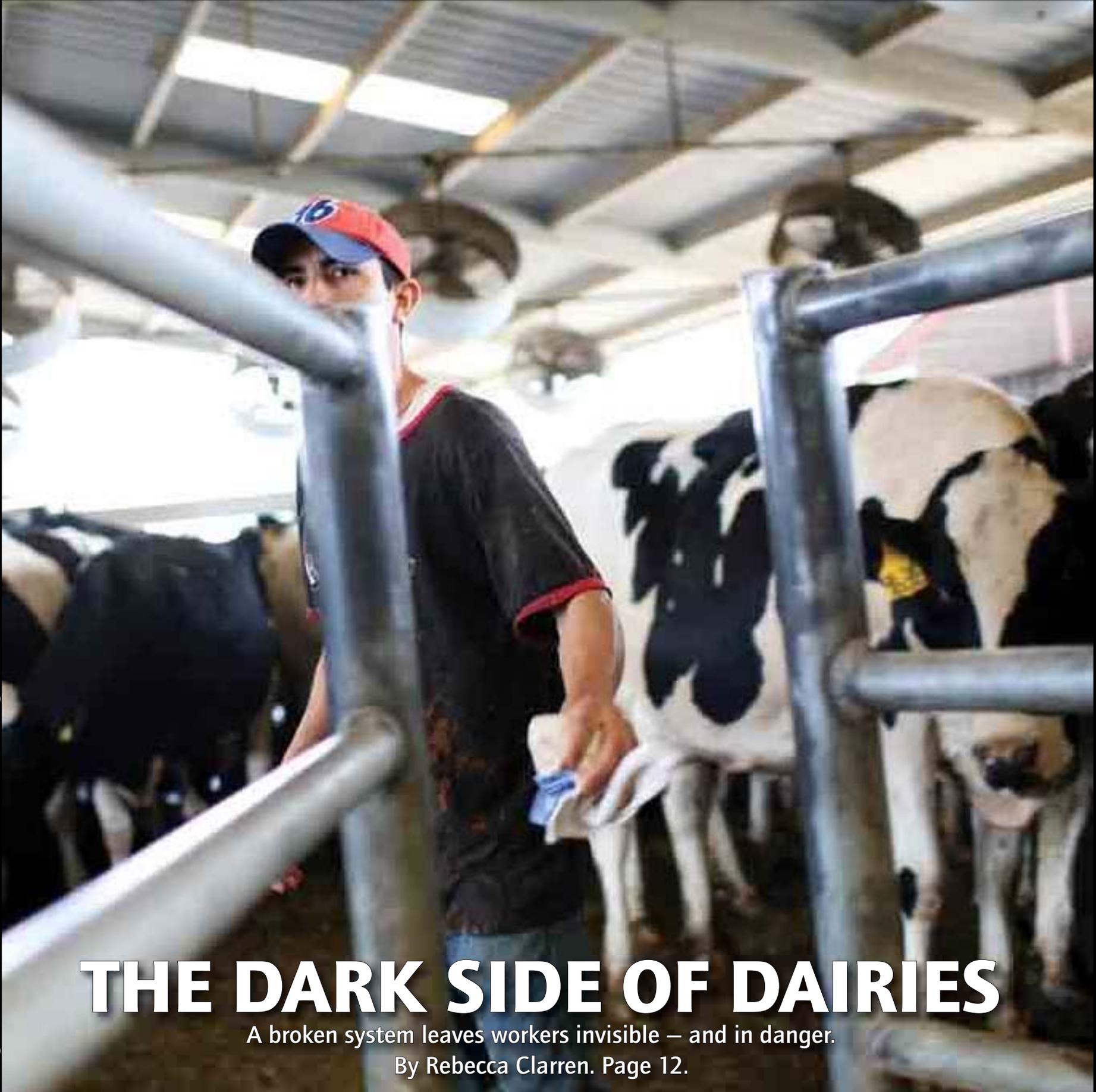


# High Country News

For people who care about the West



## THE DARK SIDE OF DAIRIES

A broken system leaves workers invisible – and in danger.

By Rebecca Clarren. Page 12.

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High  
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News

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## EDITOR'S NOTE

### How the West made cheeseburgers cheap



Way back when I was in high school, kids used to snatch copies of the student newspaper right off the racks. They were literally starving for what was inside it. That doesn't mean they were interested in the content. No, what they wanted

was the coupon for McDonalds that appeared in each issue. And that's all they wanted: Within a few hours after the paper came back from the printer, discarded, unread copies could be found all over the place, with one little rectangle clipped or torn out of the coupon page.

What's remarkable about this is that the coupon reduced the cost of the most basic, least interesting burger to a mere \$1. Twenty years ago, that was a deep discount. Today, however, the students at my old high school don't need to clip coupons. These kids, who routinely carry around \$150 iPods and wear \$100 sunglasses, can get a double cheeseburger (and a vast assortment of other fast food) for just \$1 any time. That works out to about a penny for every four calories. Even as the cost of everything else has increased, food costs have stayed the same, or even decreased.

In this issue's cover story, Rebecca Clarren takes us into the harrowing lives of industrial dairy workers. She describes how workers in these agricultural factories, dealing with living, unpredictable machines, get injured or even killed in accidents. Beyond all that, the story is about the tale of a huge shift in how and where milk is produced. That shift occurred in part out

of a desire for higher profits, but it also happened because we, the American consumers, keep demanding (and receiving) cheaper and cheaper food.

Western dairies clearly demonstrate this interplay between producer and consumer. In order to lower their costs, the dairies had to consolidate their operations and grow larger. And so they looked to cheaper, emptier land where land-use regulations were less likely to frown on massive operations. In other words, they came West.

Over the last two decades, milk production has more than doubled in the West, accounting for almost all of the added U.S. production. The nation's biggest dairies — the ones with 1,000 cows or more — are now heavily concentrated out here. And at least two-thirds of the nation's milk is produced by low-wage, immigrant labor, which is also concentrated in this region. The West, a leader in so many ways, is now also a leader in the industrialization of milk production.

"The continued shift of production to larger operations," says a 2007 U.S. Department of Agriculture report, will reduce costs "leading to lower dairy prices for consumers even as it forces more small operations out. But the shift also creates increased environmental risks." Not to mention the added risks to dairy workers.

In other words, those \$1 cheeseburgers cost a whole lot more than you think. And Westerners are paying the price, each day, right here at home.

—Jonathan Thompson, editor

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KHAI LE

**WEB ONLY** [www.hcn.org](http://www.hcn.org)

**Can the Red Bull generation go green?**  
Terry Sylvester examines efforts to get young recreationists involved in environmental causes.

# The new Third World

**Before dawn every day, they stood in long lines outside the Roman Empire-style Forum arena near downtown Los Angeles.** That's how desperate they were to be treated for painfully rotting teeth, blurry eyesight, cancer and other medical problems.

There were grandmothers and little kids, veterans and the disabled, the working poor and laid-off men and women. They couldn't afford to pay for what they needed, often because they had inadequate health insurance or no insurance at all.

During the eight days it was open, the event was the nation's largest free medical clinic. About 6,000 people received treatment before it ended on Aug. 18. But thousands more were turned away, because the organizers lacked the resources to serve everyone who showed up.

Though LA has smaller clinics providing such assistance, "We could be here three months, and we still wouldn't catch up on the demand for the service," Stan Brock, founder of Remote Area Medical, the nonprofit group in charge of the clinic, told NBC News. Based in Tennessee, the group originally organized volunteers to provide clinics in Third World areas. It's expanded to serve people in this country because the degree of suffering here increasingly resembles that in the Third World. Currently 46 million Americans lack health insurance and many more have sizeable gaps in their coverage.

**"The people we're seeing here have teeth as bad as the people in the Upper Amazon,"** Brock told the *Los Angeles Times*. Patients included "a diabetic amputee who had not been able to buy his medicine for months, a retiree who couldn't afford an X-ray for a lung

problem, and a 30ish female diabetic with a kidney ailment so serious that (a doctor) called for an ambulance to take her to the hospital," the *Times* reported.

**"I have people here with infected teeth, gums, abscesses,"** a dentist said. "I saw a lady bus driver who lost her job and she's walking around here crying. Her tooth is infected, she's in pain and she can die from this." An optometrist who has volunteered in Latin America found it "outrageous that vision and dental care are not in most U.S. insurance plans and are rarely part of any conversation on health care reform."

More than 2,000 bad teeth were pulled at the Forum, more than 1,700 pairs of eyeglasses were handed out and hundreds of potentially life-saving mammograms and colonoscopies were done. Remote Area Medical planned to run a free clinic the next week in Fort Duchesne, Utah, to serve people on and near the Northern Ute Tribes Reservation — another indication of the size of this crisis.

**Meanwhile, President Barack Obama came West to hold two town hall meetings about his efforts to reform health care.** On Aug. 14, he faced about 1,300 people in an airport hangar near Bozeman, Mont., and on Aug. 15, he met with about 1,600 in a high-school gym in Grand Junction, Colo. The dialogue was similar in both venues, with Obama delivering a brief speech and then slipping off his jacket and rolling up his shirtsleeves to answer questions posed by people in the audience.

Obama described the incremental reforms that he wants Congress to pass, including subsidies to get more people covered by health insurance, and rules to make it harder for insurance companies



People camped out in line for days to get tickets for the free medical clinic at the Forum arena in Los Angeles. JOHN MOORE/GETTY IMAGES

to deny coverage. He called for raising taxes on wealthy people to help pay for it. And he talked about creating a new "exchange" — a nationwide marketplace or co-op through which millions of people could band together to buy insurance for cheaper rates.

**"Because we're getting close (to some reforms)," Obama said, "the fight is getting fierce."** Indeed, outside the town halls, crowds of protesters pressured him from both sides, some calling for a comprehensive government-run system like Canada and European countries have and others telling him to back off and leave the current system alone.

The current system may work for those who have good coverage. But it certainly doesn't do anything for people like those at the LA Forum — a scene that Steve Lopez, the *Times*' famous on-the-street columnist, described as **"the perfect distillation of an unconscionable societal failure."** □

*"I think for her it was like TV. I think she would just watch them all night long."*

*—High Country News staffer Tammy York, describing how her former landlord Donna Munson left food out for black bears on her property near Ouray, Colo. In early August, Munson was killed and eaten by a black bear at her home — likely one of those she fed. According to the Colorado Division of Wildlife, Munson had been feeding the animals for over a decade; at least six bears have had to be put down as a result.*

## SNAPSHOT

### EXTINGUISHED

Wildfires have intensified in the last 10 years, says Michelle Ryerson, chair of the National Wildfire Coordinating Group's Safety and Health Working Team. More extreme fires require more complex methods of firefighting, leading not only to higher costs but a change over time in the risks that firefighters face.

In 1987, Ryerson's team began keeping records on firefighter fatalities,

collecting data since 1910, in an effort to spot trends and develop better safety measures. Burnover deaths — deaths caused when firefighters are caught in advancing flames — have decreased due to faster alert systems, while vehicle accidents (particularly for volunteers) and aircraft crashes have increased as firefighters rely more on machines and travel farther afield.

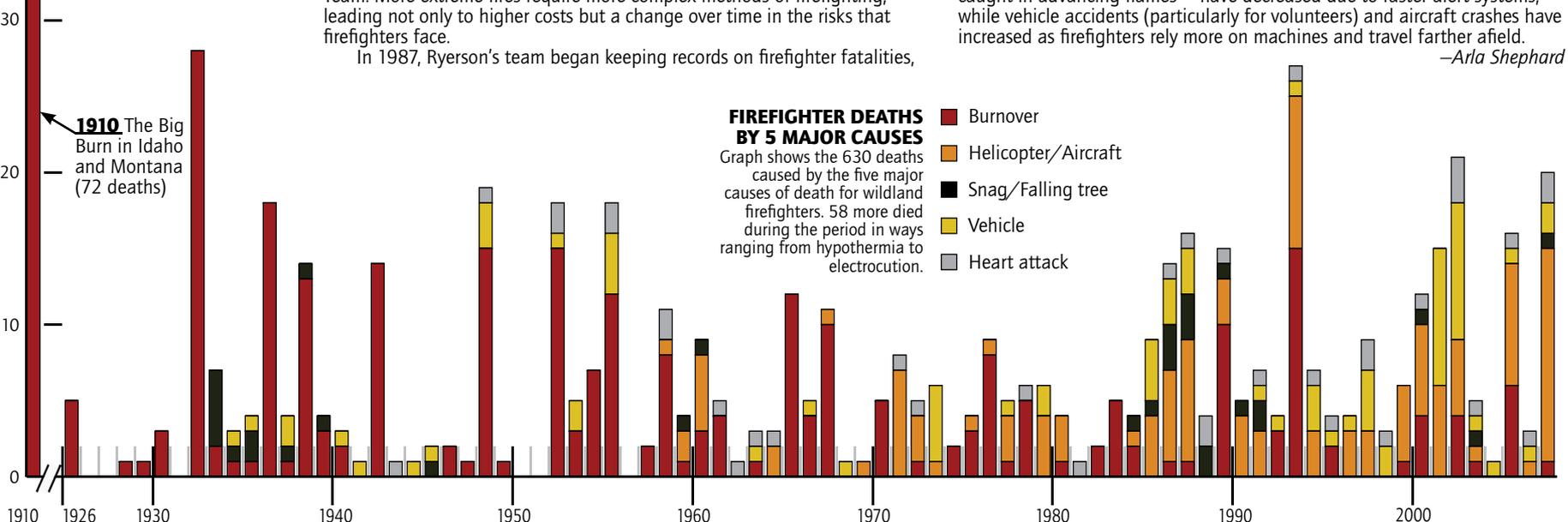
*—Arla Shephard*

**1910** The Big Burn in Idaho and Montana (72 deaths)

#### FIREFIGHTER DEATHS BY 5 MAJOR CAUSES

Graph shows the 630 deaths caused by the five major causes of death for wildland firefighters. 58 more died during the period in ways ranging from hypothermia to electrocution.

- Burnover
- Helicopter/Aircraft
- Snag/Falling tree
- Vehicle
- Heart attack



**COLLABORATIVE MISINFORMATION**

Gary Nabhan's hit piece on Jon Jarvis, Obama's nominee for Director of the National Park Service, is misinformed, replete with false assertions and does a disservice to dedicated, longtime agency employees (*HCN*, 8/3/09). Nabhan's assertion that Jarvis and Point Reyes National Seashore Superintendent Don Neubacher are trying to "phase out" and "evict" oyster farming and ranching around Drakes Bay is patently false. The oyster operation in the Bay, a congressionally designated potential wilderness area that takes on full wilderness status once this non-conforming use ends, is not legally allowed beyond 2012 in the absence of congressional action — an act that would set a terrible precedent for commercial uses in designated wilderness in national parks. Nabhan fails to mention that a legal opinion from the Department of Interior reached this conclusion, which is binding on the National Park Service.

The characterization of conclusions in a National Academy of Sciences report was also wrong: The NAS confirmed mistakes were made (not new information since the Park Service itself had previously admitted this and made appropriate corrections) but did not find any intentional wrongdoing or misconduct. The article should have noted that the NAS study was a waste of public funds, and was "forced" on the Park Service at a cost of over \$400,000 that came directly out of its budget — funds that should have been better spent on important park improvements and other public benefits.

Finally, all who value public lands, especially our parks, should be skeptical of euphemistic concepts that Nabhan touts like "collaborative conservation" and "working landscapes" (as if land and its natural systems are not "working" in the absence of human intervention) when they involve private profit-driven uses of public lands.

*Peter Douglas*  
Executive Director of the California Coastal Commission  
San Francisco, California

**Editor's note:** See page 11 for related clarification and [hcn.org](http://hcn.org) for more letters.



DAVID FITZSIMMONS, THE ARIZONA STAR, CAGLE CARTOONS.COM

**RIGHTEOUS STEAK, TOO**

Your review of my book *Righteous Porkchop* had a serious flaw (*HCN*, 8/3/09). The reviewer suggested that I intentionally avoid criticizing cattle ranching because of my own involvement in it. This fundamentally misses the argument the book is making about modern industrialized food production, namely that today's confinement poultry, hog, and dairy operations, which keep animals continually confined in metal buildings, are inherently polluting and cruel to animals. In contrast, grazing ranches, including those raising cattle, provide animals a high quality of life and, when well managed, produce food with minimal negative and even some beneficial environmental impacts. Ironically, negative media attention has focused for decades on beef production while largely ignoring the horrors of industrial confinement animal production. That is the material point.

*Nicolette Hahn Niman, author*  
Bolin, California

**Andrea Appleton responds:**

I share Niman's disdain for animal confinement operations. I do not, however, believe that cattle ranching is therefore flawless. The environmental drawbacks of overgrazing are well documented, particularly in the arid West. They include degraded water quality, soil erosion and the proliferation of invasive species. While Niman's ranch may be "well managed" and perhaps even environmentally

beneficial, not all ranches are so. Throughout her book *Niman* helpfully provides both positive and negative models of how we ought to raise our poultry, hogs and dairy cows. Yet when it comes to cattle ranches, her tone is rosy and uncritical. And as someone who would like my steak to be as righteous as my porkchop, I found that disappointing.

**REID'S WATER GRAB**

It is good to see Harry Reid's cover being blown by Ray Ring (*HCN*, 8/3/09). For people in rural Nevada, Reid's two-faced BS is common knowledge. Here in Lyon County, Nevada's largest ag-producing county, Sen. Reid is the power behind the \$200 million added to the Farm Bill to purchase the water rights of local farmers, supposedly to save the dying Walker Lake. This lake, which has historically dried up at least four times, is to receive all the ag water from Smith and Mason valleys.

According to Tony Lesperance, director of the Nevada Department of Agriculture, this diversion of water will destroy the agricultural economy of both Smith and Mason valleys. Lesperance further states that trying to save Walker Lake would be like the state of Utah trying to reclaim the Great Salt Lake.

As Ring stated, Sen. Reid is behind the 300-mile pipeline to bring rural water to Las Vegas. Regarding Walker Lake, Sen. Reid says he is trying to create an environmental legacy. However, we residents believe he is just using the environmentalists to get control of the water. Once the water, which is currently governed by Nevada, is purchased from the local

farmers and transferred to Walker Lake, it will become federal water. Then, it would be very easy for the all-powerful Sen. Reid to transfer it to Las Vegas through a water swap with Los Angeles. Of course, the senator and his staff deny that there is any such plan afoot. But let's be realistic. It is Las Vegas that elects Reid.

*James Kinninger*  
Wellington, Nevada

**RING'S REID GRAB**

I was dismayed at the meanness and lack of balance displayed in the article entitled "The same old Sen. Reid" (*HCN*, 8/3/09). If it were not for the hard work of Harry Reid, we would not have the passage by Congress of the Omnibus Bill, Great Basin National Park, removal of lead from the drinking fountains in our schools, health care for our children, safe drinking water in all communities, and the preservation of the Endangered Species Act from vicious attacks. Contrary to the implications of the article, Reid has been endorsed by the Sierra Club, rated highly by the League of Conservation Voters, and supported by many Nevada environmental organizations including Friends of Nevada Wilderness and the Nevada Wilderness Project.

He has taken the lead on the battle against global warming with his opposition to new dirty coal plants, his strong support for alternative energy and energy conservation, and his efforts to achieve fuel economy standards for automobiles and trucks. He has led the fight against dumping high-level radioactive waste at Yucca Mountain. Unlike many members of Congress, Sen. Reid personifies "family values" in both his beliefs and conduct.

Many of us conservationists will be working for his re-election in 2010 because of his strong commitment to the values that Nevada and the United States care about and his ability to achieve these goals.

*Marjorie Sill*  
Reno, Nevada



**From left: a 1946 postcard from Needles, California; Lee Perry, Guisseppena Bellandi's second husband; a teenaged Bellandi; Bellandi at her home.**

POSTCARD BY FRASHERS FOTOS, LEE PERRY AND TEEN BELLANDI COURTESY GUISEPPENA BELLANDI, BELLANDI NOW BY EMILY UNDERWOOD

## From Tuscany to the Mohave

**Name**  
Guisseppena Bellandi  
Perry

**Current hometown**  
Needles, Calif.

**Favorite opera singer**  
Luciano Pavarotti

**A**t midnight in the Mohave Desert, the wind is blowing so fiercely that Guisseppena Bellandi's husband, Harry Jolly, has to brace their broken-down truck to keep it from rolling over. Sand whips through the windowless cab and blots out the stars over the Needles Peaks. The couple and their baby girl, Frances, haven't eaten in three days.

It's taken all the money Guisseppena made from selling two Italian encyclopedias and her father's watch to get them this far from their troubles in Arizona, wherever this far is. Her knowledge of Western geography is as limited as her English. Then, a pair of headlights slowly approaches through the dust storm. A man pulls up beside them, yelling something in English.

Guisseppena can't understand. *Trust me*, she thinks he says to her husband. *Give me your wife and the baby. I have a café not too far from here. I'll take care of them.*

**I**T'S BEEN MORE than 50 years since the truck broke down in the Mohave Desert and Guisseppena — known to everyone as “Pena” — got stuck in nearby Needles, Calif., where she still lives. One of the hottest places on earth, Needles is a husk of a desert town — the “ugly stepchild” of San Bernardino County. The only reliable tourism comes from the elderly snowbirds who hobble across golf courses irrigated by the sullen, exhausted Colorado River, itself a few hundred miles shy of giving up completely in the Mexican desert. To most people, Needles closely resembles Hell. Pena, still petite and curvaceous in her 80s, her brown eyes bright and affectionate, apologizes for her thick Italian accent as she tries to explain how she got here, and why she stayed.

The only daughter of an engineer, Pena was a teenager when her home in the small medieval town of Pistoia, in northern Italy, was taken over by Nazi soldiers. Although Italy was allied with Germany until 1943, Pistoia was known as a center of anti-German resistance. When the S.S. invaded, Pena starved. A picky eater before the war, she ate wormy peaches from the trash and broke her tooth on an olive pit she found on the ground. Hunger, however, was one of the lesser terrors. To this day, at an unexpected noise or

the smell of a damp, gray morning, she hears the screams of a pregnant woman as a German officer extinguishes his cigarette in her ear. She remembers 21 Italian men slumping against a wall, shot by an S.S. firing squad. There are other things she still can't talk about. Covering her mouth, she shakes her head, raising one hand as if to ward someone off.

When the opportunity to escape arrived, Pena seized it. She married an American soldier named Harry Jolly, who proposed to her when she was living in a bomb crater fortified by two-by-fours. Pena had misgivings about Harry but knew he might be her only chance at a better life. While she was waiting for her papers to clear, he sent her a postcard of what he said would be their future home: a domed mansion, topped by an angel with its wings outstretched against the Arizona sky. Nineteen years old, she boarded a ship in Naples and sailed to New York with 3,500 other war brides. In Chicago, she was shepherded aboard the Super Chief train and began the four-day journey to Arizona. As the train hurtled West, the land changed from green to brown, like a photograph turning from color to sepia. In the dead heat of August, dressed to kill in long black gloves and a wide-brimmed black hat, she arrived in Ash Fork, Ariz.

The town was little more than a cowboy trading post. Pena's mother-in-law — a huge, disheveled woman — picked her up in a filthy car and took her to a broken-down shack that held 14 people. This was it; the postcard Harry had sent her had been of the Arizona Capitol building. Pena collapsed on a dirty sofa while children rifled through her suitcase. After a few weeks living with the Jolly family, she walked into the desert with a pair of scissors and tried to slit her wrists.

**T**ODAY, PENA'S HOME in Needles, built on a ridge overlooking the Colorado River, is spacious and immaculate, a far cry from the Ash Fork shack or the chicken coop in the slums of Phoenix, where she lived with Harry Jolly before giving birth to their first child. A small chandelier hangs over the dining table, mirrors with floral etchings line the walls, and Italian-style arches frame the doorways.

Pena's second husband, newspaperman Lee Perry, built

*Please see Pena, page 25*

# Solar Salvation?

Timber companies look to renewable energy for a boost

**F**ifteen years ago, Washington's Kittitas County hosted a flourishing timber industry. Several hundred locals logged, worked in sawmills or trucked lumber all over the state.

These days, however, only a handful of people still work in forestry. More than a dozen mills have closed in Washington over the last 10 years. Timberland became more valuable than the trees themselves, and timber companies turned to real estate development to keep afloat. Now, however, with the real estate economy in the tank as well, one local logging company is getting into a different game altogether.

On July 9, 2009, private developers announced that Kittitas County would be home to the largest solar power plant ever proposed in the Northwest. The Teanaway Solar Reserve, with its 400,000 photovoltaic panels, would produce 75 megawatts — enough to power about 45,000 homes. American Forest Land Co. is leasing the project 400 acres of clear-cut land four miles outside of the mountain town of Cle Elum. Teanaway also plans to build a solar manufacturing plant in Cle Elum itself.

American Forest Land Co., which owns 43,000 acres in central Washington, hasn't sold any logs since 2006, says Jeff Jones, who manages the 400 acres. The deal would bring in some much-needed income, making American Forest one of a handful of timber companies that have begun to explore renewable energy as an alternative source of income.

**I**NCREASED TRANSPORTATION costs and a slump in the housing market have forced timber companies to diversify. Some have begun manufacturing products such as cellulose compounds used in toothpaste and ice cream. Companies like Rayonier and Plum Creek Timber Co., one of the largest non-government landowners in the United States, became real estate investment trusts, parceling off land to high-paying developers. In 1996, for example, Plum Creek sold 7,412 acres in Kittitas County to investors for the development of Suncadia, a luxury resort that shifted the region further from its timber and mining roots to an economy based on tourism and second homes. But with that economy faltering, too, alternative energy has taken on a new sheen, especially given tax incentives and Washington's requirement that



An artist's conception of the proposed Teanaway Solar Reserve. IMAGE COURTESY TEANAWAY SOLAR RESERVE

15 percent of its energy come from renewable sources by 2020.

Since 2001, 16 wind projects — totaling nearly 1,600 megawatts — have sprung up in the state, which now ranks fifth in the nation for wind capacity. On Earth Day this year, Gov. Chris Gregoire authorized two pilot projects in eastern and western Washington that would experiment with converting wood waste into energy. And in the lower Kittitas Valley, Puget Sound Energy operates a small-scale solar project — 500 kilowatts from 3,000 panels — which has demonstrated that solar can work just fine even in the relatively cloudy Northwest.

Timber companies have taken notice, Jones says. In Skamania County, for instance, SDS Lumber Co. and Broughton Lumber recently inked a deal with the Whistling Ridge Energy Project to build approximately 50 wind turbines on 1,152 acres of commercial forestland. The project could bring 75 megawatts to the Vancouver, Wash., and Portland, Ore., area.

Such efforts could give a boost to the Northwest's small towns. In economically depressed Kittitas County (where the unemployment rate hovers at 8.1 percent), Teanaway's project will mean a couple hundred temporary construction jobs and around 35 permanent jobs at the power plant, and potentially hundreds more long-term jobs at the manufacturing plant.

And using private land that is already clear-cut may help the company avoid the controversy often faced by solar projects proposed for undeveloped public land. "One of the beauties of the project is finding another natural resource

use for the land that brings revenue to the community," says Matt Steuerwalt, a consultant for Teanaway Solar. "This isn't pristine land by any means."

If all the necessary permits are obtained, construction could begin in spring 2010. The solar company is in talks with Puget Sound Energy and Bonneville Power to obtain transmission and power-purchase agreements and recently completed an economic impact study for the county.

Still, some locals remain suspicious, put off by the aura of secrecy around the project. Howard Trott, the principal investor and managing director of the project, announced it to Cle Elum's city officials just 24 hours before the news was made public. And Trott, a Washington native, won't divulge who the rest of the investors are, although he says that the project is fully funded.

Nick Henderson, president of the Roslyn Historical Museum, spends his days surrounded by remnants of one of the county's older boom-and-bust industries — coal mining. "We need jobs around here, and I hope that they really do hire local people," he says. But this project "sounds like a big secret, and that's not a good way to come into Kittitas County."

Separating hype from the truth will be important, concedes Cle Elum city planner Matt Morton. "We're excited as a city. The green economy is in, that's what Obama was all about, but we're all in uncharted waters." □

*The author is a High Country News intern.*

# Lawless future

Hard times extra hard for state parks



Larryn Carver (left) stands in what once was the generator room at the historic Hunt Ranch. It and other buildings in Wildwood Canyon State Park, including the High Up House (below), are boarded up and deteriorating, victims of budget cuts to California state parks. KHAI LE

Standing in the foyer of the High Up House, a 1950s-era ranch headquarters in California's Wildwood Canyon State Park, Larryn Carver contemplates swastikas. Four have been splashed on the wall here in sloppy paint, along with nonsensical slogans and cheery hearts. "Did the person who did this understand it?" Carver asks. "Or was it just a kid trying to do the ultimate bad thing?"

A 43-year-old archaeologist with California State Parks, Carver once considered the High Up House, with its broad stone fireplace and high airy ceilings, a potential visitors' center for this 850-acre swatch of oak-covered foothills near the San Bernardino Mountains. Built over a 25-year period following the Great Depression, it harks back to a time when a man could lose everything in the city and yet still prosper in the woods, supporting his family with a well-run farm.

But today the house is disintegrating, as are the buildings just down the hill that make up the historic Hunt Ranch, where sunlight pours through dilapidated rooftops and house wrens nest in cabinets. "We could have saved this building if we'd had the funds," Carver laments, standing in a beat-up barn and looking up through its shredded ceiling. "Now it'll just have to be torn down."

The same entropy that plagues these crumbling structures threatens state parks all over the West, which have quickly become standing metaphors for the tattered U.S. economy. Arizona closed two historic parks in its 30-park system due to an \$8 million loss in state funding and a \$200 million maintenance backlog. Idaho reduced hours at its state parks after losing \$9 million in state funds; Colorado raised camping fees to pay state park bills. Just about the only state park system in the West not



suffering is in Oregon, which funds parks with lottery revenue.

The state park decline is most dramatic in California. California State Parks lost 10 percent of the \$143 million it gets from the state's general fund, as both the Legislature and Gov. Schwarzenegger scrambled to resolve the state's \$24 billion deficit. And because that lost revenue "snowballs to other cuts," says parks spokesperson Roy Stearns, "our total loss for the year is \$38.6 million."

Stearns predicts that as many as 100 of the state's 279 parks may close, many of them historic sites, such as Monterey State Historic Park with its 19th century adobes, and the fabled Bodie ghost town. "Historic sites have the lowest visitation," Stearns says. They can't compete with Southern California's state beaches, which bring in two to three million visitors a year. "But they represent the legacy of who we are as a people. We shouldn't just abandon them." The

*Please see Parks, page 25*

## RICH PARK, POOR PARK: WHO'S GOT IT WORST?

	Number of Parks	Annual Visitors	Annual Budget	Trend**	Funding Sources	Maintenance Backlog	Fallout
Arizona	27	2.3 million	\$19 million	-30%	Conservation tax; user fees; almost all general fund money cut in 2009	\$150 million	2 parks closed; 13 others threatened
California	279	77.2 million	\$233 million	-21%	General fund provides 60%	\$1.5 billion	100 parks threatened
Colorado	42	11 million	\$40.8 million	-5%	General fund (10%) and user fees	unknown	Proposed campsite/boat registration fee hike; reduced workforce
Idaho	30	3 million	\$38 million	-11%	user fees (70%); general fund (30%)	\$25 million	Reduced maintenance; seasonal closures. Some parks may close
Montana	53	1.79 million	\$9.8 million	+16%	Fees, federal funds and contracts, private funds and donations	\$1 million	None reported
Nevada	23	*	*	*	*	*	*
New Mexico	36	4 million	\$32.7 million	-5%	General fund, user fees, federal grants	unknown	None reported
Oregon	200	40.3 million	\$81.9 million	0%	Lottery, RV registration, user fees	\$39 million	\$10.8 million drop in acquisitions fund means fewer new parks
Utah	43	4.5 million	\$31.2 million	-9%	General fund provides one-third	\$161 million	Administrative and part-time staff cuts
Washington	120	41 million	\$76 million	-49%	General fund (30%); fees and donations, federal grants, other sources	\$16 million	Up to 40 parks may close without donations from vehicle registrations
Wyoming	36	2.6 million	\$26 million	-10%	General fund, user fees, boat fuel tax	\$12 million	Minor reductions in seasonal staff

\* Information unavailable at press time. \*\* Increase or decrease in funding/budget since last budgeting period.

# A new land grab

The Oglala Sioux are on a path to reclaim their territory and their culture

**Y**ou can hear the blood rushing out of the buffalo's throat, even over an idling pickup truck and the stiff May wind that blows across the grassy hills of western South Dakota. Lying on its side, the 800-pound bull labors through its final breaths, kicking its legs and trying to stand up.

A dozen men, women and children, representing three generations, have gathered here on the Pine Ridge Reservation to watch Ed Iron Cloud's nephew, Bob Iron Cloud, kill the animal. This coming-of-age ritual — a sacred ceremony for the Iron Cloud family — is also a preparation for the upcoming Sun Dance, when the bison's heart will be buried under the pole at the center of the summer renewal ceremony. The buffalo itself came from a small herd managed by the Iron Cloud family in the rolling pastures above their homes near the community of Porcupine.

As the bull ceases to move, a few of the women break out into a cry more chilling than the relentless wind. Medicine man Rick Two Dogs begins praying and singing in Lakota. The family gathers in a circle and passes around the ceremonial pipe, its stem smeared with blood symbolizing new life and the power of the buffalo. Everyone dips a finger into a plastic coffee mug to taste the blood and share the buffalo's strength.

"This buffalo understands more than we do about pain," Two Dogs says. "That buffalo really fought hard and really wanted to live, and that's what we really want."

The Lakota, also known as the Sioux, are authorities on hard living. The counties that make up Pine Ridge, home to roughly 29,000 people, are among the poorest in the United States, with high rates of alcoholism and drug abuse, domestic violence and suicide.

The reservation is huge — larger than Rhode Island and Delaware combined — but two-thirds of its land base is tied up in a government grazing program that leases land to mostly non-Native ranchers. Many Lakota receive annual interest checks from the grazing leases, but few realize they have legitimate claims to property where they could build homes, develop businesses or connect with the lost traditions of the past. A 2004 Bureau of Indian Affairs report reveals that more than 19,000 members of the Oglala Sioux

tribe have claims to more than 203,000 properties. A lot of the claims are fractionated, or divided, among siblings and cousins, however, and before the land can be recovered or consolidated, the majority of the family has to agree.

Rather than wrestle over consolidating their parcels, Iron Cloud's family decided to lease 2,000 acres of tribal land adjacent to their homes. The land is used for the family's buffalo operation, and Iron Cloud, a South Dakota state representative, hopes it will also serve as a camp to teach college students about sustainability and tribal practices.

The Iron Clouds' buffalo help them to fulfill Lakota sacred traditions. They also slaughter a



few animals each year for meat, some of which is sold through a new, Native-run business, the Lakota Buffalo Caretakers Cooperative, which sells grass-fed buffalo, killed and processed using Indian ethical principles.

"It's not just economical," Iron Cloud says. "We need the money, but it's also the cultural and the environmental."

**HENRY RED CLOUD** is another charter member of the cooperative. With his two long braids, a thin mustache and high cheekbones, Red Cloud is a fifth-generation direct descendant of the venerable Chief Red Cloud, often described as the only Indian who ever won a major war against the United States.

Chief Red Cloud negotiated the Fort Laramie Treaty of 1868, which created the 60-million-acre Great Sioux Reservation. Originally, the reservation spanned western South Dakota and was surrounded by protected buffalo hunting grounds. But the boundaries didn't stick: Gold miners soon trespassed into the Black Hills. After the Lakota and their allies wiped out the 7th Cavalry at the Little Bighorn in 1876, the government forced Red Cloud and other chiefs to sign a new pact

On the Pine Ridge Reservation, South Dakota: From left, Bob Iron Cloud looks over the retreating buffalo herd as he prepares to kill one for an upcoming Sun Dance; members of the Iron Cloud and Two Dogs families light the ceremonial pipe following the slaughter; after prayers, the buffalo is processed in preparation for the summer dance. JOSHUA ZAFFOS





living on the reservation as “incompetent,” and 700,000 additional acres were sold off before the practice ceased in 1934. Other parcels allotted to “incompetent” Indians were shifted into the leasing system, which has served mostly non-Native ranchers. But “competent” Indians didn’t make out much better, since they were forced to pay

buffalo one year later. It seemed to be going well: Whereas lease interest from the land would bring in about \$1,200 a year, Red Cloud says, “You sell two buffalo and you cover that.”

But the family began arguing over land-management decisions in the wake of Red Cloud’s mother’s death. Ultimately, the siblings sold off all the buffalo they were raising.

Still, Henry Red Cloud hasn’t given up. He plans to lease more land and begin a new herd, hoping that his kin will once again commit to their father’s vision.



A survey stake marking a reservation boundary at the time of the Dawes Act (facing page). At left, non-Indians raise cattle and hay on grazing-lease lands.

DAVID BARTECCHI, VILLAGE EARTH

**“I**N MY OPINION, every land exchange counts because it decreases fractionation,” says Denise Mesteth, the Oglala Sioux Tribe’s land director. With each completed consolidation or exchange, she adds, “I think we have a better chance to be self-sufficient.”

But the system is so tangled with administrative, political and personal threads that even the officials in charge of it describe it as a bureaucratic rat’s nest, nearly impossible to navigate.

“We’re spending so much on these records that it’s distracting us from managing the resources,” says Harold Compton, the BIA deputy superintendent of trust services at Pine Ridge. “That’s why the Bureau has a black eye.”

Compton, an enrolled member of the neighboring Rosebud Sioux tribe, notes that land recovery isn’t practical for everyone.

“I’m all for this, but sometimes with the reality of what’s happened (with fractionation), the best advice I can give is, ‘Sell it,’” Compton says. The reformed land-consolidation policies and probate rules are designed to enable the sale of highly fractionated parcels to the tribes, not to facilitate family efforts to sort through the divisions. “But, on the other hand, we’re not in a conspiracy to keep (allotted lands) in the hands of ranchers.”

Maybe not, but an analysis of BIA data by the Colorado-based nonprofit organization Village Earth reveals that just 20 people control 46 percent of the Pine Ridge land base through the federal grazing program. And tribal grazing leases pay less than those on the open market.

That disparity led David Bartecchi, Village Earth’s executive director, to create a map book that now helps tribe members with the labyrinthine and time-consuming administrative process for land exchanges and recovery. Village Earth has also been instrumental in launching the Lakota Buffalo Caretakers Cooperative.

“It’s all about rebuilding those things we’ve had,” says Henry Red Cloud. “The sun, the wind, the buffalo — we’ve got songs written about that.”

After the buffalo kill, the medicine man Rick Two Dogs talks about the 1890 Ghost Dance movement on the reservations. He explains that his prayer “talked about how during the Ghost Dance, our grandparents cried because they had lost this way of life, following the buffalo and having them for sustenance.” Two Dogs looks out the cracked windshield of a pickup as his family carefully butchers the bull. “We should be so thankful.” □

*Joshua Zaffos is a freelance writer in Fort Collins, Colorado.*

*This story was funded by a grant from the David and Lucile Packard Foundation.*

that fragmented the tribe’s lands. Later on, Congress divided the Lakota, putting them on five smaller reservations, including Pine Ridge.

It was Chief Red Cloud who said of the U.S. government, “They made us many promises, more than I can remember, but they never kept but one; they promised to take our land and they took it.”

Under the Dawes Act of 1887, the federal government doled out 160 acres of land to the head of each Indian family at Pine Ridge and other reservations. Congress could sell off any un-allotted lands, while the Bureau of Indian Affairs would maintain a tribal trust fund of revenues from mineral, oil, timber and grazing leases. (That trust fund is the subject of the ongoing lawsuit brought by Blackfeet tribal member Elouise Cobell in 1996.)

Then, in 1906, Congress passed the Burke Act, which allowed the BIA to measure Native Americans’ “competence” to handle their homestead lands, based on ancestry, cultural assimilation — even the length of a person’s hair. The assessments at Pine Ridge underscored official prejudice: By 1915, government agents had classified 56 percent of the Oglala Lakota

taxes on their allotments. Ninety-five percent of these lands were eventually sold to non-Natives for a fraction of their real value.

And the allotment system had lasting cultural impact: By chopping up the land base, it effectively ended communal hunting practices. As the original allottees died and their children inherited the land, parcels were fractionated among dozens — sometimes hundreds — of heirs.

A decade ago, Henry Red Cloud’s father told his 11 sons and daughters that he wanted to reclaim the family’s lands from the leasing system and restore the buffalo. Because he was a lone heir, a rare circumstance, he had sole rights to 320 acres of land in the government leasing system.

Henry and his father applied to the Bureau of Indian Affairs to withdraw the lands from the leasing program, and eventually received approval. The family decided to manage the land as a *tiyospaye*, a traditional communal band or extended kin network.

Within three years of removing cattle, the grasslands rebounded from overgrazing, Red Cloud says. His father died in 2003, but Henry remained faithful to his vision and introduced



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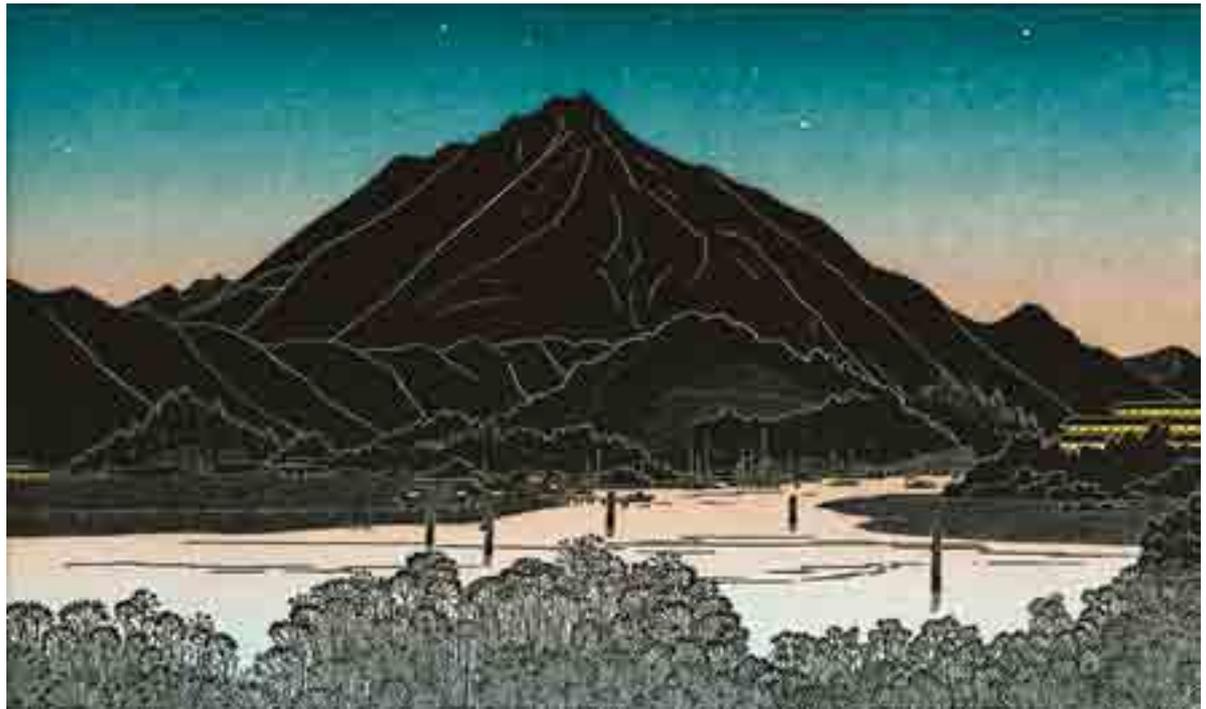
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Mount Tamalpais from Corte Madera Creek, State II, 1989 PAINTING BY TOM KILLION, IMAGE COURTESY HEYDAY BOOKS

No other natural landmark symbolizes California's Marin County as majestically as Mount Tamalpais. The 2,571-foot mountain, the highest peak in the Marin Hills, overlooks the San Francisco Bay area, the Farallon Islands and Mount Diablo, and offers residents and visitors more than 100 miles of hiking and mountain bike trails. Artist and master craftsman Tom Killion and award-winning poet Gary Snyder teamed up to create *Tamalpais Walking: Poetry, History, and Prints*, a tribute to the mountain's enduring legacy.

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## A wedding, a story

Here in Paonia, Colo., the peaches and tomatoes are finally ripening and *High Country News* is still welcoming lots of summer visitors.

**Dale Benjamin** and his son, **Jordan**, of Vancouver, Wash., dropped by the office with Dale's cousin, **Hal Brill**, a Paonia local. A USDA consumer safety inspector back home, Dale said he was glad to escape the uncharacteristic hot spell in the Pacific Northwest. The two were visiting to help celebrate — Hal and his longtime partner, **Allison Elliot**, were getting hitched that weekend.

**Mitchel White** and **Linda WhiteTrifaro**, from Alpine, Ariz., visited this month after a two-week tour of Colorado. The couple camped at national forests all across the state, so it was sort of a busman's holiday: They both work for the Forest Service. Linda, a biologist, is helping the agency with the Mexican gray wolf recovery plan.

*Aspen Daily News* photographer **Heather Rousseau** stopped by the office to say hi in early August. She was in town working on a feature story on the coal-mining community of Somerset, just down the road. In three weekends, the project has taken her from the depths of the Oxbow coal mine to the barstools of the Loose Moose (a Somerset watering hole) and beyond.

From Fort Collins, Colo., came longtime subscriber **John Stokes**, wife **Deborah Warshaw** and daughters **Maya** and **Hannah**. They stopped by for a tour following a four-day backpacking trip in the nearby Raggeds Wilderness. John works for the city of Fort Collins as the director of the Department of Natural Resources.

Longtime *HCN* contributor **Susan Tweit** came to visit from her home in Salida, Colo. She was working on a story about an organic orchard in nearby Dominguez Canyon for *Zone 4*, a Western gardening magazine. It was her first visit to the *HCN* office since the late '80s. At the time, Susan was trying to convince former editor/publisher team **Ed** and **Betsy Marston** to upgrade their computers. They finally made the switch, although Ed was somewhat reluctant: "I



**Mitchel White and Linda WhiteTrifaro**, from Alpine, Arizona. CALLY CARSWELL

will never have a computer on my desk," he told Susan. "I don't need one." For the record, Ed is now on Facebook. My, how times change.

#### EDITOR'S NOTE

Several letters responding to Gary Nabhan's opinion piece on Jon Jarvis's appointment as chief of the National Park Service (*HCN*, 8/3/09) claimed that it was riddled with factual errors. We followed up on these claims and found that while many were simply differences in opinion or interpretation, two of Nabhan's points did beg clarification:

1. Nabhan wrote: "The Drakes Bay Oyster Company has been in operation here since 1932." That's not quite right. Commercial oyster farming has taken place at Drakes Bay since 1932, but the current operators — Kevin and Nancy Lunny — purchased the operation from the Johnson Oyster Co. in 2005.

2. Nabhan wrote: "... Jarvis and current superintendent Don Neubacher have decided to phase out ... ranching around Drakes Bay." In fact, Neubacher and Jarvis have never publicly expressed a decision to phase out ranching. Nabhan based his statement on verbiage in a National Park Service report; and a 2005 PhD dissertation by Vernita Lea Ediger on rancher/NPS conflicts at Point Reyes.

For more discussion on Nabhan's piece and Jon Jarvis, visit [www.hcn.org](http://www.hcn.org).

—Jodi Peterson, Jonathan Thompson and Sarah Gilman for the staff

#### READER PROFILE

## Romancing the stone

For some time now, we've been receiving occasional — and very entertaining — letters from *HCN* reader Maurice McKinney. The self-described rockhound writes about his love of gems, Mexico and the great outdoors. "All my life I was in love with mining," he writes. His passion for gems led him as far as the emerald mines of Colombia, but Mexico, where he spent many summers collecting crystals, is, he says, "my love, my life." A lifelong Spanish speaker, McKinney would like to run rockhounding trips to Mexico, home to some of the world's finest

amethysts and fire opals.

These days, the retired gold miner and great-grandfather tends his orchids, roses, apples and artichokes at his Glendale, Ore., home with wife Lilian. He still cuts and polishes agates and petrified wood, and is working on an autobiographical book about his rockhounding travels, titled *Quest for the Bonanza*. He never quite hit the mother lode, he writes, but he came close.

*HCN* staff looks forward to the next installment from Mr. McKinney and perhaps a copy of his forthcoming book.

—Ariana Brocious



**NAME**  
Maurice  
McKinney

**AGE** 83

**HOMETOWN**  
Whittier, Calif.

**OCCUPATION**  
Retired gold miner  
and gemologist

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(longtime reader)

# The Dark Side of Dairies

*A broken system leaves workers invisible  
— and in danger*

YAKIMA COUNTY, WASHINGTON

A

t first, there was neither pain nor fear, only an unfamiliar warmth flooding his chest. Then he remembered the cow and her kicking back leg. Then he realized how hard it was to see.

He woke up lying on the rubber mat on the dusty floor of the dairy where he works. It was 4:30 in the morning, and he had been at work since 5 the night before. The sweet and putrid smell of cow manure laced the air. As he waited half an hour for his boss to come take him to the hospital, he pressed a towel to his face, stared at the blood pooled on his white T-shirt. His head felt as though it might burst. He told himself that it was only a cut, but he had never felt pain like this before.

Later, he learned that his face was broken in three places. The doctors put a metal plate beneath his left eye. Now, four years later, he explains in Spanish through a translator that the plate is slipping. His eye burns, especially in the heat. He can't see well without glasses.

He is afraid to tell his story without the shield of a different name, so let's call him Gustavo. Like many of the immigrants who work in the West's dairies, he lives here illegally. He thinks about how easy it would be for his bosses to fire him and replace him with one of the other immigrants who come here daily looking for work. He has three young children and a wife to support, as well as his parents and siblings back in Peru.

"It's a job with lots of risks. If I had papers, man, there's no way I'd be working in a dairy. But in this town, this is the best job I can get," he says, sagging into his kitchen chair, exhausted after his 12-hour shift. When he smiles, a quick, almost apologetic smile, his left eye looks slightly lopsided. A jagged purple scar mars the base of his cheek. "Every worker I know says they've been kicked or stepped on by a cow. It's common. But one

day (the cows) might break your bones, or maybe even kill you."

Milk may have a wholesome commercial image, but the dairies that produce most of the nation's supply aren't always healthy places to work. Dairy workers are injured at a much higher rate than other workers in the U.S.: Between 2004 and 2007, nearly seven of every 100 dairy workers were hurt annually on average, compared to 4.5 out of 100 for all private industries. Beyond using tractors and heavy farming equipment, dairy workers interact with large, unpredictable farm animals — work that ranks among the most hazardous of all occupations, according to a 2007 article in *Epidemiology*. Plus, they breathe air laced with bacteria and manure dust, putting them at risk for long-term respiratory disease.

Data culled by *High Country News* show that at least 18 people died in Western dairies between 2003 and 2009. They were killed in tractor accidents, suffocated by falling hay bales, crushed by charging cows and bulls and asphyxiated by gases from manure lagoons and corn silage. Others survived but lost limbs or received concussions and spent days in the hospital. However, it's difficult to form an accurate picture of the dangers lurking in dairies because the data are incomplete. Due in part to lobbying by the powerful agricultural industry, the reporting requirements for employers are full of holes, and state and federal laws prevent safety agencies from investigating injuries and deaths in certain cases. Meanwhile, dairy workers themselves are often too afraid to speak up.

The majority of the West's nearly 50,000 dairy workers are immigrants, according to U.S. Department of Agriculture sociologist William Kandel. Many of them are undocumented,



monolingual Spanish speakers like Gustavo. Such workers are unlikely to report injuries or file claims with the state for money to recover medical bills and missed pay for fear of getting fired or deported. Though Gustavo himself filed a claim without incident, he knows five workers who went to the hospital with injuries, filed claims and were fired. One former coworker's ankle was stomped on by a cow, and he still can't walk despite several surgeries. Gustavo's cousin was attacked by a bull, and despite the screws now holding his shoulder together, he can no longer milk cows or pick crops and is unemployed.

To make matters worse, federal labor laws that protect workers in other industries and give them a voice don't cover dairy workers; state oversight and inspections can be as weak as skim milk. In the Yakima Valley, where Gustavo works, there are virtually no labor advocacy organizations. And with the dairy industry facing some of its hardest economic times in recent history, its workers may be more vulnerable than ever before.

"If you're undocumented, you won't complain. You won't ask for extra water or a shade break or to not do a task you



Benjamin Manuel Gonzales and other workers in the milking barn at the Cow Palace in the Yakima Valley.

KRIS HOLLAND/YAKIMA HERALD-REPUBLIC

“Every worker I know says they’ve been kicked or stepped on by a cow. It’s common. But one day (the cows) might break your bones, or maybe even kill you.”

—“Gustavo,”  
Yakima Valley  
dairy worker

think is dangerous. These things lead to workplace injuries,” says Marc Schenker, director of the Western Center for Agricultural Health and Safety in Davis, Calif., which is funded by the National Institute of Occupational Safety and Health. “Their injuries aren’t inevitable; they’re the failure of our system to do the right thing. It’s not only an injustice but a tragedy.”

**AROUND 40 YEARS AGO**, most American dairies were fairly small operations, according to a report co-authored by Jim MacDonald, a U.S. Department of Agriculture economist. They kept an average of 19 cows that ate grass from nearby pastures and were milked once or twice a day by family members or locals. These days, technological advancements such as more sophisticated automated milking systems have allowed dairies to vastly increase in size and to lower their costs per pound of milk produced. Consumers have been the primary beneficiaries of these advancements, as the changes have kept the cost of milk and dairy products low.

Nowhere in the country has it been easier for dairies to expand than in the

West, with its relatively cheap rural land. As of 2007, the average Western dairy had 550 cows — about five times the national average. And around 80 dairies in the West each have at least 5,000 cows, according to MacDonald. To increase milk production and make it easier to get that many cows in and out of milking parlors two or three times a day, most Western dairies now keep the animals in huge pens or sprawling open-air sheds and feed them a high-protein diet of corn, soybeans, grain and alfalfa, much of it purchased instead of grown at the farm. California, not Wisconsin, is now the biggest milk producer in the country. And Idaho, New Mexico and Washington have drawn new dairies like manure draws flies; today, the three are also among the nation’s top 10 states for milk production. Nowadays, with 39 percent of the country’s 9.1 million milking cows, the West produces 41 percent of America’s milk, which is then processed to make various kinds of milk, cheese and other dairy products. And immigrants, who are willing to work for less money than locals, now make up a large proportion of the staff.

All 14 of the employees where Gustavo works are immigrants; Gustavo says

only three of them are documented. The dairy’s 750 cows sleep and eat outside on hard dirt in six outdoor corrals that stretch the length of seven city blocks. Their large brown-and-white bodies bump against the metal bars, creating an eerie and arrhythmic melody.

Before his injury, Gustavo and a coworker would open one of the corrals and whack the cows on their backs to funnel them into the concrete milking parlor. Once inside, Gustavo would douse each cow’s udders with disinfectant iodine and fit rubber hoses onto its teats, connecting them to the air-sucking milking machine. After 10 or 11 hours on his feet, Gustavo says he tended to feel less agile and less able to watch for the kicking back leg of a touchy cow. His face was often just six inches from the animal’s rear, and then as now there were no bars to protect the workers from the cows.

Now, Gustavo is afraid to milk, so he feeds and tends to the dairy’s calves. The pay is slightly better, but Gustavo says he still doesn’t get rest breaks. He eats lunch while working, removing a manure-laden glove to shove a taco into his mouth. When he feels tired, which is every day, he thinks about his three kids.



**A worker at Veiga Dairy in Sunny-side, Washington, hoses down the concrete pad after milking.**

ANDY SAWYER/YAKIMA HERALD-REPUBLIC

Like most dairy workers, Gustavo is salaried, which sounds good until you consider his schedule. Gustavo pulls his neatly folded pay stub from his wallet. He makes \$1,175 every two weeks. He works 10- to 12-hour days, with one day off every five days, and receives no overtime pay. That pencils out to about \$8 to \$10 per hour, which is around the national average for dairy workers, according to industry reports. When Gustavo first arrived in the area 11 years ago, he and his boss discussed only pay, not hours, and he was too happy to have a job to ask any questions. But now he feels he's at his boss's mercy, and he is all too aware that long hours make a dangerous job even more dangerous.

This is all perfectly legal. Even though dairies have modernized, some of the key labor laws governing the industry remain unchanged, still geared to the days when dairies had few employees beyond family members.

Dairy workers, like all agricultural employees, are exempt from the provisions for overtime pay in the Fair Labor Standards Act. Though dairy operators are required to pay at least minimum wage, they are exempt from another federal law that requires employers to report hours on employee pay-stubs. That makes it tough to enforce the law or prove wage violations, says Oregon Law Center labor lawyer Mark Wilk, who over the past decade has represented several hundred Oregon dairy workers who didn't make minimum wage.

As a final slash in the safety net of federal labor law, dairy workers, like all agricultural workers, are exempt from the National Labor Relations Act, which requires employers to negotiate with labor unions over salaries and work conditions and protects workers who try to form

unions from being punished. Without this law — the Magna Carta of American labor — dairy workers cannot form a union unless their boss is willing to recognize it and they have little legal recourse if they get fired for trying to organize.

"Dairy folks are legally in the worst of all worlds. There really is no federal law at all to protect them," says Wilk. "This is the last bastion of feudalism. The ugly reality of the world that my clients live in is shocking."

Furthermore, the federal Occupational Safety and Health Administration, the national agency responsible for workplace health, doesn't regulate dairies and farms with 10 or fewer employees. For larger operations, federal OSHA requires employers to report and investigate only in the event of a fatality or if three or more employees are hospitalized due to the same accident. States either rely on the feds to regulate industries, or use their own agency, which gives them the option of developing more rigorous regulations and enforcing them with state money. However, the only states in the West that have adopted their own stricter standards are Washington, Oregon and California. (Arizona uses state money to investigate small farms, but only if someone dies.) Inspectors in these states can investigate dairies and farms of any size, and they require employers to contact them if any injury requires a worker to be hospitalized overnight.

Last year, federal and state labor inspectors in the West inspected 42 of the region's approximately 4,150 dairies. While both federal OSHA and state agencies step up inspections for industries that are considered dangerous, no state in the West targets dairies because officials receive relatively few complaints from dairy workers.

That's because complaining is too risky, says a dairy worker from Grandview, Wash., who spoke on condition of anonymity. Because inspectors conduct most of their interviews on site, workers fear retaliation or the loss of their jobs if they say anything. Often, their bosses are the ones who orchestrate the inspections.

"(The manager) would know when the inspectors were going to come, and they would tell us what to say," the worker says in Spanish. "Everything needed to be perfect that day. They will threaten you. You want to keep your job, so you have to do this. For me, this job's important because it's all year long. You can make twice as much working in the dairy as in the fields."

Other dangerous industries, such as meatpacking, logging and construction, have specific safety standards mandated by state or federal labor agencies. While dairies fall under the general agricultural safety regulations for tractors and heavy machinery, there are no specific standards for how workers should be protected while milking or moving cows. Dairy workers in Washington, Nevada, Oregon and California are entitled to lunch and rest breaks, but legal aid organizations in these states say the laws are rarely enforced. The state of Washington has not fined any dairies for failing to provide rest breaks, at least not in recent history, according to Rich Ervin, the Washington Department of Labor and Industry's program manager for Employment Standards. "We're not in there to make money for the state coffers," he says. "We're not in there to beat up growers."

Former Washington labor inspector Martin Yanez believes the agency has simply failed to enforce the law as it should be enforced. And that, he says, is dangerous.

"If you work those long hours without breaks, even to eat, you are at a point of becoming not only exhausted but exposed to injuries and accidents," says Yanez.

When Yanez worked for Labor and Industries, he would visit dairies at the 5 a.m. shift change. Instead of questioning workers under the watchful eyes of dairy owners, he stood in the road, talking to workers as they arrived and left. But once he began fining dairymen for not giving workers breaks, he says he came under pressure from his bosses to stop. Partly because of this, he left the agency.

In the 11 years since Yanez left, the agency has stepped up its efforts to protect workers, says Elaine Fischer, the agency's spokeswoman. The agency's Web site and publications are bilingual, and in places like central Washington, where the Yakima Valley is located, 34 of its 146 staffers speak Spanish. In 1998, farmworker advocates and Mexican unions accused the state of violating NAFTA and gaining an unfair trade advantage by not extending federal labor laws to farmworkers and not enforcing safety laws to protect apple pickers from pesticides. In response, eight years ago the agency launched a long-

term education campaign. These days, staffers visit community events in the Yakima Valley and talk to workers about their rights. Last year, the agency did 19 dairy inspections, far more than any other Western state. Even so, says Fischer, the agency's reach is limited.

"If you're getting paid and if the employer has an accident-prevention plan and there's restrooms and water, there's not a lot we can do," she says. "Sometimes the reality is that the jobs are difficult. People can get injured at work even when there is no safety violation found."

**THE DEBATE** over how well state and federal laws and agencies protect dairy workers no longer matters to Katie and Frank Diaz.

On Dec. 30, 2008, Miguel Diaz, their father, was trampled by a bull as he herded cows away from their pens to be milked at the Tony Veiga Dairy in Sunnyside, Wash. The only witness to the accident was Diaz himself.

After the bull pinned him against a fence and gored his chest, Diaz dragged his tall, thin body to the milking barn. When his coworker, José Luis Rodriguez, first saw him, he thought he was joking around, pretending to be injured, according to the Labor and Industries investigation report. Then Rodriguez saw the blood spilling from Diaz's mouth, and the cut on the left side of his eye and face. Diaz gasped for air and was having trouble talking. His boss drove him to the emergency room and left, thinking Diaz would be OK. But within 30 minutes, Diaz's injuries — including broken ribs and a lacerated lung — had sent him into cardiac arrest. The hospital staff failed to resuscitate him. He was 31.

Labor and Industries considered the event a freak accident and did not cite or fine the dairy owner, Tony Veiga, president of the Washington State Dairy Federation. The sheriff's office did not investigate. And the local newspaper did not report the death, aside from a small notice several days later that failed to mention the name of the place where Diaz worked.

Diaz's partner, Consuelo, and his sister, Anna, both hold the dairy liable for letting the bull escape from its pen, for not providing more safety instruction and for not calling for an ambulance to sprint him to the hospital. Diaz had been hurt before in the dairy, when he was caught between two cows that pushed him against a railing. That accident sent him to the hospital with a spinal injury.

Consuelo talks about Miguel's exhaustion from the 12-hour night shifts, how thin he had become, how he mourned the death of a good friend and co-worker who suffocated at the dairy two years ago when a stack of hay bales fell on him. As she speaks, she holds a picture of Miguel with their two kids. Their 6-year-old son Frank has Miguel's warm, serious eyes. Miguel, who was originally from Michoacan, Mexico, moved to the Yakima

## Dairy injuries and deaths 2003-2009

At least 18 people died working in Western dairies between 2003 and 2009; many more were injured. The following list, compiled from state and federal safety agency reports, is certainly incomplete, thanks to loopholes and differences in state and federal reporting requirements as well as underreporting by

workers. When possible, supplementary information was culled from news stories and coroner's and sheriff's reports. Dollar amounts reflect fines, if any. Some fines in the cases listed below were not directly related to the accidents; on occasion, investigators issued citations for unrelated safety violations

—Rebecca Clarren



Name, Age	Injury*/Fatality	Date	Company	Description of Accident	Fine
<b>ARIZONA 120 dairy farms licensed to sell milk**</b>					
Jose Refugio, 23	INJURY	8/1/03	Westwind Dairy	Fractured both legs after stepping through a skylight in the dairy's barn and falling 18 feet to the ground. He was cleaning the gutters.	\$6,700
<b>CALIFORNIA 1,905 dairy farms licensed to sell milk</b>					
Luis Alberto Enriq, 16	FATALITY	4/26/09	Couto Dairy	Died from internal injuries after a bull struck him and rammed him into a steel post.	None
Guillermo Hernande, 42	FATALITY	10/26/08	Joe Tresch Dairy	Killed in a tractor rollover. Hernande hadn't received safety training, and the tractor didn't have rollover protection.	\$12,765
Unknown name, 39	INJURY	6/23/08	Abacherli Dairy	Amputated four fingers on his left hand. The employee was using a chain drive on a manure spreader truck when his gloved left hand got caught in the moving conveyer system that pushes manure off the machine. The injury required three surgeries and two weeks of hospitalization.	\$6,350
Ray Veldhuis, 74	FATALITY	5/30/08	P & H Ranch, Inc.	Killed by a forklift rollover. Veldhuis, the dairy's owner, was using a forklift to place a water pump in a sump. The ground of the field collapsed and the forklift rolled onto the road 16 feet below. Veldhuis was thrown to the pavement.	None
Bulmoaro Contreras, 39	FATALITY	3/24/08	AJ Borba Holsteins	Stepped through a fiberglass skylight on the roof of a barn and fell 19 feet to his death.	\$14,625
Unknown name, 51	INJURY	3/23/08	Alexandre Acres Dairy	Lacerated finger on door handle of a calf hutch, causing infection; the employee needed IV antibiotic treatment every eight hours for three days.	\$1,565
Unknown name, 53	INJURY	1/7/08	Fumasi Dairy	Pushed by cow against the milking parlor wall, fracturing his pelvis. He was working alone.	\$5,175
Manuel Quintanilla, 64	FATALITY	12/27/07	Faria & Sons Dairy	After he fell off a tractor, it ran over him, crushing his head. There were no witnesses.	\$1,800
Duarte Flores, 24	FATALITY	9/20/07	Emanuel A Belo Dairy	While clearing debris from a vacant lot, Flores drove a tractor into an irrigation canal. The tractor rolled, crushing Flores to death underneath.	\$4,925
Unknown name, 58	INJURY	8/13/07	John Mendonca & Son Dairy	Cracked vertebra and hip when pinned by a crumpler bar, a steel implement for a tractor attachment designed to pulverize soil.	\$2,025
Unknown name, 46	INJURY	10/23/06	3H Cattle Co	Employee was in the cattle pen doing some welding when a bull rammed him from behind, bruising his neck and other body parts.	\$350
Manuel Quinonez, 74	FATALITY	9/18/06	Ribeiro Dairy Farm	Crushed to death by a tractor.	\$700
Unknown name, 33	INJURY	7/10/06	Valley Holsteins	Splashed on the chest and arm by the chemical used to clean milking equipment prior to milking.	\$250
Unknown name, 55	INJURY	6/3/06	Vander Eyk Dairy	Hit in the face by a jack while working on a tractor. He has lost vision in his right eye, lost the hearing in his right ear and has tingling in the upper right portion of his head.	None
Juan Cisneros, 35	FATALITY	5/14/06	Grimmius Cattle Co	Run over and killed by tractor. He was the foreman.	\$19,500
Unknown name, 29	INJURY	5/6/06	JCJ Dairy	Struck by a 500-lb hay bale that fell from 18.5 feet as he was cutting open one of the lower bales. The bale pinned him against a tractor, injuring his abdomen.	\$11,150
Carlos Lourenco, 43	FATALITY	4/19/06	Lourenco Dairy	Lourenco, the company's head maintenance mechanic, was oiling the chains of the feed wagon while it was running. He was caught between the steel triangle blades that cut, shred and mix the hay, corn and other food for the cows, and died of his injuries.	None
Luis Gutierrez, 26, and Luis Armondo Gutierrez Jr., 8	FATALITIES	3/4/06	Contente & Company	Drowned in a 10-foot-deep manure pit. The pond was heavily contaminated and looked like solid ground. Both father and son were wearing large dairy boots that would have made swimming difficult. The pond had steep walls, and there were no witnesses. Luis Jr. didn't usually accompany his father to work.	\$150
Unknown name, 46	INJURY	12/8/05	5 Star Dairy	Fractured elbow and bruised hip. The employee was constructing a tin roof structure at a dairy when he stepped backwards through a skylight and fell approximately 18 feet to the ground.	\$1,850
Unknown name, 41	INJURY	7/2/05	M S Monteiro & Sons	Amputated left hand at the wrist after reaching into a clogged hay bailer.	\$2,700
Unknown name, 26	INJURY	2/8/05	Pedretti Ranches, Inc	Severe internal injuries when crushed against a tree by a snapped branch. The employee had been cutting the branch with a chainsaw.	\$3,425
Unknown name, 24	INJURY	9/2/04	Legend Dairy Farms	Struck in head and chest while inflating a tire. Hospitalized for 11 days.	\$14,170
Unknown name, 49	INJURY	8/25/04	W&J Dairies	Attacked by bull and pinned against a fence while bringing in cows for the evening milking. Fractured his spine and pelvis.	None
Unknown name, 20	INJURY	6/29/04	Moo Views Jerseys	Tips of all four fingers on left hand amputated when a bolt on a chain supporting a feed wagon's gear-box broke and crushed his hand.	None
Unknown name, 35	INJURY	5/18/04	Martin's Dairy	Attacked by bull.	\$750
Unknown name, 37	INJURY	4/16/04	Shady Grove Dairy Farm	Fractured his right wrist, shoulder and two ribs and lacerated his right ear when he fell off the bucket of a tractor. He was pulling a shade cloth off the calf pen and using a chain with a hook that became unconnected. He was hospitalized for two days.	\$6,650
Unknown name, 27	INJURY	12/2/03	John Fragosa and Sons Dairy	Lacerated lower leg when his clothing got caught on the rotating metal blades that push manure out the back of a tractor.	\$700
Unknown name, 21	INJURY	8/3/03	Jer Z Boyz Ranch	Injured spleen and bled internally after the horse he was riding stumbled, fell and rolled on him. He was moving dairy cattle from the corral to the milk barn.	\$5,000
Unknown name, 42	INJURY	7/09/03	California Dairy Inc	Scalded by 180-degree water. The foreman was attempting to tighten the clamp on a water pipe when it failed and released both pipes.	\$300
Unknown name, 63	INJURY	6/18/03	Palla Rosa Farming Co	Fell through a fiberglass skylight on the dairy's roof while checking a leak in a water line. The 10-foot fall onto the concrete floor left him with a concussion.	\$2,475
Unknown name, 49	INJURY	4/21/03	E&R Prins Dairy	The employee's head struck a Bobcat's rear cab when the machine bounced, immediately paralyzing him from the neck down.	\$100
Unknown name, 50	INJURY	4/18/03	Deboer Dairies	Arm amputated by rotating shaft of a manure spreader.	\$2,475
<b>COLORADO 140 dairy farms licensed to sell milk</b>					
Matthew Flaschenriem, 25	FATALITY	1/20/05	Hogland Dairy	Mechanically asphyxiated when his head and neck were trapped under the bucket of a front-end loader. Flaschenriem's father, who owned the dairy, had asked him to stop for lunch, but he had refused.	None

\*Only California, Oregon and Washington safety agencies report individual injuries that result in overnight hospitalization. But Washington does not release injury details to the public. \*\*2008 average based on regulatory agency counts

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**"We take risks every day when we go drive down the road or get in a plane. Employers do their part, and employees have to do their part as well."**

—Tony Veiga, dairy owner



Arturo Sepulveda (left), an organizer for United Farm Workers of America, talks with former workers from Ruby Ridge Dairy. Sepulveda and his co-workers successfully unionized the Three-mile Canyon Farms in Boardman, Oregon, one of only two unionized dairies in the West. RAJAH BOSE

Valley with his parents and seven sisters in 1988. He was supposed to receive his papers to become a citizen any day, Consuelo says, and as soon as he did, they planned to get married. Miguel thought his boss was a good man, but he wanted to find a better job once he was legal.

"It gets harder every day. I miss him," says Anna Diaz, Miguel's sister. "My parents wanted to give us a better life. They thought it would be better for us here. He had the whole world ahead of him, but he didn't make it that far."

It's hard to determine responsibility for such tragedies; the work itself is inherently dangerous. Miguel Diaz's boss, Tony Veiga, says he is careful at his dairy, holding the state-required monthly safety and training meetings in both English and Spanish. He has an accident-prevention program, also required by law, that instructs workers how to use chemicals safely, how to administer first aid and how to report unsafe conditions. And after 31 years in business without serious incident, he's mystified by the two recent deaths on his farm.

"I don't know why they happened on this place, as careful as we are, but things do happen in life," says Veiga. "None of

us are risk-free. We take risks every day when we go drive down the road or get in a plane. Employers do their part, and employees have to do their part as well."

**INSIDE THE CONCRETE** milking parlor at the George DeRuyter & Sons Dairy in Outlook, Wash., men with almond-colored skin scramble between the rows of cows, hooking and unhooking udders to milking machinery. Outside, glacier-encrusted Mount Adams rises far to the west, and strains of mariachi music float on the midmorning air from a nearby radio. In the narrow hallway that connects these worlds, third-generation Yakima County dairyman Dan DeRuyter fills a soda machine with Pepsi for his employees, shouting above the grinding motor of the mechanical milking machine.

"I take a huge interest in my guys. If they get hurt, it bothers me," says DeRuyter, whose Dad, George, started this dairy in 1986 with 1,000 cows. Today, they milk 4,600. To protect his 40 workers from getting kicked, he has them milk the cows from the rear through metal crossbars. Taking care of workers makes good business sense, DeRuyter explains: "If you have too many injuries, your

(insurance) rates will go up, which is the last thing we need right now." (Dairies can pay as much as 25 percent more in industrial insurance premiums the year following an accident.)

In the past year, a number of forces have affected the price dairymen receive for their milk, causing it to drop from \$19 per 100 pounds last June to less than \$9 this summer. The European Union voted to subsidize continental dairy products, and Australia and New Zealand emerged from a several-year drought to flood the market with milk just as the general economy plummeted and foreign demand decreased. The cost of production, particularly of feed, has remained high, so most dairies in the West are losing about \$100 per cow per month, according to MacDonald, the USDA economist. In the past year alone, the DeRuyters have borrowed over a million dollars from the bank.

"It's like getting kicked in the teeth every single day," says DeRuyter, leaning against the wall. "You wake up in the middle of the night wondering how you're going to pay this off. I'm not sure we can handle these prices for another year."

He's heard grim stories about his peers in California — the farm foreclosures that have happened this summer, and the two suicides that followed. In June alone, 60 dairies in Idaho, Washington, New Mexico and California "retired," turning 44,000 dairy cows into hamburger, according to the National Milk Producers Federation. The Western United Dairymen estimates that 10 percent of California's dairies, big and small alike, will close within the year. Nationwide, it could be more like 15 percent, according to Peter Hoekstra of Genske, Mulder & Co., an accounting firm that handles 450 dairies nationwide. "There isn't a dairy in this office that is showing a profit," says Hoekstra. "These are good people, family farms, not corporations. Some of them have been in business for generations and they're just going to go away."

These hard economic times will almost certainly impact dairy workers. Even as dairy operators worry about insurance premiums escalating, they also have to hustle to stay afloat. That means maximizing production while



Miguel Espiritu, Jose "Gordo" Miranda and Armando Herrera (pictured from left), were among the workers who say they left or were fired from Ruby Ridge Dairy in Pasco, Washington, after they tried to organize a union. RAJAH BOSE

minimizing costs. Dairywomen in Yakima County report that they've cut back employees without selling cows, which means their remaining employees will have to work even harder. The state has yet to calculate workers' compensation claims for the past year (and it doesn't separate dairies from other agricultural industries), so there's no hard data, but injury reports could increase, says Corwyn Fischer, the Washington State Farm Bureau's safety director. "People are trying to prove to their employer that they're a good worker," he says. "They'll think, 'I need to stay on,' and they work harder and they get injured."

And dairy workers remain at a disadvantage even if their bosses care about them and pay them well. "It's not so much about working conditions as it's about power and what voice workers have in the workplace," says Erik Nicholson, regional director of the United Farm Workers union. Beyond the weighty factors of poverty and questionable citizenship, dairy workers' inability to unionize under the protection of federal law leaves them at their bosses' mercy. The only two dairies in the West that have unionized are in Oregon, where the farmworkers' union was able to rally the public to put pressure on Tillamook Cheese, which purchased milk from the dairies. But such efforts are hampered by the union's lack of resources: It has only four employees for both Oregon and Washington and none in Idaho or New Mexico.

That doesn't mean the organization has stopped trying.

**ON A GOLDEN JUNE EVENING** in Kennewick, 25 miles east of Yakima County, workers from Ruby Ridge Dairy, a 2,000-cow operation in nearby Pasco, gathered around a metal picnic table at a local park. As they piled corn tortillas with green salsa and grilled steak, the men listened to Arturo Sepulveda, a union organizer and fellow immigrant. Intense and compact, Sepulveda spoke about how he and his co-workers successfully fought to unionize the 16,000-cow Threemile Canyon Farms in Oregon, just across the Columbia River. Unionization ensured workers at Threemile paid rest breaks, a pension plan, protection against being unjustly fired and "more dignity," he said. The Ruby Ridge workers passed around a pen and cards and cast votes on forming their own union.

The workers explained in Spanish that they want the union to help them get what is legally theirs but never delivered: lunch breaks, a chance to drink water or go to the bathroom. They don't expect overtime pay or Christmas vacation. As their children ran through sprinklers in the grass, the men shared stories about the conditions at Ruby Ridge, about the stink and the injuries and the long hours.

"A union would be better for the people. The work in the dairy is good, but there's no law in there. The only law is the supervisor," said Jose "Gordo" Miranda. "I'd like to be respected like a worker,

*continued from page 15*

IDAHO 635 dairy farms licensed to sell milk					
Alexandro Juan Dominguez, 26	FATALITY	1/1/09	DeRuyter Dairy Inc	Thrown from a hay loader's window and crushed when the machine rolled over him. The employer, Nick DeRuyter, had provided no formal safety or equipment training.	\$3,750
Chad Thompson, 30	FATALITY	3/6/08	4-Brothers Dairy	A 50-foot-tall pile of silage collapsed on top of Thompson's truck; Thompson, inside the cab, was struck in the head. He died instantly.	\$1,700
Marcelino Miranda, 33	FATALITY	6/25/03	Double A Dairy, Inc.	Crushed and killed by the rear wheels of a front-end loader. Miranda was hanging on the ladder outside the machine's cab and lost his balance when the driver, the dairy's crew leader, hit bumps in the road. OSHA cited the dairy for failing to report the fatality and for the lack of seatbelts.	\$3,750
MONTANA 80 dairy farms licensed to sell milk					
No reports					
NEW MEXICO 160 dairy farms licensed to sell milk					
Emeterio "Tao" Godinez, 47	FATALITY	7/3/09	Boyd Brothers Ranch	Crushed by 1,800-pound hay bale that fell 12-15 feet from a nearby haystack.	None
NEVADA 25 dairy farms licensed to sell milk					
No reports					
OREGON 300 dairy farms licensed to sell milk					
Augusto Zavala Cerva, 33	INJURY	5/12/08	Hazenberg Dairy	Fractured his ribs after an oncoming pickup truck hit the tractor he was driving. Cerva spent several weeks in the ICU. He had not received safety training and was not wearing a seat belt because it hadn't worked for several months. This was a repeat violation from an inspection in 2005.	\$8,500
Luis Mojica, 18	INJURY	9/21/07	Sleger's Dairy	Concussion; rear-ended while driving a tractor along the highway with no seatbelt. Mojica's father was the dairy supervisor.	None
Benjamin Batista, 45	INJURY	7/8/06	Konyn Dairy LLC	Left foot crushed between the rollers of a manure separator; foot subsequently amputated.	\$800
Ramone Rodriguez, 35	INJURY	9/24/05	Willow Creek Dairy	Run over by a hay loader, which left abrasions and bruises on Rodriguez's left leg and back. Oregon OSHA fined the dairy for 10 hazards, including the fact that the view of oncoming hay loaders was blocked by feed and storage piles.	\$2,000
UTAH 260 dairy farms licensed to sell milk					
No reports					
WASHINGTON 500 dairy farms licensed to sell milk					
Miguel Diaz, 31	FATALITY	12/31/08	Tony Veiga Dairy	Trampled and killed by bull.	None
Oner Villa, 28	FATALITY	2/1/07	Tony Veiga Dairy	Crushed to death by falling 1,500-pound hay bale.	\$300
Shaun Cody Forrest, 16 Tyler Rausch, 16	FATALITIES	8/12/03	Fair Tomorrow Farms Inc	Overcome and/or asphyxiated by toxic gas in a silo. The boys apparently were checking whether the 80-foot-silo was full or not. No witnesses; their bodies were found inside the silo on the silage surface. One of the employees was the owner's son, the other was a longtime family friend.	\$100
WYOMING 25 dairy farms licensed to sell milk					
No reports					

right now I'm like a slave. If I get treated bad, I have to take whatever they give me because I have my family to support."

By mid-July, an overwhelming majority of Ruby Ridge's 40 employees had signed cards in favor of union representation, according to the farmworkers union. Nicholson and Sepulveda had met with the dairy's owners and suggested bringing in a neutral third-party to help negotiate unionization. The dairy wasn't interested. Dick Bengen, Ruby Ridge co-owner, says that unionization would cripple his business. If the workers went on strike and refused to milk, he explains, his cows' mammary systems would be ruined within 48 hours. And anyway, he says, his workers don't want a union, based on a vote he had at the dairy. He blames the United Farm Workers for spurring his employees to work less efficiently and less diligently, in order to create a confrontation.

The dairy has fired four people in recent weeks, including Miranda. Bengen says the dismissals have nothing to do with union activity; Nicholson calls them retaliation. In mid-August, 14 Ruby Ridge workers, including those recently fired, sued the dairy. They claim that it didn't pay full wages or provide lunch and rest breaks, and that it unfairly dismissed union supporters. But because the

National Labor Relations Act doesn't cover dairies, the fired workers must depend on fairly weak case law, admits Nicholson.

As for Gustavo, when he came to Washington 11 years ago, he never thought about things like unions, or worried about his health. He thought he would become the family hero, helping his parents pay for utilities and his siblings attend school. Now, everything has changed.

He needs a doctor to readjust the metal plate under his eye, but finding someone to do the surgery has been difficult. He works all day, and he's afraid that if he takes time off for an appointment, his boss will jump at the chance to fire him.

"I'm not sure what to do. *Tengo un sueño*, I have a dream, to watch my children grow and study here in America, but if I lose my eyesight then I won't even be able to work," his says, his voice flat, as his 4-year-old son stands at the doorway, watching. Lately, Gustavo has been thinking about returning to Peru, but his wife, who is originally from Mexico, doesn't want to leave. They fight about it a lot. "*Es muy difícil*. But I think it's better to leave and be happy and poor rather than to have money and be depressed." □

**WEB EXTRA**

To see some of the original accident reports, visit [www.hcn.org](http://www.hcn.org)

*Rebecca Clarren, a former HCN associate editor, is a 2009 Alicia Patterson Foundation fellow.*

*This coverage is supported by contributors to the High Country News Enterprise Journalism Fund.*

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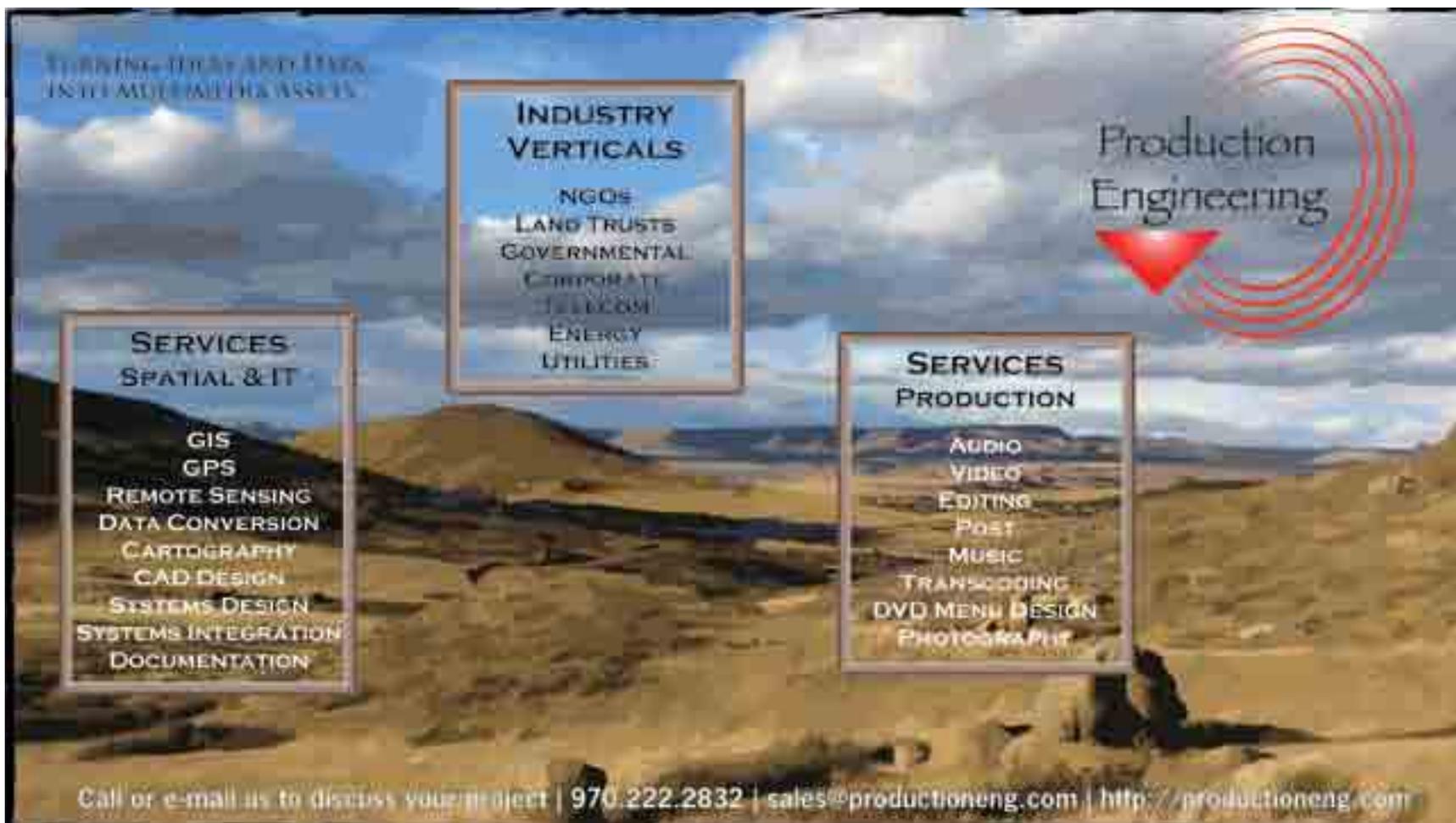
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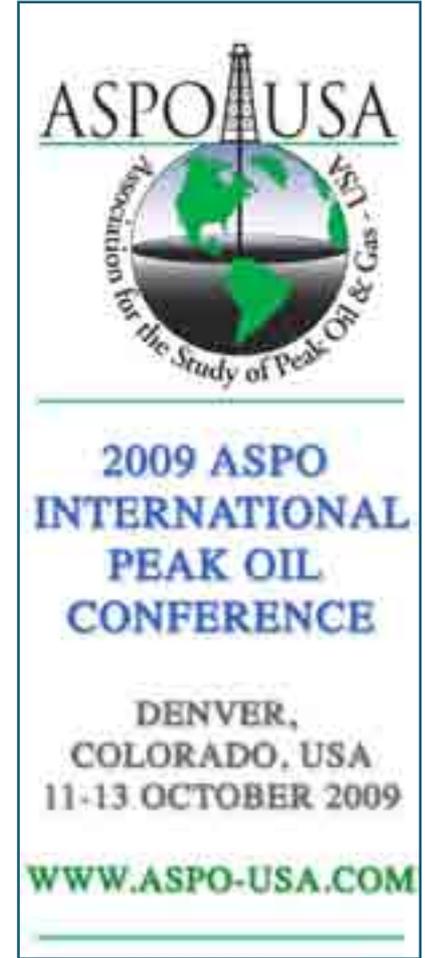
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PHOTO BY MARK GOCKE



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## Pena

continued from page 6

this house for her before he died 22 years ago. Lee could not have been more different from Harry Jolly, who she divorced after the couple arrived in Needles. “Mr. Jolly was ... not horribly mentally retarded, no,” says Pena. “But very slow. When I realized ... it was too late.” According to Pena, he lost one of many jobs by running someone over with his ice cream truck while ogling a pretty woman. Lee Perry, in contrast, spent hours staring out the window, smoking his pipe and ruminating over editorials for his newspaper, *The Desert Star*. When she met Lee, Pena was struggling to make ends meet as a single mother. Lee Perry hired her to clean his office and do chores for him, and after seven years of friendship, they married. “I will make you a good home,” he told her. “I will restore you.”

The marriage was not entirely idyllic. Sometimes Lee, stoic Westerner that he was, could be cold and distant. “I’ve never been loved by an

Italian man and I’m mad about it!” Pena exclaims. “The American man is cold, honey bunny! The Latin men, they lie to you but they make you feel ... *ah!* Very romantic.” Pena could not embrace the West the way Lee did. She hid and even sold some of his Western trappings — a wagon wheel, pounds of turquoise jewelry, priceless Navajo rugs — and planted cypresses all along their terrace to remind her of Italy. “This is raw desert, Pena!” Lee would cry. “Get it through your head!” Despite the operatics, Lee “made a woman out of me,” says Pena. “The little that I know, I know through him.”

Pena believes that her life has been miraculous, despite its tragedies. She recalls running through the streets of Pistoia barefoot as bombs fell, and never getting a scratch. After her house was blown to pieces, the only thing left standing was a statue of the Virgin Mary surrounded by rubble and broken glass. Her gratitude for the

life of relative comfort she eventually found with Lee helps temper past horrors, but she is still haunted by regrets about the broader life she might have led. “What am I doing in Needles?” she asks abruptly. “I had talent! I have an imagination that could kill a horse!” If she had stayed in New York, she could have become a translator, perhaps, even an opera singer. But she has made an uneasy truce with Needles. She likes the moonlight over the Mohave Valley and the rainbows. But she still doesn’t love the desert. She misses the colorful confusion of bodies walking close together in crowded streets, the way they do in cities — like in Italy. Still, she says, in a softer, slightly proud tone, “I am surviving, don’t you think?” □

*Emily Underwood just finished an internship at High Country News. Now she’s a raft guide on the American River in California.*



Vandals have left their mark in the High Up House in California’s Wildwood State Park. KHAI LE



## Parks

continued from page 7

structures at Wildwood Canyon offer a clue to what happens when we do.

Set aside to save land from exurban development, Wildwood Canyon State Park was never given any money at all; when the state Legislature agreed to fold it into the state park system in 2003, it was on the condition that no funds would be dedicated for its operation. There is no ranger to mind the grounds, no workers to maintain trails. A few times a month, a maintenance crew comes out to see whether the plywood bolted over the windows has held up. Often it hasn’t. The last time the barricades were shored up, the High Up House was vandalized within the next hour.

Buildings aren’t all that’s at risk. Swaths of state parkland preserved for migrating wildlife could end up overtaken by off-highway vehicle enthusiasts who resent the rules of state-

managed land. Ten miles west of Wildwood lie the badlands of San Timoteo Canyon, 1,200 acres of state park land linking the San Bernardino Mountains with the Colorado Desert. The corridor benefits a number of non-charismatic but significant creatures, such as the endangered Stephen’s kangaroo rat. A gurgling perennial creek — a marvel in this dust-dry canyon — makes the parcel a crucial byway for birds: The least Bell’s vireo, an endangered songbird, travels through here, as do burrowing owls.

But while California State Parks rescued “San Tim” from tract housing, it did not raise enough money to keep out the riffraff. Off-highway vehicles ravage the hillsides; tree branches sag under platforms built by paintballers. Carver, who is tall but delicate, has been instructed not to leave her truck if she visits the park without a ranger. “The last time I spent any time out here, I was with a group of students who were planning to do a survey,” she recalls. “We left after a couple of trucks pulled up loaded

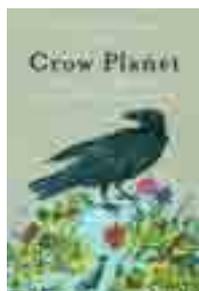
to the gills with automatic weapons.”

A list of California state parks that might face a lawless future will be released after Labor Day; until then, park advocates continue to search for new funding. On Aug. 17, the State Department of Parks and Recreation raised day-use and camping fees; now, corporate donors are being canvassed for help. Carver doubts such donors can make much difference. “Corporate money might come in to save the glamour parks,” she predicts. “But I worry about the parks that don’t have a natural tie-in to beer and sunscreen,” and have little to attract visitors but open space and history.

“Some of these parks are not actually closeable,” she adds. “You can say they’re closed, but there’s no actual way to keep people out. And once the things they’re meant to save are destroyed, there’s no getting them back.” □

*Judith Lewis writes about the environment from Venice, California.*

## As the crow flies



### Crow Planet – Essential Wisdom from the Urban Wilderness

Lyanda Lynn Haupt  
230 pages,  
hardcover: \$23.99.  
Little, Brown and  
Company. 2009.

Even though crows are unusually smart, make attentive parents, use tools, can learn to speak and are notoriously playful, they can't seem to shake their bad reputation. They're far more "loud, large, and conspicuous" than most birds. In her third book, Seattle naturalist and crow devotee Lyanda Lynn Haupt explains that populations of humans and crows have never been larger, nor has our proximity to each other ever been closer. Unlike most wild birds, crows thrive in our midst because we provide so much food.

But the fact that there are now so many crows — more than 31 million in the United States — is also a clear indicator of rampant habitat destruction. Sprawling urban landscapes and huge developments can support only the most resilient creatures. And crows and other members of the corvid family — jays, magpies and ravens — are among the survivors, while other species dwindle or die out.

Crows demonstrate that we share a relentlessly expanding zoöpolis, a

"highly disturbed" place where "human and wild geographies mingle." The term, coined by geographer Jennifer Wolch, refers to areas where humans now build that were previously populated only by nonhumans. This "degraded, chopped-up habitat," Haupt writes, is "the single greatest threat to species diversity in the current millennium."

She recommends that we humans re-evaluate our choices, noting that "everything we do matters." To that end, she takes up sketchbook and binoculars, doing every errand she can on foot while "bringing naturalist practices into my daily urban life." In soggy Seattle, she hangs laundry out to dry and refuses to buy chemically laden anti-static dryer sheets. She compiles a list of essential wisdom to encourage new behaviors: study, learn the names of things, cultivate patience, bypass buying gadgets and make time for solitude. Above all, she recommends maintaining a field-trip mentality: Whenever you step outside, pay attention.

"I want to cocreate and inhabit a

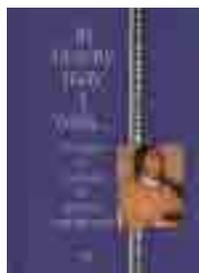
nation of watchers," Haupt writes, "of naturalists-in-progress, none of us perfect, all sharing in the effort of watching, knowing, understanding, protecting, and living well alongside the wild life with whom we share ... our earth."

BY IRENE WANNER



ISTOCK, GLOBALP

## Writers of the Native American Renaissance



### In Beauty I Walk: The Literary Roots of Native American Writing

Edited by Jarod  
Ramsey and Lori  
Burlingame  
395 pages, soft-  
cover: \$27.95.  
University of New  
Mexico Press, 2008.

"Appreciation" is a slippery word, especially when applied to culture. More shallow than understanding, but deeper than mere pleasure, you might describe it as knowledge *lite*. Perhaps that's why *In Beauty I Walk: The Literary Roots of Native American Writing*, which emphasizes the "appreciation" of Native texts, leaves you feeling like you've brushed against something far more tangled and complex than the soothing, earth-toned cover would suggest.

The selections range from traditional creation myths, stories, songs and poetry to modern short stories and plays. Contributors, including Sarah Winnemucca, Mourning Dove and Lynn Riggs, address themes many people are familiar with as history but not necessarily as narrative — betrayals of trust between white settlers and Indians, assimilationist boarding schools, failed interracial marriages.

Editors Jarold Ramsey and Lori Burlingame provide background for and analysis of most of the writings, even while noting the controversies involved. The inherent problems of critiquing Native literature through a Eurocentric lens have inspired some strong push-back from Native scholars and writers. Unfortunately, this recognition, while admirable, also gives *In Beauty I Walk* a

stilted feel at times.

The book includes many rarely published selections. Here, for example, is a retelling of the life of Jesus, recorded in 1912, that sounds almost like parody:

"The first people were much oppressed and preyed upon, and so much evil prevailed in the world, that the Chief sent his son Jesus to set things right ... After He had returned the Chief looked over the world and saw that things had not changed much for the better. Jesus had only changed a few things. He had done more talking than anything else ... Now, the Chief said, 'If matters are not improved, there will soon be no people.' Then he sent Coyote to earth to destroy all the monsters and evil beings, to make life easier and better for the people, and to teach them the best way to do things. Coyote did a great deal of good, but he did not finish everything properly. Sometimes he made mistakes, and although he was wise and powerful he did many foolish things."

Analysis aside, *In Beauty I Walk* is a tantalizing collection. The stories stand alone — the juvenile humor of Coyote, who fends off enemies by farting, the poignancy of the "lost

wife" stories that explain the origin of death and suffering, and the restorative power of traditional songs and chants are engrossing no matter how well you understand the deeper cultural context.

BY EMILY UNDERWOOD



ISTOCK, JOHNPTICHER

# MAYBE THE OCEANS SHOULD AGREE TO SOME SORT OF MERGER, THUS CAPITALIZING ON THEIR COMBINED WEALTH.

It may seem practical for the world's oceans to stop acting as five separate entities, but it's going to take more than a legally-binding business agreement to adequately protect them. It's time for us as humans to hold ourselves accountable for the conservation of our planet's resources. Without these valuable resources, the world of business will ultimately fail. Join hundreds of other companies in protecting the Earth by becoming a part of 1% For The Planet, a growing alliance of businesses around the

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HEARD AROUND THE WEST | BY BETSY MARSTON

CALIFORNIA

**California is so broke**, it may close some of its 279 state parks. But wait, a nonprofit group best-known for its in-your-face advertising has offered to ride to the rescue, money in hand, to save one of them. PETA, the People for the Ethical Treatment of Animals, says it will pay to keep Pescadero State Beach open. There is a caveat, however: Pescadero, which means “the place to fish,” must change its name to “Sea Kitten State Beach.” The new name would “evoke the same sympathy for fish that people feel for cats and dogs,” a PETA spokesperson told the *San Francisco Chronicle*.

IDAHO

**The other day, while reading** the *Recorder Herald*, a venerable community weekly established in Salmon, Idaho, 123 years ago, we came upon the curious story of a llama that had apparently lost weight to a fatal degree. Or, as the headline put it: “Llama killed by lightning.” The animal was found on its back, “with its legs straight up in the air” and its wool “blown out 10 to 30 feet in every direction.” That’s one way to shear a llama.

THE NATION

**Usually, the EPA isn’t the kind of agency** that shoots it out with polluters, but there’s always that first time. Consider the owner of a truck-wash company in Utah, who told friends he’d “go down in a blaze of glory” before facing federal charges of illegally disposing of hazardous chemicals. Larkin Baggett, 54, wasn’t kidding; when EPA officials caught up with him in Florida this spring, Baggett pointed a semi-automatic rifle at one of the agents. Yet Baggett never got off a shot, says the *Miami Herald*: “Officers shot him in the face and buttocks and riddled his travel trailer with bullets.” It was the EPA’s first officer-involved shooting since the agency instituted a criminal enforcement division in 1982. Last month, Baggett pleaded guilty to felonies including possession of illegal weapons; he faces a possible 90-year stint in prison.



UTAH Roadside Attraction. GREG WOODALL

WASHINGTON

**Can running from the cops** become a lifestyle? That was the explanation in the *Kitsap Sun* from a 33-year-old man in Bremerton, Wash., who hightailed it to a roof as police searched his neighborhood for a suspect. After police got the man to climb down and asked him why he was hiding, the man explained: “Old habit.”

ARIZONA

**City parks in Phoenix** stand empty much of the year, sizzling in the beastly heat that routinely climbs over 100 degrees. Fortunately, the valley’s new light-rail system has become a cool and movable feast, reports the *Arizona Republic*, in a story that was headlined “Singin’ on the Train.” The 20 miles of track linking Phoenix with Tempe and Mesa have only been open since December, but already, amateur performers have flocked to the sleek, air-conditioned trains. As Nan Ellin, a planning program director at Arizona State University’s school of urban planning, explained, the moving cars are like living rooms that force riders to look at each other. “All people need a public realm,” she says, (and) “part of the need for the public realm is to have a stage where we can be spectators ... and the reverse, where we can be spectacles.” Commuters have been treated

to songs from Broadway musicals such as *Rent*, as well as performances from more than 23 bands. And turning the tables, 100 passengers calling themselves “Improv Everywhere,” staged guerrilla theater by riding the train dressed only in their underwear. Other commuters have indulged their whimsy by agreeing to meet on the train dressed as “brides, superheroes and 1980s-era tennis pros — mini-shorts, sweat bands and all.” Some organizations even treat the trains as conference centers, hosting charity bar crawls and progressive dinners along the line. As one fan put it, “There’s a community that’s being built around light rail.” Best of all, said 17-year-old Alex Rivera, a wannabe actor, nobody’s jaded yet: “In Phoenix, people respond, they clap or they share an opinion in some way. In New York, they act like they can’t see you, like you’re not there.”

WASHINGTON

**Michael “Skeeter” Pilarski** admits he has never seen a fairy, but that doesn’t mean they’re not around. “Fairies manifest themselves differently to different people,” he told *The Seattle Times*, “and besides, only about 10 percent of people have ‘the sight.’” Pilarski is the founder and organizer of the ninth annual Fairy and Human Relations Congress, held recently in a secluded meadow in the foothills of the North Cascades near Twisp, Wash. The gathering attracted 250 people, who came from as far away as Europe to “keep alive the possibility of things unknown and larger than yourself, the sense of wonder and magic in your life,” as one participant explained. Another said she’s sure the fairies like having people in the neighborhood, and that they particularly enjoyed a parade in which people dressed up like mythical fairies. “They think that’s hysterical,” she said.

**WEB EXTRA** For more from Heard around the West, see [www.hcn.org](http://www.hcn.org).



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“My generation will likely end up chronicled as a culture of debtniks, of **maxed-out credit card consumers** foreclosed out of their homes, living with their mothers in their childhood homes — just like Kerouac.”

David Feela, in his essay “Off the road again” from *Writers on the Range*, [www.hcn.org/wotr](http://www.hcn.org/wotr)