

High Country News

July 7, 1986

Vol. 18 No. 13

A Paper for People who Care about the West

One Dollar

Ed Marston



Special Issue on agriculture Part III

Taking on the farm banks

by Ed Marston

Wilbur and Alice Zahniser, with the help of two sons, raise sheep on a beautifully situated high-mesa ranch several miles outside Montrose, Colorado.

From their lambing sheds, and from the second-story deck of their new and attractive home close by the sheds, they command wonderful views of the San Juan Mountains to the south. In winter, they see the snowfields that will provide them with summer irrigation water to raise feed for their 3,800 ewes and the 5,000 lambs those ewes bear each spring.

The 3,800 ewes bear 5,000 lambs because they are fecund four-way Polypay crosses developed by the University of Idaho 10 years ago. Part of the Polypay's genetic makeup comes from a breed that produces many multiple births. The balance comes from breeds known for meatiness, for the speed with which they gain weight and for a heavy wool coat. It is a pioneering herd -- one which the Zahnisers have built up over time, and which is now poised to pay them healthy returns.

The Zahnisers spend a lot of time with their sheep. During spring lambing, they literally live in the sheds, an intimate part of the life and death around them. One hundred and fifty lambs are born daily, and many need immediate attention.

One morning in May, at the height

of the lambing season, Dale, a son in the business, interrupted a conversation with two visitors to run over to a lamb which had just emerged -- unbreathing, blood-covered, and dusty -- from its mother. He revived it with a service the mother is incapable of: mouth-to-mouth resuscitation.

Elsewhere among the sprawling sheds and corrals, Alice Zahniser pushed a tube into the stomach of a slightly older lamb to give it milk. The milk had come an hour earlier from a ewe whose teats were so large her own lamb couldn't grasp them until Mrs. Zahniser had reduced their pneumat-icity by milking the ewe. She milked that ewe every few hours until the lamb's mouth could open to match its mother's nipple.

Three generations of Zahnisers and their hired help spend lambing

time prowling among the pregnant ewes, looking for those in need of help. That they don't always succeed is clear from the small pile of dead lambs dumped unceremoniously behind a shed.

The lambing area is not for the squeamish. Ewes walk about trailing placentas or membranous bubbles from their hind quarters. A lamb that has been getting help one moment is left to die in the dust the next when a greater emergency calls away its helper.

The animals themselves sometimes lend a hand. When a lamb is born, other ewes come over to help lick the newborn clean. But that's as far as their sense of community goes. The ewes do not willingly become

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WESTERN ROUNDUP



High Country News

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Rebottling the nuclear genie

The Gunnison County, Colorado, manager calls the area's compromise with the Department of Energy a "victory," but a local doctor calls it a "silly risk to take."

The issue is the disposition of 540,000 tons of uranium tailings that were left behind by Kerr-McGee Corp.'s uranium-milling operations in the 1950s. Those radioactive mill wastes plus contaminated groundwater are now next to the small Gunnison airport.

County Manager Mike Rock says that in March 1985, the DOE announced they would bury the tailings in place, as they will at most of the uranium tailings dumps they are presently cleaning up in the West. Rock says there was adamant opposition in Gunnison to stabilization in place because it meant the creation of a 35-foot pyramid that would hamper airport operations and impede industrial development in the area.

The DOE then came up with additional alternatives, including above-grade or below-grade burial sites among the buttes southeast of the present dump. Lower East Gold Basin is a mile away, and Upper East

Gold Basin, an additional three-quarter of a mile away.

But at a public meeting June 5, a DOE official told a group of about 20 Gunnison residents that a shortage of state and federal dollars narrows the choices to above-grade disposal at the Lower East Gold site. That would create a rock-covered pyramid visible from a nearby housing subdivision.

Estimated to cost \$11.4 million, that option is \$1.4 million cheaper than the Upper East Gold Basin site and is the only alternative DOE says it will study in an environmental assessment under preparation. "By limiting the scope of study, you limit the scope of options," says Rock.

Though Rock would like to see a more remote disposal site for the tailings, he says he's satisfied that the Gunnison community scored a victory in getting DOE to consider moving the tailings at all. A local physician, however, disagrees. Dr. Jay McMurren says with "as little as they're accomplishing, it's not worth the risk of digging up the tailings and moving them." Uranium tailings contain 85 percent of their original radioactivity.



Existing tailings dump near Gunnison

The DOE will test their preferred site this summer.

A local attorney who owns property adjacent to the Lower East Basin site says another solution can be found. He and several other landowners have hired their own consultant to study the possibility of saving the \$1 million cost of backfilling the current tailings site and using that money to move the tailings to the more distant Upper East Gold Basin site. They say a use would have to be found for the hole left by the excavation.

--Katharine Collins

Dear friends,

Fittingly enough, our circulation manager would be the perfect HCN subscriber because she prefers C.B. Elliott to Carol Beth Elliott. She wishes everyone had her taste in personal nomenclature since the paper's subscriber computer program is limited to a three-letter first name. Unless your name is Joe, or Bob, or Jyl, we are forced to squeeze you down to initials.

A new, more spacious computer program is being debugged, and if it is ever put on line, we will give everyone (except the C.B.s of the world) a reasonably long first name. We won't accommodate Reginalds or Josephines, but Marions and Harveys will fit easily. In the meantime, we apologize to all who think an outfit like HCN should be more personal in its addressing.

C.B. also announces there will be no issue of HCN on July 21, 1986. That is our skipped summer issue. C.B. knows from past experience that, despite this announcement, she will still receive a number of inquiries, mainly from libraries, asking about the non-existent issue.

The next question is whether the staff will be able to get out of Paonia to enjoy its vacation. The answer is yes. The highway department has raised State Highway 133 above the famed McClure Pass earthslide (HCN, 6/9/86), and we are now connected to the Carbondale-Glenwood Springs-Aspen area. In addition, Gunnison County has reopened the summer-time-only dirt road over Kebler Pass, so we are also connected to Crested Butte. Its opening had been delayed by a landslide.

Five members of the HCN board gathered July 20 to 21 in Paonia. One board meeting a year is held in the paper's offices, with the others scattered about the region. (The October meeting will be in Sheridan, Wyoming.) Sally Gordon of Kaycee, Wyoming, Adam McLane of Helena,

Montana, Tom Bell of Lander, Wyoming, Garrett Ray of Fort Collins and board president Robert Wigington of Boulder, Colorado, attended. Most of the board also attended a Friday evening potluck with "locals" and then stayed for an impromptu Saturday dinner.

The meeting was unusual because little time was spent on budgets, fundraising, circulation and the other nuts and bolts of the operation. The paper's bank account will get it through the lean summer months; circulation at 5,000 is very healthy; and the subscriber renewal rate at 76 percent is 20 percentage points higher than it has been in the past.

With the nuts and bolts shiny for the moment, board and staff talked about the paper's mission and the issues it should be covering. The discussion was wide-ranging, and at times probably not as focused as it could have been. But the gist of it was the premise that there is no such thing as strictly environmental issues. Raping and scraping are symptoms of deeper social, cultural and economic problems.

There was no disagreement there. The discussion centered on discipline -- how HCN can explore those underlying problems without becoming a diffuse "world is my oyster" paper.

The answer that emerged from the discussion was two-fold. Much discipline is imposed from without. Although HCN pays its freelancers better now, it cannot afford to assign major stories. Much of what we print originates with our network of writers, and not in the office. We also depend on a network of non-writers (joining the network is easy: just call or write HCN) who suggest what we ought to be doing.

The rest of the discipline comes from the staff's sense of what is appropriate. For example, the staff believes that the weakness of the rural



Jane Coumantaros

Rockies in education, research, media, and political and social reform has helped cripple the region and made it vulnerable to environmental excesses. The board's caution was to be sure that the connections between the health of the environment and a story on, let's say, the land grant colleges or the schools of mines, was clear.

When her work's done at the office and in the photography darkroom, HCN's summer intern, Jane Coumantaros, returns home to care for the barnyard animals. Besides a turkey, she looks after geese, ducks, rabbits, cats, goldfish, canaries and a dog -- quite a change from her hometown New York City responsibilities.

Jane's been exploring other Western features over the past three weekends: backpacking to Capitol Peak near Snowmass, Colorado, hiking and photographing Utah's Canyonlands and traveling to Telluride's Bluegrass Festival. She hopes to hear more jazz in July before returning to her senior year at Princeton University.

Please keep those HCN surveys coming. We've learned a great deal from examining 50 of 416 received so far, but we'd appreciate hearing from more of you.

--the staff

Miners want to quarry in a wilderness

Although the Forest Service spent \$950,000 last year to buy 472 acres of private land within the spectacular Maroon Bells-Snowmass Wilderness, it did not buy the mineral rights. The wilderness is nine miles from the resort town of Aspen, Colorado, and the Forest Service feared that if the land was not acquired it would be developed.

Now the two men who own the minerals say they intend to remove marble slabs from within the wilderness, using a D-5 caterpillar tractor to improve two miles of old road.

Conservationists, including the head of The Wilderness Society, say they are appalled at the thought of what marble mining will do to a heavily-used area in the narrow Conundrum Valley.

A manager with the Trust for Public Land that bought the surface land from an Aspen rancher, and then sold it to the government, says he is dismayed by the situation -- a first in his experience. The trust is a private non-profit organization that helps public agencies acquire wild lands.

A Forest Service spokesman says there was a risk to paying close to a million dollars for "split estate" land, but at the time the risk seemed small. He says the conflict is an "extreme example" of how difficult it can be for the agency to balance conflicting rights under law.

One of the two miners who owns the ironclad mineral rights, which a Forest Service attorney calls "dominant over the surface estate," says it was simply a case of "Let the buyer beware -- and in this case the buyer bought the wrong thing."

The issue came to a head when the miners, Stefan Albouy and Ed Smart of the Aspen Mountain Mining Corp., told the Forest Service they needed to haul marble out this spring. The marble ranges in color from pure black to pink and white.

The veins connect to the once-famous marble quarries 17 miles away above the town of Marble, which produced stone for the Lincoln Memorial. Ed Smart calls the marble in the wilderness "a treasure trove...It's not for sale."

According to Forest Service spokesman Matt Mathes, the Albouy-Smart claims are private property; not unpatented mining claims that require economic justification and mining plans. "If they want to go in as a hobby and lose \$1,000 a load, they can," Mathes says.

Based on interviews with the principals involved in the surface land purchase, it appears that only the owners were fully aware that their mineral rights packed so much clout.

State law, however, guarantees a government agency the right to require a performance bond, reclamation of the surface area and protection of the surface by reasonable rules, according to a legal opinion by a Forest Service attorney. Federal law guarantees the miners reasonable access.

The two men who negotiated purchase and transfer of the surface land in the wilderness say they knew there was a risk, but that it seemed worthwhile. Paul Zimmerman, a land adjustment officer for the Forest Service, says the agency had been hoping to buy the property for 15 years. The Snowmass-Maroon Bells

Wilderness became designated wilderness in 1980.

"We knew Smart could be a problem but we had to take advantage of the situation. We had the appropriation," Zimmerman says. Bryan Holley, press representative for the Trust for Public Land, says the special appropriation that covered the \$950,000 purchase price was arranged by former Colorado Rep. Ray Kogovsek through the Land and Water Conservation Fund.

Holley says the purchase was endorsed by Colorado Gov. Richard Lamm, the state's congressional delegation, Pitkin County and many environmental groups.

Bryan Holley says split estate

transactions are not unique and that in 60 percent of their purchases the land has been separated from minerals, timber or other commodities. "I don't recall any incident like this in five years," he adds, "but it's always a risk to convey land to public agencies. Eternal vigilance is the price you pay for land protection."

The Trust's Steve Thompson, who is based in Santa Fe, says he hired two appraisers, one from within Pitkin County and one from elsewhere in Colorado. Both said the 472 acres were ripe for development, particularly as second home sites. The land is close to 10,000 feet and in an avalanche area, but only two miles from the trailhead.

Thompson says he also hired a

geologist to inquire about mineral potential of the land. "I was told there weren't minerals that could be mined economically," he recalls, but he says he does not remember being told if there was marble on the property. Thompson says he did talk to Ed Smart about buying his mineral rights, which were then quit claim deeds, but that Smart was not interested in selling. Thompson says Smart was very interested in exchanging his mineral rights for land elsewhere.

Smart, who seems somewhat gleeful about the recollection, says he was offered "a skimpy \$300. It was an ignorant offer." Smart says the mineral rights were conveyed to two families 104 years ago by the President "when fee land gave you rights to the heavens above to the center of the earth."

The Forest Service recently took a group of local and national representatives of conservation groups and county officials in to see the marble, which is next to a waterfall. Darrell Knuffke, Denver representative for The Wilderness Society, said later he was adamantly opposed to mining in the Maroon Bells Wilderness.

The Forest Service is now deciding whether to do an environmental assessment or complete environmental impact statement. Mathes says the agency prefers to do an EA on the special use permit the miners want. Albouy has told the agency he needs to drive a 4-wheel-drive truck to the site to do exploratory work.

Ed Smart, who came to Aspen in 1939, says marble is popular in new homes for the affluent, particularly in Aspen. He says the marble is the highest quality in the world, and that a small amount brings a high price.

"We are determined to go ahead," he says. "The law is on our side and everyone should have known that."

--Betsy Marston

Conundrum Gulch Gives Up Great Marble Deposits

Slabs of Blue-Gray Marble Similar to the Noted Formations of Italy.

The Colorado-Highland Marble Company, a Corporation of Denver and Colorado Capitalists Will Exploit the Remarkable Finds. Work to Be Pushed as Soon as the Snow Leaves.

THE immense marble deposits on West Castle creek in Conundrum gulch, a few miles from Aspen, are to be opened up on an elaborate scale. The Colorado-Highland Marble Company, in which many prominent Denver business men are interested, is planning to open the deposits in the summer. This company owns 455 acres of patented ground covering immensely valuable deposits of white and blue-gray marble.

The white marble, even that taken from the surface, which is necessarily of inferior quality, is of a quality that will be comparable to the Carrara marble of Italy.

cently in Italy a block of marble, sixteen feet square and four feet deep, was required for the base of the Victor Emmanuel monument at Rome. The Carrara field was unable to produce a block of marble of sufficient size for this base. The Colorado-Highland Marble Company was appealed to and supplied the block, shipping direct from Colorado to Italy.

The county building at Cleveland, Ohio, and the county courthouse at Youngstown, are finished in this beau-

The 1912 Rocky Mountain News told readers about the opportunity to properly "exploit" marble in Conundrum Gulch

A carpenter hammers public land grazing

Lynn Jacobs' second choice for spending some \$30,000 in inheritance money was travel. His first choice was to almost single-handedly produce a 48-page tabloid newspaper dedicated to ridding the West's public lands of cows.

Jacobs, 35, is a carpenter who lives on a farm about 50 miles from Flagstaff, Arizona. He wrote almost all the articles in the newspaper, taught himself layout on a rented lightbox and paid for other production help at the *Sedona Times* weekly newspaper. So far he has mailed 4,000 copies of the newspaper out to people he wants to influence on the grazing issue.

Eventually, he plans to mail 100,000 copies, each containing a petition that reads: "We consider commercial grazing of privately owned livestock on public lands to be economically and environmentally unjustifiable." The petition urges elimination of grazing allotments and a personal commitment not to eat beef.

In a telephone interview, Jacobs says the newspaper speaks for him and not for any environmental group. "I'm a novice in the environmental movement...Most said it (the newspaper) was too big, too boring and too expensive... I think it's the cheapest way to get the word out."

Jacobs says his farm, garden and 40 fruit trees are surrounded by ranches, and that through the years

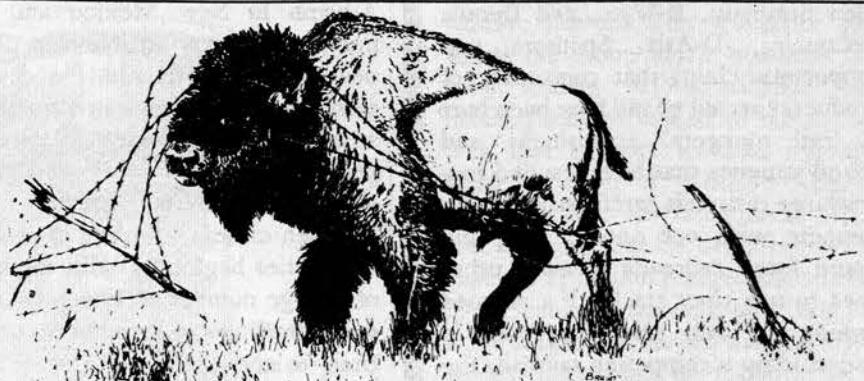
he's been disgusted by what he's seen on public lands. The cows ruin the land through overgrazing, soil erosion and stream contamination, he says. He has also found that some people -- particularly in the East -- don't even know that vast amounts of public land in the West "are abused by a small number of private ranchers."

Last year Jacobs says he paid for 1,000 copies of the anti-grazing book *Sacred Cows at the Public Trough*, by Denzel and Nancy Ferguson, and then donated the books to Earth First!, which distributed them. But he says he'll spend most of the \$30,000 inheritance on his "Free Our Public Lands" tabloid.

"People can think this effort is stupid or naive. That's the way it goes." In his foreword, Jacobs writes: "You may now be asking yourself, 'What kind of paper is this anyway?' Well, what this is, is a tabloid on public lands livestock grazing... This paper is totally biased and purposely so. It tells the other side of the story -- the one we rarely hear... it may be biased, but it is not untrue..."

Jacobs, who writes in a straightforward style, says he welcomes requests for the free newspaper. His address is P.O. Box 2203, Cottonwood AZ 86326.

--Betsy Marston



Forward
(Through the Fog)

You may now be asking yourself, "What kind of paper is this anyway?" What's it want from me? This is only

especially in the East who don't even know their land is being grazed by privately owned livestock. And probably most of us haven't begun to understand everything that's involved in the grazing issue, or even that it is an issue. The grazing problem is one of the best kept secrets in this country.

ed to idolize, worship, and support anything having to do with ranching and the all-American cowboys. This paper is an attempt to cut through the myth, mystique, and fantasy -- to expose the public lands livestock grazing industry in a different, and brighter, light. It was not written to be entertaining.

The contents of this tabloid are fully my responsibility; as are the costs of production and distribution. I also take responsibility for any factual errors there may be, although I have attempted to be as accurate as possible, it may be biased, but it is not untrue, as the best of my knowledge. My intention is to educate.

From the front page of Lynn Jacobs' newspaper

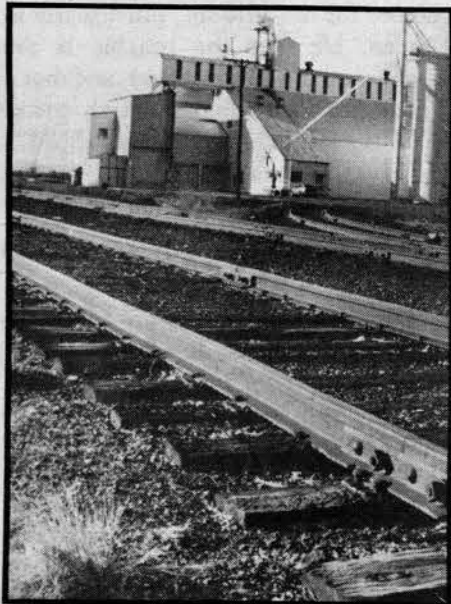
HOTLINE

Spendthrift bikers

The Cache Group Sierra Club has discovered what a backpacker is worth to southern Utah. An informal survey the Utah group conducted in March revealed that wilderness users spend an average of \$15.95 per day per person. The "cheapest" backcountry enthusiasts came from Logan, while one couple from Idaho spent nearly \$35 each per day. Though the study was not scientific, the group says it raises questions about the Bureau of Land Management's estimate that backpackers spend \$4 per day per person.

Government on trial

Arizona attorney Stewart Udall argued in federal court this month that the U.S. government should stand trial for failing to tell uranium miners during the 1950s about radiation hazards. Udall appealed a District Court decision in Utah that threw out the claims of family members of some 20 Marysville, Utah, uranium miners. The judge in that case ruled that a 1946 law protects the government from claims arising out of official policy. In his appeal before the 10th Circuit Court of Appeals in Denver, Udall said that keeping the miners ignorant of the risks was a decision made by a public health official, not government policy, or a matter of national security. A decision is expected in several months.



Clearing the tracks

A coalition of fuel suppliers, rural electric cooperatives, fertilizer manufacturers and farmers is pushing for competitive railroad freight rates. Called the Coordinating Committee for Railroad Competition, Inc., the coalition backs passage of the Railroad Antimonopoly Act, sponsored in the House by Rep. John Seiberling, D-Ohio, and in the Senate by Sens. Alan Simpson, R-Wyo., and Dennis DeConcini, D-Ariz. Sponsors and supporters claim that consumers of products carried by rail have been hurt by rail mergers, acquisitions and abandonments that have resulted in a few large railroads rarely positioned to compete with one another. The bill would force railroads to allow other lines to use their tracks. If a railroad owning the only track to a point is underbid by a competing railroad, the competitor wins the business and the owner is fairly reimbursed for use of its tracks. The bill has gained the approval of the House Judiciary Committee on Monopolies and Commercial Law, but was reported unfavorably by the House Committee on Energy and Transportation.

Playing hot-potato with nuclear waste

Western politicians are charging that their region got the short end of the stick in the recent decision by the Department of Energy to choose the first repository for high level nuclear waste from three sites in the West. They are particularly bitter because the DOE at the same time dropped its plans to select a second site from a list of states that included a number of eastern, southern and north central states.

In response the three states chosen, Nevada, Texas, and Washington, have fired a barrage of law suits, which will be followed by congressional efforts to scrap the DOE decision and begin the site selection process all over again. Nuclear waste may prove to be the most regionally divisive issue in the country since the Arab oil boycott of the early 1970s forced numerous eastern states to turn to the West for their energy supplies.

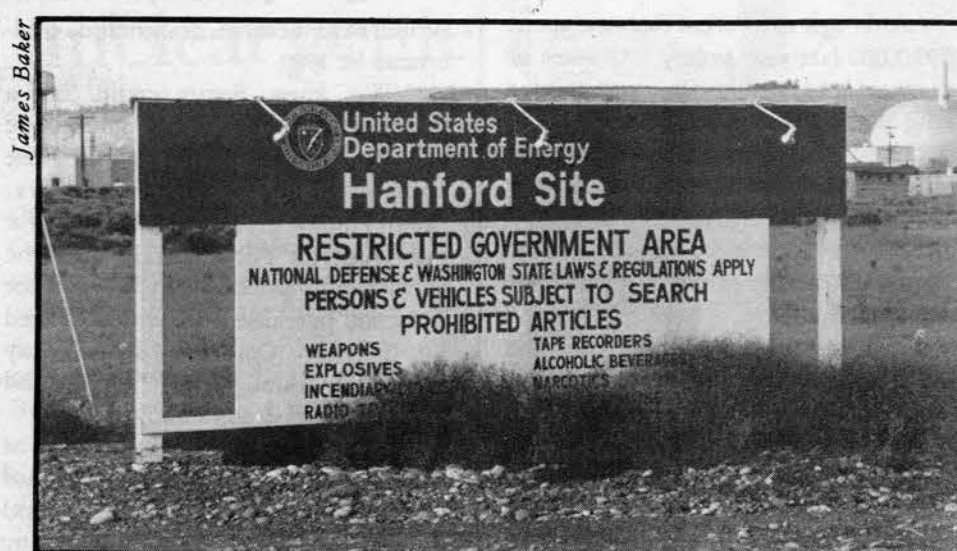
Nevada Gov. Richard Bryan is typical of outraged western politicians. Charging that Nevada "got the shaft," Bryan issued a statement that said in part, "Nevada doesn't generate any high level waste. Why should we be the dumping ground for other people's garbage?" Nevada has filed five lawsuits to keep it from becoming what Bryan describes as "Chernobyl West."

Congressman Al Swift, D-Wash., was party to the original congressional compromise that led to the passage of the Nuclear Waste Policy Act in 1982. Swift says it was "bitterly fought" and that "part of the political solution was a law that said that they shall have a second site." Potential second site states were chosen in the eastern half of the country specifically to offset the fact that all of the first site states, with the exception of Mississippi, were located in the West.

Swift says that this regional compromise has now been violated in "a case of the East Coast opting out of an agreement." Swift and Rep. Sid Morrison, R-Wash., are talking about introducing legislation calling for a moratorium on site selection and a reassessment of the whole question of nuclear waste disposal. Morrison represents the district where the Hanford Nuclear Reservation is located. The reservation is the location of a major DOE nuclear research facility and one of the top three finalists for a first round site.

The Western feeling that the region is often seen by the rest of the country, and particularly by officials in Washington, D.C., as a vast open space where deadly government-sponsored activities can be accommodated, has been a long time coming. It all began with the testing of the A-bomb in New Mexico and later nuclear weapons in Nevada. These developments reflected the development of a dependency in a number of smaller Western states (in terms of population) on federal dollars associated with military bases.

Then came a number of shocking discoveries beginning with the killing of a large number of sheep by nerve gas at the Dugway Proving Grounds in Utah in the 1960s. A decade later came the awful realization that the residents of southern Utah, who lived in the path of the fallout from nuclear tests in Nevada, were contracting cancer at an astonishing rate. The wide open spaces were no longer a protective barrier when it came to these life-threatening activities.



Hanford Nuclear Reservation.

The real turnabout in attitude among Westerners came when the Carter administration proposed to place the MX missile system in the Utah-Nevada desert. This scheme shattered the conservative pro-military constituency that had grown up because of the flow of defense dollars. Utahns in particular were bitterly opposed to the idea, and they were joined by the Mormon church, which is not known for peacenik activities. Nevada Sen. Paul Laxalt, a darling of conservative Republicans, played a key role in getting the MX moved to Wyoming.

There is still a political constituency that backs the flow of defense dollars into the rural West. But on these kinds of issues, it is becoming increasingly restricted to the communities that immediately surround a particular base. Polls conducted in Nevada and Washington, for example, show that there is widespread opposition throughout both states offset by pockets of support

immediately adjacent to the two proposed sites.

It is widely believed that the DOE decision was rooted in politics rather than technical considerations about the safety of any one site. Caroline Petti, the Washington representative of the Southwest Research and Information Center, notes that the nuclear waste depository was eliminated as an election issue for Republicans in two key Eastern states, North Carolina and New Hampshire.

In an important U.S. Senatorial campaign in North Carolina, Congressman James Broyhill, a sponsor of the law that designated second-round sites in the East, was being pressed on the issue by his opponent. In New Hampshire, would-be presidential candidate George Bush would have faced an electorate outraged by New Hampshire's inclusion as a possible second-site repository.

--Bob Gottlieb,
Peter Wiley

A controversial decision

The Department of Energy took 17 months to reconsider its December 1984 preliminary decisions and then arrived at the same conclusion anyway. On May 28, President Reagan signed the order for DOE to begin drilling tests at sites in Texas, Nevada and Washington. The goal is to select the nation's first dump for civilian high-level nuclear wastes, estimated to cost \$30 billion.

It is difficult to say what infuriated DOE's critics more: the department's intransigence in choosing the three finalists or its sudden decision to call off a search for alternatives. Just this January the DOE had selected 12 sites in seven eastern states as candidates for a second high-level nuclear waste dump. Then in May Energy Secretary John Herrington said the search for a second burial ground was "suspended indefinitely."

Under the Nuclear Waste Policy Act of 1982, the DOE must build a permanent underground repository for some 77,000 tons of high-level wastes generated by the nation's commercial nuclear power plants. The most toxic substances known to man, these wastes are so hot both in temperature and radioactivity, that to assure safety, they must be isolated from the environment for at least 10,000 years.

The draft environmental assessments released in 1984 narrowed the candidate sites to five: one in basalt rock -- Hanford, Washington; one in volcanic tuff -- Yucca Mt., Nevada; and three in salt formations -- Deaf

Smith County, Texas; Davis Canyon in Utah; and Richton Dome in Mississippi. But the EAs gave the preliminary nod to Hanford, Yucca Mt., and Deaf Smith for "site characterization" which involves four to five years of sinking shafts at a cost of \$1.5-3 billion.

Public criticism of the EAs, combined with a tardy and somewhat skeptical report from the National Academy of Sciences, fueled speculation that the DOE might change its selection criteria and three finalists. But nothing changed.

Already more than a year behind schedule, the Energy Department hopes to complete site characterizations and to choose one among the three finalists by 1991. Although a governor or tribe can veto a state's final selection, Congress can override the veto.

A copy of the DOE final report may be obtained by writing to: U.S. Department of Energy, Attention: EA, 1000 Independence SW, Washington, D.C. 20585. The summary document is entitled *Recommendation by the Secretary of Energy of Candidate Sites for Site Characterization for the First Radioactive-Waste Repository*. The full report bears the ponderous title *A Multiattribute Utility Analysis of Sites Nominated for Characterization for the First Radioactive-Waste Repository -- A Decision-Aiding Methodology*. Also available are final environmental assessments for each of the candidate sites.

--James Baker

Russell Jim is pro-safety; not anti-nuclear

The Yakima, Umatilla and Nez Perce Indian tribes were "alarmed and dismayed" by the Department of Energy's decision to select Hanford, Washington, as one of three possible high-level nuclear dumps.

Russell Jim, nuclear waste manager for the Yakima Indian Nation, said the decision and process for making it was an insult.

The Yakima Reservation lies 13 miles southwest of Hanford, which has been a military center for 43 years. The Energy Department's plutonium production reactor recently made news because it is moderated by graphite, just like the exploded reactor at Chernobyl in the Soviet Union.

Thanks to Russell Jim, who testified eloquently at congressional hearings, the Nuclear Waste Policy Act of 1982 recognized Indian sovereignty. Along with a state, a tribe can veto or accept a high-level nuclear waste dump within its boundaries. Only a majority of both houses of Congress can override either a state or tribal veto.

The act's significance for Indian tribes gained national attention when tribes in Maine and Wisconsin voiced their objections to a nuclear waste dump being located on their lands. Parts of two of the sites lie within lands belonging to Menominee and Stockbridge Mohican and Munsee Tribes in Wisconsin and to the Penobscot and Passamaquoddy tribes in Maine. Before the Energy Department postponed selecting any eastern site, some of the tribes said their lands should not be chosen because already-contaminated Hanford was the logical choice.

Russell Jim said he supports the Northeast tribes' concerns, but he was disappointed when a wedge was driven between tribes. "We're having a difficult enough time teaching others about the concerns of indigenous people without fighting our own," he said.

Since the nuclear policy act passed, other tribes have turned to Jim for help. To implement the act, DOE provides financial and technical assistance to tribes that might be affected to study the documents and hire their own consultants. By pooling information, the tribes can better monitor the process to be sure that DOE decisions are based upon sound scientific reasoning.

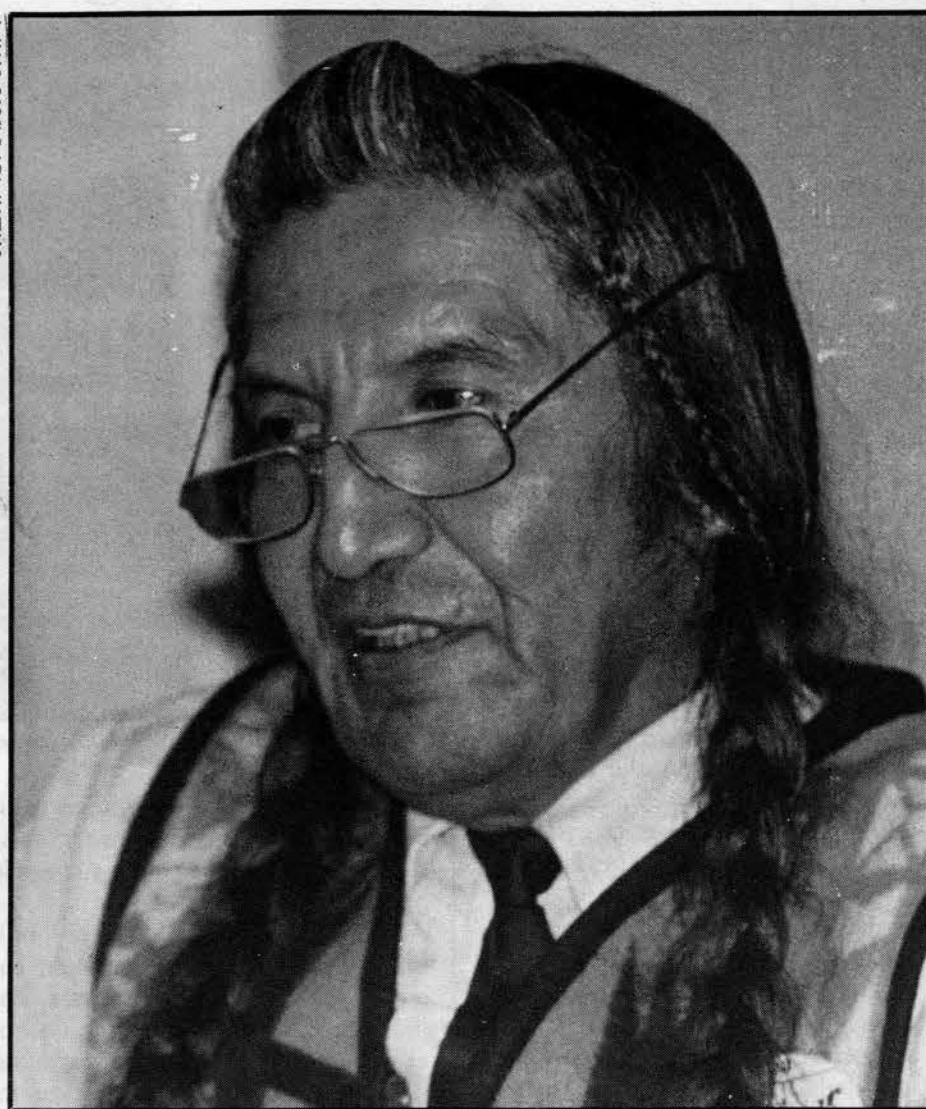
When Jim thinks DOE treats tribes unfairly, he speaks up. "He can be a most challenging adversary when he wants to be," said J. Bennett Easterling, director of policy for DOE's civilian radioactive program. "Russell has mastered his subject. He knows the law and knows what it guarantees."

However, Easterling says that Jim, unlike many activists, acts professionally -- in a "graceful way" -- by distinguishing between personalities and issues. "He can tell me the department is 'dead wrong' on an issue and not make it a personal insult to me."

Several of the Eastern tribes proclaimed before the siting studies that they would not accept a nuclear waste site on their lands. In contrast, the Yakima approach has been low key.

Jim said that the Yakima people are neither for nor against nuclear energy. "The Yakima are pro-safety." By not participating in anti-nuclear

N.E.W.S. Photo N.W.



Russell Jim

marches or protests, he hopes to maintain a professional image. "The supposed 'opposition' must deal with us. We have not given them an excuse not to," he said.

"We do not want to be misunderstood," he quickly added. "We do not want this material for economic reasons." He personally believes, after years of study, that nuclear power proponents attempt mass deception of the public. For example, the environmental study documents refer to a "safe dose of radiation." Jim said he believes no radiation exposure can be considered "safe."

A soft-spoken man, he seeks permission from his tribal chairman before agreeing to talk with reporters. He always carefully says that he can speak only for the Yakima, not for other tribes. At meetings with other tribes and federal officials, Jim, 50, tends to let the younger Indians hold the floor with their lengthy, often caustic political debates. But when he stands to speak, all eyes turn to him.

Testifying before the Senate subcommittee on nuclear regulation in January 1980 in Washington, D.C., Jim said, "There is something you need to understand that is unique between my people and yours. Yakima Indian people do not get most of their food supply from the local A & P or Safeway store." In fact, he later wrote in a newspaper article, the Indian people still use more than 70 different types of plants as food.

"Our religion and culture are deeply interwoven with the gathering of our foods the Creator provided us. Our blood has melted into that particular part of the Earth where our people are buried," he told the Senators.

His approach was like a breath of fresh air after all the governors' testimony, Keith Glaser remembers. Glaser was an aide to Sen. Gary Hart, D-Colo., minority head of the Senate Committee on the Environment and Public Works.

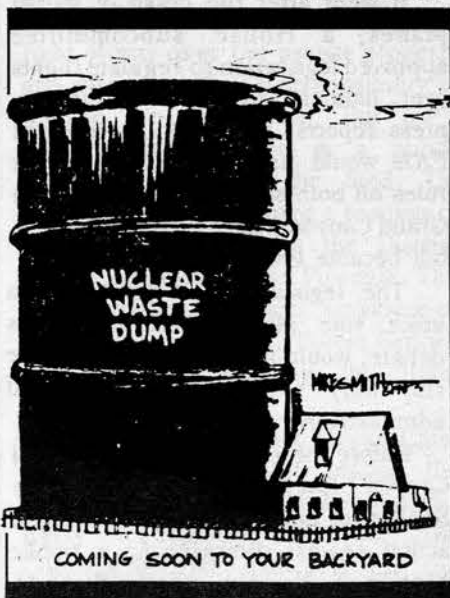
Before Jim brought tribal concerns to their attention, the senators had assumed that the states would protect the Indian reservations from unwanted nuclear wastes, Glaser said. In fact, they initially refused to let Jim testify at the hearing, which was designed for states' input.

After Jim testified, Hart realized a fundamental conflict: The states might be tempted to negotiate behind the scenes to get the repository placed on Indian lands. From that point on, Hart made the Indian language a top priority, according to Glaser. Hart used Jim's arguments on the floor of the Senate.

"It's not very often that individual people can make a difference, but this is one clear example," Glaser said.

James Asselstine, then a committee aide, also heard Jim's testimony that day. In May 1982, President Reagan appointed Asselstine as one of the five Nuclear Regulatory Commissioners. Since then, Asselstine has kept an open door for tribal concerns. "Russell had a significant effect on my thinking. He was the catalyst in my belief that Indian tribes should be treated as full, equal participants in the process."

--Marjane Ambler



From The Workbook, Southwest Research and Information Center

HOTLINE

Grizzly mother is cleared

An investigation of the bear attack on two men in Montana's Gallatin National Forest has reached new conclusions. After walking near two grizzly cubs May 18, the men were chased, bitten and mauled by a protective mother bear who climbed 60 feet up trees after them. The Forest Service closed the nine-square-mile Sphinx Creek area to public use on May 23, but reopened it three days later when bear officials said the sow was not a nuisance bear and need not be relocated. During a three-day investigation, officials from the Forest Service, Department of Fish, Wildlife and Parks and the National Park Service, surveyed the tracks and claw scrapes at the site, and gathered hair and scat samples for laboratory analysis. From the field measurements, the team suspected that the sow was a black bear, not a grizzly, and the initial results from the hair samples, that are 80 percent accurate, confirmed their finding.



Disappearing habitat

Colorado Gov. Richard Lamm has appointed a task force to look into the future of the state's wildlife and wildlife habitat. The governor also wants the group of 18 business and civic leaders to recommend new funding sources to add to the license fees that support wildlife management. Division of Wildlife Director Jim Ruch told the task force, which met recently, that his department can expect a \$2 million budget shortfall by 1990. Lamm estimated that 600,000 acres of land that served historically as wildlife habitat had been converted to human use over the last five years. The task force includes Vail Associates executive Larry Lichliter, The Nature Conservancy's Sydney Macy, Adolph Coors president Peter Coors, and former Colorado Wildlife Commissioner Jean Tool.

HOTLINE

Statistical doldrums

The statistical news from Wyoming as reported in the press has not been good these last few months. The worst news, of course, has been the dropping price of oil, and its reverberating effect on Wyoming tax income and employment (HCN, 4/28/86). But there have been other dour numbers. Central and eastern Wyoming are suffering their worst rabies epidemic in decades. Through May 16, there were 139 cases, most in skunks, but some in domestic animals. A few people have had to have rabies injections, now down to five shots in the arm, rather than the earlier 21 shots in the stomach. The state has also seen its crime rate rise by 10.9 percent from last year. And Associated Press reports the state ranked second in the nation in suicides in 1983. It had 20.3 suicides per 100,000 people, compared to a national average of 12.1. The number one suicide state was also in the West -- Nevada with a rate of 23.5.



Bob Anderson

Wyoming farm troubles

Wyoming's Farm Loan Board will meet early in July to consider proposed new rules for a plan to allow the state to buy foreclosed farms and ranches and lease them back to owners. At a recent public hearing on the plan, most speakers approved of the buy-lease-back proposal, but wanted the state land commissioner to protect farms from out-of-state speculators. There was also criticism of a Wyoming Wildlife Federation suggestion that the state retain public access rights to the farmlands when leasing them back to owners or selling them. Of the approximately 2,000 outstanding loans made to Wyoming farmers and ranchers by the Farm Loan Board, 17 percent, totalling \$40 million, are currently in default. As of August 1985, Wyoming had 9,000 farms and ranches.

BARBS

Here a duck, there a duck, everywhere a duck, duck...

The *Denver Post* reports that retiring Nebraska Gov. Bob Kerrey -- "a serene and relaxed lame duck" -- met with retiring Colorado Gov. Richard Lamm -- "another happy lame duck."

An air crash is heard around the nation

The June 18 air collision that killed 22 tourists and three airmen riveted attention on the problem of unrestricted flights in Grand Canyon National Park. Pilots now use the "see and be seen" method to steer clear of each other as they circle towers or fly at 100 miles per hour below the rim.

For conservationists who have stressed for years the problems resulting from noisy helicopters and planes, the collision "was an accident waiting to happen," says Dennis Brownridge, a conservationist and writer in Flagstaff, Arizona. "There was anarchy in the sky," he says.

Dan Dagget, also a conservationist in Flagstaff, says the current voluntary limit on aircraft to fly 2,000 feet above any landform "clearly doesn't work." Dagget is a Sierra Club member who supports barring aircraft from the canyon and along the rim. Given the rate of at least one accident in the canyon every year for the last 10 years, Dagget says, "There is an element of negligence."

Butch Farabee, a spokesman for Grand Canyon Superintendent Richard Marks, says "a fair amount of support" has emerged for the conservationists' proposal to restrict air traffic from the canyon. But he says the public process of gathering opinion on voluntary options dealing with the noise problem will continue. Farabee says the Park Service hopes the accident "won't stampede the issue."

In any case, Farabee says the Park Service must present its final proposal to the Federal Aviation Administration, which claims jurisdiction over air travel. The secretaries of the interior and transportation departments would have to work out a solution, Farabee says.

According to documents acquired through the Freedom of Information Act and made public through conservationists, the Interior Department was warned about the potential for "serious mid-air collision" in the canyon in August 1984. The director of aircraft services for the Interior Department urged Grand Canyon National Park to bar air travel from the narrow inner gorge. Another document made public warned the park in 1985 about its "quite liberal" rules for flying.

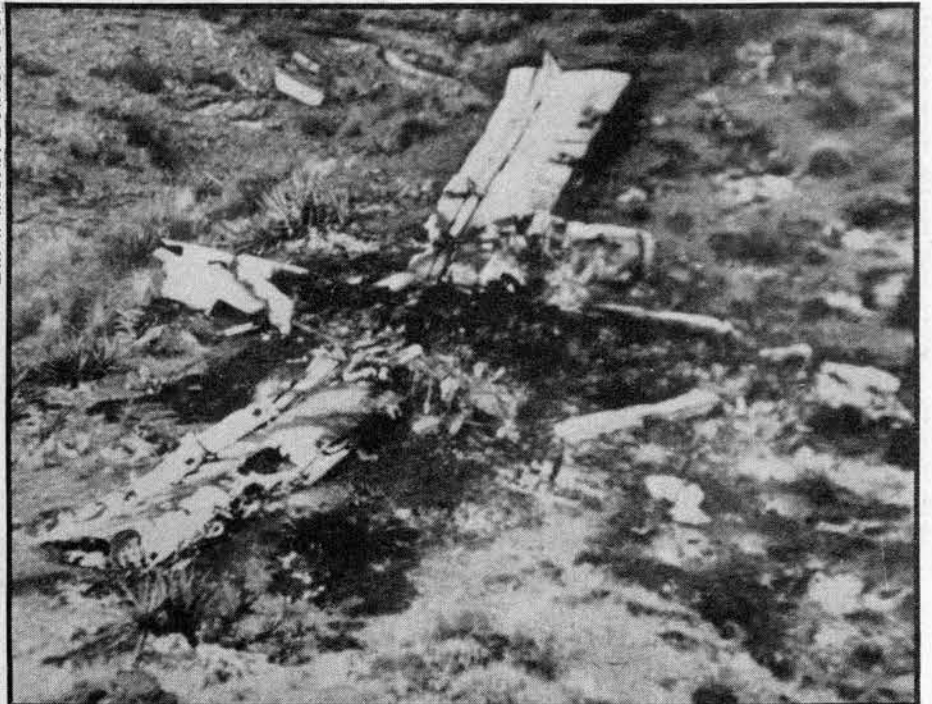
"The commercial operators appear to be regulating themselves to a degree but is it enough? It appears not," wrote Mike Martin, an Interior Department aviation safety specialist, May 7, 1985 to Rick Ernenwein, resource management specialist for Grand Canyon National Park.

A week after the crash of tourist planes, a House subcommittee approved legislation to regulate flights over national parks. According to press reports, the Park Service and FAA would have to adopt aircraft rules on both safety and noise at the Grand Canyon within 90 days after the bill became law.

The legislation, approved by a voice vote after about an hour's debate, would allow flights below the rim only for emergencies and administrative purposes.

Before the crash, outraged Grand Canyon lovers blasted the Park Service for failing to take meaningful action against aircraft. At a public hearing in Phoenix, nearly all of 55 speakers rejected the agency's six aircraft management alternatives,

Bill Wunsch, Denver Post



Debris from the mid-air collision in the Grand Canyon

which range from "no action" to partial voluntary restrictions for about 11 percent of the park during the peak season.

Aircraft flight is the only unregulated activity in the park, and an estimated 100,000 planes and helicopters fly in and over the Canyon each year. Visitors often complain that the constant noise and sight of the machines ruins their enjoyment of the park.

"The mechanization of our parks has got to be stopped," testified Charles Connor. "The calm and serene feeling you get in such a quiet place is dashed to pieces by aircraft."

Airtour operators were visibly relieved by the park's proposals. Ron Warren of Grand Canyon Airlines said privately that even the strongest alternative would have little effect on the multimillion dollar airtour industry. Spokesmen for the Aircraft Owners and Pilots Association also endorsed the park's strongest alternative.

But at the Phoenix hearing, most speakers were indignant. A demonstrator masquerading as a tour

operator threw dollar bills at Superintendent Richard Marks. Dave Foreman of Earth First! decried what he called the "crisis of integrity" in the Park Service and compared the situation to the Watergate scandal of the Nixon administration. Glaring hard at Superintendent Marks he said, "There are people in the Park Service who deserve to go to jail." A pilot testified that the Park Service alternatives would be a "nightmare" for pilots to follow and impossible to enforce. The park's proposals include exemptions for "quiet" aircraft and other complex provisions.

Environmental organizations have endorsed a "Quiet Canyon Proposal" of their own which would establish a restricted airspace in and over the park, in which flights would be limited to emergency and administrative use authorized by the Park Service. They say voluntary restrictions do not work.

The Park Service will accept written comments until Aug. 1 addressed to the Superintendent, Grand Canyon National Park, P.O. Box 129, Grand Canyon, AZ 86023.

--Betsy Marston

No refuge at the refuges

Seventy-six national wildlife refuges have suspected or potential contamination from outside sources, and nine are definitely polluted, reports the U.S. Fish and Wildlife Service.

There are trace elements such as selenium, arsenic and mercury in Benton Lake and Bowdoin national refuge in Nevada and Malheur refuge in Oregon. But the worst cases appear to be in the East. There is asbestos pollution of Great Swamp refuge in New Jersey, Eastern Shore refuge in Virginia and PCB contamination in Crab Orchard refuge in Illinois.

The report, "Preliminary Survey of Contaminant Issues of Concern on National Wildlife Refuges," developed out of questionnaires and discussions with the refuge personnel, and is a national listing that cites contaminants and action taken or planned to dispose of the pollutants.

For a copy of the final report, write Director, U.S. Fish and Wildlife Service, Department of Interior, Room 2024, Washington, D.C. 20240 (202)343-4311.

--Jane Coumantaros

Monte Vista Journal



Monte Vista National Wildlife Refuge

L-P breaks through at Union Pass

A high-altitude standoff on June 23 in Wyoming over construction of a national forest road gave the impression to some that a Pinedale District Ranger took orders from Louisiana-Pacific rather than from his own, higher-ups in the Bridger-Teton National Forest.

The actions of the Forest Service and the resulting confrontation competed with the main issue: the fact that Louisiana-Pacific is close to gaining the road connection it wants over Union Pass, linking its mill at Dubois with a timber cut in the Upper Green River valley.

The confrontation stemmed from a recent decision by Forest Service Chief Max Peterson to approve the upgrade of a three-quarter-mile segment of the Union Pass road. The upgrade was requested by Louisiana-Pacific to give it easier access to a timber cut in the Upper Green River Basin. Peterson's reversal of an earlier decision (*HCN*, 3/17/86) angered conservationists, who then went to court to stop the upgrade.

Wyoming Outdoor Council president and area rancher John Barlow was confident his group had time to get a restraining order from federal court in Cheyenne. "Ernie Nunn (assistant forest supervisor of the Bridger-Teton) told us in good faith that he had told the district ranger in Pinedale that not a dime of taxpayer money should be spent by the Forest Service until Saturday June 21."

June 21 was the day a routine 10-day grace period following Peterson's decision expired. But Barlow said Pinedale Acting Ranger Larry Gillham started the survey work before June 21 in spite of Nunn's instructions.

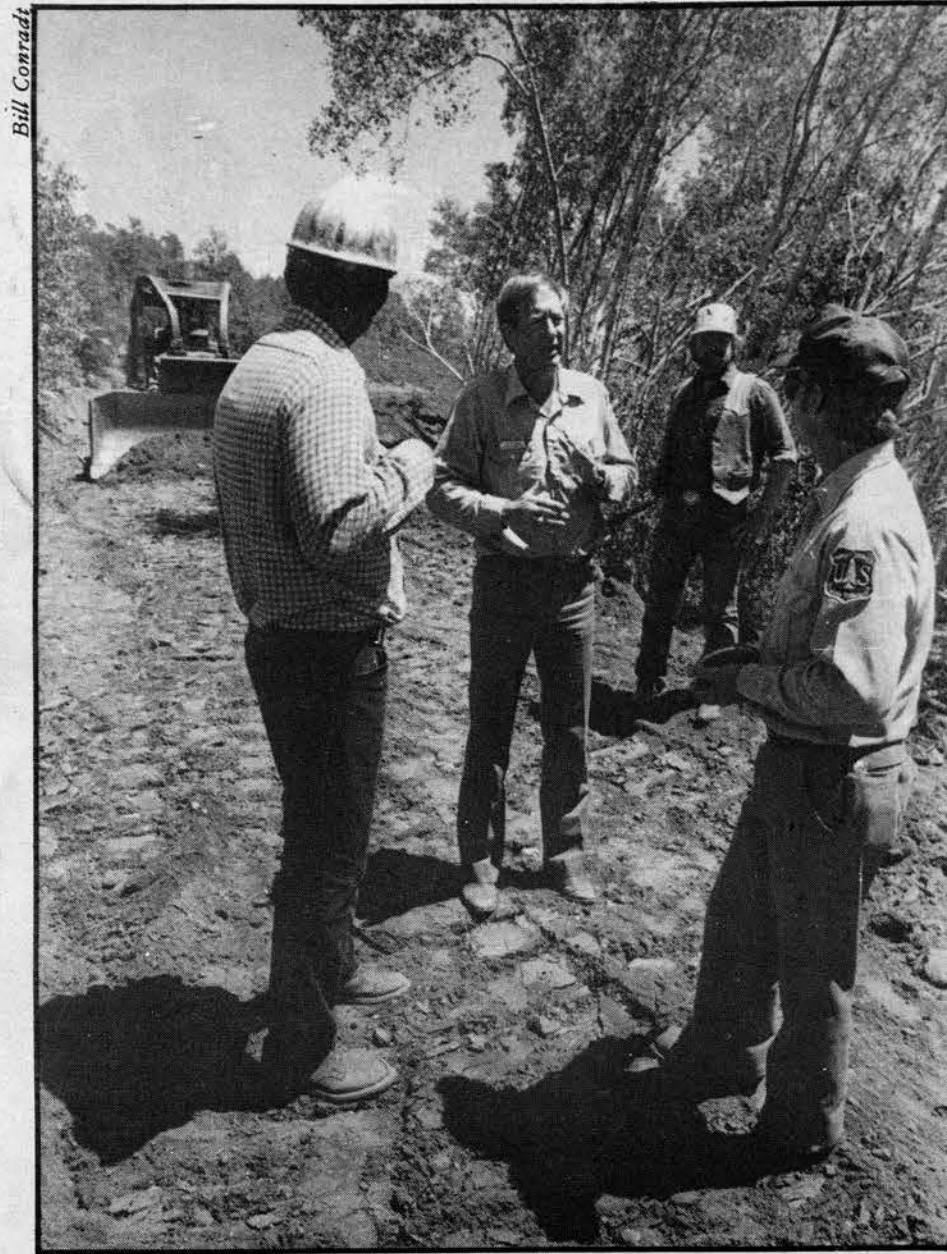
With the stakes in place, Barlow said, Nunn then gave the go-ahead for work to begin on Monday June 23. But, again according to Barlow, Nunn told the Pinedale office that he wanted a chance to examine the survey stakes before any earth was moved.

But, charges Barlow, Gillham responded to L-P's bidding, ignoring the wishes of his superior. Gillham allowed the heavy equipment to begin work at 6 a.m. Monday, as soon as L-P's chief forester, Bob Baker, and other L-P personnel reached Union Pass from Dubois and met with Gillham's Forest Service crew from Pinedale.

Barlow reached the scene at 9 a.m. and was on hand an hour or so later when Nunn and Forest Service engineers arrived from the Bridger-Teton head office in Jackson to find the project well under way.

Nunn told *Casper Star-Tribune* reporter Betsy Bernfeld he was surprised at the amount of work already completed. "He started pacing off the road and said it was too wide," she said.

Barlow says he overheard Nunn instruct Gillham to shut down the machines. Gillham's reply, Barlow says, was: "I'll have to ask Bob Baker about that." Both Bernfeld and Barlow reported angry exchanges between Nunn and Gillham, and between Baker and Nunn. Barlow says Nunn's order to stop work on the project was not followed by Gillham or Baker. Instead, after much argument, there was an agreement to narrow a road section that had been cut too wide, and to stop work on one section which had been improperly staked by



It was a standoff for a while June 23, when Ernie Nunn, center, of the Bridger-Teton National Forest found

that Louisiana-Pacific contractors had widened the Union Pass road beyond a 20-foot limit.

Pinedale Forest Service personnel. Work proceeded on another section.

Bridger-Teton National Forest spokesman Fred Kingwill admits there was "heated discussion and a possible disagreement" over what to do about the "overconstruction" -- a 27-foot swath where the plan called for a 14-foot-wide road. But he insists that Nunn was able to exert his authority, halting construction while the contractors repaired the damage.

Kingwill also says that after giving verbal instructions to shut down the machines, Nunn returned to Jackson to confer with Bridger-Teton Forest Supervisor Brian Stout. He then wrote a letter to L-P, which was delivered to them at 9 a.m. Tuesday morning, reiterating that work on the road must stop until a new "work list" complying with the project's plan is completed.

Kingwill repeatedly denied that there was ever any doubt about who is in charge of road building on the forest. But remarks by an L-P official indicate that they, at least, heard two voices speaking. Dubois mill manager Wilbur Stewart, when asked whether his company violated road width specifications in the EA, said no. But he also said, "It's a matter of which forest ranger you're talking to." He said that L-P had halted road construction, but not because of instructions from Nunn. It was, he said, a U.S. attorney in Cheyenne who instructed him Tuesday morning to halt the project.

The work stoppage was requested by the U.S. attorney because WOC attorney Rodger McDaniel had filed an injunction in federal court on Monday to stop the construction work. Judge Alan Johnson was to hear arguments on Tuesday, June 24.

The confrontation over road width and the pending federal court action turned out to be relatively minor roadblocks facing the lumber mill. But there was another obstacle. To reach the part of the road to be upgraded, contractors had to cross a section of Union Pass road that was on private property.

A Rock Springs attorney charges that the Forest Service, and L-P and its contractors were guilty of "willful, intentional, deliberate, malicious trespass" on that section. He said L-P illegally brought equipment and personnel across the summer home property of his clients, Joe and Stella Retel, to reach the upgrade. Attorney John Zebre says L-P has never contacted the Retels nor made any attempt to negotiate access to their section of the road.

The dispute over the Rock Springs couple's private property rights erupted Monday morning along with the other battles. Nunn said the Forest Service did not have a legal right-of-way over the private property and that it was L-P's responsibility to acquire the permission. But L-P's Baker insisted there is a public right-of-way across the land. On Tuesday, Zebre obtained a temporary restraining order from the District Court Commissioner in Pinedale. The order forbids any official, employee or contractor of the U.S. Forest Service or L-P from entering the Retel property.

In one sense, Forest Service Chief Max Peterson directly reaped the fruits of his approval of the upgrade. Early Wednesday morning, the County sheriff knocked on the Pinedale motel room door of a surprised Peterson and served the restraining order directly on him. The

Forest Service chief was in town on a tour organized and funded by the Rocky Mountain Oil and Gas Association.

The restraining order was effective until July 3 (after *HCN*'s deadline), when Zebre was scheduled to return to court in Pinedale to ask that the injunction remain in effect while litigation proceeds. This could bar L-P from using Union Pass even if they complete the road.

Although Retel has temporarily won in the Pinedale court, the broader fight against the Union Pass upgrade was lost 300 miles away in Cheyenne. There, Judge Johnson denied the request by conservation groups for a restraining order, allowing the construction to continue. McDaniel said the judge ruled that the EA was satisfactory, that the project would not cause irreparable harm, and that damages to wildlife and wildlife habitat were "speculative."

Barlow charges that the federal court ruling was narrow. The irreparable damage, according to Barlow, flows from the impacts of the upgrade -- damage to wildlife and elk migration routes which will result from lumber transportation and increased tourist traffic in the Upper Green River area. Barlow's group is considering further legal action.

Despite the order prohibiting L-P and Forest Service access across the Retel property, work resumed June 26 on Union Pass. The L-P contractors' road equipment had been left on opposite sides of the Retel property, requiring them to transport some equipment 150 miles down the Green River Valley, up to Jackson and over Togwotee Pass to get to the section they were working on.

When asked by Barlow why L-P was pursuing expensive building of a road they might not be able to use, Baker said, "My back's up against the wall the same as yours." He told Casper's K-2 television reporters that he was optimistic an agreement could be worked out with the Retels.

But Joe Retel said he was making his stand "for myself, the cattlemen and the independent loggers." He told Barlow that if Baker offered him \$500,000 for an easement he would not grant it.

Green River cattle ranchers had joined conservation groups in opposing the upgrade of the Union Pass road. Their interest in the area -- 250,000 acres of grazing allotments on Forest Service and Bureau of Land Management land in the area -- will also have to be addressed before L-P can haul logs over the road. Kingwill says L-P must meet with the Green River Drift Cattle Association and reach a written agreement on when and what times of day each would use the road. "Sprout" Wardell, a spokesman for the group, said they have not yet met, nor have they set a time to meet.

--Katharine Collins

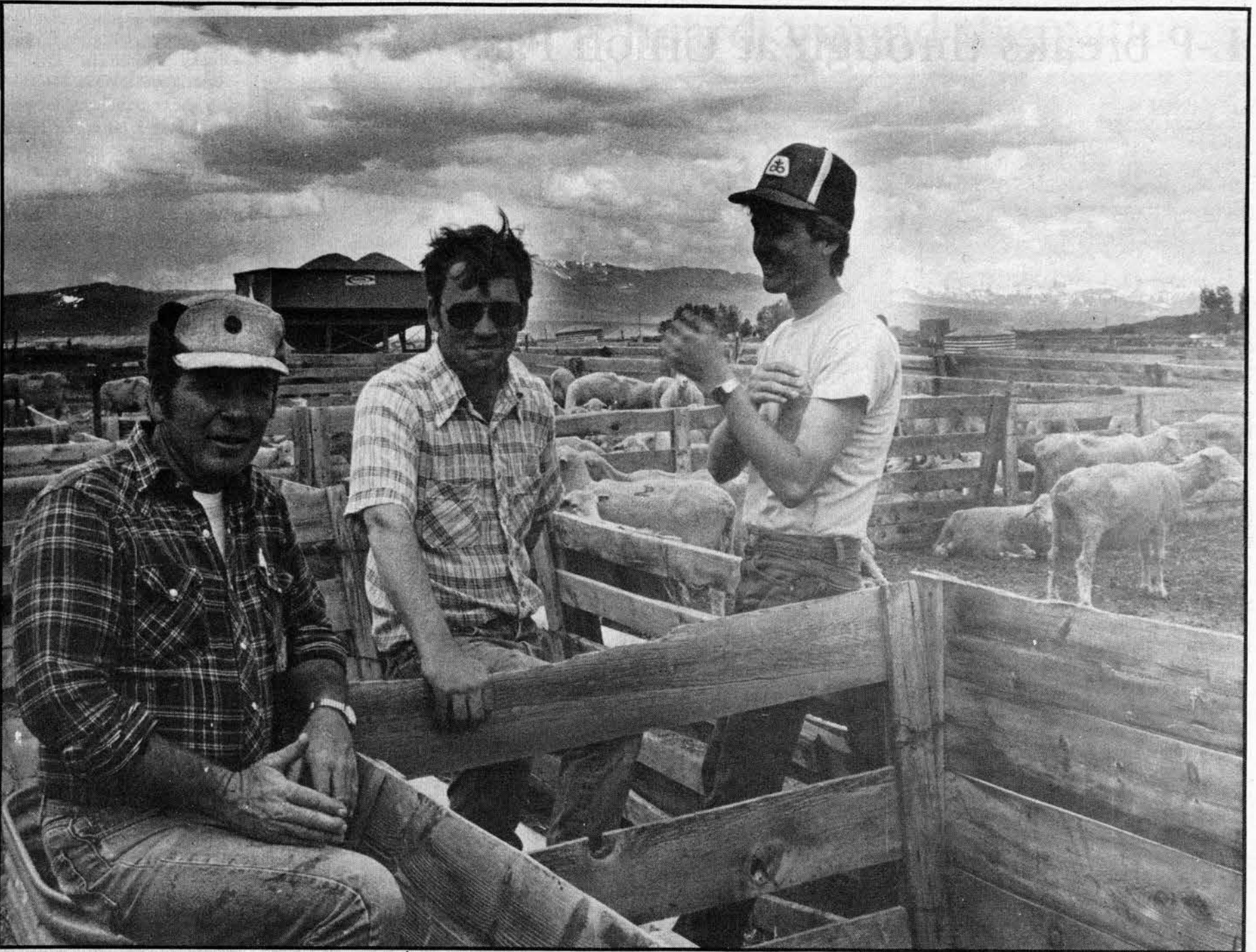
BARBS

They're going to extinct the English language a lot quicker.

University of California chemistry professor Sherwood Rowland told a congressional hearing on climate change that "if you have the greenhouse effect going on indefinitely, then you have a temperature that will extinct human life" in 500 to 1,000 years.

Ed Marston

William, Steve and Dale Zahniser



Bucking bankers...

(Continued from page 1)

foster mothers. To convince a ewe to nurse an orphan, or bum, she must be locked by the neck in a stanchion so the lamb penned with her can feed without being kicked away. After a few days of enforced motherhood, the ewe accepts her role as wet nurse and is freed.

Until recently, the Zahnisers could identify with the ewes they locked up. They too felt caught by the neck. In fact, the story of the Zahnisers is rich with allusions. Wilbur Zahniser speaks of his search for financial sanctuary in gunfighter terms: "I think I've found a good rock this time," he says, talking fondly of the protection he is getting from the bankruptcy laws.

The Zahnisers' story also lends itself to another historic Western theme: the melodramatic one of the hardworking ranch family about to lose its homeplace to the wicked, mustachioed lender.

The images go beyond the West. The Zahnisers are reminiscent of the main character in Franz Kafka's *Castle* -- the bewildered man caught in the toils of a bureaucracy whose rules and motivations he does not understand.

That bureaucracy is the Farm Credit System. In the summer of 1980, one of the system's banks, the Southwest Production Credit Association, hailed the Zahnisers in a newsletter article as "winners," as "leaders in the sheep industry," as

people who knew how to farm in the modern environment.

For two years after the laudatory article, the Southwest PCA continued to put its money where its mouth was. It showered loans on the family -- money for new lambing sheds and corrals, money to allow them to hold back their ewe lambs so they could expand the Polypay herd, money to build a new two-story house and get the family out of the trailer it had lived in for 25 years.

Then the PCA appeared to turn on them. Wilbur Zahniser says the agency began by encouraging him to spread the mortgage over more and more of the property. It then got him to get a loan from another borrower under the pretense of increasing their PCA line of credit. Finally, Zahniser says the PCA tried to strip the family of its only cash-producing asset -- the herd of sheep; that would have forced them off the land.

With each step, Zahniser grew more suspicious of an agency he had trusted for several decades. "I used to sign blank notes that they filled out later." Today, he sees the PCA and its partner, the Federal Land Bank, as wanting only one thing from him: a dead operation it can auction off so as to "cash out" his loans.

Zahniser says the PCA is after him because he has a good balance sheet. "They could sell me out and recover their loans totally. They're not as interested in foreclosing on someone in a weaker position. They wouldn't get their money back."

But Zahniser also says, and the bankruptcy court has tentatively agreed, that he is capable of running his ranch and eventually emerging from bankruptcy. "I could come out of bankruptcy today if I had a line of credit." But the PCA, he says, doesn't want an operating farm. It wants its

principal back. The PCA disagrees. (See accompanying story.)

It is something of a miracle that the Zahnisers are still in business. The family appears to be exactly the kind of unsophisticated and trusting operation that should fold in the face of determined pressure from its bankers. Moreover, the PCA had been very helpful to the Zahnisers for years.

Zahniser recalls how the family happened to move out of its trailer. Back in the good days, "I mentioned to the PCA banker: 'You know, Alice has been wanting a house.' 'You bet,' he told me. 'She deserves one.'"

So she got a nice house: A stone fireplace, a family room, and a second-story deck overlooking the sheds. "She always complained that she couldn't see out from the trailer."

Then, three years ago, in the summer of 1982, "Jim Longwell, my loan officer, said: 'You better start liquidating.' I just sat there dumbfounded. He was asking us to sell our herd at the bottom of the market."

Zahniser resisted. "But they kept pressuring me. So I sold off some in 1983." He sold breeding ewes at the bottom of the market, getting \$60 each for ewes weighing about 150 pounds. Some were pregnant, some had lambs at their side.

It weakened the reproductive ability of the herd, but it did not satisfy the PCA. Zahniser says that people he had worked with for 25 years kept hammering him. He puts a dark interpretation on their motives. "My personal opinion is that they wanted my operation (for themselves) but I can't prove it." He points to a former PCA official who is now in the sheep business, operating on land the PCA foreclosed on.

Although they couldn't convince Zahniser to sell out his herd, the PCA

kept nibbling. "First, they had me bring in the titles to my vehicles" for additional security. "Then they had me sign over next year's federal wool incentive check -- \$45,000. Each time they'd say: 'We'll work with you. But first we need more security.'"

Finally, they asked him to get a \$130,000 loan from the Farmers Home Administration on some of the land, and pay them the proceeds from the loan. With his PCA loan lightened by \$130,000, they told him, the PCA could continue to work with him. The FmHA loan went through. But after the PCA got the proceeds, it cut Zahniser off, to the dismay, he says, of the FmHA loan officer. (The FmHA operates off Congressional appropriations, and is not self-funding like the PCA and FLB.)

Soon after, in March 1984, came a 10-day foreclosure notice. The PCA had refused Zahniser his spring operating loan for the first time in almost 30 years and told him the choices: It would foreclose on him now, or he could stay on through spring lambing and then it would take over. "Lambing," says Zahniser dryly, "is a lot of work."

Until that point, Zahniser had treated the PCA like a hungry lion and had fed it whatever scraps he could sacrifice without destroying the heart of his operation: the ewes that bear multiple lambs each year. But with the foreclosure hanging over his head, he changed tactics. "I'd never been to a lawyer hardly, but I'd heard of one in Chicago that specialized in bankruptcy." The lawyer filed under Chapter 11 of the bankruptcy law, which would have protected Zahniser from foreclosure. But the PCA fought the filing and Zahniser found himself

kicked out from behind that rock in June 1985.

The judge who did the kicking criticized Zahniser's lawyer for not adequately representing him, so he got other lawyers -- one in Denver and one in Albuquerque -- and in August 1985, he took the offensive, suing the PCA for alleged irregularities in the way it sought foreclosure.

The suit gave the Zahnisers time to refile for Chapter 11. In early 1986, a hearing was held on the refiling (see accompanying story), with the PCA again attempting to kick the Zahnisers out of bankruptcy protection. In the hearing, almost by the way, Zahniser mentioned that the PCA was sitting on an \$81,000 check made out to him and the PCA. It was the proceeds from a bunch of sheep he had sold.

When the judge discovered that the check had been sitting in a PCA drawer gathering dust rather than interest, "She crawled all over them. She issued a court order that that check had to go into an escrow account." She also denied the PCA's motion to dismiss the Zahnisers immediately from bankruptcy protection. A hearing on whether the reorganization plan should be allowed will be held in early August.

Her anger over the check didn't stop the practice. Zahniser says that as of May, he and the PCA -- between them -- were holding on to \$170,000 worth of uncashed checks. The checks are made out to both him and the PCA, and can't be cashed without both signatures.

Those checks hurt Zahniser because he's desperately short of operating cash. The PCA is his banker, and they're no longer providing the cash he needs to operate unless he takes legal action to free up a check or force a loan.

Such legal action is expensive. Zahniser says he has spent over \$50,000 on lawyers. From the PCA's point of view, he has spent several times that much: it tacks on its legal costs in pursuing foreclosure, and then charges him interest on those charges.

The cash squeeze, he says, has hurt his operation. He couldn't afford to have his own hay ground into feed pellets at a local pellet mill. Instead, he had to buy feed from a distant mill on a day by day basis. It was more expensive and the pellets didn't suit his sheep as well as his own custom-blended pellets would have.

At times, the family lacked even

Until that point, Zahniser had treated the PCA like a hungry lion and fed it whatever scraps he could sacrifice without destroying the heart of his operation: the ewes that bear multiple lambs each year.

PCA says its actions save sound farmers

A spokesman for the Montrose, Colorado, Production Credit Association, the bank that wants to foreclose on Wilbur and Alice Zahniser suggests the public and media are focusing on the wrong people.

Dan Briskey says, "Every time we take a loss on a loan, that farmer's neighbors must pay more. The system has to save itself. The Farm Credit System is a financial cooperative. It is owned by its borrowers. We go into the private bond market for our money. If one farmer can't pay his loan, we can't repay our bonds" without charging the healthy farmer higher interest rates.

Briskey says farmers are aware of this. "We're under pressure from the performing farmer" to collect or foreclose on the farmers who aren't paying their loans.

He says the media have given the impression that a huge number of farmers are in trouble. "In this valley, we are close to the national standards, and only 10 to 12 percent are in trouble. But those 10 to 12 percent take a huge amount of time and attract a huge amount of attention." Briskey also says that a substantial number are close to trouble. That, he continues, is why it is important to get the financially failed farmer out of the credit system, and to concentrate its resources on those who can make it.

Briskey charges that farmers who go into bankruptcy, or who hide their livestock or bring other pressure for relief, aggravate the situation for everyone. "It's created friction between bankers and lenders. It's made us tend to foreclose quicker. Some farmers will work with us. But others fight us every step of the way." The result, he says, is that the credit system now tends to move quickly to foreclose, before the farmer can organize resistance.

Despite such aggressiveness from lenders, Briskey says, the shootouts between bankers and borrowers are rare. "We have worked out a tremendous number of problems. And most were worked out person to person."

Briskey could not talk about the details of the Zahnisers' situation. But he did say that just because the Zahnisers may appear to have \$500,000 more in assets than in debt, that doesn't automatically entitle them to additional financing. "We don't stay with an operation until there is nothing left."

The Zahnisers' attorney (see accompanying story) has charged that the Farm Credit Administration sends teams of attorneys into court and then bills that expense to the Zahnisers. Attorney William Nelsch says the intent is to "bury" the operation.

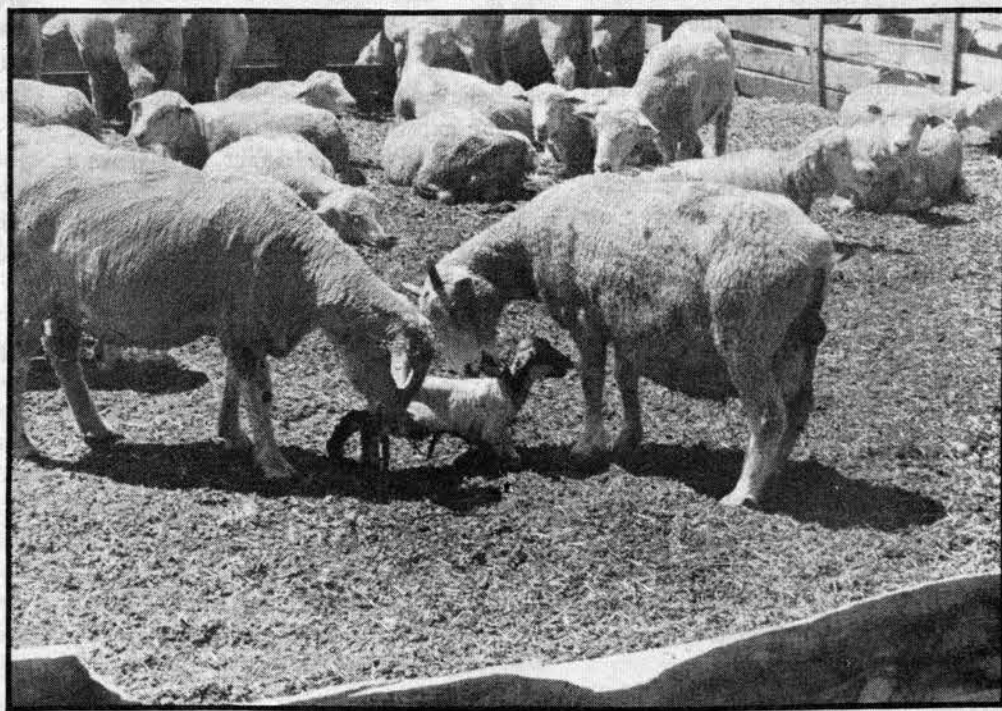
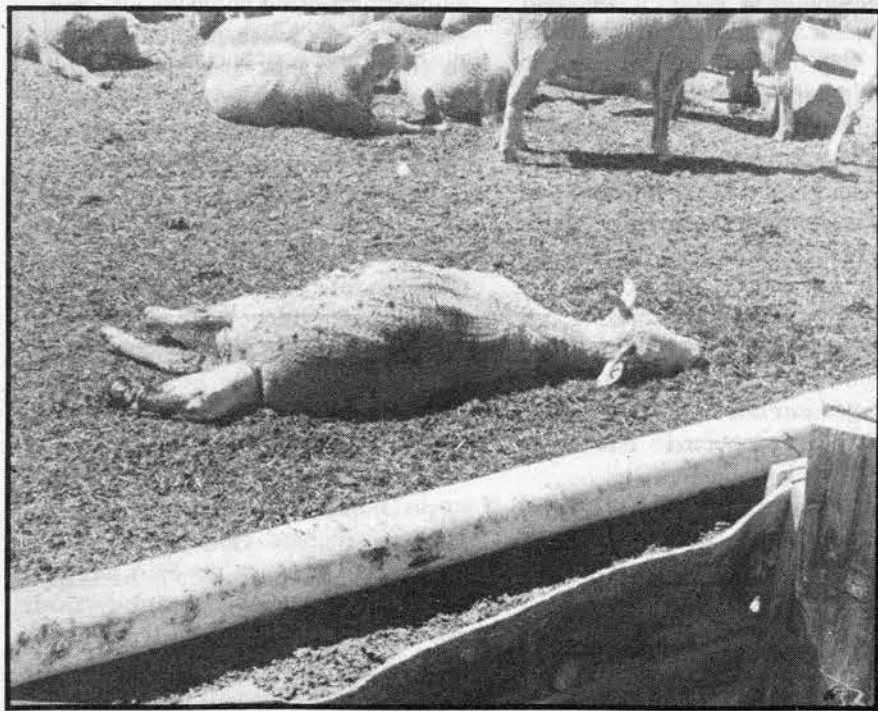
Briskey says there is no sabotage. He says the PCA, the Farm Land Bank and the Farmers Home Administration are independent operations, and each requires its own attorney. He also says that there is nothing sinister about billing debt collection fees to a borrower. That, he says, is standard, whether it is a million dollar farm loan or a \$5,000 auto loan.

While Briskey indicates that his bank does not believe the Zahnisers can survive economically, and that bankruptcy protection will merely prolong the agony, he agrees with them on other points. The banker, who comes from a sheep family and who holds graduate degrees in agricultural finance, says the Zahnisers are excellent managers. And he agrees with Wilbur Zahniser that it is the good, aggressive farmer who is likely to be in trouble these days because of the turn inflation and farm markets took several years ago. But, he also says, given that reality, the banker must act to stem losses and preserve the system for others.

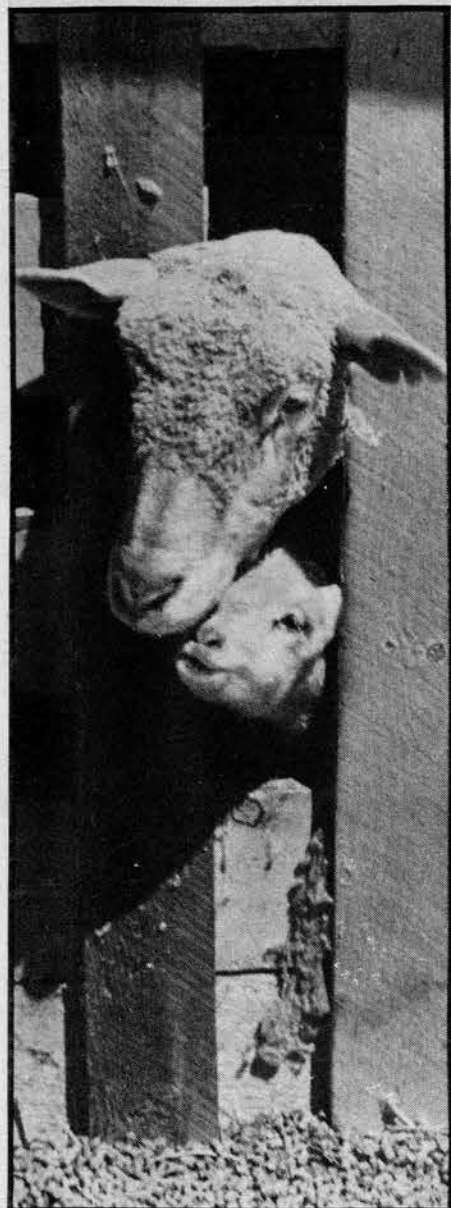
The Farm Credit Administration, he says, is on its own. Congress last year granted the system a large line of credit. But it is to be used only as a last resort, and after the system itself has done everything possible to make itself whole.

--Ed Marston

(Continued on page 10)



Lambing at the Zahniser ranch



Bucking bankers...

(Continued from page 9)

grocery money, and depended on the two sons' outside jobs for what cashflow there was. The PCA wasn't the only aggressive creditor. A local furniture company backed its truck up to the door of a son's small house to repossess the newlyweds' furniture for the \$230 loan balance. The Zahnisers' bankruptcy filing protected them, and the furniture stayed in the home.

"You find out who your friends are in times like this." To a large extent, local implement and farm supply houses are the friends. They are acting as bankers, selling the Zahnisers and other ranchers whose loans are in limbo seed, fertilizer, and spare parts on short-term credit. Even though those merchants know he is in bankruptcy, Zahniser says, they have kept him supplied.

But the merchants aren't in the banking business. And if the banks don't come through, they will vanish with the customers. "The PCA and the FLB are digging their hole deeper and deeper. Every time they take a farm that could make it, that forces down machinery and land values and makes everyone worth less."

Zahniser believes the PCA and FLB are weeding out the best farmers. "The ones that were just hanging on in the 1970s, and didn't try to expand because they were only barely making it, they're still just hanging on now." But farmers like the Zahnisers were doing well in the 1970s; they saw a future and expanded. Now they're in deep trouble.

Zahniser says that when the PCA praised his operation in 1980, he owed them \$350,000 but had only 1,600 sheep. Today, he owes them \$500,000 but he has 4,000 sheep, more facilities and his overall equity to debt ratio is much stronger.

Moreover, the lamb market is stronger. He recently sold lamb at 74

Bankruptcy could save the ranch

If Wilbur and Alice Zahniser are lucky in bankruptcy court on August 5 and 6, they will be allowed to live on \$6,894 this year, even as their sheep operation is grossing \$446,936.

The miserly living stipend will be their reward for working long days to care for 3,800 ewes and 5,000 lambs worth several hundred thousand dollars, as well as for more than 1,000 acres of producing farmland. While they are getting by on less than \$7,000, they will be repaying interest and principal on close to \$1 million in debt.

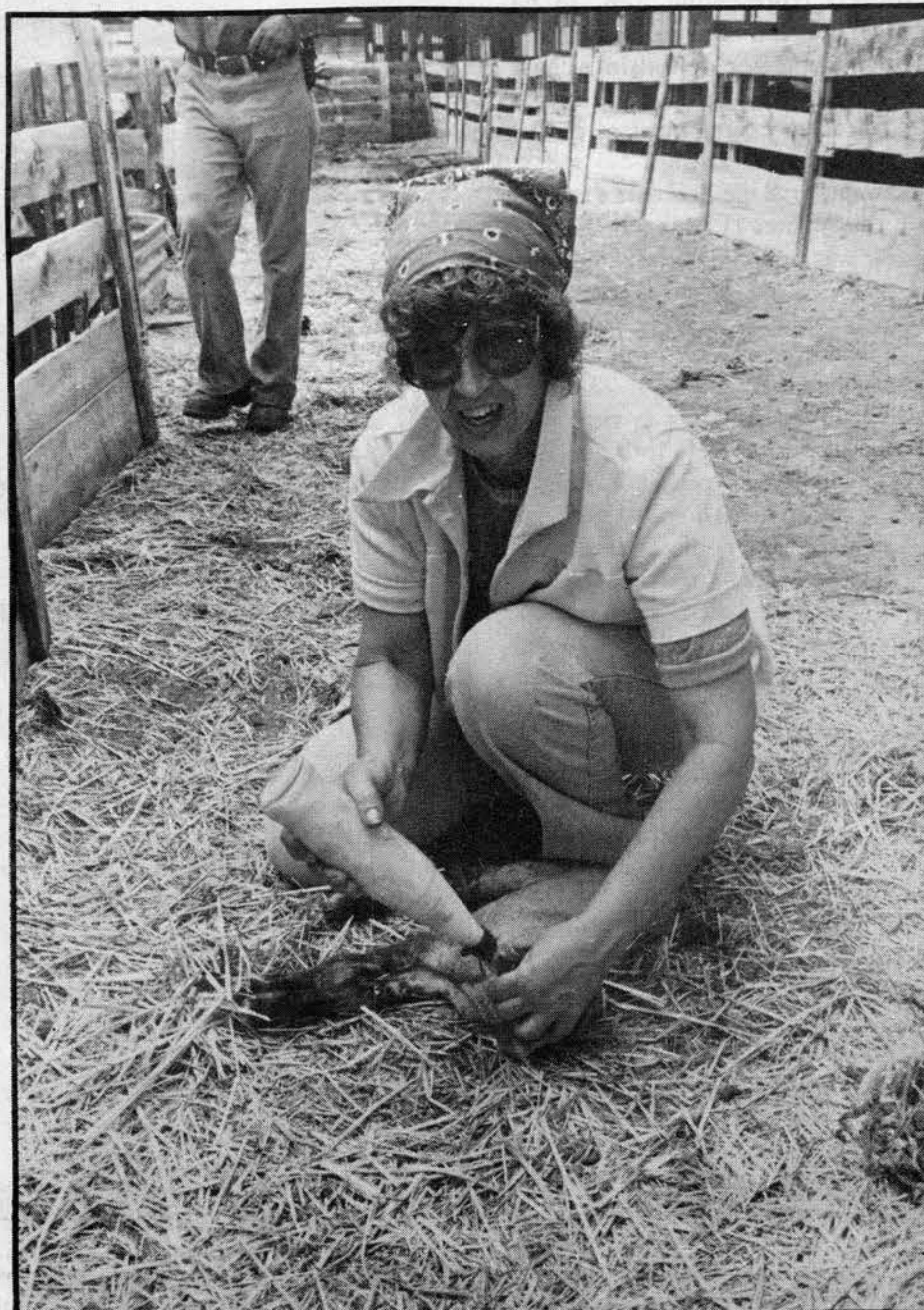
If the Zahnisers are allowed to care for land and livestock valued at \$1.5 million, it will be the end of a several-year nightmare for them. But the Farm Credit Administration will not be so pleased. Attorneys for its Production Credit Association (PCA) and Federal Land Bank (FLB) have gone to court several times to keep the Zahnisers from gaining protection of the bankruptcy laws.

A preliminary effort to knock out this latest filing -- the one that will give them the \$7,000 a year -- failed. The PCA told bankruptcy judge Patricia Clark that the Zahnisers had shown bad faith, had deliberately delayed filing, and had improperly used the legal system to avoid foreclosure. The judge rejected the charges and in a March 1986 order paved the way for an August hearing on the Zahnisers' reorganization plan.

At that hearing, a different bankruptcy judge will decide if the family's eight-year plan can work, and if it should be imposed on the PCA and FLB against their desires. The Zahnisers' Denver attorney, William Nelsch, believes he has a good chance to achieve "cram down" on the two banks because he thinks another large Zahniser creditor will accept the plan.

Nelsch will argue that with lamb prices rising, with the number of lambs in the nation continuing to drop from an already low level, with the superiority of the Zahnisers' fecund, meaty, woolly Polypay sheep, and with lamb at 70 cents per pound, all signs say the Zahnisers can survive. If the plan is accepted, and if the Zahnisers do survive, they will be among the elect. Nelsch says only seven percent emerge from Chapter 11 to lead normal economic lives. "Chapter 11 isn't ideal, but it's the only game there is."

The price of lamb is beyond the control of the farmers, but Nelsch believes the Zahnisers can live within the expense budget proposed in the bankruptcy plan. In fact, he says, as a result of their cash squeeze, they are operating on even less than projected. And he says the family succeeded in



Alice Zahniser

expanding the herd even during the years the PCA had cut them off from operating loans.

In addition to praising his clients' management ability, Nelsch will attack the PCA and FLB for allegedly abandoning their mission. Nelsch wrote in one legal brief that "the formation of the Farm Credit System was premised upon the inherent risks in agricultural operations, and that the Farm Credit Administration accepted those risks when they originally lent funds to the Debtor to operate."

The banks accused the Zahnisers of bad faith, but Nelsch argued that the bad faith lies elsewhere. He is especially angry that the banks charge their legal expenses to the Zahnisers' loans. "...At every hearing involving the Farm Credit Administration, there are a minimum of three if not four attorneys. It is clear from the FCA tactics that it is attempting to financially bury the Debtor..."

In the January 1986 hearing, Judge Clark did not specifically rule on the issues of the FCA's alleged bad faith. But she did emphatically reject the charges against the Zahnisers.

"The record in this case does not support a finding that the Zahnisers intended to abuse the judicial process." She also rejected PCA and FLB charges against the filed reorganization plan: "While it is true that (lamb) prices may fluctuate..., this Court does not find that the Zahnisers' plan to reorganize is too 'visionary, impractical, and speculative,' as movants (the PCA and FLB) contend, to survive the good faith test."

The judge also indicated that the PCA and FLB had not recognized the growing strength of the operation. "The increased sheep herd constitutes a bona fide change in circumstances..." She also found that an expert brought in by the PCA and FLB to show the shakiness of the Zahnisers' plan did not make his case.

Finally, she wrote, the fact that the two federal banks are "unalterably opposed" to the Zahnisers' reorganization does not mean the court on Aug. 5 and 6 can't impose the plan on them by a "cram-down."

--Ed Marston

cents a pound and sold breeding lambs to the University of Minnesota for 90 cents. When the PCA was trying to force him to sell his herd, lamb was selling for under 50 cents a pound.

Zahniser says the long-term outlook for lamb is also good. "It's the only red meat that has to be imported into the U.S. In the 1950s, there were 45 million sheep. Now there are 8 million. Wool isn't selling very well.

But we get incentive payments from the duty on imported Australian wool."

What lies ahead for the Zahnisers? First, two court cases. In early August, a bankruptcy judge will decide whether the Zahnisers' plan for reorganization can work. If he rules against the plan, the family will be kicked out of bankruptcy and the PCA, FLB and other creditors will foreclose.

If the plan is accepted, the family will have eight years to work its way out of bankruptcy.

In a separate case, Albuquerque attorney Richard Norton has filed a damage suit against the PCA alleging that the agency damaged their operation. If the court decides the PCA acted irresponsibly, the family could collect damages regardless of the outcome of the bankruptcy case.



Irrigated cropland

The agricultural crisis:

The farm banks cut and ran

by Sam Bingham

Eight years ago, Federal Reserve Bank economist Emanuel Melichar warned with the bloody fatalism of a pure economist that the Farm Credit System would play a big role in the crisis he saw coming. Melichar quoted John Kenneth Galbraith, who wrote in 1936:

"The next depression will not bring an anarchy of foreclosures, rigged auction sales, threatened judges, state moratoria... the land banks will be in a position to stop repayments, lower interest rates, and extend payments. These steps can be taken quickly and efficiently."

"What," Melichar asked in 1977, "is the current status of the authority, inclination and capability of the Farm Credit System to take such actions? Are there contingency plans, and what is their general nature and scope?"

The FCS had by then repaid the

federal government all of its initial capital. It had also gained its independence under a 1971 act that gave broad powers to local credit associations scattered across 12 administrative regions. In effect, farmer-borrowers controlled their banking system -- a system which held one-third of all farm debt.

The Farm Credit System had three major divisions. Production Credit Associations (PCAs) administered operating loans -- the money farmers need each spring to get into the fields with their tractors, seeds, and fertilizer. Federal Land Bank Associations (FLBs) gave long-term credit on land. A third part of the system is banks for the rural cooperatives that collectively buy supplies or market commodities, provide electricity and provide other services for their farmer-owners.

Although the FCS raised capital by selling securities in quantities topped only by the U.S. Treasury, and though it constituted the nation's largest bank, its many branches had extreme freedom. In theory, then, Galbraith's 1936 conviction that the system would protect farmers against the next crisis seemed well founded. The farmers' bank was large and they controlled it at the grass-roots. There appeared every reason to believe it would be there for them if the going got tough.

How has the system worked in the last few troubled years? That story is easiest told by starting with an article in a 1980 newsletter published by the Southwest PCA based in Montrose, Colorado. The article was about Wilbur and Alice Zahniser, and it ran under the headline, "Inflation-Recession: a Game Plan for Winners."

As the accompanying story shows, that headline was almost the last good piece of news the Zahnisers got from their PCA. Within a couple of years, the PCA was nudging, and then pushing, the family toward foreclosure.

Although they did not know it, the Zahnisers were caught in an historic policy change within the PCA. The change came from the highest levels and it dictated that the credit system would be saved, whatever the costs to individual farm families.

The PCA's policy changes coincided with the quitting or firing from the PCA of virtually all local people. What happened to the farmer-borrower boards of directors that set policy? In Montrose, the board chairman changed twice during the chaos. But those changes didn't matter. The Montrose board itself -- like every other local PCA board -- lost all but token advisory powers in the federal legislation that bailed out the system.

The Zahnisers were not alone in their problems, either in Montrose or across the nation. By spring of 1986, the Montrose PCA and the Land Bank were holding as many as four land auctions a week. Many represented a farm family that lost its land, home, and way of earning a living.

To get the dirty job done, first one platoon of outside personnel and then a second were brought in under the direction of district headquarters in Wichita, Kansas. As a result of their actions, a blizzard of lawsuits have been brought against the PCA, claiming every variety of mismanagement from securities fraud to violation of federal regulations to suppression of information that should have been public.

Financial statements show that in 1984 the new PCA regime cut the amount of loans outstanding by nearly \$16 million out of \$100 million, charged off more than \$2 million as loss (over four times the record set in 1983), and classified \$6 million more as nonperforming.

The Montrose PCA is not entirely typical. Cancellation of barley contracts by Coors Brewing Company in 1984 hit the Uncompahgre Valley hard. However, the Montrose events do typify how liberally the Farm Credit

(Continued on page 12)

Rocky Mountain Farmers Union



Credit crisis...

(Continued from page 11)

System behaved in good times, and how tightly it reacted to the present crisis.

In part, the takeover of what had been local institutions is a result of the failing farm economy. But the stage was also set by how the farmer-dominated boards ran the PCAs and FLBs. Insiders admit that the autonomy of the boards led to some sloppiness and bad loans. More than a few good old boys got loans far larger than they could handle.

The reaction to this state of affairs, when it came, was revolution rather than reform. In 1984, when PCAs in Spokane, Omaha and Texas FCS districts began failing, bureaucratic panic ensued.

Local institutions were threatened with dire consequences if they did not accept intervention from district headquarters. At the behest of Congress, both the Government

Accounting Office and the accounting firm of Price-Waterhouse conducted audits that revealed extreme problems. FCS securities lost value on the financial exchanges, and the system asked Congress for a \$6 billion bailout.

Congress did not give the FCS a blank check. To restore credibility to FCS bond sales, legislation passed this January allows FCS to call on Treasury funds to cover its obligations. The legislation also imposes a much stricter and more centralized administration.

The strings attached to the line of credit reduced the local boards to advisory status and merged the administrations of PCAs and FLBs. The cutting off at the knees of the local boards and the shuffling of staffs so that neighbors no longer served neighbors set the stage for misunderstandings and conflicts.

Outside forces did try to intervene. In September 1985, the attorneys general of 11 farm states sent then Farm Credit Administration governor

Donald Wilkinson a litany of abuses they wanted corrected. They cited bad information about variable interest rates, conflict of interest in paying loan officers, inadequate audits and misleading reports, irregular accounting, withholding records and denying the right of review to borrowers, lack of forbearance and abuse of stockholder rights.

Wilkinson recently resigned.

By that time the system had built, even as it posted record losses, an extraordinarily opulent concrete Xanadu in South Denver to house the Farm Credit Corporation of America. There, experts assigned to set standards and monitor the system, work in an atmosphere of hanging gardens, falling water and coded locks on every hallway and door.

The problems in the Farm Credit System do not tell the full story of American agriculture in 1986. They only dramatize the extent to which the country has no consistent vision for agriculture.

To return to the beginning, and answer economist Melichar's 1977 question, the functionaries in charge did not foresee, much less prepare for, a crisis, even though their easy lending policies contributed to it. When the crisis came, those in charge scrambled to save the system rather than the farmer.

In fact, they had little choice. Congress did not give the FCS a \$6 billion grant and tell them to save the family farm. It gave a line of credit and a strong message to use it only as a last resort. James Schurr, Farm Credit Corp. vice president for lending standards, said, "Galbraith didn't foresee that we would become an independent corporation. I'm all for forbearance, but the loans are out there and the clock is running."

By comparison with the Farm Credit Corp., the Farmers Home Administration worked more as Galbraith predicted. Perhaps because it gets its funds by direct appropriation by Congress, it has been more subject to political pressure from the farm belt. The Reagan administration wants to phase out its direct loan programs, but last spring pressure loosened its purse strings to provide easy planting loans. Since then, it has been allowed to ease payment schedules in a variety of ways, which also caused its portfolio to grow.

However, with Gramm-Rudman abroad in the land, the FmHA may also be in jeopardy. Schurr says, "I'm waiting to see if the politicians actually let the FmHA get out of the loan business. That really will have an impact."

□

Sam Bingham is a freelance writer in Denver. This article was made possible by the High Country News Research Fund.

High Country News

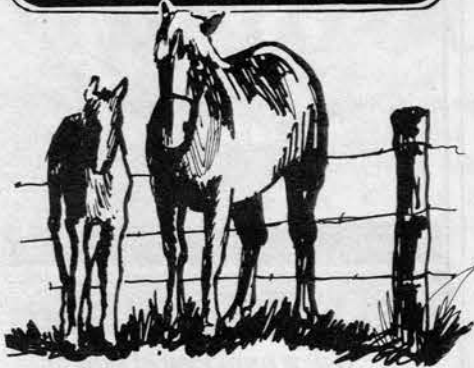
A paper for people who care about the West

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LETTERS



WILDERNESS AND OUTFITTERS

Dear HCN,

As one of the principals named in your April 14 article, "Permanent wilderness camps challenged," I want to ask your readers to let the chief of the Forest Service hear their views. The Idaho Outfitters and Guides Association appealed the plan for the Frank Church - River of No Return Wilderness; Howard Spaletta of Idaho Falls and I have intervened in support of the plan. The Chief will listen to both sides on June 23. While the issue is centered in Idaho, the outcome will affect the character of our entire wilderness system.

Briefly, the outfitters want: 1. To leave tent frames and similar structures up year long. Many camps in the River of No Return are elaborate, boasting, for example, running water to tents and automatic stock waterers in permanent corrals. 2. No limit on the number of reserved camps, and 3. Permanent caches of camp equipment. The outfitters' attorney says there are 88 outfitters licensed to use the wilderness and each outfitter occupies up to 12 camps. That adds up to over 1,000 occupied sites.

Outfitters and guides have an important role in wilderness. Some people don't have the equipment, skill or physical ability to enjoy the benefits of wilderness without help. Most outfitters are experts in outdoor living skills and many have programs teaching low impact use techniques. Congress recognized the need for such services in Section 4(d)(6) of the 1964 Wilderness Act. However, the association contends their clients deserve privileges not enjoyed by the non-outfitted public. But the only difference between outfitter clients and the non-outfitted public is one group engages the services of someone to tote his/her gear, cook meals, pack game, etc. Some outfitter clients demand the ultimate luxuries but that is not what wilderness is about. These people should go to mountain resorts and enjoy the outdoors from under an electric blanket. If outfitted users are allowed to reserve and occupy wilderness camp sites with caches and other permanent structures, the non-outfitted user should have the same privileges. I contend neither should be allowed those privileges.

The outfitters contend that use of caches lowers impact on wilderness by reducing pack stock use. But my 32 years experience administering national forest wildernesses, primitive areas and other backcountry lands tells me: 1. The convenient cache does not translate into cost savings for clients but instead greater comfort for clients and the help; 2. The impact on trails is not reduced but pack animal capacity saved by caching is used to haul in material and equipment for ever more elaborate camps; 3. Both

camps and caches grow over time; and 4. These facilities detract from the wilderness experience of the non-outfitted public. Occupation of wilderness by facilities is contrary to both the letter and spirit of the Wilderness Act which was passed "in order to assure that an increasing population accompanied by expanding settlement and growing mechanization does not occupy and modify all areas within the United States..." and which defines wilderness in part as an area "...where man himself is a visitor who does not remain..."

Those who agree should write Forest Service Chief Max Peterson and tell him the existing policy prohibiting permanent caches and other permanent camp structures must be retained. His address is: R. Max Peterson, Chief, Forest Service, P.O. Box 2417, Washington, D.C. 20013.

William A. Worf
Stevensville, Montana

□

The writer worked for nearly 32 years for the Forest Service as a district ranger and forest supervisor, as well as other staff positions.

AMUSED

Dear HCN,

I was amused by the lack of historical perspective exhibited on page 5 of your May 12, 1986, issue. In "Flap over a lease" you rejoice that the view of the Grand Tetons from Togwotee Pass will not include an oil rig. Of course this ignores the fact that it was possible to see oil rigs between Togwotee and the Grand in the 1950s and 1960s. In fact, there were drill rigs in many parts of the Teton National Forest during that period and most of the roads built on the forest prior to about 1962 were built by oil exploration companies. People who travel the Spread Cr., Ditch Cr., Cliff Cr., etc. roads today are using oil well roads built 25 to 25 years ago.

The photo on the same page is similarly biased by a lack of historical perspective. It shows a portion of the Fish Creek timber sale that was cut in 1961-63. The photo was taken in 1962 or 1963 and is thus 23 years old. No doubt the area looks very different today and accurate reporting would require an up-to-date photo.

Why not investigate the changes in the landscape 20 to 30 years following drilling for oil or logging of trees instead of wringing your hands? That might put natural processes into perspective for your readers instead of living for the present and hoping that things never change.

H. William Gabriel
Florence, Montana



Sketches by Toni Evans from the Malachite Small Farm School

ROADS AND FORESTS

Dear HCN,

I am a longtime rancher and saw-mill owner operating the largest cattle ranch (comprising about 1600 acres deeded, 4500 leased) on the north Swan Range adjacent to the Flathead National Forest. I have been grazing cattle on forest lands since the early 1950s and have had a grazing permit from the U.S. Forest Service since 1974.

My father, and his father before him, have always supported wildlife as an important value in our traditional way of life in Montana. The grizzly bear has never interfered with our family's cattle operation, welfare, or personal safety, and to this day, we strongly support efforts to recover the magnificent grizzly bear and timber wolf in this part of northwest Montana.

In support of grizzly bear recovery efforts I have gone to great lengths to prevent any inadvertent or intentional shooting or harassment of grizzlies on my lands. We have also made a conscientious effort to maintain security cover for the bear and other wildlife species by restricting all clearcutting on our lands to a maximum of four acres.

In the 1960s, my father gave the Forest Service a 2.5 mile road right-of-way through our property to enable them to salvage blow-down timber. Little did we realize that the Forest Service would allow every road, skid trail, fire line and survey line in this area to remain open to motorized use by the public. This extensive system of roads and trails is receiving increased use by trail bike enthusiasts at this time, ruining wildlife habitat and water quality. Rest assured had we known that this would be the end result, we would never have allowed Forest Service access across the property in the first place.

For generations our family has observed large numbers of grizzlies using both our lands and adjacent Forest Service lands as critical spring range in the month of June each year. We used to observe many bears during this particular time of year, but during the past 10-15 years we have noticed a considerable reduction in bear numbers and use. I feel that this is a result of the building of Forest Service roads, large clearcuts on Forest Service lands and the encouragement by the agency of totally unrestricted motorized use in area. During the past few years the number of motorcycles has increased drastically.

Each year, Sheila and I look forward with great anticipation to hiking up in the Swan Range to fish for native cutthroat trout in numerous alpine lakes. What I have observed is that in June the entire crest of the Swan Range is still covered with a blanket of snow, with no foods available for bears which by that time have emerged from their dens.

When the Hungry Horse Dam was built on the South Fork of the Flathead River in 1953 (east side of the Swan Range), it resulted in the flooding of thousands of acres of wildlife habitat, much of it along river bottom lands that had served historically as critical early spring range for the grizzly and winter range for elk and deer. As a consequence, some of the best and most available critical spring range for the bear in late April through the entire month of June now exists



principally along the lower elevations of this side of the Swan Range. This is exactly the area in which the Forest Service has continued to promote unregulated motorized and ORV use during this critical period for the bear!

On several occasions I have requested the Forest Service to close roads and not build additional ones that would increase sediment loads in Olson and Krause Creeks, from which I draw water for domestic use, stock water and trout ponds. To date, the Forest Service has failed to take any actions on these requests, and to my knowledge has not initiated a single road or ORV trail closure in this area.

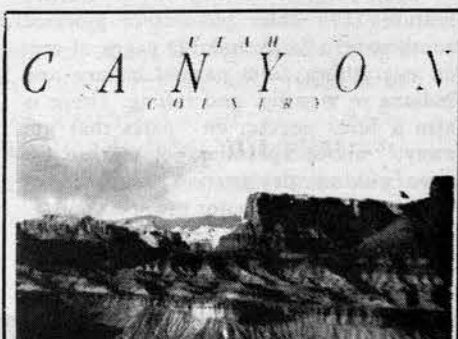
What has prompted the writing of this letter is the recent notification by Bill Pederson, the ranger at the Swan Lake Ranger District, that "The Forest Service has not initiated any closures to ORV use on the north end of the Swan Range" -- an area containing important critical spring range for the threatened grizzly bear. It is my experience that this area is also a winter range and elk calving area, especially since the construction of Hungry Horse Dam.

Since the Forest Service has never made any attempt to control ORV use, there have been many situations where I have endured rampant motorcycle intrusions on my personal property. On one occasion, while I was delaying release of my cattle out to spring range, a group of motorcycle riders came through, left my gate open, and prematurely let my cattle out into the range.

To make matters worse, the fact that the Forest Service has now allocated almost all of the lands in the north Swan Range to uncontrolled motorized use in its Forest Plan is unbelievable!

This policy, combined with a plan for additional roading and intense timber harvest in this important wildlife area, constitutes a write-off of the grizzly bear, wolf and perhaps other wildlife. How can the federal agencies working to recover the grizzly bear expect ranchers like myself to continue supporting these efforts when their actions are so contrary to this goal on the Forest Service land bordering mine?

George W. Turner
Kalispell, Montana



UTAH CANYON COUNTRY, the first book in the new Utah Geographic Series, is now available! Includes authoritative text by Moab author F.A. Barnes, 162 color photos by the West's finest photographers, color maps and charts, and a foreword by Ted Wilson, former mayor of Salt Lake City. Send \$14.95 plus \$1.00 for postage (\$15.95 total per book) to: Utah Geographic Series, Box 8325, Salt Lake City, Utah 84108. Money-back guarantee if not fully satisfied.

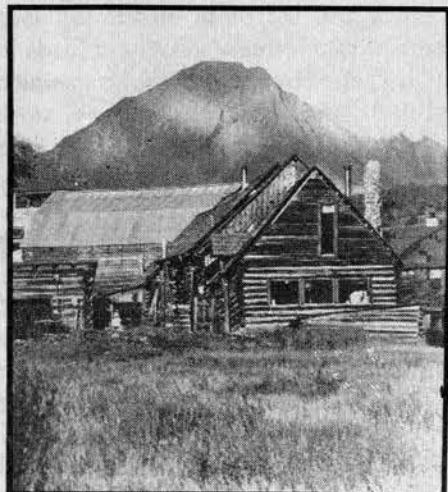
14-High Country News -- July 7, 1986

BULLETIN BOARD

SOLACE OF OPEN SPACES

Gretel Ehrlich's collection of essays, *Solace of Open Spaces*, uses standard Western images -- cowboys, hermits, ranchers, changing seasons, fabled open spaces -- to probe large concerns. Tender hearted but never sentimental, Ehrlich explores the West's life and landscape in narratives set in the remote ranching communities of Wyoming's Big Horn Basin. The writer first came West as a documentary filmmaker, then stayed to work cattle and sheep ranches, marry and settle on a sheep ranch in Shell, Wyoming.

Viking Penguin Inc., 40 West 23rd St., New York, NY 10010. Hardcover: \$14.95. 131 pages.



Anderson Ranch Art Center

ARTS AT ANDERSON RANCH

The summer program at Anderson Ranch Arts Center in Snowmass Village, Colorado, is underway, offering week-long workshops for some 600 photographers, woodworkers, painters, printmakers and potters throughout the summer. In an informal setting at 8,200 feet, masters such as Ernst Haas, Paul Caponigro, Frederick Sommer, James Krenov, Jaquie Rice, Ursula Schneider and Conrad Schwabe teach upcoming and beginning artists. There is a newly-built, 4,700-square-foot Fischer Photography Center to house a variety of processing and printing rooms, and until July 9 an exhibit of Caponigro's landscape photography. An art auction is set for August 16. For more information, write Anderson Ranch Arts Center, Box 5598, Snowmass Village, CO 81615 (303/923-3181).

BLACK HILLS FOREST WANTS YOU

The Forest Service needs volunteers on the Black Hills National Forest in South Dakota to maintain and thin trails, build watering troughs, host campgrounds and work in offices, as well as a variety of other jobs. Volunteers last summer contributed 45,000 hours of work valued at nearly \$340,550. Supplies and travel reimbursement are available and work schedules are flexible, including full-time, part-time and one-time positions. There is no age limit, but those under 18 require written consent from a parent or guardian. For more information, write Glenda Smith, U.S. Department of Agriculture, Black Hills National Forest, Box 792, Custer, SD 57730 (605/673-2251).

VIVID UTAH

Utah Canyon Country by F.A. Barnes features 175 color pictures of glorious southeastern Utah and 120 pages of text on everything from natural history and Indians to weather and rafting. There is also a brief section on "parks that got away," about special areas that so far have eluded designation as parks or monuments. The photos are spectacular.

Utah Geographic Series, Box 8325, Salt Lake City, UT 84108. \$15.95 postpaid, softcover.

BEAUTY, BUCKS, AND BENEFICIAL USE

Western State College's 11th annual Colorado water workshop will take place July 30-August 1 at the Gunnison campus in western Colorado. The topic is "Water and Colorado's Recreation Industry: Beauty and Bucks and Beneficial Use," and panelists will look at the effect of tourism on water management, new approaches to water law and proposed changes in water distribution. Speakers include David Getches, director of the Colorado Department of Natural Resources and Morgan Smith, director of the Colorado Department of Local Affairs. Chris Jouffas, president of the Colorado River Water Conservation District, will discuss "The New Imperative: A State Water Plan" and Jerry Mallett, director of the Western River Guides Association, will suggest "Opportunities to Build Coalitions." Also planned is a riparian habitat session arranged by the Division of Wildlife, a fish hatchery tour and a float trip on the Gunnison River. Registration fee is \$175. For more information write Director Marlene Zanetell, Western State College, Gunnison, CO 81230 (303/943-2082).

PLAN FOR THE SAN JUAN

The Bureau of Land Management has published its draft resource management plan/environmental impact statement for the 1.8-million-acre San Juan Resource Area around Moab, Utah. The BLM's preferred plan is to increase mineral-resource production, maintain current livestock levels, protect primitive and semiprimitive recreational uses, preserve certain wildlife habitats and maintain watershed values by conserving soil resources. The BLM will hold a public meeting on July 16 at the San Juan Resource Area office in Monticello, Utah, to discuss the alternatives presented in this draft analysis. All written comments postmarked by September 5 will be printed in the final EIS accompanied by BLM responses. Send comments to Ed Scherick, San Juan Resource Area Manager, Bureau of Land Management, P.O. Box 7, Monticello, UT 84535 (801/587-2201).

WRITE ABOUT UTAH WILDERNESS

Although the Bureau of Land Management's Utah wilderness hearings have come to a close, the BLM is still accepting written comments on its Draft environmental impact statement recommending 1.9 million acres of wilderness. All letters must be postmarked by Aug. 15 and may discuss a single wilderness study area, a group of areas or the entire BLM Utah inventory. Address letters to Wilderness Studies (U-933), BLM, Utah State Office, 324 South State Street, Suite 301, Salt Lake City, UT 84111.

PESTICIDES AND GROUNDWATER

The Minnesota-based Health and Environmental Network is sponsoring a conference "Pesticides and Groundwater: A health concern for the Midwest," Oct. 16-17 in St. Paul, MN. For 97 percent of rural America, groundwater is the drinking-water supply. Discussions will include factors influencing pesticide leaching into groundwater and its clinical implications, related case studies on chronic-health effects, pesticide regulation and standard setting, regulatory and innovative approaches to protections of groundwater resources and changing responsibilities in the agricultural and agri-business community. Participants are expected to include physicians, educators, local, state and federal health, environmental control and agricultural officials. For more information or a conference brochure, contact the Health and Environment Network, 2500 Shadywood Road, Box 90, Navarre, MN 55392 (612/471-8407).

NEXT YEAR'S GRASSHOPPERS

The U.S. Department of Agriculture wants the public to comment on a new grasshopper control program at meetings in Denver, Colorado, and Boise, Idaho. The environmental impact statement underway for 1987 will analyze the preferred alternative chosen for this year -- "integrated pest management" -- that includes the use of pesticides as well as a biological agent to control grasshoppers and Mormon crickets. Public meetings are set from 9:30 a.m. - 4 p.m. on July 8 in the auditorium, Denver Federal Center, Building 25, 6th and Kipling, Denver, and on July 10 in Room 523, Federal Building, 550 West Fort Street, Boise. All written comments postmarked by July 9 stating they are in response to docket number 86-323 should be sent to Charles H. Bare, Field Operations Support Staff, Animal and Plant Health Inspection Service, Room 663, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

MONTANA HIKES

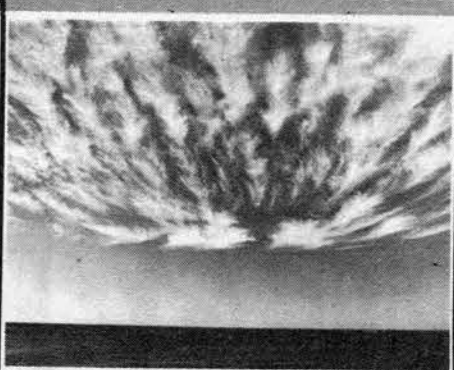
The Montana Wilderness Association has scheduled for July 5 a special seven-hour hike into Canada's Mount Hefty Wilderness area, which probably still has patches of snow along its trails. The trip promised views of Glacier National Park and the surrounding mountains, but you need identification for Canadian customs. The MWA also offers in July a moderate 10-mile hike into Quinnebaugh Meadows overlooking Calamity and Sentinel Falls, an easy six-mile hike visiting the Madison Range's 1959 earthquake fault-scarp and its wildflower meadows north of Mt. Hebgen, and a three-day, 20-mile "service hike" into the East Pioneers to restore abused campsites, do some light trail maintenance, fish in several lakes and come close to mountain goats. For reservation for these trips and information on others, write Wilderness Walks Program, Montana Wilderness Association, Box 635, Helena, MT 59624 (406/443-7350).



STUDYING THE FERRET

There will be a workshop on the reproductive biology of the endangered black-footed ferret at the University of Wyoming August 13-15. Speakers from the Minnesota Zoological Park, U.S. Fish and Wildlife Service and other agencies will talk about captive breeding techniques, small-population biology and recovery methods. Sponsors are the University of Wyoming; Wyoming Game and Fish Department, which is the lead agency for ferret recovery; and the U.S. Fish and Wildlife Service. Registration is \$50 before Aug. 1, or \$75 after that date. Write U. of Wyoming, Conferences and Institutes, Box 3972, Univ. Sta., Laramie, WY 82071 (307/766-1121).

IN PURSUIT OF CLOUDS



RALPH STEINER

THE WONDER OF CLOUDS

For the past 15 years photographer Ralph Steiner has stalked the skies in preparation for the book he calls *In Pursuit of Clouds: Images and Metaphors*. The 85-year-old photographer separates his black-and-white pictures into six categories: the big sky, creatures, celebration, signs and portents, magic and dreams; then offers impressions collected from 500 viewers of the photos. Those viewers, who saw the photos at a Smith College exhibit, had fun naming what they saw -- "God brings out the Electrolux" and "Pomposity pierced," for example. Steiner also talks about the mechanics of photography in this excellent book.

University of New Mexico Press, Albuquerque, NM 81731, 1986. 102 pages.



MAKING TRACKS

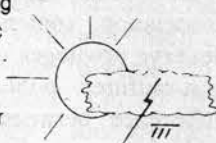
In his *Field Guide to Mammal Tracking*, James Halfpenny sets out to do more than simply identify specific tracks. His purpose is to help the reader understand animal behavior and actions. He teaches the reader to gather clues from all available realms -- habitat, season, ground surface, tracks, scat, hair, and broken or gnawed branches -- before making a guess as to the mammal's identity or actions. It is the first tracking guide to carefully define track patterns left by different gaits. As an example, trotting elk are not in a hurry, but galloping elk are "headed for the high country."

Johnson Books, 1880 South 57th Ct., Boulder, CO 80301. Paper: \$11.95. 161 pages. Illustrated with color photographs, drawings, charts, keys.

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OPINION

An airborne scourge

At recent hearings on noise from sightseeing aircraft in the Grand Canyon, air tour operators shed tears of the crocodile variety on behalf of the elderly, the lame and halt. Without the tours, operators said, many would be barred from seeing the Grand Canyon. As in other environmental battles, the operators made it seem that healthy young hikers and rafters were conspiring against those less blessed.

The collision of two aircraft in the Canyon reveals how deep is the operators' concern for people. Had the air tour industry cared about its customers, it would have heeded the many warnings that such crashes are inevitable, and joined conservation groups in seeking regulation. Instead, industry, with help from the Park Service, worked to maintain a destructive, anarchistic situation. Industry and the agency fought for the right to bang two aircraft together in midair and kill 23 customers.

The operators, judging by their resistance to regulation and contempt for the vast numbers who enjoy the Canyon from the ground and river, do not care a whit for anything but their bottom line. And they do not even care about that in an enlightened way.

More shocking is the Park Service, which, in its Grand Canyon manifestation, has not tried to safeguard the values it was set up to protect. We

understand the political power of the operators. We understand that in this world, bureaucrats will not try too hard to do their jobs if it jeopardizes their careers.

But the Grand Canyon administration gave in to the operators without throwing a punch. At the least, the Park Service could have included a tough alternative in its plan for quieting the Canyon. Its range of alternatives should have included an outright ban on all flights over the Canyon. Instead, even its strongest alternative would still permit too much noise.

The accident focuses new attention on conservationist efforts to obtain a quiet canyon. Although that campaign didn't emphasize past or potential crashes, the June 19 fatalities were definitely related to the fight against noise.

Those who have been fighting the Park Service and the air tour operators were not just fighting noise: they were fighting anarchy, only one of whose manifestations was noise. Those who fought the air tours also spoke of the damage to wildlife, to archaeological ruins, and to the very reason for establishing the Grand Canyon as a protected place.

Environmentalists are often characterized as selfish elitists who would deny others the fruits of a modern society. They are described as "green bigots" who would protect rocks, trees and

humpback chubs at the expense of human society.

But it is clear here that the air tour operators, in their violation of the Canyon, are the ones who do not care about people. Their transformation of the Grand Canyon into a place of cheap, easily available scenic thrills has high hidden human costs, one of which became obvious when the two aircraft blundered into each other.

Even if the anarchy fostered by the operators and Park Service did not lead to crashes, there would still be enormous costs. The most important of those costs are esthetic and spiritual. Those who understand those costs would as soon buzz around the Grand Canyon as they would paint graffiti on a cathedral.

That is not to blame the 23 tourists killed in the air crash. They are best compared to those who, 20 years ago, bought zebra fur coats or carvings made of ivory without realizing that their purchases were dooming entire wild species. Today, the many foreigners who pay for air tours of the Canyon are unlikely to know of the destruction they are financing. Until this crash, even most Americans were probably unaware of the damage the tours visit on the canyon and on other users.

The air tour operators, pilots and Park Service, of course, know what the tours do. But the 23 victims of this crash were innocent victims of a pandering industry and an irresponsible agency.

It is probably of little consolation to the survivors of the tourists killed in the crash, but their deaths bring closer the day this airborne scourge is banned from the nation's natural areas.

--Ed Marston

LETTERS

OUTRAGED

Dear HCN,

One of the qualities I find most difficult to cultivate and nurture in my job is to restrain from expressing public outrage at unfair, abusive, and inaccurate editorials such as your recent one about me. Rebuttals are generally nonproductive, time-consuming, and for the most part not persuasive, as this one may well not be to you or your readers. Yet, in this case, I cannot resist.

What a strange feeling it is to see my name (HCN, 6/23/86), associated with "SWAT-team mentality," lying about the biological health of Yellowstone, censorship, abridgement of First Amendment rights, and other assorted sins, from anti-intellectualism to Gulag management. You might also have added that I tortured my children and that I delight in pulling wings off flies.

Please, let me tell you briefly of myself. I grew up in Colorado and was active in the Colorado Mountain Club as a youth and through college. Years of climbing, ski mountaineering, and a love of wild places was the legacy that superb organization provided. I attended Colorado State University as an undergraduate and as a graduate student. It was there I became steeped in wilderness lore and conservation ethics. It was there and as a seasonal naturalist in Rocky Mountain National Park that I was early on influenced by the writings of George Perkins Marsh, the New England transcendentalists, Aldo Leopold, John Muir, Enos Mills, and others, along with the ecologists Clements, Shelford, Tansley, Odum, Osting, and Braun-Blanquet.

Since then, 25 years have been spent in the national parks, and I have dedicated my life to the pursuit of an ideal embodied in the national parks movement that many of us believe is one of mankind's most noble experiments.

The point is, Mr. Marston, neither I nor the rangers with whom I'm privileged to serve are insensitive thugs dripping with primordial slime, grunting in lock step, and eager to bash heads and smash icons. That we take seriously public threats by Earth First! to close down facilities, to get arrested, and disrupt the public order is true. That we prepare as professionals to counter such acts is true. And so is it true that we will take the extra measure to ensure that Earth First! may pursue its right to peaceably assemble and redress its government, whether we agree with them or not. For years, rangers have been training throughout the National Park System in required professional law enforcement techniques. Yellowstone is no exception.

I'm told that you attempted to

verify the merit of your allegation of censorship, but alas while we responded, it was too late, and the presses rolled. That is unfortunate. It may interest you to know that all the books mentioned by you and in Alston Chase's letter to the editor are sold in Yellowstone by our concessioners (*Greater Yellowstone* by Rick Reese, *Track of the Grizzly* by Frank Craighead, and *Playing God in Yellowstone* by Alston Chase).

The Yellowstone Association is a legislatively provided for "Cooperating Association" whose sole purpose is to further the objectives of the National Park Service. It is an extension of our interpretive (educational) efforts for the public. Through such Associations, national parks are able to provide (and publish) literature and other educational materials

relating to the natural and cultural history of the parks. The Associations were not intended to be forums for criticism of park policy (although we certainly need criticism), debate, and editorial posturing. I work closely with an editorial board which recommends books for sale through Association outlets (park visitor centers). I have never vetoed a recommended selection. Alston Chase is lying, as he has throughout his book, but that is another story for another time.

I have always had high regard for the efficacy and balance of the *High Country News*, and I hope that will continue. Thank you for allowing space for this commentary.

Robert D. Barbee
Superintendent
Yellowstone National Park

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If you are considering a bequest to HCN, consult your lawyer on the type of provision to best meet your needs. A bequest, however, can be simply stated, "I give and bequeath to High Country Foundation, presently at 124 Grand Avenue, Paonia, Colorado 81428, _____ dollars (or _____ shares of [corporation] stock, or _____ percent of my residuary estate)." A bequest can greatly reduce estate taxes, increase and perpetuate support for HCN, and still provide for one's family.

If you have questions about making a bequest or adding a codicil to your will, please write Ed Marston, Publisher, HIGH COUNTRY NEWS, P.O. Box 1090, Paonia, CO 81428.

And, if you do decide to include HIGH COUNTRY NEWS in your will, won't you let us know?

10-High Country News -- July 7, 1986

REPORTER'S NOTEBOOK

There are no quick fixes

Ram Dass, champion of LSD during the '60s before his interest in Indian religion led to a name change, said he had two problems with the title John Denver chose for a three-day conference at Snowmass Village, Colorado.

The title chosen by the entertainer and social activist was "Choices for the Future." Close to 1,000 mostly affluent-looking people paid \$425 each to participate, coming from all over the country to hear media baron Ted Turner, conservationist David Brower, Colorado Gov. Richard Lamm, astronaut Rusty Schweickart, soft-energy path consultants Hunter and Amory Lovins, filmmaker Jean Michel Cousteau and sustainable agriculture "preacher" Wes Jackson. All talked about creating a peaceful world that exploited neither people nor resources.

Then there was Ram Dass, now 55 and balding, whose approach to the world was not to escape from it or to save it. He said the only choice was to find yourself. "I listen to hear what choice I made," he quoted the Buddha. As for the future, Ram Dass suggested that people approach it with

a quiet mind, open heart and attention to the present.

If you are always reacting, he said, you cannot see "what is on the plate." There is vast suffering even in an urban ghetto, he continued, and the struggle to "heal" the world is a long-haul game. Nothing will change overnight, he cautioned.

After he led the group in song, the crowd saluted the former Richard Alpert, who sat cross-legged on the stage, with a standing ovation that quickly turned into 10 minutes of dancing in the aisles.

By the third day of the conference, however, Ram Dass' talk seemed forgotten as questions from the audience to Gov. Lamm and John Denver focused on what could be done to change the world right now.

Sharing the long view earlier was Kansan Wes Jackson, whose Land Institute works to create hardy new crops that won't require yearly seeding and ploughing, which leads to soil erosion. Jackson won the crowd's first ovation even though he began by saying, "I had no idea what kind of seance this was to be."

Jackson talked about the arrogance

of humans who 200,000 years ago began controlling food and fibre. That was the real "fall," he said. "The ploughshare may have destroyed more options for the future than the sword." He said the result has been destruction of topsoil and reliance on carbon fuels with no ownership of the problem. He called it a "failure of stewardship."

But as a "glandular optimist," Jackson said he hoped for genetic research to develop perennial crops, and he added that the Amish have much to teach us about community and humility. "Humans learn faster but nature has been at it longer."

Jackson said later it might take decades for the genetic crosses he is helping develop to breed true. "That's good. Americans need to learn to wait."

Also heard at the conference:

Tom Crum, former director of John Denver's Windstar Foundation: "When the going gets tough, the tough get rigid."

Jean Michel Cousteau: "My father (Jacques, 75) says he will be curious until he is switched off."

Amory Lovins: "We could have



Wes Jackson

saved electricity costs here (the new Snowmass Village Conference Center) if we'd known about it a year ago."

Wes Jackson: "The lawn is an ecological disaster...a more powerful symbol than the cross."

Ted Turner: "President Reagan is signing military contracts so he can rule from the grave...We either win this next election or you can kiss your ass goodbye."

--Betsy Marston

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WILDERNESS SEMINAR IN ART: Western Wyoming College, with a grant from the Wyoming Council on the Arts, offers a seven-day horseback pack trip/seminar in painting into the Wind River Range, led by Artist-in-residence Zac Reisner. Aug. 25-31. Eight-student limit, financial aid available. For further information, call Dave Kathka at 307/382-2121, or write: Western Wyoming College, Box 428, Rock Springs, WY 82901. (2x13b)

USE OF PROPAGANDA makes it imperative that farmers and ranchers investigate all claims by USDA and Ag Colleges concerning building soil productivity, reducing erosion, benefits of "layout," use of pesticides, herbicides -- and of money! Your "on-farm research" of thoroughly investigated claims is your best protection against family farm foreclosure. **BIOLOGICAL FARMING NEWS** reports who farms with profits and where and how the profits are made. Subscribe, only \$7.50 to 701 Madison NE, Albuquerque, NM 87110. Phone 505/298-1748. (2x11p)

WORK

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