

High Country News

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A Paper for People who Care about the West

One dollar

The public gets a chance to revamp dams built 50 years ago

Native Americans are in the best position to alter the way dams are operated

by Brian Collins

In 1924, Tacoma City Light built a dam on Washington's North Fork Skokomish River. Cushman Dam, like hundreds across the nation at the time, was a symbol of progress — a vast supply of clean power for industry and the city.

As decades passed, however, ominous side effects became evident:

- The dam dried up one of the Olympic Peninsula's biggest rivers by rerouting it to Hood Canal, a branch of Puget Sound. This devastated the river's anadromous fish runs, contributing to the regional decline of the fishery and the economy it supported.

- The dam impoverished the Skokomish Tribe, which traditionally relied on the fishery. Without compensating the tribe, the city also put its powerhouse on some of the tribe's best land and marched power lines across much of the rest.

Now, a chance exists to re-examine Cushman Dam and scores of others. As the year comes to a close, hydropower developers will ask the Federal Energy Regulatory Commission (FERC) to renew licenses for 170 of the nation's oldest hydropower projects. Also up for renewal are an additional 50 projects that will expire later this decade. The licenses of 80 more, including Cushman, expired as long ago as 1974 but operate on a "temporary" basis. Many projects coming up for renewal encompass multiple dams.

About 100 of these 300 expired or soon-to-expire projects are in the West, on such rivers as the Snake, Kern, Arkansas, Missouri, Deschutes and Sno-

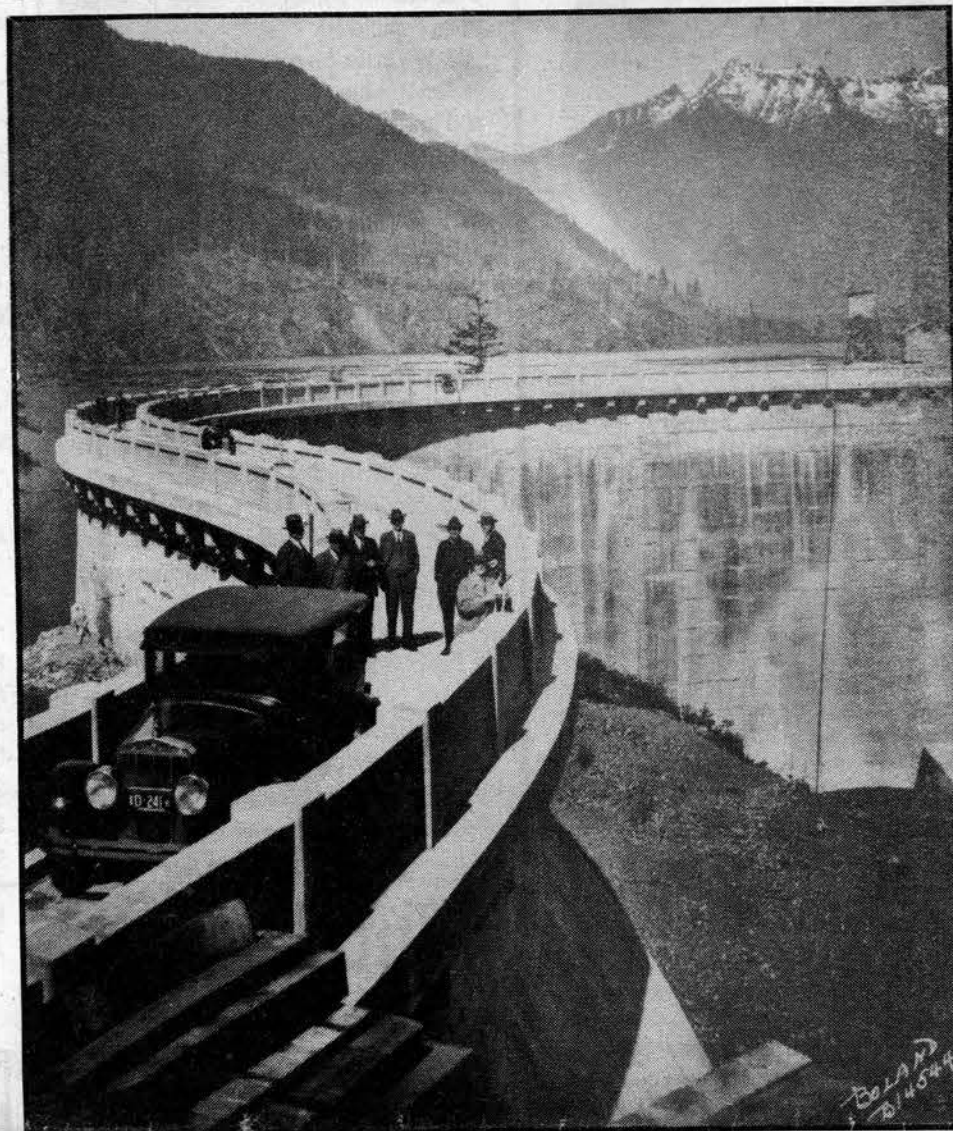
qualmie. Excluded are dams like Grand Coulee on the Columbia and Hoover on the Colorado, which were built by federal agencies.

These non-federal projects were built early in this century in an era when there was little, if any, attention to the effects of dams on the natural or social environment. The nation now has a historic opportunity to reverse those effects, to restore environmental, recreational, economic or religious values, by modify-

ing or even removing projects.

The opportunity comes at a critical time for water in the West. Many fish and wildlife populations are at risk of extinction, as are the economies and cultures built upon them. Recreation, water supply, irrigation and other uses also vie with hydropower. Native societies are struggling to restore their traditional cultures and livelihoods, linked everywhere in the West with rivers.

In relicensing these dams for another 30 to 50 years, the nation is making decisions with wide-ranging social and ecological implications. Yet the relicensing process is new and relatively unknown.



Washington's Cushman Dam, brand-new in 1924

Washington State Historical Society

Two sets of values

The first decades of this century saw a rush to develop hydropower, and it became clear to some observers that perennial licenses were not in the public's best interest. According to David Conrad, water resources specialist at the National Wildlife Federation, President Theodore Roosevelt and national forester Gifford Pinchot, the first chief of the Forest Service, fought some of their

Seventy-one years later, public attitudes toward rivers and the environment have changed. In 1986, Congress revised FERC's original mission with a number of amendments to the Federal Power Act, known as the Electric Consumers Protection Act. This act strengthened the authority of federal and state fish and wildlife agencies over hydropower development and required FERC to consider recreational and ecological values equally with power generation in making its decisions.

It also required FERC to take into account the interests of Native Americans, and to consider the comprehensive plans of other states and federal agencies. It was the upcoming spate of relicensings that Congress had in mind when it passed the 1986 reforms, says Conrad, who played a role in shaping the legislation.

At the same time as FERC's direction has been reshaped, the authority of other government agencies over dams has increased. The federal Clean Water Act was amended in 1972 to give the states and U.S. Army Corps of Engineers independent authority over non-federal hydropower projects. Other federal agencies charged with managing federal reservations have also gained influence over FERC.

Not surprisingly, through the years, FERC has made some enemies. Critics say the agency remains one that "never met a dam it didn't like."

Decisions on relicensing are not being made on the blank slate Congress imagined, says National Audubon attorney John Echeverria; instead the agency

Continued on page 8

Is FERC the federal agency that 'never met a dam it didn't like'?

toughest battles on behalf of the public's right to participate in hydropower decisions by imposing term limits on private dam licenses.

Congress incorporated this provision in the Federal Water Power Act of 1920. The act promoted private development of rivers, while at the same time keeping rivers within public control by authorizing FERC to issue licenses for no more than 50 years.

By the time a license expired, Congress reasoned, private developers would have profited sufficiently, and the public could determine a river's best use. A decision whether or not to relicense would be made on a clean slate.

Dear friends,



HIGH COUNTRY NEWS

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Corrections

Two readers told us an article in the Oct. 21 issue rewrote the history of the God Squad. The article said that the God Squad had allowed Tellico Dam to proceed despite the presence of the endangered snail darter. In reality, Congress overrode the committee to allow the dam to be completed.

We insist on moving free-lance writer Jim Robbins out of Helena, Mont., and into Missoula, he tells us. We did it again on Nov. 4 at the bottom of his story on a proposed mine near Yellowstone National Park. In the same issue, in a Roundup by Jo Baeza of Pinetop, Ariz., we changed gender on Terry Myers, wildlife biologist for the Lakeside Ranger District of the Apache-Sitgreaves National Forests. Myers is a "he."

In the Nov. 18 issue, in the Dear Friends mention of the E-Town radio program, we turned Nick Forster, the producer and host, into a blues rather than a bluegrass musician, and misnamed Sam Bush, also a bluegrass musician. Our apologies.

Visitors and other notes

Subscriber Andy Kahn came by from Wenatchee, Wash., where he helps apple growers use integrated pest management. Andy says IPM saves the environment by

reducing the use of chemicals even as it saves the growers money. Curtis Garner, a senior at Mesa State College in Grand Junction, Colo., was in Paonia to study how the town adapted to the movement of counter-culture people into the valley in the early 1970s. As we remember it, the adaptation fell somewhere between "not very well" and "poorly."

An old friend of *High Country News*, William Voigt Jr., 89, died Nov. 2 at his home in Blackshear, Georgia. Voigt had served as executive director of the Izaak Walton League of America, was the author of *Public Grazing Lands: Use and Misuse by Industry and Government*, and a prolific free-lance writer. Staff sends its condolences to his wife, Billie Booth Voigt.

Elsewhere in this issue, we discuss why *HCN* makes extensive use of junk mail: it's the only approach we know that works. But there is a major problem with it: junk mail recipients often strike back, and use a business reply envelope to do it. One anonymous correspondent returned our letter peppered with notes such as "a la *National Enquirer*" and "you have really fallen off the slope to the left." Another correspondent — an ex-subscriber from Boulder, Colo., we were trying to entice back into the fold — asked us to remove his name from our prospecting list: "After 5 or 6 years of your paper, I can't take it anymore." But he added, "I got you a new subscriber to replace me. And they like your paper."

— Ed Marston for the staff

HOTLINE

Big guns sight on pipeline

Gerry Spence's law firm, which has defended such high-profile clients as Dave Foreman of Earth First! and Imelda Marcos, has agreed to represent the Wyoming Outdoor Council in its fight against the Altamont Gas Transmission Co. The newly formed public interest subsidiary of the firm Spence, Moriarty and Schuster will assist the council in its contention that a proposed pipeline

through Wyoming would violate the National Historic Preservation Act, the Clean Water Act and the National Environmental Policy Act. "We have many concerns about the proposed route (of the pipeline)," says Dan Heilig of the Wyoming Outdoor Council, a non-profit group. Among the most serious concerns, he says, is that the pipeline, designed to transport natural gas from Canada to Southern California, would disrupt the historic South Pass, where many of the country's earliest pioneers traveled. The law firm's subsidiary, called Lawyers and Advocates for Wyoming, is based in Jackson.

Old-growth protests lead to court

Environmentalists and proponents of logging an old-growth forest have squared off in southwestern Colorado.

Trial dates are pending for 23 defendants who have pleaded not guilty in U.S. District Court to charges stemming from their arrests while protesting logging at the Sandbench timber sale, 35 miles northwest of Pagosa Springs, Colo.

Protesters say Sandbench is an old-growth forest with a rare and biologically diverse ecosystem worthy of preservation. They maintain that logging the area may destroy a fragile ecological balance that has taken centuries to establish.

But proponents of multiple-use practices on public lands are organizing to make their voices heard. Recently, the newly formed San Juan Wise-Use Alliance sponsored a Timber Use Awareness Fact Fair in Pagosa Springs. An estimated 150 people attended the event, including speakers who repeatedly said it was "a God-given right" to utilize natural resources. Several speakers also charged that environmentalists are misleading the public about public lands, including Sandbench.

"Much of the Colorado heritage is built on the use of our natural resources," Archuleta County Commissioner Jerry Martinez said. "This community would be no more if we didn't have the (timber and ranching) industries," he said.

Don Berry, executive director of the Colorado Timber Industry Association, drew cheers when he asked the crowd, "What the hell is more important, an endangered species or a human?"

A retired math and science teacher, John Taylor, was blunt. He said environmentalists had a hidden agenda of socialism or communism. For people he called "eco-viruses," the environment is only a "means to their end."

For many protesters who engaged in acts of civil disobedience, appear-



Erik Moeller

A pro-logging rally in Pagosa Springs

ances in court come soon. Twelve protesters will be tried this winter on federal charges of interfering with a forest officer, an offense that carries a maximum penalty of five years in jail. The group refused to leave a Forest Service office.

Two protesters who locked themselves to a cattle guard to block trucks go on trial Jan. 14.

Trial dates have still not been set for nine people who entered the Sandbench timber sale area after the San Juan Forest supervisor closed the area. That 800-acre closure remains in effect. The American Civil Liberties

Union, however, is investigating the constitutionality of the closure order, an ACLU spokesman said.

The Forest Service awarded the Sandbench timber contract to Stone Forest Industries Inc. last March. Located in South Fork, Colo., the company plans to cut 5.7 million board-feet of timber from the area, or about 15 out of every 240 trees per acre, according to Forest Service figures.

— Erik Moeller

The writer is a staff reporter for the *Durango Herald*.

WESTERN ROUNDUP

A Montana forest slashes its planned timber cut

The Northern Rockies region of the U.S. Forest Service has emerged as the hottest arena of forestry debate outside the Pacific Northwest, home of the spotted owl. The cause is the highly publicized ouster of John W. Mumma, who retired earlier this month as regional forester rather than accept an agency-assigned transfer (*HCN*, 9/23/91).

Testifying before a congressional subcommittee in September, Mumma suggested his reassignment was a politically driven reprimand for not cutting enough timber (*HCN*, 10/7/91). In the last several years, forests under his direction sold only about 70 percent of timber levels mandated by Congress in the mid-1980s. But meeting projected timber harvests, Mumma testified, would have meant breaking environmental regulations. The House Civil Service Subcommittee is currently investigating whether the agency's attempted transfer of Mumma was a violation of whistleblower protection laws.

Meanwhile the region continues to attract attention in the wake of Mumma's sudden departure. Region 1 forests are being held up as examples of some of the worst cutting practices of past decades as well as some of the most sweeping reforms.

In mid-November, an article on the front page of the *Washington Post* identified forest supervisor Orville Daniels as the "center of a raging debate over the future of logging on the entire 191 million acres of U.S. Forest Service land." A week later, a full-page ad by the Montana Wilderness Association in the *New York Times* proclaimed, "Scandal Erupts in the Northern Rockies, The Chainsaw Massacre in U.S. Forests."

Capitalizing on the furor over Mumma's congressional testimony, the Montana Wilderness Association ran its ad to generate support for its proposed 3.5-million-acre wilderness bill.

"We're upping the ante in terms of our audience," says conservation director Bob Decker. "The issue has become more and more national."

Mumma's replacement, acting Regional Forester John Hughes, isn't happy with the attention. "We're being used in a national debate," he says. "We're just one region trying to do what needs to be done. We don't have old growth. We don't have spotted owls. What we have is the largest inventory of roadless areas left in the nation."

One reason for the spotlight on the northern Rockies is that its national forests have begun reviewing their 10-year forest management plans, which were written about five years ago. Consistently, the foresters are finding that the timber projections in those plans were "too optimistic," in the words of William E. Morden, supervisor of the Idaho Panhandle forest.

Before Mumma was given his reassignment, he had been working with the 13 forest supervisors in Region 1 to update and amend the forest plans, a prospect that sent a chill down the spine of the region's timber industry.

In fact, some observers speculate that Mumma's ouster was not a reprimand for his failure to meet targets last year but rather an example to his reform-minded foresters.

In a report released several months before Mumma's transfer, Idaho Pan-

handle Supervisor Morden summed up the mood in Region 1: "We agree the time is ripe for a management philosophy that treats the forest with a lighter hand, one that considers the forest in its entirety rather than as individual stands of trees ... It means another bite out of our current forest plan timber goals."

If Mumma's transfer was engineered as a warning to Region 1 foresters, it may have had the opposite effect. The national press and public scrutiny focused on the region in recent months has only helped reformers publicize their cause, says Arnold Bolle, a retired dean at the University of Montana's School of Forestry.

"I think (the press attention) is a great opportunity for improvement," says Bolle. "It's been quite helpful."

Two weeks after Mumma's departure, supervisor Orville Daniels went ahead with a planned announcement that landed him squarely on page one of the *Washington Post*. Daniels announced that the 2.1 million-acre Lolo National Forest near Missoula would be reducing its projected timber sales by half for the next five years. In a Sept. 11 letter to "concerned citizens," Daniels explained why the forest was reducing its harvest so dramatically, from an annual prescribed ASQ (allowable sale quantity) of 107 million board-feet to 51 million board-feet.

One major factor, said Daniels, was the extensive clearcutting of private forest land adjacent to the Lolo National Forest. Nearly 400,000 acres of land within Lolo boundaries is owned by large private companies such as Champion International and Plum Creek. Over the last decade, they have practiced "accelerated harvesting," cutting approximately 90 percent of their Montana holdings (*HCN*, 9/23/91).

"The cumulative effects of both private cutting at the current rate and Lolo cutting at the planned rate would violate resource protection standards for wildlife cover and watershed buffering," Daniels wrote.

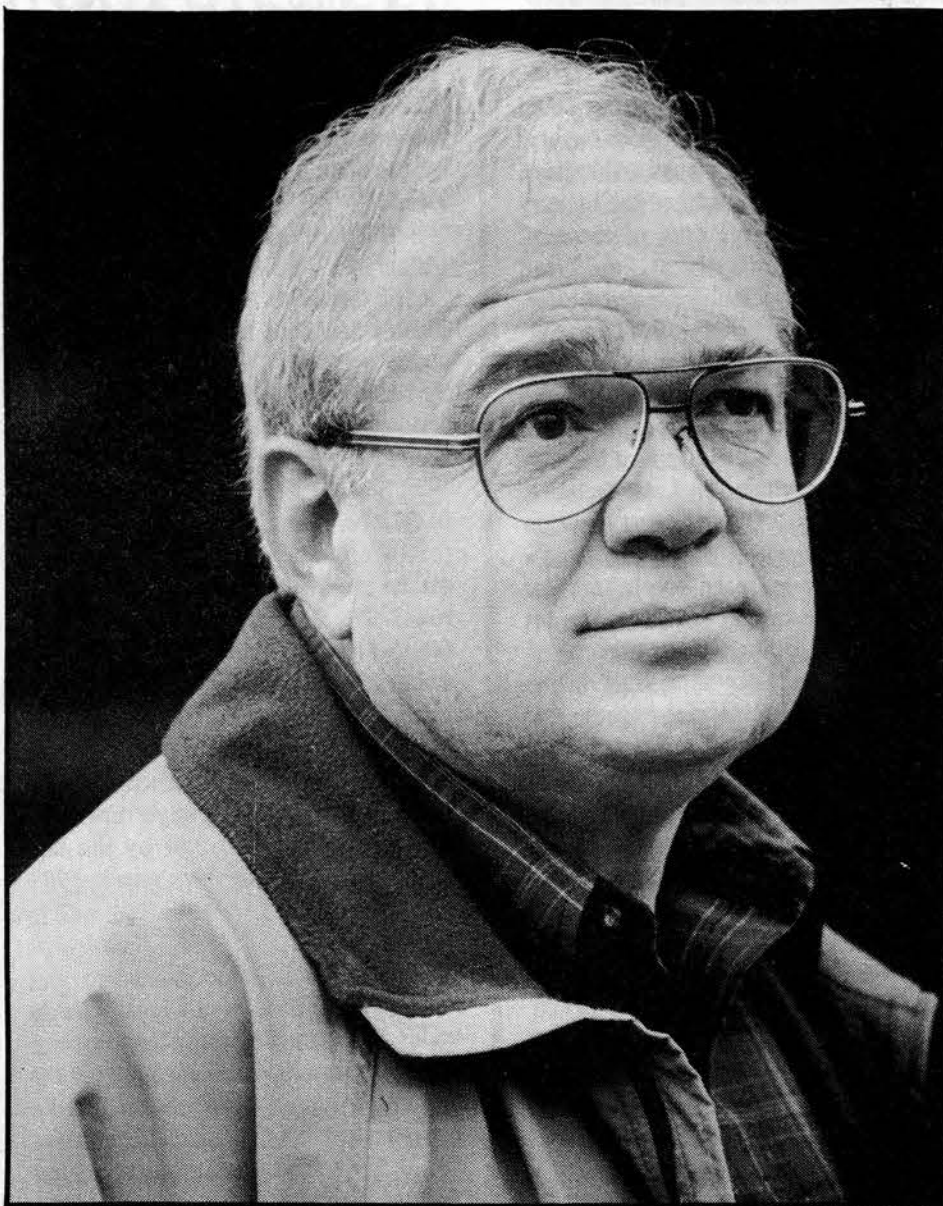
Other reasons cited by Daniels include overcutting during the 1960s and 1970s in areas that have yet to recover; extensive fires on several hundred acres of forest from 1910 to 1935, which were not accounted for in the 1986 forest plan; and the prohibitive cost of preparing environmental impact studies to harvest timber in small roadless areas.

Two days after Daniels' stunning announcement, Forest Service Chief Dale Robertson sent a stinging response to John Hughes, the acting Region 1 head who has replaced John Mumma. Robertson said the Lolo's current forest plan, with its 107 million board-feet projection, is still in effect until formally amended. "You should not allow forest supervisors to make such future announcements before completing appropriate ... amendment procedures," wrote Robertson.

Daniels, however, contends that his Sept. 11 letter is still valid because it exercises his legal discretion to adapt a forest plan to changing forest conditions, according to Marcia Hogan, a Lolo spokeswoman.

"What we did was announce a short-term timber sale program," says Hogan. "We will be amending our forest plan."

Hogan says the reduction in sales is



Michael Gallacher

Forest supervisor Orville Daniels

the result of nearly two years of drainage-by-drainage timber studies on 1.2 million acres in the forest. "We found sediment pollution and wildlife problems ... We're not the only forest experiencing this."

An appeal of Daniels' announcement by the Intermountain Forest Industry Association (IFIA) was thrown out last week by agency auditors, according to Steve Solem of the Forest Service.

"Daniels' decision was discretionary, and therefore not appealable," he says.

Nevertheless, the timber industry views Daniels' letter as a violation of forest procedures and may pursue legal action. "It's hard to understand how reducing the cut 50 percent is not considered a major change to the forest plan," says IFIA spokesman Ken Kohli. "We think there has to be public involvement."

IFIA Executive Vice President James Riley calls Daniels' timber reduction a "shock." "This whole event just reeks of being some form of misguided retribution for John Mumma's recent retirement."

Others tout Daniels' move as nothing less than heroic.

"Orville was the only one with the nerve enough, and the information sound enough, to show what's really happening," says former forestry dean Bolle.

For environmentalists, the timing of the Daniels letter could not have been better.

"After Mummagate, Orville is fairly bulletproof," says John Wright of American Wildlands.

"Certainly the attention focused on the region after Mumma's retirement helped draw attention to problems in the region," says Lolo spokeswoman Hogan.

For the time being, Region 1 remains a prominent beacon of change. Says acting Regional Forester John Hughes: "I think there was a lot of expectation that these forest plans were cast in stone. Those expectations are wrong. The truth is, the plans have to reflect changed conditions in the forests and (environmental) legislation."

— Florence Williams

Florence Williams is a staff reporter for *High Country News*.

HOTLINE

WIPP opening stalled

The state of New Mexico went to federal district court last month to prevent the opening of the Waste Isolation Pilot Project in Carlsbad, N.M. In October, the Department of Energy thought it had cleared its last hurdle to opening the controversial low-level radioactive waste dump when it assumed ownership of WIPP through an administrative exchange with the Bureau of Land Management. The Energy Department said it would immediately begin waste shipments to WIPP, burying as many as 8,500 drums of plutonium waste over an

eight-year period of tests. But before shipments could begin, New Mexico Attorney General Tom Udall filed suit. He asked for a delay until Congress could vote on the project or until the court could hold longer hearings on the case. At preliminary hearings Nov. 15, Udall argued that the site is technically unsafe because of cave-ins in WIPP's salt caverns. However, DOE officials said WIPP has passed all environmental regulations, and that every month's delay costs federal taxpayers \$1.5 million. The court is expected to rule this month. In the meantime, the U.S. Senate passed a bill allowing the DOE to bury 8,800 barrels of waste for eight years. The House version of the WIPP bill, however, is stalled in committee.

HOTLINE

Coyote shoot may resume

Government agents in planes could once again be allowed to shoot coyotes within Utah's Mount Naomi Wilderness. The practice was prohibited last January when representatives from government, the livestock industry and the Utah Wilderness Association approved alternatives to aerial shooting. But Dean Selman, a rancher who grazes sheep in the Mount Naomi Wilderness, appealed the decision, and Forest Service Chief Dale Robertson decided to overturn the ban Oct. 8, reports the *Salt Lake Tribune*. Robertson said if the Forest Service wants to ban aerial gunning, officials must first prepare an environmental study of predator control in Mount Naomi, taking into account impacts on the grazing industry as well as on the wilderness. Officials are expected to produce an environmental assessment sometime this winter. Although killing coyotes from the air is common throughout the West, it became the subject of debate after the Mount Naomi region became designated wilderness in 1984. "Using helicopters and shotguns to slaughter coyotes ... because they may have preyed on a lamb during the previous summer, defies scientific predator control," says Dick Carter of the Utah Wilderness Association.

Investigation at Rocky Flats

Two former Rocky Flats nuclear plant employees said their homes were shot at and they were forced to resign after talking to the FBI about on-the-job safety and environmental problems. The Department of Energy is currently investigating Jacqueline Brever's and Karen Pitts' allegations that technicians at the Colorado plant frequently turned off radiation alarms, that workers deliberately exposed other workers to radiation, and that one room was so contaminated that walking on its concrete floor was like walking on a sponge. Brever described a 1987 incident to the Associated Press in which she was contaminated by nuclear waste but received no help. Radiation technicians were playing cards in the cafeteria. She later learned that a worker on the previous shift had posted a sign warning that the room was radioactive, but someone else had taken the sign down. On another occasion, Brever said she was sucked up to her waist into a radioactive container because a vacuum pump had faulty closure seals. The two women are currently involved in a suit against Rockwell International and EG&G, the former and current managers of Rocky Flats.

BARBS

The NRA objects on principle to anything connected with the word "humane."

Sears, Roebuck and Co. has stopped selling a line of stuffed animals after the National Rifle Association complained that profits were to be contributed to the Humane Society.

The people of New York City, Los Angeles and Bangladesh will simply have to wear scuba equipment full time.

A report by a National Academy of Sciences group says the world's population can adapt rather easily to global warming through the use of technology.

A near-extinct species gets listed

STANLEY, Idaho — As expected, Snake River sockeye salmon was declared an endangered species Nov. 14 by the National Marine Fisheries Service.

This fall, only three males and one female made the 900-mile trip from the Pacific Ocean to Redfish Lake, high in Idaho's Sawtooth Mountains, 7,000 feet above sea level. The fish were captured by Idaho Fish and Game officials and artificially spawned in the Sawtooth National Hatchery.

The bright red and silver fish spawn in October along windswept shores of the lake. Once hatched, the salmon smolts are swept to the sea on spring runoff flows as they transform from freshwater to ocean-going fish. They swim thousands of miles in the ocean before returning to the lake in three to four years.

Once numbered in the tens of thousands, Snake River sockeye runs numbered less than a dozen by the late 1970s. Only two fish were seen in 1989, and not even one sockeye returned to Redfish last year.

The decision immediately provides the Fisheries Service with broad powers under the federal Endangered Species Act to limit activities throughout the Columbia River watershed. But the under-funded and understaffed bureau of the U.S. Commerce Department has taken no sweeping action.

It is required to consult with other federal agencies to ensure that any action they authorize, fund or carry out themselves does not threaten the existence of the sockeye. Environmentalists say the Fisheries Service's top priority is to force the Army Corps of Engineers to modify four dams on the Snake River in Washington to speed the passage of juvenile salmon migrating to the ocean in the spring.

"Now NMFS must force the Corps to fix the dams," said Ed Chaney of the Columbia-Snake Mainstem Coalition.

"I'm tickled to death," said Idaho Gov. Cecil Andrus, who has long supported listing. "This is a victory for the upstream states because it now sends a clear message to the downstream members that have been so reluctant to do something. The river will be a multiple-purpose river and not just a hydroelectric river."

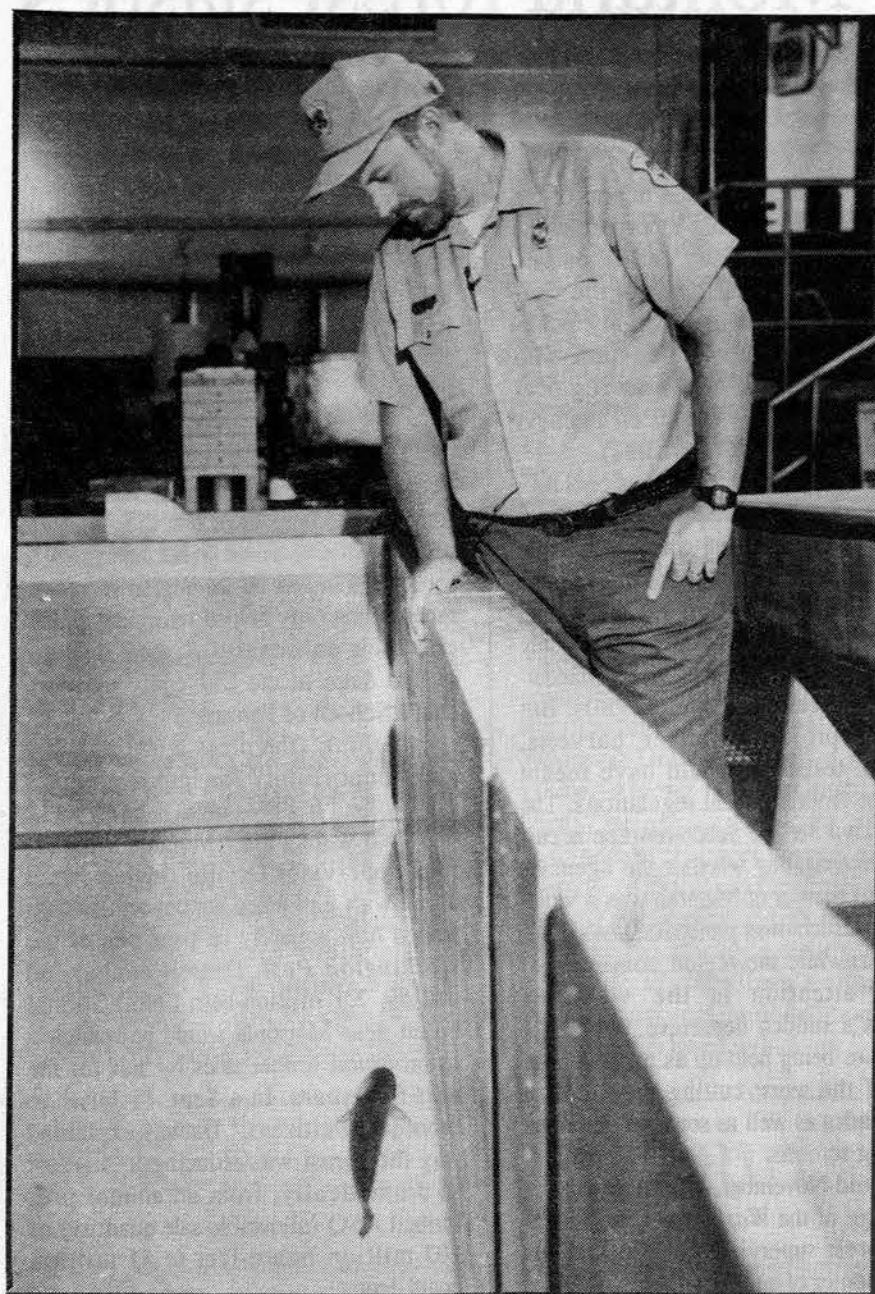
Bill Bakke, whose group, Oregon Trout, has petitioned for listing Snake River chinook and Columbia River coho, said the decision makes the region accountable for protecting sockeye salmon. "And that is a legal accountability," Bakke said.

The Fisheries Service could curtail irrigation, mining, logging, fishing and shipping. It also could force changes in operations of eight hydroelectric dams on the Columbia and Snake rivers, which could increase power rates throughout the region from 2 to 10 percent.

In its decision, the Fisheries Service determined that kokanee, a landlocked version of the sockeye, is distinct from the sockeye. That delineation will make recovery of sockeye even harder. It limits the fish that can be used to restore the species to the four that returned this year, their progeny, several thousand fingerlings gathered last spring and whatever sockeye are left in the ocean.

The Shoshone-Bannock Tribes filed a petition in April 1990 asking the Fisheries Service to list sockeye as an endangered species. Tribal leaders were pleased with last month's decision.

"We look at the spirits of the many sockeye salmon that have passed on because of the degradation of civiliza-



Diane Ronayne

Hatchery superintendent Rick Alsager observes one of the four sockeye that returned to spawn this year

tion," said Kesley Edmo, Sho-Ban Tribal Business Council chairman. "Now we must face a possible loss of the strong spirit that lives within the sockeye ... unless civilization realizes that progress must be kept in touch with the many spirits of the land."

The agency proposed listing in April and environmental groups sued, demanding immediate emergency listing in May. The listing last month was the fastest listing decision ever made by the agency.

"This decision by NMFS has given everyone, especially the Army Corps of Engineers, a five-month jump on resolving the migration problem at the mainstem dams," said Trish Klahr, water quality director of the Idaho Conservation League.

But no one thinks salmon recovery will happen soon.

The Northwest Power Planning Council, a panel appointed by the governors of Idaho, Montana, Oregon and Washington, was preparing to release its final salmon restoration plan at press time. Its draft included proposals to limit salmon harvest, protect spawning habitat, improve migration, and preserve genetic diversity for salmon. The draft supported a controversial plan by Andrus to drain reservoirs behind the four Snake dams during the spring to speed the flow of the river.

But groups from all sides of the issue said it did not go far enough to preserve dwindling salmon numbers. If the plan is not enough, NMFS can force stricter measures in its own recovery plan. But NMFS Northwest Regional Director Rolland Schmitten said he hopes the Pacific Northwest can reach a regional consensus on a recovery plan under the auspices of the power council.

"This is the last opportunity for a

regional solution," Schmitten said.

Govs. Barbara Roberts of Oregon and Booth Gardner of Washington have expressed support for Andrus' drawdown proposal, boosting the chances for regional consensus. But the federal agencies that operate the dams, the Corps and the Bonneville Power Administration, are worried that drawdown will hurt the fish more than help. Economic interests from farmers to barge shippers have said the drawdown will threaten their livelihoods.

Andrus' plan has strong support from conservation groups which say it will more closely copy pre-dam natural flows. They argue that economic costs can be mitigated.

In addition to a recovery plan, the Fisheries Service is required to designate critical habitat, which could place restrictions on private land or water rights owned by irrigators. NMFS plans to combine its designation of critical habitat for Snake River sockeye with a designation next spring of critical habitat for Snake River chinook salmon, said Idaho Republican Sen. Larry Craig. This appears to show NMFS intends to add one or all three of the chinook species studied to the threatened or endangered species list.

"This is an issue that won't go away," said Craig.

Conservationists like Chaney say the sockeye may already be doomed since not enough sockeye remain to meet genetic minimums for long-term survival. But if remedial action is in place by 1993, at least some of the Snake River chinook stocks can be saved, Chaney says.

— Rocky Barker

Rocky Barker reports for the Idaho Falls Post-Register.

Environmentalists, L-P air differences

The mood was tense last month when some 350 people packed city chambers in the western Colorado town of Montrose. The occasion was a hearing of the state's Air Quality Control Commission, called to consider Louisiana-Pacific Co.'s request to increase both air pollution and production at the company's waferboard factory in Olathe.

"We've gathered tonight to mourn the death of clean air in western Colorado," testified Western Colorado Congress member Marv Ballantyne as a dirge built among the environmentalists in the room. Scores of L-P workers and contract loggers booed, hissed and threatened the environmentalists, who then marched out of the room.

"Good, now there's some seats for decent people to sit in," said one logger. "We don't need their kind here."

Predictably, the attempt at environmental theater by a committee of the coalition Western Colorado Congress had little effect on L-P supporters in a region where even low-paying jobs are hard to come by. It had even less effect on the Air Quality Control Commission, which later voted unanimously to give the company its permit.

The permit will allow L-P to increase production and therefore its emissions at the Olathe plant, but it will also require the company to add more than \$1 million worth of new pollution control equipment. Increases in production will not be allowed until the new equipment is installed, which is expected to take about 18 months. State air pollution officials say the improvements will

likely cut emissions of gases, such as carbon monoxide, sulfur dioxide and nitrous oxide, but that toxic volatile organic compound (VOC) emissions will increase when the company resumes full production.

The commission also required L-P to pay for a formaldehyde-monitoring system and a camera to record any increases at the nearby Black Canyon of the Gunnison National Monument.

Although expensive, the permit decision is a victory of sorts for L-P. Since it opened in 1985, the waferboard plant has been the subject of almost continuous wrangling between L-P and state and federal air pollution officials. The Environmental Protection Agency charged L-P with operating without a "major source" pollution permit, and the Colorado Air Pollution Control Division cited the company for violating state standards for visible smokestack emissions.

In the years that followed, more notices of violation by the waferboard plant were filed by state officials, and in 1986 the EPA sued L-P for still operating without a permit. In 1990, following several more notices of violations and compliance orders, the state finally

reached an agreement with L-P requiring the company to obtain a major source permit, called a Point of Significant Deterioration permit.

The PSD permit allows L-P to increase plant production and thus its pollution levels beyond its current limit of 250 tons per year per pollutant. Theoretically, overall pollution levels would not increase, because the PSD permit also requires the polluter to install the "best available control technology" to clean its emissions.

However, the Colorado Air Quality Control Commission declined to require control equipment to clean up VOCs such as formaldehyde, methyl isocyanate and phenol. Those chemicals are released in the production of waferboard, but the state currently has no laws limiting their emission.

Thus, according to L-P's draft permit application, while L-P's emissions of gases will go down by 132 tons per year,

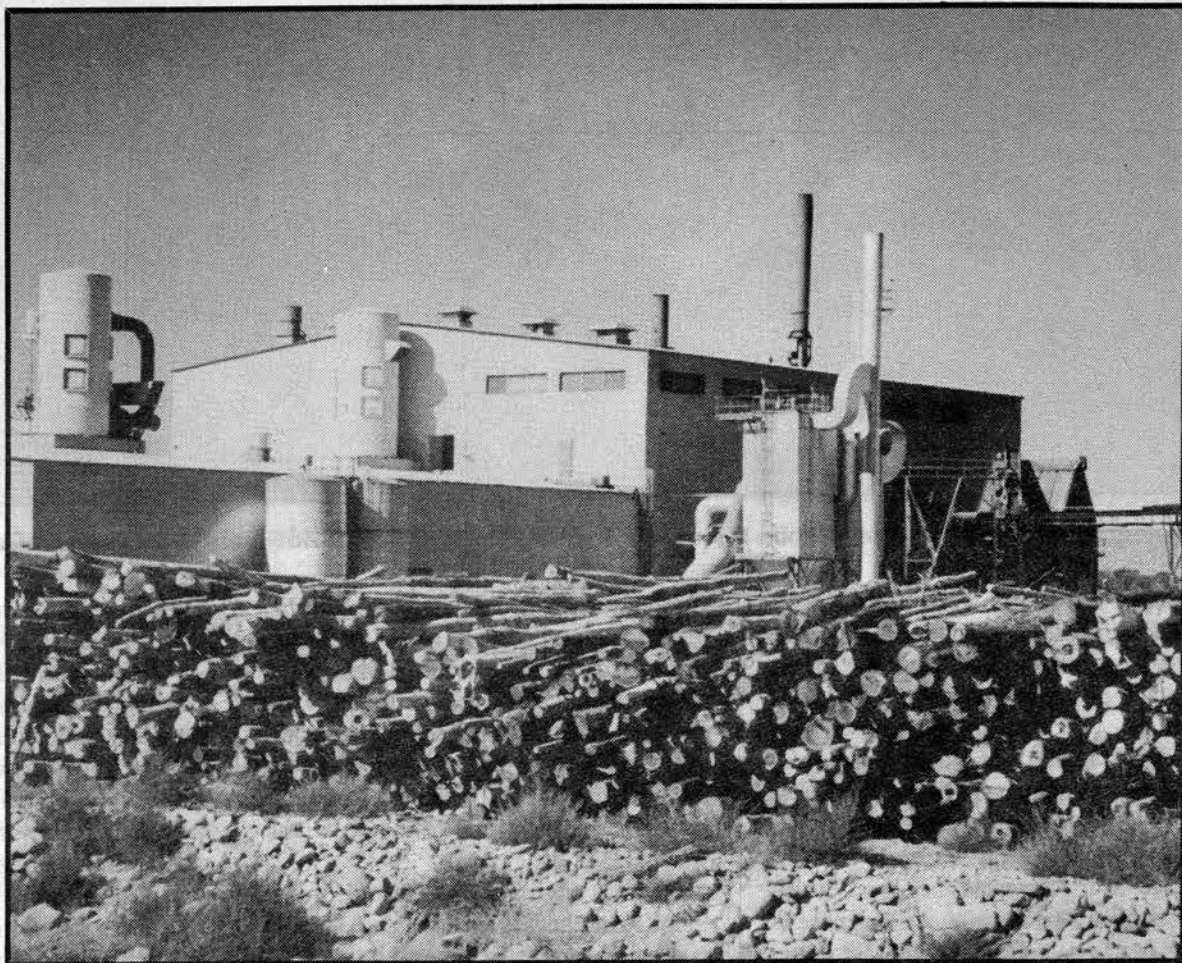
doing it."

L-P attorney Andy Loewi argued that the company's controversial environmental record and its years of haggling with state and federal agencies over the waferboard plant's emissions should not be considered at the hearing.

"The character of the company is not in question ... its compliance record is not the issue," he said. He called the Sierra Club and other environmental groups' charges that L-P is a major pollution source "bald allegations."

But Fern Shepard, an attorney representing the Sierra Club, Western Colorado Congress and the Colorado Environmental Coalition, argued that L-P had shown a pattern of violating air quality at waferboard operations in Michigan, Texas, Wisconsin, Minnesota, Maine and Virginia.

She said company strategy was to come into a community with the promise that its plant will only be a "minor" pol-



Logged trees lie ready for processing at Louisiana-Pacific's Olathe, Colorado, waferboard plant

Stephen R. Wenger

the levels of VOCs — which can cause sickness in humans — will go up by over 500 tons to a total of 833 tons per year.

"Would you okay this permit if your family lived next door?" asked Mallory Clark of Ridgway. She said Colorado's "pitiful" lack of toxic emissions regulations made the plant dangerous to Western Slope residents.

In February, a trial is expected to begin in federal court in Denver, where 11 former neighbors of the plant have filed suit. They charge that L-P emissions have damaged their health and forced them to move from their homes. Attorney Kevin Hannon, who represents several of the residents, said they did not testify at the hearing because of an agreement that parties would not comment on the suits prior to the trial.

But at the hearing, L-P employees and contract loggers, fearing loss of their jobs, said they were more than willing to trade pollution for a paycheck.

"We don't want a playground for rich people," said William Smith, an L-P employee. "We want a working community. We all want clean air, L-P wants clean air, but we've got to make a living

lution source. But once under operation, health officials realize the plant is a major polluter needing a Point of Significant Deterioration permit and expensive pollution control equipment. She said L-P then uses a variety of legal tactics and its economic and political power to stall or minimize any new emission control requirements for an already-operating plant.

"You need to know the history of this company," Shepard said, adding that the commission's duties include protecting public health. "You need to know what kind of company you're dealing with."

After the hearing, L-P threatened to appeal requirements for the expensive formaldehyde-monitoring system, which would record background levels of the chemical around the plant.

Shepard said that if L-P tries to appeal the monitoring system, the environmental coalition would fight them in court. She added her group may also appeal the commission's ruling.

— Don Olsen

Don Olsen is a free-lance writer living in Hotchkiss, Colorado.

HOTLINE

Dam gets green light

Despite an impending lawsuit, the troubled Animas-La Plata water project in southwestern Colorado is set to proceed. Last spring the \$600 million irrigation and municipal water project was stopped a day before scheduled groundbreaking when the U.S. Fish and Wildlife Service ruled that the project would threaten the survival of two endangered fish species. Then a plan to replace water taken by the Animas project was protested by the Navajo Tribe (HCN, 4/22/91). But, on Oct. 25, the Bureau of Reclamation announced a landmark agreement between the Interior Department, the states of Colorado, New Mexico and Utah, and three Indian tribes. The agreement was accompanied by a new biological opinion from the U.S. Fish and Wildlife Service approving a mitigation plan. The two documents will allow BuRec to initially take up to 57,100 acre-feet of water a year from the Animas and La Plata rivers. In return, BuRec will operate Navajo Dam on the San Juan River in New Mexico to improve conditions for the endangered fish. The agency will also help fund a seven-year, \$300,000-a-year fish research program. At the end of that study, the agreement will be re-evaluated. Meanwhile, BuRec faces a lawsuit from the Sierra Club Legal Defense Fund and five other groups, which charges that the agency has violated the National Environmental Policy Act and Clean Water Act.

Reprieve until 1993

Last month Secretary of Interior Manuel Lujan announced final operating regulations for Glen Canyon Dam, 15 miles upstream of Grand Canyon National Park. The regulations, designed to protect the canyon's ecology from extreme fluctuations in the levels of the Colorado River, will be in effect until environmental studies are completed in late 1993 (HCN, 8/27/91). Lujan has ordered that the dam provide a minimum river flow of 5,000 cubic feet per second (cfs), and a maximum flow of 20,000 cfs. While environmentalists applaud the regulations, some are concerned by Lujan's "exception criteria," which allows the federal Western Area Power Administration to exceed the maximum flow 22 hours a month if it needs to generate more electricity for economic reasons. "The jury is still out as to whether the exception criteria will harm the resource," says Duncan Patten, senior scientist for the group writing the EIS. Meanwhile, the Grand Canyon Protection Act, sponsored by Sens. John McCain, R-Ariz.; Dennis DeConcini, D-Ariz.; and Bill Bradley, D-N.J., is before Congress. The act would ensure protection of the canyon's resources in perpetuity, says Ed Norton, president of the Grand Canyon Trust.

BARBS

Don't forget the faux buffalo chips.

"No animal better exemplifies the spirit of America than the American bison," Interior Secretary Manuel Lujan told AP. To restore some of that spirit to the West, New York sculptor Robert Berks plans to place 1,000 life-sized copper bison near Lander, Wyo. The project is scheduled to be completed in 1993 and will cost about \$90 million.

REPORTER'S NOTEBOOK

Water fight sinks wilderness bill

by Larry Mosher

Dan Beard, the House Interior Committee's staff director, got it right when he told me recently that he doubted if even "a handful of members of Congress" understood the federal reserved water rights issue. By the time we finished talking, I knew I didn't, and Dan allowed that he was a little unclear, too.

But Beard understands the politics of the issue and why Colorado's current wilderness bill (S-1029) is dead in the water because of its water rights language. The bill has been floating in the House Interior Subcommittee on National Parks and Federal Lands, awaiting action, since the Senate approved it earlier this year.

California's George Miller, the Interior Committee chairman, and Minnesota's Bruce Vento, the subcommittee chairman, both oppose the bill as written. Further, according to their staffs, they are not willing to move the bill until its authors, Colorado Sens. Hank Brown and Tim Wirth, negotiate changes. And so far that has not happened, despite assertions by Sen. Wirth's staff that he was only committed to "the principles" of his bill's water language.

The problem, put probably too simply, is that the "compromise" reached by Colorado's two senators ended at the state line. On Capitol Hill the bill represents an unacceptable retreat in the murky battle to assert federal reserved water rights in the West.

Sens. Wirth and Brown may well argue that the arcane federal water issue is irrelevant to their bill because almost all the 641,690 acres of proposed wilderness are national forest lands that do not lend themselves to future water diversions. Thus there is no need to protect them with positive water rights language. This is why Sen. Wirth acceded to Sen. Brown's insistence that the bill specifically disclaim all express or implied water rights.

But Reps. Miller and Vento believe they cannot ignore the national implications. This is why they are willing to go against the tradition of honoring a state delegation's wishes on wilderness legislation. All of Colorado's eight-member delegation support S-1029 except Rep. David Skaggs, a Democrat.

Ed Meese's ghost

How did such an important piece of wilderness legislation get into this fix? In conversations with House Interior Committee staffers, the name of Ed Meese eventually surfaces. Meese was attorney general during the Reagan administration. On July 26, 1988, Meese signed off on a legal opinion written by the Interior Department's Solicitor Ralph Tarr that instructed his department to stop pursuing federal reserved water rights in the West. Meese's action made the directive government-wide: It applied to the Agriculture Department's Forest Service as well as Interior's National Park Service and Bureau of Land Management.

The Meese action was to have unexpected and powerful repercussions. A House Interior Committee staffer explains:

"Up until the Meese opinion we were saying water rights language wasn't necessary in wilderness bills

because the courts were handling the issue. Our position was the bills could be silent on the issue. But after the Meese opinion this position became untenable for us.

"It's funny how the worm turns," the staffer continues, "because now we are being seen as the people who are always insisting on water rights language, as if we created the issue. But all the various versions of water language in our past bills were designed simply to defend what we already deemed to exist, not to create or extend any rights. Now the Forest Service will not file for water rights because a former attorney general told them there isn't any such thing in the absence of a clear congressional directive. It's a lovely little mess, isn't it?"

There's more to it than that, however. The Meese opinion was a reaction to a lawsuit initiated by the Sierra Club Legal Defense Fund in Colorado in 1984, that demanded that the Forest Service quantify federal water rights in the state's existing wilderness areas. That suit, initially successful, generated the Tarr-Meese reaction.

But the Federal Appellate Court's 10th Circuit reversed Judge John Kane's decision on the lawsuit last year by holding that the Sierra Club had no standing because there was no specific grievance or threat.

That means until a real cause for action or threat to existing wilderness water needs occurs, no legal avenue exists to force the federal government to define federal reserved water rights. And Congress, of course, is unable to agree on how to quantify those rights.

What had been a delicately balanced arrangement, in which theoretical federal

reserved rights could be adjudicated by the courts, has come unglued thanks to Judge Kane, followed by Ed Meese. And gluing the arrangement back together, or creating a new arrangement, is made difficult by the hostility, the old grudges, the long-remembered treacheries and the paranoia left over from Colorado's past water wars.

Many environmentalists think the Sierra Club Legal Defense Fund lawsuit was an ill-considered tactic that has now backfired. Colorado's major environmental players don't like to publicly bash the Sierra Club Legal Defense Fund, but will speak off the record. Says one environmentalist: "That lawsuit provided ammunition for the other side to generate fear in the water development community that what the environmentalists really wanted was to lock up all their water."

Colorado's water wars have generated more than enough reasons for distrust between preservationists and developers. Since the defeat of the proposed Two Forks dam and reservoir last year, however, some observers see the beginnings of a new era of more cooperation and less confrontation (HCN, 2/25/91).

In Washington, D.C., however, the perception of the state is still where it was before Two Forks. "Colorado is full of crazies when it comes to water," one House staffer said. "I don't understand their emotional attachments. Do they really think the federal government is going to take their alfalfa water?"

Is there a way out?

Chris Meyer, a Boise attorney who represented the National Wildlife Federation in Boulder until earlier this year,

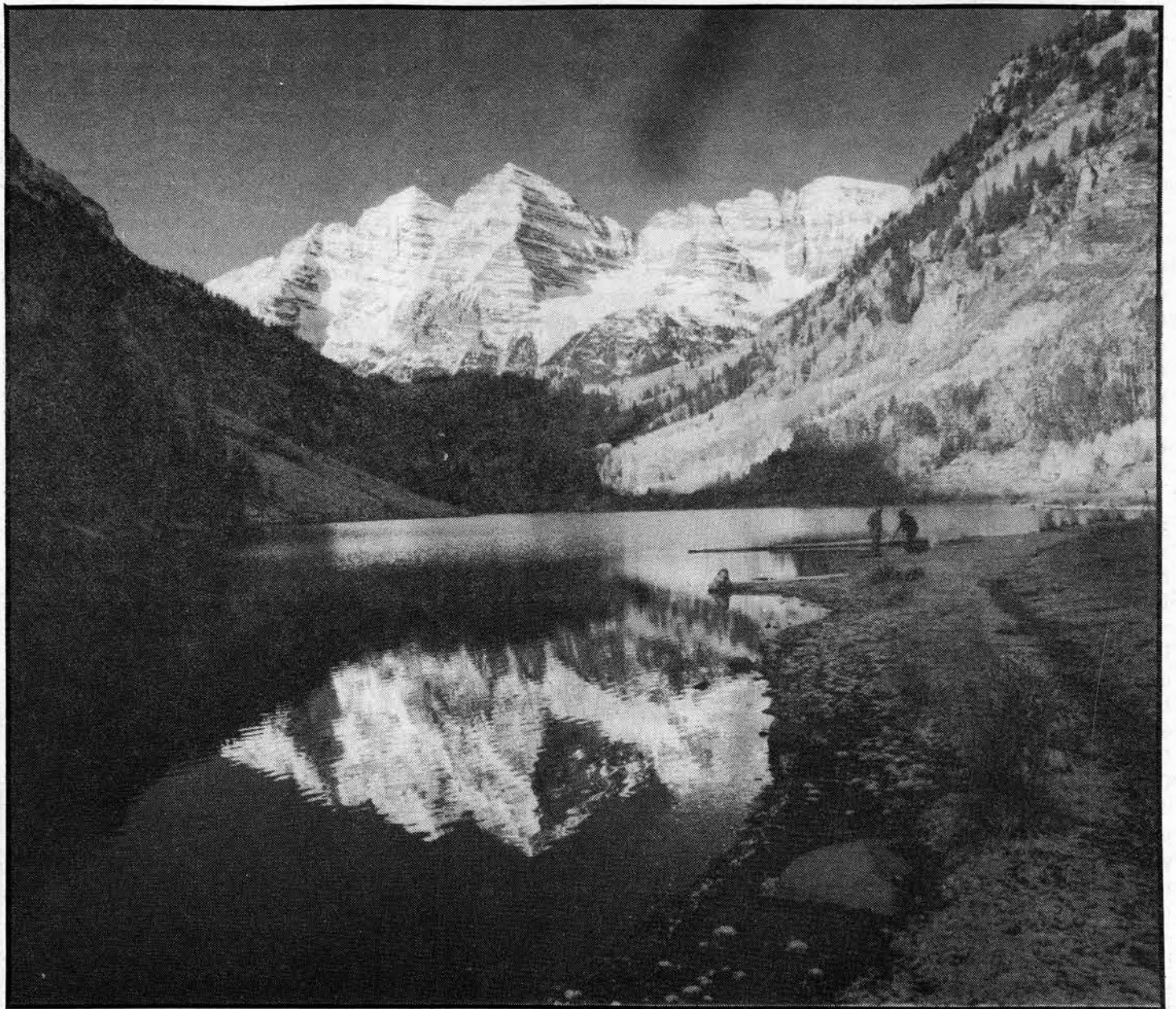
holds little hope under the legislation's current processes. He explains:

"I'm afraid the conservationists have ended up playing into the hands of the water developers. By drawing a line in the sand over water rights language where there was no immediate threat, we have ended up with nothing at all. Both the Sierra Club Legal Defense Fund lawsuit and the entire negotiating strategy the conservation community adopted — and I was one of those negotiators — would have been better advised to realize this was a non-issue, at least in headwaters areas. But we have made it into an enormous issue, and now we've lost."

Meyer believes the environmental community would be better off following a diametrically opposed legislative procedure that would quantify future needs of the water developers instead of concentrating just on the water needs of wilderness areas. He points to the current efforts to apply this procedure for designating a section of the North Saint Vrain River in Colorado under the federal Wild and Scenic Rivers Act.

"Usually we think about how much water the resource needs, and then development gets everything left over," Meyer explained. "With the North Saint Vrain we are asking how much development needs now and in the future, and then determining if the resource could take that hit. If so, then the federal resource takes a complete water right to everything that's left in the stream."

It may be too late to apply this approach to Colorado's wilderness bill. But there is now evidence that the state's approach to instream flow rights is changing. On June 18 the staffs of Sens. Wirth and Brown met with U.S. Forest Service officials, the Colorado



Kent and Donna Dannen

Photographers focus on the Maroon Bells in Colorado's Maroon Bells-Snowmass Wilderness Area

water Conservation Board's David Walker and Durango water attorney Sam Maynes in Washington, D.C., to begin implementing, even in advance of passage, a section of the Wirth-Brown bill that deals with the Piedra River and two other downstream areas proposed for wilderness. These are the only areas in the bill that could lose water from future upstream diverters.

The Colorado Water Conservation Board, according to Dan Merriam, its water rights investigation chief, is about to significantly increase the Piedra's instream flow rights. As called for in the Wirth-Brown bill, the board would then sign a contract with the Forest Service guaranteeing the new water rights.

"We will be recommending much more water — even bankfuls (all the water the river can carry) in certain periods," Merriam said. "This is a new process. Most of our past instream flow data are based on the amount needed to sustain the river's fishery. But we are now looking at instream water needs from the wilderness perspective — the water needed to protect riparian habitat too, including vegetation and animal life."

This is a big change for the board, which until now has filed for only 20 to 70 cfs on the Piedra. Merriam indicated the new filings would exceed 1,000 cfs, depending on location and time of year.

"This is a real opportunity for the federal and state governments to work together," says Merriam. "Why spend millions of dollars in water court fighting each other when we could put together an agreement like this? I just hope we can pull it off."

The answer to that hope now must come from Washington, D.C. Political pressure is growing in Colorado to pass a wilderness bill. Rep. Ben Nighthorse Campbell, whose district encompasses the proposed wilderness areas in western Colorado, acknowledged this pressure earlier this month when he said that he had asked both Miller and Vento to move the wilderness bill. But a House staffer said that unless Campbell and the other supporters of the bill are willing to revise its water language, Miller is not inclined to waste the committee's time reporting the bill to the House floor.

Campbell, however, says he will vote against the bill if it drops the federal water rights disclaimer. This is why House observers paint Campbell as now being "between a rock and a hard place."

The reported willingness of the Colorado Water Conservation Board to significantly increase the Piedra River's instream flow rights gives preservationists like Meyer hope of an eventual breakthrough.

"Assuming it's true," Meyer says, "this indicates to me that the water development community has finally gotten smart and recognized that if they want to be able to fend off federal water rights, they need more than an empty shell of a state instream flow program."

Vento and Miller, however, are not likely to change their views. They do not trust the states, contracts or no contracts. They want a federal reserved water right and appear unwilling to settle for anything less.

What remains to be gauged is just how mad voters in Colorado may get if the state loses yet another opportunity to get more wilderness because of an issue that those few who understand it say is largely theoretical.

Larry Mosher is a free-lance reporter in Crawford, Colorado, and was editor last year of *High Country News*.

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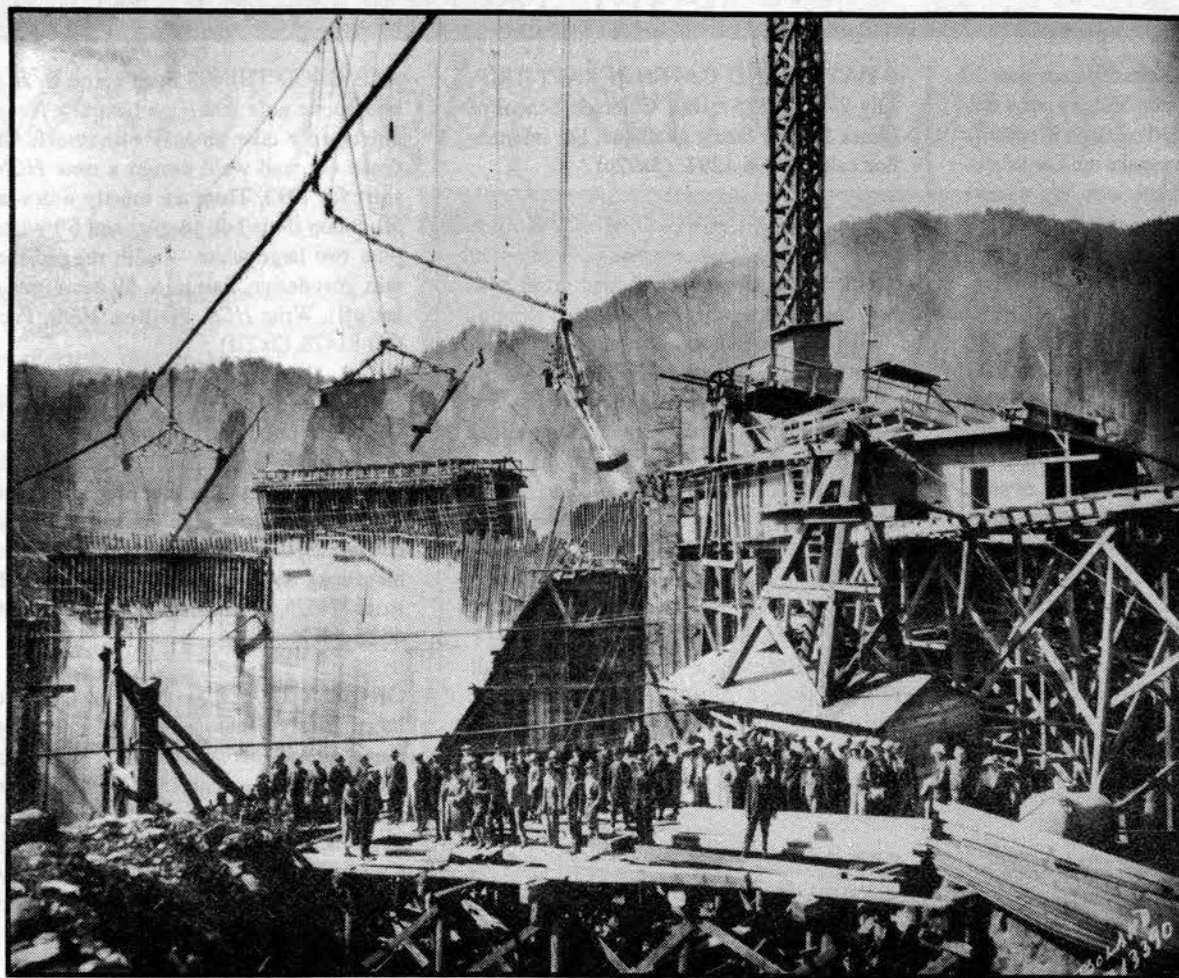


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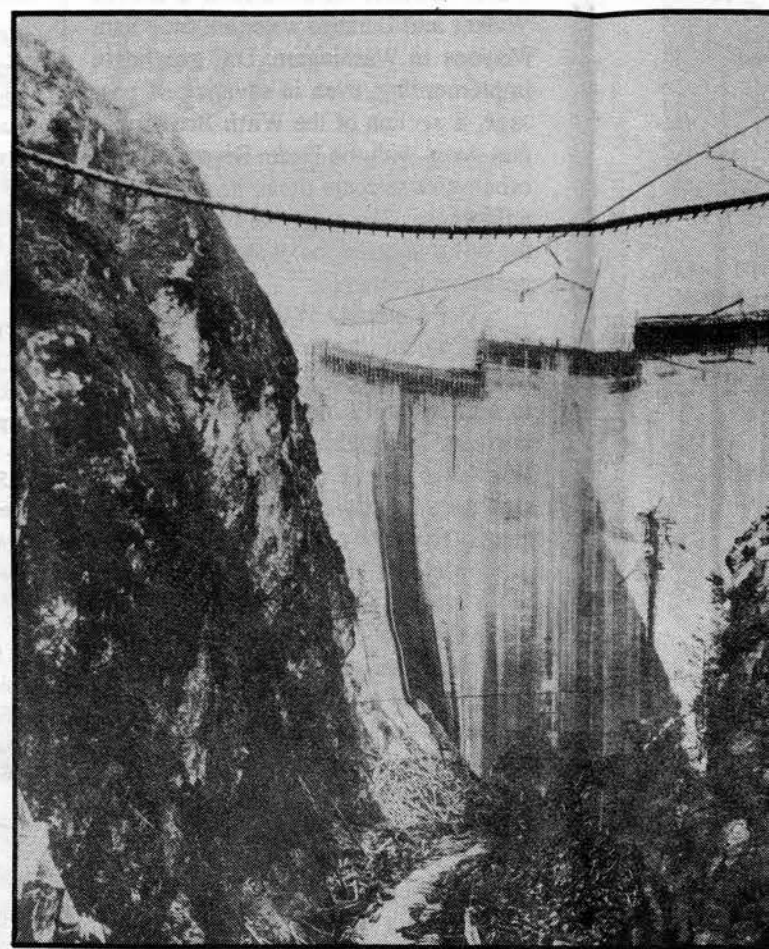
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Washington's Cushman Dam under construction in 1924

Washington State Historical Society



The Federal Energy Regulatory Commission is often at loggerheads with

Continued from page 1

has "rewritten history and reversed the original intent" of the progressive Federal Power Act.

Even if the dam-regulating agency were less resistant to environmental reform, critics say, its scope would be too narrow for the task at hand. All land uses need to be considered in planning along with hydropower, say environmentalists, and restoration is more appropriate than the traditional "balancing" of development against ecology in an era when ecosystems verge on collapse. Even for an agency with an aptitude for the task, correcting decades of damage from historic dams is not easy politically or technically.

A look at relicensing cases under way shows how this conflict between the requirements of two eras is being played out. So far, it is a collision course between hydropower and other values.

FERC and fish

Across the West, dams have been targeted as a leading threat to the future of fish populations.

Literally removing a dam is the most obvious solution to long-festering fishery problems. The benefits of some dams, as on Washington's Elwha, White Salmon and Similkameen rivers, are small enough relative to their ecological costs that removal is one option being studied in relicensing.

A recent report by 16 of the nation's leading river ecologists, published by the Oregon Rivers Council, suggests considering more dams for removal. The scientists recommend ranking the nation's dams for ecological damage, and removing the most damaging. But in a time when wars are fought for oil, decisions to remove or retain dams will be influenced at least as heavily by politics as ecology. It is likely few dams will be removed.

In the vast majority of cases, fishery impacts will be mitigated, not eliminated. A turn-of-the-century enchantment with the hatchery as mitigation for blocked rivers has waned. Emphasis now

is on helping fish in their upstream and downstream journeys past dams and on modifying downstream streamflow release. Improvements, such as screens to keep young fish from being shredded by turbines, have a tremendous potential to help fisheries. These changes will be especially helpful in extreme cases like Cushman Dam, where there is no fish passage and no downstream flow release.

Fish and wildlife agencies have vigorously pushed fish passage and streamflow reforms since the 1986 amendments to the Power Act increased the agencies' status in the FERC process. But many in the agencies, the environmental community and Congress are frustrated by what they see as FERC's reluctance to obey the congressional directive to consider agency comments in license deliberations.

"Clearly Congress wanted FERC to defer to us more than it has," says Lorri Bodi, an attorney based in Seattle with the National Marine Fisheries Service. "They always want to do power first and fish last."

FERC still doesn't consider mitigation of environmental damage as integral to the cost of a project in its analysis of relicensing applications, she says. If mitigation is too expensive, far too often FERC will skip or defer it until after a license is issued. Far from improving its track record with fisheries issues, since the Electric Consumers Power Act of 1986 the commission has taken a harder line than before, Bodi says.

John Clements, deputy director of FERC's Office of Hydropower Licensing, responds that for fish and wildlife agencies it's always "fish first" because they don't have other interests to balance. The agencies "exaggerate" problems, he says.

"There probably is an institutional bias toward development (in FERC). But on the other hand, industry is constantly beating us over the head about asking for too much fisheries mitigation," Clements says. Congress has charged FERC with balancing all interests and the resource agencies have only one interest, he says. This has created an "institutional prob-

lem that won't ever be solved."

Bodi lists several cases where FERC has disregarded her agency's recommendations. On the Blue River project in Oregon, the National Marine Fisheries Service recommended water temperature controls for fish. FERC rejected it, Bodi says, because it was too expensive. The commission then sent a staff member from Washington, D.C., to "lecture" staff on their interference, she says.

Bodi also cites FERC's tendency to license first, deferring environmental issues to a later date — what she calls its "buy now, pay later" approach. An early relicensing case on the Columbia River's Rock Island Dam, taken to court and won by the Yakima Indians, pointed out this problem to FERC.

"Every agency needs a whack on the head every now and then to keep on the straight and narrow," she says. But the whack to FERC's head did not change its tendency to defer mitigation, Bodi says. In a recent case in the Ohio River basin involving more than a dozen dams, FERC didn't require fish mitigation studies state agencies had asked for. Instead, FERC deferred mitigation until after the license was issued. The case is presently being challenged in court by the Department of Interior and two states. The marine fisheries agency, Interior Department and other federal agencies have all sued FERC over and over on these same issues, Bodi says.

An example of what critics see as the commission's defiance of environmental reform hit the public view after a commission ruling last May, a ruling the *Portland Oregonian* said "set a new standard for bureaucratic arrogance and insensitivity."

FERC had ruled that the authority of federal fishery agencies over fish passage, termed "fishways" in the 1920 legislation, included only upstream fish passage, not downstream.

National Wildlife Federation's Conrad says the commission made that decision "just to spite" federal agencies. But one strong dissenting voice was heard.

FERC Commissioner Elizabeth Moler said she couldn't believe that Congress intended for fish to pass upstream but not downstream.

Reps. Les AuCoin, D-Ore., and Jolene Unsoeld, D-Wash., agreed and introduced a bill that would overturn FERC's decision. Unsoeld called the decision "ludicrous" and decried an agency that "wants to take us back to square one" at the same time other federal agencies are trying to prevent the

A large bureaucracy with a la

The Federal Energy Regulatory Commission (FERC) is an independent agency that regulates the natural gas, electric utility, hydropower, and oil pipeline industries.

Its five commissioners, who are appointed by the president to serve four-year renewable terms, oversee a staff of 1,500.

The commission may change its own regulations but must issue a notice of the proposed rulemaking and request for comments in the *Federal Register*. Final decisions must be published.

The commission considers applications submitted by the companies it regulates. In case of disputes, a proposal may be heard by one of the agency's administrative law judges. A decision by a judge may be adopted or reversed by the commission. An aggrieved party may petition for a rehearing and may appeal in federal courts.

Chairman Martin L. Allday is a Republican and a World War II veteran who practiced oil, gas, and mineral law in Texas for 30 years. He was solicitor for the Department of Interior when appointed to the commission in 1989.

Charles A. Trabandt, a Republican appointed in 1985, was formerly chief counsel to the Senate Energy and Natural Resources Committee, a CIA intelligence officer, program manager for Tetra Tech Inc., and a nuclear submarine officer in the

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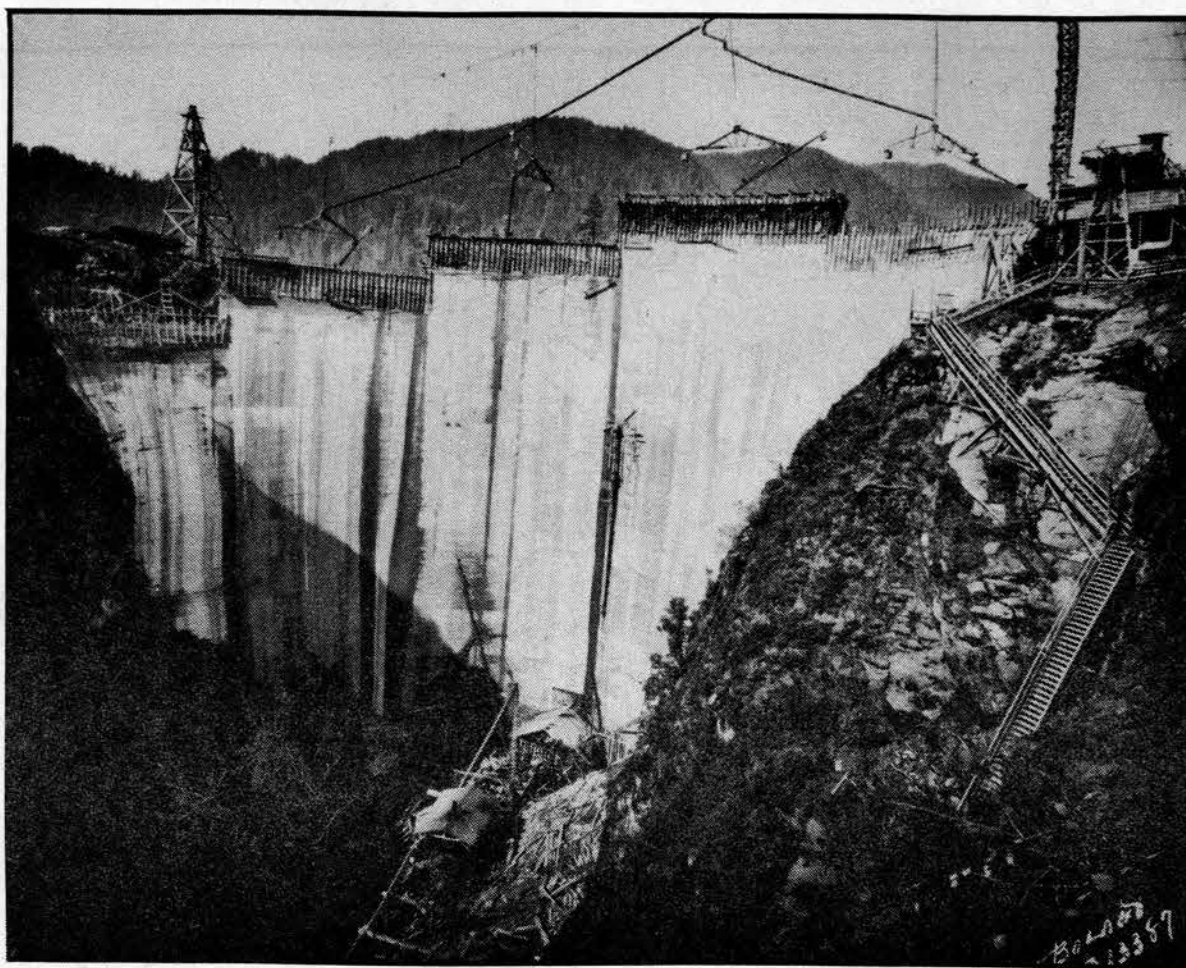
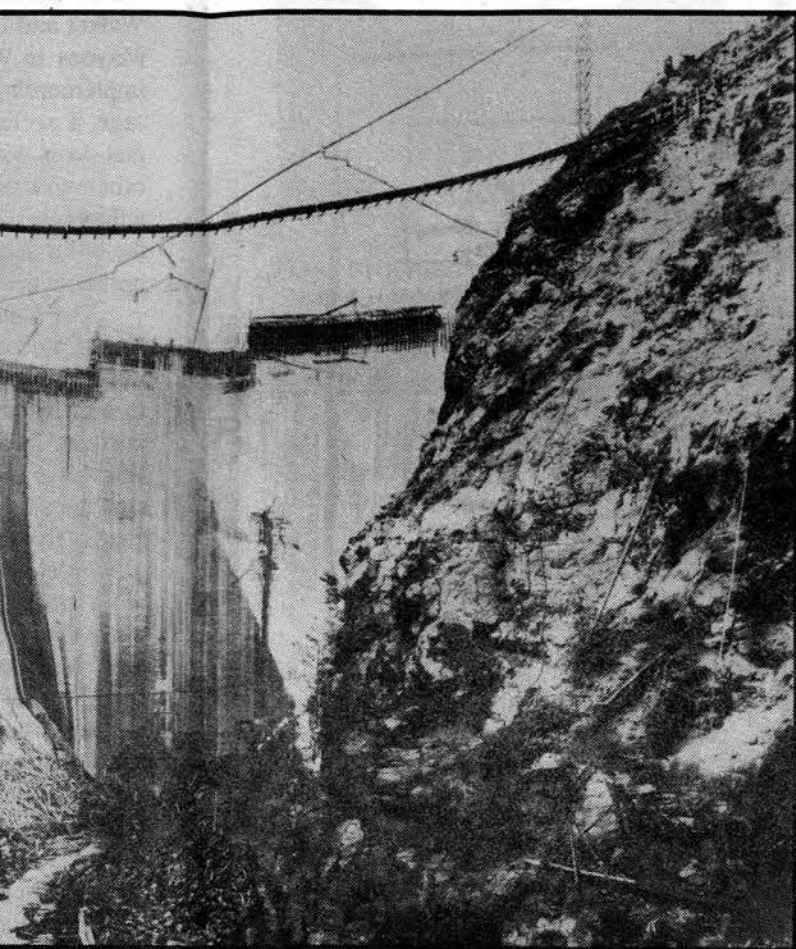
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But Clements says FERC didn't intend to eliminate downstream passage facilities, only to take authority for them from the agencies. It's nothing more than a classic interagency turf battle, he says. But critics such as Rep. Unsoeld say FERC's track record shows it has neither the skills nor the inclination to require expensive downstream fish passage measures, and that the move showed that the commission had buckled

under to the development lobby.

After months of intense criticism, two commissioners reconsidered. On Nov. 14, the commission reversed its May fishways ruling on a 3-2 vote. Commission Chairman Martin Allday said he was "troubled" by the May ruling. He and Commissioner Moler were joined by Commissioner Brando Terzig in reversing the decision. The new rule has not yet been published.

Environmentalists and federal resource agencies also contest FERC's policy of taking existing conditions as the environmental baseline for determining mitigation in dam relicensing. Bodi says that the court's *Yakima* ruling specified that FERC must consider past impacts of a dam in an environmental analysis.

Clements says the commission has no obligation to consider past impacts. Besides, he argues, too many other factors like mining, agriculture and logging have contributed to environmental degradation since a project was built, making mitigation impractical. FERC's relicensing is a "forward-looking" proceeding, he says, and will only consider future effects. Clements says FERC "can't unscramble the egg."

Bodi says her agency has put FERC on notice that it disagrees. The issue is likely to come up again in the courts, she says.

Environmentalists and resource agencies are also distressed by FERC's handling of cumulative effects from multiple hydropower projects in the same river basin. FERC policy is to consider effects of projects under simultaneously pending licensing proceedings, but not of other existing dams. Nor will it take into account other environmental impacts in the same basin.

"Basinwide to the FERC is a limited concept," says David Fluharty, president of the North Cascades Conservation Council and a veteran of FERC proceedings in Washington's Nooksack and Skagit river basins. Applicants aren't eager to bring up non-project influences, and FERC won't go looking for them, Fluharty says. That places a big burden on environmental groups like his to raise the issues.

FERC and comprehensive basin planning

On many Western rivers, irrigation, water supply and flood control compete with hydropower and fish and wildlife. Considering the changes the country has experienced with respect to water use in the last 50 years, Conrad says, it is "mind-boggling" to predict needs for the next 50 years. For example, he adds, "What if global warming does begin to make major changes in our environmental?"

The architects of the 1986 Electric Consumers Protection Act amendments hoped the commission would consider how hydropower ought to fit in a comprehensive way with these other uses, acting more as a coordinator than a power developer, Conrad says. Instead, the commission continues to license projects in "virtually any and all circumstances."

"Nothing riles state planners more than the claim that FERC is doing comprehensive basin planning — that's utter hogwash," says Rod Sakrison, hydropower coordinator for the Washington Department of Ecology. Part of the problem, Sakrison says, is that FERC has little information at hand when it makes decisions. It relies exclusively on the license applications prepared by project proponents or their consultants.

"FERC doesn't even know what they're affecting," Sakrison says.

But FERC's Clements says about 300 hydropower licenses have been issued since October 1986, and in each case state and federal comprehensive plans were looked at. In only two cases did they make a decision in conflict with a state plan, he says. Comments such as Sakrison's are "slightly disingenuous," he says, and, like the fishways controversy, reflect nothing more than a turf battle.

But Sakrison says until his state finishes a formal comprehensive plan next year, FERC is not obligated to consider the state's views. Moreover, adds Echeverria, FERC rules only require the agency to consider state plans, not to follow them, and, contrary to Clements' claim,

they frequently do not. For example, he says, Vermont wanted to protect a waterfall from a new project on the Ompomponoosuc River, and said so in a plan it submitted to FERC. FERC licensed the project anyway, Echeverria says, and claimed there was no conflict with the state's plan.

Even if FERC were to give states' plans more weight, few state plans adequately deal with relicensing, Echeverria says. The complex opportunities for mitigation that come up in relicensing must be treated river by river, he says.

Dams, FERC and Native Americans

The perspective of Native Americans differs from that of the agencies and environmentalists. As it did for the resource agencies, the 1986 Power Act reforms gave native peoples new rights before FERC. For the agencies, the 1986 amendments merely "memorialized what courts had been saying for years," NMFS attorney Bodi says.

But the tribes had little history with FERC, says Russ Busch, an attorney who represents the Skokomish, Elwha and Skagit tribes. He says those tribes see FERC as a potential ally in restoring to them what was lost to hydropower development. While tribes struggled alongside resource agencies to gain protection for fish and wildlife from FERC during the avalanche of small-hydro applications of the early- and mid-1980s, they're mostly pleased with FERC's responsiveness so far in relicensing proceedings.

The federal trust obligations to Native Americans makes FERC an especially important ally, says Rob Lothrop, attorney for the Columbia River Intertribal Fish Commission, a Portland, Ore., agency that coordinates fishery issues for four Columbia basin tribes. That trust obligation causes FERC to be more neutral toward tribal concerns than local interests might be. While the commission is "reactive, not proactive," when the tribes bring issues before the commission they do get a hearing, he says.

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U.S. Navy. He is a Baltimore native who graduated from the U.S. Naval Academy in 1963, and received a law degree from Georgetown University in 1975.

Elizabeth Anne Moler, a Democrat appointed in 1988, was formerly senior counsel to the Senate Energy and Natural Resources Committee. A Utah native, she has a law degree from George Washington University and has worked on Capitol Hill since 1967.

Jerry J. Langdon, appointed in 1988, is a Texas native and former owner of a petroleum consulting firm and an intrastate gas gathering company. A Democrat, he received a bachelor's degree from the University of Texas at Austin in journalism in 1975.

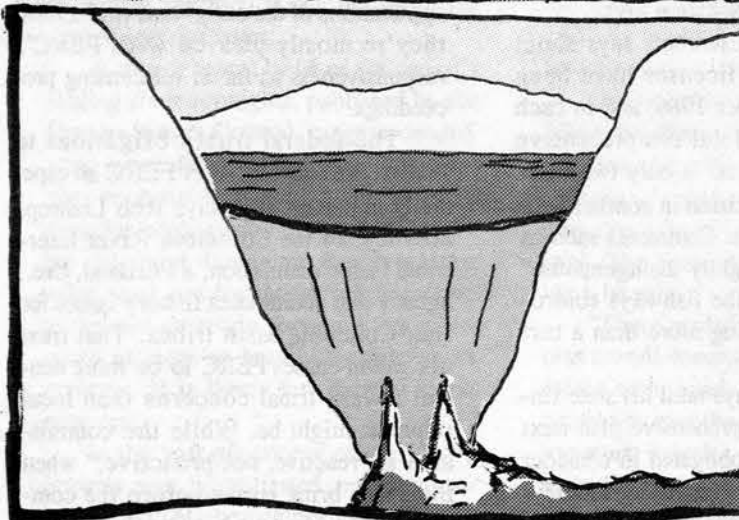
Branko Terzig, a Republican appointed in 1990, is an engineer and former consultant to the electric, gas, telephone, water and sewer utility industries. He was born in Germany, and his family emigrated in 1950.

FERC is divided into three offices: the Office of Electric Power Regulation; the Office of Pipeline and Producer Regulation; and the Office of Hydropower Licensing. The Office of Hydropower Licensing has regional offices in Portland, San Francisco, Chicago, Atlanta and New York.

Most employees work at FERC headquarters at 825 N. Capitol St., NE, Washington, D.C. 20426 (202/219-2700).

— B. C.

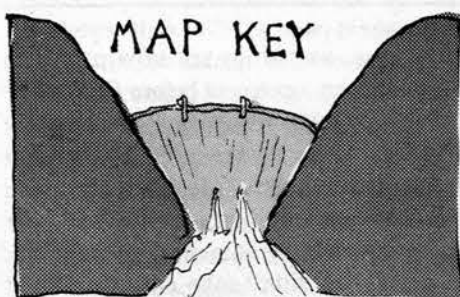




FERC HYDROPOWER PROJECTS

OPERATING ON ANNUAL LICENSES ^{AND}
WITH LICENSES DUE TO EXPIRE BY 2000

MAP DRAWN BY DIANE SYLVAIN
INFORMATION COMPILED BY BRIAN COLLINS



MAP NUMBER, FERC PROJECT NUMBER,
NAME and EXPIRATION DATE

* denotes projects operating under annual licenses

WASHINGTON			
1	588	Glines Canyon	*1976
2	460	Cushman	*1974
3	1862	La Grande & Alder	1993
4	2342	Condit	1993
5	2493	Snoqualmie Falls	1993
6	553	Gorge, Diablo & Ross	*1977
7	2705	Newhalem Creek	1994
8	2544	Meyers Falls	1993

IDAHO			
9	1991	Moyie 1, 2 & 3	1998
10	1975	Bliss	1998
11	2061	Lower Salmon	1997
12	2777	Upper Salmon B	1999
13	2778	Shoshone Falls	1999

MONTANA			
14	2543	Milltown	1993
15	1473	Flint Creek	*1988
16	2188	Missouri River (9 projects)	1994

WYOMING			
17	2032	Strawberry	1999
18	1651	Upper & Lower Swift	1992

NEBRASKA			
19	1835	(3 projects on N. Platte)	*1987
20	1417	(5 projects on Platte)	*1987

COLORADO			
21	2187	Georgetown	1993
22	2275	Salida 1 & 2	1993

ARIZONA			
23	2069	Childs & Irving	1994

UTAH			
24	1517	Upper Monroe	*1990
25	1858	Upper Beaver 1	1993
26	1773	Yellowstone River	1993
27	1715	Spring Creek	1991
28	1994	Snake Creek	1998
29	2420	Cutler	1993

NEVADA			
30	1746	Leidy Creek	1991

CALIFORNIA			
31	176	Rincon & Bear Valley	*1974
32	1934	Mill Creek 2 & 3	1996
33	1933	Santa Ana 1 & 2	1996
34	1932	Lytle Creek	1996
35	1930	Kern 1	1996
36	2290	Kern 3	1993
37	1333	Tule River	*1989
38	298	(3 projects on Kaweah River)	*1974

39	1988	Haas & Kings River	*1985
40	2017	Big Creek 4	1999
41	1394	(5 projects on Bishop Creek)	*1986

42	1354	(6 projects on San Joaquin and tributaries)	*1989
43	1389	Rush Creek	*1986
44	1388	Poole	*1986
45	1390	Mill Creek	*1986
46	1061	Phoenix	*1980
47	2019	Murphys	1996
48	2699	Angels	1995
49	137	(9 projects on the Mokelumne River)	*1975
50	1403	Narrows	1991
51	1962	(7 projects on the North Fork of the Feather River)	*1982
52	2687	Pit 1	1995

OREGON			
53	1927	(8 projects on the N. Umpqua River and tributaries)	1997
54	2643	Bend	1993
55	2510	Walterville	1993
56	2496	Leaburg	1993
57	1986	Rock Creek	1996



Bob Miles

Sandhill cranes

Groups find ways to change how dams are run

Nebraska's Platte River is a vital part of North America's ecosystem. Three hundred species of migratory birds nest or stop there, including 500,000 sandhill cranes, 5 to 10 million ducks and geese, the endangered whooping crane and five other endangered species.

Citizen activists say the future of the river's wildlife depends on relicensing proceedings now under way for Kingsley Dam. "The Platte River is doomed if the project continues to operate as it has," says biologist John VanDerwalker, who recently resigned as executive director of the Platte River Whooping Crane Maintenance Trust, a citizens' group that is intervening in FERC proceedings on Kingsley Dam.

The problems created for wildlife downstream of Kingsley Dam and McConaughy Reservoir are well documented by government and Platte River Trust scientists, he says. Water storage, irrigation withdrawals, and trapping of sediment in the reservoir have drastically changed the ecology and hydrology of downstream habitat.

The trust has a plan to save the river, VanDerwalker says. But until the dam's license came up for renewal in 1987, that plan couldn't be put into action.

Building knowledge of a dammed river's problems and opportunities is the first and most important step for activists who want to reform a dam, VanDerwalker says. Activists will seldom have as much money or political clout as dam owners, but with some work they can have more knowledge, he says. If activists take the time, they'll "probably know more than the people who have the projects themselves."

For activists with an interest in reforming a dam near them, the first step in finding out more is a phone call to Federal Energy Regulatory Commission's Office of Hydropower Licensing (202/376-9171). That office can provide a progress report on the dam, say John Echeverria, Pope Barrow, and Richard Roos-Collins in their book *Rivers at Risk: The Concerned*

Citizens' Guide to Hydropower (Island Press, 1989).

FERC can say whether a deadline has been set for filing a "motion to intervene." Filing such a motion is the only way to ensure citizen comments will be taken seriously and it also reserves the right to judicial appeal, the authors say. Intervenor is mailed copies of all project proceedings and have access to all engineering and scientific studies relevant to the project. The deadline to intervene for relicensing is set when FERC accepts a license application.

In the case of the 170 project license applications that expire by the end of 1993, license applications will be filed by the end of 1991 — there is a two-year lead time — and deadlines to intervene will be set as FERC begins to accept those licenses in the coming year. *Rivers at Risk* gives detailed advice on how to file a motion to intervene.

Rivers at Risk's authors emphasize the importance of soliciting the support of state and federal resource agencies, who can provide information and advice on shaping a plan. The Platte River Trust has been strengthened in its efforts by establishing active communication with other agencies and groups, including the Bureau of Reclamation, Nebraska Game and Parks, universities of Nebraska and Wyoming, the Audubon Society, and the U.S. Fish and Wildlife Service, VanDerwalker says.

In developing a proposal to improve Kingsley Dam, VanDerwalker says his group came up with a strong, defensible position that not only took wildlife into account but also irrigation, hydropower and recreation. "You never know where you're going to find an ally," he says. He says their plan will not only help the whooping crane and other endangered species, it will also improve hydroelectric generation and reservoir recreation. Only irrigators can take issue with the solution, he says, because his group wants less water withdrawn. But the plan proposes improvements in irrigation efficiency

that will compensate for withdrawal reductions, he adds.

FERC now encourages intervenors to negotiate their differences before the applicant submits its license application. License applications are being filed this month for projects that expire in 1993. But in many cases, including Snoqualmie Falls, differences could not be resolved, and it remains to be seen whether FERC will encourage or permit the continuation of negotiations beyond the deadline for license application.

There is a precedent for doing so. In a grueling 15-year process, citizens' groups led by the North Cascade Conservation Council negotiated mitigation for Washington state's Skagit River dams well after the licenses expired. Like VanDerwalker, David Fluharty, the president of the North Cascade Council, emphasizes the need to cast a wide net for friends and to take all interests and issues into account.

After FERC accepts a license, activists can also comment in the Environmental Impact Statement process. It provides a second — and last — chance for interested parties to file for intervenor status. But in recent years, FERC has favored the environmental assessment over the EIS for relicensing, and, unlike the EIS, the EA is not issued in draft form and is often issued along with the approved license, precluding public comment. However, according to federal guidelines for the EIS process, public controversy over a project can trigger an EIS.

Besides *Rivers at Risk* and federal and state resource agencies, additional resources for citizens include David Conrad at the National Wildlife Federation, 202/797-6800, John Echeverria at the National Audubon Society, 202/547-9009, and American Rivers, 202/547-6900. All are in Washington, D.C.

The Platte River Trust can be reached at 2550 Diers Ave., Grand Island, NE 68801. The Kingsley Dam EIS is referenced by FERC project numbers 1835 and 1417.

— B.C.

Relicensing cases pile up behind the FERC dam ...

Continued from page 9

But even with a hearing before FERC, the task of making tribal culture whole again is no easier than the linked task of making damaged ecosystems whole. The Skokomish Tribe is seeking to restore some flow in their river downstream of Tacoma's Cushman Dam. The tribe is also attempting to restore the river's estuary. But these measures will fall far short of restoring to the tribe what it has lost, Busch says, and it is hard to know what compensation would be adequate and what sort of settlement the tribe will seek.

If FERC doesn't make a good attempt to deal with the problems now, he says, the issue will come right back, because of the hefty legal hammers tribes have. For example, both the Cushman and nearby Elwha River projects are "egregious" violations of federal treaty rights, he says.

In some natural resource conflicts, contending parties often find it easier to negotiate their differences outside the legal process, and then present the regulators with a *fait accompli*. Such an approach was used with FERC in Seattle, where the Skagit Tribe, like the Skokomish, had the river of its name dammed to light a major city.

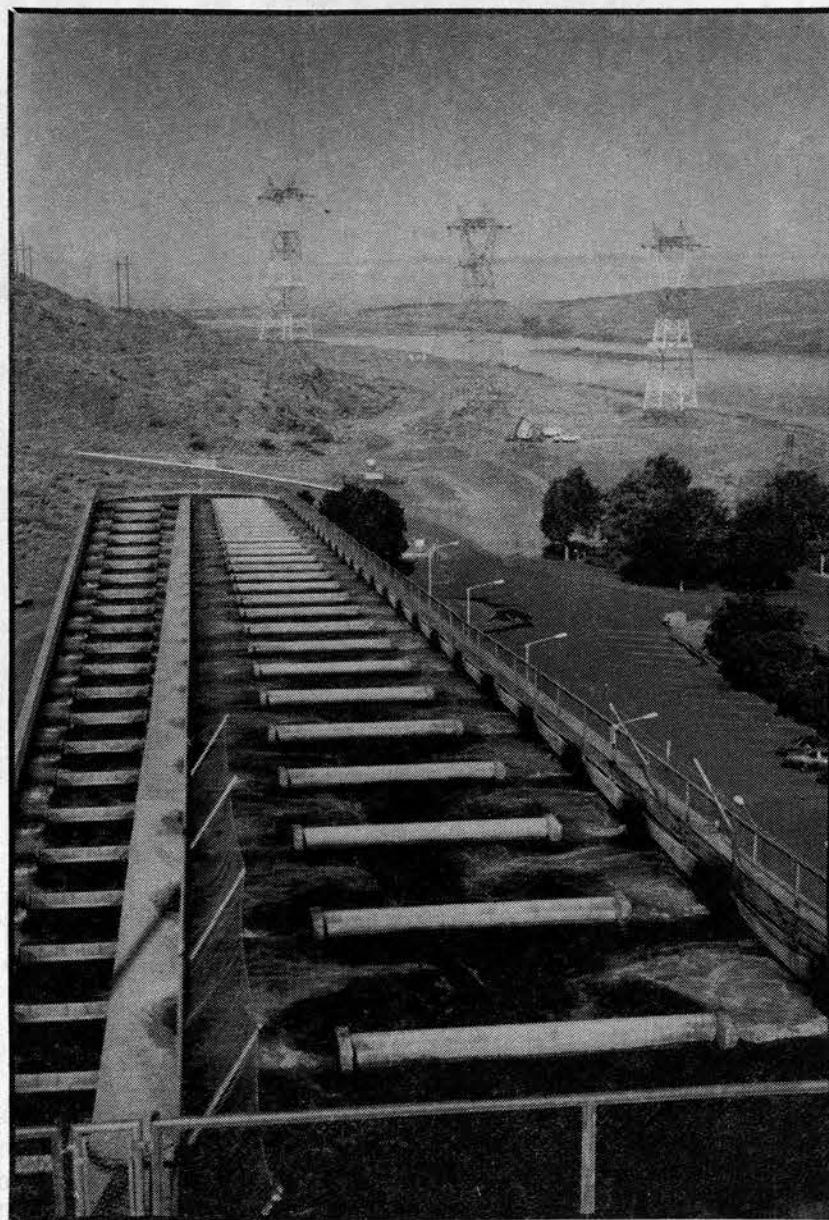
Three dams built in 1919 on the Skagit River supply 300 megawatts, or about one-quarter, of Seattle's electricity, and are here to stay. The city last June signed an agreement with the Skagit Tribe and a long list of environmental groups and federal and state resource agencies. The comprehensive agreement submitted to FERC included provisions to modify downstream flows for the benefit of fish — the dams remain impassable to fish — and funding to document Native American use of the area. The agreement involves \$55 million to \$60 million in mitigation, including purchase of some critical elk habitat and development of an environmental education center. In addition, Seattle will forego an additional \$40 million to \$45 million in revenues by releasing water for use by downstream fish.

No such compromise is being sought by the Lower Elwha Klallam Tribe, who want two dams removed from the Elwha River (HCN, 4/22/91). However, the dams' relatively small output of 16 megawatts and the unusual opportunity for fish restoration are two of several reasons there is a good chance the dams will be removed.

The Snoqualmie Indians, southern neighbors of the Skagit, face a tougher battle than either the Elwha Klallam or the Skagit in defending their namesake, Snoqualmie Falls. (See story page 13.)

Puget Sound Power and Light, a private utility, has generated electricity at the spectacular falls east of Seattle since 1898. Higher than Niagara, the falls were an icon of Northwestern beauty long before "Twin Peaks" beamed the image to television-viewers nationally. But for several thousand years, the falls have been a sacred site to several tribes. In the application for relicensing that Puget will submit to FERC this month, the utility will request an increase in its water withdrawal, further reducing flow over the falls. Initially, the Snoqualmie Tribe opposed the request and demanded some additional concessions. They were joined in support by leaders of several Christian churches.

But since October of this year, the tribe has demanded a complete removal



A fish ladder on the Snake River

Tim Palmer

of the dam on religious and cultural grounds. In Montana in 1982, FERC responded to a request by the Kootenai Indians to stop a proposed hydropower project on the Kootenai River for reasons similar to the Snoqualmies'. The Kootenai Tribe won, and the project was stopped. But no precedent exists for removing a project for religious reasons.

Public participation and the FERC

Historically, the hydropower regulating agency has seldom been in the public eye. Most of the historic big fights over dams in the West have been over federal dams. The smaller dams licensed by FERC attracted less attention, and, until the early- and mid-1980s, FERC issued relatively few licenses. That changed when the Public Utility Regulatory Policy Act of 1978 (PURPA) offered tax breaks for developers of small hydro projects. That led to a flood of projects being proposed and licensed. Environmentalists and the public generally were little aware of the agency until that time. That flood of small-hydropower development is now waning. The upcoming batch of relicensings is only the second time non-federal hydropower regulation has come into public view.

While many in agencies and environmental organizations are frustrated with the Federal Energy Regulatory Commission, the public remains largely unaware of it. Even fewer participate in the FERC process, Echeverria says, because FERC "goes out of its way to minimize public involvement."

Unlike most federal agencies, which provide a variety of relatively informal ways to comment on proposed actions, the commission has very formal rules, and will not seriously consider a citizen's views unless he or she files a for-

mal motion to intervene. This often requires an attorney. All contacts with the agency are governed by strict procedural rules. While citizen and outside agency comments are governed by strict time limits, FERC is not, and project proceedings often fall into what attorney Bodi calls the "black hole," lasting years or decades, making it even more difficult for the public to stay involved. (See story page 8.)

The environmental impact statement process governed by the National Environmental Policy Act is another way for the public to comment on FERC projects. In the 1980s, FERC was singled out by environmentalists, Congress and the President's Council on Environmental Quality as the "last holdout agency that had failed to adopt NEPA regulations," Conrad says. After much criticism, he says, the commission adopted the NEPA process in 1987.

FERC's responsibility to prepare an EIS for most of the upcoming relicensing projects is clear from the *Yakima* case, says Bodi. In the last several years, FERC has prepared only a few environmental impact statements per year, instead relying heavily on the much narrower environmental assessment. The National Wildlife Federation's Conrad says FERC staff members have told his organization "point blank" they don't intend to do an EIS for most of the relicensings because of lack of funding. But Echeverria says an EIS need cost no more than an environmental assessment, and that FERC's real intent is to exclude the public.

FERC's Clements says the commission plans to issue licenses within two years of receiving an application — including the 170 due this month and next. The process has been significantly streamlined,

he says, as parties are now urged to come to an agreement before filing their licenses with his agency. In the early years following the 1986 Power Act amendments, he says, when state and federal agencies began to take a harder stand for environmental protection, applicants didn't take environmental mitigation seriously. As a result, the license applications were inadequate, and long delays ensued because additional studies and consultation periods were needed.

But if FERC's track record is an indication of its future performance, prospects are poor for a speedy hearing on the hundreds of projects expiring this decade. Since 1986, only nine projects have been relicensed in the West — less than two per year — and 50 more projects with expired licenses are backlogged, some since 1974. Bodi says that upcoming cases are no less contentious than earlier ones, and when faced with the need to make a decision, FERC will delay indefinitely, as it does now. For example, she says, FERC is only now requiring the needed fish studies on the 17-year-old Cushman Dam case.

Impending "regulatory gridlock" seems likely, Conrad says. But projects can and do operate for decades after their original licenses expire. Projects with pending applications operate under annual licenses, generally with the same provisions as in the original license.

Dam owners on the Skagit River, which have continued on annual licenses since 1976, have had "15 years of free ride on the environment," says North Cascades Conservation Council President David Fluharty. The length of that "free ride" can be critical. For example, fish stocks may have gone extinct on the Elwha River during the 15 years in which those relicensing hearings have proceeded. Other Elwha fish are poised to follow them into oblivion.

A citizens' group in Nebraska recently forced the issue in federal court. Worried about the plight of the endangered whooping crane, during lengthy proceedings on the Platte River's Kingsley Dam, the Platte River Whooping Crane Maintenance Trust said the commission should require interim mitigation to help the crane, and in 1989 the court agreed. But the complicated case remains tied up in court. (See story on page 11.)

The commission has a legal obligation to actively pursue interim mitigation where it is needed, but FERC hasn't, says Bodi of the federal fisheries services.

Can FERC be improved?

In the short term, environmentalists acknowledge their legal limitations in affecting FERC. They concentrate on watchdogging FERC and on enhancing the effectiveness of state and federal agencies that do have legal clout with FERC.

But as a longer-term goal, they talk about major reform. FERC remains too rooted in its historic development mission, says National Audubon's John Echeverria, and should be divorced from hydropower regulation. The commission's main interest and skill is in the economics of regulation, not rivers or river ecology, he says. When asked whether the commission can oversee the complex problems of river basin restoration and planning, Echeverria says no.

Not only should hydropower be regulated by an agency more suited to the environmental and social problems of this era, critics say, but that agency should be structured so it is less remote and more accountable to the public and

Congress than FERC is now. Hydropower regulation should be overseen by a single, accountable administrator rather than an independent commission, says Jim Baker, former Northwest representative of Friends of the Earth, who worked on the Elwha proceedings.

While there may have been a need to isolate the commission from economic interests originally, Baker says, the structure is now acting to isolate the commission from the public. The Forest Service is another agency with which environmentalists often take issue, but that agency is accessible to the public, he says. If walking into a Forest Service office and voicing one's views doesn't get results, then the agency is accountable to Congress and the executive

branch. In contrast, Baker says, a person walking into a FERC office could get arrested for violating the agency's strict rules about public contact.

Can FERC be made worse?

Twelve national environmental groups said the Bush administration's proposal would not only "reverse the gains achieved" in the 1986 Power Act amendments, but would also provide less protection for the environment than existed prior to enactment of the amendments. While the Senate killed the bill Nov. 1, the ideas in the bill may reappear soon.

The bill would have eliminated the authority of the secretaries of Interior

and Agriculture to set conditions for projects located on certain federal lands and to carry out the federal trust responsibility to Indian tribes, including the authority to prescribe construction of fish passage facilities. The groups say the bill would also "eviscerate the states' sole effective regulatory handle" over hydroelectric projects by limiting state authority under the Federal Clean Water Act. It would have eliminated federal jurisdiction over projects with a capacity of less than 1,500 kilowatts, about one-third of all the projects subject to FERC jurisdiction.

Eliminating FERC jurisdiction would also eliminate the jurisdiction of federal fishery agencies in reviewing these hydropower proposals.

Hard questions, little time

The coming round of relicensing poses a hard question: Can a river's ecology and culture be restored while still maintaining a viable hydroelectric capacity?

Answers will come from a process that takes place largely removed from the public view, overseen by a slow-moving, remote agency and — in the opinion of many — one still preoccupied with the promotion of hydropower. ■

Brian Collins, a former HCN intern, is a river geomorphologist and co-director of the non-profit Pacific Watershed Institute in Seattle, Washington. These articles were paid for by the High Country News Research Fund.

An ecumenical group fights for an Indian spiritual site

Two worlds are colliding over the future of Washington's spectacular Snoqualmie Falls.

Puget Power, a private utility which has generated electric power by diverting water from the falls since 1898, wants 50 percent more water in order to generate more electricity.

The Snoqualmie Indians, joined by a coalition of Christian churches, want to end all water withdrawals from the falls in order to restore its spiritual power.

The waterfall is operated like a spigot now; only 100 cubic-feet per second of the average 2,500 cfs flow is spilled over the falls during the day, and at night the falls is turned off altogether.

Caught in the middle is the Federal Energy Regulatory Commission. The agency must resolve a classic conflict anticipated by the 1920 Federal Power Act, which reserved for the modern public the right to decide how to use our nation's rivers when the historic hydropower licenses expire.

The Snoqualmie Indians' struggle to preserve the falls, their traditional spiritual center, is part of a struggle to save a vanishing, 6,000-year-old cultural tradition.

The utility serves three-quarters of a million customers, almost a third of which came in the last decade to the fast-growing Puget Sound area. Increasing the output of non-polluting electric power from the falls, which now generates 1 percent of the utility's power, is one of the best ways to meet increasing power demand, Puget Power says.

The federal dam-regulating agency asked the private utility to resolve its differences with preservationists before applying for a new license. But when the utility filed its application for a license renewal last month, the two sides were still at odds.

The falls is the most sacred place in a landscape the Snoqualmie people have inhabited for thousands of years. According to traditional belief, says tribal chairman Ron Lauzon, the falls is a creation site, and mists that rise from the cascading waters carry continuous homage to the creative power. Generations of Snoqualmie people are buried near the falls. Vision quests and

ritual bathing are still practiced there.

Today, the Snoqualmie have no homeland. The 1855 Treaty of Point Elliot moved the Snoqualmie and nearby tribes to the Tulalip Reservation, 50 miles northwest on Puget Sound. Modern tribal leaders say treaty signatories were promised a reservation in their homeland, and some never relocated to the Tulalip Reservation. The modern descendants of those who stayed claim to represent the Snoqualmie Tribe recognized by the 1855 treaty.

But the federal government doesn't recognize them, and their effort to gain recognition has been mired in federal bureaucracy for years. A federal ruling was due earlier this year, Lauzon says, but is yet to be made.

Snoqualmie tribal leaders say they have perhaps 1,000 members under a tribal constitution that requires at least one-eighth Snoqualmie blood and a continuous family line. But after more than a century of cultural suppression by the federal government, and with no homeland, little remains of the culture. Only a handful of elders speak the

ancient tongue.

Land on which to build a long-house coupled with preservation of the falls would trigger a renaissance, leaders believe. Even now a revival of interest in traditional ways is taking place among some Snoqualmies, they say.

Ten leaders of mainstream Christian faiths have joined the tribe's effort to preserve the falls.

The coalition, which sponsors the Snoqualmie Falls Preservation Project, had its genesis in a 1987 "apology" to native peoples of the Northwest. The letter was signed by leaders of the Roman Catholic, Lutheran, Baptist, Methodist, and other churches, and apologized for the churches' historic treatment of natives. The group pledged to support efforts to "reclaim and protect" the legacy of native spiritual traditions.

Now the churches are backing up that pledge by promising to "stand in solidarity" with the Snoqualmies' efforts to preserve the falls "as a place for spiritual renewal for all people in the generations to come."

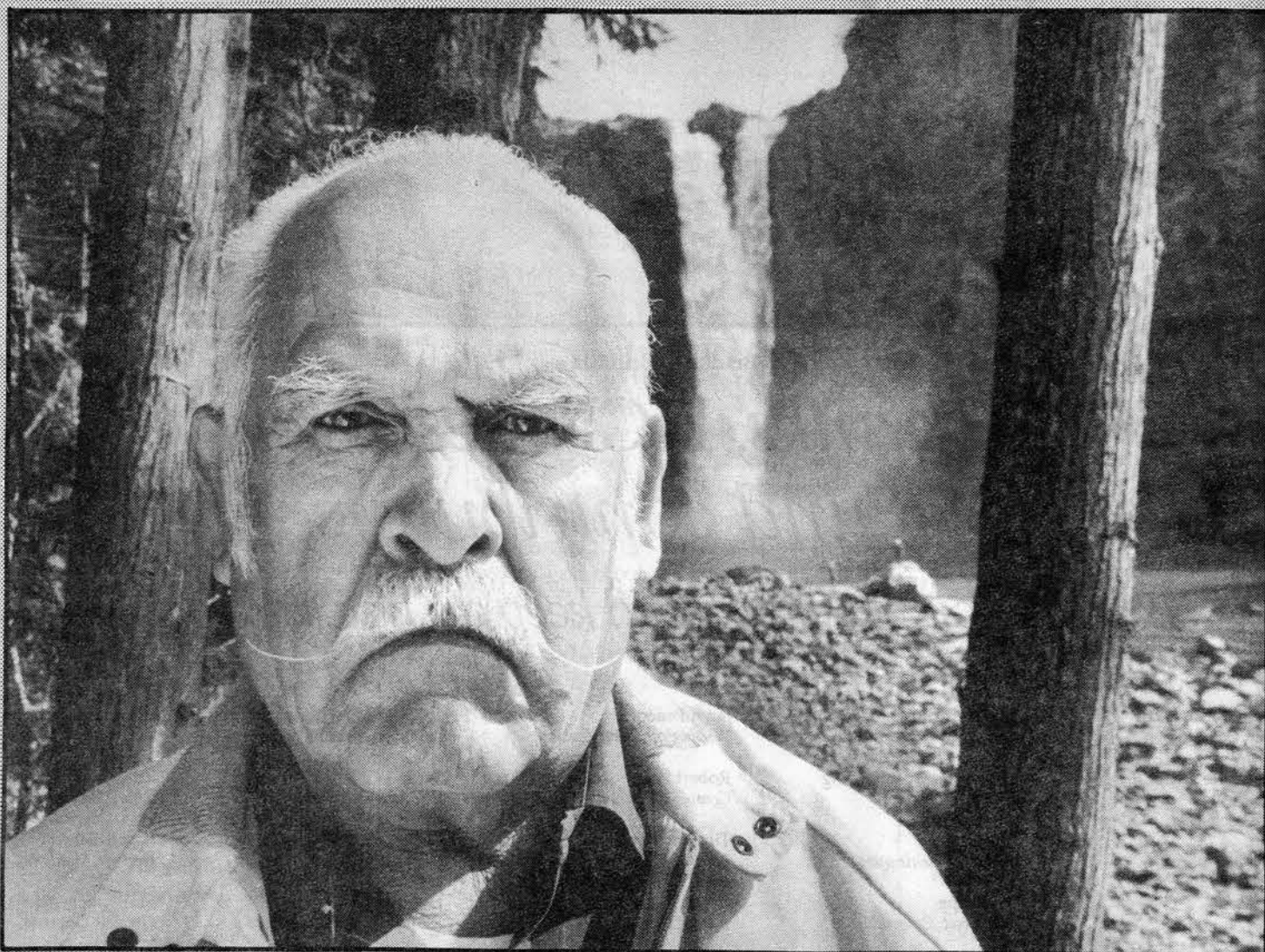
Church leaders hope that society will respect the sacred power of the falls and restore its priority over that of hydropower, says Ron Adams, who coordinates the coalition. But, he says, they don't have the resources for a legal fight. Instead, they count on the people of the Northwest and the nation to support them in a moral fight.

The conflict is a highly visible one. One-and-a-half million people visit the falls annually, making it the second most-visited place in the state. The Snoqualmie and church leaders were joined at the falls by native leaders from around the country last summer at weekend vigils.

For the Snoqualmie and other native groups whose decline has been hastened by the region's aging, turn-of-the-century dams, the outcome of relicensing proceedings now under way could make or break their prospects for cultural survival.

The Snoqualmie Falls Preservation Project can be reached at 4759 15th Ave., N.E., Seattle WA 98105 (206/525-1213).

—B.C.



Chief Ernie Barr of the Snoqualmie Tribe near Snoqualmie Falls

Jerry Gay

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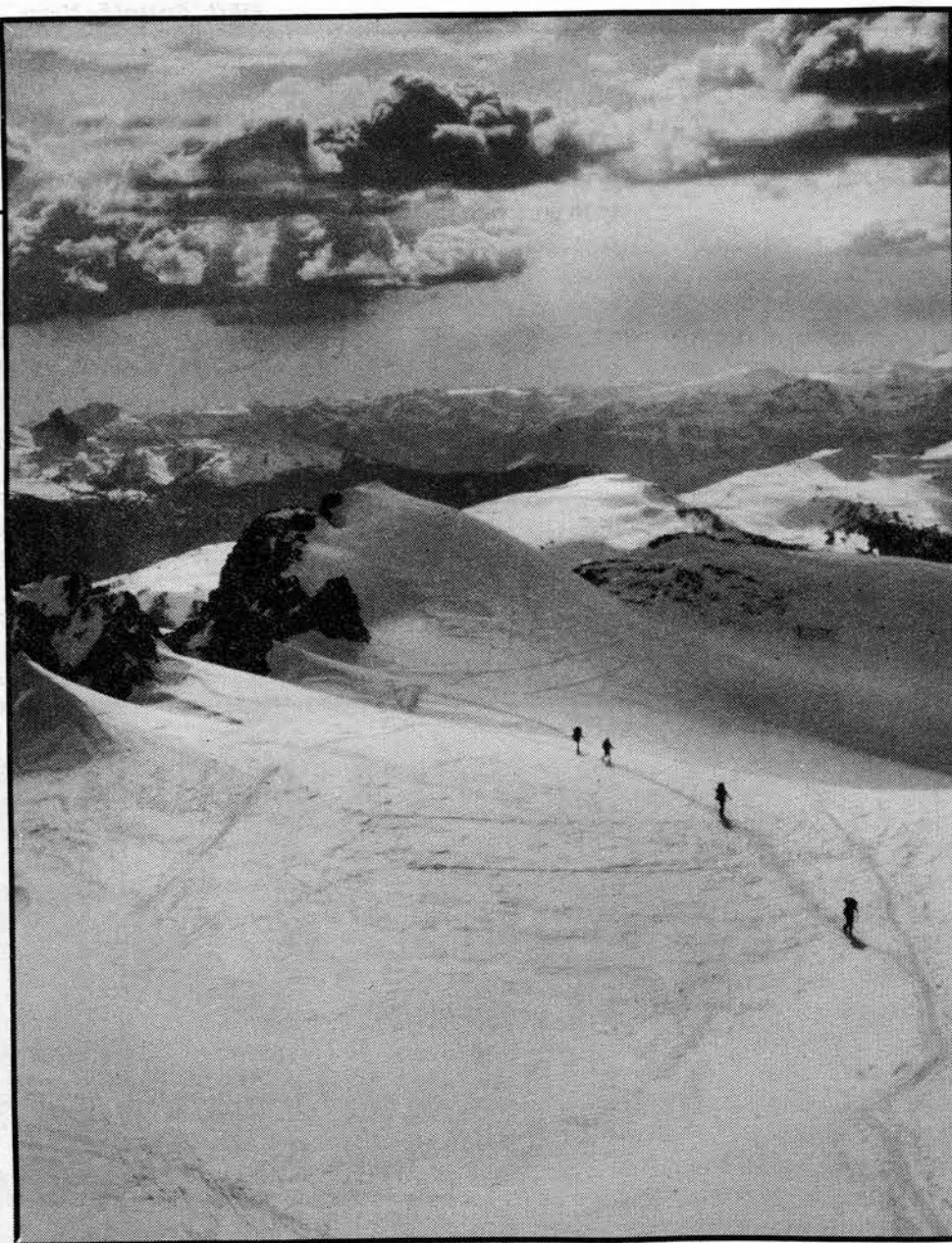
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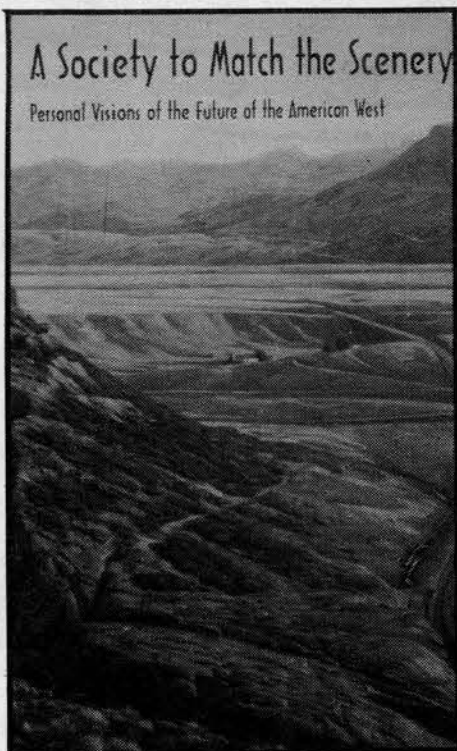
NOTHING STAYS THE SAME

Officials at Montana's 2.25 million-acre Beaverhead National Forest say its 1986 forest management plan may need some revising. According to Forest Supervisor Ron Prichard, the annual review revealed the timber quota can't be met because of expensive pre-sale preparations, stringent controls over clearcutting, and an increase in low-flowing streams that can't absorb sediment released after timber cuts. The 102-page evaluation also says the agency is failing to maintain prescribed standards for protecting grazing lands, particularly those lying in riparian zones. Next year there will be a "major" five-year review of the management plan, at which point forest officials will decide if and where changes need to be made. For a copy of the evaluation or for a short summary, write: Beaverhead National Forest, 610 N. Montana, Dillon, MT 59725; 406/683-3900.

EXPORTS HURT

A two-year study conducted by The Wilderness Study concludes that log exports are harming the economies of western Washington, Oregon and northern California, costing the region thousands of jobs. In 1990 alone, about 25 percent of all the trees cut — 3 billion board-feet of raw logs — were shipped overseas from Pacific Northwest ports, resulting in a loss of approximately 19,200 timber jobs, the report reveals. George T. Frampton, Jr., president of The Wilderness Society, advocates a tax that could trim log exports by 50 percent and generate as much as \$200 million in annual revenues for the region. But, according to Frampton, "any economic package Congress considers for the Northwest

must be accompanied by a system of ancient forest reserves that provide permanent protection for these endangered lands." The report is available from The Wilderness Society, 900 17th St., N.W., Washington, D.C. 20006-2596 (202/429-8441).



VISIONS OF THE WEST

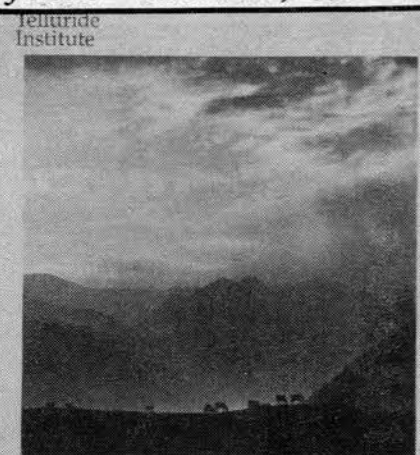
If Wallace Stegner may be considered the West's greatest bard, it is fitting that one of his phrases graces the cover of a new collection of writings about the region. *A Society to Match the Scenery* is taken from an eloquent plea in Stegner's *The Sound of Mountain Water* to understand our wrongs against the region and to create a more just and better West. The editors of this volume have taken up the cause with vigor and vision. Patricia Nelson Limerick, Gary Holthaus and Charles F. Wilkinson, all affiliated with the University of Colorado's Center for the American West, have endeavored to provide "an unflinching look" at today's West and "a clear-eyed assessment of prospects" for the future. The volume's writings were first presented by Western artists and thinkers at a 1990 conference of the same name. Participants included Terry Tempest Williams, Walter Echo-Hawk, Daniel Kemmis, William Kittredge and Ed Marston, among others. Also reproduced are photographs edited by Eve Stryker Munson, including works by Richard Misrach.

University Press of Colorado, P.O. Box 849, Boulder, CO 80544. Cloth: \$24.95. 260 pages. Illustrated with black and white photographs.

WORKING TOWARD SUSTAINABLE AGRICULTURE

"I grew up in the conventional system ... I was told that was the way to go by chemical

dealers and the university — the system that tells you how to farm. Sure, you get higher yields, but at the end of the year you don't have any more money left," says Bob Gross, a third-generation Colorado farmer profiled in the Telluride Institute's *Sustainable Agriculture in the Southern Rockies: A Resource Directory*. The 138-page directory is for farmers and ranchers interested in making sustainable agriculture a reality in the region. It includes 157 individuals practicing ecologically sound farming and ranching, along with a brief description of how they make it work for them. For some, more questions exist than answers. Hotchkiss fruit farmer Ross Blackstock says, "I read all the literature I can find and ask all the people I know with experience ... but in our area there are no experts." The directory was inspired by AERO, the Montana-based Alternative Energy Resources Organization, and coordinated by Rita Robinson of the Telluride Institute. A copy is \$10 from the Sustainable Mountain



Sustainable Agriculture in the Southern Rockies: A Resource Directory of Producers and Practices

Agricultural Alliance (SMALL) and Telluride Institute, P.O. Box 1770, Telluride, CO 81435 (303/728-4402).

LETTERS

SHAME ON YOU

Dear HCN,

Shame on you folks at *High Country News*. For weeks, we the readers followed the saga of the unwanted fax from Idaho Rivers United. Many of us have dipped into our meager incomes to support the HCN Research Fund in an effort to keep something good alive. And now I find that you have rewarded us by selling your mailing list. One need only read the introduction to "The Audio Press" catalog to find the source of this unwanted piece of mail.

You have succeeded in joining the ranks of other industrial environmental groups that teach us how to reduce our junk mail and then turn around and sell addresses to the highest bidder. If you truly care about the West and the waste created by our society, an apology might be nice. Only then might I consider lifting my interdict on further contributions to your publication.

Andrew M. Cole
Winter Park, Colorado

JUNK MAIL OR DIE — FOR NOW

Dear Andrew Cole,

Over the next 12 months, approximately 2,500 of HCN's present 10,000 subscribers will fail to renew. Some of this loss will be made up by unsolicited and gift subscriptions. But we will need to find another 1,500 subscriptions to stay even. To do this, we will send out 150,000 pieces of junk mail or sample

copies to potential subscribers. We will obtain the names of those 150,000 people by trading (not selling) lists with other environmental groups and with compatible businesses such as Audio Forum. If we do not do this, HCN will shrink at a rate of 15 percent a year.

We have tried, and will continue to try, other ways to gain subscribers, but direct mail — to our dismay — is the only practical method we know of.

We know that some or perhaps many subscribers object to the trading of their names, and so our last two annual surveys have given subscribers the chance to remove their names from such trades.

But supporters of public interest groups should recognize that organizations such as *High Country News* must live in this world. Hold us to too high a level of purity and you will destroy us.

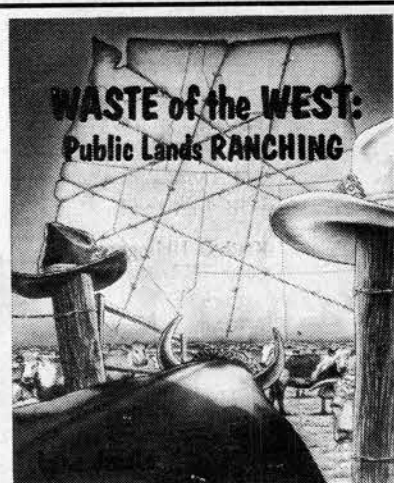
Ed Marston, Publisher

NOT AN ENVIRONMENTAL GROUP

Dear HCN,

I am a recent subscriber to your newspaper and I find most of it well written and informative. However, I was disturbed by the reference to the Fund for Animals as an environmental group in a Sept. 23 Hotline. That's like calling Exxon a resource management company! They are a moralistic, special-interest group trying to dictate their ethical standards to the rest of society.

Steve Barnes
Baker, Nevada



Waste of the West by Lynn Jacobs thoroughly explores public lands ranching and its environmental, economical, political, and social impact. 8 1/2" X 11", 602 pages, 4 lbs., more than 1000 photos and graphics, ETC. Why is ranching the West's most destructive influence? What can we do about it?

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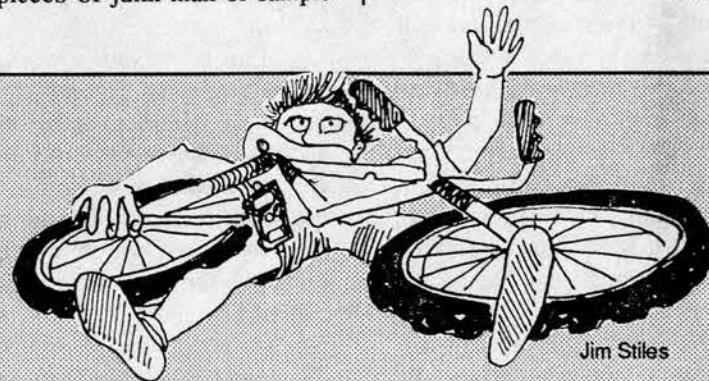
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BOOK NOTES

A book about a man of sense

River of Traps: A Village Life

William deBuys and Alex Harris: University of New Mexico Press with Duke University's Center for Documentary Studies, Albuquerque, NM 87131. 240 pages. \$19.95.

—Review by Tom Wolf

In New Mexico, fans of fine writing rely on William deBuys' *Enchantment and Exploitation* for local history tied to the land. Now comes the rest of the story in *River of Traps*: "I had discovered late in my attempt to write history that my most important source was a garrulous next-door neighbor."

Jacobo Romero was source and resource, a man with 40 grandchildren, none still at home in the isolated community of El Valle. Then came the young gringos. "Our aim was to settle where we could live simply, cheaply and deliberately," writes deBuys, echoing Thoreau. And so he did, along with photographer Alex Harris, co-author of *The Old Ones of New Mexico*. Seeking shelter from the storms of the Vietnam era, many people fled "back to the land." What a pity so few found mentors of Jacobo Romero's stature, men willing to nurture the art of irrigation.

"Never give holiday to the water," Romero taught, glad to pass on the skills of a lifetime on the land.

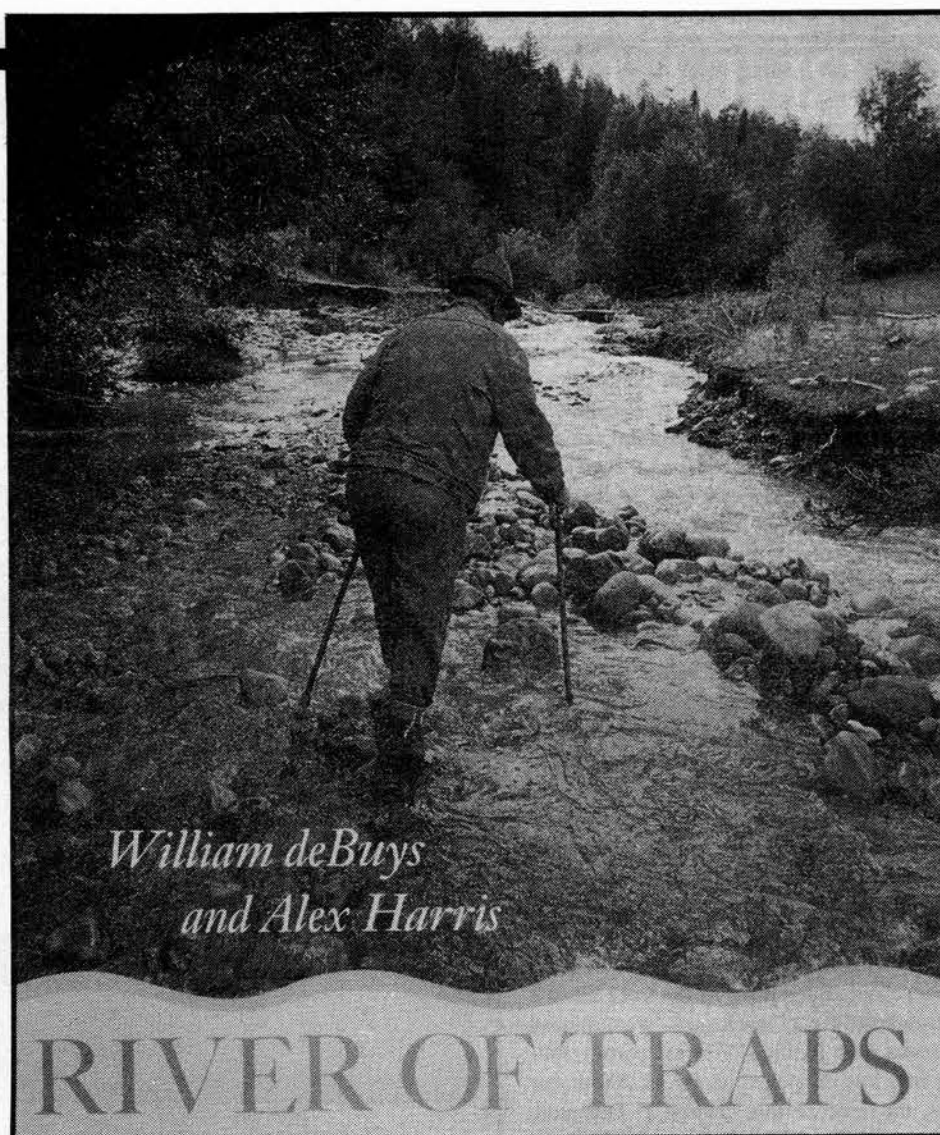
For example, "...we were lowest on the irrigation ditch, and it was our practice to leave our water gates open, even

when it was not our turn to irrigate, in order to capture what leaked down to us from neighbors upstream." Upstream was Romero, not above borrowing water from Anglos still-wet-behind-the-ears, teaching fair play and foul: always with a wink, a smile, a story.

The story is that the simple old ways without cash or fences are lost, along with the poverty, isolation and hardship of village life. It is true that the 18th and 19th century land grant era's expanding population and common ownership led to some environmental abuses, since corrected, in many cases, by the United States Forest Service, which often ended up with the land.

Yet Romero's generation was the last born and raised in a land where time was not confused with money, where money was not unequivocally good. Whether wielding a sharp wit, sickle or shovel, Romero in his land stewardship expressed "an eye for intactness," a concept Alex Harris captures in his black and white photographs of the man at work.

Eventually, deBuys leaves El Valle for the wider world we know all too well. Pausing, he lingers over "grief for things past, or for things to come." He agonizes over the injustices wrought by Anglo and Hispanic land grant speculators who defrauded the original Hispanic holders, who wrested their land from the Indians. Romero himself simply accepts change as it comes, busy cultivating the intactness of his own life and his own land, not as a place to play but a place to work, and work out one's destiny.



Jacobo Romero emerges from this poetic, deeply felt book as a worthy father figure for us all.

At one point in *River of Traps*, a playful epitaph appears: "Here lies Bill deBuys, gringo. He always had more ideas than sense." What deBuys found in the little village of El Valle was a man of sense rather than a man of ideas. Jacobo Romero helped the young men rescue

themselves from the narcissistic preoccupations of the 1970s in a simple way: He taught them how to work the land. From these experiences emerges one of our best books about life in the West.

Tom Wolf writes about the West from Santa Fe, New Mexico.

The Pecos wilderness taught Bill deBuys how to write

One of the environmental movement's greatest challenges comes from within. It is the trial of intellectual integrity, the willingness to question authority and receive opinions in a positive fashion. Better at this than anyone else I know is Santa Fe's Bill deBuys, whose writing and conservation accomplishments push us to expand our concern for the conservation of diversity, both biological and cultural.

In addition to his writing, deBuys works as an independent contractor for Pat Noonan's Conservation Fund and for The Nature Conservancy, wheeling and dealing in the conservation real estate market on a spectacular scale.

Probably his most striking success is the Forked Lightning Ranch, protected in 1990. When developers proposed a huge new resort city near the small village of Pecos, east of Santa Fe, deBuys went to work, quietly seeking to restore their commons to the people of Pecos and to the public. His strategy called for additions to the already federally owned pueblo and mission ruins run by the National Park Service. DeBuys says, "That was an important project because it was, as far as I know, the first one where rural people actually requested an expanded federal presence."

He adds, "You can't do this kind of work in public. You must operate quietly and gain the trust of the principals involved." It turned out that the Richard King Mellon Foundation felt the same way. They agreed to buy the 5,556-acre Forked Lightning for \$4.5 million; then they donated it to the Park Service.

The Pecos story exemplifies the breadth of deBuys' conservation concerns. They reach far beyond the usual quasi-religious reverence for wilderness or biological diversity, to a more sophisticated and human concern with the value of diversity itself.

This amplitude of vision shows in deBuys' other work as well. He is general editor of the widely respected *Land Letter*, the best source of information for anyone doing conservation business with the federal government. He also edits *Common Ground*, a clearinghouse for land-use professionals at the state and local levels.

In his conservation work, deBuys seems resolutely beyond ideology, a pragmatist interested in creating trust and communicating useful information. But this modest pose hardly does justice to the triumphs of writing style in *River of Traps*, which was the 1990 runner-up for the Pulitzer Prize, right behind Edmund O. Wilson and John McPhee. Reviewers in the *New York Times* and *The New York Review of Books* joined the chorus of praise.

When pressed, deBuys attributes the quality of his writing to time spent alone in the Pecos Wilderness. "I set trials for myself," he says. "You could call them a self-imposed rite of passage, my way of achieving balance. Those experiences grounded and centered me in New Mexico. They helped me see the depth of my subject, the relationship of people to the land."

These qualities distinguish deBuys, placing his writing above the din of contemporary Western writing, so

much of which is fatally attracted to the brutal, sterile Cowboy Code of the West. After 400 years as a "frontier" of race and culture, northern New Mexico has a profound story to tell. Other states may develop writers to match their mountains, but not until their storytellers invent local versions of intactness, their own deepened sense of the values of diversity.

DeBuys' voice is patient with paradox and ambiguity, willing to be as deeply at odds with itself as art and nature will always be. The past and especially the rural past need not always be seen retrospectively, not always mourned as old and dying modes which, when examined closely, are seen as never real, the way the Cowboy Code is built on self-serving, life-denying lies. The past may also be seen as a reservoir of unrealized or partially achieved possibilities, whether of human nature or of human behavior. This is the accessible past celebrated in deBuys' work. It is a myth in the best sense of the term, for it gives life, and gives it abundantly.

Similarly eloquent is deBuys' tragic sense that Jacobo Romero was both a wise model and one of the last of his kind. This means that the burden of his knowledge of how to relate to a landscape through work, what deBuys calls "sweat equity," rests with us. This attitude is certainly different from the relations with nature most contemporary environmentalists enjoy, where nature is a place to play, not a place to work.

And finally, deBuys has the courage in these blighted times of polit-



Cynthia Wolf

Bill deBuys in Santa Fe

ical correctness to say that Anglos are not the only ones in danger of losing this precious relation with nature. Romero is one of the last of his generation, and so there is no special virtue in being non-Anglo in New Mexico. All of us should learn to value Jacobo Romero.

—Tom Wolf