

High Country News

December 9, 1985

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A Paper for People who Care about the West

One Dollar

Sierra Club wins water lawsuit

by Ed Marston

A federal judge has ruled that when the United States Congress creates a wilderness area, it also creates water rights to go with the wilderness. Without the water rights, Judge John L. Kane, Jr., ruled in Denver Nov. 25, "wilderness would become deserted wastelands."

The decision appears to be a victory for the wilderness movement. Kane is a forceful judge, and his 36-page decision is clearly written and closely reasoned. He not only finds for the Sierra Club, which brought the suit, on the question of reserved water rights, but he also plows new legal ground on the general question of what wilderness is.

The federal government and the Colorado water establishment, which opposed the Sierra Club suit, argued that wilderness is simply a management designation, comparable to setting aside land for wild horses. But Kane wrote, "The Wilderness Act (1964) is the initial legislation creating an entirely new reservation of federal lands" (Kane's emphasis).

Nevertheless, there are those who say the case will hurt the drive to create additional wilderness in the West wherever water is a major issue. David Getches, director of Colorado's Department of Natural Resources, which also opposed the Sierra Club suit, told HCN:

"The case was a major setback for Colorado wilderness. I think everybody lost. If the Sierra Club hadn't brought it" there probably would have been a Colorado wilderness bill in 1984. "We'll still get one. But it will be more difficult."

Getches said that additional wilderness is important to the future of Colorado's economy and way of life, and that there are strong political pressures for wilderness. He said that with Kane's decision complete, "wilderness legislation can now move

ahead." But forward motion, he predicted, would be painstaking.

In the past, negotiations over new wilderness areas revolved around where the boundaries should be drawn. Now, Getches suggested, water rights that could be affected by wilderness designation will also have to be negotiated.

Lori Potter, who was the attorney on the case for the Sierra Club Legal Defense Fund, the club's legal division, said she believes "water rights are already part of wilderness deliberations. Also, it's good to identify the known conflicts before a wilderness area is created. The Sierra Club approach is to negotiate the conflicts up front. That way, wilderness areas won't be nibbled away at later" when the conflicts are discovered.

Thus far, the lawsuit has only halted Colorado's second wilderness bill (its first was in 1980). The 1984 bill for about 740,000 acres was held up by U.S. Sen. William Armstrong, R-CO, on the grounds that the water issue had to be cleared up first.

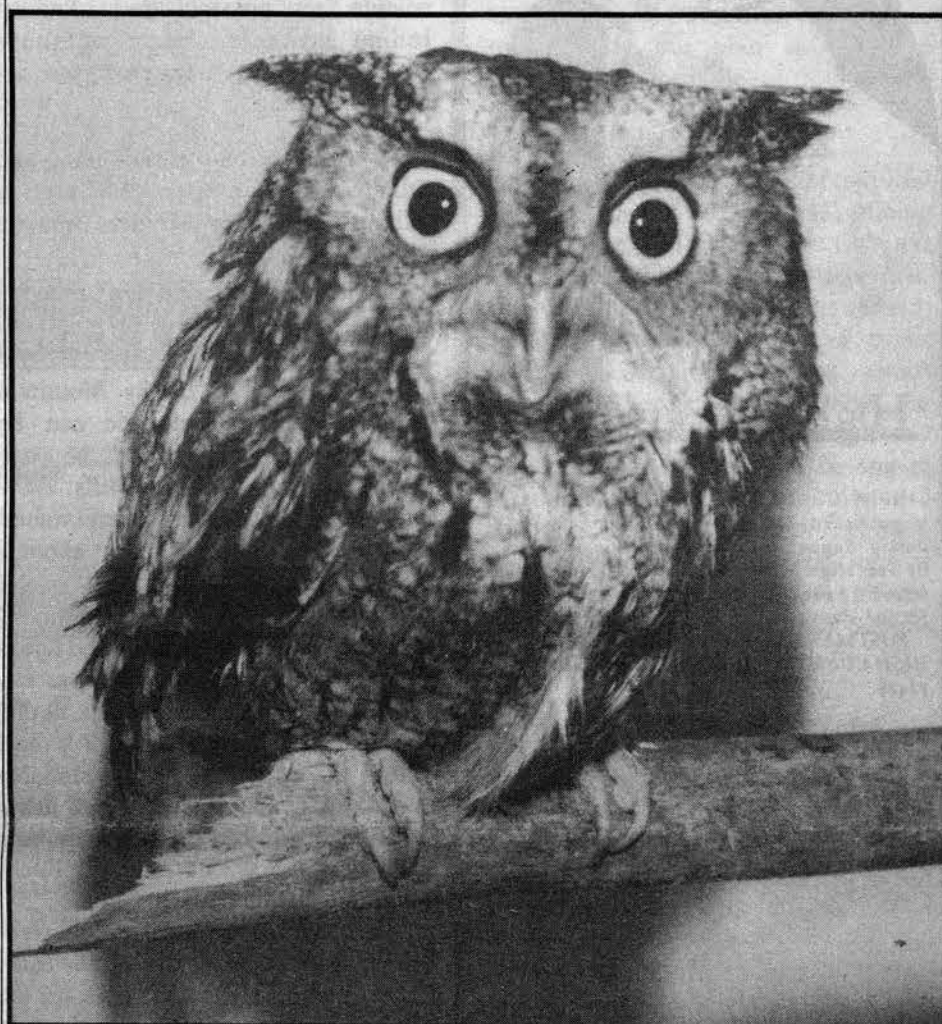
Armstrong's ally, western Colorado Congressman Mike Strang, R, attempted to block a Nevada wilderness bill last month, and just barely lost in committee. Had Kane's decision come last year, it might have blocked some of 1984's bumper crop of wilderness legislation, such as Wyoming's and Utah's bills. The effect of the Kane decision on the Montana bill now grinding its way toward introduction will reveal the geographic reach of the lawsuit.

There has been criticism of the suit within the environmental community. Critics said the Sierra Club had not consulted with groups directly involved with wilderness and water questions before filing the suit, and that even if successful, the suit would accomplish little.

(Continued on page 10)

INSIDE: Bird man of Billings

✓ pages 8-9



Dr. Edward Jordan, Billings, Montana, veterinarian:

"Some released birds fly off and are never seen again, presumably free and back to the hazards of nature. Not all fare so well. This small screech owl was released in a wooded area near town. Three days later he was found

shot and killed by kids using him for target practice with their new BB gun.

"While lecturing at grade schools, I try to stress how such killing is such a waste of life. After seeing the birds, most children agree. Target practice on raptors during hunting season remains a frequent cause of injury."

A tale of two weeklies

✓ pages 12-13

High Country News is the voice of the environmental movement in the Rockies. It goes head to head with development and industrial forces. Large corporations, small town chambers of commerce and reflexive boosters are its biweekly meat.

But what happens when the people who run HCN find themselves on the other side of the economic dividing line?

In this issue, former HCN editor Geoff O'Gara tells what it is like to now be editor/part owner of the *Dubois Frontier*, a small paper in a small Wyoming town. Dubois is home to that bete noire of the environmental movement, Louisiana-Pacific, and the several hundred jobs its mill provides. Dubois is also home to a typical Rocky Mountain battle -- one which pits L-P and much of Dubois against residents of the Upper Green River Valley and the Wyoming Outdoor Council.

The issue is an improved road over Union Pass. L-P and Dubois (and O'Gara's *Dubois Frontier*) want the road built. The people on the other side of Union Pass, on the other side of the issue, don't want it built.

But the Union Pass battle is almost irrelevant. Any issue -- and there is always a jobs versus the environment issue in a small Rocky Mountain town -- would have brought O'Gara to the point where he would have to reconcile his former work at HCN with his present work at the *Frontier*.

O'Gara's critical examination of his situation is followed by a description of an opposite shift -- this time from impurity to purity. Ed Marston went from founding publisher and six-year veteran of a small traditional rural weekly in the coal and fruit town of Paonia, Colorado, to publisher of *High Country News*.

--the staff

WESTERN ROUNDUP



High Country News

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An artillery noise experiment is cancelled

Thanks to Energy Secretary John Herrington, an artillery noise study using human subjects has been cancelled as "inappropriate." The study was to be based less than a mile from Bandelier National Monument in New Mexico (HCN, 11/11/85).

Since the summer, Bandelier officials have vigorously protested the "Blast Overpressure Project" on the ground that up to 100 loud explosions a day for two years would annoy or drive away some of Bandelier's 215,000 visitors, disturb elk and other wildlife, and possibly harm Anasazi Indian artifacts. None of those reasons, however, triggered Herrington's opposition.

What disturbed Herrington, said DOE spokesman Ben McCarty in Albuquerque, New Mexico, was the

use of 300 human subjects -- all male soldiers in the U.S. Army. "That had not been brought to his (Herrington's) attention before," McCarty said.

Under the jurisdiction of DOE's Los Alamos National Laboratory, the soldiers would have had their hearing tested before and after one to five-pound explosions were detonated. The Army hoped the DOE's study would measure the effects of new weapons on the soldiers' hearing, set exposure limits for weapons training and evaluate hearing-protection devices, according to DOE. The army has a similar project at an Air Force base, but animals rather than humans are the test subjects.

In justifying the project in a letter to the National Park Service, a Los Alamos lab area manager said that

last year the Veterans Administration paid some \$155 million in claims to veterans who suffered hearing damage as a result of training with Army weapons.

Before the Energy Secretary called a halt, the artillery noise study had passed many levels of review, both at the Los Alamos lab and at DOE. The agency, in fact, had already spent \$1.4 million to build a bunker, concrete pad and military housing near Bandelier. But Herrington's reaction when the study caught his eye was: "The Army can do what they want, but I don't want our lab doing it," McCarty said.

McCarty said another Los Alamos lab project involving an outdoor firing range -- also close to Bandelier National Monument -- may be cancelled as well.

--Betsy Marston

Dear friends,

The creation of Rocky Mountain National Park in Colorado can be attributed in large part to one determined man -- Enos Mills. HCN intern David Havlick recently visited the park and filed this report about a Mills Centennial.

Driving along state highway 7 between Twin Sisters Peaks and Longs Peak in northern Colorado, you can see a small historical marker noting the homestead of Enos Mills. For most people the name Enos Mills probably doesn't make even a single bell jingle in recognition, but in 1915 he was known as the "Father of Rocky Mountain National Park."

This past year several events were held to commemorate the "Enos Mills Cabin Centennial," for he built his log cabin just outside today's park back in 1885. Organized by Mills' daughter Enda, and husband Bob Kiley, as well as by local school districts that for 20 years have been sending thousands of kids to Mills' cabin (maintained by the Kileys) for a day of outdoor education, this year's events will provide a scholarship for graduating high school seniors interested in nature. Enda Kiley says her father's cabin was celebrated, rather than some other more personal occasion, because "his focus was not on him but on what he was doing."

The Kileys live only a few minutes' walk along a well-worn nature trail from where Mills' cabin still stands. They now devote much of their time to furthering the spirit of Mills and his nature ethic. They teach about the

value of a tree, not in terms of dollars or million board feet, but as an important life in and for itself. The Kileys recall that Mills was first and foremost a nature guide, not a politician or lobbyist.

Enda, now in her 60s, recalls that he "would follow anything -- a wolf, grizzly bear, beaver -- in order to understand that animal," often carrying nothing more than a handful of supplies and a bedroll. She also says that Rocky Mountain National Park wasn't Mills' only arena. He played a role in establishing Glacier and Big Bend national parks, Indiana Dunes National Lakeshore, and wrote 15 detailed and lively books about his experiences in nature.

Mills began thinking about a protected region in Colorado's Front Range in 1891, after returning from a chance encounter in California with naturalist John Muir, and from doing survey work in Wyoming's Yellowstone area -- the nation's first national park. Mills had built a cabin near the base of Longs Peak, eight miles south of Estes Park, and was troubled by what he saw as the exploitation of the area's stunning natural resources. Unlike his mining, timbering and ranching neighbors, Mills often spent his time in the outdoors simply studying or following plants or animals to better understand how they lived.

Mills' keen interest in nature and the outdoors led him to begin guiding other people into the Longs Peak region. In 1902, he bought and later



Enda Mills Kiley in front of her father's cabin, 1985

rebuilt the Long Peak Inn from forest fire-burned logs and stumps, which became his base for nature-guiding operations. By 1906, Mills had begun to press for a national park.

As he became more committed to a local park, Mills toured the country giving more than 300 lectures, telling stories, lobbying Congress and trying to create public demand for protecting the Rockies. He found support from groups such as the Colorado Mountain Club and local chambers of commerce. He also encountered steady opposition from the prominent landowner at the time -- the U.S. Forest Service.

After a long and often bitter struggle with the Forest Service, Mills' dream finally came to fruition when on Sept. 4, 1915, he presided over Rocky Mountain National Park's dedication ceremony. In his dedication speech, Mills almost seemed to envision the day when his name would be lost. He spoke not so much of himself as for nature: "In years to come when I am asleep forever beneath the pines, thousands of families will find rest and hope in this park, and on through the years others will come and be happy in these splendid scenes that I helped save for them."

--the staff



Enos Mills and daughter Enda, in front of the cabin he built

Bridger-Teton forest supervisor dismounts

HOTLINE

After ten years at the helm of the nation's most famous national forest, Supervisor Reid Jackson will retire from the Bridger-Teton in the Jackson Hole, Wyoming, area. His last day on the job will be Jan. 18, 1986. Jackson, a veteran of 38 years with his agency, leaves with accolades from those who opposed many of the decisions he made.

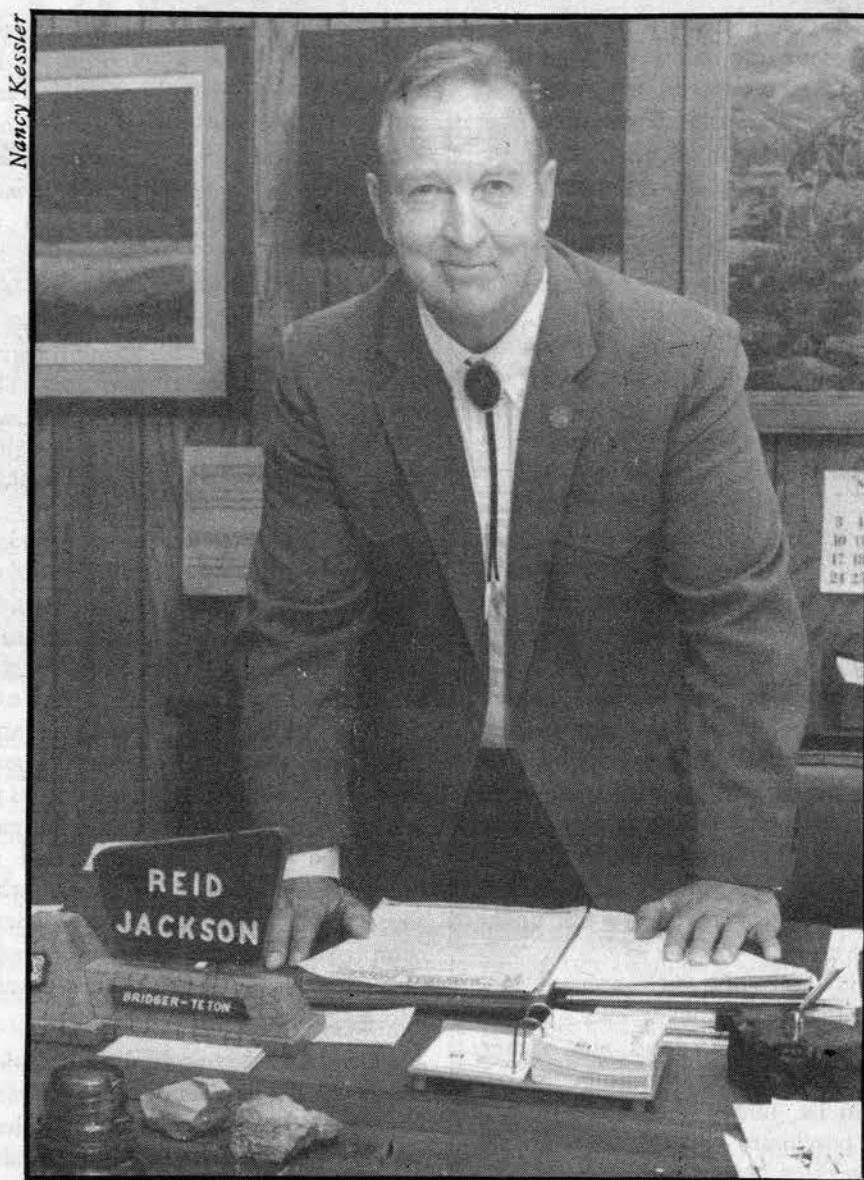
Until recently, his opposition came from the conservation side of the struggle for control of the Bridger-Teton. A critic, quoted in the *Casper Star-Tribune*, once said Jackson "destroyed more timber than Mt. Saint Helens."

But over the past several years, conservationists believe they have gotten an increasingly fair shake. Phil Hocker, a Jackson architect and national treasurer of the Sierra Club, said that during Jackson's first years, his forest management "was ill-suited to the Bridger-Teton." But, he told the *Jackson Hole News*, "in the last couple of years, Reid seemed to be moving away from that commodity orientation." Jackson himself told the paper that his management approach has undergone "quite a change" recently.

By comparison, the comments of Louisiana-Pacific's mill manager in Dubois, Bob Baker, were more restrained. He told the *Casper* paper that Jackson had essentially lost control of the forest, and that many recent decisions were not Jackson's but were imposed on him from above due to pressure from environmentalists. At the moment, L-P is opposing Jackson's decision to postpone three timber sales while the conservation-oriented Jackson Hole Alliance circulates a petition supporting the decision.

The 3.4 million-acre Bridger-Teton could be the premier recreation and wildlife national forest in the nation. It is a spectacular forest in terms of scenery and wildlife habitat, and it is located near Teton National Park and Yellowstone National Park, both of which attract roughly 2 million visitors a year.

As a result of its location and attributes it has been subject to



Reid Jackson

political and court tugs of war between those who would log its timber and drill for oil and gas, and those who would preserve it for sightseeing, backpacking, hunting and other recreation activities.

Jackson comes from the old Forest Service school -- a school which put strong emphasis on managing the land for commodity production and which taught an almost military loyalty to the organization and a disdain of such things as public relations.

Some members of that school proved unable to cope with the new world the Forest Service entered in the 1970s. Jackson coped, and he will leave his job with the respect of most. John Perry Barlow, the head of the Wyoming Outdoor Council and a

rancher who has fought the improvement of the Union Pass road, told the *Casper* paper he was "surprised to see how sorry I was" to learn Jackson is retiring. "His dedication in seeing this forest run properly is every bit the equal of mine."

Whatever the plaudits, 10 years of getting shot at in the running war over the fate of the Bridger-Teton has taken its toll. He leaves with a "little bit of a heart problem" and a determination to take it easy. "I don't want another job with a high level of controversy. I've had enough of that." He also told the *Jackson Hole Guide*:

"It's been tough. It's been extremely difficult. At times you wonder if you have any friends at all."

--Ed Marston

The public trust doctrine comes to Idaho

Thanks to a little-noticed decision by the Idaho Supreme Court, fish and wildlife habitat and water-based recreation are in a strong position today in Idaho.

That September decision, which received back-page press coverage, even in Idaho, "will impact all future water permits in the state," says Ken Dunn, Director of the Idaho Department of Water Resources.

The court ruled that "the local public interest" must be considered before the state grants a water permit to a water user. The public interest includes fish and wildlife habitat, recreation, beauty, water quality, minimum stream flow, navigation and property values. It means that farmers wishing to take water out of a stream for irrigation, or hydropower developers wishing to divert water through their turbines, will have to show that they will not damage other values.

The case, *Shokal v. Dunn*, was brought against Troutco of Twin Falls, Idaho. It challenged their application for a permit to build a fish hatchery on Billingsley Creek near Hagerman,

on southern Idaho's Snake River Plain. The original 1978 permit application was challenged by area residents concerned about the effects a hatchery would have on their creek.

According to Dunn, who was named in the suit because his department issues water permits, "The court was saying that the department is charged with more than just managing the system for the appropriation of water rights. They were telling us to manage the system to benefit everyone. And that will mean we will have to more fully consider environmental impacts in the future."

The "public trust doctrine" cited by the Idaho Supreme Court has been most strongly applied in California in the Mono Lake case, where Los Angeles' attempt to drain that lake to the dregs has been found to violate the public trust. The entry of the public trust doctrine into Western water matters is radical. For most of their history, Western states have allowed the appropriation and use of water whatever its effect on natural or

community values. "First in time, first in right," and "the right to beneficial appropriation," which means removing water from streams, have ruled water law (*HCN*, 8/19/85).

The Idaho court decision comes at a crucial time for the state. The Idaho Legislature recently approved a compromise in the Swan Falls issue (*HCN*, 12/10/84) which will allow additional dewatering of the Snake River. Such dewatering was blocked by a court ruling, which held that Idaho Power Company's right to generate electricity at the small and ancient Swan Falls Dam meant no more water could be taken from the Snake.

The Idaho Conservation League says the dewatering will endanger fish and wildlife habitat on the Snake River. The group also said the Legislature did not build protection of such values into the law it passed. Given the new court decision, such protection may be there anyway. But how the decision will be implemented is not yet clear.

--Sheila D. Robertson, Ed Marston

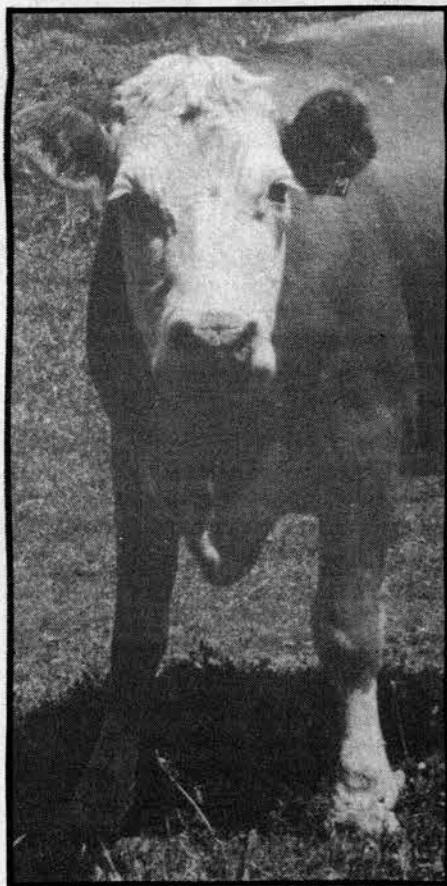
Poaching is a rich man's game

Poachers in South Dakota may have a tough time hanging onto their bucks -- both the four-legged type and those kept in wallets -- due to the state's recently enacted penalties for fish and game violations. South Dakota has instituted fines of \$10,000 for poaching mountain goat and bighorn sheep, \$5,000 for elk and buffalo, \$1,000 for deer and antelope, and \$500 for each small game bird. The old fines were \$500 for poaching buffalo, \$300 for elk, mountain goat and bighorn sheep and \$100 for deer and antelope. State fish and game officials say the plan is to make poaching unaffordable.

Wilderness mining

The Forest Service has recognized valid rights on 101 of 133 mining claims in Montana's Cabinet Mountains Wilderness after determining that the deposits can be mined, removed and marketed at a profit (*HCN*, 5/13/85). The claims, which were made before Dec. 31, 1983, the date the Wilderness Act barred any new mining in wilderness, belong to ASARCO, the American Smelting and Refining Company. Assays calculate the worth of the 145 million tons of silver-copper ore at \$3.5 billion. ASARCO says it will apply for patents to mine the ore body.

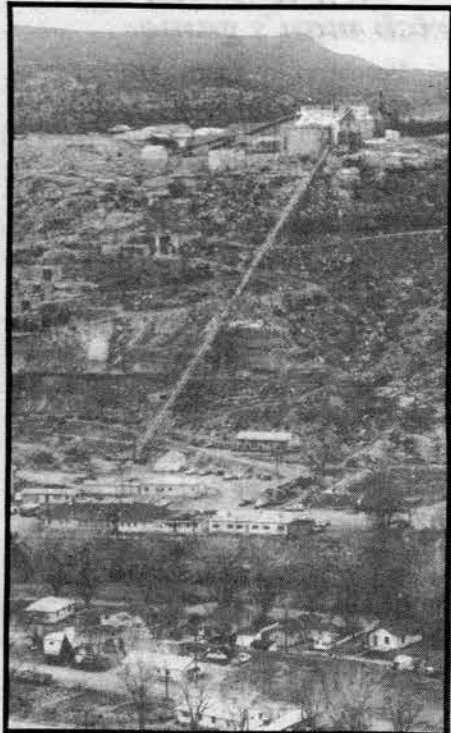
Free market grazing



The Interior Department recently published final regulations which prohibit ranchers from profiting by subleasing grazing rights on Bureau of Land Management land. Subleasing is defined as "an agreement that allows someone other than the permittee or lessee to graze livestock on public lands" when that person does not own or control private "base property" or livestock supporting the permit. The Forest Service allows no grazing permits to be sublet at all, and recently Utah rancher Dale Clarkson was sentenced to six months in jail, fined \$2,500 and forced to pay \$30,000 in restitution for violating Forest Service rules. Clarkson charged another rancher \$10-\$11 a head per month to use his national forest grazing permit when the government charges \$1.35 a head per month.

HOTLINE

Mobile homes



Uranium mill above company housing in Uravan, Colorado

Indications are that the uranium mill town of Uravan, Colorado, will not become a ghost town. Half of the houses in the town are being moved away by house mover Herman Archuleta, with another dozen to be torn down. Archuleta bought the 65 houses from a Union Carbide subsidiary for \$34,000, and according to the *Denver Post*, half have been sold. He said a 1,000-square-foot home could be bought and moved to Montrose for less than \$5,000. Most of Uravan's 500 residents left a year ago, when the mills shut down. About 17 families remain. All inhabitants must move by 1988, according to an agreement with the Environmental Defense Fund, unless radiation levels are brought to within federal standards.

Recreation fees stay flat

Despite announced Reagan administration plans to raise recreation area user fees, no legislation has been submitted in Congress. Tony Bevinetto, an aide with the Subcommittee on Public Lands, says raising admission to national parks and certain forests by 25 percent probably won't happen, at least not in this current session of Congress. Bevinetto says the public supports higher fees if they improve recreational facilities, but not as a means of reducing budget deficits. Bevinetto says another administration move to raise money through hunting permits has had "the glide path of a rock."

Exxon balks

Exxon balked this month at tough air pollution controls required by the Wyoming Industrial Siting Council. Exxon, which employs some 6,400 workers in southwest Wyoming, appealed the phase two project conditions in district court. One condition requires Exxon to curb sulfur dioxide emissions when its huge gas sweetening plant starts up or when breakdowns occur. Exxon says a rehearing on the permit is needed because agreements with the state's Department of Environmental Quality already take care of air quality concerns. But the Wyoming Outdoor Council, which pushed for the more stringent stipulations, recalls that when a gas processing plant malfunctioned in 1983, thousands of tons of SO₂ were blown toward the Wind River Mountains.

Indian suicides tied to a 'world of things'

It has been a frightening, tumultuous autumn on the Wind River Indian Reservation in Wyoming, and the Arapahoe and Shoshone tribes have seen their problems -- particularly a rash of suicides among young Arapahoe men -- spread across the front pages of national newspapers and on television screens across the country.

"I don't really want to talk about it, because I don't understand it," said Al Redman, an Arapahoe teacher and coach at Wyoming Indian High School, where this year's record-breaking basketball team provides a rare uplift. "Most people on the reservation are related, so everyone's been touched by it." There are 6,000 members on the reservation in central Wyoming, which covers 2 million acres of rolling dry hills and plains.

The first death was last August, when Reynold Wallowingbull, 19, hung himself with knotted socks in the Riverton City Jail. Four days later, Donovan Blackburn, 16, a popular athlete at St. Stephens High School, was found dangling from a tree on the reservation.

For a while it seemed the nightmare would never end -- by October, 10 men were dead, nine of them Arapahoe, all by hanging. Suicide expert Dr. James Shore, chairman of the psychiatry department at the University of Colorado Health Sciences Center in Denver, warned that adolescent suicide epidemics generally run for six to nine months. The suicides occurred between Aug. 12 and Oct. 10.

With rumors circulating of drug involvement, devil worship and possible homicides, shaken tribal leaders tried to fend off a flood of media inquiries. A television crew from Salt Lake City, which landed in a reservation cemetery during a funeral, was held at gunpoint by Indian youths while its videotape was destroyed.

"The best thing you could do would be to go away for a while," Arapahoe Chairman Burnette Whiteplume told the media. "We have our own ways of dealing with this."

With more than a month since the last suicide, those ways seem to be working. There have been visits and advice from prominent national mental health experts, intensified counselling for students, and visits from Indian role models such as Budder Red Bow.

One hopeful sign from a society that defers to elders for leadership is the formation of a youth council to give a voice to the 14 to 25-year-olds. The new council was proposed by the Joint Business Council, which is overseeing the selection process of 11 girls and 11 boys.

But in some ways, the procession of meetings, the close attention paid to Indian children, and the new outside awareness of the 3,500-square mile reservation have only accentuated the problems there.

Two tribes, the Arapahoe and Shoshone, share the reservation, and they are often at odds when it comes to setting policy -- last year, the Bureau of Indian Affairs felt compelled to impose a game code on the reservation, after Shoshone leaders complained that the Arapahoe would never accept the code they proposed, and game was being wiped out.

The BIA, chronically underfunded following Reagan administration cuts, is not always helpful: Counselors provided by the federal Public Health Service are of uneven ability, tribal members say, and the agency has failed for over a year to hire a psychologist to serve the tribes, although the position is budgeted.

Tribal leadership has faltered as well. After a year under the tumultuous chairmanship of Chester Armajo, who died last summer, the Arapahoe Business Council is rife with feuding and disagreement. Armajo, a one-time member of the American Indian Movement (AIM) brought in James Watt, the former Interior Secretary whose resignation the tribes once demanded, and proposed that he take over management of the tribe's oil and gas interests.

The tribes are enriched by oil and

gas revenues, which are distributed to tribal members in "per capita" payments of \$200-\$300 per month. Those payments make the Indians prime targets for non-Indian merchants in nearby Lander and Riverton, but they hardly solve the problems of directionless youth.

Unemployment stands at about 85 percent on the reservation, according to the Tribal Employment Rights Office. For young men, who must compete for scarce jobs against older, more experienced workers, the problem is even worse. Funding for youth employment under the Jobs Partnership Training Act has been declining by 20 percent a year, according to John P. Smith, who directs employment training on the reservation.

Then there are problems with alcohol and broken families -- problems which are not always forthrightly acknowledged by tribal leaders. The Sho-Rap Lodge in Ethete, where alcohol and drug problems are treated, is virtually empty, although counselors from Fremont Counseling in Lander label alcohol a major menace on the reservation. Studies have shown over half the students in reservation schools have drinking problems.

LaWanna Simons, a former Arapahoe resident now living in Jackson, blamed the easy but pointless lifestyles of today's Indian youth. In a letter to the tribes, she recalled how older tribal members' days were filled with work -- raising crops, building homes, tending livestock in weather that cost some of them fingers. "But they are only missing fingers. Not pride or accomplishment."

"Today," wrote Simons, "our children, in all of the developed nations, have video games and computers, basketball games and bikes. They have a world of 'things.' They don't need 'things.' All they need is to be able to see that they did something all by themselves."

--Geoff O'Gara

REPORTER'S NOTEBOOK

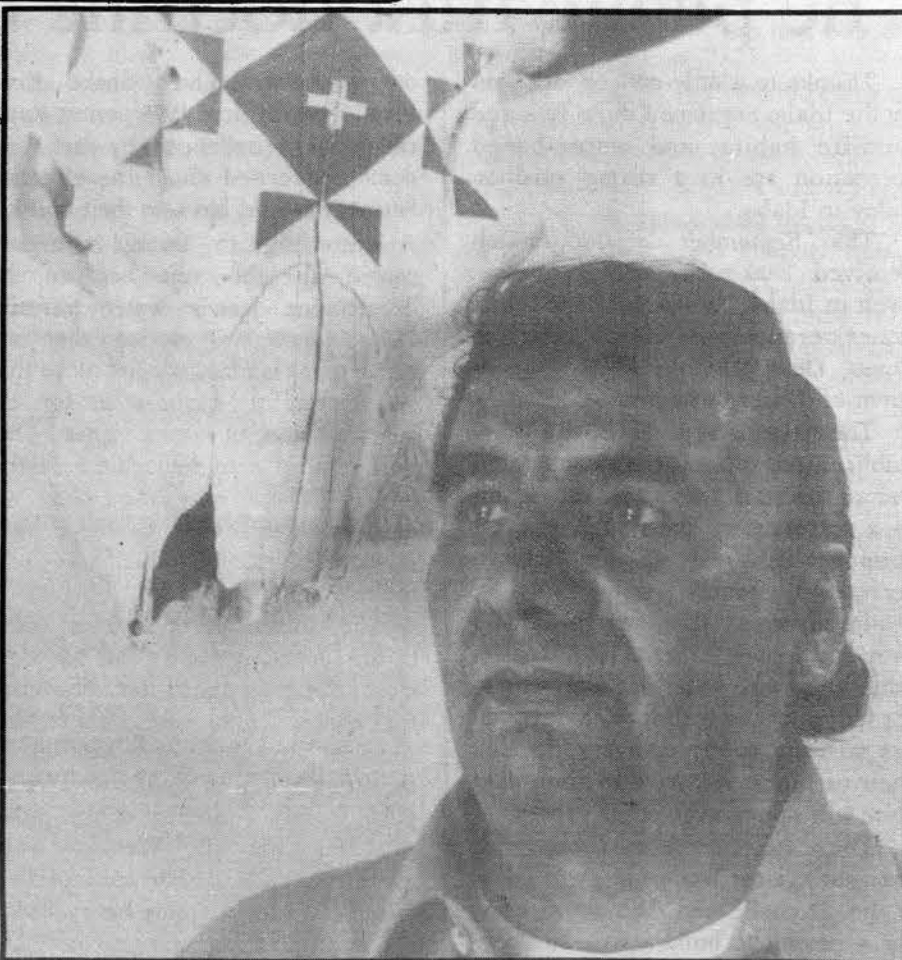
Gilbert Frazier,
1934-1985

I wanted to ask Gilbert Frazier, a Sioux Indian I met in Denver a few months ago when he was teaching a course about Indian culture and politics, what he thought had gone wrong on Wyoming's Wind River Reservation, where nine young men had killed themselves. But I can't ask. Frazier, who called himself Mazakuté or Iron Shooter, died recently at age 51, taking his unfinished family history -- "Indian roots," he called it -- and his hard-earned wisdom with him.

I got to know Frazier during a day-long conversation punctuated by illustrations he'd unearth from mounds of files: old photos of his father, who was a Congregationalist minister, and copies of nineteenth century treaties. The treaties, he said, were all broken by the U.S.

(Continued on page 11)

Betsy Marston



Gilbert Frazier [Mazakuté] in Denver earlier this year

Wiessner has put his mark on the West

What single individual has done the most to preserve Western wildlands in the last 10 years? Those that come first to mind -- John Seiberling, Cecil Andrus, former Idaho Sen. Frank Church, the Sierra Club's Doug Scott -- all have impressive public records.

But it may be that the answer is a relatively anonymous staffperson on the House Subcommittee on Public Lands. His name is Andy Wiessner, and his personal mark is on every piece of wilderness legislation enacted in the last seven years.

Rep. John Seiberling, D-OH, sits on the House Interior Committee and has been chairman of its subcommittee on public lands for over five years. "In those five years, the subcommittee has processed legislation adding over 200 areas in 34 states, totalling 64 million acres, to the National Wilderness System," Seiberling said in a phone interview. "Andy Wiessner has worked on every acre. He's been a hard worker with a great dedication to conservation. It's a great achievement that wouldn't have occurred without him."

Wiessner, who joined former Colorado Rep. Ray Kogovsek's Denver lobbying firm in November, joined the subcommittee staff when former Wyoming Rep. Teno Roncalio was chairman. His initial wilderness assignment was the Endangered American Wilderness Act of 1978, the first major omnibus legislation since the Wilderness Act itself. Over a million acres in nearly every Western state were included.

"I think that bill also led to the whole RARE II review," Wiessner recalls. "Rupert Cutler (undersecretary of Agriculture under President Carter) and the Forest Service realized during work on that bill that they didn't know much about their roadless lands or where they stood on specific areas. So Cutler ordered RARE II to inventory it all and make recommendations. RARE II was condemned by a lot of conservationists, but they forgot it really focused the issue and forced Congress to come to grips with wilderness. Since then wilderness bills have passed in all but four major states."

Rep. Seiberling became chairman during work on the Alaska lands legislation. "That bill brought Seiberling to the forefront of wilderness preservation," remembers Sierra Club lobbyist Tim Mahoney. "There was a happy meshing there of Seiberling, Harry Crandall, and Andy that has led to great results." Crandall, who recently retired, was at that time head of the subcommittee's staff and probably the most knowledgeable public lands staffperson in both houses of Congress.

There followed four years of state-by-state national forest wilderness bills. "I think the California bill was the best we produced," says Wiessner. It contains incredible diversity. The Wyoming bill was rewarding in that it was very tough, the delegation started out very low, and from my perspective the bill we finally got was pretty good." The California bill designated 1.79 million acres and the Wyoming bill 888,000. Wilderness bills also passed for Colorado, New Mexico, Utah, Oregon, and Washington.

"The thing that always impressed me most about Andy was his



Andy Wiessner and Rep. John Seiberling

encyclopedic knowledge of roadless lands," says Idaho conservation leader Dennis Baird. "Name any drainage, and he's either been there or can go right to it on his incredible collection of maps, and tell you all about the resource values. Andy has forgotten more about Idaho roadless lands, for instance, than Sen. McClure's (R-ID) staff has ever known. Seiberling always knew more about the Idaho lands than McClure."

"He has incredible energy," continues Mahoney. "On the subcommittee's Western field trips, Andy would put them together, fly the drainages, write down everything he was told, attend the receptions and meetings, and late at night, when everyone else was exhausted, he'd be huddled over maps with some local activists he'd just met. I think those field trips really cemented the mutual confidence and commitment between Andy and Seiberling."

Among the states still without wilderness bills, Wiessner says the framework is set to deal with Nevada: "The delegation is low there, but I think the pattern will hold and a pretty good bill will come out. Montana ought to be next in line; the question there is whether the delegation will come up with a product that can pass muster with conservationists and my boss." Right now the Montana delegation is supporting about 700,000 acres and Montana conservationists 2.4 million.

Wiessner says his biggest regret about leaving is that he won't be around to work on an eventual Idaho bill. "In terms of fisheries and wildlife, that's the key state left," he says. "My boss and I were absolutely stunned by how much magnificent land there is in Idaho. Nothing should happen there until after the 1986 election, and I know Congressman Seiberling simply will not settle for a bad bill." Wiessner organized a five-day tour of Idaho roadless areas for Seiberling, Rep. Jim Moody, D-Wi., and Rep. Peter Kostmayer, D-Pa., in mid-1984 (HCN, 7/23/84).

Wiessner and his wife are leaving Washington "because we just want a change. I grew up in the mountains, and I want to come West to enjoy the country I've grown to love." His wife is an attorney and will be working for a Denver law firm. Wiessner hopes to employ his Washington experience and contacts in public land lobbying and consulting. "I don't expect to be working for mining companies," he laughs. "I hope to find some business working on inholding issues, maybe

recreation-related issues, things like that."

His replacement on the subcommittee staff will be Russ Shay, who has worked for the Sierra Club since the mid-1970s. He was a desert and off-road vehicles specialist in the club's San Francisco office, and more recently their field representative in northern California and Nevada.

Wiessner took some time to share his thoughts about his Washington experience.

On leadership: "In the past decade, John (Seiberling), Mo Udall, and Jim Weaver have been the political driving force behind wilderness in the House. They have been crucial in recent years, when they've faced Senate opposition. Those three men have a vision of the future you don't find in most public servants. They realize this country has an opportunity to protect things that are just flat gone in other countries. We owe them a great debt."

On roads, budgets and the Forest Service: "I'm sure Senator McClure will continue resisting cuts in the roadbuilding budgets, but I don't think there's any doubt the Forest Service, under public pressure, will have to change its way of doing business. In the Rocky Mountain states, particularly, it's clear that recreation is a bigger economy than the old extractive industries..."

"The Forest Service has to transit from viewing themselves as a timber agency to managing for maximum public benefit. They are a fine land-managing agency, and I think if you take away some of the political pressure they're under now with the current administration that they will respond to the public and the new situation."

On conservationists: "The main thing is they do good homework and work hard. I can recall few times when they've said something about an area or issue that was factually incorrect. That is very impressive to John Seiberling and most congressmen."

"The unpaid volunteers are the real backbone. In all the legislation I've worked on, there are all sorts of cases where just one family, or one small group doing their homework on an area they love, is responsible for that area being protected. They've had the facts and knowledge, and the human commitment, and they've swayed congressmen. Those grassroots volunteers are the unsung heroes behind America's wilderness system."

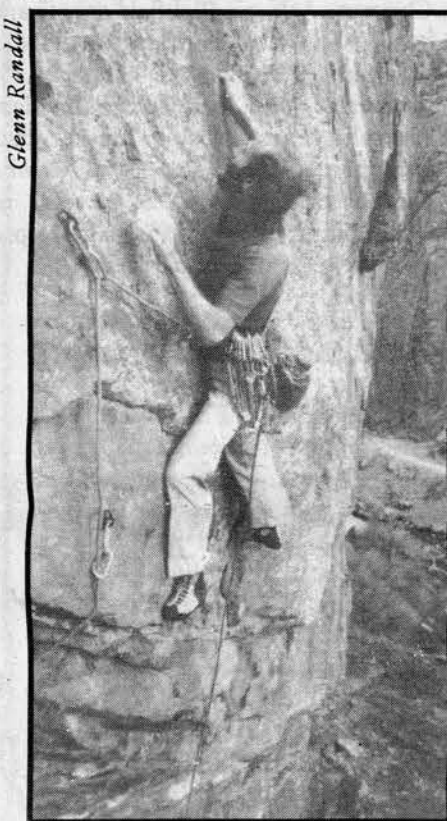
--Pat Ford

HOTLINE

A nuclear aftershock

Sixteen years after the now-defunct Atomic Energy Commission exploded a 40-kiloton atomic bomb in an underground test, several western Colorado residents have filed a \$150 million lawsuit against the federal government. The Garfield County residents, who own gas leases, say they want to force the government to open its records from the 1969 Project Rulison, described back then as an experimental method of enhancing natural gas recovery. The residents want to know if gas flaring from wells near the blast site is unusable because it's radioactive. If so, they claim the government owes them \$10 million in unpaid royalties. The suit contends that the government had the wells drilled in the early 1980s to find out if the gas had become radioactive, rather than to produce gas for commercial sale.

Turning scenery into rocks



Rock climber in Eldorado Canyon

A proposed expansion of a small rock quarry near Eldorado Springs in eastern Colorado could threaten some of the area's spectacular cliffs and rock formations. Owned by Wesley D. Conda Inc., the rock, gravel and clay open-pit quarry is located just southeast of Eldorado Canyon State Park, site of some of the nation's finest rock climbing. Conda Inc. plans to expand their current 10-acre mine into a 415-acre operation that would produce 400,000 tons of rock a year. Local residents are concerned about increased traffic to and from the mine, as well as the visual impact a mile-wide scar from the mine would have on the scenic Front Range hillside. Before any expansion takes place, the Boulder County Planning Commission, county commissioners and state Bureau of Mined Land Reclamation must all grant their approval to Conda.

BARBS

The difference is that New York City couldn't print money.

Sen. William Proxmire of Wisconsin asked recently: "If New York City, with its long tradition of permissive, easygoing government and its notorious lack of discipline, can embrace austerity and succeed, why can't this Congress?"

6-High Country News -- December 9, 1985

HOTLINE

Undermined

A man who has served, unwillingly, as a symbol of the decline of metals mining in the United States was replaced in early November as chief executive officer of Amax Inc. Under 63-year-old Pierre Gousseland, Amax suffered a double blow. First, it has been devastated by sharp declines in the prices of copper, nickel, coal and especially molybdenum. Its Colorado molybdenum employment at Leadville and Henderson dropped from 5,000 miners in the early 1980s to less than 1,000 today. Amax also lost over \$100 million near the Colorado ski town of Crested Butte -- a mine that was held off by residents until the economy dealt it a knockout punch. The second blow was Amax's escape from the clutches of cash-rich oil companies. Under Gousseland, Amax turned away a \$78.50 per share bid from Chevron. Today, Amax sells at about \$12 a share. Other oil firms seeking mining companies weren't as lucky as Chevron. Atlantic Richfield spent, and lost, \$700 million acquiring Anaconda. Standard Oil paid \$1.8 billion for Kennecott and has spent the last several years closing down that operation. *The New York Times* quoted one person as saying of Gousseland: "Chevron is going to put up a large statue in his honor."

A \$1.9 billion cleanup



A federal judge has ordered Shell Oil and the U.S. government to pay as much as an estimated \$1.9 billion to clean up the Rocky Mountain Arsenal close to Denver and Stapleton Airport. The 27 square-mile arsenal has been described by the Environmental Protection Agency as one of the most polluted areas in the nation. The arsenal was used for 40 years to produce chemical weapons, such as nerve gas and commercial pesticides, some of which are now banned. Duane Woodard, Colorado Attorney General, brought the suit in 1983, and U.S. District Court Judge Jim Carrigan made his ruling Nov. 15. Shell and the U.S. Army are reportedly negotiating who pays what for the cleanup, although the state and EPA will participate in studies to determine how the contamination can be removed.

BARBS

What a twisted sense of values.

A *Los Angeles Times* article on romance says that hit and run relationships are becoming a thing of the past. "Today, they're finding a sense of gratification in staying with someone, in making a relationship work."

The Park Service fights a garbage dump

There's a lot of talk about garbage in Colorado's Teller County, where 11,000 residents live in scattered, high-altitude towns such as Cripple Creek and Woodland Park.

County commissioners say after decades of unsuccessfully looking for an adequate landfill, they've found an ideal spot on 104 acres. One problem is that the proposed dump is right next to Florissant Fossil Beds National Monument and the only access is through the monument itself on what is now a track, and not a road.

A related problem for commissioners is Lorraine Mintzmyer, regional director for the Park Service's Rocky Mountain region.

In a strongly worded letter to Teller commissioners, Mintzmyer warned that if the dump is opened, she will ask the U.S. Attorney General to sue for an injunction. "We view the proposed use of easements across monument lands for trash hauling as an infringement on the charge given us by Congress and on the privilege of citizens to enjoy the area," she wrote to the commissioners on Aug. 13.

So far the county has managed to ignore Mintzmyer. Commissioners have approved the dump site, and the Planning Commission, after initially voting no, unanimously granted the operators a conditional use permit on Oct. 10. Helping the planners to make up their minds at that meeting was Teller Commissioner Dennis Luttrell, who has become an unpaid consultant for the dump operators.

Luttrell said there would be little visual impact to the monument from a dump and that the drainage was adequate. "We have a serious trash problem in Teller County. I am doing this as a service to the taxpayer," he told the *Ute Pass Courier*.

The county now hauls its trash to a Colorado Springs landfill 35 miles to the east, but it will close next year. The county closed its own landfill last year after the operator asked for \$60,000 more a year to run it.

The notion of a garbage dump right next to a millions-of-years-old treasure house of fossils has galvanized a small band of conservationists, many of whom plan to attend the next and perhaps decisive commissioner's meeting Dec. 5. Bill Paschall, a resident of Divide, "which is not a town, but an intersection," says, "This is a county where you have to be neighborly. But there are lots of locals who think a dump near Fossil Beds is a terrible idea."

Another opponent is Denver attorney Keith Singer, whose family sold the monument property to the Park Service 16 years ago. He says he is trustee of 192 acres near the monument which would be devalued if a dump is located nearby.

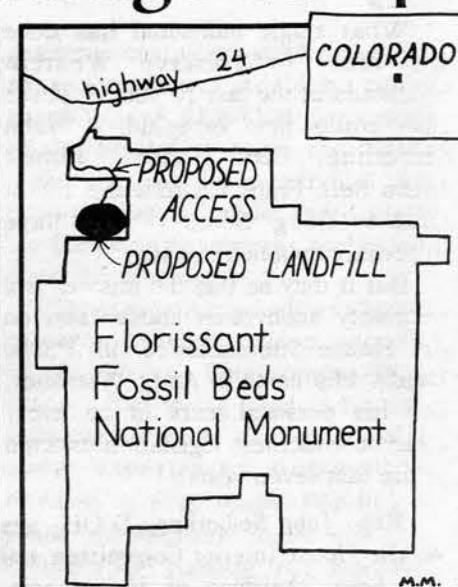
The superintendent of the 6,000-acre monument, Tom Wylie, is also concerned about dust, litter and disturbance to the ancient fossil beds if a road is built for garbage trucks.

Wylie also says the proposed dump borders on a corner of the monument which is now under consideration for hiking trails. "A dump would rule that out." Another problem is noise. Wylie says there have been 90,000 visitors to the monument this year -- up from 54,000 last year -- and most go to the c. 1870s Hornbek Homestead as well as to the visitors' center. "Visitors at both places would probably hear noise from trash haulers," he says.

The monument superintendent adds that he is surprised that Mintzmyer's threatened legal action hasn't been more seriously considered by commissioners. But for Wylie, who spent 12 years as a resource management specialist at Canyonlands National Park, dump threats aren't new, although at Canyonlands the incoming trash would be radioactive.

Teller commissioners voted 1-1 at their November meeting (Luttrell abstained) on the question of issuing a conditional use permit to the dump operators. If they vote to grant that permit Dec. 5, the acreage will be studied for its soils suitability. Wylie says that is like "studying whether a nuclear waste dump should be built near Canyonlands. You shouldn't have to study that, or study putting garbage close to Fossil Beds. It's a nonconforming use and creates a precedent."

The dump controversy has received good coverage in local Teller County newspapers. But with tongue in cheek, *Ute Pass Courier* editor Pat Faherty has taken dump detractors to task for not boosting the landfill. He says county officials need more sophisticated public relations, such as



calling the dump "Refuse Disposal Park with a View."

Last month a new ingredient was added to the dump question. County planner Kip Petersen told commissioners Nov. 14 that an alternate landfill had just been located. It is an 108-acre site owned by the state and includes an abandoned uranium mine and 150-foot-deep gravel pit. The new dump is far from Fossil Beds Monument, but unfortunately, Petersen adds, it is also 15 to 20 miles away from Cripple Creek, the county seat.

--Betsy Marston

Group loses forest road challenge

A challenge to the practice of using public money to build logging roads in national forest roadless areas was cut down in October.

The 9th Circuit Court of Appeals rejected a suit brought by the National Wildlife Federation challenging the Forest Service's practice of constructing the taxpayer-financed roads. The court said that the Forest Service's capital improvement program is a "budget process" and not a "substantive program" affecting the environment.

The Wildlife Federation had charged in a 1984 suit that the Forest Service violated one of the country's basic environmental laws through its road-building program in Montana and northern Idaho.

The Forest Service uses the capital improvement program to allocate money for road and bridge-building projects. The main purpose of the program is new access to timber not considered worthy of wilderness protection by the Forest Service.

In its suit, the wildlife group called the program a "concerted road-building" effort that effectively eliminated roadless areas from future consideration by Congress for wilderness designation. The suit contended that roads built under the program harm wildlife habitat and recreation oppor-

tunities. The federation also charged the Forest Service with violating the National Environmental Policy Act by not preparing an environmental impact statement.

The court decided, however, that the program does not constitute a major federal action requiring an EIS. The program merely pays for actions previously proposed and already reviewed every five years through environmental analysis of the Forest Service's natural resource program, the court said.

The appeals court affirmed an earlier ruling by U.S. District Court Judge Paul G. Hatfield of Great Falls, Montana.

The roads, also known as "hard-money roads," are paid for with congressional appropriations. Opponents of the program say the roads are a form of timber industry subsidization because the construction costs often exceed the value of the timber to be harvested.

Tom France, a National Wildlife Federation attorney, termed the ruling a disappointment. "But in terms of law, I don't think it is any terrific loss." Inland Forest Resource Council representative Larry Blasing called the ruling "very important."

--John Holt

HOTLINE

Little beads

Thanks to Peter A.A. Berle, president of the National Audubon Society, women Marine Corps trainees are no longer chanting the following marching song:

I saw a bird with a yellow bill
Sitting on my windowsill.
I coaxed him in with a piece of bread --
And then I crushed his little head.
A mean Marine --

A lean Marine!

I guess I'm just a mean Marine!

According to *The New York Times* Berle saw the song in a California paper and wrote to the commandant of the Marine Corps, General Paul X. Kelley, both to protest the cruelty and hostility to nature and to invite him to join the 500,000-member society. Kelley declined to join, but an aide promised "you won't hear the women Marines singing that song again."

Forest Service juggles trees and fish

In the 1930s, when only a trail followed the South Fork of the Salmon River in Idaho, the chinook salmon jammed together so tightly in their summer spawning beds that pack animals often refused to cross the river. According to a former ranger, the main trail was abandoned by packers during chinook spawning season in favor of a longer route which bypassed the teeming spawning gravel.

Today, pack trains could easily cross those beds, many of which have been silted in or otherwise destroyed. A road parallels the South Fork and it is no problem at all to count the chinooks. In 1977, only 700 fish returned to spawn in the South Fork. In 1984, that number had climbed to two thousand.

What was once the most important salmon river in Idaho, providing 50 percent of the Columbia River basin's summer chinook, now barely can sustain itself. A fishery once valued at \$100 million has been almost eliminated.

Blame for this loss is shared by dam-building in the Columbia River drainage, heavy commercial fishing and the destruction of habitat in the South Fork itself. But reform is underway. Progress is being made in getting the salmon past the downstream dams and the number of salmon taken by commercial fishermen is being negotiated.

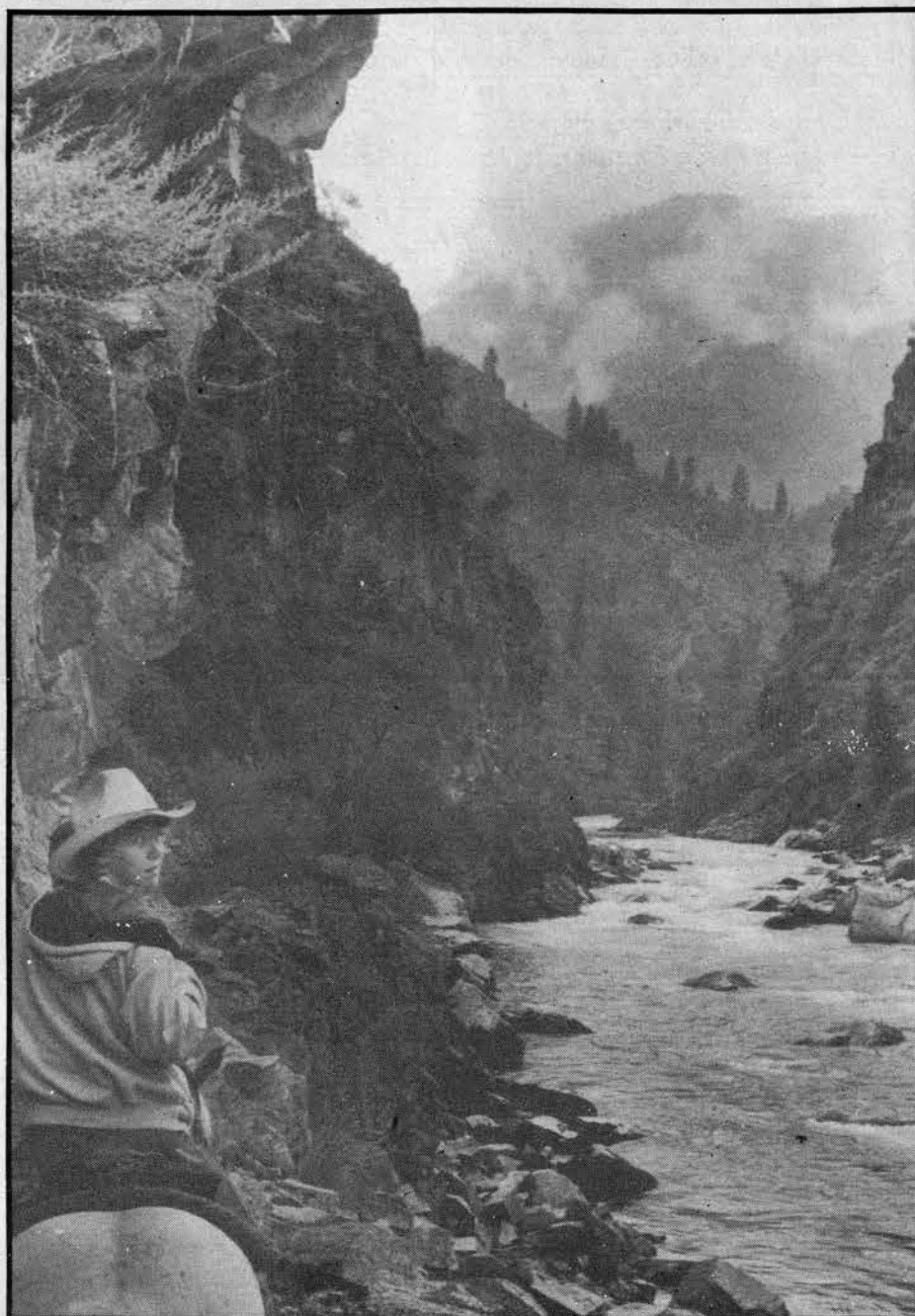
However, critics charge that the Forest Service is not part of this reform movement. They say the agency proposes to manage the South Fork fish habitat at far below its potential in order to allow logging and road construction to continue in the drainage. If the charge is true, a dramatic comeback for the fish is unlikely since its habitat is a chain which stretches from the high elevation spawning beds on the South Fork to the Pacific Ocean. Each link in this chain is crucial.

That chain was broken on the South Fork in 1964 and early 1965, when heavy rains caused massive erosion in the South Fork Canyon, which had been subject to roading and poor logging practices. Sediment lay up to 10 feet deep in many pools, reducing the river's fish habitat to less than 25 percent of its natural potential. By 1984, some recovery had been achieved thanks to a 10-year moratorium on logging. The Forest Service estimated that the habitat for migrating fish had stabilized at 55 percent of potential.

Now the South Fork is in the midst of a new round of crucial decisions. It was one of two areas which helped block passage of an Idaho wilderness bill last year. The timber industry is after its old-growth trees, while the Idaho Wildlands Coalition recommends that roadless areas on both sides of the South Fork be made into wilderness. No action on an Idaho wilderness bill is expected this year.

But another decision is being made. The Payette National Forest, in its draft 50-year plan for the forest, has a proposal for the river. It wants to first increase the South Fork habitat to 75 percent of potential, and to then reduce it to 65 percent by logging a forest of old-growth ponderosa pine.

Some Idaho Fish and Game and Forest Service officials believe it is possible to return the river to 85 to 90 percent of its natural habitat potential. At this level, a self-sustaining



South Fork of the Salmon River, Idaho

population of wild chinook salmon could be re-established in the river without the help of the hatchery that has saved the population thus far. Because recreational anglers numbered up to 1,000 a day on the South Fork in the 1950s and early 1960s, the fish might generate more income for the area than the timber sales.

Chinook salmon are not the only argument conservationists bring against roading. The river also supports steelhead, cutthroat trout

and bull trout. The canyons along the river provide winter range for elk and deer and are home to a number of gray wolves, which are an endangered species.

Those wishing a copy of the draft forest plan, or wishing to comment on the plan, should write to: Kenneth D. Weyers, Supervisor, Payette National Forest, Box 1026, McCall ID 83638. The deadline for comments is Dec. 20.

--Mike Medberry

Coloradans plot a wilderness strategy

More than 100 people concerned about Colorado's wild lands and rivers gathered Nov. 16 and 17 at a wilderness leaders meeting near the 10,152-foot elevation mining town of Leadville, Colorado.

It was an interesting juxtaposition -- the coming together of wilderness advocates in a town that has dropped from 10,000 to 4,000 population as a result of a cutback in molybdenum mining by Amax. Some see the wilderness movement as one of mining's problems. Others see wilderness as a key to a recreation economy that could replace mining.

A major issue at the gathering organized by the Colorado Open Space Council was another apparent conflict -- this one between water rights and wilderness. (See related story.) U.S. Sen. William Armstrong and western Colorado Rep. Mike Strang, both Republicans, are stopping passage of a second Colorado wilderness bill. Both have the political ability to veto Colorado wilderness bills. So the 744,000-acre bill introduced in this session by Colorado Sen. Gary Hart

and Rep. Tim Wirth, both Democrats, is blocked.

For the Sierra Club, which brought the controversial wilderness water rights suit, and for COSC, the Leadville meeting was an opportunity to educate 117 activists on the wilderness struggle in general, and the water issue in particular.

If the water issue is settled and the 744,000-acre Hart-Wirth bill gets unstuck, Mark Pearson of the Sierra Club said it will "protect lower elevation forest ecosystems, rolling virgin forests and streams." The bill includes the 50,000-acre Piedra area in the San Juan Mountains in southwest Colorado, the 50,000-acre Service Creek area near Steamboat Springs in the northwest, and the 250,000-acre Sangre de Cristo area in the south. He said that the latter, which includes six 14,000-foot peaks, is "like Wyoming's Tetons" in their uniqueness.

In addition to major new areas, the bill, Pearson said, will complete the wilderness system along the Front Range of Colorado and add to areas

CUP wins big

The Central Utah Project got a vigorous boost Nov. 19, when 73 percent of 86,000 voters endorsed a \$368.5 million repayment contract (HCN, 11/11/85). The strong approval will help Utah Sens. Jake Garn and Orrin Hatch obtain additional congressional funding for the \$2.1 billion project. Rep. George Miller, D-Cal., chairman of the House subcommittee on water and power resources, is expected to criticize the project for waste and for spending federal reclamation money on non-reclamation projects. A 100-day review period of the project was triggered by the vote, which attracted 18 percent of the eligible voters in the 12 counties. Opponents of the project, led by the National Wildlife Federation and the Utah-based Intermountain Water Alliance, denounced Utah Gov. Norm Bangerter for including a plea for CUP with the paychecks of 9,000 state employees just before the vote. While the 3 to 1 victory margin was impressive, it didn't come close to the 12 to 1 vote CUP received in a similar election in 1965.

Union Pass again

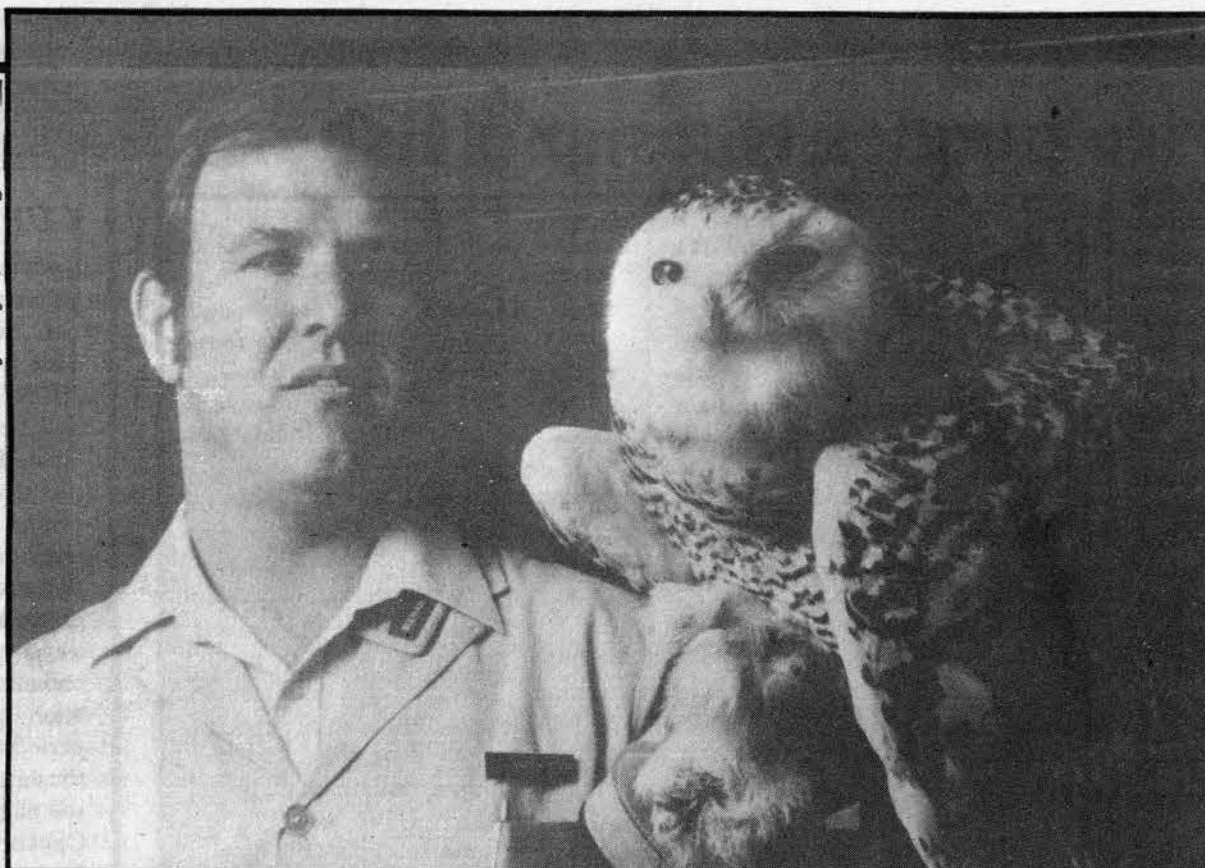
Just one week after Regional Forester Stan Tixier announced that Louisiana-Pacific could improve the controversial Union Pass road in Wyoming, Forest Service Chief Max Peterson issued a stay on the road work. Peterson's decision came only three days before L-P officials were to begin upgrading 3.8 miles of the existing road to allow logging trucks to carry wood from a Little Sheep Mountain timber sale directly to a mill in Dubois. Peterson, responding to an appeal made by the Wyoming Outdoor Council, Greater Yellowstone Coalition, Wyoming Wildlife Federation and Sweetwater County Wildlife Association, ruled that road work must wait for a hearing on the issue in order to let the appeals process run its proper course. That process could take up to two months, effectively delaying road and logging work until next summer.

not adequately protected by the state's 1980 wilderness bill. "One-third of the proposals are to round out existing areas." Examples are the 8,000-acre Spruce Creek addition to the Hunter-Frying Pan Wilderness near Aspen and the 5,500-acre Oh-Be-Joyful addition to the Raggeds Wilderness near Crested Butte.

The group also discussed potential wild and scenic designation for 12 Colorado rivers that have been considered for that status. The rivers session was a bright spot for the group. While the proposed wilderness bill faces an uphill fight, Rep. Hank Brown, R, has introduced a bill to designate 77 miles of the Cache la Poudre River, which flows out of Rocky Mountain National Park, as the state's first wild and scenic river. Unlike Brown's 1983 bill, this one is supported by the Colorado Rivers Coalition. The group's coordinator, Norm Mullen, said, "This bill is not perfect, but it may be the best we can get."

--Judy Mcfaff, David Havlick

Larry Mayer, Billings Gazette



Dr. Edward Jordan holding a wounded snowy owl

Photos by Dr. Jordan

Lending a helping hand

"My greatest thrill is fixing up an injured bird that was wild and free," says Dr. Edward Jordan, a veterinarian in Billings, Montana. For nine years Dr. Jordan has cared for thousands of wild birds such as hawks, owls and falcons as well as a full-grown mountain lion, a red fox, rabbits, squirrels and even a "barnyard duck" brought in by a good samaritan who was convinced the duck's wings were saturated with oil.

Members of the active Yellowstone Valley Audubon Society and Eagle Scout Keith Paris have built sturdy cages to house some of the birds, but Jordan says there is always a need for more cages. "A Cub Scout group built some smaller cages outside, but vandals smashed them. We've had to padlock the cages or someone will let the birds out."

The veterinarian has had better luck with food for birds on the mend. Audubon members and local residents all donate venison or other food, which is fortunate "since our need for stew meat runs up to \$12 a day," Jordan says. Also helping out are wardens with Montana's Fish, Wildlife and Parks Department, as well as local fishermen who drop off supplies for the fish-eating birds.

Jordan likes to talk to school groups, writes a "Pet Vet" column for the *Billings Gazette*, and also gives a talk each year to a Cub Scout day camp. He says his message is really brought home by people seeing the recovered wild birds for themselves.

"Last year when I went to the camp I took an immature bald eagle that had been shot by hunters. I held him up, then when he flew off out of sight everyone cheered. They realized what freedom meant," Jordan says.

"Even though a bird may fly over a hill and be killed, you've given it a natural chance at life again," he says. "It's an emotional moment."

Every day greets the vet with a different challenge. The afternoon we talked to him a yellow warbler had just been delivered and Jordan wasn't sure if the bird would survive. "Wild birds can get pretty sick. And some that are used for target practice may never fly again."

Although it is still in the planning stages, what Jordan hopes to do someday is set up a non-profit Montana Wildlife Rehabilitation Center, complete with hospital, auditorium and cage area. "I welcome comments and help," he says. Dr. Jordan can be reached at his clinic at 50 Moore Lane, Billings, MT 59101.

--E.J.

--Betsy Marston



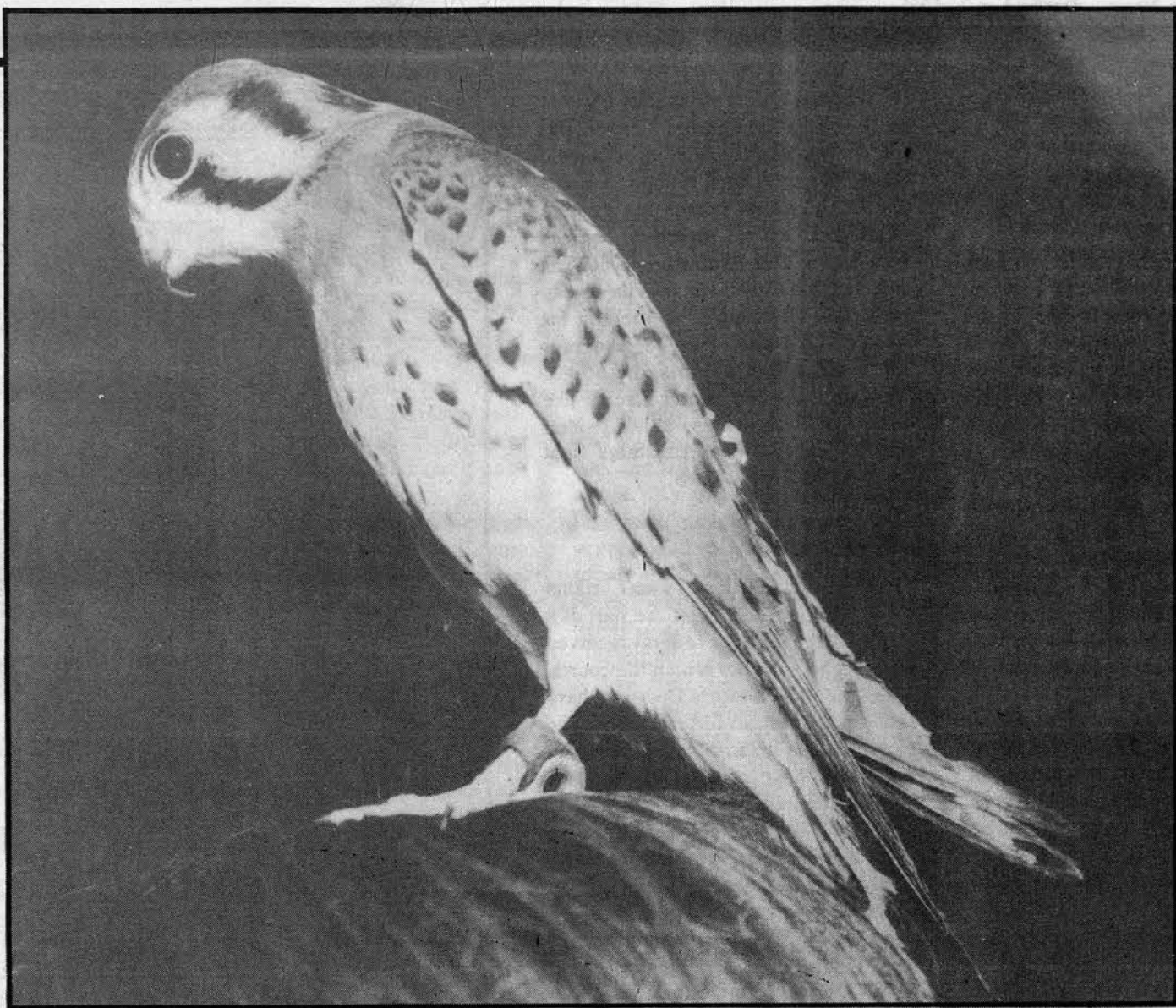
"Baldy created quite a stir when he arrived. Found beneath a powerline near Judith Gap, Montana, this bald eagle's wing was not only severely broken but gangrenous as well. There was no hope of saving the wing. Amputate the wing or die -- which should it be? The local newspaper ran the story and soon the *Associated Press* made it a national story. A one-winged eagle is not used for display much in zoos, and can't easily be used for breeding purposes either.

Public sentiment was strong, however, and the U.S. Fish and Wildlife Service gave the go-ahead to save his life.

"Since that time, nearly three years ago, Baldy has remained at our hospital and has seen literally thousands of people, mostly grade school children. He is as wild as the day he arrived, and is very hard to catch and handle. He has learned to flip in the air when being caught and presents his talons at about my waist

level. Baldy does put on quite a show for his audiences. He makes a variety of noises and entertains everyone by trying to bite me while I hold him.

"Baldy is held here under the authority of an educational permit from the U.S. Fish and Wildlife Service. If ornery personalities make a bird live longer, Baldy will be here for a long time."

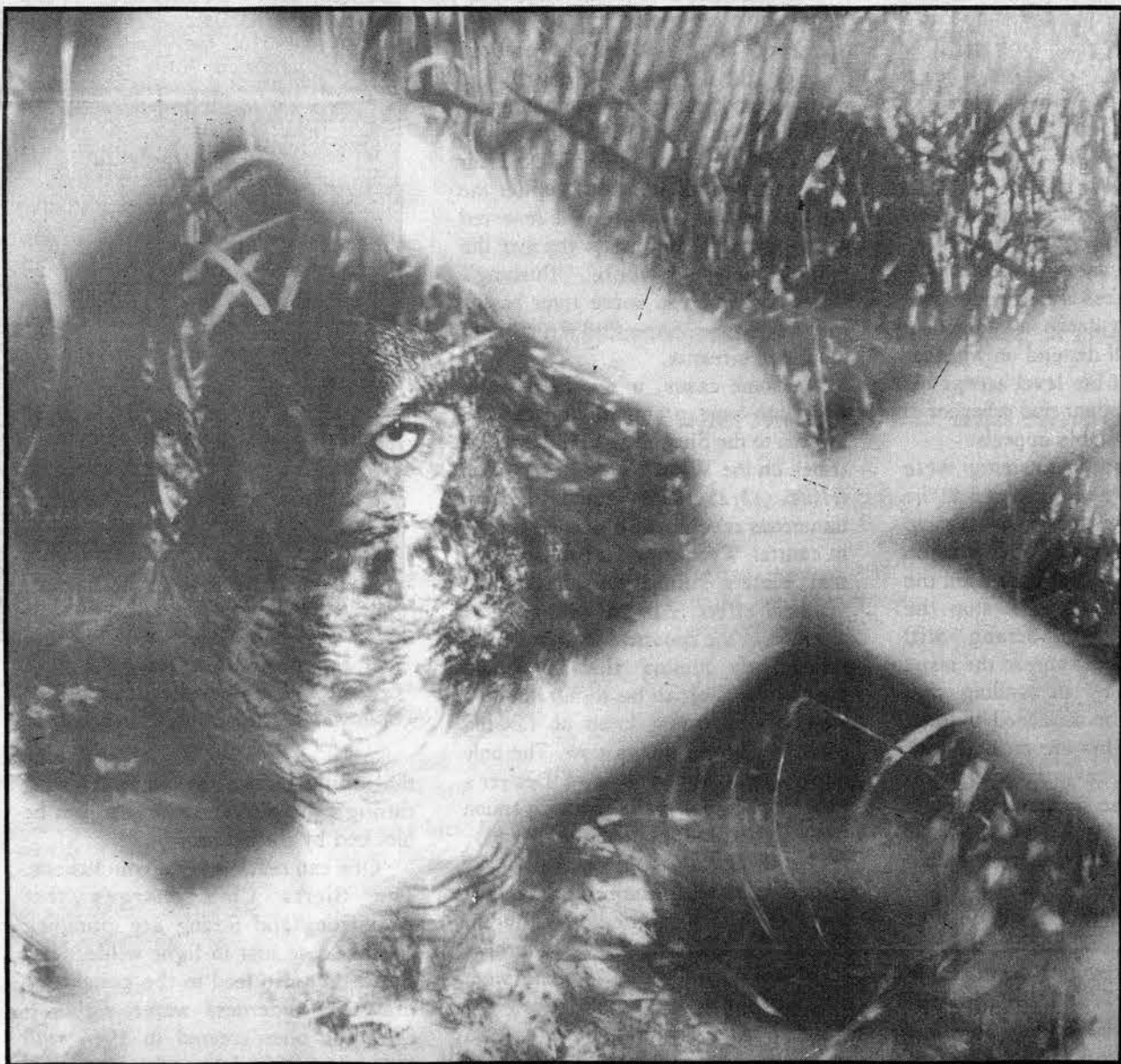


"Hawkeye, an American kestrel, is one of our tamest birds. He had only a very minor injury to his wing, but after it healed he could not fly well. Hawkeye is an easy keeper as he does

well on canned cat food and an occasional grasshopper. Kids that visit the birds are encouraged to catch grasshoppers for the birds. The insects are then frozen for future use

when there are none around to catch and feed."

--E.J.



"Recuperating birds are used for some minor research while here. Blood samples have been taken to help establish normal values in each species. This great horned owl was a banded bird and authorities were notified as to his situation. Migration patterns can be established from such information. I will soon be banding

each bird that is released after an injury to help determine how well their survival rate really is.

"An architect recently has been using our captive birds to try out new devices to deter the big birds from perching on power poles. In wet weather, some birds are electrocuted if their wings cross wires. So far, three

devices have not worked well, but new plans are being drawn up.

"Research is not a big part of our program now, but these small experiments may be of some greater value in the future."

--E.J.

Water...

(Continued from page 1)

But the sole public criticism came six weeks ago when Boulder attorney Robert Golten, a former lawyer for the National Wildlife Federation who is currently part of the negotiations over additional diversions of Colorado River water to the Denver area, called the suit "ill advised and ill-timed." However, the environmental community rarely debates its differences in public, and there were no comments on the verdict to be had last week from environmentalists. Potter said that while some environmentalists may disagree with the Sierra Club's tactics, they all accept the need to protect water in wilderness.

The debate over a verdict which the Sierra Club said was "an excellent decision" and the *Rocky Mountain News* headlined "Judge backs Sierra Club water suit," can only be understood within the context of the impressive power the Western water fraternity has.

The effort to carve out wilderness from National Forest and BLM land has to deal with the interests which covet those lands: timber, mining, oil and gas, grazing and motorized recreation. Until now, the water interests were involved only indirectly. Wilderness is usually at high elevations, above most dams and reservoirs, ditches, and irrigated land. Farmers who irrigate land or cities which take municipal water out of a stream didn't see wilderness creation as a water issue. Now they may see it as one, and a whole new group of players -- a powerful, emotional and not always logical one -- may be in the game.

Whether there is a real problem is not known. Kane's ruling is general. He didn't assign water rights to the 24 Colorado wilderness areas in question. And whether his decision spreads to other regions will depend on whether federal judges at his level accept his decision as precedent and whether it survives the inevitable appeals.

But Strang and Armstrong were saying even before the verdict that the suit proves wilderness can lock up water rights, and the two have taken on the issue as a cause. They used the pending lawsuit in 1984 to stop the Colorado bill, and Strang will apparently attempt to spread the issue to other states by demanding that wilderness bills be amended to read that no water rights are created with wilderness. The environmental community will oppose such amendments. Potter predicted that the question will be resolved by the Congress rather than in the courts.

The Sierra Club's Four Corners area regional representative, Maggie Fox, says that Strang and Armstrong are anti-wilderness and are using the suit to stop new wilderness. She says Armstrong raised the issue of wilderness water rights even before the Sierra Club suit. She charges Strang with hurting his western Colorado region by not seeing wilderness water rights as a way to protect that region's Colorado River water from transbasin diversion to the Denver metro area. She also says the Sierra Club had to go to court because the Forest Service was not acting to affirm reserved rights in wilderness areas, and without prompt action, such rights would be lost.

Western Colorado usually leaps at any new weapon against Denver. But the development-oriented Colorado River Water Conservation District (CRWCD), which represents western Colorado's water interests, agrees with Strang and Armstrong. CRWCD attorney Don Hamburg says there may be certain advantages in the suit for western Colorado. But he also says there is a major disadvantage: Western Colorado water users, like almost all water users, abhor federal reserve rights. Western states fight those rights everywhere.

The wilderness water rights Kane ruled exist are part of a large class of federal reserved water rights -- rights which the courts, under the 1908 Winters Doctrine, have said go with certain federal lands. The most famous examples of reserved rights are those created at the same time as Indian reservations (HCN, 11/25/85). But there are others.

It can be argued that the water establishment doesn't just pick on wilderness water. It appears to be opposed to all federal water rights. For example, in Colorado, the CRWCD is fighting federal claims to Colorado River water for future development of the Naval Oil Shale Reserve in northwest Colorado even though that is an energy-development use. The Pentagon is citing national defense and claiming that Colorado River water went with the creation of the oil shale reserve even though the Colorado River doesn't flow through the tract. (The Navy already has been awarded the water on the tract.)

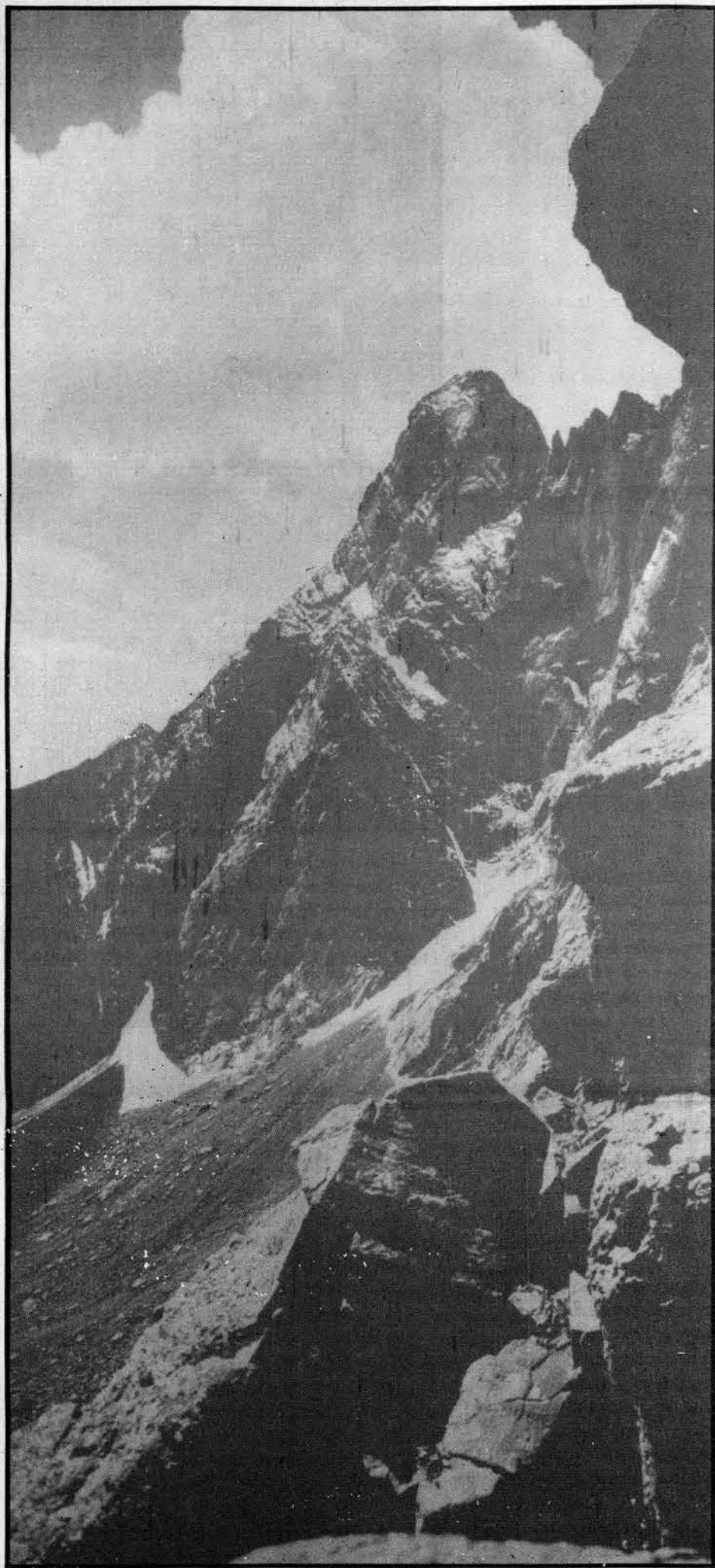
The Colorado water establishment is also fighting the federal attempt to say that the creation of Dinosaur National Monument in 1918 under the Antiquities Act also created reserved water rights. Other suits involve the national forests, where "flushing" water is claimed in some river basins to maintain the shape and structure of mountain streams.

In some cases, a reserved water right can have practical impact. The awards to the Shoshone and Arapahoe tribes on the Wind River Reservation (HCN, 11/25/1985) could dry up numerous ranches and a town or two in central Wyoming. But most agree that Kane's ruling will have little practical effect. All 24 wildernesses are high in the mountains and Kane's ruling only means that a certain amount of water, to be determined by lower courts, must keep on flowing down to where it flows now. The only effect might be on one of Denver's water rights to a transbasin diversion from high in the mountains.

However, wilderness carved out of Bureau of Land Management land at lower elevations might be a different matter. There are no BLM wilderness areas yet in Colorado. If some were created, let's say, next year, the attached rights would have a 1986 priority date since the right dates back to the creation of the wilderness. All other water rights would be senior to it. In Colorado and the West, even a 1960 right is "junior" and likely to be dry in all but the wettest years.

Attorneys say, however, that a junior right could complicate matters if a farmer who owned a senior right wanted to change the point in the stream at which he diverts the water onto his land. If he wanted to change it from a diversion point downstream of a wilderness area to one upstream,

David Sumner



The Sangre de Cristo Range's Crestone Needle, included in the Colorado wilderness bill currently

pending in Congress, but not recommended for wilderness by the Forest Service.

that could reduce the water flowing through the wilderness and might be blocked by the courts.

One can reach several conclusions. The Sierra Club charges that Armstrong and Strang are pumping up this case just to fight wilderness. But it can also lead to the conclusion that the wilderness water rights -- even the ones created in 1964 with areas specified in the original Wilderness Act -- are so junior, the lawsuit will never have much practical effect in keeping water flowing through wilderness. The important suits are ones based on the creation of national forests or national parks, since those have early priority dates.

The case, and the disagreement within the environmental community over its timing and value, can be seen as a difference in perspective. The Sierra Club is taking the long view, saying that one shouldn't buy a

wilderness bill by ignoring differences. If you do, the group says, those differences will surface later and hurt the wilderness areas. Others say that it is better to have as much appropriate land as possible declared wilderness, and then fight to protect it.

Kane, at least, didn't hint that he was dealing with a theoretical case. His opinion is a vigorous affirmation of the importance of wilderness. And while he denied a main feature of the Sierra Club suit -- a request that the Forest Service be ordered to seek reserved rights -- he did order the agency to come up with an approach to wilderness water by April 1986:

"I am dismayed by federal defendants' benign neglect of this issue of federal reserved water rights in the wilderness areas..."

REPORTER'S NOTEBOOK

(Continued from page 4)

government almost as soon as they were signed by army generals and Sioux Nation chiefs such as Cold Place, Eye Lance and The One Who Kills Eagles.

He talked about his 1978 videotape of the six-month "Longest Walk" of Indians from Alcatraz in California to the Capitol steps in Washington, D.C. He was proud of setting up the first Indian Center in Omaha, and of producing television programs in Salt Lake City. He spoke slowly, almost haltingly, but rarely with anger. As a child, Frazier said he, like most reservation Indians, had been a pawn in a game played by missionaries. He was to be baptized into five different religions "depending on who swooped down on the Santé Reservation" in Nebraska. From Congregationalist, he became Episcopalian, Catholic, Dutch Reformed and finally Mormon. He spent three years at a Catholic mission school in South Dakota, and four years

in a school run by the Bureau of Indian Affairs in North Dakota, after his parents separated and the family of five children was split up.

"At the government school they cut our hair and gave us black shoes with a white circle that said: Property of the U.S. Government. Our own clothes were taken away and never returned," he said. "We couldn't talk Indian, and members of different tribes were pitted against each other."

Frazier never graduated from high school. Instead, he joined the Army and went to Korea. When he returned he discovered he didn't fit anywhere: "I was so Americanized I thought it was wrong to be Indian." Frazier said he changed his mind when he read about a Sioux City, Iowa, cemetery that refused to bury an Indian soldier killed in Korea. "I went off the deep end, drank a lot and realized that somebody had lied to me," he said. "I thought the white race was chosen by God, and I wasn't white."

Frazier's final Christian conversion

occurred when he was 24, and back on the Santé Reservation. "Two men wearing suits came up," he said. They were Mormons, who told him Indians were the Chosen People, and encouraged him to take courses at Brigham Young University. Frazier did, after having earned his high school equivalency. But he said he abandoned that faith when he began to see a pattern of discrimination against non-whites.

He also divorced his second wife and lost touch with his children (he has had 14) after suffering a heart attack. "I was in a veterans' hospital for two years, turning into a vegetable. I blamed religious indoctrination; I was baptized so many times I was confused. I think I was so damn scared I couldn't move."

Frazier said he recovered his will to live after leaving the hospital by making a pilgrimage to the Black Hills of South Dakota. Alone for four days, "I finally had an experience that unchained me -- that linked me to my people through the Sacred Pipe. It made me free."

Then in his late thirties, Frazier said he became a political as well as a

religious Indian, and eventually he started a business producing job-training videotapes for reservations. He also studied what had become of treaties with sovereign Indian nations, observed that Indian languages and oral histories were quickly being lost and tried to get government funding to produce an Indian-oriented "Sesame Street" for children on reservations. But "Reagan came in and all the money dried up," he recalled.

Frazier joked that what is needed before Indian culture is further watered down is a text called *The United States in Indian History*. But what he stressed again and again, because he said it saved his life, was that Indians need to return to their spiritual roots. "Only then can we be as strong as whites in a white world."

"When you lose your religion you lose everything. First we signed treaties -- and every one was associated with kegs of whiskey -- and then we let ourselves be corrupted by the white man's religion. We drink to forget what we've become."

--Betsy Marston

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Thank you, Hurricane, Dolores, 29 Palms,

Rifle, Hamburg, La Grande, Winona,

Cupertino, Ophir and Kalupapa,

Swan Lake, Ephraim, Driggs

Nancy Fitzsimmons
and Rich Bloom
Driggs, Idaho

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Barbra and Scott Berry
Salt Lake City, Utah

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GUEST ESSAY

An ex-HCN editor confronts a different world

by Geoff O'Gara

A few weeks ago, the *Dubois Frontier* ran one of those intemperate, waspish little editorials that regularly appear in small mountain town newspapers, lashing out at the environmentalists whose wine-and-brie efforts to preserve wildlands they only occasionally visited were a "threat" to the local economy. It snapped at the "arrogant agenda of Washington-oriented groups" and said that in Wyoming, "economic survival takes the first pew."

This was no surprise from a newspaper in Dubois, where timber giant Louisiana-Pacific is the largest employer; environmentalists would like to stop L-P from clearcutting slow-growth timber in the forests around Yellowstone National Park, and the locals can't stand those no-growthers. What is surprising, I think, is that I wrote that editorial.

I wrote it the way so much of a small town newspaper gets written: hurriedly, concentrating intently on the sheet of paper in the typewriter, whether it was timber or wedding news or speeding tickets, then on to the next piece of paper and the next, until the paper's full. You don't go back over much, and you don't sit back and think deep thoughts.

I started thinking about it more, though, when I heard from some friends, John Barlow of the Wyoming Outdoor Council, and Meredith Taylor, a Dubois resident who serves on the board of the Greater Yellowstone Coalition. As Meredith put it, after a long argument about the tactics of WOC and GYC, "I guess what I'm really wondering is where you're coming from."

It's a fair question to ask a former editor of *High Country News*. Others have gently hinted that this particular editorial didn't really sound like me, and, reading it again, it does seem a little quarrelsome and gratuitous in its slap at today's environmental leaders. But I can't retract it. It expressed my frustration and impatience with the way the environmental movement functions today. It reflects, I think, some shift in my own sense of scale and community.

When I arrived in Wyoming in 1979, I caught the twilight glow of a lively, accomplished period in grass-roots environmentalism. It was the tail end of a time when many young and old folks in the Rockies worked together successfully to protect public lands, with little posturing or self-promotion. The energy was still pretty good, but there were some rifts appearing among the stalwarts who had worked their butts off for years. As a professionally skeptical but emotionally sympathetic newcomer, I followed the fading light.

Over the years, many of the folks who ran the environmental groups moved away; some who didn't became raspy and peevish, a little like my editorial, and disconnected. A kind of vacuum formed -- groups like the Powder River Basin Resource Council looked for new constituencies; WOC looked for new issues, and new blood.

National environmental groups, after a temporary resurgence fueled by James Watt's tenure at Interior, were looking for new ways to galvanize public concern. Some cast an interested eye at the Yellowstone area, where the advocacy environmental groups were as fragmented as the land management agencies. The Wilderness Society, which had wiped out most of its staff in the region a few years back, made plans to open up shop in Jackson. The Yellowstone Coalition, an affiliation of regional and national organizations, elected to become more than just a data-gathering and coordinating agency for its member groups: It moved to the front lines and began drumming up national awareness and a national constituency for the ecosystem protection effort.

I seemed to be moving in another direction -- back to local journalism on the one hand, and away from environmental issues in my out-of-state freelance work. With some friends, including HCN founder Tom Bell, I bought the Dubois weekly, circulation about 1,300. And after a year of passive

ownership, I began running up to Dubois every week to write it and play the boss.

My affection for the town and some of its people grew, and its survival weighed more heavily on the scale of issues that teeters in my head... nothing unusual about that. I decided it was desirable, at a time when tourism was flat and northwest Wyoming in general was depressed, to hold onto those jobs at the L-P mill for a few more years, and see if during that time the community couldn't devise new strategies for its future. So I became a proponent of local efforts to assure that various forest plans in the area allowed enough timber cutting to keep the mill operating.

Simple enough. There are a few complications, though, some of them having to do with my tangled motivation. I run a business now, just like the hardware store down the street -- my need for advertising surely munches away there amidst the high-minded editorial hay about preserving a town's cultural mix. And I enjoy, after so many anonymous years writing for audiences who read my stuff at considerable remove, being hailed on the street or at the local chamber of commerce "achievement" dinner.

Less personally, there is the question of whether buying time for "futures" planning is anything more than pipe dreaming, as we look around at the little mountain towns which build and equip "technical parks" and then sit like jilted wallflowers by their empty lots as high tech waltzes by to California. And some old-timers question whether Dubois hasn't already had its chance and blown it, during numerous previous shutdowns of the L-P mill, when no one thought of much more than the next million board feet. Begging for "just a little more" timber, on a forest that has already suffered damage from earlier cuts, may not be as innocuous as it sounds.

And yet, aware of these questions, I have begun writing editorials like the one mentioned above, and continued my coy flirtation with people whom I once considered opponents in the struggle over public land management. And I eye the environmentalists critically, more critically perhaps than I do the Dubois locals.

I'm a little put off that the Greater Yellowstone Coalition would think first of holding congressional

hearings in Washington, D.C., and second of bringing their director to Dubois to meet with the paranoids. I'm confused by WOC's fragmented leadership, the verbal shots from the hip that seem to pre-empt reasonable discussion on both sides.

I have even begun to wonder if some of the fears of the local folk aren't valid. I wonder if some of the goals of environmental groups might, perhaps inadvertently, make this paradise the province, predominantly, of seasonal visitors, and its towns dependent solely on that ugly parade of tourists. I sniff snobbery and condescension where I hadn't noticed the scent before -- in appeals to Washington and the refusal to take agency decisions here in the region at face value.

The other side of the scale is not empty, though. If L-P really can't be controlled, if the agencies really can't sell public lands commodities without giving away the whole store -- and history, along with some of the denuded hillsides in Wyoming forests, makes you wonder -- then Dubois may indeed have to go the way of Jackson and other purely tourist towns. And I continue to believe the ecosystem concept is necessary and right, though I haven't convinced Dubois residents of that.

It may be that my sense of alienation from the environmental movement is untypical. Or perhaps it is seasonal, in the individual and in the society in general.

Because I would like to think there is a kind of organic cycle in this: that environmental "movements" inflate and deflate like bellows, when the heat is needed, and that their focus and my understanding will return in recognizable form. Fat metaphors about winter and summer are tempting, particularly with heavy snows drifting outside my window, but better avoided. My hunch is that the next grass-roots movement lies at the end of the economic disorientation that now grips the mountain West. When I sense it coming -- sense it among the people who are here year in and year out -- I hope I won't have so many examples of my "incorrect thinking" in print that I'll be dismissed as 4-F. And I hope my own mind won't have stiffened so much, my own vision gotten so narrow and mean, that I can't recognize it when I see it. Or am I missing it right now?



The life and death of Rocky Mountain towns

by Ed Marston

Rural weekly newspapers are strange beasts. Those who run them earn their living by serving one group of people so that another group will buy their services. You work only three days a week, but in those three days you put out enough energy so that you need the other four days to recover. You have the appearance of power -- you can focus your community's attention on almost any subject -- but it is not clear you ever accomplish anything.

I spent six years publishing a traditional rural weekly -- *North Fork Times* in Paonia, Colorado. For most of that time, I was on auto pilot. Producing 52 issues a year doesn't give you time to reflect or distance yourself from the job. As Geoff O'Gara points out, you usually don't have time to copy read a story or editorial you just wrote, let alone ponder its implications and tone. Much of the work is done in a haze of irritability and fatigue.

I think I've remained in Paonia -- a coal mining and fruit growing town of 1,500 -- because even after four years away from the weekly, I still feel on vacation here. I pass by town hall without having to attend a meeting. I go into the library for a book rather than the latest "recent acquisitions" list from Shirley Lund. I see Art Wolverton on the street and don't worry about him getting his obituaries in on time. I shop without calculating whether they advertise with us, with the competition, or with no one.

High Country News is thought to be a lot of work, but compared to *North Fork Times* or any rural weekly, it's a piece of cake. If I write something nasty about someone, there's no chance he or she will walk into the office Thursday morning, or that I'll meet them at the coffee shop. Even better, as publisher of *HCN* I don't feel the direct sense of responsibility for the Rocky Mountains I felt for the *North Fork Valley*. No one, not even the publisher of *HCN*, can fool himself into believing he has much direct effect on the region. But the publisher of a Paonia or Dubois weekly comes to quickly believe that what he writes helps determine the fate of his community.

Geoff says that he provokes the environmental community by being waspish and intemperate. In turn he is provoked by their inability to see the importance of the several hundred jobs the Louisiana-Pacific mill provides. The construction of a short stretch of road to keep those jobs seems a relatively small thing.

Two years ago, Candi Harper, who did a state-wide syndicated daily radio program called *Colorado Speaks*, was kicked off radio station KUBC in Montrose because one of her interviewees referred to L-P as a "gyppo" lumber firm. "Do you know how hard this community worked to get those jobs?" the station manager asked her. "Those jobs" pay minimum wage and are tied to cutting the area's aspen forest and, incidentally, to gassing the people who live around the plant.

It is hard to explain to someone who doesn't earn a living in a small town how perilous its economy seems, and how that collective sense of peril blots out other considerations. The small town joke about the same \$5 bill being passed from person to person before it is allowed to move out of the area expresses that anxiety, that sense of the tininess, and perhaps tinniness, of the local economy. When you walk the main street of a small working town in the Rockies, you wonder what keeps it from blowing away. You're not surprised that first the new car dealer, and then the used car dealer, and then Penney's and Safeway shut up shop. You only wonder why the survivors haven't followed.

The economy of a small community is naked. You can go through the telephone book and name where most people earn their living. Last month, you could read the tax notices, often with a sense of shock at the people who hadn't paid their \$500 to \$1,000 property tax bill.

You are also aware of larger forces. You know the West has been highgraded and that the bill for the highgrading is due. L-P needs the road over Union Pass because it has cut all the old-growth closer by in mockery of sustained yield. You know

that even if the Union Pass road is built, the highgrading of timber will soon end, if only because there's nothing left to highgrade.

The ending of the highgrading era on our national forests coincides with other shifts. Thousands of uranium miners are out of work in New Mexico, Colorado and Wyoming. Amax's molybdenum mines in Colorado have 4,000 fewer workers than in 1980. The Kennecott copper operation in Utah has 5,000 fewer workers than in 1982. Anaconda is gone. Oil shale is on the federal respirator.

No one can say this is the end of an era. It may just be a sickeningly steep part of the cycle. But everyone does know that if copper, uranium, coal, molybdenum, oil and gas roar back, the recovery will be followed by another bust that will again devastate communities that waxed fat during the boom.

In an urban area, busts are usually transitions. The horse and buggy is followed by the auto; the electric typewriter by the word processor; fans by air conditioners. Due to their populations, transportation networks, workforces, schools and political control, urban areas are economically creative.

But the rural industrial activities -- mostly mines and mills -- are economically sterile. High tech or small mail order or manufacturing operations don't move to a Butte or Leadville during their good times. A few firms spring up to cut mine props or manufacture roof bolts. But they shut down the same day as the mine or mill.

Some communities disappear totally when their mine or mill closes, and are heard from thereafter only in *A Guide to Utah's Ghost Towns*. Others, such as Aspen or Park City or Crested Butte, survive as structures, but not as communities. Their populations turn over except for those too old or bitter to move. Those remnants hang on to mourn the good old days and curse the newcomers.

Destruction of communities and old ways of life are how the system works. Economic development pros say a new (usually tourist) economy can't take over the corpse of a town until property values have fallen drastically. Then, the new activity can afford to buy up the old body for a new use. The fall in prices may really be an indicator which shows that the old community has given up on the town, making way for the new people and the new activity. Until they give up and leave, attempts to transform an economy are doomed.

Why can't the existing community make the transition? Why does Geoff guess, in his essay to the left, that Dubois won't use the years remaining to the L-P mill to change direction away from the mining and milling of timber?

As mentioned above, a small town newspaper publisher operates almost instinctively. And one of the things we did on autopilot with *North Fork Times* was to buck the prevailing ethic in the local schools -- an ethic that downplayed academics in order to run the schools like semi-pro athletic leagues. The North Fork Valley isn't as bad as Helena, Montana, where parents are enraged that a D average no longer allows a kid to participate in varsity athletics. But there is no doubt that sports, while we covered the schools, got top consideration when it came to hiring teacher/coaches, when it came to taking kids out of class Friday after Friday for trips to distant towns, when it came to budgets, when it came to rewarding achievement.

Our editorials criticizing the sports emphasis, or our more subtle attempts to change things by publicizing academic achievements, Iowa Basic Test scores, and abuses of the athletic programs

got nowhere. But we made the futile effort because we knew that the schools were tied into the welcome most of the community gave to mines, or power plants, or any extractive activity: "We need the jobs to keep our children here."

It's a sentence that makes an environmentalist's blood boil, perhaps because it is true and unanswerable. For the most part, and with some wonderful exceptions, the schools in the rural West, reflecting their communities, don't try to equip children to go into a highly competitive, urban, credentialized world. Parents want their children and grandchildren near them. For that to happen there must be well-paying jobs that don't require a college degree.

A small-town newspaper publisher in a working community can fight to see that the extractive industries operate with as little pollution and arrogance as possible. But he can't oppose their existence. He may know that they hurt the community's long-term interests because the jobs are boom and bust, because they are economically sterile, because they provide only one kind of work, and because the jobs pay so well they destroy the ambition of school-age youngsters. But he can't act on those reasons. To do so would be disloyal to the community -- to the people the newspaper serves. You can tell people what you think is good for them. But you can't impose it on them.

Like Geoff, I used to be intemperate and caustic toward local environmentalists. I was that way not because they were snobbish or uninformed or earned their livings elsewhere. I was that way because they were absolutely right. But they were right in the sense of someone telling you that "only death and taxes are certain."

It is a tragedy that so many communities in the Rockies are tied to extractive industries, and that those industries lead nowhere but to booms and busts, followed, perhaps in this decade, by the final bust. It would be better if those communities ran off their mills and mines and learned to cope today with the new world that is coming. But they can't do that.

When L-P finally closes its mill, even if that is 10 years from now, Dubois will be no better prepared to deal with the closing than it is today. When the closing comes, the *Dubois Frontier* will run a front-page headline reading: "Town stunned by closure; economic development committee revitalized."

If the mill goes out without being replaced by a similar kind of work, Dubois will turn over the way a lake turns over in the fall. The people who make up the heart of the community today -- who paint the high school bleachers, who man the volunteer fire department, who serve on the town council and water boards -- will leave. They will be replaced, because Dubois is in a beautiful place, by people who have a different vision of the Rockies and who are willing to earn their livings in a different way.

Many who came to the Rockies from the cities were looking for community -- for something more rooted, less windblown, less trendy than what they left. That rootedness exists in the working towns of the Rocky Mountains. But accompanying the rootedness is an inflexibility, a determination to live life and earn a living in the traditional ways.

A local newspaper editor, even one who once ran *High Country News*, has no choice but to stay with the community his paper serves.

Sadly for both the towns and for progressive editors, the times are changing much faster in these towns than the local cultures. It is highly unlikely that these cultures can adapt, even though their survival is at stake.

Destruction of communities is how the system works.

A tourist economy can't take over the corpse of

a mining town until the old community has given up.

LETTERS

A NOTE FROM ABBEY

Dear HCN,

My congratulations to Ray Wheeler for his article on the Colorado Plateau. Good work. As for the minor controversy about Negro Bill Canyon, I regard that as a trivial item in the overall Utah situation: the important thing now is to make preservation of Utah's BLM roadless areas a national issue.

Much as I respect and admire Dick Carter, I think we have compromised too much away already. I support the Earth First! proposal for Utah: save all 16,000,000 acres of BLM wilderness.

Edward Abbey
Oracle, Arizona

BLM EMPLOYEE DEFENDS
THE AGENCY

Dear HCN,

I would like to respond to the guest editorial which you published in your October 28, 1985 issue, ostensibly written by a Bureau of Land Management employee. I too am a Bureau staffer, and the editorial offended my basic sense of pride.

The article appears to be premised on the belief that professional or scientific decisions on the disposition

of public resources are superior to politically derived decisions. Starting from this basis, the article then asserts that Bureau decisions are designed solely to serve the interests of livestock, mineral and logging operators. I believe that the basic premise of the article is flawed and I have not seen subservience to livestock, mineral and logging interests demonstrated in my own experience.

It is commonly held that "scientists" or "professionals" have a superior insight into public land management and that therefore, decisions made by these people about the disposition of the public lands are also superior. The problem with this approach to land management is that it can too easily devolve into arrogance. The views of the non-scientist or non-professional can be disregarded because these people are not of the elite.

It is also a common belief that politics is a dirty game played by self-serving elites. It is thought that politics can only generate decisions which serve special interests and provide short-term fixes. This view of politics isn't borne out by history. For example, the withdrawal of Yellowstone National Park from the public domain in 1872 was a political decision. The political process is value-free in the sense that it is intrinsically neutral. Any specific use of the political process takes on the

values of the specific participants. If the participants are altruistic, then so too is the process.

Politics, to a certain extent, controls the BLM. And that is good because it means that management of the public lands is an open process. Management is directed for the benefit of the people, or at least those people who can make their needs known to us. I believe that this is far and away superior to a system where "professionals" call all of the shots. It is too easy for us to substitute our professional priorities for those of some disembodied public. This approach to decision making would make the BLM a closed citadel, insulated from the more vocal proponents of a given use, perhaps, but also insulated from any change in priorities desired by concerned citizens.

The writer of the editorial postulates that the BLM serves only livestock, mineral and logging interests. The writer asserts that this is possible because these interests spend time and money so that they can successfully choose all politicians "from county commissioner to president." I don't believe that political power is so narrowly concentrated. But if this is true, and if BLM's service to these interests is bad, then the problem is not with the way BLM is run, but rather with the distribution of power in our society. If

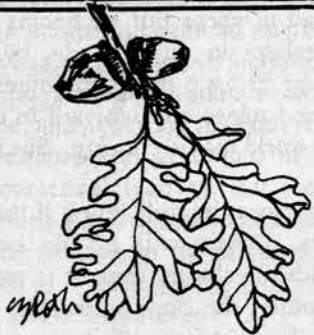
this is a problem, then the solution rests not in changing the BLM, but in changing society. This is no doubt a more daunting task.

But my experience indicates that the BLM, at least where I work, doesn't serve only "the big three" and in fact the interests of "the big three" don't always coincide. I personally have been involved with the resolution of disputes between livestock and mining operators. I have also been involved with resolving disputes between rival mining operators. And I know from my own experience that mineral interests don't like us, not because we lack integrity, but because we require environmental protection and charge them a royalty.

You may use my name if you like, but I may have more credibility if you don't. I wouldn't want to be accused of trying to advance my career with this letter. I am telling you what I truly believe, not what I think BLM wants me to believe. I'll leave you with a question. What kind of a Faustian bargain has been struck by the individual who so desperately hates the organization for which he or she works, but refuses to leave? I really didn't think BLM paid enough to cause people to sell their fundamental values.

Philip Allard
Craig, Colorado

BULLETIN BOARD



WILDERNESS POETRY

Here's a place to send that favorite poem you wrote while out on the edge of the world somewhere. The Utah Wilderness Association is sponsoring a contest for any unpublished poems related to the theme of wilderness -- its preservation, life, values or spiritual nature. Any person can enter up to three poems and should send two copies of each, one with the poet's name, address and phone number, and one without. Each poem should be no more than 40 lines in length and should be accompanied by a \$2 entry fee. There's a \$50 prize for the winning poem, and it and the top five honorable mentions will be printed in the *Utah Wilderness Association Review*. Write to Poetry, c/o UWA, 455 E. 400 S. B-40, Salt Lake City, UT 84111. The deadline for mailing in poems is Jan. 15.

NEW ENVIRONMENTAL NEWSPAPER

Northcountry Journal has sprouted up this year as "Wisconsin's Environmental Newspaper" covering regional issues ranging from wildlife to mining to pesticides. The new 12-page monthly costs \$19 for one year. To subscribe or find out more, write *Northcountry Journal*, R-3, Box 494, Poynette, WI 53955 (608/635-2705).

ERODING SOILS

A new book, *Eroding Soils, the Off-Farm Impacts*, written by Edwin Clark and published by the Conservation Foundation, is for anyone concerned about soil erosion and non-point source pollution caused largely by agricultural runoff. It includes charts, maps, and an extensive bibliography of sources.

The Conservation Foundation, 1717 Massachusetts Ave. NW, Washington, D.C. 20036. Paper: 25 pages. Graphs, maps, bibliography.

NATIONAL FOREST PLANNING LAW

The *Oregon Law Review* has published what it describes as "the first definitive publication on the law of national forest management" in its September 1985 issue. The special issue of the publication, titled "Land and Resource Planning in the National Forests," was written by law professor Charles Wilkinson and forest planning specialist Mike Anderson. Publication coincides with the issuance of fifty year plans by the national forests across the nation. The issue covers the same topics as the plans -- timber, range, water, minerals, wildlife, recreation and wilderness -- in nearly 400 pages. It is available for \$10 from: *Oregon Law Review*, School of Law, University of Oregon, Eugene, OR 97403.



WELCOME BASIN AND RANGE

The Southwest can welcome a new outdoor sports magazine called *Basin and Range*, which takes a conservation-minded approach to recreation. The monthly issues include a variety of photo features, interviews, drawings and book reviews, as well as stories and articles. A one-year subscription costs \$16, while two years is \$30. Write to *Basin and Range* Publications, P.O. Box 1448, Silver City, NM 88062, or call 505/388-4718 for subscriptions or information.

PESTICIDE REFORM

The Northwest Coalition for Alternatives to Pesticides (NCAP) recently changed the name of its *NCAP News*, quarterly to the *Journal of Pesticide Reform*. The attractively laid-out and illustrated publication is an authoritative blend of news and articles on legal and biological issues concerning pesticides and herbicides. Citizens in the Northwest have led the fight to control Forest Service and Bureau of Land Management use of pesticides and herbicides on public land, and NCAP is one of the pioneer groups. The last page of each of its journal's issues lists two dozen information packets describing how citizens can influence the management of public lands. The two most general publications listed are: "How to file an administrative appeal with the U.S. Forest Service," for \$2.75, and "How to use the (federal, Oregon, Washington and Idaho) Freedom of Information Act," \$2.50. An individual subscription to the journal costs \$12 for four issues. For information, contact: NCAP, Box 1393, Eugene, OR 97440.

FINALLY -- \$86,913.33

A 40-acre tract of private land within Colorado's Rocky Mountain National Park was recently bought and donated to the National Park Service. The Rocky Mountain Nature Association had campaigned for two years to buy the land parcel in the park's Kawuneeche Valley. Through a variety of public appeals, the association finally raised the \$86,913.33 needed to pay for the land in full. For more information about the group's work, write: Director, Rocky Mountain Nature Association, Rocky Mountain National Park, Estes Park, CO 80517.

NEW HUNTING SEASONS

The Colorado Wildlife Commission made some major changes for future big hunting seasons at a meeting last month in an attempt to reduce crowded hunting conditions in the state. Rather than having separate deer and elk rifle seasons and one combined season, as it has for the past three years, Colorado will now allow three combined seasons, two of which include antler-point or sex restrictions. The first season will be bulls and bucks only, while the first two seasons will have four-point elk and three-point deer antler requirements. The Wildlife Commission's new plans will be in effect for the next three years.

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Write: Ruth Hutchins, 1574 L Road, Fruita, CO 81521.

OPINION

A South Dakota creek is raised from the dead

by David Wann

Until recently, not even old timers in South Dakota's small gold mining towns of Lead and Deadwood could remember when Whitewood Creek was anything more than an open sewer. But in the last several months a few of them have even caught their limit of trout in the creek, and the state's Department of Water and Natural Resources, through temporary "electro-shock," counted the fish and found a sudden population explosion of brown, brook and rainbow trout.

The natural color of the creek is also returning to what it must have been more than 100 years ago, before gold was discovered by a few men in the Custer expedition in 1874. Since that time the creek has been assaulted by mine wastes, such as arsenic and cyanide, as well as sewage wastes from Lead and Deadwood.

At one point in the history of the creek, an attorney testified that the waters of Whitewood Creek were "enriched" like the Nile by the silt from above. Historian Watson Parker saw it differently: "The pollution produced by the Homestake -- and indeed by all of the mines -- first stained the creek waters red from the cement ores and placers, then grey with the slimes from the mills. And the reek of cyanide hung over the valleys of Deadwood and the Whitewood like a curse."

The creek had come to be viewed by state and federal biologists as "the disgrace of the whole region." What was tolerable by early twentieth century standards became unacceptable and illegal in the 1970s. The pollution which had been going on under legal sanction of the Territory of Dakota in 1881 became a violation of the federal Clean Water Act amendments of 1972. These new laws, based on updated scientific information and an increased awareness of environmental health, required that Homestake Mine obtain a federally enforceable discharge permit.

The state of South Dakota was required by the law to establish water quality standards for the creek, and with good long-range perspective, the state defined Whitewood Creek as a "marginal cold-water fishery." This was the goal which people such as Duane Murphy, with the Department of Water and Natural Resources, felt that the creek should meet. But it wouldn't happen overnight.

Considerable legal maneuvering followed, which at first resembled a pack of wolves closing in on a moose. Except in this case, midway through the stalk, the wolves and the moose decided to negotiate a different meal altogether.

At the outset, Homestake stalled in the courtroom to buy time. But as the case dragged

on, the company, state and EPA began to see that energy was being wasted. Times had changed, and by 1977, Homestake was required to meet federal and state standards or else pay hundreds of thousands of dollars in fines.

In 1975, Homestake agreed to build a huge tailings pond 280 feet high and 1220 feet wide. The pond won commendation from the President's Council on Environmental Quality and the Environmental Industry Council. But it wasn't enough.

The Environmental Protection Agency projected that in order to resurrect Whitewood Creek, a waste treatment plant would also be needed. Homestake complied but its first attempts to chemically remove the pollutants failed. Cyanide, the worst of the pollutants, actually increased in volume after treatment. Homestake was soon writing checks totalling \$390,000.

In 1979, the wolves and the moose began to redefine the problem. According to EPA's Rob Walline, "From Homestake's perspective, the litigation was not successfully providing any long-term corporate planning and it wasn't helping its corporate image. Homestake's potential liability in civil penalties was also growing by the day."

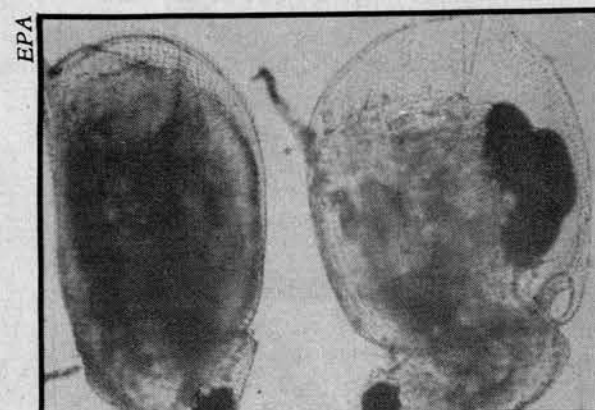
Walline says EPA and South Dakota wanted action, not delays. The stalemate was broken when everyone began to focus on solving the problem, not winning the legal battle.

The agencies and individuals involved began to pool information. As the largest gold mine in the western hemisphere, Homestake had the financial flexibility to do what had to be done. There was also still a lot of gold to be mined, and the Homestake management decided it was in their best interest to accept responsibility for the wastes, and get on with it. A three-party "Consent Decree" was agreed upon which permitted Homestake to extend the 1981 deadline for the treatment plant. Under the decree, Homestake was required to give monthly progress reports to EPA and South Dakota. In addition, quarterly technical meetings were held, attended by experts from all three parties.

The agreement was an educated gamble. A break with the usual procedure, it contained no specific effluent limits because it wasn't clear what results could be achieved. But the engineers, lawyers, and scientists were certain of one thing: Whitewood Creek had to have fish in it before the case could be closed.

Much experimentation had already been done, using every cyanide-treating technology known. The results had been less than spectacular, so T.I. Mudder and J.C. Whitlock, employed by Homestake as chief environmental engineer and chief chemist, decided to try something new. Using a bacteria which happens to have an appetite for cyanide, and which they cultured from the mine, they began to achieve some impressive reductions in cyanide, as well as the other heavy metals and compounds in the mine's effluent.

The innovative process (which biologists have patented) is much less expensive than the hydrogen peroxide process which was second choice, and it doesn't add treatment chemicals which later have to be removed. It was on the strength of the early results with this bacteria that



Cyanide-eating bacteria

an extension of the deadline was agreed upon. The decree stipulated that if the biological process didn't work, Homestake would be required to install the hydrogen peroxide plant.

The cyanide-hungry bugs have risen to the occasion, converting ton after ton of the wastes into comparatively harmless sulfates, carbonates and nitrates. In August 1984, the full-scale waste treatment plant went on line. After spending more than \$10 million, Homestake Mine was the operator of 48 "Rotating Biological Contactors" which serve as "all you can eat" cafeterias for the bugs. The plant also includes sand filtration, carbon absorption and heat exchangers to cool the discharge.

The results have been dramatic. Within a month after the start-up of the plant, algae and small fish were back in Whitewood Creek. Duane Murphy has now seen mayflies, stoneflies, caddis flies, snails, and several species of birds (belt kingfisher and water ouzel) which had all been strangers to the creek for many years.

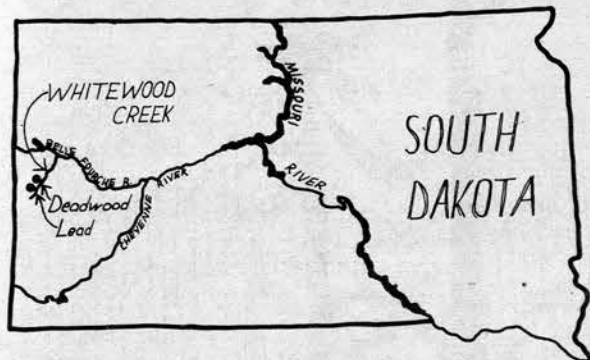
EPA has also been active in testing the creek's waters. Aquatic biologist Del Nimmo, for example, has been using another innovative biological technique to measure toxicity. A tiny organism called *Ceriodaphnia affinis/dubia* has proven to be of value in making quick assessments. The flea-like water dweller, just big enough to be seen, has a life cycle of only four days, which enables Nimmo to gather definitive data concerning mortality as well as reproductive capability. "Another advantage," says Nimmo, "is that most of the laboratory can be brought along in a jam jar."

Nimmo compared data taken in July, 1983, and in November, 1984, right after the plant's start-up, and he and his South Dakota colleagues were able to confidently predict that Whitewood Creek was being "raised from the dead." The recent electro-shock proves that fish are now able to migrate downstream, from above the mine's discharge, and are surviving.

There are still problems downstream, however, caused by years of mining wastes. This downstream stretch has been designated as a Superfund site, and studies are being performed to determine the long-term impact which the wastes (including arsenic, mercury and cyanide) will have on human health and the environment.

□

David Wann is with EPA's Region VIII in Denver, Colorado.



LETTERS

SUSPICIONS CONFIRMED

Dear HCN,

Thank you for publishing "A BLM Employee's Cry of Rage" in your Oct. 28 issue. It certainly confirms the experiences we have had with the Bureau during the years we have been working to reform its approach to public land management. It also confirms another fact that the general public is not aware of: that the

agency's employees do include dedicated professionals who care about the public's lands and resources.

Together we know many of these individuals and hope that all of them are aware of the resolute efforts that we and others are making to end the agency's current domination by special interests. More articles in HCN on mismanagement of grazing and mining, especially, and more publicity about major victories over regressive policies, such as the Cooperative Management Agreement program, would certainly help.

In the meantime, we salute the Bureau's professionals and invite HCN's readers to join the difficult but vital battle to transform the Bureau of Livestock and Mining into a land management agency where integrity is rewarded, rather than punished.

Rose Strickland
Former Chair,
National Public Lands Committee
Sierra Club

Johanna H. Wald
Director, Public Lands Project
National Resources Defense Council

NEXT:

A Special Issue on grazing fees

ACCESS

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