



High Country News

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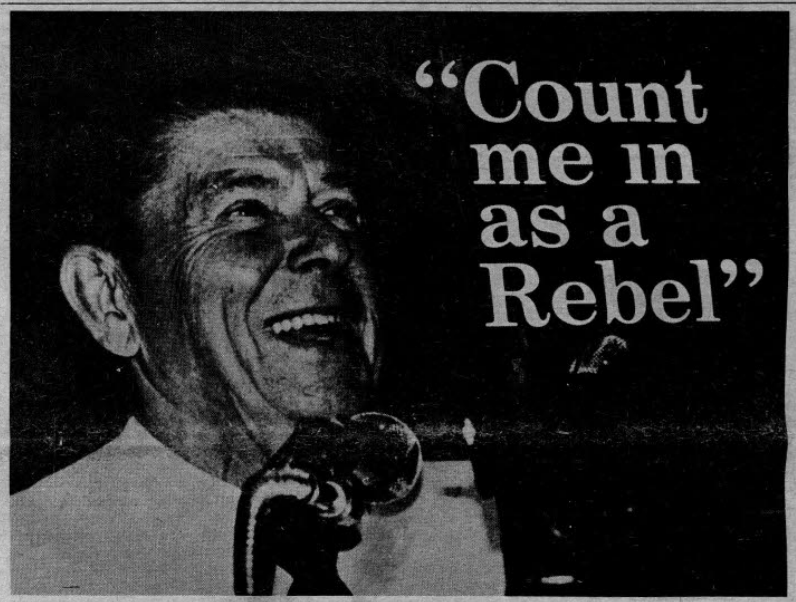
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Rebels revel in new power, polish

by Joan Nice

SALT LAKE CITY — A dark-haired singer in a white hat belts a song into the microphone: "The Sagebrush Rebellion is people gettin' down to earrth..." The ballroom sound system blasts the words over the heads of a well-dressed crowd of 500 that is delicately spooning frothy desserts out of parfait glasses. A few people grimace at the volume. "Gettin' down to earrth..."

The chandeliers, tapestries and mirrored walls of the Little America hotel here have toned down most people's raw exuberance, but their excitement about their cause, the Sagebrush Rebellion, can't be contained.

"It's a religious festival," whispers one observer. "They're reciting their creed."

One factor in the fervency here is the outcome of the national election. Now the Rebels not only have a sympathetic president, but also half a dozen conservative Westerners pulling the public land strings in the Senate. Their goal of turning federally managed public lands over to the states looks more tangible than ever before.

A huge black-and-white photo of an exuberant Ronald Reagan overlaid

with the slogan "Count me in as a Rebel" stands behind the podium. In a telegram read aloud at the opening session yesterday, Reagan pledged to "work toward a Sagebrush solution." The personal message, despite its vagueness, drew hand-chapping applause.

Sen. Malcolm Wallop (R-Wyo.) tells the crowd that people on Capitol Hill who used to snub him are now "rubbin' round my ankles like old tomcats."

"How does it feel to be surrounded by conservatives?" a jubilant blond Utah official asks a reporter sitting next to him at lunch.

The meeting here is part celebration, part show. In his opening address, Utah Sen. Orrin Hatch (R) gives an ostentatious welcome to members of the national media, including U.S. News and World Report, the L.A. Times, the New York Times and the wire services.

"Seldom in life does one participate in an event which is obviously of great historical significance," Hatch tells the crowd. "The building of the Panama Canal, the placing of a man on the moon, these are uniquely spectacular events which future generations cannot forget."

"We are participants in just such an experience. The consequences of what we now are about to do will have an impact upon the West and future generations that cannot be measured. There is no doubt that it will constitute the major factor in the political and economic future of the West."

A year ago, that sort of rhetoric would have been viewed as pure pie-in-the-sky. But the election has changed all that. Now Hatch's and Rep. James Santini's (D-Nev.) Sagebrush Rebellion bills are out on the legislative table, they claim.

Under Hatch's "Western Lands Distribution and Regional Equalization Act of 1979" state land commissions would be allowed to take over "unreserved unappropriated public lands" — about 600 million acres nationwide. By the bill's definition, that would mean state control of most wilderness areas, national recreation areas and national forests, as well as lands now controlled by the Bureau of Land Management.

National parks, monuments and wildlife and migratory bird sanctuaries established prior to 1979 would remain in federal hands, as would Indian re-

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ORRIN HATCH has emerged as the Rebellion's most outspoken proponent.

Rebels...



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servations and lands needed for access to dams, highways and other federal property.

In Alaska, for example, none of the parks, monuments and refuges established in the recently passed Alaska lands legislation would remain in federal ownership, because they were established after the bill's 1979 deadline. The bill would also allow states to man-

age places such as the Bob Marshall Wilderness in Montana and Desolation Canyon in Utah.

Santini's bill, unlike Hatch's, would leave Forest Service land in federal ownership.

Nevadans started the move, by claiming ownership of 49 million acres of public land within their borders. Five states followed with similar legislation: Utah, Arizona, New Mexico, Wyoming and Washington. California and Colorado began formal studies of the idea.

Since the election, however, the Rebels have decided that their best chances lie not with state battles in the courts, but in congressional action.

NO NUTS

As the movement's hopes have grown, so has its concern about public opinion.

"We are not a bunch of nuts," says Alaska Sen. Ted Stevens (R). "We are not a bunch of greedy miners and cattlemen," Utah county commissioner Calvin Black tells the crowd.

If it is not acceptable to sound eccentric or covetous here, expressions of environmental concern are encouraged. John Harmer, the chief executive officer of LASER (League for Advancement of States Equal Rights) sets the tone: "I, too, am an environmentalist and will take second place to no one. The stewardship of the earth is a sacred trust." If the MX missile, synfuels de-

velopment, nuclear waste and nerve gas disposal are any indication of the federal government's environmental sensitivity, how could the states do worse, Rebels ask?

Compromise also seems to be grudgingly accepted as the order of the day. "I'm not advocating we get out the flintlocks," says Black, who is president of LASER. "Maybe we have matured or degenerated, I don't know."

Hatch is more emphatically conciliatory: "If my bill is inadequate in any way, I'm not above changing it."

One speaker after another underlines an apparent concession made by the Rebels from earlier stands. Once, many of them had sought to get the public lands into private ownership. Now the leadership is publicly advocating state retention of the lands.

The public domain in the West is so valuable, Hatch tells reporters, that "the governor would be impeached and the legislature removed if the lands were taken out of the public domain."

Dean Rhoads, a Nevada rancher and state legislator, has promised to push for a state constitutional amendment that would assure state retention of the lands. Hatch opposes any such requirement in the federal bill, however, as a usurpation of state rights.

As he explains his aims, Hatch pleads for unity. At the close of the conference he gets a unanimously approved resolution in support of his bill "or a bill like it." But whenever the big group breaks up into workshops, mild bickering begins. Various factions can't resist occasional potshots at the leadership's recent willingness to settle for revision instead of revolt. And the issue of final ownership remains an undercurrent in the discussions.

A reporter asks LASER's John Harmer to list the non-profit foundation's financial backers. He flatly refuses on the grounds that liberal groups such as Common Cause are not required to reveal their sources of income.

Despite Harmer's tight lips, hints about LASER's constituency lie on the name tags at the \$145-admission conference: Conoco, Citizens for Mining, Club 20, National Inholders Association, Wyoming Farm Bureau, U.S. Borax, Stewart Capital Corp., International Snowmobilers Association, Louisiana Pacific, representatives of state and county governments, and teachers from Western colleges and universities. If, as the speakers suggest, this is a second American revolution, the generals and subordinate officers are gathered here, not the foot

soldiers.

Former Colorado Rep. Wayne Aspinall (D), speaking at an economics workshop, says the movement is a return to traditional American values. His gray hair combed back like the neat rows of a plowed field, Aspinall makes no apologies for judging things in terms of economic impact. In fact, the small, intense man is suspicious of people who don't measure by the dollar — "people who've grown up in an age when everything was given to them."

While those who wrest resources from public lands have to pay a fee, those who enjoy the amenities go free. This amounts to government subsidy "to the users of wilderness, water facilities and national parks," Aspinall says.

He doesn't like subsidies, no matter who receives them. "I'm 85 years old, and that makes me eligible for so many government-funded advantages it embarrasses me," he says.

700,000 ACRES, 600 BIRDS

Like Aspinall, many people here believe that money is the most reliable measure of value. At the economics workshop a gray-haired Elmore County, Idaho, resident scoffs at the federal government's wasteful business practices. Where they could be using the land to grow crops, "they want to lock up 700,000 acres for 600 birds," he says, shaking his head. "If you can figure out the economics of that you're better with a pencil than I am."

On the land in question the Interior Department has proposed an expansion of the Snake River Birds of Prey Natural Area. As the man sits down he mutters, "700,000 acres — for chicken hawks!"

One of the economics speakers, Allen LeBaron of Utah State University, discusses a question raised by the movement's critics: Would the management load bankrupt states if federal lands were transferred?

A study he conducted for the Four Corners Regional Commission leads him to conclude: "Sure we're going to have to spend some money, but it ought to be do-able." Some states would break even on revenues from land-users, he says, but most would have to spend one to two percent of their state budget on the management chores.

Environmentalists have said this study underestimates both the costs and the income to be derived from the public lands.

LASER consultant and Utah legislator Mac Haddow says state govern-

Dear Friends,

Do any of your acquaintances mix Southern Comfort or rum with Diet Pepsi, talk rhapsodically about staying home all afternoon watching John Davidson on television, or stroll through rural Wyoming streets at two a.m. on James Joyce's birthday singing Irish tunes?

Do you know anyone who considers a grainy photograph of a yellow lightbulb worth saving, or who starts a betting pool on whatever international disaster is currently featured on the evening news?

Have you ever sat in a small town bar with a fellow wearing an odd European hat, drinking a great deal of alcoholic beverage, saying very little and occasionally laughing a high, egregious

laugh at...well, at nobody knows what?

It is time to say a word about Will Murphy, our incongruous office apostate. Will has held down the most thankless jobs HCN has to offer — running the circulation department and typesetting. He is moving on now: commandeering the news department at the local radio station and planning to return to school next year.

It's hard to know what brought Will to us, except perhaps a love of asymmetry. He is as far from "environmentalism" as the president of Peabody Coal. The longest hike he's ever taken was to the corner drug store, and he views snow not as skiing material but as a kind of celestial dandruff, to be kept off the collar. He does not take us seriously — in fact, it's hard to know what he does take seriously, except perhaps the Fremont County Yellow

Journalism Society, which he founded; Samuel Beckett; and John Davidson.

You could count on something strange to pop out during a long night of typesetting. Amidst the "Hotlines" and editorials there would come a headline reading: "News editor laments: I'm having Abbie Hoffman's baby!"

After a few years with Will, though, we know that every office, town or family is understaffed without one of his ilk. And yet he has no ilk. He is, as the lawyers say, sui generis.

And we will no doubt awake every winter late at night when Joyce's birthday rolls around, imagining strange noises on the porch — clunking, stumbling, the dissonance of numb fingers on guitar strings, a strange yodel, a high, egregious cackle. Not Christmas, not Santa Claus. Hardly.

Wassail, Will!

— the staff

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ments would get more income from lands than their federal counterpart. Because states would not have the federal government's "chilling effect" on mineral exploration and development, increased royalties should be worked into the equation, he says.

An official from Grand County, Utah, famous for its July 4 bulldozing of Bureau of Land Management roadless areas, tells the group that his local economy is being "smothered" by an excess of federal land. He goes so far as to broach the taboo question: "Why not get this to a lower level? We do want to sell some lands. Let's spell that out."

The Utah mining industry representative sitting next to him cheers him on. "Let's not backpedal on this," he says.

Later, at a workshop on mining, participants seem more to accept the idea that lands should go to the states, but less excited about the crusade.

Russell Babcock of the Northwest Mining Association says it will be difficult to organize mining support of the Sagebrush Rebellion "if the Reagan administration pulls back the regulatory curtain a little and says, 'We're going to be good hosts.'" Some states such as Utah and Colorado might be sympathetic to mining, but others such as Montana and California might offer even tougher stipulations than the feds, he says. Nevertheless, Babcock is willing to "investigate and get involved" in the rebellion.

The man who is leading the mining session, William Dresher of the University of Arizona's College of Mines, seems somewhat more diffident. For him the rebellion is a forum for airing gripes in an effective, dramatic way — sort of a "Boston Tea Party" — not a serious attempt to alter land ownership patterns in the country.

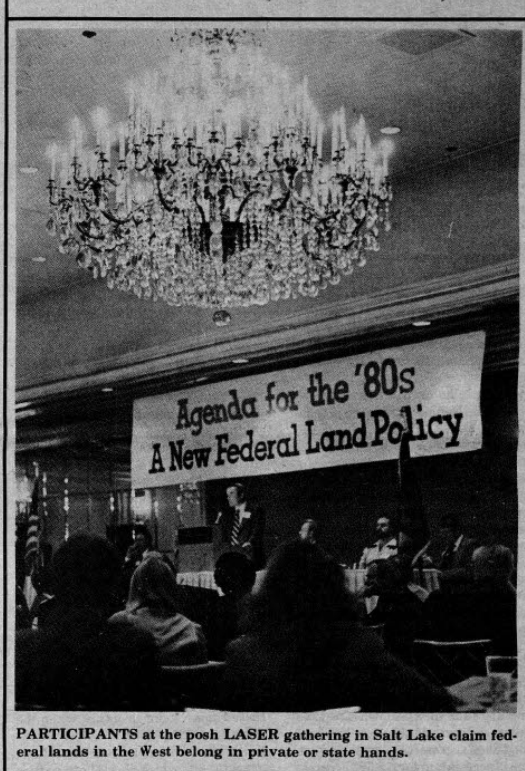
Speakers at the workshop on mining paint a picture of a hostile bureaucracy in Washington, filled with "transplanted environmentalists," that is blocking production vital to the country's energy and security needs. When environmentalists don't get their way through friends in high places, they use the courts — irresponsibly, some say. "I'm fed up with the opportunities available to every extremist to file a \$30 lawsuit," says a lobbyist for the American Mining Congress.

In the audience a representative for U.S. Borax suggests that more mining firms try lobbying on Capitol Hill. "Washington hears the environmental point of view because they have their troops back there. It doesn't hear much about mining," he says.

Rebels assume that the federal government is, through regulations and withdrawals, blocking production of essential materials. Dresher says, "Over two-thirds of the public domain has been withdrawn from access for mineral exploration, development or production."

Environmentalists dispute these figures. In Utah, for instance, less than 10 percent of federal lands are withdrawn from mineral entry, according to Dick Carter of the Utah Wilderness Association. What's more, he says, the largest withdrawals are for the Wendover Bombing Range and an oil shale development site, not for conservation purposes. As to the government's "chilling effect" on private enterprise, Carter says that mineral production has been at record levels in recent years.

If the miners have some qualms about giving lands to the states, they are not alone here. Two representatives



PARTICIPANTS at the posh LASER gathering in Salt Lake claim federal lands in the West belong in private or state hands.

of the movement's idea factories make a strong case for putting the public domain into private hands. Both David Theroux of the Pacific Institute for Public Policy Research in San Francisco and John Baden of the Political Economy Research Center in Bozeman, Mont., think that trading the federal government for the state is swapping one bad manager for another. They say that private ownership would not only increase production efficiency, but would also strengthen environmental protection efforts, by providing a financial incentive to look out for the land.

Theroux stands quietly in the back of most sessions. Baden makes his views known.

At the congressional hearing that follows the meeting, Baden asks Congress "to permit environmental interest groups to obtain fee simple ownership of wilderness lands." The lands would be managed more sensitively by, say, the Audubon Society, than by the government, he says. If the landowning

environmental group decided to block mining in an area it owned, it would have to "face the opportunity cost of that decision," Baden says. What's more, the proposal would "reduce the subsidy now obtained by these groups," which do not pay for their use of the wilderness, Baden says.

"Sell wilderness to the environmentalists?" House Mining Subcommittee Chairman Santini looks astonished. "That gives me some tantalizing food for thought."

For now, Baden and Theroux's schemes probably won't get beyond the conceptual stage. Their libertarian bent, like the miners' laissez-faire capitalism, is viewed as bad politics by the Rebel leaders. Somehow they remain a part of the anti-government Rebel family, however, if only distant cousins.

Clearly outside the clan is another group of dissenters who show up late in the conference — the card-carrying en-

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vironmentalists. The steep registration fee apparently kept most of them out the first two days. But after LASER's Saturday morning press conference, Audubon Society volunteer Jim Pissot steps up to the press room microphone.

Pissot, joined by three associates, chides LASER for what he considers its elitist bent: "If it costs \$145 to get into a conference like this, we wonder what it will cost to get into these lands (when the states take over)."

Another member of the environmentalist panel questions the states' ability to protect the land from unscrupulous developers. None of the Western states have the battery of protective legislation available to the federal government, such as the Wilderness, Endangered Species, National Environmental Policy, Antiquities, and the Clean Air acts.

"No one condones a sometimes ineffective and non-responsive bureaucracy," says Charles Callison of the Public Lands Institute. But the answer is to change the bureaucracy, not abandon it, he says.

ACHING FOR CHANGE

Rep. Santini's hearings have already begun in an adjacent room, so few media representatives and fewer conferees listen to the tiny band that shanghaied LASER's press room. But even before the environmentalists appeared, the Rebels hinted at the big questions that would be raised as soon as they left the conference hall: Why should voters, most of whom reside in the East, let Western states take charge of hundreds of millions of acres of energy-rich lands? For that matter, why should people in the West let them do it?

Up until recently most of the Sagebrush leaders probably didn't expect to succeed. Hatch admits that "part of the point is to keep the bureaucracy on the defensive so it has to treat us with some sort of decency."

A poll taken in 1979 by the Behavior Research Center of Arizona showed that only a third of a random sample of 1,025 people in the Rocky Mountain states supported the Rebellion. Only in Nevada did a majority of people favor divestiture of federal lands.

But the Rebels see the Reagan win as an indication that old polls may no longer apply — that people are aching for change. That analysis has given them the courage to try for more than symbolic protest.

For now, the Rebels have gone home to their cows, corporations and Congress. But they'll be heard from again soon.

The next step, as outlined at the conference, is for Rebels to begin courting urban and Eastern America. In the East, they will say that the states can manage these lands more efficiently, producing more of the food, fiber and minerals that are essential to the nation's survival. In the West, they will try to sell divestiture as emancipation. "Perhaps the rebellion marks a time for the Intermountain West to stand on its own feet, cut the (federal) apron strings, and take the bad with the good," a Utah State University report says. To make sure the message is clear, the Rebels will try to unite the West to speak with one voice.

They know that is no small job. To most observers their chances look slim. But a year ago who would have thought a self-proclaimed Sagebrush Rebel could successfully battle his way to the presidency?

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ALMIT BREUER (an Arikara Indian) auctions off oil rights on a tract of land on the Wind River Reservation in Wyoming.

Photo by Sara Hunter-Wiles

by Marjane Ambler

After several months of negotiation, Tesoro Petroleum reluctantly agreed to most of the Blackfoot Tribe's demands. While Tesoro officials knew they risked the wrath of other companies in setting such a precedent, they wanted the Blackfeet's oil and chance at other Indian resources.

But the deal was never consummated. A week before it was to be signed, the Bureau of Indian Affairs announced an oil sale on nearby Indian lands with less tribal control or financial return than the Blackfeet had demanded of Tesoro. The company, infuriated, withdrew its offer.

Frustrating? Confusing? Yes, but according to energy executives, that's nothing. When asked about obstructions to development of energy on Indian lands, they launch readily into stories about tribal members challenging their leaders' decisions in court, the BIA forbidding tribes to negotiate contracts, tribes and states fighting over which can tax minerals, sit-ins, take-overs, and threats of expropriation.

Any solutions to such problems will, for the most part, be determined within the next five to 10 years. In the meantime, corporate representatives can fill industry publications with complaints, encourage Congress to bypass tribal decisions through legislation such as the Energy Mobilization Board, challenge tribal authority in court, and rush tribal leaders into development with extravagant offers of instant cash. Indeed, each tactic is being tried.

Or, instead, they can follow the lead of some executives who are sponsoring seminars where Indians and industrialists can discuss their differences, financing training and education programs for Indian scientists, hiring Indian liaison officers, and accepting radical advances in tribal control.

Regardless of their approach, the industry's decision-makers know they can't just turn their backs on Indian resources. They are familiar with Council of Energy Resource Tribes' figures claiming its members own one-

third of the West's low sulfur coal and half the nation's private uranium. While industry representatives said they could not verify such claims, they know the Indian resources are significant.

When a tribe or the BIA seeks developers for Indian minerals, the companies rush to be first in line. While some company officials grumble about restrictions and call the tribes arrogant and unpatriotic, their actions speak louder. The Crow Tribe receives 15-20 proposals in a six month period, ranging from oil leases to synthetic fuels plants, some of them scrawled on bar napkins and others in the form of well-developed plans.

As Gary Taylor of Getty Oil puts it, "We wouldn't choose the North Slope of Alaska either, but we go where the oil is."

Consequently, many company representatives listened attentively at a recent conference in Phoenix when Kirk Blackard of Shell Oil Co. gave pointers on how to deal with tribes. Last spring Shell successfully concluded five years of negotiation for a 2,560 acre coal contract with the Crow Tribe in Montana.

Those five years were traumatic for both the company and the Crows, whose tribal government has been one of the most unstable in the West. The tribe had sued the company in 1975 for an "inequitable and illegal" contract signed in 1972. In its attempt to renegotiate, the company insulted the tribe by sending each Crow family a letter promising a bonus of \$200 to each tribal member if a new contract were signed.

Then two factions of the tribe battled over who was authorized to represent the tribe in coal negotiations, ousting one tribal chairman twice in a year.

CREDIBILITY AND EXPERTISE

However, Blackard mentioned none of this turmoil in his talk at the Federal Bar Association conference last April. Instead he outlined three problem areas that he said were peculiar to

negotiating with tribes: cultural differences, lack of credibility and lack of expertise. Blackard made it clear that he wasn't blaming the Indians or the companies. "Neither party was as appreciative of the other's culture as it could have been," he said.

As Blackard sees it, the Indians value sovereignty and the land while the corporations hope to make acceptable profits and take only acceptable risks.

"Basically what we used, whether voluntarily or involuntarily, was a lot of talking. When we sat around the table for hours and hours and for days and days, we began to understand their views and they ours," Blackard said.

Credibility, which was a big problem for both Shell and the tribe, also took time — just as it takes time for two individuals to learn to trust each other, Blackard said.

By "expertise," Blackard meant negotiating skills. "It may sound funny coming from me, but negotiations progressed much more smoothly when the tribe gained expertise," he said. He believes the tribe at first had unrealistic expectations, which caused both parties to take extreme positions. Then CERT advisors started working with the tribe. While CERT has been accused of being too uncompromising, in this case Blackard believes the organization's involvement helped. "From then on we made slow but continual progress," he said.

Other corporate executives say that water rights questions also impede negotiations. Most tribes have not quantified their domestic and agricultural needs, so they are reluctant to provide much water for industry. The issue is further complicated by battles with states over how much water tribes will get and who issues permits to non-Indian users on the reservations — questions that aren't likely to be settled for years.

Jerry Bathke, formerly of the Department of Energy and now the Atlantic Richfield (ARCO) director of Indian affairs, believes the government's expertise must improve, too, before de-

Energy co's

velopment can proceed smoothly. The government only began mineral inventories on reservations in 1976 and still cannot tell most of the tribes the value of their minerals. As one BIA official said, "The tribes are way behind the companies in negotiations from the start." The Bureau only now is opening a technical resource center in Denver with mining engineers, petroleum engineers, economists, geologists and accountants to serve the tribes.

Sometimes the BIA itself seems to be part of the problem. Critics of the BIA point to the Tesoro-Blackfeet situation as an example, saying the BIA thwarted the tribe's negotiations because agency officials are jealous of CERT's successes. BIA officials denied this, however, saying they didn't believe the tribe was close to finalizing a deal and that the tribe was making promises for lands over which it had no authority.

WHO NEGOTIATES?

Interior Department officials say they understand the tribes' rejection of the standard BIA lease, with its firm royalty rates and strictly limited tribal controls. As a result, they have approved some of the tribes' alternative contracts. But now they say the statutes must be changed to allow such alternative contracts — much to the energy companies' consternation.

Belco Petroleum, for example, recently sent a letter to Interior asking it to clarify the rights of the Northern Ute Tribe to negotiate contracts. Until Belco gets a satisfactory answer, its efforts with the Northern Utes are stymied. ARCO was faced with a similar problem after completing several months of negotiations with the Northern Cheyenne Tribe in Montana. In September, ARCO met with Interior officials and agreed to assume the financial risk of legal action if the department would not block the contract.

Several companies, in fact, say development could proceed more quickly if the tribes had more control. Both Exxon and Consolidation Coal spokesmen pointed out that the Navajo Tribal Council approved each of their projects several years before the federal government. Interior was concerned that Exxon planned uranium exploration on 400,000 acres, which is more than federal regulations allow, and that Consolidation's coal mine site near Burnham, N.M., could not be reclaimed.

Consolidation Mine Superintendent Marcus Wiley said, "Tribal sovereignty could be an advantage if there were no involvement from the federal government. The problem is not having it defined." While several Navajos filed a lawsuit to halt the mine and staged protests at the mine site, the tribal council has continued its support of the project. "If they had been sovereign, we would have been in business three years sooner," Wiley said.

A representative of Palmer Oil, which recently sold its wells to the Jicarilla Apache Tribe in New Mexico, reaffirmed Wiley's position: "The biggest problem is government roadblocks. When we work directly with the tribe, everything is easier."

Overall, Bathke of ARCO believes Indian energy development has become simpler in the past five years. "In the

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seek peace — and resources — with Indians



Photo by Sara Hunter-Wiles
SUSAN ALTOS (right), who calls herself a "landman" for Allied Chemical, confers with Linda Duchrow, geologist, during an oil auction on the Wind River Reservation. Chris Latkiewicz (left) looks on.



Photo by Sara Hunter-Wiles
ARAPAHOE-SHOSHONE Business Councilmen were elated at the prices some tracts bought during a recent oil auction on the Wind River Reservation.

past, there has been very little acceptable relating between the tribes and industry," he said. But now they realize they need each other. "Business has the technology and the capital the tribes need, and the tribes have the people, the spirit and the resources.... From now on Indian energy development is going to be increasingly creative and exciting," he said.

Not everyone sees it that way, of course. While not mentioned by Blackard or Bathke, one of the biggest barriers to Indian energy development is many companies' reluctance to consider contract innovations. They prefer the standard BIA lease's royalty rates and limited tribal controls. "Without question we favor those," said John Brock of Tesoro Petroleum. "However," he said, "we'll look at anything that makes money."

Consequently, Tesoro representatives remained seated at the Blackfeet negotiating table when other companies walked out. Before the agreement was scuttled, Tesoro agreed in essence to 18 points that the Blackfeet Tribe developed with assistance from CERT, including profit sharing, employment preference, advantages to Indian contractors, money for training and education programs and tribal involvement in development decisions throughout the production period.

Ernest Stevens, director of economic development for the Navajo Tribe, interviewed the 20 biggest companies active on that reservation. He found that when he explained many of the energy contract ideas the Navajo are now considering, the companies' representatives were not hostile.

"Many of them were puzzled and concerned. They had seen articles in the newspaper and heard proclamations but never talked with us about what it all meant," he said.

Ironically, Stevens, a member of the Oneida Tribe who has been involved in Indian economic development for 12 years, has fueled the fears: He has been known to tell a room full of Exxon, Peabody and ARCO attorneys that he advocates tearing up contracts that aren't fair. When asked about that, Stevens

said he still thinks overstatement is a valid tool in bargaining.

Stevens is now asking the companies holding leases on the reservation if they would consider selling them to the tribe. If the companies are not interested, he tells them the tribe wants first option when they do sell. "We are determined and ready to operate in a hard, businesslike way. But we are responsible," he said.

Some energy executives say they fear tribal sovereignty because they think tribes wouldn't have to abide by federal law or honor contracts signed by the Secretary of Interior. Stevens said, however, that sovereignty disputes usually involve states' versus tribal rights; tribes are saying their powers are similar to states' and that their reservations are not subject to state regulation.

Stevens said the tribe is willing to make it clear in written agreements just what the tribe will and will not do.

NEW CONTRACTS

Some contracts signed recently in the West illustrate Stevens' point; bugaboos such as sovereignty can be dealt with to both the tribes' and the companies' satisfaction. Both the Tesoro-Blackfeet and the Shell-Crow agreements, for example, specified that disputes would be handled by arbitration boards selected by both parties and not by tribal courts or state courts. Shell also agreed to pay the tribal severance tax — if the Crows win their suit to block a state severance tax on tribal coal.

While industrial-tribal relations can be improved by such one-to-one contacts, there is a growing movement toward improving communications on a grander scale. Equitable Life, the insurance company, recently hosted two seminars in New York City designed to bring tribal leaders together with energy and financing experts. Bruce Rockwell, president of Colorado National Bank, hopes to conduct similar seminars in the West. Rockwell said, "I'm not a Pollyanna. I know there are a variety of attitudes out there. Some of the energy companies are in the dark

ages, and they're just not going to get a deal with tribes." Recognizing that Indian energy development is a highly charged emotional issue, he believes, nevertheless, that both the tribal and the industrial representatives could benefit from candid discussions at a seminar.

Working closely with CERT, Rockwell heads an effort to raise \$150,000 from corporations to alleviate the severe shortage of Indian engineers, scientists, mathematicians and business managers. He also is interested in starting a "loaned executive" program through which tribes could gain expertise in business management. "Tribes can decide if they want to develop or not, but if they do they must know what kind of ballgame they're in," he said. "I hope in time tribes will become independent of all outside expertise."

Of course, many of the problems between industry and Indians cannot be solved through communication and education. Some Indians feel a fundamental distrust of corporate America that is rooted not just in treaties broken a century ago but also in relatively recent abuses: 17-cents-a-ton coal contracts; unventilated uranium mines that led to many cancer deaths; unreclaimed mines; discriminatory hiring practices; bribes to tribal officials and doctored accounting books that cheat tribes of royalties.

Staunch traditionalists oppose any development of nonrenewable resources, and others just want the tribes to be in charge, eliminating reliance on corporate consciences as much as possible.

While Stevens believes communication helps, he doesn't think the cultural conflict over corporate profits is based on the tribes' ignorance. Tribes understand that profits are necessary; they disagree with the corporate perspective on what is an "acceptable" profit, he said. "Some of the same companies that stonewall us have much better agreements with Third World nations," he said.

Under the new Navajo energy development policy, the tribe will be moving away from being just a mineral

owner and toward being a developer. For example, rather than signing a lease that transfers coal to a company in exchange for a 12½ percent royalty, the tribe will hire a firm to mine the coal. Expertise can be bought, Stevens said. "I can overnight become the best coal mining operator in the country just by hiring the best coal mining company," he said.

The Jicarilla Apache Tribe in New Mexico recently bought out Palmer Oil, a company that had already sold all but its reservation wells. Richard Tecube, vice-president of the tribe, said tribes can develop, produce, transport, process and market resources themselves. But he emphasized they should make sure they are prepared. "There may be pressure to hurry from the companies, from within the tribe and from the federal government, but we should not be rushed into these deals," he said.

Clearly timing is the key to how Indian energy development will proceed. The tribes need time to complete their mineral inventories, enact taxes and environmental ordinances, and improve their enforcement programs. Some will also have to scrutinize their institutions to find ways of becoming more responsive to their members. The schools need time to turn out more Indian economists, accountants, geologists, engineers and biologists. Government officials must improve the regulatory framework. And industry needs time to gain understanding of Indian values and to overcome its resistance to the tribes' new development criteria.

But the cultural and political gulf between Indians and industrialists will not be simply or completely overcome, nor will court battles be averted. Even if industry waited patiently for understanding, there is no assurance that a tribe will decide to initiate intensive development of its limited land.

Marjane Ambler is a former managing editor of *High Country News*. She has received a grant from the Alicia Patterson Foundation to study Indian energy development.

Energy

Navajos protest land partition, relocation



HOPI ELDERS inspect coal in a wash at Black Mesa.

by Jack Kutz

A controversial Arizona land dispute received international attention during November when a delegation of four Navajos appeared in Rotterdam before the fourth Bertram Russell Tribunal on

Rights of the Indians of North and Latin America.

Herb Blatchford and John Redhouse of the American Indian Environmental Council and Roberta Blackgoat and Kee Shay of the Big Mountain Dine Nation presented their case against the partitioning of the 1.8 million acre Navajo-Hopi Joint Use Area in north-eastern Arizona and the forced relocation of more than 6200 Navajos and 50 Hopis living in the area.

The Navajos have taken their case to an international jury because, according to Blatchford, "The Navajo and Hopi Land Settlement Act goes beyond the Constitution of the United States."

"We don't understand why the United States has a power, without the provisions of the Fifth Amendment, to go onto any private property and divide and partition it," Blatchford said. "As far as we know, there has been no treaty signed giving the United States the right of eminent domain over Indian lands."

Both the Hopi and the Navajo had challenged different parts of the law that forced the partition in U.S. courts, but it has been upheld in lower courts. In early December, the U.S. Supreme Court refused to hear appeals on the

matter.

Blatchford acknowledges the Russell Tribunal has no power of enforcement but hopes it will be influential in getting the case into the International Court of Justice at the Hague, an arbitral judicial organ of the United Nations.

The Tribunal, organized by the Workgroup Indian Project of Amsterdam, discusses the violations of the human rights of the native peoples of North and South America. The conclusions of the Tribunal are publicized both on national and international levels in an effort to mobilize public opinion.

CENTURY OLD FIGHT

The issue of the Navajo-Hopi land dispute has been under heated discussion in Arizona and Washington, D.C. for many years. Its beginnings go back nearly a century.

In 1882, President Chester Arthur issued an executive order creating a 2.4 million acre reservation in northeast Arizona for the Hopis and "such other Indians as the Secretary of Interior may see fit to settle there on." At that time, the Hopis resided in pueblos near the center of the area while the Navajos

lived nomadically in the eastern portion. Over the years, the Navajos grew in numbers and spread over most of the reservation. The Hopis protested to Washington, insisting the entire reservation was theirs.

In the 1930s, the Bureau of Indian Affairs set aside 640,000 acres for exclusive Hopi use — a settlement the Hopis found inadequate. After years of unsuccessful negotiations, a federal court ruled in 1962 that the remaining 1.8 million acres was a Joint Use Area. Then, in 1974, Congress passed the Navajo and Hopi Land Settlement Act, authorizing the partitioning of the disputed land.

At first glance, an equal division of the land would seem a fair solution to the problem. But, since over 6000 Navajos live on the Hopi side of the jagged boundary line, implementation of the act will result in the largest Indian relocation program since the 19th century.

Additionally, the presence of enormous deposits of coal beneath the surface of this meager rangeland put the whole dispute in a different perspective. Peabody Coal Company has been stripmining the Black Mesa Coal Field on the Hopi reservation for almost a decade. The company's present lease is for 2 billion tons — 10 percent of the

NW power bill: fixing a shortage, or funding a surplus?

by Dan Whipple

Congress last month passed legislation governing the future of electric power in the Pacific Northwest and Northern Rockies. The Northwest Power Bill is a complex amalgam of provisions on long-range planning, energy conservation, promotion of renewable resources and guaranteed purchase of power from conventional power plants, all under the auspices of the federal Bonneville Power Administration.

Proponents say the bill will give BPA ability to provide adequate future energy supplies to the electricity-hungry Pacific Northwest, as well as to enforce conservation and renewable resource programs. Opponents say the bill grants too much power to the BPA administrator, blurs the distinction between public and private power, and will lead to the construction of unneces-

sary and uneconomical coal and nuclear power plants.

There are three principal elements to the bill. First, Congress essentially has given BPA the authority to acquire the region's energy supply, both current and future capacity. The federal power agency now provides 50 percent of the region's electricity, mostly from hydroelectric facilities. According to BPA officials, the power supply is currently fixed and demand is growing. Without comprehensive legislation, BPA would have been forced to provide its customers only a portion of the power they will need. Under the legislation, BPA can guarantee it will purchase the output of any new or existing conventional power plants in the region, raise the customers' power prices and deliver all they demand.

Second, the bill sets up the Pacific Northwest Regional Conservation and

Planning Council, a board consisting of two representatives from each of the four states in the BPA service area — Washington, Oregon, Idaho and Montana. The board is charged with creating a 20-year demand forecast. Once this is done, the board must examine the energy conservation potential in the region and the possible contribution toward power needs of renewable resources. If these energy sources fall short, the board can recommend the acquisition of power from conventional generating facilities.

The method of appointment of the board members is somewhat vague in the law. The language says only that the members will be appointed "by the states." There is confusion about whether they are appointed by the governor, the legislature or by both in an "advise and consent" capacity. In addition, two of the four governors —

Washington's Dixie Lee Ray and Montana's Tom Judge¹ are lame ducks. Any attempt by either of them to appoint members before they leave office is certain to cause a political uproar.

Finally, Congress has told BPA to renew contracts to 17 industries. Current contracts expire between 1981 and 1991. The legislation directs BPA to give the industries new 20-year contracts at a 400 percent rate increase, phased in over five years. In the past, Northwest industry has been a chief beneficiary of cheap BPA hydroelectric power. They have opposed parts of legislation because their increased rate payments will subsidize BPA's new power purchases. The aluminum industry is the largest single consumer of electricity in the Northwest, using about one-third of BPA's power.

According to Dave Albersworth of the

Denver Research Group, Inc.

Energy

20 billion tons underlying the Joint Use Area.

Herb Blatchford believes the real reason for the recent pressures to speed up relocation are simply aimed at displacing the indigenous people so the rest of the coal will be available for leasing. Both the Hopi and Navajo tribal councils have been amenable to mineral development in the past, but the simple logistical problem of what to do with the residents of the area has been a barrier to further coal mining. Blatchford says, "There is no other logical reason except to get at that coal." The partitioning will also clear up some jurisdictional confusion between the tribes that has been an obstacle to leasing.

Resistance to the partitioning has increased during recent months. Attempts to stop the fencing of the boundary line have resulted in fights, vandalism and arrests. In September, four Navajo women were jailed after fighting with police guarding a fence building crew. Following this incident, Assistant Commissioner of Indian Affairs Marilyn Youngblood met with the Navajos and agreement was reached to halt the fencing temporarily.

LIVESTOCK REDUCTION

The reduction of Navajo livestock

Western Organization of Resource Councils, who lobbied on the bill in Washington. "The main concern is that legislation tremendously expands the authority of the BPA administrator. BPA becomes a market guarantor under the bill. This is unprecedented — no other federal power agency has this authority."

In addition, said Albersworth, "The administrator can take actions on what the energy future of the Northwest will be even before the comprehensive plan is set up. It will take about two-and-a-half years to come up with a plan. Prior to its completion, he can decide which resources are needed and he will decide the cost-benefit methodology to be used. He can take actions contrary to the plan, even after it is established, if he thinks BPA needs some more power. Congress has to sign off on this, but for all practical purposes, Congress won't be interested unless it affects the federal pocketbook. Since BPA's moves will be internally financed with proceeds from power sales, Congress probably won't pay much attention."

Of immediate concern to a number of people is the financing of the Washington Public Power Supply System nuclear plant units 4 and 5, currently about 30 percent complete. BPA is committed to buy 100 percent of the power from units 1 and 2 and 75 percent from unit 3. Under the provisions of the bill, BPA could now guarantee to purchase the power from 4 and 5, which are in financial trouble.

BPA administrator Sterling Munro could agree to this purchase even before the regional energy plan is completed, with the concurrence of Congress. BPA spokesman Gene Tolleson said, "Congress would probably not look kindly on a BPA commitment to buy WPPSS 4 and 5 power before the plan was complete." However, Tolleson says that BPA probably eventually will purchase the power from the plants. He said, "We

within the Joint Use Area has been an additional hardship.

In 1972, John Boyden, a legal counselor for both the Hopi Tribal Council and Peabody Coal, won a court order requiring the Navajos to drastically reduce their livestock so the Hopis could share the rangeland equally. The reductions have been enforced by the impounding of animals. Blatchford views this as one of several forms of harassment being used to coerce the Navajos into relocating.

So far, over 230 households have been relocated and the Relocation Commission's Certification Office is evaluating 987 applications. Deprivation is often a major factor in the relocatees' decision to move. Blatchford notes that people who have been taken off welfare, or who cannot afford to get their livestock out of impoundment or repair their homes, choose relocation as a last resort. Federal benefits can amount to \$60,000 for families of four or more.

Last June, the Navajo and Hopi Relocation Amendments Act of 1980 was passed. Although the new legislation does not change the basic provisions of the 1974 act, it speeds up the relocation process, provides for some land and will allow approximately 120 families to stay on 90-acre "life estates" within the land awarded to the Hopis. However,

are projecting a 2,000 megawatt deficit throughout the 1980s. Without the WPPSS 4 and 5 plants, the deficit will go to 6,000 to 8,000 megawatts."

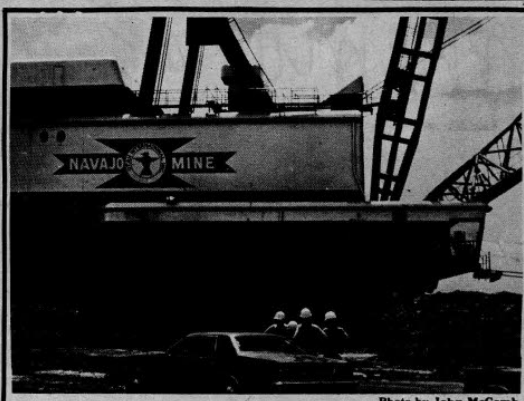
The potential bailout of the plants worries a number of people. A source at Seattle City Light, a municipally-owned utility, said, "SCL made a conscious decision not to join WPPSS for nuclear power. The regional power bill will bail out private power plants, so we'll end up paying for the nuclear project anyway through the higher rates we pay to BPA. The law is not going to do a great deal for public power."

While BPA is promising restraint in its early actions, its past performance is cited by critics like Steve Doherty of Montana's Northern Plains Resource Council. "BPA has refused to comply with the Montana siting act on transmission lines from the Colstrip power plants through western Montana," said Doherty. "They haven't proven by their actions that they are anything but a renegade federal agency."

However, said Doherty, "For every one of the things we have problems with, BPA proponents could pull out some sentence that says, 'Your worries are over.' There are some nice-sounding things in the bill. It's up to citizens groups to see that they do them."

The bill's language includes strong emphasis on conservation and renewable energy resources. Before BPA acquires any new conventional power, the agency is supposed to exhaust all available conservation and renewable energy alternatives. However, these cannot be examined until a regional plan is developed and, said Doherty, "I'm afraid we'll hear the argument that conservation alternatives can't be implemented soon enough."

The incentives for BPA to buy new conventional power instead of conserving power are strong, according to Ralph Cavanaugh, a lawyer with the Natural Resources Defense Council.



DRAG LINE at Navajo Mine, Black Mesa.

Photo by John McComb

when the household heads die, their children will be forced to move and the land will be turned over to the Hopis.

Many Navajos still hold out a dim hope for repeal of the relocation legislation and the substitution of a program of economic development for both tribes. "We must carry to the American people the message that forced relocation is wrong," Navajo Tribal Chair-

man Peter MacDonald said recently, "that a double standard — under which white people who take Indian land are allowed to keep the land, but Navajos accused of taking Hopi land are forced to leave their land — is wrong."

Jack Kutz is a free lance writer in Albuquerque, N.M. This article was paid for by the HCN Research Fund.

Cavanaugh said, "If a plant is denied siting approval, BPA can reimburse the expenses incurred up to the denial. In addition, BPA can purchase the power from the plant over its entire life, even if the output is interrupted. These go far toward removing the market forces now preventing the construction of unnecessary power plants." However, BPA can make these same guarantees on conservation and renewable resource projects.

In fact, said BPA's Tolleson, BPA's guarantees could go a long way toward helping these latter types of projects. He said, "If a construction entity comes to us and says, 'we have a project,' and BPA agrees to acquire that project, BPA and its rate payers are backing this plant. They can get a lower interest rate on financing and an AAA bond rating. The bond market is pretty used to financing large, conventional projects, but it is not adjusted to small alternative projects. BPA's backing could be a great help to these."

An NRDC study released in September concludes that the Pacific Northwest needs no new coal or nuclear power plants through 1995 at least, if strong conservation and renewable energy strategies are undertaken. In fact, said the study, "Utilities could indefinitely defer completion of four of the seven plants now under construction to serve anticipated demand in Idaho, Montana, Oregon and Washington." NRDC said the strategies are all feasible now and, if followed, could cut back electricity demand in 1995 by more than 40 percent.

BPA's Tolleson said, "NRDC's conclusions are technically feasible, but politically unlikely. About 40 percent of the energy savings included in the scenario are the result of proposed mandatory conservation measures enacted by state and local governments. Between 1977 and 1980, there has been very little movement in the

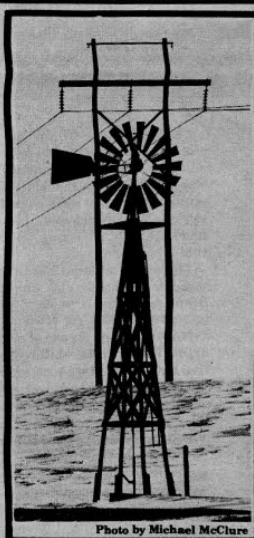


Photo by Michael McClure

direction of public bodies taking those measures."

Observers agree that the interests of the individuals appointed to the planning councils will have a substantial impact on BPA's exercising the conservation and renewables options contained in the legislation.

The effect of the decisions may also be felt outside of the BPA service area — in the coal-producing regions of eastern Montana and Wyoming. NRPC's Doherty said, "Guaranteed purchase provisions could make economical plants which are not economical now. These areas with the raw resources are going to be looked upon as the natural suppliers."

8-High Country News—Dec. 12, 1980

memoirs of

by Jack H. Anderson

(Editor's note: Jack H. Anderson lives at "Home on the Wind" in Dubois, Wyo. Anderson has written a "sort of family history," — *Memoirs of a Free Spirit* — describing his life as a boy in Illinois, travelling the Mississippi River and finally fulfilling his dream of living in the mountains. This excerpt describes his ordeal lost in the Wind River Mountains of Wyoming around 1920. The self-published book is available from Jack H. Anderson, "Home on the Wind," Dubois, Wyo. 82513, for \$7.50.)

After buying a dozen small traps, a pound of prunes and half pound of green tea, not very early the next morning, I shouldered my pack and started up the mountain. The lady at the hotel had provided me with a couple of biscuit-with-bacon-between-them sandwiches for a light lunch. I fully expected to make it to the Moon Lake wickiup, where I had a good pair of snowshoes, dried food and a make-shift bed, an ax and a kindled fire, all ready to light.

But things do not always turn out the way men or mice plan them. It had been snowing night and day and before I got half-way up Sheep Ridge, the snow was about three feet deep. It kept getting deeper and I realized it had been a mistake to leave all my snowshoes at the camps, thinking the snow would be too soft and not deep enough to justify the use of snowshoes.

I noticed a large tree by the trail where I had put a special code mark, and remembered that straight down a steep timbered slope to the south, about one half mile, was the old Cunningham mine and cabin. I remembered also seeing a pair of homemade skis in this old cabin. I deliberately made a right angle turn and plunged down that steep slope through snow to my waist. My old bullhead kept saying, "Don't be defeated." I was really in kind of an idiot trance. Looking back, it had to be wishful thinking, for even a perfect pair of skis would not be any good in this kind of snow.

The snow was deeper here and coming down in bucketfuls. The old cabin was a shambles. The door and windows were full of snow except at one end by the fireplace. I had a large sheaf knife and a good pocketknife and got a fire going. I inspected the skis, got dried off and slept for several hours.

Next morning I ate one of my biscuits and melted some snow in an old can for a drink. I made a make-shift rigging on the skis, which were about six feet long and five inches wide. They were made of native pine and the turned up point had been notched with a saw and was held in place by wire.

I plunged into the snow, now at least four feet deep, wet and soft. I went down to the timber where there was lots of down wood and loose boulders under the snow. Within a few hundred yards I broke one of the skis. I had already found them to be impossible. I only thought, "I'll be able to make it to Simpson Lake," where I had a nice little wickiup, a little sheet iron stove primed with shavings, plenty of dry wood, two heavy sougans (wool filled quilts) and food. I judged it to be not over three or four miles. I could surely make it before dark.

It was still snowing. I floundered over the many windfalls and large boulders, made little progress, and it started to get dark and much colder. I got a fire going but it did little good. It was a serene night and smoke filled the air. There was no small wood and I had to drag the small ends of down trees so they crossed to get lots of smoke but very little heat. There was no place to dry off or get any rest.

By early light, I'd about had it. The last biscuit helped a lot. A crust had formed in the night that made it worse. It was slightly uphill snow now, nearly to my shoulders and getting colder, and snowing now like little hard shot. I very carefully conserved my energy. There was nothing to get excited about. Chewing a prune now and then, I cut some to the right, thinking I would find the creek for a drink of real water. Eating snow didn't quench my thirst or the fever that I could feel.

Darkness was closing in when I found the creek. The pools were frozen over but it was mostly fast water fringed with ice. The little ravine here had lots of broken wood. I hand-scraped snow from a small level place into the creek and got a fire going. I always carried a ball of string soaked in hot paraffin and matches also covered with paraffin to start a fire.

After several good drinks from the creek, I fashioned a pad of bows and lay by the



fire, starting to dry off. Several times during the night I caught myself dozing off, and no doubt I did get some sleep. The fact that there was plenty of good wood saved my life.

Next morning I was dried off but in need of more rest. I drank a lot of water and forced myself to leave this place. I had to conserve my energy so kept near the creek. About mid-day I came to the lower end of Simpson Lake.

It all seemed so simple. All I had to do was cross the creek, go up the narrow margin between the lake and the steep east side of Union Mountain, about one half mile, to my snug little cache. I had a new lease on life.

For the next four or five hours I surged through the snow. My strength and the light failed at about the same time and I didn't find my cache. I had to build a fire and endure another bad night. On this steep slope there were plenty of dead limbs. I scraped snow downhill from the base of a clump of trees and built a small fire. I was not wet because it had been cold all day and was colder tonight, but I got some rest, still thinking I could find my cache in the morning.

It snowed most of the night and there were eight or ten more inches of snow. Everything looked weird the next morning and I couldn't recognize a thing. Although I had been here many times, I realized in my weakened condition I could never find my cache.

I thought, next time, boy, put up a blazed pole, twenty feet above your cache. My only chance now was to climb the steep trail to the pass between Simpson and the Seven Lakes. I was terribly weak but still determined. About half way up I found the snow crust would hold me up. I crawled on my hands and knees for a long way and came to bare ground and rock where the wind had blown the snow away. It had quit snowing and the sun was trying to shine as if to encourage me. I could see the line of timber along the top of Pinion Ridge, about five miles to the southwest where my main cabin was.

I was on the pass between Simpson Lake and the Seven Lakes. The wind had howled here, and there were huge drifts on the lee side of the scrub pine clumps. I went back a little way to a rock ledge and moved some down trees to support a wind

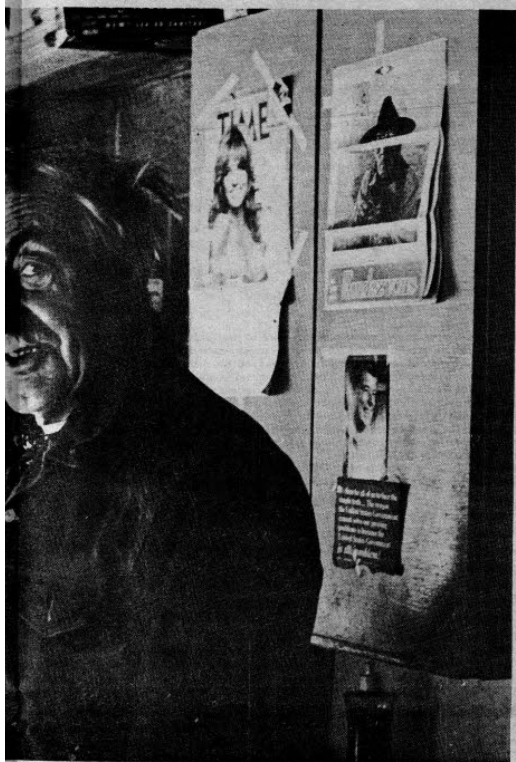


Photo by Sara Hunter-Wiles

a free spirit

morning it warmed some and the snow changed to large dense flakes.

While resting, I would rehash some of my past life and adventures, always ending up by a blessing for my parents for such a strong healthy body and a determination to hold my bearings and avoid sleep.

The storm slackened off as it started to get light. I was in a sort of concentration trance not to give up. I slapped my face hard again, and looking across the south fork of Fish Creek, I could make out the gable logs of my cabin, not over one hundred yards from me. I was barely alive, barely able to move. I do remember digging at the snow before the door, cutting down the two beds from the ceiling and crawling between them. It was more than twenty-four hours later that I woke up, raving hungry and thirsty.

More thankful than words can convey, I lit the fire in the stove, melted snow in the big pan for a drink, eating raw oatmeal as I went, drinking water, eating prunes, more oatmeal, more water. I melted lots of snow and stripped and took a canary flutter, a good rubdown, crawled in and went back to sleep. When I next awoke I decided to write down this terrible experience and do some thinking.

Then before I had considered survival practices, such as the two balls of store cord and two bundles of matches all soaked in hot paraffin, two sharp knives and a whetstone, and the four long pieces of $\frac{3}{4}$ inch latigo which I carried. To these I now add a sharp $3\frac{1}{2}$ lb. double-bladed axe in a leather armpit holster. This axe should have a large eye to take a white hickory handle, 28 inches long. The next important thing is an Army canteen and cup fit together in a felt-lined wool scabbard. On the trap line I always carried a packsack with outside pockets for food, such as yellow cornmeal and sugar in double plastic or canvas bags, plenty of dried elk meat (jerky), small amounts of salt and green tea. Later I added outside pockets for a high quality small adjustable pair of pliers with wire cutters, an 8 inch file and still later added a 20 inch bow saw blade in a leather sleeve. All the above weights are very little and even a big game hunter would be well advised to carry these things, especially in the late season.

The main thing, of course, even if you know the country, if it gets dark or there is a heavy storm or you become confused or convinced that you are lost, is to stop. It will turn out to be a pleasant adventure if you are thus equipped. Find a big spruce or balsam tree, trim off a few limbs close to the body, and stick them in the snow on either side for a windbreak. Try to find an old stump or pile of bark to put next to the tree. Now, if the snow is deep, cut down a nice tall lodge pole (green one) and log it up in pieces two feet long. You'll want six or seven pieces. Lay two of the pieces about twenty inches apart in front of your bark seat, then put the rest of the green logs across to form a platform on which to build a fire.

Before you select your campsite, make sure there is enough dry wood close by. Get busy and get up a good pile of small wood on each side of your sit-down place. If there is snow, you can melt it for water. Otherwise, and especially in dry times, make your camp right at the water so when you want to put out your fire, your hands, the only bucket you have, will serve well.

If you are not sure where you are going and you are equipped as I say, there is not a thing to worry about. In fact, it's a grand adventure. I've put in many a night thus in the deep snow, sometimes not over a couple of hundred yards from one of my cabins. If it's black dark or snowing gobs, it's much smarter to make camp, melt a little snow, make some gruel, eat some jerky, drink some tea, keep a tiny fire right at your feet, doze off, put a little more wood on, and sleep some more. It can go to 40 below and you got her made. Next morning, unless it has cleared up, don't think of moving. Just "snug" up your camp a bit. I remember staying in one of these for three nights. I got so good at laying out in the deep snow, if I could have found a female "Big-Foot," I might have just merged.

The most important single thing is the right kind of axe and a way of keeping it sharp. Most axes nowadays have too small an eye. If you break a handle, it won't help much to pray. Most men carry a good hatchet which is only slightly better than a heavy knife, unless you are in cedar country.

Never build a big campfire. The smaller the better, right between your toes, and two large piles of small wood within reach. You'll get a lot of rest and a lot of sleep and be ready to go when it clears. There's nothing to get excited about. It's a nice adventure and a lot of fun to be lost in the mountains if you are fixed for it. If you are a greenhorn, without any equipment, I would advise you never to go to the mountains alone. It is a lot better to learn to be a mountain man as a kid with an uncle or your dear old dad.

break of green bows, a V-shaped wind break, made a bow bed and built a fire. It was getting dark, colder and more wind. It was quite comfortable here and I worked half the night making dry tree crotches into a pair of snowshoes, ripping up my canvas leggings for babish. I used the long lengths of latigo I always carry to reinforce the centers and for the rigging. Here was plenty of wood for a small fire. I catnapped with the natural alarm to keep the fire going.

This camp and the snowshoes saved my life. It started to snow again toward morning and I ate the last four or five prunes at the crack of dawn. I carried the snowshoes well into the deep snow before trying them on so as not to risk breaking them on the rocks. It was downhill here and the wind had carried part of the snow away.

Nearing the first lake, there was deep snow again for the next few miles. I found the old Will cabin that I had considered fixing up, but it was much too large with big windows and a large door. Now it was blown full of snow, a badly misconceived relic of a greenhorn. I rested here a little, thinking of my snug cabin in Pinion Ridge, less than two miles away. It was wonderful to walk on top of the snow instead of wallowing through it. I could feel some fever and was badly in need of a good drink of water.

I could hear the water as I crossed the creek, and trying to figure out how to get a drink, I stepped on a snag just at snow level and broke one of my snowshoes. I found a small green crotch (nothing but green timber here) and by the time I had transferred the babish to the green crotch, I had a raging fever.

The green shoe was so heavy I could hardly go and staggered a lot. At the edge of the timber I broke the other dry snowshoe and that was it. I lay a long time in the snow and then crawled toward the creek, dug with my hands, had to nearly stand on my head to get a drink. Then I rested, and went back and drank again. I crawled to the edge of the timber. It was cloudy but had quit snowing. After a long search I could make out the outline of the gable of my cabin in the edge of the timber, less than a mile across the rolling park.

It was getting dark again. Nothing but green timber here. No chance of building a fire. Nothing left but to try crossing this park. I had very little stomach left, only determination not to go to sleep and to keep my bearings. I was out quite a way before complete darkness settled in and heavy showers of tiny hard pellets tried to lull me to sleep. I'd lunge while and then lay back and relax. The low buzz of the storm was coaxing me to sleep. I slapped my face hard several times. Toward

10-High Country News—Dec. 12, 1980

State of Wyoming Public Notice

PURPOSE OF PUBLIC NOTICE

THE PURPOSE OF THIS PUBLIC NOTICE IS TO STATE THE STATE OF WYOMING'S INTENTION TO ISSUE WASTEWATER DISCHARGE PERMITS UNDER THE FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972 (FWPCA), P.L. 92-500 AND THE WYOMING ENVIRONMENTAL QUALITY ACT (35-11-101 et. seq. WYOMING STATUTES 1957, CUMULATIVE SUPPLEMENT 1973).

IT IS THE STATE OF WYOMING'S INTENTION TO ISSUE WASTEWATER DISCHARGE PERMITS TO (1) OIL TREATER FACILITY, TO MODIFY (1) INDUSTRIAL PERMIT, (1) MUNICIPAL PERMIT, AND (1) FEDERAL GOVERNMENT PERMIT, AND TO RENEW (7) INDUSTRIAL PERMITS, (2) MUNICIPAL PERMITS, (1) FEDERAL GOVERNMENT PERMIT, AND (1) COMMERCIAL PERMIT.

APPLICANT INFORMATION

(1) APPLICANT NAME: Tri-Ex Corporation

MAILING ADDRESS: P.O. Box 8385
Denver, Colorado 80201

FACILITY LOCATION: Eitel No. 10-24, NW¼, SE¼,
Section 24, T51N, R68W,
Crook County, Wyoming

PERMIT NUMBER: Wy-0030228

Facility is a typical oil treater located in Crook County, Wyoming. The produced water is separated from the petroleum product through the use of heater treaters and skin ponds. The discharge is to Miller Creek via an unnamed draw (Class IV water).

The discharge must meet Wyoming's Produced Water Criteria effective immediately. Chapter VII of the Wyoming Water Quality Rules and Regulations infers that as long as the Produced Water Criteria is met, the water is suitable for beneficial use. There is no evidence to indicate that limitations more stringent than the Produced Water Criteria are needed to meet Wyoming's Water Quality Standards. The Department will continue to evaluate the discharge and, if necessary, will modify the permit if evidence indicates that more stringent limitations are needed.

Semi-annual self-monitoring is required for all parameters with the exception of oil and grease, which must be monitored quarterly. The proposed expiration date for the permit is December 31, 1984.

(2) APPLICANT NAME: Kerr McGee Nuclear

MAILING ADDRESS: P.O. Box 1120
Glenrock, Wyoming 82637

FACILITY LOCATION: Bill Smith Mine
Converse County, Wyoming

PERMIT NUMBER: Wy-0022411

The Kerr-McGee Nuclear Corporation's Bill Smith Mine is an underground uranium mine located in the "uranium district," approximately 20 miles northeast of Glenrock, Wyoming. Approximately 2.5 million gallons of water per day are pumped from the mine shaft and surrounding dewatering wells. This water is routed to a barium chloride treatment plant for precipitation of radium and is then routed to a series of three settling ponds which eventually discharge to an unnamed tributary of Sage Creek (Class IV water).

The corporation has now contacted the department and described plans for two separate leaching projects, the waste from which will be treated at the existing system. The department has determined that these projects have the potential to significantly alter the quality and quantity of the existing discharge and that modification of the discharge permit is therefore necessary.

The Bill Smith Mine Leach project will inject forty gallons per minute of recycled mine water containing sodium bicarbonate and hydrogen peroxide. The resultant leachate will then be captured from existing mine shafts. The proposed permit limits the quantity of injected water to forty gpm and sets limitations on the parameters sodium, chloride, and bicarbonate which must be met prior to discharge of this waste stream into the treatment system.

The Q Sand ISL project is a separate leach project located in a separate ore zone. Solution from the Q Sand will be reinjected into that zone after the addition of sodium bicarbonate and hydrogen peroxide. A bleed stream of approximately two gallons per minute (50 gpm during aquifer restoration) will be routed to the Smith Mine treatment system. The proposed permit limits the quantity of this discharge to fifty gpm and limits the concentrations of sodium, bicarbonate and chloride. The quality and quantity of this discharge must be measured prior to introduction in the Bill Smith Mine treatment system.

The limitations contained in the proposed permit are those which are considered by the State of Wyoming to represent "best available treatment." However, the proposed permit also contains a "reopener clause" which requires the permit to be notified if more stringent standards are developed at the federal level. The proposed permit contains an exemption from effluent limitations when a precipitation event in excess of the 10 year-24 hour storm occurs and contains standard language on control of runoff from disturbed areas.

Self-monitoring of effluent quality and quantity is required on a regular basis with reporting of results quarterly. The permit is scheduled to expire December 31, 1985.

(3) APPLICANT NAME: Buffalo Water Treatment Plant

MAILING ADDRESS: P.O. Box 430
Buffalo, Wyoming 82834

FACILITY LOCATION: Buffalo Water Treatment Plant
Johnson County, Wyoming

PERMIT NUMBER: Wy-0027103

The water treatment facility for the Town of Buffalo employs a microtrainer which is automatically backwashed at twenty minute intervals. The existing discharge permit for this facility authorizes discharge of this backwash water to Clear Creek; however, it has been learned that the discharge actually enters the Fort McKinney Ditch (Class IV water).

The proposed permit requires compliance with effluent limitations which are considered by the State of Wyoming to represent "best available treatment" for this type of discharge. The proposed permit does not limit or require monitoring of total residual chlorine since the discharge is to a Class IV water.

Periodic monitoring of effluent quality and quantity is required with reporting of results quarterly. The permit is scheduled to expire December 31, 1985.

(4) APPLICANT NAME: USDI, National Park Service

MAILING ADDRESS: Yellowstone National
Park, Wyoming 83190

FACILITY LOCATION: Canyon Village
Yellowstone National Park

PERMIT NUMBER: Wy-0023442

The National Park Service operates the wastewater treatment plant which serves Canyon Village in Yellowstone National Park. The facility is a contact stabilization package plant which discharges to the Yellowstone River (Class I water).

Because of severe weather conditions, the park service has requested that self-monitoring during the winter be changed from weekly to monthly and that they not be required to chlorinate during the winter. Due to the fact that during the winter full body contact recreation would not be expected on the river, the proposed permit grants the park service request. All other permit conditions including effluent limitations and self-monitoring and reporting requirements remain unchanged. The proposed permit is scheduled to expire November 30, 1985.

(5) APPLICANT NAME: Amoco Production Company

MAILING ADDRESS: P.O. Box 1400
Riverton, Wyoming 82501

FACILITY LOCATION:

Beaver Creek Gas Plant
Fremont County, Wyoming

PERMIT NUMBER:

Wy-0000248

The Amoco Production Company operates a gas plant in the Beaver Creek Field of Fremont County, Wyoming which extracts natural gas liquids and sulphur from natural gas. The plant is water cooled and wastewater consists of approximately 4,200 gpd of produced water and 4,200 gpd of cooling tower slowdown. After treatment with the use of skimming-settling ponds the discharge enters Beaver Creek (Class II water).

A discharge permit for this facility was issued in October of 1977, however, soon after the permit was inactivated with completion of a subsurface disposal system. Now, problems with the subsurface disposal system are developing and the company has requested that another discharge permit be issued.

The proposed permit required immediate compliance with effluent limitations which are considered by the State of Wyoming to represent "best available treatment." However, the permit also contains a "reopener clause" which requires the permit to be modified to reflect any more stringent limits developed at the federal level.

The proposed permit required periodic monitoring of effluent quality and quantity with reporting of results quarterly. The permit is scheduled to expire November 30, 1985.

(6) APPLICANT NAME:

American Nuclear Corporation

MAILING ADDRESS:

P.O. Box 2713
Casper, Wyoming 82602

FACILITY LOCATION:

Peach Uranium Mining Project
Fremont County, Wyoming

PERMIT NUMBER:

Wy-0027839

The American Nuclear Corporation operates an open-pit uranium mine in the Gas Hill area of eastern Fremont County which is known as the Peach Project. Ground and surface water which enters the mine pit is pumped to the surface, treated with barium chloride for radium removal and routed to two ponds for settling.

The discharge from the final pond will enter Fraser Draw (Class IV water) via an unnamed drainage. The proposed permit requires that the discharge comply with effluent limitations which are considered by the State of Wyoming to represent "best available treatment" effective immediately. However, the proposed permit also contains a "reopener" clause which requires the permit to be modified if more stringent limitations are developed at the federal level. The proposed permit contains a provision exempting the permittee from effluent limitations when a precipitation event exceeding the 10 year-24 hour storm occurs. The proposed permit also requires control of runoff from disturbed areas.

Self-monitoring of effluent quality and quantity is required on a regular basis with reporting of results quarterly. The permit is scheduled to expire December 31, 1985.

(7) APPLICANT NAME:

Bear Creek Uranium Company

MAILING ADDRESS:

P.O. Box 2654
Casper, Wyoming 82602

FACILITY LOCATION:

Hardy Project
Converse County, Wyoming

PERMIT NUMBER:

Wy-0028207

The Bear Creek Uranium Company plans to open an open pit uranium mine in northern Converse County which will be known as the Hardy Project. Groundwater and surface runoff which enters the mine pits will be pumped to the surface and routed through a barium chloride feed system (for removal of radium) and a settling pond prior to discharge to the Dry Fork of the Cheyenne River (Class IV water) via an unnamed drainage.

The proposed permit requires that the discharge comply with effluent limitations which are considered by the State of Wyoming to represent "best available treatment" effective immediately. However, the proposed permit also contains a "reopener" clause which requires the permit to be modified if more stringent limitations are developed at the federal level. The proposed permit contains a provision exempting the permittee from effluent limitations when a precipitation event exceeding the 10 year-24 hour storm occurs. The proposed permit also requires control of runoff from disturbed areas.

Self-monitoring of effluent quality and quantity is required on a regular basis with reporting of results quarterly. The permit is scheduled to expire December 31, 1985.

(8) APPLICANT NAME:

Centurion Nuclear, Inc.

MAILING ADDRESS:

P.O. Box 5005
Riverton, Wyoming 82501

FACILITY LOCATION:

Day-Loma Uranium Mine
Fremont County, Wyoming

PERMIT NUMBER:

Wy-0028118

Centurion Nuclear, Inc. plans to reopen the abandoned Day-Loma Uranium Mine located in the Gas Hill District of eastern Fremont County. Before beginning work in the mine the Company must first pumpout two mine pits which have filled with water. The northeast pit has a very low pH of 3.6 to 4.2 units and, because of this, has unacceptably high levels of various trace metals in solution. The southeast pit has a pH of 6.8-8.0 units and all trace metal concentrations are at normal background levels.

The proposed permit allows only the southeast pit to be pumped and discharged to Coyote Creek (Class IV stream). The proposed method of treatment is to route the mine water through a barium chloride feed system for precipitation of Radium 226, and then route the water through two settling ponds prior to discharge.

The proposed permit requires that the discharge comply with effluent limitations which are considered by the State of Wyoming to represent "best available treatment" effective immediately. However, the proposed permit also contains a "reopener" clause which requires the permit to be modified if more stringent limitations are developed at the federal level. The proposed permit contains a provision exempting the permittee from effluent limitations when a precipitation event exceeding the 10 year-24 hour storm occurs. The proposed permit also requires control of runoff from disturbed areas.

Because the Company does not plan to install the barium chloride system until Radium 226 concentrations reach unacceptable levels, the permit contains an additional set of conditions which requires the Company to meet the Radium 226 and Uranium limitations prior to discharge to the settling ponds. The limitations and self-monitoring requirements on the water being discharged to the settling ponds will remain in effect only until the barium chloride feed system becomes operational.

Self-monitoring of effluent quality and quantity is required on a regular basis with reporting of results quarterly. The permit is scheduled to expire December 31, 1985.

(9) APPLICANT NAME:

The Cotter Corporation

MAILING ADDRESS:

9305 West Alameda Parkway
Lakewood, Colorado 80226

FACILITY LOCATION:

Charlie Area Mine
Johnson County, Wyoming

PERMIT NUMBER:

Wy-0027685

The Cotter Corporation operates an open pit uranium mine located approximately thirty five miles northeast of Kaycee, Wyoming. The mine is dewatered through the use of dewatering wells located around the perimeter of the mine. The water from these wells is collected and discharged to Willow Creek (Class IV water) at a single location.

The proposed permit requires that the discharge comply with effluent limitations which are considered by the State of Wyoming to represent "best available treatment" effective immediately. However, the proposed permit also contains a "reopener" clause which requires the permit to be modified if more stringent limitations are developed at the federal level. The proposed permit contains a provision exempting the permittee from effluent limitations when a precipitation event exceeding the 10 year-24 hour storm occurs. The proposed permit also requires control of runoff from disturbed areas.

Self-monitoring of effluent quality and quantity is required on a regular basis with reporting of results

Lame duck Alaska bill passed; changes to be sought in '81

by Lonnie Rosenwald

For nearly a century, the highest point in North America has been named in honor of President William McKinley. For nearly as long, Alaska natives have tried to change the 20,300-foot peak's name back to its original bestowal, Denali.

They came close this year. The House version of the Alaska lands bill re-named the mountain Denali. But the legislation that received President Carter's signature this month only re-named the surrounding park, not the mountain.

The Mt. McKinley-Denali question was one of several compromise provisions in the Alaska law that may come back to haunt Congress in the future.

While encompassing sweeping additions to the nation's park system, the final Alaska lands bill left activists on both sides of the issue wanting more.

The prospect of Ronald Reagan, a Republican Senate and a loss of four environmentally oriented members of the House Interior Committee prompted environmentalists reluctantly to throw their support behind a leaner Senate version. It will allow more timber harvest in southeastern Alaska, mining within wilderness areas and provides for a road through another National Park reserve.

Barbara Blake of the Sierra Club said the compromise was disappointing "when you realize how close we came to something that would have been a major victory in protecting entire ecological systems." But Blake said there was "no alternative."

Nor did Alaskan state officials get everything they wanted written in the inch-and-a-half thick bill.

"We feel we got 80 percent of what we wanted," said chief Alaska lobbyist John Katz. "There's some room for discussion with environmentalists of some

of the things they're seeking."

The final act designates slightly over 100 million acres of conservation lands; 45 million acres of parks; 54 million acres of wildlife refuges; and 5 million acres of forest. The nation's park system was thus doubled, and the 57 million acres of Alaska land designated as official wilderness tripled the amount of preserved wilderness. Thirteen rivers became wild and scenic.

The law also transfers 98 million acres of land to the state of Alaska and eases transfer of 44 million acres to native Alaskans promised under the Native Claims Settlement Act.

There were compromises, however. In addition to special provisions for resource development, the boundaries of several House-approved park areas were shrunk and the north slope of the William O. Douglas Wildlife Range (formerly the Arctic National Wildlife Range, and the calving grounds of the Porcupine caribou herd) will be exposed to oil and gas exploration.

Katz has already started pushing for additional legislation — he backed some of the 46 amendments that have already passed the House during the lame duck session. But state officials' big concerns — opening some of the parks and refuges to sport hunting and exempting some small, strategic mineral deposits from wilderness, refuge or park areas — will not be tackled until the 97th Congress. The oil industry may ask Congress to speed up the exploration study on the William O. Douglas range.

Rep. Morris Udall, who sponsored the unsuccessful, pro-environment House version of the bill, also has a shopping list for the next Congress, including many of the provisions left behind in this year's House bill. Udall may take it step-by-step rather than offering one comprehensive amendment package.

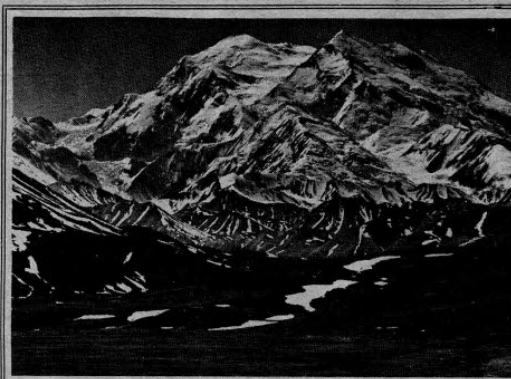


Photo courtesy of National Park Service
MT. DENALI or Mt. McKinley? Congress says the latter.

"We're treading in very uncertain waters," said an aide. "With the 97th Congress we'll have a whole new ball game. We don't know what the tenor of the new administration is going to be."

On the environmentalist shopping list are: excluding some areas in the Tongass National Forest in southeastern Alaska from the new 450 million board feet a year cutting quota; stronger fishery protection from mining in the Misty Fjords area; requiring congressional approval of road or railroad construction in the Gates of the Arctic National Preserve; and wilderness designation for the 1.3 million-acre Copper River Delta area.

How these amendment efforts will fare may depend on the new congressional line-ups. Alaska's Ted Stevens is slated to become Senate Majority Whip, which will give him a powerful pro-development platform. Sen. James McClure (R-Ida.) who favors a balance between preservation and resource development but voted against Idaho's River of No Return Wilderness this year, assumes the chairmanship of the Energy Committee.

But Democrats favoring preservation will be a force to reckon with in the House. Less powerful than last year, Udall "will still be able to perform a blocking function," Katz points out.

Interest groups are also waiting to see who the Interior Department will assign to implement the bill. One possible candidate, according to Blake, is Bill Horn, a staff aide to pro-development Rep. Don Young (R-Alaska). And then there's Denali.

"With all due respect to President McKinley" an Anchorage newspaper editorialized, "he never even saw Denali." Alaska natives agree, and are arguing that the name was forced upon them by outsiders who don't have as close a relationship to the mountain as they do.

The natives may finally win this January when the Department of Interior's place-name advisory board meets to consider their request.

Lonnie Rosenwald, a former reporter for the Idaho Statesman, is now on the staff of States News Service in Washington, D.C.

quarterly. The permit is scheduled to expire December 31, 1985.

(10) APPLICANT NAME:	Pathfinder Mines Corporation
MAILING ADDRESS:	Shirley Basin, Wyoming 82615
FACILITY LOCATION:	Shirley Basin Uranium Mine Carbon County, Wyoming
PERMIT NUMBER:	Wy-0001252

Pathfinder Mines Corporation operates a large open pit uranium mine at Shirley Basin, Wyoming. Water pumped from the mine pits is routed to barium chloride feed systems for the removal of radium 226 and then to a series of settling ponds prior to discharge to Spring Creek via unnamed drainage (discharge point 002) or the Little Medicine Bow River via unnamed drainage (discharge point 003). The Little Medicine Bow River is a Class II water and Spring Creek is Class III. Discharge point 001 no longer exists and is not included in the permit.

The proposed permit requires that the discharge comply with effluent limitations which are considered by the State of Wyoming to represent "best available treatment" effective immediately. However, the proposed permit also contains a "reopener" clause which requires the permit to be modified if more stringent limitations are developed at the federal level. The proposed permit contains a provision exempting the permittee from effluent limitations when a precipitation event exceeding the 10 year-24 hour storm occurs. The proposed permit also requires control of runoff from disturbed areas.

Self-monitoring of effluent quality and quantity is required on a regular basis with reporting of results quarterly. The permit is scheduled to expire December 31, 1985.

(11) APPLICANT NAME:	Wyoming Refining Company
MAILING ADDRESS:	P.O. Box 820 Newcastle, Wyoming 82071
FACILITY LOCATION:	Weston County, Wyoming
PERMIT NUMBER:	Wy-0001168

The Wyoming Refining Company is the owner and operator of an oil refinery located in Newcastle, Wyoming. Wastewaters produced at the refinery receive preliminary treatment for the removal of oil and grease and are then pumped to a complete containment pond system which results in no discharge to waters of the State.

The proposed permit allows a discharge to Cambria Creek (Class IV water) only under emergency conditions or when a discharge is unavoidable to prevent loss of life or severe property damage. An emergency is defined as a condition which is beyond the control and responsibility of the permittee and could not have been reasonably foreseen.

Should a discharge occur, the permittee is required to immediately notify the Department, the City of Newcastle, downstream landowners, and local news media. The permittee is also required to submit detailed information to the Department concerning the quality and cause of the discharge as well as actions taken to stop the discharge. The proposed permit is scheduled to expire December 31, 1985.

(12) APPLICANT NAME:	City of Casper
MAILING ADDRESS:	200 North David Casper, Wyoming 82601
FACILITY LOCATION:	Sewage Treatment Plant Natrona County, Wyoming
PERMIT NUMBER:	Wy-0021920

The sewage treatment plant serving the City of Casper, Wyoming is an activated sludge plant which includes an anaerobic digester and a gas chlorination system followed by a contact chamber. The plant is currently in compliance with National Secondary Treatment Standards and discharges approximately 5.5 million gallons per day of effluent to the North Platte River (Class II water).

The City of Casper, Towns of Mills and Evansville, the Brooks, Paradise Valley, and Wardwell Water and Sewer Districts, and Natrona County are now working together under an EPA grant to plan and build a regionalized sewage treatment and collection system for the Casper area. At this time it is expected that by July 1, 1985 there will be a single sewage treatment plant serving the entire area.

The proposed permit contains three separate phases of effluent limitations as follows:

1. Effective immediately and lasting until July 1 of 1985 the existing sewage treatment plant must continue to meet National Secondary Treatment Standards and a strict year round limitation on fecal coliform bacteria which is necessary to protect the Evansville water supply.
2. Effective beginning July 1 of 1985 the new or upgraded regionalized plant must meet the same limitations as described above plus a more stringent limitation on total residual chlorine which is necessary to meet the in-stream water quality standard for that parameter day low flow conditions.
3. Effective upon receipt of another Federal grant which is specifically designated to provide advanced wastewater treatment, the city will have to upgrade its treatment to the extent necessary to meet the in-stream water quality standard for ammonia during low flow conditions. The ammonia limitations contained in the permit are the most stringent which could be anticipated and assume no in-stream ammonia losses and complete mixing at the point of discharge. The ammonia situation at Casper will continue to be evaluated and it is expected that the limitation in this permit will be modified and probably become less stringent as more information is collected.

At this time it appears that violation of Wyoming's in-stream standards for dissolved oxygen will not occur provided National Secondary Treatment Standards are achieved. However, this position will continue to be evaluated (and the permit modified if necessary) as more information becomes available.

Self-monitoring requirements in the proposed permit require the monitoring of all limited parameters on a routine basis with reporting of results monthly. The proposed permit is scheduled to expire December 31, 1985.

(13) APPLICANT NAME:	Town of Saratoga
MAILING ADDRESS:	P.O. Box 486 Saratoga, Wyoming 82531
FACILITY LOCATION:	Water Treatment Plant Carbon County, Wyoming

(continued on page 14)

12-High Country News—Dec. 12, 1980

Western Roundup



Park Service bans 2,4-D

The National Park Service, admittedly bowing to pressure from environmentalists, has halted the use of the weed killer 2,4-D in its park and recreation areas.

The ban is the first regulatory action on any government level to restrict the chemical, tons of which are used every year to kill weeds along highways and on lawns. Agency officials say their decision was based not on scientific evidence, but rather on their "fear" that the chemical is potentially dangerous.

The substance, along with the more controversial 2,4,5-T, is a constituent of the now infamous Agent Orange, sprayed as a defoliant in Vietnam and blamed by veterans for a wide range of health disorders.

Both chemicals are vigorously defended by their manufacturers and some public health officials, who argue that there is no scientific evidence yet of any danger. But both are suspected by others to be dangerously contaminated with dioxin, and to cause spontaneous abortions, bleeding of fetuses and birth defects.

Most attention has thus far centered around 2,4,5-T. Its extensive use as a

brush killer has been halted by the Environmental Protection Agency and a permanent total ban is being considered.

But widely associated with 2,4,5-T, 2,4-D is being increasingly blamed by citizens for community health problems, including miscarriage rate increases in Montana's Swan Valley (see HCN 2-22-80).

Lou Johnson of EPA's toxic substances office in Denver says there is no evidence that 2,4-D is dangerous. The problem for regulators, however, he admits, is that such evidence has not been vigorously sought. And the agency, held by law to consider chemicals "innocent until proven guilty," cannot act to restrict its use until such evidence is available.

(A temporary ban may be imposed for less than full scientific evidence, however, if there is sufficient concern; but such bans are exceptional and politically volatile.)

"Until we can find that our fears are unfounded...it's better to err on the side of conservatism and not use a potentially dangerous chemical," a park service spokesman said of the agency's decision.

Election disputes unsettle Demos

Post election challenges have miffed Democrats in South Dakota and could rob Idaho environmentalists of their victory in last month's polling.

State senator-elect John Peavey of Carey, Idaho, a former Republican legislator turned Democrat and a rancher with strong conservation ideals, is being challenged by his defeated opponent over alleged voter registration irregularities.

State environmentalists called Peavey's 57-vote victory the "only shining ray" in the entire election. But his opponent says people were illegally registered to vote, that they cast illegal ballots, and that at least one legal vote was rejected. The dispute centers in Blaine County, where an anti-nuclear

initiative won with two-thirds of the vote.

At stake is not only Peavey's seat, but the entire political balance of the state Senate. Republicans, who hold majorities in both houses, are only one seat short of a two-thirds, veto-overriding margin in the Senate (Gov. John Evans is a Democrat).

To the ire of state Democrats, Peavey is being challenged under an as yet unused 1890 statute that gives the Senate the final say in unseating one of its members in an election dispute.

"The only 'irregularity' in the election of John Peavey is that he got the most votes and won the election," County Democratic Chairman Ron Peck told the Mountain Express.

Andrus freezes Birds of Prey

Drawing charges of political "arrogance" and "abuse of discretionary power," out-going Secretary of Interior Cecil Andrus has set aside almost half a million acres of federal land in Idaho to expand the Snake River Birds of Prey Natural Area.

The present 31,000-acre preserve encompasses little more than the nesting sites for southwestern Idaho's unique raptor population. While there is general agreement the area should be enlarged, key decision-makers in the state are split over just how large the preserve should be.

A recent agreement between the Bureau of Land Management and Idaho Gov. John Evans (D) would expand the area to some 600,000 acres. Andrus' ruling covers the federal portion of this proposed area, 482,640 acres; the balance is state owned.

Andrus' action can be reversed either by Congress or the Reagan Administration. It does not change existing uses of the area, including grazing, fishing, hunting and National Guard training.

It does, however, prohibit agricultural development on about 85 percent of the land. Private landowners wanting to create irrigated farmland in the arid desert area have opposed any sizeable expansion of the Birds of Prey.

"We will fight the action in the courts, in the press and from the grass roots," said Jack Streeter of the Southwest Idaho Development Association.

The Andrus move also caught the attention of Sagebrush Rebellion proponents.

Vern Ravenscroft, head of the Boise-based Sagebrush Rebellion, Inc., called the move "the kind of crap that makes people want to join the Sagebrush Rebellion." Ravenscroft's group is suing the Department of Interior for failing to

prepare an adequate environmental impact statement on the proposed expansion.

Also joining the fray was Idaho's largely Republican congressional delegation. Sen. James McClure (R) called the order "an act of extreme arrogance and abuse of discretionary power."

Senator-elect Steve Symms (R) said it was "another example of the insensitive treatment Westerners receive from the federal overlords in Washington, D.C." And Idaho Attorney General David Leroy, who has his eye on the governorship that Andrus once held, said Andrus' action merited study to see what legal action could be taken against it.

Both McClure and Symms have vowed to try to reverse the move in Congress, which by law has 90 days to do so.

Pat Ford of the Idaho Conservation League says everyone is overreacting. Along with other environmental groups in the state, the league sent Andrus a letter two weeks before his November 24 decision urging him to take the action.

"All Andrus has done," said Ford, "is focused a little more attention on the issue and forced Congress to speed up its consideration of the proposal."

Ford and other state environmentalists reject the agricultural potential arguments on two grounds: the lack of water for irrigation, and the availability of other lands outside the proposed expansion area.

The Idaho Statesman, in a Nov. 28 editorial, agreed:

"Even if Andrus' executive order is struck down, Congress most likely will expand the area, anyway, though perhaps not by so much. To do otherwise would be foolhardy."

Farmers fear sobering future

in Washington, D.C.

Urban pressure on farmland will drastically increase as "there is a virtual avalanche of people on their way to Colorado" to develop energy resources, warned Gov. Richard Lamm (D).

Lamm used the forum to urge farmers to "get involved in urban planning," and called for a doubling of the state's 64 cents per ton of coal severance tax to pay for energy related impacts.

Glasson asked for help in lobbying for a new federal farm bill, that will have provisions on soil conservation, farmland preservation, international trade and labor.

Propst, maintaining that farmers are as patriotic as the next fellow, called for less government manipulation of food prices "as a political tool."

The good news, Propst said, is the inflation fighting goal of the incoming Reagan administration.

Campaign officials admit they were trying to boost the normally low Indian voter turnout, but say no strings were attached to the food and no laws were broken.

"When you consider the source (of the charge)" said a McGovern aide, "it's just straight politics." McGovern lost the election to Republican Rep. James Abdnor, but his campaign committee could be fined \$1,000 if found guilty.

"It's a lot more fun to get drunk than sober up," Keith Propst told some 350 Colorado farmers and ranchers earlier this month at the state's Farm Bureau meeting in Colorado Springs, covered by the Denver Post.

But we need to do so anyway, he said, following "30 years of irresponsible government." Propst, president of the 14,000 member group, headed a list of speakers who had news for the conventioners that was anything but intoxicating.

Net farm income was down 30 percent this year, Propst said, and farmers across the country had to borrow \$180 billion, 15 percent more than last year.

The export market for American agricultural products may be hurt by protectionist import policies for the U.S. auto industry, said Vernie Glasson of the American Farm Bureau Federation

46th Legislature convenes on Jan. 12.

In the other election quarrel, the South Dakota attorney general has charged defeated Sen. George McGovern's (D) campaign committee with trying to bribe voters on the Pine Ridge Indian Reservation.

The committee served free meals at reservation community centers on Nov. 4. The Republican attorney general says they were bribes.



Bulletin Board



FOREST WORK

The U.S. Forest Service has announced its application procedures for 1981 summer season jobs. With a plethora of qualifications, classifications, regional categories and application forms, it's all too complicated for us to sort out. But the first step seems to be to contact Temporary Employment, Forest Service, Rocky Mountain Region, 11177 West 8th Ave., Box 25127, Lakewood, Colo. 80225. Ask for application forms, which must be submitted by Jan. 15.

'TIS THE SEASON

To snowmobile in Grand Teton National Park, that is, Most unplowed roads, and a portion of the Potholes-Baseline Flat Area will be open to snowmobiling starting Dec. 20. A permit is required and a route map for the accessible 64.5 miles of road and 16,000 acres is available from the Superintendent, Grand Teton National Park, P.O. Drawer 170, Moose, Wyo. 83012.

WORLDWATCH'S ENERGY

Energy used in the world's homes and offices could be cut by a quarter with new building standards, says the Worldwatch Institute in its new study, *Energy and Architecture*. The paper is the 40th in the Institute's series and is available for \$2 from WI, 1776 Massachusetts Ave., N.W., Washington, D.C. 20036.

ALASKA FINALE

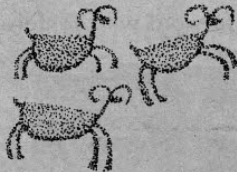
Nearly a decade after its conception, the Alaska lands fight is over, and the Alaska Coalition is closing shop. Their final newsletter summarizes the legislative battle, details the final act's provisions, and sends an emotional farewell to everyone who helped. For a copy, write Alaska Coalition, 530 Seventh Street, S.E., Washington, D.C. 20003.

BACK TO SCHOOL

The Soil Conservation Society has several scholarships available for undergraduate and postgraduate study in the conservation field. Contact: SCSA, 7515 Northeast Ankeny Road, Ankeny, Iowa 50021.

BLACKS AND ENERGY

The American Association of Blacks in Energy will hold its fourth annual conference Feb. 4-6, 1981 in Denver. The association, which promotes a black role in energy decision-making and helps black students enter the energy field, will hold workshops and lectures by black leaders and energy experts. The conference, titled "Energy: Black Out or In?", will be held at the Fairmont Hotel. For more information, contact the AABE at 1420 Larimer Square, Suite 203, Denver, Colo. 80202, or call (303) 573-1865.



MAPPING OVER

The Overthrust Belt region, either by aerial photograph or tectonic mapping, is now available on maps from the Geological Survey of Wyoming. The photomosaic (Map Series MS-8B) costs \$2.50 and its companion tectonic map (Map Series MS-8A) costs \$3.50 from the survey at P.O. Box 3008, University Station, Laramie, Wyo. 82071. The latter was updated in July this year with new oil and gas discoveries.

FARM CHANGES

There'll be fewer and larger farms in the U.S. by the year 2000, the Department of Agriculture says. And its analysis of the consequences of this trend is outlined in *Agriculture Information Bulletin No. 439*, available from the USDA, Washington, D.C. 20250.

NEW MEXICO WILDLIFE

A visit to the Roseque del Apache National Wildlife Range near Socorro, N.M. this winter can net you a public tour on snow geese, raptors, or bird banding techniques. Contact the refuge headquarters at 505-835-1828.

MANAGING ECOLOGY

The technical side of managing the environment is the focus of the six times a year journal, *Environmental Management*. In its fifth publishing year, the magazine's previous entries have included treatises on salt marsh fertilization, fire management, composite sampling, and a piece on decision-making called "The Three Kinds of Environmental Problems." A year's subscription is \$48, from Springer-Verlag, 175 Fifth Avenue, New York, N.Y. 10010.

STUDYING EUROPE

The German Marshall Fund is offering a second year of European internships for American environmentalists. Experience in the fields of toxic substances and waste, environmental economics, energy, regional activity, impact statements or coastal zone management is particularly sought. Contact: Marianne Lais Ginsburg, The German Marshall Fund of the U.S., 11 Dupont Circle, N.W., Suite 900, Washington, D.C. 20036.

APPROPRIATE GRANTS

Reagan may plan to abolish it, but for the moment, the Department of Energy rolls on. DOE is making grants for small-scale energy-related projects, from the concept stage to demonstration. Individuals, small businesses, non-profit groups, Indian tribes and local agencies are eligible if they have ideas for using renewable resources on a small scale. Application forms will be issued beginning in January, and must be returned by March 15. Awards will be made next summer. If you want to apply, write Meg Schachter, Regional Manager, Appropriate Energy Technology, U.S. Dept. of Energy, 333 Market St., San Francisco, Calif. 94105.

LOW LEVEL STUDY

A new analysis of the human health effects of low level radiation is summarized in the pamphlet, "Methodologies for the Study of Low-Level Radiation in the Midwest." It includes information on tracing sources and determining risks, as well as data on how diet, residence and age can multiply health risks. Copies are \$5.50 postpaid from the Land Educational Associates Foundation, 3368 Oak Ave., Stevens Point, Wisc. 54481.

SERI PAPERS

The Solar Energy Research Institute in Colorado is collecting some criticism for not promoting solar effectively, but one thing it is doing is producing volumes of studies on renewable energy sources and conservation issues. For a bibliography contact SERI, 1617 Cole Blvd., Golden, Colo. 80401.

ROCKY SENIORS

Senior citizens in the Rocky Mountains have a new literary pal — *Scribes*, a magazine produced by the students at Metropolitan State College in Denver. Gaining acclaim from such diverse readers as Sen. Gary Hart (D-Colo.) and an editor at *Reader's Digest*, the magazine runs poetry, fiction, non-fiction, art and photography — for, by and about senior citizens. Contact the college's English Department at Box 32, Denver, Colo. 80204, for a sample copy and submission guidelines. (How about profiling your local senior environmental activist?)

SOLAR MONEY

A new book by Odin Press claims to have clear facts on why a solar water heater is a good financial investment, including such selling points (for yourself, friend or neighbor) as investment returns, tax credits, payback periods, and yearly dollar savings. Calculate to Save costs \$3.45 postpaid from Odin Press, Dept. 124, P.O. Box 536, New York, N.Y. 10021.

REPENT YOUR SYN FUEL WAYS

Synfuel t-shirts from the Powder River Basin Resource Council. Children's sizes, plus adult S-M-L-XL in both blue and brown. Send \$6 per shirt, including \$.75 apiece for shipping. Limited supply.

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Classifieds

Classified ads cost 10 cents a word. They must be prepaid.

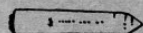
NEWS EDITOR. High Country News is looking for a full time news editor with copy editing skills and a good grasp of natural resource issues. Low salary, health insurance. Job includes writing, making assignments and editorial policy setting. Application deadline Oct. 1. Send resume, writing and/or editing samples, and references to Geoffrey O'Gara, HCN, Box K, Lander, Wyo. 82520.

RIDE WANTED to Northeast after December 17. Call Kathy (307) 856-7747 collect.

14-High Country News—Dec. 12, 1980

Trackings

followups on previous stories



MX races forward with fanfare



Photo by Michael McClure

Bear maulings

(see HCN 3-21-80 for previous story)

The trial in a U.S. District Court lawsuit stemming from a 1976 bear mauling incident in Yellowstone National Park has been rescheduled for April, 1981.

Melvin Ford of Salt Lake City filed the suit against the United States in 1978 alleging that the National Park Service had negligently failed to control Park bears and to warn visitors of bear dangers. The suit asks for more than \$250,000 in damages.

The government has denied liability, claiming that Ford contributed to his injuries by leaving a cooler containing food outside his camper despite warnings.

The trial, before U.S. District Judge Aldon J. Anderson of Salt Lake City, had been scheduled for June, 1980. The suit could have significant impacts on Yellowstone bear management and on the extent to which the National Park Service must keep the parks safe for visitors.

—Phil White



Photo by LuRay Parker

Garrison goes

(see HCN 6-27-80 and 8-22-80 for previous stories)

With discussions between the United States and Canada still pending, outgoing Secretary of Interior Cecil Andrus has approved construction of the Garrison Diversion Project in North Dakota. The National Audubon Society has filed suit to reverse the order.

The Garrison would irrigate 250,000 acres of farmland and supply drinking water to more than a dozen North Dakota towns.

But it would also destroy 70,000 acres

(see HCN 11-14-80 for previous story)

The U.S. Air Force has awarded a \$62.3 million contract to a Denver-based firm for work on the proposed MX missile system.

The contract, which was announced in a front page *Denver Post* story on Nov. 21, calls for full-scale development of a launcher for the nuclear missile and promises subsequent contracts to build all 200 planned launchers.

Martin Marietta Corp. of Denver received the award and promptly announced its work force would climb one-third by next summer. The firm is already working for the Air Force to build transportation systems and flight-safety equipment for the MX.

Meanwhile, the Air Force announced its first choice for an MX operating base: Coyote Springs, Nev., 50 miles north of Las Vegas. Milford, Utah, was selected for the secondary base.

Both the mayor of Milford and the head of the Nevada Development Authority were pleased by the selections. They lobbied the Air Force to host the bases, says Stan Holmes of the MX Information Center in Salt Lake City.

Finally, the \$161 billion defense appropriation bill, which provides funding for the MX, passed the Senate last month with only one 'nay' vote. But the holdout was Sen. Mark Hatfield (R-Ore.), who will chair the Senate Appropriations Committee next Congress. Hatfield supports across-the-board budget cuts, with no exemptions for the Defense Department, and he prefers a sea-based alternative to the land-based MX system.

of waterfowl habitat, which one environmentalist called the "last vestige of our prairie pothole inheritance." The project has faced opposition since it was first authorized in 1967.

The most controversial issue in the latest round concerned the possible impacts of Garrison on Canada—it would affect the northern flow of the Missouri River Basin water into Canada's Hudson Bay drainage.

Talks between the two countries are

Lowry dumped

(see HCN 11-28-80 for previous story)

The new hazardous waste dump at the Lowry landfill in Colorado has been shut down by the Arapahoe County Commission, citing potential health and safety hazards for nearby residents.

The facility, operated by Chemical Waste Management for the neighboring county of Denver, received operating approval on Nov. 19 from the U.S. Environmental Protection Agency.

It would have been the only commercial hazardous waste disposal site in the Rocky Mountain region. Company officials planned to accept several million tons of toxic wastes a year from as far away as Montana.

Nearby residents protested, however, and the commission ordered the operation closed last week. The commission approved continuation of sanitary landfilling and a dumping operation by Shell Chemical Co. at the site.

The board set up a panel to find an alternative site for hazardous waste disposal. But state and EPA officials, who apparently lack the authority to overrule the county decision, fear the Lowry dump's closure may precipitate illegal dumping.

"All we need is a few clandestine disposals and we'll wish we were back with the original Lowry situation," said Al Hazle of the Department of Health.

"The whole matter," the *Denver Post* editorialized, "underscores again the need for state and federal legislation to clean up poorly sited disposal areas and guide the siting of new ones."

not scheduled until next March. Andrus restricted the latest go-ahead to those parts of the project that would not affect Canada. Some \$10 million is to be spent on construction this spring.

The Audubon lawsuit is asking U.S. Federal Judge Charles Richey in Washington, D.C., to stop all construction and land acquisition, and send the entire package back to Congress for reanalysis. A court decision is not expected until early next year.

PERMIT NUMBER:

(continued from page 11)

Wy-0003492

The Town of Saratoga has two operable water treatment plants which treat raw water taken from the North Platte River. The old plant, which is now used intermittently, is a standard plant consisting of coagulation, sedimentation, filtration, and chlorination. The new plant includes diatomaceous earth filtration and ozonation. Wastewaters from both plants consist of filter backwash and are routed to a single evaporation-filtration pond which is expected to have no discharge back to the North Platte River (Class I water).

The treatment pond has recently been constructed, and at this time it is not absolutely certain that the pond will be able to handle all of the wastewater during the spring when frequent backwashing is required. Therefore, the proposed permit requires only that the existing system be operated at its maximum capability and efficiency through July 31, 1981. As of August 1, 1981, no discharge is required.

During the interim period, regular monitoring of any discharge will be required with reporting of results quarterly. The permit is scheduled to expire December 31, 1985.

(14) APPLICANT NAME:

MAILING ADDRESS:

Arapahoe School and Industrial Park
School District No. 38
Arapahoe, Wyoming 82510

FACILITY LOCATION:

Arapahoe School and Industrial Park
Fremont County, Wyoming

PERMIT NUMBER:

Wy-00025275

The wastewater treatment facility serving the Arapahoe School and Industrial Park located at the community of Arapahoe, Wyoming is a single cell non-aerated lagoon. The industrial park is not occupied and the school serves approximately 250 students and six residences.

Self-monitoring data indicate that the lagoon is in compliance with National Secondary Treatment Standards and Wyoming's in-stream Water Quality Standards. The proposed permit will require continued compliance with these requirements. The lagoon discharges to the Little Wind River (Class II stream).

Because of the very large dilution factor in the receiving stream (approximately 6,000 to 1 at the 10 year seven day low flow) there is no need to require ammonia removal in order to meet in-stream water quality standards for that parameter. In addition, the proposed permit limitations for fecal coliform bacteria and total residual chlorine are more stringent than necessary; however, they are limitations which have been met with the existing system. The facility has requested and received less stringent effluent limitations for the parameter total suspended solids as authorized for stabilization pond systems with a design flow of less than 2.0 MGD. The permit is scheduled to expire January 31, 1986.

(15) APPLICANT NAME:

Caribou Resort

MAILING ADDRESS:

Rural Route 1, Box 96
Buffalo, Wyoming 82834

FACILITY LOCATION:

Caribou Resort
Johnson County, Wyoming

PERMIT NUMBER:

Wy-0024848

The Caribou Resort is located approximately 25 miles west of Buffalo, Wyoming on U.S. Highway 16. The wastewater treatment facility at the resort is a sanilogical package plant which discharges at a point approximately 100 yards from Caribou Creek (Class II water).

The proposed permit requires compliance with National Secondary Treatment Standards effective immediately. Because the effluent flows across the surface for a distance of approximately 100 yards a strict limitation on fecal coliform bacteria is imposed during the recreation season; however, the overland flow also allows a more liberal total residual chlorine limitation of 2.0 mg/l.

Self-monitoring of effluent quality and quantity is required on a regular basis with reporting of results quarterly. The permit is scheduled to expire January 31, 1986.

STATE—EPA TENTATIVE DETERMINATIONS

Tentative determinations have been made by the State of Wyoming in cooperation with the EPA staff relative to effluent limitations and conditions to be imposed on the permits. These limitations and conditions will assure that State water quality standards and applicable provisions of the FWPCA will be protected.

PUBLIC COMMENTS

Public comments are invited any time prior to January 12, 1981. Comments may be directed to the Wyoming Department of Environmental Quality, Water Quality Division Permits Section, Hathaway Building, Cheyenne, Wyoming 82002, or the U.S. Environmental Protection Agency, Region VIII, Enforcement Division, Permits Administration and Compliance Branch, 1860 Lincoln Street, Denver, Colorado 80236. All comments received prior to January 12, 1981 will be considered in the formulation of final determinations to be imposed on the permits.

ADDITIONAL INFORMATION

Additional information may be obtained upon request by calling the State of Wyoming, (207) 777-7781, or EPA, (303) 327-3874, or by writing to the aforementioned addresses.

The complete applications, draft permits and related documents are available for review and reproduction at the aforementioned addresses.

Public Notice No. Wy-80-012

Opinion



For solar: Four more years of malign neglect

Transitions are difficult times. He hasn't even taken office yet and already, like a mother quail eyeing its tailing chicks, we're looking over our shoulders, counting our blessings and bracing for a brave new world that may not include some of today's clean air controls, stripmine rules and worker health standards — new friends that don't seem to fit in the president-elect's master plan.

One little environmental chick, however, is perfectly safe from the storm. Solar energy, in its newborn innocence, is likely to continue along the same course set by outgoing President Carter and the 96th Congress. But that is not good news. For the solar fledgling has been underfed, underclothed and basically ignored, and its course under Carter and the 96th Congress leads nowhere. The new Potomac powers merely portend four more years of the same abuse. For solar energy, the transition will be smooth as ice.

President Carter's dream was to set the groundwork for supplying 20 percent of our energy needs with solar by the year 2000. Programs to achieve that, however, are just getting underway and, if they are run like the slightly older efforts, face innumerable obstacles.

Since 1977, the Department of Energy has delegated the bulk of its solar assignments to the Solar Energy Research Institute (SERI) near Denver and four regional centers. But the institutes have been consistently underbudgeted, uncoordinated and so mismanaged by the DOE that Carter's 20 percent goal is mere pipedream.

This criticism comes not from solar activists, who are reluctant to criticize the institutes they helped set up and now direct, but rather from Congress' investigative arm, the General Accounting Office. The GAO has issued four critical reports since 1977 and the latest, released last August, says in no uncertain terms that unless drastic management improvements are made, there is no way SERI and the regional centers are going to lead us to the 20 percent goal. Other federal schemes, including tax credits and a solar financing institute, have been postponed

or lost in Capitol Hill budget skirmishes.

The political environment for solar could hardly worsen, and may even improve, some insiders believe. "It's still unclear how the Reagan Administration stands..." says SERI's Denis Hayes, "and there'll be a vacuum until the Secretary (of Energy) and assistant secretaries are selected and confirmed. But I have a degree of hope that things will improve under Reagan. We all, including us in solar programs, waste an inordinate amount of money and Reagan's strong desire to run a tight ship could help make everything run more smoothly."

Dick Munson of the Solar Lobby thinks SERI may actually get a larger share of the budget if the other federal laboratories, as foreseen, concentrate more on nuclear weapons development and drop their solar contract morsels. And a knowledgeable congressional staffer points out that SERI's parent company, the not-for-profit Midwest Research Institute, has strong Republican ties and may be influencing transition team policies.

Solar activists are also viewing the changes on Capitol Hill with only mild apprehension. The selection of Sen. Mark Hatfield (R-Ore.) to head the Appropriations Committee is an actual improvement, they feel, while even Sen. James McClure's (R-Idaho) lukewarm attitude towards solar may improve as he takes over the Energy panel. The House leadership will remain largely the same.

This is all to say, however, that solar at best will remain on track — a track to nowhere — and as one observer put it, "Twentieth on the list of priorities for energy supplies."

It may have been a mistake, many solar proponents believe, to place all their eggs in the federal basket — too many were broken. What to do? One recourse is to forget the federal government, or at least, as Hayes once pointed out, ensure it doesn't interfere, and work at the state, local and private level to make solar commercial. Things could only improve.

— MM



GAS IMPASSE

Dear HCN,

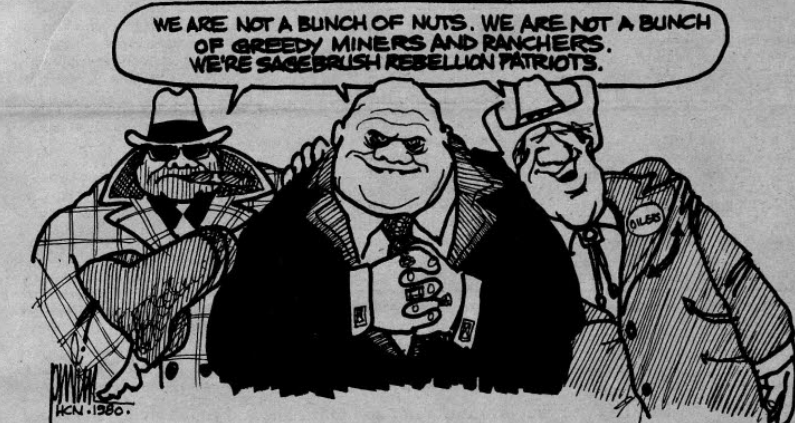
I spoke in passing to an old friend, Gary Snider, about a month ago. He didn't have time for the usual pleasantries. "Why did you use such a high efficiency factor for gas furnaces?" was his only comment.

He was referring, I'm sure, to my wood burning lucubrations published in *High Country News* (10-3-80). In that article, I calculated it would cost \$43.68 for a Cheyenne resident to travel 190 miles round trip to bring home 1,800 pounds of lodgepole pine in a half-ton pickup averaging 14 miles per gallon. The wood would yield 6.3 million BTUs when burned in an airtight stove with a 50 percent efficiency.

Several library sources I checked had supported the assertion of the local gas company that a standard natural gas furnace operates with 75-80 percent efficiency (20-25 percent of the BTUs in the gas go up the chimney). It was this figure that Snider found unacceptable.

This week I have received from Snider, who works for Western SUN (Solar Utilization Network) at the University of Wyoming, a copy of a review in *Soft Energy Notes* for February, 1980. The article concerns a study done last year by Jay L. McGrew of Applied Science and Engineering in Englewood, Colo.

The study showed that while most furnace nameplates assert an 80 per-



cent efficiency, the actual performance of eight furnaces over a complete cycle averaged only 46 percent.

"Several factors contribute to this low rating: short burn time, oversizing of furnaces, improper air flow rates, narrow thermostat ranges and misadjusted control systems," the *Soft Energy Notes* article says.

I have, therefore, taken another look at my typical calculation for a Cheyenne resident, substituting a 46 percent furnace efficiency rating. Using an 80 percent rating, I figured you could get almost double the BTUs by burning natural gas (for the same \$43.68 it would cost to cut and haul the wood). Using the 46 percent figure, you would get 6.42 million net BTUs from \$43.68, still higher than the 6.3 million net BTUs in the wood. So it still doesn't pay.

Snider also sent me a "Shoe" cartoon triptych in which the "Perfesser" says "the most efficient way (to heat with

wood) is to chop your wood indoors and use your body heat to help heat the house."

This song's for Gary:

B-T-U a Merry Christmas,
B-T-U a Merry Christmas,
B-T-U a Merry Christmas
And a Caloric New Year

Philip White
Safanka, Wyo.

OUTDATED MAP

Dear HCN,

As an adopted Westerner, I appreciate the good work you are doing in the difficult battle of trying to raise the environmental consciousness of this beautiful but reluctant part of the country. Now that I am temporarily back east, your paper is doubly important as it provides me with a vital link to the

people and issues that are so close to my heart. The *New York Times* is a great newspaper, but it just doesn't cover southern Utah the way you do!

I must chide you on one thing, however. Your otherwise fine map of the Utah Tar Sands in the November 14 issue is marred by the drawing of the old boundaries of Canyonlands National Park and the depiction of Capitol Reef as a National Monument rather than a park. Both of these changes were made way back in 1971.

While I'd like to believe (and fervently hope) that public ignorance of these areas might ultimately save them, I suspect that it's just such blindness that those who are out to rape the canyons for the almighty dollar are counting on.

Anyway, keep up your good work. Have a good, and snowy, winter.

Bob Krumenaker
Branford, Conn.

16-High Country News—Dec. 12, 1980

Common Mergansers

by Mary Back

DUBOIS, Wyo. — My easel and canvas-board are set up on the edge of Wind River, and I'm brushing in the big pattern. Most of it is a wide sweep of river, light on the far side, dark against the narrow cobbled beach on my side. The early sun is low over my right shoulder, and shines brightly against the undercut reddish bank. Beyond the curve of river is a narrow band at the top of the painting, made of distant cottonwoods, badlands and cloudy sky. Near the bottom are two bright smudges of black and white on the water.

No one else could guess it, but I know those smudges represent a pair of common mergansers. I watched them there last week, the male shaking his feathers smooth close to me, looking downriver at his mate just coming in for a landing.

I am warmly dressed. The air, though, is chilly on my fingers. Left-handed, I must depend on the sun to keep that hand warm as I paint, but I wear a mitten on my right. I am working as fast as I can, trying to get the triple quality of the nearby water — its dark transparency showing the rocks on the bottom, its solid mass shaping into hills with sinuous sparkly tops, and its reflective power repeating the shape of the mergansers. The landscape is shaping up, but I can't seem to fill in those black and white smudges.

Incredible. A whirl of wings behind me becomes four mergansers, lighting on the water — three females, one male. I drop my brush and grab sketch pad and pencil. The fish-ducks are not so obliging as to take last week's poses, but they do give me fresh reference for action and pattern.

How glaring white the breast, flanks and wings of the male. Like the flash of a welder. How dense the black of his head and neck, with a sheen of iridescent green. How brilliant his red beak and orange feet.

His wives are quite different, more snaky-looking heads and necks, rusty-red with ragged crests and white throats, bodies white below and gray above, wings black and gray. Apparently quarreling, they stand up in the water, fly at each other, then drop down into the current and swim circles around each other. They relax, give themselves to the current and ride away from me, bobbing up and down over the waves of the rapids. Then they take to the air as suddenly as they dropped down. They fly round the bend, parallel to the water in a level-headed, arrowy way.

Wow. I'm sweating. I shed my jacket, and go back to my palette to try to mix just the right colors before I forget.

M. Back

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