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High Country News

March 22, 1993

Vol. 25 No. 5

A Paper for People who Care about the West

One dollar and fifty cents

INSIDE:



Clinton McRae

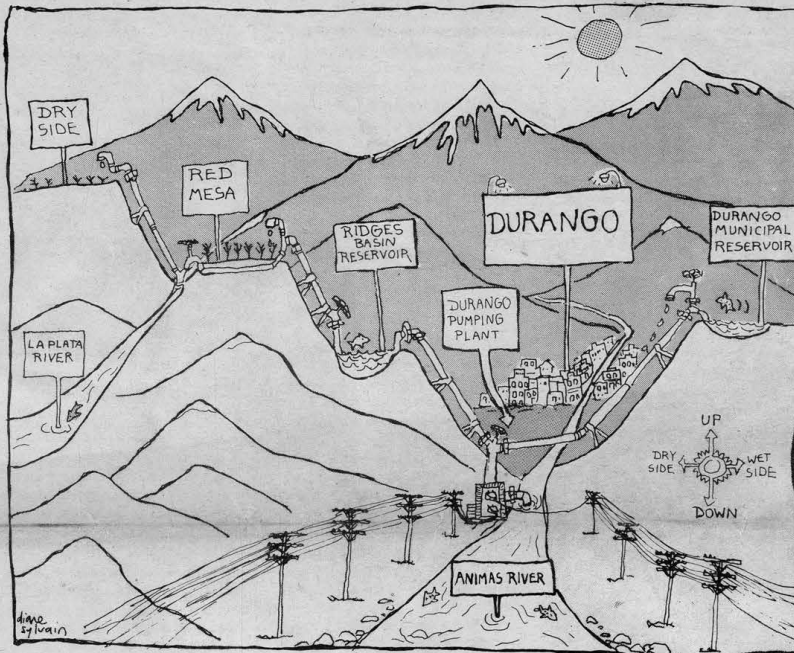
**Rhyme 'em,
cowboys/6**



**Admit it:
Wolves
are in the
Yellowstone
ecosystem
/14**

**Let's change
the scenery
to match the
society/16**

The dam that won't die



Pumping water in two directions, the Animas-La Plata project has been called a Rube Goldberg machine

Water projects appear to be made up of dams and cast-iron pipes and huge pumps. But they are actually created by political coalitions, and the stronger and more determined the coalition, the more likely the project is to be built.

So the Animas-La Plata Water Project is still alive, even though many more justifiable projects have died or been thoroughly reformed. Animas-La Plata is still alive because its coalition has deep roots in Durango, Colo., and in the smaller Colorado and New Mexico communities that will share the project's water. The project is also alive because the Animas-La Plata coalition is led by a hard-driving

political genius named Sam Maynes, and because it is one of the few places in the West where Anglos and Native Americans are working toward a common goal.

Nevertheless, the 1990s are not the best of times to build a multi-million dollar Rube Goldberg-type water project, and for the first time in 20 years, opponents of Animas-La Plata smell blood. Our story begins on page 10.



HIGH COUNTRY NEWS

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Dear friends,

Why no list?

Staff had hoped to send this issue on the Animas-La Plata project to those who are on the Bureau of Reclamation's "keep us informed about the project" mailing list. We figured those people would be at least as interested in a journalistic portrayal of the project as they would be in a press release or EIS from the Bureau.

But it turns out that even though the project has been going for about 20 years, the Bureau still doesn't have its mailing list together, or at least that is what we were told at first. On second and subsequent calls, we learned that there were many mailing lists, that they were all being revised or did not yet exist, that the people doing the revisions were out of the office, that they had just returned to the office, and that it was all very, very complicated.

Finally, we got down to business and filed a Freedom of Information Request. But that request, of course, had to be forwarded up the ladder, and you know how the mails are.

There is no doubt about the result. There have been enough lawsuits so that the Durango office of the U.S. Bureau of Reclamation must know that *High Country News* has a right to use the mailing list.

But the Bureau probably figured that if it could stall long enough, we wouldn't be able to mail copies of this issue to those on their list. At the last minute, we did get a list of organizations and government agencies, but the Bureau continued to withhold the names of individuals on the list.

So we're printing extra copies, and we intend to mail those issues to the withheld names — assuming the list arrives before the newspaper the issue is printed on has turned to dust.

Animas-La Plata contacts

There was no room after the Animas-La Plata story for a list of contacts, so we are listing them here:

Bureau of Reclamation, Durango Projects Office, 835 E. Second Ave., Durango, CO 81302-0640.

Animas-La Plata Water Conservancy District and Southwestern Water Conservancy District, P.O. Box 475, Durango, CO 81302.

Leonard Burch, Chairman, Southern Ute Tribal Council, P.O. Box 737, Ignacio, CO 81137.

Judy Knight-Frank, Chairwoman, Ute Mountain Ute Tribal Council, Towaco, CO 81344.

Drew Caputo, Sierra Club Legal Defense Fund, 1631 Glenasm Place, Ste. 300, Denver, CO 80202.

HOTLINE

Utah county moves fast

In its first major decision, Utah's Grand County Council delivered a blow that could kill plans to build an 83-mile paved highway through the remote Book Cliffs area north of Moab. The council voted to dissolve the Grand County Road Board's administrative authority, preventing the board from spending more money on the project. Over the past five years, the road board has spent \$400,000 on the project, which would link Grand and Uintah counties (*HCN*, 11/2/92). It also voted to withdraw its highway right-of-way application and give 30-

Four Corners Action Coalition, P.O. Box 483, Aztec, N.M. 87410.

First visitors of spring

We know spring is here when the class of touring students arrives from Earham College. They hit us last, after visits to Big Bend National Park in Texas, northern Mexico, and the Grand Canyon, and just before they head back east in their two big vans on Interstate 70 through the Vail Valley. They have been coming through Paonia for about six years now. It's been so many years that their guide through our office this year was intern Adam Duerk,



Earham College students include from left (seated in front) Ursula Young and Jody Burr; (seated middle) Sarah Clarke, Doug Ottke, Kristi Benz, Clark Rinard, Alex Proctor, Mike Hudson, Heidi Kelly, Josh Kysiak, Jeff McGrane, Brian Nichols, Sarah Hansen, John Terwilliger; (standing) Chad Junker and Syron Olsen

who first learned about *High Country News* five years ago, as a member of this same Southwestern studies class.

People visit for the most interesting reasons. Free-lance writer Rob Garrett came to Paonia because he had read in the *Los Angeles Times* about developer Tom Chapman's attempt to build a subdivision in a nearby wilderness. Could they ski into the site? he wondered. With him was his cousin, Julie Armstrong, who manages the San Sophia Bed and Breakfast in Telluride, Colo.

Dori Lee, who lives some 20 miles away from Paonia but several thousand feet higher, came by to tell us about a July 8-11 summer workshop called "Nature Within" that will feature the writers William Kittredge, Christopher Merrill and Patiann Rogers.

Along with her husband Jon, Dori

bought the 3,400-acre Volk Ranch in 1989. They've since changed the name to Pomotawh Naantam, which means wolf mountain, and Dori tells us the ranch concentrates on outdoor recreation for guests and maintaining of a wildlife sanctuary. The writers' workshop for close to 40 people is a first, she says. You can find out more by calling the Lees at 303/929-6571 or writing them at 26767 County Road 12, Somerset, CO 81434.

Others stopping by include Bill and Sarah Bishop of Wakefield Mesa above Paonia; John Gregg, a firefighter for the Forest Service; JoAnn Moon, who lives in Palisade, Colo., and two from Arizona: Glen Dickens and Steve Williams, both of whom work for the state.

We were also glad to see Don Bach-

man of Silverton, Colo., population 500, who enjoys the unusual and often tense job of avalanche forecasting for several highway departments.

Don noted that cross-country skiers who set out for high-altitude huts often suffer from a false sense of security. That leads them into dangerous situations, so prepare for the worst, he advises. So far this year nine people have died in Colorado avalanches.

Corrections and emendations

The book *Invest Yourself*, a catalog of volunteer opportunities, costs \$8 and not \$6, the publisher informs us, because of a fee for shipping and handling. The book is available from the Commission on Voluntary Service and Action, Box 117, New York, NY 10009.

We ran an outdated phone number for Jon Magnuson in the Feb. 8 issue. The Lutheran pastor at the University of Washington can be reached at 206/524-7901.

Reporter Bruce Selcraig, who wrote our lead story on the Gray Ranch Feb. 22, tells us he needs to correct the observation that The Nature Conservancy only manages a "handful" of refugees. "This is as wrong as a breathable fabric canoe, and I should have caught it," he writes. "The Conservancy owns and manages more than 1,300 preserves in all 50 states, belying the notion that it always sells its acquisitions to the government. What I meant to say was that the Conservancy only manages a handful of preserves that are open to the public, as was being considered at one time for the Gray."

— Ed and Betsy Marston
for the staff

WESTERN ROUNDUP

Wise-use ordinance challenged in Idaho

In Boundary County, Idaho, where loggers and grizzlies vie for a living on national forests, one of the wise-use movement's most potent organizing tools is under attack.

The target is a land-use plan passed by county commissioners that asserts local control over all decisions affecting federal and state lands. The ordinance is based on a Catron County, N.M., model that has become a rallying point for wise-use proponents throughout the West (HCN, 2/24/92).

But now 18 residents and several groups, including Boundary Backpackers, North Idaho Audubon Society and Bonners Ferry Forest Watch, are trying to overturn the ordinance. Their March 2 lawsuit contends that it violates both the United States and Idaho constitutions.

"We are calling the bluff on whether local county commissioners or the people of Idaho and the United States make the decisions about our public lands," said David Bodner of Boundary Backpackers in Bonners Ferry.

Although Boundary County is one of more than 40 counties in the West that have adopted Catron County-type ordinances, it is the first to face a court challenge. A victory by environmentalists could have a chilling effect on the more than 200 counties now considering similar ordinances, while a successful county defense could spur a new wave of wise-use ordinances.

Because of the potential for a legal precedent, the commission has contacted Wyoming attorney Karen Budd, who drafted the original Catron County ordinance.

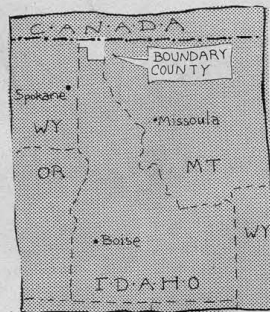
Chairman Ronald Smith says commissioners are eager for a court battle. "We're ready for them," says Smith. "Our attorney says we can defend this."

The commission says it adopted the ordinance because of a petition from 451 citizens concerned about maintaining the "custom and culture of Boundary County." That tradition "has always included logging, mining and agriculture which comprises the cornerstone of our county," the commission said in a press release. Commissioners say

the ordinance relies upon requirements in federal laws that federal agencies consult and coordinate with local officials.

"All we're asking them (the federal agencies) to do is live up to their own laws," says Murreleen Skeen, county commission secretary. "We're not planning to run the whole show."

Opponents say the ordinance gives the county a controlling role in decisions on public lands. County commissioners could veto wilderness designations, endangered species protection, land transfers, timber sales, mining proposals and



grazing decisions, the plaintiffs charge.

Boundary county is the quintessential Western setting for a legal showdown over the ordinance. Three-quarters of the sparsely populated county is federal or state land. The once-dominant timber industry is struggling, while the recreation-based economy is growing. And the area abounds with high-profile endangered species like the grizzly and the woodland caribou.

Murreleen Skeen says the 400-500 families that depend directly on jobs in the nearby Panhandle National Forest are worried about more regulation of timber harvesting. She points to a current appeal by local environmentalists targeting the forest's salvage sales timber program.

"For many people, these (salvage sales) are their bread and butter on the table," she says.

Equally troubling for many in Idaho's rugged panhandle, she says, is new wilderness legislation being prepared by the state's congressional delegation that could put more timber off limits. In addition, the rare white sturgeon, which inhabits the Kootenai River, is up for listing under the Endangered Species Act. Skeen says the listing of the sturgeon could curtail irrigation and prevent farmers from spraying insecticides on their crops, which include a unique variety of hops grown for Anheuser Busch.

"There's a lot of fear of change here," says Dave Bodner. "But I think the lawsuit will show people that the ordinance just gives public lands and resources to private interests."

Bodner says many environmentally minded people in the county are also fearful. They keep a low profile, he says, because "they don't want their kids beat up at school or their businesses boycotted."

Mistrust between county traditionalists and environmentalists is palpable in the pages of the *Bonners Ferry Herald*. An editorial that appeared Feb. 26, after news had spread of the impending lawsuit, described it as "the legal experiment of a few nonconformists. ... Those who would secretly oppose the citizens of Boundary County protecting a way of life that has made the area a great place to live must suspect that they will win no measure of popularity or acclaim for their position."

County attorney Randall Day, who supports the ordinance, told a gathering last year sponsored by Idaho Rep. Larry Larocco, D, that the winds of compromise don't blow in Boundary County. But Dave Bodner puts it, "Change is coming. You can't legislate no change."

Kathy Kilmer, a staffer for The Wilderness Society in Denver, Colo., suggests counties like Boundary need to do some "legitimate" land planning. "Instead of holding onto the 1950s, these county commissioners need to be looking toward the 21st century."

—Paul Larmer

The writer is assistant editor of *High Country News*.

HOTLINE

Not small for long

Writer Norman Crampton ranks Elko, Nev., first in his book: *The 100 Best Small Towns in America*. Some factors considered were scenic location, population diversity, local government spending for education, crime rates and health care. But Crampton said all towns ranged in population from 5,000 to 15,000, and he estimated Elko at 14,736 based on the 1990 census. A gold rush, however, has turned Elko into one of the fastest growing spots in the nation. The chamber of commerce puts the actual population at closer to 19,000, and that's not counting suburbs that have sprung up in surrounding valleys. Crampton also didn't check with the Nevada State Medical Association. It recently ranked Nevada among the top states for health problems, including deaths from cirrhosis of the liver. Other Western towns in Crampton's top 10 were Page, Ariz., Glenwood Springs and Durango, Colo., and Lander, Wyo.

Fossil battle continues

The battle over a 65 million-year-old skull of a *Tyrannosaurus rex* continues despite a federal judge's ruling on ownership. Private rock-hounds and federal scientists have been wrangling over the bones since last May, when federal agents seized the fossil nicknamed "Sue" from the Black Hills Institute of Geological Research in Hill City, S.D. (HCN, 9/21/92). Although the institute paid the Indian landowner \$5,000, Federal District Judge Richard Battey said Feb. 9 that institute workers illegally removed the bones from the Cheyenne River Indian Reservation. Sue is not the institute's only problem fossil. Federal prosecutors investigating the institute claim it collected at least 65 other specimens including mosasaurs, shark and turtle fossils from federal lands or Indian reservations. The institute denies any wrongdoing.

HOTLINE

Burning bill

Despite a massive lobbying effort by cement companies, Montana state senators narrowly approved a bill Feb. 24 that prohibits burning hazardous waste near towns, streams and other environmentally sensitive areas. If passed by the house, the bill will block proposals by four companies to burn hazardous wastes. Two companies — Ash Grove Cement Co. and Holnam Inc. — want to burn the waste in their cement kilns. They say burning is cheaper and environmentally sounder than storage. "Montana needs a solution to waste disposal problems," Ash Grove lobbyist Tom Daubert told the *Billings Gazette*. "This technology would provide a solution that's free to taxpayers." But Brady Wiseman of the grass-roots group, Montanans Against Toxic Burning, says residents would pay by being exposed to airborne dioxins and heavy metals. "The cement industry expects Montanans to subsidize their industry with our health," said Wiseman. The bill's sponsor, Sen. Bill Yellowtail, D-Wyola, says the prohibi-

tion blocks Montana from becoming a net importer of hazardous waste, taking in 10 times more waste than it exports. Ironically, the bill's one-vote passage was assisted by the untimely death of one opponent and the mistake of another. Sen. Tom Hager, R-Billings, said he mistakenly voted for the bill, and Sen. Dennis Nathe, R-Redstone, died less than a week before the final vote.

They do shoot wild horses

The Bureau of Land Management and wild horse defenders are offering a \$15,000 reward for information leading to the arrest and conviction of persons responsible for shooting seven wild horses near Caliente, Nev. Three mustangs were found dead on Oct. 29, about 20 miles southeast of Caliente near Acoma. Two mares and a stallion were shot Feb. 28 on Highway 319 near the Nevada-Utah border. Another mare was found shot nearby March 4. Those who provide information may remain anonymous. Contact the

BLM in Caliente (702/726-8100), Las Vegas (702/647-5000), or Reno (702/784-6557).

State cites leaky lab

New Mexico wants to fine Los Alamos National Laboratory a record \$1.6 million for illegally storing radioactive waste in thousands of leaky storage containers. If the laboratory appeals the amount, the fine may be lowered. The state cited the lab Jan. 26 on 24 counts of mishandling hazardous waste, including the storage of waste in corroding containers. Last March, lab inspectors uncovered 16 barrels and found half of them badly decayed, including one with a pin-sized hole. Kathleen Cisneros, waste management director of New Mexico's Environmental Department, said the state also cited the lab for allowing 26 barrels filled with radioactive waste to leak for seven months in 1991. Says Cisneros, "The lab should have rebarreled their waste years ago to avoid a problem of this magnitude."

BARBS



Adam Duerk

Sneaky skiers.

Betty Tingley, of Missoula's Mike Tingley Suzuki Yamaha Jet Ski, said snowmobilers do not intimidate wildlife. "In fact, their noise gives animals a chance to seek shelter, where they can stand and watch the snowmobilers pass. Quiet cross-country skiers often surprise and frighten the animals," Tingley told the *Missoulian*.

New Mexico begins to regulate a huge mine

QUESTA, N.M. — Wilfred Rael grew up swimming, fishing and playing in the nearby Red River. Twenty-five years ago the U.S. Public Health Service called its chemical and biological quality good to excellent. Today, Rael says he never uses the river, even though he lives just north of it, because it's biologically dead.

The Red River runs a sickly, detergent-like blue as it sweeps through waves of piñon and ponderosa.

The color comes from heavy-metal pollution, mainly aluminum, and the only trout in the river are stocked.

Rael and a handful of other critics in this mining community north of Taos, who call themselves Concerned Citizens del Norte, have long accused the neighboring MolyCorp molybdenum mine of polluting the river with an endless stream of mine tailings spills (HCN, 6/4/90). The mining company has doggedly denied it, but the state's environmental political tides are slowly shifting in Rael's favor and against MolyCorp.

First, the mine itself, which shut in 1986 and reopened in 1989, has closed again, thanks to the bargain-basement price of molybdenum. Because groundwater is being allowed to flood the new underground mine, critics say this points to a long shutdown.

As this issue of *High Country News* was going to press, the state Legislature was close to passing a bill requiring mines to reclaim their land after they shut down. It is unknown exactly how such a bill would affect MolyCorp, because the company repeatedly says it intends to reopen someday.

Even so, such a bill would drastically strengthen authorities' hands in a state that has been one of two in the West without a reclamation law for hardrock, non-coal mining. MolyCorp is hardly the only mine in the state with pollution problems. State officials have blamed mining for 40 cases of groundwater contamination and as the probable cause of 200 miles of polluted streams.

"Why do they pollute so much? It's the nature of the business," said Dennis McQuillan, a veteran state geologist and groundwater expert. "Mining is a highly disruptive process to the earth. You've got to penetrate the earth and rip out the ore, crush the ore, extract the valuable material, and you're left with a large amount of tailings liquid."

Mining companies like to say that

most pollution comes from the years when few or no environmental constraints were in effect. But in the past few months, Environment Secretary Judith Espinosa has let it be known that she will not look the other way at the environmental mess caused by MolyCorp. Besides the dead river, she says a handful of private drinking wells are fouled with sulfates that make water taste terrible and can cause diarrhea.

Many residents say the mine's 130 tailings spills in 26 years have wrecked the alfalfa-growing agriculture that nurtured this community before the mine arrived. Questa residents also complain about the tailings dust that at times hides the whole town in a cloud.

"We're the bad example for the whole state," said Penny Rael, Wilfred's wife.

Last November, Espinosa issued a belated order to MolyCorp to get a groundwater discharge permit — 15 years after the state set up its permit system. The first top state environmental official in years to visit Questa, Espinosa also launched studies to see if the mine belongs on the Superfund toxic dump site list and told residents their concerns were legitimate.

In the past, local people confronted countless officials from dozens of agencies, including their own mayors and city councils, but won few concessions. They have taken MolyCorp to court occasionally on pollution charges. They've also refused at times to let company officials on their property to clean up spills. Residents said they didn't want evidence of damage removed.

That led some of their fellow townsmen to accuse the Concerned Citizens of harboring a grudge against MolyCorp. They say members were laid off from, quit, or were fired by the mine.

"We proved them all wrong — we were right and they were wrong," said Manuel Ortega, a Concerned Citizens member who says he had to clean mine-tailings debris from 27 acres of his alfalfa fields.

Furniture maker Roberto Vigil is less jubilant. Vigil says the fight against the mine has drained his earnings and sparked fights with his sister, whose husband used to work there. Arguing about it, he said, was like "arguing about God."

"I've gone through so many disappointments," said the slow-talking Vigil as he sat in a chair on the sawdust-cov-



MolyCorp in Questa, New Mexico

ered floor in his shop. "Every time we try to elect someone, they promise something, but once they get in there, they reverse themselves."

Mine superintendent David Shoemaker says the critics are blowing the problems way out of proportion. A life-long mining geologist, he likes to tell the story of the time he met a Los Alamos National Laboratories scientist on a Taos ski lift. He told Shoemaker, "You guys are tearing up the landscape" after Shoemaker disclosed that he worked for the mine.

"He's got something to talk about, if you know what I mean," says Shoemaker, referring to the lab's own massive pollution problems. "I also told him to look at all the damage going on at the ski area to the land, and that 'You don't have a problem with that, because it's recreation for you.' He just shut up and glared at me."

Since it closed, MolyCorp has awarded Questa a two-year, \$3,000-a-month grant to cushion the economic blow. It has given the town title to company land with a softball field, and has begun covering the scars on its landscape with thousands of trees. It also has covered much of its tailings pile with nine to 12 inches of soil.

While Concerned Citizens members sneer at those measures as grossly inadequate, the war over the Red River is clearly going to top everything else.

Although the 1966 Public Health Department study appeared just as MolyCorp carved out its new open pit to expand, the corporation still insists that nature was the river's biggest polluter. Shoemaker drives a reporter up and down the river and points up high to badlands he says are the source of the river's metals. Those areas contain sulfur-based compounds that rainfall washes out and turns into sulfuric acid. In turn it leaches heavy metals out of the rocks.

State officials say they're concerned about irrigation and natural runoff, a local sewer plant and other sources as well as the mine, but they believe the tailings spills have taken their toll. Scientists say the mine wastes and heavy metals have smothered the river bottom so badly at times, that plants that nourish the insects that fish eat couldn't survive.

But the state won't target the mine or anyone else for the pollution until it completes the latest in a long series of river studies.

Asked how long it would take to bring the river back, state water-wastewater quality chief Kathleen Cisneros said, "I don't know."

— Tony Davis

The writer works for the *Albuquerque Tribune*.

HOTLINE

Burnout on the slopes

A Colorado ski instructor was suspended for two weeks after a dispute that escalated into a ski-pole fencing match. New Jersey resident James Baxter, 55, told sheriff's investigators he was skiing with his wife at Vail, Colo., Feb. 14 when she cut "very close" to a ski instructor. Although his wife continued downhill, Baxter heard Robert Nall, the ski instructor, curse at his wife, calling her a "dumb bitch." Baxter then confronted Nall, who reportedly said, "I've had it with you dumb ... people." The argument became physical when Nall allegedly poked Baxter between the eyes with a ski pole. Baxter allegedly retaliated by striking Nall twice with his

ski poles, reports the *ABC Times*, covering Avon and Beaver Creek.

Call it: "Department of Loggers"

What would the Oregon Department of Fish and Wildlife do if it weren't allowed to act as an advocate for wild animals? A coalition of seven timber and farming groups wants the agency to find out. The group is pushing a bill that would prevent the agency from advocating protection of fish and wildlife. Ward Armstrong, executive director of the Oregon Forest Industries Council, told *The Oregonian* that the agency fails to acknowledge the needs of industry and private landown-

ers. An "aggressive lobbying role for creatures" is not an appropriate role for the Department of Fish and Wildlife, he said. Currently, the department is charged with maintaining "all species of wildlife at optimum levels and prevent(ing) the serious depletion of any indigenous species." The bill the industry coalition supports would delete "optimum" and reword the department's mission statement to read: The department will "protect aesthetic benefits of wildlife to the extent it is feasible and in the public interest, considering scientific limitations, economic impacts and potential conflicts with the primary uses of affected private and public lands and the waters of the state." The proposed bill has generated opposition from environmentalists since its introduction Feb. 14.

Coalition seeks to de-dam a river

The White Salmon River, a tributary of the Columbia River in south-central Washington, once ran thick with salmon. But for 80 years Condit Dam has blocked salmon and steelhead from swimming upstream to spawn. Now one salmon run is extinct and three others hang on the brink.

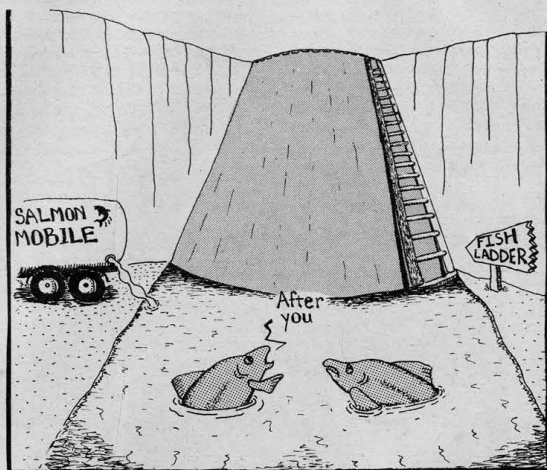
But this year the Federal Energy Regulatory Commission (FERC) is considering a license renewal for Condit Dam, and environmentalists are jumping at the opportunity to save fish.

A 15-group coalition including the Sierra Club, Friends of the Earth, Columbia Gorge Audubon Society, and the Northwest Rivers Council intervened last December in FERC's relicensing proceedings for Condit. Its goal is full restoration of the White Salmon River ecosystem, and one option, says Katherine Ransel of American Rivers, is removing Condit Dam.

Since FERC licenses dams for 30-50 years, the relicensing is a "once in a lifetime chance," to amend past damage to the ecosystem, says Ransel. She believes it's the last hope for remaining wild stocks of salmon and steelhead in the river.

As a first step, the coalition asked FERC to deny the license application and prepare a full environmental analysis. If a license is granted, it wants the applicant's current owner and operator, PacifiCorp, to pay for eventual decommissioning or removal of the dam. The coalition also wants PacifiCorp to establish a fund to acquire riparian areas, watershed lands and water rights to repair damage to the ecosystem.

Built in 1913, Condit doesn't allow fish to swim upstream because it lacks fish ladders. In 1980, FERC ordered PacifiCorp to study the feasibility of constructing devices to help salmon bypass the dam. Although the company concluded it was possible, no fish ladder was



Adam Duerk

installed.

In terms of energy production, Condit Dam is small potatoes: Its nine average megawatts of energy provide less than 1 percent of the region's overall supply. Wind turbines are a better alternative, says Ransel of American Rivers.

"The added shame," according to Ransel, is that fish have only to navigate around Bonneville Dam on the Columbia, just downstream of the White Salmon, to arrive at their native spawning grounds, but they have been turned back by Condit Dam for 80 years.

Within the boundaries of the Columbia Gorge National Scenic Area, Condit also sits immediately downstream from a stretch of river designated "wild and scenic." Relicensing the project, the

coalition argues, is inconsistent with this designation.

Besides Condit, an additional 237 dams on 105 rivers are up for relicensing this year. FERC is expected to delay a decision on Condit, allowing PacifiCorp to operate the dam with a one-year permit.

For more information about the coalition, contact American Rivers, 4518 University Way, N.E., Suite 312, Seattle, WA 98105 (206)545-7133. For information about relicensing, contact FERC, Office of External Affairs, 825 N. Capitol St., N.E., Washington, DC 20426 (202/208-0055).

— John Bokman

The writer is an HCN intern.

HOTLINE

Clinton has chance to change FERC

President Clinton could restructure the federal agency that licenses the nation's hydroelectric dams. Four directors of the Federal Energy Regulatory Commission are resigning from the five-member commission, and Clinton is expected to name replacements this spring. Environmentalists, keen on changing the commission's ideology, are urging him to appoint people who will give environmental concerns equal consideration with hydropower, as required by law. A Feb. 24 report, written by a coalition of conservation and recreation organizations led by American Rivers, says past commissioners lacked environmental backgrounds but had ties to the power industry. "It's now or never," says Lorri Bodi, co-director of American Rivers' Seattle office. "Once these projects are relicensed, it will be 30 to 50 years before we can modify them again." Commissioners, who are appointed to five-year terms, are allowed to serve more than one term. No more than three commissioners can be of the same political party, and since Clinton named Betsy Moler, a Democrat, acting chairperson, he can appoint no more than two additional Democrats. To obtain a copy of the coalition's report, *The Federal Energy Regulatory Commission and the Nation's Rivers: A Case for Reform of Hydropower Regulation*, contact American Rivers, 801 Pennsylvania Ave., S.E., Suite 400, Washington, D.C. 20003 (202)547/6900.

Phelps Dodge gets a D in mining

Lincoln, Mont., beware: Phelps Dodge is coming.

That is the message of a new report by the Washington-based Mineral Policy Center, which lobbies for federal mining law reform.

With the nation's oldest and largest copper company planning to open a new mine near the western Montana town, MPC has compiled a 79-page "report card" on Phelps Dodge Corp. and the grades are not good.

Research by analyst Thomas Hilliard led to findings that Phelps Dodge's management practices were mediocre and its community relations indifferent. Moreover, Hilliard concluded that Phelps Dodge had a weak record of complying with environmental regulations and abysmal reclamation practices.

As a manager, MPC found that the mining company has a lot of technical expertise but sometimes doesn't bother using it. As for its community relations, Phelps Dodge employs a style that is "notoriously secretive," MPC said. When residents of mine-side communities expressed concerns, Phelps Dodge executives were "not especially open or welcoming," MPC said. "The company frequently takes obstinate stances with environmental regulatory agencies and negotiates to do the least amount of work possible for permit approvals."

As for regulatory compliance, Phelps Dodge "gets a lackluster grade because of accidents at virtually all its operations."

The company got its worst grade in the area of reclamation. Its Southwestern operations "fail even the most minimal standards of reclamation," the report charged.

And, at the closed Copper Queen mine in Arizona, Phelps Dodge failed to reclaim a tailings pile, which now leaches contaminants into the ground water, MPC said.

It said the state of Arizona had forced the company to undertake a reclamation project at one mine and the U.S. Environmental Protection Agency had had to threaten to list two others as Superfund sites before Phelps Dodge would deign to clean them up.

Company vice president Scott Crozier said the MPC report "contains numerous inaccuracies. We had attempted to provide information to the MPC that was accurate and factual, and they have chosen to include only what they saw fit to include."

Crozier said it was true that ground water contamination had occurred around the Copper Queen mine, but it was "certainly not as extensive as they would like people to believe."

For a copy of the "Mining Report Card," call the Mineral Policy Center at 202/737-1872.

— John Brinkley

John Brinkley reports for the *Rocky Mountain News* in Washington, D.C.

BARBS

How it feels when the shoe moves to the other foot.

"You just get a lump in your throat, take your hits and move on," said

Wyoming Sen. Alan Simpson, R, about the Interior Department appointments of "avid environmentalists" Jim Baca and George Frampton. Simpson was quoted in the *Casper Star-Tribune*.

Agency says: Let our logo go

A T-shirt spoofing the official Forest Service logo might turn a few sales in any timber-dependent town. But thanks to Smokey and his friends, the beige cotton shirt sporting a downed tree has become a sell-out in Quincy, Calif.

A day after Epilog Express owner Sara Farrar put the shirt on display last year, government agents, armed with copies of the Federal Criminal Code, threatened her with a \$250 fine and six months in prison. The charge: abusing a government insignia.

The Plumas National Forest officials said they were compelled to act by their duty to uphold federal law, not political sensitivity about dead trees. But when Farrar retaliated by threatening a lawsuit based on the First Amendment, they surrendered.

The tempest over a T-shirt has prompted sales from Alaska to New York's Fifth Avenue, and it's all due to a



Is this T-shirt illegal?

unique public-private partnership, Farrar points out. For more information, contact Farrar at Box H, Quincy, CA 95971.

— Jane Braxton Little

Jane Braxton Little free-lances from Greenville, California.

REPORTER'S NOTEBOOK

by Jon Christensen

ELKO, Nev. — Ten years ago, the fact that some cowboys fancied poetry was a well-kept secret. There were a few Western folklorists searching out old ranch hands who could recite from memory verses that traced back to the earliest cattle drives. They also found some young cowboys carrying on the oral tradition. But most cowboys kept poetry between themselves and the campfire, if they indulged at all.

But in the last decade, cowboy poetry has gone public in a big way. These days cowboy poetry can be heard from the county fair to National Public Radio. Cowboy poetry events are now held in towns and cities throughout the West. And more than a hundred books, cassettes and videotapes of cowboy poetry have been produced in recent years.

The annual Cowboy Poetry Gathering in Elko, Nev., is largely responsible for the revival. Nine years ago, the first Cowboy Poetry Gathering was held at the community college here as a regional folklore project.

Hal Cannon, artistic director of the Western Folklife Center, which sponsors the gathering, recalled setting out chairs for that first event with Waddie Mitchell, a local buckaroo who has gone on to become a famous cowboy poet. "We had put out about 50 chairs," said Cannon, "when Waddie said, 'This is going to be embarrassing if we don't have that many people.'"

When 1,500 souls showed up, "it was like uncorking a 200-year-old bottle of champagne," said Cannon. "It became a celebration."

These days, as many as 8,000 people attend each gathering, filling every available hotel room in Elko over the last weekend in January. Dozens come to recite their poetry or others' classics. Most brave the cold and snow simply to hear song and verse celebrating the Western range. They come from all walks of life, from both coasts and in between. There is even a sizable contingent of environmentalists who enjoy "going native," as Kelly Cash of The Nature Conservancy put it with a laugh.

The audiences flock to shows where top cowboy entertainers — such as Baxter Black, Wally McRae, Ian Tyson, Buck Ramset, Waddie Mitchell and Michael Martin Murphy — regale them with old favorites. But the heart of the gathering is in the smaller sessions and workshops where poets and writers who are not quite so well-known share their works and engage the audience in discussions.

For while cowboy poetry instantly proved more popular than the wildest dreams of the folklorists who brought it from the range to the stage, even more surprising was what happened next. People didn't stay in the past. They started express-

ing their current concerns, said Cannon.

"As folklorists, we were more interested in preserving the tradition of reciting verse rather than the creative process of writing your own story in prose or poetry," said Cannon. "All of a sudden we heard people telling their own stories — for the purpose of pure survival and out of the most basic need to have a forum to tell their story. That was an

Jordan grew up on a ranch in Wyoming that her family lost to estate taxes "because my grandfather and father didn't communicate well." She writes of the painful struggle to break "codes of silence."

"Rural culture has been dismissed as dying," said Jordan, "and we've shared that sense of inevitability. But I really challenge that now. We're now looking for models for bringing people back to

often made to find common ground here.

"Before we get trust we'll have to level with each other," said Hage. "We still have a fundamental difference in philosophies between ranching and the private sector and environmentalists and the public sector."

"Sometimes your enemies can be your friends if you let them," responded Livermore. "One of the strongest partnerships that could exist is between urban conservationists and the livestock business to save rural America."

Rod McQueary, a poet and rancher from nearby Ruby Valley who made a deal with The Nature Conservancy to save his ranch from foreclosure a few years ago, seemed to sum things up. "We are having to abandon the Alamo mentality," he said. "We surrendered a lot to stay on the ranch. But we would be gone if we didn't."

As musicians took over the auditorium for a concert, the discussion moved to the Pioneer Hotel. A local rancher bought the previously abandoned hotel last year as a headquarters for the Western Folklife Center, which filled it with exhibits and events during the gathering. Now, with a permanent home in Elko, cowboy poetry has gained some stability. "We have become a force in this town," said Cannon, "rather than just this fly-by-night operation in the back of a trailer at the community college. We're a player now."

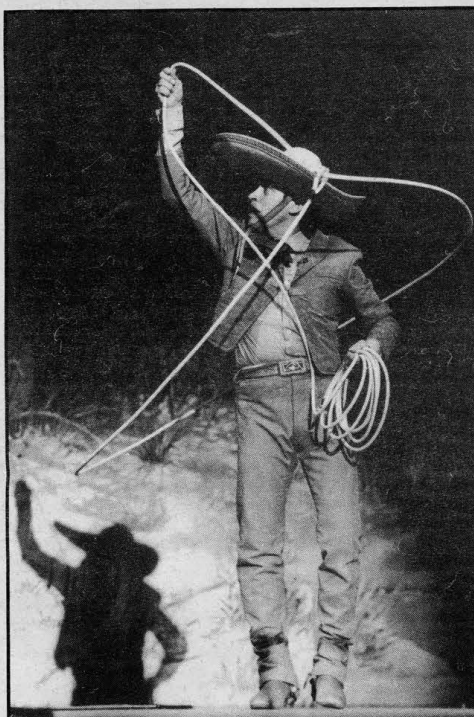
"Politically, too, the gathering has become important," Cannon asserted. "Some of the most articulate representatives of ranching have gained attention through this movement. They can talk about ranching from their perspective and negotiate to find some common language and common future for this place we love, the open West."

Although he conceded that a lot of practical, business-minded ranchers still dismiss cowboy poetry as "folderol," Cannon said, "they can't ignore the fact that the things that we're talking about are getting out to a wider world that they, too, are trying to reach. And I think art can get out there a hell of a lot further than rhetoric."

"The poetry gathering has brought people together better than a lot of forums I've seen," said Cannon, "because it's really not like a debate where people argue. There's something about the warmth of storytelling that is pervasive here. People switch into another, more positive mode. Perhaps it puts them in a secure position to be in the midst of their own cultural expression. We're all holding each others' hands while we jump off a precipice together." ■

Jon Christensen is Great Basin regional editor for *High Country News*. His work is supported in part by a grant from the Nevada Humanities Committee.

RHYMES FROM THE RANGE ATTRACT 8,000



Kit Miller

Charro roper Francisco Zamora performs rope tricks at the Cowboy Poetry Gathering in Elko, Nevada

explosion we weren't prepared for."

"Initially," said Vess Quinlan, a Colorado rancher and poet who has been to every one of the gatherings, "this was purely a folk art event. The purpose of the gathering was to preserve the remnants of a dying culture. But cowboy poetry turned out to be neither dead nor dying. And it doesn't even fit the definition of a folk art anymore. This is now a full-blown cultural event, a living, breathing cultural event, a teaching seminar, vaudeville, and three-day party."

Quinlan sees change coming to cowboy culture through poetry. "There are attitudes being redefined here every year," he said. "There is a mellowness, an edge off this that allows things to be said that would provoke a fist fight elsewhere. Weird, huh? Who would have thought the debate would move here? I never would have."

Teresa Jordan, author of the oral history *Cowgirls: Women of the American West*, said she once saw the cowboy poetry resurgence as "the last cry of a dying culture." Instead, she said, the gathering has become "a vector into the community for new ideas that challenge old assumptions."

the land, and by that I mean families in agriculture, not just expensive homes. And there is something fermenting here in the interchanges at the gathering that has the potential to be part of that. For example, when ranchers and environmentalists come to some of the same sessions here to talk and argue, they find out they're maybe not so polarized."

This year, the serious soul-searching continued amidst the celebration. The highlight was a panel on "Issues of Trust: The Urban and Rural West" that brought to the same table rancher and private-property-rights prophet Wayne Hage and The Nature Conservancy's Great Basin regional director, Dave Livermore. Although there were some heated opinions expressed on the panel and from the audience that packed the Pioneer Hotel auditorium, the discussion stayed well within the bounds set by the ever amiable moderator, Hal Cannon.

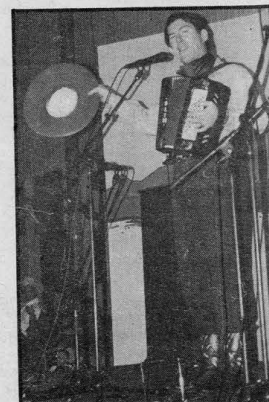
"We all have one thing in common," Cannon said as he introduced the panel. "We love the West and want to see it thrive."

There followed an exchange that seemed indicative of the stretch that is



Jon Christensen

Teresa Jordan at the gathering



Jon Christensen

Sourdough Slim Crowder

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AMERICAN RIVERS, a national environmental group, seeks fisheries advocate for its Endangered Salmon Project in Seattle, Wash. Prepare filings before FERC advocating changes in hydroelectric operations, present oral and written testimony before regional agencies and committees, develop river basin protection strategies. Science background desirable. Salary DOE. Call 206/545-7133 for details. (1x5b)

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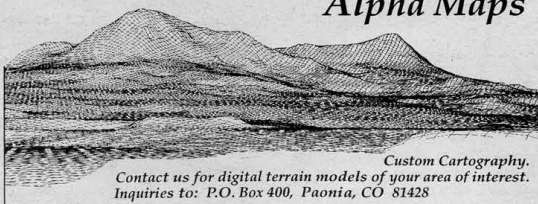
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THE NATURE CONSERVANCY. Non-profit, international land conservation organization seeks a director for its Colorado program. Located in Boulder, this position manages the science, land protection, stewardship, fund-raising, and administration programs to protect natural areas in the state. The director works closely with office staff, a board of trustees, the general public and government agencies. Requirements: Degree and 5+ years of experience in business, sciences or non-profit administration. Ability to manage and work with a wide range of people. Fund-raising, communication and negotiation skills needed. Frequent travel. Send résumé and cover letter to: Director of Administration, TNC, 2060 Broadway #230, Boulder, CO 80302. EOE/AA. Women and minorities are encouraged to apply. (1x5p)

OUTDOOR SINGLES NETWORK. established bi-monthly newsletter, ages 19-90, no forwarding fees, \$35/1-year, \$7/trial issue and information. OSN-HCN, P.O. Box 2031, McCall, ID 83638. (6x3-eoi-p)

"OUTDOOR PEOPLE AD-Venture" lists 60-word descriptions of active, outdoor-oriented singles and trip companions nationwide. \$3/issue, \$12/ad. Outdoor People-HCN, P.O. Box 600, Gaston, SC 29053. (7x5-eoi-p)



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SAVE OUR WILD SALMON COALITION (SOS) seeks experienced person for executive coordinator to be located in either Portland or Seattle. Responsibilities include operation and management of SOS and implementation of board policies and programs. Qualifications include experience in managing budgets and staff, excellent interpersonal skills, successful fund-raising, public speaking, expertise in political strategy as well as commitment to environmental values. Send cover letter, résumé, writing sample and three references to: Thane Tienson, Salmon for All, 3500 First Interstate Tower, Portland, OR 97201 (503/224-4100). Deadline: May 1, 1993. (2x5b)

EXECUTIVE DIRECTOR for Snake River Alliance, an Idaho-based citizens organization working on radioactive waste and nuclear weapons production. Strong fund-raising, administrative, public relations, communication and leadership skills required. Negotiable salary and benefit package. Send letter and résumé by April 16 to Box 1731, Boise, ID 83701 (208/344-9161). (2x5b)

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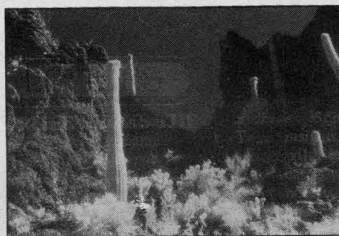
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REVIVING THE LAND-GRANT UNIVERSITIES

Are land-grant universities pulling their load in the West? Are the faculty of these schools, whose mission is to help people work and live on the land, providing the research the modern West needs? Colorado State University will explore that question in a half-day meeting on Tuesday, April 13, titled "Science and Policy in Natural Resources Management: The Role of Land-Grant Universities." Panelists will be Bob Moore, Colorado director of the Bureau of Land Management, Dan Luecke of the Environmental Defense Fund, Ed Marston of *High Country News*, professors William Clements and Ingrid Burke of CSU, and Perry Olson, director of the Colorado Division of Wildlife. The forum was provoked by the chapter, "Unexamined Scholarship: The Land Grant Universities in the Inland West," by Ed Marston, published in *Watershed Management*, Robert J. Naiman, editor, Springer-Verlag, 1992. The forum will take place from 1 to 3:30 p.m. in Room 220-222 of the Lory Student Center on the CSU campus in Fort Collins, Colo. For further information, call Professor Rick Knight (303/491-6714) or Professor Dan Binkley (303/491-6519).



Steve Collector

SPEAK TO CAPITOL REEF

Desert rats and wilderness enthusiasts take note, the National Park Service needs your involvement to devise a new management plan for Capitol Reef National Park. In southeast Utah, the 222,753-acre park encompasses wildly sculpted slickrock, diverse wildlife habitats, and archaeological and historic sites from the Fremont culture to Mormon settlers. Park officials want ideas on how to manage the boom in tourists, on what action to take on surrounding land to protect the park, and whether to add more wilderness lands. The Park Service will use public comments to help construct a long-term management plan. For an information packet, contact Christopher C. Marvel, National Park Service/RMR-PP, P.O. Box 25287, Denver, CO 80225 (303/969-2829). Comments are due April 16.

BABBITT'S FEAST OF MEETINGS

Interior Secretary Bruce Babbitt will hold three public meetings in the West to listen and to learn about grazing fees from "those who live with this issue every day." Babbitt says the meetings in Bozeman, Mont., April 30, Denver, Colo., May 7, and Albuquerque, N.M., May 14, are designed to "help us bring about fair and sensible policy changes." Ranchers, environmentalists, scientists and politicians are urged to participate. On the table is an incentive grazing system that would charge ranchers more for grazing livestock on public lands, but then give discounts for good land stewardship (*HCN*, 12/28/92). Currently, public-land ranchers pay a fee that is below rates paid by ranchers for private land. Babbitt says he favors an incentive system. He also says "there is a real need to differentiate between the small ranchers, the ones who are out there trying to feed their families and support their communities, and those who use grazing for tax write-offs and other purposes." For more information about the meetings, contact Stephanie Hanna at 202/208-6416.

BIKING BEYOND BOISE

Mountain Biking in Southwest Idaho describes 33 rides for both rank beginners and "gonzo high-tech" bikers. Concise advice is also offered on bike maintenance, emergency repairs, getting in shape, trail rules, hill-climbing tips and even poison ivy. Authors Stephen Stuebner, a freelance reporter, and bike racer Stephen Phipps, both of Boise, combine 35 years of biking experience. Their expertise produces precise maps and handy tips such as "The ride back to the vehicle is a screamer; watch out for tight corners." They also add lore: "Bear Run Road got its name from a couple of miners. They tried to steer their competition away from rich gold deposits by saying they got chased by a bear." High Mountain Adventures, 1010 E. Washington St., Boise, ID 83712. Paper: \$10.95. 96 pages. Illustrated with maps.

— John Bokman

HIGH DESERT HONORS

The High Desert Museum of Bend, Ore., is looking for a recipient for its 10th annual Earle A. Chiles Award of \$10,000. It goes to an individual for contributions to "thoughtful management" of the region's natural resources. A Baker City, Ore., native born in 1904, Chiles worked to preserve the high desert, which includes portions of Washington, Oregon, California, Utah, Nevada, Idaho, Montana, Wyoming and British Columbia. Past recipients include Forest Service employees such as Jack Ward Thomas (1985) and photographer-writers such as Stephen Trimble (1990). Applicants should send a nomination form, résumé, three letters of reference and other relevant materials to The High Desert Museum, 59800 South Hwy. 97, Bend, OR 97702-8933. The deadline is April 30. For more information contact Constance Arana Jones (503/382-4754).



WANTED: WOMEN WRITERS

Women who farm, ranch and work the land: Here's a chance to be heard. Editors are looking for personal stories, poetry and letters to include in an anthology of writings by contemporary plains women. Suggested topics for women whose work primarily involves outdoor labor connected with the land include human and animal companions, the weather and "whatever touches you deeply or absorbs your time." Editors Linda Hasselstrom, Nancy Curtis and Gaydell Collier are all writers and ranchers with an interest in the history and culture of the plains. Send typed manuscripts by June 1 to Nancy Curtis, Box 123, Glendo, WY 82213.

A CHANCE TO RENEW AND REFRESH

Environmental activists make personal sacrifices, often work in the panic zone and reel from crisis to crisis, says Grove T. Burnett, an attorney and supporter of Vallecitos Mountain Refuge. "Burnout is the occupational hazard." To counter activist exhaustion, the refuge in New Mexico will host a 10-day meditation retreat for environmental leaders July 2-12, taught by Buddhist teachers Joseph Goldstein and Carol Wilson. Bordered by the Carson National Forest of northern New Mexico, the refuge is surrounded by aspen and conifer forests, old-growth timber and mountain lakes. A \$300 participation fee covers food, lodging and organizational expenses. Activists should send a letter of interest to Grove T. Burnett, Vallecitos Mountain Refuge, Rt. 1, Box 9A, Glorieta, NM 87535. Participation is limited to 25.

FISH IN THE DESERT

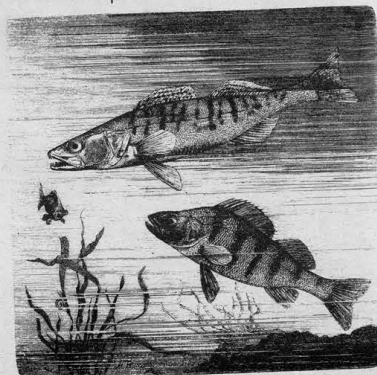
The annual meeting of the Desert Fishes Council is a must event for academics and professionals dedicated to the apparent paradox of fish in the desert. Papers in this volume, *Battle Against Extinction: Native Fish Management in the American West*, edited by W.L. Minckley and James E. Deacon, were presented at the council's 20th anniversary meeting in Death Valley in 1988. While showing how "Western fishes and other aquatic organisms experienced violent and widespread disruption as human populations increased," these scientists also lay out methods for saving species and ecosystems. The Desert Fishes Council is an unusual gathering: University professors, conservationists and agency scientists share frank, empirical evaluations of fishes at risk, as well as techniques for managing preserves, refuges and hatcheries. At least as important have been the intramural rescue missions plotted at council meetings, some of which are chronicled here. The best parts of the book for an interested lay reader are a history of the ichthyological exploration of the American West and a final essay by the editors that takes state and federal agencies to task for their failure to protect the biotic integrity of desert fishes.

University of Arizona Press, 1230 N. Park Ave., Ste. 102, Tucson, AZ 85710. Hardcover: \$40. 517 pages. Illustrated with maps, charts and photographs.

— Jon Christensen

FISH AND THE COLORADO RIVER

The U.S. Fish and Wildlife Service's proposal to protect more than 2,000 miles of river habitat for four endangered fish in the Colorado River basin is the subject of three upcoming public hearings. A federal judge ordered the agency last October to designate critical habitat for the razorback sucker in response to a lawsuit brought by the Sierra Club Legal Defense Fund. The Fish and Wildlife Service then proposed habitat for the Colorado squawfish, humpback chub and bonytail chub, along with the sucker, because their ranges overlap (*HCN*, 2/22/93). The hearings, scheduled for San Bernardino, Calif., March 29, Phoenix, Ariz., March 30 and Lakewood, Colo., March 31, are part of the public comment period for the proposal, which has been extended to April 15. Testimony will center on the adequacy of the proposal and its impact on hydropower production, irrigation and water rights. Meanwhile, the agency has hired three economists to analyze the impacts of the proposal on the seven affected states. Their report is due in June. For more information about the hearings, contact Sharon Rose, 303/236-7904. For copies of the proposal or to send in written comments, write Utah State Supervisor, U.S. Fish and Wildlife Service, 2060 Administration Building, 1745 West 1700 South, Salt Lake City, Utah 84104.



LETTERS

WRITER DUCKS THE FACTS

Dear HCN,

Next to Western water issues, nothing stirs a good debate like cattle grazing on public lands. When the public land is a national wildlife refuge, the stage is set for an old-fashioned Western feud. Unfortunately, Sam Bingham's guest opinion article, "Lawsuit ducks real issue," (HCN, 12/28/92), "clarifying" the issue of grazing on Monte Vista National Wildlife Refuge only added fire — but little fact — to the feud. Moreover, his numerous misquotations distorted my views and the conclusions from my recent study, misled readers by implying I have disagreements with my co-authors, and left the incorrect impression that the "scientific" and "experimental" approach to grazing management appears to be heading Monte Vista National Wildlife Refuge in the right direction.

Unlike other federal agencies that operate under "multiple-use" mandates, national wildlife refuges have the option, but are not required, to use grazing as a land-management tool. Thus, the choice of whether to graze a refuge occurs at two levels. First, from an ethical perspective, should a domestic animal be used to alter a landscape that is, in part, dedicated to the preservation of biotic diversity and endemic species? Second, if domestic grazers are deemed ethically appropriate, are they suitable for accomplishing management objectives?

The U.S. Fish and Wildlife Service has recently indicated that maintenance of biodiversity and native communities may be considerations that drive future refuge management. Habitat fragmentation at a landscape scale is now recognized as an important cause of declining biodiversity.

When properly managed, wildlife refuges can not only serve as reservoirs for biotic diversity, but also valuable retreats for people who wish to view native wildlife in a natural setting.

Are these values lessened by the sight of cattle, sheep, goats and heavily grazed vegetation? Does it run counter to the new vision expressed by the Fish and Wildlife Service? We all have our opinions; an objective decision is outside of the realm of science.

Science, however, does provide insights as to the value of grazing as a wildlife management "tool." In most cases, water birds and domestic grazers do not mix well. It is easy to overdo a grazing treatment and difficult to control the distribution of animals within an area. Moreover, plant responses are often not readily predictable. Grassland responses to grazing in the Great Plains portend little about aquatic plant responses to grazing in high elevation wet meadows. Then there is the political issue of disassociating oneself from a grazing program once habitat objectives are obtained.

Breeding ducks are good indicators of the health of both wetlands and adjacent grasslands. Aquatic invertebrates, which are essential to a duck's diet, are sensitive indicators of wetland degradation. Because ducks nest in adjacent grasslands, the height, density and composition of upland vegetation is critical for concealment from predators and shelter from weather. Healthy grasslands also provide buffer prey species such as insects and rodents, which lessen the impacts of predators on nesting ducks. Thus, when my colleagues and I analyzed 15 years of data relating duck nest densities and success to grazing management on Monte Vista National Wildlife Refuge, we were really examining a "scorecard" for wildlife habitat.

It had long been presumed that the primary nesting cover on the refuge, the grasslike baltic rush, needed to be frequently "rejuvenated" by cattle grazing or burning to remove dead vegetation and promote new growth. However, the ducks told us differently. Duck nesting densities and success both declined markedly in response to moderate, dormant season grazing every third year, and were still recovering three years after grazing ceased.

We did not conclude that grazing should never be conducted on Monte Vista — only that grazing at a three-year frequency was inappropriate for breeding waterfowl.

Independent of our findings, a new grazing system was initiated that resembles Allan Savory's Holistic Resource Management in its use of high cattle densities and short duration grazing managed through a pinwheel array of pastures. Unlike the prior system, how-

ever, the new system grazes wet meadows during the growing season — and during the breeding season for water birds. Thus far, this new grazing regime appears to be more detrimental to waterfowl than the old system. On refuge study plots established to monitor the new system, duck nest density and nest success both decreased by half, thereby reducing production to one-quarter. Additionally, annual surveys on Monte Vista documented a decline from 17,243 young ducks produced in 1989, prior to new directions in refuge management, to 8,366 in 1990 and down to 3,987 in 1991. Breeding colonial wading bird populations on Monte Vista and its sister refuge, Alamosa, declined from 852 nesters in 1989 to 35 in 1992. Other effects on sandhill and whooping cranes and unique San Luis Valley plants such as the slender spider flower, a state listed species noted to be negatively affected by grazing, are less well documented.

Taken collectively, these and other effects are not "sacrifices" made for the greater good of increased biodiversity. Rather, they are potent indicators of a decline in biotic diversity.

It turns out that the highest upland duck nesting densities in North America are not on the northern Great Plains. They are on the Monte Vista National Wildlife Refuge, where in some units over 1,000 birds per square mile lay their eggs in ungrazed meadows. These densities neither constitute "slum tenements," as Bingham would have readers believe, nor do they relate to avian cholera problems that occur in the winter. Rather, they reflect both intensive management and widespread wetland losses that have occurred elsewhere in the San Luis Valley.

Simply put, water birds have few places left to go, so intensive management of such places is necessary to sustain any semblance of former populations and species diversity. In the case of Monte Vista, literally millions of dollars have been spent developing and maintaining wetlands.

Natural landscape diversity is being reduced at an alarming rate, and we can ill afford to view national wildlife refuges as isolated islands. We need to ask how refuges best fit into the landscape, a question that I view as the crux of the ongoing debate. Tour the vicinity

of Monte Vista, and it becomes obvious that degraded wetlands, grazed pastures and croplands are not in short supply. Why then replace quality wetlands and ungrazed uplands, rare commodities indeed, with these commonly available habitats? At Monte Vista National Wildlife Refuge, converting ungrazed uplands and wetlands to grazed habitats detracts from regional diversity by converting the types of habitat already in short supply.

In our quest for landscape diversity, we need to look at our neighbor's back 40, as well as our own. Many national wildlife refuges, particularly those like Monte Vista that are near riparian corridors, are uniquely suited to provide critical habitat links for wetlands wildlife. Herein lies the challenge for the national wildlife refuge system — to provide key habitats which maintain and balance, as much as possible, our eroding base of regional diversity. When refuge objectives are cast in this light, appropriate management actions — and "tools" to effect those actions — are easy to identify.

Jim Ringelman
Fort Collins, Colorado

James Ringelman is a wildlife researcher with the Colorado Division of Wildlife.

THE HIDDEN HAND

Dear HCN,

Your story on "taking" was great — a very informative and balanced view (HCN, 2/8/93). I suspect, however, that you may have failed to fully analyze at least one of the cases. The law which prevented Tom Dodd from building his house may have been enacted to provide tax relief for big timber corporations. A more sensible regulation would have given Dodd the option of lower taxes in exchange for restriction of building. California has such a law.

Is this simply a case of the individual vs. the government or is preference for the interests of big business vs. the individual interest also involved?

Felice Pace
Fort Jones, California

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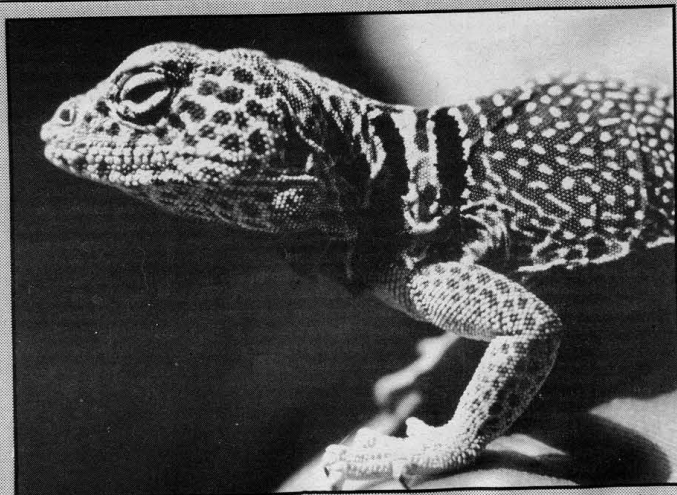
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Vol. 25, No. 5



Collared lizard

Norm Shrewsbury

ANIMAS-LA PLATA: The last big dam in the West

by Steve Hinchman

DURANGO, Colo. — The late 1980s were bitter years for the West's water establishment, as giant and once-invincible water projects dropped like flies.

In the last five years, Colorado's Two Forks Dam, North Dakota's Garrison Project, Cliff Dam in Arizona, and the Central Utah Project, to name a few, were all either killed, changed beyond recognition, or indefinitely delayed.

Only the \$640 million Animas-La Plata project in southwestern Colorado sailed on. While often criticized as an extravagant and hopelessly complicated Rube Goldberg scheme, Animas-La Plata is the one surviving big-ticket item in the Bureau of Reclamation's construction budget. Chances are, it will be the last of the West's great federal water projects.

Animas-La Plata is not a made-in-Washington, D.C., project or even a widely supported Colorado project. Its roots are in Durango, where backers seem impervious to the water reformation around them. Here, 400 miles from Denver and Two Forks, and isolated behind the San Juan Mountains, Animas-La Plata is considered a done deal.

This scrappy mountain town, set in the steeply walled Animas River valley, has always believed that its future depended on whether it could wet the arid mesas of the surrounding countryside and develop the Indian reservations and coal fields farther south. Loyalty to Animas is a prerequisite for public life in Durango, and pursuit of the project has dominated regional politics for three decades.

As Sam Maynes, Durango's legendary water attorney and the brains behind the Animas-La Plata project, said in a recent telephone interview, "I have never known an elected official in Colorado that has been opposed to the Animas-La Plata project, either in local, state or federal office."

Politicians were reacting to nearly unanimous local support, but not all that support was freely given. Durango has a long and sometimes black history of strong-arming project opponents: Local critics have been shouted out of public meetings, harassed at work, and discredited in the press. Now the town has grown too large and diverse for those tactics. But local support for what would be the most expensive federal water project ever built in Colorado is still exhortation on the basis of regional patriotism and self interest.

"Why support the Animas-La Plata project?" read one political advertisement during a 1987 campaign to ratify the project's repayment contract. "Because someone else is paying most of the tab. We get the water. We get the reservoir. They pay the bill."

The result is one of the largest and most cohesive coalitions that has ever put its shoulder to a Western waterwheel. The coalition includes half a dozen local Colorado and New Mexico water conservancy districts; the cities of Durango, Colo., and Farmington, Aztec and Bloomfield, N.M.; numerous counties; the governors of both states; three Indian tribes; and the entire congressional delegations of Col-

orado and New Mexico.

The coalition has already built several small BuRec projects — on the Mancos, Piedra, Florida and Pine rivers — and, in the 1980s, pulled off the \$570 million Dolores project, which was once on President Carter's famous "hit list."

The crowning project is to be Animas-La Plata, which Maynes calls "the granddaddy of them all." It will supply water for the cities and their new suburban developments; create a recreation reservoir outside Durango; allow development of the area's substantial coal reserves; and irrigate 68,000 acres.

An Indian project

The project also has a racial and cultural dimension that makes it very attractive to the U.S. Congress and to non-Westerners. Thanks to the 1988 Ute Indian Water Rights Settlement Act, Animas-La Plata settles a dispute that could damage and racially divide the

negotiated. The tribes gave up their claim to senior rights in return for, among other things, \$60 million in development funds, a domestic water pipeline from the Dolores project, and a one-third share of the Animas-La Plata project, then set for a 1990 construction start.

As a bonus, the coalition got two tribal members who have tremendous influence with Congress, the courts and the public. Although two-thirds of project water will go to cities, coal companies and non-Indian farmers, the settlement agreement turned ALP into an "Indian project."

That makes ALP far trickier to oppose than a normal water project. There has always been intense local opposition — opposition that was all the more determined because of the tactics used against it. But since passage of the act, the few non-local environmental groups involved have handled ALP with kid gloves.

The act also created a deadline. If

For example, in 1990 the Arapahoe and Shoshone tribes won over half the water in Wyoming's Wind River Valley. However, the 20-year, multi-million-dollar court battle led to such enmity between non-Indian farmers and the Indians, and so roused Wyoming, that the tribes have never been able to turn that paper water right into wet water. They haven't even been able to leave their water in the river to create a tribal fishery.

Sam Maynes and Southern Ute tribal chairman Leonard Burch — who have worked together on Animas-La Plata since the mid-1960s — say they have striven to avoid that kind of race war.

"We don't have a bunch of red-necked bigots down here against the Indians," says Maynes, who also serves as general counsel for the Southern Ute tribe. "We have worked together with the Indians and have (a project) we all can be proud of."

The partnership has led to a cooperative atmosphere between tribal and local governments in southwestern Colorado, and eliminated much of the racial tension that plagues other Western reservations.

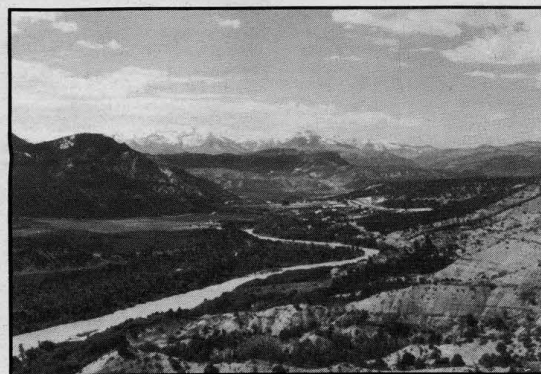
However, Maynes is accused of exaggerating the tribes' benefits in order to keep Animas-La Plata afloat. The affable, gray-bearded attorney has spent 30 years pushing ALP, and along the way became the undisputed king of southwestern Colorado water politics. Today, Maynes is water lawyer for the Southwestern Water Conservancy District, the Animas-La Plata Water Conservancy District and five other sub-districts, and also represents the Southern Ute tribe, La Plata Electric and, at times, Pittsburg and Midway Coal Co., which owns extensive water rights in ALP's main reservoir.

He also owns the Durango office building that houses his law firm, the BuRec field office, and the Southwestern and Animas-La Plata water conservancy districts. Project opponents often criticize Maynes for conflict of interest and for leading the tribes astray, but those charges have never stuck.

Instead, Maynes' leadership and influence have kept the ALP coalition together through setbacks that would have killed other, arguably better, projects. For example, a major crisis occurred when the Reagan administration balked at ALP's steeply rising price tag and ordered project backers to help pay for the project. The coalition performed triage on the plans, put up some money, and kept ALP alive.

First, each member, except for the tribes, came up with some money, totalling about \$70 million. To meet the rest of their obligations, the coalition split the project in two. The \$463 million Phase I, or the bulk of the project, would be federally funded, with the help of the local contributions. The \$154 million Phase II, the most marginal part of the project and the easiest to give up, would be funded entirely by local interests if it is ever built.

As best it could, the coalition shared the pain. Because the Ute Mountain Utes and Southern Utes had most of their water delivery structures in Phase II, the agreement gives the tribes ownership of water stored in Phase I, even if that makes less water available to non-Indian farmers.



The Animas River winds through the lower valley

Bureau of Reclamation/Larry Kysar

Colorado Sen. Ben Nighthorse Campbell says the dam project is a "go." Not everyone agrees.

Four Corners area. In 1972, the Southern Ute and Ute Mountain Ute tribes filed suit in state court for water rights that date back to 1868, the year their reservations were created. The filing would have given the tribes senior water rights on virtually every river and stream south of the San Juan Mountains, says Southern Ute water lawyer Scott McElroy.

A clash between the then Anglo ALP coalition and the tribes would have doomed the project, and put a cloud over the existing economy and way of life. Fred Kroeger, chairman of the Southwestern Water Conservancy District, says such litigation would cost hundreds of millions of dollars and leave everyone's water rights in limbo for 15 to 20 years.

Instead of litigating, the two sides

Phase I of the project isn't complete by Jan. 1, 2000, the tribes can ask the courts to void the settlement act. The year 2000 deadline let the Reagan and Bush administrations put the project off, but the new Clinton administration can't. It must decide whether to build Animas-La Plata, and soon.

No bigots

For the West, ALP's union of Native American tribes and old-time water developers is an unlikely alliance. Usually, Anglos, with the help of BuRec and the Army Corps of Engineers, have stolen Indian water. When the Indians seek to get it back, they often win empty legal battles.



Miles Davies

Protesters at what was to be the groundbreaking ceremony for the Animas-La Plata project. Construction never actually started.

The discovery of two endangered fish species downstream of the project created a second crisis. The Bureau would have ignored the fish, but a letter from the Sierra Club Legal Defense Fund forced the agency to invoke the Endangered Species Act. That ultimately led to a U.S. Fish and Wildlife Service ruling that Animas-La Plata could not be built.

The ALP coalition acted swiftly, putting together a complicated recovery plan for the fish. With the help of then Interior Secretary Manuel Lujan and the Colorado and New Mexico congressional delegations, the coalition bullied the U.S. Fish and Wildlife Service into delaying its ruling until a seven-year study could be conducted.

In addition, the Bureau of Reclamation promised to provide 300,000 acre-feet of water a year from the Navajo Irrigation Project to replace any water lost to Animas-La Plata during the study period, and, potentially, forever. Finally, the coalition agreed to put off building half of Phase I until after the seven-year study. Then, if Fish and Wildlife approved, the rest of the project would be completed.

Enduring, but unbuilt

In short, the half-century-long effort to build Animas-La Plata ranks among the most enduring and well-led political movements in the history of Western water.

That's why Sam Maynes, Leonard Burch and company are stunned to find that Animas-La Plata is suddenly in deep trouble, and may never get built.

While there has always been local opposition to ALP, national environmental groups generally stayed out of the fight. As a result, no one has ever mounted a serious challenge to the project.

The late 1980s changed that. The EPA veto of Two Forks Dam — based in part on environmentalists' arguments that the massive dam wasn't needed — broke a barrier that had kept the environmental community out of major water policy decisions in Colorado.

And when the Sierra Club Legal Defense Fund intervened in Animas-La Plata on behalf of the endangered Colorado squawfish, it and other environmental groups realized that ALP was not impregnable.

Under cover of its Indian blanket, says Legal Defense Fund lawyer Drew Caputo, Animas-La Plata is a disaster. In fact, Caputo and co-counsel Lori Potter found so many problems that they say challenging the project is a turkey shoot.

Since 1990, the Legal Defense Fund has twice stopped the long-awaited groundbreaking on Animas-La Plata with legal actions. In 1992 Caputo and Potter filed four lawsuits against the Bureau and emerged with four victories, proving that the Bureau had violated at least five separate federal laws trying to push the massive \$640 million project through. Cases included violations of the Clean Water Act, the Freedom of Information Act, the Endangered Species Act, the Administrative Procedures Act and the National Environmental Policy Act.

"They break the law and we catch them," says Caputo. "Animas-La Plata makes no economic or environmental sense, and the only way the Bureau will be able to move forward is to keep trying to break the law."

As a result of the lawsuits, it may be years before project sponsors or the Bureau can do the engineering, economic and scientific studies to put the project on a firm foundation.

Thus far, the Bureau has not found bedrock. For example, in court last year the Bureau agreed to update its 1980 final environmental impact statement on ALP. But the draft supplemental EIS released last October was so bad that the Environmental Protection Agency flunked the document and warned that unless the Bureau rewrote the EIS yet again, it would consider the agency in violation of the National Environmental Policy and Clean Water acts.

Caputo didn't wait for the Bureau to respond: He immediately gave the agency 60-day notice of intent to sue if it proceeded with construction of any aspect of the project.

In addition to a sue, sue, sue approach, the environmental groups are trying to take the offensive by putting an alternative to ALP on the table, just as the critics of Two Forks Dam did. To give their alternative credibility, the Sierra Club Legal Defense Fund and its

continued on next page

Environmental attorneys say that challenging Animas-La Plata is a turkey shoot.



Miles Davies

After a court order halted the planned construction start, BuRec engineers faked the Animas-La Plata groundbreaking by blowing up a hillside.

The last dam ...

continued from previous page

clients — nine state and national environmental groups — hired one of Colorado's most respected engineers, former State Water Engineer Jeris Danielson, as a consultant.

Caputo argues that ALP will never get built unless it is scaled back. "The Bureau has two choices," Caputo and Potter wrote last fall in a letter to the *Durango Herald*. "It can either keep trying to bull ahead illegally with Animas-La Plata, in which case we will continue to sue them and beat them in court. Or it can recognize that Animas-La Plata is an illegal turkey that cannot and should not be built, and begin to look seriously at cheaper, environmentally friendly alternative ways of meeting the real human needs in the Four Corners area."

Dump the Bureau of Reclamation

The ALP coalition, however, is undaunted. Maynes calls Caputo's threat "braggadocio." He says the lawsuits are procedural issues that can be easily fixed.

Maynes also laughs at the offer to negotiate. "We don't have to deal with the Sierra Club. We have to deal with the National Environmental Policy Act and the Endangered Species Act."

Despite his poise, Maynes is clearly furious that the project can be so easily held up this late in the game. The blame, he says, lies with the Bureau of Reclamation.

"At various times in the last 10 years, people within the Bureau of Reclamation never thought we would be able to get the project built," says Maynes. "As a result, they didn't do their homework."

Maynes says key studies on soil toxicity were required in 1986, but never done. The Bureau also failed to do surveys and dozens of other research items required by several federal laws.

To the dismay of local supporters, those mistakes have made Animas-La Plata an easy target for what Maynes calls "slam dunk" lawsuits by the Sierra Club Legal Defense Fund. Even the *Durango Herald* lashed out, warning that "if BuRec's handling of the Animas-La Plata project is any indication of its competence, the agency should be one of the first agencies targeted for elimination

under the Clinton administration."

The Bureau, Maynes concludes, can't fix the problems and should be dumped. The coalition should build Animas-La Plata itself, as Utah water officials did when they took over the failing Central Utah Project. Or, he adds, the tribes could take over responsibility for construction under the Indian Self Determination Act.

A project that makes a Rube Goldberg machine look elegant

Blaming the Bureau is clever but "disingenuous," says Jim Decker, a political science professor at Fort Lewis College in Durango and a founding member of TAR, Taxpayers for the Animas River. The small Durango group has fought an almost solo war against Animas-La Plata since 1979.

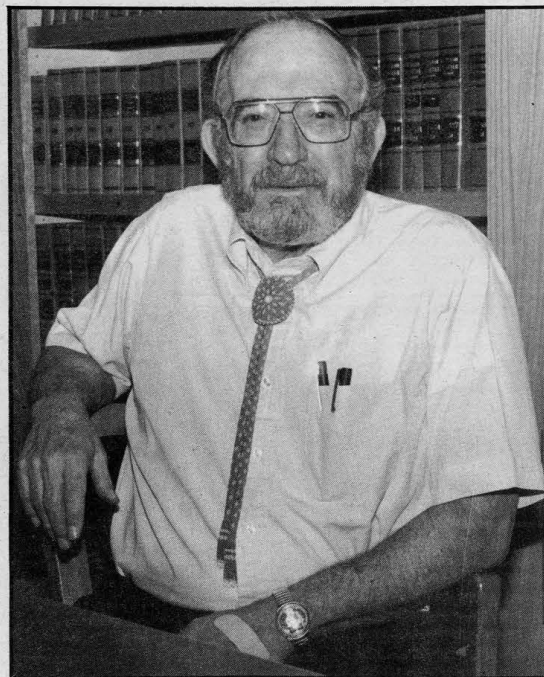
The Bureau of Reclamation is just an engineering firm, says Decker, and does exactly what local proponents tell it. He says the fatal flaw is the project itself.

Decker, who can recite a litany of problems, always starts with the economics. ALP, he says, has been a financial loser since it was authorized in 1968. Its first incarnation — a high-altitude storage dam and a 48-mile-long system of canals, siphons and tunnels — would have cost \$110 million, and had a benefit-cost ratio that even by the Bureau of Reclamation's generous calculations only rated .97 to 1.

In the mid-1970s, the Bureau and the Southwestern Water Conservancy District convened a series of meetings in Durango to make ALP more economic. Their solution, and the current plan, was an off-stream reservoir in Ridges Basin, a broad, scooped-out valley just southwest of and 500 feet above Durango.

The system requires three pumping stations. The first two stages will lift 195,000 acre-feet of Animas River water the 500 feet to Ridges Basin Reservoir, and then another 400 feet up and over the ridge to the farmlands of the La Plata basin. There, a final set of pumps will pressurize the system for sprinkler irrigation, with long pipes spreading across the basin's high, windswept mesas.

That solution created new problems back in Durango. Ridges Basin Reser-



Frank E. "Sam" Maynes

Miles Davies

The Bureau of Reclamation "didn't do their homework," Sam Maynes says.

voir is downstream of town and on the wrong side of the valley, so the agency will have to build another set of pipes and pumps to get the town's share of water into its municipal reservoir.

That's not all. There is another reservoir and pumping station on the lower La Plata River to help the Southern Utes develop their coal reserves; and elaborate

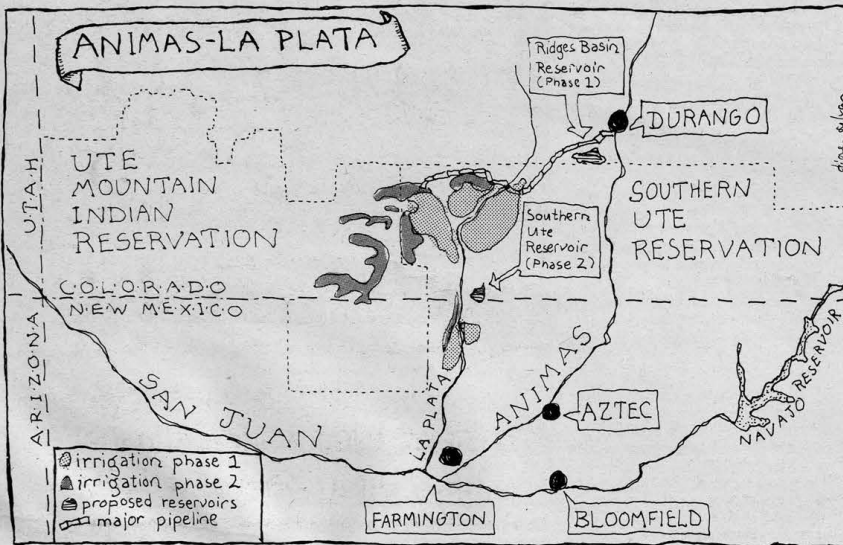
plans for water exchanges that allow Farmington, Aztec and Bloomfield, N.M., to draw water from the project.

The sprawling collection of pipes, pumps and reservoirs, says Decker, is possibly one of the most inefficient BuRec projects ever designed.

Many agree. "We are buying a project that will make Rube Goldberg look like he did his training at MIT. It will make Reddy Kilowatt do cartwheels in celebration of all the electricity this project will consume," said Rep. George Miller, D-Calif., the current head of the House Interior Committee, in a 1988 speech on the House floor.

The new design is worse, not better, than the original plan, say opponents. Testimony from a recent BuRec report to the Office of Management and Budget — released because of a Sierra Club Legal Defense Fund Freedom of Information Act lawsuit — shows that costs have risen to \$640 million, while benefits have dropped to 60 cents for every dollar invested. Project opponents warn, given the delays and the Bureau's history of underestimating project costs, that the final price tag will likely exceed \$1 billion.

Once in operation, it will take over 160 million kilowatt-hours of electricity a year to keep the pumps running. In testimony to OMB, the Bureau said that rising power costs — which will account for 41 to 46 percent of operation and maintenance costs — could make ALP so expensive that the federal government would have to subsidize its annual operations, or shut it down.



The problems go on. The federal subsidy to irrigation lands exceeds \$7,000 an acre, making it one of the most expensive agricultural projects in U.S. history. And because most of the land sits at 7,000 feet, the short growing season will limit farmers to growing alfalfa, which is already plentiful in the Four Corners region.

"However you slice it, it's an economically senseless project," says Drew Caputo, "particularly in a time of huge federal deficits and a stubborn recession."

Buoyed by recent successes, the growing opposition movement is pinpointing other problems as fast as it can. ALP, they say, would cause terrible water quality and salinity problems in both the Animas and La Plata rivers; destroy a \$3 million rafting industry based in Durango; steal water from New Mexico farmers who live downstream on the Animas River; dewater hundreds of acres of wetlands; and eliminate the last viable winter range for Durango's famous elk herds. Finally, there are unanswered questions about the endangered fish living in the San Juan River downstream of the project.

The allegations are raising eyebrows around the region, and may have led New Mexico Rep. Bill Richardson, D, to hedge his backing of ALP.

"I have been supportive of it, but I am alarmed by the growing opposition of my constituents," Richardson recently told the *Farmington Daily Times*. "One of the main issues will be if we can afford it."

The reports also worry New Jersey Sen. Bill Bradley, D, chairman of the Senate subcommittee on water and power, who recently asked the General Accounting Office to reinvestigate the project.

To split the coalition

Nevertheless, opponents concede they may never have the political strength to kill Animas-La Plata. In fact, counter pressure is mounting to get the project back on track. The politics have narrowed to one issue: the Ute Indian water treaty. To take that message to Washington, project supporters have a perfect ally in newly elected Sen. Ben Nighthorse Campbell, D-Colo., who is Northern Cheyenne but makes his home in Ignacio, the capital of the Southern Ute reservation.

Campbell, who strongly backed the project while in the House, has acted quickly, spearheading an effort last month along with Sen. Hank Brown, R-Colo., and Rep. Scott McInnis, R-Colo., to stymie the GAO investigation. Campbell says the Sierra Club Legal Defense Fund offer to find viable alternatives to Animas-La Plata is an attempt to delay the project until it collapses from rising costs.

"If Animas-La Plata doesn't get built," Campbell says, "it will be just one of a series of treaties that the federal government has made with Indians and systematically broken because of special interests. They just oppose the Indians getting fair treatment."

Campbell and the ALP coalition argue that the 1988 Ute Indian Water Rights Settlement Act is just as important — socially and legally — as the federal environmental laws.

"I am surprised that the Southern Ute Tribe hasn't ordered its attorneys to figure out how to sue the Sierra Club for



© Rod Craig, artist

A barbed portrait of Sam Maynes called "The Blackest Knight" was displayed in the Durango Mall

violating their civil rights," says Maynes. "They are causing the Indians great damage by delaying the project."

But project opponents, including many tribal members, are not backing off. Instead, they have taken a page out of Sam Maynes' book. Once a rag-tag group of maybe a dozen volunteer activists, TAR has created a coalition of regional groups fighting various aspects of the project.

The Four Corners Action Coalition includes rafters, farmers, landowners along the Animas River, Southern Ute tribal members, environmentalists and many others. At a January meeting at a tiny schoolhouse on the Animas River in New Mexico, more than 30 showed up to plan the coming fight.

Local opponents also established new links with the Sierra Club Legal Defense Fund and several other national groups. Together they hired former Colorado water engineer Jeris Danielson, a move calculated to split the ALP coalition, activists say.

"My clients are fully committed to meeting the Indians' and non-Indian needs," says Caputo. "We are trying to come up with a settlement that requires neither Animas-La Plata nor further litigation."

Caputo adds that preliminary analysis by Danielson shows there are many options for the area that don't require spending hundreds of millions on Animas-La Plata. Some ideas are:

- Provide more water to the Ute Mountain Ute reservation from the Dolores project,
- Supply new water to both the Ute Mountain and Southern Utes — as well as a recreation lake — by building a small dam on the Mancos or La Plata rivers,
- Expand Durango's water supply by using excess capacity available from the nearby Florida project, and
- Make existing water go further by lining irrigation ditches, initiating an urban water conservation program in Durango, and buying out willing sellers of water rights.

The pressure seems to be hitting home in Durango. John Brown, the manager of the Animas-La Plata and Southwestern Water Conservancy districts, resigned in January, saying that with several years of delays coming his services were no longer needed.

Likewise, the city of Durango, in the midst of a population boom, has ordered its engineers to evaluate building a water project on the Animas River. City Manager Robert Ledger explains that while the city has always supported ALP, he doubts its problems will ever be worked out, let alone in time to meet the city's growing needs.

"For \$7 to \$10 million we could (build our own project) and be over with it," Ledger says. "Frankly, that's starting to look a lot more attractive."

The Southern Utes

So far the Indian tribes are ignoring the new environmental coalition. Southern Ute Chairman Leonard Burch accuses the Sierra Club Legal Defense Fund and other opponents of trying to delay construction of Animas-La Plata and to "break the water treaty."

In an open letter to tribal members published in the *Southern Ute Drum* in January, Burch warned that the only alternative to ALP is years of expensive litigation, echoing what happened to the Arapahoe and Shoshone tribes on the Wind River Reservation.

Burch, who has chaired the tribal council since 1966 except for a three-year hiatus required by law, is a giant figure on the reservation. Although often criticized for running the tribal government and its coveted network of jobs and benefits as a fiefdom, Burch has brought prosperity to the tribe — earning the

Southern Utes the nickname of the "Hollywood Indians" from their Ute Mountain Ute neighbors.

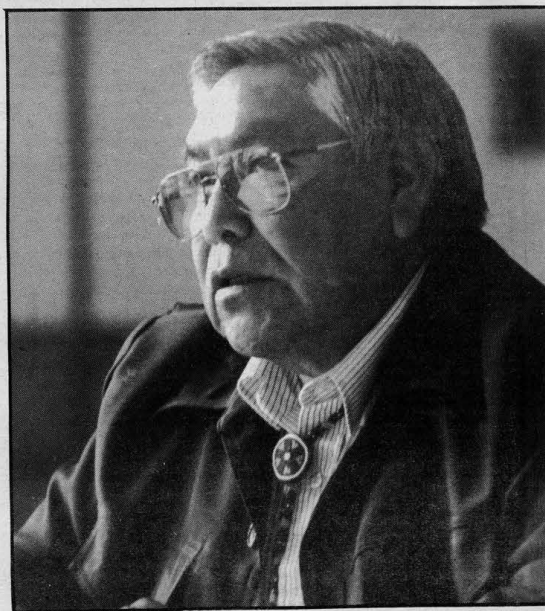
Burch, with the help of tribal attorney Sam Maynes, has built water projects on the seven streams that cross the reservation and developed oil and gas reserves. Most recently, he launched plans for a new gaming operation. From his office in the tribe's modern headquarters building in Ignacio, Burch explains that the \$20 million in development funds and 26,500 acre-feet of water from the Animas-La Plata settlement will ensure future prosperity by enabling the tribe to develop its coal reserves on the western edge of the reservation.

But Burch and Animas-La Plata face a local rebellion. The chief rebel is Ray Frost, a tall, barrel-chested man who, after three tries, won a seat on the tribal council this year. Frost used his booming voice to run a single-issue campaign against Animas-La Plata.

Frost says he was in favor of the project at first, but he charges that its benefits have steadily eroded. The original agreement allowed the tribes to sell or lease project water downstream to cities in Arizona and California. That would have made ALP extremely lucrative for the tribes, he points out, but the clause was deleted as the settlement bill made its way through Congress. California legislators, in particular, opposed the provision.

Second, under the cost-sharing agreement, ALP was broken in two: Phase I, which will be paid for with federal dollars; and Phase II, which must be paid for entirely by local water users. While all of the Ute tribes' water will be stored in Ridges Basin Reservoir under Phase I, virtually no delivery systems will be built to enable either

continued on next page



File Photo/Durango Herald

Southern Ute Tribal Chairman Leonard Birch

Attorney Sam Maynes says the Sierra Club is violating the Southern Ute Tribe's civil rights.

The last dam ...

continued from previous page

tribe to use that water. Of the 65,700 acre-feet of water to be delivered to farmers in Phase I, only 2,600 acre-feet will reach Southern Ute farmlands.

The rest of the Southern Ute's water, 26,500 acre-feet of municipal and industrial supplies, and all of the Ute Mountain Ute's 32,400 acre-feet, will be useless unless Phase II is built. Frost cites a memo from David Walker, director of the Colorado Water Conservation Board, warning that the \$154 million Phase II will never get funded.

In short, Frost fears Animas-La Plata could leave the tribes with a lot of expensive water sitting in a reservoir miles from where it's needed, with no way to move it and no legal authority to lease it downstream.

"Why is it called an Indian project if it does not help the Southern Utes?" asks Frost. Maynes, the Anglo water districts and Ben Campbell hoodwinked Congress, says Frost bitterly, while at home Leonard Burch "sold us a bill of goods."

Perhaps because of Frost's campaign, a record number of tribal members showed at the Bureau of Reclamation hearings in Durango last December to protest the project. Many said they want Congress and the non-Indian community to know that not all members support the idea.

"It's not an Indian project," says Dedra Militch, a young reporter for the *Southern Ute Drum* and one of several Southern Utes who have joined the Four Corners Action Coalition. "Our lawyers are really playing on this guilt trip so non-Indians feel like if they oppose the project they are doing harm to the Indians."

Militch and others compare Animas-La Plata to the Navajo Project, the Dolores Project and the Central Utah Project — three Bureau of Reclamation dams sold to Congress in part because they brought water to Indian reservations. But in all three cases, the portions of the projects that served the reservations were either dropped or only partially built.

Other people on the reservation, including many elders, say they would

have opposed ALP before but never understood it because the tribal radio station and newspaper are censored. Others question why Leonard Burch refused to hold public hearings on the water settlement back in 1988, or let tribal members vote on the treaty.

"The Sierra Club is doing everybody justice," says Ray Frost. "The only thing is, the Sierra Club needs to come talk to the people of the Southern Ute Reservation instead of just speaking to our elected officials and lawyers. They need to talk to the people."

Delays

The next round in the war over ALP is likely to take place in Washington, D.C. The Four Corners Action Coalition recently sent a delegation to the Clinton administration, asking them to block funding for ALP in 1994; and instead to help negotiate an alternative.

At the same time, Campbell says he and the rest of the Colorado delegation will push to see that ALP stays on track.

Meanwhile, Roland Robinson, head of BuRec's Upper Colorado Region, says he ordered the Durango field office to put everything on hold until the

administration can review the project. But with few appointees in place, he doesn't expect an answer from Clinton or Interior Secretary Bruce Babbitt for several months. Robinson says that if a decision is made to continue, there are so many problems it may take BuRec a year or more to produce a final EIS — and that's without any lawsuits.

Delays work for opponents. Every year raises the cost by \$40 million and brings it one step closer to the Jan. 1, 2000, deadline. In addition, Sam Maynes is said to be ill. Should that force him to retire, or even to significantly slacken his pace, no one knows who would be able to replace him at the head of the coalition.

On the other hand, the federal government can't allow the impasse to stand or the project simply to die. Dozens of Native American tribes in the West have agreed to negotiate their water rights, based in part on the apparently successful ALP settlement. Unless the federal government and Western states want to be deluged by water litigation, Clinton and Babbitt must either commit to Animas-La Plata, or find a better alternative. ■

Steve Hinchman is staff reporter for the *High Country News*.

ESSAY

The invisible Yellowstone wolves

by George Gruell

As a former wildlife biologist on the Bridger-Teton National Forest, I have been following with particular interest the current wolf recovery debate. When I arrived on the Teton forest in 1967, it was widely accepted that there were no wolves in northwestern Wyoming. Articles in the *Pinedale Roundup* published between 1908 and 1911 described in detail efforts by the Biological Survey to exterminate wolves in the Green River Valley by means of trapping, denning, shooting and strychnine poison.

This campaign and control efforts elsewhere were believed to have exterminated wolves in northwestern Wyoming.

But I occasionally received a confidential report of wolf sightings, a wolf howling or tracks. One report was of a wolf that had been shot some years earlier in the Teton wilderness by a non-resident hunter.

More reports on the presence of large canines began to surface in 1971. That year Reid Moulton, a rancher running cattle in the Shadow Mountain region of Jackson Hole, told me he was convinced a wolf or wolves were on his allotment. On several occasions he heard a wolf howl and observed large tracks. Likewise, Roy Martin, Sen. Clifford Hansen's range rider, heard wolves howl and observed tracks in the upper Gros Ventre drainage.

During the next several years, I solicited reports of large canines believed to be wolves. Those reports that appeared to be reliable were documented. In April 1976, I attended a Wolf Recovery Team meeting in Bozeman, Mont., where I informed the group of my findings.

I suggested that the proliferation of wolf reports coincided with the banning of compound 1080 poison in 1972. This poison had been used to destroy predators on livestock ranges in the West which, of course, included allotments adjacent to Yellowstone Park. I reasoned that the removal of compound 1080 had allowed wolves to frequent ranges they couldn't use before. Comments provoked little response.

The ban on use of compound 1080 poison was lifted in 1981 by President Reagan. Since that time, it has apparently been restricted to occasional use by a few stockmen. The U.S. Fish and Wildlife Service has not used compound 1080 since 1972.

What other explanation was there for the proliferation of wolf reports during the 1970s? Some believed that it was either the result of an unauthorized release by a private

party or by Yellowstone Park personnel. On occasion, these charges resulted in heated discussion.

In October 1976, I sent an itemized list of over 50 wolf reports to the Wolf Recovery Team and to the Intermountain Forest Service Regional Office in Ogden, Utah. An updated list was filed in the wildlife biologist's office, Bridger-Teton National Forest, when I transferred in the spring of 1978 to a research position in Montana.

People reporting wolves included outfitters, stock-

men, federal and state agency personnel, recreationists and private foresters. Some feared ridicule. "I haven't said anything to others because they would think I was crazy — everybody knows there aren't any wolves in Wyoming."



Shawn Raeck

men, federal and state agency personnel, recreationists and private foresters. Some feared ridicule. "I haven't said anything to others because they would think I was crazy — everybody knows there aren't any wolves in Wyoming."

Common sense told me that many of the reports had to be taken seriously.

Several vocalization reports came from individuals who had heard wolves in Minnesota, Alaska or Canada. On one occasion, a group of us riding horseback in the Slate Creek tributary of the Gros Ventre River heard a wolf howl periodically for a period of about 15 minutes. Forest Supervisor Reid Jackson and a Gros Ventre District Ranger had this experience on

the Crystal Creek tributary of the Gros Ventre River.

- Some reports were of a large, black, wolf-like animal — a color rarely, if ever, duplicated by coyotes.
- Other reports included four-inch tracks — one preserved in plaster of Paris.

- A few reports allowed the observer to distinguish a size difference. Elk hunters on the Buffalo Fork River watched a large canine frighten two coyotes away from elk trails. On another occasion, Wyoming Game and Fish personnel on snow machines surprised two wolves at close quarters on the Gros Ventre Drainage.

- Geological survey personnel observed five large canines from a helicopter while surveying a tributary of the Thorofare River. Upon landing, large tracks were observed. That night, while camped several miles from the earlier sighting, the group was startled by nearby wolf howls.

From the late 1970s through the mid-1980s, I periodically asked Bridger-Teton National Forest personnel about the status of wolf reports. I was told that there were few reports and no confirmed sightings. This seemed inconsistent since reports of wolves were surfacing in east-central Idaho — a region supporting much less biomass upon which wolves could subsist.

The *Jackson Hole Guide* of Dec. 16, 1992, quotes a U.S. Fish and Wildlife wolf specialist as saying, "I think it's extremely unlikely that wolves have persisted this long." I disagree. The recording of 92 wolf reports in Wyoming in 1992 by the U.S. Fish and Wildlife Service is telling us something.

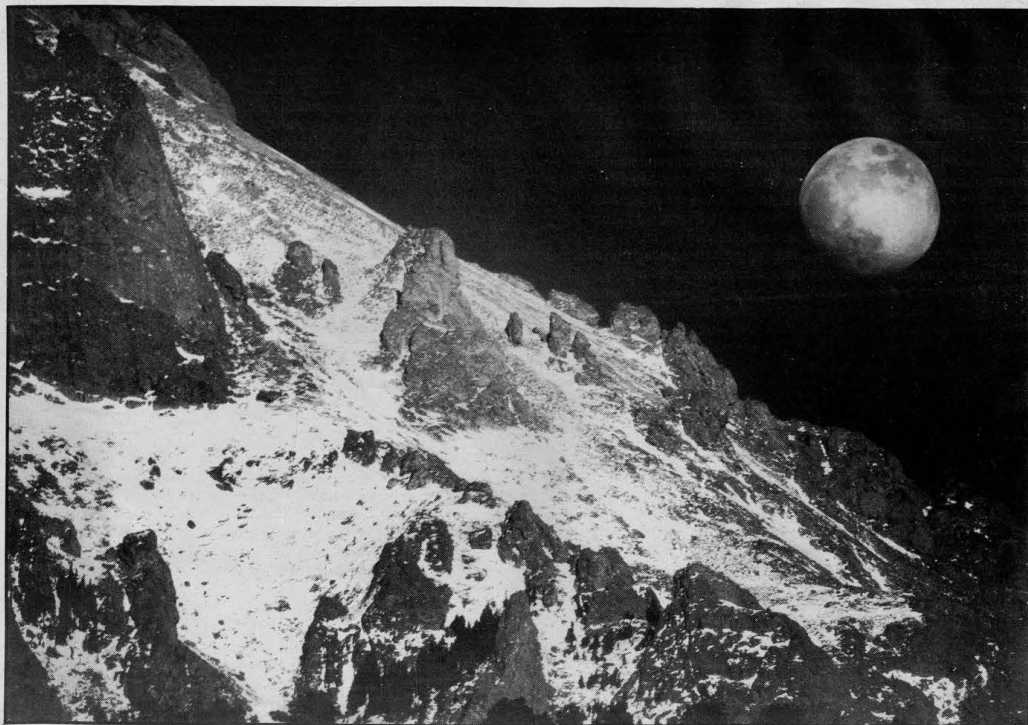
I believe the evidence is convincing that a few wolves survived within the ecosystem comprising Yellowstone Park, the Teton Wilderness and adjacent remote regions of Wyoming and Idaho.

Until I see evidence to the contrary, I'm convinced that U.S. Fish and Wildlife Service personnel will continue to discount the presence of wolves. Once an agency is committed to a cause, it is extremely difficult to steer a new course. You don't question established policy.

After all, personnel of Yellowstone Park and the Fish and Wildlife Service have been telling us for the past 20 years that the only way to have wolves is to reintroduce them. ■

George Gruell is retired from the Forest Service and lives in Carson City, Nevada. His essay appeared in the *Jackson Hole Guide*.

OPINION



Moonrise over Crestone Needles near Crestone, Colorado

J.D. Marston

The nation is beginning to understand that something important may be brewing in the West's public lands states.

The conservative magazine, *The Economist*, hailed the move toward a rational approach to the use and pricing of the West's natural resources in an editorial and article in its March 6 issue.

And *The New York Times* ran two front-page stories on the Department of Interior and its secretary, Bruce Babbitt, within one February week.

In fact, the West and Babbitt have achieved such early prominence in the Clinton administration that the *Times'* editorial page, guardian of the East's claim to national hegemony, is beginning to sound a little threatened. In a waffling, snide editorial titled "Bruce Babbitt's Landscape" on March 1, the paper characterized Babbitt as a man who had made a "quixotic" run for the presidency on "ideas alone."

The editorial led off with faint mockery, by twitting Babbitt for occupying the "biggest cabinet office in Washington — a cavernous suite with a wood-burning fireplace and an adjoining bathroom spacious enough to board a buffalo ..."

The editorial took note of Babbitt's good ideas, but seemed most comfortable discussing the obstacles his ideas face:

"Both the law and Congress tend to favor exploitation. And since (Babbitt) is also trying to stand government policy on its head, he'll also need Bill Clinton."

The body of the editorial read like a repeat of one the paper recently ran on Staten Island, a borough of New York attached to Manhattan only by bridges and ferries. Staten Islanders will soon hold a plebiscite on whether to form a separate city, and the *Times* admonished Staten Islanders to vote against separation. The editorial implied that should it achieve independence, it would become an even more misbegotten place than the editorial staff believes it now to be.

The *Times* is a little less threatened by the West's uppityness. Nevertheless, its editorial indicates that Secretary Babbitt's ideas and energy startle it. He has become the star of the Clinton cabinet, although Janet Reno at the Justice Department may yet give him a race.

What the *Times* almost certainly does not understand is that Babbitt is only the tip of the iceberg. He may have run for president armed with nothing more

than ideas, but he did not become secretary of Interior on ideas alone. He spent the last four years as head of the League of Conservation Voters, forging a diverse national coalition.

As a former, and the last successful, governor of Arizona, and as the product of a ranching family, Babbitt is firmly rooted in the West. But a person cannot govern the West — which is the job of the Interior secretary — from a regional base. Because of its national

labs and foundries.

After years of bad breaks at the national level, the West is profiting from two historic accidents: the election of Bill Clinton and his choice of Babbitt to head Interior. But the region has spent many years preparing itself to take advantage of these two strokes of good fortune. Two or more decades of unrelenting political, economic and intellectual struggle over the fate of the West have created tremendous historic momentum.

The momentum was so strong that Bush and the Western senators couldn't stand up to it, which is why the Central Utah Project was redesigned as an environmental restoration project, why a start wasn't made on the Animas-La Plata water project in Colorado, why nuclear weapons are no longer being exploded at the Nevada Test Site, why Two Forks Dam wasn't built outside Denver, why some water from California's Central Valley Project is now remaining in streams, and why the flows out of Glen Canyon Dam are no longer creating twice-daily tidal waves in the Grand Canyon.

How did these events happen, or not happen, when blind orthodoxy seemed so strongly in the saddle? One reason, of course, is that the traditional political-pork and extractive economies of the West have bottomed out, thanks to the federal deficit and to the fact that the West has been ravaged and high-graded for a century.

The second reason is more positive: The West, during its past years of struggle, has forged a society that is beginning to match the scenery.

The xenophobes are still here — just look at the "wise users" — but the West as a whole is maturing. We are beginning to build the understanding, the institutions, the science and literature, and the links to the rest of the nation necessary to reform this region's society and restore its landscape.

At the moment, Babbitt appears a contradiction: the product of a ranching family, the former governor of a conservative Western state, and a fiercely committed environmentalist. But over the next four years, it will become apparent that far from being a contradiction, this is the face of the emerging West. The miracle is that the West has found a leader to match its aspirations and potential. ■

The West, according to The New York Times

by Ed Marston

parks and other public lands, the West has been adopted by the nation. Westerners who live in the region can only manage and use the public land as stewards, working with millions of other Americans who care about the region and who to one extent or another also consider themselves Westerners.

The on-site Westerners may know the public lands best, because we are closest to it. But these lands cannot be "ours" in the way sagebrush rebels would want them to be. We can only use these and direct these public lands if we do so in accord with broad national values.

Babbitt is leading the West in that direction, by moving to wean the region from its mouth-hold on the U.S. Treasury and by attempting to administer environmental laws such as the Endangered Species Act in a more practicable way.

In doing this, he is aided immeasurably by the public's determination to cut the federal deficit. That determination means the West may lose the few hundred million that now subsidizes recreation and turns undeveloped private land into protected public land. But that loss will be more than compensated for by the end of billion-dollar subsidies for logging, dam building, below-market electricity and nuclear weapons

Ed Marston is publisher of *High Country News*.

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LETTERS

GETTING PAID FOR
DOING NOTHING

Dear President Clinton:

My friend, Ed Peterson, over in Idaho, received a check for \$1,000 from the government for not raising hogs. So I want to go into the "not-raising-hogs" business next year.

What I want to know is, in your opinion, what is the best kind of farm not to raise hogs on, and what is the best breed of hogs not to raise? I want to be sure that I approach this endeavor in keeping with all governmental policies. I would prefer not to raise Razorbacks, but if that is not a good breed not to raise, I will just as gladly not raise Yorkshires or Durocs.

As I see it, the hardest part of this program will be in keeping an accurate inventory of how many hogs I haven't raised.

My friend Peterson is very joyful about the future of the business. He has been raising hogs for 20 years or so, and the best he ever made on them was \$422 in 1968, until this year when he got your check for \$1,000 for not raising 50 hogs.

If I get \$1,000 for not raising 50 hogs, will I get \$2,000 for not raising 100 hogs? I plan to operate on a small scale at first, holding myself down to about 4,000 hogs not raised, which means about \$80,000 the first year. Then I can afford an airplane.

Now another thing, these hogs I will not raise will not eat 100,000 bushels of corn. I understand that you also pay farmers for not raising corn and wheat. Will I qualify for payments for not raising wheat and corn not to feed the 4,000 hogs that I am not going to raise?

Also, I am considering the "not-milking-cows" business, so send me any information you have on that, too.

Patriotically yours,
Justin Uther Frieloder

P.S. Would you please notify me when you plan to distribute more free cheese?

HOTLINE

Do it yourself

Ranchers for Food, Fiber and the Western Way o' things, a citizens group in LaGrande, Ore., organized this year to fight

- a. environmentalists who want to create a national park
- b. neighbors who want to put a gun range in their backyard
- c. logging above a glacial lake.

Harley Handley, the grizzled district ranger on the LaPoco District, said the best thing about working with fifth-generation ranchers was

- a. they do his job for him
- b. they can find fence posts buried by dirt

- c. they give good range tours
- d. they are apt to send him to a new part of the country.

A new environmental group also emerged in LaGrande called People for Pristine Places in the West. It is headed by Begonia Feldspar, boasts 3.5 members, and a mailing list of sympathizers who

- a. are all broke
- b. live on the East Coast
- c. are tired of giving any money to anyone anywhere.

Feldspar recalled the halcyon days of ranching during her teenage years in Newark, New Jersey. She said she

High Country News lite

April 1, 1993 A paper for people who care about the West ... but not too much



The problem is the scenery

by Spurge Burdock

The wise use movement has decided that writer Wallace Stegner had it right. Con Tarnold said recently, "We realized that as long as all this beautiful scenery was around, people would be intimidated. They wouldn't go all out to create wealth."

The result of that insight, Tarnold said, was a week-long conference held in Scottsdale, Ariz., — "the most unnatural Western town we could find in the West" — titled: "Creating scenery to match the society."

Tarnold kicked off the conference with a rousing key-note speech. "So long as those purple mountain majesties are out there lordling it over us, we'll always be intimidated.

"It's that moment of hesitation the greenies count on. Those sneaks use that lost time to file for an injunction or ask for an EIS."

Tarnold's view was seconded by Pendley Pestley, head of the Mountain States Quasi-Legal Foundation. "Tarnold is right. We've got to cut that damned

scenery down to size. I'm sick of not feeling at home here." While the West is wonderfully blighted and damaged in many places, Pestley said he wasn't sure the new breed of extractors was uniformly up to the job.

looked forward to a joint meeting with the food- and fibre ranchers because "We protectors of the green have a lot in common," including

- a. both have bullshit on our shoes
- b. both wear large belt buckles
- c. both eat a lot more green salads and fish
- d. all see the land in exactly the same way.

— Bessie Bovinitius

Just move it

In a development that has stunned environmentalists, the Bureau of Reclamations has decided to move its controversial Animus-La Platypus project entirely out of Colorado (HCN, every other issue for the last 20 years). "There are all these other rectangular sort of dry Western states besides Colorado," says BuRec spokesman Bob "Robert" Broccoli. "We just got sick of all the fuss and decided, what the hell, let's just move the thing. Maybe nobody will notice." The Army Corps of Engineers is reportedly ecstatic about the chance to redesign entire river systems. Environmentalists remain cautious, however. "Wherever they put the project there's bound to be some kind of endangered limpet or something," warns Filbert Barge of the Nematode Society. "I mean, there are creatures like that everywhere, you know?"

The mining industry, he said, has been hard at work for a century, knocking the tops off mountains, leaving the rubble to scar the mountain sides and making the streams run black and red. "It's still not Appalachia, but you're doing good work."

He was especially effusive in his praise of the Summitville Mine in Colorado. "It shows that mass destruction of the landscape didn't die with Butte and Leadville," he said to a group of beaming mine executives sitting up front.

But Pestley had harsh words for the

mountains, to flatten forests we can't afford to log, to wipe out species before they get on the endangered list. We need nuclear energy to finally blast and rubbleize and uglify this landscape so that all the greenies and retirees and equity refugees move away and let us get down to the real purpose of man: To make lots of money so we can build more Scottsdales."

In her talk, Dr. Ray acknowledged that nuclear energy was important if creeps and quick-buck artists were to feel at home in the West. But, showing the foresight Pendley had praised her for, she

told the audience that some new industries show real promise.

"I'm just amazed at what the ski industry can do to a valley. I'm especially proud of Telluride for its illegal 'takings' of so much wetlands." She also said that the golf course industry was a winner. "And don't forget the movie industry and the gonzo mountain bikers — look at the wonderful things they're doing for Moab. They're showing the uranium industry how to get a job done."

She was also quick to say: "Just because I have kind words for golfers and mountain bikers doesn't mean I've forgotten who our real friends and allies are: The ORVers."

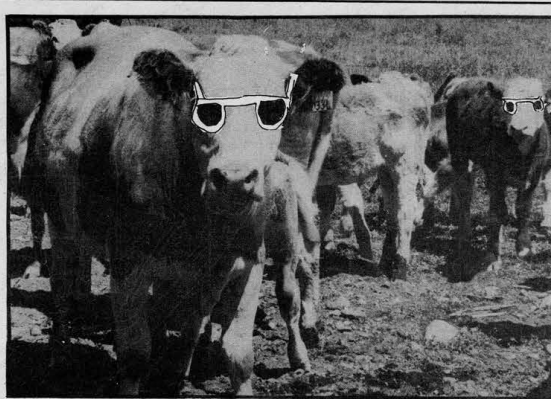
Dr. Ray said that while the forces of destruction had suffered temporary setbacks, she remained optimistic. "I think we have already done enough work to ensure that the West is dying. It's true," she said, "that they no longer make miners and dam builders and loggers the way they did in the good old days, although our senators and congressmen are often every bit as good."

"But those old guys started something that just won't quit. Thanks to Floyd Dominy and Wayne Aspinall and Edward Teller and Jim McClure and our other heroes, we have an even better heritage than the old Soviet Union."

"The commies were good, no doubt about it. But they didn't have our kind of socialism — a socialism that let us destroy the Colorado, and the Columbia, and the Snake, and the Missouri. And by destroying the predators, we've turned most of the West into a shooting zoo for deer and elk."

"These environmentalists can talk about putting the West back together, but they'll never get the job done. And if they're foolish enough to try, we'll get the Quasi-Legal Foundation to bring a takings lawsuit against them. No matter what, we'll never let them take from us the ugliness and destruction we've spent lifetimes building. It's too important to us. We're fifth-generation destroyers on the land. And we're determined that there be a sixth."

Finally, Lethal Ray said: "Never forget that we're owed a living. And a cash living, too. We're not about to take our living in beauty or wildness or any of that stuff." ■



These cows agreed to be interviewed only if they could remain anonymous. All are members of the new group Cows for the West!

logging industry, flailing their inability to "take out" the last of the old growth. "You call yourselves men, and yet you let a bunch of enviros hold you up with a few flimsy pieces of paper."

He also mocked the Water Buffalos. "You haven't built a really big, really destructive, really soul-shattering dam since Glen Canyon. You haven't poured enough concrete to reach New York, let alone the moon." Nevertheless, he had kind words for Colorado Sen. Ben Campbell. "If anyone can build Animas-La Plata and destroy the San Juan Basin, you can Ben. Go for it."

But the smile faded as he began to talk about ranchers, some of whom, he said, were backing away from their mission of turning all of the West's streams into down-to-the-bare-dirt gullies. Looking right at a group of Stetson-hatted men, he said: "I think some of you are even beginning to believe you really are environmentalists. You've been repeating that bullshit so long, you've come to believe it. Shame on you!"

But Pestley was pleased with the Rocky Mountain oil and gas industry. "I love its motto: 'To go where no dozer has gone before.'" He also praised the Bonneville Power Administration: "Those guys may change their rhetoric, but they never take their eyes off the ball: To destroy every last wild salmon in the basin." If the critics of Bonneville have their way, he warned, "We'll be back to watching television by candlelight in no time."

Pestley was most enthusiastic about Dixy Lethal Ray, the former governor of Washington and the former head of the former Atomic Energy Commission. "But 'former' doesn't mean has-been; it means she's a future-been."

"Her genius was to recognize that we need nuclear weapons to devastate these