

High Country News

For people who care about the West

Salmon Power

A historic legal victory could give Alaska tribes more control over their fish, wildlife and homelands

By Krista Langlois





Fish camp on the Kuskokwim, where Mike Williams’ family and other Alaska Natives have fished for generations. KRISTA LANGLOIS

On the cover

Isty Hlasny hangs salmon in the smoke house at fish camp on the Kuskokwim River near Bethel, Alaska, in June 2014.

BOB HALLINEN/
ALASKA DISPATCH NEWS

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By Krista Langlois

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Editor’s note

On sovereignty and subjugation



In the 1970s, the Pacific Northwest was at war over fishing. Tribal fishermen insisted on their right to catch more salmon, inspiring a lawsuit against the state of Washington that 14 tribes eventually joined. In 1974, a white U.S. district court judge decided in their favor, granting them rights to half the salmon catch. George Boldt’s courageous decision, which angered many white Washingtonians, remains a landmark in the push for tribal sovereignty. It was also a validation of Native American civil disobedience, led by a Nisqually man of similarly strong character, Billy Frank Jr.

Too few people pass such tests of character. America is failing one right now. For despite our patriotic songs on the Fourth of July, this is not the land of the free, nor the home of the brave. It is a land divided by those who benefit from a legacy of privilege and those who suffer from a legacy of subjugation.

As I write this, the nation is in shock over yet more killings of black men by police and the subsequent murder of five policemen in Dallas. Supporters of the Black Lives Matter movement are marching through American cities, including many in the West, arguing in essence that unchecked power infringes on our fundamental sovereignty — a human being’s sovereignty over his or her own body, over his or her own safety and security.

Understood this way, sovereignty is lacking for many in America. It is lacking in other ways, as well. For tribes, the issue has been addressed haltingly at best over the past 150 years. In Alaska, the struggle is ongoing. As correspondent Krista Langlois reports in this issue’s cover story, a year-old tribal commission is working with the federal government to give Alaska Natives more say in the annual harvest of salmon, on which their people and culture depend. This hopeful development stems solely from the tireless efforts of a new generation of tribal leaders, who have had to battle an entrenched state government every step of the way.

For the tribes, and indeed for communities throughout the West, sovereignty and survival are inextricably linked. The horrendous events of recent weeks should make us reconsider the history of our nation and region, acknowledging how they were forged through violence and subjugation. This legacy yet ripples through our society, in black communities who live in fear of police power, and through tribes who lack control of their own resources and heritage.

We need people like Billy Frank Jr. and George Boldt, people of character and conscience, now more than ever. It can start here, with each of us, with the simple, courageous act of seeing things as they are. Black lives matter. Native lives matter. What we say, what we do, what we don’t say, what we don’t do — these, too, matter.

—Brian Calvert, managing editor



Accused BLM bomb suspect William Keebler, photographed in February at the funeral for Arizona rancher LaVoy Finicum in Kanab, Utah, who was killed during the Malheur standoff in Oregon. PATRICK BENEDICT/GEPHARDT DAILY

Quoted

“Having a compelling modern vision (for public lands) is probably the best antidote to the militias and legislators who want to take over and privatize our inheritance.”

—Bill Hedden, from his essay “In praise of a wild West: A 21st-century vision for Western public lands, including their role in solving challenges like climate change”
MORE: hcne.ws/publiclands-vision

13 TRILLION

gallons of groundwater that have been lost from the Colorado River Basin since NASA satellites began collecting data about it in 2004. Heavy groundwater pumping played a large role.
SARAH TORY MORE: hcne.ws/coriver-supply

Photos

Unofficial border patrol

The Arizona Border Recon was founded in 2011 to help patrol the U.S.-Mexico border, collecting data on border-crossing routes and turning back anyone members deem illegal. The group’s members are largely ex-military or former law enforcement, driven to join for reasons ranging from political ideology to personal experience. See their portraits.
MORE: hcne.ws/unofficial-patrol



CORY JOHNSON AND NEIL KREMER

“One man lost two family members to drugs and drug violence, so he decided to head to the border to help disrupt the narco trails.”
—Photographer Cory Johnson

FBI nabs suspected BLM bomber

On June 22, FBI agents arrested William Keebler, a Utah man, for allegedly orchestrating an attack on a Bureau of Land Management cabin in on Mount Trumbull northwest Arizona. The night before, the Patriots Defense Force militia planted a bomb at the facility with the intention of blowing it apart. Undercover agents apparently thwarted the attack by providing a faulty bomb, which failed to explode. Keebler, who leads the group, allegedly orchestrated the failed attack in response to what he views as government overreach and the mismanagement of natural resources. Court documents state that Keebler intended to blow up government vehicles and buildings, not people, though he also wanted to create a second bomb that might be “used against law enforcement if they got stopped while driving.” This recent bombing plot is part of a long history of violent threats toward federal-lands agency employees that stems from deep-rooted disputes over public-lands management.

Keebler spent 13 days at the 2014 Bundy standoff, supporting Nevada rancher Cliven Bundy against the federal agents who were cracking down on decades of grazing violations. The felony complaint against Keebler states that he hoped to create a confrontation similar to the Bundy standoff. Keebler also knew LaVoy Finicum, the activist who was shot and killed by Oregon State Police in a confrontation at the end of the armed occupation of Oregon’s Malheur National Wildlife Refuge earlier this year. He scouted the location of the bomb attack with Finicum last year; the Mount Trumbull facility is near Finicum’s grazing allotment. The federal government has been criticized for failing to respond adequately to previous illegal acts associated with the Sagebrush Rebellion. Keebler’s arrest and the undercover action that led to it shows that it is now paying close attention to such threats. TAY WILES MORE: hcne.ws/blm-bomb

Trending

Wyoming wind resistance

In 2009, senior editor Jonathan Thompson wrote about Wyoming’s stutter-step adoption of wind power. The unusual alliance of the fossil fuel industry and environmentalists, driven by economic and wildlife concerns, stymied the wind industry’s growth and halted projects in their tracks. The pattern has continued in recent months: the state passed a new wind tax at the same time that it looked to wind to replace coal’s decline.

You say

DICK MARSTON “The fossil fuel industry in Wyoming is working hard to thwart new development of wind energy.”

DIANE FISHLEY SPENCER “Schools could gain revenue from wind resources in the same way they are now tapping extractive resources for tax dollars.”

MATT DYCHES “The wind causes a class 10 level of crazy there.”
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LETTERS

CONFRONTING THE TERRORISTS

In the June 27, 2016, edition, Paul Larmer wrote about the Malheur National Wildlife Refuge occupation: “Where were all the folks on the other side — the public-lands patriots — the people who say they cherish our country’s rare birthright of a vast landscape, accessible to all Americans, no matter where they live? So I emailed several conservation leaders, asking them whether they were going to the refuge to protest the protesters. ‘It might be best if everybody just lets the locals keep the pressure on these guys, or if the press pays a little less attention to them,’ one replied. ...”

Letting the locals keep up pressure on the Bundys was far from sufficient. Whichever “conservation leader” said that to Mr. Larmer misses the mark by a mile. The current version of the Sagebrush Rebellion is far from emasculated.

Kieran Suckling, executive director of the Center for Biological Diversity, was there at Malheur during the Bundy Boys’ invasion. He confronted those terrorists. There were a half-dozen or so other public-lands patriots there, too. The chickenshits who stayed home did not walk their talk. Paul Larmer’s column really should have honored Kieran’s bravery and dedication.

*Ricardo Small
Albany, Oregon and Tucson, Arizona*

AN EQUITABLE SOLUTION FOR NAVAJO VOTING

The article “Disenfranchised in Utah” in the June 13th issue was quite interesting. Finding an equitable way to partition regions into voting districts has been an interest of mine for many years. Gerrymandering is a serious problem and has been used to entrench the existing power structure, as it has been in this case. However, when you compare the existing situation with the proposal from the Navajo Nation, they both gerrymander, pretty much to the same degree. This is obvious when you substitute “Anglo” for “Native American” in the Navajo proposal. They both have one highly concentrated district that is 93 to 94 percent for one group and apportions the other two groups more or less equally. The only difference is in the bias toward one group or the other.

The overall percentages of population for the two groups are 51 percent Navajo and 49 percent other (Anglo). An equitable solution would have equal numbers of representatives from the



MIKE KEEFE, CAGLECARTOONS.COM

two groups elected. The problem is that there are three districts, i.e., one-and-a-half persons elected from each group, which is not feasible.

A more equitable solution would be to have one predominantly Navajo district, one predominantly Anglo district, and the third district would be 51 percent Navajo and 49 percent other. The third district would be the most interesting: It would encourage greater participation in the election process, since each vote could be the determining vote for the outcome.

Finally, it is possible to create a computer program that would be able to determine equitable districts in such cases. This program would be designed to ensure significant minority groups would have representation in proportion to their overall numbers. The data to do this exist. The program to do this can be written. The only problem would be in adopting such an approach.

*Ken Young
Petrolia, California*

VALUING WATER

Thanks to Hillary Rosner and HCN for the June 13 article on the plight of south-central Oregon’s dying lakes and its adverse effects on migratory birds. Oregonians value water for food production, environmental services and the recreational opportunities it provides. However, existing water law, developed when horses were the main form of transport, has lagged behind changing values. Even Idaho has installed meters on water diversions and reports water use. We need to act as if water was truly

Send letters to editor@hcn.org or Editor, HCN, P.O. Box 1090, Paonia, CO 81428.

valuable. Let’s start with a fee on the largest diversions and use the funds to improve monitoring and reporting, and fund instream-flow enhancements.

*Ronald J. Larson
Klamath Falls, Oregon*

CROSS-BORDER COOPERATION, NOT WALLS

The recent jaguar article (“Cats along the border,” HCN, 5/30/16) highlights the importance of cross-border migration and habitat required by jaguars, ocelots, coati, javelina, opossum, skunk, deer and Mexican wolves in order to sustain viable populations. Donald Trump’s 20-foot wall all along the border would preclude that possibility and cause enduring harm to that ecosystem on both sides of the border.

What is important is a designation of a border ecosystem by Mexico and the United States to ensure the continued viability of flourishing populations of both plants and animals native to that area, with the cooperation and participation of local ranchers. Genetic diversity could be encouraged with cross-border cooperation that facilitates stronger animal communities by an exchange of animals across the border.

Wildlife migratory corridors should be designated, hunting and trapping prohibited, and corridor movement encouraged.

*John Shellenberger
Bozeman, Montana*

The path of lease resistance

Escalating protests against drilling on public lands usher in online auctions

BY JOSHUA ZAFFOS

On a Thursday afternoon in May, hundreds of climate activists jammed the parking lot and lobby of a Denver Holiday Inn, blockading the entrance and chanting, “We are unstoppable! Another world is possible!” They were trying to halt a U.S. Bureau of Land Management oil and gas lease sale, but succeeded only in delaying it for a few minutes. Still, the protesters left pleased that they had drummed up media coverage and riled industry representatives.

Lease sales, where energy companies bid for the right to drill for oil and gas on federal land, used to be mundane events. But lately they’ve become raucous, with climate activists in Salt Lake City, Denver and Reno urging the government to leave fossil fuels in the ground. Eventually, they hope to end public-lands drilling altogether.

In response, some industry leaders want auctions to move online — eBay style. The BLM agrees, and will host its first online sale this September. Explaining the move to Congress this March, BLM Director Neil Kornze said online sales are cheaper to host and will speed up transactions. He added that the agency is on “heightened alert” and concerned about safety as a result of incidents like the militia occupation at Oregon’s Malheur National Wildlife Refuge. “And so a situation that we are not used to — separating out who is a bidder and who is not — gives us pause,” Kornze said.

So far, environmentalists are uncertain whether an online system will help or hurt their cause. “If this is part of a broader effort to make BLM processes more efficient and transparent, it’s a great idea,” says Nada Culver, director of The Wilderness Society’s BLM Action Center. But if it simply allows energy companies to escape growing scrutiny, “it’s not progress.”

The BLM manages over 1 million square miles’ worth of underground minerals, enough to cover Alaska, Texas and then some. The development process goes like this: The agency identifies areas it deems appropriate for drilling, and then industry nominates parcels up to 2,560 acres. Those then go up for sale at quarterly auctions, where bidding starts at \$2 an acre.

Environmentalists have long argued that the system is too accommodating to industry. For instance, the details of lease terms, such as exemptions from environmental analyses, are often negoti-

ated without public input. That has been changing under President Barack Obama. Since 2010, the BLM has ushered in a series of reforms designed to increase community involvement, including in decisions over where and how drilling occurs. Now industry has its own complaints. Since 2010, the BLM has held fewer auctions in order to save money, and fewer parcels have been offered, says Kathleen Sgamma with the Western Energy Alliance, an oil and gas trade group. Though production at existing wells has slowed due to the current glut of gas and oil, companies need new leases to prepare for the market’s next uptick, Sgamma says. She hopes online auctions will allow the BLM to open more parcels to bidding.

But protests are also a factor. The BLM first considered moving things online after climate activist Tim DeChristopher successfully bid on 14 parcels in Utah in 2008 with no intention of paying or drilling them. DeChristopher went to prison for 21 months, and helped spark the campaign to halt public-lands drilling.

This fall, the BLM will begin phasing in online-only lease sales. Some environmental groups see the shift as further evidence of industry’s undue influence on public lands, since it could help screen out non-industry bidders, such as author and environmental activist Terry Tempest Williams, who bought parcels at a Salt Lake City sale in February. Jason Schwartz, spokesman for Greenpeace USA, argues that the agency is caving to

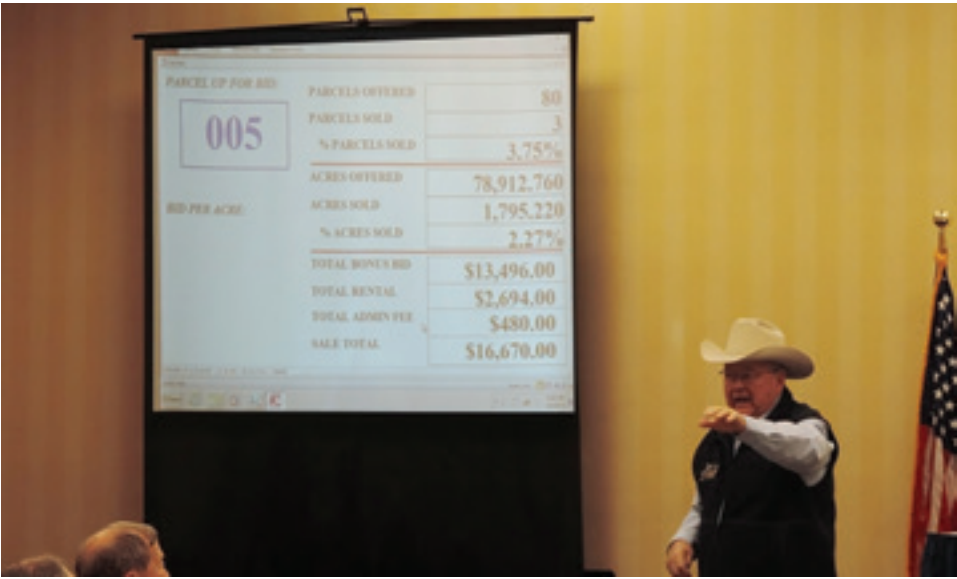
“industry pressure to take the auctions somewhere protests can’t find them.”

But others, like The Wilderness Society, believe that online leasing could increase transparency. Under the current system, companies nominate parcels anonymously and often pay independent land-men to bid, making it hard to tell who bought what. This kind of information matters to communities, Culver says, because some companies are more responsible than others.

Companies can also stockpile leases and then receive “suspensions” that allow them to hold onto parcels without developing them within 10 years — a delay that can cost taxpayers millions of dollars in lost rents and royalty payments. A 2015 analysis by The Wilderness Society tallied 3.25 million acres of suspended oil and gas leases in the West, some dating to the 1970s. The practice also locks in development rights, even if they conflict with conservation, recreation or other emerging local land uses. “All of that is very much shielded from the public view,” adds Culver, whose group pored over paper files in numerous field offices. “Once the lease is sold, it kind of disappears.” A web-based database detailing leases and terms could make such trends easier to track.

The industry isn’t interested in creating an online information clearinghouse, however, nor has the BLM suggested doing so. But even if online auctions completely replace in-person sales and make it harder to protest, Schwartz says activists won’t be stopped.

The Wilderness Society isn’t involved with the protest movement, but Culver agrees that the drilling dissenters are here to stay. “There is a general heightening of awareness of how much control the oil and gas industry has in this process,” she says. And people are more engaged than they’ve ever been: “It’s a brand-new and not necessarily comfortable day for the industry.” □



An oil and gas lease auction in Wyoming, where members of the Wyoming Outdoor Council, Center for Biological Diversity and WildEarth Guardians protested. WILDEARTH GUARDIANS



Water eroding an unpaved road delivers fine sediment to a creek in California. PACIFIC WATERSHED ASSOCIATES

THE LATEST

Backstory

Dirt and crushed gravel from the West’s hundreds of thousands of miles of logging roads often erodes into nearby streams, where it can harm water quality and fish. State regulation of road runoff varies, so a 2003 Oregon lawsuit sought to require federal regulation by the Environmental Protection Agency (“Oregon ignores logging road runoff, to the peril of native fish,” HCN, 7/27/12). **Despite some success in lower courts, in 2013 the U.S. Supreme Court ruled that the EPA is not required to control sediment from such roads.**

Followup

In July, the EPA upheld that policy. **The agency argued that streams are already adequately protected by the Clean Water Act** and by regional programs that tailor soil erosion management according to local climate and topographies. A spokeswoman from the Environmental Defense Center, which brought the suit, says the decision is “a lost opportunity for much-needed improvements in water quality for public health.”

PAIGE BLANKENBUEHLER

Snapshot

The good, the bad, and the ugly of drones

As the aerial technology grows in popularity, so do its impacts

The Zapata Ranch in southern Colorado is one of the few places that bison can still roam freely. Until recently, scientists and volunteers surveyed the herd the old-fashioned way: with binoculars and the naked eye. “It’s a shock how you can lose track of 2,000 bison on a 45,000-acre unfenced pasture,” says Chris Prague, Colorado Nature Conservancy senior conservation ecologist. But last year, The Nature Conservancy counted the herd using an increasingly ubiquitous conservation tool: an unmanned aerial vehicle, more commonly known as a drone.

Drones can be cheaper, more efficient and safer than traditional manned aircraft, and may also provide more accurate data. A six-bladed drone and camera costs about \$1,500, and can deliver imagery with resolution at the centimeter level. Government agencies and nonprofits are already exploring their use in conservation, land management and

wildland firefighting, with at least a dozen pilot projects currently in the works.

But introducing new technology to wild areas is tricky. Drones may unduly stress wildlife, as a study of black bears in *Current Biology* last year demonstrated. Recreational drones have also endangered wildland firefighting crews.

And problems will likely mount as drone sales outpace regulations. From 2014 to 2015, recreational drone sales jumped from 430,000 to 700,000, according to the Consumer Technology Association. Although the Federal Aviation Administration now requires owners to register recreational drones, public education remains one of the few tools to combat irresponsible users. In this technological Wild West, some drone uses are good, some bad, and some downright ugly. **KATIE VANE**

The Good

Surveying on land

In 2012, the U.S. Geological Survey used a drone to count 15,000 roosting sandhill cranes in only four hours. By using an infrared camera in the southern Colorado Monte Vista Wildlife Refuge at night, the drone avoided startling roosting birds. This benefited both birds and surveyors, since manned aircraft often scare cranes into flight, potentially causing mid-air collisions.

The Bad

Oceanside scares

Université de Montpellier researcher Elisabeth Vas and her French colleagues used a small quadcopter to test reactions in three waterbirds: semi-captive mallard ducks, wild flamingos and wild common greenshanks. They did not appear to respond to the drone’s speed, color or number of approaches, but when it approached at a 90-degree angle, like a predator, most birds either moved or flew off, potential signs of stress.

The Ugly

Firefighting interference

A recreational drone disrupted firefighting during California’s 2015 Lake Fire in the San Bernardino National Forest. When pilots spotted a fixed-wing drone with a four-foot wingspan about 1,500 feet over the fire, firefighters had to call off three air tankers to avoid a mid-air collision. There were 21 similar incidents that year. The U.S. Forest Service coined a new slogan, “If you fly, we can’t.”



Dammed if you do, dammed if you don’t

Feds propose measures to reduce Glen Canyon Dam’s impact on the Grand Canyon — a bit

BY CALLY CARSWELL

If the San Juan River were a freeway, Glen Canyon Dam would be a 50-car pile-up. It forces the river to back up and spread out for dozens of miles. As the river morphs into Lake Powell, the sand in its current settles out. A rock overhang at Grand Gulch where boaters once lounged is now buried more than 30 feet deep.

Before the dam killed the current, the San Juan carried all of this silt to the Colorado, which spit much of it through the Grand Canyon, replenishing hundreds of sandbars. These expansive blonde beaches, which form in eddies, are river runners’ favorite campsites, and they provide backwater habitat for fish. But today, about 95 percent of the sediment that once washed through the canyon sits at the bottom of Lake Powell, and the sandbars have shrunk: The Colorado erodes them, but doesn’t build them back up.

This is one of the problems the 1992 Grand Canyon Protection Act was supposed to correct. It directed federal officials to figure out how to manage the dam in a way that did less harm and even protected the national park’s assets. In addition to threatened sandbars, three of eight fish species native to the Grand Canyon have disappeared since the dam went up, and two are endangered.

But can altering dam operations re-

ally help the river when the dam itself imperils it? Scientists have explored this question since 1992, and their research informs the Bureau of Reclamation’s draft management plan for the dam’s next 20 years, released earlier this year. Conservationists are optimistic that it will yield improvements downstream, but only small ones. “You’re really just trying to make the best of a bad deal,” says Utah State University watershed sciences professor Jack Schmidt.

This is the second such plan for Glen Canyon Dam. The first, in 1996, allowed managers to unleash experimental floods to flush sediment from downstream tributaries — the 5 percent not stuck behind the dam — through the canyon. They hoped a rush of silty water would rebuild sandbars. But the floods were politically and logistically difficult, since they resulted in lost hydropower, and the Bureau had to complete complicated environmental assessments before each one. Years passed between floods in 1996, 2004 and 2008, limiting their efficacy. While they did boost sandbars, within six months or so, the beaches eroded again.

Then, in 2012, then-Interior Secretary Ken Salazar authorized floods to occur whenever conditions were right until 2020. Floodwater thundered through the canyon in 2012, 2013 and 2014. It’s unclear if frequent floods can make sandbars

larger over time, says Paul Grams, a U.S. Geological Survey researcher, but monitoring suggests they can at least stop further decline.

The new plan goes further by making floods a permanent feature of dam management. “That’s a big deal,” says Ted Kennedy, a native fish biologist with the Grand Canyon Research and Monitoring Center. “Those high-flow experiments were really hard to get implemented.”

The plan will also kick off new experiments to help fish like the endangered humpback chub. These fish evolved in turbid desert rivers that could reach 85 degrees in summer. Today’s Colorado is a different world: The dam releases water from Lake Powell’s cold depths, and near it, the river hovers around 46 degrees year-round. There’s no way to warm these areas without either draining the reservoir, or adding expensive infrastructure that lets the dam release water from warmer layers near the surface. Neither option is currently on the table.

But there might be other ways to help fish, Kennedy says. Chub spawn almost exclusively in the toasty Little Colorado, then move into nearby parts of the mainstem Colorado, where their growth is inhibited by chilly water. The water does warm as the river twists further from the dam, but though it should be good habitat, few chub live in these downstream reaches.

Scientists think that could be because there aren’t enough bugs to eat there. Aquatic insects lay their eggs at river’s edge, and when the water level drops, as it does daily when water releases fluctuate with hydropower demand, the stranded eggs shrivel and die.

The plan proposes to eliminate flow fluctuations on spring and summer weekends, when electricity demand isn’t quite as high, in hopes of keeping eggs wet and boosting insect numbers. More food might help chub populations colonize and prosper in the river’s lower reaches.

Eric Balken of the Glen Canyon Institute is glad that the Bureau is trying to improve the river’s health. “But it’s just a Band-Aid on a gaping wound,” he says. “What we’re not happy with is that they more or less ignored ideas that they considered outside-the-box thinking.” These include requiring Lake Mead to be filled before any water is stored in Lake Powell, which would reduce the water lost to seepage in the system, warm the river, and allow Glen Canyon to emerge from submersion by draining much if not all of Powell.

The plan, instead, represents “the art of the possible,” says David Nimkin, with the National Parks Conservation Association. He thinks it will yield positive, but marginal, gains. “You can do more harm than you can do benefit with the dam,” he says. “Glen Canyon Dam, for the time that it operates, has a profound impact. And that’s a fact.” □

A sandbar gained sediment after a controlled flood was released from Glen Canyon Dam in 2012. U.S. GEOLOGICAL SURVEY

“It’s just a Band-Aid on a gaping wound.”

—Eric Balken, Glen Canyon Institute



Counting at sea

NOAA Fisheries biologist Wayne Perryman has used drones since 2011 to count penguins, leopard seals and fur seals in Antarctic colonies. “Humans are just lousy at estimating,” says Perryman. Last year, he integrated drones into an annual gray whale survey off the California coast. The imagery is so good that scientists can track individual whales and monitor their health — even determine whether females are pregnant. Drones may also save lives: From 1937 to 2000, two-thirds of all job-related deaths among U.S. wildlife biologists were attributed to aviation accidents.

Starting prescribed fires

This year, at Nebraska’s Homestead National Monument of America, the Interior Department worked with the University of Nebraska and the National Park Service to test a drone for prescribed burns. The drone injects chemical-filled pingpong balls with glycol and drops them into an unburned area, where they ignite within minutes.



Stressed-out bears

Researcher Mark Ditmer at the University of Minnesota’s Department of Fisheries, Wildlife and Conservation Biology discovered that even when black bears exhibited no visible reaction to a nearby quadcopter, their heart rates rose, with one bear’s quadrupling from 40 to 160 beats per minute. Long-term stress could affect health, while fleeing animals risk dangerous encounters with traffic or other animals. Ditmer is currently investigating whether black bears can become used to drones.



Sheep on the run

The National Park Service temporarily banned drones after a 2014 incident, in which a recreational drone frightened bighorn sheep, separating a ewe from its young. Even with the ban, Zion National Park reports that visitors have spotted several drones, and the park has found at least one crashed machine. The agency is working on new regulations.

Fear by the bay

In 2014, two drones startled a herd of pupping harbor seals in California’s Monterey Bay National Marine Sanctuary into the water. Fortunately, no pups were separated from their mothers, trampled or killed.

Contributing editor Cally Carswell writes from Santa Fe, New Mexico. [@callycarswell](#)

Land transfer support, county by county

The American Lands Council has galvanized county commissioners to back federal land transfers

BY TAY WILES

In 2012, after a series of land-management conflicts with the U.S. Forest Service, Elko County, Nevada, Commissioner Demar Dahl decided to try a different approach: He helped launch a national nonprofit whose mission is to force the government to transfer federal lands to state control. The American Lands Council (ALC) has since become the center of the growing land-transfer movement. How it operates is not entirely clear, but counties help fund the group’s campaign by purchasing yearly memberships.

Online Editor Tay Wiles is based in Paonia, Colorado, and writes about conflicts on public lands. [@taywiles](#)

“As long as this topic stays in the news,” says ALC-supporter and Montezuma County, Colorado, Commissioner Larry Don Suckla, “we will come to a conclusion where everyone gets on board.”

One way the ALC has tried to influence the public-land dialogue was to hire Utah Rep. Ken Ivory as president, a position he held until last year. Through legislative channels, he has pushed the idea that the states should manage natural resources. Now, counties across the West are divided over the controversial issue.

ALC memberships for government entities like counties, individuals and businesses — which range from \$50 to \$25,000 — supplied \$259,189 of the

group’s \$336,524 total revenue for 2014, the latest data available. Another \$59,729 came from other donors, according to tax records. It’s not clear how much of this is also from member counties, or from supporters like Americans for Prosperity, the right-wing advocacy group funded by billionaires David and Charles Koch. (Ivory has said ALC never received money from the Kochs, though Americans for Prosperity has appeared on its list of donors in the past.)

A year ago, many of the ALC’s county members were listed on its website. That’s no longer the case, and the person answering phones at the group’s headquarters in Utah says she is not authorized to provide any information, about anything. But *High Country News* has begun compiling a complete list of ALC member counties.

Our analysis reveals that Nevada and Utah are ALC strongholds: At least 21 of Utah’s 29 counties, and 11 of Nevada’s 16, officially supported the land-transfer group. Nevada now has its own land-transfer nonprofit, which offers memberships: the Nevada Lands Council, headed by Commissioner Dahl. Three southwestern Utah counties — Iron, Washington and Kane — recently topped the list of high-paying ALC members, with either “Gold” (\$10,000) or “Platinum” (\$25,000) memberships.

Yet even in those states, some counties have reduced their contributions. Daggett County, Utah, for example, decided this year not to renew its membership, which it had held for the last three years. And in other states, opposition to the transfer idea is gaining momentum. Blaine County, Idaho, and Arizona’s Pima and Coconino counties have passed resolutions opposing a federal land transfer. Nine Colorado counties have passed similar resolutions: Park, Pitkin, Eagle, Boulder, La Plata, San Miguel, Ouray, Summit and San Juan. □

Intern Anna V. Smith contributed reporting.

SOURCES: UTAH.GOV/TRANSPARENCY, ARCHIVED WEBPAGES OF THE ALC WEBSITE, MEDIA REPORTS, ORIGINAL REPORTING.



A male red tree vole in a Douglas fir. The species is one of many that received special protection under the 1994 Northwest Forest Plan, due to its reliance on the Pacific Northwest’s dwindling old-growth forests.

MICHAEL DURHAM

landscape, regardless of agency boundaries, says David Moryc, senior director of river protection at American Rivers. “If we’re calving off a big section and looking at it differently, that will by its nature have major ramifications for the health of the ecosystem.” Worse, says veteran Oregon forest advocate Andy Kerr, it seems like a bad omen for the Forest Service’s approaching updates to its own portion of the Northwest Forest Plan.

The BLM’s revisions have roots in the 1937 federal Oregon and California Lands Act, which covers most of the agency’s heavily checkerboarded western Oregon lands. The “O&C Act” aimed to halt the turn-of-the century timber industry’s cut-and-run approach, denuding lands and then abandoning communities. It mandates that the BLM manage forests to provide a “sustained yield” of timber — never cutting more than can grow back annually, but also ensuring a steady supply in perpetuity. The federal government was also supposed to pass 50 percent of net logging revenues to 18 western Oregon counties to help make up for the lack of tax revenue from those O&C lands, though this function has since been covered and augmented by a safety net law called the Secure Rural Schools and Community Self-Determination Act.

The Northwest Forest Plan was expected to supply 1.1 billion board-feet from national forest and BLM land annually, including through clear-cutting old growth outside reserves. But logging fluctuated with congressional appropriations, economic factors and environmental lawsuits, and the cut was lower than anticipated.

Amid the scuffling, both the BLM and Forest Service shifted to timber programs that emphasized thinning younger forests, including those recovering from clear-cuts. This approach is less controversial than clear-cutting, but the BLM supply will run out in less than 10 years, says Mark Brown, project manager on the agency’s plans. The BLM also faces new federal spotted owl protections, including critical habitat designated in 2012. “The balance we’re trying to strike is fulfilling our responsibilities under the O&C Act, while also meeting our responsibilities under laws like the Endangered Species Act and Clean Water Act,” Brown says. “When we fulfill all of those, we don’t have a lot of decision space.”

The proposed plans would increase the timber harvest more than a third over

Please see **Forest**, page 18

BLM moves away from landmark Northwest Forest Plan

Imminent court showdown may force agency to reconsider logging goals

BY SARAH GILMAN

Crunching across a brushy, logged-over slope near Corvallis, Oregon, Reed Wilson points his trekking pole at an ancient Douglas fir in a neighboring patch of forest. The tree is more than an armspan in diameter, its toes decorated with saprophytic orchids and millipedes.

One of 117 behemoths among these otherwise young stands, this tree and 38 others also wear necklaces of pink tape. Tree-climbing citizen surveyors left them to mark the presence of red tree vole nests, explains Wilson, a gray-haired local jeweler and activist. The tiny rodents devour conifer needles and use the hair-like resin ducts to build pillowy abodes in the trees’ branches. Most vole business takes place high in the canopy — interlaced limbs offering access to other trees, food, mates and new homes. The vole is also favored prey for the threatened northern spotted owl, and its population here in the low-slung northern Coast Range is a candidate for endangered species protection.

The federal government set aside this area as part of a 10-million-acre network of reserves in western Oregon, Washington and Northern California, largely to protect species like spotted owls and voles whose old-growth habitat was being de-

stroyed by logging. In 2009, though, the Bureau of Land Management proposed a commercial project to thin younger trees here, ostensibly to restore more diverse forest structure. And though the Benton Forest Coalition, to which Wilson belongs, and two other environmental groups forced the agency to leave intact forest around most of the vole trees, several stand alone amid logging slash, their tiny tenants marooned and more vulnerable to predation. “This was native forest,” regenerating from a 1931 wildfire, Wilson says. “It hadn’t been logged before.”

Now, the BLM is proposing a pair of new management plans for its 2.5 million acres in western Oregon. Several environmental groups fear the plans could make it even easier to allow destructive logging inside old-growth reserves.

They also signal the agency’s departure from the 1994 Northwest Forest Plan, which created the reserves in the first place to help end a bitter struggle over Northwestern forests. The landmark agreement allowed some logging while emphasizing ecosystem preservation on 24.5 million acres of federal land, 80 percent of it overseen by the Forest Service and most of the rest divided between the BLM and National Park Service. Part of the agreement’s strength was that it unified forest management across an entire

Contributing editor Sarah Gilman writes from Portland, Oregon. [@Sarah_Gilman](#)



A wild horse foal amid the herd in the Cedar Mountains of Utah.

HANNAH COWAN/BLM

THE LATEST

Backstory

Wild horses have been federally protected since 1971, and with about 67,000 roaming public land — far more than the land can support — they’ve become one of the West’s most expensive and polarizing natural resource problems. The Bureau of Land Management uses about 7 percent of its budget to manage them, and over 45,000 are held permanently in corrals. Ranchers, environmentalists and horse-lovers agree the population must be controlled, but the BLM’s methods remain controversial (“Is there a way through the West’s bitter horse wars?” *HCN*, 11/9/12).

Followup

In late June, **the BLM announced plans to study surgical sterilization to see if it’s more effective than contraceptive vaccines.** One of the first projects involves removing the ovaries of over 100 wild mares in Oregon. At a recent congressional hearing, however, that proposal prompted a shouting match, with horse advocates angrily insisting that the animals be allowed to roam freely without human interference.

LYNDSEY GILPIN

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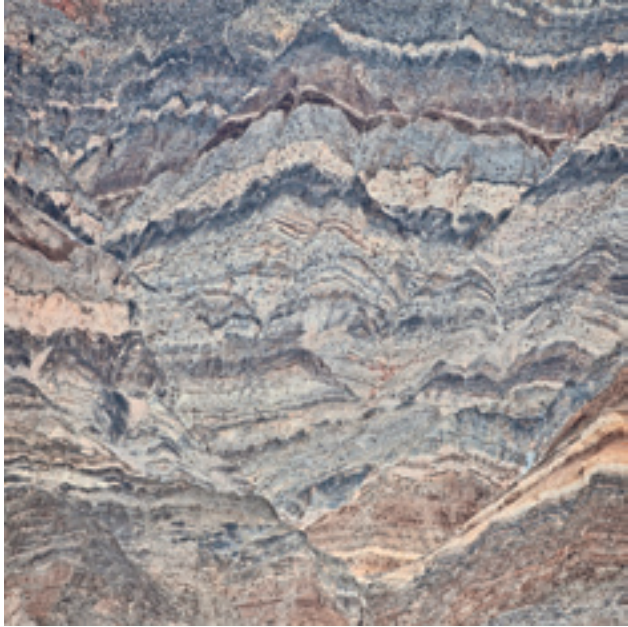
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DEATH VALLEY: PAINTED LIGHT

Photographs and text by Stephen E. Strom
184 pages, hardcover, \$50.
George F. Thompson Publishing, 2016

"Death Valley is a destination for the visually curious," says essayist Rebecca Senf in her introduction to *Death Valley: Painted Light*, a collection of photographs and ruminations by photographer and author Stephen E. Strom and poet Alison Hawthorne Deming. Strom has been photographing the area for more than 35 years, and his strikingly minimalist images illuminate its otherworldly shapes and geometric surprises. Many are simple texture shots, revealing the desert's unexpected nuances: The dimpled sand on a vast landscape, for instance, at first glance resembles nothing more than a spackled sheet of old wallpaper. Deming's poems are equally sprawling and textured, using scenes of Death Valley to tap into deeper themes. "Sometimes it seems as if time is the material of which we're made. Grain by grain we add up like sand ground down to gritty beads by an archaic sea." PAIGE BLANKENBUEHLER

Hillsides, Panamint Mountains, left. Detail, Saline Valley Dunes I, center. Salt outcroppings, Devil's Golf Course, right. STEPHEN E. STROM

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Our new intern and fellow

During our publication break, which just ended, we bid a fond farewell to former intern **Bryce Gray**, who wrapped up his session at the end of June. He's now the full-time energy and environment reporter at the *St. Louis Post-Dispatch*. Congrats to Bryce, and even more to the *Post-Dispatch*: Y'all have landed yourself a fine journalist!

Now we're welcoming **Anna V. Smith** for six months of "journalism boot camp." Anna, 23, spent much of her childhood in Oregon's Willamette Valley, climbing trees, exploring gullies and replanting and nurturing more than 5,000 Douglas firs with her family, often knee-deep in mud during torrential rains.

She left rural Oregon in 2010 to attend the University of Oregon in Eugene, where she majored in environmental studies and journalism. She helped start the campus' first environmentally focused publication, *Envision*, a student-run print and online magazine, serving as web editor from 2012 to 2014, and covering the rural-urban divide regarding wolf reintroduction.

Anna often felt pulled between science and writing, but an internship in Central Africa in 2013 with the Smithsonian Institute's Gabon Biodiversity Program convinced her that she preferred writing about science to conducting it.

After graduating in 2014, she began reporting for *Eugene Weekly*, where she wrote about local struggles with homelessness and affordable housing

as well the native bee decline. She discovered *HCN* in college and saw it as an ideal blend of social, economic, cultural and scientific coverage, all under the umbrella of Western environmental issues.

Although she misses watching pods of orcas from her deck, Anna looks forward to covering wildlife and recreation for *HCN*. She might even squeeze in some time to explore the surrounding mountains and canyons. Or so she hopes. Welcome, Anna!

Somehow, we managed to trick our other recent intern, **Lyndsey Gilpin**, into sticking around for another six months as an editorial fellow. The hissing rattlesnakes we surrounded her desk with may have influenced her decision, but we're sure it was genuine enthusiasm for the job. Congrats, Lyndsey! (It's safe to come out now; the snakes are gone.) She joins Anna and our current fellow, **Paige Blankenbuehler**, through December at the magazine and website.

A few corrections: In our recent feature on Oregon's terminal waterways, we misidentified the birds in a photo, calling them barn swallows when they were most likely cliff swallows ("Water to dust," 6/13/16). And the ancestors of Stacy Bare, profiled in our annual Outdoor Recreation issue, were given land in West Virginia, not Pennsylvania. Our apologies.

—Paige Blankenbuehler, for the staff



From left, editorial fellow Paige Blankenbuehler, new editorial intern Anna V. Smith and new editorial fellow Lyndsey Gilpin, who will all write some of the stories you'll read in *High Country News* over the next six months.

BROOKE WARREN

“Go and tell your people there is coming a time when there shall be very few fish returning to this river, the Kuskokwim. The days of want and stealing are coming.”

—John Active, recounting a traditional Yup'ik story

Salmon Power

A historic legal victory could give Alaska tribes more control over their fish, wildlife and homelands

FEATURE AND PHOTOGRAPHS BY KRISTA LANGLOIS

Mike Williams meets me at the airstrip on a drizzly June evening, his vast girth squeezed behind the wheel of a Toyota pickup. He wears blue sweatpants, running sneakers, and a triple-XL Columbia rain jacket. “Welcome to Akiak,” he says, tossing my backpack into the bed of his truck as if it weighs nothing. Then we go to the river.

Akiak, Alaska, hugs the bank of the Kuskokwim, the longest undammed river in the United States. The Kuskokwim rises from the Alaska Range and parallels its better-known cousin, the Yukon, through hundreds of miles of boreal forest and tundra. Just before the two rivers dissolve into the Bering Sea, they fan out like tree roots over a wilderness the size of Maine, an unfenced expanse speckled with ponds and spider-webbed with game trails. Most of the area falls inside the Yukon Delta National Wildlife Refuge, but here and there tiny islands of civilization appear — Yup'ik villages on tribally owned land. Their residents live a largely subsistence lifestyle, picking berries in August, hunting moose in the fall, netting whitefish from beneath the winter ice. Each month is its own season.

June, Williams tells me as we rumble down the dirt road, is fish-camp season. The smokehouses should be bustling, the town nearly empty as families scatter to their traditional camps to catch, dry and smoke the chinook salmon just beginning to surge past.

But the smokehouses are empty. People mill impatiently on the roads, waiting for the government to allow them to set nets. They mutter about distant bureaucrats managing a fishery they don't understand. Old women speak of cutting salmon like it's a physical longing, an ache in their muscles that can only be eased by the repetitive motion of slicing through piles of bloody fish. “We've always lived here,” Williams says, gesturing at the delta. “The land was always here and it was always ours. No matter when, how or where, it was available to us.”

Today, the U.S. Fish and Wildlife Service is in charge of the land outside the village, and the migratory salmon that pass through are governed by the Alaska Department of Fish and Game, with some federal oversight. Tribal governments like Akiak's have fought to be involved in decision-making, with little success until recently.

For years, it didn't matter: There were enough salmon to

go around. But since 2010, the number of chinook, or king salmon, returning to the Kuskokwim River has fallen by half, from an average of 260,000 each year to 123,000. Scientists don't fully understand the reasons for the drop, but for subsistence fishermen, one factor stands out: commercial bycatch. In 2007, fishermen in the Bering Sea tossed out 130,000 dead chinooks they accidentally caught in their nets.

Not all of those would have returned to the Kuskokwim, and biologists emphasize that bycatch represents a fraction of the total fish mortality. But the numbers still chafe: In 2015, when commercial fishermen threw 125,000 chinooks overboard, fishermen on the Kuskokwim were allotted 15,000. That's roughly four fish per household; families say they need 50 to get through the winter.

Mike Williams has five children, 11 grandchildren, one great-grandchild and 50 sled dogs. He finds it unfathomable that commercial operations waste salmon while he scrambles to put food on the table. The closest real grocery store is 400 miles away in Anchorage. Lately, the Williamses have had to supplement their diet with species they usually feed to their dogs.

But the balance of power may be shifting for Alaska Natives. In 2013, a federal district judge set in motion the biggest change to Alaska land management in decades by granting Alaska tribes the right to put land into a trust overseen by the federal government — a right already granted to all tribes in the Lower 48. Ceding land to the feds might sound like a cession of authority, but for the people of Akiak, it's the opposite. It means that this summer, as the rule stemming from the decision goes into effect, they could gain the power to manage their own fish and wildlife, as tribes in the rest of the country can.

For the Williamses and other families, that can't come soon enough. Across Alaska, a changing climate and other pressures are stressing migrations of caribou, salmon, walrus and other wildlife. And many Alaska Natives believe that their own knowledge — honed over generations — can sustain these animals and protect Indigenous interests better than state or federal managers alone. “We want the fish to survive,” says Ivan Martin Ivan, chief of Akiak. “Just like the trees, the grass, the people. We've managed these resources for many thousands of years, and we want to do so again.”

Thomas Carl, Mike Williams' son-in-law, takes a break around midnight from fishing for chinook salmon on the Kuskokwim River.



Mike Williams and his grandson, Kohle, in the family's living room in Akiak, Alaska.

MIKE WILLIAMS WAS 7 IN 1959, when the Territory of Alaska became a state. The federal government required that Alaska Natives get a formal education, but Akiak had no high school. So, like many Yup'ik, Williams attended Bureau of Indian Affairs boarding schools hundreds of miles south. Teachers confiscated his traditional clothes, cut his hair and forced him to speak English. "I felt violated," he says. But efforts to strip away Williams' Yup'ik-ness only strengthened it. It was 1971, and the Red Power Movement was in full swing: Native Americans were fighting for stolen lands in court, marching on Washington, D.C., and occupying Alcatraz, California, which they saw as a symbol of their oppression (*see essay page 23*). As student body president of Oregon's Chemawa Indian School, Williams met tribal leaders from across the West. Everyone was talking about land rights. One of the loudest voices belonged to Billy Frank Jr., a Nisqually leader who staged a series of "fish-ins" in Washington state to protest regulations that

kept tribes from their traditional fishing grounds. The clashes became known as the Fish Wars. Frank was a hero that Williams could relate to: a Native American fighting the cultural subjugation Williams had already experienced through the boarding school system. The two became friends, and Frank a mentor. Meanwhile, back home, Frank's activism would also prove important: It helped demonstrate that being corralled into federally managed reservations had stripped Lower 48 tribes of their power. As the Alaska Federation of Natives, the state and the federal government negotiated the division of Alaska's land and natural resources, they sought an alternative. Eventually, they agreed that Alaska Natives would assume land ownership themselves, and adopt a Western business model to manage it. The federal Alaska Native Claims Settlement Act of 1971, or ANCSA, deeded 44 million acres to Alaska Natives, divided among 13 regional corporations and 229 village corporations — one

for each tribe. Corporations could profit by developing the minerals, timber or oil on their land. Each tribe also formed its own government, and many would come to own land transferred to them from village corporations or through other means. Village corporation profits went to tribal governments, while those from regional corporations went to individual tribal members, under a shareholder system. This worked well for some tribes, particularly those in regions with rich oil and natural gas deposits, like the North Slope. But many in the Yukon-Kuskokwim Delta felt shortchanged. Their wealth wasn't in oil or minerals, but in fish, birds and other animals. And while ANCSA deeded land to Native corporations, that land remained under state control. Just as private businesses and property owners must adhere to rules and regulations set by their state governments, so, too, must Alaska tribes and corporations accede to state law enforcement, hunting seasons, bag limits and more. (On reservations, federal and

tribal law supersede state law.) As the 1970s unfolded, several laws and court decisions laid ANCSA's limitations painfully bare. First was the historic 1974 Boldt Decision, spurred by Billy Frank's activism. It gave Northwest tribes that had signed 1850s-era treaties the right to 50 percent of the region's total salmon catch, and laid the groundwork for other tribes that wanted greater authority in managing fish and wildlife, both on- and off-reservation. The Boldt Decision was also a "thunderbolt" that set off a new era of tribal sovereignty, says legal expert and historian Charles Wilkinson, who's writing a book on the decision. In 1975, Congress passed the Indian Self-Determination and Education Assistance Act, which provided federal funds for tribes to run their own schools, courts and natural resource departments. Soon after, the Confederated Salish and Kootenai Tribes created the nation's first federally designated tribal wilderness, secured in-stream flows for fish, and began negotiating for control of a nearby dam.

In 1983, the U.S. Supreme Court ruled that hunting and fishing regulations set by tribes on reservation land trump those set by the state. New Mexico's Mescalero Apache Tribe responded by creating hunting rules that differed from the state's and charging non-Natives to hunt the reservation's impressive elk herd, bolstering economic development. Tribes can also operate their own police forces and prosecute certain crimes on reservations, even those committed by non-Natives. Though socioeconomic problems continue to plague many reservations, Sarah Krakoff, an Indian law expert at the University of Colorado Boulder, says these changes represent undeniable progress toward self-governance.

Yet because they apply only to "Indian Country" — a legal term for the land that the federal government holds in trust for Native Americans, including all reservations in the Lower 48 — Alaska Natives have been largely excluded. Alaska tribes technically possess the same sovereignty as Lower 48 tribes, but without land on which to exercise that sovereignty, it's of limited use. And Alaskan officials remain stubbornly opposed to recognizing tribal sovereignty, Krakoff says. "It's kind of mysterious. In a state like Alaska that's so far-flung, you'd think they'd embrace (tribes taking control)."

This affects more than natural resources. The state also retains authority over regulating alcohol and prosecuting and punishing perpetrators of sexual and domestic abuse, even in remote villages located hundreds of miles from the nearest court, jail or state trooper, says Troy Eid, chair of the bipartisan Indian Law and Order Commission. The commission's 2014 report found that this has contributed to major public safety problems:

Alaska Native villages have some of the nation's highest rates of sexual violence, domestic abuse and suicide — higher than most reservations in the Lower 48. "Instead of respecting (tribal) sovereignty and self-government as other states routinely do, Alaska tries to police and judge Native citizens from afar using too few people and resources," Eid wrote in a 2014 editorial for *Alaska Dispatch News*. He calls the system "colonialism on the cheap." And it's not just outdated, he says — it's dangerous.

MIKE WILLIAMS KNOWS THIS from experience. He was serving in the army in Korea when ANCSA became law, and when he returned home in 1973, he fell into the same black hole that would ultimately claim his six brothers. "They were famous drunks," remembers one friend. Like other bush villages at the time, says Williams, Akiak had no police officers, no judicial system and no social services. In the course of a single generation, the Yup'ik had been transformed from a semi-nomadic people, traveling with the seasons and living off the land, to shareholders in a corporation and permanent residents of an impoverished village. Most had few opportunities for employment.

In 1974, the Williams brothers started dying. Sitting in his living room after a meal of whitefish, tundra greens and *akutaq* (lard or seal oil with berries and sugar), Mike ticks them off for me. Ted was the first: "He'd just returned from Vietnam and was not well. He had nightmares. He started drinking heavily, and one night he over-drunk alcohol and didn't wake up. So that was Ted." Williams holds up one stubby finger. "The second one, Frankie, he went to Bethel with his snow machine and bought booze. On the way back, he drank so much that he fell into an open hole in the ice and drowned. And that's Frankie." He holds up two fingers. Then a third for Timmy, a fourth for Gerald, and a fifth for Bucko, who shot himself in the head after drinking homebrew.

Williams gazes at the ceiling with pouched brown eyes and raises a final finger for Walter, who passed out and died of smoke inhalation from a pot left on the stove. "That was pretty hard on me, losing all of them and being the only one standing," he says. "That's why I'm causing trouble like this land-into-trust issue. Because I'm trying to make life here better for people."

Williams has been sober for 28 years and is now a substance abuse counselor. He's mushed the Iditarod 15 times to raise awareness about sobriety. If Akiak and other dry villages were Indian Country, he says, they could go after bootleggers without waiting for state authorities, and perhaps address the problem with restorative, community-based justice rather

than jail time. State troopers would be required to enforce decisions made by tribal police or courts, which they aren't currently. Alaska tribes with Indian Country would also be able to set hunting and fishing regulations on land held in trust for them and negotiate with state and federal agencies on a government-to-government basis to manage fish and wildlife on surrounding land.

Troy Eid, of the Law and Order Commission, notes that creating Indian Country isn't the only way for Alaskan tribes to gain such authority. The state could voluntarily work with tribes.

But it has routinely chosen not to, Eid says. Seven independent commissions have concluded that putting law enforcement in the hands of Native villages would make them safer, but the state maintains a centralized judicial system. As a result, dozens of Alaska Native communities have no law enforcement whatsoever. In all of rural Alaska, there is only one women's shelter. And when it comes to fish and wildlife management, tribes have only an advisory role, with little actual power. Some tribal members, for instance, would like to receive hunting and fishing priority when wildlife populations are low. But although village residents have priority on federal lands, the state Constitution requires that an Anglo lawyer in Anchorage receive the same access to fish and game as a Native hunter who lives in the bush with little access to other food sources.

So in 2006, Williams and some friends coordinated with the Native American Rights Fund to sue the Department of the Interior on behalf of four Native villages — including Akiachak, just downriver from Akiak — to remove the Interior Department's "Alaska exemption," which prevents Alaska tribes from putting land into trust. After Alaska Natives prevailed, Interior finalized a rule striking the exemption. "We believe that deleting the Alaska exemption is consistent with law and consistent with the Obama administration's strong intention to restore tribal homelands," Kevin Washburn, then-assistant secretary for Indian Affairs, said in a 2014 speech in Anchorage.

The momentum toward putting land into trust stalled while the state appealed the decision, but on July 1, the D.C. Circuit Court of Appeals upheld Alaska Natives' victory. Unless there's a further appeal to the Supreme Court or a request for a second opinion from the Court of Appeals, which both seem unlikely, any of Alaska's 229 tribal governments will soon be able to apply to have its land taken into trust.

It's not clear how many tribes would opt in, but the impact could be sweeping: Forty-three wrote to the Interior Department in favor of the rule, and several have already begun the application process. Akiak isn't far behind, Williams says.

The Alaska Constitution requires that an Anglo lawyer in Anchorage receive the same access to fish and game as a Native hunter who lives in the bush with little access to other food sources.



The Williams family fish camp near Bethel, Alaska. From left, 2-year-old Megan gets a close look at the beating heart of a freshly killed salmon, while her mother, Sheila Carl, files chinook. Below, salmon for the extended Williams clan hang to dry. Last year, each family only got about four chinooks; they say they need 50 to get through the sub-Arctic winter.



shake. When we reach a nameless slough walled in by high grassy banks, Williams cuts the motor.

On a cold gray day after a winter of disuse, the fish camp isn't much to look at. It consists of a plywood shack with a rusty woodstove, peeling linoleum and 30 years' worth of accumulated mosquito corpses. Outside are cottonwood drying racks, a smokehouse and two plywood tables.

Still, our arrival feels like a homecoming. Soon after we climb ashore, Williams' daughter, Sheila, who's five months pregnant, hauls a 30-pound salmon onto one of the plywood tables. With an *ulu*, a moon-shaped knife, she slices off the head, to save for fish-head soup. She makes an incision the length of the salmon's white underbelly and pulls out a fistful of guts. Carefully, she hands the stomach to her 15-year-old sister, Christine, who will flatten it into jerky. The rest goes into a bucket. She scrapes dark blood from inside the salmon's ribs.

The fish then goes to Maggie, who's ready at the second table to do the more intricate work of filleting it to dry. Depending on the fish, she'll process it in any number of ways — into long, thin strips, perhaps, or meaty steaks. Maggie Williams has been putting up salmon for as long as she can recall. Like Christine, she began with the guts and took on greater responsibility with each passing year. "I remember when my mom first taught me to do this," she says, deftly nicking a strip of meat. "I made such a mess! She said, 'It's OK. It'll still dry.' "

Cutting the fish is essential to its proper drying. So is the weather: Too early, and it might be too damp. Too late, and flies will lay eggs inside the flesh. These are the kinds of decisions the people of the Yukon-Kuskokwim Delta want to make: when to fish, how to fish. They want to be able to carry on their traditions without armed outsiders confiscating their gear. They dream of a time when the knowledge they've collected over generations is considered as valid as science gathered in a few seasons.

While the women cut fish, Williams rests in a duct-taped chair, explaining the year's fishing rules in Yup'ik for perhaps the sixth time that day on his cellphone. Hanging up, he pushes his glasses up his forehead and rubs his eyes. Juggling all these court hearings, testimonies, meetings and negotiations is exhausting. He sometimes thinks about giving up. But then he looks out the window and sees his two young granddaughters, watching seriously as their auntie and grandmother butcher the salmon, and he takes a deep breath and starts over. Akiak and other tribes will continue to advocate for a greater voice in managing their fishery, Williams tells me. And maybe someday soon, the state will have no choice but to listen. □

The people of the Yukon-Kuskokwim Delta dream of a time when the knowledge they've collected over generations is considered as valid as science gathered in a few seasons.



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"Seems to me this system is tough on us. Next year, if you come around, don't tell us what to do! I don't go into your country and tell you what to do! It's not right."

—Yup'ik elder, speaking at a U.S. Fish and Wildlife meeting outlining fishing restrictions in Akiachak last year

But there are still critics who argue that Indian Country would add additional layers of federal bureaucracy to Alaska's already-complex land management. Tribal corporations sitting on oil or gas deposits are unlikely to transfer their land, since federal oversight could make it harder to develop those resources. And some fear that if Native villages put land into trust, it could impact development, too, because regional corporations often own the subsurface mineral rights below villages. Scholars writing in the *American Indian Law Journal* concluded that corporations' mineral rights wouldn't be impacted, but uncertainties over the rule's implications remain.

Given that, regional corporations should be able to weigh in on, or even veto, tribes' applications for trust land, says Aaron Schutt, president and CEO of the regional Doyon corporation — one of the largest landowners in the United States, with more than 12 million acres. "We generally support the concept of trust land in Alaska," Schutt says. "But I think the benefits are overstated. ... When you go on other reservations in the U.S., you can see that it doesn't solve all their issues."

Other critics, including several Alaska lawmakers, oppose the rule more sharply. Alaska officials declined to comment for this story, but the former attorney general wrote in the state's appeal that having pockets of Indian Country scattered across Alaska's patchwork of state, federal and private land would create "widespread uncertainty about govern-

mental jurisdiction." The state could lose its ability to impose "land use restrictions, natural resource management requirements, and certain environmental regulations." And most significantly, in a place already wary of federal oversight, "trust land in Alaska would diminish the state's authority."

That, say many opponents, is an outcome that must be avoided.

IN JUNE 2012, AKIAK FISHERMEN were so desperate for salmon that they staged an act of civil disobedience, modeled after Billy Frank's fish wars. Salmon runs were, at the time, the lowest ever recorded, and state and federal wildlife managers denied Yup'ik advisors' recommendation for a brief fishing window. So Akiak elders instructed people to fish anyway. As subsistence gillnetters illegally pulled chinooks from the river, officers swarmed the river. Twenty-three fishermen were arrested and fined, and thousand-dollar nets were confiscated. At subsequent court hearings, grown men wept as they described the impact of the salmon decline on their families and culture.

Each year since then, dozens more fishermen have quietly broken the rules. Each year, officials catch some and haul them to court. And each time, the fishermen's resolve strengthens.

Their anger was palpable at a meeting at Akiachak's village offices last June, where uniformed U.S. Fish and Wildlife officials explained the restrictions placed on subsistence users' 2015 salmon harvest. Subsistence fishermen crowded the table

where the officers sat, spilling out of the room, craning their necks to hear. There were strict limits on everything from how many salmon each family could take to the size of the nets and the dates that fishing was allowed. Fishermen had to fish within the legal window, regardless of the weather. If they had the wrong-sized net, they'd have to travel to the town of Bethel — an all-day trip — to buy the right one. And because only a handful of "designated fishermen" were allowed to set nets, residents feared that skills and cultural traditions would no longer be passed down to the next generation.

Listening to the rules with wide eyes, the Akiachak fishermen grew agitated. "Seems to me this system is tough on us," one elder said. He spoke for a few minutes in Yup'ik, his tone rising. Then, in English again, he burst out: "Next year, if you come around, don't tell us what to do! I don't go into your country and tell you what to do! It's not right."

Unfortunately, there's no easy fix — no dam to remove that will cause the fish to come swarming home. And there are so many culprits to blame — climate change, overfishing, changes to the marine environment, commercial bycatch. Putting land into trust might help, but it won't give individual tribes autonomy over a fishery that stretches hundreds of miles and is already governed by a tangle of state and federal laws.

Mike Williams knows this. He's made it his mission to learn everything he can about salmon. He reads scientific papers and government rulings and translates

them into Yup'ik at village meetings. He tells the other fishermen that they have to make sacrifices now so their grandchildren will know what it's like to haul a massive chinook from the depths of the Kuskokwim. But Williams also believes in action, so instead of waiting for resolution of the Indian Country fight, in the spring of 2015 he helped form the Kuskokwim Intertribal Fish Commission, modeled after the Washington-based Northwest Indian Fisheries Commission. The Kuskokwim commission seeks to give tribes more sway in managing the fishery, and Williams serves as its chair.

Now, a year later, it's making headway. As long as chinook runs remain low, tribes can petition the federal government to take over management from the state, which they did again this year, to ensure tribal members get priority for the subsistence harvest. Then, in May, the Intertribal Fish Commission and the U.S. Fish and Wildlife Service signed a memorandum of understanding giving tribes more power during those times when management is under federal control. The memorandum mandates weekly meetings between commission members and federal officials, and requires Fish and Wildlife officials to provide a written explanation for any decision they make that goes against the commission's recommendations. Lew Coggins, a federal fisheries biologist at Yukon Delta, says that the real-time data collected by tribal members and organized by the Intertribal Fish Commission has helped fisheries managers double the 2016 subsistence

allotment over last year's. Chinook runs are still far below historic numbers, but they're steadily inching upward.

The state of Alaska isn't formally part of this collaboration, but John Linderman, regional supervisor for the Alaska Department of Fish and Game, says he and his agency "acknowledge and respect" the Intertribal Fish Commission and are open to engaging with them. Like many officials, Linderman is genuinely concerned for both the salmon and the tribes' survival. But when it comes to the kind of unified management that the Intertribal Fish Commission wants, his hands are somewhat tied. He and other state wildlife managers are obligated to comply with the state constitution, which gives all residents equal access to fish. "That's something that none of us have any control over," Linderman says. "It's not our place to make law. It's our place to implement law."

BY MID-JUNE, fish camp season is under way. Mike Williams' wife, Maggie, bustles around the house, filling a cooler with Ziploc bags of caribou and goose meat and packing a duffel with clothes. Several grandchildren toddle underfoot, chasing a miniature poodle that Maggie's daughter ordered off the internet from Montana. Relatives stop by to grab lunch from a simmering pot of moose stew.

Eventually, we load up Williams' fishing boat — five adults, one teenager, a 5-year-old, a 2-year-old and a dozen dead fish. We push into the current. The outboard motor churns through the river like a blender cutting through a chocolate

Forest continued from page 9

present levels, to 278 million board-feet, by returning to more aggressive logging on a smaller portion of forest. Simultaneously, they boost the amount of land protected in reserves from 66 percent to 75 percent, pulling in most (though not all) of the remaining mature and old-growth forests technically left unprotected by the Northwest Forest Plan. The plans would also end salvage logging of burned trees inside reserves — a provision environmentalists have long fought for.

Still, a coalition of 22 environmental groups has filed a formal protest, arguing that the plans would eliminate key protec-

tion for Oregon Wild. “It’s more discretionary. And if the policy says they can do it, we’re afraid they will do it.”

In sum, though, the plans are an incremental but “clear improvement” over the Northwest Forest Plan, says Paul Henson, the U.S. Fish and Wildlife Service’s Oregon state supervisor. The agency favors active restoration if it ultimately improves habitat, Henson says, and the BLM explicitly adopted concepts from Fish and Wildlife’s spotted owl recovery plan, which makes it easier to hold managers accountable for protecting the species. Plus, the BLM must consult with Fish and Wildlife on projects that could harm owls or murrelets — an additional

a lot about the future of federal forestry.”

Local counties worry about harvests for different reasons. “It’s not an attainable goal,” says Tony Hyde, a Columbia County commissioner and chairman of the Association of O&C Counties, which has also protested the new plans. Chris Cadwell, a retired BLM forest analyst consulting for the counties, says a fair amount of spotted owl and murrelet critical habitat still falls outside reserves, in harvest lands. That may mean further restrictions from Fish and Wildlife or environmental lawsuits. The plan also forbids projects that would harm spotted owls, for up to eight years or until Fish and Wildlife begins management of barred owls, an invasive species that threatens spotted owls. That, Cadwell warns, could cause further logging reductions.

The timing is terrible for the counties. Last year, Congress failed to renew Secure Rural School payments, and direct O&C payments will be much lower, given timber revenues’ slump. Four O&C counties are on a state watch list for financial distress. They have some of the state’s lowest property taxes, but have been unable to raise rates to make up for shortfalls. Already, 17 O&C counties plan to sue. The O&C Act, they argue, requires the BLM to offer at least 500 million board-feet annually, with all O&C timberlands available for “permanent forest production.”

The lawsuit and others to come may force a court reckoning over just how much timber harvest the 1937 law requires. “I think the counties want to know and the forest products industry wants to know and the environmental community wants to know: What does the O&C Act really mean?” says Travis Joseph, president of the American Forest Resource Council, a Northwest timber trade association. “Does it mean what it says? Or has it been circumvented by other acts of Congress?”

Environmentalists feel confident in their legal interpretation: After all, the O&C Act mandates protecting watersheds and recreation alongside timber production. “We read the O&C Act as Congress’s first attempt to do a multiple-use statute,” says Kerr. The BLM, he and others believe, has discretion to prioritize more conservation. And if the plans stand, Kerr says, “I’m looking forward to them trying to cut old growth and having people sit in trees again.”

Reed Wilson might be up for that. Originally from Texas, he got involved in public-lands activism through a famous tree-sit to save 94 acres of old growth at central Oregon’s Fall Creek. “It lasted five years, through the winter and everything,” he says. “It was wonderful.” Up on the platforms, flying squirrels would sometimes land on protesters. “They’d try to take the food out of your hand,” Wilson says. “We’d see them launch. They’d go to the edge of the platform and just, *choooooo.*” □



Logging truck driver James Griffin tightens the chains securing a full load of logs he’s taking to a mill from a burned area in Washington. Environmentalists oppose salvage logging of burned forests because it can damage habitat, slow natural recovery and increase erosion. ALAN BERNER/ THE SEATTLE TIMES

tions. For one, they shrink stream buffers that have significantly improved watersheds by, among other things, limiting logging that contributes to sediment runoff. The buffers also gave streams room to shift course, and maintained connections between habitat patches for species like spotted owls. Inside old-growth reserves, the new plans would drop prohibitions against cutting trees over 80 years old, and allow logged openings up to four acres — eight times the size currently allowed. And though managers are expressly directed to maintain habitat for threatened spotted owls and murrelets, another imperiled bird, they’re permitted to remove or downgrade it, through fuel reduction or other treatments, for “the overall health of the stand or adjacent stands.” Such vague language invites abuse, says Chandra LeGue, western Oregon field coordinator

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Leonard Peltier remains imprisoned after being convicted in connection with the shooting deaths of two FBI agents in 1975. Supporters of Peltier say he is a political prisoner.
KARPOV/WIKIMEDIA COMMONS



It's long past time to free a man unjustly imprisoned



OPINION BY
MIKE
BAUGHMAN

So much time has passed that many Americans have forgotten, if they ever knew, what happened to an American Indian named Leonard Peltier, who has spent more than 40 years confined in various federal penitentiaries. This summer, a group of his family members and friends are traveling the country in an attempt to salvage what remains of his life, and to remind us all that no statute of limitations pertains to the application of justice.

Peltier's ordeal began when two FBI agents, Ron Williams and Jack Coler, were shot to death on South Dakota's Pine Ridge Reservation in 1975. No one familiar with the details of the case believes that Leonard committed the murders, and Peter Matthiessen explored this miscarriage of justice in his 1983 book *In the Spirit of Crazy Horse*. Dee Brown, author of *Bury My Heart at Wounded Knee*, called Matthiessen's book "the first solidly documented account of the U.S. government's renewed assault upon American Indians that began in the 1970s."

The plain truth is that with two FBI agents shot dead on an Indian reservation, the government needed a conviction. At Peltier's trial before an all-white jury, prosecutors used false testimony against him, some of it obtained through torture. One particularly repugnant example: The FBI produced affidavits by a woman named Mabel Poor Bear, who said she was Peltier's girlfriend and claimed to have seen him shoot Williams and Coler at close range. But Poor Bear had never met Peltier, didn't even know what he looked like, and was proved to have been nowhere near the scene of the murders. When she tried to recant

her testimony, claiming that the FBI had threatened to take her child away if she didn't sign the affidavit, the judge refused to hear her testimony.

Amnesty International classifies Peltier as a political prisoner. Some of his other defenders include Nelson Mandela, the Dalai Lama, Archbishop Desmond Tutu and Robert Cantuar, a former archbishop of Canterbury. Michael Apted produced an acclaimed documentary film exploring the case, *Incident at Oglala*, which was narrated by Robert Redford.

Despite the FBI's fraudulent evidence and perjured testimony, Peltier remains in federal prison. He went in as a 31-year-old and is now 71. He's been transferred often, from Leavenworth, Kansas, to Terre Haute, Indiana, to Lewisburg, Pennsylvania, to Canaan, Pennsylvania, back to Lewisburg, and finally to Florida. Everywhere he's been, inmates have jumped and beaten him, likely with the collusion of guards. Now he is going blind from diabetes, suffers from kidney failure and is susceptible to strokes. Ed Little Crow, a Lakota living in Oregon, says that all Peltier wants "is a chance to see his family and work on old cars. If that dignified black man who's president doesn't pardon him, he'll die in prison. This is his last chance."

When Peltier was sentenced, the applicable law stated that an inmate with a good record should, after 30 years, be released. His record was good, but, instead of freedom, his parole board gave him another 15-year sentence. His next hearing is scheduled for 2024.

Before his second term ended, President Bill Clinton, under pressure from Hawaii Sen. Daniel Inouye and billion-

aire philanthropist David Geffen, among others, was expected to grant executive clemency. But after several hundred FBI agents, along with the dead agents' family members, demonstrated outside the White House, Clinton on his last day in office pardoned a financier named Marc Rich instead. Rich had been indicted for tax evasion and illegal oil deals, including a purchase of \$200 million worth of oil from Ayatollah Khomeini's Iran while 53 Americans were being held hostage there, and selling oil to the apartheid regime in South Africa despite a U.N. embargo. Geffen called Rich's pardon "a sign of corrupted values."

On my last trip to South Dakota, I visited the Pine Ridge Reservation. In the town of Pine Ridge, I talked to the man I'd come to see and then drove north to Wounded Knee, where I spent the long afternoon alone. There was a pleasantly cool north wind and a clear blue sky. I walked and thought. This quiet place was where, in 1890, the U.S. 7th Cavalry surrounded an encampment of Lakotas, and for no justifiable reason opened fire. By some estimates, as many as 300 Indian men, women and children were slaughtered by the time the firing finally stopped. To make a foul deed even worse, at least 20 of the soldiers who participated in this senseless massacre were awarded the Medal of Honor.

There's nothing anyone can ever do about what happened at Wounded Knee. But, though very belatedly, something can still be done about Leonard Peltier. I hope President Obama sets this man free. □

Mike Baughman is a writer in Ashland, Oregon.

Writers on the Range is a syndicated service of High Country News, providing three opinion columns each week to more than 200 media outlets around the West. For more information, contact Betsy Marston, betsym@hcn.org, 970-527-4898.

WEB EXTRA
To see all the current Writers on the Range columns, and archives, visit hcn.org

In this season of fire, nix the campfire



OPINION BY
MARJORIE
“SLIM”
WOODRUFF

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In 1972, Grand Canyon National Park outlawed campfires in the backcountry. Backpackers like me considered this an outrage. After all, the only people who carried those fancy little stoves back then were people incapable of building a fire. I bring this up because we are living through another explosive fire season in the West.

Of course, popular campsites back then looked a lot like parking lots. No downed wood, no dead (or live) grasses, no bushes, no bark on the trees as far up as you could reach. When a dozen people a night are building campfires, anything burnable vanishes pretty quickly.

Note: Fires denude the camping area.
I had a stove. I remember setting up my tiny SVEA, putting the pot on to boil, and turning to organize my sleeping place, because when cooking on a wood fire, it takes forever for the pot to boil.

But my pot boiled over. More quickly than I expected.

Note: Stoves are more efficient than wood fires.

A fire is convivial, although I usually don't sit next to it: I spend a lot of time skulking around to avoid smoke. Said

smoke also fills the whole camping area. I can see and smell a campfire from a mile away.

Note: Fires stink.
Fires are a survival tool. Everyone who goes into the backcountry knows to carry waxed matches, so that in an emergency, you may bask in the warmth of a fire. I once spent the night at 10,000 feet in midwinter and 14 feet of snow, huddled near a fire, but not basking. I would much rather have had my down parka. The wood kept burning up, and someone, usually me, had to stumble around in the snow gathering new fuel.

Note: Even survival experts admit that the value of a survival fire is mostly psychological.

One day, I found myself hiking in the mountains right at tree level. It was a lovely meadow with delicate alpine flowers — a verdant hanging valley. I pictured myself dragging the weathered wood into a ring, starting a fire, killing the fragile plants underneath, and then, in the morning, dealing with the debris and blackened soil.

“No one would mind, would they,” I asked my fellow backpackers, “if we

didn't have a fire tonight?” No one would, and that was the beginning of the end of my fascination with campfires.

I became notorious for my refusal to let my companions build an illegal fire at the bottom of Grand Canyon. And then, to let them build a fire anywhere. We had a stove; we had warm clothing. Why did we want to destroy old wood and leave an unholy mess? We didn't, everyone decided.

There is a person in the Sierra Club (who shall remain nameless) who is still not speaking to me because I would not let him build a fire on an overnight trip, and he had not brought a stove. I volunteered the use of my stove, but no, he had to have a fire, and I wasn't going to build one. He ate cold, dry food for three days.

I discovered that if one is not blinded by a fire, there are stars. Small animals creep about. There is a distinct lack of stench in clothing — well, it smells like a sweaty human body, but not combined with stale smoke.

Soon, I began to clean out abandoned campfire rings, realizing that there is a persistent belief that anything thrown into a campfire will vanish. It doesn't. Cans don't burn. Nor does glass, plastic,

leather, clothing, or leftover food. The doused fire itself contains charcoal that will last for thousands of years.

I have carried the remnants of countless discarded campfires out of the Grand Canyon. This requires a frame pack, a shovel, work gloves and several high-grade garbage bags.

It is, of course, possible to build a leave-no-trace fire. It takes a fireproof blanket spread on cleared ground covered with a mound of mineral soil. This shields the soil from being sterilized. A small fire built from wood no larger than the size of one's finger is allowed to burn to ash. As soon as you leave, any pieces of charcoal must be crushed to powder and scattered to the winds. For light, it is far easier to use a solar lantern, or a candle.

I spent a week car camping in Yellowstone with a friend, and we — well, I — chose not to waste money purchasing firewood. There was some grumbling, but I rose above it.

At the end of the week, my friend said, “I did kind of miss a fire, but when you aren't looking for wood and tending the fire, and staying out of the smoke, and cleaning up after the fire, you sure have a lot of spare time.” Indeed. □

Marjorie “Slim” Woodruff lives and works at the bottom of the Grand Canyon.



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A Forest Service employee monitors an abandoned fire in the Coconino National Forest in Arizona. U.S. FOREST SERVICE

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Love and death on the border



The Land of Open Graves: Living and Dying on the Migrant Trail
Jason de León
384 pages, softcover:
\$29.95.
University of California Press, 2015.



Crossing the Line: A Marriage Across Borders
Linda Valdez
192 pages, softcover:
\$22.95.
Texas Christian University Press, 2015.

The Mexican-American border has inspired its own literary genre, unleashing a flood of poetry, reportage, nature writing, crime fiction, novels, essays and even coffee-table photo books. Together, words and pictures paint a sharp portrait of a landscape caught between delicate light and terrifying darkness.

Two recent books bring unique perspectives to this invisible slash across cultures, and to the dreams of the people who yearn to be on the other side of it.

Jason de León’s *The Land of Open Graves: Living and Dying on the Migrant Trail* is a disturbing book about an immense human tragedy. But somehow it’s the pigs I can’t get out of my head — and not just the pigs, actually, but the horrible reality of what they represent. De León buys a pig and hires someone to kill it. Shot in the head, the animal struggles mightily as the author rubs its belly, mumbling, “It’s OK. It’s OK.” The dead pig is then dressed in underwear, jeans, T-shirt and tennis shoes and dumped beneath a mesquite. The researchers step back to record, with scientific precision, exactly what happens to it over the next two weeks.

The pig represents the body of an undocumented immigrant, de León writes, part of an experiment to understand what happens to those who die and disappear in the Sonoran Desert. He repeats this violent process four more times and writes a scientific paper about it. The conclusion is stark and inevitable: The desert eats poor people. As director of the Undocumented Migration Project, de León is conducting a long-term study using the tools and methods of anthropology to understand undocumented migration between Mexico and the U.S.

A couple hundred thousand or more migrants are apprehended each year at the border. But some of those who cross into the U.S. perish in the desert thanks

to “Prevention Through Deterrence,” a strategy in which the Border Patrol clamped down on major immigration corridors to force would-be crossers into parched and dangerous lands, deputizing Nature as a tool of law enforcement and sidestepping any responsibility for what happens to people out there.

Between October 2010 and September 2014, the bodies of almost 3,000 dead migrants were recovered in southern Arizona alone. Hundreds remain unidentified. Countless others vanish entirely, consumed and scattered by animals and the elements. Those who succeed are frequently scarred — physically as well as psychologically — by the experience. Most have been subjected to rape, robbery, violence and suffering on the journey. All this in order to take dangerous, crappy jobs no one in this country wants.

De León uses science to expose this federal policy for what it is, “a killing-machine that simultaneously uses and hides behind the viciousness of the Sonoran Desert.” It has created a hugely profitable “border industrial complex” where everyone involved — lobbyists, contractors, law enforcement, private prisons, smugglers, and vendors of “crossing supplies” — makes money, with the notable exception of the immigrants themselves.

A very different border tale unfolds in Linda Valdez’s thoughtful, important new memoir *Crossing the Line: A Marriage Across Borders*. She has written a love story about immigration, and it is a well-crafted antidote to de León’s border-induced despair.

Valdez was an asthmatic 11-year old middle-class German-Irish girl from Ohio’s Rust Belt when her mother brought her to Tucson seeking a desert cure. After a bumpy transition to adulthood, Valdez became a newspaper reporter. A chance trip to Mexico after a

boyfriend’s suicide resulted in a story-book romance when she met the man of her dreams, Sixto Valdez.

They could not have come from more different backgrounds. He grew up in a house made of cactus ribs, mud, and corrugated tin in Sinaloa. He was kind, decent, a rock-solid partner. But as a poor Mexican man, he couldn’t get a visa. So one day in 1988, he simply popped through a hole in the fence and safely reached the other side. It was, of course, a very different border in those days than the one so painfully documented in de León’s book.

Later, after Sixto finally received his papers, the couple returned to Sinaloa to visit his family. Valdez describes a luminous day at the beach:

“Right now, in the water, in the sun, there was only this moment — and it would remain warm and joyful years later, even in the dark of winter, even when getting along was hard work instead of child’s play.

“We sparkled in the water. Sea jewels.”

The book describes Sixto’s crossing, their marriage, their families, the challenges of dealing with immigration bureaucracy and how they created a happy bicultural life together on both sides of the border. Sixto eventually earned a master’s degree and became a teacher.

Valdez, now an editorial writer for the *Arizona Republic* and a Pulitzer Prize finalist, has written a humane cross-cultural odyssey of love, family, commitment and devotion that revels in the tenacity of the human spirit.

These books show us two opposing realities of the border: Where Valdez celebrates life, de León’s work is mired in death. He graphically bears witness that not everyone makes it, and that even for those who do, the fairy-tale ending all too often is a desert mirage.

BY JON M. SHUMAKER



ILLUSTRATIONS: EMILY POOLE

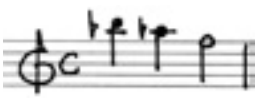
The Chickadee Symphony

On my land in the Black Forest, north of Colorado Springs, Colorado, the black-capped chickadees are up to something. They don’t migrate, but the notes in their spring song have. It may be a stretch to say that the chickadees are composing, but over the nearly 30 years I’ve lived here, their spring song has evolved in a way that I, as a composer, can appreciate.

Scientists have found that bird songs are affected in various ways by altitude, region, stress and many other environmental factors. I’m an artist, not a scientist, but I’ve yet to see data showing specific pitch shifts resulting in a different melodic shape. What I’ve heard on my land is exactly that.

I’ve kept a journal for many years. My first entries of the chickadees’ song, from 1988, note three pitches reminiscent of a blues lick that I often play on the guitar. For many years, that was the chickadees’ only tune.

Classical composers often divided their symphonic movements into three chunks: exposition, development and recapitulation. In the exposition, they laid out a brief musical theme or themes. Most composers, including Mozart, used only two themes; Beethoven splintered the so-called rules by using however many themes he wanted. We might think of the blues lick as the first theme or exposition of a *Chickadee Symphony*:



The tonic, or “home,” pitch for the chickadees is close to our “F” note. The note varies only slightly here and there. But ever so gradually, the top two notes of the lick, the B flat and the A flat, have migrated in two distinct ways.

The first variation appeared alongside the original, almost as if we were entering the development section of the symphony. In this new melody, the A flat has migrated down a half step (the distance between a white key on the piano and its adjacent black key) to a G:



If it were four octaves lower, the notes in the new melody would sound like an old R&B bass line of the sort Elvis Presley’s

band used in “Burning Love.” (The chickadees would have to work on the rhythm; they’re funky, but not that funky.)

As the years passed, Variation 2 came on the scene. In Variation 2, the top two pitches have both migrated down a half step. This variation sounds like “Three Blind Mice,” or, to listeners of a certain generation, the *Three Stooges* theme.



Variation 2, it turns out, is quite close to the Carolina chickadee song. Variation 2 came late to the party on my land, from where I don’t know. Perhaps it’s an emergent property; when conditions are right, the birds give out the *Three Stooges* theme.

At present, on my land, we seem to be firmly in the development section of our *Chickadee Symphony*. This is where composers have the most fun, playing all kinds of musical games with the themes they established at the outset. Beethoven, in his famous *Fifth Symphony*, enraptures us to this day with a seven-minute elaboration on a four-note theme: da, da, da, DUM. (I don’t have to notate that one, do I?) It sounds a bit like a bird-call, which makes sense, since both the *Fifth* and *Sixth Symphonies* recall the sounds that the increasingly deaf composer once heard in nature.

The development section of the *Chickadee Symphony* really gets cooking with a seemingly random amalgam of the three melodies, their texture and interest enhanced by false starts and added vocal stops — not unlike what bagpipers do to separate notes from the constant air stream. As the three variations skitter across, around and through one another, the birds create an almost Bach-like web of counterpoint. Quite beautiful.

I may need a few more decades to see where this *Chickadee Symphony* is headed. Will there be a recapitulation, where the birds return to just the original blues lick? Probably not. I’ll be expecting something new, because unlike human art, which is bounded, nature is always in a state of becoming. □

Tom Taylor is a composer, guitarist and recording artist who also teaches jazz at Colorado College.



Above, vultures scavenge a pig carcass five days into a post-mortem decomposition experiment in the Sonoran Desert. Left, a young immigrant gets first-aid treatment after getting caught on a barbed-wire fence while running from the Border Patrol. COURTESY JASON DE LEÓN



HEARD AROUND THE WEST | BY BETSY MARSTON

UTAH

Few Bureau of Land Management rangers patrol the vast Bears Ears region of Utah, so it hasn't been hard for grave robbers to loot Native American artifacts, or for vandals to carve their names on sandstone petroglyphs. But Utah Republican Rep. Mike Noel is a staunch opponent of any federal management of public lands, and he holds humanity blameless. The real culprit, he said recently, is the small but fearless badger: "All we can see today are badger holes," he told the *Salt Lake Tribune*. "We have to get a handle on these badgers because those little suckers are going down and digging up artifacts and sticking them in their holes." The nonprofit Center for Western Priorities expressed no little amazement at this notion of badger prowess, observing that Rep. Noel seems to believe that badgers can "operate a rock saw to steal petroglyphs, spell and carve 'F**k You BLM' into rocks, and shoot firearms into petroglyphs." You'd think that, with talent like that, one of these days an ambitious badger might even run for the state Legislature.

COLORADO

"She was able to pry the cat's jaws open," said a deputy sheriff in western Colorado. "She's a hero." He was talking about the fierce mother who went head-to-head with a mountain lion — and won. The mom, whose name has not been released, heard her 5-year-old screaming in the backyard of their home in Woody Creek, near Aspen. Running outside, she saw that the lion had her son's head gripped in its jaws. She yanked one of its paws down and then went for its jaw, forcing it to open wide enough for her child to escape. After the lion fled, reports CBS Denver, both mother and son were treated in a hospital for cuts and bruises.

OREGON

Let's give a whoop and a holler to honor Oregon rancher Robert Borba, who pulled his horse out of its trailer, leaped into the saddle, and brought down an escaping bike thief with a lasso to the ankle. "I seen this fella trying to get up to speed on a bicycle," Borba told the *Medford*



ARIZONA We thought they were called "dirt bikes." GREG WOODALL

Mail-Tribune. "I wasn't going to catch him on foot. I just don't run very fast." Borba, who uses a rope every day to make a living, said of his lasso: "If it catches cattle pretty good, it catches a bandit pretty good." As Borba slowly dragged 22-year-old Victorino Arellano-Sanchez across the parking lot, Arellano-Sanchez must have felt like he'd landed a part in a Hollywood horse opera. Looking up from the pavement, he asked the mounted cowboy, "Do you have a badge to do this?" David Stepp, who watched the action from his car, couldn't stop laughing: "I've seen it all, but I've never seen anything like that in my entire life." *Adventure Journal* reports that the erstwhile bike-napper was charged with misdemeanor theft.

THE WEST

The early-summer heat wave that set records across parts of New Mexico, Arizona and California inspired residents to attempt legendary culinary achievements, such as frying eggs on the sidewalk, says *The Week* magazine. One woman in Phoenix was more ingenious: She turned her parked car into an oven hot enough to bake

cookies. The extreme heat also brought tragedy: Three hikers and a mountain biker died when temperatures rose above 120 degrees.

COLORADO

Careless campers in southern Colorado have been forgetting something important: They start campfires without any trouble but neglect to put them out. Forest rangers found 30 unattended or abandoned campfires during just one weekend, which doesn't bode well for the hot dry weeks coming up. Over the last decade, "careless human acts" of that sort have caused nearly half the costly, destructive fires that have ravaged national forests and grasslands, says the Pueblo Interagency Dispatch Center, including one started in early July near Nederland, Colorado. Putting out campfires isn't that hard; you just need water, a shovel and a little patience. Or better yet, maybe don't start one at all. (See page 24.)

CALIFORNIA

There's an intersection in the town of Hayward, in Northern California, that's been reverently watched by geologists for almost five decades, says the *Los Angeles Times*. Over time, the curb at the corner of Rose and Prospect had slid dramatically askew, with the eastern half wrenched a foot north, and the other side pulled south, thanks to clashing plates belowground. The Hayward fault, which runs beneath Hayward, Berkeley, Oakland and Fremont, is a "tectonic time bomb," according to the U.S. Geological Survey, and geologists said the town's "faulty curb" served as a vivid indication that an earthquake was ready to blow at any time. Yet town officials had no idea that the curb was famous — geologically speaking. "We weren't aware of it," said Kelly McAdoo, assistant city manager. So not long ago, the town replaced the unsightly curb with a wheelchair-accessible ramp. But what can you say? It wasn't really their fault.

WEB EXTRA For more from Heard around the West, see hcn.org.

Tips and photos of Western oddities are appreciated and often shared in this column. Write betsym@hcn.org or tag photos #heardaroundthewest on Instagram.



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“Our efforts to prepare for climate change are even weaker than our efforts to prevent it.”

Pepper Trail, in his essay, "There's no Brexit from our climate problems," from *Writers on the Range*, hcn.org/wotr