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# High Country News

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Decker rancher Ellen Cotton and the sign she and her neighbors erected.



Photo of Cotton by Terry Moore.

## Coal Conflict on Tongue River

by Bruce Hamilton

Grass and cattle.

Sheer, stark, sage-colored breaks and deep green, wind-knarled ponderosa pines form the skyline. Three hundred feet below, Hanging Woman Creek winds its way through chokecherry and cottonwood bottomlands, spills across rich hay meadows and becomes one with the Tongue River of southeastern Montana.

A glossy black mineral outcrops all along the breaks. Where it surfaces, natural springs pour pure ground water on the arid land. The black seam is the aquifer that gives this ranch land life. It is also a potential fuel for an energy-hungry nation.

Grass, cattle and coal.

They used to call this area Tongue River Country. Lately it's been dubbed the Decker-Birney Resource Study Area by state and federal bureaucrats. Soon, National Sacrifice Area may be the more fitting title.

The study area encompasses 900,000 acres of land just north of the Wyoming-Montana border along the Tongue River. The land is a mix of private ranches, national forest, public lands administered by the Bureau of Land Management (BLM) and state lands. About 285,000

acres (32%) of the land has "superior and economic reserves" of coal that are easily exploitable by current strip mining practices. These high grade reserves could yield 15 billion tons of low sulfur coal.

A major factor contributing to conflict in this area is the land-mineral ownership pattern. Most of the surface (69%) is privately owned by the 1,000 rural Montanans that live on ranches

or in the scattered small towns of the region. But most of the coal (88%) is federally owned and subject to leasing. Up to now only two per cent of the federal coal has been leased in the area because of a federally imposed moratorium on coal leasing. Now the government is under heavy pressure to renew the leasing program, and in Montana the target is Tongue River Country.

### Ellen Cotton :

*"Thirteen million dollars? That's piffle! This land is more precious and valuable than any coal they'll ever dig out of it."*

Ellen Cotton raises cattle and horses on her Four Mile Ranch near Decker, Mont. "This is productive cattle country," says Cotton. "The native grasses are hard and strong and produce prime beef."

This spring she was visited by an old feed salesman from Sheridan who was driving a brand new turquoise four wheel drive vehicle. His new jeep and fancy clothes surprised Cotton. Then she realized he'd been sent to the ranch by Consolidation Coal to buy her out.

"I told the man that I'd talk about cattle and I'd talk about horses but I wouldn't talk about coal. If I'd known he was from Consolidation Coal I wouldn't have even let him in the gate," says Cotton.

Cattle and horses weren't on the old feed salesman's mind these days. He realized he was talking to a woman who had her mind made up, so he drove off.

Cotton says if they ever start coming on her  
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## Conflict ...

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land with draglines and shovels she hopes she'll have "enough courage to hold them off with a gun in each hand."

Cotton says she never stopped to think about asking how much the coal man was offering for her land because she was too mad.

When she was told that her neighbor Taylor Cox had turned down an offer of \$13 million for his surface she remarked, "No wonder! Thirteen million? That's piffle! This land is more precious and valuable than any coal they'll ever dig out of it."

In July Cotton and some of her neighbors erected a rawhide sign on the Kirby-Birney divide on her property to protest "seeing their places turned into a National Sacrifice Area." The divide is one of the areas that the Decker-Birney study recommended for leasing.

"I don't understand why the federal government decided to lease this divide; they are not following their own advice. Earlier Birney-Decker Study reports have all had maps that show the area they now propose to strip mine as having fragile soils and high erosion potential. The earlier reports recommended limiting activities that would start erosion; now they recommend strip mining in the same place," says Cotton.

"Our divide has the advantage of many live springs for stock-watering. Most of these springs flow right out of the coal. We don't want to see this country ruined and ourselves put out of business. We have all written as individuals to the government to protest this leasing recommendation, but it is hard to know if you are being heard. We hope this sign will help bring attention to what we are saying."

## Selective Denial :

*"It implies that everything should be stripped except a few critical areas."*

In April of this year the BLM and the Forest Service (FS) issued the **Summary Decker-Birney Resource Study**. The document attempted to "reconcile conflicts" between the uses of various natural resources of value in the region. As expected, coal strip mining was the catalyst — the main disruptive activity that would shape all other activities in the vicinity. The study recommended leasing 119,000 acres containing 6.7 billion tons of coal. Because of "severe" resource conflicts, the study recommended withholding 166,000 acres (8.5 billion tons of coal) from leasing.

The process of leasing some lands and withholding others is called "selective denial." The state of Montana has such a concept incorporated in its strip mining law.

Montana Gov. Thomas L. Judge says, "This 'selective denial' concept is critical to sound resource management and presently can be implemented on a large-scale basis only in the Decker-Birney study area. Leasing of federal coal should not proceed in other regions of Montana until and unless studies of equal magnitude have been completed. The historic method of simply responding by leasing in the areas of greatest corporate interest should not be resumed."



Tongue River Country.

The Northern Plains Resource Council, a Billings-based agriculturally oriented conservation organization, maintains that, with or without selective denial, the coal industry's demands are satisfied. NPRC has compiled figures that show the areas recommended for mining correspond to the areas in which industry has shown the most interest.

In Big Horn County, for example, 62,160 acres have been recommended for leasing. Applications by Getty Oil, Norsworthy & Reger, Pacific Power & Light, Island Creek, and Stewart & Long total 51,946 acres. In Rosebud County 11,700 acres have been recommended for leasing while Getty Oil and Long & Stewart applications total only 2,288 acres.

According to NPRC, only in Powder River County, Mont. do lease applications (56,626 acres) top areas proposed for mining (45,660 acres).

NPRC takes exception to Judge's support for the Decker-Birney model lease program. In a letter to Judge, the council said, "You have demanded that all federal leasing be restricted to the Birney-Decker Planning Unit until comparable studies are completed in the other coal regions of the state. Such a policy is likely to turn the Birney-Decker area into a 'State Sacrifice Area.' We believe the only fair position the state can take is to insist that the present federal coal leasing moratorium be extended until all potential coal leasing areas within the state and the region are comprehensively studied."

The council objected to the selective denial concept in their letter to Judge saying, "It implies that everything should be stripped except a few critical areas. Any legitimate planning effort must take a 'selective approval' approach. Mining sites should be selected through region-wide studies which determine how real demand for western coal can be met with absolute minimum disturbance of other resource values."

## Sara Gaskill :

*"They'd have to shoot me first before they came in here. Money won't do it. I'd rather leave my outfit to charity."*

"Dad came into this country on a cattle drive before the Custer battle. He returned here to homestead soon after the fight," says Sara T. Gaskill, a rancher along Otter Creek.

"Dad liked this country because of all the coal and wood in the area. He'd turn over in his grave if he knew what was happening here now."

The original homestead was deeded to Gaskill. Other parts of her ranch were bought from the Burlington Northern Railroad. The minerals still belong to BN.

"You can understand why I don't want to give up my land. All my roots are here. I remember Dad saying when he deeded me the land, 'Now Sara, don't let anyone talk you out of this land, it's going to be valuable.'"

Gaskill remembered her dad's words when a representative from Norsworthy and Reger came to buy her out. "The man told me I might as well sell because I'd be condemned later and wouldn't get as good a price. I told him I'd take a chance on it. That was two years ago."

"He was here again, and I really gave it to him then," says Gaskill. "Now they know I'm an opponent and they don't bother me anymore."

Gaskill is "completely surrounded" by sold or leased land. "They sold out lock, stock and deep freeze," she says.

But money doesn't interest Gaskill. "Where would I go if they mine here?" she asks. "The coalmen can go back where they came from, but I don't have anywhere else to go."

"They'd have to shoot me first before they came in here. Money won't do it. I'd rather leave my outfit to charity. If I could just die and come out even that would be alright with me."

Gaskill is worried about the new type of citizen that would come to work in the mines. "It's a rough element of people that follows those outfits. At Colstrip I hear they have knock-down-drag-out fights."

Gaskill is a "rough element" herself, but her energy goes into more productive activities than barroom brawls. Since her husband died 20 years ago she's been running the entire 120 head operation herself. "I do all the feeding and fencing, but for branding and moving I get help."

She can recall winters when it was 45 degrees below zero for several nights in a row and she'd have to warm the tractor with hot ashes from the stove. Her land is full of memories that she refuses to sell.

Gaskill belongs to the Northern Plains Resource Council now and finds strength by meeting with other ranchers who won't give in. She says she was warned that NPRC was an organization that was just trying to keep industry out of Montana. "That just goes to show how dog-gone dumb people can be," she says. She thinks there's a big difference between keeping industry out and allowing ranchers to stay in business.

"I'm going to keep fighting for this land," says Gaskill. "I think the only way to fight it is day by day. They make a move and you fight it. It's going to be a slow steady fight. I think they're trying to wear us down."

"Just stay in there pitching is all you can do. They'd have been in here long ago if there hadn't been a fight. The leasers say there's no need to fight — it's hopeless. But it has worked. They aren't in here yet."





Sara Gaskill and her homestead on Otter Creek.

## Social Turmoil :

*"Ranch people have always been a sort of independent breed. I don't know if it would be worth all the heartache to stand up to the influx of people once it starts."*

A lot of praise has been voiced for the land use planning process developed in the Decker-Birney study. Some land planners and politicians have said this is a model that should be applied to other coal areas in the region.

But to those who live in the study area, those who see land and people instead of dollar signs behind the facts and figures in the report, the document is a failure. Somehow a way of life was lost in the translation of reality into statistics. The result is a list of recommendations that are unacceptable to the people of Tongue River Country.

The residents become "Living Components — Humans" and the most valid statement that the researchers can come up with is that "more detailed studies are needed."

Superimposed on the lives of these "Living Components — Humans" is a range of proposed coal development. As a bare minimum the study sees up to six coal mines that would export their product by rail.

But a company stands to gross six times the profit if they not only mine the coal but generate power at the mine mouth with it as well. So as an upper development scenario the report proposes 12 export mines, nine gasification plants and three power generation plants in the study area.

Such a range of development would call for the influx of from 10,000 to 80,000 employees with peak construction populations being considerably higher. Since the region now has a population of about 1,000, this change can be seen as a growth potential of from 1,000% — 8,000%.

Imagine the local rancher at a public meeting who is asked to comment on which of the above development schemes suits him best.

The study recommends that to minimize the impact of urbanization the government should "encourage, where possible, residential and commercial expansion within the unit's already established townsites." In light of the nature of the unit's "established townsites" residents found this recommendation absurd.

One resident put it this way: "Birney is 15 people, Otter is a post office, Decker is a gas station, Ashland is several hundred people, and Quietus just isn't."

Social services are next to non-existent. The Birney two-room schoolhouse has 18 students and eight grade levels. After graduation students go to Sheridan, Wyo. or another big city to finish school.

But most of the ranchers in the area treasure their isolation. As social scientist Dr. Ray Gold of the University of Montana notes, "The rancher feels very threatened by the prospect of what he calls 'people pollution' because a large influx of people will destroy his and his immediate family's ability to continue being physically isolated and socially distant from others and to remain unchallenged in his attachment to his land."

"Through this attachment, the rancher maintains a feeling of social solidarity with his forebears. Through improving the land he encourages his offspring to pick up where he leaves off. In this way, the rancher reaffirms his belief that he is doing right by the land no less than by its caretakers. The cattle he raises and

sells provide him with income needed to fulfill his solemn responsibility to maintain this family-centered man-land relationship. In southeastern Montana, certainly, that is what ranching is really about."

Birney rancher Bill McKinney puts it much more simply: "Ranch people have always been a sort of independent breed. I don't know if it would be worth all the heartache to stand up to the influx of people once it starts."

## Colonel Daniels :

*"I wish they'd quit broadening the tax base. About another year of it and I'll be out of the cow business."*

"Talk about the Stamp Act! We haven't seen anything like this since King George. It's going to take another Boston Tea Party to stop this," fumes Colonel E. M. Daniels.

Daniels lives on a ranch within the Decker-Birney study area in the southern end of Rosebud County. In the northern end of his county Montana Power Company is building a huge coal-fired power plant at Colstrip.

What irks Daniels is the way the company workers up around Colstrip are getting "representation without taxation."

"The only people paying taxes in Rosebud County are the landowners. The workers don't pay taxes. The workers don't pay a state personal tax or a property tax, but they get to vote to increase our taxes. Now the trailer communities around Colstrip and Forsyth outnumber the landed taxpayers ten to one."

"They say development will broaden the tax base, but our taxes are going up by leaps and bounds," says Daniels. "I wish they'd quit broadening the tax base. About another year of it and I'll be out of the cow business. I just can't take it."

Daniels and his wife Mary are members of the Tri-County Ranchers Association (Rosebud, Big Horn and Powder River Counties), a group of ranchers who have "formed because of our growing concern for the agricultural economy of eastern Montana." The association is a member organization of the Northern Plains Resource Council. Recently the group called for a continued moratorium on federal coal leasing.

"There appears to us to be enough federal coal already leased in the three counties involved in the Birney-Decker Study. Most of the existing BLM leases are in minable blocks around Colstrip and Decker. The BLM estimates they have leased 1.7 billion tons of strippable coal in Montana. If these 1.7 billion tons were mined alone over the next 15 years, we would be contributing almost twice as much strip mined coal as Kentucky — the U.S.'s largest producer of strip

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The Tongue River. Water for agriculture and wildlife, or dams and diversions for the coal industry?



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## Conflict ...

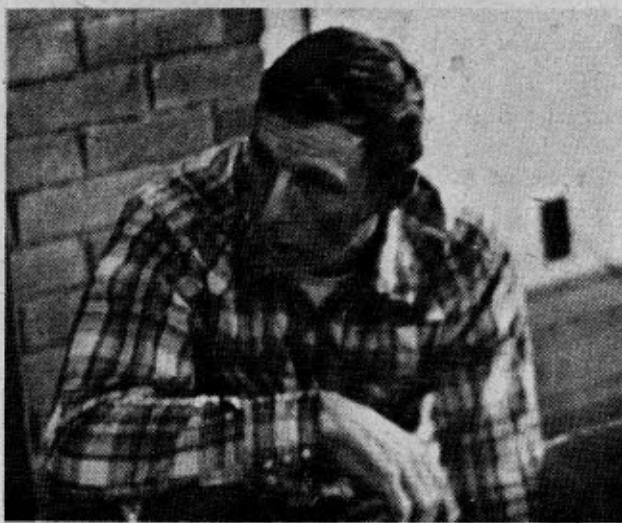
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mined coal at 62 million tons a year. In our counties, large railroad tracts and 77,159 acres of Indian coal are also committed to development," say the ranchers.

The ranchers feel they are becoming the victims of speculators who act in the name of "National Need" when profit is really the name of the game. They note, "All the federal lease recommendations fit closely with lease applications for the Birney-Decker area. It frankly looks as though these recommendations may have been made because of speculator or industry pressure. In talking to the Montana BLM office, we found that 64% of the leases applied for in our area are from speculators. There are tremendous profits to be made from speculation: for example, one series of lease transfers in Wyoming netted the two speculators involved 15 cents a ton royalty. We see no reason why the federal government should commit coal because of private, non-productive profit, or simple industry pressure — with no proof that more coal is really needed by the country."

Echoing Colonel Daniels' gripe, the ranchers say, "In further support of a continued moratorium is that our counties have more coal development that they can cope with right now. Rosebud County is suffering because of the influx of new people. Our county taxes have doubled. The schools in Forsyth and Colstrip must be enlarged; new teachers hired; the county highways must be maintained because of heavy industrial traffic; the county needs more police protection — which means more policemen and police cars; and the county health nurse needs more help. Yet it is not the mining companies and their employees that are expected to foot the bill for these additional services. It is the

county taxpayers. Colstrip is being heavily subsidized by federal funds. We find this unfair. No one ever subsidized long term county residents. We feel that until we can make the development pay for itself, we do not want to see more land committed to development."



Bill McKinney, Birney rancher.

### Bill McKinney :

*"Ranching is not only a business, but a way of life as well. They see development as destroying both."*

Bill McKinney, his wife Ann, and her father and uncle compose the Canyon Creek Cattle Company. They ranch eight miles south of Birney along the Tongue River. Right along the river in front of their house the coal is about 100 feet thick. They own this coal and the surface, but they won't sell.

"Many have stated that only those people who do not own minerals under their land are the most outspoken against development. This is not the case," says McKinney.

He knows several parties Canyon Creek Cattle Co. included, "who want to continue raising livestock and believe ranching is not only a business, but a way of life as well. They see development as destroying both."

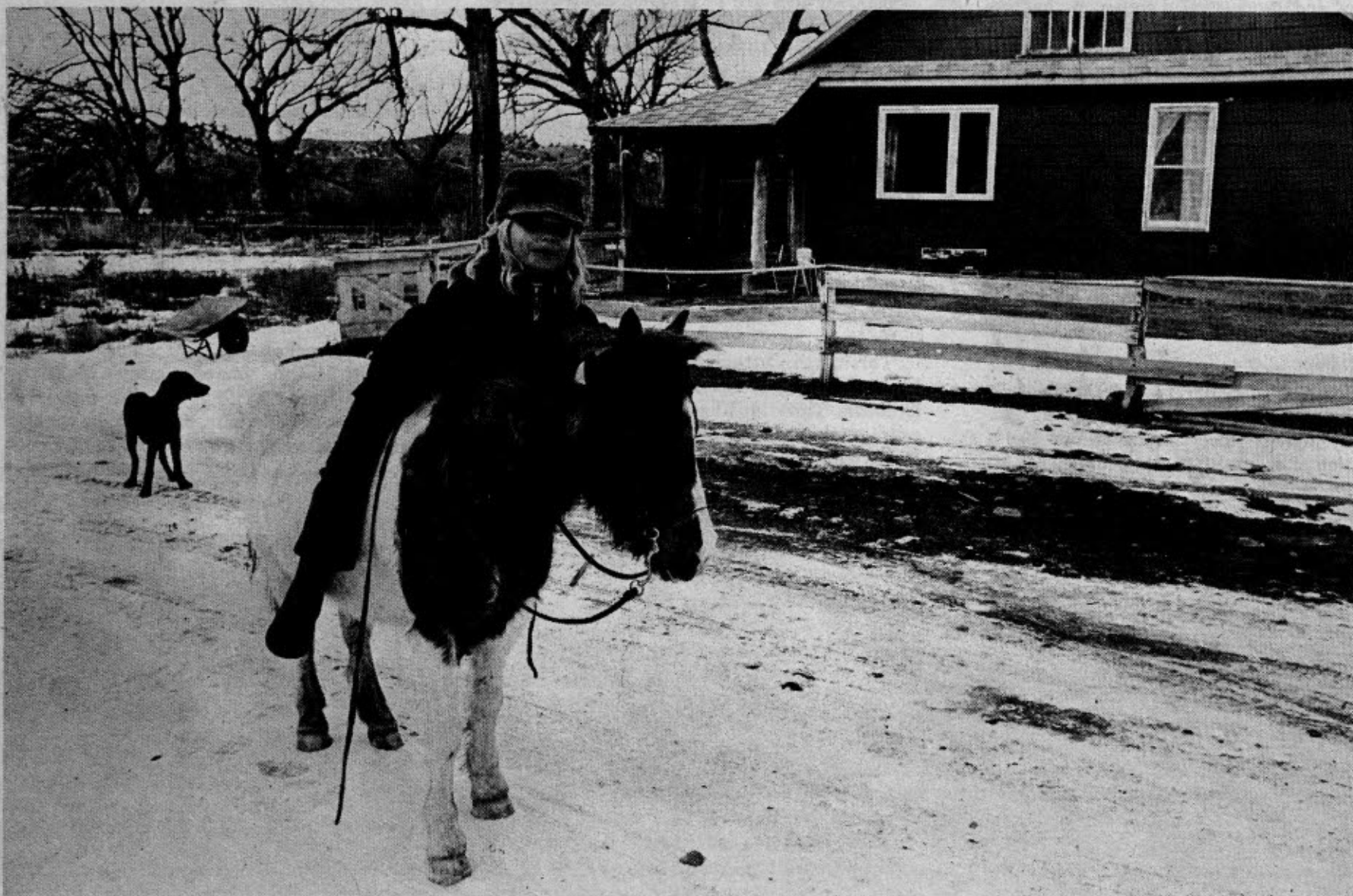
"Most ranchers in our area are good conservationists and have developed good stock water and used fencing to their advantage. Coupling these management tools with the natural grass cover, we have been able to efficiently produce more pounds of beef for less investment than any other area in the state," says McKinney.

"The most essential products needed for livestock are land and water. Industrialization demands these same resources."

McKinney looks at the Decker-Birney study and sees the end to their operation if it is implemented. "We are subject to a railroad down Tongue River which would severely impair the efficiency of our hay meadows and take away one of the most important working parts of our ranching operation. Our summer range would be affected by the mining of federal coal."

McKinney says the federal study lists only the acreage taken out of production where a railroad or a mine will be placed. The study doesn't recognize that a cattle operation depends on the interrelationship of its hayland, rangeland and water. "Even if development only took your hay meadows — without them the rest of your operation is worthless," he says. "You take any of the integral parts out of production and you're out of business."

McKinney helped Ellen Cotton erect the protest sign on her property and burned the name and brand of the Canyon Creek Cattle Co. into the rawhide. He says, "None of us want to let our ranches be strip mined. We believe it would ruin the economics of our operations. We feel



The Canyon Creek Cattle Co., Jennifer McKinney and friends.

Photo by Terry Moore.



the surface owner's permission should be required before the federal government leases its coal out from under a man's property. All of us belong to the Northern Plains Resource Council, which has a lobbyist back in Washington fighting to keep surface owner's consent in the federal reclamation bill.

"We know there are close to one million acres of federally administered coal already leased in the West and that only 11% of it is in production. We feel it's dead wrong for the government to be coming after our ranches at this time. It isn't necessary with so many existing non-productive leases. And it isn't smart with so little known about the potential for reclamation on semi-arid lands. We want to see at least a five year extension of the BLM's present informal leasing moratorium."

## Landowner Rights :

*One steer standing on top of one million tons of coal.*

For the most part, the ranchers in Tongue River County do not own the subsurface mineral rights below their property. As a result of arrangements dating back to the land-grant days, the mineral ownership has been retained by the federal government or the railroads.

This split ownership was never much of a problem, for up until recently mining activity has been on a relatively small scale and mostly underground — leaving the surface undisturbed and productive. But with the large-scale application of strip mining techniques all this has changed. The subsurface owner now has the potential of totally destroying the surface in the process of extracting his mineral wealth.

To deal with this new problem, a pair of Montana legislators have been busy in Washington fighting for surface owner rights. As a result of their efforts, the final conference committee version of the federal strip mining regulation bill seems almost certain to offer some form of relief to affected ranchers.

Sen. Mike Mansfield (D-Mont.) sponsored an amendment to the Senate version (passed in October of 1973) which prohibits the strip mining of coal in areas where the mineral rights are held by the federal government and the surface rights held by another party. This amendment would not apply where mineral and surface are both held by the federal government or both held by private interests. Deep mining in split ownership cases would still be permitted. The Northern Plains Resource Council stands firmly behind the Mansfield Amendment.

Rep. John Melcher (D-Mont.) took a different, less stringent approach in his surface owner amendment to the House bill that was just passed last month. The Melcher Amendment would require written surface owner consent before federally owned coal can be strip mined when the surface is in private ownership.

Opponents of these amendments see stubborn individual ranchers locking up the public wealth that lies below their lands. Ranchers see the amendments as their only salvation.

Leading the opposition to these amendments are Sen. Floyd Haskell (D-Colo.) and Sen. Gaylord Nelson (D-Wis.), two legislators who are usually strong voices for conservation. Haskell voted for the Mansfield Amendment in the Senate, but now believes that was a mistake he wants to rectify in conference committee. "The flaw with both the Melcher and the Mansfield amendments is that they give the surface owner

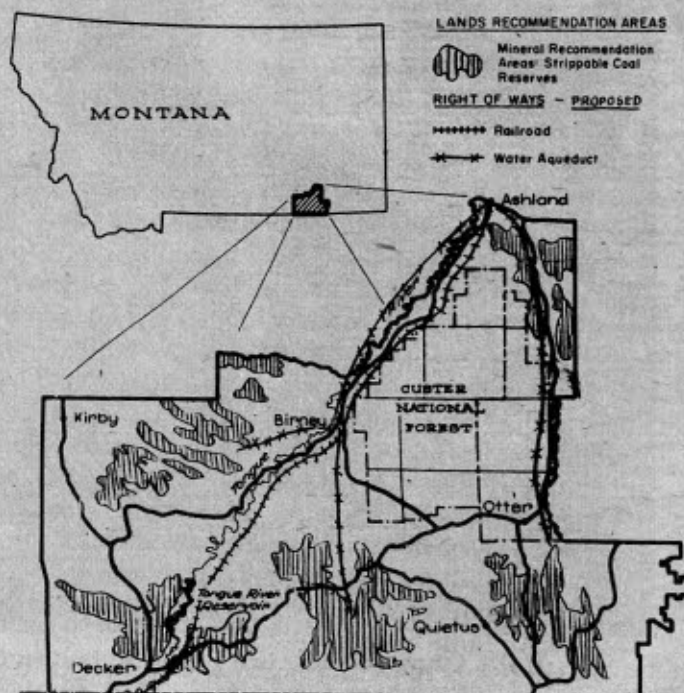
an interest in coal which belongs to the federal government," says Haskell.

Haskell and Nelson favor "giving surface owners full market value — in cash — for all surface land which is disturbed." After the land is stripped and fully reclaimed, the original owner would retain title to it. "Beyond that, I think surface owners must be compensated for the income from land which is lost to production because it's part of an operating unit — such as a ranch — whether it is actually disturbed by strip mining or not," says Haskell.

Louise Dunlap of the Coalition Against Strip Mining, a Washington-based lobbying effort, says the Haskell-Nelson approach is tantamount to outright condemnation by strippers.

Wally McRae, owner and operator of the Rocker Six Cattle Co. near Forsyth told a House Interior Subcommittee, "The issue is not that one steer's grazing land can be sacrificed for one million tons of coal through strip mining, but that deep mining can produce that million tons of coal, and leave the land undisturbed so that generations of steers can feed generations of Americans."

## DECKER - BIRNEY LOCATION MAP



**Downtown Birney, 1974 — population 15. To minimize social disruption the government recommends that such existing townsites accommodate the thousands of anticipated coal industry workers.**



**Downtown Ashland, 1974 — the largest town in the study area. Could it absorb 10,000 new residents?**