

High Country News

February 27, 1989

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A Paper for People who Care about the West

One dollar

SYNTHETIC FUELS REVISITED



Construction at Exxon's Colony Shale Oil project in Colorado, 1981

IN THIS ISSUE **The fate of oil shale ✓ see page 8**

IN THE NEXT ISSUE **The fate of coal gasification**

Dear friends,



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Computer SOS

We received a letter recently from subscriber Bob Perrier of Missoula, Mont. He wrote in part, "I do miss that bit in Dear Friends where you discussed computer frustrations." Our guess is that most readers are as uncurious about our computers as they are about the details of how the sausage they eat is made, but in the hope that help is available, we will again unburden ourselves.

The computers are running well. They produce the copy you are reading, they track our subscribers, they write our checks, they do our bookkeeping. But we would like them to do more. As a next step, we want to find a more sophisticated data base management program to keep more detailed track of our subscribers.

We currently use something called Microsoft Works, whose limits we are always bumping up against. Claire Moore-Murrill, who has emerged as our in-house computer expert, is attempting to adapt Filemaker II to our purposes. She is also curious about something called Panorama. But the task is proving difficult. While Works is simpleminded and limited, it is quick and to the point. Filemaker II is said to be more powerful, but she is finding it cumbersome. Does anyone have advice?

Also, does anyone have a Mac Plus for us, in exchange for a tax deduction and the gratitude of the paper's interns, who now sneak into the office at 6 a.m. to grab computer time.

Talking cows

Political analysis comes in all forms. It came this past December to the 30th annual convention of the Montana Wilderness Association in Kalispell as two talking cows. A skit by writers Tamara Blank and Bob Kiesling sought to explain why former U.S. Sen. John Melcher lost his re-election bid. The writing team, blissfully unaware that puns are the lowest form of writing, had the cows parody Doc Melcher's (he's a veterinarian) successful 1982 advertising campaign. Here's a sample:

Daisy: Thank you folks. We're flattered you've invited us to the Montana Wilderness Association Convention to share our political views — and what better place to do so than beautiful Kowispell, Montana.

Bertha: So, Daisy, let's get right into those election results you brought.

Daisy: Those aren't results. I'm browsing through my favorite magazine, *Cowsmopolitan*.... I love cowsmetics, and it looks to me like you should have been using some Oil of Old Hay years ago. But let's get down to business. These wilderness huggers want to know why old Doc Melcher lost his job in the U.S. Senate.

Bertha: The straight poop is that he didn't lose on account of being pro-wilderness.

Daisy: Absolutely. He horsed around so long before introducing the bill that when he finally did, he made an ass of himself.

Bertha: Not only that, but everyone knows he cow-towed to those oil and gas bulls.

Daisy: Yup, dear, you can't pussy-foot around during an election year. Doc waited too doggone long to make his moo-ooove.

Outdoor education issue

We have heard from 31 non-profit



From the cows' mouth at the Montana Wilderness Association

groups involved in outdoor education in the West and hope for more responses to our letter of Jan. 10. In it, we asked about the state of outdoor-environmental education and asked for help in choosing stories that describe where the movement is now and where it is heading. If you are part of a group that should have received a letter, but didn't, or if you put the letter away to answer later, please get in touch with us quickly for inclusion in the free directory that will be part of the special issue.

The Arctic West

Jim Coates has experienced a wide range of temperatures in the last few months. The Red Lodge, Mont., resident spent the summer fighting forest fires. This winter, when the temperature hit minus 50 degrees, his well froze and he and his wife had to flee their house to a temporary haven. They survived the 10-minute car trip, but their house plants all died.

HCN freelancer Glenn Oakley had a happier experience in Boise. The cold weather, he said, cleared Boise's ski area, Bogus Basin, of all but a few skiers. Glenn said he spent Sunday morning photographing bald eagles within Boise on the Snake River, and the afternoon skimming down empty ski slopes.

Henry Geiger and Manas

The staff of *High Country News* notes with deep regret the end of the philosophical journal, *Manas*, in December followed by the death on Feb. 14 of its only editor, Henry Geiger.

Henry, who died at age 80, founded *Manas* on Jan. 7, 1948, and published it on a weekly basis, summers excepted, for the next 41 years. Even long-time readers of *Manas*, an eight-page journal of philosophical inquiry, did not know, at least from the magazine itself, who its writer-editor-printer was. Henry's name never appeared in its pages.

Henry was an enormously well read man, and he was a fine writer who had a gift for making philosophy clear and relevant. He was a theosophist, and technically *Manas* was a theosophical journal,

but *Manas* explored a vast variety of subjects. *High Country News* and *Manas* exchanged publications and correspondence for years, and Henry occasionally reprinted articles from HCN, as he did from scores of other small publications. He was discovered by readers usually by chance, although the *LA Times* once publicized him this way: "Socrates lives in Los Angeles."

A smart bunch

Spense Havlick, who teaches environmental studies at the University of Colorado, Boulder, has several associations with *High Country News*. His son David was an intern with the paper several years ago. And Spense periodically enrolls his environmental studies class in what we call *HCN 101*, having them all subscribe to the paper and use it as a resource.

So we were pleased to hear that some mix of instinct and hunch had caused Spense, a few days before Christmas, to get off a train carrying him toward Heathrow Airport and return to his hotel room in London. He had been returning from a lecture series in India on environmental hazards, and was passing through London on his way back to Colorado. Had he not obeyed that hunch, he would have gone down with Pan American Flight Number 103, which was the victim of a terrorist bomb.

The impulse to leave the train was not easily described, he told us in a telephone conversation. It was made up of the fact that he had a paid hotel room in London, that if he caught the Pan Am flight he would arrive home a day early, unbeknownst to his family, a conversation he had overheard in the Bombay Airport by a group of Israelis about the possibility of terrorism, and the number "13" in the plane's flight number.

He flew home the next day on a British Airways plane that was grounded for hours by a bomb scare.

—Ed Marston, for the staff

WESTERN ROUNDUP

Tribal council shows MacDonald the door

TUBA CITY, Ariz. — Recent allegations of bribes, payoffs and fraud in the tribal chairman's office have plunged the Navajo Nation, the country's largest Indian tribe, into the worst political crisis of its 120-year modern history.

On Feb. 17, the Navajo Tribal Council in Window Rock, Ariz., voted 49-13 to place Tribal Chairman Peter MacDonald and Vice Chairman Johnny R. Thompson on paid administrative leave for a year, stripping them of all executive and legislative authority.

It was the first time a Navajo chairman had been suspended. The action did not come easily, nor has the 60-year-old MacDonald or his supporters accepted it quietly. MacDonald is a charismatic leader who claims the loyal support of 30 percent of the 200,000-member tribe.

Labeling the move taken against him as "anarchy," MacDonald has accused the council of suspending its own rules.

"If the tribal council can put the chairman and vice chairman out to pasture anytime they feel like it, where is the government?" MacDonald asked some 400 people at a recent rally in Tuba City, the reservation's largest community near the Grand Canyon.

MacDonald, who has essentially controlled the council since winning a fourth term in 1986, waged a three-day filibuster against the motion to suspend him. Late into the third day, after intense pressure from determined opponents who had at last acquired a majority, MacDonald told the 88-member council in an emotional speech that he was placing himself on leave.

He said he was stepping down so he could clear both his and the tribe's name of the "slurs and slanders" resulting from the U.S. Senate Select Committee on Indian Affairs investigation into corruption, fraud and mismanagement.

In conducting its \$3 million probe into all areas of Indian affairs across the country, the Senate committee has issued more than 250 subpoenas, conducted over 1,000 interviews and examined over 900,000 pages of documents.

It is only the third Senate investigating committee, following Watergate and Iran-Contra, that has been granted criminal subpoena power.

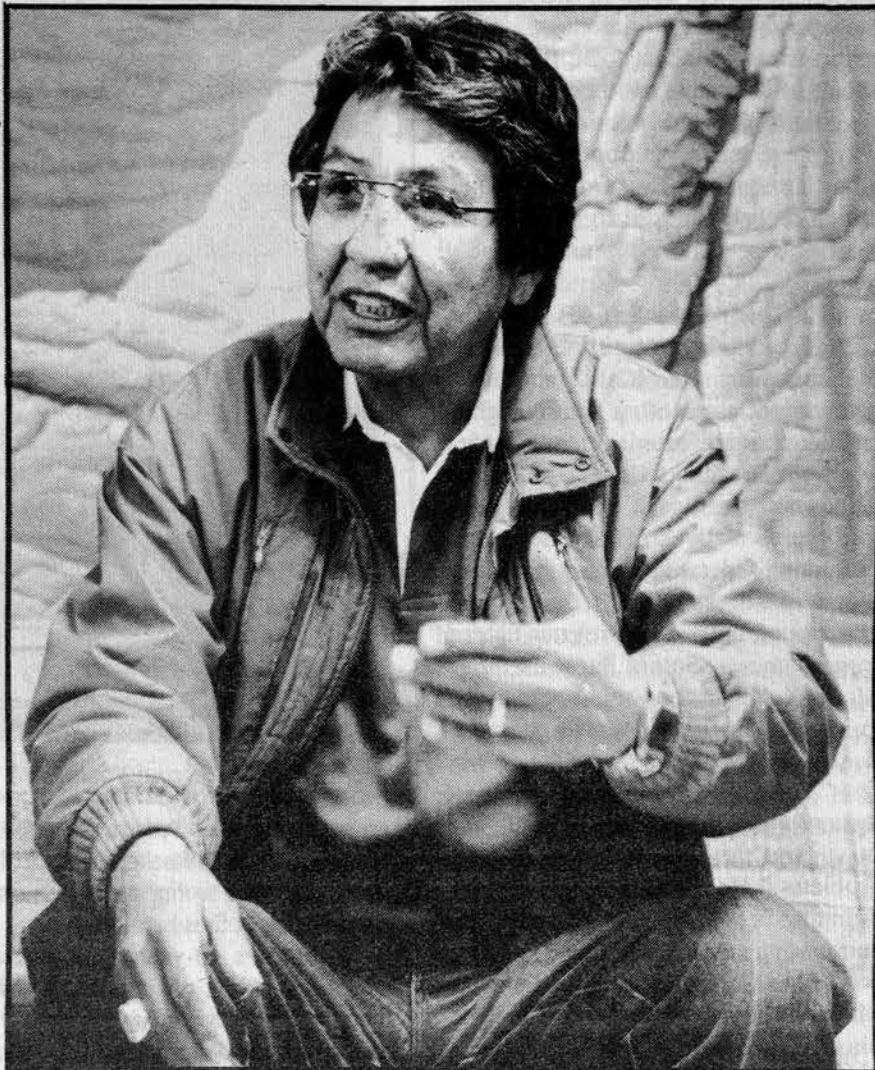
Because the Navajo council refused to place MacDonald's vice chairman in his vacated post, or provide him with staff, office space and a \$500,000 legal defense fund as he requested, the embattled leader stunned the tribe the next day by rescinding his offer to step down.

He reclaimed power less than 18 hours after he relinquished it. His aides told the dozen perplexed non-Indian reporters that the council's attempt to install a chairman and vice chairman pro tem to fill out the remainder of the short winter session was "meaningless."

The council responded to MacDonald by reconvening, going into executive session, suspending its rules and putting MacDonald and Thompson on leave as it had first intended. Since then, MacDonald has proclaimed his innocence and attacked the tribal council.

MacDonald's past two years in office have been marked by political battles and investigations. His current troubles began when testimony, documents and secret tape-recordings before the Senate panel earlier this month revealed that he and two non-Indian Phoenix businessmen planned to share \$7.5 million in profits from the controversial 1987 sale of Arizona's largest ranch —

Kenji Kawano



Tribal Chairman Peter MacDonald

the 491,000-acre Big Boquillas — to the tribe.

MacDonald's longtime friend and partner in the secret deal, real estate developer Byron "Bud" Brown, and his own son, Peter "Rocky" MacDonald Jr., a lawyer, testified against him under limited immunity from prosecution.

They told federal investigators that MacDonald secretly participated in the land deal, then sought to hide his involvement from federal investigators, contrived a false story and coached them both in phony answers to investigators' questions.

Brown, fearing he'd be charged with perjury, secretly began cooperating with investigators by wearing a hidden microphone to record some five hours of conversations with the MacDonalds.

He testified that he told Peter MacDonald just before his January 1987 inauguration that he could buy the ranch for \$26.2 million and sell it to the tribe for a profit. MacDonald's reply was, "I assume I'll be taken care of."

Brown told investigators that he had given MacDonald between \$100,000 and \$125,000 in cash payments and a \$55,000 1986 BMW car.

Rocky MacDonald said he became involved in the scheme because "I love my father," and because he was "the only explanation available."

He served as the conduit through which Brown would make cash payments to his father, he said. When his father wanted more money, Rocky MacDonald would ask Brown for several "golf balls." He told investigators that a "golf ball" equalled about \$1,000.

In addition to these allegations, others who sought to do business with the tribe testified that they gave MacDonald tens of thousands of dollars in cash, vacations and free airplane rides.

In speeches across the reservation, MacDonald has condemned the charges as "lie, lies, lies." He has accused the Senate committee, co-chaired by Arizona Sens. Dennis DeConcini and John McCain, of being motivated by a racist

intent to curtail tribal sovereignty while joining his "opportunistic" political opponents in trying to remove him from office.

An extraordinarily effective speaker in his native Navajo language, MacDonald seems to have done a good job convincing his traditional Navajo constituency that he is being pursued because of his strong stand on tribal sovereignty. Many other Navajos, however, say they are embarrassed by the chairman's apparent deceit and his attempts to turn his personal problem into a tribal issue.

At press time, the battle over allowing him tribal funds for legal fees remained the biggest question.

Now, a month after first being accused, MacDonald holds to his public assertion that he has not been given a chance to answer the charges. Yet in January he notified the Senate committee in writing through his Denver attorney, Richard S. Vermeire, that if subpoenaed to testify he would invoke his Fifth Amendment privilege against self-incrimination.

What may hurt MacDonald is technology. Already, video-taped copies of the Senate hearings, including the secret MacDonald recordings, are making their way around the reservation's 109 communities.

—George Hardeen

This story was paid for by the High Country News Research Fund.

BARBS

It was sort of a leveraged buy-out on the grass-roots level.

In South Dakota, a con-man posing as a minister allegedly talked the owners of a house into selling it to him for nothing down. The con-man then sold the refrigerator and stove before disappearing a week later.

HOTLINE

Hydromania in Idaho

The proponent of a massive hydroelectric project on the North Fork of the Payette River north of Boise, Idaho, recently won the American Whitewater Affiliation's "Hydromania Award." The award went to Western Power Inc., owned by J.R. Simplot, because of the "irreversible damage its project would do to the world-renowned whitewater, the fishery, natural resources and the picturesque scenery," said the group's director, Risa Callaway, to AP. An irrigation district backed by Simplot's company received a federal permit last year to study building the hydro project, which would produce 350 megawatts for export out of state. Environmentalists say the project has the potential to dry up the North Fork in all but a few weeks of the year.

Montana Highway Dept.



Senator attacks ski resort subsidy

Are fashionable ski resorts dining too well at the public trough? Sen. Howard Metzenbaum, D-Ohio, continues to charge that ski areas operating on Forest Service lands should pay more for the privilege. Four federal studies, including one 1986 investigation by the General Accounting Office ordered by Metzenbaum, said that ski areas don't pay fair market value when they lease public lands. "I do not believe that the American taxpayers should subsidize the profitable ski industry, especially when budget deficits are at an all-time high," Metzenbaum said in the *Denver Post*. The GAO audit found that the nation's 50 largest ski areas paid an average of only 2.2 percent of their gross sales to the government in 1985. Jerry Jones of Vail Associates and Beaver Creek said any fee increase will force smaller areas to close and harm some mountain town economies.

Portland says no, too

Portland, Ore., has joined Berkeley, Calif., Suffolk County, N.Y., and the state of Florida in banning polystyrene foam food containers. The ban, which goes into effect Jan. 1, 1990, means an end to the familiar "clamshell" containers in the city's fast food joints. It also means an end to the estimated 1,400 tons of styrene food containers thrown away yearly in Portland.

HOTLINE

Better places to mine

A power company's decades-old plan to strip-mine coal near Bryce Canyon National Park in southern Utah may be scrapped. Nevada Power Company says it wants to swap leases it holds on public land near the park, in an area known as the Alton field, for coal leases elsewhere in Utah. "It was a case of a good project, representing good, high-paying jobs, losing out again to the environmentalists," said Utah Rep. Howard Nielson in the *Deseret News*. Nevada Power's rights in the Alton field include 236 million tons of recoverable coal. If the land swap, which requires federal approval, falls through, the company says it will then develop the Alton field, which has the potential for being the world's largest strip mine. Terri Martin of the National Parks and Conservation Association in Salt Lake City endorses the swap. "Since mining of the Alton fields was first proposed, we've been saying there are better places to mine coal than next to a national park," she said.

It's still squirrels vs. telescopes

The University of Arizona has pledged to protect the endangered red squirrel when it builds a national observatory on top of Arizona's Mt. Graham. As part of a management plan that guides development at the 10,720-foot peak, university researchers say they will spend \$100,000 a year over a 10-year period studying the squirrels, reports the *Arizona Republic*. The plan also calls for a citizens advisory committee to monitor development at the site. In addition, everyone involved with the observatory must sign a statement pledging not to feed, touch or harass the squirrels, estimated to number 200. Although environmentalists fought the project fiercely, federal legislation signed in November 1988 gave the Tucson-based university control over an 150-acre site on the peak. Since then, environmental groups have filed two lawsuits to block the construction of three telescopes this spring, charging that the Endangered Species Act prohibits actions that could threaten the red squirrel.

Citizens fight Umetco's dump plans

A Colorado citizens group has contested the approval of a radioactive waste dump on the state's Western Slope. Western Colorado Congress appealed the Montrose County Commissioners' decision allowing Umetco Minerals to bury 250,000 cubic yards of radium wastes in the abandoned town of Uravan. The group charges that the county commissioners excluded public opinion in their decision and didn't consider impacts of the dump on surrounding tourist-based economies. A second WCC lawsuit targets the Colorado Department of Health contending that its approval of the project disregarded evidence from the U.S. Geological Survey and other experts who said a dump site above the San Miguel River would not be safe. No one will know until spring, however, if Umetco will win an Environmental Protection Agency contract for disposing the waste. The EPA closed bidding on the project in January but said it won't award a contract for several months. Envirocare, a company with operating radioactive waste dumps in Utah, also bid on the contract.

Few sparks fly at hearing on forest fires

MISSOULA, Mont. — A public hearing held here Feb. 1 on fire management policy generated little heat as most participants agreed that some forest fires should be allowed to run their course.

But frigid weather and closed highways prevented people from areas affected by last summer's fires from attending, which probably helped to produce the hearing's small turnout and friendly tenor.

The hearing, the first of 11 held in such disparate locations as Tallahassee, Fla., and Sacramento, Calif., attracted a gathering of about 60, a figure slightly smaller than the evening's below-zero wind chill reading. Conservationists, landowners and Forest Service retirees told representatives of a review team examining federal fire policy that they didn't want the so-called "let burn" policy scrapped, but that the program needed improvements. Some, such as Steve McCoy, a Yellowstone-area backpacking guide, said the fire policy was conservative.

"The fires were a great personal inconvenience to me," McCoy said. "But in the end they are nothing but petty problems." He advocated allowing all lightning fires to burn in the park and surrounding national forest land.

James Curtis, a spokesman for the Montana Chapter of the Sierra Club, said his group supports the review team's recommendation to continue allowing some natural fires to burn on federal lands (See story below). But he told the panel it should also analyze the costs and environmental damages of fire suppression. Bill Cunningham, a long-time Montana conservationist, said a refined fire policy should not recommend building fire breaks around designated wilderness or roads into roadless areas under the guise of easier access for fire fighters.

Two of the men responsible for developing and managing the Forest Service's natural fire policy in its embryonic days urged the panel to continue the pro-



Fire in Yellowstone National Park last summer

gram. But Forest Service retirees Bud Moore and Jack Puckett also said the agency needed to improve its decisions on when to let fires burn.

Moore, a 40-year agency veteran and former chief of fire management in the Northern Region, said the Forest Service overlooked drought conditions early in 1988. He also said the agency allows officials unfamiliar with local conditions to determine let-burn conditions, and that local rangers and residents should have more say in fire decisions.

"When the chips get down, let's listen to the folks who know that country, and listen hard," Moore said.

Puckett, a former fire specialist, charged that some Forest Service officials who don't have enough background in fire to make let-burn decisions get involved for "ego gratification." Like Moore, he said there were indications last February that a bad fire season was

building and that weather forecasting last summer was "nil, or poor at best."

Also commenting was a rancher and former logger from Oregon. He said agencies should "stop profiteering from fires." He charged that fire fighters have no incentive to extinguish fires because they only get paid when the woods are burning. He also recommended that loggers be used more often in fighting fires.

The five-member panel, composed of Park Service and Forest Service representatives, as well as a fire scientist from the University of Montana, sat mute during the hearing. Aside from the hearing officer's introduction, the panel made no comments, nor asked any questions. The review team says it will incorporate testimony from the hearings into final recommendations on federal fire policy.

—Bruce Farling

Report scorches the National Park Service

A team appointed last September by the Interior and Agriculture departments to review fire management policies released its findings Dec. 14. Composed of officials from the Forest Service, Bureau of Land Management and Park Service, as well as two academics and a representative of an association of state foresters, the team endorsed natural fire policies and recommended they be strengthened.

Despite the endorsement, the team identified many areas that it said needed improvement. Many of its criticisms stem from last summer's Yellowstone fires, which burned more than 1 million acres inside the park and on adjacent Forest Service land (*HCN*, 11/7/88). The review team said 28 of the 249 fires that started in the greater Yellowstone area were allowed to burn under natural conditions, and more than half of those then took months to extinguish.

The group found that:

- Many fire management plans do not prescribe specific conditions that trigger a decision to allow a fire to burn;
- Agency budgets, training and the experience of many fire managers are inadequate for managing some fire programs;
- Fire plans do not analyze cumulative effects of drought or the risks inherent in having many large fires burning at the same time;

- Long-range weather forecasts are not reliable;

- Different agencies do things differently and don't always coordinate smoothly;

- Information on some programs and public participation in development of some fire plans was lacking.

The review team also recommended that all fire plans include hard-and-fast criteria for deciding whether a fire should be allowed to burn; that agencies conduct more research on fire behavior, weather and fire history; that they be required to prepare environmental assessments and impact statements that ensure public participation in fire planning; and that officials responsible for natural fires certify daily that equipment and fire fighters are available to keep the fire within prescribed bounds.

Many of the recommendations could tighten fire policy in Yellowstone National Park, the target of the review team's most stinging criticism. According to Ron Wakimoto, a University of Montana professor and member of the policy team, the park erred grievously in several areas.

Decisions to allow fires to burn in the park last summer, he said, violated Department of Interior policy because they were not based on specific indicators such as moisture levels in forest fuels or on how many other fires were

burning in the area. He also said the park had little pre-fire planning for reducing fire hazards around park buildings and satellite towns such as West Yellowstone and Cooke City.

The agencies are not legally bound by recommendations, and the review is just the first of many. This spring or summer, for example, the natural-fire policy may be examined by Congress, an event natural-fire boosters fear could bring radical changes in policy. For the immediate future, in Yellowstone, changes are already under way. The Department of Interior has told the park to extinguish all fires this summer.

—Bruce Farling

BARBS

We will know World War III has started when Rather comes on the air wearing bifocals.

An executive producer of WSTM-TV in Syracuse, N.Y., wrote in *Newsweek* of a recent plane crash: "It all started when I saw Dan Rather on one of our newsroom TV sets. It was the first time I had seen him wearing glasses on the air, so I knew it was an important story."

Arizona rancher slaughters bears, lions

Documents filed with the Arizona Game and Fish Department reveal that bears and mountain lions still are being killed on Forest Service land leased by cattle rancher Eddie Lackner (HCN, 8/29/88).

Lackner, who killed eight bears on his leases last year but didn't report them to Game and Fish as required by law for depredation damages, pleaded guilty in a plea-bargain arrangement and was fined \$150. The fine was suspended.

Arizona law allows any livestock operator who has had livestock attacked or killed by bears or mountain lions to "exercise such measures as necessary to prevent further damage" as long as any animals taken are reported within 10 days.

In November 1987, a deer hunter stumbled upon a gigantic grizzly trap and several dead bears on Lackner's Squaw Basin allotment on the Coronado National Forest. He complained to the Game and Fish Department. The local wildlife manager filed more than 20 charges against Lackner, including reckless endangerment, taking big game out of season, failure to check traps on a daily basis and not reporting the killing of eight bears.

The Arizona Game and Fish Commission took no civil action against Lackner.

The Forest Service, which acknowledged it was under public pressure to

penalize Lackner for breaking state law, revoked his sons' grazing lease on an area called Four Mile.

Since the Lackner case was filed, Game and Fish documents reveal that two more bears have been trapped on Lackner's Forest Service leases and at least seven mountain lions.

One of the bears died after being held for three days in a trap, the report said. All of the lions — mostly females — were killed.

Four of the lions were caught in Lackner's steel traps. A federal predator control agent caught the bears and other lions in foot snares and traps or shot them after treeing them with hounds.

Most of the lions were killed on the Lackner family's Four-Mile allotment.

At Lackner's request, the Forest Service road leading onto the leased land where the offenses occurred was closed with a fence. Hunters and other public users must seek permission to enter the forest through Lackner's private land.

When a written request to the Coronado National Forest for more information went unanswered for more than four months, a reporter contacted Larry Allen, the forest's range staff officer. Allen said Lackner's Four Mile lease had been suspended for two years, beginning in 1989.

When asked why this allotment, which Lackner manages for his sons, was chosen instead of his Squaw Basin

lease on which the offenses occurred, Allen said, "(We) probably shouldn't do that, but as a practical matter that's what we did. We were going to do it anyway."

Forest Service documents showed that the Four Mile allotment had been overgrazed and was in unsatisfactory condition.

As for the road closures, Allen said the Forest Service might have been "a little too accommodating toward the livestock interests."

Many of Lackner's 65 cows from the Four Mile allotment have been moved onto an adjoining state lease, a Forest Service spokesman said. As for the road closure and any range problems on Lackner's 70-cow Squaw Basin allotment, the Forest Service says it still is working on a solution.

Thousands of petitions calling for the repeal of Arizona's stock-killing and bounty laws have been collected by such organizations as Mesa Varmint Callers, Lions Unlimited and The Arizona Bear Society. This action has prompted Sen. Tony Gabildon, D-Flagstaff, and two senators from Tucson to sponsor a bill repealing the existing law that allows ranchers and federal predator control agents to kill lions and bears at will. There is no corresponding legislation in the House.

—David E. Brown

HOTLINE

Senator drips boney

Though most Washington, D.C.-based environmentalists chose not to oppose Manuel Lujan's appointment as Interior secretary, they still got an unwelcome blast from Utah Sen. Jake Garn at the confirmation hearing. "I just enjoy stuffing it down the throats of some of those arrogant, egotistical, inside-the-beltway types, some of whom are sitting in this room," said Garn, a Republican. The Energy and Natural Resources Committee approved the nomination after little debate, with chairman Bennett Johnston, D-La., setting the tone: "I look forward to voting for you almost no matter what you say today," he said to Lujan. However, Tim Wirth, D-Colo., told Lujan that the federal government had to take the lead on a long list of serious environmental problems, and he challenged the notion that extractive economies based on oil, gas, timber and minerals should continue to support the West.

Triple-trailer trucks run over in Wyoming

A close vote in the Wyoming House defeated a controversial two-year test that would have allowed triple-trailer trucks on Wyoming's interstate highways. Representatives from counties along I-80, the major trucking route in the state, opposed the bill, which lost 33-31. Lobbying against the bill were the Teamsters Union and members of the railroad industry. They said the rigs were unsafe and difficult for motorists to pass. Critics also said the unpredictability of Wyoming weather and sudden snow storms were hazards for the big rigs. Supporters of the bill cited good driving records in states where the rigs are allowed. However, Colorado and Arizona allow the trucks only on designated roads, and New Mexico is in a two-year test to determine if it will permanently allow the trucks. Daryl Capurro of the Nevada Motor Transport Association says that since triple trailers were allowed in 1969, they have proven to be eight times safer than single trailers. In Wyoming, a major argument for the rigs came from the state trucking association, which predicted that triple-trailers would generate 400 jobs.

A small herd of bighorn sheep is at risk

Charles Hansen, USFWS



Desert bighorn sheep

If the BLM in Utah changes a sheep rancher's grazing allotment on the San Rafael Swell, five desert bighorn sheep could be wiped out.

Sheep rancher Joe Iriart of Price, Utah, has requested a change of use from 416 cattle to 1,500 sheep and 197 cattle on the McKay Flat grazing allotment, approximately 50 miles southwest of Green River, Utah. His 53,000-acre allotment contains 48,120 acres of desert bighorn habitat with 1,910 acres used as lambing grounds by the bighorns and considered "crucial" habitat by the Bureau of Land Management.

Now being reintroduced in the West, desert bighorn sheep were numerous in southeast Utah until the early 1900s. By that time, livestock grazing, illegal hunting and loss of critical habitat that

included water sources had nearly eliminated the species. The Utah Division of Wildlife Resources estimates that 352 desert bighorn once ranged Joe Iriart's BLM allotment.

The agency's environmental assessment concludes that if the allotment is changed, the desert bighorn population "could be lost to disease in the first three to five years." It adds that other desert bighorn populations nearby would be put at risk from domestic sheep diseases transmitted in the scarce water supplies.

Measures proposed by the BLM to protect the bighorns from domestic sheep include developing off-site water sources for the bighorns, hauling water for the domestic sheep, establishing a

two-mile buffer zone between the different types of sheep, and allowing domestic sheep in the allotment only when the bighorns are not rutting or lambing. However, the report says that these actions will not lessen the potential for diseases spreading to the bighorns.

The comment period for the proposal has been extended to March 9. Comments should be sent to the Bureau of Land Management, San Rafael Resource Area, 900 N. 700 E., Price, UT 84501. For more information, contact Mark Hughes, Sierra Club Legal Defense Fund, 1600 Broadway, Suite 1600, Denver, CO 80202 (303/863-9898).

—Steve Ryder



Bob Miles, Arizona Game and Fish Dept.



Snow geese at Bosque del Apache National Wildlife Refuge, New Mexico

Wildlife refuges have room for everything but...wildlife

The public has until March 6 to comment on the fate of almost 90 million acres of wildlife habitat, an area larger than the entire national park system.

This area represents the nation's 442 national wildlife refuges where conflicting uses such as grazing, haying, timbering and fur trapping co-exist with the maintenance of safe harbors for wild animals increasingly pushed out of their accustomed homes.

At issue is a draft environmental impact statement issued in 1988 by the U.S. Fish and Wildlife Service. The four management choices addressed in the draft are based on more than 3,000 comments collected through 11 public hearings and other means.

The draft EIS was prepared by refuge managers, biologists and administrators who address only the question of managing refuges, not budget, staffing or the need for acquiring land. Their preferred Alternative A is the continuation of the current "evolving program" of refuge management. Under the National Wildlife Refuge System Administration Act of 1966, the Interior secretary may permit the use of refuge lands for any purpose so long as the use is compatible with the major purposes for which a refuge was established. Those uses include logging, camping, grazing, mowing, trapping, hunting and fishing.

Interior policy allows for further discretion. Oil and gas exploration, permitted by law in Alaska, may be allowed on other refuges. Although former Interior Secretary William P. Clark established a policy that no new oil and gas leases would be permitted on refuges in the lower 48 states after 1984, outgoing Secretary Donald Hodel and incoming Secretary Manuel Lujan have indicated that this policy may be reversed.

The three other alternatives offered manage to offend either the conservation community, sportsmen or businesspeople.

Alternative B maximizes all uses and encourages intensive ones such as farming and timbering. Hunting, fishing and trapping would also increase, as would non-consumptive but not always compatible uses such as water-skiing and camping.

Alternative C seems designed to be unpopular with almost everyone. All extractive uses not mandated by law would cease, but so would hunting, fishing, berry-picking and most outdoor recreational pursuits.

Bird watching and other wildlife activities would be confined to visitor centers and designated nature walks. Habitat management would be cut back, natural succession would take place, forests would mature naturally and wetland acreages would decrease.

Alternative D would manage the refuges as they are now but would eliminate hunting, fishing and trapping. The problem with this approach is political reality: More than one-third of the refuges are waterfowl production areas either partially or entirely purchased and maintained with hunters' duck stamp monies.

Without waterfowlers, most refuges would lose much of their political and financial support. Duck hunters fought long and hard for a national system of wetland refuges; to disenfranchise them now would be difficult to justify.

Do any of the four proposals correct what critics say is wrong with national wildlife refuges? Public comments most often criticized current policies that allow hunting, yet of the 33.6 million visits to refuges in 1987, less than 3.3 percent, or 1.1 million people, were hunters.

A 75 percent increase in hunting between 1974-1987 appears to be partially due to the recent acquisition of large, remote refuges in Alaska. Although hunting has caused the overharvest of some wildlife on Kenai National Wildlife Refuge in Alaska, and

of some waterfowl, there is little evidence that any wildlife species is jeopardized.

The hunting issue appears to be primarily one of conflicting use rather than the need for management changes to benefit wildlife. Alternative B would only exacerbate this kind of conflict; Alternatives C and D would eliminate rather than alleviate the conflict.

Conservationists who criticized a refuge's disregard for natural habitat raise a different issue. Some said rare and vanishing plant and animal communities have been destroyed to create croplands for mallards, Canada geese and other artificially managed species.

This issue is only partly addressed in Alternative C, which would allow natural succession. Nowhere does the agency talk about maintaining and enhancing native biotic communities.

Pollution of refuges by contami-

nants such as salt, pesticides and heavy metals was the other major public concern. No real solutions are offered in this EIS since the source of most of this contamination is outside the jurisdiction of refuge management.

Except for the banning of agricultural chemicals and lead shot on refuges, there is little that "management" can do to solve this problem.

Copies of the *Draft EIS: Management of the National Wildlife Refuges* are available at all regional offices of the U.S. Fish and Wildlife Service. Final comments are due March 6 to the Environmental Impact Statement Coordinator, Division of Refuges, U.S. Fish and Wildlife Service, 2343 Main Interior Building, 18th and C Sts. NW, Washington, D.C. 20240.

—David E. Brown

HOTLINE

Idaho wilderness bill is back

The unpopular Idaho wilderness bill supported by Sen. James McClure, R, and Gov. Cecil Andrus, D, has been reintroduced by McClure. Last year's version of the bill died in a Senate subcommittee. The new bill designates 1.4 million acres as wilderness, but also requires an annual timber harvest of 3.5 million board-feet in the Idaho panhandle, establishes motorized vehicle trails and denies federal reserved water rights for wilderness. Last year opposing groups became polarized and are still not talking to each other. "The conditions aren't right for a compromise," Wilderness Society representative Craig Gherke told the *Idaho Mountain Express*. Conservationists are pushing for a 3.9-million-acre addition to the state's wilderness system. Off-road vehicle groups

and others have fought to reduce the amount of wilderness and open more land for motorized recreation. The conservationist-supported House bill, H.R. 1512, cannot get a sponsor in Idaho and will be introduced by Rep. Peter Kostmayer, D-Pa., says Tom Pomeroy of the Idaho Conservation League. H.R. 1512 has been introduced four times since 1983, but has yet to receive a hearing. Gherke says McClure's wilderness proposal may make it through the Senate this year, but will probably not survive the House.

BARBS

A whiff of war.

An ad promoting "extraordinarily lethal" rockets in trade publications releases the smell of a rocket explosion when scratched with a fingernail. Next year the company wants to run an ad that sounds like an explosion, reports the *Arizona Republic*.



CAPITOL HILL

Diatribes on fires may yield to facts this spring

WASHINGTON, D.C. — Rep. Ron Marlenee is not one to let a few facts get in way of a good diatribe.

The Montana Republican, who is known for his splenetic outbursts of self-righteous indignation, really outdid himself last week.

Last fall, Marlenee had asked for House hearings on last summer's Yellowstone fires. Unfortunately, the parks and public lands and the forestry subcommittees granted his wish.

Their joint hearing became a forum for Marlenee to expound on his favorite topic — the unfeeling federal bureaucrats, ivory-towered scientists and elitist environmentalists who conspire to rob the honest, hardworking people of the rural West of their chance to earn a living. Needless to say, Marlenee is absolutely certain that sinister trio caused the Yellowstone fires.

Marlenee began by accusing the National Park Service and Forest Service of engaging in official arson.

"We are here today to examine a policy so misguided, so abusive, so wasteful, so destructive that no better definition could be drawn to describe the term 'scorched earth policy,'" Marlenee said. "The deliberate destruction of resources are (sic) almost incomprehensible."

"This disregard for creatures big and small would make the most aggressive hunter weep," he continued. "In the private sector it would be called arson. In the bureaucracy and among environmental groups it's viewed as God's will or something akin to faith healing."

Hyperbole aside, Marlenee's comments last week were full of misrepresentations, errors and outright untruths.

He estimated that the fires burned 5 million acres of timber worth \$2.5 billion. Never mind that the acreage was smaller, much of the land that burned was not forested, a great deal of the forested land is not open to logging anyway, and that a good deal of the commercial timber that burned is worth a lot

less than Marlenee claimed. His loss estimate is a gross overstatement.

Marlenee repeated several already discredited allegations that Yellowstone National Park personnel actively impeded the fire-fighting effort — for example, helicopters being barred from dipping water buckets into certain park streams and lakes. He didn't mention that the restriction applied only to thermal features that could have been damaged.

"Perhaps most disturbingly, I have heard from many credible folks that a research biologist in Yellowstone regularly chanted the slogan 'Burn, baby, burn,' while wildfires devoured Yellowstone," Marlenee charged.

Did the biologist in question do his chanting in public, where he could be observed by those "credible folks"? And, if he did chant, whether in public or in private, what difference did it make? Does Marlenee also believe that chanting by members of the Church Universal and Triumphant kept the Fan Fire off their property?

Later in the hearing, Marlenee made much of an internal memo by a National Park Service fire expert who visited Yellowstone for two days in July and found that the park staff was willing to let the fires burn as long as they stayed within the park and didn't destroy structures. Neither the memo nor Marlenee mentioned that fires at the time covered barely 100,000 acres, and that best estimates by fire experts predicted a very slow spread. Nobody knew or expected what would happen in August and September.

Witness after witness — federal officials, conservationists, and most importantly, scientists — attributed the intensity and extent of the fires to the extraordinarily dry and windy conditions that hit Yellowstone in late summer.

Those same witnesses testified that, in the long term, the fires will benefit Yellowstone and the surrounding area.

Marlenee wanted no part of any contrary views, and attempted to discredit those who presented them.

Lynn Greenwalt, a former director of the U.S. Fish and Wildlife Service who is now a vice president of the National Wildlife Federation, could not be believed because the National Wildlife Federation wants to stop all livestock grazing on public lands, Marlenee implied. Greenwalt angrily pointed out that Marlenee was deliberately distorting the National Wildlife Federation position.

Marlenee tried to demonstrate that the university scientists who appeared could not possibly objectively evaluate the Yellowstone fires because they either take research money from the National Park Service or have no experience in fire management.

That tactic proved counterproductive in the case of University of Washington forestry professor James Agee. Asked by Marlenee to describe his background, Agee reeled off an impressive list of credentials, including 15 years spent developing fire management programs for the Park Service.

Nevertheless, Marlenee was unimpressed, leaning back in his chair with a smug smile, evidently believing he had made Agee look foolish, and not the other way around.

Marlenee seems to think that any evidence that runs counter to his preconceived notions is part of what critic Alston Chase called a "great fire sale (with) Yellowstone being repackaged by bureaucratic spin doctors, gullible journalists, and environmental organizations that are not doing their homework."

I guess I must be one of those "gullible journalists." But I do try to do my homework, even if it means sitting through several painful hours of hearings featuring Ron Marlenee.

There is no doubt that the Park Service and Forest Service made some mistakes in Yellowstone last summer, and that the fire caused some real economic damage. The park fire policy needs to be changed to take better into account its effects on surrounding communities, and the Park Service needs to do a better job

of communicating with the public when fires occur in the future.

But the fires, like the drought that allowed them to occur and the winds that propelled them, were an event largely beyond human control. In retrospect, it is incredible that so little property and so few lives were lost.

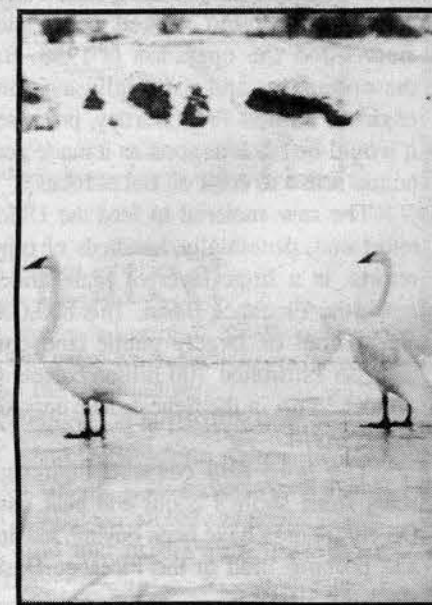
By this spring, we will begin to see whether the face of Yellowstone has been changed for the better, as the scientists predict it will be, or whether the park has been irreparably damaged, as Marlenee evidently believes.

Not being one to let a good diatribe get in the way of the facts, I'm throwing my lot in with the scientists.

—Andrew Melnykovynch

The writer covers Washington, D.C. for the *Casper Star-Tribune*.

HOTLINE



Rescue effort for swans

February's arctic weather united farmers and conservationists in an effort to save 500 trumpeter swans from starvation on the Henry's Fork of the Snake River in Idaho. Reduced flows from last year's drought coupled with bitter cold froze the swans' winter feeding grounds. Dead swans were locked into the ice while coyotes and eagles preyed on others weakened from cold and hunger. At least 30 swans died, says the Idaho Fish and Game Department. Relief came when irrigators from the Snake River Water District 1 released 1,600 acre-feet of water from a reservoir to flush ice from the frozen channel, and a local grain elevator donated 1,000 pounds of grain. A contribution from the International Trumpeter Swan Society and a loan from the Idaho Nature Conservancy of \$8,000 each will purchase water that, along with another 10,000 acre-feet donated by irrigators, will keep the Henry's Fork flowing at its normal level all winter. Once an endangered species, trumpeters reached a low of 73 birds before Canadian and U.S. efforts brought numbers back to about 2,000 birds today. The flock in Idaho represents a quarter of all the birds alive today. A special account has been set up by the Henry's Fork Foundation, a local conservation group, to pay back the Nature Conservancy loan and to provide for future emergency water needs. The Henry's Fork Foundation is at Box 61, Island Park, ID 83429.

Robert Bower



Yellowstone Park Superintendent Robert Barbee

An oil shale project hangs on, but barely

by Jon Klusmire

Scars on the landscape are the most visible result of decades of work to convert massive reserves of oil shale into usable crude oil and jobs for northwest Colorado, an area that calls itself "The Oil Shale Capital of the World."

Halfway between Rifle and Parachute, a road zigs and zags almost 2,000 feet up the face of a towering mesa. Etched into the steep hillside in the 1940s, the road leads to a mine that provided raw shale for the U.S. government's Anvil Points shale facility.

During the 1950s, Anvil Points thrived. Workers and their families bustled through the pre-fab town at the base of the mesa. The facility's shale-oil powered cars and diesel buses. A by-product of the operation was a tough, shale-based asphalt used to pave Anvil Points' roads. Today, 30 years later, the roads are in good shape but no one drives on them.

About 10 miles north of Parachute rests a rusting shale retort that, during the 1950s, produced about 800 barrels of oil a day for its owner, Union Oil. Although the retort worked well, Union mothballed the operation in 1958. But the company, and especially a young engineer named Fred Hartley, promised it would be back as soon as it made economic sense to cook oil out of rocks.

The raw material to feed the Union retort and, potentially, hundreds of other retorts, is a huge layer of shale underneath the Piceance Basin. This 800,000-acre parcel of largely public land contains an estimated 700 billion barrels of oil locked up in the richest shale deposits in the world.

The land also contains numerous scars from shale's boom and bust past. Oil companies have been buying, leasing and probing land in the Piceance Basin since the 1920s.

The oil shale gospel then, and now, holds that one day the world will run out of oil. When that day arrives, oil shale will come to the rescue. In the late 1970s, it looked as if that day had come. Occidental, Chevron, Mobil, Gulf, Tenneco, Unocal and Exxon all started work on ambitious shale projects in and around the Piceance Basin.

The scope of their projects was awesome. Bulldozers moved 1.7 million cubic yards of topsoil from 1,500 acres of land to prepare for Exxon's Colony project north of Parachute. It was supposed to produce 47,000 barrels of shale oil a day for 20 years — a gusher by any standard.

Fueled by the shale projects, Rifle's population of about 4,000 was predicted to boom to over 30,000 by 1990, and another 30,000 or so shale seekers were scheduled to invade Parachute and Battlement Mesa, the suburban community Exxon was building across the river from Parachute.

When Occidental pulled the plug on its Cathedral Bluffs project at the end of 1981, it didn't cause much concern. Exxon, the world's largest company, was still the boom's shining star. By early 1982, Exxon was spending an estimated \$1 million a day to keep over 2,500 workers toiling on the Colony project and Battlement Mesa.

Then boom turned to bust, overnight.

On May 2, 1982, immediately dubbed "Black Sunday," Exxon

announced that it had decided to stop work on the Colony project. As a result, thousands of people left the area. File cabinets in local city halls hold maps of platted and planned development that never occurred as a bust replaced the boom, and shale once again became a resource whose time had not come.

But for Union Oil, now called Unocal, and 700 workers, oil shale's future is now. Unocal did not leave with the rest of the shale crowd in 1982.

Unocal had a \$400 million Defense Department contract in hand, plans for a modest 10,000-barrel-a-day facility and the don't-look-back support of Fred Hartley, who had risen to Unocal's president and chief executive officer. The company completed its shale mine, retort and upgrade facility in 1983, at a cost of over \$700 million.

Unocal's shale mine accommodates huge dump trucks and front end loaders. On a bench outside the mine sits the retort that cooks the shale to 900 degrees, releasing the shale syncrude. The upgrade facility, with its towering smokestacks, hundreds of miles of pipes and bright orange flaring fires, resembles nothing less than a piece of Pittsburgh transplanted to a cow pasture.

All isn't well with the nation's first and only commercial-scale oil shale plant, however. Fred Hartley is no longer able to protect the plant from the firm's accountants. When Hartley stepped down as CEO and president of Unocal in July 1988, his successor, Richard Stegemeier, made an announcement that sent shock waves throughout western Colorado.

Stegemeier said all of Unocal's operations would be assessed for profitability and those losing money would be closed. He singled out the shale plant by calling it a "cash flow hemorrhage" and placed it on the top of his "intense scrutiny list."

That announcement lit a fire under more than shale rocks up Parachute Creek. Every aspect of the operation was scoured for savings, and the results were staggering. The shale team cut \$20 million a year in costs from everything from coffee to natural gas contracts.

Productivity increased dramatically and by the end of the year the plant was producing 5,000-6,000 barrels of shale oil a day, said Unocal's information officer Carol Scott. That projection level combined with cost-cutting put the plant close to breaking even, Scott said, saving it from the shale graveyard.

The shale plant's new lease on life prompted a sigh of relief in Mesa and Garfield counties. The two counties split the plant's workforce and benefit from an estimated \$70 million a year in local purchases and taxes generated by the operation.

But the plant's close shave begs the question: Will oil shale ever be a feasible alternative to traditional sources of oil?

History confirms that technology is not the problem. In 1694, Britain issued the first patent for an oil shale retort. The Scottish oil shale industry started in the 1850s and ran successfully until the 1950s.

The U.S. shale industry also started in the 1850s. It supplied fuel to the eastern seaboard, but went out of business soon after oil was discovered in Pennsylvania. In the 1920s, several Piceance Basin shale retorts operated successfully until the huge West Texas oil fields drove the price of oil from 50 cents to 5 cents a barrel. Finally, in the 1950s, Anvil Points, Unocal and other shale operations retorted and processed about 350,000 barrels of shale oil. But, pricey shale oil couldn't compete with the newly tapped, sweet, cheap Middle Eastern crude.

It is not a question of technology then; it's a question of economics: How high does the price of oil have to get before oil shale makes sense?

In part, that question was answered during the last boom. When oil prices headed over \$25 a barrel and were projected to hit as much as \$40, almost every major U.S. oil company decided shale's time had finally come. When the price peaked at about \$32 a barrel and started slipping, the boom went bust!

Unocal's federal contract subsidizes oil shale by guaranteeing the company \$41.50 per barrel. At that price, the plant is close to breaking even by producing

its current run of 5,000-6,000 barrels a day. However, the company won't divulge if "breaking even" means merely paying the bills or covering operating expenses and recouping the plant's \$700 million capital cost. Unocal expects production eventually to reach the plant's 10,000 barrel capacity, which will bring certain economies of scale into play and further increase income. The contract, however, will expire in 1992, at which time Unocal will reassess whether it can continue to operate the plant, said Scott.

In the past, the discovery of huge new reserves of cheap, accessible oil killed oil shale plans. Part of the reason the 1980s boom was so intense was that most experts had decided there weren't any more huge, hidden puddles of oil left to find. They were partially right. Although no new conventional oilfields were discovered, an unconventional one was. Advances in saving oil and increasing oil efficiency — getting more power, miles per gallon or heat out of each barrel of oil used — helped turn the oil crisis into an oil glut.

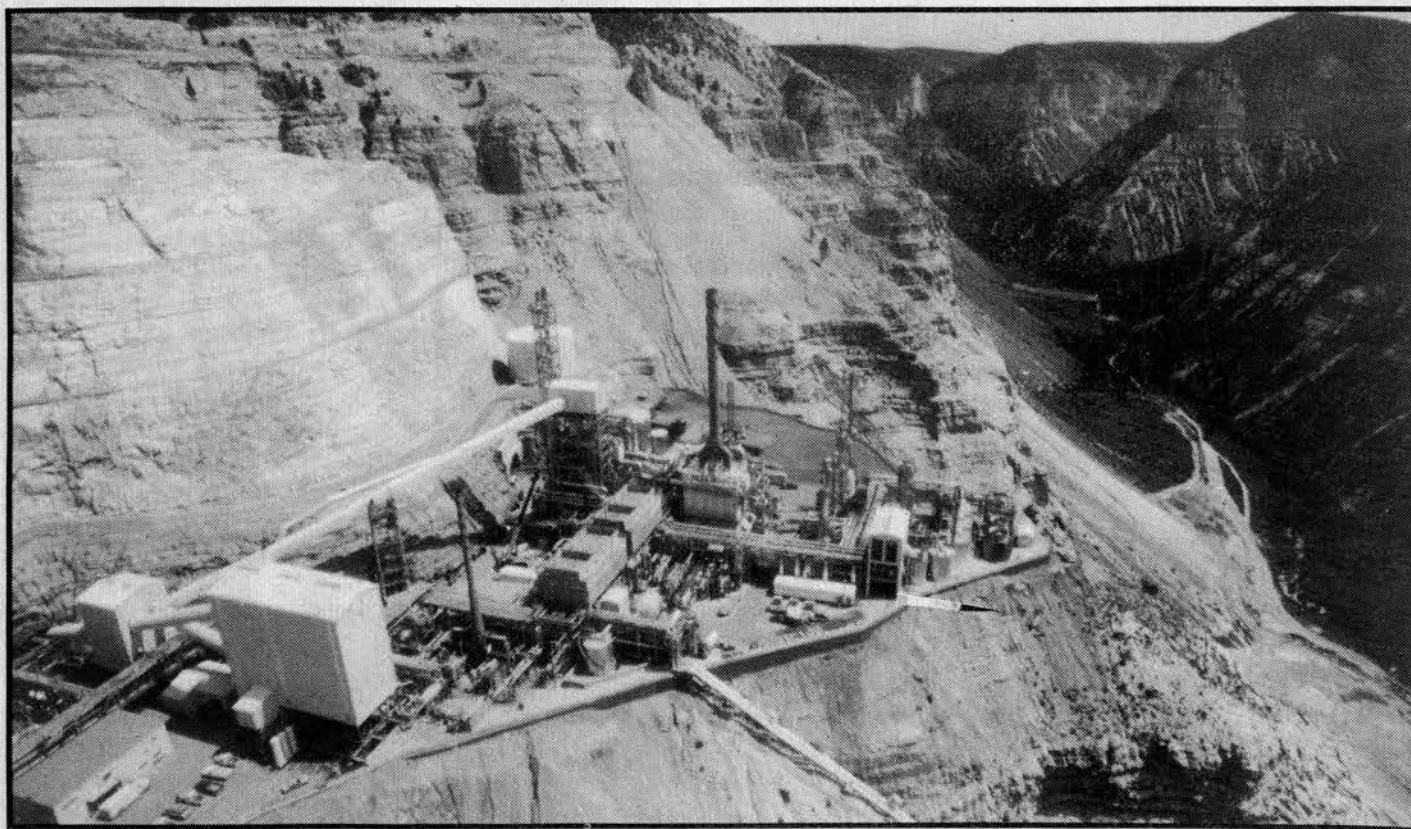
During 1977 to 1985, total U.S. oil use fell 15 percent while the number of registered cars grew 20 percent, according to energy analyst Amory Lovins. Americans now use 38 percent less oil and gas to produce a dollar of Gross National Product than in 1973, he added.

No one knows where oil prices are heading. Prices seem to be rising now, but OPEC members could abandon their production limits and cause prices to drop. Or demand could increase and push prices higher. In the U.S., oil imports are up and domestic drilling is down, but the nation is saving oil at steady rates, which is keeping demand from skyrocketing.

In addition to being intertwined with the topsy-turvy world oil market, oil shale is also locked in a race with improved energy efficiency and development of alternative liquid fuels based on alcohol, biomass and natural gas to become the fuel that will eventually replace oil.

□

Jon Klusmire is a freelance writer in Glenwood Springs, Colorado. This story was paid for by the High Country News Research Fund.



Aerial view of Unocal's oil shale project in Parachute Creek, Colorado



Colorado's Piceance Basin, rich in oil shale

Oil shale land claimants say they are being cheated

Most oil shale claims are held in the portfolios of energy conglomerates that can easily afford to absorb the costs of long-term speculation. There are a few exceptions.

Several Colorado families have handed down their claims for generations in hope of one day striking it rich. But mostly they have handed down the need for patience.

Walter Penfold, for instance, was searching for a new ranch site in 1918, when he contacted Ed Manker, a real estate man from Vernal, Utah. They took a horseback tour of northwest Colorado and eastern Utah. One night in Colorado, they came upon some cowboys sitting around a campfire. The campfire was made of shale rocks, and they were burning.

That display convinced the men of shale's potential value, and they proceeded to claim over 4,000 acres of public lands in Colorado and Utah. Then they settled back to wait for the oil shale industry to develop.

Seventy-one years later, their families are still waiting.

The claims lay dormant from the 1920s to the 1950s, and the families didn't even know about them until they were asked to sell. Since then, Ruby Justice, 71, of Ft. Duschene, Utah, said the family has spent "a pretty penny" on legal fees and assessment work "trying to prove up" on the claims and gain ownership through a patent. Justice isn't so sure the family's investment is going to pay off. "You can't keep paying for assessment work forever," she said.

Justice said her family would like to make some money on the claims but said that doesn't make them speculators. She described her father, a rancher, as an "ordinary, hard-working man looking for a way to make a little money."

The chances of anyone making some money are growing slim. Justice said proposed increased filing fees and other costs may mean the family won't be able to afford to patent the claims even if the government gives its go-ahead, "I think the government wants to keep the claims, and the royalties, for itself."

Escalating costs and the difficulty of passing the claims on to the family also concern Manker's daughter-in-law, Goldie Manker, 82, of Bishop, Calif. She said she is just trying "to hold on as long as possible ... and see what comes" of the government's latest effort to get the patent process moving again.

Manker said the family is made up of regular "working stiffs" who are starting to question if they can afford to patent the claims.

The family has received offers for the claims, Manker said, "but they weren't worth the postage stamps to turn them down."

Before World War I, fruit growers around Grand Junction, Colo., saw oil shale as an alternative fuel for the smudge pots used to keep fruit from freezing. That potential market spurred Rifle rancher H.K. Savage to explore the shale-rich Piceance Basin between Rifle and Meeker. He never filed claims but continued to investigate and dream about shale's future. During the Depression, he lost his ranch and moved to Kern City, Calif., to work for Union Oil.

His son, John Savage Sr., became a mining engineer and kept the family's interest in shale alive. In the late 1940s and 1950s, shale experienced a boom and Savage came back to Rifle and started to accumulate shale claims according to his son, John Savage Jr., a lawyer and judge in Rifle.

The family didn't buy any claims

outright, the younger Savage said. Instead, it took an interest in claims in return for doing the legal and assessment work leading to a patent. Today, the Savages have an interest in about 6,000 acres of patented claims and over 6,000 acres of unpatented claims. But the family is not sure it can afford to keep investing time and money because there's been no profit in more than 30 years.

Savage scoffed at the suggestion that the surface rights, rather than the shale, are the driving motivation for keeping the claims. The barren, isolated Piceance Basin is not exactly hot-development property right now, he said. As for turning the claims into sites for condos or other types of developments, "Anyone who believes that is either stupid or nuts." No commercial housing development has been built in the Piceance Basin for 25 years, he added.

Although the 1872 Mining Law may not represent current sentiment about public lands, Savage said, the claims were filed under that law, and "it isn't fair to change the rules half-way through the game."

But that, he charged, is what Colorado 3rd District Rep. Ben Nighthorse Campbell, D., is trying to do, by blocking the patent process through congressional action. Savage said that will again turn the debate into "a media and political football."

In the late 1930s, Tell Ertle, a young mining engineer, became convinced that America's dwindling oil supplies would create a crippling dependence on foreign oil. He wrote scholarly papers promoting oil shale as a secure domestic supply of oil, as did another young engineer, Fred Hartley. Hartley went on to head Union Oil, where he pushed the company into the forefront of shale development.

Ertle went to work for Hartley and

over the years gained extensive experience in the shale industry. Besides working for Union Oil in the 1950s at its first shale retort in Parachute, Colo., he also worked for the U.S. government at the Anvil Points shale facility near Parachute and in the Brazilian shale industry.

While at Anvil Points, Ertle realized the Middle Eastern oil discoveries would once again delay the shale industry, said Joe Fox, a Denver accountant and trustee of the Ertle family trust. When Union Oil abandoned its shale retort in 1958, Fox said Ertle started accumulating thousands of acres of shale land and decided he would develop a shale industry by himself.

"Nobody ever accused Tell Ertle of being a small thinker," Fox said.

While shale claims were debated in Congress and the courts, Ertle bought the Eldora Ski Area outside of Boulder, Colo., and pioneered artificial snow-making and night-skiing.

When the family trust sold some of its claims to Shell recently for \$37 million, Rep. Campbell called the move "outrageous profiteering at the public's expense." Fox and the family don't see it that way because the money is being pumped back into the shale industry. "Selling some claims to get money to keep some sort of shale industry alive is not speculative or a bad thing," said Fox. But the family is not trying to make oil from shale. Instead, it is trying to find a way to produce high-grade, economic asphalt from its abundant shale resources. Early results are encouraging, Fox said, and the family intends to continue to spend money and time refining and upgrading the technology needed to turn shale into a useful product and a viable industry.

—Jon Klusmire



Underground at the Rio Blanco oil shale project in the early 1980s

Oil shale oozes legal decisions and congressional debate

by Steve Hinchman

The West's immense deposits of oil shale are estimated to hold more than 1.8 trillion barrels of oil, but so far they have proven far more valuable to lawyers and land speculators than to oil men.

The fight over who owns the shale has taken 70 years and generated four U.S. Supreme Court decisions as well as numerous lower court rulings. Oil shale claimants who won the cases have made millions of dollars on lands they obtained from the federal government for \$2.50 an acre.

Last month, two Colorado Democrats, Sen. Tim Wirth and Rep. Ben Nighthorse Campbell, introduced bills in Congress to end private patenting of federal oil shale lands. They are joined by such heavy hitters as House Interior Committee chair Rep. Morris Udall, D-Ariz., Mining Subcommittee chair Rep. Nick Rahall, D-W.Va., and Public Lands Subcommittee chair Rep. Bruce Vento, D-Minn.

But opponents warn that, if passed, the proposed laws could mean court battles for another 25 years.

The fight centers on the thousands of acres of public land in Colorado, Utah and Wyoming claimed by private parties under the 1872 Mining Law. From the late 1800s until 1920, prospectors staked out more than 700,000 acres of land on the high plateaus and isolated drainages where the three states meet. At the time, the land was valued for little other than its prominent and widespread deposits of the oil-rich Green River shale formation.

Today, the land is still valued for oil shale, but it also hosts the largest migratory mule deer herd in North America, eight endangered species, hundreds of millions of tons of coal and other minerals, producing oil and gas wells, and thousands of acres of irrigated farm and ranch land. So far, about 430,000 acres of the claimed lands have been patented,

or deeded, to private hands. The remaining 270,000 acres are still public land, but applications for patents are currently pending on 27,000 acres in Utah and 26,000 acres in Colorado.

Claimants say the land is technically already theirs under the 1872 Mining Law. That law, which codified 19th-century mining customs, allows prospectors to file on 160-acre claims of mineral deposits as soon as they are located. Later, if the claims are maintained and proven commercially viable, they can be converted to private ownership for a patent licensing fee of \$2.50 an acre. With that transfer comes title to everything from the "top of the sky to the bottom of the earth," including rights to the oil shale, all other subsurface minerals, deeper-lying oil and gas and the surface. The owner may mine or develop the land free of royalties.

In 1920, Congress withdrew oil shale, along with oil and gas, large blocks of coal reserves and other minerals from the 1872 law, and converted them to leasable minerals with royalties accruing to the U.S. Treasury. The 1920 Mineral Leasing Act, however, included a grandfather clause that encouraged development of oil shale by allowing pre-1920 oil shale claims to continue to be patented under the old law.

Today, that 1920 exemption is the center of a storm. A 1986 transfer of 82,000 acres of Colorado oil shale claims to private hands for the 1872 fee of \$2.50 an acre was widely criticized as a giveaway of public lands and enraged the Colorado press and politicians (*HCN*, 9/1/86). The reaction was especially strong because the area was in a depression precipitated by the 1982 oil shale bust.

The backlash helped destroy the 1986 re-election bid of oil shale supporter Rep. Mike Strang, D-Colo., and the rest of the Congress quickly put a moratorium on any further land transfers until they could investigate the matter.

Despite the outrage, changing the laws hasn't proven easy. Nearly identical bills introduced to the 100th Congress by Sen. Wirth and Rep. Campbell (Strang's successor) would have given oil shale claim holders two options: converting the claims to 20-year leases or developing the oil shale within 10 years. Campbell's version of the bill passed the House in 1987, but Wirth's bill died in the Senate.

Last month, the bills were reintroduced in the 101st Congress. Campbell says they will address a gaping hole in the archaic mining law and block the transfer of the remaining 270,000 acres of public lands to private hands.

"What we're doing is trying to stop profiteering at the public expense," Campbell says. "The claimants have had 66 years to patent the claims and begin active oil shale mining and development. If no such action has been taken, the lands should remain in the public domain."

Oil shale claimants argue that the bills are a thinly disguised and illegal confiscation of private property. They have a champion in Sen. Bill Armstrong, R-Colo., who says, "The land with valid claims belongs to the claim holders in the eyes of the law, not the public or the government. There's a ripoff going on here all right, but it's Congress who's designing the land swindle."

Joe Fox, a trustee for the Tell Urtle trust, which won its case before the Supreme Court in 1980, and received title to 35,000 acres in the 1986 deal, warns that the proposed legislation would change the rules in the middle of the game without prior notice. "There's a pretty large constitutional issue with respect to property rights," he says.

Campbell and Wirth are backed by public opinion, but the claimants are backed by four U.S. Supreme Court decisions. The courts have ruled on two

major components of the 1872 Mining Law: compliance and discovery.

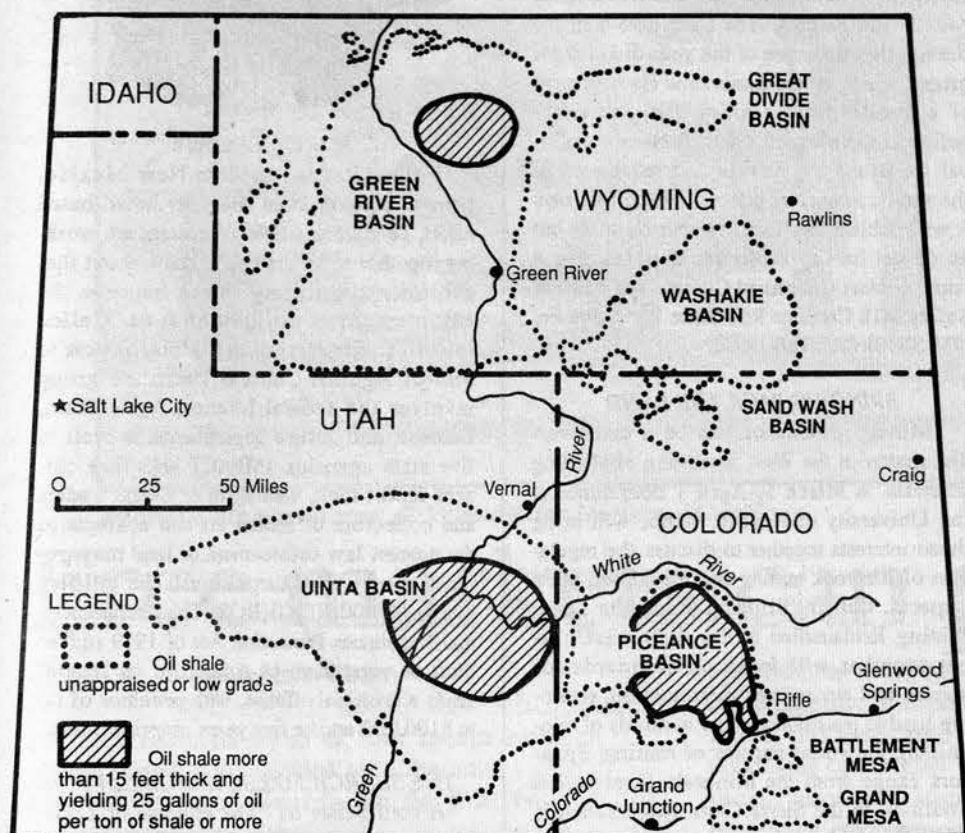
Compliance refers to the requirement that a claimant do \$100 worth of assessment work a year to maintain his claim. However, says Don Morgan, a Washington, D.C., attorney who won two oil shale Supreme Court cases, because the assessment rules were originally designed to regulate miners trying to jump each others' claims, the high court ruled in two cases in the 1930s that the federal government cannot invalidate an oil shale claim based on failure to do assessment work. After it lost those cases, the Interior Department patented 349,000 acres of oil shale lands between 1930 and 1960, say BLM officials.

Then, in 1960, the BLM and Interior again began contesting oil shale claims based on assessment work, triggering another decade of litigation. When the issue reached the Supreme Court in 1970, the justices narrowed their predecessors' decision, holding that Interior could nullify a claim if the holder failed to "substantially comply" with the assessment requirement, but only if the claimant hadn't resumed assessment work before a protest was filed.

In most cases they had resumed work before a protest was filed. So Interior officials then argued that because oil shale was not currently commercially viable, the claimants hadn't "discovered" a valid mineral claim. The 1872 Mining Law requires mineral claimants to meet the "prudent man" rule, which holds that to patent a claim it must contain sufficient deposits such that the average prudent man would be able to mine at a profit.

The discovery argument reached the Supreme Court in 1980, and the court ruled that because of oil's importance and because of the huge reserves of oil in the Green River formation, oil shale has a "prospective value" and must be patented. The court remanded the case to a lower court to be settled on a claim-by-

*U.S. Sen. Armstrong says,
'There's a ripoff going on here all right,
but it's Congress who's designing
the land swindle.'*



claim basis, which resulted in the 1986 settlement that patented 82,000 acres.

Based on the four cases, Interior and BLM officials announced last December that since the 100th Congress had adjourned without resolving the oil shale controversy, it was obligated to resume processing oil shale patent applications, some of which had been pending since 1982.

That decision was strongly opposed by Sen. Wirth and some other members of Congress, and when the Bush administration took over in January the policy was slightly altered. At his Senate confirmation hearings, new Interior Secretary Manuel Lujan promised to review the oil shale controversy. He said while the BLM would continue to process oil shale claims, it would not issue patents until it had written regulations for determining whether a claim was valid.

But one of the men charged with processing those applications says further oil shale patents will have no effect whatsoever on the development of oil shale. Ed Ginouves, a mining engineer with the BLM's Grand Junction, Colo., office, says the remaining 270,000 acres of oil shale claims are nearly irrelevant to oil shale's future.

"The argument is that oil shale is more easily and better developed in private hands than through a leasing program," says Ginouves. "But most major oil companies have good sized blocks of oil shale lands. Oil shale development is not being held up by the failure of enough lands in private ownership." Ginouves says the real problem is economics.

He adds that while previous patents covered high quality shales, the remaining claims are for poor deposits. The lands mined for the failed Exxon and Occidental retorts in the early 1980s were in the heart of the Piceance Basin, Ginouves says, and had oil shale deposits hundreds of feet thick that yielded 25-30 gallons of oil per ton.

"The stuff that's left is the worst in terms of thickness and overall tonnage," he says. Noting that the shale is scattered on ridgelines and dissected by drainages, Ginouves says, "It's just not going to be feasible to mine."

If it was, he adds, oil companies don't need a patent to mine it royalty free. Most minerals mined under the 1872 law are taken without surface patents, and no royalties are paid.

"The patenting of the claims is not going to affect the development of oil shale," Ginouves says. "All it's going to do is take land that is now in federal ownership and put it into private property... These claims' only value is maybe that they're adjacent to an energy company's current holdings and can be peddled off to them."

But that lack of value doesn't mean the BLM will refuse to patent those lands. The standard the BLM is proposing to use to determine if an oil shale claim has prospective value — deposits must be more than one foot thick and yield at least 15 gallons of oil per ton — is 15 times less stringent than U.S. Geological Survey standards. Ginouves says at that standard the BLM will have to issue patents for all remaining claims.

Outside observers say there are two ways left to end the controversy: force the BLM to tighten its standards for determining the value of an oil shale claim, or pass oil shale reform bills in Congress.

While oil shale claimants say both may be unconstitutional, law professor John Leshy of Arizona State University, who testified for the Senate bill last year, says the threat of a lawsuit is weak.

"The holders of unpatented claims have had 68 years to apply for patents," he says, "I don't think there's anything in the constitution that says the government has to hold the opportunity for surface title open for ever."

Steve Hinchman is a staff reporter with the *High Country News*.

LETTERS

SAVE THE HABITAT

Dear HCN,

Your Jan. 30 "Dear Friends" column passed along a tip on saving mountain lions by buying limited hunting licenses, then not using them. This raises two serious issues: Should we "save" mountain lions, and will this technique work?

To the first issue yes! Of course we should save mountain lions. These beautiful, powerful animals have been reduced to a fraction of their former range, yet are still present in significant numbers in remaining suitable habitats of the western U.S. Lions are the only large mammalian full-time predator we can say that about.

To the second issue — Will we ultimately have more mountain lions if we succeed in reducing or stopping sport hunting of lions? I suggest not. In the past 20 years, most Western state wildlife agencies have made the significant ideological shift from considering lions as varmints to be eliminated to

considering them as big game animals to be maintained in natural numbers wherever their habitat remains. Hunters, and the small cottage industries of outfitters who serve them, support this new management initiative and have been important allies in convincing skeptical agricultural and ranching interests of the value of having lions around.

The issue isn't hunting versus anti-hunting; nor is it whether hunting lions is ethical in comparison to hunting rabbits, catching fish or picking blackberries. The important point is that lion populations are not threatened by sport hunting. They are threatened by habitat losses to mining, water projects, road building, suburban sprawl, and grandiose recreational developments. To fight for lion habitat, let's enlist the aid of the millions of sport hunters and outfitters who want healthy lion populations as much as we enlightened environmentalists do, rather than alienate them by snatching their hunting licenses while wildlife habitat goes to hell all around us.

Steve Boyle
Dove Creek, Colorado

ACCESS

NEAT STUFF

FREE BOOK CATALOG: Pioneers, cowboys, settlers of the West. Non-fiction. True stories. Send a twenty-five-cent postage stamp. Maverick Publications, (HCN), 10245 W. 14th Ave., Denver, CO 80215. (3x2 p)

CARETAKER(S) NEEDED for five-acre homestead on edge of Escalante Wilderness. Fruit trees and garden space. Six-month commitment. Contact 406/728-0603 or 536 Woodford St., Missoula, MT 59801. (2x4 b)

RADIO NEWS REPORTER WANTED for Western Slope coverage. Position operates out of KPRN in Grand Junction, but reports for KCFR/Denver's Front Range listeners. Minimum 3 years experience in broadcast journalism; strong writing, interviewing, research skills; familiarity with "NPR" style helpful. Send tape, resume, 3 references with phone numbers to: Max Wycisk, KCFR, 2249 S. Josephine St., Denver, CO 80210. EOE/AA (1x2p)

BOOKS about archaeology, geology, ecology, Native American and Hispanic cultures, and exploration of the West. Please write to request catalog. Quaternary Books By Mail, P.O. Box 4, Beulah, CO 81023. (2x4 p)

DEVELOPING NONPROFIT ORGANIZATION seeks imaginative self-starter to manage seminars, advising, and other services to broad spectrum of Wyoming nonprofits. \$20's. Send resume to John F. Freeman, Wyoming Volunteer Assistance Corporation, P.O. Box 4008, Laramie, WY 82071. (1x4p)

ALTERNATIVE ENERGY — Let the sun work for you. Solar electricity for your home or RV. Free information. Photocomm, 2555 N. Hwy. 89, Chino Valley, AZ 86323, 602/636-2201 or 602/778-1616. (4x2p)

RECYCLED PAPER. Free catalog of environmental notecards and recycled printing and office paper. Samples enclosed. Earth Care Paper Co., PO Box 3335, Dept. 298, Madison, WI 53704. (2x4 p)

CLASSIFIED ADS cost 30 cents per word, pre-paid, \$5 minimum. General rates for display are \$8/column inch if camera-ready; \$10/column inch if we make up. Send your ad with payment to: HCN, Box 1090, Paonia, CO 81428 or call 303/527-4898 for more information.

"WESTERN ENVIRONMENTAL JOB-LETTER" lists environmental jobs available throughout western North America. For information and a back issue, send a twenty-five-cent stamp to: WEJ, P.O. Box 800H, La Porte, CO 80535, Attn: Jill. (2x2 p)

STUDENT INTERNSHIPS: Would you like to live on the edge of Glacier National Park, Montana, for a season and help run an outdoor education program? The Glacier Institute offers outdoor classes for all ages and a variety of interests. We need four interns this spring, summer, and fall. Write: Glacier Institute, P.O. Box 1457, Kalispell, MT 59903. (3x2p)

LLAMAS FOR SALE — Easily trained, enhance wilderness experience. Learn why people love to pack with llamas. Snake River Llamas, 1480 Antares, Idaho Falls, ID 83402 (208/524-0330). (2x5p)



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Position: Program Assistant
With: Greater Yellowstone Coalition
Deadline: March 13, 1989
For more information, contact: Gwen Arnesen
Greater Yellowstone Coalition
P.O. Box 1874
Bozeman, Montana 59771
406-586-1593

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BULLETIN BOARD

THE INDUSTRY POSITION ON ENERGY

"Excessive environmental regulatory constraints" are crippling the domestic oil industry and increasing U.S. reliance on foreign oil, says the American Petroleum Institute in its 117-page *Energy Security White Paper: U.S. Decisions and Global Trends*. Almost half of all federal land is off limits to oil and gas production, says the report, and more of these lands should be opened to exploration — especially the Arctic National Wildlife Refuge. The report says U.S. dependence on foreign oil is at its highest level in eight years, and, since 1985, half of this foreign oil has come from the Middle East. The institute warns that at current production rates, the U.S. only has enough oil and gas for 50 years. The report says the government must not ban oil exploration off the California coast and in the Arctic, impose more taxes on gasoline or subsidize alternative fuels. Single copies are free from the Public Relations Department, American Petroleum Institute, 1220 L St. NW, Washington, DC 20005 (202/682-8112).

SHOULD WE MINE THE PARKS?

The Department of Interior has proposed new regulations that would open as many as 4 million acres of national parks, wilderness areas, wildlife refuges and wild and scenic river corridors to coal mining. Congress banned coal mining on such lands in 1977, but exempted all holders of mining rights that were valid at the time. Determining what is a valid right has been controversial and litigious. New regulations proposed by the Office of Surface Mining on Dec. 27, 1988, would broaden the qualifying rules by making state mining laws the determining factor. In an EIS accompanying the proposal, agency officials estimate the new rules would have the greatest impact on Western parklands, which are on or adjacent to considerable coal reserves. Former Interior Secretary Donald Hodel has said the department would do everything in its power to prevent mining in national parks, including buying out mining claim holders. However, Office of Surface Mining officials say such a buyout could cost the federal treasury \$837 million. For copies of the proposed regulations and environmental impact statement, or to comment on the plan, write to the Director, Office of Surface Mining, Department of Interior, 1951 Constitution Ave., N.W., Washington, D.C. 20240 (202/343-4006). Comments are due by March 7.

WHAT THREATENS THE PARKS

The greatest threat to our national parks is the Department of the Interior, says Utah law professor William J. Lockhart. During the Reagan years, the Interior Department "discouraged or resisted" initiatives that would have controlled or minimized threats to the park system, Lockhart says in the opening essay of *Our Common Lands: Defending the National Parks*. Editor David J. Simon says the book has three messages: that the Park Service has authority to protect the parks and no reason not to; that its existing authority is frequently underutilized or untested, and that litigation should be a last resort. Lockhart's essay, which proposes an independent Park Service with its own legal authority, kicks off 17 others on topics such as endangered species and mining in the parks. University of Colorado law professor Charles Wilkinson writes on the responsibilities of the Park Service in seeing its watercourses protected; J. William Futrell, president of the Environmental Law Institute, explores the impact of the National Environmental Policy Act; and other writers cover existing laws that can protect parks, such as the Clean Air Act, Clean Water Act and the Geothermal Steam Act. Five essays are devoted to development in and around the parks. *Our Common Lands*, a crisply written resource for anyone who cares about the nation's parks, includes appendices listing all environmental impact statements prepared by the Park Service between 1970 and 1986, BLM wilderness study areas adjacent to Park Service units in 10 Western States and an excellent, 34-page legal primer for non-lawyers.

Island Press, 1718 Connecticut Ave. NW, Suite 300, Washington, D.C. 20009. Paper: \$24.95. 567 pages.

WESTERN INTERPRETERS TO MEET

William Penn Mott Jr., director of the National Park Service, will be the keynote speaker at the annual National Association of Interpretation Region 7 Conference this spring. "Exceeding Visitor Expectations" is the title of the March 17-19 conference in Grand Junction, Colo. The conference is aimed at interpreters and interpretive naturalists, who tell visitors about their area's natural and cultural history. Conference topics include the fire education program at Yellowstone National Park, relating research to interpretive programs, and developing visitor surveys. A visit to the Walker Wildlife Area is also planned with the state's Division of Wildlife. Region 7 of the National Association of Interpretation includes Utah, southern Idaho, Montana, Wyoming, Colorado and New Mexico. For more information, contact Debbie Tewell, Bear Creek Nature Center, 245 Bear Creek Road, Colorado Springs, CO 80906 (719/520-6387).



EAGLE TO THE SKY

Frances Hamerstrom has had an unusually close relationship with birds of prey. Her Wisconsin home has served as a hospital and rehabilitation center for wounded raptors brought to her from throughout the Rocky Mountains, and she has nursed or raised falcons, owls, hawks and even golden eagles. In *An Eagle to the Sky*, she describes her friendship with two of those eagles, Nancy and Chrys. Hamerstrom shows that hosting these large birds is no mean feat; she has collected roadkill and taken turns with the eagles to incubate artificially inseminated eagle eggs. In his introduction to the book, naturalist Konrad Lorenz praises conservationists who learn to love individual animals. Hamerstrom agrees: "It is by coming to understand a wild animal as a companion that the gap between man and wildlife is narrowed."

Nick Lyons Books, 31 West 21 St., New York, NY 10010. Paper: \$10.95. 142 pages. Illustrated.

JOHN HOLDEN, INNOVATIVE EDUCATOR

Everyone remembers the first time they met John Holden. You wonder first whether you will be able to extricate your hand from his handshake; to shake hands with him was the first adventure, to be repeated again with the same all-encompassing idealism, vitality and enthusiasm.

— Christopher H. Babbs, Headmaster of the Colorado Rocky Mountain School

John Holden, 77, an innovative educator, died Jan. 22 in Colorado. He founded the Colorado Rocky Mountain School in Carbondale, Colo., in 1953, and was a founding trustee of the Colorado Outward Bound School. He was also the first certified American ski instructor in the 1930s. Through the years, teenagers at the Rocky Mountain School all got to know John Holden and his wife, Anne, as he remained involved in school programs after his retirement as headmaster in 1967. The Rocky Mountain School has announced it will establish a fund to help preserve an old homestead once known as the Holden House on the campus, and it has already created the Holden-Kerr Teachers Fund, an endowment to reward excellence in teaching. Memorial gifts may be sent to either fund c/o CRMS, 1493 County Road 106, Carbondale, CO 81623.

HOT FLASHES

The storage and transportation of hazardous waste has been a hot topic in New Mexico ever since the proposed opening of the Waste Isolation Pilot Project in Carlsbad. A new newsletter, *The Radioactive Rag* — "All the news that's hot to trot ... brought to you for 240,000 years" — aims to keep the public informed. Published by Concerned Citizens for Nuclear Safety in Santa Fe, N.M., its first issue, this January, includes two articles on WIPP and the Department of Energy, a column in Spanish and news briefs called "Hot Flashes." The issue also contains the mission statement of the year-old citizens group, which is "the democratic development of a sensible nuclear policy that puts safety before corporate profits and short-term political gains and the increased involvement of the public in nuclear policy." The group says it will publish the 12-page paper monthly but as of yet has no subscription plans. For a copy, contact Concerned Citizens for Nuclear Safety, 418 Cerrillos Rd., Suite 28, Santa Fe, NM 87501 (505/986-1973).

BRINGING BACK THE LAND

Mining reclamation can be a controversial matter in the West, involving conflicting interests. A March 30-April 1 conference at the University of Nevada, Reno, will bring those interests together to discuss the regulation of hardrock mining and mitigation of its impacts. Called "Bringing Back the Land: Mining Reclamation in the Arid West," the get-together will focus on standards for human and environmental protection, returning land to pre-mine use and methods of minimizing the visual impacts of mining. Sponsors range from the Minerals Exploration Coalition to the Sierra Club. Registration is \$50. For more information write Public Resource Associates, 1755 E. Plumb Lane, #170, Reno, NV 89502 (702/786-9955).

Jeremy Schmidt



YELLOWSTONE'S OTHER SEASONS

More than 3 million people come to Yellowstone National Park every year, almost all during the summer. *Yellowstone in Three Seasons* is about the other three seasons. Authors Steven Fuller and Jeremy Schmidt, who have worked at Yellowstone as winterkeepers, document the "off" seasons with more than 60 color photographs and a brief text. They begin with autumn, the mating season when moose, elk and bison are in rut and animals store up fat for the coming winter. "Winter is both beautiful and terrible, a time of crystalline perfection but also the season when death takes the largest portion of its due." The season of rebirth is spring, "the time when the land is greening and the next generation is born."

Snow Country Publications, P.O. Box 524, Yellowstone National Park, WY 82190. Paper: \$6.95. 48 pages.



MAKE AN IMPACT

Pothunters in southern New Mexico, beware. Thanks to an unusually broad-based effort, 18 state and federal agencies are working together to let the public know about illegal artifact gathering and to improve the enforcement of antiquities laws. Called IMPACT, for Interagency Mobilization to Protect Against Cultural Theft, the group involves the federal Interior, Agriculture, Defense, and Justice departments, as well as five state agencies. IMPACT asks that citizens report theft, vandalism or illegal traders and collectors of Indian art and artifacts to the nearest law enforcement or land management agency. You can also call the toll-free number 1/800/NEIGHBOR. The Archaeological Resources Protection Act of 1979 makes theft or vandalism of antiquities on federal lands a criminal offense, with penalties of up to \$100,000 and/or five years' imprisonment.

THE SEARCH FOR SUSTAINABILITY

A conference on "The Promise of Low-Input Agriculture: A Search for Sustainability and Profitability" is set for March 8-10, in Omaha, Neb. Sponsored by the Soil and Water Conservation Society, the U.S. Department of Agriculture and the Environmental Protection Agency, the get-together will discuss ways to profitably incorporate environmentally sound agricultural techniques with modern farming practices. Speakers include Neil Schaller of the Economic Research Service and Robert Rodale of the Rodale Institute. Open discussion groups will give conference participants an opportunity to air questions and opinions about low-input farming. The event will take place at the Holiday Inn Central in Omaha; registration is \$125. For more information, contact the Soil and Water Conservation Society, 7515 Northeast Ankeny Rd., Ankeny, IA 50021 (515/289-2331).

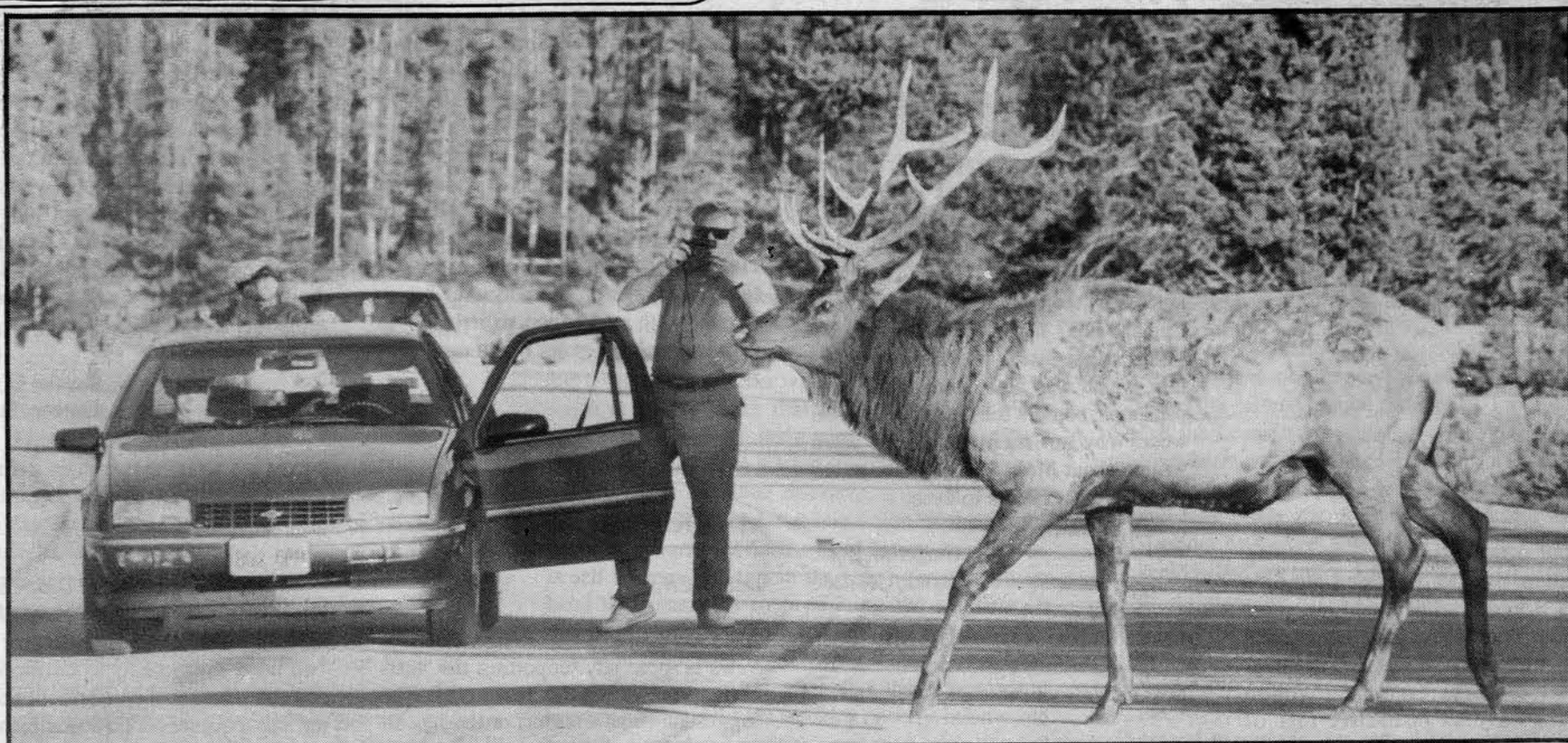
WINGS OVER THE PLATTE

By mid-March, 500,000 lesser sandhill cranes — 80 percent of the world's number — will be resting along the Platte River between Grand Island and Sutherland, Neb. The city of Grand Island and the U.S. Fish and Wildlife Service invites people to join the migration to central Nebraska on March 17-19 for a three-day wildlife and arts event, called "Wings Over the Platte." Bus tours, workshops and a banquet with keynote speaker James T. Harris of the International Crane Foundation are planned, along with a wildlife art exhibit at the Stuhler Museum of the Prairie Pioneer. The exhibit, from Feb. 22 through March 19, features the photographs of Tom Mangelsen. For more information contact Diane Ehly, Convention and Visitors Bureau, 800/247-6167 ext. 625, or Craig Faanes, U.S. Fish and Wildlife Service, 308/381-5571.



OTHER VOICES

Robert Bower



A tourist-elk encounter at Yellowstone National Park

Free markets can protect the earth

by John Baden

Last autumn's series of four special issues of *High Country News* puzzled me. The articles clearly outlined the major issues facing the West, but then ignored obvious solutions.

In articles on management of the Bridger-Teton National Forest in Wyoming, on the proposed Oahe irrigation project in South Dakota, on attempts to hurdle political barriers blocking creation of national parks in Idaho, and on the chaos created everywhere in the West by the commodities bust, the articles argued that something is fundamentally wrong. But they did not go on to explain that these sorry outcomes are the predictable consequences of our existing bureaucratic institutions and their management patterns.

The series also showed that much of the boom and bust was caused by projections that were far off the mark: pipe dreams of \$10-per-bushel wheat, \$50-per-barrel oil, \$9-per-thousand cubic-foot gas, \$1.50-per-pound calves, and 20 or more new coal-fired power plants in eastern Montana by 1990.

The predictions could never come true because they ignored market adjustments to perceived or anticipated scarcity. The market process was not seen as a voluntary and spontaneous instrument of social coordination. Instead, and like many environmentalists, the authors seemed to see this market process as a threat rather than a potential for good.

The boomer prophets of the 1970s also ignored the market. They neglected the continual, spontaneous adjustments individuals make in response to price changes. People adjust to scarcity and often overcome it: Market prices facilitate these adjustments.

Prices represent condensed information about the value that others place upon resources. They also provide the incentives that encourage us to respond rationally to shifts in the value others put on these resources. When commodity prices increased, people conserved and found substitutes. We discovered that brains are excellent substitutes for BTUs. In anticipation of ever-higher energy prices, conservation and innovation reduced demands for energy dramatically. Concurrently, new energy supplies were developed. As a result, energy prices dropped, power plants didn't get built, mines weren't opened, oil and gas wells weren't drilled, and, surprise, surprise, the boom went bust.

Why did people very knowledgeable about commodities make predictions so far out of line? They ignored the basic rule governing commodities: In a political system with secure property rights, shortages never outlast entrepreneurs who are free to develop and sell products in open markets.

The boomers may have ignored this rule because, in the subsidized and over-regulated West, entrepreneurs didn't operate in free markets. Rather, the government imposed mischief like price controls, entitlements to cheap oil and permission to pollute

with minimal constraint. The resultant distortions dramatically reduced economic efficiency and pushed up prices, and the higher prices falsely implied higher underlying commodity values. These distorted values in turn incorrectly suggested that the social costs of preserving environmental quality were extravagant. Bumper stickers such as "Let the bastards freeze in the dark" dramatized the alleged social costs.

Of course, the special issues of *High Country News* were not meant to advocate a rational pricing system. The authors were concerned with preserving environmental and cultural qualities. Yet they failed to see that the absence of property rights and markets is always closely related, and often identical, to the problem of environmental quality.

Demands for environmental amenities, such as those found in Yellowstone Park or Montana's Smith River, also follow an economic logic. The economic linkages are not as direct with amenities as commodities, since environmental values are often not "packageable" in the ordinary sense, and some of the most important ones do not pass through markets. Yet, in the environmental realm, the kind of voluntary exchange we find in markets is often more efficient, more environmentally sensitive, and more equitable than bureaucratic management marked by red tape and political pressures.

The voluntary system is superior to imposed allocation and management in several ways. We see that decision-makers in government face strong incentives to respond to powerful, politically articulate interests who use government programs to distort the accounting of benefits and costs (deficit and below-cost timber sales, for example). The *HCN* series showed that management of Western resources has repeatedly been held hostage to political power. This political process often produces perverse outcomes. Taxpayers commonly subsidize reductions in the quality of their environment through below-cost timber sales, inefficient dams, and other economically inefficient and environmentally destructive projects. Political economy theory lets us see why such outcomes are not bizarre aberrations, but rather predictable outcomes.

In every Western problem outlined in the series, political power has overridden concern for ecological integrity and economic efficiency. This process is the inevitable product of the notorious "Iron Triangle," a wedding of forces which feed off each other's self-interests.

In relation to water conservation, for example, we might see the following triangle: 1. special interests — irrigators thirsting for subsidized water; 2. bureaucratic entrepreneurs — Bureau of Reclamation officials with a budget to protect and a 25-year inventory of proposed water development projects; and 3. elected politicians who buy the favor of their constituents with artificially cheap water. In water management, the Iron Triangle creates millionaires by converting dry rangeland to irrigated cropland with subsidized water, at the same time plundering taxpayers, the envi-

ronment and other farmers facing highly subsidized competition.

Environmental groups define success as becoming more influential politically than those they fight. They try to out-muscle the ranchers, miners and loggers by electing or influencing candidates and by informing the public about ecological outrages and economic waste. In effect, they become one more special interest in another Iron Triangle. But there is a better way — ethically and strategically — to achieve environmental ends.

A key environmental problem in the West today is the use of government by political elites to sustain and subsidize their wealth and privilege. And since the long-term trend of commodity prices is flat or downward, it requires ever greater distortions of the economy — through increased subsidies and pollution, for example — to protect the income of the political elites. The widespread dissemination of this knowledge has some power to inhibit this political plundering, for such behavior is ethically and intellectually indefensible.

Conservationists fear that the Western environment will be sacrificed in these ongoing political skirmishes and full-scale wars. *HCN* suggested that the current bust gives conservationists a breathing space. They should now establish a new, greener economy and mobilize a permanent political force. In other words, they should dig in now, politically and economically, so that they will be able to hold off commodity interests when demands for their products increase, as they already have in the cases of gold and copper, for example.

I favor the establishment of less damaging economies. But if conservationists continue to depend on government for resource allocation and management, we will lose environmentally, ethically and economically. What we need is a renewal of America's traditional economic paradigm, including a reliance on lean government, private property rights and free enterprise. So far as I'm concerned, Adam Smith and our country's founders got the model right the first time, and our shift toward government ownership, management and control during the Progressive Era was America's counter-revolution. One hundred years of data suggests that the Progressives' revolution was largely a flop. I believe we can learn from that failure, and push toward voluntary actions and free markets to improve the cultural, ethical and environmental quality of the West.

A growing number of professional policy analysts for environmental groups support this logic. People with solid environmental credentials, — Randal O'Toole of Cascade Holistic Economic Consultants, Peter Emerson of The Wilderness Society, Tom Graff and Zach Willey of the Environmental Defense Fund — have produced careful analyses which implicitly or explicitly support private property rights and markets as instruments of environmental protection.

(Continued on page 14)

LETTERS



THE DUNG SOLUTION

Dear HCN,

Your article about the deer coming into urban Boulder reminded me of a story a Boulder resident told me years ago when deer were eating his garden. After some study he discovered an effective deer repellent. Someone told him that deer have an instinctive fear of predators, even those which do not exist in their area.

So he went to the Denver zoo and got a couple buckets of African lion dung, spread it around his garden, and had no more deer problems.

Thomas P. McKenna
Fort Collins, Colorado

CORTEZ, CORTEZ

Dear HCN,

As I was reading through your Oct. 24, 1988 *High Country News*, I came across a small paragraph which called Mesa Verde National Park a "Durango-area park." Mesa Verde is a Cortez-area park. You wouldn't call Purgatory a Silverton-area ski resort. Cortez is only 10 miles from the entrance to the park, and Durango is 37 miles. The Mesa borders Cortez on the south, and the Ute Mountain, which was also mentioned in the paragraph, borders the Cortez area to the west. Why not mention Cortez when writing about Mesa Verde, Durango has plenty of other claims to fame.

Ginger M. Black
Cortez, Colorado

IN PRAISE OF ABBEY

Dear HCN,

In a recent issue of your paper Wallace Stegner dismisses *The Monkey Wrench Gang* as merely a "novel of ideas." But it's not that simple. The book is something much more interesting: a comic novel about people with ideas. How fortunate that Edward Abbey never paid attention to academic critics like Stegner, for if he had done so there

would be no Monkey Wrench Gang and no Doc Sarvis, Bonnie Abbzug, Bishop Love, Seldom Seen Smith or George Washington Hayduke — surely the most entertaining set of characters in American fiction since *Huckleberry Finn*.

Nor would we have a character like Henry Lightcap, the wild and hilarious hero of *The Fool's Progress*. None of Abbey's novels can be made to fit official writing-program formulae for fiction, which is probably why they are so popular with readers and so irritating to conventional professors of literary theory.

Katherine Simon
Albuquerque, New Mexico

MARKETIZATION

Dear HCN,

I am glad to see that *High Country News* is apparently supporting the "marketization" of natural resources. The suggestion (from a reader) in the Jan. 30 issue that people purchase hunting licenses for mountain lions and then not use them is a classic example of marketization. As the suggestion noted, the process works only when the number of available licenses are limited. If an unlimited number of licenses are issued, the game being hunted comes an "open access resource" (more commonly called

a "commons"), and can suffer all the tragedies that befall a commons.

An important role of environmental activists should be to turn open access resources into closed access resources. Once access is closed, it will be possible for people opposed to exploitation to protect the resources simply by purchasing the resource rights and not using them. This is often called a "conservation easement." I hope that your imaginative readers can find more ways to apply this technique.

Randal O'Toole
Eugene, Oregon

FINALLY UNDERSTANDS

Dear HCN,

I was very grateful for Dick Carter's letter on the grazing issue (*HCN*, 1/30/89). He is absolutely correct that "we need far more focus on the issues and the interests they represent and the real consequences of particular paths that we take, and far less on our positions." Now I finally understand why the Utah Wilderness Association supports the chaining, at public expense, of thousands of acres of potential wilderness in the Henry Mountains for cattle grazing.

Robert Weed
Escalante, Utah

Free markets...

(Continued from page 13)

O'Toole and Emerson portray the Forest Service Park managers increase demand by keeping prices low, and then justify greater budgets by citing increased traffic.

Public ownership leads to economically inefficient policies; more significantly, it also leads to ecologically unsound policies. As Alston Chase shows in *Playing God in Yellowstone*, the incentives that guide park managers' decisions are incompatible with science and efficient management. Like all bureaucracies, the Park Service operates to maximize its budget, and this means it gives greater weight to the political benefits of high tourist numbers than to science.

Yellowstone is an overgrazed and a seriously degraded resource. The dominant elk have driven out almost all white-tailed deer, antelope, mule deer and bighorn sheep. Apparently their overgrazing and browsing so reduced small-diameter fuel — bushes and aspen in the Northern Range, for example — that the "let burn" fire policy initiated in 1972 failed to result in small burns that would have created natural fire breaks through the years. Then the drought of 1988 brought conditions that permitted mature trees to burn explosively.

If we are to achieve ecological integrity in the parks, we need to buffer them from transitory political forces. What institutions can we employ to accomplish this end?

Several non-profit conservation groups have shown how entrepreneurial energy can be harnessed in the interest of environmental quality. Ironically, one organizational model is the mechanism used by the federal government to lease oil and gas tracts in federal lands and waters. There the companies identify the most promising areas and then bid for control. This logic can be expanded to non-profit conservation groups to improve the management of our parks and wildlands.

An experiment in letting a "quasi-market" manage our environmental amenities should begin with an announcement that eligible conservation groups could nominate existing federal parks, wildlife refuges and wilderness areas for private control. Five percent of the current acreage would be a conservative amount to allocate each year. These groups could then bid for the right to manage specific tracts on an experimental basis.

Because of the competition, the organizations would have incentives to be creative and efficient. They would be required to follow guidelines imposed by Congress when it established the areas as parks, wildlife refuges or wilderness areas. The managing

organization for each unit would be subject to "ecological audits," perhaps by committees established by the National Academy of Sciences.

Conservation organizations have demonstrated great success in generating revenue. The annual budget of The Wilderness Society is nearly equal to that of Yellowstone Park. The Sierra Club's is more than twice that, and the National Wildlife Federation has a budget four times as great. The Nature Conservancy, in the Rocky Mountains as the world's largest, socialized road-building company. They show the Forest Service generating the economic and environmental problems that characterize socialist enterprises elsewhere.

In their work, Willey and Graff demonstrate how property rights in water can improve economic efficiency, eliminate the demand for more dams, and clean up agricultural pollution of water. They are trying to relieve the West of its burden of grossly dysfunctional Progressive Era institutions such as the Bureau of Reclamation and the Forest Service. Those agencies were ostensibly created to apply "scientific management" to the environment. But instead, their managers contrive projects that are economically inefficient and environmentally destructive.

If these agencies were to function as advertised, they would require platonic despots with the conscience of St. Francis, the ecological understanding of the mature Aldo Leopold and the political independence of Peter the Great. Lacking those characteristics, their projects are wasteful and destructive.

It is time to change the institutions governing man's relations with the environment. In the field of study called "the new resource economics," we are developing an understanding of the required changes, but we are strongly opposed by special interest groups organized for exploitation and privilege.

We are also opposed by environmentalists who refuse to recognize the positive environmental potential of private arrangements and free markets. These people were well represented in *HCN's* special issues. I detected no classical liberals, libertarians or economic conservatives in the lot. The authors sang well, in good harmony and from the same score. I believe, however, they were singing the wrong song. I suggest an alternative below.

It is fairly easy to demonstrate how private, market-oriented reforms would protect the environment in managing timber, range and water. But let us consider the tougher case of applying this logic to managing Yellowstone National Park.

Yellowstone was the world's first national park and is one of America's most ambitious experiments with preserving nature. But as last summer's fires demonstrated, it is presently in ecologically poor con-

dition. The Yellowstone experiment has shown that politics are not conducive to ecological integrity.

The incoming administration is positioned to reform that management. President Bush has promised to expand the national park system. Unfortunately, the problem is not a scarcity of government and politics, but of incentives to manage parks responsibly.

The parks could benefit from more funds, if they were well spent. The obvious solution to the financial squeeze is to make those who use the parks pay for them. In 1915, an annual permit to Yellowstone cost \$15, the same as today. This past summer, a seven-day pass per carload doubled in price, but to only \$10. an immensely successful institution, already manages a portfolio of lands valued at more than \$500 million.

The revenue required to manage the amenities of the West in an environmentally responsible manner is quite modest. Our scenario includes funding by market exchange, and by grants and contributions. The more than 2 million visitors to Yellowstone, for example, would generate user fees, as would selling the outfitter and hunting rights to portions of the Gallatin National Forest. According to Randal O'Toole's studies, it is highly unlikely that any significant timber sales would occur on Montana's Gallatin National Forest under a private property approach: Current sales are dependent upon massive subsidies.

A significant source of income would be contributions and grants from individuals, corporations and foundations. Americans are renowned for their desire to "do good." A privately run "Friends of Yellowstone" fundraising drive could foster identification with this special place and attract massive support.

But the primary argument for turning precious environmental resources over to private organizations is not economic — it is the ecological advantage of insulating science from politics. A triangle is the most stable of geometric shapes, but our approach could dismantle the notorious Iron Triangle that employs taxpayer subsidies to foist inappropriate development and federal mismanagement upon the West.

The words "ecology" and "economics" share more than the Greek root *oikos*. They imply interdependence and it is important that we recognize cause-and-effect linkages in both ecological and economic systems. Only if we take fundamental laws of ecological and economic relationships into account can we deal with these systems humanely, while fostering freedom and responsible stewardship of the West.

□

John Baden is chairman of the Foundation for Research on Economics and the Environment in Bozeman, Montana.

OPINION

The West is crippled by its resources

Oil shale is to the West what base metals were to medieval alchemists. The latter hoped to turn lead into gold. Oil shalers hope to turn rock into oil. The alchemists found their way out of magic and witchcraft into chemistry. The reverse seems to be true of oil shalers. They have found their way from engineering and geology into witchcraft and the casting of spells.

Although history shows that oil shale is a dead end, the West remains interested in it. Perhaps that is because oil shale will always be with us. Oil and natural gas, because they are legitimate resources, will someday be used up. But we will never be rid of oil shale. Before it is needed, conservation, new technology or simply doing without will make more economic sense.

Although common as dirt in parts of Colorado, Wyoming and Utah, oil shale has never been an economic source of energy in the 20th century, and it has been the center of numerous arguments and brawls. The current oil shale "issue" is whether tens of thousands of acres of publicly owned land containing oil shale should be turned over to the families of those who laid claim to the land before 1920 or to those who bought claims from the stakers. The holders of the claims would gain the land for a filing fee of \$2.50 an acre.

The history of this question alone fills several library shelves. But the most recent interesting event connected with these claims was the defeat of western Colorado congressman Mike Strang in 1986, one of the very rare defeats of an incumbent congressman that year. A key factor in the election was his support of the private parties who claimed the land.

Strang was voted out by western Colorado residents — people who themselves cut subsidized federal logs, turn subsidized federal water onto their pastures, and burn federal coal in power plants built with federally subsidized, low-interest loans. Why then would they turn on Strang for backing privatization of oil shale lands?

It may be that Strang didn't grasp the rules that govern this subsidy game. There is a code about how one may rob the federal government, and the patenting of the oil shale lands violated that code. It was too blatant and cast a shadow on the other subsidy games the West delights in.

There was also neighborly jealousy — people who must graze cows and cut trees as part of their subsidies were angered at the nature of the oil shale lands giveaway. As a result, Republican Strang was voted out and Democrat Ben Nighthorse Campbell was in.

Campbell, following his mandate, is determined to block the land transfers, but he is finding the issue as bedeviling as Strang found it. The reasons the issue is sticky can be found in the interviews with claims-holding families printed elsewhere in this issue. Because their grandpappy had wandered over the land in northwest Colorado with a hammer and stakes, these people claim a sacred right to thousands of acres of public land. They are angry at the government, as if it is refusing to pay off on a winning Lotto ticket they had picked up off the ground decades ago.

Whatever they say, all of them implicitly act out the usual Western attitude that the public land is there to enrich certain individuals or corporations, whatever the cost to the greater public interest or to the nation's sense of justice.

Campbell, like Strang before him, is entangled in the oil shale lands question because of the 1872 Mining Law. Until the year 1920, that law let people patent oil shale lands, and it still allows people to patent — the accurate word is steal — public land if the land is underlain with hard rock minerals.

It is a law that is hotly defended by the mining industry and I am certain that Campbell and most other Western congressmen would stand up proudly with the miners in defense of the law.

It should be understood that there is nothing unusual about the oil shale lands case except in the publicity it is attracting. Moreover, this grab is not even unique to the 1872 Mining Law. The mining law is not much different than the laws that govern logging, grazing, water development and every other federally owned resource.

The existence of these resources has resulted in great environmental damage to the public lands. What generally escapes notice is that they have done even more damage to the West as a society, making it a place which gives its largest rewards to treasure seekers and political manipulators. These resources have turned the region away from hard, honest work and toward a search after windfalls.

It is in this sense that oil shale, and even the West's real resources, are a curse on the place. They prevent the West from getting down to real work. As a result of these so-called resources, we elect officials whose main talent is the manipulation of the public lands. Westerners inclined toward honest work must, in self defense, either join the search for treasure or bend their energies to preventing the stealing. It divides the region into reformers and looters, with little in between.

Are there any signs, after more than a century of treasure hunting, with its resulting poverty, booms and busts, and social and political corruption, of a change? If this newspaper's territory included Texas, it could cite as a sign of change that state's strenuous efforts to free itself from servitude to oil and oilmen, and to build a broader economic and social base. A central part of that effort has been to improve education. But this paper does not cover Texas, and so it cannot cite that optimistic example.

HCN does, however, cover another oil state: Wyoming. Unfortunately, the news out of Wyoming is not good. Wyoming seems in retrograde motion. For example, thanks to a state agency and the *Casper Star-Tribune*, the University of Wyoming recently discovered that it has been hemorrhaging senior faculty for the past several years.

Barely weeks after the university's trustees voted to pay the football coach more money than its president, the university was told that in the last two years it had lost 16 percent of its full professors and an astounding 25 percent of its associate professors. A cursory look at its budget should have told the university that it was in trouble, because total salaries paid had dropped by 9 percent even as pay scales were being raised.

But no one at the university noticed that the raises in pay scales had been more than cancelled by the exodus of senior faculty. An institution that could figure distance gained per football player to the nearest tenth of yard didn't know its full and associate professors were taking very long walks.

Nor did the Wyoming Legislature notice the outflow it had encouraged by its fiscal attitude and bullying of the school. The Legislature is so busy cutting severance taxes and arranging low-interest loans to pipeline companies that it has no time for

human resources. Its governor, Mike Sullivan, shares the legislators' preoccupations.

The state's fascination with energy resources has battered its only four-year institution in other ways. A recent story in the *Casper Star-Tribune* revealed that the University of Wyoming suppressed comments critical of a scheme to turn coal into a clean fuel. The suppression occurred, apparently, because the university administration assumed or knew for a fact that the Legislature wanted a positive review of the Char-Fuels process, which is in line for state funding. This is only the latest example of how Wyoming politicians bully the university and make academic freedom and even sound technical judgements on engineering questions a mockery. It is a wonder any faculty at all are left at the school.

Other Western states also illustrate the demoralizing effect natural resources have on the West. Colorado, for example, could most easily of all the Western states free itself from dependence on natural resources. Instead, it has put all its recent political energy into two dams: Two Forks on the Front Range and Animas-La Plata on the Western Slope. Gov. Roy Romer spends his spare time shoring up the Rocky Flats Nuclear Arsenal, which is poisoning residents on the Front Range.

Does this mean there is no hope for the West until its resources are exhausted, its air fouled, and its water polluted or in pipes flowing to California? Will we only then get down to real work? Or, less apocalyptically, does our hope lie with the world's diminishing appetite for commodities? If that decline continues, can we expect that someday even the dullest, greediest among us will stop treasure hunting?

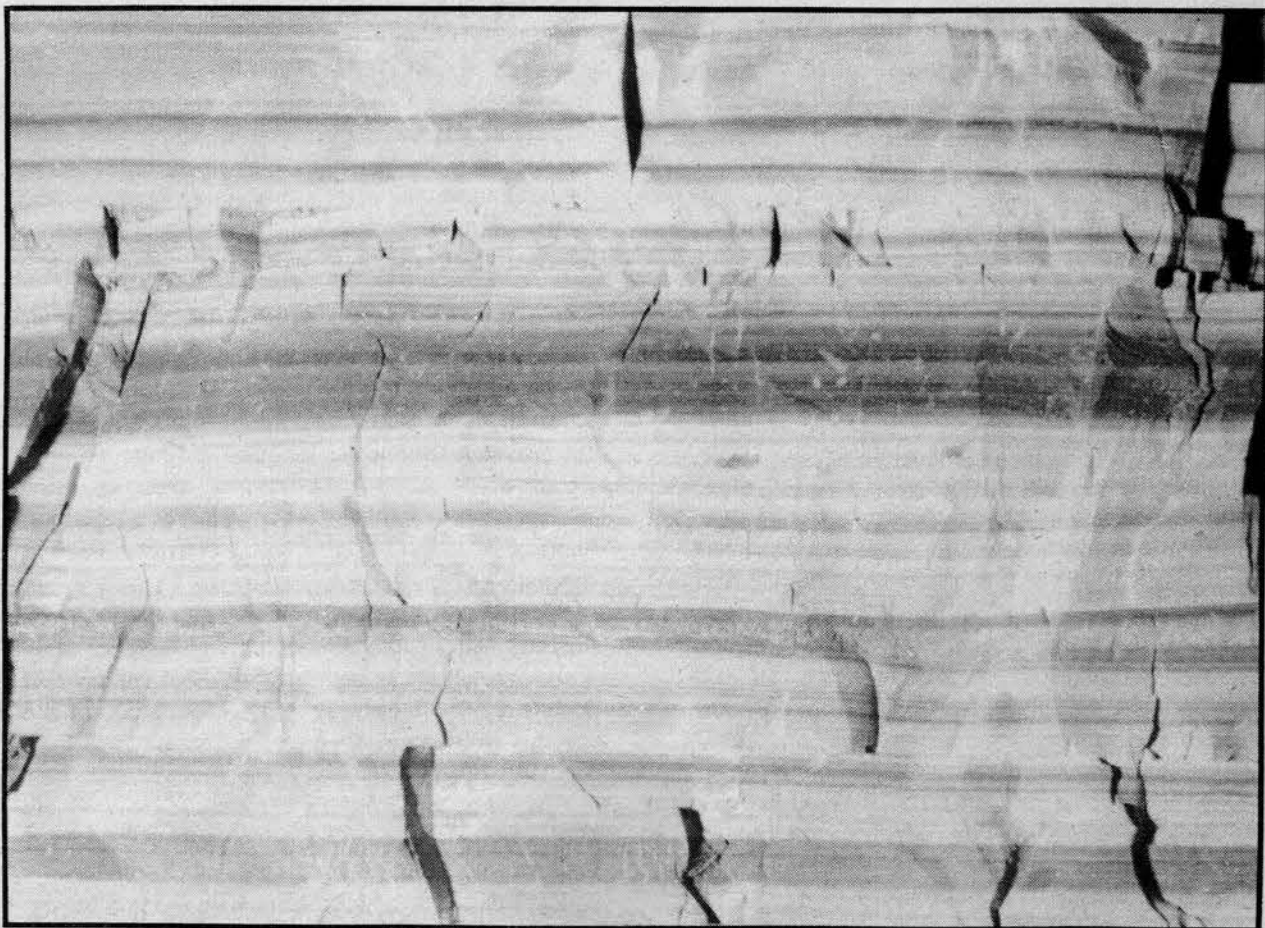
My bet is that neither event will stop treasure hunting. The continuing pursuit of oil shale shows that when economic, usable resources are gone, base metals such as oil shale will be pursued.

The only realistic hope is that Westerners will come to understand that the region's natural resources have held it back. We must realize that these natural resources have become, as we approach the 21st century, termite-ridden crutches. They are our handicap — they are the single factor that keeps the West in poor economic and social shape.

Writer Wallace Stegner has a rule of thumb: The more arid a state, the worse its congressional delegation. I have a corollary to that rule: The more a state is "blessed" with natural resources, the worse off it will be economically, socially and politically.

No wonder we envy the Japanese, blessed as they are by an almost total lack of natural resources, and therefore forced, unlike this blustery region, to be independent, creative and self-supporting.

— Ed Marston



Rock showing bands of oil shale

16-High Country News — February 27, 1989

GUEST OPINION

Forest fire-fighting is just another form of (roast) pork

by Bruce Farling

During the 1930s the Forest Service distributed a poster with the ominous message, "Fire in the mountains means poverty in the valleys." Today, Smokey the Bear literature is a little more subtle but the message is similar: Because fires burn trees, they cost local communities money.

Don't believe it.

According to a recent Forest Service report, fires are a major economic boost to nearby communities. They are like dam projects and military bases, except fires are "renewable" pork. Generally there are always more trees to burn next year and reform-minded congressmen can't meddle with lightning. Not yet, anyway.

The report says Montana reaped \$12.8 million, Wyoming \$8.5 million and Idaho \$5 million from direct agency spending for last year's Yellowstone fires, which cost more than \$120 million to fight. The figures come from computer records indicating where fire-fighting agencies spent money for camp help, food, rental vehicles and camp gear. The numbers are conservative because they don't include fire-fighter paychecks. Nor do they include each state's take from the non-Yellowstone portion of the \$500 million spent on fire suppression in the West last season.

My own community, Missoula, always on the prowl for federal largesse, scarfed up \$1.7 million in Yellowstone money. That figure was exceeded in Montana only by the \$2.2 million that went to West Yellowstone, a community whose boosters complained all summer about fires that were "devastating its tourism economy." Again, the paychecks of fire fighters and contractors were not included in the study. Somehow, even New Jersey and Alabama snagged a few Yellowstone bucks. All of this brings to mind the question of why God created forest fires.

To spread federal gravy around, of course.

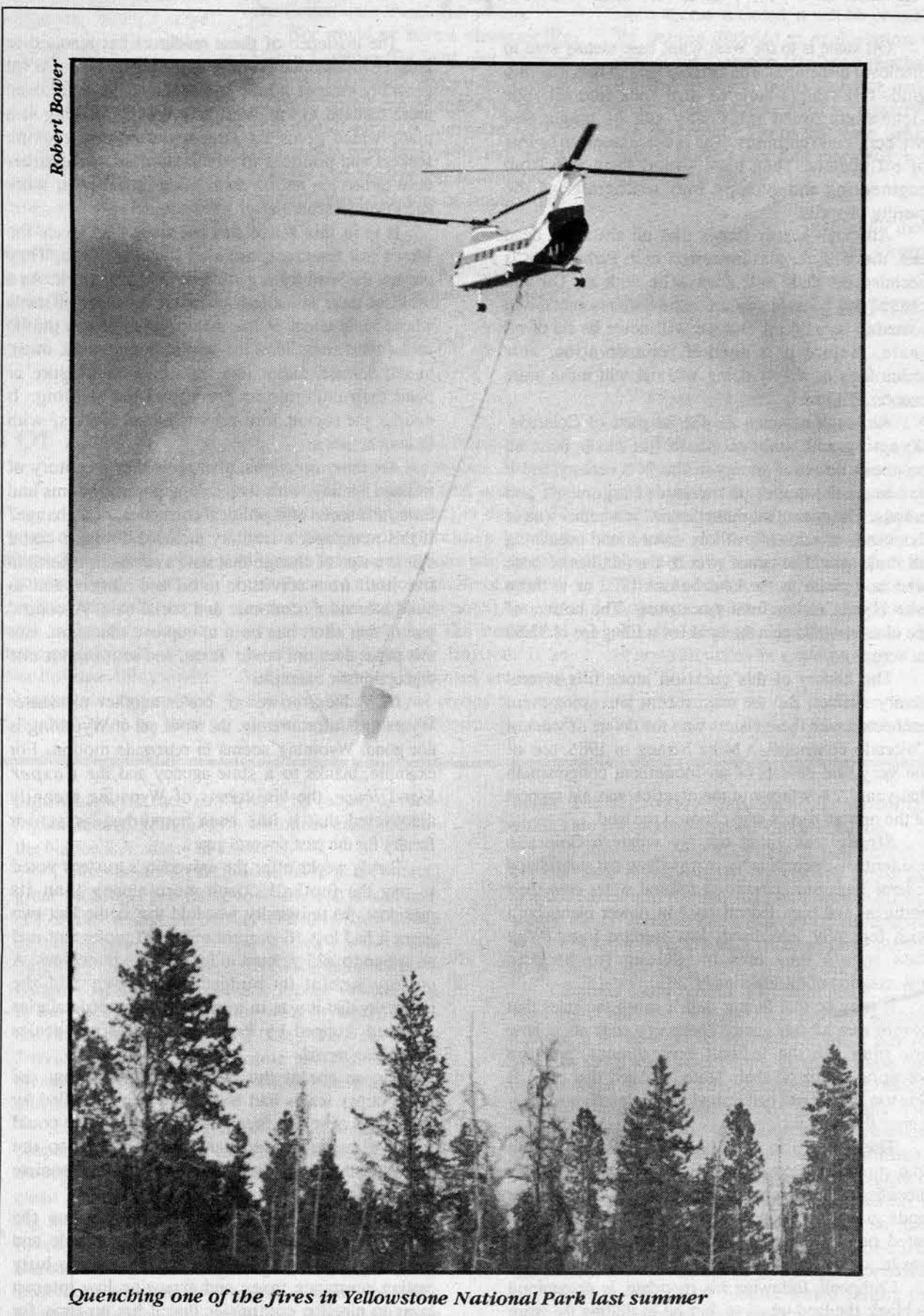
Recognition of the money-sprouting miracle of forest fires is not new. During the Depression, about the time of the poverty-in-the-valley posters, unemployed men deliberately started fires so they'd be hired to fight them. Many firefighters who have been around for a while can usually, after a few beers, recount a tale about fuel that was actually added to the flame to keep the fire, and thus the overtime, going. Fire in the mountains means a new 4-wheel-drive vehicle in the valley.

When I was a Forest Service seasonal fire fighter I couldn't figure at first why one of the guys from the timber shop was always hanging around, off hours, at the fire shed. Then came the night when thunder rolled in and he turned to me, grinning like a rottweiler that just found a hambone, and said, "Is that the cash register I hear ringing?"

During that fire season, we fire-crew members were often preceded on fires by the timber, range and recreation people, all of whom cost the agency far more money than us. Usually we went on fires only after the rest of the district had had its opportunity to grab some hefty overtime. My romantic notions about saving forests from fire were crushed by the pecuniary priorities of my colleagues.

Several years ago, during the last wet summer in Montana and Idaho and long after I had switched from fire fighter to wilderness ranger, a fire broke out near a guard station that was my "summer home." It was in subalpine, non-commercial forest; it was in rocky, sparsely timbered terrain, a long way from civilization and along the edge of a wilderness. The fire wasn't going anywhere.

But the Forest Service hit it hard: smokejumpers, even though it was next to an easily accessible road; ground crews that came in right behind the more costly smokejumpers; aerial retardant; whiz-bang infra-red surveillance flights at night; helicopters with water buckets; special overhead teams from off-forest; hot-shot chainsaw crews from Arizona; and a 100-person fire camp complete with a caterer and cooks brought in from outside. I wasn't involved and only observed the "effort." The fire, which covered at most 75 acres (less than the agency reported to the newspapers), probably cost more than \$100,000. The Forest Service would have spent less money if it had



Quenching one of the fires in Yellowstone National Park last summer

smothered the fire with dollar bills. Or by letting it burn out.

Why the overkill? Well, it had been a wet summer. Firecrews hadn't worked much, and the local district ranger was afraid if he didn't spend money, and lots of it, he wouldn't get as much in his budget the next season. Also, the crews (including permanent non-fire employees) had had few opportunities to make extra money that year. This was their last chance.

Officials on the fire told me these things. This attitude may not be typical, but it isn't uncommon. In the Forest Service, talk of making lots of money goes hand in hand with fire discussions. Fire in the mountains means bigger budgets and new VCRs in the valley.

Even though budgets are of paramount importance to most agency bureaucrats, it's unfair to say that all fire decisions are steered by money. Nor are fire fighters necessarily greedy, although money is the only reason I can think of for breathing smoke in 100-degree heat, 14 hours a day. Some of my best friends are fire fighters. They do it for the money and for the excitement found in what is generally a drudgery-filled job.

Make no mistake about it, most fire fighters work hard and, when the going gets tough, they deliver. Furthermore, I doubt many communities pray for fires so local business can boom. But still, in every big fire season, newspapers in this region brim with stories

about gloating merchants "who are making the most out of the tragedy of forest fires."

It is true that some fires must be fought, even if the effort is expensive. But the scale of fire-fighting is too large. Fire budgets must be reformed.

Ignore for a moment the romantic and patriotic veneer surrounding fire-fighting, and look closer at the current situation. With federal fire policy under scrutiny, agency bureaucrats are lining up, palms extended, saying more Yellowstone can be avoided with more money. Congress is biting. But not all fire money goes to putting out fires. We get opulent fire camps with steak every night and barbershops (it's true) to put out fires whose suppression costs more than the value of the resource being "saved."

We pay for tremendous waste (examine the trash cans of any large fire camp) and support bureaucratic fiefdoms with large fire crews that spend most summers washing trucks, waiting for the cash register to ring. And we get communities anxious for that fire-season dole.

At Yellowstone, \$120 million put on a nice show for national TV and hysterical politicians. It saved a few structures and possibly a town. It has since likely paid for lots of new pickup trucks. But it didn't put out much fire.

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Bruce Farling is a freelance writer in Missoula, Montana.