticket as far as impact aid is concerned." One example is a clause in the Utah Interlocal Cooperation Act, a body of law that was enacted to guide the development of IPP. The clause says the power plant will remain free from liability for state property taxes, but will pay "impact fees" instead.

--Layne Miller





Colorado Division of Wildlife

Oklahoma protects accused poachers

Oklahoma is one state in which constitutional guarantees and "innocent until proven guilty" mean something.

That was demonstrated this year when Oklahoma refused to extradite three men accused of slaughtering nine cow elk during hunting season last October in Colorado east of the city of Montrose.

According to the Colorado Division of Wildlife's Glenn Smith, "So far as we can tell, a couple of parties of loosely related hunters were hunting near the Cimarron River last October. One party jumped a small herd -- 15 to 20 head -- and pushed them toward another group."

By the time the collective shooting had stopped, "Nine antlerless elk were dead and only one member of the group had a cow license." Four of the elk were hauled out over the next couple of days; the rest were apparently hidden and left to rot.

Smith said the DOW got a tip and went to the scene. But the evidence was gone. "Then we received an Operation Game Thief call from Oklahoma with information."

That information led to the arrest

of Colorado resident Jim Lyons, who turned state's evidence and identified Vestal Hale, his son Randy Hale, both of Bici, and Joseph Roso of Tulsa. They were charged with felonies: willful destruction and waste of wildlife.

The Division of Wildlife, through the local District Attorney's office, set about extradition. But the routine extradition turned unroutine in July 1983 when Governor George Nigh refused to extradite. The governor's legal aide, John Torres, said the governor had problems with the "identity of the alleged fugitive and the affidavits weren't put together as well as possible by the DA."

Assistant DA Tony Durrett, based in Montrose, had a different interpretation: "It sounds like we have hometown down in Oklahoma."

Colorado Governor Richard Lamm had a similar reaction. Aides described him as "furious" over the case. He made a personal, ultimately unsuccessful, appeal for extradition to the Oklahoma governor at a governors' meeting.

The Division of Wildlife is frustrated, but Smith said in September it hasn't given up. "We

put a lot of time in and we got cooperation from the DA and the Colorado Attorney General. We feel it's a real good case."

Smith said the DOW will stay after the men. "Right now they're hiding in Oklahoma. But the warrant is still alive. If they leave home and are arrested somewhere else -- let's say on a traffic violation in Texas -- they'll hold them for us. We'll get them then. The warrants are good for three years."

Smith indicated the DOW might not just passively wait for a lucky out-of-state arrest. The three men "spent a lot of money fighting extradition. But all they've done is paint themselves in a corner. We understand they're in the oil well construction industry. But they can't travel now. If we find they've left their state, we'll ask whatever state they're in to arrest them."

Governor Nigh's aide, John Torres, denied that politics had influenced the case. Torres, who heard the extradition hearing, said for example that he didn't know what the men did for a living. "One of them just looked like a farmer to me," he said.

BOOKS

Cast-iron heroes

The Book of Heat

William Busba and Stephen Morris, eds., with contributions by the staff of Vermont Castings. Brattleboro, Vermont: The Stephen Greene Press, 1982. Paper, \$10.95. 183 pages.

Review by Peter Wild

A lady telephones and asks how to convert her wood stove into an aquarium. Later, a man calls from across the continent to request, urgently, how to dismantle his stove. His five-year-old daughter, playing explorer, is stuck inside.

Who is made of the steely stuff to answer such queries on stoves without flinching? The contributors to this book, that's who.

One is a rock musician, beer expert, and cross-country skier. Another raises turkeys and plays first base for the local team. That qualifies them as experts in anything -- or nothing -- depending on one's perspective. Yet despite the diversity, they share a common love and express it by working for Vermont Castings, maker of wood stoves. Their group effort, *The Book of Heat*, is designed to release stove owners from the bondage and into the joys of wood and coal burning.

Black, sticky stuff dripping from the pipes? Smoke trailing through the living room instead of rising up the chimney? They can handle it. They've been there before. So we get the standard lectures on installation, operation, and maintenance. But it is the esoteric tidbits woven through the standard information that make the book. For instance, they suggest sprinkling kitty litter in the base of a stove during the summer to absorb moisture and odor. They tell prospective buyers to check the doors of stoves in the showroom. The care a manufacturer puts into a stove door is a good indication of the product's general quality.

The book gets thin when it ranges into related fields. I have scars to disprove that "there really isn't a great deal you need to know about splitting wood." And if the authors are going to cast out a few words on buying an axe, they need to include instructions on proper care and handling. Either that or refer readers to a good book on this necessary but dangerous tool.

Similarly, the discussion of stoves on boats is cursory, enough to pique the boat owner's interest, but not sufficiently detailed for him to bring the project off without a good deal of trial and error. Here, though, I'll go to



bat for the editors. It's a suggestion given more in whimsy than in earnest, offered as a stretch of the imagination toward the wide applicability of wood heat.

I especially enjoyed the parody on the self-righteous woodlot aficionado. Beginning, "Digging your own coal can be a rewarding and satisfying project," it goes on to describe the joys of the stove-owning, weekend coal miner.

The unexpected twists keep the reading alive, as does the apt quip: "Lighting green wood is like trying to kindle a zucchini squash." The writers not only know their subject, they enjoy writing about it.

Vance Smith contributes her heartfelt drawings, notably the gracious eulogy to the "flagship" of stove design, the old-fashioned cook stove. The combination makes *The Book of Heat* the most practical, witty, and charming guide to the subject I've seen in a long time.

LETTERS

MIXED REVIEW

Dear HCN,

I was delighted to see HCN devote an issue to National "Defense" [HCN, 8/5/83], but was disappointed with the superficial attention given to the objectives of our nuclear weapons and the strategies for using them, especially the MX. Dan Whipple mentioned the (old) MAD policy (mutually assured destruction). MAD is no longer the U.S. strategy for employing its land-based missiles. President Carter retargeted those missiles from Soviet cities to Soviet military installations, especially to their missiles.

Whipple quoted Senator Hart's aide, Bill Holen, who said about the MX, "We have to move toward a first-strike position to save our missiles. It forces us into a quick-fire." This is close, but does not clearly define the role of the MX.

The crucial question is: "Why does this missile need an accuracy of .05 miles?" The only answer, of course, is that is the precision necessary to destroy the other side's hardened missile silos. But one does not fire at empty silos. The MX is not designed for retaliation. It can only be employed in a first-strike, with the objective of destroying most of the enemy's missiles before they are launched. This strategy is equally applicable to the ultra-accurate cruise missiles, Pershing II, B-1 bomber, and Trident submarine.

Why the new push to space-war lasers? Are these strictly defensive? I believe not. Our first strike could only hope to destroy 99% of their over twelve-hundred missiles and our space lasers could not destroy better than 90% of their incoming missiles. But if their missile force is already reduced by 99%, our lasers might destroy most of the remaining 1%. Our civil defense program is designed to "absorb" the few that get through. I suggest that this combination of first strike/space lasers/civil defense is our true "triad" strategy.

Our new system of 24 global positioning satellites will help other weapons in the system, such as the submarines, to fix their positions precisely, thus improving accuracy. The extensive U.S. anti-submarine warfare force, far ahead of its Soviet counterpart, is intended to destroy most of their subs at sea before they launch their missiles.

This means our military is preparing to start and win a nuclear war. Many in the military establishment, and high administration officials, have explicitly spoken of "nuclear warfighting capability." The motto of the Strategic Air Command has been for many years, "The best defense is a good offense."

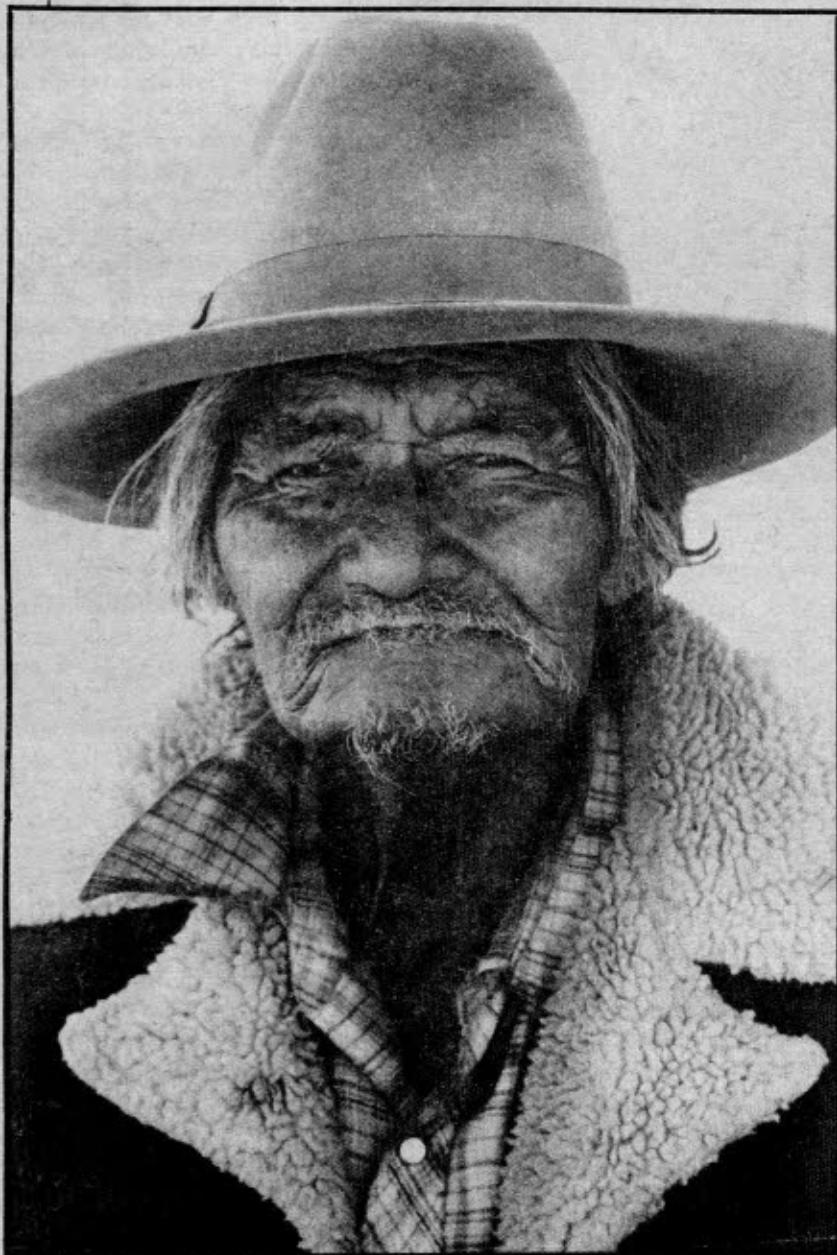
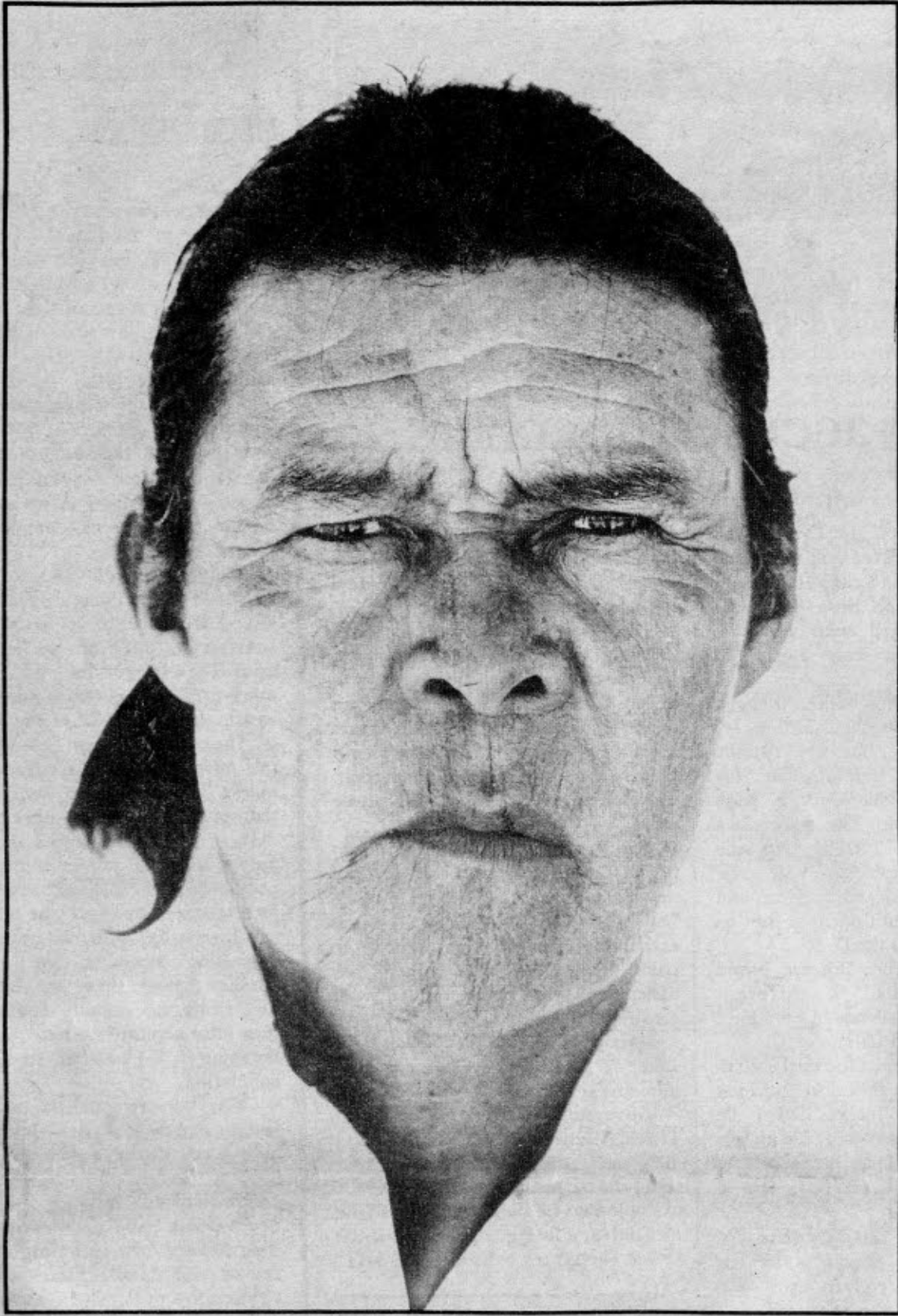
This strategy is dangerously destabilizing. It encourages launch-on-warning, hair-triggers. "I'd better shoot before they get my gun." MAD, despite the moral horror of holding hostage entire populations, was at least a more stable policy -- threatening to kill but not trying to get their gun before they get us.

Even if you dispute this analysis, it is the objectives and strategies that need the most diligent discussion.

Gary Sprung
Crested Butte, CO

FACES

of the Na



*"In our traditional
tongue there is no word
for relocation.*

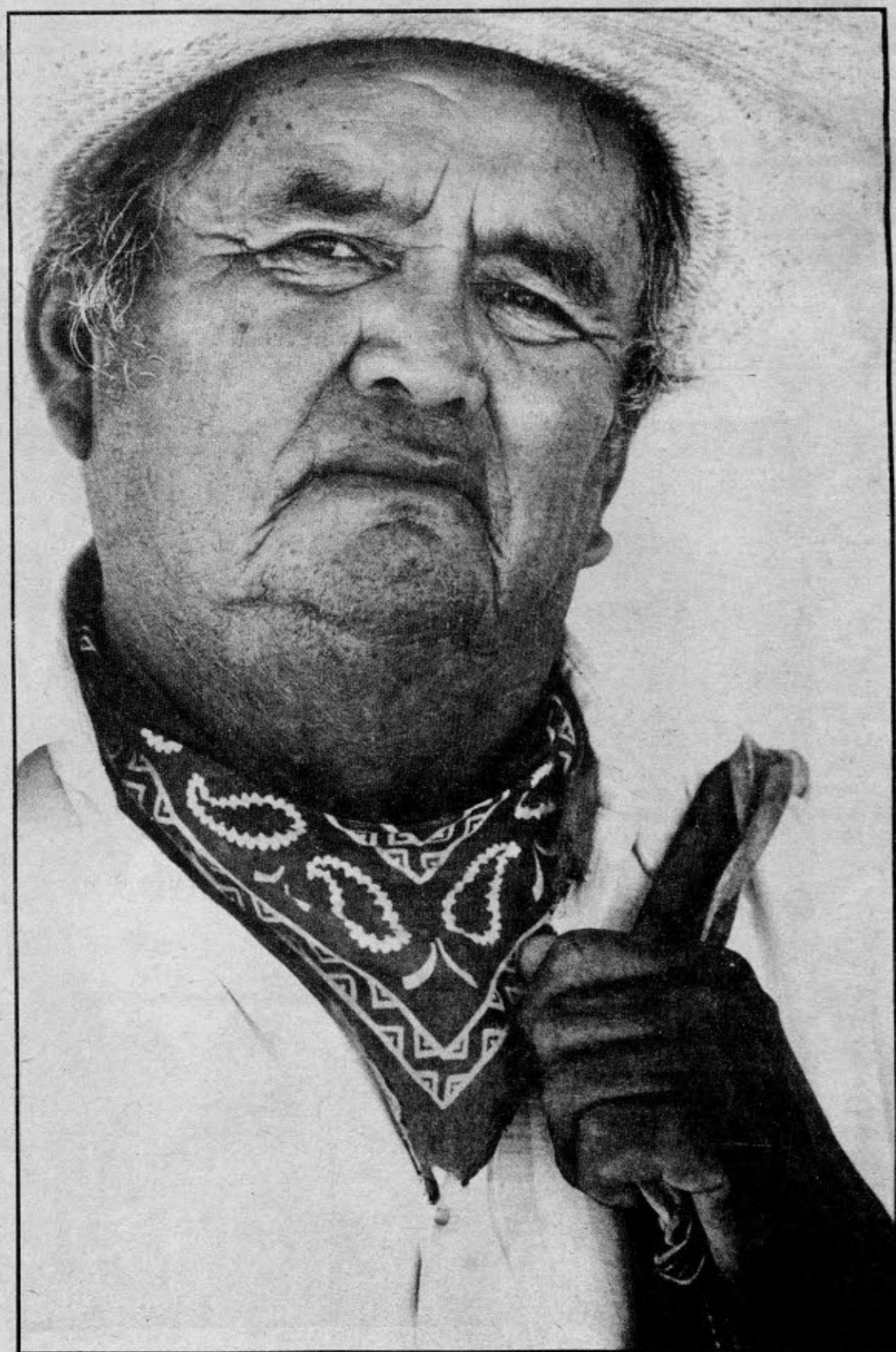
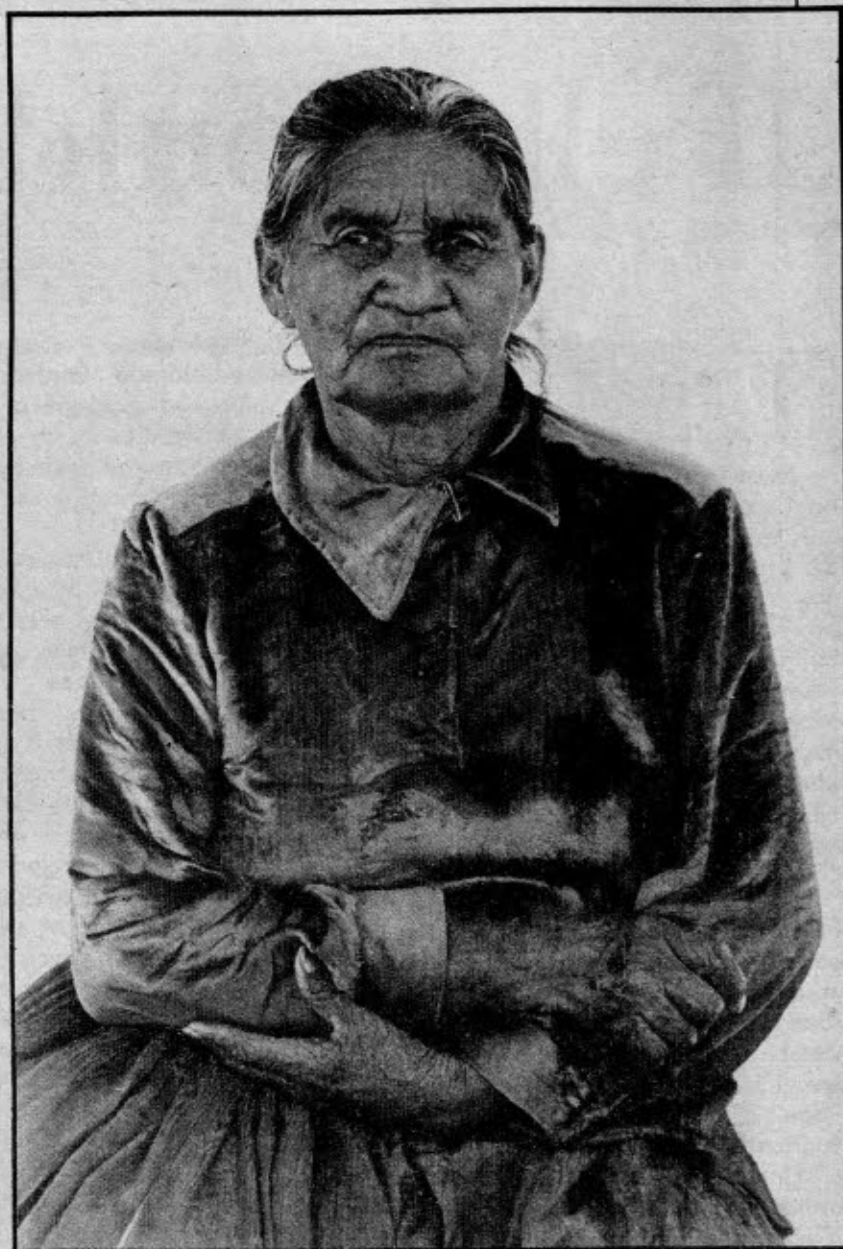
*To move away means
to disappear and
never be seen again."*

—Pauline Whitesinger

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Photographs by **JOHN RUNNING**

the Navajo Big Mountain Peoples, Arizona



As a result of the long-running
and dispute with the Hopi, many
Navajo face relocation after more than
10 years of settlement on traditional
tribal lands. Professional photograph-
er John Running of Flagstaff, Arizona,
helped the Big Mountain Peoples
southeast of the Grand Canyon "make
book" about their plight, using their
words and faces. The booklet is called
"Endangered Dine: The Big Mountain
Peoples and other Land-Dispute
Navajos." It was published in 1980 by
the Navajo Land Dispute Commission,
Navajo Nation, Window Rock, Arizona
86515.

If elk would scream, woods

by George Wallace

I shot him badly.

Most people would have considered it a good shot -- branches opening only one or two feet in front of me and elk crashing single file through the edge of timber one hundred yards away. You couldn't tell if there was a bull or cow or calf coming... it was like being in a shooting gallery abandoned to nature for a hundred years and overgrown, but with the targets still moving. Then I saw him, a Royal bull elk, and shot reflexively with half a second of visibility. He seemed to go down or out of sight immediately.

As I ran across the clearing, never taking my eyes off that spot, cows and calves came crashing back across in front of me, startled by something up ahead. I wanted to watch them badly, but obeyed my grandfather's and now my own rule: "don't lift your eyes from that spot." Suddenly he was there.

He tried to stand but fell, his back broken, his teeth bared in silent pain. If elk would just scream, the woods would have fewer hunters. I thought, "I've never shot an elk this big; what a trophy. If I shoot him in the head, I'll ruin that mount. My God, man he's suffering, shoot him. No! To hell with the trophy, you're just like the hunters you despise."

I shot him at the base of the brain. He quivered, looking ahead wide-eyed, straining, then slowly all the life force slid from those eyes, and his muscles lost their tension. He took one last, long, slow breath and died. I cried inside and out.

It began early, that beautiful day

on Bull Mountain, close to the Wyoming-Colorado border. It was clear blue and gold-green, with an aroma of needles and elk musk interrupted now and again by gusts of upslope breeze bringing the smell of wet sage.

The bull and I had started our relationship about an hour before and 1,000 feet higher. I had been scouting, moving quickly all morning. There were several places with elk on-the-move sign: deep, fresh prints four and five yards apart at times with newly exposed dirt and pine needles lying loosely ahead of each track. Occasionally, these tracks would slow to a walk and be interspersed with round dung from elk too pressed to pause. You could follow tracks like these for hours and never get close. What I was looking for were those nice fresh coils of dung leisurely deposited amid oval patches of laidover grass and salt and pepper tracks. After five hours I dropped into the edge of such a yard.

Elk under pressure only feel secure in unapproachable places. Flanked on two uphill sides by steep, dry ridges covered with doghair timber, the terrain had leveled out into a moist pocket fed by several seeps. Shade and moisture produced a dense stand of young fir with a visibility of five or ten feet. Openings near the seeps were luxurious with yellow grass.

A whole different metabolism kicks in when you come to a place like that. I crouched periodically to look through thinner lower branches. There were light tracks and sign everywhere. I moved one step at a time, placing each foot now in between forest litter, eyes

shifting from ground to foreground, straining. I have good eyes, bad ears and a compensatory nose. It smelled different there in that patch. I quietly removed my jacket to expose my wool shirt. I moved individual branches to one side and weaved slowly forward so as to avoid the sound of needle or twig on fabric. After 20 minutes and 200 feet like this, I froze. The odor was strong now. The hair on my neck stood up.

"They are right here. I can't see them, I can't move another step without..." I held my breath, waiting, and then 20 yards in front of me elk exploded into view, not slipping and weaving through the timber but crashing over young trees before escaping onto narrow trails below. In seconds I was alone with only an occasional twig pop sounding far below. The air was filled with the essence of fir and the sweet heavy musk still rising from grass beds where it had been collected and pressed by 7,000 pounds of warm elk over several hours.

I hadn't moved. Having no view, let alone a shot, I knew these elk would run five miles if pursued, but perhaps slow to a walk in half a mile if they heard nothing in pursuit and hadn't smelled me.

Repeated encounters like this had given me a sense about how elk move in different kinds of terrain. After a moment or two I swung widely up-slope and moved as fast as possible toward Trollop Creek. They would hopefully move across slope and then up the drainage about a hundred yards in the timber away from the stream -- but on which side? I ran to a point where the forest above the stream opened up with larger trees and I

could see about 200 to 300 feet. I waited five minutes and they didn't come. I remembered another pocket which lay along the stream below at the bottom of a steep cliff and rockslide. I went down the trail I had expected them on, a bad idea, and as soon as I reached the pocket, I heard them move and distinctly saw one large elk dropping from sight.

This was my first notion that this was a big bull herding his harem. They headed down toward aspen and visibility. This time I went more directly after them but still stayed upslope since I knew they wanted dark timber.

Running and leaping, making no pretense of being quiet, trying to sound like another stampeding elk -- which sometimes works -- we dropped together down 1,000 feet in elevation until we came to a mix of fir, aspen and clearing on broken terrain.

To stay in the timber they had to turn now and I headed, breathing hard, up a little open promontory that would give me a commanding view. Just as I nearly reached the opening, there they were. They had turned and were headed back up, charging single file through the timber on the other side of the clearing -- cow, calf, cow, calf, calf, cow -- bull.

I want to sit here another half an hour with the elk, as if at the bedside of an old friend. Just sit as I have done before and try to figure out why it is I do this.

Kill and then mourn. Maybe it's my only chance, as Thoreau said, to get this close to some "hard matter in its home," so large and warm, smelling grand. A more developed rendering of whatever primitive



John P. George

would have fewer hunters



John P. George

reverence we feel when looking at a large head mounted in a museum or bar. I can't sit. It is almost dark. Nancy is in school, I'm in school, Dave and Tom are eating more. This year we really need the meat. I would never waste an ounce of him. I want him to know that.

The sun is down now and there is a chill on my back. My hands are deep inside him now in steaming blood and viscera. I feel the smooth, warm lobes of liver and remove them, careful not to cut the gall bladder. I strain my 36-inch reach all the way up to his diaphragm to cut the peritoneum that will release this mountain of viscera. The jays are already here. Half inside I find the heart, cut it free and cradle it in my hands. Grandpa Gallegos, more Indian than Spanish, used to cut off the tip of the heart and eat it at once. "This gives you the strength of the animal," he had said. Lungs free, I put my head and arms in his heart space and remove his esophagus.

Should I be sad? He lived better than most. He had the whole country to himself, had his own harem of eight cows -- had lived five or six glorious years up here. He was certainly better off than the steers in my pasture. Here there are no sharp or electrified wire boundaries.

He wears no constricting band

I want to sit here another

half an hour with the elk ...

To just sit and try to figure out

why it is I do this.

slowly cutting off the flow of blood to his testicles. He didn't stand corraled and knee-deep in snow and his own dung waiting to be fed, castrated, earmarked, dehorned and injected, only to be herded, prodded, trucked, and knocked on the head at the end of two years. Using all my strength I raised his head and shoulders slightly, draining most of the blood to where I could scoop it out. I wiped out the body cavity with my bandana and

cased the exposed meat with a coat of blood.

It is nearly dark, cold and steam is still rising from his great muscles. The last life heat he gives up to heaven -- to the crescent moon and evening star. Moving quickly now, spurred by a chill, I cut branches to spread the body cavity to the cool air and boughs to keep out leaves and jays. I tie my bandana to a branch above him to serve as a dubious coyote repellent.

Taking the saw, knife, heart and liver, I descend to Trollop Creek. There I lay organs and tools in a cold pool to soak. Taking the heart, I gently knead out the remaining clotted blood, then the liver. I lay them on a rock where they glisten in the moonlight. His heart rests, his blood begins its journey to the sea.

Climbing back up to the site, I pack this 26 pounds of heart and liver, gather other equipment, shoulder my rifle and turn for a last look. A change has taken place. I see him as meat for the first time. Component parts -- meat, hide, antlers, cape, divisible in quarters, loins, ribs in turn divisible into steaks, chops, roasts, stew meat, sausage and hamburger. About 700 pounds, less hocks and viscera, which we will pack out on our backs, 700 divided by eight -- 87 pounds per trip, all uphill. Better get going. It'll be ten o'clock by the time I make camp.

□

George Wallace is a third generation Coloradan who raises some cattle, corn, hay and beans near Fort Collins in northeastern Colorado. He and his wife, Nancy, have two sons. Long interested in natural resource issues, such as the loss of agricultural land to development, Wallace tells us that the hunting trip he describes here occurred in 1981.

Palisades...

[Continued from page 1]

But District Court Judge Aubrey Robinson didn't make such distinctions. He appeared to find that all the lease stipulations empowered the BLM to forbid surface occupancy. His key footnote read:

"Upon consideration of drilling applications and the appropriate environmental analysis, the federal defendants may preclude any development under the leases."

Having issued his ruling, the Judge resisted attempts to get him to clarify. But however foggy his reason or language, his decision was clear. He was agreeing with industry and the federal government that oil and gas leasing was a paper transaction. He said that the federal government could deny permission to drill if it so decided.

Although this decision was technically a defeat for the Sierra Club, it was also a victory. It explicitly negated the RMOGA (*Rocky Mountain Oil and Gas Association vs Andrus*) decision. That so-called "shell lease" decision by Judge Ewing Kerr had ruled that a lease without a right to drill is a fraud. It meant all federal leases could be drilled.

In the Palisades case, Judge Robinson said Judge Kerr had been wrong. Robinson said a lease is a business arrangement, and that the lessors understand they run the risk that they may not be allowed to drill the land they have leased.

In a normal world, away from the courtroom, one might have expected industry to have fought the Robinson ruling, and the Sierra Club to have accepted it. Robinson, after all, was taking something away from industry -- the right to drill no matter what stipulations were attached to the lease.

But 'industry' in this case was a group of individual investors and oil companies whose first concern was the Palisades leases. Running a far second was possible future implications of Robinson's ruling. They would worry about gaining access to their leases when the time came. They assumed they would be able to convince the BLM that there was -- after all -- no need to invoke the NSO clause. And if at some later date the decision was used to deny other firms access to leases, that was tough. For the moment, they were happy to have their leases without the need for an EIS.

They ignored the disturbing footnote and -- in the appeal brought by the Sierra Club -- concentrated on converting the judge's decision into one based on the adequacy of the Forest Service's EA. In effect they tried to rewrite Judge Robinson's decision for the appeals court.

As for the Sierra Club, it agreed Robinson was correct in ruling that the BLM could forbid access to an NSO lease if it so decided. The ability to deny access at the drilling stage meant the issuing of a lease with an NSO stipulation was not a significant environmental act. So no EIS was necessary. That took care of leases on 219,000 highly environmentally sensitive acres. The leases were good, but they no longer meant the firms could automatically, by right, move onto them and start drilling. It was now at least possible that the BLM could deny surface occupancy.

But the group appealed Robinson's

decision on the 28,000 acres that didn't have NSO attached to the leases. And the three-judge court of appeals bought attorney Sheldon's argument on September 13, 1983. The judges said that for this acreage, the environmentally significant act had occurred with the leasing.

So the judges sent the case back to the District Court with orders that the leases on the 28,000 acres be brought into compliance with NEPA. Presumably such compliance can be achieved by doing an EIS or by slapping NSOs on the leases, putting the EIS off until a lessor applies for a drilling permit.

That's the easy, clear part of the case. The difficult part of *Sierra Club vs Peterson* is deciding what the decision is likely to mean for thousands of RARE II, Further Planning, and Wilderness Study Area leases on both Forest Service and BLM land.

Attorney Brooke Jackson of the law firm of Holland and Hart is sure he knows what the case means. Jackson represented one group of oil and gas lessors. He said: "My view is that this ruling is limited to this case."

He also said, "It's much ado about nothing. There was an incredible amount of litigation over" a detail of the leasing. "I'm absolutely convinced the government was acting reasonably and in good faith. I felt they were doing exactly what the law and the public wanted. And they caught hell for it."

Jackson said he didn't believe the case would be extended to leases in other areas. As for his legal strategy in the case, he said it "absolutely and positively represents only the litigants here. In no way did we try to express the industry's viewpoint."

Sierra Club attorney Sheldon, the sole environmental attorney up against several government and industry attorneys, believes the implications of the case go well beyond the 28,000 Palisades acres. First, she said, the case voided the 28,000 acres of leases. Second, perhaps more importantly, it has established that a "no surface occupancy" stipulation means what it says. She said the case has severely limited the power of oil and gas lease owners to drill on wilderness candidate areas.

Beyond that, "The Forest Service and Interior merrily leased in every Forest in the country under the same system. Many leases were given without an EIS or an NSO. To me, this case means that thousands of leases are at stake and may be void."

Exactly how many Wilderness Study Areas, Further Planning Areas



Palisades roadless area

and RARE II areas the case may apply to is unknown. "We've filed a Freedom of Information request with Interior to find out how many leases since 1970 (the year NEPA passed) are not in accord with the Palisade decision. It could be millions of acres."

Aside from challenges to existing leases -- challenges that might be made under Palisades years from now when a lessor asked to drill -- Sheldon said: "I don't know what we'll gain." If the case is taken to heart by the Forest Service and BLM, she said, it might make for better leasing decisions.

The impact of the decision may depend on how hard it gets pushed by the Sierra Club and other organizations in administrative appeals and court actions. In a way, a court decision can be seen as a new book or

record: its influence and success depend on how it is promoted.

She said the decision means more work for the interested public. Palisades calls for a more detailed decision about leasing earlier in the process. Instead of leasing 247,000 acres all at once, the agencies may be studying a smaller amount of land in greater detail. "Every time we win it means more diligence is needed because it breaks things into smaller chunks."

The potential importance of the case may be revealed by whether the Interior Department or an industry group such as RMOGA appeals the case to the U.S. Supreme Court. If the case is seen as having the potential to void thousands of leases and restrict drilling on thousands of other leases, they will almost certainly appeal.

As of now, neither Interior nor industry has decided whether to appeal.

"This case means that
thousands of leases are at stake
and may be void."

The busted West competes for a TV-dinner factory

by Ed Marston



It turns out that all the world loves a factory producing frozen TV dinners. That's especially true in the economically troubled West, where three communities recently went all out to attract a \$75-million Stouffer Corporation factory and its 1200 jobs.

The winner of the months-long competition among Grand Junction, Colorado, Twin Falls, Idaho, and Springville, Utah, was "tiny" Springville, a community of 12,000 forty miles south of Salt Lake City. It beat out 26,000-population Twin Falls and 30,000-population Grand Junction.

The competition provided insight into the effects of the minerals and energy bust on small communities. It also showed why rural communities have difficulty competing for such a "natural" economic fit as a food processing plant.

It should be said up front that it is not clear why Springville won. According to that town's economic development director, it won because of its transportation nexus, its large labor pool, its strong Mormon work ethic, and the fact that "we dealt with Stouffer as people" rather than as promoters or experts.

Defeated Twin Falls, Idaho, disagrees. Twin Falls believes it lost because Springville was willing "to give away the city" in the form of reduced electric and sewage rates. Twin Falls Chamber of Commerce director Mike Dolton estimated the "industrial welfare" will cost Springville \$1 million per year for the life of the plant.

But Grand Junction's development director said the competition was fair. He said Springville was chosen because it had clear economic advantages over the other communities. A Twin Falls resident says Grand Junction can afford to be generous: "They were never in the running; oil shale had pushed their land and labor costs up too high."

Divining how Stouffer, a division of the Swiss-based Nestle Corporation, made its decision is probably impossible.

Although Twin Falls and Grand Junction disagree on the details, they both agree the bottom line was economic. Only Springville development director Raymond Klauck disagrees. He quotes the Stouffer president as saying: "It was the people. Everything else was about equal." Klauck says, "He felt we were honest and forthright."

Some economic development pros agree with Klauck that the intangibles are most important. Stouffer, through its consultant, Fantus Corporation, started with 45 locations in 21 states, and narrowed it to the finalists.

Noting this, one segment of the economic development community says: When you get down to the last

few cities, there's no way to pick the best on the basis of numbers. At that point, they say, it's important that a city have established some personal contact with the top corporate people, or have figured out how to zing the competition.

How do you zing the competition? A possibly apocryphal story says Grand Junction was zinged a decade ago when another food processing plant was on the verge of moving there. The move wasn't made, it is said, because someone joked to the company's head:

"Your food will glow in the dark if you make it in Grand Junction." The city is known for its uranium tailings problem -- its C.B. handle with truckers is Glowtown -- and that remark was enough to sink the city.

While the reason for the Stouffer decision may never be clear, the reason the three communities fought hard for the plant is: Each is hurting and each saw the 1200 jobs and the \$75 million factory as a cure for the hurt.

Grand Junction and Springville are hurting for the same reason -- the West's resource bust. Grand Junction, which is about 40 miles east of Utah, is a service community living off coal, oil and gas drilling, and oil shale development on Colorado's Western Slope. The oil shale bust precipitated by Exxon's Colony closing in 1982 and the gas drilling downturn have hurt the town badly. Economic development director Del Heles said that approximately 5000 people are looking for work in the area.

In part, Grand Junction and winning Springville were both out beating the corporate bushes because of U.S. Steel. Grand Junction has been hurt indirectly by the fact that U.S. Steel's Geneva steel mill in Utah has cut way back on its purchases of Western Colorado metallurgical coal. And Springville has been hurt because many of its residents worked at Geneva before a big rash of layoffs.

Springville development director Klauck says the Provo mill has gone from 5000 workers to 2500. But Klauck says the layoffs haven't made Springville desperate. "We told them -- we don't give tax abatements. We don't give cut rates on power. They paid \$10,000 an acre for 60 acres in our industrial park," the same as anyone else, and half of those acres will have to stay in green belt.

Moreover, Klauck said, "The state told us it will cost Stouffer more to build here. They'll have to spend \$3 million driving piles."

What do they get for the \$3.6 million? According to Klauck, they get easy access to Interstate 15. They get access to the services in Salt Lake City, 40 miles to the north. They get

access on either side of the Springville industrial park to both the Union Pacific and the Denver and Rio Grande railroads.

And they get another corporate intangible: freedom from unions. Klauck says Utah is a "right to work state. Companies like that. We don't have a union in the industrial park. We have only two in the entire valley. One of those is at the Geneva steel mill."

The Stouffer plant will supply frozen food to the West Coast, but Klauck doesn't believe California was ever a contender. "It has high wages and its work ethics are bad. The work ethics here are good."

Springville clearly led its two competitors in terms of labor supply. First, it is part of the Salt Lake City metropolitan area. In addition, it is near Brigham Young University with its 40,000 students, and near the Geneva mill, where wives are moving into the labor market to take up the slack caused by the layoffs.

The downturn in the Springville economy apparently made the community a stronger contender for the plant. By comparison, Grand Junction's oil shale boom may have hurt its chances. For example, real estate speculation has driven land prices up. Grand Junction's Heles said:

"Our land was \$1 million more for 32 acres than the competition. But upfront costs are not significant." Far more important, he said, was the extra \$1.2 million per year that utilities would cost and the extra \$1.2 million that labor would cost. Labor costs have been driven up in Grand Junction by a relatively small labor pool and by the surrounding energy activity.

Heles said Stouffer could easily hire its employees for minimum wage out of the pool of 5000 unemployed. "But they didn't want to do that." He said the firm did a survey to determine the prevailing wage rate, and planned to pay 10% more than that wherever it went.

Another legacy of the oil shale boom is the fear that the industry will come back, again driving up labor and other costs. The boom also encouraged substantial public spending.

Over the past three years, Grand Junction has waged an ambitious public works project, building new schools, new roads and bridges, a new airport terminal, and the like. Whether or not the additional public overhead outweighed the attraction of the new facilities was not clear.

The triumph of urban Springville over two isolated communities shows why rural areas have difficulty competing for food processing plants despite their proximity to the raw food supplies. Heles said that because Grand Junction is a relatively small

community, it has few refrigerated trucks coming to town full and leaving empty.

"Stouffer wanted a positive imbalance of trucks coming in. They wanted 60 coming in full and going out empty so they could pick and choose. We don't consume enough to generate that flow."

The result, he said, is that Stouffer estimated it would have to bring refrigerated trucks over empty from Denver for loading with the plant's frozen products for shipment to the West Coast. "That added \$1.5 million a year," Heles said.

By comparison, Springville is only minutes from Provo (population 75,000) and less than an hour from Salt Lake City. So obtaining a flow of trucks will be easy.

Twin Falls, Idaho, is more like Grand Junction than Springville, since it is a fairly isolated rural community. Unlike Grand Junction, it is still a strong agricultural community, dependent on the surrounding potato and cattle raising, as well as on trout raising.

Despite the relative steadiness of the agricultural economy, and the slow, steady rate at which Twin Falls has been growing, the community is in economic trouble and badly needed the Stouffer plant. According to mayor Chris Talkington, Twin Falls is suffering from the "mismanagement of a federal program."

The result of the mismanagement, he said, is that it will take 20 years of normal growth to use up Twin Falls' excess sewage capacity. In the meantime, its existing residents get to pay the overhead on the extra capacity, which a Stouffer plant would have absorbed. As a bonus, the factory would have provided surrounding agriculture with a large, local market for its produce.

Talkington said it would take a book to describe how the national sewage program as administered by the Environmental Protection Agency "talked gullible cities like Twin Falls into building secondary waste treatment technologies that didn't work."

But they did, he said, and when Twin Falls' system finally came on line and the bills came in, a large potato processor pulled off the city sewage system, built its own much cheaper system, and left Twin Falls with room enough for twenty years of growth.

The irony of the situation is that while Twin Falls sits with its partially federally-funded unused sewage capacity, Springville will be building a new sewage plant for Stouffer.

Finally, while Twin Falls jabbed Springville, no one had an unkind word about Stouffer. The firm apparently went out of its way to avoid a bidding war among the towns and was straightforward in its dealings.

BULLETIN BOARD

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For \$1000, you can learn that the outlook for Western coal exports to the Pacific Rim -- Japan, Korea, and Taiwan -- is grim. The recently released 94-page report by Philip M. Burgess of the Colorado School of Mines Institute for Minerals and Energy Management cites price-induced conservation, the recession, and a slowdown in heavy industry (steel, aluminum and autos) accompanied by a pickup in high-tech as causing the drop in expected demand. 1981 forecasts expected the Pacific Rim to import up to 115 million metric tons yearly by 1990. The latest forecast is for 50 million metric tons. The report says it is not clear how much of this market will be filled by the U.S. and how much by Australia, Canada and other producers. The West especially had geared up for the export boom, with new mines opening and California ports investing in storage and loading facilities. For further information, contact: Western Coal Export Council, P.O. Box 1110, Golden, CO. 80401; 303/273-3590.

CLEAR CREEK OIL SHALE EIS

The Grand Junction, Colorado BLM office recently released a Final Environmental Impact Statement on the proposed Clear Creek Oil Shale Project north of DeBeque. The proposed project would be a joint venture between Chevron Shale Oil Company and Conoco Shale Inc., and would produce 100,000 barrels per day. Copies of the Final EIS, which analyzes alternatives for roads, pipelines, power lines, water supply and daily production, are available at BLM offices in Grand Junction and Denver. Public comments will be accepted until November 7 at the BLM District Office, 764 Horizon Drive, Grand Junction, CO. 81501.

NEW RANGERS

The Forest Service is shifting its staff around the region in a tri-state shuffle. Dave Stark, who now heads up the Lander District on Shoshone National Forest in Wyoming will be moving to Minturn, Colorado to take over the Holy Cross Ranger District on the White River National Forest. He will replace Ernie Nunn, who after 8 years in Minturn is moving to Ogden, Utah, to work on energy projects such as the Aquatrain coal slurry pipeline in the regional office, which covers Utah and chunks of Wyoming, Idaho and Nevada.

The Holy Cross Ranger District, which covers 320,000 acres, includes Vail and Beaver Creek ski areas, the Homestake transcontinental water diversion project in the Holy Cross Wilderness, Interstate 70 over Vail Pass, beetle infestation, and a few other dubs and dabs. Stark's Lander district of 300,000 acres is mostly roadless; 100,000 acres including the Popo Agie (poposia) primitive area is up for wilderness status under the proposed Wyoming Wilderness bill. It has no ski areas but Stark was Snow Ranger at Telluride in its earliest years. The area also has within it, as a private enclave, U.S. Steel's just closed Atlantic City Iron ore mine. No replacement has been chosen for the Lander District post yet. Stark takes over Holy Cross November 13.

GLEN CANYON FILM

Rare scenes from two raft trips before construction of Glen Canyon Dam as well as aerial shots of Glen Canyon and the Grand Canyon are in a film sponsored by the Utah Chapter of the Sierra Club. World traveler Steve Negler will show *Glen Canyon Before the Dam* Oct. 20 at 7:30 p.m. in Zion Lutheran Church, 1070 Foothill Drive, Salt Lake City. Call Jim Baker at (801) 582-0219 for more information.

PESTICIDES AND THE WORLD

A new book tells the story of the U.S. manufacturing of hazardous pesticides and their international distribution. Authors David Weir and Mark Schapiro discuss the effects on American workers who manufacture or use the pesticides, and on Third World workers sprayed while working in the fields. Concentrating on pesticides either banned, heavily restricted or under regulatory review in the United States, the book reveals that these pesticides turn up in 10 percent of the foods imported to the U.S. Finally, there is a discussion of what is being done about the problem.

Circle of Poison: Pesticides and People in a Hungry World is available for \$3.95 from Institute For Food and Development Policy, 2588 Mission Street, San Francisco, CA 94110.

THE FOE RETORT

Friends of the Earth in Colorado has been following oil shale for a half dozen years or so, and much of what staffers Kevin Markey and Connie Albrecht learn is contained in *The FOE Retort*, a mimeographed but well-written newsletter. The September issue has news of Interior's abandonment of its fast track lease rules, Rio Blanco Oil Shale Company's chances of getting a 6400-acre dump site without an EIS, which streams the Synfuels Corp dollars are flowing in, and a dolorous piece on the Great Plains Coal Gasification project's woes. The cost is \$15 for six issues. If you'd like to look before you leap, write for a sample: FOE, 2239 E. Colfax, Denver, CO. 80206.

MONTANA ENERGY GRANTS

The Montana Department of Natural Resources and Conservation is offering funding for projects that research, develop, or promote public awareness in innovative renewable energy or conservation techniques. Topics of particular interest to DNRC this year are low-head hydropower, multiple applications of a single geothermal resource (cascading), conservation of industrial process energy, and research in residential superinsulation construction.

A package containing application forms and instructions as well as a discussion of the selection process and evaluation criteria can be obtained by writing or calling: Energy Division, DNRC, 32 S. Ewing, Helena, MT. 59620; 406/444-6696. Hurry: grant applications must be postmarked by November 1, 1983.

SOLAR HOT WATER CONFERENCE

A call for papers has been issued for a 3-day conference and exhibition that will explore the latest developments in solar hot water. The conference, entitled *Solar Hot Water: Technologies, Trends and Markets*, is sponsored by the New England Solar Energy Association. Installers, dealers, plumbers, builders, architects, engineers and manufacturers from throughout the Northeast will gather on March 22-24, 1984 in Manchester, New Hampshire.

Abstracts for papers are due November 30, 1983, and should be sent to Larry Sherwood, Conference Director, New England Solar Energy Association, P.O. Box 778, Brattleboro, VT. 05301. For more information call NESEA at 802/254-2386.

UTILITY EXECUTIVE BRIEFING

A one-day briefing for senior-level executives promises to explore the nitty-gritty legal and financial issues at the core of the Washington Public Power Supply System (WPPSS) crisis. A panel of experts who have worked closely with WPPSS will detail what happened to bring on default and examine the implications for the utility industry and municipal bond market.

The briefing, *WPPSS: The Crisis and the Impacts*, takes place December 7th at the Sir Francis Drake in San Francisco and is sponsored by the Energy Bureau Inc. The registration fee is a stiff \$750, which includes lunch. Call Joanne Merlen at 212/687-3177 or write to the Energy Bureau Inc., 41 East 42nd Street, New York, NY 10017.



COSTS CLIMB, CONSUMPTION DROPS

The average American household spent \$724 in total home energy costs in 1978 and \$1022 in 1981. That's a 41 percent increase in price, says a recent government report, even though energy consumption for the average home dropped 17 percent. Total residential consumption, including apartment complexes, declined 10 percent while costs rose 53 percent during the 3-year period. The report presents residential consumption rates and costs for the various fuels, census regions, income groups, and types of dwellings within the U.S.

Copies of *Residential Energy Consumption Survey: Consumption and Expenditures, April 1981 through March 1982 - Part 1: National Data* are \$6 from the National Energy Information Center, Room 1F-048, Forrestal Building, 1000 Independence Avenue, Washington, D.C. 20585 (202) 252-8800.

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Edwin H. Marston, Publisher

GUEST EDITORIAL

U.S. Steel plays cat to the Lander mouse

Sitting handsome in the foothills of the Wind River Range, home to a regional medical center and, formerly, *High Country News*, Lander might never be suspected of blue collar pretensions. That distinction is left to its grittier neighbors, Riverton (oil and gas) and Jeffrey City (uranium).

But Lander is a mining town, and always has been, from the days when they dug coal in this valley for the Union Pacific to the 1980s, when more than 500 workers toiled up in South Pass at U.S. Steel's taconite mine. In a town of under 10,000, 500 jobs mean a supermarket or two.

The taconite mine has been in operation twenty years, and its ore is good for another decade. But last year the people that run this town began to suspect that U.S. Steel was losing interest. Figuring they had only a couple of years grace, they formed an Economic Development Committee to midwife our next phase of growth, and to show outside corporations that for all its beauty, Lander has hardworking dirt under its nails.

Too late.

Last month, about the time local retailers here were ordering their Christmas inventories, U.S. Steel announced a holiday surprise: The

mine would close in 10 days. It would be the largest single layoff in Wyoming history.

Naturally, an emergency meeting was held in Lander. The governor came. The merchants. The Steelworkers union. And U.S. Steel. We need to talk, we need to work together to save the mine, said the earnest locals. We want to save it too, said U.S. Steel's local superintendent Wally Johnson, but it will take deep, deep cuts, particularly in labor costs, but also in taxes, royalties, transportation costs and anything else you can think of. And, he added, we can't show you our bottom line -- that's "proprietary information."

It was a little irritating to learn that we had to make deep cuts without even knowing how deep was enough. But the folks at the emergency meeting kept nodding and saying that we've got to work together, we've got to talk.

I'm going to go out on a limb and say that the talk will lead to nothing. The decision has already been made at U.S. Steel's headquarters in Pittsburgh. My limb is made of structural steel. You can talk to U.S. Steel's Wally Johnson until you're blue in the face, and he'll say cut deep, deep,

deep, and then trot back to Pittsburgh with our little concession package and lay it at the feet of the corporate kind, who will sigh and kick it off the dais with a toe. Johnson can take the heat and say he sincerely believes our mine can be saved because he doesn't get to see that proprietary information either. It's back in Pittsburgh.

What we're experiencing in Lander is a little experiment. Johnson is instructed to tell the crowd that if the company gets drastic (though unspecified) concessions it might reopen the mine. So, how low can we limbo? How low, mused the Pittsburgh kings, will these Wyoming folks grovel to save their jobs and tax base? Will they break with their union? Will they drop the severance tax? Like a piece of new theater, it's best to try it on the road before you bring it to your big operations.

One can forgive Glenn Hope, the president of the Steelworkers local, his bit of grandstanding, telling the crowd how much he'd already given up last spring, when U.S. Steel sliced up the union's national contract. At least Hope recognized that the meeting was a circus, and performed.

A mine like ours is a piece of lint to a company losing hundreds of millions of dollars a year. The huge U.S. Steel

mines in Minnesota -- now operating at 40 percent -- will pick up our taconite business. They are much more compatible in size to a corporation with sales over \$12 billion annually. The competition we're losing to is not Japanese or German; it's within U.S. Steel itself.

That's one of the ironies. Here's another.

Andrew Carnegie, U.S. Steel's founder, was one of the Silly Rich who abounded at the turn of the century, when a billion was still a billion. Carnegie amassed enormous wealth in the hard, bitter world of metals, and lived a life of compulsive self-enrichment. Just as compulsively, he gave it away. One of his charities was archaeology, and in 1892 he funded an expedition to Wyoming. There they dug up a dinosaur and named it *diplodocus carnegiei*.

Now the digging will stop. Corporations are no longer run by the Silly Rich, and U.S. Steel is no more likely to reopen the mine near Lander than they are to fund another dig for *diplodocus carnegiei*. We have been silly ourselves, silly to think that the kings in Pittsburgh would "work together" with us.

-- Geoff O'Gara

HIGH COUNTRY

By Tom Bell

A Wyomingite takes exception to James Watt

If you, the reader, will permit, I would like to renew my bonds of fellowship with *High Country News*. It has been some time since my name appeared as a by-line on these pages. Things have happened in my life since those days of oh so long ago -- or what seems like it. Yet, my basic philosophies concerning conservation, and the ethics thereof, remain the same. I consider myself a frugal, conservative Scotsman at heart.

Having said that, I would enjoy the opportunity of reflecting on the passing scene once more. The issues haven't changed that much -- clean air, clean water, the destruction of fragile topsoils; the jeopardy of wildlife populations whether by fences on winter ranges, or timbering in critical areas, or drilling for oil or gas in sensitive situations; wilderness areas; ad infinitum. Some issues have become more critical, such as the threat of acid rain and the increasing demands upon a finite water resource.

Most important of all is the human factor -- people and politics. So long as there are two of us around, there are going to be disagreements. And, of course, the disagreements become more apparent the farther apart our basic philosophies happen to be.

I couldn't help but compare myself with James Gaius Watt, a fellow who has been in the news quite frequently of late. It appears that he and I have very similar backgrounds -- Wyoming boys, raised on a ranch through hard, tough times; exposed to the same reasonings about wresting a living from a cruel land and being "different" from those "eastern elitists." We're both graduates of the University of Wyoming; both born-again, spirit-filled Christians. I don't think he went off to any war to see the

effects of Communism first hand, as I did, but we seem to see eye to eye on what it all means.

Recently, he was interviewed by *The Denver Post*, and some of the folks who knew him in Wheatland, Wyoming were also interviewed. Personally, I was dumbfounded at his temerity in saying he spoke for me -- and quite a few other Westerners I know.

Somewhere back along the line our educations took a different track and so our basic philosophies are poles apart. He may think he is my hero but I disavow that in the strongest terms. And there may be people in

Wheatland who think as he thinks, but they don't have to put an onus on the rest of us by ascribing to us his thoughts. We don't all agree with him, and we don't all think he is a hero or a credit to Wyoming.

He inveighs mightily against the "special interests" which would take advantage of the West and western lands. But it has traditionally been the homegrown Western special interests that the public has had to guard against. It was the uncontrolled and unregulated grazing of the rangelands that put them in the sad and overgrazed conditions in which they remain today. It was the uncontrolled

cutting by the timber barons that brought about the Forest Service. And it was an unreconstructed Republican rascal from the East named Teddy Roosevelt who finally reined in the "special interests."

Mr. Watt may loudly and arrogantly decry that brand of stewardship and that of his boss in the White House. But the rest of us can't wait to get back to a Roosevelt and a Gifford Pinchot.

Tom Bell, who founded *High Country News* in 1970 in Lander, Wyoming, is a member of the board of directors of the *High Country News* Foundation.

OPINION

Governor Lamm speaks for efficiency

Colorado's Richard Lamm is one of the most interesting governors in the West. Unlike most politicians Lamm is willing -- perhaps compelled -- to discuss the issues that affect our society.

This academic quality usually gets him in trouble. His tough stand on illegal immigration is a recent example. But it also makes him one of the very few elected politicians who attempts to lead through ideas rather than by manipulation.

This quality was on display October 8 in the resort town of Estes Park, Colorado at an issues conference of the state Democratic party. Lamm took the occasion to tell his liberal audience that the party should strive to be both compassionate and efficient.

As America's many social programs show, liberal Democrats already know how to be compassionate. So Lamm spent most of his time talking about efficiency.

Lamm made his points softly, but he angered some in the audience. He was accused of adopting Reagan's supply-side economics, of shrinking from the hard Democratic task of redistributing America's wealth, and of sounding Republican rather than Democratic.

We were probably in the minority, but we liked Lamm's speech. We balked only at the nostalgia with which he looked back at the good old days, when our share of the global economy was growing and elected officials had to worry about creating new programs rather than destroying existing ones.

We wish Lamm had considered the possibility that America's shrinking share of the globe's wealth may be a sign of convalescence from a long binge. For too many decades we pigged out on food, energy, plastic, steel and the rest. One excuse -- the socially conscious excuse -- given for our gluttony is that unless the upper and middle classes in America are stuffed, the poor won't have any crumbs.

We disagree. We think the dollar decline in America's 'standard of living' just may be a sign of new health. It could be that the Gross National Product will turn out to be inversely proportional to our vitality and health as a nation.

OFF THE WALL

Wholesale apology

We have just sent off one dozen letters of apology to President Ronald Reagan. We're following the lead set by Secretary of Interior James Watt, who apologized to the President within days of insulting the coal commission. Watt wrote:

"I have made a mistake, Mr. President..."

His letter showed us the way to mend old tears and come to peace with ourselves through the all-forgiving Office of the President. Our first letter read:

Dear President Reagan,

Two weeks ago I yelled at my daughter because she spent an hour taking a shower. She's killing

our budget by using too much electricity for hot water. In retrospect, I was too tough on her. So please, Mr. President, forgive me. Also, sir if you run into my daughter [she's 14 and a freshman at Paonia High School], don't mention my apology. I'd like to keep the pressure on her, shower-time-wise."

Our second letter concerned a more serious matter:

Dear Mr. President:

I just found a manuscript a writer submitted to High Country News three months ago. I'm too embarrassed to return it to the author, so I've thrown it away. Please accept my apologies, Mr. President.

The third letter has to do with the homefront:

Dear Mr. President:

Our dog Sam [actually, Samantha, but she's been fixed so gender identification is not a big deal with her] barks a lot at night. I'm sure this annoys the neighbors, but for obvious reasons I'd rather not bring it up with them. After all, what can we do -- get rid of Sam -- she's like a member of the family. We're good people -- we don't have a noisy or unfriendly bone in our body, and neither does Sam. We think her barks just sort of slip out. You know how that goes, Mr. President. She yips before she thinks. So we'd all appreciate it if you'd accept her apologies for both past barking and for all the future barking she'll almost certainly do.

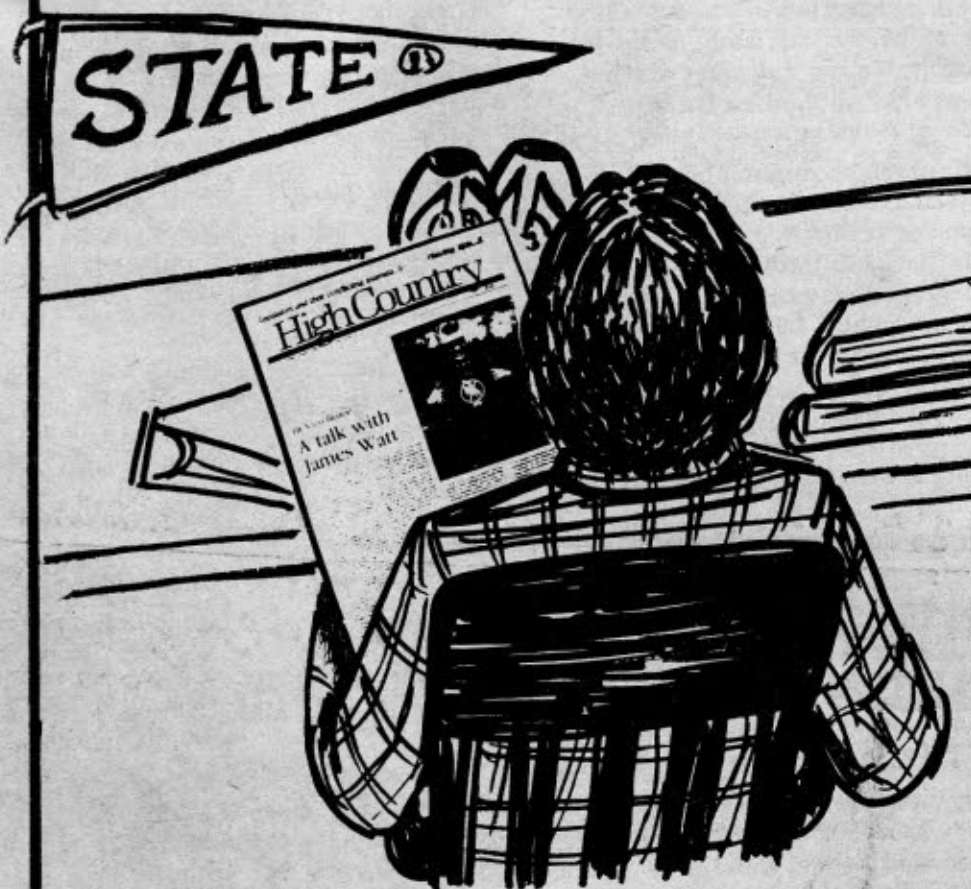
Needless to say, this wholesale apology to the President is doing us an enormous amount of good. We can look all sorts of people in the face -- even people we've done dirt to -- thanks to the fact that we're sure the President will forgive us.

--E.M.

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High Country News

The paper for people who care about the West.

LETTERS

DRY AND PIOUS

Dear HCN,

It was good to see some of your magical writing show up in the new HCN (Off the Wall, the catfish story, Nuking the Press). That first issue made me wonder if you had been shackled by some dry pious foundation lords who believe the way to sabotage HCN is to produce a paper so dull, boring, and depressing that no normal mortal could wade through it.

Your success with WCR was based on a sparkling foundation of humorous wit, the facts, and a trust that your readers are as bright as the HCN readership survey says theirs are. I look forward to seeing you turned loose on the rest of the West, or further, and may once again be giving gift subscriptions of HCN.

Carlos Sauvage
Palisade, CO

ATTA BOY

Dear HCN,

Peter Wild deserves an "atta-boy" for his fun and informative article on Albert Fall. An article like this is sometimes considered too "peripheral" in content to a magazine's purpose, but I liked it. Thanks.

Kate Dernocoeur
Denver

A VERBAL LETTER

High Country News received some verbal feedback to the article on how the energy recession has hit Denver's high-flying 17th Street attorneys [HCN, 10/3/1983].

An attorney who is part of a small-town rural Rocky Mountain firm said: "It's not just happening in the energy center of Denver. It's happening clear across the nation. We've also gone from an up-type practice, handling new businesses and real estate sales, to foreclosures and the like."

"We're just as busy. But our income is down. And it's a lot less fun. I get a little depressed to see people lose their homes and businesses."

This attorney, who asked not to be identified, says he does see some slight ray of hope. "In the first six months of this year, our small firm filed more foreclosures than had been filed in the entire county in 1982."

"But that seems to be changing."

The lenders seem more likely now to work with borrowers. The lenders can't sell the property either. I don't think things are getting better. But I have a gut feeling things are starting to level off. We're seeing fewer foreclosures and fewer collections."

LEGAL NOTICE

The Grand Mesa, Uncompaghe and Gunnison National Forests filed a Record of Decision, Final Environmental Impact Statement (EIS) and Land Resource Management Plan with the Environmental Protection Agency, on September 29, 1983. These documents are now available for public review in Forest Service offices at:

212 High St., Collbran, Colorado

Federal Building, Room 314, 4th and Rood, Grand Junction, Colorado

101 North Uncompaghe, Montrose, Colorado

North Rio Grande, Paonia, Colorado

1760 Grand Avenue, Norwood, Colorado

2250 Highway 50, Delta, Colorado

216 North Colorado
Gunnison, Colorado

3rd and Silver, Lake City, Colorado

11177 West 8th Avenue, Lakewood, Colorado

The Land and Resource Management Plan provides for the coordinated multiple-use of outdoor recreation, range, timber, watershed, minerals, wildlife and fish, and wilderness in the management of the Grand Mesa, Uncompaghe and Gunnison National Forests, resulting in sustained yields of goods and services for the benefit of the American people.

As soon as practical after the Land and Resource Management Plan is approved, the Forest Supervisor will ensure that, subject to valid existing rights, all outstanding and future permits and other occupancy and use documents which affect National Forest System lands are consistent with the Land and Resource Management Plan. The management direction contained in the Land and Resource Management Plan will be used in analyzing proposals by prospective Forest users. All permits, contracts, and other instruments for occupancy and use of National Forest System land covered by this Land and Resource Management Plan must be consistent with the Management Requirements in the Land and Resource Management Plan.

Some Decisions are subject to appeal pursuant to 36 CFR 211.18. (Federal Register, Vol. 48, No. 63, March 31, 1983, pages 13420 to 13426). Notice of appeal must be in writing and submitted to:

Craig Rupp, Regional Forester
Rocky Mountain Region
USDA Forest Service
11177 West 8th Avenue
Lakewood, Colorado 80225

Appeal notice must be submitted within 45 days of the date of the Decision. A statement of reasons to support the appeal and any request for oral presentation must be filed within the 45-day period for filing a notice of appeal.

RAYMOND J. EVANS
Forest Supervisor

Published by High Country News Oct. 14, 1983.