High Country News

For people who care about the West

A Land Divided

Can a groundbreaking settlement fix a century of bad policy in Indian Country?

By Sierra Crane-Murdoch

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Edward After Buffalo Jr., right, plays with his cousin, Jeff Skunk Cap, on his family's land on the Blackfeet Reservation of northern Montana.
TERRAY SYLVESTER

On the cover

Ranchland on the Blackfeet Reservation of northern Montana. Originally a 320-acre parcel allotted to a single forebear, it now has 131 shareholders.
TERRAY SYLVESTER

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Editor's note

A quiet revolution

Forty-five years ago, John Echohawk, a Pawnee who grew up in New Mexico among Navajos, Hopis, Utes, Apaches, Latinos and Anglos, got in on the ground floor of a revolution. While attending the University of New Mexico, he was encouraged to enter a new program focused on training Indian lawyers.

It was a novel idea in the late 1960s; although the civil rights movement had elevated awareness of the struggles of Natives, "there were only a dozen lawyers" practicing Indian law, recalls Echohawk, who joined the board of *High Country News* in February. "Today there are over 2,500."

Fifteen of them work with the Native American Rights Fund, based in Boulder, Colorado, a nonprofit Echohawk has directed since 1977. The blossoming of Indian law has had an enormous impact, he says. It's brought forgotten tribes federal recognition, protected Native rights to hunting and fishing grounds, and secured tribes' ability to establish gambling casinos, which have become major economic engines.

But success in the courtroom has also been met with resistance. As the NARF website states, "an increasingly conservative federal bench has made Indian rights cases more difficult to win. Combined with the huge cost of litigation, this means NARF and its Indian clients are always attuned to opportunities for negotiation, consensus and settlement."

Elouise Cobell, a Blackfeet tribal treasurer, surely had all this in mind when she brought a lawsuit in 1996 on behalf of 450,000 plaintiffs against the federal government for mishandling Indian Trust accounts, which hold funds earned from leasing lands owned by tribal members. Though Cobell's lawyers initially estimated the government had mislaid up to $170 billion since the late 1800s, she and her co-plaintiffs ultimately accepted a $3.4 billion settlement in 2011, shortly before her death.

Each plaintiff received a small payment, but most of the settlement is earmarked for consolidating land owned by individual Indians under tribal ownership. As writer Sierra Crane-Murdoch reports in our cover story, it's an attempt to remedy a messy and destructive federal policy that divides land allotted to families at the turn of the 19th century among more and more family members with each passing generation. But the fix isn't getting very far – many tribal members don't want to sell, and the land "fractionation" policy remains in place. The settlement, in the end, is "little more than a Band-Aid on a gaping wound," writes Crane-Murdoch.

The surgical operation needed to finally close it may be years away. But when it happens you can be sure that the robust Indian law community, plugging away lawsuit by lawsuit, will be a critical factor in fixing this misguided policy and empowering the people who have suffered because of it.

As a colleague of Cobell tells Crane-Murdoch: "(Elouise) used to tell me, 'Winning money wasn't the thing. Indians winning a case against the federal government – that's the point of the whole thing.' "

–Paul Larmer, executive director/publisher

New inmate housing at the Madera County Jail in Madera, California, completed in 2013 as part of Gov. Jerry Brown's prison realignment plan, which sent some inmates to county lockup instead of state prison. RICH PEDRONCELLI/AP PHOTO

Crime's punishment out West

Last year, congressional representatives from both sides of the aisle introduced federal prison reform bills. But it's state lawmakers who hold the real key to lowering incarceration rates, since most Americans behind bars are housed in state and county facilities. Many Western states have enacted criminal justice reforms in order to cut costs and comply with court orders. For example, beginning in 2012, California shed tens of thousands of inmates from its state prison facilities. The release came after a 2011 U.S. Supreme Court ruling found that conditions inside the state's prisons — which were overcrowded and lacked adequate medical and mental health care — violated the Eighth Amendment's ban on cruel and unusual punishment. Last year, Utah lawmakers passed a measure aimed at reducing the number of offenders who return to prison for minor parole and probation violations. Alaska, Montana, Wyoming, Oregon and Nevada have reform efforts underway as well. **SARAH TORY**
MORE: hcne.ws/crime-reform-west

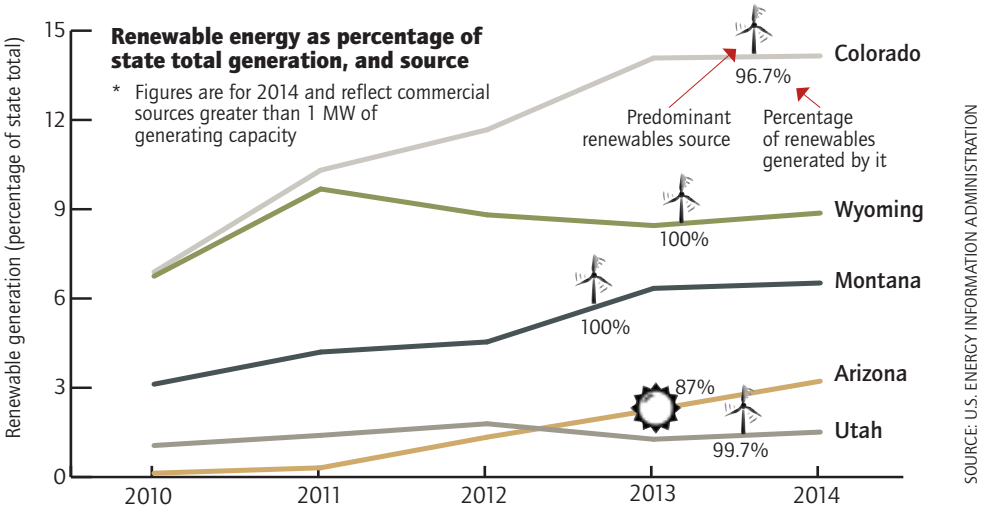
77 minimum number of ALEC-inspired bills undermining environmental laws that were introduced in state legislatures in 2013

17 number of those that became law

The American Legislative Exchange Council, the conservative policy group funded by corporations like Koch Industries and coal giant Peabody Energy, creates model legislation for lawmakers to pick up. The effectiveness of its "unified front" strategy of presenting a coordinated conservative push has caught progressive groups' attention. They aren't necessarily writing cookie-cutter bills, but they have created a centralized state-level network, called the State Innovation Exchange (SiX), which has a sample legislation library. Other groups have started small-scale efforts to distribute model policies, including a push to get Colorado citizens to take similar anti-fracking policies to their local legislators. **LYNDSEY GILPIN**
MORE: hcne.ws/be-likeALEC

Clean energy rising

Despite the Clean Power Plan's uncertain legal future thanks to a Supreme Court stay, one thing is clear: Renewables are on the rise, even in the Western states contesting the plan's legality. In the last five years for which data is available, Arizona saw its commercial solar production increase two-hundred-fold. In the same period, Colorado doubled its rate of wind power generation. Even coal strongholds like Montana and Wyoming saw notable expansion of state wind operations. Experts say those numbers, coupled with state trade networks for emissions credits and renewables' increasing cost-competitiveness, could make even the plan's most daunting emissions goals attainable. **BRYCE GRAY**
MORE: hcne.ws/CPPwest



SOURCE: U.S. ENERGY INFORMATION ADMINISTRATION

Trending

BLM patrol cuts

In February, *HCN* covered the Bureau of Land Management's three-decade struggle to adequately enforce the law on federal lands. In March, Utah House Rep. Jason Chaffetz, along with other Utah representatives, introduced a bill that would abolish the U.S. Forest Service's and BLM's law enforcement agencies and pay local police to patrol federal lands instead.
MARSHALL SWEARINGEN

You say

BRUCE WILSON: "This is how it was done in the early years of my career. The locals could not meet the needs of federal law enforcement."

HUCK FERRILL: "Probably a very good idea. Local law enforcement will connect much better with their local constituency."

MATT WEINRICH: "This happened with the Oregon Department of Fish and Wildlife. It is really hard to get a sheriff down to a remote area when a department employee finds someone fishing without a license."

MORE: hcne.ws/BLM-enforcement and Facebook.com/highcountrynews

Photos

Death Valley blooms

Death Valley, California, is usually one of the hottest, driest spots in the West, but this year, El Niño weather patterns created more rainfall and perfect conditions for a phenomenon known as the "super bloom." Over 20 species of wildflowers bloomed in enormous numbers and carpeted the valley floor. The last time the valley saw so much color was in 2005.
DESDEMONA DALLAS
MORE: hcne.ws/CAsuperbloom

DESDEMONA DALLAS

"My hunch is he gets more attention to his cause and gets more robust backing if he goes for the jugular."

—Sarah Binder, political science professor at George Washington University, commenting on Utah Sen. Mike Lee's holding of a bipartisan bill that would help Flint, Michigan, and other communities with drinking water emergencies
ELIZABETH SHOGREN
MORE: hcne.ws/UTblocks-flint

LETTERS

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WE THE PEOPLE, AND PUBLIC LANDS

I appreciate Hal Herring's candid description of his personal longing for freedom and his disappointment in the low intellectual content of the Malheur National Wildlife Refuge occupiers' motivations ("Making Sense of Malheur," *HCN*, 3/21/16). Half a lifetime ago, I would have had more sympathy with the malcontents. Even now, I think that while the Hammonds abused their too-generous access privileges to public grazing land, their jail sentences (under a mandatory minimum law enacted by a Republican-dominated Congress) were draconian. And like most of us, I'd like to see a few changes in the way our country is run myself. But at my current age, I understand that while too little liberty is tyranny, too much liberty would result in a war of each against all, with the tyranny of the strongest the result. I'll take the rule of law, thanks.

As co-owner of our federal public lands, I have every right to a say in how they are managed, and I say no grandiose self-appointed patriot is allowed to seize them for the exclusive use of crooked welfare ranchers like the Hammonds. Am I not the people?

Karl Anderson
Santa Fe, New Mexico

WORLDS APART

Hal Herring writes thoughtfully and deeply about a misled and misdirected tragedy of ignorance ("Making Sense of Malheur"). His frustration at the lack of discussions of substance is what so many of us experience when trying to have a meaningful give-and-take dialogue with people who care not about any history other than that they've constructed in their own mind, and who then create their world under a banner of what they think they hate.

And he expresses the fears that those of us who love the land, have spent years outdoors on the priceless treasures of our public lands, and know would be the outcome of that sell-off. Land barons from the earliest times of Manifest Destiny have exhausted it for what they want, and then left it behind, torn, wrecked, dredged, eaten down to the dirt.

I look forward to reading more of Herring's writing in the future, as he joins Jon Krakauer and others among my favored authors writing about the real issues and people of the West.

Astrid Olafsen
Tempe, Arizona

PAT BAGLEY/THE SALT LAKE TRIBUNE VIA CAGLECARTOONS.COM

TRAILING AWAY

The Oregon Trail was my introduction to the West ("Oregon's Trail Through Time," *HCN*, 3/7/16). In 1975, I embarked on an auto trip along as much of the trail as I could manage, using the late Gregory Franzwa's *The Oregon Trail Revisited* as my guide, along with a huge roll of county road maps at one-half-inch-to-the-mile scale, with the route of the trail painstakingly inscribed by hand. At the time, I was a 30-year-old teacher of American history who'd never been west of Kansas City, except for an airplane ride to L.A., and retracing the ruts of the Oregon Trail was truly an epiphany as teacher, citizen and — not least — as a thoughtful human. Over the next few years, and the course of not just one, but three treks along the trail, I took copious notes and hundreds of photographs, some of which were inflicted on my American history students over succeeding years. The story of the trail was not always pretty, or even admirable, but on the whole, I think the trail records an epic tale of thousands of people willing to press against boundaries, whether political, financial, practical or cultural.

Every year, the remaining traces are threatened by corporations and individuals with no knowledge of, or interest in, the trail's historic role in the development of the West. Amid the multiple and competing demands upon the trail corridor, I hope we won't forget that there will never be more of the trail remaining than there is at this moment; there will only be less.

Ray Schoch
Minneapolis, Minnesota

NO NEED FOR NEW PARKS

I lived in the Los Alamos area for over 26 years, and I am very dismayed and saddened to see what has become of the beloved Valle Grande ("A park 'in the raw'," *HCN*, 3/7/16), now Valles Caldera National Preserve. It was always so special to know that there was at least one place where tourists could not go. My former husband and I ran our sled dogs up in the Jemez Mountains for years. Then, in the middle '80s, Fenton Hill became crowded with cross-country skiers from Albuquerque, and the day a creep hit one of my dogs with a ski pole, we started driving farther and discovered U.S. Hill south of Taos, where the native Hispanos treated us much better. Turning over this beautiful area to the National Park Service makes no sense. The Park Service is always short of funding, and our park system is in shambles. Congress needs to provide a lot more funding, and the Park Service needs to catch up on maintenance of the established parks before it goes making new ones. It breaks my heart to know that there will be people in the once-unspoiled backcountry of the Valle Grande.

Penelope M. Blair
Moab, Utah

High Country News

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State of the Grand

Development proposals look to cash in on the park's growing popularity

BY KRISTA LANGLOIS

Traffic backed up at the south entrance to Grand Canyon National Park, where waits can be 30 minutes or more, and parking lots can fill up by 10 a.m. A major development project proposed for Tusayan, seven miles south, was recently turned down, with insufficient infrastructure cited as one of the causes.
NATIONAL PARK SERVICE

In 1903, Theodore Roosevelt stood on the South Rim of the Grand Canyon, infinite layers of sunset-colored rock unfolding into the earth behind him. "I hope," he later said, "you will not have a building of any kind … to mar the wonderful grandeur, the sublimity, the great loneliness and beauty of the canyon. Leave it as it is. You cannot improve on it."

Two years later, a new hotel went up where Roosevelt had stood. In 1919, the area became a national park, and trainloads of visitors began clamoring to see it. Since then, the Grand Canyon has been caught between competing visions: One that subscribes to the spirit of Roosevelt's words and another that seeks to accommodate an ever-growing number of tourists.

Over the past century, proponents of the latter have had considerable success. Though some proposals were abandoned, including an 18-story hotel that would have been built into the canyon wall and dams that would have flooded its floor, hundreds of others went forward. Roads, hotels and parking lots now spiderweb the surrounding lands. In 2007, the Hualapai Tribe built a glass platform over the canyon's edge that visitors can pay $75 to walk on. Or they can spend $300 to helicopter over the chasm.

Still, the thirst to cash in on the canyon's popularity remains unquenched. If anything, it's grown, as 5.5 million visitors a year have bestowed on the Grand Canyon the dubious honor of being the nation's second-most popular park (after Great Smoky Mountains). And though the park is protected, two of the biggest potential projects fall beyond its jurisdiction: a private development known as the Grand Canyon Escalade, which would bring restaurants, shops and a gondola to the confluence of the Colorado and Little Colorado rivers, on Navajo land, and a plan to turn the scrappy gateway community of Tusayan, near the South Rim, into a luxury village.

Just over a year ago, the looming possibility of these projects caused the nonprofit American Rivers to deem the Colorado River the most endangered river in the country. Today, the outlook is rosier: A 2015 election ousted Escalade's most powerful supporter, former Navajo Nation President Ben Shelly, and replaced him with underdog Russell Begaye, who has shelved the project.

In early March, Kaibab National Forest Supervisor Heather Provencio rejected the road expansions necessary to build five-star hotels, a spa, dude ranch, "retail village" and 2,100 houses in Tusayan, a desert town now home to 500 people and a few modest hotels, company housing and helicopter tour companies. The proposal, Provencio explained, "is deeply controversial, is opposed by local and national communities, would stress local and Park infrastructure, and have untold impacts to the surrounding Tribal and National Park lands."

Tusayan town manager Eric Duthie says the decision "absolutely surprised" him and deprives local workers who live in company housing of the opportunity to own their own homes. Tusayan (working in partnership with Italian investment firm Gruppo Stilo) is still considering its next move.

If Stilo's past record is any indication, though, this isn't the end. Starting in the 1990s, the company bought up 75 percent of the private property around Tusayan. County residents voted down its development plans, but Stilo sidestepped them after Arizona passed a 2003 law enabling Tusayan to become an incorporated town. Knowing that local officials could trump the county's objections, Stilo and its affiliates poured money into an incorporation campaign. They even launched a weekly newspaper that ran front-page editorials promoting it.

Still, Tusayan voters rejected incorporation until the 2010 election. Then, amid allegations of voter fraud, Tusayan became a town — albeit one divided over its future. Stilo stacked the new town council with members who were later revealed to have accepted thousands of dollars and traveled to Italy on Stilo's dime.

But environmentalists, river runners, nearby communities, and the Hopi, Havasupai and other tribes remained opposed, submitting tens of thousands of comments that helped sway Provencio's decision. Of particular concern was water: The developers didn't explain how they'd supply it to thousands of new guests and residents. The obvious solution was drilling for groundwater, which could dry up some of the Grand Canyon's natural springs, like Havasu Canyon's sacred blue waters.

"I'm incredibly happy right now," says Kevin Dahl, senior Arizona program manager for the National Parks Conservation Association. "But there's a part of me that worries that about the next big campaign. We thought we stopped (Tusayan) once, by a vote of the people, and it came back. I have to admit that it might come back again."

Indeed, Tusayan could submit a new proposal, should it address park and tribal concerns. So, too, might Escalade: A recent *Navajo Times* editorial claims legislation to override Begaye and push the development through is slated for the tribal council's spring session. And even environmentalists who oppose both projects agree that with annual park visitation expected to double to 10 million by mid-century, more beds and infrastructure are needed. The challenge will be to figure out how to provide them without sacrificing the natural resources that make the canyon so grand. □

Correspondent Krista Langlois lives in Durango, Colorado. @cestmoiLanglois

Jacob Martinez, founder of Digital NEST, talks with volunteer instructors Juan Morales, Stephanie Barraza and Ximena Ireta, as they plan for an upcoming workshop.
GLEN MCDOWELL

Future (tech-savvy) farmers of America

In the fields south of Silicon Valley, young Latinos are learning new skills to tackle agriculture's most pressing challenges

BY LYNDSEY GILPIN

The 90-mile drive south from Silicon Valley to Watsonville, California, runs mostly through coastal forest and along Highway 1, with intermittent views of the Pacific Ocean. Then the road turns inland, and the redwoods and briny air give way to the aromatic strawberry fields of the Pajaro Valley.

Though the two communities are geographically close, they feel very far apart. Silicon Valley is an overcrowded center of technological innovation, made up of mostly white, affluent residents, with a median income of over $90,000. The quiet town of Watsonville is 81 percent Hispanic, with a median income of $44,000, and is culturally and economically defined by its strawberry crop.

Jennifer Magana and her older sister grew up watching their parents work the fields for major companies like Driscoll's, as they came home exhausted every night, only to get up and do it again the next morning. Magana, now a high school senior, has no desire to labor in the fields. But she also doesn't want to leave her family, friends and the culture she adores. "I want to stay here and work here in my community," she says.

"It's an economic justice issue. You have a huge demand and need for technology talent, but this segment of the population that's not represented at all."

Jacob Martinez, Digital NEST founder and executive director

Many of her classmates are grappling with the same struggle. Here, where the unemployment rate is 9 percent and 20 percent of people live in poverty, career decisions are complicated by a lack of access to resources like wireless Internet, computers and the wealth of informational and educational tools those technologies offer. Too many Watsonville young people drop out of school, get stuck in low-paying jobs, or leave town to find work elsewhere.

Jacob Martinez hopes to change that pattern by connecting Watsonville's farming industry to Silicon Valley resources. The 38-year-old California native looks like a young entrepreneur, with his ever-present laptop, thick rectangular glasses and gray hoodie. A 12-year resident of Watsonville, he founded Digital NEST, which stands for "Nurturing Entrepreneurial Skills with Technology," in 2014 to cultivate technology career centers in California's most vulnerable communities. "It's an economic justice issue," Martinez says. "You have a huge demand and need for technology talent, but this segment of the population that's not represented at all."

Digital NEST gives people like Magana a chance to ask questions, gain new skills and learn about her post-graduation options. "It's awful for me to try to do work outside of school or look for opportunities," Magana says; her family owns a clunky computer and her school lacks adequate equipment. But at Digital NEST, she finds bright, open working spaces, comfy furniture, whiteboard, and brand new laptops she can borrow. It's open all week, from noon to 7 p.m., Monday through Friday, offering workshops and lectures on a variety of subjects, including Web development, videography, social media, and graphic design, to people aged 12 to 24.

Watsonville, with its strip malls, school sports fields, farms and warehouses, has little to offer in the way of art or culture. Crime rates are high, particularly gang violence. Young people are starving for something productive to do. "There's a lot of youth that never realized they have an opportunity here," Magana says.

Martinez designed Digital NEST to train local youth for careers that meld their agricultural heritage with the high-tech modern world. Experts teach classes on coding and Web design, and Martinez connects students with entrepreneur networks through speaker series and trips to Silicon Valley. Ideally, they'll become eligible for higher-paying jobs with food and agriculture companies in their own community.

Thirty-one percent of Watsonville's population is under the age of 18, in stark contrast to the average American farmer, who is 58. Food and agriculture companies are in serious need of a younger, tech-savvy workforce. At the same time, Watsonville, like other farm towns in the Central Coast and Valley, faces the challenge of climate change and extensive drought. "They're any farmers' challenges," Martinez says. "Lack of water in California, lack of labor workforce or issues with immigration, not being able to attract a new young generation."

Some California farmers have switched to new crops or left agriculture altogether. But others are turning to technological solutions, such as predictive analytics software, sensors and robotics, to better understand weather patterns, irrigation techniques and soil health, and to reduce their costs and increase productivity. Food and agriculture technology startups are now a $4.6 billion industry, and huge corporations like Google and Monsanto are investing heavily in farming data projects. Companies are tackling everything from reducing food waste to building underground farms to creating lab-grown meatless meat. Farming operations need system analysts, robotics and automation technicians, and GPS and GIS operators.

The U.S. Department of Agriculture reports that nearly 60,000 high-skilled

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jobs open annually in the food, agriculture, and environment fields, with almost a third of those requiring science, technology, math or engineering skills. The nation's yearly 35,000 college graduates with degrees in agriculture-related fields can't keep up with the demand. And yet, the movement to improve computer science education tends to focus on urban centers like San Francisco and New York City. Very few programs reach out to rural populations like Watsonville, widening the gap between places that desperately need a new industry's economic boost, and the people who reap the rewards of such a tech boom.

"Forty kids in San Francisco — nothing is going to change," Martinez says. "But if I can get 40 kids in this community good paying jobs, you could see the economic benefit of that."

After years of picking fruit, Magana's father returned to college to get an agronomy degree, and now he helps his daughter search for career possibilities in agriculture. "He's proud of me for pursuing the thing he loves," Magana says. "Technology is still new to me, but now I have a place to go figure it out."

Digital NEST's goal isn't to get young people like Magana off the farms and into the offices of Apple or Twitter. Rather, it's seeking to invest more money and resources into local economies like Watsonville, and thereby lower dropout, crime, and poverty rates.

Martinez was drawn to Watsonville because he knows from experience the obstacles young Latinos face in pursuing meaningful careers, particularly in science and technology. Born in Los Angeles, Martinez spent part of his childhood in Mexico City before his family moved to Dallas, where his father worked as an accountant. They were one of the few families of color in their affluent neighborhood. When Martinez graduated high school, he went to San Francisco to study environmental science and technology. He bounced around colleges in the Bay Area, but felt isolated in advanced science and math courses, as one of the few minority students.

In his mid-20s, Martinez earned an ecology and evolutionary biology degree from UC Santa Cruz. He was engaged and in debt, but he wanted to pursue teaching science and technology to members of underrepresented communities. In 2006, he became a project coordinator for ETR Associates, a Scotts Valley-based nonprofit that provides educational resources to schools. His project focused on encouraging more Hispanic girls to study technology. ETR's programs proved successful, securing funding from the National Science Foundation. But Martinez, who eventually became project director, still saw a gaping hole in the system: Children lacked computers at home, and they worked with outdated machines at school. "We weren't fostering creativity," he says. "It was the complete opposite of the tech industry."

So in 2013, he decided to build his own hub for young people, something that would be modeled after modern tech companies. When Martinez first opened Digital NEST, the locals had doubts about his motives — perhaps it was merely a ploy to buy up precious cropland to build the next Amazon distribution center. He built trust by making himself accessible to the agriculture community. Every month, he met with farmers to better understand the issues they faced, and he launched a series of events to bring together agronomists and technologists in the region.

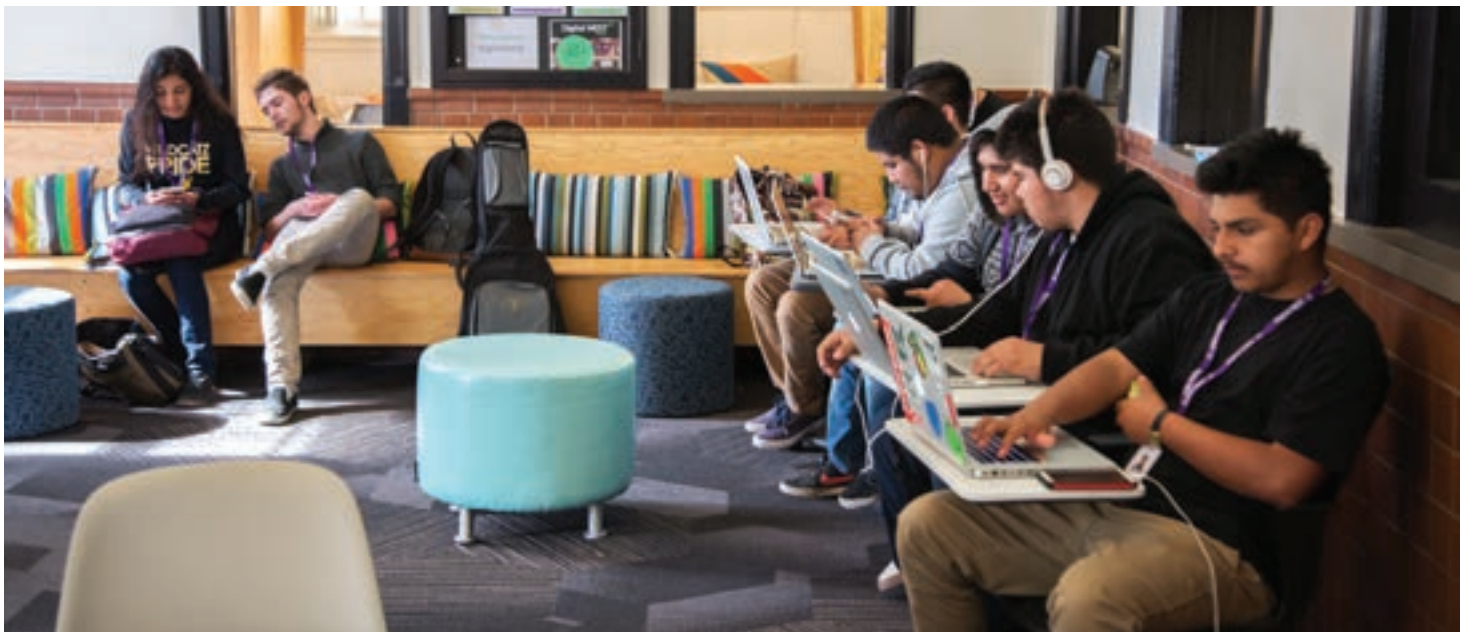
"Companies would love to have local, talented people, and that would be the best for them," says Jess Brown, director of the Santa Cruz County Farm Bureau. "People weren't getting the education that was needed to move into agriculture, because it has changed so much."

After two years, in February 2016, Digital NEST moved into a 4,500-square-foot building in downtown Watsonville. It buzzes with energy: Members experiment with cameras, tap away on keyboards, bounce from meeting to meeting, and collaborate on projects. Up to 50 kids swing through each day. The program, which is funded mostly by foundation grants, is doing so well that Martinez plans to open a second branch in nearby Salinas in January 2017.

"Programs like this address the issue of getting (youth) to work in Watsonville," Brown says. "We can see that we need more programs like what Martinez is offering young people."

Companies like Driscoll's, meanwhile, are eager to work with tech leaders like Martinez. "Finding ways to increase the technical capacity and exposure in the communities we work in will be important as we look to the future," says Frances Dillard, Driscoll's marketing director. "We have to be prepared to support these companies and have the workforce that can keep it going."

Martinez likes to remind his students that farmers were the original entrepreneurs — and that their families, who sell tamales out of truck beds or run landscaping or housekeeping businesses, are trailblazers too. "I'd put them up against any affluent community any day," Martinez says. "They want to care for their community, want to support their family, they have grit. They are true entrepreneurs: They don't have a safety net to catch them if their new endeavor fails." □



Students use the free Wi-Fi in the lounge of Digital NEST in Watsonville, California, where many homes are without computers and Internet.
GLEN MCDOWELL

ECOFLIGHT

THE LATEST

Backstory

In 2009, Montana granted an 8,300-acre lease to Arch Coal for a proposed strip mine along Otter Creek in the southeast corner of the state. The sprawling project would have created the largest coal mine in the U.S., and built a swath of railroad through remote prairie and ranch lands. **But the 10-year lease prompted a strong backlash, including a lawsuit from environmentalists,** who invoked the statement in Montana's Constitution that "a clean and healthful environment" is an inalienable right ("Clean and healthful environment," *HCN*, 8/30/10).

Followup

Although a Montana district court decision eventually struck down the environmental challenge, mine opponents can breathe a sigh of relief. Citing "further deterioration in coal markets," Arch Coal — already in the throes of bankruptcy — announced on March 10 that **it would suspend its Otter Creek application.** The state had already highlighted multiple deficiencies in the application, including concerns over wildlife, hydrology and reclamation.

BRYCE GRAY

NEAL HERBERT/NPS

THE LATEST

Backstory

Back in 1993, the Yellowstone Interagency Grizzly Bear Study Team, a collaborative group charged with overseeing the threatened bear's management, first suggested taking it off the federal endangered species list. The bear's numbers were on the rise, and Wyoming, Idaho and Montana were eager to take over management. But some biologists inside the group questioned the bear's recovery, **fueling environmental groups' successful push to keep federal protections** ("Grizzly war," *HCN*, 11/9/98).

Followup

Since then, **the U.S. Fish and Wildlife Service has repeatedly but unsuccessfully pushed to delist the Greater Yellowstone population.** In February, the agency again proposed delisting and transferring management to states. Wyoming took the first step by releasing a draft plan in March that would maintain roadless areas for habitat but generally remove grizzlies from areas of potential human conflict; eventually, it may also allow regulated hunting. Montana's plan was updated last year; more specifics on state management are expected this year.

KATE SCHIMEL

Herds around the West

Can small herds of wild bison help trigger a large-scale recovery for the species?

BY JOSHUA ZAFFOS

Last Nov. 1, about 400 spectators watched in delight as 10 huge, shaggy bison rumbled out of a holding corral onto 1,000 acres of windy shortgrass prairie, 30 miles north of Fort Collins, Colorado. The fenced grassland here is part of some 32,000 acres of city and county natural areas stretching from the foothills of the Rocky Mountains to the Great Plains. Local managers plan to gradually expand the herd's range to 2,500 acres as it grows through a combination of natural reproduction and more reintroductions. The herd already has its own Facebook page and, of course, a limited-release commemorative microbrew, Prairie Thunder Imperial Brown Ale.

The release restores the bison to the merest sliver of the species' vast historic range, and yet it represents a major conservation success. These animals are descended from the bison in Yellowstone National Park, the only population to survive wholesale slaughter by settlers during the late 19th century, and the last major reservoir of bison genes that have not been polluted by cattle DNA from cross-breeding. Yet using them in restoration efforts outside the park has been difficult because many Yellowstone bison carry brucellosis, a disease that can cause cattle to abort or prematurely give birth. The Laramie Foothills herd, however, is brucellosis-free, thanks to novel assisted-reproduction technologies. That makes these bison an early test case for efforts to expand the species' gene pool outside Yellowstone.

Up to 60 million bison once wandered the plains. The largest land mammal in North America, the bison is now recognized as a keystone species that helps maintain the ecology of grasslands. Their grazing habits influence the diversity of forbs and grasses, and their hooves help aerate the soil. Even their dirt wallows create seasonal habitat for birds and affect how fire moves through grasslands.

Today, there are an estimated 500,000 scattered across the plains but nearly all are managed as livestock, destined to become buffalo burger. Fewer than 21,000 are part of 62 "conservation herds" that are managed for environmental purposes with limited human intervention, and many of those have cattle genes. Even fewer genetically pure animals are considered truly free-roaming and "wild." Many scientists consider the species to be ecologically extinct, meaning that its functional role in the landscape has been eliminated.

Correspondent Joshua Zaffos writes from Fort Collins, Colorado. @jzaffos

So while the reintroduction of 10 bison in the Laramie Foothills may not sound like that big a deal, genetically pure conservation herds like this one are a crucial step toward restoring wild bison to the Western landscape. They could help calm ranchers' longstanding worries about disease, and over time new herds have the potential to become self-sustaining populations that more closely resemble historic herds — if, that is, state and local managers are willing to give them room to grow.

Bison from the Laramie Foothills conservation herd on the Soapstone Prairie Natural Area are direct descendants of the Yellowstone National Park herd. A13, left, was born as a result of artificial insemination. BROOKE WARREN

Today, Yellowstone is home to 4,900 bison. It's the largest of four wild populations in North America, and contains 75 percent of the species' genetic diversity. Every winter, state and federal officials round up most bison that wander outside the park's borders. Up to 900 are removed annually through hunting or slaughter, largely to prevent the possible spread of brucellosis. They are either hazed back into the park, or quarantined and tested for brucellosis; any infected animals are killed.

These heavy-handed tactics have come under increasing attack in recent years. For one thing, there have been no documented cases of brucellosis transmission from bison to cattle, and even though elk also have been known to spread the disease, they aren't as aggressively managed as bison. "The (disease) myth has been pretty much debunked now, but the stigma has spread far and wide," says Steve Forrest, an ecologist for Defenders of Wildlife.

Assisted reproduction may help solve the problem. Jennifer Barfield of Colorado State University adapted techniques traditionally used for livestock, which involve cleaning semen from bison from the Yellowstone bloodline in the lab, and then using it to impregnate disease-free females. She has also collected eggs from brucellosis-infected Yellowstone bison destined for slaughter, cleaned them and fertilized them with clean sperm in the lab. The embryos are then implanted in surrogate bison cows.

This is one way conservationists can draw from the Yellowstone gene pool, while ensuring that newborn calves don't carry the disease, Barfield says. Already, biologists plan to use male calves from the Laramie Foothills herd to build up other conservation populations, while minimizing inbreeding in the local population.

These steps are important because it's risky to have so much of the species' genetic material banked in one wild population. An unexpected disease outbreak or other catastrophic event in Yellowstone could be a significant setback for the entire species. But for conservation herds to become viable populations on their own, scientists estimate they must grow to at least 1,000 animals. And because a herd of that size probably needs at least 100,000 acres to roam, getting there will likely entail letting them mingle with cattle and roam across jurisdictional boundaries.

For now, the only genetically pure and brucellosis-free conservation herds

Please see **Bison**, *page 23*

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A bicycle in Bliss, Idaho. JON HORVATH

GRASS/ROOTS, Photo exhibition at the Colorado Photographic Arts Center, Denver, Colorado. March 18 - April 28

"Bliss": The dictionary defines it as "perfect happiness; great joy." But according to the atlas, it's also a small town in the arid expanse of central Idaho's Snake River Plain.

It's fitting, then, that Jon Horvath used that particular Bliss, an agricultural community of 300 people, as the focal point of a photography project that aims to investigate "how mythologies of the American West and mythologies of happiness intersect."

Titled *This is Bliss*, photos from the resulting multimedia project will be featured as part of the *Grass/Roots* exhibition at the Colorado Photographic Arts Center in Denver from March 18 – April 28. Horvath's images of Bliss will be presented alongside William Sutton's photographs of the vast plains of Wyoming. Collectively, the works explore distinctly Western scenes and consider how the landscape has shaped the experience of its inhabitants. The exhibition is free and open to the public. **BRYCE GRAY**

Scenes from Bliss, Idaho, that are in an art show at the Colorado Photographic Arts Center through April 28. JON HORVATH

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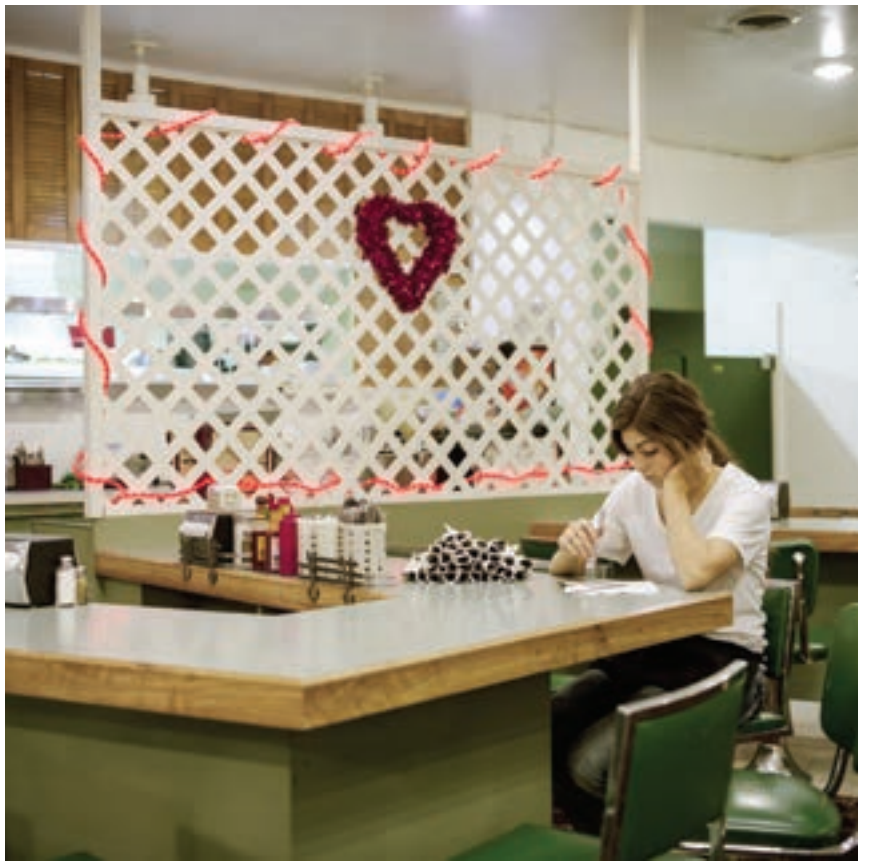

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HCN founder Tom Bell to receive honorary degree

We have no idea how it happened, but March is already behind us. Our staff is still hoping for a little more snowfall before we put the skis away and break out the camping and hiking gear — though we've also begun shaking the dust from our packs, smearing on sunscreen and venturing onto the sun-soaked trails. Spring is always a time for new beginnings, and after this issue, our staff is enjoying a publication break. We'll see you again in May, and until then, at hcn.org.

Tom Bell, our founder, who gave *HCN* its name and empowered the magazine to become one of the West's strongest voices on natural resource issues, is receiving some special recognition in his home state: The University of Wyoming is presenting him with an honorary doctoral degree during the May commencement ceremony.

Back in 1970, Tom purchased *Camping News Weekly* and moved it to Lander, Wyoming, under a new name: *High Country News*. During the early years, Tom wrote most of the articles, ran the business and slowly grew the then-tabloid newspaper's readership. The fledging publication struggled at times, and Tom made it a nonprofit in 1971. In 1974, he instituted the Research Fund page to thank donors for saving *HCN* from nearly collapsing under the weight of an avalanche of crises, both personal and financial. Later that year, Tom passed the baton to young editors **Joan Nice** and **Bruce Hamilton**, who continued his legacy. Tom has won numerous awards over the decades, including conservationist of the year, and has been named a distinguished citizen of Wyoming.

During the nomination process for the honorary degree, *HCN* staff — both new and old — submitted letters of support. **Emilene Ostlind**, an editorial intern and fellow in 2010 and 2011, who currently works at the University of Wyoming Haub School of Environment and Natural Resources, wrote: "The rest of us need people like (Tom) in our state. He is exactly the citizen and change-maker we, as the state's institute of higher education, should celebrate."

HCN would not have thrived "without the vision — and yes, the stubbornness — of Tom Bell," **Paul Larmer**, our executive director, wrote. "He saw a need, then had the courage of his convictions to follow through and do something about it, creating institutions that will outlive him and deeply educate future generations." Congratulations, Tom, and thank you.

A couple of corrections: In "How not to forget the West's past atrocities," (*HCN*, 3/7/16), a classification error of sorts: The Manhattan Project is a national historical park, not a historic park, as stated. And, in the same issue, Juan Bautista de Anza's 1775 journey, which led 30 families out of Mexico to Alta California, was not the first Spanish expedition to cross into the borderlands. We regret the errors.

—Paige Blankenbuehler for the staff

Tom Bell in his home in 2010. BRAD CHRISTENSEN/ WYOFILE

A LAND

Can a groundbreaking se

DIVIDED

ng settlement fix a century of bad policy in Indian Country?

FEATURE BY

SIERRA CRANE-MURDOCH

Cowboy After Buffalo got his name in 1971. He was an infant, propped up in his mother's lap in the backseat of a car, when a man who had been drinking approached to ask if he was a boy or a girl. "A boy," his mother replied. "A cowboy," the man said, and it stuck.

The After Buffalos had a ranch west of Browning, Montana, on the Blackfeet Indian Reservation, where hayfields and aspen groves drape across the eastern front of Glacier National Park. On the 640 acres allotted to the family by the federal government in the early 1900s, and on surrounding allotments, they grazed 160 cow-calf pairs. Cowboy learned to break horses, round up cattle, brand them, castrate them and move them between pastures. The youngest of five siblings, he showed the greatest interest in the ranch. His parents, Barbara and Edward, hoped that someday he would take over its management.

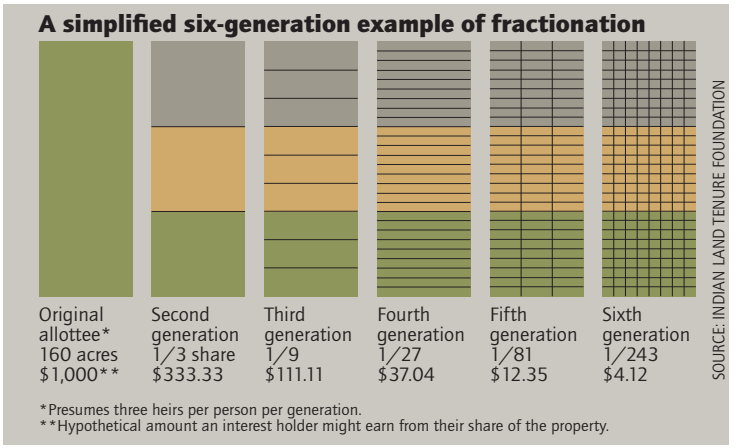
In the early 2000s, they put their hopes in writing. Edward had lost a foot to diabetes and did not know how long he would live. One evening, at the hospital, he asked his children to write three wishes on a scrap of paper. Cowboy was struggling with addiction at the time; he had intermittent work that paid poorly and ran drugs to get by. Still, he wished for the ranch. Since the After Buffalos are members of the Blackfeet Tribe, with their land and mineral assets managed by the federal government, Edward filed a will with the Bureau of Indian Affairs: Cowboy would receive the largest share of land; the rest would be split among Edward's wife and other children.

Cowboy got sober in his father's final years, and Edward gift-deeded him a small parcel, where he could live in a trailer with his wife and kids. Though the family sold the herd to pay bills, Cowboy fixed fences and found other ranchers to sublease the land. He hoped eventually to buy his own cattle. "I wanted to live an honest life," he said.

But when Edward died in October 2012, and the family gathered before a probate judge, the judge found no will in Edward's file. "I think everybody was just stunned," Cowboy recalled. "My mom — I know it hit her hard." Barbara asked the judge if he could honor her husband's wishes, but he ex-

Cowboy After Buffalo stands with one of his horses on his family's land on the Blackfeet Indian Reservation in northern Montana.
TERRAY SYLVESTER

Sitting in his mother's kitchen in Browning, Montana, Cowboy After Buffalo studies papers related to his family's land on the Blackfeet Indian Reservation. TERRAY SYLVESTER



plained that without a will, under federal Indian law, Edward's interest in the land would pass to Barbara. This would be for her lifetime only; she could not write a will transferring the interest to Cowboy. Instead, when she died, the property would be shared equally among her husband's heirs, in a process called "fractionation."

The family dreaded fractionation. It meant that Cowboy and his four siblings would each be assigned a percent interest in the land, much like shareholders in a company. Before Cowboy could develop the land in any way, he would need approval from enough shareholders to represent a 51 percent interest. Edward had held interest in two 320-acre allotments — one that had belonged to his grandfather, and another to his great uncle. He had owned roughly 39 percent of each of them, which was more than any of the other interest holders, but not enough to make autonomous decisions. The allotment Edward had hoped to will to Cowboy already had 131 interest holders. If fractionated again, it would be even more difficult for Cowboy to access than it had been for Edward himself.

Cowboy was silent. "I think everybody was waiting for my mom to say something," he recalled, "but she was so far missing the old man, I don't think she could. And me being the youngest, it wasn't my place. The judge said, 'Anyone have anything to say?' And nobody did."

On reservations nationwide, the U.S. government manages 156,596 allotments like the After Buffalos', leasing the land and resources on the owners' behalf and returning the income to them via trust accounts. In 2012, these allotments contained 4.7 million fractionated interests. Relatively speaking, Cowboy lucked out: It is not uncommon for hundreds — even thousands — of individuals to co-own a single allotment. Even so, he would have to maneuver through a tangled system that was, by all appearances, rigged against him.

Then, in 2013, a new option emerged: Cowboy could sell his interest altogether. Over the next decade, the U.S. Department of Interior planned to spend $1.9 billion purchasing fractionated interests from Indian landowners and consolidating them under tribal ownership. The Land Buy-Back Program, as it was called, was the most significant piece of a $3.4 billion settlement that closed a 14-year battle between Indian landowners and the U.S. government. The dispute had arisen from the government's mismanagement of Indian property and accounts, and its failure to pay owners billions of dollars of revenue. But its subtext was fractionation, and a century of policy that trapped Indians in a system of false ownership, unable to use the land that belonged to them.

Cowboy hated to consider giving up his land, even to his own tribe, but the possibility lingered with him. "You just live day to day," he said. "Then, there's a point where you got to say, 'Do I sell? What do I do with my land? What good is it doing me?' "

THE MOST INFLUENTIAL architect of today's system of Indian land ownership was Massachusetts Sen. Henry Dawes, who once defined "civilized" men as those who "cultivate the ground, live in houses, ride in Studebaker wagons, send children to school, drink whiskey (and) own property." His 1887 General Allotment Act, also known as the Dawes Act, divided reservations into sections and assigned them to Indian families, who were then instructed to farm. Intended to foster individualism and integrate Native Americans into Anglo-American society, the Dawes Act had the opposite effect: Where the land was dry and infertile, particularly on the Great Plains, many families struggled to feed themselves and came to rely heavily on government rations.

Fractionation began with the Dawes Act, but it accelerated after 1934, when Congress stopped assigning allotments to Indian families. By then, there was little left to allot. The Dawes Act had allowed "surplus" reservation land to be auctioned, and 60 million acres had been sold to white homesteaders. The 1906 Burke Act, meanwhile, authorized federal agents to declare certain landowners "competent," thereby removing their land from federal trust and allowing it to be taxed. Many landowners were never informed and accrued debt unwittingly; others could not afford the taxes. As a result, another 30 million acres were lost to foreclosure. A common story in Indian Country tells of a family who sat down to dinner one night when a strange wagon pulled up to the house. The travelers had come a long way, and the family invited them to eat. When the family asked why they had come, their guests looked surprised and said, "We bought your land."

Today, a great deal of reservation land — a third of some of the largest reservations — is owned by non-Indian people. Furthermore, on many reservations, the majority of Indian-owned land is leased to non-Indian farmers and ranchers. This is a consequence of fractionation: Because it can be so hard for Indian landowners to obtain approval to move projects forward, the land is left fallow or, more often, grouped with other parcels into a "range unit," which the

Bureau of Indian Affairs leases out on landowners' behalf. When a lease is paid or royalties are earned on an allotment, the BIA sends the proceeds to the U.S. Treasury Department, which issues each interest holder a payment. When there are a lot of interest holders, the payments can be for amounts less than a dollar. This system — of owning land but having little control over it — is a major reason why Indian Country stays poor. It is, many say, why white people run more cows on Indian land than Indian ranchers; why white people earn more money from reservation land; why pastures are pounded dry by overuse; why houses are hard to come by; why they fall into disrepair; why there are few businesses or jobs. Pine Ridge Indian Reservation in South Dakota, once dubbed "Poverty's Poster Child" by *The New York Times*, is the second largest reservation in the nation and, by some metrics, the most fractionated. In 2002, when agriculture there earned $30 million, Native Americans netted only a third. "Look at the abundance of the land," an Oglala Lakota business owner told me. "If we were anywhere else, it would be wealth creation, but here it's the opposite."

There have been various attempts to address fractionation since it began, most notably the 1983 Indian Land Consolidation Act, which enabled tribes to exchange and purchase interest from landowners at fair market value. But these efforts were poorly funded, and many tribes, chronically in debt, could not buy land in large enough quantities to make much difference. The Dawes Act became ever more difficult to undo. As the number of fractionated interests ballooned, so did the federal-Indian bureaucracy. The BIA had long been criticized for its shoddy management of Indian accounts, most famously in 1828, when federal agent Henry Schoolcraft wrote that it seemed the agency's fiscal affairs "had been handled with a pitchfork." Fractionation made more room for error. In the late 1980s, Elouise Cobell, a Blackfeet rancher, tribal treasurer, and founder of the first tribally-owned bank, testified before Congress on flaws in the BIA's accounting system. She had found many discrepancies in her work on the Blackfeet Reservation — leases never paid, documents lost — and suspected the problem was systemic. Indeed, in 1994, a banker appointed by then President Bill Clinton to investigate the Indian trust system found that out of the 238,000 accounts reviewed, half were missing important documentation, and nearly a quarter had no address; the account holders' money had been sitting in the Treasury.

In 1996, Cobell sued the U.S. government on behalf of 450,000 plaintiffs from tribes across the country. She estimated that more than $170 billion had been lost or stolen from Indian accounts. When the case finally settled in 2009, it had gone to trial seven times. Since the settlement did not require a full accounting of missing or stolen monies, each plaintiff was awarded $1,000 to $2,000 — a small acknowledgement of their losses. It also set up a scholarship fund for Native American college students that would be bankrolled through the Buy-Back Program. But the land program itself received the bulk of the settlement money — $1.9 billion — to undo damages wrought by the Dawes Act. The settlement was hailed as a historic victory, and Cobell, who would die of cancer two years later, its hero. President Barack Obama called it "an important step towards a sincere reconciliation." In an essay distributed widely by *High Country News* and still often cited, Chuck Sams of the Confederated Tribes of the Umatilla Indian Reservation wrote, "Though it is true we were dealt a poor hand by history, we can make a new start. ... We will begin to make ourselves whole again."

A 1911 Department of the Interior poster, left, advertising so-called surplus reservation land for sale, after the Dawes Act assigned tracts to Indian families.
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Elouise Cobell talks with Secretary of Interior Ken Salazar in December 2009, during a Senate Indian Affairs Committee hearing on the settlement of the class-action lawsuit Cobell vs. Salazar.
MARK WILSON/GETTY IMAGES, BELOW

THE LAND BUY-BACK PROGRAM differs from past efforts to undo fractionation in two fundamental ways: First, there has never been an attempt to transfer so much land to tribes all at once; and, second, there has never been so much money available to do so. In 2011, Interior Department officials met with tribal leaders and, the next year, released a plan: The BIA would give each participating tribe a sum scaled to the size of its fractionation problem. The Blackfeet Indian Reservation — by some measures the third most-fractionated in the country — was slated to be among the first beneficiaries, but a brief collapse in tribal government put the program on hold. Instead, the first buy-back offers went to landowners on Pine Ridge, on Dec. 18, 2013.

I visited Pine Ridge Agency the following August, as the Oglala Sioux Tribe was closing a third round of land purchases. The buy-back office was a doublewide trailer in the yard of the BIA building. A secretary motioned me into a back room, where a wiry, jocular man in pleated pants and tennis shoes sat with a stack of paperwork. Steve Her Many Horses was the fourth person appointed to direct the program in six months. He

On the Pine Ridge Indian Reservation in December 2012, Teresa Voice of Crow Creek shows the $1,000 check she received as part of the Cobell settlement's $1.5 billion in direct payments. Another $1.9 billion was slated for the Land-Buy Back program.
BENJAMIN BRAYFIELD, RAPID CITY JOURNAL

held up a reservation map: Tracts in which the tribe owned a majority interest prior to the buy-back program were colored dark blue; tracts in which the tribe had newly acquired a majority interest were light blue. The latter represented 200,000 acres, roughly a tenth of the reservation's fractionated land, leveraged with $76 million of the tribe's $105 million allocation. "Our main goal is to see this full map blue," he said. "Then our tribe will have control of our land."

The benefits were numerous, Her Many Horses told me. The tribe would earn more lease income and could use it to purchase reservation land from non-Indians. On land where it had acquired a majority interest, it could also build housing for tribal members. More importantly, the purchase had ensured that land returned to the tribe would never again be sold to non-Indians.

He spoke in terse, excited phrases, like a salesman still honing his pitch. And so when I asked, finally, if he would sell his own land to the tribe, I was surprised by his reply.

"Oh, no," he said.

"No?"

"Well, it'd be something to think about."

I heard the same answer dozens of times in the weeks I spent on Pine Ridge. It was difficult to find anyone who had sold their own land or, at least, who would admit to having done so. When I mentioned this a few mornings later to Denise Mesteth, the director of the tribe's land department, she took me on a tour of her office:

"Hey, Burton, did you get an offer?"

"No, I don't have land. Try Grace."

"Grace, did you sell your allotment?" Grace averted her eyes. "Just checking. Bud? No? You know who did?"

"Not me."

At last, we came to a cluttered, sweltering room, where a lean man named Carl Eagle Elk was studying a map. "I had no intention of selling," he said. "My dad, my grandfather — they all told me, growing up, 'Don't sell your land.' " When the offer came in the mail, he left it in the backseat of his Chevy Impala. But as winter wore on, Eagle Elk, who lived with his brother, ran low on propane. "I slipped into debt," he said. "You have your car, your insurance, your utilities. My son was in school, so you have school clothes. Then you drive a ways to get groceries." (Most reservation residents shop in Rapid City, 90 miles away.) On July 21, 2014, just before his offer expired, Eagle Elk went to the buy-back office and sold half his interest — the equivalent of 20 acres, for $14,000. When the check came, he would pay off his debts and buy a trailer.

I eventually met others like Eagle Elk who had sold their land, though reluctantly. There are good reasons to sell: Many landowners no longer live on the reservations where their interest is, or they have inherited interest in places where they lack tribal affiliation. Or their interest is so small that they'll never have access to the land. A house or trailer may indeed be a better investment, as may a car, since reservation services are often few and far between. But I also sensed that people were ashamed of the transactions. "It comes from the fact that our people died for that land, so it's not a commodity that you can just sell and get money and be on your way," Mario Gonzalez, an attorney and member of the Oglala Sioux Tribe, later told me. Gonzalez is known for having advised the Sioux to refuse federal payment for the sacred Black Hills, taken from them in 1874. "I'm not selling my tracts, because they belonged to my great-grandmother," he said. "They have value to me, just like an heirloom." I had to understand that people were coming to their decision from a place of deep loss. Even though the land would return to the tribe, and even if the sale benefited the seller, the act of selling was weighted with painful memory.

I was reminded of something an elder told me when I had asked why he refused to sell: "When you have land, you can always come home. Nobody can't ever tell you, 'You have to go. This don't belong to you.' "

IN SEPTEMBER 2015, I arranged to meet Cowboy After Buffalo on a grassy ridge above his house. I drove a truck he had left for me at his corral, an old Ford with cracked mirrors and various CDs — *Black Lodge Veteran Songs*; *The Rolling Stones* — stuffed in its side compartments. He arrived after I did, on horseback, with his jeans tucked into his boots and a bandana tied around his forehead. Tall and heavy-set, he seemed always to be grinning. He had been out looking for a neighbor's escaped calf and found it grazing amid a herd that belonged to a white rancher named Ron Jones. Near the end of his father's life, Cowboy had begun subleasing the After Buffalo pasture to Jones, who lived south of the reservation. Cowboy could not afford the $2,400 yearly payment, let alone his own cows, and, anyway, he liked Jones. Subleasing to him allowed Cowboy some control: He could still do the work of a rancher while he gathered the resources that would allow him, eventually, to acquire cattle.

Around reservations like Blackfeet, where ranching is the dominant industry, this sort of mutualism is common between Indian and non-Indian communities. Many Indian landowners who hold leases for their fractionated allotments sublease them to other ranchers because they don't have enough livestock to fill range units themselves. (Edward After Buffalo owned 45 of the 160 cows he ran on two units.) Many reservations have good pasture, which is expensive and hard to come by elsewhere. "It's kind of known that you can always find it there," a white rancher, who subleases Blackfeet pasture, told me. "If you're in a pickle, that's where you call."

These arrangements are controversial, and some tribes have passed resolutions discouraging Indian landowners from "fronting" for outside ranchers. On the Blackfeet Reservation, anyone who leases a range unit must own a certain percentage of the livestock that graze it. Cowboy had 12 horses, enough to meet the requirement, but without cows, his claim felt precarious; he worried that the

Cowboy After Buffalo, center, stands with Ron Jones, right, and members of their families while gathering Jones' cattle from the After Buffalos' land last fall. Jones lives south of the reservation in Dupuyer, Montana, and like many non-Indian ranchers in the area, he grazes cattle on reservation land he subleases during the summer.
TERRAY SYLVESTER

tribe's allocation committee, which largely controls grazing assignments, might give his to a bigger Indian rancher. So in 2013, he applied to the Farm Service Agency for a $35,000 loan to buy his own small herd.

While he waited, he decided to install a hydrant by the corral for watering livestock. He needed approval from others who shared in his allotment, but when he asked at the BIA office for a list of the 131 landowners, he was turned away. "As soon as I'd ask for maps, details, names, they'd question me like I was bringing a bomb in," he recalled. When he finally obtained the document, he wrote the largest shares in neat rows and added them up. With his father's gift, he owned a 2 percent interest. If he could get approval from his mother, who had 39 percent, as well as from several cousins, he would need less than 1 percent more. But most of the remaining landowners held less than a tenth of 1 percent interest. Some lived far away, in Florida or Oregon; others, he noticed, were in prison. He contacted a woman who owned 1.357 percent. She lived in Harrah, Washington, but planned to return to the reservation in summertime. She could meet him then, she said. But just before her trip, she died. Cowboy gave up, and the project fell through.

He began to worry that his loan would be denied because the land was so fractionated, and his access to it was limited. So on the day a loan officer arrived to inspect the property and fences, Cowboy assembled his brother, sisters and mother in his living room. "I wanted to show the officer that I was serious," he said — and that his family supported his plans. The meeting later paid off. Cowboy learned that if a majority of landowners agreed, he could pull the 320-acre allotment in which he held interest out of the range unit. That way, he would reduce his risk of losing the land to another rancher and have more time to buy cattle. His mother agreed, and Cowboy began knocking on doors. In three days, he had acquired signatures from 53 percent of interest holders. It was a small victory, and it softened the news when his loan officer told him that he did not have enough cash flow to qualify for the loan. "He told me, 'Keep trying,' " Cowboy recalled, "and I said, 'I will keep trying.' "

I asked Cowboy if all these difficulties made selling his land interest through the Land Buy-Back Program seem more appealing. "No," he said, though the program might work in his favor in other ways. If the tribal government gains interest in his allotment, he explained, he might be able to acquire more for himself by trading the tribe smaller interests he holds elsewhere on the reservation. I followed Cowboy down the ridge to his house, where his wife, Angie, was fixing hamburger and mashed potatoes for dinner. On the table sat a stack of folders and ledger books containing lease documents dating back to the '60s. Among them were records from the 1990s, when another rancher outbid Cowboy's father for the range unit containing the ranch. The After Buffalos had to go to court to regain access. The records seemed remarkable not only for how well they had been preserved, but also for what they implied: The odds against Native Americans keeping their land have been high for a long time. It is no wonder that so many still believe it is worth their struggle to hold onto it.

IN JUNE 2011, the U.S. District Court for the District of Columbia held a fairness hearing on the Cobell settlement, the last opportunity for plaintiffs to object. Landowners from tribes across the country spoke, and opinions varied, but most agreed that they would not sell their land. "You don't have enough money to buy my piece of sovereignty," a Choctaw man challenged. "These lands are precious. They hold the bones of my people," said a woman from the Cheyenne River Sioux Tribe. In the end, just 92 plaintiffs filed formal objections, and 1,800 opted out of the $1,000 payment. But the hearing foreshadowed a wider discontent: As of November 2015, fewer than half of the landowners who received buy-back offers had accepted them. On some reservations, such as Pine Ridge, the number is even lower.

At the end of 2016, the program will finally reach the Blackfeet Reservation, making the tribe one of the last to participate. It is fitting, perhaps, that the place where the Cobell case began could be the place where it ends, but it is also a reminder of the lawsuit's disappointments — of the distance between the injustices brought to light by the case and the justice now being delivered. The buy-back program does little to close this gap. Despite an investment of $715 million and the transfer of an equivalent of 1.5 million acres from individual to tribal ownership, the number of fractionated interests on participating reservations has declined by just 20 percent. Since Indian land will continue to fractionate at an exponential rate, it is easy to see the buy-back program as little more than a Band-Aid on a gaping wound.

"When you have land, you can always come home. Nobody can't ever tell you, 'You have to go. This don't belong to you.' "

—Tribal elder, Pine Ridge Indian Reservation

Phillip Many Hides finishes his lunch in a cafe in Browning, Montana. Many Hides intends to sell his interest in some parcels when the Buy-Back Program comes to the Blackfeet Indian Reservation. He plans to use the money to buy a house.
TERRAY SYLVESTER

"The settlement is not perfect. I do not think it compensates for all of the losses sustained, but I do think it is fair … I am convinced that it is the best settlement possible."

—Elouise Cobell, bedridden with cancer, calling in her final statement during a 2011 fairness hearing on the settlement

The low participation rate also has a darker implication — that many of those who did sell had little other choice. Federal officials often emphasize that the program is "voluntary," but since many tribal members depend on their governments for financial help with even day-to-day expenses, the concept seems slippery. "Offering poor people something that is more than they have ever had but is not really what the case is worth is an old ploy of lawyers and the government," Joe McKay, a Blackfeet tribal councilman and vocal critic of the Cobell settlement, told me. On Pine Ridge, I had observed tribal members ask their councilmen for help with hospital and propane bills, and once saw a councilman pay someone from his own pocket. The Blackfeet Tribe was in a similar circumstance. When I visited its offices in September, signs reading "No Hardship" were tacked throughout the corridors. And yet, every day, I watched men, women and children wander in, looking for councilmen to hear their pleas.

One afternoon, as I waited under a nearby pavilion, a man named Phillip Many Hides sat down beside me. He wore coke-bottle glasses, taped at the corners, and jeans, clean but frayed. He was looking for McKay, whom he hoped could help him apply for tribal assistance — a monthly $250 payment. Many Hides had long worked as a wildland firefighter and dispatcher, but his wife died in 2011, and he started drinking. When I met him, he had been sober 15 days. Still, he was homeless, sleeping by the powwow grounds. A spider bite on his ring finger had swollen to the size of a quarter.

I asked Many Hides if he planned to sell land when his buy-back offer finally came. He looked disappointed; he had assumed the offer would come sooner. "A lot of us are counting on that buy-back, so we can get our own homes," he said. Some of his land he would never sell — it had spiritual significance — but he also owned interest in a hayfield north of Browning. "I hate to let it go," he said, "but that's the situation I'm in." Already, the year before, he had sold some interest he inherited on the Coeur d'Alene Indian Reservation in Idaho. He spent the $1,600 he received on Christmas gifts for his children. "They were upset at first, but then my daughter said, 'At least it was for Christmas.' " The buy-back program was a blessing, Many Hides told me, and he thanked Elouise Cobell: "I remember when she first started to fight this fight. I thought, could she do it? And I remember the day she won. We were all giving each other hugs."

Cobell did not attend the 2011 fairness hearing. Bedridden with cancer, she called from Montana to make her final statement. "Few, if any, legal cases in modern times have embodied the pain of so many people in Indian Country, and also embodied the hopes of those people," she said. "What has been accomplished here is historical. … It brings a measure of justice to some of the most vulnerable people in this country. The settlement is not perfect. I do not think it compensates for all of the losses sustained, but I do think it is fair. … I am convinced that it is the best settlement possible." Four months later, she died.

Cobell's friends and colleagues have since told me that even she had been deeply ambivalent. Cobell was grateful that the case had ended, and she approved of the college scholarship fund. But behind closed doors, she opposed the buy-back program. She feared it would thicken the bureaucracy that already mired Indian land ownership. She worried, too, that landowners in dire straits would sell their only financial leverage, since many depend on lease income and even take out loans on it to buy everyday necessities like groceries and school clothes. Most of all, she opposed the program because it seemed to assume that what is best for tribal governments is best for individual Indians — that their interests, after more than a century of federal policy intended to break apart tribal communities, were still one and the same. Many tribal members, in fact, have come to distrust their tribal governments.

"We would have argued that it's better to help owners acquire bigger interests, not do a program that converted those interests from individual to tribal ownership," Cris Stainbrook, president of the Indian Land Tenure Foundation and a descendent of the Oglala Lakota, told me. Stainbrook worked closely with Cobell throughout the case. "The lawsuit was nothing about tribes," he said. "It was about individuals. And the way the buy-back program was structured, the tribes came away with a gift."

The program, Stainbrook added, was the government's piece of the deal. "They say they did this to 'make the community whole again,' but that's secondary. They wanted it because they spend millions of dollars a year sending lease checks for amounts smaller than the cost of a stamp. Reduce fractionation, and they reduce the administrative burden."

The case did achieve some substantial victories. In 2009, for example, then-Interior Secretary Ken Salazar appointed five tribal leaders to a Committee on Indian Trust Administration and Reform, and in 2014, the committee released an analysis of the trust relationship. The report does not go so far as to suggest transferring the management of trust accounts to a third party, such as a bank, as Cobell would have wanted, but it does call for a seismic restructuring of the trust system. Among its recommendations is the establishment of an Indian Trust Administration Commission, which would consolidate the Department of Interior's trust functions under a single entity and make it easier for tribes and individuals to navigate the bureaucracy.

Even the buy-back program has had positive effects, in that it has encouraged Indian landowners to learn more about their fractionated interests. Stainbrook, through the Indian Land Tenure Foundation, has worked with federal officials, tribes and other organizations to distribute educational materials about the program, estate planning, and the alternatives to selling land, so that landowners can make informed choices. On the Blackfeet Reservation, the people I spoke to seemed more prepared than those I met on Pine Ridge: With the benefit of time, perhaps, more of them knew where their land was and how much income they earned from it. Mark Magee, the director of the land office and a relative of Cobell's, told me he was glad the Blackfeet would be among the program's last recipients: "We get to see everyone else's mistakes. We want to make sure we're doing it right."

Trust reforms are as uncertain as any in the past, though, and most people see Cobell's legacy as something more intangible. "She used to tell me, 'Winning money wasn't the thing,' " said Angie Main, Cobell's friend and colleague, when I visited her in Browning. "Indians winning a case against the federal government — that's the point." Later, Elouise's sister-in-law, Eva Cobell, showed me a box of papers she had saved to make a scrapbook for Elouise's son. It mostly contained condolence notes sent upon Elouise's death, but at the bottom I found letters addressed to Elouise from students at the local high school:

My name is L. My mom is J. I don't know who my dad is and really don't care. What you're doing means a lot to me and a lot of other people. What you're doing means to me that there is hope. People from the reservation can be something.

ON A COLD MORNING IN OCTOBER, I dropped by the After Buffalo ranch once more. Cowboy was in the corral with his sons and Ron Jones, who had come to gather the calves. The cows lowed mournfully as Cowboy flapped his arms like wings, driving the calves up a ramp and into a trailer. Jones seemed pleased, and once the calves were loaded, he did not linger. The two men laughed and shook hands. The heifer calves already had a buyer; Jones would take the steer calves to auction. The next week, he would return for the cows and bring them to his own property to overwinter. Then, the pastures would be mostly empty until spring.

In the meantime, Cowboy had enrolled in a course to receive a commercial driver's license. Roads were being redone throughout the reservation, and he hoped to find work hauling gravel. This would increase his cash flow; he could reapply for a loan. Cowboy was good-natured about his ordeal. He wasn't angry with the BIA for losing his father's will. "We can't look at yesterday, because we'll go backwards, and I'm trying to go forward," he said. He faulted himself for not trying sooner; if he hadn't been drinking or running drugs, he might have had his own herd by now. He shook his head: "To think of all the money I took, of all the victims I made."

The wind blew so hard that aspen leaves cut wildly in the air. I followed Cowboy's son, Andrew, to a creek that crosses the property. He showed me the bank where the family erects a tipi in summertime and the pools where they fish and swim. Above us was the ridge where I had met Cowboy weeks before. There, in a grove of pines, I had found a cemetery. The graves were sunken into the earth like deer had come to sleep. Some were marked by fenceposts lashed into crosses with wire, and others were not marked at all. This was fractionation in visual form: A gathering of generations; the faint outlines where bodies once lay; a claim to the land, grounded in something spiritual. □

Sierra Crane-Murdoch is a freelance journalist based in California. She is at work on her first book.

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Cowboy After Buffalo's daughter, Bethany, visits the grave of her grandfather on a hill overlooking their family's land on the Blackfeet Indian Reservation in northern Montana.
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Bison *continued from page 8*

allowed to roam freely on federal public lands in the U.S. are in South Dakota's Wind Cave National Park and Utah's Henry Mountains. Both herds are descended from Yellowstone bison, but managers have limited the populations to 400 or fewer animals.

"Every little herd is important in its own way," says Montana State University wildlife ecologist Dustin Ranglack, who has studied the Henry Mountains herd. Ranglack has found that, due to eating and grazing habits, the bison rarely compete with cattle for forage, another common misperception. "But for an ecological future for bison, we need relatively large herds on large landscapes," he says.

The most promising space for large-scale bison recovery is in eastern Montana. Along the Missouri River, the Charles M. Russell National Wildlife Refuge encompasses 915,000 acres. The refuge is slightly smaller than Delaware, and even today, Lewis and Clark would probably recognize its windswept grasslands.

The National Wildlife Federation has already bought out grazing allotments on 54,000 acres of the refuge, with the idea that bison will replace cattle when — and if — state managers who have jurisdiction over native wildlife approve. The neighboring Fort Belknap and Fort Peck Indian reservations are also using Yellowstone bison to build their own herds and help recover the species.

Perhaps most significantly, the American Prairie Reserve has already leased or purchased 307,000 acres of public and private lands adjacent to the refuge and plans to acquire a total of 500,000 acres. The reserve's lands now support 620 bison, with spring calves on the way, and spokeswoman Hilary Parker says the group hopes to eventually run 10,000 animals.

But the state of Montana has been reluctant to openly support the reintroduction or expansion of bison herds, either in the refuge or around Yellowstone. The idea of a new, publicly managed wild herd is being floated in the state's draft bison conservation plan, released last year. But the draft failed to identify any possible sites, or explicitly endorse a large and free-ranging bison population. To support just "another small 'display' herd of bison on a confined pasture," Defenders of Wildlife's Forrest says, "will be a colossal failure of planning."

In the Laramie Foothills, the small herd is currently fenced in to avoid close encounters with hikers, mountain bikers and wildlife watchers. That won't change even when managers expand the range in a few years. Still, a long-term, regional conservation plan for the foothills encompasses the natural areas, as well as surrounding federal and state lands, conservation properties and additional open space. It could eventually follow the American Prairie Reserve's example and open a much greater section of public and private lands to a much larger bison herd.

Other Western conservation herds are also growing and gaining attention. Sixty miles south of Fort Collins, federal managers at the Rocky Mountain Arsenal, an Army weapons complex turned wildlife refuge outside of Denver, plan to double its herd size to 180 or more animals on up to 12,000 acres in the next four years. That herd has also proven that bison are a tourist attraction: 330,000 wildlife watchers flocked to the arsenal in 2015.

To further boost support for the species, some scientists and conservation groups are pushing for hunting seasons in states with growing conservation herds, even as managers are trying to increase their numbers. Ranglack believes that could encourage rural communities and wary state managers to regard free-ranging bison as an asset instead of a threat.

"It's been so long since we managed these species as wildlife," says Steve Woodruff, a senior policy manager for the National Wildlife Federation. "We're never going to see millions of bison again across the West, but there are still some places where we can have wild bison along with a healthy cattle industry. There's plenty of land to do both." □

Incubated bison embryos are stored in liquid nitrogen, above. Students from the Department of Biomedical Sciences at Colorado State University watch bison from the Laramie Foothills conservation herd eat supplemental feed that is given to them in inclement weather.
BROOKE WARREN

How to develop clean energy on tribal land

OPINION BY JADE BEGAY

Across North America, fossil-fuel extraction and production have long robbed tribal communities of clean water, clean air and a secure future. The Navajo of the Southwest, the Houma along the Gulf of Mexico, and the Dene of Alberta, Canada, are some of the tribes sacrificing ancestral homes to oil and gas fracking projects, coal production, tar sands development and oil refineries.

Along with poisoning our land and water, these industries poison our people with a high incidence of pollution-related diseases. The industrial culture also harms women, who experience an increase in sexual violence as "man camps" move into tribal communities for extraction projects. None of this is news; it is just the bitter truth.

This is why I so deeply support tribes developing renewable energy such as wind and solar. It is an approach that can help to ensure our survival. But the question is: How do we do it right? Seeking answers, I attended a conference in February called Renewable Energy Development on Tribal Lands, which was held in Anaheim, California. The aim of the event, sponsored by Electric Utility Consultants, was to better understand the dynamics between the renewable energy industry and indigenous communities, where there are vast opportunities for wind, solar and other clean energy projects.

It was both encouraging and cautionary.

Not surprisingly, the majority of the conference focused on the business aspects of energy development, such as obtaining financing and understanding the legal considerations for developers. For indigenous folks, however, the most important topic was building relationships. Tribal communities have learned through experience that they need to create partnerships that don't continue the cycle of exploitation of Native lands and Native people.

The conference seemed a good start, but pitfalls remain for energy developers. Here are some of my suggestions for how they might build trusting and respectful relationships:

First, take a look at who is at the table. For instance, although this conference was about tribal lands and working with tribal governments and communities, a majority of the tribal representatives were non-Native, and among the 50 or so conference attendees you could count actual tribal community members on one hand. As an indigenous person, it was disconcerting to see so many non-Native people telling other non-Native people how to relate to indigenous communities.

Second, developers need to spend time learning the history of a tribe and its current political and social-justice climate. Each tribe has experienced centuries of colonial oppression that have resulted in the mistrust of non-Native businesses and organizations. In addition, every tribe faces a unique situation and has a unique set of solutions that aligns with its cultural values. It is strategic and honorable — especially if you are the dominant culture (white, educated, well-funded) — to step back, listen, and engage in deeper conversations about a tribe's history.

Third, it would be smart for clean energy developers to engage with young indigenous leaders and community organizers. These are the people who may end up trying to kill your project if it is not in the best interest of tribal sovereignty and self-determination. Across North America, young indigenous leaders are leading decolonization movements to reclaim our identity and our ancestral homes. We've been in a relationship with the lands we call home since time immemorial. The

WEB EXTRA
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land is the foundation of our identity.

Unfortunately, what many young indigenous people see is that our elected tribal leaders fail us by allowing the fossil-fuel industry to continue to exploit our land and people. These leaders have sold out — sacrificed our culture for dollars that are usually far below the value of what is being given away. Because our leaders are in some cases suspect, it would be prudent of renewable energy developers to look beyond the walls of tribal government to the people. The more connections to our communities, the better.

There is a lot of hope and optimism when it comes to clean energy development. This is especially true for places like the Navajo Nation, where, inexplicably, some 15,000 homes still have no electricity, despite three massive, coal-burning power plants located on or directly next to tribal land.

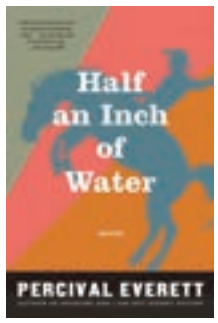
Now we have an opportunity to divest from oil and coal, develop new energy projects, and most importantly, to build healthier relationships between non-Native and Native peoples. Oppressive patterns can be broken if we encourage and fight for business models that favor fairness and justice. □

Native American students learn about small-scale wind energy at a workshop at the Red Cloud Renewable Energy Center on the Pine Ridge Reservation, South Dakota, hosted by Trees, Water & People and Lakota Solar Enterprises.
DAN BIHN PHOTO COURTESY TREES, WATER & PEOPLE

Jade Begay is Diné and Tesuque Pueblo, and is participating in a year-long Sustainability and Justice Fellowship at Resource Media in Boulder, Colorado.

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

Riding the range of human frailty



Half an Inch of Water: Stories
Percival Everett
163 pages, softcover: $16.
Graywolf Press, 2015.

Uplifting endings are as popular in Western literature as umbrellas in the desert. Sad stories sell. Desperados that inhabit notable works of renowned writers like Annie Proulx and Sherman Alexie tend toward drunken violence and tragic denouements.

Percival Everett, an African-American author of nearly 30 books, takes a different tack in his new collection of nine short stories, *Half an Inch of Water*. No matter what crisis Everett unloads on his characters, hope lingers like the scent of sagebrush in the wind.

They tend to get lost, physically and emotionally, as they search the wilderness for meaning. Sometimes they find themselves by connecting with others whose hardscrabble lives appear grounded in reality. In Everett's world, people need each other to survive.

In "A High Lake," a lonely widow loses her way on horseback in the mountains with fearless abandon. "Dying in the saddle was a romantic way to go, she thought."

A single parent in "Exposure," worried about losing ties with a teenaged daughter, tries to show his love for her on an outing to Burnt Lake. Spot-on dialogue between clumsy dad and rebellious child foreshadows doom when a cougar enters the scene.

A 14-year-old boy in "Stonefly," whose sister drowned years ago in a river, goes fishing to ease the burden he feels from distraught parents. Everett paints this scene with understated detail, and some of the most elegant writing of this collection. In a scene reminiscent of Ernest Hemingway's Nick Adams' stories, Everett writes:

"He cast the fly out and it disturbed the water awfully. But as soon as it landed, the big fish was on it. The trout bit the fly and pulled it deep. Daniel suffered from trigger lock. He was frozen, shocked. He finally gave a yank to set the hook. The trout took off downstream."

The finest story, "Little Faith," exposes a cultural gap in the West that Everett describes deftly.

When a white rancher with a pregnant mare in dire straits confesses to his African-American veterinarian, "You know, you're okay," the doctor responds, "How's that?" The rancher confesses, "You know, being a black vet out here, I had my doubts."

Not all nine stories are winners. "Finding Billy Whitefeather" has a mystical quality that stumbles over a weak plot. "Liquid Glass" gets Stephen King-ish: it's about a box containing a severed head and not much else.

Nobody escapes unscathed in Everett's fiction. His world operates according to Darwin's rules, but however bleak it appears, it teems with convincing characters, persistent folks who figure out how to survive.

BY ERIC SANDSTROM

The rescuer and the rescued

The Animals: A Novel
Christian Kiefer
320 pages, softcover: $15.95.
Liveright, 2016.

"My god that you could walk through such a landscape. My god that such a landscape existed anywhere but in your dreams. And yet here it was." California-based novelist Christian Kiefer creates a gorgeous, desolate tableau in which his characters are bewitched by natural beauty even as they're betrayed by human actions, especially their own.

Wildlife rescuer Bill Reed and his unofficial Idaho sanctuary are in peril as *The Animals* begins, when the district game warden threatens to close the place down, citing federal environmental rules and regulations. Meanwhile, Bill's nightmarish past catches up with him, when Rick, who was once his closest friend, is released from a long stretch in prison. The two were inseparable during their bleak childhoods in Battle Mountain, Nevada, enduring family tragedies and alcoholic parents. Together, they later escaped to Reno, only to get lost in dead-end jobs, drugs and trouble with the law. Now, Rick has returned in search of the money they netted in a long-ago burglary. Or perhaps it's really vengeance he wants; the threat of violence hovers over the novel like a pall.

What solace there is comes by way of Bill's animals, all of them once wild, most now recovering from various traumas in cages or enclosures, yet still pulsing with life. Bill has fled his gambling addiction and subsequent debt, seeking redemption in a solitary life in the woods. "A geography of snowed-over silence. Elk would come down through the trees on their way to the meadows in the south, their calls echoing up from those blank white plains."

Kiefer's narrative voice recalls that of Faulkner, complete with a blind bear named "Majer." The bear's presence haunts the reader; from the beginning, we fear for Majer's life. Bill's harsh and precarious world is increasingly endangered, and as the novel unfolds, our fears are realized in unpredictable ways and with unforeseen consequences.

Lovers of wilderness and of words will find both pleasure and sorrow in the rich, lyrical sentences of *The Animals*. "Were a fox to step out from behind the trees and speak in human words, or a raven to descend wearing a suit coat and a top hat, you would not have been surprised. Worlds overlapping."

BY ANNIE DAWID

ISTOCK

JOSE AZEL / AURORA PHOTOS

Risk, goats and kids in the mountains

Goat Flat. The flat part sounded good, but the goat part made me nervous. Though mountain goats and I share an appreciation for Montana's high country, they favor scary-steep areas where they can escape most predators not carrying a firearm. You may find them scaling impossible cliffs or scampering across ledges too narrow to support a sandwich. Even their kids — plush-toy versions of their parents — could star in an acrophobic's nightmare. How could a trail to a place named after them be suitable for human kids?

At any rate, we needed a break after that last stretch of switchbacks, which had zigzagged nearly all the way up to timberline. My husband, Tony, and I dropped our packs at Storm Lake Pass and took stock. Our 6-year-old, who had tackled the hill under protest, swatted irritably at the gray blizzard of mosquitoes swirling around his face. But our oldest son, who would turn 10 that day, fixed his eyes on the route ahead.

I studied the trail through my zoom lens. It looked like a pale thread stitched across the steep, rocky flanks of Mount Tiny — a reasonable route, as far as I could tell. Still, other hikers had warned us about a risky bit where the path was blocked by a snowfield. And those dingy clouds hinted at a thunderstorm. I'm a cautious parent; on the scale of helicopter moms, I'm a Chinook. I wanted to turn around.

Tony wanted to keep going. I was not surprised. After all, he had tried to reassure me about another trail by saying matter-of-factly, "Don't worry, I brought climbing rope."

Impasse. As we spritzed ourselves with herbal insect repellent, I examined my fears. How much of my worry was justified by our circumstances at that moment, and how much stemmed from all those years I spent working in the national parks, watching people fall victim to their vacations?

Though "watching" probably isn't the right word. The memories that still jam my decision-making circuits are from a summer during which I didn't see much of anything. But I heard plenty.

I worked as a dispatcher that year in Rocky Mountain National Park. Millions of people have visited the park without requiring so much as a Band-Aid. Yet mountains inevitably yield their share of disasters, and that summer was especially rough. We never knew when that next phone or radio call would announce a lost child, a lightning strike, a fractured femur, a car over a cliff.

Most accident victims survived, at times thanks to honest-to-God heroics on the part of the rangers and other rescuers. But some didn't. By mid-July, I had memorized the coroner's phone number. And one day I heard a thump outside the dispatch office door. A delivery, my coworker told me. The park was running low on body bags.

In all these tragedies, my role was small. But the memories linger. I wasn't alive when President Kennedy was shot, but I will always remember where I was when the search for one young girl turned into a body recovery. Cause of death: falling.

Sometimes I remember things when I shouldn't, as I did that day standing on a pass in Montana, listening for nonexistent thunder, shying away from a trail that didn't look all that bad, as long as no one was horsing around and everyone was paying attention.

The mosquitoes were unfazed by my natural repellent, so I rummaged for the last-ditch, weapons-grade stuff that had melted the ingredient list off its own bottle. But West Nile virus is scary, and raising children is all about weighing risks and benefits.

While we rubbed repellent on the kids' clothes, my husband and I reached a compromise. I would take the little guy back to the trailhead (yes, even though it's usually best to stick together). And Tony and our newly minted 10-year-old would keep walking towards Goat Flat. If Tony thought the snowfield was safe, we would leave the final decision to our son, a steady kid with good judgment.

"You get veto power," I told my son as I handed over my camera. "If it looks too scary, you and Daddy can turn around."

Two hours later, I got my camera back. Its tiny screen showed a boy leaning on a sign in a meadow of alpine wildflowers, surrounded by the bulky gray peaks of the Anaconda-Pintler Wilderness. I asked about the snowfield.

"No big deal," my son said.

"Not dangerous at all," my husband said.

We didn't see any mountain goats that day. They may have taken refuge in steeper — and, for them, safer — terrain. But somewhere in those mountains, no doubt, a black-nosed, buttermilk-colored kid was learning how to navigate the cliffs, while a pointy-horned mother stood between her baby and the abyss.

Good parenting, I'd say. □

A former employee of several federal land management agencies, Julie Gillum Lue writes about family and the outdoors from her home in western Montana.

JOSE AZEL / AURORA PHOTOS

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HEARD AROUND THE WEST | BY BETSY MARSTON

MONTANA

Oops: Totally wrong creature on that billboard outside Lolo, Montana. An all-volunteer tourism improvement board had hoped to pique interest with a billboard showing a bait fisherman hooking a largemouth bass, under the headline: "Welcome to Bitterroot Valley, Montana: Small Town, Big Adventures." But as any fly-fisher can tell you, the state is a mecca for anglers seeking elusive trout, reports the *Ravalli Republic*. Fishing outfitter Eddie Olwell went to his favorite brewery and found that people had already become "kind of wild" about the error. Though it's heresy in Montana to admit it, none of the tourism board members fished, and to them, one fish seemed much like another. Now, the group has ordered a new billboard starring a fly-fisher hooking a trout. Board member Robbie Springs looked on the bright side, observing that "even driving by at 65 miles per hour, people were able to identify that the fish was the wrong kind."

CALIFORNIA

The lonely mountain lion that roams Los Angeles' Griffith Park is probably responsible for leaping the zoo's 9-foot-high fence and bagging a 14-year-old koala bear named Killarney. The bear enjoyed wandering through the grounds at night, reports the *Associated Press*, and her fans were shocked when her mangled body was found outside the zoo. Evidence against the 130-pound big cat, dubbed P-22, remains circumstantial, though the animal is known to have crossed two freeways to scale the park fence a few years ago. The recent attack sparked a debate between the Los Angeles Council and zoo director John Lewis, with Councilman Mitch O'Farrell wanting to relocate the puma to a larger area where it might find other lions. P-22, whose wild relatives are accustomed to 200 square miles for hunting and breeding, might be feeling thwarted. Last year he left the 8-square-mile park and "lolled under a crawlspace of a home, attracting a media frenzy until he finally wandered home." But Lewis wants to keep P-22 around, even though the cat's chances of mating remain remote: "There's a lot of native wildlife in this area. This is their home, so we'll learn to adapt to P-22 just like he's learned to adapt to us."

ARIZONA **Priorities.** JIM WEST

UTAH

"When most of us see a ranger," said an editorial in the *Salt Lake Tribune*, "we tip our hats." Beaver County Commissioner Mark Whitney, however, who presides over a far flung county of only 6,100 residents, regards a federal land manager as a threat — somebody who puts a virtual bull's-eye on a local's front, and maybe on his back as well. The idea that federal law enforcement is a "Utah menace" is, "in a word, bull," the paper said bluntly, and yet the state has agreed to pay $250,000 to the Rural Utah Alliance. This is the group that might pick up some of the legal fees San Juan County Commissioner Phil Lyman racked up after spearheading an illegal ATV ride through Recapture Canyon two years ago. The paper's editorial writers, who have become increasingly exasperated, asked: Why does 15 percent of the state — the rural contingent — always "wag the other 85 percent?"

WASHINGTON

When you live in Seattle in a house the size of a dumpster, it can be tough on your dating life, says *Grist* magazine's Katie Herzog. "Finding love is a lot harder to do when you bring someone home for the first time and they see that your apartment has the dimensions of a jail cell." Herzog's clock radio is her 300-square-foot home's entertainment system, her bed requires a ladder to a loft, and the kitchen accommodates only one person at a time. The 32-year-old writer says she was lucky to find an adaptable partner before having to resort to a new reality show, *Tiny House Dating*, which puts together two strangers. They're invited to live in a tiny house and, if they're tolerant and kind, "come out of it in love." Though the experiment might sound like fun, chances are it would be terrible, Herzog guessed. Would she watch the show? "Maybe, but I can't fit a TV in my apartment, so I suppose I'll never have the chance."

IDAHO

A tiny house sounds lavish compared to a shipping container. Yet in Treasure Valley, Idaho, entrepreneur David Herman lived in one for a couple of years and considered it an upgrade from a mobile home he called "a tuna can with windows." Now, Herman is developing a 17-home subdivision of metal container homes on 1.2 acres near the Boise River, and seeking "eco-conscious" homebuyers willing to spend $152,000 for a "well-insulated and durable" house. Each is composed of four 8-by-40-foot containers 9-and-a-half-foot-tall, and features some solar, wooden floors, and an acoustic ceramic ceiling, says the *Idaho Statesman*. The container houses seem a bargain: The median sale price for new homes in the county in 2015 was $313,900.

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

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

"To right the wrongs of the past century and to **ensure that the 1,896-mile-long Rio Grande does not end up bone-dry**, it is time to place a moratorium on water use and development in the Rio Grande Basin."

—"The Rio Grande needs our help now," by Jen Pelz, from Writers on the Range, hcn.org/wotr