

The Environmental Bi-Weekly

# High Country News



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Lander, Wyoming

Friday, January 31, 1975

## Where even the best land planning won't do State roadblock at Beaver Creek

On Friday, Jan. 24, 1975 William J. Lucas, Regional Forester with the U.S. Forest Service, designated the Beaver Creek area of Colorado a winter sports site. By doing so, Lucas ignored the expressed wishes of Gov. Dick Lamm, who had asked for a one-year moratorium on all ski development in the state. Now Lamm says he will "probably" appeal Lucas' decision to John McGuire, Chief of the Forest Service. At issue is who has the final say over land use decisions — Colorado or the federal government.

by Bruce Hamilton

Beaver Creek, Colorado. Its waters flow from snow fields among the 14,000 foot high peaks in the Holy Cross Primitive Area on the north end of the Sawatch Range. Beaver Creek. A home for elk, mule deer, coyotes, prairie falcons, ptarmigan, and trout. Beaver Creek. An area that may soon be the hub of a new multi-million dollar downhill ski complex.

Vail Associates, the founders and developers of the Vail ski city 10 miles to the east, want to transform the Beaver Creek area into a "model environmental" year-round recreational resort. They say their plans "demonstrate that development for recreation can be compatible both with environmental imperatives and with human needs."

"When completed," VA maintains, "Beaver Creek will be the most environmentally sensitive major recreation facility ever built in the Rocky Mountain West."

The State of Colorado has its doubts. They see the opening up of Beaver Creek as a fuse that could ignite explosive growth from Vail clear west to Eagle, Colo. The state notes that already Eagle County (where both Vail and Beaver Creek are located) has given approval to new developments in and around Beaver Creek, which could increase the county population by 40,000 and transform the Eagle-Vail area into a polluted, overcrowded, urban strip.

Newly-elected Gov. Dick Lamm has praised Vail Associates as one of the state's "best corporate citizens," but said he feels the state has valid complaints that have not been satisfactorily answered by VA. Consequently Lamm is seeking a one-year moratorium on all new ski developments — including Beaver Creek.

*"When completed Beaver Creek will be the most environmentally sensitive major recreation facility ever built in the Rocky Mountain West."*

—Vail Associates



View from the top. Standing on National Forest near the top of a proposed ski lift and looking north into the Beaver Creek drainage, 10 miles west of Vail, Colo. The white snow covered meadows in the valley below are Vail Associates private lands where the Beaver Creek and Benchmark developments are planned. Colorado Gov. Dick Lamm and many state agencies are worried about the environmental impact of the VA developments and the adjacent developments which could bring 40,000 new residents into the area and exceed state environmental standards. Lamm asked the Forest Service to withhold issuance of a special use permit and designation of the area as a winter sports site until the state came up with a ski area development policy. The Forest Service ignored Lamm's request and a state-federal battle seems likely.

### UP THE CREEK WITHOUT A PERMIT

The reins on the Beaver Creek development come in the form of a U.S. Forest Service special use permit and "winter sports" designation of the national forest lands adjacent to VA's private lands in Beaver Creek. VA needs 3,000 additional acres of public forest lands for ski lifts, ski runs, and restaurant facilities to make Beaver Creek a "quality" ski area and a financial success.

Obligingly, the Forest Service has prepared both a draft and a final environmental impact statement

on the Beaver Creek vicinity forest lands — officially labeled the Meadow Mountain Management Unit. But when the Forest Service solicited comments on their impact statement, 13 state agencies expressed serious reservations because of unacceptable environmental impacts.

When the Colorado gubernatorial race reached its peak this fall, both candidates came out against Beaver Creek. Incumbent Gov. John Vanderhoof asked the Forest Service to withhold granting the permit.

Vail Associates was left "up the creek without a permit" and with time running out, reported *Colorado Business*. "The borrowed money already spent is costing Vail 12.75% interest . . . and will earn the United Bank of Denver about \$427,000 this year alone. The planning staff, still at full strength, is burning away about \$33,000 a month. Taxes on the 2,200 private acres are running higher

(Continued on page 4)

## HIGH COUNTRY

By Jane Bell

Environmentalism is alive and well across these United States. All is not hopeless for the good Mother Earth — the food and fiber producing soil mantle, the clean water, and the clear air. Which is not to say that everything is hunky-dory. Our life-giving elements are still in a sickening condition, but now even most politicians have to give a little more than the normal lip service. And that is what is slightly more hopeful.

Across the country, numbers of people seem to have voted with stricken consciences. And if not that, it may have been real fears for their immediate environment. Slowly, but surely, the feeling is growing among increasing numbers of people that all is not well. Their fears are fed by a constant and swelling stream of information that pollution in all its aspects is a growing curse upon all mankind. So, too, the realization that all of our wastefulness of energy and natural resources is coming home to haunt us. It has taken a long time, but the conservation and environmental ethic has begun to pervade John Q's thinking.

But while this thinking has grown, economic forces have been at work. And now the nation finds itself more concerned with people out of work than with the kind of air their kids will be breathing. And it is not just air but the whole gamut of environmental ills.

President Ford gave a good indication of the trend of thinking in his State of the Union address. He would unloose upon the nation untold scores of huge coal-burning power plants and the accompanying strip mines. All caution would be thrown to the wind in a wholesale commitment to nuclear power. And that albatross around the common American neck — the gas-burning Detroit Special — would continue merrily down the by-ways and the interstates.

In the rush to get the country out of economic recession and to solve energy problems, John Q. Public may be grievously misled. The mind-boggling expenditures required to make just the basic investment in plants and mines would commit the nation to a course of action which could prove suicidal in the years ahead. Once the investment is made, it cannot be quickly or easily abandoned. And without the initial investment for air pollution controls in coal-fired plants, those controls will probably never be installed. The results would be disastrous across wide areas of the nation's airsheds.

Big business says it can't afford the extra investments required to safeguard the air, the water and the land, especially at this time. And that thinking has prevailed upon the Ford Administration.

Growing shortages of food and fuel and natural resources are pushing the nation ever farther and faster along that path. In the absence of enlightened, courageous leadership, citizens will feel ever more hopeless. President Ford speaks bravely of biting the bullet, but he has been too timid to get it near his mouth yet.

The best hope seems to lie in Congress where the ferment of long-needed change is taking place. There, innovative ideas are being proposed to conserve energy and to drastically change our lifestyles.

People who are well along the path to the poorhouse are only deluding themselves by riding there in a Cadillac on superhighways. They need to be told where we are heading and the need for changes.

Cheap energy has turned out to be the Achilles heel of our economic system and social order. Cheap energy is no longer available, necessitating changes if we are to survive.

The growing awareness and unease among our people can be used by the elected officials on both the state and national levels. It is going to take wisdom and courage, and a disregard for political safety, to bring about the needed changes. We can all do our part by showing our willingness to sacrifice for the good of our country. Write to your Representative and your Senators and let them know how you feel. Our sacrifices to bring about needed changes are our only hope.



"WELL, THERE GOES THE NEIGHBORHOOD."

## Letters

### THANKS FOR GOOD NEWS

Dear HCN:

HCN is always full of interest, and I am grateful for the fact that usually you find some GOOD NEWS too, to keep us hopeful!

I wanted especially to express pleasure in the article in the Jan. 17 issue on Jerry Plunkett the inventor. I can only wish I had the power to speed up all the programs he advocates. Most of all I would like the power to change the thinking of this country and hasten the realization that we DO have to change our attitudes and our way of life. I am afraid he is all too accurate when he says: "History will look back on us not as affluent people — but just as stupid greedy pigs."

Margaret E. Murie  
Moose, Wyo.

### CALL FOR ACTION ON WOLF SHOOTING

Dear HCN:

I have enclosed an article from the *Spokesman Review* for January 7, an account of what apparently is the first wolf shooting in Washington in over 50 years.

I had a phone conversation with a Washington State Game Department official this afternoon, and he indicated that the carcass of the wolf had not yet been obtained by game officials because of the uncooperativeness of the rancher involved and of the local law enforcement officials. Thus verification that the animal is truly a wolf has not yet been established, although the reported weight of the animal and the recalcitrance of the rancher suggests that it probably is.

It is my feeling that this incident and its proper legal conclusion are of great importance to endangered species protection in general, particularly so since local law enforcement agents were involved in the killing. I therefore urge you to generate an immediate flow of letters to the proper enforcement authorities. I remember too well how lightly the Wyoming eagle shooters got off, and I think a large,

prompt public response might keep a similar thing from happening in Washington.

Demands for justice should go to:  
Associate Regional Supervisor  
Law Enforcement Branch  
U.S. Fish and Wildlife Service  
1500 Northeast Irving Street  
P. O. Box 3737  
Portland, Oregon 97208

Mr. Carl N. Crouse, Director  
Washington State Game Department  
600 N. Capitol Way  
Olympia, Washington 98504

Mr. Ron Trim  
Washington State Game Department  
Box 1525  
Chelan, Washington 98816

### Excerpts from SPOKESMAN REVIEW reports on January 7 & 8:

"The State Game Department is not considering legal action against the rancher who shot what is believed to have been a rare timber wolf in Douglas County Friday, Jan. 3, says a regional game agent. The wolf is classified as an endangered species by the federal and state government.

"Richard Hoyt said 'the department probably would have had to kill the animal anyway' because it was threatening cattle. State law, however, protects all wolves in Washington. . . .

"Admitting that local state game offices have tranquilizer guns available, Hoyt said, 'if we had gotten the animal, we'd have no place to put it. Putting it into a zoo would be condemning it to a slow death, and Washington has no wilds to move it into. He'd go right back to killing cattle. It was the pressures in his native habitat in Canada that drove him down, and he couldn't go back.

"He probably ran out of places to go. It's sad, but that's the fact of life,' Hoyt said. . . .

"Ron Trim, a game agent in Chelan, Wash., said the Game Department was investigating the sight-



# Editorial



High Country News-3  
Friday, Jan. 31, 1975

## Caution: Don't bite this bullet (It may be hazardous to your health)

Earlier this month President Gerald Ford delivered his "bad news" State of the Union message in which he outlined his program for battling recession. Last week Interior Secretary Rogers C.B. Morton came to Denver to talk with regional governors about coal development. Both cited the nation's need for this region's fuel calling upon us to respond to our patriotic duty by offering our coal, our oil shale, and our lifestyle.

However, apparently the federal government is not going to rely entirely upon our goodwill. Word has sifted down from Washington on how the government plans to enforce its energy demands. It is possible that the federal land use bill will be twisted into such a tool if the U.S. Department of Commerce gets its way. The Commerce Department is urging stronger provisions to prevent states from blocking energy-related facilities siting.

In addition, the Federal Energy Administration has proposed an energy facility siting bill, a key provision of which would be demanding that state laws require "adequate consideration of national and regional energy requirements," as set forth in

FEA's national plan, according to **Land Use Planning Reports**.

At first glance this may look innocuous enough. However, the word "adequate" is what the lawyers would call a weasel phrase — anyone could define it to fit his or her own purposes. Even the word "requirements" could be interpreted differently by different people. The current Colstrip debate in Montana revolves around that very issue since the Department of Natural Resources and Conservation is recommending that two additional power plant units not be built. The basis of their decision is that Montana does not "need" the power. (See "Emphasis Energy" this issue.)

Who can say how much energy the country requires? Is that decision based upon an assumption of continuous growth such as the Interior Department projection which says that **per capita use** will double by the year 2000? Or on an assumption that we have learned something about changing our consumptive lifestyles from the energy crisis?

The proposed federal energy facility siting bill would authorize the FEA to develop an energy facil-

ity siting program for any state that fails to prepare its own program within 18 months. Then, the states would be required to prevent localities from vetoing state or federal site selection. This is an ironic twist of the legislation which was originally designed to assure that energy facilities would be sited where they would be most appropriate, according to local standards.

Another ominous note in the draft bill: FEA would be exempted from the National Environmental Policy Act when preparing state siting programs. At the federal level, the various agencies presently approving specific facilities would continue to have such authority, but FEA would administer applications and would have authority to object to the approval agency's decision.

The draft bill is expected to receive a negative reception at EPA, Interior, Commerce, and the Council on Environmental Quality, according to **Land Use Planning Reports**.

We accept President Ford's evaluation that the current situation is indeed grave and that some sacrifices will be necessary to meet it. However, we question that a blind relinquishing of environmental standards is the way to fulfill our patriotic responsibility. Instead, it seems much more in the long-term interests of our country to seek a solution that balances economic and environmental concerns.

—MJA

ings of the wolf when it was killed. . . Trim said if the Game Department 'wants to push the issue, the fine could be up to \$500 or more.'

If you would like additional or updated information about the issue, I suggest you contact Mr. Trim at the above address as he is personally involved in the case.

I hope that a speedy, vociferous response from your readers might spur the authorities to action.

Sincerely yours,  
W. K. Steele, Chairman  
Sierra Club  
Spokane, Wash., group



### HCN IS HORRIBLE PAPER

Dear HCN:

I would like to thank everyone at HCN for an excellent publication with so many tidbits of information on important environmental issues all over the country. In a way HCN is a horrible newspaper, bringing us news of so many problems facing our resources and life itself that it is possible to become depressed with a feeling of hopelessness.

Let us hope that your flow of information will create a fierce determination among readers to keep those letters going to state and federal officials with the conservation message.

I especially appreciate reading of the happenings in one of my favorite scenic states, namely the great canyon country of Utah. Almost two years have passed since my last visit to Utah, and I have a great urge to see its grandeur this year.

As editor of two Sierra Club newsletters, I use quite a bit of material from HCN which my readers seem to appreciate (I try to give HCN credit).

Ron Kurtzer  
Lincoln, Neb.

### NEWSPAPERS SUFFER FROM SICKNESS

To the people of HCN,

I've been reading HCN for about a year now and I hope you are as pleased as myself to know that a subscription check is enclosed. I think it is money well spent.

If only modern day newspaper journalism had a goal of informing the public. Their common sickness seems to be they misinterpret and thus grossly misinform too many gullible people. However I feel that what you are doing is a bit different and that what you say is something that should be listened to. I hope more people will eventually wise up and look where we are headed unless something is done.

Wm. S. Whitney Grad Student in Ecology  
Univ. of Nebraska, Lincoln

### MONTANA WORTH FIGHTING FOR

Dear HCN:

I'm a new Montanan, only 3 years here and it's been quite an experience. One feels a part of Nature again . . . something worth fighting for. Do you ever publish prose thoughts:

Patterns in the first light snow.

Beside the road  
(anonymous in summer)  
each stalk of grass a light  
and graceful curve  
of tawny autumn  
drawn  
against the virgin white.

Out in the field  
once supple wheat  
its litheness shorn  
truncated stands  
in rows  
that stiffly show  
among their legion  
wheels revealed  
white looping swaths  
to trace the reaper's path.

Behind the house  
the rock out-cropping,  
summer smooth,  
reveals in winter  
Nature's crystallinity  
each fissure now delineated  
patterns a divinity  
of intersecting  
fold on fold  
with horizontal white  
encompassed by the height  
of vertices and angles  
all repeated  
drawn in solid  
crystalline delight.

Linda B. Sargent  
Polson, Mont.

### HIGH COUNTRY NEWS

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Beaver Creek, Colo. The trailer town of Avon is in the foreground. The forested slopes in the background are National Forest lands where Vail Associates hopes to cut ski trails and erect lift towers and restaurants. The valley in between is private land owned by VA where they plan a residential complex for 10,000 persons, an 18-hole golf course, more than 20 tennis courts, group meeting facilities, and the base area for the ski complex.

## Beaver Creek...

(Continued from page 1)

than \$2,000 a month, while the elusive permit — drawn up but undelivered — sits in a Forest Service file, unusable."

### MODEL DEVELOPMENT

Originally Beaver Creek was to be the site for the downhill skiing events in the ill-fated 1976 Winter Olympics. When the voters of Colorado, spurred on by then-Rep. Dick Lamm, turned down Colorado's bid to host the Olympics, Vail Associates decided to go ahead and build anyway.

VA hired the prestigious Rocky Mountain Center on Environment (ROMCOE) to assist in the planning of the Beaver Creek development. ROMCOE, ordinarily not a consulting firm on impact studies, decided to undertake the project because they felt it might serve as an "ecological model," — a precedent "for other areas of the Rocky Mountain West and the nation."

By the time the permit was withheld because of then-Gov. Vanderhoof's action, VA had tied up \$6 million "spent on preparation for the ski area or committed beyond the point of no return," reported *Colorado Business*. "... Twenty-five collective man-years of detailed planning done and paid for, preliminary construction of roads and initial site work started, 2,200 acres of base land crying for development, but no permit to ski the surrounding slopes."

VA was sure from the start it would have no trouble getting the special use permit. That may have been their fatal error. Now that Vail is neck-deep in investment, the state has chosen to investigate the alternative of no development — an alternative both ROMCOE and the Forest Service were obligated to study, but never took seriously.

On Dec. 19, 1974, Gov.-elect Lamm said he recognized VA had done excellent planning, "but their planning began with the assumption that the ski area was going to be developed, and, with that decided, they attempted to push for the most well-planned winter recreation site of its kind. Yet as governor of the state of Colorado, I will have a responsibility to begin from another premise. I have to question even well-planned developments if they are simply in the wrong place, or if there are too many of them."

The surprise character in the Beaver Creek controversy is former Gov. John Vanderhoof — the man who threw the wrench in the permit process. Vanderhoof is from Colorado's western slope — a region of the state where most businessmen bend over backwards to attract development. He's also a conservative Republican with close ties to the business community. So what was Vanderhoof doing fouling up VA?

"He had to out-Lamm Lamm," explains VA's attorney Roger P. Hansen, the former executive director of ROMCOE.

Lamm was recognized in the environmental community as a champion of land use planning and controlled growth — he helped lead the fight to stop the Olympics. If Vanderhoof was going to woo the

*"I have to question even well-planned developments if they are simply in the wrong place, or if there are too many of them."*

—Colorado Gov. Dick Lamm

environmental vote, he'd have to do one better — he'd have to stop Beaver Creek and the overdevelopment of the Eagle Valley.

As it turns out, Vanderhoof's move didn't help his political future. He alienated some of his western slope power base by the maneuver and failed to gain any significant environmental support, since it was such a blatant political act.

Lamm charged that Vanderhoof's "johnny-come-lately" rejection of Beaver Creek reflected his failure to fight in past years for good land use legislation in Colorado. "Five months ago Vanderhoof called an emasculated land use bill 'tough' and now his administration is telling the U.S. Forest Service to look out for our interest because the State of Colorado cannot be counted on to protect our own environment," charged Lamm.

"What we have is the tail wagging the dog. Colorado should be setting the standards for proposals such as Beaver Creek, with the federal government responding to those standards instead of the reverse situation existing now," he said. The voters agreed.

With the election lost, Vanderhoof attempted to mend his ways with the western slope business community. On the day before Lamm's inauguration Vanderhoof had the state Land Use Commission reconsider Beaver Creek. That evening the LUC hand-delivered their 7-2 decision in favor of granting the permit to Vanderhoof. The next day, only hours before Lamm was sworn in, Vanderhoof

notified the Forest Service that the State of Colorado was behind the Beaver Creek development and urged quick Forest Service approval.

### QUESTIONS STILL UNANSWERED

Now that Lamm is in office he says he will move to block development of Beaver Creek if it's approved by the Forest Service. Lamm says he's not looking for a confrontation with the federal government, but "the state will continue to assert its interests forcefully."

He said, "The State of Colorado cannot sit by and see a federal agency take a step when there's substantial disagreement (about the impact on the region) among our state agencies. But I sure don't want to throw down any gauntlets."

Lamm also moved to restructure the Land Use Commission that had voted to give Beaver Creek the go ahead. The nine-member commission may be stacked by five Lamm appointees in the near future. The remaining four seats have set terms and cannot be fired.

Lamm has already filled three vacant seats with three strong environmental advocates — John R. Birmingham, J. E. DeVilbiss, and Alan Merson. Birmingham was Vanderhoof's environmental advisor and one of the two "no" votes on the LUC approval of Beaver Creek. DeVilbiss is a county judge from Carbondale and a leader of the group which successfully opposed development of the Marble, Colo., ski area. Merson is a Denver University law professor, the Democratic primary candidate who ousted Rep. Wayne Aspinall from his U.S. House seat, and a founder of Protect Our Mountain Environment, the group which originally fought against the proposed 1976 Olympics in Colorado.

John Crowley, the LUC chairman, holds the crucial fifth seat that Lamm may get to fill. Crowley has said he will resign if Lamm wants him to. His replacement seems likely.

Lamm is still worried about the objections to the project raised by the various state agencies. Beaver Creek has become such a political football that valid environmental concerns were often buried in rhetoric. The state agencies' critiques, according to Lamm, were "extremely well done and exhaustive."

The Colorado Division of Wildlife is one state agency opposed to issuance of the permit. The division says such a large scale development will destroy big game winter range, infringe on elk calving grounds, and block big game migration routes. "Our main concern here," says the division, "is that such development could permanently change the environment from a rural agricultural type that is productive for wildlife to one of urban character that is virtually a wildlife desert." (For more on the wildlife aspects see HCN, Oct. 25, 1974.)

The Air Pollution Division also expressed serious reservations saying pollution inversion problems would limit the ultimate population to a fraction of the theoretical 40,000 figure.

The Division of Water Quality said the development would most likely violate the state's "non-degradation" clause in the water quality laws. That provision says that state waters which are cleaner than minimum state standards can't be degraded.

The Highway Department, Labor Department, Division of Water Resources, Historical Society, and others all found inadequacies in the plans for Beaver Creek. All in all, 13 state agencies raised objections to the Forest Service impact statement.

Most of the concern stemmed from the magnitude of the project. Adding 11,000 new dwelling units, enough to house 40,000, in such a restricted high mountain valley seemed inconsistent with the state's environmental protection goals. At one point

LUC commissioner and environmental advisor to Vanderhoof, John Birmingham, asked VA if it would "agree to a firm commitment to cutting your proposed units in half."

"No, we will not," replied VA vice-president Don McEndaffer. "I don't believe we can cut back on our densities and wind up with a viable recreational development."

**VAIL'S COUNTER OFFENSIVE**

VA's attorney Roger Hansen says, "We have ways to mitigate entirely all of the impacts that have been alluded to by the state agencies."

First of all, VA objects to the 40,000 population figure that keeps popping up. That figure is derived by adding up all the county-approved plats in and around Beaver Creek. "You can't project population from the number of plats," says Hansen. "If you were to court up the plats on the Front Range of Colorado you'd say we were the size of Los Angeles."

"But the issue is not number of people per se," stresses Hansen. "It's not 15,000 versus 40,000. The issue is the possible environmental impact of human activities and how they can be avoided and mitigated. You can have an environmental disaster with only 3,000 people."

VA says most of the objections raised by the state are mitigated by 32 specific commitments the company has made to Eagle County. For instance, the state is worried that state and federal air quality regulations will be broken. VA says they are committed to a mass transit (mini-bus) system within Beaver Creek Valley and a restriction on the number of wood-burning fireplaces, which should keep air quality within legal standards.

On the question of water quality, VA says it will actually enhance, not degrade, the quality of the Eagle River by halting existing polluting agricultural return flows. On every point the state makes, Vail has a counter point that show they've got their bases covered.

**REGIONAL PERSPECTIVE**

One reason the state and VA are at such loggerheads is because they are talking from two different perspectives. VA can really only plan for its own property, and most everyone generally agrees they've done a commendable job in that regard. The state, on the other hand, must take into account all the associated developments up and down the valley



Life across the tracks from Beaver Creek. This is the trailer town of Avon, Colo. Service employes and construction workers that can't afford Vail's high housing prices live here. The valley is filled with stark contrasts — plush private chalets and flimsy mobile homes. County land use controls are few. Vail Associates is planning a service community called Benchmark adjacent to its Beaver Creek development.  
Photo by David Sumner

from Beaver Creek. These are speculative developments whose success or failure may hinge on the development of Beaver Creek but projects that VA has no direct part in. The 40,000 population increase figure comes from adding up potential developments like Beaver Creek — 10,000 beds (a VA project), Benchmark — 6,700 beds (a VA project), Eagle-Vail — 9,800 beds, and Arrowhead — 11,500 beds. All these proposed developments are within five miles of each other and within 10 miles of Vail.

VA wants to keep Beaver Creek aloof, and apart from any unplanned squalor that may spring up around its planned resort. "It has been charged that the Beaver Creek resort development will produce undesirable environmental and socio-economic impacts in the Avon-Eagle Valley area and crowd the area beyond its reasonable carrying capacity. Vail

Associates replies that: a) Beaver Creek itself, and the adjacent Benchmark at Beaver Creek support community, are the only two developments that relate to questions of Beaver Creek impacts. b) That these two planned unit developments, provide all their own requisite recreational, service, support, and municipal facilities. . . . e) And that the Eagle-Vail and Arrowhead developments, commonly lumped with Beaver Creek in public discussions to date, have no connection with Beaver Creek, depend on other economic and recreational determinants, . . . and cannot fairly be considered to be in a cause-and-effect relationship to the Beaver Creek-Benchmark project."

**STUBBORN PRIDE**

Underneath VA's stubborn pride in its planning job runs a feeling that the inalienable right to develop one's land is being challenged by the state. VA seems to feel if you've paid your dues — hired planners and more planners — then the next logical step has to be development.

"If Beaver Creek cannot receive approval by the state, then no new recreational development of any kind is possible in Colorado for the foreseeable future. We doubt that this is a result either the governor or the Land Use Commission desire for Colorado, whose third largest industry is recreation and tourism," warns VA chairman Peter W. Seibert.

The threat is echoed by VA attorney Hansen, "The fact is that if the outcome of the present process is negative toward Vail Associates, or if decisions are unreasonably delayed, it will be a significant influence on the approach other developers will take in considering a need for environmental planning and cooperation with state agencies. Some developers might conclude that their rights and privileges would be better preserved in a formal adjudicatory proceeding and that environmental planning is a waste of time and money. Obviously, such a decision will have a substantial effect on the environment of Colorado."

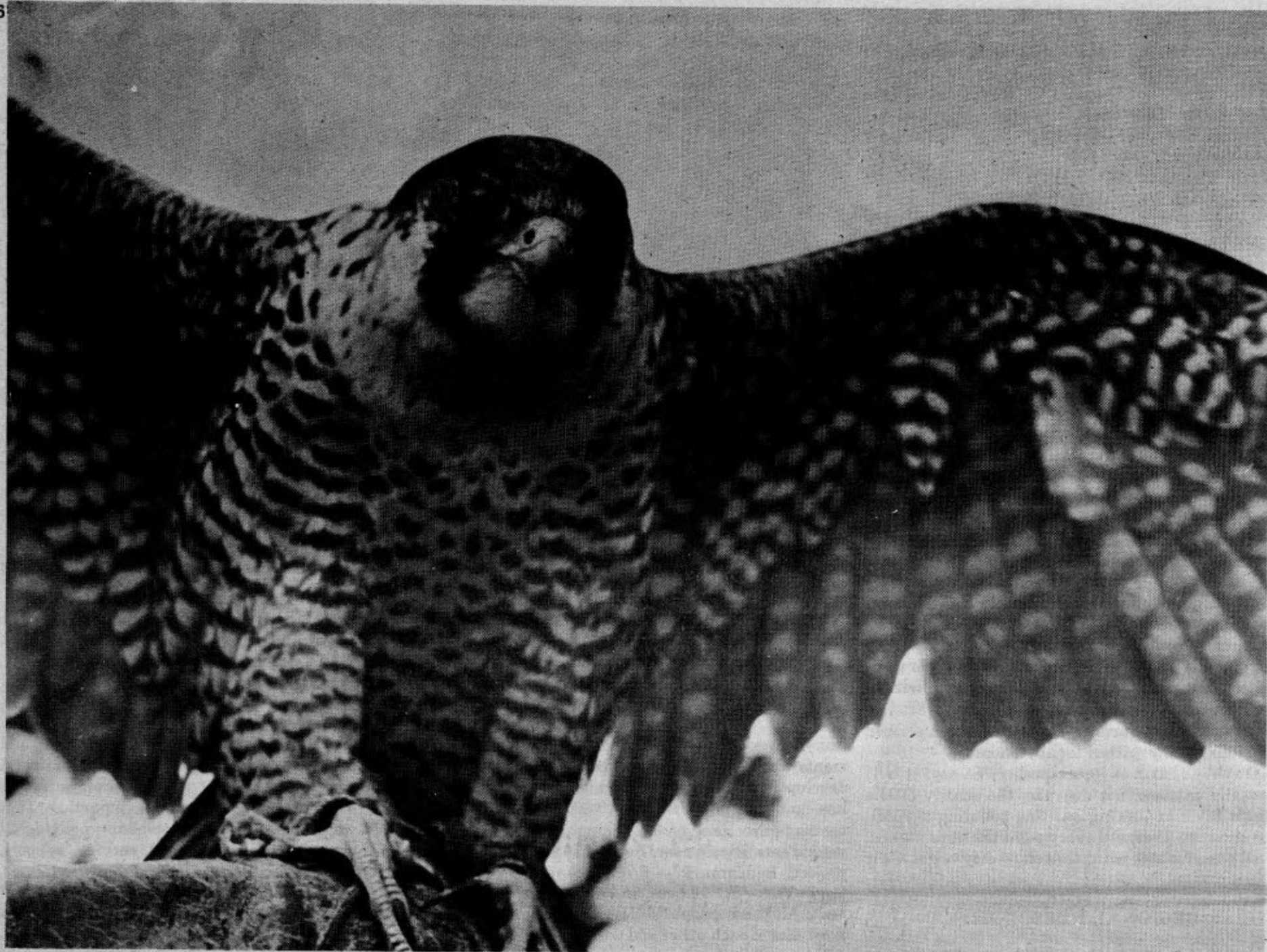
**MORATORIUM — THEN WHAT?**

Right now, the spectre of no new ski areas applying for permits doesn't have Colorado state officials  
(Continued on page 12)



The Eagle-Vail condominium complex next to Beaver Creek, Colo. Lodging and second home capacity for 9,800 has been approved on 700 acres. Vail Associates claims that the impact of its Beaver Creek development will be minor because of its strict controls. However, VA has no control over how satellite developments like Eagle-Vail proceed. The state is understandably worried.  
Photo by David Sumner.

6



The peregrine falcon, an endangered species, may not seem like a likely target for agricultural lobbyists intent on reducing sheep losses caused by coyotes. But predator legislation being considered in the Utah legislature this session could have an effect on all pre-

dators — even the endangered peregrine, which has never been called a threat to sheep by anyone on either side of the predator debate. The peregrine is a medium-sized bird of prey which feeds on other birds and small mammals. Photo by Jack E. McLellan

## Eradication or management?

# Utah solons look at predators

by Jack E. McLellan

Wool growers and conservationists have rarely agreed on the role of predators. The unusually direct predator extermination approach proposed by wool-grower supported bills and the intense opposition of conservationists to that philosophy points toward interesting legislative maneuverings and confrontations during the next few weeks in Utah.

Three predator bills have been introduced in the 1975 session of the Utah Legislature. Two of the bills support strict control and eradication of predators. One bill favors predator management.

The two bills proposed by wool growers are titled, "Coyote Eradication" and "Agricultural and Wildlife Damage Prevention Act." Third bill, titled "Predatory Animal Management Act," was prepared by the newly-formed Council on Utah's Resources. The Council is a coordinating, educational, and legislative support organization, composed of representatives from a diversity of conservation-oriented groups.

### COYOTE ERADICATION ACT

Coyote Eradication, H.B. 18, is a terse, one-page bill . . . relating to the eradication of predatory

animals by poisoning; (and) providing for the establishment of a permit system for the control of predatory animals."

The bill states that, "The (Utah) Department of Agriculture . . . shall adopt a permit system incorporating the policies and procedures developed by the Department of Agriculture in cooperation with the Division of Wildlife Resources, pursuant to which annual permits shall be issued for the use of poisons by livestock operators, owners, or their authorized agents, for the control of predatory animals on lands owned or leased by them . . . The permit system shall, as practicably and reasonably as possible, provide a balance between the needs to control predators and the needs for protection for human beings and other forms of life. . . ."

Proponents tried to slip this bill through in the earliest moments of legislative action. Environmental lobbyists managed to block the bill, however, and H.B. 18 was tabled.

### AGRICULTURAL AND WILDLIFE DAMAGE PREVENTION ACT

Although more complicated than the Coyote Eradication bill, the Agricultural and Wildlife Damage Prevention Act is specific in its intent: 1)

massive predator control effort; 2) transfer of predator control from the Utah State Division of Wildlife Resources to the Utah Department of Agriculture; and 3) placing predator control policy in a group mainly representing special livestock interests.

The act provides for the creation of an Agricultural and Wildlife Damage Prevention Board within the Department of Agriculture. Section 6 states, "( . . . the commissioner shall) specify ways the number of predators and depredating animals may be reduced, **including but not limited to** hunting, trapping, denning, chemical toxicants, and the use of aircraft."

The definitions section of the act indicates that, "**Predatory animal** means any mammal or bird which preys on livestock, poultry, game animals or birds, **including but not limited to** the coyote and bobcat. Predatory animal may include **any protected wildlife** that becomes predatory in nature. **Depredating animal** means any non-predatory mammal or bird which cause damage to livestock, poultry, or agricultural crops **including but not limited to** gophers, ground squirrels, jack rabbits, starlings, and blackbirds." (Emphasis added.)

Transfer of predator control function from Wildlife Resources to Department of Agriculture would

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be a mistake, according to conservationists. Executive Director Tom Little, Humane Society of Utah, wrote in a special December 1974 bulletin: "We believe predator control responsibilities should lie with the Utah State Division of Wildlife Resources, who advocate selective control and not the massive destruction of entire species."

"For example," he stated, "the following state statute has never been recommended for repeal or modification by the State Agriculture Department: Utah State Code Section 4-1-15 (Utah Department of Agriculture) . . . to conduct experiments as to the best means and methods for the extermination of predatory wild animals, and to take such measures as it shall deem necessary for the control of rabies among coyotes and dogs for the eradication of coyotes, lynx, wolves, panthers, mountain lions, and bears, and of prairie dogs, rabbits, and other rodents. The department may purchase poisons and other materials in bulk to be used by the department and under its direction and supervision in the eradication of said animals." (emphasis added)

#### WOOL GROWER OR PUBLIC INTEREST BILL?

State Agriculture Commissioner Joseph H. Francis says that the Agricultural and Wildlife Damage Prevention Act would not be a sheepman's bill, but a public interest bill.

If that is the case, say conservationists, then a larger segment of the general public would have to be included in the makeup of the proposed Agricultural and Wildlife Damage Prevention Board. As now written, the bill is loaded in favor of sheep and cattle interests.

Included in the board makeup would be four members from the Utah Wool Grower's Association; two from the Utah Cattlemen's Association; one from the Utah Turkey Grower's Association; one from the Utah Agricultural Land Owner's Association; one from the Division of Wildlife Resources; one from the U.S. Forest Service; and one from the U.S. Bureau of Land Management. The Agricultural Department Commissioner would serve as chairman, and the Supervisor of Wildlife Resources would be vice chairman.

#### GOVERNOR'S ADVISORY COMMITTEE EXPRESSES UNANIMOUS OPPOSITION TO BILL

In a January 8, 1975, letter to Utah Governor Calvin L. Rampton, the Environmental Coordinating Committee, under the State Planning Coordinator, submitted the following commentary on the bill:

"As an advisory body to your office . . . we are vitally concerned that this bill 1) is hopelessly ambiguous because its stated objectives are mutually incompatible and contradictory; 2) raises the constitutional question of excess delegation of authority; 3) places far too much power in the hands of a group clearly representing special interests; 4) controls the agencies actions only to the extent that they can be proven arbitrary and capricious; 5) gives the agency such a broad mandate that the courts could probably never find these actions arbitrary or capricious even were they to result in the destruction of a pet or the death of a child.

6) Is so loose that it must include every animal species in the state — even man; 7) is a carte blanche to eradicate any species deemed harmful; 8) allows encroachment on private land without prior consent of owner; 9) makes no provision for input from trained ecologists; 10) provides no limits or controls on what methods of destruction can be employed or who can employ them; 11) disregards Wildlife Resources Code of Utah which vests all responsibility for Utah's wildlife in that agency; 12) defines "wildlife resources" in an extremely narrow, biased manner.

13) Tends to make predators the scapegoat for an industry which has been experiencing decline for 30 years for other reasons; 14) assumes that knowledge exists as to percentage of loss due to predator kill which supports the intention of the bill — knowledge that does not exist and therefore appears to be an overkill policy; 15) if passed, would serve to thwart further study of alternative (better) control and management techniques; 16) is a simplistic, insensitive, even barbaric "solution" which would likely create more problems than it solves; and 17) flies in the face of important, recent trends toward growing awareness regarding the intricate interdependency of all life forms and respect for life itself."

#### CONSERVATIONIST'S COUNTER- PROPOSAL

The Predatory Animal Management Act (H.B. No. not yet assigned), prepared by the Council on Utah's Resources, is the third predator-oriented bill in the hopper. It is "an act relating to the protection of agriculture and wildlife resources, clarifying the power of the Wildlife Board and Division of Wildlife Resources to manage all wildlife including predatory animals. . . ."

Section 3 specifies intent of the bill: "The Division of Wildlife Resources is empowered to investigate and determine the effects of wildlife, including predatory animals, on the ecology of this state and the

effect of management of such wildlife on both the ecology of this state and the economic damage caused by such wildlife.

"As these facts are determined on a continuing basis, the Wildlife Board shall establish policies best designed to minimize economic damage and at the same time to accomplish the purposes and fulfill the intent of all laws pertaining to wildlife and the preservation, protection, conservation, perpetuation, introduction and management of wildlife, including predatory animals. . . ."

#### PREDATORS DO KILL SHEEP

Most conservationists readily admit that predators, particularly coyotes, are definitely a problem in certain areas. Wool growers do have the right to protect their animals from individual marauding predators. But, Utah conservationists claim, they do not have the right to attempt extermination of any species of wildlife.

Conservationists point to other "predators" of the sheep industry — growth in synthetic materials, superior foreign wool, range management for short-term gain rather than long-range planning for sustained yield, ineffective marketing, labor difficulties, and inflation.

## Ford policy stalls health dept.

President Ford's proposed five-year moratorium on stricter new car emission controls has Colorado Department of Health environmental officials concerned that carbon monoxide air quality standards

in the Denver metro area will not be met until sometime after 1985.

"Even with the stricter car control measures implemented by 1977, as now scheduled, we don't anticipate achieving the federal carbon monoxide standard until perhaps 1981," said Lane Kirkpatrick, director of the department's air pollution control division.

Department data indicate that motor vehicles cause 90% of the carbon monoxide and 60% of the hydrocarbon components in Denver's air.

Kirkpatrick said U. S. Environmental Protection Agency information shows catalytic muffler systems and other improvements on 1975 cars could result in a 25% improvement in average fuel economy over control systems on 1973 cars. Another indication from EPA is that this 25% fuel economy improvement can be retained with the stricter 1977 new car control requirements.

Under the present federal Clean Air Act, states must make up the difference between pollution reduction achieved in automobile emissions and that required to bring air quality within national health and public welfare standards. This must be done through additional state control measures.

"Reasonable substitute control measures do not exist in Denver to meet these federal standards," said Kirkpatrick. "The federal new car control requirements are the most efficient and effective way."

## Oregon land watchers unite

In Oregon a statewide citizens group is organizing to defend land use laws in the state.

"One Thousand Friends of Oregon" will provide free legal help to people who want to make land use laws work. The group will also serve as a watchdog of state and local agencies that have land use planning responsibilities.

"I see tremendous public support for the state's land use planning program," says former Gov. Tom McCall, chairman of the group's advisory board. "This organization gives the people of Oregon a powerful tool to make good land use planning a reality."

The first year's budget of \$50,000 is being financed by asking 500 Oregonians to contribute \$100 in four \$25 payments in 1975. McCall said 250 persons "from Pendleton to Bandon and Klamath Falls to Astoria" have pledged contributions.

## Aluminum consumes power, makes waste

The January issue of Audubon magazine takes a critical look at the aluminum industry, the pollution problems it has brought, the huge amount of power it consumes, and the litter and waste that has come with the age of throwaway aluminum containers. Audubon is published by the National Audubon Society, a 325,000-member conservation organization.

Widespread use of aluminum in America is a relatively recent development, points out Daniel Jack Chasan in the article. The metal was comparatively expensive before the Second World War. But then government-aided wartime expansion of the industry to make planes for the U.S. and its allies brought technical advances and huge plants, and a new era was launched, he says. Today the light, corrosion-resistant metal is used not only for fleets of 747s and DC-10s, but for rolling stock for commuter lines and mass transit systems, for siding and roofs for buildings, and countless other uses — including the mountains of beer and soft drink cans and TV dinner containers that wind up in the garbage dump.

Poisonous fluorides are given off in the production of aluminum, and farmers near aluminum plants have won damage suits for sickened trees and shrubbery, browned grass, and, in some cases, for cattle that have died. The article cites studies which indicate a high incidence of asthma and other health problems among aluminum workers.

A matter of growing concern because of the energy shortage, Chasan says, is the "staggering amount" of electricity used in making aluminum. According to some estimates, it takes 15 times more fuel energy to produce aluminum than is required to produce steel.

The Audubon article concedes that progress has been made and that much can be said in defense of the aluminum companies. Nevertheless, Chasan concludes, "It will not be surprising if the industry comes under increasing public scrutiny and criticism in the months ahead."

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Friday, Jan. 31, 1975

# Geysers spa makes power



**GEYSER FANTASY.** An early day imaginative drawing of The Geysers in rugged Northern California country. In reality the steam drifted up in clouds from smoke holes and bubbling pools of mud and hot water. The first known written account of the area was made in April, 1847. Drawing courtesy of Pacific Gas and Electric Company, from their pamphlet, "The Geysers."

As early as the 1920s, shallow steam wells provided power for electric lights at The Geysers resort, 90 miles north of San Francisco, Calif. It was not until 30 years later that stainless steel pipes and turbines were perfected which could resist the impurities in the steam. In 1960 commercial power production began at The Geysers. Today the area produces about 400 megawatts and is the world's largest geothermal energy enterprise.

The Geysers was discovered by explorer-surveyor William Bell Elliot, who was hiking through the northern California mountains in search of grizzly bears. When he saw steam pouring out of a quarter mile stretch of canyon he told friends that he thought he had found the "gates of hell."

"The area became a tourist attraction, and by the 1860s, a resort had been built there. A stage road was established into the area, and stagecoach service began in 1863. The steaming hillsides and hot mineral baths attracted notables from around the world. Among the visitors to the resort were Presidents Theodore Roosevelt and U. S. Grant, as well as William Jennings Bryan, Horace Greeley, and the Italian revolutionary, Garibaldi. Because of the difficult access, however, the numbers of visitors were never great." — from the *Geothermal Steam Story or a Hot Tip from Mother Earth* by Rudolph J. Birsic, a book which details the geothermal experiences of New Zealand, Italy, Japan, the U.S., and other countries.



**THE GEYSERS FIELD.** This project in Sonoma County, Calif. is the world's largest geothermal energy enterprise. Union Oil Company, Magma Power Company, and Thermal Power Company work together to bring the steam to the surface. Pacific Gas and Electric Company generates the electric power. Plans call for a generating

capacity of 700 megawatts by 1985, more than that of the Dave Johnston plant in Wyoming. The field produces about 400 megawatts now. Pacific Gas and Electric Company

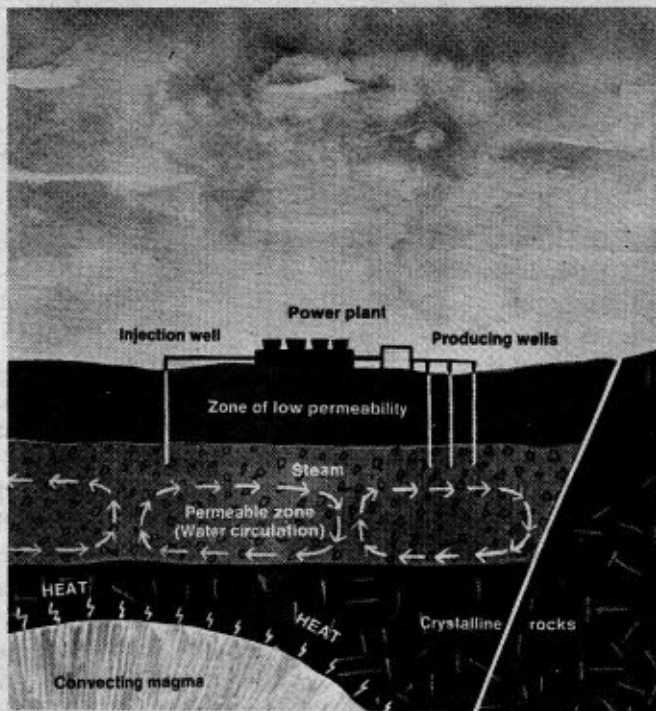
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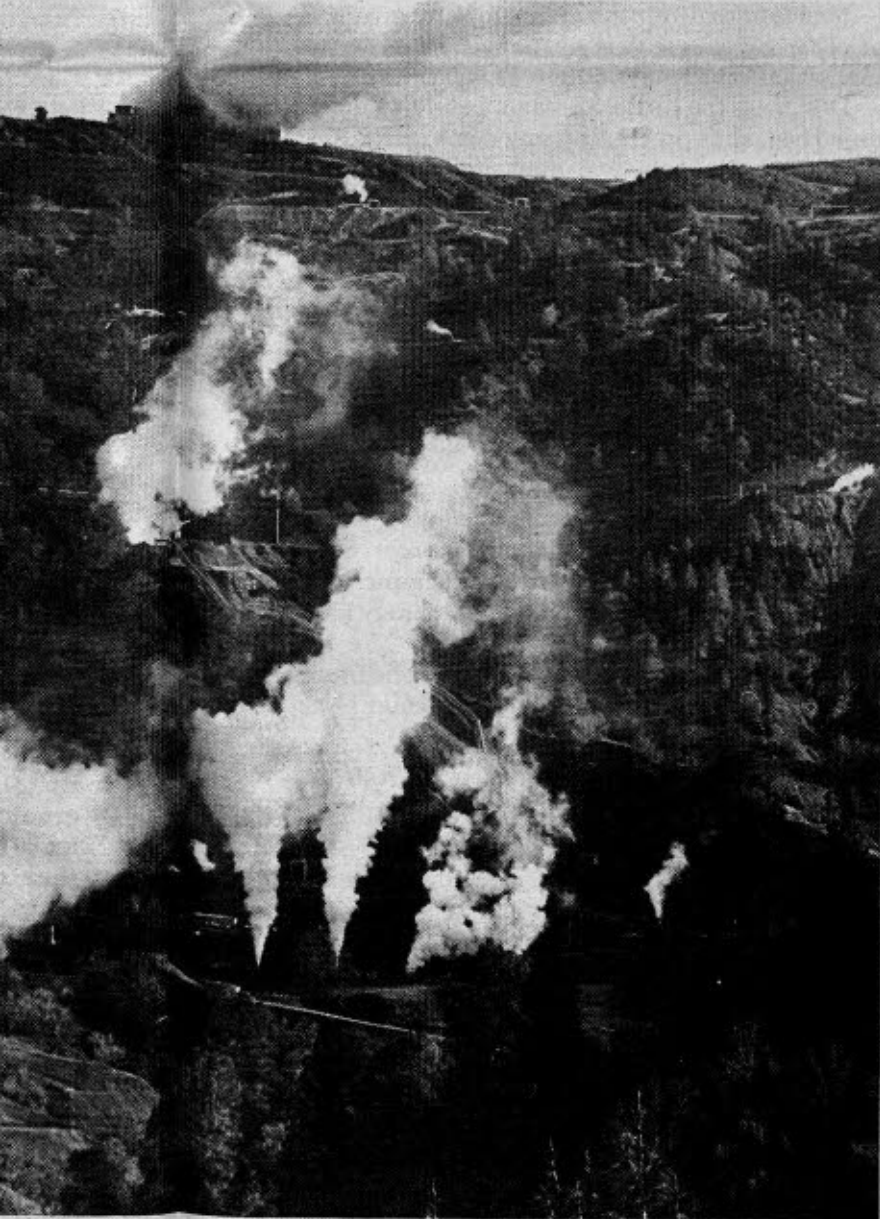
**MAGMA-MADE ELECTRICITY.** In geothermal power production, the earth's heat replaces the man-made steam boiler. As shown above, molten rock deep inside the earth (magma) sends heat up through solid crystalline layers until it reaches a permeable zone. Water in that zone is heated. If there is a fissure in the upper layer of rock, the water may escape naturally and form a geyser, a fumarole, or a hot spring at the earth's surface. To tap geothermal power, man may drill his own "fissure" to tap natural steam. Or, as is shown, he may inject water into the heated, permeable rocks. At right, wells collect the steam formed and use it to turn turbines in a steam generating power plant.

Chart courtesy of Pacific Gas and Electric



**EXPANDING PIPES.** Two units of The Geysers power project are shown here with the pipes that feed them steam. Expansion loops allow the pipe to contract when the plant has to be shut down and to expand when the plant starts up. These units, 3 and 4, began in 1967 and 1968 and produce 27.5 megawatts each.

Pacific Gas and Electric Company Photo



capacity of 700 megawatts by 1976, a capacity only slightly smaller than that of the Dave Johnston coal-fired power plant near Casper, Wyo. The field produces about 400 megawatts now.

Pacific Gas and Electric Company Photo



**SOFT BOILED EGGS.** We have put our hot rock resources to work before, but never on as grand a scale as is now being envisioned. At a minimum, experts estimate that 30,000 megawatts could be produced from U.S. geothermal resources. That is a generating capacity equal to the present hydroelectric capacity in the U.S.

Here, a Coloradoan is soft boiling eggs in a hot spring in his state. One million acres of Colorado may overlie valuable geothermal resources, the U.S. Geological Survey estimates. Other Rocky Mountain states including New Mexico, Idaho, and Montana may have even greater potential.

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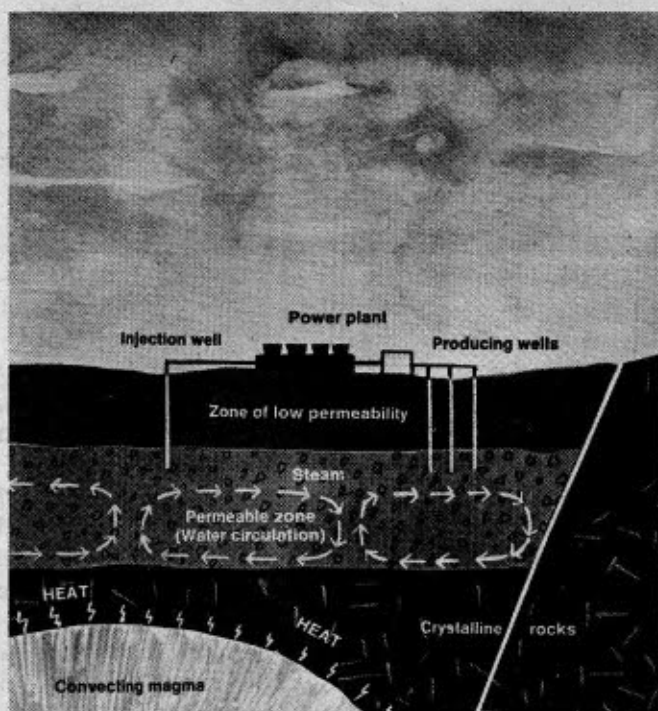
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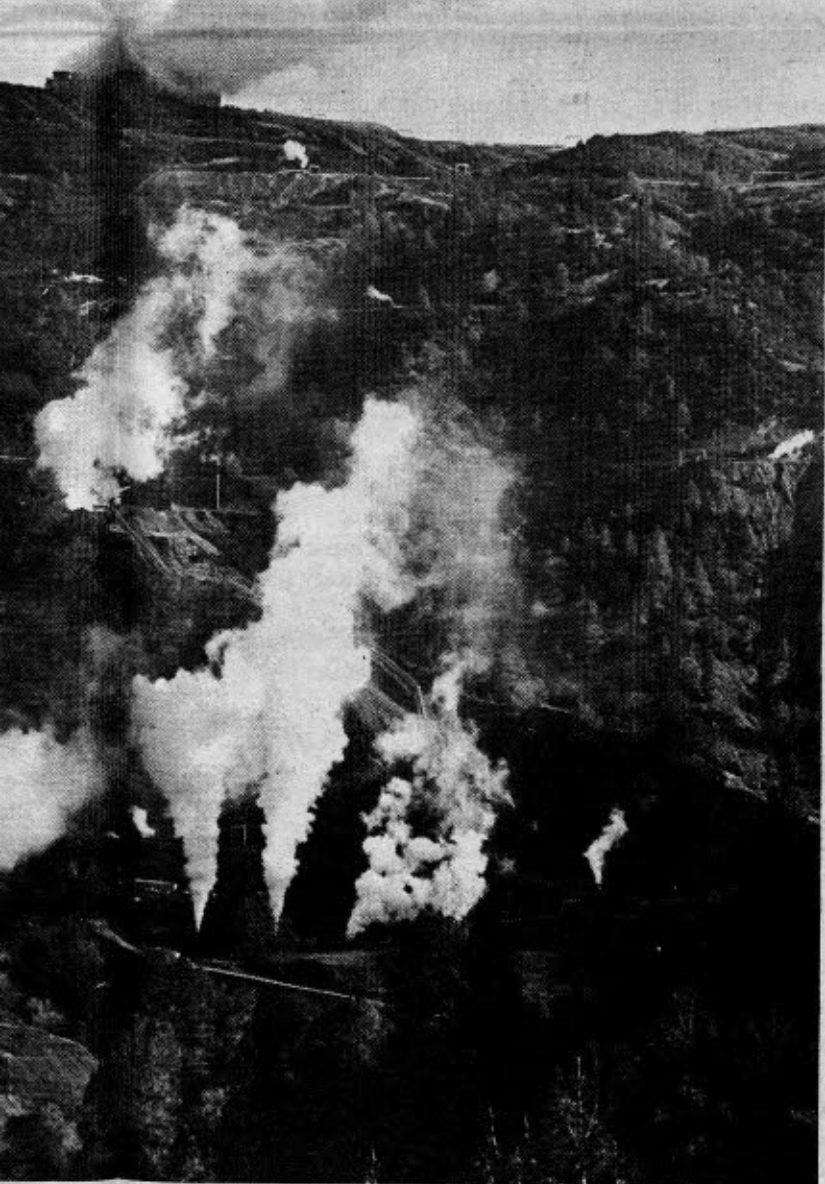
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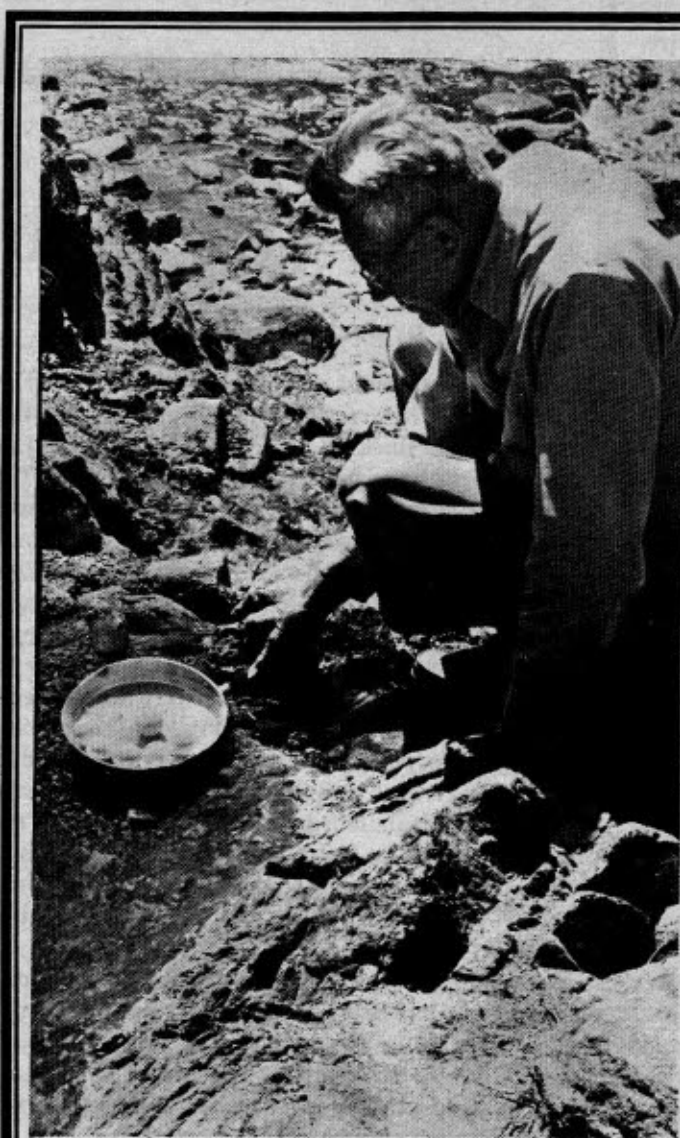
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Here, a Coloradoan is soft boiling eggs in a hot spring in his state. One million acres of Colorado may overlie valuable geothermal resources, the U.S. Geological Survey estimates. Other Rocky Mountain states including New Mexico, Idaho, and Montana may have even greater potential.

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North Dakota politics

## Plainsmen critical of West River diversion

by Mike Jacobs

The North Dakota Legislature, now a quarter of the way through its allotted 60 days, has spent much of its time wrangling about taxing the coal industry and very little worrying about how to control it.

That is the view of the United Plainsmen Association, a landowner-environmentalist lobbying group. The *Plainsmen News* describes the Assembly now underway at North Dakota's skyscraper capitol in Bismarck as "a session of accommodation, not of control."

A dozen tax proposals have been introduced into the session. Five deal with severance tax and range from a 25 cent per ton flat rate to a third of the value of the coal mined.

Four proposals to tax the privilege of converting coal to usable energy have been advanced. They vary from a flat rate of 10 cents per thousand cubic feet of synthetic natural gas and three tenths mill per kilowatt hour of electricity produced for sale to two per cent of the gross receipts of industrial plants. Also being considered are property tax levies, which would require coal plants to pay the statewide average millage rate, and others which would exempt the plants from any property tax.

The fight over taxing the industry is expected to consume most of the session. Meanwhile, a number of important environmental bills and measures dealing with coal mining and development are making their way through the Assembly.

An environmental policy act, requiring environmental impact statements and giving citizens standing to sue for enforcement of environmental laws, and a bill establishing a Department of Natural Resources are among measures introduced.

The bills drawing the most fire so far would advance the West River Diversion — a plan to divert water from the Missouri River throughout southwestern North Dakota for industry, agriculture, and municipal use.

The North Dakota Water Commission conducted a study to find out if diversion of water for irrigation in the southwest is feasible. It is, the study found, but only if North Dakotans are willing to accept industrialization, as well.

Accordingly, the commission projects four levels of development with diversion. The highest level calls for 42 gasification plants and generating stations producing 31,000 megawatts of electric power. Level Two, which is considered the minimum feasible diversion level, calls for 14 gasification plants and 8,800 megawatts of electric power generation.

To support these plants and the people they'd bring — 150,000 at Level Two, 450,000 at Level Four — a system of canals and pipelines would be constructed. The water commission's plans outline 43 reservoirs. Every major stream in the southwestern portion of the state would be dammed, including the Little Missouri River, a candidate for wild and scenic river status.

Supporters of the project argue that it will irrigate 308,000 acres of land, but environmentalists point out that more land would be stripped than could be watered. At Level Two, 480,000 acres would be stripped, which is 170,000 acres more than can be irrigated. At Level Four, 1.5 million acres would be stripped. That's 1.2 million acres more than can be irrigated.

Supporters of this scheme have introduced two bills. One establishes a West River Diversion Conservancy District to promote the project. The second is for a \$275,000 appropriation, to be matched with \$700,000 to \$800,000 in U.S. Bureau of Reclamation funds, to begin engineering design studies. Environmentalists, including the Plainsmen, have made beating these bills a major priority.

Plainsmen Executive Director Rick Maixner told a Senate committee that the West River Project is a "hoax which we are being asked to subsidize with our tax dollars." The Conservancy District would levy a 1.2 mill tax against all property in 14 West River Counties to support the project.

"Supporters of this project argue that any development involves trade-offs," Maixner told the committee. "Let's look at what we're trading."

"First, we give up some of the most productive wheat land in this country. Second, we lose some of the finest native rangeland on the North American continent. Third, we foul America's cleanest air. Fourth, we destroy a way of life that is unique to us and valuable to us — and to the rest of the nation, as well. It is a way of life that allows individual men

freedom to thrive and grow — to be satisfied in the knowledge that they are producing food for the nation and the world: freedom to see life as it is and not as it's pictured.

"And what do we get in return? An incredibly dirty industry which must destroy land and sky to sustain itself; an industry which depletes the earth for short term profits.

"Neither myself nor my neighbors want to find ourselves living in a desert. And that's what we'll get with the industrialization of southwestern North Dakota: A desert delivered with the promise of irrigation and abundance."

Maixner also pointed out that the Bureau of Reclamation wants to move Missouri River water to the Sturgis, S.D., area, on the north edge of the Black Hills. From there, Maixner said, "It's all downhill to the Powder River Basin."

While the West River Diversion Project has become a major Plainsmen target, the group is supporting legislation to impose a two year moratorium on new strip mining permits. Another bill with Plainsmen support would make the surface estate dominant in the state's property law by allowing the surface owner veto power over any stripping operation on land in which the mineral and surface estates are in separate ownership.

Other legislation drawing support from environmental and landowner groups would:

- Require 10 year utility expansion plans and give the Public Service Commission authority to site new coal conversion plants and energy transmission facilities;

- Mandate coal mining companies to save five feet of topsoil, where it is available, and raise the reclamation bond from \$500 to \$1,500 per acre;

- Designate the Little Missouri a state wild and scenic river, thus precluding any dams on it.

Environmentalists are opposing legislation which would allow deterioration of the state's air to federal standards. North Dakota presently has a non-degradation clause in its air pollution control law.

## regional legislative review

Utah politics

## River rat regulations debated

by Jack E. McLellan

The once-humorous quip about a sign placed at the state line that reads, "Welcome to Utah — Set Your Watches Back 50 Years," is being upheld as environmental legislation appears.

**Environmentalists were caught with their oars down** as a resolution to expand use of outboard motors and number of people on river trips breezed through the House in the opening moments. HCR-1 asks federal officials not to outlaw use of motors on river rafts in wilderness areas, nor to limit number of patrons on white-water expeditions. Rep. James V. Hansen, sponsor of the resolution, said "People come from all over the world to run Utah's rivers," and curtailment of this activity would hurt Utah tourism. The measure was endorsed 65 to 2. The Senate, however, voted to postpone recommendation because opposing views were noted. A public hearing has been scheduled on the resolution.

**Removal of highly-radioactive Vitro chemical tailings** in South Salt Lake City has been proposed by Rep. Sam Taylor.

Rep. Georgia Peterson has submitted a bill creating a **unified state Department of Transportation**, with no action as yet.

A **cloud seeding funding bill** is now in committee.

**Utah's returnable bottle bill**, similar to the Oregon bill, appears dead for lack of a sponsor. Steel Workers have been lobbying heavily against it.

**HB 90, Conflict of Interest Act**, will likely have a tough time getting out of committee. The bill would prevent legislators who would benefit financially from sponsoring or voting on particular legislation.

(Editors' note: See full discussion of Utah predator control bills on page 6.)

Oregon politics

## Oregon lobbyist hired

The Oregon Environmental Council has hired Roy Hemmingway, a Portland environmentalist-attorney, to coordinate the 1975 legislative effort.

He will also be compiling a weekly Legislative Bulletin to inform interested citizens on the progress of environmental bills and publicize dates and locations of key public hearings. A donation of \$7.50 is requested to cover the costs of materials and postage for the bulletin.

Information on the Oregon Environmental Council and the legislative effort can be obtained from the OEC — 2637 S.W. Water Ave., Portland, Ore. 97201.



**Mining pressures move Sarpy landowners**

"Landowners are under tremendous pressure" in the coal-bearing lands of southeastern Montana reports Jeanne Hjermsgaard of the Northern Plains Resource Council. Three families, who in 1973 filed suit against the Westmoreland Resources' strip mine in the Sarpy Basin, sold or traded their land this month.

John Redding, among the most outspoken of Westmoreland's Sarpy opponents, sold over half of his 4,630 acre ranch to the coal company. The Kenneth Johns family and Bruce and Dorothy Cady traded their Sarpy ranches for land in other places. The Johns say they are still not resigned to the strip mine.

"It wasn't our will that we moved out," Mrs. Johns told the HARDIN HERALD. "We were forced out because of water." Dust and pollution and a threat that water supplies would vanish as mining proceeded were the reasons they agreed to move, she said. Their new property "will never be home," says Mrs. Johns, who came to the Sarpy Creek area in 1916 in a covered wagon.

The Cadys say they will persist in their suit against Westmoreland Resources. That suit is now in the U.S. Court of Appeals in San Francisco after the plaintiffs lost the first round in U.S. District Court in Billings. The suit challenges ownership of the coal and alleges deficiencies in an environmental impact statement prepared by Bureau of Indian Affairs.

**The Hot Line**  
energy news from across the country

**MAINE NUKE MORATORIUM ASKED.** The Maine Office of Energy Resources (OER) has recommended a moratorium on nuclear power plants until certain safety requirements have been met. The move has also gained the support of State Planning Director Philip Savage "because of the strong possibility of the development of generating facilities in Maine to service areas outside the state." The 1975 legislature will be asked to approve the Energy Policy Plan drawn up by the OER.

**WASTE STORAGE PROBLEM SERIOUS.** Some nuclear reactors producing electricity in the United States may have to close down this year because of a shortage of space to store the radioactive waste they produce, according to a copyrighted story in the *New York Times*. The possibility was raised in an Oct. 22 memorandum from the Atomic Energy Commission's Office of Program Analysis to L. Manning Muntzing, director of regulation for the commission. The shortage of storage space has forced some utilities to use up their spent fuel ponds, making them unavailable for the emergency use they were designed for. The pools are meant for holding the nuclear fuel in the core if an emergency required the reactor to close down for repairs.

**SCRUBBER USE INCREASES.** The Environmental Protection Agency reports that the number of stack-gas scrubber units actually installed and operating at power plants has increased to 19, from 10 just over a year ago. The number of units planned or committed has increased from 44 to 104.

**MORTON'S BROTHER BENEFITS.** Interior Secretary Rogers C.B. Morton has a brother who has been benefiting from Interior's offshore oil leasing program, according to the *Los Angeles Times*. Thurston B. Morton has been a director of Texas Gas Transmission Corp. since Jan. 20, 1969. Since that time, the company has acquired an interest in 17 leases in the Gulf of Mexico. Secretary Morton is the government's chief voice on energy matters and the architect of the President's program to lease 10 million acres of offshore oil lands.

**DIRTY AIR KILLS.** Dirty air could kill 25,000 people in the Eastern United States between 1970 and 1980 if government clean-up efforts are abandoned, a Federal Power Commission advisory panel has warned.

**STRIP MINE BILL DELAY EXPECTED.** According to UPI, a combination of forces, including administration opponents, some members of Congress, and the coal industry lobby, want to reopen hearings on strip mining in hopes of obtaining a new bill. Proponents of the bill vetoed by President Ford last year had hoped to act on the original bill without holding lengthy hearings.

**WIND PLANT READY IN 1976.** A new wind-power plant can provide sufficient energy to run a single family home in locations with average wind velocities in excess of 8 m.p.h. The installed costs are estimated to run from about \$450 per kilowatt for single to \$385 per kw for six-unit installations, not including storage batteries. The plant was invested by Edmund L. Salter, president of Wind Power Systems, Inc., P.O. Box 17323, San Diego, Calif. 92117. Production could get underway in late 1976 if a requested National Science Foundation grant is received. Otherwise, production would not begin until 1977.

**Emphasis ENERGY**

in the Northern Rockies and Great Plains



**CROWS REJECT MORATORIUM.** The Crow tribe has rejected, 64-61, a six-month moratorium on developing reservation coal suggested by the Crow Coal Research group. Coal development promises job opportunities and increased income, but also threatens the Crows' cultural traditions and control of the reservation, a Bureau of Indian Affairs Planning Support Group has indicated.

**NO NEED FOR COLSTRIP 3 & 4.** Because they say Montana doesn't need the additional power, the Montana Department of Natural Resources has recommended against issuing a state permit for the construction of two new coal-fired generating units at Colstrip, Mont. The two 700 megawatt units were to be built by Montana Power Co. next to two 350 megawatt units already under construction. The final decision about the proposed units will be made by the state Board of Natural Resources. The recommendation was based on a requirement in the Montana Utility Siting Act of 1973 that utilities must prove public need for proposed facilities.

**BIG PLANS FOR POWDER BASIN.** Current studies estimate a minimum of 16 coal conversion facilities are planned for the Powder River Basin in Wyoming, according to a citizens group called the Powder River Basin Resource Council. The group is

asking that a limit be placed on the number of coal conversion plants in the state.

**WATER FOR SHALE.** A study on the impact of oil shale mining in Western Colorado has concluded that there is not enough water in the region to provide for the two oil shale tracts leased by the federal government. The report was prepared by the Colorado Committee on Oil Shale Environmental Problems. After release of the report, Utah's Gov. Calvin L. Rampton assured the companies leasing the two federal tracts in his state that adequate water for oil shale production would be available in Uintah County.

**MERCURY AT LAKE POWELL.** Three University of New Mexico scientists have found that natural mercury concentrations in large fish in Lake Powell already approach or exceed Food and Drug Administration guidelines for safe consumption. If the proposed Kaiparowits power plant in Utah begins emitting much mercury released by burning coal, it may become necessary to restrict fishing in the lake, the scientists say. Their report was funded by the National Science Foundation and is in the January issue of *Environmental Science and Technology* magazine.

## Colorado ski area planning

# State steps into Marble muddle

The state stepped into planning a major ski resort at Marble, Colo., after local problems spread concern across the entire state. Everything from mudslides to illegal land sales seemed to threaten the delicate mountain valley and its people.

In July of 1973 the Colorado Land Use Commission, using its emergency powers for the first time, declared the development a public hazard area and demanded changes in plans.

About a year later another state agency, the Colorado Real Estate Commission, forced the developers to relinquish their real estate license.

In September of 1974, Marble Ski Area, Inc. filed for bankruptcy.

The federal government had also handed some of its power over to the state. The U.S. Forest Service, whose winter sports permit was crucial to the planned resort, filed an environmental impact statement which seemed to favor a go-ahead. But then in November of 1973 the USFS requested a "unified state position" on whether there should be a ski area at Marble.

Why such a bureaucratic stir in a state that preaches local planning? One local observer calls it "the refusal or inability of local authorities in Gunnison County to exercise responsible control." He admits, however, that those authorities were faced with difficult problem — how to combine alpine splendors with large numbers of people.

That observer, who wrote the article below for the *Aspen Times*, says the Marble dilemma "confronts all of Colorado's vulnerable mountain landscape." We print his story here so that it may help define the proper power of local and state authorities in other places.

by Kirk R. Thomas

Reprinted with permission from the *ASPEN TIMES*, Aug. 1, 1974, Aspen, Colo.

The surrender of their real estate license by the Marble developers in the face of yet another round of investigations slated by both state and federal agencies marks a temporary end to the three-year controversy. During that time, the Marble plans moved from a local zoning problem into a statewide dispute that involved dozens of governmental agencies, a number of environmental organizations, several companies and corporations, scores of private citizens, and the county commissioners of both Gunnison and Pitkin counties.

The issue has not been whether or not to exclude people from the Crystal Valley. Rather the problem is to determine just how much human habitation is acceptable before its scale and effects irreparably damage and degrade the natural environment that brings people there in the first place.

Not that the Marble developers neglected the environment. On paper, at least, they may have expended more effort and expense on environmental studies than most other developers, because they had to! The fact that the terrain simply was not well suited to the grandiose plans of the company, a persistent theme in every study, never prompted them to reappraise its scale and the basic viability of the entire project.

Moreover, the ski company presumed that its planning efforts and expenditures alone justified their project regardless of the degree to which the results of these efforts were followed.

A federal Environmental Impact Statement (EIS) is required to examine how best to "protect and enhance environmental quality," and to "avoid or minimize adverse effects." But is a 10-story condominium complex, much less a high-density city of 20,000 people, an "enhancement of" or an "adverse effect to" the environment of a high mountain valley? The answer is relative to objectives and values.

Development certainly increases the speculative, monetary value of land, but it may irreconcilably decrease its priceless aesthetic value.

The lesson of the Marble debacle is instructive; the best land use planning could not improve what nature had already rendered sublime and could not economically and safely correct nature's innate hazards. The Marble plans were an elaborate effort, but located in the wrong place from the beginning. No amount of money, public relations, or wishful thinking could change that basic fact.

### LOCAL CONTROL BANKRUPT

One of the most interesting results of the Marble controversy was its exposure of the bankruptcy of "local control," a sacred phrase that was heard over and over again during the state legislature's debates on land use planning. The Marble mistakes began by the refusal or inability of local authorities in Gunnison County to exercise responsible control.

County officials either deferred their planning responsibility to the state (the same officials who want more responsibility now) or else they facilitated the progress of the development.

All this was done in the face of cost-benefit evidence that the public services and improvements that the development would eventually require more than offset any revenue gain to the county. Finally, it took the leverage of state and federal regulations to stop the abuses.

While many "locals" were willing sellouts to the development, many "nonlocals" from the Eastern Slope joined in the fight against it; they seemed to care more about the fate of "Colorado West" than some of its own inhabitants.

### Environmental TV series

## Feedforward needs group leaders

Rocky Mountain communities are encouraged to make themselves a part of a new television series called Feedforward, dealing with growth, land use, water, and energy. The series began Jan. 8 and will be shown once a week on non-commercial television stations in the Rockies through April 23. Segments of Feedforward were filmed in each of the Rocky Mountain states.

Project Coordinator Tom McCoy is looking for "group leaders" for the series — people throughout the region who will invite friends and neighbors into their homes to watch the series, lead a discussion of the issues and then mail back the forms provided by KRMA-TV in Denver for questions and comments. KRMA will provide group leaders with a description of each half hour film, and a format for sending criticism and suggestions for future shows and questions the group would like answered.

"We are asking for your help," says McCoy. "We trust you will join with us in trying to assure an environment which sustains all its inhabitants."

For more information write McCoy at KRMA-TV, 13th and Glenarm Place, Denver, Colo. 80204 or call him at 303-572-8218, extension 289.

\* \* \*

Feedforward can be seen on the following stations:

KAET-TV, Tempe-Phoenix, Thursday at 7 p.m.

KUAT-TV, Tucson, Wednesday at 7 p.m.

KNME-TV, Albuquerque, Thursday at 7 p.m.

KENW-TV, Portales, N.M., Wednesday at 7:30 p.m.

KRWG-TV, Las Cruces, N.M., Wednesday at 6:30 p.m.

KBYU-TV, Provo, Utah, Friday at 7 p.m.

KRMA-TV, Denver, Wednesday at 7:30 p.m., also

On the other hand, the Marble developers, based on the Eastern Slope and representing investors in the eastern U.S. and even Europe, continually posed as "locals." And finally, the "locals" that did fight the development were often from other jurisdictions!

It would seem that the term "local control" may be less sanctimonious than the lawmakers believe. Its meaning depends entirely upon who is considered a "local." It may stand as a code word for "little planning" (as in many Colorado counties) just as well as one for "strict planning" (as in Pitkin and Boulder counties, for example). Rhetoric aside, the power to plan should rest with which ever governmental unit is most immune from influence by private interests and which represents the widest public interest regardless of wealth, power or property.

### PROPHETIC DEBACLE

The Marble ski debacle is one more prophetic piece in the steadily accumulating mosaic of change in Colorado: the Olympics defeat, opposition to the Denver Water Board, land use legislation, Pitkin County zoning, the collapse of the Woodmoor Corp., and the Marble Ski Area, these are the harbingers of change — change toward an ascendancy of the public interest and the quality of the human and natural environment over selfish exploitation by the wealth and power of private interests.

(Kirk R. Thomas has been employed by the Colorado Outward Bound school, the Aspen District of the U.S. Forest Service, and the Colorado Land Use Commission. He was the director of the 1973 Colorado Festival on the Arts and Humanities at Aspen and is a charter member of the Crystal Valley Environmental Protection Association (CVEPA).)

seen in the Laramie, Cheyenne area, see local listings.

KTSC-TV, Pueblo, Colo., Friday at 6:30 p.m.

KAID-TV, Boise, Idaho, see local listings.

## Beaver Creek ...

(Continued from page 5)

too worried. They could use the breathing spell.

Lamm has called for a year-long moratorium on all new ski developments — including Beaver Creek. The Colorado Division of Planning has made an identical request to the Forest Service. The LUC, at the same meeting where it recommended approval of Beaver Creek, called for a moratorium on all other ski developments in the state.

Lamm's environmental aide, Jim Monaghan, explains, "During the moratorium we would do a specific study of Region 12 (the planning region holding most of Colorado's ski areas, including Vail and Beaver Creek). We'd try to assess the resource base, determine impacts, and try to come up with the state plans. We also need to tighten up our laws."

Division of Planning chief Philip H. Schmuck says the problems associated with the real estate-recreation development at Beaver Creek are really "symptoms" of a much larger problem — "the absence of intergovernmental land use planning in Colorado."

Hansen agrees: "I feel Beaver Creek is the wrong issue. We have so many other candidates — so many horrible developments. Still the fact remains — we don't have an effective land use planning decision making process in the state. We don't have state or federal criteria for judging any development. There is no denial authority."

# Western Roundup

High Country News-13  
Friday, Jan. 31, 1975

## 1974 was big year for wilderness

President Gerald Ford has signed into law the omnibus wilderness bill and the eastern wilderness bill, adding over 1.27 million acres to the National Wilderness Preservation System. According to The Wilderness Society, this makes 1974 the biggest year for wilderness since the 1964 passage of the Wilderness Act. In this region, National Wildlife Refuges added include Bosque del Apache in New Mexico and Chase Lake and Lostwood in North Dakota. National Forest Wilderness areas include Weminuche in Colorado and Mission Mountains in Montana.

## Coyotes to be taught to hate sheep

A professor from Eastern Washington State College plans to solve the predator problem by teaching coyotes not to eat lamb. Dr. Carl R. Gustavson will wrap poisoned dog food in wool, leaving the bait balls scattered in two areas. The dog food will be laced with lithium chloride — enough to make coyotes violently ill, but not enough to kill them. "We will make the flavor of wool unpalatable to them, and after one or two tries, they won't kill," Gustavson says.

## Colorado non-game budget approved

Colorado Governor Dick Lamm has recommended approval of the full non-game budget of \$282,349 requested by the Division of Wildlife. Lamm was expected to recommend only \$89,000, but after a meeting with the new director of the Department of Natural Resources, Harris Sherman, he approved the higher figure. "This is the kind of turnabout we'd been hoping for with this new administration, and it's heartening as the dickens," said V. Crane Wright of the Colorado Non-game Advisory Council.

## Gov. Hammond wants rails not road

Alaska's conservation minded governor, Jay Hammond, has revived a plan for a massive extension of the only federally owned railway line in the United States. Gov. Hammond proposes abandoning the first large-scale intrusion onto the North Slope, a 360-mile gravel road used for building the trans Alaska pipeline, and replacing it with rail service.

## More lumber but less clear cutting

Increased lumber production but a sharp decrease in the amount of clear cutting on the Bighorn National Forest is called for in a draft environmental statement prepared by the U.S. Forest Service. The plan includes parts of Big Horn, Sheridan, Washakie, and Johnson counties in Wyoming. The plan calls for a sustained yield level of more than 21 million board feet per year. Proposed clear cutting under the new plan would be in scattered small patches, not exceeding 15 acres.

## AMAX buys ranch near Kirwin site

American Metals Climax (AMAX) has not yet announced its decision on when to proceed with its planned copper mine near Meeteetse, Wyo. The board was to announce its decision early in 1975 (see HCN Nov. 22, 1974). However, AMAX has purchased a 4,800 acre ranch for an estimated cost of \$800,000, part of which was chosen earlier as a prospective tailings pond site. Over 900 acres could be used for the tailings pond. For now, AMAX plans to continue ranching operations.



A revolution, of sorts, is occurring in the national parks. Seven years ago naturalist-idealist Edward Abbey wrote in *Desert Solitaire*, "Exclusion of automobiles would require a revolution in the thinking of Park Service officialdom and in the assumptions of most American tourists. But such a revolution, like it or not, is precisely what is needed. The only foreseeable alternative, given the current trend of things, is the gradual destruction of the national park system." Now, according to the American Forest Institute, the National Park Service has banned use of vehicles in some areas of Arizona's Grand Canyon, California's Yosemite, Florida's Everglades, Colorado's Mesa Verde, and Alaska's Mt. McKinley National Parks (pictured above). Abbey envisioned supplying bicycles to everyone except the aged and the infirm, but the park service is not ready to go that far. Instead, shuttle buses are replacing the autos. Predictably, there have been some complaints. Abbey explained that one benefit of his idea would be multiplying the area of our national parks tenfold or a hundredfold without spending a single dollar since it would take bicyclists and hikers more time than motorists to explore each park.

## Briefly noted . . .

Senators from Idaho and Oregon have joined in re-introducing legislation to designate the Middle Snake River the "Hells Canyon National Recreation Area." The bill passed the Senate last year but bogged down in the House Interior Committee.

Harris Sherman, a Denver attorney for the Environmental Defense Fund, has been named director of the Colorado Department of Natural Resources by Governor Dick Lamm. Sherman, 32, has been involved in cases on federal coal leases, federal water rights, and underground disposal of chemical wastes.

Former Gov. Tom McCall of Oregon has accepted the presidency of a nonprofit corporation that will conduct research in energy and economics, according to the *Idaho Statesman*. The nonprofit corporation is partially funded through the Kaplan Foundation in New York.

The president of the United Family Farmers says that the Oahe Irrigation Project in South Dakota will diminish food production instead of increasing it. The project will reduce the number of acres in wheat production by 50,000 acres. Severe saline soil problems could develop in the irrigation areas as a result of canal seepage and poor drainability of the soils, according to the president, George Piper.

The Colorado Court of Appeals has ruled that companies visited by state air pollution inspectors must be notified if an inspection is taking place. Failure to notify a firm of an inspection denies the company due process of law under the Colorado constitution, the court says because it can prevent the company from mounting an effective cross-examination. The company's attorneys had no independent knowledge of what happened at the time of the inspection. The company involved is the Western Alfalfa Corp.

The Bureau of Land Management in Billings plans to again remove a number of wild horses from the Pryor Mountain Wild Horse Range in southcentral Montana and place them with private owners. About 25 horses will be removed because the herd has overpopulated the 130-head capacity, according to Rex Cleary BLM Billings district manager. Applications from those interested in receiving a wild mustang are being accepted until Feb. 12.

14-High Country News  
Friday, Jan. 31, 1975



There's an old fable about an elephant and three blind men. Seems that each of the men had traveled far to find out what manner of beast was this much talked about elephant.

The first man was led toward the animal, and placed his hands upon the nearest part, which happened to be a sturdy foreleg. Carefully he felt the rough hide, then he tried to encircle the huge leg with his arms, and finally groped downward until he felt the elephant's foot, which was set firmly on the ground.

"Ah," said the blind man, "now I know just what an elephant is like!"

So he traveled back to his home to tell his people: "The elephant is very like a big tree. It has rough bark, grows out of the ground, and is so big I could hardly reach around it."

And from that day forward, all his people believed that the elephant was similar to a big tree.

The second blind man was led toward the animal and placed his hands upon the nearest part, which happened to be the large broadside. He, too, felt the rough hide, then spread his hands as high as he could reach, and then as wide as he could reach.

"Ah," said the second blind man, "now I know what an elephant is like!"

So he traveled back to his home to tell his people: "The elephant is not unlike a wall. It is very rough, and is far higher than I can reach, and stretches very far from side to side."

And from that day forward, all his people believed that the elephant was similar to a wall.

The third blind man was led toward the animal and placed his hands upon the nearest part, which happened to be the tail. He fingered the flaccid appendage, then pulled on it with all his strength.

"Ah," he said, "now I know what an elephant is like!"

So he traveled home to tell his people: "The elephant is just like a big heavy rope. It's frayed a bit on the end, and is very securely tied to something high overhead."

And from that day forward, all his people believed that an elephant was very similar to a stout rope.

Are you wondering what this little tale is doing in an environmental newspaper? Well, I'll tell you.

Just go out and ask three people "What is an environmentalist?" Chances are you'll get three completely different answers, depending, of course, on the point of view of those asked.

"An environmentalist is a spoil-sport who wants to save the wilderness for just a few wealthy people who can afford to get there."

"An environmentalist is a guy who doesn't want me to use all the electricity I want because power plants make the air dirty."

"Environmentalists? Those are the ones who delayed the Alaskan pipeline and made the price of gasoline go up!"

Ask three more, and you'll get three more dissimilar descriptions — none of them accurate, since each is arrived at from only one narrow point of view. Sad to say, each "blind man" has his followers, who believe what he says, from that day forward.

Every fable has a moral, and the moral of this one is: Don't take someone else's word for it — if you want to know what an elephant, or an environmentalist, is really like, you'd better find out for yourself!



## Book Review

# The Uneasy Chair

by Wallace Stegner, Doubleday & Company, Inc., Garden City, N. Y., 1974. \$12.50, hard cover. Illustrations.

Review by Peter Wild

Though Bernard DeVoto has been dead some 20 years, there are still those, including lumbermen in the West and professors in the East, who grate their teeth at the thought of him. The free-lance writer of short stories, articles, novels, and histories was a colorful but accurate evaluator of America, and a conservationist as well, always at the center of some controversy. Such a man necessarily makes lasting enemies along with lasting friends.

This biography penetrates the romantic aura that popularly surrounds writers and reveals the whole mixed-up, wise, sad, and happy man standing behind his landmark histories of the West, *The Year of Decision: 1846, Across the Wide Missouri*, and *The Course of Empire*. These works won him public acclaim, the Pulitzer and Bancroft prizes, and a National Book Award. For readers not much taken by literary history but concerned with the environment, the book is worth a trip to the library to read Chapter VII, which details the struggle of this wily David against heavy-handed and earnest Goliaths, those who would exploit America for their own gain.

DeVoto was born in Ogden, Utah, shortly before the turn of the century, the son of a Catholic father, a former officer in the Italian cavalry, and a mother of a pioneer Mormon family. After graduating from Harvard, he taught at Northwestern University. Then in the 1930s he returned to Harvard, where he lived almost continuously until his death in 1955, teaching part time as he wrote books. He also supplied articles to magazines, especially to "The Easy

"You don't mount the barricades until noon and then go out for a three-hour lunch."

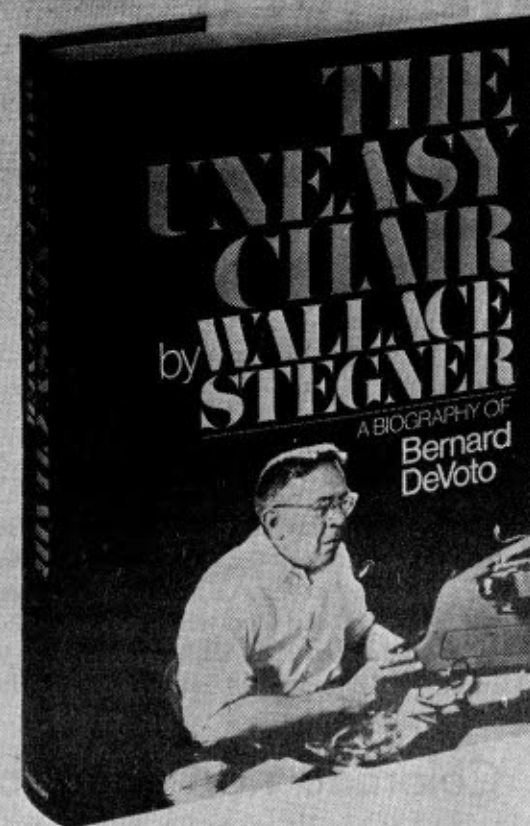
—Bernard DeVoto

Chair" department of *Harper's*. From this monthly forum he, among other things, informed the drowsy public that while it slept, special interests were busy destroying their birthright, the natural heritage of America.

Of his many conservation battles, let his first stand as a sample. After World War II DeVoto took a trip West with his wife, Avis. It had been years since he had seen the land whose history he made immediate for thousands of readers, and he wanted to freshen his impressions for his next book, the *Journals of Lewis and Clark*. As Wallace Stegner says, "DeVoto went West in 1946 a historian and tourist. He came back an embattled conservationist."

What shocked him was the same postwar process that continues to the present, the building of needless dams, the ruin of watersheds by overgrazing, the overcutting of America's once magnificent forests — exploitation that means short-term gain for a few but results in long-term loss for the whole nation.

In particular he had caught wind from a friend in the Forest Service of a massive conspiracy on the part of large timber, grazing, and mining interests to twist public lands away from the government by congressional action and have them sold cheap to



themselves for as low as ten cents an acre. At such prices they could afford to abuse the lands as they wished and turn quick profits, then abandon them, worthless to future generations. As a Westerner DeVoto sympathized with the problems of the small rancher and lumberman, and he recognized that the plan touted to be in their best interests would eventually mean their ruin.

DeVoto was a man who waited for his shots, and, when the time was right, leaped out with both barrels blazing. After his rage cooled a bit and he could complete the proper research, he came from the bushes blasting away at the exploiters with "The West Against Itself" in the January 1947 issue of *Harper's*. Those who were already counting easy profits from the scheme reeled back in disarray at the accuracy of his attack and the accompanying public outcry.

In time conservation won out on the issue, but the

profiteers had money and PR men and congressional influence. In the following years they tried to silence DeVoto by pressuring the magazines into refusing his articles. That card is a powerful one to use against a writer, but it was the wrong one to try on Bernard DeVoto. He had clout with editors by virtue of the reputation as a historian that he had brought to their magazines.

He informed them that he wouldn't back off and put them in mind of their responsibility to the public. "You don't," he lectured them, "mount the barricades until noon and then go out for a three-hour lunch." He stayed on the barricades until his death, writing close to 40 articles prodding congressmen to react to their good consciences. At the same time he pointed out to them that he was reminding the public of election time if they didn't.

Wallace Stegner, himself a well-known novelist, conservationist, and native of Utah, has done a sensitive and admirable job with the story of a complex figure. At the end of *The Uneasy Chair* we feel the loss, both to conservation and to literature, of a man whose fire and love meant goading and inspiration to many of his generation, ranging from a crippled girl who corresponded with DeVoto for years until she died, through ossified bureaucrats, to the foxy Robert Frost.

# Eavesdropper

environmental news from around the world

## LOONEY LIMERICKS

by Zane E. Cology

Vail says that it's time to grow  
To keep all their skiers in snow.  
So they plan Beaver Creek,  
Which they say'll be sleek  
And the state has no way to say no!

**LAND USE ACTS PROBABLE IN FIVE STATES.** California, Michigan, New Hampshire, Washington, and Wyoming have a good chance of enacting statewide land use legislation in 1975, according to a **Land Use Planning Reports** survey. The survey shows that 10 other states have a chance, but a slim one, of enacting state land use bills.

**NO MORE BOMBS.** The Air Force is closing the Matagorda Island, Tex. practice bombing range which was situated next to the wintering ground of the endangered whooping crane. A year ago, at the request of the National Audubon Society, winter bombing was suspended. Now the base is abandoned and Audubon hopes it will become a wildlife refuge.

**S.F. BAY REVIVAL.** Native shellfish in San Francisco Bay are making a big comeback according to the Regional Water Quality Control Board. Once-flourishing clams, oysters, and cockles in the bay were nearly wiped out by pollution, but during the last 20 years, as sewage treatment has improved, they began thriving again. The board says it hopes to lift the quarantine on at least some of the shellfish beds by 1983.

**GLOBAL IMPACT STUDY.** A network of protected natural areas has been established by 12 nations to examine man's impact on the world environment. Within a year about 50 more countries are expected to have designated "biosphere reserves" as a part of this United Nations program called Man and the Biosphere.

**STEEL SHUTDOWN SUSPICIOUS.** U.S. Steel's decision to shut down its last open hearth furnace shop at Gary, Ind. rather than pay a daily \$2,300 federal fine for pollution has the city's mayor speculating that more than just economics are at stake. The decision put 2,500 employes out of work. The mayor, Richard G. Hatcher, suggests that the action may have been aimed at intimidating pollution control authorities with respect to strict enforcement of future compliance deadlines. Paying the fine would cost U.S. Steel about 93 cents per day per worker, while the layoffs would cost the firm about \$7 per day per worker in company-paid benefits, Hatcher says. U.S. Steel officials say "continued operation is either environmentally acceptable or it isn't, and it doesn't become acceptable with the payment of a daily fine." The Environmental Protection Agency is encouraging U.S. Steel to keep polluting and pay the fine.

**LETTERS NEEDED ON POISON BAN.** "If you have any strength left in your writing arm," says Audubon Society Vice President Charles H. Callison, "write to President Ford and Secretary of Interior Rogers C.B. Morton in support of the Executive Order ban on use of poisons for predator control." Callison says Ford is expected to receive a set of alternatives to the ban in the near future and the president will be under heavy pressure from wool growers to lift the ban.

**CONCESSIONERS OVERRUN PARKS.** The National Park Service is under investigation by Congress on charges that the parks are being manipulated by concessioners at the expense of the public interest. For instance, in Yosemite the Music Corporation of America (MCA) runs 13 liquor stores, food and transportation concessions, and is promoting the park as a convention site where the conventioner can enjoy "more peace and quiet" while he works. Already more than 12,000 room nights are booked by conventioners in 1975 in Yosemite. Rep. John D. Dingell (D-Mich.) who is heading up the probe says such actions are "anathema to the purposes for which the parks were established."

**NEW WEAPON NO SECRET.** The U.S. has just launched a new satellite that will be used as a weapon in the fight against global food and energy shortages. ERTS-2 or "Landsat" will circle the globe every 103 minutes recording in pictures wheat yields, forest conditions, mineral lodes, and other environmental information. One of its main jobs will be to estimate how much grain is grown around the world. "If I had to pick one spacecraft, one space age development to save the world, I would pick ERTS," says National Aeronautics and Space Administration Administrator James C. Fletcher.

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Caution: If provocative ideas make your head swim, if laughter gives you a bellyache, if earthy language makes your blood boil, don't read this book. It could be hazardous to your health.

## BULLETIN BOARD

### GRASSLAND INSTITUTE

The Denver Audubon Society and the University of Northern Colorado are sponsoring a Grassland Institute during the week of June 15-22. The sessions will be at the Pawnee National Grasslands in northeastern Colorado. The class is \$120 and is open to the first 40 registrants. Three quarter hours of college credit may be earned through the University of Northern Colorado. For information write Dr. James Wright, 1227 South Quince Way, Denver, Colo. 80231.

### SOLAR ENERGY INDEX

The **Solar Energy Index**, edited by Mary E. Beecher, lists information available in Arizona State University Library's solar energy collection. The 201-page book is an on-going project and will be updated occasionally. It can be purchased for \$8 from Arizona State University Library, Room 257, Science Engineering Reference Service, Tempe, Ariz. 85281.

### WATER POLLUTION CONTROL

Citizens with questions about current Federal Water Pollution Control law can order a pamphlet now from the Natural Resources Defense Council, Inc. The new pamphlet given instructions to concerned citizens on how they can make the law succeed in cleaning up the nation's streams and rivers. Copies can be ordered for \$.08 per copy from the council at 1710 N. Street, N.W., Washington, D.C. 20036.

### LEGISLATOR'S GUIDE

A book to offer state legislators alternative methods of land use regulation has been published by the Council of State Governments. A **Legislator's Guide to Land Management** is intended to present a clear picture of how the land management process works. It highlights reasons for the present system's improper functioning and points to new approaches. Copies are available for \$3 from the Council of State Governments, Iron Works Pike, Lexington, Ky. 40511.

## Earth Use

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16-High Country News  
Friday, Jan. 31, 1975

Jim Monaghan, environmental advisor

# Land use advocate appointed to Lamm's staff

"A good number of the industry people nearly had coronaries when some of us were appointed," says Jim Monaghan. Monaghan, one of Colorado's most well known environmental activists, is now Gov. Dick Lamm's assistant for natural resources.

The industry reaction is understandable. Over the past four years, Colorado has been the scene of some of the most intense land use planning battles in the West. And almost without fail, in every clash Monaghan has been on the front lines fighting for strong controls to protect the land.

In 1971, while still a graduate student in political science at Colorado State University, Monaghan helped draft a proposed state environmental policy act. He also served as a lobbyist for the Colorado Open Space Council (COSC) to try to insure the passage of sound environmental legislation in the 1972 session.

Later that year, when then-U.S. Rep. Wayne Aspinall was up for re-election, Monaghan left his studies again to work for Aspinall's defeat. Aspinall was singled out by Environmental Action of Washington, D.C. as the kingpin of the "Dirty Dozen" congressmen — "the man that had to go" because of his poor environmental record in the House. His senior position as chairman of the powerful House Interior and Insular Affairs Committee made him a difficult target.

Monaghan became the campaign manager for Aspinall's Democratic primary race opponent, Alan Merson. Monaghan and Merson chose to appeal to Colorado's newly-awakened environmental consciences and to harp on Aspinall's poor environmental voting record. Monaghan spent all his days and most of his nights researching Aspinall's anti-environmental programs and coming up with positive alternatives.

In the end it worked — the giant was defeated — and Merson wrote to Monaghan: "What can I say? You were the campaign."

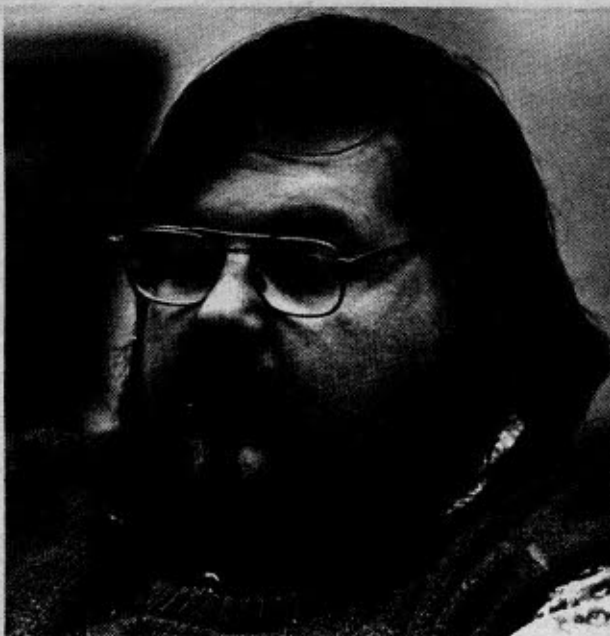
In the general election Merson lost to his Republican opponent, Jim Johnson, in an extremely close race. Monaghan and Merson were understandably disappointed, but for most environmentalists the real battle had been won in the Democratic primary, and Monaghan and Merson were winners in every sense of the word.

In 1973, Monaghan was back lobbying for COSC. Land use planning was the major issue of the session and Monaghan worked relentlessly for passage of a strong bill. On a shoestring budget he organized citizens, researched bills, prepared fact sheets, gave public addresses, and helped earn new respect for the environmental movement in the state. Monaghan knew more about land use than most of the legislators. More than once he was taken out to dinner by a representative or senator to talk over proposed bills.

Most legislators knew Colorado had land use problems — fly-by-night land speculators, overcrowding on the Front Range, the spectre of oil shale development — but few were prepared to adopt strong regulations. Telling a man what to do with his land grated against most Coloradoans' traditional independence. In the end, the major land use initiative was defeated and only a few band-aid land use bills passed. Monaghan went away from the session defeated and determined.

After a summer of odd jobs as a land use consultant for the University of Colorado, intern coordinator for the Rocky Mountain Center on Environment, and closely monitoring and participating in interim legislative land use sessions, Monaghan was ready for another legislative session. Again land use was to be the major topic.

"In the beginning of the '74 session a number of land use bills were introduced," recalls Monaghan. "One was a regional bill — it set up a regional planning system. Another was a local planning bill that gave local governments the authority they needed to plan. A third bill dealt with the State Planning Office, and a fourth dealt with matters of state interest."



Jim Monaghan

It looked like a good year for land use. The bills had bi-partisan support and the governor, John Vanderhoof, called land use "must" legislation. But once again the legislature's fear of strong regulatory controls stood in the way of passage.

"The bill dealing with the State Planning Office was killed. The regional bill was killed. The local bill was passed and the state bill was made into a local bill," says Monaghan.

At the end of the session Monaghan left COSC and returned to politics. In the early summer he worked again for Alan Merson who was in the Democratic primary race to oppose Republican Sen. Peter Dominick. This time Merson lost out to his fellow Democrat Gary Hart who is now Colorado's junior senator.

With Merson's defeat, Monaghan went to work for Democratic gubernatorial candidate Dick Lamm. Lamm and Monaghan had been strong allies and friends in most of the land use battles in the legislature. Lamm had been the sponsor of many land use bills and now land use was one of Lamm's key campaign issues. Monaghan became Lamm's press secretary and again his days and nights were tuned into political strategy. He would be out at three in the morning picking up the early editions of the Denver newspapers and manning campaign headquarters during the days.

This time Monaghan's determination and tireless effort paid off. Lamm defeated incumbent Gov. John Vanderhoof and the win was heralded across the country as an environmental victory and mandate. Monaghan was named assistant to the governor for natural resources.

As Lamm's environmental advisor Monaghan still sees land use legislation as a top priority — but he's ready to try a new tack.

"The problem in this state is that we don't have a land use policy," says Monaghan. "It's preposterous to think that we attempt to make decisions and set up structures and do studies against a backdrop of no policy. It's an insane approach."

"The battle always gets side-tracked and we never get to talk about policy. We always argue over who's going to implement

land use planning. Will it be the local government, the state, or the federal government?"

"So we hope to start right out this time and talk about policy," he says.

When asked what problems the state faces without a unified land use policy, Monaghan points to the winter recreational development area as a prime example.

"In Planning Region 12 — which includes Aspen, Vail, Steamboat Springs, Winter Park, Keystone, Copper Mountain and Breckenridge — each county is calling virtually for a maximum number of ski area developments. The U.S. Forest Service seems delighted to issue permits to anyone who wants one."

"Those policies put together spell out a disastrous course for the region. Not only can the physical environment not sustain such a level of development, but it's also a totally irrational approach to development," he says.

"We could have utilized a state policy in an area like the Beaver Creek ski development proposal near Vail. It would have been abundantly clear from the beginning that Beaver Creek was going to result in massive urbanization which for a valley that is already overburdened would be undesirable."

Monaghan says that at Beaver Creek, "the governments (local and state) that should have been protecting the public interest had not yet developed the policies and mechanisms to do the job of protection. It's not that anything went wrong or broke down, but rather that the decision making structure was never set up in the first place."

"It's unfortunate," says Monaghan, "for Beaver Creek was somewhat well planned. ROMCOE (Rocky Mountain Center on Environment) did a big study. Vail Associates put a lot of money into it. But they still have significant on-site problems which they may or may not be able to curtail."

But someone has to look at the bigger picture, and that responsibility has fallen on the state. They feel that it's unfair that at the last moment — just as they're ready to realize the project — somebody should step in and cry 'foul.' But it's just that we've just started to catch up now. The state is just now becoming sophisticated enough to respond to their project."

At Beaver Creek, and elsewhere, the state has very little legal basis for stepping into land use controversies. Because of the lack of action on state land use planning bills, Monaghan explains, "you have this crazy set up that says that local governments should designate and identify matters of state interest." (The Land Use Commission has state emergency powers but has been reluctant to use them.)

Monaghan favors having the Land Use Commission designate matters of state concern rather than merely suggesting possible concerns to the counties.

Monaghan hopes the legislature will patch up such holes in existing laws this session. If the holes are patched and the policy passed this year, then he hopes to push for structural changes in the '76 session.

He wants to separate planning regulations and planning mechanisms. "The Land Use Commission now has both planning functions and loose regulatory functions. The same guy that's helping a county with their planning could theoretically come back the next week and charge the county for non-compliance. What we really need is a dual system," he says.

Monaghan says he looks on the office he holds as "a way to fulfill the things I really believe in. But while working for environmental quality he often finds himself in "a very strange position" being lobbied by citizen activist friends and former co-workers.

"I'm being hit from both sides. I'm in an interesting position where everybody is an adversary."

Referring to his former citizen comrades in the environmental movement, Monaghan says it's "a proper role" for them to badger him. "I'd probably be doing it too if I were in their place." —BH

## Dear Friends

Downhill ski area development poses a real dilemma for environmentalists. It's an invigorating outdoor sport, one that many of us grew up enjoying. It's relatively clean, and relatively low in energy consumption. But it's another good thing that is suffering from too much promotion, and too much auxiliary development. The days of a rope tow in a farmer's pasture are gone. The days of the community-operated warming hut with a pot belly stove went out with the bear trap binding. Now you can't have a ski area without summit restaurants, condominiums that form a slalom course along the ski runs, and aerial gondolas with a lift ticket price that sends you herringbone climbing up the hill.

It's not the skiing that we object to, but rather all the commercialism that has changed this activity from a sport to a lifestyle. One of the ugliest sides of the new skiing lifestyle is the speculative land development that now accompanies new areas. Large ski corporations make their real money off of land sales, not lift tickets. A successful ski area can make or break on land sales. The Jackson Hole, Wyo., ski area base complex — Teton Village — was in serious financial shape because it didn't have enough private lands to subdivide. The developers finally turned to securing a state land trade.

The ski runs and lift towers by themselves do not pose too much of an environmental impact. If freed from potential wilderness, off unstable or easily erodable soils, and situated so as not to offend the eye, there are very few objections to these "improvements." But poorly-regulated second home communities, resi-

dential dog packs, air pollution from cars and fireplaces, poor sewage disposal systems, and other attendant ills can rarely be accommodated by restricted high mountain valleys. Wildlife, air quality, water quality, and other environmental factors deteriorate and the mountain way of life that attracted so many skiers is soon lost in an urban ski complex with all the environmental problems the city refugees were trying to escape from in the first place.

So ski areas, which many of us use with great pleasure (and a little guilt), have understandably earned the wrath of more than a few environmentalists. The controversy over the proposed Beaver Creek development appearing in this issue's cover story is a case in point. Here the state of Colorado has serious doubts about Forest Service designation of another ski area in the Vail vicinity — even if it is the most well-planned ski area in the region, as the developers claim. In contrast, the Marble ski area episode is included in this issue to lend some historical perspective to the Beaver Creek situation. At Marble the state invoked its land use emergency powers to stop a development, and the Forest Service cooperated with the state.

Next issue we will continue our ski area land use series with a look at Steamboat Springs, Colo., and how Routt County government is using land use regulations to control rapidly expanding growth. We'll also have a feature on the local land use planning process and how citizens can and must get involved to make it work.

—The editors.

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