

High Country News

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A Paper for People who Care about the West

One dollar

Bill Elzey



The resort town of Telluride and its mine waste mounds

In Telluride, Colorado

Mining has left hollowed-out, suppurating mountains and mesas of waste. Now the town, state and mining company debate potential fix-up plans.

✓ See page 10

Dear friends,



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Visitors

We recently received an invitation from *Denver Post* publisher Maurice L. Hickey to attend the grand opening of the *Denver Post* Tower building. We couldn't make it, but we did invite publisher Hickey to visit HCN's offices in Paonia.

While Mr. Hickey has not yet appeared, other visitors have. Jim and Dorothy Ciarlo, of Denver, a research psychologist and a clinical psychologist, respectively, came by to see where their daughter, Cathy, had toiled as an intern last year. They were touring western Colorado on vacation, and reported that a wildflower trip to Telluride had been disappointing, due to the spring and early summer drought.

A few days later, a bedraggled Ken Rait of Tucson came by. He had been washed out of the San Juan Mountains' Weminuche Wilderness by three days of precipitation. "There was more snow on the mountains when I left than when I arrived," he said.

It was hard to look sympathetic while inwardly cheering. The rains over the last few weeks have been so heavy that some fire bans on public lands have been lifted, with a further lifting expected. Ken is conservation chairman of the Sierra Club chapter in Tucson, which he says is becoming increasingly active.

Subscriber Alice Gould of Denver, a native of Paonia, came back to visit her hometown for the first time in many years. She told us the recent rains reminded her of the Texan who was knocked out by a drop of water. "To revive him, they had to throw a bucket of dust in his face." Mrs. Gould was also on vacation.

We finally met the man whose letters of correction over the years are responsible for what little noun-verb agreement there is to be found in this column. He is Howard Scott, a retired BLM employee from Moab, who now lives in Fruita, Colo.

Hal Borzone of Jersey City, N.J., came by to say hello after nine days of backpacking in the nearby West Elk Wilderness. He said his Sierra Club outing group of 13, under leader Bob Berges of Alameda, Calif., saw very few other humans on this trip, but did mudskate out on a trail turned slick and wide by a herd of several hundred cattle.

Rick Boychuk, who moved recently from environmental reporter for the *Montreal Gazette* to freelance writer in the tiny, tiny San Luis Valley town of Crestone, Colo., happened by to say hello. He recently received Canada's National Magazine Award for Investigative Reporting for an article in *Harro w-smith Canada* on the death of beluga whales in the St. Lawrence River. The villain of the piece, he said, was Alcan — a multinational aluminum producer.

Which West?

Ex-intern Gingy Anderson writes to say that her stint here in the inland West has complicated her life. "Yesterday in a store in Seattle I asked the salesman if he'd ever been out west, and he looked at me oddly. 'This is the West,' he said. 'I had to drive 2,000 miles east to get to your West...'"

BLM at the helm

The publisher and editor of HCN, along with 50 or so other individuals, spent three days on the Colorado River between Rattlesnake Canyon in western Colorado and Cisco, in eastern Utah. Our hosts were the Grand Junction office

of the Bureau of Land Management; in addition to pleasure, the purpose of the float and hikes was to examine the public lands and proposed wilderness, national park and river issues in the Colorado River corridor.

The trip was memorable: the mix of public officials, private people and environmentalists was a good one; the surrounding lands were striking; there were coyotes and eagles and great blue herons to wonder at; and there was enough water in the Colorado — about 3,000 cubic feet per second — to make Westwater Canyon exciting.

The group was a multi-headed hydra, but its official leaders were BLM district manager Bruce Conrad and area manager John Singlaub, who head up a very active, even activist, office. This spring, the office, with the help of recreation staffer Carlos Sauvage, in cooperation with the Moab, Utah, BLM office under Gene Nodine, and with an enthusiastic group of volunteers, built, signed and publicized the Kokopelli mountain bike trail from Grand Junction to Moab in record quick time. Again in cooperation with the Moab BLM office, the Grand Junction office is attempting to create a corridor of public land along the Colorado River. According to John Singlaub, pressure from recreationists is so heavy along the corridor that ranchers and other landowners are generally eager to trade for other land or to sell out.

An interesting sidelight to the trip is the tug-of-war going on between the BLM and the National Park Service in western Colorado. In the Grand Junction area, the NPS wants to expand the Colorado National Monument onto land that the BLM now manages and wishes to have declared wilderness. In the Montrose, Colo., area, the two agencies are competing for the Gunnison River canyon and environs.

It is not a no-holds-barred competition. The BLM float trip, for example, included Superintendent Jimmy Taylor and naturalist Hank Schoch of the Colorado National Monument, there to point out why the Park Service is a natural custodian for some of the lands. It is the kind of competition the West could use more of.

A changing BLM

In Colorado for the float was David Williams of Washington, D.C., chief of planning for the BLM. In addition to the float, he had come West to celebrate the completion of the BLM's 60th Regional

Dan Heidel



Management Plan. Williams, a long-time HCN subscriber, found time to visit Paonia, along with Montrose area manager Allan Belt and environmental coordinator Kate Kitchell, who recently transferred from service with the National Park Service at Canyonlands to the BLM.

It is Williams' thesis, which he is not shy about expounding, that the BLM is in the midst of healthy change, and that it has the flexibility and will to leave older, larger agencies (that translates into the Forest Service and Park Service) in the dust, when it comes to meeting the needs of both local communities and recreationists.

Mr. Postman

HCN is looking for black-and-white photos of idiosyncratic mailboxes, which are a Western tradition (see above).

And...

We continue to enjoy the comments that came with this spring's surveys. In his, Robert Mohler of Ord, Neb., chides us for being flip about people and issues already dumb enough without our barbs. We hope Mr. Mohler is giving us credit for not running barbs in every issue gaffing former Interior Secretary Watt, who used his federal pulpit to lecture Indians on the sin of living off the government and environmentalists for elitism and love of the degenerate music produced by the Beachboys.

— Ed Marston for the staff

HOTLINE

Tortoises get emergency listing

The desert tortoise gained an emergency listing as an endangered species July 24. Several environmental groups had petitioned the U.S. Fish and Wildlife Service for the listing after studies showed that the tortoise populations — already pressured by cattle grazing and off-road vehicles — were being devastated by a contagious respiratory disease for which there is no known cure (HCN, 7/31/89). Not everyone was pleased by the agency's action. Rep. Jim Hansen, R-Utah, told the *Deseret News* that the emergency listing was premature and could force ranchers off public land. "My responsibility is to protect the rights of those who live and work in the First District, not the desert tortoise," Hansen said. He added, "If we can help the tortoise, fine. But not at the expense of Utah's economy." Listing the desert tortoise as an endangered species will raise

the priority of funding for respiratory disease research, require federal agencies to consult with the Fish and Wildlife Service when their plans may have an effect on tortoise populations, and provide for penalties for the killing of tortoises. The Fish and Wildlife Service action protects the desert tortoise for 240 days while the agency proceeds with its formal listing process.

BARBS

We hope that this time the secretary of the Treasury keeps his hands on the federal wallet.

Chrysler head Lee Iacocca announced the elimination of 2,300 jobs on July 27 due to the firm's loss of market share.

WESTERN ROUNDUP

Ted Turner says: no deal on public access

BOZEMAN, Mont. — Cable-TV king Ted Turner in early July bought a large cattle ranch southwest of Bozeman which he plans to turn into a buffalo ranch and elk range. But Turner, introduced as an environmentalist and "humanist" by a Montana State University official at a town meeting here, said he won't allow public access to adjoining national forest and wilderness areas.

The forum turned more than 200 people away from a packed auditorium at the Museum of the Rockies. It was called so Turner could tell local residents about his plans for the scenic and historic 110,000-acre Flying D Ranch. His Turner Enterprises paid \$22 million for the spread, of which \$20 million is secured by a mortgage from Citibank of New York.

Turner took the stage to tell area residents, in his raspy, sometimes bossy voice, that he does not plan to subdivide or develop the sprawling spread. He said he intends to keep it as natural as possible and provide more habitat for trophy bull elk, auctioning off one trophy bull elk hunt for charity every year. The ranch's practice of fee-hunting — selling the rights to hunt elk on the property — will continue, he added.

Turner also said he was going to sell off the ranch's 3,000 head of cattle and replace them with buffalo "as a substitute for cattle."

Turner said there is a demand for bison meat, which is lower in fat and cholesterol than beef. Fee-hunting and bison meat are to provide the main income for the ranch, although \$20 million is a lot of debt to service from such limited revenue, speculated ranchers in the audience.

"I know most of you are probably here because you like it here," Turner told the receptive crowd. "You have the right idea. The only trouble is, the more people that find out how good it is livin' away from the big cities, the more people you're gonna have migrating out here, and then this will get more and more crowded, and then this place will get messed up, too. So, I don't know what the answer is, except more stringent birth control."

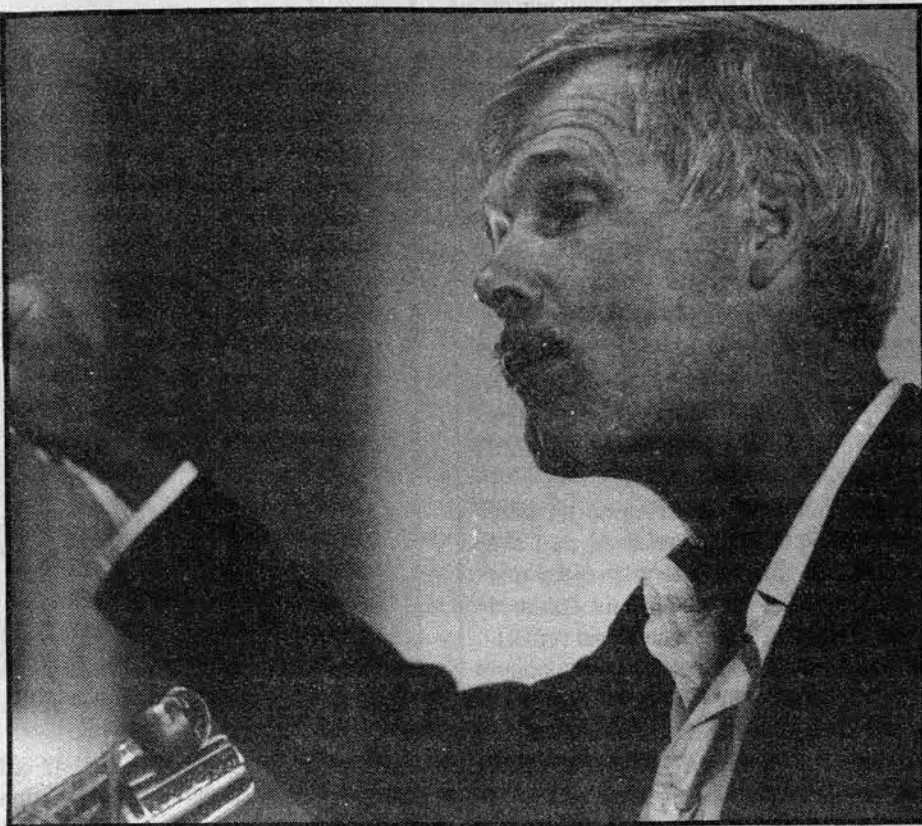
Turner said his television movie company might use the ranch for location shooting this fall of a made-for-TV western story based on a new book by Larry McMurtry titled *Montana*.

Traditionally, the ranch, which for nearly 50 years has been owned by various Texas interests, has kept tight fences against those wishing hunting privileges or access to adjoining national forest and wilderness lands. That won't change. Turner said he lets civic and Boy Scout groups onto his properties back East, and might do the same here, on a limited basis. But he won't allow access through his property to public lands.

Gene Hawkes, executive director of the Public Lands Access Association, said earlier that his group had hoped a change in ownership might bring access to adjoining national forest lands. His group says that the Turner ranch blocks access to parts of the spectacular Spanish Peaks, isolating nearly 54 square miles of national forest and wilderness. Three months ago, the association submitted a petition with 1,232 signatures to the regional U.S. Forester in Missoula requesting reasonable access somewhere through the Flying D Ranch.

Turner says no deal. "I bought the place because I wanted to get away from

Steve Dowell



Ted Turner, in Montana

people. We live in an increasingly overcrowded world. I'm becoming a hermit."

Turner said there is an access road up to one end of the wilderness now, and it should be extended farther across public land. "Rather than concentrating on more roads through my land up there, why not concentrate on the road that you have and extend it further?"

Turner was reminded that there are points along the vast ranch where people like Hawke's group would like access to the areas now virtually locked out.

"I desire access to heaven, but I'm not going to get it," he said. "You can get anywhere up there if you walk and put a pack on your back. I do realize that there is a problem there, and I do sympathize ... I do sympathize with everybody. I'll tell ya what really worries me — is the 40,000 children, mostly in the Third World, that die every day because they don't have access to the very simplest medical care or food. There are so many things that are wrong with this world today."

"So, you can get around up there, and there is other access from other sides. It may be tough, but for the person that really wants to go there, it's there. The only way to get it is to do like I did, and work 40 or 50 years and make \$22 million and go buy yourself some!"

A woman in the audience asked Turner, "Are you here in Montana to pull a Malcolm Forbes on us?" — a reference to Forbes' sale of his large ranch north of Yellowstone National Park a few years ago to the Church Universal and Triumphant, a New Age cult which moved from Southern California.

"I'm only out here to have a good time," he answered. "If it turns out that it's not a good time, then I would sell. And if I sold it to Mr. Nice Guy, there's nothin' to stop him from turning around and selling it to whoever Forbes sold to the next sale. When you sell somethin', you have no control over it."

The former Forbes ranch lies in the adjoining county, approximately 60 miles from Turner's new ranch, as the crow flies.

Turner, using the town meeting as his soapbox, also decried global overpopulation, urban congestion, espoused his pro-choice views on abortion and preached against the Middle East/North African practice of female circumcision — removing clitorises from baby girls.

"That'd be the same thing as guys havin' the heads of our penises cut off! Talk about that bein' a fun to-do!" He said he plans to do a TV news project on the subject.

Turner has so far received high marks from local soil conservationists for his spotted knapweed eradication program on his Missouri River property.

"He is being a good responsible landowner in the county," said Reeves Petroff, Gallatin County weed supervisor. Because of Turner's spraying up there, he has reduced knapweed in the county by 1,000 acres. He has hired good people to do good conservation work," Petroff said Turner has also filed with the Gallatin County Conservation District for permits to rehabilitate streambanks on his first ranch.

This was Turner's second ranch acquisition in the area in less than two years. His first ranch is about 21,000 acres and lies 30 to 50 miles from the second, along the Missouri River in Gallatin and Broadwater counties.

Turner said he was hurt by early newspaper quotes that was "buying up Montana." Turner said at the meeting that when he bought his first ranch, he bought only two sections from Montana owners. The balance was owned by Texans who had fallen on hard times.

Turner built a cable TV and media empire from a failing Atlanta TV station. He controls Cable Network News, WTBS and TNT movies. He bought out MGM Studios' movie inventory and has drawn criticism for colorization of classic black-and-white feature films. Turner, a yachtsman who defended the 1977 America's Cup, also owns the Atlanta Braves baseball team and other sports franchises.

Turner's latest acquisition is one in a string of purchases by outside money and celebrity ranchers. Last fall, a Japanese meat company paid \$13 million for the 28,000-acre Selkirk Ranch near Dillon. Zenchiku Ltd. has started shipping beef from its Montana ranch to Japan.

Movie actor Mel Gibson bought the Beartooth Hereford Ranch in Stillwater County. Michael "Bat Man" Keaton recently bought a ranch in Sweet Grass County, and Hank Williams Jr. owns property in Beaverhead County.

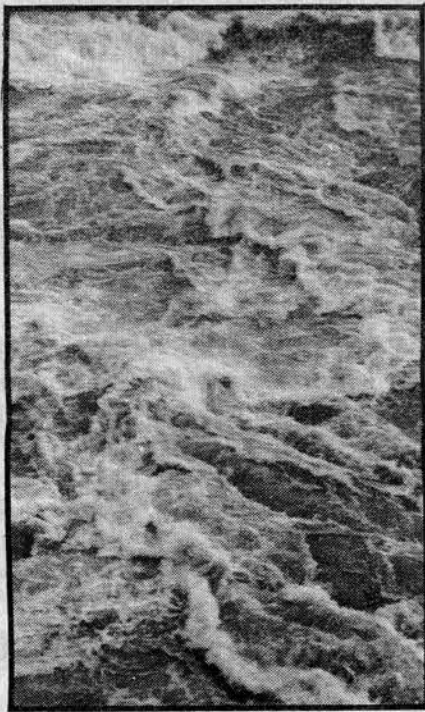
— Pat Dawson

HOTLINE

An end to plunder

A recent U.S. Supreme Court ruling means more money for Arizona public schools and less profit for companies that mine on state trust lands. According to a 1910 law under which Arizona became a state, royalties from mining 9.6 million acres of state trust lands must be used to support public education. Since 1941, however, the Arizona Legislature has capped royalty payments at 5 percent. That cap was challenged in 1981 when several taxpayers and the Arizona Education Association went to federal court, charging state officials with failing to collect fair royalties. Their victory at the Supreme Court "means an end to the plundering of school-trust land by mining companies from around the world," said David Baron, a lawyer for the Arizona Center for Law in the Public Interest. Baron estimates that mining companies will now pay about \$12 million rather than \$4 million each year for their leases, reports the *Arizona Republic*. Mining companies contend that higher lease prices will lead to lost jobs and discourage mining.

David Spear



Rivers are in danger

The Platte River in Nebraska and Colorado has been named the nation's most endangered river for the second year in a row by American Rivers Inc. Two threats prompted the Washington, D.C.-based environmental group to place the Platte at the top of its list. One is the proposed Two Forks Dam on the South Platte near Denver, Colo., which would drown a 24-mile stretch that is one of the few world-class trout fisheries close to a major metropolitan area. The other threat is downriver in Nebraska, where the Platte provides crucial habitat for endangered bird species including the whooping crane and bald eagle. Releases from the Kingsley Dam upstream aren't providing enough water during spring to scour the river channel and keep it free of invading streamside vegetation. Other Western rivers on American Rivers' list include southern Oregon's Klamath River, where 19 miles of blue-ribbon trout fishing and year-round whitewater boating are threatened by a proposed hydropower project for Klamath Falls; Idaho's Payette River, where both the north fork's whitewater and the south fork's quality trout fishery face hydrodevelopment; the Little Bighorn River in Wyoming, threatened by a water storage and hydro project, and southwestern Colorado's Animas River, for which the Animas-La Plata irrigation project is planned.

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HOTLINE

Third World America

More than \$1 billion is spent each year to provide health care on or near reservations. Yet about one-third of American Indians die by the age of 45, reports the *Arizona Republic*. Denise Dougherty of the federal Office of Technology Assessment said that alcohol abuse remains the primary cause of serious health problems. But Indians are from two to six times more likely to be killed by common disease, accident, homicide or suicide, she said. Her testimony to the Select Committee on Indian Affairs accompanied charges of serious fraud and mismanagement within the Indian Health Service, an agency responsible for the health care of more than 900,000 Indians. An inspector with the Department of Health and Human Services, Larry Money, accused the Indian Health Service of "systematic and pervasive" fraud. In one case, typical of the complaints Money received while conducting his investigation, \$70,000 designated for alcohol abuse programs was spent to send 50 Albuquerque-area health officials to a new age "retreat." The retreat included massage therapy for the participants. The committee is chaired by Arizona Sen. Dennis DeConcini, who criticized the Indian Health Service for failing to fully cooperate with the Senate investigation into failed Indian programs.

BARBS

Yeah. Now let's go and trash Antarctica.

A spokesman for Du Pont, which is one of the sponsors of a 4,000-mile trek across Antarctica, said: "Antarctica is the hot continent now. Mount Everest is out. It's been done every which way. It's been trashed."

Making room for ducks on the prairie

Five years ago, Lake Thompson was a 9,000-acre marsh on the South Dakota prairie. When record rains fell the following year the shallow marsh was suddenly transformed into a sprawling 18,000-acre lake — the largest natural lake in the state.

The transformation was good news for fishermen but miserable news for the farmers who saw croplands inundated by up to 20 feet of water.

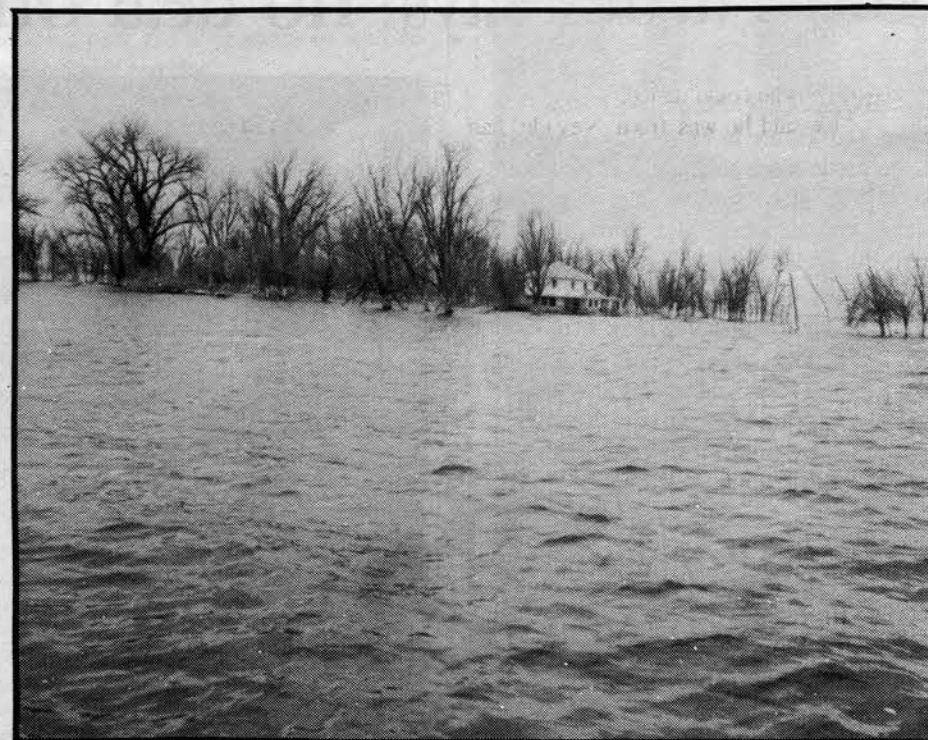
A task force later determined that Lake Thompson expanded as a result of the destruction of potholes and sloughs in the lake's watershed. Without prairie wetlands to absorb runoff, rainfall drained directly into the lake.

Last month, conservationists from around the nation gathered at Lake Thompson to dedicate a project that should reduce flooding and enhance wildlife habitat by restoring and protecting prairie wetlands in the lake's watershed.

Under the project, lands at Lake Thompson will be purchased from willing sellers and developed and managed for wildlife. Perpetual easements on wetland areas will be sought, and wetlands formerly drained will be restored by plugging drainage ditches. The dedication ceremony celebrated the plugging of a drainage ditch.

The work around Lake Thompson is one of the first projects launched by the North American Waterfowl Management Plan. It represents an unprecedented joint effort by government agencies in the United States and Canada and private wildlife organizations such as the Nature Conservancy, the National Audubon Society, Ducks Unlimited and the National Wildlife Federation to work together.

They hope to return waterfowl numbers on the continent to 1970s' popula-



House flooded by Lake Thompson in South Dakota

tion levels. More recent levels are abysmal: Last year the duck population, for example, dipped to its lowest level in 30 years.

Waterfowl populations are dropping primarily because wetlands are losing to agriculture, urban development and industry. At Lake Thompson, area farmers have drained over 1,300 pieces of wetlands covering at least 20,000 acres to increase grazing or crop land. Government programs that once encouraged wetland drainage have been replaced by programs that offer incentives to undo past damage.

Ray Linder, a scientist for the National Wildlife Federation, moderated the dedication. Linder noted that while flood control was at the heart of the Lake Thompson project, other benefits such as wildlife habitat-enhancement would fol-

low. Moments later, after describing the cooperative effort that had gone into saving the small wetland behind the speaker's podium, Linder exclaimed: "Hello wetland, goodbye ditch."

If the North American Waterfowl Management Plan meets its objectives, many more drainage ditches will be closed. By the year 2000, wildlife officials hope to protect and improve about two million acres of waterfowl habitat in the United States.

Targets for protection include over one million acres in the important prairie pothole region of the Dakotas, Iowa, Minnesota and Montana. To the North, Canadians hope to restore and protect more than 3.6 million acres. The plan will cost an estimated \$1.5 billion.

—Peter Carrels

Montana's north country gets good news from Canada

A soft coal market and opposition by an international commission could signal the end of a controversial coal mine proposed for a remote area near Montana's Glacier National Park.

But the mine's most vocal opponent says that the battle to stop the mine isn't over. He wants "to put a wooden stake in the heart of the mine ... so that it never rises again."

Rio Algom Ltd., a Canadian mining company, let expire in February an important permit needed to develop its Cabin Creek mine, which is proposed for a site seven miles northwest of the park in British Columbia. The company said low coal prices prodded it to halt development.

The International Joint Commission also said in March that "the mine as presently defined and understood (should) not be approved." The commission, formed by a 1909 treaty and composed of delegates from Canada and the United States, negotiates cross-border disputes involving water.

In this case, Montana's portion of the Flathead River drainage is threatened because the mine is located along two important tributaries of its near-pristine north fork. The commission concluded that pollution from the mine would eliminate 10 percent of the Flathead basin's bull trout. Opponents of the project said it would also endanger the area's grizzly and wolf populations, as well as degrade

air quality by pumping hundreds of tons of particulates and hydrogen sulfide into the skies above the park and surrounding wildlands.

Although the commission's recommendation is not binding, its scope and rare show of cross-boundary unity have cheered conservationists. But John Frederick is taking no chances.

Frederick, one of 15 year-round residents of the remote burg of Polebridge, Mont., located on the north fork of the Flathead, has actively opposed the mine since the early 1980s. He says Rio Algom's chairman Ross Turner told him the company wasn't walking away. "Basically ... they're holding it as an asset," Frederick says. "They're not giving up. This proposal could still come out of the blue in the future."

To kill the mine for good, Frederick is pushing a proposal to make the north fork Flathead country an international conservation reserve. He says the reserve concept could allow some "traditional activities," such as logging and motorized recreation, but it would prohibit large disruptive activities such as strip mines. The reserve would be monitored jointly by the British Columbia government and the U.S. State Department, Frederick says.

The Polebridge resident has collected a few powerful allies for his cause. Montana Sen. Max Baucus, D, told Frederick in a recent letter that "it is my hope

the (mine) site will be abandoned, both now and in the future."

Montana Gov. Stan Stephens, R, a vigorous supporter of mining in his state, told Frederick, "I also oppose the development of the Cabin Creek site, and was pleased when the permit to develop the coal mine expired recently." Stephens says he might be amenable to the reserve idea if it allowed timber cutting and oil and gas development.

Frederick hopes to build momentum for the reserve idea because the mine proposal is "just totally outrageous." As originally proposed, Rio Algom subsidiary Sage Creek Coal would strip-mine most of its 4,000-acre government-leased holding north of the park. The mine would use a 50-megawatt, coal-fired dryer while importing 400 workers into what is now largely uninhabited country populated by grizzly and black bears, elk, white-tailed deer, mountain goats, lynx, wolverines and a recovering population of wolves.

When the Cabin Creek mine was first proposed, in 1974, it immediately attracted opposition from conservationists. None has been as persistent as Frederick. As the operator of a business that caters to tourists who come to Glacier Park for clean air, clean water and abundant wildlife, Frederick has extra incentive for opposing the mine. Its environmental impacts could hurt him economically. All of which spurred him to take

to take his battle directly to the shareholders of Rio Algom.

In 1983 he purchased stock in Rio Algom, allowing him to lobby the company's shareholders to cancel the mine. He has gone to the company's annual meeting in Toronto six times, often accompanied by his wife, Sharon Constantino. Packing petitions and dressed in Stetsons, string ties and Western boots, the Montana couple is treated like Gabby Hayes and Dale Evans by the gawking Toronto press. But the attention has produced only modest results.

In 1985 they got a drop-the-mine proposal on a shareholders' ballot, converting 1.6 million shares out of the company's 32.8 million to the anti-mine cause. In 1989, Frederick presented shareholders with a petition opposing the mine. It included 24,000 signatures, many collected from people traveling into the park from Polebridge.

It is hard to say if the recommendation of the joint commission and Frederick's efforts will prevent the mine from being developed. Coal prices could soar, allowing the company to export to its target market, Japan. However, after giving Montana conservationists anxiety-fits for 15 years, the Cabin Creek mine still exists only in the files of Rio Algom engineers. And that's where John Frederick hopes it will stay.

—Bruce Farling

How an FBI mole tunneled into Earth First!

PRESCOTT, Ariz. — Peg Millett had a soft spot for cowboys. Especially cowboys who could dance.

"He said he was from Nevada, had grown up on a ranch," Millett said, remembering the moody, quiet drifter she knew as Mike Tait. "And he knew how to dance. We had a really good time."

But the country-swing dancer who showed up in Prescott last summer was really a special agent for the FBI. With a bug in his shirt, Tait recorded hundreds of hours of conversations between Millett and fellow members of Earth First!, the radical environmental group targeted in an extensive federal probe authorized by FBI Director William Sessions.

Now Millett and three other activists — Marc Baker and Mark Davis of Prescott, and Earth First! co-founder David Foreman of Tucson — are under indictment, charged with conspiring to destroy electrical transmission towers leading to three nuclear facilities in the West.

Several dozen activists across the West have been subpoenaed in connection with the case. FBI agents continue to question Earth First! members in Arizona, Montana and New Mexico, according to activists interviewed in those states.

The investigation came to a head May 30 on a moonless evening in the desert west of Phoenix. Nearly 50 members of an FBI anti-terrorism squad, armed with horses, helicopters, night vision goggles and automatic weapons, waited in the darkness for the activists, according to an eyewitness account and statements by the Phoenix FBI office. Then, shortly after 8 p.m., agents fired flares into the night sky, revealing Tait and three others with a blow torch at the base of a power pole.

In their investigation of Earth First!, the FBI tapped phones, placed bugs in houses, and planted at least three "activists" in the movement to gather evidence.

"The procedures that the FBI is using here are very similar to the procedures the FBI used during the 1960s against dissident groups," says Gerry Spence, the flamboyant Jackson, Wyo., attorney who is representing Foreman.

Government investigators, Spence argued in a telephone interview, acted



"as if they were dealing with the most dangerous, violent terrorists that the country's ever known. And what we're really dealing with is ordinary, decent human beings who are trying to call attention of America to the fact that the Earth is dying."

Roger Dokken, assistant U.S. attorney and lead prosecutor on the case, says investigators were tracking an ordinary criminal conspiracy.

"We simply came across some individuals who may have been committing crimes, and we followed them around and arrested them eventually," says Dokken. The FBI recorded some 500 hours of conversations in the undercover operation, many by the quiet cowboy known to Peg Millett and other Earth First!ers as Michael Tait.

"They must have picked him real well," said Millett, clad in her powder blue scrubs in the Durango women's prison in Phoenix. "I was real enamored of the cowboy image."

The beard, the boots, and the Arizona Feeds baseball cap gave Mike Tait the image of an Earth First! bumper sticker: REDNECKS FOR WILDERNESS. But Tait's designers also made him a slow learner, a recovering alcoholic, an awkward, troubled Vietnam vet in great need of affection.

"I felt sorry for him," said Millett. "He just seemed real confused and tormented inside. I tried to help him out."

Tait came into Earth First! through Ron Frazier, a Prescott artist and metal sculptor and a friend of Millett's. Frazier admitted his role to activists in Flagstaff, Prescott and Bisbee last month.

"He was very uncomfortable," remembers Ivy Millman, a Flagstaff activist whom Frazier visited in mid-

July. "He said, 'You know how people sometimes lead a double life?' I said, 'You're Superman, right?' He said, 'No, it's serious. I've been working with the FBI.'"

Frazier was apparently angry at Earth First!ers and their tactics of "decommissioning" bulldozers and other heavy equipment. After a run-in with Davis in January 1987, he called the FBI.

At about the same time, he enrolled in a diesel mechanics course at Yavapai Community College. Last summer, under the employ of the FBI, Frazier gave a popular seminar on diesel mechanics at Earth First!'s annual Round River Rendezvous. Holding a plastic replica of a bulldozer, Frazier pointed to vulnerable spots for eager monkey-wrenchers.

Then Frazier introduced Millett to an old friend named Mike Tait. He said he and Tait had worked on the oil fields together back in Texas and Louisiana. Tait had just moved to Prescott. In fact, he was driving back and would be happy to give Peg a ride. The three rode back together.

Tait rented a little beige house with a red roof on a quiet side street in Prescott. He started hanging out with Millett, her husband and their friends. They had him over for Thanksgiving dinner. Peg introduced him to a close friend, a lonely, attractive widow with no connection to Earth First!

Now and then, Tait would drive to Phoenix to rebuild a house or do odd jobs. Sometimes he'd travel to Tucson to visit the Earth First! folks down there. He made a few friends; one couple even invited him to their wedding. But everyone noticed that Tait always seemed so sad. "He had it down perfectly," said John Patterson, a Tucson activist. "He was this sort of withdrawn, shy character who you'd want to bring in and have be part of things."

Tait asked Patterson to show him how the Earth First! Journal was run. "He says he's an adult who never learned to read or write," Patterson recalls. "I was preparing an article for the Journal. He says he'd like to look that over, and just kind of see how a person writes."

One day, Tait walked into the Tucson office with a box of ceramic "spikes." Tait said he'd made the spikes

directly from the recipe in "Ecodefense," Earth First!'s field guide to monkey-wrenching. But the spikes were no good.

"They just snapped," remembers Earth First!er Nancy Zierenberg. "They reminded me of those candy cigarettes. He was really angry. He wanted to know who sent in the recipe."

Others say Tait tried to entrap them. "He indicated to me that there was this project going on that he wanted me to help on," said Dale Turner, an editor at the Earth First! Journal. "With sort of a wink and a nudge, and an understanding that it was something big and illegal. I turned him down."

"There was a definite push there to try to up the ante," said Davis. "He would try to talk me into how much simpler it would be to do things with explosives."

Davis also says Tait convinced him to break into an electrical yard of the Arizona Public Service Company. "We took his vehicle. He had the wire-cutters. He cut the fence and we went in."

Tait's greatest deception, however, came with someone who had nothing to do with Earth First! — the lonely widow Millett introduced him to shortly after he arrived in Prescott. Tait and the woman, who wants to remain anonymous, became a couple. Tait would call her long distance just to talk. He'd take her dancing — sometimes alone, sometimes with Millett and her husband. Little by little, the woman fell in love with Michael Tait. Then came the arrests, and Mike Tait disappeared.

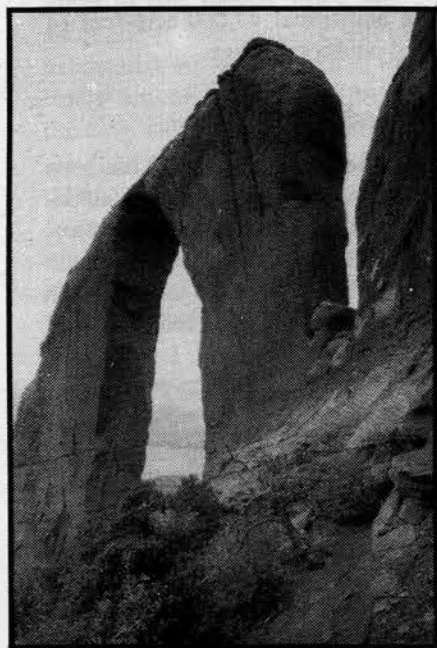
Two days later, the woman called the FBI. "I explained that we were going out, and I would like him to call me. All I wanted was for him to say, 'I'm sorry this happened, I didn't want to hurt you, you are totally not under suspicion, you just happened to be there, and people sometimes get hurt when we're doing our job.' That would have been OK."

Tait never called. "I thought he really liked me. I thought he was interested in an intimate relationship. I had a lot of feeling for him. I still do. I guess I'm waiting for him to come back."

□

Sandy Tolan is a reporter with *Desert West News*, an independent news agency in Tucson, Arizona.

BULLETIN BOARD



LOBBYING THE LAND

Can artists and writers help preserve the West's natural heritage? A conference called The Political Landscape, at the Anderson Ranch near Aspen, Colo., Oct. 6-8, will

explore how artists can express human effects on the natural world. Writer Alston Chase, author of *Playing God in Yellowstone*, photographer Richard Misrach and filmmakers Judy Irving and Chris Beaver are featured speakers. Conference topics include Native American philosophies of landscape, the burdens of political expression through art, representation of other cultures and environmental ethics. For more information, call or write James Baker, Anderson Ranch Arts Center, Box 5598, Snowmass Village, CO 81615 (303/923-3181).

A GOTHIC NATURE SETTING

Staff members of the Rocky Mountain Biological Lab north of Crested Butte, Colo., will host field trips this summer to share their nature knowledge with the public. Held in the biologically diverse Gothic area, walking tours will emphasize the identification of plants, animals and geological features, and their role in the landscape. There will be tours for adults, children and families, and costs range from \$3 to \$15. For more information, contact Rocky Mountain Biological Lab, P.O. Box 519, Crested Butte, CO 81224 (303/349-7231).

NOT A THREAT

Uranium mining close to the Grand Canyon apparently won't contaminate the national park. That's the conclusion after six years of study by Dr. John McKleen of Arizona State University's Radiation Measurements Facility, according to the May/June 1989 *National Parks*, the magazine of the National Parks and Conservation Association. In neighboring New Mexico, uranium mining caused widespread environmental problems, such as the contamination of the Rio Puerco by spilled mine waste (HCN, 1/19/87). Unlike the uranium-bearing formations in New Mexico, however, ore bodies near the Grand Canyon contain virtually no water. That means leaching of radioactive waste is not a problem, McKleen says. The formations near Grand Canyon are also deep underground so ore is removed from deep shafts rather than open pits spread out over many acres. Russ Butcher, the NPCA's Southwest/California representative, says the only company active in the area, Energy Fuels Nuclear, Inc., has been effective in restoring its mining sites. In any case, the value of uranium has dropped dramatically since the 1970s, making mining less viable economically, he adds.

HIKING THE GRAND CANYON'S OUTBACK

You would think the last word on Grand Canyon hiking was written years ago. If hiking on trails is what you are talking about, then you are probably correct. But if you are interested in rugged, remote areas of Grand Canyon National Park, then George Steck's new book, *Grand Canyon — Loop Hikes I*, is for you. This area, which he calls "the Outback," is 1,000 square miles of barely visited country — one visitor per square mile per year. The book includes 30 pages of "comments and caveats," in which he tells readers how to cope with ants, snakes, ravens, mice and other creatures. Steck is a great storyteller and this section is informative and entertaining. The following four chapters describe four loop hikes, starting from four places on the North Rim. They range from six- to nine-day hikes over different terrain, but share one characteristic: difficulty. One must be comfortable with inner canyon hiking, know how to read maps, be tolerant of heights and be ready for extreme situations. It isn't quite as he quotes at the beginning of the book: "Those who die will be the lucky ones," but it's not far off.

Chockstone Press, P.O. Box 3505, Evergreen, CO 80439. Paper. \$5.95.



CAPITOL HILL

Wolves are now a bit closer to Yellowstone's door

by Andrew Melnykovich

WASHINGTON, D.C. — Congress is considering whether wolves should be reintroduced into Yellowstone National Park and the Brothers Grimm, Ron Marlenee, R-Mont., and Larry Craig, R-Idaho, have again dragged out their collection of lurid fairy tales.

Unlike past battles over the management of large, furry animals that eat other animals, this year's fight on the wolf issue finds Marlenee and Craig in a shrinking, hard-core group of anti-predator Republicans. Other lawmakers who have been intransigent on the wolf issue in the past are beginning to sound like voices of reason.

The most remarkable transformation has been that of Sen. Al Simpson of Wyoming. Only three years ago, Simpson was explaining his opposition to reintroducing wolves into Yellowstone by telling people that "wolves eat things — human and alive. They say they don't, but why would there be the whole history of the grey wolf, the *Tales of Russia and the North Woods*, if they didn't take on a tasty human being occasionally."

These days, Simpson steers clear of mythology.

"I get the usual ration of stuff — the wolves chasing some poor dear across the ice floe and trying to eat her child," Simpson said recently. "Somebody said to me once, 'Do you know wolves eat children?' I said I didn't know that, but maybe they do. From then on I read two years of stuff that said I said 'Wolves eat babies.'"

Simpson now says that he is "ready to discuss" wolf reintroduction.

The starting point for discussions will be legislation introduced this summer by Rep. Wayne Owens, a Democrat from Salt Lake City. Owens wants to force the Interior Department to do an environmental impact study on reintroducing wolves into Yellowstone, a necessary preliminary step to bringing wolves back to the park 60 years after they were exterminated by government hunters and trappers.

An EIS should have been started two years ago, after the U.S. Fish and Wildlife Service completed its Northern Rocky Mountain Wolf Recovery Plan. The plan called for reestablishing the Yellowstone wolf population through reintroduction. William Penn Mott, then director of the National Park Service and an outspoken advocate of wolf reintroduction, enthusiastically supported the recovery plan.

But the plan never got off the shelf. Mott was the only official in the Reagan administration's Interior Department to support reintroduction. Even if that had not been the case, it is unlikely that Interior Secretary Donald Hodel would have, or could have, ignored the opposition of western Republicans, led by the Wyoming congressional delegation.

The tide began to turn last year. Largely through Owens' efforts, Congress gave the Park Service \$200,000 to conduct preliminary studies on wolf reintroduction. And Sen. James McClure of Idaho, the ranking Republican on the Senate Energy and Natural Resources Committee, came out in favor of wolf reintroduction, subject to conditions that protect ranchers whose livestock might be threatened by wolves.

Even the election of George Bush may have helped. It could be far easier

for conservative Republicans to compromise with an "environmentalist" from their own party than it would have been to cut deals with an administration headed by a liberal eastern Democrat.

A July 20 hearing on Owens' bill demonstrated just how much movement there had been toward a compromise on reintroduction.

Both Simpson and new Park Service Director James Ridenour, speaking on behalf of the Bush administration, testified in opposition to the measure. But neither categorically rejected the idea of putting wolves into Yellowstone.

Simpson predicated his acceptance of wolf reintroduction on protection for ranchers, an assurance that wolves would not become an excuse to close off large areas of federal land to the public, and an assurance that wolves would not decimate Yellowstone's big game herds.

Ranchers should be allowed to shoot marauding wolves without being subject to prosecution under the Endangered Species Act, Simpson said. McClure's proposal includes a similar condition, which Owens has said he finds largely acceptable.

Aides to Owens said that "locking up" lands to protect wolves is unlikely to be a problem. Virtually all of the area contemplated as wolf habitat in the Yellowstone area is already subject to use restrictions because of the presence of grizzly bears. Unlike grizzly bears, wolves pose no threat to humans. Any possible use limitations imposed to protect wolves would be far less restrictive than those already in place because of the grizzly, the aides say.

Simpson's questions about the effects of wolves on big game herds are due to be answered in a few months, upon completion of the NPS studies Congress ordered last year. Biologists consistently have predicted that wolves will not reduce game herds significantly, and the NPS studies are not expected to quarrel with those predictions.

Ridenour said the studies will be completed in December and are unlikely to reveal any compelling reason for not doing an EIS. The final decision on whether to do the EIS will rest with Interior Secretary Manuel Lujan, Ridenour said, adding that he anticipates recommending going ahead with the study.

After listening to Simpson, Owens said, "I don't think we're that far apart."

That remains to be seen. Although there appear to be reasonable answers to all of Simpson's questions and objections, there is no assurance that he will not find new grounds for opposition. While the Bush administration seems willing to go ahead with an EIS whether Congress mandates it or not, Simpson has not promised not to try to block the study. Nevertheless, Simpson's willingness to negotiate the issue, and his concession that reintroduction "may be in the cards," are a significant step toward restoring the wolf to Yellowstone.

The new open-mindedness has not rubbed off on their GOP colleagues from the region, who responded to Owens in predictable fashion.

On the day Owens introduced his bill, Marlenee issued a statement describing Owens as an "ill-advised meddler (who) comes calling outside his district encouraged by his environmental friends to devastate game populations by introducing the wolf on public lands."

Noting that Owens supports a federal purchase of the Montana ranch owned



by the Church Universal and Triumphant on Yellowstone's northern border, Marlenee threatened to retaliate against the Mormon Church. Unnamed colleagues support the idea of "addressing legislation aimed at property in Utah," Marlenee claimed.

"To engage in this type of feudal combat is very non-productive but some of his Democratic colleagues should call off the Wolfman," he said.

Marlenee's temper tantrum continued the day of the hearing. At an anti-wolf press conference, he and Craig both said they would condone the actions of any rancher who shot a wolf, even if the killing was illegal. Furthermore, it is acceptable to kill wolves in defense of big game in order to preserve the big game for hunters to kill later, they said.

At the hearing, Marlenee dramatically read a sensational description of a wolf dragging down and killing a foal; later, matching biological wits with David Mech, the foremost expert on

North American wolves, Marlenee said scientists who claim the wolf can be controlled are "taking us for fools." Nobody argued with him.

Rep. Don Young, R-Alaska, also laid on the gore. He described how wolves will disembowel pregnant caribou and devour the fetus. Once the wolves finish off Yellowstone's wildlife, they will move out into surrounding ranching areas and "even downtown into some of the communities," he predicted.

While Marlenee and Young were displaying their ignorance of wolf ecology, Sen. Conrad Burns, R-Mont., brought an odd sense of logic to the discussion. Wolves should not be reintroduced into Yellowstone because "the park provides an ideal environment for wolves," he said.

□

Andrew Melnykovich covers the Washington scene for the *Casper Star-Tribune*.

HOTLINE

Politicking in Colorado

With a decision to build the Two Forks dam in the hands of the Environmental Protection Agency, public relations battles continue. The Denver Water Department recently released a letter critical of a water study that suggests 47,000 acre-feet could be saved by less wasteful lawn watering. But the letter stops short of debunking the study's conclusion that Two Forks may be unnecessary. The study was prepared by John Woodwell, a researcher at the Rocky Mountain Institute in Snowmass, Colo. He found that Denver could save more water through indoor and outdoor conservation than the Two Forks dam could provide — and at one-fifth the cost. The letter to Woodwell came from John Nelson of the North Marin Water District in California. He said that Woodwell's study "significantly overstates what could be accomplished" through outdoor water conservation. But Nelson adds, "I have not reviewed the balance of your paper and make no statement regarding accuracy of same." In a 10-page response, Woodwell says that Nelson's

criticism "does not affect the conclusions of my paper." In fact, Woodwell says he and his colleagues have identified an additional 47,000 acre-feet of potential outdoor savings.

New job for Zab

A former Navajo chairman has been chosen by the Save the Children Foundation to head its Western regional office. Peterson Zah, who was chairman of the Navajo Nation from 1983 to 1986, was selected because of his "broad knowledge of Indian issues," says Lee Mulane, a spokeswoman for the non-profit foundation. Save the Children provides food, clothing and school supplies to poor children, mostly in 39 developing countries, but in the United States most of its assistance goes to poor Indian children in seven Western states. Zah says his first priority will be to move more of the foundation's activities from the East Coast to his Albuquerque office, reports the *Arizona Republic*. "I want to spend my time out in the communities looking for solutions to all the problems we have with poverty," he says.

Glen Canyon Dam takes aim at the Grand Canyon

Rafting the Grand Canyon is exhilarating but it also has its unpleasant surprises. Boaters may fall asleep at night only to wake up to find their rafts stranded 10 feet above the river.

The culprit is the Glen Canyon Dam above, which generates electricity for the entire western grid of the country, except for Texas.

Since hydroelectric power, unlike coal or other sources of electricity, can be almost instantly turned on and off, it is especially valuable in a system forced to adjust to changing demands.

The result is that as the dam provides peaking power, the Colorado River fluctuates in turn, with the highest releases corresponding to peak-demand periods and top revenues.

The Bureau of Reclamation is responsible for the water, and the Western Area Power Administration calls the shots on power. Water is measured in cubic-feet per second flowing past a given point, and releases this summer commonly plunged from 20,000 cubic-feet per second to 3,000 cfs within a 24-hour period.

Before Glen Canyon closed its gates in 1963, the Colorado River moved an average of 500,000 tons of silt and sand each day past the gauging station at Phantom Ranch. In flood stage, when rafters would say the river was really cranking, the river carried as much as 55 million tons of sediment a day.

Although beach erosion occurred before the dam, beaches were constantly forming as well.

Sediment now settles at the upper end of Lake Power. Waters once warm and brown now flow cold and clear through the Grand Canyon. "Hungry water," is what it's called.

Dick McCallum, who owns and operates Expeditions Inc., a commercial river company in Flagstaff, Ariz., first ran the river in 1957.

"Then, there was about three times as much beach sand in the river corridor as we have today, he says. "People used to be really impressed with the quality of it. It was exceptionally fine, not like seashore sand at all. But a good two-thirds of those beaches are gone."

McCallum remembers beaches bigger than football fields and islands of driftwood so huge boatmen would set them on fire just to get rid of them.

Now driftwood is a rare and precious commodity, and beaches aren't far behind.

The dam has had its benefits. With the clear, controlled water came new kinds of fish, notably trout, and a new shoreline environment. Vegetation such as tamarisk and willow, which were routinely scoured by spring floods before the dam, suddenly gained a foothold.

The vegetation helped stabilize many beaches and provided new habitat for a wide variety of animals.

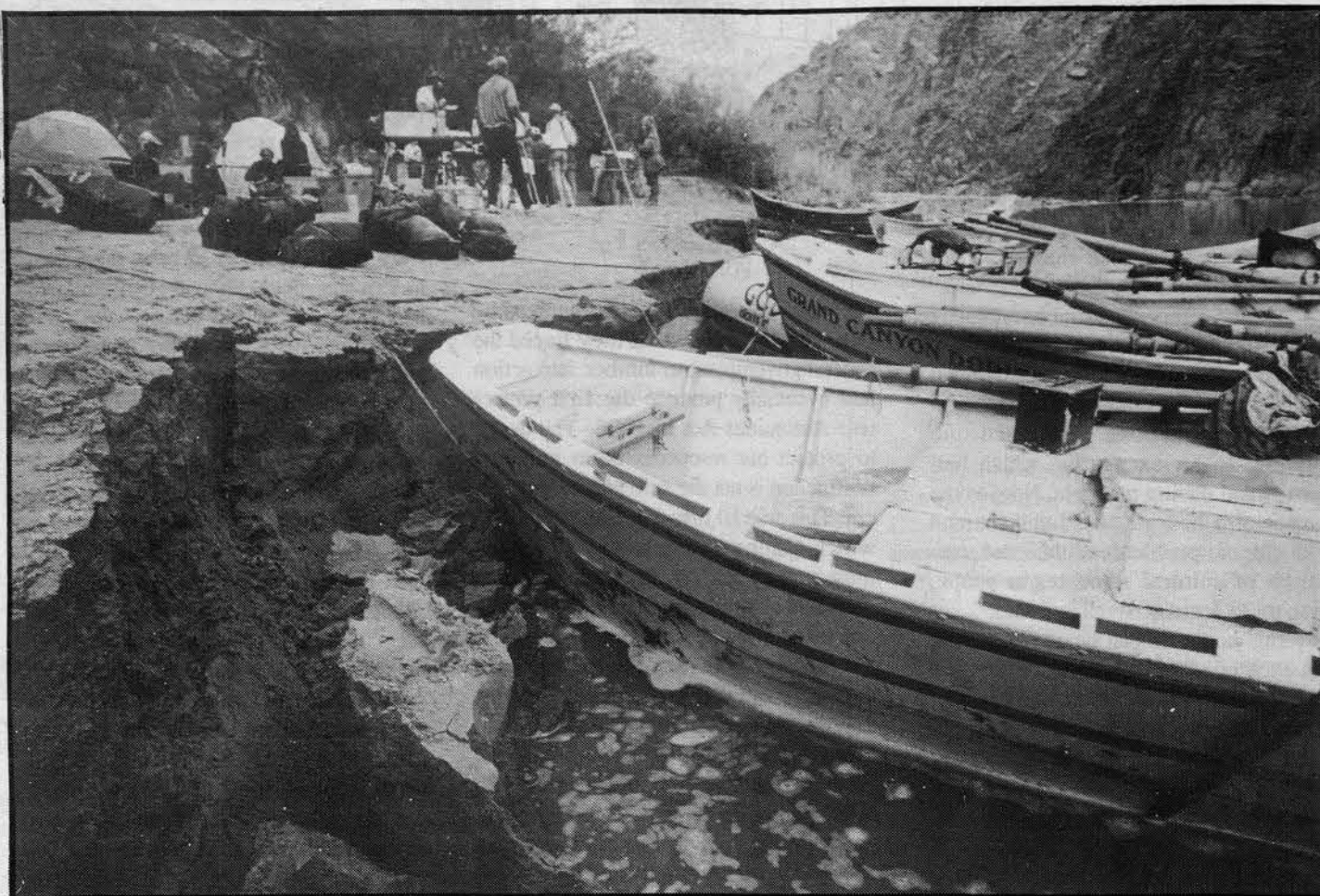
The cold water, drawn from the bottom of the lake, acts as an air conditioner that makes boating more enjoyable.

"Before the dam it was like a blast furnace down there," McCallum says. "I can remember whole trips sitting in the river at night while (clients) ate their dinner."

The beaches are still disappearing, though, and fluctuating flows seem to speed their destruction. Another problem is loss of critical breeding habitat for an endangered species, the hump-backed chub.

To study the problem, the Bureau of Reclamation funded environmental studies. They began in 1983, and six years later Grand Canyon Environmental Stud-

Dugald Bremner



Eroding beaches in the Grand Canyon

ies II began to develop solutions to problems identified by the first study.

But back in 1983, just as Lake Powell was finally filled, a 200 percent snow pack lay on the Colorado Rockies. Then came a cold spring without much runoff followed by a sudden thaw. That summer BuRec was forced to unleash more than 90,000 cfs through Grand Canyon.

That flood drastically changed the balance and structure of sediments along the river, and the subsequent return to strongly fluctuating flows has accelerated the loss of beaches.

The loss isn't the kind of thing that leaps out at someone seeing the river for the first or second time. But those who have known the canyon the longest — guides and outfitters with 15, 20 and even 30 years of experience — are the ones most concerned about the rate of change they see today.

The first series of Grand Canyon Environmental studies suggests that a state of dynamic equilibrium had almost been reached in the bottom of the channel in the early 1980s. That equilibrium was wiped out by the floods of 1983. If the flood hadn't happened, according to this theory, beach erosion would have slowed significantly.

If the dynamic equilibrium observed in the early 1980s is real, how long will it take to reach that state again? Meanwhile, what can be done to slow erosion?

Dave Wegner of the Bureau of Reclamation, who heads the GCES, says the rate of fluctuation seems to be the most critical factor for the beaches. "While the lows are aggravating for boaters," he adds, "it's clear that the highs, particularly, can be detrimental to the beaches."

Although most river guides supported the work of Wegner and his team studying the river, they also grew impatient as years passed and nothing changed.

This spring they began a letter campaign to federal agencies and were joined in the campaign by groups such as the Grand Canyon Trust, Friends of the River and Western River Guides.

"I understand people's concern for the canyon," says Dick White, who manages the dam for the Bureau of Reclamation.

"I go down the river every year

myself, and I love the place, too. People need to realize, though, that anything we talk about which affects Glen Canyon will affect the entire Colorado River Storage Project," which includes all dams on 1,000 miles of the Colorado River.

White adds: "When people turn on the switch, they want the lights."

Kenton Grua, president of the 200-member Grand Canyon River Guides, agrees that running the dam is complex because of different interests. But, he asks, how do you quantify the meaning of a magnificent place like the Grand Canyon?

"People in all those cities need a place like this, too, he says ... and the way we're going, in 20 years or so they're going to really need a place like this."

Dave Marcus, an energy consultant working for the Grand Canyon Trust, says the real issue isn't physical, it's economic. He says turning off Glen Canyon Dam as a peaking power facility would cost power-users more "but not very

much more," according to a cursory WAPA study.

When it comes to the subject of who should pay, Grua is passionate. "The dam owes the canyon," he says. "We gave up Glen Canyon for that dam, and the people using its power have enjoyed rates far below the market place for 25 years already. It won't hurt them now to start paying their share."

In a new development July 27, Interior Secretary Manuel Lujan directed the Bureau of Reclamation to begin an environmental impact statement on the operations of Glen Canyon Dam.

For more information about the EIS process, write Roland Robison, Regional Director, Bureau of Reclamation, Upper Colorado Region, Box 11568, Salt Lake City, UT 84147.

Grand Canyon River Guides can be reached at Box 1934, Flagstaff, AZ 86002 (602/774-1526).

— Lew Steiger

Lew Steiger lives in Prescott, Ariz., and is a river guide with many years of experience on the Colorado River.

HOTLINE

Desert under siege

A recent study concludes that California's desert environment is in peril and that poor management is the cause. But newly appointed Bureau of Land Management chief Cy Jamison says he opposes a bill to protect millions of acres of California desert. The study, by the General Accounting Office, the investigative arm of Congress, charges the BLM is biased against wildlife. "Wildlife objectives ... have been adversely affected by land-use decisions that favor such competing uses as off-highway vehicles, grazing and mining," the GAO says. The study was made at the request of Sen. Alan Cranston, D-Calif., who has introduced a bill to protect millions of acres of desert by creating three national parks. The bill's supporters say the parks are necessary to protect the desert's fragile environment from overuse and poor management. Opponents describe the proposal as "lockout legislation" that would unfairly

close the desert to the military, miners, ranchers, off-road vehicle users, and others, reports the *Los Angeles Times*.

Sheer grit

A 29-year-old man whose legs have been paralyzed since 1982 hauled himself up the sheer granite walls of one of America's toughest climbs. Using only his arms, Mark Wellman, a Yosemite National Park employee, completed the climb up the park's 3,200 foot El Capitan after nine days and some 7,000 pullups. "It's great, it's fantastic," he said after reaching the top. Wellman and friend Mike Corbett, who carried supplies and set the ropes used for the effort, battled 90-degree heat and wind gusts that blew the climbers 10 feet out from the mountain face, reports the *Denver Post*. "No one in my situation has ever done anything like this, and that I'm proud of," he said. "I feel like the whole world was watching." Wellman trained daily for six months for the climb, lifting weights and making 35 practice climbs on sheer rocks.

LETTERS

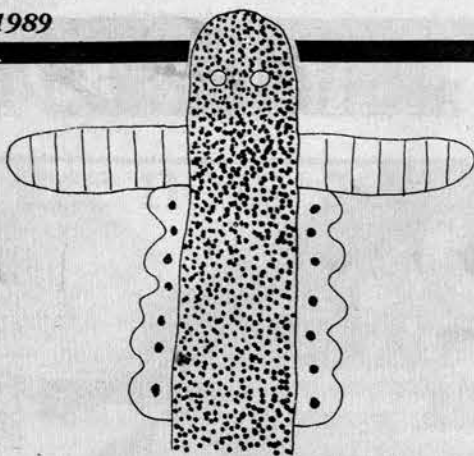
WRITER RESPONDS

Dear HCN,

Please allow me to respond to Evan Cantor's letter (HCN, 7/31/89) criticizing my article about looting archaeological sites. First, let me thank him for describing my indignation as "deserved."

In nine years as an archaeologist I encountered too many destroyed sites, and too many piles of artifacts dumped in alleys after neighbors' weekend pot-hunting expeditions. I returned one morning to an excavation which had been looted during the night. Now, as the curator of a historic site, I still contend with chronic problems of theft and vandalism of cultural resources as people even try to destroy developed sites.

This behavior can be explained, but not excused. McNitt's *Anasazi* does not alter the fact that the Wetherills wreaked havoc on some of our most remarkable cultural treasures when they ignorantly dug and looted places like Mesa Verde, then sold their discoveries for personal profit. Cantor's justifying their actions by saying that any of us would have done the same thing is a pathetically weak excuse that no parent would accept and is, furthermore, inaccurate. Nor is this, as Cantor claims, an unreasonable 20th-century judgment on 19th-century behavior. As the article said, the Wether-



ills' contemporaries were so outraged by that type of behavior that they forced the federal government to lumber into action and eventually produce the first protective Antiquities Act in 1906. The desire to protect our resources from mindless destruction is not the sole property of our era. This was all discussed in the article, which Cantor evidently gave only the most cursory reading. Perhaps he should reread it carefully, and read more than one book on the subject.

The other point at which Cantor took umbrage was quoted incompletely. The *Anasazi* arguably had a denser and more successful population than our modern Southwestern culture. Just to debate the point, the article did not compare *Anasazi* cultural centers to modern cities like Albuquerque or Phoenix. It said the *Anasazi* had a denser population. Evidence for this can be seen in the thousands of ruins spread across now comparatively empty, uninhabited parts of the deserts.

The *Anasazi* were not restricted to

huge, smoggy, trade centers or retirement communities. Rather, they self-sufficiently inhabited the whole region in a way that we are unable to.

Because their culture eventually collapsed, Cantor disagrees that the *Anasazi*, who grew and flourished from basic Archaic Period roots to last hundreds of years, were successful. However, no culture can last forever. If that were the measure of success, then there has never been a successful cultural adaptation.

The only way our predominantly urban Southwestern population survives at all is by importing virtually every necessity and luxury it consumes, while degrading the environment around it. That is an avoidance of adaptation. Conversely, the *Anasazi*, while great traders, produced most of what they used themselves. In other words, they successfully adapted to the environment.

Ultimately, after a long and successful career the *Anasazi* were faced with a deteriorating environment — in part of their own making — could not cope with it and disappeared. The question I asked, which Cantor seems to have missed, is: Are we going to ignore their lesson and repeat their mistakes? If looters continue to destroy our historic and prehistoric heritage we will be unable to study past responses to crises and determine which actions were successful or led to eventual failure.

Todd Guenther
South Pass City, Wyoming

FACE TO FACE

Dear HCN,

I certainly appreciated the editorial on ecotage in the 6/19/89 issue.

It brought to mind the more general theme of how a community of unlike-minded individuals manages to work out its differences of opinion. In the years I've lived in Moab, Utah, I have witnessed illegal road-bulldozing (in a wilderness study area) by our county commissioners and threats of sabotage on anything from the high-level nuclear waste incinerator (we never got) to Glen Canyon Dam.

My town is an exciting place to live in simply because we don't agree on much of anything. One side of the fence (if we must be so simplistic to delineate a fence) feels the way they do for good reasons. They can't figure out why the "environmentalists" make such a big deal about every road, incinerator or whatever face "progress" is taking at the present. They may trust the government and believe it when they're told such projects are for the public good, and often they have some very good arguments to support their reasoning.

Those from the other side want to help our community avoid some of the pitfalls of other places. They want to protect our surroundings from pollution, over-population, over-trampling, etc. They have trouble understanding how the "other side" can be so unconcerned about the environment.

The magic (for me) often occurs whenever these two factions get together, either by design in some local committee or by chance at the post office, and realize like it or not they're stuck with each other so somehow they'd better try to reach a consensus. It doesn't always happen, but when it does ... WOW! That's what makes a community a functioning community.

Ecotage or vandalism of any form occurs when one or more persons decide they know the way, but I can't imagine that a community that is always on the defensive, with one side committing one

destructive act and then the other answering with one, would be a very pleasant place to live.

I'd rather look my neighbors in the eye while I disagree with them and try to work it out, and hopefully, get to understand their position in the process.

Lucy K. Wallingford
Moab, Utah

ON EDWARD ABBEY

Dear HCN,

I enjoyed the Steve Hinchman and Bruce Hamilton articles about Ed Abbey, though I'm sad that they were published as a result of Abbey's death. Abbey has been a positive influence on me and many friends for several years, and I was lucky to hear him speak a few times.

Nevertheless, I didn't care for Abbey's racist views toward the "brown hordes" who reside south of the border. Considering Abbey's intelligence, and his warnings about the military-industrial state running and despoiling the earth, I found it hard to understand how he downplayed U.S. foreign policy in Central and South America. Those refugees aren't fleeing El Salvador, Guatemala or Mexico because they hate their countries. Rather they are fleeing death squads and starvation largely as a result of our foreign policy.

Sure, it might be legitimate to arm these desperate refugees and let them fight their own revolutions as Abbey promoted, but as long as our government finances a corrupt military south of the border, making it miserable for the refugees to stay home, then our borders will continue to be crowded with folks seeking a better life ...

Grant Wiegert
Eugene, Oregon

BITTER FRUSTRATION

Dear HCN,

We Arizonans appreciate reading the Dave Brown articles on the proposed University of Arizona telescope complex on top of Mt. Graham in HCN. Though I have lived in Arizona since 1958, it was not until 1972, just after Congress passed the National Environmental Policy Act, that I read my first environmental impact statement. It was on the Central Arizona Project and Orme Dam.

NEPA allowed the public to give its input on projects, for the agencies to respond to that input, and for legal redress by the public if full disclosure and reasonable alternatives were ignored.

Though there were real tears and emotions on the CAP dams, never in all my years as an environmentalist here have I ever seen such deep-seated rancor and animosity as is now present with Mt. Graham.

We Arizonans may be about to wipe a species of squirrel from the face of the earth. That extinction may be preventable. Perhaps someday hikers, squirrels and telescopes could share that mountain, but studies are needed first.

However, the University of Arizona complained that NEPA and the Endangered Species Act might cause delays to their telescope construction. So Arizona's congressional delegation elected to be heavy-handed rather than abide by our nation's laws.

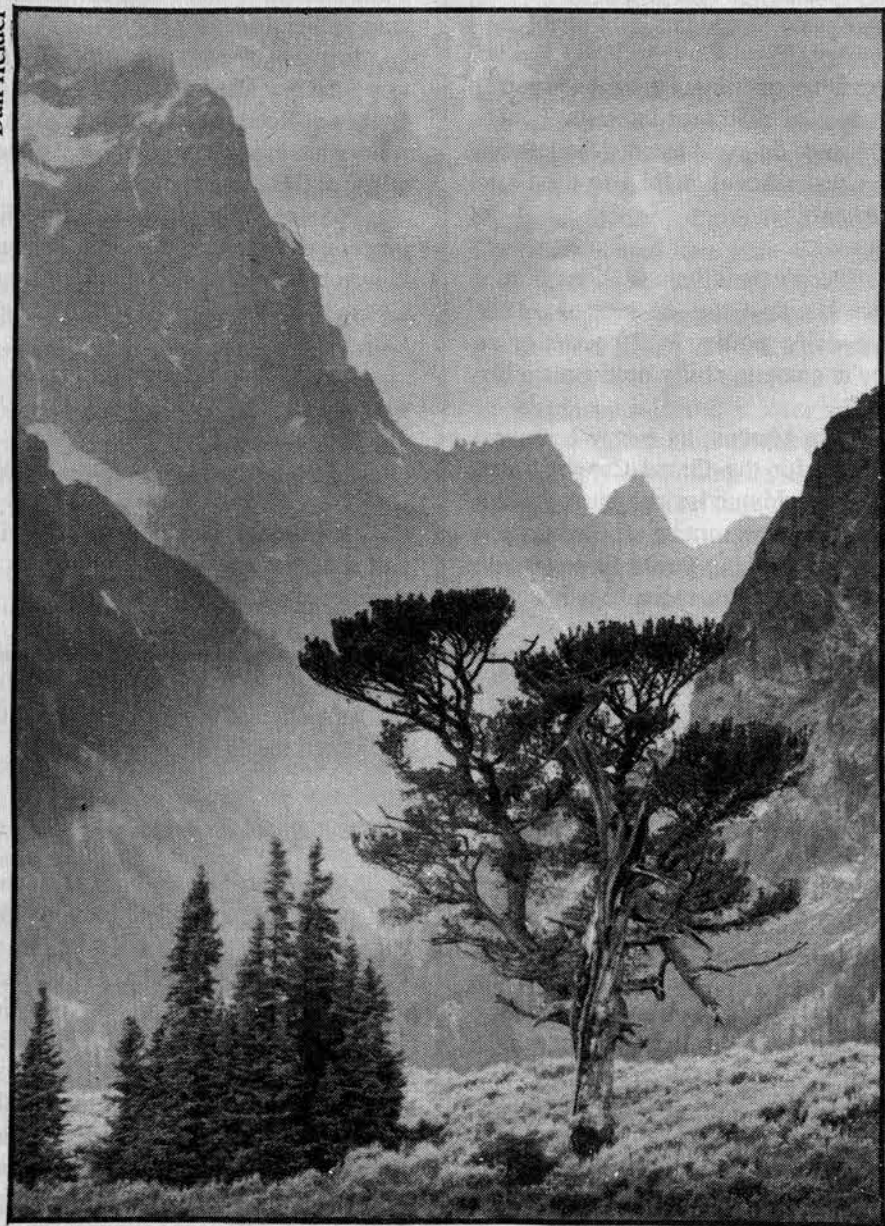
Arizona's delegation has deprived its citizens of our nation's key environmental laws, and in placing the university above the law, they have fueled bitter frustration.

Robert A. Witzeman
Phoenix, Arizona

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DESERTIFICATION IN THE WEST

More than 100 years ago, John Wesley Powell warned that the arid West had natural limitations: It could support only as many people and as much agriculture as scant rainfall would allow. Failure to heed Powell's warnings and stay within the carrying capacity of the land has led to the deterioration of its biological diversity and ability to produce food. This is the subject of the Council on Environmental Quality's 1981 report, *Desertification of the United States*, written by David Sheridan. It documents problems such as soil erosion in the Portales area of eastern New Mexico, salinization of the Colorado River, and loss of native vegetation and wildlife populations in the desert Southwest. But the book does more than just document desertification; it also explains how the federal government, through below-market grazing fees and subsidized water-delivery systems, actually encourages the decline. The eight-year-old report is outdated on a few specific topics such as the mining bust in the Rocky Mountains, but it remains a valuable overview of water and land problems facing the West.

The 142-page report includes photographs, illustrations, references and a bibliography. A limited number are available free from the Council on Environmental Quality, 722 Jackson Pl. N.W., Washington, D.C. 20503 (202/395-5750).

TICKLED GREEN

Generally, environmentalists are a stern lot and with good reason: Global warming, acid rain and rainforest destruction are all serious issues. But even hard-core activists need some levity, and the latest issue of the Canadian journal *Alternatives*, titled "Green Humour," is a reminder to laugh. The June issue parodies scientific studies and pretentious, ecologically correct behavior through humorous essays, fake scientific journal articles and cartoons. A bogus study of children raised by wolves and ape-like babies born with tails, done in a tabloid format, skewers academic sensibilities. Another report finds that cows are major contributors to the greenhouse effect since they belch up to 400 liters of methane a day. An imaginary government memo on how to infiltrate environmental groups is funny and chilling given the recent Earth First! arrests. *Alternatives* deflates some bilious egos with style. Who said environmentalists were humorless? *Alternatives* is \$22.50/year (U.S.) or \$17.50/year (Canada) from the Faculty of Environmental Studies, University of Waterloo, Waterloo, Ontario, Canada N2L 3G1.

THIS INCOMPERABLE LANDE

For both newcomers to nature writing and seasoned veterans of Thoreau, Muir, Audubon, Bartram and Beston, *This Incomperable Land: A Book of American Nature Writing*, is essential reading. Editor Thomas J. Lyon, a professor of English at Utah State University, introduces his anthology with a listing of events in America relating to nature and a chapter on the American setting — the physical and cultural basis for much of nature writing. Lyon says three themes in nature writing recur: experiencing solitude, a feeling of oneness with nature, and understanding ethical implications of the man-land relationship. He also reflects on different styles of writing: observations, rambles, reflections and penetrating insights. The anthology includes essays by 18th-century writers William Bartram and John James Audubon, and 19th-century writers Thoreau, Muir and Burroughs. Essays written by 20th-century writers include Henry Beston, Rachel Carson, Edward Hoagland, Annie Dillard, Edward Abbey, Wendell Berry, Barry Lopez and John Hay. Lyon concludes the book with what he describes as a "far from exhaustive" 75-page annotated bibliography of nature writing.

Houghton Mifflin Co., 2 Park St., Boston, MA 02108. Cloth: \$29.95. 485 pages. Illustrations.

TALONS

Birds of prey, because of their varying plumage and sizes, are difficult for a bird-watcher to identify. A new field guide, *Talons: North American Birds of Prey*, helps make a tricky job easier. Authors Millie Miller and Cyndi Nelson have filled the pages with detailed descriptions, handwritten text and drawings evocative of Edwardian English watercolors. Careful attention is given to the different flight profiles, behavior and diets of hawks, eagles, owls, falcons, kites and other species. While not a definitive guide to all raptors, *Talons* is a basic introduction to these aerial hunters. Some of the book's proceeds will go to the Raptor Education Foundation, a non-profit group in Aurora, Colo., helping to insure that raptors will challenge future amateur naturalists.

Johnson Books, 1880 S. 57th Ct., Boulder, CO 80301. Paper: \$5.95. Illustrated with drawings and maps.

TIMBER SALES ARE A LOSER

A letter from Forest Service Chief Dale Robertson that accompanies the agency's *Timber Sale Program Annual Report* for 1988 proclaims that national forest timber sales produced over \$690 million in net revenues. But the report reveals what that figure obscures. Timber programs on most of the 122 national forests brought in less money last year than was spent on road-building and paperwork to make the cutting possible. In the Rocky Mountain Region, 11 of 12 national forests lost money on timber sales programs. Colorado's White River National Forest, for example, lost over \$1 million by allowing the logging of over 46 million board-feet of timber.

U.S.D.A. Forest Service, Timber Management, P.O. Box 96090, Washington, D.C. 20090-6090 (202/447-6893). Free. 304 pages.

A WILD BASH

This year is the silver anniversary of the Wilderness Act and Uncle Sam is throwing a party. On Sept. 28-29, the Southwestern Region of the U.S. Forest Service and Friends of the Gila Forest are sponsoring a conference to commemorate the 25th anniversary of the National Wilderness Preservation Act at Western New Mexico University in Silver City, N.M. Conference highlights are a eulogy for Edward Abbey and discussions on wilderness management, future wilderness areas, and Aldo Leopold's conservation philosophy. The Gila National Forest is home to the nation's first wilderness area, designated in 1924, the Gila Wilderness, where Aldo Leopold worked as a ranger. A wilderness celebration, featuring a concert by country-western star Michael Martin Murphey, is also planned for Sept. 30. Conference registration is \$5 for students and senior citizens, \$10 general admission. Celebration tickets are \$10 per carload (up to six people), with \$2 for each additional person. Overnight camping is available for \$20. For further information on the conference, contact Dr. Andrew Gulliford, WNMU museum director, Fleming Hall, Silver City, NM 88601 (505/538-6386). For festival information, call the Gila National Forest Celebration Committee, 2610 N. Silver St., Silver City, NM 88601 (505/388-8211, 8212 or 8394).

USE IT AGAIN AND AGAIN AND ...

Recycling, despite its ecological and economic benefits, is still considered by many to be inconvenient and inefficient. *Coming Full Circle: Successful Recycling Today*, a 162-page report by the Environmental Defense Fund, tries to dispel that prejudice. The organization has compiled a variety of case studies from communities around the nation showing how successful recycling programs work. Types of materials — aluminum, plastic, glass, paper, even motor oil and car batteries — and their relative frequency in the waste stream are discussed, along with methods of collection, storage and recycling. Markets are being developed for recycled materials, and the report offers evidence that recycling is both profitable and necessary to solve growing solid-waste disposal problems nationwide. While *Coming Full Circle* focuses primarily on urban areas, its message holds true for any community: if proper incentives are offered, recycling can be convenient and efficient.

Environmental Defense Fund Publications, 257 Park Ave. S., New York, NY 10010. \$20. 162 pages. Graphs, charts, glossary, bibliography.

ACCESS

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MESA VERDE VIEW, 6.3 acres, county road and utilities, Indian ruin, one mile to Dolores and McPhee reservoir. 303/239-6463 eves. (2x15 p)

NEAT STUFF

UNDERSTANDING THE YELLOWSTONE FIRES — a 60-minute cassette covering history of the fires, the burn policy, fire ecology, etc. Done in cooperation with the National Park Service. For audio-tape and fires map, send \$10 to Yellowstone Fires Tape, Box 193-HCN, Deaver, WY 82421. (2x14p)

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WESTERN ENVIRONMENTAL JOB-LETTER lists environmental job vacancies throughout western North America. For free info on how to subscribe, write: WEJ, P.O. Box 800 H, LaPorte, CO 80535. (4x13 p)

SHARON D. CLARK, ATTORNEY AT LAW. ENVIRONMENTAL LAW, LAND USE, and WATER LAW. 20 Boulder Crescent, Colorado Springs, CO 80903. (719/473-9966). (10x14p)

YELLOWSTONE BIRDS

Although Yellowstone National Park is thought of primarily as a place to see large mammals such as bison, elk and moose, the park also supports a myriad of bird life. Terry McEneaney, a wildlife biologist at Yellowstone, has written a guide for those who want to see birds while visiting our first national park. *Birds of Yellowstone*, subtitled *A Practical Habitat Guide*, focuses on the various habitats of Yellowstone — from the sagebrush-grasslands of the foothill zone up through lodgepole pine forests and lakesides to the alpine tundra. The author describes the vegetation and climate of these habitats, and lists the birds that prefer them for food, nesting and cover. General bird-watching tips are included, as well as good birding spots along park roads.

Roberts Rinehart Inc. Publishers, P.O. Box 3161, Boulder, CO 80303. Paper: \$8.95. Illustrated with drawings, maps and color photographs. Includes bird checklist, glossary, bibliography and index.

HIGH COUNTRY HISTORY

Tom Bell, founder of *High Country News* and current board member, is piloting another publication, but it is not an environmental journal. Instead, the *Wind River Mountaineer*, the quarterly history magazine of Fremont County, Wyo., casts a critical eye on issues past. Bell's engaged, energetic touch is evident throughout the profiles of Native Americans, trappers, pioneers and miners who lived in the area. Clips from old newspapers and letters add human texture to the stories. On the back of each issue is a "Wherezit?": an old photo that readers are challenged to identify. While the *Mountaineer* keeps close to its local heritage, it also explores larger questions of Western history; editorials argue that the legacy of conquest has lasting repercussions for Westerners today. *Wind River Mountaineer* is published quarterly for \$10/year by the Pioneer Museum, 630 Lincoln St., Lander, WY 82520.

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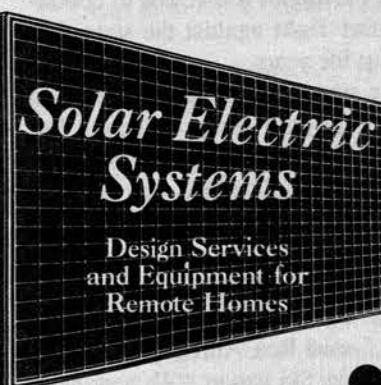
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Telluride, Colorado:

Ski town's legacy includes toxic mining waste

by Jon Kovash

TELLURIDE, Colo. — To a large extent, the history of the Telluride ski resort in southwest Colorado's San Juan Mountains is a history of major lawsuits. For more than two decades lawyers have fought over development, ski area expansion, an airport and environmental damage from mining.

In the biggest lawsuit of all, a federal judge issued orders last February to force the cleanup of 16 square miles of mines and mine workings that straddle the rugged peaks between Telluride and Ouray. The ruling marked the first court conclusion to a federal superfund trial.

Federal Judge James Carrigan's findings were declared a victory by the state, which has spent \$3 million investigating and prosecuting the case.

Telluride town attorney Steve Johnson says the judge "wants to see dirt moving." The moving of dirt, tens of thousands of truckloads, is at the heart of the matter.

Idarado Mining Co. has been ordered to place a cap of topsoil on a string of tailings ponds, plug mine portals, create water diversions, rehabilitate portions of the San Miguel River, build treatment ponds, relocate a major employee housing community and conduct a massive local blood-screening program.

Idarado is a subsidiary of Newmont Mining, the international mining giant that last year moved its headquarters to Denver. Newmont has vowed to continue a court fight against the state that could last for years.

The company's alternative is to work a deal with Judge Carrigan. The ultimate cost of the cleanup is tagged at \$45 million to \$50 million, and the state plans to ask for up to \$200 million more in environmental damages.

The state's victory won a mixed reception from the locals. "We've lost the war," said Ron Allred, president of the Telluride Ski Resort. "We now have a judgment that threatens to destroy one end of our valley, from an environmental standpoint."

Dale Dyer agrees. He was a foreman in the mine for 20 years and owns adjacent land. Dyer doubts there is imminent health danger. "My kids played in the mine wastes while growing up. They don't have high levels of lead in their blood," he says.

Kirk Alexander, who owns property tied up by the court case, also agrees. He claims robust health for his family, which has lived in Telluride since the turn of the century.

Dan Shaw, president of Telluride's chamber of commerce, says he dreads the mess and disruption to the local resort economy. Shaw wants to let the mining company try its own, vastly cheaper remedies. Those interested in the tourist economy are joined by the old-timers, who feel the mine works and even the waste is a "testament" to the good-old-days, when Telluride was a booming mining town.

But Pamela Lifton-Zoline, who heads a local Riverwatch program, is convinced the valley needs a serious environmental cleanup and that the state has presented the town with "a window of opportunity" to get one. Lifton-Zoline speaks for many, including some officials of this town of 2,000, who have come to believe the community must accept a cleanup that no one really likes.

County Commissioner Jim Bedford puts it bluntly: "The state is being as stupid as the mining company. We're caught between a stupid rock and a stupid hard place."

Although many charge that the cleanup plan was hastily drawn, Idarado has done no better at winning the public trust. After recent attempts at negotiation, Bedford called its executives "Exxon corporate apologists." The state, during its prosecution, called Idarado a "recalcitrant defendant." To avoid unacceptable impacts on the Telluride region, Bedford believes the community must forge a new deal.

Set in a box canyon at 8,745 feet, Telluride is a town that prides itself on personality and creativity. It has music festivals, think tanks such as Lifton-

Zoline's Telluride Institute, and a zealous historic commission. "We be Victorian," says Bob Beer, who manages the Elks Club.

Yet only a decade ago, almost 500 hard rock miners lived and worked here. It was after World War II that Idarado resumed mining in a big way at Telluride, in a boom that would last two decades. By 1964, the mine was the largest Colorado producer of copper, lead, silver and gold.

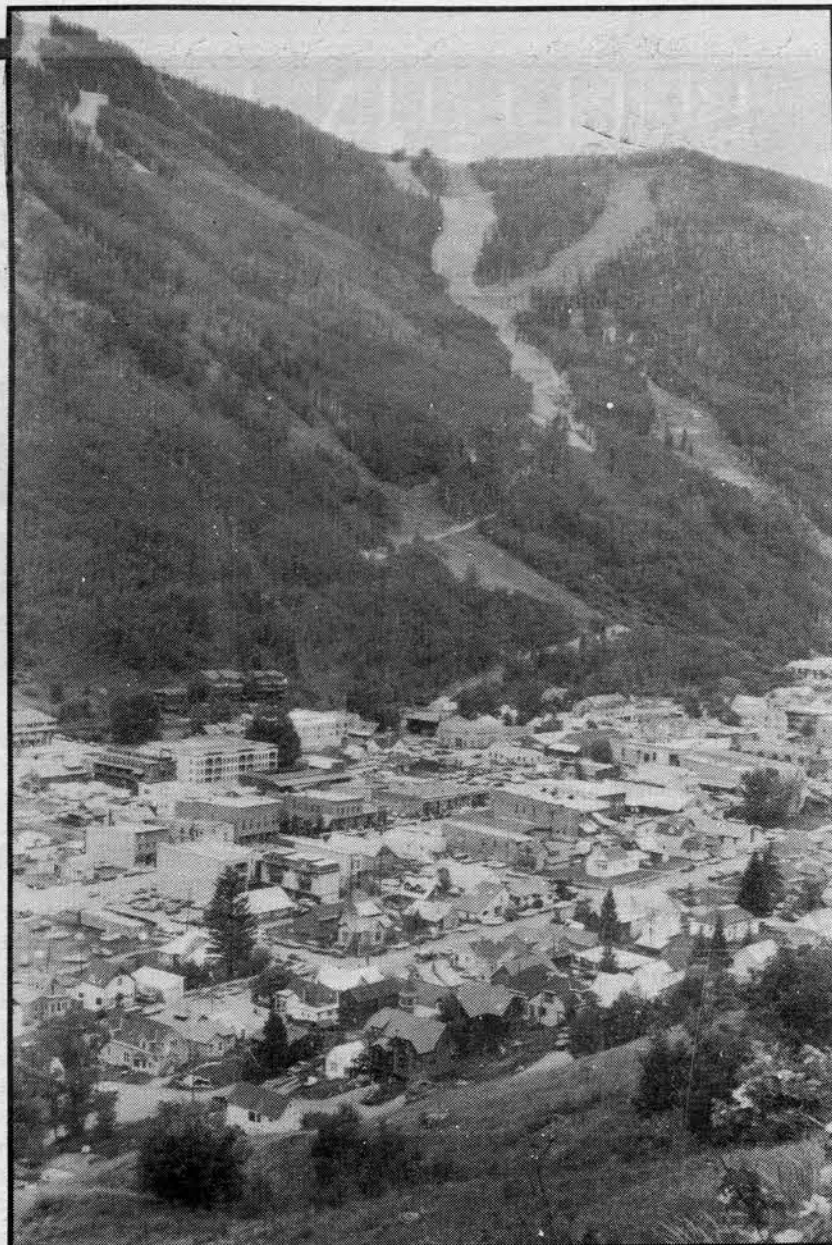
Then, in 1978, the town drilled two municipal wells which the U.S. Geological Survey found were polluted with hexavalent chromium escaping from the huge, Number 6 tailings pond. Chromium was coming from a reagent that had been used in the mill for only three years.

The mine shut down, due to a poor metals market. The resort built a new water system, hoping growth would pay the bills until accounts were squared with Idarado.

Meanwhile, tourists and residents of the new resort were sandblasted during the dry season by 20-foot-tall plumes of toxic dust that winds scoured off the tailings. Since the late 1960s, Idarado had been experimenting with ways to control the dust and the spilling of tailings into waterways. The company greatly reduced the dust by sprinkling a million gallons a day of river water. But that added further jolts of heavy metals to the water table.

Then in 1983, the state sued Idarado under CERCLA, the Comprehensive Environmental Response, Compensation and Liability Act. The law established a "superfund" to pay for cleanup of dangerous wastes, but by 1986, the EPA had completed long-term cleanup of only 17 out of 10,000 potential sites in the United States.

That dismal record led Colorado to become one of the leading states in prosecuting its own CERCLA cases. Out of seven major sites, Colorado settled all but the Telluride cleanup out of court. A state investigation concluded that the Telluride mines have contaminated local waterways, soils and the food chain for fish and wildlife, and that the company



The town of Telluride below, the ski area above



should pay for the cleanup. Judge Carrigan agreed.

That has not stopped the debate on the streets of Telluride and Ouray. But now the questions are being answered in court briefs by consultants and professors on the other side of the Continental Divide. Many residents are vexed by this legion of scientists, who often seem to act like hired guns paid to advocate a predetermined position in court.

"We have to stop listening to the experts," says town council member Steve Kennedy. "I'm tired of the experts."

Even at this late date, when the state has already begun a nuts-and-bolts design of the cleanup, experts can disagree wildly about elemental facts in the case.

• The state health department says the mines have already turned the new Ridgway Reservoir into a publicly funded toxic waste lagoon. Idarado responded that state experts overstated the situation by a factor of 1,000. Confronted with the discrepancy, state CERCLA attorney Mike Hope responded, "We really goofed on that one."

• The state says only 10 percent of the mine's inner workings is accessible for an internal cleanup. Idarado says 90 percent.

Mining has left Telluride with several open sores

During the Colorado gold rush of the late 19th century, mining in Telluride was conducted in a traditional manner: Miners found seams containing gold and silver where they surfaced and followed them underground.

Early mines were relatively shallow and often collapsed where worked too close to the surface. These collapsed areas, or "glory holes," allow runoff water to enter. Inside, the water picks up heavy metals before exiting through the lower tunnel entrances, or portals. Eighty percent of the contamination of the San Miguel River comes from these discharges.

Many of these abandoned original workings are the source of water as acidic as lemon juice. The acid helps promote the leaching of more heavy metals out of the tunnels and waste rock.

Waste rock is what's dragged out as the miners tunnel toward the valuable ore. Usually, the waste rock is merely dumped below the portals, where it contributes to further mineralization of water flowing out of the mine.

Before World War II, the Telluride mine workings were scattered and unconnected, and the ore was refined at several different mill locations. The richest veins of gold and silver were declining when the war brought increased demand for base metals such as zinc, lead and copper.

Idarado greatly expanded the network of tunnels and consolidated the refining of ore at a single mill above Telluride. The tunnel exiting at the mill was the lowest point in the mine, assuring that all ore could be transported downhill. Contaminated water from the mine follows the same course, eventually flowing into the river.

At the mill, ore is ground into a fine sand. Metals are extracted mechanically and with the aid of various chemicals called reagents. Chemicals added in the milling process include cyanide, mercury, potassium dichromate and synthetic organics such as xanthates.

Waste from this process, still containing the reagents and 2-to-3 percent heavy metals, is called tailings. Before 1955, tailings were flushed into the river. Some can be found in pockets for several miles downstream, although most have vanished over the years into the Colorado river system.

Base metal mining produces a much larger volume of waste than gold and silver mining. After the new Pandora Mill was constructed in 1955, tailings were carried with water in a pipe — a "slurry line" — and deposited in large piles between the mine and the town of Telluride.

During the 23-year life of the Pan-

dora Mill, its tailings piles grew to cover more than 80 acres, burying and changing the original course of the San Miguel River.

The state says the largest piles contain over 30 million pounds of zinc, 5 million pounds of arsenic and 2,000 pounds of cyanide. All pollute the river and groundwater, as rain, snow and water from sprinkling for dust control percolate through, leaching out more contaminants. Occasionally, flooding washes raw tailings into the river.

Mining has created even greater destruction on the other side of the mountain, where Red Mountain Creek, declared biologically dead by the state, flows into the Uncompahgre River. On the Red Mountain side, Idarado claims other mining operations and "non-point" sources share the blame for the pollution.

On the Telluride side, Idarado's court arguments dispute the proposed cures, not the causes. After the state filed suit, the mining company argued it could conduct an effective cleanup through diversion of underground mine waters and "direct revegetation" of the tailings piles.

Idarado has begun constructing a system of pipes designed to shorten the path that water must take through the mines. The company claims this plumbing has already reduced the amount of metals picked up by mine waters, but state experts dispute this claim.

Over the last two years, Idarado has

succeeded in encouraging grasses to grow on the upper portion of the tailings piles. This is accomplished by working hay, manure and seed directly into the surface. The state argues that this is not a permanent, maintenance-free solution because it leaves the piles vulnerable to floods that could wash away vegetation and tailings, at a rate of 100,000 pounds per year.

Biologists for the state also point out that the plants take up heavy metals through their root systems, contaminating the food chain. Eventually, as the tailings turn more acidic, state experts maintain they would become toxic enough to kill off the plant cover.

The state's plan would begin by adding nine inches of bentonite — a form of clay — into the tailings to reduce seepage of runoff water. Next, a two-foot layer of cobble — various sizes of rock — would be added to resist erosion. Finally, two feet of topsoil would be added. Architects of this cap say it would support self-sustaining vegetation, small trees and bushes, human traffic and even buildings.

In Texas, it's ten-gallon hats. In Telluride, it's the "four-foot cap" that's been on everyone's mind. "It's a five-dollar cigar," say some of the professors from Colorado mining schools who have been invited to take an independent look at things. They have stated that the state's cap is overkill, an overly expensive design normally reserved for acutely toxic or radioactive tailings.

One approach, they say, is to let the mining company continue its experiments with direct revegetation and try cheaper solutions before resorting to costly ones. They've also endorsed the technical feasibility of the third option: removing the tailings from the riverbed without the use of dump trucks.

Moving tailings through a pipe in a slurry, in which the tailings are suspended and carried by water, is a decades-old technology. That's how the Telluride tailings were carried from the mill and deposited in the first place. Technically, say the university engineers, it would be a cinch to bury a big 16-inch pipe and slurry the tailings to a nearby mesa. They say it could be done in three to five years.

While public reaction has focused on the treatment of the tailings piles, the greater part of the cleanup involves the polluted waters discharging from the mine portals. State experts want to construct passive treatment lagoons, called geochemical absorption fields. These ponds would allow heavy metals to settle out before the water enters the river, and would be constructed at the present site of the Pandora trailers.

Those who want to save Pandora call for Idarado to construct "active" or mechanical treatment systems. Meanwhile, Idarado is contesting state water quality standards in court.

—Jon Kovash

Jon Kovash



Idarado waters one of its massive tailings mounds

• Idarado says metal contamination of the rivers has decreased since it carried out internal water diversions. The state says zinc levels are up to six times higher, due to disturbance of muck in the mine.

• The state wants to "cap" tailings ponds with four feet of clay, cobble, topsoil and vegetation engineered to withstand a 500-year "flood event." The hitch: importing the "cap material" would foul the air and clog streets and highways for the duration of the project. The state replies that it can complete the project in a single construction season.

The only nearby source of capping material lies under Pandora, a trailer village for employees who can't afford rents in Telluride. Pandora and its resi-

dents, says Judge Carrigan, will be packed up and moved to a new site, with the mining company footing the bill.

Pandora residents remain skeptical and have formed the PLO, Pandora Liberation Organization, to fight relocation. It unanimously rejected a plan to move the 33 trailers across the highway and onto steep slopes in a rockfall zone (the state wants to construct barriers).

PLO member Gordon McPhee, a member of the county's planning commission, says the trailers are a "political football." He fears the town is ready to sell out the cleanup to save the trailers. McPhee has placed himself in the center of a debate over the current state of technology in the reclamation and cleanup of hard rock mines.

Early on, the state and the federal court rejected his central thesis: that the tailings must be removed because they lie in the original course of the San Miguel River. Recently, however, town and county officials endorsed his call for a hydrological study to determine if capping the tailings would create a large, unstable "toxic twinkie." McPhee says the cleanup process should slow down until more questions are answered.

During years of debate about a cleanup, a wide range of solutions have been proposed:

• Remove the tailings with a slurry line to a remote location;

- Manufacture building materials out of them;
- Build a golf course on them;
- Turn them into a Christo-like earth sculpture;
- Recover the remaining precious metals to finance a complete removal; and
- Institute an advanced, experimental school of mining technology to study new methods of recovery and reclamation.

Many of these solutions are already within the reach of technology, according to Bob Faddick, a professor at the Colorado School of Mines. In fact, says Faddick, the only real obstacle is the

(Continued on page 12)

Bill Ellzey



Mine tailings blow in the wind

Telluride...

(Continued from page 11)

unwillingness of the mining industry and government regulators.

John Abel, a colleague of Faddick's at the School of Mines, has served on Colorado's Inactive Mine Reclamation Advisory Council and on an EPA technical panel for five superfund sites. Abel agrees with McPhee's characterization of present-day cleanups as "truck drivers' specials." He predicts change will come as technology evolves and metal prices rise.

Meanwhile, Colorado officials are becoming impatient with the resistance from Telluride's residents. Mike Hope, chief of the Colorado attorney general's environmental unit, has a bigger case than Telluride's nowadays. Hope and Judge Carrigan are now involved in litigation over the controversial cleanup at Denver's Rocky Mountain Arsenal. The state health department also has its hands full monitoring the Rocky Flats nuclear weapons plant.

Hope says a solution won't be forced on Telluride, but he warns that a cleanup depends in part on continued financial backing from a conservative state legislature.

In mid-June, Idarado offered a settlement proposal if the requirement for a cap on the tailings were eliminated. The company said the mining company would preserve Pandora as affordable housing. Also promised: the posting of a bond to finance any future cleanup actions needed to meet environmental standards. The town and county appointed a negotiating team, as hopes emerged for an out-of-court settlement. It was another installment in what has become a Western saga of the mining economy and its toxic legacy.

□

Jon Kovash is a freelance reporter in Telluride, Colorado, where he also works at KOTO, the town's public radio station.

One observer characterizes present-day mine cleanups as "truck drivers' specials."

He predicts change will come as technology evolves and metal prices rise.

Questions and answers about the cleanup

Three months ago, Mike Hope, deputy attorney general for the State of Colorado, came to Telluride to begin an attempted negotiation of the Idarado mine cleanup. For three years, Hope has led the state's prosecution of Idarado/Newmont, a company he calls "a very, very tough group." We asked him to tell us more about the state's legal battle:

What has the state learned in its prosecution of Idarado?

Hope: The case has taught us a lot technically about how to remediate mining sites, but I think the main thing I've learned is, we need to involve local groups more at the beginning instead of waiting until we're five years down the road in the process.

Is Colorado on the cutting edge in state prosecution of mine cleanups?

Hope: Colorado has filed seven superfund cases. No other state in the West or the U.S. as a whole has filed and prosecuted seven cases at once. We are certainly a leader. We have done much of what we have accomplished by fooling around in the dark and trying to use our best judgment as to how to proceed. We've had very little help from precedent. We get calls all the time from other state attorneys general seeking advice.

Were Colorado's prosecutions prompted by inactivity from the EPA?

Hope: There's a large problem with mining wastes in the U.S., and EPA has not addressed it. They have been promising to begin regulation of mining wastes since 1977, and they keep postponing it because it is so politically controversial. There are such difficult technical problems to resolve. They have shown a great lack of leadership in this area, and states have been forced to do it on their own without much help from EPA.

Is part of the problem that federal laws have not been accompanied by money for enforcement?

Hope: During the Reagan years, particularly. The EPA has wandered aimlessly for the last eight or nine years and hasn't shown any indications, even with a new administrator, of changing that policy. The superfund program has become so complex, so expensive, and so time-consuming that everyone dreads being involved in it, whether it's the EPA, the defendants or the states. Unfortunately, the program has not been a great success in cleaning up hazardous wastes in the U.S. Idarado is one of the few sites where a remedy decision has actually been issued, and work will hopefully begin shortly.

Did the law get ahead of the technology?

Hope: There's a lot of truth to that, particularly in mining sites. The technical problems are enormous. It is simply impossible to restore the Telluride valley to its condition before the mining occurred. There is too much waste that has been deposited. The mining in the mountains has created so many pathways and tunnels for water to flow into the river with heavy contamination. You just can't stop that from happening.

This river will never be a pristine river. It will never have the water quality of an uncontaminated area. The 1972 Clean Water Act had a stated goal of eliminating pollution in waterways by 1985. Today, there are still hundreds of millions of gallons a year of contaminated water flowing into Colorado rivers, and there are no magic solutions that we will see in the next generation.

Chip Clark is the Denver-based attorney for Idarado/Newmont mining. Clark has steered Idarado away from secret meetings and brought the issues to the public forum. Idarado has also retained

(Continued on page 13)

Questions...

(Continued from page 12)

Denver public relations consultant Mark Gibson, who says, "I am a consensus engineer."

In June, Clark came to Telluride to talk about chances for a settlement.

Is Idarado willing to offer a solution based more on public opinion and less on the experts?

Clark: The experts hired by the county made the point that this is not esoteric. You don't need a doctorate to tell whether our direct revegetation is working or not. We're not dealing with microprocessors here. They said: "Go out to the tailings we've vegetated, and look at them. Look at the grass that's growing. Everybody's familiar with grass, and how things grow. Stand on it. Walk over and look at the sides, and ask if you would be satisfied if the rest of the tailings looked like that."

We want to make it as untheoretical as possible. For two years, we've been irrigating it. Next year, we'll cut it back dramatically. You don't have to trust us. All we're saying is, Let's wait and continue to try it, and in two or three years

see if it looks like it's becoming self-sustaining. We don't see any risk to the town, particularly if there's some kind of financial guarantee to provide money to go further, if something unforeseen happens.

How does Idarado want to proceed with the reclamation work?

Clark: We went ahead on our own with direct revegetation. We also began a program in the high country to route water away from rock piles where it could pick up metals. We are building a case history of factual information to show what kinds of results we think our plan can develop, regardless of the settlement discussions.

Is Idarado trying to use public opinion to its advantage?

Clark: If the people in the community are unhappy with digging Royer Gulch up, that is, in essence, a new factor that was never brought before the judge and a new factor for the health department and the attorney general. They never heard that people don't want the valley disturbed. That's new. Now, the issue of how the residents feel is the primary focus.

—J.K.

125 years of mining in Telluride

1874 — The Utes sign a treaty that launches gold mining in Colorado's San Juan mountains.

1939 — Idarado/Newmont acquires mines in the region.

1949 — Farmers on the Uncompahgre River complain about mine wastes in irrigation water.

1953 — Idarado/Newmont completes a buyout of competitors.

1955 — The new Pandora Mill opens above Telluride.

1966 — Three Telluride citizens complain about blowing tailings and groundwater contamination. Idarado responds with a snow fence and later begins experimenting with sprinklers on the huge tailings mound.

1972 — The Telluride ski area opens.

1977 — The state approves

Idarado's application to reclaim the mines and workings as rangeland.

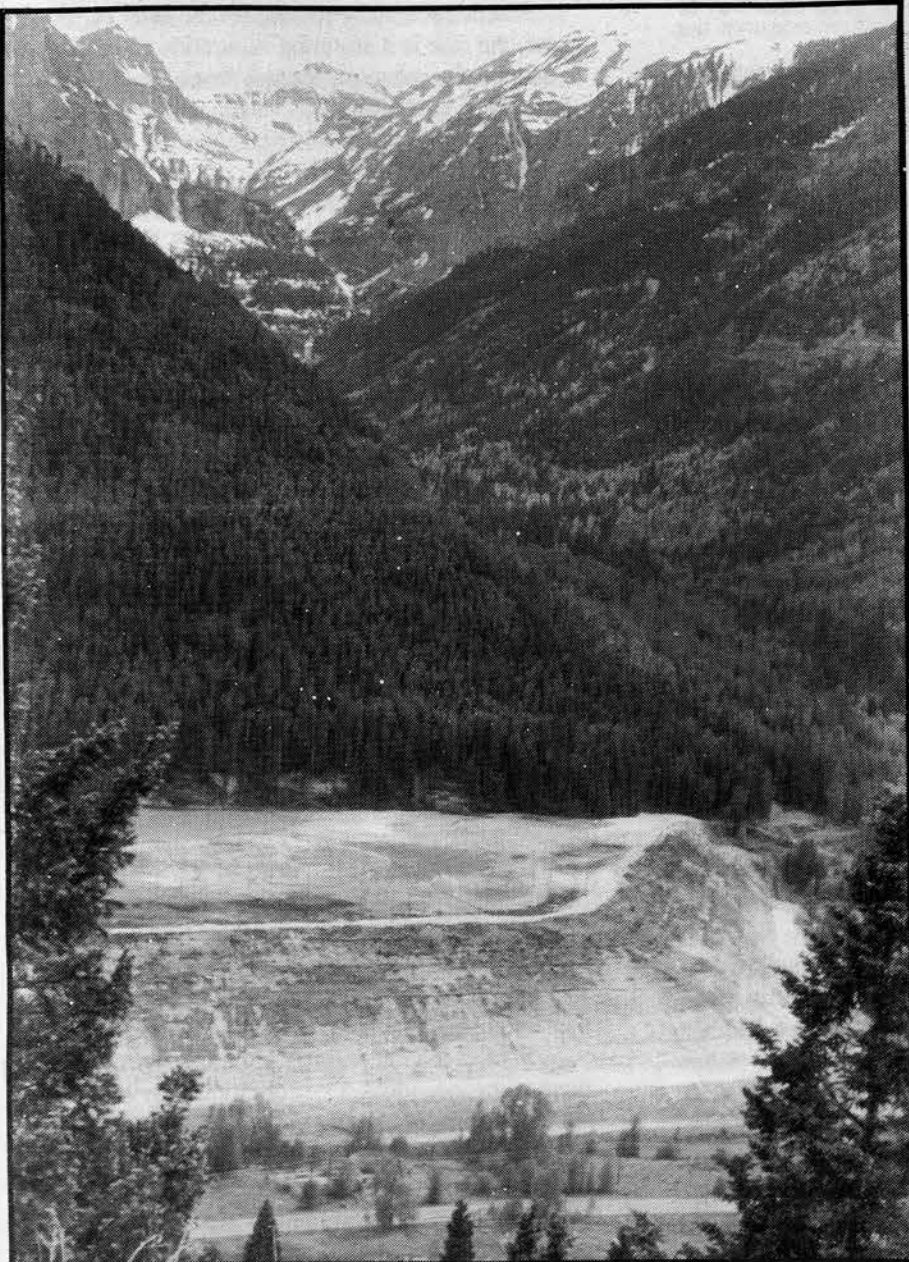
1978 — The mine and mill close and the town discovers a chromium compound in new municipal wells.

1983 — The state files suit against the mining company.

1985 — An abandoned "barrel farm" is discovered near the mill and barrels are found to contain PCBs, acetone and trichloroethane. Continued spills of mine wastes into rivers is reported.

1986 — The state issues findings that hold Idarado/Newmont responsible for documented damage to the environment.

1989 — Federal Judge James Carrigan orders a \$50 million to \$70 million cleanup.



Jon Kovash

One of the tailings piles in Telluride, Colorado

LETTERS

QUESTION OF SCALE

Dear HCN:

In the June 19, 1989 issue of HCN, you mentioned the recent research by Balling and Idso suggesting that the United States may be getting cooler, so that the greenhouse effect may not be as real as many scientists suggest. Balling and Idso's research exhibits one of the critical problems in assessing global warming: scale.

First, the United States occupies very little of the earth; on a global scale, it really doesn't matter whether such a small area is cooling or warming. As Stephen Schneider of the National Center for Atmospheric Research testified to Congress in February, "it is just as foolish to draw global inferences from looking at the small fraction of the earth represented by the United States as it would be to try to predict the outcome of a national election by looking at trends in only one or two states." Second, and perhaps most interesting for readers of HCN, Balling and Idso's data show that, while the East and Midwest cooled overall from 1920 to 1984, the West warmed up. However, when their data are averaged over the whole country, the overall result is a cooling.

There is considerable debate within the scientific community regarding past and probable future rates of global warming/cooling. There is even less consensus as to the likely regional effects on temperatures and, especially, precipitation. Yet this uncertainty suggests the need for us to assess our resource management systems to see just how well they might be able to cope with climatic changes. Recent experience suggests that most are rather inflexible so that, if major changes in climate do occur, we will not adapt easily.

Martin Price
Boulder, Colorado

The writer is with the environmental and societal impacts group at the National Center for Atmospheric Research.

WE MUST WIN

Dear HCN,

I will quote: "The environmental movement must decide whether it is a reform effort working within society to improve society, or an apocalyptic movement not subject to ordinary rules." Turn the page. "Any perspective comes with built-in blindspots and built-in strengths." Same newspaper, same publisher, different topic. The "grown-up" tone used in the opinion article about ecotage made me feel as if he is just worried about reader response to the Earth First! articles. I am wondering whether the article had more to do with future donations and subscribers rather than the real issue at hand.

If, in fact, the publisher believes what he has written, oh, I think he is gravely mistaken. Revolution has always been outside the law. The written word is strong, but you know the old adage: "Actions speak louder than words." We have many good strong laws on the books that should preclude much of the destruction that is occurring. Yet so many of your articles show us how ineffective these laws are. We occasionally need someone to jerk our heads around, to point out some of the flagrant or odious or camouflaged wrongdoings. We need opinions and actions that make those of the Sierra Club look so milk toast that industrialists give in to them.

The earth is worth defending, both in words and actions. Clean air, clean water, healthy critters and beautiful land are our right and certainly our responsibility. They are freedom in the true sense of the word. This is a battle that we have to win. It will take many different kinds of people, many different kinds of ideas and emotions and opinions and methods. We have a lot of ground to cover, and many foes to meet.

Emil Farnsworth
Lander, Wyoming

Vote held on 'toxic twinkie'

On Aug. 8 (after the deadline for this issue of HCN), Telluride voters will decide in a special election whether the tailings should be slurried away.

The election was forced by Avery McCracken, an art gallery manager, who gathered signatures from disaffected locals. McCracken has conducted a door-to-door campaign asking people: "Do we want to rip up Pandora and create a bigger 'toxic twinkie' for future generations, or do we move the tailings out to the airport and create runways. The environmental choice is obvious."

McCracken says his solution was never considered in the superfund trial

and was rejected by local officials due to a "bureaucratic mindset." He asks, "Who's the environmental watchdog here? It's not the state, Idarado or the town council. Only Judge Carrigan is truly concerned about the environment, because the crux of superfund law is what's best for the environment, not backdoor negotiations or community concerns."

Finally, the progression of the cleanup depends on whether Judge Carrigan grants a stay requested by Idarado. A stay would halt court-ordered work, and is not likely to be issued while there are prospects of a settlement.

—J.K.

14-High Country News — August 14, 1989

GUEST ESSAY

What happens when trespassing mink meet retreating geese?

by Joseph L. Sax

While paging through the *Los Angeles Times* recently, my attention was drawn to a story about a landowner named Graham who stirred up a good deal of controversy when he proposed to build houses on his property, cutting down a stand of pine trees where eagles roosted. "I like eagles ... I like pigeons," Mr. Graham was quoted as saying, "but I personally don't think I am responsible for the protection of the eagles." To which his lawyer added, "No one individual should be made to pay for the public benefit."

The Case of Graham's Eagles, as I have come to think of it, is interesting not because it is unusual but precisely because it is commonplace. Property owners are continually being criticized for upsetting some natural system, and they routinely respond that if the public wants a wildlife refuge (or a wilderness, or a park) the public ought to buy it. On the one hand, nobody would deny that the land in question is Graham's, and it seems reasonable enough that he ought somehow to be able to turn his own land to his private benefit. On the other hand, it seems strange that the public should have to pay to keep wildlife populations from being exterminated. Do owners like Graham really have a right to exact a tariff from the rest of us for leaving the eagles alone?

From a purely traditional legal point of view, Graham has a pretty strong case. After all, Mr. Graham only wanted to cut down trees on his own property. As for the presence of the eagles, the fact is that the most basic right of an owner is the right to exclusive possession. Ridiculous as it may sound, strictly speaking the eagles appear as trespassers with no right to free rent on Graham's pine trees. As for the suggestion that if the public wants eagles it should pay for them (by buying the land as a wildlife refuge), the suggestion plainly becomes impractical if carried to extremes. We can hardly ask the government to go around acquiring a landing easement on every twig of every tree where birds alight.

If all this seems a tad ludicrous (and I certainly hope it does), it is because traditional legal conceptions of property are ill-fitted to the workings of natural systems. To put the point succinctly, if a bit too simply, property law conceives of land as a closed system, with each tract separate and separable from all the rest of the world. The image of the castle surrounded by its moat, or the saying, "good fences make good neighbors," quite accurately illustrates the legal system's notion of land. Each owner is to stay within his/her own tract; to intrude onto another's land is a trespass, and to intrude onto another's uses is a nuisance. Exclusivity of possession and exclusion of others are at the very core of the idea of property.

The notion of the physical world as a web of interrelationships, of interpenetration and interdependency, is not at all congenial to the theory of property. That is why, to take but one familiar example, the controls that modern statutes have imposed on the development of coastal wetlands have puzzled and confounded judges in one court case after another.

That property concepts and biological realities are ill-suited to each other does not mean that the legal system simply ignores the reality. How it has struggled with the reality of wildlife is a fascinating and little-known story. I would like to share with you today a few snippets of history drawn from this obscure corner of our legal world. In the first chapter of the story, you will see a court groping to stuff and squeeze an entirely inappropriate factual situation into the traditional forms of legal theory. The gyrations the court undertakes are goofy — providing a rare and delicious moment of judicial nonsense. The rest of the history you should find both instructive and reassuring. But first the farce.

The granddaddy in American wildlife law is the case of *Aldrich v. Wright*, an 1873 decision of the Supreme Court of New Hampshire.

Wright, a farmer, was prosecuted for violating a statute prohibiting the killing of mink. He admitted that he had shot four mink, but his defense was that the animals had come onto his land and were attacking his geese. The charm of the case is the court's deadpan application of the conventional rules of property to this bizarre situation, and the point (for



my little lesson here) is that it knew of no other way to think about the problem before it.

The court began with the assumption that the mink were trespassers; that gave them no difficulty. The problem was that the law does not permit one to go around killing trespassers. An owner must first request that the trespasser leave. However, if there is an imminent danger of harm, one may respond appropriately to the threat, including, if necessary, the use of deadly force. Wright asserted self-defense on behalf of the geese, but was met by the claim that in fact the geese were not in danger. He replied that the question was not whether the geese were actually in dire peril but whether he could reasonably have believed that they were. The task before the New Hampshire court was the application of these well-established rules to minks in the pursuit of geese. Here is what the court said:

"... the question is, not of the real danger merely, but also of the danger, on reasonable grounds, really believed by the defendant (Wright) to exist. He might have entertained, and had good cause to entertain, erroneous ideas of the character of the minks. Their pursuit of the geese, some of whom were young, was a seeming threat, and an overt act calculated to excite a suspicion of hostile designs and ability to execute them. The evidence against (the mink) tended to show what, in a human creature, would be the ordinary symptoms of a felonious spirit ... fatally bent on mischief.

"The reputation of the minks, their pursuit of the geese, and the alarm and retreat of the latter, may have shown apparent danger, when the real character of the pursuers may have created no actual danger ... (T)he defendant did not know whether minks are accustomed to kill geese or not. And it was not his duty to postpone the defense of his property until, neglecting his usual occupations and incurring expense, he could examine zoological authorities (and) consult experts ... on the question whether his ... geese were actually endangered in life or limb ... The claim that the defendant is liable if the geese were not, in actual fact, in imminent danger ... cannot be sustained ... His geese were rightfully there, and the minks were there without right. And there was something to be done; for there was no duty of living with or yielding to intruders who manifested a propensity to eat their co-tenants."

The court next turned to the question whether deadly force (shooting to kill) was justified.

"Violent ejection of a human trespasser from one's premises may be unnecessary, if the trespasser will depart when ordered off. It may be reasonable to notify him to leave before using violence to expel him ... (b)ut this defendant was not bound to give these intruders notice to depart, because it would probably have been worse than useless ... (T)hey might well have taken the notice as a sign of present danger, and a warning to instantly secrete themselves. Their ability to quickly conceal themselves in that vicinity might be materially increased by their amphibious character. And it was not reasonably necessary for him to throw away his only opportunity of a feasible defense, by

causing them to betake themselves to some near hiding-place, where they could safely await his departure.

"(The evidence) does not show that he transcended the right of defense."

Finally the court turned to the rule that one who kills another in self-defense must first have retreated as far as he safely could in order to avoid the necessity for violence.

"The claim that the defendant was liable if the geese could have been protected by driving them away from the minks, cannot be sustained ... A (landowner), permitted to fire blank cartridges only to cover the endless retreat of his poultry before these marauders, and obliged to suffer such an enemy to ravage his lands and waters with boldness generated by impunity, is a result of turning the fact of the reasonable necessity of retreating to the wall before a human assailant into a universal rule of law ... The doctrine of retreat would leave (the geese) a right to nothing but life in some place inaccessible to minks, where life might be unremunerative and burdensome ..."

With this the court set aside the verdict against Wright, sustaining the right of self-defense.

Whether you were rooting for the mink or for the geese, the case is a stunning illustration of incapacity to address a problem on its own terms. Happily, when the problem next arose, this time in upstate New York, it came before a judge who brought some imagination to the task.

In 1900, and in response to the virtual extermination of its beaver populations, the New York Legislature enacted a law prohibiting the hunting, molestation or disturbance of beaver. A few years later it acquired a number of beaver and began restocking certain Adirondack streams with them. One of those streams where the new population flourished happened to abut a tract of land held by a Mr. Barrett. The land was valuable for building sites because it was amply forested. (You can guess what's coming next.) The planted beaver assiduously felled hundreds of Barrett's trees, reducing the value of his land. The Barretts were barred by law from molesting the beavers, which no doubt explains why Barrett didn't follow Mr. Wright's search and destroy strategy, and he may also have worried about his ability to meet the self-defense requirements on behalf of his trees. In any event, and since the state had in effect installed the beavers on his land, Barrett sued the state for the damage the trespassing beaver — effectively as agents of state public policy — had done.

The court rejected the demand for compensation. Surely, the court began, the government has a right to protect wild animals, a right that had been recognized in Colonial laws going back to the early 1700s. So, said the judge, there was no doubt of the validity of the hunting/harming ban.

"Wherever protection is accorded, harm may be done to the individual. Deer or moose may browse on his crops; mink or skunks kill his chickens; robins eat his cherries ... and no one can complain of (these) incidental injuries that may result ... The public authority is not to be limited to guarding merely the physical or material interests of the citizen ... The eagle is preserved not for its use, but for its beauty ... The same thing may be said of the beaver ... The mischief done by them does not unduly oppress individuals ... The prohibition against disturbing (the beaver) is no ... different ... from that assumed by the Legislature when it prohibits the destruction of the nests and eggs of wild birds even when the latter are found upon private property."

Barrett's claim was rejected and the court established a precedent whose implications go far beyond wildlife protection. For it is one of a very small number of decisions where a court has directly confronted the question whether private landowners may have to bear affirmative obligations to contribute to the maintenance of natural systems.

Finally, I turn to a modern case. Now the year is 1968 and the place Montana, where a cattle rancher named Sackman, annoyed that elk were coming on his land and eating his pasture, started shooting them in violation of state law. As he put it, "I killed one and then I called up the Fish and Game and I says, 'If you

(Continued on page 15)

OTHER VOICES

Utah's Bryce Canyon gets a (coal) lease on life

by Patricia R. VanWagoner

This may be a "happily ever after" story, rising from what had all the earmarks of an environmental nightmare.

Ten miles southwest of Utah's Bryce Canyon National Park lies the 28,000-acre Alton coal field. It is a place of solitude and sagebrush, desert air and jackrabbits, with only a few neighbors at nearby ranches and in the little villages of Alton and Glendale.

Yet this area has generated controversy, legal battles and family feuds, for Alton was going to be one of the world's largest strip coal mines.

Now, nearly 30 years after coal leases were acquired, the death knell seems to be sounding for plans to strip mine coal at Alton, practically in the shadow of one of Utah's natural treasures.

The saga begins in 1961, when Utah International Inc. and the Nevada Electric Investment Company, a subsidiary of Nevada Power Company, first began acquiring coal leases at Alton. Between 1961 and 1964, the companies obtained leases that would give access to some 300,000,000 tons of coal. In 1964, the companies submitted seven applications for water rights.

The magic words justifying the Alton coal mine project were energy and economics. Two coal-fired power plants were planned: the 2,000-megawatt Harry Allen power plant to be located near Las Vegas, Nev., and the smaller, 500-megawatt Warner Valley plant to be built near St. George, in southern Utah, where local officials saw the mine as an economic boon.

The heart of the strip mine would be a slurry preparation plant. A constantly moving fleet of 120-ton dump trucks would shuttle back and forth, carrying coal from the open pits to the slurry plant. There the coal would be pulverized and blended with pure well water to form a slush-like mixture. Preliminary plans called for a buried, 183-mile-long, 18-inch diameter pipeline to carry the coal slurry from the mine to the Harry Allen power plant north of Las Vegas. The mine was planned to be a 24-hour operation, producing an estimated 4.5 million to 5 million tons of coal annually.

For over 15 years, the Alton coal field continued to lie dormant, and mining plans remained quietly in the background. Then, in the late 1970s, as the project became more real, an alarm was sounded. The project that had appeared to be destined for ready acceptance and easy approvals became the target of determined opposition.

The immediate concern of environmentalists and national park visitors was the damage a round-the-clock strip coal mine would cause to Bryce Canyon. The area's scenic, tourism and wilderness values would be severely decreased by the blighting of the land and air and by noise pollution. Crystalline air, which often allows visitors to enjoy vistas of up to more than 100 miles, would be clouded with the dust raised by blasting and heavy-truck hauling.

In 1980, the Office of Surface Mining compared Bryce's natural silence to a "high quality sound studio." This would be shattered by dynamite blasts and the metallic grunts and groans of machinery and trucks, audible in the park. Floodlighting during nighttime mine operations would diminish the beauty of the sky and detract from the popular park activities of star-gazing and ranger-led night sky walks.

Because of the area's dry climate and topography, reclamation after mining ceased would be extremely difficult. The quality and quantity of the topsoil in this semi-desert area would make revegetation nearly impossible, and the destruction of the pinyon-juniper forest would significantly reduce wildlife habitats.

Erosion from strip mining on the steep slopes of the Alton Hills would cause more flooding, increase the sediment loads of streams draining from the area and destroy downstream alluvial valley pasture and croplands.

Slurry pipelines require tremendous amounts of water. It was estimated that to transport the coal from the Alton mine to the Harry Allen plant would take some 2,500 gallons of culinary-quality groundwater every minute.

The water would be sucked from deep wells drilled into the Navajo sandstone aquifer. It was feared that such a massive amount of water — 2,500 gallons a minute over the 35-year life span of the mine — would draw down the aquifer, taking water built up in the sandstone over many centuries. Water is precious in this arid territory, and local ranches and agricultural activities would be destroyed if the wells and springs were depleted.

The list of negative impacts goes on and on, ranging from the purely aesthetic to matters of survival. We know that because long, hard looks at the plans for the Alton coal field were taken, beginning with a U.S. Geological Survey's Environmental Impact Statement in May 1979.

A small victory was won in January 1981 when then Secretary of the Interior Cecil Andrus disallowed approximately one-third of the leases. He said 9,000 acres of the Alton coal field were unsuitable for strip mining because of their proximity to Bryce Canyon National Park. Although this affected only about 24 million tons of coal, it did move the approved mining site farther from the park, and required that the National Park Service must be consulted about any plans.

In May 1982, Utah International submitted an updated, but incomplete mine plan to the Utah Division of Oil, Gas and Mining. In 1986, the Bureau of Land Management found Utah International and Nevada Electric Investment Company in noncompliance with a diligence requirement of the Mineral Leasing Act, which meant that neither company could purchase any mineral leases anywhere in the country.

To avoid this penalty, Utah International made an incomplete transfer of its leases to Nevada Electric, retaining royalty rights. When the Bureau of Land Management still refused to remove the two companies from the noncompliance list, Utah International completely transferred its share of coal leases to Nevada Electric, withdrawing from the partnership and leaving Nevada Electric to stand alone.

Power demand and the need for coal to be taken from the Alton coal field are debatable issues. The originally stated reason for the mine was to fuel the Harry Allen power plant, scheduled to be completed in 1987.

But construction of the plant has never started, and it does not appear in Nevada Power's 1988 update of its two-year plan. It is way down the list even in its 20-year plan. At this time, the intermountain states are

awash with power, so it is unlikely that the plant will be built in the foreseeable future. Without the power plant, the primary market for the Alton coal is eliminated.

In December 1988, Nevada Power made a startling announcement that changes the complexion of the entire issue. While on the surface it looks like a victory for environmentalists, a community group called Johnson Canyon Association, and Bryce Canyon visitors, it is perhaps too early to become complacent.

Nevada Power said its subsidiary, Nevada Electric Investment, proposed to trade all the Alton coal leases for federal coal leases surrounding its Genwal Mine in Utah. Opened in the early 1980s, the Genwal mine is nowhere near a national park visited by hundreds of thousands of people each year.

Genwal is an underground mine, not a strip mine, with one existing portal. Nevada Electric emphasized that test drilling will be done by helicopter, so no additional roads are needed.

You might ask why Nevada Electric is willing to trade Alton leases containing about 220,000,000 tons of coal for Genwal leases covering only 60,000,000 to 80,000,000 tons of coal. One answer is that Genwal coal is reportedly of higher quality. Another is that mining Genwal is a sure thing while strip mining at Alton is fraught with difficulties and opposition.

In addition to the existing Genwal mine, Nevada Electric says it needs to buy other coal leases in the area as well as parcels of adjacent land. If the company does expand its mining operations at Genwal, two environmental concerns are for a premier trout stream in the northern portion, and the fact that much of the terrain is roadless and has the potential to be designated a wilderness area.

Much remains uncertain about the lease swap, however. A major consideration is the relative value of the two properties, Alton and Genwal. Federal law requires that when there is an exchange, the value of the properties must be within 25 percent of each other. According to Richard Hinckley, attorney for Nevada Power, both the Utah and Nevada congressional delegations are in favor of the trade.

Utah state officials, however, are concerned about the inequality of the exchange because the state would receive fewer royalties from the Genwal mine than from the Alton mine. They may want money included in the trade to make up the difference.

If Nevada Power Co. and its subsidiary do trade their leases and abandon all plans to strip mine coal at Alton, then the federal government could conceivably offer the leases to someone else. Given the current excess of power in the West, the strong opposition to strip coal mining and the problems of water rights, it is hard to imagine that other companies would have an interest in becoming embroiled in a prolonged battle with environmentalists, ranchers and lovers of Bryce Canyon.

For the time being then, the Alton coal field lies in peace.

□

Pat VanWagoner is a freelance writer and conservationist who lives in Park City, Utah, in the winter.

Trespassing...

(Continued from page 14)

don't want them alive, you can get them dead, because I am going to start killing them before they get all of my pasture out there." In rejecting Sackman's complaint, the Supreme Court of the state said:

"Montana is one of the few areas in the nation where wild game abounds. It is regarded as one of the greatest of the state's natural resources, as well as the chief attraction for visitors. Wild game existed here long before the coming of man. One who acquires property in Montana does so with notice and knowledge of the presence of wild game and presumably is cognizant of its natural habits. Wild

game does not possess the power to distinguish between (natural good and crops), and cannot like domestic animals be controlled through an owner. Accordingly a property owner in this state must recognize the fact that there may be some injury to property or inconvenience from wild game for which there is no recourse."

With this line of development in legal theory, we now have the beginnings of an answer to the landowner whose comment I used to open my remarks. Yes, Mr. Graham, you may have an affirmative responsibility for the protection of the eagles. The evolution of wildlife law reveals that traditional notions of exclusive dominion cannot prevail in a world of interconnections where natural systems are valued. Despite a rocky beginning in New

Hampshire, a foundation has been laid for legal recognition of the proposition that Aldo Leopold so presciently stated nearly half a century ago. "The landowner has an obligation to manage land in the interest of community, as well as his own interest."

□

Joseph Sax teaches environmental law, land use, natural resources and water law at the University of California. This article is reprinted from the Boalt Hall Transcript with permission of the Boalt Hall Alumni Association, volume 22, #1, spring 1989. Copyright 1989 by the Regents of the University of California.

16-High Country News — August 14, 1989

LETTERS

A LETTER FROM JEFF DEBONIS

Editor's Note: The June 5, 1989, issue of High Country News printed a letter from Forest staffer Jeff DeBonis to Forest Service Chief F. Dale Robertson. Reader response was immediate and strong, so HCN recently asked DeBonis to bring readers up to date, which he does below. We also patiently await a response from the agency.

Dear HCN,

I am still with the Forest Service in Oregon and still director of a fledgling organization, The Association of Forest Service Employees for Environmental Ethics. It represents primarily Forest Service employees who feel it is time the agency became more enlightened in terms of resource stewardship.

Our goal is to become an effective "inside" lobbying force to encourage this change, by providing our members an uncensored forum for speaking out through our newsletter, *The Inner Voice*, and becoming a local and national lobbying and education force to influence public opinion.

The association started out with two Forest Service employees: me, a timber planner on the Willamette National Forest, and a wildlife biologist. We are now over 1,000 Forest Service employees and growing daily. We have membership from every region in the country. The mailing list, which includes non-Forest Service subscribers to our quarterly publication, *The Inner Voice*, is over 2,000.

In the eight weeks since we published our first issue of *The Inner Voice*, the initial run of 20,000 copies is nearly gone, and requests keep coming in for additional copies. Comments from individual employees frequently include statements like "this should have happened years ago," or "at last, someone is speaking out, maybe there is hope" and "I was going to quit, but now I'll wait to see if change (within the agency) is possible." I have done numerous interviews and personal presentations at various local and regional public forums.

Reaction from management at the Washington office and the Willamette National Forest has been cautious and restrained. Here on the Willamette, management has been extremely fair and even-handed in dealing with this as a free-speech issue. We are working together now to develop a policy giving employees more concrete guidelines, based on constitutional law and past court rulings, on the issue of First Amendment rights for employees versus agency efficiency. The objective is to foster more open communication from employees.

Although there are some gray areas, the courts have generally decided in favor of free speech for government employees. The important thing is not speaking as an agency official but as a private citizen.

At the present time, I am in no danger of losing my job, and I see no reason for that to change in the future. I am receiving no pressure from my immediate supervisors, or from my co-workers. In fact, nearly all my co-workers on my district fully and openly support my efforts.

The down-side to all this is that there are numerous Forest Service managers out there who don't have a good idea of what constitutes civil rights and freedom of expression. They think they can muzzle employees. This has been the case in other forests in the West.

I have heard numerous stories of

supervisory personnel warning employees not to become involved with or contact our group. This is clearly a violation of employees' civil rights. I am urging employees to contact us if they have knowledge of this happening on their unit. Even if it takes a class-action civil rights lawsuit to do so, we will fight for our right to speak out.

I also urge employees to join and become active in the local unit chapter of the National Federation of Federal Employees. One of its priorities is to protect the civil rights of federal employees.

One consequence of speaking out as an insider critic, of course, is criticism. Some employees — mostly management — within the agency say they felt "slammed" by my remarks on resource ethics, that I have been insensitive and that they love the agency and it should not be maligned.

It's regrettable that people feel hurt. But we all have to make compromises between different levels of personal ethics and organizational ethics, whether we work for the Forest Service, the Pentagon, the Sierra Club or Exxon. The point is that, as an organization, the agency's ethics are not up to the standard it claims they are via our public statements and public face.

I understand also that many employees love the agency, and feel protective toward it. That's fine too, but our job is to protect and manage the resource, not protect and manage the bureaucracy for bureaucracy's sake. Our duty is to the public interest in managing the national forests according to our resource protection laws.

If the public trust is being violated, if the sustainability and ecological future of our national forests are being jeopardized by short-term political and economic vested interests, then the agency doesn't deserve our "loyalty" if loyalty is defined as shutting up and taking orders.

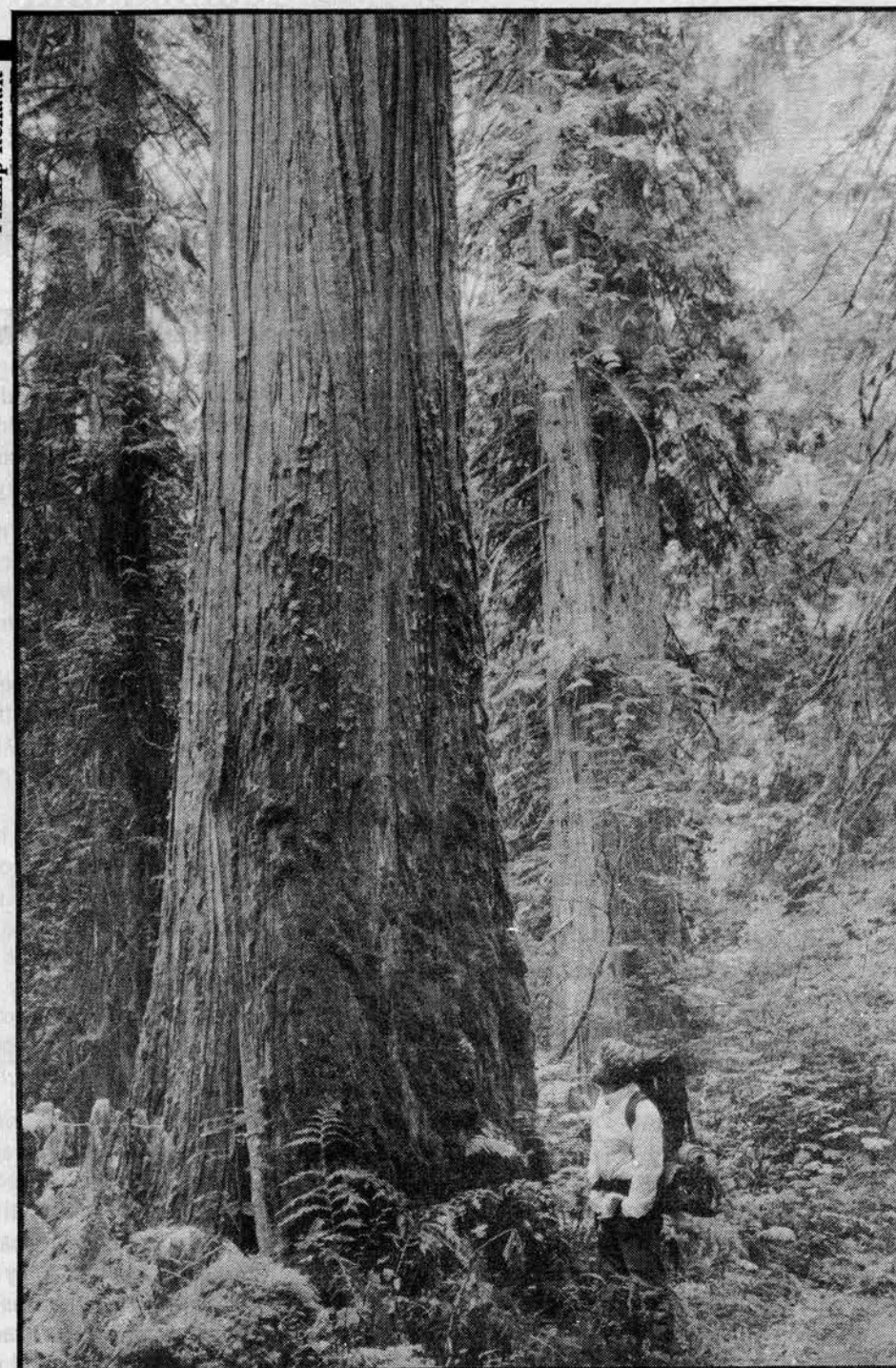
Where are we going from here? We are going to continue publishing *The Inner Voice*. We are in the process of set-

WRITER SAYS THE BLM'S ARIZONA LAND TRADES MADE GOOD SENSE

Dear HCN,

As one who was quoted in *High Country News'* June 19 article on BLM's land exchange program in Arizona, I would like to correct any impression that I am critical of Dean Bibles' land exchange efforts. Quite to the contrary, Mr. Bibles has been a visionary in the land exchange field, and has engineered land trades that I believe will prove to be to the great advantage of the public. It should also be noted that Mr. Bibles did this in the Reagan era, when the signals emanating from the Department of Interior hierarchy in Washington, D.C., were anything but encouraging to those interested in land conservation and wildlife protection. He should be strongly commended for this leadership. It would have been much easier for him to sit back and pursue business as usual.

It is always easy to second guess real estate transactions, and particularly appraised values of land. In Bibles' exchanges, the normal appraisal problems were greatly exacerbated by the fact that he was dealing in very large blocks of land for which little, if any, comparable transaction data existed. In addition, it can be extremely difficult to appraise lands which are valuable for



Old growth Western red cedar in Washington state

ting up a board of directors, committees on various topics of study, and incorporating as a nonprofit organization. We are going to continue to try to provide a vision for the future of the Forest Service, of where we ought to be heading in terms of becoming an international leader in wise, enlightened resource management. We are going to take an active, positive role in acting as change agents within the Forest Service, and we are going to do this with a combined

strategy of speaking internally and externally. We are going to make a difference!

Finally, I would like to thank HCN and writer Jim Stiak for the excellent, balanced and thorough coverage of our fledgling organization. There has been a lot of media coverage, but much of the coverage except HCN's has been superficial.

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"intangible," non-development types of uses such as wildlife conservation, scenery and outdoor recreation. Qualified and reputable appraisers routinely come up with widely ranging values for the same tract of land when confronted with this dilemma.

Some have argued that to avoid the types of appraisal problems mentioned in the HCN article, the federal government should simply put its lands on the auction block and use the proceeds to purchase the lands it would otherwise acquire by land exchange. Such an "auction sale/purchase" approach has several problems, however, the foremost of which is that land sale proceeds generally go into the Land & Water Conservation Fund (LWCF) and remain there unless and until Congress and the President approve of their use through appropriations legislation. Most HCN readers are acutely aware that Congress' efforts to appropriate LWCF moneys for land acquisitions in the Reagan era were severely limited, and that a large acquisition backlog has been created! Indeed, Congressman Morris Udall and others are currently engaged in a struggle of major proportions to merely restore LWCF funding to a satisfactory level. Further, in a land exchange, as opposed

to a sale/purchase transaction, both the Feds and the non-federal party know in advance what they will be getting, and of equal importance, when they will get it. Price and timing would be far less certain under an auction sale/purchase scenario and would act as a major disincentive to land trades. In addition, if the federal lands proposed for exchange brought less than anticipated value at an auction sale, the exchange could well fall through and the potential benefits to the public be lost.

In summary, Dean Bibles has been, and continues to be, a leader within the Bureau of Land Management (the nation's largest land manager) as that agency struggles to shed its image as the "Bureau of Livestock and Mining" and enter the next century with a more balanced approach to land management. That is why, to the best of my recollection, his land exchange program had broad support from the Arizona congressional delegation, state officials and Arizona conservationists before all the second guessing began. I believe that support was well founded.

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