

High Country News

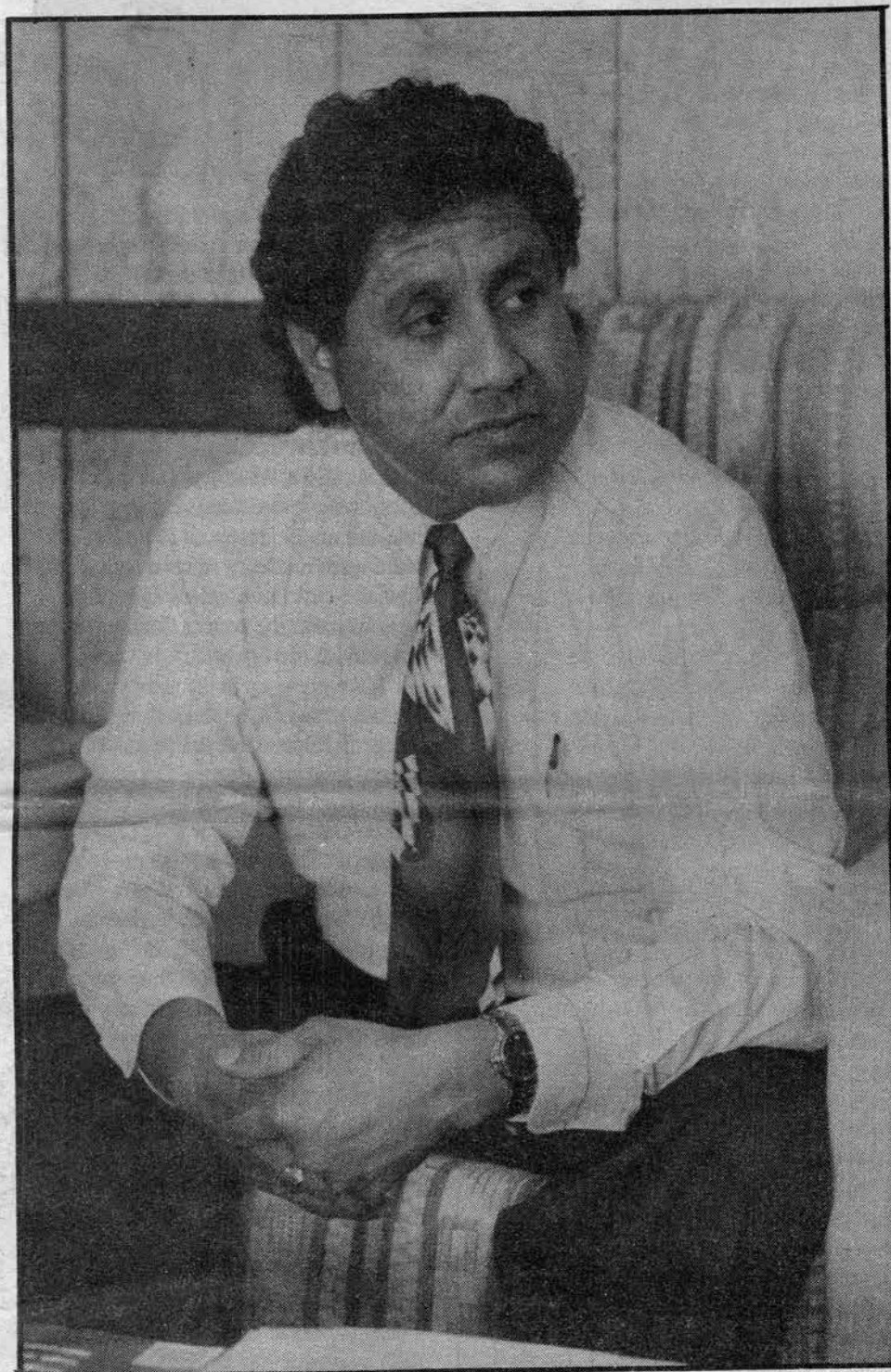
June 15, 1992

Vol. 24 No. 11

A Paper for People who Care about the West

One dollar

Tribe wins back stolen water



Tribal president Ivan Makil

Eddie McClellan

by James Bishop Jr.

"There has never been a single concession by the executive branch of the U.S. government in dealing with the water claims of the Salt River Pima-Maricopa Indian Community that wasn't absolutely forced upon them first."

*Dick Wilks, attorney for the Salt River
Pima-Maricopa Indian
Community*

On Nov. 7, 1991, a century-long battle for water rights waged by the Salt River Pima-Maricopa Indian Community in Arizona against the United States ended as Western films rarely do: The Indians won.

With a single whack of Arizona Superior Court Judge Stanley Goodfarb's gavel, water purloined from the combined tribes 90 years ago was legally returned. With the 85,000 acre-feet of water annually came some \$50 million in damages.

Tribal president Ivan Makil, 40, a rodeo-riding, trumpet-playing Northern Arizona University graduate, says of the settlement: "We are feeling comfortable after years of costly battling that we now have the water. It is flowing. It is not a paper claim, but wet water. The tragedy is that we had to go to such lengths and spend so much time and money."

Continued on page 10

'The parks are being choked to death by special interests and their political patrons ...'

'Any study after 1983, and definitely after 1988, must be suspected of being scientifically and professionally unreliable ...'

— LORRAINE MINTZMYER,
former regional director of the National Park Service
Story and excerpts/12, 13

Dear friends,



HIGH COUNTRY NEWS

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Reserve June 20

If you are planning to attend the Saturday, June 20, dedication of the new HCN building, we would like to hear from you. Events include an open house at 1:30 p.m., a 3 p.m. dedication, a 3:30 p.m. talk by Professor Charles Wilkinson of the University of Colorado law school, and a BBQ dinner at the town park. While we will do our best to accommodate unexpected arrivals, we need to know how many people will be at dinner, and we would like to reserve tickets for those planning to attend the Wilkinson talk.

To make reservations, please call Linda Bacigalupi at 303/527-4898.

Paonia will be hopping during and after the dedication. This is the 20th anniversary of the "Rainbow Family," a group which has its roots in the '60s, and upwards of 20,000 people are planning to camp just north of town during late June and early July. An advance contingent is on hand now. They will overlap with an annual convention of BMW motorcycle owners who spend a few days in Paonia each summer.

Wedding bells

Visitors have been too numerous to name, or even count, thanks to the June 6 wedding of HCN staff writer Florence Williams to Jamie Williams. Jamie recently moved to Paonia from New England, where he worked for the National Park Service on wild and scenic rivers.

In the old days, when a couple married, they registered with a store that sold table silver. Florence and Jamie are registered with a business that sells rafts, kayaks and other river-running gear. In the West, young people take care of outdoor needs first; furniture, china and the rest can wait.

The wedding was outside Telluride, at Dave and Sherry Farney's Skyline Ranch. People came from around the nation — but mostly from Oklahoma, where Jamie's family lives, and from the coasts, where Florence's family lives, and from Paonia, where High Country News resides. The 9,000-foot setting in the San Juans is best compared to the opening bars of Beethoven's Fifth.

The pasture and abruptly rising, still-snow-covered peaks took the place of a cathedral, and letters the bride and groom wrote to each other were read in place of the usual service. It is always a risk to replace hundreds of years of tradition with something newly made, but in this case the replacement was a great success. The bridesmaids gracefully negotiated barbed wire and a hummocky "aisle," the bride and groom glowed, and the audience could not have wept more freely if "Here Comes the Bride" were being played and a minister were reading from the King James version of the Bible.

May their happiness exceed even the good wishes showered on them by the guests at the ceremony.

Corrections

In the otherwise flawless June 1 essay on Everett Ruess, we said that W.L. Rusho's book, *Vagabond for Beauty*, is out of print. Gibbs S. Smith, publisher of Peregrine Smith Books, tells us the book is most definitely not out of print. The firm can be reached by calling 801/544-5582 in Layton, Utah.

A "Barb" misidentified Sen. Dennis DeConcini. He represents Arizona, not New Mexico.

The interns speak

HCN has approximately 12 interns per year, and as a result there are a large number of intern alumni out in the world. We invited them to the High Country News building dedication June 20, and included a questionnaire. All the answers were helpful, but the one from Bruce Farling, now of Florence, Mont., went beyond any reasonable call of duty. We asked: Would you recommend an HCN internship to others? He replied:

Can't say. After all, ya'll got a newfangled office and about 7,000 more subscribers than when I was there. And... you've got computers! My first five minutes upon arriving in Paonia in 1984, I had this conversation with Betsy (the editor):

Betsy: Where's your typewriter?

Farling: My what?

Betsy: We have one typewriter. It's mine. We have one computer. It's Ed's (the publisher).

Farling: Do you have pencils?

Matt Klinge, a 1989 intern, responded to the same question in the same tone:

Hell, yes? Better than Dianetics.

Seriously, between the Marstons' savage editing and Steve's withering sarcasm, I learned how to write, and I rediscovered the West.

Staff no longer expects many interns at the event.

An intern from the neighborhood

New intern Mike Foster arrived in Paonia after a five-day raft trip through Cataract Canyon. Its radiant desert walls stood in stark contrast to the dark streets and hazy air of Moscow, where Mike spent most of the winter. "There was a coal-fired power plant about two blocks from my apartment with five stacks burning full bore. Even on a clear day you couldn't see farther than two or three miles," he says.

Although Mike spent most of the fall and winter in Moscow, where he taught English and studied Russian, he also traveled in the central Asian

republics of Kirghizia, Tajikistan and Uzbekistan. He found the Russians he met distressed by the rapid changes affecting them. Most were accustomed to a system where things changed very little and major decisions about the future were made by someone else. Now, they told him, prices changed every day and the former Communists still held all the controls.

Mike grew up in the nearby Grand Junction area of Colorado, the youngest of seven children. He fondly recalls 18 years of swimming in the Grand Valley irrigation system, jumping off bridges into the Gunnison River and playing in radioactive sandboxes. Mike drove up to Laramie, Wyo., for his freshman year of college, but transferred the next year to Colorado College in Colorado Springs, where he's majoring in U.S. history. A brother, Tim, is a Republican serving in the state legislature.

Need a neutered male?

The local High Country Shopper, with which High Country News is often confused, had another interesting ad:

FREE TO GOOD HOME: Small, white neutered male. Not good with children. Moving and must give away.

— Ed Marston for the staff

HOTLINE

May rains a drop in the bucket

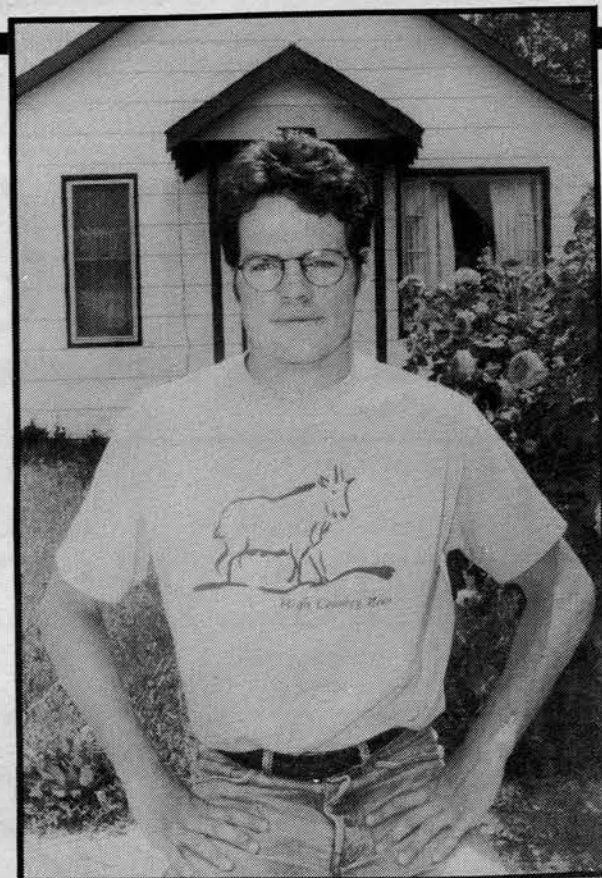
Late May cloudbursts did little to moisten the drought-parched West. Above-average rains fell on pockets of Colorado and Wyoming but missed Oregon, Washington, Idaho, Nevada and Montana — the states hardest hit by drought. While western Colorado experienced one of its wettest Mays ever, Boise, Idaho, suffered its driest. And even lucky places saw only negligible increases in long-term totals; many consecutive months of above-normal precipitation are needed throughout the West to end the drought. Furthermore, rain, unlike snowmelt, is usually absorbed by the ground. About 85 percent of the water in the Colorado River comes from the snowpack, which is now down to 22

percent of normal in the Colorado River Basin. "The rain may give farmers more time before their next irrigation because the soil is wet, but it won't raise river levels," said Lenny Lang, who works for the Soil Conservation Service in Grand Junction. The worsening drought has Westerners gearing up for a summer of forest fires and low river flows.

BARBS

It is not surprising that the boss of both the Bureau of Reclamation and the Bureau of Indian Affairs does not believe in survival of the fittest.

Interior Secretary Manuel Lujan Jr. said in late May that he does not believe in Darwin's theory of evolution, according to the New York Times (5/26/92).



Cindy Wehling

Mike Foster in front of the new "intern town-house," bought to ease the intern housing crunch in Paonia's tight rental market

WESTERN ROUNDUP

Indians seek protection from religious suppression

On the bicentennial of the First Amendment's guarantee of religious freedom, many Native Americans are wondering when constitutional protection will extend to their religion. They charge that recent U.S. Supreme Court cases have stripped Indians of the right to practice religions that were old when Christopher Columbus arrived in America.

"The Supreme Court has ruled that everybody has religious freedom but us," says John Echohawk, executive director of the Native American Rights Fund, based in Boulder, Colo.

Recently, NARF launched a national campaign to pass amendments to the 1978 American Indian Religious Freedom Act. They would protect Indian sacred sites on federal land, legalize the use of peyote in Native American Church ceremonies, deregulate the use of eagle feathers in traditional ceremonies, and guarantee freedom of religion in prisons.

The proposed legislation, written by Sen. Daniel Inouye, D-Hawaii, would require the federal government to respect the religion of Native Americans or show a "compelling reason" for proposing any actions that threaten their practice.

A similar bill was considered in 1989, but failed after a coalition of mining and timber groups said it gave Indians virtual veto power over other forest uses.

At that time, the U.S. Forest Service also opposed the bill. But Evan De Bloois, an historic preservation officer with the agency, says Inouye's bill has addressed some of that agency's concerns.

"At this point, I would have to say we are neutral on it," he says. "When it gets closer to the time the bill is introduced, we will have made a decision one way or the other."

Resource users remain likely to oppose the bill. "It would place certain areas off limits," says Dave Ridinger, president of the Arizona Mining Association. "That would be the main reason we'd oppose it. The whole game for mining is access to public lands. We're getting pushed back and locked out of public lands."

Walter Echo-Hawk, staff attorney for NARF, says the additional legislation is necessary because the Supreme Court ruled in two recent cases to weaken religious freedom for Native Americans.

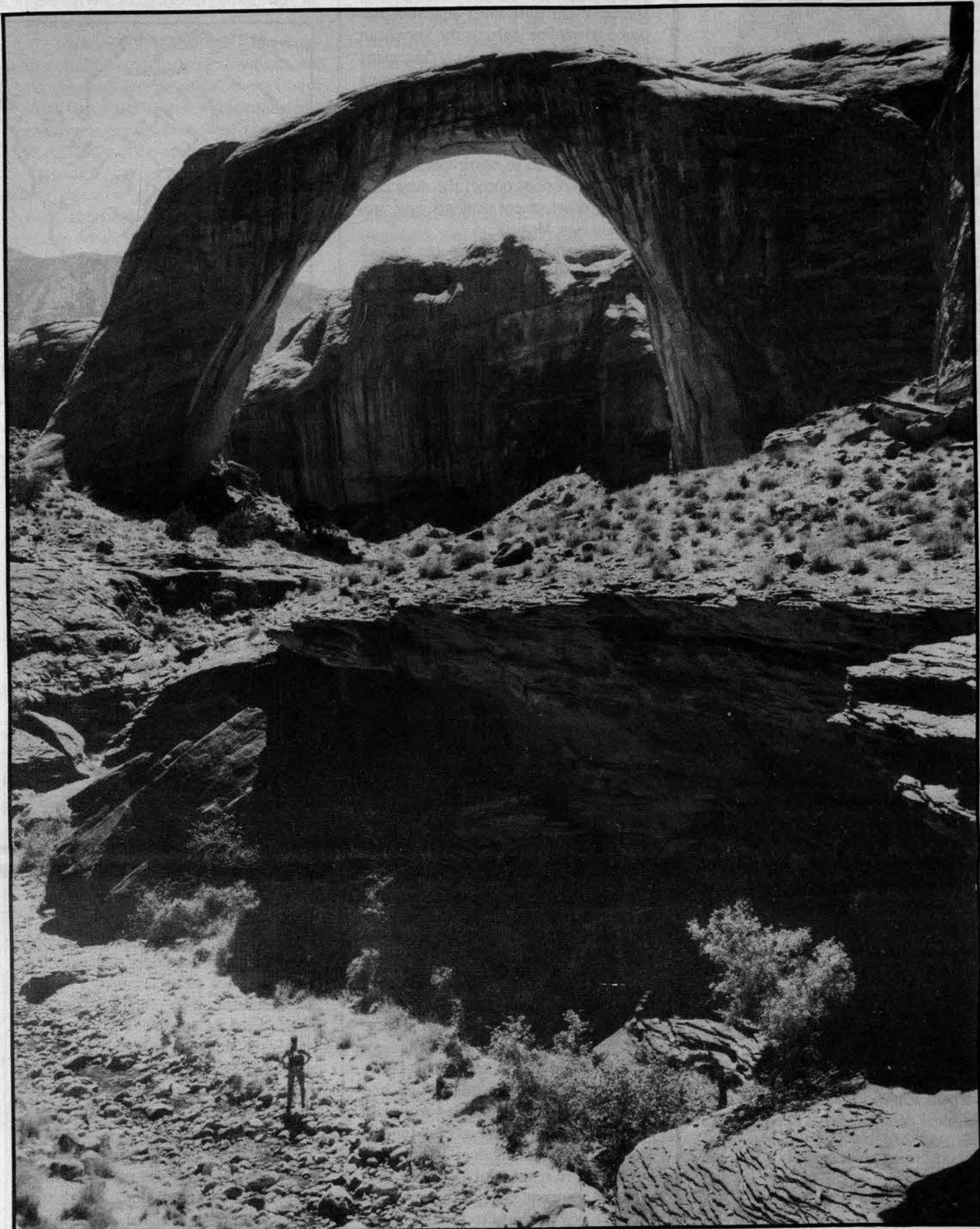
In the (Oregon) Division of Employment vs. Smith case, the court ruled that peyote could not be used as a religious sacrament in states that had outlawed the cactus as a drug.

In a California case in 1988 called *Lyng vs. The Northwest Indian Cemetery Protective Association*, the court approved plans by the U.S. Forest Service to build six miles of paved road through an area of the Six Rivers National Forest used by three Indian tribes for religious purposes.

Says University of Colorado professor Vine Deloria: "Today a major crisis exists in Indian country because of the *Lyng* decision ... there is no real protection for the practice of traditional religions within the framework of American law."

Deloria defines four categories of areas that are considered sacred by Native Americans.

The first includes areas where something of importance took place, such as



National Park Service

Indian groups consider once-remote Rainbow Bridge, now easily accessible via Lake Powell, a sacred site

the site of the battle at Wounded Knee. The second is typified by the Buffalo Gap, on the southeastern edge of the Black Hills in South Dakota. It was here the buffalo emerged each spring to mark the beginning of the year, Deloria says.

The third includes holy places such as Bear Butte in South Dakota, where "higher powers have revealed themselves to human beings," Deloria says. The fourth site is where Indians receive new revelations.

Indian groups have identified at least 15 sacred sites that have been, or are, in imminent danger: the Crazy Mountains in Montana; Mt. Hood, Oregon; Mt. Shasta, California; the Black Hills in South Dakota; Mt. Graham in southern Arizona; the Rainbow Bridge in Arizona; and the Hawaii Volcanoes National Park, among others.

But Walter Echo-Hawk says there are more sites Indians have not identified because they fear vandalism.

Many environmental groups, including the National Audubon Society,

Friends of the Earth, the Natural Resources Defense Council and The Wilderness Society, have joined the Native American advocates in supporting stronger laws.

"Many of the sacred sites are coincidental with areas where there are great environmental values we want to protect," said Brent Blackwelder of Friends of the Earth. "This coalition represents a remark-

able point in history where two groups have combined many important issues into one. We've got something here that's not going to evaporate. It's going to grow in strength. Building these bridges between groups represents the future."

— Ron Baird

Ron Baird reports for the *Colorado Daily* in Boulder, Colorado.

HOTLINE

Colorado wheat with a New York accent

"It shakes like a mound of strong-smelling Jello when plopped onto a field," says the *Chicago Tribune* of the treated waste that has led some Holly, Colo., residents to make a stink. Four hundred people signed a petition to stop New York City, which can no longer dump treated sewage at sea, from railroading 150 tons

of sludge a day to their small eastern Colorado town. Dry-land wheat farmers there say they can avoid fertilizer costs by spreading the treated sewage on their fields. Though State Health Department officials say the waste is carefully monitored, opponents worry that surprises could spring out of the Big Apple's debris. Charlotte Shenck, who helped write the petition, says opponents have had no response from Gov. Roy Romer — a Holly native — despite several letters and phone calls.

HOTLINE



Kelly Andersson

The owl and politics

The saga of the spotted owl and its disappearing world continues. Last month a cabinet-level committee, dubbed the God Squad, voted 5 to 2 to waive requirements of the Endangered Species Act and allow logging on 1,700 acres of BLM land in Oregon. On the same day, the Bush administration issued a plan to restrict logging on 5.4 million acres of old-growth forest that is home to the owl. The plan complies with the law but could cost 32,000 timber-industry jobs, according to the Interior Department. At the same time, Interior Secretary Manuel Lujan Jr. proposed an alternative plan that would cost fewer jobs but save fewer owls. Environmentalists immediately dubbed Lujan's version the "extinction plan," because, as the proposal acknowledged, enactment would "eventually result in extinction or near complete extirpation of northern spotted owls." The Lujan plan also proposed that Congress change the Endangered Species Act by taking economic considerations into account when loggers want to cut trees on owl habitat. Any move to allow logging is largely symbolic, however, since two federal court decisions barred logging in most of the ancient Northwest forests. A congressional decision is not expected until later this year. A bill introduced by Republicans Sen. Slade Gorton, Wash., and Reps. Rod Chandler, Wash., and Bob Smith, Ore., echoes Lujan's plan to maintain maximum logging. But several Democrats are working on plans to protect ancient forests. One bill would bar commercial logging across 8 million acres of old-growth in Oregon, Washington and northern California.

Long haul for Busterback

After 10 years of negotiations, the U.S. Forest Service and the Bonneville Power Association have purchased the 2,201-acre Busterback Ranch 40 miles north of Ketchum, Idaho. An irrigation diversion at the ranch has dewatered the Salmon River and Alturas Lake Creek for more than 10 years, cutting off endangered chinook and sockeye salmon from their traditional spawning grounds (HCN, 3/12/90). The buy-out means that "water will be back in the Salmon River this summer," says Guy Bonnavier of The Nature Conservancy, a key negotiator in forging the final agreement. The Forest Service contributed \$2.4 million and Bonneville Power Association paid \$800,000 to purchase most of the land and its water rights. The ranch buildings and 80 acres are still for sale by the owner.

Power line electrifies New Mexico

"The Jemez Mountains are very special to the Pueblo people. They are the source of our spirituality and this proposed power line stabs at the very heart of our way of life. We have lost many things over the years and are hanging desperately on to what remains."

At a public hearing April 21 in Santa Fe, Herman Agoyo, governor of San Juan Pueblo in north-central New Mexico, described one of the most contentious development projects ever proposed in New Mexico.

The hearing, expected to last through mid-June, will help decide whether Public Service Company of New Mexico (PNM) is granted a license from the state's Public Service Commission to build a \$54 million, 50-mile-long, 345,000-volt transmission line, tagged "OLE" (Ojo Line Extension). The line would carry power from one switching station to another through the Jemez Mountains and across White Rock Canyon of the Rio Grande River.

This region is on a list of possible national parks compiled by the Interior Department, because of its natural and cultural values. Home to several rare and endangered animal and plant species, hot springs, pristine rivers and old-growth forest, the area also contains thousands of prehistoric Indian ruins. Critics say all these are threatened by a power line that is not needed locally.

But PNM spokesman Rick Brinneman says the line, which was first proposed in the 1970s, is needed more than ever in a state where energy use has increased by 42 percent over the past decade. He says the line will increase power-transmission capacity to Santa Fe and Albuquerque from PNM's generation plants in the Four Corners.

Notes PNM's OLE project manager Wayne Pilz: "Everybody wants power but nobody wants power lines." He says PNM has gone to great lengths to mitigate OLE's impacts. These include trimming trees instead of clear-cutting along portions of the corridor, making the line more reflective in places to prevent bald eagles from colliding with it, using helicopters instead of vehicles for construction, and eliminating all but essential new roads.

As for the possible effects on the Pueblos' religious practices, Brinneman says, "We're respectful of those religious practices and have tried our best to mitigate any impacts to them. To the best of our knowledge, we have avoided



Diane Sylvain

sacred sites. It is not easy. Any company has to do its best to reach a balance."

That best is apparently not good enough for the anti-OLE coalition, which includes an organization called Save the Jemez, various pueblo governments, the All Indian Pueblo Council (which represents all 19 New Mexico pueblos), the Sierra Club and many other local organizations. Most recently, Rep. Bill Richardson, D-N.M., New Mexico Attorney General Tom Udall, who is son of the former Interior Secretary Stewart Udall, and a loose-knit group of people from Los Alamos, including scientists from Los Alamos National Laboratory and business owners, have also jumped into the fray against OLE.

Despite the opposition, PNM appears to be in the driver's seat. In the late 1980s, the utility received a favorable response on its proposal from the lead federal agency handling the environmental impact statement process — the Bureau of Indian Affairs. Hopes for blocking OLE now rest primarily with the Public Service Commission, the state arm overseeing utilities.

Opponents hope to prove that the transmission project will create significant environmental and aesthetic impacts, and that "rational, economical and environmentally sensitive alterna-

tives exist," explains Ted Davis, co-founder and president of Save the Jemez. "The natural resources of the Jemez are so extraordinary that building OLE would be like taking a masterpiece painting and slashing it with a knife."

Critics say alternatives range from on-site generation with natural gas to upgrading lines along existing power corridors to acquiring power from alternative suppliers.

They also suggest PNM could implement more aggressive conservation programs. Energy analyst Amory Lovins, who will testify at the hearing, says, "Several alternatives are dismissed (in OLE's environmental impact statement) with cursory discussion that cannot withstand scrutiny. And the most important alternative — a least-cost investment strategy emphasizing end-use efficiency and load management — is not considered at all."

PNM's Brinneman says the company thoroughly examined system alternatives but found they would cost twice as much to implement. "The company has advocated for a number of years the efficient use of our product. But a demand-side management program takes a while to get into place," he says.

Some critics say the real reason for OLE is to allow PNM to sell its excess power from the Four Corners region to distant markets such as California. Dismisses Brinneman: "Absolutely not. Why would we go around Jones's barn to get to where we want to go? If we wanted to sell power out-of-state, we'd say so."

OLE bashers, however, remain skeptical and say PNM's claim of an impending power crisis in northern New Mexico — a crisis PNM has been predicting for over a decade — has yet to materialize.

For further information on OLE, contact Save the Jemez, P.O. Box 4067, Albuquerque, NM 87196; or PNM, Alvarado Square, Albuquerque, NM 87158.

— Daniel Gibson

Daniel Gibson is a free-lance writer based in Santa Fe. He writes frequently on the environment.

Report says taxpayers are being overgrazed

An 88-page grazing-fee review prepared by the Interior and Agriculture departments was immediately attacked by the livestock industry and Bush administration. The leaked draft report, which updated a 1986 study and was ordered by Congress, asserts:

- Federal agencies spent \$52.3 million more on range programs in 1990 than they collected in grazing fees;
- Federal grazing fees are much less than the appraised value of federal grazing allotments;
- Federal-lands ranchers invest relatively little to improve and maintain their allotments; and
- Most cattle producers who pay for federal leases would make a profit even if fees were tripled.

The *Grazing Fee Review of the 1986 Final Report* compared private and public fees in six different regions in the West. It concluded that the government ought to be charging \$6.84 for each cow-calf on public rangelands instead of the



\$1.92 it charges under its current formula. Rep. Mike Synar, D-Okla., congressional crusader for grazing-fee increases, told the Washington News Bureau, "This report confirms everything we've been saying. This is an economic issue. We're losing big bucks."

Speaking before the House Interior Appropriations subcommittee, Bureau of Land Management Director Cy Jamison agreed with the National Cattlemen's Association that the report was based on inaccurate methodology. That sentiment echoes a report by two Pepperdine University professors commissioned by the Western Livestock Producers Alliance, the California Cattlemen's Association

and 20 other rural Western entities. The professors found the federal study "seriously flawed." They proposed ignoring both the 1986 and 1992 studies in any legislative debate over public-land grazing fees. David Alberswerth, public-lands director of the National Wildlife Federation, said the Pepperdine critique was a case of trying to buy a new messenger when you dislike a message.

To receive a copy of the 1988 grazing fee update, write to the Director of Range Management, USDA — Forest Service, Auditor's Building 3 South, P.O. Box 96090, Washington, D.C. 20090-6090.

The 50-page Pepperdine report, titled *New Perspectives on Grazing Fees and Public Land Management in the 1990s, Part II*, can be obtained from the Public Lands Council, a lobbying group for the livestock industry, 1301 Pennsylvania Ave. N.W., Suite 300, Washington, D.C. 20004 (202/347-5355).

— John Horning, Caroline Byrd

A firm comes to Montana bearing gifts

A company called Ross Electric may be moving soon to Montana to get away from it all — all those troublesome environmental regulations in the state of Washington.

Ross Electric "recycles" old electric transformers, burning off paper and plastics to recover copper, brass and aluminum. These older transformers also contain traces of PCBs that can escape with incineration or end up in ashes that remain after the recycling is done.

Pollution from the process caused Ross Electric to rack up more than \$190,000 in fines for violating Washington state's environmental regulations over the last five years at its Chehalis operation.

Rather than comply with a Washington state mandate to install temperature controls and buy out surrounding landowners, the company decided to move to Missoula, Mont.

Land was purchased and construction was under way on a new building last December when Missoula residents got wind of what Ross Electric meant by "recycling" — trucking up to 7,500 retired transformers to town for incineration.

Two separate grass-roots groups, the Coalition Against Ross Electric Company and Grass Valley Neighbors Against Ross Electric, organized in Missoula to prevent Ross Electric from opening up there.

Members said Missoula already has chronic air pollution caused by wood smoke from fireplaces and wood stoves, as well as emissions from a large pulp mill at the west end of the valley. Air quality is further degraded by regular inversions that trap stagnant air in the mountain-ringed valley. Yvon Chouinard, owner of the outdoor-clothing company, Patagonia, helped critics of the company when he threatened to cancel plans to move most of his operations to Missoula if Ross Electric was allowed to locate there.

Public pressure from a galvanized community finally caused local officials to disinvite Ross Electric from moving to Missoula.

Primarily to ensure that Ross Electric could not relocate in Missoula, the city banned any incinerators that burn toxic materials — except crematoriums and paper incinerators. That gave Missoula some of the strictest regulations in the country against toxic-waste burning.

But after Missoula rejected the business, economically pressed communities elsewhere in Montana began vying for the operation. Ross dangled a large carrot before them: the promise to employ from 25 to 100 local persons at an average wage of about \$10 an hour. Butte and Great Falls made a pitch for those jobs, as did the small town of Superior on Montana's western border with Idaho.

Meanwhile, state regulators tried to deal with the situation. In January, Montana's health department ruled that transformers were solid waste and therefore could not be imported into Montana. The state is under a moratorium that prohibits importing solid waste into Montana for incineration or disposal until at least July 1993. That moratorium was imposed to prevent the state from becoming a dumping ground for other states' garbage.

Both of Montana's congressmen, Republican Ron Marlenee and Democrat Pat Williams, who usually cancel each other out on opposite sides of an issue, said out-of-state toxic waste was unacceptable in Montana.

But not long after Missoula and Ross Electric broke off their engagement, the rural town of Baker in Fallon County on the eastern side of the state sent out an invitation for Ross to come a'courtin'.

Baker is a junction community of about 1,800 residents that sits a dozen miles from Montana's eastern border with North Dakota.

In March, about 200 Baker-area resi-

dents showed up for a meeting about the possibility of Ross Electric relocating to the area. The few protesters who attended were surprised to find that the gathering was intended as a "reception" for the Ross representatives, not as a forum or referendum. They were told that a fact-finding committee of 10 area residents, evenly divided with five proponents and five opponents of Ross's relocation, had been formed.

A week later, this group disbanded after only three meetings. They agreed to disagree about just about everything they discussed, including the health threats of exposure to PCBs.

In an April 23 meeting, legal representatives of Ross Electric met with the state Department of Health and Environmental Sciences in Helena to state their position that importing transformers into Montana would not violate the moratorium against importing solid waste.

State health officials were not convinced. "I don't see them doing anything in Montana before 1993, unless they decide to litigate or challenge the constitutionality of the moratorium," said Roger Thorvilson of the Montana Department of Health and Environmental Sciences.

Meanwhile, the owner of Ross Electric, Al Ross, has been in the small town of Baker looking for land.

"Everything is in place and we are ready to move to Baker if and when we get the necessary state permits," said Bob Ross, another official of Ross Electric Company.

For more information, contact the Montana Environmental Information Center, P.O. Box 1184, Helena, MT 59624 (406/443-2520), or Roger Thorvilson, Montana Health Department, 406/444-2821.

— George Everett

The writer is a free-lancer in Butte, Montana.

HOTLINE

Rockslide closes Grand Canyon trail

A rockslide in January wiped out 2,000 feet of the North Kaibab trail in Grand Canyon National Park, temporarily closing the only route from the North Rim down to the canyon floor. The trail should open again July 1, says trails foreman Dan Blackwell. In the meantime, hikers can use rim trails, or reach the river from the South Rim on the Bright Angel Trail. *The Arizona Republic* gave directions for an alternative route into the canyon from the North Rim, but park spokesman Jim Tuck strongly discouraged visitors from attempting the descent on the abandoned "Old Bright Angel Creek" trail. He said, "It is what backcountry hikers know as a 'route,' and you have to be adept at route-finding. It is very dangerous and it's definitely not a trail." Blackwell agreed, saying the route has had virtually no maintenance in more than 30 years, and that a backcountry ranger was injured there in mid-May. On May 19, a small rockfall on the Bright Angel Trail killed one hiker but did not block the trail. The park has 12 to 15 fatalities a year, Tuck said, mostly from cardiac arrest or drownings, but before May's accident no one had died from a rockfall in at least 10 years.

BARBS

We're like Baker. It's so enjoyable rubbing elbows, shoulders and thighs with other travellers.

Under pressure to avoid extravagant spending on perquisites, Secretary of State James Baker flew business class on a commercial flight to San Antonio. The *New York Times* reported that the secretary seemed to enjoy the experience.

Multiple-use group lobbies hard, rejects industry money

SALMON, Idaho — Ranchers, loggers, miners, trappers, recreationists and others who use public lands in the West say they have had it.

They're tired of being outmaneuvered by environmentalists and have joined forces in the battle over the future of public lands.

"We're the ones that have fed and clothed the world and now we're getting whipped for it," said North Fork logger Joe Fraser.

"We've been written off as the criminals who abuse public lands. I agree some of us needed to be brought up short, but things have gone too far."

Fraser is president of the Salmon chapter of Grassroots for Multiple Use, one of a growing number of multiple-use and public-land user groups popping up all over the West. Like its counterparts, People for the West! and the Oregon Public Lands Council, Grassroots seeks to counteract the growing influence of environmentalists on public land decisions.

A parent Grassroots chapter was started less than two years ago in Hamilton, Mont., and has grown to 2,000 members. Salmon's chapter has bulged to 520 members only a year after its formation. Another chapter has formed in Challis.

Grassroots members have learned to play the political game environmentalists have worked to master. Committees

track legislation and policy that affect their use of public lands.

For example, when mining is threatened, either locally or nationally, the committee puts out an action alert. All Grassroots members are asked to support the miners by calling or writing letters to the appropriate people or offices.

Salmon National Forest officials have heard the Grassroots message loud and clear. Phone calls and letters flooded the forest headquarters over a new firewood policy and a forest travel plan. As a result, Salmon National Forest Supervisor John Burns modified the firewood policy with a promise to review it at the end of the season. The travel plan has gone back to the drawing board and a committee of Grassroots members will help with the revision process.

Fraser said the group has been successful because local comments on Forest Service policy are now outnumbering those from outside the valley.

"Before, we were too busy working to know what was going on or how to respond," he said. "Now we're trying to work and keep track of what's going on, too."

Grassroots for Multiple Use says it

is supported by small donations and membership dues. It relies solely on volunteer help. Members pay their expenses for traveling to such events as congressional hearings.

Fraser said the group has turned down several substantial donations by industry because members didn't want to

be pegged as a single-interest organization or industry front group.

People for the West!, with about 65 community-based chapters in Montana, Colorado and New Mexico, has a membership of 10,000 and a \$1.5 million budget.

Barbara Granell, executive director of

the Western Public Lands Coalition in Pueblo, Colo., began the People for the West campaign three years ago with \$60,000. She said she plans to turn next to California with an urban message.

"Our goal is to unite as many Western states as possible so that we have some clout in Congress," Granell said. "We're up against a big thing when you look at the Eastern states. I think if enough people get involved, we can turn this country around."

Records show much of People of the West's funding comes from the mining industry and other commodity groups

'We've been written off as the criminals who abuse public lands.'

(HCN, 7/1/91). Granell fiercely denies the charge.

Merle Lloyd of the Hamilton chapter of Grassroots said he and others are working on a coalition that goes beyond the West and public lands use. The new coalition could provide networking for as many as 350 to 400 organizations that have formed across the nation over concern about such issues as wetlands, water rights and the Endangered Species Act, he said.

Mike Medberry, public lands director for the Idaho Conservation League, said if environmentalists see themselves losing, they can tap into an even larger reservoir of grass-roots support of their own. But, he said, he prefers another alternative to polarized head-counting — cooperative problem-solving.

Lill Erickson, formerly of the ICL and now with the Greater Yellowstone Coalition in Bozeman, Mont., agrees.

"There are some significant problems facing all of us and we're going to have to work together to solve them, rather than spending our energies slamming our heads against each other," she said. "There are no true villains out there. It's just that we have different points of view. But we all love the land, which is a powerful common ground."

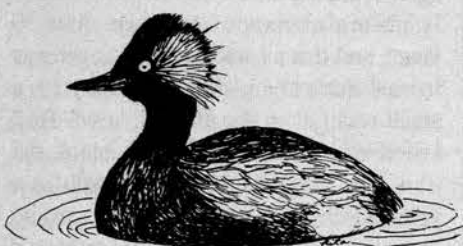
— Candace Burns

The writer works for the Idaho Falls *Post Register*.

HOTLINE

"Where are the trees?"

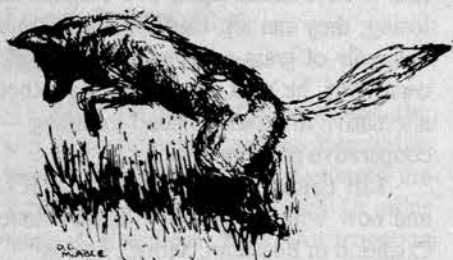
The New Mexico Farm and Livestock Bureau is angry at state-sponsored radio messages that blame overgrazing for many environmental problems. The bureau calls the segments "false and misleading" and wants them removed, reports the *Albuquerque Journal*. Aired on designated stretches of highway, the four-minute "Hear New Mexico" messages are read by actor Ricardo Montalban. On one tape, broadcast near Socorro, Montalban asks, "Where are the trees? Ecologists tell us that some 95 percent of the native streamside woodlands of the Southwest are gone. What a loss! Dam construction, channelization, overgrazing ..." The segments were approved by the state's cultural affairs officer, Helmuth Naumer, who says, "That is what happened."



Rita Clagett

The death of grebes

Toxic levels of selenium may have contributed to the deaths of more than 150,000 eared grebes found at California's Salton Sea, according to the U.S. Fish and Wildlife Service. Lab tests of grebe tissues indicate high levels of selenium, but officials are still investigating possibilities of other contaminants in the die-off of migratory waterbirds. Agricultural runoff draining into the Salton Sea can concentrate selenium, boron and other substances to highly toxic amounts (HCN, 4/10/92). If the toxics don't kill birds outright, they can weaken the birds' immune responses, making them more susceptible to disease. About 1 million eared grebes, half the world's estimated population, winter in southeastern California on the Salton Sea; almost 15 percent of those have died since February. The birds also show high levels of DDE, a byproduct of DDT. Officials are concerned that the combination of the two toxins may drastically reduce the breeding success of surviving birds when they migrate to their summer breeding lakes in northwestern states and Canada. Biologists plan to follow the grebe migrations to monitor the population over the long run, but fear that there may be far fewer grebes to watch next year.

**Hungry coyotes**

Wyoming ranchers reported more sheep lost to hungry coyotes last year. According to an annual government survey, predators — mostly coyotes — killed 67,900 sheep and lambs in 1991, an 11 percent increase from 1990. That continues an upward trend that began in 1987. "We've got a hell of a lot of coyotes out there, and they're hungry. I don't know if it's a cycle or what," Wyoming Agriculture Commissioner Don Rolston told AP.

Is Yellowstone taking grizzlies' turf?

Grizzly bears feeding on spawning trout have fueled a debate over a \$48 million redevelopment project proposed for the heart of Yellowstone National Park.

Park Superintendent Bob Barbee says a plan to reshape the park's developed areas has been in the works for years. In 1974, a master plan called for removing all structures at Fishing Bridge, three miles east of the resort of Lake, where streams flowing into Yellowstone Lake have always been a magnet for bears.

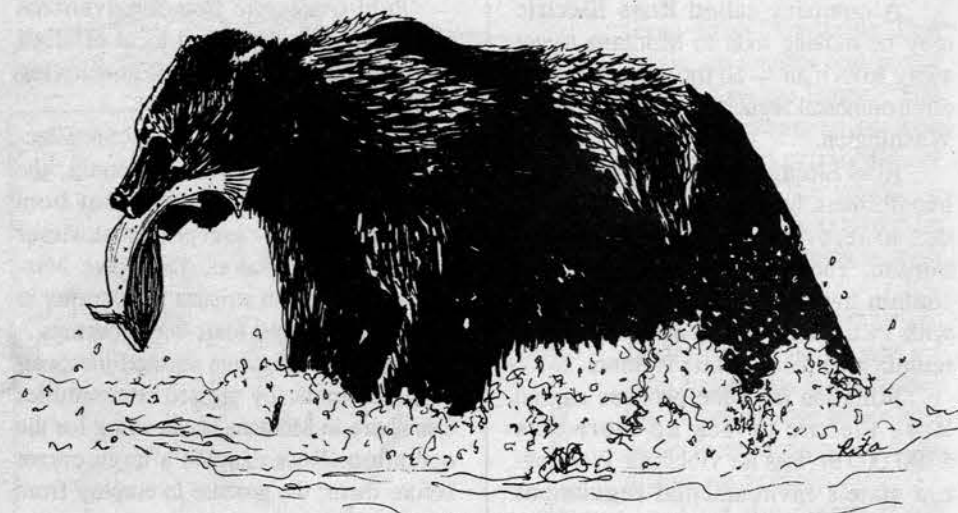
But tourist interests, backed by political clout, blocked the closure. Finally, in response to a 1988 environmental impact statement, park officials closed the Fishing Bridge campground but kept open many support buildings. The redevelopment plan proposes moving those facilities, a service station, maintenance shop and employee housing to Lake, and then redesigning the existing Lake complex.

Sixteen groups, including The Wilderness Society, Sierra Club and Greater Yellowstone Coalition, contend that no new construction should begin until the Fishing Bridge area has been completely revegetated and rehabilitated — the ultimate goal of the 1988 environmental impact statement. Critics also say the development plan ignores biologists' recommendations to delay opening tourist facilities until grizzlies have left the Lake area.

Grizzlies concentrate their fishing from mid-May until early July in tributary streams that weave through Lake, Bridge Bay and Fishing Bridge along the lakeshore. Park officials acknowledge that adding lots of tourists to the same area always results in conflicts between humans and bears.

Lake Hotel, the general store and a hospital currently open in mid-May; Lake Lodge opens in early June. Grizzly bear researchers within the park and from outside organizations recommend not opening most facilities until July 1. They say by then trout spawning has tapered off, and grizzlies have begun to leave the area to seek other food. The new plan allows all facilities to open by mid-June.

Jeanne-Marie Souvigny of the Greater Yellowstone Coalition says the park ignores its objectives by refusing to scale back human influence. She says the 1974 master plan recognized that the park needs to give high priority to natu-



Rita Clagett

ral values rather than visitor comfort and convenience.

Barbee disagrees with her assessment of the redevelopment plan. He says current roads and facilities in Lake and Bridge Bay were built piecemeal over many years, and the new plan addresses the need to alleviate traffic congestion and problems with bears.

At Bridge Bay, two miles from Lake, the park's plan would upgrade the marina, rehabilitate the campground and improve traffic flow. Proposed development at Lake includes converting 25 acres of lodgepole pine and grasslands to buildings and parking lots, redesigning road and trail systems to provide more direct access to the lakeshore, and adding a fire station, a visitor center, and new district offices. Cabins near Lodge Creek would be consolidated into a sin-

gle building away from the creek to reduce grizzly encounters, Barbee says.

Housing for about 220 park and concessionaire employees currently living at Fishing Bridge would be moved to Lake, as well as a community center, playground, maintenance shop and gas station. But tourism groups from nearby Cody, Wyo., have requested that the Fishing Bridge gas station remain open to draw tourists east towards Cody.

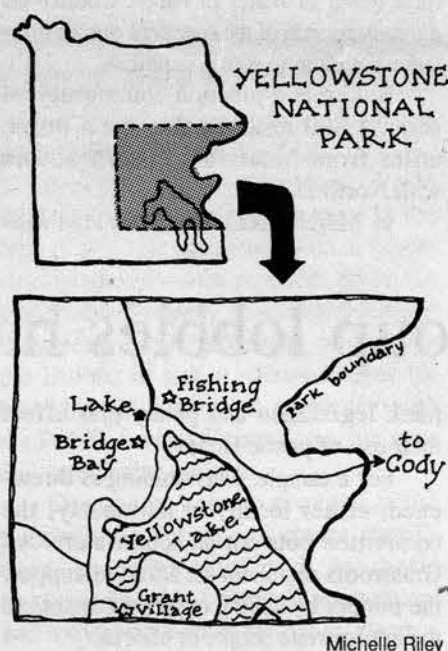
Cody County Chamber of Commerce director Paul Hoffman told the *Billings Gazette* that "the bears have become better behaved bears now. They've learned to become predators, not scavengers, so there's less trouble."

Statistics tell a different story. Conflicts between grizzlies and humans have increased in the past decade, according to park managers. Both people who fish and bears have been drawn to streams since stricter fishing regulations and healthier fisheries have increased fishing success. Because all garbage dumps in the park were closed in 1979, grizzlies have also had to learn to forage naturally again, and spawning trout make up a large part of the diet of bears emerging from hibernation in the spring.

A bear that "develops a history of conflicts" must be killed or removed from the ecosystem, according to park rules. From 1986-1990, three of the four grizzlies removed from Yellowstone were trapped or killed between Bridge Bay and Fishing Bridge.

Yellowstone received about 70 comments on its environmental assessment of the development plan, says park spokeswoman Joan Anzelmo. A final draft is expected by late summer.

— Rita Clagett, HCN intern



Michelle Riley

From roots to canopy: forests are unknown

The Forest Service recently sponsored a conference in Eugene, Ore., titled "Biological Diversity in the Cascade Forests." But what the one-day event really spotlighted was the diversity of perspectives on what we know about our ancient forests.

On one hand, an Oregon State University professor spoke of new "high-tech" management, where we will be able to grow new spotted owl habitat and "move old growth from one place to another." On the other hand, several researchers reported on how poorly we understand those forests.

Tens of thousands of organisms live under the forest — a square meter of soil holds a quarter-million bugs — yet we have only a foggy notion of how these creatures interact. Sowbugs, for example, are one of the most important species in the forest because

of the way they break down rotting wood, but we don't know what affects their reproduction.

Up in the trees, forest researchers said, our knowledge is no more complete. There are destructive insects that eat trees, and beneficial ones that in turn eat them. In old-growth forests, the beneficial ones are plentiful, but in modern plantation forestry, they're outnumbered eight to one by the destructive ones.

Another mystery is under the gravel of stream beds, where up to 90 percent of a river's water may flow. Scientists said floods are good things, biodiversity-speaking, as they increase the productivity of the land. Since almost 80 percent of the historic floodplains have been altered by human activity, it's a safe bet that this land is not as rich as it once was.

Norm Johnson, one of the "Gang of Four" federal scientists who developed spotted-owl protection plans, suggested that the Forest Service needs a new charter.

The national forests have long been managed for timber, he said, and now some are being managed for owls. But we need to look at the whole rather than the parts. Managing on a forest-by-forest basis, a holdover from the days when individual forests supplied specific mills, is no longer valid. It's time, he said, to look at a bigger picture, to start managing by watershed and region rather than by the arbitrary borders of ranger districts and national forests.

— Jim Stiak

Jim Stiak reports from Eugene, Oregon.

BULLETIN BOARD

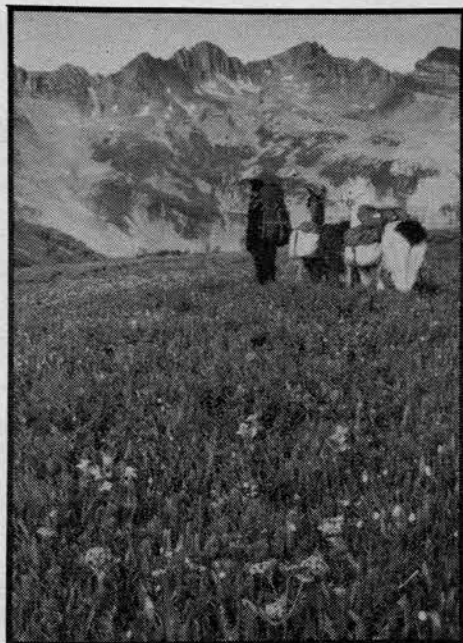
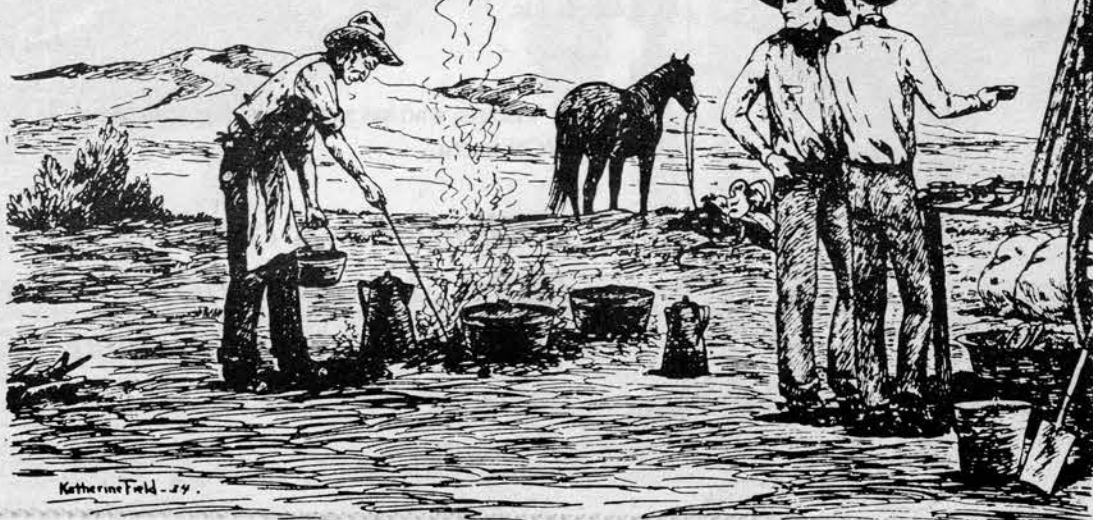
CHOW DOWN

*We ate at five this mornin'
'Cept the kid — he skipped his chuck.
He just couldn't eat fer knowin'
That this morning horse would buck.*

Not only is this collection filled with such gems as "Sundown in the Cow Camp," it is also chock-full of the best cowboy grub this side of the Chisholm trail. *Cowboy Poetry Cookbook: Menus and Verse for Western Celebrations* includes such diverse delights as chokejerry jelly, rocky bar hashbrowns, homemade salsa, pan-fried trout and blackberry sorbet. Cyd McMullen and Anne Wallace McMullen, sisters-in-law who ranch near Elko, Nev., have compiled over 100 recipes from Western chefs and chuckwagon cooks. The book's poetry is culled from annual cowboy poetry gatherings held at the McMullen family ranch.

Peregrine Smith Books, P.O. Box 667, Layton, UT 84041 (801/544-9800). Paper: \$14.95, with illustrations. 95 pages.

— Florence Williams



John Fielder

ALONG THE COLORADO TRAIL

Laden with a heavy backpack, 20 unneeded pounds around the middle and a distaste for gonzo mountain bikers on remote trails, writer John Fayhee set off to walk 470 miles along the Colorado Trail. Fayhee's account of his 44-day trek is great fun, perhaps because he's about as unsentimental an outdoor reporter as you're liable to read. Listening to "bird babble," he tells us, isn't what he normally prefers, which is blues at maximum volume, but he finds he likes it: "It makes me realize how badly I may need this hike, not just physically, but mentally." What Fayhee saw, while hoofing it from the Denver metro area to Durango in western Colorado, is brought vividly to life by the color photography of John Fielder, who pursued his own hike along the state's highest mountains with the help of two llamas. Fielder is the author of seven books about the wild places of Colorado. Their combined vision, called *Along the Colorado Trail*, is a tribute both to the Rockies and to 3,000 pulaski-wielding volunteers who were organized by Gudy Gaskill to transform the trail into reality.

Westcliffe Publishers Inc., Box 1261, Englewood, CO 80150. Hardcover: \$29.95. 128 pages. Illustrated.

— Betsy Marston

JUST ONE HITCH

The Fort Collins Audubon Society has endorsed a proposal by the U.S. Forest Service to buy 19,000 acres of Union Pacific Railroad land to end a checkerboard pattern of ownership. The group says the purchase would add 24 miles of excellent stream habitat and a section of the North Fork of the Cache la Poudre River to the Roosevelt National Forest in Colorado. Better public access to the area, called Cherokee Park, would allow more hunting, fishing, camping, grazing and timber harvesting on the land, and groups such as the Colorado-Wyoming Society of American Foresters, The Wilderness Society and many state agencies support the purchase. The hitch: Congress must allocate \$3 million to the Forest Service from the federal Land and Water Conservation Fund. Congressional hearings to determine the 1993 budget for public land acquisition begin this month. If the Forest Service doesn't get the money from Congress, says Kathleen Tracy of the Audubon Society, the land will be open for subdivision and other development. For more information, contact the Fort Collins Audubon Society, P.O. Box 1245, Fort Collins, CO 80522.

TOO MANY PEOPLE

Bacteria in a petri dish reproduce rapidly until they are crowded together in their own waste. Then, almost all die. The explanation is that the bacteria have exceeded their carrying capacity, the threshold beyond which habitat is badly damaged and population crashes. We don't live in a petri dish, but our land has limits to the number of people it can sustain. An ever-growing U.S. population is the subject of a National Carrying Capacity Issues Conference June 19-21 in Washington, D.C. Gaylord Nelson, Garrett Hardin, Anne Ehrlich and others will speak on ways to minimize the economic, social and environmental damage caused as the U.S. digs deeper to sustain more and more people. For more information, contact Carrying Capacity Network, 1325 G St., Suite 1003, Washington, D.C. 20005 (800/466-4866).

APPEALS ARE BENEFICIAL

Despite the findings of a three-year federal study, the Forest Service still wants to end the public appeals process (HCN, 4/6/92). A report, published by the Office of Technology Assessment, concludes that "although impacts on timber availability vary by region, appeals of forest plans and activities have not significantly affected or delayed timber sale volume nationwide." Many congressmen and Bush administration officials insist that appeals prevent the Forest Service from doing its job, but the OTA report says "administrative appeals constitute a valuable check on decision-making, providing additional review of sometimes highly controversial plans and projects. Appeals provide the public with a final administrative opportunity to question the appropriateness of decisions." The report also blames the Forest Service, not the appeals process, for slowing timber sales. "The delays and time overruns were mostly attributable to the agency's inability to meet the deadlines," states the report. The report concludes its section on the appeals process by saying that modifications could speed the process while preserving the general structure. The findings on the appeals process are part of a 206-page OTA report called *Forest Service Planning: Accommodating Uses, Producing Outputs, and Sustaining Ecosystems*. It is available from the Office of Technology Assessment, U.S. Congress, Washington, D.C. 20510 (202/224-8996).

LOOKING AHEAD FOR WATER

In Oregon, the Portland Water Bureau is developing a regional water plan for this rapidly growing metropolitan area. A recently released 33-page report, *Water Supply—2050*, summarizes projected water needs and conservation, and evaluates regional options for new or expanded water sources. The Portland Metropolitan Region encompasses four counties in Oregon and Washington with over 1.2 million people, and is projected to grow to 2 million people by the year 2050. Trying to integrate a regional plan could be difficult, as 65 entities are responsible for satisfying the area's water needs. Little emphasis has been given to water conservation in the past, as illustrated by the Portland Water Bureau's flat rate structure on water usage. Conservation options such as variable water rates and seasonal and day-peak usage are explored in the document. For a copy of the report or more information, contact the Portland Water Bureau, Planning Section, 6th Floor, 1120 SW Fifth St., Portland, OR 97204 (503/796-7528).

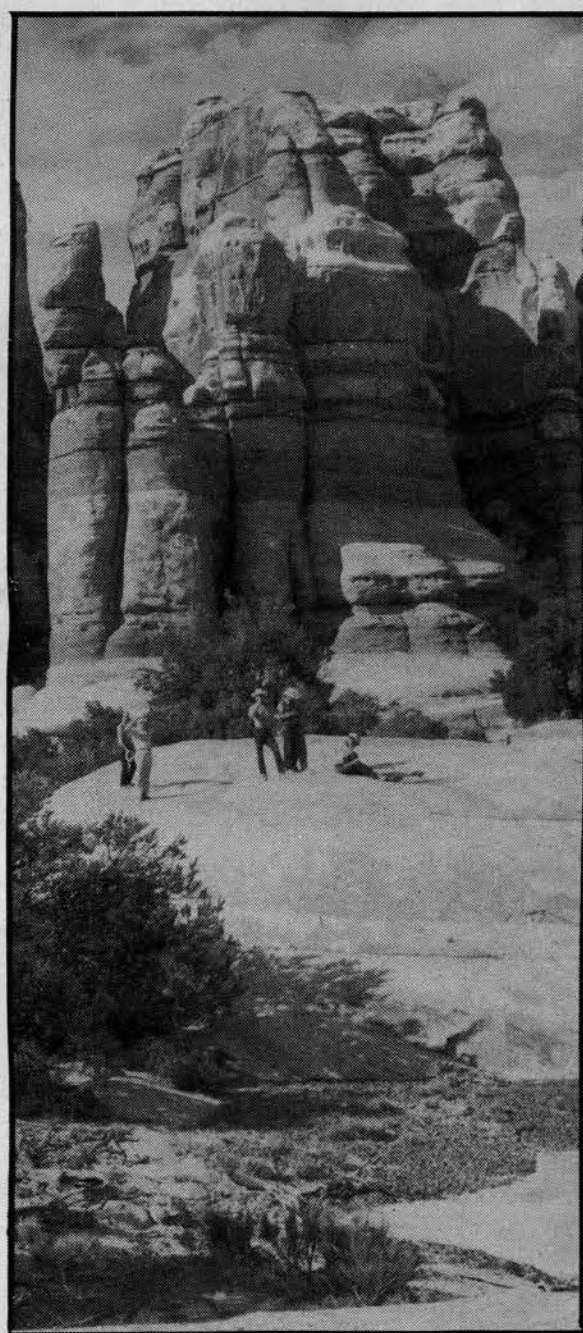
— John Rosapepe

AN ORGANIZER'S HANDBOOK

"I hope the son-of-a-bitch who logged that is roasting in hell!"

—Franklin Delano Roosevelt on logging in the Olympic Peninsula, 1937

Cartoons, quotations and much more about old-growth forests have been gathered into a 102-page handbook by an activist group called Americans for the Ancient Forests. The book is designed for anyone who wants to organize action-groups to fight logging in northern spotted owl habitat. The handbook includes newspaper articles covering the politics and economics of key issues, and it tells how to organize a grass-roots campaign. Because it's geared for organizers, some of the text is terse and assumes a familiarity with the issues and their inevitable jargon. For the general public, the Americans for the Ancient Forests has prepared an abbreviated information packet. To obtain either guide, write to Americans for the Ancient Forests, 1211 Connecticut Ave., N.W., Suite 700, Washington, D.C. 20036.



National Park Service

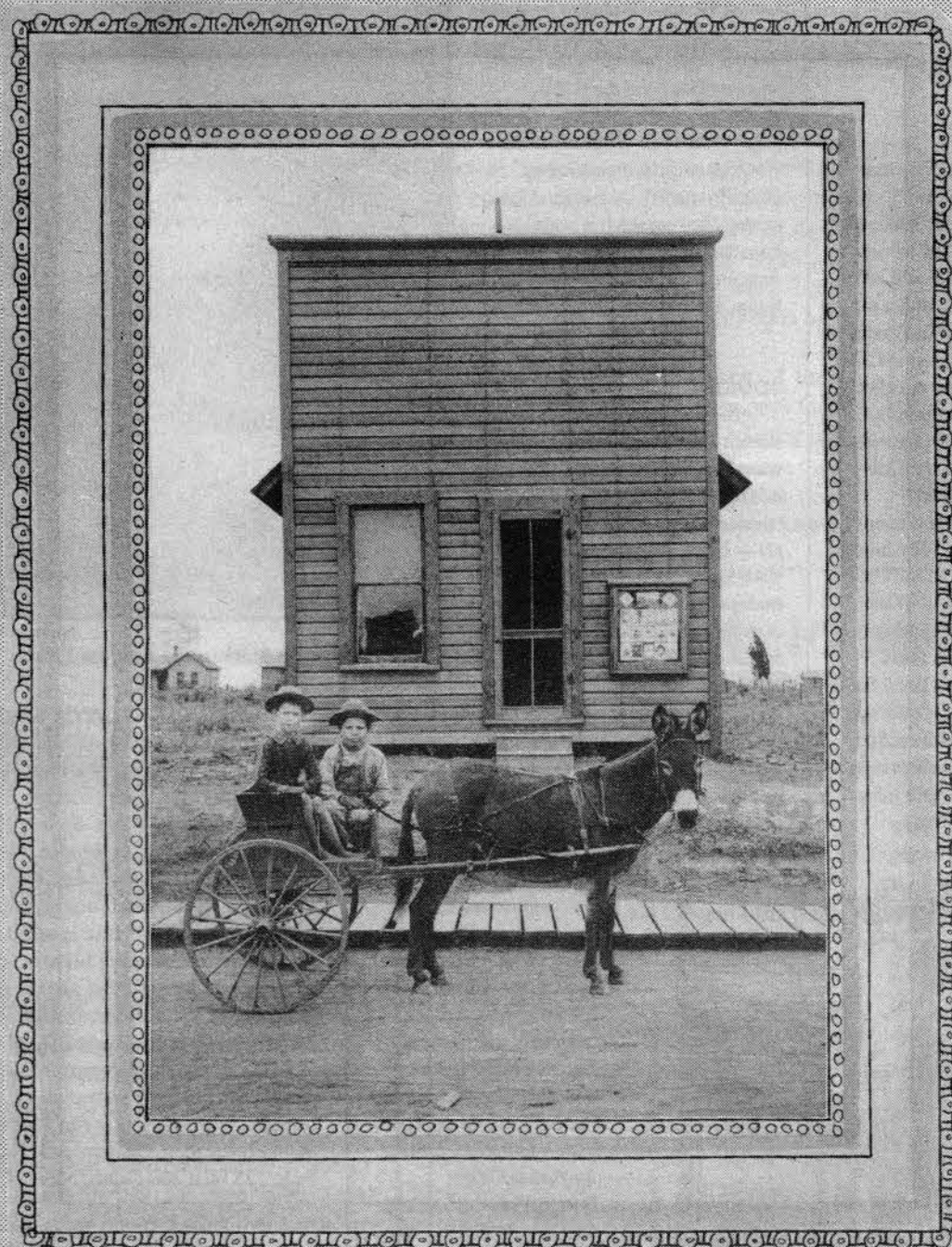
Canyonlands National Park in Utah

THE BOOM AT CANYONLANDS

Because Canyonlands National Park in Utah is being overrun, park officials want help in developing a plan to cope with the boom in backcountry use. Since 1988, the number of visitors has increased 20 percent per year, and officials say the park's popularity stresses fragile desert ecosystems and cultural resources. The public is asked to make suggestions on managing hikers and backpackers, vehicles and road access, grazing, protection of archaeological sites, and other relevant backcountry issues. The plan applies to all areas more than a quarter-mile from a paved road. For more information or to send comments (by July 15), write Backcountry Management Plan, Canyonlands National Park, 125 West 200 South, Moab, UT 84532.



An early-day settler's cabin near Riggins, in the Salmon River Valley



An undated vignette of Idaho childhood and a photographer's studio in Council

Carlos Schwantes begins his history of Idaho at a gas station in Pennsylvania. While filling his tank, the attendant noticed his license plate and said, "I love your famous potatoes, but is Idaho located east or west of the Mississippi River?"

To Schwantes, that spud-centered query begged the larger question: What is the source of Idaho's character? His new book, *In Mountain Shadows, A History of Idaho*, explores that question by telling the story of the state, from the expedition of Lewis and Clark through modern-day disputes over wilderness.

According to Schwantes, Idaho was shaped by its ways of earning a living: logging, mining, farming, dam building. But increasingly, those economies are being replaced or at least challenged by tourism, services and metropolitan growth. The clash of values can be seen in disputes about salmon, water quality and wilderness.

Schwantes finds wonderful photographs to reveal the down-home richness of Idaho's history. By recalling Idaho's past, Schwantes hopes to "help the present generation understand better the kind of state that evolved in recent years, when the modern metropolis intersected with a hinterland rich in beauty and natural resources."

In Mountain Shadows, A History of Idaho is \$24.95 and published by the University of Nebraska Press, 327 Nebraska Hall, 901 N. 17th St., Lincoln, NE 68588-0520. Its 292 pages are illustrated with maps, charts, tables, sketches, black-and-white and color photos.

— Ann Vileisis

Ann Vileisis, who has a master's degree in history, is a former HCN intern.

*Photographs courtesy the
Idaho State Historical Society
Frames by Rita Clagett*



The Red Men of America lodge of St. Maries



A Twin Falls photographer, Clarence Bisbee, strikes a pose in a field of wheat

Idaho



Lava Hot Springs as it appeared in its primitive days in the early 20th century

Idaho at a gas
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— Ann Vileisis

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Pavilions shopping center is on community land leased to an operator

Eddie McClellan

Tribe recovers stolen water ...

Continued from page 1

"The most frustrating aspect is that the people who were supposed to have been our legal trustees were the ones responsible for the dams and reclamation projects that diverted our water in the first place, and dried up our agricultural lands," Makil says.

"For decades both the Department of Interior and the Salt River Project had the authority to make decisions to correct our situation. They never used it. We've had to force them."

The situation Makil refers to shocks even the experts who know a great deal about discrimination against Native Americans. The reservation, created on June 14, 1879, lies at the confluence of the Salt and Verde rivers, within the boundaries of the Salt River Project (SRP), one of the federal government's first large reclamation projects. The project includes most of Phoenix, Scottsdale and surrounding Salt River Valley communities.

Yet the Salt River Pima-Maricopa Indian Community has never been included in the generous subsidies Salt River Project doled out for decades — with federal acquiescence — to non-Indian users, notably farmers, who surround the reservation.

No water for Indians

Makil asserts, "Every other agricultural district has been getting cheap Colorado River water except the 5,200 enrolled members of our community. This has meant that the per-acre cost of farming our 12,000 acres has been \$130, compared to \$40 for non-Indian farmers literally just across the street. Everybody around here has been getting subsidized power and water except us, yet it was our water for thousands of years before the non-Indians arrived."

Ivan Makil, father of seven children, sits in his busy office in the center of the reservation, gazing out the win-

dow to the east across the open desert at Four Peaks and Red Mountain, long a sacred place to his tribe, known historically as the "River People."

In answer to a question about what happens next, Makil describes how Pima and Maricopa Indians farmed this region for tens of centuries, using the highly developed irrigation systems of their ancestors, the Hohokam.

He explains that today, agriculture employs only 6 percent of the reservation's people. Many work off the reservation, in nearby metropolitan Phoenix. Still, tribal unemployment is nearly 35 percent.

Rich, green farmland takes up nearly a third of the reservation's 52,000 acres, and Makil's people are in the midst of deciding whether to expand agriculture, pursue light industry or enter new businesses. "We are in no hurry. We are taking our time. We have the water." But being able to put that water to use is another thing.

The tribe won't commit to investing in a new irrigation system, or doing something else, until a tribal consensus develops.

"The priorities will come from the people. It will not come from the tribal leaders down to them. We have been asking the people how they see the next 20 to 50 years. We want as natural a development as possible."

Although squeezed for water in the past, the tribe has built a large shopping center and operates a major sand and gravel business; other economic ventures are in the wind. Yet they haven't lost the old ways.

Some tribal members still weave baskets in the traditional way, and Makil listens to them as eagerly as he does to more development-minded members. "What we do will be reflective of the community and what it stands for, the cultural aspects. We believe it can be done to blend the new ways and the old."

"Whatever we do," he says, looking across the desert to Red Mountain, "you

will be able to come back here many years from now, and you will always be able to have an unobstructed view of Red Mountain."

Judge Goodfarb's order comes none too soon. The tribe's water supply situation has been deteriorating for the last several years. Makil says, "We haven't been growing to our full potential because we haven't had sufficient water."

The fight began 83 years ago

Those days are over, but it took the Salt River Pima-Maricopa Indian Community 83 stormy, dry years to get its water. Their efforts started in 1908, when the U.S. Supreme Court ruled in *Winters vs. the U.S.* that Indian water rights were created when the government created a reservation, and that those rights are senior to the rights of most Anglo settlers.

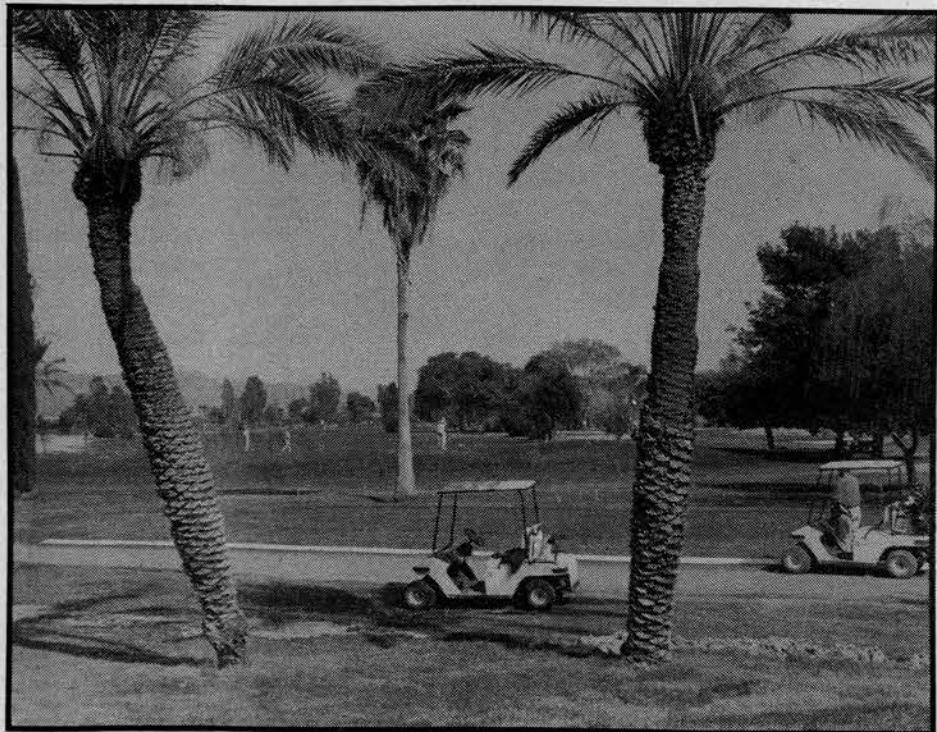
Crack non-Indian tribal lawyers for the Salt River Community have argued for the past decade — and tribal members have argued for much longer — that the U.S. government, the tribe's trustee, was refusing to enforce the *Winters* doctrine. Instead, the tribe's lawyers said, the U.S. government echoed the line of the Salt River Project, which had cut off most tribal waters in 1910.

In 1980, the tribe, despairing of ever getting help from its guardian, formally asked the Justice Department not to represent it in legal matters because of its conflict of interest. However, the Justice Department refused, leaving the Department of Interior locked into two opposing positions.

One favored enforcing *Winters* and restoring the tribe's water rights. The other favored maintaining the status quo, and refused to recognize tribal water rights claims.

Until last fall, the tribe's efforts to regain control of its water had led to one frustrating development after another. The worst took place in the 1930s, during the Roosevelt administration, when Indian affairs were supposedly becoming more progressive under the leadership of John Collier.

A group of Makil's forebears went



Pima Golf Course is also on leased community land

Eddie McClellan

to a sharp non-Indian lawyer in Phoenix. After study, the lawyer reportedly expressed amazement to the tribal elders that such a situation could exist in the United States, and he told them he would take their case. But, Makil recalls, first Collier, at the new Bureau of Indian Affairs in Washington, D.C., had to grant the attorney permission.

Collier refused, saying in effect, Makil recounts, "Thank you very much but we are doing quite well with our wards in Arizona."

Wounded but not beaten, the tribal community kept its hopes alive. "We knew we weren't being unreasonable," Makil declares. "We weren't being greedy. We just wanted our fair share and we didn't want to have to battle it out of court."

Late in the Carter administration, the tribe's hopes were again lifted when a high Interior Department official came to Arizona, met with all the parties, and was just as amazed at the discrimination as the first non-Indian lawyer had been 40 years earlier.

'Something really wrong here'

What caught the official's attention was a satellite map of central and southern Arizona, showing areas of water and vegetation in red. Indian reservations had little red, and the lines of demarcation between red and white were usually Indian reservation boundaries. "His eyes lit up," a participant at the meeting recalls. "He said, 'There is something really wrong here.'"

The upshot: Interior set a deadline for filing a suit against the Salt River Project. But the deadline passed, and the Salt River Project refused to engage in settlement talks. "Department of Interior Secretary Cecil Andrus could have ordered the Salt River Project to deliver water on his own authority, but he chickened out," a tribal lawyer recalls.

In response, the tribe sued in the Washington, D.C., U.S. District Court, but under pressure from Salt River Project lawyers, the Department of Justice persuaded the judge to transfer the case back to Arizona. The tribal officials were furious, but they didn't stop fighting.

"The tribe kept insisting," Makil recounts, "that no matter how many times we got beaten, that we had to keep going back until we wouldn't be able to get up anymore."

And keep on fighting they did, largely through tribal lawyers Philip Shea and Wilts who, operating on a long leash from the tribal council, raised a legal racket with a flurry of lawsuits.

"They are good, real good," says a senior Department of Interior attorney. "They really hung in there," adds Mike Jackson, senior staffer on the U.S. Select Committee on Indian Affairs and an aide to Arizona Sen. John McCain.

Finally, about four years ago, after countless tumultuous meetings, a settlement was reached between the main players and forged into legislation.

The result was Public Law 100-512, passed by the 100th Congress on Oct. 20, 1988, and titled the Salt River Pima-Maricopa Indian Community Rights Settlement Act of 1988. In a sense, all parties won because passage of the act avoided further litigation, the tribe's water rights claims were quantified once and for all, and non-Indian water users could plan for the future more confidently.

Judge Goodfarb's ruling last November put the icing on the cake. In it, he dismissed all objections from some non-Indian water users who had kept up their fight to the end.

The parties to the settlement were the tribe, on the one hand, and the state

of Arizona, the Salt River Project Agricultural Improvement and Power District, the Salt River Valley User's Association, the Roosevelt Water Conservation District, the Roosevelt Irrigation District, the Arizona cities of Chandler, Glendale, Mesa, Phoenix, Scottsdale and Tempe, and the town of Gilbert.

Essentially, the new law directed the secretary of Interior to come up with the water, through exchanges and purchases, and the cities to come up with funds to buy the water needed to meet the tribal claims.

"All the water will come to the tribe from the Salt River Project," tribal attorney Philip Shea told *High Country News*. "The tribe, which has been getting 12,000 to 15,000 acre-feet, will now get more than 85,000, and that is water that is no longer available to those who once could use it."

There are various theories as to why the non-Indian water users surrendered these water rights, and why the state of Arizona, not normally celebrated for its progressive politics, is achieving the goals of *Winters vs. the United States* through settlement rather than through the costly litigation that is often the case in many other Western states.

First, Arizona's delegation has taken the view that Indian water rights questions should be nonpartisan. In addition, the personalities in Arizona differ from other states in the sense, says Mike Jackson, "that there have been many skilled players in key positions who want to put the issue to bed."

Finally, the push to complete the Central Arizona Project also drove parties to settle Indian claims, to clear up the uncertainties over future control of water supplies. As a result, settlement has been the focus, rather than litigation, at Ak-Chin, Fort Yuma, and Tohono O'odam.

The Salt River Pima-Maricopa Community was also aided by a massive miscalculation by the Salt River Project. In an attempt to put the tribe's water claims to rest, the Salt River Project in the 1970s set the massive Gila River Adjudication into motion. The project knew it could lose some water, but was willing to endure the loss to gain certainty.

And that was how it played out. "Our opposition had skeletons in its closet," says a knowledgeable adviser to the Salt River Pima-Maricopa Community. "SRP has manipulated the government for years, and has entered into all kinds of contracts that are in violation of reclamation laws. Under the settlement, SRP got its whole system ratified in exchange for surrendering some water."

Settling was safer than losing

A seasoned legal source in Phoenix was just as blunt: "SRP feared that Judge Goodfarb would give away the store to the Indians. Settling was better policy than losing more in the courts."

The Salt River Project may also have been encouraged to settle by Arizona's unique political climate. In Wyoming and New Mexico, for example, the water and political establishments fight Indian water claims even after they have been ratified by the courts.

But the Salt River Pima-Maricopa Indian Community got help from many non-Indians on its journey through the water rights maze, including Rep. Morris "Mo" Udall; Sen. John McCain; Rep.

Jay Rhodes; Jack Pfister, the one-time general manager of the Salt River Project; and former Arizona governor and presidential candidate Bruce Babbitt.

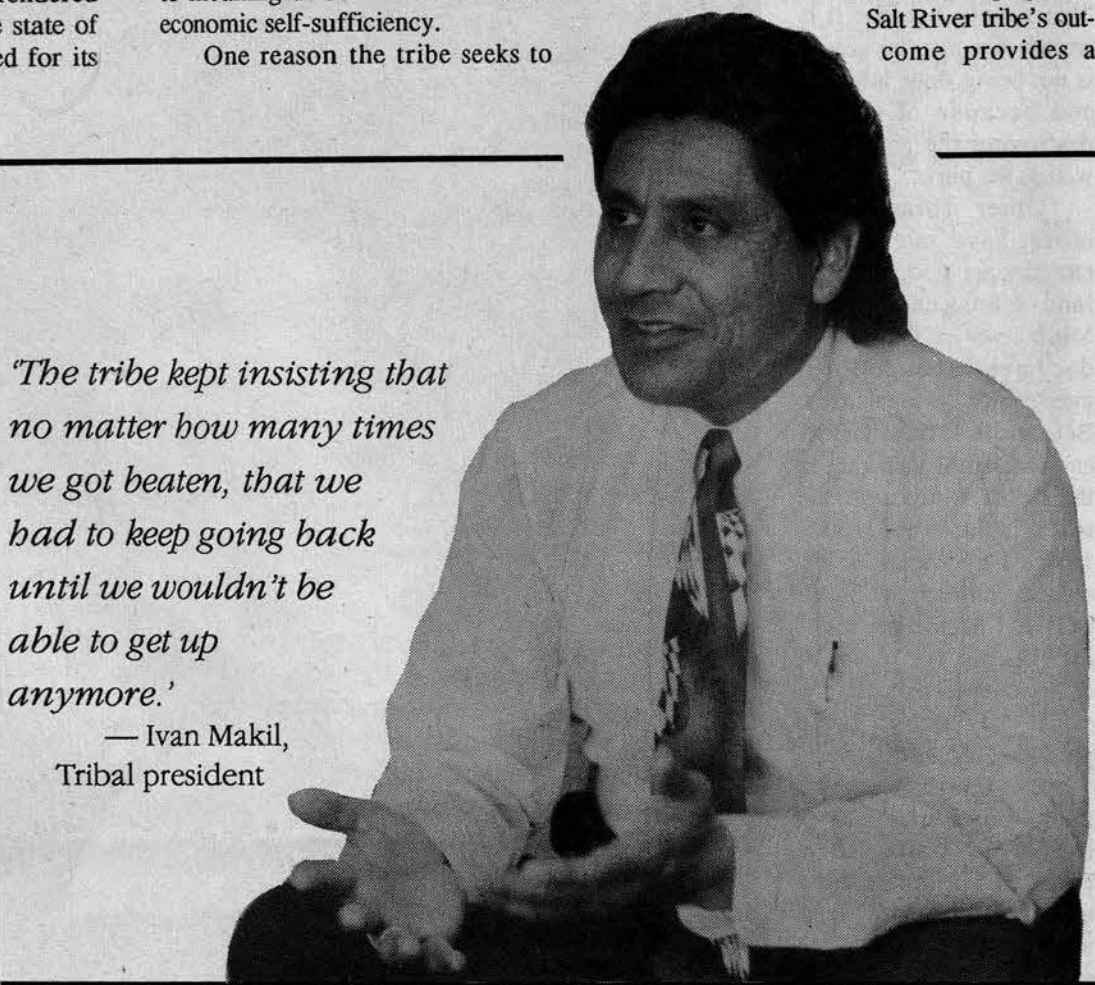
It was Babbitt who first pushed hard for negotiations between Indians and non-Indians. "Back in the late 1970s," Babbitt recalled, "most of the major players walked around with surly looks and said they'd never negotiate — now they are falling like ten-pins. A great balancing of the ledger is at hand."

Judge Goodfarb's decree — contested case No. WI-200 — will change the tribe's economic future substantially. For openers, it will lease back varying amounts of its newly gained water to non-Indian users for a good price — an estimated \$16 million for a 99-year lease. This will help the tribe on its way to meaningful self-determination and economic self-sufficiency.

One reason the tribe seeks to

"The tribe kept insisting that no matter how many times we got beaten, that we had to keep going back until we wouldn't be able to get up anymore."

— Ivan Makil,
Tribal president



Eddie McClellan

grow is to handle the influx of non-Indian tourists to the tribal lands, especially to the tribe's retail establishments. And here, the tribe has been shorted, and Judge Goodfarb's order offers no balm.

Neighboring cities, such as Mesa, Tempe, Phoenix and Scottsdale, collect sales taxes from sales on the reservation, but return nothing to the tribe. This is because the tribe leases some of its operations, like markets, to non-Indians, and according to state law they can't get a share of the taxes.

Makil says, "We have been forced to deal with a major influx of Anglos but don't get paid for their impacts. There is a net transfer of funds off the reservation. And we have our needs — social services, better housing, medical requirements and education."

At the moment, however, the tribe is in a state of happy shock and in no hurry to cut deals with non-Indian companies, formed overnight to tap into the tribe's new bounty, or to announce major developments. "The reaction of my people is not very visible," Makil observes. "They are not coming out and yelling and screaming in the streets. The fight has been going on for so long that now that we have victory, my people can't quite believe that it has happened."

But it is no pipedream. "The settlement is bomb-proof," says William Swan, a veteran attorney with the Department of Interior's solicitor's office in Phoenix. "Non-Indian parties are contractually committed to the terms of the settlement. If they break any part of it, the U.S. govern-

ment will sue them."

Mike Jackson, arguably the most experienced Indian water rights expert on the U.S. Congress staff, agrees and sees a broader trend: "Across the West the players are pulling back from each others' throats and moving to settlement. Arizona has set the process in motion in a very big way."

Jackson believes that "win-win" examples like the Salt River tribe are becoming the rule, rather than the exception. Citing the Gila Adjudication in Arizona, the Fort McDowell and the San Carlos Apache cases, also in Arizona, the Jicarilla Apache case in New Mexico, the Ute settlement in Colorado, and Fort Hall in Idaho among others, Jackson says: "I'm bullish on the entire outlook. A lot of settlements are on the verge of resolution. In many places, the personalities are changing. The Salt River tribe's outcome provides a

great example of the way enlightened tribes are going."

Interior Department lawyer Bill Swan agrees: "There have always been two ways to solve this problem: kick the feathers out of each other in litigation or to sit down and work out a settlement. Parties are sitting down but Arizona is on the cutting edge of the whole country."

Prior appropriation loses clout

Despite widespread skepticism that change is under way, "prior appropriation," the sacred theory that won the West — "first in time is the first in right" — is under attack as never before. In Arizona in particular, its death rattle can now be heard above the wail of non-Indian water-users.

"The bottom line," states Joe Sparks, lawyer for the San Carlos Apaches and others, "is that Arizona and the West have grown on water to which Indians have, at least in part, a superior right."

As for Ivan Makil, he's taking on the future one day at a time. "But one thing is for sure," he concludes: "Indians will no longer be invisible. We are an effective force and we have been more effective than non-Indians in many of these matters." ■

James Bishop Jr. was a longtime *Newsweek* correspondent. He resides in Sedona, Arizona, and is completing a book about the late Edward Abbey, to be called, *Requiem for a Lone Ranger: Life and Times of a Desert Anarchist*.

Politics may destroy parks

—by Michael Milstein

WEST YELLOWSTONE, Mont. — When Lorraine Mintzmyer stepped before nearly 400 people at the Greater Yellowstone Coalition's annual meeting May 29, the former top-ranking woman in the National Park Service remained true to her ex-agency's mission of protecting special lands.

In adhering to that mission, she said, she now must speak out against the way the Interior Department is running America's parks, "not simply because it is wrong, but also because it is not being done lawfully, and because of this, is destroying the Service as well as the parks."

Other former land bosses have said politics can thwart good public-land management. But Mintzmyer is the first to document the political interference so graphically. Before the largest annual environmental gathering in the Rocky Mountains, she told of studies and reports falsified to placate development interests, of phone calls and back-room meetings asking for favors at environmental expense.

It goes as high as the president, she said.

"A senator mentions that a particular matter should be addressed, a political appointee mentions that the White House wants to help some of the special interests, an (employee) changes a number, agrees to a permit or takes a section out of a report," she said. For a refusal to do so, "the employee is suddenly transferred somewhere else under odd circumstances."

At lower levels of government, she said, such meddling is rarely organized. Even so, all the small intrusions, combined with a high-level strategy by the Bush administration, "are slowly destroying our parks."

That higher strategy is not innocent. Federal land management agency staffs contain political "hit men," she said, who covertly "act on standing orders to cripple certain types of environmental projects while avoiding any indication that the administration is carrying out a concerted policy."

Mintzmyer herself is a victim. Last fall, she was reassigned from her job directing the National Park Service's Rocky Mountain Region after defending added protection of public lands around Yellowstone National Park. This April, she retired to avoid further "punishment and humiliation" at the hands of the agency she served for 32 years.

In her first public remarks since leaving the Park Service, Mintzmyer said secret political meddling in park affairs has reached "a level never before experienced." Pressures are building

into a tidal wave, "One that will break just as powerfully as the one which washed away the S&L industry."

"When the economy fell, it required more than three years to recover, and we are still not back," said Mintzmyer, a recipient of the Interior Department's Distinguished Service Award. "If the parks are destroyed, there will be some that cannot be reclaimed — and there may be species and natural environment lost from the face of the earth."

Expert panels on subjects like grizzly bears at the environmental conference were overshadowed by Mintzmy-

concerned about these issues have been shocked."

Michael Scott of The Wilderness Society said, "This is an assault on perhaps the greatest idea the U.S. ever had."

Get out of the kitchen

But Interior Department spokesman Bob Walker said pressure to yield to development interests is part of "the very real world we live in" and blamed bureaucrats for trying to run agencies without input.

He advised civil servants, "If you

"very uncooperative" in Mintzmyer's case.

Her speech to the environmental gathering was short on details of specific incidents. If she tried to list all instances of political interference in Yellowstone Park issues, "We would be here all night." She did mention two reports advocating protection of Yellowstone's geothermal features that were "mysteriously lost" by the Interior Department.

Mintzmyer, wearing a T-shirt bearing the likeness of a wolf and cautioning she has "no ax to grind," said, "I have been waiting more than five years to say these words to you."

In parks today, science takes a back seat to politics, she said, with powerful political appointees altering and wrecking environmental studies and reports and leaving no record of their deeds. Whenever documents call for action, they "are undermined or destroyed."

Since 1983, "no study or report can be assumed to be trustworthy, because it is impossible to know whether the base-level data was tinkered with."

Endorsing most recommendations of the so-called "Vail Report," a document issued this spring that suggests the Park Service be given more power to resist threats to parks, including political dangers, Mintzmyer said more is needed. She endorsed a "sunshine law" to forbid secret influence-peddling and public disclosure of damage done to national parks.

The Interior Department's Walker said "there is no policy" of altering federal research data. He said he was "not aware" political leverage had ever affected the integrity of studies. But he would not say it does not happen, noting that congressional offices keep close watch on public lands.

"One of their people might call up and express a view that

might be construed to be pressure," Walker said. Civil servants like Mintzmyer "have to understand the real world they live in, which includes a lot of political pressure," be it from a local mayor or someone like a senator.

Mintzmyer admitted political tampering is not new. She said she and others in the Park Service "gave in when there was no other solution."

But today, she said, "factors are now present which, like the S&L scandal, are building up unseen costs — debts beyond calculation of the officials and special interests which mere money will not be able to pay." ■

Michael Milstein covers parts of Wyoming for the Billings Gazette.



Lorraine Mintzmyer speaking at the Greater Yellowstone Coalition annual meeting

er's talk, which earned her a standing ovation. Environmentalists noted, however, that they had never considered Mintzmyer an especially strong advocate of park protection.

That she has now stepped forward, they said, even more strongly confirms their fears: "Things have obviously gotten so bad these loyal people just couldn't stand it anymore," said Larry Mehlhoff of the Sierra Club.

Mintzmyer's comments prove "there is a comprehensive process to eliminate dissent, to get rid of professionals trying to follow the law and to keep the public out of public land debates" on issues like logging and mining, said Greater Yellowstone Coalition Director Ed Lewis. "People who normally aren't

can't take the heat, get out of the kitchen."

Mintzmyer is not the first Park Service official to cry foul. In 1987, then-Western Regional Director Howard Chapman, a staffer of 40 years, left the agency condemning increased commercialization in national parks. He said, "the issue of the dollar has overridden our judgment in many cases."

Now, Mintzmyer's voice joins that of John Mumma, who ran the U.S. Forest Service's northern region until being ordered out last year when he refused to break environmental laws to meet logging quotas. A congressional subcommittee is investigating the forced transfers of both Mintzmyer and Mumma.

But a committee staffer said last week the Interior Department has been

Try to visualize this image: Today our parks are like the hole in a doughnut. They are a relatively small area in the middle of a rich, inviting ring of public lands, which lie just outside their boundaries.

Try also to visualize *how much* land and *how much* wealth we are discussing. The park in the middle is surrounded by this great doughnut of perhaps five or six times the acreage of the park itself; in some cases, more. Now divide that outer ring into many smaller segments and label each one with a different special interest. In Yellowstone the labels would read "mining," "energy and geothermal," "timber" and "grazing." ... In the Grand Canyon, it's water or hydroelectric.

Around almost every large park there is something, some economic benefit, that is derived by this small class of beneficiaries. Now multiply this great worth for each park times the number of parks which have this type of special interest value. As an example, I'm sure that you know that just one mine outside of Yellowstone alone during its life will produce gold which has a value of more than half the entire yearly budget of the entire National Park Service — more than a billion dollars.

The numbers are staggering. Last week there was a great hue and cry about a few million dollars underpaid by park concessioners — the economics of such concerns pale beside this reality.

You have visualized my doughnut, and may be wondering: "So what. We've heard this before." What you haven't heard — from someone that has had access to all of the numbers for years — is that there is simply too much taking.

The takers have obtained help to take just a little more than the system can absorb. The parks are being choked to death by the actions of these special interests and their political patrons — special interests whose yearly "take" from these boundary lands exceeds the amount spent by all of the stewardship agencies together by many times.

Water-borne wastes flow out of the doughnut into the parks, the winds carry noxious chemicals out of the doughnut and into the parks — some of which are toxic, and some of which are mutagenic. The land itself is poisoned, and the poisons make their way into the water table and food chains. In different doughnuts there are different effects from different abuses, but the results are the same, and this excess is choking the parks in hidden ways — ways which are building up out of the sight of an unaware public — unseen — just as the S&L crisis was. ...

Those special interest users of the boundary lands, our lands, approach utilization in a single-minded fashion — without knowing or inquiring into the cumulative effect of their actions in concert with the acts of others who are doing the same.

This is *critical*. These are not, for the most part, bad people — they are not at all the ecological robber barons of a generation or two past. We are not talking about something as simple as people who create massive, illegal toxic waste dumps.

Most think of themselves as being good — and generally believe that their acts, while not meeting the levels some "tree-hugger" might desire, will not really do any "permanent" harm. ... They may not do great wrongs — but they are part of a hidden system of many small wrongs which add up. ...

You see, each user of that doughnut seeks just one little favor from a congressman every few years, wants the Department of the Interior to loosen up

LORRAINE MINTZMYER

Excerpts from her talk to 400 people at the Greater Yellowstone Coalition's annual meeting

one little law, or writes to the president and asks him to kill just one little document. In the end, they are slowly destroying our parks ...

Environmental groups are put into a position of the Secret Service defending the president. The Secret Service has to cover every street, every window, every foot of the route — whereas an assassin can concentrate all of his energy all on one point. Nothing can stop an unnoticed meeting with a congressman — and if an assistant secretary should happen to drop in, how would the defender even know it was happening?

This really is the S&L situation all over again. A huge asset base, players with just enough money to pressure or effectively remove the regulators, and hundreds of smug individuals who were confident that they have "gotten away with" a light bit of beating the system while not feeling like they have really broken the law — which, sadly, they have not in many cases.

Recall that when the S&L house of cards fell in, two things were revealed.

First, we suddenly saw that almost everyone was getting away with these small favors or with slightly avoiding the laws. Everyone was surprised at the magnitude of the abuse because *they* thought *they* were the only ones "getting away" with these little schemes. The various federal agencies involved were not coordinated, were not able to see the whole board at one time. They not only didn't try to stop the problem, but the most important point of all was that they didn't really see it coming. Those agencies were subject to *extreme* pressure when split away from one another.

Second, a terrible tidal wave of potential destruction had been building all the time. No one saw the wave because the regulators had been neutralized and those making the money were simply too focused on their little "deal" to notice that the fabric of the system was being eroded by the number of "small deals."

I am here to tell you that just such a wave is building in our parks — one which will break just as powerfully as the one which washed away the S&L industry. When the economy fell, it required more than three years to recover, and we are still not back. If the parks are destroyed, there will be some that cannot be reclaimed — and there may be species and natural environment lost from the face of the earth. That is my

definition of the *mechanism* of the present problem. ...

This type of political intervention has led to such a dilution of the Park Service purpose that I fear for its very survival. An effect of this is that no study or report can be assumed to be trustworthy, because it is impossible to know whether the base-level data were tinkered with, in what way, and how much. I would advise you that any study after 1983, and definitely after 1988, must be suspected of being scientifically or professionally unreliable — not because of some great plot, but because of many small intrusions.

Even the Service cannot assess the validity of its own studies. When the base of data have been manipulated, the ability of the agency to function is severely impaired, and those served, the public, no longer believe what is said. ...

Ladies and gentlemen, I am 56 years old, I will not be running for office, and although you know that I have left the Service under circumstances I would not have wished, I have done so because of what I believe, and I have no ax to grind. I love the Service and will always be its servant in one way or another. I'd also like to mention that many people have generously offered to pay my legal fees, or to start a legal defense fund, but I have declined so that I no longer owe my allegiance to any position.

I have come here tonight to tell you what I believe to be the truth about the National Park Service and its valuable mission. I will not say negative things about the Service, or defame its officials simply because I am now out of the agency, as others have done. I feel that I have always adhered to its missions and I do so now.

In the past I have done what was asked of me, although, as many of you know, about half of the time that led to what some of you may have felt were not the most environmental positions. And I would have taken a stand opposed to your views in this matter if lawfully ordered to do so ... although I would have tried to fight against it internally. ...

What are the solutions? We're all grown-ups here, so let's put the cards on the table. Politicians have always helped special interest groups to

pressure the Park Service and the Forest Service. So what? The "so what" is that there has been a fundamental change in the structure and efficacy of those agencies — along with the EPA and the BLM.

Since time immemorial, special interests have paid, politicians have exerted pressures, other politicians screamed about it, and the stewardship agencies have fought a tactical battle to protect as much as possible — though I admit that we gave in when there was no other solution. At times we were slack in our efforts — or even lined up on the wrong side. That happens.

But as I've said, problems have developed that are taking away the agencies' ability to check such activity — have almost destroyed their capability to function.

The politicians, congressmen and executives have so taken over the upper parts of the agency that there is little professional direction any longer, and those that are there are not really technically aware of the operational issues.

There is no longer any ability on the part of the agency to protect its lower-level people. They can be targeted and neutralized without any real resistance.

Thus, the decision-making process is not adequate. How can a bunch of special interest people, and this is a matter of record, meet with three or four congressional delegations and lord knows how many special interest groups who have flown into D.C., get the assistant secretaries from two agencies to attend, (along with the people working on a project), exclude proponents of that project, have no invitations, nothing in writing, no minutes, no notes, and have the director — and I swear to God he said this under oath — say that he has heard about the meeting, but didn't really know anything!

Letters for such favors go to the president, to senators, to representatives, and to political appointees in the Interior Department and U.S. Department of Agriculture. And it's done on the phone, in closed, private meetings, and over lunch.

It is almost impossible to understand how any other work gets done at the upper levels — it's like a gold rush to accommodate and assist one's friends. It is endless, and covers small things all the way up to requests I once got to "help out" in the building of an airport in a park! It could drive you crazy. ...

I strongly support the National Parks and Conservation Association's views on an independent parks system, but because of the boundary problems, this is not enough. I certainly support the Greater Yellowstone Coalition's positions regarding Yellowstone and its environs. But I call on both of these groups, and all other groups interested in the public lands and stewardship, to begin to think about data:

1. Hard economic data analyses of the value, use, and amount spent on protection of all public lands. This includes a per park/forest analysis, as well as a cumulative analysis nationwide.

2. Development and computation of models designed to measure the build-up of the potential for ecosystem disaster, cost to preserve, including length of time until the functional death of major parks, and the amount special interests are receiving in return for this injury.

3. Lobbying for an administrative "sunshine act" which would forbid ex parte negotiations or influence peddling by politicians on stewardship issues — forbidding private meetings with special interests that citizens would not know about.

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BOOK NOTES

Wildlife, landscape and the human soul

The Eagle Bird: Mapping a New West

Charles F. Wilkinson, Pantheon Books, 201 E. 50th St., 27th Floor, New York, NY 10022. Cloth, \$20. 203 pages.

Review by Ed Marston

Westerners can and do argue about how much of the original landscape and wildlife have been lost since Europeans arrived, but there can be no precise answers. Did grass really grow stirrup-high on land that today is bare or mostly sage? Did the streams of southern Utah, Arizona and New Mexico flow on the surface? Or were they already entrenched in arroyos and gullies when settlers and their livestock and wagon trains arrived to cut the land's surface and remove its vegetation? Was land periodically renewed by fire?

While precise answers are lacking, we know that an enormous amount has been lost — salmon, enormous forests, seas of grass, swarms of bison, packs of wolves, uncounted numbers of grizzlies.

No one knows these losses better than Charles Wilkinson. As the West's leading natural resource attorney and theorist, he understands that the losses continue, and that the steps we are taking toward preservation and restoration are small, awkward and half-hearted.

Almost all Westerners react to the West's physical condition and trends by refusing to accept the truth. And of those who accept the devastation, many of us become angry, or dispirited, or hopeless, or blaming.

Wilkinson is different. As he shows in his latest book, *The Eagle Bird: Mapping a New West*, he has managed to accept the degraded, still degrading condition of the modern West while continuing to express optimism, humanity and generosity. His positive attitude is not a smiley-faced pose. He is hopeful because he sees reasons for hope; and those reasons are visible in every essay in this book.

Those who just want the facts, with-

out messy or confusing feelings, can read *The Eagle Bird* profitably as loosely connected essays on water law, Native American law, forestry, the Northwest's salmon fisheries and other natural resource subjects.

But Wilkinson also finds in each subject the roots of the older West, and the promise of a future, better West. We are today, he seems to say, mired in a deep slough, between what we have lost and what we have not yet recovered. But it is also a time of hope, because we recognize how much has been destroyed and the need for restoration.

Take the chapter, "The Future of the National Forests." Environmentalists gnash teeth over the Forest Service because this shepherd of forests often plays wolf, rending the land. Wilkinson recognizes this, but he also writes of the continuing high quality of many Forest Service employees and of the organization's roots in an admirable tradition. He looks beyond the day-to-day struggles to celebrate the miracle of 193 million acres of publicly owned land:

"The fact that the forests are still there, held open by the government for all of the people against repeated and concentrated efforts over the course of generations to move them into private hands, is a brightly etched emblem of essential principles for which Westerners stand firm."

Similarly, he recognizes the degrading effect his profession has had on the West: the compartmentalization encouraged by the way laws are written; how a legal education squeezes the life out of the language lawyers use; the high costs

of achieving results through the law; the limits of even good legal writing. But Wilkinson also finds examples of shining legal language, such as the introduction to the Wilderness Act. And his essay points out the potential usefulness of the law:

"Law at its best is organic and obtains its nourishment from other fields of knowledge. ... law ought to bring out the best in us, give us something to aspire to, and cause us to soar as high and gracefully as the subject for which it is written."

In the book's best chapter, called "Shall the Islands Be Preserved?" Wilkinson intertwines legal and cultural narratives to explain why the more than 300 Indian nations survived thus far, and why they must continue to survive.

Inspired by the black civil rights struggle, Wilkinson fought for Indian rights early in his career. He knows the

damage suffered by the tribes over the past centuries. He knows how the forces of expansion and development stole Indian lands and resources or, where theft was impossible, threw them crumbs — a dam or a per-capita payout — to further the development agenda.

Nevertheless, Wilkinson looks through, past grim history, and sees the resurgence of the tribes. He argues that the future of the Indian people cannot be separated from their reservations — these islands that allow them to survive and lately, to thrive, as Indians.

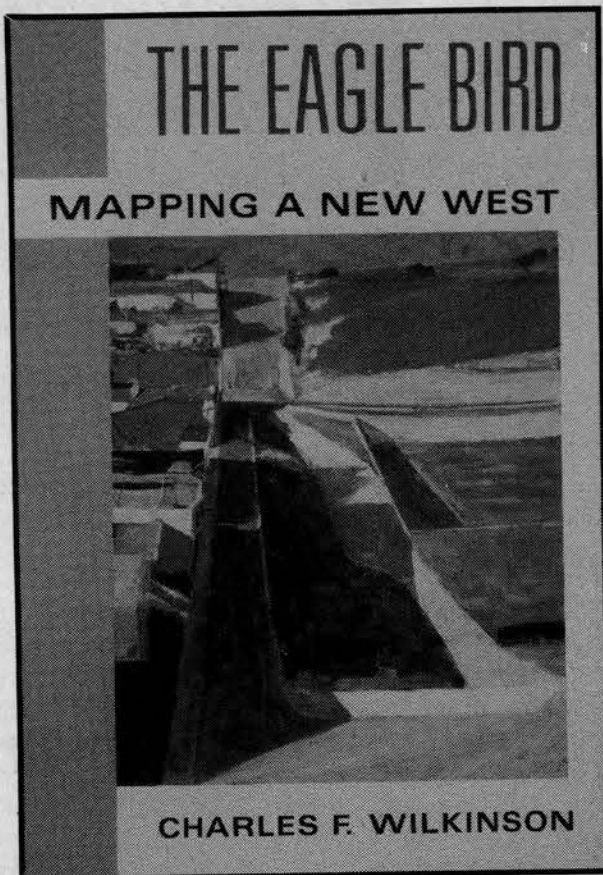
In another chapter, "Toward an Ethic of Place," Wilkinson describes a trip across a reservation: "The smoke from the chimneys on those barren flats, as non-Indian eyes may see them, rises from fires surrounded by extended families pushing on in a changing and uncertain world as best they can, just like the rest of us."

Here is the key to Wilkinson: the distinguished professor of law at one of the nation's most prestigious law schools sees no difference between the essence of his life and that of an Indian family living on a reservation that 99 percent of non-Indians would see as a wasteland.

It is this sense of humanity held in common that allows him to fight for Indians, for salmon, and for old-growth forests without being politically correct. Wilkinson fights, but he fights with his hands outstretched and open, reaching toward those he appears to be battling. To him, issues are not weapons or battering rams or symbols of superiority. They are tools to reach understanding and eventual agreement.

There is much to be learned from *The Eagle Bird* about the natural resource issues that dominate the West. But its most important piece of wisdom is how to conduct ourselves as people even as we fight for the land.

Ed Marston is publisher of *High Country News*.



LETTERS

WORKING GROUPS WORK

Dear HCN,

The March 23 special edition of *High Country News* did an excellent job portraying some of the efforts being made in public-land grazing management in eastern Oregon.

On May 1, the Vale District of the BLM received a "no jeopardy" biological opinion from the Fish and Wildlife Service on the effects of implementation of the Whitehorse Butte Allotment Management Plan on Lahontan cutthroat trout. The efforts and hard work of the Trout Creek Working Group will soon be rewarded with implementation of the recommended plan for livestock grazing management in the Willow-Whitehorse drainages of the Trout Creek/Oregon Canyon Mountains.

The Trout Creek Working Group represents an extremely useful approach to public-land management. There are many values and issues regarding the public lands that need to be addressed, and one of the best ways to ensure that all interests and values are considered in

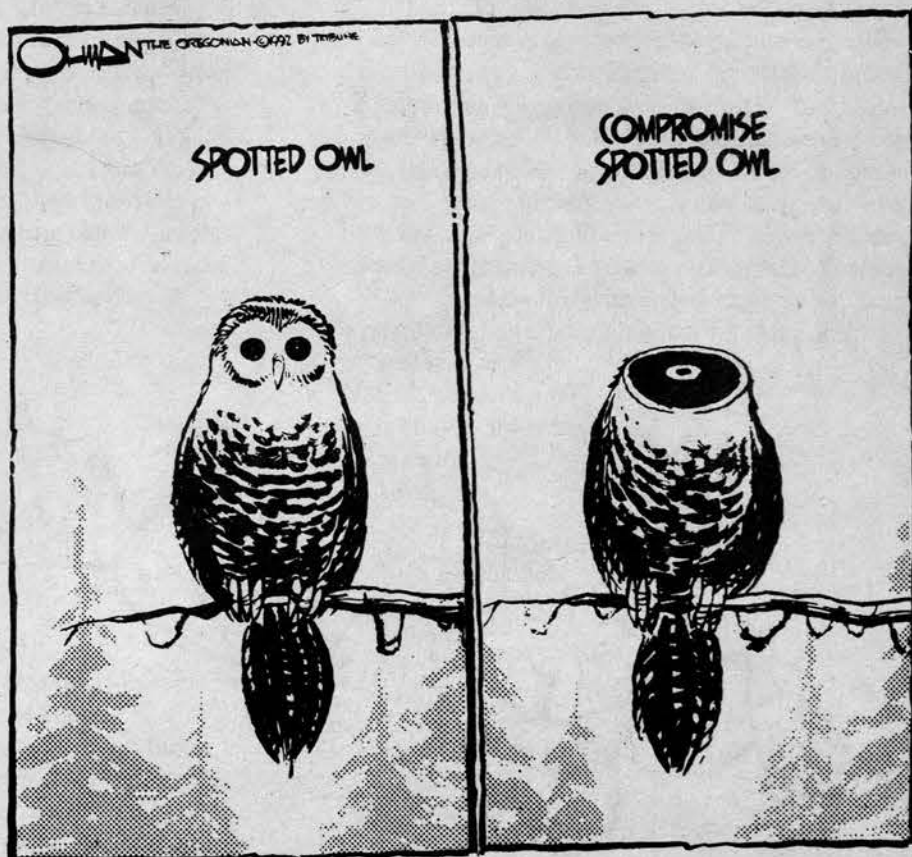
BLM's planning is to become involved in the consultation, coordination and cooperation process. The Trout Creek Working Group represents one of the better forms of this process.

To become involved in an effort like the Trout Creek Working Group doesn't mean you have to compromise your values, but it does mean you have to be willing to work with people having different visions of public-land management. The whole focus of a working group is the improvement and maintenance of public land resources. This is one subject the group can all agree on. The methods used to improve the resource and the kinds of uses allowed are where the negotiations get tough. But, the end result of the effort is a "win win" situation for all affected interests and the resource. Isn't that what public land management is all about?

Jim May
Vale, Oregon

The writer is a district manager for the Bureau of Land Management.

OPINION



Jack Ohman

'I lay lizard-like on a boulder, basking and sun-drying'

by Geoffrey Platts

Monday, May 15



By 11:30 a.m., I was at the trailhead. It was a hot yet hazy Arizona day with the temperature going for the hundred mark. I considered the two roadrunners spotted earlier a good omen for this five-night outdoors experience.

It was my intention to return to a cave previously shopped for and there to spend a working week as a latter-day troglodyte.

I'd always had this urge, possibly primeval, to live in a cave for a while. My backpack felt uncommonly heavy — not surprising given the amount of food I'd decided to carry. Therefore, getting to the canyon was more work than pleasure, but I made myself reflect positively on my good fortune at having the healthy legs, strong back, and long wind to be able to do such a hike.

Finally, at 2 p.m., with aching shoulders and a throbbing brow, I arrived — and by the grace of God and *Madre Naturaleza* the creek was still running with "cool, clear water" (as the song goes). It was noticeably down from the last time I was here — these hundred-degree temperatures take their toll on water sources.

Once rested, I set about putting my cave in order. The floor had to be swept and cleared of the dried dung (cow, coyote, and probably "cat"), which was old enough to be odorless. Made up a sleeping-bag space in the farthest corner and, at the other end, dug a small firepit.

The roof of the cave bore carbon evidence of ancient fires; it is said that such blackening of rocks will remain for hundreds (if not thousands) of years.

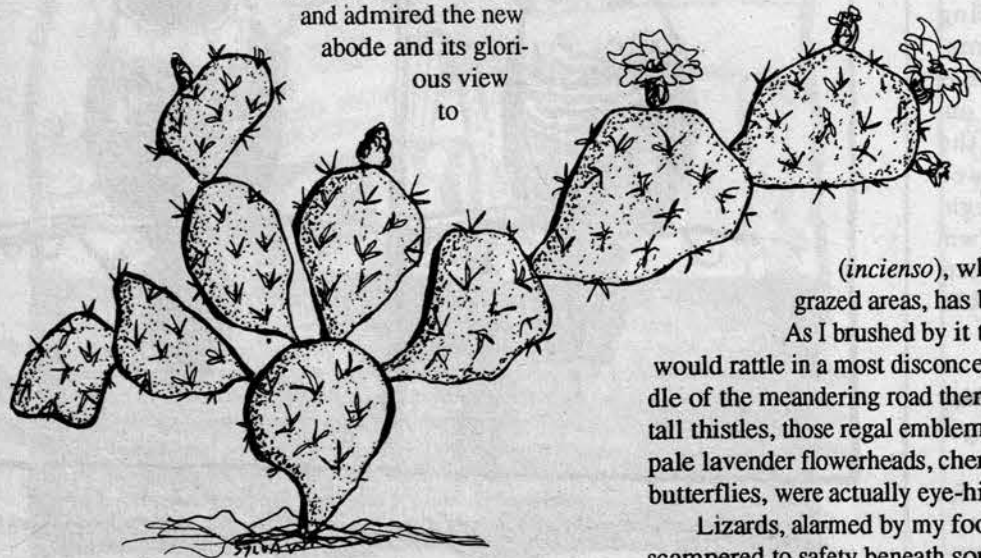
No potsherds, arrowheads, or even beer cans. Nevertheless, lizards — one without a tail and another with a striking black-and-orange collar — bees, flies, gnats, and mosquitoes are actively in residence here. Also a scorpion, which I startled by removing the rock that was his cover and sanctuary; he fled into a cave crevice.

The cave is approximately 18 feet wide and no more than six feet deep.

The cliff overhang ensures that rain doesn't dampen the dryness of its interior. The "doorway" faces east in the tradition of Navajo hogans; thus the early morning sun will be a stand-in for an alarm clock.

It's possible near the opening to stand up straight, but toward the north end the ceiling slopes and one must bend. Where the sleeping bag lies, a failure to stoop brings a bang on the cranium. I stood three mesquite branches up against the overhang and am now furnished with excellent hanging racks — for satchel, towel, socks, toilet roll, boots, bandana. A square of flat rocks near the fire pit provides a cook's stool and food tables, raised above ant level.

Upon completing initial cave-dwelling chores, I sat back, unravelled, and admired the new abode and its glorious view to



Illustrations by Diane Sylvain

the east. The gnats and midges were pestilential today but more so outside than inside. I remembered to bring along oriental-style mosquito coils which smolder for hours, giving off fumes supposed to be death-dealing to mosquitoes. I lit one at 4 p.m., put it back in a corner of the cave, and, thanks to its disagreeable effects on the airborne visitors, was able to write this journal without discomfort.

The sunset was serene. I stood at the mouth of *mi cueva* and let this sense of serenity wash gently over me like a wavelet.

There were sounds, several of them — the wail of quail as they called to one another in the jojoba chaparral, the piping of a male cardinal resplendent in his scarlet coat, the melancholy cooing of mourning doves, the scolding chatter of a cactus wren perched atop a wickedly spiked cholla, even the high-pitched whine of a mosquito freshly ventured forth on her evening blood patrol — but they, too, were subdued in accord with this evening's setting of the sun.

Later came the sounds of low hooting of perhaps a great horned owl, the orchestrated chirruping of crickets, and the swish of bats' wings as their busy owners set forth to satiate their voracious appetites for insects-in-flight. They're Mexican free-tailed bats, I believe.

Supper at 6 was corned beef hash with chopped onions, raw garlic, and chiltepinies — very savory and nobody within miles to consider me unsavory of breath after eating it. Also boiled a quarter-panful of quick brown rice and washed the lot down with black tea. Oatmeal cookies supplied the dessert.

Wrote by two-candlepower light, which did attract several moths, one of them suicidally. I've rationed myself to two half-candles per evening. Tonight's quota burnt much too rapidly, perhaps because they were heat-softened during the afternoon hike.

Tuesday, May 16



range and a squeezed half-lemon and water for breakfast. Descended to the creek before the sun had penetrated the canyon and, a few minutes before 7 o'clock, was already trudging farther back into these mountains, with a maximum of five morning hours of hiking in mind. Followed the old road

which, to my satisfaction, became more unnavigable and rutted as it twisted through the canyon.

It was a bright and lovely day tempered with a steady breeze and I enjoyed the uninterrupted solitude to the utmost. Both sides of the canyon were flanked with lofty buttes, pinnacles and sawtooth rock formations ranging in time-worn color from burnt orange to grayish purple.

Here and there, glancing upwards at these massive ridges, I would spot remote caves, their black mouths beckoning to me to explore them.

Some embankments were densely covered with wild buckwheat, its pale cream flower-heads growing in rosette form; the seeds of this low bush-like plant were milled into flour by the earlier Indians, it is said. The brittle bush

(*incienso*), which runs riot in overgrazed areas, has by now gone to weed. As I brushed by it the still-intact pods would rattle in a most disconcerting way. In the middle of the meandering road there were often swaying tall thistles, those regal emblems of Scotland, whose pale lavender flowerheads, cherished by swallowtail butterflies, were actually eye-high as I passed.

Lizards, alarmed by my footsteps, continually scampered to safety beneath some wayside bush. One

nervous little creature was either bathing (do lizards like water?) or had fallen into the creek because, as he streaked away from me at dazzlingly high speed, he was gleaming wet.

Though the spring wildflowers are still, at this late day in May, in evidence here and there, their moment of glory has passed and been handed over to the gorgeously golden palo verde (called by Mexicans *lluvia de oro*, golden rain), to the radiant orange flowertips of the coachwhip ocotillo and to the cacti. The giant saguaros' waxy-white bloom is beginning to show much to the instinctual joy, no doubt, of the whitewing doves who feed off them and help pollinate. And three species of cholla — cane, buckhorn, and teddy bear — are now flowering, golden, blood-red, and pale yellow, respectively. Nor must I forget to mention *opuntia*, the common prickly pear, whose exquisite bloom is large, rose-like and of a deep yellow hue. One *opuntia* I noticed had enormous pads, the size of those found in the heart of the Sierra Madre.

It was of interest to observe that the banana yucca (*bacata*) were making their annual and miraculous change from flower to fruit. The mass of pendulous creamy-white blossoms on a stem (pollinated at night by the pronuba moth in a highly specialized symbiosis with the yucca, until recently considered a member of the lily family) gives rise to the popular name of Our Lord's Candle.

Here, too, grew an occasional agave (century plant) sending up its caudex — or central stalk — after gathering sufficient energy and sugars over a period of some 10 to 30 years. Once it has resolved to thrust forth its flower stalk, it sets in motion not only its long-awaited moment of glory but its death process. Having blossomed and seeded, it dies. How enlightened society would become if its beings (all of us, that is) came to regard death as the noblest moment of life. But didn't the Romans (and Greeks?) devote their lives to the concept of dying "the good death"?

I was back at home base 15 minutes before mid-day. As the sun reached its zenith, I bathed naked by the creek, soaping and rinsing myself well away from the pure water and afterwards sitting in the flowing stream. What refreshment. What a child-like feeling of utter freedom, however momentary.

After this desert baptism (made possible by an aquatic grant from that most bounteous of sponsors, Mother Earth), I lay lizard-like on a boulder, basking and sun-drying. Washed the sole pair of shorts, filled the gallon-and-a-half plastic jug with water and panted up the loose dirt, scrub-dotted slope to the cave.

Nine-thirty p.m. — all's well and cool, 71° F — in the cave. I'm writing by the light of one candle which, in this sleeping area recess, is sufficient. From time to time, small innocuous bugs will stroll across the page and a moth will madly dive-bomb into the flame. The curling smoke from the green allethrin coil appears to be keeping all mosquitoes at bay. They were numerous all day long — peculiar, because they're supposed to be more nocturnal than diurnal. This cave variety is not as blood-lusting as most, luckily; but they certainly can sing.

The half-moon rides high and bright but its beams have yet to irradiate the cave's interior. The light from the flickering candle casts my shadow black and giant-like against the rear rock wall.

There's a coziness to my cave, even a primitive sense of security; I am happy, grateful, and fortunate to be here now — in the here and now.

From *Trek! Man Alone in the Arizona Wild*, \$10.50, published by Carefree Communications, Box 5268, Carefree, AZ 85377 (602)488-1462.