

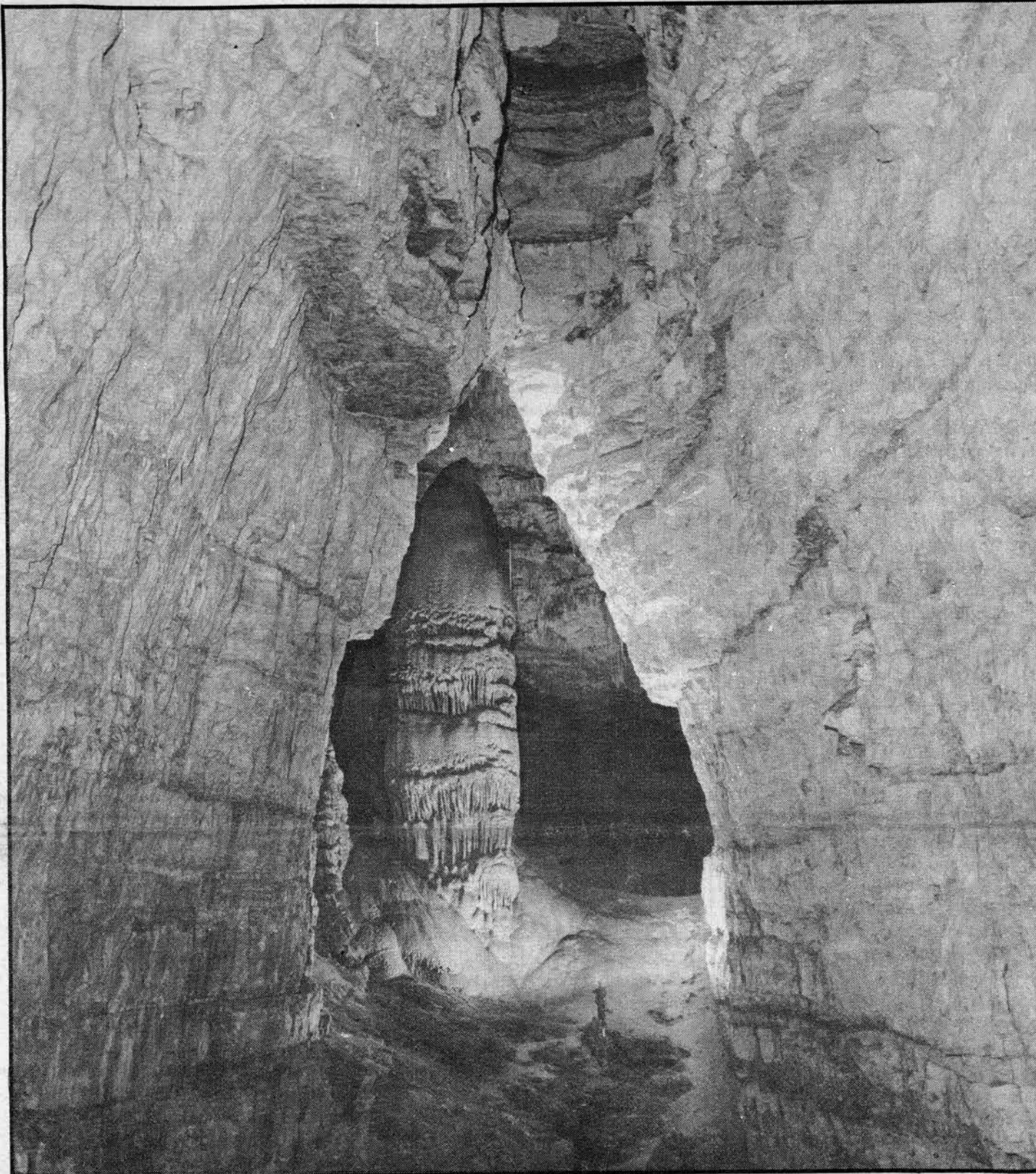
High Country News

December 21, 1987

Vol. 19 No. 24

A Paper for People who Care about the West

One Dollar



Charlie and Jo Larson

CAVES need protection

✓ See page 10

Cottonwood Cave, New Mexico

Idaho debates public land access

by Pat Ford

The East Fork Road is the primary public access to the backcountry of the White Cloud Mountains, one of Idaho's most popular wild places. But for 10 years it has been gated about 12 miles from its ending in a campground called Bowery, which is within the Sawtooth National Recreation Area.

The gatekeeper is Bob Isinger, who owns 320 acres that straddle the East Fork Road. During hunting season, when most locals use the road, he leaves the gate open. Forest Service and state fish and game personnel, miners, and the few

landowners farther up can go through at all times.

Summer is different. Hikers, mountain bikers, horsepackers and tourists who use the road in growing numbers find the gate closed. Over 100,000 acres of spectacular public land is blocked by a gate on what to all appearances and on all maps is a public road.

This year, the Isinger gate became Idaho's latest example of a passionate debate common to all Western states with large amounts of public land. In a legal judgment with broad implications, Idaho's attorney general said the state has no authority to force removal of gates on public roads.

The opinion caught the Forest Service by surprise. "This is a real shocker," Leon Wells, assistant area manager for the Sawtooth National Recreation Area told the *Idaho Statesman*. "I don't understand the state's decision on this at all. We felt that state law was being violated and the state, through the county, would be able to declare the road public."

The legal opinion was triggered by the Idaho Conservation League. "In August, three of our members, independently, asked us to do something about the gate," says ICL executive director Mary Kelly. "That same month, one of our staff members,

while hiking in the White Clouds, met a large church group with horses. They had run into the gate, and were still angry about having to turn around and reach their destination by a longer route."

Ever since the gate was erected, the Sawtooth recreation area has quietly urged Custer County to take action against it. But Isinger is a smart man. He lets county folks through the gate and he opens it during hunting season. Custer County's few residents aren't averse to giving the Forest Service a hard time, and the county commission sees those complaining as "outsid-

(Continued on page 11)

Dear friends,



High Country News

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Tom Bell
Editor Emeritus

Ed Marston
Publisher

Betsy Marston
Editor

Judy Moffatt
Development

Rocky Barker
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Micro-intern

High Country News has had micro-bureaus for about a year; now it has a micro-intern. Her name is Gingy Anderson, and she is filling in a two-week blank in the intern schedule. The paper's most recent intern, Diane Hackl, has moved up in the world, to about 9,000 feet and a reporting job with the weekly *Telluride Mountain Journal*. Gingy, a native of Taos, N.M., an Outward Bound leader, and a prospective teacher, is taking her place until the staff scatters for a vacation.

Speaking of interns, HCN is seeking Native Americans interested in journalism to spend several months in Paonia learning about regional reporting and helping to cover Indian issues. Unlike the regular intern program, a grant has made possible enough of a stipend to support the person in Paonia.

Skipped issue

As we've said in the past, staff doesn't like skipping an issue in January and July. We do it only to give readers time to catch up on their reading. This year, we will publish the Jan. 4, 1988, issue and skip the Jan. 18 issue.

Calling Salt Lakers

We hope readers in the Salt Lake City area will reserve the evening of Saturday, Jan. 30, for a High Country News potluck. The winter board meeting will be held during the day in Salt Lake City, and the potluck in the evening. Time and location will be announced.

Fellowships

Former HCN editor Geoff O'Gara of Lander, Wyo., is spending this academic year at the University of Michigan as a journalism fellow. He called recently to say that fellows have the run of the school and its many programs, including an excellent one on natural resources.

Geoff suggested that some of HCN's freelance writers may wish to consider a year of reflection and study. You can get an application from the Michigan University Journalism Fellowship Program, 2072 Frieze Bldg., University of Michigan, Ann Arbor, MI 48109; 313/763-2400. The deadline for applying is Feb. 1.

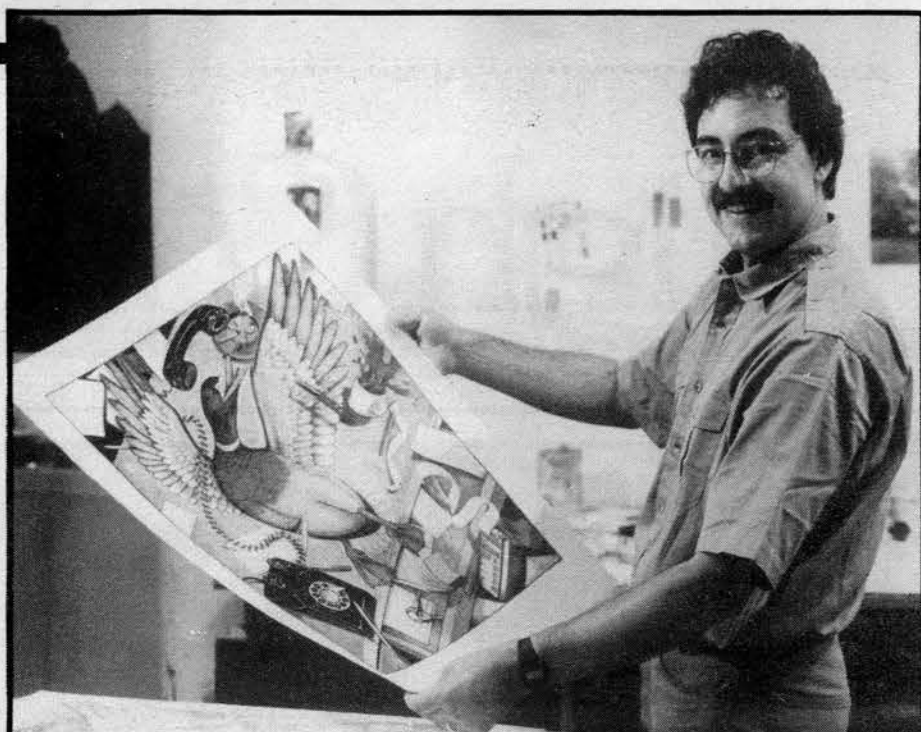
Worthy fight

J.J. Roper, a zoologist now at the University of Montana at Missoula, believes in cross fertilization. So he has sent a gift subscription of a Tasmanian conservation newsletter to HCN and HCN to the Tasmanian group.

He writes: "The group in Tasmania, called the Wilderness Society, is fighting for conservation issues. They are combating those who want to cut down some of the oldest virgin forests in the world; some of the most amazing animals nature has bestowed upon the world live there. It is a worthy fight."

Jackpot

Returns from the 75,000 or so direct mail letters HCN sent out this fall have slowed to a trickle, giving



Montana artist Monte Dolack can't help quacking up. See pages 8 and 9.

circulation manager C.B. Elliott a chance to look up from her computer. The sending out of these letters takes the place, for staff and board, of a trip to Las Vegas, and after each mailing we hold our collective breaths until returns are in. A preliminary count indicates that we can begin to breathe: it appears the drive will net 750 or so new readers -- the one percent return we need. The effort was aided by the Beldon Fund in Washington, D.C.; we are grateful for the help.

We are not, however, able to do the breathing in our new office. The Pittsburgh paint we used on that room is still outgassing. We are keeping the temperature in the room in the 80s day after day in an attempt to cure the paint. If that doesn't work, we're going to get tough.

Green future

Because so many checks arrive in the last few days of 1987, and because our second request has just gone out, we cannot yet say how the Research Fund will do. But indications are that the drive has survived the great crash of 1987, and that High Country News will be here through 1988.

For that, and for the support that has allowed this child of founder Tom Bell to survive since 1970, the staff and board thank all of HCN's readers and foundation supporters, and send you our best wishes for a happy, white holiday season, followed by an increasingly green future.

--the staff

WESTERN ROUNDUP

Ski-tage hits Arizona resort

A ski resort on an Arizona mountain that is sacred to two Indian tribes was the target of political vandalism recently. No one was injured, but a 15-year-old controversy seems to have emerged again.

The resort is on the San Francisco Peaks, a mountain Hopi Indians consider the home and "staircase" of many of their gods, called kachinas, which descend once a year to visit the Hopi mesas. Navajo Indians look upon this highest point in Arizona -- just north of Flagstaff -- as one of the four pillars that hold up the sky.

In the mid-1970s, both tribes and a number of environmental and Native American support-groups mounted a campaign to stop the ski area, called Fairfield Snow Bowl, from expanding. The campaign was highlighted by a benefit concert that included singers Jackson Browne and Neal Young.

Despite the opposition, the Snow Bowl expanded and the controversy cooled off. But the resort said earlier this year that it needs to grow and renewed a plan to pave the only road to the resort.

Then on Oct. 6 or 7, anchor bolts on eight of the 26 towers of the area's main chair lift were cut with what police assume was an acetylene torch. A letter from a group calling itself EMETIC, an acronym that stands for "Evan Mecham Eco-Terrorist International Conspiracy," said it had damaged the lifts and would "cut them down again" if

they were repaired. Evan Mecham in the group's name is a reference to the embattled governor of Arizona, who is facing a recall campaign.

After the lift was repaired and security strengthened, the ski resort received a second letter from EMETIC a month later. It said the group had secretly struck again, damaging two of the area's lift cables. An expert imported to check the cables found no damage, and the company labeled this last incident a publicity stunt.

In the letter that followed the incident, EMETIC explained its use of the governor's name by saying he "had done more in a few months to slow economic growth in Arizona than EMETIC could hope to with months of dedicated, conscientious destruction." As for the word terrorists, the group said it chose it because "we just needed a 'T' word to make the acronym work." The word EMETIC describes an agent that causes vomiting.

In its letter, the group also listed demands: an end to resort expansion, road paving, and operating at all on days sacred to Native American tribes.

Authorities are still stymied by the sabotage, and no one has been arrested. "Something like this has the potential to really hurt us," said J.R. Murray, marketing director for the resort. "But people have already stopped asking about it. They just want to go skiing."

--Dan Dagget

WESTERN ROUNDUP

Environmental groups lose Burr Trail case

Four environmental groups suffered a defeat Nov. 31 when U.S. District Judge Aldon Anderson ruled that Utah's rugged and beautiful Burr Trail may be widened and improved in Garfield County.

"We're disappointed more than surprised," said Mike Medberry of The Wilderness Society. That group, along with the National Parks and Conservation Association, Southern Utah Wilderness Alliance and Sierra Club, sued the county.

Moving quickly, the county acted the day after the decision to begin bulldozing work on its 28-mile stretch of the road. The trail winds south for 66 miles from the town of Boulder in Garfield County to Bullfrog Basin Marina on Lake Powell.

The construction work galvanized the organizations that brought suit. They immediately filed a motion asking for another temporary injunction to halt road work. After a telephone conference Dec. 4, the judge told the county to cease widening the trail until a hearing on a restraining order could be held.

Meanwhile, during the day or night before, at least three caterpillar tractors were vandalized, reportedly by someone pouring sugar in their gas tanks, said Garfield County Commissioner Tom Hatch.

Arrested later that week was Grant Johnson, a resident of the small town of Deer Creek in Boulder County. Police said they found hallucinogenic mushrooms and marijuana at Johnson's home. A zealous and voluble environmentalist, Johnson did not belong to any environmental group -- in part because at least one would not accept his donation. Terri Martin of the parks association said it was well known that the Southern Utah Wilderness Association refused Johnson's check last year.

Legal issues in the case were spelled out in Judge Anderson's 63-page decision, which came after 25 days in court over a period of months and a two-day tour of the road this summer. Although the road cuts almost entirely through public lands that include a national park, recreation area and two Bureau of Land Management wilderness study areas, the judge ruled the county had jurisdiction because of an 1866 law known as Revised Statutes 2477 of the U.S. Code.

Judge Anderson said Congress passed the law 121 years ago so that counties would be granted "rights of way for public uses and to encourage settlement and economic development." In this case, the judge said, the county needed to improve the dirt road through widening, straightening and adding gravel so that increasing traffic could be accommodated at greater speeds and safety.

Anderson also said that the county's jurisdiction takes precedence over the passage of the federal law dubbed FLPMA, the Federal Land Policy and Management Act. That 1976 law requires the Bureau of Land Management to follow environmental protection laws spelling out public involvement and permitting. Anderson's ruling means that the county does not need a federal permit to widen the road which "may intrude into the (wilderness)



Some of Garfield County's road work on the Burr Trail immediately after Judge Anderson's decision

study areas as long as it is reasonable and necessary to do so under the circumstances, and does not unnecessarily or unduly degrade the study areas."

Anderson said the BLM's involvement in the road construction does constitute a federal action under environmental law, but that "the project will not have a significant impact on the quality of the human environment." In any case, Anderson said, the BLM had already done so much work in analyzing the county's plans that there already was the "substantial equivalent of an EIS." The BLM supported the county in the lawsuit.

In a small victory for the four conservation groups, the judge denied the county's claim for damages resulting from construction delays. The judge also said that botanical studies in some areas should be conducted to the satisfac-

tion of the BLM, that mitigation for disturbance should be to the BLM's satisfaction, and that Garfield County should apply to the BLM for a permit to move the road from a riparian area in The Gulch up onto a rock bench, "as suggested by the BLM."

When the environmental coalition went back to Judge Anderson in late December to file a notice of appeal of his decision, the judge "scolded" Garfield County for bulldozing the Burr Trail without doing botany studies or involving the public, according to the Salt Lake Tribune.

He also issued a stay on any county action for 10 days so that the coalition could file its appeal in the 10th Circuit Court of Appeals in Denver. Terri Martin of the parks association said the coalition would ask the appeals court to issue an injunction against any further road work

--Betsy Marston

Montana groups back Forest Service

Montana conservationists are lining up with the Lolo National Forest in a controversy over a moratorium on cutting timber (HCN, 9/14/87).

The Montana Environmental Information Center and National and Montana wildlife federations have been accepted as intervenors in support of the agency. The appeal was filed by the timber industry to overturn a cutting moratorium on 40,000 acres of the Lolo Forest. Calling Lolo Forest Supervisor Orville Daniel's decision last spring to halt the cutting "a courageous step," Jim Jensen, director of the environmental center, said the case involved an important precedent.

"When was the last time a forest supervisor called a moratorium for 10 years on cutting timber? I can't recall one," said Jensen.

Daniels instituted the moratorium because he said heavy cutting on adjacent private land in the Lolo Creek drainage was damaging wildlife and water. He said more cutting would produce unacceptable impacts. Daniels' decision was spawned by a cumulative impacts study done by Forest Service staff, which found increased cutting could violate the forest plan. The Intermountain Forest Industry Association, a Boise-based trade group, disagreed and appealed to Regional Forester James Overbay. It claimed the moratorium would violate the forest plan.

Jensen called the claims "silly," adding that "no one in their right mind believes more cutting will improve habitat or water quality in Lolo Creek."

--Bruce Farling

Federal agency escapes WPPSS case

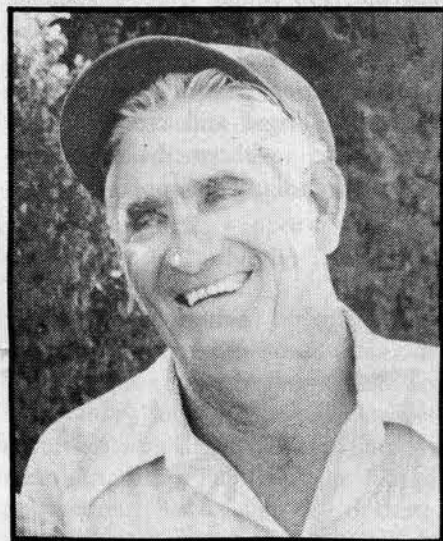
Bonneville Power Authority was dropped last month from the huge federal lawsuit over the \$2.25 billion Washington Public Power Supply System bond default. U.S. District Judge William Browning in Tucson, Ariz., ruled that "BPA did not exceed its authority in engaging in disputed activities relating to WPPSS projects 4 and 5." However, Browning told AP he dismissed the BPA

from the case with reluctance and suggested there remained a "larger moral obligation" for Congress to address. Many of the 88 northwestern utilities that invested in WPPSS nuclear power plants 4 and 5, which were never completely finished, complained of arm-twisting by BPA. The agency markets hydroelectric power generated by dams on the Columbia River.

HOTLINE

Animas-La Plata wins

The proposed Animas-La Plata water project in southwestern Colorado got a vote of confidence from voters in the Durango area. About 59 percent of the 6,400 voters backed the \$450 million project, whose key political element is the water it will provide to Ute Indian tribes. Proponents hailed the vote. Congressman Ben Nighthorse Campbell, who is carrying the bill in Congress to fund the project, told the Grand Junction *Daily Sentinel*, "I don't consider this just a victory. I consider it a rout." Opponent Lew Matis, president of the Taxpayers for Animas-La Plata Referendum, said, "If I was Ben Campbell, I'd be embarrassed to have to go back to Congress and say 40 percent of the people opposed the project, especially when we spent about 10 percent of what they did." The vote does represent a change in the way the area looks at water. When the Dolores Project was voted on in nearby Cortez in 1977, it was approved 3,926 to 229, or 19 to 1. Today, some Cortez area farmers obligated to take water from the now completed McPhee Reservoir are trying to get out of their contracts.



Junior Hollen

Water project wins Dolores debate

A lawsuit against the Bureau of Reclamation by southwestern Colorado farmers who want out of the Dolores water project may have convinced Congress to cut its funding, project supporters say. Congress allocated \$11 million for the Dolores project in its 1988 budget. But John Porter, manager of the Dolores Water Conservancy District, told the Grand Junction *Daily Sentinel*, "Our belief is that our budget would have been \$22 million for this year if it had not been for Junior Hollen." Hollen has spearheaded the campaign by area farmers who say the cost of irrigation water and equipment from the project would drive them out of business. Hollen and 14 other farmers sued BuRec to be released from an 1977 contract to accept water from the Dolores project. Hollen says their lawsuit has had little or no impact on the federal budget process, and Colorado Rep. Ben Nighthorse Campbell, a project supporter, agrees.

BARBS

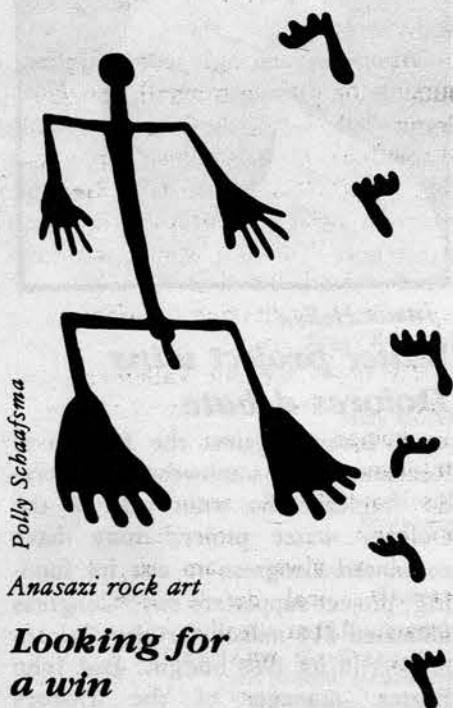
Did it swing, or was it pushed?

Colorado Gov. Roy Romer told a mining conference in Leadville recently that the pendulum had swung from concern for environmental protection to economic growth.

HOTLINE

Fierce disagreement

Ross Swimmer, director of the Bureau of Indian Affairs, says his agency must be phased out of existence to free Indians from "the paternalistic attitudes of the federal government." Suzan Harjo, director of the National Congress of American Indians, strongly disagrees. She says that Swimmer's proposal violates treaty obligations and would mean a "slow death" for Indians. The clash of opinions, described in a copyrighted story in the *Tulsa Tribune*, shows how polarized efforts to reform the 163-year old agency have become. The BIA, with an annual budget of \$1 billion, coordinates programs for 1.4 million American Indians, Eskimos and Aleuts. Swimmer says federal aid administered through the BIA has perpetuated Indians' isolation from the rest of society and kept them in poverty. It is time the federal government turned over its operations to tribal governments and private business, he says. Harjo says that this would be termination in its "purest and vilest sense." Between 1954 and 1962, under a BIA termination program, 109 Indian tribes ceased to legally exist, and, therefore, so did expensive federal treaty obligations to those tribes. Harjo warns that it would be illegal and cruel to end federal aid without building the ability of Indians to support themselves.



Polly Schaufsma

Anasazi rock art

Looking for a win

Navajo tribal chairman Peter MacDonald and Italian fashion designer Oleg Cassini have announced a plan to turn the Navajo Reservation into a major tourist resort. While private industry traditionally steers clear of Indian reservations, Cassini said he initiated the ambitious proposal out of a long-time love for Navajo art and hope that the venture could give the Navajos the "win" they need. The tribe has already begun feasibility studies, surveys of art work and site selection, with Cassini acting as a non-paid consultant. Cassini says all resort buildings, crafts and activities will be based on authentic Navajo design and traditions. Rather than attracting visitors for a few days, Cassini hopes to attract visitors who will stay for a few weeks. Instead of locating at one site, the resort would include the entire reservation, with the focus on Lake Powell, Canyon de Chelly, Monument Valley and the Grand Canyon.

Wilderness advocates told: no pain, no gain

Record attendance at December's 29th Annual Montana Wilderness Association Convention indicates that conservationists plan to keep pushing as Montana wilderness legislation snakes its way through Congress.

With Senate action slowed by Sen. John Melcher in recent weeks, Sierra Club spokesman Larry Mehlhaff told the audience, "to hang in there ... You have to want it worse than the other side."

The Helena crowd of more than 300 learned in late-November that the Democratic senator had put three conditions on passage of a bill. He said existing recreational uses, such as snowmobiling, would have to be protected in areas in the legislation, mining opportunities could not be excluded, and timber sales presently proposed in any area could not be cancelled. This led Michael Scott, The Wilderness Society's Montana representative, to urge convention-goers to pressure Melcher for hearings on the legislation.

"Senator Melcher is in a learning phase ... and isn't getting the straight scoop," said Scott. "The necessity of those hearings is to get to the facts."

The wilderness legislation Melcher is considering is a House-passed bill sponsored by Rep. Pat Williams and a Senate bill authorized by Sen. Max Baucus, both Democrats. Those bills would protect as wilderness 1.3 million acres of Montana's Forest Service roadless areas of 6 million acres. According to conservationists and Williams, Melcher's perceptions that the bills don't address snowmobiling, mining and logging concerns is erroneous. Scott said hearings would help educate Melcher and give conservationists an opportunity to show Congress why



the legislation should be improved. Montana conservationists recommend 2.8 million acres of new wilderness.

While wilderness legislation dominated the convention's strategy sessions, real spark was provided by two maverick economists.

Randal O'Toole, from Eugene, Ore., alternately drew gasps and chuckles from the crowd as he unveiled his strategy for reforming the Forest Service. It isn't a religious fervor to cut trees that drives the agency he said. "The Forest Service is primarily interested in maximizing budgets ... it is just like other bureaucracies."

Because timber brings the Forest Service \$300 million dollars a year, O'Toole said the agency has a powerful incentive to emphasize cutting trees. And though the Forest Service estimates its recreation resources are worth twice that of timber, it spends eight times as much on cutting trees because logging sends more money directly into agency coffers. As a result, "a process of natural selection is going on. People in the Forest Service who want wilderness don't survive," O'Toole said.

O'Toole proposed "marketizing"

the Forest Service, keeping land in public ownership but funding activities exclusively out of proceeds from user fees. That means incentives for timber-dominance would be eliminated and timber interests would have to outbid wilderness or wildlife enthusiasts for dominant use in particular areas.

Although agreeing with O'Toole's diagnosis of the Forest Service, Tom Power disagreed with his corrections. The chairman of the University of Montana's economics department and known in the region for his own unorthodox economic philosophies, Power said O'Toole incorrectly categorizes wilderness as primarily a recreation resource, and that the "vast majority of people who support wilderness never intend to visit it."

Thus, these non-users, and the non-market, esthetic values they get from wilderness preservation, would lose out in marketized competition, he concluded. Power advocated reforming the Forest Service by requiring the agency to practice in a businesslike manner.

In a keynote address, Charles Wilkinson, author and professor of law at the University of Colorado, urged the audience to combat the "Armageddon sources" of acid rain, the greenhouse effect and ozone depletion, which he said are often the result of an "arrogance and craving for ownership."

Wilkinson said he wasn't necessarily against subsidies, especially if they protected wildlands and wild rivers. He urged Montana conservationists to fight being typecast as elitists and told them that in the intermountain West, "We look to you for guidance."

--Bruce Farling

Will gold mine give town a boost or boot?

A plan for a small open-pit gold mine and cyanide heap-leaching operation just west of the small western Montana community of Lincoln is reopening wounds.

In the early 1970s, Anaconda Company proposed a copper mine 16 miles upstream from Lincoln. The mine was halted, but only after a long and bruising battle. Then came a bitter fight over protecting backcountry near Lincoln as the Scapegoat wilderness. These days Lincoln is divided about this new gold mine proposed by the Sunshine Mining Company.

The mine would be located 3½ miles west of Lincoln on a hill overlooking the Blackfoot River. During its three-four year life it would employ 20 to 25 people, which is a big plus locally.

Local newspaper owner and Chamber of Commerce president Enie Fisher says, "The year-round people who live and spend here want the mine. They're fighting to survive." Lincoln electrician Dale Malquist says the community will benefit "(because) mining and timber are higher paying jobs than those in recreation and tourism."

Other business people are not so sure. Jay Potter owns the Blackfoot Market and is a director of the recently formed Lincoln Valley Economic Development Committee.

"The community is growing," he

says, noting that two local businesses, a beef jerky plant and post and pole yard hope to expand. Potter says Lincoln needs to look at whether schools and housing are sufficient.

Members of a local group called COSMO, Citizens Opposing Sunshine Mining Operations, point out that employment would be seasonal as the leaching operation would operate only 200 days/year. They are also concerned that more people may be attracted to Lincoln by the possibilities of work than can be employed.

COSMO also has a long list of environmental concerns that center primarily on the cyanide heap leach part of the operation. Sunshine's preferred site, as outlined in its conceptual plan, is a drainage to the north of the mine. In a Feb. 18, 1987, letter, Glenn Phillips of the Montana Department of Fish, Wildlife, and Parks said "(the department is) very much opposed to the preferred location for the heap leach ponds ... failure during operation would allow cyanide to enter the stream. Waste materials would remain in the drainage and be susceptible to erosion once reclamation is complete."

Other members of an interagency group that reviewed the conceptual plan expressed concern over diversion of surface waters, saying that long-term maintenance of the pro-



posed dike system is "difficult if not impossible." Officials added that there was need for "considerable more thought and design for reclamation of this area regarding long-term impacts to water quality."

The Blackfoot river is a Class I trout stream and the drainage has eight known bald eagle nesting sites. Other issues of concern to environmentalists include transportation of sodium cyanide on state highway 200, a twisting two-lane road that closely follows the Blackfoot River; the control of chemical drift from the spraying of a sodium cyanide solution on the leach heap; and the disposal of sludge from the leach heap.

Sunshine is moving ahead rapidly with plans for its Big Blackfoot mine. Company officials have had several meetings with local, county, and state officials and expect to file an application for an operating permit by the end of the year. Opponents are trying to arouse the local populace and create pressure for a full environmental impact statement. COSMO is at Box 609, Lincoln, MT 59639 (406/362-4353).

--Judith E. Strom

Moab residents are burned up over incinerator in Cisco

At first glance, it looked like a re-opening of the generation gap, with baby boomers against their elders. But a second look at the crowd in Moab's Star Hall showed a cross-section -- in terms of age -- of the 6,000 residents of Grand County, Utah. Tour guides, park rangers, business and craftspeople, laborers, artists, river runners and retirees jammed the 345-seat auditorium Dec. 2.

They had come to protest a plan by Dean Norris, head of CoWest Incineration Corp. and a former EPA official.

Norris said his company wants to build a small toxic waste incinerator on land he recently bought from Grand County in Cisco, four miles from the Colorado River, 60 miles west of Grand Junction, Colo., and 40 miles northeast of Moab.

Cisco, a falling-down, all-but-abandoned railroad town just off I-70, is best known as a take-out spot for those rafting the Colorado River's Westwater Canyon. But with the help of the Grand County Commissioners, who quietly sold the lost-for-taxes 80 acres to CoWest, Cisco is now a focus of economic development.

The public meeting was sponsored by the county commission to explain that the toxic waste industry is safe and desirable. On the face of it, Moab should be hospitable to the industry. The town has lost a large number of jobs in uranium and potash mining and milling, as well as in oil and gas exploration.

The town and county have accepted tourism thrust on them by the Colorado River, Arches and Canyonlands almost grudgingly, while yearning for the large paychecks from resource extraction. As a result of the bust, unemployment has been high, residents have left, and the schools, for example, have been cut back to four days a week.

The meeting featured representatives of the industry, of the State Health Department and the EPA. At the last minute, opponents secured an invitation to present their side.

Sharla Barber of National Electric, Inc. showed slides of a sparkling plant in a bucolic setting in Coffeetown, Kans. NEI constructed the plant and has operated it "for a year with no fines (imposed by EPA), knock on wood," she told the audience.

She was in Moab, she said, "Because we believe it's industry's responsibility to keep you informed." She emphasized safety features in pictures of similar plants in urban areas of Germany. She said that while the kiln to burn the wastes costs \$750,000, the exhaust cleanup train costs \$4 million. But her final remark to the audience didn't reassure.

"We have our own spill response team. It's a moneymaker. We probably respond to about two spills a month over in Nevada, where some of the mining companies have had problems with cyanide."

CoWest head Norris attempted to mollify the crowd by explaining: "We want to know from a lot of people what we can do to make sure this plant is safe." But the grumbling response to his comment -- "If you are a peach this year, you'll have more chance of getting sick (from it)

than you will from this plant" -- led him to turn the microphone over to design engineer Ralph Hayes.

Hayes said that state-of-the-art procedures are safe. His numbers showed that allowable toxic effluents from the plant are ridiculously low compared to power plants, automobiles, or "your daughter removing fingernail polish in an enclosed room." Hayes said he had carte blanche from Norris and his financial backers "to design this incinerator right and to do it safely."

Then the opponents spoke. Ken Drogin of Castle Valley, midway between Cisco and Moab, said he and his wife, Alice, had studied the issues.

"The more we learned, the more upset we became. An EPA report says incomplete combustion may pose a significant threat to health, increasing rates of birth defects and miscarriages. (The Drogins are expectant parents.)

"Because of lack of monitoring and the danger of super-toxic pollutants such as dioxin, 2,000 people have signed a petition against this thing. If CoWest thinks they can slip this incinerator in here because we're a bunch of country hicks, they'd better think twice."

Drogin's reference to "lack of monitoring" referred to the automated design of the plant, which would be shut down by its computer if the kiln temperature strayed out of the safety range. Government regulation would consist of a regular reading of the computer's printout.

Adrienne Anderson, Denver-based director for the National Campaign Against Toxic Hazards, said reliance on state-of-the-art designs had already led to 10,000 landfills leaking poisons into ground water. She also spoke of the folly of relying on the Environmental Protection Agency.

"Three years ago, of 238 hazardous waste sites identified in Colorado, 66 percent had never been looked at," including the Martin Marietta site that contaminated water and killed, she charged, 15 children in the Friendly Hills subdivision. "It wasn't industry, scientists or politicians who created the Superfund. It was citizen protestors."

Judd Perry, an engineer who retired to Grand Junction from Dow, remarked, "I've spent 36 years in and around the chemical industry ... Accidents do happen," mostly due to equipment failure or operator error.

Andrew Riley, a resident of Castle Valley near Moab, set off enthusiastic applause by presenting additional signed petitions to County Commissioner Dutch Zimmerman. "What kind of town is Moab?" Riley asked. "We're people who love the beauty. People who love the outdoors. The clean air is our major asset ... A few years ago, people cancelled out on river trips because they heard of flooding in Salt Lake City. If anything gets into the river at Cisco, it will wreck our tourism economy."

Government officials then told the audience how permitting and testing procedures would assure a safe, automatically-monitored operation. Bill Sinclair of Utah State Health also said "I've never seen such a large group of people. I appreciate this."

Finally, interaction between audience and panelists began. About

Sam Taylor, Moab Independent



A full house learns about the planned incinerator

midway through the questions, a man announced, "I'm Leonard Shrewsbury. I happened to retire from a company that owns its largest refinery in Coffeetown, Kans. That is not a peaceful little farming community. I feel put upon when I see pictures showing beautiful farmland in the background of the (incinerator) that's less than three miles from a big refinery."

"I didn't want to get into this mess. I came here a month ago to retire, never to hear about chemicals again. (Tonight) I hoped to find out a little about incineration, and what I got was a snow job."

When Jayne Dillon asked about concern for "the people," County Commission Chairman Jimmie Walker answered in frustration that beggars can't be choosy.

"I loved this country and its beauty long before most of you people ever heard of Moab, Utah. There's no way Grand County can exist on a tax base (of) tourism, recreation and retirement. The tax that's generated does not come from Moab and our tourist industry." It comes, he said, from mining and oil wells.

"I've talked to a lot of people. It's coming to me about three to one in favor (of the incinerator)."

But Walkers' majority wasn't present. At 10 p.m., Lorin Johnson inadvertently ended the meeting by asking all who favored the incinerator to stand up. No one did. "Well

then, all who oppose it stand up." All but 11 stood up, cheering loudly.

But Walker, who heads a three-person commission tied to the mining industry, may not be as far off as the count indicated. In general, it was the new Moab at the meeting -- teachers, river runners, retirees, craftspeople. Missing was old Moab -- the people who depended on the extractive industry that once was Moab's economy. The commissioners will need their support when it comes time to ratify the zoning CoWest needs.

After the meeting, people drifted outside for their own small sessions. Some talked of drafting Leonard Shrewsbury for the county commission. Moab Community Theatre members talked about their annual production: "Looks like we'd better cancel," said Jim Kelly. "We'll be pretty busy politicking against this thing."

Tom Rees, a Castle Valley cabinet maker kept busy by retirees renovating homes once lived in by those employed at mines, mills and drill rigs, said he was reminded of the nuclear waste repository battles.

"They always jam arguments over technical details down our throats. What really matters is quality of life. What kind of image do we want to project? What kind of community do we want to be?"

--Craig Bigler

Colorado skeptical of incinerator

Fifty miles downwind of CoWest's proposed incinerator site, residents of Grand Junction and Mesa County, Colo., are wondering if they will pay the real price of Cisco's economic development. The Grand Junction Chamber of Commerce sponsored a public meeting Dec. 3 similar to one held the day before in Moab. In addition to CoWest, EPA and Utah health officials, the Colorado Health Department also sat on the panel.

More than 200 people attended the two-hour meeting, and just as in Moab, the crowd seemed skeptical. The Coloradans asked CoWest and the regulating agencies who would monitor the project and what levels

and types of air pollutants could be expected. They expressed specific concerns about the burning of PCBs and dioxins and asked what impacts might be felt at the Colorado National Monument and on the Colorado and Gunnison Rivers.

Several people stated worries that since the project was being built in Utah, Colorado residents would have no say in the permitting process. Colorado health officials said that under a reciprocal agreement with the Utah Health Department, Colorado agencies can comment on the Cisco project before a permit is issued.

--Steve Hinchman

BOOKS

Industry's fifth column

Beauty, Health and Permanence: Environmental Politics in the United States, 1955-1985

Samuel P. Hays, in collaboration with Barbara D. Hays. Cambridge University Press, 32 E. 57th St., N.Y., N.Y. 10022, 1987. 630 pages. \$29.95, cloth.

Review by Ed Marston

Imagine how the colonialists felt as they read the Declaration of Independence for the first time. The document did not make them free of England. But its ideas created a force which well-armed England could not turn back.

So it may be with Samuel P. Hays' latest book: *Beauty, Health and Permanence: Environmental Politics in the United States, 1955-1985*. The book will not instantly grant U.S. citizens a clean and beautiful environment, but the carefully marshalled facts, analysis and interpretation in *Beauty, Health and Permanence* give those citizens the understanding they need to get the job done, if they have the will and courage.

The men who signed their names to the Declaration of Independence were not what even the British could have called 'rabble.' They were the cream of colonial society, people the British might have expected to be on the Tory side in any revolution.

It is the same with Hays. He comes from within the learned and expert establishment he dissects and exposes to view. He is Distinguished Service Professor of History at the University of Pittsburgh, was Harmsworth Professor of History at Oxford from 1982 to 1983, and in 1959 had published by Harvard University Press a study of the conservation movement titled, *Conservation and the Gospel of Efficiency: The Progressive Conservation Movement 1890-1920*.

This latest book is partly an attempt to "rescue" his earlier book, a popular text in natural resource courses. He says the book needs rescuing because it is sometimes used to celebrate the conservation movement of Teddy Roosevelt, for-ester Gifford Pinchot and others.

In a preface to a 1969 edition of *Conservation and the Gospel of Efficiency*, Hays writes that the book's real point was overlooked by many readers. In *Gospel*, Hays was concerned with the ultimate harm to society done by the conservation movement's wresting of political control from the grass roots, in order to lodge it at higher, centralized levels of government and society.

That damage was not to become apparent for decades. Much of *Gospel* deals with the harm that local control of resources did to grazing land, forests, erodible farmland and the like in the early years of this century. He also describes the increased efficiency and rationality that application of expertise and centralized management brought to natural resource use.

So it is not surprising that *Gospel* can be read as a triumphant march forward by Gifford Pinchot and other rational centralizers. In

addition, the productivity and efficiency this movement brought to natural resource development helped solve many of the bread and butter problems the nation faced in the early 1900s.

Now the dark side of those advances are much more clear. And now Hays has written a book to show the production-minded conservationists and everyone else how the dangers he spotted 30 years ago have come into full bloom. In pursuit of this theme, Hays has also poured a foundation for the environmental movement.

His central thesis is that the vast majority of Americans now wish to pursue a better life by obtaining environmental amenities: open space, clean air and water, healthful food and control of their health.

The depth, conviction and longevity of this trend, Hays writes, can be seen in public opinion polls taken during the post-World War II decades. Most recently, it has been demonstrated during the Reagan Administration. Desire for a high-quality environment is so strong it forced the Reaganites to give way in the most public part of their anti-environmental program: to fire Gorsuch and force out Watt, to keep the Environmental Protection Agency more or less intact, and to retreat from schemes to shed public land.

The environmental agenda held its own, but has been unable to advance. According to Hays, the agenda is stalled not only by industry and the present administration, but also by a continuing, supposedly neutral and non-political part of society.

It is no secret that Dow Chemical, G.M., the American Electric Power Co., USX, et al, fight scorched earth battles against environmental proposals. That is taken for granted. Hays' contribution is to reveal a fifth column within the U.S. body politic: an informal coalition of scientists, economists, planners, managers, public servants, environmental mediators and groups such as the Conservation Foundation, the Environmental Law Institute, the American Association for the Advancement of Science, the National Academies of Science and Engineering, Resources for the Future, and others.

According to Hays, this elite has, for a variety of reasons he explores, backed as far away as possible from citizen desires for a clean environment. As the environmental struggle has proceeded, members of this elite have positioned themselves at what they describe as a neutral, objective center between environmental and industry demands. But the positions they take, Hays writes, almost always aid and abet the foot-dragging or outright opposition that industry adopts in the face of environmental demands.

It would require a reprint of the book to demonstrate why those who represent centralization and technical and administrative competence now stand against the desires of most American citizens. But the core is easily understood. In Hays' view, it is due to a market failure, although he does not use that term.

Market failure has occurred because U.S. citizens want something

industry and the nation's scientific, economic and planning establishments do not know how to deliver. This establishment does not have the will or imagination to deliver environmental amenities. So they have turned to blunting the demand for those 'products'.

People who want clean air and water, open space, wildlife, pure food and ways to keep themselves healthy are told that their demands are shrill and unreasonable. They are instead offered what industry defines as reasonable and knows how to deliver: VCRs, sprawling suburbs, traffic jams, processed food and CAT scanners.

In a brilliant aside, Hays sets the development-anti-development debate industry loves to belabor on its head. Environmentalists, he writes, are accused of being pessimistic, of seeking limits to growth, of wanting to turn back the clock. They are told that they are neo-luddites, intent on smashing the wonderful machine the centralizing, efficient progressives have built.

But Hays writes that it is opponents of a pure, healthful environment who hold back progress. It is the corporations and expert elite who are pessimists and neo-luddites, denying the power of the science and technology they control.

According to Hays, industry and its allies say it is impossible to provide clean air and water, pure food and other "amenities" while still keeping us fed, clothed and housed. It is industry and the establishment Hays has identified that forever tell society to be reasonable -- to settle for gray skies and be glad they are not sooty. It is industry, Hays says, that lacks faith in the future and in its own ability to change.

It is to be expected that captains of industry should fiercely resist learning how to operate a new ship. The tragedy in *Beauty, Health and Permanence* is played out around the scientists, technologists, administrators and planners, because these supposedly independent people, whose only capital is their knowledge and intellectual integrity, have chosen to throw in their lot with industry.

His clearest demonstration of how the experts have arrayed themselves is explored in the chapters which describe how science operates when applied to environmental questions. He shows that science has retreated into an anti-environment stance as a result of several forces, some external and some internal to it.

The main external force is industry which invariably tries to silence, intimidate or destroy the reputations of scientists whose work threatens the status quo. The effort is almost always disguised with a 'good science versus bad science' cloak. The public is most familiar with this approach thanks to the tobacco industry, which charges scientists who say smoking kills people with irresponsibly jumping to conclusions.

The tobacco industry fools only those who wish to be fooled; other industries have been more successful. In the 1950s and 1960s, the nuclear industry discredited John Gofman, Arthur Tamplin and Ernest



Samuel Hays

Sternglass -- a trio who discovered the disease-causing effects of nuclear fallout and other nuclear activities.

Industry does not always win such fights. Dr. Irving Selikoff and others who did work on the dangers of asbestos came out on top, as the bankruptcy of the Manville Corp. testifies.

Attempts by industry to bury what it calls 'bad science' are straightforward and easily understood. Industry's more permanent success has come from its subtle efforts. Hays shows that scientific-technical judgements are always value-laden, and that any technical question can be looked at by various disciplines in a variety of ways.

Even apparently simple matters, such as the number of lesions showing on a lung x-ray or whether a tissue sample is a benign or malignant cancer, are open to interpretation. How much more open, then, is the risk posed by sulfur oxides in the air or by vanishingly low levels of some agricultural chemical found in food or well water?

This subjectivity is fertile ground for industry, which appeals to scientists' desire for (unreachable) absolute certainty, even as it threatens those scientists who are willing to make judgments based on incomplete evidence. According to Hays, industry has used its resources to turn this inherent weakness of science to its own lasting advantage.

The pursuit of scientific answers is further complicated by the structure of the scientific world. Science is too human an activity to be simply a group of intellectual equals, all engaged in a search for objective truth. According to Hays, the world of science is a highly structured one, with an aversion to political fights, and with many ways of enforcing discipline. The result of the subjectivity of science and the scientific establishment is a bias against a clean, healthier world, Hays writes.

The author goes through the same analysis, although not as thoroughly, with economics and planning. He finds economists very resistant to adding environmental costs and benefits to their ledger sheets. Planners are more open to those influences. But the bottom line is the same: experts, overall and with noteworthy exceptions, align themselves with forces which deny the practicality, relevance and desirability of a healthful, permanent and beautiful world.

(Continued on page 7)



Patrick Dawson

The Milwaukee Road depot in 1977 when BN ruled as a monopoly in Montana.

The BN pot continues to boil in Montana

Montana's railroad monopoly continues to steamroll a path of anxiety across the state. First, Burlington Northern sold or leased some 900 miles of track of its southern line across Montana to Montana Rail Link, a new company with no railroading experience. With that transaction, BN's contracts with rail labor unions went out the window (HCN, 12/7/87).

Then the company announced in early December it would try a similar strategy on its northern line across the Northwest. BN said a subsidiary, Winona Bridge Co., would operate freight trains over 1,860 miles of BN tracks between Winona Junction, Wis., and Seattle. Montana state officials did not learn of the plan until two days after the Interstate Commerce Commission approved the plan. Winona Bridge has been a company on paper only for at least three years. It's five former employees last worked in 1984, running a now-abandoned drawbridge across the Mississippi River.

A BN spokesman said the company wanted to handle new intermodal traffic -- mostly import-export freight carried in containers on flatcars -- with two-man crews per train. Rail union and state officials denounced the plan as yet another union-busting scheme by BN.

"It looks like blackmail in relation to their employees," said Montana Public Service Commissioner Howard Ellis. "They're trying to cut back on the number of employees on the trains and add to the length of time they put crews on the rails."

After arousing complaints from politicians and rail union leaders, BN then announced that it might abandon the Winona Bridge tactic if unions agree to smaller crews of trains handling new freight traffic. United Transportation Union Local 685 Chairman Gary Blakely said the offer to shorten crews on the southern line was made by the union a year ago, but was ignored by BN.

Blakely said his local proposed a 25 percent reduction in crew size,

offering a three-man crew rather than four-man crew for trains up to 121 cars. "We offered a short crew to them down here and they ignored it," said Blakely. "Now they're saying they've got to have a short crew contract on the Hi-Line. They didn't care what kinds of concessions the unions were willing to make on the southern line. They just wanted out. It makes me think they just want out of the railroad business."

Meanwhile, southern line workers displaced by the new Montana Rail Link operation who exercised their BN seniority rights to relocate on the Hi-Line, have "bumped" about 40 less senior BN workers from their jobs at Havre and Whitefish. Union workers have also filed a class-action lawsuit asking that the BN-Montana Rail Link transaction be invalidated, and are appealing a Billings federal judge's recent ruling in favor of BN ordering the elimination of cabooses on freight trains in Montana.

--Pat Dawson

Hays...

(Continued from page 6)

That is something the most naive citizen learns the first time he or she complains to an authority about some environmental insult, such as aircraft noise, smelly water, or an office environment which causes headaches. The experience was movingly recorded by the Japanese director Akiru Kurosawa, in 1952 in *Ikiru*.

The value of Hays' book is its revelation of why institutions and experts line up against the clean air and water and the open space citizens want. It tells why scientists, technicians, administrators, economists and agencies such as the Forest Service have become industry's first line of defense in its fight to maintain an ugly, unstable, unhealthy situation.

The book doesn't tell how to solve the problem, any more than the

Declaration of Independence was a manual for fighting the British. But by explaining the dynamics of what citizens are up against, and by placing the labels of non-progressive and neo-luddite where they belong, Hays has empowered citizens in search of better lives.

Those looking for a quick, easy read should be warned that Hays' books are much more carefully written, much more neutral, and much less prone to draw sweeping conclusions than this review. *Beauty, Health and Permanence* is scholarship rather than polemic. It contains 543 pages of text followed by 85 pages of footnotes. It is solid, well-documented history by a man who has devoted his life to teaching, administration and research.

Like all good synthesis, *Beauty* offers readers the thrill of discovery, as they see familiar events in new contexts. It makes the world a less disjointed, less confusing place.

Industry will be unmoved by this book. It has its own set of values.

But the nation's scientific-technological-managerial class rests on the authority it derives from its expertise and how it uses that expertise to serve the public interest.

This book is an intellectual and ethical challenge mounted from deep within its ranks. It will be interesting to see if the scientists, administrators, economists and planners who are indicted here as a class retain sufficient independence to deal with this challenge, or if they are so far gone they have no choice but to cling to the fraying riggings of industry's tilting ship.

BARBS

Among the many who don't understand is the Post.

An article in the Dec. 5 *Denver Post* on the Superconducting Super Collider said: "...few people understand the scientific importance of superconductivity, in which beams of protons move and collide in an underground tunnel."

HOTLINE

Carbonating old fields

Plans to revive several old Wyoming oil fields may also pump life into the state's depressed economy. With the increase of oil prices to \$18/barrel last year, Amoco Production Co. has started the second phase of its \$144 million Bairoil project, located between Rawlins and Casper. The success of the first phase of the project, which forces oil from old and inactive wells by injecting carbon dioxide gas, has apparently convinced Amoco officials to expand. The company says it is looking at a \$200 million project to mine four more closed oil fields, reports the *Casper Star-Tribune*. The new project could mean construction of a large CO₂ gas plant in Sweetwater County, four CO₂ injection projects in Natrona, Park, Hot Springs and Fremont counties, and pipelines connecting them all.

BARBS

Don't talk that way about our president.

One of the far-right fringe called Ronald Reagan a "useful idiot" for communism.

If plastic guns are outlawed, then only outlaws will have plastic guns.

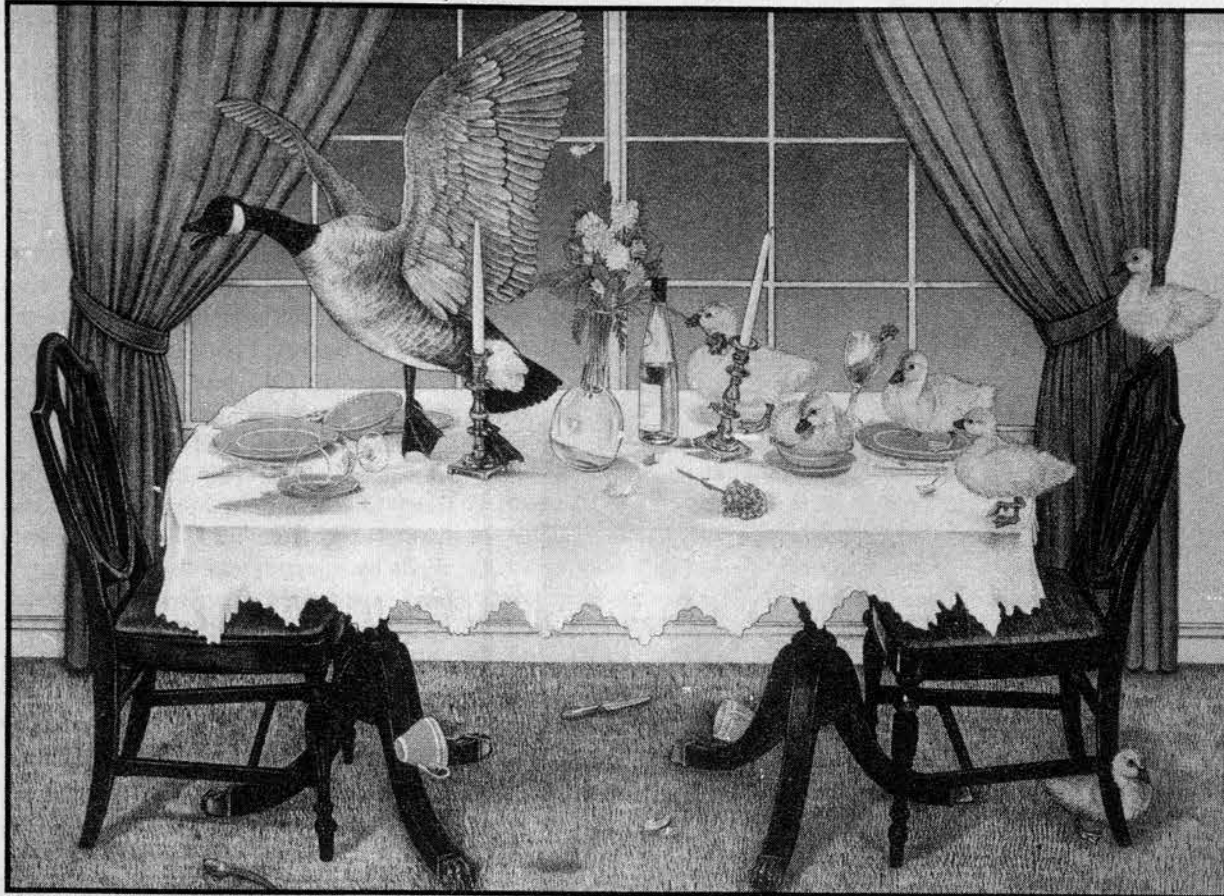
The National Rifle Association is fighting to prevent Congress from banning plastic guns.

Not quite the Christmas spirit.

The Church of Love Corp. has been indicted for luring 31,000 men with promises of retirement among "nude angels." The men paid a \$20 to \$30 membership fee in anticipation of retiring to a valley paradise in Illinois attended by "Mother Maria and the Angels of Love", reports AP.

Brookhurst death trap

Wyoming's Brookhurst Subdivision near Casper may have pure water thanks to a new pipeline (HCN, 12/7/87), but a homeowner says its problems are far from solved. Linda Burkhart of the Wyoming Pollution Posse and the Brookhurst Citizens Committee, now lives "upwind and upriver" of the refineries, trucking firms and other industries which surround her abandoned Brookhurst home. She says the problems caused by high ambient air pollution levels and contaminated soil from air pollutants emitted by refineries remain. Mrs. Burkhart charges that the new pipeline and the pipes leading into each home may make things worse by providing "highways" for chemicals to migrate along. She also predicts that the high water rates the town of Evansville charges remaining Brookhurst residents may lead some of them to disconnect from town water, and go back to contaminated wells. Mrs. Burkhart, who has painted signs on her home to gain Gov. Mike Sullivan's attention, remembers when she thought environmentalists were strange. "I laughed at people who ran around with signs. Now, being a victim myself, I understand. I don't like looking at my house. It's offending and horrible. But the house is a death trap. And that's the only way to get the governor to answer my letters."



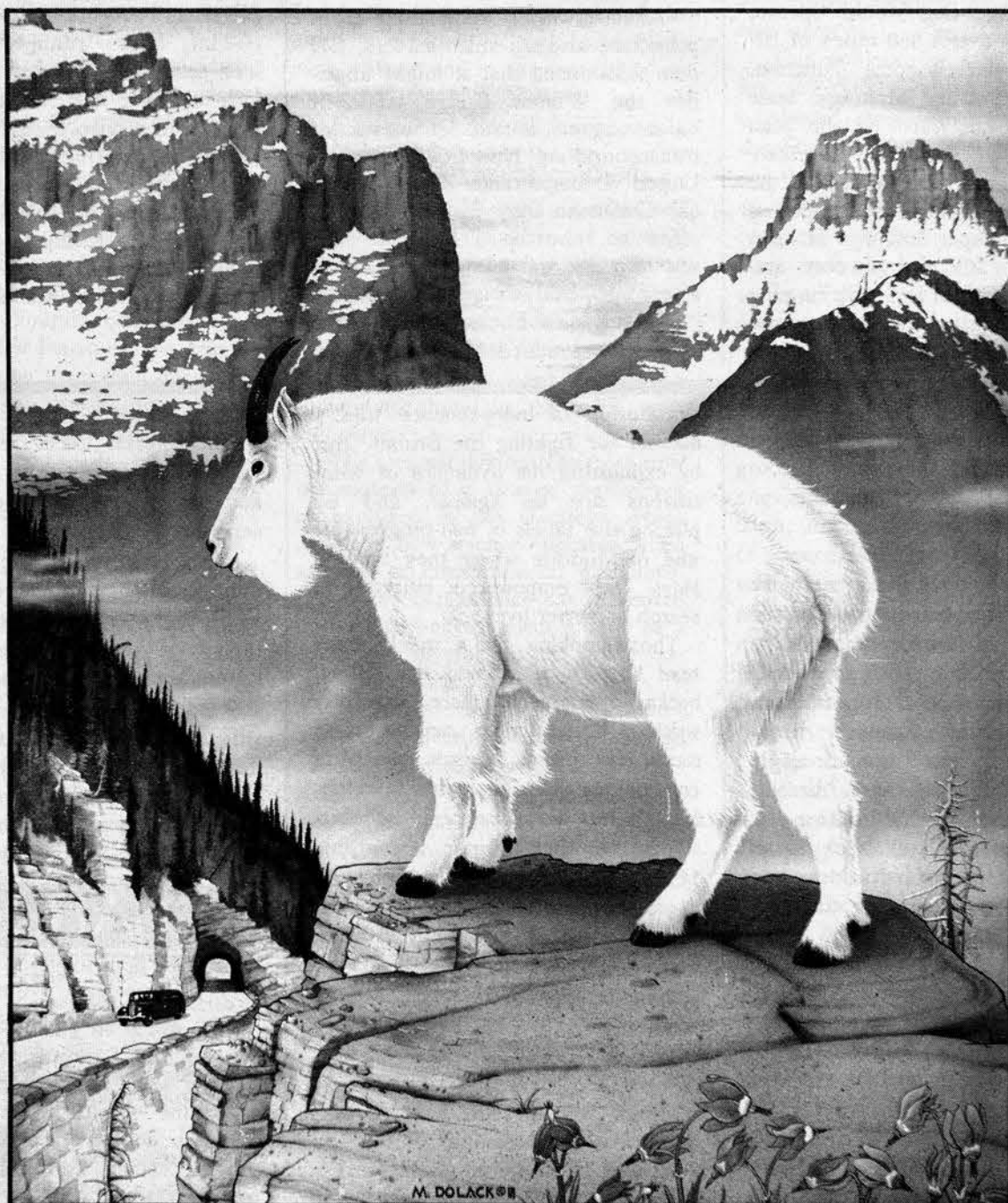
The animal world of Monte Dolack

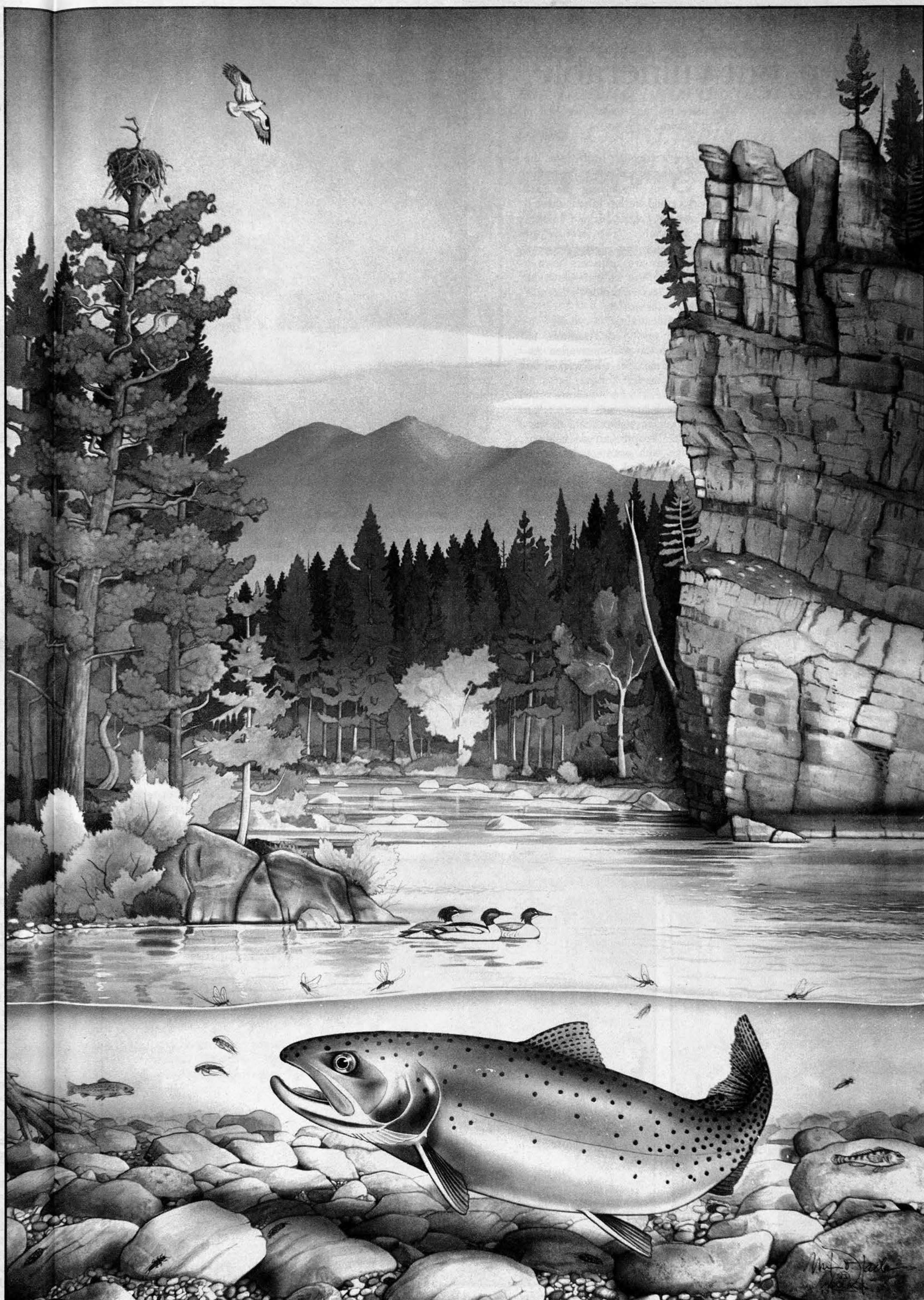
In Monte Dolack's world, it isn't duck soup on the table, it's live geese flapping their wings at the china or nipping at the flower arrangement.

In one poster, birds commandeer a blue bathroom. And there are no people in these brilliantly-colored worlds to shoo the birds away. It's easy to tell what side the artist is on.

Dolack, who opened his graphic studio in the college town of Missoula, Montana, in 1974, has a whimsical way with titles for his work. He has called his posters *Suburban Refuge*, *Refrigeraiders*, *Dinner Goose*, *Executive Quackup*.

A painter as well as a graphic designer, Dolack says he is influenced by Montana's wilderness areas that harbor endangered species, secret fishing streams and the sweep of the Western landscape. His studio is at Box 8927, Missoula, MT 59807.





10-High Country News -- December 21, 1987

Caves

Hidden, but vulnerable

by Betsy Marston

A little known bill introduced in Congress this year aims to protect what supporters say is America's last wilderness frontier: caves.

Thousands of caves underlie public land in the West, and many have never been stumbled upon, much less explored. Created some 250 million years ago, limestone and gypsum caves can harbor the remains of vanished species such as the sabre tooth tiger, the giant Dire wolf or cave bear, preserved in flow rock.

Mysterious and silent, caves are also home to endangered species -- some of them blind -- and cavern walls can be found decorated with incised or painted pictures showing Indian hunts of long-extinct animals.

Caves are fragile and easily polluted. That is why the American Cave Conservation Association, American Speleological Society, several federal land managers and a bipartisan group in Congress support a bill called the Federal Cave Resources Protection Act of 1987.

Bureau of Land Management staffer Buzz Hummel worked on the first draft of the bill when he was based in New Mexico, close to Carlsbad Caverns. Because caves are protected now only by reference to other laws, he says, the estimated 1500 caves in his Roswell, N.M., district are vulnerable to vandalism or inappropriate development.

"We have nebulous, grey areas in the law," says Hummel. "If a local rock hound group came and asked for the best

place to hunt rocks, we had to tell them."

Secrecy is built into the proposed cave protection bill. Excluding the Park Service and Indian lands, the bill allows the Forest Service or BLM to withhold "the nature or location" of a federal cave. Exceptions are requests from a governor of the state in which the cave is located or a bona fide research institution.

Confidentiality is vitally important, says Jer Thornton, an American Cave Conservation Association member who worked for years on the bill.

"Cavers know where the resource is but often won't tell a federal agency for fear of vandalism." People can do a lot of damage with spray paint, adds Hummel.

The reluctance of cave enthusiasts to share information puts land managers in a bind. If managers know where a cavern is, presumably they can act to protect it. At the same time, current law requires disclosing cave locations to rock collectors or sellers who may damage the resource.

Hummel says in New Mexico, the BLM's ignorance about the location of caves could lead to bad land use decisions.

"Oil and gas drilling is in the area. A road could be built on top of a cave, with the result that an oil rig drops down into it," he says.

The proposed bill does allow people the right to apply for a permit to "collect or remove any natural resource from caves located on federal lands." The permit would include a bond or

cash deposit. The bill also prohibits removing rocks without a permit or killing living creatures in a cave.

The casual destruction that occurs where cave visitors snap off speleothems -- mineral formations such as stalactites that stud the ceiling -- must be stopped, says Del Price, BLM cave specialist in Washington, D.C. It will take millions of years to replace structures like that, he adds, and then only if the same moist conditions exist that created them in the first place.

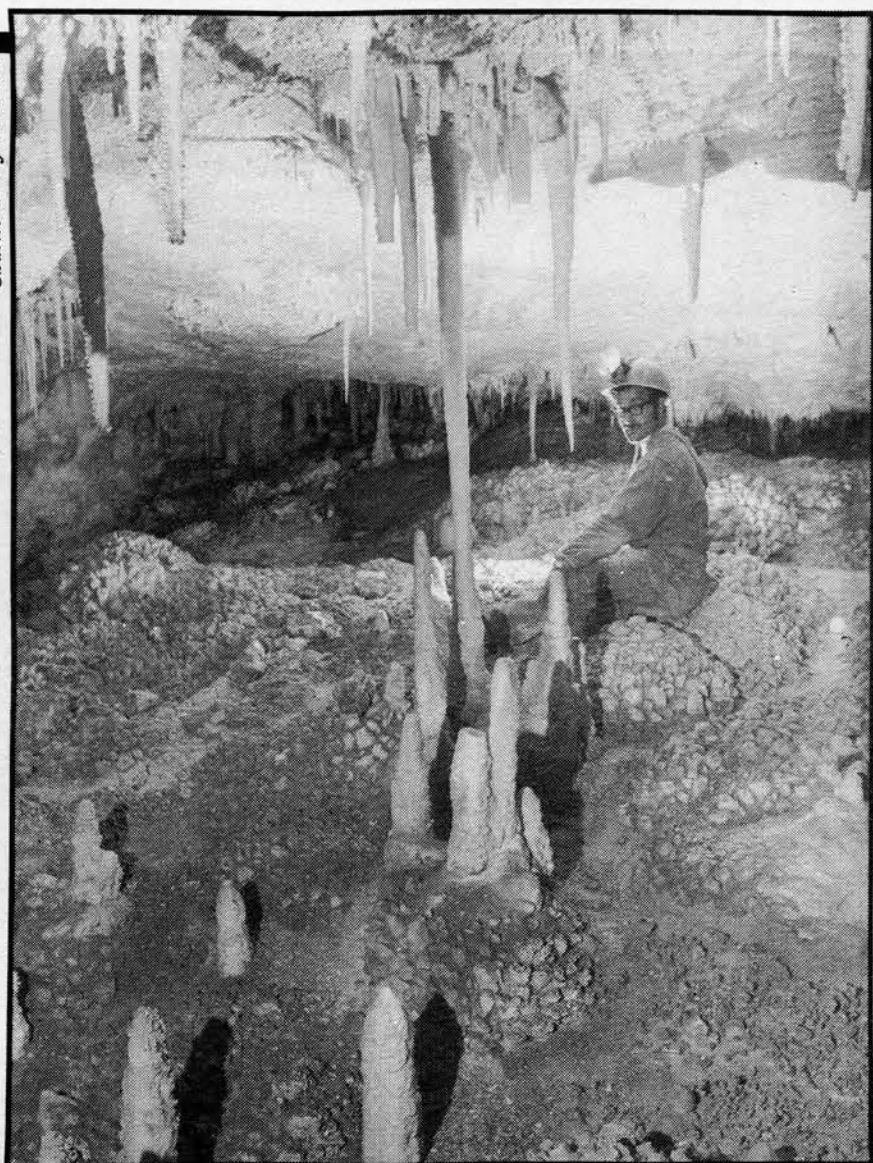
As well as protecting caves, supporters say a major task is public education. Towards that end, the cave protection association is working to raise \$5 million to establish a national cave center in Horse Cave, Kentucky.

For more information, write David Foster, executive director, ACCA, Box 409, Horse Cave, KY 42749.

For the latest information on the cave protection bill, call Laura Gerke, legislative assistant to Rep. Ross Boucher, D-Va., a sponsor of H.R. 1975 earlier this year along with Larry Craig, R-Idaho, and Tim Johnson, D-S.D. A total of 25 representatives now co-sponsor the bill.

In the Senate, sponsors are Sen. Thomas Daschle, D-S.D., along with co-sponsors Larry Pressler, R-S.D., John Heinz, R-Pa., and Kit Bond, R-Mo. Gerke says the House interior subcommittee is expected to report the bill out to the full interior committee by late February.

Charlie and Jo Larson

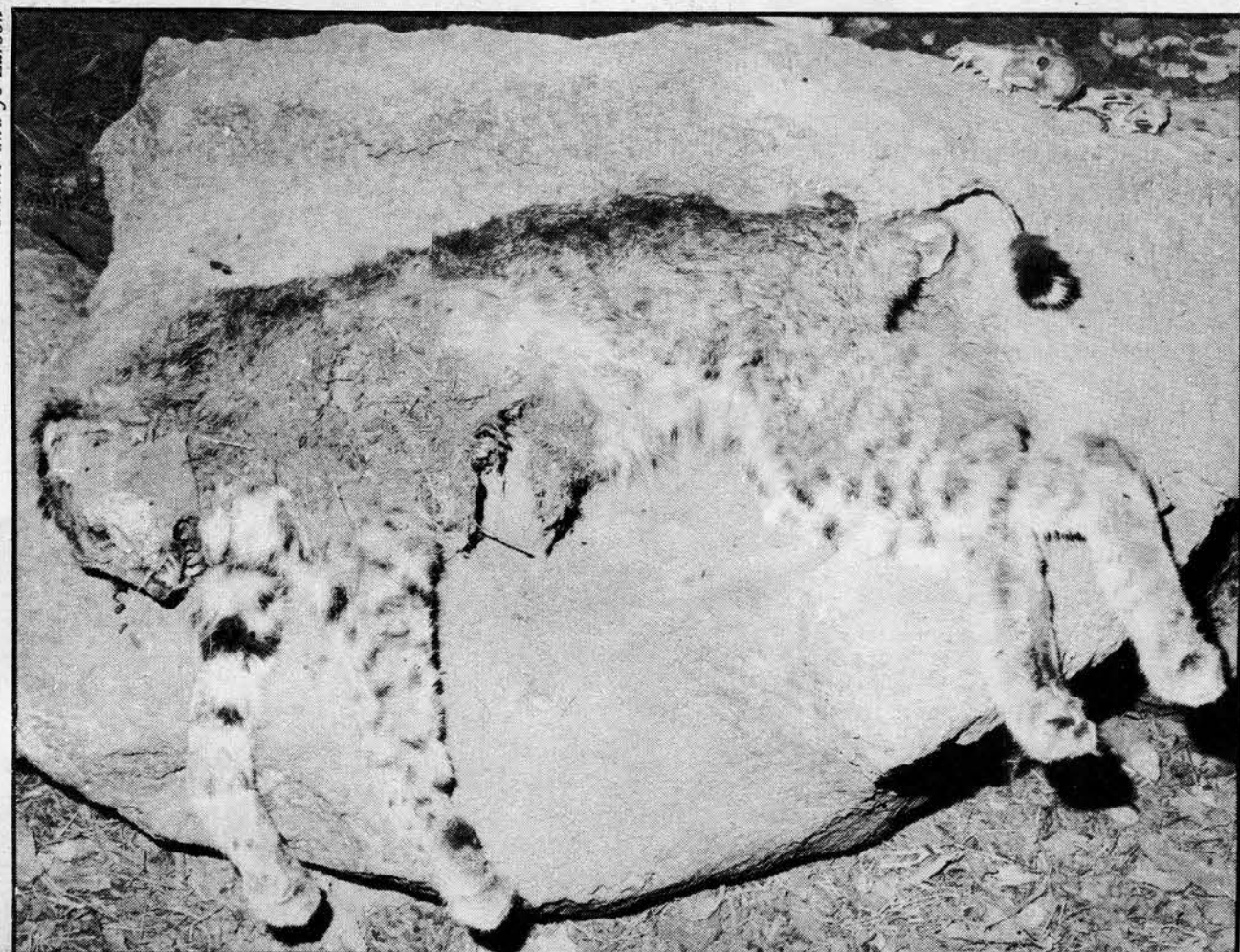


Dogtooth spar and speleothems

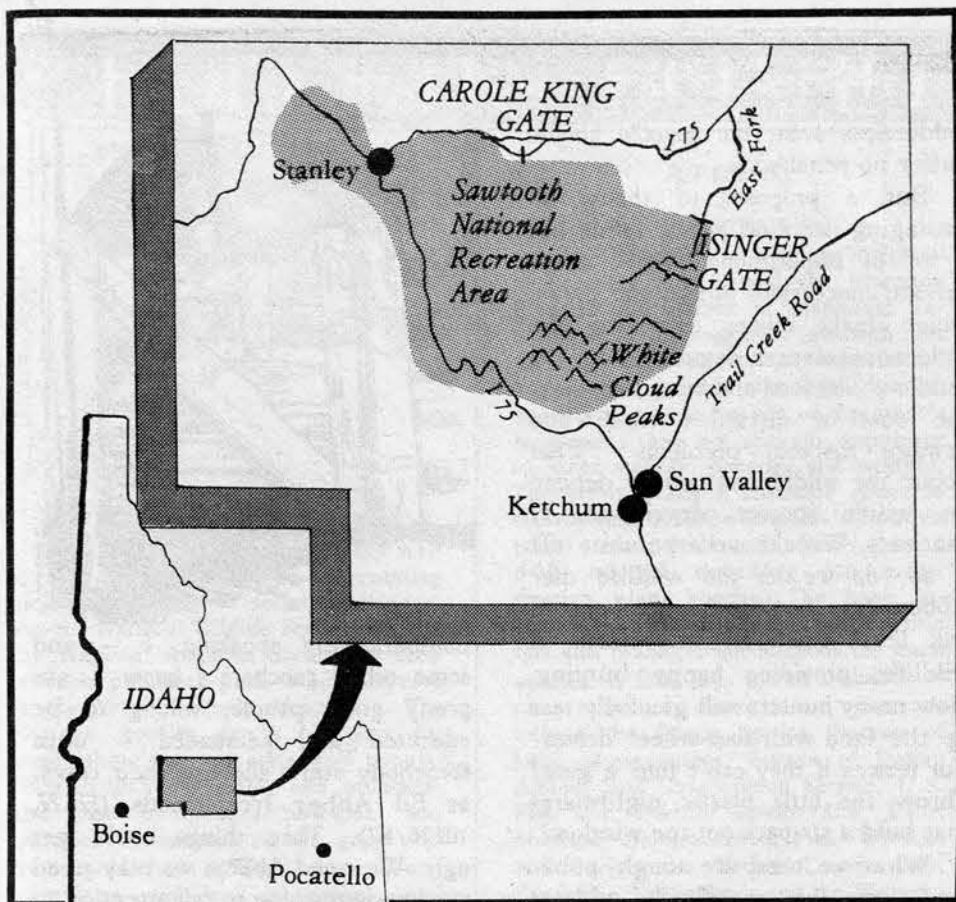


Ape Cave, Washington

Charlie and Jo Larson



Desiccated bobcat found in Owyhee River Cave, Oregon



Gated road...

(Continued from page 1)

ers." The county has done nothing. Last year, the Sawtooth recreation area lobbied the state to step in.

On Sept. 1, the Idaho Conservation League joined the battle by writing Idaho Attorney General Jim Jones. The letter cited Idaho law forbidding closure of public roads and asked the state to begin legal action unless the gate was removed in 30 days.

"The public response surprised us," Kelly says. "It was front-page news in several newspapers and got a lot of radio play. People called in to thank us -- a lot of folks have run into that gate." Kelly says the Shoshone-Bannock Tribes told them Isinger had refused them access to do fish inventories in the East Fork.

The *Idaho Statesman's* Steve Stuebner reached Isinger, who said he believed the East Fork road was not public. "Why should I provide the public with a road over my land?" he asked. "I don't think anyone would want the public to drive up on their lawn." "We believe it is a public road," responds Forest Service official Deon Wells of the Sawtooth recreation area.

In Idaho, a road is public if it is either recorded as a highway by order of the county -- not done in this case -- or used as a public road for five years and kept up at public expense. Recorded public use of the East Fork road predates Idaho's statehood in 1890, and the Forest Service has maintained the section beyond Isinger's gate.

The legal issue immediately linked the East Fork dispute to Idaho's most famous access case. About 20 road miles from the Isinger gate, on the northern end of the White Clouds, but also in Custer County, is Robinson Bar Ranch. Singer Carole King bought it in 1981. She and her husband gated

a road through the property, shutting off the accustomed route in and out for other private landowners up the road.

In Carole King's case, Custer County acted swiftly. The county declared the road public and ordered the gate removed. King sued. In 1986, an Idaho District Court ruled for King, finding the road was not public because the county had formally abandoned it in 1939. The Idaho Supreme Court will finally decide the case early in 1988.

There are substantial differences between the King and

Isinger says: 'Why should I provide the public with a road over my land. I don't think anyone would want the public to drive up on their lawn.'

Isinger situations. The Robinson Bar road loops, so King's gate doesn't block vehicular access, but does make it more inconvenient. Another difference is that Custer County has never abandoned the East Fork road. But the major reason Custer County has taken opposite actions in the two cases is that local residents seem to like Isinger, or at least have nothing against him, and seem to dislike King.

There is an important link between the two cases. In its Robinson Bar decision, the District Court found that Forest Service expenditures did not mean the road was maintained at public expense. That contradicts earlier Idaho case law. If upheld by the Idaho Supreme Court it would call the status of many Idaho public roads into question.

If the Supreme Court disagrees, and opens up King's road, then the East Fork road would also seem to be public. The answer should come shortly.

On Oct. 13, Attorney General Jones replied to the Idaho Conservation League's letter. He enclosed a staff memorandum, which refrained from judging the East Fork road public or private pending Supreme Court guidance. But the memo also said that, even if the road is public, only the county has authority under Idaho law to keep it open. "State agencies have no jurisdiction to prosecute the matter."

"We've referred the state's memo to a private attorney," says Kelly. "His first reaction is that 'it ain't necessarily so.' But I don't see us doing anything further until the King case is decided."

If the East Fork road is public, those who want the gate removed will have two choices: pressure Custer County to act or pressure Sawtooth recreation area to act against the county.

The first would seem to require a new county commission at least. The second choice will present tough choices for the Forest Service. The Sawtooth area is also, in the King case, claiming a public easement across Robinson Bar Ranch. The District Court ruled it had none. If that stands, the national recreation area and its federal attorneys will be reluctant to invest more time and money against another wealthy landowner able to expertly contest the issue before the same court.

Another option is to buy an easement across Isinger's land. That will take hard-to-get federal dollars and set a bad precedent by admitting the road is private. Other landowners will certainly take note.

Finally, the Sawtooth area can continue to seek a voluntary agreement with Isinger and continue to urge the county to act. Neither seems hopeful, and neither will deflect the rising public complaint and criticism against a gate that blocks their access.

□

Pat Ford, a freelance writer, worked on this issue recently for the Idaho Conservation League.



Carole King

12-High Country News -- December 21, 1987

LETTERS

RAVENS AND COYOTES

Dear HCN,

I should like to comment on the article by Steve Johnson (HCN, 10/26/87), on the federal Animal Damage Control program in which he states that ranchers in northern Arizona claim that calves and adult cattle have been killed by ravens. Before the ADC takes action against raven "predators," it should refer to the research of Dr. Bernd Heinrich, University of Vermont.

In his studies on raven behavior, Heinrich finds that ravens are not capable of breaking calf flesh, which certainly reduces the probability that they could break open adult cattle hides. In order to observe raven activity, Heinrich set out calf carcasses to attract them. Until the carcasses were ripped open (either by Heinrich or coyotes), the ravens were unable to feast on the meat. They have neither the power nor the correct beak formation to pierce the hides. Heinrich hypothesizes that the ravens' gradual spread eastward accompanied the expansion of the coyotes' range.

Hopefully, no more taxpayer money will be used to poison ravens. An investigation into the management practices of the ranchers claiming losses would be a more intelligent and productive approach to the alleged problem.

Theo Colborn
Washington, D.C.

MORE DAMS

Dear HCN,

Regarding your article (HCN, 11/9/87) by Andrew Melnykovich on the proposed move of the Bureau of Reclamation and its "change in philosophy," I also tend to be skeptical about a new agenda for this agency. But I do have a concrete suggestion for what new service BuRec could perform: building dams!

Not the gargantuan variety for which BuRec is world famous and locally infamous, but rather micro-dams in degraded stream channels that are designed to retain sediment rather than water. What is the need for such activity? If your readers are in the Grand Junction, Colo., area, they can travel north from I-70 at Mack to Rangely over Colorado Rte. 139, and see along this road on both sides of the pass one of the most arroyo-ized stream channels in the state. A stream channel which once, according to historical accounts, had a healthy riparian zone, is now a steep-walled, 30-foot-deep slot surrounded by sagebrush and flowing muddy water. A series of small check dams placed strategically along the length of the channel would eventually restore much of the original, more productive environment by building up the alluvial valley floor and its associated aquifer. This is but one example out of hundreds.

BLM, the principal land-management agency in the Douglas Pass area and throughout the degraded rangelands of the West, does not have the funds for the massive work

of restoration (or reclamation, if you will) that is necessary. The Sierra Club and other groups will be cooperating with the Bureau of Land Management and the Forest Service in 1988 on volunteer stream restoration projects, but obviously volunteer efforts will be a drop in the bucket. Perhaps the time has come to put the BuRec to work doing something truly useful instead of destructive.

Ironically, reclamation work on the Upper Colorado River Basin would probably go a long way to slowing down the siltation that is reducing the economic value of the BuRec's previous efforts.

Kirk Cunningham
Boulder, Colorado

NOTHING PERSONAL

Dear HCN,

Lynn Jacobs suggests (HCN, 10/12/87) (1) raising cattle in the eastern U.S. where they'd do less damage, (2) getting them off public land, and (3) raising other kinds of food to compensate for the loss of beef.

(1) How do we convince eastern residents? Will they give up shopping malls or parks to produce beef?

(2) If only 2 percent of livestock is grazed on public lands, getting them off is possible and may occur naturally -- as more ranchers go out of business. I agree that if ranchers can't graze livestock on public land without degrading the environment or spending tax money, they shouldn't be there. In some cases, they were virtually put here by government programs that encouraged the use of tax money, and grazing on public lands, and without that assistance some will go broke. But maybe that's OK; the benefit to public lands might be worth it.

I'd support legislation to get ranchers off public lands -- if the same legislation bans any other "use" of public lands that results in abuse. I'd include four-wheelers who race Arizona sand dunes and people who take Abbey's suggestion to throw beer cans out the car window to hurry up the destruction so we can get on to a better world.

If we ban cattle grazing, let's be consistent, and ban all use of public lands that will damage the land or wildlife, and make the penalties tough enough to be effective. (A friend told me of a Colorado law that if you're caught in a wilderness area with a motorized vehicle, you have to get the vehicle out *without* using the motor. I'm told most people end up disassembling their jeeps and packing them on mules. Now that's a deterrent. I also agree with Abbey

that if we get eaten by a grizzly in a wilderness area, the grizzly should suffer no penalty.)

But a proposal to throw all damaging users off public lands has a lot of implications. What about private concessions in national parks, which make money providing the little conveniences demanded by the public -- like food and restrooms -- at the cost of discarded trash and sewage disposal problems? What about the wildlife trained to depend on water sources developed by ranchers. Will the wells be shut off? If so, do we let the wildlife die? Abbey says getting the ranchers off will leave room for vast herds of wildlife, providing happy hunting. How many hunters will gleefully tear up the land with four-wheel drives? Cut fences if they can't find a gate? Throw the little plastic nightmares that hold a six-pack out the window?

What we need are tough public land laws that specifically address the people who destroy, whoever they are.

(3) Finally, speaking only of my own experiences on semi-arid western grasslands, I don't see many alternatives to grazing. We can't plow this land to produce alternative sources of food, as Jacobs suggests; the Dirty Thirties taught us that. Even the wildlife will have to be controlled, and recent articles in HCN have shown us the problems with wolf packs and grizzlies -- the natural predators that should accompany increased wildlife range.

Given these limitations: that overgrazing, some types of recreation, and plowing all damage the land, what is the answer?

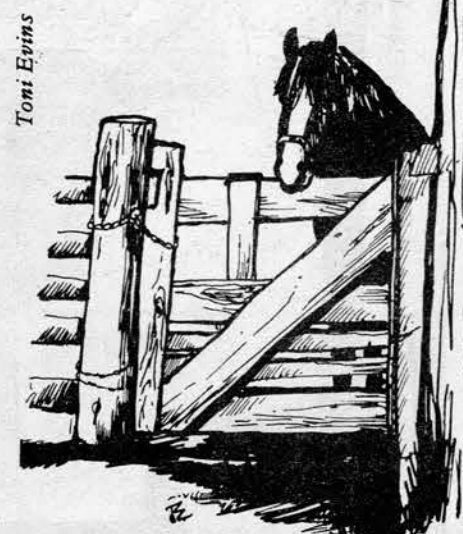
Compromise. No single solution is likely to suit land in Arizona and South Dakota. Limited grazing may be acceptable in some cases -- whether the grazers are domesticated or wild.

Certainly I didn't intend a personal attack on Lynn Jacobs by referring to the modern tendency to enjoy our toys without consideration of the long-term consequences. We all forget sometimes; every time you start your car, do you reflect on the ozone layer? Nor did I intend anything I said to be construed as a threat. I'd like to talk with Lynn Jacobs over a cup of coffee instead of through newsprint; I wish we could visit each other's places, with the aim of learning from each other rather than exchanging insults. If there's a single problem confronting every environmentalist in the country, it's how much in-fighting we do. Meanwhile, the developers chuckle and advance in lockstep.

Ranchers aren't the only ones receiving tax dollars. The government subsidizes tobacco growers while insisting on warnings that the stuff can kill you. If we're going to be consistent, let's stop all government subsidies -- and then run for cover as the public erupts in protest. Few of us could honestly say they've never taken a dime from the government.

We don't need the shotgun approach, but a consistent policy. While we're getting cows off public lands, let's stop selling missiles to the folks that are firing them at us, get helicopters out of the air over the Grand Canyon, make hikers on public lands carry out their own wastes, ban skiers from mountains where any living wild animal has been observed. Again I say that we need to work *together* on this stuff.

Toni Evans



Comparatively speaking, I -- and some other ranchers I know -- are pretty good people, willing to be educated and persuaded -- until somebody starts shooting their cows, as Ed Abbey recommends (HCN, 10/26/87). Then things could get ugly. We need Abbey; we may need monkey-wrenching to call attention to the abuses, but we also need people who will patiently work out a solution.

Linda M. Hasselstrom
Hermosa, South Dakota

NO MERCY HERE

Dear HCN,

Steve Johnson of the Defenders of Wildlife shouldn't complain (HCN, 10/26/87) about aircraft predator hunting being expensive. His organization touted that control method as an alternative when chemical toxicant registrations were cancelled. He is playing the role of the child who killed his parents then pled for mercy from the court because he was an orphan.

Larry J. Bourret
Laramie, Wyoming

The writer is executive vice-president of the Wyoming Farm Bureau.

LOCAL SUPPORT

Dear HCN,

I compliment HCN and Tamara Wiggins on her coverage of ski areas and wildlife (HCN, 10/26/87). One clarification: the National Wildlife Federation has been instrumental in the appeals of both the Wolf Creek Valley and East Fork ski areas. Without their efforts, the conference would not have taken place and the appeals would be much less comprehensive.

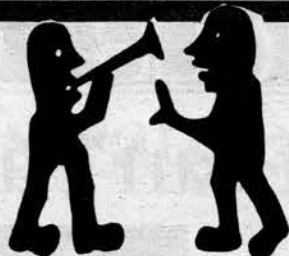
It would be misleading, however, to overlook the efforts of the grassroots group of local land and property owners, residents and visitors in both appeals. The group, known as Save Our San Juans, represents people whose individual concerns about the ski areas have been ignored by the Forest Service. It is these people who will be most affected by the proposed land developments. When the "economic growth at any cost" voices are maintaining that the local populace unanimously supports the developers' proposals, it is important to take note of the more than 80 persons who question the value of two new ski areas in the upper San Juan basin by putting their money and time where their values are.

Bruce Bailey
Pagosa Springs, Colorado

Toni Evans



BULLETIN BOARD



UTAH'S ARCHDRUID LECTURE

The Utah Sierra Club is sponsoring its third annual Archdruid Lecture with writer Ed Abbey talking about *A Canyonlands Retrospective, Glen Canyon, 25 Years*. The event will also include the Sierra Club film *Glen Canyon* and take place Jan. 15 at the Bradford-Bowman Auditorium, East High School, 840 South 1300 East, in Salt Lake City. Tickets are \$5 in advance and \$6 at the door. A reception will be held following the lecture at the Shilo Inn, Salt Lake Room, 206 South West Temple. Funds will benefit the Utah Chapter of the Sierra Club.

THE NATION'S TEMPLE

With spectacular timing, *The New Yorker* published a major three-part series (momentarily to be a book, no doubt) on the nation's economy in its Nov. 9, 16 and 23 issues, just a few weeks after the stock market crash of 1987 drew everyone's attention to the subject. The writer is William Greider, whose earlier book caused President Ronald Reagan to take David Stockman to the woodshed. Greider's present work is likely to cause many to consider taking former Federal Reserve Board Chairman George Volcker to a firing squad. Greider's theses is that under Volcker, the Federal Reserve Board ran the economy to benefit the 10 percent or so of the nation who hold almost 90 percent of its wealth. He thereby discriminated against the "real" economy -- the workers, factories, mines, farmers and others who produce goods, in part because the Reagan administration was naive financially, and didn't understand what Volcker was doing or what the budget deficit and high dollar were doing. If Greider is correct, his articles are relevant to the West because of the effect Volcker's policies may have had on agriculture and natural resources in the rural West. The West's economy has traditionally depended on cheap money, and money under Volcker has not been cheap. If the Fed now swings in the other direction, the mining, drilling, logging and irrigating may increase sharply.

DUBOIS-AREA WILDERNESSES

The Wyoming Bureau of Land Management needs public comment before preparing an environmental impact statement on two Dubois-area wilderness study areas. The Whiskey Mountain Study Area, located on the edge of the Wind River range three miles south of Dubois, includes 487 acres bordering the existing Fitzpatrick Wilderness and is primary winter range for the nation's largest herd of Rocky Mountain Bighorn sheep. The Dubois Badlands Study Area, located just west of Dubois, includes 4,520 acres of isolated, flat-topped hills broken by extensive erosion. The BLM is requesting the public to list issues and concerns, resource values and alternatives that should be considered in the EIS. Comments must be received by Jan. 4, 1988, and can be mailed to Rawlins District Office, BLM, P.O. Box 670, Rawlins, WY 82301 (307/324-7171).

WATER AND THE WEST

The University of Colorado's Continuing Legal Education program is sponsoring a symposium on *Water and the American West*, Jan. 16 at the Colorado School of Law and the Natural Resource Law Center on the Boulder campus. Speakers include Prof. Charles Wilkinson, who will talk about water law in Colorado; Clyde Martz, who will talk on groundwater; and David Getches, who will talk about pressures for change in Western water policy. Other topics include: global perspectives on Western water, salinity, water as an economic commodity, environmental uses of Western water, sharing water between federal and state governments, and water quality control. Registration is \$105 before Jan. 8, \$125 after, payable to the University of Colorado, Natural Resources Law Center, Campus Box 401, Boulder, CO 80309 (303/492-1288).



RIPARIANS IN MONTANA

The University of Montana's School of Forestry has formed the Montana Riparian Association to coordinate research and management methods for stream-bank vegetation. Association ecologists say that although riparian zones are only a fraction of the state's landscape, they are critically important to water quality, fisheries and wildlife. The group plans a statewide effort to classify and describe Montana's riparian plant communities and already has a draft manual describing 150 major riparian plant species. The book includes line drawings, field identification tips and management methods for each species. A final copy will be available by next summer. Association sponsors include the Forest Service, Bureau of Land Management, Bureau of Indian Affairs, Soil Conservation Service, U.S. Fish and Wildlife Service, U.S. EPA, Montana Department of Fish, Wildlife and Parks, the Nature Conservancy, Champion Timberlands and the Western Energy Co. For further information and a copy of the *Montana Riparian Review*, write MRA, School of Forestry, University of Montana, Missoula, MT 59812 (406/243-2050).

FISHING BRIDGE

Yellowstone National Park Officials have extended the public comment period on the *Fishing Bridge Draft Environmental Impact Statement and Development Concept Plan* from Dec. 16, 1987, to Jan. 15, 1988. Park Superintendent Robert Barbee says the park has received several requests for more time to review the lengthy document. He says it will be the only extension allowed. Draft copies of the plan are still available from the Park Service at P.O. Box 168, Yellowstone National Park, WY 82190 (307/344-7381).



Doreen Curtain

WOLF RECOVERY PLAN

Successful recovery of the gray wolf in the West depends on overcoming biological as well as social challenges, say the National Wildlife Federation and the National Audubon Society in their recently published plan, *Wolf Recovery in the Northern Rocky Mountains*. The 32-page booklet details a plan for establishing three separate wolf populations in Idaho, Wyoming and Montana. The plan incorporates biological and historical information on the gray wolf from published scientific papers and interviews with wolf specialists, and includes several scenarios for wolf recovery, managing established wolf populations and reducing wolf-livestock conflicts. It also looks at the future when wolf recovery is complete. Authors Whitney Tilt, Ruth Norris and Amos S. Eno conducted their own opinion polls, finding strong public sentiment for wolf recovery. They compare wolf recovery and management in the West to lessons learned in the grizzly bear recovery program and with present management of wild gray wolf populations in Minnesota and Wisconsin. The report also includes excellent maps and graphics and three pages of selected additional reading on the gray wolf.

National Audubon Society, 801 Pennsylvania Ave. S.E., Washington, D.C. 20003 (202/547-9009). Paper: \$4, including postage. 32 pages. Bulk rates available.

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WORK

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14-High Country News -- December 21, 1987

OTHER VOICES

Utah decides it can't afford to keep its air clean

by Terri Martin

In Nov. 1986, after extensive investigation and discussion, an advisory committee of citizens appointed by Gov. Bangerter made a visionary recommendation. The committee wrote:

We believe that the visibility and ability to see the great scenic vistas in southern Utah is a rare and unique treasure. We believe it should be preserved, both for the benefit and pleasure of Utah residents and to support our large tourist industry. To protect it, we believe that industries ... should be required to locate only where their emissions will not measurably damage these vistas.

A year later, on Nov. 12, Utah's Air Conservation Committee rejected this recommendation and scrapped a plan to implement it. The plan would have established regulations to prevent the "significant impairment" of 20 scenic views observed from Utah's five national parks.

The committee's decision broke faith with Utah citizens who care about our state's spectacular panoramic vistas. It also teaches us some sad and disturbing lessons.

Over and over again we are told that federal environmental protection programs have been crammed down Utah's throat. That federal programs protecting air quality, water quality and other environmental values are unnecessary. That Utah can manage and protect its own outstanding air, water and land resources, given the chance, without "federal interference."

That justification was offered two years ago when Secretary of Interior Donald Hodel killed the federal program that would have protected key national park vistas, including Utah's. Hodel argued that states could adequately protect park vistas under their own programs -- the same line recited by Gov. Bangerter when he earlier urged Hodel to kill the federal program. When environmentalists protested, the governor's staff said, "Give us a chance."

So we silenced our criticism. And a few months later, when Gov. Bangerter established the Citizens Advisory Committee to advise him on visibility protection for park vistas in Utah, we publicly applauded his initiative.

The advisory committee was comprised of a diverse group of individuals, representing southern Utah county governments, local industry, business and environmental concerns. They took six months to study the vista protection issue. They visited the parks, viewed the vistas, considered the effects of protecting vistas on the economy, reviewed data on the causes and sources and impacts of pollution.

To our surprise and delight, the Citizens Advisory Committee unanimously recommended that the state protect 20 national park vistas from "significant impairment."

This recommendation received national acclaim. The committee was praised for its vision and leadership. And when the Bureau of Air Quality drafted the recommendation into a workable program and took it to public hearing, environmentalists joined with numerous other citizens around the state in enthusiastically supporting it. The committee received an unprecedented number of letters from citizens endorsing the proposed vista protection plan.

The plan was eminently reasonable. It gave the state substantial flexibility in determining whether pollution would "significantly impair" a



vista, and what to do about it. Determinations would be made on a case by case basis, taking into account the geographic extent, intensity, duration and frequency of pollution and how these factors correlated with times of visitor use. In deciding whether or not to require additional pollution controls, the Division of Air Quality could consider the costs of controls, the degree of improvement controls could provide and other factors.

The Citizens Advisory Committee recommendation and vista protection plan carried an optimistic message -- that Utah had a vision for its future, and was willing to act responsibly to protect that vision.

But anyone attending the Air Conservation Committee meeting this winter could hear a much different message: *Utah is unwilling to take any action within its own borders to prevent pollution from degrading our national park vistas.*

In fact, the majority of Air Conservation Committee members made it clear that they did not want to even consider a vista protection program for Utah, not now or in the future. Not only did the Air Conservation Committee kill outright the proposed vista protection plan implementing the Citizens Advisory Committee recommendation. It also rejected a timid proposal calling for reconsideration of a Utah vista protection program, if and when *other states* agree to clean up their sources of regional pollution.

The Air Conservation Committee passed a vague resolution recommending that Gov. Bangerter seek the cooperation of the Western Governor's Association to establish a task force on "regional haze." Regional haze is the pollution that drifts into Utah from Arizona, California and Mexico, and degrades our air quality. Without question, it is a serious threat to Utah's park vistas. Action is needed to compel our neighboring states to clean up their sources of regional haze. But the obvious question is: How can Utah expect to convince other states not to pollute Utah's park vistas if we won't control our own pollution?

Utahns shouldn't be fooled. The proposal to form a regional haze task force should not be permitted to obscure Utah's obligation to deal with pollution within its own borders. And it shouldn't be used to disguise the fact that the Air Conservation Committee flatly rejected a program to do just that.

We are forced to conclude that Secretary of Interior Hodel was wrong. Utah is not willing to establish a state program to protect its park vistas. If those vistas are going to be protected, it will apparently require "federal intervention."

The satisfaction in saying "We told you so" is short-lived.

What stays with you is the deep disappointment that Utah's Air Conservation Committee turned its back on the visionary recommendation made by the Citizens Advisory Committee. As that committee said, Utah's scenic vistas are a "rare and unique treasure ... and should be preserved."

There are few places in the world where one can lift one's eyes and actually see over 100 miles -- and no place where what one sees is as stunningly beautiful as southern Utah. Utah's panoramic vistas are a fundamental and important source of inspiration to all who see them.

Our vistas are also an important tourism attraction that generates tourism dollars, especially for southern Utah communities. Allowing park vistas to be polluted will unavoidably reduce those dollars. When smoke from forest fires in California polluted park vistas this fall, the National Park Service reported that 80 percent of visitors to Canyonlands National Park's Island in the Sky District complained about the hazy skies and said that many visitors chose to cut their tours short.

Utah's spectacular vistas are extremely vulnerable to degradation. Anyone who says we don't need a vista protection plan hasn't taken a hard look at reality. Just consider what has already happened in the eastern United States. When Congress established Shenandoah National Park in Virginia only 50 years ago, Congress hailed the grand vistas to be viewed from the park. On a clear day, one could see *over 70 miles* from ridges within the park to the Washington Monument. Today such a far reaching view is unimaginable. Visibility values from Shenandoah average *only 14 miles* in the summertime.

In 50 years, will Utah's panoramic park vistas still stun our senses and lift our hearts?

□

Terri Martin is Rocky Mountain regional representative for the National Parks and Conservation Association in Salt Lake City, Utah.

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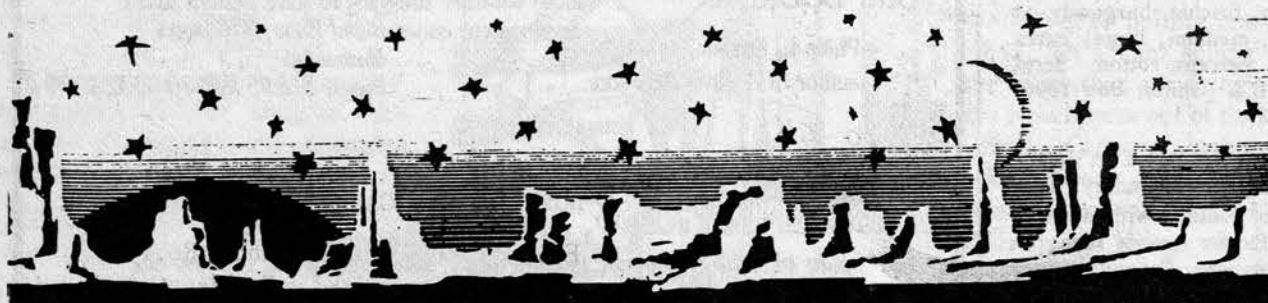
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OTHER VOICES

Hapless DOE: What a long, strange trip it's on

by Melinda Kassen

Transportation of nuclear waste is an issue waiting to get hot. Federal plans for finding a place to put it -- a repository -- are unclear, but the government's ultimate goal is disposal of radioactive debris from the civilian reactor and nuclear weapons industries in a deep geologic formation.

If the repository ends up in the far West, either at Hanford, Wash., or at the Nevada Test Site, as many as 47 states will be crisscrossed by some or all of the thousands of annual truck and train shipments to the repository.

The federal agency responsible for orchestrating and carrying out this task is the Department of Energy. Since DOE has yet to demonstrate much aptitude for the job, it may be time to start worrying.

Watching the department struggle with its responsibilities is like watching a Parcheesi player who possesses neither skill nor luck. The agency always makes the wrong move and the roll of the dice never goes its way. DOE cannot even get approval from the Nuclear Regulatory Commission for the containers (casks), it would use to move the wastes.

Eleven previous applications for certification of spent-fuel casks, each "self-certified" by DOE, have failed to win commission endorsement. The commission has refused to certify any of the 11 and has since raised so many concerns that DOE withdrew nine from further consideration.

Even though there has yet to be a major release of radioactivity from an accident involving spent nuclear fuel, none of the casks now on the road have ever been subject to full-scale destructive testing. These transport casks have been designed solely on the basis of computer modeling. Though DOE intends to build a new fleet of casks for transport to the high level waste repository, the agency currently plans to continue its policy of accepting cask designs on the basis of computer modeling without mandatory full scale physical testing.

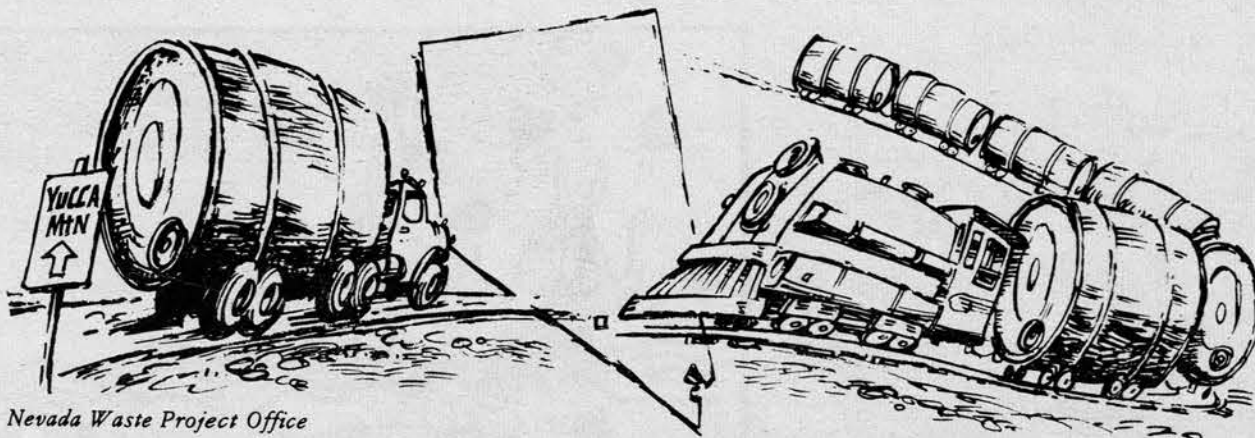
DOE has fared no better in trying to find a site. Under the Nuclear Waste Policy Act, the law that governs all aspects of DOE's responsibilities for handling these wastes, Congress directed the department to look at various geologic media for siting and specifically directed DOE to identify two repositories, the first one in the western half of the country and the second in the East. DOE unilaterally abandoned its search for an eastern repository in May 1986.

In so doing, the agency not only upset the act's careful geopolitical balance but also effectively eliminated any possibility of building the repository in granite, which the National Academy of Sciences described as having "outstanding attributes" for waste disposal. Granite is the rock of choice for other nuclear nations such as Sweden, Canada and Great Britain.

Instead, DOE has chosen western sites in basalt and tuff, rock types with questionable geologic but excellent political properties. In commenting on this choice, the academy said, "(a) major reason for considering basalt ... is the abundance in federal land near Hanford, Washington ... not its overall favorable characteristics." DOE has also selected a salt site, a medium which may be technically appropriate, although the particular site in the Texas panhandle lies underneath prime farmland and the Ogallala Aquifer.

Congress is presently trying to clear up the muddle DOE has created with its program and defuse the extraordinary public resistance that has developed to any move the department tries to make. Unfortunately, not all the offered assistance is helpful.

Legislation sponsored in the Senate by the chairman and ranking minority member of the Energy and Natural Resources Committee, Bennett Johnston, D-La., and James McClure,



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authorizes a temporary storage facility and requires DOE to choose one of the already recommended sites (Washington, Nevada or Texas) for further investigation. The Senate passed that bill Nov. 11, but because the process that resulted in the selection of those three sites initially is fatally flawed, the bill will merely memorialize DOE's mistakes and perpetuate its problems.

On the House side, Arizona Rep. Morris Udall, D, and over 50 of his colleagues have called for a moratorium, during which a committee would study the program and suggest ways in which it could be improved. It is unclear which approach will prevail, but should the Senate bill become law it will improve neither the technical underpinnings nor the public's confidence in the nuclear waste disposal program.

What the Senate has refused to accept is that there is no reason to rush. Utilities are not producing waste (or nuclear power) at the rate anticipated a decade ago. Moreover, there is an available technology that would give DOE the time it needs to solve the long term technical problems and avoid short term transportation in unproven casks.

On-site "dry cask" storage, widely used in Europe and presently in use at two U.S. power plants, offers the department breathing space to reassess its entire waste handling program. In this regard, Senator Tim Wirth, D-Colo., has introduced an amendment to the Johnston bill that would require DOE to study dry-cask storage as an alternative to a central temporary facility.

We need to be concerned about the transport of nuclear waste to a repository today, or we may in a decade face the kind of problems now being encountered at DOE's Waste Isolation Pilot Project (WIPP) in southeastern New Mexico.

In 1979, Congress authorized WIPP, also a deep geologic repository, for permanent disposal of transuranic waste (tru-waste), material contaminated with plutonium generated in the production of nuclear weapons. When DOE opens WIPP in October 1988, it plans 1200 shipments each year for the next 20 years on the roads of 29 states, with each shipment carrying up to 12,000 curies of radioactive substances. Coloradans living in Denver, Colorado Springs and Pueblo along Interstate 25 will see between 900 and 1000 WIPP shipments annually.

Most tru-waste is stored at the Idaho National Engineering Laboratory and produced at Rocky Flats in Colorado. There are also substantial amounts stored at Savannah River, S.C., and at Hanford, Wash. In 1980, DOE

issued an environmental impact statement for WIPP which, among other shortcomings, failed to analyze transportation modes or routes for shipments of tru-waste to the WIPP site. DOE then promised to complete environmental analyses for transportation and to comply with federal certification standards for tru-waste shipping containers. Seven years later, DOE has yet to meet its commitment and WIPP is scheduled to open in a little more than a year.

Several years ago, DOE unveiled a tru-waste shipping container called TRUPACT. TRUPACT did not meet NRC standards and in February 1987, DOE petitioned the Department of Transportation to change its rules so as to allow DOE to use TRUPACT anyway, arguing that the container was "safe enough." Only after sustained badgering from concerned activists and the New Mexico congressional delegation did DOE back down. In June 1987, in a one-page press release that did not mention the word TRUPACT, DOE announced that it was going to let a contract for the design of a tru-waste container for which the contractor would have to obtain Nuclear Regulatory Commission certification. With only 14 months before ribbon-cutting, DOE does not have a shipping container.

There are other problems with WIPP as well. The shaft down to the repository level is leaking approximately three gallons per minute of water from the Rustler Formation, an underground aquifer through which it passes. This is estimated to be the entire output of the aquifer. Obviously there is a major interconnection between the shaft and the surrounding environment.

In addition, and more seriously, hydrogen sulfide gas is leaking up into a repository room from a crack in its floor. The gas is thought to come from a pressurized pocket of brine in the salt below WIPP. Several workers have been treated as a result of the highly toxic gas. Again, the floor crack and venting gas call into question WIPP's ability to isolate its radioactive contents from the surrounding environment.

What we have yet to see from DOE is any further environmental analysis of shipping modes or routes, let alone a comprehensive transportation cost or risk assessment. Although DOE has published probable routes, the agency has failed even to look at impacts based on the total routing scheme. One reason is that DOE has still not decided whether it will be shipping by truck or train. With TRUPACT, DOE intended to ship all wastes by truck. With an unidentified new container, no one knows.

A lesson to learn from the WIPP experience is that DOE appears to take its responsibilities no more seriously than a game board player. It behaves as though changing modes of transportation is no more important than picking a different color pawn or token. Failing to meet standards is no more risky than being sent back to START. Before the department throws the dice again, its playing style deserves the close attention of all those concerned about transportation and disposal of high-level nuclear waste.

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Melinda Kassen is the staff attorney for the Environmental Defense Fund's Rocky Mountain regional office, located in Boulder, Colo.



Nevada Waste Project Office

16-High Country News -- December 21, 1987

GUEST ESSAY

Never give the quarry an even break

by Dan Dagget

Forget Thoreau! Why sacrifice results when facing the essential facts of life in the woods? If you're a hunter in these days of high-tech, you want to bring something home besides wet boots.

Luckily, there are catalogs available that cater to shrewd hunters, the kind who don't mind spending a few dollars for the latest computer-designed camouflage or special conversion kits that give your out-of-date hunting rifle the "paramilitary commando look" so popular these days.

Featured in the *Sportsman's Guide, Inc.*, for instance, is a "bionic ear" that promises super-human hearing in stereo. This electronic device amplifies sound and enables a hunter to "hear approaching game a long way off."

There's also a gadget called the "TrailTimer" that records the exact time and date "your buck walks by." Only \$14, it eliminates the need to wait for pointless hours near a game trail; you know when to show up for an appointment with your personal trophy.

Another efficiency aid that minimizes unproductive time in the forest is the "Hunter." This device is a large camouflaged bucket fitted out with a spreader and triggered by a light-sensitive switch. The Hunter automatically dispenses corn every dawn and dusk, allowing the smart stalker to take advantage of the advice offered in its description; "If you're gonna find 'em ... look where they're feeding."

The guide also offers the "Electronic Buck Grunt Call." It looks like the kind of bomb Peter Sellers escaped in a *Pink Panther* movie. The Grunt Call also carries the warning that it is so effective it may be illegal in some states.

The Grunt Call emits a sound "with the tone, volume and frequency of a buck tending a doe in heat." A further note of caution attached to this gizmo warns, "If you use it in a Big Ol' Buck's territory -- look out." It doesn't say what to look out for, nor does it offer any additional protective device. But if the Buck Grunt Call by itself doesn't turn the trick, an accompanying "Squealing Partner" call is also available.

At this point you're probably asking yourself, are these gimmicks just something to send to practical jokesters on your gift list? Ace Peterson, past president of the Arizona Wildlife Federation, says that, as far as he can tell, gadgets like the "Electronic Buck Grunt Call" catch a lot more two-legged suckers than four-legged ones.

"I think the main function these catalogs serve is to provide entertainment in the off season when you can't go hunting. 'Most hunters I know still rely on their wits instead of gimmicks like these,' Peterson says.

But Tom Britt, supervisor of Region 2 of the Arizona Game and Fish Department, says that use of high-tech hunting aids is definitely on the rise. "Some hunters are so tied up in this stuff that the only way they can gain effectiveness is to use more of it." Britt has compiled a sizable list of gadgets showing up in



the field these days, and some are causing problems.

First, serving as more of a curiosity to technology addicts than a serious threat to wildlife, are the two-way radio headsets normally used by football coaching staffs. "I'd estimate that about 10 percent of the hunters are using these now," says Britt. "What I wonder is how can these guys say they're out there to enjoy nature when all they can hear is their buddy jabbering over the other end of the line."

More serious is the use of all terrain vehicles (ATVs) to pursue game. Ray Parent, who works with Britt, says, "Even though it's illegal to use vehicles to pursue game, we're getting more and more reports of ATVs being used to chase animals until they can be shot, or to herd them towards waiting hunters."

Wayne Klein, regional patrol chief of the California Department of Fish and Game, in Sacramento, says his department's problems have gone beyond wheeled vehicles. Their fastest-growing concern is helicopters. Choppers have been used to locate animals in remote areas and then to fly in hunters who would otherwise have to hike or horseback long distances to reach their quarry. Klein says that in some cases, animals have been shot right from the helicopter, some by automatic weapons.

Off-road vehicles are also being used to locate tracks of mountain lions and bears. The animals are then chased with hounds until cornered and shot. According to Ray Parent, vehicles greatly increase a hunter's effectiveness in pursuing widely dispersed predators. After the animal's track has been located, hi-tech devices can play an even greater role in bringing about its demise. At this point, hunters can radio-collar their dogs to track the progress of their hounds as they follow a trail over rough terrain.

Telemetric collars have become so

sophisticated they even emit signals that tell whether the dogs are still trailing whatever they're chasing or whether they've brought it to bay. With the help of devices like this, lion and bear guides can sometimes follow the whole chase and even tell when their pack has treed an animal without leaving their vehicle. They can then use their CB to call a client to come out and "harvest" his trophy.

Many guides disdain these electronic aids, and some make a point of saying in their ads that they give their quarry a fair chase. But with telemetric collars requiring an investment as low as \$100, their use is expected to increase. Wildlife departments in several Western states say that radio-collars are a major concern.

High-tech can be an effective marketing aid to lure clients who want a sure thing. According to Tom Beck, wildlife researcher for the Colorado Division of Wildlife, some guides now take photos of bears that have been lured to baits. That lets the customer "shop" in advance to choose just the right trophy according to color and size. Arizona's Tom Britt says that he has heard of this technique being combined with TrailTimers so the client not only knows what he's getting, but when he has to go get it.

"Modern man wants everything



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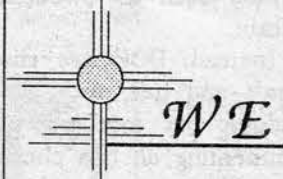
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scheduled," says Britt. "With these gimmicks, he can do a little better at putting hunting on those terms, too."

High-tech is becoming so commonplace that animals can be under surveillance by several sources at the same time. Recently, a hunter in Tucson, Ariz., returned a state-owned radio collar from a bear he had shot in the White Mountains. He then asked wildlife managers if they found two electronic TrailTimers he'd lost. That's a lot of surveillance for one bear.

In another instance, a bow hunter aroused the curiosity of an Arizona wildlife officer by taking the latest in telemetric tracking-devices out of his truck. The wildlife officer wondered how someone could legally use a radio-tracking device to hunt deer, the only animal in season at that time.

The bow hunter revealed that he was going to collar his pickup, not a deer. That way he wouldn't get lost in the woods.



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