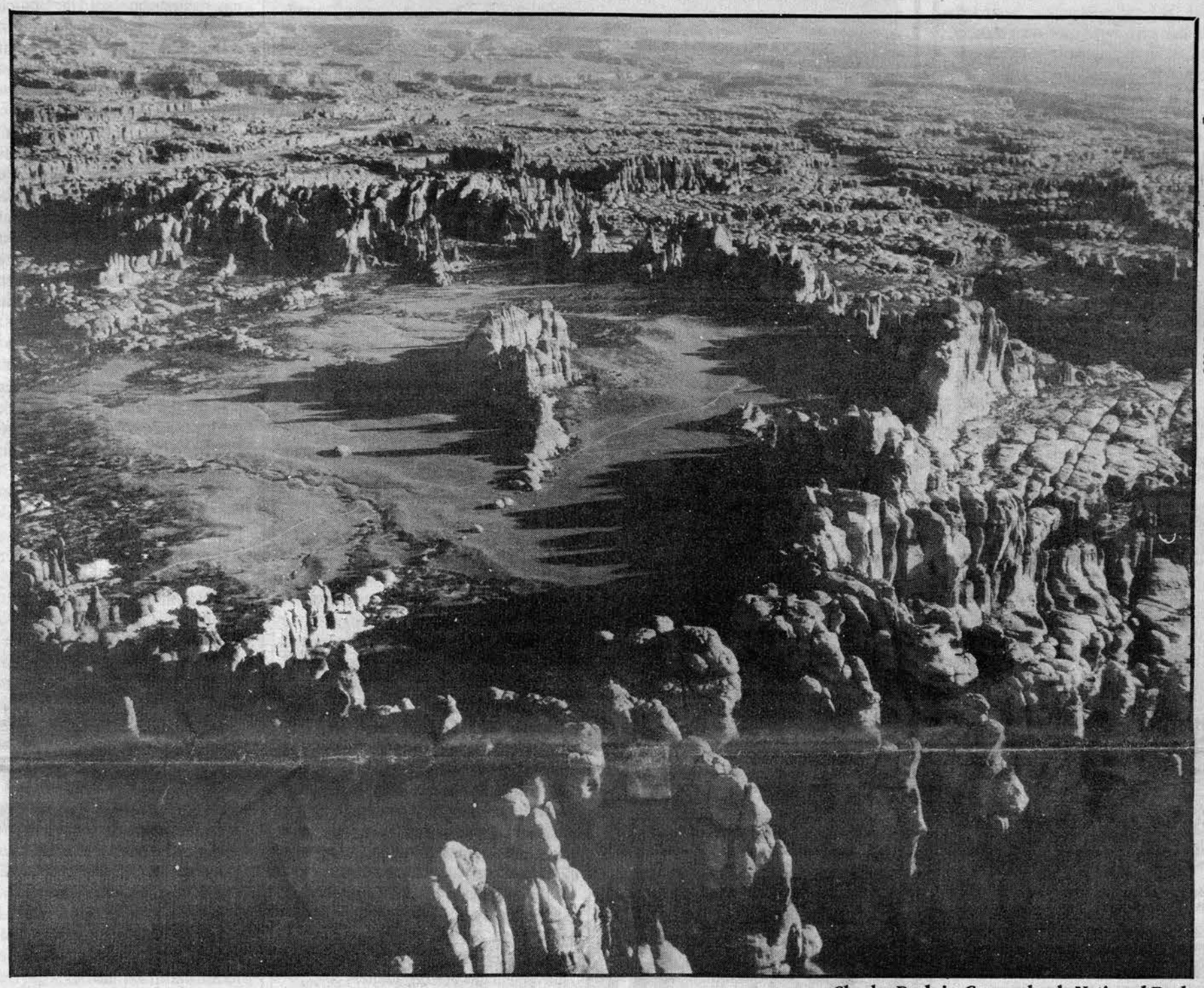
High Country News

Vol. 21 No. 16 | August 28, 1989 | A Paper for People who Care about the West | One dollar



M. Woodbridge Williams, National Park Service

Chesler Park in Canyonlands National Park

Still wild at 25

CANYONLANDS NATIONAL PARK

by Klaire Dustin

Created 25 years ago next month, Canyonlands National Park is the "least inhabited, least inhibited, least developed, least improved, least civilized ... most arid, most hostile, most grim, bleak, barren, desolate, and savage quarter of the state of Utah — the best by far," wrote Edward Abbey.

That is extravagant praise from a man who knew and loved the canyon country. But it is probably safe to say that anyone who has entered the 524-square-mile park has been moved by its bizarre and beautiful rock formations.

It includes rounded hummocks of Navajo sandstone that Utah geologist William Lee Stokes wrote looked like gigantic Navajo hogans scattered over the landscape. One-thousand-foot-high cliffs loom in the distance and fragile pottery shards can be found in the fragile cryptogamic soil below your feet, left by Anasazi Indians some 800 years ago.

Compared to highly developed parks such as Arches, where you can literally visit areas in high heels, Canyonlands is primitive with more dirt roads than paved, and with some of its remarkable areas accessible only to hikers.

But at its founding, Canyonlands was promoted as a future cash cow for the nearby small towns of Moab, Monticello and Blanding. The park was going to draw tourists at the same time mining and ranching continued.

That didn't happen. But the irony is that with mining dead and tourism and recreation growing fast in Utah, part of the promise might come true.

I cannot conceive of a more worthless and impracticable region than the one we now found ourselves in.

— Captain John N. Macomb describing what was to become the park while on the 1859 San Juan Expedition

Back in the 1880s, ranchers wintered their cattle among the giant spires of what would become Canyonlands. For 60 years the only people who glimpsed the wonders of the area were outlaws and the cowboys who tended herds in this isolated wilderness.

Inspired by cowboy tales, a few residents began to explore the area in the 1950s. Among them were Monticello native Kent Frost and the superintendent of nearby Arches National Monument, Bates Wilson. Both saw the recreational possibilities of the area and began a campaign to win national park status for Canyonlands.

They entertained senators, cabinet members and reporters and spoke in favor of a new park at official hearings. After being guided through the area by Frost and Wilson in 1961, Secretary of the Interior Stewart Udall said, "Acre for acre, the canyonlands of Utah are the most spectacular in the world." Udall proposed a million-acre park to preserve and protect the pristine beauty of the canyonlands.

In 1964, Sen. Frank E. Moss, D-Utah, introduced legislation to create Canyonlands National Park. Speaking in Monticello in March of that year, Moss told residents that, "A safety problem now exists in the canyonlands area due to the increased number of visitors entering the area, and it is imperative that we get the park established this year."

In general, local residents favored the creation of a national park, even though few had ever seen the area — it was just too hard to get to. The area's

(Continued on page 10)

Dear friends,

Please join us

We hope readers in western Montana will reserve the late afternoon of Friday, Sept. 8, for a gathering with the staff and board of *High Country News* at the Community Room of the Bozeman Public Library, 220 East Lamme, two blocks north of Main Street, from 5:30 to 7:30 p.m. We will be north for one of *HCN*'s three board meetings of the year. The board will meet the next day at board member Herman Warsh's ranch outside Emigrant, Mont., just north of Yellowstone.

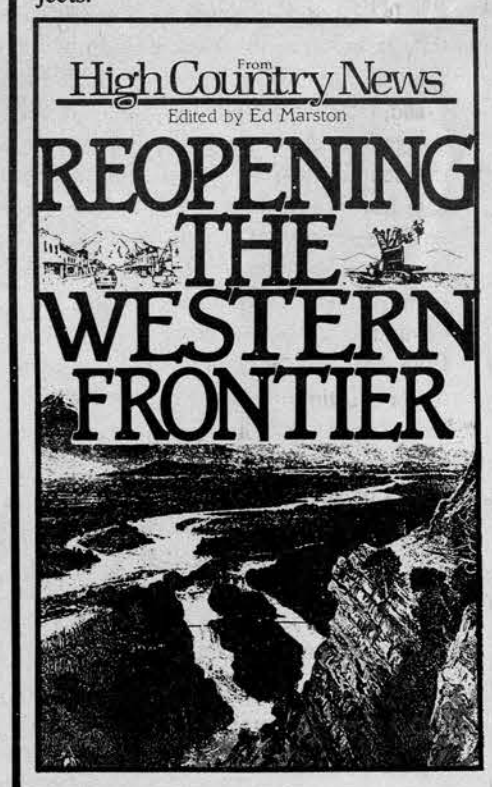
If you can come to the Bozeman event, please drop us a note at Box 1090, Paonia, CO 81428, or call Linda at 303/527-4898. We'll provide the beverages and ask that you bring some chips or other snacks.

Residents of western Montana should prepare for a storm that weekend. We met last September in Jackson, and brought with us the snow that began extinguishing the Yellowstone fires. The next meeting, in Santa Fe in late January, led to a heavy snowstorm.

HCN's second book

High Country News' second book arrived in the mail a few days ago, to the delight of staff. It is titled *Reopening the Western Frontier*, and contains most of the articles that appeared in last fall's four special issues. It also includes letters of praise and criticism the series provoked, as well as some new material.

It joins in print a special series *HCN* published in fall 1986 titled *Western Water Made Simple*. Both books are published by Island Press, based in Washington, D.C., and Covelo, Calif., which specializes in environmental subjects.



Visitors

Virginia Hourigan stopped in Paonia recently as part of her four-month, cross-country trip. In the other eight months of the year, she works as a classical musician (bassoonist) and typesetter in Manhattan. She said, "There are nice things about having a family, and nice things about not, and this trip is one of the latter." She is also blessed by a tiny rent-controlled apartment near Lincoln Center, that, she says, is "so cheap you wouldn't believe it."

Coincidentally, within five days, two sets of Marstons came by. They weren't related to each other, or to the publisher and editor. First by was Brad Marston, celebrating his acquisition of a Ph.D in condensed matter physics from Princeton, and on his way to a post-doctoral fellowship at Cornell. The path from one eastern university to the next led West.

Next through were Red and Peggy Marston of St. Petersburg, Fla. Red, 77, is technically retired. But he writes a Sunday column for the *St. Petersburg Times* and a monthly column for *Sailing Magazine*. He says the title of the latter column is "Reaching with Red," which his critics transform into "Retching with Red." He said "reaching" refers to sailing across the wind.

First the good news...

Merrill Bradshaw writes to tell us why he is not renewing his subscription: "Your articles are generally about the 'bad news' that I can get on the TV and radio. If only you would pursue more positive, life-interest stories, I'd be more than happy to renew."

He suggests dividing *HCN* into two separate sections: "All the crummy stuff, thieving, poisoning, bad-mouthing, etc., and all the neat and interesting things: animals, people, faith, etc. Then we could choose which section to read."

The letter raises a dilemma *High Country News* has struggled with since its founding 20 years ago: how to bring problems to the fore without convincing readers that all is lost, and the best they can do is eat, drink and be merry until waves wash over the deck.

The balance also involves staff's mental health. An unending diet of defeat and calamity is as corrosive to writers and editors as to readers. Of course, a person doesn't read, write or edit *High Country News* without a mix of two beliefs: that things are pretty bad, and that change for the better is possible. The challenge is to maintain a realistic balance.

Lately, we have begun to worry that staff may have tipped, and now is more optimistic than reality permits. For several decades, Westerners for conservation and reason have literally been voices crying in, and for, the wilderness. Today those voices are still concerned with wilderness, but the footholds and strengths established in the fights for wilderness, 25 years after the passage of the Wilderness Act, have enabled the movement to extend its influence.

It is not just the presence of an announced conservationist in the White House, or large decisions such as EPA head William Reilly's move to veto Two Forks Dam in Colorado. Or the enormous number of active groups in the region, or the signs of reform within the public land agencies. It is also what we experience on the ground.

A new era

In the spring, this column described Delta County's efforts to buy private land blocking access to a blue ribbon fishing section of the Gunnison River and to a hiking trail into the spectacular Black Canyon of the Gunnison.

Until very recently, Delta County, *HCN*'s home base, has been coal country, and saw its future solely in terms of mining jobs. The switch toward fishing, hiking and riparian habitat has been hard to believe. But on July 28, the residents and county commissioners of Delta County engineered the transfer of 225 acres of Gunnison and North Fork riverfront land into the hands of the Bureau of Land Management. Another 619 acres went to Colorado Open Lands, a nonprofit group based in Denver which successfully kept the Evans Ranch outside Denver from subdivision.

The Bureau of Reclamation contributed $124,000, private citizens raised $30,000, and landowner William McCluskey of Kansas City, Mo., took a $190,000 note from Colorado Open Lands. McCluskey was the key to the deal. By allowing the valuable riverfront land to be severed from the other land, and by taking a note secured only by the hilly 619 acres, he made the deal possible and is absorbing the risk. The public now has the access, free and clear.

The transaction was not all sweetness and light. Two of the county commissioners who started the land-purchase effort were defeated by opponents who campaigned against the expenditure of public money for access to the river. But, once in office, the new commissioners supported the effort.

Another problem was the failure of several public agencies to get involved. County Commissioner Jim Coan said the Colorado Division of Wildlife will benefit most from the purchase. It administers the blue ribbon section of the Gunnison as one of the agency's brightest stars. Yet the DOW, Coan said, contributed nothing toward the purchase despite repeated requests.

And Tom Huerkamp, the Delta County businessman who led the citizen effort to create grass-roots political support for the deal, said, "Next time we'll do this totally through a private nonprofit group. It's too complicated to work with government."

Nevertheless, with the land purchase Delta County has entered a new era. Until recently, the county's streams were places to be quarried for gravel, bulldozed straight to protect adjacent orchards and hayfields, and filled in for homesites. Car bodies, chunks of concrete and boulders were routinely placed along the riverbanks in (vain) attempts to hold streams in place. Now, in what seems the blink of an eye, streams have become objects of protection and affection.

A local battle

A more ambiguous local event took place in the Paonia town hall on the evening of Aug. 9, at a meeting on a proposed forest plan held under the auspices of the Western Slope Energy Research Center and the Western Colorado Congress. The purpose was to discuss, from a conservation point of view, the forest plan, and then to write letters to Gunnison-Grand Mesa-Uncompahgre Forest Supervisor Richard Greffenius.

The meeting was attended by about 40 local people — 25 or so from the conservation community and 15 loggers. For a while, the meeting threatened to get out of hand, as loggers interrupted moderator Robin Nicholoff repeatedly, and traded glares and jibes with the conservationists.

But as Nicholoff continued to conduct the meeting without losing his temper, civility returned. Rachel Allen, a rancher, told her logging neighbors that everyone sympathized with their desire to make a living, but that sacrificing surrounding forests would not do anyone good over the long term.

The theme of the meeting was the short-term versus the long-term. The loggers said they could make $10 an hour, cutting trees under contract for the Louisiana-Pacific waferboard mill in Olathe. But retired plumber Chuck Worley said the "sleazy" firm, which the forest plan kow tows to, would work around the clock for a few years and then, having exhausted the timber supply, move its equipment elsewhere.

The maps showing the proposed cuts are horrifying. The Paonia ranger district, according to information at the meeting, would see its aspen, spruce and fir cuts go up by a factor of 10. Overall,

(Continued on page 13)

WESTERN ROUNDUP

Oil shale (subsidies) may flow again

Oil shale, "the rock that burns," could once again become a hot property if new research and development schemes catch fire.

The House and Senate recently approved initial funding requests that could eventually lead to construction of a 1,200 barrel-a-day shale operation. The facility would be located in the Piceance Basin in northwestern Colorado. That is the same area that Exxon ballyhooed and invested millions in before pulling out in 1982.

Private oil-shale companies say they would share the cost of building and running the Oil Shale Recovery Test Facility. Its goals include developing cost-effective shale mining and retorting techniques and researching shale-based by-products such as asphalt additives to adhesives.

One company is already counting on shale-based asphalt to pave the way to a revival of the shale industry, which never recovered from sagging oil prices. The New Paraho Corp. has developed a proprietary process to create a road base called SOMAT, a mixture of retorted shale syncrude, regular asphalt and aggregate.

The Ertl family trust partially financed Paraho's shale-asphalt research by selling patented oil shale mining claims to Shell Oil for $37 million earlier this year. Afterward, Colorado Rep. Ben Nighthorse Campbell, D., called the sale "outrageous profiteering at the public's expense" and introduced legislation to restrict patenting of shale claims on public land in Colorado, Utah and Wyoming.

In the meantime, Paraho, of Englewood, Colo., started paving short highway sections in Colorado, Utah and Wyoming with SOMAT. It hopes these test strips will confirm research by the University of Wyoming that showed SOMAT is more durable than regular asphalt, said Larry Lukens, Paraho's chief operating officer.

Rifle, Colo., the self-proclaimed "Oil Shale Capital of the World," recently agreed to accommodate a SOMAT test strip, which will be laid at the end of August.

The test strip won't be the first section of road in the region paved with shale-based asphalt. In 1949, the U.S. Bureau of Mines used shale-based asphalt to pave the road to the Anvil Points Shale Oil Facility, about seven miles west of Rifle. The road currently leads to a county dump and Paraho's shale mine and retort and is "still in pretty good shape," Lukens said.

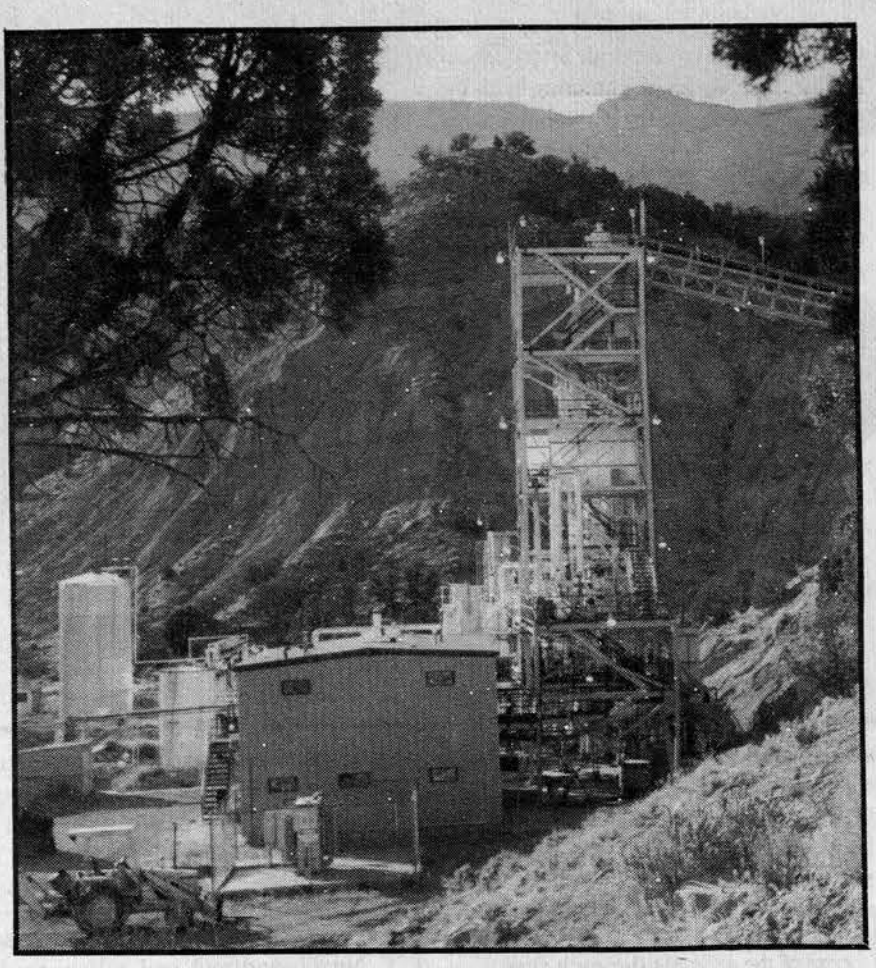
The shale-based asphalt's longevity is one reason the company expects the mixture will be price-competitive with other asphalts that contain additives, Lukens said.

Although Lukens said developing a shale asphalt industry is "completely doable with private venture capital," the company is also interested in the new research facility proposed by Congress.

Funds for the shale facility were included in the House and Senate versions of the Interior Department appropriations bill. The House version asks for $500,000 while the Senate bill seeks $3.5 million for engineering, site design and other start-up costs. The Senate version mandates that private sources pay 60 percent of the facility's costs.

Both versions call for a 10-year commitment to the shale facility, which could cost a total of $200 million. The bills still have to be reconciled by a House-Senate conference committee and then approved by both houses.

Paraho Corp.



The New Paraho Corp. pilot plant in Rifle, Colorado

Slated to manage the facility is Occidental Oil Shale Inc., of Steamboat Springs, Colo., a wholly owned subsidiary of Occidental Petroleum. The firm is supporting the Senate bill, said Ray Zahradnik, Occidental Oil Shale's president, and is "prepared to honor" the bill's 60 percent cost-sharing requirement.

The research facility would be located in the Piceance Basin on the C-b tract of federal shale land Occidental leased in the late 1970s, Zahradnik said. Occidental has maintained the site since it suspended work on its commercial-scale shale project there in 1981, he added.

Besides welcoming other shale companies and their technologies, Occidental wants to use the facility to test its "modified in-situ" retorting technology. That involves setting shale rock afire while it's still underground and then pumping the liquified shale to the surface for processing. The process Unocal uses at the nation's only commercial shale plant in Parachute requires shale to be mined, heated in a retort, then sent on to a refinery.

The modified in-situ process, said Zahradnik, is "the lower cost option" because it's simpler and has fewer environmental consequences. However, "we need a continuing effort" to refine the technology and prove that shale oil can be produced for about $30 a barrel, said Zahradnik.

Unocal relies on $400 million in federal price supports to keep its 10,000 barrel-a-day facility alive.

During the energy crisis in the late 1970s, Congress created the U.S. Synthetic Fuels Corp. to subsidize development of alternative fuels. The SFC earmarked billions in subsidies for commercial shale plants, but sinking oil prices, internal turmoil and messy scandals killed the SFC before it could hand out any shale subsidies.

It took a few years for the SFC to fade from memory. Now a jump in oil imports and cooperation by the Colorado, Utah and Wyoming congressional delegations have gotten the federal government interested in oil shale again, said Jim Evans, director of the Associated Governments of Northwest Colorado.

Evans said a small-scale research facility makes more sense economically, environmentally and socially right now than full-scale development of the region's estimated 700 billion barrels of recoverable shale oil.

After the collapse of the SFC, a group of public officials and citizens from Colorado, Wyoming and Utah formed the Oil Shale Action Committee to push for federally funded oil shale research, said Larry McNeese, mayor of Palisade and chairman of the group.

"You can't develop a brand new technology overnight," noted McNeese. "We want to be ready for the next oil crisis."

— Jon Klusmire

HOTLINE

Temporary reprieve

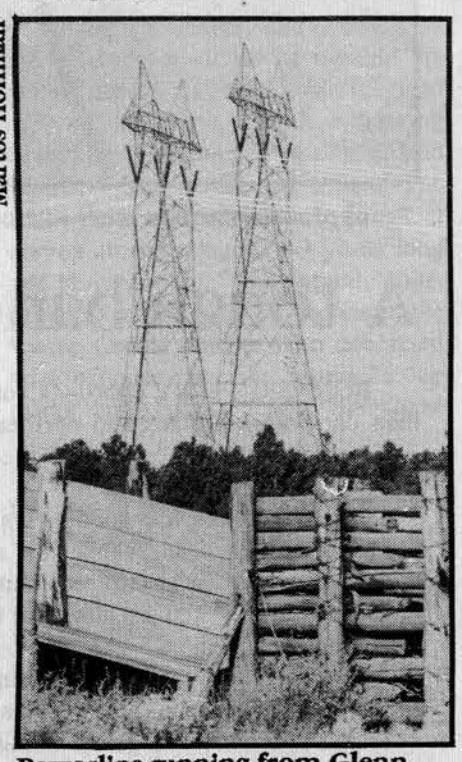
Two proposed timber sales on 2,100 acres in the Medicine Bow National Forest of Wyoming have been halted for further environmental studies. But the sales could still go forward if the studies provide a clean bill of health, reports Wyoming's *Casper Star-Tribune*. Rocky Mountain Regional Forester Gary Cargill withdrew the sales pending review of an appeal by individuals and Friends of the Bow, a local environmental group. Their appeal said environmental effects of the logging, which require some 21 miles of new and reconstructed roads and cuts bordering a wilderness area, were not adequately addressed in an environmental assessment. We're "encouraged that they listened to us," said Friends of the Bow spokesman Mark Squillace. It's unusual "that an agency backs down so quickly." Forest spokesman Pat Thrasher said no decision has been made about whether to do a new environmental assessment or a more comprehensive environmental impact statement.

HOTLINE

Copper mine thrives

Phelps Dodge Corp. closed its polluting copper smelter in Morenci, Ariz., in 1984, but its open-pit mine at the same location is thriving. Company officials recently announced a $112 million expansion that will create some 240 new jobs for a total of 1,900 workers, and increase production by 140 million pounds each year. Expansion will require the company to move two miles of state highway, but the state will benefit by receiving an additional $15 million in taxes from 1990 to 2008, says Arizona Gov. Rose Mofford. Last year about 600 million pounds of copper were extracted from the mine using an acid-based process, reports the *Arizona Republic*.

Martos Hoffman



Powerline running from Glenn Canyon Dam to California

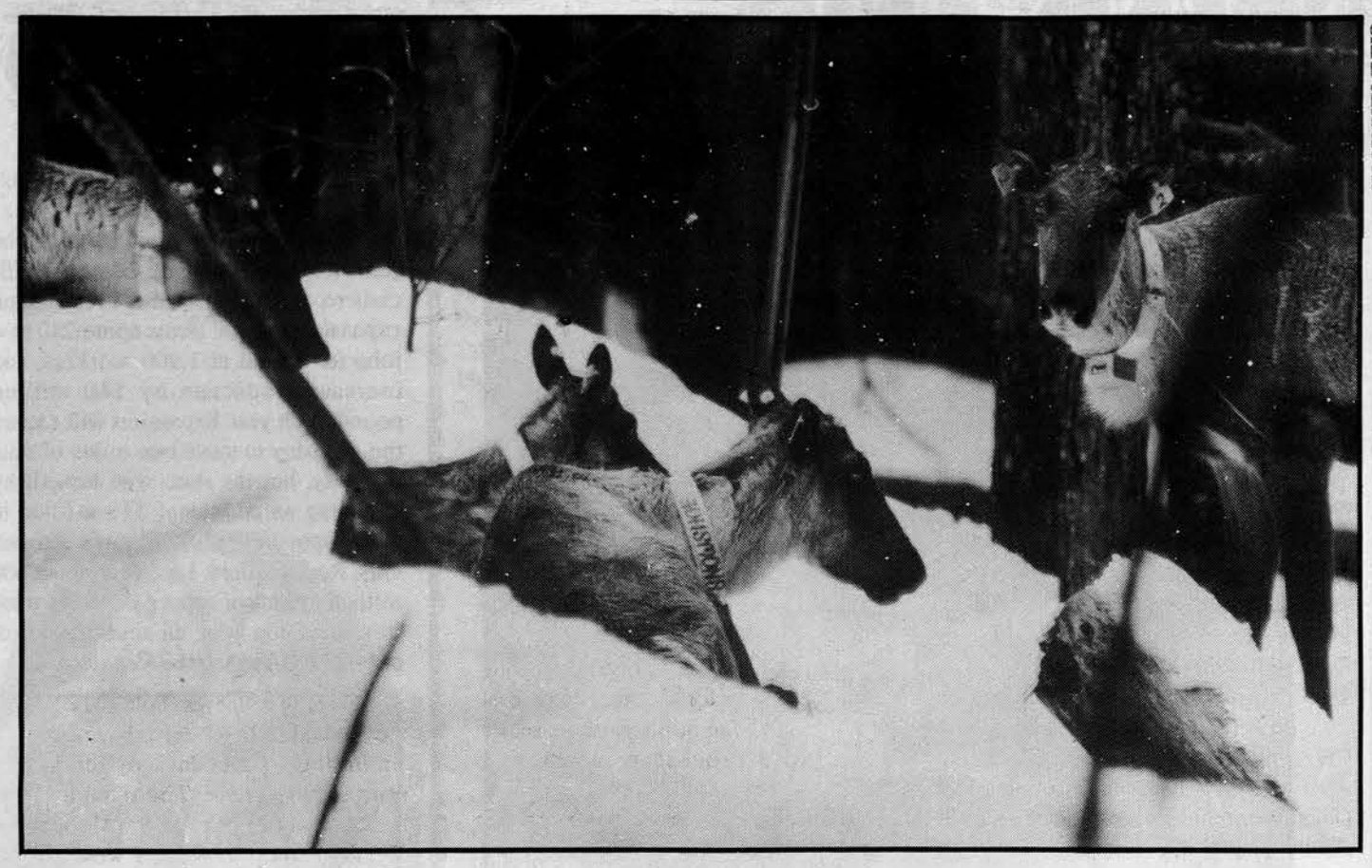
Bogus brownout

Brace for brownouts by 1992, warns a headline in a recent *Wall Street Journal*. Western states due for electric power shortages include Washington, Oregon, Idaho and Montana, says John Siegel of the U.S. Council for Energy Awareness, the nuclear power industry's trade group. Siegel predicts "the public is going to get pretty damn annoyed" over the next several summers when air conditioners ... get fouled up by voltage reductions. But Jeff King of the Northwest Power Planning Council, the group that plans for energy needs in the Pacific Northwest, insists that Siegel is wrong. "For the next few years we have plenty of power — we even have a surplus," he says. Planning Council Vice Chairman Jim Goller calls the advocacy group for nuclear power "alarmist." The surplus is between 400 and 800 megawatts, and the Northwest could save enough energy through conservation to take the place of six new coal-fired plants, he says. "The real question ... is not whether we will run out of power or not, but what choices we make to meet energy needs if they increase."

BARBS

We're going to start by reporting the Forest Service's vandalism of the land and water. Then we're going to tell them what the loggers are doing.

The Mountain States Legal Foundation has set up an ecotage hotline at 303/TESTIFY for those wishing to report acts of environmental sabotage. The foundation is a legal group which acts on behalf of mining, logging and grazing. It was once headed by James Watt, who is best known for his work as a consultant to HUD.



Chris Anderson

Transplanted caribou wear radio transmitter collars decorated by school children

A tough band tries to survive in Idaho

BONNERS FERRY, Idaho — Canadian caribou transplanted to northern Idaho pick high places to bear their calves.

"They're places with good views," says Gregg Servheen, whose job as transplant-project leader involves counting the newborns. "You just may have to breathe hard to get there."

Besides getting exercise and seeing lots of Selkirk Mountain vistas in the last three years, Servheen has gained enough perspective on the project to consider it a qualified success.

"The vast majority of caribou have remained healthy and where we want them to," says Servheen, a biologist with the Idaho Department of Fish and Game. The goal is a herd of 100 woodland caribou — the department estimates the herd at 50 to 60 animals today. The caribou are an endangered species that once thrived in Idaho's Panhandle. But the project's long-term results remain to be seen.

"The population could flatten out, or take off right through the roof," Servheen says. "To find the answers, we'll have to monitor them." That means Servheen spends much of his time carrying radio telemetry equipment to locate the animals.

In 1987 and 1988, radio collars were put on 48 caribou captured in British Columbia and moved to Idaho. No animals were transplanted this spring, however; Canadian wildlife officials said they could not spare more caribou. But the caribou project has received its third grant of federal Endangered Species Act funds — this one for $99,000 — and Servheen says he is optimistic about a third transplant in 1990.

Meanwhile, he follows the movements of the caribou as well as grizzly bears that have been collared for another Selkirk study. Usually, he tracks from an airplane, flying over the Selkirk ecosystem that straddles the U.S.-Canadian border. But in summer Servheen spends more time on the ground, binoculars in hand, trying to account for any June-born caribou calves.

In 1987, transplanted females produced six known calves, three of which survived; in 1988, seven of 10 calves apparently survived; in 1989, four caribou calves were born in the spring and 11 deaths were recorded among the radio-collared animals. In a healthy caribou herd, Servheen says about 10 percent of the animals die each year.

Most of the confirmed deaths among the transplants were attributed to natural causes. One animal was illegally killed last October by a trophy hunter and the poaching remains under investigation.

A yearling died after it was immobilized by ice that formed on its radio collar. It was found after a period of extremely low temperatures and high winds, but there was no water in the vicinity. Biologists were at a loss to explain the rare accumulation of ice, which nearly equalled the 150-pound animal in size.

Despite such disappointments, Fish and Game officials are heartened by the track record of the high-profile, sometimes controversial transplant effort. Servheen said he has been surprised by the caribou's "resiliency, their toughness, the fact that they're so superbly adapted to their environment."

"The Selkirks is a difficult place to make a living," he said. "And they do it well."

The lichen-nibbling Selkirk herd represents the only free-roaming caribou in the lower 48 states. But while loggers, backpackers and the occasional motorist may come across them, thousands of people have seen caribou in the country's other transplant project.

In 1986, 22 caribou were caught in Newfoundland and taken to Maine, where the privately funded Maine researchers keep the animals enclosed on nine acres. People are invited to look in and are also asked to make donations to help keep the caribou in processed food.

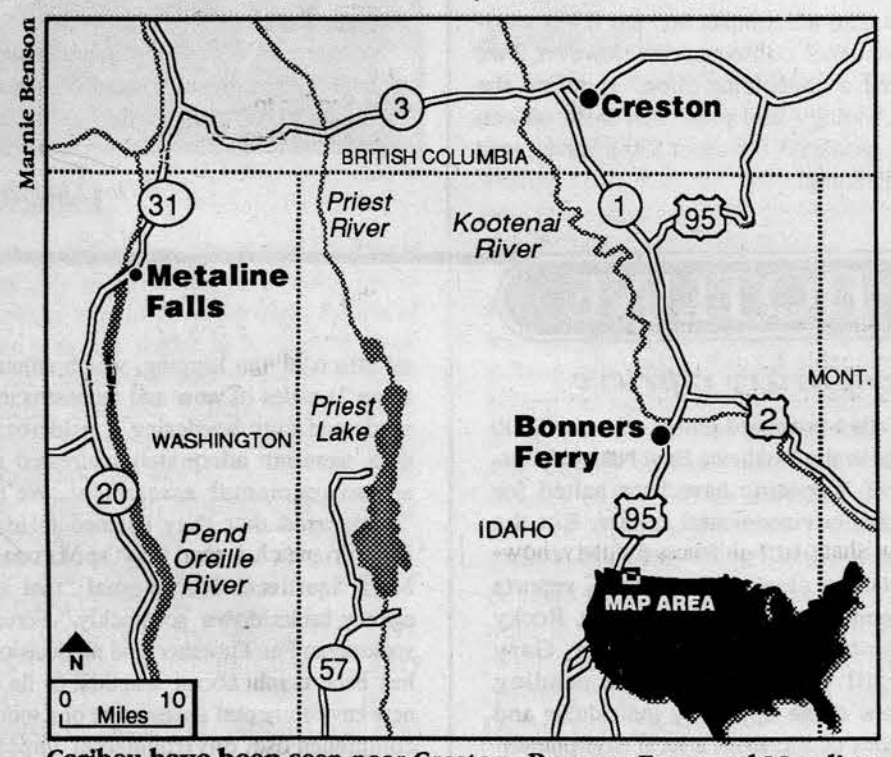
In Idaho, local residents have not always supported the caribou project. The biggest objection was to the closure of some national forest roads to protect habitat. Last winter, some critics asked why the program was worth continuing since several caribou died. One community leader in Bonners Ferry publicly chastised the state's Fish and Game Department for endangering the animals by transplanting them.

Servheen says the alternative is simply to watch the herd disappear. Before the transplants, only 25 or 30 caribou lived in the Selkirks, and most of those were on the Canadian side.

"We came very near to losing the caribou as a resource in the lower 48," he said. "We're going to a lot of trouble and, at some risk to the animals, we're attempting to build that resource back."

— Julie Titone

The writer covers environmental issues for the *Spokesman-Review* of Spokane, Washington.



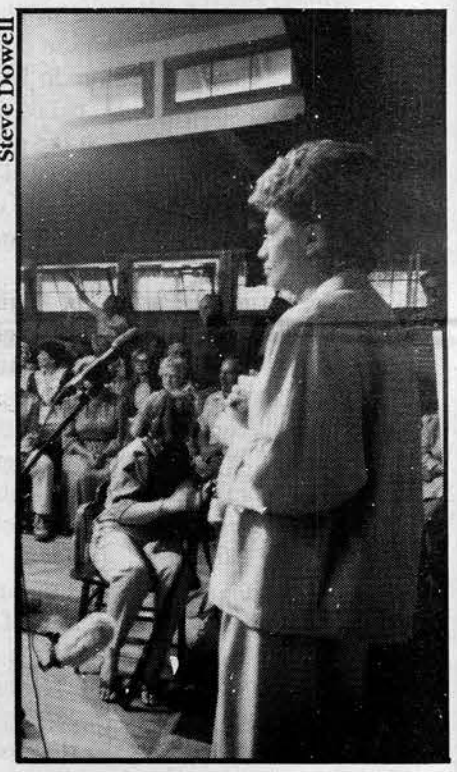
Caribou have been seen near Creston, Bonners Ferry and Metaline Falls

HOTLINE

Land swap in limbo

Despite 14 months of negotiations, the U.S. Army has yet to transfer 17,000 acres at Pinon Canyon in southeastern Colorado to the Forest Service. Sen. Tim Wirth, D-Colo., who won congressional approval for the transfer last year, urged the two agencies to rescue the lands from "bureaucratic limbo," reports the *Arkansas Valley Journal*. The Army agreed in May to turn over its parcel bordering the Purgatoire River near its 244,000-acre tank and infantry training site. In exchange, the Forest Service agreed to give the Army a 32,000-acre parcel in southern Mississippi. Talks are currently stalled over which agency will pick up the tab for resource and access studies necessary before the Forest Service assumes control. While the rugged, cedar-lined canyon is not suitable for Army use, it is a natural treasure trove. Dinosaur tracks — from one to three feet in length — along with ancient Native American petroglyphs, gravesites of 17th century Spanish explorers and a diversity of wildlife fill the canyon. Once the transfer is completed, Wirth says the area should be designated for "restricted use" to protect its archaeological, paleontological and wildlife resources.

"Cosmic Honor Guard"



Steve Dowell

Elizabeth Clare Prophet at a CUT press conference

Two former members of the Montana-based Church Universal and Triumphant say that a church member arrested in July (*HCN*, 7/31/89) was the leader of a security force called the Cosmic Honor Guard. Former CUT members Kenneth Paolini and Jay Wilson say the security force was trained by a former Los Angeles SWAT team member to use automatic weapons and shotguns, run road blocks and kill with their hands. But CUT leader Elizabeth Clare Prophet told the press that the church has no armed security force and that the arrested member, Vernon Hamilton, was a construction worker. Prophet's daughter says that her mother put a stop to paramilitary activities when she became fed up with church members "running around acting macho." When Hamilton was arrested, federal agents seized 16 assault rifles, 120,000 rounds of ammunition, $26,000 in cash and gold, and documents outlining plans for arming 200 men. Before the arrests, the church, just north of Yellowstone National Park, was under fire for blocking migration routes of elk and bison with fences and endangering hot springs in the park by drilling on church property.

Groups challenge 'back-door' timber laws

Congress is scheduled to consider a plan brought by Oregon's political leaders that would allow the logging of some of the old-growth timber currently tied up by court injunctions.

But some environmental groups are fighting the plan because of one of its provisions. Similar to "riders" attached to Senate bills over the past few years, the provision would take away the courts' power to halt logging in contested areas. It's a move that the groups consider particularly ominous.

"The sole purpose of these riders," says Melanie Rowland of The Wilderness Society, "is to place agencies above the law. What we're talking about is limiting access to courts — the traditional avenue for people without a lot of political or economic power."

Since 1985, Rowland points out, Oregon Sen. Mark Hatfield, R, has used such riders in three different timber issues:

• A rider on the 1985 Senate Interior Supplemental Appropriations Bill — and included every year since — authorized timber sales on Oregon's Siuslaw National Forest. Sales had been enjoined by a federal court for violations of the National Environmental Policy Act;

• A rider on the 1988 Senate Interior Appropriations Bill exempted Forest Service and Bureau of Land Management plans from judicial challenges prompted by new information about those plans' environmental consequences;

• A rider to the 1989 Senate Interior Appropriations Bill barred court challenges to salvage timber sales in the Silver Fire burn area of Oregon's North Kalmiopsis roadless area.

As an example of the harm that such limits can cause, Tom Robinson of the Sierra Club Legal Defense Fund points to the oil spill of the Exxon ship Valdez. Twenty years ago, Congress stopped the courts from hearing a case that challenged Alyeska's pipeline proposal on federal environmental grounds. Now, he says, "we're paying the price."

Spearheading opposition to the riders, Rowland and Robinson drafted a letter to congressional members.

"Prohibiting citizen challenges to government actions places agencies above the law and violates fundamental principles of democratic government," it reads. The letter was signed by 20 groups, including non-environmental groups such as the National Bar Association, the Union of Concerned Scientists, the Consumer Federation of America and others.

"Riders are particularly back-door," Robinson says. "We hope to interest enough members of Congress that these actions should come in the front door."

Julie McGregor, Hatfield's press secretary, agrees that the riders are "a backward way of doing things," but says the senator has little choice. "We don't see another way to bring the timber pipeline up to levels that don't threaten 20,000 jobs," she says.

The rider on the Siuslaw National Forest, she explains, was a response to environmentalists' blanket appeals of 140 timber sales. "The senator felt that was not a proper use of the appeals process. The rider said the appeals had to be done case-by-case."

The riders precluding judicial review of Forest Service and BLM management plans, she adds, were requested by the agencies. "They came to the senator and said, 'if we have to implement new information right away, we'll never catch up.' "

Besides, she adds, riders are a long-established way for Congress to do business, and appropriations bills are subject to a "long process of checks and balances."

But checks and balances are precisely what some people think riders avoid.

"If our legislative-judicial system is to evolve into a series of state-by-state special interest laws knocking citizens out of court, we may as well drop the pretense of having 'national' laws," says John Bonine, head of the University of Oregon's environmental law clinic. "Congress' laws will not be worth the paper they are written on, but will simply become a kind of massive public relations fraud on the American people."

— *Jim Stiak*

Wilderness inholding leads to struggle

PAONIA, Colo. — "Attention Hunters! ... Four 40-acre parcels are being sold five miles inside the beautiful West Elk Wilderness, Gunnison County, Colorado ... Build your own dream hunting lodge. All parcels sold with full mineral rights ..."

This July 27 *Aspen Times* ad signaled the latest round in a wrestling match between the Forest Service and Kentucky millionaire Bob Minerich over control of Minerich's wilderness inholdings.

Paonia District Ranger Steve Posey says his agency wants to protect wilderness values of the West Elk by acquiring the land, the last remaining private land within the wilderness. The 176,000-acre wilderness between Paonia and Crested Butte, Colo., includes forests of spruce, fir and aspen, and one of Colorado's healthiest elk populations.

Minerich's broker and spokesman is Tom Chapman, who owns a 10 percent interest in the Minerich property and has profited before from real estate transactions with the federal government.

Chapman has made a career out of pressuring federal agencies on behalf of landowners. His most publicized campaign began in 1984 when he and Paonia, Colo., rancher Dick Mott started subdividing land near the Black Canyon of the Gunnison National Monument. In 1987, after a lengthy court battle, the Park Service paid Mott $510 per acre for the inholdings, marginal ranch land that had been appraised by the government at only $200 per acre.

More recently, William McCluskey hired Chapman to negotiate the sale of his land at the confluence of the Gunnison River and its North Fork. Chapman's first action was to close off public access to the popular stretch of river and its gold medal trout fishery. Ranger Posey says that Chapman is using similar pressure tactics in an attempt to jack up prices for Minerich's West Elk Wilderness inholdings.

Elliot Oil Co. sold Minerich the property for $240,000. The inholdings include an 80-acre parcel within a half-mile of the wilderness boundary and a 160-acre parcel three miles inside the wilderness. The Forest Service came close to purchasing the property in 1979 when the wilderness area was designated, Posey says, but the owners backed out, saying they wanted a land exchange instead. He says the owners then seemed to gradually lose interest in the exchange. The agency wasn't notified of Minerich's successful offer before the sale to him went through in January, Posey says.

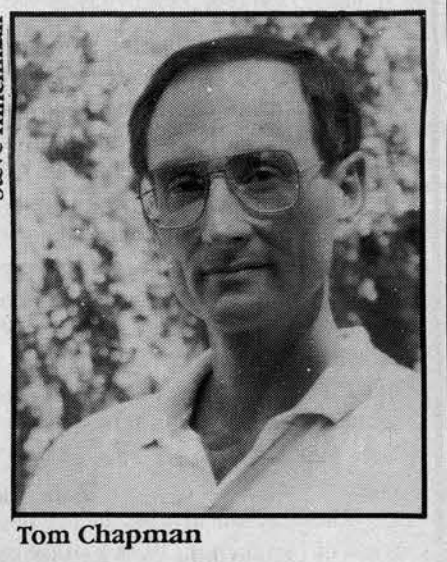
After Minerich purchased the property, he announced plans to build a hunting lodge on the 160-acre parcel and a house on the 80-acre parcel. The hunting lodge was to be constructed on a prominent ridge that is visible from a large part of the wilderness.

In May, after meeting Forest Service resistance to his proposal to build road access to the parcels, Minerich scrapped plans to construct the lodge and announced that instead he would build his house on the 160-acre parcel. He then hired a helicopter to air-lift building materials to the site.

Faced with the threat of construction within the wilderness, the Forest Service began negotiating with Minerich through Chapman to trade the inholdings for developable land near the Telluride ski area. According to Posey, Minerich offered to exchange his 240 acres for an equal amount of land near Telluride. The Forest Service appraised the land near the popular ski resort at a much higher value than the wilderness property, however, and that halted the deal, Posey says.

Frustrated that the trade wasn't going their way, Minerich and Chapman then announced the subdivision of the 160-acre parcel into four 40-acre parcels.

Chapman is not apologetic about his actions. "The Forest Service is gambling



Steve Hinchman

Tom Chapman

that I won't be able to sell the property, but I'm very aggressive and successful at what I do," he says, and adds, "If it wasn't me, it would be somebody else." Chapman says that there should be no problem getting $5,500 an acre for the property. He also points out that if the land is sold to four different purchasers, it would be nearly impossible for the Forest Service to acquire it.

In addition to placing the land up for sale, Minerich says that he is renewing his plans to build a house on the 80-acre parcel and applying again for a permit to construct a road to his property. Posey says that a request for a road permit will be denied, and that any new owner of the private inholdings has no legal right to road access. But Chapman said that his lawyer advised him that they do have access rights, possibly based on surface mining rights which they own. This is the same situation which allowed Stefan Albouy to punch a road into the Maroon Bells-Snowmass Wilderness near Aspen to remove marble (*HCN* 7/31/89).

Land trade negotiations halted after the 160-acre inholding was put up for sale, but the Forest Service is still anxious to deal, Posey says.

— Don Mitchell

HOTLINE

Weyerhaeuser mill wins unwanted prize

Greenpeace protestors climbed 150 feet up the smokestack of a Weyerhaeuser pulp mill in Everett, Wash., Aug. 16 to unfurl a 25-by-45 foot ribbon that read "Prize Polluter." The protest was staged to draw attention to discharges of chlorinated wastes into Puget Sound just north of Seattle. A Weyerhaeuser spokesman said the mill's discharges are within federal standards, and that any change in the milling process would require several years and tens of millions of dollars.

Dam steals beach

Fears that thieves stole a beach on the Columbia River are all washed up, according to a county official who reported the crime. The disappearing beach in question, formally called Squally Point, was located west of The Dalles in the Columbia River Gorge. It curved around a lagoon 40 yards long and 15 yards deep, "with natural, white, beautiful sand," said Kim Jacobsen, the Wasco County planner who contacted state officials after she found "scoop marks" and a missing beach. "Somehow, some way, somebody got in there with some sort of watercraft and some sort of mechanism to scoop sand, and now the beach is gone," she reported. But a biologist with the Oregon Department of Fish and Wildlife said that by chance he watched the beach disappear while eating lunch nearby. "Cracks started appearing in the beach, maybe a foot apart," Kevin Schacher said. "Then a piece cracked and fell into the water; then another and another." A surge of water from the Bonneville Dam is believed to have undercut the bank causing the sand to crumble away, reports *AP*.

Threat turns landowners green

A plan to cut 339 acres of private timber above Lindbergh Lake near Missoula, Mont., has drawn vehement opposition and it's not just from conservationists, reports *AP*. Steve McCue, a Helena, Mont., attorney who has summered on the lake since childhood, says, "This is not your typical group of raving environmentalists. We're pretty much a bunch of rock-ribbed conservatives of the property class." Faced with the threat of a disappearing forest and declining water quality, affluent and mostly Republican local residents have organized to block Plum Creek Timber Co. from logging. But the group has yet to find a means, leading to a new appreciation for environmental groups. "I'm sympathetic to what environmentalists are trying to do," says McCue. "I think they are way ahead of us." Montana does not regulate timber cuts on private land, even though cuts around mountain lakes and streams often threaten water quality due to increased sedimentation.

Dioxins delay Oregon pulp mill

A proposed pulp mill 60 miles from Portland. Ore., has been put on hold because of concerns that it would produce dioxin. The dioxin TCDD, one of the most potent toxins known, is produced in mills that create bleached pulp. Oregon's Environmental Quality Commission postponed until Sept. 8 a decision on whether to approve the $450 million mill, which would be built by WTD Industries, now the nation's fourth largest timber company.

HOTLINE

Wyoming tribes win

The U.S. Supreme Court last month decided that Wyoming must respect Indian reserved water rights on the Wind River Indian Reservation near Lander. Twelve years ago the state of Wyoming filed suit against the Arapahoe and Shoshone tribes, saying that the 1908 Winters Doctrine, which established federal reserved water rights for Indian reservations, does not apply to the Wind River Reservation. After an expensive and protracted battle, the state finally lost the case in Wyoming's Supreme Court last year (*HCN*, 3/14/88). Wyoming then appealed the case to the U.S. Supreme Court and asked the high court to abandon a standard it set in 1963 that quantifies tribal reserved rights based on"practicably irrigable acreage," rather than on a reservation's minimum needs. The court, voting 4-to-4, upheld its 1963 decision, leaving the tribes with senior rights to nearly half the water in the Wind River and Big Horn basins. The case, which was followed closely by other tribes across the nation, is a major victory for Wyoming's Arapahoe and Shoshone, and may leave non-Indian farmers short of water in dry years. Since losing the case the state has entered negotiations to finance improved irrigation systems on the reservation for both Indian and non-Indian water users.

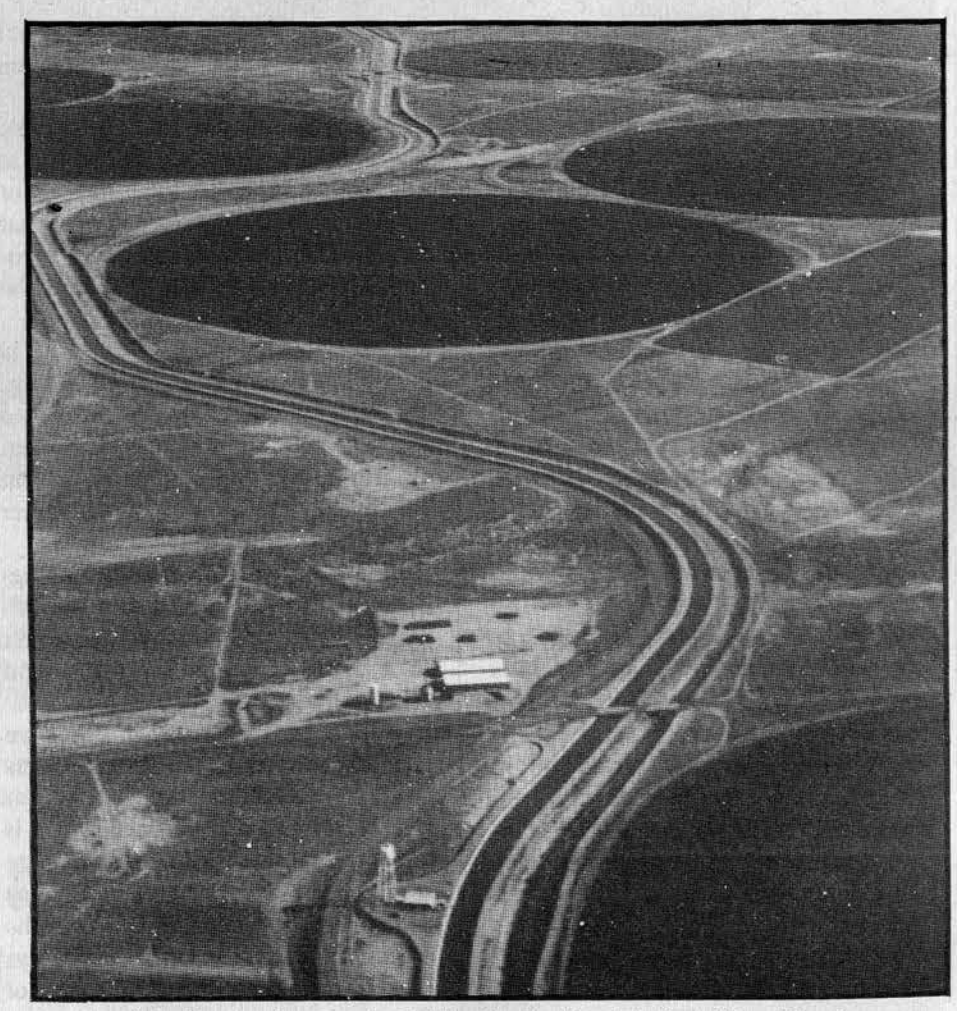
Plan raises hackles

A Utah congressman's plan to restore wolves to Yellowstone National Park has Wyoming's sole representative howling. "Wolves like easy prey, and Wyoming woolgrowers and cattlemen surrounding the park should not be forced to supply carryout for wolves," said Rep. Craig Thomas, a Republican from Casper. Wolves would threaten Wyoming's tourist, hunting and ranching economies, Thomas said. "Those who want to reintroduce wolves for the aesthetics of hearing an occasional howl won't be living with the practical problems of managing such a predator."

The West leads in suicides

Rocky Mountain states now lead the nation in suicides, according to the U.S. Census Bureau. In 1986, the suicide rate for the Rocky Mountain area was 18.7 per 100,000 people; the national average was 12.8. Newcomers to the West are boosting the suicide rate, reports the *Denver Post*. Psychologists suggest that shattered dreams, lack of roots and economic hard times catch up with many immigrants, driving them to take their own lives. Pacific coast cities, flooded with new residents during the 1960s, previously led the nation. But in 1980, the demographics changed: Six of the eight mountain states made the top-10 list for migration. Nevada was first, followed by Wyoming, third; Arizona fourth; Colorado fifth; Idaho sixth; and New Mexico ninth. As immigration increased, the suicide rate soared. Researchers say one factor may be the easy availability of firearms, especially handguns. The Rocky Mountain states rank third in the prevalence of firearms and second in handguns, according to a National Rifle Association study. Another aspect of the problem is probably alcohol. In 1986, the National Institute on Alcohol Abuse and Alcoholism found that Nevada was in the top 10 percent nationwide for per-capita alcohol consumption, Arizona was in the top 20 percent, and Colorado in the top 30 percent. Idaho was in the bottom 30 percent and Utah, predominately Mormon, was near the bottom.

Sometimes the feds do pinch pennies



Irrigated circles at the Navajo Indian Irrigation Project, New Mexico

The West's irrigation projects are known as boondoggles — as places where the federal government spends money like water. But in the case of the Navajo Indian Irrigation Project, the government shows that it can also squeeze a project dry.

In the midst of the dry, brown northwest corner of New Mexico lie thousands of acres of enormous green circles and part-circles. Neither an out-of-scale Pac Man computer game nor an Astroturf sales gimmick, the circles are crops — onions, hay, beans and potatoes — irrigated by miles of high-tech pipes, canals, siphons and pumping stations. The water comes from the San Juan River's Navajo Reservoir, more than 30 miles away, via open canals and underground pipes. The San Juan River is New Mexico's only tributary to the Colorado River.

These green circles in the desert south of Farmington, N.M., on the eastern edge of the Navajo Reservation, startle the casual visitor. They would have the same effect on the Navajo officials who began negotiations with the Bureau of Indian Affairs and Bureau of Reclamation over 30 years ago for an irrigation project on the reservation.

Tribal Council Chairman Sam Akheah told Congress in 1954, "At first, the land should be planted to pasture grasses and forage for raising livestock and a small area used to grow garden produce and row crops." In early plans, several thousand Navajo family farmers were to settle on the project to pursue their subsistence pastoral livelihood.

Today the Navajo Indian Irrigation Project, or NIIP, is half finished, and that half is late 20th century American. The water flowing onto the reservation cannot be used by a Navajo with a hoe, or even with a tractor. Its use requires access to capital, to the expertise of modern farming and to national and international markets.

Like other Indian irrigation projects, NIIP exists because it was paired with an Anglo project. Just as the Navajos were talking of a down-home irrigation project in the San Juan basin, the state of New Mexico was interested in diverting San Juan water to the water-short but heavily populated Rio Grande valley. Interests in both basins wanted to cash in on ambitious Bureau of Reclamation plans to develop the Colorado River Basin in the post-World War II era.

The Navajos held a very high card in the poker game over the San Juan. Legally, the tribe has a claim to a good deal, if not all, of the waters of the San Juan. Under the Winters Doctrine, named for a 1908 Supreme Court case, Indians have rights to sufficient water to accomplish the purposes of their reservation, which are usually agriculture. Claims can be enormous, and they date from the reservation's inception — in the Navajos' case, 1868.

But the Winters Doctrine does not have a mechanism that allows a tribe to raise the money to develop the water. For that, the tribe must go to Congress.

Navajo and Anglo interests in the San Juan basin at first opposed diversion into the Rio Grande. In Tribal Council debate in 1951, Sam Gorman said, "We will never see this water again if it goes over the mountain."

New Mexico State Engineer Steve Reynolds recalls that he asked a San Juan basin irrigation district official, "Wouldn't you rather see some of the San Juan's water go to the Rio Grande than all run down to California and Arizona?" The official replied, "No, and if someone is going to bed with my wife, I'd rather it wasn't my brother."

Nevertheless, San Juan basin Anglos and Indians eventually supported a diversion to the Rio Grande, and Rio Grande interests supported NIIP. In 1962, NIIP and a project called the San Juan-Chama diversion received joint congressional authorization.

To Claudeen Arthur, Navajo Tribal Attorney General during the Peterson Zah administraion of 1982-1986, linking NIIP and the Chama diversion "was a political maneuver." In her view, "They said to the Navajos, 'you're not going to get a project politically by yourself,' so we had to tag along on the Chama project."

NIIP was to irrigate 110,630 acres of land with 508,000 acre-feet of San Juan River water; Chama was to divert another 110,000 acre-feet out of the San Juan and into the Rio Grande. Both projects were to be completed in the late 1970s. The different courses these companion projects followed are telling: 1976 found Chama finished, right on schedule. But in that same year, less than one-tenth of NIIP's acreage received water for the first time.

Indeed, before beginning construction of NIIP, the Bureau of Reclamation first asked that the whole thing be reconsidered. Since construction began, NIIP's annual appropriations, contained in the budget of the BIA, which then passed the money through to the Bureau of Reclamation, have averaged half the amount requested by the BIA. Totaling about $425 million, the cost is still more than three times the original estimate for the entire project. In addition to underfunding and delays, NIIP has been reduced in size, in a step-by-step way, over the years.

The Bureau of Reclamation recommended in the 1960s that the peak capacity of the intial 30 miles of project tunnels and canals — called the Main Canal — be downsized by about 25 percent to save money. This reduction included both the elimination of capacity for municipal and industrial water, which the NIIP legislation authorized under certain circumstances, and reliance on a reservoir not in the original plan.

The new reservoir would allow the smaller tunnels and canals to do the job. Then in the early 1970s, the Bureau recommended a switch from gravity flow of water over the field, to sprinkler irrigation to save water. The shift further reduced the capacity required, eliminating the need for the reservoir.

Several commentators have said that these decisions cheated the Navajos out of their water rights. And a BIA official remarks privately, "The tribe could easily say that there are just too many coincidences."

Reclamation officials defend the decisions on engineering and cost-saving grounds. Of the decision to eliminate the capacity to carry municipal and industrial water, NIIP's first reclamation project director, Bert Levine, points out that no municipal and industrial contracts had been negotiated when the system was made smaller.

"You can't spend government money on speculation," he says, and a smaller capacity in the initial reach of tunnels and canals, which went through rough badlands, saved millions of dollars. Furthermore, Levine says, NIIP canals could still carry municipal and industrial water, but would have to do so outside the irrigation season.

Reclamation project engineer Dale Jackson, admitting that "in a sense, we are undersizing the system," points out that the smaller size does not mean the crops won't get enough water. Sprinkler irrigation means canals and tunnels need to carry less water to provide the same amount to crops, so the system can be smaller.

But that sensitivity to cost didn't seem to apply to NIIP's sister project, the Chama diversion. Its works under the 1962 act were authorized to be twice the size needed to carry its 110,000 acre-feet. State Engineer Reynolds says that building an oversized tunnel initially would save money if it ever needed to be expanded. "The tunnel is the most expensive thing," says Reynolds.

The key to the dispute is what the Navajos are entitled to. Reynolds and Interior say the tribe has a right to enough water to irrigate the land. Because sprinklers use less water than

(Continued on page 7)

Pinch...

(Continued from page 6)

the original irrigation method, the Navajos are entitled to less water, they say. According to Reynolds, "508,000 (acre-feet) is not the binding number. The binding number is the acreage" to be irrigated.

But the law says that NIIP will "have an annual diversion of five hundred and eight thousand acre-feet of water." The Navajos' Claudeen Arthur says, "It's just word games to say that the Navajos' allocation is anything other than 508,000 acre-feet."

It is perhaps not surprising that much has happened either to keep NIIP from being built or to diminish its size. The NIIP allocation — 508,000 acre-feet — is a sizeable portion of the much-coveted San Juan and a large bite out of New Mexico's claim under the Colorado Compacts. In fact, New Mexico is concerned enough about allocation of San Juan water that it brought suit in 1975 to settle the competing claims. That adjudication has not progressed beyond procedural issues to date.

Efforts to keep NIIP from using the full 508,000 acre-feet are alive today. In spring 1988, the Interior Department's inspector general recommended in an audit that NIIP be "terminated" at roughly 60,000 acres, the amount now developed, chiefly because of cost. Admitting that the Navajos would be cheated out of promised water if its advice were followed, he suggested "reasonable compensation" to the tribe for all losses.

The Interior Department responded — it need not take the advice of an audit — by opposing termination today because of investments already made. But it set in motion plans for deciding a "termination point of the project" in the future, clearly implying that NIIP will not reach full size.

In reaction, the tribe and congressional supporters secured $11 million in NIIP funding for 1989, the first appropriation ever to equal the requested amount, and enough to bring the project to 70,000 acres, inching closer to the legislated goal of 110,630 acres.

Despite the pressures, the Navajos are making a success of the project by the standard of a competitive, business-as-usual market. The tribe runs an enterprise called the Navajo Agricultural Products Industry, or NAPI, on the project lands, and NAPI showed a profit for the first time in 1986.

With around $20 million in gross receipts, it has retired about $2 million of a roughly $20 million debt in the past two years, according to General Manager Albert Keller. Potatoes, onions and dry beans (pinto, navy and pink) are its highest-value crops. NAPI also runs two feedlots — one for cattle, one for lambs — and packing sheds for both potatoes and onions.

In the past year, NAPI has, through joint ventures, begun preparations to grow watermelons, ornamental squashes and gourds, apples and shitake mushrooms. In fact, the 1988 harvest was NAPI's largest ever, and profits for the year are expected to be high. For the future, plants for producing frozen vegetables and french fries are planned to increase profits and employment.

All but four NAPI managers are Navajo, and while deadlines for turning affairs over to Navajos exclusively are extended repeatedly, all current employment contracts call for NAPI to do so by 1990. There have been many bleak years since water first irrigated the land in 1976, including several complete shake-ups in management and a debt that was once $44 million. But in the last few years, the irrigation project has begun to work, in economic terms.

To be economic in the United States today means to be Anglo in culture. NAPI's french fry factory is not what one might think of as "Navajo." Disapproving of a french fry factory on the Navajo reservation may reflect legitimate concern for Navajo cultural integrity, but it also may be nostalgia. Until he was ousted, Navajo chairman Peter MacDonald was squarely behind Anglo-style economic development.

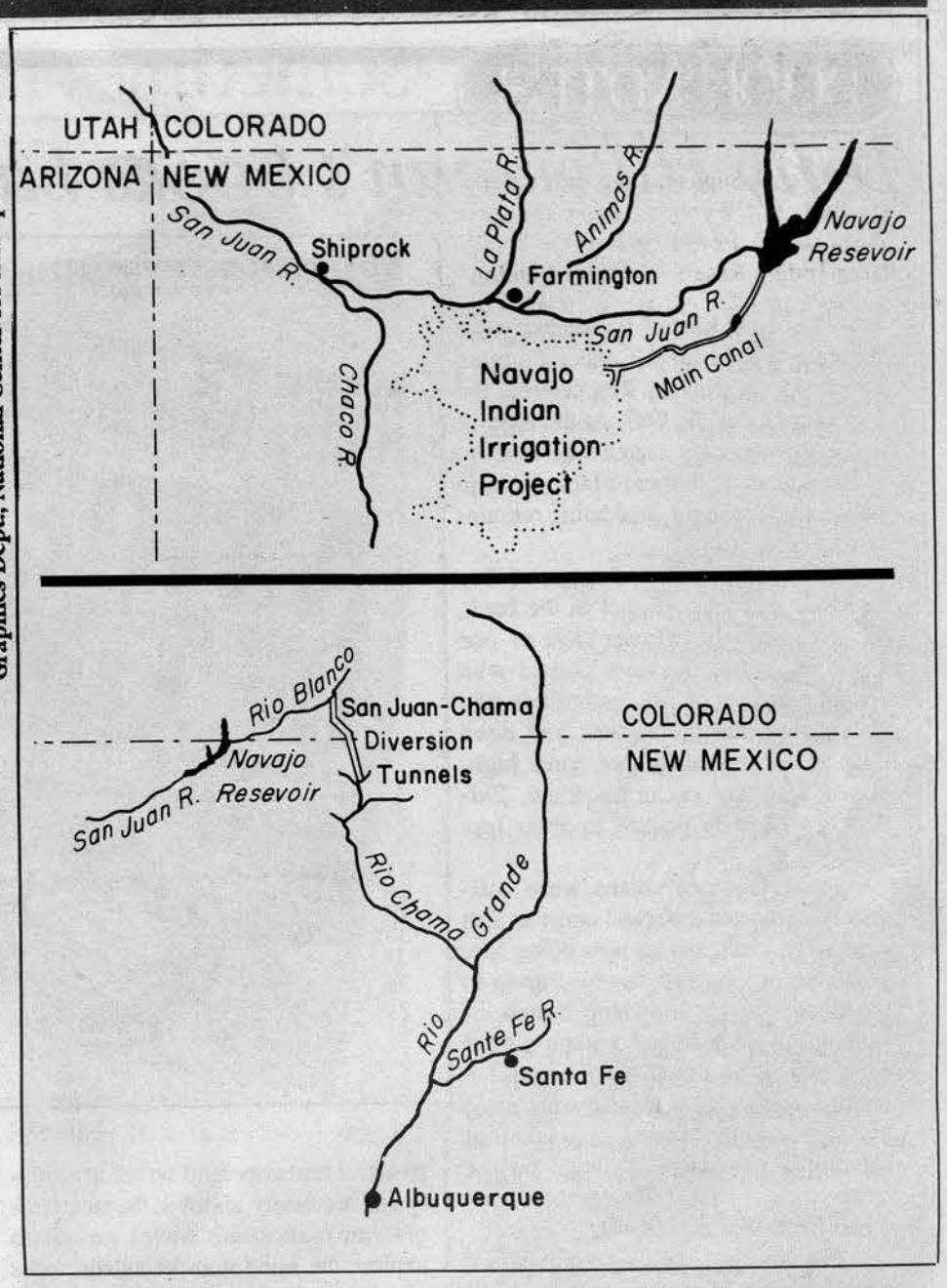
According to NAPI attorney Albert Hale, MacDonald supported capitalizing on NIIP's ability to provide infrastructure — roads, water and sewer, primarily — to enable industries to locate on project lands. General Dynamics, for example, broke ground for a plant on NAPI lands in August of last year. Whatever happens to MacDonald, these policies are likely to continue.

Delays, underfunding, undersizing and the eagerness of the Navajo leadership for infrastructure and industry have all produced a project far different from Sam Akheah's vision of irrigated pasture and family farms.

In all of this, Reclamation officials tend to blame the BIA; BIA officials tend to blame Reclamation; the Navajos blame both; and outside critics throw in the state of New Mexico for good measure. But no single bureau or bureaucrat can fairly receive responsibility for NIIP's complicated history.

Despite plans and dreams, NIIP could not be irrigated pasture or even family farms without massive subsidy. Congress, according to plan, funded construction only (and it inadequately) and did not finance training programs or loans needed to create a NIIP of family farms. Navajo family farms could not compete in the marketplace, so a high-tech, low-employment, Anglo-style corporate farm resulted.

Graphics Dept., National Center for Atmospheric Research



If any one entity bears responsibility, it is Congress. Starvation ration funding threw NIIP into the market, where cost-effectiveness, and not culture, is the criterion for success. Navajo culture, like other Native American cultures, grafts onto the dominant U.S. economy as easily as enormous green circles cover the desert scrub landscape of northwestern New Mexico. The result is not a Navajo vision of prosperity but french fry factories and defense industries.

— Judith Jacobsen

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Judith Jacobsen wrote this while a graduate research assistant at the National Center for Atmospheric Research.

HOTLINE

Wyoming casts a lure for business

Wyoming, hoping to diversify its narrow economic base, has become aggressive in selling itself to out-of-state businesses.

The state's Economic Development and Stabilization Board has commissioned an ad campaign to lure new jobs and markets, called "Find Yourself in Wyoming." The $425,000 effort created by Riddell Advertising and Design of Jackson, Wyo., emphasizes Wyoming's favorable tax rates, open spaces, accessibility to government officials and hard workers.

"The intention of the campaign is to indicate to the rest of the world that Wyoming is more than just minerals and tourism," said board director Steve Schmitz. Officials aim to attract light and high-tech industries, targeting plastics, computers, composite materials and food-processing firms.

So far, the campaign has prompted 1,200 inquiries, 30 of which are considered "active prospects," says Schmitz. An "active prospect" means that a business has taken steps to indicate that it is relocating and that Wyoming is still in contention. The term does not indicate how many other states may be vying for the same business. The ads have been running in three types of magazines: general business periodicals, national trade magazines and lifestyle magazines that highlight Wyoming's outdoor recreation.

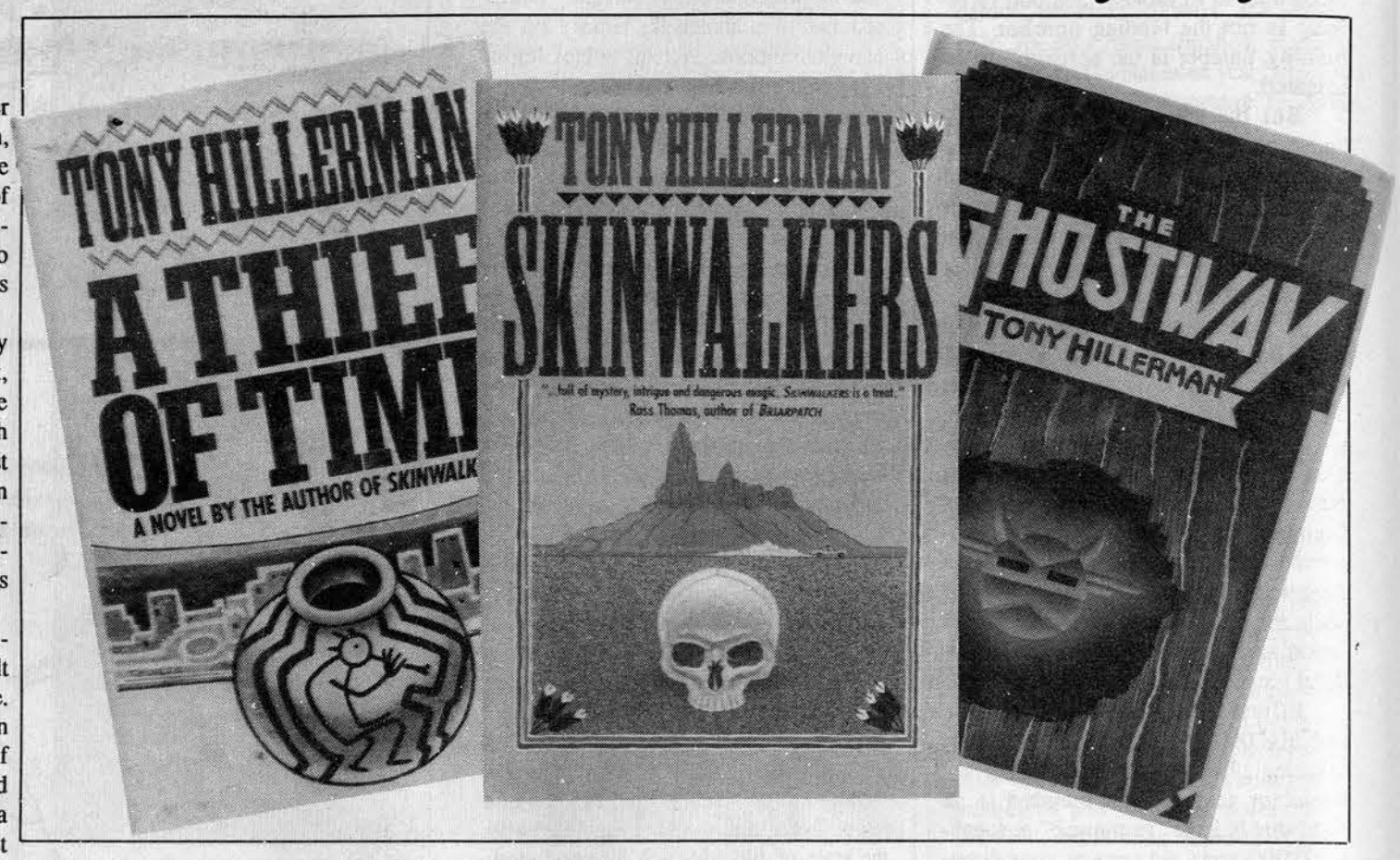
While Schmitz was guarded in his opinion of how many firms the campaign would attract, the Wyoming state Legislature has appropriated $500,000 for the ads during the next fiscal year. Jo Evans, head of marketing, said that the approved budget was almost 20 times larger than last year's.

— Matt Klingle

BOOK NOTES

Tony Hillerman's books have more than one mystery

by Ray Ring



The worst kind of smoke rose over the end of the trail in Copper Canyon, Utah, on the Navajo Reservation the morning of Dec. 5, 1987. At the base of red cliffs the ugly source was discovered: a pair of burned-black Navajo police trucks and the smoldering remains of two men.

Tribal officers Andy Begay and Roy Lee Stanley had been shot in the back, locked inside the prisoner cage of one truck and, while still alive, doused with gasoline and set on fire. Authorities first speculated that the victims had been done in for stumbling upon some high-stakes drug drop out in the desert. Evidence ultimately pointed to a far less exotic plot.

Two Navajo civilians were ultimately convicted in federal court in Salt Lake City, Utah, and are now doing life. What the officers had stumbled upon in the desert was a mundane bunch of woozy Navajo men and women who'd been pounding down beers around a bonfire. For trying to enforce what must be the most-often-broken or winked-at Navajo law — booze is illegal on the reservation — the officers got themselves back-shot and torched.

The Navajo Tribe, like many tribes, has a high rate of alcoholism and related crime. For whatever reasons, which must include the relatively recent intrusion of alcohol into the culture (it takes time to learn important lessons), many Navajos like to drink, they drink too much, and they get surly and insensible and destructive to themselves or others. Reservation border towns like Gallup, N.M., and Flagstaff, Ariz., are staggering and dying grounds for Navajo alcoholics. The res itself, ordered dry by tribal officials who recognize the problem, is thoroughly wetted by bootleggers and smugglers who deal in cases of beer instead of coke or crack.

None of this is a great surprise to any open-eyed resident of the Southwest. It might very well be a surprise to readers whose background has been supplied by one of the region's most respected — and allegedly most relevant — writers.

From his home-base in Albuquerque, N.M., Tony Hillerman has made a career out of writing about the Navajos. Specifically, writing novels about Navajo cops. His series that began in 1970 with the publication of *The Blessing Way* and continues through eight more novels to *Talking God* (just out from Harper & Row) has broken the boundaries imposed upon any writer rooted in a region far from New York City or southern California. Hillerman commands fans from coast to coast and climbs the national hardback bestseller lists: When he makes an appearance in the Navajo border towns, pickups from the res pull in and Navajos line up to offer praise. Two years ago the tribe (the Dineh) honored him with its first "Special Friend to the Dineh" award, and his books are taught in Navajo classrooms. Not bad for a writer of cop stories.

These are not ordinary cop stories, of course. Hillerman has moved the locals from mean big-city streets. His detectives, Lt. Joe Leaphorn and Sgt. Jim Chee, both college-educated away from the res, solve mysteries that unfold on the tribe's eerie expanse of desert and mountains and canyons.

Hillerman makes a partner of the powerful landscape and writes beautifully and accurately about it. In fact, readers can (and some have) go out to explore the same wandering dirt roads and meet the same dry washes and branching canyons that challenge his fictional characters. But Hillerman goes further than other writers who have taken up the landscape, by taking up Navajo culture as well — or at least his vision of it.

His mysteries are interlaced with Navajo mythology — the belief in gods and witches, in men who can just maybe change themselves into wolves or fly away to do evil, and in the ceremonies that can supposedly counteract such evil or at least restore a measure of harmony.

Whether or not witches and gods have verifiable powers, the Navajos in Hillerman's books believe in them. So his cops must also be in tune with those beliefs to decipher clues and sift facts. When, in *The Ghostway*, Jim Chee comes upon a hogan with its single traditional doorway (facing east, where the sun rises) boarded up, and with a new hole broken in the north wall, he knows someone has died inside. There might not be a corpse, and other cops on the scene — Anglos, the dunderheaded FBI — might be ignorant, but Chee, born to the Slow Talking Clan, with paternalistic ties to the Bitter Water Clan, knows a hogan so remodeled is a warning for all other Navajos to avoid what must be inhabiting the place: a ghost. Where there's a ghost, there's a corpse somewhere around, and so the detecting proceeds, Navajo-style.

It's an interesting combination, cop story made intelligent by anthropology, and Hillerman handles most aspects well, from the conveyances of plot and characterization to descriptions of ceremonies like the one in which "Talking God" (or a Navajo dressed up like the god) dances to bring a dying cancer victim into harmony with her fate:

"The bonfires that lined the cleared dance ground burned high ... The sound of the crowd died away. Chee could hear the tinkle of bells on the dancers' legs, hear the yei singing in sounds no human voice could understand. The row of stiff eagle feathers atop Talking God's white mask riffled in the gusty breeze..." Chee shortly gets down to business — the arrest of a murder suspect who's in rapt attendance.

These are cop stories with a bonus, offering such information as how Navajos, in contrast to members of the Pueblo tribes, prefer to live apart, scattered about their vast land, and explaining the meteorological differences between what Navajos term a "male" rain and "female" rain (think it over).

The style of the writing itself, though, is oddly out of place, more refined and elegant than anything that sprung up naturally out of the region's sunbaked hardscrabble. In person, Hillerman speaks with an easy drawl and can sneak out off-color jokes that honor his upbringing in rural Oklahoma and his first career in newspaper journalism.

In print, he reverts to a style that more reflects his subsequent professoring at the University of New Mexico. His language remains straightforward, but the emotion has dropped, along with any hints at vulgarity or even impoliteness. So, in *Talking God*, we get the simple beating-to-death of a woman named Alice Yoakum described as "the Alice Yoakum affair." Tony, Tony. These are cops.

No matter how hot or hostile the desert gets, it's hard to find a Hillerman character (particularly in the later, more evolved novels) acting anything but genteel, or cursing, or for that matter, sweating or belching or smelling bad or even using improper grammar. Most everybody speaks the King's English. This is a true reference. Hillerman's Navajo novels, despite their setting, resemble the classical British locked-room mysteries, in which Inspector So-and-So solves the case through a methodical and intellectual assemblage of clues, more than they do any of the American classics that established a different model relying on slang and all the grubbiness of humanity.

The best American cop-slash-detective novels dissect the breakdown of character and forward an opposite view of civilization — one of essential and nearly universal corruption. In Hillerman's desert, almost everyone is noble. Nobody, for instance, lusts. Any mention of love travels on a lofty romantic plateau. As the slangmaster himself, Elmore Leonard, might put it, nobody is ever even checking anybody else out.

So Hillerman is up to something else — an ideal vision, especially of the Navajos. His plots bring in industrial espionage, pot-hunting for profit, the mob and, as in *Talking God*, international terrorism, but he never in any substantial way, even in a subplot or isolated scene, manages to pit his cops against a reservation horror that is far more unavoidable: mindless, randomly violent boozing. The smoke at Copper Canyon, rising off perhaps the most difficult reality of Navajo law enforcement, was a sign of all that Hillerman has managed to ignore in 20 years of writing his Navajo cop stories.

Along with the problem of booze, Hillerman also manages for the most part to ignore the other unpleasant realities of Navajo poverty, unemployment, widespread political corruption in tribal government (corruption that is lately, and once again, dominating news from the res), or any significant acknowledgement of the cultural rending and despair that drags down many Indians.

Some of the distortion follows racial lines. Hillerman never depicts any Navajo cop as being the least bit incompetent or lazy. Anglo sheriffs or the FBI, yes, they screw up. But not the Navajos. And his villains tend to be Anglo as well, or what he calls "Los Angeles" Navajos, who have given up tribal ways and so fallen from grace.

It's understandable why Hillerman's books are so popular on the res and off. They amount to another healing ceremony. There's nothing wrong with that, as long as they aren't weighted too heavily by outsiders as a complete glimpse into the Navajo world. Hillerman is a good storyteller and he gives us some good background. But his world is incomplete; his Navajos are as mythological as the Talking God.

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Ray Ring writes about tumbleweed and other subjects in Tucson, Arizona.

Charles Wilkinson:

An eloquent reformer takes on the West's supreme law of the land

Aldo Leopold and Western Water Law: Thinking Perpendicular to the Prior Appropriation Doctrine

Charles F. Wilkinson. Laramie, Wyoming: University of Wyoming College of Law, Law Review, Vol. 24, No. 1, 1989. 38 pages.

Review by Ed Marston

I think I have discovered the answer to the question: Why does society have so many lawyers? It is so that, among them, there may be room for a handful of Charles Wilkinsons. While most attorneys work for identifiable clients, Wilkinson has chosen to represent society and to push for its improvement. His is the ultimate *pro bono* act.

Wilkinson is a professor of law at the University of Colorado who has written on Indian issues, public land and natural resource management, and water. His works fill a good-sized bookshelf. Despite that, he is a concise writer who often rises to eloquence.

These qualities are on display in his latest article, "Aldo Leopold and Western Water Law: Thinking Perpendicular to the Prior Appropriation Doctrine." It is a hidden, disguised work: hidden in the University of Wyoming's *Law Review*, and disguised by numerous citations as another exploration of some nook in that labyrinthine edifice known as water law.

But those who read the 38-page article, half of it footnotes, will find an attempt to lay out the history and foundations of Western water law and to prescribe its reshaping into a system that will serve the West's broadest interests.

Wilkinson's path to reform is not rhetorical. He assumes the present system — the doctrine of prior appropriation ("First in time, first in right") — will yield only to informed attack.

To achieve lasting change, "we need to reform the classic doctrine, and to reform it, we need to understand it." We first need to understand, he writes, that the West has not been colonized by outside interests. The West is its own creature. Water, he says, is not even controlled by the states. The Western states are simply shields against the federal government. The states "have been pass-throughs for the goals of private developers."

Before there can be reform, Wilkinson writes, the relation between the classic doctrine and developers must be understood. Developers "deserve to be represented ... the problem is that the classic doctrine represents only those interests — it is too narrow."

We also must see where political legitimacy lies: "The flat truth is that it is Western water law and policy itself, not any reform movement, that is radical — a stark and extreme departure from the economic, environmental, and social norms that we expect to be reflected in contemporary natural resources law and policy."

Wilkinson's analysis shows how Western water law came to elevate the prior appropriation doctrine above all other Western uses and interests, and how that elevation — which once made sense — has remained in place since the last century.

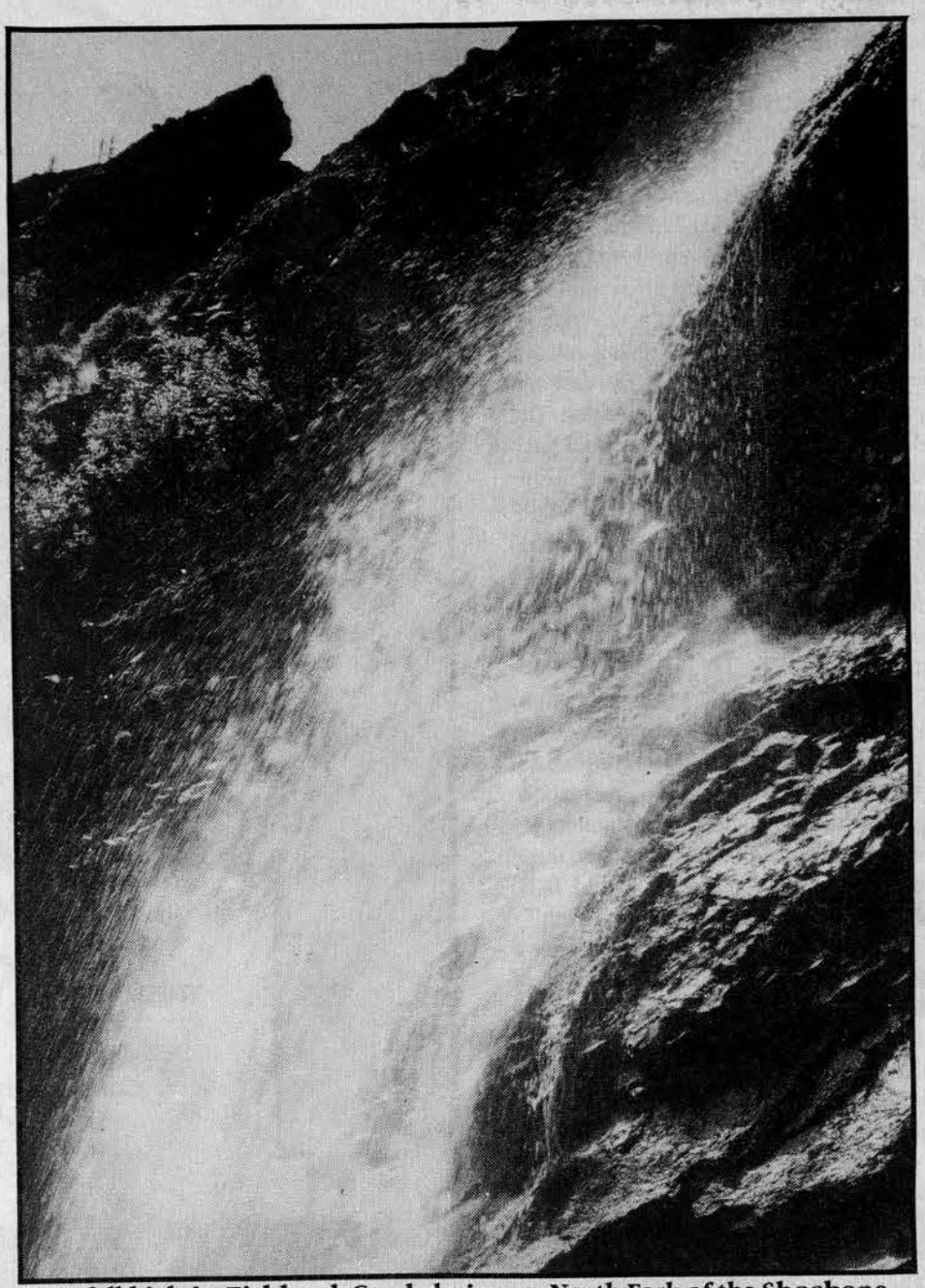
"A static body of law sometimes can be good, sometimes bad. But when it is inexorably churning out private rights to a public resource, with handmaiden agencies serving the bidding of the private rights holders, there ought to be some mechanism for public review and modification."

"The basic problem with the classic doctrine is the insular nature of the water allocation decision-making process. Decisions are made by those who want to capture water, without any comprehensive analysis of the external impacts."

The result of this lack of checks and balances is severe costs to the rest of society: federal subsidies to hold the system together, inefficient use, pollution and sedimentation due to failure to link water rights to water quality, false and unworkable separation between surface and ground water, and the failure to make decisions within the broader context of a watershed.

After the analysis and diagnosis Wilkinson provides his philosophical substitute for what he sees as individualism and private rights run wild. He turns to Aldo Leopold and his *Sand County Almanac* for a land and water ethic. Our view must be broadened, Wilkinson writes, to see humanity, the land, the streams and lakes and the wild creatures as part of a larger community.

Lynne Bama



Waterfall high in Fishhawk Creek drainage, North Fork of the Shoshone

The difficult question he leaves for last: how to develop mechanisms to implement Leopold's vision, and thereby replace the flawed but still functioning system organized around prior appropriation.

The challenge is all the greater because water is not just water in the West. It is the basis around which the existing Western society has been organized. The building of dams, the generating of hydroelectricity, and the irrigating of fields are as much acts of faith as acts of economics.

The rest of society has contorted itself so that dams, irrigation and hydroelectricity make sense. With the connivance of the regulators, and through subsidies and tax laws, the books have been cooked. Or, to be more precise, accounting laws have been rigged to make such uses come out in the black; our system of beliefs allows no other result.

So when you ask the West to change the way in which it treats water, you are asking the West to change itself in fundamental ways. It will do so only under great pressure.

According to Wilkinson, the time is here for such change. The present water system no longer serves the West even in a narrow, utilitarian way, let alone in a broad social sense.

But how can we build, practically, on society's increasing recognition of the failure of the present approach? Wilkinson begins by suggesting planning on a watershed scale. He does not look to the federal government to impose such planning. He expects it to occur at the state level, even though he acknowledges that such ideas are anathema to Western states, "given the entrenched laissez faire attitudes of powerful water development interests and the warring relationships among many of the entities I have described."

But he has faith in the forces for reform he has described — forces which have been created by the failures and injustices of the prior appropriation system.

He also finds hope in a strange place — some Western legislatures. Oregon, he says, has transformed instream flows into a "hard water right" held by the state rather than subject to administrative discretion by a state agency. And the 1985 Montana Legislature broadened public access to streams and linked new water permits to water quality.

Coming up from below, Wilkinson sees scattered court decisions and grassroots activism as twin forces that will move Western states to actions they now find inconceivable.

Louis the Fourteenth said of his excessive reign: After me, the deluge. We have no single Louis, but collectively, the water diverters, the logging firms, the mining companies, the forest road builders and graziers provide a pretty good substitute for Louis.

The goal will be to avoid the fate that befell France as a result of its prodigal emperor. Someday, Westerners will come to a full realization of the damage visited on land and water in the name of Western individualism. They will see the extent to which we have suffered because we elevated some mythic, unworkable notion of the individual above society.

If we and our children are fortunate, reformers such as Wilkinson will be able to divert this realization into channels of reform. But if we are unlucky, and the West's water and natural resource interests are able to resist reform, there will occur a sharp break with the past. The resulting deluge will be momentarily satisfying, but terribly destructive.

Canyonlands...

(Continued from page 1)

mining industry was in a bust phase, and Utahns hoped that tourism would bolster a sagging economy. In anticipation of the park, Moab adopted the official slogan, "Heart of Canyonlands," in 1963.

But many Utahns naively hoped that the Park Service would allow multiple land use in the proposed park. Indeed, the original park bill, passed unanimously by the Senate, provided for multiple use. When it became clear that the House would never pass a national park bill that allowed for mineral development and grazing, Utah residents urged their representatives to forget about traditional uses of the canyon country and push for a park. An August 1964 editorial in the Monticello *San Juan Record* concluded:

"To our congressional representatives we say that your Utah constituents will long remember those responsible for formation of Canyonlands — the national park will be there as a monument — likewise they will long remember those responsible for sacking it should it be relegated to an uncompromising death."

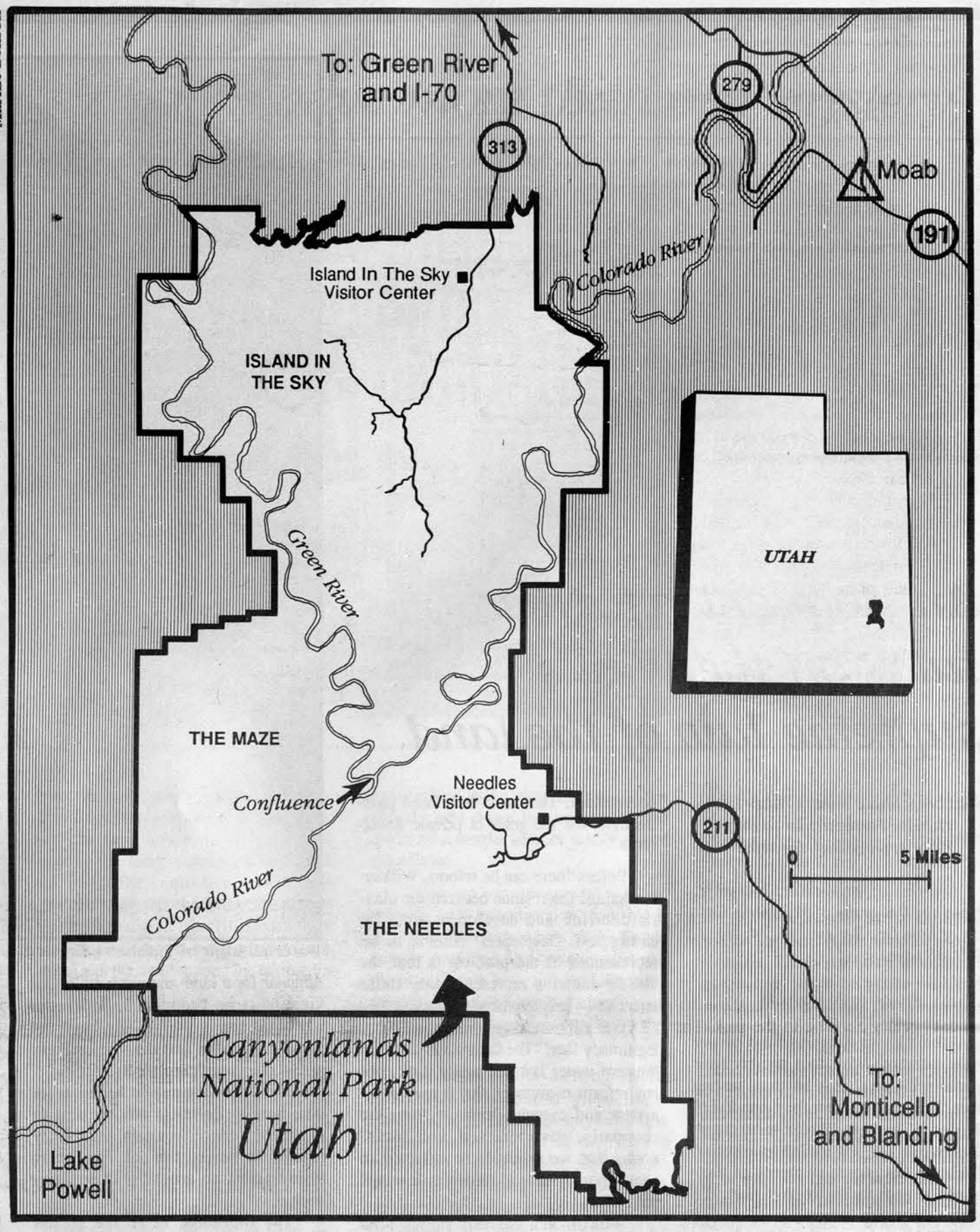
The final Canyonlands bill was a compromise: 257,640 acres instead of the one million acres envisioned by Udall. (The park was enlarged to 337,570 acres in 1971.) The bill also provided for a 10-year phase-out of grazing in the park.

When President Lyndon Johnson signed the Canyonlands bill on Sept. 12, 1964, residents of southeast Utah were elated. Front page news stories in both Monticello and Moab praised the designation as a victory.

And why not celebrate? The Park Service promised to build paved roads into the heart of the park, to the Confluence Overlook and to Chesler Park in the Needles.

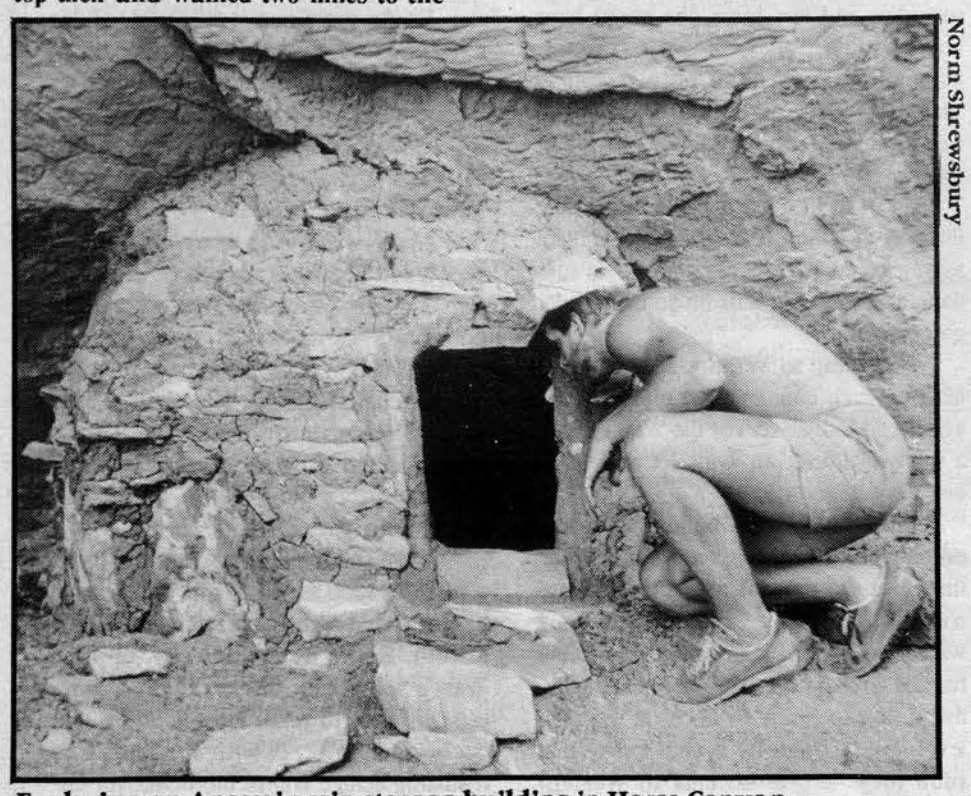
There would be developed campgrounds, visitor centers and concessions. Tourists would flock to the new park, spending an estimated $3.6 million in the area centered around Moab, Green River and Monticello during the five-year period while roads and facilities were under construction. The Park Service estimated that during its sixth year of operation, with development complete, Canyonlands would attract 250,000 visitors. The park would be big business.

Marnie Benson



All hands excepting Bish and Jones started up to see the parks. After an hour's climb we reached the top then and walked two miles to the parks. Such a sight I shall never forget. I counted five parks enclosed by pinnacles formed by erosion. They looked to me like monuments in a cemetery. Everything looked somber and deathlike. Nothing disturbed the scene except the sighing of the wind or the falling of a chip of rock. The water collects in a large basin in the center

(Continued on page 11)



Norm Shrewsbury

Exploring an Anasazi grain-storage building in Horse Canyon, Needles District

The four parks of Canyonlands

The heart of Canyonlands National Park is the juncture of the Green and Colorado rivers in southeast Utah. This confluence forms a giant "Y" which trisects the park. The rivers' sheer canyon walls divide Canyonlands into three districts, each with its own entrance and unique character. The rivers themselves comprise a fourth district.

The Island in the Sky district of Canyonlands is 36 miles northwest of Moab, where the park has its headquarters. This "island" is a high, broad mesa connected to the mainland by a narrow neck of land; it offers spectacular views into the park and surrounding country. The White Rim Trail, a 100-mile four-wheel-drive route, follows a bench 1,000 feet below the top of the mesa and 1,000 feet above the river. Recently this route has become crowded with mountain bikers, a fast-growing sport among young people. Island in the Sky is the most developed district in Canyonlands; the road into the district and to all the overlooks is paved.

The Needles district of Canyonlands, 49 miles northwest of Monticello, Utah, is so named because of the fantastically shaped and colored rock formations that dominate the area. The district also contains prehistoric Indian ruins and Anasazi rock art, a dozen or more arches, including spectacular Angel Arch and massive Druid Arch, and a breathtaking overlook of the confluence 2,000 feet below. The Needles district is virtually undeveloped. Access into the park is paved, but the most spectacular sites, such as Angel Arch, the Confluence Overlook and Chesler Park, can be reached only by jeep, mountain bike or on foot. Vast areas of this district are accessible only by hiking.

The Maze district, on the west side of the rivers, is a geologic labyrinth of rock formations and canyons. The Maze is 84 miles southeast of Green River, Utah, and 46 of those miles are on gravel road, passable with two-wheel drive only part of the year. Sightseeing within the district is by foot or in a high-clearance, four-wheel drive.

Canyonlands also includes the Horseshoe Canyon annex, which protects several large panels of prehistoric rock art.

—*K.D.*

Canyonlands...

(Continued from page 10)

of each park and from thence into a gulch into the river.

— Jack Hillers, teamster, boatman and photographer on the 1871 Powell Expedition describing a scene near the confluence of the Green and Colorado rivers

Most of the promised development never took place. In its sixth year of operation the park attracted only 33,360 visitors. When Canyonlands celebrates its quarter-century birthday this September, it will never have attracted 250,000 visitors in a year, although 214,217 visitors came in 1988.

Larry Frederick, chief interpretor for Canyonlands National Park, agrees that the Park Service made promises it didn't keep. The agency originally planned to pave roads in the Needles, and money was appropriated to do that, he says. But the Federal Highway Administration designed the roads to meet its own specifications, with large fills and cuts to level the grade. Frederick says the Park Service decided that the roads were overdesigned and inappropriate given the pristine nature of the area.

By the time the Park Service developed its own road standards for Canyonlands and other national parks, the agency's ideas about preserving wild areas had evolved. By 1974, the park's management plan called for keeping the Needles and Maze districts primitive. Roads in the popular Island in the Sky district were not paved until 1987.

Canyonlands Superintendent Harvey D. Wickware says "minimum development" guides planning in the park. The only paving anticipated is to the Colorado overlook in the Needles district.

"There aren't many places now where people visiting in conventional automobiles can see the view," Wickware says.

Residents outside the park suggest other reasons for the lack of development in Canyonlands. Longtime Moab resident Jack West says "local management" just wasn't aggressive.

Alf Frost, a Monticello resident who guides hiking tours in Canyonlands, says he thinks park headquarters in Moab schemed to keep the Needles and Maze primitive while developing Island in the Sky. Management was "pro-Moab," he says.

In any case, promises were made in the 1960s that were later ignored. The result, says Moab businessman Ralph Miller, is that "people here probably feel that the federal government has let them down."

Speaking to a reporter in 1982, Ray Tibbetts, a county commissioner from Moab said, "They agreed to make a 'people park' out of it, with roads and

(Continued on page 12)

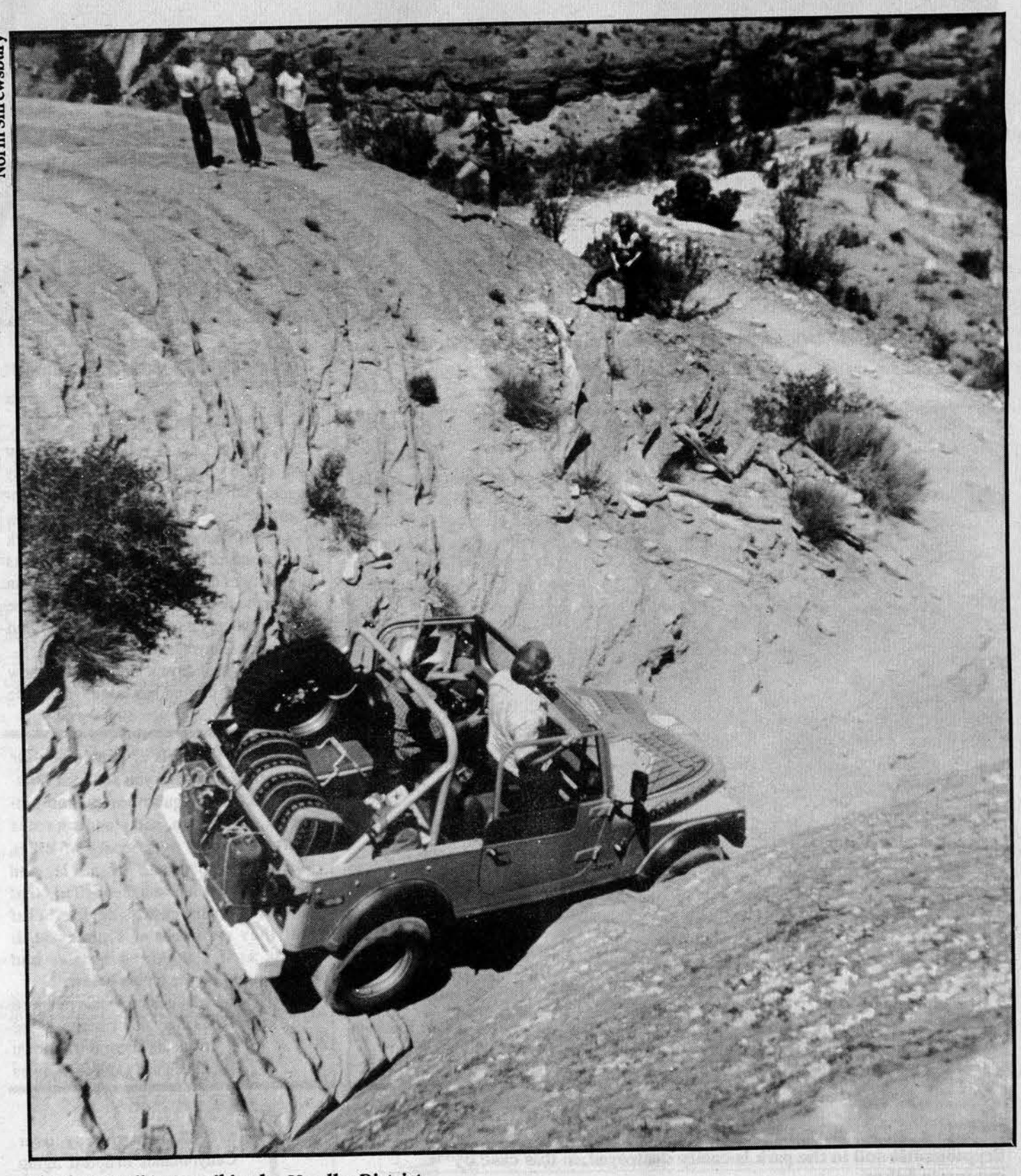
Annual visitors

1965	19,426	*1977*	75,621
1966	20,234	*1978*	86,307
1967	23,155	*1979*	75,133
1968	26,318	*1980*	56,965
1969	26,035	*1981*	90,920
1970	33,360	*1982*	98,310
1971	55,444	*1983*	101,779
1972	60,757	*1984*	105,646
1973	62,574	*1985*	124,168
1974	58,988	*1986*	177,059
1975	71,774	*1987*	180,709
1976	80,006	*1988*	214,217

Robert Dustin

Elephant Canyon in the Needles District

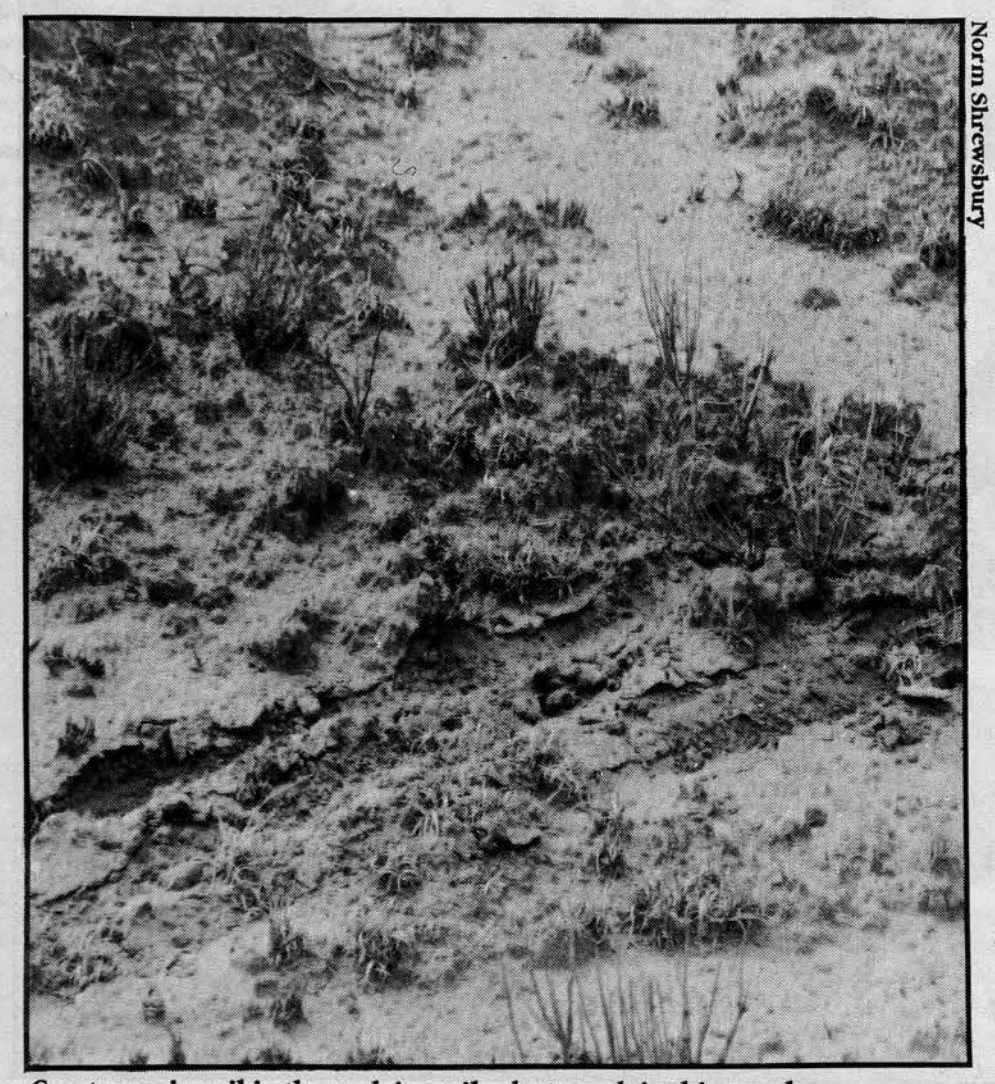
Norm Shrewsbury



Elephant Hill jeep trail in the Needles District

Robert Dustin

Druid Arch in the Needles District, accessible only by a day-long hike



Norm Shrewsbury

Cryptogamic soil in the park is easily destroyed, in this case by mountain bikes

Canyonlands...

(Continued from page 11)

campgrounds, so if you came in a car you could go in and enjoy it. But they made a wilderness out of it. The government broke their promise on it."

Still, many Utahns nearby the park are proud of Canyonlands and see its diversity as an asset for hikers, mountain bikers, rock climbers, jeepers and those who want only a scenic car-ride. All find a place in Canyonlands.

Jack West says, "Considering how mining and milling has gone, it's a life saver."

Climb the cliffs ... and look over the plain below, and you see vast numbers of sharp, angular buttes, and pinnacles, and towers, and standing rocks scattered about over scores of miles, and every butte and pinnacle, and tower so regular and beautiful, that you can hardly cast aside the belief that they are wroks of Titanic art. It seems as if a thousand battles had been fought on the plains below.

— Major John Wesley Powell
in his 1869 diary describing a scene
from his historic trip down
the Green and Colorado rivers

In 1982, controversy over Canyonlands erupted again when the Department of Energy proposed a site within a mile of the park as a possible nuclear waste repository.

Speaking at the Moab Ramada Inn, former Secretary of the Interior Stewart Udall called the plan "nightmarish." Outside, pickets carried signs saying, "Tree Huggers are Buggers" and "Shoot the No-Nuke Pukes." To the pickets, even a waste nuclear dump meant jobs.

Other local residents agreed with Udall. Marguerite Sweeney, who grew up in Moab, feared that " ... the DOE will turn a beautiful recreation area into a pariah park that nobody would want to visit."

Prompted by the DOE proposal, various environmental groups talked of trying to persuade Congress to double the size of Canyonlands — sparking still more controversy. To people who loved the park, the idea of storing nuclear waste nearby was desecration.

In 1984, when the DOE announced its top three candidates for America's first high-level nuclear waste dump, Canyonlands was not on the list. The Davis Canyon site, adjacent to Canyonlands, was chosen as number four. Energy Secretary Donald Hodel indicated that the department's decision was affected by the strong show of support for protecting Canyonlands.

Congress decided in 1987 that only Yucca Mountain in Nevada should be considered as a possible site to entomb high-level nuclear waste, which would remain radioactive for thousands of years. But a study that John Trapp of the Nuclear Regulatory Commission released in June of this year says DOE is underestimating the chances of volcanic eruption at the Nevada site.

According to Trapp, the chances of a volcanic eruption in the Yucca Mountain area during the next 10,000 years are about one in six, not the one in 30 odds suggested by DOE studies. DOE officials say Trapp's analysis is flawed, but they acknowledge that more study is needed before determining whether the site can be used.

If Yucca Mountain proves unsuitable for nuclear waste storage, might the Canyonlands site be considered once again? Stewart Udall says Canyonlands National Park will never be safe from the threat of a nuclear waste dump until its boundaries are extended to include the Davis Canyon site. Asked if there is any current movement to enlarge the park, Udall responded, "Not as far as I know, but I'm going to try to get one started."

Udall, who vacationed with his family in Canyonlands for years, has never given up on the million-acre park he envisioned in 1961. He says he knew they would have to compromise on size, but "the (present) boundaries don't follow watersheds; they are not ecological in any way." Udall continues, "My feeling is that after 25 years, the logical thing to do now is take a look at the larger park."

On Sept. 9, Canyonlands will commemorate its 25th anniversary with a campfire program at Squaw Flats Campground in the Needles. Udall will be one of the speakers. What he says is likely to be controversial, but then, controversy is nothing new to canyonlands.

— *Klaire Dustin*

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Klaire Dustin lives in Durango, Colo., where she is assistant college relations director at Fort Lewis College.

Dear friends,

(Continued from page 2)

the cuts would double on the three forests, parts of which, such as the Black Mesa, have already been so badly cut they are non-productive. Approximately seven square miles of forest will be cut annually on the three forests to serve the Louisiana-Pacific mill.

While the meeting started out contentiously, it turned into a different creature. When the formal part of the meeting ended, a few people went home and some stayed to write letters to the Forest Service. But most broke into small groups, made up of loggers and conservationists, to chew over issues. Few minds were changed, but people spoke to people directly, rather than through an agency which appears intent on roading and logging along the Kebler Pass Road, the McClure Pass Road, Taylor Park, south of the West Elk Wilderness, and other areas.

The agency has already received several hundred comments, most opposing the scale of logging. The comment period has been extended to Sept. 24. Letters can be sent to Forest Supervisor Richard Greffenius, GMUG National Forests, 2250 Highway 50, Delta, Colo. 81416.

Ambassador Stroock

Congratulations to long-time *High Country News* subscriber and supporter Tom Stroock, an independent oil man, on becoming ambassador to Guatemala. Stroock, a resident of Casper, Wyo., was a Wyoming state senator until his appointment.

—Ed Marston for the staff

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GUEST ESSAY

Public lands policy is an intellectual wilderness

by Frank J. Popper

Before their deserved disappearance in the middle 1980s, James Watt and the Sagebrush Rebellion did the country a service. They refocused public attention on the public lands, the rural-to-wilderness holdings that comprise 30 percent of the entire United States.

For most of American history, the public lands had been a high-priority national issue. In fact, behind slavery, the public lands were 19th-century America's dominant issue.

The nation, its government and its people needed what we now call economic development. Its Eastern cities were full of immigrants with rural backgrounds. Its Eastern states were full of farmers who wanted better land. The territory from the Appalachians to the Pacific spelled personal and national opportunity. Nineteenth-century America called it Manifest Destiny.

So was born the largest regional development project in American history. The Anglo settlement of the West was a huge real estate conveyance aimed at getting the public lands out of federal hands. It was one long series of Sagebrush Rebellions: large land sales, transfers and giveaways, most with the willing cooperation of the federal government. For the nation's first century or more, an actual majority of its federal laws dealt with the public lands and their divestiture. The Manifest Destiny land rush was greedy, gory, grim, what the critic-historian Vernon Parrington called the Great Barbecue.

After the Barbecue and until James Watt, the public lands faded from the national consciousness. They were no longer the compelling national concern they had been in the time of the pioneers. The fate of the public lands was no longer the fate of the West, much less the key to the American future. The lands accounted for a continually declining share of the nation's natural-resource economy, which in turn accounted for a continually declining share of its overall economy.

Thus the late-19th and early-20th century policy of divestiture and development foundered because the vast tracts of land that remained in federal hands simply could not pay their own way. These were the economically unattractive lands — mountain, desert, arctic, wilderness — that the settlers rejected. No one other than the federal government wanted or could afford to own them.

This economic reality was recognized by the 1934 Taylor Grazing Act that ended homesteading and froze the divestiture. The law also signaled the need for a new public land policy. But that policy was not created in 1934 and has not appeared since.

The only sustained late-20th-century effort to create new policy came with the Reagan administration. The mood of "It's morning in America" was supposed to justify a renewed assault on the public lands, a revival of the Barbecue, further divestiture. But the Reaganauts' main divesting thrust, the Sagebrush Rebellion, was quickly revealed as a libertarian fantasy. Again no one really wanted the vast stretches of difficult land.

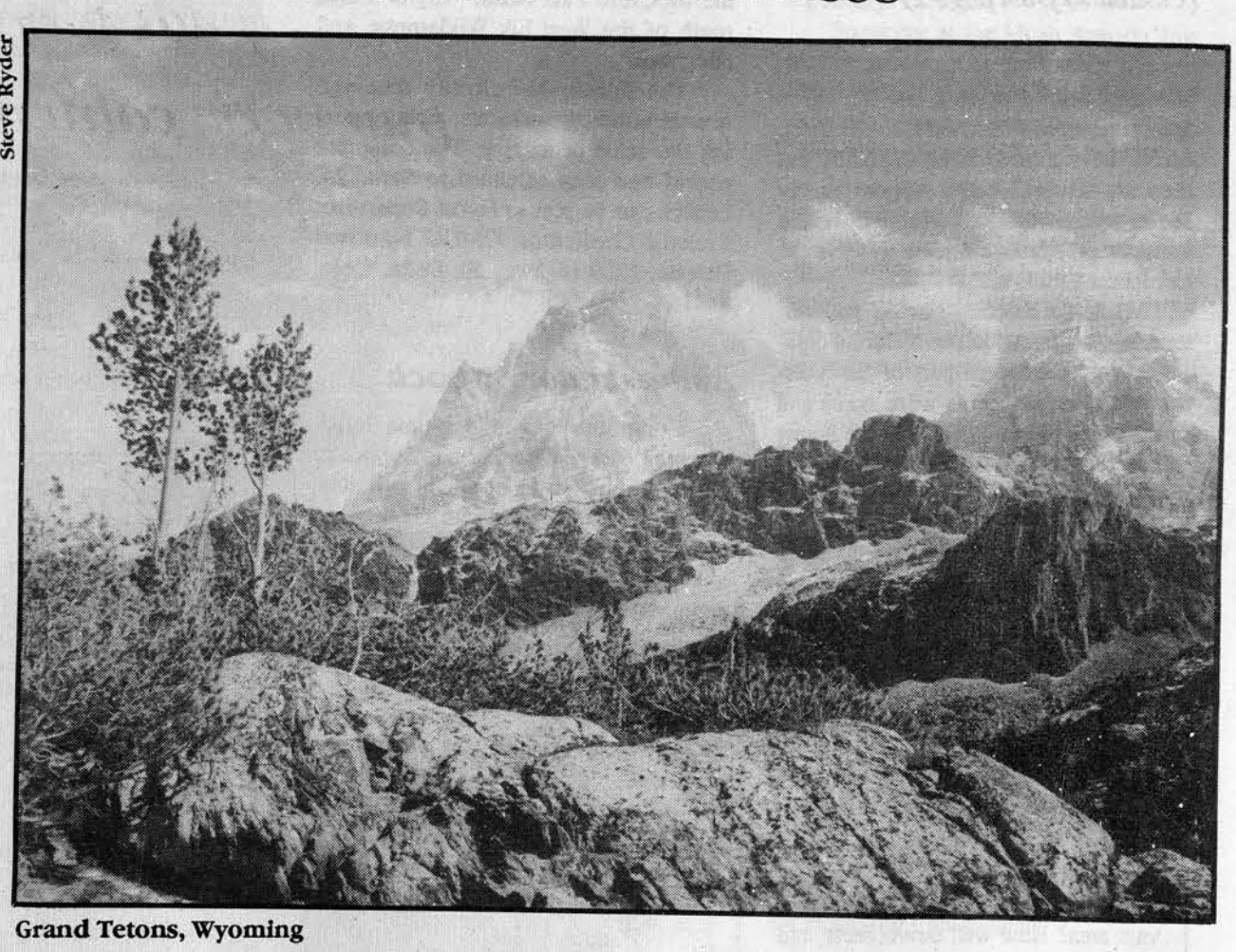
Perhaps inadvertently, however, the Reaganauts were successful in reviving the sleepy field of public land policy. Many Americans began for the first time to pay attention to the public lands because they distrusted what a right-wing, development-oriented federal government might do with them.

The Reagan administration, unable to articulate a clear, convincing vision of what the public lands should be, could not even develop an alternative to multiple use, an early-20th-century policy that cries out for replacement.

Multiple use is in fact a way not to have a public land policy at all; it deliberately avoids the frequent necessity of choosing among competing land uses. Instead it says that the land should host all plausible uses at once. Thus at the heart of the nation's public land policy lies a conceptual and operational void that has existed for at least three generations.

Once giants walked the public lands: Indians, scouts, missionaries, soldiers, trappers, traders, settlers, cowboys, boomers. Their present-day successors — federal civil servants, the employees of big timber, ranching and mining operations, workers at large water projects, tourists, recreationists — do not measure up. They show how peripheral the lands have become, how far removed from the center stage of national politics and economics.

Steve Ryder



Grand Tetons, Wyoming

Once, when America was young, we knew why we had public lands. Now that America is mature, few of us even know we have them.

Once, when America was young, we knew why we had the lands. Now that America is mature, few of us even know we have them. Those that do don't really know what to do with them. In a nation obsessed with real estate, the public lands are mainly the leftovers of the Barbecue. Even worse, the nation seems to have forgotten how to think about them usefully.

Just listen to the fights over the public lands. Nearly all discussions seem stagnant, unable to move beyond ideas that were cliches by World War II. Environmentalists and developers continue their disputes over the lands much as they did in 1910. The only difference is that today, positions have hardened because of 80 years of mutual suspicion, exaggerated claims and no new ideas.

The interest groups on both sides often seem to regard their adversaries primarily as vehicles for their own fund-raising. Each side treats the lands largely as trophies to be kept from the other. The multiple-use policy encourages these attitudes and actions by allowing each side to think of the lands as places where anything is possible, including total victory over the other side.

Each side needs the other so that both may remain frozen in their mock-hostile, nationally unproductive postures. As a result, for several generations America has failed to devise a new unified national idea of why it has the public lands and what it might do with them. The 18th- and 19th-century ideas of expansion, settlement and economic development no longer apply, but we have not found a replacement.

This does not mean we cannot. The public lands are too valuable — environmentally, mythically, even economically — to ignore permanently. We must find new ways to look at them, so as to escape from the by-now ancient, futile, nearly in-house feud between developers and environmentalists. That the natural resources the lands yield are less important to the national economy than they have ever been allows us the freedom to explore innovative approaches.

Several such approaches come to mind. We could, for example, regard the public lands as a nest egg — a federal reserve, a gigantic national land bank account put aside to meet American's future land needs. The nation could enlarge or diminish the nest egg to react to external events: environmentalist upswings, economic downturns, minerals shortages, other predictable surprises of national development.

In truth the country has always used a nest-egg approach. In 1891, it created the first national forests in anticipation of an end-of-century timber shortage; in the 1980s it sold federal lands ringing places like Albuquerque, Anchorage and Las Vegas to keep the holdings from constricting the cities' rapid growth.

Under the nest-egg conception, the public lands would in general be heavily used, be privatized, or contract when the country is doing badly. They would be lightly used, remain public, or expand when it is doing well.

A different approach would be to consider the public holdings as marginal bottomland, low-priority places that should only attract private-sector land demands when they cannot be satisfied elsewhere, on more productive private land. With the marginal-bottomland approach, in contrast to the nest-egg one, the public lands would be likely to expand or be deprivatized or lightly used when the country is doing badly, and contract or be heavily used or privatized when it is doing well.

As with the nest-egg approach, the marginal-bottomland one has historical precedent. Today's national grasslands were created out of abandoned Great Plains farms and ranches in the 1930s. Another example would be the Sagebrush Rebelion's modestly successful pressures to privatize federal land during the late 1970s and early 1980s, when the energy and minerals booms raged.

Still another approach would be to treat the public lands as a sort of restored frontier, a vast historic preservation project where the nation could recapture what it was in 1800 or even 1900. The rationale might variously be to recreate the past, provide relief from urban life, promote tourism or establish beautiful settings that are also in environmental equilibrium.

With the restored-frontier concept, unlike the nest-egg or marginal-bottomland ones, the public lands' extent and intensity of use would essentially remain the same whether the nation was having good times or bad. The restored-frontier concept has long driven the policies of, for example, the National Park Service and the Forest Service, as well as all the public land agencies' wilderness designations.

(Continued on page 15)

Public lands...

(Continued from page 14)

A final approach would be to deal with the public lands in the fashion of a Zen master, to renounce specific (usually spurious) goals and objectives for the holdings — in short, to stop managing the lands so hard.

Must we plan for the public lands' every acre? And over spans of the next several decades? With environmental impact statements and similarly counterproductive bureaucratic blunderbusses? I suspect that in a surprising number of cases the honest answer is no.

The Zen master approach would have us pull back, calm down, cool out. Unlike the other approaches, its effects on the overall extent or use of the holdings would be indeterminate. No public land agency now explicitly applies the Zen-master approach, although developers and environmentalists often in effect accuse them of it. The critics are really implying laziness, ineffectuality, or lack of interest, which the Zen-master approach is not. In an odd sense the approach actually animated the entire Great Barbecue-Manifest Destiny period: The settlers and the federal government did not use abstract bureaucratic techniques to decide how much of the land stayed public or became private. They deliberately avoided them — very Zen.

The Zen master approach to public lands planning would have us pull back, calm down, cool out

Each of the four approaches — nest egg, marginal bottomland, restored frontier and Zen master — might work in particular times, places and circumstances. None should be expected to work at all times across the board. But each approach has both past precedent and likely future usefulness. Each demands that we rethink multiple use. Each means that environmentalists and developers would have to reconsider their desires and rewire their mutual political relationships. Each would force public land agencies, developers and environmentalists to change their tactics.

Present public land policy is going nowhere because we as a nation do not know where we want it to go. We do not know what we want from the lands or what to do with them. We continue, as we have for decades, to both debate about the lands and deal with them in antique terms. We do not realize that we have options and can experiment. We badly need new departures, many of them. No field of public policy could benefit more from fresh thinking. No field has gone without it for such a long time.

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Frank J. Popper chairs the Urban Studies Department at Rutgers University in New Brunswick, New Jersey.

OTHER VOICES

Cong. Symms: A lawmaker who incites law-breaking

by Larry Swisher

WASHINGTON, D.C. — You'd think that Sen. Steve Symms would have sympathy for endangered species — his kind are so few in number in Congress.

Yet the truth is the Idaho Republican would rather turn grizzly bears into rugs than have one harm a rancher's sheep or stand in the way of a logging road.

It's one thing to vote against a law that saves plants and animals from disappearing forever from the earth. To no one's surprise, Symms last year was one of only two senators to oppose renewing the Endangered Species Act.

But the second-term conservative is probably the only one who repeatedly has expressed approval for people who help along the process of extinction. This spring, he even offered to do the job himself in the case of a rare flower that delayed construction of a Forest Service logging road in northern Idaho.

The bank monkey flower is not endangered, but Forest Service officials are worried about pushing it into that category. In April, before a group of loggers in Lewiston, Symms threatened personally to take a hoe and remove the ones that were in the road's path.

The remark wasn't an isolated incident. Whenever he visits an area with an endangered species conflict, Symms can't seem to pass up the chance to blast away verbally at the wildlife. He has commented several times that grizzly bears make nice rugs, most recently in eastern Idaho near Yellowstone National Park, where bears sometimes roam outside the park and develop a taste for lamb and must be relocated or even killed by federal officers.

"Depredation is a costly part of the (livestock) business," his chief of staff, Phil Reberger, said. "Some of these protectionist policies do tip the balance toward a single use or a species at the expense of the human species. He has always maintained that we can balance that."

Representative Steve Symms, R-Idaho

So Symms knows it's against the law to hunt grizzlies, barbecue caribou steaks and pour weed killer on rare plants. In fact it's a felony to destroy a threatened or endangered species or possess skins, horns, claws and other parts.

But judging from his contemptuous attitude, he seems to enjoy the thought of his constituents breaking the rules whenever their exploitation of the national forests and other public resources is interfered with. It's doubtful this is in tune with most Idahoans' views, but the voters tolerate it in the likable Symms.

In 1986 during a campaign stop in Bonners Ferry, he commiserated with his audience of 250 to 300 residents about efforts to protect the last, tiny woodland caribou herd in the United States in the nearby Panhandle National Forest. According to two witnesses, Symms said he had figured out how his audience could solve their problem — just take an animal home for lunch regularly.

Reberger denies that Symms comes right out and advocates breaking the law. "It's an argument from the (public land) users' point of view. He provides a means of getting those issues on the table and considered." Perhaps so, but Symms and his audience know what he is saying between the lines: Endangered species are expendable. It's akin to environnmentalists who hint that tree-spiking is justified.

Some question whether these displays of barroom-style bravado are helpful in the long run to solving conflicts. "They make a splash, then it kind of goes away again," a witness to the Bonners Ferry episode said.

Ironically, Symms has the gall to call himself an environmentalist and recently sponsored legislation to protect natural areas — although in foreign countries. Having visited Brazil earlier this year to see the destruction of the tropical rain forests, he introduced a bill designed to prevent U.S.-financed loans to environmentally destructive projects.

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Larry Swisher is Washington correspondent for the *Register-Guard* in Eugene, Oregon.

OTHER VOICES

Tourists to Montana should be seen but not heard

by Kristi Niemeyer

It seems like everywhere I look and listen, tourism is touted as the cure to what ails Montana.

But curing Montana's financial maladies by bringing in out-of-state spenders by the busload might be akin to slicing off a finger to remove the splinter.

Tourists tend to peer at the country they tour as though it were safe behind zoo bars. And they're quick to criticize actions and policies that are foreign to their world.

Potential tourists have been boxing our ears for months now: how offensive that state officials allow hunters to slay bison; how inhumane that animals are allowed to starve in Yellowstone Park; how barbaric that forests are encouraged to blaze.

And the clout, the big club they sling over the head of this income-starved state is the threat of taking their summer vacation elsewhere.

Let them.

Tourists do bring jobs and dollars to Montana. We can't ignore that. But we can insist, like any good host, that they mind their manners here. Government representatives, instead of kowtowing to foreigners and apologizing for our barbarism, can say, "Respect our landscape; appreciate its wildness — or visit Disneyland."

The aliveness of this state and its people make Montana unique. We grumble about our low wages and long hours, but most of us would live nowhere else.

Instead of begging tourists to please, breeze through town and promising to behave ourselves if they do, let's be proud of what and who we are. Let's make values and integrity a selling point, and not subjugate nature to the whims of passers-by.

We can show tourists what it is to live here, how the mountains and sky grab hold. If they understand, they'll be back again and again.

The primitive side of nature that still lives in this state — that requires bison to be hunted and forests to burn and animals to starve — exists in few other places. It's not something to be ashamed of.

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The writer edits the *Ronan Pioneer/Mission Valley News* near Missoula, Montana.

BULLETIN BOARD

COLORADO KUDOS

Do you know people who have done yeoman work to protect Colorado's environment? If so, Colorado Gov. Roy Romer would like their names. Romer has begun a new "Celebrate Colorado!" award for individuals and groups who try to ensure the quality of Colorado's air, land and water resources for present and future generations. Categories include business, civic and citizen organizations, educational institutions, government, individuals and youth groups. Winners will be chosen by a statewide panel and awards will be presented in December. The program is designed to emphasize that environmental quality is everyone's concern. Applications are due Oct. 1 and are available from Celebrate Colorado!, Governor's Office, 136 State Capitol, Denver CO 80203.

ANASAZI ALTERNATIVES

The Anasazi National Monument in southwest Colorado is one of the West's most important archaeological sites, and the National Park Service wants to improve the way it's managed. Five alternatives for preserving the legacy of Anasazi culture and encouraging visits from people are suggested in *Resource Assessment and Study of Alternatives*, a planning newsletter of the Park Service. Alternatives include turning the monument into a national park, creating a joint Park Service, Forest Service and Bureau of Land Management cultural center and establishing a public-private partnership to promote tourism. For a copy of the newsletter, write Robert Heyder, Superintendent, Mesa Verde National Park, CO 81330.

CLUB 20 AND WATER

Water will be a major topic when Club 20, a group representing western Colorado counties, holds its annual fall conference Sept. 8-9 at the Grand Junction Hilton Hotel. Speakers include Denver Mayor Federico Pena, Denver Water Board President Hubert Farbes, and representatives from water development and anti-wilderness groups. Other speakers include Colorado Reps. Joel Hefley and Hank Brown, both Republicans; Fred Neihaus, a special assistant for economic development to Colorado Gov. Roy Romer; Rich Meredith, director of the Colorado Tourism Board; and Grand Junction Mayor R.T. Mantlo. Registration in advance costs $30; at the door $60. For more information, write Club 20, P.O. Box 550, Grand Junction, CO 81502 (303/242-3264).

DOWN THE COLORADO

Jim Carrier, author of *Down the Colorado: Travels on a Western Waterway*, has a job that would inspire envy in many journalists. As the *Denver Post's* "Rocky Mountain Ranger," he roams the rural West, sending in stories about the people-poor, resource- and scenery-rich region. His assignment for the summer of 1987 was to travel the Colorado River from its headwaters in Rocky Mountain National Park to its terminus at the Gulf of California. Along the way, Carrier talked with and wrote about those whose lives are intimately connected to the river: fisheries biologists in Colorado studying the endangered humpback chub, Colorado squawfish, and razorback sucker; farmers in Utah's Grand Valley whose peach orchards and corn fields are irrigated with Colorado River water; river runners in Arizona's Grand Canyon; and Bureau of Reclamation employees at Hoover Dam. His newspaper reports are an intimate look at a river that is the lifeblood of the Southwest.

Roberts Rinehart, Inc. Publishers, P.O. Box 3161, Boulder, CO 80303. Cloth: $17.50; Paper: $8.95. 141 pages. Illustrated with maps and black and white photographs.

THE INSIDE STORY

Don't let the bland title fool you. *Opportunity and Challenge, the Story of BLM* is a well organized and enjoyable history of the Bureau of Land Management. Most of the 65 reminiscences are by people who helped shape the agency or who were on the scene when huge changes occurred, such as the shift to multiple use or the hiring of women to do what state directors had always assumed was men's work. An outsider also has a say: Sally Fairfax of the University of California draws distinctions between the Forest Service and BLM, saying the BLM has always had to be more responsive to its local constituency. That is not surprising since the BLM began in 1812 as a land agency and continued as a grazing service until 1934. Editors James Muhn and Peter Doran have thoughtfully included an appendix of agency acronyms and a chronology of significant events.

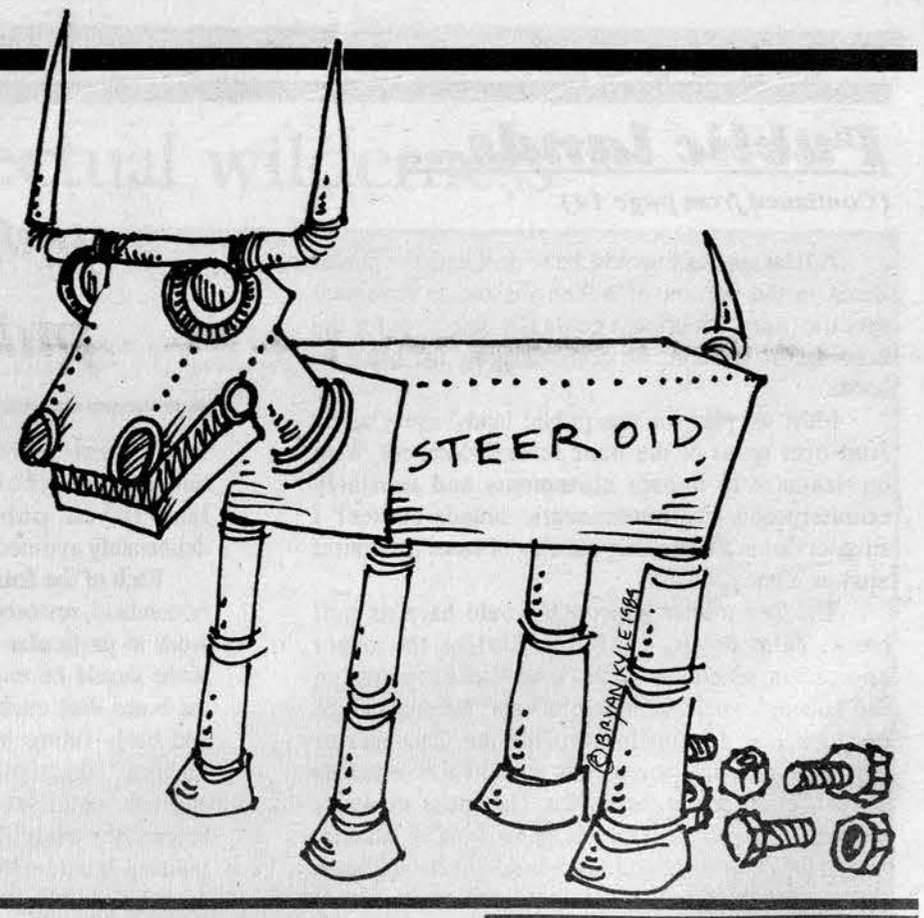
Department of the Interior, Bureau of Land Management, U.S. Government Printing Office, Washington, D.C. 20492. Paper: $12.00. 303 pages. Illustrated. Stock # 024-011-00176-0.

DRIVING SLOWER AND SLOWER

There are times when a driver, engrossed in a good book on tape, will find himself driving slower and slower, lest he reach his destination before the book ends. Books have been available on tape for many years, with the number of titles and publishers multiplying rapidly. Now the field has been further enriched by Audio Press, which specializes in Western and outdoor writers such as Wallace Stegner, Aldo Leopold, Ivan Doig, John Nichols, Barry Lopez, Edward Abbey and Gretel Ehrlich. Taped books are a boon to our car-bound culture in general, but especially to Westerners. Imagine cruising through the Montana prairie or past the Rocky Mountain Front while listening to Ivan Doig read his *This House of Sky*, or heading for Canyonlands while hearing Abbey read his *Freedom and Wilderness*. Among the other tapes available are selections from Ehrlich's *The Solace of Open Spaces* read by the author, and *A Sand County Almanac* read by former Secretary of Interior Stewart L. Udall. A catalog is available by writing: DeWitt Daggett, Publisher, The Audio Press, P.O. Box 935, Louisville, CO 80027 (303/665-3201).

ROCKY MOUNTAIN CANNES

No Oscar or Palm d'Or will be awarded, but the 13th Annual International Wildlife Film Festival set for April 3-8 in Missoula, Mont., will feature the finest in wildlife cinema. The festival will showcase films made in 1989 that range from short clips to feature length. Films will be judged by a panel of scientists, filmmakers and critics prior to the festival, where the winning entries will be shown. Other highlights include a film products trade show; workshops on wildlife cinematography, animation and film editing; and discussions of the role of film in wildlife biology and the ethical and legal questions of wildlife filmmaking. The Third Annual Children's Wildlife Art Competition, the 10th Annual Wildlife Photo Contest and the Second Annual Wildlife and Environmental Song and Music Festival will be held in conjunction with the film festival. Charles Jonkel, a University of Montana biologist, started the wildlife film fest in 1976 as a response to mainstream nature films that cast wildlife in stereotypical roles. All entries are due by March 10, 1990. For more information, contact Charles Jonkel or Quita Sheehan, International Wildlife Film Festival, Rankin Hall, University of Montana, Missoula, MT 59812 (406/243-2477).



THE GLOBAL WARMING PUZZLE

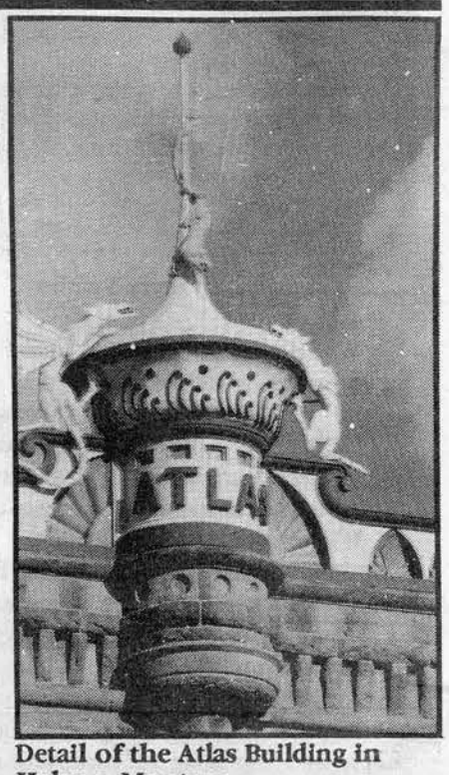
When faced with a problem on the scale of global warming, people tend to look to scientists or the government for solutions. But the Washington, D.C.-based Greenhouse Crisis Foundation believes that to avert the greenhouse effect, individual Americans must adopt a more environmentally conscious, less consumptive lifestyle. The foundation has organized a diverse coalition to educate the public about where it fits in to the global warming puzzle, including the National Science Teachers Association, American Forestry Association, Girl Scouts of the U.S.A., National Council of Churches and the U.S. Public Interest Research Group. Its educational program includes an educational curriculum for all grades, a recycling campaign, energy audits and a consumer guide. For more information, contact the Greenhouse Crisis Foundation, 1130 17th St. NW, Suite 630, Washington, D.C. 20036 (202/466-2823 or toll free 1-800/ECO-LYNE).

BATTLE CYNICISM

Cynicism is a deadly foe of environmentalism. Even the dedicated activist can be stricken by lost or unfought battles. To "counter resignation with hope," Renew America, which publishes an annual *State of the State Report*, wants to begin publicizing stories of success. Through Jan. 15, Renew America seeks the names of individuals, national and community groups, businesses and government agencies fighting environmental degradation — and winning. Twenty-two categories have been selected, ranging from air pollution reduction and drinking water protection to forest management and wildlife conservation. The winning programs, chosen by a group of national environmental groups and announced on Earth Day 1990, will receive awards and national publicity. For more information, write Renew America, 1400 16th St. NW, Suite 710, Washington, D.C. 20036 (202/232-2252).

AUDUBON IN THE SOUTHWEST

"Our Southwest: Challenged by Growth" will be the theme of the National Audubon Society's biennial convention in Tucson, Ariz., Sept. 12-15. Featured speakers Sen. Dennis DeConcini, D-Ariz.; Reps. Morris Udall, D-Ariz., and James Kolbe, R-Ariz.; biologist Paul Erlich and others will discuss topics related to the "need to reconcile human development needs with the preservation of our natural heritage." Field trips are also planned to the Chiricahua National Monument, Buenos Aires National Wildlife Refuge, Upper San Pedro River, and to the Tombstone and Bisbee historical areas. All events are open to the public for a $60 registration fee or for $15 per day. For more information, contact Bob Turner at National Audubon Society's Rocky Mountain office in Denver at 303/499 0219.



Detail of the Atlas Building in Helena, Montana

MOUNTAIN VICTORIANS

The mining boom in the Rocky Mountain West that led to the settlement of the region in the latter half of the 1800s may have left scarred hillsides, dredged rivers and mountainous tailings piles. But it also left a legacy of ornate Victorian homes and commercial buildings. These buildings are the subject of Scott and Beth Warren's *Victorian Bonanza: Victorian Architecture of the Rocky Mountain West*, a beautifully illustrated book. Those responsible for the buildings were, for the most part, mining and timber barons and business owners of the era. Their goal was to flaunt their wealth and make the boom towns they lived in appear rooted and civilized. The book describes styles of the Victorian era, from the intricate gingerbread ornamentation of Queen Anne to the rough-cut stone masonry of the Romanesque revival. Architectural examples are included from Boise to Butte and Denver to Cheyenne and Salt Lake City.

Northland Publishing Co., P.O. Box N, Flagstaff, AZ 86002. Paper: $19.95. 142 pages. Illustrated with color photographs; includes glossary, references, and index.

25 YEARS OF WILDERNESS

Writer, teacher and social critic Michael Frome will keynote a conference in Missoula, Mont., Oct. 10-12, celebrating the 25th anniversary of the Wilderness Act. Called "Twenty-five Years of Wilderness: A Cultural Phenomenon," the get-together includes discussions of the history, role and future of wilderness and preservation ethics. Also scheduled are field trips, films and slide shows. Sponsored by Wilderness Watch, a new, Montana-based group dedicated to better management of existing wilderness areas, the conference is part of Missoula's "Wilderness Week." For more information, contact Bobbie Hoe of Wilderness Watch, P.O. Box 127, Milltown, MT 59851 (406/258-6644).