

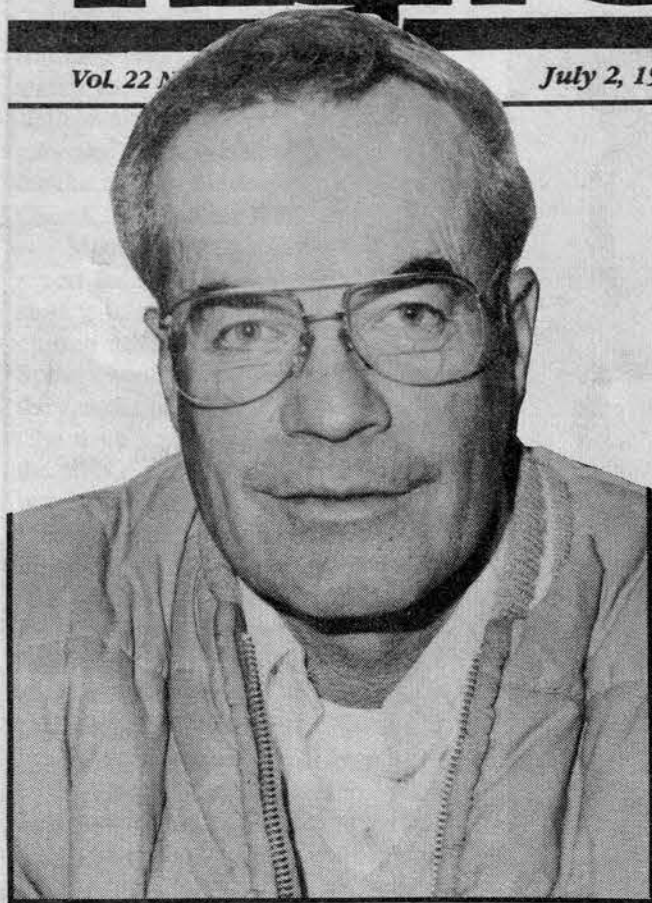
High Country News

Vol. 22

July 2, 1990

A Paper for People who Care about the West

One dollar



JUL 02 1990

Sagebrush Rebels try to call the shots in Nevada

Dean Rhoads, state legislator and sagebrush rebel

by Jon Christensen

DEETH, Nev. — Late last year, an Arizona land development company offered to trade to the federal government 63,000 acres of private ranchland in northeastern Nevada for approximately 700 acres of public land inside booming Las Vegas.

The deal had everything going for it from a conservation and stream restoration point of view. But it also had one thing against it: politics. This corner of Nevada is the last stronghold of the Sagebrush Rebels — the group that sought to transfer public land into private hands in the late 1970s and early 1980s.

Led by Dean Rhoads, a rancher and Nevada state legislator, the rebels succeeded in bottling the land trade up within the Bureau of Land Management, despite support for the trade from local BLM officials.

Now it appears that the trade will go forward, but in a diminished form. In particular, some of the land and streams originally destined for the public domain will remain in private hands.

The original trade of almost 100 square miles was significant in itself. But the battle surrounding the exchange also illustrates the general resistance, across the West, on the part of ranchers to the transfer of private lands into the public domain.

The trade proposal originated with Olympic Management, Inc., of Phoenix, which closed on the nearly 100-square-mile Rafter Diamond Ranch this spring for around \$7 million. It expected to trade the property for public land on the north side of Las Vegas that the federal government has slated for disposal.

Las Vegas real estate values are skyrocketing as each month roughly 4,000 new residents move to the gambling mecca. Houses, condominiums and shopping malls sprout overnight in the creosote flats surrounding the city.

In return for about one square mile of public land, on which it intends to

build a "planned development" within the city limits of Las Vegas, Olympic Management offered the Bureau of Land Management one of the choicest riparian habitats in Nevada, a natural home for the threatened Lahontan cutthroat trout.

Bisected by Highway 95, the "selected lands" in Las Vegas lie about a mile north of the nearest subdivision. The dominant features on this waterless landscape are two gravel pits, which were mined to build the highway and have since become dumping grounds for trash.

The private land Olympic Management wants to exchange lies at the opposite end of Nevada, in its northeast quadrant, about 360 miles from Las Vegas. It consists of the private base properties and leased grazing lands of the Rafter Diamond Ranch. This property embraces much of the Mary's River drainage, from where the river tumbles out of the Jarbidge Mountains until it meets the Humboldt River at the ranch headquarters in Deeth, on Interstate 80.

The "offered lands" also take in the headwaters of the Bruneau River and feeder creeks of the North Fork of the Humboldt and are home to waterfowl, raptors and mammals, including river otter, mink and, in the summer, pronghorn antelope. The 88 miles of stream and 12,000 acres of natural meadows and marshes come with water rights, supplemented by 17 other springs and wells.

According to its new owners, who bought the ranch from the Travelers Insurance Company, the Rafter Diamond suffered from years of bad management by absentee lessees. Recent managers include John Casey, who has been charged by the BLM with starving cattle at a number of his operations around the West.

"Over the years, that type of management destroyed the ranch," said Guy Insalaco of Olympic Management, "especially the riparian areas."

While some local cattlemen argued that the Rafter Diamond had little value for conservation because many of the streams on the property now run dry

most of the year, the BLM saw the Mary's River as a potential major showcase for the agency's much touted riparian reforms. The trade would also consolidate 227,000 acres, or 350 square miles, of bureau-administered public land now in a checkerboard left over from railroad land grants.

In fall of 1989, Olympic Management got an enthusiastic nod from the BLM district office in Elko to proceed with the swap. The agency set aside a

pool of 3,100 acres of public land in north Las Vegas, out of which the company was to choose 700 acres, more or less, depending on the final appraised value of both properties and whether the deal went through.

Since then, according to Insalaco, Olympic Management has forked out \$110,000 for an environmental assessment prepared by an independent firm, JBR Consultants of Salt Lake City. The

(Continued on page 10)

Rhoads stonewalls the BLM

by Florence Williams

Despite his conviction that a Nevada rancher committed willful trespass twice on the public range, a top-level employee of the Bureau of Land Management in Elko has been unable to bring full charges against the rancher.

The BLM employee, Les Sweeney, says that Tuscarora rancher Dean Rhoads illegally trespassed his cattle in March and again in May.

Despite strong evidence and witnesses in the agency, the first violation never made it past the district manager's desk. The second resulted in the minimal \$8.70 fine and dismissal of the "willful" part of the violation, all against Sweeney's recommendation.

For Sweeney, the area manager in charge of range resources, Rhoads has proven a tough nut to crack.

A two-term state senator who is generally considered the father of the sagebrush rebellion, Rhoads pulled strings in Washington, intimidated Elko officials and was generally uncooperative, says Sweeney.

Rhoads has never appreciated the presence of the federal government in his state. In reaction to the Carter administration's public land policies, Rhoads led the effort among ranchers to bring public lands into private ownership. In 1979 he was responsible for

passing legislation in Nevada challenging the powers of the federal government. Recently, he has been a key opponent of a land swap proposed by the BLM and a private rancher.

But Sweeney, due to retire this summer after 31 years in the agency, was undaunted. He says his impending retirement, together with his years of experience, has made him tougher, and gutsier, than most agency employees. Land managers like himself, he says, are pressured from above to be soft on their permittees, even at the expense of the resource.

"I don't feel good about the support we get from upper management." In a final act of defiance, Sweeney rose against unspoken agency protocol to crack down on a powerful but allegedly negligent rancher.

Sweeney and his range conservation officers had been keeping an eye on Rhoads for some time. They knew he could be difficult to work with, that he had failed to obtain the required "trailing permit" for moving his cattle, and that he had complained about recommended cattle grazing reductions in riparian zones, says Sweeney.

On March 14, Sweeney's range conservationists saw 750 head belonging to Rhoads "on the trail," headed for a BLM allotment they were not permitted to graze until March 16, explains Sweeney, who joined the Elko office a

(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.

Tom Bell
Editor Emeritus

Ed Marston
Publisher

Betsy Marston
Editor

Linda Bacigalupi
Development

Steve Hinchman
Special Issues

Florence Williams
Research/Reporting

Steve Ryder
Editorial Assistant

Peter Carrels
Pat Ford
Jim Stiak
Regional Bureaus

C.L. Rawlins
Poetry Editor

Kay Henry Bartlett
Circulation/Bookkeeping

Claire Moore-Murrill
Jane McGarry
Business

Ann Ulrich
Typesetting

Diane Sylvain
Proofreading/Production

Ken Wright
Intern

Tom Bell, Lander WY
Lynn Dickey, Sheridan WY
Judy Donald, Washington, DC
Michael Ehlers, Boulder CO
Jeff Fereday, Boise ID
Bert Fingerhut, Aspen CO
Tom France, Missoula MT
Karl Frohboese, Park City UT
Sally Gordon, Kaycee WY
Bill Hedden, Monk UT
Dan Luecke, Boulder CO
Lynda S. Taylor, Albuquerque NM
Herman Walsh, Emigrant MT
Andy Wiesner, Denver CO
Susan A. Williams, Phoenix AZ
Board of Directors

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

All rights to publication of articles in this issue are reserved. Write for permission to print any articles or illustrations. Contributions (manuscripts, photos, artwork) will be welcomed with the understanding that the editors cannot be held responsible for loss or damage. Enclose a self-addressed stamped envelope with all unsolicited submissions to ensure return. Articles and letters will be published and edited at the discretion of the editors.

Advertising information is available upon request. To have a sample copy sent to a friend, send us his or her address. Write to Box 1090, Paonia, Colorado 81428. Call *High Country News* in Colorado at 303/527-4898.

Quick response here

Kay Henry Bartlett, *HCN*'s circulation manager and bookkeeper, and a relative newcomer to Paonia (she's only been here a year or so) says one of the nice things about the town is that "you get to feel like a youngster again." She gets that feeling every other week, while lugging mail bags to the mailroom. Old-timers on the street stop to ask if she needs help.

Kay is responsible for *HCN* receiving an unsigned postcard postmarked Olympia, WA. It read in part: "It was immediately apparent to me yesterday that *HCN* has not yet computerized, when I found in my mailbox the June 4 issue, barely two weeks after I'd sent in the subscription form."

HCN is, of course, computerized, but the paper does not use a subscription service. We italicize service because its main effect seems to be to delay subscription changes. Because we lack a service, Kay enters subscription orders and address changes the day they arrive in the mail. And gummed address labels are run out only a day or so before the mailing is done. As a result, the six weeks' notice many publications require for change of addresses is no more than two weeks in our case.

Summer visitors

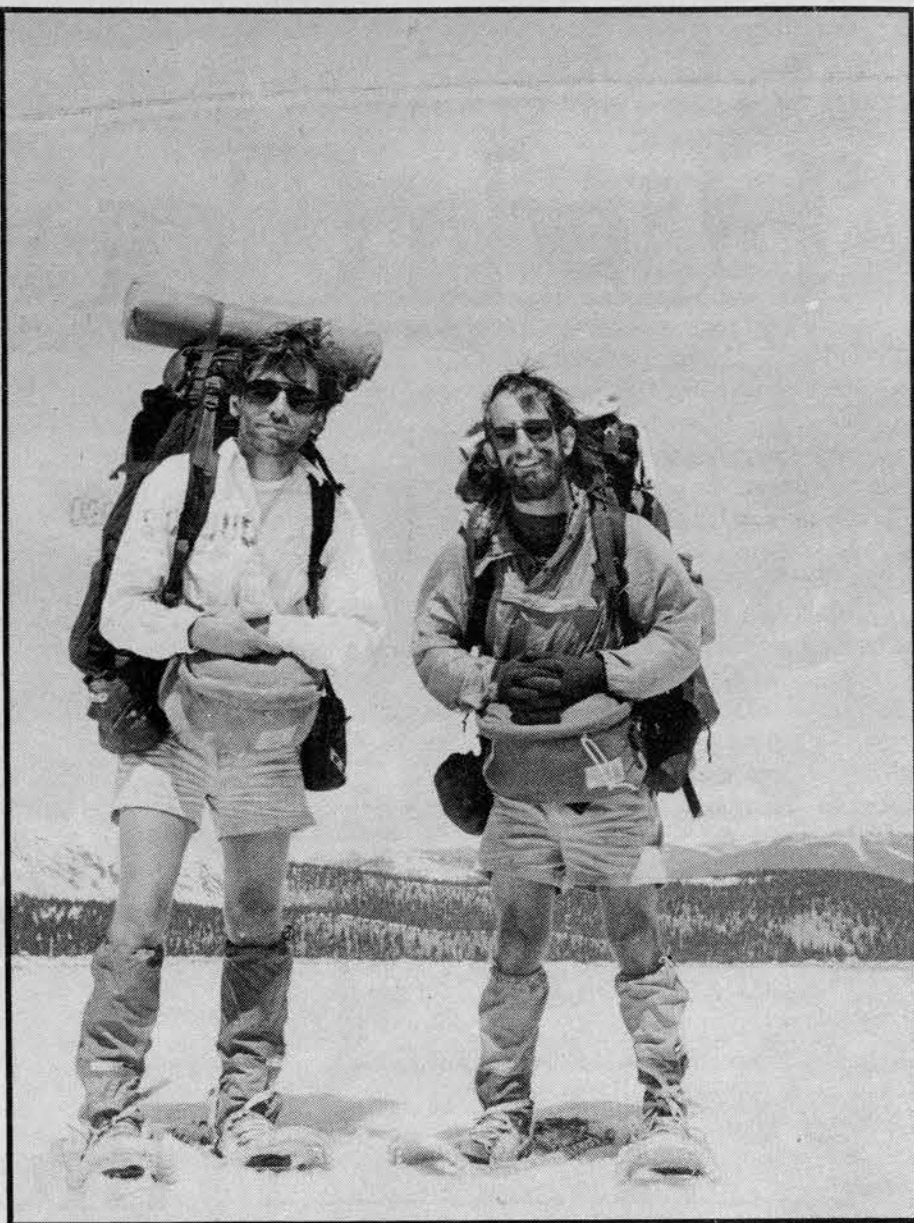
Jo and Greg Barnier of Hamilton, Mont., came by to say hello. Jo is with the Bitterroot National Forest, but is about to become district ranger on the Medford District of the Chequamegon National Forest in north-central Wisconsin. Greg, a woodworker, has a portable trade. The couple has two children.

Subscriber Joe Sands, a Summit County, Colorado, commissioner, and spouse Marie came by on their way to a meeting of Colorado Counties, Inc., in Durango, Colo. Joe fills a gap left by Bob Child, a former Pitkin county commissioner who also used to stop by on his way to CCI meetings.

Steve Pettit, aka Mad Dog, a graduate student of Prof. Patricia Nelson Limerick at the University of Colorado, was recently in town to use back issues of *HCN* for his thesis research. He has been roaming the Western Slope of Colorado in search of information on the Dolores and Animas-LaPlata water projects. He also also been running a few rivers, presumably as part of the same research.

Other visitors included Jacqueline Troyer and Norma Gordon of Grand Junction, Colo., who had read about the paper in *Harrowsmith Country Life*. Former Californians, the couple said western Colorado, by comparison to the traffic-jammed West Coast, seemed like heaven. We also visited with college students Irene Shonle and Peter Van Laanen and her parents, Forrest Whitman, a minister at the Unitarian Universalist Church in Boulder, Colo., and his wife, Frances Shonle, who works as a janitor at the church. They had been out camping near Pleasure Park in Delta County but suggested the area badly needed a guide to camping.

Ever since editor Betsy Marston wrote a feature for the *Boulder Daily Camera* about the fun of coming to a small town like Paonia and "schmoozing" with people on its two-block downtown, visitors from Boulder have dropped by. They include E.L. Buck, who was looking for a family vacation home, and Doug Watson, a Boulder attorney, who told us Paonia sounded like Boulder in the early '60s. Those



San Francisco Sierra Club members Sam Wainer and Stephen Capra dropped in to the *HCN* office as part of a Continental Divide trek they began in New Mexico March 20. Their object: to drum up support for protecting the Arctic National Wildlife Refuge in Alaska from oil and gas exploration. The hikers, who plan to wind up in Waterton Lake Townsite, Montana, Oct. 17, try to stop off at as many places as possible to talk to people about the refuge, a wild area the size of South Carolina. Coming up soon are stops in Lander, Wyoming, July 24, Salmon, Idaho, Sept. 6, and Butte, Montana, Sept. 21. Individuals or groups wanting to talk to the trekking duo, and see a 20-minute video on the refuge, can write in advance to Gary Davis, 126 Vista Grande, Grand Junction, CO 81503.

were the "pre-mall days," he said, when tumbleweed still blew down Pearl Street.

Also dropping by was Marty Durlin, who helps run Boulder's public radio station KGNU, and her daughter, Alli. Later that day Woody Beardsley came by. He is The Wilderness Society's Colorado wilderness field organizer, and he has been on a tour of Western Slope towns trying to drum up support for the wilderness bill proposed by Colorado Sen. Tim Wirth, D.

Our most distant visitor this fortnight was Dan Kixmiller, a Tallahassee, Fla., subscriber, in town to visit his cousin, staff writer Steve Hinchman. Dan bought an *HCN* t-shirt at our special visitor price. (You have to visit to learn the price.)

A regional intern

High Country News has a new intern whose office is 750 miles from Paonia. Warren Cornwall is based in his hometown of Boise, Idaho, having just returned there from a half-year stay in Durango, Colo., in the southwestern corner of Colorado. Warren spent most of his time there mountain biking and roaming Canyonlands National Park, when he wasn't working at a local bike shop.

Warren graduated from Boise High School in 1988, and spent a year at Wesleyan University in Middletown, Conn., before deciding it was time to see some of the West.

After his work with *HCN* regional editor Pat Ford, Warren plans to spend two months hiking through Idaho. Included in his itinerary is Hells Canyon, the Copper Basin, the River of No

Return Wilderness and the Selway-Bitterroot Wilderness.

"I've lived here for 18 years and haven't seen most of the state," he explains. Then it's back to the East and college, where he plans to major in environmental studies and government.

Correction

A not was turned into a now in a Roundup in the last issue about soil scientist Chuck Neal. The story should have said that Neal signed an original BLM decision not to allow cyanide devices to kill coyotes. Neal was later overruled by the agency's state office "purely for political reasons," Neal said.

—Ed Marston for the staff

HOTLINE

Badlands were bombed

A World War II bomb in El Malpais National Monument in New Mexico was detonated June 13, launching a 200-foot-high cloud over the monument's lava fields. An Army ordnance team was called in to explode the device, which was discovered last December. It was a relic from a bombing range once located near McCarty's Crater, south of Grants, reports the *Albuquerque Journal*. Badlands Superintendent Douglas Eury says seven other bombs or fuses were found this year, and visitors are being discouraged from visiting McCarty's Crater. Meanwhile, the search continues for more unexploded bombs.

WESTERN ROUNDUP

It may be all too easy to turn off Yellowstone's geysers

After two years of field work, preliminary findings show that the same waters creating the travertine terraces at Yellowstone's Mammoth Hot Springs may also be connected to a geothermal feature targeted for development by the Church Universal and Triumphant.

Mike Sorey, who is completing a report for the U.S. Geological Survey, says it is still too early to predict if church development at La Duke Hot Springs would have a negative impact on the famous park attractions. But Sorey says there appears to be a link between the pressurized aquifers that push boiling water to the surface at Mammoth and the steamy vents that feed La Duke, six miles north of the Yellowstone border.

In 1988, Congress placed a two-year moratorium on development at La Duke following increased public concern about church plans to tap the geothermal spring for hot water.

A recommendation will be presented by Sorey to Congress and to Interior Secretary Manuel Lujan later this year.

If it is shown that development might harm Yellowstone's hot springs, then one option available to Lujan is to authorize a federal buy-out of the church's water rights at La Duke, an action viewed with disdain by private landowners.

The New Age sect has voluntarily capped a well drilled 458 feet into a portion of the La Duke spring, which lies near the Yellowstone River running north from Gardiner.

The church wanted to divert a sizeable amount of water to some of the facilities on its 32,000-acre Royal Teton Ranch. The water would be used for heating and other purposes.

Church Vice President Ed Francis has said repeatedly in the past that his organization has no intention of harming the geothermal features in the park. But he also maintains the church has a right to develop the resource.

Compounding the development threat to Mammoth Hot Springs is the church's poor record of environmental protection, say critics.

Not only has a church fallout shelter destroyed prime grizzly habitat near the Yellowstone border, but a 31,000-gallon fuel spill this spring threatened a stream important for spawning Yellowstone River cutthroat trout (HCN, 5/7/90).

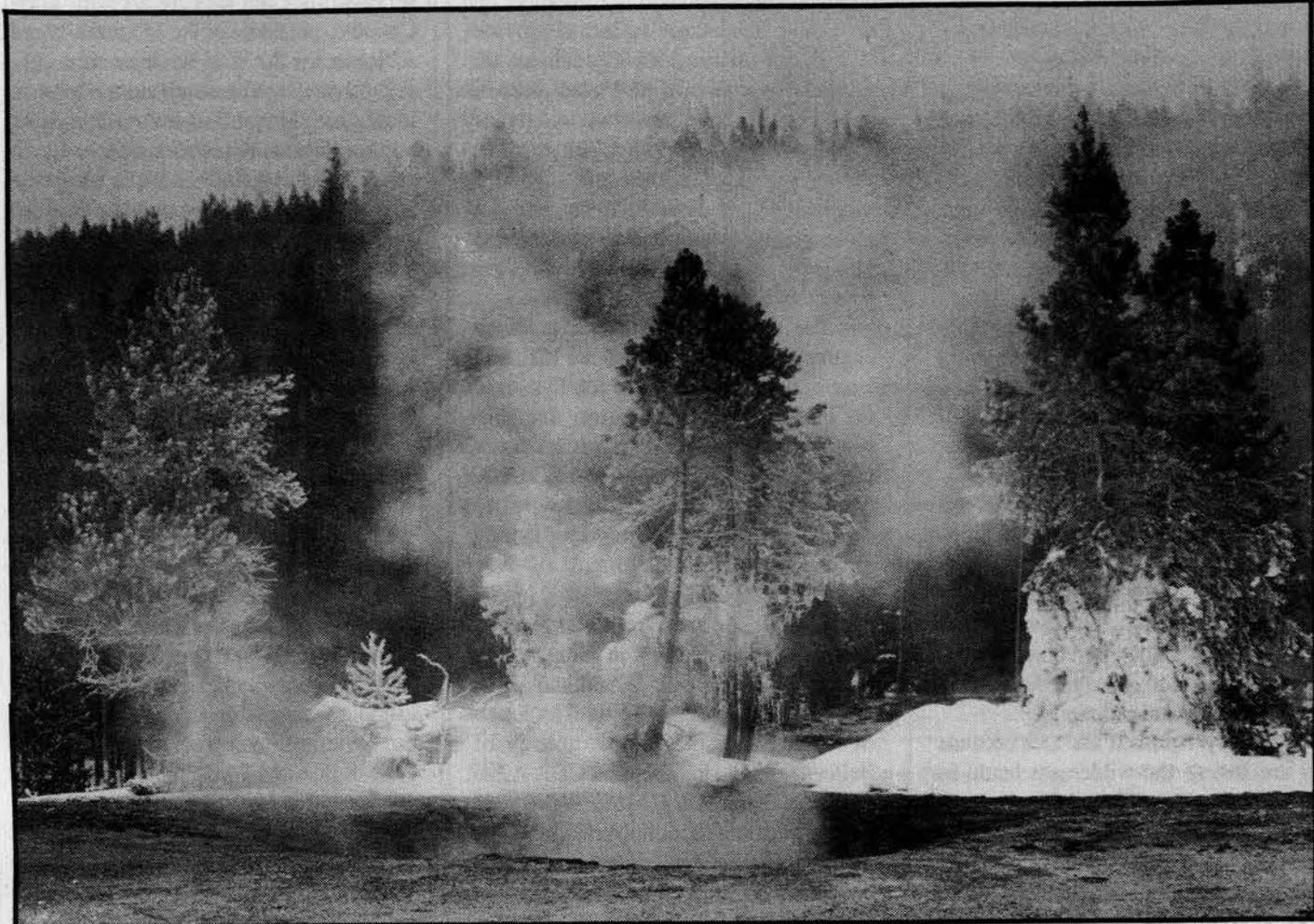
Environmentalists claim that unsuccessful geothermal development throughout the world paints a dim picture of what can happen to geysers, hot springs and steam vents when they are fiddled with.

"One of the reasons Yellowstone was set aside as a national park was its wealth of geothermal features," said Louisa Willcox of the Greater Yellowstone Coalition.

"It has been shown around the world that once features like these are destroyed it is often impossible to ever bring them back," she added.

Energy specialist Caron Cooper said geothermal development is tricky and any attempt to tap hot water or steam brings with it an inherent risk of permanently damaging the resource.

Cooper, who is affiliated with the University of California-Berkeley's Energy and Resources Group, said an area in northern California known as "The Geysers" provides a 20-year case study of the relationship between geysers and development.



Kent and Donna Dannen

Steam rises from a hot spring in the Upper Geyser Basin in Yellowstone National Park

"Looking at the geysers in California, nobody really knew what was going to happen," she said. "No one would have predicted how quickly the pressure levels feeding the geysers would decline."

Park researchers say underground plumbing systems that create geysers, mud volcanoes, and fumaroles in the park are part of a massive network of pipelines running across the region.

The scenario is further complicated by the fact that much of Yellowstone sits across rivers of molten lava flowing only miles beneath the surface.

Subterranean waters lying between the lava and upper crust are vaporized and brought to a boil before being ejected through geysers and hot springs above the surface.

The whole system is dependent upon regular throbs of pressure which could be decreased by human development.

According to Sorey, there are places where re-injecting water back into aquifers has worked. But occasionally the high mineral content of the liquid causes vents to seal shut, ruining features forever.

A surprising byproduct of the federal study is that researchers now say there is a probable link between the Norris Geyser Basin in the center of the park and the features located at Mammoth.

For years, geologists have also speculated about a connection between Norris and the geyser basins around Old Faithful. Such a link would have monumental consequences, proving that all

features in the region might be part of common aquifers.

Neither Sorey nor Hamilton want to reveal what their conclusion will be about proposed church development because they do not want to predispose the final findings.

"We're trying to be very careful about this," Hamilton said. "We have several studies to complete this fall and then we'll be ready to make a statement."

Willcox, meanwhile, says it is important to act now before it is too late. She wants citizens to apply pressure on their congressmen by asking for a development moratorium.

— Todd Wilkinson

Tribes stock river despite Wyoming's opposition

Despite the best efforts of Wyoming state officials and of the Wyoming congressional delegation, the Wind River was stocked with 10,000 rainbow trout on Friday, June 15.

The stocking was done jointly, by the Wind River Reservation's Arapaho and Shoshone tribes, and by the National Wildlife Federation and Trout Unlimited. The tribes also provided the all-important water, in the form of in-stream flows in the Wind River. The water is part of the 500,000 acre-feet the tribes were awarded by the Wyoming Supreme Court — a decision affirmed in 1989 by the U.S. Supreme Court.

The water had previously been used by Anglo farmers in the area. In wet years, there will be enough water for both the farmers and the tribes. But in dry and marginal years, there will not be enough water for the farmers. The tribes' determination to leave water in the stream makes the stocking possible because the river will no longer be drained dry in water-short years.

The decision has created intense political fallout. Negotiations between

the state, representing the Anglo irrigators, and the tribes have broken down. And when the U.S. Fish and Wildlife Service began planting 140,000 brown trout and 20,000 rainbows in the Wind River, in what should have been a routine act, the state and the congressional delegation apparently convinced FWS officials in Washington, D.C., to stop the planting.

In reaction, the tribes and the environmental groups bought and planted their own fish. Dick Baldes, a FWS biologist in Wyoming, said his agency "supports" the voluntary planting, which he said represents the culmination of a 16-year effort "to have in-stream flow. So this is a big day." According to the *Casper Star-Tribune*, Baldes would not comment on lack of support for stocking from higher-ups in his agency.

Sen. Malcolm Wallop, R, said the stocking was "trivial" and Sen. Alan Simpson, R, characterized it as "political." Wyoming state water officials have said they would not shut down the headgates of irrigators to protect the in-stream flow, because they said the tribes'

in-stream flow was not properly established. The tribes have called on the Bureau of Indian Affairs and the Department of Interior to protect their water right.

The dispute is unique for several reasons. Unlike most Indian water conflicts, the Shoshone and Arapaho are arguing from a position of strength: they have the water decree in hand. In addition, they are allied here with environmental interests. In most Indian water cases, tribes make common cause with Anglo water developers to build a dam to provide irrigation, industrial and municipal water for both groups. Invariably, as in the Animas-LaPlata case in southern Colorado, environmental groups fight the project.

But in the Wind River case, the two tribes have eliminated the need for massive capital investment to provide additional water storage by attempting to build an economy on in-stream uses.

— Ed Marston

Idaho conservationists split over wilderness strategy

STANLEY, Idaho — The strain of seven years of campaigning to protect Idaho wilderness has taken its toll on battle-weary conservationists.

A split over strategy has developed between environmental groups and sportsmen over when to push for wilderness legislation. The rift surfaced June 1 when representatives of the Idaho Conservation League and The Wilderness Society sat down with logging, farming, mining and motorized recreation interests in preliminary negotiations aimed at resolving the wilderness debate.

The talks, sponsored by the Republican-controlled Idaho Legislature, were initially shunned by all wilderness supporters because a feature of the bill authorized \$158,000 to pay for mediation.

But in a meeting May 18 at Redfish Lake Lodge, during the Idaho Conservation League's Wild Idaho conference, many environmental leaders decided to attend the talks to see whether they would be useful. The Sportsmen's Coalition and the Idaho Wildlife Federation stood fast against negotiations.

"Industry initiated the idea because they are losing the wilderness battle in both the courts and in public opinion," said Ron Mitchell, executive director of the Sportsmen's Coalition. "And the Republicans sponsored them to try to erase their obstructionist image in an election year, to make voters forget the Republican Party has an official no-wilderness plank."

Craig Gehrke, Wilderness Society Northern Rockies regional director in Boise, said that 40 representatives of various interests involved in the first discussions were reserved and realistic. "There was no talk of no more wilderness," he said.

But only conservationists stated their goal for the talks, Gehrke said, and that was "to get wilderness legislation for Idaho soon."

Sportsmen representative Mitchell said, "Our time would be better spent educating the public on what these unofficial wilderness lands we're fighting over are, and what the Forest Service plans for them are."

Gehrke said the differences over the negotiations grow out of opposing strategies on whether to press for legislation in 1991 or to wait for a better time later. He acknowledged a growing disagreement within the Idaho environmental community.

"I think there may be one building," he said. "There is a definite faction that wants legislation next session."

Whether that will grow out of negotiations, talks with the congressional delegation or will simply be the 4.9 million-acre conservationist bill introduced by Rep. Peter Kostmayer, D-Penn., has not been decided. But many conservationists at the Wild Idaho conference expressed frustration over the lack of a clear victory since efforts to pass a wilderness bill started in 1983. And their plate is becoming increasingly full with water quality issues such as water quality and endangered species.

Negotiations between conservationists and industry representatives were used successfully to write new laws to protect Idaho lakes and streams from non-point source pollution such as sediment from logging roads, farming and mines. But Mitchell, who with Gehrke and others represented environmental interests in the water talks, said the results demonstrate that wilderness negotiations as set up by the Legislature won't work.

"We don't trust industry and the Republicans to honor any agreement we might reach," he said. "Twice this year they betrayed negotiated agreements."

Idaho lawmakers failed to provide \$1 million to fund an agreement on wildlife depredation and also slashed Gov. Cecil Andrus' proposed budget for carrying out monitoring required under the water quality agreement.

In the June 1 wilderness talks, an eight-member committee was selected to choose from seven mediators who are vying for the job.

The selection committee includes Gehrke, Mike Medberry of the ICL, Jim Yost of the Farm Bureau, Jack Lyman of the Idaho Mining Association, Joe Hinson of the Idaho Forest Industries Association, Jim Kerns of the AFL-CIO, Mike Luque of the regional wildlife councils and Herb Meryer, representing recreational interests.

The organizations competing for the mediator job are the Northwest Renewable Resources Center in Seattle, the Mediation Institute in Woodland Hills, Calif., the Center for Dispute Resolution in Salem, Ore., ICF Technology of Bellevue, Wash., jointly with CDR Associates of Boulder, Colo., Wildlands Restoration of Tucson, Ariz., and the Conflict Management Project in Cambridge, Mass., which helped negotiate the Camp David Accords.

Wilderness Society President George Frampton told conservationists at Redfish Lake May 19 to press for an open process, including field trips through controversial areas. But national issues such as water rights and release language should not be a part of the state

talks, he said.

Pressing a state bill next year or waiting are not the only strategies conservationists are kicking around. Cass Chinske, president of the Montana-based Alliance for the Wild Rockies, said conservationists will continue to lose in Idaho and Montana if they allow state congressional delegations to lead on wilderness legislation. Both Montana Sens. Conrad Burns and Max Baucus have introduced wilderness bills in Montana that fall far short of what conservationists there want. And Idaho's failed 1.5 million-acre bill proposed by Sen. James McClure, R, and Gov. Cecil Andrus was unacceptable to environmentalists.

"There's no hope until the environmental movement learns to go around the delegation," Chinske said.

The Alliance wants to change from a state-by-state approach to a national campaign for wilderness in the Northern Rockies similar to the successful Alaska Lands Act of 1980. Its staff is writing a bill that would include all of the conservation proposals for wilderness in Idaho and Montana, with areas also in Oregon, Washington and Wyoming.

Rick Johnson of the Sierra Club in Seattle said a wilderness bill won't pass if conservationists try "rolling over the home delegation." That is why they have not pushed for debate on the Kostmayer bill up to now, he said. The best strategy for Idaho conservationists is to support candidates who support their views, keep a close watch on activities on the national forests, challenge bad practices and work toward a wilderness bill they like, he advised.

Whether negotiations fit those plans remains to be seen. Bringing a relatively small group of negotiators to a consensus on water quality was a long, drawn-out process. Wilderness negotiations, with as many as 40 different groups involved, will be even more complex.

"It would be nothing short of a miracle if everyone around the state agrees," said Gary Glenn, Idaho Cattle Association vice president. Right now even Idaho conservationists don't agree.

— Rocky Barker

HOTLINE

Is WIPP ready?

Even though further tests are still in the works, Energy Secretary James Watkins said that the controversial Waste Isolation Pilot Plant in New Mexico meets federal environmental laws. He forecast a January 1991 opening date. Watkins' comments came only a few weeks after the plant took a bruising in public hearings in Albuquerque and Santa Fe, N.M. The plant will store radioactive waste from nearly a dozen nuclear weapons plants across the country in 2,150-foot-deep salt deposits. Progress toward opening the plant for a five-year test period has been hindered by constant technical and political roadblocks. The January opening date is the third in a series of pushed-up openings, and even this one is eyed skeptically by critics outside the Energy Department.

Air, water did poorly under McClure protege

An Environmental Protection Agency investigative audit sharply criticizes former Northwest EPA Administrator Robie Russell for a pattern of actions favoring special interests over the environment.

The May audit, by the agency's Inspector General's office, concludes that in 10 of 11 recent cases, EPA's Region 10 headquarters in Seattle made questionable decisions favoring polluters or developers, and that Russell was personally involved in eight of them.

The Environmental Protection Agency's Region 10 covers Idaho, Oregon, Washington and Alaska. Russell, who resigned last February, denied the charges, calling them "politics" and overreaction.

Russell's interim replacement, Thomas Dunne, has already reversed one of the decisions, involving the proposed Quartz Hill molybdenum mine in southeast Alaska. Russell approved dumping 80,000 tons of mine tailings daily into Smeaton Bay Fiord, which is near a wilderness area and supports productive salmon runs. The audit says Russell "was apparently concerned because it would cost \$59 million more for the permittee, U.S. Borax and Chemical Co." to use a less sensitive site preferred by EPA staff.

Dunne reversed that, and is considering whether to reverse others. In a memo to his staff, Dunne called the decisions "questionable," but said they did not threaten public health or violate the law.

"If there had been a different management climate at the time ... I would

like to think certain decisions might have been made differently," Dunne told his employees.

The legal point is Russell's main response to the audit. "The investigators themselves state there has been no violation of the law," he told the *Idaho Statesman*. "Everything that was done was within the discretionary authority of those people responsible, either myself or subordinate managers. So where's the beef? ... This has gone beyond the point of rationality. If you sit back and look at what was done, you have to say: Where's the harm, where's the violation?"

Among the charges in the audit:

- Russell overturned a staff request for supplemental environmental analysis of the Sunbeam Mine in central Idaho. EPA then issued a water discharge permit for the mine, which would have allowed arsenic concentrations 100 times the allowable standard. That permit was later blocked in court.

- Russell allowed Alaska to list only 35 of 147 waters as "environmentally impaired or potentially impaired." Exempting the others made pollution enforcement on them more difficult.

- Russell violated the Clean Water Act by approving a similar Idaho impaired waters list which didn't include certain streams affected by pulp mills and mines. The audit specifically mentions the South Fork of the Coeur d'Alene River, whose omission delayed pollution control action at Hecla Corporation's Lucky Friday Mine. Interim administrator Dunne is now proposing to add the South Fork and the Hecla mine to the Idaho list.

- A separate February audit by the Inspector General said Russell impeded his own staff's efforts to clean up Idaho's Silver Valley Superfund site. That site, also in the South Fork Coeur d'Alene drainage, involves some of Idaho's biggest mining companies and most prominent businessmen.

- The May audit says that both the headquarters and branch state offices were characterized during Russell's three-year tenure by low morale, distrust and intimidation. This was not news to anyone who dealt with Region 10 ground-level staff during those years.

Russell had been a deputy Idaho Attorney General and a Boise Republican Party leader before his selection to head EPA's Northwest Region.

His appointment stemmed from an embedded — if unwritten — political agreement covering many federal agencies in the Northwest: Each state takes turns filling the positions.

In 1986, it was Idaho's turn to pick the regional EPA head, and Idaho Sen. Jim McClure, R, chose Russell. Today, it is Oregon's turn, so Sens. Mark Hatfield and Bob Packwood, both Republicans, are about to choose Russell's permanent replacement.

The audit is available from U.S. EPA, Office of the Inspector General, Washington, DC 20460. It is called Report E6AWGO-10-0022-1400015, *Special Review of EPA Region 10 Employee Allegations on the Region's Handling of Air and Water Issues*.

— Pat Ford

Incinerator proposal generates heat in Green River

Some 18 months after citizens of Moab and Grand County, Utah, defeated a proposed toxic waste incinerator and ousted two county commissioners who supported it, a new incinerator proposal is back.

This time it's slated for medical, not toxic waste, and the proposed site is just outside Green River, a town 50 miles northwest of Moab in Grand County.

Publicity about the project has been sparse outside of Green River, population 1,000, and it seems to enjoy local support. According to Green River Mayor Ray Hatt, "95 percent of the town supports the incinerator."

The incinerator is also touted to be safer than the hazardous waste incinerator once proposed for the empty town of Cisco. It would burn one ton of medical waste per hour 20 hours per day and is not intended to burn toxic materials. However, a recently issued report done by California's Air Resource Board says medical waste incinerators emit high levels of the toxins cadmium and dioxin, posing a health risk.

Like Moab, Green River is a former uranium mining town. But Moab, which is close to national parks such as Arches and Canyonlands, seems to have a better shot at making the transition to a recreation center.

The impetus for building an incinerator comes from the large amount of medical waste generated in the United States: more than two million tons per year. Contributors include hospitals, physicians, funeral homes, veterinarians, dentists and laboratories.

Medical waste does not need to be incinerated, but it must be disposed of in a way that neutralizes its infectious matter. Federal regulations define anything that comes in contact with bodily fluids as infectious.

Continental Thermal Destruction, Inc., has already received the necessary state permits concerning air quality and solid and hazardous waste. A new company, Continental says it plans to begin construction of the \$3.5 million incinerator early this summer.

Green River Economic Development Director Roy May says the town's access to Interstate 70 and the railroad, as well as its surrounding open space, make it an ideal place to locate industries. The town has looked at or is looking at other businesses such as a tannery, latex glove manufacturing plant, cardboard composting business, stainless steel factory, and recycling company that concentrates waste.

Opponents of the incinerator say town officials overstate local support. Barbara Quist, who has lived in Green River since 1976, says a petition she circulated last year was signed by over 60 of the town's 460 voters. It objected to the state issuing permits to Continental before residents had the time and information to evaluate the project.

Opponents also say that Hatt and

other incinerator supporters have not let democracy work. Pressure and intimidation from the proponents kept some people from expressing their views, says Jim Pinneo, a petroleum field-manager.

Barbara Quist's husband, Bob Quist, says anyone challenging the incinerator in council meetings was "abused badly."

Resident Susan Acerson adds that she was told to "shut up" when she questioned the council on its plans. She also says she was dropped from volunteer groups she served on because of her opposition to the recycling and incineration projects.

Councilman Mike Winters agrees that opponents have been harassed. "They didn't get to air their views without getting attacked personally," he says.

Mayor Hatt dismisses the complaints of intimidation as "typical war cries." The mayor, however, was at the center of an earlier controversy. Before the medical waste incinerator was proposed, Consolidated Management Corp., a company not involved in the medical waste incinerator, proposed building a \$185 million recycling plant in Green River. Hatt campaigned energetically for the proposal until a skeleton was revealed in the firm's closet.

In 1986, Consolidated Management had contracted to haul 270,000 tons of sewage ash from the twin cities of Minneapolis-St. Paul, Minn., to a site near Edgemont, S.D. Consolidated said it would build a plant there to extract gold from the ash. The ash was hauled to South Dakota, but no gold was ever extracted and no jobs were created.

Ultimately, the ash had to be buried on the prairie near Edgemont and the promoter was tried and convicted of perjury (*HCN*, 5/21/90).

Winters charges that Hatt concealed this information from the town and council until a few hours before Salt Lake City's Channel 4 revealed the story. According to Winters, Hatt had this information "months before."

Although the Utah Air Quality Bureau says it was inadvertent, Moab was excluded from involvement in Green River's plans. The state advertised a public hearing for the air quality permit in the *Salt Lake Tribune* but it did not advertise in the *Grand Junction Sentinel* or *Moab Times-Independent*, two

papers most read in Moab.

Consequently, few people from that part of Grand County were aware of the hearing. Merv Lawton, one of the newly elected commissioners for Grand County, said he first heard of the project when it was granted an air quality permit.

Local people who challenged the plan to build an incinerator in Green River say it will detract from what brought them there in the first place — the pristine quality of the area. At this point, Bob Quist says Green River is a better location to operate his rafting company than Moab.

Polly Migliaccio, a 20-year resident of Green River, is concerned about air pollution. The incinerator is expected to emit sulfur dioxide, nitrogen oxide, lead and mercury, among other pollutants. Don Robbing, environmental engineer for the state, says, in addition to cadmium and dioxin, the incinerator may also emit furan, depending on the content of the medical waste.

Steve Acerson says he worries that the incinerator will set a precedent. "Once you put a facility like that in here it will bring on more waste businesses." He also says that although Green River

Mark Harvey



Activist Barbara Quist

"looks like an armpit," it is surrounded by beautiful and diverse country.

For more information about the incinerator, contact the Utah Bureau of Solid and Hazardous Waste at 801/538-6170; the Utah Bureau of Air Quality at 801/538-6108; and Continental Thermal Destruction, Inc., at 208/232-2515. To order the California Air Resources Board report, write to Jerry Martin, Air Resources Board, PO Box 2815, Sacramento, CA 95812 (916/322-2990).

— Mark Harvey

HOTLINE

Decision favors the owl

The Pacific Northwest's estimated 3,000 remaining pairs of Northern spotted owl received federal protection June 22 with the U.S. Fish and Wildlife Service's long-awaited decision to declare the species threatened under the Endangered Species Act. The decision followed a year-long federal study and may lead to as much as four million acres of old-growth forests in Washington, Oregon and northern California declared off-limits to logging, reports the June 23 *New York Times*. Environmental groups praised the decision, noting that up to 90 percent of the area's ancient Douglas fir, redwood and giant cedar forests have already been harvested. These forests, cut at the rate of 70,000 acres a year, provide necessary habitat for the spotted owl. But timber company officials say the forests provide necessary habitat for loggers, as well. The decision, they say, could cost as many as 50,000 jobs over the next 10 years. Federal estimates place the figure closer to 28,000 jobs. Both sides of the issue have criticized the agency for delaying an announcement on how the protection will be carried out and exactly how much land will be set aside.

Tortoise named threatened

The U.S. Fish and Wildlife Service recently listed the Mojave desert tortoise as a "threatened" species. The tortoise

was originally placed on the list on an emergency basis only after an upper respiratory disease caused large die-offs (*HCN*, 7/31/89). The emergency listing afforded wildlife officials time and money to study the animal, which coexists with livestock grazing, mining, oil and gas development, off-road vehicle recreation, military activities and urbanization. The new, permanent listing includes two turtle populations, one north and west of the Colorado River in California, Nevada, southwestern Utah and Arizona; the other south and east of the Colorado River in Arizona and New Mexico. The listing mandates the Bureau of Land Management and other federal agencies write plans to reduce or eliminate factors causing further decline.

Bill would ax Rocky Flats

The Rocky Flats nuclear weapons plant near Denver, Colo., would be shut down and decontaminated over the next 15 years under a proposed amendment to the Defense Department authorization bill. Introduced June 12 by Rep. Pat Schroeder, D-Colo., the legislation would end plutonium processing at the plant by the year 2000 and encourage the agency to move its operations to less populated areas, such as the Savannah River plant in South Carolina or a DOE site in New Mexico, the *Denver Post* reports. Many of the 5,300 jobs lost from the closing would be replaced by the long-term work of moving and cleaning the facility, Schroeder said. Referring to a Reagan administration plan for the DOE to close the plant within 22 years, Schroeder said, "Frankly, I don't trust them."

Mark Harvey



Incinerator opponent Susan Acerson

HOTLINE

Our Western heritage

Volunteers in Arizona are searching for the estimated 40,000 abandoned mine openings that need to be fenced or covered in that state. This new program is run by Arizona's Mine Inspector's Office, which gets help from the Forest Service's volunteer recruitment and training program. This spring volunteers located and marked with warning signs 200 abandoned mines in the Prescott National Forest. Without being secured, these open shafts can be death traps to an unwary walker. Each year in Arizona, reports the *Arizona Republic*, an average of one or two people are killed and five to six injured at abandoned mines. Falls and cave-ins are not the only threats. Other dangers include harmful gases, old explosives, snakes and collapsing ground above a shaft. Colorado is also burdened with this problem, with four deaths in abandoned mines reported in 1989. But Colorado receives \$2.5 million each year from a federal mine reclamation fund to barricade these hazards. That federal fund is built on payments for each ton of coal mined by firms in the state. Arizona has no such fund, since the only coal mined there was taken from the Navajo Nation, where the money is used to reclaim old mine sites.

Wilderness area was logged

Willamette National Forest officials have confirmed that 19 acres of Oregon's Three Sisters Wilderness Area was clearcut in the mid-1980s. A citizens' group reviewing timber sales discovered the logging, and some environmentalists accused the Forest Service of deliberately disregarding the law. Willamette spokesmen, however, said it was an unintentional error in laying out the boundary of the wilderness area.

Who's violating the Clean Air Act?

The city of Denver, Colo., is violating the Clean Air Act by not having a carbon monoxide pollution control program, says the Sierra Club Legal Defense Fund. But the fault is not the city's; rather, the fault lies with the Environmental Protection Agency, says the group. Since 1970, the state of Colorado has formulated plans to control carbon monoxide levels, but the EPA has never approved them. Says Fern Shepard, a Sierra Club attorney: "The EPA has clear responsibilities under the Clean Air Act to insure that Denver has an adequate plan to control carbon monoxide pollution. It has entirely ignored those responsibilities." The new Clean Air Act being negotiated in Congress will not bring a solution to the problem. "Under the new Clean Air Act, Colorado will have yet another chance to prepare a carbon monoxide plan. If the new plan is inadequate, ... EPA will have even more discretion to ignore the problem it has right now," says Eugene Demayo, the Sierra Club's statewide chairperson. Demayo says the new act would limit the ability of citizen action groups to force the EPA to take necessary action to clean Denver's air. He adds that citizens of Denver "must convince Congress that we need a tougher and more enforceable Clean Air Act with a clear mandate to EPA that continued inaction in Denver will not be acceptable."

House bill will let West see farther

The House of Representatives recently passed its version of the Clean Air Act. On most points, House bill 3030 closely resembles Senate bill 1630, passed in April. One of the key differences is in treatment of air quality near national parks in the West.

The Senate bill authorizes \$40 million for the Environmental Protection Agency to study pollution in pristine areas, and sets up state commissions to help monitor enforcement of existing regulations (*HCN*, 4/23/90). But provisions were struck down that would have strengthened the EPA's ability to clean up coal-burning power plants, the West's major source of sulfur dioxide pollution.

The House approved more stringent measures for protecting visibility in national parks, thanks largely to Rep. Ron Wyden, D-Ore., who authored a comprehensive visibility amendment. Among other things, the amendment gives all national parks created since 1977 status as "class I" pristine air quality zones. In the West, the new parks include Great Basin in Nevada and Badlands in South Dakota.

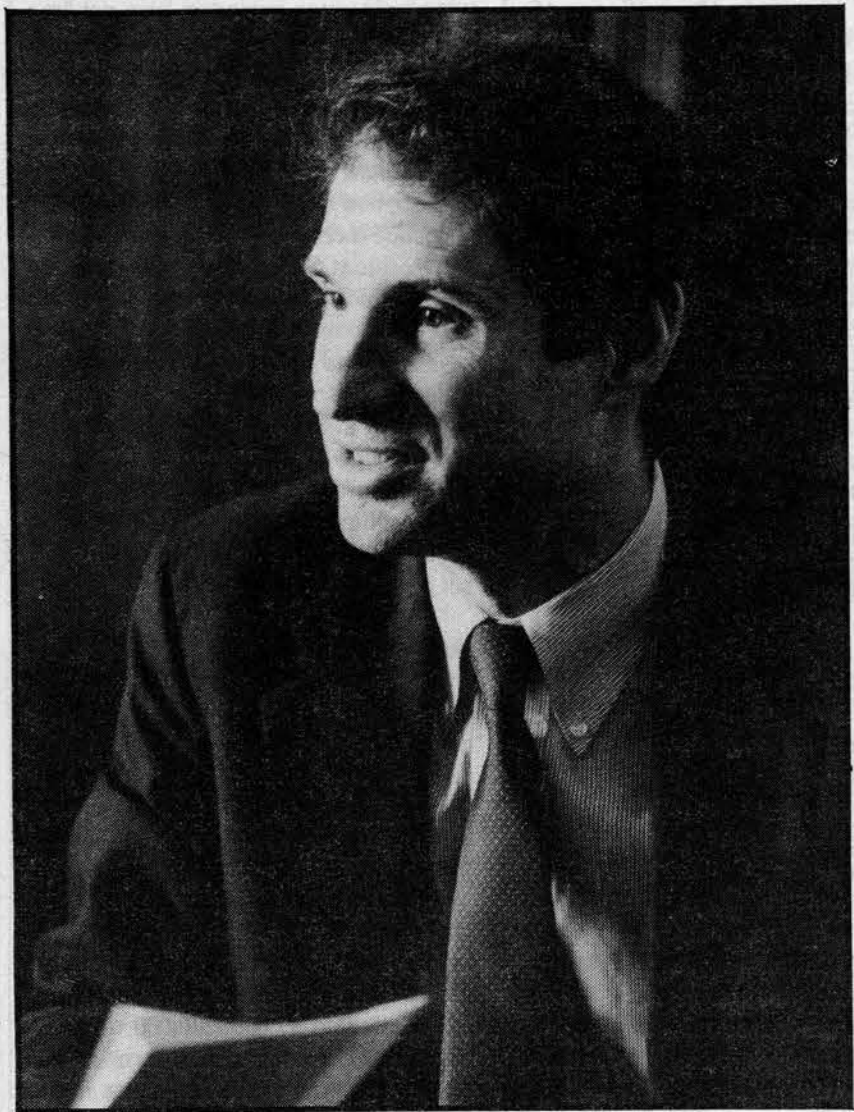
Class I status enables park managers to recommend against siting new sources of pollution within 100 kilometers of the park. Such recommendations would carry weight with the state agencies that grant operating permits.

Another provision of Wyden's amendment requires the EPA to draft regulations within two years of enactment for controlling regional haze. The EPA currently regulates pollution in the form of "plume blight," or emissions from one source near class I areas. Regional haze, caused by a variety of sources, is currently unregulated and expected to worsen considerably over the next two decades.

But for class I areas west of the 100th meridian, the amendment will help keep air quality approximately the same, says Wyden aide Ken Rosenbaum.

"This will enable states to achieve reasonable progress, defined as the perceptible improvement in overall visibility," says Rosenbaum. "It goes above and beyond the bill's acid rain regulations."

As an example of how the amendment could work, Rosenbaum cited the Thousand Springs Power Plant, proposed for Nevada (*HCN*, 5/21/90). If studies predict the 2,000-megawatt plant will impair visibility in Great Basin, the proposal could be shelved until other nearby sources reduce pollution. In effect, says



Representative Ron Wyden, D-Ore., sponsor of the visibility amendment

Rosenbaum, the amendment places a regional cap on emissions, a goal long sought by environmentalists.

Other important provisions were deleted in floor negotiations. Removed from the amendment were regional commissions set up to monitor haze, a clause protecting class II as well as class I areas, and a stronger enforcement mechanism known as the "hammer" clause. It would have created an automatic penalty for sources still dirtying class I areas within two years after enactment.

"We'd hoped the bill would have given stronger emphasis to protect class II areas," says Dennis Haddow, air quality specialist for the Forest Service. Many wilderness areas managed by the Forest Service and Bureau of Land Management are designated class II, even though they qualify for class I status under the 1977 amendments to the current Clean Air Act. "Class II" defines a clean air zone in which slightly more pollution is

allowed than in a class I zone. States have been reluctant to redesignate areas for fear of thwarting economic development.

The House bill would still help protect wilderness areas more than current law, says Haddow. Under provisions in Wyden's amendment, the Forest Service would participate earlier in the permitting process. "Right now, we don't see a permit [application] until the state has already decided if a project will be built."

"[HB 3030] has the potential to really help us out. It will help us do a better job in wilderness protection," adds Haddow.

The House approved the bill 401 to 20. A compromise between it and Senate bill 1630 is expected to emerge from conference negotiations later this summer.

—Florence Williams

Coalition fights for its half of Colorado

Colorado doomsayers have long complained that outsiders control too much of the state. Fruit growers are at the mercy of bi-coastal distributors and markets, gas and oil companies from Texas and California take the money and run and some of the state's famous ski resorts are nowadays owned by Japanese companies.

Environmentalists, however, still come homegrown. Grass-roots activism seemed alive and well at the recent 10th anniversary meeting of the Western Colorado Congress in Palisade. WCC — pronounced wick — was started in 1980 by a group of friends during a camping trip on the spectacular Colorado Plateau.

The Montrose-based group soon blossomed into a diverse coalition of small farmers, wilderness preservationists and consumer advocates, with tentacles stretching into the far corners of the Western Slope.

The group, which now numbers

1,100, has successfully fought timber cuts, electricity rate hikes, water projects and power transmission lines through its members' backyards.

"The Denver-based organizations just didn't serve our interest," founder Theresa Erickson told the anniversary assembly of some 100 members and guests. "And the national organizations certainly didn't serve our interest," she added.

Erickson said the problems of western Colorado are unique. For example, sometimes the west side of the state must fight Front Range cities like Denver in order to retain its own water, timber and rural economic base. "We had to exert local control," she said.

In his keynote speech, Charles F. Wilkinson, professor of natural resource law at Colorado University's law school, said, "WCC illustrates the profound importance of citizens' organizations in what the West can be."

"The West was never very good at understanding its vision, but you inspire us," he said. Wilkinson urged the group to continue encouraging sustainable development and to push for reform of Colorado's water law and the timber practices of the Forest Service.

Said Wilkinson: "You are the main guardians for this resource, and you are the right people to be guarding it."

In addition to hosting speakers, the assembly passed a number of resolutions that should keep it busy for the next 10 years. They include opposing federal subsidies for the development of coalbed methane gas; supporting an ecological bill of rights, which states the right to clean air, intact wilderness areas, access to public land and efficient sources of energy; and supporting a 50 percent cut in military spending.

—Florence Williams

"Adoptions" used as anti-logging tactic

The mainstream press treated the Arizona Forest Conference in Flagstaff June 9 and 10 as just another VIP-heavy seminar on national forest management. The real story of this get-together of 200 people was that it may have ushered in a new era in forest management activism.

The event was sponsored by Arizona Forest Watch, a coalition of groups headed up by The Wilderness Society. Two U.S. senators, the head of the Arizona Game and Fish Department, the new supervisor of the Apache-Sitgreaves National Forest and a supporting cast of scientists and lawyers were the featured speakers. At the same time, a half-dozen activists presented well attended talks and field trips.

As many as 50 participants per session sat like school kids at classroom desks in Northern Arizona University's School of Business while grass-roots activists laid bare the process of modern timber management. The topics: "Integrating the needs of wildlife in timber sale planning," "Assessing water quality impacts of national forest projects," "When all else fails, how to appeal Forest Service decisions," sounded like graduate-level courses on forest management. But they were aimed at the grass-roots, letting citizens know how to influence a process that affects millions of acres of public land every year.

"It's best to get involved in a timber sale early," said Sharon Galbreath, who set up a program of activist involvement in northern Arizona she calls an Adopt-a-Timber sale program. Galbreath has drawn over 90 activists into her network in a little over six months.

Galbreath's approach is to completely demystify the process. "When I first got involved, I didn't know what any of their terms meant," she said, "but I learned to keep asking questions until I got an answer I understood." Galbreath has put together a glossary of timber-sale terms to give to new recruits. She also has developed information outlining timber sales in detail.

Galbreath's first step with someone who wants to get involved is to get them to pick a timber sale off a national forest map. "Then we try to get people to go out and walk their sale, to get to know what's on it," she said. "We've found that once people get familiar with a piece of forest they'll fight like hell for it when it's threatened."

The impetus for this more involved approach toward timber sales came from a controversy currently raging in northern Arizona over management of the

area's three national forests: the Coconino, the Kaibab and the Apache-Sitgreaves. Ten-year plans adopted by all three in the mid-'80s projected timber harvest quantities and old-growth cuts viewed as excessive by environmentalists. A number of groups, including The Wilderness Society, the Audubon Society and the Sierra Club, joined together on appeals.

As negotiations stretched from months into years, evidence began to surface that the situation was worse than environmentalists charged. Just over two years into their 10-year plan, the Coconino National Forest announced that it was going to have to harvest 50 percent more acres than projected.

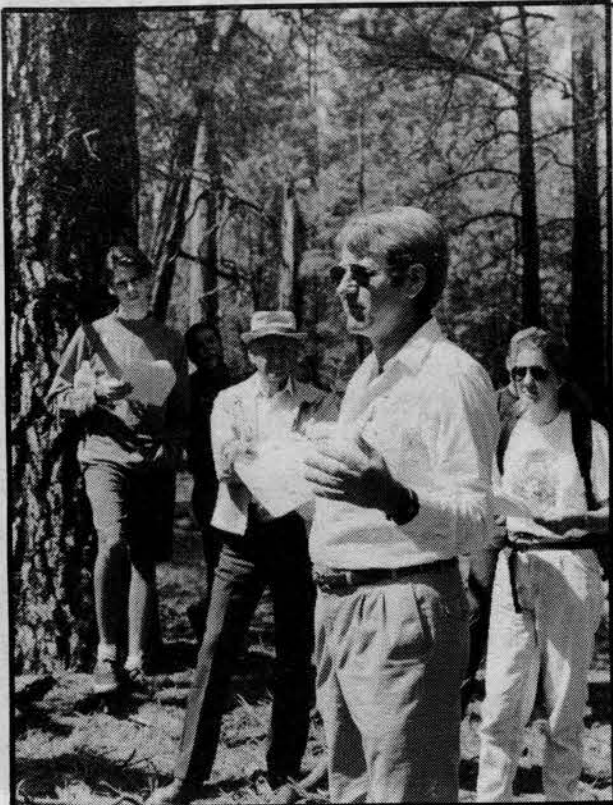
"On the Kaibab (National Forest), they were cutting trees at such a rate that the trees in their 10-year plan would be gone in just six years," said Rick Miller. He is a habitat specialist with the Arizona Game and Fish Department and spoke at the conference. In some areas, timber sales that would ideally be re-cut only every 15 to 20 years were being "re-entered" within one to three years, he said.

Galbreath's Adopt-a-Timber Sale program was well under way when the Arizona Game and Fish Department threatened to sue all three national forests to force them to reduce their timber cut.

Statements of concern followed from the state's governor and two senators. Democratic Sen. DeConcini asked the School of Forestry at Northern Arizona University to conduct a study of the issue.

With the pressure building, the Coconino put its 50 percent increase back into re-analysis, and a sale on the Apache-Sitgreaves that had been "adopted" was reduced from 10 million board-feet to 3.7 million board-feet. In spite of these successes, Galbreath says the full impact of her program has yet to be felt.

According to John Wright, Forest Watch coordinator for The Wilderness Society and an organizer of the Flagstaff conference, the issues that plague northern Arizona hold for many other national



Dr. Wallace Covington leads a discussion during the Arizona Forest Conference

forests. So do the techniques needed to remedy them.

"So many forests have final land management plans in place," Wright says, "that individual projects (timber sales) have become the best place to get involved." Wright says the word is spreading on the success of the Adopt-a-Timber Sale program, and requests are coming in to expand it to other areas of the country. "The Wilderness Society is already talking with other groups about starting similar programs in the Southeast and in the Montana/Idaho area," Wright said.

Galbreath is encouraged by the growing interest in the techniques she helped develop. "Every day I get more letters from people wanting to set up programs like this," she said. "Meetings will only take you so far," she added, "then it's time to stop having meetings and get out on the ground."

For more information on the Adopt-a-Timber Sale program, write Sharon Galbreath, Plateau Group of the Sierra Club, Box 15, Flagstaff, AZ 86002 (602/774-1571), or John Wright, The Wilderness Society, 234 Central Ave., Suite 430, Phoenix, AZ 85004 (602/256-7921).

— Dan Dagget

HOTLINE

A willful sheepman

William Thoman is a stubborn man. Since the 1960s, the Bureau of Land Management has been trying to get him to obey grazing laws in Wyoming's Green River Resource Area. In 1988 and 1989, the agency again caught Thoman's sheep trespassing on public land. The BLM fined the rancher \$10,043 in trespass fees and suspended his grazing allotment of 268 animal unit-months for five years, reports the *Big Piney Roundup*. Thoman challenged the decision, but a federal administrative law judge sided with the BLM, saying: "It was his (Thoman's) intent, plainly expressed, to graze his sheep where he pleased ... His actions were not innocent mistakes or in good faith. He has made no effort to cooperate with the BLM or other permittees."

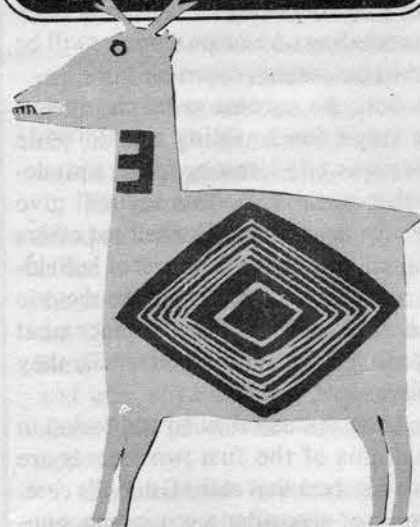
EPA fires Hanford consultant

The EPA fired U.S. Testing Co., the company responsible for monitoring the cleanup of hazardous waste at the Hanford nuclear site in Richland, Wash., June 1. The investigation leading to the cancellation of the contract began in April after the Environmental Protection Agency announced that U.S. Testing was suspected of widespread fraud and mismanagement at Hanford. Alleged violations by the company include "pervasive" backdating of test results, forged initials of lab supervisors on test results, manipulated calibration of test equipment and improper disposal of hazardous waste, such as pouring samples into dumpsters.

Telescopes get the go-ahead

The fate of the Mt. Graham red squirrel hangs in the balance once again. On May 15, the Ninth Circuit Court of Appeals agreed with the University of Arizona and threw out a ruling by U.S. District Judge Alfredo Marquez granting a 120-day moratorium on construction of the first three telescopes atop Mt. Graham (*HCN*, 5/21/90). Judge Marquez had ruled in favor of a suit brought by the Sierra Club Legal Defense Fund contending Congress may have approved funding for the observatory before all available information of impacts upon the squirrel had been presented to it. The Circuit Court decided a ban on construction was unwarranted. "What the Ninth Circuit is saying is that if Congress wants to cause the extinction of a species, that's its decision," Bob Witzeman, conservation chairman of the Maricopa Audubon Society, told the *Arizona Republic*. Robin Silva, a member of the Audubon group, went even further, saying, "The Ninth Circuit Court has said the Endangered Species Act is dead for anybody who has enough money to kill it." The University of Arizona, chief sponsor of the project, hailed the decision. University spokesman Steve Emerine told the *Republic* that construction of the exteriors of two telescope buildings could be completed by next winter. Meanwhile, news of the squirrel surviving in numbers equal to that of last spring was announced by the Forest Service. The agency estimated 132-146 squirrels survived this winter as compared to 116-167 last year. These numbers represent a significant population decline since 1986, however, when biologists estimated 328 squirrels were present on the mountain.

HOTLINE



Crowded field for Navajo president

Navajo election officials announced that 15 candidates — a tribal record — are running for Navajo Nation President,

reports the *Navajo Times*. Three women are among the candidates, the largest number to run for the tribe's top position, which until April 1 went by the designation of chairman. Leonard Haskie is the present Navajo president, a position he was assigned to on an interim basis after chairman Peter MacDonald was suspended by the tribal council. MacDonald, who still receives

his tribal salary of \$55,000 a year, is scheduled to go on trial June 24 along with suspended vice-chairman Johnny R. Thompson for numerous election law violations. Haskie, MacDonald, Thompson and Peterson Zah, tribal chairman from 1983 to 1987, are among those running in the June 26 election. Results from the election will be certified by July 10 by a recently revamped election board.

BARBED WIRE

Plant a tree, block a billboard.

In a reversal of 13-year-old federal policy, the Bush administration announced last week that trees and other foliage should have right of way over highway billboards. Since 1977, advertisers have been allowed to clear vegetation to improve the visibility of their signs, *AP* reports.

Is this on-the-job training?

At a Montana Logging Association convention in Kalispell, Interior Secretary Manuel Lujan admitted he wasn't familiar with the notion of sustained-yield timber management, the *Great Falls Tribune* reports. But Lujan congratulated the industry for leaving the land "in good shape."

8-High Country News — July 2, 1990

Union and Montana environmentalists reach agreement on what should be wilderness

by Richard Manning

If Montana gets a bill soon to resolve the state's long-festering wilderness dispute, it will bear a union-made label.

As a result of four months of negotiations between unionized lumber mill workers and a coalition of conservationists, separate accords have emerged drawing wilderness boundaries for two of the state's 10 national forests. Two locals of the Lumber Production and Industrial Workers unions and six local conservation groups signed a deal covering the Kootenai National Forest on June 7.

A similar coalition was to have signed a pact covering the Lolo National Forest on the following day, but a last-minute hitch concerning rules that govern roadless lands not designated as wilderness delayed the deal. At a subsequent negotiating session, however, that wrinkle was ironed out, and a similar coalition of local unions and conservation groups finally signed the deal on June 20.

Still some last-minute jitters concerning the rules for released lands plagued the measure. The language for that portion of the agreements actually was negotiated separately in Washington D.C. by representatives of the industry, Congress and conservationists. Rumors circulated on June 19 that the conservationists' negotiator, Tim Mahoney of the Sierra Club, had backed out of the deal at the last minute.

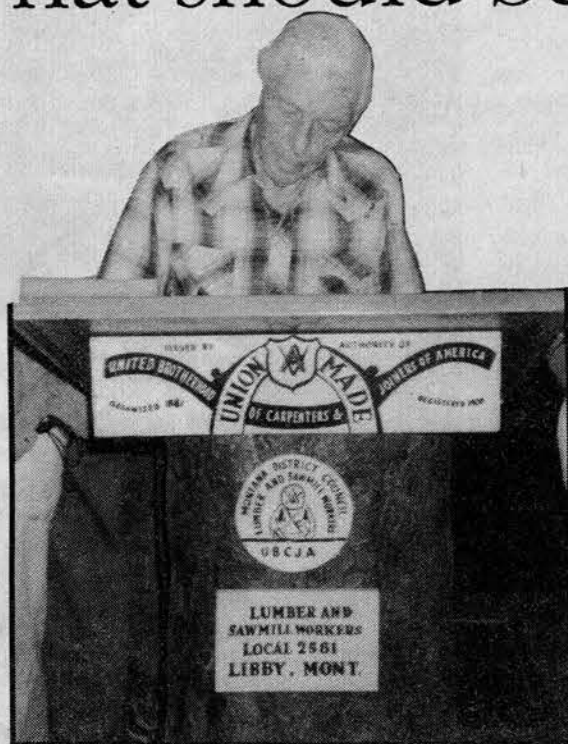
However, John Gatchell, director of the Montana Wilderness Association, which spearheaded both deals, said he later learned Mahoney had indeed okayed the release language. Gatchell still signed the accord contingent on Mahoney's agreement being subsequently confirmed in writing. As of June 21, the agreement held.

Perhaps more important than the agreements, though, was that the process that produced them not only forged a coalition between unions and environmentalists but eventually brought even industry to the table. Joining the LPIW, the International Woodworkers of America and the conservationists were representatives of Plum Creek Timber Co. and Champion International Inc., the two corporations that dominate the business in the state.

"The process ... has been very positive," Tucker Hill, spokesman for Champion, said. "I've given my tentative okay on the (wilderness) boundaries."

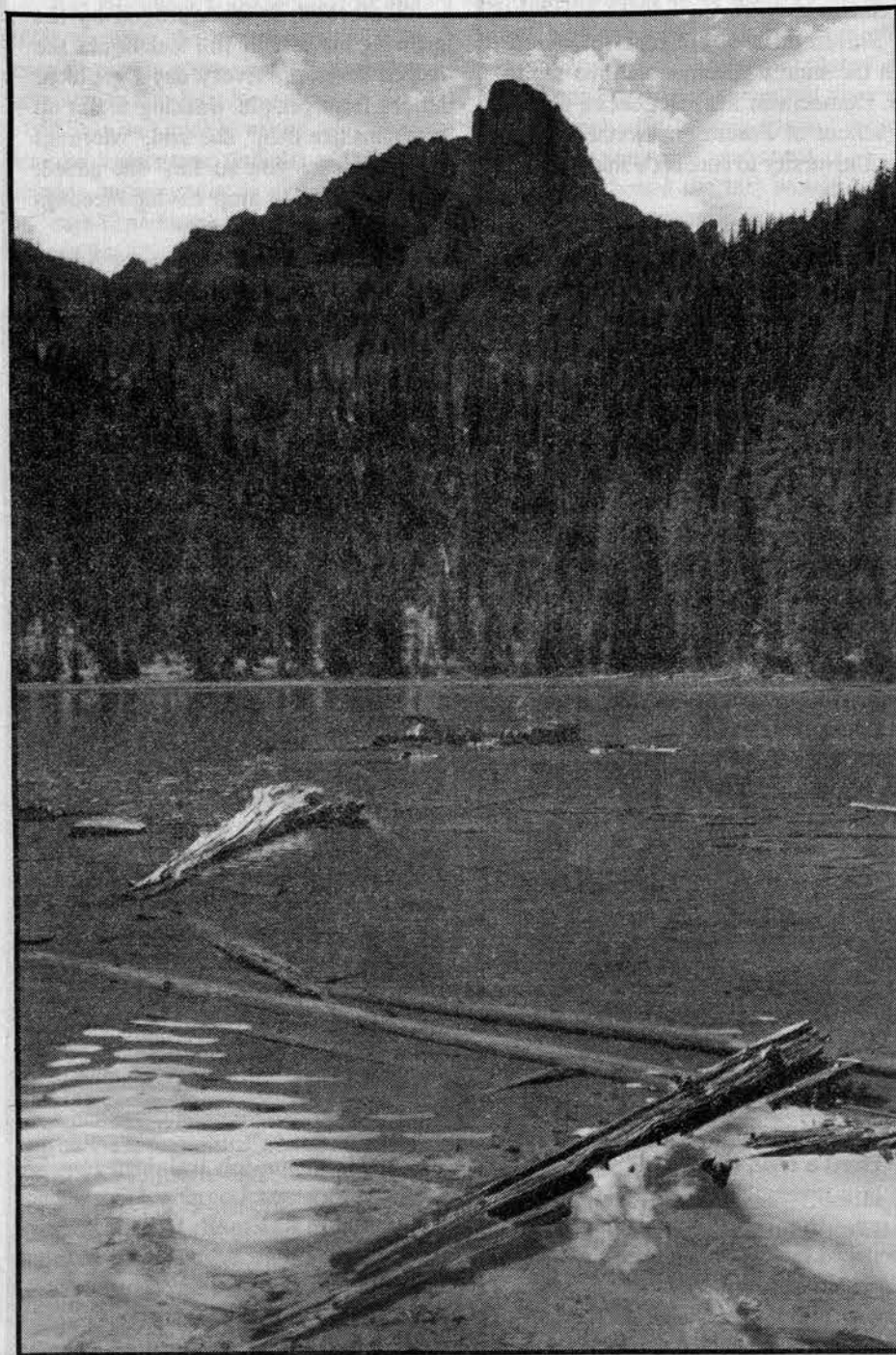
That positive tone pervaded one bargaining session when 40 people from all three sides met for about two hours on June 14 in a union hall in Missoula. Jokes, a few jibes but no acrimony punctuated the discussions about specifics of each wilderness area.

"We're tired of the wilderness debate hanging over people's heads and hanging over jobs," Don Judge, a state AFL-CIO official, said during the session.



Winton Weydemeyer of the Montana Wilderness Association

"We're tired of the wilderness debate hanging over people's heads and hanging over jobs."



Krinklehorn and Williams Lake in the Kootenai National Forest

Gatchell said in an interview it was that sentiment that allowed him and Judge to begin laying the framework for the accord about four months ago. The decision by industry to join the process, especially Champion's involvement, added some surprising momentum, he said.

"The idea of sitting down with Tucker (Hill) was certainly not what I had in mind," Gatchell said. "We have spent so many years manning the barricades, and there's a lot of distrust there."

Champion ultimately signed neither accord, but did agree to support them, Gatchell said.

More than the specifics of either accord, the momentum now becomes the key factor in determining the success of the process. Neither agreement is binding on the Forest Service or on Congress, which decides the fate of wilderness lands. However, any agreement endorsed by organized labor, the timber industry and environmentalists provides a clear marker of the path of least resistance that likely will prove irresistible to at least some of the state's politicians.

Sen. Conrad Burns, a conservative Republican, already has opposed the accords, but Gatchell said the two Democrats in the state's delegation — Rep. Pat Williams and Sen. Max Baucus — have been closely monitoring the talks and well may translate the accords into legislation. An aide to Baucus confirmed that the senator will introduce the agreements as legislation if the ad hoc coalition requests him to do so.

Gatchell said such a request "probably will" be lodged.

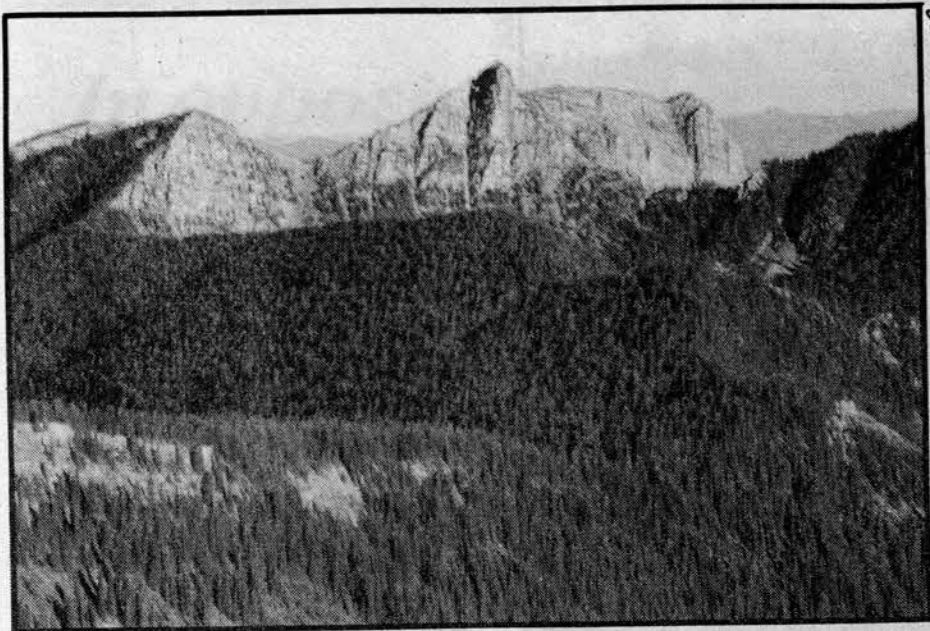
Meanwhile, Baucus sent a clear indication the agreements are on the legislative fast track by scheduling hearings on them in both Missoula and Libby on June 25.

Momentum will need to run at full throttle if it is to steamroll its way through the other eight national forests in the state. Gatchell acknowledges that the Lolo and Kootenai feed heavily unionized mills and that helped the process. He said that duplicating the feat in areas with a broader array of issues and players, including non-union workers, will be trickier business.

Still, the success so far clearly sets the stage for building a state-wide wilderness bill forest-by-forest, a strategy that conservationists say will give them the upper hand. Gatchell and others have said that specific merits of individual areas tend to get lost in the rhetoric of a state-wide debate. A piecemeal approach will yield a better bill, they believe.

Little discussed so far and buried in the details of the first two accords are some numbers that make Gatchell's case. Two years ago, after a contentious summer of hearings, lobbying and debate, the state's delegation served up a bill that would preserve as wilderness about 1.4 million acres of the state's remaining six million acres of roadless lands.

James Conner



James Conner

The Krinklehorn area is within the proposed addition to the Thompson Seton Wilderness

Conservationists opposed the measure as too little. Industry said it was too much, but in the end it didn't matter; President Reagan vetoed the bill in an election-year gambit.

At the time, conservationists were bruited a proposal called "Alternative W," which would designate 2.8 million acres of new wilderness. However, it never got serious consideration. Apparently both the industry and the congressional delegation considered it too far out to debate.

Two years later, both industry and labor have quietly agreed to what is for all intents and purposes Alternative W. The vetoed bill would have created 264,300 acres of new wilderness on the Lolo Forest while Alternative W sought 351,000 acres. The new agreement specifies 337,800 acres of new wilderness on

the Lolo.

The delegation's bill protected 111,600 acres on the Kootenai, while Alternative W sought 360,000 acres. The new agreement would set aside 343,810 acres.

Gatchell said those numbers prove the merits of discussing specific areas rather than total acres.

"The acreage game only made sense in Montana," he said.

Hill said the acreage figures in the new agreement are "on the outer edge of Champion's world" but that specific boundaries fence off only small amounts of saleable timber.

Meanwhile, agreement on a wilderness bill would release on the Lolo alone about 255,300 acres of timber that has been locked up in the wilderness process. Release of those lands has been the



Peter Kagan

Proposed wilderness addition in the Cabinet Mountains

carrot that draws both unions and industry into the process.

Now, if that process gathers steam, it will draw others in as well, even a player who tells timber companies and their employees that environmentalists are selfish people who want to destroy jobs.

Bruce Vincent, head of a vocal anti-wilderness, pro-development group called Communities for a Great Northwest, worked actively behind the scenes to sabotage the wilderness accord, Gatchell said.

"The reality is he has spent months and many meetings trying to derail any discussions," Gatchell said.

In an interview after the agreement, however, Vincent praised the process: "I think that's a real great approach." But he added that he objects to the exclusion

of his group. Vincent said his group now has joined the process and could conceivably endorse the acreages in the existing accords.

"I think what they're doing in getting the ball rolling is great," said Mike Bader, who heads the Alliance for the Wild Rockies, a pro-wilderness group that thinks even Alternative W is too modest. Although Bader was at first bitterly critical of the whole business, he eventually joined the discussions.

Bader says, however, that the agreements yield only "rocks-and-ice" wilderness, and he will continue to press for larger boundaries.

Dick Manning is a freelance writer in Missoula, Montana.

A BLM firing is turning into a federal case

by Michael Milstein

CODY, Wyo. — The Bureau of Land Management's national director supported the termination of a contract employee who was publicly critical of BLM policy, despite indications that budget cuts cited in the firing were unsubstantiated.

BLM Director Cy Jamison "feels (local managers) made a good solid decision and that it was necessary," said Jamison's spokesman Mike Ratliff. "We've got to do what we must do."

Jamison's office in Washington, D.C., provided a copy of a memorandum from the BLM Wyoming state office in Cheyenne describing the agency's tight budget situation. It indicated that several local projects had been curtailed because of a lack of funding.

It also said a local budget used to pay the fired employee's fee was overspent, requiring cutbacks. But the official in direct charge of that budget said he had a surplus of more than \$4,000.

Managers in the BLM's Worland District office and Wyoming state office in Cheyenne canceled on May 24 the contract of retired BLM soil scientist Chuck Neal. That was shortly after Neal was quoted in the *Billings Gazette* and later, *High Country News*, saying some BLM policies are based on politics.

Neal said this week that he was disappointed by Jamison's "blind support" of his firing and will now request a formal federal investigation of the action.

"They're intimidating anyone who

dares to speak out honestly," Neal said. "It's an example of the management mind-set that you must blindly follow in lockstep or you're disloyal. They don't focus on their real problems; they focus on their image."

Worland District Manager Darrel Barnes and state director Ray Brubaker said the move had nothing to do with Neal's comments and was based on recent budget cutbacks. But the officials overseeing funding of Neal's \$4,000 contract said no such cutbacks had been implemented recently.

In fact, program leader Bill Wilson said this week that the Worland District's \$191,000 soil, water and air budget had last month — before Neal was fired — a surplus of more than \$4,000.

"We're in the black," Wilson said. "The money is there."

BLM managers said termination of Neal's contract to serve as project inspector for a Bighorn Basin soil survey was a result of a midyear budget review. But Wilson — who was never told that any cutbacks were needed, as is procedure — said that review was completed nearly a month earlier.

Wilson also said that had he been asked to reduce his program's budget, he would have had to cut other projects first. Several state and local BLM officials have said it is important to have local oversight over such soil surveys.

State BLM Budget Analyst Dave Pomerinke said program leaders should always "be intimately involved" in altering their program budgets, although Wilson was not. "If that happens," he said, "I'd hate to see it happen very often."

Several officials admitted that the

\$4,000 reduction is tiny compared to total district expenditures. BLM spending usually ends up several thousands of dollars off original projections, others said.

Pomerinke also said the \$4,000 cut "isn't much, but it could help." He said small cuts, such as reducing the agency's fleet of cars, can help the budget situation.

Yet officials said any savings resulting from the cancellation of Neal's contract would be reduced since the BLM owes Neal around \$500 for work already done. And it will cost hundreds of dollars for state soil scientist Cliff Fanning to take over the contract and travel back and forth between Cheyenne and the Bighorn Basin.

"I'm not going to argue that it wouldn't be better to have a local person doing this, but you have things like the budget to worry about," Brubaker said while visiting Cody last week. "It might look a little suspect and we won't realize the full savings, but we just can't afford all of it."

Neal had originally been hired at the request of the BLM state office. A previous soil survey in the Bighorn Basin was found to be inadequate by the U.S. Soil Conservation Service, at least in part because of a lack of local scrutiny.

In response to Jamison's inquiry last week about Neal's firing, the BLM state office documented recent budget cuts in a memorandum from Brubaker. It said the state BLM budget is now 4.8 percent behind last year and the Worland District's soil, water and air budget is 10 percent overspent.

But Wilson, who directly oversees

that budget, said that is not true. Many large projects are paid for early in the year, he said, and the budget remains consistent with earlier projections.

Six projects in the Worland District were cut or delayed this year because of budget problems, the memo said. They ranged from \$65,000 worth of computer equipment to construction of an \$18,000 fence. But none was part of the same budget used to fund Neal's contract.

Brubaker's memo indicated that Neal's contract was the only project in the state eliminated after it was already in progress, an extremely unusual action. At \$4,000, it was also the least expensive project to be canceled at any stage.

In backing up their decision, BLM managers also said training has been cut by 50 percent, and that travel expenses have also been reduced.

Brubaker, however, flew from Cheyenne to Cody last week on a chartered airplane. He said the trip was necessary to discuss "employee concerns" in the BLM's Body Resource Area office, where Neal formerly worked. Others said he complained that staff members openly had voiced concerns about BLM official policies.

Brubaker did not know the cost of his chartered airplane. A budget officer said, though, that Brubaker's trip likely cost the BLM somewhere between \$1,000 and \$2,000.

Michael Milstein reports for the *Billings Gazette* from Cody, Wyoming.



Kit Miller

The riparian area along the St. Mary's River on the Rafter Diamond Ranch (to the right of the arrow) has suffered from years of abuse by absentee lessees. The property to the left of the arrow has a much healthier riparian zone.

Sagebrush Rebels...

(Continued from page 1)

"scoping" for the project was done in October, a two-month comment period ended Jan. 2, and the environmental assessment was finished April 26.

In the meantime, some 350 people had requested the document after hearing about the deal through the media and through conservation and fishing groups, which rallied behind the exchange. But for six weeks, 420 copies of the environmental assessment sat in boxes in the BLM district office in Elko, unavailable to the public and even to Olympic Management, which had paid for the document.

Officially, BLM employees said the EA was still being "reviewed" by the agency. It had not, officially, been "released." It was awaiting, not the director's signature, which had been printed in each copy, but the "date stamp" of the official release. Meanwhile, the public review process was being waylaid by sagebrush politics.

Conservative ranchers who hold sway hereabouts never did like the idea of turning the huge Rafter Diamond Ranch over to the federal agency they skirmish with on a regular basis. They have vehemently opposed the swap at every step.

Republican State Sen. Dean Rhoads has led the opposition. A rancher from nearby Tuscarora, Rhoads is said to have fired the first official volley in the Sage-

brush Rebellion when he sponsored a successful bill in the state legislature calling for the federal government to relinquish control of the 87 percent of Nevada that is in the public domain. That was in 1979.

In opposing the Mary's River land exchange, Rhoads argued simply that too much of Nevada is already under federal control. He claimed that the swap would cost Elko County roughly \$4 million annually in lost agricultural revenue.

The Nevada Cattlemen's Association, headquartered in Elko, in northeast Nevada, immediately joined the fray. Resolutions opposing the swap followed quickly from the Elko County Commissioners, the Nevada Legislature's Committee on Public Lands, and the commissioners of Clark County, which surrounds Las Vegas, who heard only Dean Rhoads before weighing in with their opinion.

Opponents of the swap first pressed for a full environmental impact statement, which would have taken up to a year to complete. When that failed and the BLM told JBR Consultants to go ahead with a simpler environmental assessment, the Sagebrush Rebels turned to holding up the final document.

Since the BLM district office in Elko clearly appeared to favor the exchange and the district director usually has the authority to release an EA, swap opponents had to go over his head. So they called on their last stronghold in Congress for help. The lone Republican remaining in Nevada's four-member congressional delegation, Barbara Vucanovich, is the only steadfast voice of the state's sparsely populated "cow counties" at the federal level. Her Second District covers the entire state north of Las Vegas.

As the ranking minority member on

Stonewall...

(Continued from page 1)

year and a half ago. Sweeney says he then told Rhoads he was planning to issue a "notice of violation," after which Rhoads would have five days to set up a meeting and contest the notice.

The next day, Sweeney returned late from a conference to find Rhoads waiting in his office. "He came in here quite upset," recalls Sweeney. "He said he wasn't in trespass...and that I was being hard to work with." Sweeney says Rhoads explained that his cattle did not go onto the BLM fields, but spent the days prior to the permit on a friend's private pasture. Rhoads showed the pasture to Sweeney on a map, and Sweeney agreed to drop the violation.

But the confrontation didn't sit well with Sweeney, and he decided to verify Rhoads' story the next day. "We went out there and checked, took pictures, tracked the livestock," says Sweeney. "There were no tracks. Absolutely zero. He had not brought them into the private fields."

Sweeney says he decided to re-issue the violation. Following agency protocol, he left the notice with the district manager, Rod Harris, to sign and send. But Harris never sent it. "The district manager moved not to issue that notice. It won't go any further. He overrides me."

Meanwhile, says Sweeney, Rhoads

had complained about him to other workers in the BLM. Sweeney says he has documentation of a discussion in which Rhoads "told someone here he was going to Washington D.C. to talk to [agency director] Cy Jamison about Les Sweeney."

Rhoads, who frequently travels to Washington as a member of his state's committee on public lands, says he did, in fact, complain to Jamison and others about the Elko BLM, which he says is too strict with permittees.

"I represent a vast, rural area," explains Rhoads. "I've received several complaints about people in the Elko office. I passed those along to the director."

Rhoads says he mentioned "the attitude of certain BLM people with no flexibility causing confrontational problems ... Incidental violations in the past were always solved with a phone call."

Rhoads says he does not recall if those discussions in Washington took place before or after his March meeting with Les Sweeney.

Sweeney says his office did receive calls from Washington during the time the violation was supposed to go out. He also says the BLM's state director talked to him personally about Rhoads.

"He was concerned," Sweeney says. He didn't feel Rhoads was that sort of person to trespass. I don't know if the state director had anything to do with calling it off."

District manager Harris says he decided not to issue the violation because of insufficient evidence. "We could have investigated it further," says

Harris, "but it was marginal, only a one-day trespass."

Harris also says dropping allegations is sometimes easier than alienating the permittees. "The basic resource comes first, but you have to deal with people. I'd like to see more cooperation. If you make a big to-do, it makes resource management hard to do."

In a separate incident in early May, area range conservationists found 10 of Rhoads' cows in a field three days after they should have left. That time, Sweeney's notice of violation did get sent, but again, Rhoads hotly contested the charge. He said the cows were looking for their young. Sweeney says that should have taken two or three hours, not two or three days.

Again, Rhoads took his complaints to Washington, this time speaking with Cy Jamison's special assistant, John Laxalt. "Dean mentioned to me that he'd got a [trespass notice] from the area manager," recalls Laxalt. "He told me his version of the story and asked me to talk to them and see what was going on."

Laxalt, whose duties involve working on projects for the director, says he phoned Harris in Elko to discuss the violation. "I just wanted to find out the facts," says Laxalt. "I asked them to send me a report so I could review it ... and come to my own analysis and conclusion. Basically, this process does not have a formal route."

Laxalt would like to see ground managers soften the regulations a bit. "I'd say [such violations] should be discussed informally," continues Laxalt. "I don't think it's right to slap everybody a

trespass notice unless there's a real reason for concern ... I think there should be a better working relationship between our guys and the ranchers."

Although Laxalt cannot recall being asked by other permittees to investigate violations, he says it is not unusual. "Dean Rhoads is not treated differently than anyone else."

District manager Harris says: "I keep Washington in touch if it's someone like that. [Rhoads] is a political entity in the state," says Harris. "People with political power, you have to recognize what they are ..."

Sweeney remains certain that Rhoads is guilty. "In my mind, both of these trespasses were willful," he says. But he adds that his confrontations with Rhoads may have achieved something. After their meeting last week to try and settle the second violation, Sweeney says Rhoads for the first time expressed interest in riparian management. "I felt pretty good about that," says Sweeney. "He recognized we have a problem."

Although Sweeney won't be sorry to leave the Elko district, a place he acknowledges as more difficult than most, he regrets his retirement means he won't get to witness the positive changes slowly creeping in.

"It's hard leaving when you've got things moving toward riparian management. I think that's going to be rewarding."

Florence Williams is a staff reporter at High Country News.

In opposing the land swap, Rhoads argues that too much of Nevada is already under federal control

the Oversight and Investigations Subcommittee of the House Interior and Insular Affairs Committee, Vucanovich has considerable clout in the Interior Department.

A longtime friend and colleague of Interior Secretary Manuel Lujan, Vucanovich is the sole Nevadan to sit on a congressional committee overseeing the Interior Department. Lujan sat on the committee before moving to Interior. And BLM Director Cy Jamison was a staffer on the same committee before being appointed to head the agency.

No one will say just how it happened, but word came down that the Mary's River EA was not to be released. Although the modus operandi and who-did-it-of the holdup is veiled, the motive seems clear. The EA would replace speculation and hyperbole about the impacts of the swap with hard numbers on the acreage that would be closed to grazing, the loss of hay production on natural meadows, and the economic costs and benefits to the county of transforming the Rafter Diamond Ranch into an experiment in BLM management for multiple use.

All along, Olympic Management and the BLM stressed that cattle would not be excluded completely from the Mary's River. Although cattle could be banned from the natural meadows, and hay production could be cut in half, grazing would continue on much of the ranch.

The BLM and Guy Insalaco estimated that the county would lose at the most \$22,000 annually in property taxes. Insalaco called the estimate of \$4 million in lost agricultural revenue an "emotional figure." He claimed that increased revenue from recreation, fishing licenses and hunting tags would more than make up for the agricultural and tax losses. Since the EA was locked up at the BLM, no one could compare actual figures.

"It was a good move by the opposition to bottle it up," said Merlin McCole, an Elko conservationist who has lobbied hard for the exchange. "They knew a lot of people would look at this and say: This is the swap of the century. We could get this ranch for nothing."

"If the BLM simply sold us the land in Las Vegas," explained Insalaco, "the money would go back to the Treasury. This is an opportunity for Nevadans to acquire something for generations to come."

In May, conservationists began mounting a campaign to kick loose the environmental assessment. The three Democratic members of Nevada's congressional delegation — Sen. Harry Reid, Sen. Richard Bryan and Rep. James Bilbray — wrote to Cy Jamison requesting release of the document. The Las Vegas City Council passed a resolution in favor of the swap.

But Olympic Management wanted

to avoid an open confrontation. The company went back to the drawing board and Insalaco returned to Nevada to negotiate with local ranchers and politicians.

Opponents of the swap fought a war of attrition. While doing everything possible to delay the exchange, they whittled away at its edges.

By mid-June, the original "offered lands" were cut to a new proposal of 45,000 acres. A 7,690-acre parcel of meadows along the Mary's River was sold to Bill Wright, who owns a ranch straddling a middle section of the river. An additional 11,000 acres of base properties and cow camps were taken out of the proposal to be offered to other neighboring ranchers, along with the grazing rights on adjacent lands.

The parcels removed from the swap include the Rafter Diamond headquarters at the railhead here in Deeth, plus a 10-mile stretch along the Humboldt River, west of the confluence with the Mary's River.

After all the pieces have been carved out, the original projection of 88 miles of trout stream to be opened to the public probably will be cut in half. Still, said Merlin McCole, if the deal goes through that is no small achievement in this dusted state. Twelve miles of the lower Mary's River could become a popular recreation area, just off Interstate 80, and another 30 miles of headwaters and streams could be restored and opened to the public.

The BLM and Olympic Management also may negotiate conservation easements with buyers of the parcels up for grabs if the deal goes through. Bill Wright, who is praised as an exemplary manager by almost everyone involved, agreed to allow the BLM to manage the meadows in his new parcel and to build a mile and half road for public access to the Mary's River.

JBR Consultants now expects to have all the necessary revised data on the economic and environmental impacts of the swap from the BLM and to produce a new EA later this summer.

The diehard Sagebrush Rebels still plan to oppose the deal; turning over any land to the feds runs against their grain. But the negotiations seem to have quieted enough of the opposition so that the environmental assessment of the Mary's River land exchange will at least get a public hearing.

To review the new environmental assessment of the Mary's River Land Exchange when the BLM decides to release it, contact Dave Vandenberg, BLM District Office, Box 831, Elko, NV 89801 (702/738-4071).

Jon Christensen is a freelance writer who lives in Washoe Valley, Nevada.

Grass-roots rustling

by Doug McMillan

In the cat and mouse game between ranchers and their BLM regulators, it's a question of who's the cat and who's the mouse.

Ranchers complain that BLM enforcement often borders on harassment. Tony Tipton, a rancher in Nevada's Battle Mountain district, says that when he began experimenting with holistic management, rotating cattle through small fenced areas, the agency assessed him \$237 for putting up fences without authorization. He said they had given him permission to install them the previous fall.

Many Bureau of Land Management officials, however, say that the livestock trespasses they catch are only a small portion of what actually occurs. A trespass occurs when livestock graze in an area not allowed on a grazing permit. One retired Nevada range conservationist estimates that illegal foraging exceeds authorized AUMs by up to a third. An AUM is the average amount of forage consumed by one cow or horse, or five sheep, in a month.

Conservationists contend that the extra feed comes from forage that would otherwise go to wildlife.

"Trespass has always been a concern with me because it's 10 AUMs here and 20 there, then the range deteriorates and wild horses are blamed," says Dawn Lappin, director of the Reno-based Wild Horse Organized Assistance (WHOA). "Then, years later, there's a wildlife die-off."

But ranchers vehemently deny they steal anything from wildlife.

They say they put fewer livestock on an allotment than their permit authorizes, and they have to start gathering the animals sooner than their permit requires.

"We do our best to gather those cattle," says Deloyd Satterthwaite, a repeated violator and immediate past president of the Nevada Cattlemen's Association. "We're not talking about 40 acres of fields. We're talking about thousands of acres of rough country."

While the ranchers call for more "flexibility" on the part of their regulators, it appears a lot of latitude is already built into the system.

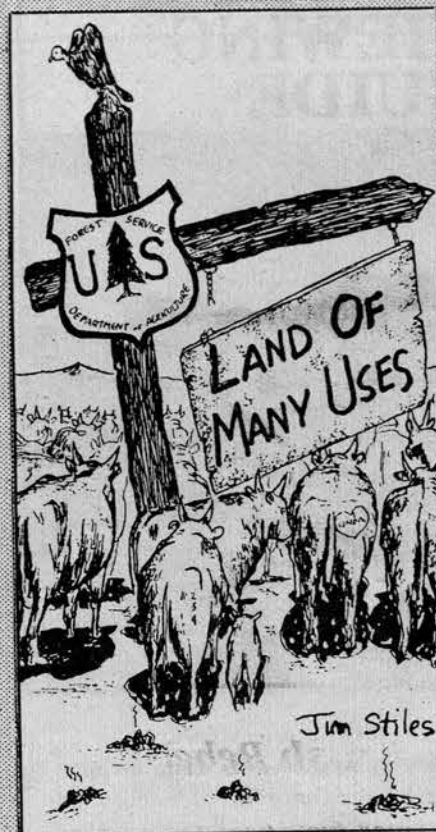
Range conservationists have wide discretion in deciding which of three penalties to assess: nonwillful, in which the trespass is deemed to have resulted from circumstances beyond the rancher's control; willful, in which the rancher is determined to have known he was in trespass and did nothing about it; and repeated violations.

The penalties, which ranchers and BLMers avoid calling fines, are based on the prevailing grazing fee, taking into account estimated value of forage on the public range, the average rental for private pasture in the West and prevailing cattle prices.

The basic penalty for a nonwillful trespass computes to about five times the grazing fee — or \$8.70 per AUM currently. If the BLM determines the violation was willful, the fee doubles. For a repeated offense, it triples.

Files obtained through the Freedom of Information Act from the Elko and Battle Mountain BLM offices show that most penalties are levied at the lower, nonwillful rate. Many others appear to have been negotiated down from willful to nonwillful.

For example, when an Elko range



conservationist found 170 cows belonging to former Nevada State Sen. Norman Glaser on a seeding project six days after they were supposed to leave, he assessed the penalty at the lesser, nonwillful rate. The Glasers explained that their ranch foreman was in Salt Lake City where his wife was having surgery. The family still had to pay a \$278 trespass fee, but that was half the amount they would have paid under a willful violation.

When Frank and Phyllis Hooper discovered on May 27 that they had let 345 cattle graze a seeded area a week longer than they were supposed to, they simply called the BLM and explained that they were mistaken about their closing date. The BLM fined them the lower rate.

State Sen. Dean Rhoads' father-in-law, Willis Packer, has been cited 11 times in as many years. After nine consecutive citations at the nonwillful rate, BLM patience began wearing thin. The last two violations, in 1988, were charged as willful.

"He's getting fairly old," Rhoads explains of his 80-year-old father-in-law.

One agency insider contends that the extent of violations is almost always reduced. An agency "range con" may know in his heart that a group of cattle have been in an allotment for several weeks beyond closure, but his bosses usually only allow him to assess the penalties for the few days he actually witnessed the trespass. For ranchers, the low fines become a simple cost of doing business.

It's like traffic — if drivers think they can talk police out of issuing citations, or at least into reducing the fines, speeding goes up.

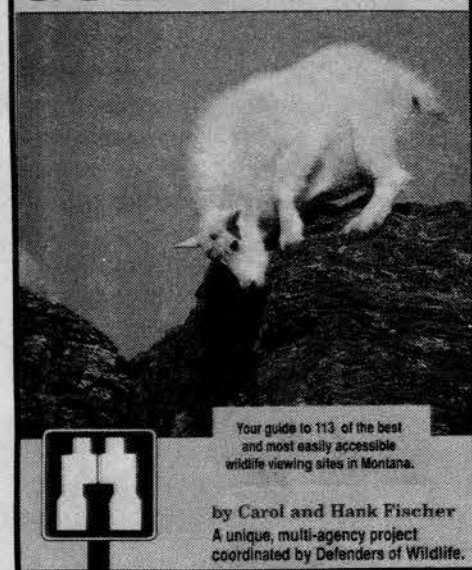
But after the hoopla over the Rhoads case pursued by Elko area manager Les Sweeney, there has been a marked increase in the number of ranchers calling the BLM to confess their trespasses.

"We have no choice," says Satterthwaite wearily. "They hold all the aces."

Doug McMillan is a freelance writer in Nevada and former state editor of the *Reno Gazette Journal*.

BULLETIN BOARD

MONTANA WILDLIFE VIEWING GUIDE



TAKE A WILD LOOK

Viewing wildlife is becoming the sport of the future. Defenders of Wildlife has begun publishing a series of wildlife viewing guides for the United States and Canada, the newest of which is published by Falcon Press and titled the *Montana Wildlife Viewing Guide*, by Carol and Hank Fischer. This book and others in the series are products of a joint venture between private wildlife groups and state and federal agencies. Five viewing guides have been published to date for Montana, Idaho, Oregon, Utah and Alberta, Canada. The guides identify great sites for seeing wild animals, with areas designated by a sign showing a pair of binoculars. Some sites are not what you might expect. Besides trails, riverbanks and roads, sites include restaurants where you can eat and watch wildlife at the same time. The guides also feature sites accessible by the handicapped. For more information, write Defenders of Wildlife, 1534 Mansfield Ave., Missoula, MT 59801.

WHO'S MINDING THE STORE?

The Inspector General of the Department of Interior says many operators of oil and gas leases on Bureau of Land Management land are not complying with regulations for drilling, production, well abandonment activities and environmental protection. This lack of oversight, the report said, is due to BLM field offices not uniformly interpreting and enforcing the law. Companies that elude the law cost the public money. Environmental damage and lost royalties already amount to \$291,000, the report says, but the real costs will be borne later. The federal government may be partially liable for plugging 22,500 wells at an estimated cost of \$300 million. The audit, part of the *Semi-annual Report of the Department of the Interior, Office of Inspector General, April 1990*, can be obtained by writing PO Box 1593, Arlington, VA 22210.

NEW AT WOC

The Wyoming Outdoor Council's board of directors has appointed Stephanie Kessler of Lander as the organization's new executive director. She replaces Will Robinson who has been interim director since August, 1989. She was previously the director of the Alaska Center for the Environment. Kessler comes to the organization with a strong background in oil and gas drilling issues and plans to study Wyoming's regulatory standards in this area and compare them with other states. WOC began in Wyoming in 1967, and is the only state-wide, home-grown organization of its kind in Wyoming. The council, at 201 Main St., Lander, WY 82520 (307/332-7031), continues to be a strong voice in the areas of forest planning, acid rain and waste management.

SOUTHERN CALIFORNIA'S NOAH

The flight from southern California is most noticeable in Las Vegas, Nev., which is growing at a very high rate, fueled largely by people who are still tied to the L.A. metro area, but who can do their business from Las Vegas. But Las Vegas is not the only area that is becoming a distant supply base for L.A. and a new destination for refugees from southern California. Idaho's Snake River Plain, for example, is attracting both residents and businesses — many of them agricultural — from southern California. Now comes Relocation Research to aid southern California residents who wish to move to small communities in what the firm's newsletter, *Greener Pastures Gazette*, calls "country Edens where the Good Life still exists." The newsletter has a checklist of reasons for moving and not moving. If, for example, you are not attached to the cultural and entertainment events available in a big city, you should consider moving. But if you really like the temperate climate of southern California and don't think you could adjust to snow and high elevations, then don't move. The potential market is huge. According to the newsletter, 225,000 motor vehicle registrations left L.A. County last year, and 58 percent of the residents of the San Gabriel Valley are considering moving to escape smog. The newsletter, which seeks investors to keep Relocation Research going, is more interesting as a sign of the times than for its help in moving to Eden. It can be reached at Box 1122, Sierra Madre, CA 91025, or by calling 818/568-8484.

WATCHDOGGING THE FORESTS

The Forest Trust, a nonprofit volunteer group, plans two water-quality workshops this summer to teach grassroots groups how to work with and monitor the Forest Service. As part of a program begun in 1988, the group will hold one workshop in Flagstaff, Ariz., on July 14, and another in Salt Lake City, Utah, Aug. 11. Each session will cover basic watershed hydrology, ground and surface water contamination from forest activities, and the state and federal laws that guard water quality in the national forests. Called "Protecting water quality on the National Forest," the workshops are taught by a watershed hydrologist and a forester. The fee is \$20 and includes a 200-page manual. Write to Lane Krah, Forest Trust, P.O. Box 519, Santa Fe, NM 87504-0519, or call 505/983-8992.

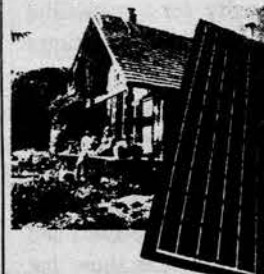
SOLAR ELECTRICITY

Complete water pumping & remote home power systems. Gas refrigerators, wind generators, etc. Design & local installation available. \$2 catalog
YELLOW JACKET SOLAR
Box 253, Yellow Jacket, CO
81335. PH (303)-562-4884

the canyon country
ZEPHYR
news, features, interviews,
history, and the on-going
debate... what next for
canyon country?
a yearly subscription (11 issues) is \$12
P.O. Box 327, Moab, UT 84532

Solar Electricity Today

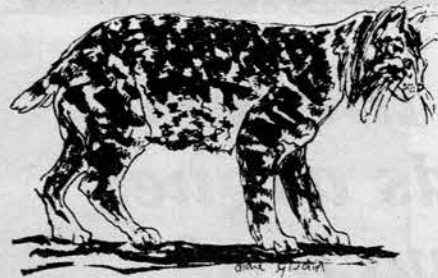
Dependable power for homes, cabins, water pumping & R.V.'s



You Can Have
Solar Electricity
Today!
From the arctic to
the tropic,
thousands of people
are now using quiet,
pollution free, easy
to install energy
from ARCO Solar.

Natural Resource Co.
P.O. Box 91
Victor, ID 83455
(208) 787-2495

ARCO Solar



ANIMAL DAMAGE CONTROL

Armed with \$25.6 million, the U.S. Department of Agriculture's Animal Damage Control Program last year killed over 123,000 mammals and two million birds. Created in 1931, with "the authority to control wildlife deemed injurious to agriculture, forests, range and other wildlife," this federally funded, tax-supported agency has come under increasing attack from animal welfare and environmental activists. On June 4, a series of coordinated protests were held around the country, urging the agency to reform its tactics, which include aerial shooting of coyotes. A nationwide Environmental Impact Statement on the agency's programs is due in early July, followed by 60 days of public comment. Copies of the EIS will be available by writing Gary Larson, EIS project leader, ADC Operational Support Staff, 6505 Belcrest Rd., Federal Bldg. Rm. 208, Hyattsville, MD 20782.

CLASSIFIED

NATIONAL OUTDOOR LEADERSHIP SCHOOL Finance Director. We are looking for someone who has proven competence with a successful 5-6 year track record in finance and general management and who is the right addition to an already successful team. NOLS is a \$7 million nonprofit international school whose 25-year-old mission is "to be the best source and teacher of wilderness skills and leadership which protect the user and the environment." The Finance Director is a key team member of the leadership for overall strategic planning and budgeting, and manages the areas of accounting and control, financial analysis, purchasing, insurance, investment, banking and credit, computer and information systems. We think the right person will have strong communication and supervisory skills, a solid background in financial management, is ready to offer creative leadership to an outdoor education organization which has a wealth of opportunities ahead, and who is enthused about living in a small (pop. 6,000) town in rural Wyoming. This job is not for just anyone but if this strikes a chord in your heart, please apply ASAP to: NOLS Personnel Director, PO Box AA, Lander, WY 82520. Starting salary range: \$33,000-\$40,000. (1x13b)

RUGGED CARETAKER with own income. Beautiful mountain ranch. Exchange rent for occasional work. Environmentalist preferred. References. Wilson, Box 215, El Rito, NM 87530, 505/581-4453. (2x11p)

Desert Wolf

Our "EXTINCT IN THE WILD" commemorative shirt has captured the desert wolf's exotic and majestic appearance in a life-size six color silkscreen portrait. This masterful rendition of *canis lupus baileyi* alerts us to the continuing rapid loss of our wildlife.



\$2 Donation from each shirt sale
\$1 to Rio Grande Zoo for maintenance and propagation of desert wolf.
\$1 to "Frontera del Norte" for wolf defense fund.

Available in adult sizes (S, M, L, XL). Navy or white.
T-shirts (100% preshrunk cotton) \$16.95 plus \$2.00 shipping.
Sweatshirts (50/50 poly/cotton) \$24.95 plus \$2.50 shipping. Colorado residents add sales tax.

Cle Francis Designs
P.O. Box 6757 • Denver, CO 80206

WHO YOU GONNA CALL?

Illegal dumpers of toxic and hazardous waste, beware. Thanks to its "Dumbuster" program, the Environmental Protection Agency seeks to identify, capture and prosecute midnight-dumpers of toxic and hazardous waste. One year old this July, the program rewards people with up to \$10,000 for information leading to an arrest and conviction. Tips can be phoned in to a regional EPA office. A second program, for which there's no monetary reward, asks callers to contact the National Response Center if they have seen illegal discharges of oil, chemical, radiological or biological waste. The toll-free number is 1-800/424-8802.

NATIVE AMERICAN LAW CONFERENCE

The Native American Rights Fund will hold its 20th anniversary Indian Law Symposium July 31-Aug. 1, in Boulder, Colo. Private attorneys, legal service attorneys, tribal judicial departments, tribal governments and anyone else interested in Indian law is invited to attend. The symposium will explore changes in Indian law over the last 20 years and discuss what developments can be expected in the next decade. Panel discussions will focus on economic development, tribal recognition and restoration, Alaska natives, water rights, human rights and natural resources. For more information, contact Rose Brave, NARF Conference Coordinator (303/447-8760).

ALTERNATIVES TO THE PILL and disposable tampons and pads! Nonprofit mail order service for condoms, spermicides, recyclable menstrual pads and sponges, books, lubes. Safe, effective, up to 50% below standard retail! Send SASE for FREE mail order brochure and introductory DISCOUNT COUPON to ZPG-Seattle, Dept. HC, 4426 Burke North, Seattle, WA 98103 (206/633-4750). (3x11p)

HELP SAVE THE PLANET! 65 things you can do, now, to make a difference. \$3. NOW!press, 614 8th St., Dept. HCN, Glenwood Springs, CO 81602. (4x10p)

HIGH COUNTRY NEWS classified ads cost 30 cents per word, \$5 minimum prepaid. Display ads are \$10/column inch if camera-ready; \$15 per column inch if we make up. Send your ad with payment to: HCN, Box 1090, Paonia, CO 81428 or call 303/527-4898 for more information.



CANYONLANDS FIELD INSTITUTE
DESERT WRITER'S WORKSHOP
OCT. 18-21, 1990 Pack Creek Ranch
KEN BREWER
DAVID LEE
RON CARLSON

For more information contact:
Canyonlands Field Institute
P.O. Box 68 / Moab, UT 84532 / (801) 259-7750
Co-sponsored by the Utah Arts Council

GRASSROOTS ATTORNEY

Spirited regional coalition with nationally important agenda has position encompassing grassroots organizing and legal assistance for conservation groups in rural Alaska. Position involves: Grassroots organizing, including work with communities, commercial fishermen, Natives, and other forest users; legal analysis of forest plans, timber sales, mining plans, air and water quality permits, primarily in the Tongass National Forest; negotiation and litigation in state and federal courts; various state lands issues; lobbying Alaska Legislature and Congress.

Qualifications include law degree specializing in environmental law and undergraduate degree in environmental sciences, forestry, planning, or other applicable background. Experience in grassroots organizing and litigation on environmental issues. Member of the Alaska Bar or able to qualify for it.

\$21,600 annually, health/dental benefits.

Send letter and resume to Southeast Alaska Conservation Council, Box 21692, Juneau, AK 99802. Deadline Aug. 10.

GUEST ESSAY

Hard negotiating, or treachery?

by Kay Matthews

I have this recurring nightmare: I'm sitting at the bargaining table with the Forest Service, screaming for the 10th time, "You don't *really* think multiple-use means building roads and cutting trees, do you?" And they keep responding, "Yes, we do."

Negotiating a settlement to our appeal of the Cibola National Forest Plan in New Mexico was definitely a lesson learned the hard way. In 1985, when the plan was released as one of the first mandated by the 1976 National Forest Management Act, we were working in largely uncharted territory. Few forest appeals anywhere had been decided, and to our knowledge no other appeals were getting settled through negotiations between the Forest Service and citizen groups.

We tried it. We plunged in, took our punches and lost. To date, and almost to a person, those of us involved in hammering out the amended Cibola Forest Plan regret our decision to drop our appeal and negotiate with the agency.

The Cibola National Forest is composed of five far-flung ranger districts bordering both urban and rural communities in central New Mexico. A broad coalition of groups from these communities — an association of land grants, the Sierra Club, an Indian environmental group, the New Mexico Wildlife Federation, an irrigation ditch association — joined to file an appeal, based on two major issues.

1) the plan's failure to recognize the needs and interests of the forest's Indian and Hispanic communities; and

2) its emphasis upon resource consumption and commodity production at the expense of natural resources.

Our appeal included objections to many management decisions: a 300 percent increase in timber harvest levels by the 1990s; the consideration of an additional alpine ski area in the Sandia Mountains near Albuquerque and another under consideration on Mt. Taylor, a sacred mountain of the Pueblos and Navajo; inadequate protection of water resources; inadequate emphasis on wilderness resources; inadequate rangeland protection and permit system; and failure to protect the forest's cultural resources of prehistoric and Indian religious sites.

After the appeal had been filed, the Forest Service offered to negotiate an amendment to the existing plan. Its motive was seemingly obvious: to avoid a redraft of the plan if it were thrown out in the appeal process.

We accepted the offer, agreeing that we could always resume the appeals process if we didn't gain enough concessions in the amended plan.

For six months we all sat around a negotiating table at the Natural History Museum in Albuquerque,

and the nightmares began. The Forest Service did agree to a number of changes: postponement of ski area consideration in the Sandias; incorporation of stringent criteria for further recreational development on Mt. Taylor; stabilization of the Sandia Mountain Wilderness and promotion of other forest wildernesses; deletion of all timber projections beyond this 10-year planning period; reduction of the timber land base; a ranking of key watersheds with an improvement schedule; changes in budget request procedures and priority spending; specific money set aside for monitoring the plan; and changes in cultural resource protection.

The agency also agreed to set up a citizen work group to write an environmental analysis for Las Huertas Canyon in the Sandia Mountains, a controversial riparian area whose fate has been argued for years.

This list sounds impressive, but many issues remained unresolved. The unresolved issues revolved around timber — below-cost timber sales, timbering in semi-primitive non-motorized lands, old growth protection — grazing, and American Indian religious rights. The appellants decided to sign off on the areas of agreement and continue with the appeal of these unresolved issues.

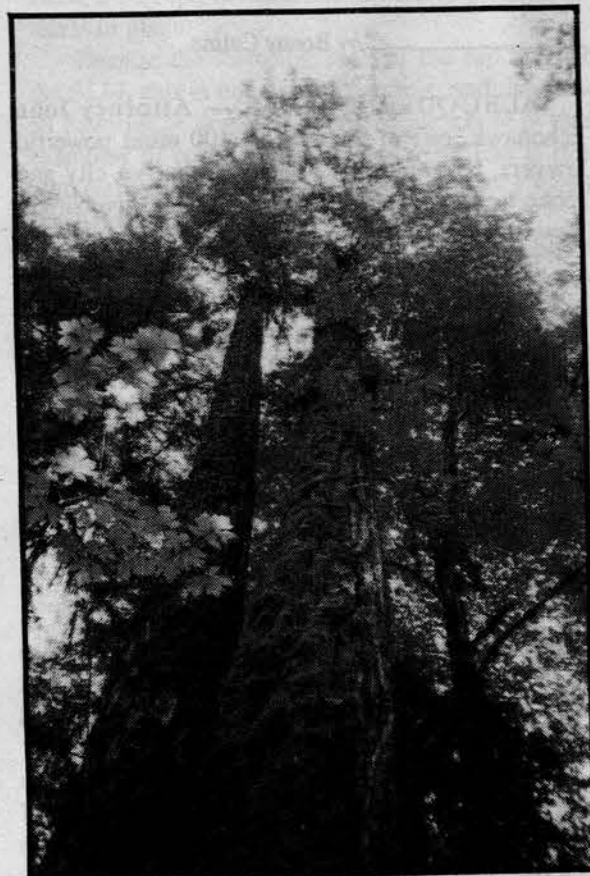
But the Forest Service refused to sign the agreement unless we dropped the appeal. We argued long and hard among ourselves, feeling this preliminary sign of bad faith didn't bode well. In the end, however, we agreed to their conditions.

Some of us felt we would achieve better results through separate appeals of individual timber sales and decisions involving Native Americans. All of us knew our financial and emotional resources had been strained to their limits. We included a statement in the amended plan detailing our position on the unresolved issues and prepared to resume normal life.

It has been three years since the amendment to the Cibola Forest Plan was signed, and already two appeals have been filed against the forest. One appeal of a timber sale on Mt. Taylor was approved by the regional office and the sale was sent back to the drawing board.

The second appeal occurred after the Forest Service decided to pave the narrow dirt road that runs through Las Huertas Canyon. Since the regional office supported that decision, we are pursuing a lawsuit against the Cibola forest. The Las Huertas decision generated bad feeling between citizen groups and the agency, primarily because the agency chose to ignore the recommendation of the citizen work group mandated by the amended plan. The work group's recommendation was to partially close the road to protect riparian areas and better disperse recreation.

Our monitoring of the plan has revealed that other agreements have not been implemented and that



Old growth: faced with never-ending appeals?

the agency has undertaken projects that were never even included in the plan.

While the agency has been careful to notify citizens of planning sessions and has included them on field trips to issue sites, any actual working sessions with citizens have broken down in discord.

Are we faced with a never-ending string of appeals as each management decision is implemented as the agency sees fit rather than what is called for in the amendment? As the second decade of planning approaches, will we see renewed proposals for a downhill ski area in the Sandias, doubled or tripled timber harvest levels, more paved roads and destruction of Indian religious sites? In a cynical assessment, Michael LaFlamme, a member of the Las Huertas Canyon citizen work group, says forest officials are merely "going through the motions of the National Environmental Policy Act."

I am distressed that we weren't tougher here in the Cibola, that we let down our guard and they cut the coyote tree right in front of our faces. I hope the rest of you continue to chain yourselves to the coyote until the saws, not the trees, are dead and down.

Kay Matthews lives in Placitas, New Mexico.

LETTERS

WRITER WAS BIASED

Dear HCN,

As a former journalist, I enjoyed the writing style of your piece on the NRECA annual meeting that appeared in HCN, 3/20/90.

But your report reveals more about your dislike for the National Rural Electric Cooperative Association than it does about what went on in Orlando. Your report that NRECA is rotten at the core and doomed to soon fall apart seems to be based on your disagreement with the policy positions your fellow voting delegates took in open session at the NRECA annual meeting.

But the status of NRECA's health is the opposite of your portrayal. The fact is that the 48th NRECA annual meeting was the largest ever. Hardly the mark of a dying organization.

No, NRECA is not dying. Its political stature and strength have never been

greater. That is because it is an honest-to-goodness, grassroots organization, with policy decisions generating from the bottom up. The resolutions process through which NRECA policies are set starts at the state and local level and works through the regional meetings. From there the adopted resolutions go on to the annual meeting where the elected committee representatives and delegates determine the outcome.

With the truly democratic process of policy determination that characterizes NRECA, it occurs to me that a more realistic approach for those who want to change it would be to work within that process in trying to achieve their goals.

The fact that we invited Congressman Synar to speak at our meeting should demonstrate that NRECA is not fearful of hearing points of view with which some members disagree. He was invited to show there are at least two sides to the clean air issue.

I have no problem accepting dissent. Dissent happens to be part of my intellectual nature as well. But I am dis-

turbed by your gross exaggeration of "horror stories in the hallways." You must have attended a different meeting than everyone else did. The returns from the annual meeting survey sent leaders of every one of NRECA's 1,000 member-systems rated the meeting either "excellent" or "good."

Finally, in reading your piece quite carefully, I failed to find anything of a constructive nature that would seem to address the direction in which you think rural America should be moving. Perhaps that's expecting too much.

Bob Nelson
Washington, D.C.

The writer is director of public and association affairs for the National Rural Electric Cooperative Association.

OF RURAL CO-OPS

Dear HCN,

The March 26 REA dirge by Ed Marston alone justifies all your years in

Paonia.

Idaho just adopted an energy conservation building code, without which Bonneville Power's preference customers, including the REAs, would face rate penalties — and it was the legislators from the co-op constituencies who opposed!

As for the optimism in the final paragraph, the telephone co-ops and small independent telcos are a different breed.

They're using digital switching, electronics and EBR (radio) — and in Alaska satellite space — America and everywhere else.

I think the successes of the progressive minorities in electric co-op management will preserve a core group of REAs, valuable if only for yardstick, diversification, perspective and gene-pool purposes.

Perry Swisher
Boise, Idaho

The writer is a member of the Idaho Public Utilities Commission.

14-High Country News — July 2, 1990

REPORTER'S NOTEBOOK

John Echohawk is leading a (legal) revolution

by Bonny Celine

ALBUQUERQUE, N.M. — Attorney John Echohawk, one of the nation's 100 most powerful lawyers, returned this year to his native city and spoke to more than 250 people at the University of New Mexico.

Echohawk, a Pawnee, was born in Albuquerque, raised in Farmington, N.M., and attended the University of Oklahoma for a year on a National Merit Scholarship before returning to the University of New Mexico to earn his bachelor's degree in 1967. He graduated from UNM's law school in 1970.

A few years later, Echohawk was instrumental in the formation of the Native American Rights Fund in Boulder, Colo. The group is presently funded for more than \$5 million, under Echohawk's direction.

In the 1960s, only 12 cases involving Indian rights reached the Supreme Court; in the '70s, 35 cases were litigated. In the '80s, close to 50 cases were heard by the highest judicial court in the land. Many of these precedent-setting cases were decided because of the Native American Rights Fund.

Echohawk is a quiet man. In a *New York Times* story a few years back, then Gov. Bruce Babbitt of Arizona was quoted as saying of Echohawk: "If there is a charisma from silence, he's got it."

"I don't feel as if I am speaking as an individual, or as a person, but really as a representative of something very significant that has happened in the last 20 years in this country," Echohawk said.

"What happened was this," he said. "About 22 years ago, the deans of the University of New Mexico Law School, with the Office of Equal Opportunity in Washington, D.C., had an idea to graduate some Indians from law school ... They had looked at the lack of professionals among Native Americans, and thought that increasing the number of attorneys would be something that would be very significant in the war on poverty."

"At that time across the country there were about 20 Indians that could be identified" as attorneys, Echohawk said. "Proportionate to the population at that time, there should have been 1,000 Native American attorneys."

Echohawk credits the University of New Mexico for pioneering the first law school courses on Indian law.

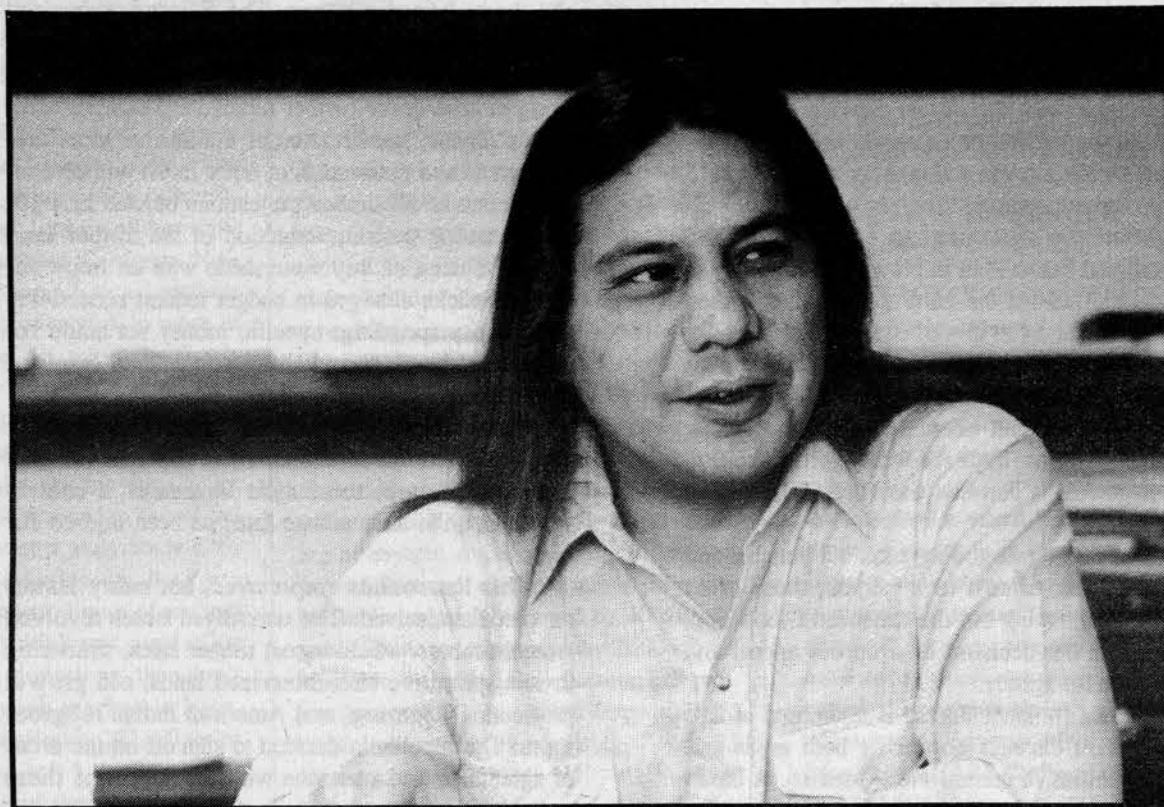
"I'd never heard of 'Indian law'," he said. "I had always thought that tribes were basically powerless. That's what my experience said. I thought that tribes were completely under control of the federal government, and that they had nothing to say about anything."

"But when I started studying Indian law, it came together for the first time ... I started finding out differently."

Echohawk and his fellow law students began finding out about Indian sovereignty, "something I had never heard of," he said. "We discovered that Indian treaties were not just ancient history, that Indian governments were real governments. Indian treaties are the law of the land."

"We read where the government had a trust responsibility to our Indian tribes, to protect them and assist them. We learned that state law has no force or effect on Indian tribes. We learned that our lands throughout the country were held in trust for our people, as permanent homeland. This was the law. We found that we have substantial rights to water on all our reservations. This came through treaties and agreements."

"It is the law. These rights were superior in many



John Echohawk

cases to the rights of states. We learned that we were given fishing rights through treaties not subject to state jurisdiction. We learned that the government had a responsibility for Indian education, and pursuant to the trust responsibility, this should be an education that improved our situation on the reservation, and not a situation where the education was used as a tool against us."

Echohawk also learned that traditional religions practiced by Indians on the reservation were entitled to the same Constitutional protections as other religions.

"As we gathered in law schools across the country, even though we were all from different areas and different tribes, we learned that we all had these same issues in common," he said. "Many of us also had to learn about the different tribes across the nation. Law school was a great experience. We not only got the law, but for the first time we learned our Indian history — the unabridged version."

The histories of American tribes are contained in their legal cases, Echohawk said. "Our nationhood and sovereignty predates the nationhood and sovereignty of America," he explained. "Our tribes are the oldest governments on this continent."

Echohawk studied congressional policies of the 1800s concerning Indian rights.

"There were many policies designed to eliminate our sovereignty, he said, citing the opening of reservations to non-Indians and the parceling of land to Indian people. "We learned in the 1930s that this policy of assimilation was a failure," he said. "But our population dropped drastically during that period. We lost two-thirds of our lands during that time."

President Roosevelt had a "new deal" for tribes, too, he said. "The Indian Reorganization Act of 1934 once again recognized our status as governments, and put the federal government back on a policy of recognizing that," he said. "Tribes were then allowed to incorporate their sovereignty or to draft their own constitutions if they wished to do so."

At the beginning of the 1950s, federal policy once again became destructive to tribal peoples. "That's when the policy of termination of Indian

tribes began," Echohawk said. "It was (during) this 1950s policy that I was raised ... I came from the 'termination era.'"

"It became a matter of policy to terminate tribes, and it was just a matter of time before it became your tribe's turn ... and then, Indians would be no more. Because that was the law."

In the 1960s, this idea was reconsidered by the federal government. "They began asking and listening to tribes for a change," Echohawk said.

"These are the things we learned in law school."

The number of Indian attorneys has now increased from 20 lawyers in the '60s to 500 or 600. "These people, along with non-Indian attorneys with tribal interests, have completely changed the face of Indian affairs in this country."

"Legal rights written on paper or in books are worthless without the power and ability to enforce those rights in court," Echohawk said. "This was the idea behind the formation of the Native American Rights Fund, in 1970. We organized on a nonprofit basis to provide legal representation to the tribes and individuals across the country in cases of major significance."

The priorities for Echohawk's organization include protection of tribal sovereignty and natural resources, and the promotion of Indian human rights.

Echohawk is also interested in the tribal power to tax.

"... When businesses come on our reservations and we provide governmental services, the state should not have the power to reach into our reservation for taxes," Echohawk is involved with a case in the state of Washington whereby a non-Indian owning land on the Yakima reservation wants to subdivide his land and sell plots, ruining the pristine quality of the natural resources there.

"Tribal rights come before states' rights, and therefore are of a superior quality to states' rights," he said.

"What's happened in the last 20 years is that the tribes have legally defined, once and for all, their place in society. I don't believe that we are going to have the fluctuations in Indian history and Indian policy ... assimilating, taking our lands back and forth. I think we've come too far for that. Tribal sovereignty is very ingrained in the law of this country. I think tribes and tribal governments will become a permanent part of the American federal system."

"We've come a long way in 20 years. We've started to define ourselves, define the place tribes have in society. We have a long way to go. What remains is that we educate one another."

"... When businesses come on our reservations and we provide governmental services, the state should not have the power to reach into our reservation for taxes."

Bonnie Celine is a writer in Albuquerque, New Mexico.

EDITORIAL

Yet another political hack at the BLM

by Ed Marston

When Cy Jamison was appointed director of the Bureau of Land Management, we were told he was something different. He was not going to be just another political hack, doing the bidding of the old Western grazing-mining-drilling interests in the West. He was not going to be another disgrace to the future, like Bob Burford, who led the agency for eight of its most shameful years.

The complete record won't be in for a while. But right now, it looks as if Cy Jamison is going to give Burford a run for his money. Despite Jamison's talk of the new recreation and conservation-oriented BLM, the top people in the agency are still trying to shove a destructive, pro-extraction, anti-conservation agenda down the throats of their own employees and of the public.

Examples of political manipulation abound. In the Grand Junction, Colo., BLM office, area manager John Singlaub denied a drilling permit on the grounds that it was incompatible with the plan for the area. The drillers went to Washington, D.C., and Washington, D.C., went to Grand Junction area manager Bruce Conrad, who over-ruled Singlaub and his own rules.

In Wyoming, the BLM is busy beating up on one of its retirees — a soils scientist under contract to the Worland BLM office. Chuck Neal had the temerity to speak critically, in a newspaper article, of an agency decision on coyotes. As a result, the Worland office developed an emergency financial problem which

could only be solved by terminating Neal's contract (HCN, 6/18/90).

As Neal told *Billings Gazette* reporter Michael Milstein, "This is a perfect example of how quickly the agency can summon its muscle to deal with an incredibly petty issue. At the same time, they can spend years trying to make a tough decision that would protect public lands."

The Worland BLM office was featured in HCN's May 7, 1990, issue. Former BLM staffer Richard Kroger told how that office was organized to avoid doing its job. For a while, a new district manager, close to retirement, and therefore able to take professional risks, ran the office and sought to protect and improve the resource.

He was eventually replaced by a mini-Jamison — a local hack. As the Neal case shows, that office is now back on track, busy punishing those who try to do the job the American people expect the BLM to do.

In this issue, HCN reports on a BLM employee in Nevada who attempted to cite Dean Rhoads, a state legislator and the "father" of the sagebrush rebellion, for illegally grazing cows. But he has been unable to cite Rhoads as heavily as he would like because the head man in the BLM office has either blocked the attempts or watered them down.

The offense is not a large one, but it indicates how the BLM system works, whether it is a few cows in trespass, as with Rhoads, or pressure to allow a drilling application in the wrong place, as in Grand Junction, or a contract employee speaking his mind

on a resource issue, as in Worland. At the top of the BLM, a corrupt, immoral and repressive political system is in place.

Despite the incredible mess at the top levels of the BLM, this is not a time to despair, and this is not an editorial of despair. The reason we know of these examples of corruption is because the BLM is filled with employees who do not accept the agency's traditional operating procedures.

Despite eight years of Reagan-Watt-Burford, and now a year of Jamison, the agency has not been cleansed of good people. They are in there, boring away for the resource, and standing up for themselves and their convictions when the system pushes too hard on them.

We are watching, at the BLM and throughout the West, a last political hurrah. The Forest Service, I am convinced, has already made its turn, and is headed for less murky waters.

Those who could not change — men such as Sens. James McClure of Idaho and William Armstrong of Colorado — but who see the future — are abandoning ship. The ones who see the future but cannot bear to give up their senatorial seats — such as Malcolm Wallop and Alan Simpson of Wyoming — treat us to increasingly hysterical and extreme statements, as their positions become less and less defensible in this era of change.

Despite this burst of firings and illegal road building and protection of trespassing ranchers, this is not the end. It is the beginning. The pus is boiling to the surface; healing has begun. ■

GUEST ESSAY

Sitting out the Greed Decade in Wyoming

by Geoffrey O'Gara

The Washington, D.C., consulting group that recently labeled Wyoming a "Couch Potato Economy" held out little hope that things would soon change. It's a nifty phrase (and for all we know they recycle it from state to state as they consult their way around the hinterlands), bound to raise a few neck-hairs in Marlboro Country.

The couch we potato on here sits sagging down in the basement of America's house, pretty much forgotten nationally except when the odd epochal forest fire breaks out. Wyoming was never asked to dance during the years of Reagan prosperity. Our oil derricks atrophied and our dams silted, and we're hardly positioned to flame alive during the dawning era of international wheeling and dealing.

That's fine for some of us. When grandchildren ask what granddad did during the Greed Decade I want to be able to say I went West to Wyoming and refused to serve (even if I was never asked). But for others it's not so fine. The workers who came to Wyoming in the 1970s to make unmentionable riches throwing chain on oil rigs are now working at minimum wage "service" jobs in the toadying tourism industry.

Baby-boomers like myself, who came in search of some unarticulated Utopia of elk and opportunity, are mostly gone. Among those who stayed, you see in some 40-ish faces the baleful realization that this may be the last stop, they are too old and countrified to start over in the urban career zones — they throw themselves with a new meanness into local politics and real estate.

It took the 1988 fires of Yellowstone to get Wyoming five minutes of the attention it craves, but you can't do that sort of thing every year. I happened to be on the "fact-finding" horse-packing trip into the Yellowstone backcountry (there are perks to this line of work) with Forest Service rangers when the first of the fires broke out in the Teton Wilderness, south of the park. We had been camping near Enos Lake, a shimmering pond bejeweled with a pair of trumpeter swans and their five fuzzy little offspring.

When the fires climbed over the ridge just to the east, with flames top-crowning the lodgepole pine and smoke billowing above, we broke camp hurried-



ly. (Well, I broke camp hurriedly; the rangers moved like laconic turtles.) As we took a last look at the lake I asked if we shouldn't send a rescue crew back in to airlift the cygnets to safety (trumpeters are an endangered species).

The answer was no. The cygnets, according to some biologists, never make it out from Enos Lake in the best of years — the lake freezes before they can fly. The parents return every year and try again.

Biologists can be a hard-hearted lot, like real estate dealers. From a biologist's view, the Enos Lake trumpeters served a purpose: They filled a habitat niche, occupying the lake so the next pair of trumpeters looking for a place to raise a family would have to fly farther into the wilderness, trying out new habitat until they find a spot where trumpeters thrive.

Montana and Wyoming ought to have similar problems, being somewhat alike — both states are known for their mountains though they are mostly (topographically) high plains, both states have enormous mineral riches and few other ways to make money, and both evoke a misty nostalgia for an imagined "Real West" among people who've grown up elsewhere.

But Montana may be less of a couch potato in the '90s. It has cultivated a surliness toward outsiders that creates what might be called the Oregonian Curve.

Turn your nose up at California or Aspen and say you want to be alone; the more standoffish you get, the more attractive you become.

Montana becomes The Place To Be From if you are a hot young movie star, hot young writer, or a multimillionaire who, at least in his own mind, has some of the attributes of a hot young writer or movie star.

So while Wyoming waits meekly for the next boom in nuclear reactors (uranium) or gas-guzzling automobiles (oil), or central heating in southern California (natural gas), Montana runs up its recreation and real estate, and gets written up in the *New York Times* as the getaway haven of Jeff Bridges, Tom McGuane and Ted Turner, among many, many others.

Here down south, we suffer a little Nabob Envy. Why do they go there, instead of here? But that may be changing, at least in one very small corner of the state, Jackson Hole. Harrison Ford has discovered the beauty of the Tetons, and Secretary of State James Baker — he really is out to displace Dick Cheney — has bought a spread nearby. The first step on the road to Montana is brie and the Sunday *New York Times*, and Jackson Hole now has both.

For a while I owned a newspaper in Dubois, just over the 9,658 foot hill from Jackson Hole, and I waited anxiously for James Baker and his ilk to plug up the bucolic second-home habitat niches below the Tetons. Then the movie stars and corporate heads would spread their trumpeter wings and spill over into the Upper Wind River Valley. For each big-windowed, cedar-shaked, four-bathroom hideaway I expected an economic ripple effect worth about 40 subscriptions to my newspaper. No such luck.

Somebody else dreams along with the newspaper now, and perhaps they'll have better luck. I've seen friends who loved Wyoming uprooted with an easy twist of the economic trowel, so I don't kid myself. The Couch Potato economy and its peculiar obscurity is not for everybody. We watch our kids grow, and we watch the lake for ice.

Geoffrey O'Gara is former editor of *High Country News*. This column appeared in the *Casper Star-Tribune*.

16-High Country News — July 2, 1990

afield

The arid West turns depressingly moist

by Bruce Farling

April is the cruelest month, T.S. Eliot said, an observation he no doubt recorded after completing his 1040 form. But while T.S. was known to ease his pain by hoisting a few stouts with the lads at the corner pub, agony is not so easily overcome for a Montana fisherman who knows that in his world May is the cruelest month.

Let May 1990 be known as the month of THE MOLD.

At least it was at my house, when in the middle of the month a diabolical organic blob appeared in my leaky attic, reminding me of sadder, amphibious days long ago when I was a citizen of that sodden wasteland, western Oregon.

In May, it rained or snowed almost every day where I live now, on the outskirts of "14 inches of precipitation a year" Missoula. Buckets were placed in

strategic places in the drippy attic and the mold beaten back with truncheons. I slogged daily to the garden to see tiny lettuce sprouts gasping for air in my new rice paddy. The Clark Fork, Blackfoot and Rock Creek roared at near-flood stage most of the month, making fishing impossible. Which, of course, made life impossible.

To anglers in western Montana, the emergence of salmon flies on Rock Creek is an event of no small proportion. The first sighting of the two-inch-long stoneflies is greeted with the same fanfare as the first swallows at Capistrano, or the first tourists at Bob's Buck-a-Fish and House of Mystery, which — it's true — must be located, by law, next to all national parks. In May, when brown, rainbow cutthroat and bull trout begin their five-week feast on these orange bugs, fishermen descend on Rock Creek in hordes, clad in neoprene and wielding

graphite. And thus begins the real fishing season.

Except this year. The salmon flies hatched sporadically, generally only during the brief respite between storms. They hunkered on streamside serviceberry bushes, shivering like pathetic street urchins in a Dickens story, until a fleeting ray of sun energized them enough to roll over and plop onto the ground. Fishing in May was wet and slow.

It's not supposed to be this way. May should be warm and sunny. Fishing, barbecue and gardening weather. But I spent most of the month clutching my expensive new yuppie fly-rod, watching forlornly from the kitchen window as snow accumulated on nearby Lolo Peak. The snow line on north exposures in the Bitterroots was actually lower in May than in most of April. Depressed and with fishing out of the question, I stayed inside and read, finding especially uplift-



ing Bill McKibben's *New Yorker* article promising drier weather and global warming soon, developments, he said, that merely cap the end of nature. A small price to pay for some good fishing weather.

On the last day of May, while touring a logging road above Rock Creek in weather that alternated between driving rain ("scattered showers") and wet snow, I saw a wild turkey, the first I'd ever seen in the area. A turkey, a fine metaphor for the last month. It's June 7 today, and it's cold and wet, naturally. THE MOLD is still upstairs and I'm eagerly awaiting the ski sales.

Bruce Farling is deputy director of the Clark Fork Coalition in Missoula, Montana, and a freelance writer.

LETTERS

COMPROMISE IS A "SENATOR'S CHISEL"

Dear HCN,

Thank you for your extensive coverage of the passage of new Clean Air legislation in the U.S. Senate in your

April 23, 1990 issue. As floor manager of the bill, I feel, however, that I owe it to your readers to clarify some of the concerns raised in your stories, "Senate's new air bill would further dirty the West's air," and "The Senate's clean air bill wears chaps and a Stetson."

If, as John F. Kennedy once said, "Politics is the art of the possible," then

compromise is the senator's chisel and paintbrush. While I would be the first to admit that some of the environmental protection goals of the Clean Air bill that was put forward originally by the Environment and Public Works Committee were compromised on the route to final passage, it was compromise that allowed us ultimately to adopt legislation that will protect or dramatically improve air quality throughout the country, including the West.

As in the East, many Western cities continue to be plagued by excessive health-threatening levels of carbon monoxide and ozone smog. By imposing new limits on auto emissions and new requirements on factories and plants and by promoting transportation control measures, the Senate's Clean Air bill will put an end to these blights in virtually every Western city.

One of the beneficial by-products of these measures will be a reduction in the pollutants that cause the regional haze often seen darkening what should be the pristine skies of Western rural and wilderness areas.

More important, to protect Western visibility, the bill contains provisions designed to augment, not weaken, the power of the EPA under the current Clean Air Act to protect the visibility of Western horizons. As your report notes, two of the biggest obstacles to regulating sources of visibility-impairing pollutants are inadequate funding for the studies needed to justify such regulation and "states' inertia" in resisting steps that "might hinder economic development."

To overcome these hurdles, the bill directs the EPA and the National Park Service to undertake the necessary studies and authorizes the funding needed to carry them out. In addition, the bill shields individual states from the risk of putting themselves at an economic disadvantage with respect to their neighbors if they act unilaterally to take actions against visibility-damaging pollutants. Instead, the bill authorizes the creation of Interstate Visibility Transport Commissions composed of the governors of the several states in a visibility region. These commissions have the authority to make recommendations to the EPA for the promulgation of regulations to limit emissions from sources of pollutants contributing to

regional haze and visibility impairment.

These studies, or the recommendations of the governors' visibility commissions, will enable — or, if need be, force — the EPA to carry out its existing obligation to protect Western visibility.

As your story points out, the Senate bill issues permits to Western utility power plants that would allow sulfur dioxide emissions to increase by 23 percent. In fact, this provision represents an improvement over the bill first proposed by President Bush. Though the Bush proposal would require Western utility plants to maintain a certain emissions rate limit, it would not have placed any limit on total emissions.

Even if the increases permitted under the Senate bill do in fact occur, however, total utility sulfur dioxide emissions in the West would be no more than 650,000 tons, while emissions in the East would be as high as 8.3 million tons — leaving Western skies the cleanest in the nation.

These increases are, however, far from inevitable. Projected growth in electricity production in states such as Montana will come from existing plants that are among the cleanest emitters anywhere, reflecting the \$600 million Montana utilities and their rate payers have already invested in pollution control. In addition, any new plants built — or existing plants modified and expanded — will be subject to the rigorous requirements of the Prevention of Significant Deterioration (PSD) program incorporated in the current Clean Air Act. PSD requirements will force such plants to maintain the lowest emissions levels possible even in cases where the plants' sulfur dioxide emissions permits granted under the bill otherwise would allow them to emit more in the absence of PSD requirements.

In sum, Westerners, like all Americans, should feel confident that the Clean Air bill passed by the Senate will, if enacted, protect our region's and our country's human health and natural resources.

Sen. Max Baucus
Washington, D.C.

Sen. Baucus, D-Mont., chairs the Senate Environmental Protection Subcommittee and chairs this year's Clean Air Conference.

Lester Doré



High Country News

Be the first on your mountain to wear the new, HCN T-shirt, featuring Lester Doré's mountain goat.

Grey M _____ L _____ XL _____

White M _____ L _____ XL _____

Cost is \$10 per shirt

Send to High Country News, P.O. Box
1090, Paonia, Colorado 81428