

High Country News

May 13, 1985

Vol. 17 No. 9

A Paper for People who Care about the West

One Dollar

ASARCO, U.S. Borax in Montana

Mining may come to a wilderness

by Bruce Farling

Tucked away in Montana's rural northwest corner, in the Kaniksu and Kootenai National Forests are the Cabinet Mountains, a craggy range little known outside the state. Notoriety may soon catch up with this range, because the most spectacular chunk of it is the setting for a simmering battle between powerful development interests and conservationists -- a battle which could test the effectiveness of two of the nation's most powerful environmental laws.

At stake is a proposal to mine inside and next to the 93,000-acre Cabinet Mountains Wilderness, as two multinational companies plan to extract the area's rich silver and copper deposits. Taking advantage of the 1872 Mining Law and the exemption in the Wilderness Act, U.S. Borax and the American Smelting and Refining Company challenge conservationists who claim the development undermines both the Wilderness and the Endangered Species Acts.

That companies can mine in a congressionally protected area is grounded in legislative compromise. To appease mining interests while pushing wilderness legislation past former Colorado Congressman and House Interior Committee Chair Wayne Aspinall, conservationists accepted language in the Wilderness Act of 1964 which allows mining and oil and gas extraction in wilderness areas.

There are strings attached to the compromise. Claims and exploration had to be completed by Jan. 1, 1984, and minerals to be mined had to be discovered before the same date. Finally, mining is only allowed if it can be done profitably. So far, the companies in the Cabinets have met these conditions.

Except for a few small pick-and-shovel operations, large development interests have been rebuffed in their attempts to use the Wilderness Act's mining exemption. In 1982, pumice claims determined legal and marketable in Oregon's Three Sisters Wilderness were bought by the federal government, sparing that area a mining operation. The same year, oil and gas exploration in Montana's Bob Marshall Wilderness, encouraged by James Watt's Interior Department, was stopped by public outcry and Forest Service and congressional action.

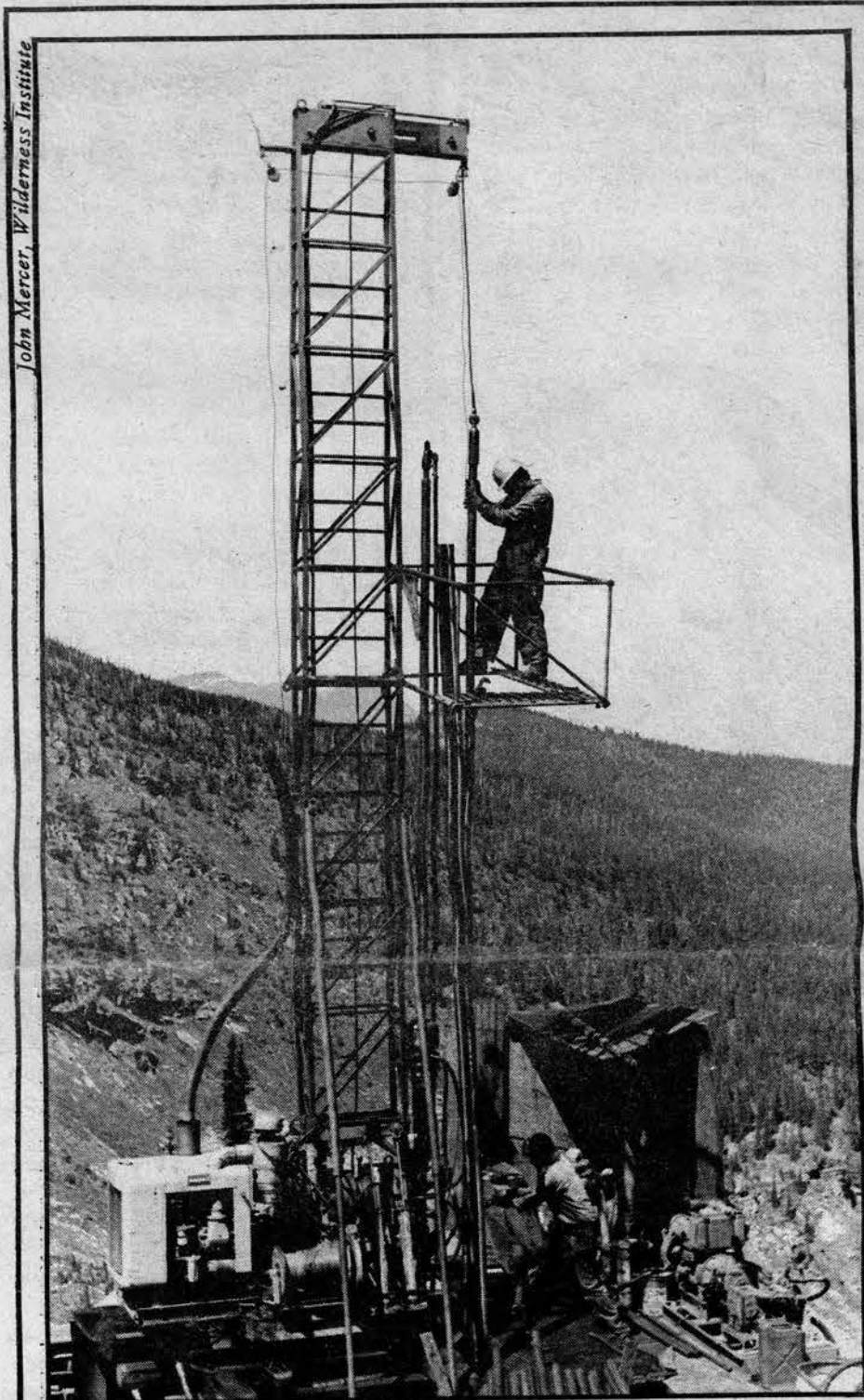
The Cabinets issue poses a stiffer challenge. Both companies are meeting the legal requirements and their claims are too valuable to be bought out. U.S. Borax says the Cabinet ore bodies may be worth \$2 billion, with the silver deposit being the world's richest.

Unless opponents are successful in legal challenges or in marshaling widespread public support, the Cabinets may be the first designated wilderness to be commercially mined.

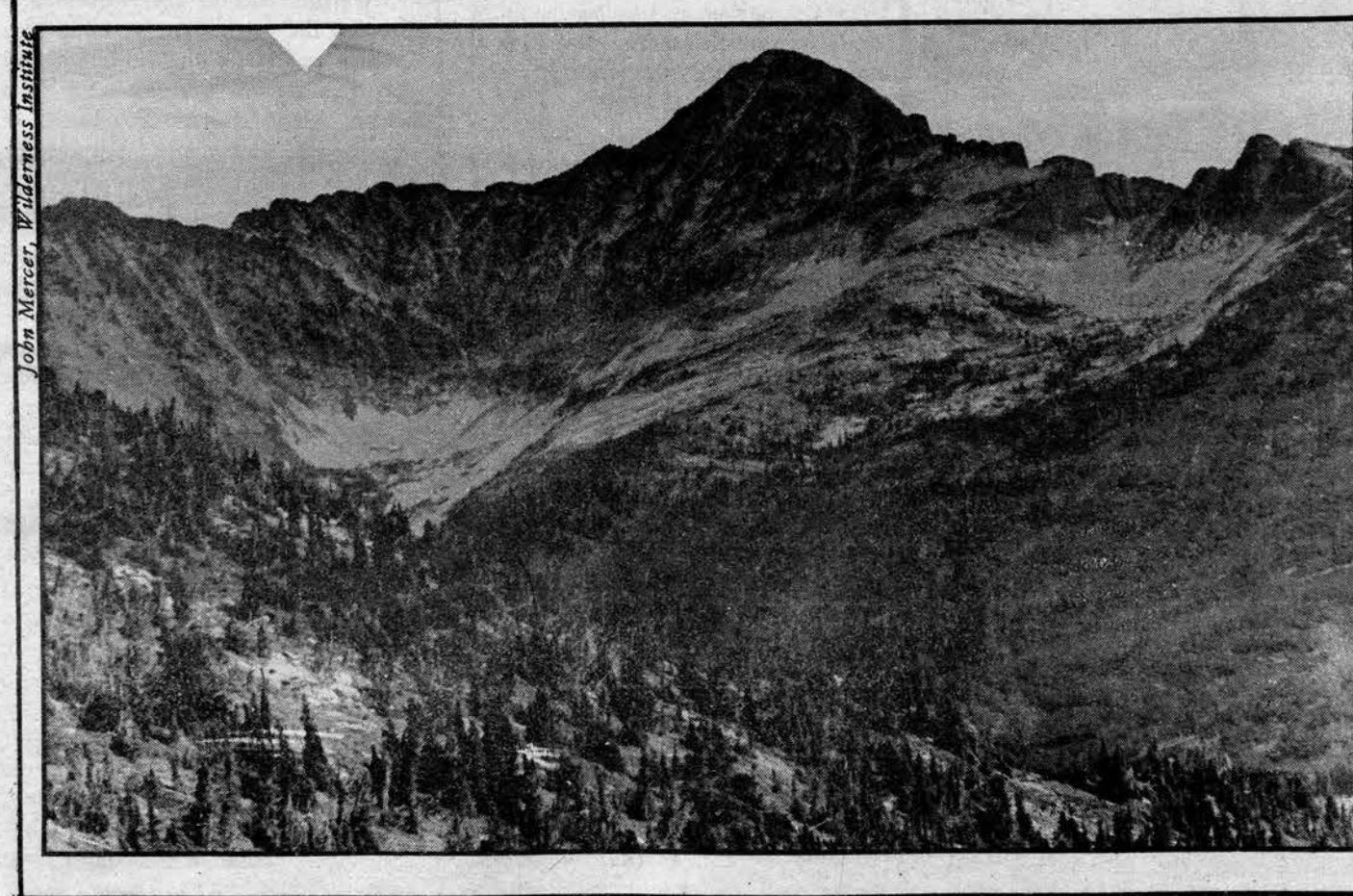
While containing a portion of the Revett Formation, the same layer of quartzite that has produced the nation's richest silver mines in the Coeur d'Alene mining district 150 miles to the south, the Cabinets also harbor another kind of wealth. The area is a haven for wildlife, including elk, deer, mountain goats, bighorn sheep, Montana's highest concentration of black bears and many non-game species. Mining will affect all of these animals to some extent, but it is the area's small population of endangered grizzly bears that most concerns conservationists and biologists.

Because the grizzly is protected by the Endangered Species Act, decisions that permit mining must, by law, not further jeopardize the bears'

(Continued on page 10)



An ASARCO mineral exploration well in the southern Cabinet Mountains Wilderness, pre-1984. Below, southern Cabinet Mountains Wilderness.



WESTERN ROUNDUP

Utah wilderness groups go for the heart

A coalition of environmental groups has proposed that 3.8 million acres of Utah Bureau of Land Management lands be designated wilderness, in contrast to a preliminary BLM recommendation of 1.8 million acres.

The Utah Wilderness Association, along with several other Utah environmental groups, presented the proposal to the Utah congressional delegation this March. It calls for 69 separate BLM wilderness tracts in the state.

Dick Carter, coordinator of the UWA, said the proposal is an attempt to preserve the heart of the Colorado Plateau and Great Basin area of the West. The UWA proposal represents about 17 percent of the 22 million acres of BLM land in Utah and still leaves "a lot of room for development," Carter said.

The proposal separates the state into nine geographic and ecologic regions, and the UWA said each individual area contains unparalleled wilderness characteristics. "There is simply no undeveloped resource of this nature remaining in the lower 48," Carter said in a letter to the Utah congressional delegation. BLM lands in Utah hold a "potential for preservation beyond imagination. The diversity is startling and the quality true to the very essence of wilderness."

The UWA proposal calls for wilderness designation in areas as diverse as the alpine meadows of the Deep Creek Mountains, the sandstone escarpments of the Desolation Canyon/Book Cliffs region and the archaeological ruins found on the Grand Gulch Plateau.

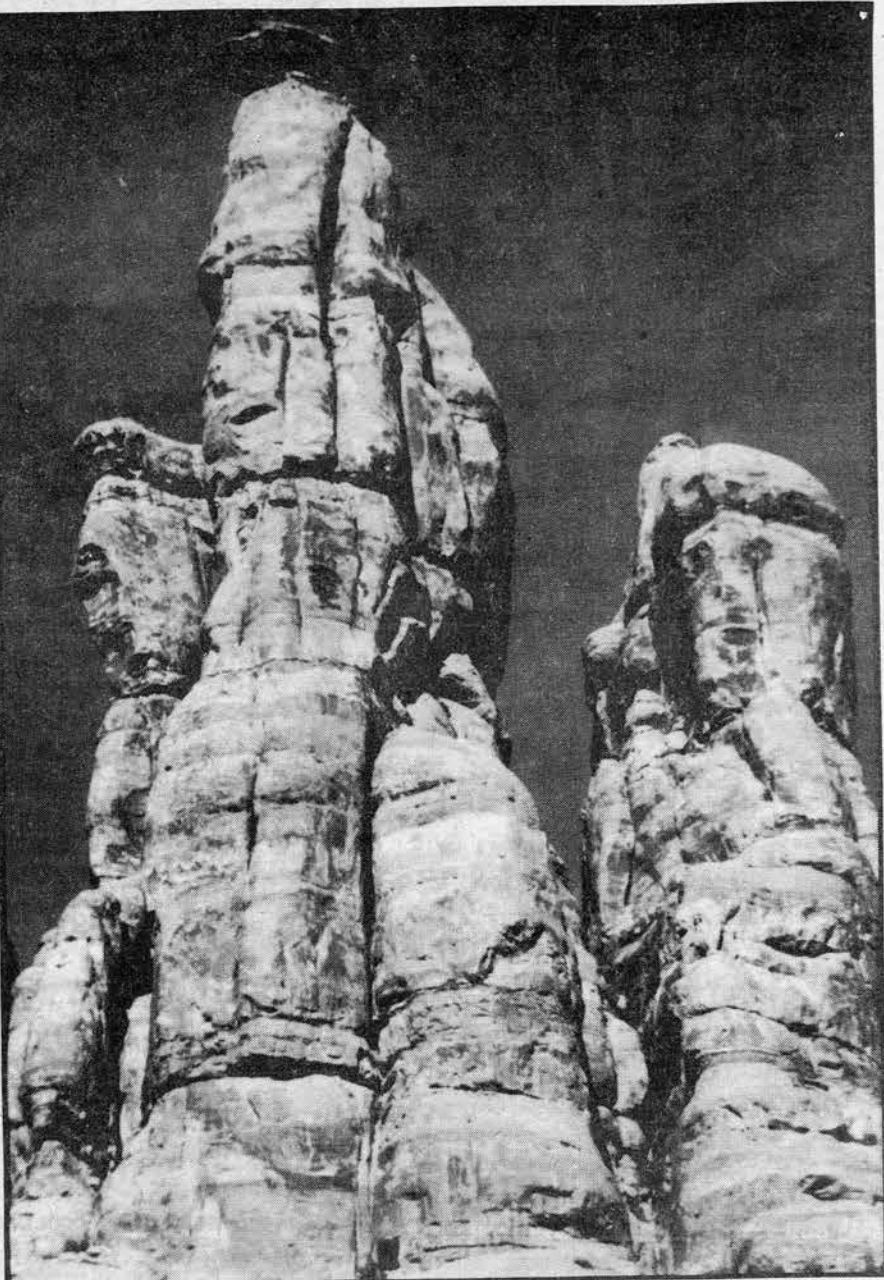
The BLM has identified 3.1 million acres of Wilderness Study Areas and, of that number, tentatively proposed 1.8 million acres as suitable for wilderness. Jack Reed, public affairs officer for the BLM in Utah, said the agency is in the final stages of formulating its draft wilderness area recommendations. The 1.8-million-acre proposal is a tentative recommendation, he added, and the UWA suggestions will be considered in the decision-making process. A public comment period will follow the BLM draft recommendations, and a final environmental impact statement could be prepared by late 1985.

Carter said if the traditional opponents of Utah wilderness look at the conservationists' proposal "on the ground," instead of focusing on the number of acres, a consensus bill could pass through Congress without a battle. "It's the number of acres that scares them right away; not the specific proposal," he said. "This is a very reasonable proposal if they'd look at what it actually does."

Rich Warnick, a Logan, Utah, spokesman for the UWA, said considerably more land than the 3.8 million acres proposed by the group qualifies for wilderness designation. "This is not just a wish list," Warnick said. "We're not asking for the moon and hoping to settle for some small part of it. We're asking for what we are serious about getting. This is a very reasonable proposal."

Other groups supporting the proposal are the Slickrock Outdoor Society, Southern Utah Residents Concerned About the Environment

Richard Warnick



Monoliths in Fish Creek Canyon | Wilderness Study Area, Utah

and the Utah Audubon Society. The Sierra Club and Wilderness Society are working to develop their own much larger acreage proposal, said Michael Scott of the Wilderness Society.

The largest tract of wilderness in the UWA proposal is on the Kaiparowits Plateau, where 739,867 acres would be designated. The proposal also includes 600,000 acres in the Desolation/Book Cliffs region, 557,690 acres in the Dirty Devil/Canyonlands area, 518,737 acres in the West Desert and 340,290 acres of the Grand Gulch Plateau.

Warnick said the UWA decided to propose the 3.8 million acres in nine distinct regions, with the intent that the regions, and not the state as a whole, could form the basis of

discussion for final legislation. He said a regional approach allows competing resource-users to focus on the unique aspects of each area. He said wildlife, vegetation, mining, grazing and recreational concerns of the regions are distinct to the particular regions, so as resource conflicts arise, concerns can be discussed specific to an area.

Gary Macfarlane, natural resource specialist with the UWA, said he expects the Utah congressional delegation will take a "hard look" at the proposal, but he added, a final bill will come only after long debate. "We feel we have a very solid proposal, but it's a process," he said. "It won't be just one bill. It'll be a lengthy process before we reach our final goal."

--Tim Vitale



High Country News

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Dear friends,

Several issues ago, we asked readers to send in the names of friends and co-workers who might be interested in subscribing to High Country News. We expected a few subscribers to send in a few names. Instead, we have been wonderfully overwhelmed by several hundred names from scores of subscribers. It has been most fun for our new circulation manager, Carol Beth "C.B." Elliott, who is in charge of sending out the letters and sample copies, and then keeping track of which new subscriber belongs to which old subscriber.

Circulation has been further complicated by our recent bow to the winds of reality. We now include a "Bill me" box on subscriber solicitation cards. We assume some people will use it to get a couple of free

issues of HCN. That's part of life. What really concerns C.B. is the possibility that we may have set into motion a chain letter which doesn't require any upfront money. So she has announced, firmly, that only paid-up subscribers are eligible for the \$4.50 credit for referring new subscribers to us. In other words, new subscribers can't pay for their first subscription by referring people to us. But they can get free renewals.

Finally, regrettably, we apologize for two front page errors: somebody changed 1985 to 1984 in the April 15 dateline and the same person apparently spelled "buccaneer" with one "c" in the April 29 issue. A witch-hunt/inquisition is in progress right now.

--the staff

The Montana Legislature gave coal a break

HOTLINE

HELENA, Mont. -- Montana's coal severance tax may still be the highest in the nation at 30 percent, but a portion of that environmental insurance was chipped away during the 1985 Montana Legislature.

On April 25, Montana Gov. Ted Schwinden, D, signed into law a bill he himself had proposed to reduce the tax by one-third on increased coal production during the next 2½ years.

Except for the coal tax issue, the 1985 Montana Legislature was fairly receptive to environmental concerns. Attempts to roll back Montana's two major environmental protection laws were decisively defeated, and some new pro-environment legislation was approved. That included enactment of "right-to-know" legislation on hazardous chemicals, an optional local ban on selling detergent made with phosphates and an all-encompassing natural resources fund known as the "Legacy Program."

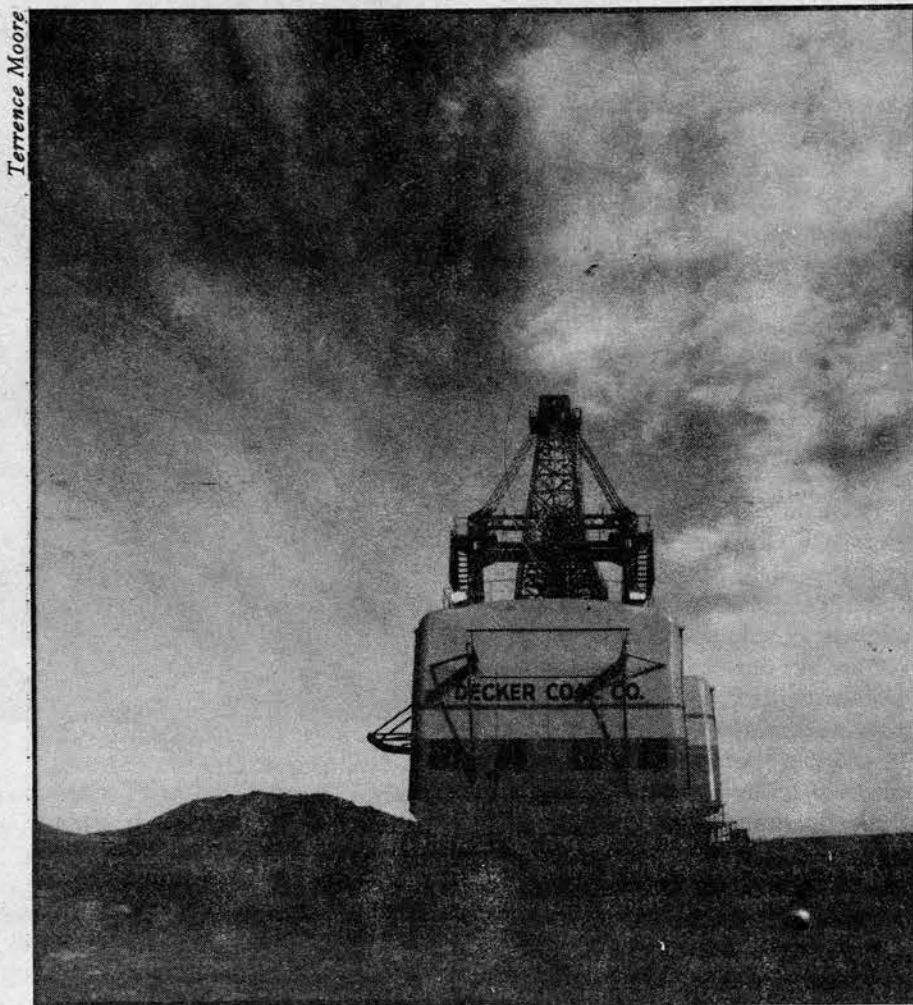
But losing on the coal-tax issue was a setback that most conservationists felt overshadowed any gains made. And it was a battle that tax proponents seemed to have lost before it even started.

Schwinden's proposal to scale back the tax came Jan. 11 during his State of the State address, catching the environmental lobby off guard and startling members of his own Democratic Party. After all, Schwinden had campaigned on the party platform, which stated unequivocally that the coal tax would not be reduced.

Schwinden pitched his idea as a "put up or shut up" dare to the coal companies, which for years have claimed the 30 percent tax prices Montana coal out of many markets. Once the initial shock wore off, Schwinden's proposal sailed through the evenly split House and the Democratically-controlled Senate, passing by margins of 2-to-1 or more in both bodies.

The reduction will apply only to contracts that increase coal production during the 2½ year "test period." The 30 percent tax will still apply to existing production.

The plan's opponents, some of whom wore black arm bands the day the Senate gave its final approval of the bill, fear the reduction could become permanent, or even be expanded. What frustrated and confused coal-tax supporters most, however, was Schwinden's apparent decision to ignore a study on the issue commissioned by his administration.



Decker Coal dragline

The study by the state Department of Commerce was conducted by two University of Montana professors, John Duffield and Arnold Silverman. By and large, the two men concluded that the coal tax does not have a significant impact on the price of Montana coal.

Passed in 1975, Montana's severance tax was conceived as an insurance policy against the long-term environmental and economic effects of coal mining in the state. Since then, the tax has withstood numerous assaults by mining companies and Congress, and was upheld by the U.S. Supreme Court. It has raised nearly \$500 million, half of which goes to a trust fund that cannot be spent without approval of three-fourths of the Legislature. The remaining money has been spent on education, parks, the arts, alternative energy and "local impacts" of coal mining.

The temporary reduction wasn't the only blow sustained by the coal tax this Legislature: About \$11 million was transferred out of coal impact funds to help balance the state budget.

Although House Republicans successfully tabled the "right-to-know" legislation for hazardous chemicals,

proponents managed to bust it out of committee and pass it. Under the law, employers must instruct employees on proper handling of dangerous chemicals, provide any protective equipment that is needed, and provide public access to the same information.

The detergent bill was sponsored by Rep. Ben Cohen, who by no coincidence is from the Flathead Valley community of Whitefish. Studies have shown that algae are growing abnormally fast in Flathead Lake and that phosphate is a contributor to this process that causes lakes to age at an increased rate.

The Legislature also passed a scaled-down version of Schwinden's "Montana Legacy Program," which will fund a variety of conservation and natural resource items. Schwinden had asked that nearly \$9 million be spent for the program, but a severe budget crunch led lawmakers to shave that amount down to \$4.1 million for the next two years.

Included among the Legacy Program's outlays will be \$800,000 to set up a state project managing the collection and transport of hazardous wastes, and \$500,000 for reclamation work on defunct mines in Butte.

--Mike Dennison

Tribes organize against hazardous wastes

Indian reservations have not been targeted as dumping grounds for hazardous wastes any more than other lands in the country, according to a preliminary survey. However, the problems that do exist there have been downplayed or ignored.

William Auberle, an environmental engineer heading the project for the Council of Energy Resource Tribes, says the national Superfund survey conducted several years ago did not show extensive problems on Indian reservations. But, he continues, the survey was conducted primarily by states, which either ignored reservations or passed over them superficially.

With assistance from the Environ-

mental Protection Agency, CERT is now doing its own investigation. It has contacted 25 reservations, which it believes to be representative, educating tribal staff members about hazardous wastes at a two-day seminar and helping them fill out waste inventory sheets for their lands.

Several acute problems of groundwater contamination have been found. Many other problems involving heavy metal contaminants, pesticides, fertilizers and mine wastes have also been reported.

"We hope this documentation of mine waste problems will force EPA to look more closely at the problem," Auberle said. EPA's authority over mine wastes is now unclear because of

lawsuits and jurisdictional questions with the Office of Surface Mining and the Nuclear Regulatory Commission.

By July 1, CERT will report back to EPA about the results of the preliminary survey. Auberle said he will recommend that the acute problems be addressed immediately and that a complete national survey of Indian lands be conducted.

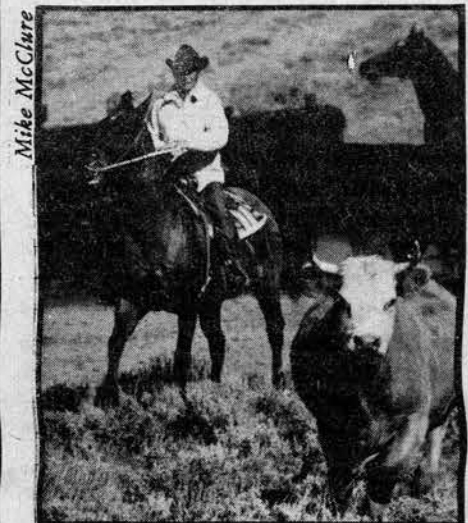
The preliminary work has stimulated interest by the Indian Health Service, the Bureau of Indian Affairs, EPA and the tribes. In some cases, the wastes are already being cleaned up. Auberle says many more must be addressed quickly.

--Marjane Ambler

U.S. throws a book at Farley Mowat

Conservation writer Farley Mowat was recently denied entry into the United States at Toronto airport. The Immigration and Naturalization Service said it flagged the Canadian author because he is listed in its "Lookout Book." The book lists some 40,000 foreigners who might be, under the McCarthy era McCarran-Walter Act of 1952, communists or anarchists. In what the Immigration Service explained as an attempt to protect Mowat's privacy, it refused to spell out the allegations against him. Mowat, the author of *Never Cry Wolf*, had planned to spend 10 days in America promoting his latest book, *Sea of Slaughter*. After the press picked up the story, Mowat was granted a one-time "parole" into the country. He turned it down.

Wyoming group allies with ranchers



Not all conservation groups agree on the need to increase grazing fees for livestock on federal lands. While most national environmental groups, including the National Wildlife Federation and Sierra Club, have come out in favor of the hike, the Wyoming Outdoor Council is opposed. The group says any increase in grazing fees will devastate the state's depressed livestock industry and that in any case, ranchers are better qualified to protect federal lands than the government.

Spill and run

A truck driver who failed to report spilling 30 gallons of a toxic herbicide on Idaho's Highway 24 was hospitalized along with 10 other people last month. Before the spill was contained with a sand dike, residents of a trailer park and employees from two businesses in Rupert, Idaho, had to be evacuated. The driver, Donald Frasher, noticed the spill in Rupert but didn't report it to authorities. Instead, he attempted to wash the chemical off of his trailer at a truck wash. He then drove three miles to a truck stop where he complained of dizziness, nausea and a headache, the same symptoms experienced by all the people exposed to the 2-4-Dinitrophenol. Frasher said he had called the office of American Farmland Trucking about the spill and contended that it was not toxic. The chemical 2-4-Dinitrophenol, which is used to kill potato vines before harvest, is classified as "acutely hazardous" by the Environmental Protection Agency. Frasher was cited with failure to notify authorities, improper warning signs on his truck and unsafe shipment of hazardous material.

HOTLINE

ARCO foresees dry bores

The nation's sixth largest oil company does not like the energy future it sees. So Atlantic Richfield will get out of oil refining and retailing in the East, close 2,000 gas stations, and reduce oil exploration by \$800 million, to \$2.8 billion a year. According to Associated Press, ARCO believes oil prices will fall from today's \$28 a barrel to \$18.50 a barrel. It will also abandon copper and molybdenum operations, scale down its industrial chemicals business and probably reduce its 1,100 white collar employees in Denver, where it once employed 1,300 people. The late April announcement follows an August 1984 decision to get out of aluminum. ARCO, through its Anaconda division, owns the Butte, Montana, copper properties, which it closed in 1983 and has already written down by \$785 million. The firm will stay in coal business; it operates Thunder Basin Coal Company in Wyoming. ARCO's crystal ball has been good in the past. For example, in 1980 it sold its share in the Colony Oil Shale Project in Colorado to Exxon, which then went on to lose several hundred million dollars in the project.

Fallout from WPPSS

Atlantic Richfield's retreat from a variety of energy and mineral activities, combined with the Northwest's WPPSS nuclear power fiasco, has roused the Flathead Valley in northern Montana. The two factors have helped put ARCO's Columbia Falls aluminum plant and its 1,000 employees at risk. ARCO is determined to sell the plant. But buyers are scarce, in part due to relatively high electric rates charged by the Bonneville Power Authority. BPA is using its cheap hydropower to help pay for some of the WPPSS project. Recently, BPA has been holding public hearings on rates throughout the Northwest. At a late April meeting in Columbia Falls, 3,200 people crowded into the high school gym to tell the agency it wants cheap power for the aluminum industry. Among the speakers was Steve Cox of Kalispell, who said, "...WHOOPS (WPPSS) is an expression of a mistake, and it's yours, not ours."

For a clean America



Mike McClure

Close to 90 percent of Americans favor more rigid enforcement of clean air and water laws, according to a 1984 Harris Poll, and concern about acid rain has grown to where nearly 75 percent of the population believes that utilities are responsible for acid rain and should bear the cost. In his poll of more than 10,000 people, Louis Harris also found that most people would be willing to pay up to \$70 a year if utilities failed to cover all the costs of emissions cleanup. Harris reported his results recently to the Wildlife Management Institute.

Proposal puts bighorn herd into hot water

Two developers with ambitious plans for building geothermal greenhouses, wells and health spas in western Colorado have found themselves butting heads with a herd of bighorn sheep.

The developers recently applied for a lease on 707 acres of White River National Forest land at two locations along the Crystal River upstream of Carbondale. The plan calls for 11 greenhouses, two or three orchards, two or three algae ponds, 10 geothermal wells, three power houses and two small health spas.

Citizen concerns include possible well contamination of a campground at Avalanche Creek and the possibility that the large development could hinder congressional designation of the river as wild and scenic.

But as one of the developers, William Griffith of Vail, agreed, the main concern that surfaced at an April 11 Forest Service workshop in Carbondale was about bighorn sheep. There are about 60 bighorns at Avalanche Creek and perhaps 60 more further upstream in the Marble area.

Carbondale resident Don Sullivan told the group at the workshop: "I'm a real estate agent and I've never opposed a development before, but this thing is totally out of line." Sullivan, who has "nearly lived with those sheep" for years, and who has worked to help the Colorado Division of Wildlife preserve the herd, ticked off his reasons for opposition.

He began by citing the deaths of half a bighorn sheep herd in Waterton Canyon near Denver. Experts speculate the combination of lung-worm disease and stress caused by nearby construction caused the sudden decline in the herd.

"Lung-worm infests them all (near Avalanche) and if they get all stressed out, half to three-quarters could die," Sullivan said.

Sullivan's observations were backed by Colorado habitat biologist Alan Czenkusch. "It's hard to forecast the impact but it would be a significant



Ann and Myron Sutton

Rocky Mountain bighorn sheep

impact if it does go in," Czenkusch said after the meeting. "It's not inconceivable we could lose the herd."

The sheep aren't as adaptable at altering their migratory, breeding and lambing habits as deer and elk, Czenkusch said. If you see a sheep on a certain hillside at a certain time of the year, chances are you'll see the same sheep at the same place year after year, Czenkusch pointed out.

But more crucial, Czenkusch said, is the loss of winter range. Czenkusch estimated the geothermal development would affect approximately 400 acres of winter range and approximately 200 acres of critical winter range. "And if they're forced off that, there's no place else for them to go."

When Sullivan asked the developer from Vail if he might be interested in developing less than the current plan, Griffith replied, "Definitely. That's what this meeting is all about." Sullivan then asked, "Are you interested in helping develop the habitat?" Griffith said, "Definitely." Sullivan paused, then said, "Well, I'm still against it."

After the meeting, Griffith's landscape architect and Sullivan were seen huddled around a map of the proposed development. Griffith said later that he and his partner, George Wilkinson of Aspen, would be willing to alter the plan or even abandon the Crystal project entirely if the impact on the valley and the sheep is too severe. The developers have also applied for leases for similar projects at Castle Creek near Aspen, South Canyon near Glenwood Springs, and Dotsero near Gypsum.

The workshop was held to help the Forest Service prepare an environmental assessment. The EA is used by the Bureau of Land Management, which has the authority to grant the lease, grant it with stipulations, or turn it down. The Forest Service, however, may decide an environmental impact statement is required first. Griffith said if the development is approved, geothermal exploration would begin next summer and take 10 years to complete.

--Lynn Burton

Colorado seeks a grip on nuclear transport

Through local resolutions, state legislative bills and a lawsuit, Colorado is battling for better regulation of nuclear materials on the state's highways.

The resort towns of Aspen, Vail, Avon, and Steamboat Springs, as well as commissioners of Eagle and Garfield counties, all have passed resolutions opposing the transport of radioactive materials through their domains. They charge that a nuclear mishap could kill the tourism industry, and their hope is that opposition will force the transporters of nuclear materials to meet higher standards with more stringent controls.

The resolutions of these municipalities, several of which lie along the I-70 corridor, have been taken to Washington, D.C., in a push for hearings on the government's plan to ship nuclear waste along the highway. Paul Crawford, a Glenwood Springs resident and founder of Common Sense Coalition, had the support of Colorado Gov. Richard Lamm as he met with the state's congressional delegation.

Two bills proposed in the Colorado Legislature also seek to strengthen the



restrictions on transporting nuclear and other hazardous materials on highways and railroads. The bills call for increasing the state's authority to issue annual permits to transporters, enforcing compliance with federal regulations, increasing penalties for violations, and planning for cleanup procedures should an accident occur.

Recently, Colorado joined the state of Washington and the Environmental Policy Institute in a suit against the

federal government. The suit says the dangers of transporting nuclear waste were not adequately addressed by the Department of Energy in selecting sites for the nation's first permanent nuclear waste dump. If one of the proposed sites in Washington, Nevada or Utah is chosen, much of the East's nuclear waste would have to cross the Rocky Mountains.

--Lisa McKhann

Ranchers say they're shaken by coal mine

HOTLINE

"To tell the truth, I'm about three-quarters discouraged," says Mel White. He leases property just north of Sheridan, Wyoming, and like other ranchers living near Big Horn Coal's strip mine, wonders what to do about his crumbling house.

White and other nearby residents claim that blasting at Big Horn Coal's mine is cracking their walls and foundations and damaging their water wells. They see a correlation between blasting, used extensively in western coal mines since the mid-1970s, and the onset of their problems.

It wasn't until 1984, when the Powder River Basin Resource Council surveyed residents living near the mine, that property owners gained some clout. It hasn't been enough yet. The Council intervened in the renewal of Big Horn Coal's mining permit, and when the state granted the permit without change, the Council appealed the decision. But on March 28, the appeal was denied by the Environmental Quality Council.

"In 1978," Norman Schreiber testified four months ago, "there was a bad explosion that really ripped my house apart. It cracked the walls in the basement. It lifted the south wall approximately half an inch. It cracked the corners, and the whole cement basement floor. It got both bedrooms downstairs, the living room, and the kitchen."

Terry Kerber lived 2 1/2 miles from the active pit. "I didn't go into the house every day at dinnertime," he said, "but I would normally make it in the middle of the afternoon to have coffee. Usually, the noon blast was very loud. In the afternoons, the water was very cloudy. By evening, when you'd take a shower, or drink the water, it wasn't nearly as cloudy; and by morning, it wasn't bad at all. And then, right about the middle of the afternoon, it got cloudy again."

"We never opposed the permit," says staffer Jan Flaharty of the Resource Council. "But we asked that anyone within a five-mile radius of the mine be able to request a pre-blast survey." About 52 homes lie within the five-mile radius.

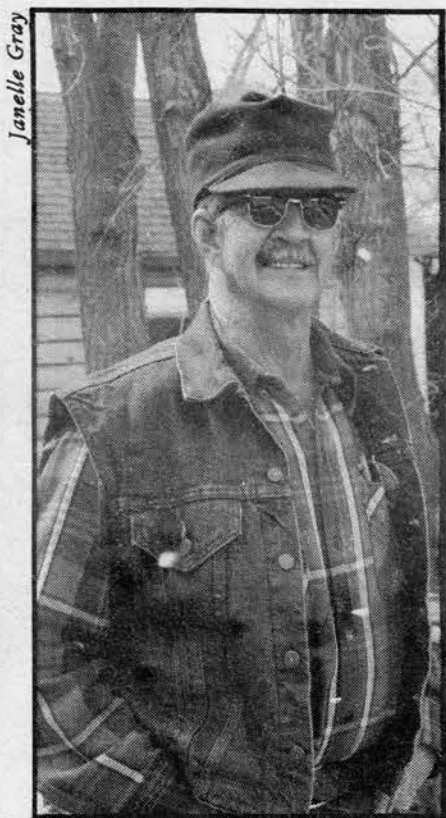
Under current Wyoming law, Big Horn Coal is required to conduct a pre-blast survey only for anyone living within a half-mile radius of the active pit. One person now lives that close. The survey establishes baseline data for residences and water wells, and if anyone claims damage the state can investigate. Although Wyoming can order a stop to blasting, only a civil suit fought in court can win a property owner any compensation.

The Council's appeal wasn't the first complaint to be aired publicly in Sheridan. Gerald "Digger" Moravek, who used to ranch near the mine, contends that blasting cracked the walls and foundation of his stone house, built in 1897. In 1983, after the coal company refused to take responsibility for the damage, he filed suit in civil court.

He says he spent \$50,000 in legal and expert fees trying to prove that blasting caused the damage; then his funds gave out and he was forced to settle out of court. The settlement included selling his ranch and home to Big Horn Coal.

Moravek's case illustrates the difficulty and expense involved in trying to prove blasting damage.

Francis Kendorski, the Resource Council's expert witness, testified that



Mel White

the geology of the area could amplify the effects of any blast. He pointed out that because two major waterways converge on the mine site -- Tongue River and Big Goose Creek -- blasting vibrations can radiate through the river valleys. Kendorski said that low-frequency vibrations, which are potentially the most damaging, tend to become trapped in alluvial valleys. Based on the geology of the area, Kendorski stated, "I think that it is probable, possible -- fine shades of meaning -- that the blasting could be responsible for the damages that we observed. But we still have insufficient data."

Where Kendorski was hesitant, Lewis Oriard was bold. Oriard, the blasting expert for Big Horn Coal, disagreed with the importance Kendorski ascribed to geology and vibration frequencies. "Whether or not there is a potential damage is not controlled merely by the frequency of the vibration," he said. "It has to have enough intensity to be able to cause damage at whatever frequency." In his opinion, blasting did not cause any damage.

It is the blast intensity, called peak particle velocity, that is regulated in

Wyoming's Land Quality Rules and Regulations. The rules say a blast cannot exceed a peak particle velocity of one inch per second in any given eight millisecond period.

Kendorski pointed out that Big Horn Coal may be violating these regulations, and he questioned the accuracy of company records. Later testimony indicated that Big Horn Coal had -- in the past -- altered their blasting records to balance the amount of explosives left at the end of a month with what was purchased. Kendorski also found that detonation times were incorrectly reported. That meant there was no way of knowing how many blasts went off in a given eight millisecond period.

At its March meeting, the Environmental Quality Control Council seemed concerned about the deficiencies in Big Horn Coal's blasting records. But they said problems could be addressed by existing Wyoming regulations. Similarly, they said that citizens who might be having problems could always go to court, although any resident who could "scientifically" prove damage was welcome to come before them again. However, a newly appointed member, Vince Lee, cautioned the Environmental Quality Council: "We're saying that the numbers on the paper are more valid than the crack in the guy's wall. I'd be willing to bet you he's not agreeing with you."

The state's decision, as Vince Lee predicted, left many landowners wondering what recourse they have. Mel White speculates that each rancher needs to install his own seismograph to gather the scientific evidence. "But how can some little rancher afford that? By the time you get through with it, a fella would have been better off to just lick his wounds and fix the cracks."

Katie Humphris, a Resource Council board member, charges that "Neither the state nor Big Horn Coal is facing up to the possibility of damage from blasting. We support Big Horn Coal's operations," she said, "but we believe mining should occur without harming local residents."

--Janelle Grey

BARBED WIRE

Joggers, of course, think they're immortal.

The Associated Press reports that a cemetery in Durango, Colorado, closed its grounds to joggers after the dogs accompanying two joggers began fighting at a graveside funeral service. That was the last straw, earlier straws having been a dog urinating on a tombstone near a praying woman and a jogger who displayed irritation when her run was interrupted by a funeral procession.

The hell with wilderness. Let's take over the world.

J. Allen Overton, president of the American Mining Congress, writes of the wilderness movement: "It is lavishly financed and spearheaded by a shrewd cadre of paid professionals. It is backed by a network of political super-activists that spans the country. It has all the advantage of spurring a rousing crusade on behalf of a simplistic credo."

But the kids had to give up their freedom.

Colorado's mandatory car safety seat law for small children reduced child auto fatalities in 1984 by 33 percent from previous years. However, the Colorado Legislature rejected a buckle-up law for adults this year, saying it would infringe on their personal freedom.

Maybe they're waiting until Denver learns how to multiply.

Denver Post columnist Woody Paige is outraged over the Big Leagues' refusal to place a team in Denver. As evidence of the baseball spirit in the town, he wrote about the one day Denver thought it had a team: "Davis' office received more than 1,000 commitments for season tickets. In one day. Multiply 1,000 times 81 games. That's a guaranteed attendance of 81,000..."

Utah seeks the Winter Olympics

Utah environmentalists are struggling to steer the 1992 or 1996 Winter Olympics away from the Snowbird Ski Resort and Big and Little Cottonwood Canyons to either Park City or the Snow Basin Resort near Ogden. The critics of a Snowbird Olympics fear development of the canyons, which supply Salt Lake City with more than half its drinking water. The forum for resolving the question is the Winter Games Feasibility Committee, which has representatives of the Sierra Club, the Wasatch Mountain Club and the ski industry. The environmentalists told the *Deseret News* that the committee is stacked with Snowbird partisans, leaving Park City and Snow Basin resorts, which have fewer environmental problems, out in the cold. A proposal to bring the Winter Olympics to Colorado 13 years ago resulted in a political fight that kept the Olympics out and launched several political careers, including that of Gov. Richard Lamm.

Montana to strip off the gravy



A strip mine planned for southern Montana, near the Wyoming border, could cause taxation problems. Montana would get the property taxes from the mine, while Wyoming would have the burden of providing schools and other services for the 600 mining families who would settle in nearby Sheridan, Wyoming. That's one conclusion of a draft environmental impact statement prepared by the Montana Department of State Lands and the U.S. Office of Surface Mining. Consolidation Coal Co. is projected to pay about \$79 million a year in industrial taxes on the 1,900-acre property, but little of that would need to be spent on growth caused by workers. A public hearing on the imbalance caused by the CX Ranch Mine is scheduled for May 22 at Sheridan College. (See Bulletin Board in this issue.)

Wyoming fights swap

Wyoming's public land swap controversy has come to a head with the proposal to change management of the Bighorn National Forest. Local landowners, outfitters, a town council and state Sen. Frank Hinchley have all voiced their opposition to the plan. In early April about 75 people attended a public meeting in Greybull to criticize the proposal to transfer jurisdiction from the Forest Service to the Bureau of Land Management. Despite the BLM's assurances that management practices would not change, people said they doubted BLM would protect the aesthetic beauty of the forested mountain range. They also questioned the Reagan administration's assertion that the swap would save money.

HOTLINE

Canyonlands is already radioactive

Mining and recreation clash over water



Crested Butte

The ski resort town of Crested Butte on Colorado's western slope is looking at another proposed molybdenum mine beneath Mt. Emmons. AMAX had intended to mine the deposit until the moly market crashed in 1982. The Santa Fe Mining Company of New Mexico is proposing a mine one-eighth the size of the proposed AMAX mine. In a related development, the Colorado Legislature recently passed a bill weakening the ability of towns to protect their watersheds. Crested Butte had utilized the existing state law to regulate AMAX's proposed mine, which would have been in its watershed. Crested Butte development director Myles Rademan says AMAX pressured the Legislature to weaken watershed protection so as to facilitate its sale of the Mt. Emmons deposit. He also says that the Legislature does not understand the need to protect a thriving, vigorous ski industry, and is instead supporting the dying mining industry. Crested Butte is urging Gov. Richard Lamm, D, to veto the bill.

Masked bobwhite quail find sanctuary



The masked bobwhite quail, a species no longer found in this country, will gain a 100,000-acre sanctuary southwest of Tucson, Arizona. The U.S. Fish and Wildlife Service will purchase \$9 million worth of land at the Buenos Aires Ranch for a national wildlife refuge, plus grazing rights on state land and use of some federal lands. About 4,000 quail -- most raised in captivity -- will be released there this summer. To safeguard the vulnerable birds, the Fish and Wildlife Service will introduce sterile adult male quails from Texas as foster parents to teach the masked bobwhites how to avoid predators in their new desert home. The masked bobwhite quail was declared an endangered species in 1969.

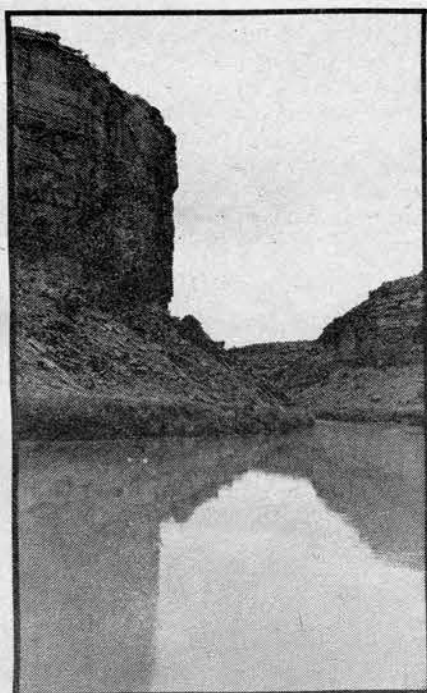
Two studies of water resources within Utah's Canyonlands National Park have found high radiation levels, particularly in the Colorado and Green rivers. Some water samples exceeded Utah's standards for both safe drinking and aquatic wildlife by as much as three times.

The most detailed examination of water quality was done by Ecosystems Research Institute of Logan, Utah, under contract to the National Park Service. Released but not publicized in October, 1984, ERI's assessment sought to establish baseline data in the event a high-level nuclear waste repository was built on a 400-acre site just one mile from Canyonlands.

In its 124-page report, ERI measured radionuclides and 31 other water contaminants during the April 1984 survey. Nine sites either on the Colorado or Green rivers, or springs influenced by them, exceeded state standards for gross alpha and/or beta radiation. Four springs not influenced by either river also exceeded Utah radiation standards. Seven other water sources tested were below the standards; however only 18 percent of all sites were tested for radionuclides.

Richard Valdez, a fisheries biologist for ERI, says uranium mining and the many uranium deposits in the West may be responsible for the high radiation in the rivers. Alpha and beta radionuclides are long-lived and stored in the liver and spleen, he says.

Jeff Conner, a natural resource specialist for the Park Service in Utah,



Paul Lerner

Colorado River upstream from Canyonlands National Park

says that during spring runoff radionuclides may be leached from several uranium mill tailings dumps. There are millions of tons of these mill wastes along rivers in cities such as Grand Junction and Durango in Colorado, and Moab in Utah. Tailings contain 85 percent of uranium's original radioactivity.

"We don't really know what's going on," Conner says. "But the results red flag something."

During 1983 and 1984, Conner directed a more limited study than ERI of water quality at four sites on the Colorado and Green rivers, including

their confluence. That study for the National Park Service and Bureau of Land Management first detected the high radiation levels. Conner also found a pattern. Radionuclides were measured at greater than allowable state standards during the high runoff months of April and June, but levels fell within allowable limits for drinking and aquatic wildlife during October and January.

Conner says what no one knows is whether it was worse during the 1960s and 1970s. "No one tested the rivers. For all we know, the rivers could be getting better. Atlas (uranium mill in Moab) used to pump hot stuff right in the river."

Conner's team and ERI also found high coliform bacteria levels in the Colorado and Green rivers, and along the Indian Creek drainage in the park. Causes include high recreational use -- from river runners to 4-wheel drivers -- and cattle grazing. All park visitors are advised to treat water before drinking.

This summer Conner says there will be a joint effort by state and federal agencies to study the squawfish, an endangered species. As part of that study, Conner says researchers will look for deformities in the fish that might be attributable to radiation. As for continued water quality monitoring of the Colorado and Green rivers, Conner says funding is needed for studies to continue.

--Betsy Marston

Pipeline threatens an Oregon grassland

Conservationists in Oregon are beginning to rally behind an effort to preserve one of the state's remaining grasslands.

The 68,360-acre wilderness study area in southeastern Oregon is called Hawksie Walksie, and it contains the greatest variety of native bunchgrasses remaining in the state, according to the Oregon Natural Heritage Data Base. Nevertheless, the Bureau of Land Management is proposing to install a water pipeline and watering troughs just inside the area to open it to cattle grazing.

The eastern portion of Hawksie Walksie and the western portion of the adjacent Rincon Wilderness Study Area have not been grazed much because there are no natural watering places. For this reason the range has not been reduced to sagebrush and cheatgrass, but instead supports a complex ecosystem of Indian ricegrass, needle-and-thread grass, bottlebrush squirreltail, bluebunch wheatgrass, and other native species of bunch grass.

The proposed pipeline would run eight and a half miles from a spring outside the wilderness study areas along a dirt road which separates the two, and into the heart of the grassland. Troughs would be installed at three-quarter-mile intervals. The present amount of grazing, estimated to be no more than 100 head for the two months during which the area is wet enough for the cattle, would be increased to 200 to 300 head, according to the BLM. In order to protect plant species, the BLM says that fences would have to be built and the cattle moved at intervals during the grazing season.

Pressure to approve water de-

velopment comes from local ranchers who lease the allotment from the BLM. Overgrazing in the less arid portion of the allotment is forcing the cattlemen to either cut back on the size of their herds or find other range.

According to the BLM's Interim Management Policy, wilderness study areas are to be managed "...so as not to impair their suitability for preservation as wilderness..." Conservationists argue that the pipeline would violate this policy since one of Hawksie Walksie's outstanding wilderness characteristics is its natural sagebrush steppe. This ecosystem type is not currently being protected within the Wilderness Preservation System and very few examples of it remain.

The draft environmental assessment for the grazing district which includes the grassland has not been released yet, but the BLM says that the cost/benefit ratio is positive and that the grazing proposal has not been dropped from the management plan. "The Interim Management Policy

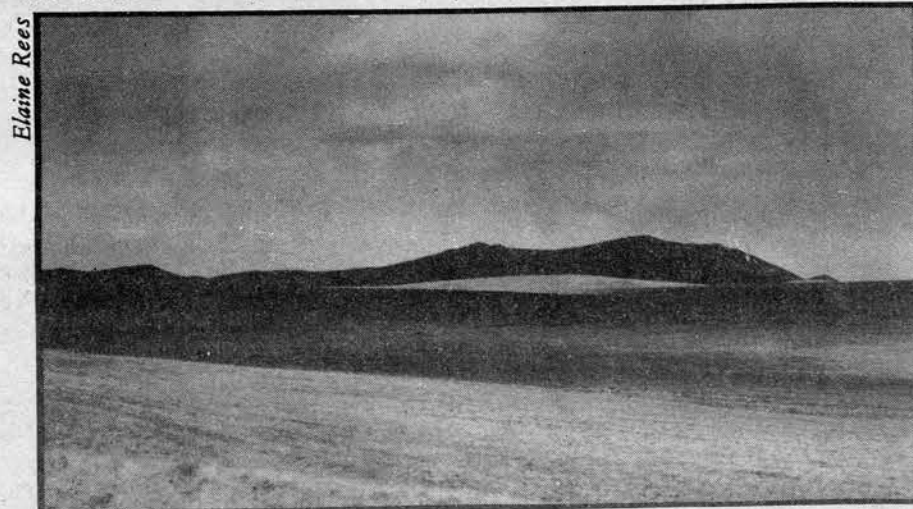
does not specifically permit nor does it prohibit this type of activity," says Rick Hall, range conservationist with the Burns District BLM.

Don Tryon is a regional coordinator for the Oregon Natural Resources Council. He says the Interim Management Policy does address rangeland improvements such as water development but that it does not discuss pipeline and water troughs as permissible activities. "We feel that the Bureau is stretching the limits of the IMP," Tryon says.

One issue BLM and conservationists agree on is that the issue may have to be settled in court.

Yet delay in the release of the environmental assessment -- originally scheduled for the fall of 1984 -- may mean that pressure from conservationists has had some effect on the BLM. The Burns District Office says its environmental assessment will remain "in limbo" until discussions about the legality of the pipeline are held at a high bureaucratic level.

--Elaine Rees



Elaine Rees

Hawksie Walksie Wilderness Study Area

BULLETIN BOARD

WILDERNESS CONFERENCE

A conference to encourage communication between researchers and managers of wilderness will be held in Fort Collins, Colorado, at Colorado State University July 23-26. The National Wilderness Research Conference will include presentations of current wilderness research and discussions of themes for future study. Registration is \$125 until June 1, and \$175 thereafter. For more information contact: Conference Services, CSU, Fort Collins, CO 80524 (303/491-6222).

FUNDS FOR WILDERNESS RESEARCH

Researchers looking into various aspects of wilderness preservation in Montana are eligible for a grant from the Arkwright Wilderness Studies Endowment Fund. The fund, which awards about \$3,500 each year, is administered by the Wilderness Institute at the University of Montana's forestry school. But there's not much time to apply; project proposals are due May 17. Contact Robert Ream or Ken Wall, Wilderness Institute, UM, Missoula, MT 59812, or call them at 406/243-5361.

IDAHO WILDERNESS PLAN

Public concern about a draft management plan for the 2.3 million-acre Frank Church-River of No Return Wilderness in central Idaho has been considered and incorporated into a final plan. The Forest Service says the final management plan includes some changes in river rafting permitting, the treatment of historical buildings and the use of fire to maintain the wilderness ecosystem. Copies of the plan are available at local forest service offices and from the Forest Service, Northern Region, Federal Building, Missoula, MT 95807. (406/329-3768).

IDAHO CONSERVATION CONFERENCE

If you're concerned about the future of Idaho's wilderness areas, mining development and salmon runs, the Idaho Conservation League's spring conference may provide you with the information and answers you need. In three days of lectures, panel discussions and informal workshops, May 17-19, ICL will present its position on these issues. The conference will be held at the Redfish Lake Lodge, south of Stanley on Highway 75. The registration fee of \$35 for ICL members or \$60 for non-members will pay for sleeping accommodations, Friday evening snacks, three meals Saturday, and Sunday breakfast. Child care for the weekend costs \$10 per child. Pre-register by May 14 to reserve a spot by calling Lill Erickson at 208/756-3982.

FRONT RANGE BIRDING

Bird watchers from Colorado's eastern slope can enjoy the diversity of bird life in the grassland and high mountain habitats of Florissant Fossil Beds National Monument. Two free field excursions on May 18 and 25 are being sponsored by the monument and the Bear Creek Nature Center of Colorado Springs. For details of where and when to meet, call Duncan Rollo at 303/748-3253.

FOREST PLANS TARGETED

The Wilderness Society has put together a task force made up of field and Washington-based staff to examine and critique a dozen Forest Service fifty year plans from around the nation, including the Clearwater in Idaho, the Bridger-Teton in Wyoming and the Beaverhead in Montana. In Montana, the Wilderness Society, the Montana Wildlands Coalition and the Beaverhead Forest Concerned Citizens are holding four workshops during the week of May 13 on the Beaverhead National Forest in the southwest part of the state. (See story on page 13.) The meetings on the Beaverhead will be: Monday, May 13, Butte, War Bonnett Inn, 7-10 p.m.; Tuesday, May 14, Missoula, the University of Montana's University Center, 3rd floor, 7-10 p.m.; Wednesday, May 15, Great Falls, College of Great Falls student union, 7-10 p.m.; and Thursday, May 16, Billings at Eastern Montana College student union, 7-10 p.m.

WEST SLOPE MANAGEMENT PLAN

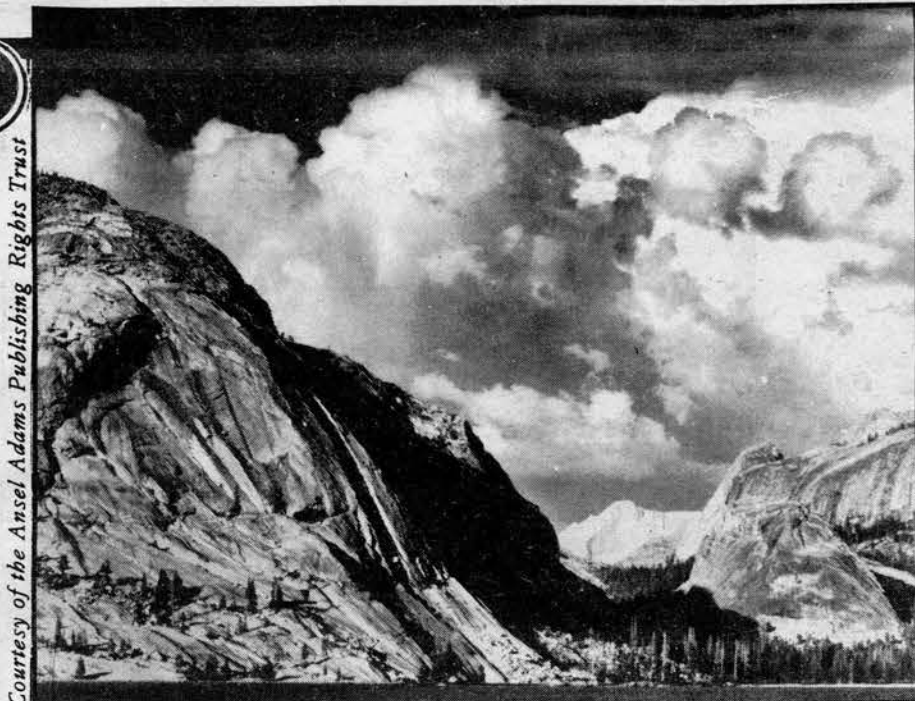
The Bureau of Land Management is working on a long-term plan for managing 1.3 million acres of public land in western Colorado. BLM recently released a 20-year draft resource management plan for Garfield, Mesa and Delta counties which includes recommendations for four new wilderness areas, reduction of salinity from Grand Valley and development of 350,000 acres of the Little Bookcliffs for coal mining. The public can comment on the draft plan at public hearings scheduled for May 13 in Grand Junction; May 14 in Gateway; May 15 in Delta; and May 20 in Denver. Written comments should be sent to Area Manager, BLM, 764 Horizon Dr., Grand Junction, CO 81506. Comments are due July 3.

TELLURIDE FILM FESTIVAL

Some fine mountain adventure films will be shown at the seventh annual "Mountainfilm" festival in Telluride, Colorado, May 24-27. Guests of honor Barry Corbet, film editor and a member of the 1963 U.S. Everest expedition, and Roger Brown, an Emmy award-winning filmmaker, will be present. Tickets to the three evening performances are \$60; films will be repeated in daytime showings for \$30 without special presentations. Contact MOUNTAIN-FILM, Box 1088, Telluride, CO 81435, or call 303/728-4123.

ECOLOGY CAMP

Teenagers can begin their summer at a camp that teaches ecology, forestry, and wildlife and range management in northern New Mexico. Campers from age 15 to 18 will learn about the importance and management of natural resources, and receive room and board at Ghost Ranch from June 3-7 for a tuition of \$85. Sponsors are New Mexico State University and the Extension Service. For applications contact Chris Allison, Box 3AE, NMSU, Las Cruces, NM 88003, or call 505/646-1944.



Tenaya Lake and Mt. Conness, Yosemite National Park, California, c. 1946, by Ansel Adams.

EXXON'S GAS LINE

An environmental assessment of the impact of Exxon's second sour gas trunkline in Wyoming's Sublette and Lincoln counties is available for public review. Officials from the Bureau of Land Management and the Bridger-Teton National Forest will answer questions and consider protests at a public meeting in LaBarge on May 22. Written comments are due by June 8. Copies of the assessment are available at BLM offices in Rock Springs, Pinedale and Kemmerer, and at Forest Service offices in Jackson, Big Piney and Pinedale.

FOILING POACHERS IN IDAHO

Idaho's crackdown on poachers of big game and fish is paying off. Citizens Against Poaching says in nine months 257 citations were issued and \$30,450 in reward money was raised. People are rewarded for reporting cases that lead to a citation. Since July, cases involving deer accounted for \$11,250 in rewards, followed by elk, moose and fish. To report a suspected violation, call toll-free 800/632-5999.

CX RANCH MINE

Montanans and Wyomingites are invited to comment on the proposed CX Ranch Mine near Decker, Montana. Copies of the draft environmental impact statement are available from Kit Walther, Chief of Environmental Analysis Bureau, Montana Dept. of State Lands, Capitol Station, Helena, MT 59620. Comments should be sent to him by June 11.

40,000 ACRES

A plan that proposes to dispose of 40,000 acres of Bureau of Land Management land -- but not the mineral rights -- in northeastern Colorado is now available for public comment. Copies of the final resource management plan/environmental impact statement can be reviewed at the public libraries in Kiowa, Fort Morgan, Fort Collins, Colorado Springs, Limon, Sterling and Boulder. Protests should be sent to Frank Young, BLM, Denver Federal Center, Bldg. 41, Denver, CO 80225 by May 24.

ANSEL ADAMS GALLERY OPENS

The Wilderness Society celebrated its founding 50 years ago by opening the Ansel Adams Gallery this March at the Society's new national headquarters in Washington, D.C. Just before his death last year at age 82, Adams gave the Society 75 of his landscape photographs including "The Face of Half Dome" and "Moonrise, Hernandez." The photos, which are the only permanent exhibit of Adams' work, can be seen by appointment any weekday afternoon by calling the gallery at 202/842-3400.

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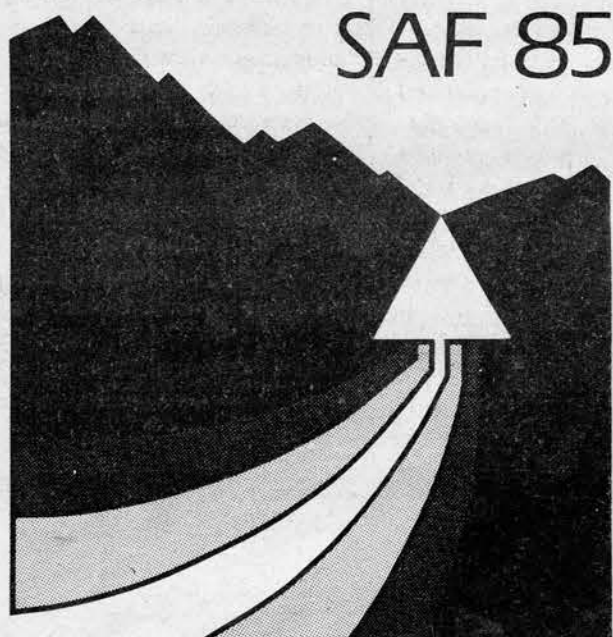
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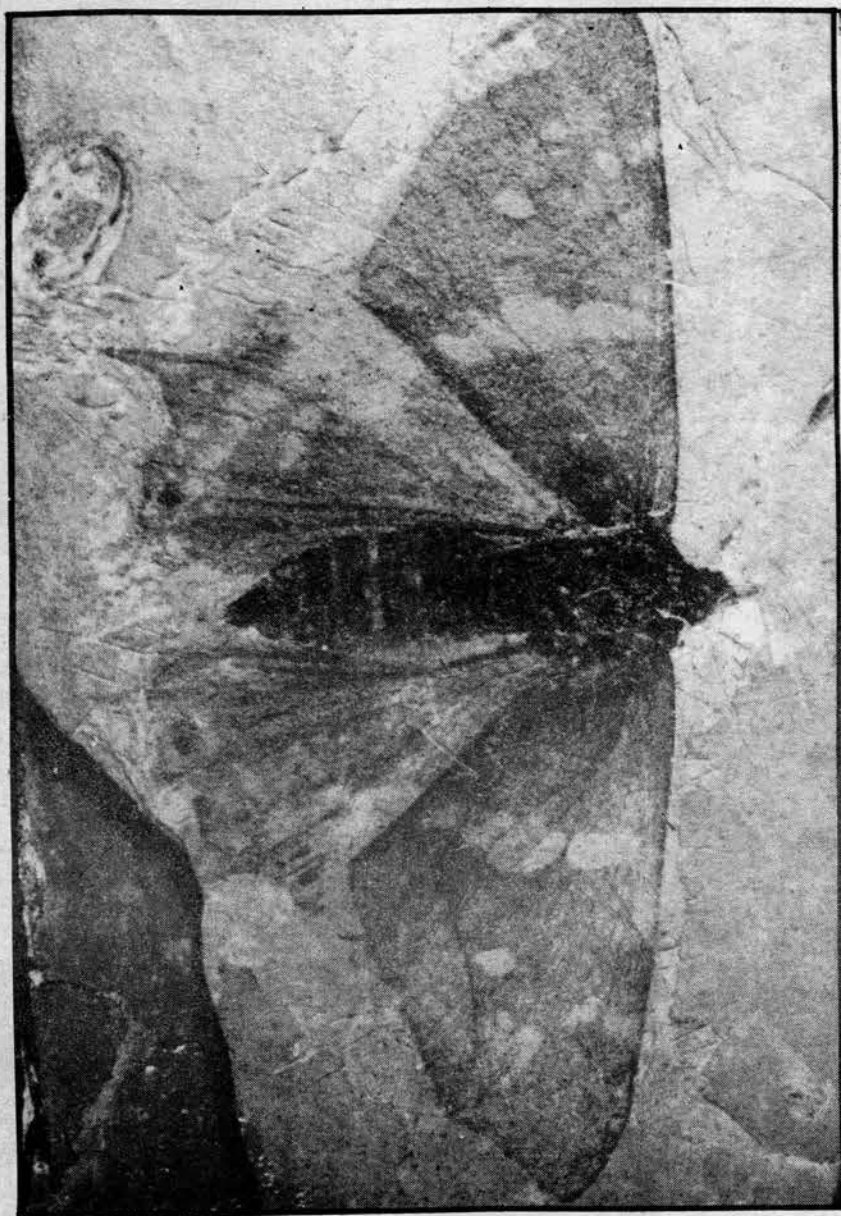
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THE 1985 SAF NATIONAL CONVENTION

We invite you to join us this summer at the annual convention of the Society of American Foresters in Fort Collins, Colorado, July 28-31, 1985. The convention is open to both members and nonmembers. If you are a forester or if you have an interest in forest management, you should attend this meeting.

The SAF convention is the ideal way to combine business and pleasure. Not only will you be able to exchange ideas and information at the world's largest annual meeting of professional foresters, but many leisure activities are also planned to ensure that you and your family have a great time.

For more information write to **Society of American Foresters, 5400 Grosvenor Lane, Bethesda, MD 20814, Attn: Box 85FC; or call (301) 897-8720.**



Meadows of wildflowers, knolls amid quaking aspen, blue spruce, ponderosa pine and gigantic stumps of California sequoia trees once 300 feet tall lie within the Florissant Fossil Beds National Monument in central Colorado. The 6,000-acre preserve constitutes the most extensive fossil record of its type on earth.

Imprinted on shale within the monument are the detailed and delicate impressions of leaves and insects, as well as some birds and small mammals that lived 35 million years ago during the early part of the Oligocene Epoch.

Since Dr. A.C. Peale of the U.S. Geological Survey "found" the area in 1874, scientists have excavated petrified tree stumps and removed over 80,000 fossil specimens from the area. The specimens include more than 110 species of fossil insects, some 140 species of fossil plants and several species of fish, birds and small mammals. There are impressions of dragonflies, beetles, ants, spiders and almost all of the known fossil butterflies in North America. Fossil leaves are from birches, willows, maples, beeches and hickories, and fossil needles are from firs and giant sequoias.

The rocks and fossils reveal a wet, warm climate during Oligocene time. Central Colorado was dominated by towering redwoods similar to those now growing in northern California. There were also ferns, palm trees, magnolia bushes and small shrubs no longer found in the state. Volcanoes erupted near Florissant, and earthquakes shook the valley. Mudflows buried the trees up to 15 feet, killing them. The portions of the trunks above the volcanic-ash-rich mud decayed and the portions in the mud started to petrify. Over the millennia the trees' living tissues were replaced by minerals from the ash and mud, as the once-living trees became stone replicas of massive stumps.

As the cataclysmic eruptions continued, vast quantities of volcanic ash blotted out the sun and covered the surrounding countryside. Mudflows and lava dammed small streams, forming a lake (now called Lake Florissant), 12 miles long and two miles wide. Dust and an exceedingly fine ash spewed forth from the volcano periodically. Leaves fell into the lake. Bumblebees caught in flight by the deadly clouds dropped into the lake where they were quietly entombed by the rain of ash. Butterflies and other insects sank into the ooze. For as long as 500,000 years, millions of tons of ash, dust, and pumice showered the land and the lake.

As time passed, the life forms which were embedded in the successive layers of ash and mud became fossilized as the mud compacted to form shale, a thinly layered sedimentary rock. The fossil-rich lake shales were preserved for millions of years beneath a hard volcanic cover, a concrete-like substance protecting the fossil-bearing shales beneath from weathering and erosion. It was a Pompeii-like preservation.

After the eruptions subsided, the Rocky Mountain area was gradually uplifted. Between 35 and 30 million years ago, the Florissant Valley rose from a 2,500-foot elevation to 8,400 feet, its present altitude above sea level. The once-subtropical climate cooled.

Insects and tree foliage, completely absent or rare in most fossil sites, were preserved at Florissant because of the exceptionally fine-grained ash that fell like a mist or a fog, softly enveloping everything in the air and on the ground. In some cases the process preserved color markings, the details of wing venation and appendages, and even the hairs on the legs of the insects.

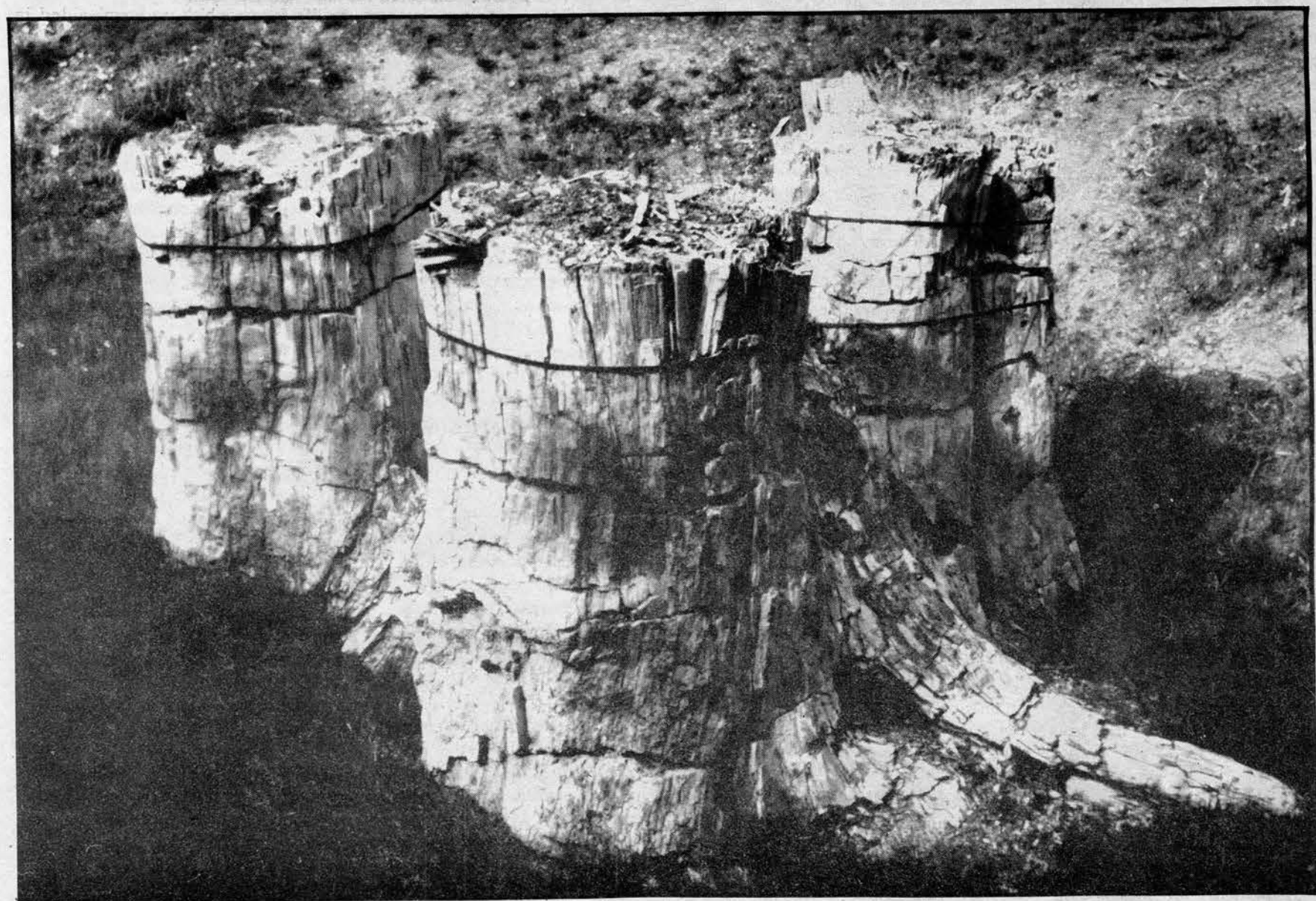
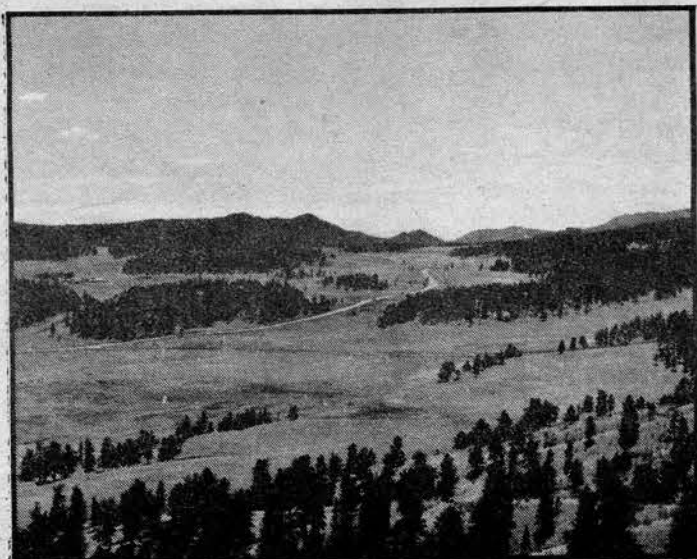
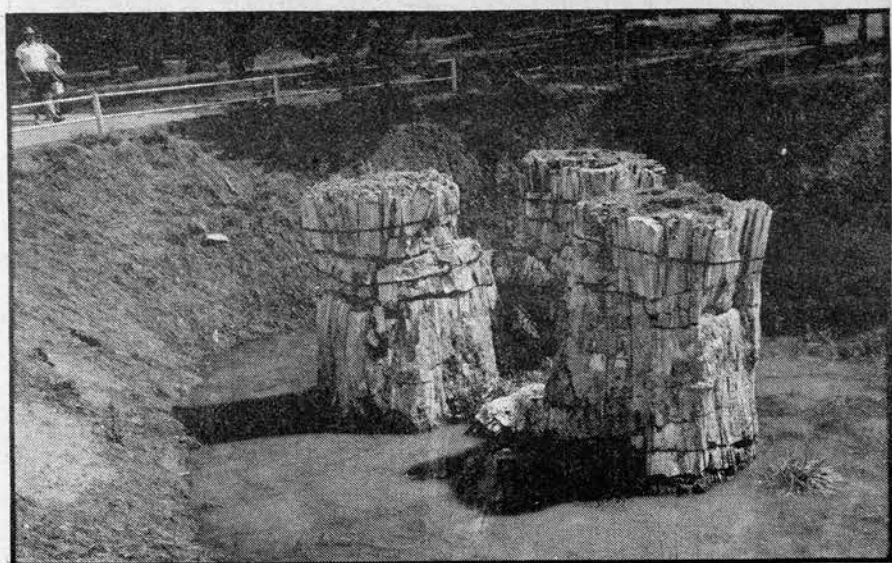
Twenty-six petrified stumps have been uncovered, some of them much larger than any of the trees in the more famous Petrified Forest National Park in Arizona. The largest is about 13 feet in diameter. University scientists have discovered 83 more stumps that haven't been excavated.

The Oligocene Epoch seems anything but short when compared with the proverbial four-score-and-ten expectation, or the impatience over the performance of our microwave. But in terms of the span of the geologic clock by which we measure the 4.5 billion years of earth's existence, the epoch was short-lived and recent, lasting from about 38 to 24 million years ago.

The generally uncrowded Florissant Fossil Beds National Monument is located about 35 miles west of Colorado Springs near the town of Florissant. The preserve includes a small and unassuming museum building, originally part of a homestead built by 1878-settler Adeline Hornbeck and her three sons. The national monument was designated in 1969.

--Tom Jenkins, Mary Moran

Fossils of Florissant



Cabinets...

(Continued from page 1)

already precarious position. Road-building, mining and logging have already hurt the grizzly in northwest Montana, and biologists now recognize the Cabinet and adjoining Yaak grizzly populations as the most threatened in the lower 48 states. Various estimates put the number of Cabinet grizzlies at somewhere between six and 12.

Forest Service wildlife biologist Alan Christiansen hesitates to cite a specific population figure because so little is known about the Cabinet's grizzlies. No one can say for sure what the new mining will mean for the beleaguered bears, nor whether the animals' federally-protected status is enough to halt ASARCO's and Borax's plans.

It may also be difficult to turn down the companies on the grounds that wilderness values outweigh the mineral values. The Forest Service and Interior Department used this argument to halt oil and gas exploration in the Bob Marshall. But it will be harder to prove in the Cabinets.

The silver and copper claims are covered by the 1872 Mining Act, a product of an era when the government aggressively encouraged mineral development. Hard rock miners are allowed exclusive development if their claims are proven valuable and they can meet environmental regulations. As a result, opponents must have airtight cases to stop mining -- a difficult task because both ASARCO and Borax have already invested much in the venture. Allowing exploration is no longer an issue, which was the case in the Bob Marshall; now it is a matter of whether the mines ought to be built, and if so, how it will be done.

Reflecting on the ease with which hardrock miners can develop public lands, Karin Sheldon, an attorney for the Sierra Club Legal Defense Fund says, "The mining law is a relic of the past. It was geared to small miners, but the giant ASARCOs of the world are still using it. In the Cabinets, it may come down to: How much is a grizzly worth?"

In the early 1980s, Sheldon represented a coalition of conservationists in a lawsuit aimed at forcing ASARCO and the Forest Service to prepare an environmental impact statement on the initial exploration in the Cabinets. They wanted the wilderness and grizzly questions answered before exploration was allowed, to avoid a showdown later when the decision to permit mining could be prejudiced by economics. The case was denied in federal court.

Despite the objections of conservationists, ASARCO and Borax were given permission to use exploratory drill rigs inside the wilderness between 1979 and 1983. Instead of preparing an EIS, the Forest Service put stringent regulations on the drilling in an attempt to minimize conflict with grizzlies.

Alan Christiansen says because there was little baseline information on the grizzlies to begin with, and no follow-up, it isn't known how the exploration affected the bears. The environmental analysis for the exploratory drilling also failed to

'The mining law is a relic of the past. It was geared to small miners, but the giant ASARCOs of the world are still using it. It may come down to: How much is a grizzly worth?'

investigate the impacts of full-scale mining. Until now, the Forest Service has been analyzing each step as an independent action.

The tentative operating plans submitted by the companies say there will be little physical disturbance inside the wilderness. Both companies will locate their mills just outside the wilderness boundary and use underground tunnels to reach the ore bodies inside the protected area. Claim markers and ventilation adits may be the only surface evidence of mining inside the wilderness. Slurry lines, power lines and tailing ponds will be on adjacent national forest and private land.

"The area outside the wilderness has already been roaded and logged. We won't be adding that much more disturbance," says ASARCO spokesman John Balla. He also points out that the claims, named after nearby Rock Peak, are only within a six square mile area, in the southern portion of the wilderness. Borax's claims about ASARCO's in the same general area.

Critics say Balla's assessment is unrealistic. They argue that ASARCO's mine and mill, which will employ 375 people for almost 30 years, will affect wildlife, water and recreation both outside and inside the wilderness. They say survival of grizzly bears is already threatened because of the high level of human activity in the area, and that the narrow wilderness, which is only a half mile wide near the claims, doesn't meet the bears' needs. Additionally, they claim blasting and other activities for building the mine and its facilities will severely affect the solitude needed by grizzlies.

Mining in the Cabinets is not a recent development. The mountains both inside and outside the wilderness are riddled with claims, and there are several defunct and active mines. ASARCO is already mining in the area at a site located six miles west of the wilderness and 15 miles south of Troy. Although the Troy mine is the nation's most productive silver operation, its silver deposits are estimated to be only half as big as those in the Rock Peak claims.

ASARCO is in the Rock Peak area because it purchased claims originally staked by a subsidiary of Kennecott Copper in the early 1960s. Since 1973, the company has been mapping, collecting samples and then drilling from 1979 to 1983. U.S. Borax has been in the area since 1981; its drilling began in 1983.

The only study of the effects of mining in the area has been through short, individual environmental analyses for the exploratory drilling. Now that ASARCO has a mine

proposal on the boards, the Forest Service, with the help of the company and state of Montana, will begin preparing an environmental impact statement this year. It is expected that another EIS will be mandated when U.S. Borax firms up its proposal.

To gather baseline data for the EISs, the Forest Service is compiling an area study plan. This will project the development future for a 270-square-mile area of the Cabinets, including country both outside and inside the wilderness. The Forest Service says the study's purpose is to avoid piecemeal planning for the area's development. Jim Mershon, District Ranger for the Cabinet District, says the study will look at cumulative effects on all resources from mining and other activities, such as recreation and logging. State and federal biologists will be paying close attention to the effects all development will have on the grizzly.

It appears the Forest Service is resigned to some mining in the Rock Peak area. Mershon says, "the possibility of one mine, and possibly two, is extremely good," adding that there could be four mills and several tailings sites in the area. The agency hopes the area study plan will help identify ways to minimize the effects on recreation, water and grizzlies.

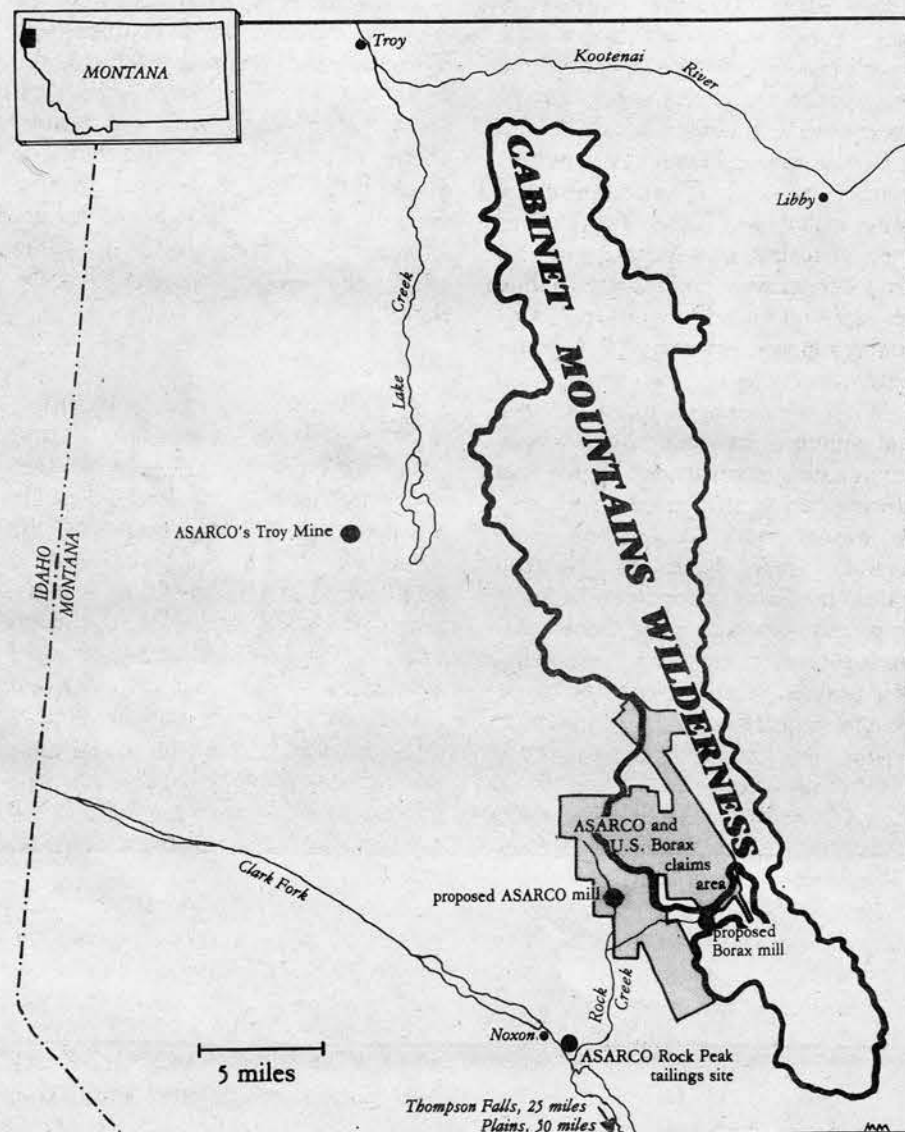
But the Sierra Club and National Wildlife Federation believe it may prove impossible to "mitigate" for

mining's effects on grizzlies. Tom France of the Federation says the species is already squeezed into a tiny area. "Any more encroachment on its range may eliminate it from the Cabinets."

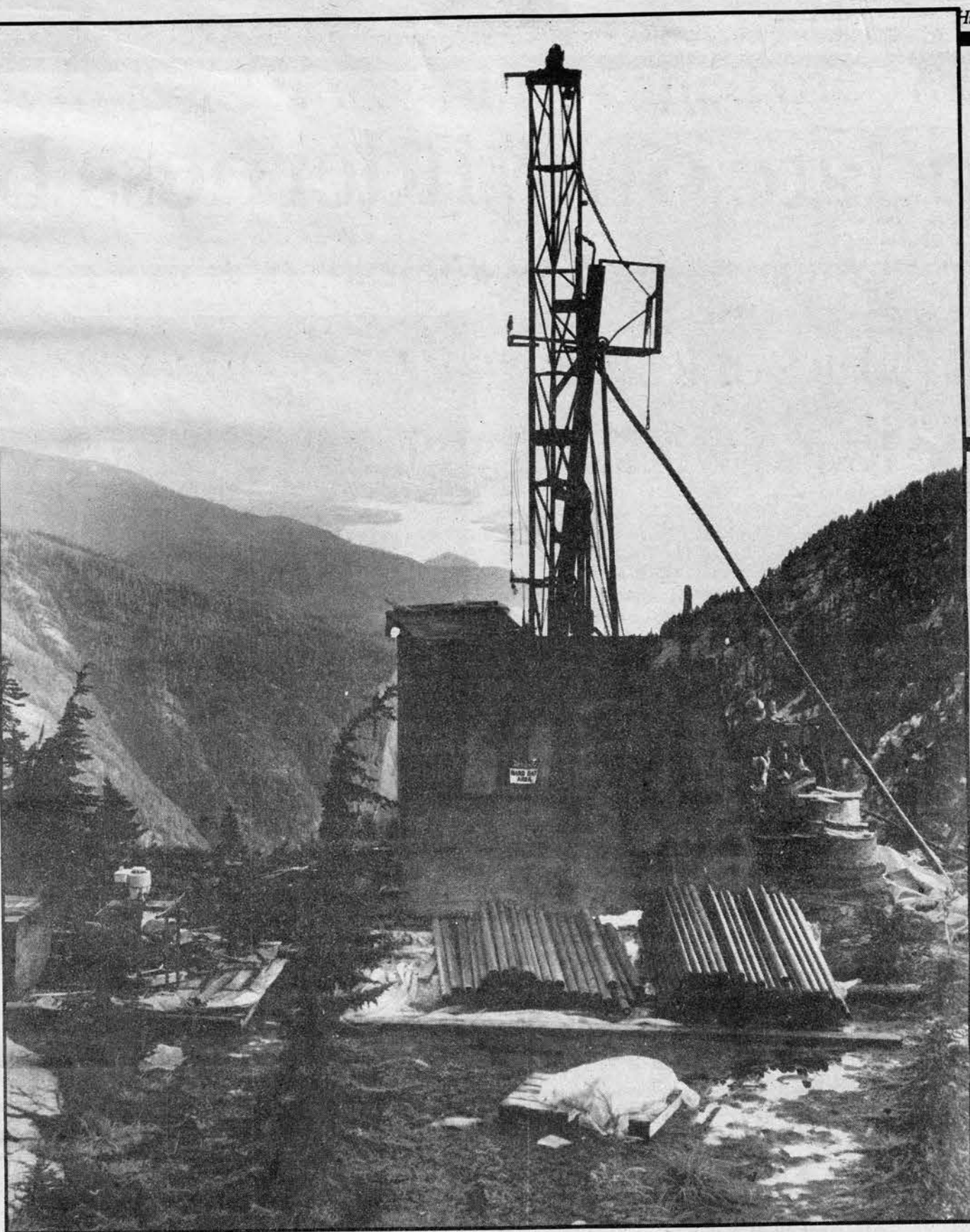
The Forest Service's Christiansen agrees that the population is in danger, but hopes that research and mitigation will provide some help. He says the most promising approach may be through trading habitat. If bears are pushed out of one area by mining, it could be made up by closing roads to recreationists or altering logging plans elsewhere. Christiansen cautions that this approach needs more research, adding that it could cause friction with recreationists and loggers.

The mining could be an economic boon for the local counties, Sanders and Lincoln, whose unemployment rates now run around 15 percent. ASARCO alone plans to employ 350 people once its mine is in full swing, and the company estimates it will have an annual payroll of \$10.5 million and pay \$3 million in taxes to the state.

Chambers of Commerce and merchants in the towns surrounding the Cabinets, such as Thompson Falls, Noxon and Plains, have been campaigning hard for ASARCO and



John Mercer, Wilderness Institute



ASARCO pre-1984 exploratory drilling near Rock Peak in the Cabinet Mountains Wilderness

Borax. Plains Chamber president Mary Lynn Vanderhoff says she doesn't know much about mining, but she supports the projects because of "their obvious positive impact."

Fred Roach, a Plains resident and member of a local environmental group called the Plains Clark Fork River Watchers, says he can't say for sure, but guesses local communities are "split on the mining issue," with greater support, however, for development.

While the mining companies await final approval for their plans, critics are weighing alternatives. There is a growing feeling that attempts to stop the mines could prove futile, and possibly create political backlash against the Endangered Species Act if the grizzly issue is pressed. Some local opponents say they are rethinking their position of total opposition to the projects and shifting their attention to getting the most environmentally sound mining possible.

But Tom Robinson, the Northern Rockies representative for the Wilderness Society, hasn't given up. He says the Forest Service might still reject the mining claims. "If the public knew that mining is allowed in wilderness, they would be as outraged as they were over the Bob Marshall," Robinson says it would take a large media campaign to stop the mining, but that it might work "because the public is with us. Even in Montana."

If the mines are built, many critics question whether the companies will try to maintain environmental quality. Gene Smith, U.S. Borax's vice president for government and public affairs, says his company will consider all aspects of the environment in the mining operation. Jim Stratton, an Alaskan conservationist, says that hasn't been his experience with U.S. Borax.

Stratton, a former director of the Southeast Alaska Conservation Council, says he spent a bitter 3½ years fighting U.S. Borax over its molybdenum mining proposal for Alaska's Misty Fjords National Monument. "U.S. Borax is a very powerful and well-connected company," he says. It is a wholly-owned subsidiary of Rio Tinto Zinc, a giant British conglomerate, and is responsible for all the national monument mining compromises in the Alaska D-2 legislation when all the other mining companies rode happily on its coattails."

Stratton says his group was forced to go to court to get Borax even thinking about protecting fisheries and wildlife in its roadbuilding and tailings disposal. He adds: "They had no real interest in sitting down and talking to us about protecting Misty Fjords. They angered locals, conservationists and the Forest Service.

Montanans better watch out, they will build a mine as cheaply as possible." Stratton notes that U.S. Borax eventually got its way and isn't spending the money conservationists say might have helped offset the mining impacts.

ASARCO, which was largely founded by the Guggenheims in the early 1900s, and which has international connections, also has a record of stirring up opposition. Conservationists and local residents in northwest Montana have already sparred with ASARCO over water quality at the company's "showcase" mine south of Troy. ASARCO bills itself as "the producer of 16 percent of the free world's silver." Much of that silver comes from the Troy mine, where mine tailings have been leaking heavy metals into Lake Creek, a pristine stream.

ASARCO says the water quality issue has been exaggerated. But local residents have appealed to the state to force the company to improve its tailings storage and water-quality monitoring. The issue is still unsettled. Some ASARCO critics say that water quality may be the sleeper issue in the Rock Peak proposal. Tentatively, ASARCO plans to impound its Rock Peak mine tailings within a quarter-mile of the Clark Fork River, 25 miles upstream of Idaho's Lake Pend Oreille.

At this time, the process to get the

mines started is on hold. A final decision rests with the upcoming validation of the rest of the companies' claims and environmental impact statements. Because of its legal obligations based on the 1872 Mining Law, the Forest Service may choose not to consider a no-action alternative. Rejection of the proposals rests with public opinion on wilderness and the grizzly bears' status under the Endangered Species Act.

So far, opposition has come primarily from Montanans, with the aid of several national conservation groups. Broader citizen opposition involvement may not emerge until the bulldozers are finally started up.

At that point, opponents may find that the two giant companies are not pushovers. Whatever action is eventually taken, one fact is apparent: both companies are prepared for a fight. Though final approval for both mines may be more than two or three years away, U.S. Borax says in the cover letter for its "development concept" for the Rock Peak area: "One thing seems certain and that is that U.S. Borax will in one way or another be in the East Fork of the Rock Creek drainage."

□

Bruce Farling, a Montana resident, is a former intern and staffer with *High Country News*.

Update on wilderness bills

The economics of logging will shape Idaho wildlands

In 1979, Idaho's wood-products industry was at its highest level ever. By some estimates, it trailed only agriculture in its contribution to the state's economy. However, the industry declined sharply over the next three years, and despite a partial rebound starting in 1983, has lost ground relative to other economic sectors. It now holds fourth place in Idaho's economy, trailing agriculture, manufacturing and tourism.

The economic decline may help explain why the industry and the Idaho congressional delegation led by Republican Sen. James McClure have fought so fiercely against additional wilderness (HCN, 10/29/84). Many Idaho sawmills were built to process the large-diameter, old-growth trees once plentiful in the state's virgin forests. But harvestable old-growth timber is now rare, with the surviving trees located on the 9 million acres of unroaded public lands which are at the center of the wilderness debate.

A generous future supply of second-growth timber in roaded areas will be increasingly available as the old-growth timber cut in the past 20 years is replaced. But Walt Minnick (HCN, 1/15/84), the chief executive officer of Trus-Joist, an Idaho wood products firm, says, "Whatever else happens, there will continue to be mill closures in Idaho." The sawmills "dependent on old-growth trees are shutting down rather than modernizing. There's no economic sense in rebuilding for second-growth in Idaho when it's so much cheaper to go to the South or other regions."

The decline can be seen by looking at employment. In 1979, the industry employed 20,200 people. Today, it employs 15,900. "A fair amount of that (loss) is permanent," says Joe Hinson, director of the Idaho Forest Industry Council, a trade association of wood products firms in north Idaho.

Production is at 1979's level due to higher output per mill, but Minnick believes Idaho production will drop for a variety of reasons. In addition to the

greater productivity in the South, he sees federal road-building and timber appropriations, which he calls "subsidies," declining. And new technology, such as the use of Midwestern hardwoods to make composite boards and panels, will increase competition.

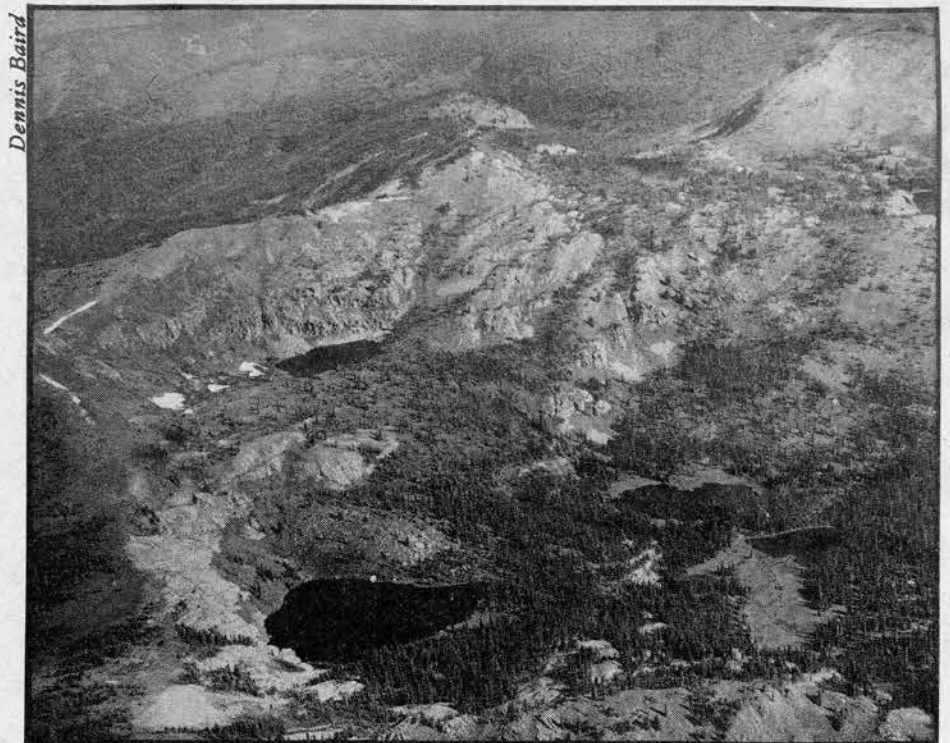
Related pressure on logging firms and mills comes from price, which in real terms is now half of the 1979 price. The industry's Hinson says, "I can't predict where the price will go from here. A lot depends on interest rates and the strong dollar. Right now, Canada (with its exports to the U.S.) is pretty much setting the U.S. price with a lot of help from the strong dollar."

Minnick, however, sees over-supply pushing prices down regardless of Canada or the dollar. "Our present timber surplus is not a temporary situation. Smaller houses, fewer single-family dwellings, more forestland capable of producing a product, improvements in silviculture and technology -- these will keep the price down."

Hinson is less pessimistic. "The Idaho industry is strong technologically. Those left are more efficient. If the market improves, our industry will be profitable." But at the best, he sees employment increasing "only a bit more."

Minnick predicts that the mills which survive will be those which shift from traditional lumber products like 2-by-4s to specialty and composite products like flake board. Significantly, the only new mill in Idaho is Louisiana-Pacific's waferwood mill north of Coeur d'Alene. It produces a composite board and panel product from chipped logs, and can therefore use small, second-growth trees.

The industry's decline has led to demands for trade protection directed principally at Canada. "We've always been avowed free traders," Hinson says of his industry. "But there's a point sometimes when you sacrifice that principle for a profit." Idaho Republican Congressman Larry Craig



Five Lakes Butte in Idaho's proposed Mallard-Larkins/St. Joe Divide Wilderness Area

Idaho is at an impasse

Idaho's Republican Sen. James McClure wants to keep a state wilderness issue on the back burner for 1985.

Early this spring, Reps. Jim Moody, D-Wisc., and Peter Kostmayer, D-Penn., reintroduced a bill calling for 3.5 million acres of wilderness in Idaho. The bill is supported by the Idaho Wildlands Defense Coalition, which represents such groups as the Idaho Conservation League, Sierra Club, Idaho Sportsmen's Coalition and Idaho Environmental Council.

McClure, who battled against the bill last year, responded by predicting that it would not pass in Congress and

that the state's delegation would not introduce an alternative wilderness bill. Without a bill from the delegation, says Craig Gehrke of the Idaho Conservation League, there will be no legislative bargaining and no acceptable wilderness bill for Idaho.

Meanwhile, says ICL's assistant director Mary Kelly, conservationists will continue to monitor wilderness study areas and challenge forest management changes that jeopardize potential wilderness areas. The Forest Service is currently working on 50-year management plans for each of Idaho's 10 national forests.

--Lisa McKhann

has introduced legislation to restrict Canadian imports of lumber. Hinson hopes current talks between Canada and U.S. companies will result in "voluntary restraint."

The industry is looking to Washington, D.C., for trade protection, but it could also get some problems from that direction. Idaho's timber industry, particularly southern Idaho's, is heavily dependent on Forest Service timber and road-building appropriations. Thanks to Sen.

James McClure, R-Id., and his powerful Senate position, Forest Service timber and road budgets have not been cut during the Reagan administration.

But House hearings on below cost-timber sales planned for late May by Democrats John Seiberling of Ohio and Jim Weaver of Oregon could lead to major cuts on the House side and a tough confrontation, in a deficit-conscious Congress, for McClure.

It is possible that the economic changes taking place in the timber industry will affect how the wilderness question is resolved. Given Idaho's politics, wilderness legislation won't get past determined opposition from a timber industry intent on cutting the last of the old-growth trees. But removal of the federal roading subsidy and changing wood products technology could turn the industry's attention away from old-growth trees. In that case, a wilderness bill might pass, or might become moot due to a lack of pressure for logging.

--Pat Ford

Employment in the Idaho wood products industry

Source: Idaho Department of Employment.

| | Sawmills and Planing Mills | Logging | Wood Buildings/ Mobile Homes | Other Lumber | Paper | Total |
|------|----------------------------|---------|------------------------------|--------------|-------|--------|
| 1979 | 9700 | 3600 | 2400 | 3100 | 1400 | 20,200 |
| 1982 | 6500 | 2200 | 1200 | 2300 | 1500 | 13,700 |
| 1983 | 7100 | 2900 | 1200 | 2700 | 1600 | 15,500 |
| 1984 | 6900 | 3200 | 1200 | 2900 | 1700 | 15,900 |

Nevada: Its wilderness bill is called the 'worst'

Nevada's first wilderness bill proposing 137,000 acres was introduced in Congress this March to almost unanimous opposition from conservationists.

They called the bill everything from "crass" to "pseudo-wilderness" because of its lenient language and small acreage at 5 percent of Nevada's potential wilderness.

"It is the worst wilderness bill that's ever been introduced," says Jeff van Ee of the Sierra Club's Toiyabe Chapter in Nevada. Instead of protecting wilderness, the bill represents the interests of small-time miners who want land left open to prospecting, he says.

As he sees it, "There's an independent spirit in this state. Miners want to keep the land open in case some new technology comes along which allows them to strike it rich."

Putting it bluntly, Russ Shay, Sierra Club's representative for Nevada and California, says, "The Nevada Mining Association drafted the bill." He says Rep. Barbara Vucanovich put her name on it, and Sens. Chic Hecht and Paul Laxalt backed it to maintain party unity. All are Republicans.

The fourth member of the Nevada delegation, Democratic Rep. Harry Reid, refused to sponsor the bill. He is expected to introduce a bill after visiting the state's roadless areas this summer with Rep. John Seiberling, D-Ohio.

In presenting S.722 to the Senate, Hecht defended its "conservative"

nature by characterizing the people of Nevada in much the same way as van Ee. "Nevadans are very suspicious and even hostile toward proposals aimed at restricting their access to Nevada's public lands." Eighty-two percent of Nevada is owned by the government, either as public land or as land reserved for military use.

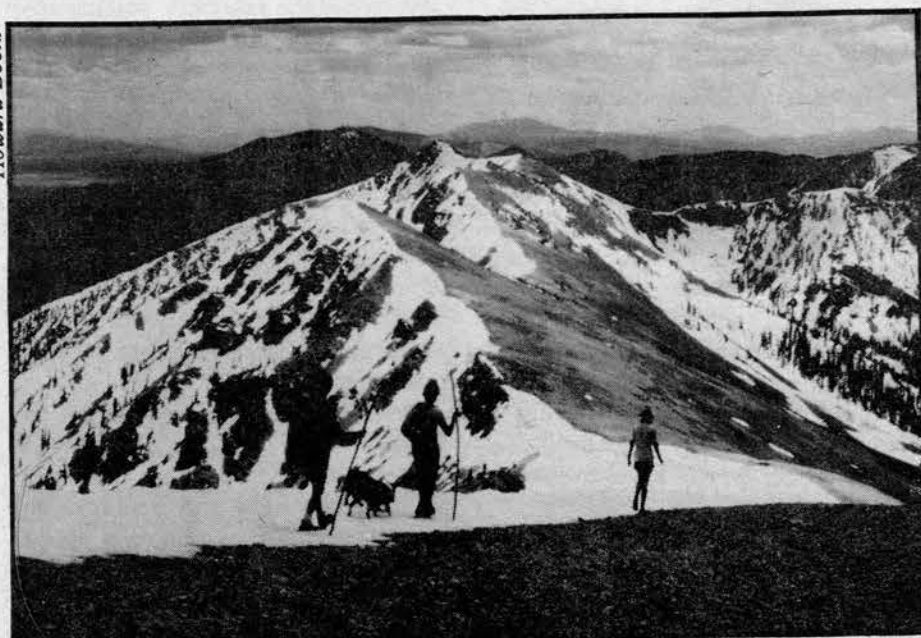
Shay says the bill attempts to soften the Wilderness Act through omissions or exceptions. One example he cites is the bill's apparently unnecessary restatement of part of the 1964 Act which allows motorized equipment for transportation, earth-moving and construction of facilities in the development of valid mining claims.

"The hitch is that it doesn't require miners to look into alternative methods," says Shay. "No other state has anything like this." In all other designated wilderness, mining companies must prove the need for using motorized equipment, he adds.

The bill also allows the use of herbicides and reseeding. These practices would be used for noxious weed control and for reseeding "badly damaged areas." Shay points out that sagebrush is considered a noxious weed in Nevada and that any reseeding would undoubtedly be with grasses for forage. He fears that the law might tempt ranchers to create a "Crested wheat grass wilderness."

In essence, Shay concludes that the wilderness bill proposed for Nevada is "pseudo-wilderness... In some ways, the wilderness under this

Howard Booth



The Schell Creek Range, one area proposed for wilderness by the Sierra Club but not included in the Nevada

congressional delegation's wilderness bill.

act would receive less protection than under multiple-use management."

The Sierra Club's proposal for wilderness protection in Nevada called for about one million acres. Sen. Laxalt says the delegation studied the proposal but concluded that it would lock up important minerals. Seventeen of the club's 18 proposed areas might contain minerals "of strategic or other critical national importance," he says. The delegation's bill proposes four of the 18 areas.

Conservationists are confident that Nevada's bill will generate bipartisan opposition in Congress. They say even opponents of strong wilderness bills

from other states won't stand for another state living by more lenient wilderness regulations than their own.

The Sierra Club and other conservationists plan to work with Reps. Reid and Seiberling this summer to draw up an alternative wilderness proposal. But Shay doubts any wilderness legislation will pass this year. He says conservationists will continue to work with the Forest Service as drafts of 50-year forest management plans for Nevada's two national forests are released this summer. Each will include recommendations for wilderness.

--Lisa McKhann

Montana: A 1985 wilderness law is very possible

The haste and fury which accompanied Montana's 1984 effort to formulate and pass a wilderness law are absent from this year's effort. According to John Kandel, an aide to Senator John Melcher, D-Mt., the delegation is now meeting weekly to review the wilderness candidates forest by forest.

Melcher, Senator Max Baucus, D, and representatives Pat Williams, D, and Ron Marlenee, R, began with the Gallatin National Forest, where there is the least controversy, and will end with the Rocky Mountain Front areas in the Lewis and Clark National Forest and the Big Hole Valley areas in the Beaverhead National Forest, where there is the most controversy.

Kandel said the delegation expects to produce a bill by late May or early June, and to then hold hearings in Montana during the summer. He also said, "My general feeling is that it will be basically similar to the 1984 bill." Reaction to the 1984 proposal included a sit-in at Melcher's Missoula office by Earth First!, the trading of angry quotes and some backing and filling by the delegation.

The conservation community was angered by the amount of land proposed for wilderness and by the proposed creation of special management areas. Montana's national forests have over six million acres of roadless land. The 1984 bill would have released five million acres to multiple use and put 747,000 acres into wilderness. The Wildlands Coalition's Alternative W (Wilderness, Wildlife, and Way of Life)

proposal called for 2.2 million acres in 22 areas; Democratic Gov. Ted Schwinden suggested one million acres of wilderness.

Conservationists were also dismayed by what Tom Robinson of the Wilderness Society in Boise, Idaho, recently called "flagrant use of special management." The bill proposed 507,000 acres for special management. Special management is used to provide some protection while placating local interests by allowing off-road vehicles, snowmobiling and the use of machinery to maintain irrigation ditches and fences.

It was especially provocative last year, when approximately 25 state wilderness bills were before the Congress. Today, there are only bills from Idaho, Montana, Nevada and Colorado, and Robinson says:

"We're not more likely to support special management, but the precedent value is lessened. There is no danger of it affecting many other bills." Special management was threatening last year because, "It's an easy way out for Congress. If it started using special management, it would be the last acre of wilderness we saw. Congress likes to go with the lowest controversy."

Even though it appears that the 1985 bill will be similar to the 1984 bill, the conservation community may be more positive toward it. Jim Richard, a spokesman for the 45-group Wildlands Coalition, said: "They're still using the consensus approach, but at least they're working things out. They've involved themselves. It's

a lot more deliberative an effort, and for that I commend them."

The four-person delegation last year operated by consensus. Part of the bitterness came from the impression that Marlenee, who represents eastern Montana, had used his veto to dominate the three Democrats. Marlenee was especially interested in the Rocky Mountain Front, where conservationists got only a fraction of the wilderness they wanted.

While most attention is being paid to the delegation's efforts, things are also happening in the field. Richard, for example, said the coalition is "preparing studies on elk, grizzlies, mountain goats and bighorn sheep" in the Rocky Mountain Front to strengthen that area's claim to wilderness. The coalition is also preparing to counter Marlenee's concern that wilderness would reduce car-camping opportunities for people living on the plains who use the Front for recreation.

Perhaps the most interesting evolution is taking place in the Big Hole Valley, west of Butte, on the Beaverhead National Forest. There, one of the West's last traditional ranching communities feels caught between two perceived threats: extensive logging and roading proposed by the Forest Service, and wilderness proposed by conservationists. They see both as threats to grazing and their way of life.

A major player in the discussions is a newcomer to an area made up almost entirely of third-generation ranch

Craig Sharp



Jim Welch

families. The man is Jim Welch, who has been ranching in the Big Hole Valley for only five years. He hired Randal O'Toole, a forestry consultant from Oregon, to analyze the Beaverhead National Forest's proposed 50-year plan.

According to Welch, O'Toole's study showed the Big Hole ranchers that the Forest Service plans to build

(Continued on page 14)

Montana...

(Continued from page 13)

130 miles of roads in a relatively small area over the next 10 years. Some of the roads, he said, would require the agency to obtain, perhaps by condemnation, private ranch land.

The roads and the resulting logging would affect water quality, natural beauty and wildlife habitat. In addition, "The network of roads would wind up being freeways for the cattle. It would require massive fencing to maintain the grazing allotments, and the ranchers would have to pay," Welch said.

"We're just starting to have community meetings (on the forest plan). But they don't want wilderness. They want protection. They will probably ask (the delegation) for special study status" while they consider the matter. "The ranchers distrust wilderness. They see it as de facto reduction of grazing rights. They view it as potential interference with their maintenance of headgates, ditches and fences."

Welch said the Big Hole Valley, which has the tiny towns of Wisdom and Jackson, consists of two ranching areas. There are 12 ranches with about 36 families in the North Big Hole, south of the Anaconda Range, which has some wilderness in the Anaconda-Pintlar area. "They want wilderness." But the approximately 60 families who operate 20 ranches in the West Big Hole oppose it for the West Pioneer Range to the east of them.

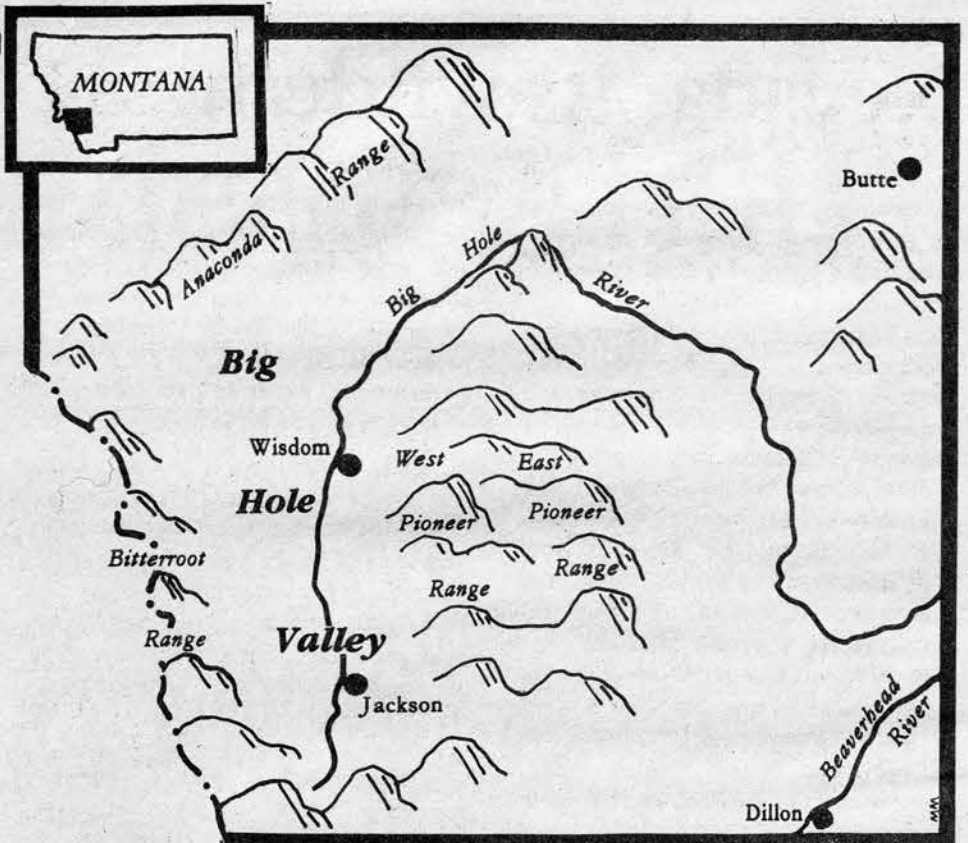
Welch said he believes O'Toole's report and the ranchers' reaction have moved the Forest Service. The ranchers' questioning of logging is new. In the past, Welch said, "They've been aligned with timber interests" since they saw loggers practicing just another form of agriculture. "Now that alliance is being broken."

A winter tradition in West Big Hole illustrates the pressures which lead congressmen to create special management areas. Welch says the West Big Hole is one of the coldest places in the nation, with temperatures reaching 50 degrees below zero. Winters are hard and isolating, with much of the transportation on the valley floor by snowmachine, although the snow at higher altitudes isn't suitable for snowmachines.

But in February or March, the snow settles and crusts over, Welch said, and ranch families snowmobile up to the Peaks in the West Pioneer Range, marking the end of the worst part of winter. Wilderness designation would end that tradition.

Welch views the logging-roading-wilderness controversy as centered on water quality, beauty and wildlife habitat in the area and the effect on grazing. But Susan Giannettino, the planning staff officer on the Beaverhead National Forest, had a different interpretation.

"The Big Hole is one of the more remote and tradition-bound places in Montana." The planned roads, she said, are instruments of change, and change is opposed. "What we hear is



that it's not the timber harvest, but the roads and the increased access that are a problem. We've heard that if we could guarantee closure of the roads" after the harvest, objections would diminish. She also said that while local concerns are important, "It has to be recognized that it's a national forest and not the Big Hole forest."

Giannettino said the agency appreciated consultant O'Toole's efforts. "It's not easy to dig into the guts of Forplan." Among O'Toole's findings, she said, was that the Forest Service used timber values from the late 1970s, when prices were high. When O'Toole recalculated the agency's work using the lower prices from the present, the economics of timber-cutting changed.

The planner said, "He's brought up some important points and we will reanalyze the timber values on the forest." But, she said, the draft forest plan was conservative in its timber allotment in order to protect water

quality, natural beauty and wildlife. "We could have doubled the land base and still have been economic." So lower timber values may still justify the cut specified in the draft plan.

The Beaverhead National Forest has 2.1 million acres divided into five districts. It is the headwaters of three blue ribbon trout streams: the Big Hole, the Madison and the Beaverhead. Half of the forest is roadless, and it has a lot of open, park-like land. At present, 160,000 acres of the Beaverhead is wilderness, in portions of the Anaconda-Pintlar and the Lee Metcalf wilderness areas. The draft forest plan recommends an additional 160,000 acres for wilderness.

The Beaverhead National Forest can be reached at: Box 1258, Dillon, MT 59725, 406/683-3900.

For information on the Wildlands Coalition's proposal and specific areas, contact the group at: P.O. Box 1717, Helena, MT 59625.

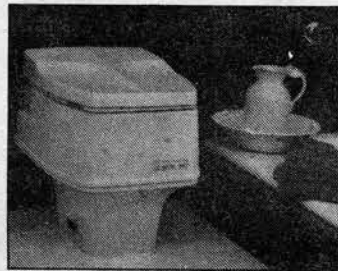
--Ed Marston



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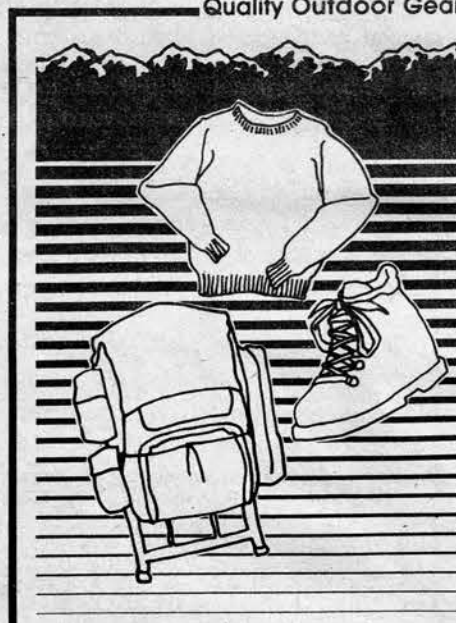
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GUEST EDITORIAL

Buying silver with grizzlies

by Douglass Ferrell

Everybody has heard the old saw about how a few environmental extremists can delay or block most any worthwhile development.

Here in northwestern Montana the opposite seems to be the case. Plans for mineral development in a wilderness area are proceeding with automatic approval from public resource managers, who contend they do not have the authority to consider the public interest, including wilderness values, before issuing mine permits. Officials call these wilderness mine developments "inevitable."

In spite of a major lawsuit, miners have been using helicopters and diesel drill rigs to explore for minerals in the Cabinet Mountains Wilderness since 1979. The American Smelting and Refining Company (ASARCO) and U.S. Borax are the principal corporations interested in what is considered to be the nation's largest silver ore body, centered in the wilderness area.

The companies are now planning two mine complexes on adjoining public lands, in critical grizzly bear habitat. The Forest Service, which administers the land involved, is currently preparing an EIS on the Rock Creek mine proposed by ASARCO. This would be the world's largest silver mine, with a projected 638-acre tailings pond. The agency says that "no action" -- denying development -- won't be treated as a possible option in the study.

These big mines promise big returns for their corporate developers but are in conflict with public values represented by wilderness and grizzly bears. Unfortunately, such public values have no place in the present resource allocation process. These resource decisions are made in the mining company's corporate board room, since existing federal policy mandates mine approval. It's no wonder mining lobbyists have resisted reforming the mining laws since they were first written in 1872.

Something is wrong here. We are in the process of giving away public resources to private parties regardless of the public interest just as if we were still living in the 19th century. It seems clear that national public resources, in this case

the ore body and a considerable amount of land, shouldn't be given away unless there is a clear benefit to the national public. What are the benefits in this case?

Wilderness, grizzly bears and silver ore, as resources, have some interesting similarities. All are rare, and valuable because of it. All exist only in certain limited locations. You can't buy wilderness or grizzlies with silver, or vice versa, so it's hard to say which resource is more valuable. One difference is that silver, the final product produced from the ore, can be bought with money from a variety of places. More wilderness and grizzly bears can't be bought at any price.

Another interesting point about these three resources is that if the silver ore is not mined all three resources will be saved. If it is mined, all will be gone. Whether grizzlies will only be locally displaced, or whether the small Cabinet grizzly population will become extinct, is, of course, an important and controversial question.

So the basic issue becomes simply dollars and cents versus the irreplaceable values represented by wilderness and grizzly bears. As a public resource issue, it is not quite that well balanced, however, since the dollar values inherent in the silver ore are all turned over, without charge, to private corporations. These corporations pay no royalties or severance taxes for the ore, and aren't required to pay for the public land they receive for mill sites. They don't even bear the federal expenses incurred in writing the toothless environmental impact statement made necessary by federal law. The public pays these costs. All the public receives for these lost and used-up resources is a few hundred jobs and tax receipts for a very limited time. That's the trade-off for the public.

For a public resource manager, this is the trade-off which would seem to be the heart of the issue, and around which decisions should be made. Since under our present policies we never consider this trade-off and automatically approve mine development, you might expect these public servants to express frustrations with these policies.

Actually, state and Forest Service officials appear far from frustrated by their lack of discretion and power. In a 1980 EIS written for

ASARCO's Troy mine, now operating nearby, the state declined to exercise its apparent authority under the Montana Environmental Policy Act to question whether the mines are in the state's best interest. Forest Service officials, who repeatedly sound and act like boosters for the projects, signed an agreement with ASARCO concerning their wilderness drilling operation. In the agreement the Forest Service agreed not to "actively seek to advertise the operations" in spite of the agency's expectation that this was an area of intense public interest.

Regional Forester Tom Coston has called the five-year exploratory drilling program, expected to continue this year with "developmental" drilling, "consistent with the preservation of the wilderness environment." These drills are several stories high, use about 600 gallons of water per hour, and can be heard for miles on a still day. Perhaps the Forest Service, like many another agency, has become so close to the industry they are supposed to regulate, that they have forgotten whose interests they are supposed to represent.

Should ASARCO's and Borax's mine plans be approved? I don't think so. I think we, as a nation, have more need of what they would destroy than of what they would produce. But what you or I think doesn't matter. Unless the laws are changed, the mines will be built.

Although I have been involved with this wilderness mining issue for many years, I still can't shake my incredulity that these public resources will be given away without question. I sometimes feel that I'm bound to wake up from a bad dream, and find myself in the 20th century after all. There is some discussion lately about reforming the mining laws, but I'm afraid that it won't be in time to protect the Cabinet Mountains Wilderness and its small grizzly population. After all, people have been talking about mining law reform for over 100 years.

It's time for our elected representatives and public officials to stand up to the big mining companies, stop these automatic resource give-aways, and finally represent the public interest.

Douglass Ferrell is a homebuilder who lives at the southern tip of the Cabinet Mountains Wilderness. He is a board member of the Cabinet Resource Group, a regional environmental organization.

ACCESS

WORK

CANVASS DIRECTOR with experience in canvassing and other grassroots fund-raising sought. Duties: plan turf canvassing, field training, recruit and supervise crew, develop canvass materials, maintain financial records. Base salary plus bonus negotiable. Contact Theresa M. Keaveny, Dakota Resource Council, 29 7th Avenue West, Dickinson, ND 58601. Phone 701/227-1851.

CONSERVATION FIELD REPRESENTATIVE for national non-profit land conservation organization, leader in protecting natural and productive land, seeks entrepreneurial hard-working person to provide real estate technical assistance to local community groups. Experience in real estate and land use issues are essential. Proven ability to make public presentations. Commitment to land conservation. Colorado background preferred. Substantial travel. Position located in Santa Fe, N.M., \$20,000 plus excellent benefits. Send cover letter and resume to Trust for Public Land, Personnel, 82nd St., San Francisco, CA 94105, EOE.

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COMMUNITY ORGANIZERS: The Dakota Resource Council is a grassroots organization of farmers and rural people active in energy development, family farm and toxics issues. Members are committed to economic justice and advocacy at the local, state and national levels. Organizers are responsible for membership recruitment, leadership development, fundraising, action research and campaign development, and must be committed to working with rural people towards social change. Starting salary is \$9,600 per year, benefits. Contact Theresa M. Keaveny, Dakota Resource Council, 29 7th Avenue West, Dickinson, ND 58601. Phone 701/227-1851.

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LETTERS

A CORRECTION

Dear HCN,

I would like to correct a major error in Nolan Hester's article on the proposal to create a national fund to pay for cleaning up uranium mill tailings at licensed mills ("Uranium mining companies want help," HCN, April 29, 1985).

Neither myself nor Southwest Research and Information Center (SRIC) supports public financing of the cleanup of uranium mill wastes generated by companies operating in the open market (i.e., at a profit) since January, 1971. Under the legislation introduced by Senators Domenici, Simpson, and Bingaman, and Rep. Richardson, the public -- ratepayers and taxpayers -- would foot 85 percent of the cost of cleanup. That, in my opinion, is simply another public bailout of a financially troubled industry.

I explained to Mr. Hester that SRIC, like other citizen and conservation groups, want the 200 million tons of mill tailings at "active" (i.e., licensed) mills cleaned up quickly. Not

only would cleanup begin to control the health and environmental hazards posed by unreclaimed mill tailings at the 27 active mills, but thousands of jobs would be created throughout the West. There is not a tailings pile that has not contaminated ground water; in some cases, contamination has spread more than a mile offsite. The accumulation of radioactive wastes from uranium mines and mills in the Ambrosia Lake area of New Mexico has become so great that a panel of scientists has proposed establishing land use controls to keep people from ever inhabiting the region.

The uranium industry since 1979 has fought every federal regulation ever proposed or adopted to govern the cleanup of mill tailings. The only rules industry did not fight either in court or Congress were those adopted by New Mexico in 1980 and 1981 -- regulations that were written by lawyers for the mill operators. The industry has sought, and obtained, changes in the current law that give mill operators greater "flexibility" in meeting licensing requirements. The industry has even challenged tailings regulations that established the highest residual risk from exposure to radiation ever allowed by a federal agency. In a word, the uranium industry has given every indication

that it does not desire to clean up the wastes it generated and will obstruct every reasonable effort by federal and state governments to require sound and long-lasting reclamation.

Thus, we cannot support the proposed legislation on any grounds of good faith demonstrated by the industry. We also oppose the proposed tailings reclamation fund because it *does not* guarantee that tailings will be reclaimed any sooner than under existing law. We have seen no indication that the uranium industry will drop its lawsuits or cease challenging the stridency of cleanup standards in court and administrative proceedings. Existing law now requires that the generators of the wastes -- the mill operators themselves -- carry out and pay for the cost of cleanup. We see no reason to change that approach and set a precedent for taxpayer-financed programs to clean up contamination problems created by industries that once profited, but now claim bankruptcy.

SRIC does not object to the federal government (i.e., the taxpayers) paying for the cost of tailings generated solely for sale by the companies to the government for the nuclear weapons program prior to 1971. However, according to Depart-

ment of Energy figures, tailings generated from the processing of uranium ore for the old Atomic Energy Commission total only about 26 percent of the existing 200 million tons and are present at only 13 of the 27 licensed mills. We believe there is no compelling reason for the public to pay for reclaiming tailings at mills constructed and operated since 1971 or for tailings generated at existing mills since 1971.

The proposed legislation raises several important national public policy issues that deserve broad-based public debate. So far, the only "debate" has been between New Mexico's congressional delegation, our governor, and the uranium industry. There has been little attempt by the industry or the politicians to involve environmentalists and citizens, whose support is crucial for passage of the proposed fund. Until such time as that debate takes place or major concessions are made by the uranium industry and its supporters, SRIC will remain strongly opposed to the proposal and will encourage the public to oppose it.

Chris Shuey
Southwest Research and Information
Center
Albuquerque, New Mexico

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