

October 18, 1993

Vol. 25 No. 19

A Paper for People who Care about the West

One dollar and fifty cents

Sculptor Robert Berks

**If it ain't
broke, break
it/16**

A lost land grant: Can it be reclaimed?

by Becky Rumsey

SAN LUIS, Colorado — On a Monday afternoon in June at the height of the farming season, more than 100 people gathered in the parish hall here. They had come to discuss, in English and in Spanish, the fate of 77,000 acres known these days as the Taylor Ranch.

The ranch is one of the largest, privately owned, undeveloped chunks of mountain range left in Colorado. For communities in the southern end of Costilla County, where farmers use the oldest irrigation ditches and water rights in the state, it's the top of the watershed.

And it's for sale.

A private buyer could keep the land as an isolated hunting ranch. A corporation could buy the land to turn its forests into board-feet of lumber, or gold might be discovered. Or it could become subdivisions for second homes, which would dot the slopes of the 14,000-foot Sangre de Cristo Mountains. It is these mountains that separate Costilla County physically — and culturally — from the rest of Colorado.

All scenarios are possible, but what residents at the community meeting said was that they want this land to once again become a commons.

Residents are mostly Hispanic and Catholic, and number just over 3,000. Settlers came up from the south during the last century to live and farm a million-acre Mexican land grant in 1849.

They were the *primeros pobladores* (first settlers). For their descendants, the Taylor Ranch is still *La Sierra*, or "the Mountain Tract." They used it for more than a century as a commons for livestock grazing, wood-gathering, hunting and fishing. The commons complemented small private farms, and for many families access to it meant the difference between having to leave and being able to stay in their community.

Three decades ago everything changed. In 1960, Jack Taylor, a lumberman from North Carolina, bought the tract and fenced it. He barricaded roads and assaulted locals caught trespassing. His actions ignited a range war in Costilla County and

launched a string of court cases three decades long.

"We took the mountain for granted. People used it all the time, and in 1960 that ended abruptly," says Charlie Jaquez, a high school math teacher whose great-great-grandfather started farming on the Sangre de Cristo grant in 1849.

"All of a sudden it was a major change in the lifestyle of this community. People felt strongly about it, and the legacy of that mountain since has been violence: shooting and pistol-whipping." Jaquez is president of the Land Rights Council, a group that has fought Taylor in court for the last 13 years.

Taylor had gotten the ranch for a song: \$500,000, or about \$7 an acre. Some say that's because there was what a 1976 *New Yorker* article called "a little cloud on the title." His deed read:

"... subject to the claims of the local people by prescription or otherwise to rights to pasture, wood and lumber and so-called settlement rights in or upon said land ..."

To Taylor, the claims of common-use rights to his land, which his neighbors had been exercising generation after generation, were simply a result of the failure of the land's previous owners to take charge of their private property. Depending on your point of view, Taylor was more decisive or more aggressive. He went to court to clear his title once and for all.

And he won.

But the people of Costilla County haven't given up, even though Taylor

died in 1988. Last April the Land Rights Council's legal action went before the Colorado Supreme Court. It's a case either side could litigate all the way to the U.S. Supreme Court.

In the meantime, Taylor's heirs have been trying to sell the ranch, and this spring word surged through San Luis that an Oregon timber baron was about to buy it. Asking price: \$32 million.

While that sale fell through, the prospect of massive logging and mining at the top of their watershed sent the community into a panic. It also breathed new life into hopes for finding another

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*"... a people without land (is) like
a feather in the wind"*

— Shirley Romero-Otero

Dear friends,



HIGH COUNTRY NEWS

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Visitors

Ken and Ann Cooper came by on their way from Alta, Wyo., to Bowie, Ariz. Ken said Bowie is a nice little town now connected to New York City by a train that carries sludge to some irrigated farms in the area. Some residents fear the sludge may eventually contaminate the groundwater.

T.H. Watkins, who edits the *Wilderness Society's* magazine, came by with a copy of his newest book — *The Great Depression: America in the 1930s*, to be published by Little Brown and Co. on Oct. 27, 1993. The book is intended to give a PBS television series of the same name a boost. Watkins' last book was a much-acclaimed biography of Harold Ickes, who was secretary of the Interior during the Great Depression.

Ernie Atencio, a former intern, stopped by on his way back to the North Rim of the Grand Canyon, where he is a seasonal, from the Desert Writers' Workshop put on in Moab, Utah, by the Canyonlands Field Institute. Ernie was one of *HCN's* most prolific interns; we were publishing his articles long after he left here to return to the Grand Canyon.

Tom and Carol Laine from Oak Creek, Colo., visited. He is a printer in Steamboat Springs.

Sue and Tim Brater and their daughter, Alexandra, from Denver stopped by. Beekeepers Tom and Barbara

Theobald of Niwot, Colo., came in to subscribe. They said they have heard about the paper for years, but only now were able to track it to its lair.

Doug and Alma Weinant of Maher, Colo., a town of about two, visited. Doug, a retired cowboy, recently celebrated his 91st birthday. A friend posted a "Toot for Doug's birthday" sign on Colorado Highway 92 outside Doug's home, and Doug got lots of honks during the day.

Tom Mullen, an intern from 1988, came by after working as a water engineer in Malawi and Namibia. He subscribed during that time, receiving his *HCNs* exactly one year after the issue date.

"From the middle of nowhere," as they put it, came Mark and Donna Apel, who help run The Nature Conservancy's Muleshoe Ranch in Arizona. Sydney Macy, former director of Colorado's office of The Nature Conservancy, said she finally found time to visit Paonia and get mentioned in this column. Allan Sindelar dropped in from his new home in Nederland, Colo., Greg Walcher said a quick hello after speaking at Rotary. Greg is president of Western Colorado's Club 20. John Shersmith, who lives in Moran, near Jackson, Wyo., came by on his way to paint his daughter's house in Farmington, N.M. We showed the office to Julia Weaver, an advocate for health care for the poor in Jackson, Miss., and an intern looked out of his window last Monday and saw, taped to the outside, a hello from Ed and Louise Hauf, from Mayfield Heights, Ohio. They commented on the magnificent fall we're all enjoying.

Fresh from a tenth anniversary river trip on the San Juan came Annette and Rob Hanson from Boise, Idaho. She is a teacher of science; he works on mine waste issues for Idaho Gov. Cecil Andrus. Barbara Brower, the granddaughter of the peripatetic David Brower, visited, as did Tom Perreault, a graduate student in geography at the University of Texas, and Meredith Beckner, who is starting a master's degree program in geography at the same place.

Summer resident Lisa Bartlett stopped in to tell us how grateful she was to a half-

dozen local people for saving her four horses from death. While driving over Kebler Pass her trailer sank into the soft shoulder, tipped, then hung precariously over a cliff. She singled out for thanks John Lee, Art Beavers, Myles and Shannon Roberts, Susan Raymond and Ron Searle.

Corrections

The last three issues have been chastening experiences for *HCN*. In the Oct. 4 issue, in a letter to the editor, we wrote "overpopulation" instead of overpopulation. That was funny.

It was less funny to call the Natural Resources Defense Council the National Resources Defense Council, to write the "principle officers" instead of the "principal officers," and to say in a headline that the Rocky Mountain Front was in eastern Montana instead of west central Montana. (It was slight comfort to find *The New Yorker* on page 77 of its Oct. 4, 1993, issue writing "... backed by QVC's principle partners ...")

In the Sept. 6 issue, the Michael Milstein story on Yellowstone elk poachers stated that one of the poachers, Donald Eugene Lewis, worked for Browning Arms and Cabela's, a mail-order hunting supplier. The U.S. Fish and Wildlife Service says Lewis did not work for this company, although the agency earlier said that he did.

In the Sept. 20 issue, in a story on landfills, Weld County, Colo., was described as northwest of Denver. It is northeast. The same story said volatile organic compounds and heavy metals were found in irrigation wells. They were found in a nearby pond, according to Madeline Daniels of the Ashton-Daniels Community Action Group.

Finally, in the same issue, in a story on South Dakota's Black Hills National Forest, Wyoming's Bighorn National Forest was misplaced. It is 200 miles to the west of the Black Hills National Forest.

The UPS Man

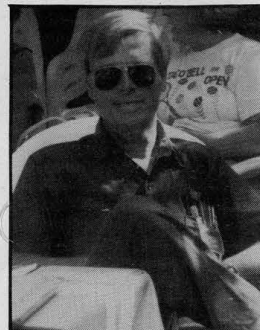
Monte Burd has abandoned Colorado's North Fork Valley. For approximately 20 years, he drove a United Parcel Service truck 180 miles each work day to deliver packages to our businesses and homes. *HCN* especially appreciated Monte because he knew the difference between *High Country News* and *High Country Printing* and *High Country Tanning*. He also knew which Ed worked at *High Country Shopper* and which worked at *High Country News*.

Unfortunately, in the process of accumulating this information, he racked up enough seniority to get a route close to his home in Montrose.

But we know his new job won't be the same. For example, we doubt that Montrose will someday give Monte a going-away party like the one the Paonia business community threw in early September

on the patio of the Casa Restaurant, complete with a money tree, coffee, cake and a crowd of despondent well-wishers.

It was a party where one woman mourned: "We'll never have another Robert Redford as our UPS guy." And Danny Perkins, who runs the local Paradise Theatre, said he doubted that his film will soon get the kind of service



Ed Marston

Monte Burd

Monte gave it.

The people at the party also worry that Monte will find Montrose, with its 10,000 residents, a tougher, less forgiving place than the North Fork, where, eight years ago, Monte ran into a deer and then a hillside, totalling his big brown truck, and then walked away with scratches. Monte also recalls that while he was bitten by six dogs during his time in the North Fork, the owners of the dogs all got rid of them pretty quickly.

And will the person who runs the Montrose radio station say, when Monte leaves that route, "He's deserting us," which is what Dottie Talmage of KVNFB radio in Paonia said?

The going-away party did have a bright spot. It was the first time most of us had seen Monte stop, sit down and drink coffee.

Thank you

We neglected to note the artist of a desert tortoise in our Aug. 9 issue. Randy Babb, of the Arizona Game and Fish Dept., drew the desert tortoise that accompanied a story about a company fined \$100,000 for killing one of the animals.

— Ed and Betsy Marston for the staff



WESTERN ROUNDUP

Ranchers block public land in Wyoming

EVANSTON, Wyo. — A group of Utah cattlemen abruptly denied deer hunters access to 92,000 acres of private land within a federal grazing allotment in southwestern Wyoming.

The cattlemen blocked access just three days before the Oct. 1 deer season opening, when thousands of in-state and out-of-state hunters flood the low mountains and steep slopes of the Cumberland/Uinta allotment.

The action is the latest chapter in the controversy surrounding the 500,000-acre allotment, which sprawls over two Wyoming counties and part of Utah. Wildlife advocates have complained for years about the impacts of sheep and cattle grazing on the allotment's riparian areas, and federal land managers have promised to subdivide the allotment into more manageable parcels (HCN, 2/22/93).

Ranchers who graze cattle and sheep there have largely managed to sidestep reforms, but critics say their decision to close hunting may be the last straw.

"(The ranchers) shot their foot off," said June Rain, executive director of the Wyoming Wildlife Federation. "They've made enemies of everyone who wants to hunt and recreate on public land."

Just days before the announced closure, the Bureau of Land Management ordered the cattlemen to remove their cattle early from most riparian areas on the Cumberland range. Rain believes there is a direct connection between the ranchers' action and the BLM's order.

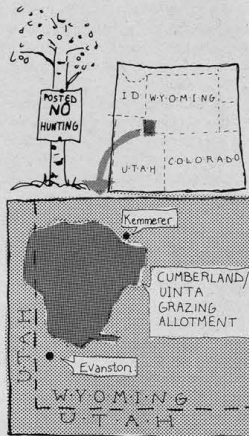
But an attorney for the three ranching companies that announced the closure said the action "has nothing to do with the BLM." Ed Bown, speaking from his Salt Lake City office, said the ranchers were not pleased by "wildlife interests" blaming cattlemen for the decrease in game and increase in range deterioration.

Sim Weston, managing partner for the three companies, said the decision to close lands to hunting was made after he met with ranchers from among the companies' 27 ranching units. Said Weston, "(Hunters) won't cooperate with us and why should we cooperate with them?"

Wyoming Wildlife Federation spokesman Neal Lesmeister disagreed

with that assessment. "We've been telling (the ranchers) from the start we want to work with them to manage this," Lesmeister said. "Cattle and wildlife can definitely coexist."

Wildlife advocates praised the BLM's order to remove cattle a month



early from the Cumberland's riparian areas as a decisive act to protect the land. Ranchers, however, immediately appealed the decision, just as they have virtually every action taken by the agency in recent years on the Cumberland. For three decades they have resisted efforts to subdivide the allotment into more manageable parcels to accommodate 9,000 cattle and 20,000 sheep. Riparian areas have been degraded and conflicts have increased among sheepmen and cattlemen, and between livestock interests and wildlife interests.

Last June, the BLM decided to divide the allotment into 11 smaller units. Ranchers appealed that decision, too, as well as the agency's interim land management plan pending the appeal's resolution.

About one-third of the Cumberland/Uinta allotment is private land, belonging mainly to the Utah ranch-

ers. The private ground, now officially closed to hunting, is part of a "checkerboard" land-ownership pattern along the Union Pacific Railroad line, in which odd-numbered sections are government owned, and even-numbered sections are in private ownership.

"The real problem when you close the private land on the checkerboard is that you close public land," said the Wildlife Federation's Lesmeister. "And you have to deal with increasing populations of deer and antelope that won't be hunted."

The Cumberland contains two deer hunting areas, which together attracted from 2,500 to 3,000 deer hunters last year, state game officials said.

Sim Weston was vague as to how the ranching companies will enforce the closure. Wyoming law provides that the burden is on the hunter to know whose land he is on, a point reiterated by the ranchers, game managers and land managers alike.

"We'll see what happens," Weston said. "If people won't cooperate, we'll do what we have to do ... I'm sure there will be a lot of people saying they've hunted there all their life and are going to keep hunting there."

As the season opened, there appeared to be no rancher effort to enforce the land closure, but some hunters were confused as to whose land they were on, despite last-minute BLM efforts to publicize the closure and distribute maps.

"I think I'm on BLM land, but whether it is or not, I'm not sure," said James Graham of Seattle, Wash., who has hunted the Cumberland for the past four years. "A local guy told me he'd go where he usually goes if he was."

An Ogden, Utah, hunter said hunting in Wyoming appears headed in the direction of no rancher effort to enforce the land closure, but some hunters were confused as to whose land they were on, despite last-minute BLM efforts to publicize the closure and distribute maps.

"We're used to having nowhere to hunt in Utah," Craig Ross said. "That's the whole reason we go to Wyoming."

— Katharine Collins

Katharine Collins is a staff reporter for the *Casper Star-Tribune*.

HOTLINE

Showdown on the range

A sharply divided committee of legislators will decide the fate of Interior Secretary Bruce Babbitt's Rangeland Reform '94. After Babbitt unveiled fee hikes and other reforms, Western senators scrambled to find a way to delay or destroy the package. First, they won an extension of the public comment period, then Sens. Malcolm Wallop, R-Wyo., and Ben Nighthorse Campbell, D-Colo., proposed a bill with a much lower fee increase. The final attack came when Interior's budget came before the Senate. Sens. Pete Domenici, R-N.M., and Harry Reid, D-Nev., added an amendment calling for a year-long moratorium on spending to implement the grazing reforms. The Senate approved the amendment 59-40. Both House and Senate spending bills now sit before a conference committee, where legislators will decide whether Babbitt's reforms find funding. The committee met Oct. 6, and has 20 days to reach an agreement, but extensions in conference committees are common. Talk of compromise is in the air, however. What Babbitt wants, says Interior Communication Director Kevin Sweeney, is to "urge both parties onto the dance floor and get them to dance."

Colorado old growth saved

In response to pleas from environmentalists, a stand of Colorado old-growth forest slated for cutting has been spared. Flooded by requests for more study, the Forest Service reviewed the 1,100-acre stand near Pagosa Springs and says it discovered one of the most unusual forests in the region. According to Fort



Lewis College biology professor Bill Romme, who worked on the study, the forest at Martinez Creek may be one of the oldest in the Rocky Mountains. Unlike others in the region which undergo periodic wildfires, these trees seem to have been undisturbed for thousands of years. At 10,000 feet, the forest is a healthy mosaic of 100- to 400-year-old trees. "Harvest was not needed to solve or alleviate any immediate forest health issues," Forest Supervisor Jim Webb told AP, "and there was enough scientific interest in this area to cause us to avoid it for timber production." Environmentalists praised the agency's decision, as well as a proposal to designate the area a Research Natural Area, which would ban road building and logging and discourage tourism in the forest. "We'll commend (the agency) for this one," said Norbert Arenstorf of Ancient Forest Rescue, "and keep an eye on the other sales."

HOTLINE

New policy for old growth

The Forest Service will screen sales of old growth east of the Cascades until an inter-agency team of scientists develops a permanent strategy. The new policy, announced by Washington Rep. Tom Foley, D, and assistant agriculture secretary Jim Lyons, screens sales harmful to old growth, threatened wildlife, or waterways. Although the policy will allow some harvesting of east-side old growth, timber officials fear the policy could lead to a permanent ban. "It will obliterate the industry in the speaker's district," says David Ford, president of the Western Forest Industries Association. Two timber groups took immediate action against the Forest Service's plan, filing suits arguing that the timber screens violate the National Forest Management Act and the Administrative Procedures Act. Environmentalists were critical of the plan as well.

"The necessary scientific groundwork has not been done to justify any old-growth logging," said Nathaniel Lawrence, Natural Resources Defense Council attorney. "Sales of old growth in any significant amount will result in litigation."

Lovesick and lost

A lustful Arizona elk found himself 100 miles from his herd and stuck in high water last month. State game officials rescued the elk from a concrete-lined canal about 45 miles southwest of Phoenix. "If you're walking downhill and calling for other elk and nothing answers," guessed game official Ray Lee, "you just keep walking." Rescuers dragged the elk from the canal, tranquilized it, then sawed off its antlers before taking it to the Phoenix zoo for blood tests. After six days, zoo officials returned the healthy elk to the wild. Without the antlers it will be unable to attract a mate, Lee told the *Arizona*

Republic, but it probably won't be hunted either.

A job for a feminist

Tara O'Toole, an Energy Department nominee blackballed by Wyoming Sen. Malcolm Wallop as a member of "America's radical left fringe," has won the approval of a Senate committee after months of scrutiny. The Senate Energy and Natural Resources Committee confirmed her nomination as assistant secretary for environment, health and safety by a vote of 18-2. O'Toole told the committee last June that she had been a member of the Marxist/Feminist Reading Group (HCN, 9/26/93). The group changed its name to Northeast Feminist Scholars and met twice a year to discuss topics such as health care and "why women hate science and math," reports the *States News Service*. Wallop said after a private meeting with O'Toole that she apparently was not a radical.

Agency leans toward a controversial land trade

Despite threats of appeals and lawsuits, the Forest Service is only days away from approving a controversial land exchange with wilderness developer Tom Chapman in Colorado.

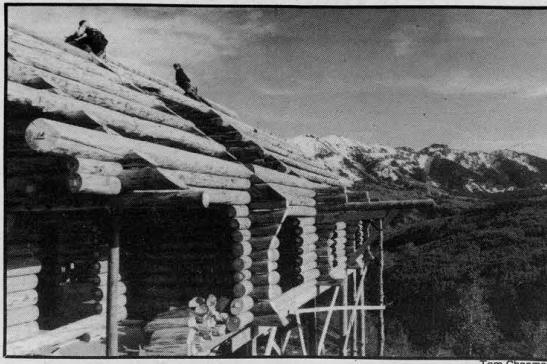
A final environmental assessment on the exchange now sits on the desk of Regional Forester Elizabeth Estill in Denver, Colo. She must sign by Oct. 22 to keep the deal alive.

As proposed, the trade would give Chapman's West Elk Development Corp. 105 acres of Forest Service land near the Telluride ski resort. In return, Chapman would hand over his 240-acre inholding in the West Elk Wilderness near Paonia, and tear down a \$1 million log cabin he is building on a prominent ridge in the wilderness (*HCN*, 7/26/93).

While the environmental assessment and the agency's preferred alternative are officially secret, Forest Service officials in western Colorado are already campaigning to convince a skeptical public that the trade is the only way to save the wilderness from Chapman's threats to build a subdivision.

"It's one thing to subdivide on a plat down at the county courthouse," says Gunnison National Forest lands officer Jim Dunn. "But when building starts, the Forest Service has to look at that as legitimate. It's not a bluff anymore."

Dunn says the agency has no option but to trade Chapman out. But in Telluride, residents and local government officials say that in its rush to appease Chapman, the Forest Service has violated its land



Tom Chapman's cabin in the West Elk Wilderness

exchange regulations, withheld information from public view and badly miscalculated how much the land is worth.

The biggest fight is over money. The Forest Service appraisal — details of which are secret — valued both parcels of land at \$640,000. However, in Telluride, which is in the midst of building boom, real estate agents appraise the exchange property at over \$4 million.

"We are mystified as to how the Forest Service came up with a value of \$640,000 in light of the other appraisals we've actually seen," says attorney Stephanie Fanos. She represents Dave

Farno, owner of the Skyline guest ranch, which borders the land exchange site.

"Mr. Chapman is hijacking the American public and is holding precious wilderness areas hostage," says Fanos. She says such a lucrative deal sets a precedent for other developers to invade wilderness inholdings. "The Forest Service should not submit and become a willing accessory to its own rape."

Fanos adds that the agency's hurry to meet Chapman's deadlines and keep the appraisal and other information secret may backfire. Farno has a Forest Service special use permit on the land the Forest

Service wants to exchange, and says he will appeal if the agency approves the trade. In a letter to Estill, Farno and Fanos warn that the Forest Service has broken its rules for public disclosure and comment, failed to analyze alternative land trades, and violated both its Forest Plan and the San Miguel County Masterplan.

The agency's secrecy and heavy handedness have angered the San Miguel County Commission as well. After failing to convince the agency to reconsider the project, the commission wrote the Forest Service in September warning that the county will also appeal if the land trade is approved.

The threat of appeal is significant. Under a memorandum of agreement signed between the Forest Service and Chapman, the land trade must be completed by June 1, 1994, or the deal is off. Even if it is unsuccessful, an appeal could kill the trade by delaying the process.

Dunn says the Forest Service is not willing to take the chance that Chapman's construction project in the West Elks could become permanent. "The people in Telluride need to look around them," says Dunn. "We could lose a major portion of the West Elk Wilderness."

— Steve Hinchman

Steve Hinchman is a staff reporter for *HCN*. For more information or a copy of the West Elk land exchange environmental assessment, contact Elizabeth Estill, Regional Forester, 11177 W. Eighth Ave., Box 25127, Lakewood, CO 80225 (303/275-5451).

Where the buffalo ... moan on the Plains of Wyoming

If New York sculptor Robert Berks has his way, the high plains near Sweetwater Station, Wyo., will host a herd of bison. Cast-bronze bison, that is, 1,000 of them, mounted on swivels and equipped with sound tubes so they'll rotate and moan when the wind blows.

The herd, arranged in the shape of a bison half a mile across, could cost up to \$45 million and require 450 tons of bronze. Berks has said he wants his work large enough to be seen from the moon.

According to The Great Buffalo Herd Monument Foundation, a Wyoming research group spearheading the project, the huge art project will stimulate the local economy by attracting tourists and requiring maintenance and security staff.

Berks chose for his monumental

work a desolate, starkly beautiful landscape near Beaver Creek in west-central Wyoming. The foundation has filed a request to buy about 370 acres of BLM land, and says it plans to seek additional acreage owned by the state. Both parcels border the Beaver Rim "Area of Critical Environmental Concern" (ACEC), so designated because of its prime raptor-nesting habitat, unusual geological features and rare plants.

"Many of these plants occur throughout the basin, but are protected in just a few places," says botanist Walter Fertig. "We're trying to protect a few really good sites, and here's one of them."

The site also includes sage grouse nesting habitat, and east of the site across state highway 135, is the world's only

known population of the desert yellow-head, a plant — actually a new genus — discovered in 1990.

Environmental groups, including the Wyoming Wildlife Federation and the Wyoming chapter of the Sierra Club, oppose the sale. "We see it as not being anything but a detriment to wildlife," said Wyoming Wildlife Federation director June Rain. "It takes away their habitat, and it takes away people's enjoyment of a wild and harsh and beautiful place."

Berks and the foundation say the project will protect the area by ending its use by cattle ranchers and hunters. They view the monument as a statement about human greed and the near-demise of the bison.

"One thing we'll incorporate is a complete educational interpretive center, cover-

ing the biodiversity of the Plains, and the cultural impact of the white man," said foundation coordinator Garry Martin. He said the foundation is prepared to consider alternate sites "if it turns out we're intruding on anything environmentally cautious."

Responding to environmentalists' fears that the monument might become a tourist trap, Wyoming Secretary of State Kathy Karpan asked, "Is Yellowstone a tourist trap? I think 'tourist trap' means something tawdry and junky and in poor taste, that ruins the tourists' view ... This is thrilling, that an artist of (Berks') magnitude would be interested in a project in Wyoming."

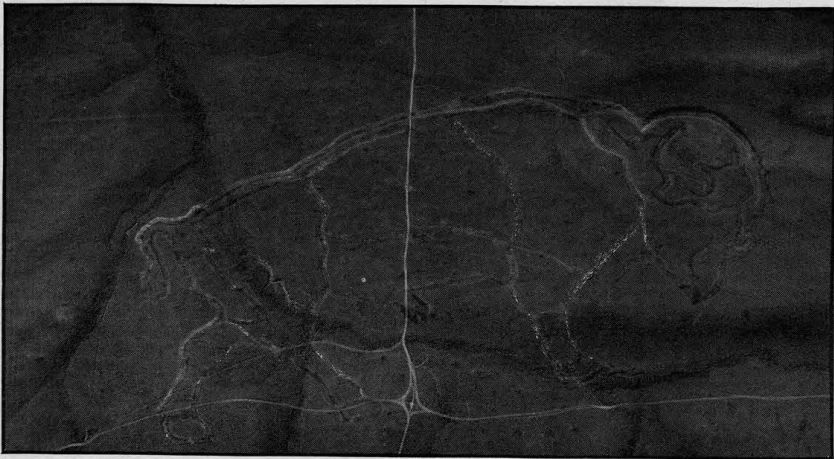
It was the area's isolation that caught Berks' eye. He told CBS television the site is "empty desert" where "nothing but sage is growing. The only way we know the beauty of things is through art," he said.

In addition to the monument itself, Berks envisions a fort-like visitors' center perched on a rim above the metal herd. Tourists could ride covered wagons down to the bison and walk among them. Some members of the foundation, though, favor sparse on-site development, and placing a visitors' center and commercial ventures 18 miles away, in Lander.

Public comments on the proposed sale of BLM lands for this project will be accepted through Oct. 29. Bureau of Land Management managers will then decide whether an environmental assessment or a more comprehensive environmental impact statement will be done before a final decision on the sale. Interested parties can ask for a 90-day extension of the comment period. Address comments and questions to Jack Kelly, Area Manager, BLM Lander Resource Area, P.O. Box 589, Lander, WY 82520 (307/332-7822).

— Cherie Winner

The reporter lives in Laramie, Wyoming.



The half-mile outline — in hay bales — of a giant buffalo near Sweetwater Station, Wyoming

Mike McClure



Earth First! kicks off its 1993 protest on the Amon property near Dixie, Idaho

Ken Olsen

Battle for wilderness takes a break

Activists claimed victory as they retired from a summer of confrontation with the Forest Service over logging in the largest remaining roadless area in the lower 48 states.

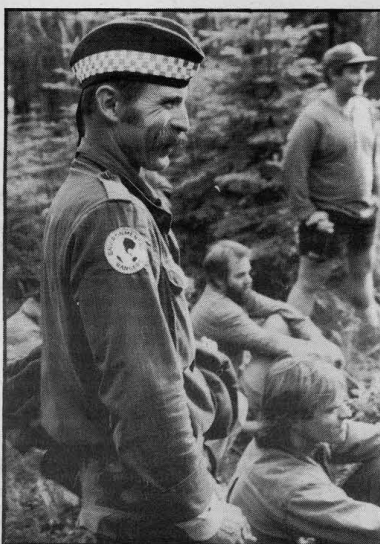
"We've won: They're not logging and road construction is way behind schedule," said Robert Amon of the fight over the Cove-Mallard timber sales in Idaho's Nez Perce National Forest. Earth First!, the Ancient Forest Bus Brigade and other groups camped on Amon's 20 acres near Dixie, Idaho, during this second summer of protests.

Activists folded camp Sept. 15, pushed out by snow and the Idaho Department of Health. After months of trying to get environmentalists to build more outhouses, health inspectors ordered them to leave Amon's land or face fines of \$1,000 a day. Amon promises to have camp "so clean you can eat off of the dirt" by next summer.

A few activists say they will join the Native Forest Network's "North American Road Show," which is making its way from San Francisco to Vermont to warn people about the destruction of temperate forests. That ends in mid-November, just in time for several Cove-Mallard activists' trials in U.S. District Court in Moscow, Idaho.

Three dozen Earth First!ers were arrested on more than 150 charges this summer. Though prosecutors have been asking for jail time, everyone convicted to date has been placed on probation and fined.

Because the Forest Service managed to finish roads into one of the timber sales



"Environmental Rangers" helped protest the Cove-Mallard timber sale

Ken Olsen

this season, Bennett Lumber Co. says it may try to log some of the Noble Creek area this winter. The Idaho Sportsman's

Coalition requested an injunction preventing the road as part of a suit it filed against the Forest Service last month.

The road contractor, Highland Enterprises of Grangeville, is taking legal shots of its own. It has sued Earth First!, several activists and other environmental groups for engaging in racketeering to slow construction. If the contractor wins, Idaho law allows for triple damages.

There also is talk of a grand jury investigation, following the discovery of 25 spiked trees in August and the subsequent armed search of Earth First!'s camp by 30 state and federal law enforcement officers.

Some activists remain frustrated over media portrayals of their effort to keep this finger of land, between the Gospel Hump and Frank Church River of No Return Wildernesses, pristine. The issue, Earth First!er Erik Ryberg said, is wrongly portrayed as environmentalists versus loggers.

To Ryberg, trying to log Cove-Mallard illustrates decades of poor land management, perpetrated by a Forest Service that never takes responsibility for its misdeeds. Timber company executive Frank Bennett, on the other hand, says the harvest, involving 81 million board-feet of lumber and 135 miles of road, is part of one of the best-planned logging sales in Idaho.

—Ken Olsen

The writer free-lances in Pullman, Washington.

Hunter finds Trouble and kills her

Trouble, the grizzly bear that escaped from a wildlife refuge near Grants Pass, in southwest Oregon, is dead.

In the four months between her ingenious escape from a metal cage and her death at the hands of hunter Tim O'Leary, Trouble traveled only 35 miles.

Kenner Harrington, a U.S. Fish and Wildlife Service special agent, says the bear hollowed a den out of a blackberry thicket a mile outside of Riddle, Ore., and apparently lived in it for weeks. She attracted the attention of rural residents by harassing their livestock and ripping the metal siding off a trailer. A local resident called to notify Wildlife Images, the refuge from which Trouble escaped, but

an employee there doubted that Trouble could be either alive or still in the area.

That left a black bear as the culprit. At the U.S. Fish and Wildlife Service's suggestion, the resident called in Tim O'Leary, a hunter licensed to shoot black bears. O'Leary's hounds scented a bear near Riddle, Harrington says, and tracked her to the blackberry briars a mile outside of town. Harried by O'Leary's dogs, the bear poked her head out, and O'Leary shot twice with his .44-caliber Magnum, hitting the bear once. When the wounded animal charged from the briar, says Harrington, O'Leary realized it was a grizzly.

O'Leary and others in his party fired at the fleeing bear three more times, but missed. They took up the chase and

tracked her for 90 minutes before she led them back to the briars. To gain access, O'Leary climbed above the top of the thicket with a ladder, then dropped into a tunnel 10 feet from the bear's den. When he saw the bear swatting his hounds, he fired once, and Trouble charged. O'Leary killed Trouble with two point-blank shots.

Harrington says he is not recommending pressing charges because the injured grizzly was a threat to local residents and was charging when O'Leary killed it. Trouble was the first free-roaming grizzly in Oregon in 54 years.

—Todd Hinnen

Todd Hinnen is an HCN intern.

HOTLINE

The cost of being lost

Every mountaineer fears a violent change of weather, faulty equipment and physical exhaustion. Mountaineers in Alaska's Denali National Park and Washington's Mount Rainier National Park now have the cost of rescue to worry about. The Park Service recently approved a pilot project requiring those engaging in "dangerous activities" to pay for their rescue. In remote places this can be expensive. The Park Service spent \$3 million to retrieve stranded climbers in 1992, including \$430,000 for 23 rescue missions on Alaska's Mount McKinley, \$150,000 for a four-day search in Yosemite National Park, and \$50,000 for a two-week search in Olympic National Park. Rescue fees have never before been charged in the United States. But mountaineers must make a down payment covering emergency response before each climb in Nepal and Pakistan. In Europe, a program much like the Park Service's has resulted in affordable rescue insurance, reports the *Los Angeles Times*.

Victory for raptors

President Clinton has signed into law the Snake River Birds of Prey National Conservation Area, ending a 22-year struggle to win permanent protection for the highest concentration of nesting raptors in North America, if not the world. "This is a great day for Idaho and the dawn of a new era for one of the most magnificent natural resources in the country," said bill sponsor Congressman Larry LaRocco, D-Idaho. The bill gives permanent protection to 482,000 acres of Bureau of Land Management property on both sides of the Snake River for about 81 miles. The canyon lies about 40 air miles south of Boise. In the springtime, the canyon is home to about 600 pairs of birds of prey, including golden eagles, prairie falcons, red-tailed hawks, short-eared owls and many more. The canyon's location near Boise led to the Peregrine Fund's establishment of the World Center for Birds of Prey in south Boise in the early 1980s. A one-of-a-kind graduate study program for raptor biology has been established at Boise State University because of the canyon.

'Seldom Seen Smith' mourns a lost canyon and dead foes

by Vaughn Roche

To Ken Sleight's way of thinking, water in the desert is not supposed to pool into a great blue lake. It is supposed to cut a deep, narrow canyon through land so vast and sun-baked that you would never suspect the water was there until you peered over the rim and saw a river shimmering far below.

Another way to see desert water is from a boat on the river, which is the way Sleight, a pioneer river guide, and his race-weary customers saw Glen Canyon until 1963. That year the gates of Glen Canyon Dam closed and the Colorado River pooled to form Lake Powell. To Sleight and many others, the lake is not the jewel of the desert, as its creators boast, but a blue grave straddling the Arizona-Utah border.

"There was no other place on the desert and, for that matter, no place anywhere else like Glen Canyon, and it was buried in the backwash of man's arrogance," Sleight says.

Sleight so hated the dam that his friend, the late Edward Abbey, used him as a model for river guide Seldom Seen Smith in *The Monkey Wrench Gang*. The book chronicled a group of eco-avengers who plot to blow up the dam, free the river and resurrect the canyon. In real life, Sleight assumed the role of plaintiff in a frustrating legal battle to block the dam's construction.

Sleight is one of only an estimated few thousand modern-day souls who have seen Glen Canyon. "Glen Canyon Dam made an environmentalist of me," he says. Ever since, his has been a prominent voice in successful campaigns against building a high-level nuclear waste repository outside Canyonlands National Park; against the BLM's practice of "chaining" older trees and, most recently, against consideration of an above-ground "warehouse" for high-level nuclear waste in San Juan County, where Sleight makes his home.

Thirty years after Glen Canyon was dammed, Sleight is telling of another flood as he nurses a beer in the dining room of his and wife Jane's Pack Creek Ranch in the foothills south of Moab, Utah. Above, at 12,000 feet, patches of snow glisten on the peaks of the La Sal Mountains, but warm air blowing up from the desert floor has burned off the overnight chill. Sleight describes the great desert flood of the '90s as an inundation of troubling attitudes. He's given it a symbol, and that symbol is borne on the haunches of seemingly every biker, hiker, camper — you name it — who takes to the mountains above or the desert below.

That symbol is Lycra, the lightweight spandex material that fits like a coat of paint. Sleight considers the trendy material as ominous for the future of Utah's canyonlands as Glen Canyon Dam.

"They read in those slick magazines that this is what you wear out here, so they come dress-coordinated in it. They show absolutely no individuality. They're like sheep walking up and down the canyons in Lycra," he says.

Sleight acknowledges that many in this form-fitted crowd are environmental allies, but too often he finds them intolerant of the life that predates them.

"They come here and see the cattlemen, for example, and they think the cattlemen shouldn't be here. Why? Simply because they've been taught they shouldn't be here. They're right to point out the abuses of overgrazing and erosion and to fight for reform, but they ignore

the historic place of the cattlemen. They're simply too rigid."

Now, out by a corral, Sleight's wranglers are fitting half a dozen tourists into saddles for a guided horseback ride around the ranch, which brings up a sticky, or some might say, smelly issue: horse droppings.

Sleight says some members of the Lycra crowd have made it an issue he fears could eventually threaten one of his longtime enterprises: horse pack trips, especially those that take tourists into a scenic, sage and piñon-juniper expanse of Utah's canyonlands known as Grand Gulch.

"They don't want me taking my horses into Grand Gulch, because they don't want to step over droppings on the trail. I don't know if I'd call this knee-jerk, but I do think they believe some things don't belong here simply because they've never seen them before."

Grand Gulch lies in a stretch of federal land Congress is considering for wilderness protection. But Scott Groene of the Southern Utah Wilderness Alliance says he doesn't know of any formal environmental protest against Sleight's pack trips. In fact, Groene says permanent wilderness status, should it come, would not interfere with commercial outfitters like Sleight.

Dale Davidson, an archaeologist with the BLM's Moab office, says hikers do complain about horses in Grand Gulch. But he says the complaints don't threaten Sleight's permit to use the area. But he also says that a proposed management plan to protect Grand Gulch from overuse will ban open campfires, close some areas to horses, and increase the number of permits issued for commercial use.

Sleight favors wilderness designation for Grand Gulch and 6 million other acres of federal land in Utah, a proposal supported by a coalition of environmental groups including the Sierra Club, Wilderness Society and the Southern Utah Wilderness Alliance. The plan would provide wilderness protection for three times as much land as the Bureau of Land Management and former president George Bush have recommended to Congress.

Of Sleight's contribution to the environmental movement, Groene says, "Ken's a guy who was there long before the rest of us. He wears cowboy boots and the rest of us wear Tevas, but we've got a lot to learn from him. It's a statement in itself that Ken can look at the beauty around us here and tell us that the best of it is under water."

When he's not studying the latest environmental crisis, overseeing the care of ranch grounds or riding honcho on pack trips, Sleight finds

time to run the Colorado and Green rivers, which join beyond the red rock cliffs to the west of Pack Creek. Shooting the rapids and drifting the flatwater is a fascination Sleight turned into a business back in 1955. His first rafts were military surplus, bought for \$50 apiece.

"It used to be that customers wanted to take in the beauty of the river, always in wonder of what lay around the next bend. Entertainment was spontaneous and self-provided. The customers would sing and play harmonicas and guitars back in the grottoes. The food usually came from a can," he recalls.

"Nowadays, they want restaurants down on the river, fancy meals with French names, and everyone wants to stand around and watch you make it (like Benihana's in the desert). They've got dancing, opera singers, volleyball, even lawn chairs down on the river; hell, I wouldn't have been caught dead with a lawn chair on the river. The problem is that these people press for luxuries until they've brought with them the mess they were trying to get away from to begin with."

Sleight says many of those early clients, who came from the big cities of both coasts, went home filled with the value of nature. He finds the reverse true today. "There are a lot of yuppie types who simply come so they can boast that they ran the river; they make it a competition with their friends back in the cities. Most of them want to get down the river as quickly as they can, in as much comfort as they can."

Sleight tells of a recent day on the Colorado River: He lands his boats on a sandy canyon beach and beckons his river-running clients to follow him to a beautiful site. Some ask for a description, wanting to decide for themselves whether the short hike is worth it. Sleight, hoping to entice them, assures them that what they'll see is beyond description. Some go; some stay. When the group that goes returns chattering exuberantly about what they've seen, some of the others are mad — not at themselves but at Sleight.

"When you tell people, 'Okay, folks, around the next bend you're going to see Rainbow Bridge,' well, that ruins the sense of self discovery. People just don't

seem to want the adventure of it anymore."

Of course, traffic on the Colorado was much lighter in the days Sleight speaks of so fondly. Boats now are so plentiful that boatmen compete for favored campsites just as fans of spectator sports compete for prime parking spots at metropolitan arenas. That may mean leaving the river early, which means spending more time in camp, which means boatmen may have no choice but to provide the entertainment Sleight finds so out of place.

"I think it's obscene to bring them off the river just to set up camp, and I've been criticized for my long days and for setting up camp after dark," Sleight says. "But time's too damn valuable. You want to show them as many canyons as you can. Back before they buried Glen Canyon, people would come from New York with six days to see as much as they could. They didn't want to spend time in camp. They could have picnicked in Central Park if that's what they were looking for."

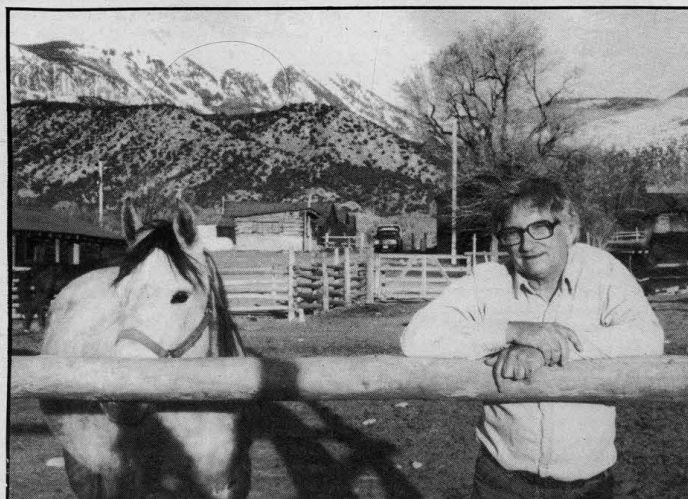
It's enough to make Sleight miss his good ol' boy antagonists: the diminishing pro-development crowd of miners left over from Moab's long-busted uranium boom, the road builders, the dam builders and the like. Ironically, the one he may miss most is Cal Black, the late San Juan County commissioner, uranium boom miner and model for Abbey's pro-development character Bishop Love in *The Monkey Wrench Gang*. In the book, Love was the night-and-day opposite of Sleight's character. In real life, Black was Cobra to Sleight's Mongoose, a man who wore a uranium pendant to persuade the world it held no harm, a man who ultimately died of cancer.

"The people I miss were individuals," Sleight says. "You can say what you want about them, and yes, I disagreed with them, but they were colorful and unique. They're being shoved out, and yes, I miss them. They had minds of their own; they had character."

And none of them wore Lycra.

Vaughn Roche writes in Salt Lake City, Utah.

PROFILE



Ken Sleight

Vaughn Roche

Idaho Gov. Andrus takes on eight dams

BOISE, Idaho — Gov. Cecil Andrus, D-Idaho, fired a legal volley at three federal agencies Sept. 10 in an attempt to save endangered salmon on the Snake and Columbia rivers.

Although more than a half dozen lawsuits are currently pending on endangered salmon issues in the Northwest, the suit is the first filed by the state of Idaho.

The suit challenges the National Marine Fisheries Service (NMFS) ruling last May that operation of eight dams on the Columbia and Snake rivers does not threaten salmon survival or violate the Endangered Species Act. The U.S. Army Corps of Engineers and Bureau of Reclamation are also named as defendants.

So far, Snake River sockeye, spring-summer chinook and fall chinook — all salmon that spawn in Idaho — are listed as endangered and threatened under the Endangered Species Act. Although the Idaho Fish and Game Department blames eight hydroelectric dams for killing 77 to 95 percent of the migrating juvenile salmon, NMFS officials ruled the dams cause "no jeopardy" to Snake River salmon.

Andrus said the ruling flies in the face of the facts. "These agencies have shown absolutely no compassion or willingness to move in any expedited fashion to save these ocean-going stocks," the four-term governor said. "If the salmon are going to have any chance of survival, action must be taken by someone."

Charles Ray, salmon policy coordinator for Idaho Rivers United, said the dams killed an estimated 2.7 million juvenile chinook salmon during the spring migration, or about three-fourths of the wild run. "If the feds all of a sudden decided that they'd make three-fourths of this year's bald eagle eggs into omelettes, the

public would howl — it'd be an outrage, a national crime. But that's exactly what they're doing to the salmon," Ray said.

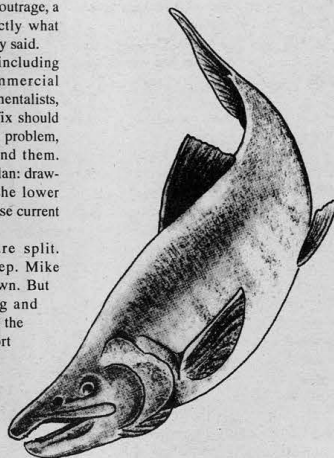
Idaho salmon advocates, including Andrus, Indian tribes, commercial anglers, irrigators and environmentalists, believe that 80 percent of the fix should be focused on 80 percent of the problem, dams and the reservoirs behind them. These groups back the Andrus plan: drawing down four reservoirs in the lower Snake River by 40 feet to increase current flow and boost fish survival.

But Idaho politicians are split. Andrus and eastern Idaho Rep. Mike Crapo, R, support the drawdown. But Republican Sens. Larry Craig and Dirk Kempthorne, together with the Idaho Farm Bureau and the Port of Lewiston in western Idaho, oppose the plan because it would disrupt barge traffic and grain shipments on the Snake and Columbia rivers.

With leadership split, NMFS, the Army Corps of Engineers and the dams' hydropower broker, the Bonneville Power Administration, have found it easy to resist any changes to dam operations. Instead the agencies call for hefty water releases from Idaho's upstream irrigation reservoirs to increase river currents.

Moreover, in late September, the Corps announced it would delay planned drawdown tests on lower Snake River reservoirs from 1994 to 1996. The agency has also called for additional tests and refinements that could delay the drawdown plan for as long as 17 years.

With the lawsuit, the state of Idaho hopes to win a "jeopardy" opinion on dam operations and force the NMFS and the

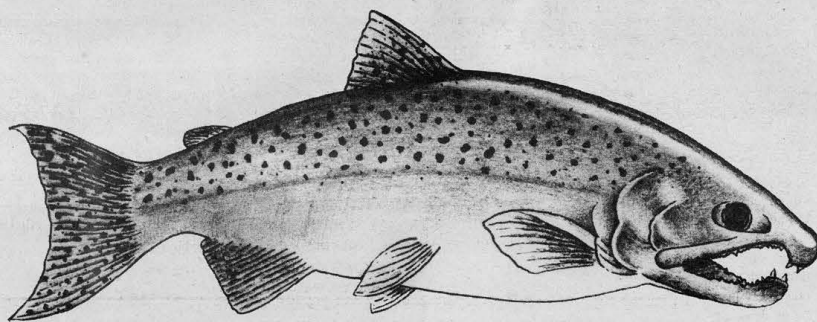


Corps to try the drawdown plan.

Meanwhile, the NMFS recovery team is expected to issue a salmon-recovery plan this October, a plan that many predict will embrace the status quo and call for more study. All of which means that time is running out on the salmon, Andrus said. "It's my personal opinion that downstream interests see that very clearly. They say: If we can stall long enough, there won't be any salmon, and their (Idaho's) case will be moot."

—Steve Stuebner

Steve Stuebner writes in Boise, Idaho.



Navajo anti-logging activist found dead

Leroy Jackson, 47, is dead. An active Navajo environmentalist, he was found in his van on New Mexico State Highway 64 Oct. 9 at the Brazos Bluff Lookout, east of Tierra Amarilla. He was last seen alive Oct. 1. An autopsy was being done at presstime.

Jackson was involved in several emotional disputes centered on the clearcutting of his tribe's forests (HCN, 10/19/92). He was a cofounder of Dine CARE, or Navajo Citizens Against Ruining Our Environment. On Sept. 28 he attended a forestry meeting in Window Rock, at which unemployed loggers talked about possible violence.

In an interview Oct. 11 with HCN, Sam Hitt, head of Forest Guardians in Santa Fe, a group that provided Jackson and his Tsille chapter of Dine CARE with technical and legal advice, said that Jack-

son was to leave for Washington, D.C., on Oct. 2, the day after he was last seen alive. He had plans to talk with John Leshy, solicitor general of the Department of Interior, and Ada Deer, head of the Bureau of Indian Affairs. Jackson opposed an 18 million board-foot clearcut in the Chuska Mountains.

An appeal of the cut would have cost the Navajo-owned NFPI mill about 100 jobs. Hitt said Jackson, who lived on the reservation, agonized over the job losses.

"I worked with Leroy for two years. He was a person who went between two worlds with great vigor and clarity. He is irreplaceable," Hitt said the fight over the Chuska Mountains pitted the tribal-owned logging company against Jackson and his fellow Navajo environmentalists.

"This is the Navajo Tribe — this is Peterson Zah. This struggle pits preserva-

tion and religious values against economic development — against people who are starved for jobs," Hitt said.

The proposed clearcut is vulnerable to appeal because the area is home to Mexican spotted owls. Bureau of Indian Affairs officials in the Southwest wrote on Aug. 11 to the U.S. Fish and Wildlife Service, asking that agency to exclude Indian lands from Mexican spotted owl protection, according to the *Albuquerque Journal*. The BIA officials argued that protection of the owl violates Indian "sovereignty, self-governance and economic development." They also argued that Indians don't like owls.

—Ed Marston

Ed Marston is HCN publisher.

HOTLINE

Down the tube

Idaho salmon may one day play a billion-dollar game of Chutes and Ladders. The Idaho National Engineering Laboratory (INEL) is developing a tube for young fish swimming to the ocean through dams on the Snake and Columbia rivers. The dams' turbines destroy millions of juvenile salmon each year (HCN, 5/31/93). Ed Chaney of the Northwest Resource Information Center was agast at the proposal. "We can't just substitute pipes for habitat," he told AP. One INEL plan would float a translucent pipe eight feet in diameter for 350 miles. Water would be pumped through it at the same velocity as the surrounding river, and the tube would be carpeted at certain points to slow the water and allow smolts to rest. Chaney says the plan is blind to ecological reality. "These animals don't just use the river as part of a conduit from point A to point B. They use it to feed, to reach a certain physiological change from river water to saltwater." The fish-in-a-pipe plan is not cheap. A manager for EG&G Idaho, INEL's chief contractor, estimated an experimental pipe would cost about \$3 million, with a complete tube costing as much as \$1.4 billion, and taking up to 10 years to install.

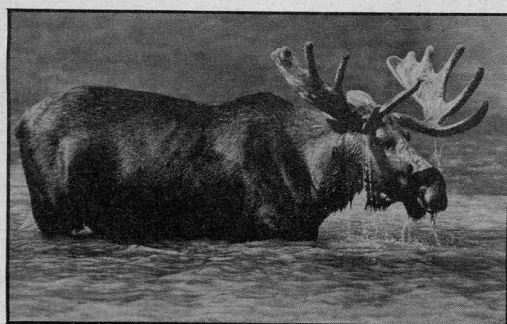
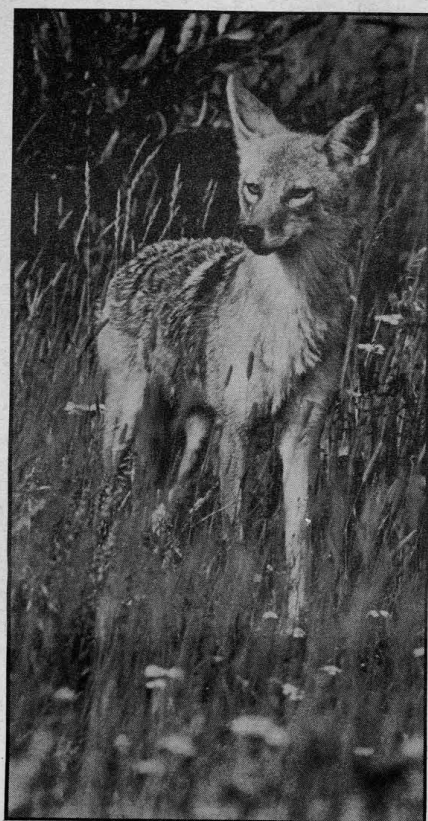
Lost money in Utah

A Utah environmental group wants to know how the state's grazing advisory boards spent \$1.2 million over the past seven years. The money represents 12.5 percent of the Bureau of Land Management's grazing-fee take for the state, but Scott Groene, an attorney with the Southern Utah Wilderness Alliance, says no public record exists of where it went. "This is a snake's nest, and my guess is there is no record whatsoever of how this money has been spent in Utah since the Taylor Grazing Act took effect in 1934," Groene told the *Salt Lake Tribune*. Groene said his concern was whether the money benefitted livestock on public land at the expense of wildlife. Both the BLM and the state auditor say it's not their job to account for the expenditures of the grazing boards, which are appointed by the Secretary of the Interior. No federal restrictions are placed on how the money can be spent, but the state legislature directed the boards in 1953 to use it for range improvement, predator control, weed extermination, grazing land acquisition and the general welfare of livestock grazing. "It's not a big amount, but Utah could probably buy four or five public-school teachers ... instead of a new livestock watering system," said Groene. The grazing reform package forwarded by the Clinton administration would replace grazing boards with Resource Advisory Councils, whose members would include environmentalists and other interested parties in addition to ranchers.

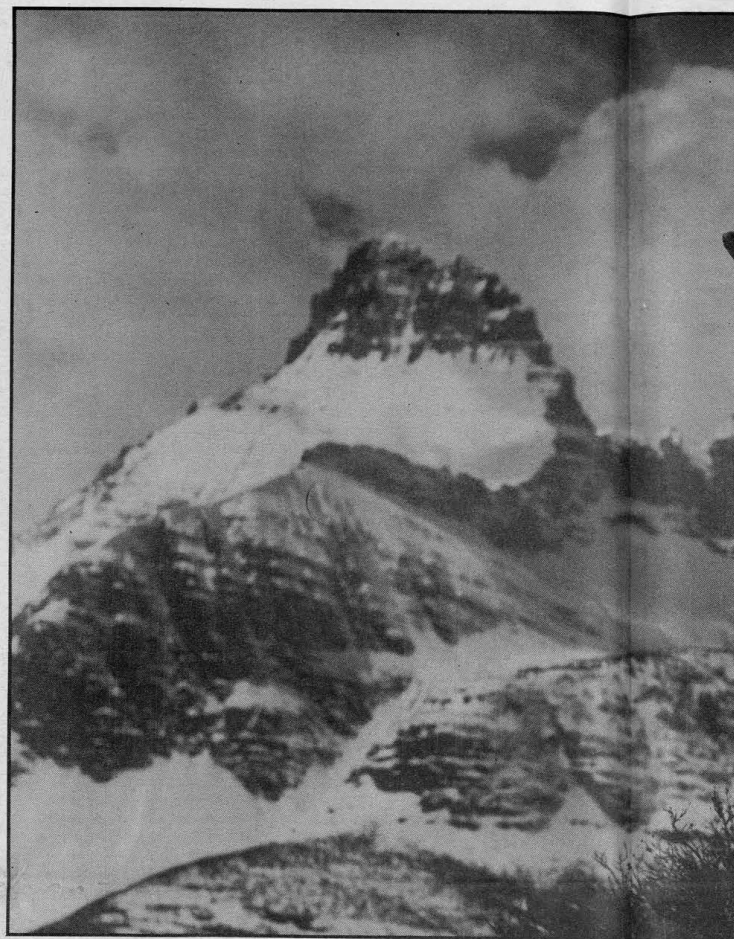
BARBS

Inspired reasoning a la Rush Limbaugh.

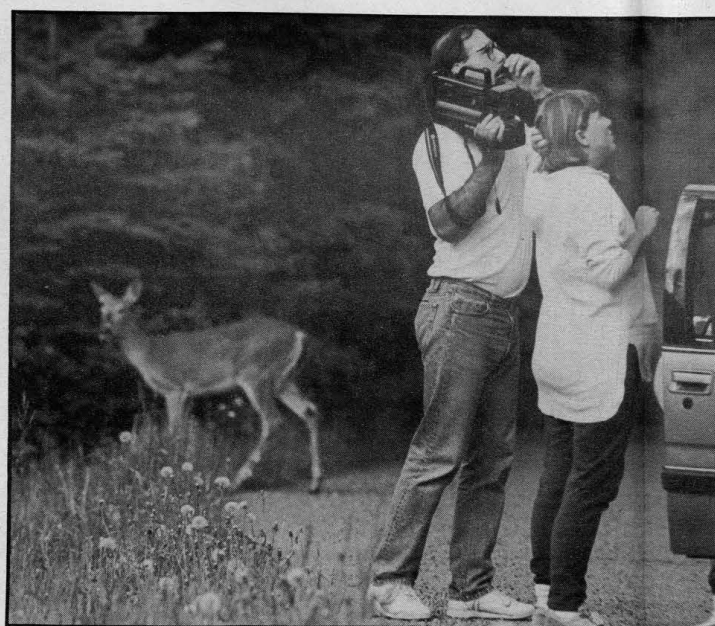
Columnist Alston Chase told the Montana Wood Products Association that ecology shares philosophical roots with fascism, reports AP. "A lot of people don't understand this," Chase said, "but Hitler considered himself an ecologist."

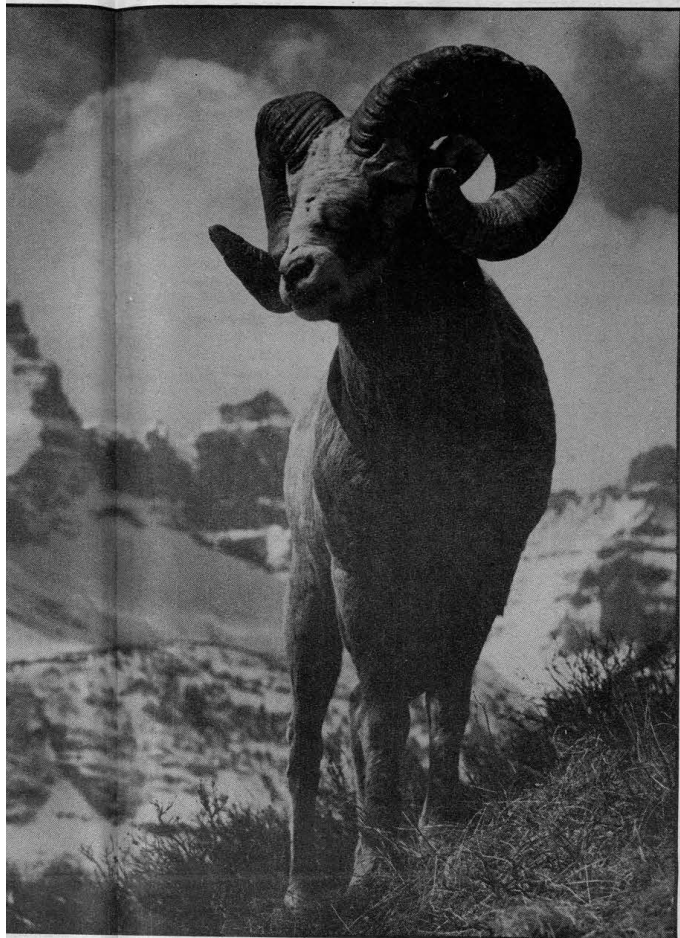


Animals – and people – like these can be seen regularly in Montana's Glacier National Park. Photos, by Hungry Horse News editor and publisher Brian Kennedy, include (clockwise from above) moose, coyote, bighorn sheep with Mount Wilbur in the background, a mountain goat, three young mountain goats, and a deer slipping by as a couple watches the wildlife.



WATCHERS at Gl





at Glacier National Park





Adobe ruins in Costilla County

Randall Teeuwen courtesy of Cultura Constante de San Luis

Hispanics in Colorado try to regain a commons ...

continued from page 1

solution for the emotion-laden land.

The current plan involves Ken Salazar, director of the Colorado Department of Natural Resources, who is a fifth-generation San Luis Valley native. He and Tom Macy of The Conservation Fund went to the San Luis meeting to see if the community would participate in a state-assisted public purchase of the Taylor Ranch. That is, if someone else doesn't buy it first.

As with other land grants, trouble on the Sangre de Cristo didn't begin with Jack Taylor's purchase of *La Sierra* in 1960. It stems from the collision of one social and legal system with another, and from two different ways of viewing land. From 1650 to 1846, Spain and Mexico made hundreds of grants in the upper Rio Grande River corridor. Yet after U.S. annexation, the courts confirmed only a fraction of them.

New Mexico attorney Malcolm Ebright estimates the United States rejected some 20 million acres — roughly 70-90 percent of legitimate land grant claims processed between 1854 and 1904.

Litigation, legal confusion and bitterness over lost lands are an old story in northern New Mexico and southern Colorado. They are an irrevocable part of the regional fabric.

The Taylor Ranch/*La Sierra* is unus-

al because its use as a commons survived more than 100 years of U.S. sovereignty. That gives Costilla County the opportunity to create a contemporary landholding scheme that incorporates historic uses.

"I think what we're talking about here is something that's totally unique," said Salazar. "I don't think that the kind of (land) management that we're talking about, that connects up to the culture and the history and the people of the place, exists anywhere in this United States — or anywhere with respect to where land grants have been taken over by government or by private ownership."

It's an appealing scenario. It also won't be easy. Numerous community factions will have to come together with a variety of funding sources. Meanwhile, a consortium of buyers has a purchase option tying up the property through November.

But there's a good chance that deal won't go through, and in Costilla County momentum is rolling towards finding a way to incorporate *La Sierra* into the nexus of the community again. Given those hopes, as well as the obstacles, Father Pat Valdez appropriately opened the community meeting last June with a prayer:

"Good and loving God," he said, "... We ask you to open our minds, our hearts, our ears ... We pray for your blessings on our ideas and our deliberations. And we pray for the common good of the Mountain Tract ..."

'He Wept Yesterday's Tears Today'

— Ballad of Apolinar Rael,
by Dorothy Rael Speights

The Taylor Ranch is 120 square miles that include 14,000-foot Culebra Peak. Most of it is in near-wilderness condition. It has timber, water and mineral resources. Some 2,000 elk use it for summer range, and promotional flyers aimed at trophy hunters that grossed the ranch \$300,000 last year also describe it as a haven for bears, turkeys, coyotes, bobcats and mountain lions.

A few decades ago it was an isolated spur of the Sangre de Cristos. Today it's just an hour's drive from airports. So in this age of residential and recreation development, the Taylor Ranch seems like a plum. But developers may be deterred by *Rael v. Taylor*, the case pending in the Colorado Supreme Court.

The namesake of the case, Apolinar Rael, died in July at an age estimated at 95. He was admired for his dedication in defending what he saw as his community's land rights. Many of his peers, the generation that first organized to fight Jack Taylor, have also passed on, but new generations have carried on the fight to preserve a way of life that some have called backward and others have idealized.

It was a life based on irrigated agriculture, seasonal rotations of livestock from river valley bottomlands to mountain meadows, and hunting and fishing to supplement the family larder. People

built homes with locally made adobe brick and *vigas*, log beams cut from nearby forests. Small Catholic parishes sat at the center of the social network. It was a system that proved remarkably resilient in the isolated pockets of the *Rio Arriba* (upper Rio Grande) region.

"We spent a lot of time up in those mountains because my Dad grazed his sheep up there," said Gloria Maestas, Apolinar Rael's daughter.

"He would remind us of always respecting the next neighbor's rights because they had the same rights we did." Maestas, a retired schoolteacher, remembers going to *La Sierra* in the 1940s and 1950s with her father and his flock of 200 sheep. For Maestas and her 10 siblings, summer days spent herding and shearing were a holiday from other ranch chores. Meals were a celebration, with barbecued lamb and sourdough bread her father slow-baked in underground pits.

Apolinar Rael and his neighbors grazed their sheep and farmed according to customs that evolved over the course of three centuries — a New World blend of Spanish, Moorish and Pueblo Indian agriculture that their great-grandparents brought north with them.

Charles "Carlos" Beaubien recruited the Sangre de Cristo's *pobladores*. A French-Canadian fur trapper, he moved to Taos in 1824, becoming a naturalized Mexican citizen. When Mexico awarded the grant in 1843, it stipulated that 200 families must be farming the valley within 12 years. Settlers had to protect themselves against Ute and Navajo raids, so — to entice them — Beaubien had to offer what other grants typically did.

He gave them deeds to private farm tracts laid out in long narrow strips, water rights, and house plots grouped near plazas. According to custom, those private holdings came with rights to use common uplands for grazing, wood-gathering, hunting and fishing.

By 1849, one year after the Treaty of Guadalupe Hidalgo turned the region's residents into U.S. citizens, the first permanent settlement on the Sangre de Cristo was established at present day Garcia, Colo. Others followed along the Culebra River, a tributary of the Rio Grande, and its streams: San Luis, San Acacio, San Pablo, San Pedro, Los Fuertes, San Francisco and Chama.

Compared to some Spanish grants which date back to the 1700s, the Sangre de Cristo's history is relatively easy to trace. In 1860, when about 1,700 *pobladores* were living there, the U.S. Congress confirmed the grant to Beaubien.

Three years later Beaubien sold it to William Gilpin, Colorado's first territorial governor. At the time of the sale, Gilpin is said to have signed a document affirming Beaubien's agreements with the *pobladores*.

Gilpin, however, had a capitalist agenda and newly instituted taxes to pay. He formed two investment companies to promote the grant's vast lands to Dutch and English immigrants. When he found *Hispano* settlers already cultivating the best river bottom lands, Gilpin tried to wrest land from them.

In 1871, the *Rocky Mountain News* published a letter from a community association that had organized to resist him. It warned prospective homesteaders about "a speck of trouble in prospect."

On Sept. 29, 1993, Colorado Gov. Roy Romer established a commission to try to buy the Taylor Ranch.

Gilpin's Europeans never came and the southern half, where the *Hispano* villages were established, was sold twice to Colorado investors. By the time Jack Taylor bought the Mountain Tract, it had four private owners and 110 years of uninterrupted community use.

Jack Taylor tried to change that. "It traumatized the community," said Land Rights Council board member Maria Valdez. She was 12 years old in 1961, when Gov. McNichols came to pacify an angry crowd in the aftermath of an incident between Jack Taylor and three young men.

Taylor said he'd caught them trying to set fire to a trailer on his property. The men said they'd been searching for a stray cow when Taylor and his hired hands began beating them. Some say Taylor avoided a lynching only because the sheriff kept him in jail for the night. Later, he was convicted of simple assault and fined.

Local residents continued to use the 120 square-mile Mountain Tract. Taylor and his armed guards continued to run them off and confiscate equipment. Then, one night in 1975, a volley of bullets burst through the roof as he was sleeping. One of them shattered his ankle. After that Taylor didn't go back.

"He was pretty upset that he

couldn't enjoy his property," said Zachary Taylor, executor of his father's estate. "He couldn't get any law enforcement officials to enforce the law. He was an outsider."

To Apolinar Rael, Jack Taylor was a thief and "no less than a demon," said Maestas. Her father and his contemporaries

organized the *Asociacion de Derechos Civicos* (the Association for Civil Rights) to fight Jack Taylor in court.

When Taylor succeeded in clearing his title in federal court in Denver in 1967, the discouraged *asociacion* went dormant.

In the mid-1970s, a younger and more sophisticated generation stepped in. New leaders like Land Rights Council cofounder Shirley Romero-Otero did research, raised money from the Catholic Church's Human Development Campaign and published a newsletter called *Tierra y Libertad* (Land and Liberty). In 1981, they went back to court with *Rael v. Taylor*.

Romero-Otero credits two factors in the rebirth of Costilla County's land rights movement. One was the encouragement and inspiration of older people like Apolinar Rael. The second was the Chicano movement.

"What the Chicano movement did for my generation is, first we learned our history and we learned to be proud of ourselves ... Your history and your language is the backbone of a people. And the bottom line in the whole Chicano movement was the question of land, because a people without land (is) like a feather in the wind."

When Taylor ringed the Mountain Tract with barbed wire in the 1960s, nearly every family had a few head of sheep or cattle, and used wood to heat their homes. Without mountain resources many sold their farms and left, some bound for city housing projects. To be sure, Costilla County, like the rest of rural America, had been hemorrhaging people since the 1940s, but its losses

from 1960 to 1970 accounted for half the outmigration of the entire San Luis Valley. It far exceeded the national norm, said Colorado College anthropology professor Marianne Stoller.

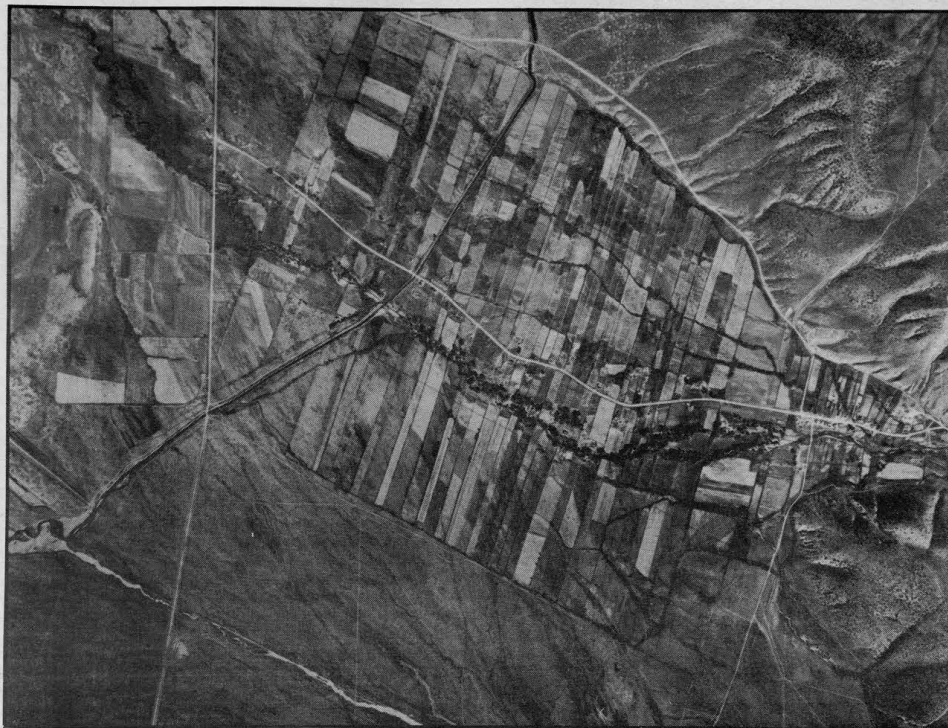
As the years went by, some in the community began to spurn the land rights struggle and its "radical" activists. They decided the courts were right, that as one judge had put it: Events had simply forced the Mexican-American community into the 20th century. Taylor's land was Taylor's land.

"Progress displaces people," said Zachary Taylor. "That's a global problem. It's a Third World problem. Wagon wheels get displaced by automobiles. Everybody gets displaced. Even in Costilla County people don't live off game anymore."

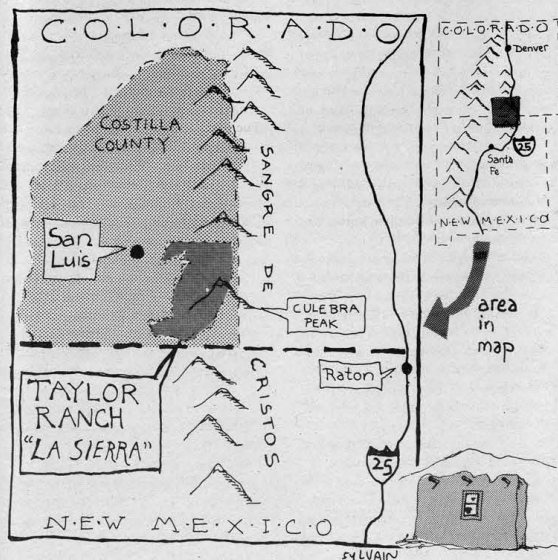
"Basically what we've watched during this time (33 years) is a superimposition of Anglo-American property and jurisprudential system on a communal system brought from Mexico," said Bob Maes, a San Luis native who is now a Denver attorney. To Maes, the case represents the last chance for the old ways to be recognized. He testified as a friend of the court in *Rael v. Taylor*, representing both the Colorado and National Hispanic Bar associations.

Maes occasionally goes back to his childhood home to paint. "Lately when I go there, I've been focusing on the adobe ruins. There's a life force that's beginning to erode. They seem to be melting back into the ground. It's a real visual indication of a passing way of life."

continued on next page



Original settlement patterns are still visible on the land in Costilla County, where long lots were laid out perpendicular to streams and hand-dug acequias (irrigation ditches).





Becky Rumsey

One of 15 Stations of the Cross sculptures above San Luis, a shrine that attracts 40,000 summer visitors. The attraction is a project of Father Pat Valdez and the Costilla County Development Council.

Hispanics in Colorado try to regain a commons ...

continued from previous page

Rael v. Taylor is a slim legal peg for the heirs of the *pobladores* to hang their hopes on. At issue is whether Taylor properly notified everybody who had a claim to the land in his 1960 quiet title suit. It has so far lost in two lower state courts and whatever the supreme court decides could still mean years and years of litigation. Symbolically *Rael v. Taylor* is a banner of community perseverance. Practically it's a bargaining chip for access.

"If we won tomorrow," Land Rights

Council attorney Jeff Goldstein told the group gathered in San Luis, "we'd win access to the land: usufructuary rights, common rights for gathering wood, hunting, fishing and grazing. If Beaubien was here today, he would still have the underlying ownership of the land. He could mine it. He could use it for cutting wood. He could exploit it. In the modern day and age, we have to deal with that issue anyway. So there's still a question of management."

For years people have attempted to orchestrate a public purchase of *La Sierra*, even before Jack Taylor bought it. But since his death, progress seemed more likely. His son Zachary seemed far different, and he'd hired Jim Cockrum, a different kind of ranch manager. The previous manager was murdered at the ranch by his predecessor — a "thug" by local perception.

"I had strict orders to get along with the local people," said Cockrum, a former sheriff. "The P.R.'s been real good since I've been here." Cockrum instituted "woodfests" at the ranch, where local people pay \$5 a pick-up load and the proceeds go to Costilla County non-profit groups. He opened up the ranch for camping on the Fourth of July, and increased local grazing leases.

In 1990, Gov. Roy Romer wrote to Zachary Taylor, asking for a meeting in Colorado. The historic meeting between Jack Taylor's son and two grandsons, and Father Pat Valdez and Costilla County commissioners, took place in Alamosa.

"First they asked me to donate it," said Taylor, "and I said I really couldn't do that. Then they suggested I sell it to a non-profit or a public agency. I worried that a public agency wouldn't give me fair market value." Then Taylor got a call from Tom Macy at the Conservation Fund in Boulder, Colo., and a plan for a U.S. Forest Service purchase began to take shape. "He thought,

he had ways of raising money and I thought, well, that might be a way to make both sides happy. I thought it would be a blessing if it could happen."

"Zach Taylor made a good faith effort to deal with us," said Macy, whose Western offices transferred 200,000 acres of land into public ownership last year.

"I mean he rolled up his sleeves and he flew out here and met with us and the Forest Service and really tried to make it happen." Macy worked with former Sen. Tim Wirth to request an appropriation from Congress for a \$3 million down payment. It failed.

Still another hitch arose. Environmentalists worried about the mining and logging the Forest Service might allow. Others opposed any federal intervention. Costilla County is still smarting from a 1989 U.S. Fish and Wildlife Service raid on poachers, which many residents saw as a government attack on poor Hispanics. Taylor especially sensed a lack of support from the Land Rights Council.

"I'm discouraged by the lack of encouragement," Taylor said. "We came so close not to have done anything." Taylor went fishing for a private buyer and snagged Oregon timber speculator Tim Blixseth.

Last May, on what was generally known to be the eve of the sale, a mysterious fire burnt Jack Taylor's A-frame house to the ground. It was the building where, in 1974, bullets were fired through the roof. Some say it was a disgruntled hunter. But it seemed to echo the range war of the not-so-distant past and, for reasons he declined to share, Blixseth didn't buy.

The current state-assisted proposal may stand a better chance. On Sept. 29, Gov. Romer established the Sangre de Cristo Land Grant Commission with representatives from diverse community groups, including the Land Rights Council and

state personnel. The commission will have two tasks: to find funding and to craft a community-oriented management plan.

Success depends on pulling together what Macy calls a "daunting" sum of money: \$22 million to \$32 million.

"If the people continue to support it, I think they'll bring in others," Macy said. "When you see the warmth they have for this land and when you see their dependence upon it, you want to help them. And I think that could spread throughout the state and pull in funding."

Taylor has signed a letter of intent to negotiate with the state of Colorado if his other buyers, a consortium of corporations, fall through by the deadline of Dec. 1. "I don't think any private buyer in his right mind is going to touch this thing," said Macy. "There's so much distress built in because of the history."

"It doesn't matter who comes in here," said Jaquez. "They're going to have to deal with us. We live here."

The Costilla County Conservancy District is exploring options such as floating millions of dollars worth of bonds to purchase the ranch outright or using condemnation powers to acquire it. Maclovio Martinez, four-term district president, supports the state's efforts but worries that politics could make it difficult to carry out.

"Other Coloradans might view it as another kind of welfare, and how much control would the community really have? The conservancy district is the community. It's based on the needs of people out there working with shovels. That's what inspires me and makes me believe we will overcome obstacles — and there are some big obstacles."

Aside from funding, probably the biggest obstacle is that of community cohesion and vision. Like its cousins throughout the rural West, Costilla County is struggling to define its future. The Taylor Ranch, whatever its fate, is likely to have a huge impact on that future, especially since Costilla County has no public lands.

An extractive future for the ranch would bring the community logging and more mining. Battle Mountain Gold's cyanide leaching gold mine lies just four miles from San Luis and employs 85 county residents (HCN, 6/4/90).

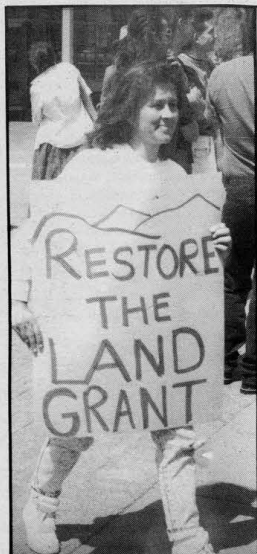
Another future promoted by the Costilla County Economic Development Council would boost tourism and recreation. Still another might be more development and land speculation. Already some 30 subdivisions with lots owned mostly by non-residents or recent arrivals make up 70 percent of Costilla County's tax base. While 77,000 acres of public land could restore subsistence grazing, wood-gathering and hunting to the community, it could also make the ranch a magnet for immigrants and tourists. It's hard to tell how compatible such an influx would be with the community's traditions.

Salazar, who grew up on a ranch 20 miles west of San Luis, and Macy hope to work with the commission to craft an acquisition and management partnership that will blend ecological and recreational values with community traditions.

That scheme would exclude mining, extractive logging and subdivisions. If it works, it's likely to be a precedent-setting experiment in land management and cultural preservation. The repercussions could reach well beyond Costilla County. ■

Becky Rumsey reports and produces public radio documentaries in Boulder, Colorado. Her report is paid for by the *High Country News* Research Fund.

For more information, contact the Sangre de Cristo Land Grant Commission, 136 State Capitol, Denver CO 80203 (303/866-2471).



Becky Rumsey

A demonstrator marches at a court hearing last April

BULLETIN BOARD

ECOSYSTEM SYMPOSIUM

"Ecosystem management: Beyond the rhetoric" is the theme of a Colorado State University symposium for resource managers in the Rocky Mountain region, Nov. 15-16. Speakers include Forest Service recreational planner Martha Moran; Rick Knight, an associate professor of wildlife biology at Colorado State; Miles Hemstrom, a Forest Service ecologist; and Ed Marston, publisher of *High Country News*. For more information, write to Ecosystem Management Symposium, Office of Conference Services, Colorado State University, Fort Collins, CO 80523 (303/491-0667).

SOLITUDE AS AN ALTERNATIVE

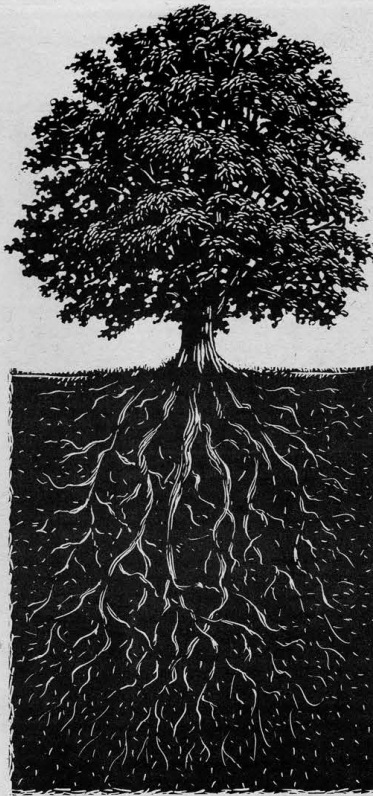
To counter a Forest Service management plan that supports continued livestock grazing and jet boat use in Hells Canyon on the Idaho-Oregon border, 15 environmental groups have composed an alternative. Called the "Solitude Alternatives," it recommends phasing out livestock grazing over two years and limiting motorized boats. The Hells Canyon Preservation Council, which spearheaded the effort along with the Oregon Natural Resources Council, National Wildlife Federation, Federation of Western Outdoors Clubs and the Sierra Club, says the Forest Service's preferred option damages the Snake River ecosystem and threatens endangered chinook salmon populations. The Forest Service is accepting comments on the preferred option until Nov. 15. To receive a copy of the Forest Service plan, write Snake River Planning Team, Box 907, Baker City, OR 97814 (503/523-6391). For a copy of the Preservation Council's Solitude Alternatives, send \$5 to Hells Canyon Preservation Council, P.O. Box 908, Joseph, OR 97846.

NARF AT 23

Founded in Berkeley, Calif., in 1970, the Native American Rights Fund has come a long way. The non-profit organization, which began with five attorneys and an annual \$400,000 budget, now employs 42 full-time staffers and spends \$6.5 million protecting Indian rights nationwide, according to its annual report. A major issue presently on the NARF docket is fighting for the protection of Native American religions. The Supreme Court recently refused to allow peyote in sacramental ceremonies and allowed the Forest Service to destroy an Indian sacred site on federal land. NARF fared better in Western water cases, winning settlements that granted the Northern Cheyenne, the Fort McDowell Indian Community and the Chippewa-Cree water rights. For the 32-page report or more information, contact the Native American Rights Fund, 1506 Broadway, Boulder, CO 80302.



GOING TO THE "SACRED MOUNTAIN" IN 1890-94.



John MacDonald

FOR GREEN BEAT WRITERS

Journalists who cover the environment can join their colleagues at two major conferences this fall. The Society of Environmental Journalists, founded three years ago, will meet Oct. 21-24 at Duke University, Durham, N.C., with former EPA chief William Ruckelshaus and Keith Schneider, controversial reporter for *The New York Times*. Investigative Reporters and Editors hosts its Western regional conference in Albuquerque, N.M., Nov. 12-13, focusing on computer-assisted reporting, Native American and border issues, environmental racism and styles of reporting. Speakers include Mark Trahan, reporter for the *Salt Lake Tribune* and former publisher of *Navajo Nation TODAY*. Contact Investigative Reporters and Editors at 330 Tijeras NW, Albuquerque, NM 87102 (505/842-1234) and the Society of Environmental Journalists at 7904 Germantown Ave., Philadelphia, PA 19118 (215/247-9710).

MINING REFORM CONTINUED

Miners and environmentalists in Nevada continue to look for common ground in the divisive debate over reform of the 1872 Mining Law. In an effort to expand on their dialogue in "Mining Reform: Searching for common ground" (HCN, 10/3/93), gold miner John Livermore and environmentalist Glenn Miller will join other miners and environmentalists in a panel discussion and public forum, Oct. 25 at 7 p.m., at the Jot Travis Auditorium on the University of Nevada campus in Reno. Congress is considering two very different mining reform bills, one backed by industry, the other by environmental groups. The discussion will focus on possible solutions to the standoff from the perspective of people working in Nevada, the state with the most mining on public lands. The talk will be moderated by Jon Christensen, Great Basin regional editor of *High Country News*, and Dorothy Kosich, managing editor of *Mining World News*, published in Reno. For more information, contact Jon Christensen, 702/885-2023.

A COLORADO ALMANAC

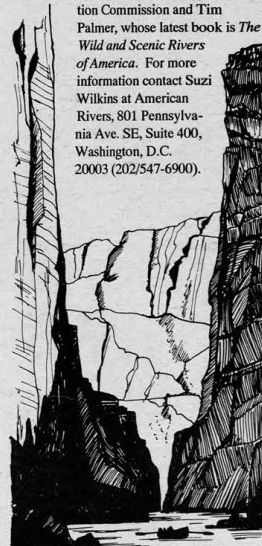
Free-lance reporter Ken Wright recently founded the *San Juan Almanac*, a quarterly which addresses land issues around Durango, Colo. The first eight-page issue examines the impact of increased tourism on Colorado's public lands, the Animas River protection movement, and the Southern Ute Tribe's oil and gas development. The paper's spirit is decidedly that of a "defender of the land" but other perspectives are represented. The almanac targets people who "hunger for a regular source of information on issues affecting this precious landscape," whether they are residents or recreationalists. For more information, contact Ken Wright, a former HCN intern, at P.O. Box 116, Durango, CO 81302.

LAS VEGAS MOUNTAIN MECCA

After a three-year campaign, a Nevada citizens' group recently gained greater protection for the Spring Mountains, 30 miles west of Las Vegas. On Aug. 4, Congress designated the 315,000-acre Spring Mountains a national recreation area, a status that brings with it more money for recreational management. The proposal was forged by a coalition of hunters, miners, hikers, campers, horseback riders and motorcycle enthusiasts, says Spring Mountains Association member Lois Sagel. She says the area within the Toiyabe National Forest boasts high desert plateaus, forested mountains and red-rock canyons. The Spring Mountains Association can be reached at Box 85335, Las Vegas, NV 89185 (702/384-5898).

THE FUTURE OF AMERICA'S RIVERS

To celebrate the 25th anniversary of the National Wild and Scenic Rivers Act, the non-profit American Rivers will hold a party and conference featuring more than 75 of the nation's river experts. Set for Nov. 4-7 in Arlington, Va., "The Future of America's Rivers" includes lectures, field trips and workshops on topics ranging from grass-roots advocacy to education. Speakers include Dale Robertson, chief of the U.S. Forest Service, Jim Baca, director of the Bureau of Land Management, Dan Beard, director of the Bureau of Reclamation, Elizabeth Molar, head of Federal Energy Regulation Commission and Tim Palmer, whose latest book is *The Wild and Scenic Rivers of America*. For more information contact Suzi Wilkins at American Rivers, 801 Pennsylvania Ave. SE, Suite 400, Washington, D.C. 20003 (202/547-6900).



Margaret Pettis

Unclassifieds

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"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. (6x19b)

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Vol. 25, No. 19

LETTERS

NOT IN 'SONNY'S IN-BOX'

Dear HCN,

Congratulations to assistant editor Paul Larmer for a wonderful job on reporting on the Burnt Mountain ski area expansion in Aspen (HCN, 10/4/93) ... and shame on Sierra Club Legal Defense Fund attorney Bill Curtiss for insinuating that the Forest Supervisor, Sonny LaSalle, may approve the project because the ski permit fees it would generate are "money in Sonny's in-box."

Attorneys are supposed to know their facts, and the fact is that ski area permit fees paid to the Forest Service go into the general U.S. Treasury. They are in no way earmarked for return to the Forest Service, nor to the particular forest involved (i.e., the White River). Thus, it is absolutely preposterous to suggest that the Forest Service would be trading the Burnt Mountain environment for "hard cash."

I have no idea whether the gondola and restaurant placements discussed in the article are correct, or could be improved upon, but I do know Sonny LaSalle from many years of working on wilderness and various other projects, and cannot imagine the issue could be in more unbiased hands. The controversy over the Burnt Mountain expansion far predates Sonny's one-year tenure on the White River National Forest, so those opposed to the project ought to be pleased that a new, impartial mind will be reviewing the proposal, rather than launching unjustified personal attacks on his integrity. What have we come to?

Andy Wiessner
Denver, Colorado

FOCUS ON THE LAND

Dear HCN,

Thank you for publishing "Focus on the land, not the money" by Ed Marston in the Aug. 23 issue. It is the appropriate reply to Eddie Kinnamon's letter in the same issue. Yes, there are ranchers who are antagonistic to change — but not all of them: Do we condemn all for the actions of some?

The question of resource use in the West is one of encouraging (rewarding) stewardship — the maintenance of healthy systems.

If we don't have ranchers, who in our capitalist society will take their place? Will we have 25-50-acre ranchettes, each with its own road, powerline, fence line, buildings, drainfield, well, etc.?

We already know that subdividing wildlife habitat eliminates wildlife habitat. The likelihood of the federal government buying up these lands is vanishingly small. Secretary Babbitt's Rangeland Reform package is a positive beginning to managing the Western lands in a sustainable fashion.

Anne Ruggles
Fairbanks, Alaska

WHICH SIDE ARE YOU ON?

Dear HCN,

Again and again I pick up a copy of the *High Country News*, looking forward to articles regarding the West, only to stop halfway through, furious and disgusted with the so-called fair portrayal of the many public-lands issues.

The grazing of livestock on public lands is a perfect example. In nearly every issue, projects, ideas and educa-

tional efforts involving compromise and meetings on middle ground are touted as the solution to the darkening mummings on both sides of this heated topic.

I am an ecologist and have dedicated my life to biodiversity activism. I have learned firsthand of the destruction and desertification of the western United States on public and private lands through research on sensitive aquatic and riparian species and habitats, and historic conditions. My opinions have not been crafted from radical environmental journals or Sierra Club publications. And because of where I live, I have come into direct contact with the folks driving the wise abuse movement. Two ideas come to mind on an almost daily basis:

Myself and thousands of biologists like me would have you believe that our position is based on science; research, fieldwork and hard reality. We feel that evolution theory is about the best thing we've got at this point regarding how and why we and everything else are here on Earth. We understand that through evolution, there is a place in the North American puzzle of life for the wolf and bear, the woodrat and centipede. There is no place ecologically for the sheep or cow.

The public-lands rancher and wise-use advocate argument is based on the Christian religion, emotion and undying faith in the all-American cowboy myth, all of which preclude belief in the theory of evolution.

The two positions are based on fundamentally different belief systems that by definition do not allow for compromise. Is it mis-information and lack of ecological training, or a craving for peace that leads all kinds of environmental folks, including biology professors and newspaper editors, to embrace the idea of compromise? I've seen both.

What I'm asking for is a serious look at the way *High Country News* portrays both stories relating to the livestock industry, as well as others regarding timber, oil development, etc. Do not portray proponents of religious dogma and non-industry biologists as equals. I would ask that *High Country News* rely on readily available scientific data and research as opposed to the words of industry officials via the mouths of conservative rural West inhabitants and peace-seeking new-agers. When hard data are lacking, rely on common sense. Do cows mimic any North American native grazer? Have massive vegetation and erosion changes over the last 150 years been beneficial? Are we and other species better off without native predators? I would hazard a guess that the answers to these questions is a solid no.

Which side are you on, folks?

David Hogan
Silver City, New Mexico

ON THE SIDE OF CIVILITY

Dear David Hogan,

It is hard for me to tell from your letter what angers you so much about *High Country News'* coverage. So let me rephrase what I read into your letter and then answer it in a general way.

HCN does not understand that the ecological integrity of the West is being destroyed by livestock grazing, destruction of predators, roading, logging, mining and water development.

HCN does not understand that those who propagate such practices — Wise Users, the Forest Service, logging firms, ranchers — are devils incarnate, if not personally, then in the effects their policies and actions have.

Finally, with Clinton in office nationally, HCN should be calling strongly for his administration to push the West's extractors, and their destructive practices, out of the way.

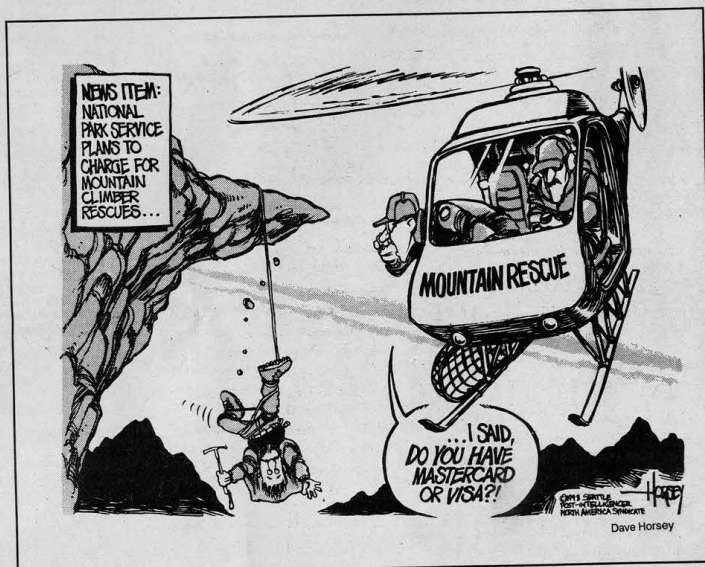
HCN's apparent lack of understanding of the realities of the West, and its

ing additional destruction while laying the basis for future restoration. While we carry on this fight — through agency appeals, lawsuits, Congress and media — we must remember that we can only succeed ultimately by enlisting our present opponents in our cause.

The obvious initial enlistees are the ranchers, since they are now the closest to sustainability, and are most rooted in their communities. Moreover, unlike miners and loggers, many ranchers own their land and herds, which makes diversity, experimentation and change in ranching more likely than in mining or logging.

I understand that most ranchers — caught as they are between their free market beliefs and their need to come together to form land trusts and other ways of protecting their land base — are a long way from sustainability.

At the same time, environmentalism is yet to demonstrate that it can establish land-based, self-sustaining communities in the West. We have much to learn, and



failure to urge strong measures against Wise Users and their allies, leads to your question: "Which side are you on, folks?"

I agree with most of your assumptions about the effects of mining, logging, ranching and other activities on the West; I disagree with your implicit conclusions about how we ought to react.

First, the West can't be protected out of Washington, D.C., even if Interior Secretary Bruce Babbitt and his team — as good a team as we could have wished for in our wildest dreams — were to stay in office for the next eight years.

Protection and restoration are possible only if Westerners buy into that agenda as passionately as they have bought into the development agenda. That means, for example, that mining firms and miners must come to accept their moral and fiscal responsibility for restoring Butte, Anaconda, Leadville, and the other places they have damaged. And timber firms and loggers must come to accept their obligation to help repair the destruction they have wrought.

Until those changes occur within the extractive industries and the larger Western society, the environmental movement must remain dedicated to minimiz-

some of what we need to learn will come from those who are now our opponents.

So your question — "Whose side are you on, folks?" — seems irrelevant. I am unable to see this as a righteous battle between the good and the evil, between the wise and the ignorant.

My sense is that HCN irritates you precisely because it does not see the West in simple terms. Science is vital, but it is only one vital element in the solution. And politics can do only so much. Most of the solutions will have to come up from the ground. The sense that slam-dunk solutions are possible guides writers such as Alexander Cockburn in the *Nation* to begin scapegoating Babbitt and his team almost from the first day of the Clinton administration. Babbitt and Clinton are not all powerful. All we can hope from them is what we can expect from ourselves — that we will minimize the ongoing damage and destruction until the larger society begins to see the world differently. To prepare for that day, which I don't doubt will come, we need to struggle for our ideals in a passionate, and yet civilized, way.

— Ed Marston, publisher

'Wow! Quite a mess you have here!'

HOME IMPROVEMENT

Essay by Joseph Bourque

It was never our intention to save the Rocky Mountain environment single- or even double-handed.

We proposed only to replace our aged gas furnace with a high-efficiency job that promised to blow our socks off with energy savings. A fairly modest and simple contribution, but good for the environment and good for the wallet.

So we called several heating and plumbing contractors to look at our installation and present bids. Eventually three people appeared over a period of two weeks, looked at the old monster, and then went away to do whatever it is they do with their calculations.

We never worried. After all, with our combined educations we did not see ourselves as types to be easily enslaved. We were confident we would weather with good humor a 10-day interruption of our normal schedule.

By then, we had already missed the first hints of eroding control, like the recommendation by two of the three bidders that we replace the entire ducting system along with the furnace. Why, we asked? Because our house is one of those "older homes" built in 1926 and remodeled in the 1950s, they replied.

We cleverly constructed ourselves a rationale. The new furnace will be so efficient, it will pay for itself in a very short time. What a shame to lose a good part of that advantage to an antiquated ducting system.

"And while we're at it," I said, after we had given in to the original temptation, "why not run the furnace ducting to the second story and tear out all the wall heaters because they're so expensive to run and because they're possibly dangerous and because they're depleting the ozone layer and because we've been wanting to replace that old wood paneling in that section of the house so if we have to tear into the walls to get the ducting upstairs it will be something we were going to do anyway..." By this time we were already running two or three sins ahead of the original lusting for the shiny and new.

When the bids came in, I sat down and calculated how much heat we could extract from simply burning that many dollar bills in the fireplace. It was a close call, but we finally decided on the remodeling as less expensive and more aesthetically satisfying.

Terry (names have been changed for the usual reasons), whose bid we accepted, added casually after we had signed: "While we're at it, we'll reverse the old system. Now you've got heating coming up in the center of the house and the cold air return at the outside walls. The modern way is more efficient with the heat coming up at the outside walls and the return in the center."

"Is that easy to do?" I asked.

"No problem," he replied confidently.

"Of course," he added with only the slightest hesitation, "you know the ceilings in the basement will all have to be torn out." Some-how that had escaped our attention. Once again, we reasoned carefully. Both the basement laundry room and the pool room really needed remodeling anyway. In for a pound, in for a couple of tons.

Tons of debris, that is. I got myself a wrecking bar, but think about the amount of material it takes to build about 2,000 square feet of ceiling, all stacked neatly in your driveway. Now think about that same material all shattered and broken, stacked in a jumble the size of a barn in the back yard.

In the meantime, undaunted by the ceilings coming down on our heads, we decided this would be a good time to remodel the basement. Soon, walls were coming down as well.

A fellow named Larry showed up eventually to start tearing out the old ducting. I followed him into the basement, determinedly ignoring his involuntary gasp over the extent of the destruction.

"Wow!" he remarked, looking up. "Look at that old galvanized plumbing. Must be 100 years old."

"Sixty-six," I said drily.

"That old four-inch drain pipe there must have so much rust in it by now that it probably has a hole in the middle. You must be inviting the roto-rooter man over a lot."

I said nothing rather than admit that we were nearly at the point in our relationship with the Super-Rooter man of exchanging Christmas gifts.

Before long we were calling Terry — he's a heating AND PLUMBING contractor — who generously promised to throw in new copper supply lines (with lead-free solder) and PVC drain lines for practically nothing. The nothing, when it came, pushed the total into the what-the-hell range and we signed without hesitation. Habit by now.

Two days later, our 80-year-old neighbor stopped by for a visit. I gave him the basement tour.

"Wow!" he exclaimed. "Look at that old knob and tube wiring. I haven't seen any of that since I helped my dad wire a house back in the early '30s. The insulation on that wire must be getting pretty brittle by now."

After he left, I grabbed one of the exposed wires and twisted. A cloud of fine black powder flaked off. I knew what fate awaited me. We discussed it, but since I had been trained as an electrician in a previous incarnation, I would rewire the house myself. Wire isn't that expensive, is it? Labor is what costs, right?

For several days, Larry ripped and slashed the old ducting system out of the belly of the house, then began pounding and pushing the new one into place. What we had conceived as an activity mostly confined to the basement became a metallic din throughout the house.

One day, Larry approached hesitantly. "Tomorrow I've got to start running the ducting to the second story." That evening, I removed the first four-by-eight sheet of paneling in one corner.

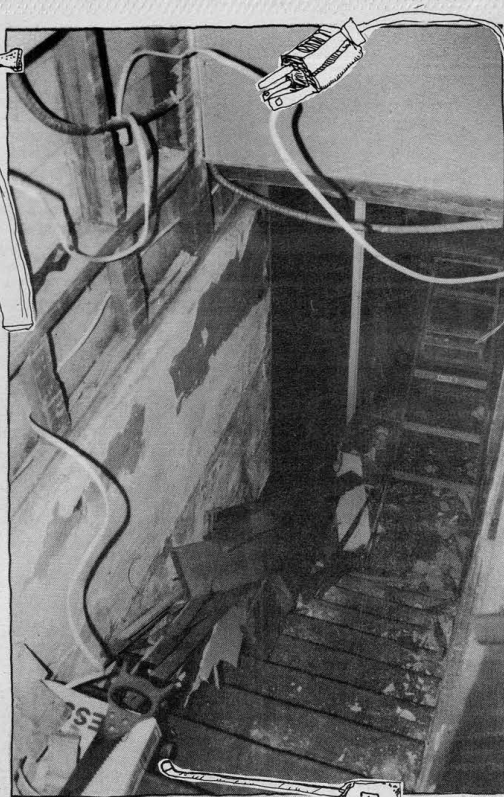
"Wow!" we exclaimed. "Look at that! The original lath and plaster is still there. Looks like we might even be able to patch the nail holes."

"Wow! Look at that disaster!" we exclaimed as I took off the second sheet and discovered a massacre.

The 1950s remodeling had included new windows in that room, with different size openings. Reworking the rough openings had destroyed acres of plaster on one whole wall. Accustomed by now to dealing with contractors, we naturally called someone we were told could do real old-time plastering.

"Wow!!!" he said as he entered the room. "Quite a mess you have here."

By now, any utterance of "wow" would cost us either big bucks or weeks of work, and we could approximate the amount of each based on the number of verbal exclamation points.



In for a penny, in for a pound

Sara Jayne Steen

"That sounds like a reasonable estimate," I said. "We'll call you when we're ready."

The next day, Larry cut four floor-to-ceiling channels in the TV room plaster walls to accommodate the ducting to the upstairs. I suppose we had thought he could magically slip the metal work into the wall cavities between the studs. Then he cut huge holes in the top plates and sill plates. Standing next to one of the channels, I could look up into Sara Jayne's office on the second floor and down into the basement. When the metal ducts were installed, they imperfectly filled the holes so that a word spoken in the basement had a clear path to anyone two floors away. How nice. No matter where each of us wandered in the house, we would still be together.

A couple of days later the furnace arrived. We bowed our heads, nearly genuflected, as it was lowered gently into the basement and coupled to Larry's gargantuan handwork. Later Terry arrived to connect the furnace's brain, an electronic thermostat with enough buttons and displays to challenge all of our combined university degrees. He left with a check on which I had to bunch up the numbers to get them all to fit.

Now the furnace purrs in the basement, filtering its rhythms through the holes in the floor, and along its shiny tentacles, to resonate around us wherever we are in the house, reminding me that the rest of the house demands renewal.

My first response was to tear out some more of the paneling. The most destructive addictions are the hardest to break.

Last week, we invited some friends for dinner and what has become the traditional tour of our unnatural disaster. As we ended the tour with my carefully rehearsed statement about having the rebuilding done by early summer, Jim responded, without a hint of a smile. "Wow!" he said. "Of what year?"

Joseph Bourque is a free-lance writer in Bozeman, Montana.