

High Country

news

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The Paper for People who Care about the West

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In Montana

New coalition fights pipeline

by Don Snow

Unions and conservationists are not exactly strange bedfellows in Montana despite some pitched battles during the last decade. Recently, though, coalition-building has taken a new twist.

A construction workers' union joined the state's leading environmental group last month in a lawsuit against a power company and six state agencies which granted permits for a 200-mile-long natural gas pipeline.

A third ally waging his own war against Montana Power Company, which serves 335,000 customers in the western part of the state, is a retired pipeline contractor and landowner named Mike Curran. He is fighting condemnation of sixteen miles of his land through court action and ditching along the Dearborn River. On October 14 the power company got an injunction to stop Curran from tampering with the river.

For the union, the issue is primarily jobs; for the Montana Environmental Information Center, the issue is primarily proper state procedure. Piecemeal permitting, they charge, allowed the company to slip the pipeline through without an Environmental Impact Statement as prescribed by state law.

What everyone involved in the issue agrees about is this: the pipeline, slated for completion in November 1984, has become a big and bloody headache.

There has been expensive vandalism and violence resulting from the confrontation between union members from Montana and the out-of-state, non-union contractor, Haines Pipeline of Oklahoma. The pot began to boil six months ago.

On May 2, Montana Power opened the bidding for contractors to build the \$26 million natural gas pipeline in northwestern Montana. The new line, intended to replace a 50-year-old line running roughly along the same route, stimulated bids from 23 contractors around the country. It would not be an easy job. The line would have to cross large streams, including the Dearborn River, numerous highways, and the continental divide at Mullan Pass west of Helena.

By the middle of May, Montana Power had narrowed down the bidders. At the top of the list was the Southeast Pipeline Company from Minneapolis, which hires union labor. Next came the Haines Pipeline Company from Woodward, Oklahoma, a non-union firm with only three years' experience in pipeline construction.

After three weeks of negotiations

with Southeast, Montana Power abruptly chose the non-union contractor from Oklahoma. What followed was a summer-long nightmare for both Haines Pipeline and the Montana Power Company.

Vandals destroyed a quarter-million dollars' worth of heavy equipment. Shots were fired into the engine housings of dozers and trucks. One Haines company worker, trying to defend his wife against a stone-

throwing mob, tossed a stick of dynamite toward the attackers.

A company watchman mysteriously failed to show up one night in August, when a team of monkey-wrenchers poured abrasives into the fuel tanks of seven running Caterpillars. Montana union members, picketing the worksite, complained that a Haines employee was strutting around with a submachine gun and

[Continued on page 12]



Montana Power Company

Dear friends,



High Country News

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We have added a new skill to the miscellaneous bits of expertise that go into producing a newspaper: we are now expert envelope stuffers, as are our children, our children's friends, and a couple of near strangers who wandered by at the wrong moment.

The expertise came from stuffing 4400 envelopes with three pieces of paper. We learned, thanks to the kitchen digital clock, that children could stuff 6 envelopes a minute, adults 8 a minute, and champions 12 a minute. The sealing was left totally to a houseful of sub-teens armed with sponges. We have no time and motion studies on the sealing, but we did learn from hourly telephone calls that it is best done to very loud music.

The cause of the envelope manipulation is the annual High Country News Research Fund drive -- a campaign which last year raised \$20,000 from hundreds of readers.

For the one thousand new readers who come to the paper with Western Colorado Report, High Country News is operated by a non-profit foundation, recognized by the Internal Revenue Service as eligible for tax-deductible contributions.

By tradition and need, the proceeds of this once-a-year drive go to pay the paper's dispersed network of freelance writers and photographers, plus the staff's phone and travel expenses -- bills that total close to \$1000 an issue. In bad years, the money allows the paper to survive. In good years, the money is used to go after extra-interesting, but more expensive, stories.

The present staff is new to the official non-profit game, although we have unintentionally run non-profit operations in the past. We know that an important question in the minds of potential donors is how much money an organization spends on fund-raising. Is the organization doing nothing but perpetuating itself, or is most of the contributed money going to get a job done? We estimate our expense for this campaign at \$500 for printing, \$200 for postage, and perhaps \$30 for the child-labor envelope stuffer-sealers. That's a very conservative 4 percent of what the Research Fund raised last year.

The overall effort is directed by Judy Moffatt, who is HCN's 'promotions' person and who is shown here surrounded by the various bits and pieces of the campaign. We always greet the arrival of Judy in our Paonia office with mixed feelings. On the one hand, she brings wonderful croissants from a Glenwood Springs bakery. On the other hand, she brings a long list of tasks having to do with the long-term health of the paper, but not having to do with the production of the next issue. The editorial people think short term; Judy thinks long term.

Thanks to her, we mailed out the Research Fund appeal only two weeks late. Or, if you prefer, thanks to us, Judy's schedule was messed up and the Research Fund appeal went out two weeks late. The list could be extended to include the entry into the computer of the list of past HCN contributors, planning for the First Annual High Country News Conference, and a host of other matters.

Judy is generally soft-spoken, but on certain matters she has put down her foot. She was especially emphatic on the question of sampling. To be frank, we all hate the every-other-week sampling chore. We hate stuffing the little sample cards into the



Judy Moffatt

newspaper, we hate stamping sample on each copy, we hate integrating the 2000 or so samples we mail out with our 4400 subscriber copies, we hate spending several hundred dollars an issue on printing and mailing samples, and we especially cringe at letters from subscribers asking why we're sampling them. (It's because, given our setup, it would be much, much more expensive to 'merge and purge' than it is to send copies to subscribers who happen to be on our sample lists.)

So sampling is the bane of our existence. But, as Judy points out, without continuing sampling, there is no future. In the course of natural events, most publications lose approximately 40 percent of their readers each year. If those statistics are applied to HCN, holding even means we must find 1800 new subscribers to replace the 1800 we could lose this year. That calls for mailing a lot of samples.

We are not into geometric growth, but we are into survival. And the sampling seems to be working. We are getting a healthy return and are beginning to look forward not just to Judy's croissants, but also to the mailing lists she snares from around the region.

With some pain, we seem to have achieved a balance between ensuring that baby has shoes today and that baby will have shoes next year. We thank Judy -- who is a former editor of an alumni magazine and a former counselor -- for imposing that balance.

Lest you think we are concerned only with fund-raising and the far future, we have also prepared an issue this week. The lead story is by Montana Bureau Chief Don Snow on an alliance between Montana's very strong construction unions and its environmental community. The alliance is aimed at Montana Power Company -- a surviving spin-off of the Anaconda Corporation -- and it is a fascinating story. The other major story comes out of New Mexico, where Nancy Harbert tells us the Air Force is about to beat small communities over the head with sonic booms.

The Roundups include several regional stories, including a report on Indian tribal goals for energy development and control, written by former HCN editor Marjane Ambler, and one by Gary Sprung on a conference that brought together experts on the 1872 Mining Law.

There are four hopeful stories in the paper. Ellen Ditzler describes progress in two Utah National Parks toward some backcountry regulation. Tamara Wiggins shows how a forest supervisor may have balanced logging and recreation. Hal Winslow reports on a pollution control effort in which both people and an oil company won.

And there is an interesting centerfold by Glenn Oakley on horse-logging in a National Forest.

From the other side, Carol Jones writes of the Little Granite drilling battle in Wyoming, Bert Kreitlow talks of threats to pristine Priest Lake in the far north of Idaho, intern Mary Moran sheds one more watt on the Department of Interior on the opinion page, and letters to the editor fill in stories or take us to task.

We should add a bit of news to the article (HCN, 10/14/83) on the three-town fight to attract the Stouffer's fast food factory. The story, quoting unnamed sources, speculated that economics had nothing to do with the ultimate decision: that Springville, Utah probably won for an intangible. That intangible just came out: Utah Governor Scott Matheson zinged Idaho and Colorado by promising that he would solve any permitting problems Stouffers ran into. Financially, Stouffers said, the TV dinners would have cost the same to produce in all three towns.

□

The map we promised several issues ago is finally here. But we discovered it has drawbacks--it can't represent regional stories such as the conference on the 1872 Mining Law. But it's fine for localized stories such as:

Priest Lake, Idaho (1) the Montana Power Company pipeline (2); the Panhandle National Forest in Idaho (3); Little Granite Creek, Wyoming (4); the Asamera Oil Company Refinery in Denver (5); Arches and Canyonlands National Parks in Utah (6); San Juan National Forest in Colorado (7); and sonic booms in Reserve, New Mexico (8).

--the staff



WESTERN ROUNDUP

A lovers' quarrel over Canyonlands, Arches

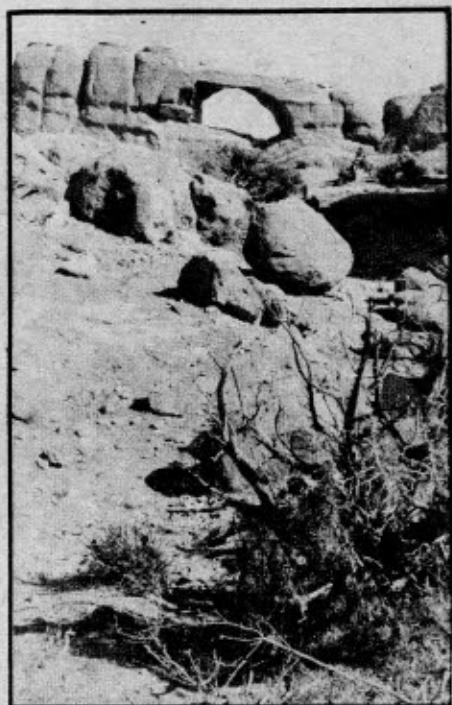
The unregulated use of 360,000 acres of backcountry in Arches and Canyonlands and Arches National Parks is coming to an end. To help the Park Service decide how to phase in regulation, the agency held a series of October workshops in several southeastern communities near the parks, as well as in Grand Junction, Denver and Salt Lake City.

Park Service spokesmen said they found consensus on a need to protect the two parks' backcountry. But they also found a lovers' quarrel on the details of the management. At issue is how to protect the two parks from the consequences of their growing popularity. Arches and Canyonlands are among the few national parks which do not yet regulate use of their backcountry. But agency figures show the two Utah parks are growing more popular and that their unregulated days are numbered.

Arches, whose backcountry accounts for 700,000 out of its 733,000 acres, had only 89 backcountry visitors when it was made a National Park in 1971. In 1981, the Park Service says, it had 2,332 such visitors.

Canyonlands, which became a park in 1964, has 288,000 acres undeveloped. Use of this rugged tumble of mesas, slickrock canyons, rock fins, mazes and towers, much of it rich in signs of ancient habitation and transected by the Green and Colorado Rivers, has increased ten-fold since 1971. It had 28,000 backcountry visitors in 1982, not including a growing number of white-water users.

The Park Service is doing technical research on the physical carrying capacity of the area's water, vegetation, campsites, and wildlife.



Arches National Park, Utah

But it also wanted comments on less technical questions. According to Park Service spokesmen, it got broad agreement from workshop participants that a formal backcountry management plan was needed.

It also heard support for a mandatory permit system, with visitors having to register before they take off for the backcountry. But there was disagreement on the pace and details of regulations. Gary McFarlane of the Utah Wilderness Association described the debate as a 'lovers' quarrel' over how best to manage parks that everyone cares for. "The argument is not over the goal of preserving wild desert country, but the means to meet that goal."

Those who supported minimal regulation placed their faith in the

individual. Mike Dawson, who attended the Moab, Utah workshop, said: "Arches and Canyonlands do not yet have the crowds other parks have. I believe in individual freedom enough to hope that, until they do (have lots of visitors), the Park Service would hold off on as many restrictions as possible, and rely on education and visitor discretion."

Not everyone shared Dawson's faith in the good sense of visitors. "Other parks have found that certain restrictions are the only effective way to protect backcountry from human impacts," said one workshop participant. Another said:

"People may grumble about rules against pets or fires or camping in certain places. But I think that in general they will comply with regulations that protect natural resources."

Nick Eason of the Canyonlands Park Service said the agency received strong support for education as a management tool and as a supplement to regulation. "Freedom from restrictions has been an important issue. There is support for retaining it to some degree. At the same time, there also is support for stepping up our efforts at educating backcountry visitors in how they can maintain the wilderness character of the parks. Many people have said that they prefer we educate and move slowly on regulation."

The Park Service will issue a draft backcountry management plan and environmental assessment for each park in early 1984. After a 30-day public review period, it will adopt final plans.

--Ellen Ditzler

A clean air case that everyone won

The State of Colorado and Asamera Oil Company announced in August, 1983 a unique settlement of a dispute over sulfur dioxide (SO₂) emissions from the company's refinery located near Denver.

Faced with potential fines of up to \$140,000 for violations of state emission laws, the company agreed to pay \$25,000 and to install \$250,000 in air pollution controls on an incinerator unit at the facility. Because of its age, the incinerator could not have been regulated by the state under existing law. So the incinerator cleanup is a bonus.

The new equipment will reduce sulfur dioxide emissions by an estimated 120 tons per year, controlling a major source of pollution that heretofore had been out of the law's reach.

The roots of the settlement lie in the laws and regulations governing petroleum refineries. They are required to remove sulfur from petroleum during refining to minimize SO₂ emissions when the petroleum is to be used as a fuel. To comply with this requirement, Asamera installed a unit in the refinery that recovers the unwanted sulfur in a form used to manufacture sulfuric acid and other useful compounds. Thus the process yields a saleable by-product for the company. Problems arose, however, when Asamera switched to refining crude petroleum containing lower levels of sulfur than originally

anticipated. The recovery unit would not work on the lower-sulfur fuel. So Asamera shut down the recovery unit, but continued to refine fuel.

Subsequently, data revealed that SO₂ emissions from the plant were exceeding prescribed levels when Asamera used "off gases" produced as a fuel for its own processes. Colorado's Air Pollution Control Division issued the company a citation.

Richard Griffith of the Colorado Attorney General's office, who represented the state, said that Asamera initially resisted the state's allegations on the grounds they were entitled to a waiver since no economically-feasible alternative means of control existed. As both sides prepared their cases, a consultant to Asamera hit upon a way of getting the recovery unit to work with the lower-sulfur petroleum.

The problem had been resolved, but the company still faced what the state called "one of the largest" fines ever assessed on an air pollution source. John Clouse, director of the Stationary Source Division of APCD, said the fine reflected the fact that "Asamera was essentially out of compliance with the regulations for two years." Settlement negotiations over the amount of the fine began with the state's estimate that \$140,000 was owed. Asamera put the figure at \$60,000. A settlement was announced in August.

As with all good settlements, both sides gained something. The \$25,000 paid to Colorado is a sizable amount by state standards and the extra reduction in SO₂ emissions will help the Denver metro area maintain federal requirements for keeping the air "SO₂ clean." Although the settlement will cost Asamera \$275,000 -- substantially more than even the state's estimated fine -- the company may recoup some of its investment in the new controls through increased operating efficiency. And the cantankerous recovery unit that touched off this whole episode is once again in operation, returning additional revenue to the company.

--Hal Winslow

BARBS

The only good tree is a board.

A state senator from Billings, Montana was quoted by AP recently in a story about Montana's push for economic development. As Thomas Keating put it, the salvation of the economy lay in the development of natural resources: "If a tree is not converted to a two-by-four, it has no value." He also criticized the state's severance taxes, its touting of tourism, and consumer advocacy at the Public Service Commission.

HOTLINE

Drilling drops off

Drilling activity in the U.S. this year has dropped from the record high activity in 1982. In the first three quarters of 1983, 59,214 oil and gas wells were completed, 7.7 percent less than the same period in 1982.

Petroleum Information Corporation said the largest decline was a 20 percent drop in new-field wildcat drilling. Wildcat drilling accounted for about one tenth of the total completed wells this year. Gas well completions also fell a substantial 15.7 percent, from 13,303 in the first three quarters of 1982 to 11,220 in the same period this year.

Back-door attack

Eastern and Midwestern members of Congress are trying a back-door attack on western coal severance taxes. They have proposed what they call the Representative Tax System (RTS) -- a new way to distribute federal funds among states.

RTS would lower federal funds to states such as Montana, which has a trust fund supported by coal severance taxes and intended for future economic development. The new federal-aid formula would force western states to use severance taxes to provide services currently supported by federal funds.

Senator Max Baucus (D-MT) said the federal government shouldn't dictate how the states use their tax money. He and Texas Senator Lloyd Bentsen are leading the fight to keep RTS out of federal aid formulas.

Economic boom



A recent simulated atomic blast in Southern New Mexico cost taxpayers close to \$30 million, but was a welcome shot-in-the arm to local economies.

Approximately 1000 people gathered at White Sands Missile Range on October 26, close to the site of the world's first atomic bomb explosion in 1945. They brought picnic lunches, and sat on bleachers or lawn chairs to watch and cheer the bright flash of detonation, formation of the mushroom cloud, and the roar of the explosion. The explosive was 600 tons of ammonium nitrate and fuel oil, designed to simulate the ground shock and air blast effects of a one-kiloton nuclear bomb. Representatives of six foreign countries and 15 U.S. government agencies participated in the Direct Course Project, which included more than 200 experiments to measure the effects of the blast.

The *Defensor Chieftain* in Socorro, New Mexico, just 40 miles from the test site, reported that "Socorro merchants were ecstatic about the extra business." An editorial added that it was easier to complain about wasteful military spending when it didn't "fall right smack dab into our waiting laps."

HOTLINE

Hart goes first

Senator Gary Hart (D-Colorado) is first with a new wilderness bill for the state. His proposal would add 733,000 acres of wilderness in 16 areas, while conservation groups favor adding 1.2 million acres in 22 areas. Nevertheless, conservationists hailed Hart's bill as a major step toward protecting the state's wild lands.

At least one area included by Hart may run into trouble with Colorado's Republican Senator William Armstrong. Armstrong has said he favors development of the 5,500 acre Oh Be Joyful area close to Crested Butte.

In 1980, when the Congress added 1.4 million acres of Colorado lands to the National Wilderness Preservation System, it was with the proviso that final recommendations on planning and study areas be made by December 1983.

Hard times for coal



Earth Image Films

A recent economic analysis predicts hard times for Colorado's coal industry, with Wyoming's and Montana's Powder River Basin possibly profiting from their southern neighbor's loss. The hard times have already appeared, COALCAST says, as a drop in Colorado's coal exports to the Midwest. In 1979, Colorado sold the Midwest 4.8 million tons of high BTU, low-sulfur coal. But in 1982, it sold only 2.9 million tons. 1983 demand is estimated at 1.7 million tons. Total Colorado production was 19.8 million tons in 1981 and 18 million tons last year.

The study says there are short-term and long-term reasons for the decline. Short term, with Midwest power demand down, utilities don't have to squeeze as much heat out of their boilers. So some have switched to cheaper, lower-BTU Powder Basin coal. Long term, higher rail rates make eastern low sulfur coal cheaper than Colorado coal.

Transportation over the Rockies to the populous Front Range coupled with higher production costs make it difficult for Colorado to capture even in-state markets. The new Rawhide plant on the Front Range will burn Powder River coal from Wyoming. Colorado's exports to the Midwest are propped up by existing long-term contracts with Indiana, Iowa and Illinois utilities. But COALCAST says as some of these contracts expire in the next ten years, Colorado coal production will drop further.

'Progress' closes in on Idaho's Priest Lake

One thing is certain after this past summer of controversy at remote Priest Lake in northern Idaho.

Skiers or second-home builders will have an impact on the lake and a rare herd of caribou.

One of the development plans considered by Diamond International Corporation, which owns 250 acres, calls for building a ski resort on 11,500 acres of public land. Diamond International would acquire the state land through a swap.

Diamond's other proposal is to sell its lakeshore-timber acreage for cabin lots. For tax reasons the company has ruled out maintaining its Priest Lake property as undeveloped forest. The company will decide which option is best after feasibility studies are completed next March.

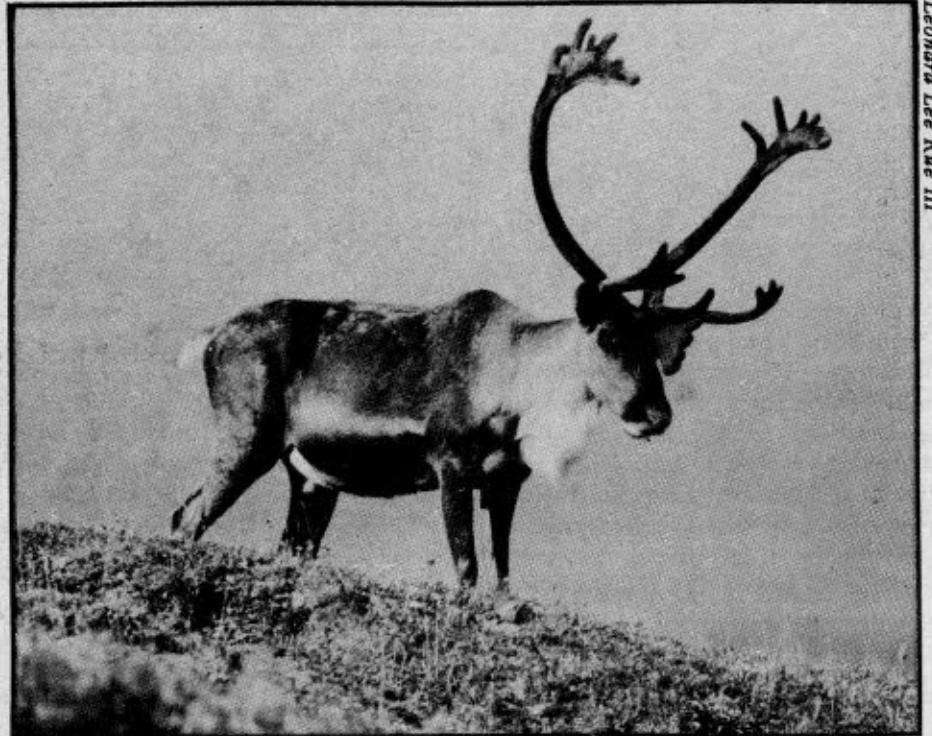
In the meantime, opposition to any development has created the Priest Lake Coalition -- a combination of 11 environmental groups. One group, the Idaho Conservation League, emphasizes the threat to wildlife. Endangered species include timber wolves, grizzly bears and up to 36 Mountain Caribou, the only herd remaining in the lower 48 states.

The herd often moves from the nearby Selkirks to spend the autumn in cedar and hemlock groves around the upper part of the 30-mile-long lake. Mountain Caribou were declared an endangered species by the Interior Department (HCN, 10/29/82).

Even though there are cabins tucked in along much of the lakeshore, the lake has retained a primitive character. It is 30 miles north of the nearest highway and the shoreline is managed either by the Forest Service, state of Idaho, or Diamond International. Cabin owners typically lease land from government agencies.

Winter weather has also helped to discourage development. During the cold half of the year, fair-weather cabin owners are back in the cities, the general stores close, and the lake area is left in a state close to wilderness.

Diamond International executives and state officials say only the studies will reveal if development will be harmful. The state is involved through the Idaho Land Board. Diamond has suggested that the board trade its 11,500 acres around the northeast side of the lake for Diamond property



Leonard Lee Rue III

elsewhere. Idaho Attorney General Jim Jones, a member of the board, said that the board is under a constitutional duty to maximize income from Priest Lake property for the support of public schools.

"If we simply maintain the status quo, I have serious questions as to whether we are carrying out that trust," Jones said.

The state-owned land that Diamond may decide it wants for a ski resort is undeveloped forest, with some 2,000 acres part of the proposed Selkirk Wilderness that conservationists favor. Because this property does not bring in school endowment revenues to the state, Jones said the land board should consider trading it for more valuable real estate.

"I would like to see the state get out of almost all recreationally-valued land," Jones said.

Earlier this summer, however, the land board demonstrated that it does value the recreational character of Priest Lake. One of Diamond's development plans which required a land trade with the state was turned down by the board in June. This plan, the most ambitious option considered by Diamond, called for 5,000 home sites and a shopping center along the east shore.

Although Idaho Governor John Evans, another land board member,

mentioned the jobs and improvements such a resort community could provide, he said he could not "trade the heart of the area." It included one of the few public campgrounds.

The controversy was more or less tucked in for a winter-long sleep at an informational meeting held at Priest River on August 31. Representatives from Diamond International, the land board and 100 interested citizens were there.

Bowman Gray, a Diamond executive from the company's New York headquarters, pledged to the people at the meeting that a land trade proposal and plans for a ski resort would not be pursued if the studies indicate possible environmental damage to the Priest Lake area.

"If there are negative impacts that we cannot mitigate properly and effectively, we will not present a proposal," Gray said. But the only research into the possible harm resulting from Diamond's development plans is being paid for by Diamond. Attorney General Jones said neither the land board nor any other government agency will perform independent studies.

The Priest Lake Coalition has questioned both the depth and reliability of the impact studies.

--Bert Kreitlow

Colorado prepares a different kind of map

Three large maps showing energy flows into and out of Colorado in 1981 have just been released by the Colorado Geological Survey. The maps show deposits and flows of coal, oil, gas, electricity, uranium and oil shale.

The most complete map is the one illustrating coal and its major product--electric energy. Colorado's storehouse of 434 billion tons of coal (16.2 billion tons recoverable -- an 800-year supply at present mining rates) underlies 28 percent of the state. In 1981, the state's 52 mines produced 20 million tons, exporting half and burning half in-state.

Almost all the in-state coal went to power 27 thermal power plants. Despite Colorado's many mines and its 10 million tons of exports, two million tons of coal were imported by Pueblo area power plants from Wyoming's Powder River Basin.

On balance, Colorado was a net

exporter of electricity. It produced 25.7 million kilowatt-hours, but used only 23 million kw-hrs at home. Hydropower contributed 1.7 million kw-hrs to the state's total.

Unlike coal and electric energy, Colorado is a net importer of both oil and gas. It used 62 million barrels of oil in 1981, but produced only 30 million barrels, half from the Rangely field in remote northwest Colorado. The state came closer to meeting its own gas needs, using 220 million cubic feet and producing 200 million cubic feet.

The flow patterns on the coal map make sense, but the oil and gas flows seem irrational. The Rangely field, for example, exports oil to Utah; the northeast Colorado field exports oil and gas to Wyoming and Kansas. Meanwhile, crude oil and refined products flow to Denver from out of state. The physical irrationality is a

result of history, well ownership patterns, and location. The Rangely crude, for example, flows toward refineries in Utah's population center.

The uranium, oil shale and geothermal map is the least interesting of the three. The Colorado uranium industry is nearly dead; oil shale and geothermal are not yet alive, or are perhaps stillbirths. The map lists potential shale projects, the characteristics of 61 hot springs, and the location of uranium deposits.

The maps were prepared by L.R. Ladwig, William A. Brackett, Rodney C. Garrison and William Taylor with the help of student interns from the University of Denver's Graduate School of Business and Public Management. The set of three costs \$10. Contact Ladwig at 303/866-2611, or 1313 Sherman, Denver, CO 80203.

--the staff

Zah warns that mining is not a panacea

Spokane, Washington.

Navajo Tribal Chairman Peterson Zah told the Council of Energy Resource Tribes members here last month that they should not look at energy resources as the answer to all the problems that exist on their reservations.

"If you look at the tribes with huge resources, that is where the unemployment rate is the highest," Zah said. His government derives most of its budget from minerals but suffers from a 72 percent unemployment rate. Zah said depending upon non-renewable resources is like depending upon federal funds.

"It's nice and it's good when the money is there, but when it is not, then we hurt."

Zah also said he would not consider new uranium development on his reservation "until the companies convince me they have a cure for cancer."

A year ago, when Zah was elected to replace Peter MacDonald as chairman of the Navajo Tribe, a spokeswoman for Zah said the Navajo Tribe would probably drop out of CERT (HCN, 11/12/82). Zah said his people had the idea then that CERT was in bed with the energy companies.

But after months of courting by CERT officials, Zah and the tribal council became convinced that the organization could help them. "If a company comes to me and wants to develop and I don't have information, then I'm stuck because I don't really trust the information of the energy companies," Zah said. Referring to CERT executive director A. David Lester, Zah said, "Lester's job is not to create policy for the Navajo Nation. His job is to give us the information we need."

Zah added that he viewed CERT as an organization that would examine its past and learn from its mistakes.

The speech was considered a big boost to the morale of the organization of Indian energy tribes, which is suffering from a \$1.2 million deficit accumulated from high overhead and indirect costs on federal contracts during the eight-year life of the organization. Last summer CERT

closed its Washington, D.C. office, and has since laid off 23 staff members.

CERT Chairman Wilfred Scott, a Nez Perce, tried to create an upbeat tone for the meeting. He said the board, formed of chairmen of all 39 member tribes, had reaffirmed its support for CERT. With the Washington office closed, he said, CERT's focus will be on technical assistance from the Denver office -- a focus the board had suggested a year ago. Tribes will also be more involved in the organization in Denver, he said.

Outlining accomplishments of the past year, Scott said CERT had raised private funds for 100 scholarships, worked with coalitions to push several bills through Congress, and completed 65 technical assistance projects. These projects included preparing environmental assessments, inventorying abandoned coal mines, a coal bed methane drainage project, setting up air-quality monitoring programs, providing a blueprint for a tribal environmental review process, and developing an oil and gas monitoring manual.

During the coming year, CERT and its members will focus on three legislative priorities: 1) passage of an Indian strip-mining bill; 2) revising mineral management regulations; and 3) getting more federal money put into Indian energy management programs.

The Surface Mining Control and Reclamation Act of 1977 provided for tribes to regulate coal mining on Indian lands, but the Office of Surface Mining still has not submitted legislation to Congress to implement the act.

Lester also said that by not providing enough money and by writing restrictive regulations, the administration is robbing the tribes of their legislative victories last year. In 1982, CERT helped lobby for the Indian Mineral Development Act, which allows tribes to negotiate mineral agreements rather than limiting them to standard leases; and the Royalty Management Act, which provides for better accounting and monitoring procedures to avoid



David Lester

thefts of federal and tribal oil and gas.

To work on these legislative priorities, CERT plans to depend largely upon the tribes and volunteers rather than highly-paid CERT staff members.

Tribal members attending the CERT meeting said they would reserve judgment of the "new CERT" until they see whether the organization succeeds in providing services with a drastically reduced budget.

--Marjane Ambler

BARBS

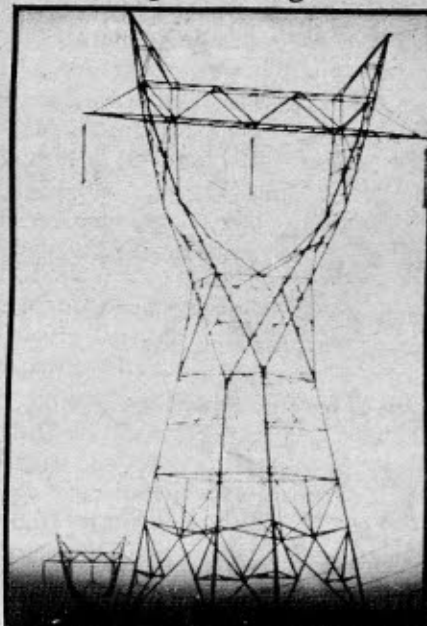
Tricky question in Utah paper.

A recent front-page headline in the Salt Lake Tribune read, "Most Utahns Against N-Freeze." But the newspaper sponsored poll, it turned out, asked whether residents supported a unilateral freeze without Soviet agreement. Surprisingly, 31 percent favored such an agreement. The nuclear freeze movement has always favored a bilateral, mutually verifiable nuclear weapons freeze.

HOTLINE

Reddy Kilowatt

With much of the nation drowning in power plant capacity and enormous coal stockpiles, the nation's utilities are turning back to marketing. A sign of this trend is a series of eight marketing workshops being held this fall throughout the nation by the National Rural Electric Cooperative Association. The emphasis in the three-day workshops is on promoting the electric-powered heat pump for home heating and cooling.



U.S. Steel loses money on mine closing

U.S. Steel's Atlantic City, Wyoming iron ore mine is closed, but the dispute continues. The Casper Star Tribune revealed that U.S. Steel is paying an extra \$16 per ton to haul iron ore in from Minnesota to its Salt Lake City, Utah area plant. By comparison, the paper estimated, U.S. Steel saved only \$6 per ton by closing the Lander mine and laying off over 400 employees, most of whom live in Lander. United Steel Workers Union officials speculated variously that the closure was an attempt to play the Lander local off against the Minnesota local, forcing each to make concessions in an attempt to snare jobs.

EPA is sued again

The Environmental Defense Fund filed suit last month against EPA's new federal standards for radon gas emissions at active uranium mills.

The new standards, issued by EPA Administrator William Ruckelshaus, allow lung cancer fatality risks of one in 1000 to nearby residents. This means that one out of 1000 people exposed will die sooner than they would have without the exposure. The standards are higher than those set during Anne Burford's term as EPA Administrator, but much lower than standards of one in one million to one in 100,000 set by EPA before 1981.

There are 27 licensed uranium mills in New Mexico, Wyoming, Utah, Colorado, Texas, Washington and South Dakota. Uranium mill waste piles emit the radioactive gas radon for nearly one million years.

Earlier this year, the Environmental Defense Fund asked EPA to set standards that would reduce radon emissions to near background levels. This would require the placement of clay layers over the tailings piles to trap radon. Industry representatives estimated this would result in a rise of fuel prices for nuclear power plants and an additional three cents a month on the average homeowner's utility bill. EPA's new regulations allow emissions 20 times higher than natural background.

--Carol Jones

The Little Granite road fight grinds on

The struggle over whether Getty Oil Company drills for oil and gas in the Little Granite Creek area of the Bridger-Teton National Forest near Jackson, Wyoming, promises to continue.

Getty's site is within an area recommended for wilderness designation by the Forest Service and by conservation groups, but it is not included in the Wyoming delegation's proposed wilderness bill.

On October 26, the Forest Service's chief supervisor, R. Max Peterson, upheld a decision by former regional forester Jeff Sirmon, to allow road access to Getty Oil. The Sirmon decision had been appealed by the state of Wyoming and by groups such as the Wyoming Wilderness Association and the Sierra Club. Bruce Hamilton, who is based in Lander as regional representative of the Sierra Club, said the groups contended that the environmental impact statement conducted by the Forest Service was inadequate, and that Getty's lease was not valid because the company cannot

guarantee protection of the wilderness characteristics of the area.

The Forest Service's position is that wilderness characteristics can be protected and that valid lease-holders must be allowed access. "The main issue still hasn't been decided," Hamilton said. It will be left to the courts to decide whether the Forest Service should have granted access, whether wilderness characteristics can be protected, and whether the EIS is adequate.

After their appeal of the Forest Service's road-access decision, the environmental groups filed a lawsuit against the Interior Department and Interior Secretary James Watt based on the same issues. At a pre-trial hearing held November 4, the Department of Agriculture, of which the Forest Service is a part, was added as a defendant in the case.

If and when the project gets underway, Getty will need to build a road 6.5 miles along up a steep incline to reach the proposed drilling site (HCN, 5/28/82). Forest Service officials at Bridger-Teton National

Forest said the road could be reclaimed to make the area eligible for wilderness designation. Fred Kingwill, public affairs specialist with the forest, said road construction could not begin until next summer at the earliest because current weather conditions pose erosion and other environmental-related construction problems. Kingwill also said that if Getty does find oil or gas in its exploratory drilling, another EIS will have to be conducted. The Forest has studied the impacts of the road and exploratory drilling only.

According to Kingwill, Getty still must obtain exploratory drilling permits from the Wyoming Oil and Gas Conservation Commission. The company has been trying to obtain the permits for over a year, but the commission has yet to grant them. Don Basko, supervisor of the Commission said permitting has been on the back burner and that they are waiting for Getty to approach them again.

LETTERS

DAMS CAN HELP

Dear *High Country News*,

I read your October 3 issue of HCN with considerable interest. The articles about the Bitterroot and Colorado Rivers point out the importance of the two contrasting sides of the water management issue.

No one can argue the grave environmental toll that dams inflict on the lands that they have flooded, but proper water management at these sites can yield a wealth of benefits. One example of this is the tremendous trout fisheries that exist in Montana below dams on the Big Horn, Beaverhead, and Missouri Rivers. Without proper water management, these dams are total environmental disasters.

I find it deplorable that in spite of advance warning from the SCS water yield forecasts, the state of Montana and its Department of Fish, Wildlife, and Parks has no plans or funding to mitigate or protect its rivers and their fisheries from severe dewatering on dry years. My compliments to Don Snow for his fine job on the Bitterroot River story. Maybe our success will encourage others to find solutions to dewatering problems on other streams throughout the west.

The prospects look encouraging for a long-term solution to the Bitterroot's dewatering problems through the BPA and Power Planning Council; however, this agreement is still nearly two years away, and a monkey wrench can be thrown into the works at any time. I'm keeping my fingers crossed.

David J. Odell
Victor, Montana

WHEATERITE RESPONDS

Dear HCN,

In regard to the column by Tom Bell, a man whose philosophy of life on earth I greatly respect and admire (and follow as closely as I can), I must add a couple of paragraphs in defense of us 5,000 "Wheatrites."

I don't know how many of us attest to the philosophy of James Watt, but heaven forbid, it's considerably less than 100%! I have spoken to no less than ten residents since his resignation, and none regretted it! From whom the esteemed *Denver Post* gathered their interviews, I know not as I don't subscribe to any "mega papers," but the *Post* was not representative of the feelings of many in the community.

Let us not forget two more essential facts. First, Lusk, Wyoming shares the questionable honor of being Mr. Watt's hometown. He lived there during part of his formative years. Secondly, Wheatland High School also graduated Tom Garrett (whom I greatly admire and consider a personal friend), who is the Deputy Whale Commissioner for the United States and has done much in the field of ecology or conservation -- call it what you like. Why not interview Tom (or Reg as many of us know him) and discover what a refreshing, stimulating mind this Wyoming boy -- raised on a ranch near Laramie Peak -- has.

With much pride in my community, I am --

Sincerely,
Dan Brecht
6th Grade Teacher
West Elementary
Wheatland, WY

Forest users edge toward consensus

After months of protests, angry public meetings and finally, professional mediation, Vallecito Lake residents in southwest Colorado near Durango have reached a shaky compromise with the San Juan National Forest Service.

Timber sales will be cut back sharply by 47%.

Since early spring, vocal Vallecito residents and their Denver attorney, Luke Danielson, have been at odds with Forest Supervisor Paul Sweetland. They differed over the definition of "multiple-use" and how that concept should be applied to a 23,000 acre tract rich in virgin timber, wildlife, and recreational opportunities such as horseback riding and hunting. The area links the Weminuche Wilderness and a Wilderness Study Area.

The original plan proposed building approximately 50 miles of roads for access to an eventual 71 million board feet in eight different timber sales. The area was once considered for wilderness designation, but was dropped in 1980 during the RARE II process. Still primitive and unroaded, the area is popular with local and out-of-state visitors.



The definition of 'productive' differs

Most of the residents in the summer-resort area, especially those owning nearby dude ranches, were convinced that large-scale timbering would harm their tourist-based economy, which depends on clean water, abundant wildlife, spectacular scenery, and lots of solitude.

Over time, it became clear that Sweetland was not convincing opponents that timbering was "necessary to maintain the health of the forest." Residents did not believe that fires and insects would kill mature trees if the logging companies didn't come in and do it first. They also pointed to the closure of San Juan Lumber Company's mills in nearby Pagosa Springs and Durango because of slumping economic conditions. Most Vallecito area opponents said there was no market for the timber and no profit for the Forest Service in timber sales.

Although a scattering of locals agreed that logging would be a good idea, the majority view was reflected in the more than 1000 signatures collected on petitions circulated during the summer. Sympathetic politicians held more public meetings, and still the various interests remained stalemated.

During the summer, the Chamber of Commerce, Homeowners Association,

and various individuals planned to appeal Forest Service timbering and road construction plans. If the appeal failed, they were prepared to sue.

Then in September, the various factions finally agreed to agree, with the help of the non-profit Institute for Environmental Mediation from Seattle, Washington. Twenty-six people representing the Forest Service, environmental groups, local business owners, loggers, ranchers, and snowmobiling and trail-bike enthusiasts met September 7 and 8. The mediators urged everyone to keep emotions out of the process and concentrate on needs.

What emerged was general agreement that the proposed roads and large-scale timbering were undesirable. They said small-scale operations could proceed on the side of the hill away from the Vallecito area, known as the West Prong Sale in the Beaver Meadows area.

Representatives from Evergreen Lumber Company out of Albuquerque, New Mexico readily agreed with the scaled-back proposal. They said the West Prong was much closer to their mill in Chama, New Mexico, anyway.

Participants were surprised and pleased that a diverse group reached consensus. "There was no pounding on the table, no calling each other a 'so and so,'" Sweetland said.

The group also decided to pass on specific recommendations to Supervisor Sweetland. They asked him to: promote timber policies that benefit smaller operators; design small sales in spruce-fir so that harvest can be concluded in one season; and protect springs in the high country along with elk browse, cover and migration patterns. They also suggested construction of a short trail-bike and snowmobile access trail and stock driveway up Lion Creek to be paid for by cattle ranchers and other users.

An advisory council was also to be formed to begin studying and recommending management practices in the future for the area.

After looking at the recommendations, Sweetland said he had a few problems with some of them. "In one case it was the terminology," he said. "For instance, 'you shall emphasize smaller timber purchasers.' I can't legally show a bias exclusively to them. But we can plan for them specifically in the Lion Creek area."

Lion Creek is the most controversial of the timber sale areas because of its heavy use by horse rental businesses and outfitters from Vallecito.

In Sweetland's final decision document issued October 12, it is still unclear what will happen in the area. An 8-to-10-foot-wide stock and recreational vehicle trail should be built by 1986 for use by trailbikers, snowmobilers, and grazing permittees. But the Forest Service now proposes to help finance the \$215,000 project if the lower part can be widened to 12 feet for small timbering operations. Approximately three million board feet could be cut in the area, but only a half-million bf would be cut at any one time. Logging would be limited to horse skidding and rubber-tire or track skidders.

The Vallecito group is not yet prepared to agree with the timbering proposal. They say that the route of the trail has changed somewhat, so that essentially it goes from stand to stand of big timber. Many timbering opponents also say the October 12



San Juan National Forest

decision document is vague, and in need of clarification.

Attorney Danielson said, "We have made some concrete gains. They've deferred four of the eight timber sales until 1993. We have no problem with the West Prong, and on the remaining three, we're in a position to be involved on any future decisions. Everybody reads these documents differently. Right now we're evaluating it all, to make sure we understand it."

On two of the remaining sales, three geotechnical experts will consult and separate Environmental Assessments will be written. One expert will be chosen by the Vallecito group, one will be chosen by the Forest Service, and they in turn will choose the third.

Sweetland, who will transfer to a new position as supervisor for the Angeles National Forest in California, says he's optimistic the dialogue will continue after he's gone.

"One thing that happened," Sweetland said, is that, "we talked. We were hesitant about each other, but then we found out that we really were all pretty good people. We respected each other, even though we didn't always agree."

Carl Brown is a Vallecito rancher and former logger. One of the small local minority which favored the road and logging proposals, he expressed relief that a compromise had been reached.

"It's been rough being on the other side of the fence from my friends and neighbors," he said. "It was giving me a bad feeling. I just hope it's over now."

Opponents still can appeal the plan if the Lion Creek area proposal proves to be unsatisfactory.

--Tamara Wiggans

BARBS

At least they didn't have to pack.

Two Texas hunters in Western Colorado lost about \$4,000 worth of equipment when their campfire -- which they thought was out before they left -- spread to a tank of butane. The explosion wiped out two handguns, a rifle, tent, tarps, camera, binoculars, Coleman stove, two lanterns, a stereo radio, four-foot cooler, chainsaw and a quarter-acre of grass.

Conferees disagree

Is the Mining Law a pillar of freedom?

The 1872 Mining Law, which gives miners virtually unlimited access to public land, was praised, damned and tinkered with from every possible angle in early October at the sixth annual meeting of the Mining Law Workshop.

The first five annual meetings were secret conclaves of activist attorneys plotting to stop AMAX from building a molybdenum mine near Crested Butte, Colorado. Those closed meetings came to focus on the 1872 Mining Law, and the need the group saw to repeal it.

But this sixth meeting was open to the press, and included as speakers a Forest Service supervisor and Stan Dempsey, a former AMAX employee and mining lawyer who sits on the strategy committee of the American Mining Congress. It also had a more moderate tone, with several activist attorneys saying that it made more sense to modify than to repeal the law.

Much of the meeting was concerned with the 1872 Mining Law in general, and the way it has already been changed by land management and Wilderness legislation in the 1970s. But the group was also treated to some specific examples of the conflicts between the mining law and other legislation.

Rocky Smith of the Colorado Mountain Club illustrated the interaction between the Mining and Wilderness laws with two Gunnison County, Colorado cases. In 1982, NUPEC mining company applied to extend a road into the Collegiate Peaks Wilderness to the top of the Continental Divide to explore for molybdenum. Gunnison Forest Supervisor Jimmy Wilkins denied the application, saying the road would impair Wilderness values. But Regional Forester Craig Rupp overruled Wilkins, and allowed NUPEC to build a road, though not a full road. The road was his compromise -- the line he walked between protection of Wilderness values and the agency's reluctance or legal inability to impose "unreasonable costs" on a mining company.

On the other side of the Gunnison region, a small miner named Gallegos applied in 1982 to take a D-9 bulldozer

to his silver claims at the top of the 13,000-foot Matterhorn Peak within the Big Blue Wilderness. Despite delicate tundra, an endangered butterfly, and intense recreation use, the Forest Service gave him the right to improve the road to timberline and to then use foot or horse access to the claim. If he proves his deposit is valuable before the December 31, 1983 cutoff for mineral location in Wilderness, he can then post a \$9,000 bond and build a road to the top.

So the Wilderness Act of 1964 modifies the mining law, requiring environmental mitigation, greater restoration of the surface, and so on. But the right to mine is preserved. One participant said: "The Wilderness Act speaks out of both sides of its mouth."

Everyone agreed that in today's legal and political climate, the right to mine is absolute on public lands. Government can require environmental mitigation, but the mitigation must be "reasonable" -- it can't be so expensive as to make the mining uneconomic.

The discussion then focused on whether this absolute right could be removed by use of existing land use laws, or whether the 1872 Mining Law had to be repealed.

Attorney Dempsey carried the ball for the 1872 Mining Law as is. That law gives miners the right to mine public land, or to patent and own the land if it is underlain with valuable mineral resources. It is the last to survive of the Homestead-type acts passed to encourage the settlement of the West. The law has been criticized on a variety of grounds, but perhaps most strongly because it does not fit in well with land use planning.

In fact, Dempsey held that mining can't be planned for because the existence of a valuable mineral deposit cannot be predicted.

But Dempsey also said that the 1872 Mining Law is land use planning of a kind. Western societies, he said, have made a basic economic decision that the hard-to-find hardrock minerals are the highest use of the land, and that the "free self-initiation" system is a necessary incentive to miners to encourage them to provide the minerals the economy needs.

The alternative to the free access system hardrock miners have is a leasing system, such as that which governs access to federal coal, oil, natural gas, geothermal energy, and the like. Dempsey said the "distorted coal market" is an example of the inefficiency of the leasing approach.

He also claimed historic foundations for the approach taken by the 1872 Mining Law and implied that the present approach to mining is one of a free society's economic underpinnings. The lawyer said that both ancient Greece and Rome had found it necessary to free slaves to exploit their mineral deposits.

In 1288, he continued, the King of England gave extraordinary privileges to miners: he allowed them to roam freely on the Landlords' property in search of lead. He also provided them with special miners' courts to oversee those privileges. On the other side, the king made the first land

withdrawals: no mining was allowed in orchards, churchyards, or ladies' gardens.

Dempsey's defense of the 1872 Mining Law made a continuum with the earlier speakers, who felt that the mining law could be reformed rather than repealed. But Brant Calkin, a former Sierra Club staffer who is now Secretary of Natural Resources for Governor Toney Anaya of New Mexico, took a very different tack.

"I'm totally underwhelmed by what I've heard. Anybody who thinks that the 1872 law isn't going to be radically changed in the next decade believes in the tooth fairy." Calkin was also unimpressed by Dempsey's historic defense. History, he said, doesn't change facts. Calkin noted that despite man's long belief that the sun circled the earth, the earth continued to circle the sun.

Calkin continued: "The argument that miners are special is bunk. Minerals are developed by free or slave societies. The greatest treasure of gold in history [the Incas] was developed by slaves. Minerals are wealth and will be developed by whatever means are available."

Calkin thinks the law will change because under a leasing system, a state government can extract a greater royalty. The New Mexico cabinet member said Western governors don't like the way the present system puts the future of the states' economies into the hands of the London Metal Exchange. The governors want to plan their states' futures. But "Planning for mineral development is like planning for a meteorite or a volcano. The 1872 law is anti-planning."

While some of the workshop lawyers were unsure of the need to change the law, and saw little prospect for radical changes in the near future, Calkin sees both need and prospect. It's not an overwhelming force yet, he said, but it's growing.

Grassroots support for Calkin's view came from Lill Erickson of the Idaho Conservation League. She told the group that a new molybdenum mine in Challis, Idaho provides evidence that demand for a change is building. Amoco Minerals (a subsidiary of Standard Oil of Indiana) has just completed construction of a new molybdenum mine in the midst of a glutted moly market.

She said the company was ready to shut down the mine before it ever produced but after it had forced a large expansion in Challis' infrastructure. Erickson suggested, "Communities won't stand for this much longer. They don't like it when the company says, 'Sorry guys, but the economics just aren't with us right now.'"

In contrast to these pleas for radical change in the law, several workshop participants felt the reform was already being carried out. The 1872 law states that the minerals and mineral lands of the United States are "free and open to exploration and purchase" by almost anyone. The U.S. Forest Service and the mining industry believe the clause means the miners have a "right to mine" any valuable deposit; a vast body of court cases backs them up.



Stan Dempsey

But Wes Light, an attorney who was former executive director of the High Country Citizens Association, said he believes the right is not absolute. He said the law was designed for the small needs of the 19th century miner, who needed only a five-acre lode claim, a 20-acre placer claim, and one five-acre millsite claim.

But modern mines need thousands of acres for the mine, mill, and tailings dump. Such a need sets up what he called a "land packaging problem" -- a problem generally solved by a land trade, with the mining company giving the government private land in exchange for the federal land they need. Light said the trade must be in the public's interest, which gives the Forest Service discretionary power.

Other speakers focused on the reforming and modifying effect the environmental laws of the 1970s had had on the mining law. Bob Golten of the National Wildlife Federation's law clinic at the University of Colorado at Boulder questions the need to radically change the law in light of NEPA, the Clean Water Act, et al.

"It's fruitless to argue whether there is a right to mine. The real question is what is a 'valuable deposit.' The mining industry now accedes that the deposit is valuable only if it can profit after reasonably protecting the environment."

"So the bottom line becomes, What is reasonable protection? Do they have to rebuild the mountain? ... A lot depends on how vigilant the land agencies are to changes in the environment. Should they include boomtown effects in the calculus?"

According to Golten, if society and the land agencies have the will to enforce the various environmental laws, the rights conferred by the 1872 Mining Law will become academic. Either the deposits will be mined in a way consistent with a protected environment or they won't be mined. Rather than refusing the right to mine, Golten wants the land agencies to insure that the mining companies do what they have to to protect the environment. In many cases, that would make ore bodies uneconomic to mine.

As an example of ultimate protection, he joked, the agencies might "make the mining companies go in from China."

-- Gary Sprung, staff



Brant Calkin



As the horses wait, Rudy Heicksen bucks logs

HORSE-LOGG

Dale Dimico and Rudy Heicksen don't claim to be getting rich quick, but they are working in the slowly-recovering timber industry of northern Idaho. The horses give them an edge over other independent loggers -- gyppos, as they're called. Although slower than the bulldozer-"cats" at skidding felled trees to the logging trucks, horses move the timber with less damage to the forest.

Because the horses are gentler on the land, horse-loggers like Dale and Rudy are often hired by private landowners who want trees removed, but not topsoil. The Forest Service also offers a few timber sales to the handful of horse-loggers in the Panhandle National Forest. But District Ranger Harold Wadley says the offerings are based on "local need," not the environmental-impact merits of horse-logging. Wadley discounts the ability of horse-loggers to cause less damage than Cat skidders.

The horse-loggers would like their way of working applied to specific conditions. "What should be horse-

logged," suggests Dale, "is second and old growth timber where you're selective cutting, and steep hillsides where you don't want to tear up the ground." But economic advantages and environmental impacts are not the only reasons they choose horses over machines.

"There's a certain quietness to it," Rudy says. "If I couldn't log this way, I wouldn't log at all."

Rudy works in the pungent-smelling forest with a calmness that is reflected in his horses. John, the young shire stallion, and Judge, the veteran Belgian of 20 years, respond in unison to commands.

"Geddup," Rudy says, after slipping a chain and sliphook around two logs. The long lengths of the trees swing together and glide along behind the powerful haunches. "Ho," and the pair stop for Rudy to unhook the chains.

"I train them with what's called a flying W. I pull on it and it brings their legs up to their chests. They fall if they don't stop. They've got to stop when you say 'ho.' If you get your foot between a log and a stump and they



Skidding logs through a forest in northern Idaho

Visiting w

LOGGING

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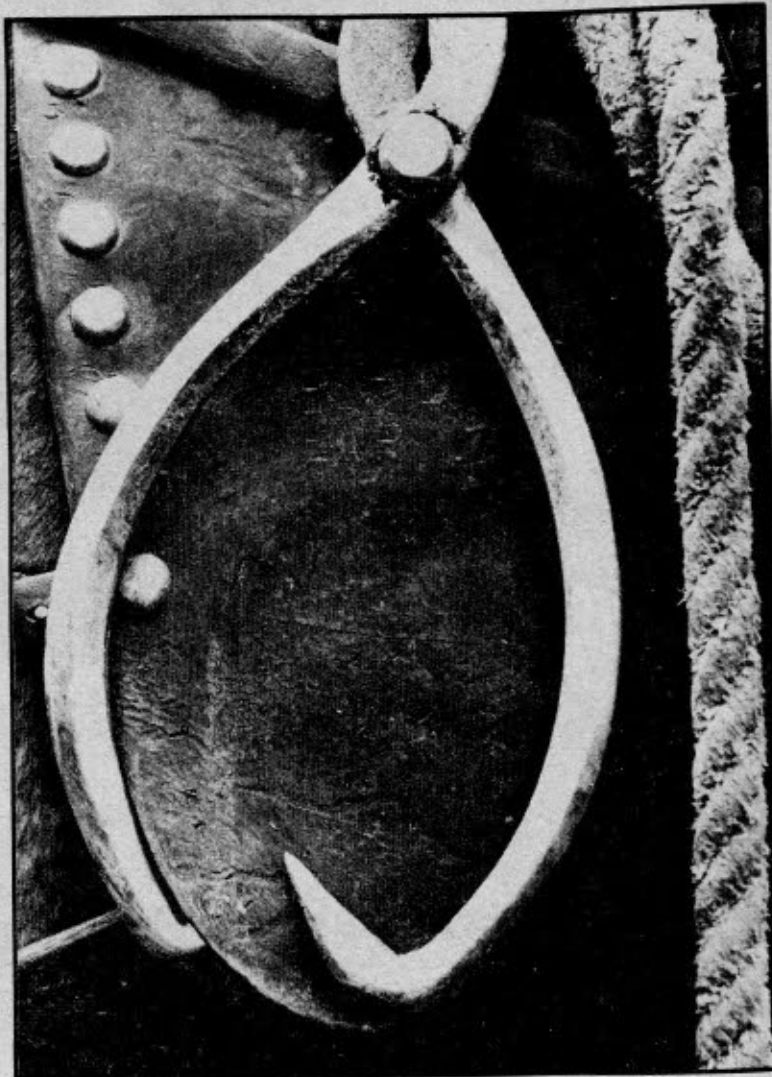
what's called a it brings their hey fall if they to stop when get your foot ump and they

don't stop right away, it'll take your leg off. Or it'll make you wish it came off."

Rudy walks around to judge and pulls a double-bladed axe from a scabbard tied to the harness. With steady strokes of the axe, limbs fly from the logs of white pine, fir and lodgepole. "The mill likes nice clean logs," he says.

Rudy lifts the harness from the ground, calls to the team and sets off walking at a steady lope behind them. Rudy guides the team to the deck of logs they have been amassing. Dale's logging truck growls down the one-track clay-bottomed road, coming to within a few feet of the horses as he backs the massive rig around.

Climbing down from the truck, Dale talks to Rudy briefly about the day's work. Then both launch into horse talk: Rudy's heading up to Sand Point for the draft horse show, but no, he won't show his own. "The judges won't look at 'em if they're not at least a ton." That may be fine for showing, but horses that big don't work as well in the woods, Rudy says.



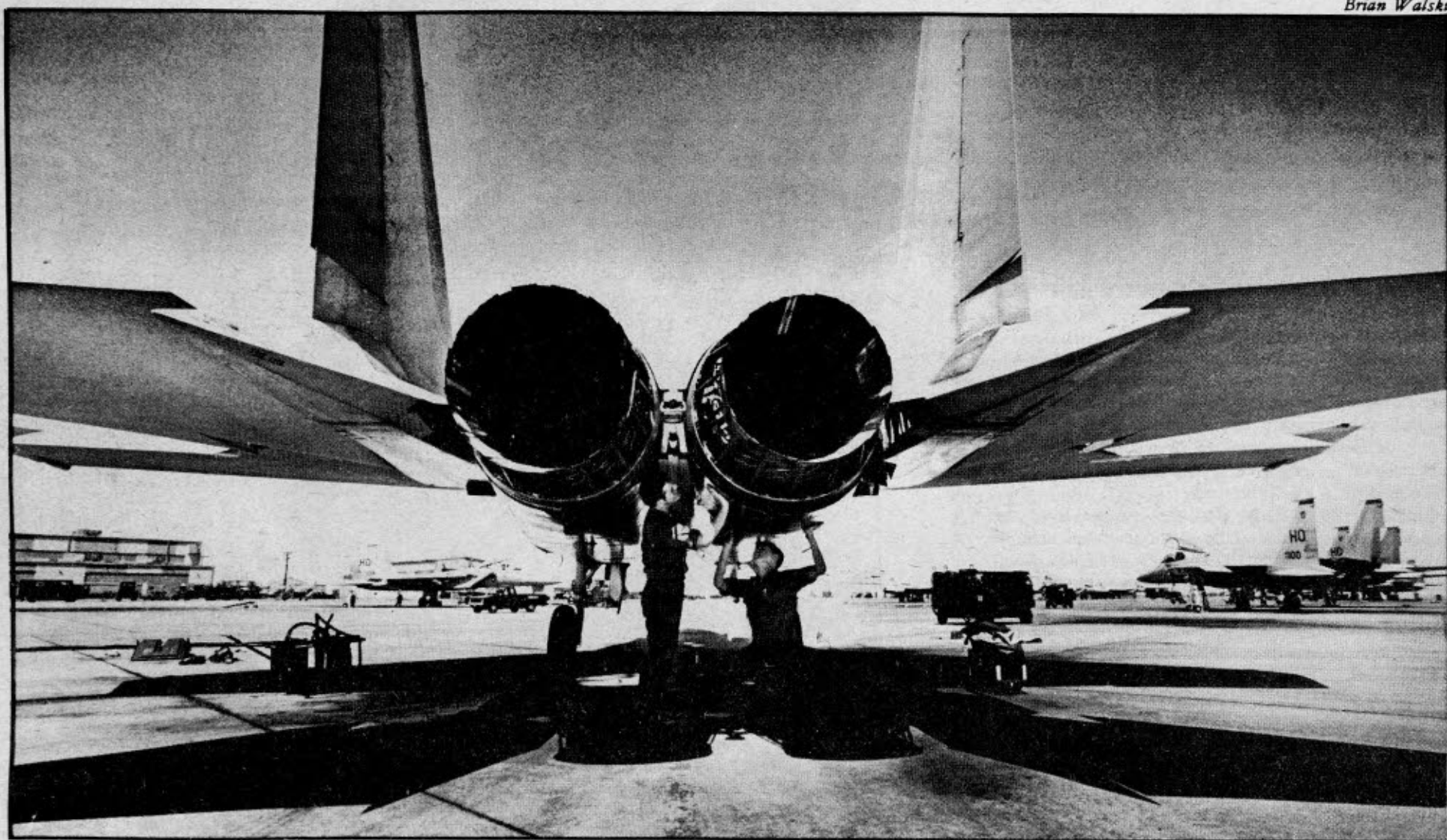
Tongs for hooking logs

Story and Photos by GLENN OAKLEY



Visiting with the team, John and Judge

Brian Walski



F-15 jet inspection at Holloman Air Base

A tiny town fights the U.S. Air Force

by Nancy Harbert

Silence, remoteness and natural beauty are the major draw for 400 residents of the rural community of Reserve, New Mexico, on the edge of the Gila Wilderness in southwestern New Mexico.

Reserve is so isolated that people in the cities of Albuquerque and Santa Fe have probably never heard of it. It is in an area with fewer people per square mile than anywhere else in New Mexico.

This remoteness has attracted most of Catron County's 3,000 residents. It is also just what attracts the U.S. Air Force, which needs an almost-empty area for pilots to practice dogfights in the air.

More than four years ago, officials at Holloman Air Force Base in Alamogordo began their search for airspace to conduct the supersonic test flights of F-15s. Already flying 600 supersonic missions a month over White Sands Missile Range, Holloman pilots needed to fly 600 more missions to comply with standards set by the Air Force's Tactical Command at Langley Air Force Base in Virginia. The missions are to ready pilots for wartime activity.

New Mexico's Reserve and the Texas town of Valentine, located southeast of El Paso, were selected for the new missions. As jets dodge each other at 75,000 feet as early as next spring, two to three sonic booms a day will shatter the quiet below.

But Reserve residents have rebelled. Determined not to be railroaded by the military, they poked a few holes in the first Environmental Impact Statement issued by the Air Force in 1979. That sent the military back to the drawing board.

Questions asked during a 1979 public hearing in Reserve, and in written comments submitted to the Air Force resulted in a revised EIS, released last July.

But residents claim the second EIS still fails to answer their questions. They want to know about the long-term effects of sonic booms on people, wildlife and buildings.

During a second public hearing held October 20 in the Reserve High School gymnasium, residents said they would take the Air Force to court if adequate answers to their questions are not provided. Valentine area residents also agreed to fight the Air Force in court.

John Kelly, an Albuquerque attorney representing Catron County where Reserve is the county seat, said during the hearing that the county was prepared to challenge the adequacy of the statement and block the flights.

"I have analyzed 15 EISs through the years and litigated as many as any lawyer in the state," he said. "This one is scientifically flawed, inadequate and misleading."

According to the 1½-inch-thick EIS, which cost the Air Force between \$125,000 and \$150,000, there are no definitive answers about the physiological harm resulting from sonic booms. It is just that uncertainty that concerns opponents, who say they feel like guinea pigs being used in a military experiment.

A report compiled for the Valentine impact statement urges the Air Force to be cautious. Richard Worthington, an associate professor at the University of Texas at El Paso, said, "While many of the studies do not prove conclusively that the particular effect (suffered from loud noises) occurs in man, they raise a red flag that serves to alert

responsible persons to the fact that no population should be exposed to the intensity of sonic-boom testing proposed by the Air Force for the population in the area of Valentine, Texas, until more research is completed." Worthington, who owns land in the Valentine area, said he compiled his report as a concerned citizen. "In my study I found indications that health defects probably would occur from repeated booms," he said. "We just don't know the extent."

According to the EIS, only six people in the Reserve area are predicted to be "highly annoyed" as a result of the booms. This figure was based on community-response levels as published by the National Research Council, which conducted studies for the Air Force.

Although the Air Force has not acted on Worthington's concerns, the Navy has. Officials at Fallon Naval Base in Nevada propose a similar supersonic flight-testing program over Nevada. In preparing an EIS for that proposal, however, the Navy has employed a San Francisco consulting firm to research areas proposed by Worthington. That impact statement is expected next month. Already angered by low-flying naval jets in that area, Fallon residents have filed a federal lawsuit seeking an injunction to stop the jets.

For Reserve residents, another concern is the Gila Wilderness, which spans 3.3 million acres and is the oldest designated wilderness area in the United States. Although it is not in the testing area, Air Force officials have admitted the booms could be heard outside the designated test

zones. According to the impact statement, however, studies indicate the flights "will not significantly impact domestic or wildlife species in the area."

The EIS goes on to say that domestic animals such as sheep, cattle, horses and poultry have occasionally jumped, galloped, bellowed and randomly moved about after hearing a sonic boom. Birds "will occasionally run, fly or crowd when exposed to sonic booms," according to the EIS.

Although the EIS is a federal requirement and Holloman officials have encouraged public comment and questions, a final decision lies with the Air Force itself. Secretary of the Air Force Verne Orr will make the final decision.

Despite the apparent no-win situation, Reserve's 400 residents are resolved to fight the Air Force. As Catron County Commission Chairman David Vaccar said, "This is one issue that all local interest groups support -- the ranchers, the hippies and the cowboys."

One powerful weapon in the residents' arsenal is Steve Rothman, a computer whiz who moved to the area two months before the Air Force's first public hearing in 1979. Because Rothman worked as an analyst for a Massachusetts firm that did consulting work for the Air Force, he was able to translate the first EIS and ask some of the questions that forced the Air Force to draft a second statement.

Rothman, who is building an adobe house on his 70-acre spread surrounded by the Gila Wilderness, said sonic booms cause problems not so much because of their loudness, but because of their startling impact.

"How often a year is someone startled?" he asked. "Suddenly they



Slim and Lonnie Smith of Reserve, New Mexico

are talking about two to three times a day forever."

Slim and Lonnie Smith, who bought 80 acres for their retirement home in 1976, have already had one run-in with jets. In April 1979, two windows in their newly-built shop building were cracked by a sonic boom.

"Slim and I were standing in the yard about 50 feet from the shop when three fighter planes started engaging in a dogfight above us," Lonnie said. "I don't know the specific altitude, but they were within good sight of us."

After filling out mounds of paper work, Lonnie said the Air Force reimbursed her \$36 for the windows, but the Smiths had to drive 120 miles to Socorro to pick them up. They installed the glass themselves.

Apart from personal reasons for not wanting the supersonic flights overhead, Lonnie Smith said she was concerned for local students. She has been a teacher since 1945.

When teaching elementary grades

in Las Cruces, N.M., Lonnie said occasional sonic booms resulted from aircraft stationed at nearby White Sands Missile Range.

"For some children, once their attention was disrupted, they never got it back," she said. "In a quiet area like this, the children don't know how they are going to react."

The only mention of educational impact in the EIS is that it would take a few minutes to restore order to the classroom after a boom. Lonnie Smith would like a more detailed study of the impact of sonic booms on student behavior, and damage to school buildings.

In addition to their own discomfort, residents also are faced with the likelihood of losing the first doctor to move to Reserve in years. Dr. Hans Heynekamp moved to Reserve four months ago from Springerville, Arizona, to raise his four children alongside horses, chickens and the clear waters of the San Francisco River.

If the dogfights are approved over Reserve, Heynekamp said he will move. The Dutch-born doctor said he worked under sporadic gunfire in Vietnam during the war, and that it caused him nervous disorders.

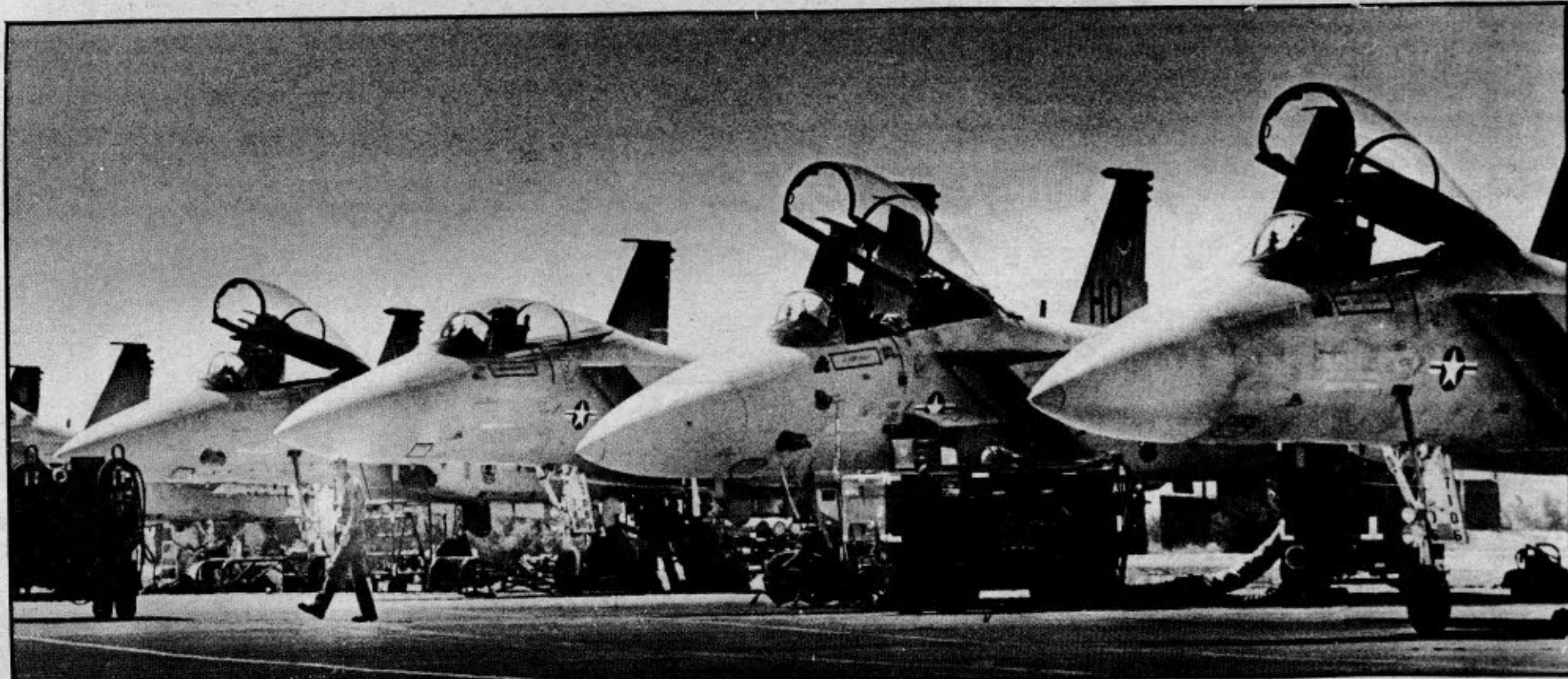
All residents of Reserve point out they are staunch patriots who support defense efforts, but they say alternatives exist. They suggest the Air Force fly their additional missions over White Sands on weekends, when

Army pilots are not using the range, or over water.

According to the EIS, however, the Air Force would gain only 45 additional missions by flying over White Sands, and flying over water is impractical because it is too far away.

Nancy Harbert is a reporter for the *Albuquerque Journal*. This article was paid for by the *High Country News* Research Fund.

'Suddenly they are talking about two to three times a day forever.'



Flight-line of F-15s.

Brian Walski

Coalition fights pipeline

[Continued from page 1]

threatening to mow people down. Bottles were thrown, cars smashed, people beaten.

When the violence stopped the lawsuits began. Michael Curran, now a rancher on the Dearborn, refused to grant Montana Power a right-of-way across his land. The company sued for condemnation rights, and Curran countersued.

Then late last month, Laborers Union Local 254 teamed up with the Montana Environmental Information Center in a lawsuit against the pipeline owners and the state. The two groups allege that severe environmental and social impacts have occurred because of the line. They said those impacts might have been avoided had state agencies performed an environmental impact study on the project. They are seeking an injunction halting construction until the impacts are addressed.

Laborers Union business manager Gene Fenderson of Helena is leading the union charge against the line. He and Montana Power's public information officer Dean Conklin disagree about almost everything, even about the amount of money that separated the bids from non-union Haines and union Southeast.

Conklin bristles when he hears the Laborers Union accuse his company of union-busting. He asserts that the company's decision to hire a non-union firm had nothing to do with a corporate desire to stifle Montana unions.

"MPC employs 1,100 union workers," Conklin says. "We deal regularly with fifteen or sixteen different unions in this state, and for 70 years, from the very beginning of this company, we have had workers from the IBEW" (The International Brotherhood of Electrical Workers).

The simple fact of the case, according to Conklin, was that non-union Haines Pipeline Company underbid Southeast by \$1.4 million in its labor costs.

Fenderson disputes that figure, claiming that through wage concessions granted by union workers, Southeast revised its bid to within \$300,000 of the Haines bid.

"For a \$300,000 difference on a \$26 million line, they could have had Montana union labor and a better pipeline," Fenderson says.

Conklin remembers the negotiations differently.

When Southeast revised its bid to within a few hundred thousand dollars of the Haines bid, Conklin says, it did so with the caveat of a cost-plus contract.

"If you want to see how cost-plus contracts work, look at the way the government does business," Conklin says. "Those contracts run on forever. We just aren't going to do that -- we aren't going to sign blank checks." The Haines contract is for a fixed price, he adds.

Conklin said his company negotiated almost daily for three weeks with Southeast's manager, despite Southeast's consistently higher bid. Conklin implies Montana Power bent over backwards to hire a union contractor, but in the end simple economics won out. In any case, Conklin says, Montanans were supposed to have gotten the Haines jobs anyway.

"Haines agreed to hire two-thirds Montana workers," he says.

"One hundred of the 165 jobs were supposed to go to Montanans. Southeast would have hired 110 Montanans and 199 out-of-staters."

But when Haines showed up to begin trenching for the line, its entire workforce came from out of state. Union members were hopping mad.

According to Fenderson, speaking for the Laborers Union, many of the pipeline company's ensuing headaches could have been avoided had Haines and MPC handled the situation with more sensitivity.

A thorough state review of the

'Fenderson wants to break

If I don't get the job, I'm

pipeline -- which never occurred -- might have allowed tensions to be worked out over the negotiating table, he says. Instead, Montana Power "did a great job of keeping the whole project quiet." Neither the unions nor the environmental groups were aware of the pipeline-permitting decisions at six state agencies.

"One of the problems we had was the damn thing was promised as a union job. Some of our people hadn't worked in over a year," says Fenderson. When Montana workers discovered that all of Haines' employees were from out of state, that is when violence erupted, he says.

Although Conklin agrees that Haines initially failed to honor its agreement to hire mostly Montanans, he says that situation was corrected within a month. According to a state audit in August, 100 of 165 construction workers were from Montana.

While Montana Power has few good things to say about the union's involvement in the suit, it is less caustic toward the environmental group.

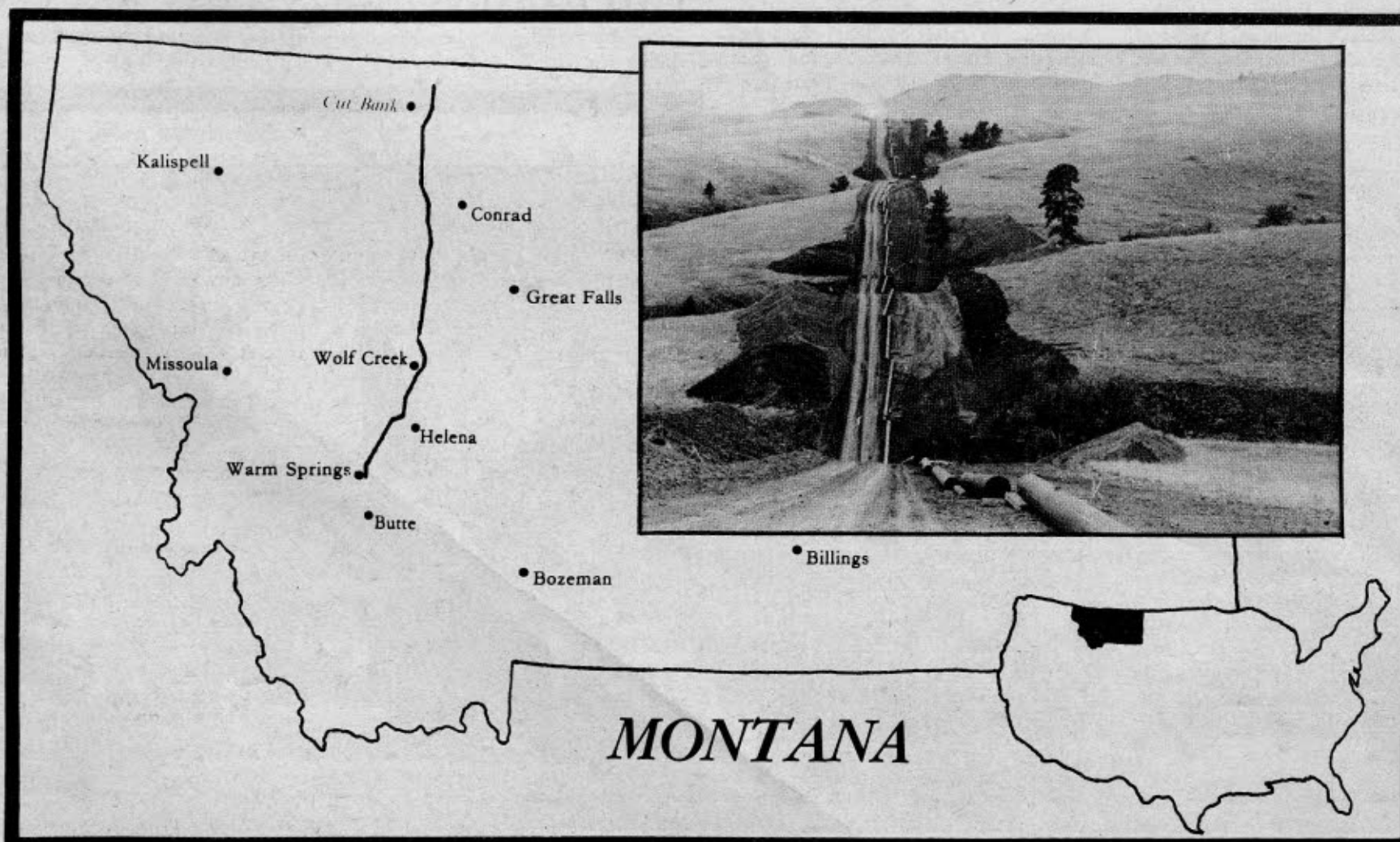
The Environmental Information Center probably has "legitimate concerns about protecting the environment, rather than harassment," he says. "But I'll bet you if Southeast Pipeline was doing that job, you

wouldn't see Gene Fenderson up in an airplane flying the pipeline, and you wouldn't see him filing a lawsuit for an EIS.

"Fenderson wants to break non-union contractors," Conklin adds. "It's a mentality that says, 'If I don't get the job, I'm going to punish them and make them pay for it.' His motive is sheer harassment."

The case has all the makings of a landmark in state environmental law. The power company had to seek some fourteen separate permits from various state agencies before beginning construction. Since none of the six agencies involved considered any one permit to involve a major state decision, no environmental impact statement was prepared. The two plaintiffs claim that the state's failure to perform a thorough environmental review is a violation of the Montana Environmental Policy Act (MEPA).

In a letter to the MEIC membership, the organization's president, Paul Smith, a rancher-attorney, wrote, "Even when a project involves only a number of 'small' permitting decisions, if the project's overall impacts will be significant, the state is supposed to write an EIS. No state agency involved in the MPC



non-union contractors. It's a mentality that says,

going to punish them and make them pay for it.'

pipeline review even wrote the preliminary environmental review meant to determine whether or not an EIS would be warranted."

MEIC Executive Director Susan Cottingham says that state agencies were lulled into believing that the line -- billed as a mere replacement line -- would somehow have few or no environmental impacts.

"It might be a replacement line, but it's not running along the right-of-way of the old line," Cottingham says. "As far as we can tell, it's a brand-new right-of-way that deviates over a mile from the old line in some places."

Cottingham notes that when the line is finished, hydrostatic testing for leaks will require pumping large amounts of water from small streams. Up to two million gallons will be sucked from the Little Blackfoot River, a stream that anglers can practically jump across during the low flows of late autumn.

Cottingham also points to the line's many stream crossings as sources of potential damage. Instead of tunnelling beneath rivers and streams, Haines will trench through their beds -- a practice allowed in the state permits. Where rivers have scoured basement materials down to bedrock -- at the Dearborn crossing, for example -- the company could use high explosives to trench through the streambed.

According to Cottingham, there is some question whether many of the stream crossings were inspected at all prior to the company receiving channel alteration permits. The state Department of Fish, Wildlife and Parks is supposed to okay stream crossings, with an eye toward reducing impacts on fish habitat.

"There will be a lot of egg on a lot of faces in Helena when the facts of this case come to light," Cottingham says.

According to Fenderson, Montana labor also owns a stake in the enforcement of the Environmental Policy Act, a law that he says should extend well beyond protection of "the trees and the bees."

"Our goal here is to establish an environmental impact process to also include social aspects and impacts on human beings," Fenderson says. "I don't think these things have ever been addressed in this state."

He notes that when the power company hired an out-of-state contractor, it in effect exported millions of dollars into another state's economy. Had a contractor with close ties to Montana unions won the job, according to Fenderson, those dollars would have stayed in Montana's economy and tax-base. He believes state law was intended to address such concerns, and he is confident that his union and the environmental group will break new legal ground as they win their case against the power company.

Not one to miss a chance at throwing a few barbs of his own, Fenderson passes out bumper stickers that jab at Governor Schwinden's in-state economic development program called "Build Montana."

Fenderson's day-glo green stickers say, "Build Montana - Hire an Okie."

□

Don Snow is the Montana Bureau Chief for *High Country News*.

The lineup was different in the last pipeline battle

The last time Montana environmentalists took on a major pipeline, the sides were very different.

In 1979, the Montana Environmental Information Center and its Missoula-based affiliate, the Northern Tier Information Committee, was pitted against pipeline builder Michael Curran and, among other unions, Gene Fenderson's Laborers Local 254.

The 1,200-mile-long Northern Tier Pipeline was to pump Alaskan crude from Port Angeles, Washington, to Clearbrook, Minnesota. On the way it would cross Montana from border to border. Billed as the largest piece of steel ever welded together in the Lower 48, Northern Tier rekindled hard feelings over the Trans-Alaskan Pipeline debate. Some Montanans remembered that it was their own congressman, John Melcher, who pushed hardest for TAPS, the Alaska pipeline. Now it was Melcher again who had taken political command of Northern Tier.

The battle became a classic confrontation between pro and anti-development forces. The unions, eyeing dozens of jobs along the big line, argued that the state should do a thorough job of reviewing the project but should not stand in its way. Environmentalists said the line wasn't needed and feared its impacts on western Montana watersheds.

Gene Fenderson of the Laborers Union remembers the bitter battles very well. Before county commissions, state agencies and the press, he squared off against the conservation groups. Political blood flowed freely, though the oil never did. Eventually it was not Montana -- a state with no formal veto power over such lines -- but the Washington State Siting Council which dealt Northern Tier its death blow. Today, four years after the pipeline raged as the hottest issue in Montana, unions and environmentalists are getting together on this new pipeline, and Fenderson has been among the first to drop the old sword.

"We've said all along that projects like Northern Tier should be built as well as possible," Fenderson said. "If a company decides to build one, we support doing the job right. That includes protecting the environment."

Fenderson points proudly to the conservation record of Montana unions. The state AFL-CIO, for example, was an early proponent of the Montana Major Facility Siting Act, the state's toughest environmental law. He notes that union leaders have sometimes been taken to task for their pro-environmental positions, but he believes that most union workers in Montana do not want development at the expense of environmental quality.

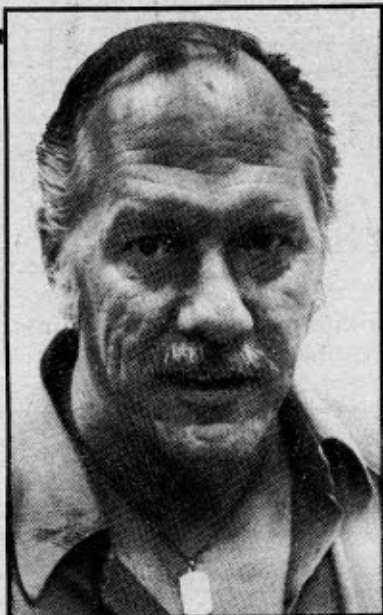
Now the union's Fenderson finds himself among strange allies -- the Montana Environmental Information Center and the former pipeline builder Michael Curran, an irascible septagenarian.

The first time Montanans heard of Curran, he appeared in the press as the outspoken spark plug behind the crude oil pipeline, a project that teamed his son's construction company with U.S. Steel, Atlantic Richfield, and other oil companies. In those days, Curran had few kind words for his environmentalist foes.

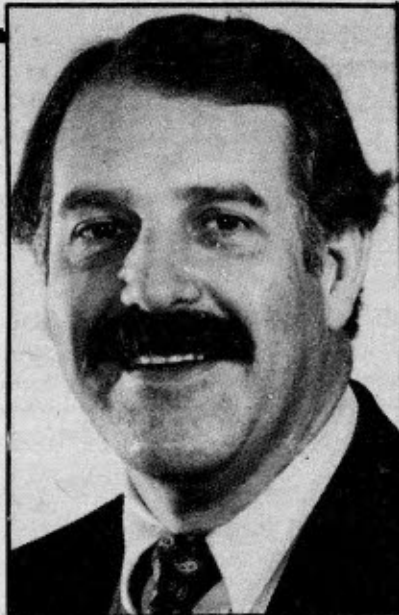
The second time Montanans heard from Curran was last summer when he drove his pickup over an inflated river raft that sat poised to float the Dearborn River through his ranch. Curran had joined the legion of Montana landowners who challenged the rights of floaters to navigate rivers through private lands. He literally drove home his point with a set of oversized mud-and-snows. Later, in a more formal encounter, Curran lost his lawsuit against a floater who had dared to "trespass" on a public waterway through his ranch.

These tactics have not exactly endeared Montana environmentalists to the old man, but there he stands today, using his own suit to challenge the pipeline partly on the grounds of environmental protection.

--D.S.



Gene Fenderson



Dean Conklin

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BULLETIN BOARD

THE FOUR CORNERS FILM

The impact of energy development and experimentation on the West will be examined in an hour-long documentary set for public broadcasting stations this fall. The film, *The Four Corners: A National Sacrifice Area?*, was co-produced by Toby McLeod (HCN, 10/31/83). Air dates are not complete for every state in the region, but the following are confirmed: Denver channel 6, Dec. 8 at 9 P.M.; Salt Lake City channel 7, Dec. 11 at 9 P.M.; Boise channel 4, Nov. 26 at 9 P.M.; Albuquerque channel 5, Dec. 18 at 3 P.M.; Spokane channel 7, Nov. 20 at 9 P.M.; Tucson channel 6, Nov. 15 at 10 P.M. For areas not listed, call your local PBS station for dates and times.

UTAH BEATS EUROPE

The *Wall Street Journal* reports that the West has trounced Europe in the *au pair* competition, as well-to-do Easterners have turned to Mormon girls to take care of their children. The Easterners, most of them in Westchester County, New York, are attracted by the devout, family orientation of the 18 to 21-year-old Mormon girls they attract by placing ads in Utah, Idaho, Western Colorado, and Arizona newspapers. But there is some culture clash, the November 3 *Journal* article states, with the Mormon youngsters disapproving of the way the Eastern families ignore their children. In turn, some of the families bemoan the fact that some of the Mormon youngsters, attracted by New York's glitter, turn away from housekeeping and nose-wiping and toward a good time.

HOME-SIZED COLSTRIP

Your wood stove may soon be churning out kilowatts as well as BTUs. Photoc Corp. of Traverse City, Michigan has developed a thermo-voltaic device that uses heat from a wood stove to produce electricity. A stove rated at 25,000 BTU/hour (about 4 pounds of wood per hour) will produce enough power to run a small refrigerator and a few lights. Add-ons will not be simple since it must be water cooled. The \$1300 device should be on the market within months.

ARIZONA WILDERNESS SURVEY

A poll shows most Arizonans to be wilderness lovers. The BLM surveyed a random sample of almost 5000 Arizona registered voters, and of the 3000 who responded, more than 80 percent believe that wilderness is an important use of federal land and important for the protection of wildlife, plants, natural lands, and air and water quality. Forty-seven percent said that Arizona should have more wilderness areas.

A report summarizing the survey results is available from the Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073; 602/261-4127.

SAN JUAN COAL EIS

The BLM's second draft of the environmental impact statement on proposed leasing of federal coal in New Mexico's San Juan Basin can be commented on until Nov. 21. The first draft, released in November 1982, analyzed a proposal to offer for competitive lease 1.32 billion tons of federal coal, in addition to issuing two billion tons of coal under pending non-competitive lease applications. Changes in the second draft include: lowering the leasing target to 800-900 million tons (of which an estimated 300-400 million tons are considered recoverable); considering the non-competitive (Preference Right Lease Applications) as a separate alternative.

Written comments may be sent to: State Director, BLM, Caller Service 4104, Farmington, NM 87401 no later than 4:30 P.M., November 21.

XERISCAPING

A xeriscaping seminar? Xeriscaping is landscaping with water conservation in mind. The seminar will be held in Denver, where landscapes account for 80 percent of all residential water use during the summer months. The Colorado Front Range is a semi-arid region receiving only 14 inches of precipitation a year.

The November 15 seminar is the first in a series which certifies businesses as xeriscape contractors with the Associated Landscape Contractors of Colorado (ALCC). Sponsors are the ALCC and the Denver Water Department. Registration after November 11 is \$42; call 303/425-4862 for more information.

FAMILY FARMS ARE THE FOCUS

"Is there a Family Farm in Montana's Future?" That's the theme for the 12th annual meeting of the Northern Plains Resource Council. Montana's Governor Ted Schwinden will chair a panel discussion on family farms, another panel will discuss the future of Missouri Basin water. There will also be a lecture on grassland ecology and ranching and the inevitable business meeting. Recreation includes a western swing dance with Billy Waldo and the Flying Grizzlies.

The dates are November 18 and 19 at the Holiday Inn West in Billings, Montana. The registration fee is \$23 if you can get it in by November 17 (NPRC; 419 Stapleton Building; Billings, MT 59101). The fee is \$28 at the door. Call 406/248-1154 for more information.

A WINNING SUMMER

The Sierra Club Legal Defense Fund says it has had a winning summer in the courts. It won four cases, ranging from dust from stripmines to the spraying of a toxic herbicide on marijuana. Two of the cases involved Wilderness Study Areas. In the Palisades case (HCN, 10/14/83), a Court of Appeals found that EISs are necessary at the start of the oil and gas leasing process. In *Sierra Club et al v. Watt et al*, a California federal district judge issued a preliminary injunction halting Interior's plan to open 1.5 million acres of BLM Wilderness Study Area to possible development. In *Sierra Club v. Gorsuch*, a Court of Appeals gave the EPA three months to justify their failure to regulate dust generated by stripmines. And in the paraquat case, a federal district judge ordered the Drug Enforcement Agency to stop spraying the herbicide on federal lands.

For more information, contact the Legal Defense Fund in San Francisco at 415/981-8634 or in Washington, D.C. at 202/547-1141.

SOLAR CLASS

Construction of energy-efficient passive solar homes will be the subject of a class offered for Colorado Western Slope homeowners and builders. Topics will include sunspace, greenhouse, trombe wall and homebuilt water and air systems. The class will meet twice a week for four weeks starting November 15 at The Energy Office in Grand Junction. Call 303/241-2871 for more information.

ASPEN CLEAR-CUTTING

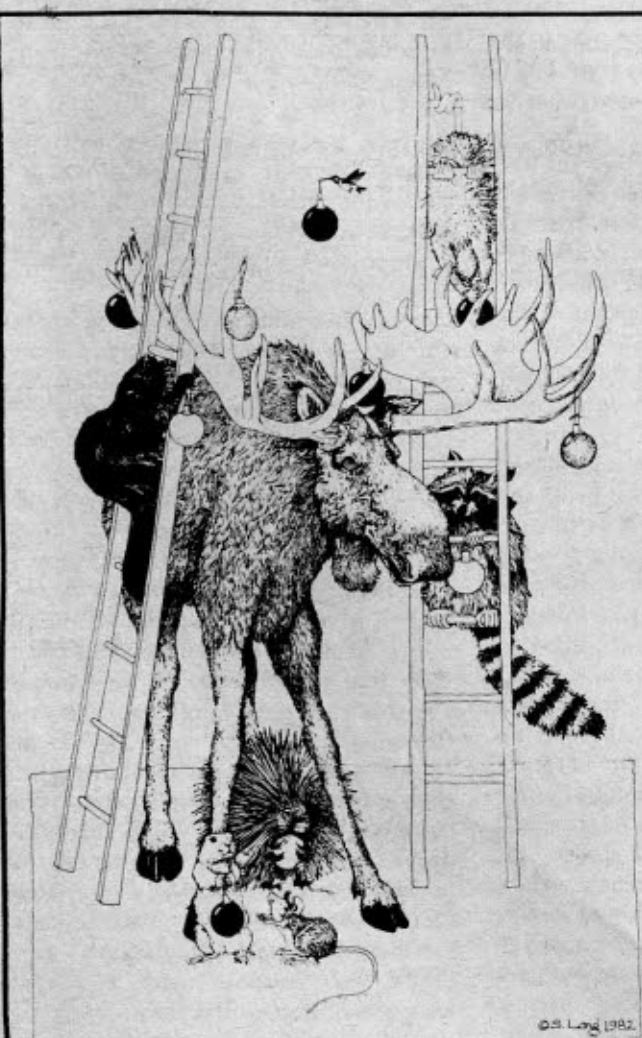
The Forest Service is looking for comments on aspen clear-cutting proposals for the Grand Mesa, Uncompahgre and Gunnison National Forests in western Colorado. Thirty percent of the approximately 4,000 acres of pure aspen on the forests would be cut.

Many of the trees are decaying and mature to overmature, says the Forest Service. Goals of the "vegetation treatment," include improving scenery, increasing non-game wildlife habitat diversity, increasing water yield, and increasing spruce-fir vigor in mixed aspen-spruce-fir sites. Clear-cutting is favored because selective cutting increases disease susceptibility in the remaining trees. The Forest Service also says that since aspen regenerate almost entirely by root-sprouting, clear-cutting helps that process by increasing soil temperatures and eliminating leaf-producing auxins which suppress sprouting.

Hurry, as questions and comments on the proposal must be submitted by Nov. 18. The address is: Forest Supervisor, Grand Mesa, Uncompahgre and Gunnison National Forests; 2250 Highway 50; Delta, CO 81416.

GOOD NEWS, BAD NEWS

The October *Technology Review* has bad and good news about energy conservation in homes. The bad news in an article by Kermit Baker and Bernard Fiedler is that people have saved money but not BTUs by switching to less costly fuels such as gas and wood, or by lowering their thermostats. The good news is that because people in general have not yet taken steps to physically conserve BTUs, there is still a large potential for residential conservation.



'Twas just before Christmas

...and all through the West,
Myriad creatures were stirring, they were cold and distressed.
The grizzlies and mule deer and ferrets
black-footed
Looked in wonder at plunder and asked: How
they'd stood it?

James Watt in his fervor and Big Oil in its zeal
Were increasingly leasing the great commonweal.
From rigs and draglines arose such a clatter,
We sprang to our typewriters and started to batter.

Out of their beds jumped our readers in panic,
Tore open their mailboxes in a state almost manic,
When what to their wondering eyes should appear
But a sixteen-page paper with prose fair and clear

On Utah, Wyoming, Montana, New Mex,
On endrin, on Exxon, on shale and BuRec,
On cows, Colorado and overthrust belts,
On ecotage, flooding, on land trusts and pelts;

On Idaho, tailings, on solar and peat,
On things that you plant and things that you eat,
On BLM, EPA, on gas and coal-ton,
On tricky regulations from Washington.

So climb up our ladder; give your friends a
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And the issues will fly full of photos and diction.
To readers and revilers, whom we please or
offend:

Merry Christmas to all,
and to all HCN!

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OPINION

Let's wait and see

To the Sierra Club, new Interior Secretary William P. Clark stands condemned by the record he accumulated as a Reagan appointee to the California Supreme Court. Sierra Club Executive Director Michael McCloskey told a U.S. Senate committee on November 2 that had Clark's views prevailed in that court:

"The state and its local communities would have been stripped of virtually all authority to regulate land use, and many of the statutes on which the tradition of California environmental law has been based would have been overturned."

That judgment was based on "Clark's role in the 17 major environmental cases" in which he participated between 1973 and 1981. McCloskey said: "Regardless of the kind of environmental issue, Judge Clark found a legal basis for voting against the environmental cause."

It may be that Clark will prove to be a smooth and gracious James Watt, implementing his predecessor's policies with a single-minded opposition to anything touching on clean air or surviving wildlife. But our reading of four of the seventeen "major" cases cited by the Sierra Club turns up little evidence to support -- or oppose -- that supposition.

For the most part, Clark didn't appear to be concerned with environmental issues in those cases. He seemed mainly concerned with a strict interpretation of the U.S. Constitution, and we saw nothing in his clear, forceful writing to indicate that he is using the Constitution to hide anti-environmental zealotry. In fact, he came across in his opinions as a man who writes what he thinks.

In two cases, we sided with his minority opinion. In one, a two-acre parcel of beachfront ground in Torrance, California had been used for many years by the public. One developer after another had applied for a variance to build a high-rise on the site, and had their requests denied after opposition from community groups concerned about high-density development.

The land finally was bought by a Mr. and Mrs. Oscar Beck, who were willing to put up a low-rise building, and who consulted extensively with municipal officials before they bought the land. There was never any question of their right to build their low-rise under existing zoning. But soon after they started construction, one city (the

site was on the boundary between two cities) took them to court, claiming that a public right existed to use the land for recreation and that the apartment the Becks were building would destroy that established right.

The California Supreme Court agreed. It held that the land had been dedicated to public use over the years. Clark was the lone dissenter. He wrote that if the town wanted the land for public recreation, they should buy it. He also wrote:

"Those landowners who were neighborly and hospitable in permitting public use were penalized... by loss of their land, while those excluding the public by fencing or other means were rewarded by retention of their exclusive use. While virtue is usually its own reward, the law does not usually penalize the virtuous."

We guess that can be seen as an environmental case. But it can also be seen as two cities stealing something they should buy.

In another case, five acres of ridge land in the well-to-do community of Tiburon were downzoned to a maximum of one private home per acre. The owners said the action made the land worthless, and they sued to force the city to condemn their property and pay them for it. The California Supreme Court ruled that the owners couldn't force condemnation.

Clark dissented. "The City of Tiburon has decided through the political process that in order to preserve its way of life and to maintain what is already among the highest residential land values in the state, certain of its property owners must sacrifice use of their lands... This is the clearest of examples wherein our system functions to sacrifice the individual to the community; and it seems very difficult in reason to show why the city of Tiburon should not pay for property which it destroys or impairs the value..."

Clark's dissenting opinion is supported by the fact that Tiburon had earlier started condemnation proceedings on this very desirable piece of open space. But it then backed out, taking the less expensive route of downzoning it to one to five homes on the five acres.

In neither of the two above cases did Clark quarrel with the desirability of public beaches or of open space. He only argued with the way the cities went at that goal: through what he saw as an illegal taking of private property.

The Sierra Club is on stronger ground in the other two cases. In one, a citizens' group sued to force Ventura County to do an environmental impact report before annexing the 677-acre Bell ranch. Clark, again dissenting, said the California Environmental Quality Act requires such a report only if the proposed action will affect the environment. He said that annexation was a paper action.

The majority held that the annexation would lead to development: "This is not the case of a rancher who feels that his cattle would chew their cuds more contentedly in an unincorporated pasture. No one makes any bones about the fact that the impetus for the Bell Ranch Annexation" is development.

The final case involved billboards. The Supreme Court majority held that San Diego's ban on off-site billboards was a proper exercise of its police power in eliminating traffic hazards and improving the appearance of the city.

Clark again dissented, this time arguing that the ban violated the billboard-owners' freedom of the press. The majority held that freedom of the press or of speech was not an issue because the ban on billboards was absolute, and not aimed at one segment of the community. Clark's dissent appeared weak to us. He failed to answer the majority's argument, instead basing his opinion on a case in which a law aimed at one segment of the community was found unconstitutional.

Not having read all 17 cases, we can't absolutely state that the others aren't the "major" environmental cases the Sierra Club claims they are. But these four don't seem either major or sharply drawn environmental issues.

More to the point, we don't think they tell us anything about the kind of Secretary of Interior Clark will be. As Secretary of Interior, he will be administering public lands; in these cases he focused on private property rights and a strict interpretation of the U.S. Constitution and the existing laws.

If Clark takes his strict approach to the law into Interior, things could improve. The Watt administration was characterized by a stretching of the laws Congress wrote, by an abuse of the appropriations system, and by a brutal treatment of career employees and political appointees.

If William Clark brings his judicial temperament and his concern for the law to Interior, and abides by the spirit and letter of the various laws governing the public lands, it is just possible that he'll be an acceptable Interior Secretary. Even a Reagan appointee deserves a chance.

--E.M.

REPORTER'S NOTEBOOK

One last Watt

It is well known that James Watt was not a fan of pristine areas, endangered species, and the outdoors in general. But a reading of the last three years of *High Country News* shows that those causes racked up gains as well as losses during Watt's captaincy of the Department of Interior.

The biggest losses came in the form of disruptive personnel changes, department reorganizations, and budget cuts in such areas as research and land acquisition.

But there was also a substantial gain: the severe testing and ultimate survival of the painstakingly constructed system of environmental laws and regulations. A side benefit appears to have been a general strengthening of conservation organizations.

Those gains have become clearly visible only in the last several months. Judging by the last 33 months of *High Country News*, the losses began emerging on Watt's first days in office and dominated the news since then.

Watt laid the groundwork in his first few days by discharging almost all upper level administrators within the various Interior bureaus. Many were replaced by former Interior adversaries. New administrators included former industry executives, Sagebrush Rebels, and a rancher who had feuded with BLM over grazing rights (6/12/81).

It was not just top level managers who were hit. Some employees were ousted when their jobs disappeared during reorganizations. Others quit rather than work under their new superiors. And more jobs were eliminated when Interior's budget was cut in very specific ways. It is estimated that even if Watt's successor immediately begins rebuilding the workforce along conservation lines, the healing process will take years (10/31/83).

With new personnel in place, and budgets realigned, Watt got down to more substantial work. Prime targets were the gutting of rules governing surface mining (10/29/82, 5/13/83) and grazing on BLM land (11/27/81, 10/31/83).

A prime example of Watt's ability to make policy through the budget process was his virtual elimination of national park acquisition funds. That resulted in at least some irretrievable losses. For example, important grizzly bear habitat adjacent to Glacier National Park had been offered for sale to the federal government. It was turned down under Watt's policies and is now open for subdivision (10/31/83).

Budget increases for oil and gas lease processing resulted in a sharp rise in that activity. In addition, the leasing for the first time was directed at National Wildlife Refuges (7/22/83). The most spectacular example of Watt's resource development approach was his plan for massive

coal leasing of western federal lands. Thousands of acres were leased in the Powder River Basin (4/30/82), Utah (6/11/82), and the Fort Union area of South Dakota and Montana (10/3/83).

A congressionally-ordered investigation showed an estimated \$60 million in public funds were lost due to mismanagement of the Powder River Basin sale (4/29/83). Lack of interest in the Utah and Fort Union sales led to additional monetary losses (6/11/82, 10/3/83).

Despite Watt's emphasis on coal, many of his major changes failed. They failed in part because of the weak economy, and in part because the decade of struggle by various public interest groups to construct a series of laws and regulations resulted in a strong structure.

On Wilderness issues, congressional action stopped oil and gas leasing specifically in the Bob Marshall Wilderness of Montana (5/29/81). Public outcry over Wyoming's Washakie Wilderness led to more generic action -- the Congress in 1982 ordered a six-month moratorium on wilderness oil and gas leasing. Later, Watt extended the moratorium to the year 2000 (3/19/82). A recent court decision concerning the Palisades Wilderness Study Area in Wyoming and Idaho appears to further limit industry's ability to drill (10/14/83).

Taken together, current and past lawsuits against Interior are legion. In 1981, Montana's Defenders of Wildlife and the Audubon Society filed court papers and prepared for a long battle to get the Selkirk caribou put on the endangered species list. The action was stopped when Interior did so (10/29/82). Litigation continues over Watt's withdrawal of 880,000 acres of BLM Wilderness Study areas from Wilderness consideration

(Continued on page 16)

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OFF THE WALL

Cultural caution

A secret exchange of talent between the Kremlin and the top-most echelons of the Reagan Administration is producing fantastic results.

The most spectacular achievement has been the quarantining of the U.S. press during the Grenada invasion thanks to advice from Red Army General Mikilal Sobrichonic. The ploy turned out well, but it also showed the need for a certain amount of cross-cultural caution. The Soviet General initially advised shooting all reporters. The Joint Chiefs were about to implement his suggestion -- they were, in fact, enthusiastic about the idea -- when the White House stepped in. High Reagan advisors supposedly feared there would be bad publicity, even though Sobrichonic almost carried the day by arguing:

"How will there be bad publicity? There will be no one to give you bad publicity."

Not all the Russians are in the Pentagon. A sizeable contingent are in the U.S. Bureau of Reclamation. They are led by Head Bureaucrat Yuri Schastacovich, who last year received the Lenin Prize for having spent \$22 billion reinventing the incandescent light bulb.

The USSR had long been galled by Edison's

invention. So right after World War II, Stalin put Schastacovich in charge of an orphanage filled with children who had never seen a light bulb. They were all trained as inventors. After 35 years, one of them invented the lightbulb, pretty much from scratch, allowing the Soviet Union to legitimately claim independent invention of the lightbulb.

Actually, thanks to synergism, the Russians got more than the lightbulb for their \$22 billion. Along the way, the youngsters invented the dog collar (although, strangely enough, not the leash); the water faucet washer, which was especially impressive since they didn't have and never invented the faucet; and the non-incendiary part of the wooden match. Originally, the USSR was going to claim invention of the toothpick, but it finally decided to go for something more Promethean.

Although Schastacovich is rightly proud of his accomplishments, he says his agency has nothing on the Bureau of Reclamation. "We're good. But even we haven't built a multi-billion-dollar network of dams, filled them to the tippy-top, and then let them rip. Your Bureau of Reclamation is little short of sheer genius." The bureaucrat was especially impressed with the fact that having made such a monumental blunder, Reclamation officials stood up in public and defended what they'd done.

--Ed Marston

One more Watt

(Continued from page 15)

(1/21/83). Some areas have been reinstated. BLM recommendations concerning Wilderness Study Areas have also been challenged in court (4/29/83). Further litigation on the gutted Office of Surface Mining regulations is certain (5/13/83).

An ironic aside to Watt's efforts has been the apparent strengthening and growth of environmental groups and of awareness of public lands issues on the part of the public. We say 'apparent' because it is not yet clear if those gains will stick. They may well be temporary reactions to Watt's abrasive personality.

It is certain that the majority rejected Watt's attempt to equate conservation with something he labelled un-American Liberalism. It was probably doomed to failure -- the conservation movement's roots go back to Teddy Roosevelt and are in some ways part of a far more politically conservative ethic than Watt represented.

Political theory aside, it will now be interesting to see if the public will accept Watt's policies within the moderate, low-key package William Clark will probably present. Has Watt inadvertently educated the public to a more sophisticated and attentive view of public lands? Or will it be back to development-as-usual on public lands with the flamboyant Watt out of the way?

--Mary Moran

LETTERS

DIETARY ANSWER TO HUNTING

Dear HCN,

The vivid story by George Wallace (HCN, October 14) relating his taking of an elk brought back memories of my youth in Colorado; my joy of hunting outdoors with my buddies always was dampened when, by luck, I would hit a rabbit or down a duck. It never failed to bring a lump into my throat and a tear into my eye, especially (as with Mr. Wallace) if the damn thing was still alive and I had to finish it off.

I also am in complete agreement with Mr. Wallace when he remarks that, although killing a wild animal is difficult, it still beats the "...castrated, earmarked, dehorned and injected... prodded, trucked, and knocked on the head" life of a cow. If this description of a cow's life strikes a guilty chord in anyone concerning our

inhumane methods of raising cows, pigs, sheep, and chicken, I'd recommend substituting a few meals of beans, rice, whole wheat, and potatoes for our daily diet centered around meat. You would be surprised at the flavorful dishes available. (Personally my favorites are many of the dishes of Mollie Katzen's *Moosewood Cookbook* and *Enchanted Broccoli Forest*, The Ten Speed Press, 1977 and 1982.)

And you also would be surprised at the indirect impact made on conserving the American West's water resources and (yes) Latin America's diverse (yet diminishing) tropical moist forests. Enjoying the issues from Paonia, Marstons, et.al.

Michael Moore
Ann Arbor, Michigan

GULLIBLE HCN

Dear HCN,

How can you be so gullible as to swallow whole a statement (page 8-9, issue of Oct. 14) that "many Navajo face relocation after more than 100 years of settlement on traditional tribal lands." Those lands may be traditional, but they are Hopi traditional lands. The Hopis have been there for at least a few centuries. Third Mesa may be the oldest inhabited spot on the continent.

The Navajo came into the area from the north at about the same time the Spanish were coming up from the South. At that time this Navajo branch of Apaches settled in the original "traditional" Navajo homeland, *Dinetab*, which is now around the area of the Jicarilla Apache reservation, east of the present Navajo lands. The Navajos began to swarm west in the 18th century, and Hopi tales of encroachment and battles go back to then. The Hopi word for Navajo translates something like "they who hit you on the head with a rock," which tells you something about how the two peoples first met. "Hopi" means "people of peace." The Hopi

were sedentary farmers, while the Navajo Apache were professional raiders.

Really serious pressure on Hopi lands came mostly after our New Mexico leader Kit Carson subdued the raiders (who are recorded as having stolen 450,000 sheep in the year 1850 alone) and the government stupidly tried to teach them to farm. Allowed back onto the Colorado Plateau, the Navajo steadily pushed the Hopi around until they had stolen nearly everything not nailed down and taken all the lands except those immediately adjacent to the Hopi villages.

After a century, the government has finally been ordered by our courts to set the matter straight and return the stolen lands to the rightful owners -- the People of Peace. I didn't think I would ever see *High Country News* celebrating people who rape and pillage as a way of life. Next time somebody sends you a book like this, take a few minutes to study history first.

Mark Acuff, editor
The New Mexico Independent
Albuquerque, New Mexico

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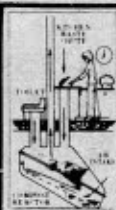
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