

High Country News

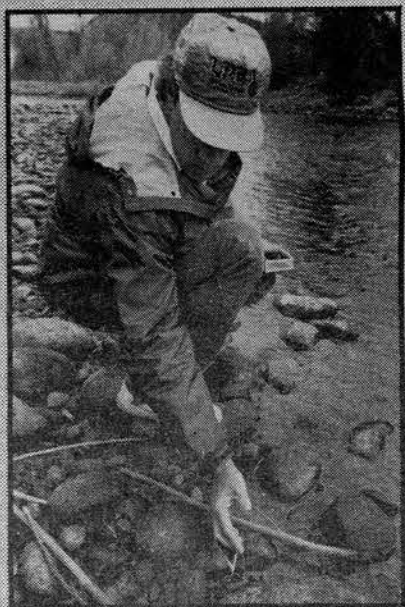
December 27, 1993

Vol. 25 No. 24

A Paper for People who Care about the West

One dollar and fifty cents

INSIDE:



Andrew Council/Durango Herald
Randall Ferris' match flares
over a methane seep

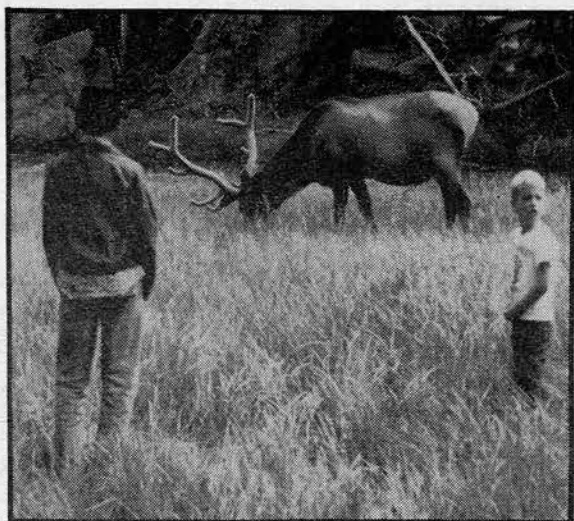
***A flammable
river in
Colorado/6***



Jon Christensen
This inn caters to UFO seekers

***Aliens, yes, the
government,
no, in
Nevada/18***

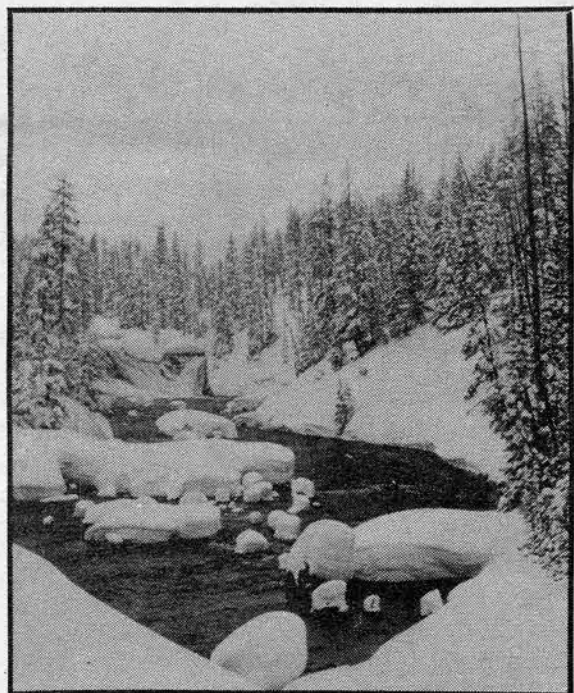
YELLOWSTONE



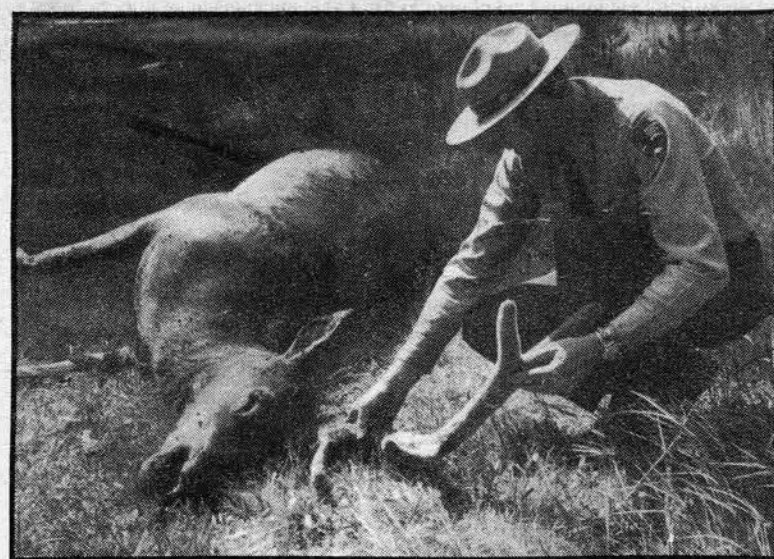
Joe D. Kurtz, Yellowstone National Park

CRITICS call
a new plan
to protect
the grizzly
fundamentally flawed ...

POACHERS continue to use the
park as a personal game
preserve. **INSIDE**, seven stories
about controversial
management in the nation's
premier national park.



Wyoming Travel Commission



National Park Service



Robert Bower



HIGH COUNTRY NEWS

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Tom Bell
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Dear friends,

Skipping into 1994

Librarians especially should take note that the next issue of *High Country News* will be dated January 24, 1994. We will skip the January 10, 1994, issue. *HCN* skips two issues each year: one in January and one in July. Normally, we claim that we skip an issue only to give readers a break from 16 pages of news every other week. But this year, staff admits, with the flu roaming the office, that we, too, are ready for a break. However, we are including a year-end bonus: this issue is 20 pages rather than the normal 16.

Potluck and board meeting

The board of directors of the High Country Foundation (a not-for-profit corporation whose sole function thus far is to publish *HCN*) will meet all day Saturday, Jan. 15, 1994, in Boulder, Colo. The meeting will be followed by a potluck at 6:30 p.m. at the Unitarian Church, 5001 Pennsylvania, Boulder. All readers are invited to attend. Please bring a potluck dish to share; beverages will be provided. If you plan to attend, please RSVP to Linda at 303/527-4898.

The potlucks are short on ceremony and long on informal conversation. And so far, at least, we've never tried to fund-raise at one of these events.

Visitors

Braving icy North Fork Valley roads recently were Chris Floyd, who was departing Gothic, Colo., after doing some work for the Rocky Mountain Biological Lab, and his father, Phil Floyd, who lives in Oklahoma City, Okla.

Corrections and emendations

In Utah, former Grand County Commissioner Sam Cunningham says that a Hotline inaccurately named him as helping to start a recall effort. "It was a total surprise to me that I engineered a recall," he says. Not only didn't he start it, he didn't even sign the recall petition.

We also heard from Environmental Protection Agency scientist Dave Ruitter, who took issue with intern Todd Hinnen's report that he had found severely damaged invertebrates in the North Platte River. Ruitter, who works in Denver, says he reviewed an invertebrate study conducted in 1991 by a consulting firm, but concluded that its data were incomplete.

A staffer with the *Pine River Times*, which covers Ignacio and Bayfield in southern Colorado, notes that Todd leapt to a conclusion in a Bulletin Board announcement. It said that the Friends of the Animas River stopped an Albertson's grocery on the banks of the Animas; instead, the store opened Dec. 16.

Several readers, including Jan Carpenter and Mary Moran, said that Gregory McNamee must be off a zero when he wrote in the Nov. 29 issue that 250,000

people raft the Grand Canyon each year. McNamee agreed; the number should have been 25,000.

F. Ross Peterson, director of the Mountain West Center for Regional Studies at Utah State University, wrote to say he loved the sermon in the Nov. 29 issue by Orson Hyde on grazing near Salt Lake City. But he wants readers to know that Tom Lyon, who, with Terry Tempest Williams, sent in the Hyde essay, is at Utah State University at Logan, and not at



Cindy Wehling

Katharine Bill wears — and displays — the new *HCN* T-shirt for 1994. Designed by Serena Supplee, an artist who lives in Moab, Utah, the shirt features a mountain goat standing on top of a sandstone spire. Colors are buff and blue on oatmeal. The price is \$12 for sizes medium and large; \$14 for extra large, and \$15 for extra-extra large.

the University of Utah.

Former *HCN* board member Herman Warsh liked the Nov. 29 essay, "A room full of heroes," about the struggle of civil servants to do the right thing. He would like people to know also about the Giraffe Project, which began six years ago. It publicizes those who have "stuck their necks out" and encourages others to do the same. The Giraffe Project can be reached at Box 759, Langley, WA 98260.

New winter intern

New intern Katharine Bill has been busy since graduating in May from the University of Colorado, Boulder, with a biology degree. She spent last summer in Juneau, Alaska, counting migratory songbirds and studying how bears and birds disperse berry seeds. Picking through wet bear scat with forceps was not her favorite activity, she says, but she enjoyed learning bird songs during 3 a.m. sunrises, exploring the Alaska wilderness, and meeting several of its pioneers.

Back in Colorado, she spent the fall building a solar house and stringing a barbed-wire fence above Crested Butte. Katharine says she is most at home in rural areas like Paonia.

Resort hits a wall

Curious about the controversy surrounding a California developer's attempt to build a large ski resort close to Rocky Mountain National Park, new intern Katharine Bill traveled to Denver recently to attend the Colorado Board of Land Commissioners meeting. Here is her account:

Don Ewy, the logger from Walden who organized much of the opposition to the \$60 million, four-season resort (*HCN*, 11/29/93), appeared anxious. Some 250

people had crammed into a hearing room where the three-person commission was to decide whether to give Fred Sauer Inc. permission to buy 4,200 acres of state forest. During a one-month comment period on the proposal, 2,200 people or groups had sent letters, and most opposed the resort because they feared its effects on an undeveloped, rural area rich in wildlife. Sauer's major support came from the Jackson County commissioners, who hoped for a bigger tax base.

When the vote came, it was unanimous to deny Sauer — who was present — the land. Spectators at first gasped, then cheered or cried, as they realized that the resort had, at the least, suffered a very serious setback.

Ewy said afterward that the fight had just begun. The question, now, he said, was how to improve the depressed economy of the North Park area. Thanks to the state land board's decision, Ewy added, Colorado has a chance to decide what it really wants to happen in North Park, rather than have it imposed from without.

Ewy can be reached at Star Route Box 109, Walden CO 80480.

A great environmentalist

Several readers wrote to tell us that Utah had lost a great environmentalist when

Ward Jay Roylance, 73, died in Salt Lake City on Nov. 15.

Roylance was a writer of long letters to friends who shared his love of the outdoors, an advisor to the Southern Utah Wilderness Alliance, and an enthusiast for the canyon country he first wrote about in 1941 in *Utah: A Guide to the State*.

Free-lance writer Barry Scholl tells us Roylance was far ahead of his time in understanding the need to protect the vast Colorado Plateau from inappropriate development. Roylance called the plateau an "enchanted wilderness," and said that that was where he found inspiration, solace and natural beauty he considered works of art. An avid explorer, Roylance was modest about his experiences, according to Scholl, saying only that he had been privileged to get to know the country.

In a eulogy to his friend, Scholl recounted what Roylance had said last year after a camping trip: "It was beauty beyond description. We got up at dawn and waited for the sun. The pink light and the sandstone forms were like looking into heaven. They were other-worldly."

— Betsy Marston for the staff

WESTERN ROUNDUP

Newspaper series unsettles the Northwest

Verbal bullets are still ricocheting around eastern Washington and northern Idaho from a probing three-part series, "Our Failing Forests," published by the *Spokesman-Review* in Spokane, Wash., in late November.

The series documented decades of mismanagement on five national forests: the Colville, Panhandle, Clearwater, Nez Perce and Kootenai. Based largely on interviews with current and former Forest Service employees and scrutiny of Forest Service documents, the stories and color photographs paint an ugly picture of the destruction.

As the first of two editorials put it, drier, slow-growing forests east of the Cascades were "abused." "Scientists were too few in number, and they were overruled by the agency's emphasis on logging," the editorial concludes.

The series details how brow-beating politicians like former Idaho Republican Sen. James McClure called the shots at the Forest Service, pushing the agency to aggressively over-harvest. Stories also suggested ways to do better, including the newest Forest Service buzz-concept, ecosystem management.

The series touched several nerves. The U.S. Forest Service spent \$8,000 on a full-page newspaper ad in the *Review*, primarily dedicated to disputing one line in the series.

Letters to the editor praised and damned the series. U.S. Forest Service regional foresters David F. Jolly and John E. Lowe penned an op-ed piece saying "much of what was written was accurately portrayed" but taking exception with claims of phantom forests and watershed degradation.

In their full-page ad, Clearwater National Forest officials rebutted the *Review* assertion that "71 percent of the

streams in the non-wilderness chunk of the Clearwater National Forest are so choked with sediment they violate federal law."

That statement overlooked several complexities: for example streams that don't meet forest plan standards because of natural conditions, said Bert Kulesza, deputy forest supervisor. But poor management is partially to blame for sediment-clogged streams, he concedes.

"We recognize we've not practiced very darn smart management," Kulesza said. "But that's not true in all cases." Clearwater Forest officials didn't ask for op-ed space; instead they bought an ad because "we felt it was the best way to lay the issue out," Kulesza said.

Some environmentalists thought the \$8,000 was badly spent.

"It's too bad the \$8,000 couldn't be used to restore the forest rather than perpetuate the same old stories that the forest is perfect," said Dave Crandall, executive director of the Inland Empire Public Lands Council. "The 71 percent figure came right out of Forest Service documents."

Not long after the last of the *Review* series hit the streets, the rival *Coeur d'Alene Press* fired off stories complaining of clearcuts on land owned by Inland Empire Paper Co., a subsidiary of Cowles Publishing Co., which also publishes the *Review*.

"I think the timing was connected, extremely well orchestrated," Crandall said. "My perspective is they released it after the series to divert attention from a good debate on the issues."

Crandall also believes logging lobbyists helped push a story of how Pacific Northwest Sierra Club representative William Arthur sold his trees to log

exporters. Arthur was a speaker at President Bill Clinton's timber summit last summer and is an outspoken foe of logging practices.

While Crandall hasn't seen Arthur's land, "if this cut had been done on (timber company) land, they would have been bragging about the 'new forestry' and how good it was," Crandall said.

David Bond, the *Coeur d'Alene* reporter who wrote the stories, says he generated them on his own after seeing the *Review* series. "I'm certainly no shill for the clearcutting business," he said.

"I worked for the *Spokesman* for eight years and when I saw the series a light went off" about the Cowles family timber holdings, Bond said. "As far as enterprising the stories, I take a bow."

Second-generation logger Steve James, who cut the trees on Arthur's land for Global Pacific Forest Products, says he stepped forward on his own after reading Arthur's name in the *Review* and because he's tired of loggers being blamed for bureaucrats' and landowners' decisions. "I was mad," James said. "I never realized he held such a high position in the Sierra Club."

Despite the animosity, nearly everyone agrees the "Failing Forests" series is generating healthy discussion. But only "time will tell if we can stay on (the Bill Arthur) story or get back to the debate at hand," says Public Lands Council Director Crandall.

Reprints of the three-part series are available for \$3 from the *Spokesman-Review*, Box 1906, Spokane, WA 99210.

— Ken Olsen

Ken Olsen writes for the *Daily News* in Pullman, Washington.

HOTLINE

Wyoming beats around the bush

An attempt by the Wyoming Legislature to gut federal coal mine reclamation standards may cost the state its authority to regulate mining. "If they are not following federal guidelines, we can take over all or part of the state's program," warns Bill Grimes, with the federal Office of Surface Mining in Casper, Wyo. The dispute started when a task force of state, industry and wildlife representatives proposed new regulations requiring coal companies to replant 20 percent of the sagebrush and other shrubs that existed before mining began. The old rules required only 10 percent revegetation. In protest, coal interests quit the task force and successfully lobbied the state Legislature to pass a law mandating only 1 percent revegetation. Now, the National Wildlife Federation, Wyoming Wildlife Federation and Wyoming Outdoor Council are petitioning the Office of Surface Mining to revoke the state's authority to oversee federal mined land reclamation programs. The groups are supported by state Game and Fish Director Pete Petera, who warns that the new law would harm antelope, sage grouse and other wildlife. Federal mining officials have until Jan. 10 to rule on the case, but have already told state officials that they risk losing federal funding and regulatory authority.

Critics want foresters fired

Trying to strike while the iron is hot, environmentalists have urged new Forest Service Chief Jack Ward Thomas and his boss, assistant agriculture secretary James Lyons, to remove the top two forest managers in the agency's Southwest region. In a letter Nov. 30, a coalition of 13 environmental groups called for the immediate dismissal of Regional Forester Larry Henson and his deputy, Forrest Carpenter. The groups say Henson and Carpenter punished agency biologists whose findings threatened logging, failed to halt timber theft and tried to head off the listing of the Mexican spotted owl as a threatened species by leaking confidential information to the timber industry. "Basically they have facilitated a complete and massive collusion with the timber industry," says Sam Hitt of Forest Guardians. Henson denied the accusations and said he wants an impartial evaluation to show that he has been following Forest Service policy, reports *The Arizona Republic*. In related news, four environmental groups announced Dec. 14 they intend to sue the Clinton administration for failing to change logging plans to protect Mexican spotted owl habitat on Forest Service lands in the Four Corners states.

DOE unlocks some classified data

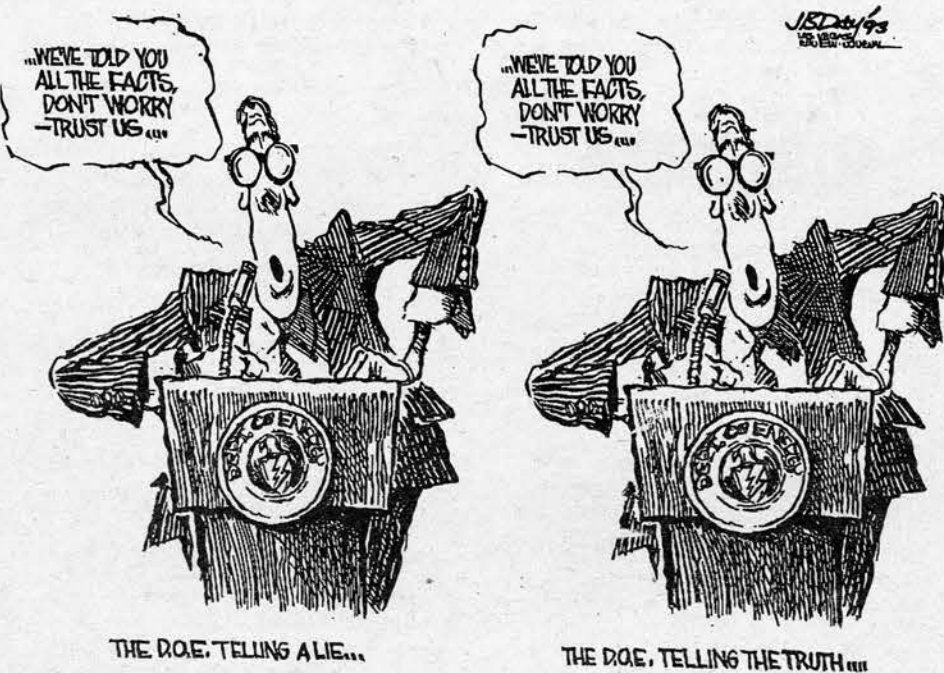
Energy Secretary Hazel O'Leary launched a new "openness initiative" Dec. 7 by releasing information about the nation's nuclear weapons program that has been kept secret for 50 years.

Some 66 pages of fact sheets and press releases on the previously classified information were handed out at a Washington press conference. The material included information about 204 unannounced atomic bomb tests at the Nevada Test Site between 1963 and 1990, the tons of bomb-grade plutonium stored at weapons plants such as Rocky Flats and Hanford, mercury use in weapons production, and research on "inertial confinement" fusion energy. O'Leary promised it was just the beginning.

While commending the "historical" release, Stephen Schwartz of the Military Production Network, a coalition of watchdog groups around nuclear weapons facilities, said that the documents that would verify the information had not yet been made public. Schwartz said that despite the impression that "hundreds of documents" were released, all of the newly declassified data could fit on about "one single-spaced typed page."

The DOE is "sitting on three linear miles of classified paper," Schwartz said. "They have to reform their classification policy today and not just focus on the past or they'll still have a big mess in the future."

O'Leary said that the department



Las Vegas Review-Journal

would begin evaluating some 34 million pages of documents — about 1,000 linear feet, according to her estimate — to see how many can be declassified. She also promised that the DOE would release a new batch of secrets every six months or so.

New Freedom of Information Act guidelines may speed up the release of documents after they are requested and reviewed for security purposes. The FOIA backlog has grown to 14 linear feet,

according to a DOE fact sheet.

For information about a one-day declassification workshop in February, contact the Department of Energy Nevada Operations Office, Office of External Affairs, P.O. Box 98518, Las Vegas, NV 89193-8518 (702/295-3521). The Military Production Network can be reached at 236 Massachusetts Ave. NE, Suite 500, Washington, DC 20002 (202/544-8166).

— Jon Christensen

BARBS

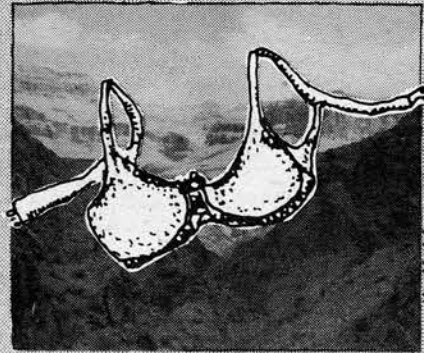
The spirit that built Honda, and Toyota, and Mazda, and...

John Wallace, spokesman for Ford Motor Company, told the *Los Angeles Times* that without a breakthrough in battery technology, electric cars will remain very expensive. And "there is not going to be any battery breakthrough," Wallace concluded.

HOTLINE

Crisis for tribal sawmill

The Navajo Nation's logging company is bankrupt and the tribe's forestry program is in crisis, according to the Bureau of Indian Affairs. It says the tribe's sawmill owes almost \$7 million and may not survive even if a pending 11,000-acre timber sale is approved. But in a special session before the Navajo Nation Tribal Council Nov. 19, sawmill manager Ed Richards pleaded with the council to keep the mill open. He blamed layoffs and financial problems on "delay tactics and false accusations by Dine CARE," a Navajo environmental group founded by recently deceased Leroy Jackson (*HCN*, 11/1/93). Richards said Dine CARE was being aided by outside environmentalists and that the tribe must push through the *Toh-ni-tsi* timber sale in the Chuska Mountains or the mill will close for good. Jackson's widow and Dine CARE activists called the claims "scare tactics," warning that the real problem is long-term financial mismanagement. The Navajo Council took the middle ground. In a unanimous resolution, the council voted to keep the sawmill open and urged the BIA to approve the timber sale. But the council also approved Dine CARE's request for a 10-year timber plan and an environmental impact statement on logging in the Chuska Mountains. In addition, it ordered the tribe's attorney general to audit the sawmill's management and finances.

**Red sandstone and black lace**

A California artist wants to string 10,000 bras across the Grand Canyon as a sweeping social and artistic commentary. "It's process art," says 54-year-old sculptor Nicolino, who hopes to involve thousands of people in a public confrontation of what he calls the Barbie-doll syndrome. "It's a statement against this notion that little girls should grow up believing there is a connection between their self-esteem and the shape of their body," he says. Although the National Park Service calls the idea inappropriate, the project has attracted fans and bras nationwide. Suzanne Cahill, an art professor at Mesa State College in Grand Junction, Colo., signed on as one of over 100 bra agents. "I agree with the politics on this, and I think aesthetically it will be beautiful," says Cahill, who collected about 50 bras in her first few weeks. Why the Grand Canyon? The artist says its textured rock will juxtapose perfectly with the colors and gentle curves of the bras. In the process of raising \$250,000 and thousands of bras needed for the project, the artist hopes he can create enough momentum to convince the Park Service to change its mind. Nicolino can be reached at P.O. Box 274, Point Richmond, CA 94807 (510/237-3939).

Use-it-or-lose-it dam draws fire

The state of Wyoming is trying to bring a controversial water project back to life.

The proposed Sandstone Dam was killed by the Bureau of Reclamation in the 1970s, and again by the Army Corps of Engineers in 1991.

Now the state is trying to revive the project, and, in an unusual move, has agreed to pay all permitting, design and construction costs. Normally, local water users pay a quarter to a third of those costs.

Last spring, amid dire warnings that Wyoming is in danger of losing its allocation of water from the Colorado River, the state legislature allocated \$30 million for the project.

"The dam would promote use of (our) water," says Mike Purcell, director of the state Water Development Office. "And the courts are clear that if you're using the water, your rights are fairly stable."

Detractors say Sandstone Dam, located just above the Colorado border near the tiny, remote town of Savery, is an expensive way to reserve Wyoming's water rights.

"They want to spend \$66 for every man, woman and child in the state of Wyoming, for a project that benefits about 30 ranchers," says John Boyer, an ardent foe of the project and owner of a 350-acre ranch and outdoor education center just below the dam site.

Boyer, who could be one of the 30, says he won't buy water from the project because it would lose him money. "The interesting thing is, the economics don't appear to be working for anyone else either," says Boyer. So far, no ranchers have agreed to buy water at the state's asking price.

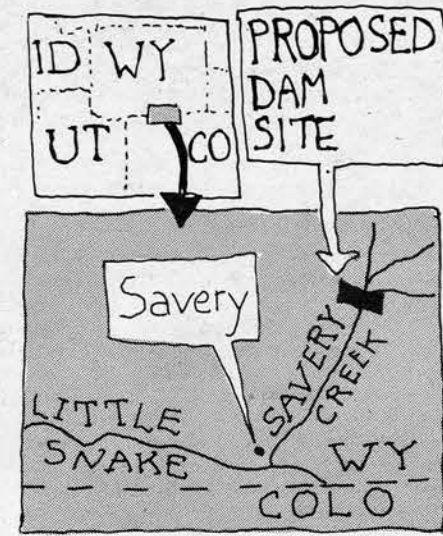
This is the third official attempt at the project, Boyer adds, but no one has ever shown that it's needed.

Originally, Sandstone was part of the Bureau of Reclamation's giant, two-state Savery-Pothook water project. That died when funds were cut off during the Carter administration.

Wyoming tried to revive its portion of the project in the late 1980s, proposing a \$70 million dam and 52,000 acre-foot reservoir. But the project's 32,000 acre-foot annual yield was far more than the area's few ranches would ever need. The

state argued that 20,000 acre-feet of the water would be used by industry that would be attracted to the area. But with no industry present and no water sold, the Corps ruled that the project was speculative and denied a permit.

However, the Army Corps also said it would reconsider the proposal if the state reduced the size of the reservoir and dropped claims of future industrial use. A proposal for a smaller dam is now on the table, citing the need for municipal water



supplies, irrigation and recreation.

According to Mike Purcell, director of the state's Water Development Office, the state is "paying back" Savery area residents for an earlier project that diverted water from the headwaters of the Little Snake River to the city of Cheyenne.

Boyer and other dam opponents find these arguments less than compelling. They say a report submitted by Western Water Consultants Inc. as part of the earlier proposal showed that groundwater development could more than adequately supply irrigation and municipal water for the area.

As for recreational benefits, Wyoming Water Consultants predicted that in 42 years of its 50-year projected life, the reservoir will be at minimum pool, which would leave its Savery Creek portion with a 1.7-mile-long pool and a 1.9-mile-long mudflat. No one has estimated the cost of a boat ramp long enough to get past the mud.

Purcell said the dam may enhance the

fishery below the dam in Savery Creek. Boyer disagrees. A major flood in 1984 straightened that stretch of the creek and wiped out the fishery. If the habitat there improves, Boyer says, "it's not going to be due to the dam. It will improve if the Game and Fish puts meanders back in, and plants willows, and restocks fish — and that's going to cost several million dollars. If they want to add that to the \$30 million, then they can go back to the Legislature."

Meanwhile, Boyer and other opponents say hunting would suffer, since the reservoir would cover over 500 acres of elk wintering and calving grounds. According to Don Duerr of the Native Ecosystems Council and Friends of the Bow, a rare subspecies of sharp-tailed grouse and three endangered species of fish would also be imperiled.

A bigger problem is geology. The larger version of the project would have been an earth-filled dam. To cut costs the smaller dam is listed as roller-compacted concrete. That's good for the budget, but the earlier proposal ruled out roller-compacted concrete because core samples from the site showed good sandstone alternating with layers of clay and clay-bearing siltstones that will not adequately support a concrete dam.

In September the Water Development Commission had more core samples taken in hopes of changing its earlier assessment. If this analysis confirms the previous findings, construction of the dam could require deeper excavation to get past the unstable layers. That, said Purcell, would mean another trip to the Legislature for additional funds. The commission will consider the new proposal, and the geologists' report at its mid-January meeting. Boyer will be there, too, with a report prepared by a geologist hired by local opponents of the dam.

— Cherie Winner

Cherie Winner is a freelance writer in Laramie, Wyoming.

For more information call Mike Purcell, Wyoming Water Development Commission, 307/777-7626.

HOTLINE

Mid-Continent mine dispute continues

Federal officials say they may take over the reclamation of a massive coal mine in central Colorado because the state grossly underestimated the cost and extent of repairing the site. Bernard Freeman of the federal Office of Surface Mining says federal experts estimate reclamation of the Mid-Continent coal mine outside Redstone, Colo., will cost \$15.8 million. The state, which is suing the mine's bankrupt owners for reclamation funds, says it will cost just \$3 million (*HCN*, 10/4/93). Freeman says the discrepancy comes from the definition of reclamation. To meet federal standards, he says, steep and eroding roads in the basin must be removed and a creek cutting into a massive pile of coal refuse must be rerouted. Steve Renner of the state Division of Minerals and Geology says the state doesn't have to dismantle the roads because the mine

permit doesn't require it. He says both OSM and the Forest Service, which would also like the roads removed, signed off on the \$3 million reclamation price tag in the permit as recently as 1991. Environmentalists applauded OSM's estimate, but fear the agency will not back it up with action. "I'm afraid that this particular mine may have slipped through," says Bill Jochems, president of the Crystal Valley Environmental Protection Association. "Despite all the laws and rules, nothing is going to happen." OSM's Freeman says his agency will respond any day to a petition from Jochems' group asking the agency to wrest control of the reclamation from the state.

Barbee must apply for his job

Interior Secretary Bruce Babbitt is elevating the rank of superintendent of Yellowstone National Park to the high-paying Senior Executive Service. The upgrade means that Yellowstone super-

intendent Bob Barbee must reapply for the post he has held for almost 11 years, reports the *Billings Gazette*. Although Barbee will have an advantage over other candidates applying for the post, "it may work out that somebody else gets it," said Park Service spokesman Duncan Morrow. Interior Department officials said the action recognizes the first national park as a natural resource deserving of the government's best management expertise. Babbitt is also boosting superintendent jobs at Yosemite, Grand Canyon and Everglades national parks to SES status, which was created to reward the government's top managers with salaries and benefits comparable to those of the private sector. Senior Executive Service salaries range from \$92,900 to \$115,700. Barbee now earns \$86,500. In exchange, though, federal brass can order SES employees to other jobs anywhere in the government without an explanation. Environmental groups warn that this makes park managers more vulnerable to political transfers.

'Empty' county can't find room for trash

LOA, Utah — "They got us held hostage," Wayne County Commissioner Meeks Morrell says, his face drooping halfway between anger and resignation. Morrell is referring to a problem here that might seem strange to an outsider — where to put the county's trash.

Wayne County stretches across the lower center of Utah for more than 100 miles. But only some 2,200 people live in it, mostly in six towns, most barely worthy of the label. Surely, a new landfill could be found somewhere amid this vacant terrain of high desert and dramatic moonscapes. But that has not been the case.

Like counties all over the rural West, Wayne must adhere to new, tougher federal landfill regulations. This has meant closing six of its seven county dumps while looking for a new site to meet the higher standards. So far, the county has spent \$35,000 over the last year to examine six possibilities.

In addition to the new standards, Wayne County is up against the Southern Utah Wilderness Alliance and its issues coordinator, Ken Rait. SUWA opposes the county's preferred site, which is on federal land near Caineville. SUWA's reason is that the site also lies within a proposed wilderness study area contained in a bill (HR 1500) first introduced by former Rep. Wayne Owens, D-Utah.

The Bureau of Land Management, which administers this parcel as well as a good deal of the rest of Wayne County, does not endorse HR 1500. But it must consider the SUWA protest in deciding whether to sell the land to the county.

According to Morrell, the issue has been awaiting a decision by BLM Director Jim Baca for more than three months.

"We're at the mercy of SUWA," admits Morrell. "We took Rait to the site last June and asked him not to protest. But he did anyway. Why don't you tell him to come here and find us a site?"

Commissioner Stanley Alvey, who owns a hamburger stand in Hanksville, has threatened to sue Rait if the county is forced to ship its waste to another county. Alvey estimates that the Lyman dump

will be filled in six months, and that it would cost about \$90,000 a year to contract the job out to a company in Price, some 150 miles from Loa.

"Somebody should be responsible for this added cost to the taxpayers," says Alvey.

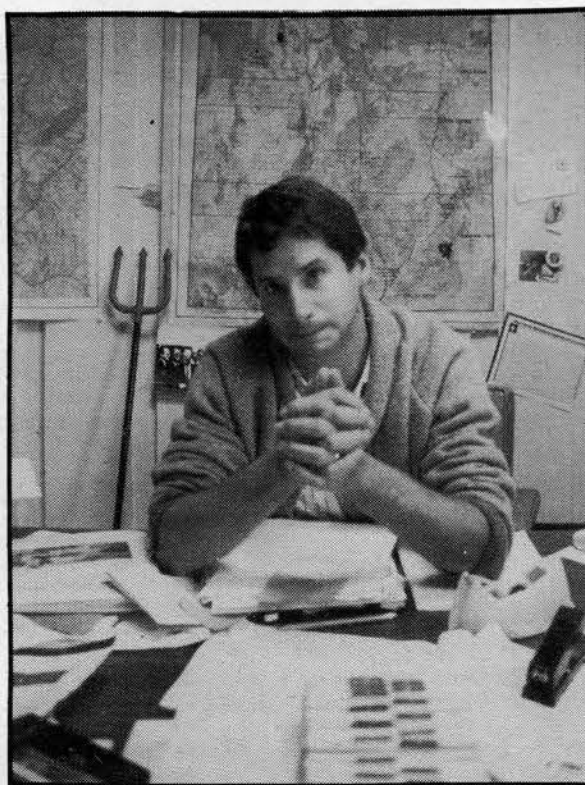
For his part, Rait professes sympathy for the county's trash problem. "We don't say no to a dump on public land," he says. "After all, 95 percent of the county is state or federal land. But a landfill should not be located in a proposed wilderness. It's not unreasonable to ask them to find an alternative site."

A visit to the Richfield district office of the BLM reveals that finding an alternative is not so easy. The other five sites, also on BLM land, are bedeviled with problems, according to Kay Erickson, the bureau's realty specialist.

Site 1 has a high water table, and 2's soil is too shallow. There's not enough clay in the third site's soil, so a liner would be needed. The area is also critical habitat for raptors, deer and antelope, as well as the endangered Utah prairie dog. The fourth site's soil also lacks enough clay, and Site 6 is full of sclero cactus *Wrightia*, a species of little barrel cactus with pale yellow blossoms that is on the endangered species list. This makes 5 the preferred site, despite its location in HR 1500's proposed wilderness study area.

There are other considerations: access to a paved road, presence of surface water, altitude, weather conditions, visibility and mining claims, which have been a major complication, according to Erickson.

Trash left by tourists also may become a bigger problem. Although the county's population is not growing, more people are passing through the county in order to visit Capitol Reef National Park, the Fishlake



Larry Mosher

Ken Rait of Southern Utah Wilderness Alliance

and Dixie national forests, and Canyonlands National Park at its east end. Over the last three years, the number of motel rooms has more than doubled to a total of 240. And in 1989 Route 12 connecting to the south was paved. Although the National Park Service hauls its own trash away, the trash from tourists will mount.

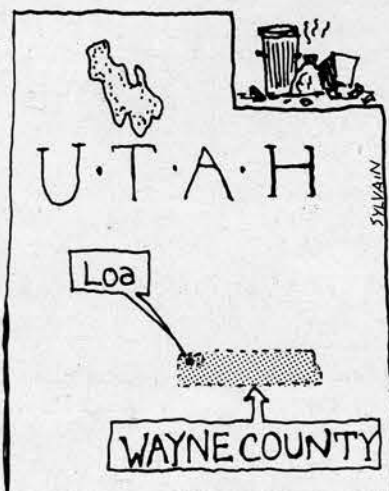
Wayne County's commission is now looking at some state land near Caineville, but the complication there is that the county would have to buy an entire section — 640 acres — instead of just 80 acres. This would mean a much bigger expense: State land would cost from \$50 to \$100 an acre, compared to up to \$10 an acre for federal land.

In the meantime, the BLM is taking another look at Site 6. Erickson is conferring with his U.S. Fish and Wildlife Service colleagues about the sclero cactus; maybe fences could be erected to protect it. And everyone is waiting for the agency's director in Washington, D.C., to rule on the SUWA appeal.

Even in the so-called wastelands of the West, finding a site for a dump can be a problem.

— Larry Mosher

Larry Mosher is a free-lance writer who was editor of *High Country News* from 1990-91.



HOTLINE

Andrus' suit gains support

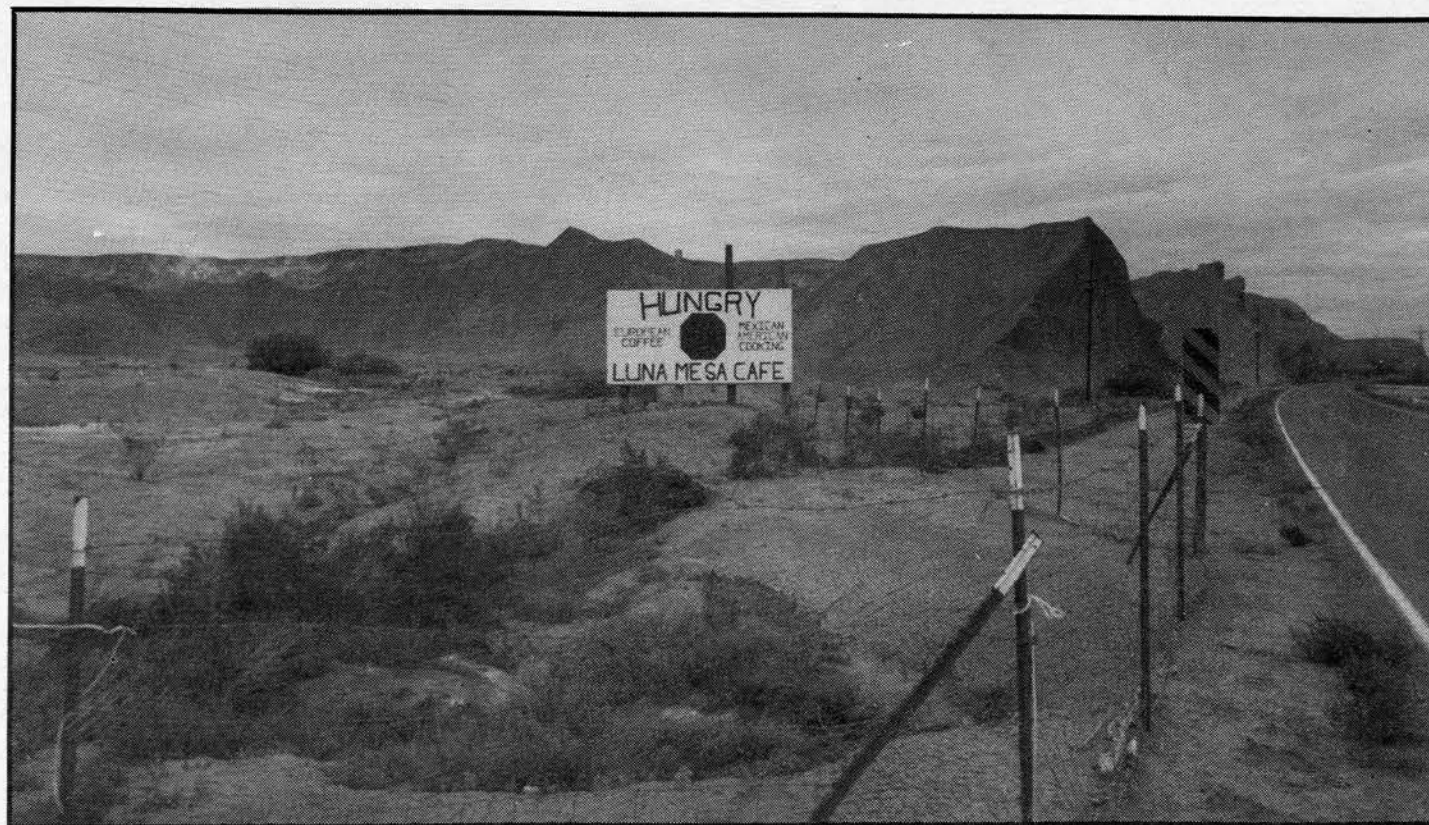
A coalition of conservationists, anglers and business owners has added muscle to Idaho Gov. Cecil Andrus' suit to hold dam operators responsible for killing salmon. The suit asks the court to revoke the National Marine Fisheries Service's "no jeopardy" opinion and order the Army Corps of Engineers and the Bureau of Reclamation to operate dams in a manner that will not endanger salmon. The "no jeopardy" opinion exonerates hydroelectric dam operators despite practices that kill some 90 percent of Idaho's salmon (HCN, 10/18/93). Members of the coalition, which include Redfish Lake Lodge owner Jack See and Idaho Rivers United, agree with Andrus that the Bonneville Power Administration should bear most of the burden of recovery projects. In a counter salvo, aluminum company officials recently filed a suit against Idaho. It charges that farmers who divert Snake River water for irrigation cause depleted salmon populations.

The bottom line on pollution

With bottoms bared, students and other protesters made a statement about railroad air pollution in southwest Colorado recently. The group mooned a coal-fired narrow-gauge train that takes tourists between Durango and Silverton. Each protester also wore two letters of the message: "Give a toot, don't pollute," reports the Fort Lewis College newspaper, *The Independent*. The conductor reacted unkindly to the message and its presentation by blasting the protesters with steam. The stunt drew attention to heavy coal smoke from trains that pollutes the air of the Animas Valley. Protesters say public pressure is the only way to get the Durango and Silverton Narrow Gauge Railroad Co. to clean up its emissions.

The missing lynx

After a long court battle with environmental groups, the U.S. Fish and Wildlife Service recently agreed to launch a multistate search for the rare lynx. A forest-dwelling cat that once inhabited mountains throughout North America, the lynx now survives mostly in Canada and Alaska, with perhaps 100 animals in Washington and several dozen in Idaho and Montana. Environmental groups fear that logging, hunting and trapping may be pushing the elusive cat towards extinction. In 1991, the Bellingham, Wash.-based Greater Ecosystem Alliance petitioned the U.S. Fish and Wildlife to list the lynx population in Okanogan County as endangered. The agency refused in 1992, but in an out-of-court settlement earlier this year agreed to study lynx populations throughout the Northern Rockies. The study is due next November, after which there will be time for public comment. According to the court settlement, environmental groups may sue Fish and Wildlife again if they are dissatisfied with the agency's final decision. For more information, contact Mitch Friedman, Greater Ecosystem Alliance, Box 2813, Bellingham, WA 98227 (206/671-9950).



Larry Mosher

Sites 5 and 6 are located in this proposed wilderness study area

Methane creates an explosive situation in Colorado

Last summer, Kelly and Randy Ferris noticed that the tap water in their Bayfield, Colo., home had begun to sparkle and fizz.

But it wasn't Perrier. It was methane gas. Bureau of Land Management tests this fall found that the Ferrises' water well is "super-saturated" with methane, and that the explosive gas is seeping into their home.

Some of the neighbors' wells are also suddenly polluted, and the Pine River in front of their subdivision is bubbling methane, says Kelly Ferris. "My husband went down and you can light the river with a match."

Discovery of the problem in early November set off fire alarms in southwest Colorado's La Plata County, which sits above one of the largest gas-producing formations in the nation. County sheriffs and the Bayfield Volunteer Fire Department fanned out through the Bayfield area Nov. 10 to notify residents. Spot tests turned up several more polluted wells and flammable gas levels in one house.

Methane gas is invisible, odorless and tasteless. County officials say it's not harmful to drink or breathe, but if the gas accumulates in confined spaces, it can explode. The county is warning residents not to shower in unventilated rooms, and most have gone on bottled water. Meanwhile, crews are testing water wells in other parts of the county.

The Bayfield leaks are the latest in a history of methane problems in La Plata County, Colorado, and in the San Juan Basin in New Mexico — an area that in the last five years has become the second largest gas-producing region in the country. Since 1988 dozens of homeowners throughout the county and down into New Mexico have complained of foul-tasting and flammable tap water — problems they blamed on nearby drilling for coalbed methane gas. They have been backed by warnings from the Environmental Protection Agency in 1990, and the U.S. Geological Survey in 1992 that coalbed gas production may be polluting shallow aquifers and residential water wells.

But the regulatory agencies — the Colorado Oil and Gas Conservation Commission, the New Mexico Oil and Gas Division and the BLM — say there is not enough evidence to halt gas production. The agencies say the gas seeps are probably natural, and may pre-date oil and gas drilling.

After their attempts to get a basin-wide environmental impact study were rejected in 1992, some 200 residents filed class-action lawsuits against gas companies in both states, charging property damage and negligence (HCN, 4/19/93).

Now the La Plata County commissioners have joined the fight, accusing the Colorado Oil and Gas Conservation Commission of disregarding the safety and welfare of local residents. In a statement released Nov. 16, the county called for a basin-wide environmental impact study, an immediate moratorium on new gas wells and reform of the state commission.

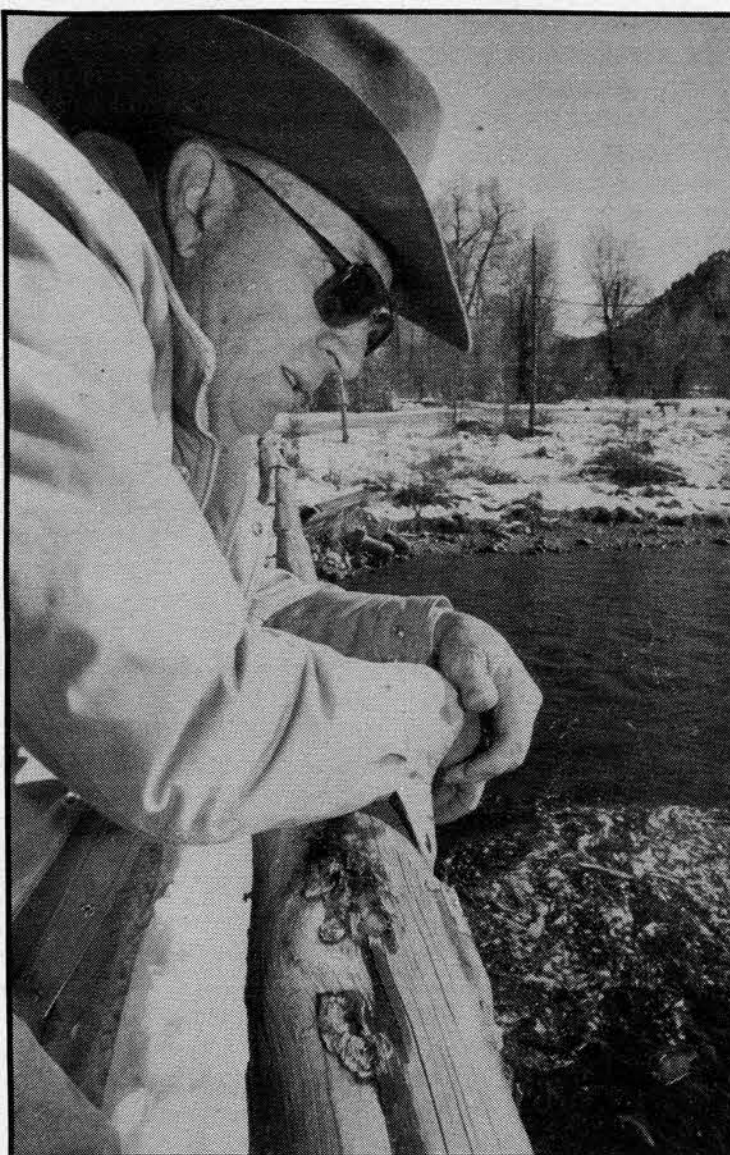
"The Oil and Gas Conservation Commission has historically been a handmaiden of the oil and gas industry," said La Plata County Commissioner Shirley Baty. "The environmental stakes are too great — and human lives too dear — to risk a half-hearted approach by the OGCC."

Jack Campbell, one of six directors of the statewide Oil and Gas Commission, and a professor at Fort Lewis College in Durango, responded in the *Durango Herald* that the county was being unnecessarily confrontational, and "jumping up and down like idiots."

The problem, say county officials and local residents, is that neither the state commission nor the gas companies have adequately studied the impact of the new coalbed methane technology developed for the San Juan Basin.

Conventional gas drilling taps into pockets of gas trapped like air bubbles underground. But in the San Juan Basin, methane gas molecules are bound to coal molecules in the vast coal seams that underlie the basin. These coal seams are immersed in water under pressure. The higher the water pressure, the more gas the coal holds.

To produce gas, companies drill into



Homeowner Glen Watson watches natural gas bubble in the Pine River

Andrew Council/Durango Herald

the coal formation and pump out water. That lowers the water pressure and "liberates" the gas molecules, which then flow up the well bore. Since 1989, the industry has drilled almost 800 coalbed methane wells in La Plata County and 2,500 more in New Mexico. According to the Colorado Oil and Gas Commission's most recent figures, by 1991 gas companies had pumped over 23 million barrels of water from underground in La Plata County.

County officials and many local residents suspect that the pumping may have changed underground water pressure across large areas, freeing gas to migrate through natural cracks and fissures and residential water wells. They also point to a 1989 internal BLM memo warning that while new coalbed gas wells may be sound, the drilling activity may be causing new leaks in the estimated 15,000 old and abandoned gas wells scattered across the basin.

As a case in point, county manager Bob Brooks says that Bayfield residents did not have a methane problem until Amoco drilled 10 coalbed gas wells in the area between three and five years ago. Fearing that those wells had triggered a mass release of underground gas, in mid-November the county asked the state Oil and Gas Conservation Commission to shut down all 10 wells and begin a basin-wide environmental impact statement.

"The OGCC should have required the industry to prove beyond the shadow of a doubt that there would be no damage to ground or surface water prior to the first (coalbed methane) well being drilled in the San Juan Basin," reads a county statement issued Nov. 16. "Now there are over 2,000 (conventional and coalbed methane) wells in La Plata County and, to date, no requirement has been made to prove that ground and surface water will not be negatively impacted."

Brooks adds, "A lot of areas in the county have gone from no measurable

methane in their water wells to the saturation point."

For the first time in the five-year debate, the staff of the Colorado Oil and Gas Conservation Commission backed the county. Rich Griebeling, the staff director of the commission, hand delivered a letter requesting Amoco to shut down its 10 Bayfield wells.

Amoco refused and, to the surprise of everyone, the Oil and Gas Commission — five industry experts and one citizen representative appointed by the governor — rejected its staff recommendation. Instead the commission approved an alternative proposed by Amoco. Beginning next year the company will shut six of its Bayfield wells, one by one, and monitor the gas leaks and changes in pressure underground. If a link is established between gas production and contamination of the water wells, the gas wells will be shut down and the commission will then authorize further studies.

County officials say they are "shocked," and have asked Gov. Roy Romer to fire Campbell, the area's local representative on the state commission, and push for broader studies of oil and gas issues in the basin.

The county's protest has gotten statewide coverage and hits the Oil and Gas Commission at the end of a bad year. The commission barely survived a bruising attack from environmentalists in the state legislature last winter, and has been besieged by angry complaints from farmers and county officials in Weld County, north of Denver. Recently, a coalition of environmental and citizen groups announced they will put an initiative on the 1994 ballot to reform the commission (HCN, 11/1/93).

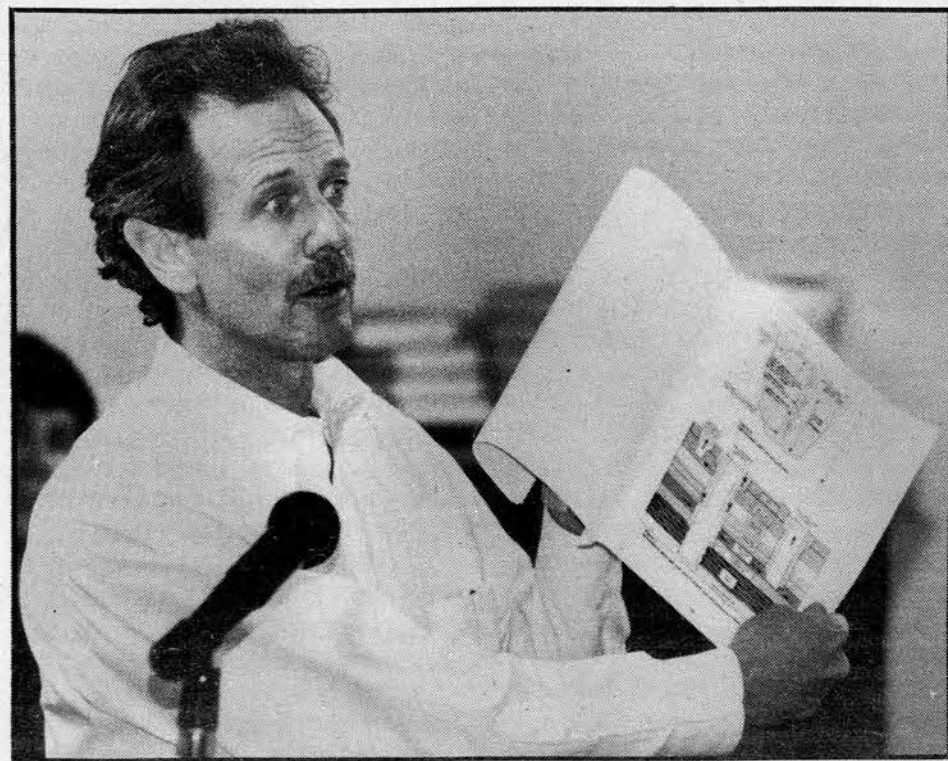
The pressure is having an effect. Romer and Department of Natural Resources head Ken Salazar — still smarting from last year's Summitville mining disaster — have scrambled to pull the commission into line. Romer sent Salazar to the commission, where he made a long speech asking it to act to regain public credibility and prevent property or environmental damage.

Meanwhile, Salazar, who has the authority to hire and fire staff of the Oil and Gas Commission, replaced the director, deputy director and supervising engineer last summer. The new director and supervising engineer have met with county officials and have formed a local task force to monitor the gas leaks and direct further studies. In addition, talks are under way about replacing Campbell.

Romer has also asked for a meeting of the BLM, the Colorado Oil and Gas Commission, the New Mexico Oil and Gas Division, La Plata County, the Bureau of Indian Affairs and the three Indian reservations that share jurisdiction over oil and gas drilling in the San Juan Basin. Romer wants the group to revive a 1991 agreement to survey all existing studies of gas drilling in the basin, and identify any new studies needed to protect residents and the environment.

However, Romer has not asked for a moratorium on new gas wells, or for cut-backs in operation of existing wells.

— Steve Hinchman, HCN staff reporter



Attorney Ed McCord says Amoco diagrams show how drilling in coalbeds can allow methane to escape to the surface or into groundwater

Andrew Council/Durango Herald

Agency makes it harder to steal trees

Just a few days after being blasted in congressional hearings for allowing rampant timber theft — and a few days before being transferred—Forest Service Chief Dale Robertson created an independent law-enforcement branch.

Under the old system, enforcement agents reported to district rangers and forest supervisors as well as to timber management officers. That meant agents sometimes investigated the people who supervised them.

In testimony before Congress last October, Forest Service investigators said this led to widespread retaliation against agents for doing their jobs. They cited reprisals in the form of transfers, sudden cuts in funding and unfounded investigations into personal conduct. The new system puts all criminal investigations under the agency chief.

"This will address the problem," said Doug Heiken, of the Association of Forest Service Employees for Environmental Ethics. Agents can tackle the tough issues such as timber theft and grazing trespass, he added.

Five years ago, the agency was directed by the Department of Agriculture's Office of Inspector General to isolate investigators from possible interference. According to a General Accounting Office report released in October, that never occurred, largely because of ambiguous direction from Robertson and his senior staff.

Michael Nitsch, a Forest Service law enforcement special agent, told a congressional panel that interference with investigations led to "out of control" timber theft within National Forests (*HCN*, 8/23/93). Nitsch said in some cases the agency even gave timber companies tracer paint to mark the boundaries of timber sales.

Special agent Dennis Shrader said intimidation is a common weapon used by Forest Service officials to deter investigations. "On my first day, I was called before the district ranger and warned that if I ever went over his head he would have my job," said Shrader.

Near the end of his testimony, Shrader gave an example of successful enforcement. He attributed the accomplishments of the National Timber Theft Task Force, set up by the Forest Service in 1991, to

structural autonomy. Said Shrader, "The task force already has produced the most significant criminal cases in Forest Service history — despite budget and staffing instability from obstruction by national forest managers who still control those factors." He ended his testimony with a call for accountability from "Forest Service managers who have shielded theft by criminal elements in the (timber) industry."

To obtain a copy of the GAO report call 202/512-6000 and ask for the title: *U.S. Forest Service — Independence Still Lacking in Law Enforcement Organization*. For copies of testimony by Forest Service agents Shrader and Nitsch, contact the House Subcommittee on Civil Services at 202/225-4025.

—Chris Eldridge, *HCN intern*



Stacking logs in Wyoming

Jackson Hole News

Sierra Club to back big wildlands bill

A sweeping, five-state wilderness proposal called visionary but unrealistic by many mainstream environmentalists seems less far-fetched now.

Breaking ranks with the Wilderness Society, the National Audubon Society and other large groups, the Sierra Club has decided to back the Northern Rockies Ecosystem Protection Act.

The organization's board of directors approved a policy in late November that allows local chapters and groups to support the 16 million-acre bill covering roadless areas in Montana, Wyoming, Idaho, Washington and Oregon.

The new policy attempts to mend a rift created earlier this fall when a Sierra Club group in Bozeman, Mont., defied its state organization by promoting the ecosystem protection bill (*HCN*, 11/1/93). Friction between the groups led to the resignation of state leader James Conner, who at one point threatened to expel the local group, called Headwaters, for breaking ranks. It also stirred an internal debate among national and regional leaders in the organization.

Supporters of NREPA, who have worked to battle claims by some national environmental groups that the bill could never pass Congress, welcomed the help of the 500,000-member organization.

"It's kind of like having the cavalry

come charging over the hill," says Mike Bader, executive director of the Alliance for the Wild Rockies. "A lot of people in Washington care about what the Sierra Club thinks."

Bader, who recently met with Club activists in Missoula to discuss NREPA, says that with the help of the Club's extensive network of activists, a significant number of new co-sponsors should join the 43 members of the House of Representatives now backing the bill. That, in turn, he says, will increase the bill's prospects of getting congressional hearings.

The Sierra Club now advocates the improvement and passage of both NREPA and the state-specific Montana wilderness bill introduced by Rep. Pat Williams, D-Mont. It also prohibits members from opposing either bill. "Basically, the board approved the idea of parallel tracks," says Mark Pearson, who chairs a Sierra Club task force on the Rocky Mountains ecosystem.

Pearson and other regional activists have drafted a series of amendments to NREPA. Although not in legislative form yet, they would boost the protected area by some 6 million acres to 22 million acres, says Bruce Hamilton, the Sierra Club's national conservation director.

Brooks Martin, of the Headwaters

group, says the board's decision reflects growing support for NREPA and other ecosystem-based plans within the Sierra Club. Chapters and groups from 16 states representing some 100,000 members have now endorsed NREPA, he says.

It also reflects, according to some, a strengthened commitment to hold state-by-state wilderness bills to the highest standards. The policy says the Sierra Club will not support the Williams bill "until it has been modified to ensure an enhanced overall level of protection for non-wilderness roadless areas ... and to protect the Club's and the public's ability to work to protect additional lands in the future."

That relieves Bader, who says it means the Sierra Club will not back state wilderness bills that release lands not designated as wilderness to the timber industry.

The Sierra Club is the third member of the "Big 10" environmental groups to back NREPA. Greenpeace and Friends of the Earth are the others. Bader says he hopes the Club's policy shift will convince others, including the National Audubon Society, to follow suit.

Congress is expected to take up the Williams bill when it reconvenes this winter.

—Paul Larmer
HCN assistant editor

HOTLINE



David Wilson

Struggling species in Colorado

The Colorado Division of Wildlife says three more animal species are in trouble in Colorado. In November, the division added the boreal toad and the Rio Grande sucker to the state endangered species list, and put the Mexican spotted owl on the threatened species list. In the past seven years, the division reports, the high-alpine boreal toad has disappeared from 85 percent of its historic range in Colorado. Biologists link the toad's problems with a worldwide decline of amphibians, and say ozone depletion may be a major factor. The once-prolific Rio Grande sucker has all but vanished from creeks and rivers in the San Luis Valley and northern New Mexico, due to competition from non-native fish, habitat loss and overgrazing of riparian areas. Finally, the Mexican spotted owl, which is also listed as a federally endangered species, has declined to 25 documented animals in Colorado. The state is preparing recovery plans for each species. Meanwhile, the division reports significant progress in the recovery of the bald eagle, peregrine falcon, sandhill crane and greater prairie chicken. All have been down-listed from endangered to threatened, primarily because of the success of programs to ban pesticides and protect nesting sites.

BPA proposes a fish trust

An Oregon congressman wants the Bonneville Power Administration to turn over its salmon restoration and wildlife projects to another agency. BPA markets power from federal hydroelectric dams on Northwest rivers. Because of the damage caused by those dams, BPA also runs a \$57 million salmon recovery program. After holding hearings on BPA in Oregon this fall, Rep. Pete DeFazio, D, wrote BPA administrator Randall Hardy asking him to consider transferring the agency's fish and wildlife program to either the U.S. Fish and Wildlife Service or the National Marine Fisheries Service. BPA's Hardy said he likes the idea but refused to give up control of the program without also getting protection from the rising cost of salmon restoration. He suggested making a lump sum payment to create a "fish trust" that would cover all future costs. Some environmental groups, however, warn that until BPA agrees to change the way it operates the region's dams, no salmon recovery project will succeed. "DeFazio should be careful not to let BPA out from under its legal obligation to recover the salmon," says Pat Ford, an organizer with the Boise, Idaho-based group, Save Our Salmon. "We want the fish and wildlife programs fully funded rather than picked over and partially funded as the BPA has done over the last decade."

BULLETIN BOARD

NEVADA MINE WANTS TO GROW

A mining company proposes to double the size of its operation in the scenic Independence Mountains north of Elko, Nev. In a draft environmental impact statement prepared for the Forest Service, the Independence Mining Company asserts its "statutory right under the 1872 Mining Law" to mine the new gold ore bodies it has identified around its existing mine. Over the past 12 years, eight open pits have been dug along the steep southern end of the 10,000 foot mountain range (HCN, 10/2/93). The company wants to expand one pit and open three new pits to extract 20 million tons of ore that will extend the life of the mine up to 15 years. The impact statement considers various alternatives for the open pits, waste rock dumps and haul roads that will disturb close to 3,000 acres of national forest land. Public hearings on the draft EIS will be held Jan. 4 at the University of Nevada Student Union in Reno; at the Stockmen's Casino in Elko, Jan. 5; and at the Independence Valley School in Tuscarora, Jan. 6. The meetings run from 3 to 7 p.m. For a copy of the draft EIS or to make comments before Jan. 18 on the proposal, contact Don Carpenter, Humboldt National Forest, P.O. Box 276, Mountain City, NV 89831 (702/763-6691).

THE VIRGIN RIVER IS THE TARGET

Booming Las Vegas, Nev., has put the Virgin River at the top of its list for future water supplies. But the gambling mecca must compete with upstream users in Utah, Arizona and Nevada as well as a host of federal agencies and environmental groups that have protested the city's application for the river's unappropriated water. The Nevada state water engineer will hold public hearings on the Virgin River, Jan. 10-14 and 24-26 at the Las Vegas City Council Chambers. For a complete schedule, contact Jon Palm, Division of Water Resources, 123 W. Nye Lane, Carson City, NV 89710 (702/687-4380). The Southern Utah Wilderness Alliance is the main environmental group working to keep water in the Virgin River by opposing dam building projects in Utah and diversions in Nevada. SUWA and the Sierra Club Legal Defense Fund recently filed suit against the U.S. Fish and Wildlife Service for failure to designate critical habitat for the endangered Virgin River chub. The two groups also put the agency on notice that they will sue to protect the spinedace, another fish native to the river. "The Virgin is one of the last rivers in the West still retaining the bulk of its natural, free-flowing character," according to a SUWA report. But proposals to develop the river's water could transform it into a "series of plugged up artificial lakes devoid of native species."

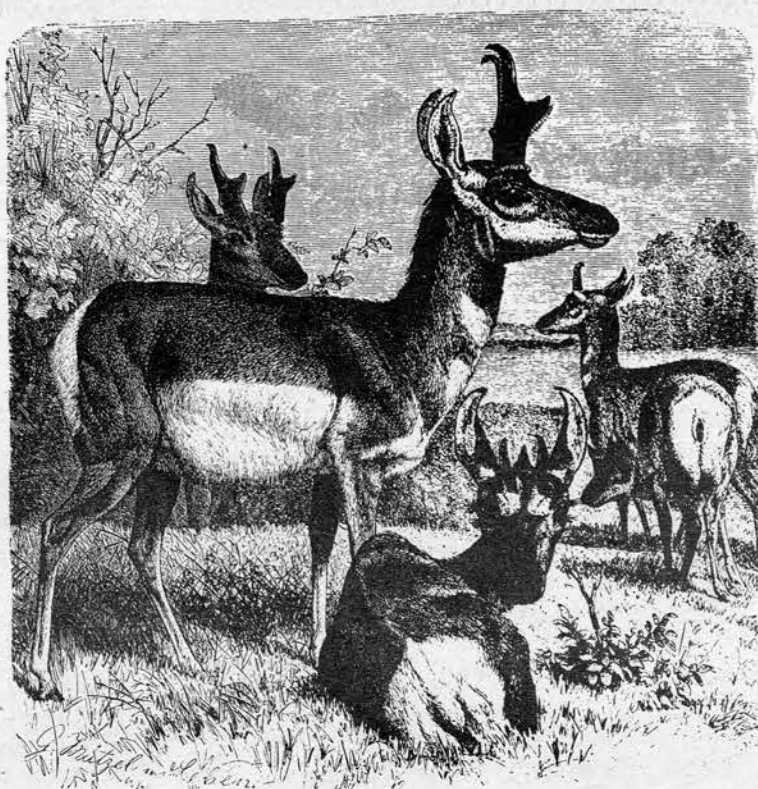
The group's blueprint for cooperative management to protect and restore the river, *A Vision for the Virgin: Conservationist Approaches to River Management*, is available for \$10 from the Southern Utah Wilderness Alliance, 1471 South 1100 East, Salt Lake City, UT 84105 (801/486-3161).

— Jon Christensen

LITTLE SUPPORT FOR PUBLIC-LAND RANCHERS

A recent survey of public opinion about livestock grazing fees found that people supported reform. The poll, *Public Attitudes Toward Federal Rangeland Management: Results of National and Oregon Surveys*, was conducted last spring by Mark Brunson and Brent Steel, professors at Utah State University and Washington State University, respectively. It gauged attitudes in Oregon and nationwide and found very little difference between the two. "If only one message were to be drawn from this survey," the authors concluded, "it is that there is widespread public disapproval of current range policies, reflecting a growing disenchantment with commodity-focused management on public lands as well as the belief that range condition is deteriorating." Over 75 percent of the respondents agreed or strongly agreed that greater protection is needed for plants, fish and wildlife on federal rangelands. In addition, 83 percent responded that overgrazing, particularly in riparian areas, is a serious problem. The survey also found that those polled agreed by a 2-1 margin that a fee increase should be gradual. Bill Myers, a spokesman for the Public Lands Council, a ranching industry interest group, believes the survey "reflects a widespread ignorance on the part of the general public." The poll was supported by Utah State University, Oregon State University and Washington State University; for more information contact Mark Brunson, Forest Resources, Utah State University, Logan, UT 84322-5215 (801/750-2458).

— John Horning



NO DRIVING IN ZION?

Visitors to Utah's Zion National Park may have to park their cars and take the bus. In a draft development plan, the Park Service selected a preferred alternative that would require visitors to leave their cars at a 575-space parking lot near the town of Springdale and enter the park on a propane-powered, open-air bus. The park would run 13 buses, each able to carry 60 passengers. The plan was drafted in response to the rising popularity of the park, which today accommodates twice the number of visitors it did 10 years ago. The plan would also move and expand the visitor center and increase staff housing units and maintenance facilities in the park. Because of funding limitations, however, it may never take effect. The proposal is estimated to cost \$30 million, including \$1.7 million for buses. Annual operating costs would increase by \$250,000. Copies of the *Draft Development Concept Plan Environmental Assessment* are available at Bureau of Land Management offices in Salt Lake City and Kanab, and at libraries in St. George and Hurricane. For more information, call Zion National Park, 801/772-3256.



WILDLIFE REFUGES NEED MONEY

An Interior Department report concludes that many wildlife refuges suffer from neglect. Dams erode and wildlife management programs have been neglected because money isn't appropriated. The report says the 27 refuges surveyed fail to realize their purpose: protection of wildlife and public access to safe and beautiful wildlife areas. A glaring example is the Arrowwood National Wildlife Refuge in North Dakota, where wetlands are preserved through permanent lease with a rancher. Lack of funding resulted in three years of neglect, and the rancher took

advantage of federal inattentiveness to build a road and dump debris in the refuge. Inadequate funding first strikes refuges in their infancy. The report says \$17.2 million was needed to open properly 43 new refuges between 1988 and 1992, but Congress appropriated only \$4.7 million. After years of mismanagement, the U.S. Fish and Wildlife Service is struggling to catch up on \$323 million of backlog maintenance. America's 482 wildlife refuges cover 91.1 million acres.

For a copy of the report, *Survey Report: Maintenance of Wildlife Refuges*, U.S. Fish and Wildlife Service, Report No. 93-1-1477, write to the Office of Inspector General, U.S. Department of the Interior, Washington, DC 20240.

SONORAN STEWARDSHIP

As industries continue to proliferate along the Mexican-U.S. border, desert communities face the task of protecting their cultural and environmental heritage. Economists, scientists, environmental educators and community members will discuss these issues at a conference Jan. 13-15 in Puerto Peñasco, Mexico. Sponsored by the Sonoran Institute, a non-profit group, "Bridging Borders: A Cross-Border Exchange" will explore linking reserves in the U.S. and Mexico, health care, scientific research, education and economic development in the Sonoran Desert. Naturalist-writer Gary Nabhan will read from his work in progress, *Desert Follies and Borderline Fools*, and other events include a local food and crafts fair, traditional dances and natural history tours. Write Karla Portman, Sonoran Institute, 6842 E. Tanque Verde, Suite D, Tucson, AZ 85715 (602/290-0828).

REAL WESTERN WOMEN

The Women of the West Museum, planned for the Denver-Boulder area, will feature women from all economic and ethnic backgrounds, says Toni Dewey, a retired vice president of Motorola, who spearheads the non-profit group backing the museum. Plans call for a 100,000-square-foot building to open in the next four years with interactive displays of diaries, photographs, letters, art, poetry and artifacts. Conferences, lectures and films are also planned. For more information write Women of the West Museum, 250 Bristlecone Way, Boulder, CO 80304 (303/443-2946).

Unclassifieds

HOUSE EXCHANGE. We are planning to spend a few weeks in the U.S.A. next summer ('94) and would like to arrange a house swap with a family interested in staying in England for a similar period. Elizabeth and I have two children aged 12 and 14. We live in Somerset in the West Country, in a 3/4 bedroomed house and run a three-acre organic holding. If you are interested and would like further details, please do contact us. Martin Wall, Ginger Farm, West Monkton, Taunton, Somerset, TA2 8NN, England. Tel day: 0884/243090. Evenings 0823/412837.

SCHOLARSHIPS are available to traditional and non-traditional teachers for a course titled "Teaching Environmental Ethics," June 19-26 and July 17-24, 1994. Contact Four Corners School, P.O. Box 1029, Monticello, UT 84535, 801/587-2156, for an application and information. Deadline: April 1, 1994. College credit available. (3x24b)

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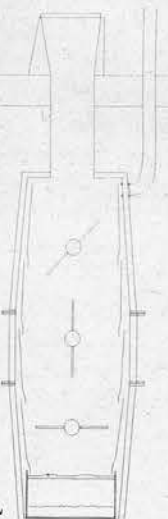
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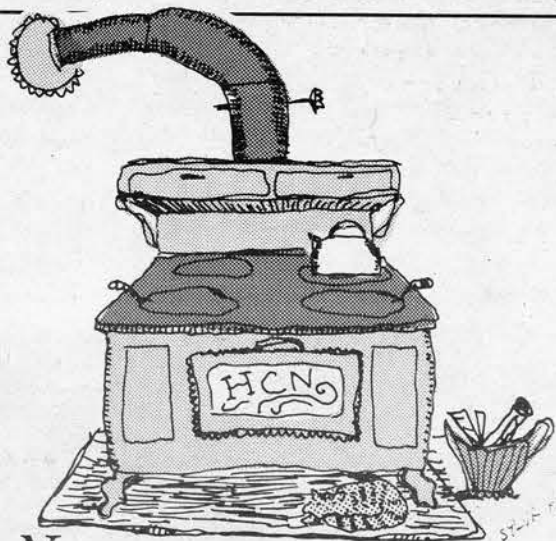
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Vol 25, No. 24

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Grizzly recovery plan could doom bears, critics say

by Craig Welch

A new federal government plan to bring back Yellowstone's grizzly bears could instead drive the animals into extinction, said independent scientists and environmentalists.

"It's fundamentally flawed," said Dave Gaillard, grizzly project coordinator for the Greater Yellowstone Coalition. "It fails to protect bears, yet it sets the stage for prematurely removing them from the endangered species list."

The government on Dec. 9 released its 180-page plan for saving grizzlies in the 28,000-square-mile Yellowstone region and other parts of the Northern Rockies. The document took five years and three drafts to complete, and will serve as a "cookbook" for bear recovery for the next five years.

Grizzlies were listed as a threatened species in 1975, after populations in the lower 48 states dropped from 100,000 to less than 1,000. The new document is an update of a 1982 plan to restore bears to self-sustaining numbers. It covers 38,000 square miles and six recovery zones in the United States and Canada.

An estimated 236 grizzlies currently populate the Yellowstone region, and females with cubs live in 16 management areas.

The plan's primary author said critics were overreacting.

"It's unfortunate that this sky-falling routine is being played out by the conservation community," said Chris Servheen, grizzly coordinator for the U.S. Fish and Wildlife Service. "The recovery plan does not de-list the bear. It does not propose de-listing the bear."

But it provides a blueprint for that action in the Yellowstone area, critics said. Bear numbers, for example, are

allowed to dip below what they were when the animals were first protected under the Endangered Species Act. About 230 bears lived in the region in 1974, according to a study by Frank and John Craighead. The new plan only requires that the region sustain 158 bears.

"Either (the government) was wrong then, or it's wrong now, and since only a couple of hundred bears are left, I'd say they're wrong now," said biologist Mark Shaffer, an endangered species expert with the Wilderness Society.

Servheen said the comparison was inappropriate because the plan requires female grizzlies to inhabit at least 16 of the region's 18 bear management areas. Required distribution, and the relationship between females and total population, means bear numbers will likely exceed 158, he said.

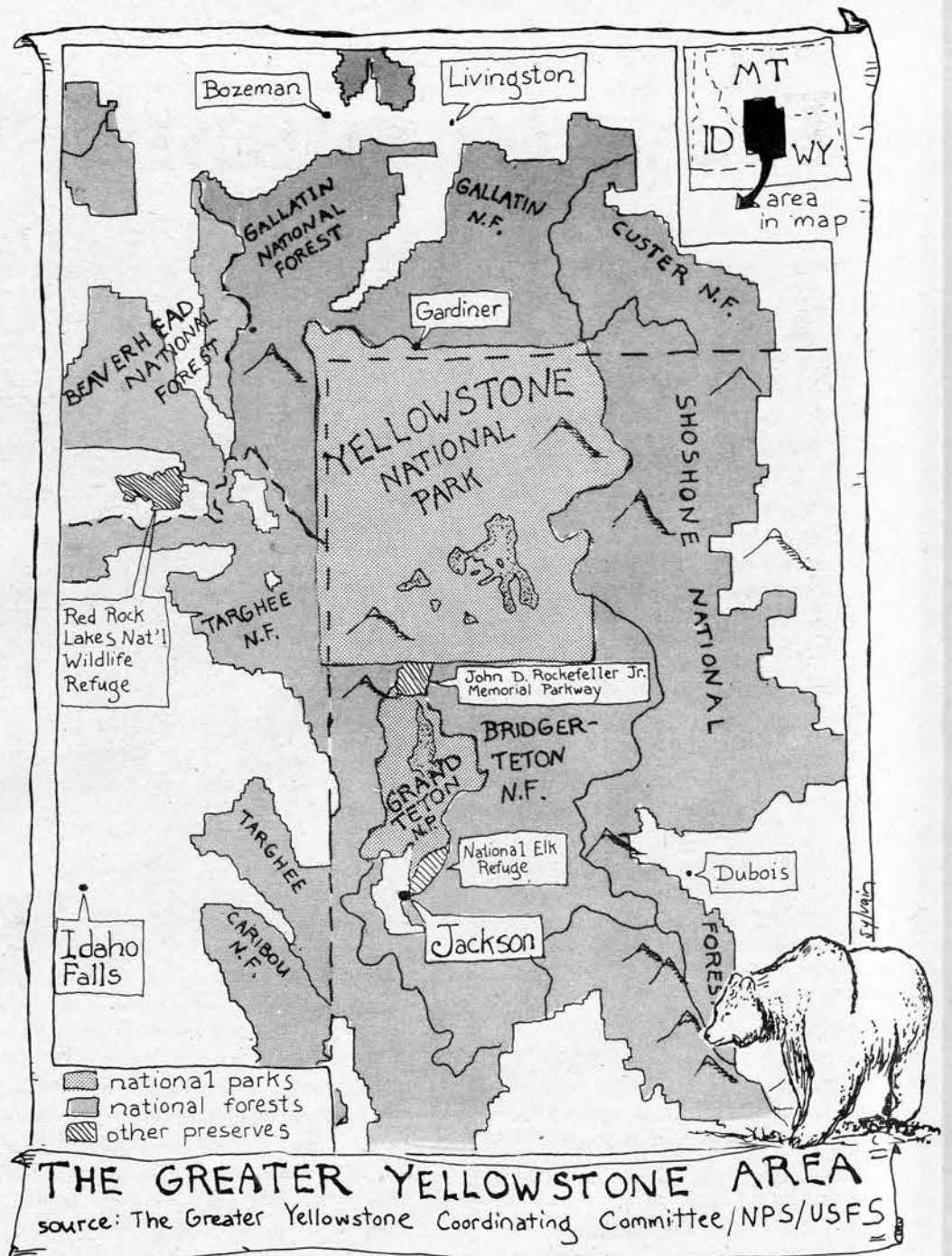
Grizzly expert Dave Mattson said those estimates were overblown, which made the low population goals suspect. "I believe they purposely set goals they had already met," he said.

Servheen disagreed, saying that accurate data was hard to come by since bears range over many miles and are vulnerable to human disturbance.

"What else can we do?" he asked. "No one has come up with a better method."

The plan counts on outdated guidelines to protect bear habitat and does not require that recovery zones be expanded as needed, said Gaillard and Shaffer. The plan also needs passageways across public lands linking Yellowstone, Montana's Glacier National Park, Washington's Cascade Mountains and Canada, they said. Those corridors would link the now-isolated populations and ensure their survival.

"Most experts agree that without at least 1,000 bears, long-term prospects for survival are slim," Shaffer said.



The plan also places no limits on development or road-building — the greatest threats to bears, Gaillard said.

Servheen said such limits would have to be set at a different level of government. "This is a recovery plan, not a regulatory mechanism," he said. "It's a cookbook. It doesn't make the meals."

Since public comment ended when the first draft was revised in 1992, critics have limited resources, Gaillard said. "We hoped that Fish and Wildlife would respond to scientists' concerns with the last draft, but this plan suffers from the

same deficiencies," he said.

Some environmentalists say they want federal officials to withdraw and update the plan. The Wilderness Society will also consider legal action if the plan is not changed, Shaffer said.

A summary of the plan will be available in mid-January from Chris Servheen, USFWS, NS312, University of Montana, Missoula, MT 59812 (406/329-3223). ■

The writer reports for the *Jackson Hole Guide* in Wyoming.

The plan in brief

For Yellowstone grizzlies to be considered recovered, the new plan requires that:

- At least 158 bears should be widely distributed throughout the region.
- Human-caused death of bears should not exceed nine bears given the current population for any two consecutive years.
- Human-caused death of females cannot exceed 30 percent of that 4 percent — or two female deaths per year.
- A monitoring system must be established to ensure these criteria are being met.
- Habitat and space requirements for grizzly bears shall be determined.
- Female grizzlies with cubs must inhabit at least 16 of the region's 18 bear-management areas, leaving no two adjacent areas unoccupied.

Of the above goals, only a portion of the last is not being met:

- An estimated 236 grizzlies currently populate the region.
- Total human-caused bear deaths average four per year, or 1.7 percent of total population.
- Human-caused death of female grizzlies average two per year.
- Monitoring criteria have been established.
- Habitat requirements have been determined, and allowances have been made for changes in recovery-zone habitat.
- Female grizzlies with cubs can be found in 16 management areas. Two adjacent management units, however, on Idaho's Targhee National Forest west of Yellowstone National Park, are unoccupied. Grizzly managers will determine this winter if bears should be moved there from other forests or if that area should simply be eliminated from recovery efforts. Once this study is done — probably by mid-spring — grizzly managers will begin working on the last step necessary before delisting.

Managers will soon begin writing a conservation strategy to direct management after bears are removed from federal protection. The document will take at least a year to produce, said Chris Servheen, author of the recovery plan.

— C.W.



A grizzly bear

Park to scientists: Shut up!

by Craig Welch

Two National Park Service scientists charge that Yellowstone National Park suppressed research on grizzly bear numbers and on harm from excessive elk foraging because both projects challenge long-standing federal wildlife policies.

Grizzly expert Dave Mattson, formerly stationed at Yellowstone National Park, said his troubles started when he questioned official claims that grizzly bear populations were on the rise. He said his superiors destroyed his computer files, censored his mail, curtailed his travel privileges and "isolated, harassed and intimidated" him.

In a separate incident, plant ecologist Richard Keigley, also based at Yellowstone, said he was yanked off a project and prohibited from publishing research that suggested park forests faced "an environmental crisis" if elk populations were not reduced.

The pair said their findings were blocked because they criticized favored policies and hurt federal managers' careers.

"They are allowing the good-news story to be published even though there are legitimate criticisms of it," Mattson said. "They are going beyond science. They are selling a product."

Park Service officials called the claims "bogus," and said both scientists were involved in office personality conflicts.

"The Park Service publishes plenty of dissenters. Why would we suddenly be selective in our muzzling?" asked John Varley, Yellowstone's chief of research. "I suggest it's because it's not happening."

Keigley, 48, studied cottonwood trees in Lamar Valley and said he determined that extensive elk "browsing" — feeding on the lower branches — was curbing tree growth, and threatened to eliminate entire tree species from the park's northern range.



Old Faithful

Dennis Davis

By comparing the shape and age of tree trunks to those of older trees, he determined elk browsing had not been a problem when elk had larger migration areas and when their numbers were limited by hunting and predators like wolves.

Since elk population controls were dropped in favor of natural regulation in 1968, their numbers have jumped from 5,000 to 20,000.

This suggested the park's 25-year-old policy of natural regulation, which allows animals to thrive without human intervention, was not working, Keigley said. The Park Service said his research did not support that finding, and would not let him submit the paper to a science journal for peer review and potential publication.

He was told to tone down his conclusion, said Dan Huff, National Park Service regional chief scientist in Denver.

"The study was interesting, but he could not refute 20 years of research and hundreds of studies with one summer in the field," Huff said. "I think he thought he'd get better press by saying his (bosses) suppressed it."

Other scientists backed Keigley's findings, but Huff said they were long-standing park critics.

Keigley agrees that more research is required, but says his supervisors wouldn't allow him to continue the research, saying it was misdirected.

Keigley argued his original assignment was to study the effects of fire and browsing by herbivores on riparian vegetation — exactly what he did.

"I was given the authority to define the problem and execute the program," Keigley said. "I felt I had the latitude to do this and it was an important, necessary and appropriate study."

His work was quashed because officials feared it might lead to elk hunting in the park — a political nightmare, Keigley said. He said park employees built whole careers around the "natural regulation" scheme, and were not prepared to question its foundation. He also claims that the work on which natural regulation is based has not been tested by peer review and publication in scientific journals.

Mattson, 39, says that despite official claims, there is no accurate way to

determine the populations of grizzlies now protected by the Endangered Species Act. This claim, along with criticism of Yellowstone bear recovery efforts, put him at odds with his supervisor, he said.

When he attempted to have his findings published while the grizzly bear recovery plan was coming out, he was blocked by supervisors, he said.

"I thought the timing of that was more than coincidental," he said.

His study would have questioned the plan's goals and research that suggested goals were being met.

"There is an active campaign to get managers to invest in this idea that bear populations are growing," Mattson said. "The information is compromised, biased, and potentially inadequate, but some folks involved are going

to see bears de-listed come hell or high water."

The personal investment of years of work would lead to accolades if bears are dropped from endangered protections, he said.

"I don't think any of these things are anti-bear," Mattson said. "There are just different priorities. Career opportunities. Status. Some of these things are taking precedence over concerns for bears."

His supervisor, biologist Dick Knight, using the same data, concluded that populations were on the rise. Earlier this year, when Mattson criticized findings, Knight confiscated Mattson's research. He also began reviewing Mattson's mail and told him he could no longer travel around the region without permission.

Mattson complained to park officials in a series of memos. Knight shot back that Mattson was misusing the information.

"The raid of your office was simply my retrieval of data that I am responsible for before it was used to further criticize the government," Knight wrote in a return

memo. In an interview, Knight said Mattson's area of expertise was habitat, not wildlife populations, and that Mattson's affiliation with the Sierra Club Legal Defense Club biased his conclusions.

Mattson acknowledged sharing information with the Sierra Club Legal Defense Fund, but said he shared data with anyone interested in grizzly bears.

"I've had an open-door policy with the public, and I've responded to any group that has approached me. That runs the gamut from the Targhee Timber Association to environmental groups and everyone in between."

"I guess the fundamental problem was I was too open by some people's standards," Mattson said.

Knight said that Mattson was biting the hand that feeds him.

"To me that meant I should accommodate the bureaucrats who fund me," Mattson said.

Varley and Yellowstone superintendent Bob Barbee offered Mattson a transfer from Yellowstone to the University of Idaho, with his tuition paid by the Park Service.

"They bought me off," Mattson said. "It didn't make sense that they would go through all this trouble unless they were trying to keep me quiet."

Varley said that was ridiculous.

"He's finding fault with that, but he's getting his own way," Varley said. "When we have a personnel problem, which he had with his supervisor, you can kiss and make up, keep going the way you are or find another home."

Mattson said he accepted the transfer because it could help him do better work.

"What I want people to know is they've only been hearing one side of this," Mattson said. "They need to know there are gray areas." ■

For more information, write to: Richard Keigley, P.O. Box 523, Yellowstone National Park, WY 82190; Dave Mattson, Department of Fish and Wildlife Resources, College of Forestry, Wildlife and Range Sciences, University of Idaho, Moscow, ID 83843, or call Yellowstone National Park, public information, 307/344-7381.



Neal and Mary Jane Mishler

Are bears counted twice?

In his research, National Park Service scientist Dave Mattson divided bears into two groups: those accustomed to human contact, and those occupying habitat away from people. He found the group accustomed to people has steadily declined.

Contact with humans therefore should be limited, he said. But when he prepared to publish his findings in 1992 — before a draft recovery plan comment period ended — he was blocked.

Land and game managers were denied access to his conclusions, and their decisions were made with partial information, he said.

"We do not have any reliable knowledge of the status of bear populations," Mattson said. "I can handily explain any circumstantial evidence that says otherwise."

Conflicts this summer between

bears and cattle on rancher Paul Walton's Togwotee Pass grazing allotment do not indicate a population increase, he said. Mattson said the bears strayed because of a decrease in whitebark pine — a grizzly food staple.

Increased bear sightings are often the result of having more people in the field, he said. The same bears are spotted again and again.

He also argued that a jump in sightings of female bears with cubs — often touted as a necessity for recovery — does not indicate a growth in overall population.

"These possibilities are being pushed away because grizzly managers want bears to be increasing," he said. "Other managers like what they are hearing, so there is no reason to question it."

"But I don't think it's true."

— C.W.

Firms milk park's 'wildlife'

by Michael Milstein

YELLOWSTONE NATIONAL PARK, Wyo. — Microbes teeming in the bubbling hot springs of Yellowstone National Park are making possible major advances for science and big profits for a billion-dollar biotechnology industry.

They also raise questions for national park managers who have never dealt with commercial use of a park's living inhabitants.

"I was surprised myself when I found out how many big companies are searching around Yellowstone," says Mike Ruggiero, chief of the National Park Service wildlife and vegetation division. "This is something we've not encountered before."

Is it right for private companies to remove tiny bacteria when other living things — from trees to elk — are protected? Most think so. Should the money-strapped park get some payback from those who profit off its microscopic species? There, opinions diverge.

Anyone with a valid scientific mission can get a free permit to collect microorganisms in Yellowstone, says park research chief John Varley. About 30 different research teams from around the world now have such permits. Roughly half have commercial connections.

There is no legal mechanism for the government to demand any royalty from the commercial use of park microbes, Varley says. If they had regulatory power, some park managers fear it might become a bureaucratic net that would ward off scientists. Researchers also share microbe samples among colleagues, making them nearly impossible to track.

Still, Varley says, even a small contribution from the big drug and biotech companies — some with yearly revenues of more than \$1 billion — that profit from park resources would easily boost the park's \$18 million annual budget. Lodging companies, for instance, pay a fee for the privilege of operating in national parks.

"It's hard to see how much money is being made from these organisms and not wonder about that," Varley says.

The boom in Yellowstone began in 1966, when microbiologist Thomas Brock made a discovery in the steaming waters of Mushroom Spring that would revolutionize modern science, generate huge profits for private industry and raise questions about the ownership of natural organisms.

"Back then, nobody gave a hoot what I was doing," says Brock, now retired from the University of Wisconsin. "Everybody is paying attention to it all now."

Brock's fantastic find was *Thermus aquaticus*, a cigar-shaped microbe living in 176-degree Fahrenheit water — a temperature where no life was thought to exist. Its single cells are so small that 800 or more might fit in the period at the end of this sentence.

Yet its extraordinary abilities so far exceed its size that biotechnology firms are battling over its ownership.

The hot-water microbe makes an enzyme now known as Taq (for *Thermus aquaticus*) polymerase. It is the key to a powerful process that lets scientists interpret genes encoded by DNA, the double-helix that holds the blueprint of life.

Last month, Kary Mullis, the scientist who invented the method driven by the Yellowstone enzyme, received the Nobel Prize for chemistry.

Taq polymerase builds the DNA "fingerprints" police use to track crime suspects. It has given doctors the most accurate test for the virus that causes AIDS. It allows archaeologists to inspect the genetic code of mummies dead for thousands of years.

been out of scientists' reach.

A process so basic it can be done in a teacup on a hot plate, PCR first requires heating a solution of DNA nearly to boiling, so the two strands of nucleic acids — twirled like a spiral staircase — unravel and separate. Then the polymerase takes over, copying whatever segment of the DNA helix researchers have outlined.

So where there was only one set of

single cell left when a suspect licked the envelope of a letter bomb.

Nearly 65,000 research papers have been published based on PCR findings, now a standard of biotechnology.

"Molecule of the Year"

Cetus Corporation patented both the PCR process and Taq polymerase, which the company had isolated from *Thermus aquaticus*. In 1989, the journal *Science* named Taq polymerase "Molecule of the Year."

Two years later, a faltering Cetus sold all its patents on PCR and Taq polymerase to Hoffman-La Roche, a giant Swiss pharmaceutical firm, for \$300 million. The company now controls access to the enzyme that originally came from Yellowstone.

Many scientists complain that Roche is stifling research by keeping the price of Taq beyond reach. It is easy to cultivate *Thermus aquaticus* in a laboratory and extract the enzyme, but the company does not allow that.

Annual Taq polymerase sales total more than \$100 million worldwide. Perkin-Elmer, a marketer of Taq-related enzymes, produces a catalog filled with Taq packages and products, including \$5,000 automated heating and cooling machines to carry out PCR. Competing models carry names like "Robocycler."

Brock says he thinks it wrong for the government to award a patent for a natural enzyme purified through routine techniques. Some scientists even want the government to "nationalize" the patent, opening Taq to all.

"There's nothing novel there," Brock says.

Back in 1966, Brock says he never dreamed his Yellowstone discovery might come to this. While enthusiastic about the value his diminutive bacterium has turned out to have, he is distressed it is entangled in profiteering.

"This shows how important it is to get out and look around for new things," he says. "I just hate to see it all get tied up in patents because that stops people from doing basic research, which is just what I was doing when I found it." ■

Michael Milstein reports for the *Billings Gazette* from Cody, Wyoming.



Mike McClure

Yellowstone's hot springs contain valuable microbes

But these achievements lay in the future. Brock's 1966 discovery attracted little attention. Once he had identified his new microbe, he sent samples off to the American Type Culture Collection, a national repository of cell samples in Maryland. There they sat, suspended in the deep freeze, for anyone to use and study.

Nature's copier

Nobel Prize-winner Mullis was working for the Cetus Corp. in California in 1983 when he devised what he called the Polymerase Chain Reaction, or PCR. It relies on natural enzymes which repair and duplicate DNA within individual cells.

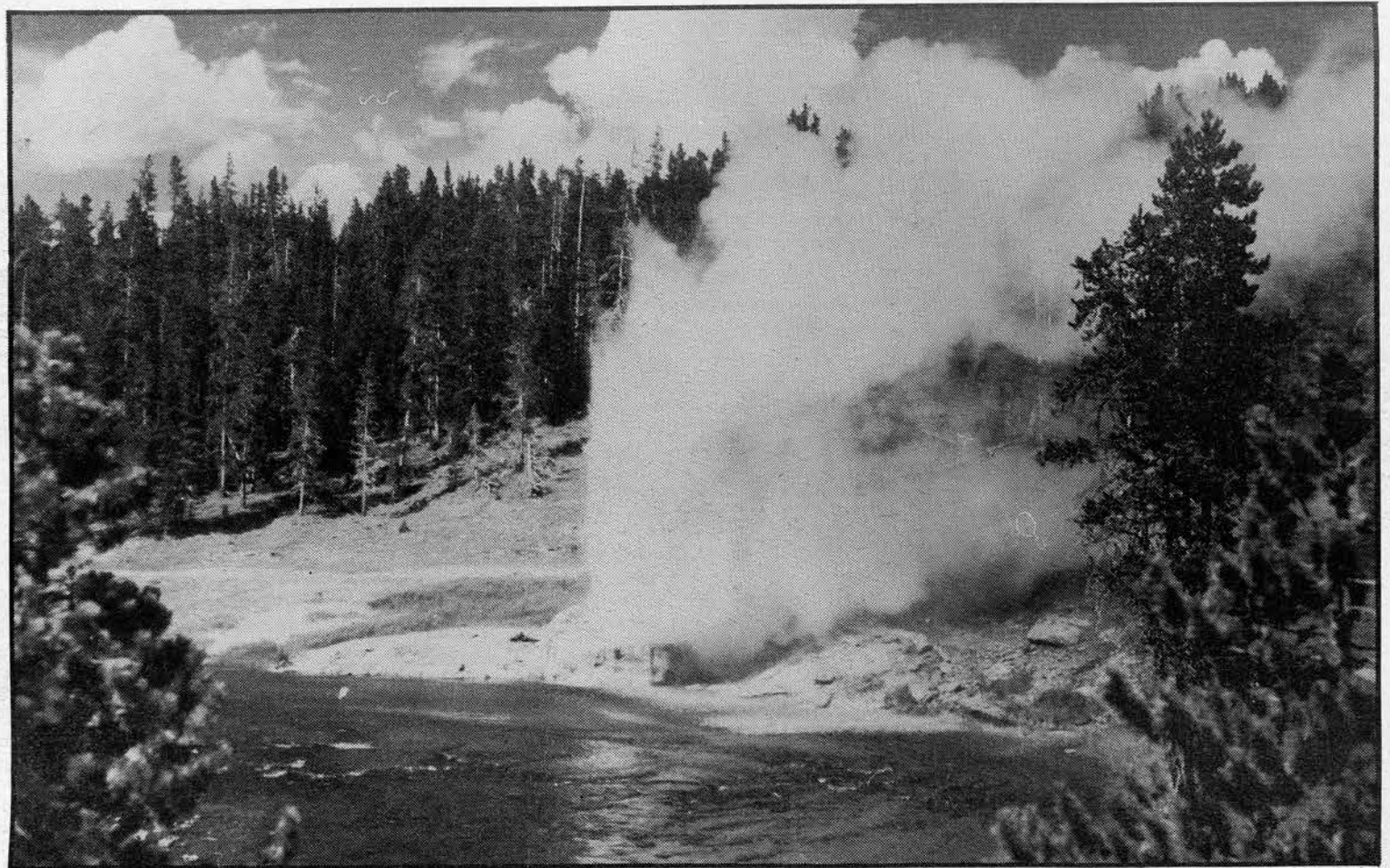
PCR puts polymerases to work as a kind of biological Xerox machine that can run off unlimited copies of DNA, a seemingly simple power that had before

DNA strands, there become two copies of the particular genetic codes researchers want to see.

Repeat the process and there are four. Repeat again and get eight. Repeat 20 times in a couple hours, and the chain reaction produces more than a million copies — enough to study and interpret.

DNA polymerases from typical bacteria broke down during the heating step. So Cetus scientists looked instead to the strain of *Thermus aquaticus* Brock had found in Yellowstone. They knew it was accustomed to high temperatures.

Sure enough, its natural enzyme — Taq polymerase — held up perfectly. PCR is an astounding tool. Police can compare genetic markers in a single drop of blood at a crime scene with those of a rape or murder suspect. Detectives can make an arrest based on the DNA in a



Wyoming Travel Commission

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National Park Service

An elk stops along a stream in Yellowstone

Poacher gets light sentence

by Michael Milstein

A professional hunter who pleaded guilty in July to killing three elk in Yellowstone National Park in August had actually hunted in the premier national park for the last nine years, according to federal records.

Yellowstone Chief Ranger Dan Sholly said the offenses are the worst example of poaching detected in Yellowstone in modern times.

"I'm not sure I could come up with a more outrageous action against wildlife in Yellowstone or any national park," he said. "I'm baffled by the failure of the system to really make an example out of these individuals."

Government attorneys promised Donald E. Lewis they would withhold his admissions that he and friends made annual hunting trips to Yellowstone from 1983 to 1991, and broke game laws in several states, including Montana, Colorado and Utah.

Prosecutors said the \$15,000 fine Lewis paid under a plea bargain was probably the best penalty they could have gotten.

"It's difficult for me to imagine anything more severe than that" for a wildlife crime, said U.S. Attorney Richard Stacy, the chief federal prosecutor in Wyoming.

Game agents had spent more than 500 hours investigating Lewis and urged the U.S. Attorney's office in Wyoming to send his case to a grand jury. The head agent asked lawyers to prosecute Lewis "to the fullest extent," according to federal documents.

"This hunt in the park is the most blatant example of trophy poaching that I have encountered in my 30 years of investigating wildlife crime," lead agent Joel Scrafford wrote in April to Assistant U.S. Attorney Christopher Crofts, the prosecutor handling the case.

In Yellowstone Park alone, where wildlife is protected, Lewis and his companions killed approximately 14 elk since

1983, records show. Some years they set up hunting camps inside the park.

In 1991, they videotaped themselves shooting at 13 elk, records say. Scrafford wrote Crofts that he was "convinced that we can prove beyond any doubt" the elk were hunted in Yellowstone.

A July plea bargain let Lewis and his hunting partner Arthur Sims, of

five years. Neither received any jail time, except for 60 days Lewis was already serving in Utah for poaching eight mule deer there.

Scrafford said the fine was stiff, given federal sentencing rules. The pair could have received higher fines and imprisonment only if they had been charged with additional crimes.

low-income working guys," federal prosecutor Crofts said. "Our job is to assess the probable outcome of legal reality and not to create some kind of a show."

Secrecy promised

In exchange for an agreement by Lewis and Sims to answer questions for federal agents, prosecutors promised not to file more charges, and would not help other jurisdictions, such as a state, prosecute them. Under those terms, records show, Lewis told federal agents that he had hunted elk in Yellowstone every fall from 1983 to 1991, "killing one or more elk on each trip."

Donald Lewis and Arthur Sims declined numerous requests for interviews; Alabama lawyer David Belser, who represents Lewis on new poaching charges in Utah, said he has told Lewis not to speak to the media.

But investigators identified pictures in a photo album Utah wardens seized from his pickup truck when he was arrested in 1991 for poaching mule deer in Utah. Twelve of the album's 17 photos depict Lewis with elk or antlers from elk killed in the Fawn Creek drainage and other parts of Yellowstone, the first in 1983.

Another album entry says: "Don Lewis posing with a bull elk he killed in Montana ... using a Colorado tag." Others describe animals taken illegally in Utah and Colorado. The album "revealed that Don and his friends have gone crazy shooting wildlife," said David Hintze, a Utah warden who apprehended Lewis.

Montana authorities say the state's three-year statute of limitations on poaching crimes will probably keep them from prosecuting Lewis, even though the clock technically does not run when the offender is outside of the state. Colorado officials are still investigating.

The deal to withhold Lewis' admissions was not a formal part of the plea bargain. But attorneys commonly make

continued on next page



Michael Milstein

Scrapbook photos show Don Lewis and poached trophies

Huntsville, Ala., each plead guilty by mail to three misdemeanor charges of poaching elk in the national park in 1991.

U.S. Magistrate John Brooks of Casper, Wyo., fined each the maximum \$5,000 for each of the three elk they pleaded guilty to killing and banned them from hunting and national parks for

But Wyoming prosecutor Stacy said they received "a hell of a big fine for a game violation" — 100 times what they might have paid under state law. Other offenders have gotten lighter sentences, even after they were taken to trial.

Lewis and Sims "were not rich tourist hunters from somewhere, these were just

Poacher gets ...

continued from previous page

such arrangements so investigators can clear up unsolved cases, Crofts said.

Legal "realities"

"Once he told us the number of elk and where they were and those things, we were able to piece it together fairly well," he said. "But our agreement was that we wouldn't use that, so we were still kind of stuck with the evidence we had before that."

"That's frustrating, I guess, to the public and laymen sometimes, but those are just the realities we deal with."

Information about cases came through numerous requests under the federal Freedom of Information Act and interviews with state and federal officials and associates of Lewis.

Videotapes seized from Lewis show the pair shooting at 13 elk with bows and arrows near Yellowstone's Indian Creek Campground in 1991, according to transcripts of the tapes. Rangers established

that the hunting took place in Yellowstone by locating and photographing park sites, including distinctive peaks, pictured on the tapes.

At least nine of the elk died. "One poor elk, when he staggers away, you see two or three arrows sticking out of his guts," said Yellowstone law enforcement specialist Pat Ozment. "It was just astounding, all of what these guys did in the park."

Stacy said the plea bargain was warranted because it may have been difficult to prove all the scenes were in the national park.

"There is certainly a strong suspicion that maybe there were that many elk killed in Yellowstone National Park," he said. "But as far as being able to prove there were that many killed in the park beyond a reasonable doubt, no, we're not able to do that."

Lewis was a paid representative of Browning Arms of Ogden, Utah, AFC Carbon Arrows of Chatfield, Minn., and Lynch Game Calls of Liberty, Miss.

Bows and rifles

Although Lewis boasted of his bowhunting skills, he and his partners killed several park elk with rifles, investigators determined. The poachers removed some heads and antlers, packed them out of the backcountry and shipped them home to Alabama, reports say.

Interstate transportation of illegal wildlife is a felony under the federal Lacey Act. Agents suspected Lewis of violating that law. But when Lewis admitted the crimes, attorneys had already promised to prosecute Lewis and Sims only on the misdemeanor charges.

Sholly said he understood the legal hindrances, but said taking Lewis and Sims to court on more charges might have deterred other poachers, such as those who killed two trophy elk in Yellowstone this fall.

Utah prosecutors tried last year to present reports of Lewis' nine-year hunting spree in Yellowstone when Lewis was sentenced for poaching in Utah. However, the judge refused to admit the reports since federal attorneys had promised secrecy.

The outcome of the park poaching case disappointed Craig Miya, assistant

chief of law enforcement for Utah's wildlife agency, which found the incriminating videotapes. Lewis deserved a tougher penalty, Miya said, especially since he made his living hunting.

Trophy elk may be worth thousands, Stacy conceded.

"Maybe crime does pay," Miya said.

Federal agent Scrafford said he is satisfied with the fines but frustrated that, given the way the justice system works, "we cannot hit them harder."

Attorney Salter said Lewis and Sims had already suffered enough for offenses that would not be considered major crimes in Alabama. Sims lost his job with the security division of Boeing in Huntsville, Ala., last month. Once his hunting career failed, Lewis went back to school and is now working as an engineer, his brother said. "Lewis feels awful about this," Salter added. But the public is becoming less tolerant of poaching, Stacy said.

"Maybe five years from now, (if) somebody kills an elk in Yellowstone, we'll be able to get him some real serious jail time for it because attitudes will continue to change and solidify. We hope so." ■



Roger Holcomb



National Park Service

The much-photographed elk in Yellowstone, top, and with its antlers removed after being killed, above

Poachers zero in on Yellowstone's prized wildlife

Wildlife, the pride of Yellowstone National Park, is also a target for poachers. And in recent years, there are more and more poachers stealing more and more animals.

Because of their longtime protected status and the prohibition of hunting, Yellowstone and other parks harbor the finest elk, deer, moose, bear and bighorn sheep.

"Poachers make their money by taking the biggest and the best," says Terry Grosz, assistant regional director for law enforcement with the U.S. Fish and Wildlife Service in Denver. With 2.2 million acres to cover in Yellowstone, officials can't accurately monitor how many animals are being poached, he says, but "most poachers have two serious flaws — ego and greed. After awhile they'll slip up."

Examples of the park's vulnerability and the poachers' brazenness arose in recent incidents in Yellowstone National Park. Authorities are still searching for the poachers who on Sept. 18 shot an elk cherished by wildlife watchers. The seven-point bull was killed the day after it had been photographed in the Elk Park area. The animal was shot and its skull cap and antlers cut off only 200 yards from the Grand Loop road, the park's main road.

Two weeks later, authorities found a six-point bull elk killed, with its antlers sawed off. The animal was shot 90 yards from the road between Mammoth and Norris geyser basins.

Incensed with the killing of the first elk, a "magnificent creature," says Yellowstone spokeswoman Cheryl Matthews, a number of individuals, hunting organizations and the U.S. Fish and Wildlife Service offered a combined reward of \$4,000 for the apprehension of the poachers. The animal was a favorite among tourists because of its unique rack, which had slightly

twisted points. The animal was so well-known that one day Matthews saw 20 people photographing it, she says.

Affection for the elk became the rallying cry for rounding up reward money. "People were shocked," Matthews says. The second bull elk was found dead by a photographer Oct. 6, a day or two after it was slain.

The recent elk killings took place close to roaded areas in the park that are thronged with people. It's probable, notes Matthews, that a good deal of poaching takes place in the more remote backcountry, escaping detection. The park is doing what it can by patrolling its borders on foot and horse, Matthews says.

The park has 50 permanent rangers with an additional 70 in the summer, but park officials rely heavily on "people being honest" and reports from witnesses, Matthews says.

Joel Scrafford, the U.S. Fish and Wildlife agent who assists in Yellowstone poaching investigations, says he has noticed a marked increase in poaching since 1989. Not only are rangers apprehending poachers at the park's borders, but they are also getting them two and three miles inside park boundaries, he says.

But rangers must give priority to visitors and emergencies: "Wildlife falls between the cracks," he says. "For every one poacher caught, nearly 90 percent aren't."

The estimated fewer than 10 percent of all poachers caught face penalties under the Lacey Act, including fines up to \$250,000, confiscation of their equipment, and five years in prison.

— Lauren McKeever

The writer lives in Jackson, Wyoming.

OTHER VOICES

Opinion by Randal O'Toole

Many people are elated over President Clinton's recent replacement of Forest Service Chief Dale Robertson. Yet this decision may prove to be the greatest environmental disaster ever to befall the national forests.

When Gifford Pinchot founded the Forest Service in 1905, he knew that politics tend to corrupt government agencies. So he and his successors tried to insulate forestry from politics. Among other things, the agency was located in the Department of Agriculture, whose secretary worries more about wheat than national forests. Decentralization with a minimum of paperwork left decisions to experts on the ground rather than bureaucrats or politicians in Washington.

Ironically, Pinchot was the only Forest Service official ever fired by a president. President William Howard Taft dismissed Pinchot after a conflict between Pinchot and Taft's secretary of the Interior. But Pinchot's replacement was a professional forester and latter chiefs were picked from the agency.

These steps protected the Forest Service from meddling by the president. But Pinchot failed to protect the agency from Congress. Pinchot wanted to fund the agency out of its earnings rather than tax dollars. On a promise that he would manage the forests at a profit, Congress gave Pinchot \$1 million in seed money and the right to keep forest revenues.

Revenues could not pay for everything Pinchot wanted, so he asked Congress for more money. And that gave Congress the power to interfere with scientific forest management. This has been most acute in recent years, when timber-oriented senators tried to stop forest managers from reducing timber sales for environmental reasons.

Congress loved the Forest Service as timber sales increased between 1946 and 1975. But environmental lawsuits since 1975 cast doubt on the agency's ability to maintain cutting levels. Successful lawsuits led many forest officials to conclude that timber was overemphasized.

During the 1980s, Oregon and Washington forests — which cut nearly half of all national forest timber — reduced planned sales by more than a quarter. Forests in Idaho, Montana and California also began talking about reducing sales.

Senators from Oregon, Idaho and Montana aggressively fought these reductions. Many saw the hand of Oregon Sen. Mark Hatfield when the forester who led the Northwest reductions, Jeff Sirmon, was transferred to Washington, D.C. Idaho Sen. James McClure and Montana Sen. Conrad Burns got credit when the forester for Montana and northern Idaho, John Mumma, resigned rather than accept a transfer to D.C.

Laws like the National Environmental Policy Act made the Forest Service easier prey for Congress. Since environmental laws focus on planning rather than on-the-ground management, environmental lawsuits had unintentionally increased paperwork and centralization. Decisions once made by local rangers are now made by regional or national officials. This made the agency more vulnerable to politics because a senator could more easily knock off one regional forester than a dozen forest supervisors or 50 district rangers.

Chief Robertson sought to restore the political insulation and decentralization that Pinchot had sought. Robertson's first step after taking office in 1987 was to return budgetary freedom to selected forests on an experimental basis. The forests could transfer funds between line items, allowing managers the power to spend money where it was needed.

Robertson's next step was "New Perspectives," a

program encouraging local managers to innovate and work closely with the public using a broad ecological view of the forest. But Robertson realized that he couldn't order forests around and still remain true to the goal of decentralization. So New Perspectives seemed vague, leading many to accuse Robertson of failing to provide a vision.

Yet Robertson's on-the-ground accomplishments were real. Under the pro-timber Reagan and Bush administrations, Robertson reduced timber sales by 30 percent and supported spotted owl protection plans that

that the Forest Service has an incentive to sell money-losing timber because it doesn't have to return any funds to the U.S. Treasury.

"But I don't want the Forest Service to return money to the Treasury," he admitted. "If it keeps the money, then I can control it, while if it returns money, some other committee gets control of it." I didn't ask how he thought he could control the billion-plus dollars collected from the 10,000 or so active timber sales on the 120 national forests each year.

The president's Northwest forest plan continues such micromanagement, increasing agency budgets by hundreds of millions of dollars each year. To fund this, the plan would let forest managers keep all timber receipts, not just those that they can spend in each sale area. This ensures that the few forests that now make money on timber will join the ranks of below-cost forests.

After the plan for the Northwest forests was published, Lyons decided to replace Robertson with the plan's principal author, Jack Ward Thomas. A wildlife biologist who headed a Forest Service laboratory in eastern Oregon, Thomas is known as an innovative thinker. However, Thomas' appointment was delayed by the Senior Executive Service (SES).

Congress created the SES during the Carter years to insulate agency leaders from political dismissal. All agency directors, other than the Forest Service, are political appointments, but the SES at least protected the appointees' deputies from being fired by incoming presidents. The president can transfer an SES member from one agency to another, but cannot easily fire or demote one. Most important in the case of the Forest Service, jobs vacated by SES members could only be filled by other SES members.

That meant Lyons had to replace the chief with another member of the SES, and Thomas didn't qualify. So Lyons removed the chief's position from SES, making it a pure political appointment like other agency directors.

This means that the next chief after Thomas will probably be a strong timber advocate. Lyons promises to return the chief's job to the SES before the end of Clinton's term. But the precedent has been set; the next pro-industry president will have little trouble replacing Thomas with an industry stooge.

Environmentalists hope that Thomas will do more good than an industry-backed replacement can undo. Yet Thomas will be just as hampered as Robertson by timber-friendly senators. The president's Northwest forest plan itself warns of things to come: Under pressure from Northwest legislators, it took an environmental step backwards from the spotted owl plan previously co-authored by Thomas and endorsed by

Robertson.

The bottom line is that the traditional system was working. Through decentralization that gave local managers the authority to reduce timber sales, Robertson was leading the Forest Service in the right direction. But even if he wasn't, making his job political will do more harm than good in the long run.

Pinchot was right to try to insulate national forests from political meddling. His failure to insulate forests from Congress won't be fixed by removing the insulation the Forest Service has enjoyed from the president. Environmentalists will come to greatly regret the replacement of Dale Robertson. ■

Randal O'Toole is the author of *Reforming the Forest Service* and publisher of *Different Drummer* magazine, formerly titled *Forest Watch*, 14417 S.E. Laurie, Oak Grove, OR 97267 (503/652-7049).

Environmentalists shouldn't have helped force out Dale Robertson



would have reduced sales by far more.

Yet when Clinton was elected, many environmental leaders called for Robertson's head — blaming him, not the senators, for John Mumma's departure. Robertson's fate may have been sealed when Clinton nominated Jim Lyons, of the House Agriculture Committee staff, as assistant secretary of agriculture over the Forest Service. Lyons believes in micromanagement, not decentralization.

I talked with Lyons last year, when he still worked for the agriculture committee, about Forest Service timber receipts. Agency managers can keep receipts if they spend them on "improvements" in the sale area. The "improvements" are often absurd, such as hiring people to stand in clearcuts to explain to hikers why clearcuts are good.

"I'll have to take better control of how they spend their money," he said. But the real problem, I said, was

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A "ski-in, ski-out" cabin by the Old Longfellow Mine off Red Mountain Pass, San Juan Range, Colorado



Jerry Roberts/Living (and Dying) in Avalanche Country

A skier travels across an avalanche path

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How military secrecy zones out Nevada

by Jon Christensen

The northeastern side of the Nevada Test Site, downwind along remote state Route 375, is an eerie place. The eerie feeling comes from history. In the 1940s and 1950s, radioactive clouds regularly passed over the Groom Range on the west side of the highway and headed east, casting a long shadow of disease and death over the isolated communities of eastern Nevada and southern Utah.

They have stopped exploding atomic bombs there and the Department of Energy has announced a new "openness initiative." But the current candor about the past fails to inspire confidence in the present, let alone in the future. Instead the revelations confirm that it was worse than we had imagined. And the mind reels with the untold problems, the unseen threats hidden in the realm of possibility, perhaps yet to be revealed, perhaps simply imaginary.

During the Cold War, a veil of secrecy and self-righteousness shrouded the Nevada Test Site and the Nellis Air Force Bombing Range, a vast combat testing and training area that surrounds the atomic proving ground. The DOE and Air Force obviously still take their classified missions seriously. Signs along the borderline warn that anyone wandering into the no-man's-land could be met with "deadly force."

Of course, it was usually local people and workers who paid most dearly for their proximity to national security and its deadly forces. The Sheahan family was closest to the test site. They ran a small silver and lead mine on the southern flank of the Groom Range. Like most of their neighbors, the Sheahans trusted the military and its mission. They never spoke publicly about the abuse they suffered until the family was finally run off the range in the mid-1980s during the final frenzy of the arms race. By then the parents had died of cancer and the children were left to tell reporters that their family was never warned of the atomic blasts. In the 1950s, Air Force jets had bombed and strafed the mine to scare them off the mountain.

This was around the time that the U-2 spy plane was being flown from a top-secret base beside dry Groom Lake in plain view of the mine. Since then other "black budget" projects, from Star Wars to Stealth, have found a home at Groom Lake. Until the early 1970s, the site was identified on maps simply as Area 51 of the Nevada Test Site. After that it disappeared from official maps. Air Force pilots reportedly call it "Dreamland." But the Pentagon and DOE refuse to confirm, deny or discuss anything about the base.

In 1983, four Greenpeace protesters walked through the Groom Range onto the test site, where they wandered for five days before giving up. A year later, the Air Force abruptly seized 89,000 acres, including the entire Groom Range, to close this back door to the test site and keep people from seeing what was going on at Area 51.

Security guards set up stations on the dirt roads leading into the mountains, denying access to ranchers, the Sheahan family, curious anti-nuclear activists and

reporters. The only problem was that the commanders had forgotten to consult Congress. The takeover was illegal. But Congress okayed the land grab as an emergency measure in the name of national security.

Senators and representatives

with a need to know were given briefings about which they could not comment. Everyone else was left in the dark.

During a two-day lapse in the Air Force withdrawal of the land in 1986, Grace Bukowski and another activist from Citizen Alert staked mining claims on the mountain as a protest. Their claims were thrown out in court. But they kept the controversy in the public eye for awhile.

These days, Area 51 is back on the map. The remote eastern edge of the Nevada Test Site has become a tourist attraction of sorts, a strange magnet for

of what is the nature of what the truth really is," he says. He stayed to write an "Area 51" Viewer's Guide and shine a spotlight on the secret base.

Campbell can often be found debat-

ing epistemological problems and the

merits of local sightseeing spots with passersby at the tavern, regaling them with stories of hair-raising encounters with security guards and helicopters near the border.

All of this attention and speculation has made the Pentagon newly nervous. This fall the secretary of the Air Force requested 3,900 acres of land be added to the Nellis Air Force Base to extend the boundaries around Area 51 and make off-limits some of Campbell's newly publicized vantage points. Campbell in turn has formed the White Sides Defense Committee, named for one of

secret, we want to see it."

But Paul Mardian of Phoenix is simply interested in "things that fly," especially esoteric military aircraft. All are disappointed on this night.

We see plenty of heavenly lights. The most spectacular display is a long cumulus cloud lit as if from the inside by the setting sun. Later, planes and helicopters crisscross the horizon. Flashlights of fellow campers bob along the ridge. Lightning flashes to the north. The bright lights of Las Vegas reflect off clouds far to the south.

Around the campfire, people speculate about the base. Some stories seem comic. But there is an edge of fear and sometimes tragedy.

In the morning, Campbell points out an area on the base that he says was used to burn barrels of chemicals and composite plastics used in experimental aircraft. The widow of a test-site worker claims that her husband died from dioxin poisoning resulting from the burning.

While Campbell enjoys playing with the notion of being a "spy" around the edges of the nation's most secret base, he is serious about what he sees as his "patriotic duty to keep on eye on the military. This is the perfect Stealth vehicle for the military," he says. "Whatever exotic equipment or gee-whiz technology might be tested at Area 51, there is one thing we can be sure is also out there: waste."

Campbell says that the Federation of American Scientists (FAS) has put together some best guesses as to what the real budget is for Area 51. According to John Pike and Steve Aftergood of the FAS, the budget for "Aurora" or whatever is out there probably rivals the current budget for the Nevada Test Site at some \$300 million a year.

Campbell points out that an international Open Skies Treaty that goes into effect in January will allow other countries to fly over Groom Lake. He says that anyone can now buy satellite photos of the base from the Russians.

"It seems the only people who will be denied a view into Groom are interested Americans. When a huge project is kept hidden from the people who are paying for it, no one has a chance to ask 'What good is it?' Their whole angle is to keep it secret," says Campbell. "Mine is to make it as public as possible."

Jon Christensen is HCN's Great Basin editor.

Glenn Campbell and the White Sides Defense Committee can be reached at HCR Box 38, Rachel, NV 89001, (702/729-2648). His "Area 51" Viewer's Guide costs \$15. For more information about military land withdrawals, contact Grace Bukowski at Citizen Alert, P.O. Box 5339, Reno, NV 89513 (702/827-4200). The Federation of American Scientists, one of many groups calling for reform of secrecy laws, can be reached at 307 Massachusetts Ave. NE, Washington, DC 20002 (202/546-3300).

Comments on the land withdrawal can be sent to Billy Templeton, Nevada State Director, BLM, P.O. Box 12000, Reno, NV 89520.

REPORTER'S NOTEBOOK



Jon Christensen

Glenn Campbell chronicles the strange happenings at Area 51 in Nevada

people intrigued by the secrecy that still surrounds this vestige of the Cold War.

Military aviation buffs come in hopes of seeing a supersonic spy plane code-named "Aurora" that is reported to have been tested at Groom Lake. Others believe that the lights coming in and out of the secret base are UFOs. Some say Air Force pilots are flying alien craft that were captured when they fell to earth. Others believe aliens are working for the military.

These claims were broadcast widely in 1989, when a Las Vegas TV station aired the story of a man who claimed to have worked on the alien spacecraft. A movie version of his story is due in 1994.

Visitors to this remote corner of Nevada inevitably converge at the Little A'Le'Inn in Rachel, a haphazard collection of trailers just off the highway on the sloping fan north of the Groom Range. It is the only town for many miles. Joe Travis, a retired test-site worker, opened the tavern to serve the growing stream of curiosity seekers. The walls inside are covered with pictures of unidentified flying objects, saucer experts, and a four-foot-long panoramic photograph of the secret base.

The strange goings-on around Area 51 have found an apt chronicler in Glenn Campbell, a computer programmer who came west from Massachusetts to check out the saucer reports. "I was interested in the philosophical problem

the viewing areas, to oppose expansion.

On a cold winter day, Campbell leads a group of about 20 people into the hills for what he says could be a last legal look at the secret base from a spot he calls "Freedom Ridge." He has organized the overnight camp-out as a protest against the land withdrawal. The rag-tag band of UFO seekers, military aviation buffs and journalists is watched from the ridge by two camouflaged men with binoculars; they scurry away as we climb.

From the top, the secret base is visible across the dry bed of Groom Lake. It looks like a major regional airport with one very large hangar, several other large hangars, a control tower and radar array, and dozens of buildings clustered beside a runway.

Some of the campers are hoping to see UFOs. David Geerts of Las Vegas believes that a secret government agency coordinates experiments at the test site, and that atomic bomb testing, the proposed high-level nuclear waste repository at Yucca Mountain and the secret base "all go hand in hand."

Others are philosophical, like Campbell and his friend Matt Coolidge, who says, "As soon as they take lands out of public scrutiny, people project their imaginations and fantasies on it. Bases have long been fantasy lands. This is the biggest one."

"If it wasn't secret, it wouldn't be interesting," says Campbell. "If it's

She wants her colleagues to feel free to say:

'Madam Secretary, you're full of crap'

Opinion by Ed Marston

Speakers from federal agencies come to conferences with slides that say, in various ways, "My agency has always been great; it continues to be great; and in the future it will be greater."

Secretary Hazel O'Leary traveled to a meeting in Bethesda, Md., with a set of slides that said her Department of Energy has been and in many ways remains an out-of-control, secrecy-shrouded, criminal agency. One of her slides described "DOE's Sad History of Denial, Intolerance, Reprisals." With that slide on the screen behind her, she pledged to spend her tenure in office changing the DOE's culture and behavior.

She made her pledge to an audience of whistleblowers — many of them DOE whistleblowers — at a Nov. 4 meeting put on by PEER, the Public Employees for Environmental Responsibility (HCN, 11/29/93).

Her flamboyance and public presence make her unique. Instead of hiding behind the speaker's podium with the room lights dimmed, she donned a portable microphone and strode up and down the meeting room's central corridor, making eye contact with the audience, and answering the tough, occasionally hostile questions up close, face to face, but not in the questioner's face.

In her Nov. 4 talk, O'Leary promised to start declassifying documents before the end of November. The first release of secret DOE documents came only a week late, on Dec. 7.

On the night of the release, she went on the Larry King television show, where a caller from the South told her that her act made her a traitor. The call was helpful; it provided a glimpse of the battle she must have fought with hardliners within her DOE and with the Pentagon to begin the first, small declassification step: what she calls a "toe in the bathtub."

O'Leary appears to have spent her first months in office developing a two-pronged strategy. One prong is educational: to inform the nation and world about the crimes against people and nature committed in the name of national security. She wants to tell people what an immensely long and difficult job we face if we are to clean up the mess nuclear energy has bequeathed to us. And she wants to encourage the former Soviet states and other nuclear powers to engage in the same truth-telling and realism.

Closer to home, she wants to change the culture and performance of the DOE, with its 18,000 federal employees and 150,000 employees of the DOE's contractors.

How do you change the work done by 168,000 people? The secretary has a strategy. "I'm not going to live long enough to kick everyone out. So I want to give people the opportunity to get on board. Of those who won't get on board, some won't be able to stand the change and will leave quietly." And some, she told the whistleblowers, will have to be invited to leave.

"If we can find ways to do that appropriately, the rest of the folks will get the message."

She believes the same approach will work with

contractors. "If you tell people your expectations, and if you tie it to heart, mind and pocketbook, they'll get it."

"I think in the next three years we can lay in the infrastructure so it won't matter what happens next." Her push for openness and honesty extends

a very ugly, ugly story. You know it," she told the whistleblowers. "I want you to know I get it, too."

O'Leary, who came to the DOE from a private utility, isn't trying to transform the DOE as an abstract exercise in citizenship and community building. She has a bottom line:

"I want to open the door because it helps us to do our job better, and it gives us the right answers."

The same bottom line, she said, is driving her to declassify the agency's records. "We can't go forward until we understand our history."

O'Leary won over the PEER audience, but she has had less luck in Nevada. Bob Fulkerson, head of the state-wide group Citizen Alert, recently wrote in its newsletter:

"The attempts of the 'new' Department of Energy to gain credibility and public acceptance of its nuclear waste management programs are no different from those of its predecessors, with one major difference: This time, I actually believed they were telling the truth." But, Fulkerson continued, he no longer believes Secretary O'Leary. It is, he wrote, the same old shell game, with high-level nuclear waste hidden under the shell destined for Nevada's Yucca Mountain site.

His reaction is probably typical of those unfortunate enough to live near a DOE facility. And the DOE neighbors are likely to remain hostile for quite a while, because O'Leary has not chosen a quick-fix or an overtly political approach to the DOE facilities. She has not, for example, chosen to confront the very powerful 'screw Nevada' coalition that Louisiana Sen. J. Bennett Johnston, D, has assembled in the Congress to force Nevada to accept high-level nuclear waste.

Were she to confront Johnston, she would lose. Given the DOE's incompetence, the nation today has one choice on nuclear waste: Shove it legislatively down some state's throat.

If we are to have better choices, the DOE must be transformed into a problem-solving organization. O'Leary has chosen to do this by forcing the DOE to confront its history, by changing the security system so mistakes can't be hidden in 'top-secret' folders, and — most important — by empowering all employees to do good work and to confront bad work. If her strategy works, then it is possible that the DOE will someday provide us with an alternative to Yucca Mountain.

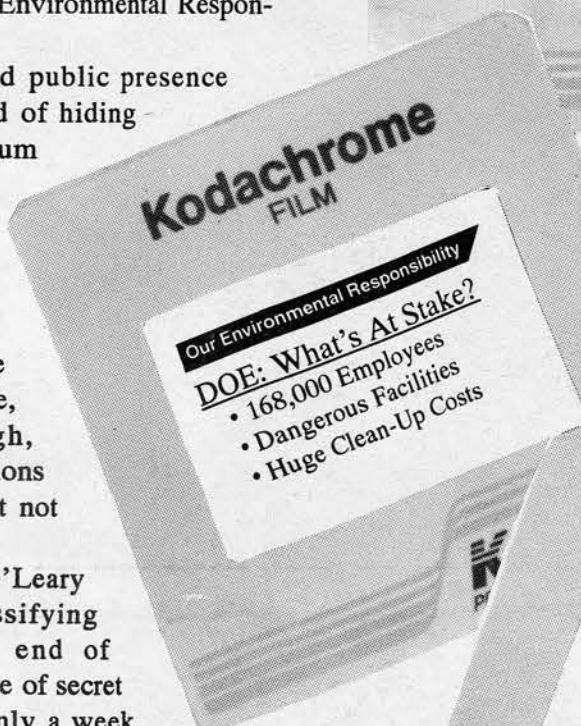
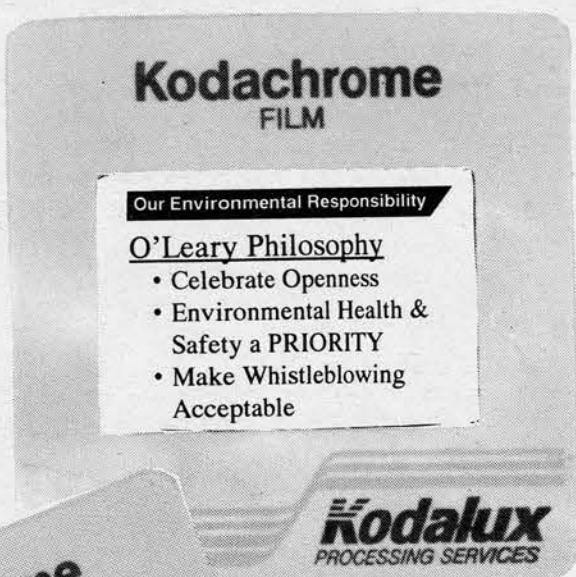
In the same way, O'Leary has not chosen to sweep out the contractors who have run the DOE facilities in such slipshod ways. Instead, she is telling them they must change their ways, and she is backing up the lecture with financial pressure.

The DOE is obligated to pay whatever expenses the contractors incur in running DOE facilities. But whether or not the contractors make a profit is supposed to be based on how well the facilities are run. In the past, however, the DOE paid its contractors the "performance bonuses" regardless of how they performed.

Under O'Leary, that is changing. Westinghouse, which runs Hanford in Washington, and EG&G, which runs Rocky Flats in Colorado, will both receive nothing for the most recent quarter. That means Westinghouse and EG&G did that work for free.

Will O'Leary's approach work? It will take years before we learn if her mix of truth-telling, economic incentives and passionate hatred of bullying and lying can transform a 50-year-old totalitarian agency. The people near the Nevada Test Site, near Hanford and near Rocky Flats will be the first to know. ■

Ed Marston is publisher of *High Country News*.



to everyone. She wants the kind of agency, she said, where subordinates feel comfortable saying, "Madam Secretary, you're full of crap."

She said that a first step toward reworking the system is to change the security badges that hang around DOE employees' necks.

The security hierarchy "makes for first, second and third class citizenship and secrecy. It has become

essay by Kathie Durbin

A rift has opened in the Northwest ancient forest movement that won't quickly heal.

The anguish was palpable in a Portland State University lecture hall the weekend before Thanksgiving, as about 125 veteran forest activists gathered to vent their frustration with the 20-year-old movement's apparent loss of a defining vision.

James Monteith and Andy Kerr, comrades-in-arms in the forest wars since 1974, found themselves on opposite sides of a divisive debate over what has come to be known as the "deal of shame."

The deal in question was the agreement plaintiffs in the most important spotted owl lawsuit made last summer with the Clinton administration. They agreed to review timber sales blocked by U.S. District Judge William Dwyer and try to find some they'd be willing to see released from a federal court injunction.

Although a negotiated agreement was reached, no request has yet gone forward to Dwyer.

Everyone agrees that the timber volume identified for release is insignificant. It may end up being less than 50 million board-feet — about 1 percent of the 5 billion board-feet of federal timber sold annually in the Northwest during the high-roller days of the 1980s.

What's significant is the role into which this deal cast longtime forest-preservation advocates.

"The political strategy of permanent protection has been our goal for 20 years," Monteith reminded his audience. Acquiescing to the logging of any amount of old-growth forest amounts to capitulation, he said.

For the Clinton administration, getting environmentalists to agree to release some timber for Northwest mills was a largely symbolic goal. The administration sought to show that it could bring adversaries closer together.

But Interior Secretary Bruce Babbitt and others didn't just ask nicely for the plaintiffs' cooperation. They told national environmental groups the administration would support a rider — a provision releasing some timber from the injunction by congressional fiat — if the plaintiffs in the Dwyer case didn't go along.

Tom Collier, Babbitt's chief of staff, confirmed in an interview with *The Oregonian* in October that Babbitt would have recommended a rider to President Clinton if the environmentalists had refused to show "a good-faith effort."

What the deal showed instead, its many critics say, is that the movement has lost its nerve.

"The rider was our opportunity to turn around and face the tiger and fight to win," Monteith said. "I don't sense that Babbitt is through with us, through with working us over to see what else he can get out of us."

Monteith, the Oregon Natural Resources Council's longtime executive director, left two years ago to help found the Western Ancient Forest Campaign and recently started a new group, Save the West.

"I have to refuse to accept this notion that we've lost the ability to defend against riders," said Lou Gold of the Siskiyou Project at the Nov. 20 showdown. "The ability to go to court and win means something only if we can defend against riders."

Some activists said the 12 environmental groups that are plaintiffs in the case had no right to give away old-growth forests.

"The forests aren't ours to bargain away," said Asante Riverwind, an activist in the Blue Mountains of Northeast Oregon. "They belong to the species who live there."

"I want an agreement that no one will ever do this again," his partner Karen Coulter said. "We have to all be acting with the same goal to be strong."

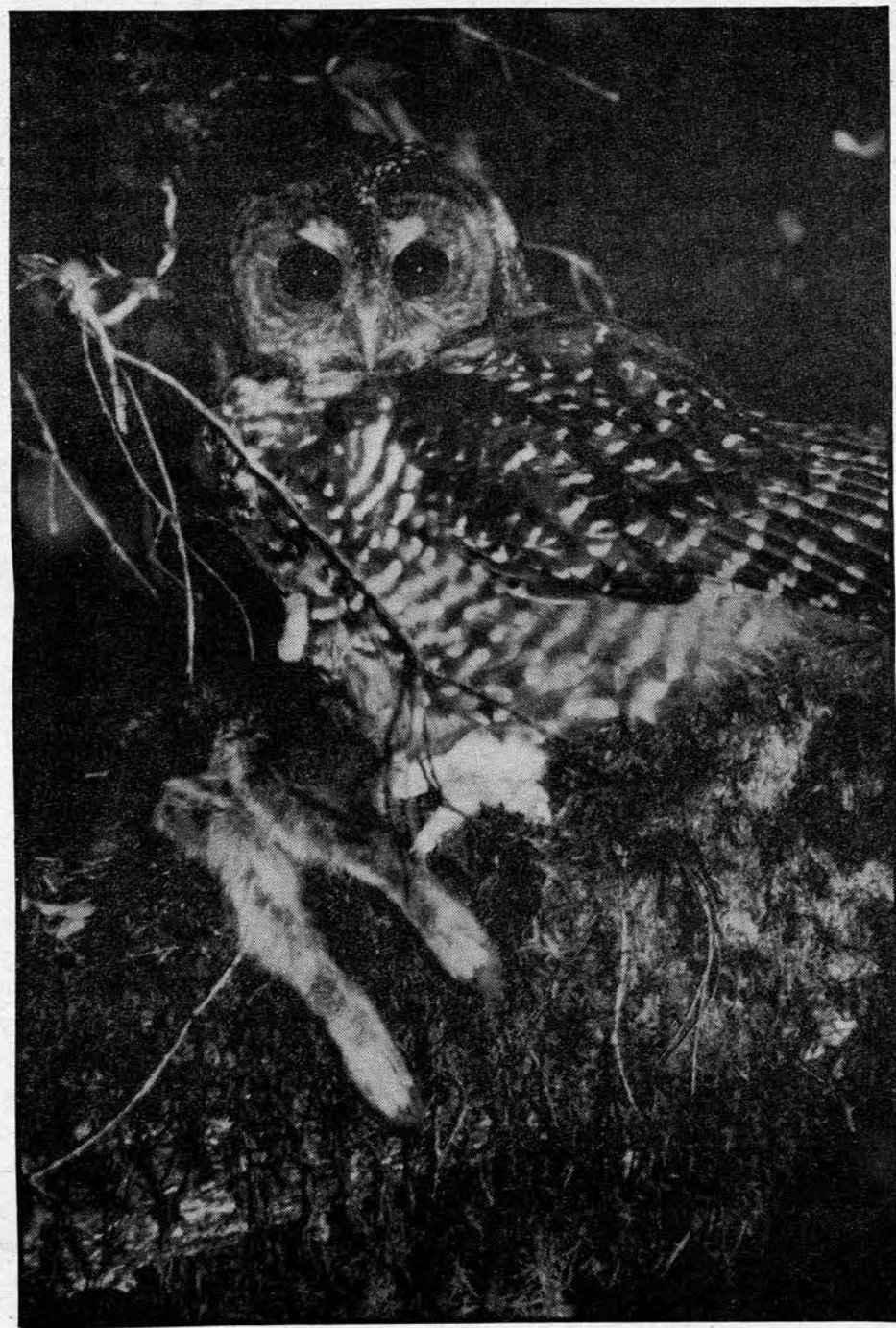
Kerr, conservation director of the Oregon Natural

Resources Council, called the decision to negotiate on the release of sales "the most difficult piece of political calculus I've ever been involved in."

But he defended the deal as the lesser of two evils, saying he didn't know whether the environmentalists could have won a fight against a rider in the current political climate. And he argued that conditions environmentalists attached to release of the sales, like increased protection for stream corridors, may save more forests in the long run.

On one level, this acrimonious debate was between idealists and realists over the new bottom line in the

Logging compromise turns friends into foes



Spotted owl eating a brush rabbit

Will C. Wright

old-growth preservation campaign. A lot of old growth has been logged since this war began in the early 1970s. How much of what's left should be protected? Is it still politically realistic to fight for all that remains?

Is it the movement's role to accept political reality or, as one speaker said, to change political reality?

No one in the movement likes Option 9, Clinton's preferred plan, because it allows about a quarter of the remaining unprotected old-growth forests to be logged, it sanctions entry into some roadless areas for logging and it even permits salvage logging and thinning of younger stands in the old-growth reserves it sets aside.

Still, the plan undeniably moves the forest protection agenda forward, reducing logging sharply and committing the administration to protecting large amounts of old growth for its own sake.

Can environmentalists make the case that Option 9 is ecologically unacceptable? That argument will almost certainly be fought in the courts — but will it sell in the court of public opinion?

On another level, the opening rift is a symptom of the movement's increasing dependence on foundation funding, professional lobbyists and a litigation-driven strategy.

It didn't start this way. It started out with volunteer activists taking a stand against what they believed to be environmentally destructive logging in their back yards. When there was less money but more passion, said longtime activist Michael Donnelly, the movement believed it could accomplish anything. Money has made the movement cautious, pragmatic and willing to compromise, he said.

At bottom, though, this conflict was set in motion last November, when voters evicted George Bush and Dan Quayle from the White House and replaced them with Bill Clinton and Al Gore.

Many grass-roots activists believe that this new "friendly" administration has co-opted their movement by winning symbolic concessions that weaken their position with Congress and the American public.

"I miss George Bush," Kerr confessed as he took his lumps from forest warriors he has worked with for 20 years over his part in the deal.

Some at the meeting wore big buttons bearing a likeness of Larry Tuttle, ONRC's executive director, and the question: "Disagreeable ass or rising star?"

The question referred to a writer's description of Tuttle, who stubbornly tried to protect forests and the movement during the protracted negotiations. Tuttle bucked not only the administration, but also his lawyers from the Sierra Club Legal Defense Fund, who urged their clients to make the deal.

"Unreasonable pressure was put on the plaintiffs to follow the advice of the Sierra Club Legal Defense Fund," Tuttle said in his only comment of the night.

The movement to save the ancient forests clearly is at a crossroads. Will it dissipate in endless appeals and litigation of the final forest plan over technical, even arcane scientific issues? Will it gain new resolve from this internal crisis? Can it still attract money and support from around the country?

The prospect of the Clinton forest plan has brought a divided timber industry together. Industry groups have filed lawsuits right and left even before adoption of a final plan. Industry giants like Georgia-Pacific Corp. and alliances such as the Oregon Forest Resources Institute have launched sophisticated regional and national advertising campaigns touting their newfound environmental awareness.

Clinton's effort to resolve the forest conflict has had the opposite effect on the loose alliance of forest activists that calls itself the ancient forest movement. In Portland and in the corridors of Washington, D.C., intense political maneuvering is the order of the day. But in lonely outposts scattered across the Northwest, where the environment can be hostile for people who

want to save trees, there's anxiety, anger, even despair.

Tim Hermach, founder of the Native Forest Council, says it's time for forest activists to borrow a page from the timber industry and stand firm.

"Bill Clinton today is between a rock and a sponge because of what we say and how we say it," he said in the sternest speech of the evening. "They're our forests, they're our trees. Why are we on the defense? It's time to draw a line and say, 'Mr. Clinton, we're not moving. We're a rock, too.'"

Can the movement still draw that line? Does it want to? ■

Kathie Durbin has reported on natural resource issues for *The Oregonian* in Portland, Oregon, since 1989.