

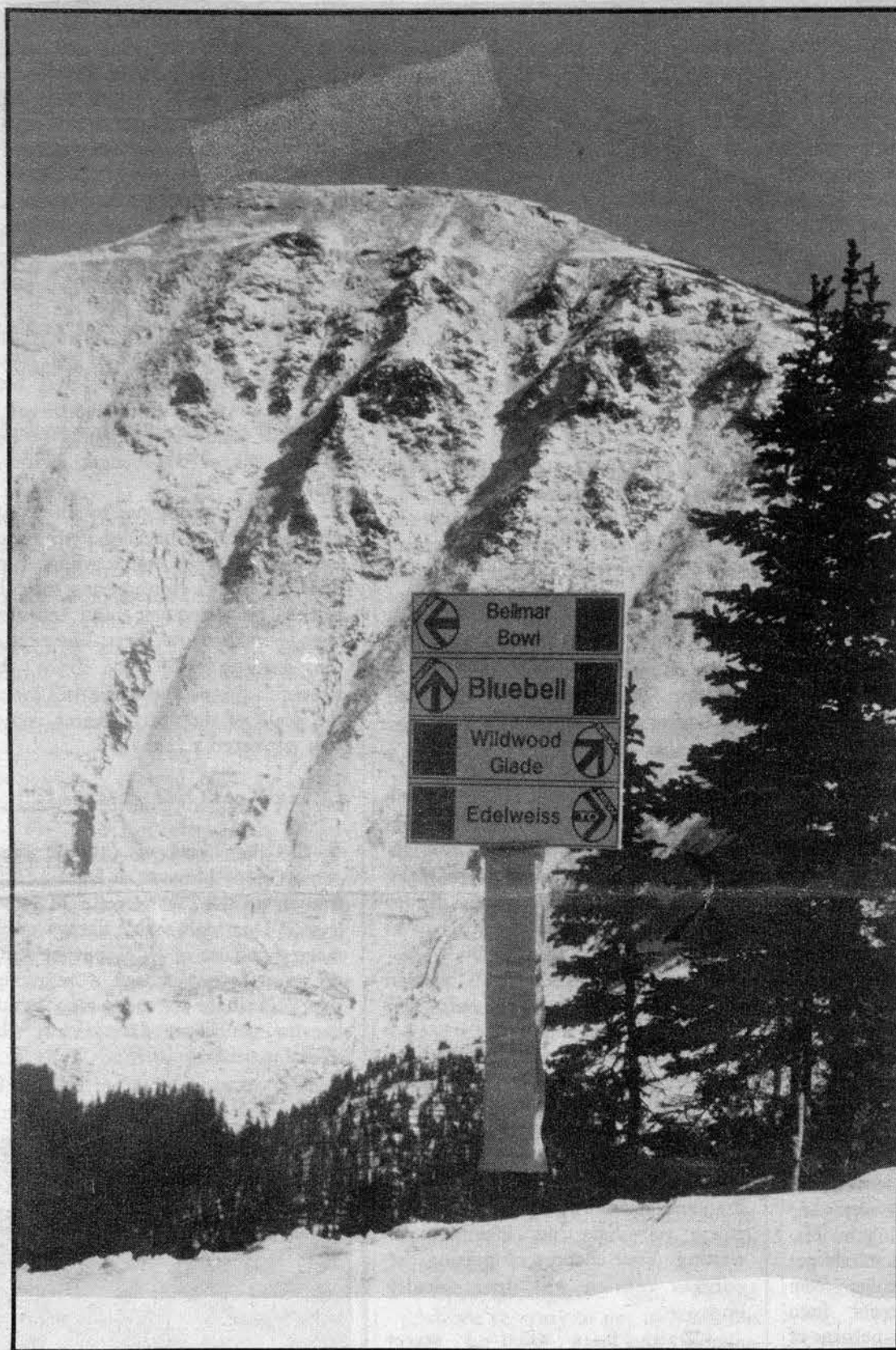
# High Country News

October 26, 1987

Vol. 19 No. 20

A Paper for People who Care about the West

One Dollar



Winter Park

Winter Park Ski Area, Colorado

by Tamara Wiggins

Can several million people ski down Colorado's mountain slopes each winter without destroying the state's wildlife?

The search for an answer to that question had wildlife managers, the U.S. Forest Service, politicians, ski industry executives and environmentalists teeter-tottering for two days at a conference sponsored by the National Wildlife Federation and its Colorado affiliate.

Day one of the conference, titled "Ski Development, Wildlife and the

Environment," saw 230 people converge on Betty Feazel's At Last Ranch, located between Wolf Creek Pass and Pagosa Springs in southwest Colorado. The beautiful valley-bottom ranch was the perfect location for a conference pitting ski-area development against wildlife habitat and natural beauty.

Just to the north of the At Last Ranch lies the proposed Wolf Creek Valley ski area; just to the east is the proposed East Fork ski areas. At full build-out, as the industry calls it, the two areas would provide for over 25,000 skiers at one time. Betty Feazel's now relatively peaceful ranch would be in the middle of something resembling Vail Valley or Park City, Utah. It is not a prospect she has welcomed (HCN, 9/1/86).

The circus atmosphere of the meeting, held amidst the blazing fall colors under a huge canvas tent, was dampened as the day went on, partly by the rain but more by warnings

that wildlife habitat is losing out to ski-area development.

At the center of the debate is 'mitigation,' the measures taken to soften blows to wildlife when they lose critical winter range, birthing areas, and migration routes. Those losses occur on national forest hillsides, to the ski area construction itself, and on adjacent private valley bottom land to so-called "off-site" development of condominiums, shops, parking lots and the like.

Steve Torbit, a biologist with the Colorado Division of Wildlife, called the off-site question a "bugaboo-political nightmare." He said mitigation is especially difficult when done for large areas.

Speaking of development planned for the Wolf Creek area, Torbit continued, "you can't really replace the valley bottom. We are already at a carrying capacity for elk right now, especially when you combine the two new ski area proposals with the

existing ski area's expansion, a huge gold mine at Summitville to the east, and a proliferation of timber sales and seismic crews exploring for oil and gas."

Len Carpenter, also with the Division of Wildlife, said, "So far, there's always been the other side of the mountain. We're getting to a situation where the herds moving from there are meeting the herds moving from here."

The division's director, Jim Ruch, said the same thing the next day: "Mitigated elk from previous projects now need re-mitigation."

Environmentalists see the Forest Service as the key player in the situation, but the agency disagrees. Its policy has been to disclose the harm a proposed ski area will do

(Continued on page 10)

## In Colorado:

# Ski industry collides with the big game industry

## Dear friends,



### High Country News

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### Allow two days

This issue of *High Country News* contains the annual statement of ownership, management and circulation required by the U.S. Postal Service. It shows that the last issue of *HCN* went to 5,846 subscribers. The same form a year ago listed 4,978 subscribers.

The numbers are changing rapidly because replies are still coming in from this fall's direct mail campaign, which went to 75,000 people. This issue of *HCN* was mailed to 6,399 people.

Circulation manager C.B. Elliott gets a kick out of magazines that say: "Allow six weeks for a change of address or new subscription." C.B. spent part of this weekend entering the names of several hundred new subscribers into the computer so that the list -- which is run out two days before our Wednesday labelling day -- would be up to date. To C.B., 'up to date' means that new subscriptions and address changes that arrive in Tuesday's mail are entered by hand and included in Wednesday's labelling of the paper.

The flow of visitors to *HCN's* Paonia office has slowed but not stopped. Peter and Mary Carrels stopped by recently on their way from Aberdeen, S.D., to the mountain sights of western Colorado. Peter is *HCN's* Northern Plains microbureau chief, responsible for reporting on the flat, arid part of America drained by the Missouri River.

A reporter based in the Dakotas is an anomaly for a paper with 'high country' in its name. And *HCN's* primary beat is the states of Colorado, Idaho, Montana, Utah and Wyoming. But the paper also prowls the rural areas of the Dakotas, Nevada, Arizona and New Mexico, with occasional raids on eastern Oregon and Washington.

We mention the paper's beat for the benefit of the many new readers. We should also explain why they won't find much advertising in this, or any, issue. Most publications get 85 percent of their income from advertising and 15 percent from subscribers. *HCN* gets 85 percent of its income from subscribers. Half comes from the subscriptions fees and another 35 percent comes from contributions to the annual Research Fund appeal.

It is not a traditional arrangement, but it has an overwhelming advantage: There is never a need to balance the paper's responsibility to its readers against its responsibility to its bottom line. Thanks to the Research Fund, they are one and the same.

The flow of Research Fund contributions is strong, and the last contributors to the 1986 campaign and the first contributors to the 1987 campaign are thanked elsewhere in this issue. If you have not yet contributed to the Research Fund, we ask that you consider doing so. If you have already contributed, thank you.

### To the bindery

We wish to also thank Phil and Kathleen White, Su Rey, Isabel Mace, Maynard Grant, Chuck Olmstead, Van Shipp, John Bailey and

Phoebe Napper. All have sent or offered to send the missing back issues of *HCN*. Our files are now complete, and 17 years of issues will soon be on their way to the bindery. Binding will make them both accessible and permanent.

### A small crack

A reader called to say her husband was listening to the Voice of America in the People's Republic of China when he heard a story about *High Country News*, "the little paper with clout." Ernie Young, who works for Mt. Sopris Instruments in the nearby town of Delta, told his wife, Cheryl, that he figured the radio crew must have come to Paonia since they correctly pronounced the name of the town.

We are yet to receive any subscription orders from China, but if Jim Stiak is correct, we can expect an avalanche. The Eugene, Ore., freelancer told us, "You've now cracked the world's largest market." If so, it's still a very small crack.

### Graft and corruption

The rhythm (some say the grind) of putting out a weekly newspaper was one of several subjects discussed at a recent workshop *HCN* editor Betsy Marston attended at Colorado State University in Fort Collins. The two-day meeting was funded by the Gannett Foundation and organized by Garrett Ray, a journalism teacher who also serves on this paper's board. Her report follows:

We came from all over Colorado to learn political reporting tips from *Associated Press* reporter Carl Hilliard and *Denver Post* reporter John Diaz. Though amiable, both like to prick the pretensions of politicians at the state capitol.

A short list of Hilliard's tips on getting answers from reluctant sources went like this:

- If a public official won't talk to you, tell the secretary keeping you at bay that the import of your call is "graft and corruption."

- If no one will go on record about a public matter, call an official involved and say you plan to write a story you have no intention of writing. Your chances of getting the correct version will dramatically improve.

- Watch faces when a secret meeting breaks up. "Go for the angry face and maybe he'll spill his guts."

- At a press conference called by a candidate, hold your fire. Wait until afterward when you can "ask a question that will make him wince."

On a yellow pad, Diaz was working on a different list, this one composed of "legis-speak" words and their definitions. "Caucus position," for example, meant, "what the Republicans think," he said, while "revenue enhancement" always meant "your taxes go up."

Diaz had no ready definition of the legislature's "fixed variable formula," but the phrase, "the locals," usually meant "anyone not in state government."

On a less combative note, the talk ran to the kind of anecdotes weeklies seem to inspire. They included favorite headlines such as, "Man from here dies there" and "Woman joins leg in grave," to stories about a publisher putting his relatives' pictures on the front page, and an editor who never took a vacation in 31 years.

### Forlorn hope

Publisher Ed Marston also found himself on the Front Range. He spoke at the University of Colorado's "Colors of Colorado Symposium" in Boulder. The title of his talk was "The West is up for grabs," but his hidden agenda was to sell a few subscriptions. That turned out to be a forlorn hope -- most of the audience of 40 or so were already subscribers. He later spoke to an advanced reporting class taught by Prof. Ardyth B. Sohn, and then to a geography class taught by Prof. David Diggs. The two classes were more fertile ground: none of the students had heard of *HCN*.

We are grateful to subscriber Michael Ehlers for helping to arrange the talks, and to him and his wife, Tracy, for their hospitality during the visit. Staff depends on readers for lodging when we travel, especially to cities such as San Francisco, Washington, D.C., and New York. It would be difficult to travel in search of foundation support (the last 15 percent of our budget) without that help.

One of those trips, by the way, just bore fruit. The Ford Foundation told us last week that it would fund half of *HCN's* forthcoming special issues on economic and cultural change in the rural West. The rest of the funding will come from the Research Fund. The issues will be on the scale of the special water issues that appeared a year ago.

### Letter from Basalt

We just received a letter from Janie Crisp, librarian at Basalt High School, on the other side of McClure Pass. "Our high school library could make good use of *HCN*, but we have no money to purchase a subscription." Is there a reader who would like to contribute \$20 to buy the school a subscription?

--the staff

## HOTLINE

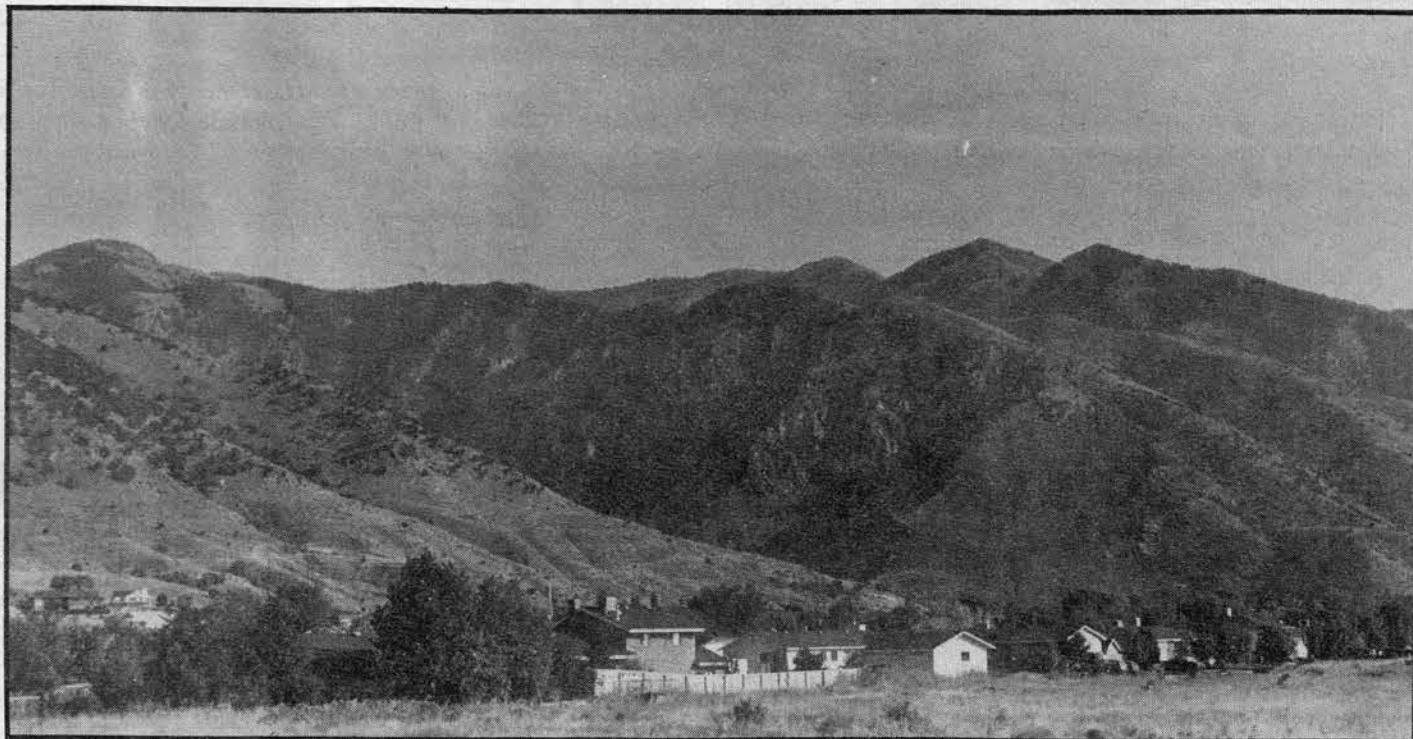


### Otters take bold

A baby river otter was sighted on the Piedra river in southwestern Colorado, and that means a breeding population exists. Extensive trapping, water diversions and pollution put the river otter on the state's endangered species list in 1975. To bring the species back, the Colorado Division of Wildlife introduced more than 80 otters to stretches of river where they were once found: the North Fork of the Colorado in Rocky Mountain National Park, the Black Canyon of the Gunnison and Piedra River near Pagosa Springs. Otter sighting and their distinctive signs have been found along all these reintroduction waters, but until this summer, no sign of a family.

# WESTERN ROUNDUP

# HOTLINE



Mount Naomi Wilderness above Logan, Utah

## Coyotes no match for armed helicopters

As far as anyone knows, the Mount Naomi Wilderness Area in northern Utah is the only wilderness in the country where coyotes are shot down by hunters in helicopters.

The chopper skims along the treetops, opening fire 50 to 100 feet above the ground. Carcasses are left where they drop, about 10 per season. Some 9,000 households in the town of Logan below are occasionally treated to a view of a helicopter zooming through the trees.

While Dick Carter, Utah Wilderness Association president, and Dave Baumgartner, Forest Service ranger, disagree as to whether the foregoing is an intrusion on a wilderness area, both call the description accurate.

Ranger Baumgartner says he can't say for a fact the 44,000-acre Mt. Naomi wilderness is the only one in the country with an aerial approach to predator control, "but I haven't heard of any other."

Carter, who has 15 years of involvement in wilderness issues, says the helicopter-hunting defies reason. "It's foolish to call Mt. Naomi a wilderness area if you have helicopters flying over it 50 feet above the ground blazing away at coyotes with a shotgun."

Last February, Forest Service Chief Dale Robertson refused to temporarily halt the aerial gunning until Carter's and other conservation groups could bring a formal appeal -- the third in as many years -- before him. Carter ridiculed the agency in the press for allowing the hunt when it would soon be hearing a formal request to end the program.

The Forest Service authorizes only three aerial hunts over the Naomi acres from November through March. Because of foggy conditions and inadequate snow cover, which records tracks, a March air hunt in which four coyotes were killed was the only hunt.

By mid-April, Carter's and the other two groups, the Utah Chapter of the Sierra Club and the Wasatch Mountain Club, had filed a formal appeal of the aerial predator control program. On Sept. 11, Robertson backed Baumgartner and rejected the appeal. When the shooting starts again this winter, so will the rancorous debate.

The appeal charged that the Forest Service was needlessly dimin-

ishing the wilderness values in Naomi by allowing the air hunts. It also said the agency violated its own regulations by failing to target the specific offending coyote.

Carter wrote that it is impossible for the helicopter hunter to shoot at, during the fall and winter, the particular animal responsible for spring and summer sheep kills.

Baumgartner disagrees. "The aerial program is not a random genocide on the coyote population," Baumgartner said. "They hunt now only in small, specific areas where a problem with sheep depredation has been reported."

As to the charge of an intrusion on a wilderness area, Baumgartner said, "We all have our idea of what wilderness is and sometimes reality doesn't allow it to come about specifically as we would like it."

What Carter and other environmentalists find incomprehensible is that the aerial killings are on behalf of one sheepman, Dean Selman of Tremonton, Utah. He grazes about 800 sheep in a Naomi allotment. Selman has never agreed to talk with the media.

Even Baumgartner said, "People think we're crazy to put up with the flack for one guy, one grazing allotment."

But that can go either way, he said. "What difference does it make ... this one little group of sheep, one group of coyotes? Ethically, it's hard to say 'Dean Selman, we don't want you anymore. We don't like you anymore. Take your sheep and go home.'"

The Naomi air hunts began about 15 years ago, Baumgartner said, and because the program had been in place for so long, it was allowed to

continue after Naomi became wilderness in late '84.

Carter suspects another reason -- that the aerial gunning was a trade-off the Forest Service made for wilderness, either Naomi or elsewhere.

"I can't confirm it, but I think the Forest Service believes that someone in the Forest Service made a deal with the Utah congressional delegation and so the Forest Service thinks that's how they got preservation of the Naomi wilderness," Carter said.

If that's the Forest Service perception, he said, then it's possible "the Forest Service is creating its own pressure."

Oddly enough, Baumgartner has the same suspicion.

Some livestock men have told him they dropped their wilderness opposition during the '84 negotiations because of some feeling from congressional sources that the helicopter gunning over Naomi would remain.

"But I can't find anyone who can document it," he said. Art Carroll, supervisor of the Wasatch-Cache National Forest when the Utah wilderness bill became law, and Baumgartner's boss, "had that feeling, that the Forest Service had traded the gunning for wilderness," Baumgartner said.

"Somewhere in the scheme of things, someone feels that is what the Congress intended."

--Tim Gurrister

## BARBS

Based on this reasoning, the Lord intended to kill the 158 people whom He allowed to make the flight.

Pete Mandley, a wide receiver for the Detroit Lions, who missed the Northwest Airlines flight that crashed in Detroit, told *Associated Press*, "It had to be the work of the Lord, protecting my family like that."

## Paving decision nears

After hearing five weeks of testimony, U.S. District Judge Aldon Anderson will now decide whether the Burr Trail in Utah can be paved and widened. The suit was filed last spring by a coalition of Utah wilderness groups to prevent Garfield County from continuing to pave the 66-mile Burr Trail, which crosses Bureau of Land Management and National Park Service lands through southern Utah's rugged canyon country. Because of its length, the case was one of the most expensive battles yet fought over Utah wilderness. Both sides say they will be hard put to cover costs, although Garfield county got a surprise donation of \$5,000 this month from neighboring Washington County officials, who say they also depend on tourism generated by the trail. Garfield County got a second boost this month, when the Utah State Land Board announced that it has approved, in principle, a land swap of one square mile of state school land for 380-acres of county land. The swap would give Garfield County control over a patch of land that straddles the Burr Trail on its route through Capitol Reef National Park.

## Hungry as a bear

In a rush to stock up for the winter, black bears near Teton Village, Wyo., are raiding more than just trash cans. Three cars have been damaged by bears breaking in to get at anything that might add a little fat: apples, pretzels, even plastic molding for beverage cups. Bird feeders have also been knocked down. Doug Crawford of the Wyoming Game and Fish Department told the *Jackson Hole Guide* his department had more problems with bears this year because the berry crop was so poor. The state agency has trapped and removed four problem bears from the northern Wyoming area, but with cold weather setting in, trapping becomes more difficult as bait freezes and loses its scent. Crawford says the agency will try a snare-type trap, but if that doesn't work the only solution may be natural. Eventually the bears go into hibernation.

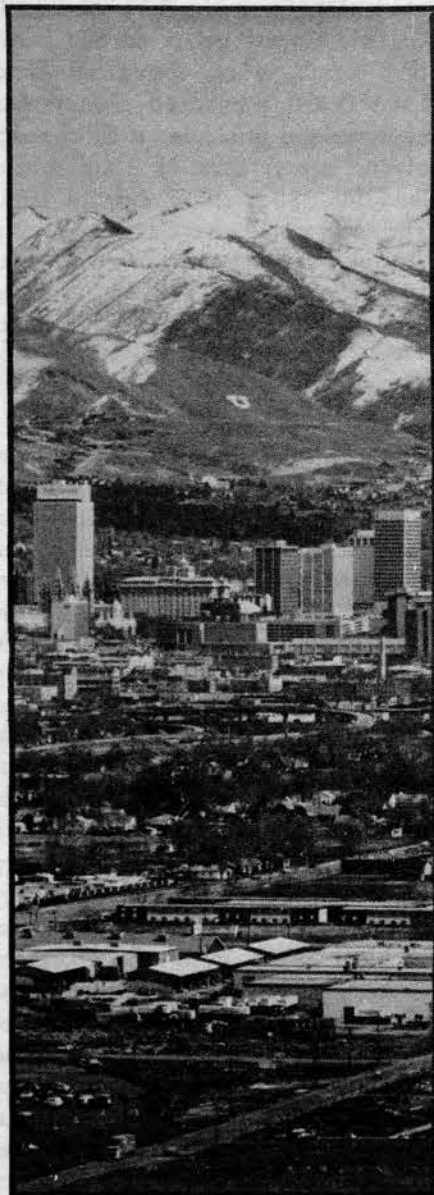


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## HOTLINE

### Toll free to God

In Arizona, the movement to recall Gov. Evan Mecham gained momentum when former Sen. Barry Goldwater said the governor should resign. Goldwater, the patriarch of the state GOP, told students at Arizona State University that Republican Mecham was difficult to fathom unless you took into account his emphasis on religion. "I think he honestly feels that he has an 800 line straight up to God," Goldwater said. Recall organizers, who recently gained \$500 from the state Democratic Party, have criticized Mecham's stands on minorities and women's rights. The state Republican Party, however, still stands firmly behind the governor, says the *Arizona Republic*.



Salt Lake City, Utah

### The clean air threat

An industry group opposed to a stronger Clean Air Act is lobbying Western states for support. Called the Clean Air Working Group, members visited Salt Lake City, Utah, early this month to warn that a Senate bill to re-authorize the act could jeopardize the reopening of the Geneva Steel plant in Orem, kill businesses and impose extensive restrictions on car owners. Ernest Rosenberg, spokesman for the 100-member Washington, D.C.-based trade association, asked Utah senators to oppose the bill, which places restrictions on cities that won't meet federal ozone and carbon monoxide standards by the end of this year. Salt Lake City is not expected to meet either standard, and if the bill passes, faces limits on car and truck use, tougher controls on businesses that emit pollutants and a ban on new industrial construction, reports the *Deseret News*.

Casper Star-Tribune



Norman Palm controls this road on Elk Mountain, Wyoming

## BLM surrenders on Elk Mountain access

The Bureau of Land Management has abandoned legal efforts to secure public access to public lands atop Elk Mountain in Wyoming.

Agency officials say they now will devote their resources to unlocking more important blocks of land.

Yet BLM officials admit their efforts to secure access elsewhere in the state are inadequate, underfunded and unlikely to produce any major successes soon.

A Wyoming Wildlife Federation official says the BLM's abandonment of access to Elk Mountain is "symbolic of their whole attitude about access -- it's all too much trouble."

Elk Mountain has for over a decade been the focus in Wyoming of the struggle to assure public access to public lands. Sportsmen's groups complain that the ranchers who operate Elk Mountain Safari Inc. charge hunters excessive fees to cross private land to hunt on public land.

In a 1986 lawsuit BLM brought against Elk Mountain landowner Norman Palm and his company, Elk Mountain Safari, arguments centered on legal access to a roadway leading to public land sections atop the mountain.

Initially built and used privately for logging, the road provided sole access to the top of the mountain. An agreement negotiated in 1957 gave BLM and its "officers, agents, permittees, allottees, and licensees" an easement to maintain a fire lookout station on top of the mountain. Arguments in the case before U.S. District Judge Ewing Kerr centered on whether "licensees" could be construed to mean members of the general public who had a legitimate reason to use the public land -- hunting or hiking for example.

Kerr ruled in Palm's favor, saying that only the government could use the road, not the general public.

U.S. Attorney Richard Stacy said he had initiated an appeal of Kerr's decision last December by filing a

"protective notice." He said the appeals process ended when the BLM let the protective notice expire.

But State BLM Director Hillary Oden said that the Justice Department had made the decision not to appeal by filing a motion to dismiss the case with the 10th Circuit Court of Appeals. The court granted the department's motion on May 28, 1987.

Oden said he had advised his superiors in the Department of Interior that "we didn't think the appeal was worth the cost." Oden said his comments could have been relayed to the Justice Department, where the responsibility for the appeal resided.

In further explaining why BLM abandoned the appeal, spokesman Chris Vosler said the "scattered wildlife habitat" on the three or four sections of public land that the disputed road touched near the top of Elk Mountain was not enough public land to justify an appeal.

Vosler said the BLM "has larger blocks of public land we need to spend our money getting access to rather than fighting a court battle."

Vosler pointed to a BLM project to reach the east side of the Seminole Reservoir between Rawlins and Casper as an example of those efforts. He said the agency recently built a short road section, and upgraded another, to unblock 13,000 acres of public land which previously could only be reached by crossing private land.

But Vosler was unable to provide other examples of previously inaccessible parcels of public land which BLM had recently unblocked. He said other land transactions, such as disposition of lands for public purposes, are a greater priority. Complex land sales and exchanges also demand a great deal of staff time, he said.

"Funding for our entire lands program is very meager -- under \$1 million a year."

Oden conceded that present efforts to secure access to public lands are inadequate and were not likely to

produce a major breakthrough in acquisition of public access.

"We're all stretched," he said. "We could always use more money and more people for access or for any 20-odd other programs. The government is trying to do more with less, we can't afford to spend any more than necessary."

"We chip away at it," Oden said. "We're dealing with a backlog of over 200 roads where we're still trying to get legal easements. We need to keep exploring alternatives to buying easements."

The Wyoming Wildlife Federation's Matt Reid doubts that there is enough institutional commitment to resolve public land access problems.

"Hillary Oden reflects the (Reagan administration) philosophy about access," Reid said. BLM officials in Washington "are apathetic and will remain so as long as Robert Burford is the director."

"If (BLM officials in Wyoming) were really out there trying to access larger blocks I'd be less concerned," he said. "But if you use their rationale (that the Elk Mountain sections were too few to bother about) you're saying there are millions of scattered acreages (within the checkerboard) that aren't worth the trouble."

The Wyoming Wildlife Federation applauds BLM efforts to open up public land sections near Seminole reservoir, Reid said, "but that begs the question of Elk Mountain and other Elk Mountains around the state."

--Katharine Collins

## BARBS

*If Camus were a lumberjack.*

Walter Smith, an operator of Pacific Coast Timber Harvesting, said in *The New Settler* magazine: "It is natural for man to manipulate his environment and ruin it. And it may be natural that we are going to go through the process of ruining the land and we are going to die and there is going to be nothing left. That will be the end of it."

# The Imperial Valley sits down with the upper basin

It may not have been historic, but it was certainly startling to find several directors and staff members of California's Imperial Irrigation District at a recent meeting with the most knowledgeable water experts, attorneys and even politicians from the upper basin states of the Colorado River.

The meeting took place Oct. 7 at the Stouffer Hotel near Denver's Stapleton Airport. There, a score or so of upper basin water experts brought together by the irrigation district's consultant, Tom Havens, gave their views of the district's situation.

The irrigation district has vast assets. Its farmers use almost 20 percent of the Colorado River's 14 million acre-foot per year flow to irrigate 500,000 acres of desert in the very south of California (HCN, 9/29/86). Overall, the district uses about as much water as the entire state of Colorado, and more than any of the other upper basin states of Wyoming, Utah and New Mexico.

Despite its large water rights and its 77 square miles of irrigated land, the Imperial Irrigation District is under pressure. Excess water from its farms flows into the terminal Salton Sea. In recent years that flow has caused the lake to rise, drowning bordering farmland. As a result, the district has been found guilty by a California water board of wasting water.

At the same time, the Imperial Irrigation District's giant neighbor, the Metropolitan Water District, has been wondering how it will make up the water loss it is suffering as the Central Arizona Project comes on line, taking water out of the Colorado River that previously had flowed to the Los Angeles area.

The Met serves about 13 million people in the area from L.A. to San Diego. It has been blocked thus far in its attempt to replace the lost Colorado River water with water out of northern California via the Peripheral Canal. Not surprisingly, the Met has looked longingly at the Imperial Irrigation District's large Colorado River water-right.

The situation contains the makings of a deal, especially in these days of water marketing. But the two bodies are far apart, in part because the Met is intent on maintaining the present legal structure which governs the distribution of Colorado River water.

The Met says it has the next priority on the Colorado River, after Imperial, and therefore has a right to any water Imperial doesn't need. The Met says it would be illegal for it to pay for any water that is transferred. But it also says it will pay a fee to help conserve water in the Imperial Valley and other southern California water districts.

The Met's attitude is understandable; it has little to gain from the emergence of a water market, in which it might be one of several bidders. Adherence to the priority system prevents the creation of such a market.

Two years ago, the two districts cut a tentative deal that avoided the question of whether the water was being transferred under the priority system or as water marketing. But Imperial Valley residents reacted strongly to the water transfer, voted

two of the five Imperial Irrigation District board members out of office and killed the deal.

Their reaction reflects the general fearfulness residents of the Imperial Valley have toward the Met. The distrust is a result of the reputation the Los Angeles area has, because of Owens Valley and Mono Lake, of dealing roughly with undeveloped and rural areas.

The fearfulness is reinforced by the Imperial Valley's relative isolation within California. The Met

dominates much of California's water expertise, legal talent and politics. The 13 million people who live within its service territory are a formidable group of voters.

By comparison, the Imperial Valley contains only 100,000 people. And the Imperial Irrigation District has not cultivated political connections in Sacramento or in Washington, D.C. Nor does it have its own stable of top-notch water talent on retainer. Hence the meeting with the upper basin water experts.

The district got a lot of advice at the afternoon meeting and at the dinner that followed. The consensus was that the farming valley could only deal as an equal with its giant neighbor if it came up with an arrangement that served the public interest. In that case, the Imperial Valley's proposal could serve as a rallying point for those who wish to see the present Western water system reformed.

--Ed Marston

## BOOK NOTES

### A free ticket to mine

*The Mining Law:  
A Study in Perpetual Motion*

John D. Lesby. Washington, D.C.: Resources for the Future, 1987. Distributed by Johns Hopkins University Press, Baltimore, MD 21218. 307 pages. \$35, cloth.

—Review by Peter Wild

Miners curse its restrictions, while environmentalists groan over its laxity. Bureaucrats throw up their hands at its unenforceable, tar baby provisions. No one seriously interested in mineral resources likes the Mining Law of 1872.

Some people love it. Retirees flock West to set up their trailers, stake out mining claims on public lands, then gloat at officialdom. Their neighbors may be marijuana growers, orchardists and avid weekend cabin builders pulling a fast one on Uncle Sam under the legal fiction that they're wresting minerals from the earth for the good of the nation.

If this sounds like craziness, the 1872 Mining Law, argues John D. Lesby, is but the addled brother of other dubious legislation. Like the Homestead Act, it helped establish settlement patterns throughout the West. And that's perhaps the first virtue of this study. At first thought, few of us would leap at the chance to plow through a book of over 500 pages on sometimes arcane mining law. But this law professor's emphasis is on history rather than on strictly legal matters. In many ways, the history of mining is the history of the West. From this book we see that, for better or worse, we in the West stand in its shadow.

Probably for worse. Conceived in the boom-and-bust days of the 19th century, how else could it be? Under the law's chief provision, "free access," any person could roam about the public domain, digging helter-skelter for the natural treasures hidden in the earth's fragile skin. Under other provisions, millions of acres have been blasted, dug, bulldozed, eroded and poisoned.

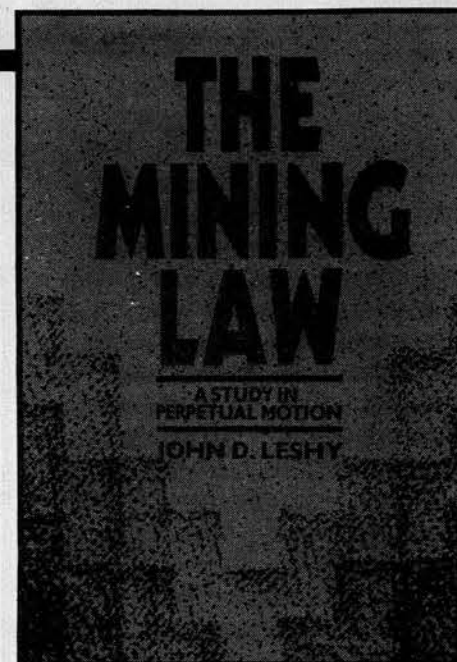
Meanwhile, like a bad marriage, the old law has clunked along, patched up here and there, and of late been brought to task by environmentalists. It remains a crazy quilt of conflicting regulations.

The West deserves better than this. Over the last few decades, the slow trend has been in favor of land-preserving restrictions. Still, we're saddled by the law's original,

land-careless concepts. It would be better to chuck the whole antiquated quagmire and replace it with a law that looks forward rather than backward. Lesby's somewhat guarded comments on this prospect contain good reasons for further change.

□

Peter Wild is an English professor at the University of Arizona.



## Montana slugs it out

Political maneuvering by conservative Rep. Ron Marlenee and stubborn resistance from the state's timber industry slowed but did not stop progress on a Montana wilderness bill.

A House bill introduced in April by Montana Democrat Pat Williams had been sailing through committee and headed for a full House vote in October. But it hit resistance in the Subcommittee on Forests, Family Farms and Energy where Republican Marlenee convinced the subcommittee to hack 90,000 acres from Williams' proposal to protect 160,000 acres of the Rocky Mountain Front, a key area in the bill to both Williams and conservationists.

Marlenee said the move was necessary to preserve developed recreation opportunities on the Front. Williams and conservationists charged that Marlenee's move was really meant to give the oil and gas industry access to the area, which is rich in wildlife. Both Marlenee and industry representatives denied the charge.

Angered by Marlenee's action, Williams said recently he would "throw himself across the tracks" to prevent Marlenee from sabotaging the bill.

That became unnecessary on Oct. 6, when the Marlenee amendment was killed by House Agriculture Committee chairman Kika de la Garza, D-Texas.

Williams' bill recommends 1.3 million acres of new wilderness and 700,000 acres for further study and national recreation areas. The remaining 4 million acres of the state's Forest Service roadless areas would be released for possible development.

Besides Marlenee's opposition, the state's timber industry has launched a public relations offensive

branding Williams' legislation as anti-jobs. Williams bristles at the charge. He told an audience in Kalispell in late-August that "my friends in the timber industry are raising real hell."

Holding up a chart that he said shows only a tiny fraction of Montana's commercial timberland becoming wilderness because of his bill, Williams said "it's an insult to say Pat Williams is taking away jobs."

The congressman said the industry is deceiving the public and added that anti-wilderness rallies held by timbermen in Western Montana communities have resulted in only 40 letters and calls to his office. He said that pales in comparison to the 4,000 he said he got opposing a Forest Service timber sale several years ago in a contested roadless area in the Big Hole area.

In the Senate, Democratic Sen. Max Baucus introduced a bill in early-summer that closely resembles Williams'. Like Williams, Baucus calls for protecting as wilderness over two-thirds of conservationists' proposals for the Rocky Mountain Front. Baucus also recommended further study for the Badger-Two Medicine area south of Glacier National Park, an area often in the headlines because of Indian treaty claims, natural gas leasing and charges of Forest Service malfeasance.

However, the likelihood of Baucus' bill remaining intact are dim because it is unacceptable to the state's senior senator, Democrat John Melcher. The Senate has yet to act on the legislation. Melcher told the press, "I wouldn't hold my breath" about it passing this fall. Senate hearings on the bill are expected soon.

--Bruce Farling

6-October 26, 1987 -- High Country News

## Soil conservationists hear impassioned calls to arms

More than 1,000 people from all over the U.S. and Canada gathered in Billings, Mont., for the 42nd annual meeting of the Soil and Water Conservation Society of America. Dozens of technical papers were read and meetings went on for three days this summer.

But what emerged from this mostly academic and scientific bunch was a sense that things are happening to the land, and that it was time to stand up and do more than just acknowledge soil erosion with tape measures and bar graphs.

The phrase "land ethic" was spoken more than once. So was "global thinking" and "stewardship." Many of the conventioners were government employees charged with walking that fine line between enforcing government policy and not offending public and private land users.

There were self-congratulatory speeches, but what stood out was the message of some of the more prominent speakers: those who are concerned about the land had better be ready to do something, and not just leave it to the politicians and environmental activists.

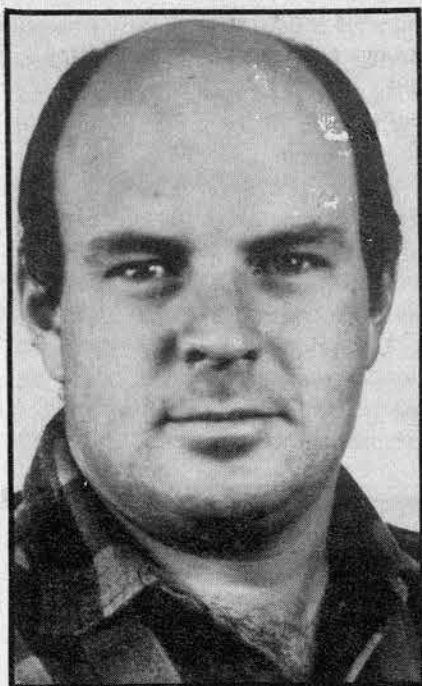
Milton Hertz, administrator of the Agricultural Stabilization and Conservation Service, recalled that the drafters of the 1985 Soil Conservation Act were clear in their intention. They wanted to deny federal aid to farmers who produced crops on highly erodible soils or wetlands.

By allowing farmers to add inappropriate lands to acreage qualifying for farm-support programs, Hertz said, the government had done the opposite. It had encouraged increased soil erosion and loss of wetlands.

Hertz said the trend could be reversed through sodbuster, swampbuster and other compliance laws. The Conservation Reserve Program, he pointed out, had already accepted 18.8 million acres. That land is now planted to trees or vegetative cover, and the five-year goal of 40-45 million acres in the program is close to being half-way met in less than two years.

Charles F. Wilkinson, a professor at the University of Colorado Law School, said that with passage of the Clean Water Act this year, "legal tools are in place to protect our nation's soils." Then when Congress finally took up the stalemated question of nonpoint pollution, "The result was a \$400 million program and a mandate to keep our precious soil on the farm lands, range lands and the timber lands -- and out of the creeks, streams and rivers.

Wilkinson said recent court rulings also helped to strengthen land and water preservation efforts. A Supreme Court decision involving a coal mine, he said, bodes well for the overall public interest "in abating private practices that significantly affect other members of the public." The question, Wilkinson said, "is whether land owners have a constitutional right to pursue poor soil conservation practices....the Supreme Court has left little doubt that it will uphold regulation that refuses to countenance poor soil conservation practices." He said that now "the laws on the books are more than adequate to support a truly comprehensive assault on soil erosion."



Marty Strange

Wilkinson laid the blame for past failures at the feet of the people he was invited to lecture. "That is precisely where the blame lies and it would be wrong for me to tell you anything else," he said, and urged them to action. "Law is passive," he told the group. "Law is active only when someone activates it. In the real world, law is activated only by those who care passionately about a particular subject. You care passionately about soil erosion -- there is no question about that. But you have let the law lie dormant for decades and the new laws will lay quiet and unused unless you exert your passion and insist that they be enforced."

Iowa dairy farmer Charles McLaughlin, a member of the association, also urged his fellow soil conservationists to leave classrooms and offices to influence the intellectual and political community.

"Go out and foster and nurture -- get publicly vocal," he urged. McLaughlin asked members to extend the land ethic of Aldo Leopold, the 20th Century conservationist who wrote, "a land-use decision is right when it tends to preserve the integrity, stability and beauty of the biotic community. It is wrong when it tends otherwise."

"Leopold decried ruthless utilitarianism. He said a system of conservation based solely on economic self-interest is lopsided. To harm this earth is to pour contempt on its creator," he said.

McLaughlin quoted Chief Seattle to the group, recalling how the chief responded to "a cynical offer" by the government to buy tribal land in the Pacific Northwest: "This we know: The earth does not belong to man; man belongs to the earth. This we know: All things are connected like the blood which unites one family. Whatever befalls earth befalls the sons of earth. Man did not weave the web of life; he is merely a strand in it. Whatever he does to the web, he does to himself."

Although Congress voted \$6 billion for the farm-failures bailout, that money should be used to buy 2 million acres of foreclosed land for people who will live on the land and work it. The money should not be used just to pay off big banks and investors that lost money when land values collapsed, said Marty Strange.

Strange is director of the Center for Rural Affairs in Walthill, Neb. He was invited to tell the gathering how to "revitalize rural America," and

his message was bluntly radical.

Rural states, he said, should not be trying to woo outside manufacturers and foreign companies with tax and other incentives. "The federal government learned about this system in 1981-86; it was called supply-side economics, and it about broke the bank. Now, the rural states are trying the same thing and we're on our knees begging for jobs. Public policy has shifted from agriculture to bribing companies to come to rural America."

Strange said local government subsidies and tax breaks should go only to local, homegrown enterprises -- no matter how small -- and not to resource-draining international or out-of-state corporations.

"The rural states mustn't succumb to that Third-World strategy," he said. The most underutilized resource in rural America, he said, is the talent and labor of the farmers, but they should not be relocated to factories in urban areas just to lower the unemployment rates. "They belong where they work the best -- on the land."

With the failure of agriculture, said Strange, the phrase "rural development" in Washington, D.C., is "now a codeword for everything but agriculture." He said farmers have become victims of their own "political parochialism and agrarian fundamentalism. Farmers always said if you solve our problems, the rest of the world will be okay."

The failure of agriculture and the farm credit system signal the need for drastic policy changes, said Strange. If the federal government would buy two million acres of foreclosed land and return it to farmers, that would in turn redevelop the farming communities. "It should be sold to the people who will occupy that land and use it. The alternative is to turn it over to the highest bidder. That's what the farm credit system wants to do with it now."

Renewed land would have strings attached, he added. "Conservation has to become a part of agricultural policy." A new economic land ethic

would demand sound farming practices. "There should be no other reason to own it."

Since land is an essential element of rural society, Strange told the group, then the issues of land ownership must be met head-on by everyone, including the soil scientists: "It is not the time for conservationists to be polite on the issue of land ownership."

Law professor Wilkinson ventured onto the same ground in his lecture. "For too long," he said, "we have confused property with land. Property and land are not the same. Property is a legal concept; land is a natural reality."

"I am not denying the validity, the legal, economic, physical and emotional reality of land ownership," Wilkinson said. "But you are here not as landowners speaking of your land, my land, her land. You are here as stewards and trustees of the land. Yours are the voices that must speak out for the land, regardless of ownership, and you must believe deeply and sincerely in your right, your duty to speak out."

Wilkinson continued, "We need more people who are willing to speak frankly in terms of ethics and morality when they speak of soil erosion and soil conservation."

"Every day we lose more of our agricultural heartland; rich, loamy glacial till deposited as outwash by the extinct icesheets of the North. Irreplaceable soils slip away to feed the ever-growing Mississippi River Delta. Across the West cattle graze unchecked in stream bottoms, destroying riparian zones and causing serious erosion that in turn causes the deep-cut-bank streams that even old-time Westerners think are a natural condition."

"It is time to return to the moral and ethical principles -- the first principles -- that the founders of the soil conservation movement espoused. It is time to remember what we are trying to save."

--Pat Dawson

Pat Dawson is a freelance writer in Billings, Montana.

## HOTLINE

### A border issue

Grand County, Utah, officials say a Colorado firm's plans to build a hazardous waste incinerator in their county is economic development. In fact, the county sold the firm an 80.5-acre site last August. Barring revelations that show the incinerator to be unsafe, commissioners say they will approve the zoning changes necessary to build it. CoWest incinerator Corp. of Denver says the plant will bring 30 jobs to nearly deserted Cisco, Utah, 30 miles west of the Colorado border. The plant will burn PCBs and 438 other toxic compounds, mostly solvents, reports the Grand Junction *Daily Sentinel*. CoWest must still obtain permits from the Environmental Protection Agency and the Utah Health Department, neither of which require public hearings. Meanwhile, a newly founded group called Colorado-Utah Alliance for a Safe Environment has gathered more than 750 signatures in

the border area from citizens who want more information out of CoWest about emissions and routes for trucking hazardous wastes. CoWest faces two other possible problems. Gene Nodine of the Bureau of Land Management warns that further sightings of the endangered blackfooted ferret could scrap the incinerator plans, as could impacts to the nearby Westwater Canyon, a popular Colorado River whitewater rafting site that has been recommended for wilderness by the BLM. The nearly extinct ferret was last seen in the area in 1982.

## BARBS

Prove it.

Colorado State University researchers found that "October weather typically brings snow and low temperatures, but the days also can be crisp and delightful," according to the Fort Collins *Triangle Review*.

## Missile test range bombs in South Dakota

Opponents of a weapons testing range planned for a remote canyon in South Dakota's Black Hills celebrated the cancellation of the controversial project with three days of ceremony and prayer in the canyon.

Meanwhile, local business leaders and economic development advocates, including Governor George Mickelson, despaired over the project's abandonment, and said it will hurt efforts to attract new business to the Black Hills.

Minneapolis-based Honeywell, Inc., proposed the munitions facility in February; by May it had acquired 6200 acres near Hot Springs, in the southern Black Hills. The land is in Hell Canyon, considered by Sioux Indians to be one of seven sacred canyons in the Black Hills. Honeywell intended to test missiles in the canyon, creating from three to 20 jobs.

The company says it abandoned the site because of Indian and landowner opposition. Weapons will continue to be tested at a range near Elk River, Minn.

The Lakota Sioux call Hell Canyon Thunder Eagle Canyon. Sacred burial grounds, ceremonial sites and prehistoric petroglyphs are found there. In May, Sioux leaders voted to oppose the facility.

In addition to Indian opposition, non-Indians ranching near the proposed test range and area environmentalists opposed Honeywell. The factions banded together to form the Cowboy and Indian Alliance (CIA).

CIA members said the weapons tests would lower property values, jeopardize grazing, threaten the area with runaway missiles and create a fire risk to the dry pine forest surrounding the canyon.

They also said they feared radioactive contamination. Honey-

well's products include armor-piercing shells tipped with depleted uranium. The shells leave a trace of radioactive ash along the trajectory path.

The group sued Honeywell and various government agencies charging more than 40 possible violations of state and federal laws if the weapons project began.

Indian anger over the weapons range intensified when a sweat lodge bordering Honeywell's property was destroyed July 17. The U.S. Forest Service, Fall River County Sheriff's Office and Honeywell acknowledged responsibility for the action.

Shortly after the incident, Honeywell officials journeyed to Hell Canyon to meet with Sioux and other opponents. Sitting in council circle, inside a teepee erected on the sweat lodge site, a Honeywell executive apologized for the demolition. But Sioux leaders rejected the apology, calling it a marketing technique to placate the Indian people.

The Indians then filed a complaint with the U.S. Attorney's Office and rebuilt the sweat lodge, vowing to remain at the site until Honeywell abandoned its plans. "No compromises," said Mario Gonzalez, Sioux tribal attorney, "Honeywell has got to get out of the Black Hills."

According to the *Minneapolis Tribune*, Kathy Tunheim, Public Relations Director for Honeywell, later said, "It is clear now we should have had greater understanding of the concerns of the Indian population."

Gov. Mickelson attempted to settle the issue by appointing a citizen advisory council and then by announcing that testing would be delayed from a Sept. 1 startup to Nov. 1.

Mickelson's attempts failed, how-

ever, in part because he and the state government were seen as strong advocates of Honeywell. It had been revealed earlier that a South Dakota economic development official had pressured the Forest Service to make land trades giving Honeywell additional lands for the weapons range. Also, the state was willing to acquire federal land for Honeywell. Opponents said the state's eagerness to host Honeywell ruined the governor's role as mediator.

Though Honeywell has abandoned plans to test weapons in Hell Canyon, South Dakota officials continue to court the company with alternative sites outside the Black Hills. It is not known what will happen to the 6200 acres acquired by Honeywell in the canyon.

While opponents celebrate, many Hot Springs and Fall River County residents are angry. One resident claimed 80 percent of the ranchers in the immediate area of Hell Canyon favored Honeywell's operation. Another supporter described the opposition to Honeywell as a black eye for the whole state.

Honeywell's departure marks the second time in several years that opposition has prevailed over a new business near Hot Springs. In 1985, Chem Nuclear canceled plans for a major nuclear waste dump (HCN, 11/25/85).

The Honeywell controversy also brought new attention to Indian claims to the Black Hills. The aggressiveness and unity shown by Indians against Honeywell is expected to strengthen efforts now underway to gain public lands in the Black Hills for the Sioux people.

--Peter Carrels

## HOTLINE



Nevada DOE operations

### Nevada bashes local government

Nevada politicians are fighting for control of 144 square miles of uninhabited desert that could become the nation's first high-level dump. This summer, the Nevada legislature created a new county that encloses the potential dump site, taking jurisdiction away from Nye County. The newly created Bullfrog County would be run by three commissioners appointed by the governor and have the highest tax rate allowed under state law. This fall Nye county rebelled, passing a unanimous resolution opposing the federal dump in Nevada. The county also filed a 28-page lawsuit in state court challenging the legality of Bullfrog County.

### Nuclear dump rules may change

While Congress debates bills seeking to temporarily stop the search for a national high-level nuclear waste dump, the Senate Energy Committee has passed a counter proposal. Sponsored by the committee chairman Sen. Bennett Johnston, D-La., and Sen. James McClure, R-Idaho, the bill amends the Nuclear Waste Policy Act to require the Department of Energy to make its initial site selection by early 1989, and then immediately begin a seven-year investigation of that site's suitability. The act now requires in-depth studies of three sites before the government selects a preferred site. Johnston says his bill would save taxpayers up to \$2.2 billion. Opponents such as Citizen Alert in Reno, Nev., say the bill is slanted to make sure the dump comes to Nevada. The three sites already chosen by the DOE are in Nevada, Texas and Washington state. Citizen Alert Director Bob Fulkerson says Johnston's bill will rule out the Texas and Washington sites because of groundwater and expenses. He says once the \$1 billion site characterization study starts at Nevada's Yucca Mountain site, "the inertia that will be built up to dump it there will be too great to stop."

## HOTLINE

### New Mexico road dispute

A long-simmering disagreement over road access led a New Mexico rancher this summer to arrest two Forest Service employees and file trespassing charges against the agency.

Rancher Carolyn Lietzman, from Carrizozo in central New Mexico, said Forest Service workers grading a road apparently got lost and "drove five miles across my grassland ... creating 40-50-foot gouges." When she saw the damage, Lietzman placed the workers under citizens arrest and took them to the sheriff.

The Forest Service says it wasn't really the workers' fault. There is one road cutting across Lietzman's property, which is surrounded on three sides by Forest Service land. It is a county road and the only access to some 60,000 acres on the Lincoln National Forest where 40 percent of the deer and elk hunting is done.

Ed Wood, a public affairs specialist for the Forest Service, says Lietzman posted "no trespassing" signs that make the county road look like a private road. That has confused hunters and led to the confused road workers, he says.

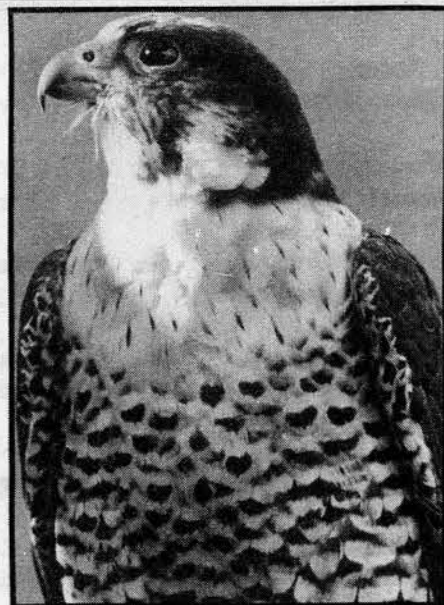
The citizens arrest is just the latest in a series of disputes between the rural rancher and agency. In 1982, Lietzman's late husband, Rob-

ert, obtained a permit to clear trees for a stock driveway. When his work also resulted in a bulldozed road extending from the existing county road, the Forest Service penalized Lietzman by reducing his grazing permit, Wood says.

"It seems clear that he wanted to build a road while denying it to the public," says Wood. Lietzman, however, says the Forest Service also imposed a \$100,000 fine. The agency says \$600 is the maximum fine allowed.

Currently, Lietzman and the Forest Service disagree about future access to the national forest. Lietzman argues the agency is trying to condemn her land to build more roads. The Forest Service says it needs only a right-of-way to reach Powell Spring, a popular hunting and recreational area, and has no plans to condemn her land. But the only way to eliminate using the Lietzman property as access to public land would be to "build miles of new road through rugged country at a cost of over \$250,000," Wood says. In the meantime, he adds, the public loses because confusing signs mark a major road to the Lincoln National Forest.

--Diane Hackl



### Raptor recovery

The endangered peregrine falcon continues to make a comeback in the greater Yellowstone area. Twenty-seven chicks hatched in the captive-breeding facility of the Peregrine Fund in Boise, Idaho, were released to areas in Yellowstone this summer. That raises the total to 150 birds that have been raised and released in western Wyoming since the reintroduction program began in 1980. Other cooperating agencies are the U.S. Fish and Wildlife Service, the National Park Service and the Shoshone and Bridger-Teton national forests. The peregrine was listed as endangered after its poisoning by organochloride pesticides such as DDT in the 1950s and 60s.

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10-October 26, 1987 -- High Country News



Conferees met in a circus tent to talk about skiing and its impacts

## Skiing...

(Continued from page 1)

to wildlife habitat on adjacent private land, and it will even recommend mitigation in the environmental impact statement. But the agency won't go further.

"We can't enforce mitigation on private lands," said Steve Mighton, biologist with the White River National Forest, home to Aspen, Snowmass, Vail and other ski resorts. "It's a controversy with no solution now, except that county planning and zoning must play an integral part."

Tom Lustig, attorney for the National Wildlife Federation in Boulder, disagreed. "The Forest Service does have the authority to require mitigation when a permit is being issued. The big stick belongs to the Forest Service, and they're passing the ball. I predict the issue will ultimately be decided in court."

Regional Forester Gary Cargill, based in Denver, disagreed. He said the agency's jurisdictional boundaries do not extend on to adjacent private land. Nor, he said, would a court order differently. "It's not the American way."

The issue was discussed at the conference with full awareness of the economic importance of skiing in Colorado. It brings in more than \$5 billion yearly and employs 48,000 people. On the Western Slope, where mining, agriculture and logging have declined, skiing accounts for more than one-third of the economic base.

Moreover, overall numbers indicate that skiing hasn't hurt the area's other big industry -- big game hunting -- which is also a billion-dollar industry. Ski areas occupy only 19,000 acres of Forest Service land, a vanishingly small part of the 14 million acres the agency manages. Moreover, big-game has increased rapidly since the 1950s, right along with the herds of skiers. But ski areas are also located in critical places, and the fear is that the effects of continuing loss of habitat have not yet been seen although the limits of mitigation are being reached.

Opinions differed on the extent to which the growth will continue. Jerry Groszold, president of the Winter Park Ski Area, predicted, "The industry will continue to grow. We are the number one ski state in the nation."

Terry Minger, who is with Robert Redford's Institute for Resource Management (Redford also owns the Sundance Ski Area in Utah), was not

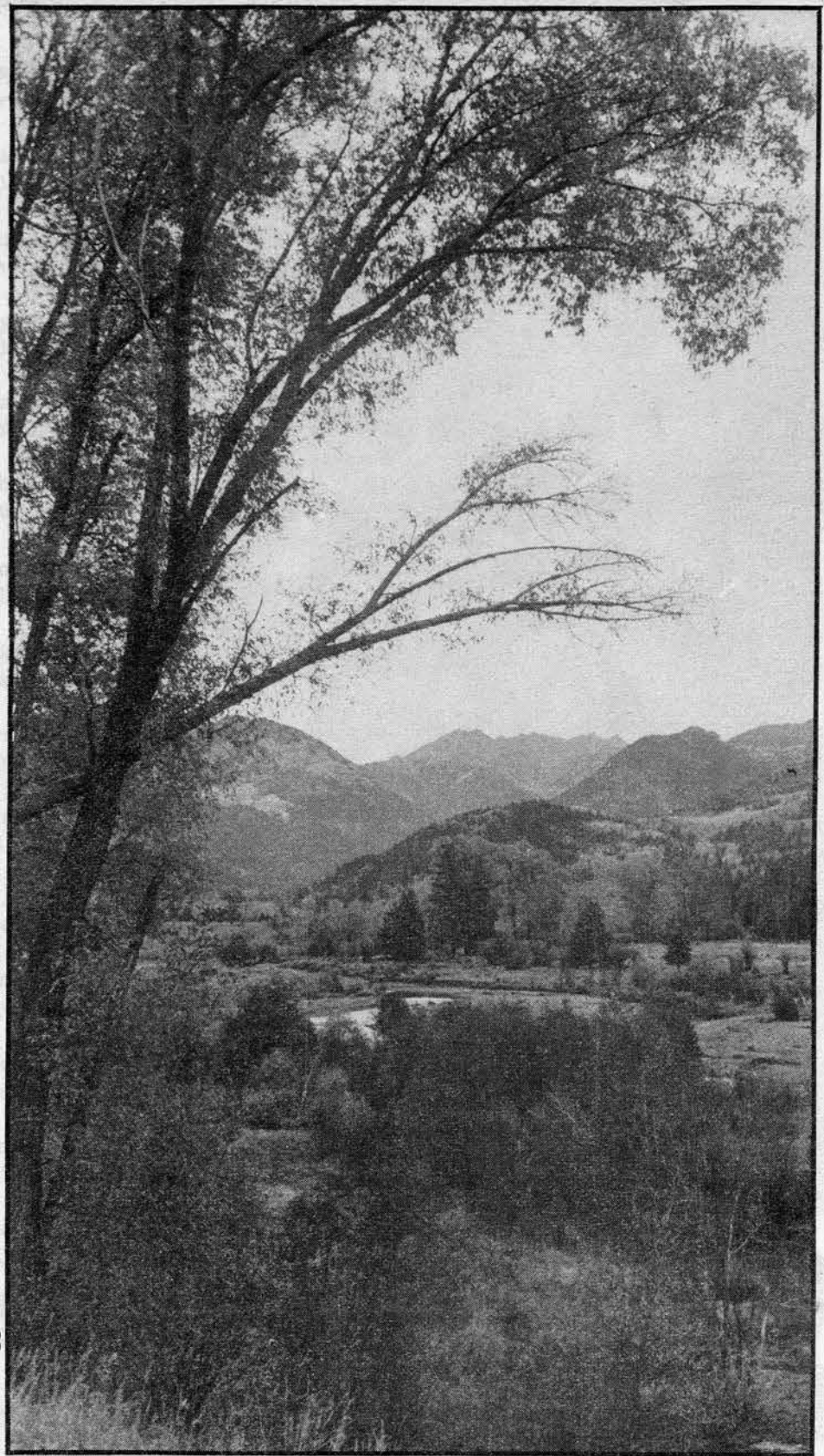
so sure. He said the game now in the ski industry is market share and not growth. There were only 3.7 percent more skiers in Colorado last season than the year before, and Minger warned that a low growth rate would cause financial problems for areas that failed to grow by stealing skiers from competitors.

John Lay of the industry's trade group, Colorado Ski Country USA, said that half of the ski areas did not show a profit last year. But many areas had poor snow last year.

Several speakers looked for ways to break out of the controversy. U.S. Senator Tim Wirth, Colo., the keynote speaker on day two, in Durango, suggested legislation that would send the fees ski areas pay for their leased national forest land directly back to the Forest Service to pay for mitigation costs.

"Right now that money goes into the U.S. Treasury, where it tends to disappear into the black hole of the

(Continued on page 11)



Wolf Creek Valley, Colorado

## Ski area proposals have at least nine lives

Under present Forest Service procedures, a proposed ski area is almost as difficult to kill as a werewolf. Take, for example, the proposed Wolf Creek Valley Ski Area, whose proponent is WestFork Investments, Inc.

WestFork is in about as deep financial trouble as can be imagined. Harvey Doerring, who first headed the development effort, has declared bankruptcy after being the target of a Securities and Exchange Commission investigation. He left the project in terrible trouble. The people who bought millions of dollars of bonds issued to create five metro districts to build utilities and other facilities for the ski area are currently holding worthless pieces of paper. The development is also in default on payments for its major piece of private property, the Teal Ranch.

In addition, four environmental groups have appealed the San Juan Forest's decision to permit the Wolf Creek Valley Ski Area on the grounds of cumulative impacts, inadequate mitigation for off-site impacts and a low demand for new skiing that the Forest Service, they say, changed into high demand by using inflated growth projections.

But, paradoxically, the developer is being protected against the appeal by its financial problems. The regional office of the Forest Service in Denver sent the appeal back to the San Juan National Forest in Durango in September, saying the environmental issues are moot if the developer cannot show financial capability within 90 days.

If the developer can't show financial strength, the special use permit application will fall into an inactive status. Jim Furnish, spokesman for the forest, said, "We won't reverse our (full build) decision to no-action. But if, someday, a new proponent steps forward, the rest of the appeal issues will have to decide. So nothing is settled."

While the Wolf Creek Valley area sits in the Forest Service files, awaiting a new developer, opponents have begun to challenge the Forest Service's final EIS on the nearby East Fork Ski Area Proposal, which is running about a year behind Wolf Creek Valley in the study process.

Although the wildlife and market demand issues are the same, the two proposals differ in other ways. East Fork is linked to American Express and, under developer Dan McCarthy,

seems far more stable than Wolf Creek Valley. Second, East Fork is adjacent to the South San Juan Wilderness area.

Tom Lustig of the National Wildlife Federation, who is handling both appeals, says, "We have a situation where ski lifts will come within a few yards of a wilderness boundary."

Recently, Lustig asked the Forest Service to give him more time to complete his appeal of the East Fork decision for maximum development. The Forest Service denied the request, saying he should have been involved in the EIS process from the start.

The San Juan Forest's Furnish said, "Lustig is electing to exercise his rights through the appeal process rather than" by participating in the EIS process. "That's okay if that's the way he wants to play the game. But, in denying him the extension, I think the Forest Service is saying: 'Okay, here's how we like to play the game.'"

Lustig, who says that his game is also hard ball, said the ranchers and other residents he represents have been involved in the EIS process "since day one."



Stuart Udall

## Skiing...

(Continued from page 10)

Pentagon." Wirth also emphasized that local government, and not the agency, must use its control over land use to control off-site impacts on wildlife.

He also suggested forming a taskforce to draw up a long-range plan to rank areas according to their suitability for development or for preservation. Former Colorado State Sen. Martha Ezzard and Colorado Wildlife Commission Chairman Rebecca Frank made similar suggestions.

Former Secretary of the Interior Stewart Udall, calling himself the old man of the land management game, admitted that he had been trying to define "balance" between the environment and development for 30 years.

But Udall also said that he saw "new winds blowing" on the question, in the form of increasingly

tough criticism of the Forest Service's land management, and suggested: "There has to be a larger approach."

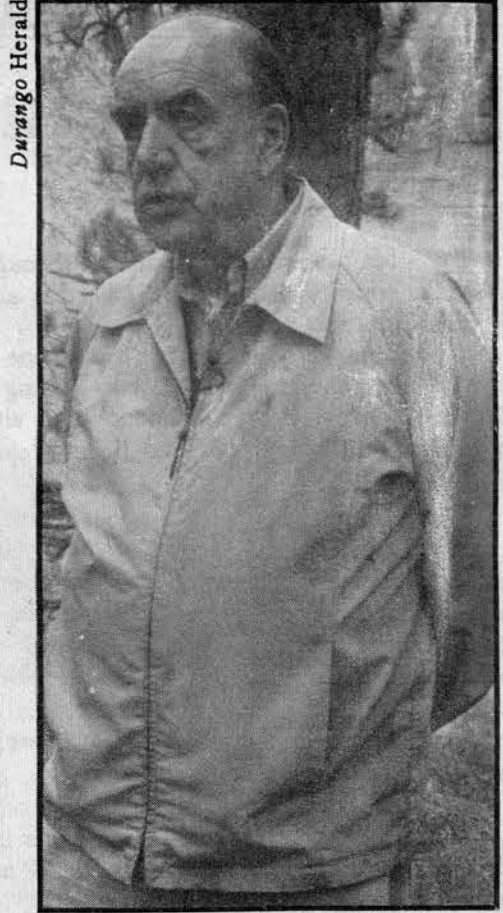
He called for a moratorium on new ski-area permits to allow the Forest Service to re-evaluate its policies. "We should decide which areas we want let alone, and which are prime candidates for skiing. We should do like small towns, which, based on their populations, stop passing out liquor licenses."

The theme throughout the conference had been to find a way to have the lion of development lie down with the lamb of habitat. Udall had a twist on the biblical reference, telling of a zoo whose most popular exhibit featured a lion and lamb living together.

The secret to the combination, the zookeeper confided, was placing a new lamb with the lion each night.

□

Tamara Wiggans is a free-lance writer in Durango, Colorado.



Dan McCarthy, ski area developer

## LETTERS

### A MODEST PROPOSAL

Dear HCN,

Lynn Jacobs' reply to Linda Hasselstrom (HCN, 10/12/87) says all that needs to be said on the subject of public lands cattle grazing: it is indeed absurd and outrageous that we the public should continue to subsidize a few thousand cow farmers so that they can continue to use and abuse our public lands.

I would add only one further note: once we get these private cattle off our lands, we will see their place taken by great herds of elk, antelope, deer, bighorn sheep and other game that will belong to the public and can be hunted by the public. In the meantime, I suggest that we declare any hooved quadruped found on our land to be a legal game animal. That would settle this tedious controversy once and for all. Cheers again!

Edward Abbey  
Moab, Utah

### THE HOLISTIC APPROACH

Dear HCN,

I apologize for continuing to curse your pages with the issue of Allan Savory's Holistic Resource management, but the September 14 issue of HCN carried two articles that show how far environmentally concerned people with the best intentions often miss the point. The first touted of goats as a breakthrough in the control of leafy spurge, especially near streams and campgrounds where chemicals can't be used. With or without Savory's personal opinion, a holistic approach would indicate that:

1. Chemical poisons are dangerous, tend to simplify (thus destabilize) any environment, and are seldom justifiable. They should never be used to control an outbreak of any kind before the cause of that outbreak is recognized and corrected.

2. Leafy spurge, though indeed a tough customer, is no magic plant. Being tap rooted, it does not

compete directly with grass and only flourishes where bad grazing practices (including overrest) create a niche for it. Every degraded rangeland in the world has a similar "infestation". Though the "invaders" have different scientific names depending on climate, they fill similar niches.

3. Goats are not the only animal that eats leafy spurge.

4. Yes, grazing and animal impact by pronghorn, javelina, deer, elk, bighorn, bison, or goats and other domestic stock is a useful tool in managing plant succession.

A second article talked about poisoning tamarisk to make way for cottonwood and said the Park Service intends to poison some areas every year forever.

Thank God even HRM detractor Edward Abbey speaks up against that one.

Tamarisk will of course quickly overwhelm any herbicide program, tempting the use of ever stronger chemicals near streams, where we've just read the Forest Service dares not poison leafy spurge. Again, poor grazing practices (including overrest) have made it impossible for tastier cottonwood sprouts to establish over much of the West, no matter what happens to tamarisk. Tamarisk control is therefore irrelevant on that score alone. But the problem goes far beyond that because washes are a precise reflection of the condition of whole watersheds.

Loss of ground cover through bad management has caused erosion, increased flash flooding, lowered water tables, and generally wrecked the natural cycle of water, so that no heroic protection of a particular point like Salt Wash Spring can possibly work. If you kill the tamarisk now you ain't got nada. Better management of the whole watershed will promote diversity, including both cottonwood and tamarisk, and thus stability.

The HRM model rejects out of hand any chemical regime that has no end, including virtually all the current "pest" control programs to "improve" western ranges. It informs the management of those goats so they won't overgraze, and it shows how to promote natural succession on the devastated water-

sheds where the spurge and the tamarisk grow.

Sam Bingham  
Denver, Colorado

### INCITES TO RIOT

Dear HCN,

For eight years all unusual bear actions in the Paonia-Crawford area were blamed on me and my mutant assistants. Local lore had it that when we caught a bruin we somehow indoctrinated said beast to accommodate our anti-social attitudes. Maybe so.

## HOTLINE

### FERC's new leaf

The Federal Energy Regulatory Commission's recent rejection of a hydroelectric project proposed for northern Idaho's Elk Creek Falls delighted residents. People living in tiny Elk River and environmental groups from Idaho and Washington state fought for three years to protect Elk Creek's 200-foot-tall set of three falls (HCN, 11/24/86). Developers, who will appeal the decision, say FERC's ruling took them by surprise since it was the first time the agency ever denied a dam license entirely on

In response to Marilyn Mundy's query (Dear Friends, HCN, 10/12/87), "What did we do to get him so mad?" I offer the following: Perhaps it can be interpreted as an act of civil disobedience, a bear-society comment on the invasion of its homeland by a sputtering crotch-rocket (aka trail bike).

I sincerely remain a devout supporter of the right to arm bears.

Tom Beck  
Dolores, Colorado

The writer is a biologist with the Colorado Division of Wildlife who studied black bears in western Colorado for eight years.

aesthetic and environmental grounds. The rejection came on the heels of a just-released environmental impact statement in which FERC staff recommended the rejection of licenses for 12 out of 15 small hydroelectric projects proposed for the nearby Salmon River basin. Northern Idaho Sierra Club member Dennis Baird says FERC's mass rejections are unprecedented in Idaho and the Pacific Northwest. The departure is the result of last year's successful lawsuit from the National Wildlife Federation, which forced FERC to consider cumulative impacts of all dams in a river system before licensing projects.

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12-October 26, 1987 -- High Country News

## OTHER VOICES

## Bringing back wolves will kill more than sheep

by Mike Harrop

My old pickup truck bounced through the foothills country near the U.S. border and the British Columbia boundary.

I was chasing down a news tip -- one that I didn't like checking out. I was going to a Canadian provincial government bait site designed to kill wolves that had been preying on livestock nearby.

When I arrived, I found several deer carcasses laced with poison -- the common technique for poisoning wolves. It was the 1970s, and modern poisons were available for selectively killing wolves. Provincial animal control spokesmen swore they'd used 1080 at the baiting station. The poison is an agent extremely deadly to wolves, coyotes and foxes but which is considered less devastating to birds.

But the bodies of five golden eagles, one bald eagle and scores of magpies and ravens littered the baiting station. One wolf lay dead nearby, apparently of the poison.

Whether the substance used was actually 1080 or strychnine, an older, more effective poison, which is more deadly to birds, has never been settled.

Those who have been mourning the recent death of the Wolf Recovery Project should find one reason for its demise in the example I've just cited.

You can't expect a stockman to continue to endure weekly losses to his cattle herd every time a resident pack of wolves passes his ranch on the circuit of their territory.

Wolves don't kill with the dispassion, accuracy and painlessness of a bullet.

They tear down their prey by reducing its legs to shreds during a chase, then rip huge chunks of flesh from the living animal. Often, the tortured animal lives a very long time while being eaten alive because the wolves go first for the intestines, then the stomach.

If the pack is small enough that its hunger is filled before the jaws reach the chest cavity or the large artery just beneath the spine, the animal can live all night and into the following day.

Having dispatched animals of my own that had been eaten alive by coyotes, I'm particularly sympathetic to the ranchers who successfully opposed the introduction of more wolves into the greater Yellowstone ecosystem.

Adding wolves to the problem already posed by grizzlies was too much, and the ranchers cried "enough."

Their fears were aided by the federal government's policy on depredation by animals on the rare and endangered list.

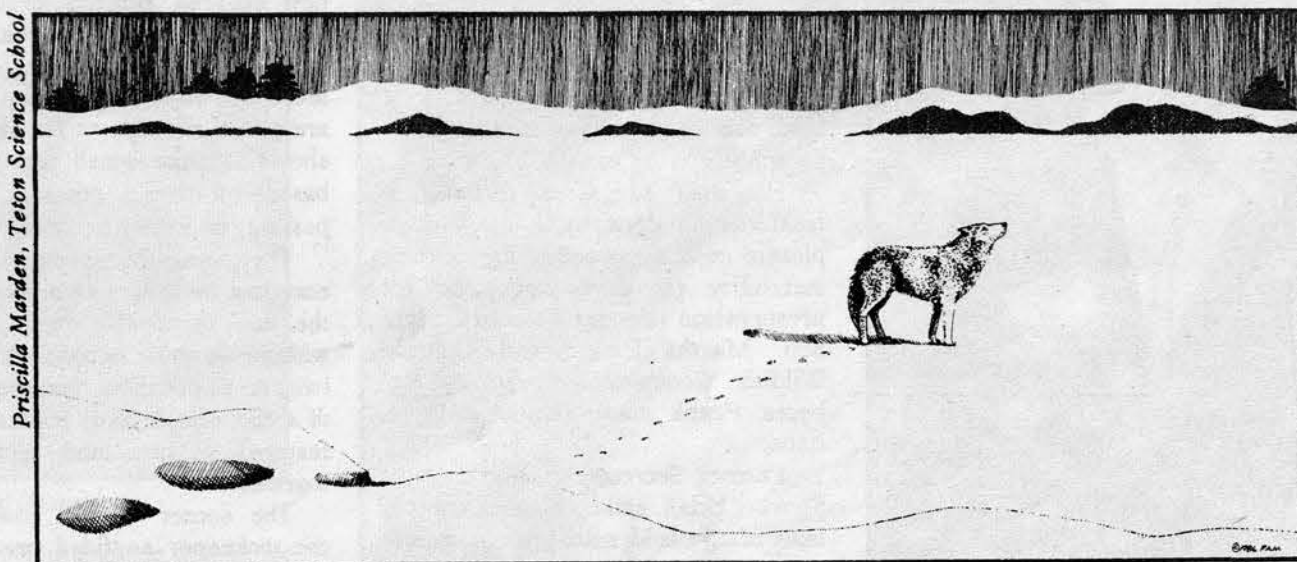
The government has taken away a person's right to defend his property by killing the predator, but does not pay for livestock losses either.

Although we now have wolves living in the Centennial Mountains and central Idaho regions, we don't have them running in packs. Instead, the pattern seems to be one or two animals grinding out an existence on an almost equal level of competition with coyotes -- another wolf, but one which generally concentrates on small game it kills quickly.

The truth is that wildlife professionals in this part of the world have known of the infiltration of wolves from Canada for years, but have often denied the facts in the interests of keeping the wolves alive.

No reasonable person now objects to the occasional wolf living in the wilderness. Few incidents of predation on domestic animals have occurred, and the animal is present, lending his mystery to the true wilderness. But the point of the Wolf Recovery Project was to bring back packing behavior.

Now, biologists are a little weak on this point, but it seems that the wolf changes from a retiring animal to a bold, persistent one when he becomes part of a pack. That's much the same as the way your household dog or teenager will



go out and do things of which you never dreamed he was capable when he's running with a group.

Packing wolves tend to patrol a territory of about 100 square miles, running off interlopers and preying on game and domestic animals within their territory.

Generally speaking, they'll eat any animal they find that isn't part of the group with the exclusion of man.

According to the Canadian naturalist and biologist A.W.F. Banfield, packing wolves become the prime predators in their territory, displacing cougars and grizzlies.

Banfield also said that only one documented attack on a man has occurred in North America, when a wolf attacked a section worker who was riding alone on a gasoline speeder -- a small cart which chugs along the rails.

According to Banfield's book, *The Mammals of Canada*, the section worker defended himself with an ax until help arrived in the 1942 incident. The attack was powerful enough to knock both the hapless worker and the gasoline speeder off the track, although the machine was traveling at 10 miles per hour.

Even so, wolves are far less dangerous to man than is the household dog or are domestic

cattle. His chief danger is to cattle and sheep -- the only prey in the wolf's world that can't outrun him in an even race.

The main problem is that once packing behavior becomes established, the wolves will spread and occupy historical habitat now vacant, much as wolves are now moving back into the United States from Canada.

And as they go, stockmen will use poison to control their depredations whether or not it is legally sanctioned.

A cowboy or shepherd whose livelihood is threatened lives in the mountains where law only visits. And if the law stands between him and survival as he knows it, he'll ignore the law.

There is much to admire about the wolf. He is strong and brave and invisible to all except the lucky who catch fleeting glimpses of rare individuals.

But let's save him for real wilderness where he won't impact ranchers or eagles or grizzlies. Let's be thankful he roams the Snake River plain no more.

□

Mike Harrop was a rancher for eight years before joining the Idaho Falls *Post Register* this summer as assistant city editor.

## 'Eye for an eye' doesn't work

by Pam Morris

Near Castle Creek in Idaho recently, a cougar was tracked down, shot and killed. Its offense was the killing of a large number of sheep.

The cougar, an eight-year-old male, lived in Warm Springs Canyon for years. Cougars have a habit of establishing distinct territories and roaming within their borders. This one had been sighted regularly.

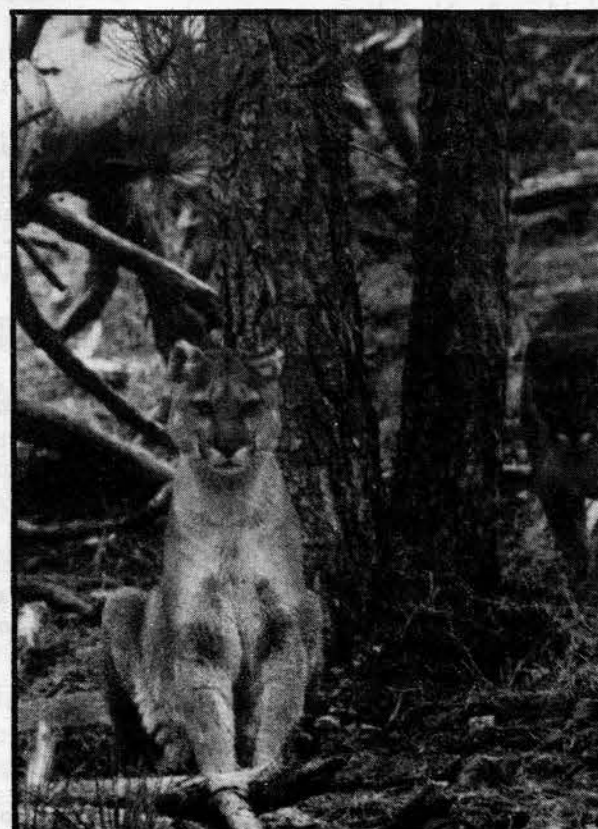
Cougars are magnificent animals rarely seen in the wild, largely because they are nocturnal. They are powerful predatory carnivores, traits that get them into trouble when civilization overtakes them. Civilization came to this cat in the form of woolly, four-legged picnic baskets, with no herder and no dogs in sight. The protectors of these gullible beasts were a quarter-of-a-mile away from the herd.

The rancher whose sheep met their demise at the paw of the cougar said he had lost sheep to a cougar in the same area the previous year.

Idaho's agrarian history has left us with an institutionalized kneejerk reaction when it comes to predators: In any encounter with domestic livestock, the predator must lose. It is a reaction that deserves some reassessment.

Certainly, sheep are valuable. They are a historical remnant of a time when part of Idaho's economic strength was mutton and wool. That agricultural heritage should not be destroyed. However, some sense of balance is necessary when it comes to dealing with predation of domestic livestock.

Cougars are valuable, too, although not in the commercial sense that brings business



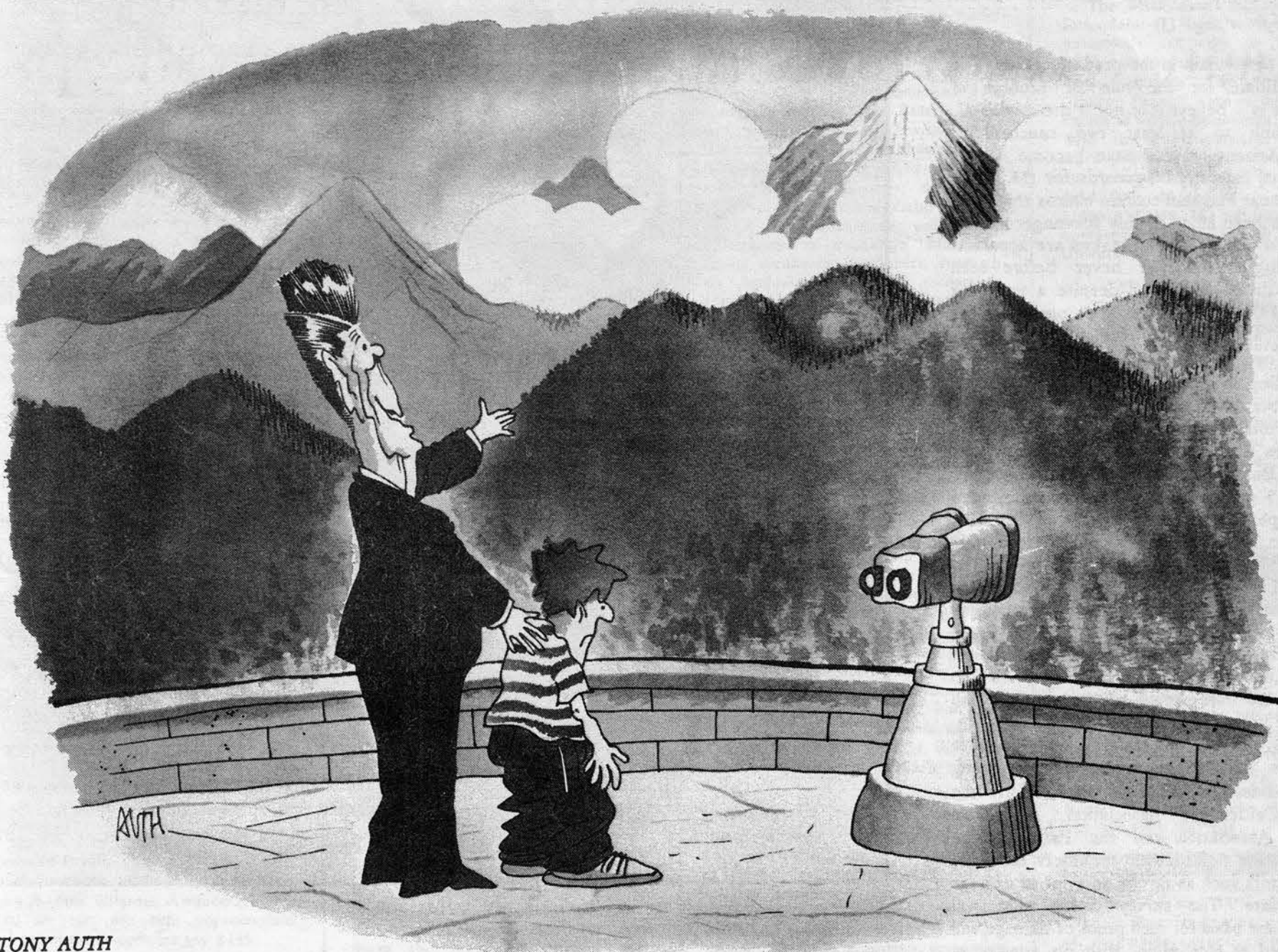
people to their defense. They are part of a natural order, a sense of which human beings seem to be losing rapidly in a society consumed by the comfortable trappings of civilization.

□

Pam Morris is managing editor of the *Idaho Mountain Express*, a weekly newspaper in Ketchum.

**OPINION**

Courtesy of Defenders magazine



TONY AUTH

"SOMEDAY, SON, THIS WILL ALL BE GONE."

**OTHER VOICES**

**If it's a wild and free animal, then kill it!**

by Steve Johnson

While most of us are aware that the federal government is involved in a wide range of projects that help wildlife, few are aware that the feds also continue to kill thousands of wildlife species every year under a program called Animal Damage Control.

Over the past two years, for example, Arizona lost about 29,000 animals to ADC activities, at a total cost of more than \$1 million. The species included coyotes, bobcats, foxes, black bears, mountain lions, skunks, badgers, raccoons, ravens, owls, dogs, jackrabbits, cottontails and various rodents. The methods of killing the animals included shooting, trapping, snaring and poisoning. About 95 percent of ADC funding comes from federal and state taxpayers.

The Animal Damage Control Act was enacted by Congress in 1931, and states that the government is "...authorized and directed to promulgate the best methods of eradication, suppression or control" of the nation's predatory and other wild animals, and to "...conduct campaigns for the destruction or control of such animals."

Even though the ADC was established nearly 60 years ago, today's Animal Damage Control program is actually the newest federal effort to remove the "wild" from the wild West. Federal efforts at wholesale wildlife eradication began in 1890, evolving into the U.S. Biological Survey. In 1914, the Predatory Animal and Rodent Control (PARC) became an autonomous part of the survey, where it remained until the creation of the ADC program in 1931.

From 1914 to 1931, both the wolf and the grizzly disappeared from most of the West, their demise largely due to federal trappers. If the

mountain lion had eaten carrion, and thus been vulnerable to poisoning, it too might be extinct today. Even prairie dogs were poisoned to placate ranchers unwilling to share native grass that was rapidly disappearing under the onslaught of too many livestock. With the poisoned prairie dogs went the black-footed ferret, dependent on the dogs as prey. Widespread poisoning of carcasses helped push the California condors to near-extinction and killed countless eagles, hawks, owls and thousands of other "non-target" wildlife species across the West.

While today's Animal Damage Control program is smaller than it was in its peak years of the 1950s and 1960s, the agency still exists in nearly every Western state. Its chief constituents are still ranchers, and our money is still being used to kill large numbers of wildlife belonging to everyone.

According to the 1985 Annual Report of the ADC, "the protection of livestock is the primary operational program of Arizona Animal Damage Control."

The truth of this statement is borne out by the amount of time spent by the ADC in aerial pursuit of coyotes with both helicopters and fixed-wing aircraft, chiefly to protect domestic sheep in northern Arizona. Such expensive control methods are one reason that the ADC budget was \$470,224 in 1985, while confirmed losses of sheep, cattle and poultry to all predation totalled less than \$60,000.

At the same time that the ADC was killing coyotes and other predators in the state, the 1985 Annual Report also reveals that about \$474,000 worth of crop damage was caused by jackrabbits, one of the chief prey species of coyotes. The offending jackrabbits, dining on

cotton, grasses and chili plants (according to the Annual Report), were poisoned with strychnine-treated grain. Regardless of the ecological absurdity of killing both predators and their prey, this is typical behavior for the ADC, since such activities create a perpetual "need" for their services.

From the beginning of federal involvement in predator control, agents have been active in promoting their services. They developed and maintained close ties to the ranching community and routinely attend many of their business meetings and social functions. Typical of such behavior was the regular attendance of former Arizona ADC Director Duane Rubink at many meetings of the various grazing advisory boards across the state. There he reminded cattlemen of the free services available from the ADC.

Like all bureaucracies, the ADC has always been committed to its own survival and expansion in a world that keeps changing. Even as it eliminated the wolf and grizzly more than a half-century ago, predator control efforts and accompanying propaganda shifted smoothly toward a new emphasis on two species previously nearly ignored, the coyote and black bear. Suddenly, these two animals were the latest scourge which had to be controlled to make the land safe for cows and sheep.

Today, a sophisticated public values the black bear too highly to permit such wholesale killing, and coyote numbers remain stabilized despite decades of killing them with every available weapon, legal and illegal.

Nevertheless, ADC is always searching for new causes and new "public enemies." As we approach the 1990s, the ADC is again in dire

(Continued on page 14)

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## Wild and free...

(Continued from page 13)

need of a new villain in the predator ranks. The best candidate for the role of scourge of agriculture is -- believe it or not -- the raven.

According to at least two ranchers in northern Arizona, ravens have become serious predators of calves. ADC records for the Flying M Ranch near Flagstaff contain claims that adult cattle have been killed by this scavenger-turned-killer. Even though Arizona ravens are apparently engaging in behavior never before seen anywhere in the world, and despite a total lack of any real documentation of such predation, the ADC won approval from the state to poison ravens on two ranches during the past two years. Now pending is an ADC application for raven poisoning statewide "as needed."

Of the total ADC budget for 1985, which paid the salaries of 15 people statewide, the Arizona Livestock Board contributed about \$23,000, or less than 5 percent. U.S. taxpayers contributed about 82 percent of the total cost of the ADC program in 1985, and state agencies (read state taxpayers) contributed most of the remainder. Even the Livestock Sanitary Board is supported by the state taxpayer. In fact, the only non-tax income of the ADC is from the Arizona Game and Fish Department, which annually contributes about \$25,000, most of which pays the ADC to shoot coyotes from the air so that hunters will have more pronghorn antelope to hunt.

In 1988, the ADC will ask Arizona to increase funding to \$365,900 per year, with matching federal funds. To assist in that effort, the Arizona Cattlemen's Association, the Wool Growers' Association and the Farm Bureau Federation are polling their members for proof that predators such as ravens do a lot of damage in the state. The survey forms that will constitute the basis for such proof of damage will be accepted at face value, with no attempt at verification. Since the increased funding won't cost the participants anything, the results can

Arizona Daily Star



Raven

probably be safely predicted. Predators, as usual, will be blamed for "driving ranchers and farmers out of business."

□  
Steve Johnson is southwest representative of Defenders of Wildlife in Tucson, Arizona.

## OTHER VOICES

### EPA pesticide registration is nearly worthless

by Mary O'Brien

No defense of a pesticide's safety is hauled out more often than some variant of the following: "The Environmental Protection Agency has registered this pesticide after determining that it causes no unreasonable adverse effects."

Some of the people who say this don't know it is misleading; others say it *because* it is misleading.

There are five major reasons a pesticide that causes adverse effects is likely to receive EPA registration:

• *Most of the pesticides are not fully registered.* In 1972, Congress revised the Federal Insecticide, Fungicide and Rodenticide Act and required that chemical companies submit a range of health and environmental tests to support full registration. The EPA was to review each active ingredient's file, determine which tests are adequate, inadequate, or missing, and issue a reregistration standard indicating which tests must be approved before unconditional registration is granted.

Six hundred active ingredients need reregistration, but only *one* has been reregistered after 14 years.

The Natural Resources Defense Council reviewed the 117 reregistration standards that had been issued by 1985. Although all are conditionally registered by the EPA, 21 of the 117 active ingredients had *no* valid data for *any* of the following tests: mutagenicity, chronic toxicity, cancer, reproductive effects, or birth defects. Only eight ingredients had all of these required tests.

• *The EPA does not register pesticides on the basis of safety.* Instead, pesticides are registered on the supposition that their benefits will

outweigh their costs. If the costs of using a pesticide are considered to be 90 cents worth of cancer and the benefits are estimated at a dollar's worth of profits, the pesticide must be registered.

• *Testing is not done on the full formulation of a pesticide.* Except for three acute toxicity tests, none of the health damage tests are carried out on the full formulation. Although so-called "inert-ingredients" often account for most of a pesticide formulation, tests for birth defects, cancer, and reproductive effects are performed only on the active ingredient(s).

"Inert" ingredients include such materials as asbestos, lead, and formaldehyde. These may be more toxic than the active ingredient or may interact with the active ingredient to increase its absorption, persistence, or toxicity.

• *Certain important health damage tests are not required for pesticide registration.* Except for a test on one class of pesticides (organophosphates) for one type of nerve damage (peripheral neuropathy), no nerve damage tests are required for pesticide registration. The EPA requires that certain toxic chemicals *other* than pesticides be tested for certain nervous system effects, but does not require such testing for pesticides.

Immune system effects are also exempted from consideration when a pesticide is registered, although there is documentation that various pesticides affect various immune system characteristics.

• *EPA reviews of tests submitted by the chemical companies are less than strict.* Although the EPA has issued guidelines for adequate pesticide testing, it often fails to apply them. The California Department of Food and Agriculture is required to review the raw data for each submitted test when deciding whether

the test is adequate for its registration purposes. Of tests that have been judged valid by EPA, 55 percent were found to be inadequate by California.

Why are EPA's evaluations so lenient? While California applies the EPA guidelines when reviewing a test, the EPA allows chemical company representatives to argue in person with EPA staff about whether the guidelines need to be followed.

Guidelines are particularly important because the tests are generally performed by the chemical companies, and the EPA or California reviewers are often the only independent scientists commenting on each study.

How accurate, then, is the statement "The EPA has registered this pesticide after determining that it causes no unreasonable adverse effects?"

The EPA probably hasn't fully registered the pesticide. It has most likely conditionally registered the pesticide: Certain tests are probably missing; certain important tests are not required; only the active ingredient has been considered; and there is a good chance that the EPA has not applied its own testing standards.

Finally, if adverse effects have been detected, the EPA pronounces these effects "reasonable" in light of estimated economic benefits that the registration will supposedly bring to pesticide users.

□  
Mary O'Brien is a mainstay at the Northwest Coalition for Alternatives to Pesticides in Eugene, Oregon. She writes a regular column in *Forest Planning* magazine.

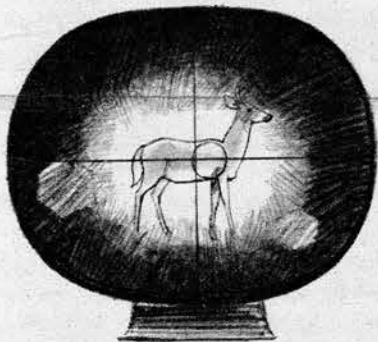
# BULLETIN BOARD

## GROUNDWATER DIALOGUE

The Nebraska Groundwater Foundation will host its annual fall symposium, "Groundwater as Commodity: A Public Dialogue," Tues., Oct. 27, at the Lincoln Hilton in Lincoln, Neb. The symposium will consider two hypothetical threats to Nebraska groundwater, one of which is a farmer selling his water rights to Denver. The foundation, which calls groundwater Nebraska's number one natural resource, also publishes *The Aquifer*, a national groundwater journal, and runs an educational center and groundwater library in Lincoln. The symposium costs \$15 for registration, plus \$10 for the luncheon. The registration fee is waived for foundation members, and \$100 for corporate members. For more information contact the foundation at P.O. Box 2558, Lincoln, NE 68502 (402/423-7155).

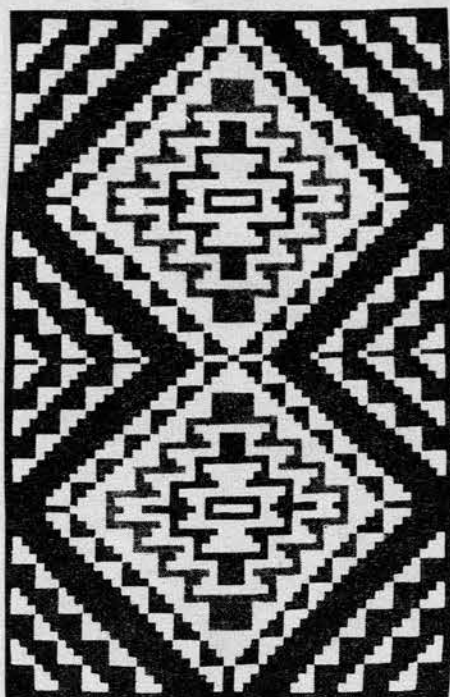
## A WATER NEWSLETTER

There is a new kid on the water newsletter block. It is *Water Market Update*, a monthly of a dozen pages or so which does more than its title indicates. Roughly half of each issue is indeed devoted to the market in water that is emerging in the Western states, but each issue of the newsletter also contains at least one article that analyzes the emerging water scene. The October issue, for example, examines efforts Kern County, Calif., is making to prevent a strictly cash-for-water market, independent of the public interest, from dominating that agricultural area. The May issue described a meeting on the effect of water marketing on the quality of rural life in Arizona. The newsletter is published by Western Network, 1215 Paseo de Peralta, Santa Fe, N.M. 87501, and is co-edited by Steven J. Shupe and John A. Folk-Williams. A subscription is \$180 a year; non-profit organizations and government agencies pay \$135.



## IMPACTED WILDLIFE

The Thorne Ecological Institute will host the third biennial symposium, "Issues and Technology in the Management of Impacted Wildlife," Nov. 2-4 in Colorado Springs, Colo. The symposium will address impacts on wildlife from hazardous waste disposal and natural resource and economic development. It will also focus on wildlife mitigation and urban wetlands management in the Rocky Mountains. Registration is \$105, which includes symposium, banquet and proceedings. Contact the Thorne Ecological Institute, 5370 Manhattan Circle, Suite 104, Boulder, CO 80303 (303/499-3647).



## A BREEZE SWEEP THROUGH

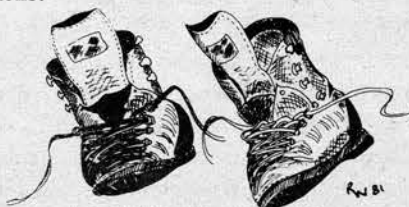
Founded 11 years ago by John Crawford, West End Press publishes the work of Native American, Chicano, black and women writers, poets and artists. Crawford says what they have to tell is "obscured by the ideological watchdogs of the institutions of the dominant culture." The most recent publication is poetry by Navajo Indian Luci Tapahons called *A Breeze Swept Through*.

West End Press, P.O. Box 27334, Albuquerque, NM 87125. Paper: \$5.95. Illustrated with sketches.

## BORN OF FIRE

Tongue-twisting words and mind-boggling time spans are not part of William H. Cottrell's geologic approach in *Born of Fire: The Volcanic Origin of Yellowstone National Park*. He introduces the major concepts of earth science and tackles Yellowstone's geologic curiosities in easy-to-understand terms. What makes this little book work is its vivid illustrations in primary colors. It was published in cooperation with the Yellowstone Association for Natural Science, History and Education.

Roberts Rinehart, Inc. Publishers, P.O. Box 3161, Boulder, CO 80303. Paper: \$7.95. 64 pages. Color illustrations.



## VISIT A WILDERNESS

The Colorado Environmental Coalition has been offering some fall hiking to potential BLM wilderness areas. Coming up Nov. 14-15 is a trip to the Bureau of Land Management's Beaver Creek Wilderness Study Area. Beaver Creek is located 30 miles south of Colorado Springs and is considered one of the Front Range's most wild and scenic canyons. For more information, contact Lee Baker at 303/322-1288.

## SOLAR '88

The Northeast Solar Energy Association is hosting the SOLAR '88 conference June 20-24 at the Massachusetts Institute of Technology Campus in Cambridge, Mass. Papers are currently being solicited by the American Solar Energy Society and the Passive Architecture and Construction Division on the following topics: the role of solar energy in environmental protection; passive solar in large buildings; daylighting; photovoltaics; and agriculture. The SOLAR '88 conference will be an opportunity to exchange information among architects, engineers, researchers, builders, designers, economists, administrators, solar advocates and utility executives. Workshops, exhibits and tours are also planned. For more information, contact the American Solar Energy Society, 2400 Central, B-1, Boulder, CO 80301 (303/443-3130).

## WILDERNESS CONFERENCE

The Colorado Environmental Coalition is hosting the 1987 Wilderness and Wild Rivers Fall Leaders Conference Nov. 14-15 at the Friendship Hall in Montrose, Colo. There will be speakers on federal reserved water rights in wilderness areas, wild and scenic river protection, Forest Service and BLM wilderness proposals, timber sales and much more. Registration is \$15 (\$18 after Oct. 31) and includes lodging Friday and Saturday (bring sleeping bag) and five meals. Friendship Hall is located at the Montrose County Fairgrounds, 1001 N. 2nd St. For more information contact the Colorado Environmental Coalition, 2239 E. Colfax Ave. Denver, CO 80206 (303/393-0466).

## SOIL AND POLITICAL REALITY

*Making Soil and Water Conservation Work: Scientific and Policy Perspectives* addresses conflicts between soil and water conservation and political realities. Released by the Soil Conservation Society of America, the book consists of papers presented at an Oct. 1986 conference of scientists, economists and public policy experts in St. Paul, Minn. Each paper focuses on a problem and suggests an alternative based on consideration of the varying issues and interests surrounding conservation policy. The book also discusses the government's role in areas such as the Conservation Reserve Program and crop set-asides. Editors are Daniel W. Halbach, C. Ford Runge and William Larson of the University of Minnesota. Soil Conservation Society of America, 7515 Northeast Ankeny Rd., Ankeny, Iowa 50021. Paper: \$10. 174 pages.

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## POISON PATROL

The Washington, D.C.,-based group Defenders of Wildlife has begun a nationwide campaign to involve the public in reporting deaths of wildlife from pesticides. The new program, "Poison Patrol," aims to determine the extent of wildlife poisonings and to work with the Environmental Protection Agency in reducing the use of dangerous pesticides. Anyone suspecting a wildlife poisoning can call 1/800/858-7378. The toll free number is operated by the EPA and Texas Tech University.

## TRUTH FORCE REUNION

The Rocky Mountain Peace Center is tracking down activists who took part in early civil disobedience protests at the Rocky Flats nuclear weapons plant near Denver, Colo. The center is planning a 10th anniversary Truth Force Reunion for April 22-24, 1988, which will be coordinated with protest rallies and more civil disobedience. For more information, contact the Reunion Center at 1520 Euclid, Boulder, CO 80302 (303/443-3680).

## ACCESS

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### NEAT STUFF

On the 14th and 15th of November, 1987, in Phoenix, Arizona, a small group of beginning writers will take an important step on the path to selling their non-fiction magazine articles and books. Will you be one of them?

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For complete information, write Mike Ebersole, From Pen to Paycheck Writers Workshop, P.O. Box 292, Grand Canyon, Arizona 86023, or call 602/638-2597 and leave your name, address and telephone number.

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**WALK TO ROCKY FLATS** to stop plutonium contamination, the manufacturing of nuclear bombs and the proposed incineration of contaminated wastes. Sun. Nov. 1, peace walkers will converge on the Rocky Flats nuclear weapons plant from both Golden and Boulder, Colo. Walkers should meet at 9:30 a.m. in Golden's Parfet Park at 10th and Washington, and at 10:30 a.m. on the Boulder Courthouse lawn. For more information contact Laura at 303/477-1456. (1x)

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16-October 26, 1987 -- High Country News

## Tribes seek freedoms they say they helped the U.S. achieve

A group of American Indian leaders says it's time Indian affairs returned to Indians.

The Alliance of American Indian Leaders wants the traditionally white-run Bureau of Indian Affairs dissolved. In its place the alliance proposes a non-voting Indian representative in Congress, Indian membership on the governmental affairs council in the White House and a tribal 51st state.

Alliance leaders add that their people have sovereign rights as members of democratic nations that predate the formation of the United States. Ultimately, they seek an end to Congressional power over Indian affairs and a return to the original nation-to-nation relationship.

Such movements are not new to Indian affairs. This time it comes from a group with wide representation of the nation's Indian population, excluding The Navajo Nation. Members are from the Quinault and Lummi tribes of Washington state, the Chippewas of Minnesota and Wisconsin, the Crow and Blackfeet of Montana, the Oglala Sioux of South Dakota, the Utes in Colorado and Utah, the Mescalero Apache of New Mexico, the Shoshone-Bannock of Idaho and the Sac and Fox of Oklahoma. Many, such as alliance president Wendell Chino, a Mescalero Apache, bring decades of experience as Indian leaders.

The alliance is not alone in its call to reform Indian affairs. A recent

series in the *Arizona Republic* found that the BIA is so lost in fraud, incompetence, red tape, inefficiency and ineffectiveness that even bureau chief Ross Swimmer recommends abolishing the agency.

Swimmer told the *Republic* that rather than helping the nation's 291 tribes, "the bureau keeps them poor." The paper reports that of the billions of dollars spent to aid the tribes over the last century, only one dime on the dollar has reached the Indians themselves, while the bureau spends the other 90 cents.

Evidence compiled by the *Republic* in six months of research has so damned the agency that several members of Congress have spoken in favor of eliminating it. They include Arizona Sens. Dennis DeConcini, D, and John McCain, R, and Rep. Mike Synar, D-Okla.

Alliance leaders emphasize that the BIA must be removed if the tribes are to regain self-government. Roger Jourdain, chief of the Red Lake Chippewas, says, "The U.S. government, under the Department of Interior's Bureau of Indian Affairs, has suppressed initiatives of American Indians for self-determination. They have held us down ... Look at the poverty and economic depression on the reservation. It's been the worst under the Reagan Administration."

The administration's stated goals for the Bureau of Indian Affairs are nearly identical to those of the



A statue of Massasoit, friend to the Pilgrims, in front of the Utah state capitol in Salt Lake City

alliance: to encourage the tribes to aspire to self-government and to assume a greater role in federal-Indian relations. But behind the scenes, say alliance leaders, the administration has sought to terminate rather than enhance that relationship.

"Under the guise of deficit spending -- the slimming down of the Bureau of Indian Affairs -- the Indian is getting it on the neck," says Jack Thorpe, principal chief of the Sac and Fox. "They're going after the tribes and trying to get rid of them. I've worked under four administrations and I've never seen anything like what they're doing now," he says.

The administration has reduced budgets for Indian education, health and welfare, instead leaving those responsibilities to the individual tribes. But at the same time, says Thorpe, it has attacked Indian economic development schemes, such as bingo operations and oil and gas revenues.

The *Republic* reports that scores of Indians have lost vehicles, houses, herds and other property despite owning producing oil and gas rights. The BIA has consistently failed to protect Indian oil and gas money and often sides with producers in

fight over funds, the *Republic* says. Their report estimates the BIA has a 53-year backlog of potential oil-theft cases to investigate.

While it is evident the BIA is incapable of running Indian affairs, many question if the tribes are capable. The alliance answers that Indian people have long been capable of democratic self-government, and may have served as a model for the U.S. Constitution.

The group timed its call for Indian independence to coincide with the bicentennial of the Constitution. Last week, as part of the nation's bicentennial celebrations, the alliance and Indian Rights Association sponsored a three-day symposium on Native Americans and the Constitution.

For the event, the alliance gathered evidence that shows the Constitution mimics democratic forms of government in practice among the tribes of the Eastern Seaboard when Europeans first settled the Americas.

Kirke Kickingbird, a Kiowa who is also head of the Institution for Development of Indian Law, recently published *Indians and the U.S. Constitution*, a book that details Indian methods of democracy adopted by the colonialists. Kickingbird says the Grand Council of the Iroquois Confederacy and Creek and Cherokee tribes governed themselves through separation of powers, elected representatives, referendums, recall, woman's suffrage and more.

Kickingbird and other historians say Benjamin Franklin and George Washington had extensive contact with the tribes, saw their governments in action, and often referred to the Iroquois Confederacy as a model for unifying the colonies to form the United States. He adds that the founding fathers even offered the Delaware and Cherokee tribes statehood in 1778 and 1785, respectively.

Alliance leaders also point out that later treaties between the tribes and the federal government were enacted as agreements between separate nations. Kickingbird says, "There's been a pervasive idea that the Indians are savage, that they can't govern themselves, and that treaties gave Indians land and governments." He says the treaties actually mark the lands and rights the tribes gave up. All other rights over their affairs and lands they retained, he says.

The Alliance's claims are supported by Hawaiian Sen. Daniel Inouye, a ranking Democrat and chair of the Senate Select Committee on Indian Affairs. Inouye and his colleagues on the committee have sponsored a concurrent resolution expressing a debt of gratitude to the Iroquois Confederacy and other tribes for their contributions to the founding of the Constitution.

Alan Parker, staff director for the committee, says the resolution acknowledges the modern constitutional status of the tribes, their right to self-government on reservations and the obligation of Congress to honor treaties in good faith. Parker says the committee would also support reform of the Bureau of Indian Affairs.

--Steve Hinchman

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