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High Country News

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Friday, July 11, 1980

States, courts, cutbacks put pressure on strip mine agency

by Geoffrey O'Gara

Even as strip mines multiply throughout the Rocky Mountain and Great Plains states, the federal agency responsible for overseeing the reclamation of mined lands is reeling under a series of blows:

— Court rulings across the country, particularly one by a District Court judge in Washington, D.C., have stripped the federal Office of Surface Mining of many of the regulations it wrote to control strip mine reclamation;

— Congress is threatening to rewrite, and possibly weaken, the 1977 law that created OSM;

— States with poor records as mine industry regulators are pressing to take over strip mine reclamation programs within their borders;

— And OSM budget cutbacks for next year will reduce the number of field in-

spectors the agency can send out in the region, just when on-site inspection seems most necessary to see that new state programs do a proper job.

OSM's problems are emerging at a time when the ability to reclaim large-scale strip mines in the West has been questioned by a lengthy 2½-year study conducted by INFORM, a New York-based research group (see story page six). INFORM found that even the best reclamation efforts, working within OSM standards, are having problems with revegetation, erosion and water.

OSM's Region V contains the whole West, including key states in the nation's coal future: Montana, Wyoming, Colorado, Utah, North Dakota and New Mexico, among others. Some of those states — notably Montana — have taken the initiative in developing re-

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Photos by Jody Strogoff, courtesy The Colorado Statesman

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Republicans aim for a big year — their targets are Hart, the legislature.



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Would new Montana air rules close smelters?

by Ken Western

HELENA, Mont. — Tough new ambient air quality standards proposed for Montana have been sidetracked by last-minute questions over the effect they might have on Anaconda's Co.'s copper smelters and other big industrial facilities in the state.

Industrial interests claim economic impacts have not been properly weighed in preparing the regulations, which are stiffer than federal air standards. Supporters of the proposed standards claim that their effects on agriculture, forestry and tourism will benefit the state's overall economy.

Responding to the industry complaint, a state legislative committee has ordered the state Department of Health and Environmental Sciences to study the economic impacts of the proposed standards.

Joan Miles, a researcher for the Environmental Information Center here, views the request as a "stalling tactic." The standards have been studied for two years and have been the subject of three recent public hearings.

The economic study, which was requested by the Montana Chamber of Commerce and the Western Environmental Trade Association, is due this month for review by the Administrative Code Committee. The committee has indicated that then it could demand a formal report, which could delay for months a decision on the proposed standards.

Frank Crowley, an attorney with the state Board of Health, told the Associated Press that the kind of detailed study requested by the Chamber of Commerce had "never been done by anyone on this planet," and said precise data was not available on how each and every business would be affected.

The state Board of Health is scheduled to meet July 18 — just after the Administrative Code Committee meeting — to consider the proposed standards. The board may adopt, modify or reject the standards, which are designed to regulate the levels of 10 pollutants in the air.

The standards affect not only industry, but automobiles, wood heaters, incinerators, dirt roads and other possible sources of air pollution.

The board asked the Department of Health to formulate new air quality standards in 1978 when it learned that the then state standards were legally unenforceable. A draft environmental impact statement released by the state in early 1979 suggested specific limits to pollutants, particularly sulfur dioxide and fluorides, might help solve the problem. The department completed a final proposal in February.

The request last month for an economic study was opposed by the health department, environmentalists and the League of Women Voters who argued that the voluminous record already contains information based on economic studies.

Both the Chamber of Commerce and WETA, as well as others, had ample opportunity to make their views known, Miles said. "During six months of written comments, neither one ever participated. It's obvious they came in at the end without taking part and could have said what they did months ago."

Peter Jackson, director of WETA, said that his organization and others "couldn't get a handle on it (proposed standards) until late in the game." He added that WETA has followed the formulation of air quality standards for some time.

In a letter to the committee, Jackson said "No attempt has been made to determine the impact of the proposed standards on the firms of the Anaconda Co. and ASARCO smelters, where more than 6,000 jobs are directly affected. It is possible that the proposed standards may endanger their economic future with the possibility of closure."

"The smelter at Anaconda provides approximately 80 percent of the basic employment and income in Deer Lodge County. If the facility were to close as a result of this proposed state standard, 1,300 direct jobs would be lost, 2,500 secondary jobs, and income losses would be approximately \$70 million per year. A closure of this nature is not 100 percent certain, of course. However, it cannot be overlooked and would have a decided economic impact on that area as well as the state."

Miles said she doubts the plants would close. If the proposed standards are approved, she said, "It will be a lot cheaper for them to comply with the standards than pack and move."

She expects the issue of air quality to surface in the Montana legislature next year. A bill that would have forced adoption of federal ambient standards, which in most cases would have been lower than the state's, was narrowly defeated last year in the legislature. "No one wants to meet air pollution standards if it costs money," Miles said. But with Montana's agriculture, timber and tourist trade — as well as the quality of life of its citizens — all at stake, "We have a lot to be concerned about."

Ken Western is a freelance writer based in Bozeman, Mont.

Research for this article was paid for by the HCN Research Fund.

AG opinion on Buck Creek would block inholding access

by Dan Hollow

LIVINGSTON, Mont. — In a far-reaching opinion, U.S. Attorney General Benjamin Civiletti has said that an 1897 law allows the Forest Service to deny road access to private landholdings trapped within National Forest lands, "if such denial will protect the public interest in the land to be traversed."

But the long-awaited opinion raised the possibility that Burlington Northern Inc. and other owners of "inholdings" may have an "implied" right of access under the intent of the original federal land grants.

Forest Service policy until now, based on its longstanding interpretation of the 1897 Organic Act, has been that it could regulate, but could not deny "appropriate access" to private inholdings within forest boundaries.

Wilderness groups challenged the Forest Service, arguing that the 1897 law did not grant an automatic right of access to private inholdings other than by "actual settlers."

Despite a 1962 opinion to the contrary by then U.S. Attorney General Robert Kennedy, the Forest Service has continued to grant access, usually by road, to all inholders.

Kennedy said, and Civiletti agreed, that "actual settler" as named in the 1897 law did not include corporations and other business entities.

"I conclude, first, that the Organic Act of June 4, 1897, does not grant a right of access to owners of land surrounded by national forest, other than actual settlers, and that you have discretionary authority to deny such access, provided that a right of access does not otherwise exist," Civiletti concluded.

Civiletti's opinion also went against existing Forest Service policy on granting access to private inholdings within established wilderness and wilderness study areas.

The U.S. Department of Agriculture, of which the Forest Service is a part, has held that it must grant "adequate access" to private of state-owned sections within wilderness areas, under its interpretation of the 1964 Wilderness Act.

But the Department of the Interior

has interpreted the 1964 law to mean that access may be denied in appropriate circumstances and a land exchange offered as indemnity.

Civiletti agreed with the latter interpretation, but emphasized that well-established prior uses or existing private rights of access are preserved, even if inconsistent with wilderness uses.

The issue came to a head over roads Burlington Northern is seeking to build across Forest Service lands to reach BN-owned sections in the Buck Creek-Yellow Mule, Mont., drainages south of Bozeman, Mont., in the Madison Range. The lodgepole pine on the sections is infested with mountain pine beetles, and BN would like to harvest the timber.

But the proposed roads fall within the boundaries of the 289,000 Taylor-Hilgard Wilderness Study Area, and wilderness groups have opposed any attempts to alter the roadless character.

While Civiletti's opinion would appear to be a victory for wilderness advocates, a letter to regional foresters from Thomas C. Nelson, deputy chief of the Forest Service, indicates that "implied rights" in land grants may provide a new legal basis for road permits.

"For example, in the mid-1800s, Congress granted large blocks of land, in a checker-board fashion, to railroad companies. Although Congress did not explicitly grant a right of access to the lands, such right of access may exist to the extent it is necessary to carry out the purpose of the congressional grant," Nelson said.

Civiletti said that it was beyond the scope of his Organic Act opinion to determine what implied rights exist in the numerous federal land grants, but he said the rights "should be regulated to protect the public's interest in federal property."

A host of road permit applications on the Gallatin and other national forests have been stalled awaiting Civiletti's opinion. A Gallatin Forest spokesman said the access questions may have to be resolved by further court of congressional action.

Dan Hollow is a reporter for the Livingston Enterprise in Livingston, Mont.

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July 4th fireworks misses wilderness study area

by Craig Rayle

MOAB, Utah — The rural West celebrates the 4th of July in many ways. Some towns have fireworks, ice cream socials, or parades.

But this year, this town attempted a break from both tradition and the federal government when county commissioners, at the request of some town residents, drove a bulldozer into a Bureau of Land Management wilderness study area.

In their first attempt at declaring independence, city officials did not find these routes to be self-evident; they misread bureau maps, and their 4th of July sortie fell short of its target by 1,000 yards.

On July 7, however, the bulldozer driver graded an abandoned road into the study area. At that point, the commissioners said, control of all land administered by the BLM was symbolically transferred to the county.

"It's a matter of right and wrong, freedom and liberty," said Commissioner David White. "Ecology is not part of the issue."

A CONSTITUTIONAL RIGHT

The go-ahead for the action was given at an emergency meeting called by the commissioners on June 25.

Resolutions were read by the Republican and Democratic Party county representatives renouncing the federal government's right to control unappropriated federal lands in Utah, and supporting Utah State Senate Bill 5, a Sagebrush Rebellion-initiated bill passed last year that challenges the federal government's control of public lands in Utah.

"We thought July 4th would be a good day for us to declare our independence," Marilyn Cooper, Democratic Party chairman for the county, told the commission. "We want to take county equipment and upgrade a road into a wilderness study area instead of sitting here stagnant...Let's keep the Sagebrush Rebellion alive, and every three or four months, when everybody has nothing else to do, we'll stir up something."

According to Cooper, "The BLM is

setting aside wilderness study areas even though no areas in Utah meet the wilderness criteria."

Wilderness supporters spoke in opposition at the meeting. Tuck Forsythe, head of the Moab Environmental Council, said he was disturbed that his taxes would help pay for the bulldozer work and then for the probable ensuing court costs.


But the motion passed, and Ron Steele, head of the Utah Sovereignty Commission, thanked the commission, saying, "We've heard what we've wanted to hear."

Steele, who has been a leader of the

and his deputies were present to maintain peace.

Gene Day, district manager for the BLM, says he is growing tired of bulldozer diplomacy, and prefers a "cooperative" approach. Last summer the county commission opened another wilderness study area by building a road into Negrovill Canyon.

Rather than press charges, the BLM offered to construct a picnicking and wading area in Negrovill Creek if the county would maintain the quarter-mile road they built and allow a fence to be constructed to prohibit vehicle traf-



In issuing their declaration of independence with a bulldozer July 4th, Moab officials did not find their routes to be self-evident...in fact, they missed the wilderness study area by 1,000 yards.

Sagebrush Rebellion for more than four years, bases his support of the county's action on his interpretation of the U.S. Constitution.

Nowhere in that document, said Steele, is the federal government given the right to control unappropriated lands. "When Utah entered the Union," he conceded, "the territorial government agreed that the people inhabiting this state shall forever disclaim the unappropriated lands." But, he argued, the Constitution overrides this agreement.

WHAT TO DO

Bill Binge, county attorney, was placed in the unenviable position of keeping a lid on the potentially violent situation.

Binge spent hours on the phone, trying to decide whether to bring in federal marshals and weighing other options. He advised the commissioners against the action, "But they won't listen to me, so it doesn't make much difference."

In the end, only the county sheriff

fic past that point. The county rejected the offer last month.

THE SHOWDOWN

On the morning of the 4th, a mixed procession headed out of Moab City park. A freshly-washed late-model pickup, gun rack emptied at the request of the county commissioners, was followed by a restored Dodge full of long-haired youths.

Behind them was a mile-long procession of vehicles that wove over slick rock and massive sandstone fins eight miles from town to the waiting D-6 caterpillar tractor. A Sagebrush Rebellion sticker was attached to the blade, speeches were made, and the crowd was asked to join in the march for freedom.

A quarter mile up the road, Bruce Hucko, head of the Slickrock Country Council, sat on the edge of the proposed Mill Creek wilderness area, determined to make a stand. But the bulldozer never came.

A thousand yards down the trail, the bulldozer halted. "You are now standing in a wilderness study area," announced Commissioner Ray Tibbetts; congratulations were exchanged, and statements were gathered from all sides by the press.

But the commissioners were wrong. The maps had been misread. The wilderness study area was unblemished.

CORRECTING THE PROBLEM

Three days later, at the July 7 meeting, the county commissioners were confronted with their error by BLM officials. Tibbetts at first maintained that the county had indeed entered the area and that the BLM was lying. Then he blamed the BLM's small scale maps for county's inability to accurately find the boundary.

Finally, Commissioner Larry Jacobs said, "The problem is being corrected." While the commission was meeting, county employees had been ordered to secretly take equipment up to the canyon rim and blaze the remaining one-quarter mile into the wilderness study area.

"The 300 people who went up there are an extremist fringe," said Sam Taylor, editor and owner of the local newspaper. "They lowered themselves to the level of Heyduke (a character in Edward Abbey's *The Monkey Wrench Gang*).

"I'm dedicated to the Sagebrush Rebellion," he said, "But the way to change a bad law is through the courts or through legislation."

Mary Plumb, BLM public relations officer, believes the commissioners may have broken the state's own Sagebrush Rebellion law.

That law holds that "any person who performs any act with respect to the use, management or disposal of the public lands must obtain written authorization from the Division of State Lands."

Apparently no such authorization was obtained, and the governor reportedly came out strongly against the Moab actions.

A DETERMINED DOGMA

Sagebrush rebel Ron Steele loves the canyon lands. "We live here by choice because this is beautiful country and we want to live here and raise our children," he said.

But Steele also judges the value of the land by weighing its utility. "I can tear off into the Kennecott copper pits and think that's fantastic — a wonderful achievement of man," he said.

Commissioner Tibbetts also loves his home, "more than you," he told a reporter. "I've been here longer and I know it better."

Craig Rayle is an ex-uranium miner living in Moab who opposed the bulldozing of the wilderness study area.



Photo by Mike McClure

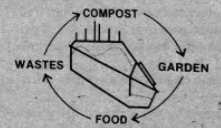
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4-High Country News — July 11, 1980

by Michael Moss

DENVER—The bars here on Capitol Hill are quiet, lonely places in the summer. The legislature is in recess, and gone are the evening crowds of elbow-rubbing, loquacious political patrons.

Their absence, however, belies the vigorous electoral campaigning under way throughout the state. The primary is seven weeks away, and most of Colorado's elected officials are out stumping for re-election.

In a state that has twice shifted political poles in the last two decades, the 1980 tide seems to be Republican—the Democratic Party here is in disarray and the national conservative trend has not missed this Rocky Mountain state.

The next legislature, in fact, could be controlled by a veto-proof Republican majority of over two-thirds. Already exasperated by poor working relations with the present legislature, Democratic Gov. Richard Lamm says such an assembly would be heavily development-oriented and would "endanger every environmental law in the state."

TARGETED FOURSOME

The largest portion of Colorado's 1.3 million voters—37 percent—is neither Republican nor Democrat, but unaffiliated. Cross-over voting for a candidate with strong positions or personality is common.

The state is traditionally rural, partial to bipartisan conservatism. But today, with some two-thirds of the voters in the Front Range, the urban dominance is increasing. Along with the state's economic shift from agriculture to energy development, this means political changes as yet untested by an election.

The state's key political players are nonetheless quick to prophesize.

"Coloradoans are in a very conservative mood," says Republican State Party Chairman Phil Winn.

Gov. Lamm agrees. "There is absolutely a conservative trend in the state," he told *High Country News*, "and it's a sign of the times that (the Republicans) have been able to raise such an inordinate amount of campaign money."

Republicans do not have an exclusive patent on conservatism, Lamm says, and the trend will not necessarily translate into a Democratic candidate's defeat. But Winn argues that his party best represents this latest voter mood—a conservatism that ranges from fiscal austerity to pro-development policies—and he's predicting the biggest party sweep since the 1962 elections that ousted a host of Democratic New Dealers.

Conservative Republicans already safely hold two of Colorado's five House seats and one Senate slot. Their 1980 target, however, is the Watergate Class of '74—the young, liberal and Democratic candidates elected to office in the mid-70s.

At the top of the hit list is Sen. Gary Hart, and following, in descending order of perceived vulnerability, are Reps. Ray Kogovsek, Tim Wirth and Patricia Schroeder.

According to the League of Conservation Voters, the Democratic foursome has one of the strongest environmental voting records in the country. They make attractive targets to the resurgent Republicans.

Republicans labor to oust Hart,



SEN. GARY HART, who went to Washington, D.C., with the Watergate Class of '74, is at the top of the Republican Party hit list.



Photo by Jody Strogoff, courtesy The Colorado Statesman

GOV. RICHARD LAMM'S relations with the state legislature could go from bad to worse if the Republican Party manages to wrest complete control. State Sen. Sam Zakhem (at the podium) however, would rather have Gary Hart's seat.

POST-NEW DEAL

"We're opposing Hart because of his liberal views, radical spending, and his poor voting record on defense, old age support, the 10-cent gas tax..." says Winn, ticking off a long list of issues.

The cutting edge in the anti-Hart campaign, however, will be the federal bureaucracy and its excessive roll. "Coloradoans believe that if there is a problem, government should clear the boards so private business can solve it," says Winn's staff researcher, David Diepenbrock. Hart has relied excessively on the federal government to solve the country's ills, he says.

Nonsense, respond Hart staffers, who like to quip that there is usually a liberal position, a conservative position and Gary Hart's position.

The senator calls it his "post-New Deal philosophy." In a recent interview with the Denver-based political weekly, *The Colorado Statesman*, Hart said, "I've stood for more deregulation, less government involvement in the marketplace, more competition, and substitution of economic incentives for regulatory control of business."

Shedding the ambiguous liberal label is a difficult task for the 42-year-old senator, who was the national coordinator for George McGovern's presidential campaign. But a close look, the

senator says, will reveal a voting pattern that is fiscally conservative, while still supportive of social and environmental programs.

Hart serves on the Senate Armed Services and Environment committees, chairing the subcommittees on military construction and nuclear regulation—key positions in light of the state's controversial Rocky Flats nuclear weapons plant and the Rocky Mountain Arsenal.

A member of the Solar Lobby and a founder of the congressional Environmental Study Conference, a bi-partisan information network, Hart has set an almost blemish-free environmental record.

"He's been good on energy, especially the EMB (Energy Mobilization Board) and conservation issues," says Dickey Lee Hullinghorst, a former lobbyist for the Colorado Open Space Council, "and he's worked hard on redirecting monies for the Defense Department into social programs, including environmental efforts."

There are two areas where Hart is weak in the eyes of environmentalists, however. Like most Western members of Congress, he is a staunch supporter of large-scale federally-funded water development projects, and he worked hard against President Carter's water policy reform initiatives—reforms that would have cut several proposed Colorado projects.

Hart, according to some state wilderness advocates, is also responsible for the present confusion over a statewide national forest wilderness bill. "He's been less than good on wilderness," says Jerry Mallett of the American Wilderness Alliance in Denver, charging that Hart's stalling on a state bill enabled his development-oriented colleague, Sen. William Armstrong (R-Colo.) to rally opposition.

Depending on who wins the Republican primary, says Mallett, "the sportsmen groups in our coalition, who hold fairly conservative views on non-wilderness issues, will want to take a close look at whom to support."

A TORY TRIO

Just who Hart's Republican opponent will be is unknown. Three leading candidates, chosen at the June state GOP caucus, will face each other in the Sept. 9 primary.

They are lawyer John Cogswell, state Sen. Sam Zakhem and former Army Secretary Bo Callaway.

Cogswell, a 40-year-old attorney with degrees from Yale and Georgetown universities, received the largest vote at the state party caucus—27 percent, compared to Zakhem's 25 percent and Callaway's 20. But it is too soon to peg a front-runner.

Callaway, Gerald Ford's presidential campaign manager in 1976, seems to be attracting the lion's share of publicity and campaign donations, having raised almost \$200,000 by early June.

Zakhem, a Lebanese-born professor, was rated as one of the least effective and respected state legislators by the *Denver Post* in 1977, and is courting the most right-wing voter sentiments.

All three candidates are strongly development-oriented. Cogswell, however, appears the most moderate. According to Mallett of the American Wilderness Alliance, it is Cogswell who might attract conservative sportsmen's groups if Hart continues to disappoint wilderness advocates.

Adding to the confusion is a bid by Secretary of State Mary Estill Buchanan to seek the party's nomination by petition. Despite her strong voter popularity, she failed to get caucus approval, and promises to add a controversial flair to the primary.

ANOTHER TIGHT RACE

On the House side, Rep. Ray Kogovsek (D) faces another close race that Republican Chairman Winn says the GOP has a good chance of winning.

According to the *Almanac of*

Republicans are predicting the biggest sweep since 1962.

American Politics, the 1978 Third District contest was one of the tightest in the country, with Kogovsek winning his first term in office by only 366 votes.

His opponent then, and again this year, is 61-year-old state Sen. Harold McCormick, whose state house agricultural committee chairmanship and interest in water development issues ap-

command legislature

peals to the rural, southern Colorado district.

Kogovsek, again excepting water development issues, has "been reasonably good, especially on wilderness and energy," says Hulinghorst, "while McCormick, whom I worked with in the senate, is totally pro-development and anti-environment."

Reps. Tim Wirth and Patricia Schroeder, vying for fourth and fifth terms, respectively, seem to have safe seats. Both 40-year-old officials are strongly supported by environmental groups. They are liberal voters on non-economic issues, and represent liberal metropolitan areas.

Wirth, whose district contains suburban and rural areas, may have a tougher fight than Schroeder, whose Denver constituency gave her almost two-thirds of the vote in 1978. Schroeder's opponent this year, however, is likely to be a Navajo, blue-collar woman, and the race could hold some surprises.

The two out of five Colorado House seats held by Republicans should remain within the party.

But 4th District Rep. Jim Johnson (R), who speaks for the northern third of the state, is retiring, and the loss of his seniority is a significant setback for development interests.

Johnson, whose voting record has consistently been ranked near the bottom of the League of Conservation Voters' charts, has been a strong voice for development in Congress. He ranks high on the Agriculture and Interior committees, with slots on the Forests, Water and Power Resources, Public Lands, and National Parks subcommittees.

Hank Brown, vice-president of Monfort of Colorado, Inc., a feedlot company, and a graduate of the University of Colorado law school, is expected to succeed Johnson.

While little is known of Brown's political views, his congressional influence initially will be less than Johnson's.

Rep. Ken Kramer (R), from the 5th District in central Colorado, which extends from Denver east to the Kansas border, has amassed an even more pro-development voting record than Johnson, and is predicted to win reelection.

A REPUBLICAN PLURALITY

For Democrats, the most distressing 1980 political possibility is a veto-proof Republican legislature.

The prospect is most likely in the Senate, where the Republicans need gain only two seats to command two-thirds of the votes, enough to override an executive veto. (The ratio is now 22 Republicans to 13 Democrats.)

The House is more stable, with Republicans holding only 38 seats and Democrats 27. But if Winn and other party officials' predictions are correct, the presidential coattails from a projected Reagan victory here could be just long enough to carry the needed legislative wins.

"We're assuming that Reagan is going to win," says researcher Diengenbrock, "and we're putting our highest priority on the legislative races."

The Republican Party in Colorado is well organized, and, observers say, has

been highly successful this year in raising money, both in and out of state.

The Democratic Party, by contrast, is poorly organized, admits Gov. Lamm. "I'd love to be able to just hold on to the grassroots movement that we had in the early 1970s," he laments, "but the whole tide of public affairs is gone."

Lamm says that he is "worried about the type of Republicans we're seeing these days" — conservative spenders who no longer support environmental issues.

John Bermingham, a former president of the Colorado Open Space Council, and a Republican state senator from 1965 to 1973, agrees. "Today's Republican is far different than the old one, and I no longer feel comfortable with the party," he says.

Environmental issues in Colorado, to be sure, do not break down strictly along party lines. But Republican officials with pro-environment philosophies are rarer, and many activists are turning exclusively to the Democratic Party for support.

HOLDING ON

Gov. Lamm's Press Secretary, Sue O'Brien, believes the Republicans will not gain a veto-proof legislature, "although it will be very close in the senate," she concedes.

But Bermingham and other environmentalists are not as confident

and foresee hard battles ahead just to maintain existing laws.

Hullinghorst ticks off several issues that she expects to get a high priority in the next legislative session:

Water quality — there may be an effort by industry and other water users to dismantle the state program;

Auto emissions — an attempt to repeal the air quality law narrowly passed this year is almost certain;

Hazardous waste — environmentalists trying to shape a state management plan could end up with a weaker

July 11, 1980 — High Country News-5 sources. "This is becoming a real problem as we work with more complex issues that need a stronger executive voice."

SO MUCH TO DO

"The tragedy in all this," says Lamm, "is that we need so much, but it's all we can do to keep what we have."

Murray and other environmental activists, while resigned to a continued legislative dominance in Colorado, are not resigned to the status quo. They are



program than the federal government's;

Energy — the legislature will consider oil shale development regulations and a state version of the federal EMB.

While Gov. Lamm blames the times, many state Democrats blame the governor for the growing development orientation in the legislature. They say that he bungled his legislative programs and has bowed to development pressures by moderating his previously strong liberal and pro-environment stands.

His supporters blame the state constitution. "Colorado has historically had a weak executive and a strong legislature," says Malcolm Murray, former Lamm staffer for natural re-

organizing a new bi-partisan group to influence legislative races called Political Action for Conservation.

Whether that group will be able to influence the 1980 election is just one of the unknowns in today's Colorado political scene.

Also untested are Republicans' claims that they represent a new, all-inclusive conservatism: Democratic claims that their fiscal conservatism and social liberalism more accurately reflects the voters' mood; and each party's contention that it can ideologically represent voters who in the past have been persuaded more often by personality than issue.

The test will come November 4th.



Photo by Mike McClure

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6-High Country News — July 11, 1980



Photo by Michael McClure

AMAX'S BELLE AYR MINE, the largest coal-producer in the nation, was praised by INFORM for its use of truck-and-shovel mining, which disturbs less land than the giant draglines used to dig coal at most western strip mines.

Reclaiming the West: — the jury is still out

Allowing the Jim Bridger coal mine to open in southern Wyoming may have been a mistake from which the land will never recover. Westmoreland's Absaroka Mine in southeastern Montana faces a choice between shutting down or possibly destroying fertile alluvial valley floors; and owners of the Gascoyne Mine in North Dakota have re-seeded only four percent of over 1,000 acres disturbed by their operation.

These are among the more negative findings of a 2½ year study by INFORM, a New York-based non-profit organization that researches various energy technologies and industrial-environmental conflicts.

INFORM's 450-page book, **Reclaiming the West**, published this month, reviews reclamation success and failure at 15 mines in the West. The au-

thor, Daniel Wiener, concludes that while several companies are making innovative attempts and spending large sums to soften the impacts of strip mining, the effects on ground water, soil productivity, and wildlife are at best undetermined and at worst permanently damaging.

INDUSTRY OUTCRY

The companies whose mines were studied, ranging from giants such as AMAX and Peabody to smaller firms such as Energy Fuels Corp., have responded critically to the study.

John Larson, public affairs director of Northern Energy Resources Co., which runs the Jim Bridger Mine, said, "Some of it was accurate, some of it was not...Our feeling is that there was a lib-

erty taken with press reports, and some of our folks say they were misquoted."

Chris Cull, a reclamation engineer with Western Energy Co., the Montana Power Co. subsidiary that operates the Colstrip (Rosebud) Mine, another target of the INFORM study, had harsher words. "Unsupported innuendo with no basis in fact," he told the **Mis-soulian**. "I personally take exception to the insinuations in this report. I work for a damn fine company...I hate to see our efforts undone."

INFORM studied mine practices in the areas of grading, contouring, topsoil preservation, toxic materials, surface and underground water monitoring and protection, alluvial valley floor protection, erosion, seeding, and re-establishing trees and shrubs.

INFORM studied the mines' control

miles below Hungry Horse, would regulate streamflows and help the salmon, and allow the main dam to increase its power production by 50 megawatts. Given the controversy that has enveloped the Libby reregulation dam proposal, the future of the proposal is uncertain.

ABSAROKA ABSENCE. The oil, coal and uranium in the North Absaroka Wilderness isn't worth going after, according to the U.S. Geological Survey and the U.S. Bureau of Mines. The wilderness, which covers about 560 square miles in northwestern Wyoming, has fuel and mineral deposits in small quantities, too deep and scattered to be profitably developed, the USGS said. Only the northernmost fringe of the area might "possibly" have profitable concentrations of minerals and fuels, the report concluded. The mineral and fuel potential in the nearby DuNoir Addition of the Washakie Wilderness is also "slight," according to the agencies.

BIGGEST IN THE WEST. The biggest underground coal mine west of the Mississippi got the go-ahead from the U.S. Interior Department last month. The Skyline Mine, to be located

near Scofield, Utah, in the Manti LaSal National Forest, is slated to produce 5.5 million tons of coal annually. The mine will go as deep as 2,000 feet and operate for 30 years. Coastal States Energy Co. and Getty Mineral Resources Co. expect to begin production at Skyline in 1982.

GREAT PLAINS STRAINS. The giant Great Plains Gasification Project, which would supply gasified coal for utility customers in 30 states, collided last month with one of the nation's industrial giants: General Motors. A future consumer of the gas, GM objects to the project's financing plan. On the other hand, the project has the support of the Department of Energy, which is guaranteeing its first-year \$225 million debt, and the Federal Energy Regulatory Commission. GM and other groups object to the project's plan of passing project costs on to customers in the form of increased rates, even if the plant fails to produce.

FLUSH THAT SLURRY. Coal slurry pipeline sponsors have come up with numerous ways to carry pulverized coal from mines to power plants: Water (the favorite), carbon dioxide and oil all have been mentioned. Omaha, Neb.,

ENERGY

of sediment and toxic substances in both surface and ground water. The study favored quick re-seeding of disturbed areas with a diverse mix of native plants, and the operation of reclamation equipment along horizontal contour lines, which creates furrows that help the land retain water and prevent erosion.

Larson said it was not surprising that no mines "got flying colors" in the study. "The mines most susceptible to effective reclamation are generally located in the more attractive areas — where ranching and recreation is the normal use," he said. "In the less attractive useful areas, where most mines are now located, the reclamation problems are greater — but the extraction of coal may be the highest and best use of the land."

Following are brief summations of INFORM's evaluations of some of the key surface coal mines in this region:

Mine: Navajo Mine

Location (county): Farmington, N.M. (San Juan Co.)

Operating company (parent): Utah International, Inc. (General Electric Co.)

1978 production: 6.2 million tons

The Navajo Mine, which lies within the Navajo Indian Reservation, supplies coal to the Four Corners power complex, one of the biggest electrical generating stations in the world.

From its opening in 1963 until the early 1970s, no reclamation was done at Navajo — as a result, the mine operators have been playing catch-up since the passage of state and federal reclamation laws.

"With its poor soil and minimum rainfall," says INFORM, "the site has proven to be one of the most difficult in the United States to reclaim."

INFORM questions whether the land at Navajo — which already suffered from overgrazing by Navajo shepherders — can ever be restored. Utah International is planting only a few species, INFORM found, irrigating them initially, but struggling with a lack of good topsoil, much of which was lost during the early life of the mine.

The Navajo was one of two mines that INFORM thought — because of its arid site — perhaps should never have been opened in the first place.

Mine: Energy Fuels Mines 1, 2, and 3.

Location: Milner, Colo. (Routt Co.)

Operating Company: Energy Fuels Corp.

(continued on page 13)

Hot Line



FLATHEAD DAM CONSIDERED.

What do you do when a dam kills the aquatic life in a river? In the case of Montana's Hungry Horse Dam on the South Fork of the Flathead River, you think about building another dam. The water from Hungry Horse, a federally-financed dam that produces 320 megawatts of electricity from four generators, has apparently eliminated temperature variances downstream. That, in turn, has broken the life cycle of aquatic insects, which need seasonal variations in water temperature. As the insects disappear, so do the fish and this fork of the Flathead is dead but for some spawning salmon, which wildlife experts say are endangered by irregular water releases from Hungry Horse. The federal Water and Power Resources Service feels a second dam 3.5

has a fourth suggestion: sewage. The city could avoid building two wastewater treatment plants, according to the **Casper Star-Tribune**, if it pumped its sewage to Wyoming. The solids could be used to fertilize farm and strip mine reclamation projects, and the leftover water could be used to slurry coal back to the Midwest.

STRIP MINES DOING FINE. Over \$10 million in fines went from the pockets of coal operators to the coffers of the federal Office of Surface Mining in 1979. Mines in Appalachia carried the biggest burden of assessments for violating regulations designed to protect the environment from the impacts of strip mining. According to **Mine Regulation and Productivity Report**, an industry newsletter, the Rocky Mountain and Great Plains states were penalized \$332,420 for 107 violations. Five orders closing down all or part of mines were issued in Colorado — none in the region's other states. Colorado led the way in assessed penalties — \$159,720, followed by Utah — \$53,520, and Wyoming — \$52,380. By comparison, \$3.3 million in fines were assessed in Kentucky.

OSM's job...

(continued from page 1)

clamation programs at least as stringent as the federal law requires.

But other states in the region have shown less ability or interest in keeping a tight rein on surface mining. Utah and Colorado, in particular, have been criticized for their failure to police the mining industry strictly.

And those states — along with New Mexico and North Dakota — are now submitting proposals to run their own strip mine reclamation programs. Decisions on those proposals will be made by OSM in September (see sidebar).

REGION V'S RECORD

Should those programs be approved, the Region V office of OSM will be charged with making sure the states live up to the federal law, and various observers — environmentalists, industry representatives, and some OSM insiders — feel Region V is one of the weaker links in the OSM chain.

"Enforcement in the West appears to be less stringent than in the East," said John Larson, manager of public affairs for the Northern Energy Resource Co., which operates the Jim Bridger Mine in Wyoming.

"Enforcement (in Region V) has not been as complete as the law requires," said Carolyn Johnson of Denver's Public Lands Institute.

Johnson is completing a study of how reclamation programs have been handled in western states since the passage of the federal law in 1977.

OSM officials admit that Region V has a record of bringing fewer enforcement actions than any other OSM region nationwide.

In 1979, Region V issued 107 notices of violation — among them 52 in Colorado, 21 in Utah, and 15 in Wyoming — and five cessation orders, in which mines are forced to shut down until violations are corrected. Region IV, which contains only minor coal-producing states like Oklahoma, Arkansas and Missouri, issued 120 notices of violation

CLOSING CABIN DOOR. Plans to dig an open-pit coal mine just across the Canadian border from Glacier National Park have been postponed because British Columbia officials want more environmental data, according to the Misoulian. The mine, which has been criticized by residents of Western Montana who fear air and water pollution in the Flathead Basin, would produce about 1.5 million tons a year over a 20-year period from two pits that would eventually be over a mile in diameter. Had the government not intervened, the mine owner, Sage Creek Ltd., might have been slowed by the current world coal glut anyway, according to the Misoulian.

SPACE WASTE. If President Carter can't find a suitable place to dump nuclear wastes in the United States, the Boeing Aerospace Co. may show us a way to blast the junk into outer space. The National Aeronautics and Space Administration has awarded Boeing \$296,000 to analyse the feasibility of sending rocket loads of radioactive wastes into the Great Beyond.

and 25 cessation orders.

OSM insiders consider Region II a model of strong regulation. The region — which includes Kentucky and Tennessee, and which has many more mines than Region V — issued over 2,000 notices of violation and 629 cessation orders in 1979.

No one expects Region V to match Region II's enforcement activities — given the disparity in number of mines and field inspectors — but the western office's record is nevertheless considered weak by industry and environmentalists.

Dick Hall, OSM's Assistant Director for Inspections and Enforcement in Washington, D.C., said the low citation figure for Region V "doesn't tell you anything." Hall argued that "every state and region has different problems" and enforcement actions are lower out West "probably because in general the mines are better."

Carolyn Johnson rejected that argument: "The same companies that are out here are back East — they don't change when they cross the Mississippi."

Ed Grandis, of the Environmental Policy Center in Washington, D.C., felt the large amount of federal and Indian land made Region V's enforcement problems especially complex. He rated it "near the bottom" of OSM offices, but credited it with making "a diligent effort to catch up" during the past year.

Whatever the reasons for the low number of enforcement actions in Region V, recent court decisions promise to make the job even more complicated.

COURT CUTS

Regulations governing strip mine reclamation are in flux. Courts have declared large sections of the regulations unconstitutional — in Indiana, provisions protecting prime farmlands in Indiana; in Virginia, provisions requiring that land be returned to its approximate original contour. Those orders have been stayed pending Supreme Court review, and OSM is redrafting some regulations.

Industry challenges continue in courts around the country, but as yet there have been none in the West. OSM officials say any such decisions will be applied only in the states where they are handed down. Western coal industry sources say they are taking a wait-and-see attitude: If the Indiana and Virginia decisions are upheld, they may file similar lawsuits in the West.

The court actions are also being watched by congressional lawmakers, who have threatened to bring the law back to Congress for doctoring. In the past, Rep. Mo Udall (D-Ariz.) has blocked such a move. But Udall is having a tough fight for re-election.

One decision, by U.S. District Court Judge Thomas Flannery in Washington, D.C., is having an impact on Region V, though officials remain uncertain how great it will be. In May Flannery, ruling on a suit brought by the National Coal Association, overturned OSM regulations nationwide concerning everything from blasting to haul roads to prime farmlands.

OSM officials differ on what impacts the decision will have on reclamation in the West, and it could be reversed on appeal. But Region V solicitor Lyle Rising says Flannery's decision to throw out OSM's "point system" for assessing civil penalties for violations will make

Hearing dates for state plans

Public hearings on the various plans proposed by states wanting to assume the responsibility for regulating surface mines within their borders are coming up this month in the Rocky Mountains and Great Plains region. Montana's plan has already been conditionally approved, and Wyoming has gotten partial approval while it revises its state plan to meet OSM specifications.

Utah: Hearings scheduled July 21 at 1 and 7:30 p.m. in the Wildlife Auditorium at 1596 W. North Temple, in Salt Lake City. Written comments accepted until July 24.

New Mexico: Hearings scheduled July 23 at 1 and 7:30 p.m. in the State Office Building in Albuquerque. Written comments accepted until July 28.

North Dakota: Hearings scheduled July 25, at 3 and 7:30 p.m., at the State Building in Bismarck. Written comments accepted until July 30.

Colorado: Hearing scheduled July 25 at 10 a.m. in the Denver Public Library.

supervision of state programs harder here.

By setting "points" for certain violations, and requiring fines when certain point levels were reached, OSM hoped to encourage state-to-state consistency. Without it, Rising says, the state enforcers will have much more discretion, and surveillance by OSM will be doubly important.

MANPOWER

But how much OSM surveillance will there be if state programs are approved this year?

Budget cutbacks for the upcoming fiscal year will reduce OSM's Region V field inspectors from the current 12 positions (of which only nine are currently filled) to six. OSM offices all around the country are facing similar cutbacks.

"We will be hampered somewhat in making good on-site inspections," said John Hardaway, Assistant Director of Technical Analysis in Region V. "An area as large as we are, you can't expect inspectors to be on the road all the time and be able to do a complete job... Our 'druthers would have been a small increase in inspectors."

Tom Ehmet, acting Chief of Inspection and Enforcement in Region V, admitted his staff will make fewer inspections next year, but said he expected the staff could do an "adequate" job on the region's 190 mines.

"Will our capability be diminished?" asked Region V Director Don Crane. "I think the answer is no... People have always said that we need more inspectors. I'm not so sure."

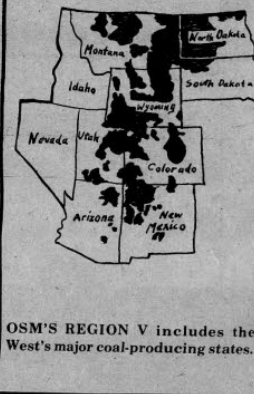
According to Crane, the reduction of inspectors will be made up for by Region V technical staff, which constitute slightly less than half of the office's complete staff of 114. The technical staff can help inspectors make evaluations, although only the inspectors can write citations.

Crane seemed to favor that change. "The presence of applied technologists is a much less adversarial one," he said. "This way it's a less clear target: 'We have a series of hydrologists who are here to help you'... It's more difficult for (mine operators) to nail in a political way."

Some environmentalists fear that Crane's desire to avoid "adversarial" situations could ultimately translate into weak enforcement or the approval of insufficient state plans. No one questions Crane's commitment to the law, which he helped write as an aide to Udall. But they worry about his political background.

"We're extremely concerned that the process not be political," said Johnson of the Public Lands Institute, "but there are indications that it will be."

Grandis sees the state plans as crucial, and inevitably political. "We're



OSM'S REGION V includes the West's major coal-producing states.

going into a big political debate this fall, and without public pressure OSM will be very reluctant to hold on to those enforcement powers... People should be very watchful of what those state programs look like."

Ted Crawford, who heads the Task Force on Strip Mining in Utah, feels his state is likely to take advantage of OSM. "As soon as they get the power to run their own state program, they'll run it just the way they want to, and under the leadership of the Utah Board of Oil, Gas, and Mining; they're not interested in carrying out an enforcement program."

Environmentalists and OSM insiders place Utah and Colorado lowest on the list of western states when it comes to enforcing surface mine reclamation historically — "the Virginia and Kentucky of the West," one said. Wyoming has what many rate a good state reclamation law and a passable record of enforcement. Montana is tops.

Public interest in the state plans now up for approval has been low, according to OSM's Red Oliver. "Public hearings are very poorly attended. It's not like a Corps of Engineers hearing, where a project affects recreation and 500 folks will turn out."

Oliver said meetings on the plans are usually attended by energy company representatives and environmental groups which are "by numbers small, but make a good quality contribution."

Grandis worries about the low public awareness because, he says, the state programs that are approved this year, and the quality of enforcement, will become the norm for the years ahead. "When OSM pulls back its role, we should not expect the states to pick up the slack."

8-High Country News — July 11, 1980

THE BALD EAGLE:

A refugee of development



Stouffer Productions photo

by Jill Bamburg

The bald eagle, already an endangered species in most states, is in trouble in one of its last strongholds—the state of Wyoming.

Wyoming Game and Fish Department nongame biologist Bob Oakleaf has identified 29 nesting sites within the state's borders. Nineteen of these are in Grand Teton and Yellowstone national parks; 10 are outside the parks.

"At the present pattern and rate of development," the department's director, Earl Thomas, said in a letter to the Teton County Planning Commission earlier this year, "we anticipate that habitat for all but two of the 10 non-park pairs will be destroyed within the next five to 10 years."

The Game and Fish Department has identified and mapped critical bald eagle habitat and made recommendations to local government officials and landowners. But beyond that, "I don't know if we can do anything," said Garvice Roby, a state biologist based in Jackson, Wyo., who keeps an eye on eight non-park nesting sites in Teton County. The department has neither the funds nor the authority to acquire eagle habitat, and its recommendations to landowners are not binding.

The department is looking into ways that the federal government could help, but according to department biologist Oakleaf, none of the prospects are too encouraging. "For those eagles on private land, it's up to the planning commission and people of Teton County to make the decisions."

That, however, is more easily said than done. The county's flood plain restrictions protect some eagle habitat, but much of the land the state has identified as "crucial nesting habitat" is zoned for a density of one unit per three acres.

The county plan does state that "Wildlife habitats and wildlife migra-

tion routes should be protected from destruction or disruption." Each development proposal brought before the county is supposed to conform to that policy and satisfy six more specific "findings of fact" designed to protect wildlife and wildlife habitat.

In practice, these criteria are generally met by asking the developer to modify his proposal according to Roby's recommendations. Teton County Assistant Planner Holly Dill said that developers have generally been willing to comply, but their plans have never been rejected outright to protect wildlife habitat. Dill doesn't know what would happen in such a case, but she said the planning commission would "probably try to find some sort of compromise that would take into account what Garvice is saying and still let the subdivider use his property."

"The landowners are genuinely concerned," Roby said. In one case this spring, Roby convinced a subdivider to postpone work near nesting eagles until the young birds had fledged. But whether the birds will return to the developed site next year is questionable, Roby said.

In the past, voluntary compliance and political compromise have helped protect some wildlife. Indeed, Roby admits that he has had the greatest success in protecting habitat through voluntary restrictive covenants.

But the problems of eagles — and, increasingly, other wildlife species as well — cannot be addressed effectively by restrictive covenants or even, perhaps, by most counties' planning processes. This is the problem of cumulative impacts.

The Game and Fish Department recommends restricting various human activities within a 100, 200 and 400 meter radius of each nesting site. "However," noted the letter containing these recommendations, "it is also es-

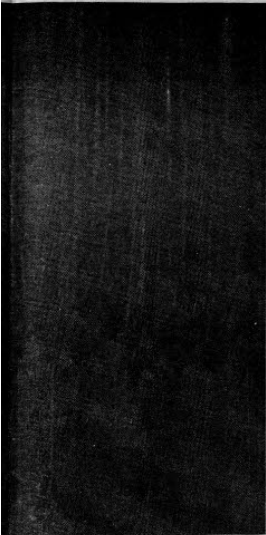


Photo by David Spear



Photo by David Spear

A YOUNG BALD

"Habitat for all but two of the 10 non-park bald eagle pairs in Wyoming will be destroyed within the next five to 10 years."

essential that the functioning ecosystem of the Snake River and tributaries is maintained."

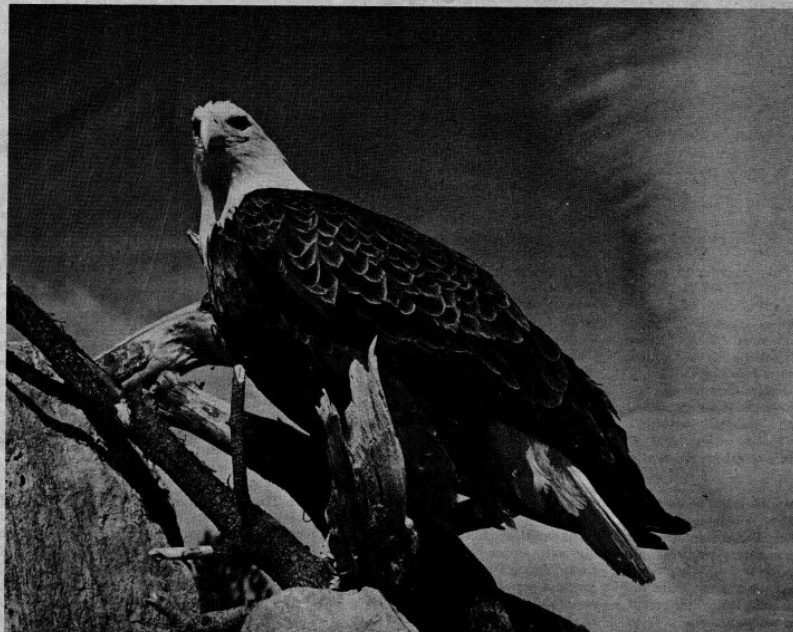
"Developments that increase human activity in these areas will increase the chances that human disturbance at a nest site will occur and result in nesting failure or abandonment of the site," the agency stated.

But the Teton County planning process is set up to review proposals one parcel at a time. Outside of the immediate nesting area, it would be difficult — if not impossible — to say in advance that any given development will be the "final straw" for a particular pair of eagles.

As Oakleaf points out, "In most cases, it isn't a question of the eagle saying, 'Gee, these people bother me — I'm leaving.'" But sooner or later, he said, "something's bound to happen that'll tip the scales."

Six of the eight nesting sites in Teton County are near or on private lands with development potential. Barring an act of God or Congress or an exceptional outburst of political imagination, that "something" is likely to happen sooner rather than later.

Jill Bamburg is a free-lance writer based in Jackson, Wyo. Research for this article was paid for by the HCN Research Fund.



Colorado Game, Fish and Parks Division photo by Don Domenick

10-High Country News — July 11, 1980



JOHN PEAVEY: His sheep and cattle operation keeps him busy, but it leaves time for politics and environmental activism.

Photo by Jeanette Germain

John Peavey: a maverick changes stripes

by Jeanette Germain

KETCHUM, Idaho — John Peavey runs the Flat Top Sheep Company, a sheep and cattle operation on about 250,000 acres in southern Idaho. He manages the large business and helps with the branding, the lambing and cattle drives. He wears blue jeans, boots, and cowboy hats, and drives one of the muddiest pickup trucks in the county.

But John Peavey is also a former state senator who is running on an environmentalist platform for that office again this year. He is chairman of the Clean Water Committee for Idaho. He conceived and helped pass the state's Sunshine Initiative, which forces disclosure of money spent by lobbying groups. He serves on the board of directors of the Northern Rockies Action Group, a support organization for environmental and progressive agricultural organizations. He is an active member of the Idaho Conservation League. The muddy pickup truck is equipped with a telephone to keep in touch.

If Peavey, age 46, seems comfortable in his two worlds, it's because as he sees it both ranchers and conservationists want to preserve natural resources and the quality of their lives. They don't want coal-fired power plants if the installations are going to raise the cost of irrigation and pollute the air, he says. They don't want fish hatcheries on Silver Creek if the commercial enterprises will destroy a famous sport fishing resource and surrounding land values.

Everyone can agree on the dollars and cents side of conservation issues, says Peavey. Esthetics and ecology are nice, he believes, but they don't hit home.

"You have to try to figure out how these things affect people's pocket-books," he observes. "You don't talk about clean air and impacts on communities. You talk about how it will cost three times more to irrigate and how farmers will lose their land."

Peavey has been taking that approach for the past 10 years. He has listened to people, studied their problems, and articulated common concerns. Over and over again, he has brought seemingly opposing groups together in conservation coalitions.

He's successful partly because he is so personable. But he is also very persistent, says Northern Rockies Action Group Executive Director Bill Bryan. Peavey is no stary-eyed save-the-land man who works furiously for a few months and then drops out. Peavey has demonstrated his concern and commitment in public and private life, says Bryan. "People respect that."

His wealth and his family also afford him an in, former Ketchum newspaper editor Martha Poitevin adds. Peavey's ranch is one of the largest and most successful in the state, she says. He is the grandson and stepson of U.S. Senators. His mother was director of the U.S. Mint. "He cannot be ignored," says Poitevin, "and he knows it."

His background, however, brings up another contradiction. As Peavey's

friend and campaign manager Curtis Page puts it, "He went into the legisla-

**"He cannot be ignored,
and he knows it."**

ture a hard-core, rock-ribbed right-wing rancher Republican, and he came

out an environmentalist" — and a Democrat.

Peavey brushes off requests for an explanation. "I've always been a Democrat," he claims, "but I just didn't know it." When the Republican party in Idaho began pushing the state towards industrialization and big energy projects, instead of concentrating on the existing agricultural economy and conservation, Peavey says, he saw no alternative but to switch parties.

Peavey still characterizes himself as a fiscal conservative, but not necessarily a conservative who will protect the status quo when changes are obviously necessary. On conservation issues, he says, "I like to think that I'm out on the front edge."

Take his efforts to preserve hydropower potential on the Snake River, for example. When Peavey first insisted that Idaho Power Company should stop granting water rights to new agricultural users and save water for future hydropower projects, his suggestions were strongly opposed. Along with other conservationists, he was forced to sue for the preservation of Snake River water.

The suit is still pending but may no longer be necessary. During the intervening years, the Idaho Public Utilities Commission and the power company have come around to Peavey's way of thinking.

In the summer, Peavey lives in a haphazard string of rooms that were once three different log cabins at a nearby mining camp. He invites city friends down to the ranch north of Carey, shows them how to punch cows and feeds them lamb shanks baked in the wood stove.

In the winter, he moves numerous file boxes and his sheepskin coat to a condominium in Ketchum near Sun Valley, where he skis, plans political campaigns, and discovers that hot tub covers will solve the problem of ranch water troughs freezing over.

Peavey makes both places and both social circles compatible. Straddling the fence between the traditional ranchers and farmers on one side and environmentalists and conservationists on the other, Peavey sees no contradictions. He insists the fence isn't really there.

Jeanette Germain is a free-lance writer based in Ketchum, Idaho.

Sierrans protest Palisades leasing

The Sierra Club has appealed a U.S. Forest Service decision to re-open a mountainous roadless area on the Idaho-Wyoming border to oil and gas leasing.

The 250,000-acre tract, the Palisades, is one of Idaho and Wyoming conservationists' top candidates for wilderness designation. It is also part of the Overthrust Belt, a geologic structure with oil and gas potential.

The Forest Service stopped leasing in the area in 1978, placing the Palisades in a special study category called "further planning." Environmentalists now fear that a dangerous precedent will be set by the Palisades' environmental assessment released in June, the first site-specific proposal to initiate new leasing in a further planning area. The decision to lease the Palisades was accompanied by a plan the Forest Service says will protect the area's wil-

derness values. The key is a lease stipulation that calls for "conditional no surface occupancy of highly environmentally sensitive areas."

A "no surface occupancy" stipulation bans drillers from steep slopes and from sites with unique, endangered or threatened species or "significant" cultural resources.

But environmentalists view the word "conditional" as window dressing. The stipulation can be waived.

To Bruce Hamilton of the Sierra Club that means: "The Forest Service has recommended leasing every acre in the Palisades no matter what the competing values or hazards. Every mountain lake, every rugged canyon, every high alpine meadow, every landslide zone, and every bald eagle roost will be leased."

The club's appeal and motion for stay were filed with the Forest Service July 7. No hearing date has been set.

Western Roundup

Forest resource planning goals set wide targets

The U.S. Forest Service has updated its 50-year plan for managing the nation's forest and range lands.

But the agency's wide ranging production goals, critics charge, leave both congressional budget makers and special interest groups without a clear picture of the administration's intentions.

The Forest Service is required under the Resources Planning Act to update every decade a long-term plan for managing the federal forest and range lands. Consideration must also be given to the impact of federal policy on private lands.

The RPA program establishes resource production goals for such activities as timbering, recreation and wildlife habitat improvement. An annual budget target also is set for each resource. In the past such figures have been used by budget makers and by various interest groups to pressure Congress during the annual appropriations fights. But the high and low bounds described in the 1980 production goals vary widely — by 3.2 billion board feet in the case of timber.

"The program is not acceptable," a

Senate Agriculture Committee staff member told **Public Lands News**, adding that committee chairman Sen. John Melcher (D-Mont.) would rather have specific targets for production goals.

Forest Service Chief Max Peterson defends the wide-ranging goals. "The program has been constructed with flexibility in mind...and will permit adjustments to reflect emerging resource opportunities and needs, budget constraints and other pressing national priorities," he said.

Peterson also said he expected Congress to fund 90 percent of the high bound targets; only 75 percent of the previous RPA has been funded.

The Forest Service expects the U.S. demand for lumber to rise from 42.7 billion board feet in 1976 to 67.3 billion in 2030; plywood consumption from 20.7 billion to 34.1 billion square feet in 2030; grazing by 40 percent; outdoor recreation from 60 to 100 percent, depending on the use. Wilderness-related uses will increase "substantially" over the next 50 years, the agency says.

Under the high bound 1980 RPA go-

als, national forests would produce roughly a quarter, or 16.4 billion feet, of the country's timber supply by 2030; 13.2 billion feet under the low bound.

Mineral production in the forests would increase 65 percent under the high bound, 35 percent under the low. Recreational opportunities and use would double by 2030 under the high bound, increase by 40 percent at the low.

Forest wilderness would include 41 million acres by 1985 under the high bound, 33 million acres under the low. Wildlife habitat would be improved on 3.3 million acres by 1985 under the high bound, 1.2 million to 2.3 million acres under the low.

The 1980 RPA calls for more financial and technical assistance to non-industrial landowners, who hold 58 percent of the nation's commercial forest land. Such assistance would finance reforestation, timber land improvement, market and price information services, and improved wood utilization.

Although admittedly lacking specifics, the National Forest Products Association has called the 1980 RPA a "program of either status quo or declining timber harvests." The association argues that even the high bound goals too heavily emphasize timber harvests on private lands.

Significantly, however, the RPA ignores the recent administration decision to allow temporary departures from sustained-yield forestry, **PLNews** reports.

Sustained-yield, or even flow, is a forest management policy favored by environmentalists that restricts harvest levels so that long-term supplies do not decline. The president's policy switch to higher short-term harvest levels was made to reduce housing costs and help fight inflation — a plan some economists, including the Congressional Budget Office, say won't work.)

Land use plans being prepared under the president's new policy for major old growth forests in the West will add major volumes of timber to the RPA sales totals.

The president's new policy is believed to have emerged from the Office of Management and Budget. Environ-

mentalists say that much of the ambiguity in the 1980 RPA proposal also emerged from that office. And they fear that specific goals set in the future will further reflect OMB's influence.

Congress has three months to approve or modify the 1980 RPA proposal. Sen. Melcher is reportedly considering asking Congress to amend the program to narrow down the production goals.

EPA stands firm on clean air

Boise

Waving a stick instead of a carrot, the U.S. Environmental Protection Agency has given the Idaho Legislature until spring to pass a vehicle inspection program, or risk losing federal highway and sewage treatment funds.

Donald Dubois, regional administrator for the agency in Seattle, says EPA is insisting on compliance with the Clean Air Act because of the "severity" of Boise's air pollution problem. Having less than 200,000 residents, Boise would normally be exempt from the law.

The reaction from most members of the Legislature ranged from indifference to indignation. We "hear the threat of withholding of federal funds so often that it tends to fall on hollow ears," said one member.

A similar deadline imposed by EPA in Colorado this year resulted in a heated state's rights dispute, with the Legislature reluctantly passing a program only after federal funds were cut off.

EPA's move might "backfire," the **Idaho Statesman** editorialized. But "the federal mandate shouldn't become an issue. The Legislature should pass bills authorizing inspection and maintenance programs because it's the right thing to do."

Salt Lake

The U.S. Environmental Protection Agency, rejecting as too lax Utah's air pollution plan to control sulfur dioxide, will impose its own rules on the Kennecott Corp. copper smelter in Salt Lake County.

Kennecott, whose plume is a landmark in the Salt Lake City area, would be limited to releasing less than one-third its present rate of 20,000 pounds of sulfur dioxide per hour.

Under the new rules, Kennecott must design a method to achieve the federal standards by 1983, with a plan due by next year.

"We want to work with Kennecott to resolve this issue cooperatively," Russ Fitch, a regional director for EPA in Denver, told the **Deseret News**. A similar air quality dispute over the U.S. Steel mill in nearby Utah County, in which U.S. Steel has threatened to shut down rather than abide by EPA standards, has prompted ongoing congressional mediation efforts. "The debate will likely involve what is best available technology for a smelter, based on national experience at other plants throughout the nation," said Fitch.



TIMBER HARVEST LEVELS under even the high bound goal are too low, says the industry. But harvests from new administration policies aren't included.

Cleaner air rules for some parks

The U.S. Department of Interior has recommended tighter clean air standards for 44 national monuments and primitive areas.

The recommendation to upgrade the areas from Class II to Class I designation stemmed from a system-wide study of all 95 national monuments, preserves and primitive areas, except those established in Alaska by President Carter in 1978.

Class I designation would protect the areas from any air quality degradation caused by new industrial sources, which would force new plants to use extensive pollution control equipment. Class II designation permits some air deterioration.

Under the Clean Air Act, the final say in any redesignation rests with the

state or Indian government covering the affected areas, although Congress could pass further legislation mandating Class I protection for any area.

A Department of Interior press release noted that the agency's recommendation is based solely on air quality protection goals under the Clean Air Act, and warned that other factors — including economic and energy considerations — will weigh in final redesignation decisions.

American Petroleum Institute President Charles J. DiBona, reacting to the agency recommendation, said Class I designation would prevent further industrial development within 50 miles of the areas, making it impossible to develop mineral and fuel deposits unless the Clean Air Act is weakened.



Public hearings on the redesignations, expected to draw both support from environmentalists and fire from industry, will be scheduled soon.

The areas to be upgraded, a full list of which was published in the June 25 **Federal Register**, include: Dinosaur National Monument, Colo. and Utah; White Sands NM, N.M.; Natural Bridges NM, Utah; and Death Valley NM, Calif.

The largest areas not recommended for Class I designation are Chaco Canyon NM, N.M., and Big Thicket National Preserve, Tex.

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Bulletin Board



EXPO 80

People with experience building and using alternate energy systems that tap solar and wind energy are gathering at Jordan College in Michigan for two one-day conferences. The first is July 19, the second Oct. 4. The agenda includes panels on space heating, earth shelter, water heaters, and solar air systems. The Registration fee of \$50 includes lunch and refreshments. Contact: Jordan College, Business Office, Box Y, Cedar Springs, Mich. 49319.

OFF-ROAD CROSSROADS

The Bureau of Land Management office in Safford, Ariz., is seeking comments on off-road vehicle use on 157,000 acres of public land in the southeast part of the state. The BLM is seeking comments from ORV users in its effort to decide whether to designate areas open, closed, or limited. Those who do not use ORVs ought to comment as well. Write to BLM, Safford District Office, 425 E. 4th St., Safford, Ariz. 85546.

OIL SHALE RESEARCH

If you want to know the latest developments in the fast-growing oil shale field, the U.S. Bureau of Mines is holding an open briefing on oil shale July 22 in Denver. Among the topics covered will be water management in oil shale mining, oil shale waste disposal systems, fires and explosion hazards, and developments in borehole mining that could be applied to mining oil sands — another hot prospect for synthetic fuel. The meeting will run from 9 a.m. to 3 p.m. at the Denver Sheraton Inn-Airport. Inquiries can be directed to W. Thomas Cocks, Bureau of Mines, 2401 E St., N.W., Washington, D.C. 20241, or telephone (202) 634-1226.

COAL LEASES

Three tracts of federal coal under consideration for leasing in southwestern Utah will be reviewed and public comment will be heard at a July 30th meeting in Salt Lake City. The tracts — Tucker Canyon, Miller Creek, and Rilda Canyon — are being studied and ranked in preparation for a draft environmental impact statement on prospective coal leasing in the region by the Bureau of Land Management and the regional coal team for the Uinta-Southwestern Utah region. The meeting will be at 9 a.m. at the Capitol Lake Rm., 23rd floor, University Club Building, 136 East South Temple, Salt Lake City.

GRADUATE PROGRAM

Antioch University West in San Francisco, Cal., is offering a unique graduate program in environmental problem solving leading to a masters of science during the 1980-81 school year. The program is titled "Ecosystem Management and Appropriate Technology" and is open to 20 to 30 students. The emphasis is on community involvement, small scale design and technology, and environmental ethics. For information on admissions, contact the director of the program at Antioch University West, 650 Pine St., San Francisco, Cal. 94108, or phone (415) 956-1688.

ALLEN-WARNER

The Allen-Warner Valley Energy System would affect lands in Utah, Arizona, Nevada and California, operating a 2,500-megawatt system burning Utah coal to supply California and other localities with electricity. A draft environmental impact statement has been released by the Bureau of Land Management analyzing the project and several alternatives. Written comments will be accepted until Aug. 22 and should be sent to

the District Manager, BLM, Cedar City District, P.O. Box 724, Cedar City, Utah 84720. Copies of the statement can be reviewed at libraries in Cedar City and St. George, Utah; Las Vegas, Nev.; Victorville, Calif.; and at various BLM offices in affected areas. Public hearings, each beginning at 7 p.m., will be held July 28, Victor Valley Senior High School, Victorville, Calif.; July 29, Convention Center, Las Vegas, Nev.; July 30, Red Hills Motel, Kanab, Utah; July 31, Dixie Senior High School, St. George, Utah; and Aug. 5, Salt Palace, Salt Lake City, Utah.

SKI AREA PLAN

A proposal to more than double the number of recreational skiers visiting the Jackson Hole area has been put forward by

the Jackson Hole Ski Corporation. The revised Master Plan for the Jackson Hole Ski Area would raise skier capacity around Teton Village from the present 4,000 skiers to 11,500. Four alternatives for developing facilities over the next 15 years are also discussed. The Master Plan and accompanying environmental assessment are available for review at the forest supervisor's office, Bridger-Teton National Forest, 340 N. Cache, Jackson, Wyo. Comments should be sent to the Forest Supervisor, Bridger-Teton National Forest, Box 1888, Jackson, Wyo. 83001 before July 25.

GARBAGE GAB

A "Waste Alert!" citizens' conference will take place Aug. 14-16 in Denver to inform citizens, environmentalists, industry representatives, government officials, and others interested about opportunities for better and safer waste management. The Denver conference is sponsored by six national organizations, including the American Public Health Association, the League of Women Voters Education Fund and the Environmental Action Foundation. The conference is free, and a limited number of scholarships are available to those who need financial assistance. Contact American Public Health Association, 1015 15th St. N.W., Washington, D.C. 20005. Attn: Mark Murray.

ENVIRONMENTAL DIRECTORY

It's not cheap (\$67.50), but the Ballinger Publishing Co. has just produced its fourth edition of the World Environmental Directory. The publication runs over 1,000 pages and includes listings of agencies, organizations and companies in the environmental field, specifying their products, services and personnel. For more information, contact Ballinger Publishing Co., 17 Dunster St., Cambridge, Mass. 02138.



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CLASSIFIEDS

Classified ads cost 10 cents a word. They must be prepaid.

THE ENVIRONMENTAL DEFENSE FUND has an opening for an attorney in its Denver office, to begin approximately August 13. Salary is competitive and dependent on experience; minimum 2 to 3 years practice required. Work primarily will focus on regional water resource and energy development issues. For more information, please contact EDF staff at: 1657 Pennsylvania, Denver 80203; (303) 831-7559.

PRODUCTION MANAGER-ART DIRECTOR. Design layout and supervise paste up crew for 16-page tabloid. Some proofreading, ad production and work on promotion materials. Design and/or layout experience necessary; art skills helpful. Low salary. Health insurance. Application deadline Aug. 11; send resume and sample of work to Geoffrey O'Gara, High Country News, Box K, Lander WY 82520.

INTERPRETING THE NIGHT SKY. A 5 day course on the topics of stars, planets, constellations, eclipses, Native American sky lore and the varied views of the universe. Aug. 4-8. For information write Teton Science School, Box 68, Kelly, WY. 83011 or phone (307) 733-4765.

HAWAII VACATION: Kona Coast, Old Hawaiian rural resort, health resort. Bed-Brkf. \$88-134/wk., sl-db, (415) 221-2121. 1588 Fell St., San Francisco, CA 94117.

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CUMQUAT: The tired old stag, belling from a prominence, deflated? Am I a fool to respond to what may be a ruse? Do I care? "I shall wear the cuffs of my trousers rolled" (when I pitch the ninth inning). To the minors they may send me, or Londonderry's Bogside, or the ocean bottom, to be a pair of scuttling claws. **BLACKIE.**

SUMMER NATURE CLASSES IN THE TETONS. 5 day courses on wildlife, plants, geology, astronomy, river ecology, archeology, photography, environmental education and backpacking. For brochure write Teton Science School, Box 68, Kelly, WY 83011 or call (307) 733-4765.

RETIRED COUPLE would like to rent 2 or 3 bedroom cabin while building. Will consider any location in Wyoming. Mike Tremblay, 1-637-8697, 1302 East Pershing Blvd., Cheyenne, Wyoming, 82001.

FIELD ARCHEOLOGY OF JACKSON HOLE. A 5 day field course on the human history and pre-history of the Northwestern plains and the adjacent inter-mountain area. Aug. 11-15. For information write Teton Science School, Box 68, Kelly, WY. 83011 or phone (307) 733-4765.

MAN AND THE FLOW OF ENERGY. A 5 day field course on the nature, manifestations, and role of energy in human affairs. Aug. 4-8. For information write Teton Science School, Box 68, Kelly, WY. 83011 or phone (307) 733-4765.

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Photo by Mike McClure





Photo by Michael McClure
RE-SEEDING STRIP-MINED land is one of the most delicate — and often unsuccessful — procedures in reclamation, according to INFORM. Pictured above is reclaimed land at AMAX's Belle Ayr mine.

INFORM study...

(continued from page 6)

1978 production: 3.77 million tons

Of the 15 coal mining operations studied by INFORM, Energy Fuels' operation in northwestern Colorado got the highest rating.

The three mines have been operating since 1962 in foothills grazing land, and INFORM reports the company has successfully re-seeded mined land with grasses, forbs and shrubs. A tree transplanting program has been very successful, and some of the land is now slated for growing wheat.

The company has voluntarily leveled old spoil piles left by a former owner, and has vegetated over half the disturbed land at the site. INFORM also praised the mine for having a fulltime, on-site water quality monitoring expert (many mines do not), and for avoiding possible alluvial valley floors.

But even in the case of Energy Fuels, the INFORM study said the land faced an uncertain future. The company has not, it said, established diverse native plants on the reclaimed areas, and the land's ability to withstand future grazing after the mine is closed remains uncertain.

Mine: Jim Bridger
Location: Superior, Wyo. (Sweetwater Co.)
Operating company: Bridger Coal Co. (Pacific Power & Light's Northern Energy Resource Co. and Idaho Energy Resources)
1978 production: 5.2 million tons.

With little rainfall, poor soil, and a poor record for reclamation planning over the six-year life of the Jim Bridger Mine, INFORM questioned the wisdom of allowing this mine to operate at all.

Of 1,850 acres of land disturbed by Jim Bridger up to May, 1979, only 246 acres had been graded, covered with topsoil, and seeded, according to INFORM. The mine, which supplies coal primarily to the Jim Bridger power plant, is scheduled to expand to 7.3 million tons annually in 1980 — it has an estimated productive life of 40 years.

INFORM criticized roads and ramps that now interfere with the grading of older spoil piles and pits, and also criticized the handling of topsoil stockpiles that destroyed protective vegetation and allowed erosion.

Grasses planted on reclaimed lands have been eaten by rabbits, INFORM said, weeds have invaded, and very few desirable plants are growing. The area will be indefinitely dependent on a \$1 million irrigation system now under construction, INFORM said.

Without improved planning, INFORM concluded: "the 16 miles of mining pit at the Jim Bridger Mine may leave a monument to the ravages of surface mining on the western edge of Wyoming's Red Desert."

Mine: Absaloka
Location: Hysham, Mont. (Big Horn Co.)
Operating company: Morrison-Knudsen Co. (Westmoreland Coal Co., Morrison-Knudsen Co., and Penn Virginia Corp.)
1978 production: 4.5 million tons

The Absaloka Mine has one of the better reclamation records in the West, according to INFORM, but it also sits on prime ranch and farmland, and its 30-year mine plan

calls for digging coal near two areas considered to be alluvial valleys.

Local ranchers, the Crow Indians, and environmentalists have argued that the mine endangers shallow ground water aquifers; the mine operators, proud of their reclamation work, want to produce even more coal. According to INFORM, ground water has shown no significant impact from current mining.

INFORM criticized the mine company's erosion control, which it claims has kept seeding efforts from fully succeeding. Otherwise, the revegetation was rated fair to good.

The Montana Department of State Lands, which got high marks generally for its regulatory actions, visits the Absaloka mine twice a month and has fined it several times.

According to INFORM, the Absaloka will provide a key test of provisions in the 1977 federal strip mine act designed to protect alluvial valley floors. The draft Environmental Impact Statement on Absaloka's mining plan declared that the East Fork of Sarpy Creek area, an alluvial valley floor, would suffer a "disruption of the hydrologic system" that could destroy springs, vegetation and wildlife. But the final environmental statement took the opposite tack, and the whole issue is now before the courts.

Mine: Gascoyne
Location: Scranton, N.D. (Bowman Co.)
Operating company: Knife River Coal Mining Co. (Montana-Dakota Utilities Co.)
1978 production: 2.9 million tons.

The Gascoyne Mine lies on gently rolling plains; it has ample rainfall and good soil for crop- and hayland. It should be easier to reclaim than most other Western mines.

INFORM says the mine operators have had a "thoughtful" plan for revegetation on the books since 1974, but "the effectiveness of the plan is impossible to analyze because virtually nothing has been done."

Knife River has owned the mine since 1950. According to INFORM, over the last several years spoil ridges have not been graded, top- and subsoil has been stockpiled for up to 20 years (allowing it to erode), and the water table tapped by nearby ranches and farmers has been dropping.

Only in the fall of 1979 did the company begin planning to level spoil ridges so that soil could be reapplied and revegetation could begin.

Mine: Colstrip (Rosebud)
Location: Colstrip, Mont. (Rosebud Co.)
Operating company: Western Energy Co. (Montana Power Co.)
1978 production: 10.58 million tons

Colstrip sits on the rolling plains of eastern Montana, grasslands broken only by an occasional stream, such as the East Fork of Armells Creek, which runs through the mine. The mine supplies coal to the nearby Colstrip Power Plant and plans to expand to 19 million tons a year production by 1983.

INFORM points an accusing finger at the mine's Pit 6 and Pit 6 extension, where steep and unstable slopes are covered with "mostly useless" vegetation. INFORM called the pit's erosion the worst of the mines surveyed.

WECO has also failed to properly control water, according to INFORM, and the result has been leaks in the mine's water retention

system that have flooded nearby meadows and may have ruined the water quality of a nearby ranch well. Local ranchers believe the mine is removing the area's principal groundwater aquifer.

INFORM credits the local ranchers and state regulators with forcing WECO to improve its reclamation. In the future, according to INFORM, Colstrip may "be viewed as the best reclamation anywhere."

Mine: Belle Ayr
Location: Gillette, Wyo. (Campbell Co.)
Operating company: AMAX, Inc.
1978 production: 18 million tons.

Belle Ayr is the biggest coal mine in the country — and it plans to raise its annual output from 18 million to 20 million tons by next year. It is in the middle of the West's richest coal country — the Powder River Basin, where energy companies are lining up to dig.

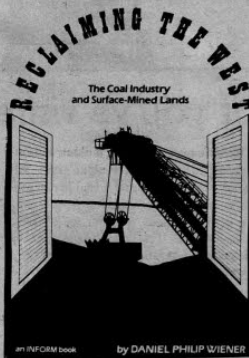
On the whole, INFORM gave Belle Ayr high marks.

In particular, the study cited AMAX's use of truck-and-shovel mining, which makes grading, contouring, and soil preservation easier than it is with the enormous draglines used at most strip mines. INFORM notes that only a mine with very thick coal seams and thin overburden could afford to mine this way, however.

INFORM praised AMAX's water control, though the future reconstruction of Cahalaw Creek — which may not qualify for preservation as an alluvial valley — was uncertain. And while AMAX seeding has been successful, INFORM criticized the use of herbicides to keep weeds down.

Rock shelters are being constructed to encourage the return of wildlife, INFORM noted; but the study said more trees and shrubs should be transplanted to encourage deer, antelope and hawks.

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Other mines reviewed in the study include: The Black Mesa-Kayenta Mines (Peabody Coal) in Arizona; the McKinley Mine (Pittsburg & Midway) in New Mexico; the Seneca II (Peabody) in Colorado; the Rosebud Mine (Peter Kiewit) in Wyoming; the Seminoe II (Arch Mineral) in Wyoming; the Decker (Peter Kiewit) in Montana; the Glenharold (Consol) in North Dakota; and the Indian Head (North American Coal Corp.) in North Dakota.

— GOG

Trackings

followups on previous stories

Cheyenne water

(see HCN 5-16-80 for previous story)
 The effect of decreased stream flows caused by the proposed Cheyenne water project is the responsibility of the Wyoming state engineer, but the U.S. Forest Service will intervene if necessary, an agency official told citizens attending a recent public hearing on the Stage II project.

Don Bollinger, representing the Forest Service in Laramie, was responding to concerns of Little Snake River Valley residents, including State Rep. George Salisbury.

Salisbury and others urged the agency to give more consideration to the agricultural, social and economic impacts of the project, the *Casper Star-Tribune* reported.

The public hearing was one of a series of four held on the agency's draft environmental impact statement on the project, which, as proposed by the city of Cheyenne, would divert 27,500 acre feet of Little Snake River water. Stage II would cross Forest Service lands.

The Forest Service, however, has proposed a preferred alternative cutting the diversion to 21,500 acre feet, largely to provide instream water flows to protect fish and wildlife. (The drainage contains three endangered fish species — a factor that may prompt even further restrictions by the U.S. Fish and Wildlife Service.)

Although Salisbury felt the Forest Service impact statement didn't go far enough to protect agricultural and recreational water users, other Little Snake Valley residents attending the meeting said they were pleased.

Ed Wren and Terry Reidy, both area ranchers, stressed, however, the desirability of protecting the endangered species and the area's wilderness characteristics.

A previous Forest Service meeting on the statement in Cheyenne drew strong

objections to the agency's plan by Stage II promoters Elmer Garrett and Harman Noe.

"It seems to me you're trying to build fish habitat by water that has been used by people," Garrett said. "I ask — which is the most important?" In answer to a question from a project opponent later in that meeting, however, Noe admitted that 40 percent of Cheyenne's water is used to water lawns and parks.

Public comments on the impact statement are being accepted until July 21.

— MM

Garrison Diversion

(see HCN 6-27-80 for previous story)
 North Dakota Gov. Arthur Link is apparently holding the federal wetlands acquisition program in his state hostage until the Garrison Diversion project is constructed.

U.S. Fish and Wildlife Service representative Gilbert Key, of Bismarck, says he has received 114 unsolicited offers this year alone from landowners wanting to sell their wetlands to the agency under the federal Small Wetlands Acquisition Program.

"We're simply getting more interest all the time," Key told the *Argus Leader*. But Link contends that the wetlands sales should count as wildlife mitigation for the Garrison project, and has refused to approve the transactions until the controversial project is constructed.

Key says the acquisition program, which is funded by duck stamp sales to hunters, is not connected to the Garrison project. Key claims that 3,000 acres of wetlands have been lost since Link adopted his policy in April 1978.

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Editorial

If you've visited Alaska by boat, book or dream: help save it

We'd been sitting on a black lichen-covered rock knoll for some time. Although my friend and I had just clambered up several hundred feet, it was the first shirtless weather we'd had in many days. The northern warmth lasted but a moment, however, and as I got up to don a shirt, I turned and was caught.

There, in the crux of two barren peaks behind us was a tiny, v-shaped dot that, although but a shade darker

There, in the crux of two barren peaks, was the Arctic.

blue than the sky, grabbed my attention like a shooting star. It was the Arctic, just visible through the Saddlechit Mountains—the last earthen uprising north of Alaska's Brooks Range before the long North Slope plains slide towards the sea.

We had been gazing at the Saddlechit River valley, stretching across our view, and the panorama of peaks forming the Brooks Range. Off to the right 30 or 40 miles was the area where we had seen the musk ox a week before. To the left, a slope we had spent a fog-shrouded, bewildering day trying to cross. Straight ahead, just across the Saddlechit, another knoll on which we encountered several Dall Sheep.

But for that moment I was held by the little blue gem wedged in the mountains—the Arctic, and its myths of adventure and mysticism. I could twirl 360 degrees and see vast stretches of empty tundra, then gaze at the little blue dot and know that a vibrant icecap stretched for an unfathomable distance.

There are three reasons people care about Alaska—they have been there; they have imaginations and dreams that take them there; or they've seen photos and read books about the northern wildlands.

The lucky ones cover all the bases in their lifetime. But all three kinds of travelers are needed, now as never before. In a week, the U.S. Senate will be formulating its version of the Alaska lands bill, and numerous otherwise conservative senators will be voting for radical proposals to throw open the northern wildlands to rapid and largely unchecked energy and mineral development.

Their tool, the first order of business when the Senate returns on July 21, is the Energy Committee bill. Compared with the legislation passed by the House last May, and compared with the presidentially-proclaimed monuments and preserves that protect Alaska today, the Senate committee bill is an invitation to plunder.

It would not only open, but direct oil and gas exploration into the William O. Douglas Arctic Range. This northeast corner of Alaska is the northern breed-

ing ground for the 12,000-member Porcupine Caribou Herd.

It would eliminate chunks of parks and wilderness areas here and there without regard for protecting whole ecosystems. It would loosen the rules for mining and road-building in the awesome Gates of the Arctic wildlands, and increase timber harvests in Southeast Alaska to the detriment of local commercial fishing and tourism.

The Alaska Coalition, representing some 50 environmental and other interest groups, says the Senate committee bill is unacceptable. Their alternative is a series of five amendments sponsored by Paul Tsongas (D-Mass.) and 11 other senators that would boost the committee bill's provisions to the level of protection offered in the House-passed bill. A full substitute to the committee bill may also be offered by Tsongas and William Roth (R-Del.).

Here are the amendments and their sponsors:

National Park, Tsongas-Mathias. Eliminates the less restrictive "recreation area" classification for 3 million acres of parks, excluding mining and road-building from the Gates of the Arctic and other pristine parks.

Wilderness, Nelson-Levin. Designates as wilderness the entire William O. Douglas Arctic Range and redirects oil exploration to the National Petroleum Reserve on Alaska's western North Slope. It was over this area of conflict that conservationists convinced the House that other areas in Alaska—less fragile and more promising for energy development—should be explored first.

Rivers and Transportation, Proxmire-Eagleton. Restricts future transportation projects crossing park lands, and adds three river segments to the Wild and Scenic Rivers System.



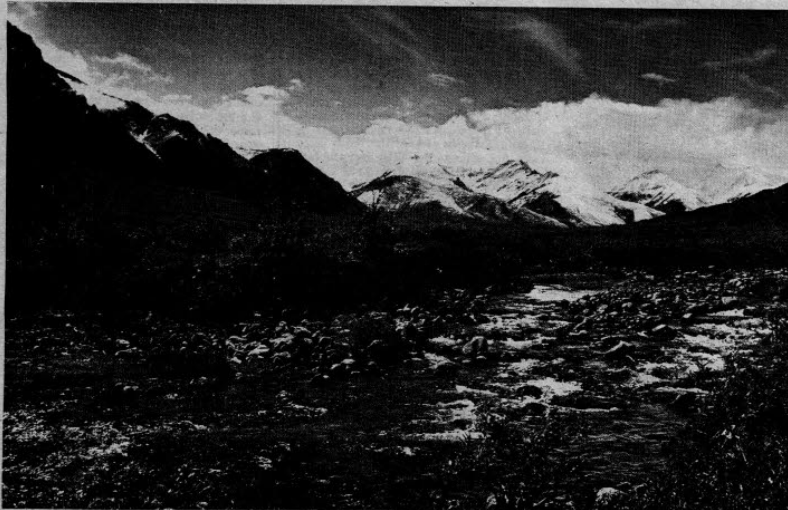
Photo by Boyd Norton

THE YUKON RIVER as it passes through the Yukon Flats Wildlife Refuge near the Charley River. The Wildlife Refuge Amendment would protect all of the habitat necessary for maintaining a whole ecosystem here and in ten other refuges.

National Forest, Tsongas-Roth-McGovern. Adds 1.6 million acres of Southeast Alaska forest wilderness, lending full protection for Admiralty Island, Misty Fjords, and West Chicagof-Yakobi. Restricts timber harvest levels to those recommended by the Forest Service's area management plan, allowing for a healthy timber industry, while sustaining fishery and recreation-related jobs.

Compared with the House bill, the Senate committee legislation is an invitation to plunder.

Wildlife Refuge, Hart-Chafee-Randolph-Culver-Church. Adds 16 million acres of Alaska public lands, including habitat for moose, bear and waterfowl, that is essential for maintaining whole ecosystems in Yukon Flats and other refuges. —MM



NEAR THE ARCTIC Divide in the William O. Douglas Wildlife Range, this rushing stream leading into the Phillip Smith Mountains is one of the proposed additions to the range. The Nelson-Levin Amendment would designate the entire range as wilderness, redirecting energy development away from this vital Porcupine Caribou habitat.

Stall one EMB, the other Expediting Monstrous Bogy slips by

One minute the Energy Mobilization Board was roaring towards us looking like an Expediting Monstrous Bogy; the next minute it was tumbling head over heels into the legislative gorge, as the U.S. House of Representatives voted to send back to conference and an uncertain fate.

Here in the West we're standing on the cliff edge, looking in wonder after the falling ghou, which seemed so indomitable a month ago. It would have allowed an appointed board to waive some laws (subject to congressional approval) and speed up or even take over local and state decision-making, all in the name of hurrying energy development. Most of that development would take place in and at the expense of the West.

So we pinch ourselves and stare, little realizing that another Expediting Monstrous Bogy emerged during the uproar over the EMB: Congress has approved, and the president has signed, legislation to create the Energy Security Corporation.

A government-run corporation to promote synthetic fuels development may be a much greater threat to the West than the EMB. It won't cut red tape like the EMB was supposed to do — but it hands out money, and nothing speeds things up quite the way money does.

For starters, Congress gave the corporation \$24 billion to put into private and limited public coal gasification and oil shale projects. Potentially, the bill could

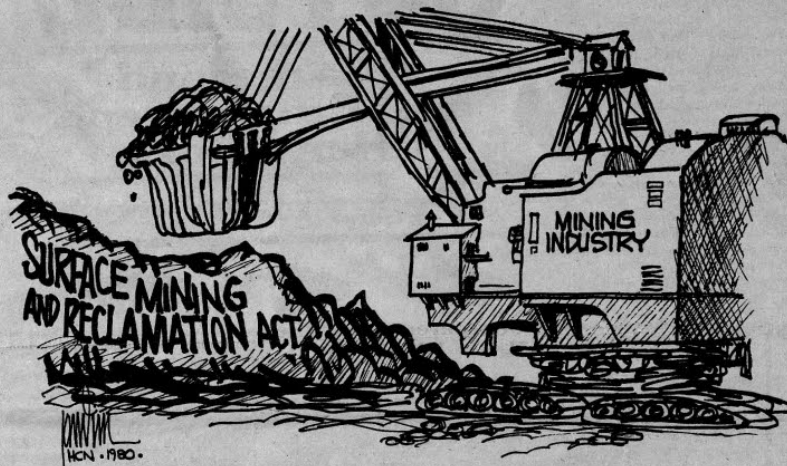
mean a \$92 billion subsidy for the energy industry by 1992 — in return, the government expects unproven technologies to produce 2 million barrels of oil a day, about five percent of what we consume.

Add that government subsidy to the coffers of energy companies already rolling in oil wealth, and it spells fast development. Exxon Corp., which recently bought its way into the oil shale reserves of northwestern Colorado, is talking about private industry spending \$500 billion of its own on synthetic fuels.

Thus we have a wealthy industry that would like to make a buck off the West's coal and oil shale lands, and a panicky government ready to provide billion-dollar subsidies to insure that the work begins quickly on a massive scale.

Who needs the EMB? Maybe, as some legislators argued, it would have meant Even More Bureaucracy, and slowed things down.

That won't be a problem for the synfuels corporation. Massive federal subsidies may do more to speed the rape of the West than the EMB ever could have. One Expediting Monstrous Bogy went over the cliff; the other is here on the edge, looking over your shoulder.



— GOG

MOVING?

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GIVE THANKS FOR CRANKS

Dear HCN,

Thanks, Dan Whipple, for the well-articulated, overdue celebration of Mount St. Helens (HCN 6-27-80). True, not living in her ash fallout path allows us the luxury of enjoying the explosive 'view.' Our enjoyment is not malicious, it is at the wonder of it all.

I happened to travel over the Toutle, Cowlitz and Columbia Rivers via Amtrak (yes, people do use the rails!) after the second eruption. The Columbia is clogged up. The Toutle and Cowlitz, once running in tidy tree-lined channels, are braided and sluggish. I crossed them miles from the mountain. Everything is connected.

Yes, the damage is severe and long term. The bottom line for folks who are appalled by praise of Mount St. Helens is that you can't plug up a volcano. People proposing manmade projects

promising similar damage should know better or be told.

Fire Mountain (an early given human name) is showing the power that molds this earth. And it's all on the mighty news!

By the way, for those irked by Whipple's article, he lives in Houston, TX where it continues to be 100 degrees fahrenheit plus. As for me, do Wyoming winters count?

Debbie East
Lander, Wyo.

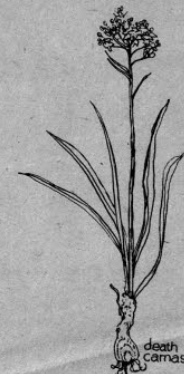
JOINING THE CLUB

Dear HCN,

I was reading a back issue of High Country News and was quite intrigued by your classified ad inviting pundits, playwrights, pollsters, polymorphs, poetasters...to join your club which, if I remember right, requires no dues, no meetings. It sounds like it's just my kind of club.

Though I realize that's been about 3 months ago, I sure would be interested in any further information you would be able to send me. However, if it's anything like the Procrastinators Club, I won't be expecting anything.

Jean Pattersen
Kearney, Neb.



16-High Country News — July 11, 1980

Books



Peggy Hardigree, Crown Publishers, New York, 1980. \$7.95, paper, 256 pages.

Review by Peter Wild

Time was when many underpaid and overworked ranchers looked with envy on city dwellers, with their regular hours, relatively high pay and comfortable working conditions. The pendulum has swung the other way. Now, as the nation becomes more urban, many young people long for what they perceive as the benefits of rural life and work in the outdoors.

Of the many books published in response to the recent trend, *Working Outside* deserves attention. It gives, as do most of them, tips on how to apply for summer jobs in the U.S. Forest Service, for instance, and it includes information as to the basic educational requirements for, let us say, a professional career in range management.

Peggy Hardigree also has done considerable footwork in the outdoors. Her interviews give firsthand perspectives on what everyday work is like in various fields. Paul Rogers sighs over one irksome aspect of his job as a game warden: responding to frantic calls from suburbanites. What should they do about the skunk wandering around in

their living room? For Paul it's not all days of peace and contemplation.

Of particular note, however, is the range of Hardigree's suggestions. She covers the standard outdoor occupations that come immediately to mind — fire lookout, logger, biologist. Not stopping there, she goes on to the more unusual jobs — beachcomber, ginseng collector, outdoor journalist and supplier of insects for serum production. High-school counselors and librarians should find the book of use.

Hardigree touches on the Audubon Society, mostly in passing, but she ignores Defenders of Wildlife, Friends of the Earth, The Sierra Club and other such groups. Where is the mention of the outdoor professionals who serve on the staffs of activist organizations?

Some environmentalists might also question the author's apparent parroting of agency propaganda. She assures us that the Forest Service cuts trees, "not only to help the country meet its timber needs, but also to keep our forests healthy." That should cause preservationists to grind their teeth.

Hardigree becomes overly enthusiastic in other areas as well. *Backpacker Magazine* does indeed pay up to \$500 for articles, but there are not many magazines like it. Contrary to what the author would have readers believe, only a very few free-lance writers can make a living, even a meager one, in the outdoors market.

In brief, largely because of the variety of fields discussed, *Working Outside* belongs on the reference shelf with other books of its kind, but it is a reference that needs to be used with some caution.

WORKING OUTSIDE

A Career and Self-Employment Handbook

Peggy Hardigree



by Hannah Hinchman

SOUTH PASS, Wyo. — We stand on a billowing upland and gaze toward the Red Desert. In one of the many deep clefts before us we see tiny buildings, a glimpse of South Pass City. The hilltops are wind-parched outcrops blooming

now with succulent stonecrop. The clefts hide rivulets and willow bogs.

South Pass City, a gold mining boomtown of the 1860s, has been restored according to the memories of living pioneer residents and historical accounts. Each year people from this area celebrate Independence Day on its dirt

street, entering pie auctions and spitting contests. From the hill above, the crowd makes sense and brings the town to life. But the colors — polyester green and orange and hot pink — look more like the colors on detergent boxes than anything suitable for clothing. Those clothes were meant to be worn under fluorescent office light where human skin tones look so ghastly that people get desperate for color. We were struck by the incongruity of a man in a blue stretch leisure suit stepping up to the official mark, hoping to fling a cow chip further than his fellows.

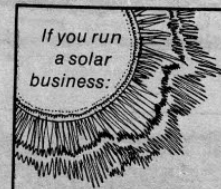
Goldfinches' fervor seems to be increasing as the thistles prepare to bloom. They love to use the plant's down in their nests and thrive on its seeds. Everything is settling into full-force summer activity. Suddenly grasses, which have been tender and bending, send up tall, sturdy flowering stalks. Their pollen fringe blows across the field and, when given the chance, will deck the buffalo's broad forehead.

In the garden, the peas are going through adolescence, stumbling their way to the fence with bumbling tendrils. When the wind blows, a grove of big cottonwoods roars like the ocean, and the light on the trees' polished leaves is like light on the sea's surface.

"Deep in the greens of summer sing the lives I've come to love. A wick whets its bill. The great day balances upon the leaves; My ears still hear the bird when all is still..."

Theodore Roethke

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