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High Country News



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Lander, Wyoming

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'Don't call us conservative'

New kind of 'public interest' group pushes growth

by Timothy Lange



DENVER, Colo. — James G. Watt believes public interest legal firms such as the Environmental Defense Fund are run by extremists. He has accused them of promoting expensive and excessive government regulation, of impeding "orderly" development of energy resources, and of threatening traditional American freedoms. Instead of representing the public interest, in his view, they support narrow and partisan goals of their own choosing.

In July 1977, opinions like that propelled Watt into the president's chair at the Denver-based Mountain States Legal Foundation, which describes itself as a public interest legal group. The foundation has been busy in the courts since then, adopting some of the tactics and vocabulary of EDF and similar environmental and consumer legal groups.

But MSLF is unlike the others. If it had a motto, it might be: "private rights, private freedoms and private enterprise." It is not the sort of group that usually carries the public interest label. And it only occasionally represents those who are unable to afford legal help elsewhere.

MSLF's lawyers warn that in jeopardy in America today are states' and individuals' rights, the use of publicly-owned land, the control of privately-owned businesses, the proper use of tax money and even the separation of federal powers. Their philosophy has led them to legal attacks

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Guest editorial

Water law re-write to sink or save family farm

by Gary Nabhan

For the first time since it became law, the 1902 Federal Reclamation Act is likely to be dramatically overhauled by Congress in 1980. Its intent and limitations are said to be obsolete by corporations owning "factory farms" who want to legitimize their place in federally-subsidized irrigation projects. At the same time, others want to make reclamation guidelines more flexible to insure the persistence and viability of small family farms. The numerous bills now under debate in the House and Senate are likely to determine the fate of farms in the dry West.

Two organizations, the Farm-Water Alliance and National Land for People, spearhead the opposing forces lobbying for changes in the nature of water allocation in Western irrigation projects. Both groups agree that the rule limiting federal water to farms of no more than 160 acres per person is now outmoded, but they have different motives and strategies for bringing reclamation law up to date.

The Farm-Water Alliance wants to allow unlimited irrigated acreages per owner and sees no need for the owner to live on or near the land. The alliance calls itself a coalition of farmers throughout the West, and its stance is endorsed by the Farm Bureau and the National Cotton Council. It is based in California's Westlands irrigation district.

The alliance insists that the 160 acre owner-operator farm is no longer economically feasible, given the scale of commercial, mechanized agriculture today.

National Land for People is backing House Bill HR 3393, which would allow farm size flexibility up to a limit but requires that owners live on or within 15 miles of the irrigated land. NLP spokesman George Ballis says that other water reclamation bills overlook the need for farms of various sizes, and he advocates

splitting up oversized holdings into parcels ranging from 20 to 640 irrigated acres. However, HR 3393 would also allow an upper limit of 960 rather than 640 acres in regions such as the High Plains, where growing seasons are shorter than 180 days. Ballis, who works on a cooperative farm of less than 40 acres in California, supports a public lottery to choose a new owner when reclamation land becomes available. Randomly choosing from those who seek to own the available land would prevent under-the-table deals, which exclude independent farmers.

The small, independent farm worked by a resident owner is already well on its way towards extinction. Since 1935, the

cropland benefits from the 1902 act, this irrigated acreage produces 30 percent of the country's vegetables, 20 percent of the cotton, and half the world's supply of raisins. This land is productive largely because taxpayers and electric power users underwrite enormous river diversion projects that are both monetarily and environmentally costly.

Environmentalists are now attempting to block plans for other river diversion projects that would provide similar subsidies

for a few people at the expense of entire watersheds. It is time now to take a stance on the allocation of water within existing projects, too. An endangered critter, the Western small farmer, may sink or swim, depending on where that water flows.

Gary Nabhan is an agricultural botanist, who is now working with the Papago Indian Tribe in southern Arizona on desert-adapted agriculture.

Congress' windfall profits plan not taxing enough for us

"To tax and to please, no more than to love and to be wise, is not given to men." That's the sort of comment, in less flowery form, that might have echoed in the galleries when Congress was at work last month on a windfall profits tax on domestic oil production.

The tax, which will soon emerge from a House-Senate conference, has made just about everybody unhappy, and us among them. Not out of pity for consumers, who will pay more for gasoline as domestic oil prices are decontrolled over the next two years. Not out of pity for oil producers, either, who want to pocket the windfall decontrol profits.

To us, the sad thing about decontrol and the windfall profits tax is that they are viewed as controversial. It seems simple enough that oil prices should be allowed to rise, providing at least a small measure of discouragement to wasteful energy users. Likewise, it seems plain that domestic oil producers should not be allowed to reap windfall profits as prices reach the levels set by the OPEC cartel, not in a nation that discourages monopolistic practices.

Nevertheless, decontrol has been a difficult undertaking for a president who came into office hoping to lead with love.

Nobody loves higher prices, so Carter has gone about decontrol very quietly. How many people outside the oil industry know that it began last June? But it's mild medicine in this inflationary age and not likely to break our energy fever. Overshadowed by the sudden jumps in foreign oil prices, decontrol of domestic oil will probably cost us only five to 10 cents a gallon at the pump by 1981. Just to be sure it is relatively painless, Carter has coupled decontrol with aid programs to help the poor pay their energy bills.

Nor was a windfall profits tax a simple matter to Congress. It created a tempest in a teapot because taxes, however small, please nobody.

There is no telling exactly what will come out of conference. But the Senate bill that went in is malodorous. It would set only a 10 percent tax on newly discovered oil — when a 50 percent tax on decontrolled domestic oil still would allow producers to more than double their take-home profits. "Independent" producers, who drill but don't refine or retail oil products, would be excused from windfall taxes on their first 1,000 barrels of oil a day. If that sounds like a helping hand for the little guy, keep in mind that 1,000 barrels a day at current international prices will bring about \$11 million a year. And with a misguided sense of charity, the Senate would exempt oil owned by state and local governments, Indian tribes, and nonprofit hospitals and schools from the tax.

But this is not just a complaint about weak legislation. By making decontrol and windfall profit taxes seem like drastic and controversial steps, Congress and Carter have virtually ruled out other steps that really are drastic and controversial. And necessary.

One such step would be an across-the-board gasoline tax. There would be no passing the buck to oil companies or OPEC. The government would be sending out a straightforward message to reduce consumption. Friendlier OPEC countries like Saudi Arabia say they raise prices for exactly that reason, to slow American consumption. At least in this case the revenues would stay here.

Rationing is another, more difficult to manage, way of reducing our gas gulping. But the president's power to ration has already been hamstrung by Congress.

Congress looks always for the painless solution, and the slightest prick — like the windfall profits tax — has legislators terrified that they will be reprimanded at the ballot box or by friends in the industry. Nor do they seem to clearly understand the reasons strong action is required. Some think decontrol and the windfall profits tax should be shaped to encourage ever-increasing domestic energy production, a dollar-driven attempt to sustain our oil-hungry habits. Others think they have found a suitable bad guy — big oil — and are out to punish him.

Carter seems to have a better idea of why the nation must change its approach to energy. But he, too, is often searching for the painless solution — he got elected, after all, by pleading for gentle conciliation, for love.

Congress wants to both tax and please; Carter wants to both love and be wise. Edmund Burke said it 200 years ago, talking about this very country: "To tax and to please, no more than to love and to be wise, is not given to men." — GOG



number of American farms has decreased at the rate of 500 a week, from 7 million to less than 2.7 million. In the last two decades, this rate has accelerated to 1,400 a week. Many of these farm units have been swallowed up by urban growth or abandoned after depletion of soil and water bases. Yet the real threat to irrigated farms in the West is the consolidation of small holdings by outside corporate interests.

Recent Department of Agriculture studies have concluded that the one or two person farm is the nation's most efficient food production unit and that consolidation of farms does not lower food prices for consumers. More nonfarm income is generated in communities surrounded by small farms than in those where absentee-owned, corporation-managed large farms dominate. Further, towns supported by small family farms are characterized by more parks, hospitals, churches and community participation.

The 1902 Reclamation Act was originally intended to insure a stable niche for the small family farm in the West by providing irrigation water for no more than 160 acres per resident farmowner. Once the government institutionalized this policy, the original goal was obscured by an effort to build bigger water projects. A University of California study concluded that the act has not actually fostered the family farm since acreage limits have seldom been enforced.

Multinational corporations such as Standard Oil, Southern Pacific and Anderson-Clayton now own or control big operations on land nurtured by federal water. There are now tracts covering 12 square miles managed as one agribusiness which the Department of Interior supports as "family farms" on paper.

Critics of the National Land for People stance point out that reclamation projects in the Western states account for only two percent of the nation's cropland, and that most illegal, oversized operations occur in California and Arizona. Why, ask critics, change a law which appears to be functioning smoothly in the High Plains — why not crack down on the individual violators in the problem states?

Although just two percent of the nation's



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Dear Friends

For years, Sarah Doll has filled an important niche on the **High Country News** staff. She writes Roundups, brings in her truck and her strong arms for hauling newspapers, keeps the books for the HCN Research Fund and proofreads — all as a volunteer.

Typographical errors are kind of funny — no matter how much effort reporters put into getting their facts straight, their credibility drops to zero if the story is full of misplaced commas and misspelled words. Sarah knows that and toils on in the midst of the most persistent distractions — office babies crying, weird notes in the midst of the copy from the slightly estranged typesetter, editors grabbing copy, and staff artists scribbling cartoons on the side of the galleys.

Anytime you see an error that makes it into print, there's a good bet Sarah's in Kansas. Or off playing in the hills somewhere. A versatile woman, she is an accomplished flutist and organist as

well as a mountain climber. She is also an inspiration, commuting by either motorcycle or bicycle, and she and her husband just built a passive solar addition to their home.

This is no eulogy or fond farewell. Sarah is not leaving HCN. But she just had a birthday, and we decided we should hand out a few kudos.

Raining! January 10 in Lander, Wyoming, and it is raining! Of course a snowstorm is supposed to follow soon. It looks as if this winter will be as perverse as last was adverse.

A friend from the West Coast visited us last week and didn't think much of Wyoming's winter. I had left a bowl of my dog's water, minus the container, on the fence as kind of a weather vane. It'd been sitting there, a cylinder of ice, for several weeks, but we still insisted it

was unseasonably warm. "Almost like Florida."

When we told her it usually got down to 30 below in January, she said she didn't suppose it'd be that different from 20 above — at either temperature, it's just too cold.

Fortunately she had gone before last weekend's chinook wind blew in our first taste of REAL winter — 20 below. My dog hopped pitifully when I threatened to leave her outside, never putting more than three paws down. The car seat was hard as a stone bench, the gas pedal was frozen down and the gear shift moved reluctantly through nearly solid lubricant. Wood broke easily — almost shattered — as soon as my ax hit it. A moose and her calf wandered among the houses on Canyon St., sniffing the bushes until the game and fish man scared them back to the river.

And we grinned idiotically at each other, saying, "Now this is Wyoming."

— the staff



Photo by Sara Hunter-Wiles
SARAH DOLL



NEGATIVE REPORTING

Dear HCN,

We are sad here at HCN's eagerness to print problems associated with our digester (HCN, 11-30-79) when the last time you printed anything on our project was well over two years ago when we were still under construction.

In over two years of operation, we have grown and distributed many tons of fresh food in our structure and have not used any source of back-up heat in the history of our existence. Our year-round supply of fresh food has been distributed to low income seniors, handicapped people and many needy families.

We have also lessened our need for government funding through money we have generated in our volunteer-operated commercial section. Soon we plan to attain economic self-sufficiency, a rare thing among welfare projects. New horticultural techniques have been developed here to make commercial solar greenhouses a reality and home solar greenhouses important food producers.

In a state famous for its radioactive and fossil fuels, we have shown over 10,000 people who have toured our structure a real life experience with the warmth of passive solar heating in the dead of winter. In a state that imports 99 percent of all its fresh food, we have made a 5,000 square foot patch of land and sun produce year-round fresh, nutritious food and provide meaningful work for seniors and the handicapped.

As a vid HCN readers ourselves, we feel that your readers deserve a more thorough and positive approach to projects such as ours. We don't have any problem with Mr. Phil White's coverage of our legal action; he presented both sides of the story well. We do feel that reporting the positive as-

pects of projects like ours may do more to help slow the environmentally destructive forces in our country than does negative coverage.

Come eat a carrot with us anytime.

Shane Smith
Cheyenne Community Solar Greenhouse
Cheyenne, Wyo.

FONDA, FURTHERMORE...

Dear HCN,

I was about to let my subscription lapse in order to thin out some of my publication mail, but after reading the hostile reactions you got in your "letters" column about the article on Jane Fonda, I decided to renew my subscription after all. It takes a lot of backbone to publish an unpopular point-of-view and, whether or not I agree with that point of view, I wish to support your right to state it.

Eileen Hamper
Campbell, Calif

THE WHIPPING BOY

Dear HCN,

I read with interest the letters from the folks who are not "fond of Fonda." I'm sorry that at least one of them has decided to cancel his subscription. However, I think that HCN and its readers will miss the writing, reporting, wit and perspicacity of Dan Whipple.

Dan Whipple
Houston, Tex.

SEXISM

Dear Mr. Wild,

I enjoyed your article on Ralph Nader in the Nov. 30 issue of HCN. However, as I sometimes do in your pieces, I noticed at least one whiff of sexism. Wouldn't Nader's followers be forsaking husbands as well as wives?

There are lots of female followers — an obvious fact to most, but an idea that has a hard time registering in some people's conceptual framework.

Please try harder to broaden your view.

Gerald Bishop
Washington D.C.

NADER UNTIED

To the editors:

I cannot pass up the recent Peter Wild story where he says "He (Nader) owns, it is rumored, only one very ancient, narrow tie." On the same page Nader is pictured wearing an apparently new handsome foulard tie (medium width) and on the opposite page a handsome rep tie (stripes) anything but well-worn or narrow. Therefore it appears to me that he is not only the "ascetic loner" but an aesthetic one as well.

Allen Griffin
Pebble Beach, Calif.

THERMOMETER WATCH

To the Editor,

I heard on the late weather forecast that your ambient temperature rose 28 degrees F. in 30 minutes.

...WOW!! Talk about wind energy...That must've been something else!

Morris Sigal
Youngstown, Ohio



MSLF defends different kind of public interest

(continued from page 1)

against everyone from Common Cause to the Occupational Safety and Health Administration, from Nevada's Pyramid Lake Paiute Tribe to the secretary of interior, from the Environmental Protection Agency to the Colorado utilities commission.

Chairing the foundation's board of directors is brewer Joseph Coors, president of the Adolph Coors Co. and a major contributor to conservative causes across the nation.

QUICK GROWTH

Two years ago, MSLF's budget was only \$100,000. In 1979, it was more than \$600,000. Watt says about 60 percent of the funds come from individuals, 40 percent from businesses. Through the National Legal Center for the Public Interest, founded in 1975, MSLF is linked with five sister foundations around the country.

MSLF's increasing influence and expanding budget come at a time when its environmental foes face an uncertain economic future. The Ford Foundation recently discontinued its annual subsidies to public interest legal firms. Over the past decade, Ford has contributed \$21 million to groups like the Natural Resources Defense Council and the Center for Law and Social Policy. While they won't fold tomorrow, these legal foundations must now seek new funding sources.

This irks Center for Law attorney Leonard Moeker. He says that while needy groups struggle, organizations such as MSLF are financed by and represent private interests and companies that already are equipped with lawyers whose expenses are written off as business tax deductions. MSLF was formed with image in mind, he says, "to appropriate some of the public interest fanfare and terminology."

William H. "Chip" Mellor, III, an MSLF lawyer, rejects the idea that the foundation isn't genuinely concerned with the public interest. He complains that liberals and environmentalists have defined the public as they want to — women, minorities and others whom public interest groups sprang up to serve during the turmoil of the 1960s. Although Mellor doesn't dispute these groups' right to counsel, he says they "don't represent the whole public. For instance, people in the black community might not be happy with government regulation that reduces jobs and intervenes so that, with the minimum wage, 40 percent of black teenagers are unemployed."

Ralph Nader, who has founded numerous public interest groups himself, also challenges what he considers an unfair use of the public interest tag by foundations like MSLF. Nader told a *Wall Street Journal* reporter in August, "My idea of a public interest lawyer is someone who isn't funded by special interests and who is

guided by his conscience. Not these guys. They're in it for the money. I think they get good contacts. Just watch. Now they're hobnobbing with the heads of companies and pretty soon...up and out...they'll be general counsels of corporations."

"If I wanted a job with big bucks," responded Mellor hotly, "I could have stayed where I was. It's not a commitment to big business or big bucks. It's a premise that begins with a belief in freedom of the individual and the moral and logical extension of that premise."

DON'T SAY 'CONSERVATIVE'

Mellor rejects Nader's characterization of the foundation as extremist or an extension of the Chamber of Commerce. "What Nader is obviously talking about is the corporate bogeyman," said Mellor. "He believes corporations are evil. But corporations are part of the free enterprise system. We get a lot of support from small corporations, but corporations are not all General Motors...many of them are just Mom-and-Pop operations. They represent a...very important and honest and moral section of this society." Government agencies enforcing laws Nader has pushed are "incredibly burdensome to these little guys."

Watt and others working for the non-profit, tax-exempt MSLF will tell you that "shrill, no-growth extremists" and meddling bureaucrats are tromping on constitutional rights. MSLF literature bluntly blames environmental groups for costing Americans billions of dollars through legal actions to prevent off-shore oil drilling, nuclear plant construction, the Alaska pipeline, and the use of DDT and other chemicals to kill pests on crops and timberlands.

Mellor doesn't want any simplistic adjectives attached to the foundation. "Be original," he says. "Whatever you write, don't use 'conservative.' Conservative is a buzz word. Oftentimes, it prevents people from looking beyond that word to see what we really do."

Mellor, who has been with MSLF since April 1979, doesn't like criticism that the

foundation is anti-environment. He shares Watt's view that many groups "are not environmentalists, they're no-growth advocates trying to control the social order." Mellor says that, as an avid backpacker, he's glad to see wilderness protected. "The problem as I see it is that all too often environmentalists will come in and use any type of tactic they can to achieve their ends," such as "abusing" the environmental impact statement process, he says.

One Denver environmentalist lawyer, who requested anonymity, said the idea of MSLF's being anything but anti-environment was absurd. "When you look at the cases Mountain States takes on, you

Powell told the assembled business leaders that the political activism of American judges indicated a trend toward courts' deciding vital economic and political questions, instead of leaving them up to legislative and executive branches of government.

By then, various public interest legal groups were influencing court decisions. The California Chamber of Commerce decided to do something about it. In 1973 the chamber established the Pacific Legal Foundation. Its efforts illustrated the potential of such foundations, and the National Legal Center soon emerged.

MSLF has evolved as the star of the center's team, thanks in great part to the

"My idea of a public interest lawyer is someone who is guided by his conscience. Not these guys. They're in it for the money."

— Ralph Nader

get the feeling they would have been in favor of the buffalo hunters if (environmentalists) had been suing to protect the herds in the 1870s."

NATIONAL NETWORK

The eight-state MSLF was initiated in 1977 as part of the Washington, D.C.-based National Legal Center's network of litigating groups. The other foundations in the coalition are in Kansas City; Atlanta; Chicago; Harrisburg, Pa.; and Springfield, Mass. Coors also serves on the center's board.

The center provided seed money and now serves as a clearinghouse for the six regionals. Although it handles publicity, locates some cases and publishes material about free enterprise, the center leaves litigation strictly up to the independently organized affiliates.

The genesis of the center can be traced to a speech in 1971 by U.S. Supreme Court Justice Lewis Powell. Speaking to the U.S. Chamber of Commerce in Richmond, Va.,

40-year-old dynamo in the president's chair.

Born and raised in Wyoming, where he graduated from law school in 1962, Watt at first seems an unlikely choice to head the anti-big-government foundation. For 15 years prior to taking the MSLF post, most of Watt's paychecks were signed by Uncle Sam.

He was legal aide to Wyoming's former Sen. Milward R. Simpson (R) for four years. Two years as a natural resources lobbyist for the U.S. Chamber of Commerce followed, and then he returned to the government payroll, working three-and-a-half years as director of the Bureau of Outdoor Recreation. In 1975, President Ford appointed him to the Federal Power Commission.

These connections with the federal government did not dampen his enthusiasm for free-market principles. In each new job, he says, he became frustrated with the governmental process. Serving on the FPC, he was dismayed that the courts repeatedly intervened to "undo the good de-



Photo by Dick Randall, Defenders of Wildlife

WILD HORSES near Rock Springs, Wyo., spurred one of Mountain States Legal Foundation's more unusual lawsuits.

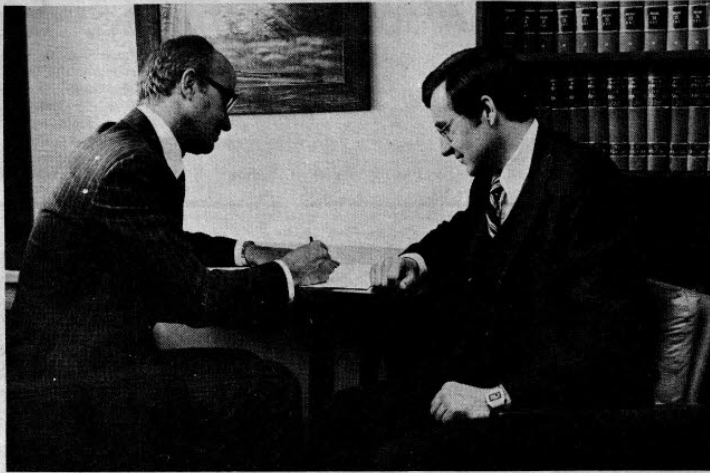


Photo courtesy of Mountain States Legal Foundation

JAMES G. WATT, president of the Mountain States Legal Foundation, confers in the organization's Denver office with Stephen Shipley, MSLF vice president.

decisions made on behalf of the American people."

A decision that wasn't undone was the FPC's move to allow the price of newly discovered natural gas to rise from 52 cents per thousand cubic feet to \$1.45. Watt played a key role in that decision, which was later upheld by the courts. Although the near-tripling of prices didn't end controls, it was a move toward the free-market approach that Watt felt was necessary to produce an adequate supply of natural gas.

Watt mightily impressed MSLF's directors. They induced him to abandon his discouraging work in Washington and take up the foundation's torch.

Since then, expansion has been rapid. Originally, cases were handled by contract with outside attorneys. Now, there are four staff attorneys, and three more will be hired "when the right people are found," according to Mellor.

SUCCESSSES AND SETBACKS

National recognition came MSLF's way last year when it successfully argued a case against the federal Occupational Safety and Health Administration before the U.S. Supreme Court. Ferrol G. Barlow, an Idaho plumbing and electrical contractor, had barred OSHA inspectors from his business on the grounds that the agency had no warrant and that he was protected from its searches by the Fourth Amendment. OSHA argued that obtaining warrants would be difficult and would hamper it in its role as federal workplace watchdog. The court agreed with Barlow and MSLF.

In light of this and similar cases — and the presence of the anti-union Coors — it might be surprising that trade unions provide a small portion of MSLF's funding. "Unions support us because we're job-oriented," says Watt. "Economic freedom gets right to jobs. Unions know that if the no-growth advocates succeed in tying up the West, there'll be no jobs."

In late 1977, the foundation entered a case as a "friend of the court" on the side of

two Montana locals of the International Brotherhood of Electrical Workers. Already involved in that case were five energy companies arguing that Environmental Protection Agency rules restricting degradation of air were passed after they had spent \$20 million developing a power plant near Colstrip, Mont. The unions claimed, the EPA rules would cost them their jobs. EPA lost in federal district court in Billings, Mont., but won on appeal.

Recently, the foundation persuaded 27 Colorado state legislators — 22 Republicans and five Democrats — to join in an MSLF suit against the EPA. The agency is threatening to withhold hundreds of millions of dollars in federal sewer and highway aid unless legislators come up with an acceptable auto emissions inspection plan.

Auto emissions are the primary cause of air pollution that violates EPA standards in several of Colorado's Front Range cities. EPA administrators told the state to submit a clean-up plan by Jan. 1, 1980, but the legislature adjourned last session without producing one. Subsequently, EPA warned that unless a plan for inspections was adopted by March 1, 1980, the crucial federal aid would be cut off.

The threatened action clearly exceeds EPA's authority, says Watt. "EPA is really trying to stop growth on the Front Range, trying to take away water, jobs, economic vitality and the state's sovereignty."

In other cases, the foundation has successfully argued that the utilities commission in Utah should be allowed to meet secretly, that the Colorado utilities commission illegally usurped legislative

authority by setting natural gas discount rates for the poor, and that an oil driller shouldn't have had to incriminate himself by being forced to file a report about a spill for which he was later fined.

Many times the foundation files "friend of the court" briefs when cases are appealed instead of serving as a principal

"Whatever you write, don't use 'conservative.' Conservative is a buzz word."

— William H. "Chips" Mellor, III

litigant. This, according to Watt, is a way to get "balanced decisions" from judges since often the principal parties in a case aren't making arguments the foundation deems important.

For instance, in the case of *DiLeo v. University of Colorado*, an Italian-American agreed that the university should have admissions quotas for disadvantaged students, but that these should be racially neutral, not merely applicable to American Indians, Chicanos and blacks. MSLF argued, however, that lowered admissions standards should be done away with altogether. The student won his case.

STOPPING THE "LOCK-OUTS"

Aiding the development of water, energy and mineral resources remains a major element of the foundation's work.

Watt believes various government agencies overstep their authority by trying to "lock out" exploration for fuel and timber on public lands. In June 1978, he wrote in the *Denver Post* that the West was in danger because environmentalists were holding up what he considered ecologically-sound energy projects. In this way, he wrote, environmentalists were

preparing the way for the West to be "explosively developed, fired by political-economic crisis bringing injury and damage to our environment...." Congress' Energy Mobilization Board, with its potential to suspend environmental laws, is the result of their delay tactics, Watt says in an I-told-you-so tone of voice.

Watt doesn't believe that environmentalism is slipping. "The environmental movement isn't losing," he says, "it's just lost its head."

Given MSLF's track record, some environmentalists were recently surprised to find themselves agreeing with the foundation's lawsuit charging the federal government with mismanaging wild horse herds and damaging grazing land in southwest Wyoming.

But the case indicates no change of heart on the foundation's part. In fact, it is typical of the sort MSLF lawyers take a liking to — a potentially precedent-setting lawsuit with implications far beyond the parochial interests of its Rock Springs Grazing Association clients.

The foundation is not so much interested in protecting overgrazed public lands as it is in nailing federal officials who, when enforcing the law, fall short of or go beyond the intent of Congress.

MSLF is charging that the Department of Interior has not lived up to its responsibility under the 1971 Wild Free-Roaming Horses and Burros Act, and it wants to hold individual federal officials personally liable. In this case, those officials are In-

terior Secretary Cecil Andrus, the Bureau of Land Management agent responsible for the area and the region's closest federal marshal.

It's been tried before, with little success. But if the courts rule favorably, the implications for federal officials everywhere could be immense.

The second week of December, the government answered Mellor's brief in the wild horse case, denying most of the charges but admitting there has been overgrazing. Mellor is optimistic.

Watt is enthusiastic about MSLF's overall impact. "Because of our involvement, we have firmed up the resolve of individuals and companies to fight excessive government regulation. They say, 'Hey, maybe we can win.' The court is a battleground for protecting individual liberty and economic freedoms."

The growing budget and the attitude expressed on a plaque of Watt's may provide some difficult days ahead for environmental groups and various government agencies. The plaque concludes, "Persistence Forges Results." ☐

"The environmental movement isn't losing. It's just lost its head."

James G. Watt

States' legislators study solar incentives, taxes,

The environment is not expected to be a major topic this year for legislators convening in most Rocky Mountain and Northern Plains states although there are a few exceptions.

In even-numbered years, most states limit their lawmakers either to budget-writing or topics chosen by the governors.

North Dakota and Montana don't meet at all.

Raising severance taxes on minerals will be an important issue in three states — Wyoming, New Mexico and Colorado. Wyoming's and Colorado's legislatures — like all the others in the region except New Mexico's — are dominated by Republicans,

who traditionally oppose raising severance taxes.

Efforts to control hazardous wastes in Idaho, Arizona and Colorado are expected to have support from both parties, in part because they involve state-federal power conflicts.

Despite their limited sessions, Wyoming

and New Mexico legislators are expected to deal with legislation on water for energy development, which is considered too urgent to postpone for another year.

Nor can the Colorado legislature delay automobile pollution legislation. The federal Environmental Protection Agency has told Colorado legislators that they

Farmers to try do-it-yourself sediment clean-up

Sediment is the number one water pollution problem in the world, by volume. It covers fish spawning beds and kills adult fish by clogging their gills; fills reservoirs, turning them into worthless mud flats and eliminating hydroelectricity production. It brought Babylon to its knees. While agriculture is not the only cause of soil erosion, it is the major cause, and agricultural sediment often carries dangerous pesticides, herbicides, and feedlot wastes.

Under Section 208 of the Clean Water Act of 1977, states were directed to identify water pollution problems and develop programs to alleviate them. The Environmental Protection Agency has decided to allow voluntary programs for cleaning up agricultural sources of sediment.

The story below discusses how one state's voluntary program evolved and tells why many Idaho people think it will work.

by Glenn Oakley

Idaho farmers don't take kindly to outsiders telling them how to farm. That's why when the state of Idaho developed its federal "208" water quality plan to control agricultural water pollution, it made it a voluntary plan.

Susan Lowman of the state Department of Health and Welfare says a mandatory regulatory program would never sell in Idaho because of the Idaho farmers' "rugged, pioneer spirit." And, she adds, "You're not dealing with a huge industry; you're dealing with one farmer who's trying to make it from one year to the next."

The department's Division of Environment delegated most of the responsibility for the plan to local agencies. The Idaho Soil Conservation Commission, which coordinates the 51 soil conservation districts in the state, was given primary responsibility for drafting a plan. More than

200 public meetings were held over a two-year period to solicit comment from the agricultural community and the rest of the public.

The consensus, said Steve Provant, Idaho state planning coordinator for the federal Environmental Protection Agency, was: "Farmers don't like to be regulated."

So in Idaho, the EPA is giving farmers a shot at regulating themselves. With the aid of technical advisors from the local soil conservation districts, farmers with pollution problems are expected to voluntarily apply management techniques fitted to their operation. The possible techniques range from constructing sediment catch ponds to using special plows. Much of the burden for the plan rests with the conservation districts, which are governed by boards comprised of local farmers. The districts inform the farmers about the prog-

ram, provide technical assistance and help the farmer to obtain funds.

To start its program, Idaho is concentrating most of its efforts on four critically polluted areas, all of which lose more than 33,750 pounds of soil an acre annually. One of the areas, in Latah County, loses an average of 14 tons of soil an acre every year.

The threat of a mandatory program hangs over the farmers' heads. The state has five years to make the voluntary plan work. If there is no "significant improvement in water quality," says Provant, the state must develop a mandatory program.

"We see ourselves as cheerleaders," Lowman says, urging the farmers, "Come on! We've only got so long to prove it (the voluntary program) can work."

Incentives — positive or negative — are needed because the cost of applying new management techniques can be extremely high. For a demonstration project, the state, with the help of federal funds, plans to spend \$7 million on 35,000 acres in one drainage.

Although the state Soil Conservation Commission and Division of Environment are helping farmers find matching funding, farmers often will have to pay thousands of dollars themselves, with no immediate economic return.

But soil conservation district staffs make it clear to farmers that there are long-term economic benefits. Farmers can expect to save valuable top soil and water

and increase the productivity of their land (see separate story).

Lowman says Idaho's voluntary program, which was approved by EPA just last September, is still too new to assess, but the program will be evaluated annually by the state.

In Washington, where the program has been in effect for over six months, it is working quite well, according to Glen Fiedler of the Washington Department of Ecology. The main problem has been a lack of resources, particularly agricultural technicians.

Lowman says since the EPA approved the voluntary plan, the Division of Environment's credibility has "just zoomed" in the agricultural community.

Provant says there are still differences of opinion within EPA over whether a voluntary program is preferable to a regulatory plan. "You're compromising more direct control over the program," Provant said, "in exchange for the farmers' goodwill."

In Idaho and many other states, EPA has decided it's worth the gamble.

Glenn Oakley is a photographer for the Press-Tribune newspapers in Idaho and a frequent contributor to HCN. Research for this article was paid for in part by donations to the HCN Research Fund.

By saving land,

Chuck Coiner, Jr. is a devoted advocate of land conservation techniques, and he is gaining disciples for the practices all over the country.

A few years ago tons of his and his neighbors' soil were flowing into the Snake River Canyon.

By building siltation ponds to collect the topsoil and spreading it elsewhere on his land, he has "created" what one expert estimates to be \$100,000 worth of productive land.

In one area with lots of marginal grassland, sagebrush and rocks, he now has 27 acres of irrigated pasture where he once had six. In another, he has 50 acres of irrigated land producing alfalfa, grains and peas where he once had 22. Since such land is valued at \$1,200 an acre, the economic advantages are obvious.

His neighbors, after watching their run-off soil being recycled on Coiner's land, are becoming converts. And a film starring Coiner and several other farmers, called "Hold This Land," is converting others. The film, funded and distributed by the Environmental Protection Agency, shows various techniques for reducing non-point

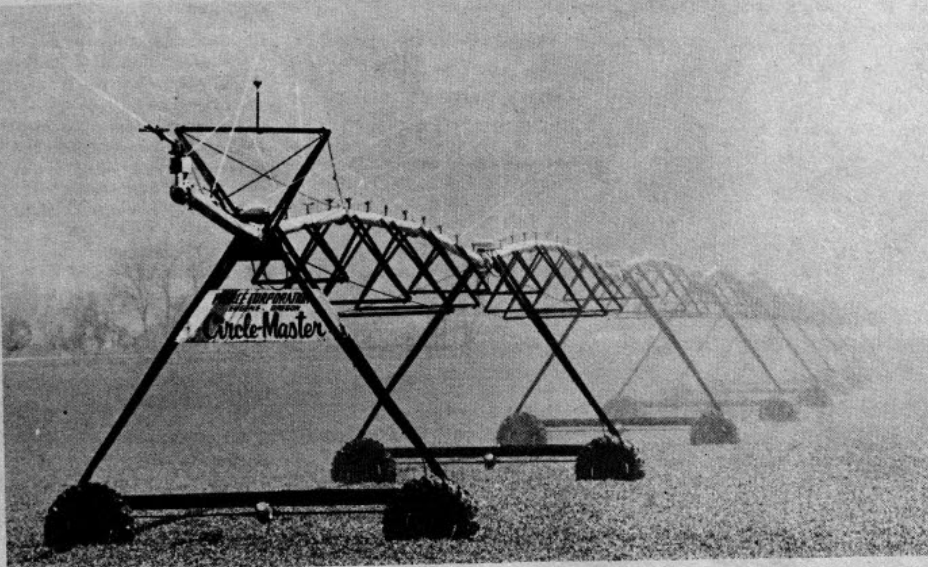


Photo by Mike McClure

SPRINKLER IRRIGATION generally causes less erosion than flood irrigation. Less water is needed to do the same job, but the systems are costly, require land to be leveled and use energy.

wastes, water

must pass such legislation by March or lose federal highway and sewer funding.

Descriptions of individual states' legislative plans follow.

COLORADO: CUTTING OUT CAR EMISSIONS

This may be the year Colorado legislators finally do something about a



U.S. Soil Conservation Service photo
EROSION IN UN-LINED DITCH. The spring run-off in 1960 tore precious topsoil from the sides of this ditch. A metal pipe was later installed, which carries runoff water over the ditch.

farmer saves dollars

water pollution. Many of the techniques were recently developed by the Kimberly, Idaho, Research Center, a state- and federally-funded facility.

While federal technical and financial assistance has been available for years to help farmers improve their land conservation techniques, the program's success has been limited. Coiner doesn't think money has been as much of a hurdle as apathy and the lack of education.

"Once a farmer puts in one small pond and finds out how much soil he has been losing, then he gets committed," he said. Catching the silt is dealing with the symptom and not the real problem, Coiner believes, but it is a good start. "It's an absolute must for people to become aware of the value of keeping the soil where it is — so it can be productive and so it keeps out of streams," he said.

"This is not my land; I'm just the caretaker. I feel I should leave it in as good or better condition than when I found it," he said.

Copies of "Hold This Land" are available from Modern Talking Pictures Service, 1028 Industry Dr., Tukwila, Wash. 98188, or call (206) 575-1575.

decade-old problem: air pollution from automobiles in its cities.

Last year state legislators were stumped about whether to attack the problem through tailpipe emission inspections or annual tuneups. Results from a study they commissioned to answer that question are due in February. The study and the approaching federal deadline are expected to give the Coloradoans the impetus to pass some type of pollution control program this year.

Other issues to be addressed by the legislature will be determined by the governor's "call list," which is to be announced Jan. 11. The session convened Jan. 2.

Colorado Gov. Dick Lamm (D) has already indicated that a bill on hazardous waste management will be on the docket, which would establish a state program for controlling wastes. Also expected are bills to promote energy conservation and solar energy development through direct grants and tax incentives, and perhaps water quality and water development legislation.

A fight to weaken the state's mined land reclamation regulations is also likely, according to one statehouse observer.

Dickey Lee Hullinghorst, a lobbyist for the Colorado Open Space Council, said she expects a bill to raise and revamp the state severance tax on minerals, which is now five to seven percent.

IDAHO: SAGEBRUSH REBELLION STRIKES

Several bills concerning the Sagebrush Rebellion, a movement to transfer some federal lands to state ownership, are expected to come up in the Idaho Legislature, which convened Jan. 7 and will meet for 60 days. One would ask the Idaho attorney general to join in the court suit that Nevada filed to seek a court declaration on who should manage public lands. Idaho Attorney General David Leroy is an outspoken advocate of the rebellion.

The Idaho Conservation League has hired a full-time researcher to determine the motives behind the movement.

The league's lobbyist, Renee Quick, said both Republicans and Democrats are supporting legislation banning storage of out-of-state nuclear wastes within the state. While the Republican sponsor of the bill, Rep. Jim Golder, supports nuclear power, he is concerned about states' rights. Many Idaho residents are alarmed about news that the Idaho National Engineering Laboratory, a federal nuclear research facility, has been dumping radioactive wastes into the Snake River Plain Aquifer, and Idaho Gov. John Evans (D) has called for a halt to the practice.

Another bill is expected to control farm and industrial wastes, including pesticides, herbicides and other chemicals, which might be contaminating the same aquifer from as many as 5,000 agricultural, industrial and municipal wells.

Environmentalists are opposing plans to weaken state water quality standards, which were a major issue in last year's legislature, too. Irrigators and Idaho Power Co. support the changes, which would permit a lower oxygen level below the American Falls hydroelectric dam. Pat Ford of the Idaho Conservation League said the higher standard is necessary to protect fish.

NEW MEXICO: SAVING WATER

As many as 65.2 billion gallons of water are drained out of uranium mines each year, according to the New Mexico state



SOLAR INCENTIVES are being considered in both Utah and Colorado statehouses this year.

engineer, but the state has no law to regulate it.

Knowing that some legislation is likely, the uranium industry is promoting a bill that would give the state a little control, according to Don Hancock of the Southwest Research and Information Center.

"Look for the corporate jets to be landing in Cheyenne" when the severance tax comes up.

The other big environmental issue during the 30 day session will be severance taxes. Since the leading advocate of raising the tax resigned from the state senate this year, no one is sure what will happen to the proposal. While the state now taxes oil, gas and coal at 10 percent and uranium at four percent, Hancock said the "effective" rates are much lower because of severance tax credits given to the companies by the state. He estimated the effective rate for uranium at less than one percent and coal at less than four percent. Since the state ranks first in the nation in the production of uranium, fourth in natural gas, seventh in oil and 12th in coal, the economic impact of its taxes is substantial.

Although Democrats hold a majority in both houses, conservative Democrats have joined with Republicans in the house on

many issues and have elected mostly Republican committee heads.

The legislature convenes Jan. 15.

UTAH: INDUSTRIAL IMPACT BILL

While Utah's legislators are limited to a 20-day budget session this year, at least two important natural resource bills are expected to emerge.

One provides for state tax credits for active and passive solar systems and wind systems in both residences and businesses. The other, proposed by the Intermountain Power Project, would require industrial facilities to provide funds to cushion the impact of their project on a local community before that impact occurred. Another bill that has been proposed would require Utah power plants to burn Utah coal.

Rep. Jeff Fox (D-Salt Lake City) plans to introduce a bill that would put the U.S. Air Force's MX missile project, which may be built in Utah, to a statewide vote. The bill has an extremely slim chance of passage, he says, "But I want to raise the issue and alert people to the kind of social impacts the project may bring."

The Utah session begins Jan. 14.

Republicans dominate both houses, by 19 to 10 in the senate and 51 to 24 in the house.

Non-budget matters must win a two-thirds vote in both houses to receive consideration.

(continued on page 14)

8-High Country News — Jan. 11, 1980

by Thomas M. Jenkins

Like a ghost, the cougar floated through the forest with noiseless grace, following the contours of the ground. At the edge of the meadow, it glided into a crouching position, a coiled spring waiting patiently for the precise moment to strike the approaching deer.

The cat inched through the short grass, moving only when the deer's head was down, grazing. Then suddenly, there was an exploding tawny blur as the cougar leaped.

The force of the powerful blow snapped the deer's neck, the crack of the breaking bone audible a fraction of a second before it fell, 15 feet from where it was struck. The deer was dead before it knew what had happened.

The cat sniffed at the warm carcass, then reached out with one front paw and ripped open the deer's stomach. The animal pulled at the meat and began to eat. When finished, after hiding the remains, the cat yawned and slipped away for a siesta.

The cougar's appearance is stunning. It is a low-slung animal with short powerful legs and heavy muscles visible just beneath the skin. Its paws have large, broad pads that carry the cat silently along the ground or in the trees. The tail is long and cylindrical (the longest and heaviest tail of all the cats, up to one-third the cougar's total length). Its head is small and crowned with dark-brown rounded ears.

Folklore has perpetuated the notion that the cougar is an aggressive man-killer. Most of these tales are unsubstantiated. The truth is there are only a few cases of authenticated cougar assaults upon humans in the United States. All victims have been children. This nocturnal cat is secretive and will take flight whenever possible. Even when cornered, it is not as pugnacious as its smaller cousin, the bobcat.

The almond-shaped eyes of a cougar are arresting. Their color is a rare and beautiful hue, a translucent greenish-gold. They are intense when the cat is stalking its prey, soft and tranquil when it is relaxed, sprawled in the sun.

The cougar has a disturbing habit of following people. It will trail a person silently for miles without threatening or attacking, often making no effort at concealment. This audacious behavior is certainly nerve-racking, but there seems to be nothing sinister in its motive. The cougar is curious: that is all.

Ronald Nowak of the U.S. Fish and Wildlife Service estimates 16,000 cougars live in the wilds of the United States and Canada. Although there is no positive proof of this number, most surveys agree the population is higher than it was several years ago. The continued increase of the cougar depends on the availability of food, particularly deer. Loss of winter range for deer and elk would be a serious threat to the cougar.

With some human help, the cougar may hold its own or even increase its numbers in

the near future. All of the states and the Canadian provinces with substantial cougar populations (except Texas) protect the cougar in varying degrees.

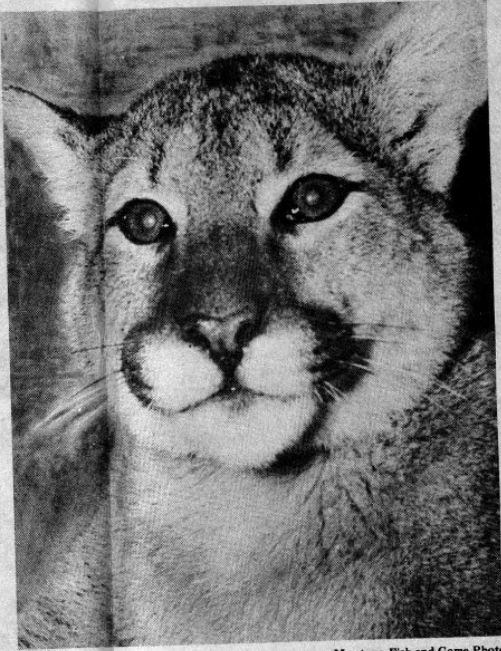
Colorado, Wyoming, Montana, Idaho and Utah all classify the cougar as a game animal, which means it can be hunted with some restrictions. It once was classified as a predator in several states, which meant the states could set no quotas nor could they limit the seasons.

Colorado wildlife officials say that in their state, for example, 60 cougars are killed each year by licensed hunters. Since the population of the lions in the state is 1,000 to 1,500, the impact of hunting is not severe.

Most mountain lions do not attack livestock; when deer and other big game populations are down, they will normally eat smaller mammals. However, if one individual starts killing, it may continue the habit until it is either killed or trapped and confined in a zoo.

Tom Jenkins teaches English, literature and writing at the Community College of Denver, Red Rock campus.





Montana Fish and Game Photo

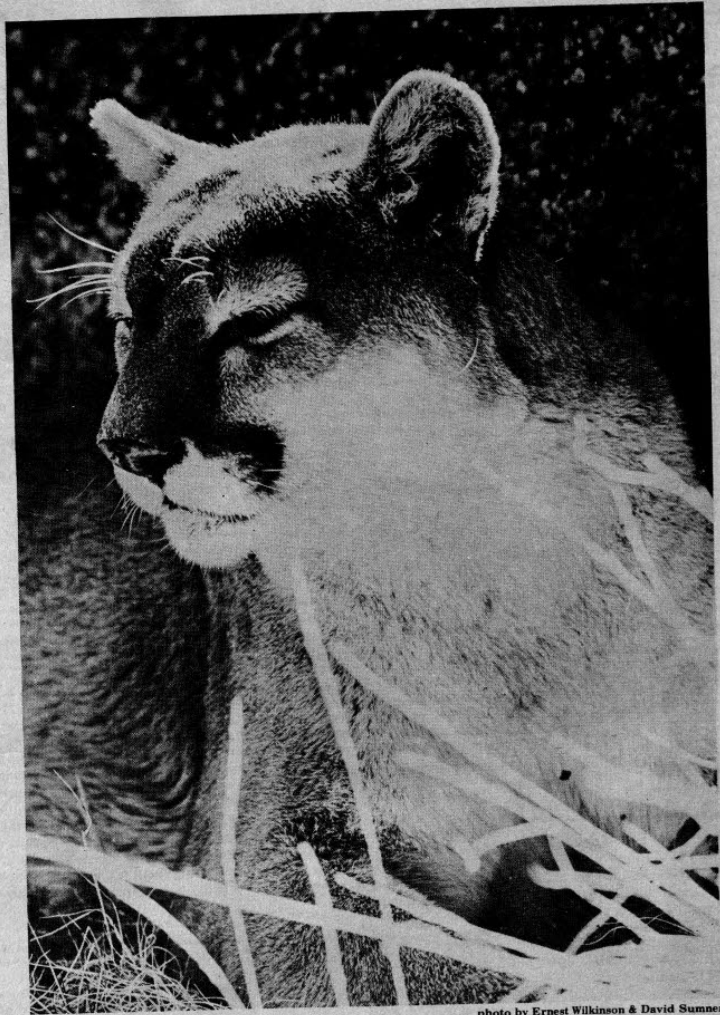


photo by Ernest Wilkinson & David Sumner

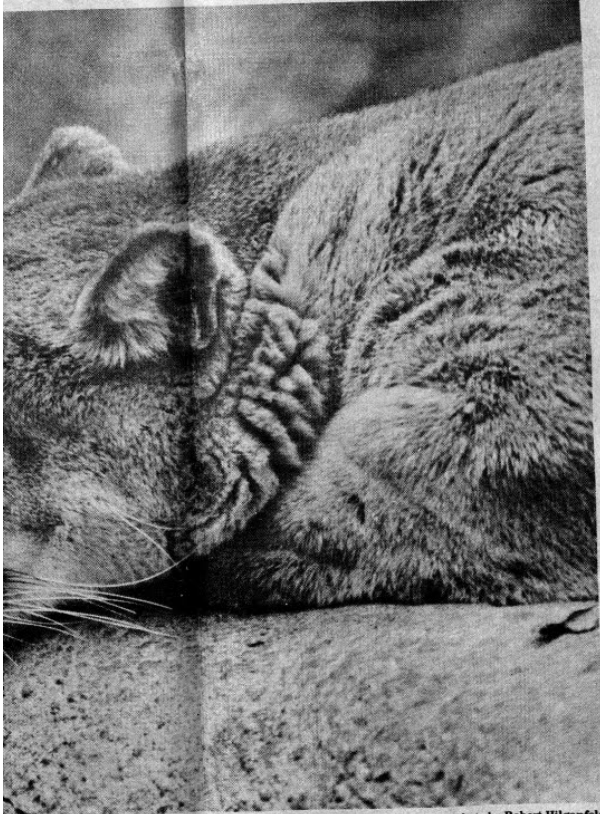


photo by Robert Hilgenfeld

The graceful
COUGAR
curious from a distance

10-High Country News — Jan. 11, 1980

ENERGY

Federal energy program taking shape in Congress

by Geoffrey O'Gara

After seven years of trying, Congress in 1979 moved to enact a comprehensive national energy program — and almost succeeded.

When legislators in Washington broke for a Christmas recess last month they left three major pieces of energy business unfinished: a government-sponsored synthetic fuels program; a windfall profits tax on domestic oil production; and a "fast track" board to speed domestic energy projects.

The House and Senate passed versions of all three — but conferences of representatives from each body failed to resolve differences in December. Those differences — in some cases considerable — will be worked out when the 96th Congress re-groups for its 1980 session later this month.

Legislators, industry spokesmen and environmentalists agree that the laws that finally emerge will play a major role in determining the quality of life in the West for the next 20 years or more.

What follows is a rundown of the major components of the energy program. Versions of all three bills have been strongly

supported by lobbyists for the Carter administration.

"FAST TRACK"

Legislation creating an Energy Mobilization Board, with the power to put energy projects on a "fast track" to completion, is considered by many observers the most radical of three proposals. David Broder, a *Washington Post* columnist and constitutional scholar, calls it "the most significant power grab in years."

After a working-over by special interests in the House and Senate, what emerges may be considerably less than that. Nevertheless, conferees on the EMB bill seem intent on giving the board the power to take over federal, state and local agencies' powers when they fail to make decisions quickly enough.

Such unprecedented power would inevitably be tested in the courts. Sierra Club lobbyist Jonathan Gibson says the "ultimate test of constitutionality will come about three years from now" and probably will involve a restrictive state industrial siting law, such as Montana's.

Under the House EMB bill, the president would have the power to waive fed-

eral laws that impede energy projects and to suspend for limited periods federal, state and local regulations that come into effect after a project is under way. Projects begun before, for instance, the Clean Air Act was amended in 1977 might be exempted from current air quality regulations. Congress, however, could reverse such a presidential action.

The Senate bill gives no authority to waive or suspend laws, and, in early conference meetings, the senators refused a compromise that would have limited waiver powers to only five projects. Lobbyists on both sides say the big issue will be whether the power to waive or suspend is limited to laws and regulations coming into effect after the EMB becomes law. Even if that were the case, federal strip mine regulations, for example, which are not due out until later this year, could be set aside.

The board would have three members appointed by the President with congressional approval. The board would expire after eight years.

Conferees have not decided definitely where EMB decisions would be appealed, but the Temporary Emergency Court of Appeals probably will hear appeals on

EMB decisions regarding federal laws, while state courts will hear state and local laws.

SYNFUELS CORPORATION

Congress will approve a massive federal investment in synthetic fuels early this year. The only question is: How massive? Synfuels are liquid and gaseous fuels made from substances such as coal, oil shale, and biomass. With the Department of Energy already scouting the Powder River Basin for synfuel plant sites and Colorado's Western Slope for oil shale locations, the Rocky Mountain and Great Plains region will be a primary target for such development.

The House bill would give the president power to make purchase commitments for synthetic fuels — promising to buy so many barrels at a price that would stimulate industry to produce it. The president also would be able to make loans and loan guarantees for energy projects.

But that bill was written before Carter announced his proposal for a massive Energy Security Corporation, which would spend \$88 billion to produce 2.5 million barrels of synthetic fuels per day by 1990.

The Senate, working with the president's plan, produced something close to what Carter wanted. A government owned and operated corporation would shoot for 1.5 million barrels a day by 1995, a more modest goal than Carter's. The Senate would allow the corporation to fund loan guarantees, loans, joint ventures, and up to three plants built and operated by the corporation itself. It would have \$20 billion to spend in its first five years.

After five years, the corporation would submit a plan for reaching its 1995 goal, and Congress, if it approved, would supply another \$68 billion in funding.

Energy industry spokesmen oppose setting up a government-controlled corporation in their field. Environmentalists see the synfuels push as a wasteful investment in an untested technology. They call it a threat to the West's water supply, wildlife and air and water quality.

The Senate bill also includes funding for loans through solar and conservation banks and grants for energy-saving residential and commercial projects.

The final conference bill is expected to resemble the Senate proposal.

Congress is so eager to go for synfuels that the Senate Appropriations Committee has approved \$19 billion for the program — even before its passage.

WINDFALL PROFITS

Oil produced from U.S. wells has been held at low prices by federal controls ever since the days of Richard Nixon. President Carter decided this year to let domestic oil prices rise to international levels, which are three and four times higher. But he asked that domestic oil be subject to a windfall profits tax, so that oil companies would not reap the same huge profits that OPEC enjoys.

The House gave Carter what he wanted — a plan that would raise \$277 billion over the next 10 years by taxing windfall profits on domestic oil at a 50 or 60 percent rate. If international oil prices continue to rise at their recent pace, the revenues

(see next page)

From the Source



The Rockies and Great Plains

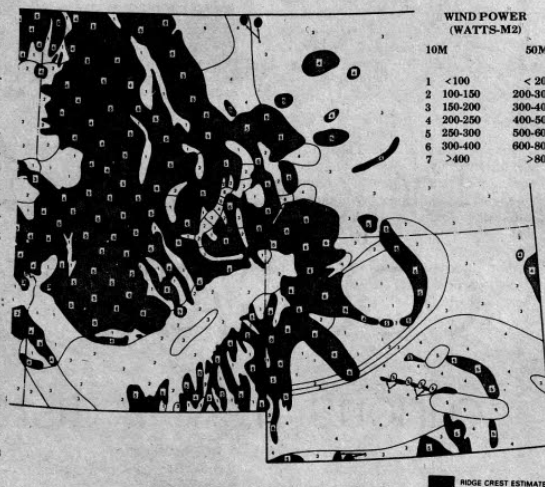
BLACKFEET REOPEN RESERVATION. The Blackfoot tribe of northwestern Montana last month lifted an eight-month ban on oil, gas, and coal development on its reservation. The freeze had blocked any expansion or new leasing while the tribe inventoried its resources and developed criteria for future development.

PUC HEAD GOES SOLAR. The chief of the Idaho Public Utilities Commission said last month that all new homes in the state should be required to install solar water heaters. Conley Ward Jr., president of the state PUC, said solar water heaters would save an average home \$10 a month, a figure that will rise as energy costs do. Ward said that if some other state agency does not set such a policy, the PUC might step in.

COAL GLUT. The plentiful low sulfur Western coal that raised hopes and hearts in the face of rising oil prices a few years ago is available now...and going begging. According to the *New York Times*, a combination of high transportation costs and rapid mine expansion has resulted in more Western coal than anyone wants to use. The first problem is shipping: For environmental reasons, Western states are in some instances showing less interest in having power plants on their own land and exporting electricity by wire. But railroad hauling rates have skyrocketed, causing distant utilities to balk at buying from faraway Western states. The second problem is the wealth of energy companies benefiting from high oil prices: Many of them are investing in Western strip

mines, even without prearranged sales contracts, just to put their money to work. In 1988, the Department of Energy estimates that the West will be producing 602 million tons of coal a year; only 351 million Western tons are now under contract. This year in Wyoming, industry officials estimate that 40 million tons of coal could be mined and won't. And a huge \$28 million dragline for digging coal from Westmoreland Resources' Absaloka mine in Montana never has been put to work. It will remain idle, company officials say, until markets improve.

STRANGE BEDFELLOWS. Decker Coal Co. refused last month to bid for federal coal in Montana, claiming that a \$3 million fee demanded by the federal Bureau of Land Management to mine 500 acres was "unreasonable." Friends of the Earth, an environmental group, has taken Decker's side in the dispute. "Decker is right in objecting," FOE's Ed Dobson told the *Billings Gazette*. "Upfront money is nonsense." Dobson said it was a waste to let such coal go unmined — as is now likely — when there were no environmental objections.



WIND IN THE NORTHWEST varies from powerful chinooks in southwestern Montana to the mild breezes of southeastern Oregon. The Department of Energy's researchers at the Pacific Northwest Laboratory in Richland, Wash., recently produced this map showing potential wind power in five northwestern states. The potential for power, in watts per square meter, was measured at the likely heights of small and large wind turbines. Detailed results of the study are due out soon in atlas form.



Across the nation and around the world

ELECTRIC SURPRISE. Utilities goofed in estimating the demand for electricity last year. In fact, they've been way off for the past five years — mostly because they didn't expect Americans to conserve as much as they did. Summer peak demand — the most critical gauge of new power needs — grew by only 0.5 percent in 1979 rather than by the 7 percent the industry had expected, according to the Edison Electric Institute. The statistics were good news for utilities, who won't have to find so much capital to invest in new facilities, but bad news for the coal and nuclear industries.

STRIPPING OSM. A federal judge has ruled that portions of the federal strip mine law are invalid in Virginia. The ruling, by U.S. District Court Judge Glen M. Williams in Abingdon, Va., continues a see-saw battle between his court and the federal Office of Surface Mining. Williams issued a temporary injunction canceling the act last February, but the Department of Interior persuaded a federal court of appeals to dissolve it. This time, Interior will appeal Williams' ruling directly to the Supreme Court. Williams invalidated the OSM requirement that mined slopes be returned to their approximate original contour and OSM's power to close mines and levy civil penalties without a hearing. The ruling affects only Virginia but could have nationwide implications if upheld by higher courts.

A CAPITALIST PLOT. While the U.S. debates the nuclear power issue, the Soviet Union is moving full speed ahead, according to a *Wall Street Journal* story. The story quotes a Soviet journalist, Kuzma Davidov: "The USSR is fully in favor of nuclear power and would be so even if the

dangers were considerably more serious than in fact they are." Soviet officials hope that nuclear reactors will produce 25 percent of the electricity generated in the country by 1990 — up from the four percent they make now. The Soviets are somewhat baffled by the anti-nuclear movement in the West. According to the article, the head of the Soviet Academy of Sciences dismisses it simply as a "capitalist plot."

OIL RIGS AND ICE FLOES. Oil leases for half a million acres of underwater tracts on the northern Alaskan coastline are up for bids next month — but opponents of the leases think the rough arctic weather and the crushing weight of ice floes could lead to mammoth oil spills if rigs are set up in the Beaufort Sea. An Eskimo group has filed suit in Washington, D.C. to block deep water leases. Oil industry officials say they can avoid icy collisions by building islands of rock and gravel around their rigs, which they will try first in water less than 40 feet deep.

ATOMIC MICE. Out in San Clemente, Calif., Southern California Edison is hav-

ing problems with its nuclear power plant. It isn't anything so grave as a meltdown or contaminated water in the core. It's mice. Field mice, driven indoors by recent rains apparently gnawed through some wire in the plant and shorted its electrical system. Several fried mice were found in the vicinity, but, frankly, we're more worried about the ones that got away.

PIVOTAL CASE. A worker in the nuclear power industry is allowed by federal regulation to receive a radiation dosage as much as five rads a year. But it only took about four rads of exposure to double the incidence of leukemia among southern Utah children born in the 1950s when the government was exploding nuclear bombs at the Nevada Test Site, according to Arthur R. Templin, a biophysicist with the Natural Resources Defense Council. The Utahns with cancer who are suing the government could have profound effects on the entire nuclear industry, Templin says. Some plant maintenance and repairs in nuclear plants would be nearly impossible if the federal dosage limitation is decreased, he says.

Utah arm-twisting may mean higher electric rates!

by Joan Nice

Utah officials have convinced the Intermountain Power Association to buy Utah coal — even if it means substantially higher electrical rates for Utahns, Nevadans and Californians.

On a site near the little town of Lynndyl in western Utah, IPA plans to build the

world's largest coal-fired power facility. The 3,000-megawatt plant's burners would require about 9 million tons of coal annually. To supply the need, Utah would have to almost double its current coal output.

Some observers don't think the industry could expand production that much, but Utah officials are eager to try. When a project spokesman announced he might be interested in supplementing Utah's supplies with some coal from southwestern Wyoming, several Utah legislators were outraged.

"If they keep talking about burning Wyoming coal, they are going to have to move to Wyoming," said state Rep. Ray Nielsen, according to a UPI report. "They are not going to get our water and pollute our clean air with Wyoming coal and then ship most of the power to California."

To the consortium of California and Utah municipalities and utilities involved in the project, it looked like a simple question of economics. The Utah coal to supply the plant would have to be deep-mined. The Wyoming coal is stripminable. And even though Utah coal is generally higher in quality — with less water, ash and sulfur dioxide than Wyoming's — Wyoming coal is cheaper. According to Clark Layton, a spokesman for the project, Wyoming coal would cost about half as much as Utah coal, even if shipping costs were taken into account.

According to Utah Power and Light, one of the project participants, Wyoming coal could save IPA \$45 to \$90 million a year. Nevertheless, Utah Gov. Scott Matheson (D), dubbed "Utah's leading coal salesman" by *Deseret News* columnist Rod Decker, has convinced the power companies they must keep their hands off out-of-state coal. In a closed-door session with IPA's board of directors in December, Matheson exacted the association's promise to buy coal only within state borders.

Jobs and property taxes make coal development attractive to the state, even though it has no severance tax. Beyond that, it almost seems a matter of pride.

"This has been sold publicly as a Utah project," says Matheson's natural resources coordinator, Jim Butler.

If IPA had insisted upon pursuing its Wyoming options, the governor had consi-

dered using the federal Clean Air Act to block plant construction, Butler says, "but we didn't look at that very seriously." He says Matheson's successful arm-twisting can be explained simply: "Half of the companies involved have to live and operate in this state."

Butler contends that the utilities' claims of higher costs for Utah coal are based on "preliminary figures." "Their analysis was not carried out to its conclusion," he says.

About 58 percent of the electricity from the project would go to six municipal power companies in Los Angeles County. The rest would go to Utah Power and Light consumers in Nevada and Utah and to Utah municipalities. One Utah energy ex-

pert, who asked to remain anonymous suggests that angry consumers of IPA power may sue to stop the utilities from burning the higher-priced coal.

"The ratepayers are going to get nervous," he says. "It may be an infringement of interstate commerce laws."

IPA's Layton discounts such fears, however. "There's a lot of political support for this project in California — all the way to the governor's office," he says.

IPA made its promise to Matheson just after Interior Secretary Cecil Andrus rejected the project's first site choice Salt Wash near Capitol Reef National Park.

Energy ...

under the House bill would in fact be much higher.

But in the Senate, the windfall bill fell into the hands of Sen. Russell Long (D-La.), chairman of the Senate Finance Committee, and he rewrote it in a form more palatable to his oil-rich state.

The Senate bill would generate \$178 billion over 10 years and exempt the first 1,000 barrels a day produced by an "independent," a company which does not refine or retail oil products. It would tax new domestic oil only lightly. It would also exempt oil owned by states, non-profit institutions, and Indian tribes from taxation.

The Senate tax would terminate when a revenue ceiling is reached — possibly in 1990, whereas the House tax would go on indefinitely.

While the House bill would leave the question of how to spend the tax money undecided, the Senate would put it toward tax breaks for investment in renewable energy resources, gasohol and synfuel production and would set aside \$1 billion for mass transit.

Conferees have agreed to a compromise 10-year revenue goal of \$227 million. But they have not decided what taxes will be added to the Senate bill to reach that goal. Congressional insiders speculate that either the exemption for independent producers will be lowered or dropped, or the tax on new oil will be raised. The Senate bill would tax new oil at 10 percent of the difference between the decontrolled price and \$20 per barrel. Under the House bill, it would be taxed at 50 percent of the difference between the decontrolled price and \$17.

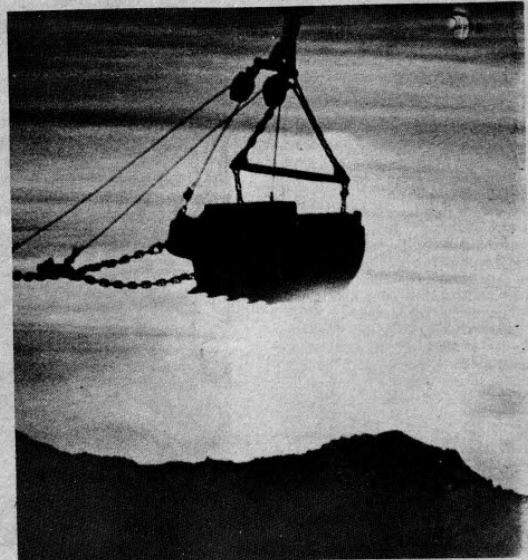


Photo by Sheldon Green
STRIP MINED COAL from Wyoming would be cheaper than coal from underground Utah mines.

2-High Country News — Jan. 11, 1980

Clancy Gordon, the 'last angry man'

'Agriculture shouldn't pay the price for energy'

by Marjane Ambler

SUN VALLEY, Idaho — "This would be a good location for a coal-fired power plant," the speaker told participants in a recent agriculture conference here.

"If a power plant is in the middle of your town, you remember the true cost of electricity. Maybe one day you wake up and your roses are gone," he said.

A gray-haired man with a penetrating, professorial voice, C.C. "Clancy" Gordon enjoys using shock tactics to force people to listen to technical, potentially boring topics. Even from the back row of the auditorium, you could see the gleam in his eye and his devilish grin.

Talking afterwards, he explained that if the power plants were located in towns, their waste heat could be used for heating homes. Now only about 35 percent of the energy from burning coal is used, according to Gordon.

A power plant built in a resort town such as Sun Valley, for example, would be the "cleanest power plant in the world" because the residents would exert their political clout. Even a small town has tremendous collective power, compared with that of a few scattered ranchers, Gordon said.

"Whatever we do, we've got to keep the power plants out of agricultural areas," he said.

Gordon's convictions are based on 17 years of research on the effects of industrial pollution on agriculture. A botany professor at the University of Montana in Missoula since 1960, he has a doctorate in plant pathology from Washington State University.

"He's one of the most frightening people I know," says Wally McRae, a rancher near Colstrip, Mont., where much of Gordon's recent research has been concentrated. "He tends to substantiate all of our greatest fears about the environmental impacts of coal development."

Not content with confining the results of his research to technical journals and conference speeches, Gordon has taken his crusade to the courts and to legislative hearing rooms.

While many researchers avoid the public arena, Gordon testifies all over the continent and, in fact, sometimes seeks out people whose crops have been damaged by air pollution and convinces them to take legal action.

He enjoys discussing successful battles in which he participated. He testified on behalf of an aluminum smelter workers' union in Kitimat, British Columbia, which charged that its employer had damaged vegetation in a corridor one mile wide and 25 miles long. The company was forced to pay more than \$100 million for new pollution control equipment.

He also presented evidence to convince the state of Montana that Anaconda Co. should add pollution controls to its copper smelter in the town of Anaconda that would remove 90 percent of the sulfur dioxide emitted instead of just 40 percent. Not only have trees in the area been damaged, but the town's lung cancer rate is two times higher than the national averages. Gordon attributes the high rate to the copper smelter emissions.

While Anaconda Co. and Gordon are frequently on opposite sides of air pollution disputes, the company's manager of environmental engineering, Frank J. Laird, Jr., describes Gordon as a "dedicated and knowledgeable professional."

Laird says, "We don't always agree, but we can always talk. We respect each other's positions."

COMPLAINTS

These victories, of course, are expensive to the companies involved, and the university often receives complaints about Gordon's activities. One state legislator demanded last year that he be fired. Several others ignored requests for more money for the university because of Gordon, according to the *Missoulian*.

Gordon says the university has always backed him up, however.

One of his biggest obstacles to protecting agriculture has been the farmers and ranchers themselves. "They have a tendency to be conservative and to vote people into the legislature without checking their environmental records," he said.

Rancher McRae says this is a problem that the Northern Plains Resource Council,

a rancher-conservationist group in Montana, has been fighting for years.

Gordon can understand the farmers' reluctance to participate in lawsuits, however. Litigation often drags out as long as two years. As soon as the lawsuit makes the newspapers, people become reluctant to buy the plaintiff's crops — "he has advertised that his product is damaged." Other farmers become jealous, saying,

"If a power plant is in the middle of your town, you remember the true cost of electricity."



Photo by Carl Davaz

CLANCY GORDON said his biggest obstacle to protecting agriculture has been the farmers themselves.

"How can that guy ask for \$200,000 in damages? His whole farm isn't worth that much."

However, Gordon said farmers and ranchers in the Northern Plains are becoming more environmentally aware and active. "They've got to — their ox is getting gored," Gordon said.

"And there's no one out there protecting them," he said. Government policies, rather than avoiding siting power plants in agricultural areas, seem to encourage it, he said.

Although federal and state air pollution standards are designed to protect agricultural production, none of them are strict enough, Gordon said. "If the legally allowable concentration (of several pollutants) were actually present in the arid regions of the Northern Plains and Northern Rocky Mountain states 20 to 30 percent of the time during the growing season, farming and ranching would no longer be possible or profitable in these areas," he said.

Farmers and ranchers should not accept assurances that power plants will not damage their crops and their rangeland, he said. "When (industrial interests) say they know what will happen when they construct a plant there, they're lying. We're just beginning to learn what will happen... We do know that the pollution damages the pollen — it screws up the sex life of the grasses," he said.

Asked why he concentrates on pollution's effects on plants and insects, Gordon said plants are more sensitive than people. "These are our canaries — pollen, grasses, beetles," Gordon said, referring to the early day miners' habit of taking a canary down a mine shaft. When the canary died, the miners evacuated, knowing that dangerous gases were building up.

"Do you want to experiment on people instead? Do you want to wait until someone in your family has cancer, like me?" he said.

Last year Gordon found out he had cancer. He underwent surgery, but the doctors could not remove all the malignant growth. He refuses to let it slow him down. "I think your mind controls your health... I don't have any intention of dying," he told the *Missoulian*.

A long-time friend of Gordon's, Med Bennett of Jackson, Wyo., says that Gordon often will use his own life to make a point. "That's one of his major contributions to the environmental movement — his willingness to bring feelings in, his willingness to be unreasonable," Bennett says. "He's the last angry man."

Others criticize him for the same trait. One man, who asked not to be named, said Gordon sometimes gets carried away with the drama of his appeals, to the detriment of his thorough research.

Gordon thinks his sense of humor has more to do with his successes than his anger. He says he went through a "doomsday syndrome" a few years ago. But his students helped bring him out of it, and they contribute now to the energy that still gets him to work at 4 a.m. every day.

"The kids taught me a lot," he said. Now his former students are joining the state bureaucracy and environmental groups, much to the consternation of some industry officials. One attorney for the Montana Power Co. reportedly refers to his followers as "Gordon's Mafia."

Asked if he considers himself and his students crusaders, Gordon said, "Of course; what else is there?"

Western Roundup

California RARE II decision impacts could be far-reaching

A U.S. district court judge has halted any commercial development of 43 areas of public land in California until the Forest Service prepares site-specific environmental impact statements explaining its decisions to recommend them for non-wilderness.

Some observers say the ruling, issued Jan. 8 by Judge Lawrence K. Karlton in Sacramento, Calif., may have implications for wilderness decisions across the country.

The suit was filed against the Forest Service by the California Resources Agency, the environmental arm of California Gov. Jerry Brown's administration. The agency charged that the Forest Service had not justified decisions ruling out almost 1 million acres of Forest Service land in the state for wilderness consideration under its RARE II study (Roadless Area Review and Evaluation).

Karlton concurred, saying, "My examination convinced me that the Forest Service has either never seriously considered the impact of its decisions on the wilderness qualities of the RARE II areas or that the Forest Service has simply failed to dis-

close the data, assumptions and conclusions employed by it in such consideration."

The Forest Service argued that the sites could be studied further after requests for specific development use are made. The agency also said it had not violated any legal standards in its procedures.

While the judge's ruling confirmed many conservationists' complaints about the Forest Service's RARE II procedures, Tim Mahoney of the Sierra Club was upset by the ruling. His group and most other major national environmental groups did not join in the suit, nor did they file any court challenges of the Forest Service's procedures. Several local conservation groups and one national group, the Natural Resources Defense Council, joined California in the suit.

However, the judge's ruling makes it more likely that individuals or groups who were dissatisfied with the Forest Service's RARE II procedures will file similar suits in other states.

Mahoney thinks that if this happens — or if Congress fears that it will happen — then legislators may switch to an across-

the-board approach to wilderness decision-making rather than deliberate, area by area decisions. A bill has already been introduced (see HCN, 12-28-79) that would classify roadless areas with broad strokes affecting millions of acres.

Passage of such a bill — favored by the timber industry — could subvert the judge's order and any subsequent court decisions affecting the acreage Congress' action covers. It would also prevent indi-

vidual members of Congress from drawing up their own state's wilderness area boundaries.

At press time Thursday, Jane Westingberger of the Forest Service's Region 5 headquarters in San Francisco said the agency had not received an official notification of the court ruling and could not comment. A decision on whether or not to appeal will be made by the agency's national headquarters because of the ruling's nationwide implications, she said.

Nevada

MX: will missile make fed lands private?

Some officials in Nevada, the state that gave legislative birth to the Sagebrush Rebellion, are supporting the MX missile system because it might force release of some federal land into private hands, according to an Associated Press story.

Jim Hansen, a planner for the state lands division, told the state Multiple Use Advisory Committee that in spite of all the federal money the MX would bring, the state would still have to pay some of the planning costs.

However, he said that if federal land were released into private hands, it would be easier for communities to provide services to the people the MX brings to the area, presumably because the land would be added to the tax base. Hansen said it would also make it easier for new people to find places to live and work afterward.

An Air Force undersecretary told Hansen that shifting land ownership was a possibility, although she would not commit herself on the question.

The Nevada Legislature was the first state lawmaking body to go on record asking that vast acreages of federal lands be

turned over to state ownership. This movement has since become known as the Sagebrush Rebellion.

The Air Force has already started drilling test wells in Nevada to check on the availability of water. One Air Force official was quoted as saying that the MX missile system would require 30,000 acre-feet of water a year during peak construction and 13,000 acre-feet yearly after that. An acre-foot is the amount of water it takes to cover one acre one foot deep (about 325,900 gallons).

The administrator of the state lands division office in Nevada, Jack Shaw, questioned whether the state should proceed with planning for the system. He said that in his travels around the state, he had found that "the vast majority" of the people oppose it.

A major circulation daily in Utah, the *Deseret News*, said in an editorial that Utahns should get their own answers to strategic questions before welcoming the system, which would straddle the Nevada-Utah border.

Idaho

Smelter would quiet press before trial

Bunker Hill Corp. of Kellogg, Idaho, is seeking to ban pretrial publicity in a case alleging its air pollution caused mental retardation in several Idaho children. Guardians for the nine children filed suit against Bunker Hill and its parent corporation, Gulf Resources and Chemical Corp. of Houston, accusing the companies of damaging children by releasing too much lead into the air.

The defendants claim pretrial publicity in the case is jeopardizing their right to a fair trial. They also asked for a court order requiring Bill Richards, a reporter for the

Washington Post, to make a deposition in the case. Richards researched the case, and lawyers for the two corporations want information he obtained.

Janice Dennis, mother of six of the children, appeared at a U.S. House committee hearing in November where she said her children are retarded because they live close to the Bunker Hill plant. Accounts of her testimony were printed widely in northern Idaho, which, the two corporations claim, will prejudice any potential jurors in the case.



Photo by Dick Randall, Defenders of Wildlife

RACCOONS, skunks, red foxes and coyotes are showing up more often in the Denver city limits as the city encroaches on their habitat.

Colorado

Refunds now to improve urban habitat

A check-off program in Colorado initiated two years ago allows citizens of that state to donate a part of their state income tax refund to nongame management projects. The program found such widespread support that it is being expanded this year. Taxpayers can "Do Something Wild" in any amount they choose, instead of being limited to \$10, as they have been in the past.

Most of the money raised so far has been for endangered species management, but there have been sufficient funds to initiate programs to help Colorado's 750 nongame species. An extensive study of Colorado's bat population is underway and a project to determine how much human disturbance will cause herons to leave their nests.

The state is developing another major program to create urban wildlife habitat. As cities encroach upon wild lands, many wild creatures are adjusting to the city. Denver has a large population of raccoons, coyotes, red foxes and skunks within city limits. Steve Bissell, the Colorado Division of Wildlife's nongame nonconsumptive use specialist, heads the urban habitat program.

"Changing some of the bluegrass parks back to their native vegetation would greatly improve the urban habitat," Bissell says. "Many birds and small mammals would be attracted to these areas that now support almost no wildlife."

The check-off raised \$350,000 in 1976 and over \$500,000 in 1979.

14-High Country News — Jan. 11, 1980

S.D. claims prairie dog damage requires use of 1080 poison

by Kevin Woster

Western South Dakota ranchers are pushing hard for federal permission to use the controversial pesticide 1080 for prairie dog control.

At the urging of ranchers and local politicians, the state agriculture department has submitted a request for emergency exemption from federal pesticide regulations.

The proposal is now in the hands of the Environmental Protection Agency in Washington, D.C., which will decide if the prairie dog situation merits special attention.

Ranchers have long complained that federal and state dog control efforts have been ineffective and that increasing numbers of the animals are destroying their rangelands.

Some state game biologists argue, however, that ranchers actually invite infesta-

tion by overgrazing their land and opening the way for the burrowing critters.

Animal damage agents believe their control programs using a less toxic, more biodegradable poison, zinc phosphide, are effective. They say they will bring the prairie dog population in western South Dakota down to a manageable level by 1981 — without 1080.

And there is much concern that publicity surrounding the proposed use of 1080 might set back the entire dog control effort, including the use of the safer poison.

"I could see this if 1080 were the only poison available," says Conrad Hillman of the U.S. Fish and Wildlife Service. "But we have a proven alternative in zinc phosphide."

Hillman thinks the ranchers' efforts might backfire. "You get a lot of publicity, and next thing you know we don't have a control program. We could lose it all."

Others are concerned over what effect the use of 1080 could have on the nearly extinct black-footed ferret. The ferret is

making perhaps its last stand in the same general area that would be poisoned with 1080. Since 1080 lingers in the poisoned carcasses of the dogs, which are the ferrets' food supply, some fear the poison will indirectly kill ferrets.

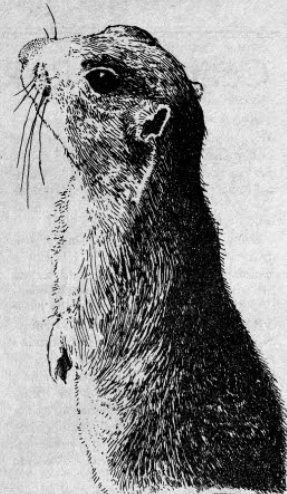
The last recorded ferret sighting was by a state conservation officer in March 1979. Game biologists are privately betting EPA will deny the state's exemption request.

"They haven't got a chance in hell of getting that exemption," one wildlife specialist said.

But the state's agricultural community is united behind the request. Ag Unity, a consortium of state farm and ranch organizations, recently unanimously passed a resolution supporting the exemption.

And an Ag Unity official said once 1080 is approved for use against prairie dogs, the group should support special exemption for coyote control as well.

EPA is expected to make its decision before the end of the South Dakota legislative session in March.



Kevin Woster is an outdoor writer for the Sioux Falls Argus Leader in Pierre, S.D.

Legislative preview...

(continued from page 7)

WYOMING: SPEEDING ENERGY

The Wyoming legislature meets for a 10-day budget session this year, beginning Feb. 12. For a month beforehand, budget committees in the senate and house will prepare budget legislation.

The state Department of Environmental Quality faces a funding struggle. Some will say department delays in permitting energy and industrial projects are caused by underfunding; others will argue that the agency's authority and budget should be reduced to speed development in the state.

An increase in the state severance tax will be a big issue.

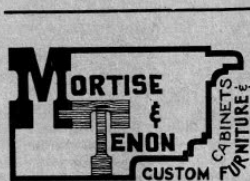
Last year, Gov. Ed Herschler's (D) proposal for a five percent increase was bottled up in committee. Presently the state has a severance tax of 10 percent on coal and less on other minerals. Opponents of an increase say it will "tax industry out of the state," and Herschler's aides are not optimistic. One veteran politician said, "Look for the corporate jets to be landing" in Cheyenne when the issue comes up.

The legislature can consider non-budgetary matters if a two-thirds majority agrees. Environmentalists expect an attempt to weaken the state's industrial siting act. A bill will be proposed to require that large population increases caused by industrial projects be the criteria for the industrial siting commission exercising its powers. Now the act is tied to the cost of a project, and, while environmentalists favor a switch to population criteria, they fear the legislature may use the bill to weaken the law.

A bill is also expected that would allow a coal slurry pipeline using water from the Little Big Horn River. The legislature approved such a bill last year but the governor refused to approve a coal slurry contract.

Republican majorities dominate both Wyoming houses.

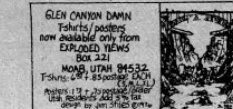
This legislative preview was compiled by the editors of HCN with assistance from the HCN Research Fund.



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by Myra Connell
FIRE! FIRE!

Many happenings of the last three decades have dumbfounded me, among them the disappearance of the knack of managing wood and coal fires.

Children of Western homesteading families learned to build and maintain fires at a very early age. Otherwise they would have suffered from cold whenever parents had to be away.

From age eight my brother took responsibility for preparing kindling each winter evening and arising first in the morning to get fires going in both heater and cookstove. When he was 10 and I was 12 we were hired to take care of the fire at our one-room school. In my own household I wasn't freed from the coal dust, wood chip and ash problems until 1947.

So it surprised me to realize that in a short span of 30 years a generation has grown up that needs careful instruction in the safe use of coal and firewood.

This is not to say that in years past fires didn't get out of control through accidents or carelessness, just as they do today. In fact, it was I who built a fire that destroyed the ancient log school building where I was teaching in 1943.

There was no chimney for the heater — only a stovepipe of several sections, extending through a metal ceiling to the attic, thence through the tinder-dry shingles of the roof.

I had mentioned to a school board member that I thought guy-wires should be installed on the roof to secure the stove pipe. He disagreed with me, saying that I would get a roof jack instead. But the

hardware stores in town had no roof jacks, since most metal supplies were being used to shoot at the Germans and Japanese right then. Still, guy-wires weren't installed; consequently, wind gradually worked the stove pipe back and forth until the sections separated unseen in the attic.

One winter morning before school I started the fire in the heater, as usual, and sparks from the kindling set the dry roof on fire.

My first thought was to save my household goods from the apartment in the back of the building. For this, I hope I may be forgiven. I sent my 10-year-old daughter, who could run like a deer, to the nearest neighbor to summon help. The man of the house was away. His pregnant wife and five children, the eldest a girl of 12, came carrying a ladder to offer aid. The ladder was too short to reach the roof.

The kids carried water in all available vessels from the creek, dipping it up through a hole in the ice. We threw it on the roof, but ineffectually. The steep roof was soon a treacherous glare of ice. The 11-year-old boy would have climbed onto the roof, where we could have handed water up to him, but this I would not allow — I couldn't let a child take risks I was afraid to take myself.

I said, "Let it burn! Let's save what we can!" Luckily there was no wind and the fire burned slowly. We saved most of my things and some school equipment while the metal ceiling still afforded protection. We also rescued a stack of 19th century textbooks.

Afterward, the gossip went round that I had set the fire deliberately. There's no justice, I guess!



Bulletin Board



High Country News
Dec. 28, 1979-15

LOONEY LIMERICKS by Zane E. Cology

The do-gooders all said, "What is this?
A foundation to help out big business?"
The spokesmen just shrugged
And said, "Man, we were bugged
That no one pushed our public interest."

TAX CONFERENCE

Several groups are jointly sponsoring a conference on natural resource taxation Feb. 8-9 in Billings, Mont., at the Northern Hotel. In addition to tracing the legislative history of severance taxes in Montana, North Dakota, Wyoming and Colorado, the conference will deal with alternatives. Pre-registration fee before Jan. 31 is \$10; later it is \$15. For information, write to the Conference on Alternative State and Local Policies, 2000 Florida Ave. NW, Washington, D.C. 20009 or call (202) 387-6030. Partial scholarships are available. Sponsors include the conference, Montana Farmers Union, Northern Plains Resource Council, Montana State Sen. Tom Towe and the Youth Project.

RURAL ENERGY CONFERENCE

A rural energy conference is planned Feb. 23-24 in Spokane, Wash., for residents of Montana, Wyoming, Idaho, Washington and Oregon. Billed as an "action-oriented conference," the topics will include energy costs, regional energy policy-making, energy alternatives and coal and nuclear development. The sponsor, Rural America, is a non-profit membership organization set up to give people in rural areas and small towns a stronger voice in Washington, D.C. The registration fee is \$10 for the public, \$20 for professionals in the energy field and public agencies. For more information, contact the Cascadian Regional Library, Lane Bldg., Box 1492, Eugene, Oregon 97440 or call (503) 485-0366.

GRAND CANYON RIVER PLAN

A management plan that will phase out motorized river running craft on the Colorado River at Grand Canyon National Park over a five year period has been adopted. The plan is available for review from the National Park Service, Western Region, 450 Golden Gate Ave., Box 36063, San Francisco, Calif. or from the park service offices at the Grand Canyon or in Washington, D.C.

INDIAN LANDS STUDY

A limited number of copies of the Council of Energy Resource Tribes' Indian lands study are available from the federal Office of Surface Mining, Room 203, South Interior Bldg., Washington, D.C. 20240.

SOLAR ACCESS

The U.S. Department of Housing and Urban Development has published three documents addressing the solar access question from different perspectives: **Protecting Solar Access in Residential Developments: a Guidebook for Planning Officials** (cost: \$4.75) and **Site Planning for Solar Access: a Manual for Residential Developers and Site Planners** (both available from the National Solar Heating and Cooling Information Center, Box 1607, Rockville, Md. 20850), and **Solar Access Law: Protecting Access to Sunlight for Solar Energy Systems**, available for \$18.50 from Ballinger Publishing Co., 17 Dunster St., Cambridge, Mass. 02138.

ROCKY FLATS VIDEOTAPE

A videotape of the civil disobedience trial of 10 Rocky Flats protesters is available from the Rocky Flats Truth Force, 1315 Broadway, Suite 1, Boulder, Colo. 80302. The tape includes the testimony of several nuclear experts, including Dr. Karl Morgan and Dr. John Gofman, who supported the 1978 protest against Rocky Flats Nuclear Weapons Plant, which is near Denver. The 40-minute-long tape is available on either one-half inch or three-fourths inch videotape cassettes for \$35 (rental) or \$95 (purchase).

WIND ENERGY

A directory of more than 100 sources of technical information on wind energy conversion systems is available for researchers, designers, manufacturers and consumers. Ask for the "Wind Energy Information Directory" from the Solar Energy Research Institute, 1617 Cole Blvd., Golden, Colo. 80401.

IRRIGATION AND ENERGY

Tri-State Generation and Transmission Association, Inc., is sponsoring an irrigation forum Jan. 30 through Feb. 1 at the Denver Marriott Hotel. Topics will include farmers becoming energy producers instead of consumers, the legal and economic future of well irrigation, and peak load pricing. For information, call Doug Short of Tri-State at (303) 452-6111.

WILD HORSE REGULATIONS

The Bureau of Land Management has published new regulations governing wild horse and burro management on public lands, as required by the Public Rangelands Improvement Act of 1978. The new regulations provide for transferring titles to as many as four animals from the government to each adopter who has provided one year of humane treatment and care. The regulations were published in the **Federal Register** Dec. 28, 1979.

SOLAR REFLECTIONS

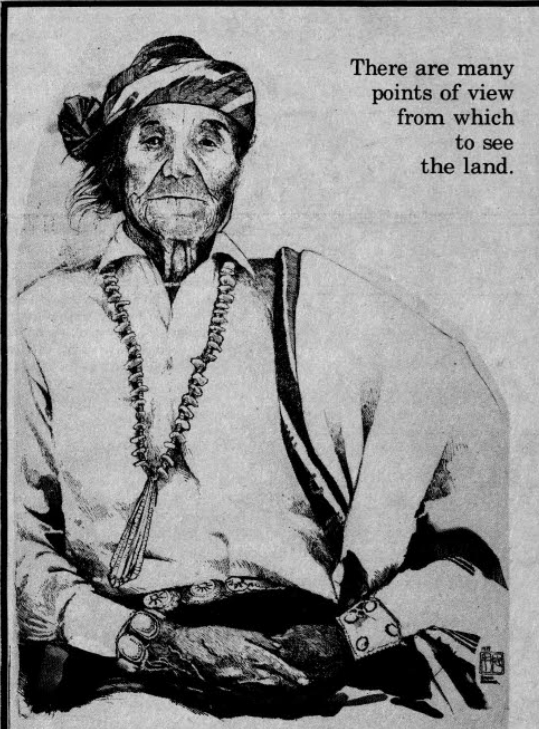
A workshop focusing on the problems of reflective layers of solar mirrors will be held Feb. 12-14 in the Golden Gateway Holiday Inn, 1500 Van Ness Ave., San Francisco, Calif. For more information, contact the Solar Energy Research Institute, 1617 Cole Blvd., Golden, Colo. 80401 or call (303) 231-1467.

COMMUNICATIONS SHORT COURSES

The University of Idaho is offering two short courses for \$250 apiece for persons in natural resource or recreation management. The Communications Short Course will be March 17-21 and the Public Involvement Workshop May 18-23. Write to the University of Idaho, Dr. James F. Fazio, College of Forestry, Wildlife and Range Sciences, Moscow, Idaho 83843.

THE BEAR FACTS

The Bear Biology Association will hold conference, "Bears — Their Biology and Management," Feb. 10-13 in Madison, Wis. Over 300 people involved in bear research, management and conservation are expected to attend. For more information, contact the association's president, Charles Jonkel, at the School of Forestry, University of Montana, Missoula, Mont. 59801.



There are many
points of view
from which
to see
the land.

CLASSIFIEDS

WANTED. The Western Organization of Resource Councils seeks a regional organizer to coordinate Resource Council efforts on energy conservation and development issues in Wyoming, Montana, North Dakota, and Colorado. Westerners, experienced organizers, and/or persons familiar with energy issues in the Northern Great Plains preferred. Position open immediately. Send resumes or requests for further information to WORC, c/o PRBRC, 48 N. Main, Sheridan, WY 82801; 307-672-5809.

WANTED. Freelance writers or photographers to cover North Dakota natural resource news. Pay is two to four cents a word or \$4 per photo. One-sided distributives unacceptable. Contact Marjane Ambler, High Country News, Box K, Lander, Wyo. 82520.

WANTED: editor for rural, weekly newspaper. Pay — nominal in dollars, but fantastic in many other respects: hunting & fishing, camping & hiking, all forms of boating, X-country skiing, all just outside your window. Beautiful geography; diverse community. Send questions and qualifications to POB 646, Halfway, OR 97834.

PERSONAL. Blackie — Your bunny has come home. The jug is empty, the geraniums have gone brown, and all about me there are little hopping feet. It grows dark, and the big oily machine churns below me. I would rather think of your letter as history, not literature. Remember our afternoon at the drugstore in Whitelast, and keep peddling!! Your loving cumquat.

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16-High Country News — Jan. 11, 1980

WAYS OF THE WOODS

by William M. Harlow, The American Forestry Association, Washington, D.C., 1979. \$8.50, cloth, 130 pages. Illustrations.

Review by Peter Wild

Every year the nation's presses grind out dozens of thorough how-to guides for beginning hikers. Then why review a book that is bound to strike some serious backpacking types as whimsical, if not outrageous, that ignores some camping essentials, while offering extraneous and sometimes questionable advice on others?

First of all because any author who dares place his sobriquet "Moosewood" on the title page deserves a second glance, simply by virtue of his panache. Secondly, because he gathers such a potpourri of lore

that the book takes on a cracker-barrel charm — one sorely lacking in books by that dominant class of outdoor writers who stand grimly by our shoulders correcting our mistakes.

True, there will be snickers from some quarters over instructions for building a mock-Indian council ring, followed by the suggestion that "The Chief" mark the beginning of the evening's entertainment by imitating the call of the barred owl, thusly: Who-who, who-who, who-who, who-whoah. That smacks of Ernest Thompson Seton and an age long gone.

And occasionally "Moosewood" gives preservationists cause to grind their teeth.

Concerning fire safety, he suggests "a circle (cleared) about 10 feet in diameter" around fire pits in dry humus. "Use a stove or forego a fire!" we want to shout for the sake of leaving the good earth unscarred.

But we do get some useful guidance in handling and caring for knives and axes and a perhaps deserved tirade against the depredations of "waffle-stomper" boot soles. And if you always wanted to make a willow whistle, a whimsydiddle stick or were curious about the history of that logging tool, the peavey, *Ways of the Woods* is the place to turn for a whimsical rainy day's diversion.

Voices for the Earth: A Treasury of the Sierra Club Bulletin

Ann Gilliam, ed., Sierra Club Books, San Francisco, 1979. \$19.95, hard cover, 567 pages. Photographs.

Review by Peter Wild

Principal Norman Clyde lost his job one Halloween when he fired his gun over the heads of frolicking students. Yet unemployment didn't bother Clyde. The Sierras rose out of his back yard, and he spent the next few decades prowling through their vastness with his 100-pound pack. By day he added to his list of first ascents. At night the Sierra Clubber hunched over his fire reading Virgil, Homer and Dante in the originals.

He looks up at us from page 75. Beside him are his rope and his ice axe, fortified with electrician's tape. A smile flickers over the surface of a toughness that goes all the way through the great climber.

On a more tender note we meet Maria Lebrado. In the process of driving the Indians out of the Yosemite Valley, soldiers killed her grandfather, Chief Tenaya, along with three of her uncles. Many years later, a ranger invites the woman back to her former homeland. Finally persuaded to enter the park's museum, the shrunken, old recluse comes alive, babbling in Indian, Spanish and English as she moves among the articles displayed in the Indian room. Then noticing the onlookers, she



lapses into her defiant ways and totters out past the curious tourists.

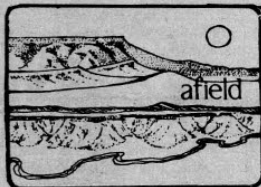
Ann Gilliam has chosen wisely from 86 years of the *Sierra Club Bulletin* to give us a rich overview of one of the nation's most effective conservation groups, its personalities and activities. We watch club members inching up rock spires, barehanded and sometimes barefooted; we follow the club as it rallies the country into

battles that have united environmentalists — and at times torn them apart.

Since its founding in 1892 by John Muir, the club has attracted a splendid array of activists and visionaries. Similarly, the *Bulletin*, the publication that binds the diverse membership, has attracted articulate minds: photographers Ansel Adams and Cedric Wright; writers N. Scott Momaday, Jacques Cousteau and Wallace Stegner.

Whimsy and humor aren't missing here. We get the history of the Sierra Club cup that dips water out of streams around the world. If yours is stamped "Sierra Club of California," you have a real treasure. Gilliam tells why on page 108. And we see the radicalizing of the organization when its women members revolt. Throwing off their long dresses, they don short skirts that allow them to move their legs with the freedom of men! Old-timers grumble at their daring and label them the "nudes."

The club has changed greatly since the night when Barbara Vye stepped into the bushes and nearly swallowed her toothbrush when she mistook lumbering Norman Clyde for a bear. It has grown from a chummy group of California hikers into a nationwide voice of concern. Still, members share a sense of common cause. This four-star collection serves as a reminder that all conservationists "carry with them a venerable heritage" as well as "an awesome responsibility for the generations that will follow them."



by Hannah Hinchman

BROOKS LAKE, Wyo. — The essence of the West comes through in long trips across Wyoming, especially at night, in winter. In the "old days" before big city interests bought the Atlantic City Mercantile, we would gladly go the 30 miles up South Pass in almost any weather. There we would dance for hours, shaking the wooden floor boards, steering clear of the hot wood-burning stove, plunging out into the snow and the dogs around the door when we got too warm. The twins, Perseus, the little bear and Orion would be hanging over Rock Creek in their winter clarity.

We went the other direction this New Year's Eve, travelling the lonely and varied landscape north towards Togwotee Pass to dance to the "Buffalo Chips," the same musicians who had us whirling in Atlantic City. The setting this time: a massive lodge constructed entirely of logs, built in 1897 as a stage stop for the adventurers traveling to Yellowstone.

Brooks Lake Lodge and its little cluster of cabins are the only habitation in a vast lake basin walled on all sides by cliffs and pinnacles, one edge forming the Continental Divide. Dark collects up in the rafters of the lodge's big room; the lights on a 20-foot Christmas tree didn't begin to penetrate it. We seemed to be dancing under a night sky much darker than the one outside.

Just after midnight we went outside, stood in the snow and looked back. A full moon behind snow squalls cast a blue undersea light on everything. Quietness pressing in was far more intense than the

music and voices inside the lodge, and restored to that din an old appropriateness: people gathering in the warmth of a shelter they've made, looking at each other in the light they've lit, moving and speaking with the energy of warm-bloodedness. From the edge of the forest, with faint music coming through the roof of the lodge and all warm flesh colors inside the lit windows, the building seemed like a live ember itself. It took on its correct meaning and proportion surrounded by wildness, reminding us why we gather together and that we're capable of gathering peacefully.

After "Goodnight Irene" I fell into a drift

on the way back to the cabin and was restored to a more homely appreciation of the cold and the anticipation of warmth. Reluctant to move, I thought of the poet David Wagoner's words from "Staying Alive":

"Don't try to stay awake through the night, afraid of freezing —
The bottom of your mind knows all about zero;
It will turn you over
And shake you till you waken..."

But some other instinct said to head to the den, burrow down with all the other bodies, take part in a brief hibernation.



Hannah
THE ATLANTIC CITY
MERCANTILE
in the 'old days'.