

# High Country News

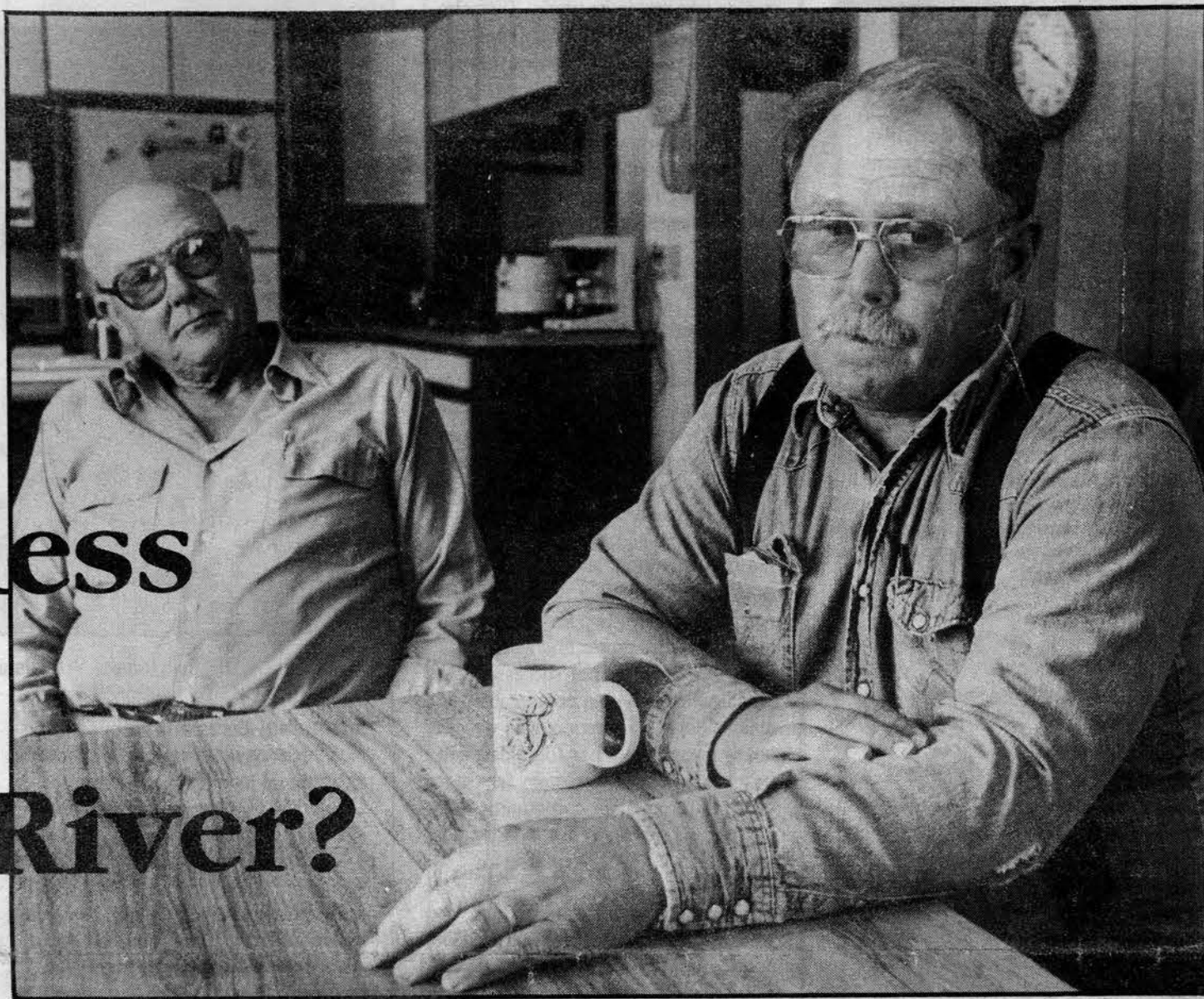
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A Paper for People who Care about the West

One dollar

## Waterless in Wind River?



Midvale farmers Mike Donelson, right, and father Dick Donelson

Zbigniew Bzdak

by Geoffrey O'Gara

**N**ORTH OF MUDDY CREEK, Fremont County, Wyo. — "A lot of people laughed when we got this land," said Mike Donelson, driving along a ditch of quiet blue water running in a slow curving arc alongside his fields. "But it's been about 19 years, and we're still here."

Still here, but for how long? That's a question asked by the "For Sale" signs along the farm fences near Ocean Lake, here in Wyoming's Wind River Valley. It's answered partially by the farmers north of Riverton who, caught in a water war between the state and the Arapaho and Shoshone tribes, say they would gladly sell out if they could find buyers.

Donelson is not one of them. "Some of us don't want to go," he said during a tour of his farm and the Midvale Irrigation District near Riverton. "To be a farmer, you've got to be an optimist."

His family has a long history here. Donelson's grandfather arrived around the turn of the century as a horsetrader in Riverton with a permit to trade on the reservation. As a boy, Donelson learned to fish at his grandfather's place in the Owl Creek Mountains — on land that once belonged to Indians.

For most of the some 650 full- and part-time farmers in Midvale, however, optimism rises and falls with the water in the ditch. This water has been virtually unlimited for the past 70 years, generously subsidized by a federally financed dam and canal system. But few of the non-

Indians on the Midvale ditches had any notion that they were actually slaking the thirst of their crops with Indian water.

Now they know, and they're frightened. Last year the U.S. Supreme Court affirmed that the tribes of the Wind River Reservation have rights to 500,717 acre-feet of water, a little more than half the normal flow of the Wind River and its tributaries.

State officials are frightened, too. Midvale alone contributes some \$20 million to the economy, and there are several smaller irrigation projects on the Wind River that also could be affected.

The High Court awarded the water for agricultural use, but for the immediate future the tribes aren't able to build an expensive irrigation system. So for now they want some of their water left flowing in the river so they can plant fish and attract anglers to the lower Wind River, which has been periodically sucked dry by irrigators.

The tribes also want to regulate water use and quality on the reservation, where the state has long claimed jurisdiction but has rarely provided any regulatory service. And, someday, the tribes would like to realize their own farming dreams.

Gary Collins, an Arapaho rancher and former chairman of the Arapaho Business Council, stands on a ridge between the Wind River and the Little Wind, about 25 miles from Mike Donelson's place, looking south across a greening valley with a pride not unlike Donelson's.

Collins' great-grandmother assembled patches of farmland here when access was by horse and buggy along rough trails paralleling the Little Wind. His father was born in a tent beneath a gnarled cottonwood across the Little Wind, and that tree stands by the house where the Collinses now live.

Gary's great-grandmother, Edith Oldman Collins, held onto the family's "allotments" — pieces of land within the reservation distributed to tribal members for private ownership from 1887 to 1934. Today Collins can point to a patchwork of fields still held by his family, but their irrigation systems are in poor repair. Meanwhile, many other Indians have sold their land or have lost it in debt sales. Some of the prime farmland here now belongs to non-Indians.

Tribal members recall that non-Indians — sometimes their childhood schoolmates — took some of the reservation's best resources, causing bitterness. As non-Indian farmers in projects north of the Wind River wonder whether generations of hard work will be lost in a water-starved barley crop, Indians to the south see their newly confirmed water rights as a balancing of old wrongs. "There's as much pain on this side of the river as there is on the other," said Collins.

Collins also helps manage the Arapaho Farm, a tribal venture adjacent to his family's land that will bring 120 acres back into cultivation this year using tribal water. The farm, acquired three years ago, now provides an opportunity for eight young members of the tribe to learn how to farm. More jobs will be created as the farm's size

expands to a planned 3,000 acres.

It's a modest beginning, but Collins still suffers snubs at the local farm implement dealership, although the tribes are among its best customers. "It's going to take a generation," said Collins, sipping coffee with Fred Echohawk, a Pawnee from Arizona who came here two years ago to oversee the farm operation. "Most people on the reservation don't know how to do this. You might even say we're where Midvale was in the 1930s."

The Collinses — Gary, his father, his brother Rusty, and their families — control about 1,500 acres of land along the Little Wind, irrigated from the river and from Ray Lake. They raise hay and run a cow-calf operation. They still hold his great-grandmother's allotment in Riverview, which pulls water from the LeClair Ditch, one of several primarily non-Indian systems that could be affected by future tribal water usage.

When Collins was young there was no running water, no telephone and no electricity at the place where he still lives. He went to college and then worked for International Paper. In 1983 he returned to the reservation, where he is now bringing up three children, aged eight to 16, as a single father.

Their yard is cluttered with ancient machinery and tottering sheds — "an antique shop in disguise" — that mirror the poor condition of the reservation's aging ditches.

The ditches, their sides caved in and headgates bent, have suffered from a dis-

(Continued on page 10)



## HIGH COUNTRY NEWS

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## Dear friends,

### On starting out

The new editors feel privileged to take the helm for the next 12 months for any number of reasons. They have been enthusiastic readers and admirers of what *High Country News* does for some years, and appreciate the opportunity now to take part in its work. They also recognize what Ed and Betsy Marston and their first-rate staff have achieved in bringing *High Country News* to national prominence. So they say hello to *HCN's* readers everywhere, and vow to do their best to carry on this newspaper's mission of providing a strong voice for the "People who Care about the West."

### BYE and HI

There's a high school boy in Paonia who always seems to be wearing one favorite black T-shirt, with big white letters saying HI on his front and BYE on his back. Perhaps we should get some to wear in the office on those somewhat wistful revolving-door days when staff members go and come.

Staff writer Florence Williams has left *HCN* to try her hand at writing in Boston. She drove out of town in early August laden with two kayaks, two pairs of skis, a bike, a guitar and a cat—at about the same time her successor, Lisa Jones, pulled in with a comparable amount of gear. Florence, who was here nearly a year, hopes her foray East will be temporary, as do her many fans in the office and around our community.

"I can't stay away for too long," says Florence. "The West is in my blood."

Lisa hails from Boulder, Colo., where she freelanced for *The Christian Science Monitor*, *Outside* magazine and *The Rocky Mountain News*. Her story on environmental efforts in Costa Rica appeared in the May/June *Buzzworm*. Her last full-time job was a year at the *Tico Times*, a Costa Rican weekly where she wrote about deforestation, hurricanes and iguana farming. "In Costa Rica," Lisa says, "environmental problems are very straightforward. Ecological destruction is directly related to poverty. Here it's not so simple."

Florence and Lisa share not only a job description, but a love for desert rivers. The two are kayaking buddies, along with incoming fall intern Beth Jacobi. The three of them, joined by Florence's college friend Ann Vileisis, paddled the Yampa in northwestern Colorado last spring.

### Honeymoon in Purgatory

Summer visitors have included Don and Karen Brown, subscribers from Boulder, stopping by on their wedding trip to Purgatory, Colo.; Roger and Robin Smith, also from Boulder, coming home from Mesa Verde with their children, Colin and Katherine; and Tim Worley, a graduate student in public policy from Claremont, Calif.

Kent and Lois Gill of Camp Sherman, Ore., were heading for a family reunion in Crested Butte, Colo. Randall Shepard, from Austin, Colo., came up the valley for a taste of cooler weather and Sue Schneider of Grand Junction drove over with her young daughters Abby and Cara and her sister, Debby Abbott, who teaches in the American School in Caracas, Venezuela. Debby said she was checking out small towns near the mountains for when her tour is over in a year. A lot of our visitors mentioned that they always pass *HCN* along to people they think should be reading

the paper, or that they're leaning on their local librarians to carry it.

Former *HCN* intern Kate Gunness returned with her mother, Peggy. They were on their way from Boston to New Mexico, where Kate is starting a new job as an outdoor educator at the Albuquerque Academy. A potential new



Kayakers Williams, Jones, Vileisis and Jacobi huddle on the Yampa River

intern, Patty Lucas, also dropped in to pick up a copy of the paper. She is an agricultural journalism student at the University of Wisconsin in Madison. We were intrigued by her major. We were happy to sell two T-shirts to Debbie Northlutt, of Farmington, N.M., who was returning home from a trail maintenance job in the Routt National Forest. And Horseshoe Mountain Potter Joe Bennion of Spring City, Utah, passed by on his way to the Anderson Ranch in Snowmass, Colo., to give a lecture.

Attorney Thomas E. Meacham and his wife, Jane, of Anchorage, Alaska, stopped for a chat on their way to Santa Fe, N.M., to attend the Rocky Mountain Mineral Law Conference. Tom grew up in Loveland, Colo., and is a graduate of the University of Colorado Law School. He agreed that the nation's Mining Law of 1872 is "outmoded." We agreed to look for an Alaskan story because, as Tom pointed out, it deals with many of the same problems affecting the Western "lower 48." The founder of Prescott National Forest Friends, a citizens' activist group involved in disputes over mining and grazing, also stopped in to talk. Leslie Glustrom, of Prescott, Ariz., was on a camping trip with her husband, Merrill, and children, Eric and Rachael. They were headed for the Dinosaur National Monument in northwest Colorado.

Tom Arrandale, a contributor from Albuquerque, was in our neighborhood while his nine-year-old daughter, Molly, stayed with a friend in nearby Hotchkiss. As they passed through Aspen, Tom reported, they saw something that looked like a mine at first but turned out to be the construction site of Prince Bandar's 50,000-square-foot new "palace."

Slim as a reed (a bearded reed), Martin Murie stopped in on his long journey home to Wyoming to see his daughters and his mother, Mardy Murie. Martin, who served in the Tenth Mountain Division during World War II, now lives in the northern Adirondacks near Quebec. He retired as a biology professor and is writing "a modern Western novel." "It's about who owns the land," he says. "Of course, all Westerners are about that."

### Winners and Sinners

It was not Julia Johnson's intention to receive all the credit for a Bureau of Land Management award for tracking down ancient Anasazi artifacts removed from the Grand Gulch area of southeastern Utah (*HCN*, 7/30/90). That was just the way the BLM put out its press

release. Thanks to Ann E. Phillips of Boulder, Colo., for a quick (and graceful) reminder that she and other "team members" also helped. Among them are Fred Blackburn, Bruce Hucko, Winston Hurst and Ann Hayes.

Our story about restoring the wolf to Yellowstone National Park (*HCN*, 7/16/90) described a study called *Wolves for Yellowstone?* as a proposal. Not so, says Norman Bishop, a Yellowstone park research interpreter. The report merely said the reintroduction of 30 wolves would work. But the authors did not propose doing that, says Bishop. We regret the error in bureaucratic protocol.

A Bulletin Board item (*HCN*, 7/16/90) said The Wilderness Society could provide copies of a 1980 National Park Service report called *State of the Parks*. It can't, but it will gladly make available a one-page statement by George T. Frampton, the society's president, who said nothing had been done to reduce park incursions since the report was published.

On the plus side, *Social Policy*, a quarterly published by the Union Institute of Cincinnati, Ohio, reprinted a story by Greg Mills from *HCN's* March 27, 1989 issue, in its Winter 1990 special issue on "The Best Political Action Newsletters from Around the Country." Mills wrote about a zoologist who hauled a wind-felled Douglas fir around the country to dramatize the ancient forest issue. The quarterly describes *HCN* as "a kind of hybrid, part regional newspaper, part progressive newsletter." We gather that the latter description stems from our Bulletin Board section, which the magazine lauds for its "vital networking information."

### Navajo Contributions

In response to Florence Williams' story, "Revolution at Utah's Grassroots" (*HCN*, 7/30/90), there have been requests for an address for contributions to the Navajo Democratic slate. The address: Native America Votes!, P.O. Box 16571, Salt Lake City, UT, 84116.

—Larry Mosher and Mary Jarrett  
for the staff

## WESTERN ROUNDUP

### EPA's Reilly favors nuclear dump at WIPP

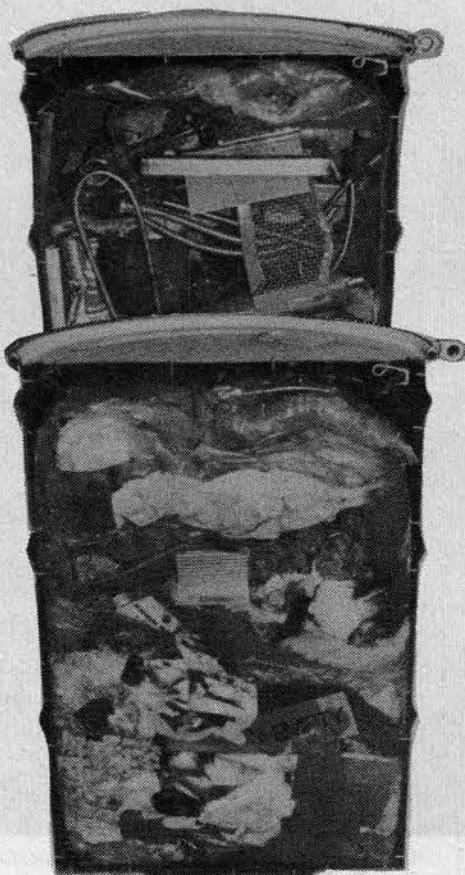
The man who slammed the door on the Two Forks Dam may soon help open the door for the proposed Waste Isolation Pilot Plant nuclear waste dump outside Carlsbad, N.M.

In recent public statements, U.S. Environmental Protection Agency Administrator William Reilly and his staff have given every indication that they will grant the U.S. Department of Energy a precedent-setting, temporary waiver from the Resource Conservation and Recovery Act. The federal law normally forbids burial of hazardous wastes without either treating it to reduce toxicity, or proving that the waste will not leak into underground water tables as long as it remains hazardous.

The DOE hopes to bury more than 6.3 million cubic feet of transuranic waste in WIPP's 2,150-foot-deep salt caverns. Transuranics are radioactive elements heavier than uranium that have relatively low radiation levels, but extremely long half-lives. Half of the waste — rags, clothes, metal and glass pieces contaminated with plutonium from over 40 years of nuclear bomb production — is also contaminated with hazardous chemicals or other toxic waste. The waiver, which EPA has proposed but not formally approved, follows a "no-migration" petition from the DOE that asserts that the hazardous wastes will not move into neighboring groundwater supplies, during a 10-year test phase.

Without approval of the petition, the DOE would be forced to spend hundreds of millions of dollars to treat the wastes to make them less hazardous. The project has already cost the federal government more than \$800 million.

In a recent exchange of letters, Reilly and Energy Secretary James Watkins called the petition their top priority. It



DOE photo

#### Radioactive rubbish

will be the first large-scale no-migration petition the EPA has ever ruled on. A final decision is due in late September. DOE hopes to start hauling wastes to WIPP in January 1991, two years and three months after the repository's first scheduled opening date.

But the waiver is also likely to put Reilly in a court battle with several environmental groups, including the Natural Resources Defense Council and the Environmental Defense Fund. The groups contend the waiver would violate federal law and that Reilly is trying to help Watkins speed WIPP's opening.

In a recent letter to Reilly, the environmentalists argued that federal law requires a would-be hazardous waste dumper to prove its wastes will not contaminate groundwater as long as they stay hazardous. Both EPA and the critics agree that such proof is not available now, and won't be available until DOE finishes computer studies of WIPP in 1994.

Instead, the EPA has proposed to allow DOE to bury a few thousand drums of mixed hazardous-radioactive wastes in WIPP for 10 years. The agency says during that time there is little chance these wastes will contaminate an aquifer that is 800 feet above the salt beds that feeds the Pecos River.

With the waiver, DOE would conduct highly controversial underground tests to measure how much hydrogen and other gases the repository will produce. In mid-July, Reilly told several Washington, D.C., newspapers that allowing the mixed wastes would be a valuable scientific test of the repository's long-term safety. Indeed, EPA has urged DOE to put more wastes into the ground for testing than DOE itself has proposed, to learn more about WIPP's safety.

The project's critics say all those tests could be conducted above ground. They worry that once radioactive and hazardous waste is buried, it will be politically impossible to remove it, no matter what the test results show.

The environmental groups also note that EPA spent more money, including \$700,000 that DOE gave it, to process the WIPP petition in fiscal year 1989-90 than it spent the same year to rewrite the agency's much broader and farther-reaching radioactive waste disposal standards. In 1987, a federal judge tossed out the old standards, which set the maximum amount of radioactivity that can escape into the environment from a nuclear waste dump. EPA expects to finish rewriting them in 1992.

"EPA is driven by DOE's plans for WIPP," contends Don Hancock, an activist with Albuquerque's Southwest Research and Information Center, a longtime opponent of the project. "DOE needs the no-migration variance to put wastes into the ground. But it doesn't need to have the waste-disposal standards to put wastes into the ground."

Even with the no-migration waiver, however, DOE still couldn't open WIPP until it persuades Congress to pass a land-withdrawal bill transferring ownership of WIPP's 10,240 acres from the U.S. Bureau of Land Management to DOE. The state of New Mexico also must set the routes for WIPP's trucks to travel.

In addition, DOE must purchase potash mining leases for land near WIPP from private owners and prove that its system of air pollution monitors at WIPP works. It must also show it can produce a cask suitable for carrying the wastes, which it so far has not done.

Last year, the U.S. Nuclear Regulatory Commission certified the design of the DOE's stainless steel, cylindrical TRUPACT II waste shipping containers. But the first 15 container models that rolled off a private contractor's assembly line this year did not meet the company's specifications. So the contractor is trying again.

## HOTLINE

### House acts to reform mining law

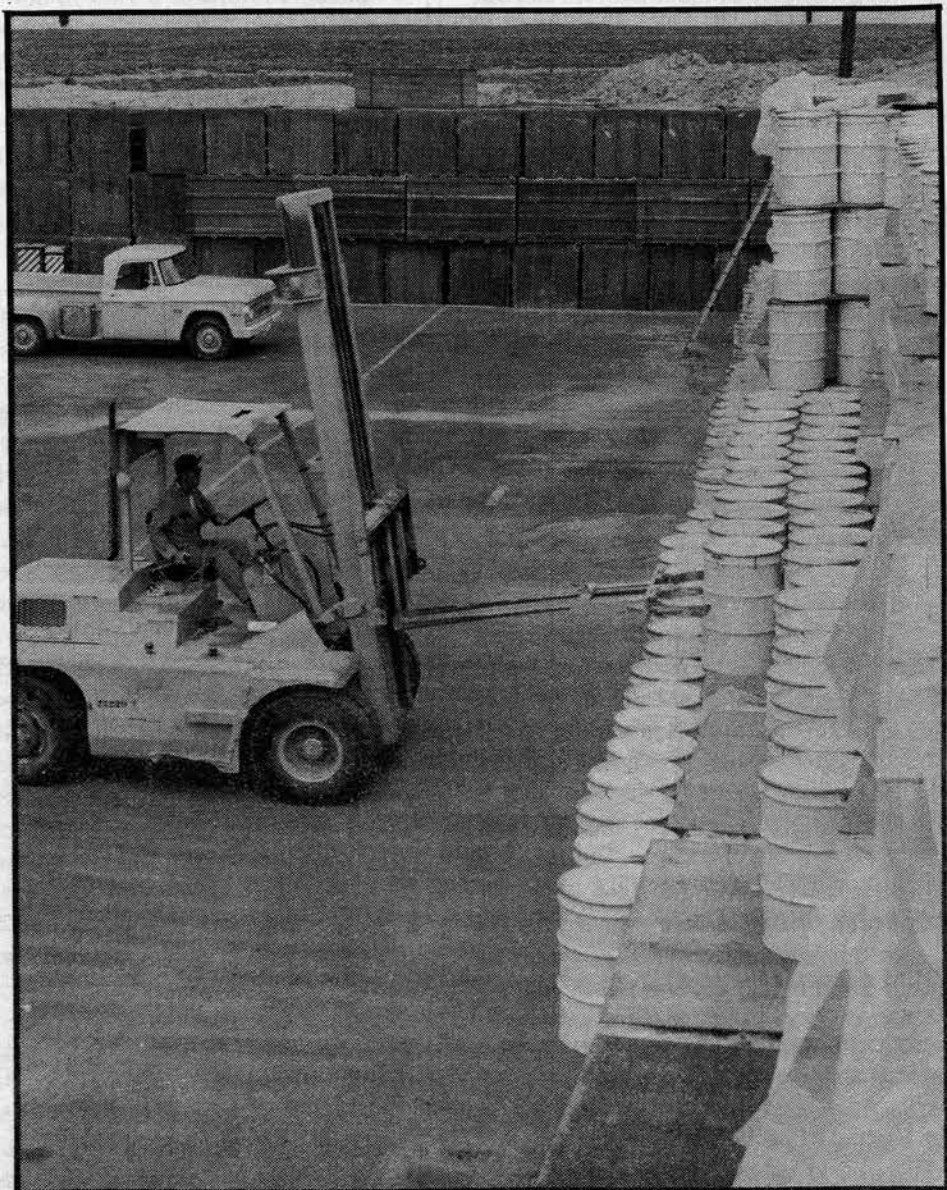
Congress will consider what is seen as the opening salvo of efforts to reform the 1872 Mining Act when it reconvenes in September. On July 24, the House Appropriations Subcommittee on Interior adopted a bill to halt the sale of public land for the mining of hardrock minerals for one year. The measure, introduced by Rep. Ralph Regula, R-Ohio, would take effect Oct. 1, if approved by the full House and Senate. The moratorium would prevent the Interior Department from spending any money to process mining claims or patent applications under the 1872 Mining Law during the next fiscal year. Regula, the senior Republican on the House panel, opposes the sale of federal land in general, and particularly at the mining law's 1872 prices of \$2.50 and \$5 per acre. Phil Hocker, president of the Mineral Policy Center and leader of the effort to reform the mining law, told the *Casper Star-Tribune*, "As an interim step on the road to comprehensive mining law reform, this is a very wise action by Congress." However, he added that it still leaves the far more serious environmental questions unresolved. The bill is expected to be approved by the House but opposed in the Senate, particularly by Sen. James McClure of Idaho, the senior Republican on the Senate Appropriations Subcommittee on Interior. The mining industry is nevertheless worried. American Mining Congress spokesman Keith Knoblock told the *Star-Tribune*, "Once you get in there, it's not going to come out. That's the history of moratoria." Regula, according to staff aide Barbara Wainman, hopes he can win a compromise modification to the mining law. Wainman said Regula would settle for a "reversionary clause" that would require title to the land to revert to the federal government after mining is completed. Such a clause, however, would not satisfy mining act reformers.

### Tacoma mills buying Russian logs

Six western Washington sawmills facing supply cutbacks from public forests are importing unprocessed logs from the Soviet Union. The Siberian larch will be cut into dimensional lumber. If the experiment is successful, the import program could reach 200 million board feet per year, an industry spokesman said.

### Miner doesn't dig Patagonia

A Montana gold miner has launched a boycott of the Patagonia Company for donating \$2,000 to a group in the small town of Pony that opposes his mine. The miner, Bob Lee, said Patagonia's backing is a slap in the face to the natural resource industry. The outdoor clothing and equipment manufacturer gives away 10 percent of its pre-tax profits to environmental groups (*HCN*, 6/18/90). Lee, vice president of the Chicago Mining Co., is also at odds with the state of Montana, which is attempting to shut down his mine for non-compliance with new state mining regulations. The company is defying the state's order. Lee also has formed his own group, Environmentalists for Jobs, to boycott companies that "supply money and equipment to the so-called 'eco-terrorist' groups," he told the *Associated Press*.



INEL photo

Transuranic waste in Idaho awaits shipment to Carlsbad, New Mexico

— Tony Davis

## Megadunes could create another Dust Bowl

If global-warming projections come true, vast sand dunes on the eastern edge of Denver, Colo., could reawaken and turn the region into a 1930s-style dust bowl, says a University of Colorado geologist.

The so-called "megadunes" have lain dormant for at least 3,000 years, anchored to the high plains by bunch grass and masked by a thin layer of top soil, says Dr. Steve Forman, who is using photographs taken from orbiting satellites to study the extent of the formations.

Forman hypothesizes that climatologists' predictions for global temperature increases of one to two degrees are enough to dry up the vegetation and expose the dunes to the prevailing winds. The dunes could reappear in 20 to 30 years, based on some climate models, he adds.

"In a worst-case scenario, large-scale activity on the high plains would create severe droughts that would make the Dust Bowl look mild," says Forman, a researcher at the university's Institute for Arctic and Alpine Research.

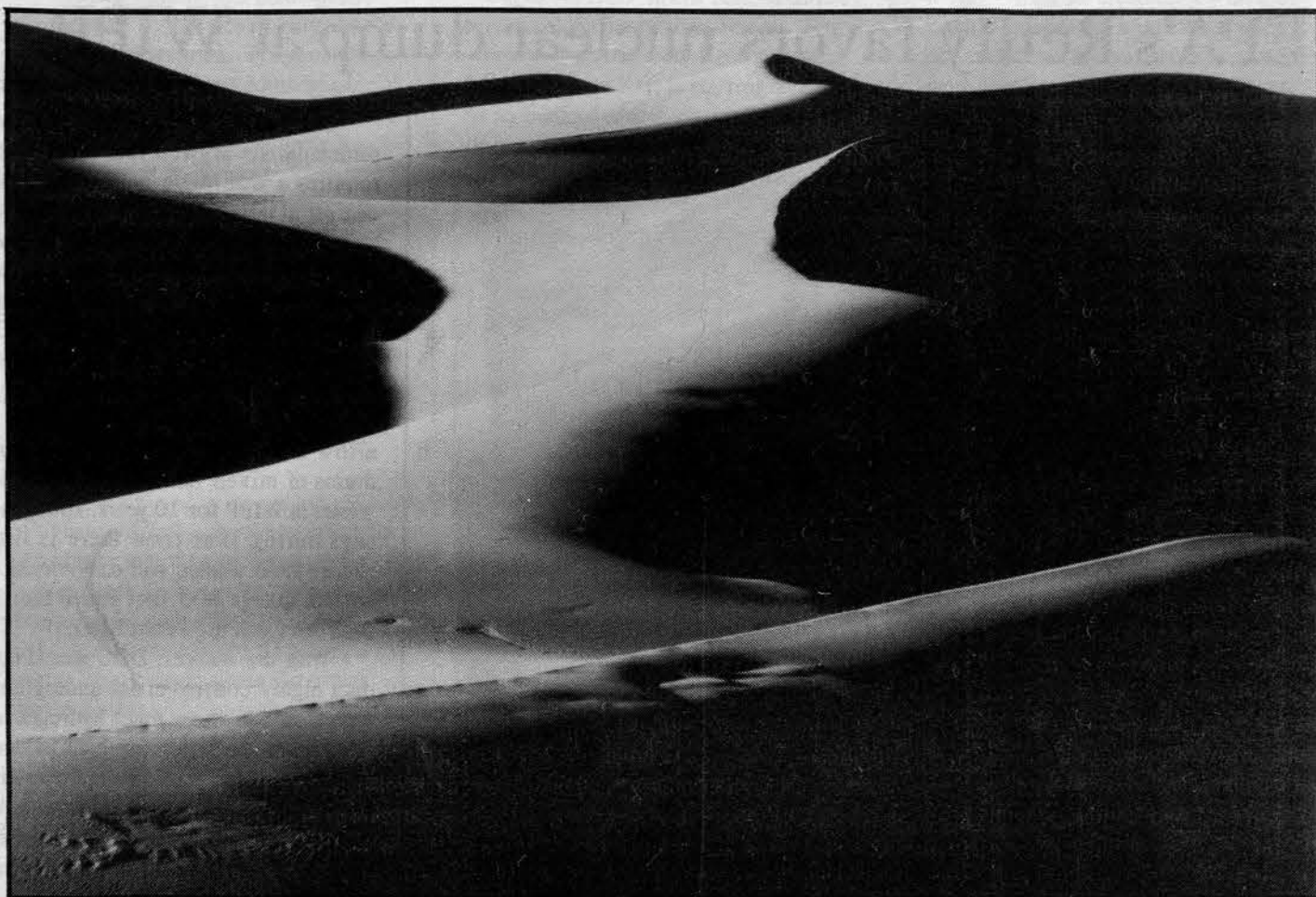
Hardest hit, he said, would be irrigated farms, grazing lands and towns and developments built along banks of the South Platte River and Cherry Creek.

"Stapleton International Airport is actually built on a dune," Forman says, "but the landscape has been so altered and much of it paved over, that this area could not reactivate," he adds.

Forman has not yet studied the area where Denver's new airport will be constructed, but the U.S. geological survey map of Colorado indicates that there are extensive wind deposited sediments in the area. These may or may not be inactive dunes, he said.

"Meanwhile," he says, "this needs to get the attention of policy makers, hopefully sooner rather than later."

He added he "would like to get the attention of the Colorado Consortium for Global Change to advise them of the potential threat." The consortium is composed of eight leading atmospheric research scientists appointed by Colorado Gov. Roy Romer to enhance research and communication related to global climate changes.



J. D. Marston

### Great Sand Dunes National Monument, San Luis Valley, Colorado

Forman and other scientists at the institute do not intend to take their findings to city or state officials until the research is completed sometime in the next few years.

"When the research is complete we may take it to the state Department of Agriculture," said Mark Meier, director of the institute.

Forman and his colleagues, Dr. Alex Goetz of the university's Center for the Study of Earth from Space, and Dr. Peter Birkeland in the Department of Geological Sciences, recently received a \$440,000 grant from the National Aeronautics and Space Administration to continue their work over the next three years.

Until the area was surveyed from space with sophisticated remote sensing equipment, geologists believed the dunes

— hardly visible from the ground — were small and sporadic.

In fact, Forman says the dunes are a quiltwork of thousands of dune "cells" that are "coalesced into compound megadunes that stretch for several miles."

"We were flabbergasted that there were such large dunes out there. Previously, small dunes were recognized, but not the scope, not the megadunes."

Colorado is not the only state that could experience reactivated dunes in the event of global warming.

Even larger dune fields exist in Nebraska and the southern high plains region of northwestern Texas and eastern New Mexico. Dr. Vance Holiday of the University of Wisconsin at Madison is conducting similar studies of these formations.

"There is pretty good evidence of dune reactivation in Texas and New Mexico during the 10-year drought of the 1930s," Holiday says. "So I could imagine the potential for cranking those puppies up again in a prolonged dry spell."

Holiday said he hopes to work with Forman on a joint study some time within the next few years.

For the present, Forman cautions that prudent use of water and conservative ranching and farming techniques are the best hope for keeping top soil on the dunes and preventing their reactivation.

— Ann Rovin

Ann Rovin is an editorial researcher for the *Los Angeles Times* in Denver, Colorado.

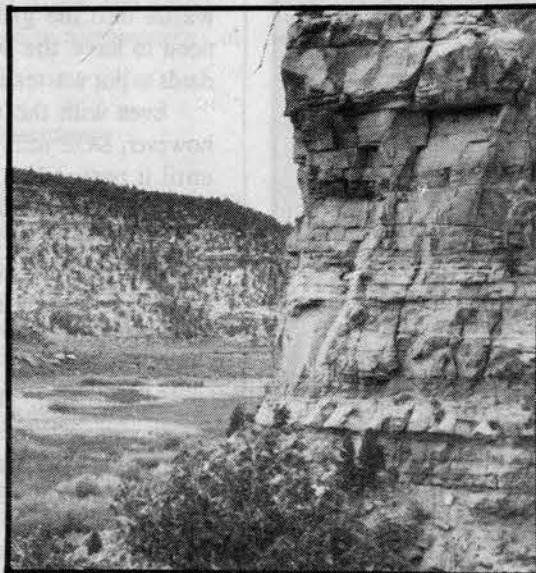
## Agencies team up to save Utah wildlife oasis

From Utah's Interstate 70, the Book Cliffs are picturesque. The rock curtain rises from the north like sculpted, pastel-colored clay. It is not a place where one would expect to find thick green canyon bottoms or bubbling clear streams, yet that is just what lies nearby.

The vast, unexpected oasis houses some of the healthiest, most remote bands of elk, deer and black bear found anywhere in the state. Mountain lions, peregrine falcons and golden eagles frequently pass through. For years, the area's isolation virtually ensured its protection from development. But now, say state and federal agencies, oil and gas exploration as well as a second-home industry around Vernal, Utah, threaten these ecosystems.

To safeguard the area against exploitation, the Bureau of Land Management and the Utah Division of Wildlife Resources have jointly announced a proposal called the Book Cliffs Conservation Initiative. Together, the agencies hope to buy four private ranches currently on the market, and manage them with other state and federal holdings in the area.

Altogether, the Book Cliffs Conservation Initiative would encompass 450,000 acres — nearly 70 square miles — stretching from the Green River corridor to the Colorado border. It is one of the largest proposals of its kind in the West,



Florence Williams

### A riparian area of Utah's Book Cliffs

according to Dave Little, BLM district manager in Vernal.

"This presents a fantastic opportunity that may never again be available at this scale in such an important area," he says.

Ultimately, Little and Utah's BLM division head, Walt Donaldson, would like to see the area

federally designated as a National Conservation Area, with accompanying funds for wildlife reintroduction and management programs.

Little and Donaldson believe the region is ideal for introducing moose and bison, as well as Colorado cutthroat trout, beaver and river otter, after riparian zones are allowed to heal from overgrazing by livestock. The Book Cliffs is one of the few areas where critical winter range and critical fishery habitat coexist.

Both agencies stress that they would continue to manage the area for multiple use, including limited grazing and mineral development.

"The intent would be to establish this area as a multiple-use showcase with a management emphasis on wildlife, fisheries, riparian and recreational values," says a report from the agencies.

Acquiring the funds to purchase the four private ranches, amounting to 16,000 acres, presents the biggest obstacle. Congressionally approved Land and Water Conservation funds for federal acquisitions take years to receive. Private groups such as The Nature Conservancy and the Trust for Public Land are considering the proposal.

For more information, contact Dave Little, District Manager, Bureau of Land Management, 170 S. 500 E., Vernal, UT 84078.

— Florence Williams

# Japan's Daishowa mum on dam removal in Olympic park

"This is really heartbreaking for me," says James Baker, the assistant Northwest representative of Friends of the Earth. "The environment is really the aggrieved party here, and we're still willing to sit down and make the companies whole. But they won't negotiate. It's very frustrating."

The cause of Baker's consternation is a long-drawn-out battle over the fate of two old hydroelectric dams on the Elwha River northwest of Seattle in the Olympic Peninsula—a battle that is now awaiting a final outcome 3,000 miles away in Washington, D.C. There, the Federal Energy Regulatory Commission, which licenses hydro dams, is considering an application by the James River Corp. of Vancouver, Wash., to re-license the Elwha and Glines Canyon dams, which were erected in 1914 and 1927 respectively.

If this sounds like a simple case, it isn't. Most of the reservoir of the upriver dam, Glines Canyon, is in the Olympic National Park, which was created in 1938. The dam itself also is inside the park, but is on an inholding owned by James River. Six years ago Friends of the Earth and three other environmental groups challenged FERC's authority to regulate the dam because of its location. That challenge has now come to a legal boil in Washington, D.C.

The environmentalists want to remove the dams not only to restore the river's historical fishery, but also to save what fish still remain. The fish are dying off, says Baker, because their spawning grounds depend on gravel that is increasingly trapped by the dams. Only five miles of spawning grounds remain at the mouth of the river, according to Baker, and this stretch is being scoured and reduced all the time. The state estimates that the river's fish runs have dropped by at least 75 percent since the dams were built.

The Elwha River runs north through the Olympic National Park into the Strait of Juan de Fuca west of Port Angeles. It is one of only a few rivers outside of Alaska and Canada that once supported all five species of Pacific salmon, as well as steelhead, cutthroat trout and Dolly Varden char. Before the Elwha and Glines Canyon dams were built, the river was famous for salmon runs that often included 100-pound chinooks.

Last June the National Park Service and the U.S. Fish and Wildlife Service joined the environmentalists in calling for the removal of the dams. In supporting the full restoration of the river's now legendary fishery, Park Service regional director Charles Odegaard said the Olympic National Park was "a unique natural area of worldwide significance" that demanded that the Park Service "take appropriate action to restore and protect its resources."

The Park Service based its conclusion on seven years of research by its own staff, Fish and Wildlife, the Elwha Tribe and the National Marine Fisheries Service. "We endorse restoration of the fisheries in the Elwha River, and removal of the dams appears to be the only way to do it," said Will Ging, director of Fish and Wildlife's Olympia office. The two endorsements mark the first time any federal agency has urged the removal of a major dam.

Now the plot gets more complicated. Enter Daishowa America Inc., a subsidiary of Japan's second largest paper producer, Daishowa Paper Co., with annual sales of more than \$2 billion. In 1988 Daishowa contracted to buy a paper mill in Port Angeles owned by James River for \$75 million. The sale



Washington's Glines Canyon Dam on the Elwha River

US Air photo

included "an understanding" that Daishowa would acquire the dams and their license too, once FERC issued a long-term license to James River, according to the company's public relations director, Jack R. Brown.

The dams, which are considered one operating unit, are important to the paper mill because the mill uses all their hydropower. The dams provide 35 percent of the paper mill's electrical needs. Daishowa, therefore, has a contractual connection to the pending FERC decision on whether or not to re-license the dams. Yet, as Baker points out, Daishowa is not a party to the license application, which could become a legal flaw in the licensing process. "Daishowa should be the applicant," says Baker.

Last February the General Accounting Office, at the request of Reps. Al Swift, D-Wash., and John D. Dingle, D-Mich., issued a report saying FERC should refrain from re-licensing the dams because of its lack of jurisdiction over the Glines Canyon dam and reservoir. This supported a formal "intervention" filed with FERC by the environmentalists in 1986. The GAO is the investigative arm of Congress.

Dingle, chairman of the House Energy and Commerce Committee, then asked FERC to respond, and was told that the commission would decide the jurisdiction issue by the end of the summer. In the meantime, the commission staff concluded that FERC did have jurisdiction, and reported its finding to the commission at its July 25 meeting. The commission, however, ended its closed executive session without making a decision, and recessed until September.

What most bothers the environmentalists is the refusal of either James River or Daishowa to try to settle the issue of the dams through negotiation. Baker reports that Daishowa has even refused to answer telephone calls, referring all inquiries to its lawyers in Seattle, who then tell Baker "there is nothing to talk about."

Last year the environmentalists enlisted Congressman Swift's help in proposing an energy conservation scheme that Baker is convinced would make all the parties winners. The proposal would have the Bonneville Power Administration finance an industrial conservation study of the paper mill's operation. Bonneville's Terry Esvelt said his agency was "enthusiastic and interested."

"The obvious virtue of our 'creative solution,' " said Friends of the Earth's

Baker, "is that all parties would get what they want. Bonneville would meet its directive to conduct an industrial conservation pilot project, Daishowa would get enough power to operate the mill at less cost than what is now provided by the dams. And the people of Port Angeles would see new jobs. As many as 1,500 jobs, according to one analysis, are expected to flow from a planned mill expansion, and from restoration of the fish runs."

If Daishowa won't talk, James River will. In a telephone interview, company spokesman Brown dismissed the energy conservation proposal as unrealistic.

Brown predicted that without the hydropower from the dams, Daishowa's annual power costs would rise by \$4 million a year initially, and escalate thereafter. He said the area's power supply was "in balance" now, and that any future growth in demand would require thermal generating plants because there were no more hydro sites that could be tapped under existing laws.

The mill currently uses about 60 "average megawatts," Brown said. The energy savings of 18 megawatts predicted in conservation estimates are unrealistic, he said, because that would assume the mill was now "wasting 30 percent of its power and that's a stiff assumption." He said the replacement of the mill's some 100 motors and pumps with high-efficiency motors, and a light conservation program, would more likely save about 4 or 5 megawatts.

An Environmental Impact Statement now being prepared by FERC will be "the key to the decision," Brown believes. But Baker says James River "is just playing for time." The final EIS won't be out until late 1991 at the earliest, says Baker, "and in the meantime the fish are dying and Daishowa is going ahead with its paper mill expansion."

In addition, Baker does not believe the EIS will adequately consider the energy conservation potential. "FERC is not a very objective voice on this question," he said. "I don't trust its interest in looking at conservation."

The EIS, according to both Brown and Baker, is examining the cost of removing the dams, and the alternatives for restoring the river's fishery if the dams stay. James River, according to Brown, has told FERC that its estimates of dam-removal costs vary from \$137 million to \$413 million, depending on the removal strategy used. Brown said the final cost could reach \$669 million if

the residue had to be dumped in the ocean.

Brown also contends that "full restoration of all the river's fish species is unlikely" even if the dams were gone. He admits that the 210-foot height of Glines Canyon Dam makes the use of fish ladders impractical. But he says his company will pay to "trap and haul" the fish around the dam, and that this method has worked on the Wynoochie River in southwestern Washington.

For the federal government, dam-busting is virgin territory with no precedents. But the question of tearing down major dams will begin to surface increasingly as licenses for some 200 older dams come up for renewal by FERC. How the agency handles the Elwha River case will be closely watched by both the environmentalists and the hydro industry. But it will be even more closely scrutinized by the Interior Department, Washington state, the Elwha Tribe, Friends of the Earth, and James River, all of which are likely to rush to the courts, depending on what FERC does.

This is why Baker is sad. The litigation could tie up the issue for years, while more fish die, he says. A negotiated settlement, on the other hand, "could make everyone winners tomorrow, including the fish."

—Lawrence Mosher

Karen L. Rudd helped to report this story from Seattle, Washington.

## HOTLINE

### Log exports may make sense

Forest economist Randal O'Toole writes that a ban on exporting logs to Japan may accelerate the loss of old-growth forests. O'Toole, writing in his *Forest Watch* magazine, says that Japanese mills get as much wood out of two logs as American mills get out of three logs. If we force the Japanese to export milled wood rather than raw logs, more trees will have to be cut, O'Toole writes. The economist also says that Japan cuts more of its own trees than it imports as logs, that Japan gets 40 percent of U.S. wood exports, that only 25 percent of our exports are in the form of logs, and that the U.S. imports twice as much wood as its exports.

## BARBS

### Now that the Cold War is ending, more toys for the boys?

The Pentagon is on its largest land-buying spree since World War II, reports *The New York Times*. The Defense Department wants to add nearly 4.5 million acres of public land to the 25 million acres it already controls, in order to test new weapons, train personnel and play war games.

By the shores of Gitche Gume, By the shining Big-Sea Water, Stood the wigwam of — Milton, the Developer.

Indian tribes that once lived along the Oregon coast believed the Pacific shore contained a spirit and voice. Now a Portland developer says he has heard its message. "You drive by the Astoria waterfront," Milton Reiter told the *Oregonian*, "and voices are coming out of the water saying 'Develop me! Develop me!'"

6-High Country News—August 27, 1990

# Irrigation water revives a wildlife refuge in Nevada

For the first time since the U.S. Bureau of Reclamation began its mission to harness the West's rivers for irrigated agriculture, water from a federal irrigation project is being purchased from farmers to be returned to dying wetlands.

On June 2, before a crowd of 700 people, U.S. Sen. Harry Reid, D-Nev., "turned" 25 acre-feet of water from northern Nevada's Newlands irrigation project into neighboring Stillwater National Wildlife Refuge. It is the first installment of 5,300 acre-feet of irrigation water that could be permanently transferred to the Stillwater marsh this year, pending final approval from the Nevada state engineer.

The water, however, is no gift from the Bureau of Reclamation. It is being purchased by The Nature Conservancy and the U.S. Fish and Wildlife Service. The two have teamed up in an unusual public-private campaign to save the embattled wetlands, enlisting the help of Nevada hunting and fishing clubs, local and national environmental groups, state wildlife officials and politicians like Senator Reid.

The Nature Conservancy's market approach has found willing sellers among the irrigation project's farmers, potentially resolving one of the most bitter and long-running water wars in the West. As fresh water flows into the shrinking and polluted wetlands, Fish and Wildlife Service and Nature Conservancy officials hope the Stillwater rescue may serve as the model for environmental restoration for scores of similarly troubled wildlife refuges across the arid West.

The Newlands water reallocation breaks new ground in western water politics. "The purpose of federal reclamation projects has been to irrigate dry land, not save wildlife," says David Livermore, head of The Nature Conservancy's Great Basin office. "This is an exciting precedent."

It may also be the first step in a more fundamental change: what David Yards of the Environmental Defense Fund in San Francisco calls "a new regime for western water."

Yards and other proponents of reclamation reform — notably Sen. Bill Bradley, D-N.J., chairman of the Senate



Energy and Natural Resources Subcommittee on Water and Power, and Rep. George Miller, D-Calif., chairman of the House Interior and Insular Affairs Subcommittee on Water and Power Resources — want Congress to rethink the West's old irrigation projects, instituting modifications that reflect modern water needs.

The case in point is the Newlands project. The Bureau of Reclamation built Newlands in 1903 at a cost of \$21 million. It supplies 214,000 acre-feet of water — the single largest source of developed water in the increasingly urbanized Truckee and Carson river basins.

However, all of that water is owned by farmers. The project, with its dams, headgates and canals, is run by the Truckee-Carson Irrigation District under a contract to the Bureau of Reclamation. To be on the TCID board, you must own at least 100 acres of irrigated lands within the Newlands project boundary. In effect, Newlands is a federally built project owned and operated by local farmers.

Watching with envy are the cities of Reno and Sparks, Nevada public utilities, two Indian tribes, and advocates for the Stillwater wetlands and for the endangered cui-ui fish in Pyramid Lake. All want a share of the overtaxed Truckee and Carson rivers and for years have lobbied in vain for access to Newlands water.

Recently, their appeals have become more urgent, especially for the Stillwater National Wildlife Refuge. The Stillwater marsh once spread over 100,000 acres in the Carson sink, a glittering wet jewel in the northern Nevada desert and a critical fuel stop for millions of migratory waterfowl on the Pacific flyway. The marsh supported the densest population of wildlife in Nevada until BuRec built Newlands. Although Congress designated Stillwater a national wildlife refuge in 1948, the wetlands slowly shrank to as little as 10,000 acres, while the irrigation project grew to almost 100,000 acres.

Today Stillwater depends entirely on meager agricultural return flows, which also cause toxicity and salinity problems. The past four years of drought cut the wetlands in half again, concentrating pollutants, killing millions of fish and triggering outbreaks of avian botulism that wiped out thousands of birds (HCN, 11/20/89).

"It's [now] 4,000 acres and we're still going into the driest part of the year, so it's going to be a lot less than that,"

reports Stillwater manager Ron Anglin. More than 40 dead birds have already been discovered and Anglin worries about a repeat of the botulism epidemic, which he says is tied to low water quality.

"We're trying to operate this refuge with water one, two and three times as salty as sea water," Anglin says. Fish and Wildlife Service studies have found that such water is lethal to small aquatic organisms.

The only way to save the marsh, Anglin says, is to rebuild the ecosystem from the bottom up, starting with bulrushes, cattails, pond weed, invertebrates and crustaceans. That will take fresh water, which means a lot of money.

Fish and Wildlife Service biologists say that to keep the refuge healthy they need to maintain a minimum of 25,000 acres of wetlands: 14,000 acres at Stillwater marsh and 11,000 acres upstream at Carson Pasture. Anglin says that will require a total of 55,000 acre-feet of fresh water, which will cost \$50 million or more.

Anglin's passionate crusading has helped to create strong support in northern Nevada for the effort to revive the wetlands. Local groups like the Lahontan Valley Wetlands Coalition are raising funds to buy extra water for the marsh.

The only protest has come from some of the farmers, who have enjoyed almost a century of federal support favoring agriculture over all other water users. The Truckee-Carson Irrigation District says it will share water, but it wants water transfers limited to 20,000 acre-feet. TCID board president Ted deBraga says that would dry up 7,000 acres, or 10 percent of the project's 73,000 irrigated acres.

"The land we targeted for going out of production is the marginal land," deBraga says. This would only cut the district's production by 2 to 4 percent. "I think there's room for both [wetlands and agriculture]," he adds, "but they probably won't be able to restore the marsh to what it was 50 years ago, so they will have to take somewhat less water."

At \$300 an acre-foot, however, there is no shortage of willing sellers among the farmers, many of whom are struggling with marginal operations. Ted deBraga recently sold Fish and Wildlife an option on 1,200 acre-feet of water, and he says many of his neighbors are considering similar sales.

So far the rescue effort has reached 10 percent of its goal. The Nature Conservancy has spent \$1 million to buy 2,754 acre-feet that it will sell to the Fish

and Wildlife Service at cost. Fish and Wildlife has bought options on another 2,562 acre-feet, utilizing \$2.7 million appropriated by Congress in the last two years. Another \$5 million may come from Nevada taxpayers if a Parks and Wildlife bond issue is approved this fall.

Although relatively small, these purchases may have paved the way for bigger changes. A bill recently introduced by Senator Reid would direct the Fish and Wildlife Service to buy the water rights necessary to maintain 25,000 acres of wetlands at Stillwater. While this is only a quarter of the original marsh, most observers see it as a major victory for the environment.

The measure also authorizes the Bureau of Reclamation to expand uses of the Newlands project to include flood control, recreation, wildlife, and municipal and industrial supplies.

The TCID farmers hate the bill. However, it represents thousands of hours of delicate negotiations and would settle California's and Nevada's claims to the Truckee and Carson rivers. These involve two Indian water claims, drought storage for Reno, writing off the irrigators' remaining debt on the project, and improved habitat for the cui-ui, in addition to partially restoring the Stillwater wildlife refuge.

Earlier this month, Senator Bradley took Reid's proposal one step further, inserting language that would dismantle the TCID and replace it with a new board representing all area water users. The new eight-member board would include representatives from Churchill and Lahontan counties, the towns of Fallon and Fernley, the Fallon-Paiute Indian tribe, a nonprofit wetlands advocacy group and two irrigators.

That revision has further outraged the TCID farmers, who now accuse the federal government of trying to steal Nevada's water by wresting control away from the local farmers.

Senate staffers concede that the concept is probably too radical to pass this year. But Tom Jensen, counsel to the committee, said it was necessary to "throw some cold water around and wake people up."

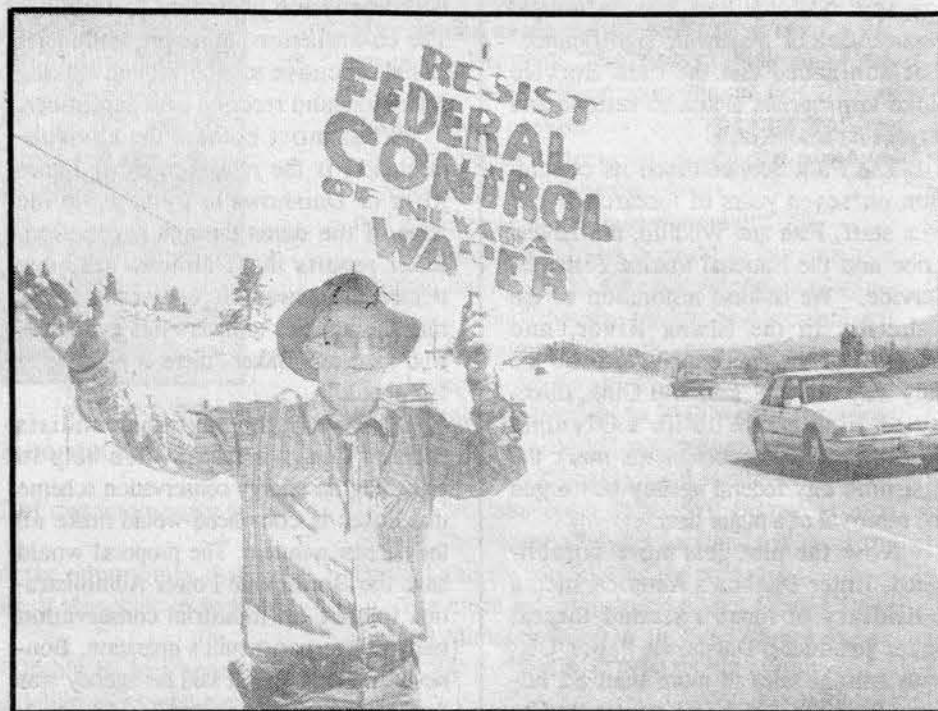
"The Newlands project has grown up," Jensen says. "Newlands has crossed a divide from its original purpose of irrigation to being a fairly mature, urbanized region's water supply." He adds that there is a strong feeling in Congress that BuRec projects should now be run for the broadest possible public benefit.

— Steve Hinchman

## HOTLINE

### House passes Glen Canyon bill

Interior Secretary Manuel Lujan would be forced to restrict flows from Glen Canyon Dam that damage the riverbanks in the Grand Canyon under two bills in Congress. "The current management of this dam is a national embarrassment," says Rep. George Miller, D-Calif., whose bill passed the House in July and now awaits action in the Senate. A similar Senate bill is expected to be voted on by the end of the year, reports the *Arizona Republic*. The Bush Administration opposes the measures. Some fear Miller's bill could itself endanger the canyon through an amendment, tacked on by Rep. Jay Rhodes, R-Ariz., that would allow "other reasonable mitigation measures," such as the construction of erosion-cutting structures inside the canyon. Rhodes and power-generation interests have also said releases from the dam should not be curtailed until an environmental impact statement is completed. The dam, now managed to generate peak-demand electricity, releases water in periodic floods that erode beaches in the canyon.



David Parker

Farmers march along the highway to protest Reid's "radical" water bill

# Aspen's Superfund site gets messier

ASPEN, Colo. — When Patti Kay-Clapper learned George Bush was coming to town, she wrote him asking for a chance to discuss a Superfund site here. Kay-Clapper, a registered nurse, fears the Environmental Protection Agency's efforts at the Smuggler Mountain site would endanger the health of her children, Trevor, 4, and Traci, 1. Used to being ignored by the EPA, she was not surprised when the White House did not reply.

"I've come close to giving up," she says. "But when I think about my children, I can't. I grew up patriotic and believing that the federal government served its citizens, but now I don't know what to think."

When Kay-Clapper moved to Smuggler Mountain in 1988, she did not suspect that she had also bought into a battle with the EPA. Now she believes the EPA's plan to remove heavy-metal tainted soil from Smuggler Mountain may be more dangerous than the contamination itself, and that the agency has exaggerated the health risk at the 75-acre site.

While local officials share Kay-Clapper's concerns over Smuggler Mountain, they are also responsible for the EPA's presence there. In an attempt to gain federal money to clean up the site, Pitkin County officials approached the agency in 1983 about lead and cadmium contamination from tailings around the Smuggler Mountain silver mine (*HCN*, 3/4/85). In 1984, the EPA added the site to the Superfund National Priorities List, putting it in a class with Love Canal and the Rocky Flats nuclear weapons plant.

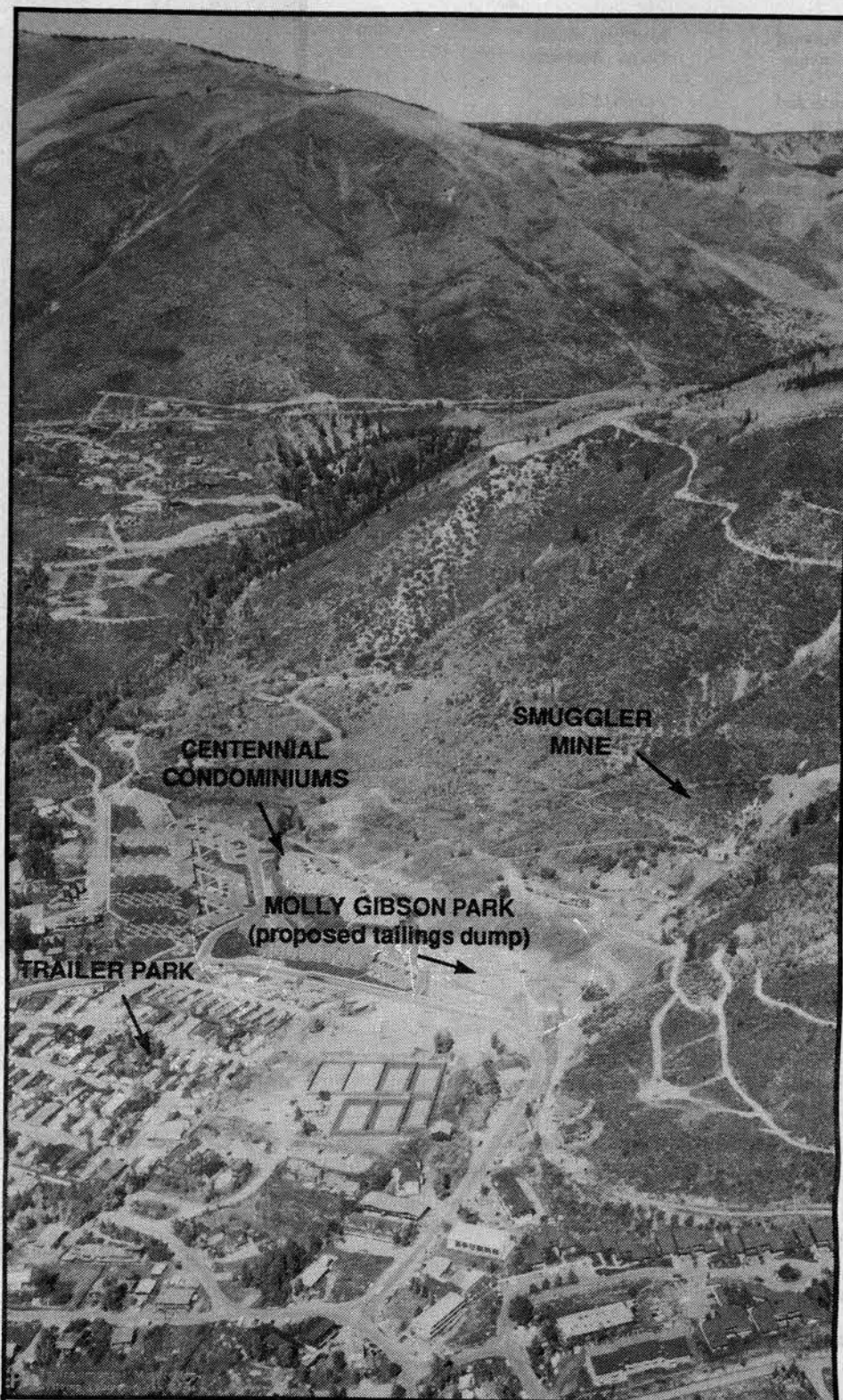
Today the homes on Smuggler Mountain stand in sharp contrast to the multimillion dollar showplaces that are normally associated with Aspen. The site is covered with subsidized employee housing, a trailer park, condominiums, some 160 houses, and a small section of chain link fence put up by the EPA.

Many Aspenites now regret bringing in the EPA. Michael Kinsley, a former county commissioner who lives on Smuggler Mountain, wishes a different approach had been taken. "If the cleanup had been handled locally, it would have been solved by now," he said. A current commissioner, Wayne Ethridge, says "the county saw the Superfund as a free pile of money. They did not realize there would be strings attached."

One of those strings has made it nearly impossible for site residents to sell their homes. While the EPA has said current homeowners will not have to pay the \$7 million cost of the cleanup, there is a fear that future buyers and banks that finance purchases on the site could be partially liable.

Earlier this year, homeowners received cleanup agreements from the EPA that did not release buyers and banks from future liability. These agreements were rejected by the county and as a result a demonstration cleanup slated for this summer was put on hold. New agreements are now being reviewed by the Justice Department, and Kay-Clapper feels she is a "hostage of the EPA" because she cannot move elsewhere until the liability question is resolved.

But health, not money, is the top concern for local officials and the residents of Smuggler Mountain. In April, the Aspen-Pitkin County Clean Air Advisory Board (CAAB) asked the EPA for a report on agency plans to monitor lead levels in the air during the cleanup.



Smuggler Mountain — Aspen, Colorado's Superfund site

EPA photo

Both the CAAB and Kay-Clapper believe lead-laden dust from the cleanup may be more harmful than the lead in the ground.

"The EPA needs to demonstrate the safety of the cleanup," said the CAAB's Sy Coleman. "It was shocking to learn that the EPA had not done a full study on the project's impact." Paula Schmittiel, EPA project manager for the site, said the agency is in the process of answering the board's questions, and that the cleanup will follow the strictest air pollution standards as defined by local, state and federal law.

While Kay-Clapper and local officials worry about lead in the air, they also remain skeptical of the threat from the lead in the ground. "The EPA has never proven to anyone's satisfaction that there is a danger," said County Commissioner Herschel Ross. But the EPA does not have to prove that lead poisoning is occurring at the site; it just has to show there is a potential health risk, said Schmittiel.

Yet the EPA's risk assessment also has been questioned. "I am not convinced the site threatens water supplies, as the EPA claims," said County Environmental Health Director Tom Dunlop. While Dunlop concedes there are high levels of lead at Smuggler Mountain, he also says it has not been proven that the lead could harm human beings.

Dr. Thomas L. Kurt, a toxicologist,

also challenges the EPA's risk assessment. He thinks Smuggler Mountain should come off the Superfund list, and wrote the EPA in March saying the winter snow cover would prevent lead in the ground from becoming a health hazard. Kurt, a professor at the University of Texas who owns a second home in Aspen, also said he knew of no cases of lead poisoning that could be linked to the site. The EPA has said that the threat of lead poisoning was a major factor in listing Smuggler Mountain as a Superfund project.

Ironically, there may be other sites in town that have similar concentrations of toxic mine tailings. "I wouldn't dispute there are sites just as bad in Aspen," said the EPA's Schmittiel, "but the owners of these sites wouldn't want them identified. The Superfund program carries a lot of baggage, and people don't want to pay cleanup costs."

It is unlikely these sites will ever be cleaned up, and this angers Patti Kay-Clapper. She feels that she and her neighbors have been unjustly singled out by the EPA for reasons other than public safety. "The name Aspen carries a lot of weight in Congress," she said, "and it's a real feather in the EPA's cap to say they've cleaned up here."

— Clay Fong

## HOTLINE

### Pack most of it out

Outfitters in Idaho's Frank Church River of No Return Wilderness will have to haul all but the most burdensome of equipment in and out under a new agreement with the Forest Service. Cast iron stoves, anvils and heavy gear can be cached in the wilderness beginning in 1992, but other items that are now left behind — tents, dumps, plumbing and outhouses — must go. This compromise in the three-year-old controversy over outfitting gear encourages guides to switch to lightweight, portable equipment and eventually eliminate caches altogether, the Forest Service says. But a critic of the agreement says it amounts to a forest-plan amendment without public notice, violating the National Forest Management Act. Bill Worf, a former Forest Service employee, says because the wilderness management plan requires a complete phasing out of caches, he is considering legal action. Outfitters counter that the removal of stashed equipment just isn't practical for assuring the safety of their customers. Idaho Outfitters and Guides Association President Doug Tims told AP: "Some of these lightweight stoves will just crumple up into a little ball when you get them that hot."

### Court blocks environmentalists

The National Wildlife Federation does not have the right to sue the federal government over a plan to open public land for commercial development, the Supreme Court has ruled. Affected are 180 million acres of public land in the West and Alaska that the Bureau of Land Management wants to reclassify for uses such as mining, logging and grazing. The Federation, which initiated its suit in 1980, argued that the reclassification was illegal because Congress and the public were not given a chance to review the plan. But the Supreme Court, voting 5 to 4, said the Federation did not have legal standing to sue because it failed to prove that the BLM plan would adversely affect more than a few people. This leaves the question of whether or not the BLM is acting illegally still unanswered. The High Court said that future challenges would have to be made on a case-by-case basis unless federal officials were willing to accommodate broad-based challenges to policy. Tom Lustig, a Federation staff attorney, said the decision "benefits those that want to exploit the land. It will be more difficult for everyone to challenge illegal federal programs. It's bad news for all citizens."

### Heaven on earth in Reno?

The Maharishi Mahesh Yogi is planning a "City of the Immortal" outside Reno, Nev. Jim Bagnola, an officer of the Maharishi Heaven on Earth Development Corp., said the new homes would solve the problems of crowding, pollution and crime, the *Reno Gazette Journal* reports. According to Bagnola, who helps run Jake's Heavy Lifting and Transport Co., the city will be built according to the principles of *Sthapatya-Ved*, a system based on the concept that human activities are influenced by environment. As a result, dining rooms in the development will be positioned to aid digestion; living rooms will be designed to enhance the desire to socialize. Bagnola said that project is strictly a business venture with no religious overtones.

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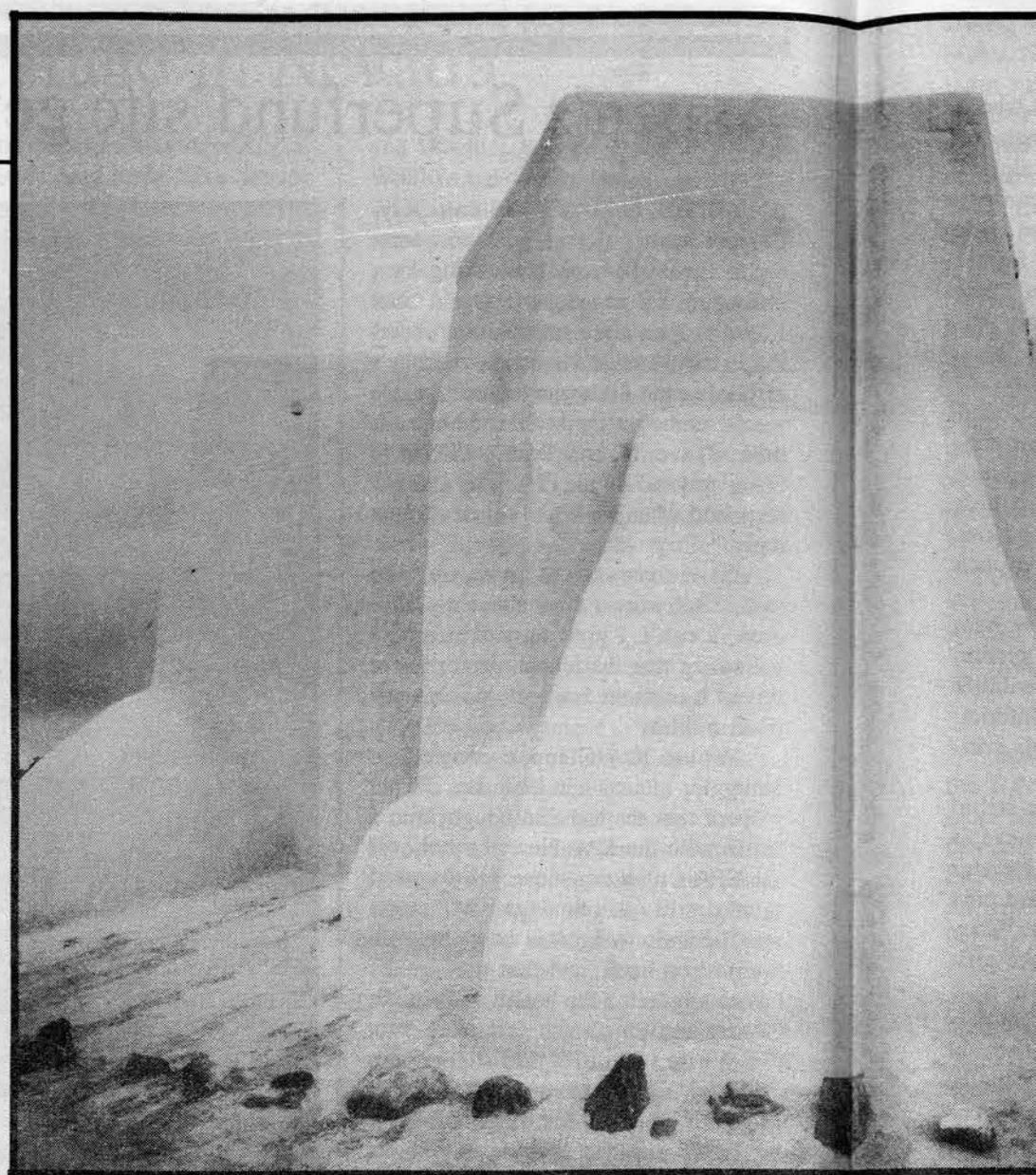
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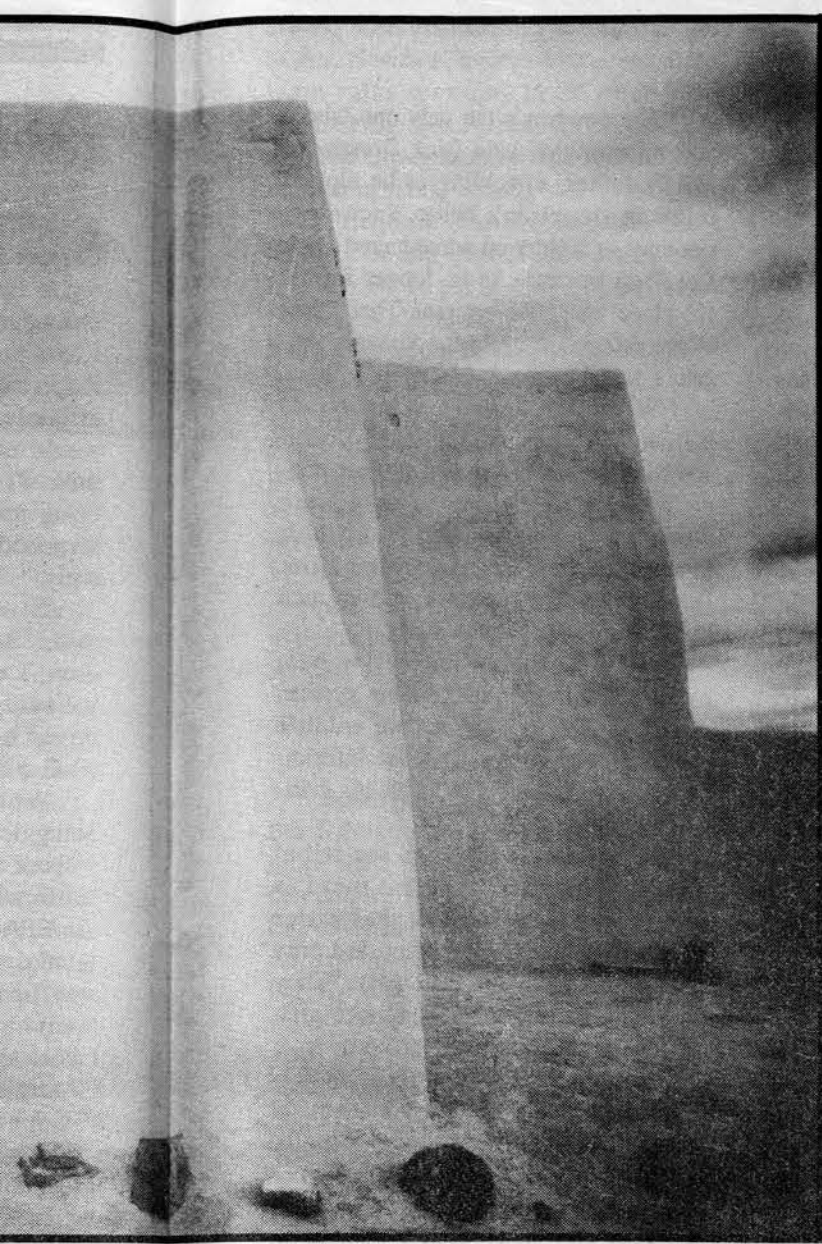
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## BOOKS

### BEYOND THE MYTHIC WEST

As inspiring to look at as it is to read, *Beyond the Mythic West* is a collection of essays and photographs yielding a broad and coherent look at the West's past, present and future. The five authors and 12 photographers develop what Stewart L. Udall calls the region's "long suit — the charisma of its clean, spacious landscapes." This deep love of place transcends the mythic view of the region as an empty land conquered by white frontiersmen, where economic interests require that the land be dug up and hauled away, and where the scenery and social life are "externalities." Historian Patricia Nelson Limerick, in an essay itself worth the cost of the book, explores another asset ignored by Western mythology — the rich diversity of cultures that have "rendezvoused" in the West. It is time, she says, to see that "the diversity of the region is a part to be celebrated because it makes for a far more interesting story." Other essays by Charles F. Wilkinson, John M. Volkman and William Kittredge explore the future and what it will take for the West to take charge of and preserve its valued qualities. Released at the seventh annual meeting of the Western Governors' Association July 15, the book, which costs \$29.95, is only now arriving in bookstores. It can also be ordered directly from Gibbs Smith, Publisher, P.O. Box 667, Layton, UT 84041, or by calling 800/421-8714.

— Ken Wright

### SENSIBLE CONSTRUCTION

The *Earthbuilders' Encyclopedia* for *Adobe and Rammed Earth Construction*, published by Joseph M. Tibbets for the Southwest Solaradobe School, is a comprehensive reference to earthbuilding techniques. Its definitions, explanations and illustrations will be useful both to those interested in building an adobe or rammed earth structure and those who are curious about the techniques. The paper bound book covers soils, construction techniques, solar applications, domes and various other subjects. It also contains a partial access listing to earthbuilding suppliers and builders. Among the qualities claimed for adobe are its use of relatively little energy in construction, its comfort, its resistance to quakes, and its low maintenance. The book is available for \$20.35 from: Southwest Solaradobe School, P.O. Box 7460, Albuquerque, NM 87194 (505/242-7413).

### BEST OF THE WEST

The West has begun to emerge as one of the strongest regions on the American literary scene. Utah-based publisher Gibbs Smith has consistently stayed on top of what's current and what's good in Western fiction. This fall, editors James and Denise Thomas will release their third annual collection of short stories set in the West. To find the 16 gems comprising this year's *Best of the West 3: new short stories from the wide side of the Missouri*, the editors scoured hundreds of small Western journals such as *Puerto del Sol* and *Sonora Review* in addition to the mainstream heavies. The result is a diverse sampling of fine stories from such writers as Christopher Tilghman, Elizabeth Tallent and Rick Bass and some promising new writers like Robyn Oughton and Lisa Sandlin.

Gibbs Smith, Publisher, P.O. Box 667, Layton, UT 84061. Paper: \$9.95. 224 pages.

### KID POWER

Parents may not appreciate all the activities recommended in the latest of Earth Day books, *50 Simple Things Kids Can Do to Save the Earth*. Author John Javna of the Earthworks Group suggests kids grow worms to speed up the trash-to-soil process and drape orange peels and peanut butter over trees in the back yard to attract birds. But the book entertains as it teaches, beginning each category, such as recycling, with a riddle. For example, "What's the best thing to do with a soda can? (A) eat it for lunch (B) wear it on your head (C) recycle it." The illustrations are excellent.

Andrews and McMeel, 431 N. Hayworth Ave., Los Angeles, CA 90048. Paper: \$6.95. 156 pp. Illustrated.



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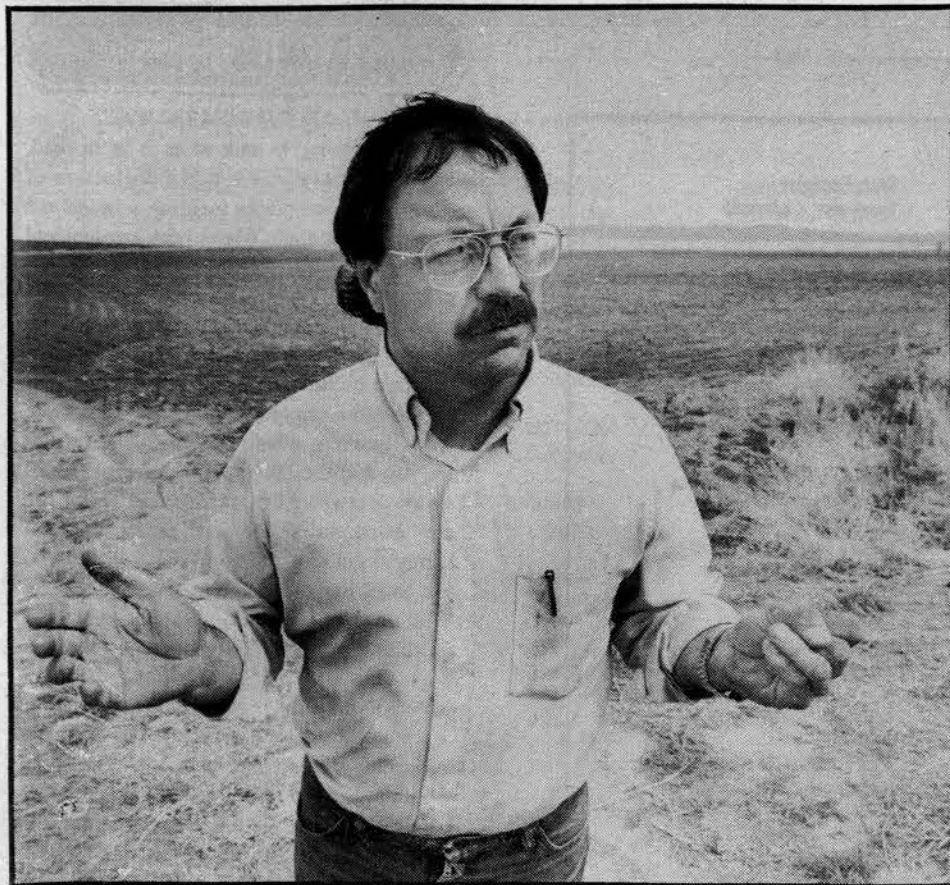
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Arapaho rancher Gary Collins

Zbigniew Bzdak

## Wind River ...

(Continued from page 1)

mal lack of funding from the BIA, says Dave Allison, the agency's Wind River superintendent. He contrasts his agency's paltry support of the Arapaho Farm here with the much more generous federal investments made by the Bureau of Reclamation to projects like Midvale.

Indeed, the contrast is striking. Midvale's system is trim and clean. Everywhere one goes, system improvements are visible: new gauges, buried laterals

to reduce evaporation, tile drains in the fields to keep the water table from rising, cement "tongues" in the "drops" to trap the silt, and even duck ponds at the ends of the lateral ditches.

Midvale irrigators pay for these improvements through a \$14.50-an-acre assessment that supports an annual irrigation district budget of about \$1 million. But they only pay \$1.25 an acre-foot to the Bureau of Reclamation for building their main water-supply system. This long-term loan payback to the federal treasury, lent at low interest, amounts to a substantial federal subsidy

that critics now say promotes inefficient water use. Even Midvale admits that it costs BuRec at least \$35 an acre-foot to deliver the water to its irrigators.

The first farmers who tried to make it on Donelson's land — part of what is called Division III of the Midvale Irrigation District — failed. They homesteaded the land in the 1950s and then got the federal government to buy them out in the 1960s.

Donelson had grown up on his father's homestead next to Ocean Lake. Returning from military duty as a helicopter pilot in 1971, he and his wife, Charlotte, picked up over 1,000 acres of unwanted Division III land and moved out near the Owl Creek Mountains.

Initially, there were no telephones, and mail was delivered only three times a week. Even today, town hasn't moved any closer: the Donelson children, Stacey, 13, and Eric, 11, leave for school at 7:15 a.m. and return at 4:45 p.m.

Donelson winters brood cows, raises hay and corn for silage, and plants 167 acres of malt barley for the Coors brewery. He's gone ahead and seeded 100 acres of new alfalfa this year, which means he'll need more water from the ditch in the fall. Bill Brown, a Midvale farmer and the project's manager, says that's a chance few Midvale farmers will take these days, but Donelson figures he had to reseed this year or see his production drop off.

Brown said no one in the project can afford the "insurance" of buying tribal water, which has been offered at \$10 an acre-foot. The district, he said, has \$46,000 in unpaid assessments from farms that have gone belly-up or are

about to.

"The cowboy's the only one who's making money," said Dick Donelson, Mike's father, chuckling as he sipped coffee in Donelson's house. Such worries may sit lighter on white-haired Dick Donelson because he no longer farms. His place was sold last year. That's part of the economic cycle for Midvale irrigators, says his son.

"Where the farmer gets his reward is when he retires and sells out," Donelson continues. "We've had several people who are ready to retire now. Their whole life's work is tied up in their farms. But they can't sell them. Now, faced with this water deal, grown men have called and actually cried."

Midvale officials say they've bent over backwards to make their system more efficient, and to improve wildlife habitat in the process. They are infuriated when tribal or federal officials criticize their system.

Catherine Vandemoer, the tribal water engineer, insists that there is enough water to satisfy tribal water rights and supply irrigators too, but only if the irrigators change their ways. "They could use their water much more efficiently than they do," she contends.

The irrigators achieve about 48 percent efficiency, which means about 48 percent of the diverted water actually gets to the crops, while the rest evaporates, leaks from the canals or returns to the river. The non-Indians say that's an excellent rate of water consumption, but tribal water experts say 70 percent efficiency or higher is possible.

Richard Baldes, the U.S. Fish and Wildlife Service project leader in Lander and a Shoshone himself, blames irrigators for damaging a river that he contends could be one of "the last jewels"

# Battle of the Big Wind River is over!

by Andrew Melnykovych

**I**n the grand tradition established by George Armstrong Custer, Wyoming's elected officials are marching off to the Battle of the Big Wind River with nary a thought that they might have underestimated the opposition.

They are forgetting what Custer failed to notice. The Indians hold all the cards.

The dispute over water on the Wind River Indian Reservation seemingly was settled more than a year ago, when the U.S. Supreme Court granted the Shoshone and Arapaho tribes the rights to about half the water flowing in the Big Wind River.

What's more, the court held that the tribal water rights go back to 1868, the year the reservation was established. The tribal water rights are the oldest on the river and, under state law, hold priority over all other water rights in the drainage.

That ought to have settled it.

But things are never simple when 122 years of history have to be untangled and rearranged. Although courts have ruled the Indians own the water, they offered no solution to the problems posed by the fact that, for much of that time, it had been used by someone else — non-Indian farmers whose lands lie within the Midvale irrigation project.

The Midvale project draws its water upstream from the point where the Indian water rights take effect. If the Arapaho and Shoshone tribes insist on exercising their water rights, the Midvale irrigators could be forced to let the Indian water flow by their canals untouched.

In most years, the effect would be to restrict, if not eliminate altogether, the amount of water flowing to the Midvale project. Without the irrigation water, they will be forced out of business, the Midvale farmers say.

A crisis was headed off last year when the state

and the tribes reached a temporary agreement on water allocation. This year has been a different matter.

The Wind River Reservation tribal leaders have decided that a portion of the Wind River's flow should be left in the river.

In past years, diversions of water to the Midvale farmers sometimes have made the river run

## COMMENTARY

dry, making it impossible for fish to survive in it. The tribes want to maintain in-stream flows and restore the trout fishery, reasoning that the anglers it attracts would help build the reservation economy.

Wyoming's political leaders evidently view the tribes' desire to make the Wind River alive again as the first step toward the destruction of agriculture, and hence civilization, in the water-poor West.

Gov. Mike Sullivan and Wyoming State Engineer Jeff Fassett are taking the approach that the Supreme Court decision either changes nothing or simply doesn't apply to them. They have announced that the state will not enforce the Indian water rights, in effect proclaiming that they do not exist.

For its part, the Wyoming congressional delegation has declared that it wants to help, both by getting the federal government involved in negotiating a temporary solution and by helping find long-term answers in the form of increased water storage in the Wind River basin.

But the delegation's idea of federal help apparently does not extend to fulfilling federal trust responsibilities by assisting the tribes in carrying out the decisions that they make as sovereign entities. Instead, the delegation has devoted its energies to interfering with federal agencies that are trying to help restore the Wind River fishery.

About the only politician of either party who has said anything sensible about the situation is GOP gubernatorial contender Mary Mead, who suggested that the federal government buy out the Midvale irrigators.

Mead's idea has a certain logic to it, when you consider that it was the federal government that laid the foundation for the problem early in this century. In 1905, Congress essentially forced the Arapahos and Shoshones to sell off part of their reservation. The government encouraged non-Indian homesteaders to acquire the land, enticing them with the promise of cheap water from federal dams.

But the government made the farmers a promise it could not keep by giving them water it did not own. Buying out the farmers would at least relieve them of bearing the financial burdens brought on by the government's hollow commitment. Giving the land back to the Wind River Indian Reservation would help atone for having stolen the land, and the water, from the tribes in the first place.

During the settlement of the American West, the fact that its native peoples did not fit the Anglo-European notion of what civilization ought to be was used as a justification for governmentally sanctioned murder and theft. Those who survived Manifest Destiny were forced onto reservations where they became wards of the government.

In the last several decades, Indian tribes have begun to assert themselves and exercise the sovereignty and other rights granted to them by long-forgotten treaties. The tribes have found redress in the courts, which have consistently ruled that the United States must now abide by commitments it never intended to honor.

As the Arapahos and Shoshones have discovered, the courts can dispense justice, but they cannot force the losing side to admit that it has been defeated.

The Battle of the Big Wind River has already ended. It is time for Wyoming's political leaders to concede that fact and start trying to negotiate favorable terms of surrender.

Andrew Melnykovych covers Washington, D.C., for the Casper, Wyoming, *Star-Tribune*.

among wild trout streams in the United States. Sediment collected at Diversion Dam ruins spawning beds when it's released into the river, Baldes says.

Bill Brown counters that Midvale, in regulating flows, actually has helped the river. "He [Baldes] can plan until he's blue in the face and there'll be nothing but trash fish" in the Lower Wind, says Brown. Midvale has changed its sediment-flushing practices, he adds, but can't prevent naturally occurring sediment.

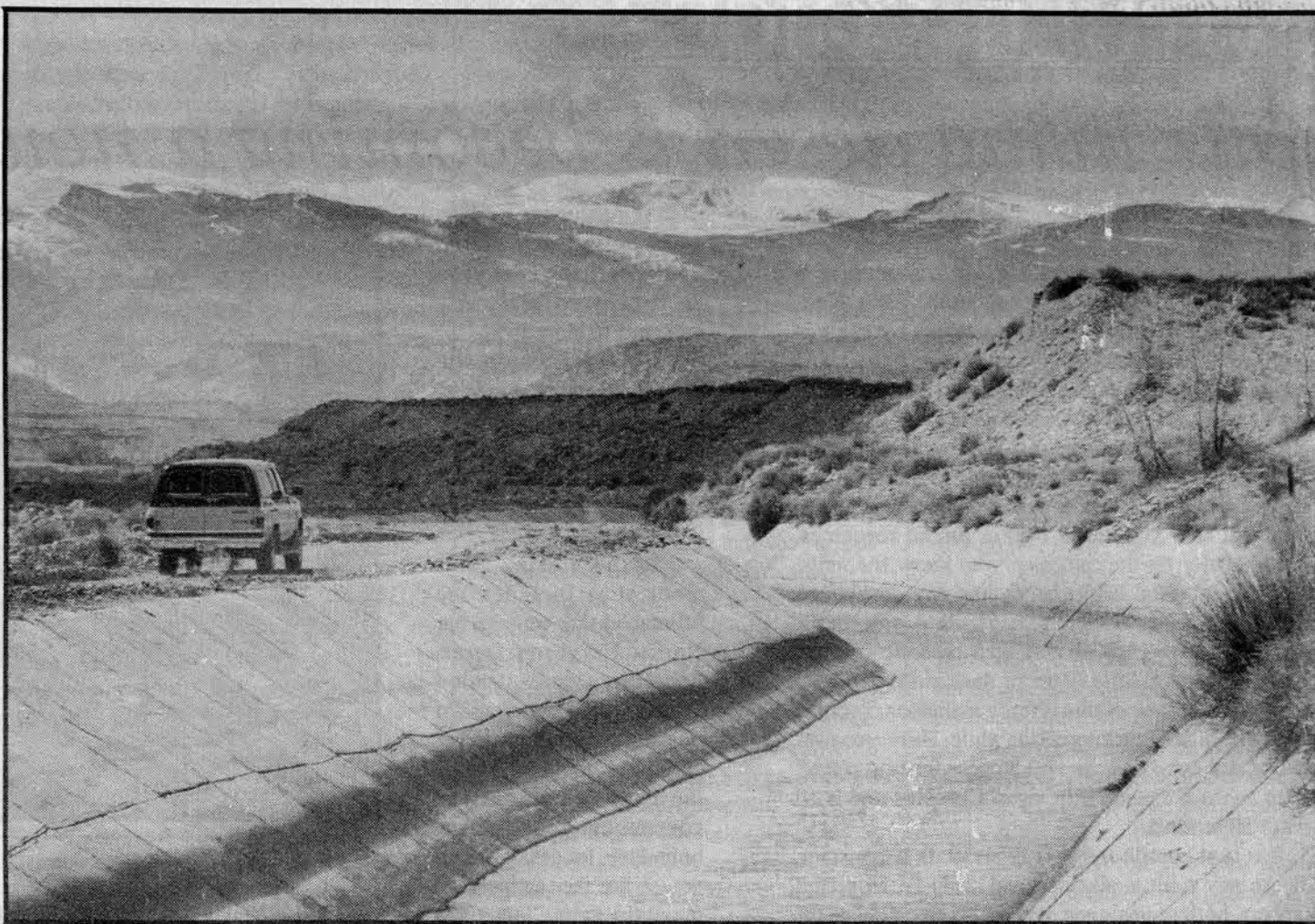
Baldes arranged for his agency to plant rainbow trout in the river earlier this summer, but stopped when the entire Wyoming congressional delegation protested. But conservation groups, led by the National Wildlife Federation, then stepped in to plant more fish. Fish and Wildlife then said it would resume in late August.

Both tribal and state officials blame the federal government for promising more water than the Wind River system can deliver. With an average annual rainfall of only 14 inches, the Midvale farmers depend on the water delivered by the big Wyoming Canal built by BuRec. The tribes' share of that water was unknown until last year's U.S. Supreme Court decision.

The court awarded the tribes the lion's share. That ruling also gave the tribes the senior water right: Midvale's rights date only to 1906, compared to the tribes' 1868, the year the United States signed a treaty establishing the Shoshone and Arapaho reservation. However, state officials are so far refusing to recognize the tribes' demand to use their water as instream flow to support a trout fishery.

As long as there is enough water in the river and stored in Bull Lake, the reservoir built by the Bureau of Reclamation, the change in water rights doesn't really matter. But if a scarcity develops, the state will be required to reduce the diversions taken by Midvale and other non-Indian users in order to leave enough water downstream for the tribes' trout-fishery scheme.

Midvale has backup water stored in Bull Lake now, which may be enough to cover any shortage of river water this year. But heavy use of stored water this year could jeopardize next year's supplies. This is why the tribes' water engi-



Wyoming Canal, the main ditch of the Midvale Irrigation District

Zbigniew Bzdak

neer, Catherine Vandemoer, is insisting that Wyoming's state engineer, Jeff Fassett, recognize the new tribal rights now.

Fassett and Gov. Mike Sullivan have refused to honor the tribes' claim to a streamflow of 252 cubic feet per second of water. Even after Interior Department's top attorney, Tom Sansonetti, backed the tribes' computations last month, the Wyoming state government still balked. So on July 30 the tribes filed a lawsuit in state court to order Fassett to regulate the Big Wind River to protect the tribes' trout scheme.

Vandemoer said the suit is "in anticipation of river flows going down," and that the river's flow had already slowed to 220 cfs twice in July because of non-Indian diversions. But Sullivan earlier this month continued to stiff-arm the issue, saying the Tribes are pursuing "a national agenda" rather than trying to negotiate a solution.

All of this has left non-Indian irrigators angry and scared for their future. And Indian water users, having finally

"won" the battle for control of their destiny, are finding that old prejudices, lack of money, and legal impediments are still preventing them from managing their hard-won resources.

The Collins and Donelson families, meanwhile, are putting water on their fields and working 12-hour days to keep the ditches and machinery running. Why the hard work, when the future is so uncertain?

"It's a quality of living," said Mike Donelson, "not necessarily the material things — and the fact you're with your family. My kids are learning how to work, and in the summertime we're all here for lunch. This means they can know their parents."

Over at Gary Collins' place, the Arapaho looked up toward the Wind River Mountains, which were shrouded in welcome rain clouds. "It gives me more incentive to do this stuff down here

in order to save what's up there," he said. "The basic family unit, that's what we have to bring back here, by working in the fields."

Can these two families ever find a common ground?

When a part broke on Donelson's scraper the other day, he went to the dealer in Riverton for a replacement. The dealer said another farmer had bought the last part in stock. So Donelson did what farmers do; he drove to the other farmer's place to see if he could borrow the part.

The other farmer, as it turned out, didn't need the part right away; he had bought it for a spare. So Donelson took it, and as soon as the dealer restocks his supplies, Donelson will drive back over to the Little Wind with it. To Rusty Collins' place.

Geoffrey O'Gara, a former HCN editor, reports for the *Casper Star Tribune* from Lander, Wyoming.

## Idaho avoids the courts

Few people noticed Idaho's most significant environmental event of 1990 — an 80-page document, released in June, called "The 1990 Fort Hall Indian Water Rights Agreement, by and between the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation, the State of Idaho, The United States, and Certain Idaho Water Users."

After five years of negotiations, the parties agreed to quantify and perfect the Shoshone-Bannock tribes' reserved water rights in the Snake River basin. If Congress, the Idaho Legislature, and the tribes ratify it on schedule, it will begin to be felt next year.

The Shoshone-Bannock tribes live on the Fort Hall Reservation in southeast Idaho — 525,000 acres left from a larger reservation accepted by the tribes in their 1868 Fort Bridger Treaty with the United States. The tribes' reserved water rights were

legally established by the Supreme Court's Winters Doctrine in 1908, but for decades the tribes didn't press the issue and Idaho's farmer-driven water laws and regulations continued to ignore it.

In 1984, however, Idaho initiated a "general adjudication" of all Snake River water rights to determine precisely who owned what, and how much, if any, was left for new users to claim. The era of limits had come to the Snake River, and exactly what water the tribes could claim could no longer be ignored.

In 1985, the Shoshone-Bannocks asked Idaho's legislature to negotiate, rather than litigate, their reserved rights, and the Legislature agreed to try. The federal government joined the talks, wearing several hats: trustee for the tribes, operator of Snake River reservoirs, and custodian of migratory fish and wildlife. The Committee of Nine, a powerful advisory group for upper Snake River irrigators, also participated.

(Continued on page 15)

## West faces a time bomb

For the West, Wyoming's Wind River dispute may be just the beginning.

The Shoshone and Arapaho tribes' recently settled water-rights case is one of more than 50 major water settlements currently being litigated or negotiated between Native American tribes and Western states. Another hundred or more Indian reservations have water rights that exist on paper, but have yet to be quantified.

When considered together, those rights add up to a huge amount of water and a veritable time bomb for the water-scarce West. While some problems can be solved through negotiations, many observers predict that Indian water will be among the major natural-resource and civil-rights questions facing this region at the turn of the century.

The tribes have an almost iron-clad legal right to the water. Accord-

ing to the Winters Doctrine, all federal preserves in the West — whether Indian reservations, parks, national forests or wilderness — are entitled to enough water to meet the purposes Congress had in mind when it set the land aside. For most Indian reservations, that purpose was to domesticate nomadic peoples and provide them with an agricultural homeland, says Chris Kenney, a Bureau of Indian Affairs expert on Indian water-rights settlements.

In 1963, the Supreme Court ruled that an Indian reservation is entitled to enough water to irrigate all the acreage that is practical to farm on that reservation. As in the Wind River case, that can be a lot of water.

Moreover, under the prior appropriations doctrine — the West's unique first-come, first-served water law — a tribe's federal reserved water right dates to when the reservation was created. Since most reservations were established before white

(Continued on page 15)

12-High Country News—August 27, 1990

## OTHER VOICES

## Our living desert is becoming a new Sahara

Dear High Country News,

On Page 1 of your excellent July 2 issue there is an article by Florence Williams about the Elko, Nev., BLM District in which suspected trespass by cattle is described. I love your publication, but in open range matters you are either still young and naive, or trying overly hard to present a balanced view.

The sad fact is that trespass by cows is a constant on Western public lands. Sometimes it is merely a few stray cows taking a spring wander as they love to do. Usually it is a significant theft of public resources, done willfully by the cattlemen, who know the range and their animals' habits better than any deskbound BLM range "conservationist" ever will. A gate "accidentally" left open is all that need be done in most cases. Perhaps a little dawn or dusk riding to help things along. None of this is really malicious, because the cowboys are laughing all the while. Have you ever noticed that cowboys carry all-purpose fencing pliers? These are to fix fence with, right? Chuckles and good humor all around.

I repeat, cattle trespass behavior is a constant. Choose any remote allotment and study BLM permit numbers, both animals and days out. Then calculate the Animal Unit Months in terms of animals and months, rather than the phony and unmeasurable forage-utilization considerations that BLM always brings up to try to complicate what is a simple matter. Now add 40 percent to the government's AUM numbers, and you will have a fairly accurate range-use figure that takes the Standard Annual Trespass (SAT) into consideration.

BLM's SAT "score" varies from 20 percent to 60 percent, and in the areas I have observed over the last 30 years has averaged 40 percent. As far as I could tell it was *never* less than 10 percent. When you consider that BLM typically permits three to four times the use that the range can support on a sustained-yield basis, you will realize that adding 40 percent to this use increases the overuse to five to six times sustainability.

Look at the situation in the field. Our arid and semiarid interior western public lands are being raped. Gang raped. By the numbers. With government collusion and cowbelle cheerleaders.

If this sounds extreme to you, I suggest the following educational exercise. Obtain some information on Pleistocene North Africa. Do the same for the interior western U.S.A. Then do some "ocular reconnaissance" on the north-south secondary and dirt roads in eastern Oregon, southwestern Idaho, western Utah (hold your breath in St. George because of the plutonium dust), and Nevada, so that your observational tours parallel the ranges in this Basin and Range Province. Then obtain some early accounts and descriptions of this province (try local historical societies). Compare with what you have seen. Finally, read the history of North Africa under Roman rule (the breadbasket of Rome). Draw your own conclusions. My conservative conclusion is that the final desertification process is far advanced and accelerating rapidly in the American West. While BLM fiddles, with numbers.

Ask any Paiute. Our beautiful, vibrant, living desert is fast becoming a "ghost desert" like the Sahara. Reptiles and amphibians are in serious decline everywhere; many birds and mammals also. Even those exceptionally aggressive, prolific, and hardy introduced Eurasian game birds, the chukars, are in trouble. Native fish populations are already extinct in thousands of small watersheds where streams have dried up.

All of this is due to overgrazing and riparian destruction by cattle. To a geologist the evidence is everywhere, and most of this evidence is obvious by inspection. If it looks like it has been "tromped" to death, it probably has been. Geologically speaking, this change in our West is almost instantaneous (about 100 years). In many areas the living fabric of the biosphere is unraveling now. The wounded and weak-

ened remnants are washing away with each storm. Soon, perhaps next year, the last chance for recovery will start to blow away.

*It's a lesson too late for the learning, made of sand, made of sand....*

*Are you going away with no word of farewell? Will there be not a trace left behind?*

In the grazing allotment that includes the watershed that contains our Nancy Ferguson Desert Riparian Demonstration Project, there was constant trespass by cows all spring and early summer. This is the usual situation. The government builds pasture boundary fences. The cattlemen are then supposed to maintain them. Talk about the fox guarding the hen-house! BLM rarely inspects anything they cannot drive to in their air-conditioned Blazers, so the cowboys do a fair job of fence maintenance near roads, but often

"neglect" an out-of-the-way corner where the fence configuration guides the cattle to the "accidental" gap and easy access to the next pasture, where the grass is of course greener, especially in the riparian area.

When it comes to reporting trespass, BLM always pleads ignorance, or lack of funds, or you name it, but when someone like myself does their job for them, they still do nothing to control the cows. Meanwhile, back at the ranch, the delays drag on until the first snowstorm when the cows come home by themselves. Hey Boss! It's time to start feeding.

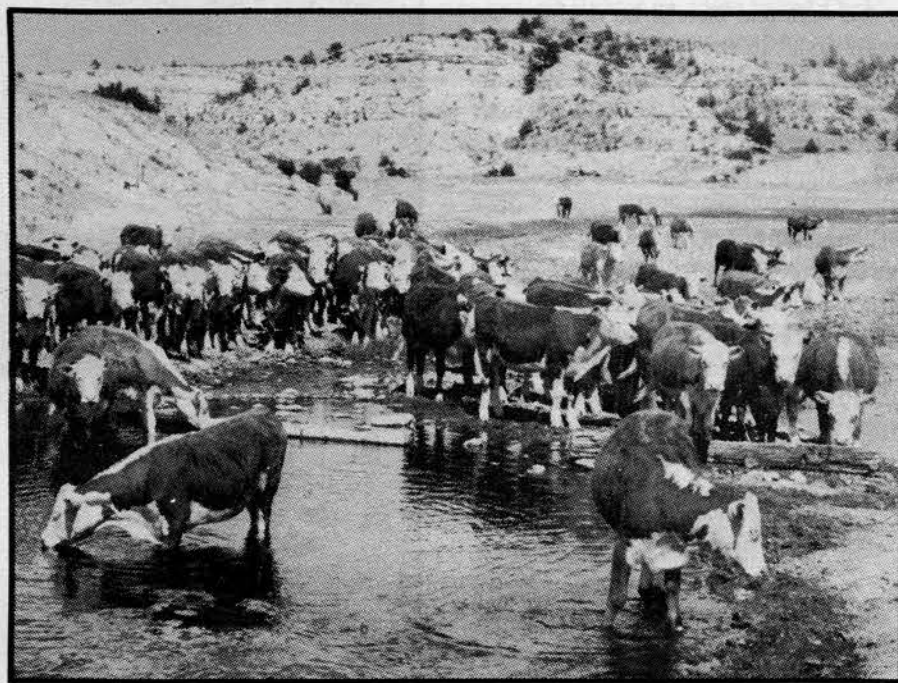
All of this, the whole pattern, is open collusion between the "Bureau of Livestock Management" and the Western cattle industry. It is happening on a grand, West-wide scale. It is "traditional" and entrenched. It will *not* be changed easily or cure itself through internal changes in the BLM in the near future.

Several weeks ago I was invited to attend a BLM tour of the upper reaches of our home watershed, where the land is all public land. This tour group included a BLM hydrologist, two BLM biologists, and a BLM District Chief of Resources named Donna Webb.

It was a very friendly and polite field trip, including a lunchtime picnic, but throughout Ms. Webb stoutly defended current levels of cattle grazing, even though the rest of us, including her own staff, kept pointing out the signs of rapid and accelerating environmental damage in Upper Fox Creek Basin. Toward the end of the afternoon she had the brass gonads to accuse me of a confrontational attitude and manner because I was politely questioning her agency's policies which are in fact a slap in the face, a gauntlet thrown down. She was typical BLM management material. I see no change in their attitudes in 30 years.

On the way down the mountain from this inspection tour the road was momentarily (and I thought poetically) blocked by a small bunch of trespassing cows. I'll bet you another year's subscription that nothing was or will be done about those cows, even though there were four BLM employees as witnesses and three of them are on our side.

You folks give this old desert rat hope, and I love you for it, but don't be naive, please! Load your cameras and get out there and poke around the back canyons. If you love nature and your wild neighbors,



"Load your cameras and get out there and poke around the back canyons. If you love nature and your wild neighbors, if you love the living desert, then be prepared to deal with your pain and outrage."

if you love the living desert, then be prepared to deal with your pain and outrage.

I wish it was possible to train a team of field observers for each BLM district and do detailed studies of each allotment in the West, just as Joseph Feller has suggested. I have been practicing just such a program in my local allotments for the last 15 years. The main difference is that I chose the watershed as the unit of study because it seemed more "natural" to me. Watershed boundaries are based on one simple fact and are easy to determine from topography or topographic maps, while allotment boundaries are usually based on traditional and often obsolete ownership, fence, and grazing patterns. Allotment configurations rarely make any sense topographically or environmentally.

Nevertheless, Joe Feller is *right on*. Whatever the unit studied, we need steward-observers badly in order to circumvent the vested interests and to gather independent data about our public lands. We, here at the research station, are trying to put together a team or two and develop an effective training program.

For myself, the data I have collected is sufficient. I say there is no such thing as sustainable ranching in arid and semiarid areas. Open grazing in these areas should be cancelled *now*, before it is too late. It will soon cancel itself anyway, just as it did in North Africa 1,700 years ago.

I say we don't learn anything from history and never have. To me, *Sacred Cows at the Public Trough*, by Denzel and Nancy Ferguson, is not a radical statement at all. It is a very careful and conservative work, and comes closest to the truth about Western ranching.

I have been a geologist in the "wild" West for 30 years now and I have driven to the very end of a thousand dirt roads and hiked up a thousand canyons in our living desert. Please believe me, things are a lot worse than you think or *Sacred Cows* says they are.

Bill Davis  
Huntington, Oregon

The writer is a geologist and research hydrologist at the Denzel Ferguson Desert Riparian Research Station.



Hannah Hincman

## LETTERS

### NORTHERN ROCKIES WOLVES: ONE POPULATION

Dear HCN,

I read with interest your issue on wolves in Montana (HCN, 7/16/90). It should have addressed the wolves in Idaho, too, as these animals are basically one breeding population.

I was disturbed by Andrew Melnykovich's premise that if science had its way, wolves would already have been reintroduced in Yellowstone, and that the political battle should concentrate on that reintroduction. I am a wildlife biologist, originally from Idaho, and I have a "probable" wolf sighting in central Idaho. If you really want wolves in Yellowstone, in a meaningful, self-sustaining-population sort of way, the solution is simple: Protect the wolves where they already exist in Idaho and Montana, and protect the habitat between there and Yellowstone. I'm talking about a strong recovery plan for wolves throughout their range — no shooting, especially on public land — and a decent Idaho wilderness bill which includes the Cabinet Mountains and the Mallard-Larkins in the north and the Lemhi Mountains between the River of No Return and Yellowstone.

We have the opportunity to maintain a northern Rockies corridor from Canada to the park. If we do so, the wolves will get there on their own. If we don't, there will never be self-sustaining populations of wolves anywhere; the habitat will be too fragmented to support enough of a gene pool of this wide-ranging species. This is especially true if McClure's bill is passed, as any wolves attempting to disperse from one area to another will be fair game for some trigger-happy rancher.

Reed Noss, an ecologist with the BLM, says that a land management unit should be 50 to 100 times as large as the largest natural disturbance. Given the regular occurrence of catastrophic fires in the northern Rockies, the whole northern range should be managed as one unit. This would serve the wolf and grizzly bear populations nicely, as they, like Yellowstone's bison, have trouble reading boundary signs.

Lisa Lombardi  
Seattle, Washington

### WE'VE GOT THE GOLD

Dear HCN,

Congratulations on your very informative mining issue (HCN, 6/4/90). I have one point to add to it. One of the greatest travesties of the present gold mining boom is that the largest and most profitable gold mine is not in the West, but in Fort Knox, Tennessee. The gold in this hole is in much greater abundance than in any other single place in the world, is of the highest grade of ore, and could be extracted at zero environmental cost. Estimates have been made that half of the world's natural gold supplies already lie in various national treasuries. By the removal of these supplies from the world market, gold prices have soared to a level that makes the present low-grade ore mining profitable.

Gold is used mostly by the electronics and jewelry industries. To supply this demand, we should sell some of the gold in Fort Knox instead of mining for new, expensive supplies. Gold in Fort Knox benefits no one except miners and gold speculators. It hasn't backed our money supply since the days of Nixon. Selling just a small percentage of this gold could reduce the national deficit, reduce this

country's net import-export imbalance; and by reducing prices, lower material costs to the electronics and jewelry industries and, finally, halt environmental devastation.

Over the past two decades several proposals have been made by people in the Federal Reserve to sell gold. Unfortunately, many in Congress still view gold with a mystical aura instead of recognizing it for what it is — a rare metal. Gold, like molybdenum, coal or oil, is just an extractable resource. Shouldn't we use the cheapest supplies first as we do with all other materials?

Peter Butler  
Snowmass, Colorado

### RANCHING OR "RANCHETTES"?

Dear HCN,

As much as I enjoyed Ed Marston's slaying of the somewhat feeble dragon of old-school public-lands grazing "mythology" in the July 30 issue, there is one factor which no attack on "welfare" ranching ever seems to take into account.

I refer to the Law of Unintended Consequences, or cases in which the cure is worse than the disease.

You have probably seen this happen right in the North Fork Valley: If ranching is not economically viable, the land use often changes for the worse. Let ranching cease, and along comes the county assessor to change the land from "agricultural" to "vacant" (i.e., waiting for subdivision), and property tax assessments quintuple. I think you will agree that the consequences of division into 20-acre "ranchettes" are usually worse for wildlife and the environment than the previous land use was.

When you toss around slogans like "Livestock-free in '93," I hope you will remember that in much of the West, no public-lands grazing would mean an acceleration of suburbanization. Personally, I would rather see somewhat subsidized ranching than see more of that. We know what the problems of overgrazing are; let's work to correct them and see if we can head off the disastrous consequences of ending "welfare" ranching.

Chas S. Clifton  
Florence, Colorado

### "WE STRONGLY COMMEND DON OMAN"

Dear HCN,

Your recent articles about the Forest Service's attempts to transfer district ranger Don Oman for trying to protect public rangelands from permittee abuses illuminates an area of public land management which federal agencies are usually successful in keeping in the dark. Politically powerful user groups such as livestock permittees often call the shots in decision-making by federal agencies. Because the desires of permittees for economic benefit often conflict with what may be best for the resource, the result of such permittee influence is that many of our public lands suffer severe deterioration from livestock abuses. Transfers, promotion restrictions and other disciplinary actions against federal employees who are attempting to enforce resource-protection laws illustrate the extent of control exerted by grazing permittees and a fundamental threat to public land management.

For example, a Government Accounting Office (GAO) report released in 1988 states that employees of the Bureau of Land Management (BLM) are often reluctant to take steps towards resource protection for fear of retaliation from the "politically powerful [grazing]

permittees." The GAO report goes on to state that in one BLM district, the staff reported that they were directed by headquarters and the state office not to make decisions opposed by permittees.

The comments of Oman's superiors that he has an "inability to work with" livestock grazers as the rationale for his transfer indicates that it is keeping permittees happy, and not protection of the resource, which is often the ultimate goal in managing Forest Service rangelands. Indeed, your articles show that it was Oman's attempts to enforce resource-protection regulations — such as permittee maintenance of fences, movement of cattle out of sensitive areas and restricting users to the numbers of animals allotted in permits — that appeared to be the basis of his "inability to work with permittees."

In addition, the comments made by Ray Hall, the range person for the Forest Service's Intermountain Region, and Stan Tixier, the regional forester, illustrate clear bias towards the desires of one group of public land users over others. It is unlikely that a Forest Service employee ever has been or ever will be transferred for his or her inability to work with, for example, conservationists.

We, the undersigned, wish to strongly commend Don Oman for his efforts to properly manage public rangelands despite political pressures. We also wish to strongly express our discontent with the use of transfers and other sanctions against federal employees for merely attempting to follow the law.

Harold S. Shepherd  
Portland, Oregon

|              |                 |
|--------------|-----------------|
| Larry Tuttle | Mary Garrard    |
| Andy Kerr    | Alice Elshoff   |
| Bruce Apple  | Connie Lonsdale |
| Joe Walicki  | Bob Phillips    |
| Irene Vlach  |                 |

The author and signers are members of The Wilderness Society's committee on Oregon mining and grazing issues.

### MORE ON ARROWHEADS

Dear HCN,

In his letter decrying the collecting of arrowheads on public land (HCN, 2/26/90), M. Zyniecki writes that "arrowhead collecting is not legal..." Since the laws regarding arrowheads are a little more intricate than portrayed, I thought HCN readers might be interested in a clarification.

The Archaeological Resources Protection Act of 1979 states that a person convicted under the statute can be fined up to \$10,000 and/or imprisoned up to one year for the first conviction. However, the law also states, "Nothing... in this section shall be deemed applicable to the removal of arrowheads located on the surface of the ground."

In other words, a person who is convicted of collecting arrowheads from the surface of the ground without a valid permit cannot be assessed criminal penalties. This is in part because Sen. Mark Hatfield of Oregon, during floor discussions of the bill, said, "The intent of this bill... is to educate, not to punish... We do not intend to affect activities such as the Boy Scouts."

While it is important to note that some federal land agencies such as the Park Service do prohibit arrowhead collecting, the real issue with such antiquities is an ethical one. I think conservationists need to make an ethical argument whenever they make a legal one about individual responsibility for resource conservation. There has to be an "honor system" ethic instilled in the public about archaeological resources.

We also have to make sure that the real abusers — big government and industry, which work hand-in-hand — are held accountable to these laws when they cut forests, strip-mine coal or build military facilities. The public must watch these institutions more closely.

I encourage others to join in to assure that the government and industry don't continue to get away with impunity. The serious destruction of archaeological resources occurs on a daily basis in the West.

Mark Henderson,  
Gallup, New Mexico

### FIRE SUPPRESSION

Dear HCN,

I would like to comment on your March 12 article concerning the West's real cattle heritage. You described the history of grazing abuse of the public lands very well, and I certainly agree that the ranching industry must come up with some sort of grazing ethic that somehow rewards those who have a positive effect upon public lands.

You are also correct in your assumption that the beginning of vegetative transformation took place in the late 19th century. However, the nearest you came to describing what has happened on the public range in the last 90 years was to say that biological succession has moved on.

Almost everyone blames the graziers now using public land for not moving more rapidly toward sustainable ranching. How can a grazer move toward sustainability when a universal fire suppression policy, adopted by our public land managers at the agencies' inception, prevents any natural biological succession from occurring? Even though livestock numbers have been cut, year-long grazing condemned and range improvements initiated, herbage production continues an accelerated decline and watersheds become drastically less productive. The subtle invasion of pinon/juniper, sagebrush, broomweed and others has become overwhelming because of fire suppression.

It cannot be corrected by "Cattle free by '93" or proper grazing management. We must mount an all-out offensive against this almost unnoticed dominance of our Western watersheds before erosion, dry streambeds, diminished wildlife populations and reduced grazing are all that we have left.

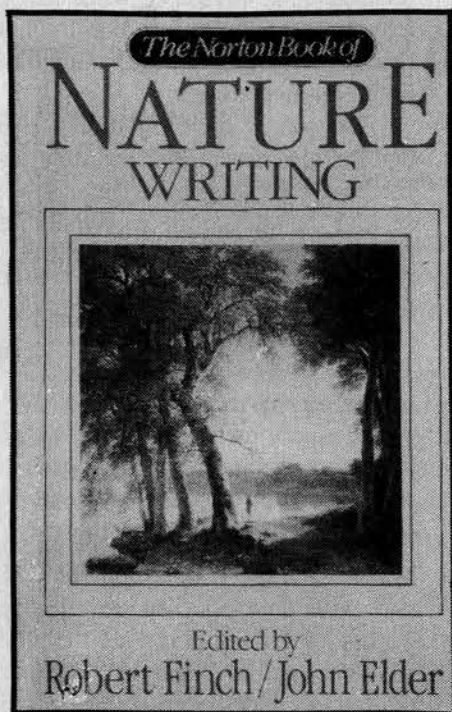
We need to focus upon applied research that deals with efficient and environmentally safe brush and weed control methods, and find ways to initiate action on the ground. Then, proper grazing management, off-road vehicle control, etc., will have a positive effect.

Sid Goodloe  
Roswell, New Mexico



14-High Country News — August 27, 1990

# BULLETIN BOARD



## NORTON BOOK OF NATURE WRITING

Since Gilbert White published his *Natural History of Selborne* in 1789, the literary tradition of nature writing, both in England and America, has flourished. Today, nonfiction is arguably the most vital form of contemporary American literature, and writings about the natural world have contributed much to that recognition. But as a genre, nature writing has yet to come into its own, say Robert Finch and John Elder, the editors of *The Norton Book of Nature Writing*. That is why they have compiled selections from 94 writers over 200 years in this latest of the canon-making Norton anthologies. The book "is intended to suggest the broad range of nature writing in English and to indicate the rich tradition within which contemporary writers are working." To this reviewer, the editors have succeeded. Included in the fat edition are the classics — Emerson, Thoreau, Muir, Stegner, McPhee, Dillard, Lopez and Matthiessen — as well as less recognized biologists, journalists and Native American writers and a few surprises such as Virginia Woolf, Henry James and John Updike. As with all such anthologies, the selections are short, sometimes frustratingly so. Nevertheless, the volume is a terrific roadmap through the dynamic literary landscape of nature writing.

W.W. Norton and Co., 500 Fifth Ave., New York, NY 10110. Cloth: \$29.95. 921 pages. No illustrations.

— Florence Williams

## DEVELOPMENT CONFERENCE

Ways to combine environmental and economic interests to stimulate Colorado's Western Slope economy will be the subject of a conference in Montrose, Colo., Sept. 7-8. Called "New Economics for the New West: Strategies for Western Colorado," the event will feature George Gault, former economic development expert for Colorado Gov. Roy Romer and former Gov. Richard Lamm. Gault is presently with the Wyoming Department of Commerce. Other speakers include Phil Burgess, director of the Center for the New West, Michael Kinsley of the Rocky Mountain Institute, and John Naisbitt, author of *Megatrends* and *Megatrends 2000*. Participants can attend workshops and an exhibitors' fair featuring Western Slope businesses. The event is sponsored by the Western Colorado Congress and the Telluride Institute. For information or an application for the exhibitors' fair, call 303/249-1978.



## FOREST FLYOVERS

Lighthawk, a nonprofit organization that uses aviation to increase public awareness of environmental issues, will be offering aerial and ground tours of old-growth forests in Oregon and Washington until Oct. 5, when the tours cease for the winter. Members of Congress, community leaders and journalists have said Lighthawk tours have helped them understand how clearcutting and other logging practices have affected native forests in the Pacific Northwest. In 1988 Lighthawk helped expose the U.S. Forest Service's erroneous claims regarding the acreage of old-growth forest still standing on public land. For more information contact Lighthawk at P.O. Box 8163, Santa Fe, NM 87504, or call 505/982-9656.

## A SACRED PLACE

"Sacred Values of Land and Sustainable Human Community," a symposium sponsored by the Spirit of Place Program, will address how traditional values of place can help in creating ecologically sound communities. The symposium, which will be held Sept. 19-22 at Mesa Verde National Park, Colo., will feature a concert by Native American flutist R. Carlos Nakai. Presentations on sacred place management and ecology will be given by Bill Duvall, author of *Deep Ecology*; Thomas Banyacya, Hopi elder; and Fumio Suda, architect. Other highlights include discussions of sacred land law, agricultural development, and sustainable design. Cost is \$250, \$175 for students. Contact The Institute for the Study of Natural Systems, P.O. Box 647, Mill Valley, CA 94942, or call 415/383-5064.



## PRESERVING NATURE'S LEGACY

"Water: Preserving Nature's Legacy" is the topic of this year's Environment 2000 conference. The conference will be held in Steamboat Springs, Colo., Sept. 14-16 and will focus on Western water policy. There will be presentations on Colorado's three proposed wilderness bills, the ecology of the Yampa and Elk rivers, and water conservation. Speakers include Jim Dyer of the Rocky Mountain Institute, Sarah Bates of the Sierra Club Legal Defense Fund, and Edward Stearns of the Environmental Protection Agency. For more information contact Environment 2000, P.O. Box 774822, Steamboat Springs, CO 80477, or call 303/879-5219.

**JOB SEARCH. OBJECTIVE:** Searching for employment in western environmental organization. **EDUCATION:** Master of Arts degree, Boston University, 1990. **CONCENTRATION:** Environmental Policy Analysis. **INTERESTS:** National forests, national parks, public lands, wildlife refuges and related policies. Please call James Knight at 617/489-0694 (home) or 617/570-6683 (work, Mon.—Wed.). (2x16p)

**IMAGES FROM THE GREAT WEST.** 118 Black & White Photographs by Marc Gaede. Essay and Quotations by A.B. Guthrie, Jr. Tribute to Guthrie by Edward Abbey. Foreword by Chuck Bowden. Cloth \$35, paper \$24.95. Chaco Press, 5218 Donna Maria Lane, La Canada, CA 91011, 818/952-0108, FAX 818/952-7267. (1x16p)

"OUTDOOR PEOPLE" lists 50-word descriptions of active, outdoor-oriented Singles and Trip Companions nationwide. \$2/copy, \$10/ad. OUTDOOR PEOPLE-HCN, PO Box 600, Gaston, SC 29053. (6x15p)

## MOUNTAIN BIKING

The development of consistent mountain biking ethics will be among the issues discussed at a symposium titled "Getting in Gear: Mountain Biking in Colorado." Held in conjunction with the 1990 World Mountain Bike Championships, the symposium is scheduled from 8 a.m. until noon on Sept. 14 at the Tamarro Resort in Durango. Small-group work sessions include tourism and promotion; private/public partnerships; state coordination; trail issues and opportunities, and conflict prevention and resolution. To register, send a postcard with your name, address, telephone number and group (if any) that you represent, and the work session you're most interested in to: San Juan Resource Area, Bureau of Land Management, 701 Camino del Rio, Durango, CO 81301 by Sept. 1. Last-minute registration can be done by calling the BLM at 303/247-4082. There is no registration fee.

## RIVER RESOURCES

A 11-page 1990 *River Conservation Directory* provides a wealth of information about protecting and managing the nation's rivers. Sponsored by the National Park Service and the National Association for State River Conservation Programs, the guide lists federal agencies and the nearly 1,000 groups involved in river conservation. To request a \$6 copy, write: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, and request document number 02400501058-1, or call 202/783-3238.

## AUDUBON WEEKEND

The National Audubon Society will hold its 10th biennial Rocky Mountain Regional Conference at Mammoth Hot Springs at Yellowstone National Park Sept. 7-9. Panel discussions on wetlands, wolf reintroduction, old-growth forests, wildlife in Yellowstone and communications will highlight the conference. Field trips, presentations and a silent auction will also be held. For more information contact the National Audubon Society Rocky Mountain Regional Office, 4150 Darley Ave., Suite 5, Boulder, CO 80303, or call 303/499-0219.

## NOLS WILDERNESS CONFERENCE

In conjunction with its 25th anniversary, the National Outdoor Leadership School (NOLS) is hosting a Wilderness Education Conference Sept. 1-2 in Lander, Wyo. Both alumni and the public are invited to the event, which will be highlighted by a keynote address by Roderick Nash, author of *The Rights of Nature and Wilderness and the American Mind*. Other speakers include rockclimbers Herb and Jan Conn; Jeffrey Froke, president of the Roger Tory Peterson Institute, and Vance Martin, president of the International Wilderness Leadership Foundation. These speakers will focus on wilderness use, education and medicine. For more information contact NOLS at P.O. Box AA, Lander, WY 82520, or call 307/332-6973.



## YELLOWSTONE'S BIOLOGY

The Greater Yellowstone Ecosystem is a 15-million-acre patchwork of national parks, wildlife refuges, national forests, private property and state-owned land that spans parts of Wyoming, Montana and Idaho. But as fragmented as it may look on the map, it is considered one of the most intact northern temperate ecosystems in the world. A new book, *Rare, Sensitive and Threatened Species of the Greater Yellowstone Ecosystem*, is the first effort to take stock of the biology of the entire area, and is intended to provide a building block in the management of the ecosystem as a whole. "An area cannot be intelligently managed unless there is a thorough inventory of what is to be managed," points out botanist Robert D. Dorn in his introduction to the section on vascular plants. Fifty biologists contributed detailed descriptions of 11 plants, six fishes, one reptile, 20 birds and 18 mammals that live in the area. The writing is scientific but clear, describing the range, habitat, life history, ecology and conservation needs of each species. Some species included in the book are naturally rare — Ross bentgrass grows only in Yellowstone National Park's Upper Geyser Basin. Other once-plentiful species have succumbed to habitat loss caused by humans: The whooping crane, which once ranged from the Arctic to Mexico, now has a population of about 133, up from a low of 15 known survivors in 1937. Some, like Townsend's big-eared bat, may abandon their roosts when disturbed. And others are simply seldom seen, like the dwarf shrew, which weighs about one-tenth of an ounce, has "almost pin-sized" eyes, and is the smallest mammal in North America. Project manager Tim Clark considers the Greater Yellowstone Ecosystem of global importance not only biologically but symbolically. "It includes the first national park in the world, and that model has been copied and emulated many times," he said, adding that the area now has the opportunity to be a leader in ecological management. The 153-page book was produced by the Northern Rockies Conservation Cooperative (NRCC) in cooperation with The Nature Conservancy, the Montana Natural Heritage Program, and Mountain West Environmental Services. Copies are available from the NRCC, Box 2705, Jackson, WY 83001. There is a \$5 fee for postage and handling.

— Lisa Jones

## CLASSIFIED

**WESTERN COLORADO MOUNTAIN** ranch by Gunnison. 630 acres by National Forest, aspen and spruce, trout river, lake, cabin, 2-story lodge. \$400,000. **TREECE LAND** (303) 243-4170. (3x14b)

**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.

**TENT OR CABIN SITE.** Wooded, views, clubhouse, 9 miles south of BLUE MESA, 2+ acres, \$7,900.00, \$500.00 down, payment \$102/month at 11% for 10 years. Call Dick Montrose, owner/agent, 303/241-0006 or 303/241-6673. (1x16p)

**NEW WATER PUBLICATION:** An Introduction to Water Rights and Conflicts with emphasis on Colorado. For information please write: Network Marketing, 8370 Warhawk Rd., Dept. HC, Conifer, CO 80433, or call 303/674-7105. (12x16p)

**ENVIRONMENTAL SOFTWARE** for IBM-PC or MAC. Global Warming information, congressional word processor, more. \$15. Save The Planet, 303/641-5035. (2x15p)

**THE NATIONAL OUTDOOR LEADERSHIP SCHOOL OFFICE MANAGER.** NOLS Headquarters in Lander, Wyo., has a great job that combines analytical planning skills along with working with a large variety of people. This position will assist the Computer Manager to teach others word processing, plan effective information management systems, and supervise day-to-day office needs and our secretarial team and there are opportunities for challenge and growth. We are looking for someone with several years of managerial experience as well as excellent communication and planning skills. If outdoor recreation and involvement with many different aspects of NOLS also interests you, then consider working and living in Lander, next to the beautiful Wind River Mountains. Write ASAP for an application package from the NOLS Personnel Department, Box AA, Lander, WY 82520. (1x16b)

## Idaho ...

(Continued from page 11)

All four parties call the result "a true compromise." "I think the outcome by litigation would have been roughly the same," says the irrigators' attorney, John Rosholt. "But it would have cost us all \$5 million to \$25 million more and taken much longer."

Overall, the Agreement gives the tribes surface, ground and storage water rights that total 581,000 acre-feet. About 200,000 acre-feet of that is new water; most of the remainder now irrigates some 76,000 acres on the reservation. The tribes will have almost total control over the use and changes in use of their water on the reservation, and substantial off-reservation marketing options as well.

The tribes' in-stream flow options are particularly far-reaching. Their rights will allow them to establish and enforce substantial minimum flows in the Snake and Blackfoot rivers on the reservation — and, as a practical matter, in upstream reaches off-reservation too.

Tribal attorney and chief negotiator Howard Funke says that is exactly what they intend. "The tribes could use these rights to irrigate 60,000 more acres," he explains. "But we have a resolution in force preventing further irrigation on the reservation. We want to keep its remaining wild character." The Fort Hall Bottoms is one of the last essentially natural river-riparian reaches on the entire Snake River.

The tribes also receive Snake River storage that can be sold for in-stream purposes elsewhere in the Snake basin. Forty-six thousand acre-feet in American Falls Reservoir can be directly marketed, through the tribes' water bank, anywhere in the basin within Idaho. Another 83,900 acre-feet in Palisades Reservoir can be directly marketed in the upper basin, or probably marketed farther downstream by paying a penalty.

A decade ago, the idea that water left or put in an Idaho stream could make money for its owner was a twinkle in a few far-seeing eyes. Now Funke says the tribes already have a tentative agreement for Bonneville Power Administration to spend \$1 million annually to buy upriver water for lower Snake spring flows that are needed for migrating salmon. The tribes also may sell stored water to maintain winter streamflows for the valuable South Fork Snake River fishery below Palisades Reservoir.

A Snake basin in-stream flow market is emerging. If four Snake River salmon runs are listed as endangered species next year — a real possibility — the market could expand

quickly. The Sho-Bans could become the first Idaho water holders to make money in that market. This would show Idaho irrigators that growing crops is not their only economic option.

The agreement's impact on existing Idaho farmers will depend on many variables, such as climate, how and when the Sho-Bans use new water, and groundwater and surface water interrelations. Since most tribal rights date from 1867 to 1900, the rights of many white farmers are now junior. The agreement would give these irrigators the remaining uncontracted water in Palisades and Ririe reservoirs as mitigation. This averages around 45,000 acre-feet a year.

With that mitigation, Bureau of Reclamation regional director John Keys thinks these newly junior holders will face shortfalls only in below-average water years. Attorney Rosholt believes they'll be short in average years, too — "maybe 30,000 to 50,000 acre-feet." But the agreement spreads the impact among farmers above and below the reservation. As the agreement is implemented, irrigators will have many options to handle the shortfalls that do occur: water conservation, water purchases or transfers, and the opportunity to build new storage.

What about future development by new non-tribal irrigators in the Snake basin? "We won't know if there's any more water for that until the full adjudication is complete," says Dave Shaw of the Idaho Department of Water Resources. But Rosholt is skeptical. "I can tell you that my clients [existing farmers downstream of Fort Hall] are going to look very cautiously at new upper-valley development until we see how the tribes implement this agreement."

The parties are moving quickly to get the agreement ratified. Legislation has been introduced in Congress, supported by Idaho's full delegation, and the first Senate hearing will be held Sept. 13. The Idaho Legislature will be asked to ratify it next year, and the Sho-Ban tribal vote may also occur then.

Mutual suspicion among the parties ran deep when the talks began in 1985. If it still exists, the negotiators are not letting it show. All speak of a difficult but positive process.

John Bushman, chief of water resources for the Bureau of Indian Affairs, was chairman of the federal negotiating team. "The whole group worked harmoniously together over five years of intense negotiations," he says. "We were able to arrive at creative solutions which I believe will enhance operation of the Snake River, protect the environment, the tribes, and the farmers."

— Pat Ford

## Time bomb ...

(Continued from page 11)

settlers arrived, that makes the tribes owners of large senior water rights throughout the West. But in the intervening 100 years, most water in the West has been claimed and used by non-Indians, a fact that is now coming back to haunt the region.

"The U.S. government allowed a lot of reclamation projects and development on river systems where they knew they had a legal obligation to protect water for Indians," says Kenney. The Department of the Interior's trust responsibility to protect Native American land and resources means that it must now go back and fix the mess.

The conflicts are usually triggered when a state decides to adjudicate a river basin, a process that legally encodes each user's water right and priority. The BIA and the Department of Justice have about 55 Indian water cases in litigation, says Kenney. There are 13 negotiating teams currently in the field.

A few of the major cases are:

- The Yakima River Adjudication: Washington state is suing the United States over the BIA's claim to an unspecified amount of water from the Yakima River for the Yakima Indian Reservation. Much of that water is currently being used by the Bureau of Reclamation's 500,000-acre Yakima Irrigation Project.

- The Gila River Adjudication: The cities of Phoenix and Tucson and the Salt River Project are negotiating with six reservations over their substantial rights to the Gila River in

southern Arizona. Those reservations are the Tohono O'odham, the Salt River Pima-Maricopa Community, Fort McDowell, San Carlos, Gila River and the White Mountain Apache.

- Milk River Adjudication: Users of the Bureau of Reclamation's Milk River Irrigation Project in Montana are negotiating with the Fort Belknap, Blackfoot and Rocky Boy reservations over rights to the Milk River, which now runs an average shortfall of 121,000 acre-feet a year.

With all the West watching the state of Wyoming's ongoing imbroglio, Kenney says more states may prefer to negotiate Indian water rights. The advantages are that it takes about one-fourth as much time (litigation typically takes 20 years), the expenses go to structural improvements in the water system instead of lawyers, and social tensions are eased.

The best example is the recently completed Fort Hall agreement in Idaho [see accompanying story].

"At Fort Hall we got everyone talking to each other and considering that they are good neighbors," says Kenney. "At Wind River we have people carrying guns and talking about killing each other." Either way, settling Indian water rights exacts about the same costs. Both the Fort Hall and the Wind River cases will end up costing taxpayers around \$25 million, says Kenney.

"These water rights cases are pretty expensive," he admits, "but not when you consider that you've been using somebody else's water for 50 or 60 years."

— Steve Hinchman

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## Let the circle be unbroken



We have big, big worries these days. The sky hangs heavy on our heads and the ozone is dangerously thin. Our rain is acid, and in some places the snow falls black.

Scientists don't agree on the problems, and the politicians don't seem to get serious about solving them. So what can we run-of-the-mill individuals do about such huge fears?

One way is to use your own small worries, like the kids, the bills or the rattle in the car, to blur the big ones — sort of like pressing on a splinter to relieve the ache of a boil.

Since our kids are too big and our bills too small to be very effective, we use our friends the wild honeybees as our Band-Aid worry. Actually their plight (extinction) is identical to our own, but they are already facing it while we are still waiting.

Few of us ever see these small creatures that buzz around us every time we get beyond city limits as anything but insects with stingers. My husband and I had explored and written about the wonders of the West for several years and still saw them that way until one day, when we were filming wildflowers. The bees literally forced us into a new awareness by appearing in our viewer each time we tried to focus on a blossom.

Finally, in exasperation, we exclaimed, "Where in the world are these bees coming from?" Where indeed?

We looked at the empty desert around us — two miles from a road and several miles from any habitation or possibility of an apiary. These bees were undoubtedly wild, and there were so many of them that their hive must be nearby. We decided it might be interesting to see a wild beehive. With the usual human conceit we decided to take an hour off and find it.

We spent the rest of the day hiking, climbing, peering and prying. The sun went down and the bees went home — wherever "home" was! We had learned the first lesson in bee lore: No one finds a wild beehive by "stumbling" on it, and no one we know has ever found one just by "looking."

Our interest was piqued. We went home and looked up "honeybee" in the encyclopedia. The first thing we learned was that "our" bees are foreigners. America has no native honeybee.



When the Spanish padres came to the West Coast 500 years ago, they built missions and planted fruit trees. When the trees did not bear well, the padres looked more closely at the new land and saw no efficient pollinators, and they ordered hives of Spanish honeybees on the next boat.

The tame bees quickly finished their duties in the small orchards and started swarming into the empty land around them. Building hives in the rocks and carrying pollen baskets from plant to plant, in the next century they made our semi-barren desert to "blossom as the rose."

They kept spreading, up and down the coast, into the valleys, over the mountains, producing an abundance of wild fruit and berries that drew clouds of birds; covering the hills with lush plant life upon which thousands of wild animals could browse, increasing alder and willow groves that attracted fur bearers to rivers and ponds.

When the white man, the last recipient of the Spanish bees' bounty, came to claim the West, he

wrote in amazement in letters and diaries of what he found. A trapper following an Oregon river spoke of "rye grass seven feet tall"; a Sierra gold seeker described an alpine meadow "purple with wild onion"; a Yellowstone explorer was enraptured by the beauty of the falls, the geysers, the snow-capped peaks and "the many pleasing wildflowers" on the trail.

What the wild bees did for our West was only what they had been doing around the world for tens of thousands of years. Scientists tell us that possibly 100,000 plant species owe their existence to the honeybee, the most effective pollinator on earth. And, as Eva Crane has said, "the production of honey is [only] a by-product of the survival of plant life."



So now we knew their origin, their history and their ecological value, but we still didn't know where they lived. Old bee books advised "bee lining." The instructions sounded simple, but it proved to be one of the trickiest techniques we had ever tried to learn.

After two full weekends we finally succeeded in finding a hive, and it was worth all the effort, even if it did prove to be an almost invisible and certainly impregnable crack in a cliff face.

From then on, bee-lining became a favorite sport. We found them as low as Death Valley and high in the mountains of Oregon, hives in rocks, in hollow trees, in rotten logs, in ghost-town buildings.

We wore no nets, used no sprays, and were never stung. On bee trails we have carried our amiable friends on our arms, in our hair, in our pockets. We studied their homes and their habits, took close-ups of their activities, laid our ears against their walls to gauge the extent and location of the chambers by the humming inside.

As long as we remained careful and quiet they made no threats, offered no resistance to our unthreatening intrusions. In effect, these remarkable beings seemed to be telling us that their work was much too important to be interrupted by mere curiosity seekers.

We found them in uncountable numbers where flowers were so thick that the bees could crawl from blossom to blossom. We found them also in barren areas where flying space was 50 feet or more between flowers — but they never neglected a plant in either case.

Bees know no "weeds." Every plant is a part of the ecological circle, whether or not it bears a pretty flower, produces an edible leaf, or puts down roots that hold the soil against rain and wind. The work of the bees is to keep this circle unbroken, and they do it well.



Then, suddenly, we couldn't find our bees. If we found a hive, it was small and new. Revisiting an old hive, we found it empty and dead. We went back to the Nevada desert, an area of public land with miles of sage and rabbit brush, where bees and birds and butterflies had filled the air with sound and color.

We stopped to visit old friends, a family of hawks in a juniper tree. They were gone. Frantic mother grackles flew above nests where their baby birds lay dead. We saw no butterflies. We saw no bees. What was happening?

On inquiry back in town, we learned that our bees had been annihilated in a massive grasshopper-poison spraying that had covered thousands of acres of private and public land with a deadly mist. Someone had counted the grasshoppers that spring and

found a few too many. What was happening was what we have come to call the "spray mania."

Towns are sprayed for mosquitoes, forests for tree worms. Roadsides are sprayed to eradicate weeds (and berries, bird habitat and beauty). Both wildlands and croplands are sprayed with chemical "weed" killers, then re-sprayed with chemical fertilizer to produce "civilized" crops. Both poisons wash into the irrigation ditches and streams to destroy fish, plant and animal life, and, possibly, man.

People who keep tame bees are usually warned of spraying plans, and do what they must to protect their hives. Even with this precaution, an estimated million hives have been destroyed or damaged in the United States in the past decade.

As for the wild bees, they have no warning and no escape. Even the old log hives high in the mountains are in danger. When a forest fire roars above them, if the flames don't get them the fire-retardant poisons will.



As our wild bees have disappeared, the list of endangered species has grown longer every year, in forests and public lands, in the deserts and on the mountains. We watch this happening and the last lines of a verse we knew in childhood come back to haunt us with their warning:

*For want of the battle, the kingdom was lost  
And all for the want of the horseshoe nail.*

Will our kingdom, too, be lost for the want of the bee — the "horseshoe nail"?

We can no longer bee-line in the valleys where bees once hummed ahead of us and familiar flowers bloomed. Birds and butterflies now are rare, and if there is a coyote left, he is afraid to sing.

And our biggest personal worry, the one that holds even gray skies and black snows at bay, is this: When we take our grandson out to the lovely land we knew, what are we going to say when he asks, "Where have all the flowers gone?"



— Julia Craw

Julia Craw lives in Baker City, Oregon. With her husband, Andrew, she has written for many magazines about Western travel and natural history.



Andrew Craw

The author starts a bee line by attracting wild bees to honey



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