

High Country News

For people who care about the West

A Separatist State of Mind

Irked by California's 'resistance' to Trump,
the State of Jefferson renews its rebellion

By Tay Wiles





A car parked outside a Patriot Meeting in Redding, California, displays the “State of Jefferson” seal as well as other conservative and separatist sentiments. BROOKE WARREN

Editor's note

Rural white scorn



Earlier this month, a judge in Las Vegas dismissed a case against Cliven Bundy, two of his sons and a militiaman, all of whom were on trial for their part in the 2014 armed standoff against federal agents in Nevada. For Bundy, who earns a living as a melon farmer and cattle rancher, the mistrial proved what he and his cohorts had said all along, that the federal government doesn't have authority on the public lands of the West.

In truth, that ideology holds no more water today than it did three years ago, or three decades ago. Rather, the trial was botched, according to the judge, by the “flagrant misconduct” of federal authorities. Bundy and his supporters walked, and they won't be retried. He still owes the federal government more than \$1 million in grazing fees, and his cattle are still grazing on public lands in Clark County, Nevada. He left the courtroom grinning under his cowboy hat, as one of his entourage hollered, “Let's go breathe some fresh air, brother!”

It was a strange moment, and our associate editor, Tay Wiles, was there. You can read her reporting from Las Vegas in this issue of *High Country News*. The mistrial came as we were finishing the issue, including the cover story, which Wiles also reported. In that story, Wiles looked into the renewed vigor of a separatist movement in Northern California. In this red corner of a blue state, Wiles found a restive group of Westerners whose chief complaint is that of political under-representation, a sense that has only grown stronger amid California's liberal “resistance” to the Trump administration.

Both of these stories, which took place more than 700 miles apart, reflect a dangerous undercurrent: the simmering scorn of rural white America, which is feeling increasingly disempowered in this cultural moment. The Bundys, the Jefferson separatists, and a wide swath of working-class whites feel left out of the conversation, as national policies, cultural changes and global markets leave them behind. Their resentment helped bring Donald Trump to power, gave the Bundys a form of legitimacy and coincides with the more dangerous movements of white supremacy and white nationalism.

However, rather than dismiss the Bundyites and Jeffersonians out of hand, we might be better served, one year into the Trump presidency, by asking whether or not we are all in the same boat after all. If you are not one of the elite 1 percent that holds 40 percent of U.S. wealth, and if you are not represented by the corporate interests that dominate our politics, is it possible you have more in common with these folks than you think?

—Brian Calvert, editor-in-chief

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On the cover

Lynn White shows his support for the State of Jefferson at his family's gas station in Loyalton, California, which sells Jefferson flags and merchandise and is painted Jefferson's colors, green and yellow.

BROOKE WARREN



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A surface coal mine in the Powder River Basin in Wyoming. BLM WYOMING

Interior revokes climate change and mitigation policies

A sweeping order signed just before Christmas rescinded an array of policies designed to elevate climate change and conservation on decisions regarding public lands, waters and wildlife. The order echoes earlier mandates from President Donald Trump and Interior Secretary Ryan Zinke to Interior's 70,000 employees: Prioritize energy development and de-emphasize climate change and conservation.

David Hayes, who was President Barack Obama's deputy secretary of Interior, said the policy rescissions were very significant because these policies guided the agency's field staff in how to manage the nation's vast resources at a time when climate change is already impacting public lands in many ways.

Under the National Environmental Policy Act, agencies are still legally required to mitigate harmful effects of development and to consider climate change. But now, they've been told not to let climate change considerations or mitigation burden energy development. And they have no guidebook to help them navigate those competing mandates. ELIZABETH SHOGREN
MORE: hcne.ws/policy-reversal

Trending

Logging isn't the solution to wildfire problems

"Writers on the Range" contributor Pepper Trail points to problems within the Resilient Federal Forests Act currently being considered by the Senate, which promotes logging as a fire fix. The act seeks to drastically change public-lands management by curtailing existing environmental laws and expanding post-fire salvage logging, Trail writes. But this act assumes (1) that fire is a problem; and (2) that it can be solved. Instead of trying to log our way out of fire danger, we need to adapt ourselves to the reality of living in this fire-adapted landscape.

You say

CHRIS ROBERTS: "Thank you, thank you, thank you, for allowing this dissenting opinion against the chorus of 'gardening the wild' advocates. Restore natural processes and let communities adapt to the new climate. Humans cannot fix this or create biodiversity."

CHRISTIAN CUTSHAW: "Thinning and fuels reduction can be a useful tool to manage our forests and prevent catastrophic wildfires, but we have to do it intelligently, carefully, and we have to examine each parcel of land on a case-by-case basis, and tailor our land management for each specific plot."

CHARLES KIMBALL: "Comparing wildfire, and our ability to combat it, with hurricanes displays a level of ignorance that is beyond comprehension."

MORE: hcne.ws/fire-fix and [Facebook.com/highcountrynews](https://www.facebook.com/highcountrynews)



Meet Karen Budd-Falen, a contender for BLM director

Karen Budd-Falen, under consideration for director of Bureau of Land Management at press time, is a polarizing figure in the West. She's well known as a property rights lawyer who represents ranchers in disputes with federal land agencies like the BLM and U.S. Forest Service. In 1991, *Newsweek* dubbed Budd-Falen the "hired gun of choice for ranchers facing court action from federal agencies." Below are her positions on some conservative Western land values.

TAY WILES MORE: hcne.ws/agency-contender

FEDERAL LAND MANAGEMENT: Budd-Falen has not publicly taken a stance on the movement to transfer federal land to state control. Though she has appeared at events where land-transfer advocates spoke, she said she acknowledges that the notion that the federal government can't legally administer land in the West has not been upheld by the courts. On the topic of national monuments, however, Budd-Falen has lauded Trump and Interior Secretary Ryan Zinke for their 2017 review of designations over 100,000 acres.

PROPERTY RIGHTS: Property rights are fundamental to Budd-Falen's worldview. In 2011, at a Constitutional Sheriffs panel event in Yreka, California, she said that all rights in the U.S. Constitution are "based on the right of ownership of private property." She has spent much of her career defending ranchers' rights to water, easements and grazing federal land. Early in her career, Budd-Falen took on a client who is now one of the West's most notorious cattlemen — Cliven Bundy of Bunkerville, Nevada — over a grazing dispute.

COUNTY SUPREMACY: Local input on land-use plans has long been a Budd-Falen bailiwick. She believes city and county officials should have more opportunity to influence resource management. When she's not in the courtroom, Budd-Falen spends about a third of her time advising Western counties on land-use plans. Budd-Falen's county-centric views also resemble the "constitutional sheriff" ideology, which considers elected sheriffs as the supreme law of the land, beyond the federal government's control.

13,000

Number of Inupiat tribal members. These communities could see a profit if oil were discovered in the Arctic National Wildlife Refuge.

160,000

Caribou in the Porcupine herd, whose calving grounds are within the area that could be opened for drilling. The herd is integral to the Gwich'in tribal nation's way of life.

Congress has fought over allowing drilling in the Arctic National Wildlife Refuge in Alaska for 40 years. The refuge, the largest in the country, is extremely biologically productive, and conservationists have successfully fended off attempts for mineral exploration for decades. Beneath that land also lie billions of barrels of oil and a provision allowing drilling in ANWR was included in a tax bill signed by President Donald Trump in December.

GRAHAM LEE BREWER
MORE: hcne.ws/alaska-drilling

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gentrification

[n. gen-tri-fi-ca-tion]

Definition: the process of renovating and improving a house or district so that it conforms to middle-class taste.

In Tucson, revitalization has brought a tantalizing promise of development back to downtown — but it has also pushed out long-term residents, marginalized renters, and led to outward ripples of gentrification. *HCN* tells the story of one mail carrier who has seen those changes day by day and must cope with the increased urban density with no additional support. MAYA L. KAPOOR
MORE: hcne.ws/gentrifying-city



J. DANIEL HUD

A piece of history

A few miles east of Glenwood Springs, in western Colorado, sits a tiny hydroelectric plant, built in 1909. The Shoshone power plant still adds energy to the grid, but its true importance lies elsewhere: It's a cornerstone of the elaborate complex of water rights, laws, agreements and relationships that shape the management of the upper Colorado River. Because of the water rights it holds — and because it returns the water it uses to the river channel — the diminutive plant dictates how the river is managed in Colorado, even today. EMILY BENSON
MORE: hcne.ws/shaping-water

"It's an interesting historic relic with huge implications for the ecological health of the river."

—Brent Uilenberg, a manager in the U.S. Bureau of Reclamation's Upper Colorado Region.

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BEAR VOYEURISM

With regard to Christopher Solomon's feature article, "Bear Essentials" (*HCN*, 12/25/17), I respect the author and the staff at McNeil River Sanctuary for their efforts to minimize human impact in an area rich in resources for brown bears. However, the fact that they have cordoned off an area so humans can watch the bears "up close" in relative safety still comes down to the simple awareness that we humans are egocentric, voyeuristic beings. We can rationalize our behavior, saying that our impact is minimal and that the bears are getting used to nonthreatening human presence, but the fact is humans and bears should not be getting used to being with, or near, each other. Ultimately, the bears and their habitat will suffer from human impact, no matter how minimal. We have a duty to protect them in their natural environment without making such environments vacation destinations.

I have never met a brown bear on the trail, and I hope I never accidentally startle one while hiking. Even if I go to my grave without ever seeing one in the wild, I will die happy, knowing that I did my part to keep bears wild, free, and flourishing.

*Kathy Kruse
Fort Collins, Colorado*

STEPS TO PUBLIC-LAND DESTRUCTION

Krista Langlois' piece on public lands looked all around the mulberry bush about raising entrance fees to national parks and other public lands, but never reached the obvious conclusion ("Who should pay for public lands?" *HCN*, 12/25/17). That is stated clearly in the second paragraph of Jonathan Thompson's Perspective on page 25 ("Interior's return to the 'Crazy Years,'" *HCN*, 12/25/17). To paraphrase, Donald Trump, Ryan Zinke and their gang of thieves aim to strip Americans of their preserved natural, national heritage in an obvious set of steps:

1. Strip away environmental protections;
2. Make public lands visits unaffordable to working Americans;
3. As visitation drops, tell Congress that Americans don't care about their parks and preserves (this gang of vultures may just bypass that little step);
4. Remove public-lands protections and sell them off to the highest gas/oil/uranium bidders — as Zinke



RALPH HAGEN/ARTIZANS.COM

so eagerly stated, "For too long America has been held back by burdensome regulations on our energy industry."

How blunt can you be? For Zinke, "America" = "energy industry." The suicidal among us can race off to certain planetary extinction before the year 3000 in their turbocharged RVs. The rest of us should, can, and will fight off these elected and appointed Rapists of America.

*Dave Mandel
El Cerrito, California*

FIRE LANGUAGE

Too often the media sensationalizes wildfire. I think *HCN* should ensure its language does not add to sensationalism ("Scorched Earth," *HCN*, 11/11/2017).

For instance, *HCN* refers to the Eagle Creek Fire as "consuming close to 50,000 acres." Those acres still exist, so what was consumed? Some of the vegetation is still there, since wildfires rarely burn 100 percent of all vegetation on all acres. How about "burned parts of 50,000 acres"?

HCN also says that 2017 will be "remembered mainly for its destructiveness." Since wildfire is part of many ecosystems in the West, since many of these ecosystems needed burning, and since these areas will recover with native vegetation that again is adapted to wildfires, maybe "destructiveness" is not the word to use. How about, "fire disturbance burned and ecological succession occurred"?

HCN refers to California wildfires as having "ravaged" Sonoma and Napa Counties. How much of each of these counties (percentage) burned? Perhaps just say that some large areas in these counties burned.

Finally, it is important to remember that not all ponderosa forests or other

forests grow with the same density in every location. The U.S. Forest Service is notorious for thinning and logging using the same density over entire landscapes when a more diverse spatial, vertical, and horizontal pattern or mosaic would more closely mimic the forests of the past. The devil is in the details and *HCN* should report what those details are.

*Brandt Mannchen
Humble, Texas*

ENVIRONMENTALISTS FOR BETTER LAND MANAGEMENT

In his Editor's Note for the Dec. 11 issue, Paul Larmer repeats a widely held belief, writing that "neither side ("Republican lawmakers" nor "environmentalists") is doing much to create lasting solutions on the ground that could help overcome a century of fear-based (fire) management in the West."

That is false. All over the West, grassroots environmental organizations are working not only to change the policies and practices of the "Fire Industrial Complex" but also to help the Forest Service and Bureau of Land Management better protect communities and prepare our forests for future wildfires.

One such effort is the Western Klamath Restoration Partnership. As part of it, the Klamath Forest Alliance is working with the Forest Service, local tribes and forest workers on projects that will prepare local communities and ridge-top shaded fuel breaks so that future wildfires that don't threaten life and property can be allowed to burn.

The Alliance also writes and publishes the natural and human (fire suppression) history of each large wildfire that burns in northwest California and southwest Oregon. We typically find that fire suppression does more damage and results in more risk to communities, water quality and the forest than the actual wildfires that are "suppressed."

The Klamath Forest Alliance is not an anomaly: Most grassroots environmental organizations that work on forest and public-land issues have for decades supported and helped to design projects to restore fire regimes and other natural ecological processes. Several regional and a few national environmental organizations have also contributed to that effort.

*Felice Pace
Klamath Forest Alliance Core Group
Klamath, California*

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Cliven Bundy walks

Judge dismisses 2014 standoff case for 'flagrant misconduct' by prosecutors

BY TAY WILES

On Jan. 8, U.S. District Court Judge Gloria Navarro dismissed all charges against Nevada rancher Cliven Bundy, his sons Ammon and Ryan, and Montana militiaman Ryan Payne, citing misconduct by prosecutors. The dismissal — the worst blow yet to the federal government in the saga, which has involved three Nevada trials since early 2017 — raises serious questions about the Bureau of Land Management's ability to enforce regulations on the public lands.

The case stemmed from a tense 2014 standoff near the Bundys' ranch in Bunkerville, Nevada. The family, backed by hundreds of supporters, including armed militia members, defied BLM and National Park Service staff attempting to impound their illegally grazing cattle.

The Bundys and their supporters see the dismissal as a vindication of their decades-long battle for states' rights. "My defense is a 15-second defense," Cliven Bundy said Monday after being released.

Associate Editor Tay Wiles writes from Oakland, California. [@taywiles](#)

"I graze my cattle only on Clark County, Nevada, land, and I have no contract with the federal government." Bundy cattle actually graze on BLM and Park Service lands, but the rancher insists that the U.S. government cannot legally own or administer public lands.

"I've put up with this court as a political prisoner for two years," Bundy said. He and his co-defendants had been in custody since their arrests in February 2016, facing charges including conspiracy against the United States and threatening federal officers.

The dismissal comes after a mistrial on Dec. 20, just five weeks into what was expected to be a four-month-long trial. "The court finds there has been flagrant prosecutorial misconduct," Navarro said, because evidence that could have helped the defense was withheld.

Navarro cited reports leading up to the impoundment from the FBI, BLM and other government agencies regarding just how much of a threat the Bundys would pose to law enforcement. U.S. attorneys did not provide most of these



reports to the defense, though the judge said they could have helped show that the Bundys were not that serious a threat. The government also failed to provide information about an FBI surveillance camera placed near the Bundy residence in April 2014.

When asked whether another standoff would happen if the BLM again attempted to impound the family's cattle — which are still illegally grazing federal land — Ammon Bundy said: "I don't know, you'd have to ask my dad. But I'm sure he's going to do whatever it takes." □

Cliven Bundy walks out of federal court with his wife, Carol, after a judge dismissed criminal charges against him and his sons. The Bundys were accused of leading an armed uprising against federal authorities in 2014.

K.M. CANNON/LAS VEGAS REVIEW-JOURNAL VIA AP

Read the full story: hcne.ws/bundys-walk

A precedent for species recovery?

Court decision may change grizzly protection

BY GLORIA DICKIE

In December, the U.S. Fish and Wildlife Service reopened public comment on its removal of the Greater Yellowstone grizzlies from the protection of the Endangered Species Act. The bruins, which range across 35,000 square miles of wild country in Montana, Wyoming and Idaho, had rebounded from some 300 at their original listing in 1975 to over 700 today. The agency declared the bears a "distinct population segment" in June, separate from other Lower 48 grizzlies, and at the same time took them off the endangered species list.

In the history of delisting decisions, seeking additional comment after the fact is exceedingly rare. The move was a nod to a recent court ruling on gray wolves, a species which the Fish and Wildlife Service had similarly broken into smaller

geographically defined groups, such as the Northern Rocky Mountains and Western Great Lakes, then removed from protection. "Specifically, the service is interested in public input on whether this court's opinion (on the gray wolf) affects the (Greater Yellowstone grizzly bear) final rule and what, if any, further evaluation the service should consider regarding the remaining grizzly bear populations in the Lower 48 states and their lost historical range," the agency stated. The comment period ended Jan. 5.

The gray wolf ruling came last August, when D.C. Circuit Judge Patricia Millett upheld a 2014 decision that the Western

Great Lakes subgroup of the gray wolf should not have lost Endangered Species Act protections. In order to remove federal protections from a subgroup initially listed as a larger population, Millett declared, the agency must consider the impacts of that particular delisting on remnant subgroups elsewhere, as well as on the species' recovery across its historic range.

Now, the precedent set by that case has many questioning the legality of breaking up grizzly bears by recovery areas and then removing their protections. "The ruling was significant because it called into question the service's standard blueprint for dealing with these large-scale listings of species like grizzly bears and wolves that were listed throughout the Lower 48 at one time," says Tim Preso, managing attorney of the Northern Rockies office at EarthJustice.

If the agency, or the pending environmental lawsuits over the Yellowstone grizzly, determine that the wolf case has little bearing on other species, the use of distinct population segments to remove species protections will likely be expanded beyond wolves and grizzlies. Next in line could be the greater sage grouse, since it's also a wide-ranging species. □

Read the full story: hcne.ws/piecemeal-approach

A grizzly bear stands on a bison carcass in the middle of the Yellowstone River in Yellowstone National Park.

JIM PEACO/NPS

Gloria Dickie is a freelance science and environmental journalist based in Boulder, Colorado.

[@gloriadickie](#)



Cottonwood trees line the San Pedro River as it winds through the San Pedro Riparian National Conservation Area in the San Pedro Valley, Arizona. ANNIE GRIFFITHS BELT/GETTY IMAGES



Federal agency retracts opposition to Arizona project

As Trump sidelines science, U.S. Fish and Wildlife Service flips on San Pedro River development

BY ELIZABETH SHOGREN

In October, the U.S. Fish and Wildlife Service lifted its longstanding objections to a city-sized development that threatens the Southwest's last free-flowing major river.

The San Pedro River is a vital resource in the parched Sonoran Desert, sustaining some 400 species of migratory birds. The agency had twice in recent years objected to granting a key federal permit and warned that building 28,000 homes, golf courses and other amenities near the southern Arizona river would have “appreciable” effects on wildlife. It cited substantial scientific research highlighting risks to rare species, including the jaguar and yellow-billed cuckoo.

But Fish and Wildlife reversed itself, according to an Oct. 26 letter obtained by *High Country News* through a Freedom of Information Act request. Under pressure from the developer and the U.S. Army Corps of Engineers, the agency agreed not to look at the impact of the entire project but only at the 51 acres of desert washes

that the Corps' permit would allow the developer to fill in with dirt in order to build roads and building pads. Given those constraints, the Fish and Wildlife Service agreed the permit would not adversely impact endangered or threatened species.

The reversal comes as President Donald Trump has repeatedly ordered agencies to roll back environmental protections to facilitate business interests. Environmental groups opposed to the project say the flip-flop reflects the administration's willingness to sideline science as it eliminates environmental protections it sees as impediments to a whole range of industries, from real estate to oil and gas drilling. “I think that the turtles are putting their heads in the shell,” says Karen Fogas, executive director of Tucson Audubon. “It's not likely any agency is going to be proactive in that climate.”

In a December letter, however, the Environmental Protection Agency urged the Corps to analyze the direct and indirect impacts of the entire project — all 12,399 acres, rather than just the 51 stream acres that would be filled in. The EPA says it still has the concerns it raised earlier, including the fear that the devel-

opment may so seriously deplete the river that it no longer flows year-round. “It is reasonably foreseeable that the San Pedro River could be ultimately converted from a perennial to an intermittent or ephemeral aquatic system. This increasing degradation would be contrary to the goals of the (Clean Water Act) — protecting the physical, chemical, and biological integrity of the Nation's waters,” the EPA's 2004 letter reads.

The threat to the San Pedro dates back to the mid-2000s, when another developer proposed a similar, smaller project on the same land. Environmentalists and federal agencies fought it then, too. Still, the Corps issued the permit, but that developer never built the project, and in 2014, the property sold to El Dorado Holdings Inc. The Corps transferred the permit to the new owner but suspended it last year, after environmentalists sued. It accepted public comments until Dec. 4 on whether to reissue, modify or revoke the permit.

By law, federal agencies have to consider the impacts of proposed actions on endangered species and consult with the Fish and Wildlife Service. But until recently, the Corps and the wildlife agency disagreed about whether the impacts of the entire development should be assessed. The Corps insisted that the analysis be limited to those 51 acres of washes, justifying the narrow review by declaring that the permit wasn't pivotal to the project.

The developer went a step further, asserting in a September letter to the Corps that the project would go ahead

Correspondent Elizabeth Shogren writes *High Country News*' DC Dispatches from Washington.
@shogrenE

even if the permit were not reissued. The homes and amenities would be built *between* the many washes on the property. “Admittedly, developing our property in this manner would not meet our project purpose. ... Our core concept of interconnected villages would be difficult to retain,” the developer wrote in a letter also obtained in response to a Freedom of Information Act request.

Deferring to the Corps and developer represents a major change for the Fish and Wildlife Service. Previously, the agency argued strongly against the development. Its earlier letters referenced scientific studies that showed potential impacts to the yellow-billed cuckoo and northern Mexican garter snake, two species recently listed as threatened under the Endangered Species Act, as well as the endangered southwestern willow flycatcher and jaguar. In October 2016, the agency went so far as to tell the Corps that it should not have issued the original permit and should not reissue it unless it fully considers the effects of the entire project. However, its October 2017 letter did not mention the studies previously cited.

The Fish and Wildlife official who signed the letters defends the reversal. “Legally, my position changed when we got those assurances” from the Corps and developer that the project would be built even without a permit, says Steve Spangle, a Fish and Wildlife field supervisor in Arizona. “That was the game changer.” He met with the Corps and the developers and consulted Interior Department lawyers in Washington, D.C., and Albuquerque. “We did not ignore any science; I will stand behind my biologist and the conclusions he reached.”

Environmentalists and legal experts are concerned not just about this reversal but about how it reflects a new era when

science matters less in decision-making and concerns about ecological impacts are scuttled to ease development. “There’s something a little fishy about (the Fish and Wildlife Service) dramatically changing its position several months after a new administration comes in,” says Justin Pidot, an associate professor at the University of Denver Law School who was a deputy solicitor of Interior under Obama. “It certainly raises questions to me about whether this is a politically driven reversal.” Actually proving political interference, however, would be very difficult, he added.

However, environmental groups, including the Center for Biological Diversity, Sierra Club, Tucson Audubon Society, Defenders of Wildlife and the Lower San Pedro Watershed Alliance, argue that by adopting the developer’s position, the Fish and Wildlife Service is ignoring the substantial scientific record about the potential negative effects of the project on wildlife. Scientific research indicates that a big development near the San Pedro could also increase flooding and send large amounts of sediment into the river, degrading the habitat.

The groups’ lawyer also disagreed with the assertion that the Villages at Vigneto project could be built without the permit. Whatever development could happen without filling in streams would be significantly different than what El Dorado proposed in its master plan, which has been approved by the local government. “If this type of letter is all a developer needs to do under this administration to circumvent the Endangered Species Act and the National Environmental Policy Act,” says Stu Gillespie, an attorney for Earthjustice, “there will be serious impacts to our environment that go unanalyzed and unregulated. That is a very disturbing outcome.”

Former Interior Department lawyers and legal experts say the Corps and the Fish and Wildlife Service have long been wrestling over when the federal government has to consider the effects of an entire project or just the direct impacts of filling in streams. The fate of a project can depend on who wins.

The U.S. Court of Appeals for the 9th Circuit has ruled in different ways on Arizona housing development disputes, depending on how likely it seemed that a development actually could avoid the streams or wetlands. In one case, the court decided against the Corps: “These washes were dispersed throughout the project area in such a way that, as a practical matter, no large-scale development could take place without filling the washes,” the ruling states. But in another, where the upland area could be developed independent of wetlands, the ruling supported the Corps’ argument for narrowing the scope.

The Corps asserts that the Villages at Vigneto resembles the second case. But a legal expert who looked at the property’s maps is skeptical. “Here it strikes me as a little bit strange to say that the larger project could be disconnected from the fills the Army Corps is permitting,” says Dave Owen, a UC Hastings Law School professor and expert in the Endangered Species Act. “Look at the map; it looks like the washes are all over the site. Perhaps the developer could build a project that doesn’t hit any of the washes, but it looks tricky.”

What’s more, Owen stresses that the developer and the Corps are trying to have it both ways. To get the original permit, the developer had to first demonstrate to the Corps that filling in those 51 acres of streams was essential. “Here the Army Corps and applicant are in the strange position of on the one hand insisting that it’s perfectly feasible to build on the site without stream fills, while at some other point they must have said it’s impossible,” Owen says. “Something has gone wrong here.”

The Corps will weigh the environmental concerns against the project’s benefits, such as economic development, when deciding whether issuing the permit is in the public’s interest, says Kathleen Tucker, the Corps’ project manager. “That decision will reflect the national concern for both protection and utilization of important resources,” the agency states in its request for public comment. A decision is expected early in 2018, according to Tucker. If the Corps reissues the permit, environmental groups may sue to try to block it. “In Arizona, 95 percent of riparian areas have been altered or destroyed, putting many species in an untenable situation, especially in light of climate change,” Fogas says. “That amps up the importance of those remaining areas.” □

The Milky Way above Stanley Lake in Idaho. CHARLES KNOWLES/CC FLICKR

THE LATEST

Backstory

Natural darkness – which is essential for plants, wildlife and humans – is disappearing. In 2001, an Italian astronomer estimated that **two-thirds of U.S. residents can no longer see the Milky Way with the naked eye. In response, some Western cities and national parks have modified their light usage.** In April 2007, Utah’s Natural Bridges National Monument became the first “International Dark Sky Park” certified by the nonprofit International Dark-Sky Association (“Quest for Darkness,” *HCN*, 12/10/07).

Followup

Now, the West boasts the nation’s first International Dark Sky Reserve, certified in December after decades of effort by volunteers and officials. **The 1,400-square-mile swath of central Idaho, in the Sawtooth National Forest, is so free from light pollution that “interstellar dust clouds can be seen in the Milky Way,”** reports *E&E News*. Idaho gained two other “starry night” recognitions last year: The city of Ketchum became the world’s 16th International Dark Sky Community, and Craters of the Moon National Monument and Preserve became an International Dark Sky Park.

JODI PETERSON



An artist’s rendition of a portion of the Villages at Vigneto housing development east of Tucson, where 28,000 homes are scheduled to be built near the San Pedro River. VILLAGES AT VIGNETO

Lawsuits challenge Trump's trims

Reductions in Bears Ears and Grand Staircase-Escalante exclude thousands of significant objects

BY ELIZABETH SHOGREN

Heidi McIntosh's first case as an environmental lawyer in the early 1990s was an attempt to block a coal mine in a remote red rock region of southern Utah. The area is a treasure trove of dinosaur fossils, archaeological sites and gorgeous scenery. The effort could not have been more successful. In 1996, President Bill Clinton permanently protected the Kaiparowits Plateau when he designated Grand Staircase-Escalante National Monument. Or so, at least, he thought.

Now, 21 years later, President Donald Trump has slashed that monument by nearly half. The paleontologists' wonderland where Andalex Resources wanted to mine coal now lies outside Trump's new boundary lines. And McIntosh is again fighting to protect the Kaiparowits and its treasures as a lead attorney for a broad array of environmental groups. McIntosh also represents many of the same groups in a parallel effort to block the downsizing of Bears Ears National Monument, which President Barack Obama created in 2016. Trump designated two much smaller monuments, Indian Creek and Shash Jáa (the Navajo word for Bears Ears). Together, the two replacements cover only about 15 percent of the land in Obama's Bears Ears.

Correspondent Elizabeth Shogren writes *High Country News'* DC Dispatches from Washington.
@shogrenE

Trump's actions were an unprecedented setback for the conservation of public lands, and they have unleashed a torrent of litigation. The plaintiffs include five tribes, archaeologists, paleontologists, photographers, climbers and businesses — and all of them have done their homework. They have extensive reports documenting the rich cultural, scenic and recreational resources that Trump has removed from Bears Ears and Grand Staircase, and they are determined to use the courts to restore the original boundaries and uphold the principle that only Congress can eliminate a national monument and the high level of protection it affords.

Five tribes — Navajo Nation, Zuni, Hopi, Ute and Ute Mountain Ute — led the original push for the creation of Bears Ears to protect their ancestral lands. Now, those five tribes have separately sued the president to restore protection to all 1.35 million acres. “We want to ensure that those lands and the knowledge that is tied to those lands are preserved and protected ... and that our ways of being can continue to exist,” said Ethel Branch, attorney general of the Navajo Nation, one of the plaintiffs.

Another complaint was filed by an assortment of Bears Ears' advocates, including Utah Diné Bikéyah, a Native American nonprofit group that began advocating for the monument in 2010, along with Pa-



tagonia Works, Friends of Cedar Mesa, Archaeology Southwest, Conservation Lands Foundation, Access Fund, the Society for Vertebrate Paleontology and the National Trust for Historic Preservation.

Grand Staircase Escalante Partners, a local group that supports that monument, also filed a suit with Conservation Lands Foundation and the Society of Vertebrate Paleontology. That makes three suits defending Bears Ears and two on behalf of Escalante, all filed in U.S. District Court in the District of Columbia. Most have been assigned to Judge Tanya Chutkan, appointed by Obama in 2014.

For both monuments, the plaintiffs' main legal argument is simple. The Constitution gives Congress authority over public lands. In the 1906 Antiquities Act, Congress expressly gave presidents the right to establish national monuments. But the act never mentions abolishing or modifying monuments. The main question for the federal judge will be whether it was within the president's power to shrink those monuments. Says McIntosh: “The answer is the same (for both): ‘No, there is no authority for him to do that.’”

Under the Antiquities Act, presidents have power to protect historic and prehistoric landmarks, structures and “other objects of historic or scientific interest,” though they're limited to preserving the “smallest area compatible with the proper care and management of the objects to be protected.” Opponents of the monuments, including Trump, cite this part of the act when arguing that both Clinton and Obama exceeded their authority by making Grand Staircase-Escalante and Bears Ears so large. While Trump's proclamation acknowledges that many objects protected by Bears Ears were left out of the much smaller new monuments, he argues that those excluded objects were not unique, not threatened

“We want to ensure that those lands and the knowledge tied to those lands are preserved and protected.”

— Navajo Nation
Attorney General
Ethel Branch

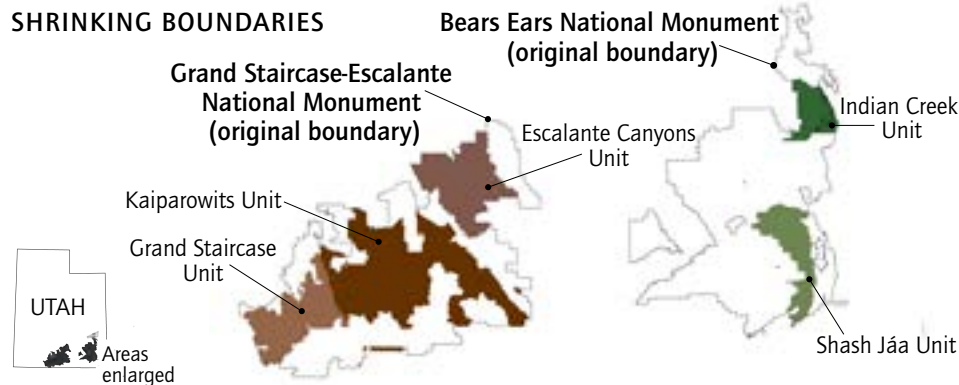


Navajo Nation Attorney General Ethel Branch speaks during a news conference in early December in Salt Lake City. The Navajo Tribe was one of the tribes that pushed for creation of the Bears Ears National Monument. Now it is suing to restore it. RICK BOWMER/AP



Valley of the Gods, in the southern end of the original Bears Ears, is sacred to the Navajo and an important paleontological site. It is excluded from the new monument.

BUREAU OF LAND MANAGEMENT



or “are not of significant scientific or historic interest.”

Ironically, monument supporters also see the same part of the Antiquities Act as crucial to their cases, arguing that tens of thousands of artifacts and other important religious, cultural, historic, scientific and scenic features were left out of the reduced boundaries. The tribes’ lawsuit asserts that by excluding so many previously protected objects, Trump’s proclamation must be seen as revoking Bears Ears, not just modifying it. Either way, they assert that his action was illegal.

A 2016 report by the coalition of pro-monument tribes mapped hundreds of important archaeological sites, most of them now outside of the new monuments. For instance, the White Canyon area, which Trump excluded from Bears Ears, holds artifacts from the region’s earliest inhabitants — the mammoth and bison hunters of the late Pleistocene. White Canyon also contains many “*Nahonidzho*,” or “escaping places,” where Navajos hid during the Long Walk, the 1864 deportation of the Navajo people by the U.S. government.

“Bears Ears is an area with objects all over the place. I’m confident we’ll be able to show that,” says Charles Wilkinson, a University of Colorado law professor who

specializes in public land and Indian law and is representing the Ute Mountain Ute, Zuni and Hopi tribes in court.

Another area highlighted by Obama for its extraordinary features but left out by Trump is the Valley of the Gods in the southern end of the original Bears Ears. Obama’s proclamation declares: “The towering spires in the Valley of the Gods are sacred to the Navajo, representing ancient Navajo warriors frozen in stone.” Paleontologists also value the area because fossils of some of the earliest vertebrates to walk in North America have been found here. Trump justifies his decision by saying that Valley of the Gods is already protected as an area of critical environmental concern, a special Bureau of Land Management designation.

But it’s misleading for the Trump administration to suggest that other protective designations are as strong as monument status, says Justin Pidot, one of the tribes’ lawyers, who is an associate law professor at the University of Denver and a former deputy solicitor at the Interior Department. “No judge will buy that lie. It doesn’t pass the laugh test. If nothing is changed (in the level of protection) there would be no point in a monument designation,” he says.

Under a 2008 management plan, the BLM closed the Valley of the Gods to oil and gas leasing. But a future plan could reopen it, and starting 60 days after Trump’s announcement, miners can stake claims for uranium, potash or other hardrock minerals in the Valley of the Gods or in any other part of the original monuments that is not within Trump’s monument boundaries. Many areas left out of Trump’s new version of Bears Ears will be reopened for oil and gas drilling, including White Canyon and Lockhart Basin, an archaeologically rich area popular with climbers.

Similar examples abound outside Trump’s new boundaries for Grand Staircase-Escalante as well. The Kaiparowits Plateau, for instance, is home to the Straight Cliffs Formation, where the coal beds are interlaid with abundant fossils that provide insights into a period of time “that cannot be studied in detail anywhere else in the world,” according to the paleontologists’ lawsuit. Since 1996, 12 new species of dinosaurs have been discovered there. While Clinton’s monument ended Andalex’s coal-mining ambitions on the plateau, Trump’s action has rekindled that prospect.

These facts should prove persuasive to the judge, says Steve Bloch, the legal director of the Southern Utah Wilderness Alliance who’s a leading lawyer in the environmental groups’ Bears Ears and Escalante cases. “That’s indisputable,” he says. “The new boundaries cut in half areas previously designated where some fossil records or geological features lie.”

One key legal strategy of Grand Staircase-Escalante’s defenders does not apply to Bears Ears, however. Since 1996, Congress has repeatedly endorsed and acknowledged Clinton’s monument. “Grand Staircase has been around over 20 years,” says McIntosh, managing attorney for Earthjustice’s Rocky Mountain office. “Congress has acted numerous times in ways that essentially ratify the monument” — providing money to buy back coal leases and regularly funding the monument’s budget, for example. It even increased the boundaries through land exchanges, when Utah swapped state-land parcels within the monument for mineral-rich parcels in other areas so it wouldn’t lose out on revenues. Congress also gave Utah \$50 million. “We think those actions taken together confirm that Congress has ratified the monument and the president can’t undo it,” Bloch says.

Ultimately, much more than these two Utah monuments is at stake here. “If a president is authorized to modify and revoke, then no national monument is safe,” says Erik Murdock, policy director of the Access Fund, a plaintiff in one of the cases. “We believe this battle is critical for the fight for public lands in general — that’s why we’re going all in on this.” □



A captive elk at the Wyoming Game and Fish Department’s Sybille Wildlife Research Unit in Wheatland, Wyoming.

TERRY KREEGER

THE LATEST

Backstory

Chronic wasting disease — a fatal, highly contagious neurological disorder — first appeared in northern Colorado in 1967. It afflicts elk, deer and moose in 19 states and three Canadian provinces, including Wyoming.

Transmission occurs through proteins in urine, feces, saliva and carcass tissues from infected animals; they also accumulate in soils (“Wasting disease in wildlife inches toward Yellowstone,” *HCN*, 5/11/15).

Followup

In November, the disease was discovered in Montana for the first time. The state’s Department of Fish, Wildlife and Parks formed a response team, released a management plan, and planned two special hunting seasons. The Fish and Wildlife Commission also asked Wyoming to stop feeding elk at 23 feedgrounds, which concentrate animals and may spread the disease. “The arrival of CWD is terrifying,” Dan Vermillion, commission chairman, told *Mountain Journal*. “It’s heartbreaking, the more I learn about the science and the potential it has to harm our game herds.”

JODI PETERSON

Salmon on the lam

Coastal tribes will be dealing with this summer's Atlantic salmon spill for years to come

BY CARY ROSENBAUM

One day late last August, a netted enclosure near Washington's Cypress Island collapsed, releasing tens of thousands of non-native Atlantic salmon into Puget Sound. Coastal tribes and state officials were not informed about Cooke Aquaculture's spill, the cause of which is still under investigation, for several days. But once alerted, coastal tribes, including the Swinomish, Samish and Lummi, asked licensed tribal fishermen to capture the non-native species, which they feared could imperil native salmon. The Lummi Nation was most responsive to the spill; it declared a state of emergency and caught more than 43,500 of an estimated 160,000 escapees, selling them back to Cooke, which disposed of them. Some caught upwards of 7,000 pounds per day on their boats.

"If it were sockeye, a fisherman would have died and went to heaven, it was that much fish," Timothy Ballew II, former Lummi Nation chairman, recalled recently at the tribal government offices near Bellingham, Washington. The Atlantic salmon, however, were not welcome: "We don't allow Atlantic in our building."

For years, the Lummi Nation has

protected the native salmon runs that fuel its *shelangen*, or way of life, and that play an important role in the tribe's economy. Now, the tribe must grapple with the ecological and political consequences of one of the region's largest farmed salmon spills, amid renewed debate around Pacific Northwest aquaculture.

The full ecological impacts of the spill are yet to be determined. According to Cooke Aquaculture, the recaptured Atlantic salmon had empty stomachs, suggesting they did not compete with native fish for food, and because they were not yet sexually mature, they did not breed with native stocks. One major worry remains, though: the possible spread of disease. Canadian studies have found that farmed salmon harm wild and hatchery salmon through sea lice and viruses, but whether the spill has caused any diseases won't be known until the juveniles return from the ocean as adult salmon in four years.

The prospect worries the Lummi Nation, whose members harvest millions of dollars in seafood annually — salmon, clams, halibut, crab and shrimp — and run three hatcheries. "Economically, for our tribe, it's big," fisheries technician Nanette Christianson said in her office, where a nearby photo showed her son sitting in a boat, waist-high in salmon.

Cary Rosenbaum is a member of the Colville Confederated Tribes. [@caryrosenbaum](#)

Lummi Nation fishermen capture non-native Atlantic salmon that escaped a Cooke Aquaculture pen on Aug. 21, 2017 outside of Cypress Island.

BRANDON SAWAYA/
SOULCRAFT ALLSTARS



"We've got so many fishermen who rely and depend on those fish coming back every year."

In the meantime, the tribe has done everything it can. It refused Cooke's offer of increased payment for recaptured Atlantic salmon — \$42 a fish instead of \$30 — in exchange for an agreement that the Lummi would not advocate for a phase-out or ban of net-pen aquaculture, an offer Ballew called "insulting." Instead, the Lummi offered a resolution at the Affiliated Tribes of Northwest Indians' fall conference, calling on Northwest states and the federal government to ban non-native saltwater finfish aquaculture. Cooke also offered the tribe \$1.3 million to help recovery efforts, but tribal officials say that underestimates the long-term costs.

Washington state has also responded. Gov. Jay Inslee, D, in August issued a moratorium on new net-pen leases, and Democratic state Sen. Kevin Ranker says he plans to sponsor legislation next year to eliminate Atlantic net-pen farms by 2025. The farming practice is currently banned in Alaska, and effectively prohibited in California.

For its part, Cooke said in a statement that it is working with state, federal and tribal agencies "to ensure that this incident is not repeated."

The spill also raises bigger questions over tribal treaty rights — and how far they extend offshore. An 1855 treaty and the 1974 Boldt Decision gave the Lummi the right to hunt and gather in their accustomed territories and the right to half the annual fish runs, and made them co-managers of fishing seasons and hatchery programs. But off-reservation boundary water rights have yet to be significantly tested in the courts, and the Lummi have limited say over commercial operations in the Puget Sound.

Instead, Washington state manages the waters, leasing areas to companies like Cooke Aquaculture. A review of Cooke's net-pen leases and sites is underway, Washington Department of Natural Resources spokesperson Cori Simmons said, and so far one lease has been revoked. Meanwhile, the agency's head, Hilary Franz, has directed it to work more collaboratively with tribes.

After out-catching the state's cleanup efforts, coastal tribes like the Lummi are losing faith in government agencies' ability to protect the waters they've harvested since time immemorial, Lummi Chairman Jeremiah Julius said. "We never gave up the waters in our treaty," he said. "When we entered into this agreement with the United States, we were guaranteed the right to fish. And in order to fish, the environment's got to be in a great condition. And right now it's all but destroyed. What are perceived as little things like this spill — it's not a little thing. It's a big thing." □

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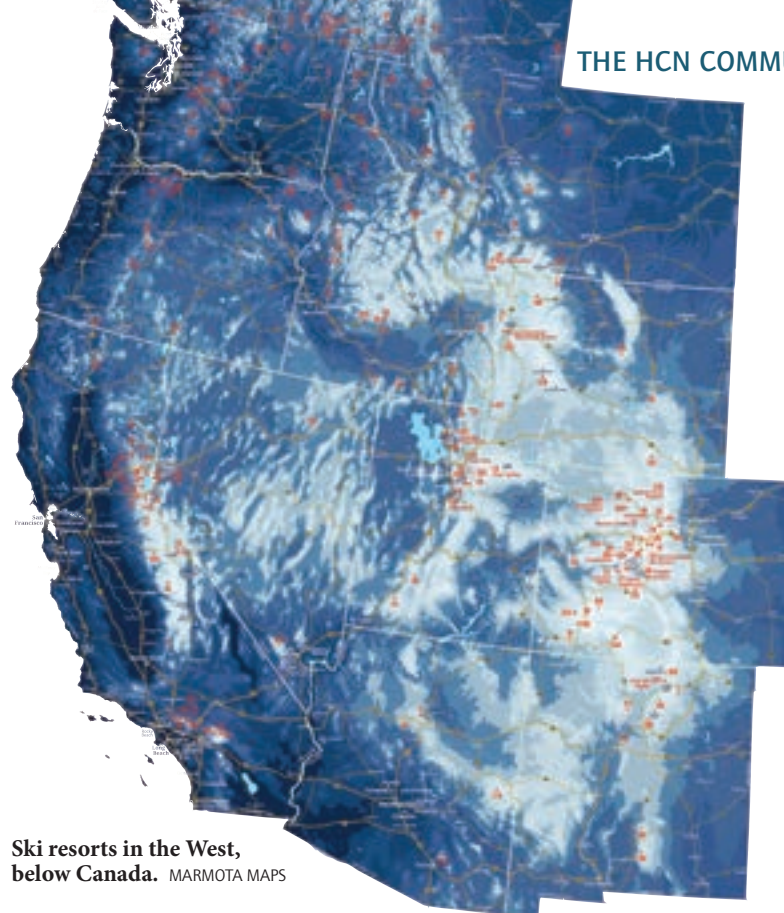
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Ski resorts in the West, below Canada. MARMOTA MAPS

SKI RESORTS OF THE WEST

Marmota Maps. 36-by-48 inches: €60.00 (about \$72).

This poster-sized map — more suited to your living room wall than your backpack — highlights the alpine ski resorts dotting Western North America from Alaska to New Mexico. Created by Marmota Maps, a German company, *Ski Resorts of the West* offers the elevation range and skiable miles for 246 downhill areas, as well as their difficulty level. Montana's Big Sky Resort, with about 20 percent of its terrain devoted to relatively easy runs, sounds good for beginners; to get above 12,000 feet, check out Taos Ski Valley in New Mexico or a handful of Colorado's resorts.

The map also breaks down ski resort information by state, province or territory, allowing for easy comparisons as you contemplate your next winter adventure. So where can you find the most miles of slope? Snowy Colorado wins in a landslide, with more than 1,500. **EMILY BENSON**

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A view from the top of Highlands Bowl at Aspen Highlands Ski Resort in Colorado.

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Ring in the new year with an avalanche of mail

The holidays may be over, but we're still singing "Let it Snow" here in Paonia, Colorado, home base of *High Country News*. We woke to the first flurry of the season on the winter solstice, but warm temperatures and sunny skies soon melted the flakes and only a few more have fallen since then. Now it's just raining. In *January*.

But we're not letting the lack of snow wither our spirits. Over the holiday break, we took full advantage of restful days at home and rejuvenating trips with family and friends. Some of us even managed to encounter the wintry weather we've been missing on our travels: Editorial fellow **Emily Benson** notes the snowbanks were a couple of feet high and the mercury hit 30 below on New Year's Day in her hometown in New York's Adirondack Mountains.

A holiday trip brought **Shelby Robinson** and **Michael Balogh** of Mancos, Colorado, to our office at the end of December. The pair stopped by to say hello on their way to ring in the New Year with family in Snowmass, Colorado. Shelby, a longtime subscriber, wanted to let Editor-in-Chief **Brian Calvert** know that she especially appreciated his feature essay on reckoning with the ecocide ("Down the Dark Mountain" *HCN*, 7/24/17). Happy New Year, Shelby and Michael!

The turn of the year is always an extra-busy time for our hardworking customer service staff as they sift through

an avalanche of subscription renewals and donations. We received more than 1,600 pieces of mail in the first week of January, including more than 900 on a single day — about nine times as much as an average day. Most of those were subscription requests or donations to our Research Fund, the reader support we depend on to tell the stories of the West.

Sometimes we even get a wonderful surprise when we open the mail, like a personal note or a hidden piece of artwork. One reader from Wyoming, **Leo Hakola**, delighted us by adding both a brief note and a sketch to the back of his subscription renewal. Thanks to the generosity of our readers and subscribers, the customer service department is swamped — but they wouldn't have it any other way. And the rest of us here at *HCN* couldn't do our jobs without them!

Finally, we have a couple corrections to make. A recent essay on the seasonal shifts in a wildland firefighter's thoughts ("Come Spring," *HCN*, 12/11/17), stated that the Mann Gulch Fire occurred in Idaho. In fact, the 1949 blaze, which killed 13 firefighters, happened in Montana. And in a feature story exploring a bear sanctuary in Alaska ("Bear Essentials," *HCN*, 12/25/17), we incorrectly identified the shotgun carried by researchers; it was a Remington Model 870. We regret the errors.

—*Emily Benson, for the staff*



Leo Makola from La Barge, Wyoming, sent *High Country News* this fun illustration on the back of his subscription renewal. We enjoy reading and receiving your personalized notes and art. LEO MAKOLA

A Separatist State of Mind

*Irked by California's 'resistance' to Trump,
the State of Jefferson renews its rebellion*

FEATURE BY TAY WILES
PHOTOGRAPHS BY BROOKE WARREN



It was a pleasant day for September in California's Central Valley, sunny and hot but not unbearably so. Kayla Brown sat cross-legged on the grass under an oak tree in a public park, surrounded by friends and family, including her husband, parents and two sons. Brown, who is 27 and sprightly, with a blonde ponytail and blue eyes, was holding court on 19th century American history and the run-up to the Civil War. A lot of Californians "actually sympathized with the Confederates," she said.

Brown was in Marysville, just north of Sacramento, to take part in a Civil War re-enactment, a hobby she's had since she was 11. Today, as usual, she was dressed as a Confederate. "I've been dying epically, valiantly, for the South for three days," one member of the group said, smiling, as they took a break from the day's skirmishes. Brown added: "The North was morally right, but somebody's got to be a Confederate."

Brown's youngest son, 18 months old, toddled by, swinging a slice of apple tied to a string, making swooshing airplane sounds. "I hate public schools," Brown said, moving the conversation from history to contemporary politics. The Common Core curriculum is a sham, she said; grade-schoolers are forced to learn about topics like contraception and gender identity. That's why she is homeschooling her children. Gun laws are too strict in California, and mountain lions are over-protected. "We have more lions than anywhere else in the country," one member of the group said. "That's because we're not allowed to shoot them for eating our livestock," another added. (California residents can, in fact, shoot a mountain lion that is killing domestic animals, though they need to obtain a permit from the state.)

People here call far Northern California — the 20 or so counties north of Sacramento — the Northstate. The region is largely rural and white (though the Latino population has risen in recent years and there are several Native American tribes), and its politics are mostly red (only four counties went for Hillary Clinton in 2016). But the Northstate is also an idea that encompasses a shared regional identity for people like Brown, who has lived here her whole life and never wants to leave. "You have a lot of

rural folk, people who have been here for three, four, sometimes even five generations," she told me at the re-enactment. "We're literally tied to the land."

Brown and her compatriots feel trapped behind enemy lines — rural conservatives in a state led by liberal urban Democrats. The election of Donald Trump and the rise of the California progressive "resistance" have riled conservatives anew. Libertarian-tinged sentiments are deeply rooted here. Poor policy is squandering natural resources, such as agriculture, timber and minerals, Brown said, making rural life increasingly difficult. And now, more people from coastal, urban parts of the state are moving in, bringing liberal values that chafe local sensibilities.

Meanwhile, so many of Brown's friends have moved away that hardly any of her high school classmates are still in the area. She says they're defecting to Western states with less regulation or more conservative values, though many of those leaving California are in search of a new home with a lower cost of living. No matter the cause, for Brown and others this out-migration amounts to a slow bleed, a gradual emptying of the place they love. The only way to stop this, Brown believes, is for the northern counties of California to renew their separatist efforts — to secede from California and create a 51st state of the Union, traditionally called "the state of Jefferson." So enthusiastic is she about the prospect of the state that she convinced her husband to hold off on looking for jobs out of state, at least until the end of this year. After that, though, if Jefferson can't break away, they'll leave. It may seem like an unlikely dream, but poor odds have never deterred Jeffersonians, and the movement today is as zealous as ever.

CALIFORNIA ACHIEVED STATEHOOD IN 1850. Since then, there have reportedly been over 200 attempts to break it up. Efforts in the north often have the same core grievance: a lack of representation, thanks to an 1862 state law that capped the number of representatives at 120. Fewer than a million people lived in California then, compared to 40 million now. Today, a single assemblyman represents 488,000 people and a state senator 980,000. The Los Angeles area has over 20 state assemblymen, while

Jefferson, which is the size of Iowa, has three. Political analysts see this as an inevitable outcome of burgeoning urban areas. Jeffersonians call it tyranny.

The most famous uprising against this political reality took place in 1941, when a coalition of Californians and Oregonians became fed up with their state legislatures' inability to maintain roads, among other grievances, and declared their intent to form a new state. A reporter for the *San Francisco Chronicle* named Stanton Delaplane, who later won a Pulitzer for his coverage of the uprising, described it to readers this way: "Folks wanted roads up here and if they didn't get them pretty soon, there was no telling what they might do." He described the separatists as "gun-toting citizens" who were "partly mad, partly in fun, partly earnest about this new state."

The *Siskiyou Daily News* held a state-naming contest that year, soliciting such entries as Discontent and an amalgamation of three counties: Del Curiskiyou. Someone suggested the state of Jefferson, by most accounts after the third U.S. president, and the name stuck.

On Nov. 27, 1941, a group of men blocked off U.S. Route 99, which runs through Siskiyou County. They were armed with hunting rifles and a proclamation of independence calling for "a patriotic rebellion" against California and Oregon. "They've got the votes," one miner told Delaplane, referring to Los Angeles County, "but we've got the copper." By then, the northern counties had \$3 million to \$4 million in copper "blocked out in the mines in the hills, and no way to truck it to the coast," Delaplane reported. Citizens staged a roadblock, stopping drivers and informing them they were entering a new state. Delaplane lionized the movement in the paper, calling this "the last frontier and the hard stand of rugged individualism that is not a political slogan." Delaplane and others in the media whipped up the fervor around the separatists with their sensationalist writing and publicity stunts. Nevertheless, the spirit of the people he described created a compelling narrative that has endured among their ideological descendants today.

Then, on Dec. 7, 1941, Japan attacked Pearl Harbor. The California uprising unraveled in the face of America's entry into World War II, but the underlying

A hay barn is painted to advertise the State of Jefferson movement along Interstate 5, just south of Yreka, which was the proposed state capital during the original movement in 1941.



A state of Jefferson sign in Redding, California, in the heart of the proposed 51st state.

grievances remained. Today, the idea of “Jefferson” is often invoked to describe a regional identity. Across the Northstate and southern Oregon, there are beers, a public radio station and at least one band named after Jefferson. There’s also the Jefferson Three Percent, which combines the name of a national militia network with Jefferson. It’s not officially tied to the efforts to split the state, but is co-led by a Jefferson movement organizer, Red Smith. “(The state of Jefferson) has wonderful cachet for romanticizing that wild sense of Old West individuality that I would imagine on some level all of us west of the Mississippi embrace,” Peter Laufer, a journalism professor at the University of Oregon and author of *The Elusive State of Jefferson: A Journey Through the 51st State*, told me.

As a child, Kayla Brown was unaware of the sporadic efforts to create the state of Jefferson. Growing up in Redding, a small city 120 miles south of Oregon, she spent her time playing sports and hanging out with friends. She didn’t have a strong interest in politics, though her father, a scanner technician for Kodak, watched *World News Tonight* and *Fox News* and listened to Rush Limbaugh on the car radio. In middle school and high school, Brown watched news coverage of the Iraq War on television. “I had a lot of friends, a lot of Civil War re-enactors, that have gone over there,” she said. “You keep up on it because you have people there. That’s how I remember politics.”

Brown spent a week every summer at a nearby Bible camp, where she met her husband. They bonded over their mutual

passion for early U.S. history and kept in touch via email during the school years. At 20, Brown became the first in her family to finish college, graduating with a bachelor’s degree in history from a state university. She kept up with the Civil War re-enactments and enrolled in a master’s program for American history. She didn’t give much thought to the idea of a separate state. And then she met Mark Baird.

IN AUGUST 2013, BROWN ATTENDED a meeting a few minutes from her home, organized by the Redding Patriots, a grassroots political group spun off from the local Tea Party. The featured speaker was Baird, the visionary behind the modern State of Jefferson movement in California. Baird, 6-foot-4 with white hair and a full mustache, spoke for 40 minutes, telling the roughly 200 attendees that the northern counties were underrepresented and ought to break away from the rest of the state. The talk floored her. “In this area, when you get rednecks who are talking, sometimes they can sound pretty illiterate,” Brown, who was 23 at the time, told me recently. “Not to be mean, but that’s just the way it is. But Mark started laying out the Constitution and everything, and I was impressed at how articulate he was.” She too thought that the Northstate was underrepresented and that the locals’ way of life was under attack. Her friends would have agreed as well, if they had been around to hear it.

A few weeks later, Brown went to a Siskiyou County Board of Supervisors meeting, down the road in Yreka, a former gold-mining town once proposed as

the capital of Jefferson. The board’s chambers were packed when Brown testified in favor of a county declaration to separate from California. She told the five supervisors that she, her husband and their new son were living at her parents’ house; that her husband was struggling to find a job in the area; that they were broke. “All we wanted at the time was to take care of ourselves without handouts from the government,” she told me later. “And California’s not letting us do that.”

The new state declaration passed 4 to 1. For Brown, she said, “it was like throwing tea in the Boston Harbor.” She was hooked on the idea of Jefferson. But her husband, whose identity she has asked to keep private, had been looking for work in Idaho and Wyoming. A few weeks after the county meeting, she convinced him to give her time to help the new partitionist movement work. He said she could have three years; she bargained him up to five. “I knew that Jefferson was going to be a big deal,” she told me. “So I wasn’t willing to just up and leave my home quite yet.” If there was no Jefferson by 2018, the family would move away.

In early 2014, she approached Baird and a few other Jefferson organizers, offering to help. By then, Brown was preparing to write a graduate thesis on separatism and statehood, and she thought her research skills and interests could prove useful. For the next year, she traveled with Baird and his colleagues, as they held dozens of town hall meetings. They stuck to California, leaving the Oregon counties out, since dealing with two states would prove too complicated. The idea of

a separate state spread “like wildfire,” Brown told me, through social media and word of mouth. They visited 20 counties that year. In city halls and granges, Elks Lodges and veteran halls, they drew crowds that were in the hundreds.

The idea crossed a few political lines, too: Tea Party, Republican, Libertarian and even a Green Party group invited the Jefferson partitionists to be guest speakers. “Whoever had a room, we were in that room and we were talking,” Brown said. Brown, often the youngest in the crowd, went first, giving a short lecture on California history, beginning with statehood and ending with the promise of rural renewal. Her message resonated. She asked people whether their kids or grandkids had moved to another state. Almost everyone raised their hands. “If you create a state that actually gives them hope,” Brown told them, “then kids and grandkids can come back, and families can be whole again.”

Brown heard from dozens of people who felt that California was pushing them too far. A trucker said he was moving to Utah because he couldn’t afford to update his vehicle to comply with pollution regulations. One woman said her children had refused to take over the family winery and would “rather start over somewhere else than deal with California,” Brown said.

The new 12-cents-per-gallon gas tax, which California implemented in November, is a common gripe among Jeffersonians. They say it’s unfair because it disproportionately affects rural people, who have to drive farther to get basic services. (It takes almost six hours to drive from corner to corner of Assembly District 1, which covers most of the Jefferson region and has just one representative.) “I’m a big supporter of the gas tax, but I wonder if the state Assembly and state Senate debated the disparate impact it was going to have in rural communities,” Lisa Pruitt, a University of California-Davis law professor who studies rural life, told me. “If you have a state where a larger percentage of the population live in rural places and there’s a greater sense of rural-urban interdependence, the state Legislature is less likely to write off the rural concern. California is particularly urban-normative, because we are an overwhelmingly urban state.”

Many conservative Northstate residents also see the \$150 fee for rural Californians to help pay for wildfire prevention as another tax that hurts rural communities — an abusive measure inflicted on them by Democratic lawmakers. Republican legislators said the money ended up in a state general fund and didn’t actually help rural areas. (The fees were recently suspended until 2031 as part of a deal to extend the state’s cap-and-trade climate program.) The Northstate “is so much more rural and frontier than any other region of the state,” Pruitt said. Its geographic size and remoteness make it “a world unto itself in terms of the degree of rurality.” Pruitt thinks one

solution to the problem could be a version of Australia’s “rural-proofing” practice, which requires legislators to consider impacts on rural communities before passing legislation. The practice works like an environmental impact statement for rural cultures and economies. “It’s a way of acknowledging rural is different,” Pruitt said. “It would be good for the Legislature to have to confront that.”

MARK BAIRD HAS FIRSHTHAND EXPERIENCE

with California’s urban-rural divide. A third-generation Californian, a Vietnam veteran and a reserve deputy sheriff, Baird makes a living as a pilot, flying planes to fight wildfires. He also has a small cattle and horse ranch outside Yreka. When he decided to try for a state of Jefferson, Baird had been fighting state

water authorities and California Department of Fish and Wildlife over regulations affecting his ranch for years. Baird also bristled at the decline in security and economics around him. “Crime in my county is going through the ceiling,” he said during a Jefferson town hall in Williams. “We have no police protection whatsoever between midnight and 7 a.m. because my sheriff can’t afford people.” Baird and others have indeed seen crime rates increase. In Siskiyou County, for example, the Public Policy Institute of California found that between 2015 and 2016 the overall crime rate went up 14 percent between 2015 to 2016. The county’s timber production, once an economic engine, has declined dramatically since the 1970s. The town of Montague, a small community not far from Yreka where Baird once patrolled as



Kayla Brown, left, talks with Jerry Jennings (green hat) and Todd Hogan at the Redding Patriots meeting in early November. Brown, often one of the only young people in the room, says most of the people she went to school with have left the area. Below, the new district attorney for Shasta County, Stephanie Bridgett, speaks to the group. The crowd, including some sporting the state of Jefferson green and gold, asked questions about immigration, jails, homeless people, taxes, marijuana, Jefferson and more.



Mark Baird erects a Jefferson flag on a barn on his ranch outside Yreka, California. Baird, the leader of the modern-day Jefferson movement, wants to reduce regulations and bring back the natural resource economy that once thrived in the Northstate. The flag bears an image of a gold pan adorned with the seal of the state of Jefferson. The two Xs represent the idea of being “double crossed” by the state governments of California and Oregon.

BROOKE WARREN



a deputy sheriff, was vibrant in his youth, with five gas stations and three grocery stores. “Now it is a crackhead wasteland.”

Baird wove these concerns into the Jefferson message, and he worked with a man named Terry Rapoza and his wife, whose organizing skills earned her the nickname of “Rally Sally,” to spread the message to like-minded folks throughout the Northstate. The Rapozas had started a local Tea Party branch in their hometown of Redding, within the first year of Barack Obama’s presidency. By 2012, they’d helped establish over a dozen chapters across the region. Most of those have faded away or consolidated, Rapoza told me, but some morphed into more general interest “Patriot” groups that support the state of Jefferson. “They had this great email list,” Brown said. “I’m pretty sure they know 70 percent of Northern California.”

The combination of Baird’s vision and the Rapozas’ network worked well. In 2013 and 2014, supervisor boards in Siskiyou, Modoc, Glenn, Yuba and Sutter counties all voted in favor of a new state, and voters in Tehama County passed a ballot initiative to support it. Six other counties across the Northstate voted down similar resolutions, however. Baird was unfazed: In the counties that failed to vote for them, they collected signatures. “We got 51 percent of the population in Plumas County,” Baird said. “We got 40,000 signatures. We don’t need their board.”

A map on the state of Jefferson’s website shows 21 counties that purportedly support the idea, including Plumas and others where Baird created his own tallies. This kind of informal accounting makes

it hard to get a real idea of the size of the support network. In some ways, Jefferson activity is still more a loose collection of like-minded individuals than a movement. Professor Laufer disputes Baird’s claims that a robust movement is underway. “Mark Baird, he’s an organizer and a leader of a faction,” Laufer said. “There is no State of Jefferson movement that he’s leading. There’s him and his buddies.”

There is also some organized opposition to Jefferson. In response to the 2014 pro-Jefferson wave, Kevin Hendrick, a resident of Del Norte County, started a political action committee called Keep It California. Rural counties need more attention, yes, he told me recently, but a state of Jefferson provides false hope that distracts from real solutions. “It simply defies logic that you can take all the poorest counties and have a prosperous state,” he said. Besides, most northern counties get more back from California in services than they pay to the state in taxes. Hendrick and others would rather see Northstate counties work on specific issues through the state Legislature, such as better broadband and rural healthcare — efforts that may draw businesses to the region and revitalize depressed local economies.

Baird believes the best way to improve the economic prospects is through opening more land to mining and timber. This, he says, would revive the extractive economies that have declined across the region in recent decades, in part due to federal environmental policies but also in response to market trends. (Baird believes that the land-transfer movement, led by the national nonprofit, the Ameri-

can Lands Council, could help Jefferson gain control of federal public lands. That puts his movement in line with the current Sagebrush Rebellion, although land transfer is not its main goal.)

Brown was on board with the financial vision for Jefferson, though she had certain political disagreements with the movement’s leadership. Northstate counties contain major marijuana-growing operations, and the question of how to regulate them became a source of tension between the younger Jeffersonians and the older generation. Brown disapproves of the violent crime and lawlessness that surrounds the industry, where armed men guard illegal grows on public land. But she says people in her generation don’t mind the idea of marijuana being legal if it’s properly regulated. Baird, on the other hand, said that no matter their personal views on marijuana, counties in his vision of Jefferson would decide how to regulate the industry for themselves.

“Any social issue, honestly, has been a problem,” Brown said. “They want the young people involved, but at the same time, I don’t actually think they want us involved.”

In 2015, Brown took a break to spend more time at home with her young son. She began working as an assistant at a medical insurance company to help pay the bills. By the summer, she and her husband were expecting another child. In 2016, she tried to rejoin the core Jefferson group and become active again. “But when I tried to go back, I was told I was no longer needed,” she said. (Baird and Rapoza disagree, saying she’s always

welcome in the Jefferson movement.) Regardless, Brown decided she would help the cause from the outside.

DURING THE 2016 PRESIDENTIAL campaigns, the people of the Northstate found a kindred spirit: an outsider, scoffed at by the liberal media and the establishment. Trump won 14 of 18 northernmost California counties. In its first year, Trump's administration has affirmed Jeffersonian views on issues like immigration, gun control and environmental regulation. But Trump has also invigorated California's liberal majority, which considers itself "the resistance," and California's Democratic Legislature has pushed back against Trump's hard-line stances.

In 2016, Jeffersonians launched a monthly digital newsletter, which railed against liberal policies like gun control and carbon emission cap-and-trade. In January 2017, they began holding public conference calls every other Sunday, almost always discussing an issue central to the California "resistance." They were angered, for example, by California Gov. Jerry Brown's conflict with the administration over climate change. (After Brown traveled to China to meet with President Xi Jinping to discuss climate policy on his own, Baird sent a letter to the California and U.S. attorneys general calling Brown's actions "criminal behavior" and a violation of the Constitution.)

Baird, Rapoza and others in the movement continued to deride the resistance, but by September 2017, California legislators had introduced 35 bills to thwart Trump policies, the *Los Angeles Times* reported. One of those bills made California a "sanctuary state" for undocumented immigrants, by limiting local law enforcement's cooperation with the federal Immigration and Customs Enforcement. Jeffersonians say the sanctuary state concept is an affront to the rule of law. In one newsletter, they also described it as a financial threat to rural counties, which earn much-needed income renting jail space to ICE. "California continues to exuberantly boast its progressive bad policies, laws and regulations in a celebratory manner while the rest of the state feels dark, helpless and abandoned," a Jefferson newsletter from last October said.

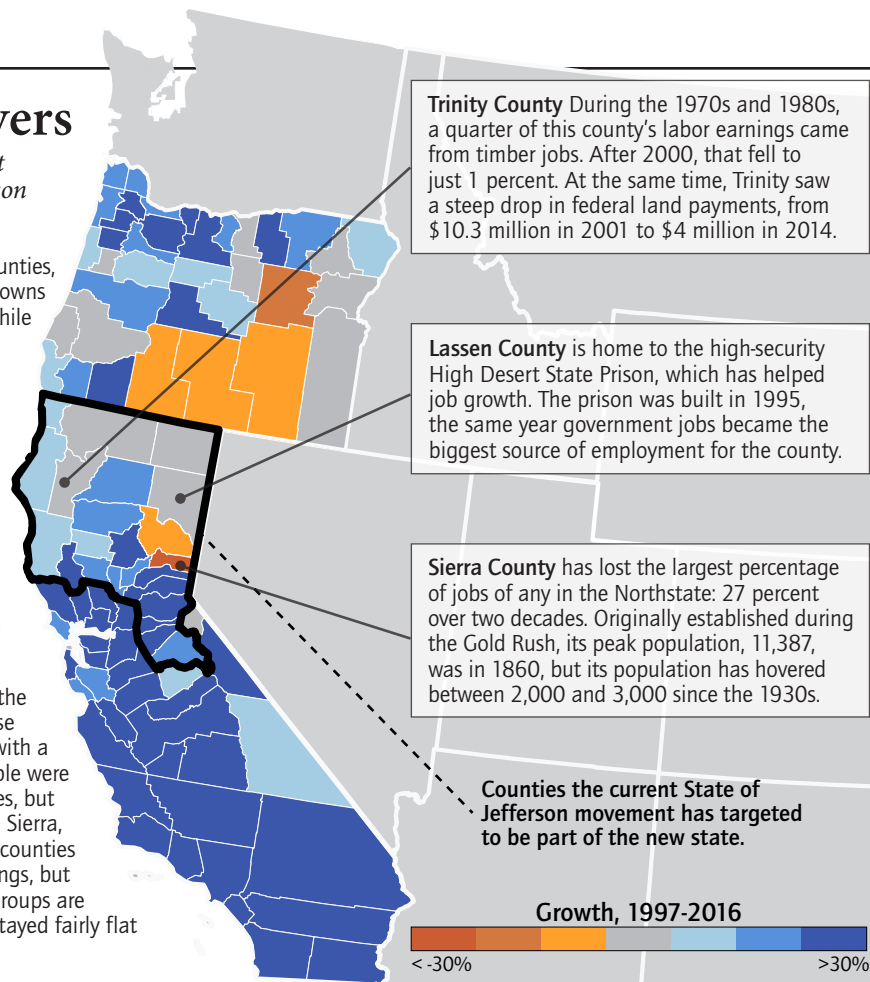
Trump has reignited local political activity, too. More than one Jeffersonian told me they were so discouraged after Obama won a second term that they stopped attending Tea Party meetings, only to become politically active again after Trump's election. "The one thing Donald Trump did do is he took the gloves off to say what you mean," Terry Rapoza told me. "I think it gave some people courage to speak out on issues."

What all this will add up to for the State of Jefferson movement isn't yet clear. Most outside observers say the likelihood of a new state is slim to none. "It's absolutely impossible," Laufer said, "because it requires a vote of the state

Economic drivers

What the data say about the proposed state of Jefferson

The proposed state of Jefferson encompasses a diverse set of 23 counties, ranging from faded Gold Rush-era towns to burgeoning university centers. While some were historically dependent on timber and construction jobs that have since dried up, others are growing, through health-care jobs and government employment. Overall, non-labor income (such as Social Security) is soaring, reflecting a broader trend in the rural West. What's different here is that the growth comes from hardship-related payments like Medicaid, food stamps and welfare, instead of investment or retirement income seen in other places. The farther north and inland one goes, the more stagnant the economy is. These economic patterns have coincided with a population shift. In the 1970s, people were moving to state of Jefferson counties, but that began to change in the 1980s. Sierra, Trinity, Modoc, Siskiyou and Plumas counties have seen an exodus of 20-somethings, but when all the 23 counties and age groups are accounted for, the population has stayed fairly flat since 2000. ANNA V. SMITH



Legislature and U.S. Congress — neither of which will happen." Nevertheless, for four years, Jeffersonians have lobbied counties to pass resolutions of support and hounded state representatives to consider taking up the cause. And the partitionist ideal has slowly poked its way into local politics. In June of 2016, for example, Placer County resident Steve Baird (no relation to Mark) ran for California Senate on a state of Jefferson platform. He lost in the primaries, but still earned 40,000 votes, at 14 percent of the total.

Meanwhile, the Jeffersonians are now suing the state of California for better representation, arguing that the current apportionment is unconstitutional. They hope to either gain more representation or force lawmakers to seriously consider their separatist demands. The primary plaintiff on the suit is Citizens for Fair Representation, a group Baird and Rapoza helped start. Baird said he hopes to force California to consider increasing the number of senators to one for every 6,000 voters, and assemblymen to one for every 2,500. That would boost the 120-seat Legislature to over 22,000 representatives. If the state doesn't agree to that wild demand, perhaps it will offer a consolation prize: a state of Jefferson. As of late November 2017, supporters had raised \$376,000 of a million-dollar goal in part for legal fees.

As for Kayla Brown, she says she isn't bitter about her disagreements with the movement's leadership. She still supports Jefferson by sharing posts on social media and attending meetings when she can. Most weekdays she's homeschooling her two sons. The deadline she and her

husband decided on five years ago is fast approaching, so Brown is watching the movement closely, hoping it makes progress soon. In the meantime, her husband has been checking out real estate prices near Boise and Idaho Falls. Her parents are thinking about moving, too.

One afternoon last fall, Brown took me to see a group of historic buildings just outside Redding, now a state park and museum commemorating the 19th century settlement of the town. Brown pushed her younger son in a stroller while the older one scurried ahead, as we wandered the grounds, looking at old mining and farming equipment. Brown wore a pink baseball cap that displayed a Second Amendment rights catchphrase and shielded her eyes from the sun. We talked about what life must have been like a century ago. "You just had the basics," she said. "There wasn't a mall. There wasn't an electronics store. It was more how the community helps each other out, rather than everybody sitting in their living room. When you look around, driving nowadays, nobody sits on their front porch anymore. You're losing that as we become more industrialized. You're actually losing that sense of community."

At the old general store, Brown lifted her son out of the stroller and left it there as we walked into the woods to see a historic mine site. When we returned, the stroller had been taken and a car was speeding out of a nearby parking space. Brown wasn't remotely surprised at the theft. "See," she said. "That's what towns like Redding have become. That's why we need the state of Jefferson." □



Associate Editor Tay Wiles writes from Oakland, California. @taywiles

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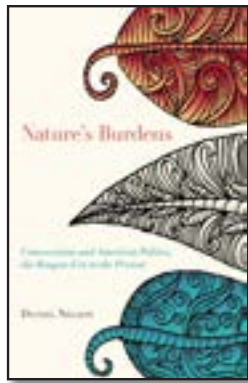
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Hemp farmer Buck Chavez, working for Paradox Ventures, pulls down locally grown hemp plants drying in the gymnasium of the old Nucla schoolhouse.

ANDY CROSS/
THE DENVER POST

In western Colorado, hemp is replacing uranium



OPINION BY
RICHARD LINNETT

When locals in western Colorado's old uranium mining towns of Naturita and Nucla get word that a journalist is coming to town, they reach for their guns. Not to shoot the "fake news" media. No, they dust off their firearms as props for photo ops. Ever since Nucla passed a law in 2013 requiring every household to own a gun, the story has drawn the press like flies on roadkill.

This area was once a uranium mining and milling hub for the Atomic Energy Commission's Manhattan Project, and later for nuclear power. As cheaper sources of the ore emerged, the industry tanked. There was a brief jolt of optimism in 2007, when Energy Fuels announced plans to build a new uranium mill in Paradox Valley, just down the road from Nucla and Naturita, but depressed uranium prices and opposition soon scuttled that project.

To outsiders, what's called the West End of Montrose County has long been a poster child for white poverty and ignorance, a hotbed of hardcore, uranium-clinging yahoos. It was the subject of a patronizing documentary, *Uranium Drive-In*, and recently was featured in a bleak article in *The Guardian*, with photos that look like full-color versions of Walker Evans' famous casualties of the Great Depression.

"Same old story," says my neighbor, Dianna Reams, a local business and community booster whose family goes back generations. When she was interviewed by *The Guardian*, the reporter asked to bring out her gun for a photo op. "It's predictable," she said. "They think we're a bunch of hillbillies living in a kill zone, and they're smarter than we are."

Fortunately, a new story has come to town. It's still badass, in keeping with our popular image. And that's weed

— cannabis, or more precisely, hemp. Thanks to new legislation and good growing conditions (lots of sun and water and dirt), the region has become a magnet for hemp farming. More recently, processing has also begun, in a startup based in Nucla's old elementary schoolhouse. The facility is run by Paradox Ventures, which is owned by Republican state Sen. Don Coram.

Historically a conservative mining region, the West End has enthusiastically embraced a trade usually associated with illegal grows and "hippies." Yet everyone here, from miners to cattle ranchers, seems to be trying to get a piece of the action, much the way Coram is. His partners, Reams Construction and its subsidiary, Tomcat Mining, all sponsor the nonprofit West End Economic Development Corporation, which works to promote the hemp economy. This summer, Paradox Ventures planted a hemp field on some of Reams' property next door to my house. A small team of farmers sprayed the crop by hand with natural pesticide, walking the crop rows wearing wide-brimmed hats in the sun. They looked like Vietnamese rice farmers.

Now, you can feel a growing sense of optimism in the area, despite some continuing challenges. This time, in contrast to the uranium boom, the hope is not based on a single industry. Telemarketing and recreation projects are also in the works, along with hemp farming.

"It's the first thing that's attracting our young people," said Deanna Sheriff, the economic recovery coordinator for the West End Economic Development Corporation. "For whatever reason, we can hold onto our young people who have been leaving, and get them into agriculture — get them to grow hemp. There's been nothing else here to attract

their attention."

Uranium still may return, but it will never dominate the region the way it once did. There's far too much of it available in other places around the world. Vanadium, which also occurs in the region within uranium deposits, holds promise as an alternative to lithium batteries for large-scale energy storage. But at the moment, the story here is hemp, and it's spreading across the West, especially where mining has died and fertile fields remain. In fact, the development corporation is collaborating with a consortium of hemp growers in other counties outside Montrose, such as neighboring Delta and Mesa, to smooth the path for people to enter into the industry and help them distribute their products.

"The hemp deal is the wild, wild West," said Sheriff. "Everybody's looking at it as a great new way to make some money, and that's not the case. It's still a very fragile industry. But it's the first thing that's come along that's really positive in a long time. So, I'm looking at it cautiously, with optimism, and also realizing that it's got about five more years of development."

So now when the press comes to town, as the *Denver Post* did recently, filing a positive story for once, we no longer draw our pistols. Instead, we reach for our hemp oils and cannabis dog treats. □

Richard Linnett is a writer who lives in Naturita, Colorado, and commutes to work in California.

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WEB EXTRA

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Attendees gather candy during the 138th Nicodemus Homecoming parade in Nicodemus, Kansas, in 2017. Each summer, the town hosts a weekend-long “family reunion” for descendants, whose ties to the community remain strong, even if they live one or many states away.

JARED SOARES



What we can learn from Nicodemus, Kansas

One of the few black settlements of the West remains — barely



A CIVIL
CONVERSATION
WAYNE HARE

Four years ago, on my way home from a cross-country trip, I pulled off I-70 at WaKeeney in northwest Kansas and pointed my truck towards Nicodemus National Historic Site. It’s a place I’d yearned to visit for quite a few years.

There, on the open plains, I found the hardscrabble remains of the only black American, post-Civil War Western town still in existence. With a mere 13 residents and a handful of buildings, Nicodemus could hardly be described as thriving. But against all odds, it still exists, along with its compelling story of African-American ingenuity and perseverance.

These days, as a mean-spirited national argument — largely about who belongs here and who doesn’t — sweeps the country, I’ve been thinking a lot about Nicodemus. How did we African-Americans become viewed, not as Americans deserving of land and opportunity, but as the infamous “other”? How did poor schools, incarceration and poverty become viewed by so many not as what we endure, but as who we are?

So I’ve come back to Nicodemus, maybe just to shut out the hateful conversation for a while. Maybe to have my

faith renewed that we’ve always been a part of America. That America was built on our backs. That there is no slice of America, heroic or shameful, that we haven’t contributed to — including the American West, a place where I have long lived and that I am now on a journey through, hoping to somehow make sense of it all. Starting here.

I grew up on a small dairy farm in New Hampshire. As far as I know, we were one of the only black families in a nearly all-white state. I didn’t dwell on that back then; that would come later. But what struck me four years ago in Nicodemus is what strikes me again today: Looking around at this huge, harsh landscape, I doubt I could have made it as a Nicodemus settler.

In 1877, as federal Reconstruction was getting booting out of the South (so that Jim Crow and the newly implemented Black Codes could re-establish a legal form of slavery), two men saw opportunity: W.R. Hills, a white land speculator, and W.S. Smith, a black minister. Through the Homestead Act, they received a 160-acre quarter section from

the federal government to start a town for former slaves. For \$112 in today’s dollars, folks could buy a town lot. According to the land agent’s brochures, the northwest Kansas frontier was a land of plenty: wild horses for meat, trees for building and shade, an ideal climate. Paradise in the West. And compared to slavery, no doubt it was. But the reality sure didn’t meet the pitch. Imagine getting off the train in Ellis, 35 miles distant, and walking to your new plot of land with few clothes, no firearms or tools, only to find nothing but the harsh, windy prairie.

Willina Hickman recollected her first sighting of Nicodemus in the spring of 1878: “When we got in sight of Nicodemus the men shouted, ‘There is Nicodemus!’ Being very sick, I hailed the news with gladness. I looked with all the eyes I had and I said, ‘Where’s Nicodemus? I don’t see it yet.’ My husband pointed out various smokes coming out of the ground and said, ‘That is Nicodemus.’ The families lived in dugouts! The scenery was not at all inviting, and I began to cry.”

Some would-be settlers fled to Lawrence or Topeka. But most stayed, and in a remarkably few years turned the



grasslands into a thriving town. Homes scratched into the ground and covered with dirt became homes above ground, carefully built from sod. These, in turn, became wood-framed houses, alongside which rose boardinghouses, a hotel, two newspapers, a law office, schools, churches, livery, post office, bank, theater and all the infrastructure that makes a town into a community. Outside town, the people broke prairie into fields for wheat and hay and pasture. Amid the hard work, there were dances, theater, leisure time, camaraderie, faith and pride. Lots of pride.

The pull to possess your own chunk of land has always been a key component of the American dream. No difference here between black and white. But the odds of success are not always even. Nicodemus' demise follows a familiar arc. In 1888, the railroad bypassed the town in favor of the barely existing town of Hill City, which was sold to white sellers by none other than W.R. Hill. Turns out, Hill was in cahoots with the railroad and persuaded it to run the tracks through his town. The bias against Nicodemus continued with the building of an east-west highway that dipped in a vague horseshoe around the black town. Many businesses in Nicodemus literally dismantled their buildings and moved them to rail towns like Hill City or Bogue. From a population of about 550 in its heyday around 1885, Nicodemus declined to less than 200 by 1953, when its U.S. Post Office closed.

Today, other than the attractive limestone Town Meeting Hall, which serves as a visitor center, and some of the residences, most of Nicodemus' buildings are gone. Some lean away from the wind, the paint long worn away from their gray weathered wood. Nicodemus became a national historic site in 1996. Since then, the National Park Service has erected

a half-dozen signs that are so worn and weather-beaten they are hard to read, shored up one building, and put a new roof on a small old hotel. That's it.

Still, as Gill Alexander — who, until his death in September, was the last black farmer and the descendant of a homesteader — says in a film for visitors: “Nicodemus is more of a feeling than a place.” And the feeling I got was one of awe, and of admiration at the hard work and determination it took to create this community. Talk with any descendant, and you will quickly feel the love and the

Nicodemus reminds me of how hard black Americans have always worked to earn their slice of the American Dream.

pride that endures. What else could possibly drive Angela Bates, who founded and runs the Nicodemus Historical Society? She has raised enough funds to hire three paid employees, yet pays herself for only 16 hours of the 60 she regularly works.

Angela, a 60-something woman with the energy of someone years younger, was born in Nicodemus. She moved with her parents at age 5 to Pasadena, California. Angela married, had children, divorced, and had several successful careers in many places, East and West. In 1988, while living in Denver, she realized that her hometown was becoming lost to time, so she started the Nicodemus Historical Society. A year later, she moved home. Nicodemus isn't easy living, so I was surprised at her quick and simple answer when I asked her why she'd come back. “It's the only place I've ever wanted to live.”

I met some of Angela's younger

colleagues, most of whom grew up here after the decline, but when the town could still boast of 20 or 30 residents. They grew misty-eyed and reflective when I asked them about their childhoods. They didn't remember the hardships — just the pride and sense of kinship with each other and with their ancestors. This pride is rekindled every year in July when Nicodemus celebrates “Homecoming,” and hundreds of descendants return for a long weekend of memories, reunions and celebration.

What is the meaning of Nicodemus? That question has a lot of answers. Nicodemus reminds me of how hard black Americans have always worked to earn their slice of the American Dream. Of the never-ending perseverance of black Americans in the face of adversity and the foundation of racism this country was built on. Of how quintessentially “American” black Americans are. And of how much more we have in common than not with our fellow white citizens.

These thoughts contrast sharply with the ugly, race-based, hateful words, thoughts and actions that were unleashed in this country following the election of a black man as president. And now we've entered an era where the seeds of racial distrust and hatred are being sown intentionally! I meet people almost every day in my ultra-conservative corner of Colorado whose politics are different than mine, but who are kind and good and no doubt despise racism. I chalk up their politics to divisive lies told by politicians.

Still, our past divides us. Decades of the politically based “Southern Strategy” playing on white fear ... white animosity ... white resentment. One step forward, three-quarters of a step back. Did Charlottesville really happen in 2017? Or was it 1950? I'm confused and saddened. I can't even recall the last time I heard, “There but for the grace of God. ...”

Despite everything, I believe we can move toward rather than away from a union more perfect than the one we've got. But we need to remember places like Nicodemus, where pride and community came together on a windy prairie.

In the coming year, I'll visit many places in the West that have significance to African-Americans, and therefore to America itself. I hope to expand not only my own understanding of this region and country, but to engage us all in a more civil and truthful conversation about race and the history we share. Wandering the nearly deserted streets of Nicodemus, I couldn't help but wonder what might have been if the builders of the railroad, or the highway, had had the fair-mindedness and courage to run them through an African-American town.

Abraham Lincoln, no lover of African-Americans, understood and believed in something that we have long forgotten: That without equality between the races, we will never be the country we proclaim to the world to be.

We can do better. We have to. □

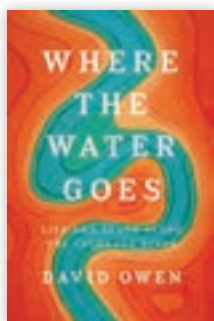
Exodusters — African Americans who migrated from states along the Mississippi River to Kansas in the late 19th century following the Civil War — in front of a home in Nicodemus, Kansas.

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To donate support for his ongoing series, *A Civil Conversation*, go to hcn.org/civilconvo.

Down the river once more



Where the Water Goes: Life and Death on the Colorado River
David Owen
288 pages, hardcover: \$28.
Riverhead Books, 2017.

The funny thing about the newest book on the Colorado River is that it is not actually new at all.

Yes, it is true that *Where the Water Goes* has a 2017 copyright, plus a forward-looking author in *New Yorker* contributor David Owen and a dust jacket decked in praise from contemporary writers including Bill Bryson. But it is also true that the story within the book's pages is an old one. It is the story of a Colorado River novice setting out to make sense of this great and imperiled Western river by tracing its length from source to sea and pondering, along the way, how its waters are divvied up to serve roughly 40 million people in seven U.S. states and Mexico. Which is to say that it is also the story of Frank Waters (1946), Philip Fradkin (1981), Colin Fletcher (1998), Jonathan Waterman (2010), Pete McBride (2011), William Stauffer-Norris (2011), and others.

Like these previous writers, Owen decides to make his way down the river because he has experienced a hydrologic awakening. Recalling his college days in Colorado Springs, Owen realizes how oblivious he was as a young man to the provenance of the water that came out of his tap — especially the endless gallons he applied to people's lawns at a summer

job. "All I knew was that every time I attached a hose to a spigot and turned it on, I could run it full force until it was time to go home," he writes.

Decades later, now an established environmental writer, Owen sets out on a journey of self-education designed to decipher, from top to toe, the "vast and intricately interconnected system" that is the Colorado River. He starts in a chartered airplane over the river's Rocky Mountain headwaters, ends in a borrowed truck in its delta in Mexico, and proceeds in spurts by rental car in between.

If Owen knows that his journey echoes those of other source-to-sea storytellers, he does not let on. And that's too bad, really, because Owen's telling would gain from acknowledging these kindred spirits and explaining what sets his own work apart from theirs. (For starters, Owen's account is the most accessible for Western water newbies; he deftly explains oddities that range from "wet" water versus "paper" water to the trade-offs involved in boosting agricultural water efficiency.)

Owen's method has its strengths. Because his narrative runs geographically rather than chronologically, it jumbles the typical order of a Colorado River tome. Rather than starting in the

abstract with famous historical figures, Owen grounds us immediately in the "audacity of the Grand Ditch," one of the river's first major diversions, hand-dug in the late 1800s to send water from alpine streams to farms on Colorado's Front Range. Owen's road-trip framework also gives him room to ponder topics that don't always make the pages of Colorado River books, including the hard-to-believe history of the Atomic Energy Commission's nuclear fracking experiments in the river's headwaters.

Most importantly, the source-to-sea structure helps the reader see the Colorado River as a whole, and to grasp the complexity of our cumulative impacts upon it. By the time Owen meets an Imperial Valley lettuce farmer, we have already contemplated flood irrigation in a Grand Junction vineyard. By the time Owen digs into Las Vegas' water challenges, we have already heard about Denver's. And by the time Owen explains water-quality issues at the U.S.-Mexico border, we have already learned about salinity as far upstream as the Dolores River. That makes it more difficult to blame any individual irrigator, city or tributary for the woes at the river's terminus, and it shows that solutions to the river's overuse will not come easily or unilaterally.

It is a bit odd, however, that Owen traces the Colorado River without ever spending much time in a boat. By skipping the depths of the Grand Canyon and other protected stretches, Owen never experiences the river wild. Unlike other source-to-sea chroniclers, he also does not physically struggle through rapids, reservoirs, tamarisk or mudflats to follow its path. Perhaps as a result, Owen expresses no grief when he reaches the spot where the once-mighty Colorado disappears into the sand long before reaching the Gulf of California. Instead, he writes matter-of-factly, "ATV tracks ran back and forth across the streambed, and there were many places where we could step from one side to the other without getting our feet wet."

Still, by the river's end, Owen has accomplished what he set out to do. He has figured out, literally, where the water goes. He has also explained it to the rest of us in clear and compelling terms. In a final chapter, he even goes one step further and ponders a handful of potential remedies to the river's overuse. Along the way, Owen maps out a self-guided field trip that others can follow virtually (as I did, via Google Earth) or in a vehicle. And that's a path toward a greater hydrologic awakening that we would all benefit from following.



A lone boat sits next to a trickle of the Colorado River in Mexico. NATIONAL GEOGRAPHIC CREATIVE / ALAMY STOCK PHOTO

BY ADRIANNE KROEPSCH

HOPE

in an unstable climate

We hiked past scrub oak and sumac, a wild bees' nest humming in the peppertrees along the trail. The air hung heavy with the scent of sage, the purple salvia just starting to bloom. The rock-studded dirt path turned a sharp corner, and the water tower came into view. The tank was brimming, surrounded by spring grasses lush from the generous winter rains. I felt a brief surge of hope, but then remembered — hope is a dangerous emotion in this climate.

When I'd driven through town eight months earlier, I was struck by how perfect it seemed: a hamlet full of parks and citrus groves, surrounded by national forest. Towering oak trees lined the streets, evidence of a historically consistent water source. In the shadow of the Topatopa Mountains, the town bells chimed on the hour, a reminder of just how quickly time passes.

We were ready to start a family, ready to exchange the damp bustle and crowds of Seattle for the peace and community of a small town. I looked around, ticking off items on my dream-town checklist: good food, sunshine, a day's drive from my parents. I convinced my husband to abandon friends we'd spent the last decade making and the house we'd restored room by room. I had, I assured him, found the perfect place to spend the next chapter of our lives.

Jobs were applied for and miraculously acquired. I took a pregnancy test confirming that, yes, the hoped-for family would be arriving soon. Only as the move drew closer did we begin to wonder: Is there enough water to support life there?

There must be, we told ourselves. I grew up in California, my childhood filled with reminders to turn off faucets and let lawns go yellow. Water was scarce, water was precious, but there was always enough.

We rented a house while ogling For Sale signs, thinking about school districts and fenced backyards for the first time. Realtors urged us to buy something soon, because homes were selling for more



than they had ever seen. Outsiders were falling in love with the area for the same reasons we had, snatching up every cottage and starter home that came on the market. Yet when the woman from the water company came to read the meter on our rental, we got to talking about all the newcomers. “We keep telling people to get out of town,” she sighed, shaking her head. “But they just keep buying houses.”

As I unpacked boxes and met our neighbors, I began to learn how dire the water situation really was. The record rain and snowfall that eased the drought in most of the state that winter weren't enough to satiate this parched county. The town has two water sources, an aquifer and a lake, and both were at historic lows. Because it's not connected to the California Water Project, the heavy rain was not enough to lift us out of “severe drought” status. Five years, locals warned in hushed resignation: There is enough water to support life for five more years.

Falling in love with a town that is running out of water is a bit like falling in love with someone with a terminal illness. You can pray for a miracle, hope for a cure, but the tragic prognosis remains a fact. No matter how perfect, how beloved the individual in question may be, an end is inevitable.

The trail led to a lookout point, and I

perched on a boulder to survey the valley below. What would it look like at the end? I imagined my new family crammed into a slow caravan of Subarus and SUVs, a reversal of the Dust Bowl migration that brought so many of our ancestors to this golden state. I turned my face to the sun, felt a kick in my growing belly, and tried to soak up a perfect moment in my perfect town.

“I don't think we can stay here,” I admitted at last, already mourning the loss of a landscape I'd loved at first glance. My husband held my hand and agreed.

Ten months later, as our twins practiced rolling over among the nearly unpacked boxes on the floor of our Seattle living room, I read the headlines: “Thomas Fire Threatens Ojai.” The slow exodus I'd imagined had instead happened at high speed: People left with little more than pets and photo albums, as fire licked the highways out of town.

I'd worried about drought, but my concern was misplaced. The rainfall that felt like such a blessing created fuel for one of the most destructive wildfires in California's history. As I write these words, my dream town still stands, and our friends and former neighbors are starting to return home, hopeful that the worst is over. I hope they are right. I fear they are not. □

Smoke sits low to the ground as the sun rises in Ojai, California, in early December.

MARCUS YAM/LOS ANGELES
TIMES VIA GETTY IMAGES

Katherine Pryor is the author of *Sylvia's Spinach* and *Zora's Zucchini*. Connect with her on Instagram or Twitter: @readyyourgreens.



HEARD AROUND THE WEST | BY BETSY MARSTON

CALIFORNIA

Did you know that, unlike most of us, mountains can shed so much weight under certain conditions that they actually become taller? NASA found this out after California suffered serious drought from 2012 to 2015. When its Jet Propulsion Laboratory in Pasadena analyzed a network of 1,300 GPS stations along the Sierra Nevada — looking for earthquake warning signs — they made a surprising discovery: The drought might have shriveled plants, but it made the mountains even higher. Like a ship after heavy cargo is unloaded, the Sierra Nevada, minus its usual rain and snowfall, rose by almost an inch during the four-year period. About 11.9 trillion gallons of water — a lot of water — had gone missing. “It appears that mountains hold much more water than previously thought and can lose that water relatively quickly during major droughts,” writes Trevor Nace in *Forbes*. But just like yo-yo dieters, mountains swiftly regain that lost water weight once abundant rain and snowfall return. During the wet years of 2016-2017, NASA found, the water-fat Sierras fell by almost an inch. Unfortunately for thirsty Californians, though, the water collected in multiple layers beneath the mountains — an amount 45 times the annual water usage of Los Angeles — is going to stay there, unused, as there’s no way we can access it.

COLORADO

A skier on Aspen Mountain had a bad day in December when a money belt containing \$10,000 in cash slipped off his waist and fell onto the snow beneath the Ajax Express Lift, reports the Glenwood Springs *Post Independent*. As luck would have it, ski instructor Steve Schreiber found the money belt and turned it over, unopened, to the lift operator, who then gave it — still unopened — to an unidentified ski patroller. She opened the belt, and immediately locked it up, concerned about protecting its contents. Two days later, when the worried skier, a 79-year-old doctor from Florida, who didn’t want his name used, claimed the belt



COLORADO **Either it’s hunting season, or zombies have learned to drive.** NATHAN BODDY

and found the money still there, he was amazed and grateful. “If that would have happened in Florida, you could have kissed (the money) goodbye,” he said.

Meanwhile, not far from Aspen, a couple lost \$10,000 when Vice President Mike Pence visited the neighborhood for a Christmas vacation. Pam and Bruce Wood, who own the Above It All Balloon Co., were forced to cancel already-booked balloon rides, because wherever Pence travels, three nautical miles of “national defense air space” above him are closed to the public, reports the *Post Independent*. “It’s very disappointing,” said Pam Wood. “This is our busiest week of the winter.” *The Aspen Times* adds that Pence might not have appreciated the banner that his next-door neighbor in Snowmass Village erected over their shared driveway: “Make America Gay Again.”

WYOMING

The reward for finding a service dog named Declan, who disappeared from his home near Wilson, Wyoming, is a cool \$20,000, reports the *Jackson Hole News&Guide*. The owner is an elderly woman, who was vacationing in Florida when her 5-year-old yellow lab ran off. Property manager Patrick Delaney says the dog has been a close companion to the owner for three years, but is trained to do much more: “He can turn

lights on, open the refrigerator, get things for her, open doors.” Declan left with Delaney’s dog, Sam, but though Sam returned, Declan, whose electric-fence collar no longer worked because its batteries had expired, did not. Call 307-690-6876 if you spot the valuable Declan.

OREGON

If you live in an Oregon county with fewer than 40,000 people, you now have a privilege denied to all other residents of the Beaver State: As of Jan. 1, a new law allows rural residents to pump their own gas. Even though Oregon and New Jersey are the only states that require gas stations to have an attendant to pump gas, some question whether DIY at the gas station is always a good thing. When KTVL CBS 10 *News* in Medford, Oregon, posted a Facebook poll posing that question, over 44,000 commented, and some residents said they were horrified by the law: “I say NO THANKS! I don’t want to smell of gasoline,” said one person, who added, “I don’t know how to pump gas and I am 62.” Another warned about the hazards of “not doing (the pumping) correctly,” and of “smelling of gas when I get it on my hands or clothes.” Another mentioned “almost dying doing it” (in California). “This is a service only qualified people should perform. I will literally park at the pump and wait until someone pumps my gas.” Many of the internet comments were obviously tongue-in-cheek. As the *Detroit Free Press* says, the naysayers in Oregon have a point: “Pumping gas is a pretty difficult task, right up there with scraping your windshield and turning the heat on.”

WEB EXTRA For more from Heard around the West, see hcn.org.

Tips and photos of Western oddities are appreciated and often shared in this column. Write betsym@hcn.org or tag photos #heardaroundthewest on Instagram.



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“Above all, Edward Abbey was an opponent of ‘that cloud on my horizon’ he defined as progress. This wasn’t Luddism so much as a **deep need to preserve a small portion of America as wilderness.**”

John Buckley, in his essay, “What Abbey’s ‘Desert Solitaire’ means in these trying times,” from *Writers on the Range*, hcn.org/wotr