

High Country News

October 19, 1992

Vol. 24 No. 19

A Paper for People who Care about the West

One dollar and fifty cents

WATER

Fear of Supreme Court leads tribes to accept an adverse decision

by Katharine Collins

A decision by the Wind River Indian Reservation tribes not to appeal an adverse Wyoming Supreme Court water decision in June signals — at least for the moment — an end to litigation launched nearly 16 years ago by the state of Wyoming. Tribes have always clashed with states over tribal sovereignty issues. But the Wind River tribes' reluctance to appeal this water decision indicates that Indians may no longer be able to seek protection from the states in the federal judiciary.

The deadline for the appeal was Sept. 3, 90 days after the Wyoming Supreme Court issued its June 5 ruling. In five separate opinions, the five justices ruled that at least a portion of the tribes' federally reserved water right is subject to state law, and the tribes therefore cannot decide on their own to use it for instream flow protection.

The panel also ruled that the Wyoming state engineer, and not the tribal water authority, is the "administrator" of all water rights within the Wind River Indian Reservation — whether they are federally reserved water rights held by the tribes or state-permitted rights held by individuals.

When the high court issued its decision, dissenting voices on the court itself, followed by comments from tribal leaders and lawyers, suggested that the decision imposed burdensome limits on the tribes' sovereign right to deal with tribal resources as they see fit.

John Washakie, chairman of the Shoshone Business Council, said he disagreed "profoundly with the decision that was made. But our attorneys and other attorneys very knowledgeable in this area ... advised we shouldn't appeal the decision."

Washakie and two law professors, Charles Wilkinson, a prominent water law professor at the University of Colorado Law School, and Pete Maxfield, a University of Wyoming law professor specializing in Indian law, agreed that the Northern Arapahoe and Eastern Shoshone tribes, which share the reser-

vation, would have little chance before the current U.S. Supreme Court.

Wilkinson called the tribes' case "very compelling ... (and) supported by a century of Western water law."

"But this U.S. Supreme Court, with the recent appointments, is, in its own way, probably the most radical court we've had since the late 19th century — in terms of overturning and moving away from existing, settled principles," Wilkinson said.

Washakie agreed the current make-up of the nation's highest court is "a big deterrent right now" for tribes considering appealing to the panel.

"I don't think the U.S. Supreme Court is friendly to any of these issues," Washakie said. "There's not much consideration being given to our positions, our standing with the United States government, to our treaties, to our sovereignty."

Maxfield has studied the impact of a 1978 U.S. Supreme Court case — dubbed "Oliphant" — on subsequent cases involving tribal sovereignty issues.

Those cases convinced Maxfield that the current prospects for "even-handed decisions" when tribes litigate against states are nil. "The court is not neutral on the issues," he said.

The tribes' decision not to further appeal the June decision by the Wyoming high court brings at least a temporary halt to litigation that has cost \$20 million.

The fight began in early 1977, when Wyoming, in a surprise move, asked the court to adjudicate state and tribal water rights within the historic boundaries of the Wind River Reservation. The state acted after the tribes began to use their legal muscle to oppose plans by the city of Riverton to develop groundwater resources.

As it turned out, Wyoming lost the fight it had started. The tribes won affirmation from the Wyoming Supreme Court in 1988 of a federal reserved, or Winters Doctrine, water right, based on an 1868 treaty, to 500,017 acre-feet annually in the Wind River. The U.S. Supreme Court upheld that award in 1989.

Many Indian tribes have been

continued on page 15

POWER

A new electric power technology could help Grand Canyon, salmon

by Steve Hinchman

The Western Area Power Administration, which has long held that the West's electric power needs can only be met by building more power plants, began what may be a U-turn last month.

At a ceremony in Montrose, Colo., engineers from Western and Siemens Energy and Automation Inc. of Germany unveiled a new computer technology that could increase the capacity of the nation's high-voltage power lines by up to one-third.

The technology is called Advanced Series Compensation, and its first installation is on a 200-mile-long power line connecting Glen Canyon Dam in Arizona to Shiprock, N.M. The ASC Project has increased the capacity of the line from 300 megawatts to 400 megawatts.

At the very least, the improvement will make it easier to reduce damaging water flows through the Grand Canyon associated with releases from Glen Canyon Dam. And a leading environmental expert in electricity, Ralph Cavanagh of the Natural Resources Defense Council, said the advance makes it more likely that water flows in the Northwest can be changed to aid the salmon.

"It will allow us to have more control over transmission lines. Right now, electrons spread out all over the grid. This new control should let us reallocate power flows in the Northwest," and that could be used to aid the salmon.

For the moment, the new technology exists only on the Glen Canyon to Shiprock line. Control of the line is in Montrose, Colo. There, in a spirited ceremony before 200 federal and private utility executives, Western and Siemens officials explained that the \$12.5 million ASC Project will almost eliminate impedance, or resistance, on long-distance, high-voltage power lines, dramatically increasing electrical flow along existing lines.

The problem is that the greater the length of a power line, the less power will flow through it — much like the

difference between drinking from a normal straw and drinking from a three-foot-long straw. Utilities now reduce this drag, with devices called capacitors.

But conventional capacitors are slow, clumsy mechanical devices. The new ASC system replaces them with thyristors, a high-speed electronic switch. Conventional systems reduce impedance by 72 percent. The new ASC system reduces impedance by up to 100 percent and will allow utilities to use long-distance power lines at their full thermal capacities.

Just as important, the lightning-fast thyristors will give utilities instantaneous and continuous control over power flows, much like a dimmer switch on a household lamp.

"This represents the first new development for control of the transmission system in a long, long time," said Stig Nelson, who studies the power grid for the Electric Power Research Institute, an industry-funded laboratory in Palo Alto, Calif.

Nelson said the new control will allow utilities to run the national electric grid at much higher loads without fear of blowing a circuit and causing a chain reaction that could cut the power supply to a large region.

It will also allow utilities to precisely and continuously change power flow to match electric demand. Previously, the flow of power on high-voltage lines could only be changed by crude methods, such as changing a power plant's output.

In addition to reducing the need to build new powerlines, it could also reduce the need for more power plants by allowing electric power to be swapped among distant regions. But the ASC will not necessarily reduce the 5 to 10 percent energy losses now experienced by transmission lines. That's because as ASC allows more power to flow over a given line, the so-called thermal losses will rise.

The ASC was widely pursued within

continued on page 15

INSIDE:

A remembrance of
William Penn Mott/6

Synergy in Oregon:
Green Eugene/8



HIGH COUNTRY NEWS

(ISSN/0191/5657) is published biweekly, except for one issue during July and one issue during January, by the High Country Foundation, 119 Grand Avenue, Paonia, CO 81428. Second-class postage paid at Paonia, Colorado.

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

Subscriptions are \$28 per year for individuals and public libraries, \$38 per year for institutions. Single copies \$1.50 plus postage and handling. Special Issues \$3 each.

Tom Bell
Editor emeritus

Ed Marston
Publisher

Betsy Marston
Editor

Linda Bacigalupi
Associate publisher

Florence Williams
Staff reporter

Paul Larmer
Assistant editor

C.L. Rawlins
Poetry editor

Diane Sylvain
Production/graphics

Cindy Wehling
Desktop publishing

Ann Ulrich
Typesetting

Kay Henry Bartlett
Business

Gretchen Nicholoff
Circulation

Zaz Hollander
Kristy Ratliff
Interns

Victoria Bomberry, Forestville, Calif.

Maggie Coon, Seattle, Wash.

Judy Donald, Washington, D.C.

Michael Ehlers, Boulder, Colo.

Bert Fingerhut, Aspen, Colo.

Tom France, Missoula, Mont.

Karil Frohboese, Park City, Utah

Sally Gordon, Buffalo, Wyo.

Judith Jacobsen, Boulder, Colo.

Dan Luecke, Boulder, Colo.

Geoffrey O'Gara, Lander, Wyo.

Diane Josephy Peavey, Carey, Idaho

James B. Ruch, Flagstaff, Ariz.

Farwell Smith, McLeod, Mont.

Emily Swanson, Bozeman, Mont.

Lynda S. Taylor, Albuquerque, N.M.

Mark Trahan, Salt Lake City, Utah

Andy Wiessner, Denver, Colo.

Board of Directors

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

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

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

Dear friends,

A new staff member

When Paul Larmer worked as an intern with *High Country News* eight years ago, the paper was housed in two small rooms. Which was fine, since it only had two full-time employees. In early September, Paul rejoined a slightly larger operation as its first assistant editor.

Paul's is also a slightly larger operation. When he left town in 1984, he was a bachelor. He returns with spouse Lisa Cook, a landscape architect who is expecting their second child in January, and daughter Zoe. They drove in from the San Francisco Bay area, where he has been working for the past five years as an editor, writer and media representative for the national Sierra Club.

Paul's first observation was that the

Lake Powell traps sediment coming down the Colorado River, while fluctuating releases from the dam combined with the lack of new sediment erode beaches in the canyon.

Problems with the election stories were more subtle. Several readers called to say their states were incorrectly listed as having "no parties" in the information boxes accompanying stories. The "unaffiliated" description meant that while there are partisan elections in every state, in Montana, Idaho, Washington and Utah, voters may not register under a party affiliation, according to the 1992 *Almanac of American Politics*. We therefore had no solid figures for numbers of Democrats or Republicans in those states.

An inexplicable and regrettable error occurred in editing or proofreading Ken

Bill Clinton, as of this writing, leads George Bush in Idaho, where Dukakis got a whopping 36 percent of the vote four years ago. In his story on the Idaho races, reporter Steve Stuebner quoted Boise State University professor John Freemuth as saying Bush led Clinton in state polls. But by the time the paper came out, the Bush lead was history (for the moment).

We omitted a clear-cut race in north-west Montana for a seat on the Montana Public Service Commission. Bob Rowe, a Democrat and utility lawyer who has represented consumer and low-income groups for many years, is running against the recently appointed incumbent, Republican Ted Macey, who formerly worked as an engineer for a utility, and who has come down hard on the side of jobs in the jobs-environment debate. Rowe-Macey is one of three district races in Montana for the five-person commission. The PSC is an important body in Montana, where battles over the Colstrip power plant and coal mines, transmission lines, life-line rates for the poor and elderly and other issues have been fought.

Also in the area of omissions, we neglected to thank Seattle trial attorney Steve Forrest and Tom Robinson for their help in arranging a flight for the paper's staff and board with Project Lighthawk over cut-over and old-growth forests in late September. Unfortunately, the weather didn't co-operate, and the mission had to be scrubbed.

Visitors

Tom Casadevall, a Denver geologist, said hello after hiking the Uncompahgre National Forest. Kim and Chuck Dooley of Lafayette, Colo., came through to meet friend Lisa Jones, a Paonia-based editor of *Buzzworm*. Ken and Maggie Dessain of Crestone, Colo., passed through their once-upon-a-time hometown. The Dessains briefly ran a restaurant here with the welcoming sign: "No shoes, no shirt, no problem!"

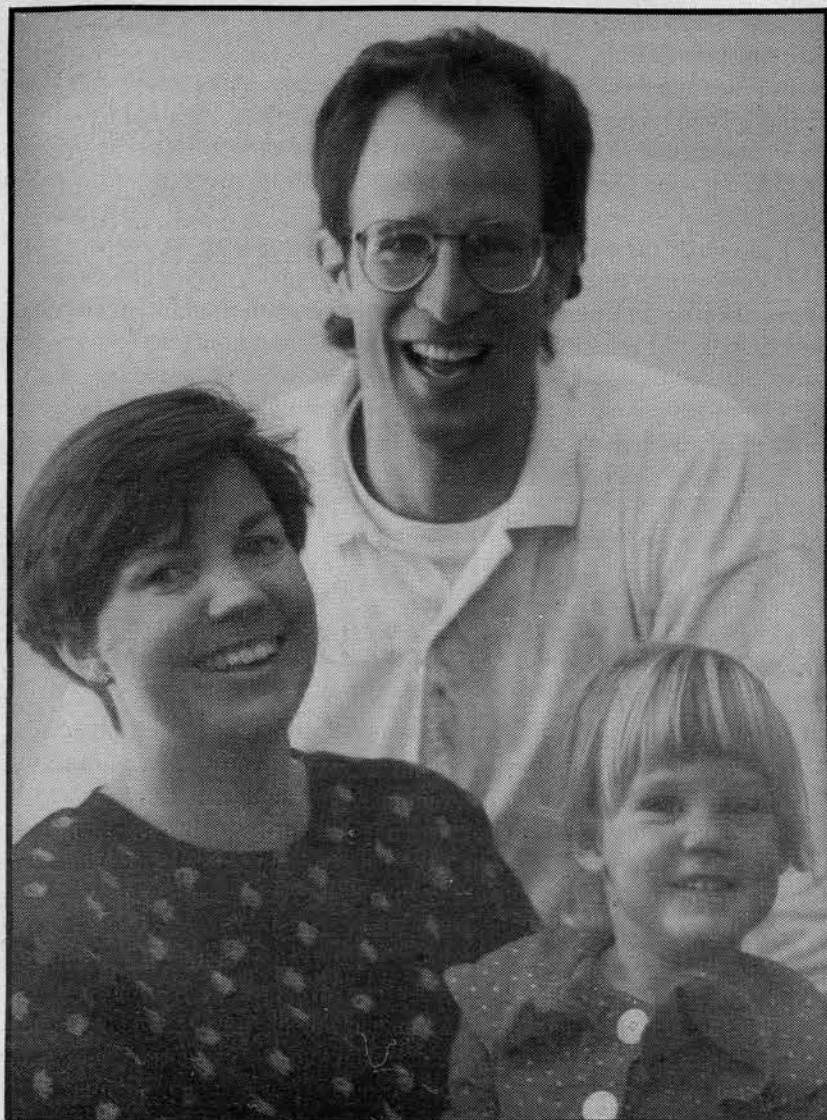
Chris and Christopher Yurkanan, who work at the University of Texas, Austin, visited after exploring jeep trails above Telluride. And Boeing 747 pilot Kevin Roache toured the office. He was in Paonia to pick up a load of applewood to get him through another Crested Butte winter. Kevin does some flying for Project Lighthawk, the "green air force," but not in a 747.

Other visitors included Adam Saytanides, on his way to Eugene, Ore., from Taos, N.M., Bill Cunningham and Karen Arnold, writers from Ogden, Utah, and Stan and Vicki Ponce of Denver, where he works for the National Park Service and she works for the Western Area Power Administration.

Dewitt Brown of Reno visited Paonia after looking at the turning aspen on 10,000-foot-high Grand Mesa, which local chambers of commerce tout as the "highest flat-top mountain in the world." Mary and Marion Schumacher of Monona, Wis., who are parents of *HCN* typesetter Ann Ulrich, came by to see where their daughter toils.

Long-time subscriber David Hickox, who teaches geography and directs the environmental studies program at Ohio Wesleyan University, writes to say he almost made it to Paonia. But on his only day off from a seminar in Golden, Colo., he chose instead to visit Leadville and the headwaters of the Arkansas River and "has regretted the decision ever since." Had he visited *HCN*, of course, he would regret missing out on Leadville and the Arkansas.

— Ed Marston for the staff



Cindy Wehling

Paul Larmer, his wife, Lisa Cook, and their two-and-a-half-year-old daughter Zoe

town's only spotlight is gone. His second was that the *HCN* office now has heat and computers. "I remember freezing my tail off in a narrow, dimly lit hallway while pounding out copy on an ancient typewriter." He was the paper's second intern following its move from Lander, Wyo., to Paonia in the summer of 1983.

Corrections ...

Essayist Kay Matthews (*HCN*, 9/21/92) writes that the Wilderness Society says it has taken no official position on the Sandia Pueblo's land claim. In her essay, Matthews was critical of environmental groups for opposing Indian claims to land near Albuquerque. She also writes that she recently moved to El Valle, N.M., and is no longer in Placitas.

The Oct. 5, 1992, issue of *HCN* was a humbling experience for staff due to several mistakes and omissions. The most embarrassing commission was a Bulletin Board that had the beaches of the Grand Canyon settling "beneath 500 feet of water at the base of the Glen Canyon Dam." The Bureau of Reclamation is guilty of many sins, but not of that one.

Olsen's story on Washington. The story arrived correct, but somewhere in the process we mixed up gubernatorial candidates Mike Lowry and Ken Eikenberry. Lowry is in fact the Democrat and Eikenberry the Republican. Lowry has the backing of the state's Sierra Club, one of the few environmental groups that makes endorsements.

The Arizona election story left out a race of interest. In the 3rd District, covering west Phoenix, eight-term-incumbent Bob Stump, a Republican, faces Democrat Roger Hartstone, a free-lance photographer and former attorney. Stump opposed the 1990 Arizona Wilderness Act, currently opposes the Grand Canyon Protection Act, and has tried on several occasions to dismantle the Environmental Protection Agency. Hartstone, favored by Arizona environmentalists, helped organize the state's Earth Day.

... changes and omissions

HCN's unofficial motto is "last fortnight's news next fortnight" so we are usually not surprised when events overtake us. But we were shocked to learn that

WESTERN ROUNDUP

Firm goes after Williams, wilderness

Plum Creek Timber Company has acknowledged breaking Montana and federal election laws by attaching political slogans and fiery anti-wilderness literature to employees' paychecks in the Flathead Valley.

The flyers targeted Rep. Pat Williams, D-Mont., for supporting a compromise wilderness bill.

Election laws explicitly prohibit employers from attaching political slogans to paychecks. The Montana law dates back to the days when powerful corporations such as Anaconda tried to control employees' political opinions.

Leaflets attached to Plum Creek paychecks warned employees they could lose their jobs if they didn't attend an anti-wilderness rally in September. The leaflets said a good showing was "crucial" and included slogans such as, "No more Williams, Wilderness or Wolves." One flyer said, "There should be NO excuse for not being there."

Plum Creek's Rocky Mountain Region vice president Charles Grenier acknowledges that the flyers were improper. He said the actions were not



Timber industry spokesman Bruce Vincent addresses an anti-wilderness rally in Columbia Falls Sept. 20. Plum Creek Timber Company, in apparent violation of the law, urged employees to attend the rally and to carry signs opposing Rep. Pat Williams.

authorized by top company executives.

The Plum Creek controversy erupted in the midst of the sizzling Montana congressional race between incumbents Pat Williams and Republican Ron Marlenee. In the closing weeks of the campaign, the 12-year dispute over a statewide wilderness bill has become a leading election issue.

The Western Council of Industrial Workers filed complaints with state and federal election officials at the request of non-unionized Plum Creek workers.

— Steve Forrester

The writer is a free-lancer in Kalispell, Montana, and works for the Montana Wilderness Association.

A county tries to control inholdings

A western Colorado county has come up with a way to put a brake on private homes in designated wilderness.

Eagle County commissioners voted last month to zone 142,000 acres of remote high-country lands, including 500 acres of private inholdings, as "backcountry."

While the zone change won't stop development on "inholdings" (pockets of private land surrounded by federally managed wilderness property), it will give the county a bit more clout over what happens on those parcels. The owners of property classified as "backcountry" must obtain a special-use permit and submit an environmental impact statement before placing a permanent structure on the land.

When Chicago surgeon Randolph Seed flew in building materials for a cabin on private property near Turquoise Lake within the Holy Cross Wilderness last year, county officials discovered he was within his rights on property that was zoned as "resource." However, the county belatedly ruled he needed a building permit, rejecting his claim that he had constructed just a tool shed, which would not need a building permit.

Shortly after that incident, the Eagle County commissioners instructed their planning staff to draft an amendment to the county land use regulations creating a new zone district.

The new backcountry zone has drawn a mixed reaction from the public. County Commissioners Dick Gustafson and Don Welch, the U.S. Forest Service, town of Vail, and Sierra Club support the concept.

A number of mining claim owners whose land will be affected by the change and the Eagle County Cattleman's Association oppose the zone, claiming it is an infringement on the rights of private prop-

erty owners.

According to Tom Allender of the Eagle County Planning Department, people who own property within the new zone generally oppose it, while those who own property outside of it favor the change.

Mike Spencer, lands and minerals director for the White River National Forest, says his agency supports the backcountry zone concept.

"We feel the end result will be uses of private lands that are more consistent with the wilderness values of surrounding lands," Spencer says.

Acquisition of inholdings is currently a top priority of the Forest Service. However, the agency has limited funds and cannot, by law, pay more for the property than its appraised value.

Spencer says the Forest Service has offered to purchase the Seed property, but has not yet received an answer.

"The threat of development in the wilderness is real," says Spencer. He cited as examples the Seed cabin; an attempt by a developer to set up a mining operation near Marble, Colo.; and a recently publicized threat by a developer to construct a luxury subdivision on an inholding in the West Elk Wilderness if the Forest Service won't pay his asking price for the property (HCN, 9/7/92).

Spencer says the Forest Service is also competing against private buyers for purchase of the inholdings, particularly in the Holy Cross Wilderness. He speculates that many buyers are acquiring property with the long-range intent of trading the inholdings with the Forest Service for valuable property near resort communities.

Although he has not received any applications, Spencer says he has had sev-

eral inquiries from owners of inholdings asking how to apply for a road permit.

"We (the Forest Service) face a real dilemma between their right of access and the issue of creating a road in the wilderness," he notes.

Jon Mulford, president of the Wilderness Land Trust, says the backcountry zone is a fair and balanced regulation. Neighboring Pitkin County has a much more difficult regulation, involving complex overlay zones which make it nearly impossible for landowners to know what they're allowed to do.

"Eagle County's approach is much more direct and honest," he says.

Mulford maintains it will not affect land values. The Wilderness Land Trust will continue to acquire lands as it has over the last month, when it inked contracts for 200 acres of inholdings in the Holy Cross Wilderness.

Vail resident Dick Peterson says the backcountry zone classification would leave him little to bargain with if he wants to sell or trade his mining claims in the Eagles Nest Wilderness.

Commissioner Bud Gates, who cast the only vote against the backcountry zone, agrees. He says the government should buy the backcountry parcels.

"Regulations don't stop a determined person ... We're just making it more difficult for the private owner," he says.

"If the existing regulations were adequate, we wouldn't have Dr. Seed," Gustafson countered. "He opened up a can of worms. He is a symbol of what other people are willing to do."

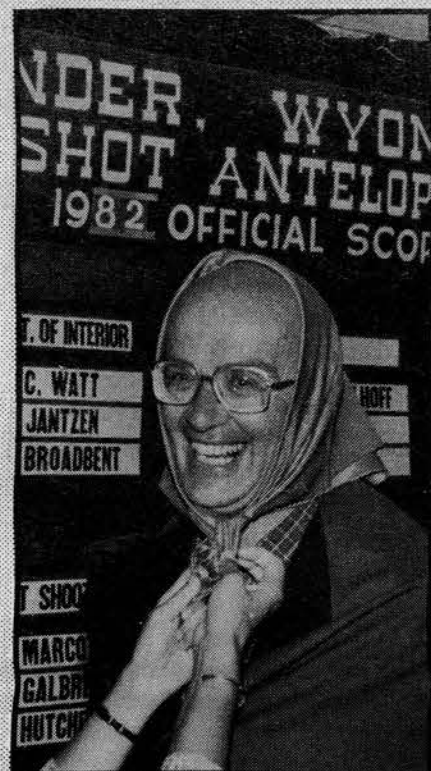
— Kathy Heicher

Kathy Heicher works for the Vail Trail in Minturn, Colorado.

HOTLINE

Agency allows toxic bargains

Dumpers have found they can get away with a lot more in a non-white part of town. According to a recent report in the *National Law Journal*, companies that violate hazardous waste laws in white neighborhoods pay about five times more in penalties than companies that break the same laws in minority neighborhoods. The very whitest of communities are protected by Environmental Protection Agency fines that average \$333,556. In the blackest of neighborhoods, the average is \$55,318. The EPA, said a spokesman, is investigating the discrepancy.



Mike McClure

Former Secretary of Interior James Watt in a loser's kerchief, 1982

No more kerchiefs

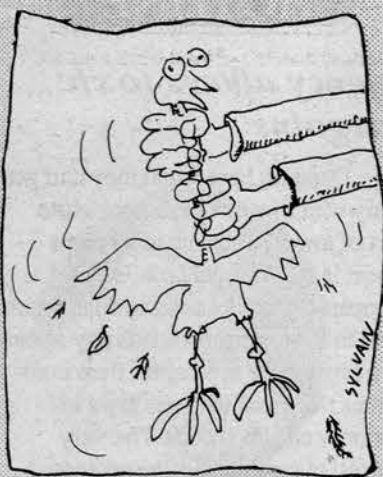
Organizers of Lander, Wyo.'s, "One-Shot Antelope Hunt" didn't ask losers at this year's celebration to don kerchiefs, paint their faces and dance with Shoshone women as penance. But one Shoshone woman says the annual celebrity event, which gives male hunters one shot at killing a pronghorn antelope, should be cancelled because it exploits and doesn't represent tribal customs, reports the *Casper Star-Tribune*. Tribe member Pat Bergie, director of the Eastern Shoshone Cultural Resource Center, says the hunt, which in the past has attracted such luminaries as James Watt and Wyoming Gov. Mike Sullivan, is based on "made-up things" from a "fictional tribe." The event's organizer, Art Werner, disagrees. He says it's based on a Shoshone legend about "white men helping Indians obtain food for the winter, then celebrating together."

BARBS

Don't apologize; it's an easy mistake to make.

At the opening of the new Black Pine gold mine, a mining official introduced the boss of Idaho's Sawtooth National Forest as the "Sawmill" National Forest supervisor.

HOTLINE



Rare bird made rarer

A California ornithologist says science made him do it, but New Mexico birdwatchers are outraged. What John Trochet did was choke a rare bird to death so he and other scientists could study it. The bird, the tiny yellow-green vireo, is common in Mexico and Central America but pops into sight only rarely in California, Texas and Arizona. No one had confirmed seeing it in New Mexico until July of this year. On July 1, two Albuquerque birdwatchers photographed and watched the bird for hours as it flew around a lush oasis called Rattlesnake Springs, next to Carlsbad Caverns National Park. A week later, Trochet, a Ph.D. candidate at the University of California Berkeley, was in the area collecting goldfinches, when he heard the vireo singing nearby. He lured it onto private land and into his net with a tape-recorded vireo call. Afterward, he said he needed a specimen of the vireo to know which of several Mexican subspecies could have drifted over the border. Charlie Black, one of the vireo's photographers, was not moved by Trochet's argument. "To me, what it boils down to is that he did it because he thought he could get away with it," Black said. The National Park Service is investigating to see if Trochet broke any agency regulations.

Holier than the God squad?

The seven-member "God Squad" committee, which voted last spring to overturn a ban on 13 Oregon timber sales, may have been illegally pressured by the Bush administration. Groups including the National Audubon Society and Sierra Club charge that Clayton Yeutter, Bush's domestic policy advisor, held secret meetings with three committee members two weeks before the final vote, urging them to vote in favor of exemption. Two anonymous administration officials have described those meetings to The Associated Press, but the White House has refused to disclose any records of the alleged event. Vic Sher, a lawyer for the Sierra Club Legal Defense Fund, which represents the Audubon Society, told a federal appellate panel that additional administration sources have confirmed that the illegal meetings occurred, and he wants release of the records, reports *The Recorder*, a San Francisco legal paper. The vote of the so-called God Squad was 5-2. It allowed logging on 1,700 acres of Bureau of Land Management land known as habitat for the northern spotted owl.

Navajos caught between tradition and economy

A fight over logging in Arizona's Chuska Mountains has split the Navajo Tribe.

On one side is tribal government, led by President Peterson Zah and the tribe's timber company, Navajo Forest Products Industry (NFPI), which employs 300 Native mill workers and almost 100 loggers.

On the other side is a coalition of traditional Navajos and medicine people and their non-Native environmental allies.

At the center of the debate is the timber sale slated for the Ugly Valley/Whiskey Creek area, 16,000 acres of mostly old-growth yellow and ponderosa pine located about 25 miles northeast of Canyon de Chelly National Monument. Zah and NFPI say the trees are essential to keeping the mill in nearby Navajo open. But for the elders who gather medicinal herbs and perform ceremonies there, the stand of ancient trees is sacred.

Although the entire Navajo National Forest, which is 100 miles long by 40 miles wide, has been logged over at least once, there still exist relatively pristine areas such as Ugly Valley/Whiskey Creek. This is what convinced Adella Begaye and her husband, Leroy Jackson, who live in Tsaile, Ariz., to begin a fight to stop logging in the forests that surround their summer hogan high in the mountains.

"My mother and father live in those mountains and it's the prettiest place on the reservation," says Begaye, "and now they want to destroy it."

The couple's involvement began in

the spring of 1990, when they discovered that logging had permanently scarred the land around their summer homes. A year and a half later, when logging contractors had marked some of the oldest and biggest trees for cutting in neighboring Ugly Valley/Whiskey Creek, they decided to get help.

Jackson and the newly formed Dine Bi Wilderness Society, which means the people's wilderness, approached Santa Fe-based Forest Trust, an organization that provides technical assistance to advocacy groups, to help document what it believed was bad forest management by NFPI.

Jackson says the Navajo Forestry Department's 10-year forest plan, which calls for logging 40 million board-feet of timber annually, is unrealistic for the reservation's forests. Lane Krah, a forestry consultant with Forest Trust, concurs, noting that this unrealistic timber target is why NFPI has sought to log areas not included in the 10-year plan, such as Ugly Valley/Whiskey Creek.

But Edwin Richards, general manager of NFPI, says Ugly Valley/Whiskey Creek was logged 15 years ago, so it is not a virgin forest. He also says that the trees are essential to the nearby mill and its 300 workers.

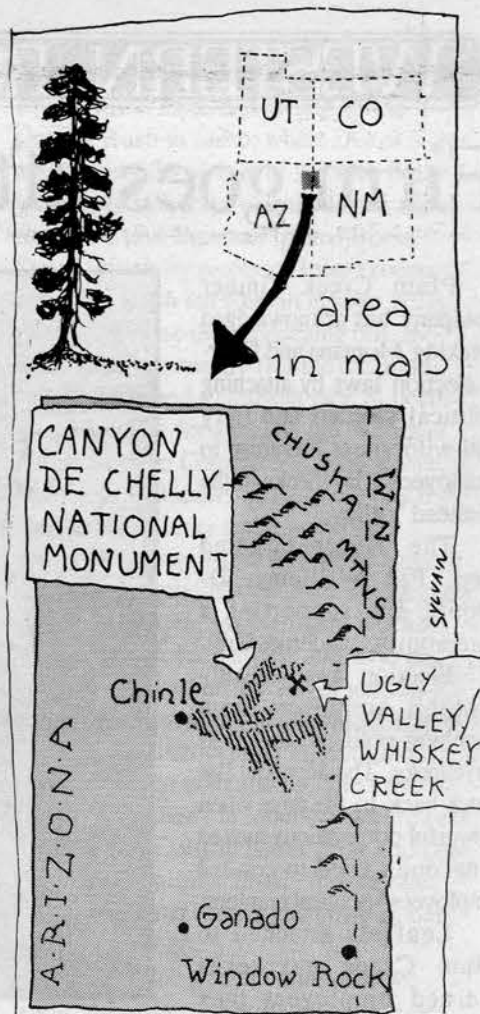
"At this point in time, Whiskey Creek is the only large tract available to us," says Richards.

In November 1991, Jackson confronted the tribe's resource committee. Armed with Krah's report of overcutting in the Chuskas and the backing of many tribal elders and medicine people, he asked the committee to stop the logging. The committee passed the buck to Zah.

Through negotiations, Zah reduced the proposed cut in Ugly Valley/Whiskey Creek, from 40 million board-feet to 9 mbf. In support of his recommendation, he said, "By working together we can develop unique management methods that satisfy both sides. We can find a way to develop a program that respects Mother Earth and which recognizes the need for jobs and revenue."

But opponents claim that while the reduction is a step in the right direction, NFPI has partly negated the reduction by selecting the oldest trees for harvest.

Other critics have also expressed concerns. National Park Service officials say logging could affect the water quality and stream flow through Canyon de Chelly



National Monument. Navajo wildlife officers are concerned that logging could adversely impact turkeys, bears and other species.

In May of this year, after the Bureau of Indian Affairs (BIA) gave the go-ahead for logging, violating its own 30-day waiting period to allow for appeals, Dine Bi Wilderness Society, with legal assistance from Forest Guardians, filed an appeal to stop the logging. But after lobbying by Zah and NFPI, Eddie Brown, assistant secretary of the BIA, overturned the appeal and logging continued. Finally, in August, after road improvements were made, logging contractors began felling trees in Ugly Valley/Whiskey Creek.

The opposition blames tribal management, in particular Zah, and its disregard for spiritual beliefs. "Zah travels the country saying he wants to protect Native spirituality, but with his own people he doesn't put his money where his mouth is," says Jackson.

In addition, Jackson says the tribe doesn't have a viable economic plan for its timber company. He says NFPI is in debt and can't be saved by cutting more trees. Three years ago, when the economy took a downturn, NFPI laid off 600 workers and closed a \$12 million particle board plant because of lack of sawdust and chips, says Jackson.

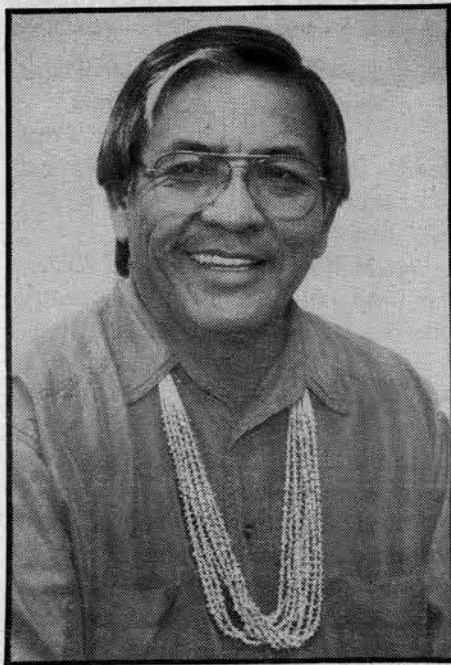
Richards concedes that his company does owe more than \$10 million to the tribe, the federal government and banks. But he asserts that with unemployment on the reservation as high as 34 percent, putting 300 more Navajos out of work would be devastating.

John Redhouse, a Native American living in Albuquerque who advised and supported Dine Bi Wilderness, said the tribe should rethink its economic policies, especially its narrow focus on timber. "Tribal enterprises are labor-intensive, but they lose money. NFPI is an outstanding example. Timber is basically a dying industry now, and the tribe has to face this," he told the *Santa Fe Reporter*.

For now, the group plans to get involved in the tribe's next 10-year plan, which is in the process of being drafted, and to continue its fight. "It's just something we have to keep at," said Jackson. "It's going to take more money and more time, but we aren't going to give up."

— Peter Donaldson

The writer is a former HCN intern.



Kenji Kawano

Navajo President Peterson Zah

HOTLINE

The great escape

Two teen-age bowhunters from Cody, Wyo., bumped into a grizzly and her two cubs recently and lived to tell the story. To escape the charging bear, both boys dropped their bows and ran, AP reports. After Bob Wells, 18, grabbed a tree limb, and swung himself up and over the enraged grizzly, the bear headed for Mike McDonald, 16, who says he ran. The bear kept up the chase in increasingly tighter circles until diverted by Wells' screams from the tree. "I sat there staring at her and she stared at me," Wells recalled. Meanwhile, McDonald had also found a perch in a tree, but unfortunately, his

refuge failed when a branch broke and dumped him on the ground. "I thought it was just a matter of time. I didn't think there was any way I was going to get out," McDonald says. But Wells again broke into shouts, distracting the sow from his friend, who was scrambling on all fours. Finally, the teenagers climbed higher trees and waited until the bear lost interest and left.

In another grizzly encounter, this one near Kalispell, Mont., hunter Bayne French says a spray can of hot pepper extract saved his life. A grizzly charged, but French doused the bear "in a cloud of spray," he told AP. He says the bear then turned and ran.

Sierra Club sued over an old grant

SANTA FE, N.M. — Firestone heir Ray Graham III has raised three difficult questions by accusing the Sierra Club's former president and its foundation of misusing his donation of 22 years ago:

- Is the nation's largest environmental club racist?
- Do environmental causes blend with social ones?
- To what extent can philanthropists control how their donations are used years or even decades after the fact?

Graham, who lives in Albuquerque, N.M., and Virginia, gave the Sierra Club Foundation \$103,000 of Firestone stock in 1970. In exchange, Graham says he received a verbal commitment from foundation official Brant Calkin — who would become the club's national president in the mid-1970s — to buy grazing land for northern New Mexico shepherds. The idea was to deter commercial development of the Los Brazos foothills near Tierra Amarilla, N.M., by boosting local agriculture.

But some 20 years later, says Graham, he learned that his donation instead went to a general fund. Among other things, money in the fund purchased office buildings in Santa Fe, N.M., and San Francisco, Calif., he charges.

The Sierra Club counters that the purchase of open grazing land proved to be impractical, and that Graham agreed to release restrictions on the use of his gift in the 1980s. Graham, says the Sierra Club, changed his mind again in 1989, after a title dispute with the club over the boundary between land he was developing along the Rio Grande in Albuquerque and Sierra Club-owned wetlands.

Though neither Graham nor Calkin will talk to the media, their attorneys have filed fierce legal briefs in the two years since Graham filed a federal lawsuit in San Francisco, the Sierra Club's national headquarters. In it he charged the foundation and Calkin with fraud, misrepresentation, breach of fiduciary duty and breach of contract.

Graham's attorney, Robert Bouchier, accuses the Sierra Club Foundation of using the Hispanic shepherders of northern New Mexico as "bait for donations." Graham turned down a \$300,000 settlement offer because he believes the rightful beneficiary of his gift, Ganados del Valle cooperative, is now due far more, Bouchier says.

Calkin's lawyers say Graham is an elitist who gave money to prove himself the social equal of mining company heir Harvey Mudd, formerly of Santa Fe and now of New Hampshire, whose \$100,000 originally endowed the Frontera del Norte Fund. Now Graham has conspired with Ganados del Valle founder Maria Varela to "push the media button" to split

the Sierra Club's support along ethnic lines and influence the court, attorneys say.

"His allegations are totally without merit and have caused a lot of misunderstanding," says Sierra Club Foundation executive director Stephen Stevick. "It's resulted in our appearing to be at odds with groups we have a long history of working with. He's trying to separate the common interests that environmental groups have with social issues."



When the Albuquerque *Journal* ran its first story about the case earlier this year, Sierra Club lawyers protested that the writer, free-lancer Mary Frei, was married to a lawyer connected to Ganados and Varela. Frei says her attorney/husband, Richard Rosenstock, has worked with co-op members, but never for the co-op or Varela.

Varela is a community organizer whose work among poor Hispanics was recognized in 1990 with a \$305,000 "no-strings-attached" grant from the MacArthur Foundation. She says the Sierra Club missed an opportunity to marry environmental causes with social ones when it reneged on the alleged plan to buy new grazing land for the co-op.

Calkin toured several land parcels for sale in the 1970s with Ganados del Valle members, she says, but became distracted by his personal political goals and never closed a deal. After Calkin's term as national Sierra Club president, he served as former New Mexico Gov. Toney Anaya's secretary of Natural Resources in 1983-84 and then ran unsuccessfully for state land commissioner in 1986. Varela says when the co-op briefly moved sheep onto a state wildlife preserve in 1989 to demonstrate its need for new grazing land, Calkin "hardened his position" against the land purchase. Now, land prices in the area have sharply increased, partly due to plans for a ski area nearby, she says.

Varela stops short of accusing the Sierra Club of racism, but says two Hispanic mediators suggested by the state's attorney general were rejected by the

club's lawyers. She says Hispanics around Tierra Amarilla feel slighted because urban property was bought instead of grazing land to improve the lives of rural people.

"In a sense, a contract was made with the people of Tierra Amarilla that the Sierra Club would be partners with these small-scale farmers," Varela says. "Their leaders will say the Sierra Club's purposes are environmental and they are not involved with social concerns. But poor housing and incomes are environmental concerns to us. How do you track down this kind of prejudice?"

New Mexico Attorney General Tom Udall entered the fray this summer, apparently siding with the co-op and Ray Graham by suing the Sierra Club Foundation for Frontera del Norte's records.

Tom Udall says that despite the political support he has received from the Sierra Club, "my role as attorney general is to enforce the law, as unpleasant as that may be at times ... Our lawsuit is in the nature of accounting. We're asking the Sierra Club to supply us with all of the documents relating to the foundation."

The state attorney general won't comment on what his staff has found in the several boxes of documents received this summer, but assistant attorneys general Mike Dickman and Fred Nathan were dispatched to San Francisco Oct. 5 for the first attempt at mediating the case. Gene Gallegos, a lawyer from Santa Fe and Tucson, Ariz., represented Ganados.

Calkin, now director of the Southern Utah Wilderness Alliance in Salt Lake City, is represented by Albuquerque attorney Peter Adang. He says Federal Judge Charles Legge quietly dismissed the majority of Graham's charges on Sept. 11, leaving only breach of contract charges against the Sierra Club Foundation and Calkin. The judge also said he would entertain a motion to cut Calkin out of the case, Adang said.

Adang says while Graham has stirred up sentiment against the Sierra Club among Ganados del Valle members, he has been silent about the Frontera del Norte's aid to the co-op's predecessor, La Cooperativa. Proceeds from the fund helped pay off interest from loans to that co-op, he said.

"So now (Graham) turns around and claims that the people of Tierra Amarilla were being cheated," Adang said. "It just boggles my mind that he could make these charges more than 20 years after the fact."

— Tom Sharpe

Tom Sharpe is a journalist based in Albuquerque, New Mexico.

HOTLINE

Defending the dry side

An old-growth forest isn't always dripping moisture and 50 shades of green. An example is the Winema National Forest, on the drier east side of Oregon's Cascade mountains. Uncut forests here consist mainly of "yellowbacks," widely spaced ponderosa pine trees adapted more to sunshine than rain. Last month, the Winema became the focus of a suit filed by the Natural Resources Defense Council to stop logging. "Continued logging of old growth threatens the viability of species that inhabit these forests," NRDC attorney David Edelson said in Portland's federal district court. Those species include the marten, pileated woodpecker, northern goshawk and white-headed woodpecker. The suit seeks to halt logging of old growth and establish an old-growth reserve system. Frank Erickson, public affairs officer with the Winema National Forest, says a precedent could be set for eastside old growth management if the environmentalists win in court. NRDC filed suit on behalf of seven groups, including the Oregon Natural Resources Council.



Bringing the wolf back

Yellowstone's last wolf died more than 50 years ago, but a new recovery plan may breathe some life into the animal's much-anticipated return. More than 25,000 people have asked to be on the mailing list for the U.S. Fish and Wildlife Service's environmental impact statement on bringing wolves back to Yellowstone National Park and central Idaho. Both areas contain good wolf habitat and a fairly supportive public, with some notable exceptions among ranchers. The U.S. Fish and Wildlife Service has developed five management alternatives ranging from a "no wolf" plan to accelerated recovery. Public response to these alternatives has been catalogued in a planning report due for release in October; a draft EIS is due in May 1993. To become involved in the recovery planning process, contact Yellowstone National Park and Central Idaho Gray Wolf EIS, Box 8017, Helena, MT 59601 (406/449-5202).

— John Brinkley

The writer is based in Washington, D.C.

Now the Department of Interior will try to limit appeals

Although smarting from the defeat of a proposal to restrict the public's right to challenge Forest Service timber sales, the Bush administration is moving ahead with similar protection for virtually all extractive public-land uses.

Regulations proposed Sept. 25 by the Interior Department put the burden of proof on the appellant in most cases. A project would proceed unaffected unless an Interior review board found the appeal had merit.

Under current regulations, when an

appeal is filed against, for instance, an onshore mineral lease or an animal damage control project, it is halted until the Interior Department's review board rules. That may take months or even years.

"In theory, this would run the gamut of oil and gas, mineral leases, animal damage control, anything," Interior spokeswoman Stephanie Hanna said of the proposed changes.

She said the Southern Utah Wilderness Alliance was one of the principal

irritants that led to the new proposal.

The alliance "has filed appeals against virtually everything the BLM has done — everything from cattleguards to oil wells," Hanna said. "It's an obstructionist tactic rather than having valid merit."

SUWA's Steve Koteff responded that "nothing could be further from the truth ... Every time SUWA files an appeal, it's the result of a careful analysis of the facts and the law surrounding that particular decision."

He said the group files appeals in

less than 50 percent of the cases it reviews.

Koteff charged that the government was propounding a sham by "pointing to their rules and saying, 'See? We still have a process here.' But in reality, as applied, the process doesn't work. They don't like appeals and so they're getting rid of them."

HOTLINE

Appeals preserved

The Bush administration will not be able to eliminate citizens' appeals of timber sales, oil and gas leases and other activities on U.S. Forest Service lands. Congress shot down the proposal in an Interior Appropriations bill in late September that modifies but upholds Forest Service appeals. The new law, championed by Rep. Bill Richardson, D-N.M., in the House and Sen. Wyche Fowler, D-Ga., in the Senate, pleases environmentalists, who have been fighting the Bush administration proposal since it was announced as part of a government-wide deregulatory push in February. They say the Bush plan, would have virtually eliminated citizens' only avenue short of court to halt or modify timber sales and other commodity-driven activities on 191 million acres of Forest Service land. The new law encourages early participation from the public in the form of a well-publicized 30-day comment period, says Kevin Kirchner of the Sierra Club Legal Defense Fund. It also limits appeals to those who have submitted oral or written comments or who have otherwise notified the Forest Service of their interest in a proposal, he says. Unlike the current regulations, the new law forbids the Forest Service from proceeding with any proposed sale or lease during a 45-day appeals period.

Start spreadin' ooze

Colorado farmers are waiting in line to receive recycled sludge from New York City. It comes from Enviro-Gro Inc., a composting company that processes sewage from treatment plants into fertilizer. The Baltimore-based company has been giving away the sludge to farmers on Colorado's Front Range since last spring, providing them with a free alternative to costly chemicals. The recycled fertilizer apparently boosts crops. Colorado State University's agronomy department compared a decade of yields from fields using sludge with those using a nitrogen fertilizer and found higher yields from the sludge, reports the magazine *Colorado Rancher and Farmer*. Enviro-Gro says it treats the sludge to meet federal and state standards for pathogens and heavy metals. Public acceptance, however, is guarded, and seems to depend on how close the fields of sludge are to homes.

Beautiful but dusty

Aspen, Colo., should be a place of clear skies and clean air, sitting high as it does at 8,000 feet in the Roaring Fork Valley, and with only 22,000 residents during winter months. It isn't. Federal statistical tables show Aspen's dust-related air pollution is worse than that of Dallas, Baltimore, Philadelphia and other major cities 50 times its size. A recent EPA study concluded that 60,000 Americans die each year from breathing air less dusty than Aspen's. Aspen is not the only small Western town to experience air pollution problems. Steamboat Springs and Pagosa Springs, Colo., face similar hazards. "I'm not sure the general public understands the severity of the problem," says environmental staffer Barbara Umbreit of Pitkin County.

A remembrance of William Penn Mott

When I heard that former National Park Service Director William Penn Mott died last month, my first thought was, "At least he lived long enough to see a wolf in Yellowstone."

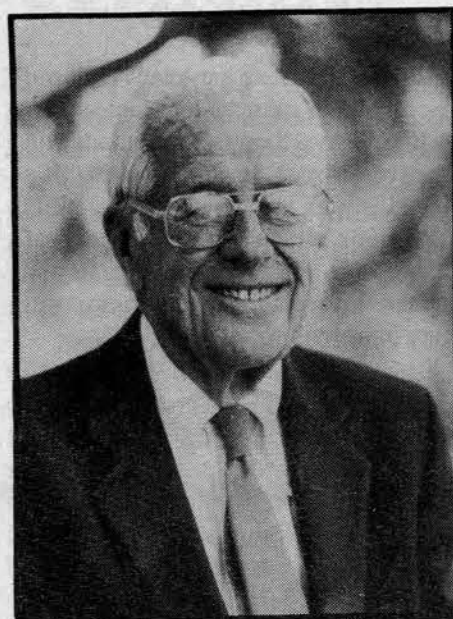
I first met Bill Mott in May 1985, a few weeks after he took office following his appointment by President Ronald Reagan. Mott had been director of the California state parks when Reagan was governor, and had nearly doubled the size of that system. He was the only Reagan Interior Department official whose appointment was hailed by environmentalists.

Mott's first official visit to a national park was to Yellowstone, where he delivered his first major speech to an environmental group, the Greater Yellowstone Coalition. The day before the speech, Mott met with a few reporters on the front porch of the park superintendent's house in Mammoth, a venue that symbolized his respect for the history and traditions of the NPS. Mott outlined an ambitious agenda: He wanted visitor facilities removed from key grizzly bear habitat in Yellowstone and he favored reintroducing wolves. He wanted higher park budgets funded by higher visitor fees, limits on development within the parks and controls on growth around them, and, most ambitious of all, new parks that would preserve as-yet-unrepresented eco-systems, including a headwaters-to-sea park along a river in the Pacific Northwest.

That afternoon and the next night, Bill Mott set himself apart from every other top official who served in the Interior Department during the Reagan years. Most, like the execrable Frank Dunkle, the worst director the U.S. Fish and Wildlife Service ever had, or Bureau of Land Management Director Robert Burford, who, on his best days, mumbled and bumbled his way through the job, were nothing more than water carriers for the ranching and mineral interests. Others, Interior secretaries James Watt and Donald Hodel, for example, were, like Mott, visionaries, but with a vision of federal land system either gutted or turned over to private profiteers. Only Mott saw the national parks as treasures to be preserved for their sake and at all cost, and only Mott understood the responsibility that he had to future generations.

Unfortunately, that visit to Yellowstone was perhaps the high point of Mott's tenure at the Park Service. After his brave opening salvo, hostile forces within and outside the Reagan administration kept Mott fighting a series of skirmishes and holding actions. Instead of going on the offensive, Mott the visionary became a bureaucrat, forced to keep an anxious watch over his shoulder.

Most of Mott's ambitious plans never became reality. The new parks were not created. Higher park fees were imposed, but the Reaganite gang hijacked the added revenue and then cynically deceived Congress about what they did with the money. They sent Mott before a hostile House subcom-



William Penn Mott

mittee to defend a budget that he had fought against. Mott wound up agreeing with the congressional critics who thought that the parks deserved a better deal.

In late 1988, Mott again came under attack in Congress, this time not from the pro-NPS forces but from the anti-environmentalists representing the Yellowstone area. In the wake of massive wildfires in and around the park that summer, Mott was vilified as the man who had presided over the destruction of Yellowstone. Sen. Malcolm Wallop, R-Wyo., called for Mott's resignation. Rep. Ron Marlenee, R-Mont., suggested that the NPS torched the park for its own perverse enjoyment. Mott took the abuse, insulating career NPS employees from the political heat. Astonishingly, even Hodel sided with Mott in this battle. It was Mott's last engagement with the Western Republicans who were his worst enemies.

The fiercest of those struggles was over restoration of wolves to Yellowstone, a cause which became Mott's greatest crusade and most fervent passion. In August 1987, after the Fish and Wildlife Service miraculously produced a wolf recovery blueprint that called for releasing wolves in Yellowstone (Dunkle avoided signing the plan), Mott told me that the NPS was prepared to move ahead, despite strong objections from the Wyoming congressional delegation. The next day, when the story appeared in the *Casper Star-Tribune*, then Rep. Dick Cheney sent a strongly worded letter to Hodel, and Mott was forced not only to place wolf reintroduction "on hold," but to embarrassingly claim he had been misquoted, when transcripts showed he had not.

Two months later, Dunkle sought to further humiliate Mott by sanctimoniously requesting, as "the official responsible for ensuring the recovery of the wolf," (something Dunkle had no intention of ever doing) that Mott refrain from "making any further statements" on the matter.

Mott became something of an outcast in the Department of Interior. While unable to officially advocate wolf reintroduction, he took every opportunity to promote the idea unofficially. In early 1988, when Dunkle inexplicably said that what the NPS did with wolves in Yellowstone was "their business," Mott seized the opportunity to both needle his adversary and to proclaim new hope for reintroduction. But a month later Hodel slapped down the idea for the duration of the Reagan administration.

Mott took one last shot after Reagan and Hodel left office, saying early in 1989 that the NPS would be ready to release wolves by September of that year. Soon after, Mott was gone. Under George Bush, the self-proclaimed "environmental president," wolf reintroduction has stalled.

But the wolves themselves have been

moving. Late this summer one appeared in Yellowstone, the first confirmed sighting in more than 30 years.

Like most dreamers, Bill Mott never lost his optimism or his determination, despite the many setbacks he endured at the hands of people with vision much more limited than his. And he never lost his sense of humor. At the peak of the controversy over the Yellowstone fires, he would confide that, had it been up to him, he would have let the huge Grant Village development burn to the ground. A landscape architect by trade, Mott always considered it a blight on the landscape. Once, after I had interviewed him yet again about wolf reintroduction, Mott handed me a postcard picturing a trio of wolves. On the back, he had written, "We would like to once again live in Yellowstone. With your support we can."

Wolves are once again living in Yellowstone. I'm glad that Bill Mott got to see it happen. And when packs of wolves again roam the Lamar and Hayden valleys, I know that Bill Mott's spirit will be there, laughing and howling with them.

— Andrew Melnykovych

Andrew Melnykovych, a former Washington reporter for the *Casper (Wyo.) Star-Tribune*, is now the environmental writer for the *Courier-Journal* in Louisville, Ky.

STATEMENT OF OWNERSHIP MANAGEMENT AND CIRCULATION NOTICE

(Required by 39 U.S.C. 3685)

- Title of publication, *High Country News*
- Date of filing, October 1, 1992
- Frequency of issue, Biweekly
 - No. of issues published annually, 24
 - Annual subscription price, \$28.00/\$38.00
- Location of known office of publication, 119 Grand Ave. (Box 1090), Paonia, CO 81428-1090
- Location of headquarters of general business offices of the publishers, 119 Grand Ave. (Box 1090), Paonia, CO 81428-1090
- Names and address of publisher and editor: Edwin H. Marston, publisher, Elizabeth A. Marston, editor, Box 1090, Paonia, CO 81428-1090
- Owner: High Country Foundation, Box 1090, Paonia, CO 81428-1090
- Known bondholders, mortgagees, and other security holders owning or holding 1 (one) percent or more of total amount of bonds, mortgages or other securities: None

9. Extent and nature of circulation:

	Avg. No. Each Issue	Actual No. This Issue
A. Total # copies printed	14,228	12,500
B. Paid circulation,		
1. Dealer/counter sales	228	152
2. Mail subscriptions	11,675	11,823
C. Total paid circulation (B1 and B2)	11,903	11,975
D. Free distribution samples	1,915	53
E. Total distribution (C&D)	13,818	12,028
F. Copies not distributed		
1. Office use (left over)	387	472
2. Returns from news agents	23	0
G. Total (E&F)	14,228	12,500

I certify that the statements made by me are correct and complete.

Edwin H. Marston, Publisher

Published in *High Country News* Oct. 19, 1992.

BARBS

Now, what family value would lynching be?

When asked what the Republican Party platform is for farm policy, Agriculture Secretary Edward Madigan said, "More money, higher income, more markets and string all the environmentalists up," reports the Wildlife Management Institute. Madigan was talking to the American Farm Bureau Federation.

PUBLISHER'S CIRCLE

Josephine Kixmiller
Englewood, Florida

SPONSOR

Leslie Barclay
Santa Fe, New Mexico

Peter W. Gray
Ketchum, Idaho

Anne Debevoise Ostby
Dagmar, Montana

Mrs. Joseph Rich
Lake Forest, Illinois

Karin P. Sheldon
Fairfax, Virginia

The San Sophia
Telluride, Colorado

Dale F. Reed
Glenwood Springs, Colorado

PATRON

R. Scott Ayers
Flagstaff, Arizona

Pat and Alison Beck Haas
Boise, Idaho

Jack Carpenter
Moscow, Idaho

David J. Cooper
Boulder, Colorado

E.B. Cooper
Newark, Delaware

Rebecca M.V. Butler Dines
Fremont, California

Charlene Dougherty
Washington, D.C.

Gretchen Fitzgerald
Chino Valley, Arizona

Deb Gardner
Golden, Colorado

Tim and Audrey Graham
Gunnison, Colorado

Nolan Hester and
Mary Engel
Anchorage, Alaska

June and Ed Howard
Boulder, Colorado

Walter and Cynthia Jessel
Boulder, Colorado

George Jonas
Chicago, Illinois

Dave Kelley
Davis, California

Samuel and Helen Klebanoff
Richmond, California

Arnold Klute
Estes Park, Colorado

Dave Lind
Boulder, Colorado

Lori and Dave Livingston
Basalt, Colorado

Eric and Sara Lundgaard
Boulder City, Nevada

Mary H. Millard
Snowmass, Colorado

W.F. and J.D. Myers
Cañon City, Colorado

Bruce J. Noble Jr.
Accokeek, Maryland

Donald E. Pierce
Greenwood, Mississippi

David C. Williams
Washington, D.C.

Merrilee Caldwell
Salt Lake City, Utah

Samuel Caudill
Aspen, Colorado

Melissa Gould
Marcos, Colorado

Marc Hoshovsky and
Carrie Shaw
Davis, California



"Montana Rest Area"

© 1992 Paul Stanton by permission (from Duckboy calendars and postcards)

Thanks, HCN Research Fund contributors, for your down-home help

Tom Kursar
Salt Lake City, Utah

Leroy Michael
Phoenix, Arizona

Don Simonton
Vail, Colorado

Scott Abbott
Santa Fe, New Mexico

Peter Massik
Stanford, California

Kathy and Jim Sparling
San Jose, California

William H. Stephens
Sausalito, California

FRIEND

Eric Meyer
Louisville, Kentucky

Adeline Montel
Aberdeenshire, Scotland

Tom and Vicki Moore
Tempe, Arizona

Steven E. Nelson
Fort Collins, Colorado

Beth Nemoff
Glenwood Springs, Colorado

Patricia O'Connor
Plains, Montana

David and Jane Pifer
Reynoldsville, Pennsylvania

Alan and Janet Pohl
Everett, Washington

Martha Powers
Longmont, Colorado

Elizabeth R. Pulling
San Francisco, California

John W. Regan
Tucson, Arizona

Phil and
Grace Robison-Hodges
Helena, Montana

Margaret A. Shannon and
Errol E. Meiding
Seattle, Washington

Jane M. Rogers
Aurora, Colorado

Susan W. Roloff
Missoula, Montana

Walter Rusinek
San Leandro, California

Bob and Nancy Russell
Salmon, Idaho

Tom R. and Santa Sewell
Whitefish, Montana

Kaye Shedlock
Golden, Colorado

Gregory C. Snyder
Brooklyn, New York

Arthur H. Sorensen
Lake Havasu City, Arizona

William Stolzenburg
Vienna, Virginia

Gary Struve
South Salem, New York

Carole Thickstun
Cave Creek, Arizona

Edwin W. Tisdale
Moscow, Idaho

Donald R. Walden
Arlington, Virginia

Janice Wayland
Bedford, Indiana

Victoria and
Edward Welch
Twisp, Washington

Madeleine von Laue
Helena, Montana

Coulter Adams
Mill Valley, California

David Clopton
Boise, Idaho

Brian Corey
Lexington, Massachusetts

Robert A. English
Roanoke, Virginia

Vern W. Hurst
Nova, Ohio

Gordon M. Johnston
Winnipeg, Canada

Carl and Dianne Koteff
Herndon, Virginia

Andrea Lawrence
Mammoth Lakes, California

Kathleen Meyer
Victor, Montana

Thomas J. Murphy
Chicago, Illinois

Mary Renne
Bozeman, Montana

Roger Robison
Corvallis, Montana

Bitty Roy
Davis, California

Hank Saxe
Taos, New Mexico

Jeff Stern
Monte Vista, Colorado

Carolyn E. Yale
Oakland, California

Gus diZerega
Occidental, California

Steve and Mimi Adams
Austin, Texas

Carl Clinesmith
Denver, Colorado

Jordan Dieterich
Boulder, Colorado

Jean S. Galusha
Excelsior, Minnesota

Orval and Nina Johnson
Boulder, Colorado

Chris Johnson
Boise, Idaho

Karla Knoop
Helper, Utah

Rebecca Lawton
Sonoma, California

Chris Wood
Golden, Colorado

Chris Martin
Denver, Colorado

Marc Mowrey
Greenbrae, California

Bob Ratcliffe
Salem, Oregon

Joe Rumburg
Rio Rico, Arizona

Donald Spencer
Durango, Colorado

Jenny Tollefson
New London, Connecticut

Rich Truax
Fort Collins, Colorado

Dennis and
Terry Divoky
West Glacier, Montana

Anonymous donors

Dear subscribers and other readers:

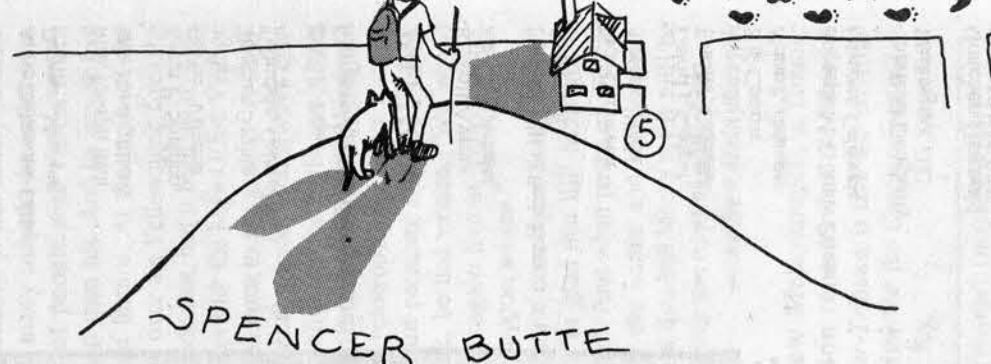
The page above is our thanks to the final contributors to the 1991-92 Research Fund Drive. It was this drive that paid for all the articles, photos, drawings, travel and research that appeared in *High Country News* over the past 12 months. Without this help there would literally have been no *High Country News*.

Altogether, 2,540 readers contributed \$153,203 to the Research Fund in 1991-92. The balance of the paper's income came from subscriptions, grants and small miscellaneous sources.

By now, you should have received the Research Fund appeal for 1992-93. We know there are many demands on you, but hope you can find some room in your checkbook for the Research Fund, and that federal employees will consider contributing to the Research Fund via the Combined Federal Campaign. (HCN is listed as the High Country Foundation, #1059.)

And thanks again to those above and to all subscribers for your support in the last year.

Ed Marston
— Ed Marston, publisher



EUGENE:

A gathering of green energy

by Jim Stiak

A key to your walking tour of "green" Eugene

- | | |
|---|---|
| 1. Oregon Natural Resources Council
1161 Lincoln St.
Eugene, OR 97401
503/344-0675 | 6. Oregon Rivers Council
P.O. Box 309
Eugene, OR 97440
503/345-0119 |
| 2. Association of Forest Service Employees for Environmental Ethics
P.O. Box 11615
Eugene, OR 97440
503/484-2692 | 7. Western Environmental Law Clinic
University of Oregon School of Law
Eugene, OR 97403
503/346-3890 |
| 3. Forest Conservation Council
1247 Willamette
Eugene, OR 97401
503/687-0277 | 8. E-LAW
1877 Garden Ave.
Eugene, OR 97403
503/687-8454 |
| 4. Northwest Coalition for Alternatives to Pesticides
P.O. Box 1393
Eugene, OR 97440
503/344-5044 | 9. Native Forest Council
P.O. Box 2171
Eugene, OR 97402
503/688-2600 |
| 5. Public Forestry Foundation
P.O. Box 371
Eugene, OR 97440
503/687-1993 | |

For 2,000 miles they tromped, half a million people pushing west along the Oregon Trail. Steadily dropping heavier items such as cast-iron stoves and claw-footed tables, these 19th-century settlers crossed the land of the Pawnee, Sioux and Cheyenne.

Nurtured by the human wastes left along the trail, cholera was a constant companion. One in 10 perished during the six-month journey, leaving a grave every 80 yards.

They crossed the Great American Desert, clambered over the Rockies and traveled along the wild Snake to the mighty Columbia River, south through a pass in the Cascades. Some settled in the Willamette Valley in what is now Oregon.

Near the southern end of this broad valley, at the base of a low hill overlooking the river, a 36-year-old migrant from upstate New York built a cabin and staked out his 640 acres. He was Eugene Skinner, and five years later, in 1851, the city that bears his first name was founded.

A century and a half later, Eugene still is a paradise of sorts. The Willamette ripples through downtown, ancient firs still grace some hills and nine influential environmental groups call it home.

Eugene also boasts a concentration of conservationists unmatched, perhaps, in the country, and all are within walking distance of each other. Which leads us to this walking tour of "green" Eugene.

A few blocks from the downtown mall on Lincoln Street, we begin with the Oregon Natural Resources Council.

Its acronym, ONRC, has become the dirtiest of four-letter words to some in the timber industry, for as much as any group ONRC has slowed the chainsaws in the Northwest's ancient forests.

A lawsuit it filed in 1983, contesting the Forest Service's skimpy estimate of roadless areas in Oregon, so threatened the federal logging program that Congress crafted a compromise, designating 1.3 million acres of those areas as wilderness.

In 1987, ONRC joined several other groups in a now-famous and successful petition to put the northern spotted owl on the endangered list. That same year, ONRC was a plaintiff in the first spotted owl lawsuit, a still-pending but so far successful effort to stop the Bureau of Land Management from logging in the bird's habitat.

The main office moved to Portland several years ago, but ONRC's taproot is here, in a wide-porched wooden house with plaster peeling from the ceiling. Here we meet Wendell Wood, conservation coordinator, and Charlotte Levinson, the president of the non-profit group's board of directors.

Wood came to conservation from southern California, where he'd grown up, he says, watching the disappearance of nature. After earning a degree in biology, he moved to Oregon to teach school, then joined ONRC in 1981, vowing to prevent progress from consuming his new home.

"One of ONRC's biggest fears when I joined was that Oregon would be cut down and nobody would notice," he says. "We had little choice but to raise the national con-

sciousness about ancient forests."

"As plaintiffs on lawsuits, we let ourselves be a surrogate for the spotted owl, like the owl is a surrogate for the forest," adds Levinson.

Levinson came to the resources council because she'd fallen in love with the Oregon woods. "A friend invited me on a camping trip," she recalls, "and it ended in a blockage of a logging road." She decided to use her family's philanthropic foundation, of which she was a board member, to help save those woods. Her contributions were warmly welcomed at ONRC, where she gradually spent more and more time as it ballooned in size.

By the time she was elected president last year, the council had grown to 6,000 members. A \$500,000 budget provides 15 staffers with salaries that range, she says, "from pitiful up to \$30,000 a year."

The growth has propelled ONRC beyond the fir forests of western Oregon. It now pushes for protection of the forests east of the Cascades, where, says Wood, "the ponderosa pines are more threatened than the Douglas-firs of the West, simply because there are fewer of them." It supports the Oregon High Desert Protection Act, which would keep cattle out of 6 million acres of southeast Oregon.

The group also works to keep cyanide heap leach mining out of Oregon. "We mine trees here, that's enough," says Wood. And they've cast a watchful eye on the Oregon coast, working to protect estuaries, prevent offshore mining, and keep the land from becoming a neon-lighted fast-food strip.

But the biggest fish in ONRC's pond is salmon. The group recently petitioned to add winter steelhead in southern Oregon's Illinois

River to the endangered list. It is also exploring a more sweeping petition, for the entire species of Pacific coho, rather than the stock-by-stock approach that's been used for salmon so far.

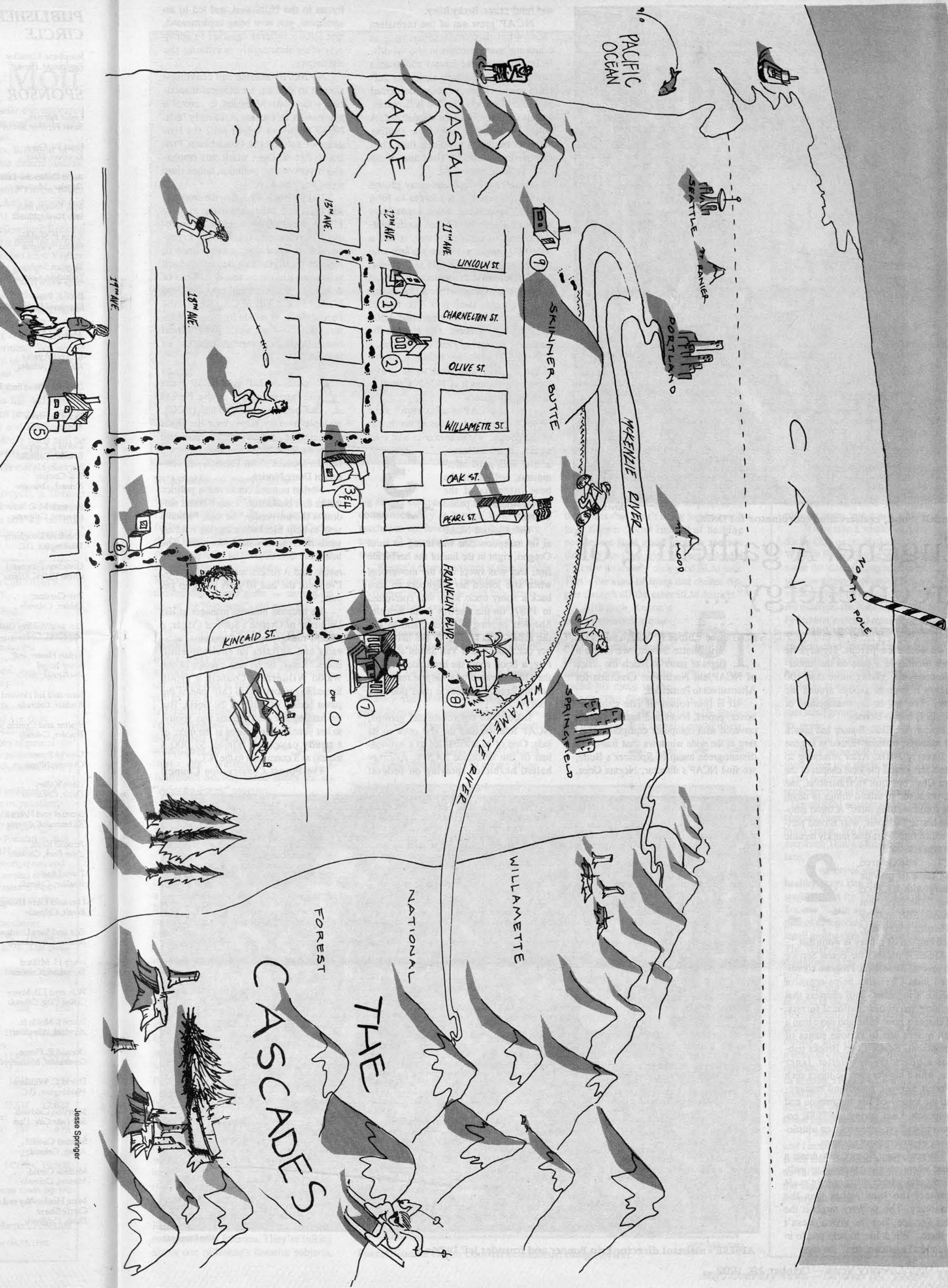
"We're going to take what we learned in the spotted owl issue," says Levinson, "and apply it to salmon."

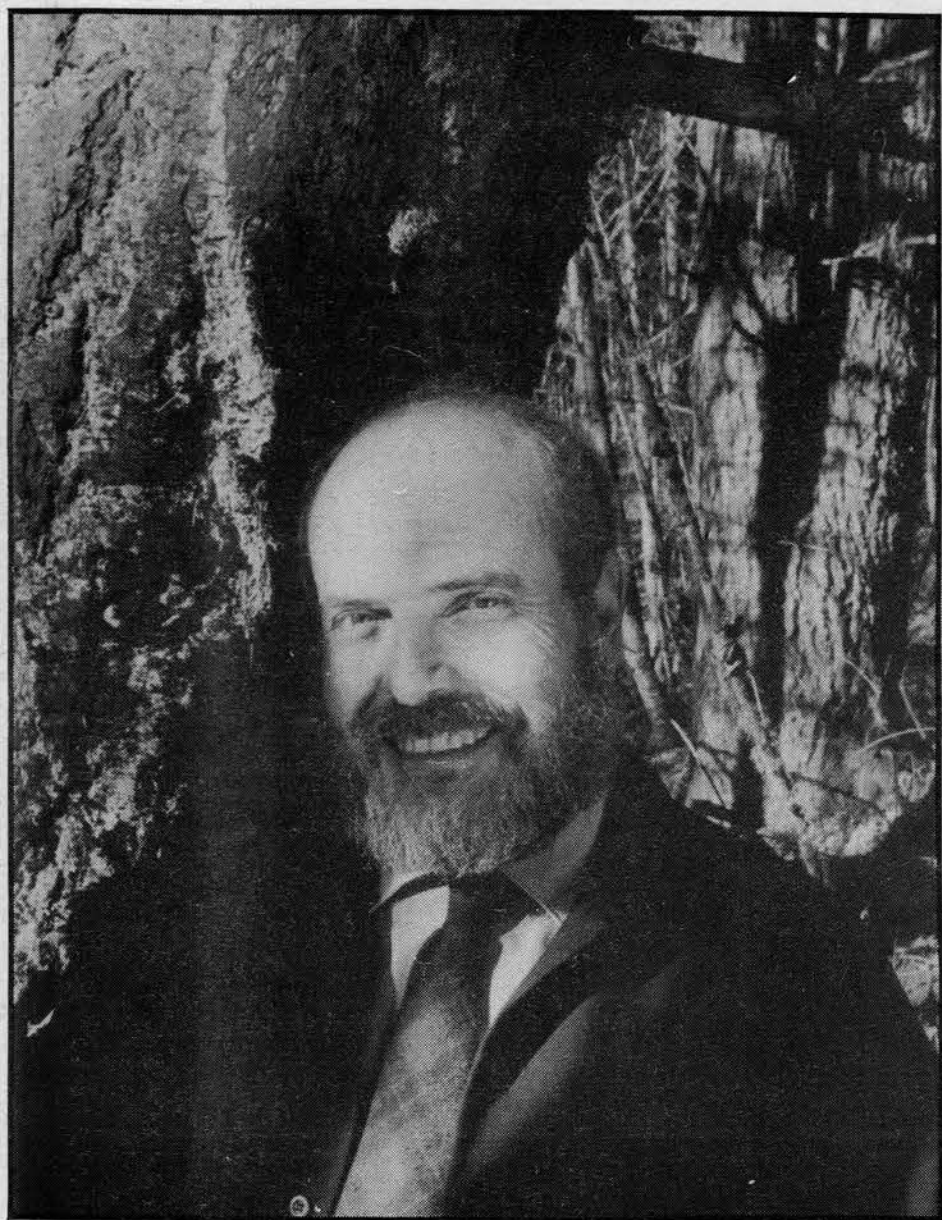
Ambling one block east, we reach a gracious two-story bungalow with a rhododendron bush by the porch and lilacs in the carport. In these deceptively tranquil surroundings lies a den of rebels. This is the home of AFSEEE, the Association of Forest Service Employees for Environmental Ethics.

Formed three years ago by disenchanted U.S. Forest Service timber sales planner Jeff DeBonis, AFSEEE has experienced rapid growth. It has 7,000 members (about 2,000 of whom are current or former Forest Service employees), and a projected budget of \$886,000 this year, funded mostly by foundation grants. Its staff of six is soon to be expanded by four, including a Washington, D.C., lawyer to handle the whistle-blower cases that are now the group's main focus.

"The number of whistle-blowers in the Forest service has doubled since AFSEEE began in 1989," says Erin Bonner, AFSEEE's assistant director. "Encouraging and supporting these people is the core of what we do. The more people who speak out, the more our resources will be protected."

Founder DeBonis left the Forest Service in early 1990, to devote himself full time to his burgeoning baby, but has since behaved





John Bauguess

Wendell Wood, conservation coordinator for ONRC

Eugene: A gathering of green energy ...

Continued from previous page

like an absentee parent. He says he spends months at a time on the rubber-chicken circuit, giving more than 100 speeches a year to groups around the country. The day-to-day management of AFSEEE is left to Bonner.

Before AFSEEE, Bonner had been a hotel manager, running Hiltons in Eugene and Beverly Hills. After returning to Eugene, she joined the local chapter of the Sierra Club but quit in frustration, she says, because "it talked things to death while accomplishing little." A friend introduced her to DeBonis, who needed part-time office help. Part-time quickly became more than full-time.

"I considered going back to private industry with its good money," she says, "but I see AFSEEE making a difference every day, and no amount of money is worth that."

AFSEEE presses the Forest Service from several directions. Program coordinator Linda Christian helps organize AFSEEE's members into chapters that watchdog particular national forests. Five chapters now exist, and more than a dozen others are in various stages of development. Editor Cheri Brooks publishes a quarterly newsletter, *Inner Voice*, which covers specific topics such as Forest Service rangeland management, the legacy of fire suppression and free speech. Last spring, AFSEEE co-sponsored its first conference on whistleblowing in government agencies.

The goal, says Bonner, is to create a climate where people can speak up without fear, and where decisions are made to protect the land rather than the bureaucracy. The primary target is the Forest Service, but the vision doesn't stop there. "We'd like to help people in other federal agencies, too," she says.

Three blocks southeast on Willamette Street, we climb a flight of stairs to reach the office of NCAP, the Northwest Coalition for Alternatives to Pesticides.

It is four rooms of file cabinets, boxes, papers, books and battered desks covered with computer equipment. Sitting at the wide windows that frame the distant green hump of Spencer's Butte, we find NCAP's director, Norma Grier,

and fund-raiser, Becky Riley.

NCAP grew out of the turbulent '70s, when herbicide spraying was claiming many victims in the woods. Helicopters misted forests and trucks soaked roadsides. Rural residents suffered miscarriages and found deformed animals. Shots were fired at helicopters, barrels of herbicides were vandalized. A house belonging to two of the leading activists burned down. Their four children never made it out. The cause of the fire was never determined.

In 1977, 17 small anti-spray groups around the region joined forces to form NCAP. The coalition rented a matchbox office in Eugene and began accumulating files. Fifteen years later, it has a \$250,000 budget and seven staffers who receive wages of up to \$18,000 a year. The office answers several hundred information requests a month, for which NCAP charges small fees. The rest of the budget comes from grants and 1,500 dues-paying members, who receive the quarterly *Journal of Pesticide Reform*, a respected, if sometimes technical, exploration of the issues. True to its grass-roots origins, much of NCAP's work is done by volunteers.

"What NCAP is all about," says Grier, "is putting decisions in the hands of the people. We've seen over and over again that citizens, armed with good information, will act in the best interests of the environment and public health."

Grier joined NCAP at its inception. She was living in rural Oregon, right in the line of the herbicide fire, and was swept into the movement when she joined her neighbors to turn back a spray truck. Riley was converted in 1987, on the freeway from Seattle. She was moving to Eugene, and to kill the miles, was reading to the driver of her car from Carol Van Strum's *Bitter Fog*, a book about the herbicide wars of the '70s. Enraged by what she read, she volunteered, then took a paid position with NCAP.

Like other environmental groups, NCAP has wrestled the law over to its side. One of its lawsuits led to a national ban of the herbicide 2,4,5-T. Another halted herbicide spraying on federal

forests in the Northwest, and led to an agreement, just now being implemented, that allows federal agencies to spray only after thoroughly examining the alternatives.

An NCAP-assisted suit convinced Oregon to use Bt, a biological insecticide, rather than Malathion, to control a gypsy moth infestation in the early '80s. NCAP members helped write the language of the Oregon Groundwater Protection Act of 1989, which puts emphasis on preventing pollution rather than trying to clean it up.

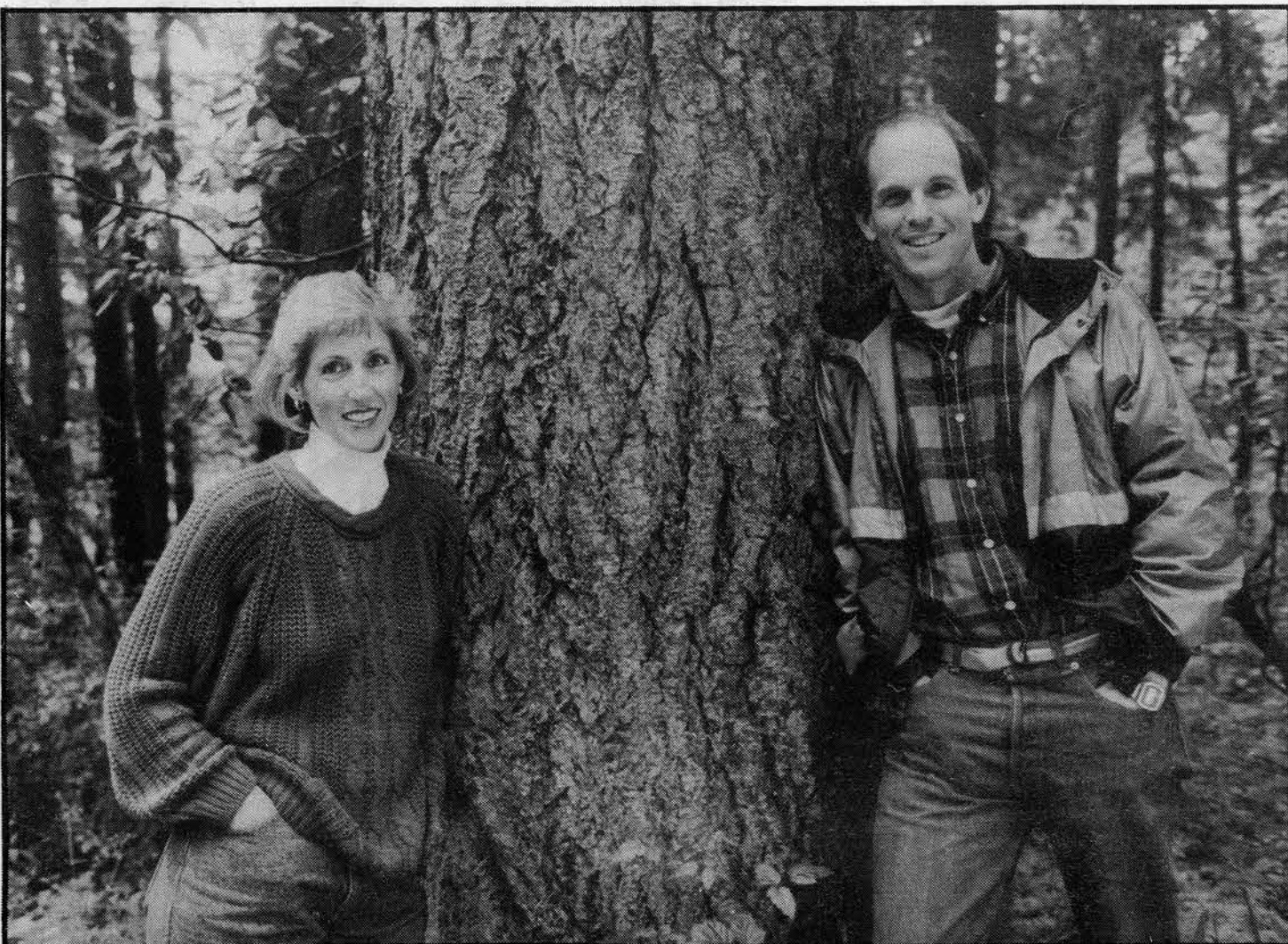
Despite such successes, the coalition still has a full plate. It is trying to force EPA to reveal all the secret "inert" ingredients in pesticides. It is working to persuade state agriculture commissions to redirect their research budgets, which nationwide total in the tens of millions of dollars, to non-chemical projects. And it's fighting a bill in Congress — the Federal-State Pesticide Regulation Partnership Act — that would prohibit local communities from regulating the use of pesticides.

Across the hall from NCAP is the compact office of the Forest Conservation Council (FCC). Multiple-overlay maps cover the floor and satellite imagery shines from the walls. At their respective keyboards we find the founder, John Talberth, and consultant Doug Norlen.

Norlen entered conservation politics thanks to a bulldozer. "I was a bored student at the university," he says, "when I went to help blockade a logging road on southern Oregon's Bald Mountain. The bulldozer driver tried to bury us all in rubble, and it rubbed me the wrong way. I've spent the last 10 years trying to get even."

He became business manager at the University of Oregon's Survival Center, a student-run group that "educates, activates and agitates on environmental issues." Later, he became director of the Waldo Wilderness Council, a group formed to protect Waldo Lake, one of the purest bodies of water in the world. But the funding for that position was spotty, so last year Norlen jumped at the offer of a steady paycheck (almost \$1,000 a month) as a consultant to the FCC.

The Forest Conservation Council



John Bauguess

AFSEEE's assistant director Erin Bonner and founder Jeff DeBonis



NCAP director Norma Grier

was formed by Talberth and a few friends in 1986 after they had unsuccessfully campaigned to protect the Cathedral Grove. Home to some of Oregon's oldest trees, the grove fell in a surprise Easter morning chainsaw massacre. Bloodied but unbowed, the activists moved onto bigger game — saving the rest of the Northwest's old growth.

They began monitoring, acre by acre, the federal logging program in the Northwest. They drew the borders of an old-growth reserve system that was endorsed by most national environmental groups and is similar to the system that federal scientists have recommended. They developed mapping techniques so precise that the National Audubon Society hired them for its "Adopt-a-Forest" program.

"A person picks a grove and makes a contribution," explains Norlen, "and we get a little of the money to check out the area."

The council now has 400 members in Oregon, and is looking at opening offices in New Mexico and Idaho. It has a budget of more than \$200,000, but in keeping with the volunteer-driven nature of the group, the five staff members still make \$6 an hour.

The council is developing recommendations to reform the Oregon Forest Practices Act, which regulates logging on private lands. But this effort is only part of a bigger goal.

"Oregon is a leader in progressive silviculture techniques and is set to guide the nation in forest reform," says Talberth. "The council can supply the technical and legal advice to make that happen."

Walking south along Willamette Street past Euphoria Chocolate, we reach a wood-frame house secluded behind a thicket of weeds. There's no sign in front, but a mud-caked pickup in the driveway gives it away. It's the home of the Public Forestry Foundation.

Inside the pine-paneled kitchen, Roy Keene is holding court with a group of entrepreneurial foresters. They're talking about one of Keene's favorite subjects,

big timber companies: what small timber companies they're buying, how those purchases are leveraged, and how many trees will have to be logged to pay off the debts.

Keene's current concern is that Sierra Pacific, the biggest purchaser of public timber in California, will buy Roseburg Lumber, one of the biggest purchasers in the Northwest. If that happens, he says, Sierra Pacific will be able to drive a lot of small companies out of business.

"The timber-supply crisis is largely manufactured," Keene insists, "by an industry that wants to gut the Endangered Species Act and get the last of the old growth. There's still a whole forest out there, with lots of jobs."

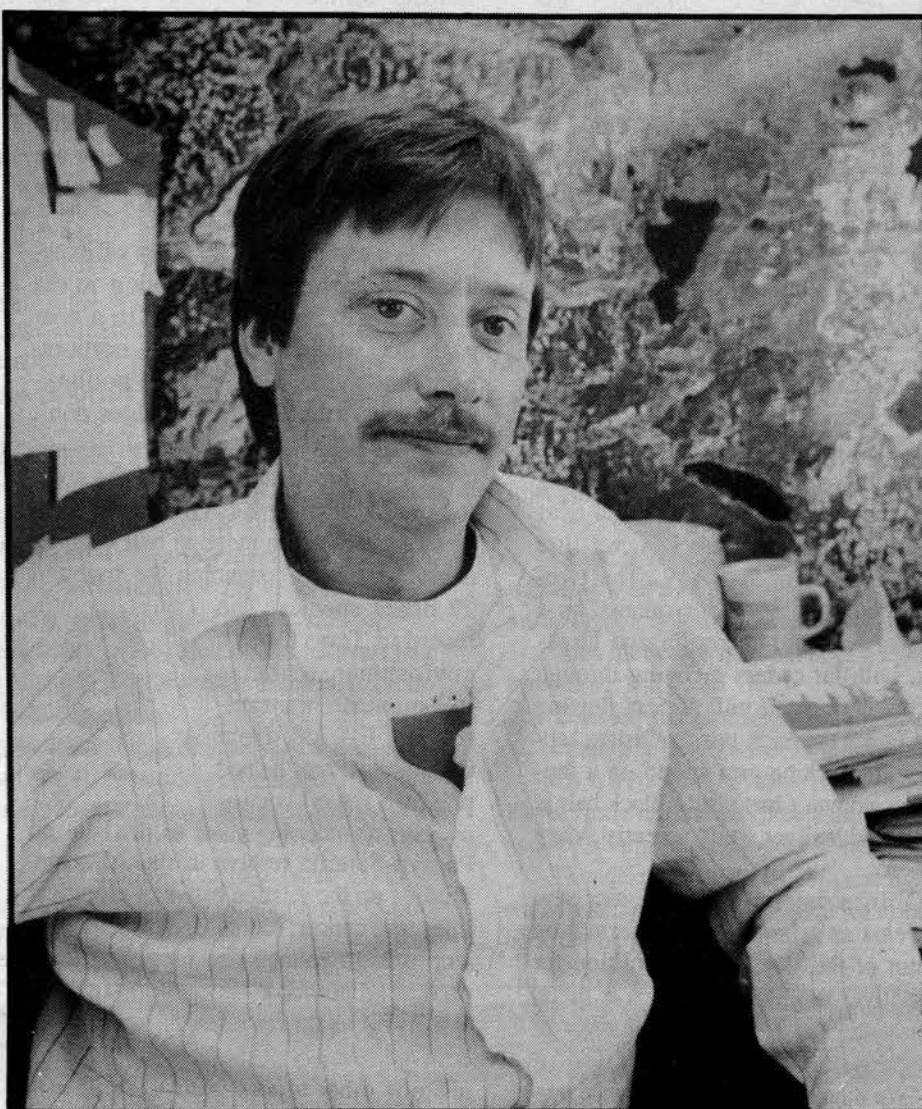
Keene's group encourages BLM and Forest Service foresters to create those

John Bauguess

enchilada, including the 90 percent of the forests that aren't being fought over," says Keene. "And instead of bashing people, we find good projects and run them up the flagpole. We just helped a TV crew do a story on a good BLM sale. That's the kind of thing that creates ripples through all the other BLM districts."

Although Keene's group publishes a quarterly journal, *The Public Forester*, and irregular reports on various issues, Keene prefers to spend his time in the woods. The foundation is not a big money-maker. He and his wife Patty have financed it largely out of their

5



Forest Conservation Council consultant Doug Norlen

John Bauguess

Sierra Club: Playing the game the way it's played

Are the big national groups the environmental movement's enemy, as Tim Hermach suggests? Have they been co-opted by the need to work out compromises?

"I've never been in the back rooms," says Rick Johnson, Northwest representative for the Sierra Club. "We don't get invited there and that's part of the problem with the environmental movement today. We're not included in the deals that go down."

At the same time, Johnson says, "The Sierra Club doesn't hide the fact that it's involved in the political process. We take heat because of it, but we have a track record of successes. If you don't play the game, you don't win."

It may take a while like the Sierra Club or the National Wildlife Federation to successfully swim the seas of Congress; it can take the nippings of small fish to set that whale on course. In 1989, for example, the National Wildlife Federation's annual resolution on ancient forests called for the Forest Service to "protect biological diversity." By 1992, the resolution had been sharpened to demand cutbacks in logging and restrictions on clearcutting — changes that small groups had advocated for years.

"Small local groups have the luxury of being able to devote themselves to a single issue," says Lynn Bowersox, a federation spokesperson in Washington, D.C. "The national organizations must concern themselves with many, many issues. We have 5 million members. That's a lot of opinions."

"A variety of views is healthy," says Ben Beach, spokesperson for The Wilderness Society. "There are more examples of us working together with small groups than opposing them. The Yellowstone and Everglades coalitions are two good examples."

Still, the national groups chafe at some of the rhetoric. "When Hermach calls us the Sierra-Weyerhaeuser Society, it breeds animosity," says Johnson. "We need a sense of camaraderie, of shared mission. Industry is happy to see us arguing. I mean, why am I spending time talking to a reporter about this when we have ancient forest legislation to pass?"

"I welcome debate on tactics, and I credit Hermach's group for doing that," Johnson adds. "It's useful to have someone rattling our cage. But hey, there's a bigger enemy out there."

— J.S.

Eugene: A gathering place ...

Continued from previous page

pockets, but Keene sees it as a fair trade.

"I made my money from the forest, and now I'm paying back my karmic debts."

From Keene's kitchen we trek eight blocks east on 18th Street, crowded with college kids and Safeway shoppers, to a nondescript '60s duplex with an oversized sign that reads, "Oregon Rivers Council."

ORC was formed in 1986 by professional whitewater-river outfitter Bob Doppelt to add 40 Oregon rivers to the federal Wild and Scenic Rivers system. The same year, the rivers council helped convince Oregon's voters to pass an initiative that doubled the size of the state Wild and Scenic Rivers program.

Success stimulated growth. ORC now has 2,000 members, nine staff members, and a yearly budget of \$500,000.

"I think much of our success is due to our reputation for being credible, for being based in science," says administrative director Louise Bilheimer, turning from the computer on her desk. "We also work hard on building coalitions."

6

Coalition-building among rafters, fishermen, conservationists and others is vital to ORC's current projects. It's working to protect salmon, using some of the public relations savvy learned in previous campaigns. Instead of talking about lost fish, they talk about lost fisheries jobs. They're also helping develop a statewide program to manage rivers on a watershed basis. It's an ambitious task, but only a prelude to a larger project.

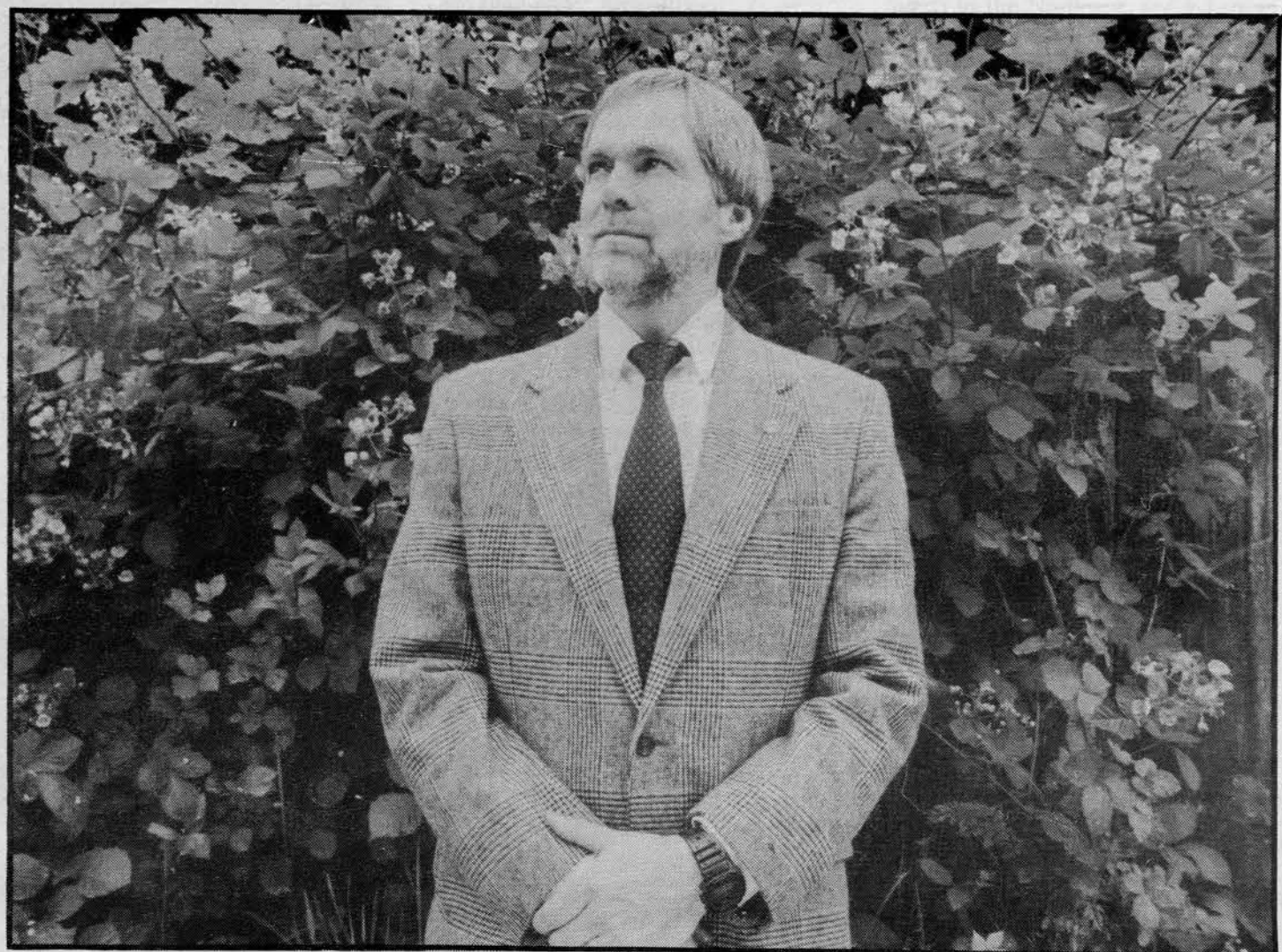
"We're trying to protect 137 key watersheds in the state," says Bilheimer. "But what we're actually trying to do is get watershed management across the nation."

From ORC we wander through the lush campus of the University of Oregon. Strolling under broad cedars, we reach its law school, a modest building that holds the offices of some of the country's more influential environmental attorneys. As we pass under a basketball hoop to the front steps, we encounter the co-directors of the Western Environmental Law Clinic, red-haired Mike Axline and, still wearing his bicycle helmet, John Bonine.

The clinic was started in 1976 by Charles Wilkinson and Frank Barry as part of a movement toward hands-on education. Their timing was perfect, since the field of environmental law was just entering a rapid growth curve.

"Students from all over the world come here — often showing up well before sessions begin," Bonine says. "The clinic is such a draw that the quality of the entire law school has skyrocketed. We get to skim the cream: We had 2,200 applications for 140 seats last year."

Bonine was an EPA lawyer before he came to teach environmental law here in 1978. Four years later, Axline joined him to run the clinic. Under their tutelage, students have gained courtroom experience in some landmark cases: the first spotted owl suit, in which a federal judge ruled that the BLM was



John Bauguess

Native Forest Council founder Tim Hermach

acting "arbitrarily and capriciously"; the suit that led to the suspension of aerial herbicide-spraying on federal lands in the Northwest; the suit that convinced Oregon not to use Malathion against the gypsy moth; and a 1986 suit, filed on behalf of families whose well water had been contaminated by toxic chemicals from McClellan Air Force Base in Sacramento, that forced the Air Force to clean up its act.

7

"In every case it's been students," says Bonine, "often going up against the best lawyers in the government, and beating them."

"We've also helped nurture a thriving public-interest bar in Eugene," adds Axline. There's a whole list of "green" local lawyers, he says. Pete Sorenson works on endangered species, Ralph Bradley does toxic tort litigation, David Atkin protects the free-speech rights of logging protesters.

One of the clinic's biggest draws is its annual conference in March, which brings together scores of activists from around the world. Out of this conference recently sprouted a group about which Bonine gets visibly excited: the Environmental Law Alliance Worldwide, or E-LAW. "It's an organization," says Bonine, "that has a great chance to change the world."

A mile across the expansive campus, on a quiet street and next door to a hot tub spa, we find the U.S. office of E-LAW. The two-story metal building is surrounded by a jungle of bamboo, magnolia and blackberry, with fat cedars growing through the front deck and a mill stream flowing lazily under the back porch. Inside, tapping with machine-gun speed on a laptop, is a woman whose long black hair is streaked with silver, staff scientist Mary O'Brien.

O'Brien came to E-LAW after several years as scientist and information director of the Northwest Coalition for Alternatives to Pesticides. It was there, she says, that she discovered the value of the legal system.

"We'd halted the Forest Service herbicide spraying and stopped a chlorine-based pulp mill on the Columbia," she

recalls. "I'd seen the possibilities of environmental law. The courts can't change everything, but they can slow things down enough to get people to think."

The original impetus for E-LAW came in 1988, when a Japanese company was piling up radioactive tailings in Malaysia. The company was bringing in a North American expert to say how harmless it all was. A Malaysian lawyer fighting the company approached John Bonine, who found someone to prove, says O'Brien, that "the expert was bullshit."

At the environmental law clinic's annual conference the following spring, 10 international lawyers gathered to figure out how to tell the truth on a regular basis. E-LAW took off from there, and now has nine offices around the world: Malaysia, Sri Lanka, Indonesia, Philippines, Australia, Ecuador, Peru, Japan and the United States. All offices are connected by Eco-Net, although fax and mail are used when needed. E-LAW, says O'Brien, is an instant equalizer, giving public-interest attorneys the same power that their adversaries, which are usually multinational corporations, have had for years.

"We can plug into 20 years of experience in environmental litigation in the United States," says O'Brien. "In a one-page fax, we can blow away a corporation that thinks it's really in podunktown, where the people and judges don't know squat."

North American experts on the spotted owl, located by E-LAW, helped convince an Australian judge to halt logging in public forests containing the owl and 22 other species. The record of Texas Crude's environmental abuses in Louisiana, transmitted by E-LAW from Oregon to Peru, helped pressure the oil company into abandoning plans to drill in the Pacaya-Samiria reserve in the Amazon. Studies on the relation between electrical lines and cancer, sent to Uruguay, helped stop a high-voltage line proposed for a poor neighborhood.

The U.S. office is at the hub of this activity, but not at the head. "We don't tell our other offices what to do," says O'Brien. "We respond to their requests. Eco-imperialism doesn't work."

8

Our next trek is farther — two miles down a river path treacherous with whizzing bicyclists and rollerbladers. We pass herons and geese and cross through a park to a small ranch house on a suburban street.

Inside are computers, a copy machine in the kitchen, paper recycling bins in the fireplace, and a table covered with reprints. Kids filter in and out from the back yard.

9

Tim Hermach emerges from a room down the hall, where he's finally unbugged a database. He starts handing me stories from *Forbes*, the *Atlantic* and other magazines: "The Great Tree Robbery," "Forests for Sale," "Mismanagement of the National Forests."

Hermach was working with the Sierra Club when, like Erin Bonner, he grew frustrated at the slow pace of change. In 1988, he formed a group with a little more bite, the Native Forest Council, to press uncompromisingly for the protection of the nation's oldest forests. The council gets most of its funding from private individuals, and now has dozens of volunteers and four staffers who receive annual salaries from \$18,000-\$25,000. The current target, Hermach says, is national environmental groups.

"They talk like Rambo in their fundraising letters but act like wimps when it comes to dealing with bad guys," he says. "The Sierra Club should call themselves the Sierra-Weyerhaeuser Society. It sanctions clear-cutting, even in wildlife refuges. How can I get a congressman interested in serious forest protection when the national groups won't even endorse it?"

Hermach's Ancient Forest Protection Act, drafted three years ago, would ban logging on any virgin or native forest on federal lands. It was too radical for most national groups, who saw little chance of it passing. Rather than back down, however, Hermach dug in deeper. Today he advocates a simpler position: no logging on national forests, period.

"Two-thirds of the nation's private woodlands — that's half our nation's forests — are under- or non-productive," he explains. "That's because government competition has flooded the market with timber. We taxpayers sub-

dize the timber industry by \$2.1 billion a year, the size of the Forest Service deficit. The private grower can't possibly compete."

The council has hired Fenton Communication, a Washington, D.C., public relations firm that lobbied against the use of the apple pesticide Alar. It will coordinate a national advertising campaign to bring Hermach's message to the American people. But time is running out, Hermach says. "We're cutting down forests that some nations would die to have."

There are several smaller groups we could visit, but it's already been a full day of eco-rubbernecking, so it's time to adjourn to more casual environs. We trudge back up the river, hang a right at High Street, pass the federal building, which contains the headquarters of the Willamette National Forest, and on to the Microbrewery, where we can sample the local wares.

It's places like this, says Doug Norlen of the Forest Conservation Council, that grease the wheels of eco-activism. If any town wanted to replicate

Eugene's exercise in environmental exuberance, he suggests, this would be a good place to start.

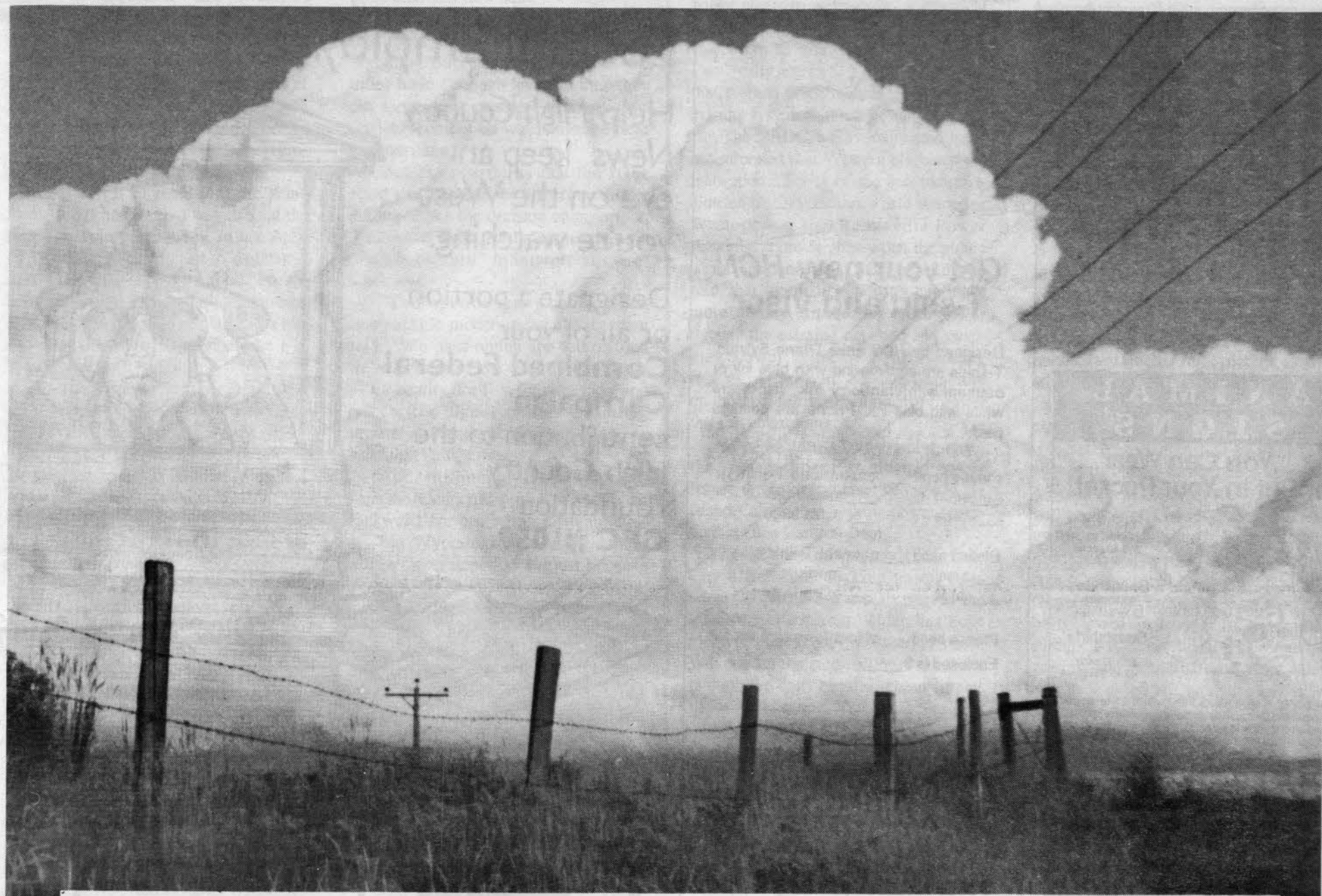
"A culture of environmentalism developed in Eugene," offers Mary O'Brien, "because one thing led to another. Dealing with forest herbicide spraying, we learned how to criticize environmental impact statements, then used what we learned on other issues. Jeff DeBonis was transferred here, saw the outside pressure on the Forest Service, and it helped him decide to apply pressure from inside. Funders became

aware of Eugene, knowing that things get done here."

Wendell Wood says, "The number of small groups here is a response to the national groups not doing their jobs. All these little groups frustrate developers who try to cut a deal with one group, only to run into another. It's democracy at its best. There are many niches to be filled, and no one group has the time to fill them all. Biodiversity works in the forests — and in the movement." ■

Jim Stiak is a free-lance reporter in Eugene, Oregon.

afield



This job involves lots of strikes

The first summer I lived in the Rocky Mountains, I asked my employer if I could change my schedule. I didn't care if I had to work all night, but I needed more daylight now that June was here. I had a new job that required all my time. I don't think she took me seriously, but it was true: I had just been appointed Cloud Inspector.

As Cloud Inspector, I had responsibilities. I parked my body on a hillside in the morning, when the sky was still bright and empty as a sea, and watched and waited for the first whiff of cloud. Those first clouds sprang visibly into being, like smoke rings blown across the blue. You saw them materialize, innocuous at first, like the little blobs of cotton stuck in the necks of aspirin bottles. Then they coagulated their fluffy way into full-blown cauliflower cumulus. However bouffant their topsides became, their bottoms stayed flat as if skating on glass. Like an army of sheep they marched to the horizon and left a patchwork of shadows on the landscape below.

On the finest days, they grew grandly into thunderheads. And the thunderheads rumbled and roiled until the first raindrops spattered. As the lightning came, filling me with joy and terror, I sought shelter in town, away from the crackling sky.

When I moved from Cripple Creek to Paonia, Colo., to a much lower altitude, I thought I'd have to retire. I didn't expect the same drama at 5,000-something feet as you get at 9,500 feet, where the thunder slams right across

the sky till the ground shakes under your toes.

But this afternoon it looks like I'm back on duty. As I work in my studio, I can feel the storm coming, almost as if the cloud shadows are racing through my room. It is something gathering in the air all around me, and it sets my skin tingling with awareness.

I stop work and make myself a cup of coffee — there is nothing like a rainstorm to bring out the flavor of coffee — and walk out, barefooted, onto the front porch. The clouds are swollen and fierce, a strange, bruised, black-and-blue. As I watch, they sweep into the valley, swallowing mountains and mesas.

I have a front row seat; I sit down on the stoop. Everything else is watching with me. The insects and birds fall silent, and in that silence a larger music begins: the thunder echoing, coming nearer and nearer.

Then the white hot shatter of a lightning flash, startling me, startling everything.

Thunder follows, and lightning again.

There is a long pause, as if the air is holding its breath.

Then a cool and sudden rush of air, and the wind chimes ring; the green leaves rustle and heave. The dark smell of rain is coming my way. I hear it and see it long before it gets to me.

Thunderstorm, clouds, rain and lightning. The hot ground splatters with water. I sit and sniff the air and sip my coffee, a full-time Cloud Inspector, back on the job.

— Diane Sylvain

Glenn Oakley

Unclassifieds

HIGH COUNTRY NEWS classified ads cost 30 cents per word up to 50 words. Rates increase after that. Display ads 4 column inches or less are \$10/col. inch if camera-ready; \$15/col. inch if we make up. Larger display ads are \$30 or \$35/col. inch. We reserve the right to reject ads. Send ad with payment to: *HCN*, Box 1090, Paonia, CO 81428, or call 303/527-4898 for more information.

CYCLONE RANCH — 1,212 acres at 8,000 ft. against national forest near Steamboat Springs, Colo. Trout river, dynamite views, irrigated meadows, timber, perfect lake site, big log lodge, year-round access, jetport nearby, elk, elk, elk. \$2,600,000. Treece Land, 303/243-4170. (2x19b)

NEED EXTRA INCOME? Our family business is growing! We need *good* people in cool and cold winter climates to sell our "perfect for any body with a head" product from your home. Call 505/983-5402 anytime, listen to recorded message, leave name if interested further. (2x19p)

ORGANIZER FOR MONTANA AUDUBON COUNCIL, a non-profit environmental organization. Duties include leadership development, membership recruitment, public speaking, and some fund-raising. Must have organizing experience. For full job description contact MAC, Box 595, Helena, MT 59624, 406/443-3949. Deadline November 15.

LAND-CONSCIOUS LIVING, backcountry explorations, recipes for tasty, healthful food. *Morning Hill News*, \$9 a year (6 issues). Izee Route, Canyon City, OR 97820. Sampke, \$1, LSASE.

ANIMAL SIGNS

...You Can Wear or Put in Your Pocket!



T-Shirts
100% Cotton M, L, XL
\$13.50 each
(3 for \$35)*

Bandannas
\$6.50 each
(3 for \$15) ppd.

Sweatshirts
M, L, XL
\$23.50 each
(2 for \$39)*

BECOME A WALKING FIELD GUIDE™ to animal footprints or droppings. Choose track or scat apparel, featuring artful and scientifically accurate illustrations of signs from our most renowned N.A. land mammals.

Specify Size, Track or Scat Design, and a 2nd Color Choice:
Tees: Teal Blue, Coral, Heather Gray, Raspberry, Jade, Aqua, White
Bandannas: Red, Turquoise, Lt. Blue, Ecru, Raspberry, Forest Gr.
Sweatshirts: Choose from Heather Gray, Raspberry, or Turquoise

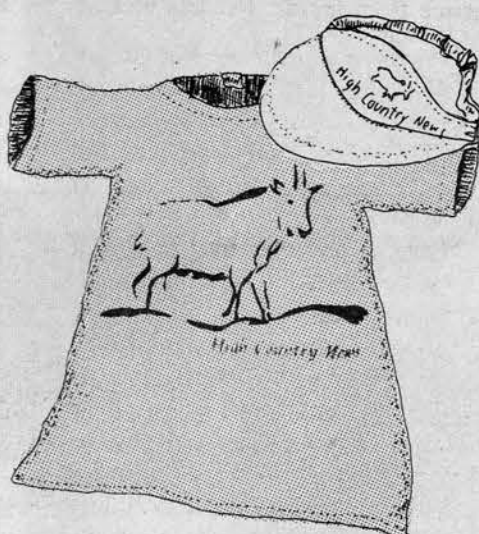
*Add Shipping & Handling of \$1 per shirt (\$1.50 per shirt outside 48 states) please allow 2-3 weeks for delivery — Utah Residents add Sales Tax

Pangraphics

937 E. Browning Ave. Dept. H, Salt Lake City, UT 84105 801/467-3240 (Sorry, No Credit Cards)

WILDLIFE BIOLOGIST/RIPARIAN SPECIALIST seeking alternate employment with working cattle ranch, conservation group or private individuals. Sixteen years federal experience in wildlife and riparian habitat development and impact analysis. Interested in permanent management or consulting position. Send inquiries to: *RIPCORD*, 300 S. 74 W., Victor, ID 83455. (2x18p)

"OUTDOOR PEOPLE AD-Venture" lists 60-word descriptions of active, outdoor-oriented Singles and Trip Companions nationwide. \$3/issue, \$12/ad. *OUTDOOR PEOPLE*, HCN, PO Box 600, Gaston, SC 29053.



Get your new HCN T-shirt and visor

Designed by *HCN* artist Diane Sylvain, T-shirts are aquamarine with blue ink or oatmeal with cranberry ink; visors are white with blue ink. Prices are postage paid.

T-shirt — \$12. Visor — \$6.50.

Please send ___ aquamarine T-shirt(s):
___ small ___ medium
___ large ___ extra large

Please send ___ oatmeal T-shirt(s):
___ small ___ medium
___ large ___ extra large

Please send ___ visors (one size fits all)
Enclosed is \$ ___

Name _____

Street address _____

City, State ZIP _____

Mail to High Country News,
P.O. Box 1090, Paonia, CO 81428

Adventure Videos from
Mountain Video

- The Salt River: Untamed & Unpredictable
- The Trail to Rainbow Bridge
- Fishing Lee's Ferry in the Trout Spawn
- Grand Gulch: A Six Day Hike

All Videos \$19.95 plus \$2.05 Shipping
Thank You!

PO Box 791 • White Mtn. Lake, AZ 85912



T-shirts

Medium - Large - Extra Large
Blue on Off-White
\$12.00

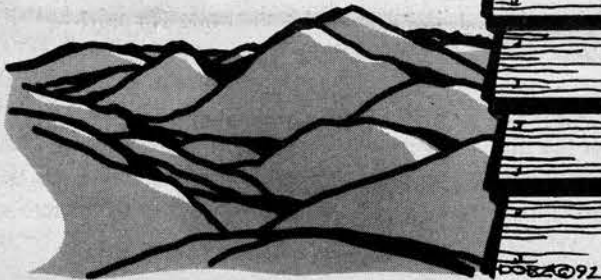
A T-shirt purchase is an automatic membership in the Great Old Broads for Wilderness. Suggested annual dues of \$15.00 is appreciated, but not required.

P.O. Box 520307
Salt Lake City, UT 84152-0307
(801) 539-8208

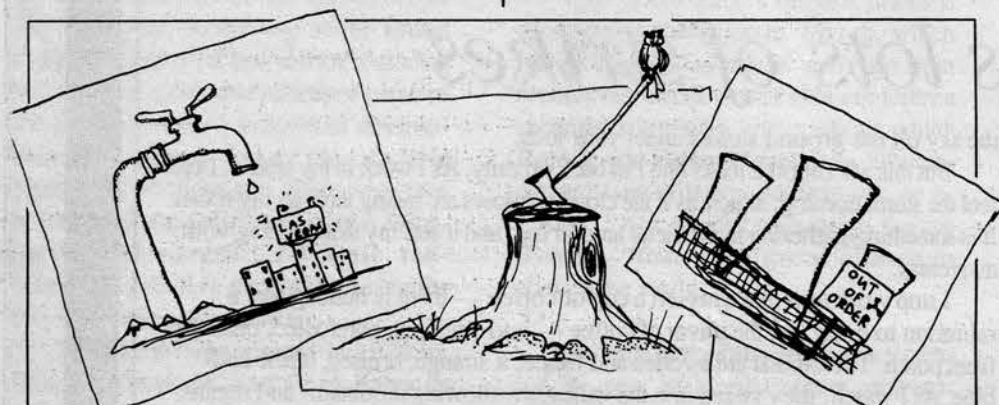
Federal Employees

Help *High Country News* keep an eye on the West you're watching.

Designate a portion or all of your **Combined Federal Campaign** contribution to the High Country Foundation
CFC #1059.



Larry Michael Dobson



Check out the contentious West Read *High Country News*

☐ One year - \$28 *☐ One year, institution - \$38
☐ Two years - \$49 *☐ Two years, institution - \$67

*Institutional rate applies to subscriptions paid for with a business, government, or other organization check. Public and school libraries may subscribe at the \$28 rate.

☐ My check is enclosed, or, ☐ charge my credit card

☐ Visa ☐ MasterCard: acct. no. _____

Expiration date _____ Signature _____

☐ Please bill me

Name _____

Address _____

City, State, Zip _____

Please mail to: *HCN*, Box 1090, Paonia, CO 81428

Vol. 24, No. 19

1. Calories don't count.
2. Smoking won't hurt you.
3. Hey guys, if you let the Colorado Air National Guard play war games over the Sangre de Cristo Mountain Range and the Great Sand Dunes National Monument, we promise not to hurt the wilderness or its environment.

The Biggest Lies In Colorado

For more information regarding MOA's, call 1-800-892-0135

This ad paid for by the Say No Way MOA Alliance.

WATER ...

continued from page 1

awarded water rights by the courts, but more often than not, the tribes lack the money to develop and put the water to use. In general, non-Indian communities have been much more successful than tribes in gaining federal dollars through the U.S. Bureau of Reclamation to build dams and irrigation projects. The tribes end up with so-called paper water rather than wet water.

That has led some tribes to make deals with non-Indian water developers to get funds to develop some of their water. The Central Utah Project in Utah and the Dolores and Animas-LaPlata projects in Colorado are two examples of this "Indian blanket" approach, in which projects that Congress would otherwise balk at are approved because they provide some water for Indians.

Initially, it appeared that the Wind River tribes had found a way around the lack of development money. In late April of 1990, the tribes decided to dedicate a portion of their award — about 80,000 acre-feet — to protection of instream flow and restoration of a fishery in a historically dewatered section of the Big Wind River.

But the instream flow, combined with a dry year, required that certain non-Indian irrigators be deprived of water. And the Wyoming state engineer refused to cut off the irrigators to protect the tribally asserted instream flow. So in August 1990 the tribes asked the courts to require Wyoming State Engineer Jeff Fassett to enforce the instream flow provision.

The tribes won the first round. Fifth District Judge Gary Hartman in a March 1991 ruling recognized their right to use their water to protect instream flow. But on appeal, a divided Wyoming Supreme Court in its ruling last June overruled Hartman's decision. The state's high court said that "no person other than the state of Wyoming shall own any instream flow water right."

In place of an appeal to the U.S. Supreme Court, the tribes may attempt to achieve an instream flow by building two irrigation projects at key points along the Big Wind River. According to Washakie, water flowing to these two "futures" projects would remain in the water-short seg-

ment of the stream, effectively assuring an adequate instream flow.

The federal reserved water right awarded to the tribes was based on a calculation of the needs of agricultural projects already in operation and others — called futures projects — that theoretically could be developed.

"Those projects would take care of the legal questions on instream flow," Washakie said. "There would be water left in the river ... there would no longer be an instream flow issue."

Wilkinson agreed with Washakie that even in the wake of the recent Wyoming Supreme Court decision, the tribes have "enough leverage that they can apply some pressure" to negotiate a final agreement on water management with the state.

But the possibility that the tribe could work around the high court ruling did not make the decision unimportant, Wilkinson said. He described it as a "step backward" in interpretation of water law.

"The opinion really cuts against every single modern trend," Wilkinson said. "We as a region are determined we're going to have water in our rivers — for beauty, for fish, for recreation and just for the dignity of having running streams ... Westerners are determined to make that shift, I think."

And although the Wyoming Supreme Court ruling may be "one step backward for protecting instream values," in Wyoming and elsewhere there will be "two steps forward just because the public will is so strong for getting some protection for our rivers," Wilkinson said.

Wilkinson said the legal question of administration of water rights in basins where there is a mix of federal reserved rights and state rights is far from settled. The Wyoming high court ruling on that element is "so splintered" that it is not likely to "be strongly persuasive" in the courts of other states, Wilkinson said, and the U.S. Supreme Court has not yet ruled on that question. ■

Katharine Collins, a former HCN intern, is now a staff reporter for the *Casper Star-Tribune*.

POWER ...

continued from page 1

the electric utility industry, and would have become standard equipment sooner or later. But the Western-Siemens partnership is significant because it may indicate that Western's leadership is joining the conservation revolution (HCN, 6/29/92).

Western administrator Bill Clagett said the project will enable his agency and other utilities to avoid or delay building new transmission lines and power plants to meet growing electrical demand.

"From an environmental standpoint I am really excited. This demonstrates that there is a lot more capacity in the existing system that can be tapped."

The NRDC's Cavanagh said he is not surprised that Western pioneered the innovation. "Some of the best transmission engineers in the world work for Western and the Bonneville Power Administration. It shows that the public sector can innovate." It also means, he said, that the utility industry can make more money, squeezing more power through the existing network, and swapping power back and forth among regions. At present, he said, instability on the grid limits the amount of power that can be exchanged.

The ASC may also help solve one of the West's thorniest electric power issues: the environmental damage to the Grand Canyon by peaking power operations at Glen Canyon Dam.

Ken Maxey of Western's Salt Lake City office said peaking power from Glen Canyon Dam mostly serves the Phoenix, Ariz., area, which has huge electric peaks on hot summer days. Western has resisted taming water flows through the dam because cheap surplus power from other Western facilities in Colorado and Utah is unavailable due to a bottleneck in the agency's grid: the 200-mile power line from Shiprock to Glen Canyon.

Now, the ASC has put another 100 megawatts of capacity on the line, eliminating both the bottleneck and, Maxey said, the physical limitations to replacing power from Glen Canyon Dam.

At the dedication ceremony Western and Department of Energy officials also

hinted that the ASC may fit into other plans for conservation and renewable resources. Western's service territory is home not just to large hydroelectric dams and coal-fired power plants, but also to major wind and solar power resources, said Michael Davis, who is the DOE's lead man on renewable power and conservation, and who gave the keynote address.

If Western is directed to harness these renewable resources, Davis said, then it will have to ship the power to regional markets. Given environmental and financial limitations, building new power lines may not be an option, but upgrading existing lines may be, he said.

These are new words from Western and the DOE, two agencies that have been criticized as resisting conservation and renewable resources. Western, an independent agency within the DOE, markets federal hydropower in 15 Western states, and operates nearly 17,000 miles of transmission lines. Some charge that Western's reluctance to implement conservation technologies has prevented the inland West and the hundreds of smaller rural electric associations that buy federal hydropower from joining the trend toward electrical efficiency.

But Western seems to be moving to change that too. The next step is a Nov. 4 workshop in Farmington, N.M., which will promote efficient lighting technology for utilities, industries, businesses and residential customers in the Four Corners area. Co-sponsored by Western and the Grand Canyon Trust, the workshop will be followed on Nov. 5 by a regional summit between utilities, environmental groups, and municipal and rural interests. It is aimed at finding collaborative solutions to the growing energy and environmental conflicts on the Colorado Plateau.

For more information on the Farmington lighting workshop, contact Ken Maxey, Deputy Area Manager, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147-0606; 801/524-5497. ■

Steve Hinchman is a free-lance reporter in Paonia, Colorado.

LETTERS

THE BLM AND SCIENCE

Dear HCN,

The response to the anonymous letter (HCN, 4/20/92) "Dr. X" by H. James Fox regarding BLM's receptivity to criticism and good science is simplistic.

As a BLM economist for 11 years, I will attempt to refocus the "debate." BLM is not sufficiently monolithic to allow one to make broad statements about its receptivity to new and divergent ideas. BLM management includes a full spectrum of individuals ranging from the worst to the best, from the ultraprogressive to the ultraconservative, from the visionary to the mentally intransigent.

Dr. X perceives BLM as an organization where reprisal or diminished career potential is possible for expressing divergent opinions. I have certainly seen and experienced that. Mr. Fox perceives BLM as an organization where the free flow of information is not only encouraged but a precondition of employment. I have seen and experi-

enced that as well. For Mr. Fox to presume that Dr. X is working under conditions where the free flow of ideas is encouraged may be presuming too much, and to presume that all BLM staffers work under the threat of reprisal is also presuming too much.

The most troubling issue and indicator of the current state of BLM is the unhealthy tone of the discussion. We see the reprimanding tone of the manager claiming ineptitude and moral turpitude on the part of the fearful, furtive and shadowy Dr. X.

As an aid to Dr. X, I suggest my rule of thumb in working within the BLM arena: Say what you believe to be true whether encouraged to do so or not. Living in avoidance of possible reprisal is far worse than just losing your job. Mr. Fox is right. BLM is not well served by employees unwilling to provide honest recommendations, even if management doesn't want to hear them.

Chuck Romaniello
Lakewood, Colorado

AMERICAN GARLIC

Dear HCN,

Your American Garlic article ("Everyone Tells Farmers How to Farm," HCN, 8/10/92), which pokes a bit of fun at the city folk who request/demand "organic produce," was a masterpiece of humor and seriousness. However, I basically still side with the trapped urban dweller, because we increasingly suspect that more and more farmers are raising on the side high-quality and pesticide-free produce for themselves, yet continue all too often to give to the rest of the nation only the minimum "organic" quality permitted by law.

Elliott Bernshaw
Salt Lake City, Utah

TOO KIND TO THE COW

Dear HCN,

HCN seems to continuously run stories about how cows can be managed

properly — in essence promoting cows, like Mr. Dagget's essay on Holistic Resource Management (HRM) (HCN, 9/21/92). Why no articles on eco-subdivisions or eco-logging? What about some perspective on HRM, how almost all science research shows it to be a bunch of smoke and mirrors?

The cow has done more to destroy the West than any other factor. HCN does report on most of these impacts but makes no attempt to put them in perspective. Instead they are reported as isolated news items. But predator control, loss of riparian habitat, dewatering of rivers, extinction of ferrets, and many other impacts are all related to cows.

It's fine to report all sides, but at least you should find some way to put perspective on unsubstantiated reports such as claims by Savory and others that we need cows on our lands.

Bill Leitch
Sierraville, California

OTHER VOICES

Dog-eat-dog capitalism at its best

by Oliver Houck

Here it comes, again: When is the environmental movement going to grow up? In a recent essay (*HCN*, 8/24/92), Stephen Forrester, editor of the *Daily Astorian* in Oregon, deplores the balkanization of environmental organizations whose root emotion seems to be — of all things — righteousness — an “outmoded motivation.” In his view the movement needs a J.P. Morgan to consolidate these fractious groups into a U.S. Steel. Today’s environmental problems, Mr. Forrester concludes, are “too important to be left to competing environmentalist organizations.”

Wrong.

Today’s environmental problems are far too pressing to be left to any centralized control, particularly the kind that made U.S. Steel a basket case on the world market and hamstrung the Soviet Union before destroying it outright.

Mr. Forrester’s longings for less chaos and more maturity are understandable. Particularly for those of us who have been out there kicking and yawping and getting kicked and yawped at for many years. But to argue that environmentalism’s turmoil should be replaced by a friendly czar is to misunderstand the strength of the movement ... and why, through its very chaos, it will prevail.

It will prevail because, in one sense, the environmental movement is pure Adam Smith dog-eat-dog capitalism at its best. Competition at all levels is intense; groups with the best ideas and programs survive. Unlike their industrial adversaries, they receive

no depletion allowances, land patents, free roads, below-cost permits or other government subsidies; they are on their own. Their fortunes (see, for example, those of Greenpeace and The Wilderness Society) rise and fall with incredible suddenness. No one national group has a lock on the environmental market or even on an issue within the market. Cooperate on occasion they do, and their successful coalitions on Alaska and the Clean Air Act come to mind. But make no mistake, they are competitors and the competition keeps them in form.

NRDC sues to enforce compliance with statutory guidelines. EDF proposes market solutions instead. The Sierra Club sues Waste Management Inc., one of whose officials chairs a National Wildlife Federation board. What Colossus could stand astride so many horses going in so many directions? Each direction is a search, an evolutionary try. What J.P. Morgan has the audacity to predict which ones are best?

This “chaos” of the environmental marketplace is reflected thousandsfold across the country. If you think a jungle looks diverse from the air, examine the different creatures in the leaves of a single epiphyte on a single vine; none with an answer to the jungle’s survival, but each contributing to that wildly successful organism, the jungle itself. Without denigrating in any way the contributions of the Sierra Club, the Wildlife Federation and other national environmental leaders in keeping the machinery of industry and government at least partially honest, the most important blows of all for the environment are struck on a daily basis in the media, in the courts and in endless public hearings by Citizens to Save the Bogalusa, Friends of the Sangre de Cristo and

their counterparts — more counterparts than we can ever know. Out of their hearts and their bake sales and the sap of their lives they rise up, burn brightly and, usually, go down in flames. Brief-lived creatures, most of these groups. Just like most of mother nature.

But these are the groups that industry fears. These are the ones that can really shame a district ranger. These are the ones whose appeals get reported in the *Casper Star-Tribune* and whose lawsuits come winging in from nowhere to break new ground and to make the terrain described in the hallways of Washington, D.C., tangible and real.

What czar could do so much? You can call this brawling jungle of activity chaos, and you can call its motivation outmoded. By the same token, you could call the national forests dirty, and the jungle inefficient. You could even say the same about the way we choose a president. The process does look messy, until you step back and see what the whole thing is doing. And until you consider the alternatives.

Nobody I know would trust America’s wetlands, forests or wildlife to the environmental president, or, for that matter, to anyone else. People have to care. That feeling is a force. It’s the way nature works when it’s allowed to. It’s the way history seems to work, too. The leaders of the world went to the Earth Summit in Rio this summer but real leadership remained on the ground. That force — and no messiah — is going to get us home. ■

Oliver Houck is a law professor at Tulane Law School in New Orleans, Louisiana. He was formerly general counsel to the National Wildlife Federation.

Let’s stop the horsing around

by Howard Parker

Let me say it flat out: Wild horses and burros are an ecologic time bomb and have no place on public lands.

By trying to protect them, we have created a government boondoggle that makes the Pentagon purchase of \$200 toilet seats and \$175 claw hammers look like good business. To see this, just get a copy of the latest General Accounting Office report on the wild horse program and read it (GAO RECD 90-110).

Remember that horses are not native to the American continents. They were brought here by the Spaniards in the 16th century, and they quickly made themselves at home. By the 20th century there were an estimated 2 million horses on the Western Plains. Their population exploded because they are herd animals with keen eyesight, a good sense of smell, excellent hearing, and speed enough to outrun most predators. Wolves and cougars got a few, but the horses’ ability to reproduce more than made up for the losses.

Only man and natural catastrophe could control their numbers. When it seemed that man might totally kill them off, a public outcry was raised and with the help of a few colorful characters plus a lot of romantic nonsense, the Wild Free Roaming Horses and Burros Act went into effect in 1971.

That act forced us to protect a non-native species that destroys not only its habitat, but the habitat of every animal sharing its range.

Where, for example, are the desert sheep once native to country now completely taken over by wild burros? They didn’t move out. They died out. Or rather, they were killed by a Middle Eastern interloper, turned loose by miners and prospectors years ago when they no longer had use for them. Add to the sheep, deer, elk and antelope that have also been displaced by wild horse herds.

Anyone who says these are the last of the Spanish mustangs should look at some of the horses in the government holding facilities. I saw the so-called wild horses at the Bloomfield, Neb., sanctuary. If there was a drop of mustang blood in any of them, it was well concealed by their more immediate percheron and just



Cowboy poet Howard Parker

plain horse forebears.

Few of us would favor stocking the range with 40,000 or 50,000 mongrelized German shepherds and according them the protection given the timber wolf. Yet that is what the wild horse program does.

Everything from birth-control shots to convict labor has been thrown at this problem, all without success. Each time the Bureau of Land Management attempts to dispose of excess and unadoptable horses in

a humane way (that awful word euthanasia), the story appears on some TV station prompting a hue and cry heard throughout the land. And the horses are saved. Saved for what?

The idea of having prison inmates halter-break wild horses was a fiasco. The convicts soon learned what handling these animals was really like and most of them went back to making license plates. Supervisors were hired and fired on a revolving-door basis and the original target of 30 to 60 days gentling each horse stretched to an average of nine months.

About the only thing learned from this program was that New Mexico seemed to be incarcerating better horsemen than Colorado, as the horses from Los Lunas were, on the whole, more adoptable than those from Colorado.

Large numbers of horses turned over to private individuals and Indian tribes were sent to slaughter as soon as they received title or, what was infinitely worse, starved to death. Privately funded sanctuaries supported by tourist dollars failed completely.

Wild horses are just not good tourist attractions. They do not graze along roadsides like buffalo, and if they did, driving up to them would be as thrilling as visiting a petting zoo. The western South Dakota sanctuary, which opened with great fanfare, stumbled through a few years of financial strangulation, and died without a whimper.

From 1985 to 1990, the government has spent \$94.4 million just to remove and dispose of excess horses and burros, not including the cost of lost habitat. This is not to advocate the removal of wild horses only to have them replaced with cattle. Running cows on some of our Western land is questionable at best.

As a nation, we’ve had two decades to fool with this problem purely from the heart. Now it’s time to set our ecological priorities straight and realize what can and can’t be done. ■

Howard Parker is a third-generation rancher, a cowboy poet and a singer, who lives on Horse Thief Corner in Ashby, Nebraska.