

# High Country News

March 28, 1988

Vol. 20 No. 6

A Paper for People who Care about the West

One Dollar

Off-road vehicle riders defaced these large-scale figures created by Indians. SEE PHOTO CAPTION ON PAGE 2.



WESLEY HOLDEN

*Off-road vehicles and the public's land*

✓ See page 7

## Dear friends,



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## Third letter

High Country News conducts only one fundraiser a year -- the annual Research Fund drive. However, we do send out three requests for that one drive. The third, and final, request was mailed in mid-March. In theory, that letter will only go to those who did not respond to the first two letters. However, a few among the more than 1,000 subscribers who have already contributed to the 1987-1988 campaign will probably receive a third request. We apologize for that.

## Reduced anxiety

We mentioned in the last issue that HCN's new computers were causing anxiety in the office. The anxiety has faded. Because all of the computer system is not yet in, we've been unable to hook things together. As a result, the new stuff has been pushed aside, while we happily bang away at the keys of our old, familiar equipment.

Not that that old equipment is any joy. Those who pay attention to typography will notice that our Compugraphic 7200 is acting up, squeezing headlines into too small a space. We mention it lest you think your eyes are going.

Although we are going to new computers, we don't intend to "computerize" -- to hand our subscriptions over to some data processing firm. Were we to do that, we would miss out on letters from readers such as Bill Haase, who sent the following note with his address change:

"Ugh! Once again I change my address. I promise this will be the last."

## HOTLINE



Oil shale-rich Piceance Basin, Colorado

## Oil shale bill

A bill prohibiting the Interior Department from selling 270,000 acres of public lands rich in oil shale was recently introduced by Rep. Tim Wirth, D-Colo., and Sen. John Melcher, D-Mont. In a controversial move two years ago, the Interior Department sold 82,000 acres of public land in northwestern Colorado for \$2.50 an acre. Private citizens had held grandfathered claims to the acreage for decades (HCN, 3/2/87). Although the new bill differs slightly from a bill introduced last year by Colo. Rep. Ben Campbell, D, its intent is also to change the oil shale patent system. The more stringent Senate bill

What other publication can extract promises from readers to stay put. Haase says his pledge of permanence is not just to lighten the load on HCN. It is also a result of his moving into a house in Stonington, Conn., built in 1783. Such a house, which he describes as one of the "newer" buildings in the neighborhood, demands commitment from its residents.

## Front page

HCN has gone from "A paper that cares about the West" to the "Conscience of the West," thanks to writer Joe Verrengia of the Rocky Mountain News in Denver. The four-page story, which ran in the News' March 6 Sunday magazine section, included a promo on the front page of the newspaper and a full color photo of HCN's publisher and editor on the front page of the magazine. Inside were photos by Cyrus McCrimmon of our grungy office and of interns and staff cooking up the next issue.

The spread brought in a few dozen subscriptions, as well as a brief bit of notoriety in Paonia. Despite a description of Paonia as a "scruffy mining town," it was well received here. HCN has only a handful of subscribers in its own community, and for many residents the magazine story was the first notice that HCN exists.

## Polk fun award

This HCN actually consists of two issues: the real March 28 issue and a three-page April 1 issue. We mention this in case, after reading pages 13-15, you fear your brain, or ours, is going. None of the April 1 part of the paper, by the way, was paid for by the Research Fund.

--the staff

## FRONT PAGE CAPTION

Off-road vehicle riders in the late 1960s defaced these massive figures created by Indians many years ago. The aerial photograph by Wesley Holden shows two of a group of five figures called the Blythe Intaglios. They were scratched into the ground in what is now southeast California just over the Arizona border, 17 miles north of Blythe, California.

The human figure is 196 feet from head to toe; the quadruped, thought to be a mountain lion, is about 30 feet from head to toe and about 70-80 feet from tail-tip to nose.

The site on Bureau of Land Management land is now considered a cultural resource by the agency, which built the fence about 20 years ago to keep out off-road vehicles. A sixth intaglio, however, was completely destroyed before the fences were erected, says Bernhart Johnson, cultural archaeologist and museum director for the Mojave Tribe in Arizona.

Johnson defines an intaglio as a religious figure created by removing the desert surface, called varnish, to expose the light-colored and compacted sand below. According to Mojave legend, the intaglios date to the time of creation. There are Indians in the area from the Mojave, Hopi and Navajo tribes, Johnson says, but it is believed that the Mojave made the intaglios. He adds that religious ceremonies associated with the intaglios continue today but are closely held secrets.

The Blythe Intaglios though fenced, are accessible to the public by a half-mile long publicly maintained road from a nearby highway.

--the staff

said, "Livestock was managed so as to give native vegetation a chance to grow and stabilize along stream-banks." Duffus was not optimistic about the future, even though the BLM has issued a policy statement endorsing riparian improvements. He pointed out that the agency has substantially reduced the skilled staff necessary to do the job. For a copy of Duffus' testimony, write to Stan Sloss, Subcommittee on National Parks and Public Lands, United States Congress, Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, D.C. 20515-6201. A full GAO report is expected within a month from the U.S. General Accounting Office, Resources, Community, and Economic Development Division, Washington, D.C. 20548.

--Tara Lumpkin

## LETTERS

## NOT A SUPPORTER

Dear HCN,

As one who covers environmental issues, I respect Earth First! for tackling the hard ones. But, as a journalist ethically bound to report all sides fairly, I am not a "supporter" (HCN, 3/14/88). Please convey this distinction to your readers.

Paul Richards  
Boulder, Montana

## WESTERN ROUNDUP

### Park Service alters Fishing Bridge plan

The National Park Service has slightly changed its plans for the Fishing Bridge area in Yellowstone National Park. The change involves the 310-site campground at Fishing Bridge, which was to be replaced by a new one at Weasel Creek, a few miles to the south, to reduce human-grizzly conflicts at Fishing Bridge.

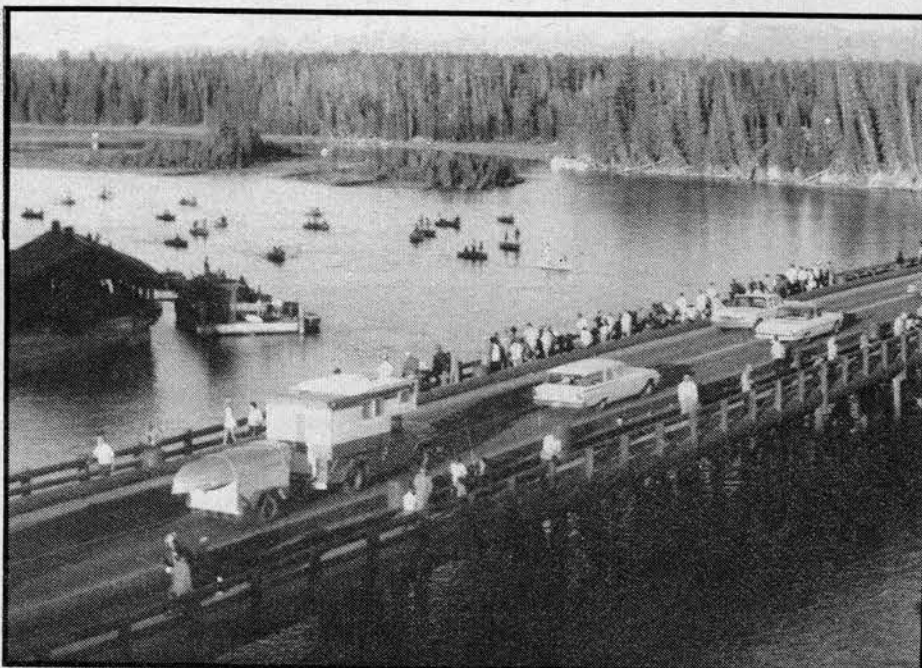
On March 11, the agency announced that it would close the campground as planned, but not build the Weasel Creek campground until all existing campgrounds in Yellowstone were essentially operating at full capacity.

The essence of the Fishing Bridge plan, however, remains unchanged. The modified plan will leave the 310-site recreational vehicle park in place; close the 310-site campground; retain the general store, museum/visitor center, picnic area, and comfort station; remove the employee housing and a service station; and remove the auto repair shop, photo shop, vacant tourist cabin office and storage sheds. In addition, it will continue to study human-grizzly interactions.

Originally, the agency had recommended closing both the RV park and the campgrounds. However, it backed away from that position due to pressure from the Cody business community and the Wyoming congressional delegation. The backing away came in the form of a draft environmental impact statement that would have left the RV park in place, and relocated the campground to Weasel Creek. The March 11 plan kills the Weasel Creek campground for the time being. The final environmental impact statement will be released in April.

Response to the draft EIS, which was released last year, has been heavy. Of 2,905 replies, 49 percent favored removing all facilities from

National Park Service



Fishing from Fishing Bridge about 30 years ago

Fishing Bridge while 33 percent favored the Park Service's plan.

The March 11 modification of the Fishing Bridge plan has not satisfied environmental critics of the agency. Ed Lewis, executive director of the Greater Yellowstone Coalition, called the new proposal "seriously deficient," even though he agreed with the Park Service decision to drop a new Weasel Creek campground.

"All of the scientific studies conducted by the park have demonstrated that all facilities should be removed from Fishing Bridge," Lewis said. "Without the removal of these additional facilities, we can anticipate continued bear-human conflicts."

Lewis said the proposal reflects a political decision to respond to the RV lobby and the Wyoming congressional delegation's call for retention of facilities at Fishing Bridge.

David A. Smith, a former Park Service winterkeeper who lived at Fishing Bridge from 1975 to 1981,

said business interests within the park are also exerting pressure. If the Fishing Bridge facilities are removed, Smith said, TW Recreational Services, the park's concessionaire, would lose \$2.6 million in total sales.

Biologists and other researchers consider Fishing Bridge to be prime grizzly bear habitat. In 1979, under pressure from the U.S. Fish and Wildlife Service, the Park Service agreed to remove commercial facilities at Fishing Bridge. To date, however, opposition from Wyoming business organizations has stalled any reduction in Fishing Bridge services.

The 10th Circuit Court of Appeals is currently considering an appeal by the National Wildlife Federation to force closure of all Fishing Bridge campgrounds. If the courts do not intervene, the Park Service plan announced March 11 will be implemented. Iobst said he is currently

--Paul Richards

## HOTLINE

Stouffer Productions



Whooping cranes

### A killing winter

Whooping cranes were in danger after an outbreak of avian cholera at the Alamosa-Monte Vista National Wildlife Refuge in southern Colorado. Sub-zero temperatures at the Bosque del Apache Refuge in southern New Mexico sent cranes and thousands of other birds north to Colorado in search of food. Sixteen of the world's endangered whooping cranes live along what is called the central flyway, and the region's only female of breeding age was probably among the early migrants, says Steve Brock, assistant manager at the Alamosa wildlife refuge. Finding unusually deep snow by arriving too early, the birds were stressed by being forced to crowd together, and this allowed the cholera epidemic to flourish, Brock says. The disease has already claimed 5,400 waterfowl, including 15 sandhill cranes. Warmer temperatures, however, have cut the daily death rate from 80 per day to 40 per day. Brock says things will stabilize if the area does not get more snow.

### Thinning out

The least populous state in the nation now has an even tighter grip on last place. Wyoming lost 17,000 residents, or 3.4 percent of its people, from 1986 to 1987, and now has 477,000 people. Alaska, the next smallest, had 534,000 residents in 1986. Wyoming peaked at 504,740 in 1985, before beginning to decline, according to the Wyoming Department of Administration and Fiscal Control. The losses hit 21 of Wyoming's 23 counties. Only Teton County, in the Yellowstone area, and Goshen County, along the Nebraska border, gained a few residents. The big loser, in percentage terms, was Sublette County, which has Big Piney and Pinedale, and housed many construction workers from Exxon's LaBarge sour gas project. It dropped from 7,246 in 1986 to 4,941 in 1987. Another substantial loser was Lincoln County, which also shared in the LaBarge Project. Its population went from 18,121 to 14,083. Natrona County, which has Casper, dropped from 67,156 to 65,005. It has been hurt by the decline in oil and gas activity. The pattern of losses is disturbing. School enrollments have stayed steady, while jobs and workers have declined rapidly since 1981, according to the state agency. This, plus a rise in Aid to Families with Dependent Children, indicates that wage earners may be leaving the state, leaving behind single mothers with children.

## Missoula, aka Cannes West, hosts festival

When April rolls into Missoula, Mont., it marks the arrival of three events: excellent spring skiing, wood ticks and the International Wildlife Film Festival.

Now in its eleventh year, the festival has caught the eye of the international conservation community and made this town of almost 60,000 the Cannes of international wildlife filmmakers. The festival now attracts several thousand wildlife buffs from all over the U.S. and Canada, and occasionally a few from overseas. Last year, its week-long run featured 65 films and videos.

From his cramped office at the University of Montana campus, festival founder Charles Jonkel muses over the geographical irony of the festival: The event seems to be better recognized outside of Missoula than locally.

"People all over the world know the film festival is good. They know it in Australia, Britain and in New York. We've got the world recognition, we just haven't had it locally," says Jonkel.

But local attitudes may be changing. Last year, downtown Missoula merchants looking to improve tour-

ism sponsored several festival events. They would like to lure the whole production away from its present home at the University of Montana. Nationally, the festival's stock is also rising. According to Jonkel, some Washington, D.C.-based conservationists would like to bring the festival to that town. For now, however, Jonkel has little time to ponder the festival's celebrity status. It's mid-March and he and his scurrying volunteers have only a few weeks to tie up loose ends for this year's events.

Next to Jonkel's office, volunteers have stacked plaster casts of grizzly tracks. They are sold to raise money for the festival, which last year cost \$50,000. On a table next to the casts sits a stack of brightly-colored posters, each one depicting some wildlife-related scene and drawn by children. They are entries in one of this year's events -- a children's wildlife art contest.

While films are the festival's main attractions, there will also be a packed agenda of seminars, workshops and featured speakers. Emphasis this year will be on the ethics of wildlife filmmaking. A film compe-

tion featuring Native American films and filmmakers is also on tap.

Featured speakers include: Peter Steinhart, a past festival favorite who teaches at Stanford and writes for Audubon and other conservation publications; Jeffrey Boswall, a key international figure in wildlife films and formerly a fixture at the British Broadcasting Corp.; and Bob Landis, a Billings, Mont., filmmaker with a resume that includes the BBC, NOVA and National Geographic.

Jonkel says he started the film festival because he saw the public being fed a steady diet of films that depicted wildlife in an unrealistic light. A zoologist and bear researcher, Jonkel has lent his considerable energies to innumerable wildlife and wildland causes for years. Jonkel says one of the greatest tools people have for preserving the environment is education. Honesty in wildlife films, he says, is an integral part of that education.

This year's festival runs April 4-10. For more information, contact: International Wildlife Film Festival, School of Forestry, University of Montana 59812 (406/243-4493).

--Bruce Farling

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# Exxon tangles with Wyoming over taxes

Southwestern Wyoming should be booming. Exxon USA's giant LaBarge gas fields and processing plants are operating at well beyond design capacity, producing over 500 million cubic feet of natural gas a day. The \$1.5 billion project employs 170 people, with another 250 working at contract jobs. In 1987 alone, Exxon spent \$37 million on goods and services from Wyoming.

Moreover, because of Wyoming's experience with booms in the 1970s, the three affected counties should have avoided the adverse impacts of boom and bust. In 1983, the counties upgraded schools, roads, fire protection districts and municipal services. They were getting ready for the construction boom and permanent workforce to follow.

But something has gone awry. Although the plant is pumping methane, carbon dioxide, hydrogen sulfide and helium into a web of pipelines and storage tanks, it is not pumping the expected taxes into Sublette, Sweetwater and Lincoln counties or to the state of Wyoming.

The state, already hard-hit by the long decline in oil and gas prices and exploration, is further strapped without the taxes it expected from the LaBarge project. But the three counties are even worse off. They say they don't have money to pay school bonds now coming due from construction in 1983. In Sublette County, those debts add up to \$16.6 million. County school superintendent Dwight Parrish says the schools are also suffering severe budget shortfalls. In the private sector, he says, bank foreclosures are increasing.

Exxon's taxes are the subject of intense debate in Wyoming. An energy project is taxed in a variety of ways -- property taxes, employee taxes, and taxes on the purchase of equipment and services. But the real wealth comes from royalty and severance taxes levied by the state and ad valorem (in lieu of property) taxes levied by the counties. Those taxes take a percentage of the dollar value of the gas at the wellhead. In most cases, royalty, severance and ad valorem taxes make energy projects extremely lucrative for local and state governments.

But in this case, Exxon says the low quality of the gas and a weak market have reduced the value of LaBarge gas at the wellhead to zero. Wyoming officials disagree with Exxon's accounting. They say that by the end of this year the firm may owe up to \$15 million in back taxes on gas production.

Much more than \$15 million is at stake. State Sen. John Turner, R-Teton and Sublette, told the Pinedale Roundup that another \$4 to \$5 billion in taxes could be lost over the remaining 50-year life of the plant. Even that figure may be small. Wyoming is immensely rich in mineral and energy wealth. If the accounting principle used by Exxon becomes the rule, state and local governments could lose billions over the next decades.

The dispute centers on Exxon's tax deduction of \$190 million a year beyond normal deductions for processing costs, labor, depreciation and transportation. The \$190 million represents the 15 percent return on investment Exxon says it is entitled to before it should pay taxes. Exxon



The Exxon pipeline south of Big Piney, Wyoming, that carries CO2 from Exxon's LaBarge gas fields

spokesperson Sharon Curran-Wescott says the \$190 million deduction includes recovery of the cost of building the \$1.5 billion plant and a profit element, which is the return Exxon says it needs to make the project worthwhile.

The "profit deduction" has infuriated Wyoming leaders; they say the only other state to allow a return on investment is Texas, and it allows only six percent. Turner, who is also president of the state Senate, says Exxon "is asking the people of Wyoming to accept its business risk and then has the gall to tell (us) the gas has a negative value and therefore they do not owe taxes."

Sublette County attorney John Crow says the deduction asks the county and its school districts "to guarantee Exxon that they won't collect any taxes until Exxon has received the profit it wants."

Exxon, which has paid its other taxes, agrees that it owes some tax on gas production. However, because state tax laws on return on investment deductions are vague, and because the state Department of Revenue and Taxation has yet to tell Exxon what it thinks the taxes are, Curran-Wescott says Exxon has legally been unable to pay anything.

What it should pay for its first three years of operation is a matter of dispute. Exxon's initial offer of \$5 million (which it wanted to recoup through extra deductions when gas prices rose in the future) was rejected as paltry and a "financial rope trick" by Gov. Mike Sullivan's office and the state Legislature. The company's current offer stands, untaken, at \$10 million. Exxon says it thinks \$6 million of that is taxes owed and \$4 million is a goodwill offer. The state Legislature says the company should pay at least \$15 million.

After negotiations failed, the Legislature passed two bills which now await Gov. Sullivan's signature. The first bill would, beginning this year, prohibit oil and gas companies from claiming the return on invest-

ment deduction from royalty taxes due the state.

The second bill addresses severance taxes owed the state and ad valorem taxes owed the counties. It would put a ceiling of 40 percent on the profit deductions Exxon can take. It also specifically requires the state tax department to tax at least 60 percent of Exxon's profits from gas production, and appropriates money for an interim study of the state's tax formulas for the oil and gas industry.

If Sullivan signs the bills into law, Exxon says it will challenge their constitutionality in court. Curran-Wescott says the legislation interferes with Exxon's ability to get a fair price for its gas. Because the legislature exempts small gas companies from the 40 percent ceiling, Exxon will also claim it is discriminatory.

That could add years of litigation and uncertainty about tax payments, interrupting payment of both future and back taxes to the affected counties.

How did a state accustomed to living off minerals get into such a fix? Officials may have been lulled by Exxon's projections during the permitting process, when it estimated the project would pay \$10 to \$12 million a year in state royalties and another \$10 to \$12 million in state severance and county ad valorem taxes. Those projections, which did not include deductions for depreciation or return on investment, were a "mistake", says Curran-Wescott. The other problem, she says, is that gas prices dropped three times since the early projections were made. If prices had stayed high, she says, there would be more than enough money to go around. The third component may be confusion at the state Department of Revenue and Taxation, which has never been confronted by a negative value of gas at the wellhead because of the return on investment deductions.

The conflict has reopened the old debate in Wyoming over mineral and

energy development. On one side is Exxon, which says everything will be fine if the parties can reach a compromise until gas prices rise again.

More or less in the middle is the Legislature, which is committed to the development of natural resources but is also determined to make it pay. State Sen. Turner says that the Exxon controversy doesn't mean Wyoming should avoid future energy projects. But he does say that projects need more careful study on a case by case basis. He says he is responding in part to state needs and in part to intense local economic distress.

At the other end are those who believe Wyoming is selling its real treasure -- clean air, pristine landscapes, wildlife and agriculture -- for a brief burst of cash. They point to poisoned subdivisions (HCN, 12/7/87), enormous kills of fish due to pipeline breaks, and heavily roaded and timbered forests as some of the costs of energy development.

In this case, they say, Exxon isn't even paying the direct public costs on its operations. Exxon is leaving its neighbors to pay for the needs it creates. For example, Sublette County school district superintendents say now they don't want Exxon to build the second phase of the LaBarge project because their school districts can't afford it. (Exxon has postponed the planned doubling of the project because of low gas prices.)

Wyoming Outdoor Council president John Barlow says that even though Exxon has spent over \$1 billion in the past four years, the economy in Sublette County is worse off than ever. "This is what happens when we as a community or a state decide to sell our long-term assets -- our environment and our mineral resources -- for a short-term boom. Now the boom is gone and we're going to have to live with the bust for a long time. But no one knows where the money went."

--Steve Hinchman, Ed Marston



Monte LaOrange, Post-Register

At a recent Idaho wilderness hearing, front row from left: Gov. Cecil Andrus, Sen. James McClure, committee staffer Beth Norcross, Sen. Steve Symms

## Idaho wilderness bill has some give in it

COEUR d'ALENE, Idaho -- Now that Sen. James McClure and Idaho Gov. Cecil Andrus have admitted they need to make changes in their proposed wilderness bill, the question moves to how many changes.

After hearing a sizeable majority of nearly 400 people express opposition to the bill in hearings, the authors now must decide what changes are necessary to get congressional approval. But they vowed not to destroy the delicate balance they tried to achieve in forging their unpopular compromise (HCN 1/2/88).

Andrus and McClure said their proposal was not a "take it or leave it" proposition. But the bill, which proposes the designation of 1.4 million acres as wilderness and another 600,000 acres as special management areas, is not a bargaining starting point, McClure said.

"I don't want people to look at this as if it's the beginning of a grand compromise that will result in millions of acres of wilderness," he said.

People supporting more wilderness overwhelmingly outnumbered those backing less in the three hearings held Mar. 10, 11 and 12 in Idaho Falls, Boise and here. The two biggest obstacles to passage of the bill are the conservation groups and the timber industry.

The timber industry agenda is short. They want "hard release" language that will ensure that the more than 7 million acres of roadless land left out of wilderness will be open to logging without major appeals or court fights.

McClure and Andrus said it is impossible to get congressional approval for language that would meet forest industry needs. The industry's stand on hard release has frustrated McClure since it came to him a year ago and asked him to attempt another wilderness bill. "I would hope in your testimony you would express a willingness to move off a crystallized position or we aren't

going to be able to pass this legislation," said McClure.

Joe Hinson, executive vice president of the Idaho Forest Industry Council, said industry decided against supporting the bill because court fights and other legislation on forest planning under consideration by Congress will over-shadow the effects of this legislation.

Conservation opposition is not as simple. They oppose the acreage figure, which is far below their plan to protect 3.9 million acres of wilderness. But they also oppose the special management language designed to allow logging while protecting fish and wildlife habitat. Particularly distasteful to them is the bill's mandate to the Forest Service that it allow a harvest of 40.5 million acres annually in the Bonners Ferry Ranger District. But McClure and Andrus said to remove that language means removing the 45,000-acre Long Canyon area out of the bill.

Conservation groups also oppose language that would negate the effects of a federal court decision in Colorado on water rights. The court said wilderness areas had an implied reserved water right to protect the wild characteristics of the tracts.

The bill says it provides no new implied water rights for these areas and that any rights they have must be recognized in state laws. This is not a major issue for the Forest Service wilderness, which mostly lies at the top of watersheds. But the issue will be important to irrigators when the Bureau of Land Management roadless areas are considered for wilderness since those areas are below most farming areas.

The same language that is hard for environmentalists to swallow will be hard for many senators and congressmen, particularly Sen. Tim Wirth, D-Colo., who has opposed similar water rights language on other Idaho bills. Wilderness legislation has precedent and wording that this bill doesn't follow.

Rep. Larry Craig, R-Idaho, who sat through Boise and Coeur d'Alene hearings, said the bill may not pass. He said Rep. Bruce Vento, D-Minn., who chairs the House Interior Subcommittee on Public Lands and National Parks, expressed opposition due to the small amount of wilderness.

McClure and Andrus will make at least technical changes in the bill. Some likely changes are: boundary adjustments in the Mallard-Larkins and Bear Creek areas where straight lines don't follow ridges and drainages; in the Lime Creek and Smokies special management areas, where they left out language prohibiting logging and roads as agreed and changes in language to keep existing roads from being included in wilderness.

But they could also make substantive changes aimed at bringing more support to the bill. These could range from a minor boundary change in the Lionhead area to allow snowmobilers to use an existing trail, to wilderness additions in central Idaho and deletion of other areas, such as Bear Creek.

But the key to getting congressional support will be dealing with the Bonners Ferry timber mandate and water rights language. At the least, minor changes in both are necessary to keep the bill from wallowing in either the Senate or the House.

The pair could get their bill passed without the timber industry's support. They could even get the bill through without conservation support.

But they cannot get it through without satisfying the concerns of key senators and congressmen. The changes they make in the next few weeks will show how serious they are about getting a wilderness bill in 1988.

--Rocky Barker

## HOTLINE

### Controversial plan

Southwest Montana's Gallatin National Forest released its 600-page, three-volume plan for the 1.7 million acre forest last September and provoked 16 separate appeals from individuals, Crow Indians, conservationists and timber interests. The plan would open nearly 1 million acres of the forest to consideration for oil/gas and mineral leasing and continue the annual timber harvest of 21 million board feet. Conservationists say the plan would irreparably damage wilderness potential, primitive and semi-primitive recreation and roadless wildlife habitat on the forest. An advocacy group called Intermountain Forest Industry Association says the plan does not provide enough timber to keep sawmills open, and that public participation was "illegally denied," a charge that Chuck Tribe of the Forest Service says is "hard to imagine." A Crow Indian group, Crazy Mountain Cultural Preservation Association, has also protested the plan's proposed opening of the Crazy Mountains. The Crow say potential road development and mineral leasing on the mountain would prohibit the practice of their religion. The Forest Service office is preparing a response to the appeals, a process that is expected to take months.

### Idaho road battle

The eight-mile Egin to Hamer road in Idaho's high desert got its final go-ahead Feb. 22 from the Bureau of Land Management. Because the road will block winter migration of up to 3,000 elk, Idaho environmentalists and the Shoshone-Bannock tribes opposed it while two counties lobbied for the road, both locally and in Washington, D.C. (HCN, 2/2/87). Although construction is set for April 1, the Idaho Natural Resources Legal Foundation says it will appeal the BLM's decision to the Interior Department's Board of Land Appeals. But work will begin on the road in any case, says BLM staffer Scott Powers. Only a court injunction or an intercession by Interior Secretary Donald Hodel can stop road construction, he says. The Shoshone-Bannocks have the best chance for a court injunction based on off-reservation treaty hunting rights, but the tribes are split by internal bickering over legal representation. Marvin Osborne, chairman of the tribal council, says the road "serves the narrow interests of a few" in the counties and threatens "the one small area where the elk feel safe and comfortable." Says Osborne, "We have one approved attorney in Washington, D.C., and if we have to we will bring him out here to stop the road."

## BARBS

### How did they manage before?

Al Donohue, chairman of the Montana Tourism Advisory Council, said in a guest column for the Great Falls Tribune:

"Wild animals love to traverse over packed down snowmobile tracks, ... Snowmobiles actually make it possible for the animals to move throughout their habitat just a bit easier."

6-High Country News -- March 28, 1988

# BULLETIN BOARD

## DOWNWIND/DOWNSTREAM

Unseen in the sparkling streams tumbling down from Colorado's peaks is the legacy of more than 100 years of mining for silver, gold and other heavy metals. In a new one-hour film called *Downwind/Downstream*, director Christopher "Toby" McLeod shows us just how pervasive this legacy is and how high the stakes are. McLeod is a California filmmaker whose film, *The Four Corners: A National Sacrifice Area?* won numerous awards. On this project he worked with producer Ed Lewis, director of the Environmental Research Group in Aspen, Colo. There are many familiar faces in the movie which takes us from Leadville to the Gothic Valley, including naturalist Stuart Mace of Castle Creek, artist Pamela Zoline from Telluride, rancher and county commissioner Bob Child of Snowmass, activist Don Bachman of Crested Butte, former Gov. Richard Lamm, and writers Amory and Hunter Lovins of Old Snowmass. One conclusion they reach is that pollution from mining and acid rain threaten the \$50 billion Western tourism industry. Screenings at 7:30 p.m. are coming up soon in Colorado towns and cities, including April 1 in Telluride; April 2 in Crested Butte; April 6 in Grand Junction; April 7 in Aspen, with live music by Dan Fogelberg; April 8 in Carbondale; April 9 in Leadville; April 11 in Pueblo; April 12 in Colorado Springs; April 14 in Boulder; April 15 in Denver, with an introduction by Senator Tim Wirth; April 16 in Boulder; April 18 in Gunnison; April 19 in Montrose; April 21 in Durango; April 22 in Fort Collins. For information about showing locations, call the Sierra Club in Denver at 303/321-8292 or the Colorado Environmental Coalition at 303/837-8701.

## OVERVIEW OF UTAH

Utah is an especially difficult state for an outsider to grasp. In part, that is because it is so "American" that it is unique. The major ethnic group is the 28 percent of the population who identify themselves as of English descent. Hispanics, the state's largest minority by far, are only four percent of the population. Democrats are as rare as ethnic minorities. In 1984, Ronald Reagan took 78 percent of the Utah vote. The state's two major dailies -- the *Deseret News* and the *Salt Lake Tribune* -- could be worse, but they could also be a lot better. Since 1980, *Sunstone* magazine, an alternative voice for the Mormon community, has provided a helpful perspective, but with the 1986 departure of publisher Peggy Fletcher, it appears to be wandering down some obscure path, at least so far as non-Mormon readers are concerned. There is, however, an increasingly useful secular voice: *Utah Holiday* magazine. The content is part glitz, but it also includes several solid articles and perspective pieces each month, as well as fiction and poetry. Subscriptions are \$16.95 from *Utah Holiday*, Box 985, Salt Lake City UT 84110.

## A NATURALIST'S READER

You can find geological marvels such as festooned crossbeds or slickenslides, meet a Gila monster or find cedar shade in a badlands afternoon in *Words from the Land: Encounters with Natural History Writing*, due out April 20. Edited, with interviews and an introductory essay by Stephen Trimble, the book collects and excerpts work from an array of American writers including Edward Abbey, John Hay, Ann Zwinger, David Quammen, Edward Hoagland, Peter Matheissen, John McPhee and Barry Lopez. The natural world is the starting point for their diverse meditations and sometimes startling conclusions: "Wild geese, not angels, are the images of humanity's own highest self. They show us the apogee of our highest potential," writes David Quammen. The natural has such an effect on the writer that, says Barry Lopez, "One imagines in a new landscape ... what is unknown, unique ... a snowy owl sitting motionless on the hips of a muskox." As John Hay puts it: "The seasons turn. Hang on. We are off for another ride."

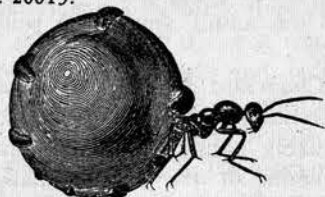
Gibbs Smith/Peregrine Smith Books, P.O. Box 667, Layton, UT 84041, (801/544-9800). Cloth: \$17.95. Photographs. 320 pages.

## GRASSROOTS DIRECTORS WORKSHOP

If you're a director of a Western citizens action group and wouldn't mind learning some new skills and meeting directors from other grassroots organizations, there's a workshop geared for you. It's the Northern Rockies Action Group's 5th annual executive directors' workshop May 22-26 at the B-Bar Ranch just north of Yellowstone Park. The workshop is open to new and experienced directors and focuses on building an organization, managing stress, fundraising techniques, problems of being a director and leadership development. Registration fees will be \$150 for the entire event, or \$50 for the first two days, \$125 for May 23-25, or \$50 for the last two days. Lodging is free. Contact the Northern Rockies Action Group, 9 Placer, Helena, MT 59601 (406/442-6615).

## OIL IN THE ARCTIC

Oil development has transformed Alaska's Prudhoe Bay region into a 250-square-mile industrial complex with significant pollution problems and a history of industry noncompliance, says a 71-page study published by the Natural Resources Defense Council, Trustees for Alaska and the National Wildlife Federation. Called *Oil in the Arctic: The Environmental Record of Oil Development on Alaska's North Slope*, the report says the record of industry conduct ranges from responsible to utterly irresponsible, and includes one conviction on multiple criminal charges. Authors Lisa Speer of the NRDC and Sue Libenson of the trustees note that data gaps in state and federal agency files on pollution are the result of lax enforcement and inadequate monitoring of industry compliance. As the vote nears on opening or permanently closing the coastal portion of the Arctic National Wildlife Refuge to oil and gas exploration, this study assumes a fundamental importance. Copies are available for \$15 from NRDC, Box 37269, Washington, D.C. 20013.



## RED FINGERNAIL POLISH

Did you know that water shrews have fringe on their feet allowing them to run on the surface of water for short distances? Or that a musty streamside smell might mean there's a wet porcupine nearby? Or that a coat of red fingernail polish on your flashlight lens could help you in a hunt for nocturnal mammals? *Rocky Mountain Mammals* offers these tips, plus individual accounts of the 66 mammal species living in the vicinity of Rocky Mountain National Park. Written in non-technical language by David M. Armstrong, the guide is up-to-date with current research, and although it focuses on the mammals of one small area, many of the species are found throughout the southern Rocky Mountains.

Colorado Associated University Press, Box 480, University of Colorado, Boulder, CO 80309. Cloth: \$16.95. Waterproof paper: \$8.95, 224 pages. Color photos; some drawings.

## BETTER AND WORSE

According to a National Wildlife Federation survey on environmental quality, things are getting worse and better at the same time. Each year since 1969, the organization has reported on environmental trends by polling its 4.8 million members. This 20th report notes positive signs, such as the passing of an eight-year extension of the Clean Water Act over President Reagan's veto. Disturbing events include the extinction by pesticide poisoning of the dusky seaside sparrow and capture of the last California condor in the wild for a controversial breeding plan. Ninety-one percent of those responding to the survey said they would rather pay higher taxes than see federal budget deficits reduced by cutting programs to end pollution. For more information on the "EQ" Index, write National Wildlife Federation, 1412 16th St. NW, Washington, D.C. 20036.

## COLORADO PLATEAU WORKSHOP

A weekend workshop celebrating the magic of the Colorado Plateau around Moab, Utah, is planned for April 22-24 by the Canyonlands Natural History Association. The 13th Annual Canyon Country weekend is a series of four lectures and concludes with a slide show. Northern Arizona University professor Larry Agenbroad will talk about sloths, mammoths, scrub ox and mountain goats in the ice age; Brigham Young University professor Paul Cox will talk about medicinal plants; Steven Carothers will talk about wildlife biology of the Colorado River; and author Polly Schaafsma will talk about the subject of her book, *Indian Rock Art of the Southwest*. The slide show of work by nature photographers Bruce Hucko and Tom Till includes narration by Terry Tempest Williams. Contact the Canyonlands Natural History Association, 125 W. 200 S., Moab, UT 84532 (801/259-6003).

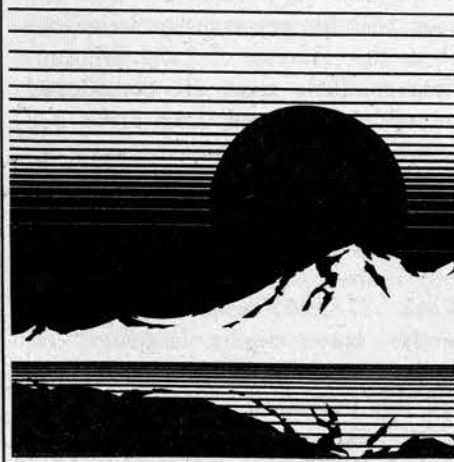
## TO LEASE OR NOT TO LEASE

Acting under court order from U.S. District Court Judge Ewing Kerr to begin processing its oil and gas leasing applications, the Forest Service has released its environmental assessment for oil, gas and mineral leasing on 977,611 acres of the West Bridger area of Wyoming's Bridger-Teton National Forest. About half the area is already leased to commodity interests. The study area has a moderate to high potential for oil and gas content -- one section, the Riley Ridge area, is estimated to have 20 trillion cubic feet of gas. Alternatives are to close the area to leasing, allowing only present leases to be exploited; open the entire area to leasing, including 687 acres of the Greys River Elk Refuge; and the preferred alternative, to withdraw the elk refuge and 640 acres around Periodic Spring from leasing and open the rest to leasing with additional stipulations to mitigate impacts on wildlife or terrain. Comments are due April 1, but Forest Supervisor Brian Stout said that he will make every effort to include substantive comments received after that date. Write to Brian Stout, Forest Supervisor, Bridger-Teton National Forest, P.O. Box 1888, Jackson WY 83001 (303/733-2752).

## FOREST SERVICE WANTS YOU

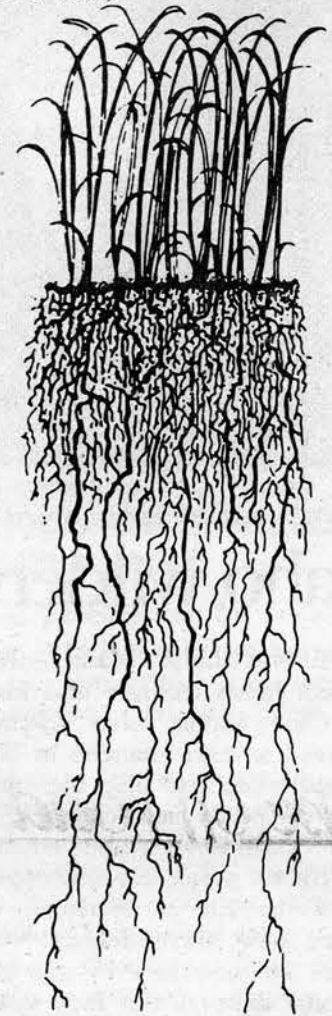
The Forest Service is looking for a few good volunteers. A free 72-page *Volunteer Opportunities 1988* directory lists hundreds of jobs for all levels of skill in Utah, Wyoming, Nevada and Idaho. The agency says volunteers are essential; last year, 17,000 people contributed work valued at nearly \$4 million. The positions are unpaid but frequently housing and travel expenses are provided, and although most positions start in June and end in September, some year-round positions are available. Jobs range from isolated backcountry work to three months of watching for fires, working with computers and files in a regional office or acting as a campground host. Many of the jobs are physical, most are outdoors, some require specialized manual skills and some develop skills. The directory of jobs in the intermountain region is available from the Regional Volunteer Coordinator, USDA-Forest Service, 324 25th St., Ogden, UT 84401 (801/625-5175).

## Volunteer Opportunities 1988



## MINING LAW CONFERENCE

The University of Montana's Public Land Law Review hosts its 10th annual Public Law Conference in Missoula, April 8, focusing on mining law reform. Speakers include Sen. John Melcher, D-Mont., Professor John Leshey from Arizona State University's College of Law, and Greg Langley, director of the Montana Mining Association in Helena. Topics include wilderness legislation, the status of mining claims and development under the federal law, oil and gas development on federal lands, and the drafting of royalty agreements. The conference is \$75 for attorneys and \$35 for those who are not; at-the-door registration is \$85 and \$40 respectively, at the Village Red Lion Inn. For more information contact the Public Land Law Review, University of Montana School of Law, Missoula, MT 59812 (406/243-6568).



## UNDER A WIDE KANSAS SKY

An ocean of grass under a wide Kansas sky, hissing like the surf and taller than a man on horseback, is the subject of *Konza Prairie: A Tallgrass Natural History*. Author O.J. Reichman is a biologist at Kansas State University, which administers the 8,600-acre remnant of prairie that once covered 400,000 square miles of American plains. Reichman examines the inner workings of the tallgrass ecosystem by focusing on the Konza Prairie and what takes place on a small scale "within patches hidden under the canopy of grass." Konza Prairie is owned by the Nature Conservancy and leased to the university. The largest prairie reserve in the country, Konza is not open to the public.

University of Kansas Press, 329 Carruth, Lawrence, KS 66045 (913/864-4154). Cloth: \$17.95. 238 pages. Illustrated with 18 color photos, 47 line drawings and two maps by Teri Miller.

## SKI RESORT PLANNED

Colorado may have more and bigger ski resorts than the rest of the country but that has not deterred Lake Catamount Joint Ventures from proposing a new ski area seven miles south of Steamboat Springs in northwest Colorado. The company, based in Colorado and Texas, recently hired nine consulting firms from different parts of the country to submit draft technical reports on the proposed resort to the Routt National Forest. The reports examine economic potential for the area and cultural, social and other impacts the 2,820-acre resort would have on the environment. The Lake Catamount ski proposal includes 6,600 acres of Forest Service land plans 16 lifts, a gondola and ski runs. A draft environmental impact statement is scheduled for completion this summer. For more information write Forest Supervisor, Routt National Forest, 29587 West U.S. 40, Suite 20, Steamboat Springs, CO 80487.

3-D Photography



ORV racer near Phoenix, Arizona

## The off-road vehicle controversy:

# Where rubber hits the environment

by Carol Ann Bassett

**T**UCSON, Ariz. -- In a small office at Desert Kawasaki, beyond the rows of red and green all-terrain vehicles, store manager Jeff Jones angrily scoops through a trash basket. Soon he produces a crumpled advisory from Kawasaki Motors Corp., ordering its dealers to immediately halt all marketing and sales of three-wheeled ATVs -- those low-riding buggies with bulbous tires. Jones flattens out the notice, adjusts his wire-rim glasses, and reads it to a visitor.

Jones, himself an off-road enthusiast, is upset that Kawasaki and other manufacturers buckled to pressure from the federal government, agreeing in December to stop producing three-wheeled ATVs because of widespread safety concerns. He is also angry that the Kawasaki advisory arrived a couple days after the deadline to halt such sales. And he says that for the past year, ATV purchases in Pima County have dropped 41 percent.

"It's from negative press," says Jones, explaining the decline in business. "Small children being prodded by their parents and tipping over on large four-wheelers with no safety equipment on in front of T.V. audiences."

The agreement between manufacturers and the Consumer Product Safety Commission to withdraw

three-wheelers from the market comes as the latest blow to Tucson's off-road community -- from a city ban in March, to a county ban in November, to a state bill that passed the Arizona Senate last month -- all designed to regulate the growing number of off-road vehicles throughout the state and to protect the environment from harm.

It all began about a year ago, when angry homeowners deluged City Hall with complaints about dust, damage to the terrain and the constant rumbling of engines in the arroyos behind their homes. The letters went something like this:

•"They are very young children that are riding around on these vehicles ... They are roaring around like little demons and creating a good deal of dust."

•"This practice is damaging to plants and wildlife... (It) interferes with other forms of recreation and offends the aesthetic values which desert dwellers treasure."

As the complaints mounted, the council began considering what to do about the problem. "We kept hearing from citizens who were very unhappy listening to these things and about the dust they raised," said Tucson city councilman George Miller. "Some off-roaders were even riding through people's back yards." One homeowner who tried to stop two ATV riders from cutting across his land was attacked by the youths,

who broke his nose, a cheekbone and two of his ribs. The community was outraged.

At a series of public hearings to consider an outright ban on the vehicles within the city limits, angry off-roaders vowed to "fight tooth and nail against being driven out" and warned Tucson not to become "a Gestapo society." But on March 23, in what some described as a compromise, the council voted to ban any motorized vehicle off the road within one-quarter mile of any structure, which includes most of the city.

**A**t issue in southern Arizona and elsewhere is a continuing debate over what to do about a form of recreation that is growing so rapidly officials feel helpless.

First, there is the "public nuisance" aspect of off-road vehicles as urban areas sprawl farther into the surrounding desert. Officials estimate there are about 100,000 ATVs in Tucson alone. Nationally, the figure is estimated at 2.5 million.

Second, there are safety concerns about three and four-wheelers. In the past five years, more than 900 people, many of them children, have been killed riding ATVs in the United States. Nearly 7,000 injuries are reported each month.

Finally, there are widespread environmental concerns. Studies

have shown that off-road vehicles cause severe damage to the environment, destroying vegetation and wildlife habitats, compacting the soil, and causing erosion.

Despite national media attention that has focused primarily on safety issues, the Tucson city ordinance was passed as a result of noise and environmental destruction. "It was those two things that people were complaining about," said councilman Miller. "People weren't worried that off-roaders were out there trying to kill themselves."

Concern about environmental damage began in 1972, with an executive order from President Richard Nixon (and a second one from President Jimmy Carter), instructing federal agencies to regulate the use of ATVs on land they control. The Bureau of Land Management and the Forest Service were directed to adopt policies designed to protect public resources, promote safety among ORV users and to avoid conflicts among other users. But by 1979, the U.S. Council on Environmental Quality warned that off-road vehicles continued to have serious impacts on the land. In a special report on off-road vehicles, the CEQ stated:

"ORVs have damaged every kind of ecosystem found in the United States: sand dunes covered with American beach grass on Cape Cod;

(Continued on page 8)

## Controversy...

(Continued from page 7)

pine and cypress woodlands in Florida; hardwood forests in Indiana; prairie grasslands in Montana; chaparral and sagebrush hills in Arizona; alpine meadows in Colorado; conifer forests in Washington; arctic tundra in Alaska. In some cases, the wounds will heal naturally; in others they will not, at least for millennia."

That holds true especially for the fragile fossil soils of the desert. A recent study in the California desert revealed that the rate of erosion and soil loss caused by ATVs was 2,000 times greater than what the soil could tolerate and still support vegetation.

In arroyos, which many biologists consider "the cradle of life" in the desert, the treads of ATVs also destroy countless animal habitats -- the burrows of packrats, ground squirrels and lizards, as well as forage and cover for deer, javelina, coyotes, and other desert creatures. In Arizona's Pima County, Supervisor David Yetman said that was a major factor in the county's decision to ban ATVs from all publicly-owned washes and on all privately-owned land without written permission from the landowner.

"People would send us pictures showing the erosion," said Yetman. "What was clear was that a lot of the vegetation was being trampled. The erosion that occurred on banks and hillsides started gullies, which are hell on plant life, and therefore on wildlife habitat."

**T**rampling of the land was also becoming more and more apparent to officials in Arizona's national forests, who say the number of ATVs on forest land has "increased dramatically." Lee Poague of the Coronado National Forest said land damage from ATVs led to the recent closure of a sensitive area in the Huachuca Mountains southeast of Tucson. "It was primarily three-wheelers," said Poague. "A lot of them were unlicensed drivers -- youngsters -- and they were just ripping the area to pieces." Under a new management plan, off-road travel is now restricted to designated trails throughout the Coronado National Forest.

Under the state Wildlife Habitat Protection law, the Arizona Game and Fish Department is authorized to regulate ATVs on public lands when their use is damaging to wildlife and its habitat. Since the law was enacted in 1972, however, the state legislature has never appropriated any funding to enforce the law. That presents a real dilemma for wildlife managers, who say the potential impacts of ATVs are disastrous for wildlife.

In 1986, the agency issued a report outlining just how severe the damage could be throughout the state. The report predicted the destruction of elk, bear and turkey habitats, abandonment of certain nesting areas for birds, destruction of aquatic life, and pollution from noise, dust, oil, gas, and litter. Off-road vehicles, the report said, cause a cycle of events that is often irreversible.

"The greatest damage off-road



Multiple ORV tracks in Wyoming

vehicles do is compact the soil," said Mark Dimmitt, curator of plants at the Arizona-Sonora Desert Museum. "In susceptible soils, like those in arid lands, it prevents air and water penetration, which impairs the plants. Anytime you damage a plant, you affect the health of an animal. It goes all the way down the food chain."

Even the noise of off-road vehicles has a negative impact on wildlife. Studies have shown that the screaming engines can rupture the eardrums of desert kangaroo rats, causing disorientation and making them vulnerable to predators.

Similarly, Couch's spadefoot toad mistakes the rumbling of off-road vehicles for thunderclaps, emerging from its burrow to breed in rain pools. With no rain, however, the toads either turn into desert prunes or are smashed by passing vehicles.

Endangered and threatened plants and animals also are at risk. In California's western Mojave Desert, off-roaders have contributed to a 10-60 percent decline in desert tortoise populations, according to Kristen Berry, a BLM wildlife biologist who studies the effects of ATVs on the tortoise.

One problem, said Berry, is that ATVs open up areas of the desert

that once were isolated. "With the off-roaders come vandals," she said. "What we are seeing now at one of our test plots is that up to 50 percent of the (desert tortoise) deaths are from gunshots."

**H**erb Drinkwater became aware of the environmental impact of ATVs 10 years ago. As a Scottsdale city councilman, he helped pass an ordinance banning any motorized vehicle from driving off the road on private land unless the rider had written permission from the landowner. It was a bold move, the first of its kind in Arizona. The ordinance included the confiscation of off-road vehicles on the spot.

"We took a lot of heat when we did it," said Drinkwater, who is now mayor of Scottsdale. "People who used off-road vehicles talked about family fun and keeping the family together and said we were against families."

As a result of the ordinance, said Drinkwater, "Our desert has improved a tremendous amount from what it used to be in certain areas. If you go up Scottsdale Road where the east side is in Scottsdale and the west side is in Phoenix, Scottsdale will have none or very few (ATVs) in

the desert, whereas Phoenix will have thousands, and our desert's starting to revegetate itself. It works, and I'm trying to get Mayor (Terry) Goddard (of Phoenix) to do the same thing."

Under former Gov. Bruce Babbitt, Drinkwater served as head of the Governor's Task Force on Recreation on Public Lands, establishing guidelines on how to make federal lands accessible to the growing recreation needs of the state, while at the same time studying ways to protect the land.

"It ended up being a pretty strong opinion of the entire committee that off-road vehicles needed to be regulated and that they should not be allowed to tear up the desert and the forest," he said. "Wherever they go, they make ruts in roads, and then the water comes along and it erodes the soil and trees fall down. Some areas in northern Arizona have been completely ruined. Beautiful meadows are now big mud piles."

Many of the task force's recommendations are now being considered in Senate Bill 1048, which proposes a comprehensive approach to regulating off-road vehicle use in the state. The bill's provisions include a requirement that all ATV drivers pay registration fees and



## New ATV agreement

The Consumer Product Safety Commission has reached a new settlement with five manufacturers of three-wheel all-terrain vehicles, according to AP. The settlement continues an earlier order that halts vehicle sales. It also creates an \$8 million ad campaign to warn compounded for up to 48 hours, until a sets age limitations upon purchasers of four-wheel ATVs. More than 900 people have been killed and 300,000 have required hospitalization from three-wheel ATV accidents in the last five years, according to commission figures.

3-D Photography



display a permanent registration decal and annual use permit; a requirement that all drivers and passengers under age 18 wear helmets when riding off the highway; a requirement that all drivers under 18 complete a safety course; a plan to establish fines of up to \$300; and the creation of a fund to develop ATV recreation sites, and to pay for restoring land that has been damaged by the vehicles.

Since the Tucson ordinance was enforced, 287 citations have been issued, according to Sgt. Gary Okray, head of the Off-Road Enforcement Unit of the Tucson Police Department. A provision of the ordinance calls for vehicles to be confiscated and impounded for up to 48 hours until a hearing officer can hear the case. The fine is \$50 for the first offense, \$100 for the second. An additional \$30 is required for towing and storage fees. So far, the city has never lost a case.

Ironically, most citations were for pickup trucks and regularly licensed 4-wheel-drive vehicles. In January alone, said Okray, 76 percent of the citations were for cars or trucks. That caused a good deal of consternation among offenders, who argued that they didn't understand the law.

When off-roaders are cited, Okray said nearby homeowners often come out to congratulate the officers. "The people who live in the area will come up to the officers and say they really appreciate the fact that something is being done about the noise and the dust pollution."

Surprisingly, some off-roaders believe the city ban has a positive side to it, quelling the "outlaw" image they claim has been unfairly bestowed on them. "The Tucson ordinance was probably a good thing for everybody concerned," said Jones, the Tucson Kawasaki dealer. "It's gonna keep Ma and Pa Kettle from calling up their city councilman and complaining that ATVs are horrible and motorcycles are worse. We're not at all interested in offending the neighbors and are interested in controlling the people who do."

Jones, whose salesmen encourage the use of helmets and safety equipment, added, "It's not our goal to open up wilderness parks, but in places where there's already been unrestricted off-road vehicle use, and places closer to town that are going to be developed as housing tracts and shopping centers, there's really no good reason to stop the kids from going there and curtailing an excellent recreation source -- and an excellent outlet for their aggression and dollars."

Chris Adamen is president of Off Road Riders Association in Tucson, a group of about 150 off-road buffs that formed as a reaction to the city ordinance. Like Jones, Adamen thinks off-roaders have gotten a bad rap and have been stereotyped the same way motorcycle riders were lumped together with the Hell's Angels in the 1960s. He blames the noise, dust and harm to the environment on "a few jerks." He also blames the large number of ATV-related injuries on uneducated drivers, claiming more people are harmed playing softball than riding ATVs.

*Some off-roaders believe the ban on ATVs has a positive side.*

*"It's gonna keep Ma and Pa Kettle from calling up their city councilman and complaining that ATVs are horrible and motorcycles are worse."*

With less and less land available to off-roaders in the county, many are turning to other forms of recreation. "A lot of people are saying, 'The heck with it,' and they're selling their off-road vehicles," said Adamen. "They're going into boats and jet skis.

"What we've run into is, we've got a city ordinance, we've got a county ordinance, and if the state comes through and writes their own ordinance, that's gonna be different. It's just a slow type of deal where they're pushing us out totally."

□

Carol Ann Bassett is a Tucson freelance writer and co-director of Desert West News, an independent news agency for print and broadcast journalism.

## ORVers are becoming a very savvy group

by Dan Dagget

Groups battling off-road vehicle drivers for access to public lands have long enjoyed an advantage over their less organized, less politically savvy opponents. Off-roaders have struggled for years against an image of the hot-headed, rip 'em up biker.

Often ill informed and combative, motorbike enthusiasts were usually less effective than other interest groups at public meetings on wilderness proposals or land management plans. Sometimes they achieved little more than putting themselves on bad terms with bureaucrats who had given up an evening with the family to subject themselves to "public input."

But no more. To the dismay of those who think off-road vehicles are the worst thing to hit the American outback, today's ORV advocates are much more likely to swim than sink in the sea of government regulations eddying about their sport.

Taking a lesson from environmentalists, these activists are proving themselves adept at handling the maze of proposed management plans from public land agencies.

"They found out that just being mad didn't work," says Rudy Lukez of the Utah chapter of the Sierra Club. "We learned that we either had to change our tactics or lose our sport," says Dale Brown, a dirt-biker from Flagstaff, Ariz.

So off-roaders have gotten more organized, and their tactics included founding a national organization that publishes a newspaper. They are also trying to change the names of their machines from off-road to off-highway vehicles.

"We consider ourselves environmentalists," says Phil Auernheimer, president of the Arizona Desert Racing Association in Mesa, Ariz. He says his group doesn't hold any free-for-all races such as the one that annually roars across the desert between Barstow, Calif., and Las Vegas, Nev. Arizona desert racers run one at a time over a set course, competing against the clock.

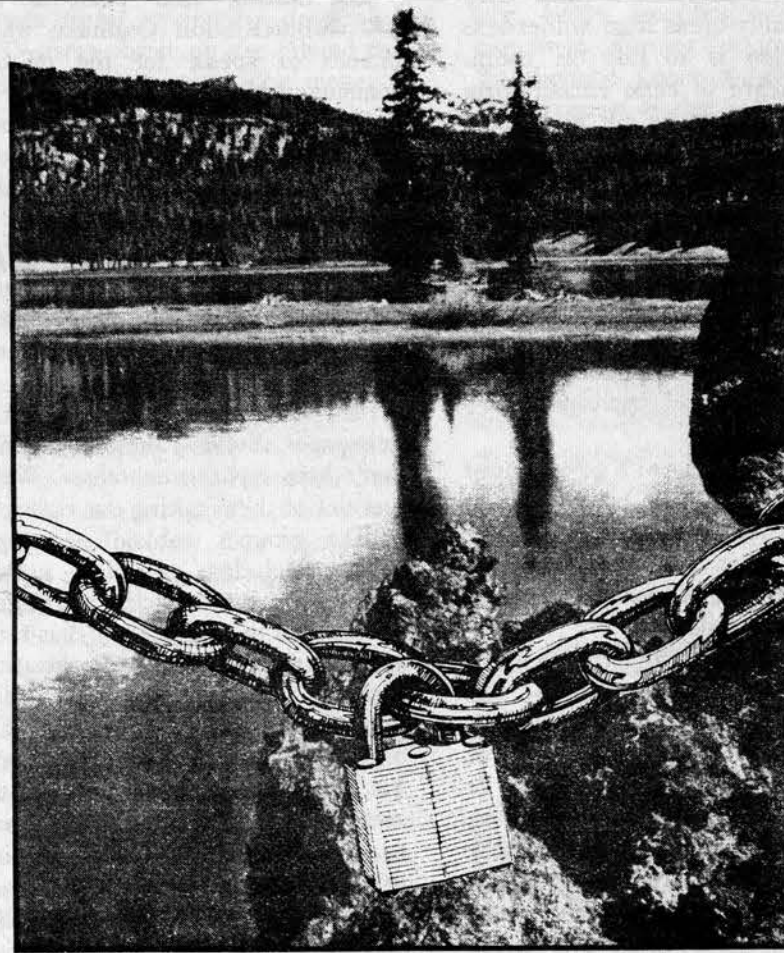
Auernheimer says his organization makes every effort to insure that environmental impacts from their events are minimal. Racers are

routinely disqualified for too-loud mufflers, driving off a race course or littering. "If they can't handle the rules, we tell them maybe they're at the wrong event," he says. After a race his groups works to reclaim the

course. "We even go back and fix up the trails we use in Mexico."

ORV activists like Aurenheimer regularly volunteer for Forest Service

(Continued on page 10)



## DON'T BE LOCKED OUT

The Wilderness Issue has been used by the so-called environmentalists to virtually "lock us out" of many areas that were once open to motorized recreational vehicles. Snowmobilers, trailbikers, power boaters, hunters and others have formed the *BlueRibbon Coalition* to protect our rights against these "land grabbers."

By joining the *BlueRibbon Coalition* you can help stem the tide and return our country to a sensible policy of multiple use of our public lands.

As a member you will receive *BlueRibbon magazine* to keep you up-to-date on the issues. In addition, *BlueRibbon magazine* will feature a Calendar and coverage of off-road vehicle events throughout the West.

A house ad for the *BlueRibbon Coalition* from its Feb. 1988

newspaper. The group is based in Idaho Falls, Idaho.

## ORV groups...

(Continued from page 9)

cleanups and help erect signs around sensitive areas to keep vehicles out. "We are very much in favor of preserving the best," he says. "We just don't want to preserve everything."

In the case of wilderness study areas, some ORV advocates say environmentalists go too far in interpreting what should be preserved. Tim Ross, vice president of the Arizona Association of Four Wheel Drive Clubs, says, "They're trying to close off areas where we've been riding for years." By law, no motorized transportation is permitted in designated wilderness.

If all areas were knocked out of consideration for wilderness because off-road vehicles have been driven through them, says Joni Bosh, southwest regional vice-president for the Sierra Club, only mountain tops and cliff tops would qualify. "The tendency of off-roaders ... to go where no man has gone before has made it so their tracks are almost everywhere."

Rudy Luke charges that one way ORV drivers in Arizona think they can disqualify areas from wilderness consideration is to ride on them. "We've heard of clubs encouraging their members to go out and make tracks in roadless areas so they can object when those areas come up for wilderness consideration," he says.

But Aurenheimer and Ross maintain that their concern for the environment is more than just a ploy to disarm opposition and to avoid being closed out of public lands. Some federal land managers are willing to agree.

"I think working with government agencies is proving to be a learning experience for them -- at least some of them," says Lloyd Barnett, planner for the Coconino National Forest in Flagstaff.

According to Barnett, when a plan was announced to close 53,000 acres of a popular riding area on cinder covered forest land east of Flagstaff, there was an uproar. It was mostly just a lot of yelling at first, he said, and there was one guy in particular who Barnett noticed was yelling the loudest. "He was saying that we were making up this whole issue, that no one had any good reason to exclude vehicles from the cinder hills. I gave him a whole stack of letters to take home and read from people who supported the closure," Barnett says. "He came back a lot more respectful of the other side."

As a result of similar learning experiences, ORV riders have even found themselves unlikely bedfellows of environmentalists, and the two interest groups can even begin to sound alike.

Timber cuts and road building are examples of activities that inspire their common anger. "There's getting to be just too many roads out in the forest," says John Robinson, owner of a Flagstaff ORV dealership. "No matter where you go you just can't get away from them." Robinson says the outdoor experience is also sullied by aqueducts built for the Central Arizona Project.

Jeff Coker, a Flagstaff judge who rides a dirt bike and who helped put together a local land management

*A columnist for Off-Road Magazine writes:*

*"The Sierra Club hates you,  
hates your four-wheel-drive trucks,  
hates your bikes...  
If freedom dies here, you're next in line."*

plan, says, "We love the woods the way it is, too. We just want to be able to ride through it." Coker says the dispute between off-road vehicle users and the people who call themselves preservationists is really a competition between user groups -- not a dispute over impacts.

A rapidly growing organization making that point is the BlueRibbon Coalition, which intends to speak for the off-road community of ATVs, snowmobilers, trailhikers, power boaters and hunters. In each issue of its 16-page monthly newspaper, the coalition makes it clear that "multiple use" of public land means making room for motorized vehicles. Their motto is: "Preserving our natural resources FOR the public, not FROM the public."

The editor of the BlueRibbon newspaper, Steve Janes, says: "We don't hate environmentalists. We're just sick of them taking our rights."

The group's tabloid newspaper usually includes editorials against wilderness. But articles suggesting good places to ride are not illustrated with the mud-splattering, vegetation-churning photos common to slick magazines sold on newsstands. The message, however, seems the same: You can ride and not ruin, and the time to organize politically is now because the goal of environmentalists "is the total elimination of motorized recreation," says BlueRibbon Coalition president Clark Collins.

Damage done by riding on hillsides and off trails on fragile land is dismissed, and the newspaper denies that any area used heavily by all-terrain vehicles quickly becomes their private preserve by default. Complaints about noise, fumes and dust are branded as irrelevant because "elitist" environmentalists are the source. Damage that does occur can be fixed, the newspaper concludes.

"We wouldn't need any regulation if people would just act responsibly," says four-wheeler Ross. Like many in the ORV community, he believes that education is the key. Manufacturers such as Honda and Yamaha have also taken up education as a remedy for the sport's bad image, Ross says. "They now employ representatives whose job it is to spread the word that responsible riding is safer and less controversial too."

The racing association's Aurenheimer disagrees. "The only way to handle the 'jerk factor' in our sport is law enforcement," he says.

But Joni Bosh of the Sierra Club points out that regulation has also created problems. California's Green Sticker program, which registers ATVs and uses the money raised to mitigate their impacts, has served as a model for other programs throughout the country. But environmental support is no longer strong, says Bosh. "It's created a monster."

According to Bern Shanks, an environmental assistant to former Arizona Gov. Bruce Babbitt, the Green Sticker program has become a rallying point for off-roaders. Shanks, who now directs California Studies at California State University, says, "They contend that because the money comes from them they should get to say how it is spent." Shanks says California groups are pressing hard for "Ride Parks" for their exclusive use.

In Idaho, the home of the Blue-Ribbon Coalition, off-road activists managed to affect the drafting of the proposed wilderness bill by winning an area that is open exclusively for ORVs.

Successes like these may be a harbinger of things to come as the ORV community continues to organize politically. In the May 1987 issue of *Off-Road Magazine*, a Los Angeles publication, columnist Rich Sieman called for a new kind of activism to fight the "paid professionals" of environmental groups. "The Sierra Club hates you, hates your four-wheel-drive trucks, hates your bikes ... If freedom dies here, you're next in line."

Dan Dagget is a freelance writer in Flagstaff, Arizona. This and an accompanying article were paid for by the High Country News Research Fund.

3-D Photography



Racing in Arizona

# ORVs are a major threat to wilderness designation

by Dan Dagget

**C**all them what you will -- dirt bikes or all-terrain vehicles -- "I can't think of anything else that humans do on public lands that has the potential to cause so much damage," says Rudi Lukez of the Utah Chapter of the Sierra Club.

William Civish, the bureau of Land Management's chief of recreation and cultural resources, disagrees. He describes impacts from off-road drivers as "often more perceptual than actual."

Whoever is right, there are certainly controversies in each Western state about where off-road riders belong. Some observers call it the modern equivalent of a "range war." Examples follow.

## MONTANA

"They're basically saying, 'no more wilderness,' and the tactic is working in a number of areas where conflicts are minimal but wilderness values are high," says Michael Scott, of the Wilderness Society.

Some places that see only a dozen trips a year are falsely represented as high-use areas and knocked from wilderness consideration, Scott says, and the tactic works in places where ORV use is illegal. According to Scott, federal land managers encouraged ORV use in wilderness study areas such as the Gallatin Range and Nevada Mountain near Helena, even though that later created conflicts which may disqualify those areas from federal protection.

It is working, too, in areas where environmentalists contend that ORV conflicts are nothing more than a stand-in for commodity interests or a smokescreen for a reluctant legislator's anti-wilderness bias. Along the Rocky Mountain Front, on what could be a 315,000-acre addition to the Bob Marshall Wilderness, the wind generally blows snow off the open plains. Still, this area is purported to be popular with snowmobile users, according to Montana Sen. John Melcher. Some environmentalists contend that the conflict here is really with Amoco and Chevron.

In Montana, about 18 to 19 percent of residents cross country ski, says Ed Madej, a wilderness activist and non-motorized recreationist from Helena, while only 16 percent ride snowmobiles.

"Actually, we outnumber snowmobilers by two to one here in the western part of the state where most of the wilderness is." Yet virtually every area that snowmobilers objected to was removed from the Montana Wilderness Bill that recently passed the house, Madej points out. "We lost every area where there was said to be a conflict, even those where the conflict was manufactured."

Those losses cut the Montana proposal back to 1.4 million acres, half of the 2.8 million acres environmentalists originally proposed, and barely more than a fifth of Montana's 6.2 million acres of roadless Forest Service land.

This is just a harbinger of things to come, according to The Wilderness Society's Scott. "They've even started to try to decertify areas that have already received federal protection," he says.

## IDAHO

In Idaho, home of one of the most vocal ORV groups, the BlueRibbon Coalition, (see associated article) anti-wilderness forces have managed to transform a wilderness bill into what environmentalists claim is an outright anti-wilderness bill.

"It got so bad they even had to change the name of it from the Idaho Wilderness Bill to the Idaho National Forest Management Act," says Ed Maugh, a member of the Northern Rockies Chapter of the Sierra Club.

According to Tom Robinson, Intermountain Regional Director for the Wilderness Society, the bill is more a manifesto of the anti-wilderness lobby. "Among a lot of others, it leaves out two of the areas most deserving of wilderness protection in the entire state of Idaho," says Robinson. (See page 5 story.)

One of these, the Smokey Mountains area near Sun Valley, not only has been dropped from consideration, but has also suffered a strange fate for a potential wilderness area. The unit has been designated as an ORV preserve. Under the bill, certain trails within the Smokies would be open only to ORV users and hiking on them would be forbidden. This is the case even though the Smokey Mountain area is, according to Robinson, the last stand of the wolverine, "an animal that isn't known for its ability to withstand a

lot of pressure," in the lower 48 states.

Also suffering at the hands of the Andrus-McClure Bill is the Boulder-White Cloud Mountains area in the Sawtooth National Forest. Four hundred thousand acres of this area were left out of the bill even though ORV riders only accounted for 10 percent of its use. "There was no other opposition to this area," said Robinson. "It had such broad based support that even the mayors of nearby Ketchum and Sun Valley spoke in favor of its protection."

Another issue in Idaho is a proposal to remove a limit on a fund established both to repair the damages from ORVs as well as build and maintain trails for their use. The fund takes 1 percent of the state's gas tax, which is the amount studies show is burned by off-road vehicles. ORV users are trying to remove a cap built into the fund which limits the amount of money it can raise to \$300,000 a year.

According to environmentalists, money from the fund is being used to construct trails in areas that otherwise qualify for wilderness protection. Then, according to Maugh, if one of those areas ever comes up for wilderness designation ORV users object on the ground that something built with their money is being taken.

## WYOMING

In Wyoming, even though off-road vehicles are changing the character of Yellowstone National Park by opening it to winter use, they are not very controversial, says John Naylor, land resources chief in the state BLM office in Cheyenne. But an area in the Killpecker Sand Dunes, in the state's vast south-central Red Desert, has managed to raise a reading on the issue's seismic chart.

According to Dick Randall, a Defenders of Wildlife representative and past president of the Sweetwater County Wildlife Association, the dunes are a unique area of rolling sand hills dotted with small ponds and sparse vegetation. But ORVs have been everywhere, and "almost every hill is scarred," he says. After off-roaders chased elk out of the area, state wildlife managers were forced to restock animals for hunting.

"I ran across one guy who

jumped out of his four-wheel-drive pickup and said he had just got some great photos of one herd out on the desert. He said he only had to chase them about four miles," Randall says.

One of the areas being considered here for possible protection from those impacts is the East Sand Dunes. This BLM wilderness study area is made up of two separate areas, the Sand Dunes and Buffalo Hump, and covers about "a township and a half," says the BLM's Naylor. The area is split by an old railroad bed that provides access for the ORVs. "ATVs are a problem over the whole area, especially where they climb hills and create erosion problems," says Pat Wendi of the Rock Springs BLM office.

A wilderness bill that could include the East Sand Dunes area is not likely before 1990 or 1991 at the earliest, according to Naylor.

In Yellowstone National Park, winter is fast becoming another busy season (HCN, 3/14/88). Fueling the new season for Yellowstone is the growing popularity of snowmobiling. Snowmobile traffic through the Park has exploded from nearly nothing in the 1970s to thousands per day in the late 1980s, according to Ed Lewis, executive director of the Greater Yellowstone Coalition. One of the major causes of that growth, according to Lewis, has been the park's encouragement of it.

"We have to ask ourselves, how appropriate is it to make snowmobiling the predominant use of Yellowstone National Park for several months out of the year," Lewis says. Environmentalists who share his concern point to the effects the new season could have on the park's winter stressed wildlife as well as the precedent it sets as another means of exploiting this and other parks in the system.

That a precedent has already been set is apparent from reports that snowmobilers are trying to expand the Yellowstone phenomenon to nearby Grand Teton National Park.

"We've been approached by the Continental Divide Snowmobile Trail Association with a proposal for a route that would run through Grand Teton up to Yellowstone," says Jim

(Continued on page 12)

Rocky Barker



Snowmobilers ignore an elk crossing the road in Yellowstone National Park

## Major Threat...

(Continued from page 11)

Brady, assistant superintendent for park operations. Brady says the trail would start in Lander, Wyo., and would either go to Flagg Ranch just north of the park through Pinedale and Jackson, or follow a route through Dubois and Togwotee Pass to Jackson Lake and then north. This latter alternative would cross part of the park along a utility line corridor.

"One problem we have with this proposal is accessing 55 miles of trail within the park," says Brady. The trail faces major obstacles in gaining access to park land, he says, "but I've learned not to say that anything is impossible." At present, newly written regulations restrict snowmobile traffic to plowed roads within the Grand Teton park, with the one exception being a small play area called "The Pothole."

"We told them we'd have to see a really detailed map -- mile by mile -- before we could give them a firm answer," Brady says. "They're working on that map now."

### COLORADO

Colorado's latest wilderness bill for Forest Service lands is stalled over the issue of water rights. But a number of areas promise to be disputed between environmentalists and ORV-users when the logjam breaks. So far controversy has been limited to localized skirmishes, says Mark Pearson of the Uncompaghe Group of the Sierra Club.

In the meantime, BLM lands in the state are being designated open, closed, or limited to ORVs according to a series of resource management plans under development by the state's four BLM districts. So far, for the 5 million acres designated, the score reads: 60 percent open, 9 percent closed, and 30 percent limited. A little over 3 million acres remain to be designated.

On these lands two controversial races are serving as a focus for the

ongoing battle between ORV users and environmentalists. The Sand Wash area near Craig, in the state's northwest corner, served as the location for both races last year. Ranchers and environmentalists worked together to oppose the races, but their efforts to get the BLM to reverse last year's decision to permit the races was rejected.

Another ORV issue heating up in Colorado, Pearson says, is the growing controversy over fat-tire mountain bikes. This could prove to be a divisive one for environmentalists because it puts many of them at odds with people who are usually allies.

"Crested Butte was really behind wilderness designation for an area called Oh-Be-Joyful until mountain bikes became popular there," Pearson says. "Then wilderness advocates became wilderness busters." The same thing is happening in Grand Junction where a BLM wilderness study area named Black Ridge has become the center of a similar dispute.

### UTAH

"We've got tons of areas with ORV conflicts," says Rodney Greeno, issues coordinator for the Southern Utah Wilderness Alliance. One area is the San Rafael Swell, a land of sheer canyons, narrow buttes and rugged badlands just southeast of the state's center.

ORV users are lobbying Utah Sen. Jake Garn to make it a national ride park, a playground for motorized recreationists. But Greeno has other plans for the area, as does Joseph Bauman, environmental writer for Salt Lake City's *Deseret News*. SUWA has proposed 750,000 of the San Rafael Swell's 2 million acres for wilderness designation.

Bauman would turn "this stunning desert" into "an ecological national park" to preserve its rugged character. "That means no more off-road vehicles tearing up the ephedra, cactus and sagebrush," says Bauman.

Along the Wasatch Front east of Ogden, the Ogden Ranger District has just released its draft travel plan for the Wasatch National Forest. The plan proposes closing a number of roads, including the popular Skyline Trail. Forest managers say the move reflects a change in policy.

"There's been a basic philosophy switch," says Bob Reese, recreation officer for the district. "In the past, areas were treated as open unless they were signed closed. Because of indiscriminate ATV use, that policy has changed so now areas are considered closed unless they are signed open."

### NEW MEXICO

Just west of Albuquerque, ORV use and related activities are threatening an area studied for designation as the country's first national monument dedicated to the preservation and interpretation of prehistoric rock art.

The dark, brittle boulders and drop-offs of the West Mesa, a volcanic escarpment and plateau at the outer edge of Albuquerque's sprawling subdivisions, contain some 17,000 petroglyphs. Fantastic figures, puzzling abstracts and undecipherable symbols were laboriously pecked into the rugged basalt as long as 3,000 years ago. According to Ike Eastvold, chairman of Albuquerque Petroglyphs, the area is popular with off-roaders from the nearby metropolitan area.

The joy riders roar along the escarpment, churning the ruins and land near the art panels into a meaningless jumble. This damage harms the area's potential for monument designation, says Eastvold, and makes it impossible for visitors to see and understand the context in which the art was created.

Though the vandals can't ride over the rocks, a lot of them bring guns and use the petroglyphs for target practice. "What they're doing is like riding their motorcycles through the Smithsonian shooting up the paintings," says Eastvold.

At present, the city of Albuquerque patrols the area regularly, but as yet they haven't been able to make any arrest. Monument designation would provide increased protection for the area and stop the wholesale destruction.

"As things stand right now," says Eastvold, "we could end up working out all the problems, getting congressional protection, and finding out that the resource has been destroyed right under our nose."

### ARIZONA

One problem that the wide use of ORVs has caused for the Arizona Game and Fish Department is a large increase in the illegal use of vehicles to pursue game. Wildlife managers estimate that as high as 40 percent of the animals killed by the state's hunters are shot from a road.

"Some of these guys could do all their hunting wearing dress shoes instead of vibrams," says Bill Powers, coordinator of the state's silent witness call-in program. Apprehending those who break the law this way has proved extremely difficult. One remedy that has been talked about is making it illegal to drive back roads at certain hours of the day during hunting season.

"They could still drive at hours when animals were less active to pick up what they had shot, but anyone driving with an uncased gun during the early morning hours when animals are most active would be in violation," says Powers.

ORVs help Arizona hunters in other ways besides serving as the modern-day equivalent of the railroad shooting car that helped decimate the West's buffalo herds. They make it easier to search for lion tracks after a snowfall. In 1987, the Game and Fish Department noted with alarm that lion populations in some mountainous areas were showing signs of instability and banned the killing of lions there from January to July.

□

## GUEST OPINION

# ORVs on public land require education and regulation

by Sid Goodloe

I think it was Charlie Russell who said that the West was like a sweetheart to him -- you might lose her, but you would not forget her. Today the West is being courted by many who are only romancing her for what they can gain.

Lack of understanding of the fragility of our Western range and forest lands, combined with unenforced regulations, have allowed off-road vehicles to seriously damage our public lands. In Wyoming alone, 75 percent of the public lands are impacted by ORV use.

In Arizona, off-road vehicle users, stimulated by a nationally broadcast television ad depicting a Nissan truck destroying a ghost town, have begun to search out historical artifacts and archeological remnants for the same treatment.

*Arizona Highways* magazine, an official publication of the Arizona Highway Department, decided to discontinue publishing locations of Arizona's historic mining sites be-

cause ORV damage has become a major concern.

In a letter to the President's Commission on American Outdoors, Robert O. Anderson, former board chairman of the Atlantic Richfield Company, noted: "As we look at the next 20 years of outdoor recreation, I believe that the single most dangerous and damaging use of our public lands will be off-road vehicles." Former Secretary of the Interior, Stewart Udall agreed, urging that "immediate action be taken under existing laws to clamp down on destructive incursions the new off-road vehicles are making on our public lands."

In the past 30 years, ORV traffic on public lands has gone from almost none at all to overwhelming. Over six million 4-wheel-drive vehicles were built and sold by American auto makers during the past decade. Many of these vehicles, plus uncounted Japanese 4x4's, dirt bikes and "all-terrain" vehicles (ATVs), are driven on public lands causing erosion, aesthetic deterioration and wildlife habitat damage.

Despite an executive order signed by President Nixon 15 years ago, off-road vehicles are basically uncontrolled on our public lands. This executive order requires federal agencies to develop regulations and procedures for control of ORVs on public lands to minimize resource damage. In 1977, an executive order issued by President Carter gave public land managers the authority to immediately close areas and trails where ORVs were causing harm. The regulations are in place, but are only minimally enforced by public land managers, who have generally been slow to grapple with the problem.

Conservationists, environmentalists, stockgrowers, sportsmen and sportswomen, public land managers and others express concern over growing ORV use on public lands. Some public lands have deteriorated at an alarming rate and have been disturbed to the point that all vegetative cover is gone. In other cases, ORVs produce silt that affects the habitat of fish and other wildlife, destroys stock and wildlife watering ponds, clogs irrigation systems and

harms downstream crops and hay lands.

Even the mere presence of ORVs can be disruptive in certain areas. According to Jack O'Neil, game specialist for the Arizona Department of Game and Fish, some wildlife species, particularly elk, turkey, and bear, are intolerant of vehicle disturbance, especially low-speed traffic. Studies in the Pacific Northwest indicate that habitat effectiveness for elk declines 25 percent with a density of one road per square mile and by at least 50 percent with two miles of road per square mile.

Research has led to a growing recognition that motorized recreationists cannot continue to have license to choose whatever terrain they want to use. Some states have begun to accept the responsibility of protecting their own lands. The state of Washington generally prohibits cross-country ORVs. Indiana has banned ORVs from all state lands since 1972. Arizona may be next.

Off-road enthusiasts pay no fees

(Continued on page 16)

# High Country News

APRIL 1, 1988

A PAPER FOR PEOPLE WHO CARE ABOUT THEMSELVES

FREE WILL OFFERING

## The struggle is on for BLM's soul

by H.E. Savant

The Bureau of Land Management is being riven by an intense dispute over how the agency should deal with the ranchers who use public land.

On one side are most ranchers and the top brass of the agency, including BLM Director Robert Burford.

On the other side are many of the agencies' lower-level functionaries and the major environmental groups.

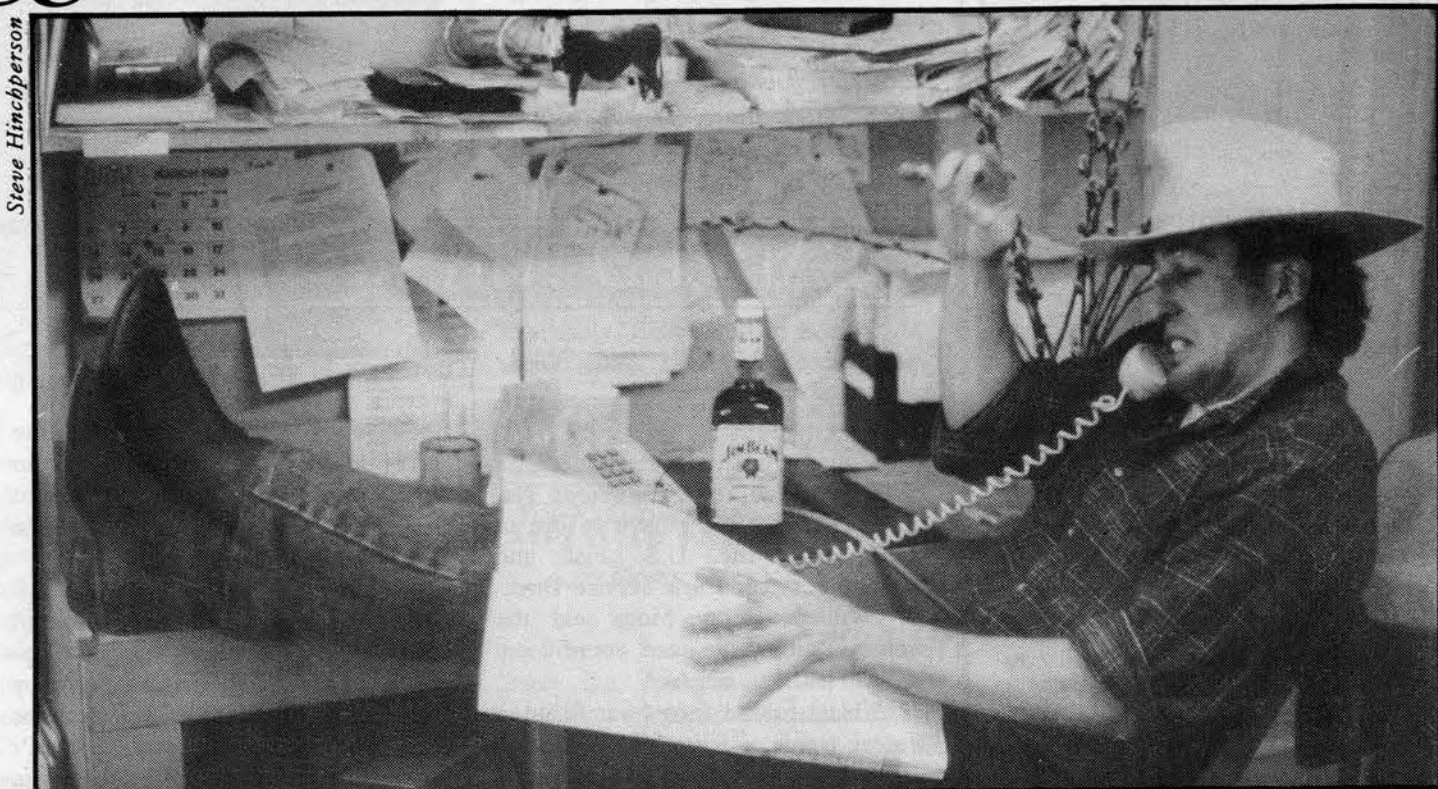
At issue is the manner in which the ranching community should give the BLM functionaries their orders.

Burford and the ranchers want the functionaries to drive out to the ranch houses or fields to pick up the orders.

But BLM personnel, backed by environmental groups, insist that the ranchers continue, as they do at present, to drive into town to give the BLM its orders. Both the BLM employees and the environmental groups say that the agency's dignity is at stake.

Temperatures are high on both sides, but a compromise is possible. Some of the main-line environmental groups have suggested that the ranchers telephone in their orders. But Earth First!, the radical environmental group, is opposed to that.

Dave Foreman, EF!'s non-leader, told HCN, "Mother Earth has taken enough! We've got to draw the line!



Steve Hinchperson

Rancher Earl Spavin discussing business with the BLM

And we're drawing the line on telephoning in the orders!"

Foreman said that if the compromise is approved, EF! will spike the telephone lines. However, he did promise that the spiking will take place at night, so that there will be no danger of telephone users' hearing being hurt by sharp bursts of noise.

Ranchers are lining up with EF! against the compromise. Ray Huddleston, executive director of the American Cattle-

men's Association, said, "Real ranchers aren't near a telephone from 9 to 5. They're out there busting horses and pulling calves and running hikers and picnickers off the public lands."

But Huddleston, unlike Foreman, did indicate there was room for compromise. "If the bureaucrats would agree to be at their telephones at 5 a.m., when real ranchers are having breakfast, then maybe this thing would fly."

Contacted at his office in Washington, D.C., BLM Director Burford indicated that the telephone compro-

mise might be acceptable. "But it's just for the interim. By 1989, I want the BLM out there in the fields, so that they can be told first-hand what their orders are."

Burford recalled how annoying it was for him, back when he was ranching in western Colorado, to have to drive all the way in to Grand Junction just to tell some bureaucrat to raise the number of cows Burford could run over the public's deserts and gullies, or to chew out some district or area manager for not keeping the "Stay out -- Public land" sign clean.

## Victory for mankind: the 5-hour Yellowstone vacation

by Tim Sandlin

One-by-one, the barriers fell. First, man traveled faster than the speed of light. Next, he ran a mile in under four minutes. Then, in 1981, the record that may never be repeated again: the first dollar tip from a Utah hunter. Last summer saw the breaking of the final legendary limit to mankind -- the five-hour Yellowstone vacation.

The Chester Reece family of Waycross, Georgia, left Flagg Ranch at 9:06 Saturday morning of July 23, drove the entire big loop of Yellowstone Park, and a TV film crew met them back at the South Gate at 2:59:02 that same afternoon.

This broke the old record held by Lloyd and Dottie Pfaff who only the year before Mini-Winnied Yellowstone in five hours, 17 minutes. The Pfaff record, however, has always been contested because Lloyd took the last shot of his film roll on one of Old Faithful's false starts and Dottie had to buy a full-eruption slide in the Snow Lodge gift shop.

There was also some question as to whether Lloyd road-killed a porcupine in Gardiner Canyon or the animal was already dead before the Pfaff's Mini Winnie crushed it

beyond recognition. But some experts claim killing an animal is part of the Yellowstone vacation experience and, as such, no time should be penalized.

Before the Pfaffs, the record had been held for 12 years by a family named Roehausen from West Covena, Calif. The Roehausens made the circuit in just under six hours in a Dodge Dart equipped with a double-tone European siren -- sounded like Interpol coming over Craig Pass. Scared premature deliveries out of two pregnant moose and a tourist lady from Oak Point, Ill.

For those unfamiliar with the rules of the Yellowstone vacation, here's how it's played: The circuit must be run in daylight hours between July 3 and August 10. Speed limit laws must be obeyed, although the last time anyone broke 45 in the summer in Yellowstone was the morning after the '59 earthquake. Stops must be made at Fishing Bridge, Inspiration Point on the Canyon, Mammoth, the Firehole River, and Old Faithful. At each stop, photos must be taken. Contestants must also see Old Faithful actually go off and make at least one inane comment. "Big deal," is the usual.

At the Firehole River, a trout must be caught on a worm and killed. Any bears encountered must be fed. Families who return to Flagg Ranch without at least \$15 worth of pennants, pithy sayings painted on shellacked slabs of wood, and rubber Indian weapons are sent back into the park.

I talked to Chester Reece after his successful vacation. "When did you think you really had a shot at the record, Mr. Reece?"

"Well, Tim, we was stuck behind an Airstream when we came into the Lewis River Canyon. He was moving about 20 miles per, dead center in the road, so I started pointing off to the inside cliff and hollered loud as I could, 'Lookit the bear, Dottie!' He fell for it and I took him on the right."

"Any other tight spots?"

"We got in a traffic stall in Hayden Valley on account of a buffalo. I passed 10 cars in one swoop, run a motorcycle club from Ogden, Utah, off the other side of the road."

"How'd you know they were from Ogden, Utah?"

"Saw the back of one fella's jacket when he come across the hood."

I thought about that awhile. "Was there any problem with the souvenir requirements of the trip?"

"Lacy Louise and ChesBoy got some great stuff at the Mammoth Hamilton Store, Peter, a cap with artificial bird puck on the bill, a bumper sign that said, 'Honk If You Love Nachos' and a stick of authentic jerky for only \$12."

"Artifacts you can pass on to the next generation."

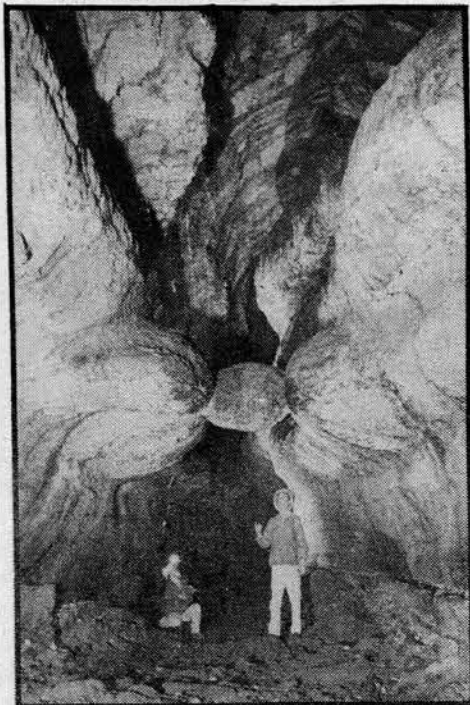
Chester grinned big, showing a red, white, and blue false buck tooth. "The timing was perfect at Old Faithful. The kids wouldn't get out, they were listening to Walkmans and reading DC Comix, and Dottie had her electric curlers plugged in the cigarette lighter, so I ran down the parking lot and shot a Polaroid just as they turned on the faucet."

Chester seemed anxious to move on -- he had to be back in Waycross by Monday and Dottie wanted to shop the Grand Canyon -- so I asked him one last question. "What challenge does your family plan to take on next?"

Chester scratched the bush of hair growing from his right ear. "Well, Dottie figures we can hit 17 European countries over a three-day weekend."

## HOTLINE

Charlie and Jo Larson



Archaeologist Dieter Ramwold, right, points to giant egg recently discovered in South Dakota.

## Eggciting find

A gigantic fossil egg was discovered in a cavern in Edgewater, South Dakota, last month, prompting town fathers to exclaim: "At last, economic development without the need to bury garbage." Archaeologists from Yale University are studying the egg *in situ* and report that all that is known so far is that the reptile to emerge "will be huge -- very big."

## EF! setback

The radical environmental group Earth First! has suffered a severe defeat in Yellowstone National Park. The setback occurred last fall, but only now are details leaking out. The story involves an EF! member who was in a deep funk. Spiking trees, dressing up as a wolf, yanking out survey stakes, mocking national environmental groups, drinking gallons of beer -- none of those traditional activities could rouse him from ennui. At last he hit on the idea of feeding himself to a Yellowstone grizzly. He was toasted and hailed at a riotous goodbye party in the park at Fishing Bridge and he then spent the month of September wandering in prime grizzly territory. But the few grizzlies he saw fled from him, even when he managed to come between them and their cubs. So he took to smearing himself with honey, to jumping out at them from behind trees, and to chasing them away from berry patches. No go. After a long, bitter month, he had to give up, throwing EF! into disarray. One non-spokesman (no one speaks for EF!) said, "This indicates a fundamental dichotomy between EF! and Grizzly Bears. Grizzlies will eat tourists, federal bureaucrats, even Republicans. Why won't they prey on us?" The experience has led EF! to schedule a retreat to re-examine the basic tenets of the organization. One sign of change is already visible: The retreat will take place in a Hilton Hotel in a Washington, D.C., suburb.

## BARBS

God knows he's got the credentials.

Former Sen. Gary Hart will begin a television ministry, reports the *National Enquirer*.

## Dear friends,

## D.C. move

We don't have too much to report from the rural heartland this issue. Nothing was cooking at the Cave Cafe. However, the newspaper will be moving next month to Washington, D.C., to join other major environmental groups grazing long-distance on the grassroots of America. We have begun feeling out of touch with the ragged pulse of this nation, stuck here as we are in nowhereville, so we feel it necessary to pack up the paper and head east.

There, we feel, we will know what it is to twist and shout.

## New intern

Our newest intern hails from Troublesome Gulch, Colorado, where he has done everything from chopping wood to sailing schooners. His name is Gary Heart and unlike other indentured workers here, Gary has been reluctant to tell us his life story. Suffice it to say he looks familiar but isn't. He says he looks forward to living and working in a place where no one knows he exists.

--the staff

## BARBED WIRE

Just say no, Hello, Dolly, Look, my lord, it comes!

Wolves can be released on Fishing Bridge in Yellowstone National Park but they have to live in cages, said the U.S. Fish and Wildlife Service. Park Service Director William Penn Mott said the wolves "probably need more room but will learn to adjust."

A black-footed ferret was found in a steak house at Riverton, Wyoming, where it has been a pet for 26 years. When asked, the ferret said it did

not want to die in a "room" at the state's Sybille research "facility." Because of religious beliefs, the ferret said it would also not want to watch porn movies to help it get in the mood to reproduce. "That's sick," said the rare ferret.

A Nevada public agency announced a major land trade near an interstate that benefits the developers by \$89 million and the agency by 14.5 cents. "We tried to get more for the developers but just couldn't swing it," lamented one public official.

## WESTERN ROUNDUP

## Wetter West coming thanks to meridian shift

The lawsuit brought against *High Country News* by the Federal Trade Commission for the paper's publication of the book *Western Water Made Simple* has been settled out of court. Rather than destroy all copies of the book, which the FTC accused of "false and malicious labelling," HCN has agreed to issue an addendum that really makes Western water simple. The addendum, certified to by the U.S. Bureau of Reclamation, follows:

There are two kinds of water: wet water and paper water. Both are useful, but to different people. Wet water is useful to farmers and people who are thirsty or dirty. Paper water is useful to lawyers, journalists and bureaucrats. Otherwise, there is little distinction.

It is often said that the West is a young region. It is also often said that the West is an arid region. Those two concepts are helpful in understanding the use the region has made of water. Because it is arid, the region loves water. Because it is young, it loves puddles. Because it is friends with the federal government, it has been able to build very big puddles -- Lake Mead, Lake Powell, Flaming Gorge. Knowing that the West is young and arid helps us understand the region and its puddles.

It is also possible to understand Western water in military terms. As someone very wise has said, peace is simply war carried out by other means. An example is the 1922 Colorado River Compact. It was signed at a time when the seven Western states were prepared to war against each other. The war was provoked when Wyoming said it was more ornery and individualistic and colorful than California and Nevada put together. Colorado sided with Wyoming, saying, "Yeah, they're

crazy up there." Arizona began building a navy. And that's where the division of the upper basin against the lower basin started. But cooler heads prevailed. Instead of going to war against each other, they decided to go to war against the Colorado River.

That was perfectly fair. After all, the Colorado River was the biggest kid on the block -- look at the huge trench it dug across half the region. Also it was "stealing our water," collecting it from the Gunnison and the Green and the San Juan rivers and carrying it to the Gulf of Cortez. Plus, it refused to stay in its banks, and even ran high and low. All in all, it was an unruly, even fractious, neighbor. So it was not surprising that the seven states declared war on it.

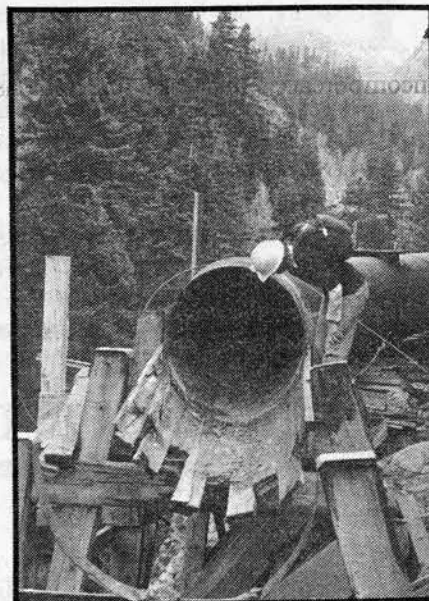
Now the war is just about over. The Colorado River has become a good neighbor. But it is no longer an interesting neighbor, no longer capable of uniting the Western states against it. Moreover, Wyoming still thinks it is the orneriest state in the region.

So the Western states are faced with their old problem: whether to go to war against each other. Luckily, the Rockies do need levelling; they have provoked the various states by creating rain shadows and making truck transportation very expensive. In some areas, the Rockies delay the rise of the sun or hasten its setting. So ...

Much of the fighting over water is a result of its scarcity. And much of the scarcity is due to the West being west of the 100th meridian. So now comes a coalition of Western Senators determined to pass a law requiring mapmakers to shift the meridian lines westward, so that the 100th meridian is well out into the



Gary Heart



Water expert looks for water

Pacific Ocean, putting the Western states east of the 100th meridian.

"It's an obvious idea," said an aide to one Western senator. "Who cares if there is a permanent drought in the Pacific Ocean? But it will make a huge difference having the 80th meridian go right through the Great American Desert. There'll be enough water for everyone. It should have been done that way in the first place. But those oldtimers were so ignorant they put the 100th meridian in the wrong place."

Although the Senatorial coalition is taking credit for the idea, it has been around for decades. Only opposition from Rand McNally and the Bureau of Reclamation, which needed aridity if it were to have a mission, kept the idea from being acted on. Now, with the Bureau having lost its mission, it has dropped its opposition to the westward shift of meridian lines, and the mapmaking firm no longer has enough clout of its own to prevent the change.

--Ed Motown

# Tree huggers charged with light hugging

An abortive fall picnic in southern Wyoming has led to a major lawsuit against several environmental groups. Although the lawsuit appears bizarre on the face of it, environmental groups across the nation, and even in Washington, D.C., are highly concerned and watching events closely.

The genesis of the lawsuit is unusual. Louisiana-Pacific's Dubois mill and a citizen group called "Human Beings for Multiple Use, and Especially Logging," scheduled a weekend picnic in late September 1987 to celebrate yet another political victory in the firm's fight for the right to log more trees. About 200 men, women and children happily set out from Dubois for the picnic site in the Bridger-Teton National Forest, only to find that the trees were gone and that the remaining slash made even a "meadow" picnic impossible. So they got back on their buses and went to the favorite picnic site of an LP official, only to find that it too had been logged.

To make a long, tedious day shorter, the group visited about 15 favorite sites within 50 miles or so of Dubois, and found all but one roaded and logged. The exception was crammed with tour buses; each tree, in the words of one witness, "sheltered five or so tourists."

The inadvertent tour prompted a lawsuit against the Wyoming Outdoor Council, the Wyoming Wildlife Federation, and several individuals and national groups. The suit filed by L-P and its citizen wing charges the environmentalists with "high incompetence" and asks for millions of dollars in unemployment benefits and other damages.

According to a spokesman for the Dubois mill, "We've done our job -- we've cut down lots of trees and kept the economy humming. But the darned environmentalists haven't done their job. We assumed they would keep us from cutting down all the trees -- from raping the danged forest. And they failed."

What evidence does LP have of their failure? "It's very simple. There aren't any trees left in the forest. As a result, we're going to have to close down our mill at Dubois. And it's all the environmentalists' fault. If they had been on their toes, if they had been hugging the trees hard enough, they would have saved enough trees for us to cut into the 21st century."

"Now what's going to happen to our employees? That's the trouble with those green bigots -- they care about trees, but they don't care about humans. And in fact," he continued angrily, "as our lawsuit will show, they don't even care that much about trees."

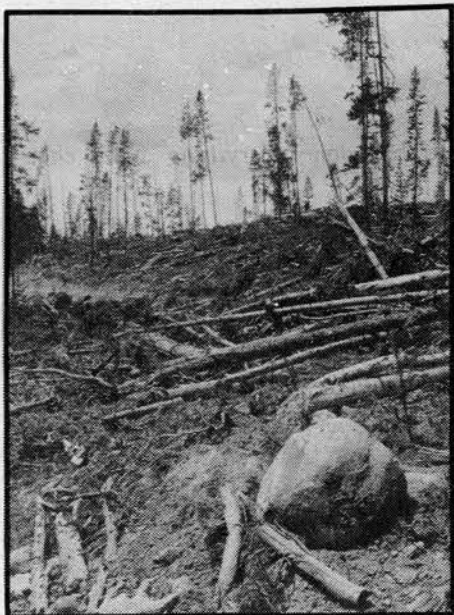
## LETTERS

### MORE GOOD WORK

Dear HCN,

Thank you for reporting about the Burr Trail fight (HCN, 4/2/88). I have just one small correction, however. The trail is in Utah and not Wyoming, the road is for cars and not boats, and my name is Joe Buruum and not Joe Morony. Keep up the good work!

Joe Mortoni  
Rigor, Montana



Only downed trees.

Depositions appear to show that the environmentalists did indeed fall down on the job. According to the depositions, LP officials had numerous meetings with the Wyoming congressional delegation and state officials -- "Heck, I was meeting with those guys all the time" -- and yet the companies never saw an environmentalist.

"We'd look around and say to each other, 'If those enviros care so much about trees, why aren't they here at this \$1,000 a plate banquet for the Senator? Why aren't they having dinner with the delegation on our company's private jet? Why did we never see them in John Crowell's office when he was Assistant Secretary of Agriculture?'"

LP was well aware of the environmentalists' incompetence, but at the time, an LP lawyer said, "We didn't realize its significance." It was only when LP went out on the

picnic -- they ended up barbecuing their ribs on the engines of the tour buses -- that "we realized the fools had let us cut down all the trees."

Observers say that, should the lawsuit succeed, there will be an avalanche of similar suits. Some extractors and polluters aren't even waiting for the LP suit. AMAX is about to sue the ski town of Crested Butte, Colo., for not stopping its aborted Mt. Emmons Molybdenum mine before the firm spent \$120 million on the project.

Montana Power is sure to sue the Northern Plains Resource Council for not halting the Colstrip Power Plants, which are bleeding the firm financially. Colorado-Ute Electric Association in western Colorado may

sue author Louis Lamour for not stopping its power line through his property. And coal firms throughout the West, stuck with idle mines, are thinking of suing the national groups for not halting the federal coal leasing program.

Environmentalists are running scared, especially because of the international implications. Groups with overseas branches say they have heard rumblings out of the Kremlin: "That nation may sue us for not stopping Chernobyl." And Union Carbide may go after the National Coalition Against Pesticides for failing to shut down its plant at Bhopal before the accident.

Attorneys for law firms are said to be ecstatic. "Justice," one said, "is about to be done, and the fees should be fat."

--Holly Golightly

## afield

### Life without sushi

by Messie Messon

When I have the time, I like to leave the stinking streets of Los Angeles and head northeast to the mountains where it rains all the time. There I can be free to try what Thoreau called "a walk on the wild side."

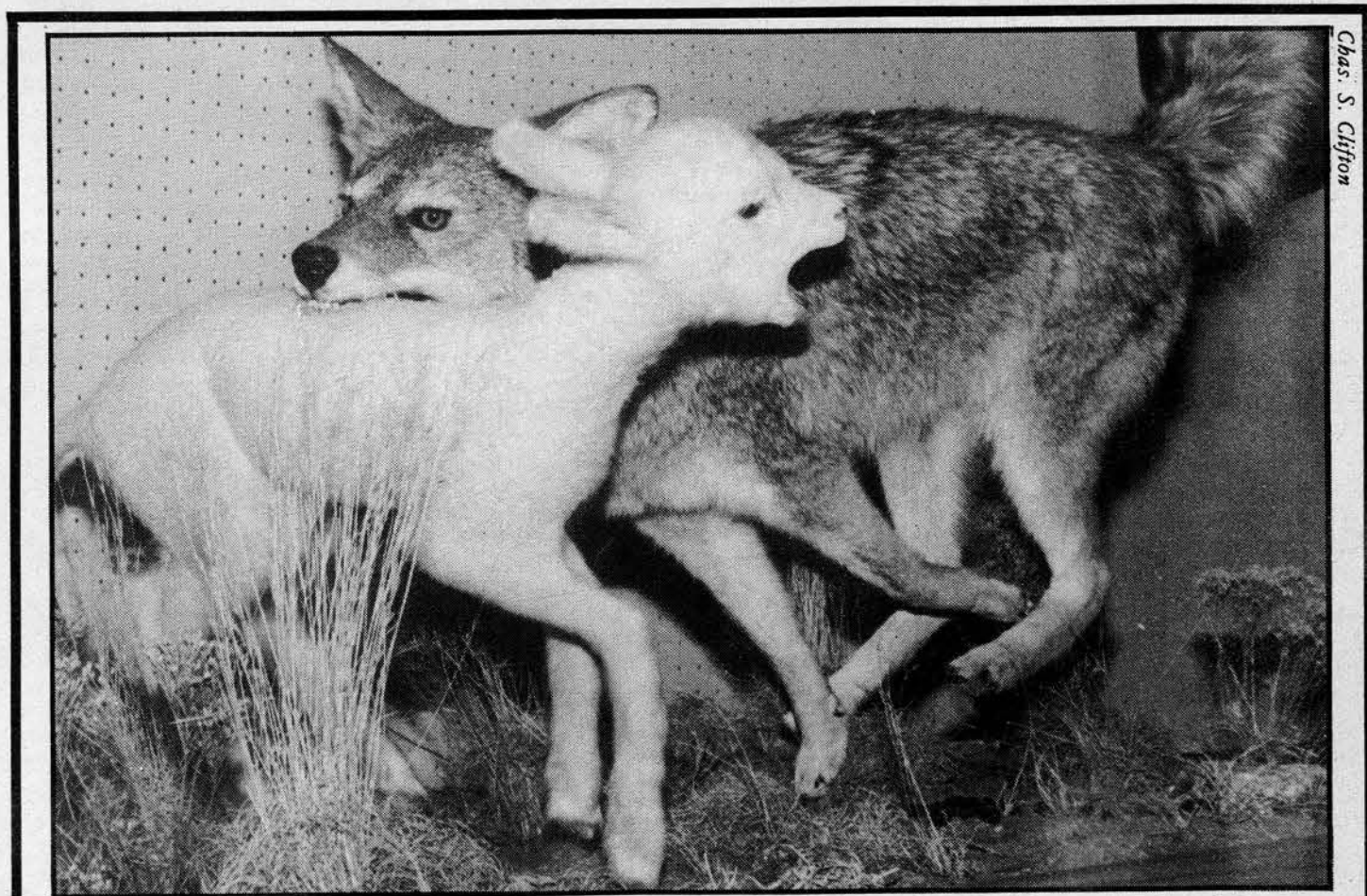
But what to take? How to decide? What colors?

Food is virtually no problem now that freeze-dried everything is available and a miniature wok with detachable cord fits right into my soft L.L. Bean backpack. Throw in aspirin to keep the blood from going, toss the salt but keep the pepper, wrap cutlery in red and white checked paper napkins, and

voila! food is set as a matter of actual fact.

Clothes can be an agony. I can waste a day of downtime debating which layers and brands work best in which situations. Sometimes I wish someone would just work up some gear that is durable, blue to hide the dirt and so inexpensive that I can throw stuff away without a qualm. Look to Italy for that development -- they're the hot-shot designers now.

Packing the Porsche is a breeze as I keep one just for quick escapes to some nest somewhere, free from the urban mishmash. Funny, I haven't gotten the urge to ditch the briefcase and get out of town for a long time. But, hey, now that the quake has made driving a worse hell than usual, I'm ready!



Chas. S. Clifton

## New group hopes to expand market for lamb

Utah seems to spawn new environmental groups the way Colorado sports goose down at ski season. The latest, called TLC for Tender Loving Coyotes, was founded by author Edward Abbey in Aurakill, Arizona, and already boasts two members. Abbey quoted from himself in talking about coyotes:

"The sheepmen complain, it is true, that the coyotes eat some of their lambs. This is true but do they eat enough? I mean enough to keep the coyotes sleek, healthy and well fed. That is my concern. As for the sacrifice of an occasional lamb, that seems to me a small price to pay for the support of the coyote population."

Abbey said his group was interested in sheep breeding to lure more coyotes and had selected an attractive photo (see above) to represent the group. Tender Loving Coyotes has no permanent address, Abbey said, because "it is a state of mind."

--Ranger Rick

**Regulation...**

(Continued from page 12)

for the use of public lands. Why then, is so much being said about the livestock industry being subsidized because grazing fees are too low? At least that industry does pay a fee and follows regulations. It seems rather inconsistent that ORV users are paying no fees to use our public lands, and at the same time are damaging the resource.

In New Mexico, ORV damage to public lands reached the point where the State Department of Game and Fish, by authority of the state Legislature, is now issuing citations for off-road vehicular traffic on public lands during hunting season. This effort to overcome the lack of enforcement of ORV regulations on public lands has had some good effect, but without total commitment

by the managers of these lands, it will do little to solve the problem.

Roads that are to be used for vehicular travel should be designated by signs and maps, and most other areas should be closed. Ample areas should be designated for ORV recreation so that these users can be accommodated fairly and appropriately.

Solutions regarding misuse of ORVs are not complex nor expensive. Education is the key. The public and private sectors recognize that the ORVs' destructive effect on our public lands is significant and accelerating. Research is needed to measure current damage levels and plan control measures for the overwhelming numbers of ORVs sure to come.

In New Mexico, surprising interest has been shown in the newly-

organized Off-road Vehicle Educational Task Force. Public land agencies, ORV clubs, the New Mexico Department of Game and Fish, and others have joined forces with the State Extension Service to develop an education program for ORV enthusiasts. Much of the damage done to our public lands is through ignorance rather than intent. Perhaps much can be turned around with a brief exposure to land ethics.

An unprecedented attempt to control the ORV explosion was made by the Lincoln National Forest in Southern New Mexico. A "closed unless designated open" policy was incorporated in the planning process. It was appealed by the American Motorcycle Association, but the appeal was then dropped.

The Forest Service agreed to designate roads and trails as motor-

ized or non-motorized, and a set of criteria was developed to be applied to each road or trail under consideration. This designation will be shown on the Forest Transportation System map.

Now that the first "closed unless designated open" policy is in effect, and an ORV land ethic education program is off the ground, perhaps other public land states will take New Mexico's lead. Our natural resources will have a much brighter future if the vehicle storm can be diverted.

□

Sid Goodloe has been a rancher near the Lincoln National Forest in New Mexico for 31 years. He also manages ranches in Colorado and Wyoming that use public grazing land.

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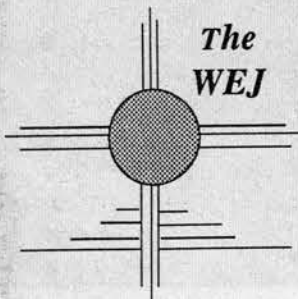
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