

High Country News

December 7, 1987

Vol. 19 No. 23

A Paper for People who Care about the West

One Dollar



Three locomotives plunged off a Bozeman Pass siding Oct. 31, the day Montana Rail Link took over the railroad line from Burlington Northern

BN pulls out

Is Montana being (de)railroaded?

by Patrick Dawson

Some call it the wildest Halloween prank in Montana. Others call it sabotage.

The crash occurred because somebody cut a three-engine unit loose from a Burlington Northern freight train in the Livingston rail yards, set the throttle open and let it head west. The locomotives chugged up the Bozeman Pass, through the mountain tunnel, picked up speed to 80 mph, then jumped the tracks on the downgrade.

On board one of the engines was a hobo on his way from prison in Georgia to a new life in

the Pacific Northwest. He said he was tossed about like a cue ball when the locomotives rolled off the tracks. BN officials suggested he might secure for himself a \$100,000 reward if he could direct them to the saboteurs. But he was curled up in the cab, he said, sound asleep until the crash, and didn't see or hear a thing.

Somebody in Livingston may have been asleep at the switch. But it wasn't a BN worker. At that very moment, the railroad was starting operation as a new company with no railroading experience.

Is that any way to run a railroad? These days, if you ask railroad people along BN's mainline in Montana, they are likely to tell you that BN isn't interested in railroading any longer. The corporation is more concerned with oil wells, coal mining, natural gas pipelines, timber and real estate. BN would

rather let somebody else run the trains.

That somebody is Dennis Washington, 52, of Missoula. He made his first fortune as a highway contractor, then dealt his way with state loans and tax breaks to take over the Butte copper mines abandoned by Anaconda and Arco. Now, he wants to run the railroad.

Halloween was the first day that Washington's company, Montana Rail Link, took over some 900 miles of track from Burlington Northern. Picket signs by BN train crews went up right away at midnight. Locomotives wrecked and a few railroad shop windows were shot out in Missoula. A federal judge in Kansas City ordered the pickets to withdraw, but rail union workers are still upset, and so are grain shippers and railroad towns.

The way it was laid out, Montana Rail Link train crews -- many without a union contract -- will run long-haul freight trains from Huntley, Mont., on the east, to Sandpoint, Idaho, on the west. Rail Link is buying locomotives from BN and has complete control of the route's track, railyards and labor. BN is free of all its labor obligations on that part of the system. BN covered its bases by keeping 51 miles of track giving it exclusive access to Union Pacific near Butte. Beyond that, little is known about the transaction, because both BN and Montana Rail Link won't disclose facts and figures to the public.

If all goes well for the company, this may just be the start of BN's divesting itself of rails, depots and freight trains. Burlington Northern is the largest and most profitable railroad

(Continued on page 10)

Dear friends,



High Country News

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Not your typical card

One of the many engaging things about High Country News is the flow of mail from readers. A small portion of that flow is formal letters-to-the-editor, of which this issue has several examples. But much of it is miscellaneous: story ideas, business hints, criticisms and chit chat.

The accompanying photo, for example, is a numbered (35 out of 326) Christmas card from Colorado subscriber Robin Heid. As you can tell, this is not your typical Christmas card, showing a happy family gathered in front of their home. Robin's card features himself and the 530-foot-high building in Denver that he has just leaped from. Since it appears that Robin's chute is just opening, we assume the photo was taken after his 1.5 second freefall, but well before he landed on the sidewalk.

Were the photo reproduction better, you could tell that Robin is wearing a coat, tie, jacket and what looks like knickers. He is on his way to a book signing party for his new novel, *Sport Death: A Computer Age Odyssey*. The signing was scheduled for the sidewalk in front of the building, but Denver police insisted on giving Robin a tour of the city's justice system.

Givers

Our Oct. 26 request in this column for someone to donate a subscription to Basalt High School resulted in a flood of offers. As we mentioned earlier, Mark Fuller of Aspen was the first to call, and it is his subscription that is now going to Basalt weekly. Others who sent in checks were Dave and Lauren Naslund of Englewood, Colo., W. Mitchell of Denver, Mr. and Mrs. Peter Maier of Salt Lake City, Richard C. Albert of West Trenton, N.J., Steven Williams of Denver, Ken Ramsay of Broomfield, Colo., and Scott Mosiman of Basalt.

The money is being used to fill institutional subscriptions as requests come in. The Naslunds' gift went to Lakewood Senior H.S. in Colorado, W. Mitchell's went to the correctional facility at Canon City, Colo., and the Maier's went to a school in Middleton, Idaho.

Sewage madness

Engineer George F. Coen writes from Albuquerque about Steve Hinchman's sewage opus in the Sept. 27 issue. George worked for a year in a sewage plant and he explains that, because a sewage engineering firm's fee is a percent of the estimated construction cost, "The designer dares not spend any time on cost-cutting innovations -- he'll be fired." George also writes that because the federal government pays 92 percent of the cost of certain repairs of completed plants, it made more sense at his sewage plant to replace railings and the like when they began to rust. According to George, "The painting would have cost more than 8 percent."

SE versus Mac II

We expected an avalanche of comments on our plan to move into desktop publishing, but response has been light. Glenn Sherrill writes from

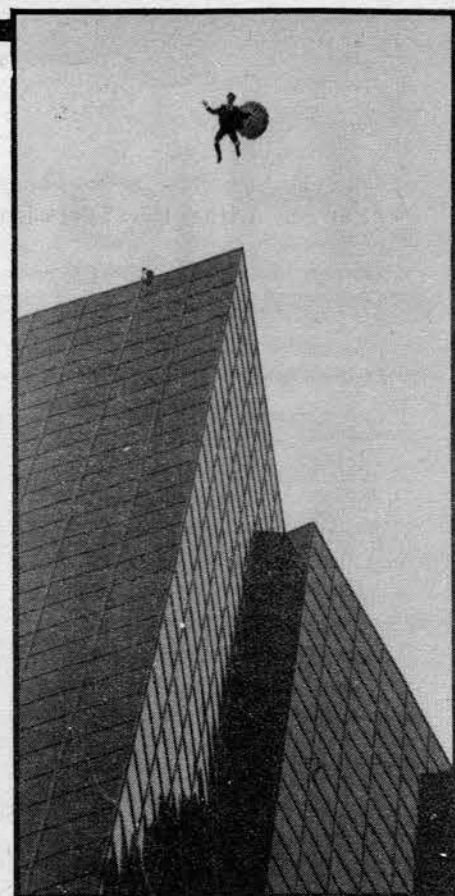
Capitol Reef National Park in Utah to suggest that the paper buy an Apple Mac II, rather than the Apple SE we are looking at. The Mac IIs "are expensive, but more powerful and can be expanded much more easily than the SE." The decision continues to await a blinding insight.

A 6.3 nuisance

The extent to which HCN differs from a real newspaper was demonstrated just before Thanksgiving, when a staff member found himself in southern California's Imperial Valley, touring the irrigation district which consumes one-sixth of the Colorado River's flow. The visit was interrupted by a pre-dawn, world-class earthquake; it emptied swimming pools, marooned awakened residents in their water beds, set off auto alarms, and caused a power blackout.

Any normal newshound would have been ecstatic at being a few miles from the epicenter of a quake that measured 6.3 on the Richter scale, and that turned the land beneath his feet into heaving Jello. But our staffer, once he figured out where the door to his motel was and managed to crawl out of it into the open, was mainly concerned that the quake would upset his schedule of interviews.

And it did. He was stood up at breakfast, and throughout the day had to deflect interviewees away



Airborne in Denver

from the quake and back to the "larger" question of whether the Imperial Valley is slated to become another Owens Valley. It only occurred to him later to wonder if the real larger question is whether southern California will be around 10 years from now to fight over the Colorado River's water.

--the staff

WESTERN ROUNDUP

Water rights stalls bill

More than 100 wilderness activists got together Nov. 14 and 15 for the 11th annual wilderness leaders meeting, sponsored by the Denver-based Colorado Environmental Coalition.

Meeting in the western Colorado town of Montrose, the event drew environmental groups from Sierra Club chapters to the Colorado Mountain Club and Colorado Rivers Coalition. While wilderness leaders' meetings in years past revolved around what areas needed protection in a Colorado wilderness bill, long-simmering negotiations over wilderness water rights have blocked a second wilderness bill for the state.

Ben Nighthorse Campbell, D-Colo., said until the question of wilderness water rights was settled, Congress would not consider a bill. Some environmentalists said Sen. Bill Armstrong, R-Colo., was using the issue to block any wilderness bill.

The state's stalled bill, proposed in 1984 by former Sen. Gary Hart, D-Colo., and Armstrong, would add 630,000 acres of wilderness to the state plus 20,000 acres to the Spanish Peaks National Recreation Area. The bill would protect the 41,500-acre Piedra area in the San Juan Mountains in southwest Colorado, the 46,000-acre Service Creek area near Steamboat Springs in the northwest, and the 220,000-acre Sangre de Cristo area in the south.

Conservationists at the get-together also talked about their 1.1 million acre wilderness proposal for Bureau of Land Management lands. Once again a bill has not been introduced, said the Sierra Club's Mark Pearson, because the question of water rights is unresolved.

Protection for rivers has been a bright spot for the activists. One victory was last year's congressional designation of part of the Cache la Poudre River as wild and scenic. Rep. Hank Brown, R-Colo., who introduced the Cache la Poudre bill, talked to the group about extending the wild and scenic concept to urban areas. Brown said cities could revitalize their downtown and also protect riparian habitat by supporting wild and scenic status for urban floodplains, something Fort Collins, Colo., has begun to explore.

Activists also held workshops on restoring riparian habitat on public land, off-road vehicle use, monitoring agency land-use plans, oil and gas activities and timbering, grazing systems, ski-area development and protection of visibility in wilderness.

Nancy Strong of the Colorado Environmental Coalition described the meeting as a time of rejuvenation for the "lone crusaders" for Colorado's wilderness.

--Diane Hackl

BARBS

Wouldn't "rape-right" be more accurate?

Mayor Dianne Feinstein calls water from the Hetch Hetchy Reservoir San Francisco's "birthright."

Words fail us.

Without any luck, Washington state officials have tried rock 'n roll music and speeches by Libyan leader Muammar Gadhafi to drive hungry sea lions away from spawning salmon and steelhead trout.

Sen. McCain: a conservative conservationist

It was no surprise when a member of Arizona's congressional delegation played an important role in passing a bill limiting air-tour flights over Grand Canyon.

That has come to be expected in the state that is the home of Democratic Rep. Mo Udall, a living legend in the annals of environmental wars. The surprise was that much of the leadership in this battle came from a freshman senator and conservative Republican who flew a Navy jet in Vietnam.

He is Arizona Sen. John McCain, called "our strongest advocate on the Grand Canyon Aircraft bill" by Ed Norton, director of the Grand Canyon Trust. McCain worked with Udall and a cast of environmental activists to get that bill through a Congress not noted for its environmental concern. It was signed by a president who made no secret of his displeasure with its provisions.

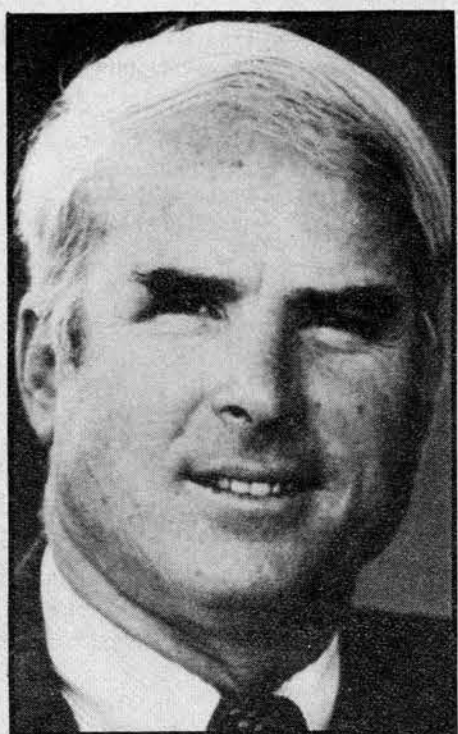
It was actually the second time the coalition had worked together on the issue. McCain had been instrumental in shepherding an almost identical bill through the previous Congress in which he served as a representative of Arizona's First Congressional District (Phoenix) and member of the House Committee on Interior and Insular Affairs, chaired by Udall. That bill passed the House on the wave of public concern created by the plane collision over Grand Canyon, which killed 25 people. But the bill then died in the Senate.

McCain's subsequent election to the Senate to fill the seat of retiring conservative war-horse Barry Goldwater promised a more successful effort the second time around. But as the deaths of those 25 tourists faded into history, it was not easy to retain momentum. Finally, the Senate passed the bill August 3.

McCain, whose father and grandfathers were admirals, was not always interested in environmental issues. When he first came to Congress in 1983, fresh out of the Navy and a job lobbying for the U.S. military, his League of Conservation Voters score was zero.

But Thoron Lane, a long-time advocate for the state's rivers, arranged a trip on the Gila River near Tucson to take a look at a proposed wilderness area, the Gila Box. McCain was the only congressman who showed up, and, Lane points out, he did so in spite of official discouragement from Washington. The river was flowing 400 percent above normal. According to Lane, McCain came away from that trip committed to the idea of wilderness protection for the Gila Box.

That trip on the Gila was followed by two on the Colorado River through the Grand Canyon. It was on the second of these trips, when he walked down to Phantom Ranch to meet his boat and heard, first-hand, noise from air-tour engines, that McCain says he became committed to solving the problem of aircraft noise in the canyon. That is especially significant since McCain was wounded in Vietnam; he has limited ability to explore the canyon on foot. Access for the handicapped was one of the major issues used by the air tour industry in their arguments to fight the control that McCain was to bring.



Sen. John McCain

Since taking those outings, McCain's voting record has shown a definite trend towards "greening." But though his scores on the conservation scale still remain relatively low, most environmentalists who have worked with him caution against attaching too much importance to those scores.

"With John McCain that would be a mistake," said Rob Smith, assistant southwest regional representative of the Sierra Club. "More important is the fact that on those issues in which he has become involved McCain has played a leadership role."

Bob Witzeman led the fight against Cliff Dam, which he called a boondoggle that would destroy a considerable chunk of Arizona's remaining riparian habitat. McCain played a vital role in putting together the compromise that eventually killed the dam. "A lot of people still don't know how important he was on Cliff," said Witzeman.

Other issues on which McCain has played an important role are the protection of a pristine stretch of the San Pedro River in southeastern Arizona and the fight to save the Gila Box. Rob Smith said, "McCain's strong suit is public lands issues that affect Arizona." On issues like clean air, Superfund and wilderness bills in other states, the senator gets mixed reviews.

Given a spotty record on broader environmental issues, and add McCain's votes for military spending, aid to the contras and Supreme Court nominations -- including Bork -- it should come as no surprise that he has detractors in the generally liberal environmental movement. That was illustrated in a well publicized flap during his senatorial campaign.

The Arizona chapter of the Sierra Club, over the objections of some of its members, supported Richard Kimball, a liberal with a strong track record on environmental and consumer affairs, over McCain. The decision went against McCain even though he had just finished working with the club on the first go-round over Grand Canyon aircraft.

In a televised ad, McCain responded to the Kimball endorsement by producing a number of letters from the Sierra Club praising him. The Sierra Club cried foul, counter-charges flew and both sides are still smarting over the exchange.

Although the Sierra Club backed McCain's opponent, some environmental activists think McCain might turn out to be the next Mo Udall. "McCain's the only politician I talk to who brings up issues on his own," said Bob Witzeman. "I think he asks because he really cares." Thoron Lane said, "If you get McCain out into these places and present the facts to him, he'll listen." Issues coming up that will require leadership include a wilderness bill for Arizona, which Udall will lead through the house, and clean air and acid rain.

The controversy brewing over uranium mining close to the Grand Canyon has yet to find a champion in Congress. Udall was bruised by the mining lobby during his unsuccessful attempt in the mid-1970s to repeal the 1872 Mining Law.

"Mo's still feeling the teeth marks from that one," said his aide Mark Trautwein.

The Grand Canyon aircraft issue is also unfinished. Activist Ed Norton said the hard work is turning that legislation into regulation. "We'll see how he can handle the Department of Interior and FAA. There's still two years left on this one."

--Dan Dagget

HOTLINE



Detective dog Shadow

The Shadow nose

Beware game poachers; don't try to pull a fast one in Colorado. The state's Division of Wildlife has hired Shadow, its first detective dog. He can sniff out hidden game meat and apprehend criminals. He and his handler, district wildlife manager Bob Thompson, work as a team for the division and other law enforcement agencies. Thompson says Shadow stars in agility, obedience, searching for evidence and locating and nailing fleeing criminals. In fact, Shadow recently placed fifth out of 141 of the best K-9 police dogs in the nation. The pair work at big game, fish and pheasant check stations, where Thompson says Shadow has proved particularly useful as a psychological deterrent. He says, "No one wants to tangle with a trained German shepherd."

BARBS

The apocalypse will probably be beautiful.

The trail of a Minuteman II missile launched at twilight last month painted a huge rainbow of red, blue, yellow and turquoise in the Pacific sky, startling millions of homeward bound commuters in four Western states, AP reports.

Lawsuit is filed to clear Idaho's waters

A suit demanding that the U.S. Environmental Protection Agency write water quality standards to protect Idaho's lakes and streams was filed by a dozen conservation and sportsmen's groups Nov. 6.

The suit states that the EPA has been in violation of the Clean Water Act since 1985. The agency has allowed Idaho to go without an antidegradation policy and without standards to control non-source pollution from logging, mining and farming, the suit said. It calls on the EPA to write standards for the state in the next 90 days.

The suit was filed in U.S. District Court in Boise. The groups involved include the Idaho Conservation League, The Wilderness Society, Committee for Idaho's High Desert, the Idaho Environmental Council, the

Sportsman's Coalition, the Idaho Natural Resource Legal Foundation, Upper Snake River Chapter of Trout Unlimited, the Henry's Fork Foundation, the Federation of Fly Fishers, the Sierra Club, the Boise-Payette Backcountry Coalition, the Boise Valley Fly Fishermen and John Osborn, of Spokane, Wash.

Conservation groups had threatened to file the lawsuit in September if the EPA did not take action. Hearings on a water quality plan that has been rejected by both conservation and timber industry groups were scheduled but were then postponed by the Department of Health and Welfare pending clarification from the EPA on its requirements.

Gov. Cecil Andrus brought the opposing sides back to the table in

October. But no progress was made toward reopening consensus negotiations that broke down this summer.

Ron Mitchell, Idaho Sportsman's Coalition executive director, said sportsmen have given up on negotiations because of the stand of the timber industry and the action of the state.

"The state Department of Health and Welfare has betrayed us by cutting a separate deal with industry, and by now issuing regulations that ignore the Non Point Source Team's recommendations, the clear public testimony for clean water and the requirements for the Clean Water Act," he said. "For the sake of Idaho's future, the public is now acting on its own behalf. We have no other choice."

--Rocky Barker

HOTLINE

Asleep on the range

During the most severe drought in decades, thirsty cattle badly damaged riparian zones on public rangelands in southern Idaho. Bureau of Land Management officials say agency biologists and ranchers underestimated the severity of the drought and did not remove cattle from sensitive riparian areas fast enough. Barry Rose at the BLM's Boise district says the cattle wiped out several years of progress made in BLM riparian-improvement projects. In admitting the goof, Rose says cattle were moved in time, in some cases, but that the district's team of five biologists could not properly supervise the area's entire 5.5 million acres of range and 1,500 stream-miles. An Idaho sports group, however, blamed the damage on pressure put on the BLM by ranchers and Idaho Sen. James McClure, R. Al Berry, a member of the Ada County Fish and Game League, told AP that cattlemen and McClure run the state, and if BLM officials tried to reduce grazing they'd lose their jobs. Another league member, Bill Meiners, said grazing critics must become as vocal as the livestock operators who "go in there and rattle their cage every day." Meiners said, "The only way to make an equal impact is for us to do the same thing."

BARBS

Not dogs, senator, lions in wolf suits or maybe fat coyotes, tiny deer...

Talking about the possibility of endangered wolves blocking proposed timber sales, Idaho Sen. Steve Symms told the *Spokane Chronicle*: "I wonder if those timber wolves out there aren't just some German shepherds that have been turned loose."

Wild turkeys fill an empty ecological niche

Overshadowed by big game like deer and elk, a big bird has made a comeback in the southern Rocky Mountains -- the wild turkey. In fact, Colorado now has two turkey subspecies where formerly it had only one.

Southwestern Colorado in particular was once prime turkey habitat. Ancient Indians who lived at Mesa Verde domesticated two animals, dogs and turkeys. Some archaeologists think the turkeys were valued less for meat than for their feathers, which the Indians entwined with cords to make warm, lightweight blankets.

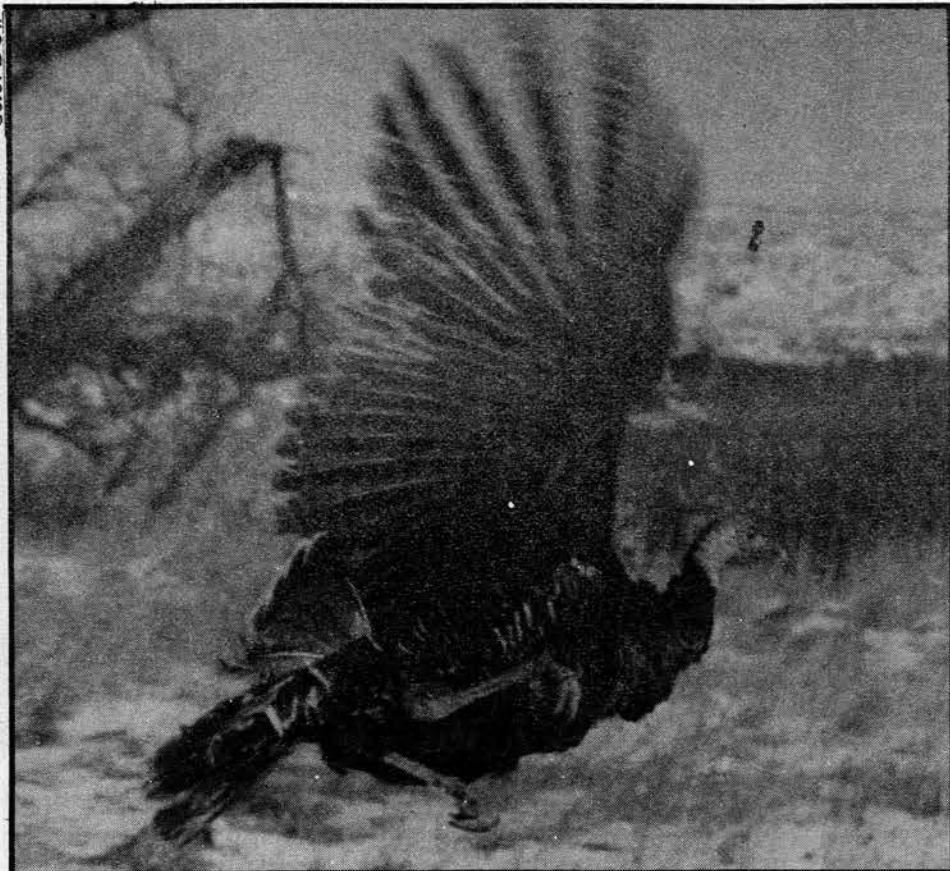
To the north, the nomadic Utes hunted turkeys as well. Farther south, the Apaches valued the turkey for its ability to survive in arid terrain and gave a name meaning "turkey" in their language to such renowned warriors as Cochise and Geronimo.

Turkey populations fell as white settlement increased in the late 19th century, more from disease than from hunting. Settlers brought their own poultry with them; when wild turkeys foraged on land where free-ranging farm fowl had left infected droppings, diseases such as mycoplasma spread from one population to the next.

That still happens, says Jim Olterman, a Colorado Division of Wildlife biologist. During the early 1960s, the population on the Uncompahgre Plateau in southwestern Colorado, where turkeys had survived better than elsewhere in the state, collapsed due to mycoplasma, a bacterial respiratory disease. Again, the deaths were blamed on infections spread from domestic birds.

At that time, the state and private citizens both put out winter feed for turkeys; now the Division of Wildlife asks residents not to feed wild flocks in bad weather.

"If some turkeys die off during a



Rio Grande turkey

winter, the population will recover," Olterman said. "But if they die contracting disease, they'll never recover."

By increasing hunters' bag limits and by trapping wild birds, the state sought to eliminate diseased turkeys from the Uncompahgre. Hunting is now temporarily prohibited while newly introduced birds spread through the area.

Most turkeys in Colorado, Arizona and New Mexico are the Merriam's subspecies, essentially a mountain bird preferring habitats of oak brush, ponderosa pine forests and other forested areas generally below about 9,000 feet. The reintroduction of Merriam's turkeys began sporadically in the 1930s and 1940s, and was continued on a large scale after World War II. With most potential Merriam's turkey habitat

now reinhabited, the state is bringing another subspecies, the Rio Grande turkey, into eastern Colorado, where turkeys never lived.

Since 1981 the Division of Wildlife has released more than 200 Rio Grande turkeys in southeastern Colorado and about 75 in the northeast. Most are released on the wildlife areas at reservoirs, but there is no guarantee they'll stay there, since they are wild and free-ranging birds.

Interest in turkey hunting grew rapidly in Colorado in the 1970s. Hoping to bag a bird for Thanksgiving, about 5,000 hunters now take to the field annually, divided between the spring and fall seasons, with success ratios averaging 13 percent in the spring and 22 percent in the fall.

--Chas S. Clifton

Idaho poacher ditches ducks, but is convicted anyway

A Meridian, Idaho, man evoked memories of the great buffalo slaughters recently after his conviction for possessing up to 56 ducks in one day of hunting. Idaho law allows taking five drake mallards and one hen.

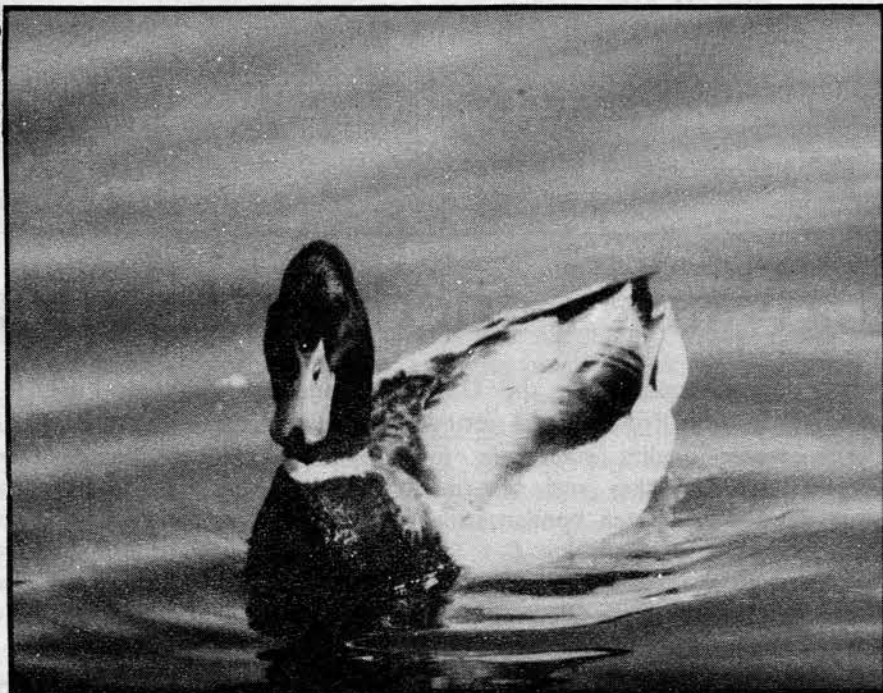
U.S. Fish and Wildlife Service enforcement officer David McKullen called it "as gross of a violation as I've ever heard."

The hunter, Paul Girdner, who unsuccessfully tried to appeal his sentence, will not be able to legally hunt birds in Idaho until fall 1990. A wealthy horse-breeder and trainer, Girdner is a member of Ducks Unlimited.

No one but Girdner will ever know exactly how many ducks he killed in December 1985, because he ditched the evidence before returning home. The Elmore County prosecutor was able to gain a jury conviction with the help of two witnesses who reported helping Girdner yank his pickup out of a ditch. The two, Stan and Steve Phipps, both of Boise, testified they saw several rows of ducks in the back of Girdner's pickup.

"One of the witnesses testified that the ducks were stacked up like a

Tom Baugh



Mallard drake

cord of wood," the prosecutor said. To give the jury an idea of how many ducks were in the pickup bed, an Idaho Fish and Game Department game warden did a demonstration using ducks from a meat-packing plant. He showed that 14 ducks, arranged side-by-side, fit easily across a full-size pickup bed. If there were two rows of ducks lined up,

with another two rows underneath, then Girdner had 56 ducks in possession. The Phipps testified he definitely had a minimum of 28 ducks in his pickup.

The ducks vanished by the time Girdner got home because he called his wife from the field, said game warden Don Beach. She told Girdner that two county deputies had shown

up and were watching football with her.

"Those guys (deputies) should never have gone in the house," Beach said, adding that law enforcement officers do not always understand the tricky business of making fish and game busts.

Girdner had been convicted of a similar offense in 1984. Beach said that case stemmed from an incident in which Girdner brought 106 ducks into a Boise processing plant. He originally was charged with exceeding the bag limit by 54 ducks, but an Ada County prosecutor plea-bargained the case to illegal transportation. Beach said the prime witness in the case had moved to Virginia, and Ada County refused to pay the expense of flying the witness to Idaho for a misdemeanor trial.

In that conviction, Girdner paid a \$300 fine and was ordered to pay \$150 to the Citizens Against Poaching fund.

Tom Arvin, Idaho state chairman of Ducks Unlimited, said, "I hate to hear he's a member of Ducks Unlimited. Most members I'm aware of are very careful about (bag limits)."

--Stephen Stuebner

Wyoming's poisoned, explosive subdivisions

Rawhide Village near Gillette and Brookhurst in east Casper are Wyoming's newest disaster subdivisions (HCN, 5/25/87, 8/31/87). Life-threatening problems still exist at both places, but some resolution seems in sight at Brookhurst. Water is to be piped in from nearby Evansville.

Brookhurst's problem is well water contaminated by cancer-causing chemicals. The subdivision was built downwind and downstream from the Little America Refinery, and other industries nearly surround the area. KN Energy Inc., Dowell Schlumberger Inc., and Dow Chemical Co. have been cited by state and federal officials as the main polluters of the groundwater in the subdivision.

Rawhide Village has a different problem. Last August, the Wyoming Department of Environmental Quality concluded there was the potential for a dangerous explosion in the subdivision. The whole village was underlain by concentrations of poisonous, flammable gases.

Authorities are now beginning to believe that as water is pumped from the bottom of open-pit coal mines nearby, pressure on the gases is released. The gases are then free to migrate upwards. Amax Co.'s Eagle Butte Mine is little more than a quarter-mile from the subdivision.

About 170 families have lost the use of their homes and many have defaulted on mortgage payments. State and federal officials estimate that over a half-million dollars has been spent on testing and on providing relief housing. A local bank went broke in the summer, in part because of money invested in the subdivision.

It is against this backdrop that the Wyoming Outdoor Council and the Wyoming Wildlife Federation have launched Project Clean Land. The project is aimed at preventing any more Rawhides or Brookhursts by preventing future residential construction on potentially hazardous or unsuitable sites. Other goals are providing clear legal recourse to people whose homes become uninhabitable due to subsurface conditions and educating the public about subsurface hazards.

Residents of Gillette have long known of methane gas seeping from coal beds in the area around Rawhide Butte, some six to eight miles north of the city. They also knew that during spring runoff, some normally dry draws would run water so impregnated with gas that the surface would burst into flame if a match was tossed on it. Residents of the area were also aware of the coal lease which was going to be developed by Amax Coal Co. before Rawhide subdivision was developed.

Some Gillette residents fault the County Commission for allowing the housing development. But the commission probably did not have legal authority to stop the Rawhide subdivision.

Brookhurst was developed in the early 1970s in what was known to be an industrial area. It is generally agreed that a Brookhurst development could not take place today because of county zoning regulations.

Attorneys say that a body of law on the subject has been built up through individual court cases. That

law, however, only works on a case by case basis. The outdoor council and wildlife federation seek a state law to codify the situation.

They want a compilation of existing statewide data on known and potential subsurface hazards and a study that would classify areas by relative risk. High risk and uncertain risk areas would receive mandatory study. The unified data base created would include information about harmful gases, aquifer contamination and potential subsidence.

Before a particular development was built, the legislation would

require builders to do subsurface sampling at sites classified as "high risk." If sampling revealed potential hazards, a builder would be required to tell buyers what the hazard was or mitigate it.

Beyond that, the proposed law would extend a builder's implied warranty to include assurance to buyers and renters that their buildings are "fit for human habitation." The conservation groups also plan an extensive campaign to educate people about subsurface hazards.

--Tom Bell

Water project goes to a vote

After nine years of controversy, electors in the Animas-La Plata Water Conservancy District in southwestern Colorado will vote on whether to construct the \$379 million Animas-La Plata water project. On Dec. 8 the district will hold a special election to tax themselves and ratify their repayment contract with the Department of Interior.

The Animas-La Plata project has had its ups and downs, but has managed to survive a lawsuit, federal spending cuts and cost-sharing provisions because it has been presented as a solution to the Colorado Ute tribes' claims to water in the San Juan Basin.

The project's proponents claim that Ute reserved water rights are extensive and could virtually dry up the rivers of southwestern Colorado. Its opponents claim that project backers are magnifying the tribes' modest claims for water to justify a project that does not have a favorable cost-benefit ratio. They also say the claims could be satisfied by other, less costly means.

Equally controversial are arguments over the project's cost and potential benefits. The proponents claim it will provide a "dependable water supply" that will cost the average taxpayer only \$4.45 a year in increased taxes. The opponents are drawing attention to the Bureau of Reclamation's estimate that the municipal water in the project will mean a \$299 increase in the average household's annual water bill.

The proponents also claim the project will boost farm income \$16 million annually, that the presence of a reservoir near Durango will benefit the area's tourist economy, and that its construction will produce 2,013 jobs.

The opponents say that similar promises made for the nearby Dolores project, which began con-

struction in 1978, failed to materialize; that the construction jobs went to outside, union labor; that cost overruns raised its cost from \$186 million to \$452 million; and that the project had no noticeable beneficial effect on the local economy.

They also say the benefits of a reservoir are offset by the loss of Durango's million-dollar rafting industry on the Animas River. The Colorado River Outfitters Association says the Animas is the third most profitable commercial river in Colorado.

The Colorado Forum, an organization of about 30 Denver and Western Slope business interests, is claiming it will cost more not to build the project than to build it. Recently, the forum issued a report stating that the tribes could claim \$545 million for 80 years of lost income due to "denial of water."

The opponents scoff at that claim. "It's outrageous," says Dr. James C. Decker, a Fort Lewis College political science professor. "If that's true the tribes ought to fire their attorneys. They should take the money. This claim is an afterthought, not for local consumption at all; it's an aid for legislation and bluffing on a grand scale."

In addition to the election, the Animas-La Plata project also has a congressional hurdle. A bill to settle the Indian claims, a key element of the cost-sharing agreement, is pending. A Senate hearing is scheduled for Dec. 3.

It faces stiff opposition from the Lower Colorado River Basin states, the public power users whose rates will increase to pay the project's irrigation subsidy, and the Justice and Interior departments, which have technical problems with the legislation.

--Jeanne Englert

Idaho dealmakers move slowly

Idaho Gov. Cecil Andrus' goal of getting a wilderness bill to Congress this year appears nearly impossible.

First, the Democratic governor and Sen. James McClure, R-Idaho, have to agree on how much of the 9 million acres of roadless land in Idaho national forests should be designated wilderness. McClure's recent comments about his concern about language to help the timber industry revealed a rift waiting to happen.

Second, they have to take their plan to the rest of the Idaho congressional delegation. While all

have expressed a desire to cooperate, none has given proxies to the two major players. In fact, both Reps. Larry Craig, R-Idaho, and Richard Stallings, D-Idaho, predict some kind of secondary negotiating session once Andrus and McClure are done.

Third, they have to get a bill through both chambers. McClure should have little problem getting a bill through the Senate. But the House has taken a dim view of wilderness bills that stray from a basic framework hammered out in bills for other states.

--Rocky Barker

HOTLINE

Hydro project challenged

Residents of Shelley, a small Idaho farm town on the Snake River, are standing their ground against the nearby city of Idaho Falls. The city wants to build a hydroelectric project on the river. At a September hearing on the proposal, some 150 Shelley residents asked the Federal Energy Regulatory Commission to deny a license for the project. No one spoke in favor. Shelley Mayor Eugene Christensen said that Idaho Falls' request should be denied because the city's public notice was "for a site that is 900 feet from Shelley" and was published "in a newspaper that is 60 miles downriver that nobody in Shelley reads." The Idaho Falls *Post Register* reported that others testified the project would wipe out trees, destroy fish and eagle habitat and threaten downstream homes due to flooding and ice jams in winter. Visitors from Bear Island, Idaho -- the site of an operating Idaho Falls hydro project -- also came to the hearing. They warned residents not to trust the city's promises to mitigate environmental or economic damage. The visitors said they have suffered extensive soil erosion, lost all their trees along the river, seen the fish populations wiped out and have yet to receive a penny in mitigation from Idaho Falls. Idaho Falls officials said Shelley has the last good dam site on the Snake, and if they don't build there, other cities will.



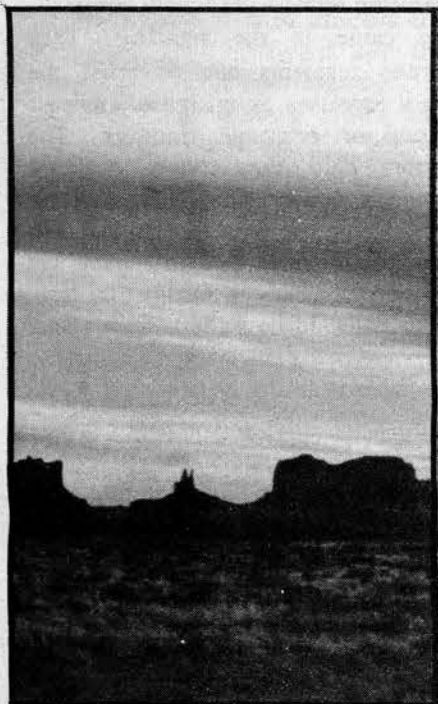
Tribe gets power

The EPA has signed its first comprehensive agreement giving an Indian tribe authority to run environmental programs on its reservation. In the first stage of the agreement, the Turtle Mountain Band of Chippewas will take over assessment and protection of groundwater and drinking water supplies on the reservation in Belcourt, N.D. EPA officials say reservation waters are potentially threatened by agricultural petrochemicals and heavy use of the herbicide Tordon, which is sprayed on leafy spurge. As the tribe's Natural Resources Department builds its program and gains experience, the Environmental Protection Agency may also give it authority over solid waste disposal and sewage treatment, says Don Rushton, EPA's liaison with North Dakota. Rushton says the agreement is the first under the agency's year-old Indian policy. That policy directs EPA officials to treat tribal governments the same as they would states, allowing tribes to take over federal programs while the EPA retains an oversight role. The policy is the result of recent amendments to major environmental laws such as the Clean Water Act, the Safe Drinking Water Act, and the Superfund law, which also make the tribes eligible for federal grants distributed by the EPA.

HOTLINE

Colliding in California

Thirty-five California organizations and 20,000 petitioners are opposing their state's bid for the \$6 billion Super Collider (HCN, 8/17/87). The campaign could destroy California's chances. Department of Energy spokesperson Jeff Sherwood said all collider proposals are currently being evaluated by the National Academies of Science and Engineering, and that state, local and community support is a "sub-criteria." Meanwhile, the California coalition against the collider is taking its campaign to the national press. In a large advertisement in the Nov. 17 Washington Post, the ad charged the state would lose thousands of acres of the world's best farmland and that the governor and state legislature violated state law in submitting their proposal. Critics also said the state can't afford the \$1.2 billion it spent to attract the project.



Clear air dispute

Utah's Air Conservation Committee has rejected a first-of-its-kind plan to protect views in national parks from air pollution. The proposal would have amended the state's air quality regulations to prohibit new industries which emit air pollution that could degrade scenic vistas at Utah's five national parks. The agency's decision runs counter to last year's unanimous recommendation by a blue ribbon citizen's panel to protect park air quality (HCN, 1/19/87). But Bureau of Air Quality director Burnell Cordner says the committee has only switched tactics. At the same meeting, the committee voted to direct Utah Gov. Norm Bangerter to ask the Western Governors Association to set up a task force to tackle the more difficult problem of regional haze. Cordner says the air committee was influenced by concerns from southern Utah business leaders that the measure would prohibit economic development in Utah without improving air quality because most of the pollution comes from out of state. Utah's environmental community says the Air Conservation Committee lost its nerve. Terri Martin of the National Parks and Conservation Association says polluted haze from out of state is indeed the more serious threat to Utah's vistas. And, she asks, "How can we expect other states to limit their pollution sources if Utah won't commit to limiting its own?"

McClure hopes to give Idaho town a lift

Thanks to a powerful patron, the town of Kellogg, Idaho, may have an edge over other financially strapped areas. Not that things are coming up roses in this mining community of 3,400 in the Coeur d'Alene Mountains. Two silver mines have closed in recent years.

But Kellogg's patron is Idaho Sen. James McClure, who wants to give the town a boost by infusing \$6.4 million of federal funds into a 3½-mile tourist gondola. McClure inserted an attachment to a Senate appropriations bill this fall, granting Kellogg the money if the town comes up with matching funds for the gondola, estimated to cost \$12 million.

The money would come from the Forest Service budget, although McClure aide H.D. Palmer says it would not be taken from other items already in the budget. The \$6.4 million is more than the northern region spends annually for both recreation and wildlife in its regional office and 13 forests.

Homes Bowles, recreation specialist for the northern region, said his office hasn't gotten anything



official on the appropriation, and "at this point it's just speculation."

According to Bernie Goodson, president of the Kellogg City Council, the gondola is the centerpiece for a \$50 million resort investment. The gondola would ferry skiers and

sightseers from downtown to the top of Kellogg Peak. With the gondola as catalyst, Goodson says, the local ski area, Silverhorn, could expand from its current single lift to seven. Development plans include a lodge and condos, shopping area and motels. Most of the development would be on private land with only 17 acres on public land, says the Forest Service.

Palmer said Sen. McClure was well aware of the "economic horror in Shoshone County" in the last 15 years. Unemployment rose to near 50 percent after the Bunker Hill mine closed. Palmer says the amendment does not appropriate money until private investment matches the funds. The legislation is now before the House Appropriations Committee.

Council president Goodson says unemployment still hovers around 40 percent these days. Last year the city passed an \$8 million bond issue, with the money contingent on developers stepping forward with up-front cash. None has come forward yet.

--Bruce Farling

Man enticed, and then killed, Grizzly 83

One of the saddest commentaries in the saga of grizzly No. 83 is the acknowledgement by park officials that some of the old sow's problems were man-made.

Bear No. 83 was electrocuted by park officials for failing to stay away from garbage and people (HCN, 11/9/87).

A detailed, eight-page summary of No. 83's troubles near Lake, Fishing Bridge and Canyon in Yellowstone National Park shows that on a number of occasions, the sow was lured into developed areas when employees of park concessioners or park personnel failed to secure tempting supplies of grease and garbage.

The ease with which the bear thus was able to reach those food sources was a major contributing factor in her "habitation" -- the process by which a grizzly learns not to fear humans and to expect to find food in developed areas of the park, according to Superintendent Robert Barbee.

It was because of No. 83's habitation and her stubborn refusal to stay away from developed areas, even after being relocated repeatedly miles away in Yellowstone's back country, that she was finally trapped and destroyed earlier this month.

The summary documents at least 27 occasions between 1981 and 1987 when bear 83 was seen in and around the grease and garbage rooms at the Lake Hotel and Lake Lodge, the sewage lagoons at Fishing Bridge and Canyon and a Canyon garbage dump.

In a number of cases, the bear's ability to reach grease and garbage was laid directly to inadequate security or the outright failure of employees to lock doors, gates and cisterns.

"There were a lot of things that happened on a daily basis which contributed," Barbee acknowledged last week. "Grease traps were left open, garbage areas were left open. The sewage lagoons are, not bear-

proofed and the concessioners dump grease in the sewage lagoons."

"We're going to have to start to deal with all that. While bear 83 has some regrettable aspects to it, there is an upside. There will be reforms."

Asked if the persons responsible for allowing the bear to have access to grease and garbage were fined or in any other way disciplined for their actions, Barbee responded: "I don't know. I will look into it. There is no reason that park employees and concessioners should not be subject to the same penalties as park visitors."

Among the entries in the park log which demonstrate that some of No. 83's problems were man-caused are:

10/18/82. Tracks -- Sow with two cubs entered the Lake Lodge grease/garbage room through an opening torn through the wall by another bear on 10/9 or 10/10. The wall had not been repaired by 10/18 ... Description matches bear No. 83 (The bear returned to the same food source on 10/26 and 27.)

9/28/86. Confrontation: Bear No. 83 entered the Lake Lodge grease cistern which was inadvertently left open and was unable to get out. A TWS (TW Services) maintenance person put a log down into the cistern so the bear could crawl out. Upon getting out, the bear chased the person around his truck several times.

10/4/86. Sow grizzly and one cub went under fence and into Fishing Bridge sewage treatment plant ... Description matches bear No. 83.

10/19/86. Confrontation: Bears then moved to the Canyon maintenance yard and crawled under the fence into the enclosure where the garbage packer is stored. Bear was able to reach up into packer and get some garbage ... Description matches bear No. 83.

11/14/86. Tracks of sow grizzly with one cub inside sewage treatment plant at Canyon. Bear got up onto catwalk and pulled up the grates and got into grease pit. Bears crawled under fence to get in ... Description matches bear No. 83.

11/18/86. Bear No. 83 gets into Lake Hotel grease cistern (lid left off) and ate a significant amount of grease.

Barbee said such incidents could be reduced sharply by more diligence by employees of the park and its concessioners in securing potential grizzly food sources.

"But it would be expensive to bear-proof all the sewage ponds in Yellowstone," he added. "The one at Canyon alone is 17 acres, and when you talk about putting up fences that would keep out a bear, you're talking something very, very substantial."

There are no other bears known to frequent the sewage ponds, he said, adding that No. 83 might have been after the grease which some facilities dump into the ponds.

"We might have to require that all grease be transported out of the park," Barbee said.

--Jean Heller

BARBED WIRE

Straight talk: Three-Mile Island and Chernobyl never happened.

The head of a council on radiation protection recently told AP that "disinformation" from anti-nuclear zealots has scared the public about nuclear energy and it is up to the community of radiation workers to set the public straight.

Perhaps, then, we should wait for definitive results before engaging in nuclear war.

Reports in various journals show there is a wide range of disagreement among scientists as to whether an atomic war would bring on a nuclear winter that would destroy or suppress biological activity.

\$1/pound copper stops a Utah dust storm, for the moment

The world's largest copper mine is back in production. Reopening the old Kennecott copper mine in Bingham Canyon outside Salt Lake City was happy news for Utah's economy. But it is a mixed blessing for Magna, a nearby town that sits next to what is probably the world's largest mine-tailings pond.

With fresh, wet slurry again coating the pond, Magna and other communities in the Salt Lake valley are no longer subject to the ferocious dust storms that blew off the top of the pond (HCN, 9/16/85). As long as the Bingham Canyon mine remains in operation, the talcum powder-like dust should be kept wet and under control.

The bad news is that for the two years the mine was out of operation, new owner Sohio couldn't control dust blowing off the mountain of waste. Now the pile is getting bigger. Local residents worry that if the huge open-pit mining operation goes belly up again or closes down for good, the air will once again be dense and unhealthy.

What happens largely depends on the copper market, and on Kennecott's ability to develop a successful dust control strategy.

Recent reports in the *Arizona Republic* say copper consumption is near an all-time high while inventories are low and falling. That drove the price of copper up this fall to \$1.02 a pound from 60 cents.

The largest increase in output has come from the recycling of scrap copper, reports *Pay Dirt* magazine. No one expects the mining industry to return to former levels. In its heyday, the domestic copper industry employed about 25,000 workers and produced 2.2 billion pounds of copper a year. Today, it employs about 9,300 people and produces 1.7 billion pounds a year, according to the southwestern mining magazine.

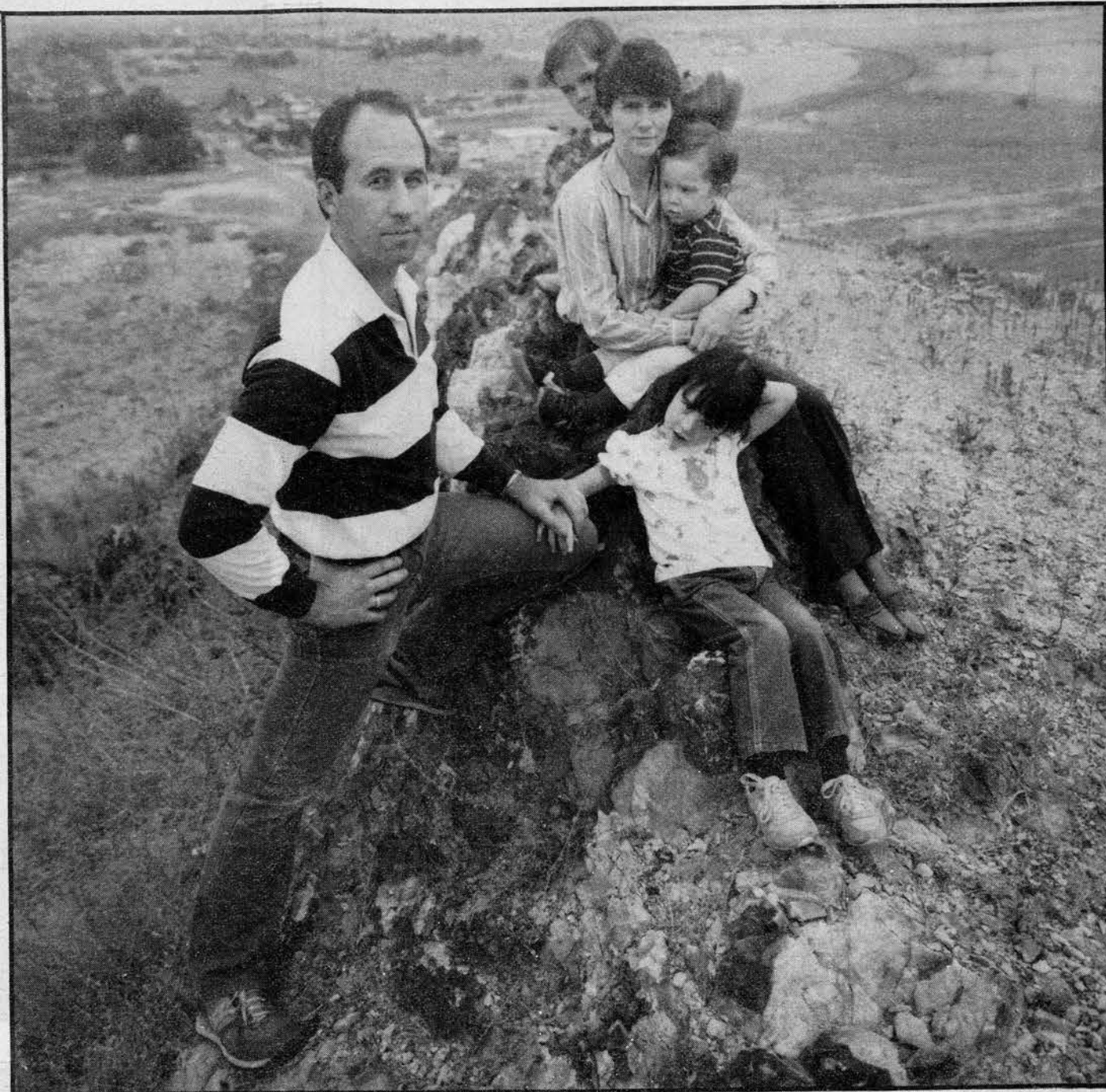
Very few of the old U.S. mines can now compete on the international market. The start-up of the Bingham Canyon mine is by far the biggest jump in mining production since the market began to drop in the early 1980s. It was accomplished after wage concessions from union workers and a \$400 million renovation of the mine and smelter financed by its large parent corporation, say industry analysts.

After the mine started up last January, Sohio was taken over by British Petroleum of America. The company is now subsidizing the operation, but officials say the new improvements will make the mine competitive once work is completed next summer. But like all mines in today's depressed raw materials economy, the operation must stay lean and mean to survive. Far less copper will be produced than in the early days, but British Petroleum says the ore body has 30 years to go.

If so, the Magna tailings pond, which already fills eight square miles 150 feet high, will rise another 150 feet. Just in size it presents the largest reclamation challenge ever faced by the mining industry.

Part of the challenge is that the technology is undeveloped for extensive dust control and reclamation in arid regions. British Petroleum environmental affairs director Greg Boyce says, "When we were going worldwide to look for people to

Douglas Barnes



Jim Meeks, his wife Patti and their children Clinton, Coleton and Mariah in Magna, Utah

control dust, we repeatedly got the answer that we were doing more than anyone else and were becoming the world experts."

The company has tried diking and flooding areas, wetting them with sprinklers, applying sealants and revegetating. Revegetation is most successful so far. Boyce says with a little fertilizer and care, grasses will grow in the loose sands that comprise the pile. Once rye and wheat grasses take hold, hardy, drought-resistant trees and shrubs are planted. Eventually it becomes a self-sustaining ecosystem, Boyce says.

That approach has been successful on the sloping walls that make up the exterior of the flat-topped, pyramid-shaped pond. Vegetation has grown to within feet of the top of the 150-foot pyramid, and 20 bull elk were spotted grazing on its gentle slopes this fall. This month, British Petroleum planted another 1,100 young trees on the exterior walls and installed a drip irrigation system.

Revegetation hasn't worked on the top of the pyramid, where winds from the Great Salt Lake scour its 5,600-acre surface. Because the plant is now in operation, all but two percent of the top is wet and wind-proof. Dust still blows, but not enough to violate air quality standards.

When the plant was closed two years ago, the pond dried out. Sohio pumped fresh water onto the pond but it channelized to form rivers and didn't evenly wet the surface. The company then built dikes, applied sealants and planted fields of grass, spending nearly \$4 million.

Marvin Maxell, assistant director of the Utah Bureau of Air Quality, says winds ripped up the vegetation on the north and west sides of the pond surface. Swirling sands dropped on the town of Magna, which shares its town line with the bottom of the tailings pile.

Magna was repeatedly buried under ferocious dust storms. During the summer of 1985, the Utah Health Department recorded particulate levels of 2,000 milligrams per cubic meter of air -- far above the federal air quality standards of 260 milligrams per cubic meter. Dust would blot out the daylight and force its way through cracks in windows and door frames, says Jim Meeks, a county paramedic and Magna resident of five years.

According to tests conducted by the state, the tailings dust is high in silica, a material used to manufacture glass. Once breathed in, tiny silica particles irritate and cut lung tissue, causing respiratory infections.

Meeks says he noticed that after every dust storm his 10½-month-old son Coleton became congested and began to cough. His sickness developed into a major respiratory infection and pneumonia. Now, Meeks says, scar tissue from silica infections has permanently damaged his son's capacity to absorb oxygen, leaving him with chronic symptoms of asthma and bronchitis.

Meeks' neighbors, especially the younger children, also suffered increased episodes of asthma, bronchitis, respiratory infections and congestions, he says. Meeks recalls that storms often sent neighbors to hospital emergency rooms.

The community's worries have faded since the dust storms stopped, but those two years of problems were not without effect. British Petroleum does not enjoy the omnipotence in the Salt Lake valley that Kennecott once had. Maxell, who has lived in Magna himself, says, "The philosophy along the Wasatch Front about Kennecott has changed drastically."

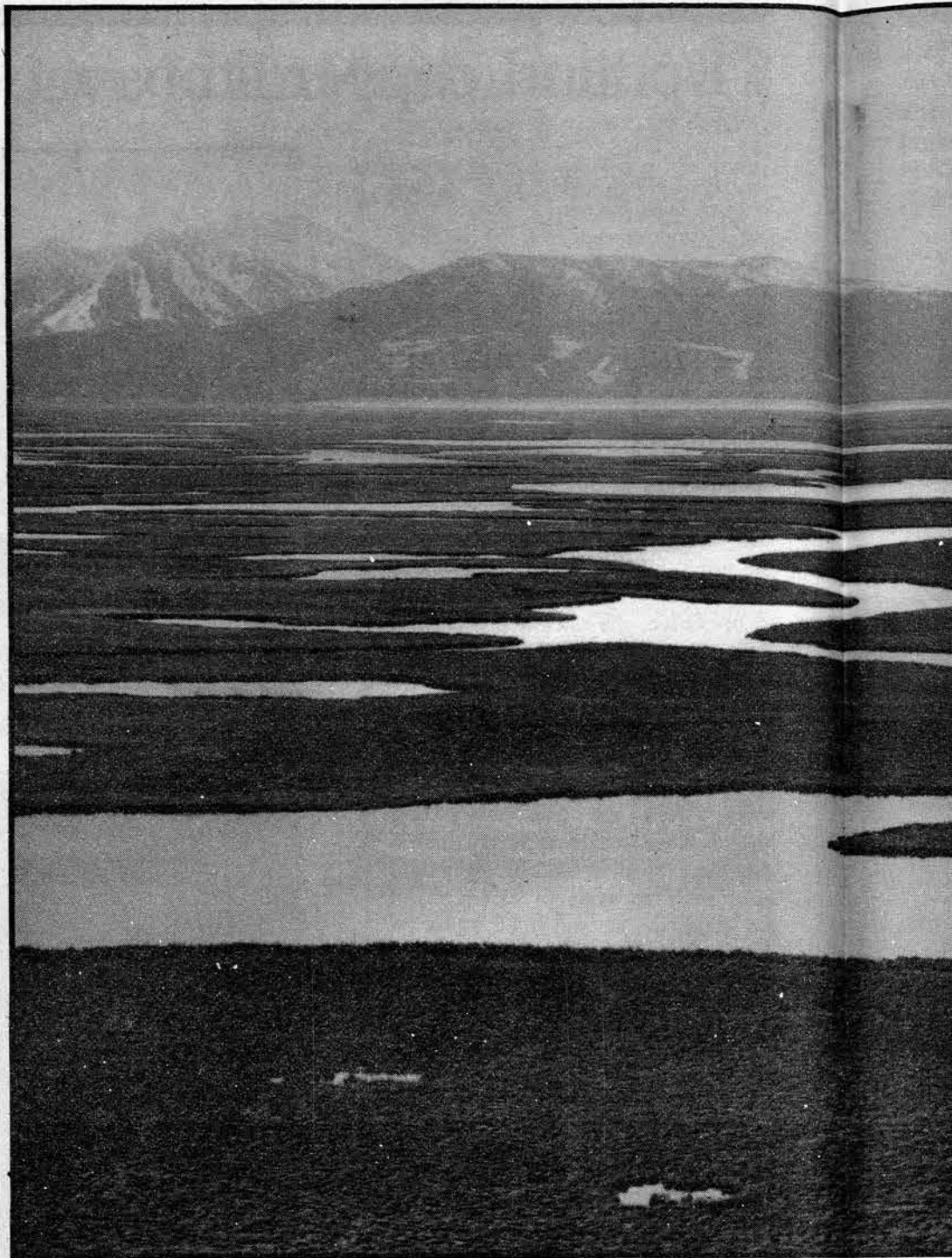
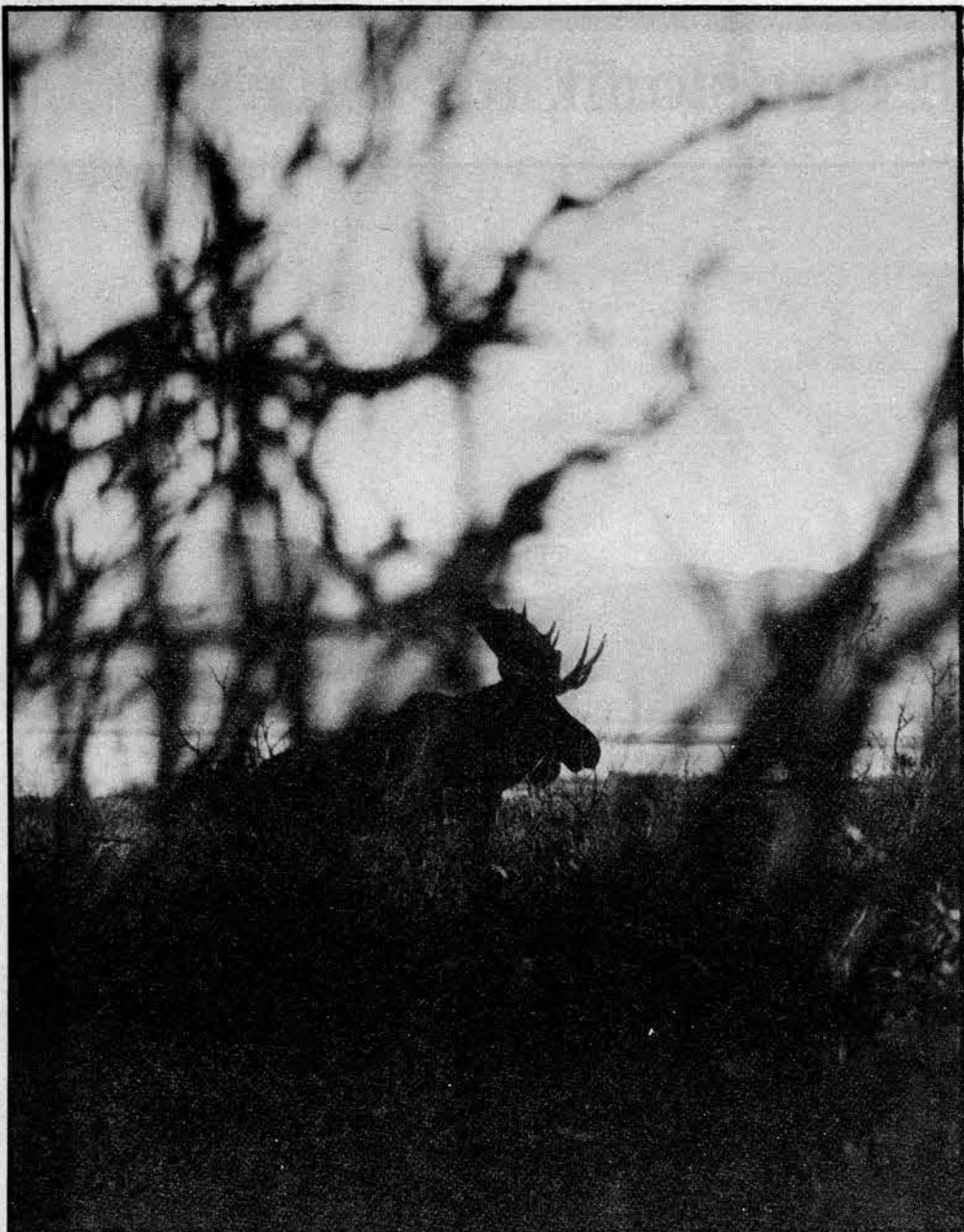
The public is less tolerant of the problem, he says, because the company is no longer locally owned. Workers are disillusioned by two years of unemployment and residents are disillusioned by two years of dust storms, he says.

The state's policy, however, may be to insulate British Petroleum from public tension. The mining operation was never fined for air quality violations under any owner, although it was liable for \$10,000 a day for every day of violation. Instead, state officials say they would rather see British Petroleum use the money for dust control.

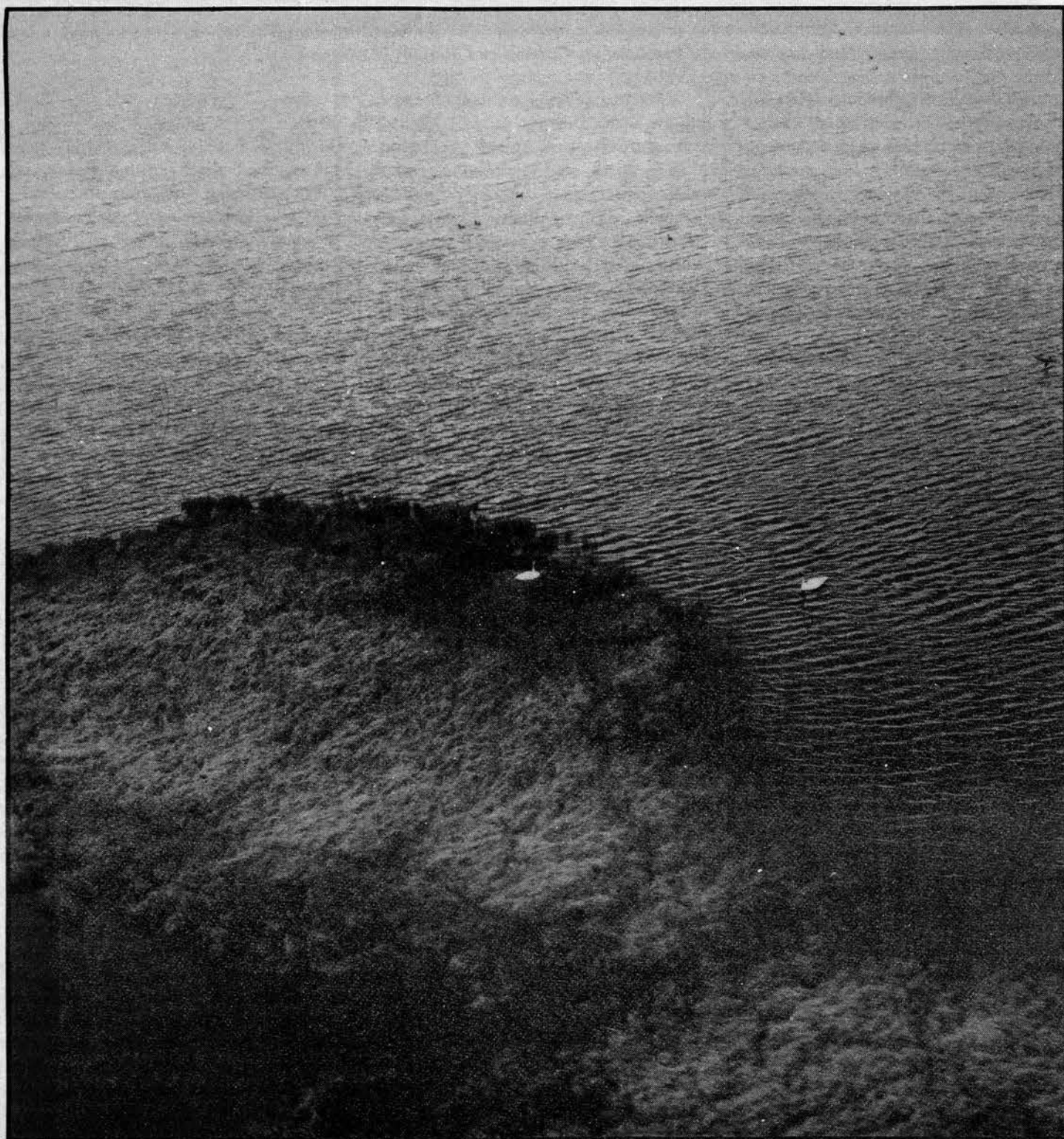
Local residents question that arrangement. Meeks says the company has done "just enough work to appease the state Bureau of Air Quality and to keep a lawsuit from being filed." Meeks says the state only monitors air quality in Magna once a week, and has missed the worst violations.

Maxell says the Bureau has done what it can, and will continue to negotiate. But given the depressed economy, he says Utah Gov. Norman Bangerter would never let the agency shut Kennecott down. "The Bureau of Air Quality will probably go before Kennecott does," says Maxell.

--Steve Hinchman



Photos provided by Red Rock Lakes National Wildlife Refuge



by Mary Moran

Winter at Montana's Red Rock Lakes National Wildlife Refuge is bitter cold and snowy, and spring isn't much better. But because of its solitude, and because thermal springs keep some water open and plants growing, it is a haven for trumpeter swans. Bald and golden eagles, sandhill and whooping cranes, peregrine falcons and the largest summer population of Canada geese in the Rockies live here at least part of the year, along with 20 species of ducks and more than 200 other birds.

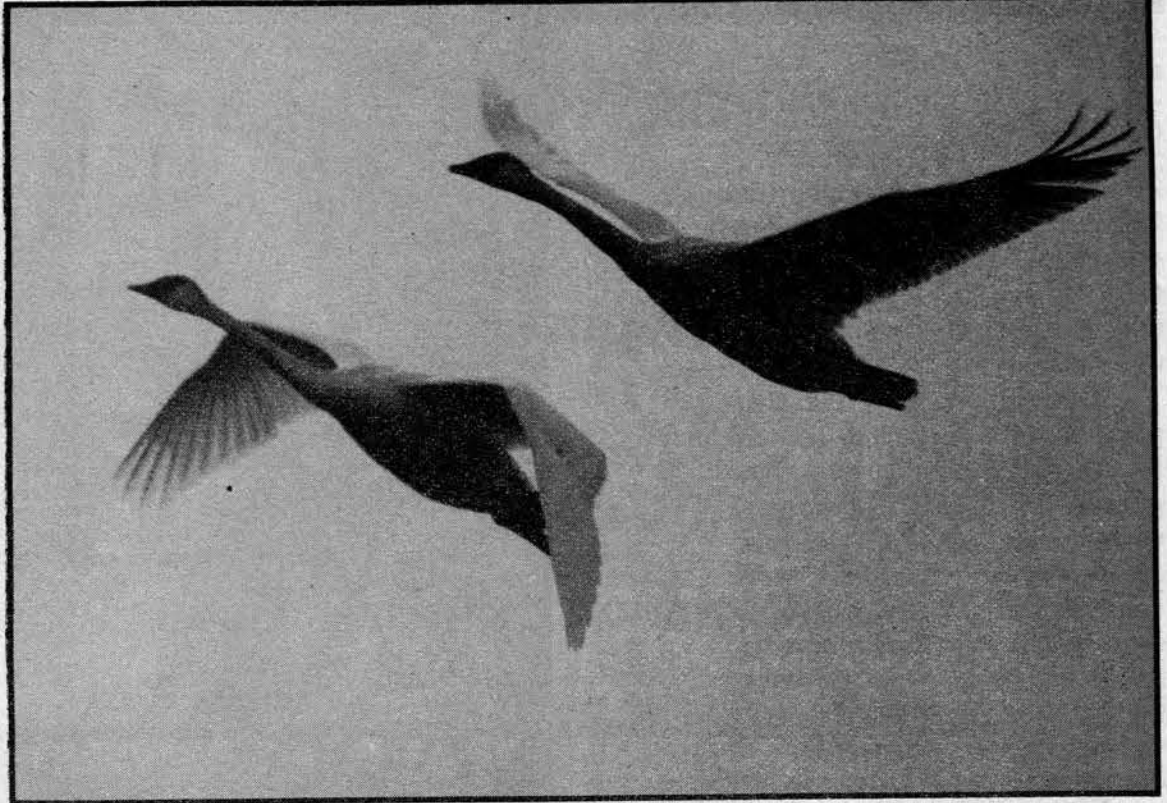
Red Rock Creek, one of the headwater streams of the Missouri River, weaves together a series of marshes, springs, ponds and lakes in the refuge. Besides flat, open marshland and prairies of southwestern Montana's Centennial Valley, the refuge includes alpine terrain of the adjacent Centennial Mountains. Near the borders of Idaho and Wyoming, the refuge has an arctic climate similar to that of Yellowstone National Park 40 miles to the east.

The Centennial Valley is remote and rugged, and the refuge is 30 miles down a dirt road from the nearest highway and 45 miles from the nearest town. Visitors are few. In winter, it is accessible only to those willing to travel the 30 miles on snowmobiles or skis. Over three-fourths of its 40,300 acres is designated wilderness.

Swans, bald and golden eagles, moose and a handful of other birds and mammals roam the refuge year-round. But most of the birds migrate south for the winters. The black tern is an extreme example; it nests at the refuge and winters in Peru and northern Chile.

Pronghorn antelope, deer, elk, coyote, cougar, black bear and an occasional grizzly live at the refuge part of the year, mostly during the warmer months. Four species of trout and the rare arctic grayling swim in its waters. Early this year the refuge bought a 1,674-acre inholding within its boundaries that included a grayling and brook trout stream.

Trumpeter swans are easily disturbed and scared from their nests by humans. It was for the swans that the refuge was established in 1935. Once ranging over much of the interior



Trumpeting at Red Rock Lakes

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Rock Lakes National Wildlife Refuge is old and snowy, and because of its soliflucts keep some growing, it is a Bald and golden eagle cranes, peregrine falcons and a summer population of ducks live here at least 20 species of ducks.

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United States, they were decimated at the turn of the century for products such as pillows and powder puffs. By 1935, there were fewer than 100 swans in the lower 48 states, all found in the tri-state region around Red Rocks.

In the 1940s and 1950s the swan population flourished, and at their peak there were about 300 swans living year-round at the refuge and 300 or 400 more elsewhere in the tri-state region. Some of the swans were transplanted to Oregon, Nevada, South Dakota, Nebraska and Minnesota to re-establish flocks, and some were sent to zoos.

Larger migrating populations were discovered in Alaska and Canada, and several hundred of those birds winter at Red Rocks. Others winter in the open waters on the Henry's Fork of the Snake River in Idaho and in and near Grand Teton National Park in Wyoming.

While Canadian populations continue to grow, nesting populations have declined at Red Rocks and the tri-state area in the last two

decades. About 400 swans summered in the area last year.

Causes for the decline cited by refuge manager Barry Reiswig and a study by the international Trumpeter Swan Society include: high water levels behind an old dam that submerge plants and flood nests; lead poisoning from swallowing lead shot and fishing sinkers; disturbance by fishermen and other recreationalists; crowding and the weak spring condition of the resident swans because they don't migrate to warmer winter climates; and the general weather of the area, which is at the limits of tolerance for swans.

Some of these problems have been addressed. Ducks Unlimited is funding current reconstruction of the old dam, in order to eliminate flooding. Beginning last year at the refuge, it is illegal to fish with lead sinkers or hunt with lead shot. The hunting restriction will apply to the entire state of Montana starting in 1988.

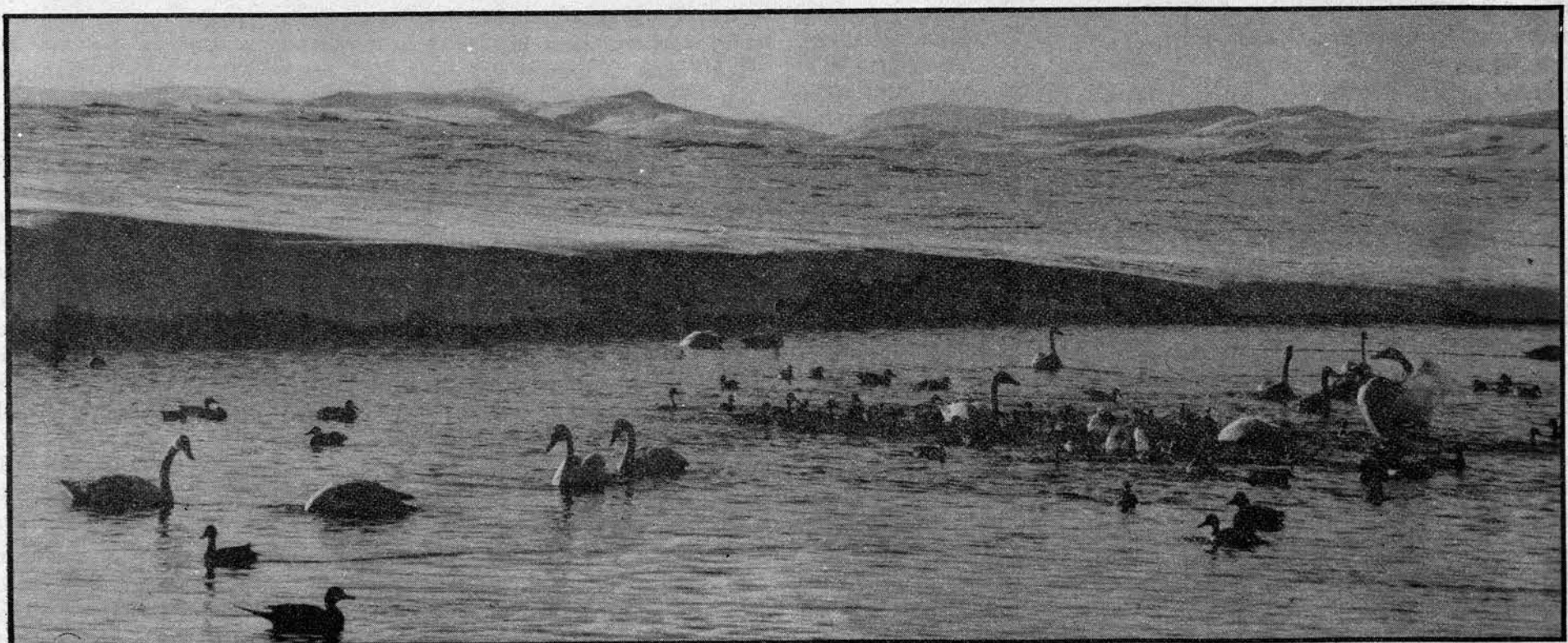
Refuge managers did not approve a 1985

proposal to eliminate motorboats, but fishing has been banned in some of the refuge's ponds until after mid-July, when the cygnets leave their nests.

Manager Reiswig says getting some of Red Rocks swans to migrate south is a long-term but difficult goal. Attempts to get the swans to migrate by cutting off supplemental feeding one winter in the 1970s didn't work, although a few pioneering swans have migrated the last few winters. Unfortunately, as the pioneers move into new areas of hunters and unknown power lines, they suffer a high mortality rate. And that means they don't have a chance to teach many other swans to migrate. Reiswig calls it a numbers game, but he hopes that as more swans winter in the south they will return strengthened to the still-cold spring nesting season at the refuge.

□

Mary Moran is a geologist, naturalist and former staff member of *High Country News*.



BN...

(Continued from page 1)

in the U.S. In octopus-like fashion, it has spread its tentacles from Seattle to St. Louis since it was created in 1970 by the merger of three western railroads.

The real wealth of the company is its legacy from the old Northern Pacific Railroad land grants. Thirty-nine million acres of Montana, Idaho, Washington and Oregon wilderness were donated by Congress over a century ago as an incentive to get tracks laid from the Great Lakes to the Pacific. BN once even owned the now-blown top of Mount St. Helens.

Northern Pacific over the years sold most of its original holdings, plowing the profits back into the railroad operation. What's left is 1.9 million acres of land and 2.4 million acres of retained mineral rights. Those assets are now controlled by a holding company, Burlington Northern, Inc., which oversees the land from its Seattle offices. Its recent actions in Montana indicate that BN wants out of the railroad business but wishes to hang onto the valuable land grant properties.

In late October, BN was further enriched when a federal judge in Billings upheld a trade of 350 million tons of coal reserves between the U.S. government and BN subsidiary Meridian Minerals. BN land grant sections in Montana's McCone County were deeded in alternating, checkerboard patterns. The railroad sold much of the surface land, but kept the mineral rights. BN wanted to consolidate its mineral rights holdings into one big, contiguous coal field to feed a huge synfuels complex. Former Interior Secretary James Watt had approved the land exchange: Meridian would get 7,887 acres containing about 173 million tons of coal, and the government would get 11,553 acres with 181 million tons.

The deal was questioned in a lawsuit by several environmental groups, including the Northern Plains Resource Council, as well as by the National Coal Association. Its member coal companies, fearing unfair competition, protested allowing the mining of coal by a railroad company that also hauls coal.

"We said when this case began that the coal swap is a giveaway of public coal to Burlington Northern," said Lyle Quick, a Circle, Mont., farmer and member of the Northern Plains Resource Council. "We said that by agreeing to the swap, the Interior Department would be encouraging BN to get out of the railroad business and into natural resource development -- the billions of dollars worth of resources that the public has already given to BN through land grants. The land grants

were given to the railroads to support reliable railroad service in Montana and across the country."

Noting that U.S. District Judge James Battin ruled in favor of BN the same week that BN was turning over the southern line to Dennis Washington, Quick said, "If BN is going to quit railroading, it should give back those land grants which are supposed to support operation of its railroad lines. Instead, with the judge's approval, BN is parlaying those land grants into a growing, non-railroad business that enables the company to get out of railroading."

Without the land grant assets, say critics of the BN-Rail Link deal, Rail Link lacks the resources to cope with unforeseen operating expenses. At a Senate hearing in Livingston this summer, William Hendershott, an engineer and chairman of the Citizens' Alliance To Save the Southline, said his group is worried about Dennis Washington's and Montana Rail Link's financial ability to cope with potential rail disasters such as derailments, bridge and tunnel collapses, chemical spills and other possible crises. He also wondered about Rail Link's obligation to the federal railroad retirement system if that company earns much less and employs fewer people than BN.

Hendershott said one of BN's great financial cushions is the land grant properties given to the old Northern Pacific, which BN will keep, while the new railroad company operates in debt. He charged that the Interstate Commerce Commission "is doing an inadequate job by rubber-stamping these so-called short line

sales created by a loophole in the Staggers Act. We feel that a full review is required by the ICC."

At the same hearing, Alan Fitzwater of Fort Worth, Texas, BN's vice president for governmental affairs, told Montana Sen. John Melcher that BN wants to rid itself of that portion of the southern line because it needs a higher return on its capital investment. He said labor costs take 49 percent of BN's revenue even though the company's workforce was reduced from 59,000 to 32,000 employees in the last six years.

Melcher charged that BN was not telling the workers the whole story about what was happening to their jobs. "My problem with this company for the last 10 years," Melcher told Fitzwater, "is: Who am I talking to? Can I find you next year or the year after? And the answer is generally no, you're gone. In 19 years in Congress, I've been involved in a lot of pain and hemorrhage of the railroads in this country. If this shows what's going on in the U.S. railroad industry, a lot of senators are going to be interested in this."

BN has managed to rid itself of 900 miles of railroad through a loophole in the deregulating Staggers Act that allows the Interstate Commerce Commission to approve "short line" sales of unprofitable stretches of lines.

But BN's track in Montana is a major transcontinental mainline, not an isolated "short line" section. And business has never been better on the road, accord-

ing to employees, who point to heavy import-export containerized freight traffic and coal trains rumbling across the prairies and mountain passes.

The loophole is the subject of appeals to the ICC from Montana's congressional delegation. All have introduced bills to scrutinize the process, and Rep. Pat Williams' bill also requires that railroads wishing to sell lines give up their land grant holdings. CATSS, the citizens' group, has taken its challenge of the Staggers Act loophole to federal District Court.

This is only the latest episode in the dismantling of Montana's railroad system. After chugging along for a few years under bankruptcy reorganization, BN's last competitor in the state, the Milwaukee Road, folded in 1981, and its tracks were either torn up for scrap or sold to BN. The Milwaukee Road's business was originally protected from BN under a U.S. Supreme Court-ordered provision in the 1970 BN merger of the NP, Great Northern and Chicago, Burlington & Quincy railroads. But BN went ahead and quietly raided the Milwaukee's freight business.

Later, when thousands of incriminating documents were discovered, the Montana Legislature still refused to fund an investigation by the state's anti-trust officer. So the Milwaukee Road from South Dakota to Puget Sound quietly died while BN thrived.

Coincidentally, when BN wanted to buy some of the old Milwaukee track, it needed ICC approval, which was given in August 1980 by then-chairman of the ICC, Darius Gaskins. Gaskins had earlier turned down a plan to

Albert Dickson



Transient Allen Eadie talks from his hospital bed about the train wreck he survived the day before

keep the Milwaukee Road alive as an employee-owned company. The new company would just go broke, he ruled. Gaskins is now president of Burlington Northern Railroad.

Such relationships between the ICC and the industry it regulates neither started nor ended with Gaskins. The current ICC chairman, Heather Gradison, is a former Southern Railway executive. Appointed by President Reagan as one of three Republicans of the commission's five members, Gradison and her fellow party members have refused to allow financial disclosure of details of the BN-Montana Rail Link transaction. The ICC has also been dragging its feet on reviewing the 900-mile deal to determine if it indeed meets the statutory requirement as a "short line" in need of financial rescue as outlined by the Staggers Act.

The ICC, in the opinion of several Montana officials, has exceeded its authority in this deal, and they say the stakes are too high to let it slide through without scrutiny. In early November, Public Service Commissioner Tom Monahan refused to go along with an ICC offer to disclose information on the BN-Rail Link deal because disclosure would not extend to the public.

Monahan called the Interstate Commerce Commission the nation's "most arrogant, industry-captured" agency. "The corrupt political bodies of the 19th

Montana Public Service Commissioner

Tom Monahan says of the ICC:

"The corrupt political bodies of the 19th century served the people better than this commission."

century served the people better than this commission." Monahan said, "Since I have absolutely no hope that the ICC will do anything other than serve the interests of the railroads at the expense of the Montana public, I have refused to jump through the hoops for the sake of idle curiosity."

John Driscoll, another PSC member, also refused to sign the protective order and requested the state's Commerce Department to look into the possibility of building new lines that could offer rail shippers access to Union Pacific and alternatives to BN's exclusive hold.

For years, Anaconda Copper Co. dominated the economy, environment, politics, judiciary and even the press of Montana. Since Anaconda closed its mines

and smelters and faded into corporate oblivion, Burlington Northern and Montana Power Co. have come to the mantle of influence once worn by "The Company."

That influence today is perhaps not quite as pervasive and far-reaching as that of the old "Copper-Collar" gang. But in this time of high unemployment and recession in Big Sky Country, and in spite of outbreaks of public and political resistance, the Delaware-registered corporations and nouveau-tycoons like Dennis Washington have no trouble finding support among Montana business people who are desperate for industry at any cost.

Gov. Ted Schwinden has remained conspicuously silent on the BN-Rail Link deal, and local

news coverage of this historic and complex event has been scattered and superficial, or ill-informed.

In an editorial endorsing Dennis Washington's non-union takeover of BN's tracks, the Billings *Gazette* attacked Montana's congressional delegation and others for seeking a thorough ICC review of the deal. "In doing this," the *Gazette* editorialized, "the representatives are ignoring economic reality and courting more economic problems for Montana ... Dennis Washington has been caught in a political and labor crossfire. Whom he hires and negotiates with is his business -- it's not a public policy issue."

(Continued on page 12)

Albert Dickson



Burlington Northern's train yard in Livingston, Montana.

12-High Country News -- December 7, 1987

Former BN workers say the railroad rolled over them

MISSOULA, Mont. -- Railroad workers attending Interstate Commerce Commission hearings Nov. 5-7 met each night for dinner and to hash over the day's events with their lawyer. It was more than a little ironic that the restaurants were located in old railroad depots.

The first night found them in the converted Milwaukee Road depot; the second night they were in Missoula's newest trendy spot complete with micro-brewery -- the old Northern Pacific passenger depot. Outside they cracked jokes about the significance of the flashing lights on an old trackside signal that had been restored to add a touch of authenticity. These railroad workers may also be living relics of

railroad history, but with less chance for such sentimental preservation.

"This could be our last hurrah," said Gary Blakely one night of the ICC hearings. Blakely has worked as a trainman and said he might get out of railroading after all this is over.

It had been a turbulent few months for these railroaders, most of whom operated trains out of their terminal at Livingston. First came the rumors of BN selling off the mainline. Neither the rail unions nor Montana officials were advised of BN's intent to rid itself of much of its track, depots and rail yards across southern Montana. Rumors were so strong that the Montana Legislature passed a bill in April commanding public no-

tice and disclosure of any rail operation transfers.

Nobody could get any answers until July, when BN announced it was leasing the mainline to Dennis Washington and his new company, Montana Rail Link. All previous labor agreements between BN and its unions would evaporate the moment Rail Link took over. That happened to be the night locomotives were sent over the hill.

Railroaders at the dinner tables said they had no idea who did the deed, even though unions were catching the blame in the press. They chuckled over each other's stories of FBI agents coming to their homes to interview them about the incident. Whoever did it, they agreed, was probably angry and drunk and

may have acted alone. They thought the \$100,000 reward and possible immunity might draw out his or her accomplice.

Most of the Livingston union railroaders at Missoula were in their 30s and 40s. A few were college educated. They stuck with the railroad because it paid well and offered the prospect of long-term employment in Montana. Most took scant notice in 1985 when BN shut down its century-old locomotive repair shops in Livingston. With the shop closure went about 350 healthy blue-collar paychecks and the stability of the local economy and residential property values.

Now, train crews were getting the knife. Many could still remain employed as railroaders, but only if they went to work for

BN...

(Continued from page 11)

Abetted by BN, the ICC, the governor of Montana and the state press, Dennis Washington appears on his way to becoming a reincarnation of an old Copper King. There is no statue on a hill in Butte of him yet, but the University of Montana in Missoula did name its new football stadium after Dennis Washington. He donated some construction equipment and materials to the project.

Missoula also happened to be the site of three days of field hearings grudgingly convened by the ICC early in November. The labor unions and citizens' groups attempted what may be their last chance for a remedy. But they were stymied by Heather Gradi-son's suspension of the administrative rules procedures that would have allowed examination of the sale or lease document. The ICC is supposed to review the hearing transcript in making a final decision on the BN-Montana Rail Link transfer. Meanwhile, locomotive engineers, firemen, brakemen and conductors who were paid good union wages working under BN are not looking forward to railroading this winter for Dennis Washington. They face drastic cuts in pay and benefits, confusing work rules, longer train runs between terminals, and possible equipment and roadbed safety problems down the line.

However, there is much more at stake than the railroad jobs. Congress gave the railroads millions of acres of public land because, without the railroads, the timber, coal, grain, metals and even the scenery of the west were unrealizable.

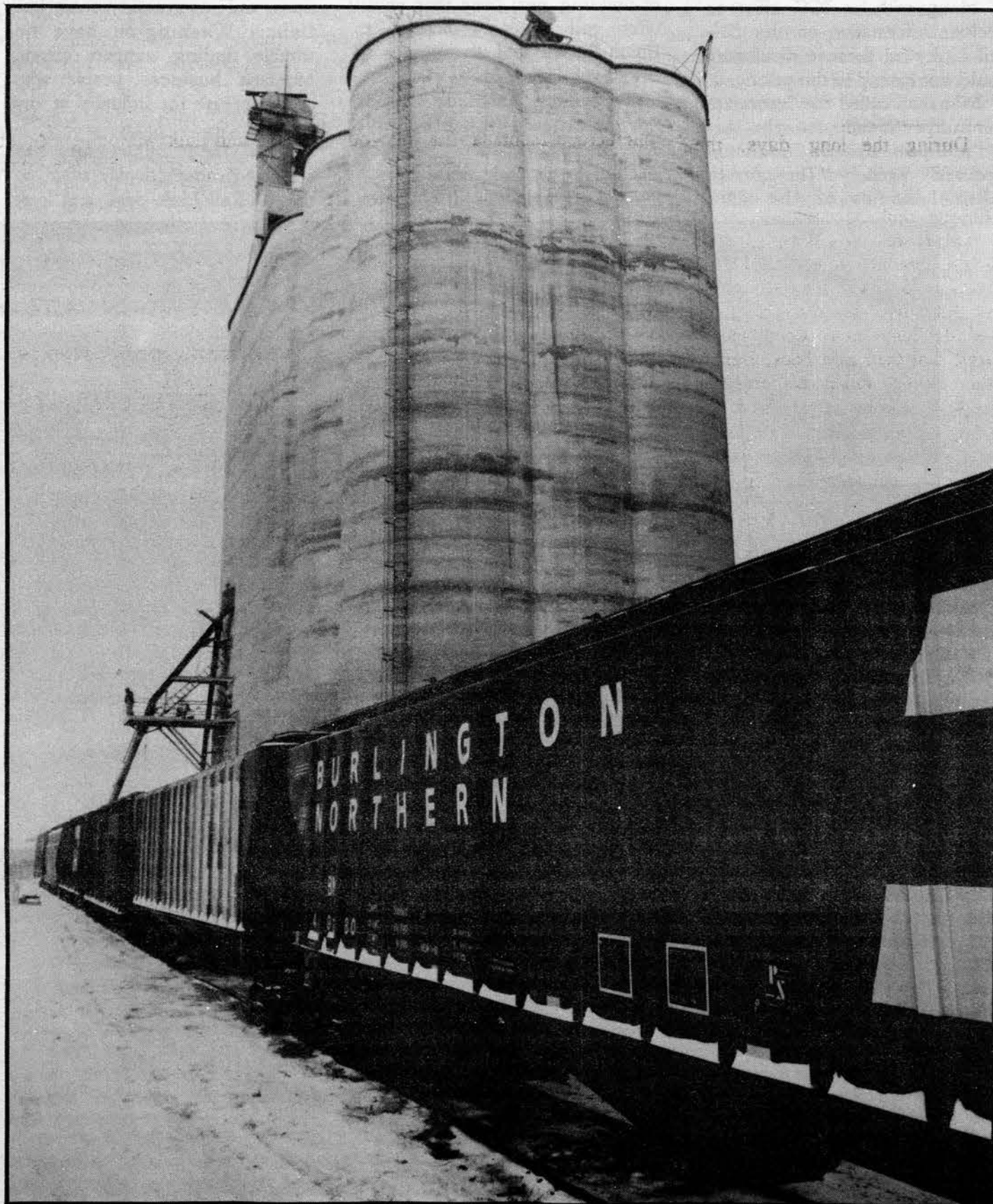
Today, there are alternatives to rail transportation. But for bulky, low-value commodities

such as coal and grain, rail is still the only economic way to reach their markets. If Dennis Washington proves unable to run his new railroad, Montana and adjoining states will lose a lot more than a railroad.

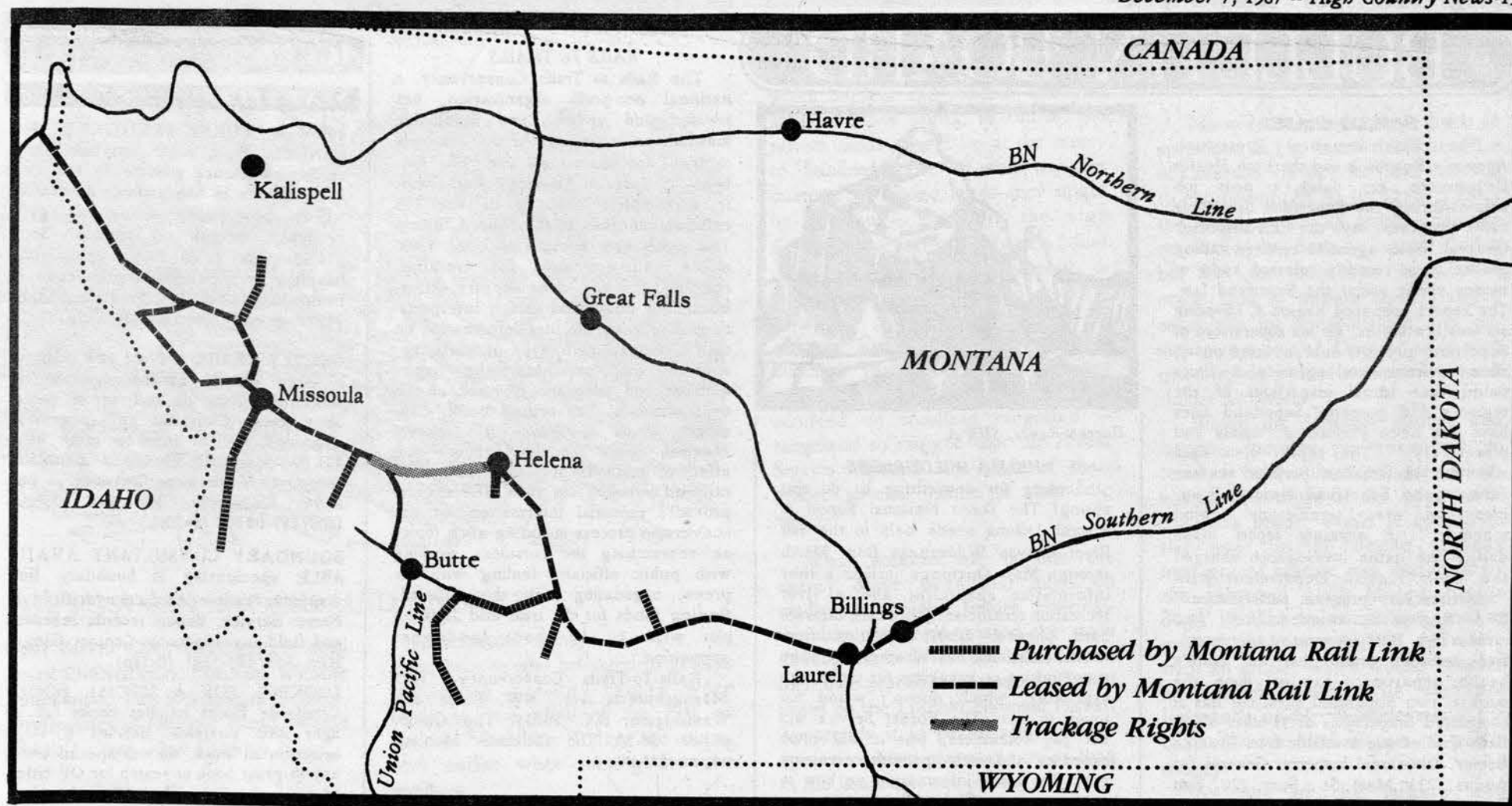
Montana Rail Link's first shift began with runaway locomotives roaring down a mountain and jumping the track. Many people in Montana are hoping it wasn't a Halloween omen of things to come.

□

This article was made possible by the High Country News Research Fund.



Burlington Northern train at Great Falls, Montana



half the pay with Rail Link or exercised their seniority rights to transfer elsewhere on the BN system. Either way, it signaled the end of an era. But they were still willing to fight. After all, they pointed out, men who worked alongside each other for years -- away from their families on long-haul freight trains through winter storms and derailments -- developed a kind of crazy camaraderie.

During the long days, the hearings were staged in a room at the University of Montana student building, only a block away from the Washington-Grizzly Stadium where the Montana-Idaho State football game started just as the hearings ended. Some railroaders speculated that their new boss, Dennis Washington, might be enjoying himself up in his private box.

At the hearings, the rail workers' lawyer, Jim Goetz of Bozeman, smoldered in frustration. Under the guidelines set by ICC Chairman Heather Gradison, there would be no cross-examination of witnesses, nor were BN or Montana Rail Link required to disclose details of their financial arrangement.

It was a classic case of us and them. The more outlandish the workers perceived a company witness' testimony, the louder they groaned, hooted and booed. They felt betrayed by hometown bankers, mayors and chamber of commerce officials who traveled to Missoula to testify in favor of the new railroad operation.

A common theme for Main Street supporters was the specter of abandonment of the southern line if BN was not allowed to transfer it to Montana Rail Link.

BN has never threatened to put the line up for abandonment, nor would it likely happen.

BN Inc., it turns out, enjoyed healthy earnings the third quarter of 1987, thanks to record railroad volume of 54 billion ton-miles. All those freight trains contributed \$207 million to the company's operating income, up from \$181 million the third quarter of 1986. In 1986, healthy railroad business helped to prop up BN's oil and gas ventures, which suffered from lower prices. BN was not going to abandon the line across Montana -- it was too lucrative.

Instead, the company has eliminated a long section with over 1,000 union employees, but can still move its profitable freight traffic between east and west by using Montana Rail Link as a bridge.

"This proposed transaction would not foster real competition," said Public Service Commissioner Howard Ellis at the ICC hearing. "The two companies would be partners, not competitors. Montana Rail Link is a captive carrier whose existence depends on BN."

Meanwhile, rail workers testified, careers and families are being disrupted by the deal. That's why they want the ICC to insist on labor protection before approving the deal, and they want the transaction open to public scrutiny.

Railroader Tim Miller told the ICC that his seven years with BN have been fraught with family stress because of constant layoffs and moves around the BN system. He said he and his wife now stand to lose their house in Livingston.

"Virtually all decisions made in this household over the last year were influenced by the proposed sale," said Miller. "The arrogant attitude the ICC has taken in this matter has greatly added to the grief this family has felt. It has become far too obvious that the ICC is working for the best interests of the rail companies."

Bob Raney, a veteran train conductor and state legislator from Livingston, questioned whether Montana Rail Link is a viable company. The officers of Rail Link, Raney told the ICC, "have all worked for railroads all over the country that went belly-up, and now they come and tell us they're going to run a profitable operation. In 1970, the ICC allowed the merger of the bigger and better BN. Now, they claim Rail Link will be better and faster with cheaper labor, that little is better."

called on the ICC to hold a "full commission hearing" to determine the financial arrangements between BN and Montana Rail Link. So far, he said, the deal is obviously a union-busting scheme. "We may be a little bit country out here," said Marceau, "but we're not brain dead."

For now, it is up to the ICC in Washington, D.C., to affirm who has the power out here. Meanwhile, the union rail workers are scrambling to find their places in the new scheme of things and wondering if their grass-roots efforts will have been in vain.

United Transportation
Union official Francis
Marceau of Missoula

--Patrick Dawson



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BULLETIN BOARD

FAILING GRADES

The Environmental Protection Agency's Region 8 and the Utah Health Department are doing a poor job administering the Superfund hazardous waste program, says the EPA Inspector General. Both agencies received failing grades in a recently released audit of money spent under the Superfund law. The report criticized Region 8, covering six western states, for lax supervision of Superfund projects subcontracted out to state environmental agencies. Auditors found that initial inspections of the region's 850 potential Superfund sites have not been performed "timely and effectively." The report also said state-run reclamation projects at four sites on the Superfund National Priorities List are "significantly behind schedule." A separate report made during the same investigation charged the Utah Health Department with "unsatisfactory program performance." EPA Region 8 awarded Utah \$1.2 million in a 1985 cooperative agreement. But auditors found that the state's health department has not done the work at two Superfund sites, nor has it completed inspections at 35 other sites. Both studies are available from Truman Beeler, Divisional Inspector General for Audits, 211 Main St., Suite 220, San Francisco, CA 94105 (415/974-7084).



Michael S. Quick

SCIENCE AND SOCIETY

If we ever get a non-luddite handle on our civilian and military technologies, it will be in part through the efforts of such groups as the Teachers Clearinghouse for Science and Society Education. This coalition of teachers in independent (private) schools, provides ideas, bibliographies, films, speakers and a general clearinghouse for those interested in the ethical and other implications of science and technology. The group was founded in 1982 by three teachers, and is sponsored by the Association of Teachers in Independent Schools. It keeps in touch with its members through a newsletter published three times a year. For information, contact the Teachers Clearinghouse for Science and Society Education, 210 E. 77 St., New York, NY 10021.



Everett Reuss, SUWA

HELP A WILDERNESS

Looking for something to do this spring? The Tonto National Forest in central Arizona needs help in the Salt River Canyon Wilderness from March through May. Openings include a river information specialist and a river recreation technician. The work includes hard physical labor, isolation from towns, occasional bad weather and white water rafting or kayaking for those with experience, which doesn't sound too tough to take. The Forest Service will not pay volunteers, but it will cover expenses and help provide necessary gear. For more information on how to apply, contact Globe Ranger Station, Attn: Recreation/Lands Staff, Route 1, Box 33, Globe, Arizona 85501, 602/425-7189 or 602/261-4449. Applications are due Jan. 31, 1988.

A SELF PORTRAIT

Marion Clawson is an internationally known resource economist who was intimately involved in federal development projects, such as the Columbia Basin Project in the Northwest, during the Great Depression; headed the Bureau of Land Management after World War II; and completed his career with the natural resource think tank, Resources for the Future. He is the author of more than 35 books with such titles as *The Economics of National Forest Management*, *The Economics of U.S. Nonindustrial Private Forests*, and *New Deal Planning: The Natural Resources Planning Board*. His latest book breaks that mold. *From Sagebrush to Sage: The Making of a Natural Resource Economist*, is a curious mix of personal reminiscences and observations on his public life. He tells you how much he paid for his first house, why he does not belong to an organized religion, and what it was like for a rural kid to go to Harvard. Modelled, probably, on former Interior Secretary Harold Ickes' famous diary, this book will be most interesting to those who know Clawson's other works and are curious about the man behind those works.

Ana Publications, 4343 Garfield St. NW, Washington, DC 20007. Paper: \$20 postpaid. 476 pages.

RAILS TO TRAILS

The Rails to Trails Conservancy, a national non-profit organization, has revised and updated two invaluable manuals on converting old railroad beds to trails for recreational use. The first book, *A Guide to America's Rail-Trails*, is a complete directory of the 125 existing rail-trails in the United States. The trails now stretch for over 1,900 miles and are ideal for walking, running, bicycling, cross country skiing, horseback riding and nature interpretation. The guide includes information on trail location, length, type of surfacing, suitable trail uses and the name, address and telephone number of the trail manager. The second book, *Converting Rails to Trails: A Citizen's Manual*, offers the most recent and effective methods of transforming old railroad corridors into trails. The manual provides essential information on the conversion process including such topics as researching the corridor, working with public officials, dealing with the press, negotiating with the railroad, finding funds for the trail and figuring out what to do about landowner opposition.

Rails-To-Trails Conservancy, 1325 Massachusetts Ave., NW, Suite 400, Washington, D.C. 20005. The Guide, paper: \$6.50. The Citizen's Manual, paper: \$15.00.

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LETTERS



THE POSTMAN KNOCKS, AND KNOCKS

Dear Sierra Club, Greenpeace, Amnesty International, National Wildlife Federation, The Wilderness Society, Environmental Defense Fund, World Wildlife Fund, *High Country News*:

Help.

I'm drowning in a flood of mass mailings. How can my paltry donations achieve my purpose (and I assume yours) of defending living things when you spend so much money on these mailings?

In my family, we study and work to reduce our consumption of the world's resources. We recycle everything we can and try especially to reduce our consumption of paper. How many trees have been sacrificed on the Louisiana-Pacific altars to enable you to solicit me so often?

Some of you are in contact more often than others. I think the Sierra Club asks me about once a month for a donation, and this doesn't include their telephone solicitations. I have two identical packets from Amnesty International received about a month apart, now sitting on my desk. The groups with "wild" in the name become confusing after multiple requests, so I can't really pin those down. Thus far, it seems Greenpeace is the most reticent.

I know how attractive the pitch is from those professional fund-raisers, but do you have to do whatever they tell you to do? Can't you design your own system based on your own purpose?

I want to join the Audubon Society and the Museum of Western Colorado. I would also like to contribute to the Colorado Environmental Coalition and the Western Colorado Congress, BUT...I'm scared to! My husband and I love our community and strongly believe that our financial contributions are an obligation as well as a pleasure. When asked, we give to the Lions Club, the Heart Fund, the March of Dimes, and the Democratic Party, not to mention donating for the past two years toward new band uniforms for Grand Junction High School, as well as to the numerous fund raisers at our daughter's school.

Please, ONCE a year is enough! After awhile, you all merge into one huge outstretched hand.

Sincerely,
Louise Moody
Grand Junction, Colorado

Dear Louise Moody,

We sympathize with the plight of all who are on the mailing lists of

environmental groups. In the old days, people who belonged to groups espousing minority causes were likely to run afoul of the FBI or various blacklists. Today, the members suffer when they go to the mailbox.

On the one hand, *HCN* is relatively innocent. The Research Fund appeal is mailed only once a year, in the fall, although people who do not respond get two reminders. We have been advised by the professionals you mention that we should be sending out several appeals during the year, but board and staff have chosen not to do that.

On the other, less innocent, hand, we depend on direct mail to find new subscribers. In 1987, we sent out 80,000 letters seeking new subscribers. All the letters went to members of environmental organizations. If we are fortunate, that mountain of letters will locate 1,000 new subscribers. They will take the place of the subscribers who don't renew, and will perhaps even let us grow a bit.

It seems inefficient and wasteful, but we see no alternative to using direct mail to maintain the paper's circulation.

Sincerely,
Ed Marston, publisher

IRRESPONSIBLE AND DESTRUCTIVE

Dear *HCN*,

High Country News recently ran a story on my "long-simmering disagreement" with the Lincoln National Forest on road access in southern New Mexico (*HCN*, 10/26/87). The story is incomplete and misleading. Ed Wood, public affairs specialist on the Lincoln National Forest, is quoted in the article as stating that the maximum agency fine for trespass is \$600. The real penalty paid by my late husband, however, exceeded \$100,000. Not only did my husband pay the official fine of \$600, but he paid the cost of a permit reduction of 58 head and the cost of reclamation of the trespass site. The loss of 58 head alone represented a capital loss of \$87,000. I have no illusion about the U.S. Forest Service paying such an exorbitant penalty -- despite the similarity between their trespass actions and that of my late husband. My only objective is to have the USFS acknowledge its trespass as my husband acknowledged his.

Ed Wood suggests that the Forest Service trespass was a fault of

ambiguous and confusing "no trespass signs" on my private land which borders the road in question. Without those signs, of course, my private lands would be at the mercy of hundreds of off-road vehicles unaware of whose lands they might be crossing. Even if the sign situation was confusing (which I find hard to believe), the agency is standing on shaky ground when it comes to justifying five miles of trespass. Except for the first several hundred yards of the trespassed route, over four miles of the trespass occurred on roadless rangeland -- rangeland so rugged that the Forest Service lowered the blade of their grader several times to clear the way.

What amazes me is that the agency drove over four miles on roadless rangeland before determining that they had missed the main thoroughfare. They did this despite their own prohibition against off-road travel on the Lincoln National Forest. Apparently it is permissible for the agency to drive cross-country as long as the lands are not public.

Ed Wood is also quoted as stating that the only alternative to using my property for access is to "build miles of new road through rugged country at a cost of over \$250,000." This statement is false. Not only does an alternative road exist which parallels the road crossing my land, but the USFS recently graded it for the upcoming hunting season. Indeed, this alternative route is more passable and more direct than the road crossing my private lands.

The issue is not merely access. It goes to the very heart of good land management. The endless miles of roads that criss-cross the Lincoln National Forest are deteriorating into deep arroyos and impassable canyons. The lands given to the USFS in public trust are dying. The thin soil mantle that separates verdant mountains from lifeless desert is being swept away before the eyes of an indifferent Forest Service. Speeding this process of desertification has been the relentless control of fires. As Pinyon-Juniper has replaced grasslands, soils have become more erodible and wildlife habitat has become irretrievably lost.

On my own leased forest lands, vegetation and soils are far from healthy. When my late husband and I purchased our ranch, the land was sick from overgrazing and USFS mismanagement. To heal the land, we choose to drastically reduce the livestock grazed on forest ranges. The USFS responded to our understocking by threatening to terminate our permit unless we fully stocked our grazing allotment.

My story is not unlike the story of hundreds of other public land permittees who care for the lands they graze. We have watched for all too long as the USFS bureaucracy has mismanaged, misused, and mistreated our national heritage. We will no longer be silent. Our love for the land and our desire to keep our lands productive require that we be as vocal as possible. The issue is not merely an injustice done to myself and to my trespassed land. The essential point is the injustice committed against the public's land by a bureaucracy unaccountable for its actions and autocratic in its management.

Carolyn Lietzman
Carrizozo, New Mexico

HURRAH!

Dear *HCN*,

Many readers must have been as surprised as I to learn that the state of Colorado will pay for bear damage to equipment (*HCN*, 10/12/87). Does the state pay for all animal damage or just for that done by bears? Can it be that the state has established some kind of welfare fund, tagged especially for irresponsible and destructive animals? Does it stop with quadrupeds or does it extend to such things as insects?

Would the destitute timber and logging industry be permitted to recover from this fund for losses sustained because of the appetite of the bark beetle; would it extend to the poor farmer whose already over-grazed pasture was damaged by the protected black footed prairie dog? I'd like to encourage you to expand your coverage of this story with an article, which would educate and inform those of us who are ignorantly unable to understand the basis for this kind of use of public money.

As one of the hikers and bicyclists among your readers, I find it difficult to generate any sympathy for the girl whose motorcycle was damaged. My reaction is "hurrah, good riddance."

Sam M. Cox
Tubac, Arizona

BESIEGED CANYON

Dear *HCN*,

I was pleased to see Peter Wild's on-point review (*HCN*, 10/26/87) of John Leshy's expose of the abuses our lands suffer under that 115-year-old handout, the Mining Law.

The conflict between such archaic, "multiple-use" welfare systems and public lands protection is most clearly illustrated at, of all places, again...the Grand Canyon. The so-called gem of our national park system is now encircled and besieged by a 19th century land rush, with 20th century technology; over 100,000 claims have been filed adjacent to the park over the past five to 10 years.

Nine mining operations in different stages of development within critical drainages (Kanab, Havasu) are impacting or threatening the air, water, wildlife and general wildness of previously pristine BLM and Forest Service lands adjacent to the national park. Many miles of improved exploration and haul roads now scar the Arizona Strip, providing further access for destructive pothunting activities.

In "joining" environmentalists' demands for a comprehensive, regional environmental impact statement, Park Service officials recognize that the park's resources, values and integrity are being impacted by the development of a Grand Canyon mining district.

I urge all readers to write to their congressional representatives (with copy to Superintendent Richard Marks, GCNP) requesting oversight of the 1872 Mining Law, and consideration of mineral withdrawals adjacent to parks and wilderness areas, especially at Grand Canyon. Write Friends of the River, Box 1115, Flagstaff, AZ 86002 for more information.

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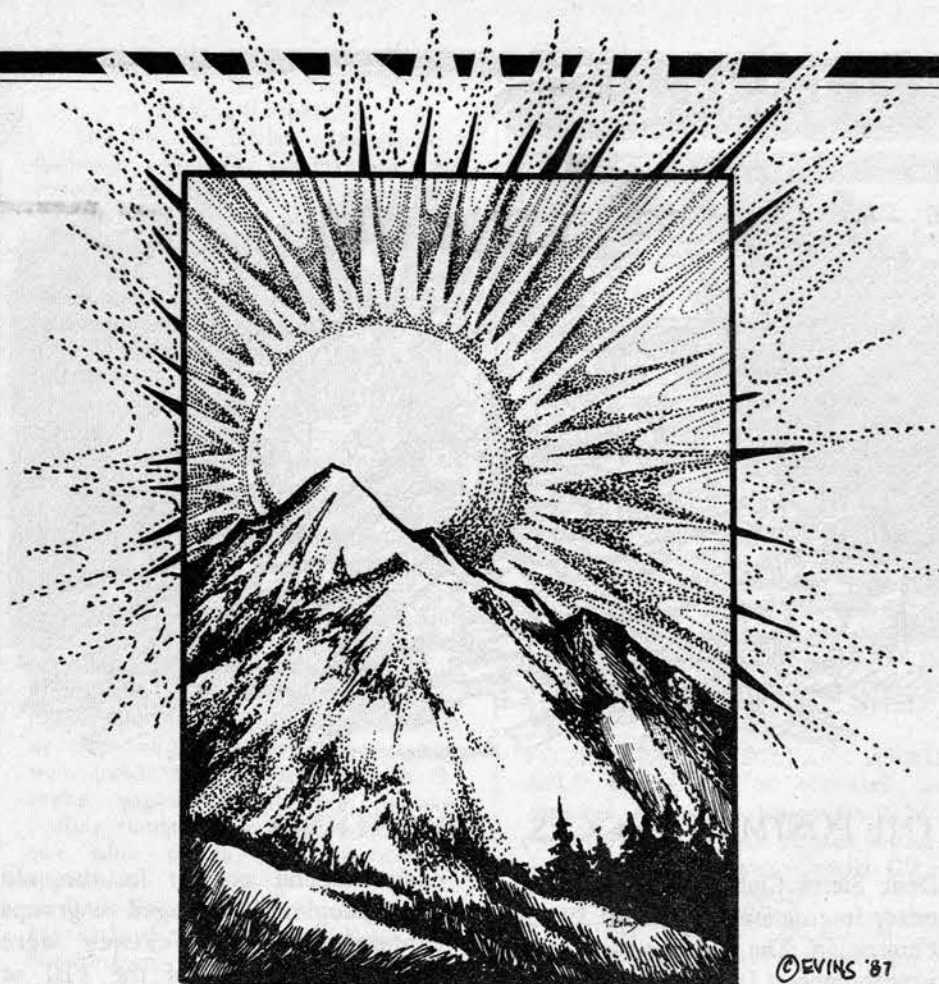
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