

BIG REC AND THE BORDER | CALIFORNIA'S BLACKOUTS | IDAHO'S REFUGEES

High Country News

For people who care about the West

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FOREVER MINES

Loopholes allow mine companies to avoid cleanup indefinitely

By Mark Olalde



Bullet holes pockmark a sign showing the location of buried uranium mill waste in southwest Colorado.

MARK OLALDE/CENTER FOR PUBLIC INTEGRITY

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Loopholes allow mine companies to avoid cleanup indefinitely

By Mark Olalde, Center for Public Integrity

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On the cover

An old mine structure in Uravan, Colorado, where uranium mining has left a legacy of cancer and polluted lands.

BENJAMIN LOWY/GETTY IMAGES



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Editor's note

When poor oversight comes back to haunt us

Durango, Colorado, where I live, is a short jaunt from the Four Corners, where Colorado nestles against Utah, Arizona and New Mexico — the bull's-eye of our country's uranium industry. From 1944 to 1986, mining companies extracted nearly 30 million tons of



uranium from lands belonging to the Navajo Nation, according to the Environmental Protection Agency.

Once Cold War hysteria waned, so too did uranium mining. But many of the industry's leftovers — along with other bygone mining operations — still squat on the landscape, pernicious tenants with rent long overdue.

That is the finding of this issue's cover story, an investigation by the Center for Public Integrity, produced in collaboration with *High Country News* and the *Ohio Valley ReSource*. For decades, some of the country's biggest polluters have exploited loopholes in mining laws that allowed executives to sidestep legally mandated environmental remediation by idling their operations indefinitely.

The scope of this problem is staggering: Several dozen U.S. uranium mines and more than 150 coal mines, 120 quarries and five Western gold mines currently sit idle and have not produced for years, Mark Olalde, a reporter for the Center for Public Integrity, has found.

This issue reaches beyond the West, all the way to Kentucky, where out-of-work coal miners are protesting, and to mining-ravaged towns in Ohio and West Virginia. Though separated from their Western counterparts by most of a continent, these miners are similarly stuck in limbo, grappling with autoimmune disorders and high rates of cancer.

But even when cleanup begins, the path toward reclamation can be questionable, as illustrated in another story by journalist Susie Neilson. Neilson uncovers how the EPA awarded a contract to oversee uranium cleanup on the Navajo Nation to a company with a dubious track record. Tetra Tech EC, which oversaw cleanup of Hunters Point, a radioactive naval shipyard in San Francisco, falsified soil samples to make the site appear ready for development.

Meanwhile, the specter of uranium still haunts the Four Corners: Earlier this year, the Trump administration hinted at renewed mining on the Colorado Plateau, saying the mineral is critical for national security. Though the low price of uranium makes mining unlikely, a resurgence would be devastating to vulnerable communities.

Elsewhere in this issue, Assistant Editor Jessica Kutz examines why outdoor retailing giants like Patagonia and REI, which both fought for public lands at Bears Ears National Monument, have been conspicuously silent when it comes to similar battles in the Borderlands. Meanwhile, Assistant Editor Carl Segerstrom takes us to Newport, Oregon, where residents fight to ban the aerial pesticide spraying they blame for a spate of deadly illnesses.

Together, these stories remind us that politicians, regulators and even many activists have — at best — short memories.

—Paige Blankenbuehler, associate editor

THE LATEST

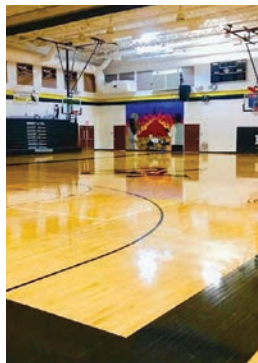
Backstory

Native American high school athletes face high levels of racial harassment and bigotry. **From 2008 to 2018, there have been at least 52 reported incidents across the country, ranging from racist vandalism and tweets to racist slurs,** according to documents obtained by *High Country News*. Additionally, nearly 22% of Native American and Alaskan Native students report being bullied at school — a considerably higher rate than the national average of 19%. ("Native American athletes and fans face ongoing racism," *HCN*, 4/10/19).

Followup

This October, Native American volleyball players from an Arizona high school team were harassed and called "savages" during an away game. **After a player from the Eagles dived and missed the ball, the opposing team began mocking them, imitating Native American dances, rituals and war cries.** The Eagles' coach eventually called off the game in order to ensure her players' safety. Despite this, the sports league refused to punish anyone involved.

HELEN SANTORO



The gymnasium at Salt River High, home of the Eagles.

RICKY CARILLO/
GOOGLESTREETVIEW



Influx of grizzly bears compels Montanans to adapt

Grizzlies are flourishing in Montana thanks to the Endangered Species Act, but their return has been accompanied by a rise in human-bear conflicts. Now, nonprofit groups like the Blackfoot Challenge and Swan Valley Connections are helping communities learn to coexist with bears by promoting electric fences, installing bear-resistant garbage cans, removing dead livestock from farms and holding educational events. But different

communities have varying reactions to grizzlies and may need different methods to manage them. The Blackfoot Challenge has discovered that the most important tool is the hardest to implement: trust between rural landowners and government agencies. **HELEN SANTORO**

Read more online: hcne.ws/grizzly-bears

Condon, Montana, residents learn about managing bears in their community at a Bear Fair hosted by Swan Valley Connections.

ANDREA DININO/SWAN VALLEY CONNECTIONS

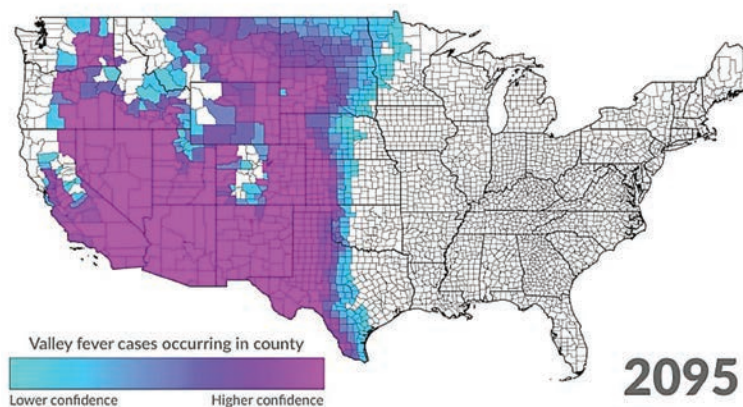
Diseases are spreading with climate change. Panic doesn't have to.

Valley fever, a disease that typically appears only in the warm and dry corners of the Southwest, is expanding its range. As the West becomes hotter and drier, the soil-dwelling fungus that causes Valley fever is finding more places to thrive, according to new research from the University of California Irvine. By 2100, its range could expand from 12 to 17 states, including Idaho, Wyoming and Montana. As more communities come into contact with the disease, public health officials are using better communication tools that allow them to report on the risks without generating public panic. **HELEN SANTORO**

Read more online: hcne.ws/valley-fever

Climate change and Valley fever by 2095

Projections show an accelerated spread of the sometimes-fatal infection



The confluence of the Little Colorado River and the Colorado River. Upstream, developers want to construct a hydropower project. **AMY S. MARTIN**

Is renewable energy's future dammed?

At this stage of the West's transition to renewable energy, hydropower dams could prove useful. Many natural gas plants remain online in order to meet energy demand, which often peaks at night. Pumped storage projects can meet energy demand in real-time and could help replace gas on the grid. But these projects often come with an environmental cost, exemplified by the outcry regarding a proposed dam on the Little Colorado River on Navajo Nation land outside Grand Canyon National Park. The dams would alter one of the region's more spectacular canyon systems and destroy a Hopi cultural site. "All power sources have an impact," said University of Wyoming professor Tara Righetti. "If there's a human imperative to address climate change, that means finding the right spot to make these trade-offs."

NICK BOWLIN

Read more online: hcne.ws/dam-energy

Trending

Transgender prisoners in the West now have tools for self-advocacy

In 2017, Adree Edmo, a transgender woman serving a 10-year prison sentence at the Idaho State Correctional Institution, sued the Idaho Department of Corrections and the prison's health care provider, Corizon Inc, for repeatedly denying her request for gender confirmation surgery. This August, the 9th Circuit Court of Appeals ruled that denying this medical procedure constitutes cruel and unusual punishment. Idaho Gov. Brad Little, R, has announced that he will appeal the decision to the Supreme Court. Yet the 9th Circuit's ruling could be a turning point for prisoners across the West and encourage other transgender inmates to advocate for their rights.

HELEN SANTORO

You say

MICHELLE HUNSICKER SMITH: "The question isn't about transgender rights. It's about the rights of prisoners. Taxpayers should NOT be forced to pay for a PRISONER's gender reassignment surgery."

PAUL TOURKIN: "Cue the reactionary old white guys. ..."

BECCIE CAPRIOLA: "Good! It's a waste of taxpayer money! You can NOT magically shape your DNA!"

Read more online: hcne.ws/trans-case and [Facebook.com/highcountrynews](https://facebook.com/highcountrynews)

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MODERN HUNTING

Emily Benson diplomatically raises some of the issues surrounding hunting in a modern society (“The power of hunting,” *HCN*, 10/28/19). There are three additional items worth pointing out. First: Show me the cost-benefit analysis for hunting. It might prove out for subsistence hunters or rural folks shooting game in their hayfields, but for most urbanites, particularly the trophy hunters, it’s all about the psychic payoffs. Second, the organic, farm-(field)-to-table rationalizers fail to address chronic wasting disease. We now know prions can be found throughout an animal’s body, not just the brain. These prions also now inhabit the soils and are increasingly ubiquitous. Finally, I maintain we have done ourselves and nature a grave disservice by funding state agencies with license revenues. That buys employees a pickup, salary, benefits and a pension, but it does not solve the bigger problem of habitat. This pervasive corruption also hampers the Forest Service from doing little more than fighting fires. We once had paradise, and in little more than 100 years we have become dependent on the raising of 40 million cattle and tens of million chickens and pigs in containment under the filthiest of conditions. Add poachers, and you have a spicy stew for debate.

*Francis Miller
Parker, Colorado*

PREDATORS VS. CWD

As a lifelong hunter reared in Denver, and someone who harvested a mule deer near Paonia, Colorado, 60-odd years ago with an 1873 Springfield .45-70, I found Christine Peterson’s reflection on chronic wasting disease very interesting (“Weighing the risks” *HCN*, 10/28/19). I studied forestry and wildlife management at Colorado State University and worked for the National Park Service for 36 years. From 1980 to 1997, I was a park ranger in Yellowstone and a member of the team that restored wolves there. Obviously, CWD gets my attention, because not only it could shut down big game hunting in my home state, but because it could also have profound effects on wild ecosystems there. Peterson demonstrated in her article that she had done some reading on CWD. However, I did not see any reference to the possibility that



predators could very effectively limit or eliminate CWD if given the opportunity. Something to consider.

*Norman A. Bishop
Bozeman, Montana*

HUMANS VS. PREDATORS

As far as I know, no one is currently sure of the history of chronic wasting disease (“Weighing the risks”). One theory is that it has been around for many millennia, but was controlled by predators like wolves, mountain lions and bears eating the ungulates that were less able to escape them. So predators removed sick animals from the herds long before humans could notice symptoms. The reason there are fewer predators now is that we have poisoned, trapped and shot them, and we continue to do so. We do some of this to protect domestic stock. We also do it to preserve wild game animals so hunters can shoot them. And because we are careless with our garbage, which draws bears to the places we live, we also kill them to protect our property and ourselves. Hunters may thin herds, but they have a tendency to want trophy animals. Understandably, they don’t want one with CWD. So hunting is a poor way to control this disease, especially compared to wild predation. We may discover that we are killing the very wildlife that kept hunters and their families safe from CWD.

*Nancy Stocker
Denver, Colorado*

FALSE KINSHIP

I have been reading *HCN* since 2001, during my early college days at Western State in Gunnison. I have never been as unimpressed by an essay as I was by Gabriela Halas’ “Killing the Goat” (*HCN*, 10/28/19). The writer’s “true kinship” with the two animals she killed retards the idea of hunting ethics and spirituality in the same article. Her lackadaisical pursuit of the wounded goat and eventual killing of a small female bear are stupefying. To suggest that the bear was making a “purposeful advance” is simplistic and lazy. To be clear, we are speaking of a black bear here, not a brown bear. While we will never know the true nature of what happened, the publication of this article lends legitimacy to poor hunting choices and perverts the ideals of “elemental connection” and wild intimacy that Halas allegedly pursues.

*Blake Fredrickson
Durango, Colorado*

A REASON NOT TO HUNT

“Killing the Goat” was a great article and reminds me of my decision to never hunt again. Halas’ lost goat was my lost elk years before in Colorado. Never again!

Ron Mannhalter, via Twitter

'REVOLTING'

Cloaked in “elegant” prose, “Killing the Goat” was an absolutely revolting article (*HCN*, 10/28/19). Hunters can search for kinship with the wild all they want, but it is total BS. This clown wounds the mountain goat, tries to follow it but cannot, then kills a bear who comes towards her as she heads back to camp. Kinship would be better achieved if she hunted with a camera. I am so tired of all the delusional excuses hunters make as they wound and slaughter wildlife, but this one really takes the prize.

*Renee DeMartin
Seattle, Washington*



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How Big Rec picks its battles

The industry giants stood up for Bears Ears. What about the Borderlands?

BY JESSICA KUTZ

Two years ago, when the Trump administration announced its plans to shrink the newly formed boundaries of Bears Ears National Monument in southeastern Utah, the outdoor recreation industry sprang into action. Lawsuits were filed, op-eds were penned, and the homepage of Patagonia's website went black, with this message scrawled across its homepage: "The President Stole Your Land."

Now, at the U.S.-Mexico border, another battle is brewing. In February, President Donald Trump declared a national emergency there, meaning that typical environmental and cultural reviews were waived on more than 500 acres of public land now slated for border wall construction. As a result, in places like Organ Pipe Cactus National Monument, saguaros are being ripped from the ground, and tribal nations will lose access to land sacred to them. Once it is built, the wall will sever wildlife habitat between the U.S. and Mexico. Conservationists and activists at the border are tirelessly documenting every development. But lately, they've begun asking themselves, "Where is everyone else?"

When it comes to the Borderlands, the fight for public lands looks much different. The land isn't considered a recreation mecca, and so far it hasn't been the focus of prominent campaigns by the outdoor recreation industry. As a result, the public lands that hug the southern border don't reap the benefits of the debate's most powerful voice: Big Rec. When the recreation industry focuses attention on places like Bears Ears, those landscapes steer the narrative and influence which public lands are considered worth fighting for.

Border residents who have deep ties to the landscape and its wildlife — but lack the money to buy products from companies like Patagonia, for example — are losing out on that sort of advocacy currency. Access to the outdoors can be expensive.

Transportation costs and the increasing price of park passes and outdoor gear make some forms of recreating out of reach for disadvantaged communities. At places like REI, where public-lands advocacy is "very much member-driven, and driven by interests in and around where we do business," according to Marc Berejka, REI's director of community and government affairs, that means that certain communities don't receive as much attention. "We've not heard the same amount of outcry for engagement for purposes of creating or sustaining recreational opportunities" when it comes to places like Organ Pipe, Berejka said.

Patagonia operates using similar indicators. "We've always taken a grassroots approach to having support in these areas where these things are happening," said Meghan Sural Wolf, Patagonia's environmental activism manager, noting that Patagonia's usual channels hadn't seen any calls to action recently. Advocacy is not driven solely by consumers, she said, but they do play a big role.

In other words, the outdoor industry relies on an established network to spur advocacy. When its customers are silent about lands at the border, the industry won't speak up for those landscapes, either.

Outdoor rec's consumers are a reflection of the industry itself, and that is problematic for a community that has a longstanding problem with diversity, as Ava Holliday — a founding partner of the Avarna Group, a leader in developing inclusion and equity within the industry — told *Outside Magazine* last year. This inclusion problem extends to outreach and advertising, too. As a result, the industry has been seen as a homogenously white industry that has failed to market to, or represent, a more diverse group of people. That is changing, though. In early 2019, REI signed on to an outdoor equity fund in New Mexico to expand access to the outdoors for under-represented communities. The company has also made

diversity a priority in its hiring process. Still, advocates say that progress is slow. (Disclaimer: Both Patagonia and REI financially support High Country News.)

In the meantime, the border's public lands are on a tight deadline. Take Hidalgo County in New Mexico, for example, which is 58% Hispanic. Over 200 acres of land there and in neighboring Luna County have been ceded to the federal government for border wall construction. Nearly 30% of the population lives below the poverty line. "One of the last resources they have is this amazing Chihuahuan Desert landscape," said Angel Peña, the president of the Nuestra Tierra Conservation Project, a nonprofit. Peña has been working to drum up more support for New Mexico's Bootheel, a southern chunk of the state that juts into Mexico. Hunting and fishing are popular in the area. "I'm curious if those outdoor retailers don't see themselves on the ground," Peña said. "And I'm curious if that doesn't go both ways. I wonder if the people at the Borderlands don't look to the Patagonias for help, and that's why the outdoor rec industry doesn't feel close to that."

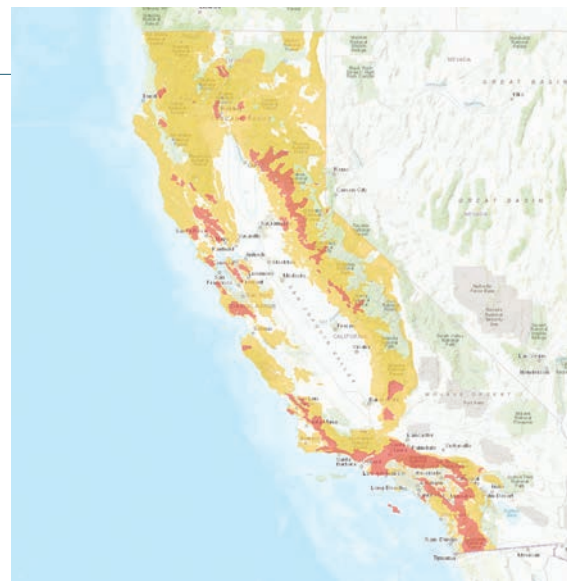
José González, the founder of Latino Outdoors, says he understands that recreation companies have to focus their efforts where the money is. Still, he thinks engaging with more diverse communities near the border could help that goal. "At the end of the day, it is still about dollars and selling product. But all of those things are not exclusive," he said. "It is a missed opportunity to know that border communities can be just like any other communities in relation to public lands."

Several tribes, including the Tohono O'odham, call the Borderlands home. But while tribal nations saw a swell of protests and had allies at Bears Ears, the Tohono O'odham Nation has received no industry support. The U.S.-Mexico border divides the tribe's territory, and now the community is poised to lose access to places like Organ Pipe's Quitobaquito Springs, where the tribe conducts an annual salt pilgrimage. "It would cause a sacred journey to cease on its traditional route that has been (going on) for many, many years," Verlon Jose, governor of the Traditional O'odham Leaders, told reporters in July. And, in September, *The Washington Post* obtained a National Park Service report that stated that 22 archaeological sites would be endangered by wall construction — including burial sites.

"It is kind of shocking. People have this idea that there is a huge resistance movement (at the border), and in reality it is just a few people," said Laiken Jordahl, a Borderlands campaigner for the Center for Biological Diversity. "You look at all of the outpouring of support for Bears Ears, and Patagonia is involved and REI is stepping up. It is so different when it comes to the Borderlands." □

Activists with Nuestra Tierra gather at a camping event in New Mexico's Bootheel. Though they have an active contingent of supporters, public lands at the U.S.-Mexico border have not gained big-name backers.

GREGG FLORES



Solar inequalities

California's blackouts bode ill for the disadvantaged

BY JESSICA KUTZ

The solar panels on an upscale home in Corona Del Mar, California, cover about 95% of monthly energy costs. Though the savings can be vast, the large initial investment of a solar array is prohibitive to many.

EDUCATION IMAGES/UNIVERSAL IMAGES GROUP VIA GETTY IMAGES

In map at right, areas with elevated (yellow) and extreme (red) wildfire threat would be prioritized for solar subsidy programs.

CALIFORNIA PUBLIC UTILITIES COMMISSION

A year ago, as the devastating Camp Fire swept through the foothills of the Sierra Nevada, Frank A. Funes Jr., a disabled 69-year-old Vietnam veteran, woke in the early morning hours to a phone call. It was his pastor, checking to see if he had evacuated. Immediately, Funes looked outside his window: His neighbor's house was already burning, and the flames were licking at his own fence. He, his wife and their 4-year-old grandson rushed out the door. "I didn't have time to grab anything," he said. "The wind was blowing like crazy, and the fire was just right around the house."

That day, Funes lost the house he had lived in for the last seven years. He has since found a new home 15 miles away. But the winds are a constant reminder of how vulnerable he and his neighbors are to wildfires. Already this year in Northern California, the Kincade Fire has burned nearly 78,000 acres and destroyed 174 homes. Now, whenever the gusts kick up, Pacific Gas and Electric (PG&E), the region's largest utility provider, pre-emptively cuts power to decrease the likelihood of a sparked transmission line starting a fire, as happened with last year's Camp Fire. These shutoffs could last through the rest of November and for the foreseeable future, and Funes, like many others, feels helpless without electricity.

When PG&E shut off power in early October, 2.1 million people lost electricity. Amid the darkness and confusion of the next two days, residents caught a glimpse of what researchers call "the climate gap." Those with solar panels, and more importantly, solar battery storage, fared pretty well during the outages. Tesla electric-car owners, some of whom had home solar systems, boasted about making pizzas in the midst of the blackout, while others watched movies in their parked cars.

Meanwhile, those with more limited means ended up buying expensive and polluting gas-powered generators at prices ranging from a couple hundred to a few thousand dollars. Many people, including some who rely on food stamps, were forced to throw out spoiled food. Those with medical disabilities — like Funes, who uses an electric wheelchair — worried about how long the outage would last and how much it would cost to keep the generator running. Just moving the generator in and out of storage was a physical challenge for him and his wife.

The state already has a plan in place to help remedy this disparity. In 2017, California designated funding to help disadvantaged residents and community organizations access new technology like solar batteries, through its Self Generation Incentive Program's Equity Budget. It sounds like the perfect solution, one that by 2019, had accrued \$72 million. The problem is, for residents, not one installation has taken place.

For years, so-called "early adopters" — people who buy things like electric vehicles or install solar panels on their roofs — have been rewarded with rebates. But people who cannot afford the upfront costs miss out on the savings and new technology. As a result, by the end of 2017, solar panels were three times as likely to be found outside of disadvantaged communities, per capita, than in them, according to "Distributed Solar and Environmental Justice," a research study conducted by Physicians, Scientists and Engineers for Healthy Energy (PSE). Meanwhile, low-income residents pay significantly more for electricity than early adopters do. That's partly because a larger portion of their paychecks goes to energy costs, says Boris Lukanov, a senior scientist with PSE and

the lead author of the study — about 7.2% of a low-income family's paycheck, compared to the average of 3.5% that their more fortunate neighbors pay. But it's also because in places like California, where solar adoption is high, the cost of moving electricity around the grid falls on those who use more power. That includes disadvantaged residents, whose housing infrastructure might not be the most energy-efficient and whose access to solar installations is limited, due to the high cost. Working-class communities often have the most to gain from sustainable energy, and not just for financial reasons: Low-income and communities of color are disproportionately impacted by high gas emissions.

Across the country, well-intentioned local and state governments hope to close that energy gap and assist their most disadvantaged residents through programs like the Equity Budget. But they keep running into problems. Stan Greschner, chief policy officer at GRID Alternatives, a nonprofit that works to make clean energy more accessible, said the reason is pretty simple: Low-income residents simply can't afford any extra expenses. Even if a program like the Equity Budget covers half of the cost of a solar battery, the price is still too high for the struggling residents it's trying to benefit. "If we don't address the upfront cost barrier to adopting the technology, it will not reach low-income families, period," Greschner said. "That was the biggest failure of the initial program."

This past September, the California Public Utilities Commission announced sweeping changes to the budget in hopes that more people will be encouraged to apply. The solution, it turns out, is more nuanced than simply having to pay for the upfront cost of solar batteries. Starting in 2020, the program will aim to cover nearly all of the costs for battery installation for residents who live in a disadvantaged or low-income community.

Disadvantaged communities, as defined by California, face a "combination of economic, health, and environmental burdens." In addition, residents who meet

that threshold and live in high wildfire-risk zones like Los Angeles or the Sierra Nevada will get their energy storage needs met through yet another initiative, the Equity Resiliency Program, which provides an extra \$100 million in funding. Crafted in anticipation of events like this fall's wildfires and blackouts, it's aimed at providing disadvantaged and medically vulnerable residents like Funes with greater energy resiliency. Tribal nations will also be eligible for this new funding.

Some structural improvements make the program easier to apply for. And because funding can now be coupled with existing solar panel incentives aimed at disadvantaged residents, people can take advantage of both programs at the same time. This is good news for renters, too: Forty-three percent of California's low-income residents live in multi-family housing, which will now be able to pair existing solar panel subsidies with storage options. The savings in solar energy would be passed down to tenants, and the buildings could serve as "resiliency centers" for the greater community whenever an outage hits.

How the utility rolls out the new program "could very well be the key to success or failure of this program," said Greschner. Disadvantaged communities have often been targets for financial schemes and are understandably wary of flashy incentives. One recent scam tried to peddle fake solar installations to large Spanish-speaking immigrant populations. And many residents won't even know about the program unless the marketing materials are available in a language they can read — something that is so far uncertain in the new marketing plan. In Lukanov's study, the authors noted that linguistic isolation was strongly associated with whether or not residents had solar panels. "In a lot of communities, the heads of households are non-English-speaking," Greschner said. "They don't respond to a utility bill insert (in English) that says, 'Hey, you qualify.' " They need to be reached in different ways and in their own language. But so far, programs in the state have fallen short in that respect, Lukanov said.

Nonetheless, for people like Funes, who heard he could add battery storage to his house once the new Equity Budget rolls out, the changes couldn't come quickly enough. He got his solar panels last year, but without storage, they are useless during the blackouts. "I am praying for the batteries to go through," he said. Lately, he's been distributing pamphlets to his neighbors, telling them about the solar panels and the possibility of battery storage. But for now, he's left to the whims of the Santa Ana winds, and of PG&E. "(The power) is going to be going out all the way through November," Funes said. "I read in the newspaper and on the internet that it is going to be this way for 10 years." □

Feds give Navajo uranium contract to firm with troubled past

A Tetra Tech subsidiary was accused of 'potential data manipulation and falsification'

BY SUSIE NEILSON

In September 2017, the Environmental Protection Agency received a troubling message from the Navy: Tetra Tech EC, the firm tasked with cleaning up the radioactive former naval shipyard Hunters Point in San Francisco, might have manipulated its data.

The Navy's draft report underscored claims that employees of Tetra Tech EC subcontractors had made in federal court several years earlier: that the company was complicit in the falsification of soil samples to make the Hunters Point site appear ready for development. In 2013, radiation control technicians hired by Tetra Tech EC subcontractors filed a whistleblower lawsuit stating that their supervisors directed them to fake soil samples taken from several sites around the shipyard, bringing in "clean" soil to replace the potentially radioactive samples. In 2016, whistleblowers filed additional lawsuits alleging that Tetra Tech EC supervisors had ordered and overseen this fraud. Last year, two former company supervisors were sentenced to eight months in prison for falsifying records related to the Hunters Point cleanup. Whistleblower litigation is still ongoing, but Tetra Tech EC said in a public statement that it "sought to follow all required standards and protocols and to operate in a thorough, honest, and professional manner to provide testing and cleanup services as required by its contract." It also said it conducted an investigation into the allegations in 2012, coordinated with the Navy to complete corrective actions, and that there have been no repeat occurrences of falsification.

After employees came forward, the Navy conducted its own assessment of Hunters Point and found evidence of likely fraudulent sampling. The draft report, delivered to the EPA for review, stated that the Navy had seen "evidence of potential data manipulation and falsification" at multiple sites around the shipyard, and recommended that numerous soil samples be retested.

Just a month after receiving the Navy's report, however, the EPA announced on its website that it had awarded Tetra Tech EC's parent company a major contract to assess contamination on 30 abandoned uranium

mines on the Navajo Reservation — the first large contract awarded for assessing the contamination of the 520-plus mines since uranium mining began there in 1944. In its press release, the EPA made no mention of Tetra Tech EC's alleged misconduct at Hunters Point, nor did it give any indication that the reports of fraud had made the agency reconsider its decision to award the contract to Tetra Tech EC's parent company.

In a statement to *High Country News*, the EPA emphasized that "Tetra Tech EC was technically a different legal entity for federal contracting purposes than their parent company Tetra Tech," and that "neither Tetra Tech EC or its parent company Tetra Tech were suspended or disbarred when the contract solicitation went out." The EPA also emphasized that it "is aware of and takes very seriously the allegations against Tetra Tech EC, a subsidiary of Tetra Tech. The agency recognizes the public may have concerns regarding this selection. As with all contracts, the EPA will meticulously review all data and deliverables to ensure work is being performed properly and will be reporting results to the public as they become available."

Navajo citizen Tommy Rock, an environmental researcher who says he worked with the Navajo Nation EPA-Public Water Systems Supervision Program from 2010 to 2012, said that he was among the multiple Navajo citizens involved in the uranium cleanup effort who were concerned about the EPA's decision to award a contract to Tetra Tech.

Rock, whose grandfather was a uranium mine worker who died from cancer, sits on the Diné Uranium Remediation Advisory Commission, a working group established by the Navajo Nation to analyze the impacts of uranium contamination on the reservation. He says that in early 2018, the contract decision — and Tetra Tech's history — came up at one of the commission's first meetings.

"We were alarmed when we found out that Tetra Tech was awarded (the contract)," he says. He and other members of the commission were told that the contract was "a legal matter," and that lawyers for the Navajo Nation would be handling the issue. The commission has not discussed the matter since, he said. Nona Baheshone, executive director of the commission, wrote in an email that she and other members of the Uranium Commission were not

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✉ @susieneilson

Many Navajo
citizens live
within several
miles of mines
and are exposed
to potentially
contaminated
water sources
and soil.

involved in the EPA's decision to use Tetra Tech. The commission has existed since at least early 2017, according to a press release. But, according to Rock, the commission had not yet started meeting when the contract was awarded.

Rock said that the EPA's decision to award the contract to the same company involved in Hunters Point came up as a matter of concern early on in the process. "With the stuff that happened at Hunter's Point ... it's an issue."

The EPA says that it has had "quarterly meetings with the Navajo Nation, formal consultations, release of draft evaluation criteria for industry input, and industry days on and around the Navajo Nation," all aimed at working with the Nation in regard to the contract, as well as "providing an opportunity for Navajo and other interested businesses to provide input on contracting strategies and solicitation content." However, the EPA notes that "as is the case with all federal procurements and consistent with federal contracting regulations, the award decision was based strictly on the evaluation criteria stated in the solicitation. ... Federal procurement regulations prohibit undue influence on award determinations, which includes influence from outside entities as well as entities internal to the agency."

Tetra Tech Inc., which did not respond to requests for comment, has maintained some distance from its subsidiary amid the Hunters Point scandal. In a statement released in June 2017, Tetra Tech Inc. acknowledged Nuclear Regulatory Commission findings that two Tetra Tech EC employees were involved in the fraudulent sampling, but said that the company took appropriate actions to report and correct the improprieties. It also emphasized that the commission "did not conclude that anyone on Tetra Tech EC's management team was involved in the misconduct." Tetra Tech EC is a wholly owned subsidiary of Tetra Tech Inc., meaning that although the parent company owns all of its stock, it is a separate legal entity with a leadership structure of its own, including its own president, Andrew Bolt. The subsidiary model is common among large corporations that wish to keep brand identities separate or avoid added legal and financial risk.

But to those familiar with Tetra Tech's work in Hunters Point, the question remains: Why would the EPA award the company this contract, given its record?

The past performance of Tetra Tech, even beyond its subsidiary at Hunters Point, has been marked by controversy. The parent company has been at the center of other lawsuits, including a consolidated case regarding its involvement in cleaning up after the North Bay Fires, a series of wildfires that devastated regions north of San Francisco in the fall of 2017. Those



suing Tetra Tech allege the company and another contractor, Ashbritt Inc., removed excessive amounts of soil and other material to increase their cleanup profits, causing property damage. They also claim the companies falsely reported to government agencies that lands were uncontaminated when additional testing was necessary to confirm that they were clean. In 2019, a federal court dismissed the racketeering claim, although state allegations in the consolidated case remain pending. (Tetra Tech did not respond to requests for comment about this case or any other allegations.)

The revelation that the cleanup around Hunters Point Shipyard may have been botched has angered residents in the adjacent Hunters Point and Bayview neighborhoods, more than 80% of whom are not white, according to 2013 census data. They see it as an example of environmental racism and injustice. The residents, represented by attorney Charles Bonner, filed a mass action lawsuit against Tetra Tech EC in 2018.

Less than two months after announcing the Navajo cleanup contract, the EPA

sent the Navy a review of its report on Tetra Tech EC's cleanup at Hunters Point. According to documents provided to *High Country News* by David Anton, attorney for the Tetra Tech EC whistleblowers, in December 2017, the agency wrote to the Navy, saying, "The data analyzed demonstrate a widespread pattern of practices that appear to show deliberate falsification, failure to perform the work in a manner required to ensure ROD requirements were met, or both."

"The Navajo Nation project is a bull's-eye radioactive project with dangerous radioactivity," Anton says. "For Tetra Tech to get that project at all — to be even allowed to bid on it — is shocking."

The \$85 million contract the EPA awarded to Tetra Tech to assess contamination on the Navajo Nation's uranium mines, most of which have lain abandoned for more than 30 years, is a major step in addressing the potential health risks — kidney disease, bone and lung cancer — people on the Navajo Reservation face. Many Navajo citizens live within several miles of mines and are exposed to potentially contaminated water sources and



soil. Chris Shuey, an environmental health scientist at the Southwest Research and Information Center who is involved with colleagues at the University of New Mexico in a long-running study on the relationship between uranium exposure and health, says the study has shown a “very clear pattern of increased risk” of certain metabolic conditions, like cardiovascular and kidney disease, among Navajos living near abandoned uranium mines. Another study of children on the Navajo Nation showed that by the age of just 2 to 6 months old, nearly 20% of participants had such high levels of uranium in their urine that they were at the 95th percentile of American adults.

Many Navajo residents’ risk of kidney disease increased significantly during the mining era, while their risk of cardiovascular disease, immune impairment and some chronic metabolic diseases was elevated during the “environmental legacy period” after the mines closed in the early to mid-1980s, Shuey said.

A large portion of the contract’s funding comes from a \$1 billion settlement between the EPA and the Kerr McGee company and its successor, Tronox, which



conducted uranium mining at around 50 of the mines. It will allow Tetra Tech Inc. to assess the levels of contamination around 30 mines, and begin the process of determining future cleanup efforts. The company will also train Navajo citizens in cleanup work and purchase supplies from Navajo businesses.

The EPA says it has not yet awarded a contract for more extensive cleanup of the Navajo uranium mines, but expects to early next year.

The agency says that it follows the Federal Acquisition Regulations in awarding contracts, an extensive process that takes steps to prevent special interests or others from influencing the award process. Potential contractors are evaluated on their technical capability to carry out the work, its cost and their past performance. The EPA weighs these three factors differently depending on the requirements for the job. A panel that has signed nondisclosure and conflict-of-interest certifications reviews the potential contractor on the other two categories before considering cost information. After all offers have been reviewed, the chair of the panel writes a report detailing these evaluations, and a contracting officer recommends a company for the contract.

But frustration about the cleanup existed prior to Tetra Tech’s contract. The EPA and the Navajo Nation have been working together for more than 20 years to study and address the contamination.

But progress has been slow, particularly considering that many of the toxic mines had lain open for over 40 years before the EPA began using Superfund resources in 1994 to address the contamination. As well, the Abandoned Uranium Mines on the Navajo Nation Superfund site is not on the EPA’s National Priorities List (NPL). (An EPA spokesperson says that NPL status does not determine priority in funding or resources dedicated to sites.) In 2008, the EPA and five other federal agencies, in consultation with Navajo Nation, developed the first comprehensive plan to address the legacy of uranium contamination in and around the Navajo Nation. As of 2014, only one of the 43 highest-priority Navajo Nation mines as designated by the EPA — the Skyline Mine — had been mostly cleaned up.

According to the EPA, now in the second year of a five-year contract, Tetra Tech has helped the agency complete over 30 removal-site evaluations in the area near Cove, Arizona. But in light of Tetra Tech’s prior scandals, the contract concerns environmental justice advocates, attorneys familiar with Hunters Point and Navajo citizens.

“There’s a lot of abandoned uranium mines out there,” says Tommy Rock, the Diné Uranium Remediation Advisory Commission member and environmental researcher, adding that “the potential for someone to take advantage of a tribe is definitely out there.” □

Left, Navajo citizen Larry Gordy stands outside an abandoned uranium mine that he found on his ranch in 2010. The level of radioactivity coming from the site, one of over 520 across the Navajo Reservation, registered so high it was beyond the capacity of EPA equipment to measure. Tetra Tech has been awarded a contract to survey 30 such abandoned mines. Above, uranium tailing waste is still visible on Gordy’s property near Cameron, Arizona.

JOSHUA LOTT

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Aerial spraying provokes calls for local control

Oregon activists put a new twist on a Western tradition

BY CARL SEGERSTROM

With both hands in the pockets of his khakis, Loren Wand wavered nervously on a small stage at Bier One Brewing in Newport, Oregon. A gathering crowd milled about, some standing and chatting, others sitting in folding chairs in a few makeshift rows. As Wand started speaking, someone in the audience reminded him to talk directly into the microphone.

He did, telling the story of his wife, Debra Wand, who was 44 when she died from cancer. Wand attributes her illness, which started with respiratory issues, to aerially sprayed herbicides that drifted onto his wife on their rural property. At the 2015 kickoff for a campaign to ban aerial pesticide spraying in Lincoln County, Wand said it was time to put the rights of people and the environment over corporate profit.

Wand's story was the first of many told during the campaign for the ballot initiative, which narrowly prevailed in May 2017. Almost immediately after the ban passed, however, a local timberland owner and farming corporation challenged it in court. This September, a circuit court judge struck it down, saying it violated a state law pre-empting counties and cities from regulating pesticides.

Anti-spray activists are appealing — and going after the pre-emption law itself. They say that the state and federal government shouldn't be able to prevent locals from seeking greater protections for community and environmental health. It's a new twist on long-running efforts by rural Westerners to gain more power. Traditionally, rural counties in Oregon and across the West have sought to undo state and federal environmental protections and open up land for logging and other industries. Now, Lincoln County residents want the power to create additional environmental protections, which they believe are necessary to end corporate political dominance and protect their health.

Fights over aerial spraying on the Oregon coast flared up during and after the Vietnam War, when the U.S. Forest Service and private timber companies

aerially sprayed 2,4,5-T and other components of Agent Orange. The herbicides kill plants that compete with economically valuable Douglas fir trees. After a group of women in a small Coast Range logging town blamed their miscarriages on it, epidemiologists commissioned by the Environmental Protection Agency found a correlation between the seasonal spraying and their miscarriages. Following the release of the controversial preliminary report, in 1979 the EPA issued an emergency suspension of 2,4,5-T for forestry.

On the heels of that decision and the lawsuits filed by citizens and environmental groups, a court order put a temporary moratorium on all federal pesticide spraying in 1984. Today, the Forest Service can and does aerial spray, but hasn't in Oregon for decades. The practice has continued unabated, however, on state and private timberlands. Large timber companies, which own expansive timberlands and account for the majority of trees cut in the state, typically clear-cut plantations and replant Douglas fir. Timber companies prefer aerial spraying because it is cheaper than paying people to spray on foot. They also cite the danger to workers, who must navigate steep and uneven terrain with backpacks full of herbicides.

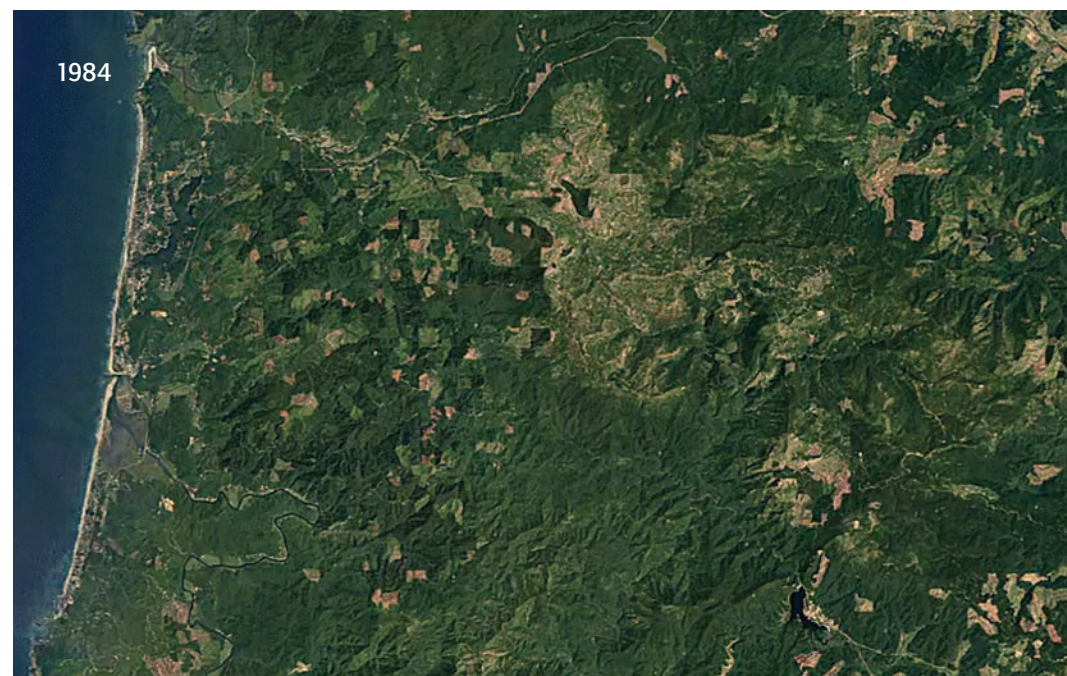
Over the past decade, several high-profile cases have raised public concerns

regarding aerial spraying. Residents of the Oregon Coast Range have complained of illnesses after being sprayed by pesticides that they say either leached into their drinking water in runoff from nearby clear-cuts or drifted onto them during spraying.

The outcry over spraying has increased as clear-cuts get closer to where people live and encircle the creeks, rivers and lakes they get their drinking water from, said Lincoln County Community Rights organizer Rio Davidson. Citizens in Lane County, just south of Lincoln County, launched a similar spray-ban initiative, but were stymied by a court decision that found the proposed law didn't follow state laws limiting the scope of ballot measures. Statewide ballot initiatives to tighten standards on aerial spraying and forestry practices in general have also been proposed. But Oregon Secretary of State Bev Clarno, a recipient of significant campaign donations from the timber industry, is currently keeping those initiatives off the November ballot, citing similar concerns about their scope.

The Lincoln County aerial spraying initiative didn't just target pesticides, it took aim at the entire state and federal regulatory structure that permits aerial spraying in the first place. Language embedded in the voter-approved ballot measure conferred natural rights on ecosystems and asserted a constitutional right to local self-governance.

The initiative's framers adopted this sweeping language in part to contend with a state law that prohibits local regulation of pesticide use. That law, which passed in 1996 as part of a bipartisan compromise to boost state funding for light rail, is copied almost word-for-word from legislation written by the American Legislative Exchange Committee (ALEC),



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an industry-sponsored group that pushes a conservative agenda at the state level.

As Lincoln County activists appeal the judge's ruling, they're joining a broader grassroots movement fighting industry and political machines like ALEC. Their goal is to redefine the political and judicial norms that govern community and environmental rights.

Fighting against industry, and for stricter local environmental protections, is a new twist in the long-standing feuds over government overreach in the rural West. Counties and movements like the Sagebrush Rebellion have long sought to wrest control away from state and federal governments in order to circumvent environmental protections.

This new local-control uprising, however, wants to build upon state and federal regulations rather than destroy them. Organizer Kai Huschke said the idea is to change the power structure so local protections can act as "a one-way valve that can only lead to greater protection and securing more rights." Huschke works for the Community Environmental Legal Defense Fund, which organizes community-rights and rights-of-nature campaigns around the world. Basically, activists argue that state and federal laws should serve as a foundation for environmental protection — a foundation that local laws can then build on in order to increase protections.

A version of this concept is currently being tested in Colorado with SB 181, which passed earlier this year. Under it, the state will still regulate and permit oil and gas drilling, but communities will have the authority to set local standards for development, including residential setbacks. The law overrides a 1990s Colorado Supreme Court ruling that limited the

ability of cities and counties to ban or regulate oil and gas development.

There's been a similar effort in Oregon to undo the pesticide pre-emption law. Earlier this year, State Rep. Marty Wilde, D, proposed legislation that would give counties and cities the authority to ban aerial spraying. But getting it through the Oregon Legislature is a battle Wilde doesn't expect to win anytime soon, because, he said, "The logging industry has too much say in Oregon politics." No state sees more timber industry political contributions than Oregon, where campaign finance laws allow unlimited donations. Aerial spray bans have also rattled national agrichemical interests, who have poured money and resources into fighting the local initiatives.

Instead of relying on the Legislature, lawyers for Lincoln County Community Rights are appealing the September circuit court decision and hoping for a different legal interpretation of the role and rights of local government. "Our argument is that the local government exists to protect public health and safety and should be immune from pre-emption laws that prevent them from doing so," said Lindsey Schromen-Wawrin, one of the attorneys involved. "State pre-emption is a weapon of corporate special interests, which can more easily control state legislatures rather than deal with counties and local governments that are closer to the people."

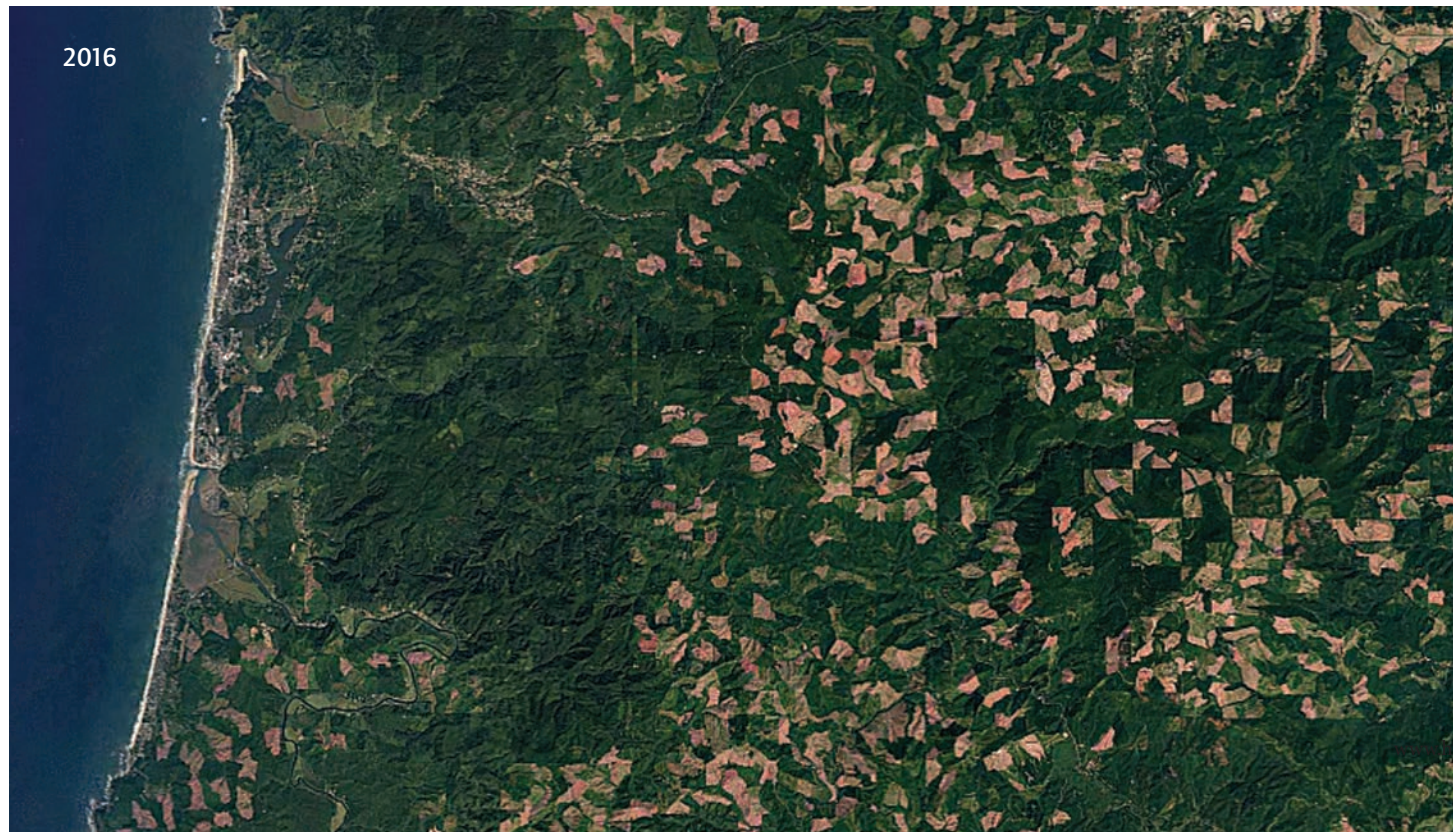
As Lincoln County's advocates campaign for a stronger say in community environmental protection, they're joining a national and global movement to recognize nature's legal rights. Earlier this year, the Yurok Tribe declared that the Klamath River has inherent rights, while voters in Toledo, Ohio, granted legal rights to Lake Erie. Nationwide, 71 communities

from across the political spectrum have passed either rights-of-nature or community-rights statutes, said Craig Kauffman, a professor of political science at the University of Oregon, whose research focuses on legal and political arguments for the rights of nature.

Part of the motivation behind the campaign is to put ecosystems on an equal footing with corporations, which already have personhood rights under federal law. "Where we often see these campaigns is in rural communities that don't want outside corporations coming in and destroying the ecosystems and watersheds," Kauffman told me. With the twin pressures of climate change and biodiversity loss mounting, people are looking for new ways to fight back on the local level, he said.

Ecuador, for example, added rights of nature to its Constitution after about a decade of advocacy. But Kauffman doesn't anticipate these legal concepts being adopted quickly in the United States. In the Lincoln County case, Carol Van Strum, an author and activist who's been fighting aerial spray since the 1970s, petitioned on behalf of the Siletz River, citing natural rights voted on in the initiative. Although the judge didn't allow Van Strum and the river to join the case, Kauffman said getting these arguments into courts is still important, because it raises awareness of the legal concept and gives proponents a chance to test their arguments in court.

"Back in the 1970s, we were the lunatic fringe," Van Strum said. Now, the county she lives in has voted to ban aerial spraying, and citizens continue to fight to uphold that vote. "There's a lot of people that are saying what we were saying then," she said. "The community rights people and the young people, who are saying, 'No, we can't live this way,' give me hope." □



Satellite imagery shows the progression of forest clear-cutting in Lincoln County, Oregon, between 1984 and 2016. The areas are often kept clear for new growth by using herbicide.

COMPILED BY JASON GONZALES
USING GOOGLE EARTH IMAGERY



Refugees in Idaho look for belonging

A resettlement program continues to thrive despite challenges

BY SARAH TORY

Left, Niyonshuti Claude's siblings play on the lone toy in their backyard. Right, Claude before leaving for work. His family waited 25 years for the U.N. to process their resettlement application. DREW NASH FOR HIGH COUNTRY NEWS

One afternoon in early September, Niyonshuti Claude, a 16-year-old sophomore, sat in an empty classroom at Canyon Ridge High School in Twin Falls, Idaho, wrestling with a history homework question: "What was Francisco Vázquez de Coronado trying to find in the southwestern part of the U.S.?" The 16th century Spanish conquistador explored Mexico and the Southwest U.S., seeking the mythical Seven Cities of Gold.

Claude flipped through his textbook, *American Vision*, cracking his knuckles, overwhelmed by the amount of information on the pages before him. His tutor, Lexie Cottle, offered a suggestion: "You want to look for key words." But there were so many that Claude didn't know — words like "canoe" and "colony" — that sometimes Cottle struggled with how to help him without just giving him the answer.

Claude is one of Cottle's best students, bright and studious, with a charisma that comes through in his style — diamond studs and a white headscarf. He told me, grinning, that he wears it "just for fashion," even though he's convinced his teachers it's a religious garment.

That Claude is even in this classroom is a small miracle. A little over two years

ago, he was living with his parents and six siblings in Uganda, a refugee from Congo. Attending school there was expensive and difficult. For 25 years, the family waited for the United Nations to process their application for resettlement. Finally, they were accepted in Twin Falls, an agricultural town of roughly 50,000 in south-central Idaho.

For nearly 40 years, the Twin Falls Refugee Center has helped resettle thousands of refugees like Claude and his family here in Idaho's "Magic Valley," the high-desert area around Twin Falls. They come from some of the world's worst dictatorships and war zones — places like Democratic Republic of Congo, Burma, Iraq and Eritrea — often speaking no English and with little education. Almost without exception, they're economically self-sufficient within eight months — the time they're eligible for federal assistance — generally by securing jobs in agriculture, the industry that drives Idaho's economy.

Despite its success, the program has faced serious challenges in recent years. In the lead-up to the 2016 election, a militia group backed by conspiracy-minded media outlets like *Breitbart News Network* tried to smear it by drawing attention to a local sexual assault case involving three boys from Sudan and Iraq. Many of the story's details turned out to be wrong, but the headlines lingered, turning some

locals against the resettlement program.

Since then, the Trump presidency has overseen record cuts to the U.S. Refugee Admissions Program (which encompasses the U.S. Refugee Admissions Program, as well). Previously, the Twin Falls Refugee Center had helped resettle about 300 refugees every year, but today it is now bringing in less than half that number and operating with less than half its former budget of \$1.5 million.

Federal cuts to the U.S. Refugee Admissions Program have forced more than 100 of the nation's 325 local resettlement offices to suspend services or shut down altogether. But despite the rising xenophobia in many parts of America, the Twin Falls Refugee Center is now stronger than ever, with more private donations and prospective volunteers than it can handle. Given all the challenges it faces, how has the Twin Falls program continued to thrive?

The Twin Falls Refugee Center, which is affiliated with the College of Southern Idaho, has been around since 1980. That's the year Congress passed the Refugee Act, a bipartisan bill that instituted the U.S. Refugee Admissions Program, a network of religious organizations and independent agencies that work with the U.S. State Department to help newly arrived refugees settle into American communities.

Today, the Twin Falls Center occupies a nondescript white building in the industrial part of town. When I visited in September, a box of donated clothes sat in the entryway of the building. The center has been overwhelmed by such donations since the 2016 election. "Before Trump, we used to see maybe 25 volunteers per year,"

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Zeze Rwasama, the Refugee Center's director, told me. "Now we have over 200 coming here asking to help."

Rwasama, who was originally a refugee from Congo, has a warm, unassuming demeanor. He described how the Refugee Center helps ensure that every refugee who arrives in Twin Falls is economically self-sufficient within eight months. Step one: Learn enough English to get a job. Step two: Learn how to drive — a necessity in Twin Falls, which has no public transportation. Refugees then have to learn how to pay utility bills (the Center finds them apartments to rent prior to their arrival), enroll their kids in school, access medical care, pay taxes.

None of this is easy. Many of the people Rwasama helps have spent years in refugee camps, where they're unable to work and forced to rely on the U.N. for food and shelter. Although most resettlement centers are located in bigger cities, Rwasama believes a community like Twin Falls offers surprising advantages for refugees. In some ways, it's easier in a small town — you can get to know your neighbors quickly, while the many dairies and food manufacturers around Twin Falls offer ample job opportunities. And the cost of living is low enough that many refugees are able to buy a home within a few years.

Four years ago, Rwasama realized that the program's success was beginning to spark local resentment, much of it encouraged by anti-refugee groups. Some people grumbled because refugees managed to buy cars so soon after arriving, and maybe even a house within two years. "They think we're handing government money to refugees who were using it to buy all this expensive stuff," Rwasama told me. But a refugee who arrives as a single adult in Idaho receives just \$382 per month from the federal government to cover rent, utilities and food until he or she gets a job, followed by two months of transitional payments before the assistance stops. That process must occur within eight months, at which point refugees are expected to be financially independent.

The truth is, the refugees' unfamiliarity with the American way of buying on credit and accumulating debt enables many of them to achieve what seemed impossible to many locals. Most refugees spend only what they can afford in cash and save the rest, said Rwasama. Some locals blamed refugees for keeping wages low — Idaho's minimum wage is still only \$7.25 per hour — even though, on average, refugees in Twin Falls earn \$10.84 an hour.

A movement to shut down the center started in 2015, when the local paper reported that Twin Falls was preparing for an "influx" of Syrian refugees, even though the center had never settled (and still hasn't settled) any refugees from Syria. Outside groups, including the Three

Percenters, a militia group, latched onto the information and began spreading conspiracy theories about the program. "Is it a plan being driven by the (Obama) White House to colonize rural Idaho with 'diversity'?" wrote Ann Corcoran, a Maryland-based author of the now-defunct website *Refugee Resettlement Watch*. "Note," she added, "that new mosques are popping up!"

In response, the center started an outreach campaign to educate people in Twin Falls about what the Resettlement Program actually does. In time, people came to realize that a lot of the rumors were simply not true.

As more people learned about the center, community support for refugees in Twin Falls surged. Before the 2016 election, Rwasama had sometimes struggled to find enough volunteers; now he had more than he needed. Kayla Garn moved to Twin Falls from northern Idaho in 2016. At the time, the 26-year-old new mother was struggling to make friends and adjust to a new home. Then something on Facebook caught her eye: a request for volunteers to teach English to refugees. "I was looking for something to get outside myself," she told me. Her family in Boise opposed it, terrified that Garn was going to get "blown up." They got the idea from false stories on Fox News about terrorists coming from the Middle East disguised as refugees.

Garn ignored them and started teaching English as part of a state-funded program that caters to elderly and female refugees. As she got to know the women, she started getting invited to family dinners. She celebrated holidays she'd never even heard of before and though she and

her pupils didn't always understand each other, they learned to laugh about it. "I've learned so much about people," she told me. Eventually, even her family came around. In fact, once they realized their fears were unfounded, they started donating to the Twin Falls Refugee Center.

In late September, the Trump administration announced plans to further cut the number of refugees who can be resettled in the U.S. from 30,000 to 18,000, the lowest ceiling a president has placed on the refugee program since its creation in 1980. (Since the 18,000 number is a cap, not a requirement, the administration can resettle even fewer if it chooses to.) That hurts, Rwasama told me. Until 2017, the U.S. led the way in refugee resettlement. Now, at a time when the world's refugee population is growing — over 24 million people, only a fraction of whom will be resettled — "America is choosing to help less."

Claude couldn't help but worry: What if he was sent back to Uganda? That was not going to happen, but growing up as a refugee, he was accustomed to the feeling of never belonging.

Still, despite America's changing political climate, Claude has begun to feel at home in Twin Falls. He now has a part-time job busing tables at a local restaurant, and he excels at math — so much so that Cottle enlisted him as a student mentor to help with her thrice-weekly tutoring sessions for refugee students at Canyon Ridge High School. When Claude graduates, he hopes to become a contractor, building houses and schools. And he wants to stay in Twin Falls, which has what he values more than anything: peace. □

The Refugee Center helps ensure that every refugee who arrives in Twin Falls is economically self-sufficient within eight months.

Kayla Garn teaches English at the First Presbyterian Church. Though the Twin Falls community once started a movement to shut down the refugee center, public opinion has changed towards the refugees. DREW NASH FOR HIGH COUNTRY NEWS



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The Wave on the Coyote Buttes, Paria Canyon, Grand Staircase-Escalante National Monument, Arizona, 2017.

DAVID BENJAMIN SHERRY

DAVID BENJAMIN SHERRY: AMERICAN MONUMENTS By Terry Tempest Williams and Bill McKibben; photographs by David Benjamin Sherry
160 pages, hardcover: \$75
Radius Books, 2019

David Benjamin Sherry is a photographer with an unusual approach to the Western landscape. Born in 1981 in Woodstock, New York, he got his MFA in photography from Yale and began making vibrant monochrome color prints that reflect queer themes in their tactile, almost erotic sense of the land, together with a mystical link to the natural world.

David Benjamin Sherry: American Monuments features 31 hand-tipped large-format photographs of the 27 national monuments created since 1996 that are now under presidential review. In the last days of 2017, President Donald Trump announced plans to shrink two recently designated national monuments in Utah — Bears Ears and Grand Staircase-Escalante — largely at the behest of oil and uranium mining interests. Sherry documents the eerie beauty of these sacred and diverse sites while shedding light on the perennial exploitation of the American West. Thoughtful essays by Terry Tempest Williams and Bill McKibben accompany the images. **JOLENE YAZZIE**

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More reasons to celebrate November

November is Native American and Alaskan Native Heritage Month, and *High Country News* is here for it! New Mexico Rep. **Deb Haaland**, one of the first Native American women elected to Congress (Kansas Rep. Sharice Davids is the other), singled out **Nick Estes'** feature on Indigenous children and abusive boarding schools (*HCN*, 10/14/19). "We must remember the tragic reality of the past and the foundation that this country was founded upon — stolen land and oppression," Haaland wrote. "For #NativeAmericanHeritageMonth, we will elevate the voices that have gone unheard for far too long." And the Institute for Tribal Environmental Professionals' Climate Change Program at Northern Arizona University held a webinar on the rights of nature, featuring the sources Associate Editor **Anna M. Smith** talked to for her story on the Klamath River (*HCN*, 10/28/19).

Meanwhile, at our Paonia, Colorado, headquarters, we just welcomed two new employees to our customer service team: **Amanda Campbell** and **Mark Nydell**. Amanda grew up on the Colorado's Front Range, exploring the outdoors with her family. She earned a B.A. in anthropology and sustainability from Western Colorado University in 2017 and has gone from studying in Ecuador to exploring the local food movement, working on several organic farms. She likes skiing the backcountry in her free time. Mark's lifelong love of the woods led him to a career in environmental stewardship, which eventually grew into a

20-year career with the National Park Service. These days, however, rather than tending parks, Mark is tending to our readers when he's not looking after his backyard farm and garden. We are grateful to have them both.

Associate Editor **Emily Benson** spoke at the Our Gem Symposium, a gathering focused on Idaho's Coeur d'Alene Lake, in early November. Emily told the assembled scientists, residents, resource managers and other attendees about her July feature story on the toxic mine pollution lurking on the lake floor, as well as the work by the Coeur d'Alene Tribe and others to protect the "gem of North Idaho."

Finally, a few corrections. First, we failed to include the photo and bio for one of the authors of a piece in our Books and Authors special issue (*HCN*, 11/11/19). **Bojan Louis** (Diné) is the author of the poetry collection *Currents* (BkMk Press, 2017) and an assistant professor of creative writing and American Indian studies at the University of Arizona. We sincerely regret the omission and appreciate Louis' contribution. In the same issue, we misspelled the title of Jennifer Givhan's novel; it is *Trinity Sight*. Lastly, in "Desautel's Decision" (*HCN*, 10/28/19), it was Rick Desautel's brother Larry, not Tony, who took him on his first deer hunt; the Sinixt gravesites were disturbed in 1989, not 1988; and the map of traditional territories that appeared in the story misspelled the name of a Colville tribal band; it is San Poil, not Sandpoil. We regret the errors.

—Kalen Goodluck, for the staff



Mark Nydell at Bierstadt Lake, Colorado. COURTESY PHOTO

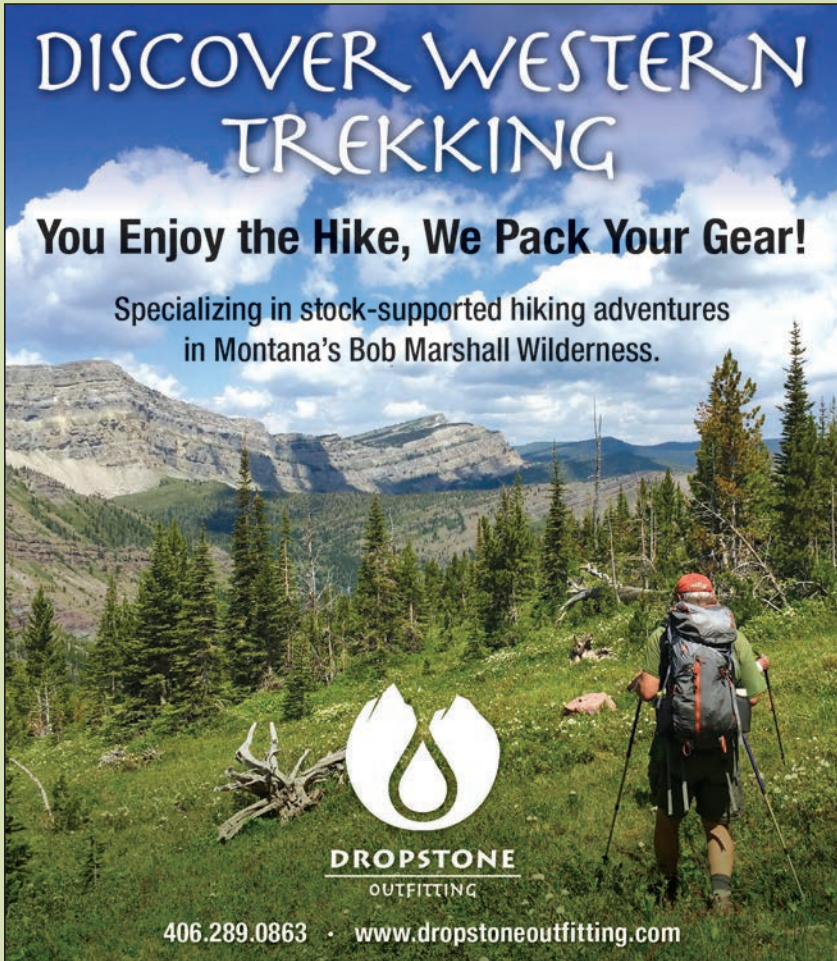


Amanda Campbell climbing Unaweep Canyon, Colorado. COURTESY PHOTO

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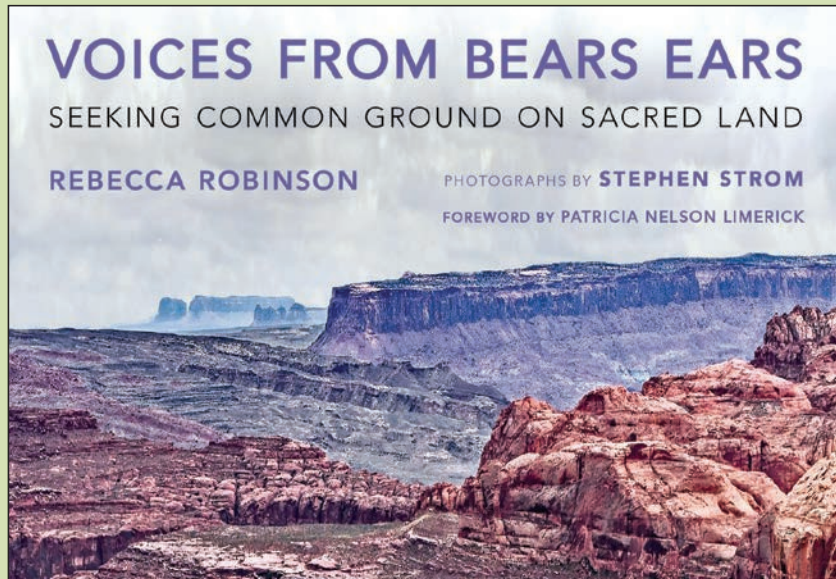

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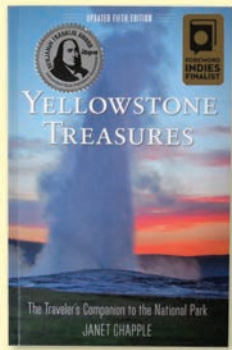
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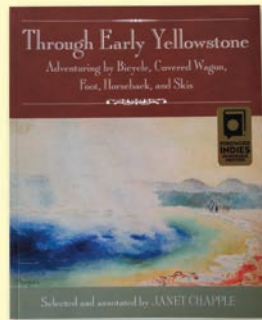
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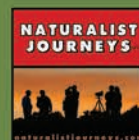
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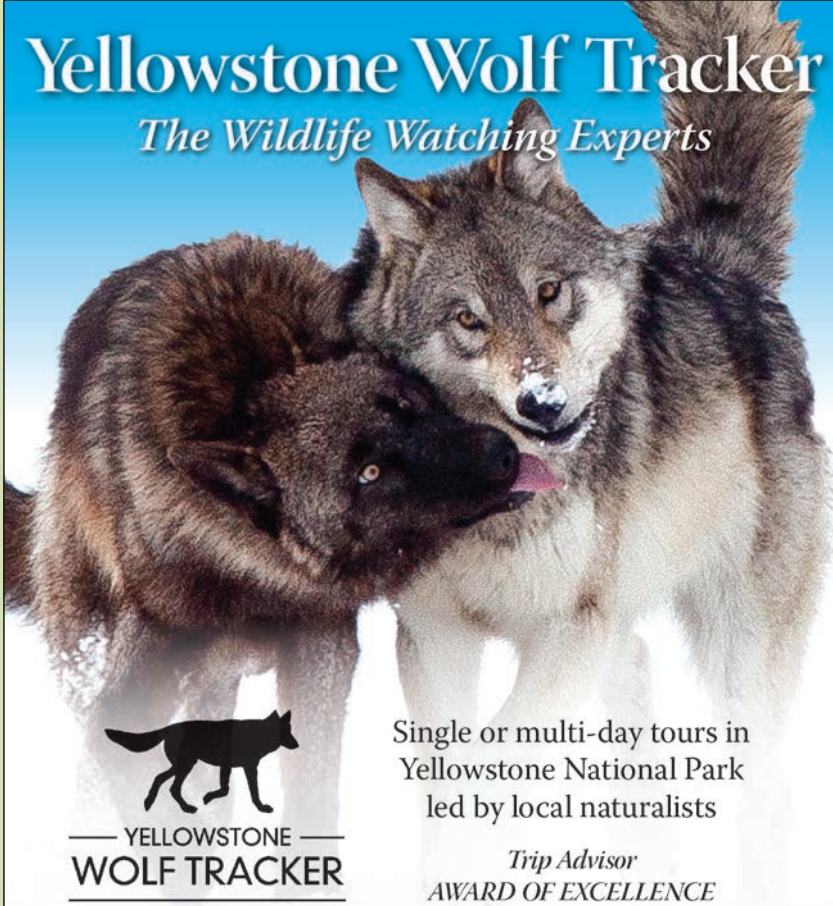
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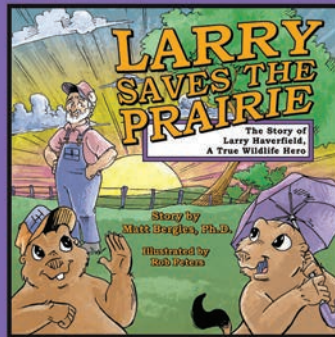
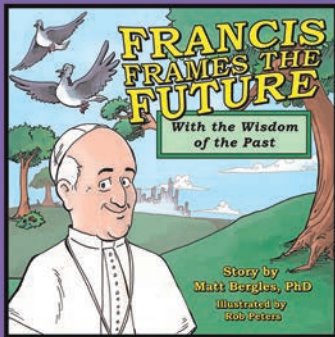


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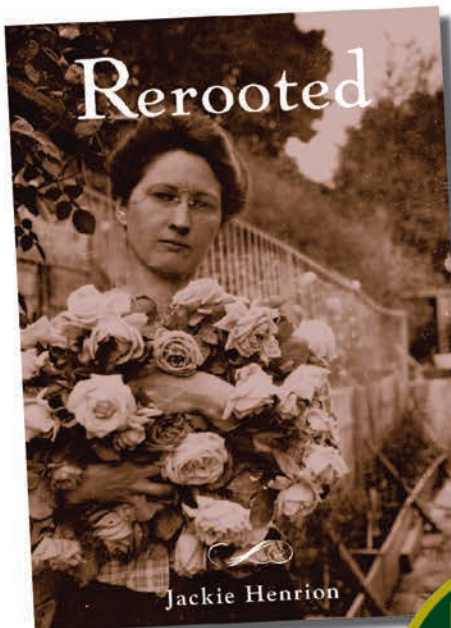


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Henrion is most interested in the way we encode our communications. In a world increasingly threatened by diverging viewpoints, she strives to discover common roots.



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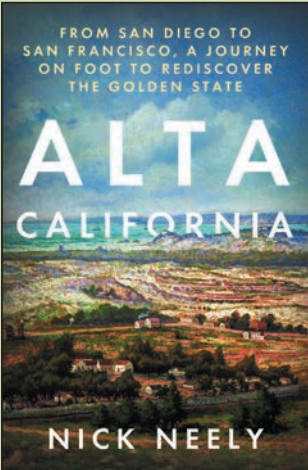
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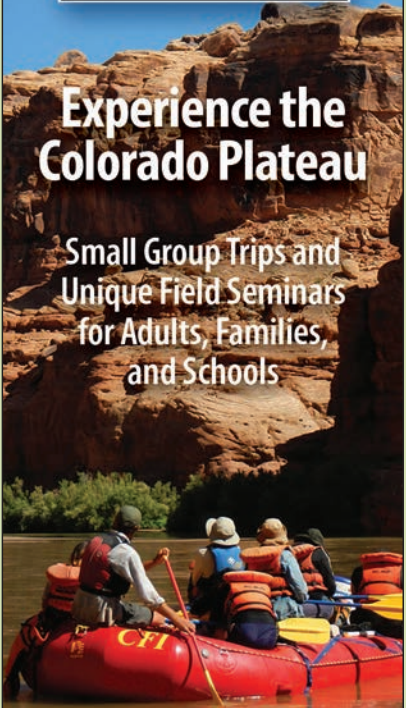


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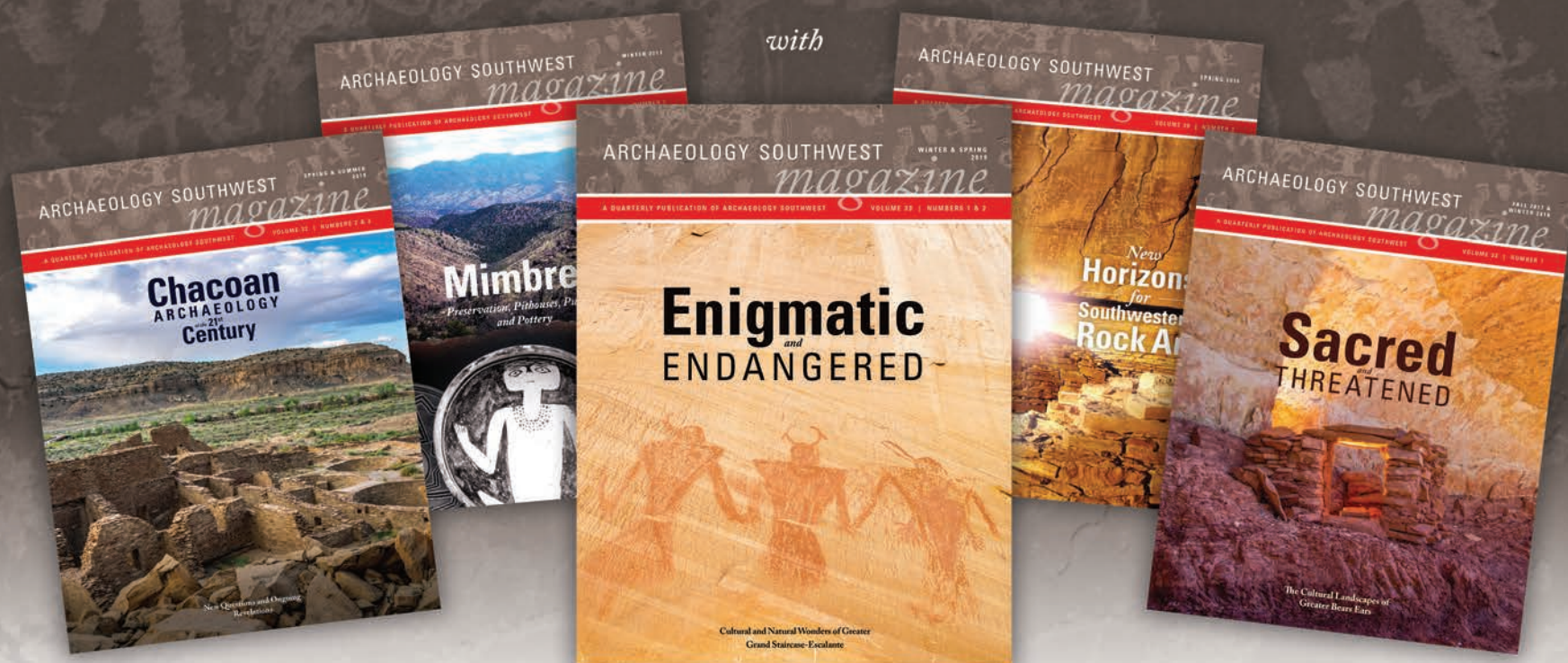
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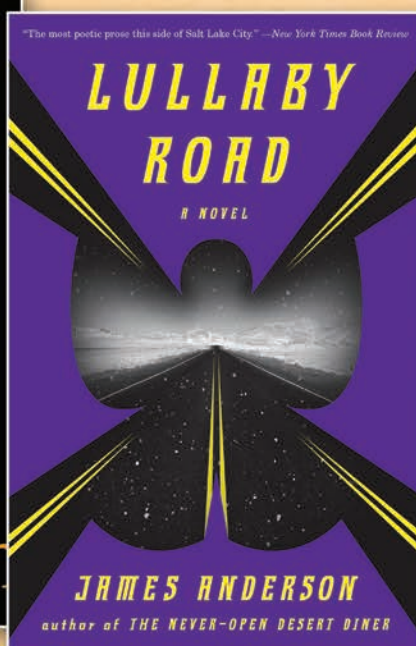
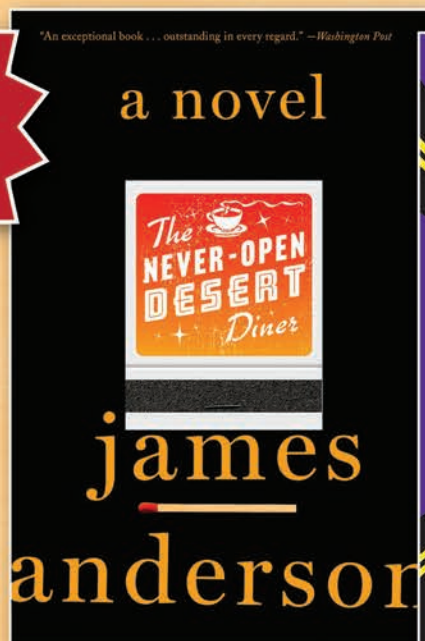


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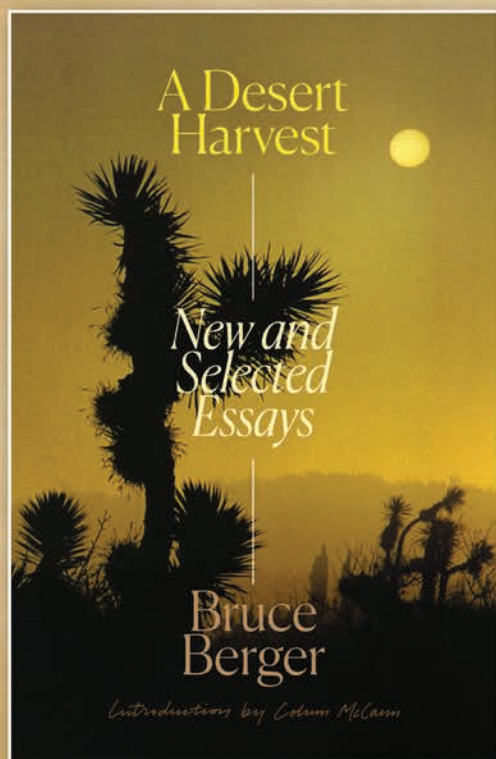
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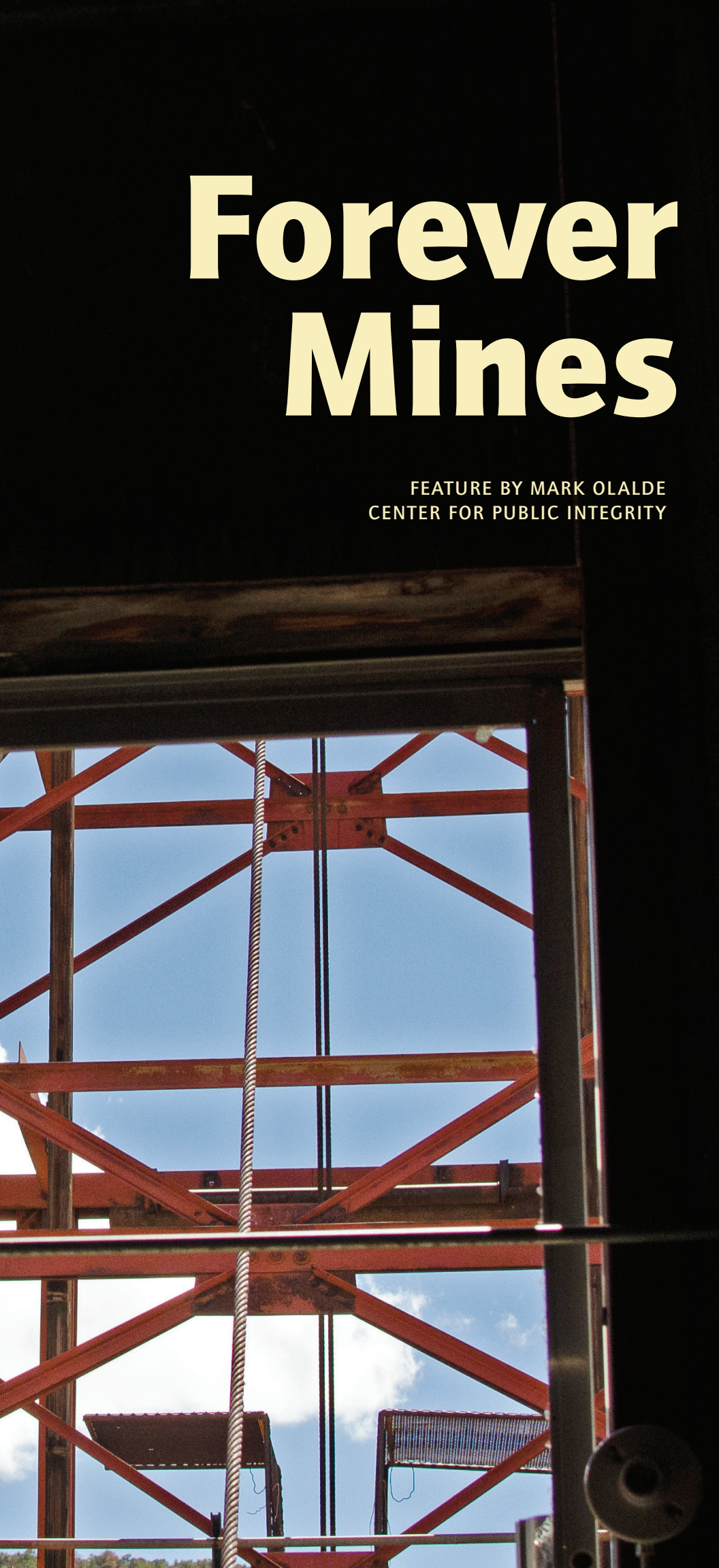
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Forever Mines

FEATURE BY MARK OLALDE
CENTER FOR PUBLIC INTEGRITY

Loopholes allow mine companies to avoid cleanup indefinitely

The sound of metal banging against metal broke the calm on the high mesa separating Colorado's Paradox and Big Gypsum valleys. An old rusted headframe marked the entrance to an abandoned uranium mine that, from a distance, looked as if its workers were simply off on a lunch break.

Jennifer Thurston, a local environmentalist, paused at the edge of the dirt road, wondering what caused the noise. Then she walked closer, finding ample evidence of the site's long disuse. Ore sat in a hopper, likely untouched since the mine — known as Van 4 — last produced in 1989. Any loose metal and wiring had long since been stripped from two buildings, one of which looked ready to collapse.

"They're just sitting out there doing nothing," Thurston said of the uranium mines dotting southwestern Colorado. "They're zombies."

Meanwhile, about 1,500 miles away, out-of-work coal miners spent weeks this summer protesting, camped out on Kentucky railroad tracks, demanding a paycheck they earned but lost when their operator went bankrupt. Though separated by a generation, along with most of a continent, these Eastern miners are linked to their Western counterparts by a seismic shift in the nation's electricity generation.

Their mines once fueled the coal and nuclear power plants that kept America's lights on. Now, cheaper natural gas and renewables are helping push them into the red.

But instead of properly closing the mines, their owners are idling them indefinitely, throwing workers into limbo and side-stepping legally mandated, but costly, environmental cleanup.

Several dozen U.S. uranium mines and more than 150 coal mines sit idle and have not produced for years, according to a Center for Public Integrity investigation. Facilities such as processing plants, including more than 40 in the coal industry, are also idled long-term. Mine owners have exploited regulatory loopholes to warehouse their operations, changing the status of their permits on paper while little to no activity happens on the ground.

This investigation is a *High Country News* collaboration with The Center for Public Integrity and the *Ohio Valley ReSource*.

◀ Gold Eagle Mining's C-JD-5 uranium and vanadium mine in Montrose County, Colorado, has not produced ore in decades. MARK OLALDE/CENTER FOR PUBLIC INTEGRITY

**"The thing
about
uranium, we
found out:
It destroys
humans and
land."**

*—Thompson Bell,
Navajo Nation
member who spent five
years as a mechanic at
a uranium mine*

**Jennifer Thurston,
an activist with
the Information
Network for
Responsible Mining,
tours the long-idled
Van 4 mine. She won
a court ruling in
July that called for
cleanup to begin.**

MARK OLALDE/CENTER FOR
PUBLIC INTEGRITY

Mining is a cyclical, boom-and-bust industry, so state and federal laws allow companies to pause work while prices rebound. In the coal industry, where the relevant permit status is usually called "temporary cessation," this pause rarely has a cap — although regulators attempt to track the number that have been idled for at least three years. In uranium mining, where operations usually wait in "standby," the limits differ by state — 10 years in Colorado, but indefinitely in Utah, if "good cause" is shown, for instance.

But many of the mines identified in this investigation have remained "temporarily" paused for decades at a time, despite occasional increases in commodity prices.

And most will likely never produce again.

Uranium and coal are the mines most often idled for long periods, but the investigation also identified about 120 quarries and five Western gold mines paused for three or more years.

Mine owners insist that they're operating within the law, saying higher prices will eventually rescue them. Though government regulators have at times attempted to crack down, their hands are often tied. The U.S. Department of the Interior's Office of Surface Mining Reclamation and Enforcement, which oversees coal mining, began rewriting weak federal regulations in 1991; faced with industry pushback, it never finished. The agency killed a more recent effort two months after President Donald Trump took office.

Regulators acknowledge that some companies have abused vague laws.

"There were applications where a company had applied to get a temporary cessation status, and they were just trying to keep from having to do any further mining or reclamation," said Davie Ransdell, a retired Kentucky coal mine inspector.

The Four Corners region — where Colorado, Utah, Arizona and New Mexico meet — is home to much of the country's historical uranium industry, now largely dormant. These sites add to the air and water pollution and low-grade radioactivity that have been linked to local health problems for decades. In Central Appalachia, heavily mined for 150 years, the omnipresent but dying coal industry has sheared off mountaintops and buried streams.

Larry Bush, a retired coal miner and mine inspector who lives in southwestern Virginia near idled operations, is among those fed up with the lack of cleanup.

"They're destroying everything on Earth and under it," he said.

RADIOACTIVE LEGACY

Remnants of America's nuclear past litter the Grants Mining District in northwest New Mexico: signs warning of radioactivity, a spiked drill bit outside the New Mexico Mining Museum in Grants, businesses offering to help retired miners get U.S. Department of Labor health benefits.

Mount Taylor — "Tsoodzil" to the Navajo Nation — towers over the landscape. At the base of the 11,305-foot-tall inactive volcano sits the Mount Taylor Mine, idled in 1990 and allowed to flood.

The heyday of Southwestern uranium mining lasted just 30 years. Much of the

industry, including this mine, has since remained in standby.

The country's last operational underground uranium mine shut in 2015, and open-pit mines haven't produced in decades. Only one mill in Utah and four in-situ-leach operations, in which ore is dissolved belowground and pumped up, are still active. Two other mills and 15 in-situ-leach sites are either officially in standby or not producing. The American uranium industry employed only 372 people last year, down from 1,120 two decades earlier. Production from U.S. uranium mines fell 85 percent during that period, according to the U.S. Energy Information Administration.

At current prices, mining uranium in the Four Corners remains untenable.

But now the Mount Taylor Mine is re-opening, at least on paper. Eric Jantz, an attorney with the New Mexico Environmental Law Center, has been fighting the long-idled mine in court. "What we're asking for is what the Legislature demands: that the mine either start producing or it start reclaiming," he said, speaking at his home office, boxes of paperwork and his dog's chew toys competing for space. Out front, a bumper sticker on his car read, "Uranium — Leave it in the ground."

The Mount Taylor Mine's first standby permit was issued in 1999. That means, Jantz said, in October the site would've exhausted the maximum 20 years of inactivity New Mexico allows. In December 2017, the New Mexico Mining and Minerals Division, later backed up by the New Mexico Mining Commission on appeal, allowed the mine to re-enter "active" status even though the mining company's application noted that it required eight years to restart production.

Jantz said state regulators "seem to bend over backwards to accommodate the mining interests' needs, at the same time minimizing, belittling and, a lot of times, ultimately dismissing community concerns."

Susan Torres, spokeswoman for the state natural resources department, wrote in a statement that companies can't clean up their site while in standby. The mining division "approved the Permittee's proposal to resume active status for the purpose of undertaking partial reclamation operations," she wrote.

In its court filings, General Atomics subsidiary Rio Grande Resources, which owns the Mount Taylor Mine but didn't make anyone available to comment, said the plaintiffs spread "revisionist history," and that "in light of the several intervening permit actions that have long since become final," standby status didn't begin when mining stopped. In an appellate decision in late July, a state court affirmed the state mining agency's decision to allow the nonproducing mine to switch its permit status to "active."

Twenty miles southeast, the Jackpile-Paguete Uranium Mine, once the world's largest open-pit uranium mine, is now a Superfund site. In the broader Four



Corners region, the U.S. Department of Energy is supposed to clean up more than 20 such Cold War relics, from former mills to waste piles. Some leak arsenic, lead, uranium and other toxic substances into groundwater. Recently, hoofprints were found leading from an unfenced pollution control pond near Slick Rock, Colorado, indicating that cattle likely drink from it.

Just inside the southeastern corner of the Navajo Nation in New Mexico, an unsettling sign hangs from barbed wire: “DANGER. ABANDONED URANIUM MINE,” a pile of mine waste looming behind it. Residents here in the Red Water Pond Road Community are surrounded by two abandoned uranium mines and a mill.

A cold wind blew dust across the landscape from the pale yellow mounds of waste. Some landed on a modest home where a trickle of cars pulled up one morning in May, carrying researchers from the University of New Mexico and the Southwest Research and Information Center. They’d come to collect blood and urine samples for a project studying whether zinc supplements could reduce the impacts of exposure to the heavy metals in uranium mine waste.

Living around or working in uranium mines can worsen, or even trigger, autoimmune disorders, kidney disease, respiratory issues, hypertension and cancer. A study by the U.S. Department of Health and Human Services, the University of New Mexico and Navajo agencies found that Navajo Nation citizens, including infants, had elevated levels of uranium in their bodies.

Paul Robinson, Southwest Research and Information Center’s research director, has tracked the industry for more than 40 years. While the New Mexico Mining Act mandates that waste rock and other infrastructure be stabilized before entering standby status, it allows operators to delay reclamation while mining is paused, he said.

“Leaving the wastes that are generated at a mine uncovered is one of the ways to ensure airborne or waterborne release,” Robinson said.

Thompson Bell, a member of the Navajo Nation who spent five years as a mechanic in a uranium mine, grew up here and returned for the study. He said many of his mining coworkers died from lung cancer. The sheep and cattle that used to graze here have all but disappeared, the flocks given up for fear of contamination.

“The thing about uranium, we found out: It destroys humans and land,” Bell said.

Opinion remains split locally about whether the return of relatively high-paying mining jobs — if that ever happened — would be worth the human and environmental consequences. Christine Lowery, a member of the Pueblo of Laguna and a commissioner for the county where the Mount Taylor Mine is located, said she welcomes a cleaner economy.

“Those mines were open for one generation,” she said. “The legacy lasts forever.”



Thompson Bell, a member of the Navajo Nation, spent five years as a mechanic in a uranium mine. Many of his coworkers have since died from cancer, he says. At left, a sign warns of an abandoned uranium mine. Two such mines, in addition to a former mill site, surround the Red Water Pond Road Community in the Navajo Nation.

MARK OLALDE/CENTER FOR PUBLIC INTEGRITY

“THE WOLVES ARE AT MY DOOR”

More than 20 years ago, Todd Adams followed his father, uncles and grandfathers into the coal mines of Harlan County, Kentucky. The area has a history of bloody labor fights. But even so, he was shocked by what happened after his employer filed for bankruptcy protection on July 1: Blackjewel quietly clawed his final paycheck out of his bank account.

Blackjewel is part of a private coal empire until recently owned by Jeff Hoops, an avid user of temporary cessation. Workers around the country lost their jobs and had to fight to have their final paychecks returned when several of

his companies, including another operator called Revelation Energy, sought bankruptcy protection.

“If I can work in this industry another 20 years, that’s good for me,” said Adams. He participated in this summer’s railroad protest but believes the industry will disappear from Harlan within a few decades. “But this younger generation, I don’t know what the county holds for them.”

U.S. coal production has fallen by a third in the past decade, and temporary cessation has emerged as an escape route for cash-strapped owners. One in five non-abandoned coal mines now sits

"If you find a pair of safety glasses lying in the mud, if you need a pair, wipe them off and use them. If you need gloves, go buy your own. And if you didn't like it, go get another job."

—Brandon Fleming, Virginia miner, talking about the ways Harlan County-area mines tried to cut costs

idle. Hoops' companies have idled coal operations more often and for longer than nearly anyone, and the Blackjewel and Revelation bankruptcy proceedings offer a master class in avoiding liability in a dying industry.

Central Appalachia — covering portions of West Virginia, Kentucky, Tennessee and Virginia — was once the heart of U.S. coal. Its share of production halved in the past 15 years, and as the industry dissolved, the region became the epicenter of long-term idling. About half the country's 415 idled coal mines and related facilities, and half of those idled for more than three years, are located here, according to Public Integrity's analysis of federal Mine Safety and Health Administration data. That's likely an undercount, but state and federal data are incomplete and not often comparable.

Long-term idling brings huge layoffs. Coal mines and the plants serving them that have been idled for at least three years had 85 percent fewer full-time employees after switching into idle status than they did a year before, Public Integrity's analysis found. Management often promises that jobs will quickly return, miners say, encouraging workers to stay in towns with few other prospects.

This mainly happens in the East; out West, just eight coal operations sit idle, with only three workers still employed between them.

Union mines are not immune to idling and benefit losses, but some union contracts grant members call-back rights if their mines reopen and priority to transfer to other operations under the same owner if they do not.

Glenn Sykes, a Vietnam veteran, spent 32 years mining Central Appalachian coal. Even though the industry was stronger then, Sykes wasn't a union miner, and whenever one job dried up, the

company's support was "cut off right then. All my benefits were gone."

"They'd say this job was gonna last 20 years. You were lucky if it lasted three. I was always moving around from job to job," Sykes said. He has silicosis, a deadly lung disease likely caused by the fine dust kicked up in mines, and is fighting to preserve his benefits.

Data before the early 2000s were spotty, but they appear to indicate an uptick in temporary cessation during the 1990s. As the industry wanes, so too does the number of producing mines. Fifteen years ago, 61 percent of coal mines were producing, not including abandoned sites, which were largely jettisoned before the federal coal mining law was passed in 1977. That number has since fallen to 42 percent.

And though coal regulators knew that temporary cessation could be used as a loophole, they failed to enact meaningful changes.

First in 1991 and again in 2011, Interior's Office of Surface Mining Reclamation and Enforcement, or OSMRE, proposed to write new rules to better regulate the practice. The first attempt was withdrawn a year later after the mining industry and several state agencies called it unnecessary. The second attempt was halted by the Trump administration.

Internal notes made by OSMRE staff in 2010, recently obtained by Public Integrity, showed that not-so-temporary closures were bedeviling regulators around the country. A survey sent to all state and federal agencies overseeing coal mining found that a majority "experienced problems administering temporary cessation. Most States believe there should be a maximum time limit."

The agency's Tennessee office told OSMRE officials, "The temporary cessation concept has been abused for years

by operators desiring to retain viable permits but not conducting mining operations" and that efforts to compel either reclamation or mining "have failed for lack of ... clearly defined regulations or policies."

As the industry shrinks, long-term idling can be used as a stepping stone to forfeiture, passing cleanup responsibilities to the government and taxpayers. That may happen to some of Hoops' mines. As part of the bankruptcy proceedings, Hoops and his family walked away from most of their companies.

Hoops specialized in scavenging, buying often unprofitable mines after a series of bankruptcies hit the country's largest coal companies in 2015 and 2016.

Twenty-one of his coal mines and related facilities were temporarily idled as of mid-August, according to Mine Safety and Health Administration data, seven of them for at least three years.

Largely unknown operators eventually stepped in to buy the companies' mines, although it's unclear how long the reprieve will last. If unpurchased, they would've fallen to states to reclaim — first with the inadequate funds companies set aside for that purpose, and after that with taxpayer money. At least 16 additional Central Appalachian operations owned by other companies in bankruptcy were idle over the summer.

Records from the Kentucky Energy and Environment Cabinet showed that more than 20 percent of permits idled in the state are tied to Hoops or were until July's bankruptcy.

Cabinet spokesman John Mura said state legal staff is actively engaged in the bankruptcy proceedings, adding that the state is not concerned about temporary cessation because only 10 percent of Kentucky coal permits are currently idle.

Reached by phone, Hoops declined to comment. Numbers listed to Lexington Coal Co., where his wife Patricia is an executive, were disconnected.

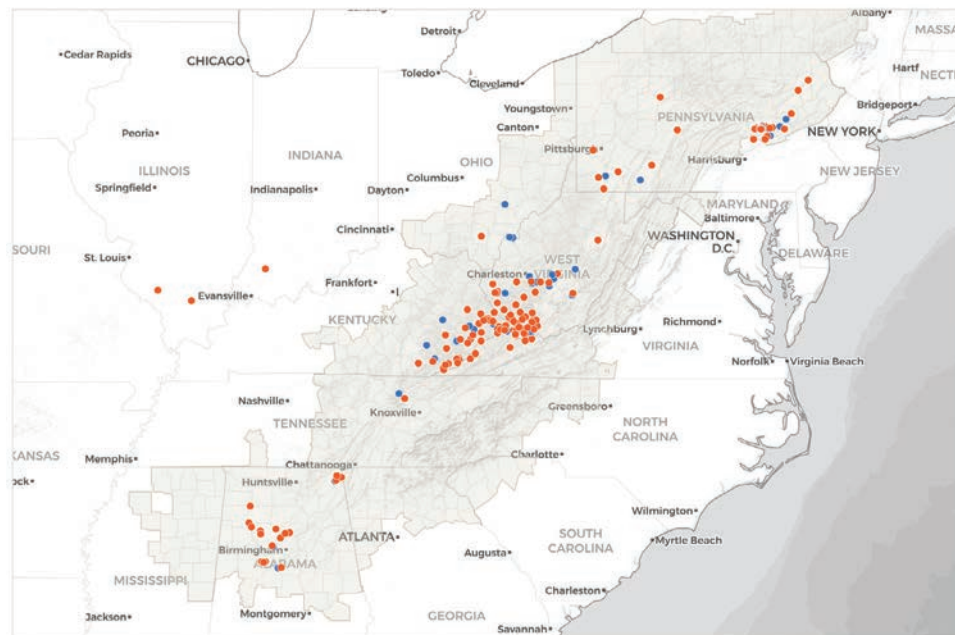
About 1,100 Central Appalachian miners lost their jobs during the bankruptcy. Brandon Fleming, a Virginia miner who lived and worked not far from Harlan County, was one of several who said their employer sharply cut costs beforehand. Fleming said that workers were told: "If you find a pair of safety glasses lying in the mud, if you need a pair, wipe them off and use them. If you need gloves, go buy your own. And if you didn't like it, go get another job."

When he cashed what turned out to be a bad check from Blackjewel, his bank initially threatened legal action against him. He was given several months to pay the money back, money that he earned. He took a job at a car dealership for half the pay and three times the commute.

"I've done lost just about everything, and the wolves are at my door," Fleming said. His wife's car was repossessed, and he couldn't afford to buy his fourth-grade daughter new school clothes. "It breaks my heart."

Long-idled coal mines dot Appalachia

Large numbers of mines (orange) and related facilities (blue) have been idled at least three years in Appalachia, especially in the central portion that was once the heart of coal country.



JOE YERARDI. SOURCE: CENTER FOR PUBLIC INTEGRITY ANALYSIS OF MINE SAFETY AND HEALTH ADMINISTRATION DATA



Some wearing shirts that say “black lung kills,” coal miners from Central Appalachia, many of whom suffer from black lung or silicosis, cheer during a meeting with senators and union representatives last summer on Capitol Hill. Below, alongside his wife Linda, Glenn Sykes, who spent 32 years as a coal miner in Appalachia, listens to senators and union representatives at a black lung roundtable in Washington, D.C.

MARK OLALDE/CENTER FOR PUBLIC INTEGRITY

PAPERWORK SHUFFLING

The calendar pinned to the wall read “April 2009,” although it was actually May 2019 at the abandoned office of the Sunday Mine, 17 miles southwest of Naturita, Colorado. Cobwebs covered an empty desk in the next room, and paperwork spilled out of a box onto the dusty floor.

“This mine is not going to come back to life,” Thurston, the activist, said as she viewed the mess.

The Sunday Mine is part of a complex of five uranium operations owned by Western Uranium & Vanadium subsidiary Pinon Ridge Mining. Now, president and CEO George Glasier, a titan of American uranium mining, hopes to restart them after years of idling.

Legal battles are being fought across the Uravan Mineral Belt in southwestern Colorado. Modern uranium miners, including Glasier, want to revive their operations, while Thurston, a mine watchdog with the Information Network for Responsible Mining, believes final reclamation should begin. As she whipped her car through the region’s valleys, she noted with a flash of dark humor that she’s stared at the same piles of waste rock her entire life.

In July, the Colorado Court of Appeals agreed with the environmental group in one case. A panel of judges ruled that the Van 4 mine — the old site above Paradox, near the Sunday Mine and also owned by Glasier — had overstayed its allotted time in temporary cessation.



In the Uravan Mineral Belt, 31 lease tracts managed by the Department of Energy cover about 25,000 acres. A federal court in Colorado lifted a long-standing injunction against new mining activity in March. Two months later, the mines were still far from production. At one called C-JD-5, equipment and buildings were badly damaged from years of theft.

Republican state Sen. Don Coram is part-owner of Gold Eagle Mining, which holds C-JD-5 and several other mines that haven’t produced since he bought

in more than 20 years ago. Over breakfast in May, he said it comes down to the markets.

“It’s a big waiting game right now,” he said.

C-JD-5 is “abandoned,” according to federal Mine Safety and Health Administration data. But the Department of Energy considers it “actively leased.” Colorado Department of Reclamation, Mining and Safety records show Coram switched the permit out of “final reclamation” in the most recent annual report.

The feds tried to make an example of a small Washington coal mine. It didn't work.

The John Henry Mine last produced coal in 1999

FOR THE LAST TWO DECADES, one of the West's smallest coal mines has sat inactive, neither producing the "black diamonds" the nearby town is named for, nor finishing the federally required cleanup. Located about 20 miles east of Puget Sound, the site still has two open coal pits and four piles of mine waste. "It's been 20 years and not much has happened," said Black Diamond Mayor Carol Benson. "The town is on record as wanting it reclaimed."

This 480-acre project, far from coal country, has played an outsized part in the federal government's attempts to deal with mines that sit idle for extended stretches of time.

Sometimes known as "zombie mines," such projects have long been a focus of federal regula-

Existing regulations lack a time limit for a mine's inactivity or a mechanism for ending that idle status and thus activating the owner's obligation to clean up the site.

tors who have tried to strengthen standards for cleaning up inactive mines.

In the most recent reform attempt, in 2011, the John Henry Mine provided federal officials a perfect example of the need for better regulation. They knew the mine well; many states have regulatory regimes that surpass federal standards, but Washington lacks a state-level mining agency, so the Office of Surface Mining Reclamation and Enforcement (OSMRE) is responsible. If the federal rulemaking attempt had succeeded — it was torpedoed by the Trump administration — federal regulators could have addressed concerns about coal mines idling for years with minimal prospects of ever reopening.

A report put together in 2010 by a team at OSMRE laid out the shortcomings of the existing federal regulations, according to documents obtained by the Center for Public Integrity. Regulators found that under existing federal standards, mine operators need only minimal justification for halting mining. The operator does not have to report what reserves remain or prove that the mine is in regulatory compliance, and there is no re-evaluation of the owner's financial ability to cover reclamation costs. And, crucially, the existing regulations lack a time limit for a mine's inactivity or a mechanism for ending that idle status and thus activating the owner's obligation to clean up the site.

Even before OSMRE outlined the problems with unclear regulations, it had tried to get the John Henry to stop delaying cleanup. The project, which had been a thorn in regulators' sides for years, fit many of the loopholes mentioned in the

report. "Significant effort" had been expended, the report said, trying to force the mining company, Pacific Coast Coal Co. (PCCC), to end its temporarily idled status.

In 2009, OSMRE finally ordered the mine to stop delaying reclamation. PCCC challenged this, arguing that it had more coal to dig. "It isn't clear in the regulations" how long you can leave a mine idled, said David Morris, PCCC's general manager since the 1980s. "You can put it in idle mine status and leave it there." But Interior Department Appeals Court Judge Robert G. Holt ruled against the company, saying that while there exists no regulation that explicitly requires reclamation, even after an extensive period of time, temporary cessation does not allow companies to postpone it indefinitely. PCCC, he wrote, "has not mined coal for ten years and has shown no present ability to resume mining or to sell coal."

Holt's ruling provided an important legal basis for the proposed rule to set stronger timelines for reclamation, said Joe Pizarchik, OSMRE's director under the Obama administration. "It was a court saying that 10 years was not 'temporary' cessation of operations," he said. The ruling thus allowed OSMRE to argue that it was not overreaching in crafting minimal standards for idled mines.

Pizarchik said the agency was keen to implement a stronger idled-mine rule but lacked the staff and budget. During this period, the agency was busy writing regulations on mountaintop removal mining, which eventually became the Stream Protection Rule. In the end, both the Stream Protection Rule and the yet-to-be-finalized mine-idling rule fell victim to the Trump administration's deregulatory agenda.

Today, the John Henry Mine looks much as it did in 1999, when coal last came from its open pits. Despite the court decision, reclamation work stalled, thanks to years of wrangling over permits and an environmental impact statement. PCCC attempted to resume mining, but — like other companies in the tanking coal industry — could not find a market. The company began final reclamation in May, according to Morris, who blames federal regulators for not allowing the mine to reopen.

With Seattle's growing population spilling into Black Diamond, the small town is keen to see the mine reclaimed. The site is in the process of being restored to forests and wetlands. If all goes as planned, one of the pits will become a lake, another will be backfilled from refuse piles onsite, and the open ponds of mine sediment will be filled and reclaimed.

Alyssa Barton of Puget Soundkeeper, a non-profit that focuses on area watershed protection, said she is cautiously hopeful the site will be restored at last. "There was a pattern of delay," she said, "and we want to make sure (the site) gets cleaned up and maybe changes ownership, if that's feasible, so that it becomes a park or something and never can be used for mining again."

NICK BOWLIN

That's why environmental activists call such operations "zombie mines" — it's impossible to say whether they're alive or dead.

Mining law's complexity makes this possible.

Coal mining falls under a federal law that mandates only that mining companies notify regulators when a permit will be in temporary cessation longer than 30 days. Twenty-one of the 23 states still producing coal wrote their own laws. But some barred themselves from enacting rules stricter than the federal government's, and most long-term idling occurs in those states.

The federal government leaves it to the states to impose limits on uranium-mine idling. The resulting patchwork of state rules is largely anchored on a 147-year-old federal law aimed more at promoting mining than managing it.

Over time, uranium production has dropped; stockpiles have remained large, while nuclear power's share of the country's electricity production fell and power plants bought more uranium from overseas. Still, mine owners hope for a revival.

Uranium producers banked on a petition to Trump that would have effectively subsidized the industry by compelling 25 percent of uranium used in American power plants to be produced domestically. But in July, the administration announced that importing uranium didn't threaten national security, punting the question to a working group for further review.

While the industry awaits a decision, companies hold off on final reclamation. Groundwater monitoring at the Sunday Mine Complex has found heavy metals, although Glasier says the mine is above the water table and any water problems are naturally occurring.

"Once you reclaim something, it's a lot harder to start it," Glasier said at his ranch, which covers tens of thousands of acres along the San Miguel River. The impressive home he purchased with the profits from a successful mining career stands at the end of a long tree-lined driveway. "Once you shut the industry down," he said, "it's going to take you 10, 15 years and a high price to bring it back."

Both Glasier and Coram believe another element might save their mines first. Vanadium, which often occurs alongside uranium in the Uravan, can be used in powerful batteries. Glasier believes his mines have high concentrations; he recently restarted sampling at the Sunday Mine Complex.

Neither man considers himself part of the industry's history of pollution. They said they would willingly begin reclamation when their temporary cessation permits run out, if uranium and vanadium prices haven't risen enough.

"The reason it got so messed up to begin with: It was totally the rush of the federal government," Coram said. "We were in a wartime situation and were going to produce this at all costs."

CLEANING UP AFTER THE GOVERNOR

As uranium mining pockmarked Colorado's valleys, the coal industry eviscerated low peaks and forests in the Appalachian Mountains.

"Remembering how it was, and how it is, is depressing as hell," said Bush, the former coal miner and mine inspector.

Except for time spent serving in Vietnam, Bush is a lifelong resident of southwest Virginia, where the commonwealth melts into Central Appalachian coal country. Area streams once teemed with minnows, he said. Now they're choked by silt running off unreclaimed mines.

He grew up hunting squirrels on a hill above his home, but a strip mine owned by West Virginia Gov. Jim Justice and his family now dominates the landscape. Today, Bush lives just up the road, where the hill above that home, too, has been leveled by a Justice operation.

Both mines have sat inactive for years at a time, fouling local waterways. The U.S. Environmental Protection Agency and four states filed legal action in 2016 against Justice and his companies, listing thousands of violations relating to inadequate environmental monitoring and water pollution, including elevated levels of iron and manganese flowing from these mines.

Justice and his family idle more permits than any other U.S. coal mine owners, according to Public Integrity's analysis of federal data. Miles of ridgeline on the Virginia-Kentucky border lie barren after Justice mines went dormant.

It's difficult to separate the environmental and health impacts caused by idled mines from those triggered by active operations, said Emily Bernhardt, a professor at Duke University who researches human impacts on ecosystems. Modern surface mining in Central Appalachia has been linked to health problems ranging from cancer to birth defects. And in a 2012 study, Bernhardt estimated that surface mining impaired about one in three miles of southern West Virginia's rivers.

But idling poses other risks, Bernhardt said. When toxic waste piles — either solid rock or liquid confined behind earthen dams — are left unaddressed, the potential increases for "catastrophic failure," she said, even as opportunities to use the land for new purposes are delayed.

"You can't actually make any improvements when you're just on hold," she said.

In Central Appalachia, tens of thousands of acres, mostly former forests, lie barren at these idled coal operations, according to a Public Integrity analysis of satellite data compiled by the environmental group SkyTruth. Communities that hope to grow outdoor recreation or other post-mining industries can't move forward.

Ransdell, the former Kentucky mine inspector, said regulators can reject applications for idled status if they catch noncompliance and ongoing pollution.



But problematic mines can slip through the cracks. She recalled a permit in eastern Kentucky that was put into temporary cessation for a decade because its underground workings were on fire. And the longer that surface mines are left exposed, the more likely that acid will leak into waterways, ponds holding polluted runoff will overflow and massive waste impoundments destabilize.

"Coal companies know (long-term idling is) a viable option," Ransdell said. "It's something that can be abused easily because there are vague guidelines."

Thirty-three mines and a preparation plant owned by the Justice family's companies were idled as of mid-August, and 15 of them have been idled for at least three years, according to data from the federal Mine Safety and Health Administration. One mine in McDowell County, West Virginia — Justice's home state — has been paused since 2010.

And in Virginia — where two of his family's coal operations have been idled on and off since 1984 — the Justice companies have only one mine still producing. They're years behind on several of the original cleanup deadlines the state set.

"The end goal is to meet environmental obligations required by law in the state of Virginia, so we've given them dates and specific instructions of what needs to be reclaimed by when," said Tarah Kesterson, spokeswoman for the Virginia Department of Mines, Minerals and Energy.

Idling permits is "standard practice" in the industry, a spokesman for the

Justice companies, Brian Walsh, said in an emailed statement. "The Justice companies are proud to be one of the region's leading job creators and environmental leaders within the coal industry" and have reclaimed several thousand acres in recent years, he said.

Regulators in Virginia have few options. Justice mine cleanup liabilities in Virginia total as much as \$200 million, and taxpayers could get stuck with a large share of that if the state takes over. That's because the those companies have put up only about \$51 million for cleanup if the operations are abandoned. Half of that amount would likely be worthless in that scenario, because, state records show, it is backed against the value of the companies. A pool of money Virginia set up to close gaps like this at 150 permits across the state, including some of Justice's, has less than \$10 million in it.

The state requires that mines covered by that shared funding pool increase the amount of money they set aside for reclamation once they're idled longer than six months. But funding shortfalls persist.

All told, nearly a third of permits in Virginia are in some degree of temporary cessation, according to Kesterson.

This makes Bush angry: It's created wastelands, he said.

An August visit to the Justice mine above his childhood home found reclamation still unfinished. Puddles dotted the site. Grass and weeds poked up through the exposed rock, in stark contrast to the lush surrounding forest. Near the treeline, a broken-down bulldozer sat abandoned, rusting. ■

The Opera Box Mine, which once produced uranium and vanadium, sits idle and unreclaimed in Colorado's Paradox Valley.

MARK OLALDE/CENTER FOR PUBLIC INTEGRITY



Mark Olalde reported and wrote this story, and Joe Yerardi produced the data analysis; both are journalists with the Center for Public Integrity, a nonprofit investigative newsroom in Washington, D.C. Brittany Patterson, energy and environment reporter with the *Ohio Valley Resource*, contributed to this article.

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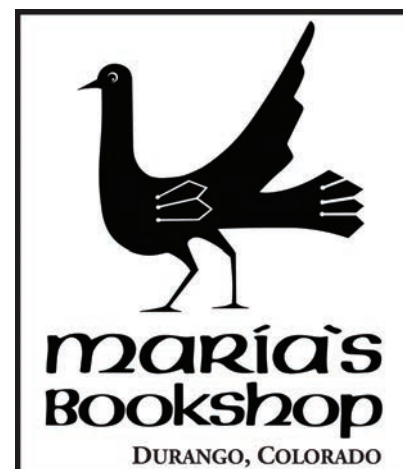
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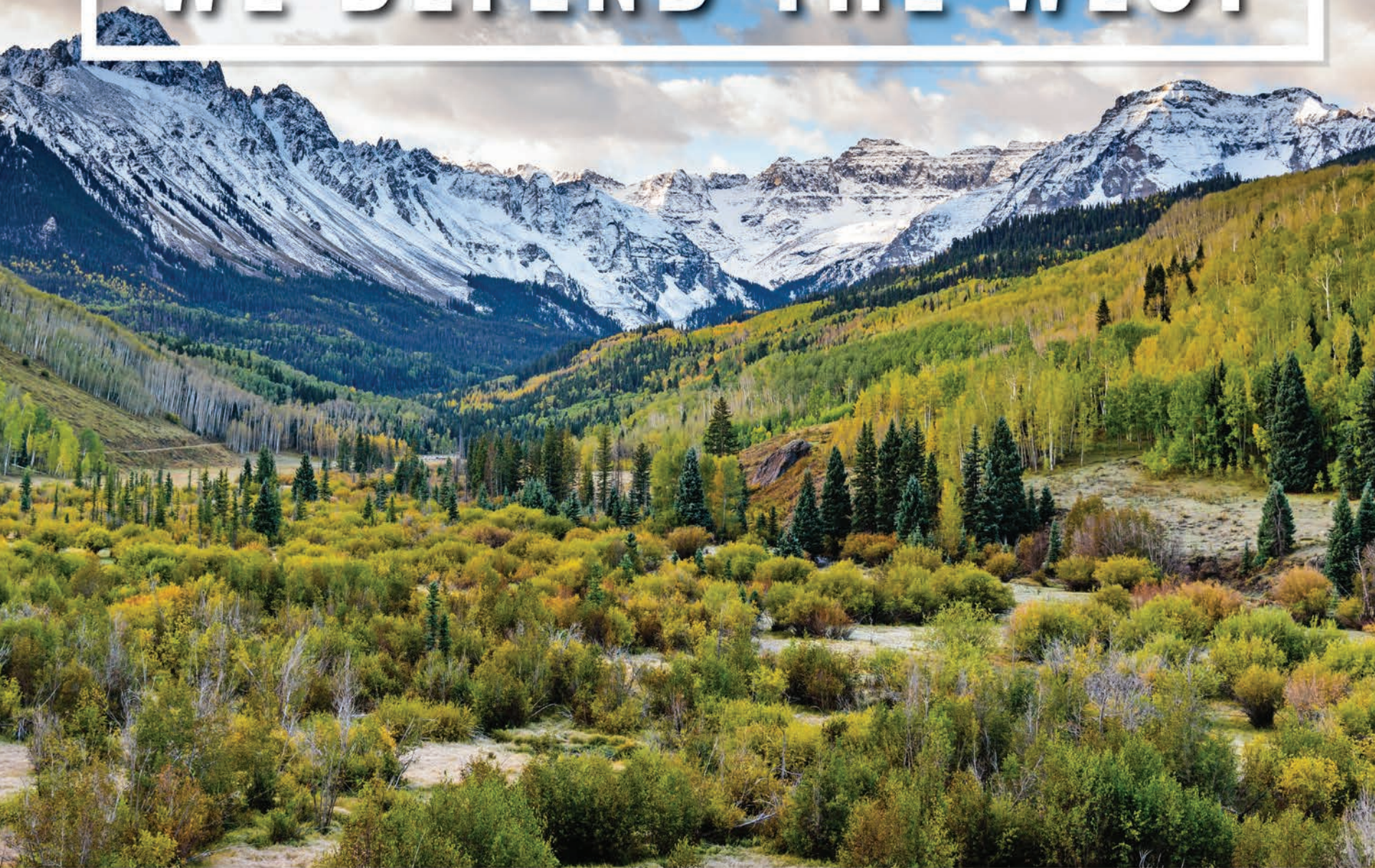
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The limits of coexistence

In *Bears Forever*, a 2015 documentary produced by a coalition of First Nations in British Columbia, a Wuikinuxv Nation elder named Frank Hanuse described the uncanny experience of skinning the only grizzly he ever killed. Beneath its thick fur, the creature was eerily anthropoid, endowed with dexterous fingers and lean muscles. Recalled Hanuse with an uncomfortable chuckle: “I got the feeling of killing my own brother.”

Grizzlies are our long-clawed shadows — omnivorous, adaptable, drawn toward human civilization by the smelly refuse of our lives. In Montana’s Mission Valley, twilight is the thin veil that separates the species. On hot August afternoons, care-free residents work their fields and frolic in creeks, “as if ravenous creatures were not hiding among the trees,” writes Bryce Andrews in *Down From the Mountain*, his soulful new exegesis on ursid-hominid relations. After sunset, however, the bruin night shift reports for duty. “Yard lights spread yellow circles on the ground, and farm dogs patrolled the edges, barking into the dark.”

Down From the Mountain arrives as a loose sequel to *Badluck Way*, Andrews’ elegant 2014 memoir chronicling his first year as a Montana ranch hand. A Seattleite who grew weary of concrete and low gray cloud ceilings, Andrews crossed the Rockies to wrangle cows, mend fences and channel his inner Ivan Doig, the Montana novelist who once declared himself the bard of the “lariat proletariat.” But wolves tormented Andrews’ herd, forcing him to suppress his affinity for predators and shoulder a Winchester. *Badluck Way*’s denouement found its author vexed by doubt, enamored with ranching but discomfited by the apparent necessity of killing wild animals.

If *Badluck Way* is an archetypal coming-of-age story, *Down From the Mountain* showcases a writer whose talents have fully matured. Andrews’ sophomore book shares themes with his debut: Both address the challenges of ranching alongside carnivores, the pleasures of physical labor, and the virtues of a working dog (in particular, one named Tick). Now, however, Andrews’s convictions have solidified. He has sold his share of the ranch, “the essential gearing of (his) soul ... worn out by the task of turning animals into meat,” and signed on with People and Carnivores, a nonprofit that helps landowners coexist with predators — predators like Millie.

Millie is a female grizzly, perhaps 16 years old, with two cubs in tow. She haunts the Mission Valley’s orchards and ranches, gleaning apples and digging up gophers,

savoring “the easy crunch of rodent bones between her teeth” before vanishing into the woods with the coming of dawn. But like the protagonist of many a tragedy, Millie proves too pure for this corrupt world. Attracted to a backyard by unsecured garbage, she takes a shotgun blast to the face. Mortally wounded and starving, Millie abandons her cubs — who are captured and remanded to a zoo — and flees into the easy pickings of a cornfield, an ignoble hospice for such a majestic animal.

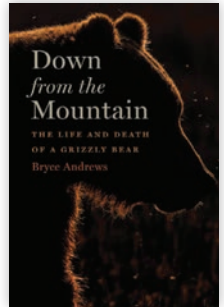
It’s within the cornfield that the two narratives — Millie’s plight and Andrews’ conservation career — intersect. Andrews has spent months constructing an electric fence around the field, a theoretical win-win intended to protect crops and bears alike. Cornfields are fertile ground for horror — just ask the directors of *Signs* or *Planet of the Apes* — and Andrews reaps every kernel of suspense from his account of fencing a farm crawling with grizzlies. “The crop loomed up until I could see nothing but the stand, which had the aspect of a wave prepared to break,” he writes. “Warnings flickered up from the deeper parts of my mind: *There is a bear, very near, and you cannot see.*” For all his unease, though, it’s Millie who’s in the gravest danger, and she is the one must pay the ultimate price for

our empathic failures.

Andrews is captivated by grizzlies as a social phenomenon — admired by many, hated by some, feared by all. But he is much less concerned with them as *political* animals, whose legal status has been contested for decades, and one wishes, at times, for the management context that deepened, say, Nate Blakeslee’s *American Wolf*. Nonetheless, *Down From the Mountain* belongs in the pantheon of contemporary conservation writing. It is easy to forget, when arguing over the fate of wildlife, that populations are composed of thinking, feeling individuals; in his sensitive treatment of an ill-fated ursid, Andrews breaches the fences that guard our compassion.

He is clear-eyed, too, about the limits of “coexistence,” a buzzword that becomes ever more elusive as roads and houses clot our wild lands. “In my lower moments, it seems I could spend a lifetime building cornfield fences ... and make no headway against our epidemic lack of restraint,” Andrews laments. Bears’ appetites may become “desperate and insatiable” each summer, but it is we, their bipedal doppelgängers, who are the true gluttons.

BY BEN GOLDFARB



Down From the Mountain

Bryce Andrews
274 pages,
hardcover: \$25
Houghton Mifflin
Harcourt, 2019.

A grizzly bear in Montana. SOUTHERN LIGHTSCAPES-AUSTRALIA





Two feral horses near an old pump jack in the Greater Chaco Region, New Mexico.

JONATHAN THOMPSON

BLM chief's wild horse fixation distracts from the real threats to public land



NEWS
COMMENTARY
BY JONATHAN
THOMPSON

In mid-October, William Perry Pendley, the acting director of the Bureau of Land Management, warned environmental journalists at a conference in Fort Collins, Colorado, about the greatest problem facing the 244 million acres of public land that he is charged with overseeing. This scourge “wreaks havoc” everywhere it goes, and — far more than a mere headache for land managers — it is an “existential threat” to the lands that Americans hold dear. And that threat is? Wait for it ... wild horses.

The statement was so over the top, so ignorant of the actual threats to the planet, that one almost expected Pendley to pull out a Sharpie, à la President Donald Trump, and scribble on a map showing the projected storm path of a vast herd of feral equines, before revealing that the whole scene was the opening skit for *Saturday Night Live*. But Pendley wasn't joking. Whether he believed what he said, or was just throwing it out there to distract folks from the real threats — namely, his and his bosses' environmental agenda — remains unknown.

Horses — whether wild, feral or domesticated — can, indeed, make a mess of things. An estimated 88,000 wild horses and burros currently roam federal public lands. Each of them weighs, on average, 850 pounds, and eats as much as 25 pounds of grasses and forage per day. Their hooves trample and lay waste to big swaths of cryptobiotic soil, the living crust that keeps much of the Western landscape from dissolving into a cloud of dust. These animals do not tread lightly.

So, yes, wild horses do, indeed, cause damage. Pendley's not wrong about that. It's his use of superlatives, his claim that wild horses are the *biggest* problem facing public lands — even an *existential* threat — that stretches the bounds of logic.

According to Pendley's own reasoning, for example, cattle should be a much greater menace. The average beef cow, according to *Beef* magazine, weighs 500 pounds more than a wild horse, meaning its hooves will cut that much deeper into the delicate soil. Each of these walking hamburger factories eats more, poops more, and tramples vegetation more thoroughly than a wild horse. Plus, there are a heck of a lot more of them: Last year, close to 2 million head of cattle feasted upon BLM lands, with another couple million on Forest Service land.

Pendley said that horses leave land “so devastated and destroyed” that it will never recover. The same can be said of oil and gas companies. For each of the 23,000 wells drilled on public land over the past decade, more than an acre of land was scraped clean of all vegetation, top soil, cactuses, sagebrush and even centuries-old juniper trees. The hulking

drill rigs then came in and churned miles into the earth, followed by fracking trucks, which blasted water, chemicals and sand into the hole. For weeks or even months afterward, tons of methane — a potent greenhouse gas — along with harmful volatile organic compounds were flared or vented from the wells. Oil or wastewater spills are not uncommon.

And yet Pendley doesn't seem to see grazing, oil and gas, or any other extractive industry as a potential problem for public lands. Nor has he expressed concern about global warming-driven wildfires that rage almost year-round, about the potential extinction of the sage grouse or the widespread drought that even one of the wettest winters on record couldn't end. And Pendley completely ignored the impacts of the burgeoning numbers of human beings now flocking to public lands for recreation.

Instead, Pendley is fixated on wild horses, in a clear attempt to distract Westerners from his larger purpose. Prior to becoming a federal bureaucrat, Pendley was the president of the Mountain States Legal Foundation. Under his leadership, that organization fought in court to overturn a ban on uranium mining near the Grand Canyon, it represented oil and gas interests fighting for their “property rights” to drill on public land, it fought the Northern Arapahoe and Eastern Shoshone tribes' ability to administer the Clean Air Act on land taken from them in 1905, and it attempted to overthrow protections for endangered species. Pendley has spent much of his life waging an ideological crusade intent on wrecking the very agency that he now oversees.

Pendley claims that his own past is irrelevant, and that these days he is merely following orders. If that's true, it's only because his superiors' aims align so closely with his. The Trump administration has systematically weakened its own government agencies, torn down environmental protections, attacked tribal sovereignty, and done everything it can to turn public lands into profit-making machines for corporate interests.

The real problem with wild horses is that there's no money to be made from them. And by focusing on them, Pendley hopes to divert our attention from the true threat to public lands: unbridled greed. □

The average beef cow, according to *Beef* magazine, weighs 500 pounds more than a wild horse, meaning its hooves will cut that much deeper into the delicate soil. Each of these walking hamburger factories eats more, poops more, and tramples vegetation more thoroughly than a wild horse.

Jonathan Thompson is a contributing editor at *High Country News*. He is the author of *River of Lost Souls: The Science, Politics and Greed Behind the Gold King Mine Disaster*.

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MONTANA

Jen Mignard of Billings was racing her dog sled team one night in October — working on their “gee” and “ha,” or as we would say, “left” and “right” — when the team unceremoniously dumped her in the snow and took off running. Mignard was sure the four huskies would head back to her pickup, but they had a better idea, which was to race off down the highway as if they were in the mushing competition they were training for. They were, as Mignard said, “hard to miss — four dogs attached to a dog sled with a bright red bag,” and as soon as she posted on Facebook, she started getting calls. Meanwhile, two police officers — who happened to be K9 officers — saw the runaways just after they bounded off. But the dogs were having too much fun to stop, so they led the police on a “slow-speed chase,” reports KTVQ.com. The huskies were finally apprehended, and we trust they had an appropriately “mushy” reunion with their owner.

CALIFORNIA

The Los Angeles Times recently asked its readers for their favorite snake stories. Some were doozies: Ben Wolfe III, for example, decided to demonstrate his reptile-wrangling skills at Death Valley by picking up a baby sidewinder with kitchen tongs and showing it to his son and friends. The snake, clearly unimpressed, responded by biting Wolfe’s finger. Within 10 minutes the finger had swollen and changed color, and not in a good way. When Wolfe confessed that he’d been holding the snake when it bit him, the emergency room doctor had a surprising reaction: “You are an atypical snake victim: You’re not drunk, you don’t have any tattoos, and you’ve got health insurance.” One day and eight vials of anti-venom later, Wolfe was released from the hospital. Best of all, his insurance company called it an accident and paid the bill.

Then there was the backpacker who was stuck in a tent for three days and nights of constant heavy rain. When the skies finally cleared, he hiked to a river with a beautiful waterfall, took off his clothes, stretched out on some rocks and basked in the warm sun. Then an unusual rattling noise woke him: “I opened my eyes to see a very large rattler in a raised striking position

close to me.” The hiker grabbed a nearby tree branch and “swished him off me as I made a fast retreat.” The next day, he returned to the area, “and sure enough, (the snake) was coiled up. That was his sunbathing spot — and I gladly let him have it.”

ARIZONA

When coyotes want a date, they head for a certain neighborhood in midtown Tucson. We’re not talking romance: The dates are the ripe edible kind that rain down from date palms, and they draw coyotes like bees to honey. Wildlife officials told the *Arizona Daily Star* that they saw six intrepid coyotes in the Catalina Vista area. They paintballed three of them, but “the coyotes’ sweet tooth brought them right back.” Mark Hart, spokesman for the wildlife department, said paintball guns make coyotes leery of people, but not so leery as to give up dates. But that’s OK, said Hart. “The goal is to coexist. They’re here. They’ve been here, they’re going to be here.”



OREGON They’re not wrong. CHAR CORKRAN

THE WEST

One night around 8:45, a 71-year-old man in Pine, Colorado, heard noises in his kitchen. He checked and “found a mother bear and her cub eating a loaf of bread,” reports the *Denver Post*. We can think of many possible outcomes to such an encounter, but in this case it resulted in a “boxing match”: The mother bear attacked and the man “punched” it, according to the Jefferson County Sheriff’s Office. Reinforcements arrived in the form of the man’s wife, who “rushed in and hit the bear with a baseball bat several times,” and the bear and her cub escaped “through the same screen door they had used to enter.” The feisty couple were uninjured, except for some scratches the man received, but the bear was less fortunate: Colorado wildlife officials tracked her down and euthanized her. Her cub, however, was not found.

THE WEST

When a county decides to fight the federal government, taxpayers get stuck with the bill. Documents newly obtained by the *Salt Lake Tribune* reveal that San Juan County paid out-of-state lawyers \$360,000 from 2016-2018 to sue the federal government in a case involving rights of

way in Recapture Canyon. Attorneys from San Diego, California, billed the Utah county for flying first-class and working at a rate of \$500 an hour — even after the case was consolidated with the Utah attorney general’s similar state-funded case in 2018. And the bills might keep coming: “The case is not expected to be heard in court for years,” reports the Associated Press. Recapture Canyon is the site of former San Juan County Commissioner Phil Lyman’s ATV protest ride, which occurred just after Nevada rancher Cliven Bundy’s standoff with federal officials over public-land grazing fees. Lyman was arrested and sentenced to 10 days in jail and received a fine of \$96,000 for trespassing in an area that had been closed to protect Native American ancient sites.

Tips and photos of Western oddities are appreciated and often shared in this column. Write betsym@hcn.org or tag photos [#heardaroundthewest](https://www.instagram.com/heardaroundthewest) on Instagram.



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