

High Country News

Vol. 22 No. 10

May 21, 1990

A Paper for People who Care about the West

One dollar

Owens Valley Redux



Kit Miller

Swim-up blackjack tables?: the new Mirage hotel-casino in Las Vegas

Will Las Vegas drain rural Nevada?

by Jon Christensen

LAS VEGAS, Nev. — This neon oasis is staking its future on a massive water grab from the rural "cow counties" of central Nevada.

The move has sparked a classic western water war pitting the two Nevadas against each other: the sparsely populated ranching and mining communities of the outback versus the glittering city that never sleeps.

Las Vegas is on a roll of boomtown growth. More than 4,000 newcomers arrive each month to the metropolis of 760,000 in the southern Nevada desert. Many of the city's new residents are part of a "gray wave" of senior citizens moving from southern California.

Huge new casinos are sprouting on "the strip," seemingly overnight. And there is water everywhere, in lakes and fountains, on lawns and sidewalks, even surrounding swim-up blackjack tables.

But not enough water, city officials say. The boom could come to a screaming halt in as little as four years, they warn, unless Las Vegas gets more water.

In an expensive gamble on continuing the city's growth, the Las Vegas Valley Water District has filed claims with the Nevada state engineer for 805,000

acre-feet of "unclaimed" water in underground aquifers. The aquifers are in as many as 26 valleys and as far as 250 miles north of the city. Las Vegas has also filed on 60,000 acre-feet of Virgin River water. If the applications are approved, Las Vegas stands to double its current Colorado River supply.

The city's intentions have drawn heavy fire from the three rural counties north of Las Vegas, where most of the claims lie. Rural officials say the counties will fight the plan with every legal weapon at their disposal. Some residents refer cryptically to vigilante groups that will not hesitate to blow up pipelines if Las Vegas dares to "steal our water."

Their battle cry is "Remember the Owens Valley!" — the West's first and best-known rural water raid by a booming metropolis. Once a fertile home to orchards, farms and ranches just east of the Sierra Nevada, Owens Valley was dried up by Los Angeles in the first half of this century.

The bitter conflict broke out in pipeline bombings in the 1920s and again in the 1970s when groundwater pumping peaked. Owens Valley veterans are advising their rural Nevada neighbors on how not to lose their water to an ever more thirsty city.

Ranchers worry that large-scale groundwater pumping will dry up natu-

ral springs and draw down valley aquifers, making pumping more expensive. Las Vegas will also begin buying existing water rights, they fear, pricing ranchers out of business.

"We're fighting for our future," says Floyd Lamb, a rancher and former state senator from Alamo. Alamo is a small community 100 miles north of Las Vegas, in the scenic Pahrangat Valley.

"Nothing infuriates people like messing with their water," Lamb says. "These ranchers get worked up, they don't even take their hats off. It's going to get bloody," Lamb predicts.

The Las Vegas water claims dot a 20,000-square-mile area, covering nearly one-fifth of Nevada and parts of four counties — Nye, White Pine, Lincoln and Clark County, home of Las Vegas. Although the Las Vegas Valley Water District would like to have new water flowing to the city within a few years, extended political battles and legal skirmishes are likely to delay much of the giant project.

"Everyone recognizes that Clark County is growing by leaps and bounds," says Dan Papez, district attorney in Ely, a mining town of 10,000 residents in central Nevada.

"They're busting out at the seams," Papez says. "They need to plan for the future like everybody else. But we look

at what impact this will have on us, our way of life, our economic growth, our future."

The leaders of the rural resistance vow that they won't stand by while Las Vegas "forecloses" their future. But they are reluctant to talk about specific strategies to fight the water grab.

"We understand we're in a weak position in terms of power," says Steve Bradhurst, the Nye County attorney coordinating the effort. "There's no need to tip our hand at this point."

Nonetheless, activists, lawyers and county officials involved in the rural coalition acknowledge that their options follow regulatory and legal paths well-worn in previous water wars.

Their first step will be to file official protests against the Las Vegas applications with the Nevada state engineer. The rural county governments have already prepared petitions urging the state engineer to reject the filings.

Rural water rights holders are being organized to protest wells that might directly affect their own rights. But so far the Nevada Department of Wildlife has filed the only official protests against the applications. Director Bob McQuiv-ey says the department is concerned about threatened and endangered desert fish species that may be affected by nine

(Continued on page 10)

Dear friends,



HIGH COUNTRY NEWS

(ISSN/0191/5657) is published biweekly, except for one issue during July and one issue during January, by the High Country Foundation, 124 Grand Avenue, Paonia, Colorado 81428. Second-class postage paid at Paonia, Colorado.

POSTMASTER: Send address changes to HIGH COUNTRY NEWS, Box 1090, Paonia, CO 81428.

Subscriptions are \$24 per year for individuals and public libraries, \$34 per year for institutions. Single copies \$1.00 plus postage and handling. Special Issues \$3 each.

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Articles appearing in *High Country News* are indexed in *Environmental Periodicals Bibliography*, Environmental Studies Institute, 800 Garden St., Suite D, Santa Barbara, California 93101.

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A clutch of eggs

The *High Country News* staff is a wan group, tied to word processors, telephones and Federal Express schedules that link us to our freelance network in "the field." But that office-bound existence changed on May 5 and 6, when six HCN staffers spent two days with the Uintah Mountain Club of Vernal, Utah, canoeing down the White River.

Actually, it was part canoeing and part portaging over gravel bars and sand spits. According to trip leader Will Durant, the White River is as low as he has ever seen it. It rises in the Flattops Wilderness near Meeker, Colo., and that area is not producing much runoff.

The river was low, but alive, especially with birds: two pair of peregrine falcons, Canada geese, northern shovelers, red-tail hawks, blue-winged teals, great blue herons, golden eagles, cinnamon teals and mallard ducks. The most thrilling sight was a clutch of eggs, each much larger than a chicken egg, cushioned on a nest of down from Canada geese, lying in a shallow depression dug in a sand spit.

The two days were interesting not just for the river trip, but for the information staff gained about the Uintah basin and its Anglo communities and the Ute reservation.

The Uintah Mountain Club has about 180 members, mostly in Vernal, an oil and gas town that was hit hard by the energy bust, and that is becoming a bit more open thanks to the club to alternative economies. The group was founded by Will Durant about seven years ago, providing the first environmental presence in the area. Its president is now Tom Elder. Those interested in seeing its attractive and informative newsletter or in joining the group should write to: P.O. Box 782, Vernal, Utah 84078.

David, David, David

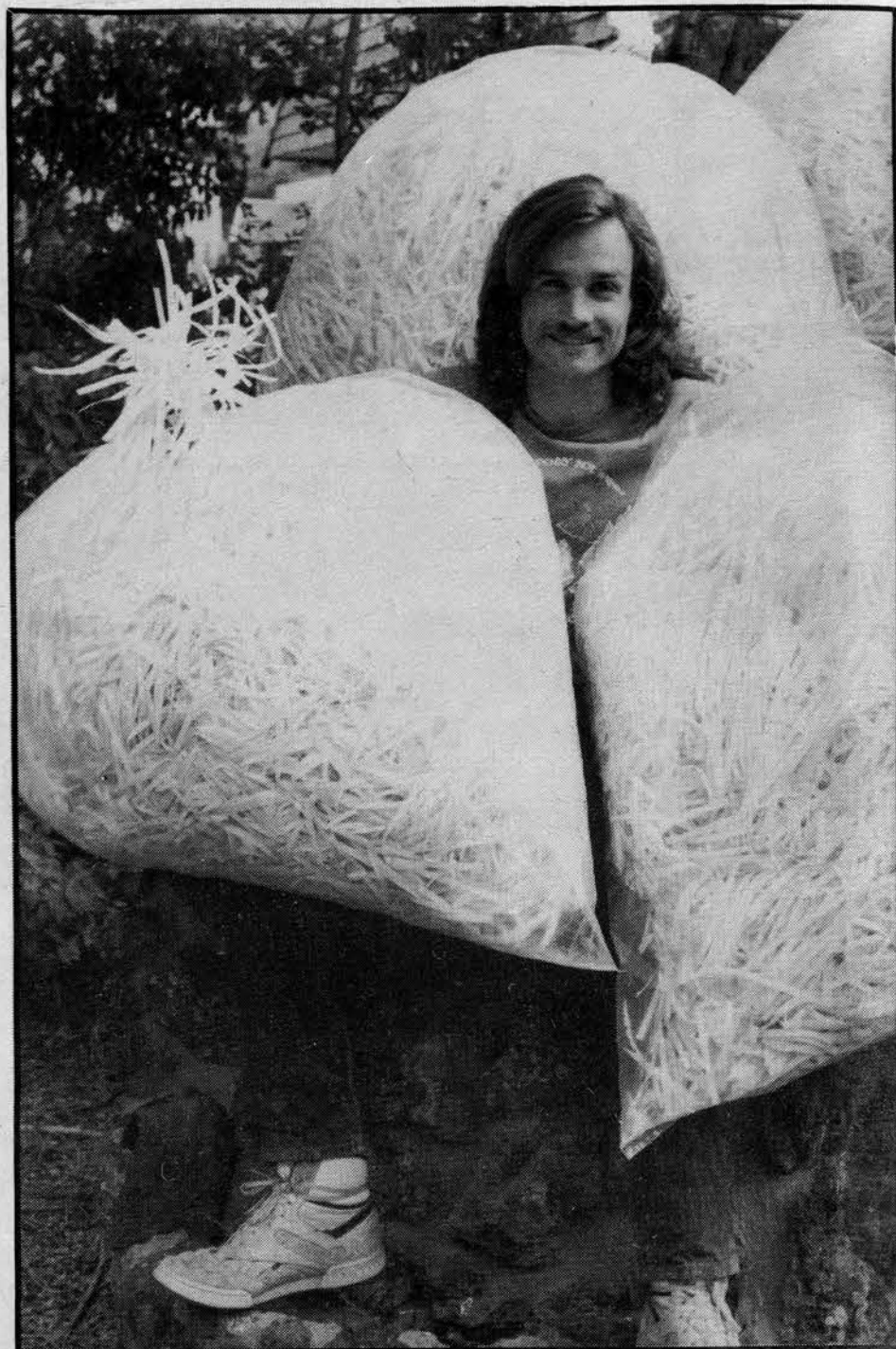
Like father like son extends to a lot of things, but not to a name. In the May 7 issue, in writing about former intern David Havlick's trip along the Continental Divide, we renamed him Spense, which is his father's name. Spense, a professor at the University of Colorado, wrote to tell us of our "tiny typo." Meanwhile, David continues his 2,500-mile trek, despite having been greeted in southern Colorado by snowstorms.

The storms David ran into helped the state's water situation somewhat, but overall snowpacks and rivers remain low. In Paonia, a late April storm was a mixed blessing: it brought much needed moisture but killed much of the valley's stone fruit crop: sweet cherries, apricots, peaches. A hard freeze a week or so later took out some of the apple buds. Which reminds us of an oft-told story in this valley: Growers lose their crops to freeze, hail and drought and then can't find pickers in the fall to harvest the fruit weighing down the trees.

New and visiting

The HCN office received a different kind of visitor this month — subscriber-new residents. Peggy Jay, formerly of Denver, moved to nearby Delta, fulfilling a life-time vow to settle in western Colorado. Peggy is a librarian and journalist and researcher who has also worked in publishing.

Also stopping in was George Murphy, a Chicago banker and subscriber



HCN staffer Steve Hinchman with 50 lbs. of computer paper. When shredded, it takes up four large plastic bags.

who is now a Paonia banker. He has just purchased the Paonia State Bank a few feet to the north of HCN's building on Paonia's main street. He was accompanied by the man who introduced him to HCN — Tom Kerwin, his Denver attorney.

We discovered Richard Nilsen, a former Paonia resident, sitting in his car in front of our office a few days ago, grateful that he had gotten off an Amtrak train in Colorado, well before the car he had been in failed to stay on the tracks in Iowa. Nilsen is with the *Whole Earth Review* in California, and had with him an issue he had just edited on environmental restoration.

Recycling locally

Special issues editor Steve Hinchman spends his spare time running Delta County's recycling effort, and pushing on the HCN staff to do more recycling. One result is that our small office is now smaller, thanks to boxes filled with used white paper, colored paper and cardboard. There is a market for good paper, but the many newspapers we read still get hauled to the dump.

That's what we do with the stuff other folks send us. As for the stuff we send out, we are converting almost all stationary, envelopes, direct mail appeals, et al, to recycled paper. But newsprint is a more difficult problem. Our regular readers probably would not mind if we switched to a low grade of recycled newsprint (we've been unable to locate high-grade recycled newsprint). But to survive, HCN must already replace the 25 percent or so of the subscriber list who fall away each year. And staff's fear is that an HCN with worse

photo reproduction and a grimy look will increase turnover or not attract new readers. We also face the challenge of convincing our printer — which prints a number of newspapers — to stock a recycled stock for our use.

However, it is staff's goal to switch to recycled newsprint as soon as it is possible to do so, and our guess is that the change will occur sooner rather than later.

A test mailing

Speaking of finding new readers, staff has never liked direct mail appeals. Their only advantage is that they work. In an attempt to find a substitute for direct mail letters, we are mailing out 10,000 sample HCNs — an eight-page edition meant to show the range of the paper — to people who don't now subscribe.

The last time we tried this, we got an almost non-existent response. Our suspicion is that most of the papers never arrived. This time, we have arranged with the Post Office to track our sacks of samples as they move through the system. In addition, we did not cull out some names of existing subscribers. If you receive this 3rd class edition, drop a note in the mail or call our circulation department to let us know the post office did its job this time.

The sabbatical plans of the publisher and editor are now firm: Ed and Betsy Marston will spend the 1990-1991 academic year at Stanford University. Ed will be a John S. Knight Journalism Fellow, along with 11 other U.S. journalists and six foreign journalists.

— Ed Marston for the staff

WESTERN ROUNDUP



Garrison Dam and Lake Sakakawea near Riverdale, North Dakota

Is the Garrison project down for the count?

The giant Garrison water project proposed for North Dakota is on the ropes, yet again.

This time, the Bush Administration has described it as "uneconomic and environmentally destructive" and recommended no funding in its 1991 budget.

To date, about \$380 million has been spent on the project, with another \$1.2 billion needed for completion. But a recent Department of Interior report confirms the administration's economic misgivings.

According to Interior's inspector general, Garrison's federal sponsor, the Bureau of Reclamation, overstates federal subsidy costs by \$198 million. The report also says project irrigators will likely fall short of paying their share of project costs by \$1 million annually. "In jeopardy" is how the inspector general describes Garrison's irrigation features.

Opponents charge that there is little interest among farmers in irrigating with Garrison water. And the Bureau of Reclamation has never formally said how much demand there is for irrigation water.

Garrison supporters say the inspector general has done a political hatchet job on their project. According to them, the Interior Department report reflects a bias toward using Missouri River water for navigation instead of irrigation. Inspector General James R. Richards says report detractors are "a little desperate."

Usually the Bureau of Reclamation is aggressive in seeking funds for its projects. But the agency's reaction to Garrison criticism and to the administration's zero-funding recommendation has been tame. The agency did not dispute the inspector general's report and has decided to withdraw its request for 1991 Garrison funds.

That does not mean funding won't be sought. Members of North Dakota's congressional delegation say they will

take the fight to Congress.

Sen. Quentin Burdick, a Democrat and senior member of the North Dakota delegation, told the *Aberdeen American News*: "It's going to go through regardless of what the President says. We've got the muscle and we're going to get it through." Burdick is a 30-year Senate veteran who chairs the Senate Environment and Public Works Committee.

The Bureau of Reclamation says it has no plans to overhaul Garrison and has not suggested a new direction for the project. Inspector General Richards, however, is pushing for definitive action.

"Let's make a final decision on Garrison," says Richards. "Let's produce new cost allocations, let's prepare a secretary (Secretary of Interior) issue document and let the secretary make the call on the project." So far, the Bureau has expressed reservations about a secretary level recommendation. Interior Secretary Manuel Lujan has assembled a task force to investigate the future of the project.

Neil Stessman, former Garrison manager for the Bureau and now a regional assistant director, says his agency is "preparing plans if the project is closed down." Stessman says the administration's recommendation "did not come as a complete surprise to the Bureau."

The project's tumultuous history includes budget threats by Presidents Carter and Reagan as well as challenges from environmental groups concerned about wetlands, national wildlife refuges and prairie rivers in Garrison's path. According to Stessman, Garrison is the only Bureau project currently under construction that has been targeted by the administration to receive no 1991 funds.

Garrison supporters, most notably the state's Gov. George Sinner, D, the state's congressional delegation and the Garrison Conservancy District, say the administration's proposal is a breach of faith. They contend that when the project

was downsized and reauthorized in 1986, the most glaring glitches were removed.

But there are also charges that project supporters are welshing on their end of the Garrison pact. Included in the 1986 reauthorization were requirements that North Dakota initiate steps to protect wetlands in the state. Garrison opponents, the National Audubon Society and the National Wildlife Federation, agreed to support the 1986 plan in exchange for such wetland provisions. Those organizations are now reassessing their support. They say North Dakota has not worked to preserve waterfowl habitat.

Though Garrison has always managed to survive the wrath of environmentalists and presidential and congressional budget cuts, the current threats are unprecedented. Garrison supporters will be hard-pressed to rescue a project that is, in the minds of many in Washington, synonymous with porkbarrel.

— Peter Carrels

BARBS

It worked. We got up from the couch to turn to a different channel.

President George Bush went on television recently to declare "war on couch potatoes" and to exhort people to exercise more.

The poor, innocent things could have been traumatized for life.

An Aspen, Colo., coach who showed her seventh and eighth grade students a track film that contained a scene of two women runners kissing has been fired. The coach said: "I had a hunch I was going to be in trouble when they all started chanting, 'porno lezzie flicks.'"

HOTLINE

A controversial appointment

Rocky Flats has a new supervisor who may be nearly as controversial as the plutonium "trigger" plant itself. Energy Secretary James Watkins picked Victor Stello to manage Rocky Flats as it restarts reactor operations, a post that does not require Senate confirmation. Earlier, Watkins had nominated Stello to become assistant energy secretary for defense programs. But critics charged that Stello ignored health and safety regulations while serving as executive director for operations at the Nuclear Regulatory Commission. When criticism intensified, Stello withdrew his name from consideration. Stello's new appointment outraged Rep. Pat Schroeder, D-Colo. "What did we do to deserve this?" she asked. "Talk will not suffice in soothing Coloradans about safety, so to pick the guy who was turned down in the Senate ... It's really shocking," she told the *Denver Post*. In an interview, Colorado Sen. Tim Wirth, D, said "Stello is unqualified to do the job." Stello will also supervise the resumption of tritium production at the Savannah River plant in Georgia.



Crickets on the march

The sound of crickets chirping at night is a reassuring sound to many people. But not to residents of Winnemucca, Nev. There the town is battling the largest population-explosion of ravenous Mormon Crickets since 1938. Four years of drought and mild springs have made conditions ripe for the dramatic increase of these two and a half-inch-long animals, reports Knight-Ridder Newspapers. When the crickets arrived in the '30s, they ate everything in their path, including paint off of houses and the wooden handles of tools. Even walking or driving was a dangerous prospect because of the slipperiness of the critters as they piled up on roads and sidewalks. Back then, they tried building a metal corral around the town to block the crickets. This time around, to save the \$21 million alfalfa crop, Nevada's agricultural agents are using planes to spray pesticides near hatching areas.

A reprieve in Idaho

At the urging of the Audubon Society, the Forest Service has agreed not to plan any sales of old-growth timber in the Idaho Panhandle national forests for the next year. The decision is a welcome departure from the "gridlock of animosity and litigation" brought on by the old-growth debate in the Northwest's coastal forests, said Suzanne Hempleman, co-president of the society's Spokane, Wash., chapter. Gerry House, planning team leader for the Panhandle forests, said the agency doesn't know what effect the agreement will have on timber harvest goals. House emphasized that there is no moratorium on cutting and scheduled sales involving old growth will be completed. The Forest Service is taking an inventory of old growth in the Panhandle, to be complete by 1992. So far, stands in only one of its seven ranger districts have been examined. The Priest Lake Ranger District inventory was completed last year with the help of Audubon's Hempleman and other volunteers from the environmental community.

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A 2400-mile 137-day trek blazes a Canada-to-Mexico trail

by Philip M. Castle

If Jim Mayberger is pushing hard for the creation of a new national trail through the West, it's because he's already done the footwork — literally.

Mayberger, a 31-year-old graduate student from New York, spent two years mapping out a backcountry route stretching from the northern end of the Idaho panhandle to the Mexican border south of the Chiricahua Mountains in Arizona.

Then, to prove his plan was feasible, Mayberger and an English companion hiked the 2,400-mile-long trail two summers ago in a four and a half-month odyssey that took the pair through some of the most rugged terrain the region has to offer.

The trip since has inspired thousands of volunteers to begin working on the path, and prompted government officials to consider using Mayberger's route for a new national trail, dubbed appropriately the Great Western Trail.

These days, Mayberger devotes his attention to classes at Long Island University, where he is studying to become an elementary schoolteacher. But the Great Western Trail remains his cause. And he can recount the story of the trail as vividly as though his experiences occurred only yesterday.

Mayberger first began planning his trip three years ago, searching for a Canada-to-Mexico route which hadn't yet been hiked.

After poring over thousands of U.S. Geological Survey topographical maps, he finally linked existing trails, access roads and fire roads into a nearly unbroken chain which snaked south from Idaho to Utah, and then to New Mexico and Arizona.

During the process, Mayberger contacted the U.S. Forest Service for help and discovered the agency already had proposed a trail connecting the Yellowstone and Grand Canyon national parks. So Mayberger further proposed additions to the north and south of that trail.

The route fixed, Mayberger then began looking for a companion with which to take his 2,400-mile walk.

He invited Simon Cordial, a 27-year-old Englishman he had met years before. The two had kept in contact and gone on several extended hikes and bicycle tours together.

Mayberger continued preparing for the trip, more carefully mapping the route, setting an itinerary and boxing up food, which he instructed his parents to mail at designated times to post offices

along the trail.

Mayberger and Cordial financed their expedition themselves, each spending about \$5,000 for the maps, food and equipment they used.

Finally, on June 1, 1988, the pair departed from the Canadian border near Priest Lake, Idaho. They didn't reach the Mexican border until Oct. 15, 137 grueling days later.

Mayberger said he had tried to get in shape for the trip during the two-year planning phase by walking eight miles a day. But even that regimen didn't prepare him for what he said ultimately was the hardest part of the trek: the hiking itself, ground out in daily 20- to 25-mile increments.

Mayberger and Cordial coined their condition the "old man syndrome." While carrying 100-pound packs over the rivers and through the woods was hard enough, Mayberger said things became even worse when the packs were put aside and the aches and pains set in.

At first, the two barely could move at the end of the day, Mayberger said.

The elements posed problems as well, Mayberger added, recounting one day which began in a blinding mountain blizzard and ended in sweltering, 100-degree heat in the valley below.

Although most of the Great Western Trail winds through the mountains, the hikers more often were too hot than too cold, Mayberger said. And the heat was worse in Idaho than Arizona. During the 70-mile march across the Craters of the Moon National Monument in southern Idaho, the sun heated the volcanic rock to 200 degrees, Mayberger recalled.

There, the hot surface wore the Vibram off their boots like rubber off a race car's tires.

And then there were the bears...

Mayberger said he and Cordial remained on the lookout for bears throughout their trip, particularly in the grizzly country of Idaho. They purposely made noise so as not to surprise the animals, kept their camps meticulously clean, and hung their food high in trees. But three days before the end of the trek, in Arizona, Mayberger awoke that night to the sound of backpacks being dragged away. The hikers later found their property — one backpack opened, its contents spilled into a creek, the other nearby, torn to shreds.

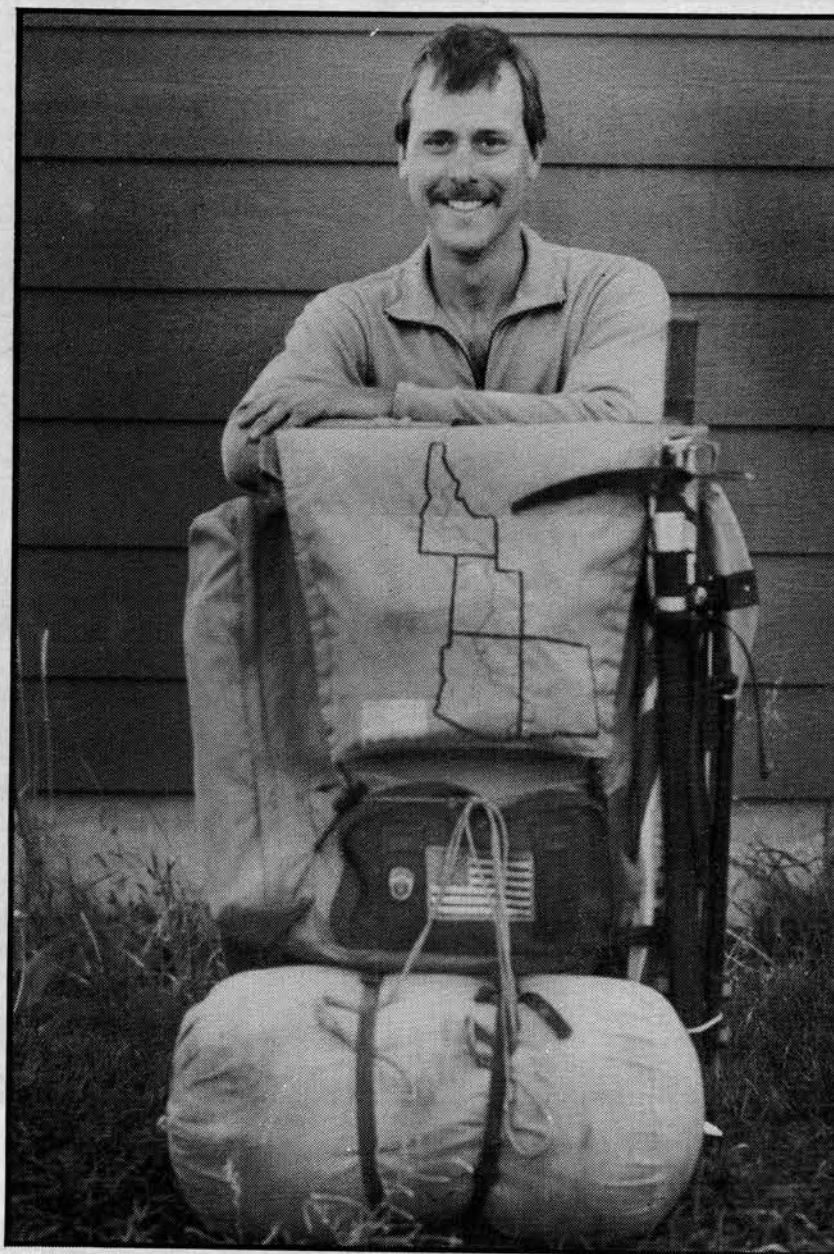
Had the ransacking occurred earlier, it would have spelled a quick end to the trip. As it was, Mayberger and Cordial were able to finish the journey after hiking out of the area and restocking at a convenience store.

Despite the blisters, blizzards and bears, Mayberger said he now has only fond memories of his trek: "I have fantastic memories, no depressing memories whatsoever."

Spurred by the trip, thousands of volunteers in Utah have worked to finish the portion of the trail that runs through the state: filling in the few gaps between existing trails, clearing away brush, and installing small, black and white signs emblazoned with a Conestoga wagon and the words "Great Western Trail."

Bob Easton, a district ranger with the Uintah National Forest in Pleasant Grove, Utah, who's helping to coordinate the creation of the trail, said he's never seen anything like it.

By Easton's estimate, 3,000 volunteers have worked on the Great Western Trail, including a landscape architect, several groups from Brigham Young University in nearby Provo, and no less than 167 Boy Scouts working on Eagle



Jim Roland

John Mayberger: 100-pound packs, blizzards, and bears

Scout projects.

Monroe Callier, a retired school administrator, pitched in to organize the statewide volunteer effort and form a nonprofit group to raise funds to improve and maintain the trail, Easton added.

Easton attributed much of the trail's appeal to its multiple-use status. Certain sections are open not only to hikers and backpackers, but horseback riders and even motorcyclists.

And because the trail is located almost entirely on public lands — it runs through 22 national forests as well as several national parks and monuments — Easton predicted there will be little opposition from politicians or environmentalists to the eventual congressional designation of the route as a national trail. Easton noted that most of the trail

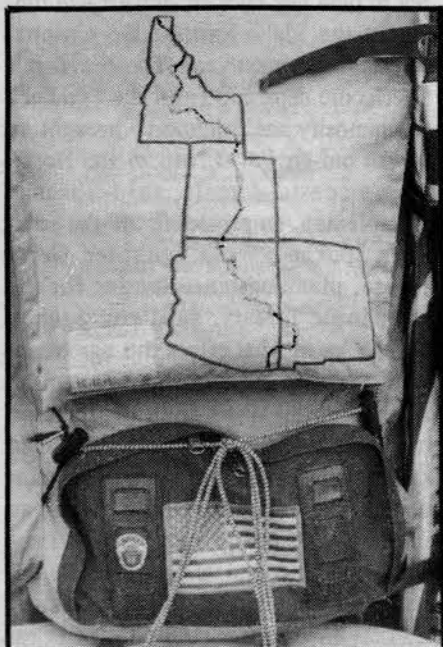
already is in place in Arizona. Only in Idaho have officials yet to select from several alternative routes, one of which is the Mayberger-Cordial route.

But whatever happens, it was Mayberger and Cordial's exhaustive trip which galvanized interest in a new national trail, Easton said.

Mayberger said he was just glad he and Cordial could help: "I'm very proud we took the first step, so to speak."

The nonprofit Great Trail Association can be reached in care of the Uintah National Forest, 88 West 100 North, Provo, UT 84601.

Philip Castle is a freelance writer who lives in Clifton, Colorado.



Jim Roland

The Great Western Trail is stitched on John Mayberger's pack

LETTERS

POWER PLANT THREATENS IDAHO AIR

Dear HCN,

The proposed 2,000-megawatt Thousand Springs power plant lies 45 miles south of Idaho's border. Its greatest potential for environmental impact is air emissions.

The prevailing winds would carry the plant's emissions into south and southeast Idaho. At full capacity, it would consume 20,300 tons (240 rail cars) of coal per day. The major pollutants would be, per day: sulfur dioxide, 38 tons; nitrogen oxides, 94 tons; particulates, 4 tons; carbon monoxide, 24 tons; and carbon dioxide, 46,000 tons.

The plant would be located in almost the exact center of the cleanest

air, as measured by visibility, in the western United States.

I am not a scientist and don't pretend to understand all the technical data regarding emission controls, acid rain, etc. What I do understand are those things that enhance our quality of life in Idaho, the blue skies and water that support the lifestyle we enjoy.

I just can't believe that if a coal train, approximately 2 3/4 miles long, is incinerated on a daily basis it would not impact both our air and water.

Finally, the really sad part of this whole story relates to who really benefits from this project: the consortium of private investors who stand to gain a handsome profit, the electricity users of California and the Southwest, and the state of Nevada through tax revenue.

What do you and I get? Ninety-two million pounds of pollutants on a daily basis.

Richard C. Humphrey
Idaho Falls, Idaho

Eagle numbers crash in a New Mexico canyon

For the past four years, Ron Gardiner, 35, a ski patrolman, has spent his summers in the majestic Rio Grande Gorge between Questa, N.M., and Manassa, Colo.

Crouched in blinds and hanging from ropes down a sheer wall, he studied the canyon's birds of prey. The canyon's depth varies between 300 and 600 feet in that section; its black basalt walls are sheer and forbidding. No paved roads and few roads of any kind approach the gorge's rim.

Gardiner said he discovered a "one-of-a-kind" wildlife paradise along the river, with two dozen resident golden eagles, migratory bald eagles, ospreys, several species of hawk, mountain lions, beaver, elk, deer and many other species, some of them rare and endangered.

An amateur biologist, in 1985 he launched a serious study of the gorge's wildlife. In 1989, he wrote a 150-page report on birds of prey along the 36 miles of riverbank for the Bureau of Land Management.

Gardiner is a former West Point quarterback, factory manager, oil-field technician and artist. He came to Questa after an ill-fated marriage collapsed and took his Albuquerque art gallery with it in 1984. He and a partner, TV meteorologist Dan True, had been studying and photographing eagles on the Manzano Air Base near Albuquerque for a couple of years, with special permission to "carry cameras and recording devices into a nuclear base," he said.

With no job and no money, he settled into Questa, spending his spare time watching the gorge's eagles. Soon, he was fully involved in his research project, taking notes and photographs. Gardiner said his timing was auspicious.

"For the first two years I spent in the gorge, 1985 and '86, the only human footprints I saw were my own," he said. Towering 18-foot eagle nests, piled higher each year, proved that the big birds had been nesting in the gorge continuously for at least a century, "but every indication showed that there was an ongoing decline in the eagle population. I wanted to know why."

Whitewater sports have been growing in popularity for several years. In New Mexico, the premier river for rafters and kayakers is the northern Rio Grande.



Ron Gardiner

In spite of their immense size and fierce appearance, Gardiner said golden eagles are relatively timid for birds of prey, especially when they are nesting. He noted that when a raft or kayak passed, the Rio Grande eagles would leave their nests and stay gone for more than half an hour.

"Golden eagles, if they see three or four float trips in a day, will just leave," he said.

Unfortunately, an eagle's nesting season coincides exactly with the snowmelt season that attracts whitewater enthusiasts to northern New Mexico. Rafters were coming through the gorge frequently enough during the April-through-June nesting season that eggs were not properly incubated and fledglings were not getting proper parental protection from predators.

Then a federal undercover agent moved into nearby Costilla, N.M., pos-

ing as an unethical taxidermist. The agent began buying eagle feathers and eagle claws from locals, along with out-of-season deer, elk and bear, preparing a case that would eventually indict about 50 poachers. In the meantime, Gardiner said he saw the eagle population in the gorge plummet from 25 to two birds.

Northern New Mexico still has one of the world's best remaining habitats for birds of prey, Gardiner said, but dramatic measures must be taken to preserve it. Gardiner has lobbied in Washington to have the northern Rio Grande designated a national conservation area similar to the Snake River Birds of Prey area in Idaho.

In spite of this year's 13 percent increase in BLM spending on wildlife habitat nationwide, Gardiner said not nearly enough money is available to preserve homes for New Mexico's raptors. Because he functions essentially as a federal river ranger, the bureau has paid Gardiner \$18 per day to "monitor" the river corridor.

The dilemma, as Gardiner describes it, is that wildernesses like the upper Rio Grande are in shorter supply each year. Looking for wilderness, visitors are flocking in ever greater numbers to the little that remains. Animals that require relatively pristine wilderness must have their habitat protected now in order to provide a place for their future generations, he said.

"We can't keep people out of the gorge entirely," Gardiner said. "Besides, we wouldn't want to. I want people to see how beautiful it is and to see these magnificent birds. But we have to limit access to that area now to protect something that is literally irreplaceable."

Gardiner just finished a 25-minute documentary film about the gorge, titled *The Original Cliff Dwellers*. For more information about the film, *The Original Cliff Dwellers*, write Ron Gardiner, Project Learn and Live, PO Box 1008, Questa, NM 87556.

—Bryan Welch

The writer is with the *Taos News*.

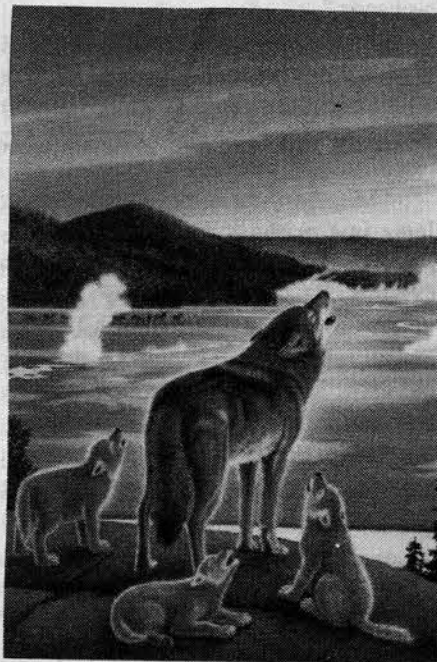
HOTLINE

Going green in Arizona?

Arizonans may be ready to put their money where their values are. Ninety percent of 500 voters polled by the Arizona Tax Research Association said state funds should be maintained or increased for environmental protection. Results of the poll led Jim Bush, lobbyist for the Arizona Mining Association, to conclude that "the environment will take the place of war as the perceived danger to the world. It's kind of like a motherhood issue right now," he told the *Arizona Republic*.

Ranchers want to call the shots

Ranchers in Arizona want state agencies to toe the line. Their wish list begins with a request for a 61 percent reduction of the state's population of 20,000 elk. The Arizona Cattle Growers' Association and Arizona Wool Producers also want to set hunting seasons; they want the state held liable for any negative impacts that wildlife have on private or public land where ranchers hold livestock grazing permits; and they want a portion of state revenues from hunting permits. The Arizona Wildlife Federation, which represents almost 2 million conservationists, was not pleased. In an open letter to the group, the federation said it was time ranchers changed "the radical leadership of the livestock industry."



A bowl over pin-ups

"People have been calling me wanting to buy that banned poster," says Missoula graphic artist Monte Dolack. "And this is a banned poster that you can show your mother." The poster in question shows a pack of wolves howling under the moon in front of Yellowstone's thermal basins. Defenders of Wildlife, an environmental group, is using proceeds from the poster, called "Restoring the Wolf to Yellowstone National Park," to help compensate ranchers for cattle lost to wolf predation. But Yellowstone and Glacier national parks have refused to allow its bookstores to sell the poster. Says park spokesman Bob Moffett: "These bookstores are a voice for the National Park Service," and since studies of wolf reintroduction are under way, "We don't think an advocacy poster should be in the parks." Both the ACLU and Defenders disagree. "This is flat out, unadulterated censorship," the ACLU of Montana says. Defenders of Wildlife has sent out a letter to the Park Service asking for reversal of this policy, or it will consider a suit.

Agency and Gardiner lock horns

Ron Gardiner thinks the BLM is "extinguishing one of those thousand points of light."

President George Bush awarded Gardiner, a biologist, photographer and BLM volunteer, a "Take Pride in America" award last summer. Now Gardiner and BLM area manager Michelle Chavez are locked in a battle over the rights to photographs he took.

She contends the pictures belong in the public domain. Gardiner said the BLM may have "unlimited use" of the photos, but that he holds the copyright.

For the past four years, Gardiner has been studying and photographing the wildlife of the upper Rio Grande George north of Questa. Part of that time, he has been paid a "per diem" reimbursement of \$18 per day for his time, travel and some of his expenses. He now has 2,000 photographs of the gorge's wildlife, especially birds of prey.

BLM director Cy Jamison has referred repeatedly to Gardiner's work

in speeches across the country. Gardiner also was one of *Outside* magazine's "Outsiders of the Year" for 1989.

Gardiner and his attorney, Jill Cooper of Santa Fe, contend that because he was never the government's employee, he owns the copyright to slides he shot on film provided by the Bureau of Land Management.

"I don't mind letting the BLM use them all they want, but I don't want someone else to benefit financially from my work," Gardiner said.

If the photos are in the public domain, anyone could use them for advertising, publication or decoration without paying Gardiner or the government.

Chavez said the government's attorney simply disagrees with Gardiner's legal claims.

"I'm just trying to make sure things are done correctly," Chavez said. "I've tried to remain objective about this."

—B.W.

Olympic peninsula loggers turn up the heat at rally

HOQUIAM, Wash. — At an emotional rally here April 28, the northern spotted owl, politicians and environmentalists were blamed for what is likely to be a bleak future for Olympic Peninsula timber-workers.

Billed as the Olympic Peninsula Family Solidarity Rally and dominated by fiery rhetoric, it drew a crowd of 3,000-4,000 loggers and families wearing yellow ribbons as a sign of unity.

The rally came in the wake of the release of a highly anticipated report on the northern spotted owl prepared by an interagency team of federal scientists. According to the scientists, timber harvests in Washington and Oregon must be reduced dramatically if the owl and the old growth ecosystem it inhabits are to be saved.

That's something loggers won't stand for, mill owner Jim Carlson told the crowd. He said tens of thousands of direct and indirect jobs will be lost if Congress places the well-being of the owls above the survival of families and a proud way of life.

"We're mad as hell and we're not going to take it anymore. We are not going to accept this verdict," Carlson shouted to the angry spectators. "We are the people who believe in God, guns, apple pie and Chevrolets."

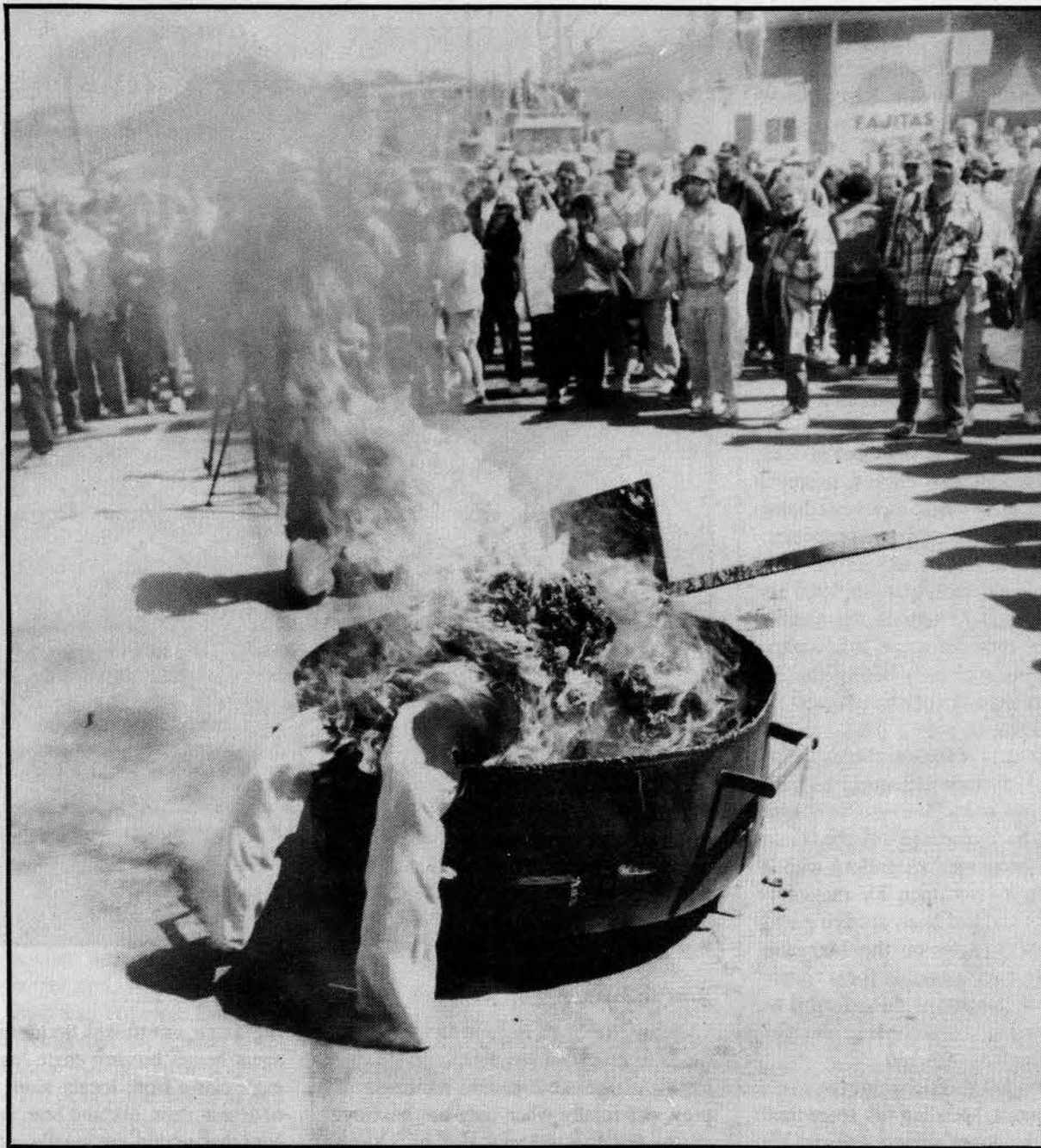
A gospel band kicked off the rally by leading everyone in singing "God Bless America" and "He's Got the Whole World in His Hands," including a verse of "He's got every single logger in his hands."

Later, Jim Pickell, general manager of the Washington Contract Loggers Association, tossed an effigy of Rep. Jim Jontz, D-Ind., onto a cauldron of burning wood.

"May he burn in hell," Pickell said. Jontz is a primary sponsor of the proposed Ancient Forests Protection Act in Congress.

As the effigy went up in flames, Pickell said, "I wish I could say that was old growth we were burning him with but, unfortunately, it's second growth."

Pickell called environmentalists "enviruses." He accused them of pushing timber families toward concentration



"May he burn in hell": Representative Jim Jontz, D-Ind., is burned in effigy

camps and said politicians were "lining up the trains."

Many wore "Dump Jolene" bumper stickers on their backs, in reference to Rep. Jolene Unsoeld, D-Wash., who is pushing hard for relief packages and an export ban on raw logs. Pickell said loggers need jobs, not "shrinks," and that fewer exports would do more harm than good to this port town.

Demonstrators spent part of the day blockading a Hoquiam bridge along Highway 101 to call attention to their plight. Earlier in the week, the U.S. Fish and Wildlife Service had cancelled a Grays Har-

bor shorebird festival for fear of clashes between loggers and bird watchers. Major timber industry groups distanced themselves from the event.

In related news, Washington Gov. Booth Gardner made a plea to President Bush to phase in logging reductions over three years to soften the economic blow to timber communities. Gardner said 20,000 jobs could be lost immediately if the scientists' conservation strategy was implemented with full force, according to a report in the *Seattle Post-Intelligencer*.

— Jeff Marti

Former HCN intern Jeff Marti lives in Olympia, Washington, where he is a freelance writer.

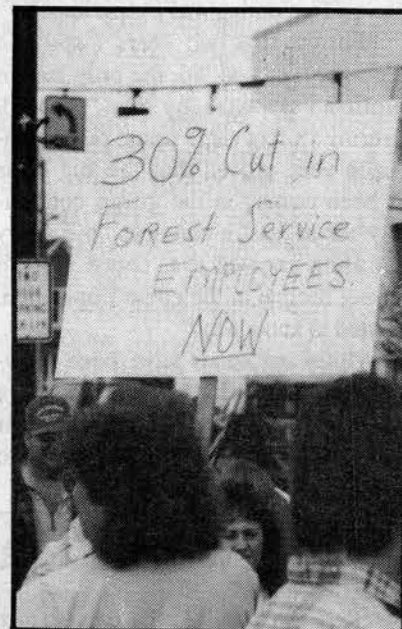


Spotted owl T-shirt: "Anyway you cook it..."

Photos by Jeff Marti



A spiked VW bus on a flatbed truck served as a parade float



Endangered fish halt a Colorado dam

Plans to veto a major Colorado water project to save two endangered fish species have erupted into a bitter confrontation in this water-hungry state.

On May 8, U.S. Fish and Wildlife Service officials released a draft study concluding that the proposed Animas-La Plata water project in southwestern Colorado would severely threaten the continued existence of the federally endangered Colorado squawfish and the rare razorback sucker.

The revised biological opinion came one day before scheduled groundbreaking on the \$582 million project. Under the Endangered Species Act, it stops everything dead in its tracks.

The agency's decision stunned project proponents and has unleashed a firestorm of protest against the Endangered Species Act. But Carse Pustmueller, the National Audubon Society's representative to the Colorado River Endangered Fish Recovery Program, says it should not have come as a surprise. The fish were discovered in 1987, she says, but the Bureau of Reclamation and project backers ignored the problem until Fish and Wildlife forced the issue this spring (HCN, 4/9/90).

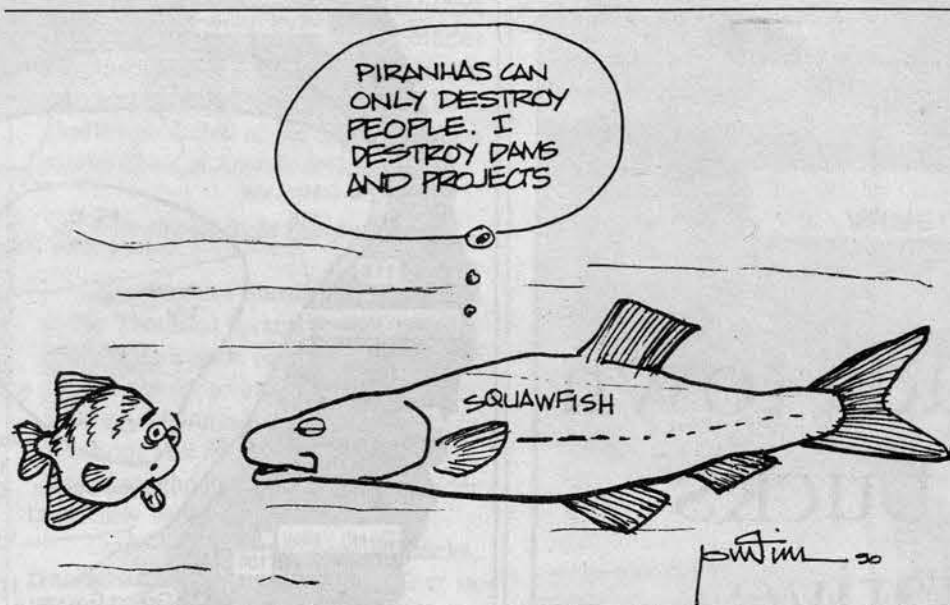
Sen. Bill Armstrong, R-Colo., accused Fish and Wildlife of engaging in fantasy, not policy, telling the Grand Junction *Daily Sentinel* that the agency had "taken leave of their senses."

Sam Maynes, legal counsel for the Southwestern Water Conservation District and the Animas-La Plata Water Conservancy District, said, "The Endangered Species Act is a drastic option... It shuts down the entire San Juan River [basin]."

"I think their biology is a little bit shaky," Maynes continues. "It is very suspect."

Project proponents also say the Fish and Wildlife decision violates water settlements with four Native American tribes. The settlement with the Ute Mountain Utes, the Southern Utes, the Navajo and the Jicarilla Apache took 30 years to negotiate, and has already been approved by Congress.

The agreement to build a dam "is the modern-day equivalent of a treaty," said Colorado Gov. Roy Romer. "At the very least, the interests of the Indians and the trust obligations of the United States must be balanced against the biological opinion of the Fish and Wildlife



Service."

Romer has indicated he may ask a special federal panel, dubbed the "God Committee," to grant an exemption from the Endangered Species Act. Only one such exemption has ever been granted, for the Gray Rocks reservoir in Wyoming.

Sens. Bill Armstrong, Tim Wirth, D-Colo., and Pete Domenici, D-N.M., also intervened with Interior Secretary Manuel Lujan, who oversees both Fish and Wildlife and the Bureau of Indian Affairs.

Wirth says Lujan ordered Fish and Wildlife back to the drawing board to find some "reasonable and prudent alternative" to build the project and still spare the fish.

In a pair of copyrighted interviews with the *Denver Post* and the *Daily Sentinel*, Lujan promised that the dispute would be resolved in a matter of weeks. Otherwise, he said, he may have to go to Congress to override the Endangered Species Act.

Fish and Wildlife biologists say there is no easy solution. Biologists in the field are under a gag order, but regional director Galen Buterbaugh in Denver said, "We already spent two months to work out reasonable and prudent alternatives and we couldn't."

Buterbaugh says the recently discovered 27 rare fish in the San Juan are one of two reproducing populations of squawfish in the world and a new but critical element in the survival of the species in the wild.

Animas-La Plata, he says, would

deplete 154,800 acre feet of water a year from the basin, and, combined with existing projects, take up to 60 percent of spring flows critical to the fish. Buterbaugh has asked to delay construction for five to 10 years to study the needs of the fish and then reconsider alternatives.

Environmental groups, which have fought the project for more than a decade, say the alternative should be to dramatically scale down Animas-La Plata. As proposed, only 15 percent of the project water would go to the tribes while the rest would irrigate surplus crops on 85 square miles of non-Indian land and supply drinking water to several Four Corners towns.

"What they are trying to do is mask an old-fashioned Western irrigation project under the guise of settling Indian water claims," said Jeannie Englert a founding member of the Taxpayers for the Animas-La Plata Referendum.

She says the Indian water needs can be met with a much smaller and less expensive project: "The tragedy is they are pitting one indigenous Native American species against another, and it's all unnecessary."

As proposed, the Animas-La Plata project would draw water from the Animas and La Plata rivers, both tributaries to the San Juan, through an intricate network of two dams, seven pumping stations and 200 miles of canals. It is expected to take 10 years to build and would create 1,150 construction jobs.

— Steve Hinchman

HOTLINE

A real ash hole

It took only an hour for a Deadwood, S.D., jury to convict James Rankin Brown Sr., of perjury. But it has taken South Dakota a lot longer to figure out how to deal with 270,000 tons of sewage ash Brown dumped in the state (HCN, 8/1/88). In 1986, the state of Minnesota paid Brown's firm, Consolidated Management Company, over \$9 million to ship the incinerated sewage from the twin cities of Minneapolis-St. Paul to a site near Edgemont, S.D. There Brown's company was to build a plant to recover precious metals from the ash. But the company went bankrupt and all South Dakota recovered from the deal was a hard lesson. A year and a half and \$1.25 million later, the state finally buried its 270,000-ton mistake in the prairie. As for Brown, the jury found him guilty of lying to the South Dakota Board of Minerals and Environment. He said he had a bachelor's degree in geology from McMaster University in Canada; however, the University says he never graduated.

Observatory construction postponed

A federal judge last month postponed the construction of an observatory complex by the University of Arizona atop Mt. Graham. The mountain near Safford, Ariz., is habitat for the endangered red squirrel. The court decision to delay construction for four months followed years of wrangling between the university, the state congressional delegation and local environmental groups. The Sierra Club Legal Defense Fund filed suit after Congress exempted the university from complying with the Endangered Species Act. The legislation was based on an opinion by the U.S. Fish and Wildlife Service that the three proposed telescopes and related structures would not jeopardize the squirrel. The Legal Defense Fund, however, argued that the agency was coerced into issuing a premature opinion. U.S. District Judge Alfredo C. Marquez said a four-month delay will give the agency more time for a thorough review of the species of red squirrel and its chances for survival. That decision failed to satisfy the university, which plans to appeal the case.

Three droughty states challenge Army Corps of Engineers in court

Now in their third consecutive dry spring, reservoirs along the Missouri river face plummeting water levels. More water has been flowing out than flowing in.

In spite of the drought, the Army Corps of Engineers, the boss agency of the reservoirs, has released precious water from the dams to accommodate downstream barge traffic, a \$12 million a year industry. At the same time, the depletions have hurt the \$63 million boating and recreation industry and threatened fisheries.

A lawsuit brought by South Dakota, North Dakota and Montana against the Army Corps could change that situation. A judge last week ruled that the Corps must do a better job of managing the reservoir levels.

However, on May 11, the Eighth Circuit Court of Appeals issued an emergency stay. That allows the Corps to continue running the reservoirs as it sees fit until a May 16 hearing (after our deadline). The states had asked that the

Corps not let out more than the reservoirs take in, at least until June 1, when some spawning fish and nesting waterfowl would be safe and irrigators could be assured of getting their crops planted.

U.S. District Judge Patrick A. Conmy in Bismarck, N. D. agreed, issuing a preliminary injunction on May 9 against the agency.

The judge's ruling prohibited the Corps of Engineers from discharging a greater volume of water from South Dakota's Oahe reservoir than what flows into it. In addition, the judge asked that existing pool levels be maintained until the first day of June 1990.

South Dakota Gov. George S. Mickelson was elated: "This is the first time the Corps of Engineers has been held accountable for the way they manage the Missouri River system...I'm delighted."

Gov. Mickelson recalled that during the May 8 hearing, the government's lawyer "argued that the court lacked the right to review the decisions of the Corps of Engineers. That's an argument

that ought to raise an awful lot of eyebrows in Congress and certainly the federal judiciary: to think that there's a federal agency that runs reservoir systems and public works systems all over this nation that's not subject to review."

The Corps of Engineers, long perceived by some Plains people as an empire-building bureaucracy controlling their water, was told by Judge Conmy, "I am unwilling to accept the interpretation that would place any governmental agency beyond the scope of judicial review of actions having a direct economic effect upon thousands of citizens."

Dr. G. Edward Dickey, acting principal deputy assistant secretary of the Army for civil works defended the agency. "The only thing that's clear here is that there has been a balancing of the uses and everyone is sharing in the shortage. No one is pleased with the level of service they're receiving whether it be the recreationists, the proponents of the fisheries, the navigation

interests or the hydropower folks," he said. "The system is dictated by the weather, and not by us. We can only manage what is put into the system."

But Gov. Mickelson said the Missouri system is "the second most expensive watercourse that the taxpayers maintain in the nation. And we're balancing a very small barge industry against a huge recreation industry in some of the poorest states in the nation... We're just asking that those equities be balanced."

From the time it was first used as a highway through the continent by explorers Lewis and Clark, the fabled Missouri River was a wild, unpredictable stream slicing through the arid Northern Great Plains.

Today, the once-wild Missouri is a ribbon of massive reservoirs hopscotching from Montana through North and South Dakota.

— Patrick Dawson

Dying Nevada town bets its last bucks on a speculative power plant

WELLS, Nev. — Few people enjoy the typical 90-mile visibility in this remote corner of northeastern Nevada, although some call it the cleanest air in the country. Local residents would gladly trade the fresh air for jobs.

Interstate 80, from New York to San Francisco, passes through this dry stretch of sagebrush, cattle ranches, ghost towns and truck-stop casinos just across the border from Utah. Most people catch the pristine view at close to 80 miles per hour on their way to somewhere else.

But if a high-powered private energy consortium has its way, one of Nevada's oldest ranches soon will give up its cattle and begin producing 2,000-megawatts of electricity for export to growing cities throughout the West. The Winecup Ranch's new owners, a partnership of private utilities, builders, coal mining companies and investment firms, plan to put eight 250-megawatt coal-fired generators just over a dusty hill from the historic ranch house once occupied by movie star Jimmy Stewart.

At peak capacity the \$4 billion plant will burn 2,400 tons of low-sulfur coal. That requires four to five 55-car train loads every day for the 35-year life of the plant. Even using the best available pollution control technology, including expensive scrubbers on smokestacks, the Thousand Springs project will use up virtually all of the "increments" of sulfur dioxide (SO₂) and nitrogen dioxide (NO₂) allowed in this area under Nation-

al Ambient Air Quality Standards. And, environmentalists warn, we might as well bid goodbye to the last clean air in the West.

The trade-off is jobs — 800 during peak construction and 564 permanent positions — and taxes for Elko County and the state of Nevada, around \$46 million in sales and use taxes associated with construction and \$23 million a year in property taxes if all eight units are built. Boosters say the power plant is the biggest construction project to hit Nevada since Hoover Dam.

Dwarfed by snow-capped mountain ranges, the small town of Wells, 29 miles from the project site, is home to a population of 1,400. Never much more than a pit stop for long-distance travelers, Wells has been dying a slow death ever since the Central Pacific Railroad converted from steam to diesel decades ago.

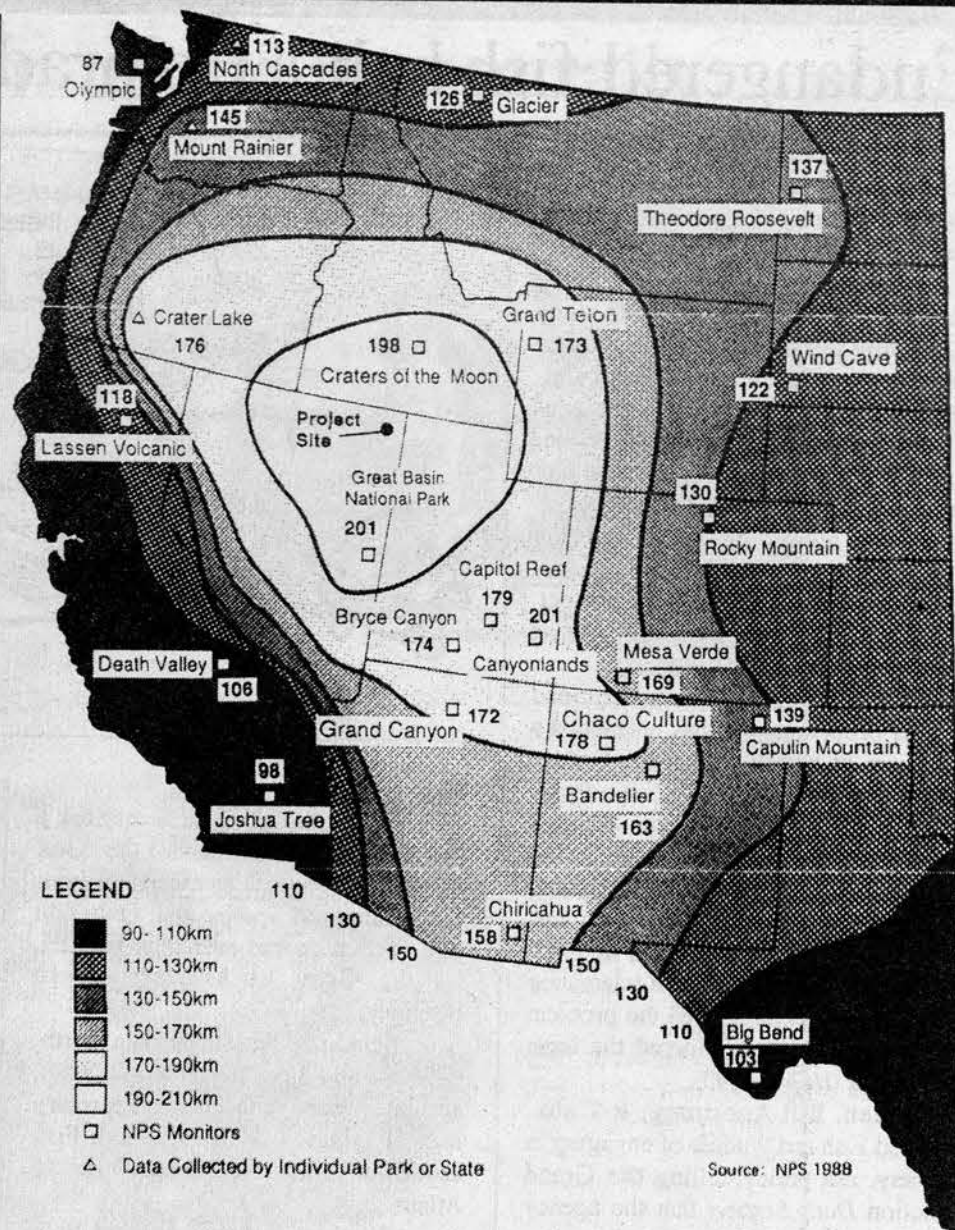
Main Street is boarded up

When Interstate 80 bypassed the town five years ago it seemed like a final nail in the coffin. Main Street is boarded up now. Residential streets remain unpaved. The highway billboard announcing "Unlimited Facilities" is really just a dream.

"We're recycling our own dollar bill until it's quite thin," complained Wells native Ella Lee Carone. "We've got to have something besides people coming off the highway."



Ella Lee Carone: bringing new blood to "dirt town U.S.A."



The numbers indicate the median visual range in kilometers over the western United States during the summer of 1983. The Thousand Springs power plant site now has the clearest air in the West.

Carone's closet-sized beauty salon serves as the office of the chamber of commerce and the town's central information exchange. People in Wells hope the power plant will bring new blood to "dirt town U.S.A." as Carone said her kids, who left to find jobs, refer to their hometown.

In fact, Wells is counting on the growth. The city administration wants half of the plant's permanent workers to settle in Wells. The town already has invested \$2 million to expand water and sewage systems to handle the new growth.

"We need the primary payroll," said Mayor George Yan, owner of the Chinatown restaurant and casino which relocated from the center of town to the highway exit a few years ago. "Tourism will keep you alive for a few months," he said, "then winter comes and the bottom drops out."

Sierra Pacific Resources, the lead company in the Thousand Springs partnership, courted Wells for more than 10 years, Yan said, and the town has embraced the project. But when the Draft Environmental Impact Statement for the Thousand Springs power plant was unveiled in January, progress threatened to bypass Wells once again. The "preferred access road" in the DEIS would funnel more than half of the plant's workers north across the border to Twin Falls, Idaho, leaving Wells with just 22 new jobs.

"Wells was betrayed," said Yan. Elko County officials also criticized a proposal to distribute taxes from the project statewide on a per capita basis — in which Reno and Las Vegas would be the big winners — instead of within the county.

At packed hearings on the DEIS in Reno, around 350 miles across the state to the west, environmentalists panned the entire project. Although Sierra Pacific Resources bought the 250,000 acre Winecup/Gamble Ranch in order to

secure the necessary water rights for the plant, environmentalists complained that groundwater pumping will ravage the landscape just as pollution spoils the pristine air.

Geothermal energy companies from California and Nevada also joined the attack, arguing that the DEIS only considered alternatives that could match the 2,000-megawatt output of the proposed coal-fired generators. The possibility that a mix of alternatives, including conservation, could satisfy a growing demand for electricity was never addressed.

Environmentalists argued that without an analysis of alternative sources of energy for specific markets — the most likely market is Southern California — the DEIS was fundamentally flawed.

"Thousand Springs is a project whose time has passed," said Bob Fulkerson, director of the statewide environmental organization, Citizen Alert. In his testimony, Fulkerson raised an issue likely to throw a damper on the future of coal-fired power — "global warming." The Thousand Springs plant will emit around 17 million tons of carbon dioxide (CO₂) per year, contributing an additional 0.1 percent to global carbon emissions. But although there is no shortage of politicians concerned about global warming and talking about CO₂ reductions, there are no current limits on carbon dioxide emissions.

The plant also generated stiff controversy 185 miles downwind in Salt Lake City. Crowded up against the Wasatch Front, which stops the prevailing westerly winds, pollution in the capital of Utah already exceeds air quality standards. Opposition to the Thousand Springs proposal surged all the way to Gov. Norm Bangerter's office.

Utah and Wyoming will each supply half the coal for the plant and state governments will garner taxes on the mining and transportation. "But," said Curt Garner, a spokesman for the Utah governor, "the job aspect is not as important as

keeping people healthy."

While the governor called for stricter emission controls, Utah environmentalists threatened to go to court to keep Nevada from adding pollution to their already overburdened air.

In addition to Sierra Pacific Resources (the parent holding company of northern Nevada's largest energy purveyor, Sierra Pacific Power) the consortium backing Thousand Springs includes the Bonneville Pacific power company, the Coastal States and Pittsburgh and Midway coal mines, Westinghouse Electric, the design and construction firms of Foster Wheeler Energy and Robert L. Holms, and the investment financing firm of Kidder, Peabody and Company. If the plant is built, Thousand Springs will become the first of a new wave of "independent power producers" selling electricity on the wholesale market in the West.

Such ventures offer a utility that already has enough generating capacity to supply its ratepayers — such as Sierra Pacific Power, which already owns half interest in the Valmy coal-fired power plant near Battle Mountain, Nev. — a way to expand beyond a rate base that is steadily shrinking because of depreciation on capital investments.

"It's build or die," explained industry analyst David Marcus. "The only way for the company to grow in Nevada is to sell power outside."

But that is a risky venture. An independent power producer has the potential to make a lot of money, Marcus said, or lose a lot. The price of electricity — and thus the company's profit margin — will be determined by the buyer's avoided cost (the cost the buyer would incur producing or purchasing power elsewhere) rather than the traditional seller's price set by adding a regulated profit to the cost of producing the electricity. Investors are betting that the current glut in electric energy in the West — which has created a buyer's market — will end in the next decade and prices will begin to go up.

Today, however, a number of Western coal-fired plants are idled or operating at below capacity with nowhere to sell surplus energy. Two coal plants planned for central and southern Nevada have been on indefinite hold for the last ten years. And utilities are turning more and more to cheap natural gas, conservation and alternative energy sources to supply new customers.

Two years ago, Environmental Action, a national legal foundation, challenged the novel corporate venture before the Securities and Exchange Commission. Arguing on behalf of

Nevada consumers, represented by Citizen Alert and the Western Shoshone National Council, attorney Scott Hempling charged that abuse is inherent in a corporate structure that includes suppliers, builders, managers and power purveyors under one umbrella. That challenge failed at the SEC and in a recent Court of Appeals decision.

Shoshone fight the project

The Western Shoshone also object to the Thousand Springs project because it includes a trade of public land at the project site for private land in the nearby Snake Mountains. The Western Shoshone still maintain a claim to public land throughout much of Nevada under the Ruby Valley Treaty of 1869.

Despite mounting legal setbacks, including a Supreme Court defeat in 1988, traditional leaders refuse to acknowledge federal jurisdiction over the vast Shoshone territory. They also refuse to accept a cash settlement for the lands.

"The land is not for sale or trade," maintained Frank Temoke, the 86-year-old hereditary chief of the Shoshone. Temoke lives on a tribal ranch in Ruby Valley, 50 miles south of Thousand Springs. "I guess them people in the city need that electricity," he said. "But, they ought to be leasing the land from the Shoshone."

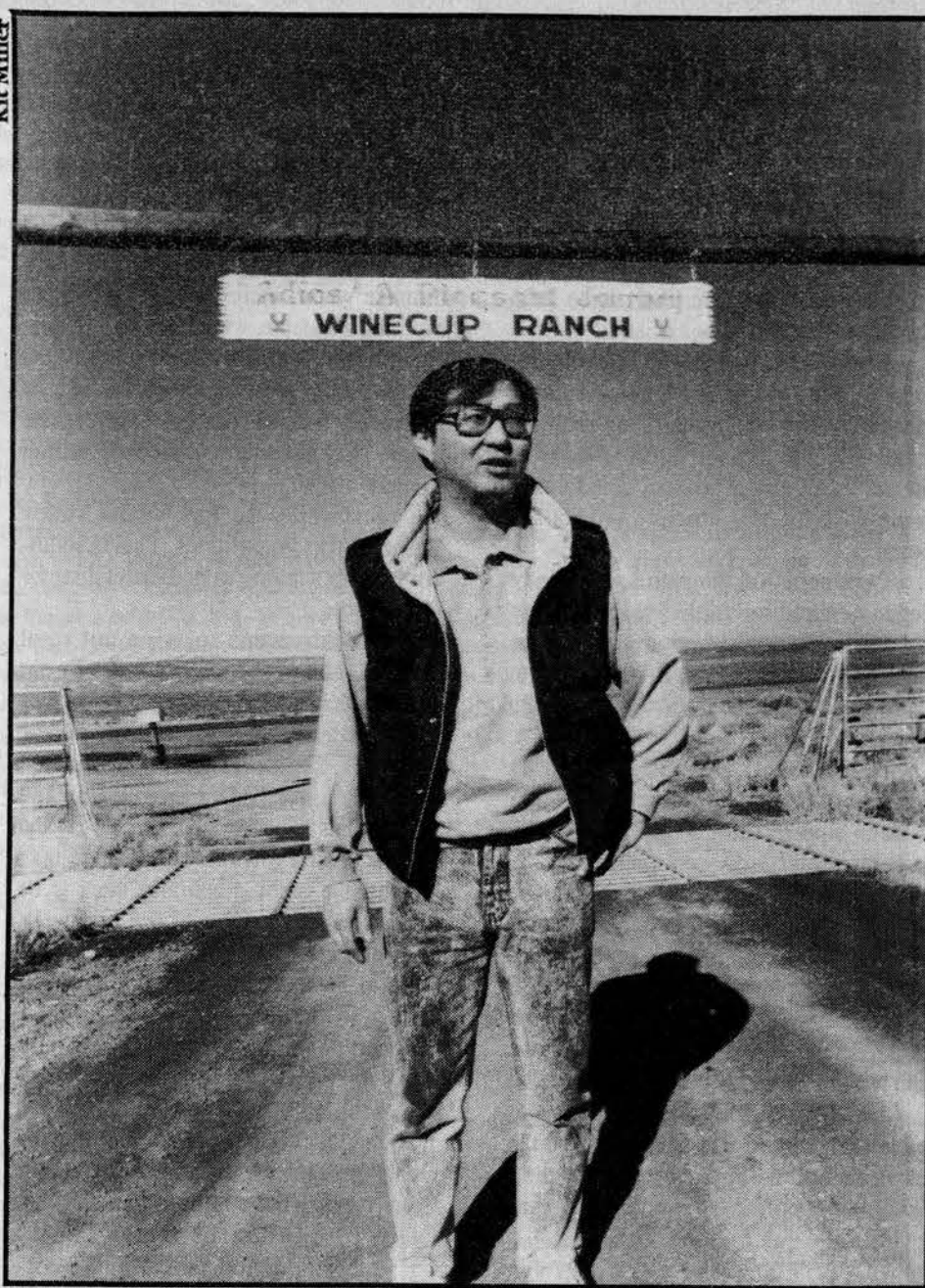
Shoshone traditionalists said that historic village sites and burials could be threatened by the project but they refused to give any assistance to the researchers who compiled the environmental impact statement.

The DEIS ignored the larger Shoshone land claim and limited its scope to the protection of a few scattered sites of archaeological interest (antelope traps and Shoshone camps), historic ruins along the Emigrant Trail (one of the principal routes for early settlers runs along Thousand Springs Creek), and artifacts of Chinese labor camps along the Central and Southern Pacific Railroad.

With serious challenges coming from all sides, the consortium's goal of beginning construction of the access road this fall now seems hopeless. A Bureau of Land Management spokesman recently said "there is no way we're going to be ready to permit that." The agency also extended the comment period on the DEIS until April 11.

The Thousand Springs consortium previously had touted plans to begin building the first of eight generating units last year. In the DEIS, the construction date was set at April 1991. That too

Kit Miller



Wells, Nevada mayor, George Yan

now appears unlikely.

Thousand Springs' prospects may look hazy but investors seem prepared to bide their time. Project director Joe Gremban said the company wants to secure contracts to sell power before any investment is made. Currently, the project has no firm commitments, but he is confident that by the late 1990s demand for electricity will again exceed supply in the West.

The moveable "begin construction" date highlights the speculative nature of what analyst David Marcus labels a "straw project." The owners are spending money entirely on speculation, he says, to take care of the red tape.

"It's just a pile of paper," Marcus said. "Until they have real contracts, you can't say if this thing is going to fly."

Environmentalists hope to kill the project before it gets off the ground. But even if the project succeeds, this unique entrepreneurial venture may feature one

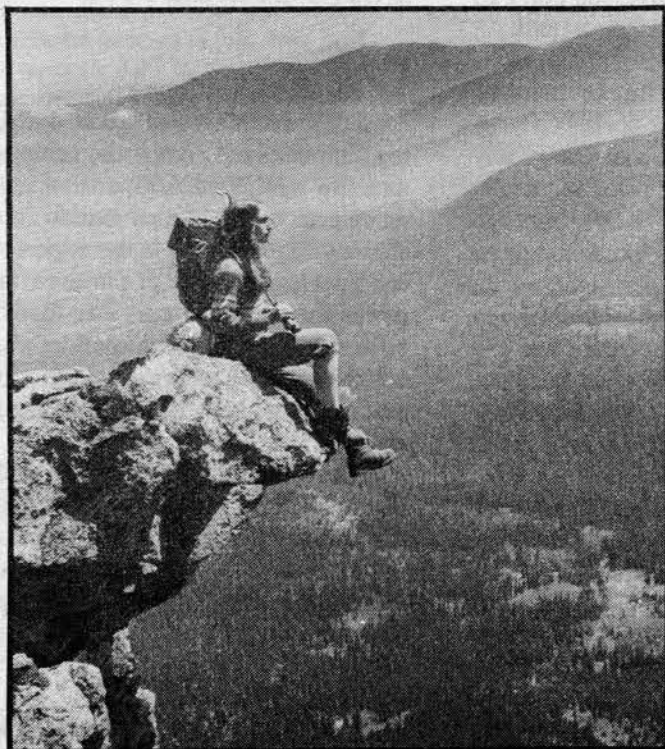
of the last massive coal-fired power plants to be built in the West. When the "last clean air in the West" begins to crowd federal air quality standards, there will be no more room in the wind for emissions of that magnitude.

That, says city manager Mike Cosgrove, is another reason Wells will put up a fight to keep the plant. "Where else would you find the wide open space and water to go with it?" he asks.

For more information about the project, write to Nancy Phelps-Dailey, BLM project director, Box 831, Elko, NV 89801 (702/738-4071).

— Jon Christensen

Jon Christensen is western correspondent for Pacific News Service. He lives in Washoe Valley, Nevada.



Kent and Donna Danner

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Water grab . . .

(Continued from page 1)

of the proposed wells. The U.S. Fish and Wildlife Service is expected to file similar protests. Mandatory public hearings on the applications are likely to be held this fall.

Environmental impact statements also will be required of pumps and pipelines on public lands. The Bureau of Land Management environmental impact evaluation process could delay some parts of the massive project for years.

Opponents of the plan have already begun demanding further studies before the state engineer approves any of the applications. In many of the valleys, more studies will be needed just to determine the "safe" groundwater yield. Under Nevada's "safe yield" law users cannot continuously pump more water from an aquifer than is replenished naturally by rainfall and snowmelt.

Legal appeals could also dog the project at every step. Federal interests may be invoked, not just on behalf of wildlife and public lands, but on behalf of Indians who may be affected by the plan, including the Duckwater Shoshone and Moapa Paiute bands.

But officials in the rural counties seem reluctant to use what could be the most potent weapon in their arsenal. Some members of the rural coalition say

that by forming a water conservancy district and adopting a strict groundwater management code, rural counties could go head-to-head with Las Vegas and retain a high degree of control over their water.

A water conservancy board has wide-ranging power to regulate and manage water, including the power to buy and condemn water rights. That is the rub, however, for rural water-rights holders. They are firm believers in free enterprise and the less government the better. They also might want the freedom to make a deal.

Meanwhile, the Las Vegas Valley Water District is confident. This is southern Nevada's future, says district director Pat Mulroy.

"Nobody wants to wipe out rural Nevada," she says. "But they have a lot more water than they need. It's there. It should be available to use elsewhere."

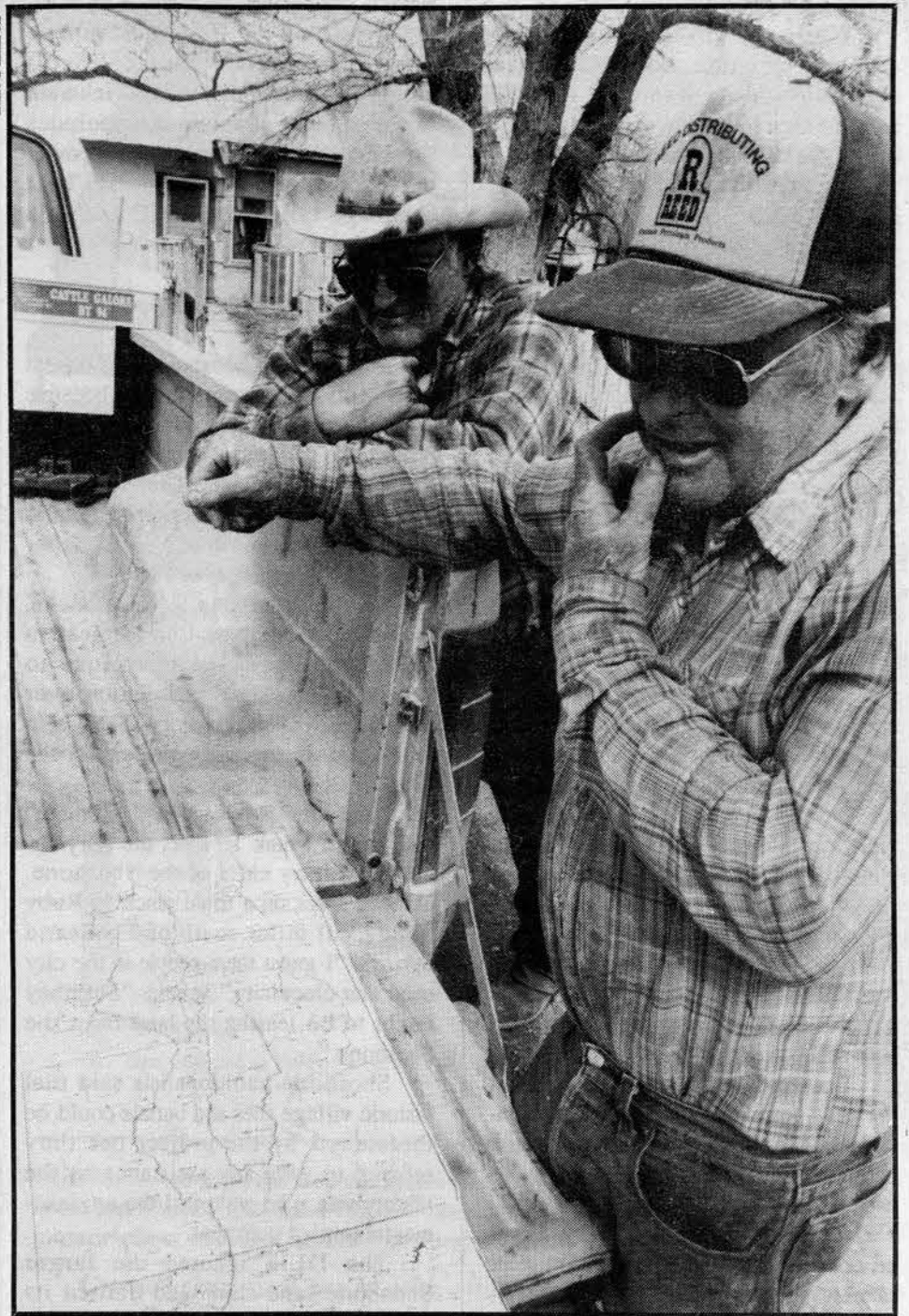
State Engineer Mike Turnipseed seems to agree. After evaluating the applications, he says he will rule on the narrow criteria established by state law: whether the water is actually there to be taken, and whether any of the new wells will interfere with existing water rights. He also must decide that each application is in the "public interest." Historically, he acknowledges, bringing water to city dwellers has been deemed one of the highest of "beneficial uses."

The Las Vegas Valley Water District wants to begin the project within Clark County where there is little resistance to the plan. The Clark County commissioners sit on the district's board and have already approved the project.

A portion of the projected \$1.5 billion cost of the water importation scheme will be financed by new rate increases slated to hit the city's more copious water-users soon, such as the hotel-casino called the Mirage. It boasts a 54-foot artificial waterfall and volcano at the entrance, and sharks circle in a giant glass tank at the reception desk.

Money doesn't seem to be a barrier in Las Vegas, although critics say the ultimate cost of the project could be much higher than projected and voters might balk at approving bonds for the infrastructure. But no organized constituency has called for slowing the economic engine that gave Clark County and the state of Nevada one

Kit Miller



The Sharp brothers of Railroad Valley: not enough water for us and 'Vegas

of the fastest growth rates in the nation last year.

Las Vegas contributes close to 80 percent of state government revenue through gaming and sales taxes, and its representatives constitute a majority in the state legislature.

Some maverick voices, however, are challenging the city from within. Economists question whether the Las Vegas boom will continue if the economy slows and tourism and gambling slacken.

Chris Brown, of the statewide environmental organization, Citizen Alert, questions whether the Las Vegas Valley can even support the population that the new water is targeted to serve. Las Vegas has the highest per capita water con-

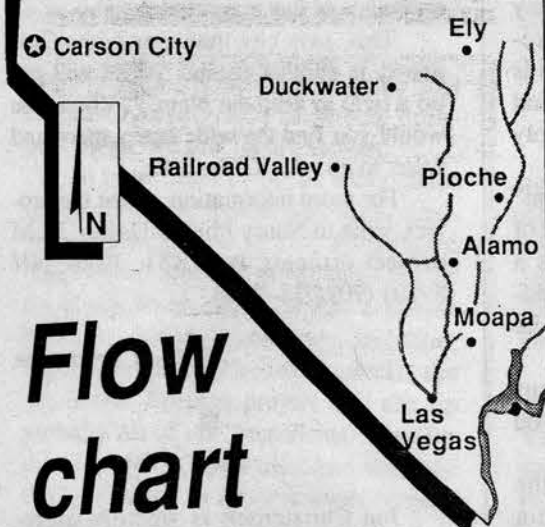
sumption in the West — 375 gallons daily — compared to 200 gallons in Phoenix and 210 gallons in Los Angeles.

If Las Vegas would adopt conservation measures, Brown says, the existing water supply could support nearly double the current population. Air pollution and traffic jams already plague the city, he adds, so doubling the population could be disastrous environmentally.

Like many other newcomers, Brown says he moved to Las Vegas two years ago to escape from the congestion of Los Angeles. Now he worries that his new home will turn out just like the old one he fled. ■

Jon Christensen is a correspondent for the Pacific News Service in Nevada.

The map shows likely routes for the massive system of pumping stations and pipelines that would bring underground water from Central Nevada to Las Vegas.



Flow
chart

LETTERS

NO CONNECTION

Dear HCN,

Although humans have been eating bison for probably thousands of years, the recent Montana buffalo hunts outside Yellowstone Park apparently disturb some people who want us to further relinquish our relationship with the natural world ("Reporter's Notebook," April 9).

The protestors, however, seem to have peculiar notions about what constitutes "Seizing the moral high ground." Running out into the pasture, they scream about penis size and "burning babies" in Vietnam. I take it there is supposed to be a connection between that and eating buffalo, but it continues to escape me.

Chas S. Clifton
Florence, Colorado

WHERE DO YOU PUT IT?

Dear HCN,

As a professional archaeologist, I know that charcoal and ash preserve indefinitely compared to unburned organic material, which preserves well only in peat bogs or dry caves. So what justification does Bruce Hampton in his April 9 letter have for burning one's toilet paper?

Unless one uses a tremendous amount of toilet paper or a bunch of little sticks to keep the fire going, it's unlikely to burn completely.

How about a separate little hole for your TP, to keep it from getting scattered should some critter dig it up?

One reason dogs became domesticated 10,000 years ago was that they helped keep the camp clean of human feces. If the woods you choose to shit in are within a mile or two of a dog hang-out, your turds are likely to be recycled.

Coyotes are more selective, and don't go out of their way to dig up human shit.

Since Hampton is into biodegradable turds, it's nice that he mentions that it's best to shit in the open.

Twenty years ago I archaeologically excavated hundreds of dried turds that were deposited in a cave 9,000 years ago when the weather was too nasty to go outside.

They gave us lots of information on people's eating habits of the time and two M.A. theses in the process, but since modern eating habits are obsessively well recorded, there are better ways to leave something for posterity.

I liked Kathleen Meyer's book (*How to Shit in the Woods*) so much that I gave a bunch to friends and relatives for Christmas.

D.L. Ambler
Big Water, Utah

DON'T STEREOTYPE

Dear HCN,

Ed Marston's recent article describing "the decayed core at the center of rural life" (HCN, 3/26/90) was an interesting perspective of rural electric cooperatives. Many co-ops in this region are considering the use of photovoltaic power for servicing customer loads. I believe this inclination to consider alternatives that may have economic and environmental benefits should be recognized.

This progressive approach to utility management may be the exception rather than the rule, but I think you might be surprised how many "exceptions" exist in rural America. Stereotypes are dangerous!

Kirk Stokes
Golden, Colorado

BULLETIN BOARD



POWER TO THE PRIVY

The Forest Service wants to clear the air on the subject of outdoor privies. "There have been complaints about stinky toilets ever since the Forest Service existed. We get an earful every week, every year," engineer Briar Cook told Montana's *Missoulian*. Cook, who has been working on cleaning up privies in a Forest Service laboratory for nearly 10 years, says he has a solution. The problem begins with vault-type toilets that are not pumped out until the end of summer. In older outhouses, vents to the outside extended just a few inches above the roof, pulling downdrafts inside and trapping odors. Cook said, "It was ludicrous to think we could draft air out of a compartment with a one-inch vent." Then Cook designed taller vents, with fans. They did pull smells out of the outhouse, but sent them into the middle of the campgrounds. In his next design, Cook attached filters to the vents. His latest design adds an air stack and filter that reach three feet above the roof, drawing odors out. "The goal is a virtually odorless outhouse and campsite," he said. "I cannot tell you that it will work. But I can tell you that we want it to work — and that the public wants it to work." New vault outhouses built each year by foresters will now be built to Cook's specifications. Over the next three years the Forest Service will also retrofit 1,200 outhouses at national forest campgrounds, picnic areas, roadside rest stops, boat launches and ski resorts all over the country. The retrofit will cost about \$1,000 each.

ROUTE-FINDING SKILLS

Anyone venturing into the backcountry on foot, skis, or in a canoe or sea kayak should know how to use map and compass. Mountaineer Glenn Randall of Boulder, Colo., a veteran of expeditions to Alaska and the Andes, has written *The Outward Bound Map and Compass Handbook* to help teach route-finding skills to novice wilderness users. Randall explains how to read topographic maps in a chapter called "Understanding the Drunken Spider's Web," how to follow a compass bearing, and how to pinpoint your location using different combinations of map, compass and altimeter. Randall also shares some of his own harrowing experiences because, as he has learned, "it's best to plan for the worst case, not the best."

Lyons and Burford, Publishers, 31 W. 21st St., New York, NY 10010. Paper: \$8.95. 112 pages. Illustrated with drawings.

A HELPING HAND

Wildlife in Colorado have a new friend in the Colorado Wildlife Heritage Foundation. The foundation, spearheaded last fall by Dr. Russell Scott Jr., of Aspen, is geared towards assisting the state's wildlife through educational programs and wildlife research. Board members include Jean Tool, wildlife advocate; John D. Vanderhoof, former governor of Colorado; Samuel Caudill, Jr., architect; Peter Dominick, attorney; Rebecca Frank, a member of the Colorado Wildlife Commission; and singer John Denver. For more information, write Colorado Wildlife Heritage Foundation, One United Bank Center, 1700 Lincoln St., Suite 3950, Denver, CO 80203.

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HE'S DETERMINED

Marty Walter says he will go to great lengths to stop Louisiana-Pacific from logging an area called Bowen Gulch close to Rocky Mountain National Park in Colorado. If the company does log for the second year there, Walter, a member of the Sierra Club's Rocky Mountain Chapter, says he and friends will "hug trees marked for cutting for as long as it takes." Walter says some trees in the pristine area are over 600 years old and within a quarter-mile of the Never Summer Wilderness Area. Louisiana-Pacific has contracts to cut eight million board-feet of timber in the gulch to make one-inch thick lumber and waferboard. Regional Forester Gary Cargill says the logging will help elk in the area by reducing ground cover and increasing forage, though he adds that this did not weigh heavily in deciding on the timber sale. Cargill says the contract calls for logging trees not expected to live for more than another 30 years. The Forest Service's Mike Foley, timber contract officer, says the Bowen Gulch timber contract is binding and that "it would take something exceptional to stop it." For more information, contact Marty Walter at Box 2381, Boulder, CO 80306 (303/447-2059) and Regional Forester Gary Cargill at 11177 W. 8th Ave., Box 25127, Lakewood, CO 80225 (303/236-9427).

JOHNSON CARRIES ON

Although the national environmental group, Defenders of Wildlife, recently closed its southwest regional office, Tucson staffer Stephen Johnson says his work on behalf of wildlife will continue. "This is not the time for me to drop out," he told the *Tucson Citizen*. "It makes no sense to cut back now, when the environmental movement is taking off." For 17 years, Johnson has been involved in the issues of removing cows from riparian areas and preventing damage to desert lands from a variety of users. More recently, he helped to achieve threatened species status for a remaining population of desert tortoise. Johnson says he'll continue as an active voice in the region through his consulting firm, Native Ecosystems. Defenders president M. Rupert Cutler says his organization, based in Washington, D.C., has begun a new program to protect endangered foreign species from extinction by fighting their importation. Closing the southwestern office was a matter of reorganizing priorities, he says.

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HELP A CANYON

The Hells Canyon Preservation Council is sponsoring a float trip down the Snake River through the world's deepest river-carved canyon June 2-7. Along the way, participants are promised gourmet meals, guided hikes and geology and natural history talks. All the proceeds from the trip will help the council in its efforts to curtail timber-cutting and grazing in the canyon. For more information about the trip, which costs \$699, contact N.W. Dories, 208/743-4201.

ARE YELLOWSTONE GRIZZLIES THREATENED?

Should the Yellowstone grizzly be taken off the endangered species list? Those who attend a grizzly bear conference in Dubois, Wyo., June 9-10 will try to answer that question. Sponsored by the Wyoming Wildlife Federation and the Dubois Wildlife Association, the conference includes speakers such as John Varley, a biologist with Yellowstone National Park, Steve Mealey, assistant chief of strategic planning with the U.S. Forest Service, Richard Knight, a member of the Interagency Grizzly Bear Study Team, Tom Lustig of the National Wildlife Federation, Fern Shepard from the Sierra Club and John Zelazny of the Wyoming Wildlife Federation. Participants are also invited on a field trip to grizzly-bear country in the Shoshone National Forest, near Dubois. For more information, contact conference chairman Tory Taylor, Rt. 31, Box 807, Dubois, WY 82513, or phone 307/455-2161.

PUBLIC HEARINGS ON BLM CHAINING

The BLM will hold a public hearing in Salt Lake City, Utah, May 22 to determine the future of chaining and other "vegetation treatment" programs on agency lands. The hearing will address a draft environmental impact statement on herbicide use, clear cutting, grazing, burning and chaining. All are considered "vegetation treatment." The EIS proposes some form of treatment for some 375,000 acres per year in 13 Western states. The hearing will be at the county commission chambers, 20001 South State Street, North Building at 6:30 p.m. For more information contact Don Banks at the Bureau of Land Management (801/539-4023).



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TRAVELS WITH CHUCK

Readers curious about the West can roam through rural areas with motorhome owner Chuck Woodbury. He is owner, publisher, editor, reporter and photographer of *Out West*, a quarterly tabloid he began in 1988 as a "hobby." Today he has 8,000 subscribers. Woodbury tells us, for example, about discovering Tarzan — the town — in Texas and exploring Earth — the town — also in Texas. A good chunk of the paper is devoted to letters from his readers. The spring 1990 issue has over 60, including one that notes: "I'm getting tired of getting a paper filled with many pages of letters," and another: "I'd love to renew my subscription but the paper is just about the most utterly boring thing I have ever read." Most letter-writers just want to chat about life in the slow lane. Woodbury has a penchant for finding misspelled or wacky signs such as one that warns: "Dental Parking Only. All Others Extracted" and another: "After you turn in a fire alarm, stay here until firemen arrive so we will know the location of the fire." He rates his paper PG for "pretty good." *Out West's* mailing address is 10522 Brunswick Rd., Grass Valley, CA 95945 (916/477-WEST).

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OPINION

North Dakota: a Garrison junkie

by Gary L. Pearson

On May 17, 1876, General George Custer set out from Fort Lincoln near Bismarck, N.D., on a campaign to conquer the hostile inhabitants of the Northern Plains. Custer failed to heed the omens of his folly, and his campaign ended 41 days later.

Thirteen years later, the North Dakota Constitutional Convention met in Bismarck and embarked on a campaign to conquer the hostile climate of the Northern Plains. North Dakota failed to heed the omens of its folly. Its campaign to use the Missouri River for irrigation has lasted 101 years.

For all that time, North Dakota concentrated on a succession of plans to divert the Missouri. Like Custer's campaign, each plan proved unfeasible. Finally, with passage of the 1944 Omnibus Flood Control Bill, North Dakota saw its hope emerge when a million acres of irrigation were authorized under the Pick-Sloan Plan's massive Missouri River development.

Then, in 1947, soils studies disclosed that arid northwest North Dakota was not suitable for irrigation. So North Dakota, with the help of the U.S. Bureau of Reclamation, simply looked to the eastern, less arid portion of the state. It disregarded an analysis that raised serious questions about irrigating land when rainfall was adequate three years out of four.

As explained by historian Elwyn Robinson, "No one in North Dakota publicly questioned the benefits of diversion, any more than he would motherhood, virtue, or patriotism. Any doubters remained silent. North Dakota's leaders seemed to see the plan as the solution to the state's problems, the cherished dream of escape from pressing difficulties."

After failing three times to receive congressional approval, a 250,000-acre Garrison Diversion Unit was authorized in 1965 at an estimated cost of \$212 million. Construction began in 1968, but soon protests erupted from landowners whose farms were being ruined by the massive McClusky Canal. The opposition was skillfully led by Richard Madson, who brought Garrison to national and international attention.

The National Environmental Policy Act forced additional disclosures: Garrison would take more land out of agricultural production than it would bring in, degrade streams, destroy 60,000 acres of wetlands, and damage a dozen national wildlife refuges. There was nothing on the other side of the ledger: It would not save the state from drought nor significantly bolster the economy.

Canada, fearing pollution of rivers flowing northward from North Dakota, formally requested a moratorium on the project in 1973. Some North Dakota officials responded by advocating that the project be built in defiance of Canadian objections. The issue was referred to the Canadian-American International

Garrison may be a greater disaster than the Dust Bowl

Joint Commission in 1975, and in 1977, the IJC recommended elimination of those portions of the project affecting Canada. That included 80 percent of the irrigation. North Dakota ridiculed the IJC report.

Carter's Interior Secretary, Cecil Andrus, cited Garrison as the worst water project in the nation, and both the Carter and Reagan administrations attempted to terminate funding. A 1980 statewide poll showed that less than a third of the people favored completion of Garrison and that less than half had ever supported the project.

North Dakota's leaders responded by proposing an 85,000-acre "Phase I" project that would permit Garrison construction to continue, despite mounting evidence that "Phase II" could never be built.

By 1981, the U.S. House of Representatives was voting to eliminate appropriations for Garrison, but North Dakota's senators always managed to salvage funding. As Sen. Quentin Burdick boasted, "We pass it by a good margin in the Senate every time and then we go to conference committee ... We just shoulder the damn conferees around until we can make them agree with us."

By 1984, however, prospects for getting Garrison funding were growing dimmer, and Sen. Mark Andrews, R-N.D., struck a deal that allowed that year's appropriation to pass while the project was reviewed by a special commission appointed by the Secretary of the Interior.

North Dakota responded to this near miss not by re-evaluating the concept, but by proposing to the commission an even more grandiose 648,700-acre Garrison Diversion Unit. The commission recommended instead a 130,940-acre irrigation project and a drinking water system to supply 130 towns and rural areas.

Disagreement over carrying out the commission's recommendations threatened to kill Garrison in 1986. However, North Dakota political leaders persuaded project proponents that it was important to "pass something now and make changes later." So a compromise was engineered that implemented the commission's plan, with minor modifications, in exchange for North Dakota's agreement to develop a "no net loss" wetlands policy. The key to the compromise for the state was retention of authorization for the Lone-

tree Reservoir, the project's major regulating reservoir, and the Sykeston Canal.

Predictably, North Dakota did not regard this compromise as a final resolution of the controversy. Garrison boosters soon were making plans for scuttling the Sykeston Canal and reinstating a reservoir at the Lonetree site. The state has maintained, correctly, that the reservoir is essential for future expansion of the irrigation beyond the present compromise. But it is promoting the reservoir under the guise of municipal water deliveries and stabilizing Devils Lake, a popular fishing lake.

When President Bush's budget proposed termination of funding for Garrison, state officials reacted with the characteristic outrage, claiming that the federal government owes Garrison to North Dakota as compensation for the half-million acres they say North Dakota lost to federal dams built on the Missouri. Never mind that nearly 40 percent of those lands did not belong to North Dakota but were Indian reservation lands.

In addition, they cite the 1986 agreement with conservation organizations as proof of the environmental soundness of the reformulated project. Examination of the project discloses, however, that 42 percent of the wetlands destroyed by the project still would not be replaced, and that irrigation flows in the James River would have adverse impacts on three national wildlife refuges unless costly bypasses were built.

In addition, the delivery of Missouri River water to Devils Lake would almost certainly introduce unwanted fish and fish diseases into Canadian waters in violation of the recommendations of the IJC.

The state's performance in protecting wetlands also falls far short of the mark. Although the 1987 North Dakota Legislature passed a so-called "no net loss" wetlands bill, it is virtually unenforceable. Farmers are scurrying at a near-record pace to eliminate wetlands before they can be inventoried under the Swampbuster provisions of the 1985 Farm Bill. Nevertheless, North Dakota's "wetlands bank account" shows a total of only 258 acres of wetlands drained.

On the national level, the North Dakota congressional delegation has been at the forefront of efforts to weaken Swampbuster with exemptions that would leave half of North Dakota's remaining wetlands, and hundreds of thousands of acres in other states, vulnerable to drainage. And North Dakota Gov. George Sinner, D, recently led an assault that helped weaken an Environmental Protection Agency and Corps of Army Engineers agreement on a national wetlands policy.

To date, \$324 million in public money has been spent on Garrison, and the total cost is now estimated at \$1.5 billion. Federal irrigation development costs are \$831 million, or \$6,352 per acre, of which irrigators would repay \$76 per acre without interest.

Moreover, in February, a Department of Interior Inspector General's audit concluded that the Bureau of Reclamation had improperly allocated project costs; when costs are properly allocated, irrigators will be unable to repay even their minuscule share of the project. It now also appears that Garrison water will be too costly for most municipal and rural users.

At a time when North Dakota's economy is slumping under surpluses of domestic agricultural products and foreign oil, its leadership remains philosophically and politically locked into a project that would irrigate three-tenths of 1 percent of the agricultural land in the state, and which neither farmers nor municipalities can afford to use.

The next century looms, but North Dakota's political leaders and most of its press remain firmly anchored in the last century. Their preoccupation with Garrison has blinded them to new opportunities. A compelling argument could be made that North Dakota's obsession with Garrison has been a greater disaster, and certainly a more enduring one, than the Dust Bowl of the 1930s.

Gary Pearson is a veterinarian in Jamestown, North Dakota, and a long-time critic of the Garrison water project.

Garrison: "worse than I thought"

In 1967, veterinarian Dr. Gary Pearson came to Jamestown, N.D., to work for the U.S. Fish and Wildlife Service wildlife research center. A year later, most North Dakotans enthusiastically cheered as construction started on a federal water project called the Garrison Diversion Unit.

Cheering was not what Pearson, 28, heard from his fellow wildlife scientists. But "no one working for a government agency dared to speak out against Garrison," he recalls.

Initially, Pearson's worries about Garrison centered on the project's impacts to prairie wetlands and waterfowl habitat. As time passed, his concerns broadened to include economic and social issues. When the Washington, D.C.-based Institute of Ecology sponsored a comprehensive review of the project's 1974 environmental impact statement, Pearson served as editor of the review.

"The review process left me believing there were no good aspects to the project. It was worse than I thought," says Pearson.

Working with local environmental and farm

groups, Pearson's activities against Garrison intensified. His outspoken opposition to the project did not go unnoticed. His supervisors in the Fish and Wildlife Service were being pressured by North Dakota's political leaders, especially Sen. Milton Young, to transfer Pearson out of the region. Pearson resisted the transfer orders and was fired in June, 1975.

After unsuccessfully challenging his firing, Pearson set up a veterinary hospital in Jamestown, where he works today.

Respected as one of Garrison's most knowledgeable adversaries, Pearson vows to continue opposing what he considers an unwise and misguided project.

"The old timers wanted Garrison to help in times of drought," says Pearson, "and North Dakota wants to get something in return for losing the Missouri River. We are not against what the project is supposed to do. We're against what it is going to do."

—Peter Carrels

14-High Country News — May 21, 1990

OTHER VOICES

Indians defend tribes from attack

by Daniel McCool

Following a bitter cold winter, the spring of 1876 was hot and dry. Small swirls of dust hovered around the band of Lakota people as they set up their circle of tipis near the sacred Black Hills. They talked much about the soldiers who had come once again into the forbidden hunting grounds. The Fort Laramie Treaty of 1868 guaranteed that the soldiers and white settlers would stay out of Sioux country; General William Tecumseh Sherman had promised the lands would be forever "set apart for the absolute and undisturbed use and occupation of the Indians."

But it appeared that the white men had forgotten the treaty. Perhaps the Indian tribes would have to come together and fight the dog soldiers, who were led by the Longhair Custer. Perhaps they would have to remind the white man of his promises.

Wendell Chino, chairman of the Mescalero Apaches, does not look like a powerful statesman. A diminutive man, graying and balding, he squints through thick glasses. But when he speaks of Indian treaties he exudes an infectious sense of confidence and determination. Part diplomat, part politician, part Apache warrior, he evoked thunderous applause from the 250 Native Americans who gathered in Rapid City, S.D., in February to discuss threats to their treaty rights.

"Many tribes are concerned," declared chairman Chino. "The anti-Indian forces are gathered against us. But tribal governments are here to stay; Indian people are here to stay. We can be different, culturally, linguistically and politically. That's what the treaties are all about."

Chino's appeal helped to inspire tribes from all over the West to form a "National Coalition of Treaty Tribes." Paul Iron Cloud, chairman of the Oglala Sioux, the host tribe, opened the meeting. "This is the beginning of the tribes coming together on this issue. Today is a historical day," he said.

The meeting in Rapid City was a response to an effort by some anti-treaty groups to petition Congress to "modernize" treaties, a euphemism for the abrogation of specific treaty rights. Until recently the anti-treaty movement largely consisted of sporadic and uncoordinated activities, but the Wisconsin Counties Association (WCA) is trying to change that. It is leading an effort to organize a nationwide lobbying campaign to establish "the political base necessary to effectuate a change in national policy as it regards Indian treaties."

In January, the Wisconsin counties group organized a meeting in Salt Lake City to establish a "National Coalition on Federal Indian Treaties." When Indian leaders learned of the meeting they hastily organized a protest. Several Indian people who say they were denied entry to the meeting have filed a discrimination suit with the Justice Department.

The Wisconsin-sponsored meeting became the subject of considerable negative publicity and was adjourned without establishing a new anti-treaty group. Instead, attendees decided to try to work through the National Association of Counties as part of an effort to convince Congress to alter treaty rights. The national group also quickly distanced itself from Wisconsin counties. Michael Stewart, NACo first vice president and an elected county commissioner, noted that any discussion of "modernizing treaties only serves to alienate and offend." In regard to the Wisconsin effort, he said, "We're not touching this with a 10-foot pole."

Last year the national counties group established an Indian Affairs Task Force to study ways of reducing conflict between counties and tribal governments. Percy Deal is co-chairman of that task force; he is also an elected county supervisor and a Navajo.

"I would like to see NACo adopt a policy resolution recognizing treaties. Then Indian tribes would be much more comfortable coming to the table to negotiate," he said.

The movement to break treaties has gained some adherents in recent years. Beginning in the late 1970s, anti-treaty organizations began to form with names such as Protect America's Rights and Resources and All Citizens Equal. Their principal goal is to eliminate Indian treaty rights; some also espouse elimination of

all Indian reservations and the forced assimilation of reservation Indians.

Overt racism has accompanied some of the activity the groups sponsored. In Wisconsin, violent opposition to Indian spear-fishing rights assumed an ugly racist tone last spring; some anti-treaty protesters sported signs that read: "SPEAR A PREGNANT SQUAW: SAVE A WALLEYE." The anti-treaty protests are also said to have attracted neo-Nazi groups and other racist organizations.

A great deal is at stake. Indian reservations total over 52 million acres of land scattered across the West. They range from the 15-million-acre Navajo Nation to small rancherias in southern California.

More than 300 different tribes, totaling nearly one million people, inhabit these homelands. Their right to exist as sovereign and culturally distinct nations is guaranteed by 389 treaties and innumerable agreements that have the same legal status as treaties. Without the treaties, the tribal homelands would cease to exist. Once thought to be largely worthless tracts of land, many reservations have proven to be rich with oil, coal, timber, minerals and water.

These resources have not brought great wealth to the reservations, however. Indians are the poorest Americans, and suffer from astounding rates of alcoholism, disease and malnutrition. Forty-five percent of reservation Indians live below the poverty line, and unemployment is often in excess of 50 percent. Twenty percent of reservation homes still lack indoor plumbing and over half do not have telephone service.

To improve living conditions, many tribes are now attempting to generate more revenue for their people from extractive industries on reservations. Unfortunately much of the reservations' resources have been funneled off illegally. A 1989 investigation by the Senate Select Committee on Indian Affairs found that Indian natural resources "have been left unprotected, subject to, at best, benign neglect and, at worst, outright theft by unscrupulous private companies." At times these acts of theft have been abetted by unethical tribal officials who received kickbacks to look the other way.

In addition to extractive resources, Indian reservations also hold potentially enormous rights to water. There are currently over 50 Indian water rights cases in the courts, all highly controversial. The cases are based on the "reserved rights" doctrine established in the 1908 case of *Winters v. U.S.*, which held that a reservation has a right to sufficient water to meet the purposes for which the reservation was created. According to one study, Indian claims to water would total nearly 46 million acre-feet — not an insignificant amount of water in the arid West. For example, the annual flow of the Colorado River is only 14 million acre-feet.

A 1989 court case regarding the Wind River Reservation demonstrates the significance of reserved water rights. Using "practically irrigable acreage" as its standard, the court awarded the Indians 189,000 acre-feet of water from the Big Horn River. Across the West, the government is negotiating with about a dozen tribes in an effort to reach out-of-court settlements on water issues.

Another contentious area concerns off-reservation fishing and hunting. Much of the conflict in Wisconsin centers around Indian fishing rights that conflict with state game laws.

In the Northwest, Native Americans were guaranteed half of the anadromous fish catch (salmon and steelhead) by a series of court decisions known as the



Boldt cases. Environmentalists, who are often considered natural allies of the Indians, have occasionally opposed tribal fishing and hunting rights. Sometimes Anglo perceptions of stewardship conflict with Indian needs for subsistence.

Much of the controversy over treaties centers on the concept of tribal sovereignty. This is not just a pedestrian legal question. If tribes are truly sovereign, then they have the power to tax, the right to establish their own civil and criminal justice systems, and the right to determine their own destiny.

These are particularly vexing questions because large numbers of Anglos live within the exterior boundaries of many reservations as a result of a policy adopted in the 1880s called allotment. It attempted to destroy tribal coherence by breaking up reservations into private parcels, and then selling the remaining "surplus" land to white settlers. These lands, which were often the most productive farmland on the reservations, reduced tribal landholding from 138 million acres to 52 million acres. The legacy of this massive landgrab is a confused checkerboard pattern of tribal and private landholdings.

Discussions of tribal sovereignty often become vitriolic when they involve taxes. Tribes have encountered stiff opposition when they have tried to impose severance taxes on oil and other extractive industries. A recent U.S. Supreme Court decision gave both states and tribes the right to levy such taxes. Now tribal and state governments are engaged in what amounts to a game of chicken: each is attempting to maximize its severance tax revenue. But at some point the tax burden becomes so onerous that the producer shuts down all on-reservation operations.

In New Mexico and Utah, for example, oil companies are threatening to pull out of all reservation operations if they are forced to pay both state and tribal taxes.

Another tax issue concerns the tribes' exemption from state taxes. This creates an advantage for on-reservation businesses, which can undersell their competitors because they do not have to impose the state sales tax on their products.

In Oklahoma, Indian smoke shops are selling untaxed tobacco products; Anglo vendors feel the competition is unfair. Indians counter that, as sovereign governments, they have the right to set tax rates just like other governments. There have been numerous threats of violence, and an Indian smoke shop was recently vandalized.

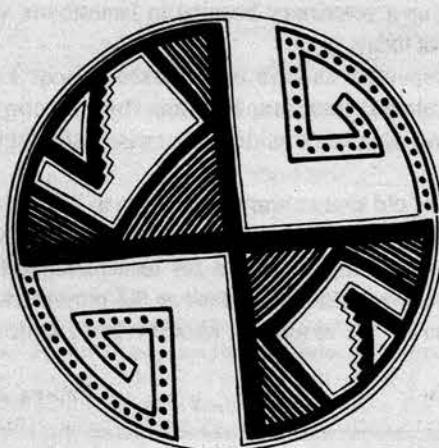
Another source of anxiety for Indians is a proposal in Congress to dismantle the Bureau of Indian Affairs. This "New Federalism for American Indians" would fund all federal Indian programs through direct contracting with the tribes. All parties agree the BIA is fraught with problems. The Senate Select Committee on Indian Affairs report concluded that "paternalistic federal control over American Indians has created a federal bureaucracy ensnared in red tape and riddled with fraud, mismanagement and waste." But tribes fear abolition of the BIA may lead to another version of the disastrous termination policy adopted in the 1950s.

Termination threatened the ability of tribes to receive the federal programs and funding that are guaranteed in the Indian treaties. The policy was eventually abandoned, but not before several tribes were cut off from federal aid.

All of these issues were heavy on the minds of the Native Americans who attended the Rapid City treaty conference. Irving Billy, vice president of the Navajo Nation, stressed the inviolability of the treaties: "There are certain truths that cannot be negotiated, namely our tribal sovereignty and the sanctity of our treaties."

Oliver Red Cloud of the Oglala Sioux expressed similar concerns: "Everything we have is from our treaties. Under our treaties there is a future for our

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OTHER VOICES

When it comes to Indians, the West is ignorant

by Frank Pommersheim

Recently, Elizabeth Garriott, a friend and resident of the Rosebud Sioux Reservation in South Dakota, said, "The reservation is like oxygen to me. I cannot live without it."

The statement is in English, but it might as well be in some foreign tongue as far as most government officials and non-Indians are concerned.

That Native American tribes did not die out as predicted 100 years ago; that Indian cultures and reservations are likely to be permanent fixtures of our landscape, perhaps even more permanent than many shrinking non-Indian rural communities; and that Native American people can remain so firmly rooted to their often isolated and always desperately poor reservations, amazes most other Americans.

Why the amazement? It is, I believe, because of the incredible ignorance that has taken root in the West's arid historical and political soil.

This blissful and destructive ignorance was well illustrated by the recent statement by South Dakota Attorney General Roger Tellinghuisen, who said, "Indian reservations are a divisive system of government that have outlived their usefulness." His comment fails to even begin to comprehend the treaty-based guarantees of a "measured separatism" to Indian tribes. The South Dakota attorney general ought to know something about tribal sovereignty and the tribe's parity with state authority. I mean, after all, this is a person who has been elected to one of the highest constitutional offices in the state.

Yet his reaction is typical. During the 10 years I lived and worked on the Rosebud Sioux reservation as a teacher and a lawyer, non-Indian people were genuinely surprised, if not astounded, by someone's

Tribes under attack . . .

(Continued from page 15)

Lakota children. Washington must hear us."

Despite the gravity of their problems, the conference participants took time to enjoy themselves at an intertribal Pow Wow. They gathered in the gym of a Catholic church to watch dancers in traditional tribal dress and hear the songs of ancient tribal custom. As the drums pounded out a seat-rumbling cadence the dancers acted out a ritual that predates the founding of the United States by a dozen millennia. The Pow Wow reaffirmed the tribes' commitment to their traditional cultures but it also pointed out how deeply embedded that culture is in the dominant Western society; the Pow Wow began with a traditional Sioux spiritual chant — followed by a recitation of the Lord's Prayer. As the dancers made their grand entry they passed beneath a basketball hoop and an American flag.

I left the conference with the words of Luke Duncan, chairman of the Northern Ute Tribe, ringing in my ears: "We are living in poverty. We are losing our traditional values. This must change. We need those values for our children."

A chill wind was blowing off the Black Hills as I caught a taxi for the airport. I told the driver I had just attended a conference on Indian treaty rights, and asked him what the local people thought of the Sioux Indians, whose reservation is just a few miles to the east.

He thought for a second, smiled slightly, then looked at me and curled his lip. "If we had our way," he said, "we'd shoot every goddamned one of them." We rode the rest of the way to the airport in silence.

Daniel McCool is a professor of public administration at the University of Utah in Salt Lake City.



If South Dakota values local and rural life as much as it claims, why is there such a terrific out-migration of the young?

choice, whether Indian or non-Indian, to live on the reservation. Such reactions always puzzled me. Some of it is racism. But ultimately, I think, racism is only a small part of it. More important is the institutionalized ignorance of both the citizens and the government of South Dakota and most states in the West.

This ignorance — and, consequently, government Indian policy — has never been seriously questioned because most citizens do not know they don't know.

Why don't people in South Dakota and the West know anything about reservation life? Because state and local governments simply do not educate their citizens about such things as reservations, treaties and tribal governments. It is still possible to be educated in South Dakota from kindergarten through the University and not learn anything about tribes and reservations, including their past and current situation, their permanent and enduring reality. It is not surprising, then, that most South Dakotans do not even have the baseline concepts and understanding to bring to bear on real tribal-state problems involving such things as water, land jurisdiction and the environment. And without an informed citizenry, the political leadership of most states in the West is equally uninformed and misdirected in its response to these issues.

Beyond the glaring absence of any fundamental knowledge about these treaties and the permanency of reservations and tribal governments, there is something even more nefarious. Education determines what is authentic, meaningful and legitimate. Education certifies importance and is the touchstone for civic discourse and problem solving. In the educational void involving tribes and reservations, there is also, then, the implicit message that tribal governments and reservations are not meaningful and legitimate, and therefore they cannot have problems and claims that merit serious attention of fellow citizens.

The West's failing in regard to education about tribes, treaties and reservations is instructive in other ways. It reflects the inability to identify what is unique to the region and needs to be preserved to enhance and mold a meaningful future. For example, if South Dakota values local and rural life as much as it claims, why is there such a terrific out-migration of the young? One reason certainly is that there is very little in their education, particularly at the university level, that teaches students the value and challenge of reclaiming and honoring rural life.

Ironically, these same facts sometimes confront public education on the reservation itself. Yet there have been remarkable advances in places like the Rosebud Sioux reservation's Sinte Gleska College and other Indian-controlled community colleges. Most, as well as a few state-run public schools on reservations, have made a considerable effort to develop and teach programs on Native American lan-

guage and culture, as well as tribal law, treaties and government.

Those courses, some of which I helped to develop, have had a galvanizing effect on students, as they see and learn about themselves and the traditions and institutions that direct their tribes' decisionmaking.

The teaching empowers students, individually and collectively, to more fully understand the present and to envision a future of their dreams. Such materials do not replace, but complement, course work that comprehends the world of state and federal governments and life outside the reservation. It has forged a "homecoming" curriculum, which encourages and trains students to understand, to honor and to remain committed not only to their reservations and their culture, but also to rural life.

These community education and local curriculum efforts have also had a powerful effect on non-Indian students who attend Indian colleges such as Sinte Gleska College. Non-Indians make up a sizable minority (10 to 15 percent) of students and staff at many schools.

An extraordinary aspect of this experience is that the colleges have provided — simply by existing and not being racially exclusive — rare forums in which Indians and non-Indians

come together in and out of the classroom, fostering increased personal, cultural and political respect and understanding.

During the time I taught at Sinte Gleska College, I was repeatedly struck by this contact, particularly as it affected non-Indians. Non-Indians reacted most favorably in three ways: 1) to the rigor and quality of education they were receiving; 2) to the fact that they were welcomed; and 3) to the opportunity to meet Indians and their cultures in a non-threatening, non-stereotyped situation.

The most striking attributes of these exchanges are legitimacy and humanity: legitimacy in the sense that there emerges in most non-Indians a recognition and appreciation of the legal and ethical rights of Indian people to develop and improve their institutions and government; humanity in appreciating the human faces behind the tribes' struggles. This alone, of course, does not solve difficult questions, but that understanding is a prerequisite to discussions of and the ultimate solutions to such pressing issues as the discrimination, the Black Hills controversy, and the recognition of the tribes' permanence.

The education process also has the added potential for cultivating a precious ethic of common understanding and respect. The state of South Dakota and other states throughout the West can no longer blithely exploit their own citizens by depriving them of the opportunity to learn about and respect historical and contemporary tribal reality as an enduring and important presence. Without such efforts, there can be little hope for the improvement of tribal-state relations in the West. There will only be a continued, but inexcusable, ignorance and a kind of ugly, educational apartheid.

Frank Pommersheim lived and worked on the Rosebud Sioux reservation for 10 years. He now teaches at the University of South Dakota School of Law.



16-High Country News — May 21, 1990

GOING, GOING, GONE?



National Park Service

Clear conditions like these occur about 10 percent of the time. The air is this clean or cleaner during only nine of the 90 summer days. If pollution levels increase, the number of these clean-air days would be cut in half to only four or five throughout the entire summer.



National Park Service

When pollution is at its worst, canyon visitors are greeted by a complete white-out. Days like this will be more frequent if current legislation is not improved.

If we don't act now, vistas of the Grand Canyon and other national parks and wilderness areas all across the United States may become nothing more than a memory. Our national parks and other wildlands are already heavily polluted, and the Clean Air Act pending in Congress offers little relief. According to the National Park Service, the Senate-passed version of the bill will allow air pollution to increase as much as 300 percent at the Grand Canyon

and up to 500 percent at Glacier National Park in Montana. The situation is similarly grim all over the West. The Sierra Club didn't kill dams in the Grand Canyon only to lose the park to a pall of smog. With your help we can improve the legislation in the House of Representatives and save our parks and wilderness areas.

The main culprits are existing and new unregulated coal-fired power plants, which contribute

more than two-thirds of the haze in the Grand Canyon. To make our purple mountains majestic again the House of Representatives must pass a Clean Air amendment sponsored by Rep. Ron Wyden of Oregon. The Wyden Visibility Protection Amendment would require the U.S. Environmental Protection Agency to regulate power plant pollution and to take other steps so that we will actually see the beauty of our wildlands.

Your U.S. representative will be voting on the Clean Air Act soon. The votes he or she casts will decide if the skies over the Grand Canyon and other parks and wilderness areas will be clear again. Join with the Sierra Club to protect our wildlands. Call your representative today at 202/224-3121 and ask him or her to vote for the Wyden Visibility Protection Amendment to the Clean Air Act.



For more information about the Sierra Club and how to join in our conservation campaigns write or call the Sierra Club, 730 Polk St., San Francisco, California 94109 (415/776-2211).

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