

# High Country News

August 1, 1988

Vol. 20 No. 14

A Paper for People who Care about the West

One Dollar

## Sewage-to-gold scheme

# City slickers strike it rich in South Dakota

by Peter Carrels

An economically depressed state has gotten itself into an expensive, embarrassing fix.

The state is South Dakota. For much of this decade, it has watched its farm-based economy decline. The state's efforts to reverse that decline through economic diversification have met with mixed results.

Now, this summer, a severe drought has sent large amounts of topsoil scudding into the sky, further hurting the farm economy, threatening the tourist economy, and reawakening dormant memories of the Great Depression and the Dust Bowl.

In large part because of its declining economy, South Dakota agreed back in 1986 to accept shipment of 300,000 tons of sewage ash from its prosperous neighbor to the east -- the twin cities of Minneapolis-St. Paul, Minn.

South Dakota hoped the sewage ash would become the basis for the ultimate in alchemy -- the transformation of sewage ash into gold, silver and jobs. Instead, it has been snookered, and its only recourse appears to be to dig a huge pit in which to bury its neighbor's waste.

It has taken nearly two years for officials to admit that they made a serious mistake when they granted permits

to Consolidated Management Corp. (CMC), a Reno, Nev., firm, to transport the ash to South Dakota. South Dakota was willing to accept the ash because the permits also required that the firm construct a recycling facility to extract valuable metals, including gold and silver, from the waste.

Sewage ash is the residue left after incineration of dried-out sewage sludge. Although the ash is not classified as a hazardous waste, it is contaminated with cadmium, lead, chromium and other metals.

Despite repeated assurances by CMC officials since June 1986, the recycling plant has never been built, and the sewage waste is currently stored in long, flimsy sheds on open grasslands south of the Black Hills.

CMC's proposal was vigorously opposed from the start by the Technical Information Project (TIP), a South Dakota-based environmental research organization. The group's warnings, however, were ignored by state officials.

"We warned them about the impending disaster and we were instructed not to bring up irrelevant information," says TIP executive director Deb Rogers from her group's Rapid City office.

Recent research suggests a link

between exposure to the high concentrations of heavy metals in sewage sludge and amyotrophic lateral sclerosis (ALS, or Lou Gehrig's Disease). Sewage ash further concentrates heavy metals.

Workers unloading the sewage ash in South Dakota report a powerful stench, as well as condoms and tampons in the ash shipments. Several workers suffered skin infections. Neighbors of the ash dump complained about smelly dust storms. One nearby rancher noticed ash dust on hay.

While the South Dakota Board of Minerals and Environment was encouraging CMC and its sewage, Rogers' sleuthing revealed that the individuals behind the company had histories replete with similar proposals failing elsewhere in the West.

The recycling device, the HSA Reactor, appeared to exist mainly as an ambitious blueprint and was far from actual working development.

According to CMC, the HSA Reactor would mix the sewage ash with sulfuric acid and thiourea. Thiourea, classified as a carcinogen, is a very expensive chemical used in photographic papers, in industrial applications such as rubber acceleration and as a mold inhibitor. Because the ordinary contents in sewage ash eat up thiourea, lots of it must be used. The reactor uses numerous

tanks for mixing and a series of very dense electrolytic cells to separate precious metals from the mixed solution.

Rogers discovered that the idea of a device that could convert sewage to gold was attractive to investors. John Worthen, who was a major stockholder in at least one of the attempts to promote the HSA Reactor, was convicted of violating the laws governing securities.

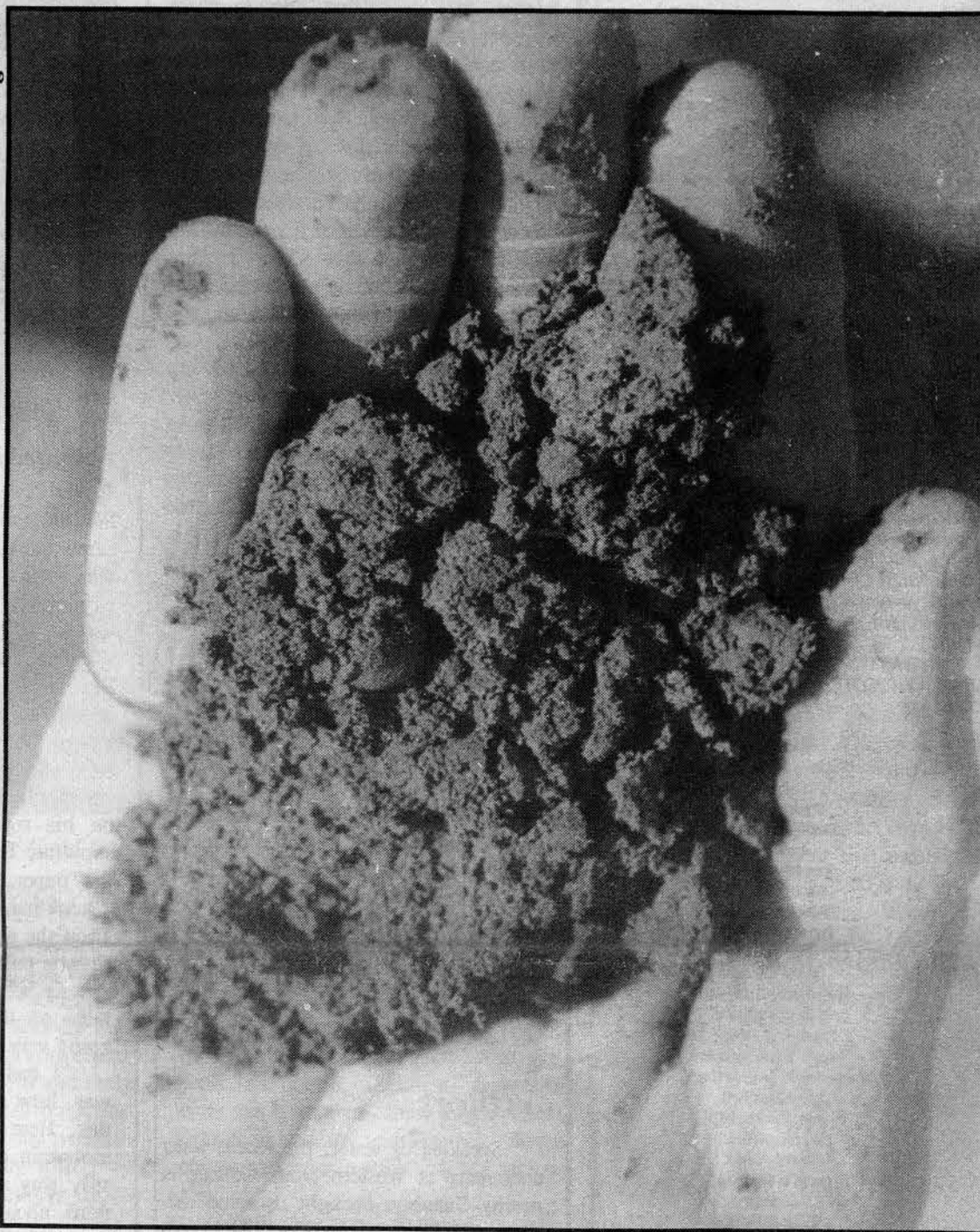
The federal government alleges Worthen misrepresented the assets of a company called Nordic Ltd. Inc. and lured investors to put money into a plan to recover gold from mill tailings at Manhattan, Nev., using HSA reactors. Worthen is accused of lying about the device and of stealing \$415,000 from investors between February 1983 and June 1985.

CMC's president, James Brown, has been an officer and director of Nordic. In May 1987, the U.S. District Court, District of Utah, Central Division, placed Nordic under permanent injunction for securities fraud and for misleading investors about the authenticity of the sewage-to-gold reactor.

Brown, who owns patents on the reactor, claims a geology degree from McMaster University in Ontario.

(Continued on page 10)

Greg Corr



Sewage ash

## Dear friends,



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## Green amidst drought

Paonia rancher Clinton Roeber told us years ago that irrigated areas such as this North Fork Valley might one day prove our salvation in times of drought. Word this summer from around the nation reminded us of that prediction. A staffer in this office, doing photo research, came away in tears after talking to a rancher in Miles City, Mont., where the grasshoppers were dying for lack of grass, where people for the first time since the dust bowl days of the 1930s are more numerous than cattle, and where the last of the cattle, the rancher said, are about to be shipped out of the region.

The fact that this valley remains green does not guarantee good times for its agriculture. The high cost of feed and the accelerated flow of livestock to market have depressed demand for the calves that mountain areas specialize in.

But the North Fork Valley has experienced a funny economic bounce due to the drought. Back in the early 1980s, this area of a few thousand people had close to 1,000 coal-mining jobs. Since then, coal mining employment has dropped to less than 200. The rush to low-sulfur Western coal was reversed when the Clean Air Act was amended so that it made more sense for Eastern utilities to buy high-sulfur Eastern coal and then scrub the emissions. Among the local firms that lost contracts was the 300-person Colorado Westmoreland mine.

But this July, Colorado Westmoreland was back hard at work. Its customer, Northern Indiana Public Service Co., had run out of water for its scrubbers, and put in an emergency order for eight trainloads of coal -- quadruple its usual order. According to reporter Ron Kop, writing in the local *North Fork Times*, the order has not been repeated for August, however.

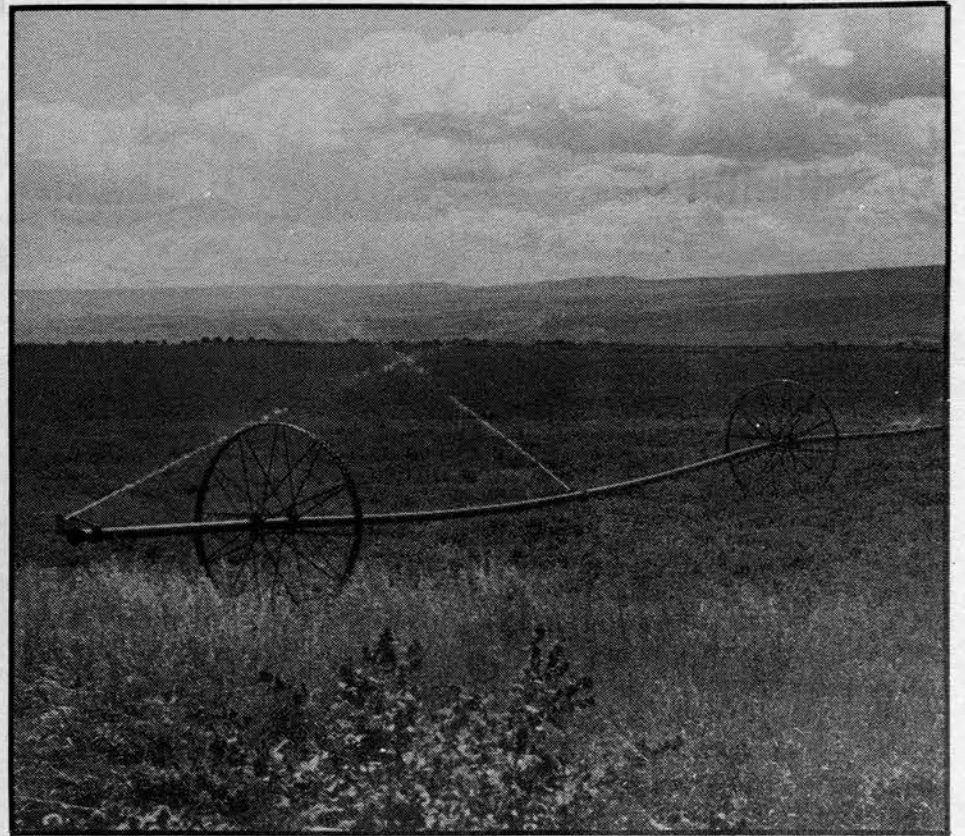
## Visitors

Speaking of water, the recent water conference at Western State College in nearby Gunnison brought us some visitors. Mark Smith, a newly-appointed economics professor at Colorado College, came by in search of a potential case study for a course he will be teaching this fall. Among the possibilities he discussed were the proposed Animas-LaPlata Project and the completed Dolores Project, both in southwestern Colorado. Also in the area was Tom Havens, a special consultant to southern California's Imperial Irrigation District, which uses about one-fifth of the Colorado River's flow. Tom is a businessman who believes it makes more sense to buy and sell existing, developed water than to build dams. That, of course, makes him a heretic in the world of water.

Another, more casual visitor, was former HCN intern Florence Williams, on her way from Kenya, where she spent a term, to Yale. She is among the very few people who pass through Paonia while travelling between Kenya and New Haven. Florence told us she has just become a sibling again, thanks to the birth of a new brother, Berkeley, born in early July in Washington, D.C. Congratulations to parents, and HCN subscribers, John and Janet Williams of Washington, D.C., on the addition.

## Fritz Wiessner, 88

Our condolences to High Country Foundation board member Andy Wiessner on the death of his father, Fritz Wiessner, at the age of 88 in Stowe, Vt. Fritz Wiessner was a mountain climber who made the first ascents of Devil's



Irrigated field near Crawford, in western Colorado

Tower in Wyoming and of Mount Waddington in British Columbia. He also came close, in 1939, to conquering K2, the world's second highest peak, without oxygen. He led difficult ascents until he was 87.

The July 7 issue of the *Stowe Reporter* describes how Wiessner failed of the K2 ascent within a few hundred feet of the top, at a time when K2 had not been climbed even with oxygen:

A climbing companion had stepped on his rope, pulling Wiessner off the snowface he was climbing. Wiessner told the paper, "I immediately called back, 'Check me, check me.' Nothing happened. Then the rope came tight to Dudley, and he was pulled off. The rope tightened to Pasang behind, and he too came off. We were all three sliding down, and I got going very fast and somersaulted.

"I had no fear. All I was thinking was, how stupid this has to happen like this. Here we are, we can still do the mountain, and we have to lose out in this silly way and get killed forever. I didn't think about family, and of course I was never a believer in Dear Old God.

"But getting pulled around by the somersault and being first on the rope, it gave me a little time. I still had my ice ax -- I always keep a sling around my wrist -- and just in that moment the snow got a little softer. I had my ax ready and worked very hard with it. With my left hand I got hold of the rope and eventually I got a stance, kicked in quickly, and leaned against the ax. Then, bang. A fantastic pull came. I was holding it well, but it tore me down. But at that time, I was a fantastically strong man -- if I had a third of it today, I would be very happy. I stood there and I wanted to stop that thing. I must have done everything right, and the luck was there, too."

He and his group survived, and Fritz Wiessner went on to climb many mountains, but K2 was to remain forever out of his reach.

## The heart of Aspen

Perhaps as part of their love of the earth, environmentalists also tend to be excellent cooks. We've noticed this at the three annual potlucks this paper holds around the region, and we noticed it again in early July at the annual meeting of the Aspen Center for Environmental Studies -- an organization that maintains a nature preserve at Hallam Lake, just a couple of blocks from Aspen's glitzy main drag.

Among those we visited with at the ACES potluck was Tim McFlynn, an Aspen attorney involved in a legal and political fight to maintain access to some

public land near Aspen. We were intrigued by the doubly ethnic nature of his name -- it was as if someone were named Smithjones, or Goldfriedstein.

In a way, that is exactly what happened, McFlynn told us. When it came time for his fiance, a McGuirk, and Tim, a Flynn, to marry, they decided to forego a hyphenated name and instead combine their two names into a new one.

ACES is a 20-year-old organization founded by Elizabeth Paepcke, one of Aspen's pioneers in its transition from a more or less busted mining town to a ski town. In the brief ceremony that preceded the food, board president Cynthia Wayburn told the group of 75 that the nature education mission ACES performs is "not as sexy as working to establish a new National Park... But it enables others to achieve those results by giving them the tools of knowledge."

## Celebration

Firefighter Jim Coates told us about a celebration held in Red Lodge, Mont., recently by members of the Line Creek Protection Association. The victory may prove to be only a skirmish in a long war, he writes, but the occasion was the decision of Phillips Petroleum to withdraw its permit to drill an exploratory well on the sensitive Line Creek Plateau in Montana's Custer National Forest. Lee Fears, president of the group, says the application withdrawal is not permanent -- just the first step Phillips has taken to revise its drilling plan (*HCN*, 5/23/88).

In the meantime, the group plans to study, with Montana and Wyoming wildlife departments, elk and mountain goat ranges in the lease area to see if acceptable alternative drilling sites are available.

## Hamilton Farms

Several readers wrote to correct us on the "endangered specie" billboard we pictured in the last issue. Terry Simmons says the Hamilton Farms billboard, located on Interstate 5, south of Challis, Washington, (and not Oregon) is a legitimate landmark in its own right. "It was grandfathered in when Washington passed its billboard regulations. The state government hates it because of the messages and because Hamilton will not remove it. The messages change but Uncle Sam is always controversial and conservative."

--the staff

## WESTERN ROUNDUP



Guy Connolly, USDA, Denver Wildlife Research Center

A coyote selects a lamb in a study of sheep-killing behavior at the U. of California

## Search continues for a coyote deterrent

After three years of work-bench tinkering and shoestring financing, South Dakotan Kevin Parmely and friends have developed what they think is the non-lethal answer to protecting sheep from coyotes -- the Sonic Spook Collar.

The battery-powered sheep collar features flashing lights and sirens, all electronically triggered by the sheep's sudden movement when attacked by a coyote.

"It's just like a burglar sneaking into somebody's house in the middle of the night," Parmely explains, "then BANG! - lights and sirens go off. It scares the hell out of him."

After 10 seconds, the alarm automatically shuts off for 10 minutes, allowing the excited sheep to calm down, then resets itself. An electronic eye activates the collar only at night, when most coyote attacks occur. Parmely says he has yet to feed any coyotes with the Sonic Spook Collar at work.

Along the same lines, Sam Linhart, research biologist for the Agriculture Department's Denver Wildlife Research Center, has been testing and developing a stationary scare device since 1979. In fenced pastures of Colorado, Idaho, Oregon and South Dakota, the device flashed and shrieked away coyotes an average of 91 days before coyotes caught on and resumed killing sheep.

"The concept of having a frightening device to go along with your flock of sheep is pretty nice," said Linhart. "One of the criticisms is that the coyotes will learn to ignore the lights and sounds. To me, one of the keys to frightening devices is to vary the stimuli -- vary the frequency, the sound, the light or the location. One of my favorites from a few years ago was a device called The Electronic Shepherd. It had a tape player, and you could scare coyotes with anything from the sound track of a war movie, to barking dogs, to one of Hitler's speeches."

Arming sheep with nonlethal weapons would appear to be the ultimate solution to coyote control: nobody gets hurt. Much of the controversy concerning predator control during the '60s and early '70s focused on the cruelty of traps and poisons, and the contention that non-target animals were needlessly killed by widespread applications of these methods.

In the wake of President Nixon's Executive Order 11643, banning the use of all toxicants on federal lands as of 1972, sheepmen and control specialists scrambled to explore non-traditional methods of coyote control. Guard dogs, although used for centuries in the Old World, were practically unknown in the U.S. until the early 1970s, but have since become a front line defense for hundreds of sheep operators throughout the nation.

In a 1986 survey, Colorado sheep producers using guard dogs reported losing only one-tenth as many lambs to coyotes as those without guard dogs. The Navajos, however, scoff at this "recent discovery": They've been successfully training mongrels to protect their sheep since the Spanish taught them how centuries ago.

Since the idea of guard dogs caught on, livestock producers have experimented with just about every creature that might conceivably chase, bite, kick,

stomp, or peck any coyote that comes near its adopted flock. Experimental guardians have included donkeys, llamas, ostriches, and emus. From Australia, emus are large, flightless, aggressive birds that apparently chase all trespassers from their pasture, and like their African counterpart, the ostrich, pack a vicious kick.

New Mexico State University researchers have recently come up with a combination that not only thwarts coyotes but makes better use of the range. Drs. Clarence Hulet and Dean Anderson have found that young lambs, when penned with heifers for 30 days, became socially attached to the bovines and thereafter followed them closely on the open range. Not only did the strange association -- called a flerd -- more efficiently utilize the desert forage, but heifers protected the lambs while coyotes continued killing unbonded lambs in adjacent pastures.

After a century of bettering guns, traps, snares and poisons, sheep-eating coyotes are not expected to concede outright to any new bag of tricks. The U.S. Fish and Wildlife Service estimated that in 1984 more than \$51 million worth of sheep, lambs, and goats were lost to coyotes despite the expenditure of some \$11 million in Animal Damage Control actions.

--William Stolzenburg

## McClure explains support for wolves

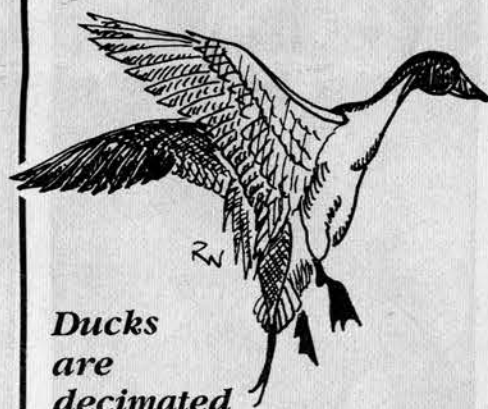
Taking wolves off the endangered species list in some areas will help restore the animals to Yellowstone National Park, said Sen. James McClure, R-Idaho. In an interview with the national conservation group Defenders of Wildlife, McClure proposed that state fish and game agencies be given control of wolf management outside areas where they are reintroduced. That change, which would require new laws, would alleviate

ranchers' concerns, he said. "The only way we'll achieve wolf recovery is if we do it in a way that doesn't threaten people who live near the recovery areas," said McClure. Yellowstone and central Idaho wilderness areas with no grazing, he said, are best for the recovery attempt. McClure, unlike his neighboring Wyoming delegation, has supported the reintroduction of wolves for several years, but last month's interview was the first time McClure gave specifics for a plan.

## HOTLINE

### Wild, with an exception

Wyoming's Little Bighorn River and a major tributary could become the state's first river to win the federal wild and scenic designation. But conservationists say the Forest Service's nomination was stunted. The agency recommended excluding 2.3 miles of the tributary -- the Dry Fork -- that a water group wants for a hydroelectric project. The Powder River Basin Resource Council says the massive 1,000 megawatt project, proposed upstream of the wild and scenic portion, would increase the Dry Fork's turbidity and temperature. Environmental attorney John Echeverria says the project could conflict with water rights held by the Crow Indians. Several groups, including the resource council, the Audubon Society and the Wyoming Outdoor Council, say the Forest Service's draft environmental impact statement failed to study the project's specific impacts. Those impacts, they say, are the destruction of 400 acres of timber and disruption of elk migration to winter range and calving areas. In any case, they add, the project is not needed because electricity is in large supply. American Rivers, a Washington, D.C.-based conservation group, classified the Little Bighorn as one of the 10 most endangered rivers in the nation. The public comment period on the impact statement ends Sept. 23. The next public meeting on the statement will be 8 p.m. Aug. 24 at Central-Middle School's Auditorium in Sheridan, Wyo. For a copy of the statement call the Bighorn National Forest office at 307/672-0751.



### Ducks are decimated

In the prairie pothole country of the eastern Dakotas, "duck factory" habitat has been decimated by dry conditions. At least half the continent's ducks breed in the prairie pothole region. Officials say the fall migration of ducks in North America may fall short of 60 million ducks for the first time ever. In the early 1970s at least 100 million ducks migrated. North Dakota State Game and Fish Commissioner Dale Henegar has recommended duck hunting be banned this fall in drought stricken Plains states. Henegar says duck reproduction in his state is down at least 50 percent. Wildlife officials also worry that dry weather is prompting farmers to continue cultivating normally wet sloughs. They say North Dakota farmers could destroy as many as 20,000 acres of natural wetlands this year. The U.S. Fish and Wildlife Service says it will make its recommendations for the fall hunting season on August 3.

## BARBS

Screeching Speaks Louder Than Words.

A parrot-smuggling ring was broken in Ghana after 2,000 African gray parrots squawked so loudly and persistently they tipped off airport officials. Reuters reports the angry parrots were rescued from 33 cramped boxes on a London-bound jet.

## HOTLINE

### Reprieve at Sobare

A roadless area considered essential to grizzly bears and important to elk, moose and the endangered whooping crane was temporarily saved, the *Jackson Hole Guide* reports. The Jackson Hole Alliance for Responsible Planning and six other groups won a stay from the Forest Service and the Interior Department's Board of Land Appeals. The stay delays Amoco from drilling an exploratory oil well and building an access road in Sobare Creek northeast of Jackson, Wyo. Both the Bureau of Land Management and Bridger-Teton National Forest officials had granted Amoco the permit for the well and road (*HCN*, 6/6/88). At the same time, the Bridger-Teton officials decided they will more thoroughly review future requests for oil and gas wells. Under the new rules, companies must submit full development studies on oil and gas fields when applying for a lease on a single well. That way potential impacts can be assessed. Bridger-Teton forest planner Jim Caplan says leases will now be granted only after several reviews. Len Carlman of the Jackson Hole Alliance says additional reviews are what environmental groups have wanted for years. But not everyone is pleased. Several business and labor groups wrote a letter to the Forest Service opposing the stay.

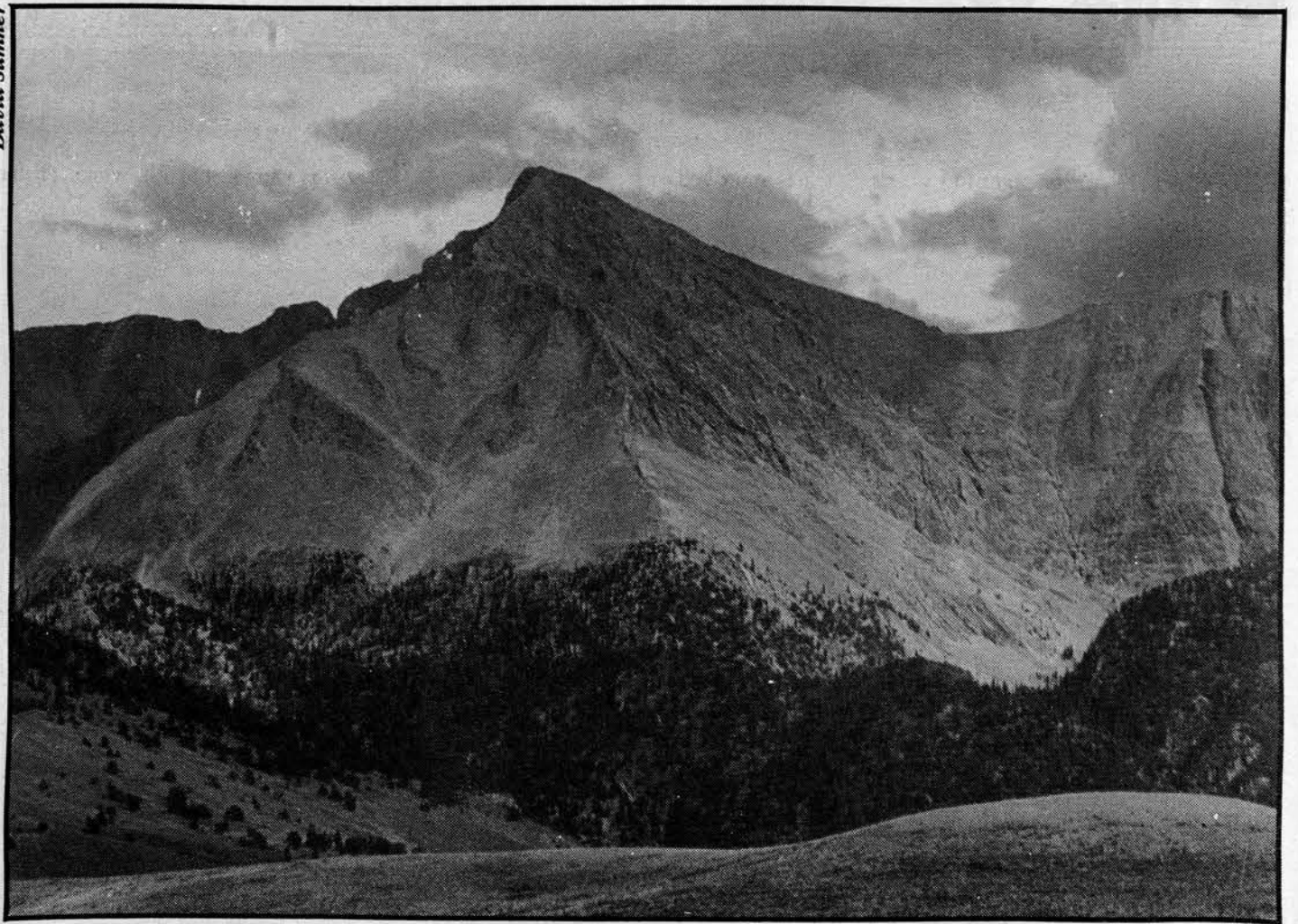


Purgatory Resort, Colorado

### Ski areas owe us money

Ski areas on federal land are not paying enough rent and a new formula to set leases is needed, concludes the General Accounting Office. No easy way exists to calculate land value to ski resorts, but the GAO said ski areas now pay less than they would for private land. Colorado Ski Country spokesperson Stephanie Nora disagreed. She said ski areas in Colorado pay \$4 million a year to the Forest Service for 56,000 acres of land, which gives the Forest Service "a lot of bang for its bucks." She added, "The system is designed to encourage investment. If you set a fee too high, then you're being counter-productive to that philosophy." The GAO study was ordered by Sen. Metzenbaum, D-Ohio, as a condition for withdrawing opposition to a bill sponsored by Sen. Tim Wirth, D-Colo., *AP* reports. Wirth's bill lengthened leases for ski areas on federal land. For a copy of the report write: U.S. General Accounting Office, P.O. Box 6015, Gaithersburg, MD 20877.

David Summer



Borah Peak, Idaho's highest, in the Lost River Range

## An Idaho wilderness bill peters out

What has been likely for months is now certain: Congress will not pass Idaho wilderness/forest management legislation this year.

Idaho will remain without congressional guidance for management of 9 million roadless national forest acres. And if Jim McClure and Cecil Andrus can be believed, there may not be another try next year.

The dead bill, S2055, was the joint effort of Democratic Gov. Andrus and Republican Sen. McClure (*HCN*, 6/20/88). It proposed some 1.5 million acres of wilderness, 600,000 acres of "special management areas", and released 7 million acres for non-wilderness management. It also contained provisions governing water rights, the definition of "road," commercial outfitting, and back-country airstrip management with no precedent in previous wilderness bills. Idaho media called it a wilderness bill but its legislative title was more accurate: the Idaho Forest Management Act.

With only some 20 working days left this Congress, McClure told the Idaho Falls *Post-Register* in early July that the bill probably won't get out of committee to the Senate floor. Others in Congress say there is no "probably" about it.

From the time McClure introduced S2055 in January, content and timing it made clear the bill could not pass the House of Representatives this year. In June, events in Idaho and Congress guaranteed it wouldn't pass the Senate either.

On June 11, Idaho's state Republican convention, with McClure in the audience, passed a resolution opposing further wilderness designations in Idaho, in opposition to their party leader's bill. Afterwards, Idaho's other senator, Steve Symms, said flatly what he had long hinted -- that he would oppose the bill as written because it contained too much wilderness.

A perfunctory morning hearing June 21 before the Senate Subcommittee on Public Lands produced the same result as earlier field hearings in Idaho. Only McClure and Andrus supported the bill. Interest groups from all sides opposed it, and even the Forest Service, without using the word "oppose", made clear its

distress with much of the special management language.

Both McClure and Andrus have been laying political cover for the bill's failure almost since it was introduced, and both have said several times, though not in the last few weeks, that if the bill dies this year they will not try again. (Andrus has said it flatly; McClure has been softer.)

If that vow holds, so ends one of the more curious efforts to pass "vital" legislation Idaho has seen. Curious because it was so lethargic.

Neither sought to enlist the support or even the neutrality of Idaho's other three members of Congress. Symms and Republican Rep. Larry Craig essentially opposed the bill from the start, with only Democrat Richard Stallings staying publicly neutral.

Neither author actively lobbied key House and Senate members on public land bills. Andrus, particularly, could have worked the key Democrats -- one of whom, Morris Udall, is an old friend.

McClure made no effort to move it quickly in the Senate -- an obvious prerequisite to any chance for success this year. After field hearings in March, he waited nearly three months to request the obligatory Washington, D.C., hearing that precedes committee markup. He has not requested any mark-up and apparently will not do so.

Since Idaho media are generally accepting a conventional version of why the bill failed -- that it was killed by "extremists on both sides" -- McClure and Andrus are not being asked why their efforts were so limited. A guess is that McClure knew the bill as written could not pass Congress and was unwilling to move it to a stage where he would either lose votes or be forced to compromise. Andrus, though probably willing to compromise, is yoked to McClure by their agreement and can do nothing about it.

What will the next step be? In Idaho, much will hang on the politics of forest-plan appeals and timber-sale delays. Idaho conservationists have already won a stay of roadless area timber sales in their appeal of the Panhandle forest plan and will probably request similar stays soon on two other forests. If the appeals

are perceived as crippling the timber industry, public support for the McClure/Andrus bill could grow, and that might lead to reintroduction in 1989.

But Idaho politics cannot change the impasse in Congress. If McClure and Andrus want to move a traditional 1.5-million-acre wilderness bill through Congress, they probably can. But if they continue to insist on a lengthy list of non-wilderness provisions -- many with no precedent -- they will have problems.

Though Idaho conservationists opposed S2055, they can take little political comfort in its failure. Public support for wilderness in Idaho, always shaky, has been confused by the McClure/Andrus process. The concept of off-road-vehicle corridors through wilderness -- there are several in S2055 -- has achieved public standing, threatening nearly every wilderness that conservationists propose in southern Idaho.

Traditional friend Andrus is on record supporting legislation conservationists and sportsmen consider terrible. Their one potential ally among Idaho's congressmen, Richard Stallings, is, if anything, more nervous about wilderness than he was a year ago.

In 1983, Idaho conservationists, under duress from McClure's first effort at an Idaho bill, developed a statewide wilderness proposal including some 40 areas and 3.9 million acres. Today, that proposal remains as far off the political reality chart as it was then.

--Pat Ford

## BARBS

*Time flies when you're having fun!*

The average person in a lifetime spends five years standing in lines, six months waiting at stoplights, one year searching for lost objects, two years trying to return telephone calls to people who never seem to be in, six years eating and eight months opening junk mail, reports *AP*.

# Developer may smuggle homes into Aspen

## HOTLINE

Smuggler Mountain in the upper valley above Aspen, Colo., is one of the few remaining wild places near this ski resort. But poor county planning may sacrifice the mountain to a housing development.

Pitkin County Commissioners attempted to limit growth in this area by enacting the Down Valley Growth Plan. It allowed ranchers to subdivide their land to provide housing for families and workers. But the county failed to specify which land around Aspen came under the plan, and this left a loophole. Recently, developer George (Wilk) Wilkinson cited the loophole -- the plan's "low impact subdivision" concept -- when applying for 14 homes on his patented mining claims on the upper valley mountain. For the last seven months the proposed development has been a hotly debated issue in Aspen. County engineer Tom Newland says Aspen has 1,078 patented mining claims. Wilkinson's move showed commissioners that any patented mining claim could be potential homesites.

In June, the county amended its plan by deciding developers could not apply for low impact subdivisions until master

plans exist for the upper valley. The commission also added five criteria that a project must meet before an application is approved.

But the county decided to review Wilkinson's application since it was submitted before the new amendment. Wilkinson had threatened to sue the county for changing the regulations after he had applied.

As a fallback plan, perhaps, Wilkinson submitted a second subdivision application for his mining claims under the county's regular growth management plan. This plan requires developers to compete with each other under a plan that allows only 14 new dwelling units to be built each year.

Glen Horn of the Pitkin County Planning Department says the county is waiting for Wilkinson to decide which application to pursue. The county will only consider one application for each piece of property.

Meanwhile, a new group has emerged to oppose development on Smuggler Mountain. Homeowner Tom Griffiths says the group, composed mostly of residents at the base of the mountain, thinks no development is

appropriate because the mountain is near a wilderness area. A wildlife resource map prepared by the Colorado Wildlife Division shows that elk winter on the land Wilkinson proposes to develop, Griffiths says.

There is also a debate about access. The county says a road through Wilkinson's property that leads to the wilderness area is public; Wilkinson says it's private and is threatening to restrict access.

Griffiths says Wilkinson ultimately has some development rights, but prefers the regular growth management application because "if it has to be developed, it should be done well."

If Wilkinson pursues the low impact subdivision, the county will consider the severity of road cuts, impact on wildlife and visual impacts. The road to Wilkinson's property is now only wide enough for a jeep. It would have to be widened to give firefighting equipment access to the homes.

For more information, contact The Smuggler Mountain Caucus, P.O. Box 11583, Aspen, CO 81612 (303/925-9420).

--Tara Lumpkin, Stacie Oulton



Battered wildlife

The possibility of federal aid may serve as an oasis for drought-stricken farmers, but the nation's wildlife will have a much tougher time finding relief. The Bureau of Land Management reports the drought is affecting all levels of the food chain. Insects and amphibians die as marshes and wet meadows dry up, decreased water flows force salmon into larger rivers where spawning conditions are poor, birds of prey suffer because some rodents are semi-hibernating to adapt to the drought, and reduced forage and milk production in females may lead to higher mortality rates in bighorn sheep, deer and antelope. The agency has built water storage structures and restricted livestock grazing in some areas where conditions are extreme, but it plans no extensive relief operation. The BLM also asks people to avoid streams and ponds to avoid scaring off thirsty animals.

### Navajo investigation

A special investigator for the Navajo Indian tribe has cleared top tribal officials of any wrongdoing in a recent land scandal, but federal agencies are still investigating. As part of tribal chairman Peter MacDonald's economic development plans last year, the tribe purchased the 500,000-acre Big Boquillas ranch near Tuba City, Ariz., for \$33.4 million. Soon after the sale it was revealed that the tribe bought the ranch from intermediaries, who bought the property from its original owners only two days earlier for \$26.2 million. Special investigator Michael Hawkins, in a report to the Navajo Tribal Council, said he found no evidence of impropriety on the part of tribal officials. However, Hawkins admitted he was unable to question the owners of the intermediary firm. At the same meeting an appraiser hired by the council reported the tribe paid between \$2 million to \$5 million more than the value of the land. MacDonald told AP that tribal officials did not know what the non-Indian intermediary firm, Tracy Oil and Gas of Phoenix, had paid until after the deal was settled, but the commissions to middlemen are "partly how business is done in America." A principal middleman in the deal, Bryon Brown of Phoenix, is a long-time friend of MacDonald and contributor to MacDonald's many political campaigns. Despite a Navajo citizens' petition to the Bureau of Indian Affairs to block payments on the ranch until investigations are completed, Bureau of Indian Affairs' officials recently approved a tribal budget amendment to begin payments.



Craig Holyoak, Deseret News

## 'Last-ditch' effort made for radiation victims

Utah's congressional delegation joined forces last month to sponsor what they called a last-ditch effort to compensate radiation victims of the nation's atomic weapons program in the 1950s and 1960s. Sen. Orrin Hatch, R, and Rep. Wayne Owens, D, have introduced a bill to Congress that would pay a maximum of \$50,000 to each victim of downwind fallout from open-air nuclear tests at the Nevada Test Site. It would also pay \$100,000 to each uranium miner injured or killed by radiation exposure while working in government mines. Hatch told the *Deseret News* that

previous bills exceeded what Congress felt was reasonable to pay and this "is the last, best chance for the victims to get some kind of justice from a government that was definitely in the wrong." Owens added that in light of recent events, this Congress and administration seem more willing to compensate victims of government negligence or unjust actions. If passed, the bill would set up a branch of the U.S. Court of Claims in St. George, Utah, to hear fallout cases. Victims of fallout must have lived in specified downwind counties for at least one year between 1951 and 1962; must

have contracted either multiple melanoma, leukemia or cancer of the thyroid, urinary tract, colon, breast, lung, stomach or esophagus; and must have filed a damage claim against the U.S. government prior to April 20, 1987. Mine victims must have worked underground in a uranium mine in Utah, Arizona, Colorado or New Mexico between Jan. 1, 1947 and Dec. 3, 1971. If a non-smoker they must have received 100 or more working-level months of radiation. If a smoker they must have received 250 working-level months of radiation.

## Conservationists cry foul over grazing program

A Department of Agriculture decision to open Conservation Reserve Program lands to haying has left conservation groups feeling "stabbed in the back." The Washington, D.C.-based Wildlife Management Institute says the decision was made under pressure from

farmers facing drought-caused shortages of forage. But the institute says the result is that "tens of thousands of waterfowl, pheasant and songbird nests -- which taxpayers are paying millions to protect -- are being sliced to bits." Part of the 1984 Farm Act, the Conservation

Reserve Program pays farmers an average of \$48 per acre to retire marginal lands from row-crop production for a 10-year period. The program is designed to control soil erosion and provide habitat for wildlife.

6-High Country News --August 1, 1988

## HOTLINE

## Road fight

Nine members of a Forest Service citizen review committee in New Mexico have resigned in protest over an agency recommendation to pave a narrow canyon road in the Sandia Mountains of the Cibola National Forest. The dirt road, New Mexico 165, travels up Las Huertas Canyon and connects with the popular Sandia Crest road that winds up from Albuquerque on the other side of the mountains. The Forest Service recommendation "is a sop to development," Marion Davis, chair of the Las Huertas Citizen Work Group, told the *Albuquerque Journal*. "We've really been had." The group studied eight alternatives for the road, ranging from paving it to closing it, and had recommended closure and conversion to a bridle path. Davis said paving would require realigning the road, which would require moving the creek bed. The group also says pavement would bring high-speed recreational drivers, damaging wildlife and taxing the region's emergency services. The Forest Service says the \$3 million paving project would preserve the canyon, reduce sedimentation of Las Huertas Creek and keep open the possibility of allowing another ski area in the Sandias. Local emergency response officials oppose the road, as do the Sandia Pueblo, who use the canyon for religious purposes. The Forest Service is now holding public hearings on the proposal.

## Turning up the beat

Midnight-dumpers are high on the FBI's "Wanted" list in Wyoming and Colorado, reports the *Casper Star-Tribune*. The Federal Bureau of Investigation works with the Environmental Protection Agency on the criminal aspects of toxic-waste dumping, leaving industry regulation to the EPA. Robert Pence, director of the FBI's Denver office, said violations range from an individual driver dumping toxics, to cases where "not only has the toxic waste been dumped with the company's knowledge, but employees that work for the companies have been endangered by the handling of some of these wastes."

## Congress remembers a public lands staffer

WASHINGTON, D.C. -- Paying an unusual tribute to one of its staff members, the Senate July 12 voted to establish a fellowship program in memory of Pietro Antonio (Tony) Bevinetto, a top Republican aide to the Committee on Energy and Natural Resources who died on July 3.

The high regard in which Bevinetto was held was evident in the eulogies delivered by senators in the days following his death from cancer.

"Tony brought to his position...a true and unique understanding of the land and of all the people who use it and love it," Sen. James McClure of Idaho, the ranking Republican on the committee, said.

"Moreover, he brought to all of us who knew him a special human side that is somehow so often lacking in our busy Washington world," McClure said. "He gave to each of us a gentle but tough, down-to-earth commonsense approach to problem solving, laced liberally with a most special sense of humor and a true caring."

Bevinetto, 57, had served on the energy committee staff for nearly 12 years, devoting most of his time to the public lands subcommittee. He first came to the Senate on temporary assignment from the National Park Service, where he had been assistant superintendent of Grand Teton National Park.

Before joining the NPS, Bevinetto spent eight years as assistant director of the Wyoming Travel Commission and worked for seven years for the *Laramie Boomerang* newspaper.

The fellowship to be established in Bevinetto's name would allow a senior NPS employee to follow in his footsteps by spending a year working on Capitol Hill, either as a committee staff member or on the personal staff of a member of the House or Senate.

Wyoming Republican Malcolm Wallop, who sponsored the measure creating the fellowship, remembered Bevinetto as "a cherished friend and most trusted counselor."

Wallop praised Bevinetto's talent for forging compromises on difficult legislation, allowing "both Republicans

Jackson Hole News



Tony Bevinetto

and Democrats (to) claim victory...and the victor was America."

One of Bevinetto's greatest accomplishments was the 1984 Wyoming Wilderness Act, which created 800,000 acres of national forest wilderness areas, Wallop said. The bill passed during Wallop's tenure as chairman of the public lands subcommittee.

"This was one of Tony's greatest acts of love for his country and his state and my state of Wyoming," Wallop said of the wilderness bill. "It was one of his finest and most difficult labors for me, and one for which I will forever be grateful."

Bevinetto's acknowledged expertise on public lands issues was matched by a warm and caring personality, Sen. Al Simpson, R-Wyo., said. Simpson, who is 6-foot-7, recalled the days when he and the 5-foot-3 Bevinetto made a "very odd couple" during their student days at the University of Wyoming.

"It was great amusement when Tony would wheel around...with his eye-

balls at my midsection and say, 'Where is Al?'" Simpson said. "I would scan the room at eye level and ask: 'Where is Tony?'"

Sen. Mark Hatfield, R-Ore., said Bevinetto "avoided the alluring trap that snares many in political life of telling people what they want to hear. He was devoted to truth in his work and...he was as tough as you could get when he felt an individual senator's proposal was at odds with sound public lands management policy."

Those who enjoy wilderness areas created in the last decade "owe a debt of gratitude to Tony Bevinetto and his hidden work on behalf of those bills," Hatfield said.

The Bevinetto fellowship program is included in the Senate's version of the 1989 Interior Department spending bill. Before the fellowship can become reality, the House must accept the provision and President Reagan must sign the bill into law.

--Andrew Melnykovych

## Arizona land exchange is opposed by conservationists

A proposed land exchange in Arizona has hit a snag with conservationists. The Sierra Club and other groups supported the exchange as originally envisioned, but say taking land from a national wildlife refuge makes it unacceptable.

The groups are fighting the transfer of 47,845 acres from the Kofa National Wildlife Refuge to the Bureau of Land Management. The BLM says the refuge land will be needed for construction of a powerline from Arizona's Palo Verde nuclear power plant to southern California. Lyn Engdahl, BLM assistant state director, says the transfer is essential to the exchange.

The BLM says the land package, called the Santa Rita exchange, will simplify land management and save money. The trade gives Arizona 12,000 acres of BLM land to compensate for land given up for construction of the Central Arizona Project. The state also gets the 51,000 acre Santa Rita Experimental Range south of Tucson, on which it does research but is due to give up in 1991.

In return, the U.S. Forest Service, the BLM and the U.S. Fish and Wildlife

Service get various state lands, some of which they now lease. Both the BLM and environmentalists agree that this protects wildlife and archaeological sites from the vagaries of federal financing.

The problem for environmentalists is that they believe the wildlife refuge land suggested for transfer is important habitat for desert bighorn sheep. They say land along Interstate Highway 10 is a better route for the powerline. "A powerline must meet a test of compatibility" on a national wildlife refuge, says Rob Smith of the Sierra Club. "It ought to be a very strict test."

The origin of the idea of the Kofa transfer is disputed. Dean Bibbes, BLM state director, says the idea started with Mike Spear, southwest regional director of the U.S. Fish and Wildlife Service. That agency manages national wildlife refuges. But Smith, a southwest representative of the Sierra Club, says Spear was likely pressured by higher-ups in the Interior Department, which oversees both the BLM and Fish and Wildlife. Spear says he came up with the idea in order to solidify another part of the exchange in which Fish and Wildlife

gets some state land. He denies any pressure from above.

The BLM's Engdahl says the wildlife refuge already contains four underground pipelines, two communication lines and one power line. The existing powerline has no effect on the bighorn sheep, he says, and a new one will not hurt them either. It would be a "much greater violation" to the bighorn, he says, to locate the powerline alongside I-10.

Engdahl says the BLM won't change management of the area. He says the BLM would not allow domestic grazing and would stick to wilderness recommendations made by the Fish and Wildlife Service. The BLM should manage the area since the public views wildlife refuges as "sacrosanct" and free of developments, he adds. But "it doesn't matter who manages it, a powerline is going through that corridor."

The BLM is misperceived as a group of "diggers and despoilers," he continues. Environmental leaders don't care about the bighorn sheep "except as they cause trouble to keep their organizations alive." Any opposition to the trans-

fer "depends on uninformed people because those who are informed are very happy with the exchange," he says.

Smith responds that more study is needed before the effects of the first powerline are known. Until then, a second powerline would be "yet another mistake." He says transfer proponents are "talking out of both sides of their mouth" if they say the I-10 route would affect the bighorn while claiming powerlines have no effect.

Meanwhile, the issue has moved to Congress. Both Arizona senators and four Arizona Republican representatives have introduced legislation authorizing the Santa Rita exchange with the Kofa transfer. The lone Arizona Democratic representative, Morris Udall, has introduced legislation authorizing the exchange without the Kofa transfer. For more information, contact Rob Smith at the Sierra Club, 3201 N. 16th St., #6A, Phoenix, AZ 85016 (602/277-8079) or Dean Bibbes, BLM State Director, 3703 N. 7th St., Phoenix, AZ 85014 (602/241-5504).

--Michael J. Robinson

# Water marketing is becoming respectable

In the wake of the battle over Two Forks Dam, the mountain that is Colorado water law is beginning to tremble. That trembling was most apparent at the 13th annual Colorado Water Workshop, held at the Western State College campus in Gunnison last month.

The workshop is the state's largest forum on water issues and drew more than 300 state and regional officials, water users, environmentalists and concerned citizens. Colorado Attorney General Duane Woodard led off with the keynote address, saying that with few exceptions, water conservation, re-use, transfers, banking and marketing have replaced dam building as the state's primary method of water development. Woodard said non-traditional water supply methods, like sale of water rights -- now a multi-million dollar industry in Colorado -- are preferable because they are more efficient uses of water and have less governmental interference.

Water marketing is increasing, Woodard said, because of the rising cost of water and public resistance to dams. But he also cautioned that costs shouldn't be the only value controlling the market. When water is shifted from its historic use on farms to cities, both tourism and agriculture, the number one and three industries in the state, will suffer, he said. Drying up farms in order to water cities will impact whole communities, from businesses to schools, Woodard said, and may also "foreclose a rural lifestyle for future generations."

Eric Kuhn, engineer for the Colorado River Water Conservation District, noted that the number of water transfers and other non-traditional projects is increasing in part because they are designed so the developer can skip the permit and environmental impact statement process and avoid public policy review, regulation and red tape.

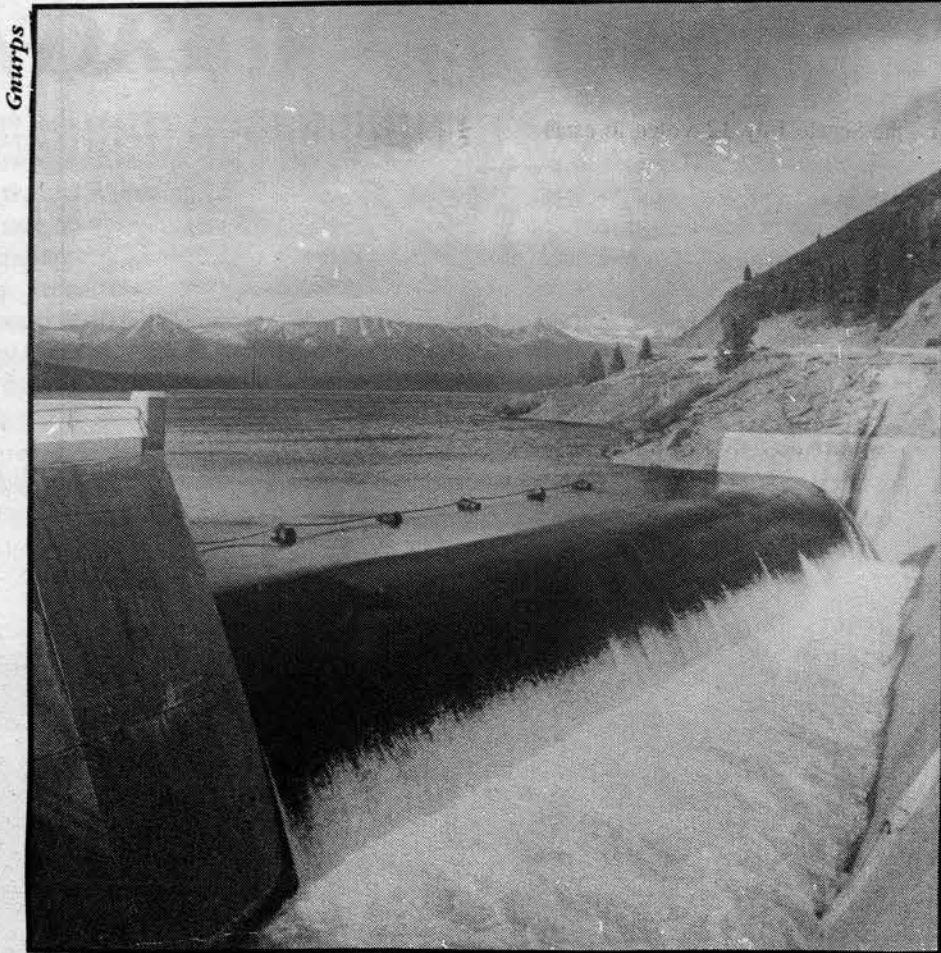
However, Tom Griswold, manager of Aurora's utility department -- one of the 42 suburban entities supporting Two Forks Dam -- said most of the agricultural water available to cities that can be cheaply put into existing pipelines has already been bought. New water transfers will require expensive delivery systems and likely be subject to environmental studies for the first time, he said.

"The EISs will probably require a full assessment of the environmental and social impacts of drying up farm lands," Griswold said. "Replacement of the Two Forks yield with agricultural transfers would require drying up approximately 100,000 acres of crop production land. That seems like a significant impact to me and one that very well may not be in the overall best interest of Colorado."

Tom Havens, a consultant to California's Imperial Irrigation District, said the West was "on the edge of a virtual explosion in the price of water," and that the transfer of water from agricultural to urban areas would continue. Havens suggested Colorado consider a California law that allows farmers to sell or lease water they have conserved, as well as water banking and other ideas.

"Save water and sell it or lease it. I think that's the new standard, rather than use it or lose it," he said.

Havens added that Colorado had a ready market for its water in California -- an idea that was backed up by surprise speaker Dale Mason, head of the San Diego County Water Authority. Mason said San Diego was ready to lease Colorado's surplus water and pay the state a severance tax. He said the needed structures were already in place and a leasing arrangement would give Colorado cash for new water projects



Taylor River Dam in western Colorado

and local development, and water for instream flows without requiring new dams or diversions. By the time Colorado wanted the water for itself, Mason said, San Diego would have developed other sources.

Mason admitted the legal obstacles are formidable, but added, "At least today people aren't saying, 'Hell no!' When we first proposed (water leasing) four years ago, we were branded as heretics throughout the West. Today we are holding seminars on it."

The workshop had an unprecedented number of calls for a state water plan, many from the state's leading water people, as well as a general acceptance of Gov. Romer's demand for a Denver metro area water authority. Greg Hobbs, attorney for the Northern Colorado Water Conservancy District, said a water council composed of all the state's water conservancies and river districts should meet soon to plan statewide water development and formulate regulations. Their first task, he said, should be creation of a metro water authority for Denver.

"To keep folks at the table we need some new institutions," Hobbs said. "We need an institution in Denver that we can deal with so those 42 suburban water entities do not cut and run, and begin to

dismantle our locally owned ditch companies."

Phillip Ray, an engineer and West Slope water consultant, said the state needs a broad policy, not regional conflict, or it would never be able to develop its share of water from the 1922 Colorado River Compact.

Calls for water planning were joined by calls for other issues long taboo in Colorado water policy. Chris Meyers, attorney for the National Wildlife Federation, asked that conservationists be allowed to buy water rights and transfer them from consumptive use to instream flows for fish and recreation.

State Rep. Scott McInnis, R-Glenwood Springs, and Bill Needham, Grand County Commissioner and Vice President of the Colorado River Water Conservation Board, both made pleas for caps on trans-basin water diversions. "Now, as communities on the West Slope grow, we need protection in the basin of origin," said Needham.

Bob Weaver, coordinator with the Colorado Environmental Coalition, asked for expansion of state water court jurisdiction to include review of public interest in maintaining rivers in instream flow and water transfer decisions.

--Steve Hinchman

## Governor proposes water reform

On July 14, at a public brainstorming session on Colorado water policy, Gov. Roy Romer called for basic reforms of state water law to reduce consumption and make water development more fair and efficient. The Denver meeting followed right on the heels of the Colorado Water Workshop and included a number of the same players.

Romer, who bemoaned the beating he has taken over his Two Forks stance, said the debate over the dam clearly shows deficiencies in state water policies: "While the system is fundamentally sound, it does not always work well and it does not always reflect our collective values."

The Governor said he would ask the state legislature at its Aug. 3-5 session to consider changing state law to set a statewide water conservation program and minimum water conservation standard, such as limiting the size of domes-

tic water fixtures; basin of origin protections, such as requiring Front Range cities to build reservoirs for the West Slope as compensation for diverting water under the continental divide; upgrade the state's instream flow laws to allow fishing and whitewater enthusiasts to buy water rights to keep rivers full during the dry summer months; and encourage farmers and ranchers to conserve water by allowing them to sell excess or saved portions of their water rights. Colorado water law now requires farmers to use their water or lose it.

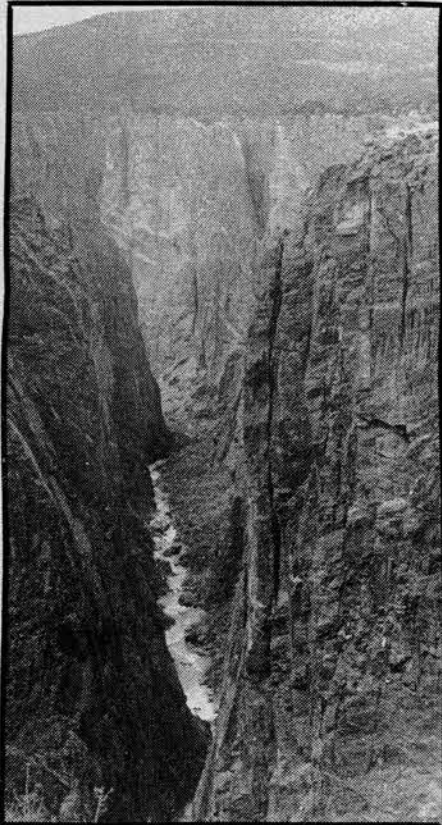
Those changes may be too controversial for a short legislative session, but Romer said he may also ask the legislature to set up a special water task force or direct the Colorado Water Conservation Board to study the proposal.

--Steve Hinchman

## HOTLINE

### Tribe challenges mine

Grand Canyon's Havasupai Indians continue to fight a uranium mine 13 miles from the canyon's south rim. Since 1986, Energy Fuels Nuclear Inc. has pushed to mine an area the Indians believe is the Earth's womb (HCN, 9/29/86). The Havasupai and the Sierra Club fought for a stay from the Forest Service, but after losing, the Indians filed a lawsuit saying the mine violated freedom of religion rights. For its part, the Sierra Club also appealed the Kaibab Forest management plan. Additionally, a Flagstaff environmental group is trying to place an initiative on November's ballot, asking the county to regulate uranium mining in the Grand Canyon area. The *Arizona Republic* reports that Havasupai council members have also traveled to Washington to push for legislation giving the land to the tribe in trust. Meanwhile, the House is working on a bill to subsidize domestic uranium mines. If passed, the bill would encourage domestic mining by requiring the federal government to purchase domestic uranium. Although the Forest Service allowed the company to do surface work on the mine, a U.S. District Court judge delayed drilling until Aug. 24, when the trial on the Havasupai's lawsuit begins.

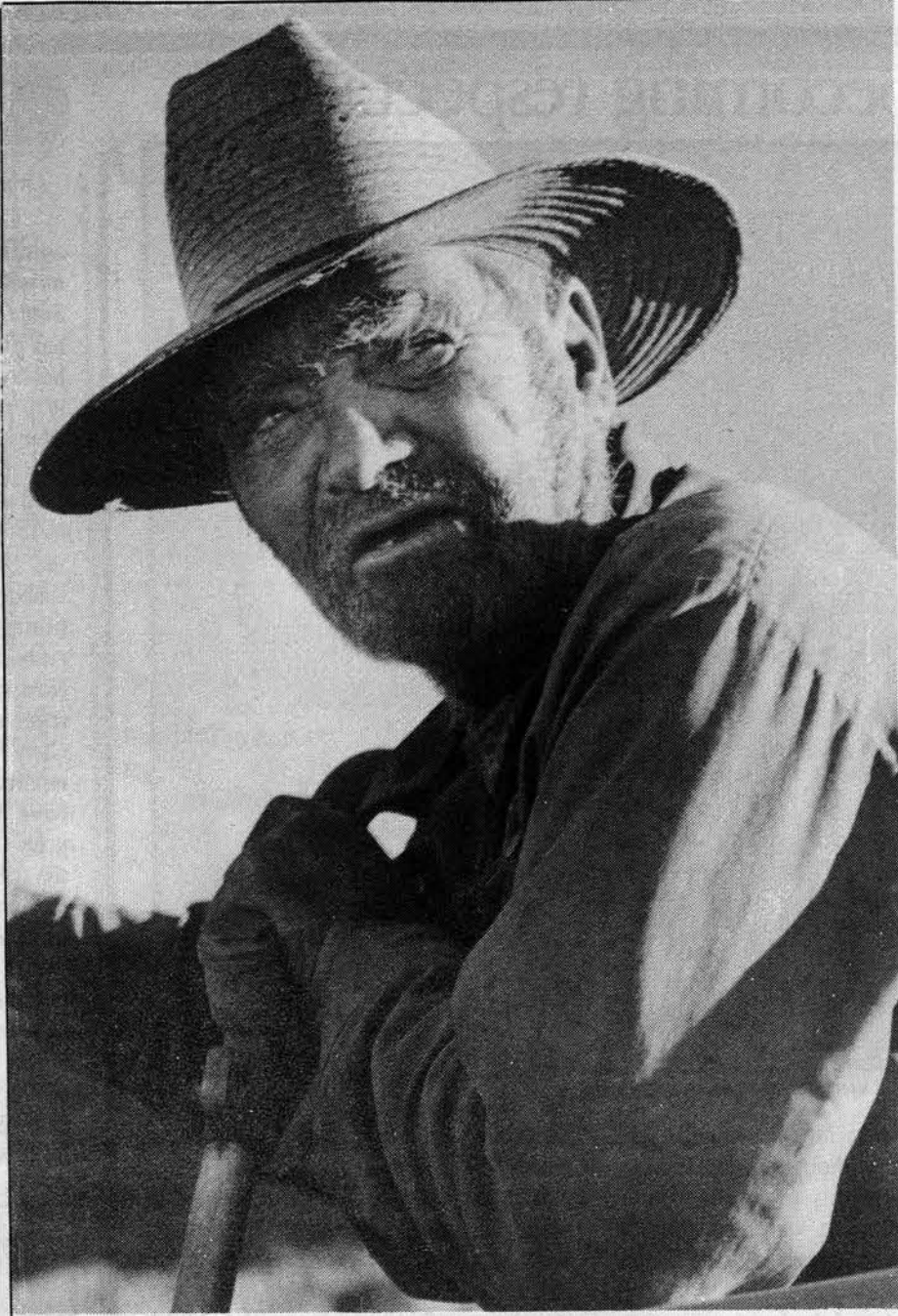


Black Canyon

### Scraping away

Rancher John Botti's bulldozer is still being used to pressure the government at Colorado's Black Canyon of the Gunnison National Monument (HCN, 6/6/88). Colorado Sens. Bill Armstrong, R, and Tim Wirth, D, recently amended the appropriations bill to allow the Park Service to buy Botti's and other ranchers' property or scenic easements along the canyon's north and south rims. But Botti hasn't seen any money yet. In 1984 the Park Service included 2,500 acres of privately owned land in the Black Canyon Monument; however, money to buy that land was never appropriated. In a joint statement, Wirth and Armstrong said, "We wanted to preserve the beauty here and keep the incomparable view uncluttered by development while fulfilling the government's commitment to the landowners along the rim." Despite assurances from Armstrong's aide David Jensen that this is "as close to a done deal as you get," Botti says he'll continue to build roads for development. Botti told the Grand Junction *Daily Sentinel* that there is still too much red tape to believe the money will actually come through soon.

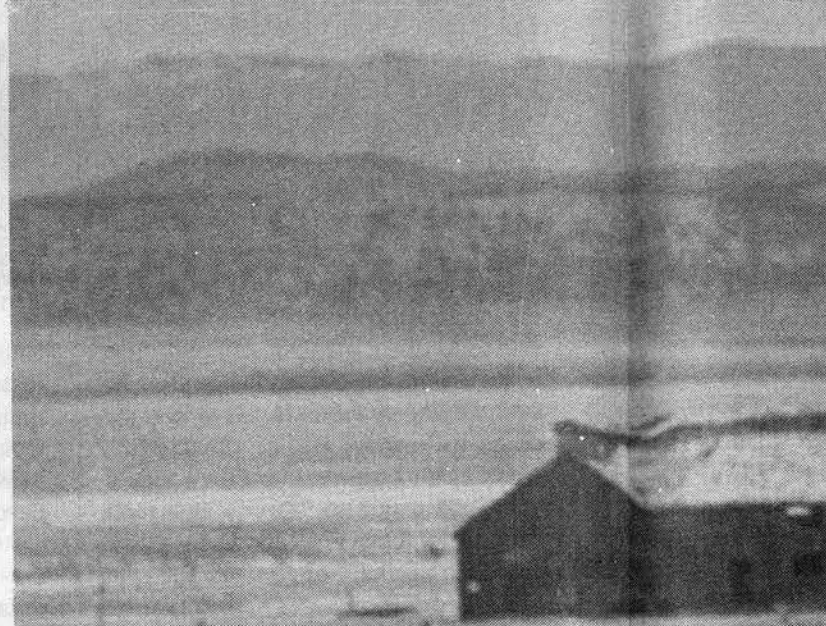
8-High Country News  
August 1, 1988



# WESTERN PORT

My father flew aerial reconnaissance in the Pacific in World War II. My brother used still cameras before becoming a cinematographer; both of them helped me to "see" photographically. Photography has become an essential creative outlet for me. I dropped out of college to become a photographer in San Francisco in 1974. On a Monday I was hired to take passport pictures, but by Friday I was fired for taking too long to make prints.

My favorite subjects are people I have never met -- strangers -- the time as I look through the American West, the past and its uncertain future, captivated by the new landscapes and that sense of space." I enjoy photographing towns in Colorado, American villages in Arizona and New Mexico, and Mormon settlements.



Clockwise from upper right:

- Barn -- Silt Mesa, Silt, Colorado
- Homestead house on the high plains
- Blacksmith -- Matheson, Colorado
- Bull and Salt Works -- South Park, Colorado
- Grandma McGee -- Cripple Creek, Colorado
- Harmon Kindall, homesteader -- Missouri Heights, Glenwood Springs, Colorado



# N PORTRAITS

## BY ANDREW GULLIFORD

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My favorite subjects are people I've never met -- strangers I see for the first time as I look through the lens. I love the American West, both for its colorful past and its uncertain future, and I am captivated by the magnificent landscapes and that sense of "awesome space." I enjoy photographing old mining towns in Colorado, Native American villages and reservations in Arizona and New Mexico, fourth generation Mormon settlements in rural Utah,

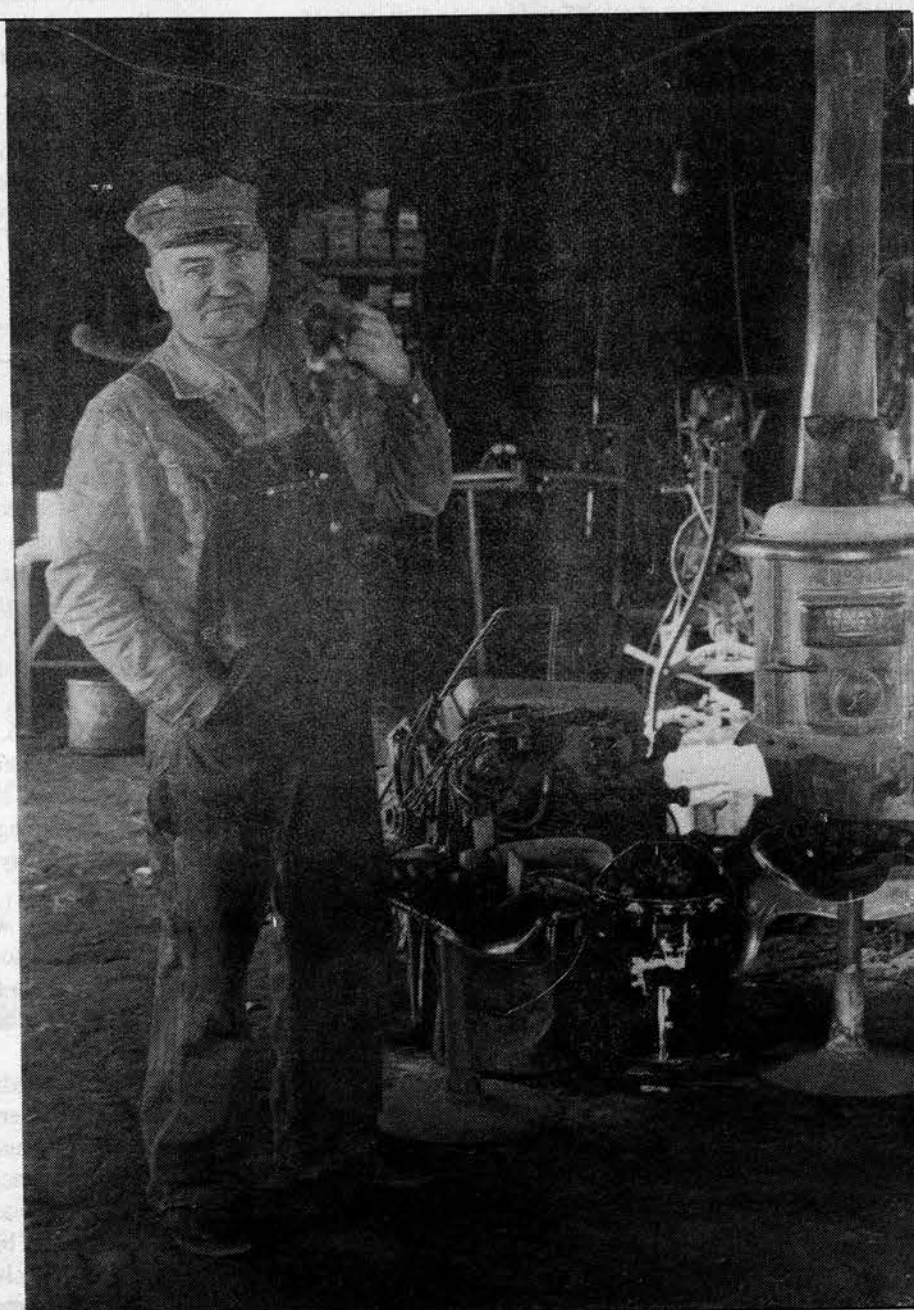
and cowboys alive and well in Nevada, Nebraska and Wyoming.

I take photographs that I hope have aesthetic appeal as well as a sense of history. I want my images to endure as documents of a specific time and a specific place, and perhaps a few of the very best will capture what Ansel Adams called "the eloquent light."

□

Andrew Gulliford is director of the museum at Western New Mexico

University in Silver City, New Mexico. He is the author/editor of *Garfield County, Colorado: The First Hundred Years* published by the Grand River Museum Alliance (1982), and the author of *America's Country Schools* published by the Preservation Press of the National Trust for Historic Preservation in Washington, D.C. (1984). Currently he is revising for publication his Ph.D. dissertation on boomtowns and Colorado oil shale.



## Sewage...

(Continued from page 1)

Canada. McMaster records show Brown left the institution before receiving a degree.

Brown had also served as president of a Nevada company named China Oil which he founded in 1981. In 1984, China Oil intended to buy the reactor from Nordic. Part of the deal would have left China Oil owning 59 percent of Nordic. A Utah Company, Circa, had a joint venture with Nordic and a California company, W.H.B. Chan. Circa planned to buy HSA Reactors for use at a mine near Mountain Home, Idaho. The president of Circa, Lee Miller, of Seattle, Wash., later described the plan as a "big nothing", adding that he lost \$1.5 million "on paper" in the deal.

James Brown has portrayed himself as an unfortunate victim in the failures, and he maintains the device can be made to work. Others hold a different view.

"What has happened in South Dakota," says Deb Rogers, "seems to fit into a pattern. The only thing that remains unclear is who is getting ripped off besides the people of South Dakota. There are probably some investors out there wondering what went wrong."

CMC was paid \$9.1 million to move the sewage ash from a treatment plant in St. Paul, Minn., to South Dakota. The plant is operated by the Metropolitan Waste Control Commission (MWCC), a government entity serving two million people and countless industries in the Minneapolis-St. Paul metropolitan area. Built into the contract was a 30 percent profit for CMC.

The saga of CMC and South Dakota dates to summer 1986, when the company first approached the state for a permit to bring sewage ash to an abandoned Army munitions depot near Edgemont.

With a slowly declining population of a little less than one thousand residents, Edgemont is a quiet place located in the sage-covered foothills of the southern Black Hills. The town's population peaked at about 10,000 just after World War II because of a uranium mine and processing facility. Today, residents worry that unless new industry can be attracted, the town's population will continue to slide.

Local officials, hungry for the 300 jobs promised by CMC, backed the sewage ash proposal. State officials, including former governor William Janklow and current Governor George Mickelson, also enthusiastically supported the idea.

By October 1986, CMC had a one-year permit to bring up to 300,000 tons of sewage ash to the state. Several months earlier, the company had been

Edgemont Herald-Tribune



Backhoes unload sewage ash in South Dakota

awarded a contract with MWCC to haul 230,000 tons of Twin Cities sewage ash. The first shipment of sewage ash arrived in South Dakota in December.

According to the South Dakota permit, CMC was to have its sewage-to-gold recycling facility set up and functioning by July 1987. The facility, a portable, modular device, was to be assembled in Reno and shipped to South Dakota.

In June 1987, CMC requested a three-month extension, saying it needed additional time to raise capital and finish the reactor. The company also sought to amend its permit to allow transport of the ash in open rail cars.

Deb Rogers and TIP then obtained a court injunction preventing use of open-top cars until a public hearing could be held. The issue was settled when state officials agreed to inspect each open car to make sure dust suppressant was being used.

At the July 1987 meeting, despite TIP testimony describing CMC's problems, including possible criminal violations, the Minerals and Environment Board voted unanimously to allow CMC's three-month extension. At that time, CMC spokesman Charles Ketchum said the recycling facility would be finished in seven weeks.

CMC then applied for a three-year permit to continue bringing sewage ash to South Dakota and later requested that its recycling deadline be extended an additional three months. Meanwhile, in September the MWCC amended its contract with CMC to allow the removal of 300,000 tons of sewage ash,

up from the original 230,000 tons. MWCC's new contract also extended to Dec. 31 the deadline it imposed on CMC for having its South Dakota recycling facility operational.

In January 1988, Charles Ketchum declared new money had been raised to finish the recycling device and that it would be ready by April 1, 1988. But by now, South Dakota officials were suspicious and an investigation by the Attorney General's office was started. Also in January, the MWCC again extended CMC's deadline for completing the recycling facility to April 30, 1988.

In March 1988, with sewage ash continuing to arrive at the Edgemont site, the hauler, Burlington Northern Railroad, announced plans to sue CMC to recover \$1.6 million. Since January, it was discovered, the sewage authority, and not CMC, had been paying the railroad to continue transporting the sewage ash to South Dakota. Panicked South Dakota officials asked the MWCC to cease its sewage ash shipments. The MWCC refused.

By May, the state had declared the ash dump to be illegal, and the Attorney General's office accused CMC and Charles Ketchum of lying to state officials. A \$1.25 million escrow account funded by CMC was seized and Gov. Mickelson asked the MWCC to help clean up the ash; MWCC refused.

Today, nearly 300,000 tons of sewage ash are at the site. Deb Rogers contends the permit process and extension requests were used by CMC to stall state officials until the company could fulfill its contract with the MWCC. By the time South Dakota officials reacted to CMC's ploy, it was too late.

The whole arrangement was a sweet deal for CMC. The company was required to demonstrate very little credibility. It had to put no money up front, other than purchasing land and some equipment in South Dakota. Even the escrow account was paid in installments, as the company was paid by the MWCC. Interest generated by the account was used by CMC to pay its bills.

## TIP knows how to dig

Perhaps no environmental organization has made a greater contribution to protecting natural resources in South Dakota than the Technical Information Project, or TIP.

It was TIP that discovered the flawed geology beneath a nuclear waste dump site proposed for southwestern South Dakota. That discovery helped coax Chem Nuclear, the promoter, to leave the state in 1986.

TIP is also credited with uncovering the real story behind the current sewage ash debacle. According to a recent editorial in the *Rapid City Journal* "... TIP discovered that Consolidated Management Corp. was violating the terms of its permit to ship sewage ash from Minnesota when the state (of South Dakota) either did not know this, or chose to ignore it."

The newspaper editorial went on to say that "TIP's concerns and testimony have opposed views and information presented by state agencies. Although its testimony has been biased in favor of its own views -- as has been the testimony of other factions involved, including the

state -- TIP has been quite accurate. It would be a loss if the organization were not allowed to take part in administrative hearings."

Surface mining issues in the Black Hills are another area of special concern for TIP.

TIP was founded in 1981 by Don Pay and Deb Rogers, both formerly of Pierre, S.D. Each has moved to the Black Hills this summer. Both are trained environmental scientists, with extensive experience in public interest lobbying and environmental research. Rogers serves as TIP's executive director. Pay is a research specialist.

The organization has an 11-person board of directors, with regional author Linda Hasselstrom serving as president. A newsletter, titled *TIPS*, is published about ten times each year. It documents a wide variety of environmental issues in South Dakota and the northern plains.

TIP can be reached at: P.O. Box 1371; Rapid City, SD 57709; 605/343-0439.

--Peter Carrels



Loading up sewage ash

Greg Carr

In the aftermath of what has been called a scam that truly does smell is a question: Why would government agencies enter into major contracts and grant significant permits regarding a material as suspect as sewage, with a company possessing no credentials? The answer, it seems, is desperation.

South Dakota's leaders, including its administrative boards, are desperate to broaden the state's economic base. Farm troubles have hit this agricultural state especially hard, and to compensate for the ailing economy the state has courted or welcomed environmentally controversial companies and projects.

Consolidated Management's request for a permit was granted after CMC officials made a pitch before a governor-appointed board and distributed their own promotional materials. The state conducted no serious background investigation. "We based our support for CMC's proposal on their sworn statements and also on their literature," says Joel Smith of the state's Department of Water and Natural Resources.

Not so Deb Rogers, who later described how simple it was to uncover CMC's past: "All it took was one letter to the Environmental Protection Agency and a follow-up phone call to a person recommended by the EPA to find out what their (CMC's) reputation was."

Ironically, in fall 1986, and simultaneous with CMC and James Brown seeking their first permit from South Dakota, Brown was telling federal Securities and Exchange officers that the HSA Reactor was essentially a "concept" in his mind. Because South Dakota conducted no investigation, this information went undiscovered.

Desperation of a different sort may also have been a factor in the Metropolitan Waste Control Commission's decision to go with CMC's proposal to transport the sewage ash away from their treatment plant.

"We had a storage problem -- we were out of storage space -- and we needed something quick," explains Pat Ferguson, Director of Public and Community Relations for the MWCC. "We were looking for creative solutions to the problem, as well," adds Ferguson. She says the MWCC chose CMC's proposal because of the recycling promise.

If the MWCC truly believed in CMC's HSA Reactor, why weren't provisions made to have the recycling device set up at or near the MWCC treatment facility? The cost of shipping ash would have been reduced, saving money for the taxpayers of Minneapolis-St. Paul.

Evidently the priority of the MWCC was to quickly rid itself of its sewage stockpile. In its haste to accomplish this, the MWCC failed, intentionally or accidentally, to adequately examine the technological and financial resources of CMC.

Though Ferguson says her agency did conduct an audit of CMC, that audit was intended to determine only whether "they (CMC) had the resources to remove the ash from our plant." Even this limited financial investigation proved inadequate, as CMC was later saddled with debts exceeding \$1 million to the Burlington Northern Railroad.

It was at least as early as Jan. 1, 1988, that the MWCC recognized the severity of CMC's financial problem. On that date, because of CMC's large, unpaid bills to the Burlington Northern Railroad, the MWCC began directly paying the rail company to haul sewage ash from St. Paul to Edgemont.

*'What has happened in South Dakota*

*seems to fit into a pattern.*

*The only thing that remains unclear*

*is who is getting ripped off besides*

*the people of South Dakota.'*

The railroad was paid an undisclosed fee to carry out duties it had previously performed for CMC. According to a MWCC official, about 10,000 tons of sewage ash were transported between Jan. 1 and March 29, 1988, the date of the last shipment.

Why didn't the MWCC sever its ties to a company that had demonstrated considerable irresponsibility? With CMC's unpaid bills and no recycling facility in place, how did the MWCC react?

They continued to pay CMC a portion of its contract and on Jan. 7, 1988, extended CMC's deadline for completing the recycling facility to April 30, 1988.

An official for World Resources, an established world-wide recycling com-

pany with sewage ash experience, says his company sampled MWCC ash as recently as 1980.

"We determined there was little value (for recycling) in the sewage ash," he says. The individual, who requested his name not be used, also says, "MWCC was under pressure. They had what may have been the biggest stockpile of sewage in the world."

Larry Donovan, who is handling CMC for the South Dakota Attorney General's office, says the MWCC bid announcement for hauling away the sewage ash was accompanied by an assay of their sewage ash showing high concentrations of gold and silver. Donovan says no other analysis of MWCC ash comes close to matching the metals content as advertised by the MWCC.

The fate of the sewage ash and responsibility surrounding future depo-

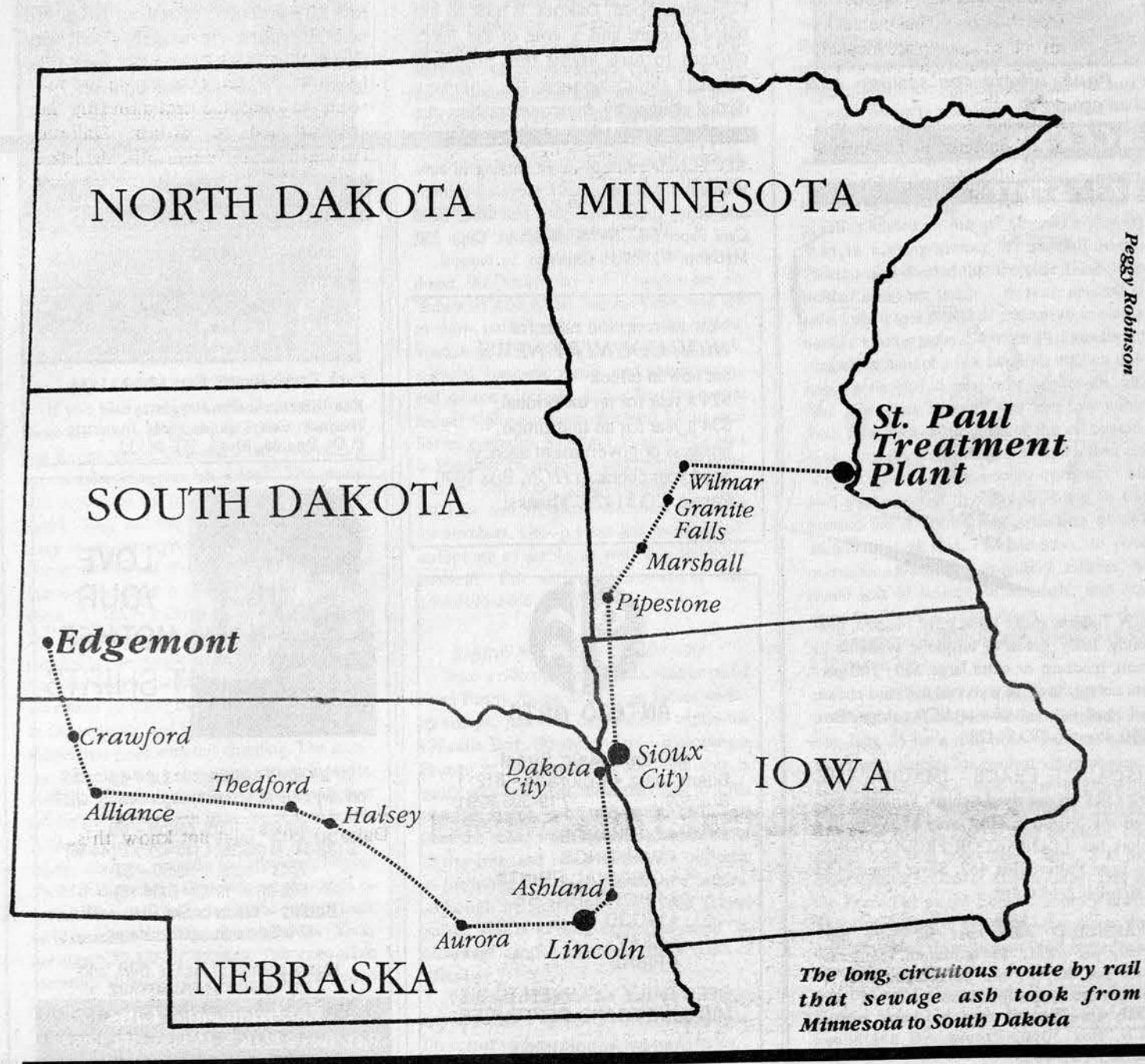
sition of the material is uncertain.

The state's Joel Smith says, "We can bury it in a properly constructed landfill or we can market the ash." Ash can be used in construction materials, such as synthetic sand or gravel used in concrete.

To bury the ash would require tapping into the escrow account funded by CMC profits. But Deb Rogers says the escrow account "will only scratch the surface ... the money is adequate only if they decide to dig a hole next to the warehouses and dump the ash in."

South Dakota also appears unable to penalize the company. Larry Donovan says CMC can be fined a maximum of \$1,000 total, period. Water polluters, on the other hand, can be fined \$10,000 per

(Continued on page 12)



Peggy Robinson

## Sewage...

(Continued from page 11)

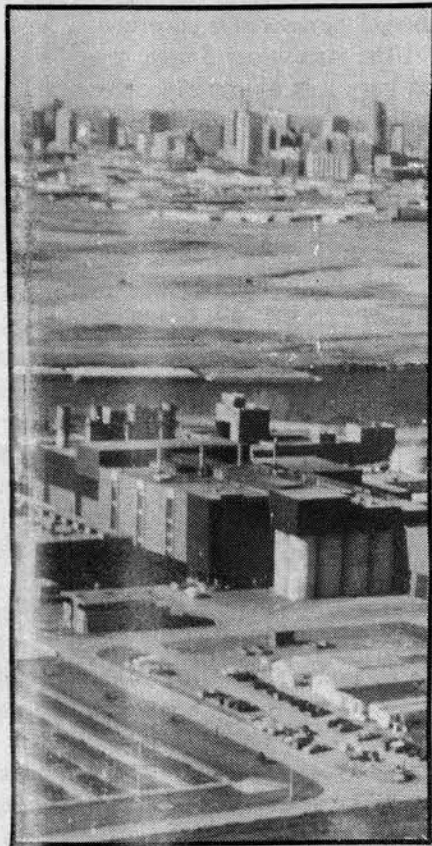
day. The inequity needs to be addressed by the state legislature, says Donovan.

It is also unclear how much money CMC made on the sewage ash. With a built-in profit of 30 percent on its hefty contract with the MWCC, it is estimated that CMC made at least \$3 million. The company still owes its rail carrier at least \$1.6 million, with a variety of other bills unpaid or taken care of through the escrow fund's interest.

"Did they make a profit?" muses Larry Donovan. "Who knows? ...

"Did they make a damn good living? You bet."

Peter Carrels lives in Aberdeen, South Dakota, and is a frequent contributor to *High Country News*. His story was paid for by the High Country News Research Fund.



St. Paul, where the sewage ash was created

ACCESS

NEAT STUFF

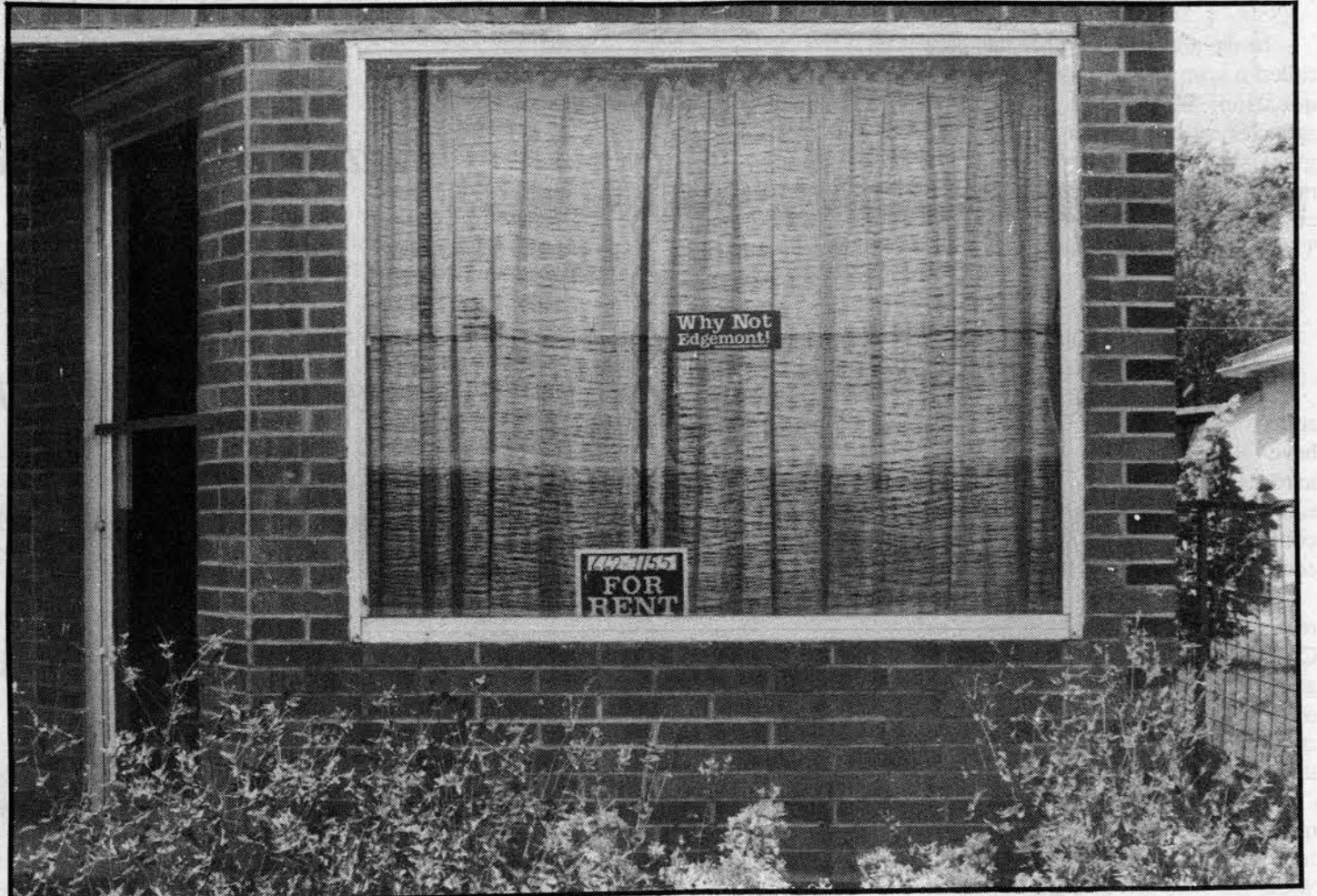


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Peter Carrels



Signs like this sprouted in Edgemont when the town hoped for a low-level radwaste dump

## The nation makes, South Dakota takes

Back when lots of hobos rode the rails, a good bum would mark any home or business willing to provide a meal or a cot on a rainy night. It was the hobo's way of passing on his good fortune to the next penniless traveler that came along.

These days, it seems the state of South Dakota has such a mark on its borders. The mark signals a hospitable atmosphere for the nation's quick-buck garbage peddlers.

Before Consolidated Management's sewage ash scam, there was Chem Nuclear proposing to store up to one-third of the nation's nuclear waste in Edgemont, South Dakota. It took an initiated measure and a vote of the state's citizens to turn away that proposal. Through the campaign, the company denied charges by environmentalists that

the proposed site was geologically flawed. Only after voters overwhelmingly rejected the dump idea did the company admit the problem existed.

Even now, as Consolidated Management's sewage ash sits in worn warehouses on the edge of the Black Hills, more garbage proposals are in the works.

Two men closely tied to Consolidated Management are hoping to bring millions of old tires to the northern Black Hills. They say the tires will be reprocessed.

A Golden, Colo., firm calling itself South Dakota Disposal Systems has recently proposed operating a landfill near Edgemont. The landfill would bury one million tons of garbage a year from large cities all around the country.

Other proposals include an explo-

sives storage facility, a PCB incineration operation and a test range for military weapons.

An editorial in the *Rapid City Journal* dated May 27, 1988, best describes the steady series of proposals facing the state:

"... perhaps we could inscribe, at the base of Mount Rushmore: 'Give us your heaped, huddled trash dumpsters, your straining Hefty garbage bags yearning to be free.'"

"Apparently, this is our future. Economic development and high-tech industry for South Dakota boils down to taking whatever we can get.

"South Dakota -- Trash Can for the Nation."

--Peter Carrels

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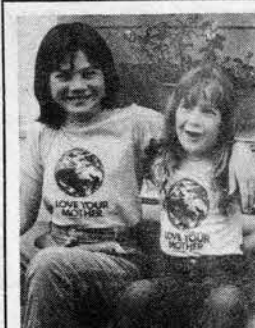


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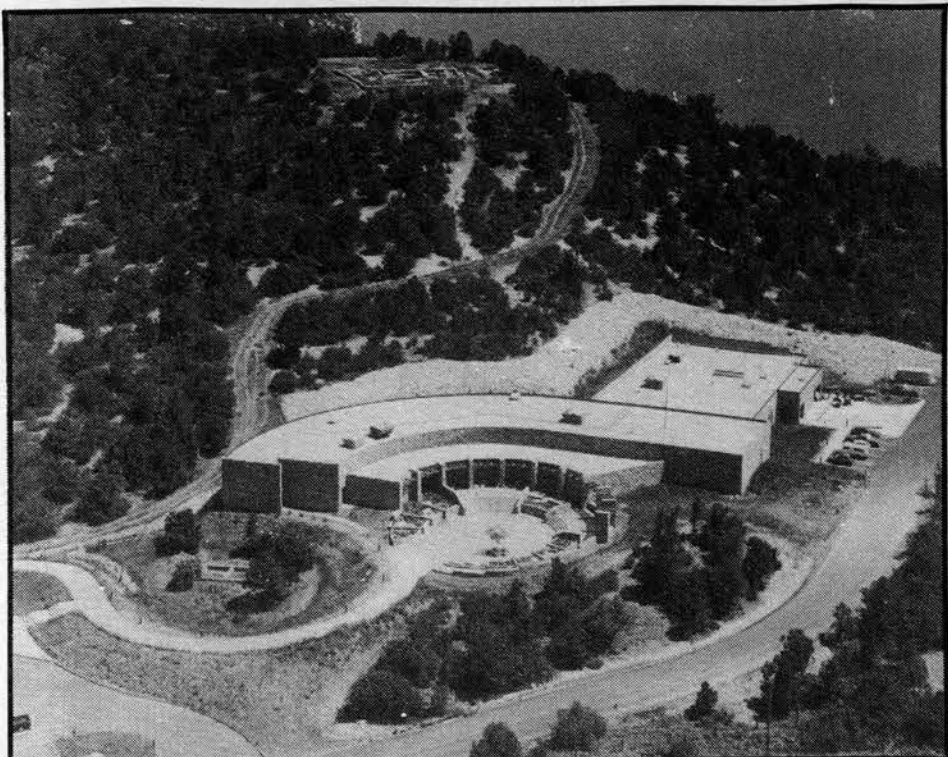


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# BULLETIN BOARD



**Dominguez Escalante ruins above, the new visitors center below**

### NEW MUSEUM FOR OLD RUINS

An Anasazi Heritage Center has opened in western Colorado, dedicated to the culture of Indians who vanished from the Southwest some 1,000 years ago. The center includes a loom for visitors to weave on, a full-scale pithouse and artifacts that can be handled. The center was planned 10 years ago by the Bureau of Land Management as mitigation for flooding from the McPhee Dam, which was completed last year. Self-guided interpretative walks to nearby ruins are also offered. The heritage center, located off Highway 184 near Dolores, plans a grand opening celebration on Aug. 27; for more information call 303/236-1700.

### DEVELOPING A WESTERN STRATEGY

"Western Resources: Keys to Expansion" is the theme of the annual meeting of the Western Legislative Conference, which draws more than 600 legislators from 13 Western states. The conference will discuss tax incentives, hazardous waste and the battle between rural and urban interests over resources. The legislators will use the Aug. 21-24 conference in Coeur d'Alene, Idaho, to develop strategies and compare notes on economic development for the region. The conference is part of the Council of State Governments, which represents all elected state officials. For more information call (415) 974-6422.

### IMPACTED WILDLIFE

"Issues and Technology in the Management of Impacted Wildlife" is the topic of a February 1989 symposium in Glenwood Springs, Colo., sponsored by the Thorne Ecological Institute. Thorne is calling for papers for that symposium focusing on research or management approaches to dealing with impacts to wildlife. Thorne suggests several possible broad topics, including threatened and endangered species, wetlands mitigation and creation, the effects of toxic substances on fish and wildlife and impacts of water development. Abstracts for manuscripts must be in by Aug. 31, 1988. Write Thorne Ecological Institute, 5370 Manhattan Circle, Boulder, CO 80303 (303/499-3647).

### UPPING CLAIM FEES

The Bureau of Land Management has proposed new rules to increase three mining claim fees and establish four new fees to help pay agency costs in administering the program. The BLM says the changes should generate about \$5.7 million. Fees for new claims would be increased from \$5 to \$10, and fees for transfers of interest, claim amendments and annual filings of affidavits for assessment work would be set at \$5. Now there is no charge. Mineral patent fees would be raised from \$25 to \$250, and additional claims for mineral patents would be set at \$50. Comments should be sent by Aug. 22 to: Director (140), Bureau of Land Management, Room 5555, Main Interior Building, 1800 C St. NW, Washington, D.C. 20240

### LAB TEACHES NATURAL HISTORY

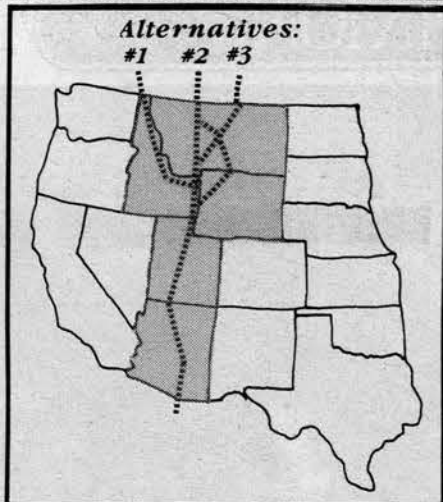
The Rocky Mountain Biological Laboratory in the high-altitude town of Gothic, Colo., hopes families will take part in its summer field program. The program offers participants a chance to learn about the natural history of the Elk Mountains around Gothic, as well as the cultural history of this 19th century mining town. Nature walks for adults, children and families are offered every Thursday and Saturday through Aug. 20 for a small fee, and visitors can also participate in evening seminars conducted by lab researchers on Tuesdays and Thursdays. The laboratory, which was founded in 1928 by biologist John C. Johnson, is a summer community for researchers from around the world. For more information write P.O. Box 519, Crested Butte, CO 81224, (303/349-7231).



### SAGUARO WE GOING?

If you like puns, you will like everything about this study of growth in Tucson, Ariz. If you dislike puns, then you'll like everything but its title: "Saguaro we going?" The study was produced by the Rincon Group of the Sierra Club, and the 32-page executive summary is an attractive, well-written, dispassionate survey of the devastation visited on Tucson by growth that has taken it from about 50,000 in 1930 to about 700,000 today. The study describes the coming and going of population, as people come for a new life and discover only a minimum wage existence; the alienation of these transients from community and politics; and the destruction of natural values that goes with this churning. The summary is rich in graphs and interpretation. Perhaps its most shocking graph is one that relates the fast-growth states, such as Alaska, Arizona, Nevada and Florida, to social ills: crime, divorce, suicide and teen pregnancy. States that are high in growth are also high in social illnesses. So-called static states, such as Massachusetts, Wisconsin and New York, are much healthier socially. The executive summary is backed by a more comprehensive report. For copies of the executive summary, write to: Sierra Club, Rincon Group, Box 3516, Tucson, AZ 85722.

## GREAT WESTERN TRAIL



### A GREAT WESTERN TRAIL

Volunteers from the U.S. Forest Service began an ambitious plan in late 1986, piecing together a 3,500-mile trail that would link five Western states and become the country's third major trail system. Appropriately called the Great Western Trail, it would cross 16 plant-life zones, 20 national forests, six national parks and intersect 10 historic trails. The group now includes other government agencies such as the Bureau of Land Management and private service groups. Most of the trail will follow already existing paths through public lands in Montana, Idaho, Wyoming, Utah and Arizona. Monte Gallier, a volunteer coordinator, says Utah is running a close second to Arizona in completing its section of the trail. Arizona has completely mapped its section and already opened part of the trail, although work in the other states just began. The group says the trail will be for multiple use and in areas where the trail is on roads, vehicles will be allowed. Other areas will be open to horseback riding, bikes and snowmobiles. Most funds for the trail have come from volunteers, and volunteer groups adopting trail sections intend to maintain it. For more information call Mary Tullius at Utah's Natural Resources Department, 801/538-7220.

### SEEDS OF CHANGE

"Seeds of Change Festival and Conference" in Aspen, Colo., Aug. 19-21, hopes to pass on a new understanding of the benefits of native and ancient grains for agriculture, landscaping and nutrition. Speakers include Rebecca Wood, teacher and writer about natural foods; Joshua Smith, landscape designer; Noel Brown, environmental expert for the United Nations; Gary Nabham, president of Tucson-based SEARCH, dedicated to preserving southwestern horticulture; and Stuart Mace, co-founder of the Aspen Center for Environmental Studies. The conference at Star Mesa Farm costs \$150 and up; for more information call 303/925-1133.

### ETHICS IN ACTION

Instead of just asking what should be done, the Windstar III Symposium on "Ethics in Action" in Aspen, Colo., will try to show participants how to take action. Workshops will focus on leadership, commitment, business ethics and conservation, and speakers include author Leo Buscaglia, former Colorado Gov. Richard Lamm and Soviet journalist Vladimir Pozner. The host is Windstar co-founder and president John Denver. The Aug. 26-29 seminar starts at \$400 for non-Windstar members and \$350 for members. Group rates and partial scholarships are available as well as a children's seminar. For more information, call 1/800/426-2466, ext. 385.

### BIKING WESTERN COLORADO

Take a ride up Love Mesa road or pedal down Bushy Ridge Trail to an Indian wicki-up village, just two destinations within the 100-mile long, 30-mile wide Uncompahgre Plateau in western Colorado. The area is easily accessible for mountain bike touring, says Bill Harris, a mountain bike enthusiast from the area, who describes highlights of 20 day-trips and rates each trail's difficulty in *Bicycling the Uncompahgre Plateau*. Although he provides maps and access points, Harris avoids excessive detail "to encourage careful planning and a sense of adventure."

Wayfinder Press, P.O. Box 1877, Ouray, CO 81427. Paper: \$7.95. 128 pages. Illustrated with maps, sketches and photos.

### RIGHT TO KNOW MAY GET EASIER

There's been a flurry of activity on the toxic waste front recently. A right-to-know provision adopted as an amendment to the Superfund Act went into effect July 1, and it requires manufacturing companies to report any release of 328 toxic chemicals to the environment during 1987. If a company with more than nine employees makes or processes 75,000 pounds or uses 10,000 pounds a year of these toxic chemicals, it must report the chemical releases to both state agencies and the EPA national office. By next spring, the EPA hopes to have all the reports compiled into a data base that can be used by anyone with a personal computer and a telephone modem. The information could be used to rank community polluters, determine which chemicals were released in greatest quantity, identify hotspots and even calculate the total amount of toxic chemicals released into a waterway. The law affects 30,000 industrial installations and includes chemicals such as PCBs, benzene and chlor-dane. Failure to comply could cost companies as much as \$25,000 a day.

### WATCH IT DISAPPEAR

Page, Ariz., near Glen Canyon Dam tried to reduce litter recently by switching to degradable trash bags. The one-day spring cleanup involved 5,300 residents from Page, Lake Powell and nearby communities. It was a tryout for the new bags, whose development by a Los Angeles firm was urged by the National Corn Growers Association. The bags are 6 percent corn starch and 94 percent plastic and are meant to decompose within 18 months from exposure to air, light, water, and soil. For more information about the new trash bags contact Jerry Jones in Arizona at 602/645-8811.

### BOONE

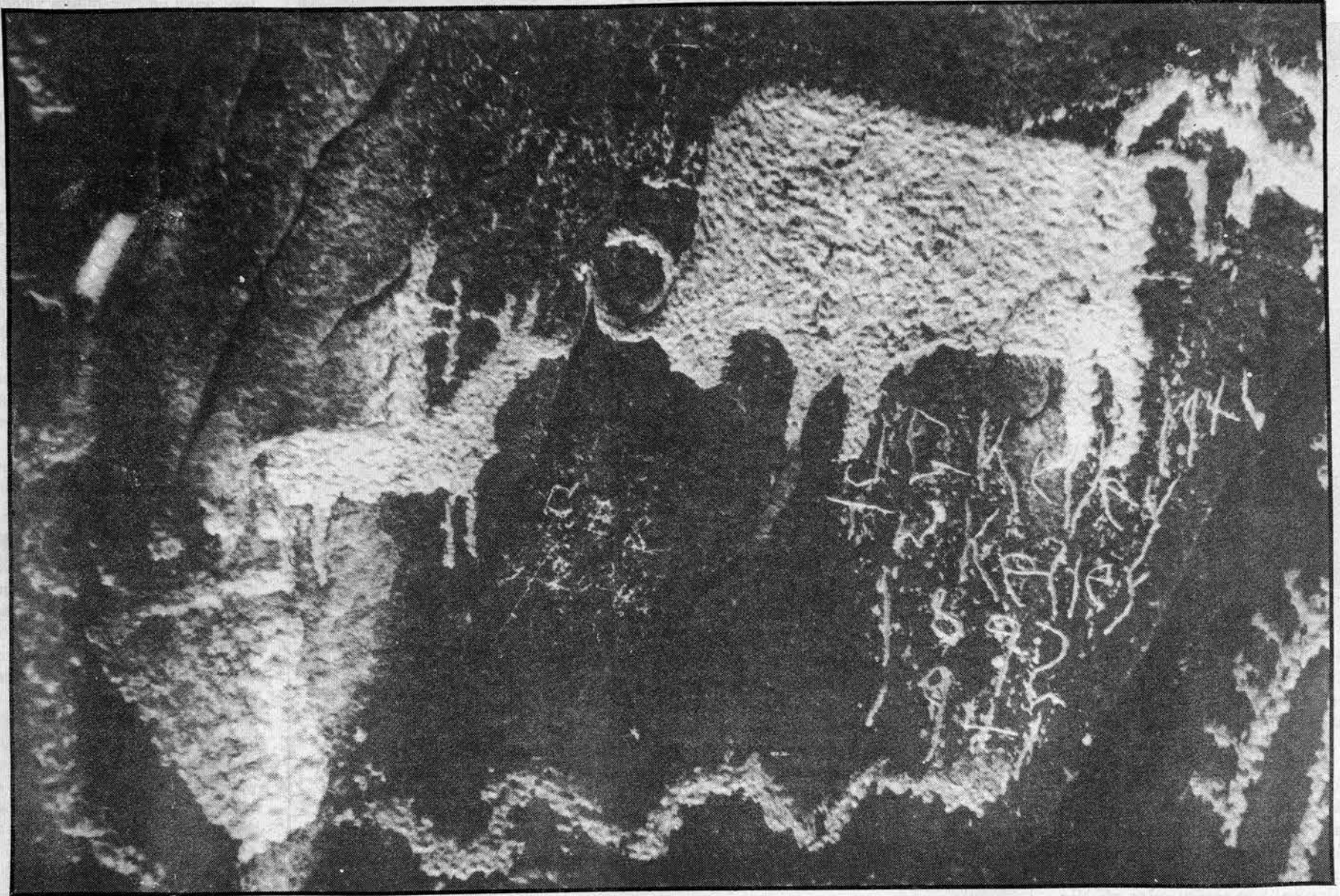
The fact that oil man T. Boone Pickens thinks the big oil companies are run by bureaucratic dinosaurs doesn't make him a candidate for membership in the Sierra Club or Earth First! but environmentalists of all stripes will cheer for this underdog who has helped transform Cities Service, Gulf, Phillips, and others. We especially enjoyed his lambasting of Fred Hartley, the bombastic former head of Unocal -- the man who has sunk about \$1 billion of shareholders' money into Unocal's dry hole in western Colorado's oil shale town of Parachute. Pickens is the oil man, now usually called a corporate raider, who as a young geologist quit Phillips Petroleum because it was too bureaucratic and who then went out and found lots of oil without a bureaucracy. Thanks to his success, he was eventually welcomed into the ranks of corporate chieftains, only to find that they were more interested in their firm's hunting lodges and in the size of the dressing rooms on their planes (except for Hartley, who had a piano installed on one of Unocal's planes) than in making money for stockholders. Pickens also decided that the chieftains were neither smart nor tough -- he was amazed at how long it took one Gulf executive to play a card in a poker game. So when Pickens found himself in need of a few hundred million dollars, he decided to take over oil companies. The key to his strategy was the low value Wall Street put on the stock of the oil companies. Pickens writes that he could find oil cheaper by taking over a major company's oil and gas reserves than by drilling in the ground for it. By calling attention to this undervaluation, due, Pickens says, to poor management and high executive salaries, he made lots of money for himself, and lots more for Big Oil's shareholders.

Houghton Mifflin, Boston. Cloth: \$18.95. 352 pages. 1987.

### COLORADO PEACE WALK

Peace activists from across Colorado set out July 25 on a 400-mile walk to build grassroots support for nuclear disarmament. The Colorado Peace Walk began in Durango and will travel through Alamosa, Salida, Colorado Springs, Denver and Boulder. The march ends with noon rallies Sept. 2 at the State Capitol in Denver and on Labor Day at the Peace Fair on the Boulder Library lawn. The walk is open to everyone who shares the goal of nuclear disarmament, and organizers encourage people to walk for a day, a weekend, or for the whole march. For more information write: Colorado Peace Walk, 520 Euclid Ave., Boulder, CO 80302.

## GUEST OPINION



Anasazi petroglyphs defaced by graffiti in Wyoming

### Wilderness visitors

## Leave your mark by leaving no mark

by Bruce Hampton

LANDER, Wyo., -- Near my home in the foothills of Wyoming's Wind River Mountains is an outcrop of red sandstone. Throughout summer and winter, a relentless sun bakes its cliffs to a raw sienna, the color of ageless sunsets. People who live in the nearby town seldom venture here, preferring the forest and wilderness lands beyond.

Spring is a different matter. With snow deep in the mountains, the sandstone becomes a favorite haunt of high school students. In behavior peculiar to the young, they have made their mark upon the cliffs, painting graffiti until the sandstone resembles an artist's palette.

Desecrated property, the owners say. Thoughtless vandalism, echoes the local newspaper; we must teach our children better values. But the reasons go deep, and the young have a knack for detecting double standards.

How do you guide the behavior of youth in a community suffering from wood-smoke pollution, house-trailer blight, over-grazing and soil erosion? We are quick to take offense at obvious detachment but slow to recognize that it is yet another symbol of our hypocrisy.

Like the hue and cry of my town, the conservation community's reaction to the failure of a national land ethic is disappointment. We are frustrated by our inability to spread an ecological consciousness into the heart of our country. We see regard for the health of the land as an unachievable goal, one that a populace from youths to presidents fails to acknowledge. The land rape identified by Aldo Leopold 40 years ago goes unabated. By nearly any measure, a national land ethic so far is a flop.

The failure to promote a land ethic eventually comes home to roost. Have we set a good example on those wilderness lands that have been at the top of our agenda? Have we been good caretakers in those remote places we revere the most?

The idea is false that once land is designated wilderness our obligation ends. Also untrue is the belief that wilderness protection makes land safe from the excesses of human use. People use wilderness, and that use has been steadily increasing. As John Muir observed at the turn of the century: "Thousands of tired, nerve-shaken, over-civilized people are beginning to find out that going to the mountains is going home: that wildness is a necessity..."

Muir's words have come true beyond his wildest expectations. In 1972, more than 16,000 people traveled through Grand Canyon. Mount Whitney, the highest peak in America outside Alaska, was climbed the following year by no less than 14,000 people. Recently, more than 1,000 hikers camped during a single night in California's San Geronio Wilderness.

Between 1965 and 1980, recreational use of America's wilderness grew from slightly more than 4 million visitor-days per year (one visitor day is a 12-hour stay by one person) to nearly 10 million. By 1984, wilderness lands absorbed nearly 15 million visitor-days, up 50 percent since 1980; 275 percent since 1965.

If we once measured human success by the ability to survive wilderness, we must now ask: Can wilderness survive humankind? An 80 percent loss of vege-

tation on campsites in the Boundary Waters Canoe Area of Minnesota is sad commentary on the legacy of too many campers. On New Hampshire's Mt. Lafayette, trail crews refer to the popular trail "The Old Bridle Path" as "The Old Bridle Trench" -- Hikers have eroded the trail into a four-foot-deep gully. In the Appalachians of Tennessee, the Rockies of Montana, the Sierra Nevada of California, even Alaska's remote coastline, the story is the same -- visitor impact is spreading faster than land managers can control it.

The excesses have been so great that some observers question if recreation is a valid use of wilderness at all. Have we spent so long convincing people that wilderness is a vital human need, only to tell them now that they can't experience it? Our path to the present says no. The framers of the Wilderness Act valued the opportunity to visit those remote lands "where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain."

Yet the "trammeling" goes on, and by default restriction has been the most common solution. In a 1980 survey, the National Park Service reported that nearly half of all park wilderness areas allowed camping only in designated sites. Although national forests, the Bureau of Land Management, and national wildlife refuges reported less restrictive actions on the wilderness lands they manage, the trend in all agencies has been to regulate use. One need not look far for examples. In Yellowstone National Park, users must obtain a permit before hiking the back-

country; campsites are restricted. Only seven parties per day are allowed to launch on Idaho's Middle Fork of the Salmon River.

Restrictions, however, have done little to curb abuse, and we the users should have known that ultimately they would fail. Leopold questioned the effectiveness of restriction nearly 40 years ago saying, "Obligations have no meaning without conscience, and the problem we face is the extension of the social conscience from people to land." Leopold knew that rules and regulations by themselves are not the answer; too often they arrive after the damage is done. Appropriate behavior flows from an understanding of and respect for the land -- a set of values held by the individual user -- a true land ethic.

It's not difficult to apply such a personal ethic to wilderness, but measured by the abuse these lands have suffered, few of us have bothered and we've been slow to spread the word to others.

At the First National Wilderness Management Workshop in 1983, Joyce Kelly, then with the BLM, summed up the feeling of a growing number of wilderness managers and visitors: "Education of the wilderness user still remains our best management tool and our greatest challenge in the future."

What Kelly was saying is that before visitors can accept ultimate responsibility for the future of wilderness, they must understand how their behavior harms the land and then modify their actions to lessen the damage. While visitors may never be able to leave truly no trace, they can make judgments about

(Continued on page 15)



## CAPITOL HILL

### Let's start seeing Joe Winnebago as a potential ally

By Andrew Melnykovich

WASHINGTON, D.C.-- Some of you recently may have received a "Special Memorandum" from Wilderness Society President George Frampton.

Full of "afterthoughts" such as underlining and marginal notes printed in blue ink, the memo is a plea for donations to help The Wilderness Society mount "Operation Rescue: Action to Save Our Endangered National Parks."

The memo outlines very real threats to national parks -- logging, mining, and commercial development outside the borders of some parks, over-commercialization or overuse within others.

"That's why, at the very time a record number of Americans are planning their summer visits to our national parks...we are preparing to launch an unprecedented effort to save our national parks," the memo says.

Frampton's memo illustrates both what is right and what is very wrong about the conservation movement's attitude toward the national parks.

## Leave...

(Continued from page 14)

levels of acceptable impact and practice techniques necessary to minimize that impact.

What kind of techniques? Wilderness users should consider the variables of each place -- soil, vegetation, wildlife, moisture, the amount and type of use the area receives, and the overall effect of visitation -- then use their judgment to determine which practices to apply.

But if you believe that camping in any forest is less damaging than in a dry grassland meadow, or that building a latrine suffices for body waste disposal, think again.

Another traditional belief fallen by the wayside is that animals in a wilderness are unharmed by our presence. When Ron Rau, an Alaska biologist, reports wolves chasing after pickup trucks because oil pipeline workers toss sandwiches out of windows, it's easy to criticize such behavior. When a bear has to be destroyed because campers failed to protect their food, however, the effects of wildlife disturbance hit home. It's time we admit that the old advice of picking up litter and extinguishing matches is simply no longer enough.

Perhaps practicing a land ethic should best be considered a kind of personal stewardship. We can give new meaning to this word that has taken such a drumming from deep ecologists.

While raising issues of critical importance to the survival of the national parks, The Wilderness Society does not address the problems that are of the greatest immediate concern to the "record number of Americans" headed for Yellowstone, or the Grand Canyon, or the Great Smokies.

There is no mention of unsafe roads, decaying historical structures, or inadequate visitor facilities. There is no recognition that a visit to the national parks is just as easily spoiled by an uncomfortable campground or a broken axle as it is by the sight of clearcuts or oil wells.

The memo illustrates the tendency of conservationists -- particularly those who spend most of their time inside the Washington Beltway -- to overlook the fact that the national parks were created to preserve resources for enjoyment, not merely contemplation from afar, by future generations.

That distressing tendency was evident in this year's lobbying effort on the National Park Service budget.

Last year, Congress passed legislation increasing park fees and directing that the fee money go principally to enhance resource protection and interpretive services for visitors -- two areas that have always received short shrift in NPS budgets.

The added fee revenue was to be used to supplement the overall NPS budget, not to offset cuts in funding from other sources. By using visitor fees to pay for certain NPS programs, more money would be available to address other pressing NPS needs, backers of the fee legislation argued.

Chief among those needs is a back-

Not the traditional Christian Benedictine stewardship, but a new one; one that recognizes that there are biological and philosophical limits to both human production and consumption, and that this premise applies to wilderness as well as other landscapes.

Whether we use wild lands for climbing, fishing, hunting, backpacking, or river running, all uses should have this principle in common: participation governed by restraint. We must recognize that the health of wilderness depends on our behavior every time we hike a trail or canoe a river. If our use is wise, the land won't suffer unduly from our presence, and others may have a similarly unique experience. Accepting and following an ethic with the integrity of the land foremost in our minds, we transcend the obvious goal of climbing a summit, catching a five-pound trout, or hiking 20 miles to camp beside an alpine lake. The original goal fades, and we are left with the satisfaction that comes from kindling a profound respect for the land. In many ways, a wilderness land ethic may be the most important item we carry into the backcountry, and the most valuable lesson we take back home to our everyday lives.

Bruce Hampton is a senior instructor with the National Outdoor Leadership School in Lander, Wyoming. With David Cole, he recently wrote *Soft Paths: How to enjoy the wilderness without harming it*, published by Stackpole Books, Box 1831, Harrisburg, PA 17105.

log of \$2 billion -- the figure is accepted both by Congress and the NPS -- in maintenance and construction. The needed work ranges from repairing roads to replacing uninhabitable employee housing.

Despite the clear direction set by Congress, the Reagan administration NPS budget for 1989 proposed to use all but \$3 million of the \$37 million in income from higher fees to offset spending cuts.

Conservationists and their allies in Congress were outraged. In a series of testy Capitol Hill hearings, Interior Secretary Donald Hodel and other administration officials were assailed for "breaking faith" with the commitment made in the fee bill.

Yet, no more than three months later, Congress is in the process of doing exactly the same thing. While the offsets against fees are not as large, and come in different areas, they are still there.

The driving force behind Congress' version of the NPS budget is Rep. Sidney Yates, the veteran Illinois Democrat who chairs the House Interior Appropriations Subcommittee.

Yates is a strong conservationist who has championed such causes as moratoria on offshore oil exploration and battled the Reagan administration over its policy of bringing parkland purchases to a near-halt. Two years ago, The Wilderness Society honored Yates with its Ansel Adams Award.

The NPS budget that emerged from Yates' subcommittee gave the NPS more money for land acquisition and retained funding for historical preservation. Although construction funding was increased over the administration request, much of the boost went to House members' pet projects, not to the NPS as a whole.

To pay for the funding increases in favored areas, the House bill cuts funding for interpretive services and resource protection -- the two areas that higher fees were supposed to benefit. The Senate bill is little better.

The battle, such as it was, to preserve the integrity of the fee program was waged by a handful of members, largely Republicans, who had been the principal backers of higher fees. They received no help from the conservation groups.

In fact, any controversy over the fate of the fee money was overshadowed by The Wilderness Society's release of a report on the "Ten Most Endangered Parks." The only mention of park fees in the report was to contrast them to subsidies for logging, grazing and other commercial uses of public lands.

The Wilderness Society made no mention of visitor facilities other than references to overuse, overcrowding, and overdevelopment. It recommended moving some facilities out of the national parks, restricting auto traffic, reducing development on adjoining public and private lands, and enlarging parks through land acquisition.

It is that report which forms the basis of The Wilderness Society's current fund-raising drive.

And there is nothing wrong with that. Every problem identified by The Wilderness Society is real, and most are in urgent need of correction.

But the report leaves the impression that park visitors are more a prob-

lem for conservationists than a potential ally. That impression is reinforced by the seemingly low priority the conservation community has placed on park maintenance, interpretive services, and the other aspects of park management that most affect those people who use the parks.

Destry Jarvis of the National Parks and Conservation Association, a group that focuses primarily on the national parks, acknowledges that the conservationists did not go to bat for the fee program.

The NPS budget working its way toward the White House for Reagan's signature "violates the intent of the fee legislation," Jarvis said in a recent interview. Nevertheless, conservationists said nothing, partly in "recognition of Yates' friendship and power," he said.

"There is no question that the conservation community's priority the last seven years in appropriations lobbying has been land acquisition," Jarvis said.

That is largely a reaction to the Reagan administration's policy of adding as little land as possible to the park system, he said. Similarly, the proliferation of "pork barrel" park projects is a response to the vacuum created by the lack of constructive ideas from the administration, Jarvis contended.

Jarvis said it is easier to find support for tangible budget items such as roads or visitor centers than it is to win funding for more rangers who will deliver campfire programs or lead more nature hikes.

"We're trying, but it hasn't fallen on very receptive ears," he said.

Yet the interpretive programs -- the activities the higher park fees were meant to enhance -- are the key to expanding the conservation movement, Jarvis said. Park management is a failure if it cannot draw the average visitor out of his or her vehicle long enough to learn a little about the natural or cultural history that surrounds them, he said.

Educating the average visitor about the need for park conservation can be accomplished only through "repeated exposure" and a "guiding hand from the park service interpreters," he said.

Land acquisition and dealing with external threats are important, but it is in the conservation community's own interest to place a greater emphasis on services which enhance the park experience for the average visitor, Jarvis said.

Through education, the average park visitor -- all too often dismissed as "Joe Winnebago" by conservationists -- can become an ally in the effort to see that the national parks will be preserved for the enjoyment of future generations.

Education is a slow and costly process. It is just as costly and time-consuming as creating new parks, with none of the glamour, immediate gratification, or direct-mail fundraising appeal.

But with education, the average visitors to the parks, who never venture more than a mile from the nearest road, may grow to appreciate the importance of land and wildlife they will never see.

But, as Jarvis concedes, "a lot of people in the conservation community don't have the tolerance and patience to let that growth occur."

Which may be the reason that I -- in many respects an average park visitor -- am beginning to feel like one of those people the "special memoranda" are warning me about.

16-High Country News--August 1, 1988

## OFF THE WALL

## Rangers are dangerous: Do not annoy or feed them

by Jim Stiles

This is a practical survival guide to the national parks. The information here is not about how much water to carry on the trail, or what kind of shoes to wear on slickrock, or whether wearing a hat in the desert will save your nose from ending up like Reagan's.

Instead, this is written to provide down-to-earth advice on how to co-exist with park rangers. National Park Service rangers, the field rangers that is, the guys who look like they do *real* work, who actually break a sweat performing physical labor, the ones who actually know where Navajo Arch is, can be a surly lot. I happen to know that is true, because for many years I was a ranger and at times I was surly. As I recall, I could also be sarcastic.

Millions and millions of mostly well-meaning tourists will descend on the parks this summer. The park rangers, also mostly well-meaning, stand guard to protect the park from the visitors and the visitors from each other and themselves.

This is accomplished by enforcing "Rules and Regulations." This leads to conflict and dispute. Tourists can get angry at rangers. And rangers thus become surly and sarcastic. It's not a pleasant sight.

These hints are intended to prevent confrontations. By no means am I trying to take a condescending attitude toward tourists. Gosh no. After all, now that I've hung up my Smokey Bear hat for good, I am after all, God help me, a tourist myself.

Let's start at the beginning.

#### APPROACHING THE ENTRANCE STATION:

You have just entered the park and you are about to pay your fee. First of all, try not to look like this:



The ranger inside the Box, as we used to call it, has probably been breathing exhaust fumes for hours and is not always in a good mood. It's hard to smile all day and O.D. on carbon monoxide.

Be sympathetic. When you pull up to the entrance station, know where you are. This is very important. Although I successfully avoided the Box for years, it finally caught up with me during my last season.

Once a car pulled up to the window; I started to hand the driver a map of the park, but before I could, he shoved his own brochure in my face and asked me to pinpoint his location on the map. I glanced at the map and was momentarily stymied -- there was no recognizable names. Then I turned the brochure over and looked at the other side.

"Excuse me," I said. "but this is a map of Bryce Canyon."

"Yes, I know," he replied.

"But you're not at Bryce Canyon," I explained.

"I'm not?" He stared blankly at me, just slightly confused but not particularly concerned. Then slowly it all came back to him. "Wait ... you're right. I was at Bryce Canyon yesterday. Where am I today?"

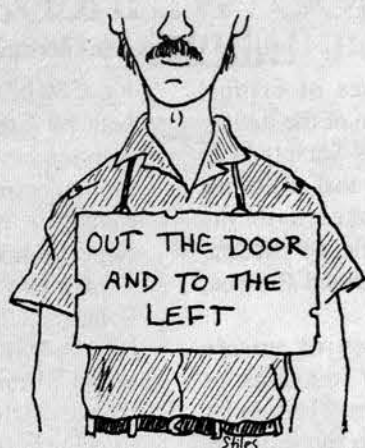
"This is Arches National Park."

"Arches? Really? Well that's fine. Thank you so much. You've been a great help. Keep up the good work."

**THE VISITOR CENTER:** This is not an original thought, but it deserves to be restated. Before you ask the question, before the rangers behind the counter level you with one of those scornful glares, ask yourself: Can I find the toilet by myself?

Of course you can. And when you find the porcelain throne with no assistance whatsoever, you'll feel good about yourself and the rangers will respect you as well. I once became so weary of giving directions to the bathroom that I finally hung a sign around my neck.

All I had to do was point to my sign.



However, the boss felt that this type of non-verbal communication was somehow inappropriate.

Tourists need a lot of direction. They want directions to the toilet, the campfire circle, the trailhead, the visitor center, the jeep road, the campground, the water faucet, the nearest phone, the nearest town. I believe I understand your apparent helplessness.

People get tired of thinking. People have to think everyday. Decisions have to be made, seven days a week, month after month. And then, finally, vacation time rolls around. And who wants to think while they're on vacation?

Once, a man in an old Cadillac flagged me down near the entrance to the campground.

"How do I get out of here?" he said. He was breathing heavily.

"Just follow the road you're on ... It makes a loop and takes you right back out of the park," I answered.

"No it won't. No it *WON'T*." He was very upset. "I've been around this loop four times and I can't get out! The man was near hysteria. His mother, seated beside him, appeared to be about 110 years old. She was trembling and trying to read the map. She held it against the lens of her glasses, but the map appeared to be upside down.

"But sir," I implored, "All you have to do is --"

"Look," he interrupted, "you're a ranger. You're supposed to help people like me."

I looked at the man and his mother. He was right. "Follow me," I said. I climbed into the patrol car and led them to the road junction.

"Just go thataway," I said.

"I thought that was north," he mumbled.

The next day I heard that his mother accidentally locked herself in the broom closet at Arches Visitor Center.

There is another type of tourist, rarer but just as interesting. The educated tourist, the professional tourist who spends months preparing for the big trip. He sends for books and brochures and maps on all the places he intends to visit. By the time he arrives, the guy thinks he knows more about his intended destination than the people who live there.

Recently, one of these traveling dilettantes, on his way to Canyonlands and Lake Powell, stopped at Ken Sleight's book store in Moab, Utah. He walked up to Yvonne Renee "Skeeter" Pierson, the store manager, and asked smugly, "What are the latest developments in the Everett Reuss case?" (Everett Reuss, a young wanderer and romantic, vanished in the Escalante Canyons over 50 years ago.)

"Well," Skeeter replied, "as far as we know, he's still dead."

The guy looked depressed. Tell the truth and what happens? Maybe she should have recounted the extra-terrestrial UFO theory. Yes, actually Everett was abducted by small reptilian creatures with webbed toes.

**CAMPING:** You're driving into the park or into the campground and you see a large sign. It says:

CAMPGROUND FULL  
NO OVERNIGHT PARKING  
NEAREST CAMPING, MOAB 23 MILES

One of the most dangerous things a tourist in a national park can do is not arm-wrestling a rattlesnake or making love in a cactus patch. No, indeed. The most provocative act any tourist can perpetrate is to walk up to a park ranger after reading that big wooden sign and innocently ask, "Is the campground *really* full?"

This is very dangerous. Nowadays, with the heavy emphasis on law enforcement, a park ranger

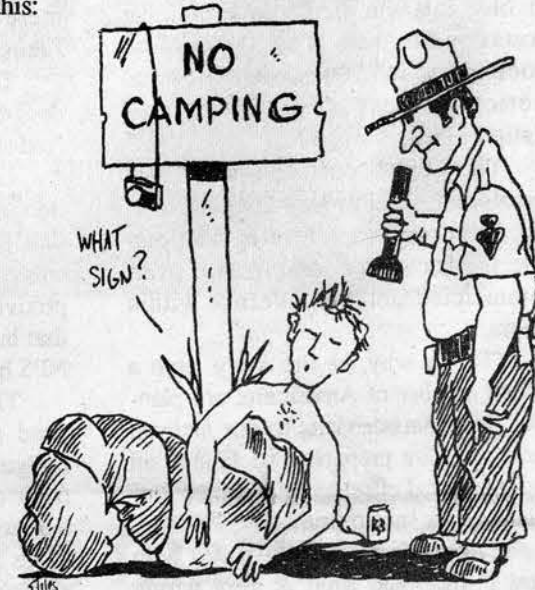
might very well draw his weapon (or hers) and shoot you where you stand. Especially around late August when the ranger has heard the same question asked 150 to 200 times a week since late March. That's about 3,000 times -- Is it any wonder these rangers' nerves are worn thin?

If you want to live dangerously, follow up the first question with: "But we're self-contained; we could move in with that tent -- he doesn't need all that space anyway."

Good luck.

**ILLEGAL CAMPING:** This is a touchy subject. I am by no means encouraging anyone to illegally camp. As I must have said thousands of times, "If we permitted roadside camping, there would be cars and trailers and motorhomes and buses strewn from one end of this park to the other, and you'd be complaining about the trashed out condition of the park, not the lack of campsites," ... and so on.

But there are some among you -- rogues, scoundrels -- who ignore signs. Have you no respect for "Rules and Regulations"? OK, but please, if you intend to illegally camp, do it with a little style, a little imagination, a little class. Above all, do not do this:



This will make a ranger surly and sarcastic. He will hold you in contempt. Do not do goofy things like that.

I came across my favorite illegal camper while running a late patrol one night. It was a Ford Pinto at the Devil's Garden trailhead. I shined my obnoxiously bright Mag-lite in the window and spotted a guy wrapped up in a sleeping bag curled up on the front seat. I tried to wake him up, but he wouldn't budge. I banged on the window! Nothing. I rocked the car on its springs. He didn't move.

My God, I thought; he's dead. I ran to my tool box and jimmied the door open, only to find a naked department store mannequin in a polar-guard bag.

The real illegal camper was probably up in the rocks someplace, drinking tequila and enjoying the show. I tipped my hat to the guy and his dummy. Why couldn't all illegal campers be like that guy?

**EXPLORING THE BACK COUNTRY:** Don't do it. You'll regret it. There are all kinds of dangerous animals out there -- rattlesnakes, scorpions, mountain lions, gnats, red ants. The heat can be deadly. It's better to stay in your car and take snapshots through the windshield.

**CONCLUSIONS:** This has barely scratched the surface. Survival in the national parks in the '80s is a great challenge for both tourists and rangers. The 1990s are going to be mindboggling. These helpful hints are only a beginning. I'm considering two new videos, tentatively titled -- "How to Drive The Rangers Crazy" and "Fighting Back -- The Rangers Get Even." High-tech solutions for the crazy age we live in.

In the meantime, our national parks -- the jewels of the nation -- await you, but remember ... be careful out there. When you break a leg doing something goofy, not only have you ruined your vacation, you've created a paperwork nightmare for the hapless park ranger who comes upon you. Creating a feeding frenzy for those redtape types in the regional office.

Enjoy yourselves. □

Jim Stiles lives and answers no questions in Moab, Utah.