

# High Country

news

March 5, 1984

Vol. 16 No. 4

The Paper for People who Care about the West

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## Linowes Commission raps coal leasing

by Ed Marston

The Linowes Commission has found James Watt's Department of Interior guilty of man-handling coal leasing.

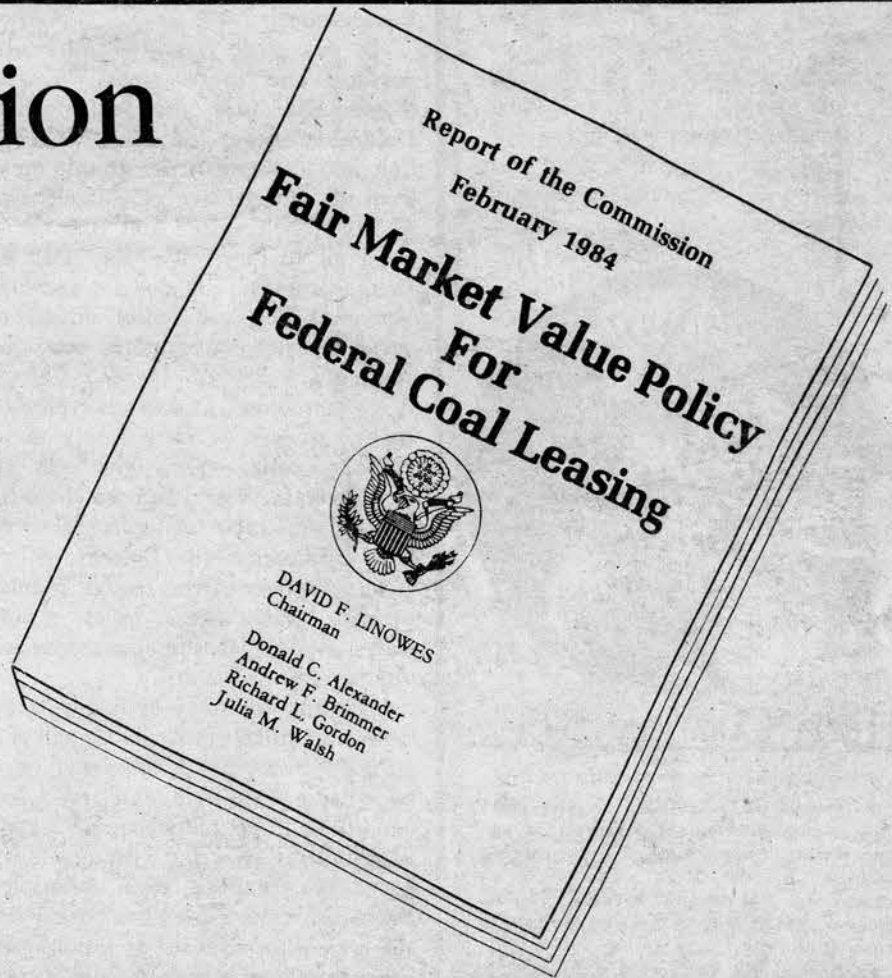
The report also implies that 13 years of work by Congress and regulators has created a botched system -- one which leases almost at random; diverts money out of the U.S. Treasury; and provides special interests with windfalls.

The tone of the Watt appointees is conservative. But the conclusion is that Congress, by its failure to understand coal, and its maladaptation of laws designed for offshore oil leasing, created a legal thicket.

The report says these inherent problems were aggravated by Watt's approach. It criticizes two top Watt lieutenants -- the now departed David Russell and William Pendley -- for their conduct of the Powder River coal lease sale. The two over-rode career professionals and used questionable judgment, according to the report.

The commissioners go beyond allegations of impropriety to challenge Watt's free market approach. They disagree with a fundamental Watt hypothesis: That large-scale leasing of billions of tons of federal coal will -- through a free market -- lead to efficient distribution of resources and minimization of environmental damages. Instead, the commissioners

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Arthur Rothstein, Farm Security Administration

Going West, 1936

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## Dear friends,



## High Country News

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With this issue -- Why Water Counts, II -- you can decide if we promised more than we delivered. What we promised was a picture of why water is at the roots of life in the arid, gullied West. The February 20 issue examined the Central Arizona Project, and how some of that water might build a new city on a Papago Reservation.

In this issue we get both more personal and more global. Russell Martin tells how the \$400 million Dolores Project in Southwestern Colorado looks from the ground up -- from the perspective of a landowner who is both a writer and who has a sense of history. We also look at Dolores from the top down -- and find a project which is incredibly difficult to justify by any conventional economic reckoning.

In that sense, Dolores is typical of water projects -- they rarely make economic sense. They invariably go forward on faith and Bureau of Reclamation adjustment of figures. If there is a justification for Dolores, or its sisters throughout the region, it must lie with Martin's description of how water and life at the grassroots are intertwined.

The Aamodt story by Sandy Tolan raises very different issues. It tells of a struggle between people who have been using a valley's water for a few centuries and people whose claim goes back millennia. We don't pretend to lay bare the complex legal principles involved -- principles which involve the laws of three cultures -- but Tolan does show how water in New Mexico

nourishes the life of its small, scattered communities. If aspects of the Aamodt story don't remind you of John Nichols' *The Milagro Beanfield War*, it's probably because you haven't read the book.

The issue is capped by writers Bob Gottlieb and Peter Wiley, who describe how national water policy is changing under Interior Secretary William Clark. James Watt, for all his rhetoric, staunch water's lifeblood -- money. Clark is reopening water's pipeline into the U.S. Treasury.

The issues on water attempt two things. First, to report from the grassroots. And second, to focus on issues rather than on specific geographic areas. This last emphasis comes out of our frustration at attempting to be a 'local' paper for seven states and a score of subregions. We were forever taking our geographic pulse to see if we had enough on state A, state B, state C...

We finally admitted that an every-other-week, 16-page paper could never have enough on seven states. What we can do is choose several issues -- the future, water, National Park management, health at high altitudes -- and follow them wherever in the region they lead. The changes aren't fundamental -- HCN keeps its regional, resource, environmental focus. But it means fewer disconnected roundups and more linked articles centered on a single topic.

The water issues are an example of a first, early attempt at this approach. The stories have been 'local' to the



Russell Martin

Colorado River basin, but their treatment of the Bureau of Reclamation, the Central Arizona Project, Indian water rights and national water policy has implications for the entire region. We also expect that future treatments of the Missouri and Columbia basins will have meaning for the Colorado River Basin.

Finally, we are pleased to announce in this issue that the Research Fund drive which started in November has exceeded its goal. Thank you for giving High Country News financial breathing room during this geographic and editorial transition.

--the staff

## WESTERN ROUNDUP

## Navy prepares to homeport Washington

The U.S. Navy's plans to deploy an aircraft carrier battle group in the Pacific Northwest have led to competition between the ports of Seattle, Washington, and Everett, twenty-five miles to the north.

At stake are significant longterm economic benefits and risks for the winner. Also at stake is the future direction of the Western economy as the Reagan administration continues to use the defense budget as a pump-primer.

As part of the Reagan Administration's plans to increase the fleet to 600 ships, the navy is preparing to have 15 carrier groups in operation by 1990. One of these carriers, the nuclear-powered *USS Nimitz*, will be homeported in the Puget Sound.

According to Admiral James D. Watkins, Chief of Naval Operations, this is part of Pentagon plans to achieve superiority over the Soviet navy in strategic areas.

When the navy first began to consider the deployment of the *Nimitz* in 1982, it hoped potential homeports would copy the East Coast ports that had scrambled to host the battleship *USS Iowa*. The town of Stapleton on Staten Island in New York harbor was chosen when New York City offered \$15 million to help defray the costs of homeporting. That led the navy to take an initial hardline in its attempts to pit the two potential port sites, Everett and Seattle, against each other. One admiral told the Seattle press that "if there is any equivocation, we will go elsewhere."

Although powerful interests in

both Everett and Seattle want the battle group, the two cities have said they will not provide funds. In Seattle, the Chamber of Commerce is spearheading the campaign to get the carrier based at Piers 90 and 91 in Elliott Bay. These piers are presently used to import Japanese cars and to export farm products grown in Washington.

The economic benefits from homeporting are persuasive. Seattle's Office of Management and Budget found that a carrier battle group, which would begin with six to eight ships and grow to sixteen, would provide "more jobs, greater payroll, and more tax revenues." The report also said that by 1991 the navy would provide five times as many jobs (7,415 jobs) with a payroll more than ten times larger (\$690 million) than the jobs and payroll anticipated from the continued non-military use of the piers.

While homeporting has not become a riveting issue in the Puget Sound area, there has been opposition, mostly from environmental and anti-nuclear groups. Both cities held public hearings. The Seattle City Council passed a resolution in October that welcomed the navy, but included a long list of "issues and concerns" that it asked the navy to "address and resolve" in its Environmental Impact Statement and later negotiations with the city. An EIS will be prepared by the navy, but only after a port has been selected.

Greenpeace Northwest is concerned that some of the questions it wants answered will fall under the

designation of classified material, said disarmament coordinator Sherry Klink. Klink argued that the navy in the past has not been forthcoming with information about nuclear accidents. According to a recent study, there have been thirteen spills of radioactive materials in U.S. coastal water since 1954. One of these accidents took place on the *Nimitz* three years ago. There was also a spill of radioactive coolant from the nuclear submarine, the *USS Puffer*, at the Puget Sound Naval Shipyard in 1978. The navy claimed that the spill involved only five gallons of coolant. Shipyard workers estimated that it was more in the neighborhood of 500 gallons. The navy tore up a large section of the pier where the spill occurred and sent it to a nuclear waste dump.

"We don't want to be dependent on the navy for information," Klink concluded. "We want independent monitoring." But Greenpeace was not included in a task force set up by Seattle Mayor Charles Royer to examine the question of homeporting.

What critics recall from the Vietnam war is what happened when the U.S. pulled out.

After the U.S. pulled out of Vietnam, a number of ports were left abandoned or underutilized, resulting in unemployed shipyard workers. The navy, in fact, once owned Piers 91 and 92, but then sold them to the port of Seattle in the wake of the U.S. withdrawal from Vietnam.

--Bob Gottlieb and Peter Wiley

# Utah's wilderness bill heads for the House

## HOTLINE

Three years in the making, Utah's proposed Wilderness Act of 1984 begins its final battle March 27 when the bill goes to the House of Representatives for hearings.

In February, a Senate subcommittee heard arguments for and against the bill, which proposes 706,736 acres of wilderness for Utah. Few major changes are expected from the Senate, although Utah's Senator Jake Garn said the bill is not "cast in concrete."

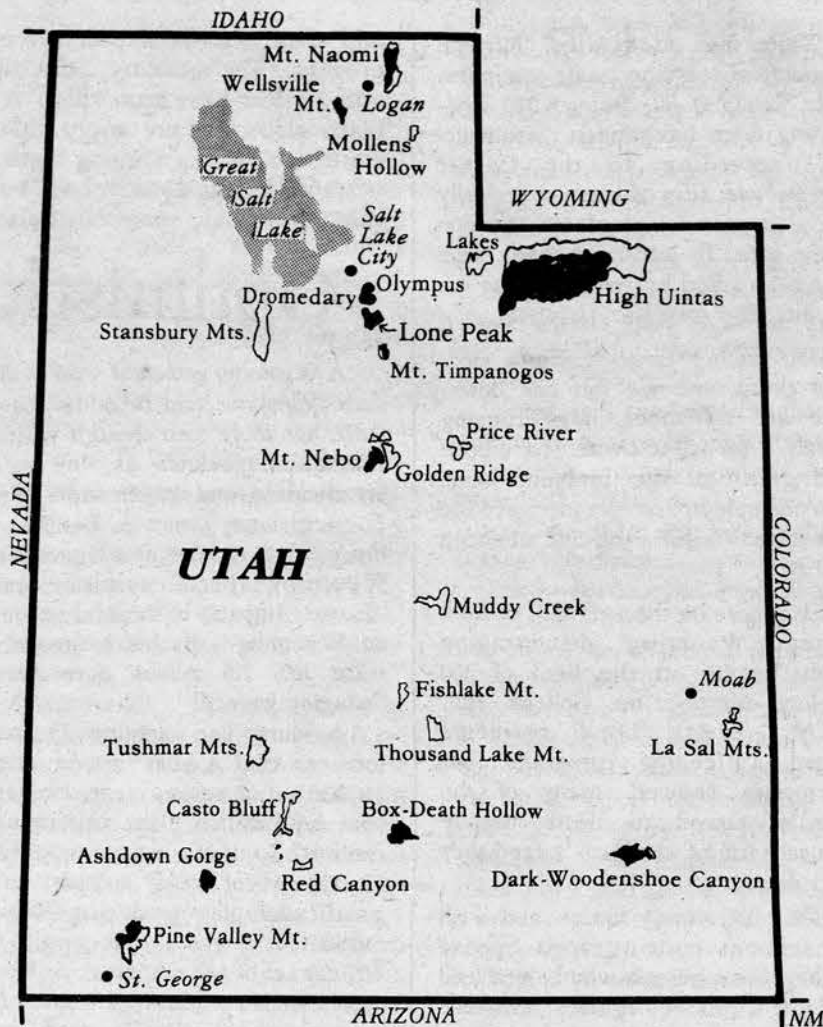
Utah's conservationists originally proposed 1.6 million acres of wilderness and "soft" release language for public lands not included in the bill. As it stands now, the bill designates less than half that amount and uses "hard" release language for roadless lands not included, ruling them out for management and reconsideration as wilderness until the year 2000.

Utah now has just one National Forest Wilderness, 30,000 acre Lone Peak in the Wasatch Range near Salt Lake City. Wilderness opponents, which include local elected officials, oil and gas companies, loggers and the United Farm Bureau, charge that wilderness designation "locks up" the land and restricts multiple use.

To the Utah Wilderness Association, a citizens' group of 500 based in Salt Lake City, the fact there is a wilderness bill at all is a major achievement. Yet as Gary Macfarlane, the group's natural resources specialist, says, "Some changes need to be made."

Calling the High Uintas the "flagship" of the state's wilderness bill, the group is pressing to reinstate 200,000 acres dropped from the bill. The 11,000 foot range is within a one to two hour drive from Salt Lake City where 90 percent of the state's population lives, and its primitive area is one of the most heavily used in the country. The Forest Service originally proposed 512,000 acres and the Utah Wilderness Association wants 659,000 acres of wilderness in the High Uintas. Utah's bill proposes 448,000 acres.

The Wilderness Association is also pushing for 8,000 more acres in the



Utah proposed wilderness areas. Darkened areas are those included in the current Utah Wilderness Act; outlined are additional areas proposed by the Utah Wilderness Association. Lone Peak is the only existing wilderness area in Utah.

proposed Mt. Naomi wilderness in northern Utah, and the inclusion of 55,000 acres in the Stansbury Mountains in northwestern Utah. Macfarlane said that the conservationists' hope lies in Rep. John Seiberling (D-Ohio), who chairs the Subcommittee on Public Lands and National Parks. The present bill, however, is supported by Utah's Gov. Scott Matheson and the entire state delegation.

An aide to Senator Jake Garn said the bill "represents compromise and balance between competing interests in the state." The biggest obstacle to soft release language, he added, is from local economic interests. What industry has told legislators, he said, is that "We can live with more

wilderness. It's the uncertainty that's killing us."

Gary Macfarlane denied that soft release locks up public lands. "The standard release for undesignated wilderness is that the Forest Service need not manage the area to protect its wilderness characteristics. Hard release says the Forest Service shall not. That rules out multiple use."

Before March 27, public comment on the Utah Wilderness Act, Senate Bill 2155, may be sent to Senator Malcolm Wallop's Public Lands subcommittee in Washington, D.C. After that date, comments on House Bill 4516 may be sent to Rep. Seiberling's subcommittee.

--C.L. Rawlins, staff

### In-stream flow hits a favorable current

It seems certain that Wyoming will get to vote on an in-stream flow bill in the 1986 election. Unless, of course, the state legislature pre-empts the effort by passing an in-stream flow bill of its own.

The certainty results from a decision by attorney general A.G. McClintock. He ruled that the in-stream flow proponents may take this year's petition and simply add signatures. Wyoming law puts no limit on the time a petition may circulate. The petition appears to lack only about 1,500 signatures. Tom Dougherty of the Wyoming Wildlife Federation expressed confidence that the additional signatures could be collected.

### Underground nuclear test raises questions

An underground test of a nuclear weapon at the Department of Energy's Nevada proving grounds Feb. 15 has drawn attention to the safety, size and frequency of the blasts.

Three hours after the device exploded 1,168 feet underground, thirteen men working on the surface were injured -- one seriously -- when the earth collapsed beneath them. Subsidence had created a crater 60 feet wide, 150 feet long and as much as 30 feet deep.

Code named Midas Myth/Milagro, the blast yielded "less than 20 kilotons," said the DOE. Twenty kilotons is equivalent to the bomb the United States dropped on Hiroshima. The Midas Myth device was exploded in a little-used horizontal tunnel of hard tuff. DOE spokesman Jim Boyer said most tests have been done in softer alluvial sediments at the bottom of drilled, vertical shafts.

The hard rock setting, which magnifies the explosive effect of the blast, led a University of Nevada seismologist to speculate that the yield might have been closer to 100 kilotons. The blast registered 4.5 on the Richter scale. The seismologist, Walter Raymond, later downgraded his initial estimate. The Soviet Union, however, charged that Midas Myth exceeded 150,000 kilotons, a charge denied by the DOE.

"That's propaganda," said the DOE's Boyer. "We know what we're testing." What the 13 injured men were doing above the blast site, he said, was opening a shaft to the tunnel below in order to remove cables connected to measuring instruments.

The Midas Myth nuclear test was "announced" by the DOE in its standard one-sentence press release dated Feb. 15. What is not publicly known is how many tests are secret at the sprawling 1,350 square mile proving grounds in Nevada. One other test was announced in 1984; fifteen in 1983. Boyer said discretion is allowed under a 1963 directive from President John F. Kennedy. The directive gave the Atomic Energy Commission, since split into DOE and the Nuclear Regulation Commission, authority to announce underground nuclear tests only "if pertinent."

The definition of pertinent, Boyer said, is classified. The highest announced test has been 150 kilotons.

Boyer said a three-man panel appointed by the Nevada test site director will investigate the causes of the subsidence and report in 45 days. No radiation, he added, escaped when the ground collapsed.

--Betsy Marston

# BLM whittles away at native plant sites

The BLM will release its Piceance Basin Draft Resource Management Plan within the next month, and the Colorado Native Plant Society is preparing for the worst.

In 1982, the BLM contracted the Nature Conservancy to conduct an inventory of the vegetation of northwestern Colorado's Piceance Basin. The Conservancy's five-volume report identifies two new plant species, and provides detailed information and maps on the rare plants and unique plant associations of the basin. About a fourth of the plant associations don't occur anywhere else in the world. Because of over 100 years of livestock grazing, many of the associations, such as grasslands dominated by awnless bluebunch wheatgrass, are now found in only a few inaccessible localities within the basin.

The BLM then asked the Nature Conservancy to recommend potential sites to fit into the federal land management classification scheme of Special Management Areas. The Nature Conservancy identified 20 potential sites for one or more of the

Management Area categories, which dictate varying degrees and emphases of land preservation. The 20 sites include four percent of the total basin and would reduce the current level of grazing by about one percent.

Next, the BLM considered four alternatives for their future direction in land-use management of the Piceance Basin. The alternatives -- one stressing oil and gas development, one stressing oil shale development, one stressing management for wildlife and one coinciding with the current management plan -- were described in a report released by the BLM in October of 1983. The report also indicated how many of the Nature Conservancy's 20 proposed Special Management Area sites would actually be given Special Management Area status under each of the four alternatives. The Wildlife Alternative would include 12 of the sites and reject the other eight; the oil and gas alternative would include only three; and the other alternatives wouldn't include any of the proposed sites.

In a separate process, consultation between the BLM, the Nature

Conservancy and the state resulted in the modification of some site boundaries and the dropping of four of the 20 proposed sites. The whittling away of sites continued when the state, through its Colorado Natural Areas Program, requested that only nine of the 16 modified sites be designated as Special Management Areas.

The Colorado Native Plant Society now expects few or no sites to be included in the BLM's new Draft Resource Management Plan. The plan will define the BLM's Preferred Alternative, to consist of new proposals and/or parts of their four previously discussed alternatives. But the plant society isn't going to let the demise of the newly discovered sun-loving meadowrue and Piceance twinpod slip by easily. They are looking for organizations actively involved in other aspects of the basin's management plan, and are preparing for an all-out campaign during the comment period preceding the BLM's drawing up of the Final Piceance Basin Resource Management Plan.

--Mary Moran

## HOTLINE

### Oil shale bits snag

National environmental groups have balked at a proposed comprehensive plan for national oil shale legislation. The plan was created by a joint working group, made up of environmental, industry and government representatives. But the Sierra Club and Friends of the Earth now announce they will not support the proposal.

In other oil shale action, Friends of the Earth in Colorado speculates that the Union Oil shale project near Parachute may be in deep technical trouble. The \$600 million unit was to produce shale oil in October 1983. It is still dry, and FOE suggests the problems may be fundamental.

The group called on the Synfuels Corp. to hold off on a further multi-billion-dollar commitment to Union until the facts are in.

### Post no false signs

A Colorado sportsmen's club has been fined \$838 for placing private land signs on public land. A May, 1983 law set penalties for posting public land as private unless the public lands are held under an exclusive lease, as well as setting penalties for anyone caught hunting or fishing on private land without permission. The fining of Outdoor Horizons was the first instance of enforcement of the first part of this law. According to Colorado Wildlife Officer Bill Andree, members of the sportsmen's club "were very cooperative" when approached about the matter, "but they didn't feel they did anything wrong." The public land they posted is adjacent to leased land in the Muddy Pass area near Wolcott, Colorado.

### Timber sale slides

The U.S. Forest Service has postponed its controversial timber sale program (HCN, 2/20/84) in the Kelly Creek drainage of northern Idaho.

Citing "public concerns" and "too many doubts about development," Clearwater National Forest Supervisor James C. Bates announced that the agency was withdrawing the Toboggan Creek sale from its five-year timber sale plan and capital investment program. The Forest Service had already spent almost \$300,000 on an Environmental Assessment and road design for the area.

Toboggan Creek is a major tributary of Kelly Creek, a drainage which has received support for wilderness designation since Senator James McClure (R-Idaho) announced last year that he intended to draft wilderness legislation for Idaho. Kelly Creek is a nationally recognized blue-ribbon trout stream, and the drainage holds part of one of Idaho's highest quality elk herds.

--Craig Gehrke

## BARBS

*That's reasonable.* A recent issue of *Reason* magazine, published by a California think tank called the Reason Foundation, has come up with a new type of fence. Author Sam Cohen, who invented the neutron bomb, wants to surround Israel with a field of radiation produced by a series of nuclear reactors. The high tech "impregnable" barrier would be backed up by conventional tank traps and barbed wire. A *Reason* magazine press release describing the article said, "Good fences make good neighbors."

## West's big game still suffering this winter

Winter has moderated, but the fall-out from starving game continues.

In Rawlins, Wyoming, 240 free-running dogs have been "euthanized," according to the *Casper Star-Tribune*, fifty of them specifically for chasing some of the 1,500 antelope in the area. In addition, many dogs have been killed by people taking the law into their own hands.

Dog catcher Louis Cadreira said, "But every time we put one down, there are six more dogs running around." About 140 owners have been cited. Much of the problem stems from unemployment: people leave the area to search for jobs and abandon their pets.

Elsewhere on the railroad, in Rock Springs, Wyoming, discouraging results are in on the herd of 300 antelope trapped on College Hill. (HCN, 2/6/84). Local residents started a feeding program, but narcotics showed many of the animals starved to death despite stomachs full of alfalfa -- a feed they can't digest.

The Wyoming Game and Fish Department continues to oppose feeding, but a person who helped feed said he'd do it again: "Anytime they're in your backyard dying, you have to do something."

Over in Gunnison, Colorado, residents are doing something: they left a dead baby deer at the door of the Colorado State Highway Department. They are angry because many deer and elk are being killed on state highway 50, some near the site of a grain truck that turned over last month

and some near the site of a feeding program. The residents claim 14 elk and 30 deer have been killed at one place alone, and are angry that the state won't put up warning signs.

Antelope can't handle hay, but elk can. As a result, some ranchers find

that elk join their cattle herd during the daily hay feeding. In some cases, the number of elk are so large the local division of wildlife feeds its hay to the mixed herd one day and the rancher feeds the next day.

--the staff

## Optimistic in Wyoming

A Wyoming geologist who is also a state legislator said recently that the state has more than enough water for coal-slurry pipelines, as well as coal liquification and gasification plants. The legislator, James A. Barlow, was the keynote speaker at a University of Wyoming special seminar called "Future Impacts of mineral resources on Wyoming." By his estimate, the state has 7.5 million acre feet of "unused water."

A slurry line carrying 25 million tons of coal a year would require 18,000 acf of water a year, he said; a coal liquification plant producing 26 million barrels of oil a year would need 12,000 acf of water a year, and a gasification plant producing 90 billion cubic feet of gas a year would need 10,000 acf of water a year. Since that totals 40,000 acf out of 7.5 million, he said, it would take "a drop in the bucket" to increase oil production by 30 percent, gas by 20 percent, and coal by 25 percent.

Barlow also talked at length to the 250 present about "enhanced recovery" of oil fields using methods such as injecting carbon dioxide. He predicted that re-drilling would turn out to be more important to future

production than new discoveries. If Wyoming wants to sustain the 125 to 150 million barrels of crude oil production a year that it has since 1955, he said, "enhanced recovery must take place." From a present recovery rate of 20 to 30 percent, he said a 50 to 60 percent recovery rate could be achieved -- a total of ten billion barrels -- without any seismic exploration or development. "It's a very neat way to add to our economic base."

Assuming present production and proven reserves of 3.7 billion barrels, Barlow said that without enhanced recovery, oil would be produced at a declining rate until the year 2030.

Barlow also predicted that coal would remain central to Wyoming's economic future, with production of presently-contracted tons peaking in 1987 at 157 million tons per year. Even if a slurry pipeline, a gasification plant, and a liquification plant were added in the next decade, Barlow said, all would have "little effect on the depletion of the total coal reserve because we have enough coal to produce at this rate for 2000 to 3000 years."

--Peter Iverson

## BOOKS

### Chewing on the Treasury

*Sacred Cows at the Public Trough*

Denzel and Nancy Ferguson, Maverick Books, Inc., Bend, Oregon, 250 pages, \$8.95; pen and ink illustrations by Ginny Rosenberg.

Review by William Voigt, Jr.

The Fergusons, man and wife, acknowledge that most western ranchers are friendly people, generous and upright, solid citizens. Then there are those others, the privileged cow-men who run their stock on public range with the help of subsidies from an indulgent bureaucracy. The Fergusons charge that stockmen have overgrazed the public range, and that through the years this has brought on horrendous conditions of erosion and impaired water quality and quantity, with lasting harm to those who live in thirsty downstream valleys.

The result, they charge, is "grazing slums" and a "charade" of multiple use.

*Sacred Cows at the Public Trough* gives public range-users unshirtd hell in an account frankly acknowledged to be one-sided. But what they write is based on ten years of observing range conditions and their manipulation through pesticides, herbicides, and predator controls that come close to extermination. They have also studied reports from official agencies as well as other students of the west. Back pages contain an extensive bibliography.

At times, their rough words tend to override their message: that livestock overuse has indeed badly downgraded federal ranges in the West. Harsh accusations may linger in memory longer than the statistics that back up their bitterness. In fact, they throw out so many figures that they tend to blur the abuses they strive to illuminate.

Most of the "worst cases" the authors tell about are linked to Southeastern Oregon, where Ferguson was for a decade director of the Malheur Field Station. That "hands-on" ecological institution is funded by 22 colleges and universities of the Pacific Northwest and housed at Malheur National Wildlife Refuge near Burns. We learn how damage from livestock grazing on the refuge reduced wildfowl production to a fraction of its original numbers, a condition only partly turned around during Ferguson's time there.

The authors target livestock operators, stockmen's associations, the people they send to Congress, and the agencies given jurisdiction over the public ranges as equally guilty of wrongdoing.

It is obvious that both the Fergusons -- the 54-year-old professor with a distinguished career in academia and his more youthful wife -- still seethe with anger over the threats to their lives they received, and the occasion when a half dozen range-toughened cowboys threw them bodily out of a dancehall. In *Sacred Cows* they may have gotten even. Yet their book is much more than a diatribe.

## SACRED COWS AT THE PUBLIC TROUGH

DENZEL AND NANCY FERGUSON



It seems a pity that *Sacred Cows* will be read mainly by conservationists already familiar with much of what is described, and by stockmen themselves -- who quite naturally will react with more vituperation for the authors. With some 40,000 books published annually in the United States, it is doubtful if such mass circulation journals as the *New York Times*, *Chicago Tribune*, or *Washington Post* will find space for a review, to say nothing of editorial comment, on this book.

□

Bill Voigt of Blackshear, Georgia, is a former executive director of the Izaak Walton League of America. His forthcoming book is a history of the League, called *Born with Fists Doubled: Six Decades of Defending Outdoor America*.

## LEARNERS

## Linowes...

## FAVOR THE GRIZZLY

Dear HCN,

I am shocked by the article which noted that the U.S. Fish and Wildlife Service (FWS) has decided that the proposed Ski Yellowstone development is of no jeopardy to the grizzly bear. This decision reaffirms an outdated 1977 consultation and biological opinion of the FWS.

In a letter written to me last year, the FWS recognized the fact that much new data has been gathered on the grizzly bear in the Mount Hebgen area since the Forest Service (FS) Environmental Impact Statement on Ski Yellowstone. The FWS requested this information from Intergovernmental Grizzly Bear Study Team (IGBST) leader Dr. Richard Knight. This new information shows a great deal of grizzly activity around the Mt. Hebgen area where the Ski Yellowstone development is to be located. In light of this, it is inconceivable that the FWS could have reached a no jeopardy opinion. The FWS decision also baffles Dr. Knight.

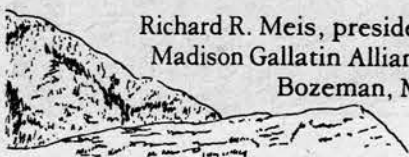
The approval of the permit for Ski Yellowstone by the FS is in conflict with *Guidelines for Management Involving Grizzly Bears in the Greater Yellowstone Area*. These guidelines, in reference to recreation management, state that, "Development of any recreation facilities or activities detrimental to grizzlies or to their important habitat will be deferred." Also, "...grizzly bears will receive... the highest priority in maintaining and developing suitable habitat..."

Almost everyone agrees that if the grizzly population in the Yellowstone Ecosystem is going to be recovered, then two things have to be accomplished: 1. Human-caused mortalities must be reduced; 2. Loss of habitat must stop. The FS is addressing both of these points in management statements. In management actions, however, they are not.

It is simply ludicrous to approve a development in an area such as Mt. Hebgen when a major goal is to reduce grizzly bear mortalities. The end result will be that activity on national forest lands will be severely restricted within a large radius of the development, and probably closed during part of the year. Even with this action, grizzly habitat is still being lost and probabilities for man-bear conflicts dramatically increased. These conflicts usually end in a bear's death. This is no way to bring about the recovery of the bear.

When the cumulative impacts on the bear are examined, Ski Yellowstone becomes only one of the man encroachments on habitat which must not be allowed if we are going to meet the law. The Endangered Species Act and the Grizzly Bear Recovery Plan make the removal of the grizzly from the threatened and endangered species list a priority. This can only come about when management decisions are made which favor the bear and its habitat. Several prominent bear biologists with whom I have spoken agree that if there is room for error in a management decision, then we must err in favor of the grizzly.

Richard R. Meis, president  
Madison Gallatin Alliance  
Bozeman, MT



[Continued from page 1]

conclude that the free market must be modified to take into account other factors.

Carl Gawell of the National Wildlife Federation in Washington, D.C., said the final report surprised him. "What I think is most amazing is that this is a commission appointed by Watt, sympathetic to Watt. Yet it found that the coal leasing program was a disaster."

The initial drafts from the five-person commission supported the Watt theory of free market economics.

But in the final report, Gawell says, Linowes turned the free market theory against Watt. Gawell guesses the commission was turned around by its examination of three sales, including the famous Powder River coal sale.

Gawell adds, "In the last month, the commission moved 140 degrees. But they didn't totally get there." He says it has not produced a document government can use to lease coal. "Politically, the leasing question is back in the lap of Congress and (Interior Secretary) Bill Clark."

Industry, through the National Coal Association, also has qualified praise for the report. A spokesman said it was a good report, but said coal is displeased with one aspect: The recommendation that Interior swap coal reserves with railroads, so the railroads' checkerboard holdings can be turned into mineable units. The coal industry is fighting such swaps.

To turn from commentators to the report itself, the five commissioners found that despite much national legislation and BLM work, coal leasing is haphazard, run by people who often lack the expertise and information to properly lease coal. The commission says the BLM, with its emphasis on land managers, is unsuited to manage 86 billion tons of Western coal. The land managers are now further hampered because Watt cut off funding for exploratory drilling of coal reserves.

This hurts, the commission says, because good information is essential to leasing. It says utilities seek out the lowest priced coal, forcing coal companies to first develop the cheapest-to-mine reserves. If government puts up tracts that are expensive to mine, or not near transportation, they won't attract high bids. At best, firms will buy them for peanuts in the hope that a new coal boom will make uneconomic tracts mineable.

So the commission paints a picture of coal marketing and development as a pinpoint, highly competitive process. And this leads to its major criticism of the Watt approach. They say Interior can't create coal development simply by making reserves available. They argue that the BLM must put up tracts which are ripe for market. Only then, they indicate, can government get top dollar for its coal.

Gawell, of the National Wildlife Foundation, says that the coal market is indeed complex, but that the commission spent too little time studying that complexity. "They didn't look at resale of federal leases. They never dug into market dominance. They didn't understand why coal companies want to have reserves everywhere." And, he says, they didn't understand that the best tracts don't always get mined first. "Salesmanship can make a difference. Coal companies have sold utilities poor, expensive coal."

Because they failed to fully understand the practicalities of the coal market, Gawell says, the commission was left with a partly contradictory report -- one which recognized the failure of Watt's idealized marketplace approach, but which was unable to come up with an approach Congress could implement.

The report struggles to put coal in an understandable economic context. At one point, it compares coal reserves to a futures market in a commodity. Those leasing coal today are betting on the value of that reserve in the future.

But it goes on to modify that pure marketplace view by saying that coal reserves are a very complex commodity. Much coal is overlain by private land. The split estate situation, it says, can make access a crapshoot. Under the Surface Mining Control and Reclamation Act of 1977, a rancher who owns the surface can veto mining, or can sell his veto, allowing mining to proceed.

Uncertainty is added by the fact that post-1976 leases are governed by due diligence -- the company must start mining within ten years or face penalties. The commission says it takes 7 to 9 years to bring a mine into production, so the 10-year constraint is very tight.

Third, mining is complicated by environmental concerns, including surface and subsurface water, air quality, and land disturbance.

Fourth, deregulation of the railroads under the 1980 Staggers Act has increased coal shipping costs. It usually costs more to ship western coal than to mine it, with after-inflation increases of another 71 percent by 1991 predicted. That makes the closeness of the reserve to the user all important.

According to the report, higher transportation costs, payments to surface owners, state severance taxes, and due diligence reduce the value of the coal to the lessee. And that, the report says, reduces lease bids. It says that money due the Treasury from lease sales is diverted to states, railroads, and surface owners.

It is here, Gawell says, that the commission runs into itself head-on. They recognized the importance of non-economic aspects -- the rights of surface owners, the need to protect the physical and social environment, and so on. But, he continues, they kept coming back to the idea that leases had to bring the highest price instead of figuring out how to trade off high lease bids against other concerns.

The commission does have suggestions for Congress. It says the 10-year due diligence requirement is too short. Companies should be allowed to pay advance royalties for an additional ten

years, giving them 20 years to start mining. The commission warned against laws which create windfalls -- to railroads through captive markets; to ranchers who own the surface of coal leases; and to the states through high severance taxes.

The report's plentiful statistics show 18.1 billion tons have been leased out of 84 billion tons. 660 million tons of coal have been produced thus far, leaving 17.4 billion tons still under lease, most in the Powder River and Uinta-SW Utah region.

The West produces about 105 million tons per year of federal coal -- a tiny fraction of the amount under lease. But the commission argues that much of the leased 17.4 billion tons is not economically mineable. So, it says, more leasing is necessary, but precise leasing which puts up mineable tracts. The report warns that companies now have too much say in nominating tracts. They usually nominate tracts only they can mine or market, which explains why 70 percent of all lease sales attract one or no bids.

The commission was formed this summer by the U.S. Congress to investigate coal leasing. A moratorium has been in effect while the commission was deliberating.

The next moves are up to both Congress and Interior Secretary William Clark. Congress, which will hold hearings, must decide whether to keep the leasing moratorium while it considers legal changes.

Clark must decide whether to make administrative changes. Perhaps most pressing, the commission recommended that leasing over the next two years be held to 2 to 4 billion tons. That would mean cutting back a 1985 Powder River sale of 2.6 billion tons accompanied by the noncompetitive leasing of 4 billion tons in the same region.

The Linowes report also has a sister document -- a report due out momentarily on the environmental effects of coal leasing by the Office of Technology Assessment.

The Linowes report is available from: Commission on Fair Market Value, #400, 1015 20th Street, N.W., Washington, D.C. 20036.

Members are chairman David F. Linowes, economics professor, University of Illinois; Donald C. Alexander, a Washington, D.C. attorney and former commissioner of the I.R.S.; Andrew F. Brimmer, an economist and DuPont/Consol Coal board member; Richard L. Gordon, professor of mineral economics at Pennsylvania State University; and Julia M. Walsh, an investment advisor and former board member of the U.S. Chamber of Commerce.

--Ed Marston

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## High Country News

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WHY  
WATER  
COUNTS

# The Aamodt case pits rural New Mexicans against each other

by Sandy Tolan

*Santa Fe, N.M.* Western water fights usually pit local residents against outsiders, as a community comes together to convince the Congress or state that a dam should be built, or that a valley shouldn't be flooded.

**B**ut in the Pojoaque (Poe-WOK-ay) valley north of Santa Fe, New Mexico, where people have worked together, attended Mass and feasts together, and married each other since the 1700s, water has turned residents of several small Hispanic towns against the people living around them in Indian pueblos.

It is a fight which pits people with a 300-year-long claim to water against people with a thousand-year-old claim. And it has raised the question of whether the rural protagonists are not simply standing in for big money which covets the valley's water.

The legal issue is the right of the valley's Hispanics and Anglos to continue growing chile peppers, beans and alfalfa on small plots they claim have been irrigated by non-Indians for over three centuries. That irrigation is challenged by the Nambe, Pojoaque, Tesuque, and San Ildefonso Pueblo tribes. The Pueblo Indians claim "prior and paramount" water rights for land they lived on long before the Spanish Colonialists arrived in 1598.

The battleground is the federal courts. A law suit, known as *New Mexico v. Aamodt*, was filed by state engineer Steve Reynolds in 1966 to settle conflicts created by the San Juan-Chama water diversion, which was then about to bring water into northeastern New Mexico. Reynolds wanted to settle claims in the Pojoaque stream system and other tributaries to the Rio Grande River.

Reynolds' action set off a 20-year struggle that is now in U.S. District court and will certainly reach the U.S. Supreme Court, probably by 1986. Its ultimate effects will go far beyond this rural valley north of Santa Fe. Tribes throughout New Mexico are holding back on suits while they await a decision.

The local effects alone could be serious. The Pueblos have filed claims for far more water than is now available from the valley's ditches and wells. Non-Indians say the Indian claims will dry up their lands and their way of life.

The Pueblos deny that their neighbors will suffer damage. They say that if they lose the Aamodt case, it will be yet another broken federal promise and blow to chances of tribal self-sufficiency.

Whatever happens, the case has been a boon to an army of attorneys, hydrologists, anthropologists, and historians. They have received close to \$4 million -- most paid to the Indian

side by the federal government under its trust responsibility.

The experts have tried to determine how much land the Pueblos irrigated over the centuries; how valid were land deeds signed by the Pueblos to Spanish colonialists; whether the old Spanish system of solving water disputes should apply today; and whether the Pueblos were technically 'Indians' before the United States conquered the area in 1846. The \$4 million has established a dense legal and technical web aimed at determining the extent of the Pueblo water claims in a small valley, and throughout the state.

But the fact that they are making history is irrelevant to those on the ground. "It really is an American tragedy," says Orlando Romero, a research librarian at the Museum of New Mexico and a lifelong resident of the Hispanic town of Nambe. Romero's adobe house sits in the valley between the Jemez and Sangre de Cristo Mountains, about a mile from Nambe Pueblo.

Romero says, "Most of the people here are very independent. You know why? Because we have horses, we have chickens, we have goats, we produce our own food... We don't want all the water. We just want what was ours; what our grandparents, our great-great-grandfathers, our great-great-great-grandfathers, since 1598, gave their children to survive. That's the water."

"La Agua es vida," (Water is life), says a bumper sticker on the back of the Romeros' family car. "LET'S SHARE IT."

The Indian leaders won't be interviewed. But a statement by the 19 Pueblo governors says they "are not claiming all the water, just defending their rightful portion against the state and neighbors." They claim 36,000 acre-feet per year, or more than four times the total annual flow of the stream system.

Peter Shoenfeld, an attorney for the non-Indians, says, "If you look closely at their pleadings, what they're saying is that they're entitled to everything, and the non-Indians are entitled to nothing."

The Pueblo governors say: "The Pueblos would like to remind their neighbors that they have lived through three non-Indian governments, beginning with the advent of the Spanish Colonialists in the late 1500s, all the way through the Mexican and Anglo settlements. The Pueblos have co-existed with these groups and anticipate doing so in the future."

Furthermore, the governors stated, federal water studies show that ground and surface water is "more than adequate to supply all of the water rights in the basin, Indian and non-Indian alike."

But Peter White, an attorney for the state, which is lined up with the

non-Indians, says even if the Pueblos are granted one-fourth of what they're claiming, "there's nothing left over under state law for non-Indians... They'll be shut off under state law."

William Schaab, an attorney for the Nambe Pueblos, responds, "There's no possibility that the non-Indians are going to be foreclosed from any water. This is just a political assertion... it's just empty talk."

According to Schaab, the real issue is a fight over control. He says the rhetoric about Indian water brokers hides a basic fear: "That if Indian rights are governed by federal law, they're beyond the control of the state engineer. And that's what he (Steve Reynolds) doesn't want."

Schaab acknowledges that if the Indians win, "They will be free to develop those rights as they see fit." They may grow more crops, they may sell water to Public Service Company of New Mexico, which operates Santa Fe's water system, or they may sell the water directly to nearby, growing Santa Fe. Schaab sees no problem.

"That's the normal thing that an owner of water does. The use of the term 'broker' is part of the general scare tactics of this kind of politics."

Schaab, a partner in New Mexico's largest law firm, serves as a symbol of the case. Romero and others in the valley believe the federal government, through the attorney fees it pays for the Pueblos, is attempting to destroy the non-Indian farms and make water available for large commercial and private development. They argue that if the Indians get the water, it will quickly pass into more powerful hands.

The Hispanics, Romero implies, won't sell even if they win the case. "Where do Hispanics go?" Romero asked, looking out at his small row of cherry trees. "We can't move out. You're asking people who have been here since 1598 to go to Vermont, Massachusetts, somewhere in the Midwest, where they don't eat chile?"

"We're not the same as other Americans. This is our home. We've

been here since 1598 and by God we're going to fight for it. Nobody's going to come in and put a meter on my well, or try to charge me for water that I've been using historically for generations."

But suburban Santa Fe is already pushing up against the Pojoaque Valley. Most of the farmland that spread across northern New Mexico thirty years ago has been developed. Public Service has purchased water rights from local farms for Santa Fe.

**S**chaab argues that, with or without the Pueblo lawsuit, non-Indian farms "are probably doomed" because "the big utility supplying Santa Fe is basically going to gobble up all those marginal farming operations." But, if the Pueblos win, "The availability of Indian water may be (the valley's) salvation. Instead of Indians being a threat to small, marginal people, they are a greater promise of protection. Because the water will be there for that use if the Indians choose to make it available to them."

As the two-decade-long case winds toward a close, some wonder what will happen in its aftermath. At least a few non-Indians believe relationships will never return to normal. Romero says, "One can't deny the hurt. My fishing buddies, who are Pueblo Indians, we talk about fishing. And we sort of don't bring the subject up, because it's very emotional."

But state engineer Reynolds, who filed the 1966 lawsuit and who still runs water in New Mexico, is optimistic. "Life will go on. The people will be able to accommodate it and make a way of life. It will be resolved and I think everybody will survive..."

Sandy Tolan is a staff reporter with DesertWest News in Flagstaff, Arizona. His work has appeared in the *New York Times*, the *Christian Science Monitor*, and on National Public Radio.



Steve Reynolds, New Mexico State Engineer

Minier McKay



WHY  
WATER  
COUNTS

# William Clark prepares to flood water projects

by Bob Gottlieb and Peter Wiley

After three months in office, Secretary of Interior William Clark is sending clear signals to the water industry that in this presidential election year, there will be a fresh load of pork in the barrel.

James Watt always gave the water industry plenty to cheer about when it came to rhetoric and exhortation. But he and key assistant Garrey Carruthers of New Mexico never worked out a coherent water program. Instead, they drifted back and forth between key policies such as cost sharing and a failure to launch any new water-related construction starts, versus the promise of traditional

giveaways that have long marked Interior and its Bureau of Reclamation. Cost sharing is particularly unpopular with western politicians and the water industry because it would oblige the states and local beneficiaries to pay part of the cost of water projects.

William Clark has taken a most consistent and political approach. In settings designed to catch the eye of the media, Clark has announced a number of significant changes and new policies.

The most important shift may be in the area of bureaucratic changes. Under Watt, Garrey Carruthers, as Assistant Secretary of Land and Water, oversaw the Bureau of

Reclamation. BuRec, in turn, was headed by Nevada politician Robert Broadbent, a friend of Senator Paul Laxalt and a strong backer of traditional water industry demands. But Carruthers, and at times Watt, tended to overrule Broadbent, sending a confused signal to the water industry.

Under Clark, Broadbent has been promoted to the newly-established position of Assistant Secretary for Water and Science. It will supervise BuRec, the U.S. Geological Survey, and the Bureau of Mines. Carruthers is shifted over to another new position, Assistant Secretary of Land and Minerals Management. Clark reduced Carruthers' responsibilities, while

creating a new spot that both upgraded water matters and put Broadbent, who has been the water industry's strongest advocate inside the administration, in that spot. "Water," Clark underlined in announcing the bureaucratic changes, "will be a major issue of the 1980s."

Soon after, the Clark-Broadbent team made a number of announcements that sent positive signals to the water industry. First, on January 23, Clark sent to Congress a draft bill to repeal the so-called "hammer clause" of the Reclamation Act of 1982. This clause, part of the compromise between the Reagan administration and key Congressional figures such as

[Continued on page 14]

## The Aamodt case takes New Mexico back to its roots

In the West, historic research usually means going back two generations, or searching out a surviving nonagenarian covered-wagon pioneer. But the history of New Mexico's Pojoaque Valley makes even New England look like a young sprout. Its long history contrasts starkly with that of the political entity known as New Mexico, which came into the union in 1912 as the 47th state.

The valley's history is more than a curiosity. It is playing a key role in the struggle over water in this valley populated by Pueblo Indians, by people of Hispanic descent, and by some Anglos.

At first examination, the Aamodt case seems a mess. The federal government has spent several million dollars on behalf of the Pueblo Indians to establish their claim to more water than is said to exist in the valley. And it has recently also granted a more modest sum to the other side -- to the Aamodt defendants who use much of the water being contested.

The money has gone to lawyers, hydrologists and historians who specialize in Southwest history. The attorneys and historians are in it together because the primary question is not one of law: It is first a question of which law.

Should the water ownership be governed by the law of Spain as a result of the Spanish Colonialists who took over the region three hundred years ago; by water law under the independent Mexican government, in power from 1821 to 1848; by the actions of the New Mexico territorial government, in power from 1848 to 1912; or by the Western doctrine of prior appropriation administered by the State of New Mexico since 1912?

The Pueblos say: None of these. They claim aboriginal rights tracing back to their centuries-long occupancy of the land and use of the water. The struggle is not yet over, but thus far the Pueblos have won most battles in the lawsuit which began in 1966. For

example, the attempt by the 1,500 Aamodt defendants and their ally, the State of New Mexico, to assert the primacy of state water law was turned back by a Federal Court of Appeals in 1976.

That same decision complicated life for those who must decide how much water the Pueblos have. Almost all Indian water rights rest on the comparatively simple Winters Doctrine. That Supreme Court decision held that whenever the federal government "reserved," or withdrew, western land, it also reserved enough water to make the land useable. In the case of Indian reservations, the court found that enough water was reserved to irrigate all irrigable land on the reservation.

But the 1976 Court of Appeals said Pueblo Indians are unique. They don't have a reservation -- they own their land as a result of their settled, non-nomadic way of life and their status under the Spanish and Mexican governments. That status was continued by the 1848 Treaty of Hidalgo-Guadalupe, which ceded New Mexico to the United States.

The court also found that while the Pueblo Indians don't live on a reservation, the United States still has trust responsibility. Part of the responsibility was to see that non-Indians didn't buy Indian lands without federal permission. That trust responsibility was breached during New Mexico's territorial years, in part due to territorial negligence, and in part due to U.S. Supreme Court decisions later overturned. So many non-Indians came to own land within the Pueblos -- land now owned by the Aamodt defendants.

In 1924, the Congress set up a Pueblo Lands Board to straighten out a mess which had non-Indians illegally, but in good faith, occupying Pueblo land. In 1933, the Congress followed up the land board actions by appropriating compensation money to the Pueblos for their land and water losses.

The Aamodt defendants and the state claimed the 1933 action settled things, and left the state -- and its prior appropriation law -- in charge. The court said no. It said the 1933 guilt money had no strings attached. It said Congress meant to leave the Pueblos free to assert their rights.

Having said that state water law did not hold, the federal appeals court sent the case back to the federal district court level to do two things:

Untangle the intertwined Indian and non-Indian water priorities; and Decide how much water the Pueblos are entitled to.

Given the questions, it is easy to see how several million dollars could be spent on legal and historic research.

Are Pueblo water rights a result of the status of the Pueblos as citizens

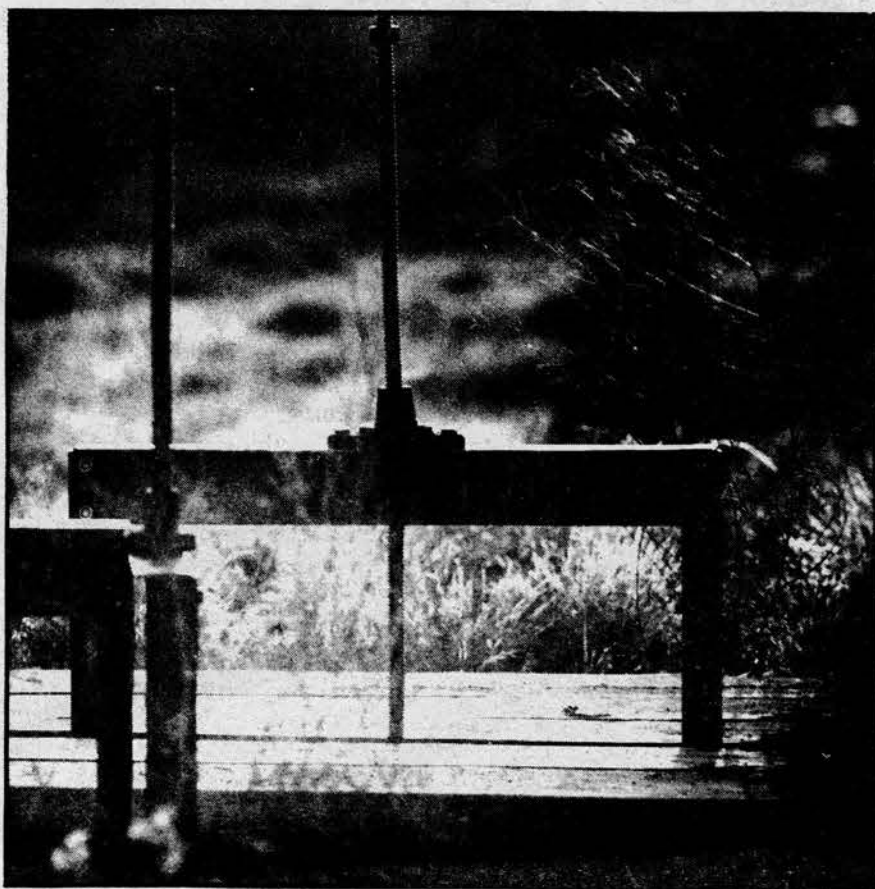
under Mexico at the time the treaty of Hidalgo-Guadalupe was signed? Must the rights to land and water be traced back to Mexican and Spanish law?

Or do the rights go beyond that, to some aboriginal doctrine appropriate to a people who used the land in a settled way long before the Spanish Colonialists arrived?

The law will decide which water doctrine and which nation's water law should apply. Once that is done, information collected by historians on Pueblo and non-Indian water and land use and ownership in historic or pre-historic times will be used to reapportion the water.

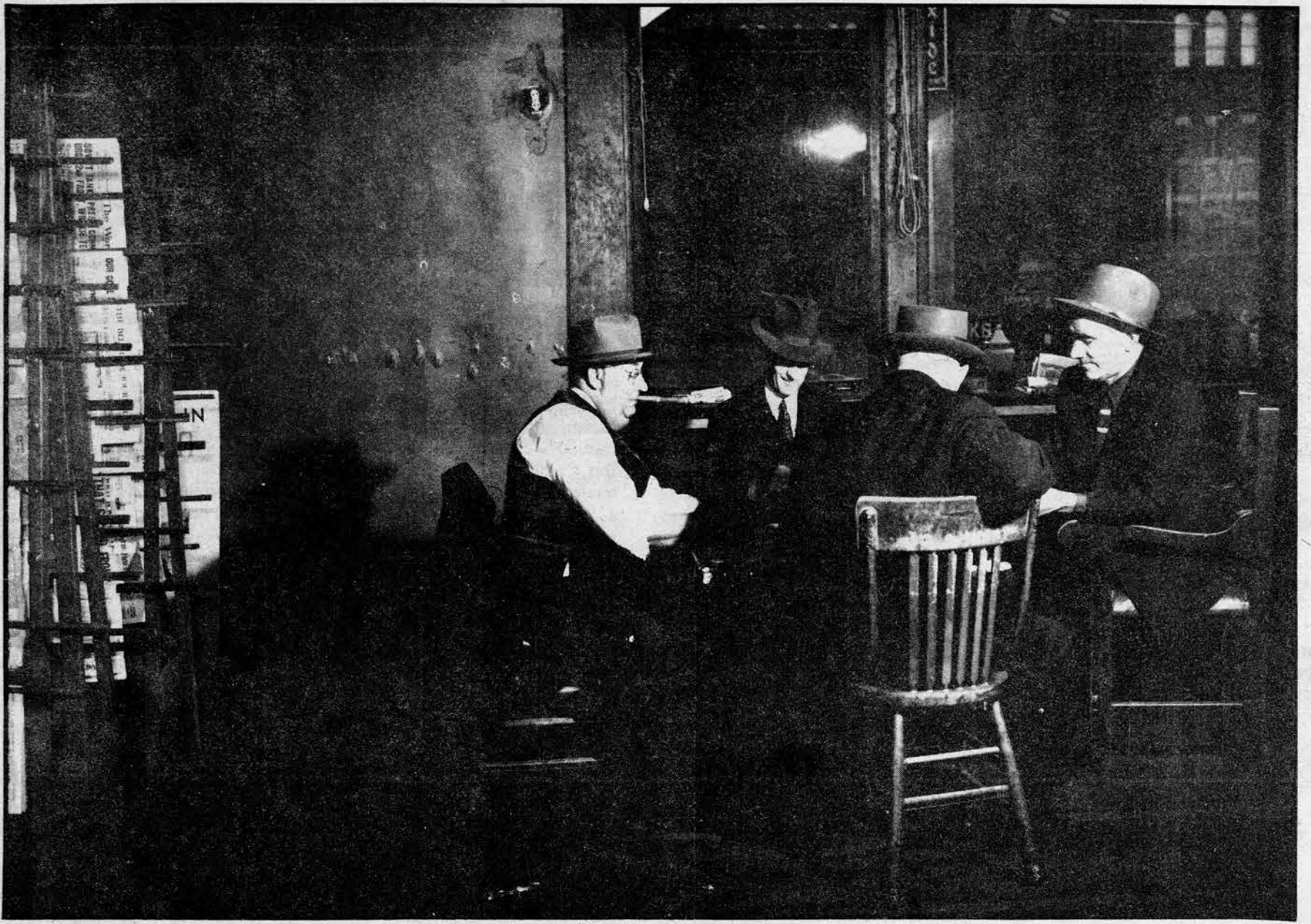
The case was argued this fall in Federal District Court with a ruling due this spring. It is expected to arrive before the U.S. Supreme Court in 1986.

--Ed Marston



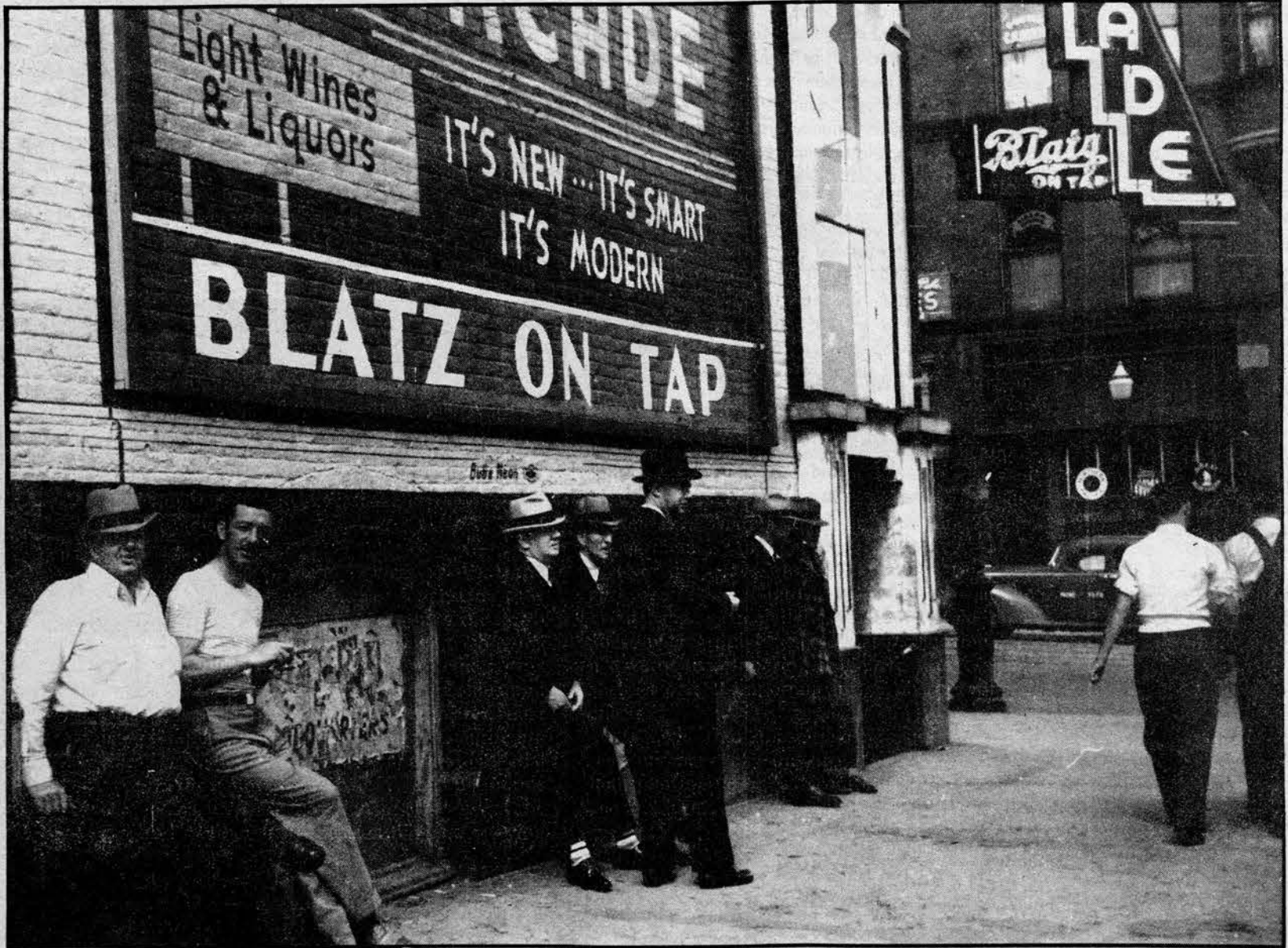
This Pueblo irrigation headgate controls the flow of water to non-Indian farmland

Miriam McKay



Above, the club room of the miner's union in Butte, Montana, 1942. Photographer: Russell Lee. Right, the town of Judith Gap, Montana, 1942, Photographer: John Vachon.

Lower Right, the Skinners Saloon in Bannack, Montana, 1942. Photographer: John Vachon. Lower Left, downtown Butte, Montana, 1939. Photographer: Arthur Rothstein.



by GE

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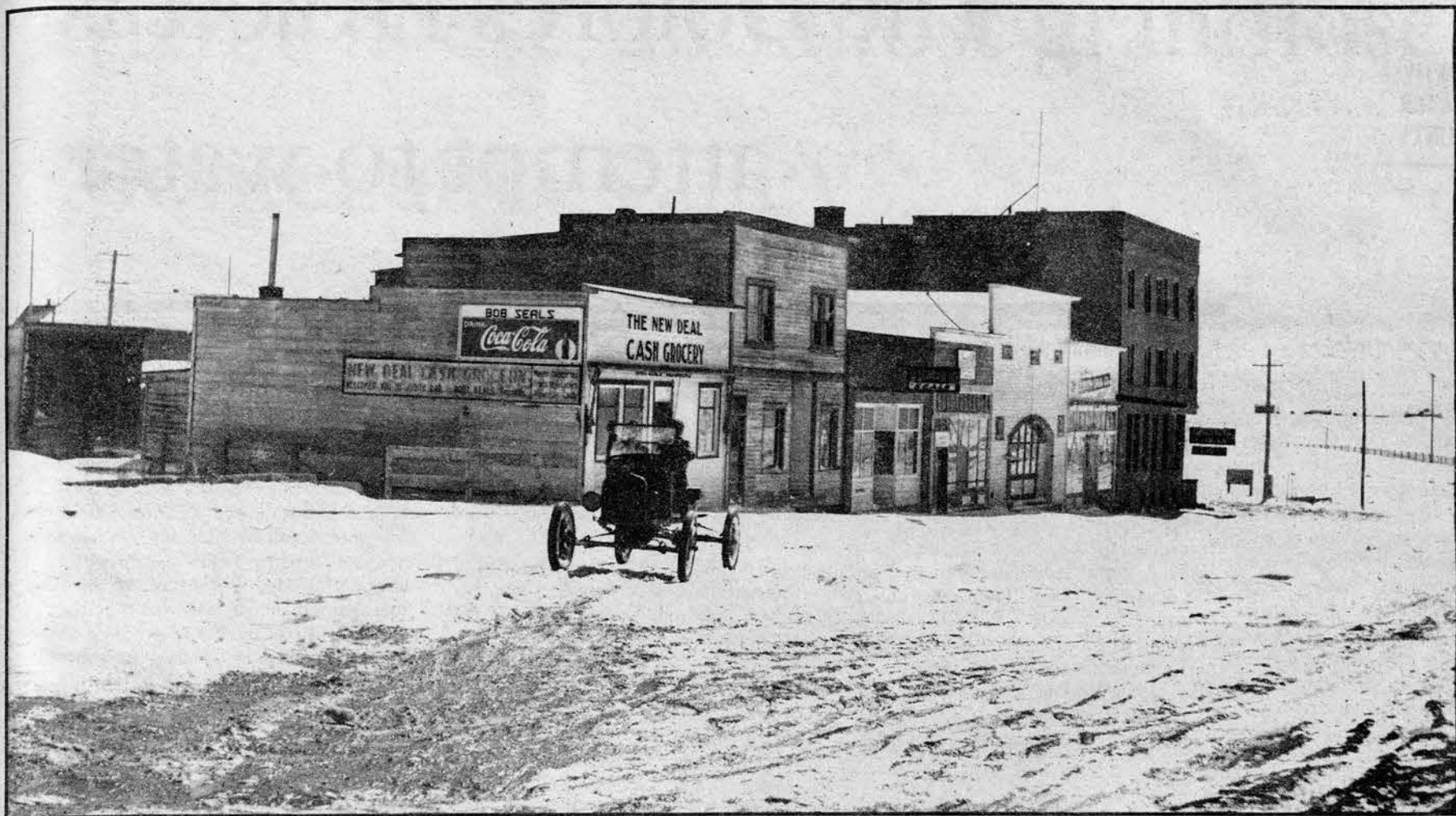
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But gravity is temperament of the selection from the finds a medley situations.

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They met with was one of severa legislators who for





# DEPRESSION MONTANA

by GEOFF O'GARA

As nearly half a century ago that an economics professor named Roy Emerson Stryker directed the photographic section of the Resettlement Administration, and a small group of photographers to work on the Depression life.

The project was too small to gain much notice. The government had just planted a crop of New Deal programs in the 1930s. Stryker hired a small staff, young and unknown at the time. Their job was to create a photographic record of rural life that officials of the Resettlement Administration (later renamed the Farm Security Administration) could present to Congress to bring the gravity of the Depression's impact on all Americans rural life.

The gravity is by no means the prevailing sentiment of the photographs. Looking over the mountains from the Rocky Mountain region, one finds a medley of emotions, classes, and people.

Stryker told his photographers to avoid the stiff and rigid portrait. He suggested they photograph "the edge of town -- where the town and country meet (a difficult thing to show)." He let them wander. They went to the cotton fields of the South, to the dust-buried ranches and the Great Plains, and, under the broadest interpretation of their mission, the slums of the big cities. They shot the landscapes of precarious coal fields, the hollows of Appalachia and mountains of Montana and they moved in for close-ups of the weather-worn faces of migrants moving

met with some resistance. The program was one of several that attracted the hoots of critics who found it appalling that during

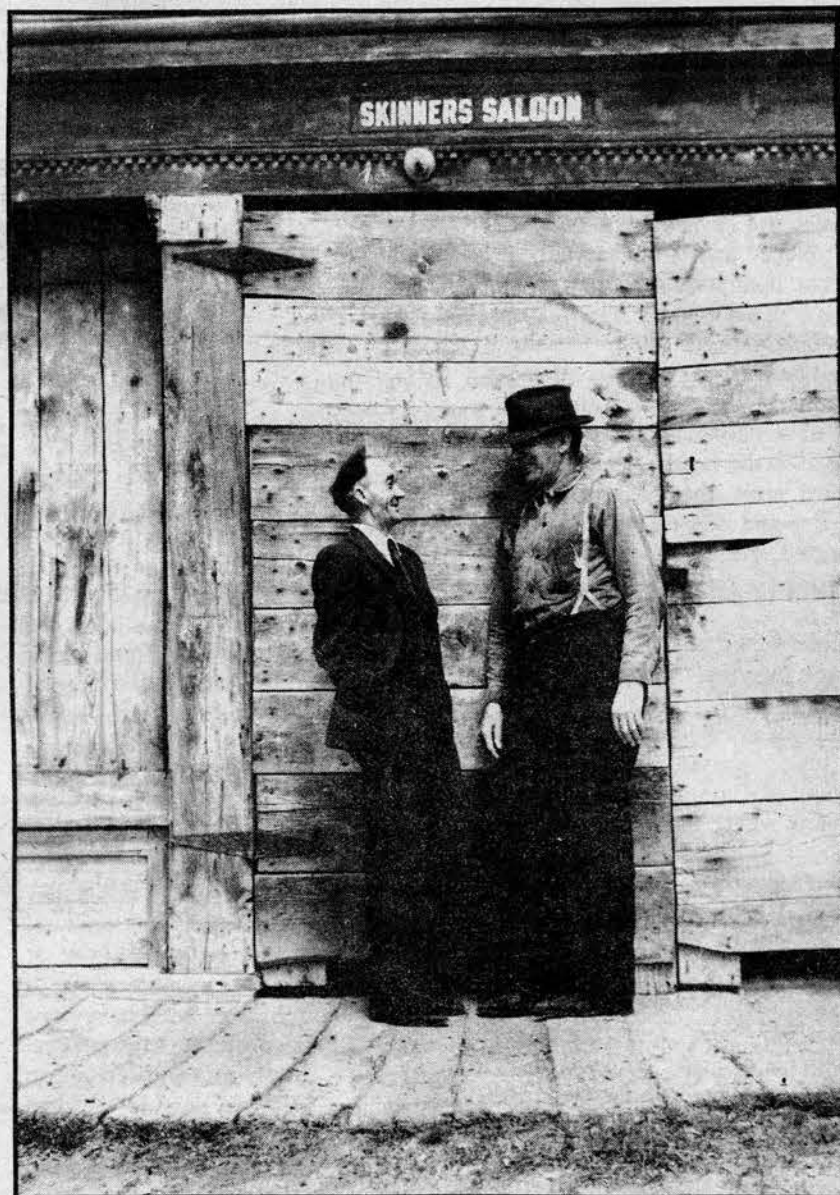
desperate economic times the government would waste its dollars on photographs (or theater, or paintings, or writers). Embarrassment, modesty and shame were also foes. When FSA photographer Russell Lee encountered an old woman in a small Minnesota town who would not allow him to take her picture, he told her: "Lady, you're having a hard time, and a lot of people don't think you're having such a hard time. We want to show them that you're a human being, a nice human being, but you're having troubles." Lee got his picture. And supper, too.

The approach of America's entry into World War II signalled the end of the FSA photography section. Some of the FSA crew continued in government service for awhile, documenting the war effort, while others went to work in the budding photomagazine world for publications such as *Look* and *Life*. Many of them are now well known to us: Dorothea Lange, Walker Evans, Russell Lee, Arthur Rothstein and Ben Shahn, among them.

Over the years, their work for the FSA has been apotheosized into art, and it now can be found hanging in galleries with big price tags. These photographs deserve that recognition, but it's worth remembering that there was nothing abstract or self-important in the photographers' efforts.

"I hope that these photographs will be a remembrance of the past," wrote Arthur Rothstein in 1981, "a record of accomplishment and an affirmation of faith in humanity."

Geoffrey O'Gara is a freelance writer in Lander, Wyoming. He is currently writing a book about the Federal Writers Project.



10-High Country News--March 5, 1984



## WHY WATER COUNTS

by Russell Martin

Above the severe southern bend of the Dolores River, a juniper- and oak-draped hill straddles the low ridge between two watersheds -- between the river's narrow canyon that angles north and twists its way toward the Colorado, and the wide and arcing and river-less valley that sweeps away to the south. Montezuma Valley is a patchwork of broad pastures, the sharp geometric shapes of cultivated fields and scattered remnants of dark pinon forests that reach to the abrupt cliffs of Mesa Verde.

From where I stand on top of the hill, at the enduring ruin of an Anasazi pueblo -- a spare sandstone legacy of the first farmers in this lean southwestern corner of Colorado -- I look for but can't see our haggard farm, somewhere among the soft expanses of green and brown terrain.

The valley appears lush and pastoral. Except for high and humpbacked Ute Mountain in the southwest and the snow-bound peaks of the La Platas in the east, the view resembles the heartland, the moist and fertile country of the central plains. Yet there has never been a natural, plentiful, year-round source of water for the valley's inhabitants or for their fragile crops, and there is only a meager measure of rain.

In the 2500 years that the valley has been inhabited -- by the Anasazi who survived and thrived on the dry land; by early Utes, mountain hunters, who roamed through the country; by the Navajo, for whom this was a mythical place and who called it *Dinetab*, the home of the people; and finally by Anglo and Hispanic homesteaders, kin of mine among them, who built fences and put plows to the ground -- the need and the lust for water have been dominant.

And that is the heart of this story: the niggard river that rushes away from the dry and desperate soil and the possessed, persistent work of the people who have trapped it and sent its water flowing in new directions: thirsty, determined people committed to the rough business of putting water to work.

When I look north into the canyon I can see broad gravel pits and the dredge lines of Caterpillars that hug the riverbank where the Anasazi once tended fields. Heavy trucks lumber down the river road and send billows of dust into the air. The canyon's slopes soon will be stripped of trees and sage; scattered homesteads are being packed away board by board or bulldozed into piles and burned; frenzied archaeologists, pressed for time, have excavated hundreds of ruins; pioneer graves have been moved and the river diverted.

And ten miles downstream from the hill, a dam has just been completed. Within a couple of years, a narrow lake will lap at the canyon rims -- the focal point of the latest, most lavish venture to tame the river, to

grab a steady hold of it and to push it into the nearby valley where capricious nature somehow chose not to send it.

The Anasazi, in many stages of development, inhabited this region for about thirteen centuries. Theirs remains the principal cultural presence on the vast Colorado Plateau. They were able to adapt themselves to the spare landscape, endure its water-less limitations and, from the glimpses we have, shape good lives. Yet for some reason, probably an amalgam of reasons, they had abandoned the region entirely by the end of the 1300s.

But the land was not destined to remain empty forever. Five hundred years later, a group of immigrant businessmen planned a water diversion tunnel, over a mile long, under the divide between the Dolores River canyon and the dry valley next to it. They hired teams of workers and enlisted the help of struggling homesteaders on the dry side, and by 1889 the bore was complete.

But that was only the first step. Work then frantically began on a series of canals to carry the water across the flat back of the valley and deliver it to the scattered farms. Draft horses and mules pulled slip scrapers and wheel scrapers through virgin forests and high-grass meadows that had never felt the cut of a plow.

Imagine the drudgery: Earth had to be manually lifted out of the canals and hay for the teams was hauled from the Mancos Valley, where nature had had the good sense to provide some water, twenty miles to the east.

But after the developers got water into the valley, they discovered, to their grim dismay, that farmers weren't lining up to buy it. Much more water remained available than was being turned into the fields. So company and county officials tried to trumpet the news about the good farm life, the extensive irrigation system, the special qualities of the arid and pristine West, and, perhaps most important, the cost: "These lands are now ready to sell at prices and terms that make it possible for farmers of limited capital to become land-owners."

Then came 1929, and the grand promise withered. In fact, although the years before and after the second war saw orchards, grain crops and livestock begin to thrive, this valley has never become an agricultural empire. But you hear people talk, at dingy cafes or bent over the hoods of pickups, about how it could have been -- may still become. If only political ignorance hadn't crippled farm economics, they say, made it damn near impossible to support a family on 160 acres of ground. If only we could get more water.

The human history of our place is short and its record sketchy. Several ransacked ruins confirm

that a small group of Anasazi lived here, for a short time at least. Orson and Molly Stone and their family, who homesteaded the quarter-section, were here about forty years. Now we've settled -- scratching about the place, offering it a kind of meager husbandry that does us more good than it does the land.

The Stones, Vermonters by birth (I imagine them as taciturn and tough as boots), had come to the valley in the early 1890s to help survey it and to find a homestead. The place they chose was, the oldtimers say, one of the finest in these parts: Thick forests surrounded a wide meadow where bluestem grew as high as your belt buckle. Water from the spring flowed by ditch to a cistern by the house, and also irrigated a large garden and orchard.

But the delivery canal completed in 1905 cut through the heart of the place, isolating the house from the barn and splitting the fields. The Stones couldn't change the chosen course: The water company had eminent domain, and I suppose no one would have had the temerity to complain when so much bounty, so much vital water, was in the process of being delivered.

Orson Stone, in fact, must have planned to use the water to good advantage. Hay crops and grains that were difficult to dry farm would produce excellent yields when irrigated.

But the canal destroyed whatever grand plans he might have had. It wasn't long before seepage from the first canal's wide, ox-bow bend had turned most of his big meadow into a swamp. The water that seeped from the ditch saturated 60 acres or more, making the soil too wet to plow, too wet to support anything but bitter grasses and cat-tails.

The Stones persevered. There was still good ground above the ditch -- a field, some pasture, and the orchard -- and cattle and horses could graze on the wet grasses on the other side of the ditch. But so much of the land which anchored their hopes had drowned that they must have been nearly broken.

A man my father would later work for bought the homestead for taxes sometime during the hardest years of the thirties. Through the years he leased the boggy meadow for winter pasture and sold enough young junipers for posts, my father says, to fence from here to Kingdom Come. Except for that, the place was left to its own devices. A few years after his death, the man's daughter sold half the homestead to us.

There is no trace left of the Stone's rock and adobe house, but Orson Stone and a daughter, Jenny, are buried near the spot where our house now stands. Junipers that were old when they were buried still surround the graves. Two wide lilacs have strangely survived in that small cemetery, in that powder-dry ground on the bluff above the ditch.

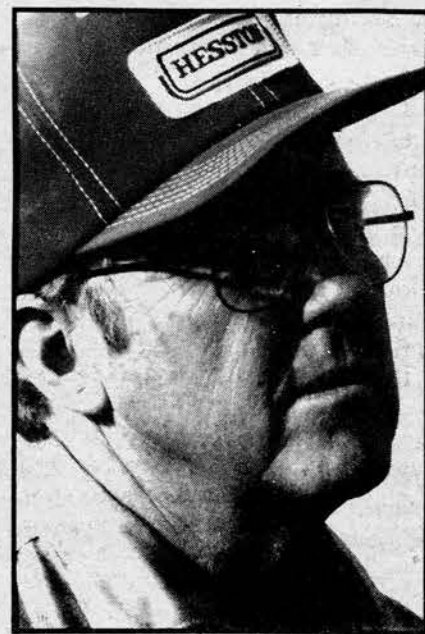
In the decades that followed the watering of the valley, the gaunt look of the land and the cautious gaits and stances of the people who husbanded it changed dramatically. Water was everywhere. Farmers whose fathers and grandfathers had scratched livelihoods from the sere hardpan suddenly couldn't imagine tending fields that weren't liberally flooded with water. In fact, their principal complaint was that the valley was still too dry to produce as they imagined it could. By late summer, the river's tumultuous run-off was reduced to slim rivulets in a rocky bed; not enough water could be diverted to fill all of the valley's canals or its maze of tiny ditches.

The same canal that crippled the Stone homestead is a mixed blessing to us. Water that leaks from its banks still keeps most of the big meadow swampy, and the ditch continues to interrupt the lay of the land. But the canal has kept the place cheap and undesirable. Sweat-stained, game young men had no interest in taking on that surly swamp or the hard clay soils that rim the meadow or the rocky loam on the ridges where the pinon and juniper stand. In latter days, even the subdividers, the ranchette planners and trailer planters have kept their distance.

Dolores Project water will someday run in this and the other canals. Will it simply mean more swamps, more land rendered nearly useless? No, not simply that, but that will be one of its consequences.

The centerpiece of the Dolores Project is the new McPhee Dam, a 270-foot high earth-fill dam that blocks the river canyon. Project engineers estimate it will take three years to fill the reservoir behind the dam and another five to seven years to complete construction of dikes, tunnels, pumping and treatment systems that will deliver water to the fields and towns.

The physical facts about McPhee are precise: it will hold 381,000



Walter Ertel

Bill Elzey

# man's latest, and most grandiose, Montezuma Valley

acre-feet, of which 126,000 acre-feet will be used for irrigation, towns and wildlife; it will irrigate 35,360 acres now dryland farmed or neglected; and it will deplete the Dolores River flow into the Colorado by 105,000 acre-feet (21 percent of its flow). But 25,000 acre-feet of the water taken out of the Dolores will reach the San Juan, and then the Colorado.

The engineering facts are precise, but the cost murky. It is only clear that the 1975 estimate of \$150 million will probably reach \$400 million.

It's curious: the Dolores Project epitomizes government spending, manipulation and regulation at their most direct applications. Yet here, where nothing gets quicker applause than denunciation of those activities, the project is considered government at its best. Hell, you hear, we're finally getting our share of the pie.

**T**here is proof, I know, of my nostalgic, myth-bound prejudices in the way I view the creation of that first, straightforward diversion system compared to the Dolores Project's calculated birth. Somehow the image of those immigrant geezers, with their wide mustaches and leather suspenders, conniving and muscling water into this valley a hundred years ago, banking their dollars and days and aches on the promise of that water, rests more easily with me than today's T-shirted union men, punching their D-8 Cats into the fertile riverbottom, then high-tailing it to the next job when this one's complete; or the sight of the fine new office complex in Cortez, where BuRec engineers, fresh from the Curecanti Project or up from the CAP, write memos about the nuts and bolts business of getting the project built.

There's no logic in my bias. But I'm hanging onto it -- perhaps because I have some sense of the dimensions, the legacy of that first diversion project. Despite its out-dated delivery system and its flagrant wasting of water, it is a remnant of an era when the notion of community still had real meaning, a time when people in localized areas, for better or worse, tackled their own problems and met their own needs.

The Dolores Project, in contrast, is an enterprise of the federal government. It has been planned, engineered and funded by people who have no stake in this valley, people for whom the politics of water have more meaning than the satisfaction of seeing water spill from a ditch into a hayfield furrow.

But hopes among those who live here are high, make no mistake about that. When voters in the Dolores Water Conservancy District (devised roughly as the area and populace the project is designed to serve, meaning all of Montezuma Valley and the three municipalities) voted in 1977, they approved a repayment contract (the agreement of local users to pay for their share of the project) by a vote of 3,926 to 229.



McPhee Dam, nearing completion last summer

Bureau of Reclamation, J. Fleetham

The image of those immigrant geezers muscling water into this valley one hundred years ago rests more easily with me than today's T-shirted union men, punching their Cats into the fertile riverbottom.

And in April of that year, when President Carter relented and removed Dolores from his "hit list" of uneconomic water projects, the city of Cortez held a celebration. Colorado Governor Richard Lamm led an impromptu parade down Main Street to the city park, where over 5,000 people helped themselves to free barbecued beef and hailed the renaissance of the project.

Now, after six years of funding and the physical evidence that something's going on, the exuberance is tempered a bit. Farmers, who wear their skepticism like coveralls, have begun to wonder how it really will affect them. Will their bigger loans be easier to repay with higher crop yields? Will their soil be as rich as it once was? Will more water make all the difference?

"The project will enhance the economy some, but it isn't going to

change farming conditions that much, especially on the lands already being irrigated." Walter Ertel is past-president of Montezuma Valley Irrigation Company, a friend since I was a kid; a man who divides the rest of his time between his hay business and the mortuary in Cortez that likely shoulders the hay business. "Most of us are now part-time farmers and ranchers. That's one thing the project may do -- we may have more full-time farmers again."

We sit in his office at the mortuary. Today, instead of a dark, vested suit, he wears his farmer's clothes. He leaves his jean jacket on during our conversation and puts his boots up on the hardwood desk.

"That's been our problem -- not enough water to make this land really produce, produce like it could, produce enough to really support a fellow and his family."

He explains that once the project's complete, the irrigation company, a private cooperative, will retain its decreed rights to about 27,000 acre-feet of the Dolores and will buy supplemental water from the water district that will manage the project facilities. In low precipitation years, with the help of the additional water, ditches won't run dry in mid-July like they do now. In years of severest drought, farmers should have the water to raise enough hay to get their livestock through the winter.

"The biggest change is going to be in the dry land" -- the high northwestern tilt of the valley that reaches toward Utah. Sprinkler systems will be required by the Bureau of Reclamation on all newly-irrigated lands. The present canal and ditch systems will continue

[Continued on page 12]

## Dolores...

[Continued from page 11]

to serve the lands that currently receive water.

"A lot of those older drylanders probably won't want to go into the debt they'd have to buy the irrigating equipment. Some of them will sell out; others will split their places up, and you'll see more people living out there." He explains that, because of phenomenal start-up expenses, the first two farmers on land that is irrigated by a federal reclamation project have historically gone broke. By the time the third owner comes along, crop yields are usually keeping pace with production costs. "But even so," he says, "I don't expect a real radical change."

We talk on -- cronies trying to convince each other of something neither is sure of. Walt says: "The good land is going to go back into agriculture and stay in agriculture." I ask him, if farming does boom, will small farmers survive -- or will big land companies take them over?

"I hope not. It makes me sick to see what's happened in the San Luis Valley (in south-central Colorado). Population's dwindled -- people are gone. You see one tenant farmer looking after thousands of acres. Those companies buy their machinery elsewhere. They bring it in, sometimes bring in their help; then send out the produce and the money and the local area gets nothing.

"I don't think agriculture's ever going to become any less important. If anything, it'll get more so. And anywhere you see that situation, the big boys are bound to try to move in."

Walt Ertel's perspective typifies an ambivalence you notice here these days: the farmer's square-jawed determination -- the certainty that he'll plant again each spring, and, as always, hope for rain and riches -- and the quiet fatalism of the mortician who knows that everything changes and nothing lasts forever.

This will be a whole new thing for the tribe, says Ernest House, grandson of Jack House, last chief of the Ute Mountain Utes. Ernest, whose coal-black hair caps a friendly, boyish face, is chairman of the tribe and head of its governing council. "We don't want to end up in a panic when the water arrives; wondering what in the world we're going to do with it.

"We're livestock raisers. That's what we've always been. Farming is

brand new to us and we've got a lot to learn."

The water in the lower valley ditch is spent before it reaches the boundary of the reservation south of Cortez. Not a single acre of Ute land is now irrigated. But in another decade thousands of acres should be ready for cultivation, ready for project water.

Water experts generally agree that, based on the prior appropriation doctrine, the Utes could win control of much of the Dolores if they decided to test the issue in federal courts. They were the first of the present residents to use the water, and treaties long neglected guarantee the tribe part of the river's wealth.

But instead of going to court, the tribe has settled for a major share of the project -- 22,900 acre-feet annually for irrigation (7,500 acres are scheduled for cultivation) and 1,000 acre-feet per year for domestic use at Towaoc. Dolores Water Conservancy District officials admit that without Ute support, final funding would have been difficult, if not impossible.

"The project will change our life style in some good ways and maybe in some damaging ways," says Ernest House. "The work it will bring'll be good. For sure. The damaging aspect could be whether we're ready to handle it, to use it wisely." Then he adds: "You know, it's a sad thing. Most of the oldtimers who've dreamed about something like this for so long won't get to see it. They know we're going to get the water, but they won't get to see it arrive."

Spring winds finally blow themselves east to the heartland. The mud that I cuss so determinedly that time of year finally dries and the Stone place, briefly, begins to look like parched high desert again.

The ditch carries snow-melt for a while, then is a muddy trench until they send the first water into the canals and the ditch-rider comes along to check the headgates. The thirsty willows resume their command of the ditchbanks; the water in the sloughs begins to rise, and men with sun-seared Vs at their collars trade felt hats for straws and have a go at irrigating for another season, their shovel blades filed sharp as knives.

Here at the Stone homestead we undertook a reclamation project of our own last summer. The feasibility studies were completed over the telephone; the engineering was done on a napkin, and the funding, though tenuous, was finally finagled. Steve Miles brought in his Case trencher

and, in the draw below the orchard, dug a catch-basin for us. We now trap the wastewater that runs onto the place from the farm to the north, and use it before it drops into the canal. We pump water from the little pond up to the orchard, to a vegetable garden that's always dry as dust. Someday, when we've finally grubbed the sage from a sloping field that the Stones first cleared, we'll irrigate alfalfa there.

I wonder at that possibility; wonder if we'll persevere through enough anvil-hot summers, snow-bound winters and blustery, depressing springs to see it through. I wonder if, as the changes advance on the valley, there'll be enough of a shift within me to keep astride of them, to keep me committed here. Or whether, with a notion of what must have pierced the hearts of those buck-skinned Utes when the move to the reservation was at last inevitable, I'll give it up.

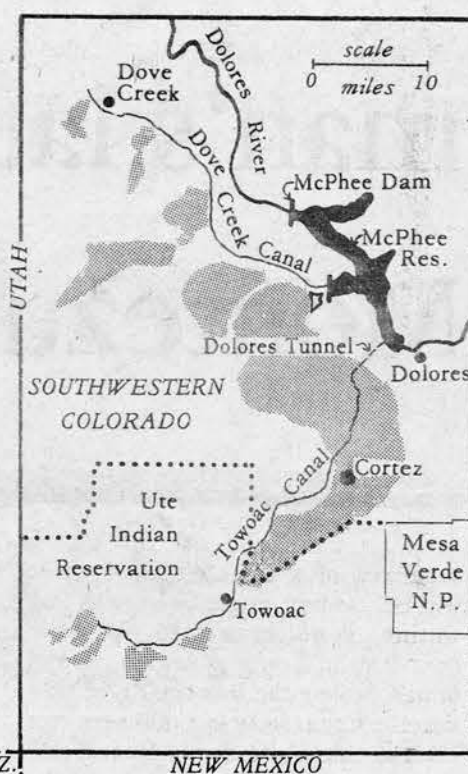
This is the fundamental question: should we alter landscapes, watersheds, whole ecosystems in an effort to make this land more productive, more habitable?

Of course, it's hard to pretend this current, century-old irrigation system is entirely harmonious with the tone of the land -- with its leaky canals, open ditches that lose almost as much water as they deliver, its flooded fields and enduring bogs. But yet, perhaps just because of its tenure here, its scale and scope seem legitimate, its contributions appropriate.

What's ahead, on the other hand -- a massive dam, an impounded river -- will seem alien, imposed. But they may help the farmers survive; they may bring these small steads back to life. And the people who have husbanded this ground for so long can, perhaps, remain a part of it, vitally connected.

From the bluff above the house I look at the high, ragged cliffs at the northern rim of Mesa Verde. I imagine those first farmers, the Anasazi, who adapted so successfully to this land, who pulled crops from the ground for thirteen centuries before they were overwhelmed by it, before they left like gypsies.

Archaeologists speculate that raids by immigrant nomadic people, likely the ancestors of the Navajo, may have intensified the rush to leave. And there were other factors: populations grew too large to be successfully supported in some areas; fields, planted and irrigated year after year, may have been leached and eroded to



The Dolores River Valley, which will be flooded when McPhee Reservoir fills behind the recently completed McPhee Dam.

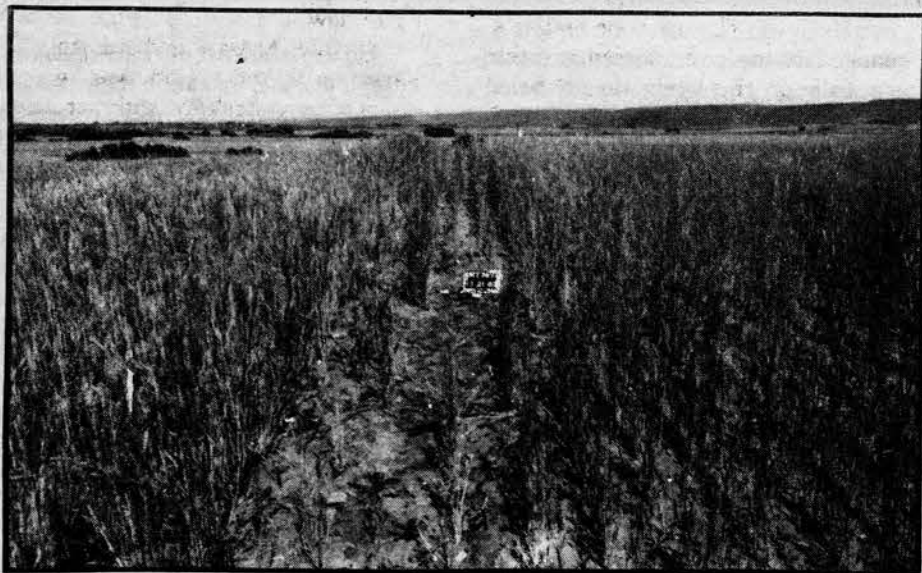
near uselessness; there is evidence that forests were stripped and that wild game grew scarce. Perhaps the Anasazi's demands on this lean terrain became too great, their impacts more than it could endure. Perhaps they tried to do too much.

That possibility captivates me; concerns me, when I think about the hundred years of work and reward and mean trouble that we have known since we staked our legacies to this ground; when I think about the current hopes for endless bounty, the dream of a carefully managed relation to the land that will sustain us forever. Perhaps we will make it, enduring here as long as the winters give way to spring.

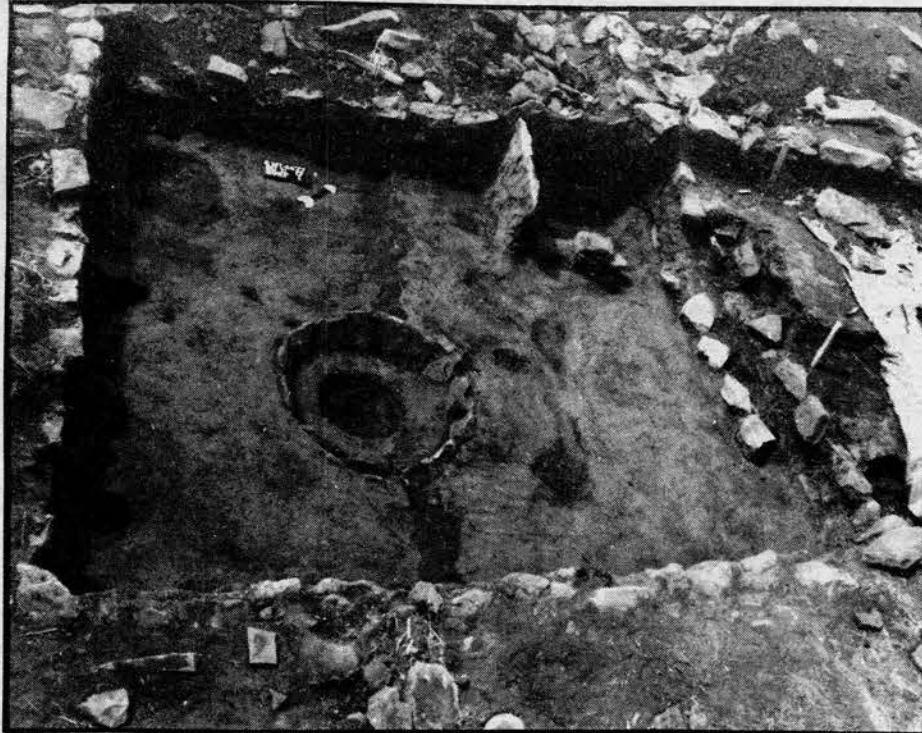
Or perhaps some distant day we'll meet a sour, sad defeat, like the Anasazi -- that civilization that survived and thrived in the arid country for so long, but that seems to have fallen out of rhythm with the land and the elements. The whole environment was altered, thrown out of uneasy balance, and the Anasazi gave this country up.

Russell Martin is the author of *Cowboy: The Enduring Myth of the Wild West*, published by Stewart, Tabori and Tang, and co-editor of *Writers of the Purple Sage*, an anthology to be published by Viking Press.

This article was paid for by the High Country News Research Fund.



The field above, near the McPhee Dam reservoir, was identified by archaeologists as an Anasazi site. After excavation, right, this Indian pit structure was revealed.



Dolores Archaeological Project



## WHY WATER COUNTS

Back when America was enthralled by technology, the interesting thing about the Dolores Project in southwest Colorado would have been numbers:

The 381,000 acre-foot McPhee reservoir;

The six million cubic yards of rock in the 1800-foot-thick dam;

The mile-long Dolores tunnel which will carry water out of the reservoir and under the divide;

The 35,360 acres of dryland the water will irrigate;

The 81,000 acre-feet the project will deplete out of the Colorado River's 14 million acre-foot per year flow; and

The three towns -- Cortez, Dove Creek and the Ute Mountain Ute's Towaoc -- it will supply with 8,600 acre-feet of drinking water;

The approximately \$140 million spent thus far; and

The \$400 million it will take to build the entire project.

Today, the fact that the fill used could build a road to the moon doesn't impress many people. Instead, there are two questions being asked:

Despite subsidies approaching \$400 million, will the project hurt those it is intended to help; and is the U.S. Bureau of Reclamation breaking federal law by building the project despite very large cost overruns?

To start on the ground, one critic suggests that the farmers may be hurt by the project. Tom Klema, who runs a rafting company in Cortez, says:

"The water will force change on the dryland farmers. You're asking them to invest more money in shaky operations."

The water itself is free to farmers -- only \$1.35 an acre-foot. And if the 170 farmers were allowed to flood irrigate, it could be used cheaply. But the Bureau of Reclamation wants to stretch water. So farmers must sprinkle, which uses two acre-feet per irrigated acre instead of the three to four required by flood irrigation.

But efficiency costs money. A center pivot sprinkler for a quarter section costs about \$40,000. And sprinklers use water under pressure, raising delivered cost to \$35 an acre-foot. How will they pay for the sprinklers and water?

John Porter, the pleasant and knowledgeable farmer who heads up the Dolores Water Conservancy District, says most will stick to beans. But instead of the drylanders' 200 pounds, they will raise up to a ton an acre.

Some water will go to land already irrigated. The 37,500 acres under the historic Montezuma Valley system will get 13,700 acre-feet to supplement the 130,000 acre-feet it takes out of the river. Its diversion reduces the river to a trickle after the spring runoff.

The presently irrigated land, Porter says, produces small grain and alfalfa. "We winter cattle but we don't feed them. It's too far from market. We used to have quite a few dairies, but they're gone. And we used to be number two in the state in orchards."

Agriculture is still in Montezuma County, "But too much land is divided." He says of the split-up

farms, "I don't know if you call it progress or not." He says of the newcomers, "I don't know what they do. A lot of older people move in to retire from Texas and California. There are also summer homes."

The irrigated part of Montezuma Valley -- the green lands -- attracts urbanites looking for a ranchette or summer place. Will Dolores Project water create 37,000 acres of newly green lands to also turn into ranchettes?

The area does hope the project will bring growth. Cortez has contracted to take 6,200 acre-feet of municipal water that will cost \$320,000 per year -- an extra \$100 a family for the 8,000-person town. But growth isn't in sight. Porter says: "There will be a time when Cortez is paying for water for future generations."

But Cortez loves the project. Klema says the local paper referred to critics as "pack-of-dog environmentalists."

The Cortez *Sentinel* is likely to complain more loudly in a week or so, when environmentalists send out a memo designed to leave McPhee Dam standing across the Dolores as an expensive monument. According to Jeanne Englert, a Durango resident until recently, a group of Colorado and national organizations are preparing to send the memorandum to the Justice Department and Government Accounting Office.

It claims the Bureau is proceeding with the project in violation of federal law. The key is the agency's recent severing from the project of facilities designed to deliver municipal water to Cortez and Dove Creek. The water was important to the cost/benefit justification of the project since municipal and industrial (M&I) water has greater benefits than agricultural water.

But so-called M&I water must pay full cost; agriculture is subsidized. As a result of inflation and design changes, the total project has gone from \$186 to \$402 million. M&I has gone from \$12 to \$50 million. Cortez, with 8,000 users, faced a \$40 million repayment, or \$400 extra per family per year. Tiny Dove Creek, with 1,000 people, faced a similar burden.

The problem is acknowledged in an Aug. 2, 1982 letter from Bureau regional director Clifford Barrett in Salt Lake City to then Bureau chief Robert Broadbent in Washington, D.C. Barrett wrote that when M&I rises above \$20 million, a new contract must be signed with the Dolores Conservancy District. The district would not sign such a contract.

So, Barrett wrote, "A very viable solution... would be to terminate construction of" M&I facilities, making it a non-federal responsibility. Broadbent agreed, and the Bureau 'severed' the pipeline to Cortez, a municipal reservoir at Dove Creek, a pumping station and other facilities.

That saved money, but not enough, since the towns remained responsible for a substantial percentage of the common facilities -- the \$80 million dam, the \$13 million tunnel, etc.

So Barrett proposed changing the allocation system from one based on the relative benefits accruing to the M&I and agricultural users to one

based on the amount of water each sector uses. This dropped the M&I portion below \$20 million, and made contract renegotiation unnecessary.

Despite the changes, the M&I water remained a major justification for the project. So the state of Colorado agreed to help finance and build the facilities to get water from McPhee to the towns.

The towns will still get their water, if the state follows through on its intention to build the pipeline to Cortez and a reservoir for Dove Creek -- each costing about \$4-\$5 million. But there are complications. Colorado Division of Wildlife wants a separate wildlife reservoir, as originally planned. Other agencies are pushing for a joint municipal-wildlife reservoir.

Citizen Englert argues it is in no one's interest to bring 6,200 acre-feet of water to Cortez. The Bureau, she says, helped justify the project by predicting that Cortez would have 10,300 water users by 1983. It is now supplying 8,000. Cortez is supposed to grow to 12,300 by 1990 and 39,000 ultimately, which seems unlikely.

So the easy way out may be to build only the agricultural part of Dolores. But geography intervenes. The small Ute-Mountain-Ute town of Towaoc now trucks in water and needs the project. But its water was to flow first to Cortez, and then travel on to Towaoc. Not building the Cortez pipeline would cut out Towaoc. But the Bureau's Glade Barney in Salt Lake says the water would then be delivered by irrigation canal.

The project will have a network of pumping stations and pressurized pipelines for irrigation water. This explains why the project will cost \$402 million, although the dam cost only \$80 million.

The Bureau saved real money by severing the M&I facilities. But only 'paper' savings resulted from the reduction in the towns' share in the cost of core facilities. Who will now pay extra for the dam and tunnel?

Those costs get assigned to the farmers. But the farmers don't mind. Ninety three percent of their costs are paid by those who use power out of Glen Canyon, Blue Mesa and Flaming Gorge dams.

Another problem comes from a U.S. Fish and Wildlife Service Jeopardy Opinion. It says the project's depletion of the river endangers the humpbacked chub, et al, at the confluence of the Dolores and Colorado in Utah. The Service wants the Dolores to release more water than planned. The Opinion also affects other projects and may inspire another attempt to modify the Endangered Species Act.

What good does a challenge to a complete dam do? Englert says only forty percent of the total \$402 million cost has been spent. And that if the project can be stopped before canals and pumping stations are built to deliver water to towns and farmers, power users and recipients may be better off. She says the reservoir can regulate the river, help the Upper Basin states meet their obligations to Arizona and California, and locally provide additional water to irrigators who now get water out of the Montezuma Valley system.

In one way, Dolores has already disappointed the area. Porter, who has shepherded the project for years, says the spending of \$400 million didn't have the expected effect.

"This was a union job. They came in here and lived in camper-trailers for four nights and then left for the weekend. Local non-union people couldn't get jobs." Eventually, the local people swallowed their resentment and joined the union. Porter guesses that by the end of the project, those who wanted a job had one.

As mentioned, if the reservoir is completed, the water could drive out some of the existing farmers. But ironically, the rafters who once guided people down the 230-mile-long free-flowing Dolores to its confluence with the Colorado may survive.

McPhee Dam chops 19 miles off its runnable length. But rafter Klema says that if the Bureau will "release water in May, June and July, it could enhance rafting. But if they dump water early, it'll hurt." Rafting, he says, is a minor item to the Bureau. "But local water users don't want them to let the water go early either. So there is hope."

Archaeologist Paul Farley also has mixed feelings about the dam. He has spent the last few years excavating, collecting and now cataloguing remnants of the Anasazi culture that once thrived in the valley, and that will soon lie beneath the reservoir.

The very large federally-funded project is comparable to the work done before the Aswan Dam was closed. Farley, who with a crew of 40 now works in an old appleshed -- another historic remnant of the area -- says only a fraction of the ruins will be salvaged. Still, "Although the dam is incredibly destructive, it provided a chance to look at the archaeology that would never have been possible otherwise." The collection will be warehoused in an Anasazi Heritage Center to be built on the edge of the reservoir.

Farley, who is laboratory director, says the 920 sites within the 4,500-acre reservoir site were in concentrated use from the 7th to 10th centuries. The 82 sites looked at in detail show more people lived in the valley during the 9th century than live there now.

But the Anasazi had advantages. Farley says the region was wetter, supporting agriculture without irrigation. "It wouldn't take much of a change" to make that possible again, he says.

Does the imminence of the reservoir mean pothunters might as well start digging? Taking the archaeologist's long view, he says, "No. The dam has a short lifetime -- 70 years at the outside. The reservoir may protect some of the sites. No one is sure what will happen." Also, he says, the pothunters have already done their damage. "Gratuitous destruction is always a problem here."

The first report on the archaeological work is available, while copies last, from: Project Archaeologist, U.S. Bureau of Reclamation, P.O. Drawer Q, Cortez, Colorado 81321.

--Ed Marston

14-High Country News--March 5, 1984

# BULLETIN BOARD



## CULTURAL LIVESTOCK INDUSTRY

An upcoming one-day conference in Caldwell, Idaho will focus on the cultural history of the livestock industry in southern Idaho, eastern Oregon and eastern Washington. Subjects of talks and panel discussions will range from economics to folklore, ranch and family history, and historic trails and railroads.

The March 15 conference is part of the College of Idaho's Regional Studies Week. Activities during the three days preceding the conference will include films, slideshows, lectures, a photo exhibit, and several musical performances related to the varied ethnic groups historically involved in the region's livestock industry. The week will wind up on March 16 with a field trip to observe lambing and a showing of *Heartland*, a film about a woman homesteader in Wyoming. All of the events are free. For more information or to register, write or call the Regional Studies Center, College of Idaho, 2112 Cleveland Blvd., Caldwell, ID 83605 (208/459-5214).

## NORTH FORK WELL

A newly-released draft environmental impact statement develops alternatives and analyzes the impacts of drilling an exploratory oil well in the Shoshone National Forest west of Cody, Wyoming. The joint BLM/Forest Service publication also examines the cumulative effects of developing the North Fork Well for production and drilling other wells, should commercial quantities of oil or gas be discovered. Copies of the draft EIS are available for public review at BLM offices in Cody and Worland, Wyoming, and the National Forest Office in Cody. A public meeting to answer questions about the draft EIS will be held at the Cody Convention Center on March 21 at 7:30 p.m. Written comments must be in by April 16 to be considered in the final EIS; mail them to the Bureau of Land Management, 1700 Robertson, Worland, WY 82401.

## FOREST VOLUNTEERS

There's a new directory of volunteer opportunities in national forests of the Intermountain Region, covering Nevada, Utah, southern Idaho and western Wyoming. To get your copy, contact any of the region's Forest Service offices or write to Gene Watson, Volunteer Coordinator, U.S. Forest Service, 324 25th Street, Ogden, UT 84401.

## UNCERTAIN NUCLEAR POWER

The Office of Technology Assessment has released a report on the problems of the nuclear power industry. Polls show that twice as many people now oppose construction of additional nuclear plants as favor it, and according to the report, public distrust has grown because industry underestimated the problems of nuclear reactor technology. The report outlines areas in which efforts must be made if public acceptance of nuclear power is to increase: The Nuclear Regulatory Commission must ascertain that all reactors perform safely and reliably; standardizing designs would make licensing more efficient without sacrificing safety; the concerns of critics should be openly addressed; and finally, in ten or fifteen years, if the hiatus in U.S. nuclear reactor orders continues and creates a lag in U.S. technology, new reactors or components might be imported from France, Germany or Japan.

For a copy of *Nuclear Power in the Age of Uncertainty*, send \$10 to the U.S. Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. Ask for GPO stock number 052-003-00941-2.

## COPING WITH THE CORPS

A new publication outlines what the U.S. Army Corps of Engineers does, what it says about public participation, and what citizens can do to encourage the Corps to become a better guardian of the environment. For your copy of *How To Cope With the Corps*, send \$5 to Ecopress, Box 786, Charleston, SC 29402.

## BRIDGER-TETON'S PROGRESS AND PLANS

The Forest Service has issued a progress report on last year's events in the Bridger-Teton National Forest and a proposed project list for this year.

The progress report lists statistics on such things as fires and number of visitors in the northwestern Wyoming forest. It also lists Forest Service accomplishments such as grizzly bear recovery activities, and work on the preparation of an EIS for the proposed gas project in the Riley Ridge area. Much of the work completed in the forest in fiscal year 1983 was oriented towards completing an outline plan for the management of the forest during the next 50 years. The Forest Service plans to release this Forest Land and Resource Management Plan and an accompanying EIS in March, 1985.

The proposed project list for the Bridger-Teton includes planned studies, and all known projects and planning activities that will require the preparation of an EIS or Preliminary Scoping Statement during 1984. The list is entitled: *Public Notice of Environmental Analysis Processes, Plans, Projects, and Special Studies Currently Under Preparation*. Both publications are free. They are available from any of the forest's District Ranger Offices or from the Forest Supervisor's Office, Bridger-Teton National Forest, P.O. Box 1888, Jackson, WY 83001.

## TARGHEE EA LIST

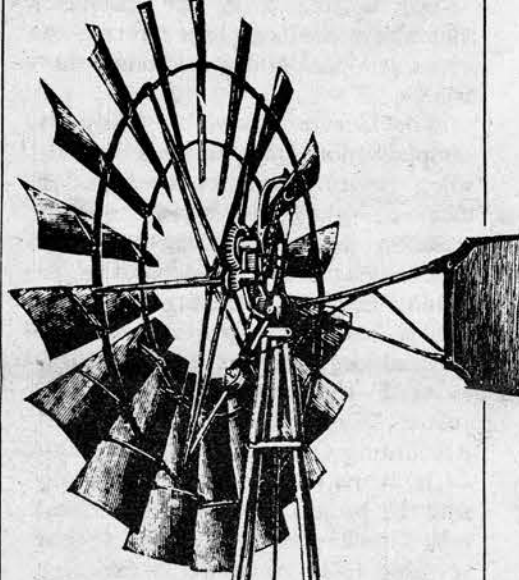
Idaho's Targhee National Forest has released a list of planned Environmental Assessments for 1984, covering such projects as timber sales, prescribed burns, grazing allotments, firewood programs, roads, trailhead improvements and wildlife habitat improvement projects. Get your free copy of the list at any Targhee Forest office or write to: Forest Supervisor, Targhee National Forest, St. Anthony, Idaho 83445 (208/624-3151).

## CODY FRONTIER FESTIVAL

People who specialize in traditional frontier crafts and food demonstrations or who have antique collections are needed to participate in Cody, Wyoming's Third Annual Frontier Festival planned for June 16 and 17. The festival is a fund raiser for the Buffalo Bill Historical Center; last year, over 3200 people attended. For applications and more information contact the Frontier Festival Committee, Buffalo Bill Historical Center, P.O. Box 1000, Cody, WY 82515 (307/587-4771).

## TOXIC BIBLIOGRAPHY

The Audubon science department staff has prepared a guide to toxin data in response to increasing public concern about exposure to toxic chemicals. The annotated bibliography of environmental toxicology books, reports and journals will tell you where to find more information on toxins or serve as an outline for a toxicology library. So if you want to educate yourself about toxaphene or pentachlorophenol, send \$5 to Donna Bekisz, National Audubon Society, 950 Third Avenue, New York, NY 10022.



## WINDMILL COURSE

Here's your chance to learn about a relatively cheap, environmentally perfect energy source. M.I. "Ras" Rasmussen, an international expert in windmill design, will teach a two-week, hands-on windmill course this spring at New Mexico State University in Las Cruces. The course will focus on windmills as an economical means for pumping water and generating electricity for ranchers as well as suburbanites. The course agenda covers the history of wind power; types of windmills; windmill theory, technology, sizing, repair, and maintenance; and auxiliary equipment and towers.

The dates are March 26 to April 6; the cost is \$235. To get a registration form, write to M.I. Rasmussen, Box 3501, NMSU, Las Cruces, NM 88003.

## STATE POWER DAMMED

States apparently cannot regulate the development of hydroelectric power on their rivers and streams. The power lies solely with the Federal Energy Regulatory Commission. The decision came in a case brought by the state of Vermont, which tried to assert its authority over a proposed dam. The U.S. Supreme Court let stand a lower court decision denying Vermont that power. The American Rivers Conservation Council deplored the ruling as weakening states' ability to regulate hydroelectric power development. The Council publishes a monthly review of river news called *American Rivers*. The non-profit organization is at 323 Pennsylvania Ave., SE, Washington, D.C. 20003.



## PREDATOR SYMPOSIUM

A symposium on predators will be included in the Northwest Science Conference, planned for March 21-23 at the University of Montana in Missoula. Abstracts for papers to be presented at the "Third Predator Symposium" are due March 15. Contact Charles Jonkel or Les Marcum, Wildlife Biology Program, University of Montana, Missoula, MT 59812 (406/243-2253).

## THERMOPOLIS TO CASPER

The Western Area Power Administration has released a thick, two-volume study of a proposed 230/345 kilovolt line running from Thermopolis to Alcova to Casper, Wyoming. Comments on the 150-mile line are due April 6. The Environmental Impact Statement goes into great detail on the proposed line, but provides no overall context. For example, there is no map of the region's generation and transmission to help readers understand the larger picture. On page S-3 it disposes of energy conservation as an alternative to increased transmission capacity:

"Western encourages energy conservation, which refers to the elimination or unnecessary uses of energy. Since energy conservation can only affect energy demand, but not provide the means of transferring electric power, it cannot be considered as an alternative action for meeting the stated need."

Meetings on the line will be held in Thermopolis, March 13, Riverton, March 14, and Casper, March 15. For copies of the EIS or information, write: Western, Attention: J2010, Box 3700, Loveland, CO 80539, or call: 303/224-7231.

## WOMEN'S WEST CONFERENCE

The Women's Resource Center of the University of Wyoming tells us there will be a national Women's West Conference on the role of women in the history of the West. Sponsors are the Coalition for Western Women's History and the Institute of the American West. For more information on the conference, which will be held at Park City, Utah from July 11-14 write: Institute of the American West, P.O. Box 656, Sun Valley, Idaho 83353.

## Clark...

[Continued from page 7]

California Congressman George Miller, was designed to require recipients of federally reclaimed water to pay after April 1987 "full cost" for water deliveries for lands held in excess of 960 acres. Though the bill has no chance of passing Congress, Clark's position was appreciated by the agribusiness wing of the water industry.

The next day, in a letter that Clark hand delivered to Paul Laxalt, the Secretary laid out what the National Water Resources Association headlined as a "Gratifying New Water Policy." Under Watt, the Reaganites appeared to be moving towards a policy of charging beneficiaries of federally-funded water projects 35

percent of the costs. Watt, however, never implemented the cost sharing policy, as different factions within Interior argued either for or against the policy. The new Reagan/Clark/Broadbent water policy institutionalizes this lack of firm policy. It relegates the 35 percent figure to some distant future, while some indeterminate amount -- to be volunteered by water project participants -- will be decided on case by case. The water industry seems pleased that the worrisome 35 percent figure has faded from the scene.

The water industry is most gratified because of increases in BuRec's funding and its supplemental budget requests for new projects. The Fiscal Year '85 budget for BuRec broke the "billion dollar barrier" as NWRA put it, with a request for \$1.08 billion, \$114 million more than the previous year's appropriation. This included major bucks for both the West's two largest water construction

projects -- the Central Arizona Project (\$188 million), and the Central Utah Project (\$105 million). This request comes as both projects are under attack from within Congress and, in the case of the CUP, by some of the project's own participants.

The BuRec also submitted a supplemental budget request to allow work to begin on three projects: one in Wyoming, one in Arizona, and one in California. The California project, Santa Margarita, in the San Diego area, shows how the new water policy can be translated into political benefits for the Reaganites.

Santa Margarita is a proposed dam site in the Pauma Valley in the northern end of San Diego County, not far from the Camp Pendleton Marine base. The project has been pushed by avocado growers in the area, several of whom are absentee landowners engaged in what is called "tax-shelter farming." Santa Margarita is also backed by the powerful construction

and development industries, which covet the lush, relatively isolated Pauma Valley for one of the next possible areas of housing development in Southern California.

The backers of Santa Margarita -- particularly the growth and water industry types -- have long been the political and financial core of the Republican efforts in this vote-rich area of Southern California. By giving strong backing to Santa Margarita and other similar water industry-backed projects, William Clark is doing what he has long done best over the years as one of Mr. Reagan's leading political operatives. With his new hat at Interior, William Clark is gathering support and momentum for November, budget deficits and fiscal worries notwithstanding.

□

Bob Gottlieb and Peter Wiley are Californians who write about the West.

**OPINION**

# The Linowes Commission did real well

This editorial should stand as a bookend to last issue's editorial on Senator James McClure (Idaho).

That editorial focused on a breakdown in the system -- the cynical betrayal by a self-styled fiscal conservative of his position in the U.S. Senate. McClure has used that position to increase his own power. He preaches austerity and sensible spending while he panders to the most profligate interests in the West -- defense, water, synfuels.

Such an editorial is depressing to write and to read, for if there are enough men like McClure in power, the nation would be doomed. So we were pleased and relieved to find -- in the Linowes Commission report on coal leasing -- that there is still integrity and good sense in public life.

The Linowes Commission was created by the U.S. Congress to investigate coal leasing. It was a James Watt commission -- appointed by him and consisting of people who share his belief in a free market approach to federally-owned resources.

Initial drafts of the commission's report reflected that bias. But ours is an open society, and the commission -- through public hearings and private conversations -- was bombarded by other

points of view. These acknowledged the importance of the marketplace, but said its workings must be modified by concern for the existing way of life in an area, for air and water, and by the realities of imperfectly operating market mechanisms.

In the end, the commission was eighty percent convinced. And it was appreciative to those who put pressure on it -- the report warmly thanks the Northern Cheyenne Indian Tribe, the Western Organization of Resource Councils, the National Wildlife Federation, the Sierra Club and Friends of the Earth. The thanks are all the more impressive coming from a DuPont board member, a former board member of the U.S. Chamber of Commerce, a large holder of coal company stock, and a staff made up of Department of Interior employees.

The most significant aspect of the report is its demonstration that the fix is not totally in: that there are people of integrity and good sense on all sides, and that these qualities surface when enough of us try to make the system work.

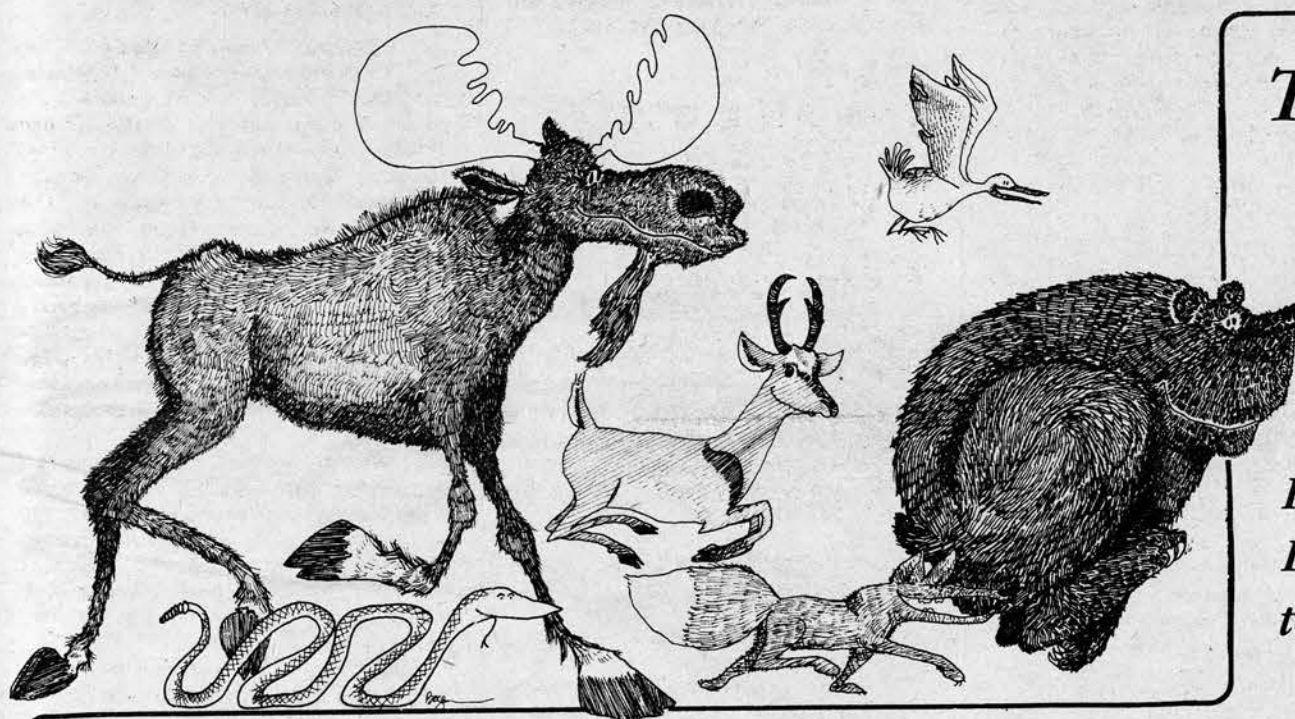
There is also a practical side to the report: it is a valuable primer on coal. It does not answer all

the questions that must be answered if coal development is to be integrated successfully into life here. But it's a clear, concise starting point. We would urge everyone interested in western coal to write for a copy. (The address is in the Linowes story.)

More broadly, the report is an answer to the radical economics served up by parts of the Reagan administration. Five people who are very friendly to free market economics looked at its prime example in the Reagan administration. They found corruption. More important, they found the approach wouldn't work even were honest people running it.

The marketplace is an important part of our system, but not the whole part. It must be modified by human and environmental concerns. Hopefully, the Linowes report will penetrate beyond coal leasing, and serve as a signal that there are no magic 'supply side' cures to the complex questions we face. Undoubtedly, the nation drifted too far from a market economy. But the answer lies in a move toward the center, and not in radical extremes.

--E.M.



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for caring  
about the West.*

*At \$24,222, the Research  
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Make checks out to High Country News Research Fund. Send to Box V, Paonia, CO 81428

16-High Country News--March 5, 1984

## OFF THE WALL

### Floods are forbidden

There will be no flooding in Utah this spring despite record snowpacks.

The no-flood guarantee comes courtesy of the Salt Lake County Development and Promotion Division, the Utah Travel Council and the Salt Lake Area Chamber of Commerce. The Associated Press said that all three have urged the Utah media to call whatever happens this spring "heavy runoff" instead of "flooding."

Utah's tourist economy was hurt last spring by loose talk of flooding accompanied by pictures of rivers running down Salt Lake City's major streets. This year, the promoters hope, there will be no loose talk and no damaging pictures.

The only problem is, they haven't gone far enough. It's not just "flood" that chases off tourists. Fickle travelers may also be turned into stay-at-homes by the words: drowning victims, mudslides, and dam failure. So, as a public contribution, *High Country News* suggests:

Drowning be called "excess inhalation of water."

Mudslides should become "heavy water-dirt colloidal flows."

Dam breaks are better described as "rapid redeployment of water impoundment structures," or "semi-anticipated reallocation of impoundment to Lake Mead" or whatever reservoir lies downstream and can withstand the surge.

Photos of homes floating in new lakes or of submerged cars probably have to be published because of freedom of the press. But captions should be upbeat:

"Mr. and Mrs. Jones say they're not at all sad to see their house swept away by heavy runoff. 'We were sick of it anyway. It needed painting and you wouldn't believe the heating bills. Good riddance.'"

Or, when a main street is shown covered by three feet of water: "Shaddock merchants invited visitors to come celebrate the annual spring heavy runoff -- a fertility rite, a la the pre-Aswan heavy runoff of the Nile."

Towns could also put on appropriate plays. Ibsen's *The Enemy of the People* would be



wonderful if, instead of the populace hounding a doctor, it showed a chamber of commerce running out a newspaper that insisted on reporting the flooding.

## LETTERS

### WYOMING'S CHOICES

Dear HCN,

It was heartening to see Tom Wolf in his well-written series of articles on Wyoming (*HCN*, 2/6/84) express concern over how to "create a viable economy" in our state. That goal is one that is receiving more and more interest, as it usually does during Wyoming's bust periods, and we hope the interest does not fade before the state has a chance to take some realistic steps toward diversifying its economy.

I'm not sure our choice is as simple as that implied by the headline on Tom's article, "Does Wyoming's Future Lie with Miners or Tourists?" The challenge will be to build an economy that draws on the separate strengths of mining, oil and gas, tourism, and agriculture -- the four sectors we highlighted in the Wyoming Heritage Society logo when the organization was formed in 1979.

Increases in tourism don't come easily. They result largely from investment in the private sector to improve facilities and attractions for tourists. Increased tourism will come from the sort of humble, work-a-day initiatives suggested in a special

report prepared last year for Governor Herschler entitled *Travel, Recreation, and Wildlife Development Opportunities in Wyoming*. We support such initiatives, and we know that a vigorous tourism sector requires a positive business climate. It is also important to realize that the travel sector of the economy depends significantly on travel related to the energy business, and the recent declines in hotel occupancy rates certainly are linked to the slump in energy activity.

Increased tourism alone will not be the answer to diversifying the Wyoming economy. Other initiatives, such as increased University of Wyoming research in enhanced oil recovery, acid rain, and other projects can build on Wyoming's minerals resource and make sure the state gets all the benefit possible out of our existing reserves.

Building a viable economy in Wyoming is a goal we have pursued since our founding. We applaud your series of articles in their focusing of interest on the topic.

Harry Roberts  
Executive Director  
Wyoming Heritage Society  
Cody, WY

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POSITION AVAILABLE: Executive director for grass roots public lands organization. Experience with Forest Service planning, fund raising, non-profit administration and public speaking required. Experience in working with lawyers and Congress preferred. Must be committed to the protection of wild places. Salary \$1400-1600 per month, D.O.E., other benefits. Send resume, references, writing sample by April 1 to Sue Matthews, Southeast Alaska Conservation Council, Box 1692, Juneau, Alaska, 99802, 907/586-6942.

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