

High Country News

June 24, 1985

Vol. 17 No. 12

A Paper for People who Care about the West

One Dollar

Murky language lands an EIS in deep water

by Ed Marston

If a ruling by a United States district court judge in Oregon withstands appeals and spreads to other jurisdictions, federal bureaucrats will have to write environmental impact statements in "plain language so that decision makers and the public can readily understand them."

The attorneys, who argued the case for environmental plaintiffs concerned about spraying against gypsy moths, say it is a potentially historic decision because it empowers the public by making information available. They say the case could lead to abolition of complex language, such as the next paragraph, which was taken from the gypsy moth document's summary and introduction -- the part of a study people read for a quick understanding of an issue.

"Worst case" exposures that include consumption of food and water containing carbaryl residues are below ADI levels, indicating that cholinesterase inhibition could occur."

A decision by a district court judge does not necessarily become the law of the land. But the potential impact of this case is strengthened because the issue is of national importance, and it will be difficult for the government to ignore it in the hope it will be forgotten.

But an appeal also carries risks. If the Ninth Circuit Court in San Francisco, which has ruled in favor of environmental groups on pesticide cases, affirms the decision, the readability requirement would become law for California, Washington, Arizona, Hawaii, Oregon, Montana and Idaho, and be that much more likely to spread to the rest of the nation.

'Environmental impact statements shall be written in plain language and may use appropriate graphics so that decisionmakers and the public can readily understand them'

—The Council on Environmental Quality

The decision handed down on April 26, 1985, by Oregon District Court Judge James A. Redden imposes a 50-state injunction on the federal government's use of chemical insecticides such as Sevin against the gypsy moth. The injunction is already in effect in Oregon (see accompanying story) and will take effect January 1986 in the rest of the nation.

The ruling came on the "Gypsy Moth Suppression and Eradication Projects" final environmental impact statement, prepared by the U.S. Forest Service and the Animal and Plant Health Inspection Service. The Oregon-based judge's decision will affect the 14 mostly eastern states where the pest is a serious problem. The Forest Service estimates the gypsy moth causes several hundred million dollars worth of damage along the eastern seaboard from New England into the Virginias.

The pest -- travelling by what the document calls "artificial means" -- has also invaded the Northwest, and the Forest Service predicts California could suffer almost a half-billion dollars worth of damage between now and the end of the century. It was established in the U.S. accidentally in 1869 and has been fought with chemicals for decades. There is a broad constituency for controlling the moth, since it attacks both timber trees and trees in cities and suburbs valued for shade and appearance.

Starting in 1971, the federal government issued an environmental impact statement each year as part of a spraying program carried out with state and local governments and private landowners. After the 1979 environmental impact statement, the government decided to write a so-called national programmatic statement to serve as an umbrella for gypsy moth suppression programs over the next 10 to 15 years. That effort has been tied up in the courts.

Oregon citizens, organized into an alphabet soup of groups such as CATS, SOS, SOCATS and NCAP, have been particularly active in fighting insecticide and herbicide spraying of insects and brush. One case, decided by the Ninth Circuit

Court of Appeals, led Federal District Judge James Burns on March 1, 1984, to tell high federal officials that they "will spend their spring in jail" unless they stopped spraying programs (HCN, 10/15/84).

The decision the Forest Service and Bureau of Land Management attempted to ignore required the U.S. Government to do so-called "worst case analysis" of chemicals whose effects on human health were not known. The court directed the agencies to say they were ignorant of the precise effects of the spraying program, but that in the "worst case" imaginable so many would get cancer, so many asthmatic attacks and so on. The gypsy moth document contains such a worst case analysis, and it was this section that Judge Redden threw out.

The judge wrote in his opinion: "...the worst case analysis contained in Appendix F of the FEIS (final environmental impact statement) is hypertechnical, complex and replete with lengthy equations and calculations. When asked to interpret a portion of the worst case analysis, defense (i.e., the government) witness Dr. Richard Wilson, chairman of the Department of Physics at Harvard University, stated that he was unable to decipher the precise meaning of the passage, but given 15 minutes of study he could probably untangle the message. This testimony illustrates the complexity of this portion of the document."

Does an environmental impact statement have to be clear? And is it an important enough requirement for a judge in Oregon to throw out a national spraying program? Judge Redden said yes to both questions. Although no cases exist precisely on this question, he rejected the U.S. Justice Department's argument that "any failure to use 'plain language' ... was trivial."

In his May 20 rejection of the government's request for a rehearing after his April 26 decision, the judge quoted at length from the regulations the Council on Environmental Quality has established. Section 1502.8 reads:

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CAP starts flowing ✓ See page 12



CAP's Granite Reef Aqueduct

Bureau of Reclamation

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Dear friends,



High Country News

HIGH COUNTRY NEWS (ISSN/0191/5657) is published biweekly, except for one issue during August and one issue during January, by the High Country News Foundation, 124 Grand Avenue, Paonia, Colorado, 81428. Second-class postage paid at Paonia, Colorado. POSTMASTER: Send address changes to HIGH COUNTRY NEWS, Box 1090, Paonia, CO 81428.

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

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Subscriptions are \$18 per year for individuals, \$25 per year for institutions. Single copies \$1.00 plus \$1.25 postage and handling.

The weekend of June 8 and 9 was an exciting time for High Country News: it marked the coming together of good news and an extraordinarily productive and hopeful meeting of the HCN Board of Directors.

The very fact of an HCN board meeting is always something of a miracle. The burden of HCN is the vast empty quarter it covers, and to convene a representative board requires long travel. On this occasion, Adam and Nancy McLane made the two-day drive down from Helena, Montana. The other board members only had to travel one day. The Lander, Wyoming, contingent, consisting of HCN founder Tom Bell and former HCN staffer Marjane Ambler (an Atlantic City resident, actually), teamed up with Lynn Dickey of Sheridan, Wyoming, to make the nine-hour drive. The Colorado contingent came separately: board president Robert Wigington and Nancy from Boulder, and Garrett and Nina Ray from Fort Collins.

The good news they heard was in the circulation department. Last summer, when the paper's renewal rate jumped from the longtime 55 percent to 62 percent, we held our breath, waiting for it to drop back. But it has held at that level through the year. In March 1985, for example, the renewal rate was 64 percent. In April, a large month for renewals, it jumped to 71 percent. We will now start holding our breath again, for if the paper can retain 70 percent of its subscribers each year, it will be easier to grow. At the 55 percent renewal rate, where we lost almost 45 percent of our subscribers each year, the paper had to run hard to stay in place.

The board also heard that the first week in June saw 116 new subscribers come aboard. That compares with the average of 120 or so in an average month. The surge was due to a variety of factors: advertising in some national publications; ads run for us on an exchange basis in the newsletters of environmental groups around the region and the nation; a direct mail campaign and sampling of the several hundred names of "friends, lovers and co-workers," submitted to us by readers.

As a result of the improved renewal ratio and the jump in new subscribers, the paper's circulation trend has reversed direction. During the winter, it had dipped to 3600 and showed every intention of dropping to 3000 or so. Now it is nudging 3,900, and nearing its historic high of 4,000.

The circulation numbers are still small. HCN needs to be at 10,000 to put sea room between itself and the rocks, and to reach all the people who should be reading it. But 4,000 is as high as it has ever been (except for a brief spurt in fall 1983 due to a merger with Western Colorado Report) and the board was encouraged. The numbers, of course, are just indicators. Everyone stuffed into HCN's board room (which is normally the mail and intern room) for the very long Saturday meeting June 8 was pleased that the numbers hint that the paper is headed in the right direction.

The financial news was a mix of fair and foul, which is better than the usual mix of foul, fouler and foulest. HCN hasn't had a financial crisis for several years, and it seems the paper will avoid one again in 1985. However, it is going to be close. Increasing circulation is an investment in the



This is not a typical back-of-the-envelope from a subscriber, but one

we liked and wanted to share, from Bryan Kyle

future. The money spent to find new readers isn't recovered until they renew the first time. We think we calculated the investment in circulation so that we will reach September 1 -- the end of our low cash flow period -- with \$100 or so in the bank. For an operation that spends at least \$10,000 a month, that's as close to being flat broke as you can come. But since the paper has very low indebtedness (bills are paid as they come in), it is in fair shape.

In lieu of a crisis, the board voted to send out the 1985 Research Fund mailing on August 15. That is a month or so earlier than last year. But it means we will finish the Research Fund drive by Christmas. In the past, the drive has straddled the new year, and the Board didn't think that made sense.

Also on the question of finances, the Board voted to raise the subscription price for individuals from \$18 to \$20 and for institutions from \$25 to \$28 effective September 1, 1985. HCN has been hard hit by increases in printing costs and postage (the last postal rate increase clobbered us) since the Board voted the last subscription increase in late 1982.

Several alternatives to an increase were considered: reducing the number of issues published per year below 24, reducing the number of pages per issue and switching the postal permit from Second Class to Non-profit Bulk (that is, junk mail). Each would save money, but cut quality. Reducing the number of issues or the size of the paper would aggravate our present dilemma of not having enough space for the news. Mailing out as junk mail would mean the paper could spend weeks in transit. Right now, our Second Class permit gives us priority.

To ease the impact of the subscription rate increase, subscribers will be able to renew at present rates. To encourage that, address labels will now go out with expiration dates. It is the first number in the bottom line. The first numeral or letter stands for the expiration month (January is 1, September is 9, October is O, November is N, December is D, and the second number is the year (1985 is 5, 1986 is 6). By reading the label, you can decide if it pays you to renew before this September 1. If you do renew at the old rates, please include a label from the paper.

Needless to say, the interesting part of the meeting was about HCN as a newspaper rather than as a business. The meetings are helpful because the Board acts as both a sounding board and a mirror, helping the staff see the paper through the eyes of intelligent, concerned and yet critical observers.

This time, for example, the Board expressed surprise when editor Betsy Marston mentioned in passing how many stories come to us unsolicited. The Board's impression had been of

we liked and wanted to share, from Bryan Kyle

writers producing stories assigned out of Paonia. The surprise made the staff itself more aware of how much the paper is shaped by its readers. In some cases, the correspondents are not experienced writers, and their letters often suggest that the stories be "sharpened." In all the cases, staff has not met the writers. But the freelancers understand both their chunk of the region and HCN, and get in touch at critical points.

This issue, for example, has articles by Tucson journalist Tony Davis, a long-time reader who decided HCN should bring its readers up to date on the Central Arizona Project. The book review by Michael Smith on the grizzly in the Southwest came just in time for the June 10 Special Issue on endangered species. The last three issues of HCN benefitted from timely, informed articles by new writers.

In the interests of completeness, we should mention that the weekend was not all work. Lynn Dickey and Marjane Ambler say they were fascinated on the trip down from Lander by Tom Bell's encyclopedic knowledge of the wildlife, plant life and agricultural practices in the land they passed through. They arrived in Paonia Friday evening just in time to take part in that evening's barbecue. The highlight was charcoaled pork-chops washed down with Kessler beer, a new, native Montana ale brewed in Helena and delivered by the McLanes.

The marathon Saturday board meeting was made bearable by lunch at Casa Blanca Restaurant, and the meeting was followed by a more humble barbecue (hamburgers) Saturday evening. Board members literally camped on the Marstons' backlawn Saturday evening, following a spectacular display of clouds, lightning and rainbows. The Wyoming contingent heading for home at 5 A.M. Sunday, followed by the others at a more civilized hour.

The staff thanks Ben Harding, a Boulder, Colorado, engineer, for his gift of an IBM Selectric typewriter, delivered with the help of Sherry and Bill Haman of Grand Junction. We are grateful for the gift, but far from surfeited. HCN has a large appetite for working typewriters, personal computers and printers. If they are just gathering dust in your office or home, we suggest you let us transform them into a tax deduction.

We just received word from last summer's intern, Lisa Lombardi, who is excited about her new job. After a year of graduate study at the University of Massachusetts, her summer task is "a project which involves finding all the 'old-timers' -- pre-1970 environmentalists -- and getting their stories." If you have leads, she can be reached at the Alaska Center for the Environment, 1069 W. 6th Ave., Anchorage, Alaska 99501.

WESTERN ROUNDUP

New Park Service chief may be a winner

YELLOWSTONE NATIONAL PARK, Wy. -- When the new director of the National Park Service spoke at a meeting of conservationists here recently, he was asked how his aggressive plans to protect the national parks would fare in an administration famous for its hostility to environmental matters.

"I'm an optimist," 75-year-old William Penn Mott said. On June 6, Bill Mott kicked off his tenure as director of the National Park Service, and took a number of people by surprise. At a meeting with leaders of several national conservation groups and park concessionaires, he laid out a bold plan for management of the parks.

"The parks are so important to our health and welfare and productivity that they have to be supported, and we're going to take a very aggressive position in regard to these matters," Mott told an enthusiastic audience. "It is a campaign we must win if we are going to save ourselves."

The former director of the California Parks and Recreation Department, who has been a park professional for 50 years, said he plans to work to limit visitation, raise park user fees and create buffer zones outside park boundaries. But Charlene McClain, a spokesperson for the National Parks and Conservation Association, points out, "He's got a heavy load to deal with. Probably the biggest is the one-third cut in the Park Service budget."

However, McClain continues, Mott, if anyone, has the credentials to change the way the parks are managed. He has the support of his long-time friend Ronald Reagan, as well as that of Secretary of Interior Donald Hodel.

Friends of the Earth founder David Brower said that as an insider, Mott may be able to accomplish things others couldn't. Brower said, "I think he's known Reagan long enough that he is going to be able to get away with things the others couldn't."

The silver-haired Mott was born in New York City. He received his undergraduate degree in landscape architecture at Michigan State University, and a graduate degree, also in landscape architecture, from the University of California at Berkeley.

In his mid-20s Mott began working for the National Park Service, and has been involved with parks ever since. In 1967 he became director of the California State Department of Parks and Recreation, a position he held until 1977, when he became manager of the East Bay Zoological Society, a post he held until his appointment to Park Service Director on May 1. He is presently on the Board of Trustees of the National Parks and Conservation Association.

Spry and forceful, Mott chose Yellowstone to launch his tenure as director because it is the nation's first park. During his meetings, Mott was specific about the course he is charting for the parks.

One priority is new parks, including a tall grass prairie park in Oklahoma, as well as an entire river system, which he did not name. Mott would also like to begin acquiring critical land in and around existing



William Mott

parks, both by fee-title acquisition and through easements and covenants.

One of Mott's most surprising statements was a whole-hearted endorsement of the Yellowstone ecosystem, a concept proposed by the Greater Yellowstone Coalition, a group of environmental organizations, that would protect six million acres outside of the park.

"We need to look at the total ecosystem in order to protect the resources within a park," Mott said. "We're using Yellowstone as an example (for other parks.) We support the concept of management of the ecosystem."

As an integral part of that ecosystem, Mott also favors restoring the wolf to Yellowstone -- and other predators to other parks.

One of the keys to Mott's plan to reshape the parks is a limit on visitors in popular parks to protect the resource and assure the visitor a quality experience.

"I feel confident that the public would rather visit a little less often but

know that when their turn comes, they will be assured a high quality, uncrowded experience," rather than to be able to visit as often as they like only to find mediocrity, he said.

The new director said he would also like to remove concessions where they conflict with preservation goals, and he specifically mentioned Fishing Bridge in Yellowstone. Park service officials there had planned to remove the village and restore the habitat for the grizzly bear, but ran into a storm of opposition from Wyoming business people.

Mott said he intended to make decisions on removing concessions and limiting visitors with input from affected groups, such as concessionaires, but stressed the final decision was his. "If they don't want to be a part of our team," Mott said, "then we may have to get some new concessionaires in that particular park."

George Toney, president of TW Services, which owns concessions in five national parks including Yellowstone, said he supports the new policy, in spite of its possible effects on his company. "We're part of the team," Toney said. "It will be a little different, but we heard nothing that disturbs us."

Mott said he also plans to raise entrance fees to the park, but did not say how much. However, Destry Jarvis, a spokesman for the private National Parks and Conservation Association, said raising visitor fees is not solely a decision of the director. "Currently there is a statutory freeze on the imposition of any new fees or raising of existing fees," Jarvis said. "And that would have to be changed by Congress before the park service could do anything about it."

There is also a freeze on new parkland purchases, which Mott said will need to be repealed before he can add to the national park system.

Mott's 12-point agenda is nearly a 180-degree departure from that of Interior Secretary James Watt, who focused on ways to accommodate concessionaires and repair park infrastructures such as roads and buildings. Watt also severely limited the purchase of new parkland.

--Jim Robbins

A federal judge disinfects Utah

An \$8.4 million germ warfare laboratory in Utah cannot be built until the Army does a thorough environmental impact statement. That recent decision by a federal judge was a victory for the Foundation on Economic Trends, a private, non-profit research organization headed by Jeremy Rifkin in Washington D.C.

Rifkin said the new lab at Dugway Proving Grounds some 85 miles from Salt Lake City might be used to test "genetic engineering weapons." The Defense Department argued that the lab was not designed for new biological weapons, but would provide better protection against leaks, such as the nerve gas escape in 1968 that killed 6,000 sheep.

District Court judge Joyce Hens Green ruled that recombinant gene testing was not the issue. Instead, she found the military's environmental

assessment covering pathogenic agents and toxins was "clearly inadequate" because it presented "an amalgam of conclusory statements and unsupported assertions of 'no impact.'" The judge blocked construction of the lab with a permanent injunction.

Funding for the "Aerosol Toxin Test Facility" had almost been approved by congressional subcommittees on military construction until Sen. Jim Sasser, D-Tn., withdrew his support. Sasser said the lab could branch out into new weapons testing. The foundation's lawsuit called for both an environmental impact statement, which would assess risks to local residents, and debate and approval by the full Congress.

--Betsy Marston

HOTLINE

Militant Sister



Sister Frances Russell

Before Sister Frances Russell left Cheyenne, Wyoming, this month to study with her Order in Kansas, the nun known for her peace activism took part in an act of civil disobedience. In late May, Sister Frances and six others illegally entered F.E. Warren Air Force Base where nuclear-tipped missiles will be housed in silos. The seven were part of a group of 75 protesters who had marched a mile to the base. Sister Frances told a reporter that social change will only come through the actions of people of faith. "Our faith tells us to confront and in fact, disobey the law, but we will do this peacefully." The seven trespassers were not arrested, but were banned from entering the base for two years. Sister Frances had lived in Cheyenne since 1980 and had served as coordinator of the Tri-State MX Coalition.

BARBS

Oh, No!

In a story on the drought in the Northeast, *The New York Times* reported: "By August 1, residents and businesses could be asked for further sacrifices, including use of flow restrictors on showers."

But then where will they get their milk?

Wyoming Sen. Alan Simpson recently told a Cheyenne audience that farmers and ranchers must "get off the federal breast" and support themselves in the free market.

Picky, picky.

According to a critical article by T. Lawrence Jones of the American Insurance Institute, the five-year-old, \$1.6 billion Superfund has only cleaned up six "relatively simple sites" out of 2,000 which may be eligible for the Superfund list.

We hadn't thought of that.

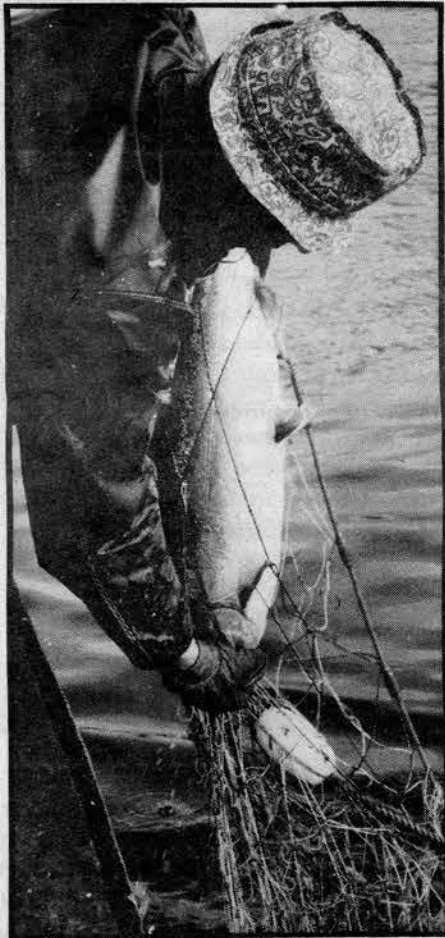
The Wyoming Environmental Quality Council recently voted 4-3 to deny a petition from the Wyoming Wildlife Federation asking that surface mining at Red Rim be banned because the area is critical habitat for antelope. Commission member Edgar Langrand said after the vote: "I feel the antelope will be better off after mining occurs." Langrand is reclamation supervisor for the Arch Minerals coal mine in Hanna Wyoming.

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HOTLINE

Congressman wants to rein in military

Nevada Rep. Harry Reid, D, has introduced a bill to halt the almost automatic appropriation of land and air space by the Defense Department. Reid's bill, H.R. 1584, would require congressional approval of all military air and land withdrawals. Current law allows the Defense Department to proceed internally by seeking approval from the Transportation Department after an environmental impact statement is completed. In Nevada, more than three million acres of land are now zoned for military use and some 10 million acres of air space are used to train pilots of supersonic jets. Conservationists who support Reid's bill say sonic booms from low-flying jets shake the foundations of houses, potentially injure the health of people and other animals and may threaten the designation of wilderness areas in Nevada (HCN, 3/4/85).

Sportsmen challenge Indians

Two sportsmen's groups have merged in Idaho to fight what they consider an excessive harvest of salmon by Indian fishermen. The new group, Idaho Steelhead and Salmon Unlimited, says tribes are abusing their treaty rights by overfishing the Columbia River during spawning season. The Inter-Tribal Fish Commission denies the charge, and points out that a federal judge refused Idaho's request to block the ceremonial tribal harvest of 3,400 chinook this spring.

Cities dry up

It has long been known that rain doesn't follow the plow. Now researchers have discovered that humidity flees cities. According to researchers at Arizona State University in Tempe, despite its lawns, pools, and artificial lakes, the Phoenix area's humidity is dropping due to the loss of agricultural land. Research associate and climatologist Dr. Robert Falling, Jr., also found that temperatures are rising. That is particularly true at night, where heat emitted by buildings and roads reduces the nightly temperature drops typical of deserts.

The fight over Mt. Leidy is 40 years old

JACKSON, Wyoming -- At first it was business as usual at Bridger-Teton National Forest Service headquarters in Jackson, when 31 oil and gas leases came up for routine renewal this spring.

But the community of Jackson Hole sent a clear message to the Forest Service that the renewal of leases in the Leidy Highlands would threaten the tourism-based economy, as well as wildlife and scenic resources. Strong public opposition plus a timely court decision by Montana Judge Paul Hatfield, ruling that the Flathead and Gallatin national forests in Montana must complete an environmental impact statement before any mineral leasing could be allowed, caused the Forest Service to delay. A decision on whether to renew the 31 leases will now be part of its land management plan.

Phil Hocker, national treasurer of the Sierra Club, said that the decision to delay action until the forest plan is completed is a big improvement in the planning process. But his group still wants no leases issued in the Leidy Highlands.

The Leidy Highlands is a traditional local name that refers to a block of the Teton National Forest completing the "emerald chain" of park and protected areas around Jackson Hole. The area links the Gros Ventre Wilderness on the south to the Teton Wilderness on the north, extending west to Grand Teton National Park.

Hocker recently travelled to Washington, D.C., and recovered several pieces of correspondence from the national archives. He said they showed that government officials in charge of public lands wanted to protect the Leidy Highlands from oil and gas development.

In a letter dated Dec. 17, 1946, Charles F. Brannan, Secretary of Agriculture, wrote Julius A. Krug, Secretary of the Interior, about the values of the Leidy Highlands:

"It seems widely recognized that the territory extending southward from Yellowstone National Park possesses unique natural values of pronounced economic and social significance."

The Secretary of Agriculture also wrote that a unified position against oil and gas leasing had been reached:

"I suggest that the execution of leases under the Mineral Leasing Act with respect to such lands be discontinued and that such lands be temporarily withdrawn insofar as possible from the operation of the mining laws..."

But before this recommendation was made, the General Land Office, which became the Bureau of Land Management, had already approved leases in the area north of Jackson Hole. In a memorandum dated July 19, 1945, acting director of the Park Service Hillory A. Tolsom wrote to Interior Secretary Krug about the Leidy Highlands:

"We have just learned that oil and gas applications for 171,481 acres of land are now pending in the General Land Office and that leases have been approved for 11,840 acres... This was the first information we have heard of these leases, and we have just learned from the Superintendent of Grand Teton National Park that the U.S. Forest Service was not advised of the leases on Forest Service lands



until after their approval. The Fish and Wildlife Service has also advised us that it was not informed of these applications for leases.

"It is the recommendation of this Service that all of the area south of Yellowstone National Park and north of the 10th Standard Parallel near Jackson, lying between the east boundary of Jackson Hole and the Continental Divide, be not opened to oil and gas development unless this action is clearly required by an impelling national need not now evident."

And on July 26, 1946, Superintendent of Grand Teton National Park John S. McLaughlin wrote to the Region Two director:

"Upon study of our files, I was startled to learn that the Service has apparently withdrawn objections to several applications in the heart of the Teton Wilderness Area... I recommend that steps be taken immediately to reverse our position concerning

these applications... any activity of the sort contemplated (drilling for oil and gas) will affect our area in direct proportion to the amount of drilling undertaken regardless of its location in Jackson Hole. Our situation here is different from other areas in that the Park and Monument make up the hub of activity in a valley. Any disturbance on the radii of the hub will affect the core... I am convinced that protective strips along highways in a situation like this would be the sheerest sort of sham. This is one place where you either have it or you don't!"

At that time the community of Jackson Hole had just gone through a tumultuous period during the establishment of the Jackson Hole National Monument. The community was sharply divided and there was little chance of the community unifying to protest the leases that were mysteriously being approved.

The Jackson Hole *Courier* summed up the feelings in the community: "Opinions in Teton County are as usual divided on the issue. Some would like to see the county fully exploited for oil while many others point to the desecration of this primitive locality that would naturally result."

Finally, in August, 1947, Interior Secretary Krug came out with a final recommendation prohibiting leasing any land in Jackson Hole north of the 11th parallel since leases had already been approved north of the 10th parallel. The decision represented a compromise between oil and gas interests and land managers.

Thirty-eight years later, opponents of proposed leases include the Teton County Board of Commissioners, Jackson Town Council, Jackson Hole Area Chamber of Commerce, Jackson Hole Alliance for Responsible Planning and the Wyoming Wildlife Federation.

--Marylee White

Union Pass issue boils over

The Bridger-Teton National Forest in Wyoming is again at the center of a controversy. This time the question is whether Forest Supervisor Reid Jackson misled residents of the Upper Green River Valley.

At issue is the Union Pass road, which connects the town of Dubois, northeast of the Wind River Range, with the towns of Cora and Pinedale in the Upper Green.

The two areas are now tenuously linked by a road over Union Pass. The link is tenuous because part of it is steep and gullied, with sharp curves logging trucks can negotiate only at some risk.

Pinedale and Cora residents saw the deteriorated condition as protection against large-scale logging by L-P and against the end of a certain amount of isolation. So they applauded when Jackson said this winter that the Forest Service would maintain the road to prevent erosion but would not "implement any major reconstruction of the proposed connecting link."

But the applause was followed by anger in mid-June, when the area learned that Jackson had given L-P permission to make the road passable for their trucks by installing culverts

and relocating several hundred yards of the road. L-P will do the work at its own expense.

Pinedale district ranger Sam Warren said L-P's work falls within the definition of maintenance.

Cora resident and log home builder Stuart Thompson, however, said that installing 11 culverts, some large enough to carry streams, and building a switchback seemed like more than maintenance.

Thompson also said that while the impacts of large-scale logging were an emotional subject, he was more concerned with the opening of the valley to through traffic. That, he said, was a major decision the Forest Service should carefully consider. But district ranger Warren said the road was too poorly located to ever become a dependable thoroughfare.

As of this writing, it is not known how the state's congressional delegation will react. John Barlow, head of the Wyoming Outdoor Council, said that some in the delegation already feel they are too involved in the day-to-day management of the Bridger-Teton due to its controversial decisions.

--Ed Marston

Rancher says loggers are worse than hikers

HOTLINE

June Swanson had little use for government-declared wilderness until recently. Wilderness brings backpackers who annoy grazing cattle, and what rancher needs that? reasoned Swanson, who lives 16 miles from Kremmling in western Colorado.

Her attitude was shared by nearly all her ranching neighbors in Troublesome Valley. So when the Forest Service took testimony during the late 1970s on whether to put an adjoining valley, the Troublesome East Fork, into the nation's wilderness system, no ranchers supported it.

Multiple-use management had worked well for the 66-year-old Swanson and her neighbors. In summer, they made hay on their ranches and grazed their cattle up on the East Fork, primarily on Forest Service land. In autumn, they drove the cattle down from the high country before elk and deer hunting seasons began.

Just one road reached the heart of the 60,000-acre tract, and that road was controlled by a rancher. The Forest Service had a couple of rough roads to the edge of the heavily timbered basin. And there was one other road -- the road that runs through June Swanson's property.

That road caused June Swanson to change her mind about wilderness. It had been blazed out of the very real wilderness in the early 1900s by a family that had stubbornly homesteaded in a small park far up the valley. The road leaves the county road near the house where Swanson was born and raised, on the banks of the main fork of Troublesome Creek. It then climbs through the timbered Swanson property for a mile or two before reaching government land.

The last reported sighting of a grizzly bear in the East Fork was made in the mid-1930s, about the same time that June Swanson started exploring that remote region. Few deer and almost no elk were there, she says, as hunters who kept the mining towns supplied with meat during the late 1800s had nearly wiped out the species. Few people had reason to venture into the backcountry.

That changed after the war. Hunters using surplus military jeeps rattled down meager roads like the one that went through the Swanson property. The elk and deer herds had



June Swanson

grown. Swanson at first let people use her road for free. Most were friends from nearby towns or even neighboring ranchers. Then more and more out-of-town hunters came, and at first, access was free for them as well. But too often they lost keys and left gates open and so she started charging. Finally, a few years ago, she leased exclusive rights to her access to a self-policing sportsman's group -- an arrangement she finds satisfactory. Disabled by arthritis, she also finds the income vital.

Not everyone was pleased with the arrangement. Swanson repeatedly denies access to hunters, directing them instead to other well-known roads that during hunting season begin to resemble busy city streets with the adjoining forests having the feel of a shopping mall. "What they don't understand is that if I let everybody in through my property, the hunting in the East Fork will be just as bad," Swanson says.

The virtues of the area had not gone unnoticed by conservationists, who lobbied heavily for wilderness designation in 1978. But the area had other virtues too -- virgin but aging stands of lodgepole and spruce trees probably underlain by reserves of oil, gas and other minerals. In the end, the timber and minerals tipped the scale, causing the Forest Service to recommend multiple-use management, according to Roger Corner, Kremmling-based ranger for the Forest Service. That was the recommendation adopted by the

U.S. Congress in its Colorado Wilderness Bill of 1980.

Now the Forest Service is studying how to get the timber out of the East Fork basin and to sawmills in nearby towns. One tentative proposal would employ the road that crosses Swanson's property. Once the timber was harvested, the road would remain open to the public, according to the plan.

That plan has changed Swanson's mind about wilderness. "We weren't thinking about the consequences," she says. "We thought about all the backpackers and we didn't want that. But we didn't realize what logging would do to us."

The Forest Service argues that the road through her property to the timber would be the least costly way of getting timber out. To that, Swanson responds that since it will be a deficit timber sale anyway, the Forest Service should quit worrying about saving \$25,000 to \$50,000 on an access road.

But beyond that is the basic issue of access. Swanson does not relish the prospect of lumber trucks hourly grinding past her house on their way, probably, to the nearest Louisiana-Pacific sawmill or waferboard plant in Kremmling. Even more, she opposes the Forest Service plan to leave the road open after timber harvesting has ceased.

Corner argues adamantly that if there is any access into the area, the public should be able to get into it as easily as anybody else. Conversely, says Corner, "If we aren't going to have access, we ought to have it that way for everybody."

Swanson does not respond directly to this charge. She admits that if a public road were built through her property, the sportsman's club would no longer be interested in paying her to cross her property. But she points out that the Forest Service already has roads to the edge of the basin, though not in the immediate vicinity of her access.

But if the public can easily get into the area, it will no longer experience the best a wild area offers. Right now, she says, she'd be happy to see a billboard erected on her front lawn telling the world that she lives at the gate to a wilderness area.

--Allen Best

EPA sued over radon

Three environmental groups have filed suit against the Environmental Protection Agency for failing to fully protect the public from exposure to uranium mine radiation. The EPA recently set standards for underground uranium mines requiring emissions reductions of radon, an air-borne gas that causes lung cancer. But the Environmental Defense Fund, Sierra Club and Natural Resources Defense Council charge that all emissions can be eliminated with new techniques now available. Based on the Clean Air Act, the lawsuit was filed in Washington, D.C.'s Court of Appeals.

Arizona water czar



Kathleen Ferris

The most powerful men in the West are not the governors -- they are the heads of the various departments of water resources or state water engineers. Now one of those powerful positions is occupied by a woman. Kathleen Ferris, 35, will take over from retiring Wesley Steiner in August as director of the Arizona Department of Water Resources. She will be the first woman to occupy such a position, whose duties are to help set and carry out state water policy, to work with other lower and upper Colorado River Basin states, to help develop the Central Arizona Project, and so on.

A dubious achievement

A new acid rain study by the Environmental Protection Agency confirms that Wyoming leads the West in the production of sulfur dioxide and nitrogen oxides, major ingredients of acid rain. The emissions are produced by oil refineries, power plants and other industrial operations as well as vehicles. States ranking second and third to Wyoming in SO₂ and NO_x are Montana and Colorado, followed by Utah, Nebraska, Idaho and South Dakota.

BARBS

Applying carpentry to radiation danger.

A letter to the *Gunnison* (Colorado) *Country Times* from Robert Vinson said in part: "... anyone that would build below a tailing pond would have to be a half bubble off plumb anyway, and if the rest of us help pay the cost of moving it, our elevator doesn't go all the way to the top either."

See, people do care about others.

Doctor-chasing Colorado attorneys have been running ads reading: "Are you disabled due to medical malpractice?" and "If your child has cerebral palsy or brain damage... could it have been prevented?"

Cattle triumph over elk in northern Nevada

A decision by Nevada officials to kill plans for reestablishing elk near the Idaho border was "arbitrary, industry-oriented and with a definite avoidance of public involvement," charges Jack Trueblood of the Idaho Sportsmen's Coalition, a group formed last year.

Nevada's Department of Wildlife announced that the decision by its director, Will Molini, had the concurrence of the Wildlife Commission and was reached after a closed meeting with ranchers. Idaho residents involved in the meeting included the "71" Livestock Association but there was apparently no effort to involve sportsmen or wildlife enthusiasts from either Nevada or Idaho, Trueblood said.

Molini explained his turnaround in a letter to state Sen. Alan Glover of Idaho. "A release of elk could be counter-productive to furtherance of

existing wildlife management programs," he wrote. Molini added: "We will withdraw consideration of this proposal until, and if, the locally affected livestock interests can concur with such an effort." The proposal was to introduce 50 elk.

Local ranchers said they had been concerned about competition for forage between their cattle and elk, particularly since some key meadows are now privately owned. They said they could also do without an increased federal presence in the area, which is next to Nevada's only designated wilderness, Jarbridge Wilderness.

Despite long negotiations between some ranchers and the Nevada Department of Wildlife about providing "reparations" to ranchers for lost forage, the more radical Nevada and Idaho ranchers remained unconvinced. Charlie Watson, director of

the Nevada Outdoor Recreation Association, said about a dozen dissident ranchers lobbied state legislators to pressure Molini into cancelling the elk program. In late April, Watson said, the *Reno Gazette-Journal* reported that the pressure worked. The paper said that some legislators told Nevada's Wildlife Department that if it wanted to avoid slashed appropriations, it should kill the elk project.

The program was a joint effort by both the Nevada and Idaho state wildlife departments and had been under consideration for 15 years. Elk were eliminated by poaching from the Jarbridge area in the late 1960s, but the lands now administered there by the Bureau of Land Management and Forest Service were heavily populated by elk 100 years ago.

--Elliot Bernshaw, staff

6-High Country News -- June 24, 1985

HOTLINE

Treeless riverbanks



Ken and Donna Danner

A recent study comparing aerial photographs of Colorado's waterways in the 1940s and 1970s reveals that river habitats are dying because dams have halted natural flows. According to a report by the Colorado Division of Wildlife, cottonwoods and willows once provided critical habitat for riparian wildlife such as bald eagles, great blue herons and eastern bluebirds. But dams and other water projects have eliminated spring floods necessary for those trees to sprout. As a result, tree populations are dwindling. About 43 percent of Colorado's wildlife species use the riparian ecosystem, the report says. The state is now trying to transplant trees to the banks of rivers, using some funds from the state's income tax check-off program.

A new fence fight

Yet another Wyoming fence dispute has put public officials on edge. In a case similar to the Red Rim battle (HCN, 2/20/84), a sheep rancher has begun fencing his allotment of public land with a woven-wire fence that antelope can't cross. Although 90 percent of J.R. Broadbent's fence near Fort Bridger in southwestern Wyoming would be on private property, it could block 2,000 antelope from their winter feeding grounds on Bureau of Land Management land. The Wyoming Game and Fish Department, which is now trying to set state standards for fencing public lands, says only four-wire fences with an unbarbed bottom wire are permissible. Broadbent, however, says that a four-wire fence won't contain his flocks. Game and Fish Director Pete Petera says the issue is basically on hold and that the department has not decided how far it will take the issue if negotiations with Broadbent fail.

BARBS

They've really got the industry now.

The Congress has ordered cigarette companies to change the health warning on cigarette packages quarterly. And the Federal Trade Commission has ruled that "quarterly" means four times a year, rather than four different messages running simultaneously, as the industry had wanted.

Idaho forests to get \$1.3 billion in roads

Northern Idaho's three National Forests plan to build 16,570 miles of new roads costing \$1.3 billion during the next 45 years. The new roads will open up 1.3 million acres, including some one million acres in the region supporting 65 percent of Idaho's elk population. The result, according to four Idaho conservation groups and an independent publisher, will be "a massive assault on Idaho elk and fish."

At a press conference in Boise May 22, the Idaho Environmental Council, Idaho Conservation League, Idaho Sportsmen's Coalition, Middle Snake Group of the Sierra Club and publisher Ken Robison released these and other figures on National Forest roadbuilding. "These plans aren't final -- yet," said Ron Mitchell of the Sportsmen's Coalition, who urged public opposition.

Draft forestwide management plans have been released for the Panhandle, Clearwater, and Nezperce National Forests, which together total 6.5 million acres. The plans propose to road 1.3 million of the 2.27 million of de facto wilderness remaining on the forests, increasing the existing road network of 11,910 miles to 28,480 miles. Based on an average cost of \$84,000/mile on the Nezperce Forest, the price tag for this roadbuilding will be \$1.3 billion, the groups said.

"In 1981, the Idaho Fish and Game Department put our elk population at 90,000 animals," said Ken Robison. "It's probably over 100,000 today. At a conservative \$50 for a day's elk hunting, Idaho's elk are worth \$25 million a year." According to Idaho

Fish and Game, 65 percent of Idaho's elk are in the roadless and partly roadless country of north-central Idaho. The three forest plans propose to road one million acres in this area. Road densities in the roaded portions of the Forests would increase to more than four miles of road per square mile.

"The biologists I've talked with are using words like 'destruction' and 'travesty,'" said the Sportsmen's Coalition's Mitchell. "The Forest Service's own studies show such densities eliminate 50-80 percent of elk use. Elk harvest on the Middle Fork of the Boise River went down 91 percent from 1968 to 1978 due to roading just like what's being proposed in our very best elk country."

When asked if the charges were accurate, Idaho Fish and Game biologist Sam McNeill said, "It all depends on what they do with the roads. The unroaded areas carry a large number of elk. If they build a road, get in and out fast, and put them to bed, there's not much of a problem. But the history has been that that's not the way it occurs. Once the roads are built, the temptation has been to stay in harvesting longer, or road closures can't be made effective, or the public wants them kept open."

"Over the next four decades, if the Plan is approved, there will be a major development of roadless areas on the Clearwater and there will be an impact on elk," said Clearwater Forest wildlife biologist Danny Davis. Davis said about one-third of the Clearwater's planned timber volume for the

next 10 years will come from existing roadless area. "All of that is high-quality elk habitat," he said.

"But we're going to try to minimize and mitigate for that damage. It's not the roads, but the human use of the roads once they're built that causes the problem," he added.

Davis said management prescriptions in the Clearwater Plan will minimize the impact through road closures, smaller and irregularly-shaped cutting units and quick harvest followed by closures. "If people look at our history, they might be sceptical," said Davis. "But the agency can change, and those are things we intend to do."

"There are some real problems with that approach," Mitchell said. "Some of the roads will be permanent and won't be closed. Money for road closures, especially on a major scale, is not a Forest Service budget line item, and there's no guarantee it will be there. Timber sales are generally let for five years, and two year extensions are common practice. And the bottom line is that the Forest Service's record of unsuccessfully closing roads is terrible; they've got no track record for us to trust."

For Ken Robison, the issue is also the Forest Service's haste to build roads when "the backlog of sold but uncut timber is almost two million board feet -- about a four year supply. We will all be paying for roads to provide access to timber that has no market."

--Pat Ford

Arizona desert yields an ancient skeleton

The oldest known dinosaur skeleton was airlifted from the Petrified Forest National Park in Arizona June 6. The discovery of the small, approximately 200-pound dinosaur was made by Bryan Small, a Texas Tech University student, last summer.



Airlift of the dinosaur

The dinosaur may be part of a new family related to the plateosaurs that eventually gave rise to the giant brontosaurus, the largest creature in history.

Robert Long, paleontologist for the National Park Service, said the dinosaur walked on four legs to wade through streams and swampy lowlands, in what became the arid Painted Desert. Long and a team of scientists from the University of California at Berkeley, the University of Colorado and Harvard University believe that the discovery of this dinosaur, plus reptiles and many

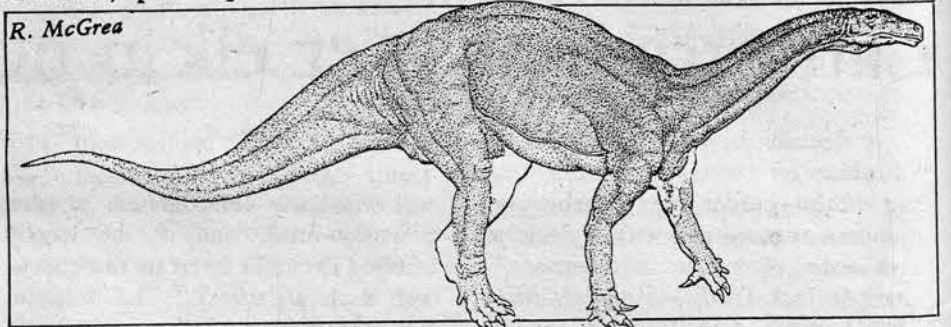
ancient plants, provides the best "microsphere of early life."

Long paints an alien picture when the dinosaurs lived some 225 million years ago. "There were no flowering plants, no birds, no butterflies, no colors -- only green and brown. The first mammals were still 10 million years off."

The skeleton found in a betonite clay area at Chinde Point was coated with plaster of paris and dried on a pallet. The 1500-pound pallet was then airlifted by helicopter to Berkeley.

--Dale Schicketanz

R. McGree



Plateosaur, a member of the newly-found dinosaur's family

New Mexico may build a railroad

Despite the strenuous objections of environmentalists, New Mexico Gov. Toney Anaya signed a bill June 7 that may soon put the state in the railroad business hauling coal.

After two previous tries, state Sen. Jack Morgan won passage of his bill to construct a state-financed line to serve the San Juan Basin, the state's coal-rich northwest quarter. The state Legislature approved the measure to let New Mexico issue bonds to build up to a 150-mile rail line tapping the basin's strippable coal deposits.

Anaya said the bill will ensure orderly development. "Without a mechanism to regulate such development, uncontrolled exploitation could well be the result."

Jonathan Teague of the local Sierra Club chapter branded the bill "a special interest subsidy to the energy industry." Teague said large-scale coal development would endanger the hundreds of Anasazi Indian ruins that dot the basin but lie outside of nearby Chaco Historical National Park.

--Nolan Hester

June 24, 1985 -- High Country News-7

BULLETIN BOARD

DRILLING PERMIT OK'ED

The Bureau of Land Management has approved Woods Petroleum Company's application to drill an exploratory gas well 100 yards inside the Lewis and Clark National Forest boundary. Access to the site is across the Montana Department of Fish, Wildlife and Parks' Bleakleaf Wildlife Management Area. Woods should begin drilling by the middle of July and continue until mid-October. Call Jim Mitchell at BLM's Lewiston District office for more information (406/538-7461).

TRAIL GUIDE FOR HANDICAPPED

The Forest Service's Northern Region has published a five-page directory of national forest sites and trails for the handicapped. There are now 56 sites and trails in Montana and northern Idaho either designed or modified for handicapped visitors. Write to Northern Region headquarters, Forest Service, P.O. Box 7669, Missoula, MT 59807 for a copy.

NEW WYOMING MAP

A new "Geologic Map of Wyoming," reflecting extensive geologic mapping done since the 1955 version, is now available. Compilers were USGS geologists J.D. Love and Ann Coe Christensen. Each map comes with an explanation and list of references used in its compilation. Copies are \$10.50 from the Geological Survey of Wyoming, Box 3008, University Station, Laramie, WY 82071 (307/766-2286).

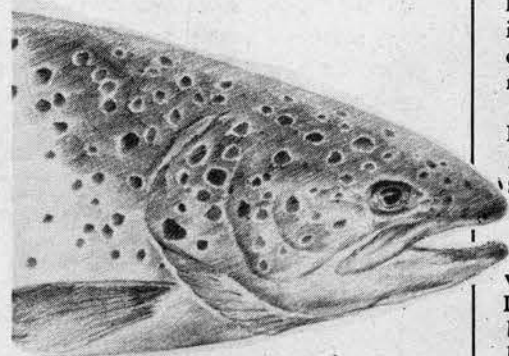
GRIZZLY GUIDELINES

The Forest Service would like citizen reaction to its "Guidelines for Management Involving Grizzly Bears in the Greater Yellowstone Area," whose ultimate goal is the recovery of the grizzly bear. There will be a meeting on the guidelines on July 17 at the Idaho Panhandle National Forest Headquarters, 1201 Ironwood, Coeur d'Alene, ID 83814 (208/765-7223). Send for a copy to Tom Coston, USDA-Forest Service, P.O. Box 7669, Missoula, MT 59807 (406/329-3288).

HIKE THE PASSES

In *Hiking the Highest Passes*, writer Bob Martin outlines hiking routes to Colorado's mountain passes above 12,000 feet, none of which can be reached by car. Hiking to a high pass can be more dramatic than climbing a mountain, says the author, who adds, however, that no pass is as tough as scaling a 14,000 foot peak. A useful book.

Pruett Publishing Company, 3235 Prairie Ave., Boulder, CO 80301. Paper: 228 pages. Illustrated with photos, topographical maps.



SURVEY OF SPORT FISH

Over 70 percent of the 1,300 streams and impoundments surveyed for a U.S. Fish and Wildlife study have been judged suitable for supporting sport fish populations. The study, The National Fisheries Survey, was undertaken to relate the nation's water quality to the health and viability of fish populations. The two most prevalent sport fish found were largemouth bass and rainbow trout, which were present in half the surveyed waters. Despite population pressures, their numbers have not changed much in the last five years, state fishery biologists reported. The three-volume survey is available from the U.S. Fish and Wildlife Service's Western Energy and Land Use Team, 2527 Redwing Road, Creekside One Building, Fort Collins, CO 80526, or from the Monitoring and Data Support Division (wh-553), Office of Water, Environmental Protection Agency, 401 "M" Street SW, Washington, D.C. 20460.

GLACIER INSTITUTE COURSES

The Glacier Institute begins its second season July 6 in Glacier National Park by offering 13 different classes during July and August on topics from alpine ecology to painting. College credit is available through Flathead Valley Community College and the University of Montana. Write The Glacier Institute, #1 First Street East, Kalispell, MT 59901 (406/755-5222).

WATER SUMMARY

The Interior Department has published its second annual National Water Summary, which includes a state-by-state report on the distribution, availability and use of the nation's groundwater resources, along with highlights of the most significant hydrologic events of 1984. Not surprisingly, America now pumps more than twice as much groundwater as it did in 1950. Copies of the 467-page report, prepared by the U.S. Geological Survey in cooperation with more than 900 federal, state and local agencies, are available for \$29 per copy. Write Eastern Distribution Branch, U.S. Geological Survey, 604 S. Pickett St., Alexandria, VA 22304. Include check or money order payable to Department of the Interior - USGS and specify the report number (WSP 2275).

WESTERN FILM FESTIVAL

The first National Western Film Festival will be held in Ogden, Utah, from July 10-14. Richard Farnsworth and June Allyson are among the three dozen actors, filmmakers, authors and scholars who will attend the festival, which includes seminars on topics such as "What Makes a Western Film" and "Native Americans' Perceptions of Western Films." The price for attending one film is \$3.50, while registration for the whole festival is \$110. Several universities are offering credit. For more information, contact Union Station, 25th and Wall Avenue, Ogden UT, 84401 (801/399-8582) or the Utah Travel Council, Council Hall/Capitol Hill, Salt Lake City, UT 84114 (801/533-5681).

A FISHY PUBLICATION

The Wyoming Geological Survey has a new edition of a publication that describes the fossil fish found in and around southwestern Wyoming's Fossil Butte National Monument. *The Paleontology of the Green River Formation*, by Dr. Lance Grande of the Field Museum of Natural History, contains photos, charts, tables and descriptions of the fish to aid in specific identification. The Green River Formation stretches over southwestern Wyoming and part of Colorado and Utah and represents one of the largest accumulations of lake sediments in the world. The rock formation is also a world leader in terms of the abundant and intricate preservation of the fish and other organisms that lived in the 40 to 50 million year old lake.

Geological Survey of Wyoming Bulletin 63 (second edition), P.O. Box 3008, University Station, Laramie, WY 82071 (307/766-2286). Paper: \$12.50.

TROUT SECRETS

The nature of trout and the hidden world they inhabit is the subject of Leonard Wright, Jr.'s new book, *The Ways of Trout, When Trout Feed and Why*. This well-written book may interest even non-fishermen, for it is based on decades of streamside observation, experimentation and thought.

Nick Lyons Books/Winchester Press, 220 Old New Brunswick Road, Piscataway, NJ 08854. Cloth: \$13.95. 160 pages. Illustrated by Richard Harrington.

POISONING FISH

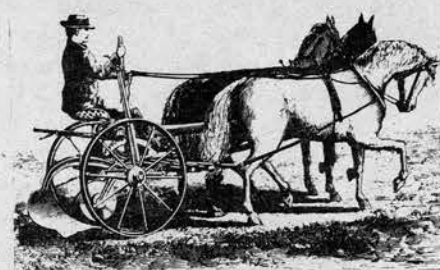
The Colorado Division of Wildlife plans to eliminate brook trout from Lake Creek in the Weminuche Wilderness because the fish threaten a unique strain of hybrid cutthroat/rainbow trout. The chemical antimycin would be used to poison brook trout before they leave the creek and enter Emerald Lake. The Forest Service is beginning work on an environmental assessment of the project and comments can be sent to: District Ranger Bert Kulesza, Pine Ranger District, P.O. Box 439, Bayfield, CO 81122. For more information, contact Mike Japhet, CDOW, 151 E. 16th St., Durango, CO 81301 (303/247-0855).

GILA BOX NEEDS VOLUNTEERS

The Safford District of the Bureau of Land Management needs volunteers to help maintain tree plantings on the Gila River, in an area known as the Gila Box. Trees provide crucial habitat for a variety of non-game birds such as hawks and eagles, and they stabilize stream banks scoured by flooding. The work itself is relatively simple, the real catch is how to get there since the Gila Box is an 18,000-acre roadless area. Access to the planting sites will have to be by foot, horseback, off-road vehicle or boat, and volunteers must be in excellent physical condition. All necessary equipment will be provided by the BLM. For more information, contact Steve Knox, Bureau of Land Management, 425 E. 4th St., Safford, AZ 845546 (602/428-4040).

A GAME ABOUT GAME

The Yellowstone Library and Museum Association and the Abalon-Hill Game Company have developed a board game based on wildlife management techniques. Players must maneuver elk, bison, mule deer and bighorn sheep through cold Wyoming winters and protect them from natural predators. The game is called "Yellowstone," and will be sold in the park this summer for \$18.



THE NUTS AND BOLTS OF THE FARM ECONOMY

The American Farmland Trust has published a 100-page study titled: *Future Policy Directions for American Agriculture*. Despite a wealth of charts and graphs, the study clearly portrays the evolution of American agriculture from the Great Depression of the 1930s, when one quarter of Americans lived -- poorly -- on farms, to today, when 2.4 percent of Americans live on farms, many of them again poorly. In between, the study says, American agriculture went through its golden age, when increasing mechanization and chemicalization led to higher productivity. Especially in the 1970s, that productivity was met by rapidly increasing demand domestically and abroad. Government takes many lumps in the study, especially for the expensive PIK program and for a farm policy which runs counter to conservation. But the report also focuses on the fundamental structural problems agriculture faces. It has massive ability to produce, but cannot count on the now slowly growing, often unstable foreign markets. The study has proposals for dealing with overproduction, uncertain demand and soil erosion. But the writers have exercised self-control and not massaged the text to lead inexorably to their recommendations. It is available for \$5 from: American Farmland Trust, 17171 Mass. Ave., NW, Ste 601, Washington, D.C. 20036.

JOURNEY TO NAVAJOLAND

A writer with the engaging name of Terry Tempest Williams, who is the curator of education at the Utah Museum of Natural History, tells of creation myths and stories passed on by a people wedded to the land in *Pieces of White Shell, A Journey to Navajoland*. The book is beautifully produced with illustrations by the Navajo artist Clifford Brycelea.

Charles Scribner's Sons, 597 Fifth Ave., New York, NY 10017. Cloth: \$14.95. 162 pages.

HOWL OF A GOOD SHOW

A major exhibit entitled "Wolves and Humans: Coexistence, Competition and Conflict" will be on display through Sept. 2 from 8 a.m. - 8 p.m. daily at Grant Village Visitor Center in Yellowstone National Park. Visitors will experience simulated wolf dens, video and computer presentations on wolf behavior and ecology, and examples of the wolf in folklore, myth, art, and religion. The exhibit was produced by the Science Museum of Minnesota and is on national tour. Yellowstone Superintendent Robert Barbee calls the quality of the exhibit "extraordinary."



CALL FOR PAPERS

The Oregon-California Trails Association will hold its third annual convention at Scottsbluff, Nebraska, August 14-18. Featured events will include tours of trail landmarks and visits to Fort Laramie, the Horse Creek Treaty Grounds and the Grattan Massacre Site. There will also be sessions devoted to papers on the western fur trade, the overland migrations, the Pony Express, the Indian wars and other themes that relate to the central overland or Platte Route westward. Anyone who has researched these topics and is interested in presenting a paper to the convention should contact Merrill J. Mattes, '85 Chairman, 5800 W. Plymouth Dr., Littleton, CO 80123.

BOISE RIVER BASIN EIS

The Bureau of Reclamation is preparing a draft environmental impact statement on additions to the Boise Project, which provides irrigation water to some 390,000 acres of farmland in southwestern Idaho and eastern Oregon. The preferred plan calls for the construction of 60-megawatt and 5-megawatt powerplants, improvement of minimum flows in the Boise River to enhance fish habitat and the development of several other areas to improve the fish and wildlife habitats. The draft EIS will be available for public comment by July. Write: Bureau of Reclamation, attention Code 150, 550 West Fort St., Boise, ID 83724.

STAND ALONE

An intensive hands-on course in photovoltaic design and installation will be offered Aug. 5-16 at Colorado Mountain College in Glenwood Springs. According to the college, it is now economic and practical to use the "safe, quiet and elegant" technology at mountain cabins. For further information, contact: Solar Retrofit Staff, CMC, 3000 Co. Rd. 114, Glenwood Springs, CO 81601, or call 303/945-7481.

HORSE ROUNDUPS

The Bureau of Land Management will hold a public hearing to discuss the use of helicopters and motor vehicles to gather wild horses from two areas in western Colorado. The hearing is tonight, June 24, at 7 p.m. in the Nucla High School gym, West Fourth Avenue, Nucla, CO. For a copy of the proposed environmental analysis contact the San Juan Resource Area at 701 Camino del Rio, Durango, CO 81301 (303/247-4082).

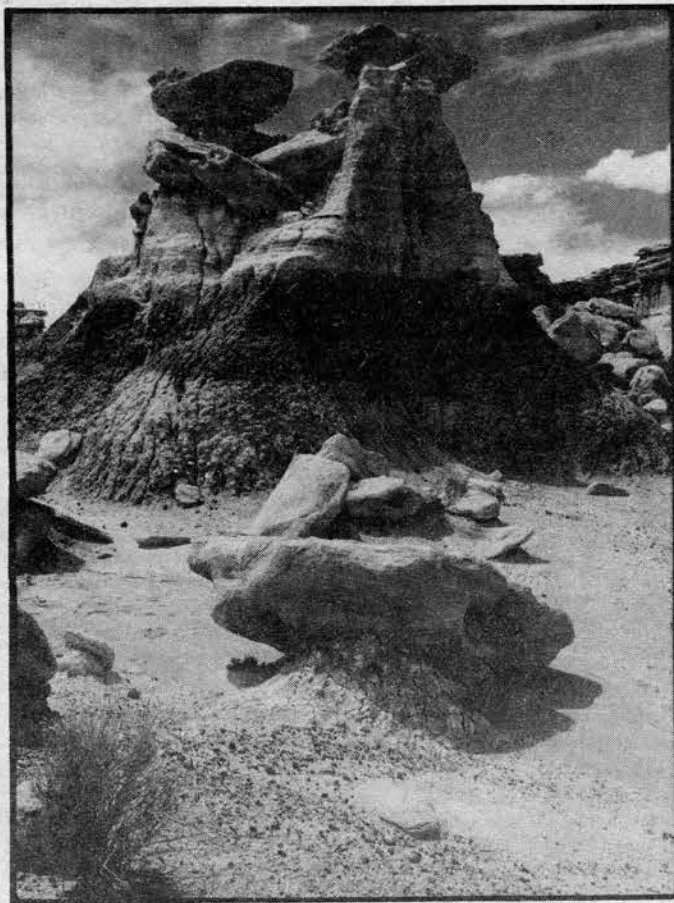
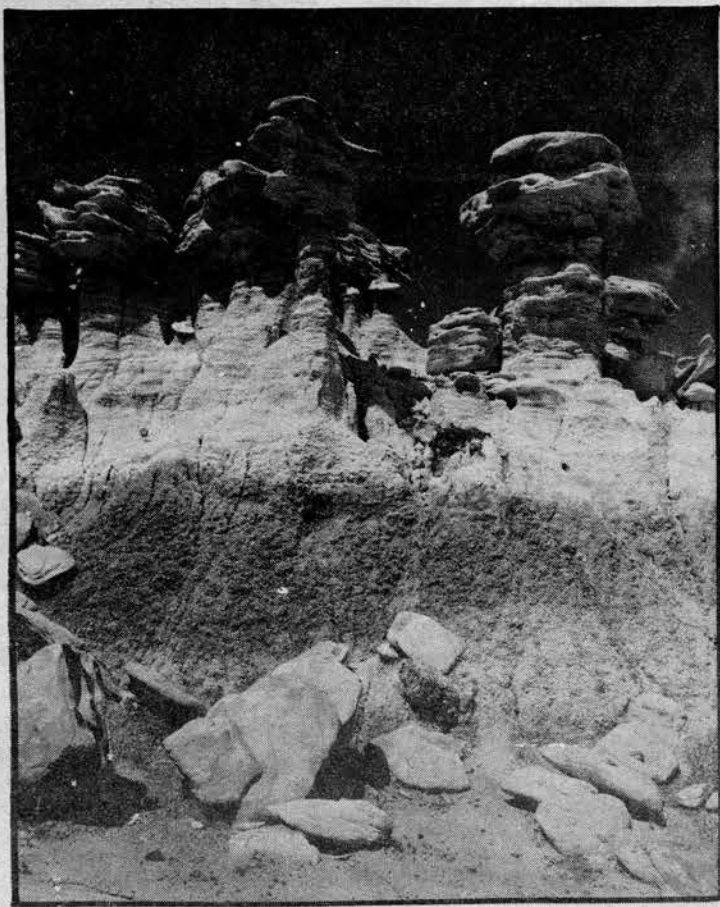
GUIDE TO INDIAN PEAKS

The Indian Peaks Wilderness Area, a hiking and field guide by John Murray, offers a brief history of this much-loved alpine wilderness close to Denver and Boulder, and the management plan that was designed to halt overuse. There are also fine maps and occasional black and white photos. An introduction by Tim Wirth, D-Co., begins: "Generations to come may look to the period of the 1970s and 1980s not so much for what we as a society built in the physical sense, but rather for how we preserved and protected our precious natural resources."

Pruett Publishing Company, 2028 Pearl St., Boulder, CO 80301. Paper: 181 pages. Illustrated with maps, photos.

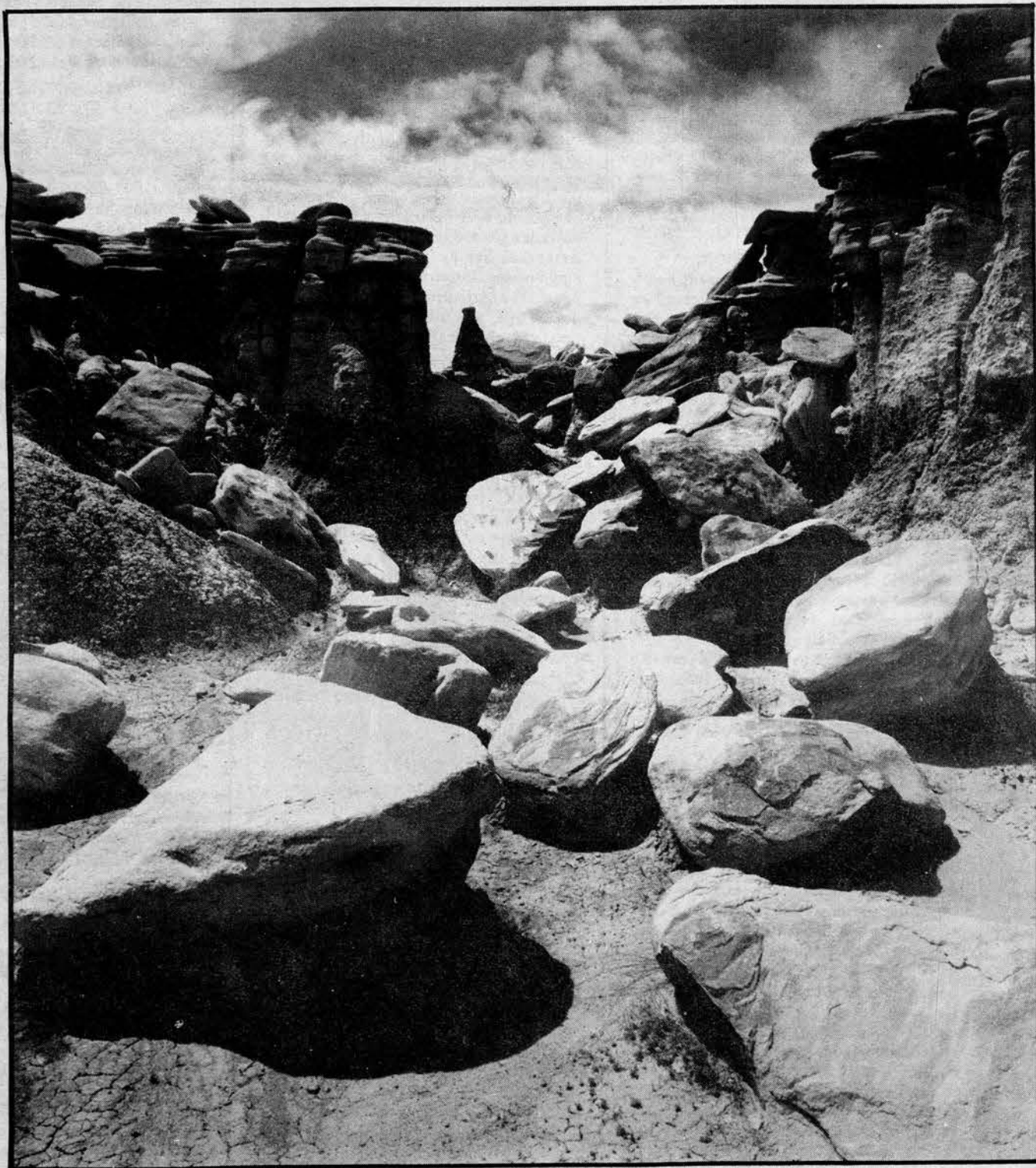
BIGHORN COAL MAP

The Geological Survey of Wyoming has a new regional map of the Bighorn coal basin of northwestern Wyoming and southcentral Montana. Called "Extent of coal-bearing rocks and locations of coal mines in the Bighorn Coal Basin, Montana and Wyoming," the map incorporates the latest published geologic mapping in the coal basin, locates coal mines and prospects known in the area, and shows the extent of underground mine workings of abandoned coal mines in the Wyoming portion of the basin. The map is available from the Geological Survey of Wyoming, P.O. Box 3008, University Station, Laramie, WY 82071 (307/766-2286).

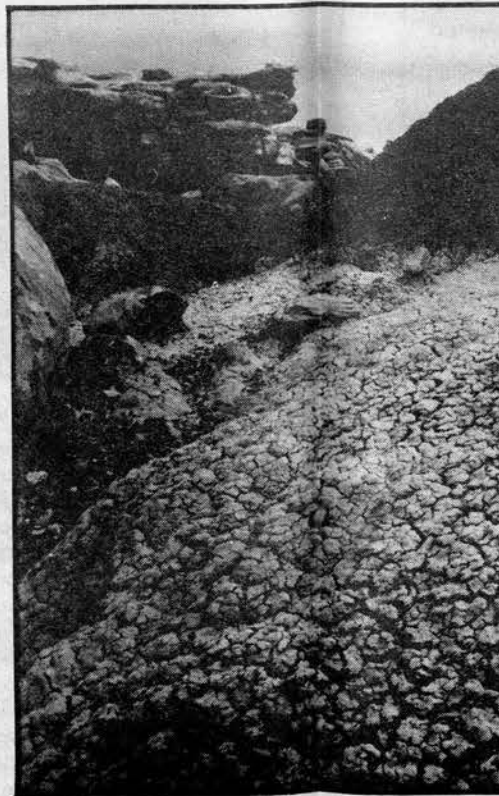


Photographs

by
Dale
Schicketanz



Little explored because it is designated wilderness inside Arizona's Petrified Forest National Park, Devil's Playground is part of the Painted Desert in the Park's northern section. Bentonite volcanic ash and sandstone have weathered over millenia into bizarre shapes, and colors range from the typical grey to deep purple, red and light cream. Scattered over the sand are pieces of wood and small dinosaur bones. Lithodendron Wash cuts through Devil's Playground, but it rarely runs water. Because only hikers and backpackers can enter the remote wilderness area, what is not often seen is people.



Devil's Playground

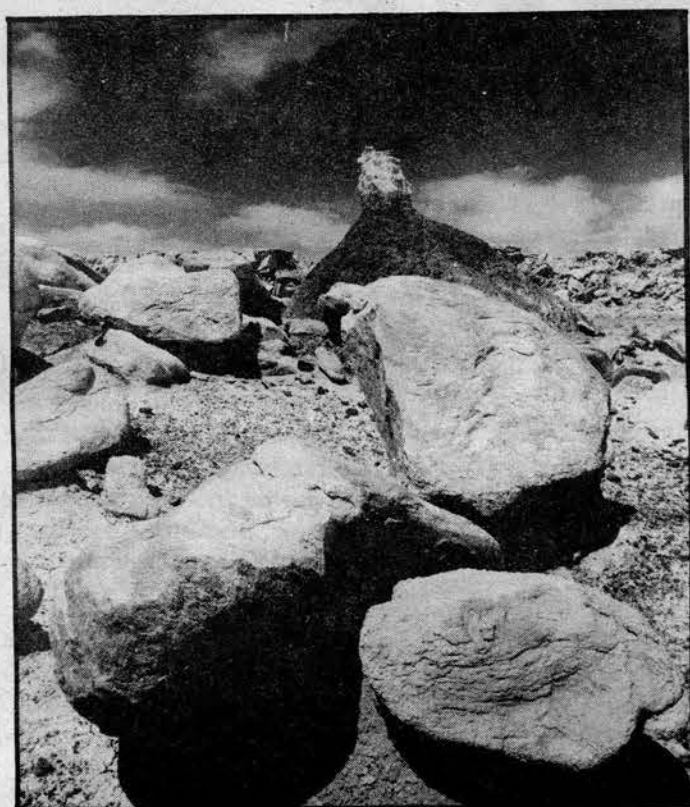
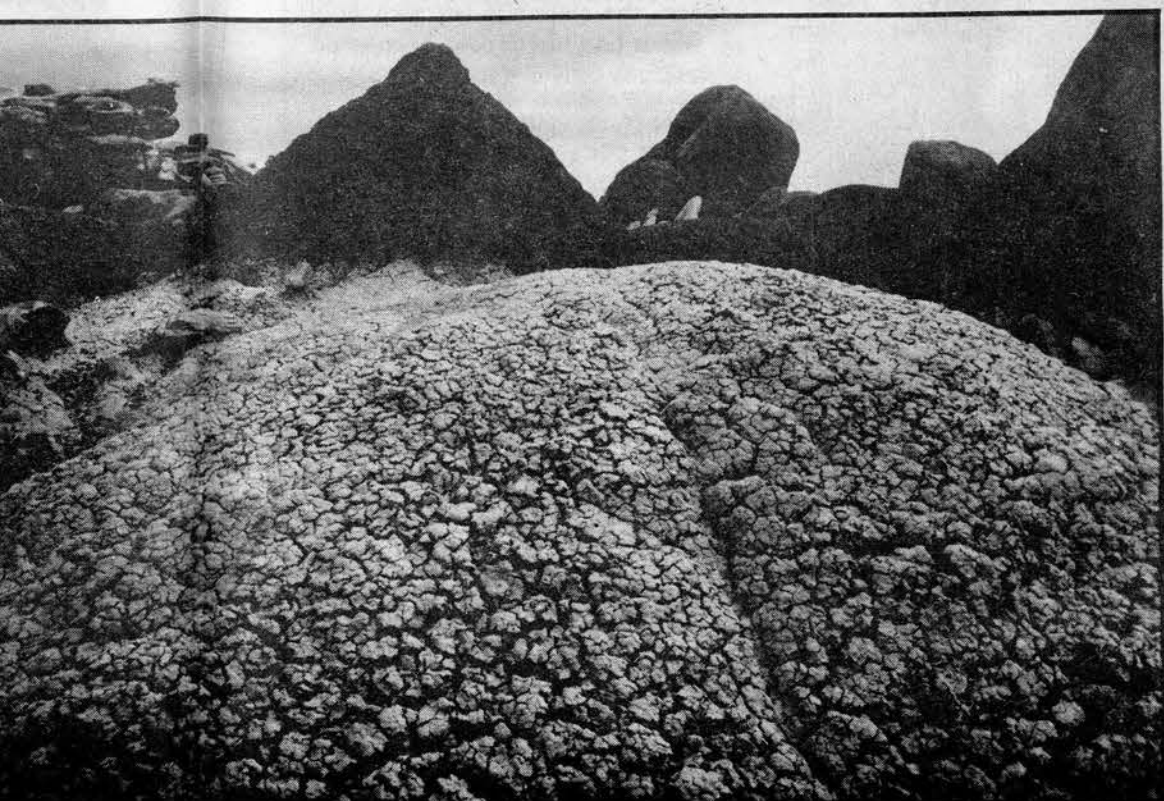
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10-High Country News -- June 24, 1985

Clear EISs...

(Continued from page 1)

"Environmental impact statements shall be written in plain language and may use appropriate graphics so that decisionmakers and the public can readily understand them. Agencies should employ writers of clear prose or editors to write, review, or edit statements, which will be based upon analysis and supporting data from the natural and social sciences and the environmental design arts."

The judge also quoted one of the witnesses, Nicholas Yost, who had been General Counsel for the Council on Environmental Quality under Carter. Yost testified that the Council held extensive hearings before drafting the regulations. The judge wrote:

"Mr. Yost stated that the CEQ received widespread complaints that the impact statements were not being used, nor were they usable at all, by the intended readers. The primary reason for this was that the documents had become bulky, hypertechnical and unreadable by lay individuals... Section 1502.8 was written to remedy this problem, and force the agencies preparing impact statements to put them in clear, concise language which could be readily understood... Mr. Yost also testified that the regulations were intended to be mandatory, particularly section 1502.8."

The judge continued, "It is apparent from Mr. Yost's testimony that section 1502.8 was intended in the regulations not as an afterthought or as a trivial addition... Moreover, basic common sense tells us that in order for a document to be used for its intended purpose, those using it must first be able to read and understand it." The judge also cited an expert witness for the plaintiffs who testified that the document was written on a "17th grade" or post-graduate reading level, while the average citizen reads on a sixth grade level.

In addition to the decision, the ruling sets a precedent because it is unusual for a judge outside the District of Columbia to rule on a national program. It was also unusual in that much of the testimony on behalf of the environmental groups was given by telephone. That enabled them to present a case they could not have otherwise afforded. Yost, for example, testified by telephone.

Larry Sokol of Portland, Oregon, who was one of the four attorneys representing the Oregon Environmental Council, Citizens for the Safe Control of the Gypsy Moth, Friends of the Earth, the National Coalition Against the Misuse of Pesticides and private citizens, praised Judge Redden's conduct of the case. "His whole demeanor was one of fairness to both sides. He was very interested in letting both sides put on their evidence."

The Washington D.C.-based Justice Department attorney who

handled the case, Dorothy Burakreis, had a different viewpoint. She told HCN, "The EIS was reviewed in a court in the hinterland where there is no chemical spraying... It's basically an East Coast question. The gypsy moths are chewing up my neighborhood."

None of the government's witnesses testified by telephone, and she objected to its use, saying the judge had changed the rules at the last moment to allow telephone testimony, and that lack of eye contact made cross examination difficult.

Burakreis felt the judge's decision ignored the fact that "toxicology is a difficult subject matter. To provide enough detail makes it more difficult to read. It's the result of the agency's attempt to reveal everything."

Sokol, who earns his living litigating accident cases and does environmental cases as a service, defends the 'plain language' part of Redden's decision, saying that Wilson, who established the methodology the government used in its analysis, said it would take him 15 minutes to figure out how many cancer cases would occur due to the spraying. "That's what the EIS was supposed to reveal," Sokol also said, "The world doesn't stop at the Mississippi," and the law allows any federal district court judge to rule on national programs.

Despite their victory, it is the environmentalists who have already



Attorney Larry Sokol

decided to appeal. The judge found against them on nine of the ten points they raised, most on toxicological and health questions. They will appeal those nine points. If the government also decides to appeal, it will challenge the judge's upholding of the environmentalists' tenth point: clarity and understandability.

John Bonine of the Pacific Northwest Resource Clinic at the University of Oregon Law Center, who with colleague Michael

Oregon hurls *Bacillus thuringiensis* against the gypsy moth

The daughter of an entomologist in upstate New York, Carol Adams learned well the signs of the gypsy moth. In some places, she remembers, "the hardwood trees were completely defoliated. The pine needles would just rain down, and so would little caterpillar poop." She watched the moths "cross the Berkshires like a flame," headed West.

The gypsy moth has found Adams again 30 years later. Three thousand miles away from her childhood home, she lives in Oregon's heavily-timbered Lane County in the middle of the largest gypsy moth infestation ever found west of the Rockies. It has also become, due to a series of government actions and public responses, a crossroads for the decades-old chemical war against the gypsy moth.

"It's the largest all-natural control attempt ever thrown at the gypsy moth," says Lane County Commissioner Jerry Rust. From the neighborhoods of Eugene to the thick forests of the Cascade Mountains, a quarter of a million acres have been sprayed -- using no synthetic pesticides.

Down the road from Adams' house, the Oregon Department of Agriculture set up battle headquarters in an abandoned lumber mill. Tanker trucks from the Abbott Laboratories near Chicago arrived daily, filling huge steel drums with a gooey substance resembling spoiled pancake batter. The substance is *Bacillus thuringiensis*, or Bt, a naturally-occurring bacterial insecticide sold in stores under such brand names as Dipel and Thuricide. It's the only pesticide used by the ODA against the gypsy moth this year.

For over a century, since its accidental release in Massachusetts, the gypsy moth has been an insatiable devourer of Northeastern trees. For decades, the insect was fought with a variety of weapons -- arsenic, benzene, kerosene, even manual removal of egg masses during the depression -- and the insect stayed in the Northeast. In the late 1940s, DDT became the weapon of choice. Not long afterward, the moth spread west.

Despite almost 40 years of chemical spraying, the moth is now common from Maine to West Virginia, in Ohio, Illinois, Michigan and the West Coast states. The moth readily moves to new areas, hitchhiking rides on cars and trucks in furniture, firewood, boats and other wooden objects.

In the hardwood forests of the East, where the trees naturally regenerate their leaves annually, the defoliation that the moths cause is primarily a nuisance. In the conifers of the West, however, the moth's habit of biting off the irreplaceable needles could potentially destroy large amounts of valuable timber.

In the summer and fall of 1984, ODA officials were startled to find 19,000 male moths in traps to the southeast of Eugene. Plans were drawn up to protect the area's biggest industry -- lumber. At that time, before any actual damage to the trees, economic repercussions were already being felt. In November, the state of California had imposed a quarantine on lumber products from Lane County. The Christmas tree growers of the area, who export 90 percent of their crop to California, were hard hit. They were required to fumigate their trees

with methyl bromide, a gas that caused many of the trees to lose their needles.

"It completely destroyed my crop," said tree farmer Earl Gingerich. "It wiped me out."

Hoping to prevent further economic sanctions, ODA officials, in December of 1984, announced a spraying program that included the use of Bt, as well as two chemical insecticides, Dimilin and Orthene.

The ODA's plans, however, ran into quick opposition from environmental activists and local residents. "Orthene," said Barbara Kelley, one of the more vocal critics, "is an organophosphate, which accounts for more human pesticide poisonings than any other class of pesticides. It leaches readily into water where it remains for months. And Dimilin," she added, "kills crayfish, brine shrimp, water fleas and crabs, causes irreversible blood disease in lab animals and mutations in chicks. Bt is the least risky of these three insecticides, and it's been shown to be as effective as any other agent."

Some 200 residents of Adams' rural neighborhood signed petitions pledging \$100 each for a lawsuit against the state should Dimilin be sprayed on their property. A bill was introduced in the Oregon Senate that would ban chemical insecticides in fighting the gypsy moth. And, perhaps most far-reaching, suit was filed in U.S. District Court in Portland, challenging the federal government's environmental impact statements on the chemical sprays.

In March of 1985, ODA director Leonard Kunzman, saying there wasn't "enough time to prepare a

thorough toxicological review," announced the decision to drop Orthene from the program.

Less than a week later, in a decision Kunzman says was based on "time and logistical restraints," the use of Dimilin, the other chemical insecticide, was also ruled out. The ODA had wanted to spray Dimilin in Eugene, and expected the EPA to approve it for use in residential neighborhoods. When that didn't happen, the state was left with only Bt, which has, up to now, been used successfully only in small areas.

Lumber industry officials weren't pleased. "It's a disaster," said Donald Fisher, vice president of Bohemia Lumber Company. "There's absolutely no guarantee they can control it with just Bt."

The state moved quickly to enact their program, spraying three times in May and June. "We tried to keep the Bt on the leaves two weeks to a month," said public information officer Mike Barsotti, "at that point in their life cycle when they were eating the most."

No one expects this year's program to completely eradicate the gypsy moth. In the five years the ODA estimates they've been here, they've become too numerous. But this spring's experiment in Oregon will be watched by agriculture officials of many states, who wait to see if nature can be used to control nature. Those who live here also wait -- for the clatter of helicopters -- and the results from this summer's traps that will dictate next year's battle lines.

--Jim Strick

Axline and several law students also worked for the plaintiffs, said he believes the problem of plain language goes beyond the Department of Agriculture. "The Environmental Protection Agency reviews these documents. And EPA gave it a clean bill of health."

David Durham, an EPA employee who oversees the reviewing of Forest Service impact statements out of Washington, D.C., said his agency is not charged with reviewing writing and clarity. "I hate to sound like a real bureaucrat, but we look at the formulas and data. When we see the numbers are correct, then we pass it on."

"Our technical people who reviewed the document speak the same language as the people who wrote it. Our scientists can understand it. We're concerned with environmental impact and health impacts." According to Durham, the regulations for plain writing and clarity are not the responsibility of the EPA. The agency preparing the document is supposed to adhere to requirements such as clarity.

Why did it take so long for the 'plain language' issue to be brought to court? Attorney Bonine speculates: "When you're opposing a nuclear powerplant, you jump right in there with them" and become as expert in the jargon as anyone. But those who come to it as outsiders quickly notice the language.

Sharon Treat, who commented on the statement for the New Jersey Department of the Public Advocate, said in a telephone interview that she turned to the statement for guidance on the gypsy moth spraying, which is perennially controversial in New Jersey.

"We've been spraying for many years with Sevin. I hoped it would seriously look at options." But, she said, in addition to the lack of clarity, "It didn't look at options. It assumed Sevin. And that assumption ran through it. Moreover, the whole way it was set up made it difficult to understand. For example, generally what people read is the summary. And the summary didn't lay out the risks."

So far as attorney Bonine is concerned, the readability issue goes to the heart of the process set up by the National Environmental Policy Act. That 1970 law recognized that the making of any major decision which affects the environment is fraught with imponderables and value judgments. So it created environmental impact statements as a way to inform and involve the public in decisions.

"The whole purpose of NEPA is to have some impact on the government's actions. As it is now, things are totally buried under jargon."

Gary Moorehead, a member of the team which wrote the impact statement, and an employee of the Animal and Plant Health Inspection Service, said a writer was employed on the main part of the EIS, but not on the appendix the judge threw out. Moorehead said the technical terms and complexity may be a result of who writes such documents. "The members of the writing team aren't professional writers -- we're entomologists, chemists and so on." The main concern, he said, is with the information rather than the style.

He also said that no attempt is made to slant the document. "From the first word, there's an attempt to put balance in it."

Attorneys not involved in the case were mixed in their opinion on the impacts of the decision. Bob Yuhnke, a specialist on the Clean Air Act with the Environmental Defense Fund in Boulder, said, "It's a case all of us will be able to point to, but my bet is there won't be another one like it for 10 years. I don't think most judges will use the case to throw out EISs."

But Peter Kirby, an attorney with the Wilderness Society in Washington, D.C., said the Redden decision had to be seen as part of a complex of cases which are forcing federal agencies to be more and more open in their disclosure of information. He said the Jersey-Jack decision out of Idaho (HCN, 5/27/85) means that the Forest Service Service "can't keep roading plans in their back pocket," but instead has to disclose them in a package.

Political forces are also at work, Kirby said, to force agencies to be more open. He cited a hearing he attended June 13 called by subcommittee chairmen John Seiberling, D-OH, and James Weaver, D-OR. National Wildlife Federation attorney Tom France of Montana told the

'Our technical people who reviewed the document speak the same language as the people who wrote it.'

subcommittee how his group had filed numerous Freedom of Information Act requests for Forest Service roading plans. All had been turned down on various grounds, including the claim that they didn't exist.

Then, Kirby continued, France "pulled out the long range plans for the Bridger-Teton National Forest in Wyoming. They're extensive. We can assume the Forest Service doesn't want its roading plans to be known because of public outrage."

□

The Gypsy Moth Environmental Impact Statement is available from: Robert L. Williamson, National

Program Planning Staff, USDA Animal Plant Inspection Service, Federal Building, Hyattsville, MD 20782; 301/436-8261.

The attorneys who argued the case for the environmental groups were: Larry N. Sokol, 721 S.W. Oak St., Portland, OR 97205; Ralph Bradley, 1397 Willamette St., Eugene, OR 97401; and John Bonine and Michael Axline, Pacific Northwest Resources Clinic, University of Oregon Law Center, Eugene, Oregon 97403.

The Oregon-based attorneys for the U.S. Government were Charles H. Turner and Thomas C. Lee, 312 U.S. Courthouse, 620 S.W. Main St., Portland, OR 97205.

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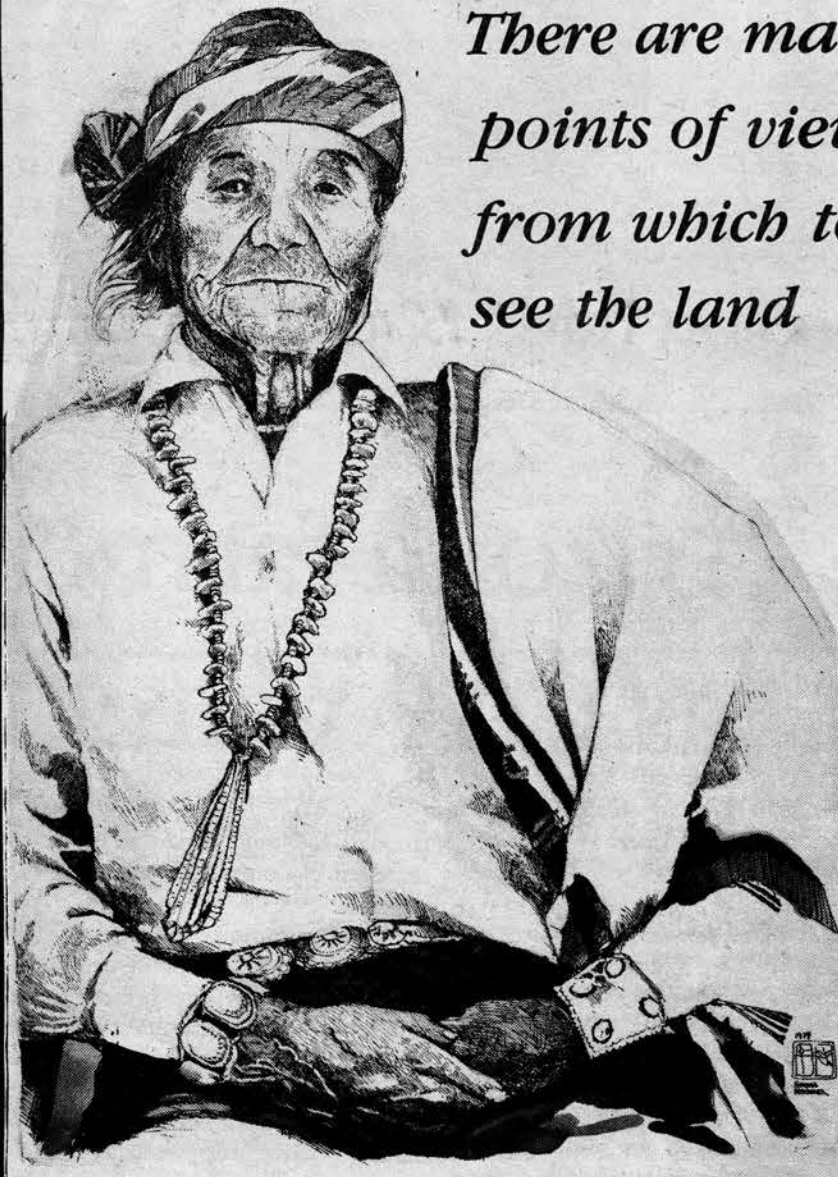
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12-High Country News -- June 24, 1985



Bureau of Reclamation

The first delivery of CAP water to the Harquahala Valley, May 22, 1985. Lateral here will irrigate cotton fields.

Arizona farmers get a reprieve as CAP water makes its debut

by Tony Davis

HARQUAHALA VALLEY, Arizona -- If farming stays as bad as it is here, said farmer Jerry Melton, "there ain't nothing that's going to be left." But last month this valley of 225 people, one store, one trading post, one cafe, one gas station and no post office, got something it hopes will prolong its life for a few decades -- the Central Arizona Project.

As 200 politicians, bureaucrats, farmers and media people watched, the state's first trickle of CAP water entered the district May 22 from the project's main concrete canal about four miles north. It arrived 38 years after two U.S. senators from Arizona first introduced a bill to build the project, 17 years after Congress authorized it and 64 years after an engineer from the U.S. Reclamation Service called a somewhat similar idea "a mad man's dream."

By this December, project water is supposed to roll into Phoenix, and, by 1991, to Tucson. Water interests have long touted the project as one of the cures of a groundwater overdraft that hit 2.2 million acre-feet state wide in 1980. Over a 50-year life, the project

should consume about 1.5 million acre-feet of Colorado River water each year.

This irrigation district will get 80,000 to 90,000 acre-feet of water in the project's early years. But its share will drop as cities, which have a higher priority for the water than farms, demand more water for themselves. Under the current federal allocations, farms -- once supposed to be the project's leading beneficiaries -- will be the first group to suffer when the river runs short of water.

"Without CAP, the days of this area would be numbered," said district president Franklin Rogers. "Now it will have a long time, a minimum of 20 years."

The valley sits in a desert topped by creosote and mesquite. Farmers say the soil and growing conditions are excellent. Although cotton predominates, farmers also grow lettuce, potatoes, table grapes, almonds, jojoba, plums and melons. But rainfall is only seven inches a year here, compared to 11 inches annually in Tucson.

Pumping for irrigation has dropped the area's groundwater table from 270 feet in the late 1950s to 570-600 feet today. Utility bills have

skyrocketed accordingly, farmers said, thanks also to whopping rate increases from Arizona Public Service Co. in Phoenix, which serves them.

But project water will cost only about \$55 an acre-foot at first, compared to \$60 to \$80 an acre-foot for groundwater pumping. Rogers said this is probably the only district in the state where CAP is cheaper than pumped water. The farmers will pay a highly subsidized \$2 an acre-foot for their share of the project's capital expenses, compared to municipal-industrial rates of \$5 now and \$40 by 2035. Both groups will pay \$50 or so per acre-foot to cover the cost of pumping the water more than 2,000 feet uphill from the river.

For years, the CAP's critics have attacked the agricultural subsidy and claimed the state would have no water problem without agriculture, which slurped 89 percent of all water used in Arizona in 1980. The State Department of Water Resources estimates that this state, now at a little over 3 million people, would have enough water to support 20 million people if all the farms disappeared.

District president Rogers contended this project is no different than any other kind of government project. Most of the 40 farms in the district are family owned, he said, and only two owners live out of state.

But one of them was the 4,000-acre farm that got the first dose of the water. Its owner, Crocker Bank of San Francisco, took it over a year ago from John Golightly, a longtime farmer in the Buckeye area 45 miles east, who was unable to make a go of it here because of high pumping costs.

Richard Granick, a vice president for Crocker's Los Angeles office, who attended the water delivery ceremony, predicted that someday this area could go the way of Camarillo, a small coastal California town that has changed from farmland to a retirement community in recent years.

Although the valley is 65 miles west of Phoenix, he said it could be developed because it is the last spot this far west with a right to CAP water. "This is the end of the line," Granick said. "After this, it's desert."

June 24, 1985 -- High Country News-13

Why water is king

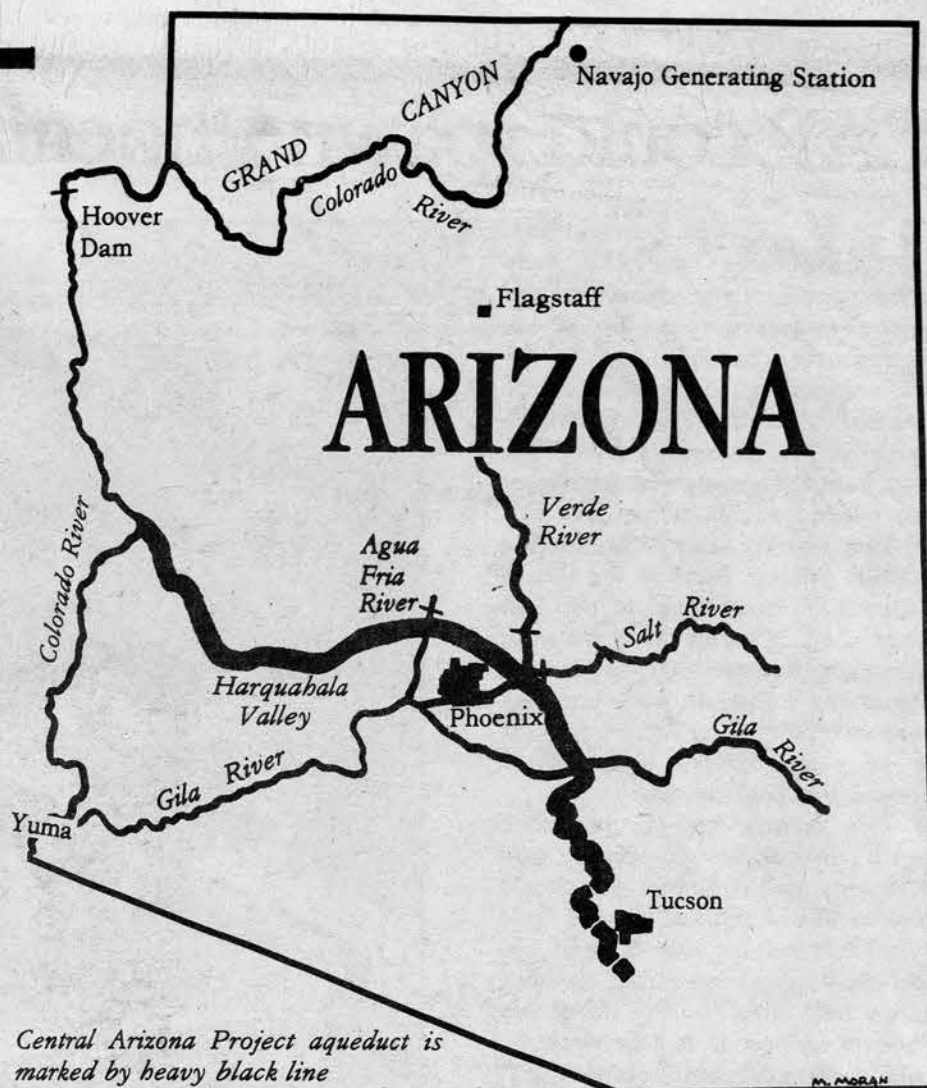
It is obvious to the point of cliché that water is a king whose use determines the economics and politics of the arid Western states. But how water asserts its kingship is usually cloaked in darkness and confusion.

Partly the workings of water are hidden because that is the way the water interests -- which means the people who run the region -- want it. But it is also hidden by sheer complexity. The issue is so difficult to understand, so intertwined with everything that is happening in the region, that most people prefer to ignore it.

The several stories in this issue by veteran Tucson journalist Tony Davis illustrate both themes. Davis shows us how the multi-billion-dollar Central Arizona Project is at the heart of a network of regional economic forces: the cheap electricity flowing out of Hoover Dam; the use of that power

to subsidize new dams; the Phoenix area's tension between farmers, who now use much of the water and power, and urban interests, who see the farmers as temporary, expendable caretakers of that water and power.

Water dominates all Western states. But only Arizona and California have had both the economic base and the political skill -- including a willingness to compromise on environmental issues -- to push forward with large scale projects. By comparison, Colorado, Utah, Wyoming and Montana have lacked, and still lack, an economic base, political skills and flexibility, or both. As a result, much of the water the Central Arizona Project is beginning to suck out of the Colorado River belongs to the Upper Basin states -- mainly to Colorado. And Arizona, like California before it, will use that water for decades at no cost.



Central Arizona Project aqueduct is marked by heavy black line

Arizona is a giant step closer to its Holy Grail

One longtime observer of Arizona's water politics calls Central Arizona Project the Holy Grail. It might also be called the western version of New York State's balanced political ticket, offering something for everyone.

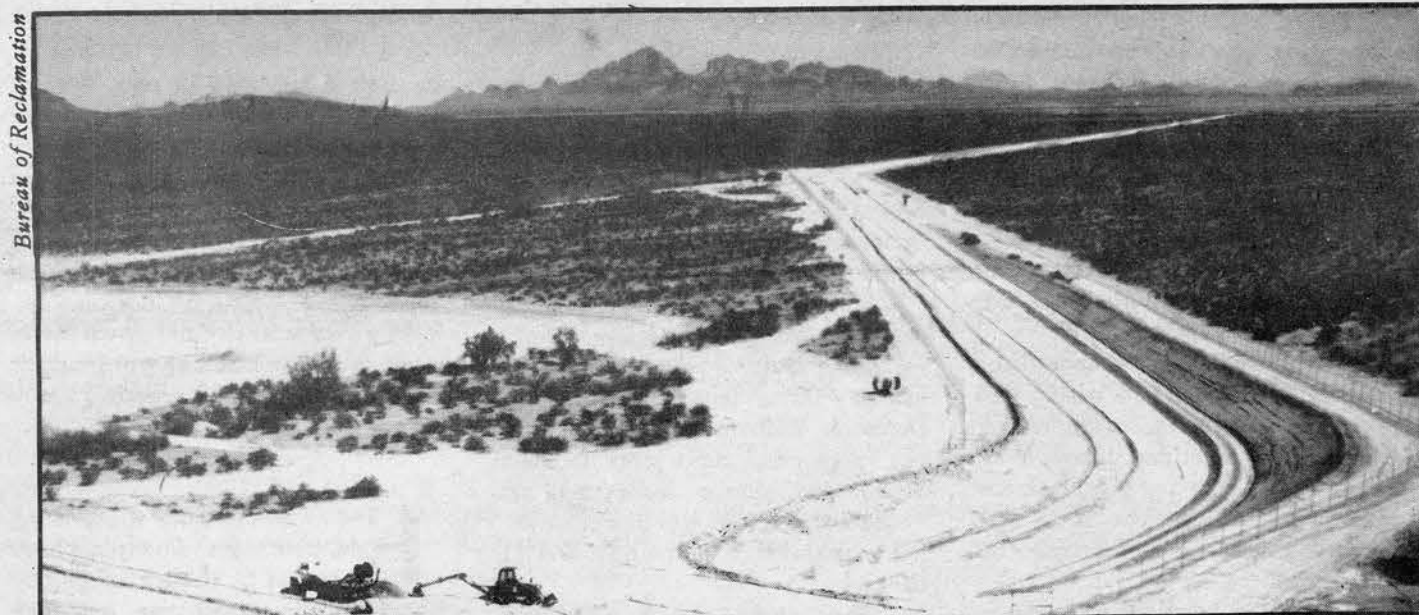
Farms, Indians, cities and industries all are in for a piece of the CAP pie that will be served up over the next seven years. The need to get it finished -- its 330-mile main stem to Tucson is well over half complete -- creates a unifying force for interests who would otherwise rather not talk to one another.

A recent dispute over the rights to power from Hoover Dam provides ample illustration of CAP's power to unite Arizona. Three months ago, a Phoenix water official billed it as potentially the most divisive battle in the state in years. The CAP is the main reason the fight was avoided.

Since the 1950s, agriculture and utilities such as Phoenix's politically potent Salt River Project have thrived on Hoover's power for pumping ground water. Norm Pretzer, a farmer in central Arizona's cotton belt near the town of Eloy, said Hoover power built the 450,000-acre Casa Grande Valley into the best cotton country in the world. "We are very cognizant of what makes the world go round -- electricity."

Although Hoover Power was more expensive than thermal power -- so costly the cities didn't want it -- it became a bargain during the 1970s. The so-called energy crisis raised the price of oil and coal-fired power three to four times higher than hydroelectric power. In 1984, Congress passed the Hoover Dam Power Plant Act, which authorized uprating the dam's generators and a nearly half cent surcharge on the power sales to help pay for the Central Arizona Project. The uprating brought Arizona a new goodie, 180 megawatts of power from the dam, almost double what it has gotten until now.

Immediately, the cities of Phoenix and Tucson applied for a share of the new power to



Turnout for the Harquahala Valley Irrigation District

light up municipal parks, tennis courts and other public areas. So did the Central Arizona Water Conservation District, a heretofore obscure three-county agency that has the unenviable chore of repaying 70 percent of the CAP's \$3.1 billion cost to the federal government. It wanted the power to pump CAP water so it would have extra, more expensive power to sell from the Navajo Generation Station in Page, Arizona, near the Utah border.

The income from the Navajo power would go for two things: to help pay the local share of part of Plan 6, a \$1 billion collection of four dams that is one of the project's last legs; and to repay what district general manager Thomas Clark tactfully called the project's "irrigation obligation." That is the part of the project's construction cost attributed to agriculture that farmers do not repay because their price is set by federal reclamation policy at \$2 per acre-foot of water, compared to \$5 per acre-foot that cities will pay when they first get water, and \$40 by the year 2005.

But the Arizona Power Authority, a state agency that controls the power allocations, parceled out most of the new power to the same old people: irrigation and electrical districts and utilities. It tossed to the urban

interests what they considered a very barren bone -- a clause that said CAP may recapture the power for the water district in the 1990s when it was ready to use or sell it.

Urban interests, claiming the clause was meaningless, declared war. Phoenix's city council threatened suit, and Tucson and the water district considered filing one. Robert McCain, manager of the Arizona Municipal Water Users Association, accused farmers of "fleecing the CAP taxpayer" by taking a double dip into subsidized water and power.

Farmer Pretzer, though a beneficiary of CAP himself because his irrigation district has an allocation, replied that the urban interests only wanted the power to support a "speculators' and developers' dream" for Easterners not here yet.

But CAP district general manager Clark fired the winning volley on May 14 when he stood before a committee appointed by Gov. Bruce Babbitt to find ways of raising money to pay for CAP. Clark offered a promise and a threat. The promise was an offer of \$125 million toward the cost of the \$450 million New Waddell Dam in return for a guarantee of Hoover power. The threat was a ninefold increase in CAP property taxes if the district didn't get the power.

The authority and the farming-utility interests, seeing the threat to CAP, caved in. On May 30, they agreed to a new allocation scheme putting teeth in the recapture clause. They called it a compromise; George Barr, governing board president of the water conservation district said, "We won." Many representatives of the previously warring interests said they were acting for what they perceived as the common good: getting the CAP finished as quickly and cheaply as possible.

The only dissenters to the new agreement were a few irrigation districts who felt they would be severely hurt when forced to switch from Hoover to other power sources at the time of recapture. When the power authority approved the new scheme June 7, two of them said they would appeal for reconsideration and may sue if the appeal fails. Significantly, neither of the two is scheduled to get water from the Central Arizona Project.

--Tony Davis

Tony Davis is a reporter for the *Arizona Citizen*. These articles were paid for by the High Country News Research Fund.

14-High Country News -- June 24, 1985

CAP could spawn Phoenix's answer to Central Park

PHOENIX -- In Arizona, dam controversies are like soap operas, whose characters and plots shift over the years but whose themes never change.

Forever caught in the middle is the Central Arizona Project, which continues to escape, Pauline-like, from one dam struggle after another that might interrupt its construction.

This was the story of Bridge and Marble Canyon Dams in the Grand Canyon, of Orme Dam on the Salt River near Phoenix and the Cat Mountain Reservoir in the Tucson Mountains. Each time, water interests gave up on these CAP-related projects to keep the overall project from drowning in political muck.

This scenario may be unfolding again as water interests and environmentalists gird for war over a project called Cliff Dam. It would flood a nest that is at the edge of a cliff 200 feet above the Verde River, an hour and a half drive north of downtown Phoenix. A pair of dark brown baby bald eagles, hatched in March and weighing 8 to 12 pounds each, call this nest home.

It is one of the 20 places in the state -- and of 23 in the entire Southwest -- that the nation's endangered symbol finds hospitable for breeding. The Verde just above the nesting area is almost as rare a sight in Arizona as the eagle. Water, almost waist deep in late May, produces ripples that shoot flashes of white into the air. Saguaro climb canyon-like walls that spring from the river bed. Willows, cottonwoods and tamarisks provide an enending band of green life along the river bank.

The \$385 million dam proposed for a few miles downstream would put this part of the river underwater too. A breaching of another dam upstream as part of the project could bring back some of that riverfront life, but experts disagree as to whether the nest is transferable.

About a two-hour drive away lies one of the main reasons for Cliff Dam. Here, the Salt River, virtually lifeless because of three dams upstream, is a litter basket of sand and gravel pits, toxic wastes, used tires and battered cars. One Arizona Department of Health official, Charles Anders, recently said the federal government may have to declare the entire river through Phoenix a Superfund toxic waste site.

But for more years than half of Maricopa County's population has lived here, Phoenix planners, engineers and politicians have dreamed of turning the river into a \$1 billion extravaganza called Rio Salado. It would line the Salt for 40 miles with townhouses, offices, hotels, industries, parks, campgrounds, artificial lakes, museums and hiking and bicycle trails. Rio Salado needs Cliff Dam to keep the Verde's floodwaters from draining into the Salt. It also needs a second project to raise the height of Roosevelt Dam, about 55 miles east of Phoenix on the Salt, to hold back that river's floodwaters.

Its promoters say Rio Salado will draw 36,000 people, 16,000 houses, \$1 billion in property tax revenue and 74,000 jobs. They call it Phoenix's answer to New York City's Central Park, San Antonio's Riverwalk and San Diego's Mission

Bureau of Reclamation



The Little Harquabala Pumping Plant, 30 miles west of the Harquabala Valley Irrigation District turnout

Bay. They say it will give Phoenix the focus it lacks. They also claim it will fight sprawl, traffic congestion and air pollution. They say the project's riding and hiking trails will draw recreationists and keep them out of the wilderness.

Rio Salado has enough political clout to make the late Chicago Mayor Richard J. Daley envious. Supporters include Gov. Bruce Babbitt, D, Democrat William Schulz, who will run for governor next year, the state Senate and House leadership, six Phoenix-area municipal governments, four chambers of commerce and 11 banks.

"They almost gasp when you speak out against it," said Phoenix lawyer and former U.S. Interior Secretary Stewart Udall, one of the critics. However, they could not push through the legislature this year a proposal to allow the agency running the project to raise county property taxes to start buying riverfront land. The project's backers will have to try again.

Rio Salado puts fire in Robert Witzeman's eyes and steam in his voice. Witzeman, a birdwatcher and anesthesiologist, belongs to the Maricopa Audubon Society. It threatens to file suit against Cliff Dam on grounds that it would violate the Endangered Species Act.

Witzeman, a rare breed himself -- a Republican environmentalist in Phoenix -- and a few other like-minded souls led a lonely but successful fight against Orme Dam. It would have flooded or affected three eagle nests, as well as the Fort McDowell Indian Reservation east of Phoenix. Former Interior Secretary James Watt killed it in November 1981 in favor of Plan 6, a four-dam package that includes Cliff Dam. But Witzeman continues to churn out letters, press releases and interviews blasting Cliff as a "subsidy for floodplain real estate development."

He has a blue t-shirt that says, "Stop Cliff Dam: Remember the Teton." On the shirt, water pours

through a dam split in two; floating around is a battered building called "Hotel Rio Salado."

"Rio Salado would be a delightful place for ecotage, wouldn't it?" Witzeman suggested as he drove a visitor past the saguaro forests north of Scottsdale. "Well, no, not that. But if they ever start to build down there, every Audubon member will be there with a handbill warning people not to move in."

Even with the dam, those living on the 200-year floodplain have a one in 10 chance of getting flooded during a 30-year mortgage period, he asserted. Those on the 400-year floodplain, he claimed, face a one in 20 chance of getting flooded over 30 years. Project backers say these risks can be tolerated, for Rio Salado's houses would go farthest back from the river of all the developments, and builders would elevate them on a pad a foot or so high to protect them further.

Les Bond, an official with the Arizona Department of Water Resources, said that with the dam, damage from even a 500-year flood would be "minor -- a foot of flooding."

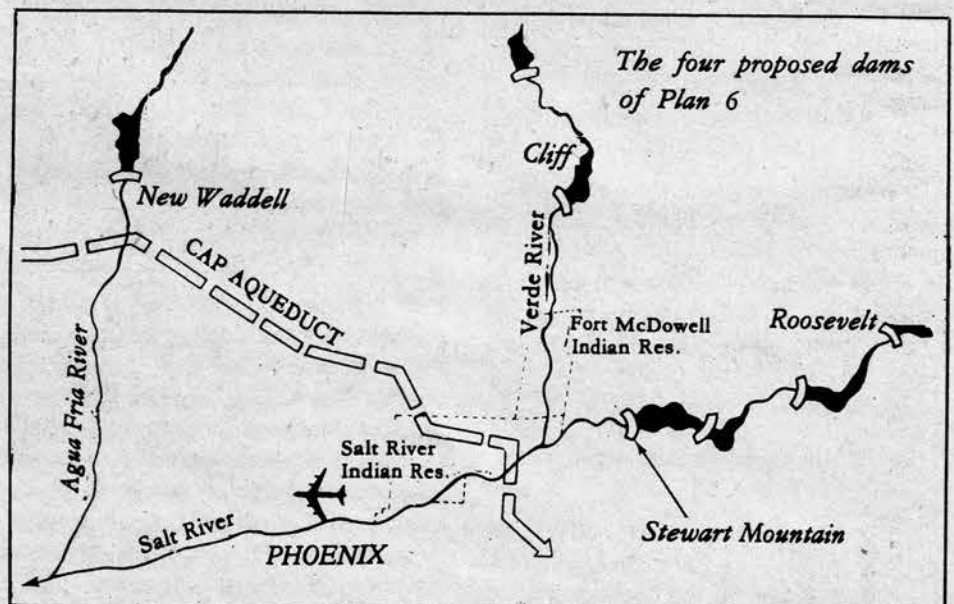
This controversy has worried some water interests on a committee named

by the governor to raise local money to help pay for all four Plan 6 dams. The casualty, they fear, could be the non-controversial New Waddell Dam. It would store CAP water pumped in the Colorado River in the winter to pay off the project's cost.

In a letter to Babbitt, former Interior Secretary Udall urged a delay of Cliff Dam to avoid a Bridge Canyon-like controversy. Others on the committee, like Senate Minority Leader Alfredo Gutierrez, said Cliff is too important to drop. If it goes, he said, so would some of the local funds offered for other parts of Plan 6 "and the whole thing falls apart."

He predicted the committee will rely heavily on whether the U.S. Fish and Wildlife Service concludes that the flooding of the eagle nest would jeopardize survival of the southern bald eagle population. Many, although not all, biologists believe it is a distinct subspecies from the national population. The service's opinion is expected in August.

If history is a guide, the dam could be in trouble. The closing of Glen Canyon Dam's gates in 1963 to form Lake Powell made environmentalists' attitude "Never Again." Not one controversial dam proposed in Arizona has since survived the ecological thicket.



OPINION

Applause for a judge who squashed an EIS flat

General Motors was honestly shocked when *Unsafe at any Speed* became famous. Until Ralph Nader wrote his book, the denizens of Detroit had not realized how large a reservoir of ill will was being filled by their product's killing of 50,000 Americans a year and maiming of another 150,000.

The same phenomenon can be seen in the success of current efforts to throttle drunk driving. Those in our population who drink, drive and crash have finally inspired the rest of us to come together to control them. The eruption of such movements, in which a scattered, inarticulate constituency suddenly gives voice to outrage, is not easy to predict or even to recognize in its early stages.

It is to be hoped that Federal District Court Judge James Redden's decision in Oregon holding an environmental impact statement on gypsy moth suppression unreadable and hypertechnical, and therefore invalid, is an early tremor of what is to become an earthquake.

It is past time. The National Environmental Policy Act is 15 years old, which means that for 15 years those who prepare EISs have been flouting the law by producing documents which confuse and mislead those they are supposed to inform and educate.

The federal government argued in the gypsy moth case that the clarity and understandability of the gypsy moth document is a "trivial" matter. We are sure the government is sincere in this belief. But Judge Redden spoke for the rest of us when he rejected it. The legal basis for his rejection is the importance the Council on Environmental Quality put on the "plain language" part of its regulations. Clarity is at the heart of the so-called NEPA process. Its purpose is to inform; not to produce bulky documents.

Judge Redden must operate within the rigid confines of the law. So he ruled against the gypsy moth EIS because of the jargon and technicalese in an appendix, while finding the main body of the document clear.

We approached the document extra-legally, and have therefore reached a different conclusion. Technically, we found the appendix impossible to follow, and its conclusions difficult to ferret out. But we were impressed there, and nowhere else, with occasional bursts of candor, even of honesty. The appendix, for example, mentioned that some of the tests on the pesticides in question were done by Industrial Bio-Test Laboratories, which caused a national scandal by faking data. The appendix also mentioned the unpredictability of the kinds of interactions it was examining. As an example, it cited the way in which exposure to asbestos and to tobacco smoke combine to greatly increase susceptibility to lung cancer.

But we didn't find one attempt at frankness or honesty in the summary introduction or in the main body of the EIS. The summary, which should serve as a simple introduction to the subject, was written in a mix of acronyms, obscure language and outright drum-beating for pesticide use. The drum-beating is illustrated by the following:

"These chemical insecticides have successfully achieved the desired project objectives in previous suppression and eradication projects and are registered by the U.S. Environmental Protection Agency for application against the gypsy moth. Currently, none of these chemical insecticides are under special review by EPA for suspected health or environmental hazard posed by their registered uses according to generally accepted application practices."

But the biological insecticide described in the summary's very next paragraph receives no such boosting even though no questions have yet been raised about its safety.

"The biological insecticide treatment alternative would result in funding of proposals to use biological insecticides. The biological insecticides registered by the EPA for gypsy moth suppression are formulations of *Bacillus thuringiensis kurstaki* (Bt) and the gypsy moth nucleopolyhedrosis virus (NPV)."

Occasionally, the EIS preparers write

"When I use a word," Humpty Dumpty said, in rather a scornful tone, "it means just what I choose it to mean -- neither more nor less."

"The question is," said Alice, "whether you can make words mean so many different things."

"The question is," said Humpty Dumpty, "which is the master -- that's all... Impenetrability! That's what I say."

Through the Looking-Glass by Lewis Carroll, published in 1872

sentences that lead us to think they were paid by the word. On page 23 of the main text, for example, it says of integrated pest management: "The IPM alternative would affect the environment only to the extent that the various components are used."

But generally they keep their eye on the ball. On page 35, they dwell lovingly on the horrors of gypsy moths: "Outdoors, sidewalks are avenues for migrating larvae. Individuals trying to use those surfaces step on the larvae. Sidewalks become stained and caked with the remains of trampled caterpillars. Crushing them makes sidewalks both slippery and unsightly."

Great deference is shown to fear of gypsy moths. "Gypsy moths invading homes can seriously affect individuals with a fear of insects. Some individuals actually have cut down all trees on their property to avoid the nuisance of the insect. Others have avoided the use of summer homes..."

The EIS doesn't suggest that maybe those people ought to move to a totally paved environment, or that they're neurotic. Their concerns are treated with respect, and the EIS is ready to mobilize the full resources of the government to alleviate them. But when it comes to people who fear the health effects of chemical insecticides, "...the use of a public involvement and notification program can help minimize these concerns..."

Nor is the EIS willing to go beyond public relations to deal with these concerns. When it comes to the possible synergistic interaction of various chemical insecticides to cause birth defects or cancer, nothing can be done. According to the EIS on page 40, it would be far too expensive to investigate such interactions. How did the "scientists" who prepared the report learn this? "Costs and time based on personal communication with Jack Warren, DOW Chemical Co." That's at the top of page 40, if you don't believe us.

Perhaps the most clumsily dishonest part of EIS (we're sure everyone will find their own favorite) is found in the descriptions of the various insecticides. In the discussion of diflubenzuron, or Dimilin, the EIS says clearly that it "acts as an insect growth regulator by interfering with the synthesis of chitin," a substance found in the body wall of insects. Later it draws a conclusion from this: "Because of its mode of action, the interruption of chitin synthesis on the insect, diflubenzuron has low mammalian toxicity."

Since this bit of common sense implies the safety of Dimilin, the EIS preparers are glad to put it in. But when it comes to Sevin and other insecticides which affect the insects' nervous systems, the EIS gets vague. It doesn't say:

"Because Sevin acts on the insects' nerves, it can also act on mammals' nerves." Instead, it uses "cholinesterase suppression" and other code words to refer to the interference with the nervous system.

Although those who prepared the EIS are described in the back of the text as steady, scientific people, they occasionally lapse into magic. For example, we are told that the pesticides such as Sevin can suppress and eradicate the gypsy moth. But when it comes to birds, the EIS says on page 45:

"Also, postspray bird census data suggested that two species of birds may have left the area following the treatments." Notice that, like magic, the "postspray bird census data" doesn't suggest that the birds were killed and are now lying under a bush. There's more magic on page 50:

"However, any reduction in nontarget insects that may occur as a result of carbaryl application is temporary." How nice. The gypsy moths are permanently suppressed or even eradicated, but "nontarget insects" move to a motel while the millions of acres are being sprayed and are soon back home, refreshed by their vacation.

That the EIS is laughable and transparent in its distortions shouldn't make us contemptuous of it. Like any piece of pornography, deadly serious rot lies at the heart of this EIS.

The environmental movement is often accused of being self-interested, elitist and concerned only with its own middle class values. The Oregon lawsuit which has focused attention on the gypsy moth EIS shows that this is not true. For in attempting to correct environmental abuses, the environmental movement is forced over and over again into confrontations with abusive, propagandizing bureaucracies.

Although environmentalists may start out merely wanting a place to hike in wilderness and to keep their children safe from chemical insecticides, their search for these simple things brings them into conflict with that part of government which deceives for its own internal purposes or to serve one or another industry.

So the environmental movement is as much a force for basic political and social reform as the citizens who come together to challenge wasteful defense spending or racial segregation.

Environmentalists may be right or wrong when they speak of the fragility of the earth and of society's need to protect and conserve. But they are on absolutely firm ground, and are part of the tradition that is the best part of America, when they demand an open, honest and intelligible government.

--Ed Marston

16-High Country News -- June 24, 1985

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LETTERS**NOT TIGHTLY WRAPPED**

Dear HCN,

A headline in your April 15 issue has caused me to lose one of my last firm handholds above the semantic quicksand which tugs at all of us quill drivers. For years I had found security in remembering that "to ravel" meant to fray, to come apart and get tangled up. I was certain that "unravel" was the opposite of "ravel." "Unravel," to me, had good connotations of untangling, straightening, repairing.

Thus you can imagine the "aha!" I uttered when I saw your headline: "A Montana rancher struggles against strip mines and an unravelling rural fabric." I consulted my old Webster's Collegiate and came away with a good, positive attitude toward the word. Unravel, it said, means to disentangle or to "resolve the complexity or obscurity of." Because I've come to depend on the grammatical strength of HCN, I immediately wrote you a nasty letter about the headline.

Before I mailed it, however, I made the mistake of looking up "ravel" also, certain that this is the word your headline wanted.

But, alas, the convoluted minds of the lexicographers offered this: "vt 1 a: to separate or undo the texture of: UNRAVEL." Another definition spoke of becoming unweaved, unwound. But it was no comfort. Might "woven" mean the same as "unwoven" and "wound" be equivalent to "unwound," I wondered.

In desperation I turned to my American Heritage dictionary. Surely, I thought, this more up-to-date book will restore my soul. Unravel: "1. To undo or ravel the knitted fabric of; reduce to yarn. 2. To separate and clarify the elements of."

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The first book says ravel means unravel. The second says unravel means ravel. This redundant conundrum has caused me to ra... to unr... er... to write a raving letter.

At least the weather is nice. We're starting to unthaw.

Ravelations,

Philip White
Cheyenne, Wyoming

NOT ENDANGERED AFTER ALL

Dear HCN,

Jeanne Englert's article on the Endangered Species Act (HCN, June 10, 1985), provides many interesting insights. In discussing the "Snail Darter vs. the Tellico Dam" case, however, Miss Englert fails to mention one very significant fact: the snail darter, as it turned out, never was an endangered species.

Yours truly,
Charles W. Margolf
Boulder, Colorado

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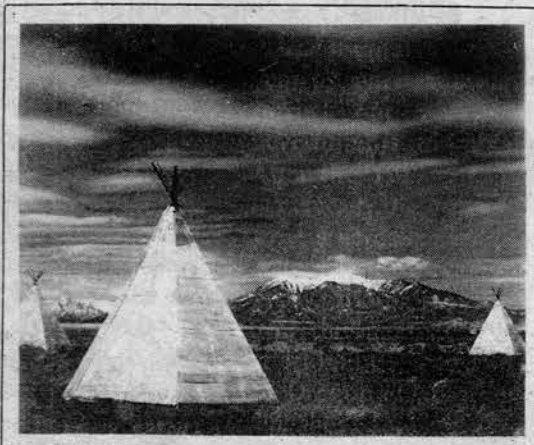
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