

High Country News

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A Paper for People who Care about the West

One dollar



LITTLE FUND OF HORRORS

The charring of Wyoming

by Bill Lazarus

In the midst of Wyoming's energy depression, Char-Fuels of Wyoming, Inc. seemed to offer a dream come true.

Char-Fuels proposed to produce a high-energy, clean, liquid fuel from coal. The fuel, it claimed, could then be transported through oil pipelines to fire utility boilers throughout the nation and shipped overseas.

By early 1987 the project had become the darling of Wyoming's most powerful politicians. In a time of declining population and governmental cutbacks — and despite early warnings about the soundness of the project — Gov. Mike Sullivan, the Wyoming Legislature, and the state's Investment Fund Committee designated a total of \$20.5 million for the firm to build a demonstration plant near the town of Glenrock in central Wyoming. On a per capita basis, California would have to set aside well over \$1 billion to reach the same level of funding.

Soon the Char-Fuels dream became a nightmare marked by controversy concerning Char-Fuels' secretive process, its threats to sue critics, its inability to raise private or federal funds required for continued investment of state money, and the state treasurer's improper release first of \$2 million and then of \$6 million in state loans to the company.

By February 1989 the company admitted — after returning the \$6 million loan — to being substantially broke. Even State Treasurer Stan Smith was expressing doubts about the Wyoming project. He said Char-Fuels might have to implement its process somewhere other than Glenrock — perhaps China.

Smith, a popular Republican politician and champion fiddler, was considered the leader in the 1986 governor's race until he withdrew. Instead, he handily won re-election to the treasurer's post. He became Char-Fuel's most vehement supporter in state government, attacking those who questioned the firm's proposals.

As treasurer, Smith had been given the task of monitoring the contracts between Char-Fuels and the state. He proceeded to buck the legal advice of Wyoming Attorney General Joe Meyer in doling out millions of dollars to the firm. He also violated the conditions set by an oversight committee for funding Char-Fuels.

The Char-Fuels controversy tarnished more reputations than Smith's. Until Char-Fuels, the most controversial

thing about Mike Sullivan, Wyoming's popular Democratic governor and former utility company lawyer, had been his hat — a beat-up, stained and rugged old Stetson cheered and hissed by citizens across the Cowboy State.

But Sullivan's persistent support of Char-Fuels has stirred more significant controversy. Unlike Smith, the governor made efforts to appear objective about the project, and spoke of the need for Char-Fuels to raise private matching funds before the release of state money. But Sullivan also had been willing to water down those matching fund requirements, and internal memos by federal officials suggested that the governor and his aides labored hard to skirt federal rules requiring competitive bidding to channel \$4 million in oil overcharge funds to Char-Fuels.

The reputation of the University of Wyoming also was damaged. At one point, the university failed to support three professors who were pressured by Char-Fuels to retract criticisms of the project. Six months later, UW released a study praising Char-Fuels while suppressing its own independent reviews highly critical of the study.

Some important checks did survive. The key requirement that Char-Fuels raise private matching funds, although weakened, remained in place. Attorney General Joe Meyer, who was appointed by Sullivan, vigilantly opposed the treasurer's improper release of funds to the firm. Federal officials at the U.S. Depart-

ment of Energy in Denver resisted political pressure to channel oil rebate funds to Char-Fuels. Finally, Wyoming's statewide daily, the *Casper Star-Tribune*, aggressively reported the Char-Fuels controversy in an attempt to understand why so many did so much for Char-Fuels.

The Char-Fuels story is set against a boom and bust background typical of the economies of big Western states with small populations.

Wyoming makes the Texas economy look diversified. The crash Texas experienced due to plunging oil prices in the early 1980s was wide and deep. But Texas has a large population, major cities, other industries and national political clout to sustain it.

By comparison, Wyoming still has fewer than 500,000 people, despite a 40 percent population surge in the 1970s. The counties containing the state's largest cities, Casper and Cheyenne, have only about 65,000 and 71,000 people respectively. With the exception of tourism and ranching, Wyoming's diversity consists of a variety of mineral and energy economies such as coal, uranium, oil and gas.

When nuclear energy fell from favor and oil prices dropped, the state was hit hard. Wyoming's expanding uranium industry, which once employed nearly 5,000 people, was virtually wiped

(Continued on page 10)

Dear friends,



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An astounding return

In a world where mail returns are measured in the one to two percent range, the response to this spring's *High Country News* survey has been nothing short of astounding. Promotion person Linda Bacigalupi guesses that something approaching 2,000 returns have come in thus far. They correct address labels, contain lists of potential subscribers, contain contributions to the 1988 Research Fund, and — above all — tell us how *HCN* is perceived.

Results of the survey have not yet been toted up, but Linda does know that very soon after the surveys went out to approximately 7,500 readers, she found herself sorting through 400 returns from Colorado. Then, a few days later, the mail system debouched returns from elsewhere in the inland West, followed by boxes from the West Coast. Finally, New York and Washington, D.C., began arriving.

The surveys are occasionally letters from home. Don Bachman, until recently an avalanche expert from nearby Crested Butte, used his survey to change his address and to tell us, "*HCN* want ads get results." Don has taken a staff position with the Greater Yellowstone Coalition in Bozeman that he saw advertised here.

One strong response came from a subscriber in Elko, Nev.: "Please do not exchange or sell my address or anyone else's to other companies or organizations. I get enough junk mail and sure don't need more." He or she attached logos from *Soviet Life* and from Day-Timers Inc. as samples of the problem. Neither are outfits *HCN* has exchanged with.

Even worse, the Elko reader did not include his label on the survey form, so we will be unable to delete his name from our exchange lists. Other subscribers have done the same thing. Although the paper does exchange names with other conservation organizations and publications, as part of the continuing search for new readers, the *HCN* subscriber list is never sold.

While many survey responses urge *HCN* to "keep up the good work" some readers take us with a grain of salt. A rancher writes, "I feel that you are trying to do a service through a practical approach — maybe not with your feet as solidly on the ground as they could be, but neither is your head in the clouds. Your arguments are certainly intelligent, even if I don't agree with all your 'facts.'"

We were proud of ourselves for not including survey questions on gender, levels of consumption, age, and the like. Jim Bruggeman of Oklahoma City assumed that was an oversight and wrote: "By the way, I am of legal age, I enjoy sex, I don't have enough income, and the model car I drive was discontinued years ago." He also said, "On occasion I find myself looking for the end of sometimes long-winded articles. Overall, I'd rate *HCN* a 9-1/2."

New intern

Richard Hicks, our newest intern, was raised in the oil and gas country of arid west Texas. He graduated from the University of Texas at Austin, and says he was warped by more than six years of work in Texas government and politics. For three of those years he served on the staff of then Gov. Mark White. Later, he worked as a press secretary to a state senator. He then considered attending law school but says he instead "came to

his senses," spending a year in the Texas Panhandle caring for aging wine at Pheasant Ridge Winery.

Most recently he lived in Boulder, Colo., where he toiled as an intern for the southwest regional office of the Sierra Club. He says during his summer at *HCN* he plans to write again and purge himself of bureaucratism.

Still Alive

As everyone knows, nothing is as dead, or deady, as last week's newspaper. So we have been surprised to find that the fall 1988 special issues on the Western frontier are still alive. A few weeks ago, the Idaho Falls *Post-Register* reprinted two essays from the series in its Sunday issue, and wrote an editorial using them as the kicking-off point. About six weeks ago, Pacific News Service distributed an essay from the series to its subscriber publications.

The more striking result has been invitations to talk to groups and individuals on the central theme of the issues: that the West is being reborn, with the shape of the infant still uncertain. These invitations are interesting because they are from outside the environmental community. They have come from the Colorado Bureau of Land Management, various colleges, the Western Governors' Association, the western office of the Council of State Governments, and so on. In fact, there have been more invitations in the past three months than in the preceding five years.

The special issues, it turns out, struck a sympathetic chord. *HCN*'s writers are not the only ones who think the traditional, extraction-based West is dying. Nor are they the only ones who worry that the coming West, based on recreation and tourism and lifestyle, may be as destructive as the old West.

Those who missed the four special issues, or who used them for kindling during the past hard winter, will be pleased to learn that they are about to be published as a book by Island Press.

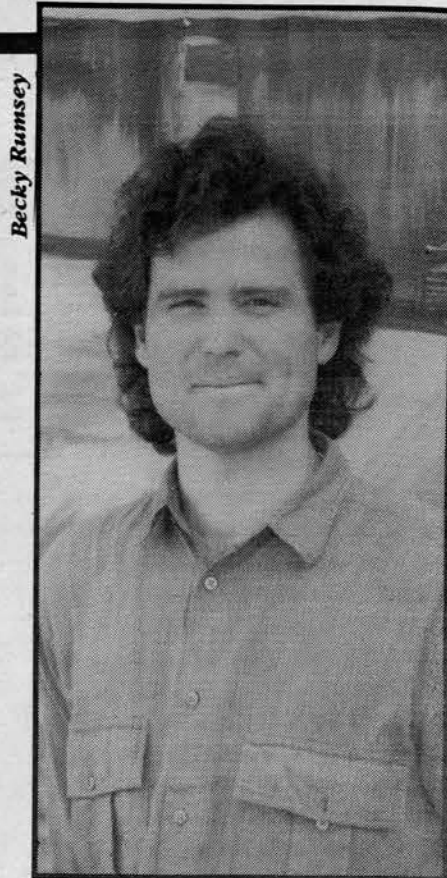
Up close with HRM

HCN has written a fair amount about Allan Savory's Holistic Resource Management approach, but we have not been cheerleaders on the subject. However, a tour two weeks ago of a ranch that practices HRM turned out to be very impressive. The ranch is the Island Mountain operation in the Glade Park section of western Colorado and eastern Utah.

This vast mix of private uplands and lower-elevation BLM land has been managed for the past five years by Miles Keogh, in cooperation with the Grand Junction, Colo., and Moab, Utah, offices of the BLM and divisions of wildlife in both states.

The land we visited was by no means a garden. But there was evidence for Savory's thesis that livestock, properly used, can bring back arid land. The acreage around an intensively but briefly used watering hole showed the sage and cheat grass in retreat and the perennials on the way back. Meanwhile, a nearby exclosure that hadn't been grazed for two decades was in relatively poor shape. A stream that was used briefly but again intensively by cattle also showed recovery. Judging by photos from past years, the willows are coming back and the stream is repairing its banks.

Most impressive was the attitude of BLM range staffer Al Tohill and ranch manager Keogh. There were no claims for miracle cures. In fact, the tour paid as much attention to failures as to successes. And they didn't treat HRM as a sys-



Richard Hicks

tem that can be automatically applied by anyone to any piece of land.

Instead, Keogh and Tohill talked of the need to pay close attention every day, and to be adaptable. One can't turn cattle out onto the range in late June and then ignore them until it is time to move the herd to a new pasture a few weeks later. The animals and range must be monitored daily, they said, so that changes can be made quickly.

Tohill contrasted this approach with the inflexible "rest and rotation" technique he had formerly used. He and others said that that approach led to conflict between agency and rancher without doing much of anything for the range.

Nifty idea

Former *HCN* editor Joan Hamilton sent us a nifty promotional idea from a San Francisco Bay newspaper. If you subscribe, you get a free safe-sex kit. She notes that we had probably not thought of it yet.

Potemkin villages in Idaho

We spent several days in Boise at a meeting organized by *HCN* writer Pat Ford. He put together the two-day meeting for Bobbie Henrie, a staff person with the Northwest Area Foundation, on land-related issues in the region.

We went to Boise partly to put in our two cents, but mainly to see first hand some of the people and places that Idaho writers like Pat, Steve Stuebner, Rocky Barker and Glenn Oakley have written about in *HCN* over the past several years.

Does a tiny dam at Swan Falls really control the Snake River? Did a young attorney named Conley Ward help stop the Pioneer Power Plant? Is the Idaho Public Utilities Commission's Perry Swisher as gruff and colorful in person as in print? Does timber executive Walt Minnick of TJ International really oppose below-cost timber sales? Are peregrine falcons raised in captivity at the Peregrine Fund's World Center for Birds of Prey?

So far as we can tell, after five days in and around Boise, all of the above exist or are true. It may be, of course, that Pat and his fellow writers erected a series of potemkin villages peopled with characters from their articles. If so, the plot worked as well on us as it did on Catherine the Great.

—Ed Marston for the staff

WESTERN ROUNDUP

Navajo Tribe swamped by MacDonald's wake

Navajo Times

WINDOW ROCK, Ariz. — Less than two weeks after interim Navajo Tribal Chairman Leonard Haskie declared that "the crisis is over" on the Navajo reservation, he announced a financial state of emergency for the largest Indian tribe in the country.

Haskie said tribal auditors had discovered a \$3.6 million deficit and that some essential tribal programs had not been funded this year.

Apparently, those departments were running on the hope that the tribe's proposed \$100 million loan plan under ousted chairman Peter MacDonald would sail through the tribal council. Now these high-profile, politically important departments — the Navajo-Hopi Development Office, Natural Resources and Economic Development — are broke but facing the prospect of having to continue operating anyway.

Tribal auditors also found that MacDonald spent more than \$1.1 million in emergency services funds — half the available money — to pay supporters, the Internal Revenue Service and overtime for tribal police. The power struggle for leadership of the Navajo tribe began three months ago.

The emergency services fund was set aside by the tribal council to help the reservation's rural areas cope with weather-related emergencies, such as impassable mud-bound roads in winter and waterless windmills in summer. Instead, nearly \$63,000 went to pay for a four-bedroom house in Thoreau, N.M., \$13,000 was parcelled out to political cronies, \$21,000 went to police overtime and \$1,200 went to pay a supporter's IRS bill, among other expenditures.

The tribe's resources division ran into a \$750,000 deficit when money in its account was used to pay for the Crow Mesa/Largo Ranch approved by the tribal council a year ago. The council bought the ranch but failed to appropriate the \$4.1 purchase price, instead directing its budget and finance committee to find the funds.

For years, MacDonald and his staff have been branded as free spenders of tribal money, labels they resented because of the hard work they said they were doing for the tribe. But credit card account records recently turned over to reporters reveal the charge of a lavish lifestyle to be more than just hype.

Through April, the ousted administration managed to charge \$29,668 on tribal American Express cards, money which the tribe still owes. Just in March, for instance, with total charges amounting to \$7,701, \$507 went to a Phoenix health club, \$87 was spent at a Phoenix bar, MacDonald spent \$400 at three Phoenix restaurants, and Vice Chairman Johnny Thompson ate \$90 worth of meals at restaurants in Phoenix, Albuquerque and Gallup, N.M.

Use of the credit cards, transportation and long distance telephone calls by MacDonald and his slim remaining staff have since been cut off by the new interim administration. With many of MacDonald's appointees also removed from the tribal payroll, he has seen his hold on tribal government erode as staff abandoned him. Some 15 of his division directors who were defendants in the tribal council's suit against the administration chose to take what tribal benefits were coming to them and exit the case before trial.

Meanwhile, MacDonald, those on



Peter MacDonald supporters at an early rally for the deposed chairman

the tribal council still backing him, and the council majority backing Haskie spent nearly a week earlier this month in tribal court. The issue was whether the council majority had the authority to place MacDonald and Thompson on paid administrative leave.

Window Rock District Court Judge Robert Yazzie, whom MacDonald's handpicked Chief Justice Nelson J. McCabe tried to banish from the bench in March, is expected to rule soon.

The high point of the proceedings came when MacDonald was called to testify. After weeks of making speeches around the reservation in which he told his supporters he had not been given his day in court, MacDonald both refused to take the stand voluntarily and disregarded Judge Yazzie's order to do so.

His attorney, Thomas Hynes of Farmington, N.M., argued that MacDonald could not be forced to testify because

he is protected by sovereign immunity and his privilege against self-incrimination. Hynes said the protection came from the Navajo Bill of Rights and the Indian Civil Rights act.

Tribal attorneys responded that MacDonald is not entitled to immunity as an individual in a civil case.

Over Hynes' loud objections, Assistant Navajo Attorney General Stanley Pollack also succeeded in introducing video tapes of last January and February's U.S. Senate Investigating Committee hearings. Several witnesses testified then that MacDonald had accepted bribes and payoffs from reservation contractors and conspired to personally profit from the sale of the \$33.4 million Big Boquillas Ranch to the tribe.

As Hynes' numerous objections during the four-day hearing were repeatedly overruled, he and MacDonald's supporters blasted the tribal court as rigged.

The court is examining whether MacDonald had influence over the vice chairman, whether an unreported \$60,000 in free airplane rides to the MacDonald-Thompson campaign constituted fraudulent campaign expenses, and whether news releases about the findings of a \$90,000 special report on the Big Boquillas Ranch purchase were truthful or made up.

Throughout this period, MacDonald and his supporters have remained in his \$650,000 renovated offices, called the "Mahogany palace." Haskie and his administrative staff are in cramped quarters in the tribe's justice department.

The turmoil began Feb. 17 when 49 members of the Navajo Tribal Council — then a precarious majority and now the new government — voted to place MacDonald on leave.

— George Hardeen

Wyoming acts to keep out garbage

The Wyoming Legislature took action this year to prevent the Equality State from becoming just another low-quality state.

Intense public reaction to a story last August in the *Casper Star-Tribune* provided impetus for legislators to strengthen the state's feeble solid waste laws. The story outlined the plans of a Colorado investment group to pile Denver's municipal garbage onto coal trains that return empty to the Hanna Basin in south-central Wyoming. The garbage would then be dumped into the region's mined-out coal pits, forming what came to be dubbed the "Hanna Trash Ranch."

Public reaction was hostile to the idea, and legislators responded by passing a series of bills that will severely dampen what had been an open invitation to indiscriminate dumping. As was the case with Utah's hazardous waste bills (*HCN*, 4/10/89), Wyoming's Republican majority finally assumed leadership on solid waste bills. Democrats had previously pushed similar legislation without success.

Foremost in the package of new laws is one that requires companies to post bonds to cover landfill closure and post-closure costs. Location requirements for landfills are also included, and the state is given latitude in drafting regulations to govern the entire life-cycle of a waste facility. The same bill limits speculative accumulation of wastes and provides opportunity for public involvement in landfill planning.

Two other enacted bills were aimed specifically at very large waste facilities, which will now come under Wyoming's Industrial Siting Act in order to address impacts on neighboring communities. The law also sets dumping surcharges similar to those found in surrounding states for disposal of both solid and hazardous waste.

Large facilities are also required to screen hazardous materials from the waste stream prior to disposal. Also, valuable materials including energy, glass, metals, paper and organic matter must be recycled according to rules to be drafted by the state.

A number of other waste-related bills give Wyoming far better control over some pressing problems. A leaking underground storage tank bill was passed. Money will be raised from a 1-cent-per-gallon fuel tax (with no exemptions), a fee on underground tanks and a loan from water development funds. The money will be used to clean up contaminated sites, which will eventually cost about \$200 million if state estimates are correct.

Other waste management bills that passed the 1989 session will do the following: set siting and bonding requirements for commercial oil field waste facilities; require recycling of lead-acid batteries; require bonding for underground injection of hazardous wastes; make Wyoming a member of a regional agreement on radioactive waste transport and provide emergency response training.

— Will Robinson

Will Robinson lobbies the Wyoming Legislature in Cheyenne for the Wyoming Outdoor Council.

HOTLINE

Telescopes or squirrels?

The Mount Graham red squirrel population, an endangered species, plummeted from more than 200 in March to under 150 in May. The decline could jeopardize the University of Arizona's plan to build an astrophysical complex on top of the mountain. Earlier this year, Congress approved the university's plan to build an observatory after years of struggling with environmentalists over impacts to the undeveloped mountain range. Now, says the Arizona Republic, the courts may have to decide whether telescope construction will take precedence over the Endangered Species Act, which requires protection of species on the brink of extinction. The Forest Service and the U.S. Fish and Wildlife Service will meet later this month to discuss the implications of a plummeting squirrel population.



Utah gets impatient

Utah schools may benefit at the expense of national parks and Indian reservations. Fed up with failed land-trade plans, members of the Utah Board of State Lands and Forestry decided in April to lease or sell state-owned lands within some of Utah's national parks and reservations. When the federal government gave land parcels to the state of Utah, school trust lands were meant to produce revenue for Utah's educational system. But the creation of national parks and Indian reservations left some trust lands surrounded as inholdings. Currently, some 125,000 acres of school trust lands are locked within Arches and Capitol Reef national parks, Dinosaur National Monument, Glen Canyon National Recreation Area and the Goshute and Navajo reservations. Since the small size and limited access of the parcels reduces any revenue they could produce, the state has been trying to swap and consolidate lands for 10 years — so far without success. Utah Gov. Norm Bangerter's newest proposal is a trade of all school trust lands scattered throughout parks and reservations for nearly equal acreage on the shore of Lake Powell within Glen Canyon National Recreation Area. The Park Service, however, says that Bangerter's proposal would create a major management problem. "If the state were to have title to shoreline lands they will want to develop recreational facilities," says regional park operations director Homer Rouse. "Once we've lost control of the shoreline property, we've lost our ability to manage the carrying capacity of the lake," he adds. If nothing comes of Bangerter's proposal by Sept. 30, the state board plans to lease or sell mineral and surface development rights of the inholdings.



Strip mine

Group says coal tax cut hurts Montana

The coal industry says recent cuts in severance taxes on Montana's coal have sparked increased production and produced new jobs and income for the state.

Not everyone agrees. According to a February report published by the Western Organization of Resource Councils, the new tax rates have significantly reduced state income and not produced new jobs. One result, WORC says, is that annual coal tax revenue dropped to \$76 million in 1988 from a peak of \$92 million in 1985, even though production remained steady or increased.

WORC, a coalition of Western agricultural and conservation groups that includes Montana's Northern Plains Resource Council, says the industry had already planned to increase its production before the 1985 and 1987 Montana Legislatures reduced coal taxes.

"When they went into the Legislature it was a put-up deal," says Richard Parks, a spokesman for the Bear Creek Council, an affiliate of the Northern Plains Resource Council.

In order to get the tax reduced from 30 percent to 25 percent in 1988, the industry had to meet a Legislature-mandated production target of 32 million tons last year, which it did handily. But Parks claims coal companies had already set up short-term contracts that would meet that criterion, and so the tax reduction was not needed for incentive.

Because the industry met this one-time production quota, the tax will drop permanently in 1991 to 15 percent on all coal produced, a reduction the Legislature had already granted in 1985 to coal produced under new contracts. Industry critics say the coal lobby duped the Legislature and former Gov. Ted Schwinden into believing that mining would decrease without the tax cuts.

Few revenue battles in Montana these days do not involve the coal severance tax. Since 1985, when Montana created the highest coal severance tax in the country at 30 percent, legislators and industry have tried repeatedly to eliminate, lower it, or to redirect where its revenues are spent.

The state successfully repelled an industry attempt in the late 1970s to have the tax declared unconstitutional, a battle that ended up in the U.S. Supreme Court in 1980. With income from other industries dropping in recent years, the state has become heavily dependent on coal severance taxes to pay for education, roads and economic development.

It is also supposed to be used to help

offset the boom-and-bust cycles of coal mining. The state puts half the severance revenue into an inviolate trust fund, while using the rest for several smaller trusts and the state's general fund. In 1987, Montana's mineral severance taxes, of which the coal tax is the largest, accounted for 17 percent of the state budget. That dependence is why the downward trend in coal tax revenue worries WORC.

The group says the tax reductions do not increase the competitiveness of Montana coal as the industry has claimed. Citing research from the University of Montana, WORC says severance taxes, which are accrued on the value of coal at the mine mouth, have little impact on competitiveness. Transportation and mining costs and BTU value of coal play a larger role in the market the group says.

Research indicates that Wyoming, Montana's largest competitor in the region, has access to more markets because it doesn't have to ship its coal as far. Coal tax critics say instead of revitalizing the state's economy, the tax reductions are producing a declining revenue stream for the state while increasing profits for the coal companies, most of which hail from out-of-state.

Jim Mockler, a spokesman for the Montana Coal Council, disagrees. He says the tax reductions were critical in sparking his industry's record production of almost 38 million tons in 1988. He says although the increase came from larger contracts with utilities in the Great Lakes states, where Montana has always had a competitive advantage, the lower taxes should help Montana sell coal to other markets such as Washington state

and South Dakota. Mockler says there are too many variables in the coal industry to predict when those markets will open or how large they will be.

Mockler also says the increased production created 120 new jobs. Parks of the Bear Creek Council questions how long those jobs will be around, saying that job security in western strip mines is often a function of "where the dragline is." That is, as mines are developed, efficiency increases and more coal can be produced with fewer miners. According to WORC, overall employment in Western coal mines has steadily decreased as production has increased. The group says Wyoming lost 190 jobs between 1984 and 1986, a time when production increased by two million tons. It also says Montana lost 150 jobs between 1985 and 1988, even though mines had increased production by 2.5 million tons.

Mockler says employment will now stabilize. "As long as production holds, jobs will stay up," he says. "We have used up all the efficiency quotas we can find."

But to many Montanans, including some wary legislators, the tradeoff for those jobs may have been losses in critical tax revenue. To fund schools and balance the budget, lawmakers in the financially strapped state are now considering a sales tax.

The WORC report, *For Current and Future Generations — A Comparison of Non-Renewable Natural Resource Taxation in Colorado, Montana, North Dakota and Wyoming*, is available for \$10 plus \$2.40 postage. Write: WORC, 412 Stapleton Bldg., Billings, MT 59101 (406/252-9672).

— Bruce Farling

HOTLINE

Indians lose

Two recent court decisions may have severe impacts on the economies of Indian reservations in the West. The U.S. Supreme Court ruled April 25 that states may tax oil and gas extracted from Indian lands. The 6-to-3 decision favored the state of New Mexico, which had taxed a petroleum company for production on the Jicarilla Apache reservation. The decision does not bar tribes from collecting its own taxes, but means oil and gas companies operating on reservations will be subject to both tribal and state taxes. The victory is worth \$26 million a year to the state of New Mexico. In a dissent-

ing opinion, Justice Harry A. Blackmun said the state is increasing its revenue "at the expense of tribal economic development," reports AP. In a similar decision the same week, the Montana Supreme Court upheld the state's right to tax non-Indian businesses operating within Indian reservations. Michael Webster, a lawyer for Montana businesses that oppose the tax, told the *Great Falls Tribune* that the ruling puts tribes in a "catch 22" situation: They face losing business if they establish taxes or losing revenue if they abolish taxes. The two rulings will affect over 150 cases pending in the West over oil and gas taxes on reservations and about 250 other cases nationwide dealing with taxation of non-Indians on Indian reservations.

Quick and dirty privatization in Colorado

The signs say it all. The New Castle Cemetery Road in western Colorado cuts in right angles around groomed hay fields and is guarded by barb wire fences festooned with "No Trespassing" signs.

A cable and padlock signal the road's abrupt end. At the edge of the cemetery parking lot another sign declares "No Trespassing. Fee Hunting Only."

But on April 15, a new sign appeared. Stenciled on a large piece of plywood were the words: "Please stay on the road until it enters BLM land. This has been a public road since 1888. We have the right to use it."

Stapled to the board were copies of survey plats made in 1892 showing the road as a public road through public land. Today, public land, managed by the Bureau of Land Management, still surrounds the road. But it also cuts across two parcels of private land before entering the White River National Forest.

The cemetery road was closed to the public in 1960 by former owner Buster Brown. Shortly before his death in 1987, Brown sold the two private parcels to millionaire Denver car dealer Leo Payne, who in turn sold one parcel to Waffle House, Inc.

Underneath the plywood sign was a table and sign-up sheet. By the end of the day, more than 100 people had signed up and then marched down the disputed road to protest its closure.

The march was prompted by what many residents see as a disturbing trend in the area. They say the trend is for wealthy individuals or corporations to buy huge tracts of land bordering public land and then restrict access through their property to the public property. When a private individual buys land next to public land and then closes access, noted marcher Jay Fellers, "in essence the public land becomes part of the landowner's private domain."

The march was intended to draw attention to the access question and to inform newly elected county commissioners Bucky Arbaney and Arnold Mackley that significant numbers of voters are angry about losing access to public lands in Garfield County.

Putting that sentiment more sharply was the sign carried by marcher Nancy Jacobsen. It said, "This isn't Aspen. Our public lands are not private clubs."

Jacobsen said two concerns led to her marching: the need to preserve access for future generations and her "shock" at a decision by commissioners Mackley and Arbaney to vacate a public road through the Puma Paw ranch.

The previous board declared the road public, a stance reaffirmed by the federal courts, which ordered the ranch owner, Los Angeles Palms Inc., to allow public access. The county spent money improving the road while Los Angeles Palms appealed the decision.

When Mackley and Arbaney took office this January, L.A. Palms asked the county to vacate the road. After a raucous public hearing that drew over 100 people and later saw over 800 people sign a petition in favor of keeping the road open, commissioners Mackley and Arbaney voted against incumbent Mari-on Smith and vacated the road.

As a compromise, the county said it would build a new road skirting Puma Paw property to provide access to surrounding BLM lands.

That did not mollify critics. In announcing the Cemetery Road march, the organizers said, "We feel that we are the silent majority and are tired of being

Eve O'Brien



Marcher Geraldine O'Brien stops along the New Castle Cemetery Road at one of Buster Brown's signs

silent while those with connections and influence decide what will be done with public lands." The reference to "connections" was aimed at Walter Ganzi of L.A. Palms, a Republican Party stalwart who backed Arbaney's and Mackley's campaigns.

The Cemetery Road debate looks similar to the Puma Paw debate. Garfield County Assistant Attorney Sherry Caloia said county records show that road was a public road in an 1892 survey, and the county commissioners also declared the road public in 1929.

Then in April 1959, rancher Buster Brown asked county commissioners to abandon the road. After receiving petitions against the abandonment, county records show the commissioners voted unanimously to deny Brown's abandonment request.

And that's where the paper trail ends, Caloia said. The road question doesn't appear in any other county documents, she said. Some county road maps show the road as public, others show it as abandoned. Caloia pieced the rest of the story together from witnesses who will appear during the pending court case initiated by the county to reopen the road, she said. Those witnesses said Brown turned an irrigation ditch down the road in 1960 and then locked the gate, Caloia continued. He then bulldozed a short section of the road, according to the witnesses.

Nowhere in the county records, said Caloia, could she find any response to Brown's actions by the county commissioners.

"Old Buster just buffaloed everyone into thinking he could close the road," said Joe Neil, a marcher from New Castle who tramped the road as a youngster.

Leo Payne of Denver, in contrast, said he has "tried to cooperate" with the county and Bureau of Land Management to provide some sort of access. He said

the BLM turned down his offer to extend a current road to the west of his property into public lands. He added that although the land surrounding his holdings "belongs to the public," access to that land should not come "at the expense of the private landowner."

The current court action is just the most recent court case over the road. A number of other marchers also remembered when the road was open and the first battle to keep it that way. Virginia Erickson, of New Castle, said her father, Bill Mohr, protested Brown's closing of the road at the county and in the courts. Time, money and influence, however, were on Brown's side, she said. The county didn't act, the court case died, and the padlocks that first appeared in 1960 stayed.

Payne bought Brown's land shortly before Brown died two years ago. But Brown's presence is still felt through the rusting tin signs along the road that warn "No Hunting Fishing Trespassing. Buster Brown Ranch." As Joe Neil walked up the road, he claimed some of the many bullet holes in the signs were his handiwork.

The road was in good shape, for the most part. The marchers trekked steadily uphill and after a couple of miles pines started to stick through the sage and cedar-covered valleys where deer could be seen scrambling over the ridges.

The natural landscape is rudely interrupted, however, by a big S-shaped scar created when Payne sent a bulldozer into BLM land to cut a new section of road. Marcher Blane Colton, sitting at the edge of the new switchback, shook his head and wondered how Payne cut the road without the knowledge or approval of the BLM. "I guess rich folks don't have to act like the rest of us," was his only explanation.

—Jon Klusmire

HOTLINE

Audubon flexes its ethics

The Audubon Society will no longer sponsor tour operations that violate its recently unveiled policy of environmental ethics. The code consists of standards for minimizing tourism impacts on plants, wildlife and human populations. The group said a policy became necessary as increasing numbers of people travel to areas with easily damaged habitats. Audubon's first guideline discourages wildlife harassment, especially relentless pursuit for the sake of a photograph, or hovering around nesting sites. The code also outlines standards for proper waste disposal, lists products that should not be purchased because they threaten species survival and emphasizes respect for different cultures while traveling. Audubon says it has asked its own tour operators to use the code to educate excursion participants and is encouraging other organizations to follow suit. "The National Audubon Society Travel Ethic for Environmentally Responsible Travel" code can be obtained from Margaret Mulluly, National Audubon Society, 950 Third Ave., New York, NY 10022 (212/546-9189).



Will Congress help fallout victims?

Since 1978, Utah Rep. Wayne Owens and Utah Sen. Orrin Hatch have tried to help victims of nuclear testing in this country. Their latest attempt is a bill which would grant a federal apology and money to citizens living downwind of the Nevada Test Site from 1951-1962. The bill also covers uranium mine workers from the same period who later developed diseases attributable to radiation. In 1984, Hatch won compensation from the U.S. District Court in Salt Lake City for a group of fallout victims based on statistics showing abnormally high disease rates in southeastern Utah. He also produced evidence of a government cover-up. But in 1987, the Supreme Court overturned the ruling, saying the government cannot be sued for carrying out national policy. The current bill asks for compassionate payments like those granted to Pacific islanders for alleged fallout injury. "Downwinders" would be entitled to \$50,000 and uranium miners, whose ailments can be more easily traced, would be eligible for \$100,000. The bill has bipartisan support, says Jeanne Lapotto of Hatch's office, and the two Utah lawmakers are optimistic it will pass.

BARBS

The other 1 percent comes from whales.

Ninety-nine percent of Japan's oil is imported from Saudi Arabia and other oil-producing nations.

HOTLINE

Lots of rentals in Tucson

An overzealous building trend and the elimination of real estate tax-shelters have turned a construction boom in Tucson, Ariz., into a slump. Vacancy rates for industrial facilities topped 40 percent, for office buildings 25 percent, shopping malls 14 percent and apartments had a vacancy rate of 11 percent, reports the *Christian Science Monitor*. "There isn't a major developer in Tucson who isn't broke," says University of Arizona business professor Eric Bleck. In 1988 alone, 13,726 Arizona businesses and individuals filed for bankruptcy, up from 8,906 in 1986. That represents the fifth largest increase in bankruptcy filings nationwide. Part of the problem is the state's dependency on tax-supported employers. The five biggest employers in southern Arizona in 1988 were in the public sector, including two army bases, the University of Arizona, the state and the Tucson school district. Only a few private sector corporations are major employers and one, IBM, is phasing out its operation in Tucson, taking 2,800 jobs out of the area by the end of 1989.

New blood for grizzlies

If a federal grizzly bear committee has its way, Yellowstone's grizzlies could share their turf with grizzlies transplanted from other areas. Grizzly bear recovery coordinator Chris Servheen says new blood would decrease the likelihood of genetic disorders that can occur in small, isolated populations such as Yellowstone. Although there's no hard evidence of inbreeding problems among Yellowstone's grizzlies, their endangered species status requires that the government take special precautions to protect them. Population estimates of Yellowstone's grizzlies range from below 200 to over 300. Servheen notes that several years of research are needed before a transplanting program is approved, and even then only one bear a decade may be moved to Yellowstone.



Persistent feeders

The organizers of a feeding fund for starving elk in Montana are not afraid of their critics. Next year the group plans to resume its controversial practice of feeding elk and other wildlife in the Yellowstone area. This past winter the Gardiner Elk Feeding Fund raised \$12,300 to feed wildlife crossing over the northeast border of Yellowstone into the Gardiner area in search of food. Montana wildlife officials fear the long-term effects of such feeding programs, AP reports. Elk cluster on feeding grounds, which may spread brucellosis among themselves and possibly to cattle. Feeding programs also lure the animals from their traditional migration routes, encouraging them to remain at lower altitudes, grazing on private land.

An army of birders seeks nests and songs

Because birds will breed only when conditions are just right, their presence is an excellent environmental indicator. But first an area must be surveyed for birds, and the people doing the looking must be skilled.

Thanks to more than 400 volunteers in Colorado, a massive survey of the state's birdlife is under way. Colorado is the first Western state to tackle the task.

Called the Colorado Breeding Bird Atlas, the five-year project will yield two products: a published atlas of maps of each species' breeding areas in Colorado and a large amount of data for the Colorado Division of Wildlife's species database.

The computerized database is also used by the Forest Service, BLM and other federal agencies in making wildlife management decisions and in preparing environmental assessments and impact statements.

Bird breeding data have not come easily. In the first two years, 400 field workers spent 8,519 hours, completing their surveys in only a quarter of their targeted areas and leaving four more years of work — if they finish on time. New York state, for example, took six years to finish a similar project and New Hampshire took seven.

From the beginning, the survey has brought welcome surprises. The black phoebe, a bird of the riparian stream bottoms of Arizona and New Mexico, was spotted at the Pueblo Reservoir. Known to have nested in only one other place in Colorado, the discovery that the black phoebe was breeding in Colorado highlighted the 1987 field work.

Last year, two female Barrow's goldeneyes looking for nests in the Flat-tops Wilderness provided Colorado with only its second summer observations of that species this century.

In the same area, observers spotted Brewer's sparrows above timberline instead of in their usual sagebrush habitat below 9,000 feet.

Other breeding discoveries included purple martins in three sites on the Uncompahgre Plateau, great-tailed grackles, goshawk, scaled quail, flammulated and saw-whet owls on the Ute Mountain Indian Reservation, and four species of owls west of Grand Junction.

The vast numbers of amateur bird watchers make atlas projects feasible. The loose network of communication that already existed among birdwatchers helped begin the project and has been strengthened by it. Through the atlas newsletter, field workers learn what others have spotted and have their own sightings recognized.

Field workers must contend with varied weather conditions, access restrictions to public and private land and timing field trips to correspond with the birds' breeding cycles. Breeding cycles can last from January (for great horned owls) to September (for mourning doves and goldfinches).

Field workers Helen and Art Wainwright received a friendly human reception in the field: "The farmers and ranchers were almost always friendly and interested in what we were doing. They told us what they knew of their bird populations (quite a lot), pulled out their bird books and asked us to identify some species they had wondered about. Everybody gave us an 'OK' to drive on private roads and wander around their land. I guess we looked earnest, middle-aged and harmless. The idea of censusing seemed appropriate and most people wanted to know what we had found..."

But the birds were not always



Northern Oriole

friendly. Field worker Ann Higgins reported: "I am now on a first-name basis with a Cooper's hawk, which parted my hair when I inadvertently got too near his nest. I tried three times to spot the nest and had to duck three times."

Field workers look for signs of nests so they can say definitely if the birds are breeding in the surveyed area. But whatever the desire for precision, the atlas handbook also cautions field workers to avoid disturbing nests. Ann Higgins, although prevented from seeing the nest, could confirm that the hawk was breeding nearby. The hawk's dive-bombing was a distraction display, diverting attention from its nearby nest.

There are degrees of certainty. A bird exhibiting agitated behavior or the sighting of territorial birds, courtship and pairs indicate probable breeding. Possible breeders include birds singing or seen in suitable nesting habitat.

The guidelines result from experience with similar projects in Great Britain, Europe, 20 eastern states and Canada. Following the lead of eastern states that have completed their projects, the Colorado atlas project plans to survey one block, three miles on a side, in each of 1800 topographic units in the state. Depending upon the number of dif-

ferent habitats and the complexity of its bird life, field workers spend 10 to 40 hours per block. They gather information on habitats, abundance and dates of the breeding cycle. After finding all or most of the breeding birds in a block, they move on to another block.

A steering committee made up of amateurs, professionals and academics supervises the project. Funding comes mainly from private sources, environmental organizations such as Audubon Society chapters, the Colorado chapter of The Wilderness Society, state bird clubs and private individuals. Substantial in-kind contributions come from several government agencies. The Denver Museum of Natural History provides office space, the Bureau of Land Management furnished the project with two sets of topographic maps of the state, and the Forest Service assisted with publication of the field worker's handbook.

For more information, write: Atlas, c/o Zoology Dept., Denver Museum of Natural History, 2001 Colorado Blvd., Denver, CO 80205 (303/370-6336).

—Hugh Kingery

The writer is project director for the Colorado Bird Atlas and currently president of the Denver Field Ornithologists. He is past president of Denver Audubon Society and the Colorado Mountain Club.



Killdeer with young

Idaho public land issues get hot

BOISE, Idaho — A political showdown spurred by public land disputes is brewing in Idaho, threatening the Republican power structure that has traditionally dominated the Gem State.

Radical statements and proposals by Republican Sens. James McClure and Steve Symms, and an impending range war between conservation-minded sportsmen and ranchers, have stirred many public-land users out of a decade-long political slumber.

"What this really comes down to is competition between the user groups about what uses will dominate" on public lands, said John Freemuth, a Boise State University political science professor who specializes in public land issues.

Under the direction of Gary Glenn, the Idaho Cattle Association has been firing salvo after salvo at conservationists and sportsmen, who agree that overgrazing and destruction of riparian areas are the greatest environmental threats in Idaho. At the Legislature, cattlemen rammed a wildlife damage bill down sportsmen's throats. Already, claims totalling over \$1 million far exceed the \$500,000 appropriated.

Then at a recent "wise use" of public lands conference in Las Vegas, Nev., cattlemen circulated drafts of a radical rangeland proposal that would surrender Bureau of Land Management lands to ranchers, making livestock grazing the dominant use on public lands. It would

designate all 367 million acres of BLM and national forest land as "grazing areas."

An aide to Sen. Steve Symms said Idaho's junior senator was considering sponsoring a bill to alter multiple use, but Symms is already distancing himself from it. In a guest opinion printed May 7 in the *Idaho Statesman*, Symms wrote, "The truth is I have no such bill. I have never even seen a draft of such a bill."

But if Symms has cold feet, other lawmakers such as Rep. Ron Marlenee, R-Mont., or Rep. Bob Smith, R-Ore., may be wooed by cattlemen. Glenn and others backing the "wise use" movement make no bones about the bill's intent.

"It's an offensive approach, a tactical maneuver to move the pendulum back toward multiple use," Glenn said. The wish-list grazing bill is just the tip of the iceberg, Glenn adds. At another "wise use" conference in Boise on May 18 — the third of this year — backers will unveil other proposals and strategies designed to center the debate over public lands, he said.

Meanwhile, Sen. McClure has been making angry statements about spotted owls — "We shoot them before they cross the (Idaho) border" — and about tree-spiders — "They're going to pay a price." McClure's price is the logging of 100 acres of wilderness for every acre of trees spiked.

—Stephen Stuebner

REPORTER'S NOTEBOOK

Alston Chase gets an A in philosophy and C in listening

by Geoff O'Gara

Most of us, whatever our field, had the experience of an instructor who subdued his classes with the pedagogic put-down. A group of undergraduates thrilled by a piece of short fiction would come up against an elderly, bow-tied don who, after allowing a few minutes of enthusiastic babble, would observe: "It's entertaining —" pause, peering over the bifocals — "perhaps ... but it fails, fails UTTERLY, as art. After all, this writer seems not to know the first thing of the" — pause, "unities." Spacing the three syllables of "unities" so that each was a ruler slap on our heads.

The slap of Aristotle's ruler echoed through the University of Wyoming as Alston Chase addressed a symposium on Yellowstone and critiqued, once again, the performance of the stewards of the Greater Yellowstone ecosystem. It is not Chase's oft-recited academic resume nor even his noggin-scratching style of speaking that reminds one of the Old Professor: It is his rhetoric, his authoritarian classroom style of argument.

Chase is not the only critic of Yellowstone management, only the most notorious. A doctor of philosophy, he has made a second career out of Yellowstone-bashing, with a bestselling book, a syndicated column, and a busy lecture schedule. What makes him unique is not simply that he provides a home in his arguments for Yellowstone's scientific dissidents, of whom there are many, but that he transforms the argument completely: We are not arguing merely the success or failure of management approaches to the Yellowstone ecosystem, we are digging for the roots of those approaches in Western intellectual history.

It is a most successful tactic. For while park scientists are prepared to argue fish-counts and archaeological evidence and elk winter range forage, they are unprepared to enter the lists against a man who will cite pre-Hellenic mythology, Spinoza and Rousseau as evidence that park management is misguided.

A lot of this blows over people's heads, but the evocation of dead grizzlies, starving elk or fire-ravaged landscapes does not. These days, Chase gets credit whenever anything goes wrong in Yellowstone. His book of three years ago, *Playing God In Yellowstone*, summarized the Keystone Kops management of the park's past, and concluded that the misadventures continue in the present. Although he did not predict the massive Yellowstone fires, they have given his celebrity a second wind. They have given him another chance to take to the rubber chicken circuit proclaiming that "all that natural regulation (practiced at the park) amounts to is waiting to see what will happen."

That is why there is such deep dislike of Alston Chase in Yellowstone National Park. And not just among those in charge. It extends down to the ranger level and includes some outside scientists who are not themselves on particularly good terms with the Park Service.

Park officials know they can't match Chase's erudition — indeed, it is the officials' inarticulateness, their clumsy expressions of ecological concepts, that Chase feeds on. But they have tried, with little recognition from the media, to challenge his borrowed science.

There is no doubt that Yellowstone's managers and scientists have suffered public relations fiascos. But listening to

park scientists in the University of Wyoming's lecture halls, and talking informally to them and to independent scientists, leads one to think that the Yellowstone ecosystem may be doing well, or at least better.

The Chase-lamented grizzly bears, for example, are one of several Yellowstone species on the upswing, however precariously. This is partly because of a coordinated management effort among three states, six national forests and the park, a program that does not "wait to see what happens." It involves changing human habits in the backcountry, cleaning up sanitation in gateway communities, protecting key bear feedsites and putting more pressure on poachers.

The bear recovery is related to the fish populations in the park, which are booming as a result of a controversial management edict restricting take-home fish to those under 13 inches. And the bears apparently are teaching their young to work the spawning runs, rather than the garbage dumps. Winter range for animals outside the park is expanding. The enormous laboratory of Yellowstone is very much in use, and not just by NPS-hire scientists.

None of this was mentioned in Chase's talk in Laramie. But park officials who can't out-quote Chase in the thicket of Western philosophy can at least spot his selective use of scientific evidence.

No one in or out of the park takes the Pollyanna view that things are rosy. Over the past 20 years there has been a wealth of questionable decisions, from the construction of Grant Village to the shooting of bison in Montana this winter. Tremendous development pressures remain around the park, caused in part by the commodity-oriented missions of the national forests. There exist almost daily opportunities for management mistakes. Chase, then, has a large pool of potential allies because the worriers and skeptics range from research scientists to environmental activists to journalists like myself.

The fire policy was a good example of flawed management; highly placed Yellowstone officials admit privately there should have been a provision allowing fires to be set in dry areas unburned for decades.

But it's worth noting that even scientists who spoke at the Laramie symposium in favor of prescribed burning admit intentional ignition wouldn't have stopped this summer's fires (a point Chase did not concede). Park scientists at least know when they're licked. Said Yellowstone Science Coordinator John Varley:

"Most humbling of all is that one-quarter inch of rain and snow on Sept. 11 stopped what the largest firefighting effort in this nation's history could not." Varley, who took one of the worst media beatings this fall, is still straightforward and to the point.

Chase, on the other hand, often seems to teeter on the brink of the subjunctive, trying to come up with an answer to those who ask, more and more often, what would YOU do? He talks about biospheres and biocultural communities — sounding a little like the New Age cosmologists he ridiculed in his book. Behind these neologisms lurks, one hopes, a specific, well-grounded idea. But Chase has not forgiven imprecision in others, and should not be surprised if now he hears a few snickers himself.



Fire in Yellowstone, summer 1988

Chase picks apart the "theology" of park management stated in the 1963 Leopold Report and other documents, finding there an unscientific, unachievable goal of creating a static "scene" of primitive America. Even here, though, Chase may be on shaky ground. Another Yellowstone dissident, Dr. Tom Bonnickson of Texas A&M, who knew Starker Leopold personally, said at the conference that Leopold did not advocate "a freeze-dried national park" but rather "a dynamic ecological scene."

Because of his polemical approach, Chase must resist any suggestion that things might be improving under the existing system, and so the resurgence of the grizzly, however halting, and the improvement of the fisheries and the birdlife are troublesome to him. Scientists in the field are excited at the opportunity to see whether fire brings back the

aspen, but Chase has put his money on elk overgrazing as the cause of disappearing aspen, rather than fire suppression.

If Chase were a fairer man, he would paint a picture with colors more varied than black and white. He would acknowledge the successes in Yellowstone of recent years and give a little leeway, too, for the unpredictability of weather, wildfire and geology. He might set aside the straw man semantics and face the conundrums embedded in his own arguments. But he is in a perpetual intellectual snit.

Like that bow-tied professor in my undergraduate English department, Chase arrived on the Yellowstone scene with enormous intellectual authority. He exercised it. Many were impressed, many were cowed. But I look back on that bow-tied fellow with curiosity rather than respect; it took a good deal of reading and writing on my own to understand that when it came to judging literature, he had all the authorities and not enough literary horse sense. Alston Chase has been a helpful gadfly in many ways, and he is not without courage; but he will not win the Yellowstone argument with pedagogic putdowns.

A little hands-on experience in management or applied science might lead a best-selling philosophy professor to better understand the motivations and thought processes of the scientists in the field. A stint at the helm — perhaps at a national monument, to start — might awaken, too, a little sympathy in his soul for those faced with managing a plot of unusual land buffeted by extraordinary forces, both natural and political.

This is not to suggest Chase capitulate! As the Laramie symposium demonstrated, there is a wide spectrum of opinion on how best to manage the Yellowstone ecosystem. Had Dr. Chase stayed to listen, he would have heard some interesting, and constructive, dialogues.

Geoff O'Gara is a freelance writer in Lander, Wyoming.

'Hey, it's our forest, too'

Each month about a dozen people meet in Larry Williams' living room in Bellingham, Wash., to talk about their "adopted" forest. It is the 500,000-acre Mt. Baker District of the 1.8-million-acre Mt. Baker-Snoqualmie National Forest in northwestern Washington.

Williams' group, and the more than 20 other Audubon Society Adopt-a-Forest groups in Washington, Oregon and California, have chosen forests to follow. They do that by tracking forest plans, writing letters and occasionally appealing timber sales.

The program, started a couple of years ago, was the brainchild of Chuck Sisco, staff specialist at National Audubon Society. He says it was an outgrowth of an insider's frustration with the lack of public participation and public input in the Forest Service.

Sisco, who worked for the agency for about nine years, says Adopt-a-Forest's purpose is to increase communication between the Forest Service and environmental groups.

"They've been working a lot with the timber industry for the last 20 and 30 years, because that's been their bread and butter," Sisco says of the Forest Service. "Now conservation groups are

coming and saying, 'Hey, it's our forest, too.'"

Audubon also sponsors seminars and regional Adopt-a-Forest get-togethers, such as the one that recently drew 150 people, including three Forest Service district rangers, to Everett, Wash. Sisco says Adopt-a-Forest also helps to raise issues that a new breed of Forest Service personnel are "having a difficult time trying to raise within the agency."

One Adopt-a-Forest undertaking that is receiving special emphasis in the West is a mapping project involving several ranger districts. Aerial overlays show stands of large saw timber and old growth. Other overlays show present and proposed clearcuts and administrative boundaries such as spotted owl habitat.

"It's all Forest Service information; we don't try to interpret the data at all," says Sisco. The maps are used by local Adopt-a-Forest groups to evaluate proposed Forest Service plans on old-growth habitat and fisheries.

For more information about Adopt-a-Forest, contact the regional office of National Audubon Society at Box 462, Olympia, WA 98507.

— Greg Mills

8-High Country News — May 22, 1989

Animals I never saw...saying look carefully yes/We will meet again.
from "The Animals" by W.S. Merwin

ONE DAY IN PARTICULAR

Saw my first mountain lion today
on the highest reach of rimrock, running broadside
a few steps ahead. Three seconds and gone, if that.
Laughter, tears, a little adrenaline dance.
No trace left on sun-warm granite
among lichens and melting tusks of ice;
those visions that can, settle slowly into the eye
resting at bottom as smooth stones do
under clear water. The desert
swallows my stare and yields nothing.

Moonrise still hours away. Wind whips through greasewood
and meteors streak, away eastward as though driven before it.
Orion fires a long, golden one towards Cochise Stronghold.

If only that cat had turned to look me in the face.

John Wahl
Flagstaff, Arizona

GUN

My power to explode afar.
My cool lifetaking.

Down, my deer. Be ended.
I aim you to death.

My right eye kills you.

Richard Roberts
Superior, Montana

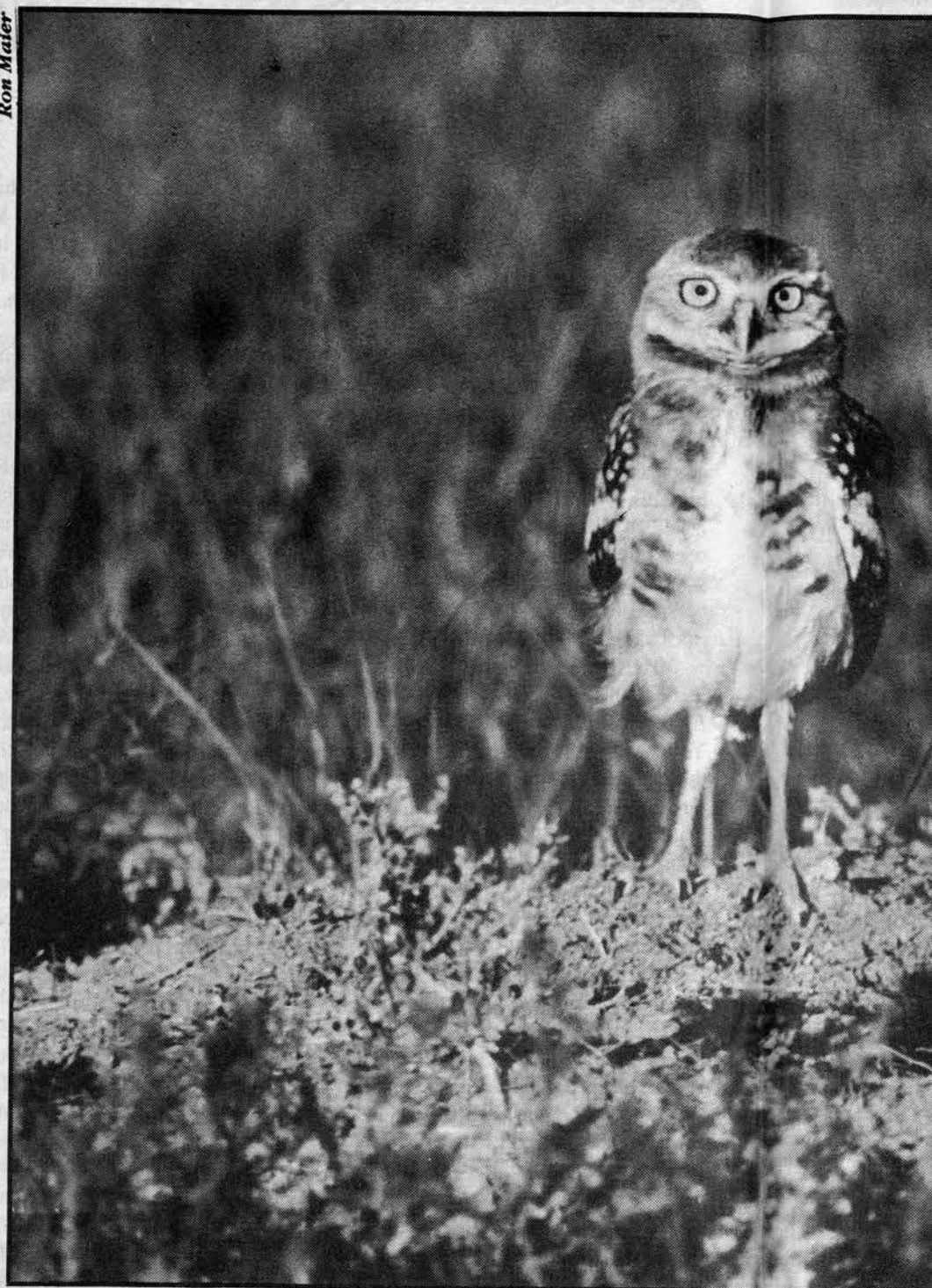
ODE TO STEELHEAD

Kneedeep in the Salmon
I reach down and scoop a handful
of gravel, finger a tiny luminous lobe
in my palm — an egg
the size of a small bead,
pink with glisten, buried
when the female redded fluke-stirred sand
and the male shot milt to seed it.

Lifting it close I see the eyes, black
and peering like probes.
I rebury in the gravel
and remember: a smolt becomes
a pink-flanked ocean-going trout,
a runner come back bucking lures and hope,
lunging baffles from Bonneville
to Lower Granite: nine hundred miles
to the Salmon headwaters,
its charred skin peeling like last year's leaves,
news the eagles read
in Hell's Canyon.

William Johnson
Lewiston, Idaho

Ron Maier



Burrowing owl

THE ANIM

WOMAN WITH SKUNK

His head wedged, not in a cup
of sour cream, but in a net
left drying on a fence,

the skunk waits as the woman
wrapped in plastic snips with scissors
through the imprisoning web of string,

then leaves the yard
courteously, in reverse,
not turning
his unpacific end
toward her.

Reynold Stone
Antigonish, Nova Scotia

RAVENS

They regard me casually and
into the abyss. Crafty un-
scraps from a big, bla-
Hamming it up now in the an-
delighted with this gusty
Winter blown finally a-
Look at those two lunatics: G-
Should get myself an old
Dr. Kilmer's Swamp H-
and wander out n-



LOOKING FOR THE PERFECT LANDSCAPE

An angus, tits up to the sun
lies bloated in the barrow pit.

Below the berm, coyote bounces
after a mouse and gives me
one prick-eared look, then
scampers down the dusty creek.

A short-eared owl, freshly fallen
from last night's sky, is helpless
lying dead-wise across the road.

A raven circles, cracks her crooked beak
and waits for the echo from heaven.

I wish my best wish like always,
shift gears and pull up
the Rye Creek hill, another option
that's left me still looking
for what I'll never find anyway.

William Studebaker
Twin Falls, Idaho

FOR THE EPA ET AL. AMEN

the north wind says: for
every fresh elk foot-
print i see in the
snow i'll add
another day
to your
life

John Mackey
Glenwood Springs, Colorado

ANIMALS

NO HAIKU

Dived upon by swallows
near the barn, I must tell you
how I am pleased.

Reynold Stone
Antigonish, Nova Scotia

CARIBOU CRAZY

You can spend a lot of time looking
for something that is standing
right in front of you.
This goes on a lot in the northern Rockies.
The latest fad is searching for caribou near Canada.
I know where they are and I see them
any time I want. There are a lot of them, more
than people think. A hell of a lot more.

Standing kneedeep in a clear stream once,
the weight of eyes, focused: caribou
right behind on the near shore,
grazing on tall grass, thoughtful without sound.
If you look long enough everything seems to flow.
Caribou are like that. They just glided uphill
into the trees and were not there, again.

They'll be back.
They can find me any time they want.

John Holt
Whitefish, Montana

RAVENS

They regard me casually and then go chuckling
into the abyss. Crafty undertakers, wind garglers,
scraps from a big, black bang.
Hamming it up now in the amphitheater,
delighted with this gusty spring howler.
Winter blown finally away today, I proclaim.
Look at those two lunatics: Groucho and Ambrose?
Should get myself an old stovepipe hat,
Dr. Kilmer's Swamp Root Specific and a rusty flute
and wander out my days content.

John Wahl
Flagstaff, Arizona

...I write as though you could understand/and I could say it...
from "For a Coming Extinction" by W.S. Merwin

10-High Country News — May 22, 1989



KERNAN
CASPERS STAR - T2 (JUNE)

THE REVIEWS CRITICAL OF THE CHAR-FUELS REPORT? WHY THEY WERE FILED FOR FURTHER STUDY.

Charring...

(Continued from page 1)

out. State revenues from mineral severance taxes, which comprise the lion's share of Wyoming's general fund revenues, dropped from \$408 million in 1985 to \$261 million in 1987. Sales tax revenues from the minerals industry more dramatically depicted the stagnation, dropping from \$18 million in 1983 to \$8 million in 1988.

Casper, located just south of Teapot Dome and the world's most production fields of light oil, lost more than 15 percent of its population during the bust. Statewide, the population dropped from 505,000 in 1985 to 477,000 in 1988. Housing prices followed oil prices down. In Casper, a three-bedroom house that would have been snatched up for \$70,000 in 1982 would likely sit for several months before selling for \$35,000 in 1988.

A freeze was put on state salaries and hiring. Although no hiring freeze was in place at the University of Wyoming, positions went unfilled. Last spring, 12 percent of the faculty positions were vacant.

When Char-Fuels made its bid for millions of dollars in state support in 1986, resurgence of the energy economy seemed to offer the strongest hope for Wyoming. Many believed the state had too small and dispersed a population and too harsh a climate to create a different economy.

Throughout both the boom and the bust years, the coal industry had remained a bright spot. Low-sulfur, surface-mined coal from the Powder River Basin in northeastern Wyoming was becoming ever more popular with Midwestern electric utilities. Despite the closure of some underground coal mines in other parts of the state, coal production continued to soar.

In 1988, the state produced about 163 million tons of coal, taking first place in the nation. Relatively unknown was that Wyoming's surface coal industry also had been employing fewer and fewer people since 1981, despite the increase in production.

Wyoming's close-to-the-surface coal is cheap to mine. Its supply is practically limitless, with one trillion tons

underlying the Powder River Basin alone. That's enough to fill railroad freight cars circling the globe at the equator more than 4,500 times. Its low-sulfur content is a big plus given national concern with acid rain.

But there are problems. On the average, Powder River Basin coal has about one-third fewer BTUs than deep-mine eastern coal. Also, the cost of transporting the coal to market is about twice the cost of mining it.

Char-Fuels proposed to solve those problems. Its process purportedly would turn Wyoming coal into a high-energy product that could be shipped through existing oil pipelines at a small fraction of the cost of train shipment. Potential customers were not limited to Midwestern utilities. Char-Fuels officials even spoke of piping the product to California and then shipping it by tanker to the Pacific Rim.

It was a major undertaking for a new, small firm. Carbon Fuels Corporation, the parent of Char-Fuels of Wyoming and several related subsidiaries, was incorporated in mid-1984. University of Wyoming professor Gerald Meyer, who had invented the Char-Fuels product, served as chairman of Carbon Fuels. Gerald's son Lee Meyer, a Denver patent attorney, and Lee's wife, Lynn, also a lawyer, were Carbon Fuels' president and legal counsel respectively. (None were related to Wyoming Attorney General Joe Meyer.)

Gerald Meyer had served as vice president for research at the University of Wyoming. He also had co-owned the Holiday Inn in Laramie, which wound up in bankruptcy.

Early on, the Meyer family attempted to interest the state of Kentucky in the Char-Fuels process. Kentucky found the proposal too risky, according to one state official. Char-Fuels also sought to interest other states, including Colorado and Montana. Its biggest success was with Wyoming.

Wyoming's involvement began in fall 1986, when Gerald Meyer approached the University of Wyoming's Priority and Review Committee, which had been established to dole out funds for research on innovative technologies. Since it did not have enough funds to

finance all projects, the Priority and Review Committee had UW professors and others evaluate proposals.

The reviews of Meyer's proposal for a Char-Fuels feasibility study and his Executive Summary of the firm's secret process were negative. "I can't even tell what the project is," wrote one unidentified UW professor. Wendell Wiser, professor of fuels engineering at the University of Utah, concluded, "The economic application of the technology as described by the authors is not at all assured."

But Gerald Meyer went before the Priority and Review Committee, arguing that the reviewers were unable to proper-

ly evaluate his proposal because much "proprietary" information was not available for their review.

The committee approved the study, and kept the proposal reviews secret. Committee member John Turner, then president of the Wyoming Senate, explained, "If we're going to be a competitor with Wyoming coal, then we're going to have to get into the research." Several months later, UW issued the feasibility study prepared by Carbon Fuels Corporation with university money. It came just in time to influence key funding decisions. But UW kept under wraps its independent and scathing reviews of the study itself (see accompanying story).

In early 1987, Char-Fuels' list of supporters read like a *Who's Who* of Wyoming politics, reaching beyond Gov. Sullivan and treasurer Smith to include former governors Ed Herschler and Stan Hathaway, gubernatorial candidates, and several of the state's most powerful legislators.

One supporter was Senate president Turner, a mild-mannered liberal Republican from Teton County who, along with fiscal conservative Sen. Robert Frisby, sponsored legislation to provide \$10 million to help Char-Fuels build a demonstration plant near Glenrock. Due to constitutional concerns raised about funding one company, Frisby later amended the bill to provide \$30 million in loans for coal enhancement projects as determined by the Wyoming Investment Fund Committee composed of the state treasurer, the governor and four private citizens.

"But," Frisby noted in remarks made while amending the legislation, "we do know exactly who's going to get the money. He called Char-Fuels' potential 'absolutely staggering' and exclaimed, 'I'm so excited I can hardly stand it!'"

Gov. Sullivan called Char-Fuels "a special kind of project which deserves special consideration." The \$30 million funding for coal enhancement technologies passed overwhelmingly.

UW: A 'good news' university

The University of Wyoming in the summer of 1987 suppressed independent evaluations of a Char-Fuels feasibility study sponsored by UW while releasing the study itself.

The feasibility study had been prepared with university and state financing by Char-Fuels' Denver-based parent Carbon Fuels Corporation "in association with" Morrison-Knudsen and the Salt Lake-based engineering firm of Ford, Bacon & Davis. It was highly favorable to the Char-Fuels process.

University of Wyoming research vice-president Ralph DeVries sent the study to a UW professor and to Everett Gorin, whom he described as a "world class expert" on coal technology. UW sought reviews before releasing the study, DeVries later said, because "we like to think we're a sound intellectual outfit."

The reviews of the Char-Fuels feasibility study were harsh. Gorin noted that no economic details were presented and called some of the study's broad claims "incredible." He concluded, "I cannot recommend proceeding with this project on the information presented."

The unidentified UW professor — not one of the chemical engineers previously pressured by Char-Fuels for a retraction — was more acerbic. He noted that at two points the study stated that the Char-Fuels slurry contained no water

but that at other places the study showed that the slurry contained lots of water. He also found it "strange" that the slurry product would have more sulfur by weight than the coal from which the Char-Fuels slurry was to be made, even though "the text claims that most of the organic sulfur is removed by the process."

"It is inconsistencies like this one and the one involving the water that make me suspicious of their never-revealed 'calculations,'" the professor concluded.

Without seeking any modifications in response to the reviews, UW issued the feasibility study in August 1987. That was just in time for its consideration by the Wyoming Investment Fund Committee, which was about to allocate Wyoming's \$30 million clean coal fund to energy projects. Meanwhile, UW kept the reviews of the study under wraps.

Committee member and Char-Fuels supporter John Turner, who had been president of the Wyoming Senate at the time of the study, later said the reviews should have been made public.

"One thing I agree with is freedom of intellectual thought," he said. "I always felt that we had too little of that out at the university, and that the university has been too sensitive about bruising political egos."

— Bill Lazarus

While the legislature was considering funds for Char-Fuels, three UW professors first criticized and then seemed to retract their criticism of the project. Unknown to the legislators, Char-Fuels had threatened to sue UW and had pressured the professors.

In January 1987, to bolster support for the project, treasurer Smith asked the head of the University of Wyoming chemical engineering department, Dr. David Cooney, to review promotional materials and a Morrison-Knudsen study that favored the Char-Fuels process for use with Kentucky coal.

Cooney had two chemical engineering colleagues, Howard Silver and Henry Haynes, review the materials. A few days after the Senate voted \$10 million funding for Char-Fuels, Cooney sent a letter to Smith stating "Morrison-Knudsen engineers have a vested interest in remarking favorably on this process since there is much more work that they could possibly be involved with if the project proceeds," and suggesting the Legislature hire an independent expert to closely examine several of Char-Fuels' claims.

Silver and Haynes also met with Smith at the Hitching Post Inn, a favored political gathering place in Cheyenne, to tell him of their concerns. "We tried to...show him documented evidence the Char-Fuels thing was very shaky," recalled Silver much later. "He was very understanding. He led us on."

The day after publication of Cooney's letter, Smith issued a press release. "It is certainly a sad commentary on the University of Wyoming chemistry department that the head of the department and two of its professors would lash out in opposition to the development of a coal-treated process that they have not even studied," he asserted.

At the urging of Democratic Rep. Lynn Dickey, a liberal Sheridan bookstore owner, the professors agreed to testify before the House Mines and Minerals Committee, which was considering the Char-Fuels funding bill.

Quoting a study by the Electric Power Research Institute of Palo Alto, Calif., a utility study group, Cooney told committee members that Rockwell International's similar coal pyrolysis process was "neither technologically nor economically feasible. In effect, an adequate fuel, coal, was turned into an unusable liquid and an only marginally acceptable coal substitute."

Cooney acknowledged that he had been unable to review the "proprietary" data which Char-Fuels claimed made its process different. He told the committee that company officials had failed to return the professors' telephone calls.

Cooney's comments drew fire from Char-Fuels President Lee Meyer. "In the event that the university is unable to impose some limitations or controls on the irresponsible and uninformed members of the Department of Chemical Engineering faculty, the university may well have to answer for the damages which directly result from their activities," he wrote.

The professors were contacted by Char-Fuels Laramie lawyer Dave Nicholas, a prominent liberal Republican who had recently campaigned to win his party's nomination for governor. "I told them, 'Don't consider this a threat.' I told them that many many times," said Nicholas in discussing the 1987 meeting a year and a half later.

Haynes had a different recollection. "We didn't go in there for a tea party. Of course he threatened us," said the profes-

sor, although he added that Nicholas made no explicit threats.

After he was first contacted by Nicholas, Cooney asked UW attorney Dave Baker if the university would defend its professors. He said Baker responded, probably not.

The professors then signed a statement negotiated with Nicholas and stayed silent for nearly 22 months until Silver responded to inquiries from the *Casper Star-Tribune*. Silver recalled that "Nicholas said that with this (statement) they would forgive everything that happened up to that time, and that — if we were not to say a word to anybody at any time — they would not sue."

"I categorically deny that any such statement was made," said Nicholas.

Before voting to approve \$30 million in clean coal funding, state legislators received copies of the professors' negotiated statement, which was widely interpreted as an endorsement of the Char-Fuels project.

During spring 1987, the governor was attempting to channel \$4 million in oil rebate funds to Char-Fuels. The funds derived from a court decision ordering Exxon to repay \$1.6 billion in overcharges to the public. This rebate money was to be distributed by governors with the approval of the U.S. Department of Energy.

Under the court decision and federal regulations, research and development projects were not eligible for the Exxon funds. Because Char-Fuels was a research project, Sullivan proposed funding solely to "retrofit" or alter a boiler to burn char. The governor then repeatedly met with energy department officials to boost the retrofit project.

"Our files give every appearance of an attempt to avoid competition and conformance to federal rules," wrote Richard David, a DOE lawyer in Denver. The agency rejected Sullivan's funding

proposal, finding that no competitive bids for such a retrofit had been sought by the state.

This March Sullivan tried to channel \$2.5 million to Char-Fuels for the boiler retrofit. Again, Wyoming sought no competitive bids on the project, and state officials admitted they had no idea how much money the retrofit actually would cost. DOE rejected the funding proposal, finding that it was inextricably tied to an ineligible research and development project.

During 1987, several firms sought low-interest loans from Wyoming's \$30 million clean coal fund. The Investment Fund Committee hired Reimer & Kroger, a Shawnee Mission, Kansas-based consulting firm, to evaluate the competing projects.

In fall 1987, Reimer & Kroger recommended that Char-Fuels start with a far smaller project than proposed. The firm noted that the Char-Fuels process itself had never been tested, and that the proposed plant would cost far more than previously predicted by the company. It recommended \$3.5 million funding for a pilot project rather than the \$20 million then being requested by Char-Fuels.

The study prompted a sharp response from treasurer Smith, who characterized it as having a "distinct bias" against Char-Fuels. "In all these (projects) there is a high element of risk," Smith asserted. "None of us are really capable of evaluating that risk, but we can evaluate the potential. And that is what I think we're not doing if we neglect to fund Char-Fuels...in an amount that allows them to raise funds that they need."

Smith unsuccessfully proposed providing \$14 million in loans to Char-Fuels. Sullivan then persuaded the committee to approve \$8 million to be disbursed by Smith to Char-Fuels with the approval of Attorney General Joe Meyer.

A year later, Sullivan convinced the committee to allocate another \$8.5 million to the company.

The Investment Fund Committee also approved nearly \$12 million in funds for a clean coal project by a firm called Energy Brothers — \$4 million less than recommended by the state's consultant. The committee scratched a third project entirely, despite Reimer & Kroger's \$10 million funding recommendation.

Soon, Smith raised a storm of controversy by initially refusing to release any money to Energy Brothers. He claimed that the firm's process was not technically sound and that Energy Brothers had failed to properly raise matching funds.

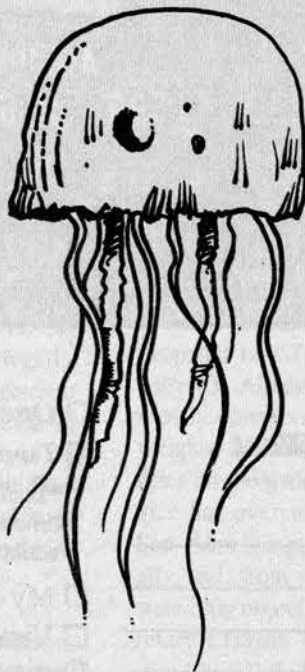
A few weeks later, in October 1987, Smith raised a new storm by releasing \$2 million to Char-Fuels without a contract in place and without the necessary approval from the attorney general. The *Star-Tribune* reported that Char-Fuels was planning to use the money to pay nearly \$900,000 in salaries of its officials in 1988, and another \$254,000 in royalties to its corporate parent.

Some legislators called for an investigation, and Joe Meyer threatened to sue Smith who, as treasurer, was Meyer's own client. Pressured by Sullivan as well, Smith and Char-Fuels agreed to several restrictions on how Char-Fuels spent the \$2 million.

Char-Fuels had continuing difficulties raising the private or federal matching funds needed to obtain the next \$6 million in state loans. In June 1988, the company proposed a new arrangement by which it would only have to raise one-quarter of the funds in cash and the remainder in promises to pay. Smith ran

(Continued on page 12)

Q: WHAT IS THIS?



A:

1. A JELLYFISH.
2. UW ADMINISTRATION DEFENDING ITS FACULTY AGAINST CHAR-FUELS IN 1987.

KARNEY
CASPER
STAR-TRIBUNE...

Charring...

(Continued from page 11)

the proposal by the attorney general, who rejected it.

In late July, Char-Fuels attempted to solve its matching fund problems with a circular bank loan. It borrowed \$3.43 million from the First Bank of Tech Center near Denver, and used the loan proceeds to secure the very same loan.

In August, Smith ran the circular loan transaction by Attorney General Meyer, who disapproved. Smith also sought Sullivan's approval, but later said the governor failed to approve or disapprove. Sullivan responded that he had understood that Smith would not release the \$6 million in state funds based upon the circular loan. But Smith went ahead and provided the funds to Char-Fuels.

At about the same time, the U.S. Department of Energy rejected Char-Fuels' proposal for \$50 million in federal clean coal funding, and Smith and Char-Fuels officials were refusing to answer *Star-Tribune* inquiries as to the source of the company's matching funds. It was Attorney General Joe Meyer who described the circular loan transaction to the newspaper.

Meyer also called upon Char-Fuels to return the \$6 million to the state. Instead, Sullivan proposed that Char-Fuels not spend the money until it raised \$3.43 million — one quarter in cash and three quarters in promises to pay, as the company had previously wanted. But Char-Fuels proved unable to raise the match even under those conditions. At the end of 1988, after negotiations with the attorney general, the company returned the state's \$6 million.

By March 1989, Char-Fuels' prospects looked bleak. State officials spoke of what might be done with \$14.5



million unspent clean coal money should Char-Fuels collapse in the summer.

Legislators and state officials were disenchanted. Many privately wondered why Char-Fuels had ever received support from the state. Some formerly strong supporters were expressing doubts. State Sen. Turner, for instance, spoke of the many "messy nests" surrounding the project.

But the efforts at reform were next to nonexistent. No call was made to censure Smith for twice releasing millions of dollars to the company in violation of his duties. No probe was undertaken to investigate the validity of Char-Fuels' claims that it possessed a revolutionary

coal technology. No action was taken to force the company to substantiate those claims before it could receive further funds from the state.

And the University of Wyoming caught far less heat for its cover-up than did the professors who had initially criticized the Char-Fuels process.

In early March, during the final days of the 1989 session, the Wyoming Legislature did make one futile gesture to show its disgust. It passed a bill, later vetoed by Sullivan, providing that if Char-Fuels folded, the remaining \$14.5 million in clean coal funds could be used to sponsor any innovative technology beneficial to Wyoming — so long as it did not involve clean coal.

Once touted as holding the key to

Wyoming's future, Char-Fuels and clean coal had become a pariah. But even so, the Legislature did not have the will to cut off the Char-Fuels funding. It would only try to insure that it not happen again with a project of the same type.

But the Legislature's action only highlighted Wyoming's shame. Its decision underscored the special interest nature of the state's whole clean coal effort: If Char-Fuels could not receive the millions remaining, no other coal enhancement company could get it either.

□

Bill Lazarus is a reporter for the *Casper Star-Tribune*.

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CAPITOL HILL

Federal oil and gas leasing remains tied in knots

by Andrew Melnykovich

WASHINGTON, D.C. — More than a year after the Forest Service received control of oil and gas development on its own lands, the agency remains without a set of rules governing leasing and drilling.

President Bush's personnel decisions are now threatening to further complicate the issue, which had already appeared hopelessly entangled in politics and litigation.

Until Congress changed the federal oil and gas leasing system in late 1987, the Interior Department's Bureau of Land Management had authority over oil and gas development on most federal lands, including national forests. The Agriculture Department's Forest Service had only an advisory role.

The decision to give the Forest Service full authority over its own lands was Congress' consolation prize to conservationists, who had pressed for much stricter environmental regulations governing leasing. Despite a history of conflicts with the agency, conservationists have far more faith in the Forest Service than they do in the BLM.

What conservationists wanted Congress to do was to force both agencies to examine the possible consequences of oil and gas leasing before a lease is issued. That idea is anathema to the petroleum industry. The industry and federal government argue that issuing an oil and gas lease is merely a paper transaction that has no environmental consequences. The impacts to the environment are dealt with later in the development process, they say.

But the industry also maintains that a lease carries an inalienable right to develop, subject only to any restrictions written into the lease. In practice, the federal government has almost never denied a leaseholder the right to drill, and has often relaxed restrictive terms in the lease.

It was the seemingly inexorable progression from "no impact" leasing to drilling to full-field development that prompted conservationists to press for a change in the system. Their efforts to convince Congress were stymied by opposition from the petroleum industry and its allies on Capitol Hill.

Proponents of the leasing reform law — which did away with the scandal-ridden lease lottery system — were afraid that their efforts could be sidetracked by a dispute over environmental issues. So they refused to press for the comprehensive pre-lease analysis requirements sought by the conservationists.

Meanwhile, the courts were also grappling with the issue. In the *Connor vs. Burford* case, the U.S. Court of Appeals for the Ninth Circuit ruled that a lease that carries with it the right to drill is "an irreversible commitment of resources." Such a commitment requires a complete, before-the-fact analysis of potential environmental impacts, the court ruled.

However, the appeals court in the neighboring 10th Circuit took a somewhat differing view in the Park County Resource Council case. That court ruled that environmental impact analysis could be conducted at each step of oil and gas development and that full-scale analysis prior to leasing was not necessary.

Against this background of seemingly contradictory court decision, the

North Dakota Travel Department



Oil rig in North Dakota

Forest Service set out to meet its new responsibilities from Congress by writing its own leasing rules. The agency's proposed rules were made public early this year. But even before their publication, the Forest Service rules generated controversy.

The petroleum industry finds the contingent rights provision completely unacceptable. Without an ironclad right to drill, a lease is worthless, industry spokesmen say. The already risky oil business does not need the added problem of uncertain development rights, the industry says.

The petroleum industry's opposition to the leasing rules found support in top ranks of Interior. In late December, James Cason, deputy assistant secretary for lands and minerals management, tried to torpedo the Forest Service's leasing rules proposal.

In a letter to the Office of Management and Budget, Cason embraced the industry view that issuance of a lease represents a commitment to allow development. The contingent rights stipulation should be removed, Cason said. But he went further, proposing that the Forest Service lease "all lands that are legally available" and not use its management plans as a basis for refusing to lease in areas it deems unsuitable.

Despite Cason's objections, the Forest Service rules were published without major changes a few days after President Bush took office.

Meanwhile, the U.S. Supreme Court turned down a petroleum industry appeal of *Connor vs. Burford*, in effect allowing the Ninth Circuit Court's decision to stand. The court also denied an attempt

by the Western Governors' Association to join in the attempt to overturn the decision.

Despite the urging of the petroleum industry, the Reagan administration decided not to seek a rehearing of *Connor vs. Burford* before the Supreme Court, leading conservationists to conclude that the federal government was prepared to accept the decision. In the wake of the Supreme Court's refusal to hear the appeal, conservationists contend that *Connor vs. Burford* is now the law of the land.

Not surprisingly, the petroleum industry takes the opposite view. The decision applies only in the Ninth Circuit — Alaska, Arizona, Montana, Idaho, Nevada, Washington, Oregon, California and Hawaii, the industry says. In the Tenth Circuit — Wyoming, Colorado, Utah, New Mexico, Oklahoma, and Kansas — the less restrictive Park County decision applies, the industry says.

Neither side believes the court battles are over. And the latest political round is just getting started.

The public comment period on the proposed new Forest Service rules ends May 23. Already, 13 western senators, mostly conservative Republicans, have weighed in with a letter objecting to the rules on the grounds that the Forest Service has overstepped its new authority. Sen. Alan Simpson, R-Wyo., has personally, and, from most reports, vigorously, stated his objections to Agriculture Secretary Clayton Yeutter and Forest Service Chief Dale Robertson.

President and former oilman and putative environmentalist George Bush has yet to be heard from on the issue.

That doesn't mean that he hasn't taken sides.

Bush has nominated Cason to be assistant agriculture secretary for natural resources. In that position, Cason would have direct authority over the Forest Service and would have to approve any new oil and gas leasing regulations.

Conservationists find that prospect frightening, and are urging Bush to withdraw Cason's name. Failing that, the conservationists vow to oppose Cason during the Senate confirmation process.

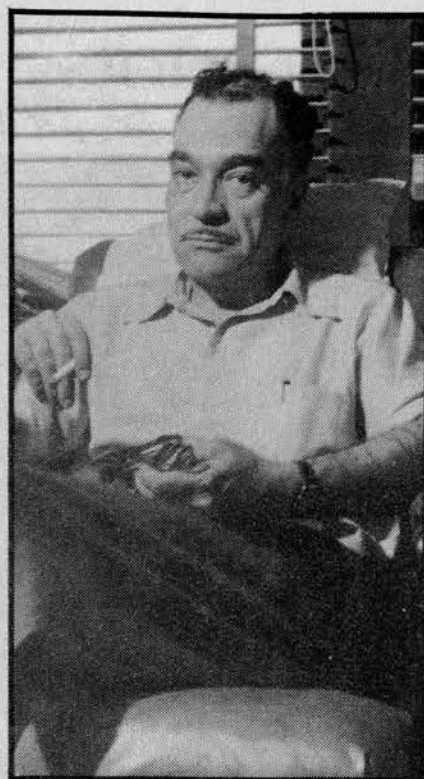
The Senate's hearing and debate on Cason's nomination will again focus attention on the oil and gas leasing issue. But whatever Cason's fate, the controversy seems destined to continue long after his role in it is ended.

Both the petroleum industry and conservationists are unhappy with a key provision known as a "contingent rights stipulation." It states that the right to drill on a lease issued in the national forests is contingent on a determination that drilling and development will not cause environmental damage.

Conservationists see the contingent rights clause as the Forest Service's insincere attempt to meet the standard set by the Ninth Circuit in *Connor vs. Burford*. The contingent rights stipulation appears to deal with the "irreversible commitment of resources" problem by making the right to drill subject to further review.

But conservationists doubt the Forest Service's willingness to exercise the option to bar leasing. They continue to insist that nothing less than comprehensive analysis prior to leasing will protect sensitive areas from the effects of petroleum development.

BULLETIN BOARD



Montana Historical Society, Helena

Joe Howard Kinsey

MONTANA: HIGH, WIDE AND HANDSOME

When Joseph Kinsey Howard was a student at Great Falls High School in Montana, his classmates threw him out of a second-story window. It was in a patriotic cause: he had tried to tell them the other side of the War of 1812 — the side he had learned in Canada — and they would have none of it. The incident should have warned Howard away from his future course — journalist-historian: a career of telling the truth to Montanans while continuing to live and work in Montana. But Howard, apparently, was not about to learn that lesson. His articles and books, especially *Montana: High, Wide and Handsome*, published by Yale University Press in 1943, were hailed outside of Montana but ignored or criticized in the state. The book makes fascinating reading today. Its accounts of the buffalo slaughter, the bone picking which followed, the days of the open range, the slaughter on the range (this time by blizzards felling cattle and cowboys), and the Butte copper boom and wars are vivid and gripping. His chapters on the evolution of Plains agriculture — the attempt to beat the system by farming ever more land with more machinery and fewer men and beasts — is a very modern tale. The appearance of agri-business and the disappearing family farm, if we are to believe Howard, commenced the day the homesteaders staked their 160 acres. Also wonderful are five chapters in the section titled "Panic," which provides a clear picture of the role of national banking and the federal reserve from the agrarian point of view. The book weakens as it approaches the present. Because he was writing in the middle of the fight over Missouri River development, he is of less use on water except to display a Montana hostility toward the federal government. His chapters on what he saw as the salvation of Montana — grazing cooperatives and the extension service — are also weakened by the lack of long-term perspective. Howard died on Aug. 25, 1951, of a heart attack at age 45 in Chateau shortly before his last book, *Strange Empire*, on the Canadian *metis*, or mixed-race people, went to print. Historian Bernard DeVoto eulogized in the book's preface: "It seems a triumphant career, but Joe Howard had no sense of triumph: He had scars. His friends were aware of a deep melancholy in him, a deep loneliness, and he died a very tired man ... there should be some concern ... when a distinguished author dies just as his talents reach full maturity." DeVoto also related how Howard had at times been "mercilessly assailed" for his writings, which DeVoto characterized as "pure gold." DeVoto, who enraged Western stockmen and miners with his books and articles, written from Cambridge, Mass., may have identified with Howard, who had stuck it out in Great Falls as the news editor of the *Leader*.

Montana: High, Wide and Handsome was republished in paper in 1983 by the University of Nebraska Press, \$7.95.

GOLD IN THE BLACK HILLS

The Black Hills National Forest in South Dakota is preparing an environmental analysis to determine whether the Gilt Edge gold mine should expand operations. Near Deadwood in western South Dakota, the mine now covers 400 acres, and it would like to expand to about 1,675 acres. About half the total acreage would be within the Black Hills National Forest. The expansion would add 12 years to the life of the mine, which would hire up to 200 more people for a total work force of up to 450 people. Forest Service ranger Dave Blackford says that potential effects on water, wildlife, vegetation, air quality and cultural sites make the proposal a controversial one. Send comments or requests for more information to Don Murray, Black Hills National Forest, 460 Main St., Deadwood, SD 57732 (605/578-2744).

A DIFFERENT COW OUTFIT

A slim booklet introducing the American Cowman's Association contains some unusual statements for an agricultural group. Under "Education," for example, it says, "At the present, there is much talk of educating the consumer. We believe that this is backward. The consumer educates us." Under Drug and Growth Promotant Issue: "There is a growing awareness among American consumers of the role that drugs and growth promotants now play in the production of all meats. The A.C.A. definitely feels that this is a concern which could be used to our advantage if properly managed." The A.C.A. booklet also describes poultry marketing as being in the 21st century and beef marketing in the 19th century. The poultry industry has brand identification and control by the producer all the way to the retailers' shelves; beef is beset by a multitude of middlemen. A.C.A. sees the poultry industry as a model to be studied and adapted to the beef industry rather than as an enemy. The booklet is striking for its analysis and for the self-criticism it allows itself. Voting membership is open only to those owning cattle, but others can join as non-voting, associate members. For information, contact: Jim Strain, CEO, 500 1/2 West Blvd., Ste. 3, Rapid City, SD 57701 (605/342-0922).



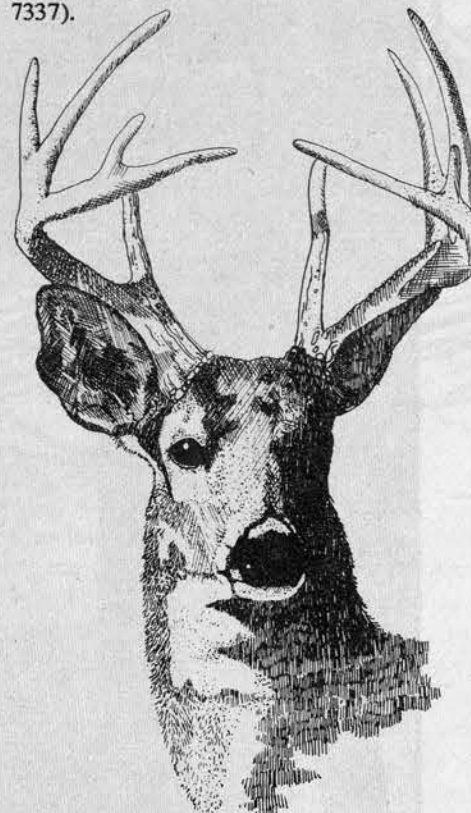
Shooting star

COLORADO NATIVE PLANT SOCIETY

The Colorado Native Plant Society invites people to share its appreciation of the state's rare plants this summer through trips by foot, raft or car. On June 10, the destination is the Nature Conservancy's Phantom Canyon Preserve near Fort Collins to see native species at peak flowering time. For more information, call Alan Carpenter at 303/444-2950 or 303/443-8094. On June 20-23, people can raft the Yampa River to see hanging gardens inaccessible by foot. For more information, call Tamara Nauman at 303/440-8933. Other trips are offered through July and August, and winter monthly chapter meetings are held in Denver, Boulder and Fort Collins.

BE A BACKCOUNTRY HOST

One of the most heavily used wilderness areas in the West is looking for help this summer. Just 20 miles from Boulder, Colo., the Indian Peaks Wilderness needs hosts to tell people about backcountry ethics and risks and to collect data for the Forest Service. Volunteers must work for a minimum of six days. The effort will be coordinated by the Indian Peaks Working Group. For more information, contact Glenn Swietkatun, 10950 E. Berry Pl., Englewood, CO 80112 (303/770-1919) or Forrest Ketchin (303/442-7337).



STANDING UP FOR DEER

Mule deer have never had an advocate, says Larry Rather, chairman of Colorado chapters of the Mule Deer Foundation, which is based in California. The year-old group wants to be that voice by improving habitat for mule deer and its subspecies throughout the West. The foundation is working with the Forest Service, Bureau of Land Management and 16 states and provinces to make mule deer a "priority species." Rather says the foundation will fund habitat acquisition, water projects, educational programs and other projects to benefit deer. On June 17 in Denver, Colo., a fund-raising banquet will be held at the Holiday Inn. Tickets are \$45 for individuals, \$65 for double admission and include a one-year membership to the group. For banquet information, contact David Clark (303/963-0815). For general information, contact Larry Rather, P.O. Box 28519, El Jebel, CO 81628 (303/963-0815) or foundation headquarters (800/344-2825).

RIVER ECOLOGY SEMINAR

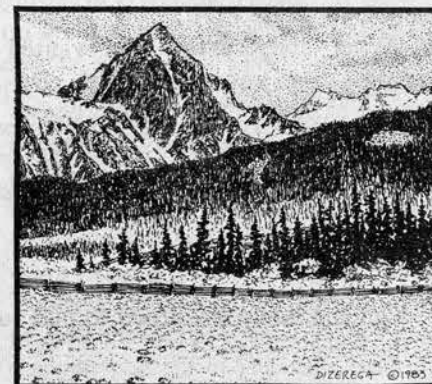
A week-long seminar this summer will focus on the threatened South Platte River. The Denver Audubon Society, Colorado Division of Wildlife and Thorne Ecological Institute will sponsor the third annual "Institute of River Ecology" July 9-14 at Bailey, Colo., on the North Fork of the South Platte River. The institute will examine ecological diversity, wildlife values and the cultural heritage of the area. It will also look at the area that will be affected by the proposed Two Forks Dam. A \$350 fee includes food, lodging, transportation and instruction. Contact Susan Foster, Director, Institute of River Ecology, c/o Thorne Ecological Institute, 5370 Manhattan Circle #104, Boulder, CO 80303 (303/499-3647).

BUILDING A PARTNERSHIP

A handy little manual from the Appalachian Mountain Club tells conservation volunteers and public land managers how to work effectively together. Its premise, drawn from the club's 111 years experience in the Northeast, is that users can and should take some responsibility for the care of public lands. The manual covers everything from locating seed money and the importance of paid staff to building local support and fundraising. The book includes examples of successful partnerships, including Volunteers for Outdoor Colorado, New Mexico Volunteers for the Outdoors and Volunteers for Outdoor Washington. The manual is free from the Appalachian Mountain Club, 5 Joy Street, Boston, MA 02108 (617/523-0636), but send \$2 for postage.

BILLION-DOLLAR CLEANUP

It will take up to \$91.7 billion to clean up 18 defense plants, 12 energy research facilities and 15 other sites, says the Department of Energy. In its recent report, *Environment, Safety, and Health Needs of the U.S. Department of Energy, Vol. 1: Assessment of Needs*, the agency identifies what it needs to do to make its facilities comply with environmental, health and safety laws. The two-volume report was prepared at the request of Sen. John Glenn, D-Ohio, who said the report may underestimate the cost of years of neglect. All but eight of 45 facilities studied need to clean up soils, surface or groundwater contaminated with hazardous and/or radioactive materials. In the West, the production of plutonium for nuclear weapons has contaminated the Hanford Reservation in Washington, which needs cleaning up in all areas. Hanford also needs to address safety and health concerns and to take measures to improve working conditions, the Energy Department says. Other major problem areas are Rocky Flats, which manufactures triggers for nuclear weapons northwest of Denver, and the Idaho National Engineering Laboratory, where the agency wants to build a new \$4 billion facility. Other plants in the West needing attention are the Pantex bomb factory near Amarillo, Texas, the Nevada Test Site near Las Vegas, and the Sandia National Laboratory near Albuquerque, N.M. The second volume of the report contains extensive technical, site-by-site data. For a copy of Vol. 1, write to the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161.



AN ALLIANCE FOR THE ROCKIES

A new regional conservation organization, Alliance for the Wild Rockies, has formed to help existing conservation groups protect wildlands in five northwestern states and two Canadian provinces. The alliance's goals are to protect water, wildlife and wilderness in parts of Montana, Idaho, Wyoming, Washington, Oregon, British Columbia and Alberta. "This is the last place to where people can catch a train or plane or bus and come to true wilderness," says Cass Chinske, president of the alliance in Missoula, Mont. The alliance incorporated as a nonprofit organization in November 1988. Twenty-six organizations have joined so far, ranging from the Alberta Wilderness Association in Calgary to the World Recovery Foundation in Boise, Idaho. Chinske says he does not envision the alliance itself going to bat for each wilderness area in the region. Instead, individual groups concerned with each area would determine what lands should be protected. "It will be the alliance's part to bring in information to the different groups," Chinske said. Chinske hopes to enroll 70 organizations by the end of the year to form a network across America and Canada. Chinske and Mike Bader, the alliance's executive director, will head for the East and West coasts this spring to drum up new members. The Alliance for the Wild Rockies can be reached at Box 8731, Missoula, MT 59807 (406/721-3621 or 406/549-0882).

WORLD BALANCE

A June 2-4 conference in Snowmass, Colo., called "World Balance-Action to Save our Planet," will bring together Dennis Weaver, actor and recipient of the 1988 Presidential End Hunger Award; Michael Fox, vice-president of the Humane Society; and Michael Toms, host of the "New Dimensions" radio series. The conference, sponsored by the home-study University of Science and Philosophy, is not cheap at \$350. For more information, contact Elizabeth Shuey, World Balance, P.O. Box 4897, Aspen, CO 81612 (303/920-3202).

GUEST OPINION

Biff! Pow! Bang!: Three initiatives lose to big money

by Peter Carrels

Successes have never come easily for environmental activists in the sparsely populated northern plains states. Many political leaders in these states, regardless of their political stripe, are apprehensive about embracing environmental issues.

To circumvent unsympathetic politicians, activists have occasionally resorted to the initiative process — trying to make their own laws to deal with critical matters. While the process of initiating law has never been simple or painless, at least it has been an option.

But last November, environmental activists in the northern plains states of South Dakota, Montana and Nebraska took beatings that should fuel rethinking on initiatives as a tool for reform. In each state underfinanced campaigns run mostly by volunteers faced well-funded experts. No initiative did well at the polls.

Environmentalists in South Dakota squared off against the gold mining establishment. Two initiatives were debated. The impetus behind both was the surging interest by mining companies in heap-leach surface mining for gold in that state's Black Hills region. One initiative called for tougher reclamation and water protection standards. It lost 59 percent to 41 percent. The other increased the state's tax on surface mined gold. It failed 62 percent to 38 percent.

The miners blanketed the state with a skillfully conceived, million-dollar advertising campaign, hired popular, former Gov. William Janklow to be a spokesperson and called themselves the "real environmentalists." Initiative backers struggled to raise \$45,000 and were woefully unable to counterpunch claims made by the mining interests. In their campaign, mining companies called South Dakota's gold mining laws the best in the nation, complained about a gold tax they said is already too high and subtly threatened to pull out of the state if the initiatives passed.

In Montana, an initiated measure calling for a five-cent deposit on beverage containers was opposed by a consortium of beverage packagers, distributors and manufacturers, plus local grocers. An imported executive from Coca Cola helped direct the campaign to defeat the initiative. While initiative supporters raised about \$55,000 to promote their measure, opponents spent nearly \$500,000. More than half of that came from five out-of-state beverage corporations and associations.

The corporations condemned the deposit, claiming it would create more hassle, more cost for consumers and more government. One ad depicted an elderly woman struggling with several paper bags overflowing with empty beverage containers. A clever way to illustrate hassling the hapless; it worked. The

deposit measure was torpedoed 78 percent to 22 percent.

In Nebraska, a grass-roots coalition initiated a measure that would have withdrawn their state from the Central Interstate Compact and mandated a statewide vote on a regional, low-level nuclear waste facility proposed for their state. A \$1.7 million advertising steamroller flattened the coalition. Its theme raised the specter of outrageous costs if the state pulled out of the compact and ran its own facility. The costs were disputed and changed, creating confusion. But the tactic succeeded. Nebraskans opposed the initiative 2-to-1.

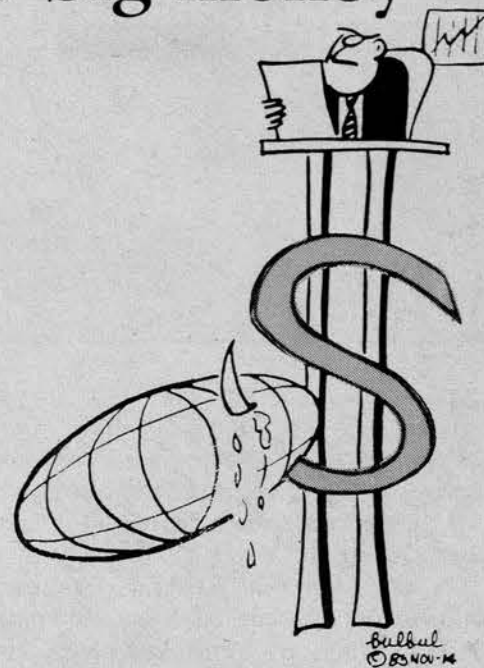
Of the \$1.7 million raised by initiative opponents, only \$13,000 came from Nebraskans and three contributions of \$500,000 each came from out-of-state utilities. In-state initiative supporters raised a mere \$60,000 and spent one-fourth of that in a legal battle to keep their measure on the ballot.

The same legal challenge was hatched in South Dakota. Three times mining association lawyers unsuccessfully sought to block the two mining initiatives from appearing on the ballot. In the meantime, the mining companies hired private investigators, including at least one ex-FBI agent, to tour the state, interrogating petition carriers. An operation was set up to scrutinize the circulated petitions and invalidate the initiative. Despite this expensive vigilance, the petitions held up.

Initiative opponents in all three states used an effective one-two punch to derail local activists. First the public was polled extensively to determine what aspects of the issues moved the voters. William Janklow referred to such issues as "silver bullets." Once the silver bullets were identified, advertising campaigns hammered relentlessly on those themes.

The lopsided losses of 1988 translate into a clear message for those who continue to view the initiative process as a path toward reform. Business interests have caught on, caught up and left the legwork strategies of grass-roots activists in the dust. Initiative campaigns piloted by an overworked, underpaid martyr or by a volunteer committee lacking hard-nosed election experience are likely to founder. Campaigns lacking a sufficient war chest to defend themselves are also likely to fail. Even the best of intentions and the noblest initiative will probably falter in the face of money and experts who can manipulate the public.

While it is unreasonable to think that environmental coalitions in the rural northern plains must raise enough money to match their adversaries, additional funds might have salvaged their campaigns. For example, none of the coalitions could afford public opinion polling. This would have helped define workable themes for initiative promotions and for



counterattacks to the sometimes dishonest or misleading claims of the opposition.

Where could additional money come from? Northern plains activists already solicit local sources constantly. There just aren't that many folks to support important campaigns. U.S. congressional campaigns in the region are famous for the influx of outside money. Just as initiative opponents receive funds from outsiders, so should local environmentalists be able to turn to outside sources. Their initiatives are, after all, not parochial matters. Isn't it in everyone's interest to battle a flawed nuclear-waste compact process on any front? Or to save the Black Hills and underground water supplies? Or to discourage waste and encourage recycling?

The initiative process is an invaluable one. It must continue to be used by environmental activists. But losing, especially losing badly, takes a tremendous toll. First and foremost, an initiative is grounded. Second, some fledgling activists drop out of the local scene altogether, depleting already thin ranks.

Currently, there is no substantial, ongoing source of funds available for needy coalitions going toe to toe with big business during an initiative campaign. There is no reason national environmental organizations cannot commit resources and expertise to this effort. This is not to say that national environmental groups don't already assist rural areas on conservation issues, but additional help, we now know, is desperately needed.

Peter Carrels is a freelance writer in Aberdeen, South Dakota.

ACCESS

NEAT STUFF

JOB ANNOUNCEMENT: Utah representative for The Wilderness Society. Responsible for fostering public support for wilderness in Utah, monitoring public land management issues, and maintaining relationships with the Utah congressional delegation, state legislature, public agencies and other conservation groups. The Utah office is located in Salt Lake City and is supervised by the Central Rockies Regional Director based in Denver. Successful candidate will have: a strong background in natural resources; proven experience in environmental advocacy; knowledge of national and regional environmental issues; familiarity with the Colorado Plateau; excellent writing and speaking skills and excellent organizational abilities. Resumes and letters of application accepted through June 2. Submit to The Wilderness Society, 777 Grant St., Suite 606, Denver, CO 80203. (1x10 p)

THE FOREST TRUST seeks a forester to lead a program providing assistance to grass-roots organizations working on issues emerging from the implementation of national forest plans. Apply to P.O. Box 9238, Santa Fe, NM 87504, 505/983-8992. (2x10 p)

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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.

LETTERS

PRESERVE NEVADA

Dear HCN,

Nevadans' objections to the siting of the nuclear waste repository strike me as likely short-sighted (HCN, 5/8/89).

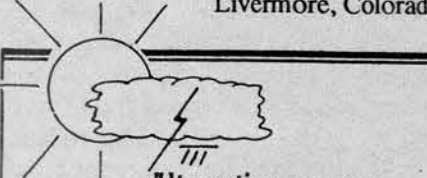
What these twice-blessed citizens now enjoy is a couple of 50 square-mile oases of neon and naked women surrounded by 100,000 square miles of

LAND

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rock, ridges and sage brush. The former is populated heavily with New Jerseyites and the latter with an occasional cowboy and a high-powered rifle bent on seeing that no mustang gets more than its allotted two blades of grass. A dump site is just the thing to ensure this idyl of open space in perpetuity.

Paul B. Porter
Livermore, Colorado



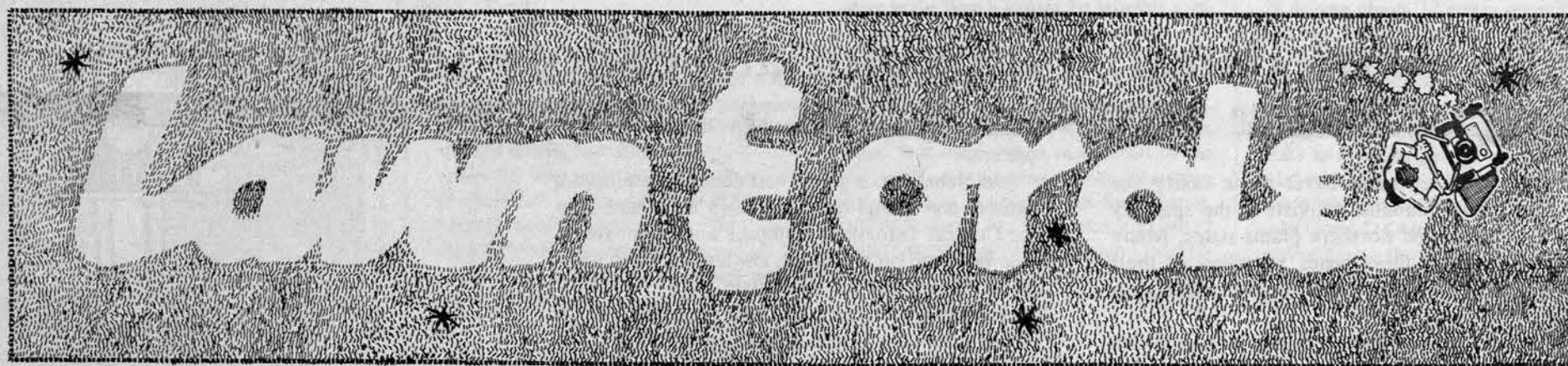
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16-High Country News — May 22, 1989

OFF THE WALL



by Jim Stiak

Come springtime, and the grass grows faster than a teenager racing toward a telephone. It rises in great green clumps, reaching for the sky — glimmering, bountiful, doomed.

It's not that I want to cut it. I'd let it grow until it swallowed the barbecue, but a familiar voice keeps sounding in my ear, "Would you please mow the lawn?" and after a couple weeks of this, I surrender.

With all the enthusiasm of a man being led down death row, I uncover the old Lawnboy. Dutifully I inspect the two reservoirs. I infuse the machine with its precious petrochemical fluids, pull back the throttle, place my foot on the appointed spot and yank the widemaker cord.

Instantly it produces the expected result: silence.

The ritual is repeated, first with one arm, then the other, until, on about the umpteenth try, success arrives in the form of a racket that destroys any notion my neighbors might have had of a peaceful afternoon.

The first cut of the year is always the saddest. There's a field of billowing green, but I, the destructor, behind my cacophonous device, enforce my biblical right of dominion over all.

Now, many people, partial to the Jungian asymmetry of concentric lines, mow around and around in a spiral to end in a central point like some backyard version of our galaxy. I prefer the precision of parallel paths. I choose the Freudian pattern. Thrice around the perimeter, a wide enough swath to turn

around in, then back and forth from the patio to the blueberry bushes in long thin lines.

The mower does its deed, depleting the ozone, greenhousing the atmosphere, leaving jagged tips that soon turn sharp to the touch of bare feet. Even weeks later after they've grown to the stage commonly known as "kinda high," the brown tips still give mute testimony to man's inhumanity to grass.

But no matter how many times I cut off their skinny heads, they always pop back. What goes through their chlorophyllic minds? Do they tell vegetable jokes about the guy who slices them down on weekends as if he could alter their genetic code with a Briggs and Stratton?

What is this national obsession with tidy lawns? Is this the American Dream — a little piece of weedless earth imprisoned by sidewalk and fence? Why not carry the concept a step further, like those front yards on 55th Street in Chicago, and simply pour concrete, paint it green, and spend our weekends doing something better than mowing — like watching baseball games played on artificial turf.

The engine sings like an 18-wheeler climbing my ear canal, the handle vibrates like Little Richard. I sidle the mower next to the fence. I hug the apple tree. It becomes a mission to smote every last blade. Then, somewhere amidst the roar and smoke and intoxicating scent of new-mown hay, comes a liberating revelation. I actually enjoy this.

The crewcut swaths appeal to some pre-suburban sense of order. Life is not chaos when it can be

mowed. I submit to the zen of the act and begin to believe, as my better half has often told me, that grass likes to be cut.

After all, this is not wild grain, this is inbred, factory-farmed, mass-produced fescue — or rye or bentgrass — who can tell the difference? This is domesticated vegetation, the product of USDA research grants and white-smocked lab assistants who are, even as you read this, developing a strain that will grow to exactly 2 1/2" and no higher, needing neither sun nor rain, thus putting both the lawn mower manufacturers and Astroturf makers out of business in one fell swoop.

I challenge each tuft, edging cautiously to the newly-planted tulips. Each miscreant blade is a personal affront, a throwback to the days when our hairy ancestors hid in caves and motor oil was sold in cardboard cylinders. I pick them off one by one until, like a lightning bolt from the god of Pay Attention, the unthinkable happens.

Mangled tulip stalks fly from the side of the machine. They, I can almost hear her telling me, are different than grass. They do not like to be cut. Oh well, if you want lawn and order, you've got to be willing to sacrifice your spouse's flowers. Next time, maybe I'll do the sensible thing. I'll hire the kid up the block.

□

Jim Stiak lives and writes in Eugene, Oregon.

LETTERS

HALF AN EXTINCTION

Dear HCN,

The Fish and Wildlife Service has recently agreed, under court order, to reconsider listing the northern spotted owl as an endangered species. At issue is more than the survival of the owl, which only lives in the old growth forests of the Pacific Northwest. Because current management policies are to replace old growth with quick rotation second growth, we are really talking about a non-renewable resource. What is threatened is not just one species but an entire ecological community.

The owl has pitted woods workers against environmentalists. This tension has been exploited by the timber industry which claims thousands of jobs will be eliminated. Though there is some truth to this claim, what is brushed under the carpet are the many more jobs that the industry has exported. Listing of the owl could potentially prohibit timber harvest of 1.5 billion board-feet of timber. While this may seem significant, this is approximately one-third the amount of the 4 billion board-feet of unprocessed raw timber that was exported to Japan last year alone. Were timber company executives thinking about their workers when they exported thousands of jobs last year?

In addition, automation has taken away far more jobs than exports or even the listing of the owl potentially could. A recent study by Portland State University concluded that between 1976 and 1986 while timber harvest increased there was

a 55 percent reduction in the workforce of the wood products industry due to automation and consequent increases in productivity. Where has the industry shown any genuine concern for the welfare of its workers except when it could be exploited to increase timber harvest and put money into industry pockets?

Thirty years ago there still were more than 20 million acres of old growth in the Pacific Northwest. This has been whittled and chopped to 2 million acres — about the same acreage as Yellowstone National Park. Not really a very large area — Yellowstone is only 60 miles across — a distance that could be covered in one hour on a freeway.

If we were starting out with a clean slate, one might agree that the timber industry could cut half the old growth timber while the other half would remain untouched to provide for the needs of owls, flying squirrels and the more than 244 known old growth dependent species. However, we passed that point long ago.

For the owl there can be no further compromising. It will be extinct within 10 or 20 years if present cutting continues. How do you compromise with extinction? Half an extinction?

When the last old growth forests are cut, the mills are closed and the industry has moved to its next frontier, there will only be unemployment, a scarred landscape and a land made poorer by the extinction of the spotted owl to remind those who remain about the folly of human enterprise and the short-sightedness of greed.

George Wuerthner
Livingston, Montana

MORE ON MARKETS

Dear HCN,

I'm struck by a contrast in HCN's recent looks at free-market approaches to natural resource management. To me, Amory Lovins' advocacy of a free energy market — including perhaps an end to all government energy subsidies — makes a lot of sense. John Baden's ideas about free-market management of public lands do not.

Water management may be another area where free markets make sense. Public agencies and private individuals are increasingly willing to purchase consumptive water rights for conversion to instream flows for recreation and environmental benefits. But such purchases are largely blocked by the very Republicans who espouse the values of private, free enterprise and competition. Those are often the same people who would remove monopolies from public oversight, yet preserve the monopoly structure. It seems free-market philosophy is valued and espoused only where it is convenient to one's pocketbook.

I submit there is something fundamentally different between energy or water, and land, especially public land, that makes land not so manageable by free markets. Scandinavia seems to have recognized this: Their concept of private property does not allow a person to close off public access, nor to denude private forests without adequate reforestation. The eastern states of America also seem "ahead" of the West in recognizing the difference. Zoning is not a dirty word there and fewer people believe they can do anything they want to their private lands.

In my small mountain town the real estate market is bouncing back. I was recently forced to move by a person who bought the dwelling I was renting. The buyer plans to let the house sit unoccupied so it can appreciate in value. This adds to our rental housing crunch. The free-market exchange of properties threatens to destroy our community, which cannot survive without ample, affordable housing.

In the West, we view water as a finite resource. But water can be easily redirected from one use to another, and, with varying degrees of physical effort, from one place to another. Energy can be generated with a wide variety of technologies. With sufficient will, we could quickly turn off our nukes and coal powerplants and switch to renewables.

Land is probably more finite, its use less easily changed. A shopping mall built on a wetlands will permanently destroy wildlife habitat and flood control. A clearcut may not heal for hundreds of years, if ever. The open space lost to urban sprawl can be recovered only through enormous expenditures to purchase the lands, followed by bulldozing of buildings. Subsequent restoration of a natural environment would be extremely difficult, usually beyond the current knowledge of humans.

As Larry Van Dusen noted in a letter (HCN, 5/8/89), the "creative tension" between capitalist free-markets and democratic government ought to help us find the best areas for free-markets. Trouble is, the capitalist oligarchs tend to make our government not so democratic.

Gary Sprung
Crested Butte, Colorado